X

VICTIM SERVICES AGENCY

INTENSIVE EVALUATION PROJECT:

1978 - 1979

FIRST YEAR EVALUATION OF THE VICTIM INVOLVEMENT PROJECT

ADMINISTERING RESTITUTION PAYMENTS IN BROOKLYN AND BRONX CRIMINAL COURTS: A REPORT ON ACTIVITIES OF THE VICTIM SERVICES AGENCY

EVALUATION OF CASE FOLLOW-UP AND ENFORCEMENT ACTIVITIES BY THE BROOKLYN DISPUTE CENTER

THE EXPERIENCES OF WOMEN WITH SERVICES FOR ABUSED SPOUSES IN NEW YORK CITY

Victim Services Agency
2 Lafayette Street
New York, New York 10007
February 27, 1982

This research was conducted under grant #2671 from the New York State Division of Criminal Justice Services. Funds for the study were provided by the Law Enforcement Assistance Association through the New York State Division of Criminal Justice Services and the New York City Criminal Justice Coordinating Council. The views expressed herein are those of the authors and do not necessarily represent the views of the Law Enforcement Assistance Association, the Division of Criminal Justice Services, or the Criminal Justice Coordinating Council.

FIRST YEAR EVALUATION OF THE
VICTIM INVOLVEMENT PROJECT

Robert C. Davis
Martha Tichane
Elizabeth Connick

October, 1980

This research was funded under grant #2671 of the New York State Division of Criminal Justice Services. The views expressed herein are solely those of the author, and do not necessarily represent the views of the Division of Criminal Justice Services.

*Other members of the Victim Services Agency research department who aided in the preparation of this report include Lynne Bischoff, David Tichane, Genevieve Gilbert-Rolfe, Carl Salgado, and Fay Kahan.

CONTENTS

SUMMARY

The Victim Involvement Project (VIP) began operations in Brooklyn Criminal Court in July, 1978. It was funded by a grant from the Edna McConnell Clark Foundation and administered by the Victim/Witness Assistance Project (V/WAP) of the Vera Institute of Justice. When the Victim/Witness Assistance Project became part of a new city-wide agency, the Victim Servies Agency (VSA), responsibility for the administration of VIP was transferred to VSA.

Past research at V/WAP had shown that victims often did not have an opportunity to express their views about the case in court. VIP was a systematic attempt to give victims greater participation in criminal court proceedings. The vehicle for achieving this goal was a victim spokesperson stationed in the courtroom, whose job it was to facilitate communication between victims and prosecutors to their mutual benefit. The spokesperson kept victims informed of actions in their cases, ascertained what victims wanted from the court, and communicated those interests to prosecutors. It was hoped that these efforts would give victims a greater sense of involvement in their cases, result in outcomes which more accurately reflected the needs of victims who wanted to prosecute, and alert prosecutors at an early stage to cases in which

SUMMARY

The Victim Involvement Project (VIP) began operations in Brooklyn Criminal Court in July, 1978. It was funded by a grant from the Edna McConnell Clark Foundation and administered by the Victim/Witness Assistance Project (V/WAP) of the Vera Institute of Justice. When the Victim/Witness Assistance Project became part of a new city-wide agency, the Victim Servies Agency (VSA), responsibility for the administration of VIP was transferred to VSA.

Past research at V/WAP had shown that victims often did not have an opportunity to express their views about the case in court. VIP was a systematic attempt to give victims greater participation in criminal court proceedings. The vehicle for achieving this goal was a victim spokesperson stationed in the courtroom, whose job it was to facilitate communication between victims and prosecutors to their mutual benefit. The spokesperson kept victims informed of actions in their cases, ascertained what victims wanted from the court, and communicated those interests to prosecutors. It was hoped that these efforts would give victims a greater sense of involvement in their cases, result in outcomes which more accurately reflected the needs of victims who wanted to prosecute, and alert prosecutors at an early stage to cases in which restitution and judicial admonishments - orders prohibiting the defendant from harrassing the victim (nevertheless, restitution and admonishments were obtained for only a small proportion of victims who could have benefited from them). Consistent with the observed increases in restitution and judicial admonishments, more defendants were sentenced to conditional discharges (which often include provisions that defendants stay away from victims or pay restitution), and fewer were sentenced to pay fines to the court, in VIP's court part than in a control part. The project's activities did not alter the relative frequencies of dismissals, adjournments in contemplation of dismissal, guilty pleas, or transfers to the Grand Jury; nor did they result in lengthier jail sentences for convicted defendants.

In part, VIP's limited impact on court outcomes was due to its failure to consistently communicate victims' interests (a) when victims themselves were not present in court and (b) when VIP staff believed - sometimes incorrectly - that cases were not ready to be disposed (and therefore that there was no need to tell the prosecutor about the victims' wishes). But even if VIP had communicated victims' desires in every case, its impact on court outcomes would still have been modest because judges, prosecutors, and defense attorneys share common notions of the type of disposition appropriate for different offenses; victims desires are only likely

to be met when they coincide with established precedents.

VIP had limited success in changing victims' attitudes toward the court process. As a result of the project's efforts to facilitate the process for victims, a greater proportion of victims who had contact with VIP staff felt "well treated" in court. But, in other respects, the project had no measurable impact on victims' perceptions. VIP's efforts to keep victims better informed and to communicate victims' concerns did not make them feel any more involved in their cases. One reason for VIP's failure to increase victims' sense of involvement seemed to be that victims felt it important to speak to court officials, yet VIP did not put any more victims in direct contact with prosecutors. Another reason may have been that, except when victims were in court, VIP did little more than had been done previously to keep victims informed of the progress of their cases. VIP's efforts also did not increase victims' satisfaction with the dispositions of their cases. Had VIP more reliably communicated victims' interests to the prosecutor more victims might have been satisfied. But many of the dissatisfied victims were upset because they wanted defendants in their cases more harshly punished, a result that VIP could not (nor had intended to) achieve.

Interviews with court officials suggested that many prosecutors and judges believed that VIP's presence helped the court to run more smoothly (only defense attorneys expressed a dissenting view). Information which VIP obtained and communicated about victims' interests and concerns - particularly their willingness to cooperate in prosecuting defendants - was considered helpful in assessing cases. Yet there was no empirical evidence that VIP's information led court officials to take prompter action to dispose cases in which victims were uncooperative and unwilling to come to court.

VIP's role during its first year was evolving, and court officials appeared more ready to accept and, at times, invite the project's efforts to promote consideration of victims' interests at year's end. Observations conducted during the first year revealed an increase in prosecutors' willingness to listen to VIP's presentation of victims' concerns and an increase in the frequency with which judges solicited information about the victim from VIP staff. VIP's emerging role in the courtroom should permit project staff to more effectively promote victims' interests in the future, as long as those interests coincide with court officials' notions of appropriate outcomes.

CHAPTER 1

PROJECT HISTORY, GOALS, AND OPERATIONS

The Victim Involvement Project (VIP) began in Brooklyn Criminal Court in July, 1978. The project was conceived as an effort to systematically encourage consideration of the interests and desires of individual victims by criminal court decision-makers. This report examines the environment in which the program was conceived, and describes the effect the program has had on the criminal court disposition process and the victim's role in that process.

In pre-Revolutionary America, most prosecutions were initiated and conducted by the victim. As the injured parties, victims were perceived to have the primary interest in seeing defendants punished. It was up to victims to present their cases and to ask the court for the punishment they felt appropriate. However, with the advent of public prosecutors' offices and a growing distinction between civil and criminal actions the victim's role in criminal prosecutions gradually diminished (see McDonald, 1976a for a full discussion of the victim's historical role).

Today, criminal acts are viewed as offenses against the state rather than as wrongs to individuals. As the state's

representative, the prosecutor - an elected government official - is the one who decides whether charges will be filed, what those charges will be, and what sanctions the court will be asked to impose on a convicted defendant. The role of victims is highly circumscribed. They have no formal control over decisions made by officials about cases, and informally as well, the practice is often not to consult them (McDonald, 1976b). Their part in criminal proceedings is largely confined to giving testimony at a trial or a preliminary hearing. But, since most cases are settled by negotiated guilty pleas and never go to trial, victims often don't have the opportunity to participate in this way either. The victim has been characterized as "the forgotten man" in criminal proceedings (McDonald, 1976c)

During the last decade, however, there has been a surge of interest in victims and in their experience in criminal courts. Many programs to help victims have sprung up, giving birth to what Stein (1977) has termed the "victim movement." Most of these programs have attempted to provide aid to victims to help them recover from adverse effects of their victimization. Some programs have also attempted to help victims (in cases where arrests are made) with problems they encounter as a result of being required to attend court -- the need for transportation to and from court; the lack of a safe, comfortable place to wait in the court building; repeated (and often needless) demands to appear in court at inconvenient times; lack of childcare facilities; and the lack of information about court

proceedings, which contributes to the confusion victims often experience when they come to court. Most victim programs, however, have done little in a systematic way to enhance the role of the victim in court. Rather, they appear to have accepted the status quo, and worked within that framework to make the experience of coming to court less uncomfortable for victims.

But there have been some notable exceptions; a few jurisdictions have recently attempted to give victims a more active role in the handling of their cases. For example:

- Some prosecutors' offices now have policies which require staff to consult with victims before pleas are accepted. And in Indiana, prosecutors are required by statute to inform victims of any plea negotiations and advise them that they may offer their opinions (to prosecutors).
- The American Bar Association amended its Standards Relating to the Administration of Justice to include a recommendation that prosecutors make every effort to remain advised of the attitudes and sentiments of victims.
- In Dade County, Florida, an experiment was conducted in which victims were allowed to attend pre-trial conferences, express their opinions, and specify sentences they thought appropriate (Kerstedder and Heinz, 1979).
- Staff of victim assistance projects in Pima County, Arizona, and Multnomah County, Oregon help victims prepare

information to be included in pre-sentence reports which are given to the judge.

- Two community-based programs in Chicago employed advocates to exert pressure on the courts and police to respond in a stronger fashion to criminal incidents (such as robberies committed against elderly victims) that the community was most concerned about (DuBow and Becker, 1976).

The Victim Involvement Project is part of this family of efforts to give victims a greater voice in the dispositional process in criminal courts. But it is a different sort of effort. In contrast to the statutory change in Indiana, VIP employed a programmatic rather than a legislative approach to giving victims a larger role in the adjudicatory process. Unlike the projects in Oregon, Arizona, and Florida which focused on plea bargaining and the sentencing decision, VIP attempted to represent the victims' interests at several stages of criminal court adjudication. Unlike the advocacy programs in Chicago which focused their attention on a few select cases, VIP's advocacy efforts extended to all victims whose cases come through one all-purpose courtroom in Brooklyn Criminal Court.

The Need for VIP

VIP was conceived out of the experience of the Victim/Witness Assistance Project (V/WAP), which was started in Brooklyn in 1975 by the Vera Institute of Justice. In common with many victim programs, V/WAP provided basic services to crime victims including counselling, burglary repair, and a crime victim hot-line. V/WAP's primary objective, however, was to increase victim/witness cooperation with the prosecutor's office. In Brooklyn Criminal court (as in other urban criminal courts), the failure of many victims and other prosecution witnesses to attend court and testify when required was thought to be a major cause of court delay and a high case dismissal rate. V/WAP tried to increase attendance by improving existing methods of notifying victims and witnesses of court dates, trying to make the experience of attending court less unpleasant (V/WAP provided transportation to court when needed, provided a reception center to wait in, and provided a childcare center), and by trying to save victims and witnesses from having to come to court when their presence was not needed.

But early evaluations of V/WAP found that although it had introduced sophisticated victim/witness notification procedures, and although victims and witnesses appreciated the services provided by V/WAP in court, their attitudes toward the court system and their

willingness to come to court remained unaffected (Vera Institute, 1975, 1976a, 1976b).

The findings of the early evaluations of V/WAP prompted the Vera Institute to conduct a study to determine the causes of the failure of victims and witnesses to cooperate in prosecuting their cases. The study (Davis, Russell, and Kunreuther, 1979) shed greater light on the reasons for victim/witness non-cooperation, based upon an understanding of the role of the victim/witness in the criminal court adjudication process.

The study found that most victims had personal desires they hoped to achieve by cooperating with court officials in prosecuting defendants. On the whole, victims were not as punitive in their desires as might be expected (less than half wanted defendants incarcerated; the primary interests of the remainder were protection for themselves or their families, restitution for property loss or medical expenses, treatment for the defendant, or - feeling that the arrest itself was sufficient punishment - just having charges against the defendant dropped). But many victims did not get the outcomes they had hoped for and consequently were dissatisfied with the court's action in their cases. Moreover, many victims were not informed about the outcomes of their cases.

In part, the reason that victims did not get the outcomes they had sought was because their interests differed from the interests of court officials. Prosecutors and judges have many factors to consider in making decisions in addition to the interests of individual victims. Court officials must be cognizant of defendants' rights, of the community's standards of justice, and of defendants' potential for causing future harm to the community. They must also take in to account norms that develop in local criminal courts about the kinds of outcomes that have come to be accepted as appropriate to different types of cases (Rosett and Cressey, 1976). And, especially in a congested court like Brooklyn Criminal Court, they must be aware of the need to dispose most cases in an expeditious manner, in order to free limited court resources for more extensive prosecution of the most serious cases.

But most victims interviewed in the Vera study never had a chance even to express their interests and desires to court officials. It seemed likely that if victims' interests had been made known to court officials, they would more often be given consideration in decision-making, and more victims would be satisfied with case outcomes. This idea was reinforced by the finding that those victims who had had an opportunity to participate in the decision process (through consultation with prosecutors or judges) were more satisfied with case outcomes than other victims.

The study further found that poor communication between victims and court officials worked not only to the detriment of victims but to the detriment of court officials as well. Many victims reported to interviewers that they wished charges against the defendant to be dropped, sometimes even before their case was arraigned. Yet, because these reluctant victims often failed to attend court, and because victims were seldom consulted by prosecutors when they were in court, prosecutors often did not learn that victims were reluctant to press charges. Consequently, these cases proceeded through several continuances before most were finally dismissed because the prosecutor could not obtain an acceptable plea or hold a hearing without the cooperation of the primary witness. Meanwhile court time and the time of defendants and of arresting officers who were required to appear in court was wasted.

VIP, an attempt to improve communication between victims and prosecutors, was conceived largely in response to these findings. VIP's planners thought that improving communication would give victims a feeling of greater participation in the dispositional process and a better chance to get what they sought from the court. On the other hand, court officials, knowing the desires and intentions of victims, would be able to make more informed decisions about cases.

Project Goals and Design

VIP was funded under the aegis of V/WAP and with the cooperation of the Kings County District Attorney's Office, the New York City Courts, and the New York Police Department as a demonstration project. Later, when V/WAP was absorbed by the newly-created Victim Services Agency (VSA), VIP also became a part of VSA. (Although this change occurred part way through VIP's first year, VIP's sponsor will hereafter be referred to in the report as VSA). The staff chosen for VIP were young female paralegal workers, who had gained their experience working in V/WAP. Through this experience they were sensitive to the needs of victims as well as to the workings of the court. Staff selected for VIP were given a one-month orientation prior to beginning work on the project.

VIP began with three goals:

(a) To keep victims informed of the status of their case, the reasons why particular actions were taken, and their future obligations towards the court.

It was expected that keeping victims informed would result in a greater sense of involvement in, and increased satisfaction with, the court process and increased willingness to report future victimizations.

(b) To give victims a part in decisions made about their cases by communicating information to the prosecutor.

It was expected that giving victims a voice in decisions would result in outcomes more responsive to victims' needs. While the project recognized that victims' interests would not be the primary determinant of the court's action, it was hoped that more victims who had suffered financial losses would get restitution, that more defendants would be admonished by the court to stay away from victims whose principal goal was protection, and that more cases in which victim and defendant were acquainted would be referred to the Brooklyn Dispute Center for Resolution. Although many victims wanted harsher sentences for convicted defendants, VIP recognized that such desires were not always possible to fulfill, and that its efforts on behalf of victims were not likely to systematically increase the severity of sentences imposed as convicted defendants or the rate of case transfers to the grand jury.

(c) To give prosecutors a more accurate understanding at an early stage of victims' intentions to cooperate.

It was expected that by giving prosecutors a better idea early on about the willingness of victims to cooperate in prosecuting defendants, the needless continuances that were often spent waiting for uncooperative victims to show up in court could be eliminated.

VIP was based on the assumption that these aims could be achieved through greater participation of victims in the

processing of their cases. The avenue for greater victim involvement was conceived of as a spokesperson to facilitate communication between the victim and the prosecutor. VIP was expected to assist victims by presenting their interests to the prosecutor and by keeping victims informed of the status of their case. It was expected that prosecutors would benefit by having more comprehensive and timely information about cases (particularly about victims' willingness to cooperate) upon which to base decisions. As originally conceived, the project was to have personnel stationed in the complaint room and in one post-arraignment court part.

VIP's first contact with victims was in the complaint room, the point of origin for all prosecutions in Brooklyn Criminal Court. In the complaint room, assistant district attorneys draw up misdemeanor and felony complaints, based on information provided by arresting officers and victims. Before complaints are drawn, felony arrests are reviewed by experienced prosecutors. On the basis of the information available from the arresting officer and the victim, the prosecutor decides (a) whether the case should be prosecuted, (b) whether it should be charged as a felony or misdemeanor, and (c) if it is charged as a felony, whether an indictment should be sought or whether the case should be disposed of in Criminal Court. In making his decision, the attorney considers a number of factors, including the nature of the offense, the defendant's prior record, the existence of a victim/defendant relationship, the strength of the

evidence against the accused, and office policies toward particular types of offenses. Based on his assessment, the prosecutor assigns a "track" (which may range from A to E) to the case. The track, and any special instructions written up by the screening prosecutor, act as guides to less-experienced courtroom prosecutors, telling them what sort of disposition their office feels acceptable in each case.

The tracking decision is an important one. It guides prosecutors at arraignment in deciding whether to seek a disposition at that stage and in deciding what form of bail conditions to recommend to the court if the case is continued. It guides prosecutors in post-arraignment parts in deciding whether to request preliminary hearings in felony cases, whether to send the case directly to the grand jury without a hearing, or whether to dispose of the case in the Criminal Court.

Before VIP, the tracking decision was often made without consultation with the victim; only a small number of victims were brought to the complaint room by arresting officers, and even those who were brought in usually did not get to speak to the screening prosecutor (who instead relied solely on the arresting officer for information). This worked not only to the detriment of victims, who were not able to express their interests, but to the detriment of the court system as well; many cases in which victims did not wish to cooperate in prosecuting the defendant were drawn up

and filed with the court, only to be dismissed later when the prosecutor was unable to proceed without his primary witness.

Because of the far-reaching effects of the tracking decision, VIP felt it important to insure that victims' interests were represented at the compliant room stage. VIP stationed staff in the complaint room to cover both day and evening shifts on weekdays (funds were not sufficient to cover weekends). VIP staff spoke to victims to find out whether they wanted to prosecute and if so, what outcome they sought. VIP staff then spoke with the screening prosecutor to try to insure that the track and special instructions to courtroom prosecutors reflected the victim's concerns and interests. By its intervention, VIP hoped that victims' desires would influence the screening prosecutor's decisions about which cases to prosecute, the tracks that were assigned, and conditions requested by the District Attorney's Office on defendants' pretrial release at arraignment. VIP also referred victims with special needs to VSA counselors or other VSA services.

But shortly after VIP began these activities, the District Attorney's Office reorganized the complaint room. Accompanying the reorganization was a policy change that directed arresting officers to bring in all victims (except in extreme instances; for example when victims were hospitalized) and directives to screening prosecutors to speak to all victims present and to attempt to phone

victims who were absent. The integration of VIP''s ideas into policies of the District Attorney's Office obviated the need for a VIP liaison in the complaint room.

At the end of VIP's first quarter of operation, its complaint room staff were merged with VSA staff who worked in the complaint room collecting contact information from victims, other civilian witnesses, and arresting officers to be used later in notifying them of court dates. Integration of the VIP staff allowed VSA to expand the scope of its complaint room activites to include counseling victims who were traumatized and advocating with ECAB for selected victims who were not able to effectively present their interests on their own.

VIP also selected one all-purpose post-arraignment court room (AP3) as a second place to station its staff. As the name implies, an all-purpose court part handles many different types of proceedings for cases which have not been disposed at arraignment (these cases usually involve felony charges). Proceedings which occur in an all-purpose part include preliminary hearings, motions, administrative dispositions (pleas to misdemeanor charges, dismissals, and adjournments in contemplation of dismissal), one-judge misdemeanor trials, and sentencing.

Prosecutors in all purpose parts have a difficult job. The

volume of cases scheduled each day is high, and, as in arraignment, there is a push by the court to obtain dispositions in as many as possible. Prosecutors typically have only a brief time to look over each case before it is called and, because prosecutors rotate from one court part to another on a bi-weekly basis, they rarely see the same case twice.

Prosecutors have little time to find out what victims want from the court or to inform victims of what transpired in court. And, prior to VIP, if a victim was absent, the prosecutor's only source of information about the victim's willingness to come to court in the future was VSA's court part information sheet. The provision of this sheet by VSA was a significant innovation because it gave the prosecutor at least some basis to decide whether his best strategy when the victim was absent was to try to negotiate a plea, accept a dismissal by the court, or seek an adjournment in the hopes that the victim would attend court in the future (see Davis, Russell, and Tichane, 1979 for a discussion of the impact of VSA's information on court outcomes). But, because VSA's information was provided in a brief, written, and anonymous form, it often was not complete enough to satisfy prosecutors' needs, nor did it have the kind of credibility that information from an identifiable source might have.

VIP's objectives in stationing staff in AP3 included (a) communicating to courtroom prosecutors the interests of victims

who wanted to prosecute, (b) alerting prosecutors to victims who were absent from court and who did not want to prosecute, (c) giving victims who come to court information on what might be expected of them when they arrived at court and what had transpired before they left court, (d) aiding victims in securing the return of stolen property being held by the police, (e) aiding victims who did not witness the crime in signing affidavits, so that they could be excused from attending future court dates, (f) encouraging prosecutors not to require the attendance of victims unless necessary, and (g) notifying victims of future court dates by phone and informing victims who did not attend court of what had transpired in their absence. (Victims could be absent for a variety of reasons. These included being excused by the court; being placed on standby, or alert, status but not summoned to court because they were not needed on that date; or not showing up when their appearance had been requested.)

VIP stationed one staff member in AP3 and one in VSA's victim/witness reception center (next to AP3). These staff members alternated places; each was to be responsible for notifying victims, finding out their desires, and later for representing the interests of victims to the prosecutor in all cases scheduled to particular dates. It was hoped that the representatives would gain victims' trust and would develop a personal rapport with victims; VIP's staff would provide a familiar and sympathetic person for

victims to turn to in court.

It was the job of the person stationed in the reception center to greet victims as they came in, make sure the courtroom staff member was aware of what victims sought from their cases, inform victims of what was likely to happen in court, make sure that victims were taken to the courtroom when their cases were called, and make sure that victims were aware of what transpired in court and why before they left. In addition, the staff member helped victims fill out forms necessary to get property released; made referrals to VSA counselors and other services; and called victims to inform them of the status of their cases and of upcoming court dates, and to find out what outcome victims wanted from the court.

The VIP staff member stationed in the courtroom was responsible for communicating victims' interests to prosecutors, answering questions asked about cases by prosecutors or judges (based on information provided by the victim), arranging for cases to be called early in the day if victims had to leave, and (in cases which were adjourned) discouraging prosecutors from requiring the future attendance of victims whose presence was not needed.

In some respects, VIP's activities in AP3 were similar to those that VSA had been engaged in for three years in Brooklyn Criminal Court. Like VSA, VIP notified victims of court dates and

provided prosecutors with information about victims' willingness to cooperate. But VSA did not have staff stationed in courtrooms. Therefore it did not routinely communicate victims' interests to prosecutors, it could not keep victims apprised of the reasons for actions taken by the court in their cases, and it could not develop the kind of credibility with prosecutors that VIP could regarding information about the willingness of absent victims to cooperate.

Limitations on the Project

In trying to increase the attention of court officials to victims' concerns, VIP faced the same obstacles that victims themselves faced in trying to be heard. Decisions in criminal courts are made by groups consisting of a judge, a prosecutor, and a defense attorney -- what Eisenstein and Jacob (1977) have called "courtroom workgroups." According to these authors, members of these groups share a common goal of reducing uncertainty, i.e., avoiding the unknown expenditure of resources and unknown outcomes that occur if a case is allowed to go to trial. Therefore, whenever possible dispositions are reached through negotiation by members of courtroom workgroups.

Rosett and Cressey (1976) have argued that the process of negotiation in lower criminal courts usually occurs in a cooperative fashion. Instead of prosecution and defense fighting

Winner-take-all battles, understandings exist among workgroup members of which dispositions are appropriate for various types of cases. Once workgroup members agree that a case is of a certain type ("type" in this context may include a variety of factors - such as the defendant's criminal record, existence of a victim/offender relationship, extent of the victim's injuries, and so forth - as well as the penal code charge), there is likely to be little argument over how it should be disposed. The set of "going rates" for various types of offenses is different in each court. The existence of such understandings between workgroup members permits lower criminal courts to dispose of a large volume of cases in a fast and relatively consistent manner.

Eisenstein and Jacob further argue that courtroom workgroups "shun outsiders because of their potential threat to group cohesion" (p. 27). That generalization may apply to Brooklyn Criminal Court, where there is pressure for speedy dispositions and determinations of "case-type" are often based on limited information. In demanding that cases receive closer scrutiny, victims might potentially disrupt the ability of the workgroups to negotiate dispositions, or at least slow the process significantly.

By acting as spokesperson for victims, VIP staff posed the same potential for disruption of the smooth flow of cases in AP3 that victims themselves would pose if they routinely requested that

their concerns be taken into account by officials in making decisions about case dispositions. But VIP staff had several advantages over individual victims in trying to influence decision-makers. First, although not lawyers, VIP staff were para-professionals who understood the concerns of court officials: In cases where victims' desires were unrealistic, VIP staff could try to explain to victims why their desires could not be met, rather than make unreasonable demands of court officials. By dissuading victims from pursuing unrealistic goals, VIP might gain greater credibility in the presentations it did make to prosecutors. Second, unlike individual victims whose involvement with the court was transitory, VIP staff were permanently stationed in AP3 and therefore able to develop a rapport with officials there. Finally, by providing useful information about cases and by assisting prosecutors in various ways, VIP was able to offer something in exchange for its request that victims' concerns be considered more frequently.

Still, the process of changing officials' attitudes and habits concerning crime victims was bound to be slow. VIP had no legal standing in the courtroom and its presence in the courtroom was at the behest of the District Attorney's Office. Even though VIP and the prosecutors were working together with the common goal of improving the lot of crime victims, on occasion, differences did arise between VIP staff and prosecutors about how to handle individual cases. When this occurred, the VIP Director and the

Criminal Court Bureau Chief in the prosecutor's office discussed solutions. In several instances, these discussions led to explicit curbs on the role of VIP staff in the courtroom: VIP staff were not to openly disagree with prosecutors' judgements or to communicate their information to any official but the prosecutor.

One final limitation on the project's ability to achieve its objectives was the low rate of victim attendance in court. Obviously, it was much easier for VIP to press victims' desires if the victims themselves demonstrated their interest in the case by coming to court. VIP hoped that by developing a rapport with victims and by giving them the expectation that their cooperation could lead to a desired result, it could persuade more victims whose presence was needed by the prosecutor to attend court. But increasing attendance was a formidable task, one that V/WAP and later VSA had had at best limited success at, despite three years of effort.

Conceptual Analysis Of the Project

Social exchange theory (Blau, 1964) provides a useful perspective for understanding VIP's intervention. In social exchange theory, relationships between social units are characterized in terms of exchanges of services. In exchange for receiving services (or rewards) from the other, each partner to a relationship provides the other partner with services, thereby incurring costs.

Partners are assumed to be interested in maximizing their gains and minimizing their costs.

Their terms of exchange agreements are assumed to be set in accordance with the degree to which each partner values the services provided by the other, and the availability of alternative sources of the desired services. That is, if one partner is more powerful than the other by virtue of the other's need for his services and/or holding a monopoly on the service he provides, the terms of exchange will favor the more powerful partner. In the extreme, such an unequal relationship may be characterized as one of unilateral dependence , in which the stronger party can dictate when, and at what terms, exchanges will occur.

Conceived of in terms of exchange theory, criminal courts are complex "market places" in which various types of exchanges occur. In the present case, we are particularly concerned with the relationships between victims and different court officials. In addition, it is important to understand the nature of relationships between the different court officials, because they are likely to affect the relationships between court officials and victims. The basic questions we want to ask is what the nature of the relationships was prior to VIP's inception, and how the existence of VIP might be expected to alter the relationships.

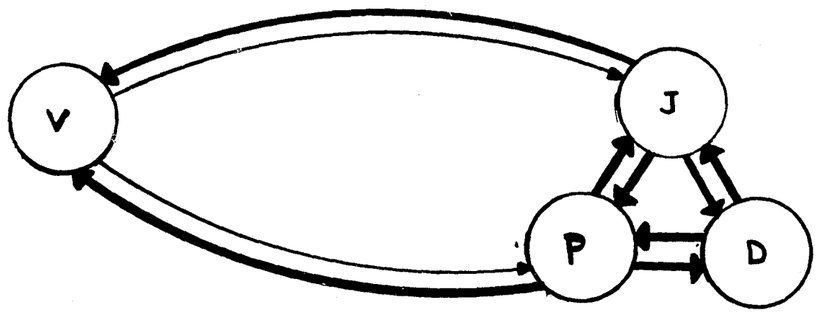
In Figure 1.1a, the relationships between victims and court officials are depicted. The relationship between victims and prosecutors comes close to one of unilateral dependence. Prosecutors have legally-defined relationships with victims that give them a great deal of control over the outcomes victims can hope to obtain from the court; prosecutors can decide whether to allow victims to express their desires and/or whether to promote victims' interests in arguments to judges. Victims have far less control over the ability of prosecutors to pursue their goals. Individual victims - who tend to be poor, whose involvement with the courts is transitory, and who are not organized collectively with other victims - are unlikely to have the means to influence a large and powerful prosecutor's office. It is true that victims may exert influence by withholding their cooperation. But to the extent that with-holding cooperation effectively thwarts prosecutors from attaining their goals, it also involves costs to victims, who do not obtain the outcomes which they sought either. Victims have even less influence over (or even contact with) judges, in spite of the fact that judges exercise immediate control over victims' outcomes.

In contrast to the weak influence that victims have over court officials, court officials exert strong influences over each other in courtroom workgroups. The bonds between workgroup members are defined by Eisenstein and Jacob (1976) as stemming from the common goals of maintaining group cohesion (which is essential to

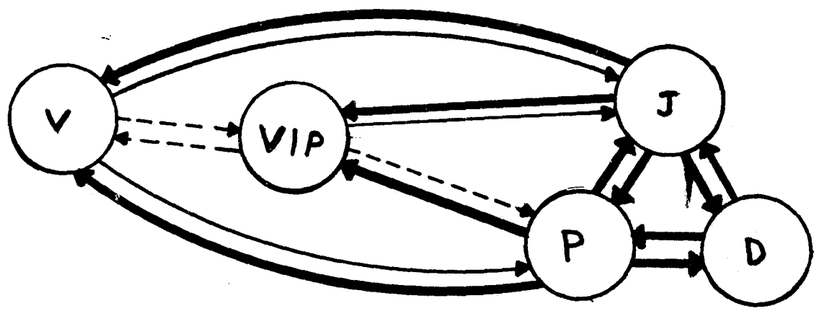
Figure 1.1

RELATIONSHIPS BETWEEN VICTIMS (V), VIP, AND COURT OFFICIALS

(Prosecutors, Judges, and Defense attorneys)



(a) Relationships Prior to VIP



(b) Relationships After VIP

(Heavy lines indicate definite influence of one party over another in direction of arrow; light lines indicate weak or questionable influence; dashed lines indicate unknown degree of influence).

the group's productivity level) and reducing uncertainty (that is, the unpredictable nature of outcomes that result when cases are settled by trial rather than negotiation). The use of norms of case worth, or going rates for different offenses, is the vehicle for insuring that conflict that could result from the opposing goals of prosecution and defense is minimized, and that outcomes are predictable. Since the adherence of each workgroup member to these norms is necessary for the system to work, relationships between court officials are characterized by reciprocity and mutual dependence.

In this situation, when victims' interests do not coincide with existing norms of case worth (as they often do not), the prosecutor's greater interdependence upon judges and defense attorneys may result in his being more responsive to his workgroup's interests than to victims' interests.

The introduction of VIP was expected to alter existing exchange relationships (see Figure 1.1b). VIP was to act as victims' intermediary with court officials. It was expected to be able to press victims' interests more effectively by establishing a more equitable exchange relationship with prosecutors than victims themselves were able to achieve. VIP hoped to provide services which would prove useful to prosecutors: these included providing information about cases and about victims' willingness to cooperate;

assisting prosecutors in dealing with victims in court; and aiding prosecutors with clerical tasks. And, unlike victims, VIP staff were permanent members of the court community with whom prosecutors had continuing relationships. To the extent that prosecutors valued VIP's services, it was anticipated that they would reciprocate by listening to and acting upon victims' interests, as communicated by VIP staff. (Since VIP was to have no direct contact with judges, it was not expected that the project would give victims greater direct influence with the judiciary.)

Thus, one of the central issues in understanding VIP's impact was whether the degree of influence VIP staff could wield in their relationships with prosecutors would be sufficiently strong to compete with prosecutors' adherence to accepted norms of case worth, encouraged by their mutually dependent relationships with other court officials. If VIP's influence was strong enough, it was expected to lead to greater consideration of the interests of victims who wanted to prosecute and therefore a greater degree of victim satisfaction with case outcomes. It was also hoped that as VIP staff became trusted by prosecutors that they would, on the basis of information from VIP staff, take prompt action to dispose of cases in which victims did not want to prosecute but would not attend court to say so themselves.

A second issue in understanding VIP's impact was whether

victims' interaction with VIP would give victims a greater feeling of involvement in decision making, and more satisfaction with the court process. The answer to this question would hinge upon victims' perceptions of VIP's relationships with court officials. If victims perceived VIP to be a central part of the dispositional process (i.e., if its relationships with other agencies were seen to involve mutual influence), then it was thought that victims would value their relationship with VIP staff, and therefore feel more involved in and satisfied with the court process. If, on the other hand, victims did not perceive VIP to have influence in its relationships with court officials, then it was believed that no matter how positively victims felt toward VIP's efforts, their feelings of involvement and satisfaction with the court process would remain unchanged.

One danger inherent in the model was that the presence of VIP could further isolate victims from court officials. VIP staff were dependent upon prosecutors, and thus might be eager to please them, in return for their acceptance of the project's presence in the courtroom. On the other hand, individual victims had little means to influence VIP staff, just as they had little means to influence court officials. To the degree that pursuit of the interests of individual victims jepoardized VIP's continuing relationship with prosecutors, VIP might be expected to be reluctant on occasion to protect victims' interests. If this happened, victims

might become even more alienated from the court process than they had been prior to VIP.

Moreover, the fact that VIP interposed itself between victims and prosecutors could lead to a weakening of the direct link between victims and prosecutors. That is, prosecutors might come to rely upon VIP staff to deal with victims, and reduce their own contact with victims. If this happened, and if VIP was not an effective spokesperson for victims, victims would be more alienated from decision-making than they had been before VIP.

* * * * * * *

The remainder of this report describes the results of a first-year evaluation of VIP -- results which were mixed. It should be kept in mind, however, that a first-year evaluation of any program may not reflect the program's mature potential. That was true especially in the case of VIP, a project which set out to change entrenched attitudes and behavior patterns of court officials, and a project which underwent numerous changes in its first year.

Chapter 1 Footnotes

1. A case adjourned in contemplation of dismissal is dismissed in six months. if the defendant is not rearrested in the meantime.

CHAPTER 2

RESEARCH DESIGN

The evaluation sought to measure VIP's impact on case dispositions, on case continuances, and on victims' perceptions of the court process. Several samples of data were collected at various times throughout VIP's first year of existence. The data were drawn from court records, in-court observations by evaluation staff, and interviews with victims, criminal justice officials, and VIP staff. For most of the samples, data were collected on cases in AP3, where VIP staff were stationed and in AP4, a part with a similar caseload and types of cases, but no VIP staff.

Giving Victims a Part in Decision Making, Thereby Increasing Court Outcomes Reflective of Victims' Interests

VIP's success at increasing dispositions reflective of victims' interests by giving them a part in the decision process is difficult to measure using aggregate statistics. Victims want different things from the criminal justice system, and it is not clear that, if VIP were successful in promoting victims' interests, there would be a change in the relative frequencies of various types of dispositions (guilty pleas, transfers to the grand jury, dismissals, or adjournments in contemplation of dismissal) or sentences (fines, conditional discharges, probation, or jail). It

does seem safe to assume, however, that some court actions are inherently victim-oriented (these include admonishments, restitution, and referrals to mediation); if VIP were successful, the frequency of these actions ought to increase.

Because of the complexity of the task of measuring VIP's impact on dispositions, several samples were taken for different purposes. To determine whether the frequency of admonishments, restitution and referrals to mediation had increased, outcomes of 134 court hearings in AP3 and 164 court hearings in AP4 (hereafter referred to as the "detailed outcome sample") were collected by an in-court observer during late January and early February, 1979. For each sampled case, the following data were collected: victim notification status (whether he was to appear, was excused, or was on telephone standby); whether the victim was present in court; court actions on the observation date; and (for cases dismissed or adjourned on the observation date) reasons for adjournment or dismissal. In addition to an examination of VIP's effect on court actions, this sample was also used to determine whether VIP had increased victim attendance in court; insuring that victims came to court was important to VIP's efforts to promote their interests with court officials.

Because results from this sample were inconclusive, VIP's impact on the court's use of admonishments, restitution, and

mediation was also assessed in other ways. From the files of VSA's restitution unit, the number of monthly restitution orders from AP3 and AP4 was obtained for the period from November, 1978 through July, 1979 (hereafter referred to as the "restitution sample"). From VIP's files and VSA victim/witness reception center files, the total number of monthly written admonishments from AP3 and AP4 was obtained for the period January, 1979 through June, 1979 (hereafter referred to as the "admonishment sample") Comparable data were available on mediation referrals from AP3, but not from AP4.

For reasons stated above, it was not expected that VIP's activities would affect the relative frequency of pleas, transfers to the grand jury, dismissals and adjournments in contemplation of dismissal, or the relative frequency of various types of sentences. However, it was possible that VIP might have had such an effect. To examine this possibility, a sample of all case dispositions and sentences in AP3 and in AP4 from November 13, 1978 to January 20, 1979 was drawn from VSA's computer data base. This sample, consisting of 555 dispositions in AP3 and 553 in AP4 (hereafter referred to as the "wide outcome sample") was necessary because the relatively few final dispositions in the detailed outcome sample (see above) were insufficient to compare dispositions between AP3 and AP4. The following information was obtained for each case in the wide outcome sample: docket number, arraignment and final charges, disposition, number of post-arraignment court dates, and

ECAB track. Sentence information for cases disposed by plea was obtained from the New York City Criminal Justice Agency's computer.

The final sample taken to examine VIP's effects on court outcomes consisted of one week of observations of VIP's activities in court and in VSA's victim/witness reception center during July, 1979. This sample (hereafter referred to as the "court observation sample") is the only one which enables a case-by-case assessment of VIP's success in seeing that the desires of individual victims were met by the court. For each of 79 cases, observers recorded the contents of interaction that occurred between VIP staff and victims who attended court, the content of interaction between VIP staff and prosecutors, the content of interaction between prosecutors and judges and defense attorneys, and the court's action in each case. Thus, this sample permits an assessment both of the degree to which the interests of individual victims were ultimately met by the court, and where they were not, whether the cause was VIP's failure to find out the victim's desire, VIP's failure to convey it to the prosecutor, the prosecutor's failure to convey it to the judge, or the judge's failure to act on it.

In order to better understand the reasons for VIP's observed impact on court outcomes, interviews with four judges, ten prosecutors, and six defense attorneys were conducted during February and March, 1979. The interviews addressed court officials'

perceptions of VIP's role and the performance of its staff. Four VIP staff members were interviewed during August, 1979. In the interviews, VIP staff were asked about their own perceptions of their role and their relationships with court officials. Together, these interviews provide different perspectives of what the project did, and how it pursued its goals during its first year.

Alerting Prosecutors to Victims Who Refuse to Cooperate, Thereby Reducing Needless Prosecution Continuances

By giving prosecutors more reliable information about victims' willingness to pursue their cases, VIP hoped that cases in which victims were uncooperative would be disposed promptly, instead of being repeatedly adjourned in the hope that the victim would show up. But it was also possible that VIP's presence might, in another respect, increase court delay. If VIP encouraged prosecutors to insist on outcomes which reflected victims' interests, plea negotiations sometimes might break down when defense attorneys rejected the prosecutors' demands which the defense attorneys felt deviated from established practice. (Eventually, however, as VIP became more established and victims' interests were routinely considered, new standards of appropriate dispositions should be established.)

Data from both the wide and the detailed outcome samples

(see above) were used to assess VIP's impact on delay. The average number of court dates required to dispose of cases which were dismissed in AP3 and in AP4 was used as a rough index of VIP's impact on reducing delay in cases where victims were uncooperative (failure of victims to cooperate is cited by prosecutors in Brooklyn Criminal Court as the major reason for case dismissal; see Vera Institute, 1976). The average number of court dates to disposition among all sampled cases in AP3 and AP4 was also examined. But here there was no clear cut expectation; the possible contradictory influences of VIP upon court delay mentioned above might result in either fewer or more adjournments needed to dispose cases in AP3 relative to AP4.

Increasing Victim Satisfaction with the Disposition Process

Through its efforts to increase the attention of court officials to victims' interests, to keep victims apprised of the status of their cases, to reduce unnecessary trips to court, and to aid victims when they come to court, VIP hoped to reduce victims' disaffection with the disposition process and dissatisfaction with the outcomes of their cases. To determine whether VIP was successful in its efforts to increase victim satisfaction, interviews with victims whose cases had been disposed in AP3 and AP4 were conducted before and after VIP began. The interviews ascertained victims' (1) interaction with court personnel; (2)satisfaction with the outcomes; (3) perceived effects on the

outcomes; (4) perceptions of their treatment in court; (5) perceptions of the court's responsiveness to their concerns; (6) perceptions of how well informed they were kept of the progress of their cases, and (7) willingness to report future crimes.

Although it was originally intended to employ both pre-post and concurrent comparisons to assess project impact on victim attitudes, this design was abandoned when it was determined that quality control for the baseline interviews, (conducted before VIP began during May and June, 1978) had been inadequate. The baseline interviews, therefore, were used solely to insure that there were no significant differences in victims' preceptions of the process between the parts before the project began.

The second set of interviews (concurrent comparisons between AP3 and AP4 after VIP began) were conducted during late 1978 and early 1979. In all, 295 victims were interviewed (hereafter referred to as the "victim interview sample"). Their responses were used to determine whether VIP had increased victim satisfaction with the court process. Since increased satisfaction was assumed to depend, in part, upon greater victim involvement in decision-making when they were in court, the victim interview sample was also used to ascertain the frequency and content of interaction between victims and court officials in AP3 and in AP4. It was expected that virtually all victims in AP3 would speak to the VIP representive in

court or in the victim/witness reception center. But it was not known whether victims' contacts with prosecutors and judges in AP3 would increase or decrease as a result of VIP's activities; VIP staff might encourage prosecutors to speak to victims more often than they would otherwise have, but prosecutors might also rely on VIP staff to speak to victims in lieu of speaking to victims themselves.

Appendix A provides greater detail on the methods used to obtain each of the samples collected for the evaluation. In addition, the appendix displays data from the samples which confirm that the control part chosen (AP4) was similar to VIP's court part (AP3) in terms of severity and types of cases and pre-program victim attitudes.

CHAPTER 3

VIP'S CONTACTS WITH VICTIMS

In June, 1978, VIP assumed responsibility from VSA for contacts with victims whose cases were assigned to AP3. VIP continued activities that VSA had begun -- notifying victims of court appearances, reducing the number of times victims were called into court, and aiding victims who did come to court. In each of these areas VIP, with a higher staff to client ratio than VSA, tried to improve on VSA's performance. But, in its contacts with victims, VIP also had another, different purpose: it tried to give victims a greater sense of involvement in their cases. It hoped to do this by keeping victims informed of the progress of their cases, by making sure that they were not ignored when they came to court, by soliciting and then communicating to the prosecutor victims' concerns and desires, and finally, by making sure that victims knew and understood the dispositions of their cases.

Appearance Management

When it began, VIP assumed responsibility from VSA for managing the appearances of victims and other prosecution witnesses in AP3. The term, 'appearance management' includes efforts

to save victims from having to attend court when their presence is not necessary and insuring their presence when it is required by the prosecutor. Court policy allows victims of property crimes who were not eyewitnesses to crimes to be excused until trial after signing an affadavit stating that they did not give the defendant permission or authority to use or remove the property in question. The Court allows other victims and witnesses to be placed on standby or alert status once it has been determined that they are reliable and after they have agreed to remain at a location where they can be contacted by phone; victims and witnesses on alert status are not summoned to court unless it is determined (when their cases are called) that attendance is required for the cases to proceed. Beginning in 1975, V/WAP and later VSA, tried with some success to increase the numbers of victims and witnesses who were excused or placed on alert.

Appearance management also includes notification efforts to insure the attendance of those victims and witnesses requested by the prosecutors to appear. Beginning in 1975, V/WAP instituted far more thorough procedures for notifying victims and witnesses than the District Attorney's Office had previously used. The new procedures, however, had not significantly increased victim and witness attendance in court.

VIP felt that successful performance of appearance management functions was important to achieving its objectives.

Saving victims needless trips to court was seen as important to reducing victim dissatisfaction with the disposition process. Increasing attendance among victims who were needed in court was seen as important to encouraging court officials to take heed of victims' interests.

VIP believed that because it had representatives actually stationed in court, it could do a better job of appearance management than V/WAP had been able to do. The VIP representative in AP3 could remind prosecutors about the advantages of not requiring victims to appear needlessly. And, developing a rapport with victims and creating an expectation that the court was interested in their concerns and responsive to their needs could increase attendance of those victims whose presence was needed (in V/WAP, and later VSA, cases were not assigned to individual staff members, nor were staff able to give victims an expectation of involvement in the dispositional process).

Data collected for the evaluation show that VIP's assumption of appearance management responsibilities did have measurable effects. Using data from the detailed outcome sample, Table 3.1 shows that more victims were excused from attending court in AP3 (36%) than in AP4 (25%), and correspondingly, fewer victims were required to attend court in AP3 (57%) than in AP4 (65%). The difference in excusal rates suggests that VIP staff were successful

TABLE 3.1

PROPORTION OF CASES IN WHICH VICTIM ATTENDANCE WAS REQUIRED BY THE PROSECUTOR BY COURT PART

	Experimental (AP3)	Control (AP4)	
Excused	36%	25%	$p < .05$*
On Alert	7	10	
Attendance Required	57	65	
Total	100%	100%	
(n)	(188)	(231)	

Source: Detailed outcome sample.

* One-tailed test of significance used

in identifying victims who were eligible for excusal, and in facilitating their signing of permission and authority affadavits. Although VIP had also sought to place more victims on alert status, in fact slightly more victims were placed on alert status in AP4 (10%) than in AP3 (7%).

Data from two separate sources indicate that VIP was also successful in increasing attendance among those victims whose presence was necessary. The detailed outcome sample shows that, on court dates sampled, 42% of victims required to attend court in AP3 had in fact attended, compared to 31% in AP4 (see Table 3.2a). According to victims' self reports, 68% of victims in the victim interview sample attended court at least once in AP3, compared to 57% in AP4 (see Table 3.2b).

In the area of appearance management, then, VIP appeared successful. In VIP's court part, victims were less often required to come to court, and when they were asked to come, they attended with greater regularity than in the control part.

Aiding Victims Who Come to Court

When VIP began, VSA was already doing much to aid victims and witnesses who come to court. VSA operated a victim/witness

Table 3.2a

COURT ATTENDANCE OF VICTIMS WHOSE PRESENCE WAS REQUIRED BY THE PROSECUTOR

	Experimental (AP3)	Control (AP4)	
Present	42%	31%	$p < .05$**
Absent	20	35	
Missing*	38	34	
Total	100% (107)	100% (150)	

* Includes victims whose names were never called in court by the prosecutor to determine whether present and who were not logged into the victim/witness reception center.

Source: Detailed outcome sample.

Table 3.2b

PROPORTION OF VICTIMS INTERVIEWED WHO REPORTED ATTENDING COURT AT LEAST ONCE

	Experimental (AP3)	Control (AP4)	
Present	68%	57%	$p < .05$**
Absent	32	43	
Total (n)	100% (142)	100% (151)	

Source: Victim interview sample.

** One-tailed tests of significance used.

reception center in the court building to provide victims and witnesses a secure and comfortable place to wait for their cases to be called. VSA staff in the reception center also tried to explain court procedures to victims and witnesses who waited in the center, tried to facilitate the release of stolen property being held by the police, and tried to identify those victims eligible to sign permission and authority affadavits so that they would not have to return to court. But again, VIP felt that with a higher staff to client ratio, it could do more to facilitate the process for victims who come to court.

VIP staff tried to reduce the inconvenience to victims in coming to court. They attempted to get cases called early in the day when victims were present in court (although observations suggested that in spite of VIP's efforts, the court still often called the cases of private attorneys first, ignoring whether victims were present in court). If victims' employers were skeptical about their need to attend court, VIP staff telephoned the employers, or gave victims subpoenas to show as evidence to their employers. If victims had problems getting to court, VIP arranged and paid for their transportation.

When victims attended court, VIP staff gave them a brief orientation to the court system and attempted to assess their individual needs. They explained to victims that they might have a

long wait and that they might have to testify. They notified the court if victims needed interpreters, and some VIP staff who spoke Spanish occasionally served as interpreters themselves. VIP staff assisted victims of property crimes in the lengthy and complex processes of completing permission and authority affidavits and property release forms. For victims in rape cases, VIP staff often requested that the hearing be closed to the public. If a victim was harassed by a defendant at court, VIP staff alerted investigators in the District Attorney's Office.

VIP staff also referred victims to services which could ease difficulties associated with the victimization. They assisted victims in filing for reimbursement for medical expenses or lost earnings from the State's Crime Victim Compensation Board. They also informed victims of relocation and lock repair services. Victims who seemed to be suffering emotional problems as a result of the victimization were referred to the counselor in the victim/witness reception center.

VIP's quarterly reports suggest that VIP helped many victims in these ways. For example, VIP's final quarterly report for the first year states that project staff aided 60 victims in signing permission and authority affadavits, gave proof of court attendance to 28 victims, referred the cases of 19 intimidated victims to the District Attorney's Office for investigation, and

aided 16 victims in securing the release of stolen property. Unfortunately, comparable data were not kept by VSA for victims with cases in other parts who receive similar aid from victim/witness reception center staff. However, it is known (based on the victim interview sample) that many more victims who came to court waited in the reception center in AP3 (66%) than in AP4 (43%); victims who wait in the reception center are more likely to have these kinds of services provided for them.

One disturbing finding from the victim interview sample was that VIP staff apparently did not reach many victims in AP3; only 57% of AP3 victims who come to court reported being contacted by a VIP representative. It may be that some victims did not remember speaking to a VIP representative or that some confused VIP representatives with prosecutors or other court officials. Yet, these explanations are not likely to account for all of the large number of victims who could not recall speaking to a VIP representative, and observations of evaluation staff on particularly busy days suggested that VIP staff were, at times, spread too thin.

Increasing Victim Involvement in the Disposition Process

VIP hoped to give victims a greater sense of involvement in their cases by keeping them better informed of the status of

their cases as they progressed, by improving communication between victims and prosecutors (either by putting victims and prosecutors in direct contact or by acting as a liaison between victims and prosecutors), and by making sure that victims knew and understood the dispositions of their cases. In this respect, VIP's activities were qualitatively different from those of VSA.

Because of VIP, more victims who came to court did have an opportunity to speak to someone in court. As Table 3.3 shows, the proportion of victims who spoke to prosecutors when they came to court was similar in AP3 (84%) and in AP4 (81%). But more victims who came to court had contact with some official in the court (either VIP or the prosecutor) in AP3 (93%) than in AP4 (84%).

From one prespective, it is disappointing that VIP did not increase the number of victims who had direct contact with prosecutors. But there was also concern when VIP began that, as prosecutors come to rely on VIP staff for information about victims, prosecutors would decrease their interaction with victims, leaving that task solely to VIP. Indeed, on several occasions the evaluators observed prosecutors instructing VIP staff to communicate information to victims. But VIP personnel balked at such requests, and asked prosecutors to speak directly to victims.

According to respondents in the victim interview sample,

Table 3.3

INTERACTION WITH COURT PERSONNEL AMONG VICTIMS WHO ATTENDED COURT AT LEAST ONCE

Percentage of victims who:	Experimental (AP3)	Control (AP4)	
Spoke with VIP in AP3 or VSA in AP4	57%	19%	
Spoke with prosecutor*	84%	81%	
Spoke with VIP (or VSA) and/or prosecutor	93%	84%	$p < .03$**
(n)	(96)	(86)	

Source: Victim Interview Sample

* Includes victim-prosecutor interaction at the complaint room.

** The level of significance is based upon a one-tailed significance test.

the subject which they discussed most frequently with VIP and with prosecutors was what future demands the court might make of them (whether the victim would have to return to court or testify). Victims in AP3 were more likely to receive such preparation than in AP4; 73% of victims in AP3 and 59% of victims in AP4 reported discussing future appearance demands with either VIP or prosecutors (see Table 3.4).

Fewer victims in either court part received an explanation of the procedings before they left court. But again, victims in AP3 were more likely to receive this courtesy (49%) than were victims in AP4 (29%).

The subject which VIP included least often in its conversations with victims was what the victims wanted from their cases. In their role as victim representatives, VIP staff were expected to ascertain what victims wanted from the court. Yet there was only a small (non-significant) difference in the proportion of victims who discussed this topic with VIP and/or the prosecutor in AP3 (51%) compared to AP4 (44%).

The preceding findings suggest, then, that at the time the victim interviews were conducted many victims who came to court were somehow missed by VIP staff, and that among those victims who were contacted in court, VIP staff (like the prosecutors) were more

Table 3.4

TOPICS DISCUSSED BETWEEN COURT PERSONNEL AND VICTIMS WHO ATTENDED COURT AT LEAST ONCE

	Experimental (AP3)	Control (AP4)	
Percentage who talked about what they wanted done with the defendant:			
With VIP in AP3 or VSA in AP4	25%	7%	
With prosecutor*	41%	41%	
With VIP and/or prosecutor	51%	44%	$p < .18$**
Percentage who talked about future demands on their time:			
With VIP in AP3 or VSA in AP4	38%	6%	
With prosecutor*	57%	58%	
With VIP and/or prosecutor	73%	59%	$p < .03$
Percentage who received an explanation of the proceedings:			
From VIP in AP3 or VSA in AP4	28%	5%	
From Prosecutor*	29%	28%	
From VIP and/or prosecutor	49%	29%	$p < .003$
(n)	(96)	(86)	

Source: Victim interview sample

* Includes prosecutor-victim interaction at the complaint room.

** The levels of significance are based upon one-tailed significance tests.

likely to talk to victims about the prosecutor's concerns (future demands that might be made on victims) than about topics of benefit to victims (asking victims what they wanted from the court or explaining court actions in their cases). But data from the court observation sample which were collected much later in the year suggested that by that time, VIP staff were regularly contacting victims who came to court, ascertaining their desires, and (in most cases where dispositions were possible on the date victims were in court) communicating their desires to prosecutors (a detailed presentation of these data is made in Chapter 4). This would seem to suggest that VIP's efforts to contact victims in court and ascertain their desires became more thorough as the year progressed.

VIP's Efforts to Keep Informed

Another of VIP's aims was to keep victims better informed of the progress of their cases and to help them understand the dispositions. However, respondents in the victim interview sample who had cases in AP3 were no more likely to know the dispositions of their cases than victims in AP4 (see Table 3.5). Seventy-five percent of victims in AP3 who were present on the date of disposition were able to state the disposition to evaluation interviewers, compared to 78% of victims in AP4; among all victims interviewed, 57% who had cases in AP3 knew the disposition versus 56% in AP4. And

Table 3.5

VICTIMS' REPORTS OF HOW WELL INFORMED THEY WERE KEPT OF THE PROGRESS OF THEIR CASES

Percentage of victims who:	Experimental (AP3)	Control (AP4)
Knew Case Outcome		
Present at Disposition	75% (n=75)	78% (n=72)
Absent at Disposition	35% (n=66)	38% (n=81)
Felt Well-Informed		
Attended Court	27% (n=96)	34% (n=86)
Never Attended Court	23% (n=44)	11% (n=64)

Source: Victim interview sample.

overall, victims were no more likely to feel that they had been kept informed of their case's progress in AP3 than in AP4. Of those victims who had cases in AP3, 27% who came to court, and 26% of all victims, felt well-informed. By comparison, 34% of victims who came to court, and 24% of all victims, who had cases in AP4 felt well informed.

These results are disappointing. But they are not surprising in light of the procedures employed by VIP to keep victims informed. While the data in Table 3.4 indicate that VIP helped to insure that victims who attended court received explanations of proceedings, VIP did little to keep victims informed on dates they were not in court. It was anticipated that VIP staff would make efforts to inform victims of what had happened on dates they were absent from court. But lack of staff prevented this from occuring; victims were contacted only if they had to be notified to come to court. Since notification calls were made only a few days prior to court dates - and since court dates are often scheduled several weeks apart - victims often went for long periods of time without knowing the status of their case. Worse, this procedure meant that victims who were excused from appearing in court might not be aware even that their case was <u>scheduled</u> for a hearing on a particular date, let alone what transpired in court at that time. As one interviewed victim stated, "When VIP needed me they would call - otherwise they never talked to me". Finally, VIP's plans to send

victims letters informing them of their case dispositions met with obstacles. The District Attorney's Office opposed sending disposition letters to victims whose cases were dismissed, and VIP acquiesced. Further, disposition letters were frequently not sent to any victims when VIP staff fell behind in their work. Thus, except for the greater number of victims who received explanations of proceedings when they were in court, VIP often did little more to keep victims informed in AP3 than VSA had done earlier.

Chapter 4

VIP'S EFFECT ON COURT OUTCOMES

This chapter discusses VIP's effect upon the dispositional process in Brooklyn Criminal Court. By communicating victim's concerns and desires to prosecutors, VIP tried to insure that victim's interests were given attention in decisions made about cases by Criminal Court officials. And, by letting prosecutors know about the intentions of absent victims (that is, whether they would cooperate in prosecuting their case), VIP sought to spur prompt dispositions of those cases in which victims had no intention of coming to court.

Getting Victims What They Sought From the Court

As discussed in Chapter 1, many crime victims have personal concerns or desires they hope to achieve as a result of their cooperation with the criminal justice system. But many leave frustrated because their concerns are not reflected in the court's action. By communicating victims' interests to prosecutors, VIP hoped to induce court decisions that reflected victims' wishes. Yet, VIP also knew that because of established norms and attitudes, major changes in court officials' policies were unlikely; it was not anticipated, for example, that VIP's intervention would result in

longer sentences for convicted defendants, even though many victims wanted that. VIP did, however, believe that it could demonstrably change established practice in more limited ways, where victims' interests did not diverge significantly from court officials' norms regarding the kinds of outcomes appropriate for different offenses. Therefore, VIP focused its efforts on increasing the court's use of restitution, admonishments, and referrals to mediation. VIP hoped to obtain restitution for victims who incurred property loss or medical expenses as a result of the crime. Many victims express a fear of the defendant and want to avoid future contact; VIP planned to meet their need by encouraging judges to issue admonishments - written or oral orders telling a defendant to stay away from the victim for a period of time (admonishments may be given at any time during the life of a case, but are usually issued prior to disposition). VIP hoped to increase referrals of cases to mediation where victims and defendants had a prior relationship. In mediation, both victim and defendant have an opportunity to reach their own solution to a problem.

VIP's efforts to secure more use of restitution, admonishments, and mediation were moderately successful. Data from both the restitution and victim interview samples suggested greater use of restitution in AP3 than in the control part. The restitution sample showed that, during a nine-month period, 50 victims in AP3 received restitution compared to 23 victims in AP4;

the median amounts were $100 in AP3 and $150 in AP4 (see Table 4.1a). Even in AP3, however, the number of cases where restitution was ordered was small, partly because restitution is ordered by the court only in cases (a) in which guilty pleas are entered or which are adjourned in contemplation of dismissal, and (b) in which the victim has incurred property loss or damage or medical expenses. Still, even among cases which meet these criteria, data from the victim interview sample showed that only 16% of victims in AP3, and 7% in AP4 received restitution. The preceding figures do not take into account another significant factor in case eligibility for restitution, the defendant's ability to pay. But they do suggest that even in AP3, the potential for restitution remained considerably greater than its actual use.

Written admonishments were issued with greater frequency in AP3 than in AP4. Table 4.1b shows that during a six-month period 38 written admonishments were issued in AP3 compared with 4 in AP4. (Admonishments may also be given orally, but in that case, no records of them are kept. Informal observations made by an evaluation staff member suggest that spoken admonishments also occurred with greater frequency in AP3). As was the case with restitution, the absolute number of written admonishments issued by the court was, in both parts, a small fraction of the total number of cases calendared. Again, although admonishments are likely to be given only in a small proportion of cases (those in which there is a victim-defendant

Table 4.1a

RESTITUTION ORDERED BY COURT PART

	Experimental (AP3)	Control (AP4)	
November, 1978	7	2	
December, 1978	4	1	
January, 1979	3	2	
February, 1979	2	2	
March, 1979	9	6	
April, 1979	3	2	
May, 1979	6	2	
June, 1979	10	4	
July, 1979	6	2	
Total Cases	50	23	$p<.005$
Mean/Month	5.6	2.6	

Source: Restitution Sample

Table 4.1b

WRITTEN ADMONISHMENTS BY COURT PART

	Experimental (AP3)	Control (AP4)	
January, 1979	10	1	
February, 1979	1	1	
March, 1979	9	0	
April, 1979	2	0	
May, 1979	4	1	
June, 1979	12	1	
Total Cases	38	4	
Mean/Month	6.3	.7	$p<.01$

Source: Admonishment Sample

relationship, the victim expresses a fear of the defendant, and the victim is present in court), it seems likely that even in AP3 many eligible victims did not obtain written admonishments from the court.

It proved to be impossible to determine whether VIP increased post-arraignment referrals to mediation. VIP's own statistics indicated that it referred only 2 or 3 cases per month to mediation (but this figure is probably near the maximum possible since virtually all cases are screened for mediation eligibility in the complaint room, and - if found eligible - diverted at arraignment). No statistics were available for mediation referrals from other post-arraignment parts.

VIP did not produce major changes in dispositions: the overall proportions of guilty pleas, transfers to the Grand Jury, dismissals, and adjournments in contemplation of dismissal were similar for AP3 and AP4 (see Table 4.2). To some degree, this finding was disappointing because VIP staff had suggested that they often requested prosecutors to seek adjournments in contemplation of dismissal as an alternative to dismissals; the former dispositions leave open the possibility of restoring cases to the calendar in the event that a victim experiences future problems with the defendant. VIP's director also mentioned instances in which, at the victim's request, VIP staff had successfully convinced prosecutors not to accept pleas to lesser charges. These data indicate, however, that

Table 4.2

CASE DISPOSITIONS BY COURT PART

	Experimental (AP3)	Control (AP4)
Dismissal	29%	30%
ACD	12	10
Pleas	32	33
Grand Jury	26	27
Other	*	*
TOTAL	100%	100%
(n)	(555)	(553)

Source: Wide outcome sample.

* Less than 0.5%

VIP did not engage in these actions on a large enough scale to affect aggregate disposition statistics.

Although no differences were evident between AP3 and AP4 in types of dispositions, there were some differences in sentences of convicted defendants (see Table 4.3). The proportion of convicted defendants who were sentenced to time in jail was similar in AP3 (25%) and in AP4 (20%). But judicial use of fines and conditional discharges did vary by part. Conditional discharges were more likely in AP3, while fines were more likely in AP4.

The greater use of conditional discharges instead of fines in AP3 may be viewed as beneficial to victims. When imposing a sentence of a conditional discharge, the judge may attach provisions such as staying away from the victim, making restitution, or seeking help from a rehabilitation program. Fines, on the other hand, serve primarily to punish the defendant and to enrich the public coffers. It cannot be known with certainty whether the greater use of conditional discharges in AP3 than in AP4 is a result of VIP's intervention, or simply of different sentencing practices of judges who presided in the respective parts when the data were collected. But the more frequent use of conditional discharges in AP3 is consistent with the observed increase in the frequencies of court-ordered restitution and admonishments that resulted from VIP's presence in AP3.

Table 4.3

SENTENCES OF CONVICTED DEFENDANTS
BY COURT PART

	Experimental (AP3)		Control (AP4)	
Conditional Discharge	40%		28%	p<.05
Fine	20		32	
Probation	11		11	
Jail Time				
2 months or less	9		10	
2 to 6 months	12	25	8	20
more than 6 months	4		2	
Combination*	1		4	
Pending	3		4	
Total	100%		100%	
(n)	(144)		(133)	

Source: Wide Outcome Sample

* For example, a fine in conjuction with a conditional discharge.

The preceding data suggest that VIP's impact on aggregate dispositions was modest, confined to increasing the court's use of restitution and admonishments. However, because different victims want different outcomes, aggregate data by themselves are not sufficient to determine whether VIP was successful in getting individual victims what they sought from the court. Therefore, additional data were collected to determine whether VIP was successful in aiding individual victims to get the result they sought.

The court observation sample was designed to determine whether individual victim's desires were reflected in case disposition in AP3, and, if they were not, why victims did not get the outcome they sought. Information about what victims want was supposed to be communicated at four points. First, VIP asked victims what they wanted during the course of notification calls and/or in the victim/witness reception center when victims came to court. Second, victims' interests were relayed by the VIP staff member in the reception center to the VIP courtroom specialist. Third, the courtroom specialist told the prosecutor what victims wanted. The fourth communication occurred when the prosecutor used VIP's information at a bench conference. The observations examined whether victims' desires were communicated at each of these stages, and ultimately whether they were reflected in case outcomes.

During the observation week, there were 15 victims with cases in AP3 who came to court. The cases of seven victims were disposed on the observation date. For six of these seven victims, VIP ascertained their desires, accurately communicated them to the prosecutor, and the prosecutor used the information to get the outcome that the victim wanted (see Table 4.4). (In one of the disposed cases, however, VIP misrepresented the interests of one of the case's two victims to the prosecutor. VIP stated that the victim wanted to drop charges when in fact the victim - whose car had been stolen - requested restitution from the court. This was a confusing case because the other victim did want charges dropped).

Among the eight cases in which the victim was present in court but the case was not disposed on the observation date VIP communicated the interests of only one victim. That case, in which the victim wanted restitution, was adjourned to determine the appropriate amount of restitution. In the remaining non-disposed cases (trials, adjournments, and one bench warrant), VIP had ascertained the interests of five of the remaining seven victims, but apparently saw little value in communicating them to the prosecutor.

Sixty-five victims whose cases were calendared during the observation week were not present in court. VIP communicated victims' desires in only seven of the 18 of these cases which were disposed on the observation date. In two of the seven cases in which

Table 4.4

SUMMARY OF INFORMATION FLOW ACCORDING TO VICTIMS' PRESENCE IN COURT AND WHETHER CASE DISPOSED ON OBSERVATION DATE*

Victim Present in Court:

		VIP Communicated Victim's Interests to Prosecutor	Prosecutor Communicated Victim's Interests to Court	Court Gave Victim Outcome he/she Sought
Case disposed on observation date	(n=7)	6 cases	6 cases	6 cases
Case not disposed on observation date	(n=8)	1 case	- -	- -

Victim Absent From Court:

		VIP Communicated Victim's Interests to Prosecutor	Prosecutor Communicated Victim's Interests to Court	Court Gave Victim Outcome he/she Sought
Case disposed on observation date	(n=18)	7 cases	5 cases	5 cases
Case not disposed on observation date	(n=47)	15 cases	- -	- -

Source: Court observation sample.

* Detail provided in Appendix B.

information was communicated, victims did not get what they wanted because prosecutors did not utilize VIP's information. Of the 47 cases in which victims were absent and which were not disposed, VIP communicated victims interests in 15.

The observation data disclosed that VIP appeared to be an effective spokesperson for victims who came to court and who wanted outcomes that fell within the boundaries of what court officials felt was appropriate. But VIP was far less effective when victims were absent. This was mainly because VIP did not regularly ascertain and/or communicate the interests of absent victims to the prosecutor (indeed, some of these victims may have proved impossible to contact). But prosecutors also seemed less inclined to attend to victims interests (as communicated by VIP) when victims were not in court. Some victims who are absent have failed to respond to a request to come to court; the case for representing the interests of such victims is, perhaps, weak. But many absent victims have not been asked to come to court because they have been excused or placed on alert. There is no obvious reason why these victims should not have had the same opportunity to have their interests represented as victims who are present in court.

The observation data also suggest that VIP usually communicated victims' interests to the prosecutor only when it believed that a disposition was imminent. As a labor-saving

procedure, this practice makes sense (and, indeed, prosecutors may not want to take the time to hear victims' desires until they believe a disposition can occur). But, in trying to guess when a disposition is likely, VIP staff sometimes made mistakes. For example, in one of the cases disposed by plea in the observation sample, VIP knew the victim wanted restitution, but did not say anything to the prosecutor until after the plea was taken and a sentence imposed; as a result, the victim did not get restitution.

COURT DELAY

VIP's role in the courtroom was expected to affect the number of court dates needed to dispose cases in contradictory ways. Because VIP spoke to victims to ascertain what they wanted from their cases, project staff expected to identify cases in which victims were not willing to prosecute. This information would then be passed on to the prosecutor who could either inform the court and acquiesce to dismissal of the case, or decide to proceed but with the knowledge that he could not rely on the victim's testimony. In either case, it was expected that the cases would be disposed more rapidly since less time would be spent waiting for uncooperative victims to appear in court.

On the other hand, it was believed that other or VIP's activities might prolong some cases. If successful VIP would

encourage prosecutors to seek dispositions which sometimes differed from existing patterns. As a result, plea negotiations might break down more often as defense attorneys rejected offers which differed from established practice. In a congested court like Brooklyn Criminal Court, any intervention that slowed down the dispositional process would be likely to raise concerns among court officials.

If VIP's attempts to hasten dispositions in cases where victims refused to cooperate were successful, it was reasoned that the average number of continuances in cases which were dismissed ought to be reduced (most dismissals are the result of victim non-cooperation). The wide outcome sample data, however, revealed no difference between AP3 and AP4 in the number of court dates scheduled in cases which were dismissed; in AP3, dismissed cases took an average of 3.3 post-arraignment adjournments compared to 3.3 post-arraignment adjournments in AP4. Conversations with VIP staff revealed that VIP staff informed prosecutors when absent victims had expressed a desire to drop charges or had refused to come to court, but that prosecutors nonetheless remained reluctant to act solely on VIP's information.

Although there was no evidence that VIP hastened dispositions in cases where victims were uncooperative, neither did it appear to lengthen the time to disposition in other cases as a result of pressing for consideration of victims' desires. The wide

disposition sample data also showed little difference overall in mean post-arraignment court dates per case between AP3 (2.4) and AP4 (2.3). Thus, if VIP's intervention did have the effect of delaying dispositions by encouraging prosecutors to deviate from established norms in plea negotiations, such instances were apparently rare. During the court observations of 82 cases, the information VIP gave to the prosecutor overtly delayed dispositions in only one case. In that case, when VIP told the prosecutor that the victim wanted restitution, plea negotiations broke down because the defense attorney felt restitution was inappropriate. As a result, the case was adjourned. But in another instance, a prosecutor, who was pressing without success for a guilty plea, offered an adjournment in contemplation of dismissal (which was quickly accepted) as soon as VIP told him that the victim was unsure he could identify the defendant. Without VIP's information, the case probably would have been adjourned. Thus, VIP's efforts on the time required to dispose of cases appear to be inconsistent, and in the aggregate, the dispositional process was not slowed down through VIP's intervention.

CHAPTER 5

VICTIMS' PERCEPTIONS OF VIP AND OF THE DISPOSITIONAL PROCESS

This chapter discusses VIP's efforts to increase victims' satisfaction with the dispositional process and with the outcomes of their cases. VIP hoped to reduce dissaffection in several ways. First, it tried to reduce the frequency of demands made on victims to appear in court. As seen in Chapter 3 VIP did succeed in increasing victim excusals. Second, VIP tried to assist victims in negotiating the court process when they did attend court. Data in Chapter 3 suggest that VIP did much to aid victims in the court, but that, for at least part of the year, it may have missed contacting a large number of victims who were present. Finally, VIP tried to involve victims to a greater extent in the handling of their cases by keeping victims better informed of the status of their cases, by communicating victims' interests to the prosecutor, and by insuring that victims knew and understood the dispositions of their cases and the reasons that the court took the actions it did. As seen in previous chapters, the results of these efforts were mixed.

It was hoped that these activities would result in greater victim satisfaction with case outcomes, and less victim alienation from the court. The victim interviews, conducted with victims from the VIP court part (AP3) and the control part (AP4), were used to assess victims' attitudes toward the court process and

their satisfaction with case outcomes. As Table 5.1 shows, however, VIP's intervention had little effect on victims' perceptions. Even when AP3 cases in which VIP did not contact victims are omitted, there is little evidence that VIP changed attitudes toward the dispositional process.

Victims did apparently feel that VIP staff were trying to help; two-thirds of those who reported talking to a VIP representative believed that the VIP person was looking out for their interests. And victims who did talk to VIP staff more often felt well-treated in court than victims in AP4 or victims in AP3 who were not contacted by VIP staff (however, the difference between all victims in AP3 and AP4 was not statistically significant).

Victims' perceptions of their treatment in court were related to efforts to keep them informed of happenings in their cases. Table 5.2 shows that when victims received explanations of what had transpired in court, they were more likely to believe that they were well-treated; as already seen, victims in AP3 were more likely to receive such explanations as a result of VIP.

But VIP's presence in AP3 did little to increase victims' sense of involvement in the dispositional process. Neither all victims in AP3, nor those who spoke to VIP staff, were more likely to feel that they had had an effect on the disposition of their case, to

Table 5.1

PERCEPTIONS OF THE DISPOSITION PROCESS AMONG VICTIMS WHO ATTENDED COURT AT LEAST ONCE

	AP3 Victims Who Spoke With VIP	All Experimentals (AP3)	All Controls (AP4)
Percentage of victims who:			
Felt VIP was looking out for their interests	67%	---	---
Felt prosecutor was looking out for their interests	42%	45%	56%
Felt well treated *	56%	44%	37%
Satisfied with the case outcome	43%	48%	43%
Felt they had an effect on case outcome	47%	44%	45%
Felt court responsive to crime victims' needs	41%	37%	38%
Said they would cooperate with the court system in the future	83%	84%	82%
	N=54	N=96	N=86

* There is only one statistically significant difference reflected in the above data: The victims who spoke with VIP felt significantly better treated than the total population of AP4: $p < .02$ (one-tailed significance test).

Source: Victim interview sample

Table 5.2

PERCENTAGE OF VICTIMS WHO FELT WELL TREATED BY WHETHER VICTIM RECEIVED EXPLANATION OF PROCEEDINGS IN COURT FROM VIP OR THE PROSECUTOR (VICTIMS WHO ATTENDED COURT AT LEAST ONCE)

	Proceedings Explained	Proceedings Not Explained	
Victim Felt Well Treated	50%	35%	$P < .02$ *
Victim Did Not Feel Well Treated	50%	65%	
TOTAL	100%	100%	
(n)	(72)	(110)	

Source: Victim interview sample.

* Based on a one-tailed significance test.

be satisfied with the disposition, or to believe that the court was responsive to their needs than victims in AP4. Less than half of victims in either part responded affirmatively to any of these questions on the interview. And, although most victims reported that they would cooperate with the courts if victimized in the future, VIP's presence in AP3 did little to increase this proportion. Thus, although VIP (as seen in Chapter 3) did much to aid victims who came to court, and although these efforts were perceived positively by most victims, VIP did not appear to give victims a greater sense of participation in decisions made about their cases.

This failure may have been greatest in the early phases of the project, when VIP's attempts to reach victims who came to court, to ascertain their interests and to advocate for them appeared less thorough. It may be that a sample of victims interviewed later in the year would have reported a greater sense of involvement.

But there may be a more basic reason why victims did not feel more involved in the process despite VIP's activities. The interview data suggest that victims did not perceive VIP as a central element in the decision-making process. This sentiment came across strongly in interviews with several victims. One victim said that VIP was "the best thing that happened" to her at court. She felt she had been treated well in court because VIP staff had explained to her the possible outcomes that could result and had

helped her secure an admonishment. Nonetheless she was dissatisfied with her case outcome (an adjournment in contemplation of dismissal) and felt that the court system was unresponsive to crime victims' needs because her case had been treated as a "routine" matter by the prosecutor and judge. Another victim felt that the VIP staff were "two wonderful girls" who were "very nice and cooperative". Yet, she said she did not think that they "really had the power to do anything", and felt that the court was unresponsive because (she believed) the prosecutor had handled the case badly.

Thus, even when VIP staff's efforts to aid victims were appreciated, they did not affect victims' perceptions of the court, because the victims realized that VIP staff were not key actors in the system. Rather, it was victims' views of prosecutors' and judges' performances that seemed to affect their perceptions of the dispositional process. Victims' statements about VIP's lack of centrality to the disposition process were confirmed statistically in the results of a factor analysis (a technique which isolates a cluster of measures that stem from a common underlying phenomenon). The results of the analysis (reported in detail in Appendix B) suggested that victims' general satisfaction with the dispositional process and their perceived participation in the process, were correlated with victims' conversations with court officials and with beliefs that officials were concerned with their interests. The extensiveness of victims' contacts with VIP, however, was not

associated with either of these factors.

Table 5.3 provides further support for the importance of victims' interaction with court officials to their feelings of involvement. The greater the extent of victims' interaction with the prosecutor (that is, the more topics they discussed), the more likely they were to feel they had influenced the outcome; 58% of victims who had the most extensive conversations with the prosecutor felt they had affected the disposition, compared to only 28% of victims who reported not speaking to a prosecutor at all when they came to court. Interaction with VIP staff, on the other hand, did not lead to greater feelings of involvement.

The above findings suggest the importance of direct contact between victims and court officials to victims' perceptions of the dispositional process. Contact with VIP staff, who were not perceived as central actors in the process, did little to reduce victims' feelings of alienation. It is understandable that victims concerned about their case would want to talk directly to officials, not to VIP. It is the judges and prosecutors - not VIP - who have the power over decisions made in the courtroom.

Yet, even if prosecutors and judges were to take the time themselves to talk to victims, many victims might still leave court frustrated because they did not get the disposition they

Table 5.3

VICTIMS' PERCEIVED EFFECT ON OUTCOME BY EXTENT OF VICTIM-PROSECUTOR AND VICTIM-VIP INTERACTION (AP3 VICTIMS WHO ATTENDED COURT AT LEAST ONCE)

	Proportion of Victims who felt they had an effect on the outcome of their case	
	Interaction with Prosecutors (n=96)	Interaction with VIP (n=96)
No Conversation	31%	43%
Limited Conversation	43%	60%
Conversations on one specific subject*	40%	50%
Conversations on two specific subjects*	46%	44%
Conversations on three specific subjects*	60%	17%
	($p < .005$)	($p < .34$)

Source: Victim interview sample.

* The conversation included a discussion of what would happen to the defendant, future demands on the complainant and/or an explanation of what happened in court.

desired. Victims' satisfaction with their case outcomes was not associated with speaking to either judges or prosecutors nor with receiving explanations of the court's actions. Satisfaction was, however, associated with the type of disposition; victims whose cases were transferred to the grand jury were nearly twice as likely to report satisfaction with the criminal court disposition as victims whose cases were dismissed (see Table 5.4). And among victims dissatisfied with the case outcome, over two-thirds were dissatisfied because they felt the defendant deserved harsher punishment.

In other words, victims' perceptions of the dispositional process can be changed through meaningful interaction with court officials. But many victims are likely to be dissatisfied with the court's action - even if officials do take an interest in them - unless the action is in accordance with victims' desires. It is not likely that the stronger sanctions against defendants that many victims desired would ever be realized, and certainly not through VIP's intervention; some number of victims will always be dissatisfied. But other victims interviewed who were dissatisfied with their case outcomes wanted restitution (20%) or other actions short of harsher sanctions against defendants. With greater responsiveness to victims' interests by both VIP staff and court officials, more of these victims might have been satisfied.

Table 5.4

VICTIMS' SATISFACTION WITH OUTCOME BY CASE DISPOSITION
(VICTIMS WHO ATTENDED COURT AT LEAST ONCE)

	Proportion of Victims Satisfied	
Dismissal (n=25)	32%	$p < .02$
ACD (n=24)	42%	
Plead Guilty (n=53)	40%	
Transfer to the Grand Jury (n=69)	64%	

Source: Victim interview sample

Chapter 6

COURT OFFICIALS' PERCEPTIONS OF VIP

VIP's ability to achieve its objectives was largely dependent on its staff's ability to become an integral part of the dispositional process -- to be listened to by court officials. Court officials' perceptions of VIP, and their willingness to legitimize VIP's activities, were crucial in determining whether VIP could help victims get what they wanted from the court. This chapter examines the relationship VIP had with court officials, and contrasts the different views of the project held by judges, prosecutors, defense attorneys, and VIP's own staff.

The findings reported in the chapter are based on interviews conducted with court officials. During March, 1979, questionnaires were completed by ten prosecutors who had been assigned to AP3 since VIP's inception. During the same month, interviews were conducted with six members of the Legal Aid staff. Four judges who presided in AP3 were interviewed during February, 1979. Finally, structured interviews were conducted with four members of VIP's staff during August, 1979.

Prosecutors' Perceptions

VIP personnel interacted most frequently with prosecutors.

In fact, the relationship was so close that both judges and legal aid attorneys referred to VIP staff as "arms of the District Attorney's office." VIP staff, stationed at the prosecutors' table in the courtroom, performed a variety of tasks for prosecutors, including answering the phone, activating alerts, informing prosecutors of the availability of victims, and completing paperwork. From observations conducted by evaluation staff it was apparent that prosecutors spent a considerable amount of time talking with VIP personnel, and relied on them for various types of information and aid, ranging from updating prosecutors on the status of particular cases, to calling the grand jury to see if an indictment had been filed.

Reactions to VIP were favorable among the ten prosecutors interviewed. All respondents agreed that VIP personnel took time to explain court proceedings to victims and that they generally conveyed to prosecutors the desires of victims.

Most prosecutors also felt that VIP's presence in the courtroom facilitated the performance of the prosecutors' job. Nine of ten agreed that VIP's performance of victim/witness management tasks had helped things run more smoothly, and nine also felt that VIP staff performed an important clerical function for prosecutors. Prosecutors also believed that the presence of VIP staff in AP3 helped reduce the adverse effects resulting from the

CONTINUED

1 OF 3

frequent rotation of prosecutors and the resulting unfamiliarity of prosecutors with cases; seven of the ten prosecutors felt that VIP staff were often helpful in familiarizing them with their assigned cases, and the same number felt that VIP provided a sense of stability and continuity in the courtroom. Eight of the ten prosecutors said that they would prefer to work in a courtroom where VIP was present.

But a number of the ten prosecutors expressed some hesitation about VIP's presence. Five felt that VIP staff sometimes went too far in encouraging consideration of victims' interests. Five also felt that it was better for prosecutors to talk to victims themselves than for victims' interests to be communicated through VIP staff. This, of course, is the same opinion that was expressed by victims in the previous chapter.

Prosecutors' hesitation about VIP's role as victim spokesperson emerged when prosecutors were asked to rank the time <u>currently</u> spent by VIP on a number of specified activities, and then to rank the same activities according to the amount of time they believed VIP staff <u>ought</u> to spend on them. The results of the rankings are presented in Table 6.1. They show that prosecutors believed that VIP staff spent the most time on informing prosecutors of victims' desires. But the prosecutors felt that this function <u>ought</u> to receive less attention from VIP than getting victims to

Table 6.1

PROSECUTORS' RANKINGS OF TIME
DEVOTED BY VIP TO FIVE ACTIVITIES:
CURRENT PRACTICE VERSUS DESIRED PRACTICE

Time Prosecutors Believe VIP Actually Spent	Time Prosecutors Believe VIP Ought to Spend
1. Informing prosecutors of what victims want out of their cases.	1. Getting victims to court.
2. Getting victims to court.	2. Explaining court proceedings to victims.
3. Explaining court proceedings to victims.	3. Helping prosecutors with clerical tasks.
4. Helping prosecutors with clerical tasks.	4. Informing prosecutors of what victims want out of their cases.
5. Supplying prosecutors with information about the case.	5. Supplying prosecutors with information about the case.

court, explaining court proceedings to victims and helping prosecutors with clerical tasks.

The findings suggest that prosecutors viewed VIP as a program that provided them with various types of support. They felt, however, that VIP staff should not impinge upon their own authority. This attitude was further evident in the fact that nine of the ten prosecutors believed that VIP personnel should only approach the bench or give advice when called upon to do so by the prosecutor.

Perceptions of Legal Aid Staff

The receptive attitude of prosecutors toward VIP was not shared by defense attorneys. Their primary concern was that VIP represented an obstacle between themselves and victims. The defense attorneys felt it was important for them to have access to victims, and hear their side of the story first hand. The defense attorneys argued that in the past they had an opportunity to approach the victim; if the person didn't want to talk with them, they respected his feelings. As a result of VIP however, (particularly its efforts to encourage victims to wait in the victim/witness reception center) they felt blocked from communication with the victim. As one defense attorney said, "They keep them locked away and will never let me near them."

The defense attorneys also stated that VIP slowed down dispositions and made it more difficult to negotiate pleas. Again, they felt that if they were able to talk with the victim, certain cases could be weeded out of the system. Legal aid attorneys also believed that VIP staff pressured victims to press charges, even when the victims were willing to drop the case.

The legal aid supervisor interviewed felt that the defense did not benefit from VIP, and that VIP's efforts could impair the defense by bringing to court victims who would not otherwise have appeared. He said, "adjournments usually work for the defense." The supervisor questioned the value of VIP staff supplying prosecutors with information about cases. He believed that since courtroom prosecutors are allowed limited discretion by their superiors in deciding how to dispose cases, VIP's information was not likely to influence prosecutors' decisions. He believed that VIP's role ought to be limited to that of comforter, rather than spokesperson, for victims.

Judge's Perceptions of VIP

All four judges interviewed agreed that VIP staff were conscientious and hard-working. One judge emphasized the supportive counseling he felt VIP provided for victims who were confused by the court system. He also believed that he was more

aware of victims' needs as a result of VIP. He cited a case involving a battered wife in which VIP staff asked him to hear the case first, because of her physical condition. He remarked that without VIP, the woman probably would have sat in court for most of the day. The judge stated that he would like to see the project operating in all court parts.

A second judge believed that VIP was primarily concerned with insuring that victims appeared in court. But in this respect, he thought the project was ineffective. According to the judge, VIP's presence made it easier for police officers and prosecutors to "slack off" their jobs by handing over the responsibility of getting victims to court to an agency not well equipped to deal with it.

He felt that the familiarity of VIP staff with cases helped the court run more smoothly. But he felt that VIP's most important contribution was providing counseling and psychological support to victims.

The third judge emphasized the assistance VIP provided to prosecutors, which she felt helped to lessen the confusion in the court room, and to enable cases to be processed more quickly. During the time the judge was presiding in AP3, a new group of prosecutors were assigned to the part. According to her, VIP

personnel often had to give her information about victims and other facts of the case because the new prosecutors "didn't know what they were doing. The VIP staff were the only people who knew what was going on. I don't know what I would have done without them."

The judge did not feel more aware of victims' needs while presiding in AP3. She did state however that she issued many more admonishments when she was in AP3 because the fact that VIP personnel had the paper work already completed made it easier for her. Unlike the second judge, she thought that VIP staff "went out of their way to get victims to court."

The final judge interviewed felt he was not familiar enough with VIP to be able to comment on it. He did state however that he assumed VIP was there to notify victims and to offer support. This judge also believed that in many instances VIP personnel seemed to know more about the status of cases than did prosecutors.

The interviews with judges indicate that, on the whole, judicial reaction to VIP was favorable. The only function of VIP that judges seemed to agree upon, however, was the supplying of case information to prosecutors or directly to judges themselves, which judges felt facilitated case flow in the courtroom. Only one judge saw VIP primarily as a victim spokesperson. Since little effort had been made to explain VIP to judges, and since most of

VIP's contact was with prosecutors, it is not suprising that judges held varying views of VIP's role in the courtroom.

VIP's View of Itself

VIP staff who were interviewed believed that their most important task was ascertaining victims' interests and communicating them to court officials. They also saw giving victims psychological support and information about the court process and the status of their cases as worthwhile tasks. They did not feel, however, that aiding prosecutors with clerical tasks (as prosecutors seemed to have wanted) was an appropriate activity unless the pace in the courtroom was slow and there were no victims to speak with.

In pursuing their roles as victim spokespersons, VIP staff recognized that disagreements with prosecutors were sometimes unavoidable. VIP staff reported trying to convince prosecutors to handle cases differently when prosecutors took actions that did not appear to be in victims' interests, such as reducing charges against the victim's wishes or, in one instance, referring a child abuse case to mediation. Several VIP staff also reported urging prosecutors to take action in cases in which VIP staff had found out that victims refused to cooperate.

By the time these interviews were conducted in the summer of 1979, VIP staff reported increasing contact with judges. One VIP staff person reported that one judge involved her in most cases when he was presiding, while another judge asked to speak with her on one or two cases each day. Thus, as VIP became accepted in the courtroom, some direct contact with judges seemed to have become the norm for VIP staff. Talking to judges, at least in some cases, was viewed by VIP staff as important to seeing that victims' interests were adequately represented.

Interviews with VIP staff also suggested that defense attorneys' concerns that their access to victims was limited by VIP, and that VIP sometimes convinced reluctant victims not to seek a dismissal of charges, were not unfounded. But the interviews suggested that there was another side to the argument as well.

While one VIP staff member reported sometimes telling victims not to speak to defense attorneys, most reported advising victims that they did not <u>have to</u> speak with defense attorneys, based on concern for victims. They wanted to make certain that victims were aware of their rights and that victims were not railroaded into dropping charges by over-zealous defense attorneys. VIP staff also acknowledged that they informed reluctant victims of alternatives to outright dismissal of charges when they believed that victims' interests would not be well served by a dismissal. For

example, victims in prior relationship cases were warned by VIP staff that, if they did drop charges, the police or the court might not be responsive if they were victimized in the future. VIP staff reported informing these victims of alternative dispositions that could entail warnings to defendants to stay away from victims, or referral to mediation.

Chapter 7

IN SEARCH OF A ROLE

The Victim Involvement Project began with the aims of reducing victim disaffection with the dispositional process, inducing court officials to consider the needs and concerns of victims who want to prosecute, and reducing court delay resulting from repeated adjournments of cases where victims refuse to come to court. Increased involvement of victims in their cases by keeping them better informed and communicating their interests to prosecutors was seen as the vehicle for implementing these aims. During its first year, VIP had some success in achieving several of these goals. Perhaps more importantly, VIP's first-year experience has led to a better understanding of the kinds of changes are possible for a program like VIP to achieve. And VIP's first-year experience has served to point out the obstacles that lie in the path of achieving those changes which are possible.

VIP made modest inroads during its first year towards getting court officials to give greater consideration to victims' desires in court actions. The project did achieve small increases in the frequency of restitution, admonishments, and probably referrals to mediation as well. As expected, there were no increases in convictions nor major changes in sentencing patterns as

a result of the projects' presence in AP3 (although conditional discharges were used more frequently in AP3 in lieu of fines). It was hoped, however that as a result of VIP's efforts, more victims would be satisfied with the outcomes of their cases. This hope did not materialize.

One reason for the limited impact on dispositions may have been erratic performance of VIP staff. At the time the victim interview sample was drawn in the fall of 1978, many victims who came to court were apparently not contacted by VIP, and even among those who were contacted, VIP staff often failed to ascertain victims' interests. By the time the court observation sample was taken in the summer of 1979, VIP did appear to be reliably contacting victims who came to court, ascertaining their interests, and when dispositions seemed possible, communicating those interests to prosecutors with good results. But, even then, the interests of absent victims were not reliably ascertained and/or communicated. VIP staff were also sometimes incorrect in their assumptions about whether a disposition would occur; as a result, the interests of some victims who were in court were not communicated in time.

But another and more fundamental reason for VIP's modest impact stemmed from the project's limited role in the dispositional process and institutional resistance to change. When VIP began, the courtroom workgroup (the judge, the defense attorney,

and the prosecutor) was well established and each member had a defined role in the decision process. VIP attempted to become an integral part of that process - in a sense, a fourth member of the workgroup. This proved to be a difficult task, however, since VIP was not part of a criminal justice agency, and therefore had no legal standing in the courtroom. VIP's presence in the courtroom was posssible only through the permission of the District Attorney's office. As part of the agreement allowing VIP into the courtroom, however, it was made clear that VIP staff could communicate victims' concerns as long as they did not jeopardize the prosecutors' cases.

VIP staff were in a delicate position. They aspired to gain acceptance from court officials. Yet, the nature of their role as victim representatives necessarily entailed occasional disagreements with prosecutors from whom VIP desired that acceptance. For VIP to maintain its presence in the courtroom at all entailed, to some extent, its acceptance of existing norms concerning appropriate dispositions in different types of cases and traditional methods of operation.

But VIP staff did try to resist these pressures, and to expand the role of the victim. The initial agreement with the District Attorney's Office allowing VIP into the courtroom left unclear the bounds of its role. Some early objections of prosecutors to specific actions of VIP staff led to restraints on

VIP's activities. At one point, for example, VIP was asked not to speak directly to judges and to discuss disagreements with prosecutors only in private. As time went on, however, the District Attorney's Office gained more experience with, and confidence in, VIP, and VIP staff naturally tested the bounds of their roles. The result was a gradual and informal relaxing of some of the early restrictions.

There was no evidence that VIP's efforts reduced court delay resulting from repeated adjournments of cases in which victims refused to come to court. Courtroom prosecutors (who, as the legal aid supervisor had remarked, are reluctant to exercise discretion) apparently were hesitant to take action themselves to terminate these problem cases or to volunteer information to judges that would have permitted such cases to be dismissed by the court.

In hoping to encourage prosecutors to take action to promptly dispose cases in which victims flatly refused to appear in court, VIP's planners underestimated the strength of prevailing practices. It seems clear based on VIP's first-year experience that to achieve its goal, VIP would have to enlist the cooperation of administrators in the District Attorney's Office to relax norms which make courtroom prosecutors reluctant to accept lesser pleas than prescribed by ECAB and/or inhibit prosecutors from sharing information about reluctant victims with judges. But prosecutors'

unwillingness to share this information with other court officials is just part of the adversarial mode of plea-bargaining in Brooklyn Criminal Court (for a full development of this thesis, see Smith, 1979), where prosecutors and defense attorneys jealously guard their exclusive information. It is unlikely that VIP or anyone else could induce prosecutors to be more willing to share information about uncooperative victims without fundamental change in a court culture which eschews open communication between prosecution and defense.

VIP achieved only limited success in trying to reduce victim disaffection, although VIP did much for victims who came to court. VIP staff comforted victims, explained the court process, eased the ordeal of coming to court for victims in numerous ways, represented their interests to prosecutors, and made sure victims understood what had happened in their cases before they left. VIP's activities did give victims a sense that they were treated better in court, and this represents a significant accomplishment. They did not, however, give victims a greater sense of involvement in their cases, a greater feeling that the court was responsive to their needs, or a greater sense of satisfaction with the outcomes of their cases.

Even though VIP apparently failed to reach many victims in court at the time the victim interview sample was collected, the low contact rate does not seem to be responsible for VIP's failure to

affect victims' perceptions of the court process; except for a higher proportion of victims who felt well-treated in court, the responses of even those victims in AP3 who did report speaking to VIP failed to indicate any reduction of disaffection relative to other victims interviewed.

It is possible that when VIP did contact victims, its interaction with victims was often too minimal to produce real changes in victims' perceptions of the disposition process. For example, in the victim interview sample, many respondents who did report being contacted by VIP still were not spoken to about their wishes in the case. Early observations of evaluation staff also suggested that VIP's interaction with victims in the courtroom was occasionally conducted in the same brusque manner that often characterized prosecutors' interactions with victims. VIP staff, in other words, were to some extent socialized into the behavior patterns of court officials, whose approval they sought. In one extreme case, a victim reported that a VIP staff member threatened to subpoena him because he was reluctant to appear in court; in this instance, the VIP staff member seemed to be pursuing the prosecutor's, rather than the victim's, interests. Data collected toward the end of VIP's first year indicated, however, that the nature of VIP's contacts with victims - like the frequency of contacts - had improved, and that the staff's priority at that time was clearly the interests of victims.

Another reason that VIP may have been unsuccessful in changing victims' perceptions of the court process is that it did virtually nothing beyond what VSA was already doing for victims when they were absent from court. Its success in excusing more victims from having to come to court was a questionable blessing for victims given the project's failure to then keep these victims informed or to ascertain and represent their interests. Victims who were absent from court only found out what transpired when VIP notified them of their next court appearance, which was often weeks later. Victims were excused without their even knowing that a hearing date had been scheduled. Letters informing victims of case dispositions were sent only sporadically. And VIP's efforts to communicate victims' interests to prosecutors, while regular (at least by the summer of 1979) when victims were present and cases ready for disposition, were only infrequent when victims were not present in court. It may be that VIP's failure to communicate with victims except when they were in court was responsible for the fact that victims in VIP's part felt no better informed than victims in the control part.

But even if VIP had done everything it set out to do, it likely would still not have changed victims' perceptions of the court process and or case outcomes. The interview data suggest that the primary reason that VIP was unable to alter victims' perceptions of the court process was that it was not seen by victims as an

integral part of the court process. Victims' sense of involvement was related to the extent and quality of interaction with judges and prosecutors (whom victims correctly recognized as the key decision-makers) but not with VIP staff. In other words, one of VIP's basic assumptions -- that para-professionals could effectively "stand-in" with victims for prosecutors appears to have been wrong. Direct contact between victims and prosecutors seems necessary for victims to feel a part of the process.

Even contact with court officials was not, however, sufficient in and of itself to increase victim satisfaction with case outcomes; only substantive action in their cases by the courts seemed sufficient to achieve that result. The reason most victims were dissatisfied with the outcomes of their cases was that they felt the court's action against the defendant was not strong enough. Given prevailing norms in the court about dispositions appropriate to different crimes and given the already- strained capacity of prisons, there is little VIP could do to increase the satisfaction of this group of victims. But for other victims, whose desires of the court are realizable (such as those who want restitution), interaction of victims with court officials can serve as a necessary vehicle for insuring that court officials are aware of victims' interests and that more victims get what they want from the court.

Towards the Future

VIP is becoming an established part of the court process. The occasional differences that arose between VIP staff and prosecutors early in the project's history gradually subsided, indicating a greater acceptance of VIP's activities by prosecutors. Another sign of increased acceptance of VIP in the courtroom is the increasing contact between VIP staff and judges.

Further evidence of VIP's acceptance is the expansion of the project to other court parts. In August 1979, VIP was instituted in AP4 and in September, a third court part was entered. The expansion of VIP to all court parts could be important to VIP's assuming a more secure and influential role in the dispositional process. When VIP existed in just one court part, each time a new judge or prosecutor entered the courtroom, it was necessary for VIP to develop a rapport with him or her and to orient him or her to VIP's activities. More importantly, with VIP staff in just one courtroom, it was unlikely for court officials, who rotated in and out of AP3, to develop a reliance on the project's information. With the expansion, however, VIP has the opportunity to strengthen its position in the court.

As VIP gains acceptance in the courtroom, VIP and court officials will have to continue to grapple with the fundamental

question of what the appropriate role of the victim in criminal proceedings should be and how the project can best contribute to the development of that role. The question of the appropriate role of the victim is complex; criminal courts have multiple responsibilities, including responsiveness to societal interests and protection of the constitutional rights of defendants. The concerns and demands of individual victims often come into conflict with these concerns, as they are interpreted by prosecutors, defense attorneys, and judges. But, victims are one important group of "consumers" of courts' services. And their perceptions of courts may be communicated to others and help shape the public's opinion of the effectiveness of criminal courts and the public's willingness to cooperate with the criminal justice system. For these reasons it is reasonable for criminal courts to make efforts to be responsive to the concerns of individual victims of crime.

Within the broad constraints of protecting societal interests and the rights of defendants, there is probably more that could be done in most criminal courts to give victims a greater role in decision-making. While VIP affords victims in Brooklyn Criminal Court an unusual opportunity to have their interests expressed, VIP's efforts represent only one step towards a greater role for victims. For example, VIP communicates victims' interests only to prosecutors but not directly to judges (unless a judge makes a specific request). Yet, it is ultimately the judge who adjudicates

and who, therefore, can give the victim what he seeks. There has been no systematic effort by VIP to encourage the District Attorney's Office to adopt a policy of regularly consulting victims before making a plea offer (as is now mandated by statute in Indiana). And, although one of VIP's original goals was to communicate to court officials victims' concerns in bail and sentencing decisions, this has not occurred to date. A discussion of the advantages and disadvantages of expansion of VIP in any of these directions is beyond the scope of this report; they are presented, rather, to provide a context within which to view VIP's current activities.

VIP has taken a cautious approach in an effort to bring about gradual change in the attitudes and behavior of criminal court decision-makers. As Dill (1972) has pointed out, the danger in an approach to criminal justice reform which accepts many of the assumptions of the system is that it is the program rather than the system which may ultimately be "reformed"; the program may become used by the system in the pursuit of the system's objectives, and in the process the program may lose sight of its original goals. In VIP's case, there is the danger that overworked prosecutors could inadvertantly relinquish to VIP staff more and more of their own responsibility to talk with victims. If this happens victims could become further alienated from the decision process.

But the program's first-year efforts have yielded modest

results. More importantly, the program has begun to develop a firm base in court from which it can work to promote the interests of victims, and to learn which types of changes it can, and which types of changes it cannot, hope to achieve.

APPENDIX A

METHODOLOGY

The evaluation design consisted primarily of comparisons between VIP's court part (AP3) and a control part (AP4). The choice of AP4 as the control part was based on the similarity of the types and volume of cases it handled to AP3's caseload. In each part, victims were interviewed to determine their satisfaction with the dispositional process and with case outcomes, and the number of court dates needed to dispose of cases were compared. The data from each of three separate samples drawn from both the experimental and control part showed that the two parts were indeed similar in terms of types and severity of cases handled after VIP began and in terms of victim attitudes prior to VIP's beginning in AP3.

The comparison data were supplemented by in-court observations and interviews with prosecutors, judges, defense attorneys, and VIP staff in AP3. The procedures for the collection of each type of data are described below.

I. Victim Interview Sample

A sample of all cases disposed in AP3 between October 23, 1978 and January 2, 1979, and all cases disposed in AP4 between October 23, 1978 and January 9, 1979 was obtained from the court

calendar. Cases were considered disposed when the following outcomes had occurred: dismissal, adjournment in contemplation of dismissal, guilty plea, transfer to the Grand Jury, or indictment from the Grand Jury. There were two exceptions to the criteria. Cases where the defendant had been returned on a warrant were excluded from the sample because these cases usually had no previous association with the court part and the victims had, for the most part, not been notified of the court date. Cases which were dismissed for consolidation were not included because there had not been a final outcome for the defendant.[1]

Once cases had been sampled from court calendars, data on each case was obtained from VSA's information system. The preliminary information obtained from VSA included:

1) Whether there was a civilian complainant (victim) on the case;
2) Whether the dockets for all defendants in the case had reached disposition; and
3) Whether VSA had a phone number and address for the victim.

If all three questions were answered affirmatively, the case was included in the evaluation sample, and additional data were collected from VSA's information system, including:

1) Type of disposition;
2) Disposition charge;

3) Sentence;
4) Whether restitution had been ordered;
5) Prosecutor's case rating;
6) Judge;
7) Victim's phone number and address;
8) Defendant's name and docket number;
9) Court part; and
10) Number of court dates scheduled;

(Since VSA's computer did not have complete sentence and final charge information, mid-way through the sampling process evaluators began to collect these data from the court calendar. However,sentence and final charge data were never obtained for approximately 38% of the cases disposed by plea.)

After preliminary data were obtained from VSA records, researchers attempted to contact victims by phone. Before calling, the staff sent letters to the victims explaining the agency's work and the staff's interest in interviewing them.

Attempts to conduct an interview with a victim ended when:

1) An interview was completed;
2) The victim declined the interview;
3) The phone number obtained from VSA was found to be incorrect; or
4) Five unsuccessful attempts to contact the victim, including at least one evening call, had been made.

if there were multiple victims on a case, attempts were made to contact all.

Interviews in either English or Spanish were completed with 295 victims, approximately two-thirds the number of interviews attempted. The number of interviews completed for each court part and the reasons for non-completion are detailed in Table A.1.

Victims who were interviewed were asked questions in the following areas:

1) whether victims had ever attended court;

2) the amount and types of interaction between (a) victims and VIP staff, (b) victims and prosecutors, and (c) victims and judges;

3) the victims' perceptions of how well they were treated when they attended court;

4) the victims' perceptions of the degree to which they influenced the outcomes of their cases;

5) the victims' perceptions of how well-informed they were kept about the processing of their cases;

6) the victims' perceptions of the degree to which VIP staff, prosecutors, and judges were looking out for the victims' interests; and

7) the victims' satisfaction with the outcomes of their cases.

Originally, it had been intended to compare victims' perceptions of the court process in AP3 before and after VIP

Table A.1
COMPLETION RATES FOR VICTIM INTERVIEWS

	VIP (AP3)	Control (AP4)
Interview Completed	64%	60%
Contacted Victim/No Interview	14	13
Interview Refused	(12)	(8)
Language Barrier	(0)	(2)
Person not a victim	(1)	(4)
Unable to Contact Victim	22	26
Phone Changed/Wrong number	(11)	(16)
No Answer/No Response to Messages	(10)	(11)
	100% (n=220)	100% (n=254)

began in addition to comparing victims' perceptions between AP3 and AP4 after VIP began. To examine victims' perceptions before VIP began, a sample of cases disposed in AP3 or AP4 between May 1, 1978, and May 23, 1978 was obtained from court calendars. Cases were retained in the sample and interviews with victims were obtained following the same procedures described above. In all, 96 of the baseline interviews were completed. However, in reviewing the interviews, the evaluators decided that quality control had been inadequate, and these interviews could not be used to compare with post-program interviews. These interviews did establish, however, that there were no statistically significant differences in victims' perceptions of the disposition process between AP3 and AP4 prior to the beginning of VIP. In addition, data from the post- VIP victim interview sample confirmed that the cases of victims interviewed in AP3 and AP4 were similar in terms of type and severity of charge (see Table A.2a).

Table A.2a

COMPARISON OF VIP AND CONTROL CASES
IN THE VICTIM INTERVIEW SAMPLE

	VIP (AP3)	Control (AP4)
Arraignment Charge Type		
Violent	52%	54%
Property	48	46
Arraignment Charge Severity		
A or B Felony	27%	26%
C Felony	15	17
D Felony	32	26
E Felony	10	15
A Misdemeanor	9	9
B Misdemeanor	3	3
Other/Missing	4	3
	(n=142)	(n=153)

II. Disposition and Victim Attendance Data

A. Detailed Outcome Sample

In January and February, 1979, an observer collected data on court outcomes and victim attendance in AP3 and AP4. The observer spent seven days in AP3 and nine days in AP4.

The data collection procedures were the same in both parts. Before court began, the observer obtained from VSA a list of the cases scheduled. Preliminary information was filled out for all cases involving a victim, using data from the list. This information included the names of the defendants, the names of the victims, docket numbers, and whether the victims had been asked to come to court on that date. While court was in session, the observer recorded whether victims were present in court, and the court's action in each case on the observation date. Additional information, including the charges and prosecutor's case rating was obtained later from the prosecutors' files.

In all, 318 cases were observed. Twenty were randomly excluded from the sample due to the limitations of VSA's micro computer which was used for the data analysis. Of the 298 cases in the final sample, 134 were collected in AP3 and 164 in AP4. Table A.2b confirms that the cases sampled in each part were similar in

Table A.2b

COMPARISON OF VIP AND CONTROL
CASES IN THE DETAILED OUTCOME SAMPLE

	VIP (AP3)	Control (AP4)
Charge Type		
Violent	57%	62%
Property	42	38
Other/Missing	1	2
Charge Severity		
A or B Felony	17%	23%
C Felony	16	12
D Felony	44	39
E Felony	7	11
A Misdemeanor	12	13
B Misdemeanor	3	2
Other	1	*
	(n=134)	(n=164)

* Less than one percent

terms of type and severity of charge.

B. Wide Outcome Sample

Because too few cases were disposed on the observation dates in the detailed outcome sample, it was not possible, using those data, to compare final dispositions in VIP's part and the control part. Therefore, a sample of all cases disposed in AP3 and AP4 between November 13, 1978 and January 20, 1979 were obtained from VSA's computer system. Cases were included in the sample if (1) the case was disposed in Criminal Court (by plea, dismissal, adjournment in contemplation of dismissal, or transfer to the Grand Jury) and (2) there was at least one victim on the case.

The following variables were obtained for each case sampled:

1) Docket number;
2) Top arraignment charge type and severity;
3) Disposition charge type and severity;
4) Disposition;
5) Number of post-arraignment court dates; and
6) Prosecutor's case rating.

Using the docket number and the New York City Criminal Justice

Agency's computer, sentence data were obtained for cases disposed by plea. A total of 555 cases in AP3 and 553 cases in AP4 were sampled. Table A.2c shows that cases sampled in AP3 and AP4 were similar with respect to type and severity of charge.

C. Restitution Sample

Data were collected from VSA's records of restitution ordered in AP3 and AP4 from November 1, 1978 to July 31, 1979. Information collected included the date restitution was ordered, the amount of restitution ordered, and the court part in which it was ordered.

D. Admonishment Sample

The number of written admonishments issued from January through June, 1979, was collected from VIP files for AP3 and victim/witness reception center files for AP4.

E. Mediation Data

The number of referrals to mediation in AP3 was obtained for October, 1978 through June, 1979 from VIP's records. Comparable data were not available for AP4. In addition, information from VSA's complaint room mediation logbook was obtained

Table A2.c

COMPARISON OF VIP AND CONTROL CASES IN WIDE OUTCOME SAMPLE

	VIP (AP3)	Control (AP4)
Arraignment Charge Type		
Violent	42%	42%
Property	33	31
Missing/Other	24	27
Arraignment Charge Severity		
A or B Felony	18%	18%
C Felony	14	15
D Felony	30	29
E Felony	16	14
A Misdemeanor	12	12
B Misdemeanor	2	4
Other/Missing	8	8
	(n=555)	(n=553)

so that an estimate of the potential for post-arraignment referrals could be made.

III. Court Observations in AP3

During the week of July 23, 1979, evaluation staff observed VIP's activities and collected data for every case involving a victim in AP3. The observations were conducted at three points by three separate observers -- when VIP interacted with the victim, when VIP interacted with the prosecutor, and when the prosecutor approached the bench. Information collected for each case included: what the victim told VIP about the case and the type of outcome he sought; what VIP told the prosecutor about the victim, the case, and the victim's concerns; what the prosecutor told the judge and defense attorney about the victim's concerns; and the case outcome.

The sample contains 79 cases. A small number of cases calendared during the week were not observed because they were transferred to another part when AP3 closed early.

IV. Interviews with Court Officials and VIP Staff

A. Interviews with Prosecutors

During March, 1979, questionnaires were distributed to fifteen prosecutors who had been assigned to AP3 after VIP began. Ten of the 15 were completed and returned.

The questionnaire was divided into three sections. In the first, the prosecutors were asked in an open-ended question to describe their understanding of VIP's function. Section two required them to judge VIP's performance of various tasks. In the final section, they were asked to rank five tasks in order of how much time VIP staff spent on each and how much time they should spend on each.

B. Interviews with Defense Attorneys

A member of the evaluation staff spoke wth five Legal Aid attorneys who had cases in AP3 and their supervisor during March, 1979. The interviews were unstructured and took place in the courtroom between cases. An attempt was made to elicit the defense attorneys' impressions of VIP's purpose, opinions about VIP's effect on case processing, and other reactions to the project.

C. Interviews with Judges

Interviews with four judges who presided in AP3 during VIP's first year were conducted during February, 1979. Although the interviews were basically unstructured, the following subjects were covered in each: what the judge thought VIP's purpose was; how well VIP performed its tasks; and VIP's effect on case handling.

D. Interviews with VIP Staff

Structured interviews containing 25 open-ended questions were conducted in August, 1979, with four VIP staff members. The interviews elicited the respondents' perceptions of their roles with respect to the victim and the court officials. An attempt was made to ascertain their perception of VIP's impact and to obtain suggestions for improving the program.

Tests of Significance

Chi-square tests were used for two-tailed tests of significance in the report; directional hypotheses were tested using a one-tailed t-test for proportions. The level of significance and the type of test used are noted on each table in which results are significant at the .10 level or better.

FOOTNOTES

1. Dismissal for consolidation means that the charges on one docket are dismissed while prosecution continues for charges on a remaining docket.

APPENDIX B

DETAIL OF INFORMATION FLOW WHEN COMPLAINANT PRESENT

(N=15 Victims)

Complainant told VIP he wanted:	VIP told prosecutor?	Prosecutor used?	Disposition
VIP did not find out (2 cases)	--	--	Trial
Restitution (4 cases)	Yes	Yes	ACD & restitution
	No	--	Adjourned
	No	no bench conference	Adjourned
	Yes	Yes	Adjourned to determine amount
Pay for lost time from work	No	no bench conference	Bench warrant
Rehabilitation for defendant (A.A.)	Yes	Yes	ACD & A.A.
Jail time for defendant (2 cases)	No	--	Trial
To drop charges (3 cases)	Yes	Yes	Dismissed
Two complainants on case:*			
Drop charges	Yes	Yes	Dismissed
Car returned or restitution	No, said wanted to drop	Yes	Dismissed

* By all accounts, this was a confusing case. The problem in communication seems to have occurred when VIP's staff member in the reception center relayed the information to the courtroom staff member.

APPENDIX B

DETAIL OF INFORMATION FLOW WHEN COMPLAINANT ABSENT
(N=65 Victims)

VIP told prosecutor victim wanted	Prosecutor used at bench conference?	Disposition
Restitution (5 cases)	Yes (2 cases)	Adjourned
	Yes (1 case)	ACD and restitution
	No (1 case)	Adjourned
	no bench conference (1 case)	Bench warrant
Admonishment (8 cases)	No (3 cases)	Adjourned
	Yes (1 case)	Adjourned and admonishment
	No (1 case)	ACD
	No (1 case)	Plea
	no bench conference (2 cases)	Bench Warrant
Jail time for defendant (3 cases)	Yes (1 case)	Adjourned
	no bench conference (2 cases)	Adjourned
To drop charges	no bench conference	Dismissed
Other (5 cases)		
Complainant doesn't care	no bench conference	Dismissed
Case in mediation	no bench conference	Adjourned
Complainant unsure can ID Def.	Probably*	ACD
Rehabilitation	no bench conference	Dismissed
Wants to press charges	Yes	Adjourned
Nothing communicated to prosecutor (43 cases)		
65% of total sample		(see pg. 2)

* Originally, the prosecutor sought a plea. As soon as he obtained VIP's information, he changed the offer to an ACD.

APPENDIX B

Nothing communicated to prosecutor (43 cases)

Bench conference	Plea (2)
" "	ACD (2)
" "	Adjourned (6)
No bench conference	ACD (1)
" " "	Dismissed (2)
" " "	Transferred to Grand Jury (4)
" " "	Warrant (11)
" " "	Adjourned (13)
" " "	Trial (2) or hearing
" " "	

APPENDIX C

FACTOR ANALYSIS

As reported in Chapter 5, responses of interviewed victims suggested that they perceived VIP as an entity totally separate from the workgroup and that even though they appreciated VIP staff's efforts to humanize the court system, they did not feel any more involved in the disposition process as a result of their contact with VIP. A factor analysis was run to confirm this conclusion.

Twelve variables were included in the factor analysis. These variables measured the extent of victims' interactions with the prosecutor, judge, and VIP; their sense of involvement in the disposition process; and their satisfaction with case outcomes.

The variables were subjected to principal factoring with iteration, followed by quartimax rotation of the initial factors (missing data were deleted on a pair-wise basis). Four factors with eigenvalues greater than unity were extracted. Factor loadings of the variables on each of these four factors are displayed in Table C.1.

Table C.1

FACTOR LOADINGS FOR DISAFFECTION MEASURES
AND VICTIM CONTACT WITH COURT OFFICIALS

	Factor 1	Factor 2	Factor 3	Factor 4
Satisfaction with case outcome	.593	-.075	-.060	-.081
Perceived effect on outcome	.268	.414	.116	-.021
Whether well-treated	.583	.153	-.017	.536
Whether well-informed	.296	.248	-.085	.203
Whether court responsive	.710	.025	.098	-.070
Whether would press charges in future case	.087	-.106	.652	.090
Prosecutor concerned with victim's interests	.487	.516	.068	-.142
Judge concerned with victim's interests	.504	.179	.056	.018
Did the judge talk to the victim	.048	.302	-.038	-.058
Prosecutor-victim interaction	.034	-.535	.106	-.131
VIP-victim interaction	.039	.023	-.041	-.248

The first factor contains high loadings of several measures of victim disaffection, including satisfaction with case outcome, responsiveness of the court to victims' needs, and victims perceptions of treatment in court; and smaller loadings of victim perceptions of their effect on case disposition and of how well-informed they were kept. In addition, victim perceptions of the prosecutor's concern with their needs and victim perceptions of the judge's concern with their needs load highly on this factor. This factor appears to be a measure of victims' general satisfaction with the disposition process.

The highest loading of the disaffection variables on the second factor is for victims' perceived effect on case dispositions. The factor has a smaller loading of victims' perceptions of how well informed they were kept. In addition, victims' beliefs that prosecutors were concerned with their interests, victim interaction with the judge, and a scale of the extensiveness of victim interaction with prosecutors load highly on this factor. The factor appears to measure victims' feelings of involvement in the disposition process.

The last two factors are less interesting, each containing only one high loading. The only variable to load highly on the third factor is whether victims would agree to press charges in a

future court case. This variable apparently is largely unrelated to perceptions of the disposition process in the current case. The only variable to load highly on the fourth factor is victim perceptions of their treatment in court; the factor contains a smaller loading for victims' perceptions of how well-informed they were kept, and the extensiveness of victim interaction with VIP staff. This is the only one of the four factors on which interaction with VIP loaded.

REFERENCES

Davis, Robert C., Victor Russell, and David Tichane (1979) Providing Information About Witnesses: The Effects on Case Processing Decisions in Brooklyn Criminal Court. (New York: Vera Institute of Justice.)

Davis, Robert C., Victor Russell, and Frances Kunreuther (1979), The Role of the Complaining Witness in an Urban Court. (New York: Vera Institute of Justice.)

Dill, Forrest (1972), Bail and Bail Reform: A Sociological Study. Unpublished PhD dissertation, University of California - Berkeley.

DuBow, Frederick L. and Theodore M. Becker (1976), "Patterns of Victim Advocacy". In William MacDonald (Ed), Criminal Justice and the Victim. (Beverly Hills: Sage Publications), 147.

Eisenstein, James and Herbert, Jacob (1977), Felony Justice. (Boston: Little, Brown and Co.)

Kerstedder, Wayne A. and Anne M. Heinz (1979), "Pre-Trial Settlement Conference: Evaluation of a Reform in Plea Bargaining". Law and Society Review, 13: 349.

McDonald, William F. (1976a) "Towards a Bicentennial Revolution in Criminal Justice: The Return of the Victim." American Criminal Law Review, 13: 649 - 73.

McDonald, William F. (1976b), "Notes on the Victim's Role in the Prosecutorial and Dispositional Stages of the American Criminal Justice Process". (Unpublished paper presented at the Second International Symposium on Victimology).

McDonald, William F. (1976c) "Criminal Justice and the Victim: An Introduction" In W.F. McDonald (ed.) Criminal Justice and the Victim (Beverly Hills: Sage Publications).

McDonald, William F. (1977), "Expanding the Victim's Role in the Disposition Decision: Reform in Search of a Rationale". (Unpublished paper presented at the Second Restitution Symposium).

Rosett, Arthur and Donald R. Cressey (1976) Justice By Consent: Plea Bargains in the America Courthouse. (New York: J.B. Lippincott Company).

Smith, Barbara (1979) The Prosecutor's Witness: An Urban/Suburban Comparison. Unpublished PhD dissertation, State University of New York at Stony Brook.

Stein, John (1977) Better Services for Crime Victims: A Prescriptive Package. Unpublished manuscript.

Vera Institute of Justice (1977), Felony Arrests: Their Prosecution and Disposition in New York City's Courts. (New York: Author).

Vera Institute of Justice (1976a), An Evaluation of the Victim/Witness Assistance Project's Court based Services. (New York: Author).

Vera Institute of Justice (1975), An Impact Evaluation of the Victim/Witness Assistance Project's Appearance Management Activities. (New York: Author).

ADMINISTERING RESTITUTION PAYMENTS IN BROOKLYN AND BRONX CRIMINAL COURTS: A REPORT ON ACTIVITIES OF THE VICTIM SERVICES AGENCY

Robert C. Davis
Susan Schraga
Janet Chytilo
Lindley Huey

October, 1980

This research was conducted under grant #2671 from the New York State Division of Criminal Justice Services. The views herin are solely those of the authors, and do not necessarily represent the views of the Division of Criminal Justice Services.

CONTENTS

ABSTRACT

The purpose of this research was to evaluate the Victim Services Agency's (VSA) restitution programs in Brooklyn and Bronx Criminal Courts. The restitution program, begun in 1978, manages cases in which judges order defendants to pay restitution to victims. Program staff work with both the victim and the defendant to draw up a payment schedule and then act as a liaison between the two parties, receiving money from the defendant and passing it along to the victim. Program staff also monitor defendants' compliance with restitution orders; if a defendant fails to fulfill his obligations, the violator is brought to the attention of the appropriate legal authorities, who may take steps to encourage the defendant to comply with the restitution order.

The report found that, in spite of VSA's efforts, non-payment remained a major problem in restitution cases in Brooklyn Criminal Court; the default rate was much lower, however, in Bronx Criminal Court which does not officially close cases until restitution is actually paid by defendants. In both boroughs, the programs appear to have gradually increased the frequency with which court officials order restitution. Finally, the report found that victims and defendants rated their experience with program staff highly. The report concludes with recommendations for further improvements that could be made in the administration of restitution.

INTRODUCTION

Restitution is a sanction that requires offenders to make a payment of money or services directly to individual crime victims or to the community as a whole. The issue of restitution as a dispositional alternative has recently received a great deal of attention and support from criminal justice scholars, policy-makers and practitioners. The current popularity of restitution is attributable to a number of factors discussed by Viano (1978), including the compatibility of restitution with certain sentencing aims of criminal courts and concern that victims of crime are compensated for their losses.

In sentencing convicted defendants, criminal courts seek to further one or more goals, including rehabilitation, deterrence, and retribution. Restitution is most obviously compatible with a rehabilitation theory of sentencing, which holds that sanctions must be meaningful to offenders and that sanctions must reduce their desire to commit additional crimes. Keve (1978) argues that restitution may be a means of rehabilitation where certain conditions are satisfied. In order to achieve a rehabilitative effect, the restitution payment of either time or money must entail both a true effort and a sacrifice on the part of the offender. In addition, the restitution effort must be clearly defined and achievable, without being easy.

To a lesser degree, restitution is also compatible with retributive and deterrence theories of sentencing. A retributive view of sentencing assumes that the state has a moral right to punish convicted defendants in order to restore justice (McAny, 1978). Sentencing based on retribution theory is act-based; that is, sentences are fixed in response to the particular crime, rather than in response to an offender's criminal history or the likelihood he will commit future crimes. Because restitution punishes offenders in proportion to the seriousness of the harm inflicted, it is also act-based and restores the defendent to a position of equality with others in society. Under certain circumstances, restitution may also be compatible with a deterrence theory of sentencing, which seeks to instill in offenders a recognition of the sanctions for continued criminal behavior. Since effective deterrence requires that penalties clearly outweigh the rewards of illegal behavior, Tittle (1978) argues that, for restitution to be effective in meeting this goal, it ought to be accompanied by a jail sentence or probation. Moreover, restitution orders must not be so extreme as to encourage offenders to commit new crimes in order to make payments.

The use of restitution as a criminal court sentence also fits in with the recognition of the problems experienced by crime victims that has emerged over the past decade (see, for

example, Stein, 1977). One way of viewing victimization is as an extreme disruption in the equity balance between two individuals. That is, each party to a relationship deserves equal benefits from their interactions with one another. But, as a result of a crime committed by one person against another, the balance of rewards and costs between the two parties is drastically tilted in favor of one individual at the expense of the other (Hatfield and Utne, 1978). Restitution restores equity by having the offender compensate the victim out of his undeserved profit. Thus it increases the victim's positive outcomes while at the same time decreasing the offender's positive outcomes and increasing his costs.

Traditionally, restitution has been considered a civil remedy. Anglo/American law maintains a strong distinction between criminal and civil proceedings. Criminal Courts are primarily concerned with establishing the guilt or innocence of defendants and meting out sentences designed to meet the objectives of rehabilitation, deterrence, or retribution. Victims seeking compensation for property losses or medical expenses incurred by the criminal act traditionally have had to make their claims in civil court. However, civil remedies have not been effective for many crime victims for a number of reasons, including the facts that many victims are not aware of their legal rights and that many cannot afford the cost of a lawyer or the time lost from work necessary in pursuing a civil suit. Thus, there is increasing interest in

affording victims the chance to obtain restitution through criminal proceedings.

Many programs have been implemented to promote the use of restitution as a sentencing alternative. Although these programs have different orientations, most have focused on restoration of equity between victim and offender as a means of promoting the offender's rehabilitation. The Winona County Court in Minnesota, for example, instituted a restitution program in 1972. The program, which is aimed at non-violent, first-time offenders, seeks to promote sentences that require offenders to a) repay victims with money or services; b) repay the community by working; and c) engage in activity aimed at improving their own self-esteem and social position (e.g., attending AA meetings) (Challeen and Heinlen, 1978). If offenders fail to carry out the sentence ordered, fines or jail sentences are imposed.

Another program with a similar orientation is Earn-It. This program was started in Quincy, Massachusetts for juvenile offenders and, because of its success, was subsequently extended to adult offenders as well. The program seeks to restore equity between the victim and offender and rehabilitate the offender through work restitution that lasts long enough for the offender to pay back the victim. If there are no individual victims, defendants are required to make up for their offenses by working for the community on

community service projects. An effort is made to provide work for defendants that matches their interests or needs. If the work assignments are successfully completed, offenders are often able to retain the jobs they were placed in by Earn-It. Those who fail to fulfill their obligations are returned to court.

The idea of community service adopted by these programs is particularly interesting since it extends the alternative of restitution as a sentence to defendants who cannot afford to make cash payments to victims. Programs of this nature began in England, and the Vera Institute of Justice now runs a program which is strictly community service in the Bronx. By extending the opportunity to pay restitution to indigent defendants as an alternative to incarceration, community service orders alleviate major legal problems associated with programs in which making restitution is only available to defendants who have financial assets.

Restitution Versus Compensation

Although restitution may be seen as a response by the criminal justice system to the needs of victims, some experts have argued that it is often an ineffective means of serving this end. The alternative offered is compensation - money paid to a crime victim by a state agency to cover losses resulting from the crime.

Whereas restitution may have multiple purposes, compensation is designed specifically as a response to the needs of the victim. It requires neither the apprehension nor the participation of the offender to achieve its purpose of making the victim "whole" again.

Stookey (1977) claims that restitution is an ineffective means of compensating victims because it enables only a relatively small number of victims to receive reparation. This is because payment is contingent first upon the offender's apprehension and then upon his willingness and ability to make restitution. Edelhertz (1977) concurs in this idea and in addition argues that a restitution program with a strong victim orientation would subvert the goals of deterrence and rehabilitation. The emphasis on achieving compliance with a restitution order would result in pressure capable of motivating an offender to commit further crimes in order to avoid penalties for failure to meet the restitution agreement.

Despite these arguments, there are problems in the practical applications of the concept of compensation as well. For example, in New York State the Crime Victims Compensation Board exists to compensate victims for medical expenses and loss of wages resulting from personal injury sustained during crimes. But it is available only to victims who sustain personal injury during the commission of a crime, and does not cover property losses; thus the

majority of crime victims are ineligible for compensation. Moreover, the application process is difficult to complete without competent assistance; consequently only a small percentage of claimants actually receive compensation. Even for those claimants who meet the requirements and complete the application process, a case may take as long as a year to be concluded.[2]

Because of the restrictions placed on the use of compensation in practice, it would seem that compensation and restitution have complementary roles to play in repaying victims for losses incurred.

VSA's Restitution Programs

In contrast to the multiple aims of the programs described above, VSA's aim in establishing restitution programs in Brooklyn and Bronx Criminal Courts was solely to assist crime victims in getting payment for losses through the criminal justice system. An earlier study conducted in Brooklyn Criminal Court (Davis, Russell & Kunreuther, 1980) found that 17% of complainants interviewed reported that restitution was their primary objective in cooperating in the prosecution of the defendant. Yet, according to the responses of the complainants, the court ordered restitution in only two percent of cases in the study.

VSA's restitution programs were established largely in response to this finding. Specifically, the programs seek to 1) increase the frequency of defendant compliance with restitution orders and 2) encourage the courts to award restitution to more victims. Of the theories discussed above, the goals of VSA's restitution programs are closest to those of the equity restoration theory. Program operations began in January, 1978 in Brooklyn and in June, 1979 in the Bronx.

EVALUATION OBJECTIVES

The evaluation examined several issues related to program impact and an understanding of the reasons for that impact. Originally the following questions were to be addressed:

(1) How does the restitution program function?

a. How does VSA function as an intermediary between the victim and the defendant? How is its role perceived by the victim and defendant - as a purely clerical one or as a part of the criminal justice system? How are payments and disbursements made?

b. How are restitution payments scheduled? What is the average length of time it takes to complete restitution payments? What problems arise to delay payment? How does the victim feel about the delay?

c. How are restitution agreements monitored?

d. How are restitution agreements enforced? What are the defendant's and victim's attitudes toward the VSA staff?

e. How does VSA inform judges and prosecutors of its restitution program and the services provided by the program? How does VSA attempt to increase the court's confidence in restitution?

f. From the perspective of the victim, the defendant and the court system, how does work restitution (e.g., community service or direct service to the victim) differ from cash payments? Is work restitution considered a less desirable disposition than cash payments? If so, why?

(2) How is the nature of the relationship between the victim and the defendant in the payment of restitution altered by VSA's restitution program? What specific services does the program provide to the victim and the defendant?

a. Does VSA play a different role as intermediary between victim and defendant than the courts traditionally have? How does it differ? What are the characteristics of VSA staff who administer restitution?

b. Do defendants who have been ordered to pay restitution honor their obligations? For those who do not, why not? What are the characteristics of defendants who don't make the payments?

c. How do victims and defendants evaluate VSA's efforts in the area of restitution? Are some types of victims and defendants more satisfied than others? If so, what are their characteristics? Are victims who are granted partial restitution awards for losses less satisfied than those who receive full restitution?

(3) How does VSA's role as intermediary in restitution alter the perceptions of criminal justice officials about restitution as an equitable outcome and their willingness to use restitution?

a. Has VSA's program increased the court's confidence in restitution? Is restitution used more often as a result of the program? In what kinds of cases is the court more likely to order restitution and why?

b. What proportion of the court's caseload consists of cases with restitution potential?

1. In what proportion of potentially eligible cases is restitution actually awarded, i.e., what is the 'ceiling' for restitution awards?

2. Could an active screening process result in more restitution awards than are currently ordered? What would the barriers be to adopting an active posture? Would it change VSA's role?

3. To what extent is indigency of defendants a preventive factor in increasing the use of restitution? Would a

significant proportion of defendants and victims agree to some form of work restitution in lieu of cash payment to the victim? If so, what are the characteristics of victims and defendants who agree to work restitution? Would victims be less satisfied with work restitution than monetary payments?

(4) The following questions in restitution program design would be addressed in light of the evaluation of the program in Brooklyn and interviews with program administrators:

a. Who should determine the amount of the victim's losses? How should this determination be made?

b. How often would the victim refuse monetary restitution? Why? How often would the victim refuse work restitution? Why? How often would the defendant refuse work restitution? Why?

c. Should restitution awards be discussed prior to an adjudication of guilt or after the plea of guilty? What are the consequences for the victim, defendant, and the court system?

d. Does negotiating the amount of the restitution award delay case disposition? If so, would this inhibit its use? How could this be avoided?

e. Prior to the implementation of a restitution program, were the court awards being honored? Why or why not? How could the program improve the current system?

METHOD

To address the issues raised above, a number of different tasks were carried out both in Brooklyn and in the Bronx. In each borough, evaluators produced a description of program operations based on interviews with program administrators and personal observations. In Brooklyn, the description was supplemented with data collected from the 480 cases handled by the program in 1978. These data included information on case and defendant characteristics, compliance with restitution orders, and on the response of program administrators and court officials to non-compliance.

To ascertain programmatic effects on victims and defendants and their perceptions of the program, 28 victims and 25 defendants were interviewed in Brooklyn and 26 victims and 25 defendants were interviewed in the Bronx.

Finally, to determine the way in which the Brooklyn program had altered policies and practices of court officials regarding restitution, an effort was made to compare pre- and post-program use of restitution. In addition, interviews were conducted with eight judges, a supervisor in the District Attorney's Office and a supervisor in the Legal Aid Society.

Other tasks scheduled as part of the evaluation proved impossible to carry out. For example, a survey was to have been conducted with victims and defendants in recently arraigned, open cases. The data collected were to have been used to determine the potential for the use of restitution in Brooklyn Criminal Court. The estimate of the potential was to have been based on the number of cases in the sample in which victims had suffered financial losses, the number of cases in which victims and defendants were willing to accept restitution as the outcome of their court case and the number of cases in which defendants had the means to pay restitution. However, both prosecution and defense were reluctant to permit participants in active cases to be interviewed. As a result, some of the evaluation questions pertaining to the potential for the use of monetary restitution and work restitution in the court (questions 3.b.1 through 3.b.3 on page 11) could not be addressed.

In addition, the task of determining whether VSA's programs had increased the use of restitution in Brooklyn and Bronx Criminal Courts (question 3.a, p.11) was complicated by the fact that court records (which were to be the data source for this task) were frequently sealed in cases which had been adjourned in contemplation of dismissal. In Brooklyn this problem was circumvented by comparing the frequency of restitution among two comparable samples of cases in which victims had been interviewed for other purposes (one sample had been drawn prior to the beginning of VSA's restitution program and

the other sample after; victims in each sample had been asked whether the court had ordered restitution in their case). No comparable data were available, however, to assess program impact in Bronx Criminal Court. For both courts, post-program data were available on the change over time in the number of restitution cases handled by VSA's programs; these data assisted in drawing inferences about trends in the frequency of each court's use of restitution.

Finally, it was impossible to determine the extent to which restitution payments were being completed by defendants prior to the start of VSA's programs (question 4.e). It proved that, prior to VSA's program, no records were kept either by the court or the prosecutor's office to indicate whether restitution payments were ever completed.

Greater detail on the methods used in the evaluation is provided in Appendix A.

FOOTNOTES

1. Testimony of the Honorable Albert L. Kramer before the Subcommitee on Human Resources, Committee on Education and Labor. U.S. House of Representatives. March 20, 1979.

2. Between April 1977 and March 1978 the CVCB rendered a total of 4,539 decisions. Of these, 3,063 or 67% disallowed the claim. Inadequate information was the reason for disallowance in 1,580, or 52% of the cases disallowed.

Chapter 2

PROGRAM DESCRIPTION

VSA's restitution programs were set up in response to two concerns of Agency staff and criminal court officials. The first concern was a belief that defendants often failed to comply with restitution orders with impunity. Once restitution had been ordered by the court, no set procedures existed for monitoring compliance with the order. (This belief was confirmed by evaluators who found no records in court papers indicating whether restitution payments had actually been made.) Thus, defendants' non-compliance often went undetected. Defendants escaped the punishment intended by the court, and victims' losses were not reimbursed. VSA hoped to discourage non-compliance by instituting procedures for monetary payments and for initiating court action when payments were not made.

The second concern was related to the first. It was believed that because the rate of non-compliance with restitution orders was high, judges and prosecutors were reluctant to order restitution. Consequently many victims who suffered property loss or medical expenses as a result of crime were failing to be awarded restitution by the court. It was hoped that with VSA administering restitution payments, court officials would develop greater confidence in restitution as a dispositional alternative and use it more frequently.

In the fall of 1977, staff of the Victim/Witness Assistance Project (which, in July, 1978, became the Victim Services Agency) began discussions with the administrative judge of Brooklyn Criminal Court, the Criminal Court Bureau Chief of the Kings County District Attorney's office and the Attorney in Charge of the Brooklyn Criminal Court section of the Legal Aid Society. As a result of these discussions, VSA began administering restitution payments in Brooklyn Criminal Court in January, 1978. After the program opened, VSA staff continued to work with criminal justice administrators to educate court personnel about the program by explaining its activities at regular meetings of judges and prosecutors.

Later, in June of 1979 VSA began a second restitution program in Bronx Criminal Court. The program in the Bronx was a replica of the model VSA had developed and tested in Brooklyn, but with one important difference; the District Attorney in the Bronx felt that defendants would be more likely to comply with restitution orders if they were required to pay restitution while their case was still open (this difference is discussed more fully below).

In the Bronx initial interest in establishing a program was strongest among members of the District Attorney's office and the head of the Court Clerk's office. Unlike in Brooklyn, there were no organized efforts to introduce the new program to judges, prosecutors, or defense attorneys.

In both boroughs the programs initially sent to each judge regular rosters of cases in which the judge had ordered restitution and indicated whether defendants had completed payments. This procedure not only gave judges feedback on their decisions, but served to remind judges of the existence of VSA's programs.

Because the programs in the two boroughs are similar, and because most of the information gathered for the evaluation was collected on the Brooklyn program, the discussion of program operations which follows focuses on VSA's Brooklyn restitution program. Significant differences between the two programs are mentioned where appropriate.

Program Operations

VSA's Brooklyn restitution program operates out of VSA's victim/witness reception center in Brooklyn Criminal Court and administers restitution for all cases meeting the programs' criteria. These criteria are as follows: 1) The complainant must be an individual or a small business; large institutions, supermarket chains and department stores are not accepted. (In most cases these institutions have their own procedures for collecting court-ordered restitution.) 2) The restitution ordered must be financial. The program does not manage agreements that involve property or services. 3)The defendant must not have been sentenced to probation. (the Probation Department handles those cases.) However, the program will accept cases in which the defendant is paroled awaiting sentence on condition that he makes restitution payments.

Restitution may be suggested by the complainant, the prosecutor, the defense attorney, the judge or the arresting officer in the complaint room, at arraignment or during post-arraignment hearings. If prosecution, defense, and the court agree to restitution, payment is ordered as part of a case disposition. Most often, restitution is ordered as part of a conditional discharge following a guilty plea (30% of restitution

cases handled by the program) or an adjournment in contemplation of dismissal (63% of restitution cases handled by the program) [1].

In Bronx Criminal Court, the procedure for ordering restitution is different; restitution is ordered prior to granting the defendant an adjournment in contemplation of dismissal or a conditional discharge. After all parties have agreed to restitution, the case is adjourned for 8-10 weeks to give the defendant an opportunity to pay. Defendants must complete payment five working days before they are scheduled to appear in court again, or the offer of an adjournment in contemplation of dismissal or a conditional discharge may be retracted. This procedure eliminates the need for restoring cases to the court calendar if defendants fail to comply. As will be shown later, the difference in restitution procedures between Brooklyn and Bronx has important implications for compliance with restitution orders and participant satisfaction.

Once restitution is ordered by the court, the VSA restitution program is contacted. Case intake takes place in the victim/witness reception center. Before the program accepts a case for restitution, several conditions must be met. First, all the complainants in the case must agree to the conditions of restitution as specified in the court order. Second, the

defendant must appear in person at the restitution program office and must indicate his ability to pay restitution in full, either by showing that he is currently employed or by simply stating that he is able to pay. Third, the court must set either the exact amount of the restitution order or a ceiling amount (e.g., an amount not to exceed $250). [2] Finally, the court order must contain a final payment date within five months from the date of the order to provide sufficient time to get a case restored to the court calendar if the defendant fails to pay. (For cases adjourned in contemplation of dismissal, action against defaulters must begin before six months have passed from the date of the order of restitution or the case will be finally dismissed.) If a payment schedule has not been mandated by the court, a VSA restitution specialist works out a schedule agreeable to both victim and defendant.

The program requires that defendants make payments in person to the restitution specialist. Payment is accepted in the form of money order, certified check or bank check made payable to VSA (cash is not accepted) and the defendant is given a receipt. A record is kept of each check received including the date payment was made, the amount of the check, the number of the receipt given to the defendant, the name of the person to whom payment is being made, and the balance due. The check is deposited in a special VSA account.

After a payment has been made by the defendant, the restitution specialist makes an appointment for the complainant (or an authorized second party) to pick up a check for the same amount, drawn against VSA's account, within 30 days. The money is returned to the defendant if the complainant does not claim it within that period. When a check is issued, a receipt form is completed by a staff person and placed into the case file.

As mentioned, in most cases restitution is ordered as part of a conditional discharge (CD) or an adjournment in contemplation of dismissal (ACD). When payment is made after a CD, VSA's restitution specialist notifies the Administrative Judge, the court clerk's office, and the District Attorney's office. When payment is made after an ACD, the restitution program does not need to notify the court since the charges are automatically dropped after six months unless the case is restored to the calendar.

If a defendant who has received an ACD has not completed payment by the end of the fifth month (one month prior to expiration of the ACD), non-payment procedures are begun. The first procedure implemented by the restitution specialist when a defendant defaults is to send him a letter of warning. If payment is not received within five days following issuance of a warning and the defendant fails to contact the program office, procedures

are begun to restore the case to the court calendar.

In preparation for getting the case restored to the calendar, a notice of non-payment is sent to the Administrative Judge and the clerk of the court part in which restitution was ordered. The restitution specialist then contacts the District Attorney's Office and asks that the case be restored. After consideration, the prosecutor may either ask the court clerk to restore the case to the calendar or take no action.

Conditional discharge cases are handled similarly, except that, because a CD is generally not reconsidered by the court for a year, the final payment date may be longer than five months from the date of the order. For the same reason the period of time the defendant is given to pay after a warning letter is issued may go beyond the sixth month.

In cases where the court has specified payments in installments, [3] the program can only initiate proceedings to restore a case when a defendant defaults in completing payments by the final payment date. If the total amount of restitution ordered is not paid by the final payment date, the regular non-payment procedures are implemented.

TABLE 2.1

AMOUNTS OF RESTITUTION ORDERS

Dollar Amount	Percent
$0 - 50	13
$51 - 100	33
$101 - 200	18
$201 - 300	15
$301 - 500	11
$501 - 1000	5
$1,001 and above	5
TOTAL	100%
	(N = 614)

A Profile of Restitution Cases

During 1978, the Brooklyn restitution program handled 480 cases. This represents a total of $139,787 in restitution orders of which approximately $97,000 was collected and distributed. The amounts of restitution orders ranged from a low of $10 for one defendant to a high of $4,000 to be paid by three defendants. However, nearly two-thirds of the orders were for under $200; the median order was $136 (see Table 2.1)

Cases in which restitution was ordered differed somewhat from a sample of all cases arraigned in Brooklyn Criminal Court. Restitution cases were more likely to involve charges of criminal mischief or assault and less likely to involve charges of robbery or weapons (see Table 2.2). The proportion of property crimes (burglaries and larcenies) was no higher among restitution cases than among all cases.

Defendants in restitution cases did not differ significantly from the overall defendant population in Brooklyn Criminal Court in terms of age or ties to the community (as measured by the bail recommendation of the Criminal Justice Agency) [4]. Further, though it was expected that the court would be unlikely to order defendants to pay restitution unless they had

TABLE 2.2

TOP CHARGE AT ARRAIGNMENT
IN RESTITUTION CASES

	Burglary/ larceny	Assault	Conduct/ Criminal mischief	Robbery	Weapons	Vehicle & traffic violations	Other drugs/obsturcting justice/ forgery/ theft related	
Restitution Defendants	39%	21	15	8	3	4	9	100% (n=484)[1]
General[2] Defendant Population	38%	18	9	11	7	4	13	100% (n=390)

$Chi^2 = 17.73$
$Df = 6$
$p < .01$

---

[1] Information was missing for 129 defendants

[2] Population drawn from all cases arraigned in Brooklyn Criminal Court between March 1 and March 7, 1976 (Information provided courtesy of the New York City Criminal Justice Agency)

jobs, there was no difference in employment status between defendants who were ordered to pay restitution and all defendants. Defendants in restitution cases were, however, significantly less likely to have been arrested previously than other defendants (42% of defendants in restitution cases had no previous arrests compared to 31% of defendants overall) [5].

Although the court gave defendants from one day to six months to complete restitution payments, Table 2.3 reveals that 44% of the defendants had between one day and eight weeks in which to complete payments. The length of time given to pay increased with the amount defendants were ordered to pay.

Despite the efforts of VSA staff to encourage defendants to complete payments, only 59% of the defendants in the Brooklyn sample successfully completed payments. Of those defendants who did complete the restitution payments, 89% paid early or on time. Conversely, only 17% of defendants who did not pay on time completed payment at all. The payment rate in the Bronx appears to be considerably higher. Of all program cases to be closed in the Bronx as of March 1980, 76% of defendants had completed payments. (The Bronx payment rate may be a slight overestimate because it is likely that the population of closed cases is somewhat biased towards defendants who complete payments).

TABLE 2.3

AMOUNT OF RESTITUTION ORDERED BY HOW MUCH TIME THE COURT GAVE DEFENDANT TO PAY

Time Given to Pay
(in weeks)

Amount of Restitution	same day	1-4	5-8	9-12	13-24	26+	ROW TOTAL
$0-50	4%	51	27	12	5	1	100% (n=78)
$51-100	2%	26	18	8	13	33	100% (n=203)
$101-200	0%	27	19	21	28	4	100% (n=113)
$201-300	1%	20	14	17	31	17	100% (n=90)
$301-500	0%	11	11	6	61	12	100% (n=66)
$501-1000	0%	23	3	3	47	23	100% (n=30)
$1001+	0%	3	12	21	38	26	100% (n=34)
COLUMN TOTAL	1%	26%	17%	13%	26%	18%	100.0% (n=614)

Tau = 0.21 $p < .001$

Brooklyn cases in which defendants had defaulted were examined to determine the actions taken against them by the program and by court officials. The results are presented in Table 2.4. In nine percent of default cases, VSA staff did not request that the case be restored. Among cases which were forwarded to court officials to be restored, 48% were, in fact, restored to the calendar. (Court officials and program officials failed to take action to restore cases for similar reasons; those cited most often were that complainants wished to drop the matter and/or had settled with defendants out of court, and administrative oversights.) But even when cases were restored, 51% resulted only in bench warrants outstanding against defendants who failed to appear in response to the court's request. Thus, it seems that there is little that VSA or the court was able to do in instances in which defendants were intent on avoiding payment.

Because of the high rate of defendant non-compliance and low case restoration rate, arrangements were made during the last half of 1979 with the Administrative Judge and the District Attorney's Office in Brooklyn to improve the process of restoring cases in which defendants had not paid restitution. The new agreement worked out between VSA's program, the Administrative Judge, and the District Attorney's Office provides for separate processes for restoring ACD's and CD's. Upon notification by the restitution program that restitution has not been made in cases

TABLE 2.4

RESPONSE OF PROGRAM AND COURT OFFICIALS TO DEFENDANT NON-COMPLIANCE

A. Cases in which defendants failed to complete payments:	253 (100%)
1. Cases closed by the program despite default:	24 (9% of defaults)
B. Cases forwarded for court action:	229 (100%)
1. Cases sealed (information unavailable):	46 (20% of cases forwarded)
2. Cases not restored:	95 (42% of cases forwarded)
C. Cases restored to the calendar:	88 (100%)
1. Conditional discharge:	12 (14% of restored cases)
2. Adjourned in contemplation of dismissal:	4 (5% of restored cases)
3. Dismissed	13 (15% of restored cases)
4. Jail sentence imposed:	4 (5% of restored cases)
5. Paid/case closed	1 (1% of restored cases)
6. Bench warrant issued[1]	45 (51% of restored cases)
7. Outcome unknown/case pending	9 (10% of restored cases)

[1] A bench warrant is issued when a defendant fails to appear for a scheduled court appearance.

where a conditional discharge had been ordered, the Administrative Judge sends a letter to the defendant asking that payment be made. If there is no response, or a negative response, the Judge's office assumes responsibility for restoring the case by contacting the court clerk and asking that the case be placed on the calendar. An agreement with the District Attorney's office calls for the designation of one person in the office to serve as a liaison with the restitution program. This person is responsible for restoring all ACD's and for notifying the Restitution Specialist of court dates for restored cases.

Determinants of Defendant Compliance

Because defendant non-compliance is a significant problem, one of the aims of the evaluation was to develop a model to enable advance prediction of which defendants were unlikely to comply with restitution orders. Eventually, it was thought, such a model could enable the program to focus its enforcement efforts on those defendants least likely to comply, and thereby increase payments rates.

The associations between a number of case and defendant characteristics and the likelihood of defendant compliance with restitution orders were examined using multiple regression analysis. This technique determined the independent effect of

CONTINUED

2 OF 3

- Among the women interviewed there had been 25 contacts with crisis centers, hotlines and women's centers. Satisfaction with these services was high.
- Thirty-one of the women had used professional counseling. Almost two-thirds of them had found it helpful.
- Five of 10 women in the sample who had used marriage counseling did not find it helpful.

Although the study did not provide direct evidence on the question whether counseling helped avert the escalation of violence, the data suggest that counseling helps the women make decisions about their options and provides general support.

Shelters

Only 7 percent of the women in the sample had used shelters for battered women, perhaps reflecting the few available in New York City. The women who had gone to shelters found them useful as a refuge and also received assistance from their staff in obtaining other types of services. Since shelters are in short supply in New York City, it seems advisable that other institutions develop systems to help battered women get access to services in the way that shelters do.

Public Assistance

Half of the women in the sample were receiving public assistance when first interviewed. Thirty-three of the women had first applied for welfare at the time they left their spouses. Although 82 percent of these women qualified for aid, they reported that the process was difficult. The Department of Social Services has made innovations recently in the application process for battered women in an effort to make the process less cumbersome. While this study could not assess the effectiveness of these procedures, the number of women who received public assistance suggests that the procedures were helpful.

More than half the women in the sample on public assistance wanted a job. Since most lacked skills and work experience, however, it seems unlikely that many would find employment. This suggests that one of the long-term responses to the problems of battered women would be to develop employment possibilities for this group so that they would not be faced with a choice between welfare and staying in a violent home.

Concluding Thoughts and Recommendations

Popular opinion and some formal models share the view that battered women as a group are particularly low in self-esteem with a psychological need to stay in an abusive situation. This description did not characterize the battered women in this sample -- women who had sought services and were willing to identify themselves as battered. These women appeared rational, but caught in dangerous circumstances, and had made sensible, if difficult choices among available options. They seemed competent and concerned about improving their lives and those of their children. In light of these findings it is useful to reflect on the findings on another issue addressed by this study -- the question of the responsiveness and accessibility of the services the group turned to. The study suggests that agencies providing services are in fact making efforts to be more open and sensitive to the needs of battered women. In most cases, the women received concrete assistance and were therefore able to improve their lot. Yet the work has just begun. Services were neither uniformly available nor useful. The study revealed discontinuities among the various service areas, so that staff at one agency were often not sufficiently informed to make referrals to another service. These discontinuities, and problems in individual service areas, have been discussed in the preceding pages. In addition, the analysis also highlighted services that were needed, but were not available.

These include:

- Services and day care for children of violent families. Children living with mothers who have just left home need counseling and support. Short-term day care for children would also help the mothers by freeing them for a few hours each day to take care of their practical needs: going to court, finding a new apartment, attending job training, looking for a job.

- Services for batterers. Many battered women wanted the abuser to get help to reduce his abusive behavior. Steps in this direction are being made in New York City -- in 1980, the Family Court Law was changed to allow judges to include an educational program for the batterer as part of a finding in family offense cases -- but there needs to be more program development in this area.

- Testing and development of a wider range of vocational services, job placement and supported work programs for battered women. Unless battered women have incomes or a means to earn money, they will often be in a bind between welfare and remaining in an abusive situation.

- Services for battered women who are working. If a woman has some assets or earnings -- even a low-paying job -- she is unlikely to qualify for public assistance and thus for shelter, for city housing and for free medical services. Procedures need to be modified so that such women can be helped, without quitting their jobs.

- Preventive services. Methods ought to be developed to identify families at high risk of domestic violence so that they can be counseled and helped before the violence escalates.

This study revealed that the options available to battered women often determine their decisions to stay with or leave abusers. Services for battered women are essential to helping them find realistic alternatives to abusive relationships. The battered women interviewed for this study were primarily service users. This sample was therefore

not representative of all battered women. It is likely that many battered women do not reach out to services for help and are not aware of the available services. For such women, public education about the prevalence of battering and the services that respond to it would be a necessary first step toward intervening in and improving their lives.

FOOTNOTES

1. Although men as well as women are battered, this study focused on women because they are seeking services in much larger numbers than men. For example, during September 1981, 441 abused women called the Victim Services Agency's hotline compared to 2 abused men.

2. This criterion was changed during data collection. However, almost all the women in the sample had sought help from outside agencies.

I

INTRODUCTION

The public has become increasingly aware of the existence, needs and problems of battered women [1] during the past decade. As a result of the women's movement, the media, and concern for the crime victim, battered women have begun to find a voice and make their needs known. Since 1975, laws to address problems of family violence have been enacted in 44 states. As with other social problems, social programs have not followed recognition to help achieve solutions as quickly or as comprehensively as concerned citizens would wish. Nevertheless, about half the states have allocated funds for services to violent families.

In New York City, several services for battered women have developed during the past six years. In 1975, AWAIC (Abused Women's Aid in Crisis) opened a hotline and counseling service for abused women in New York City. In 1976, a class action suit (Bruno vs. Codd) was brought against the New York City Police Department, charging that neither the police nor the Family Court or Probation were enforcing existing laws against domestic violence. The New York City Police Department's response to the suit resulted in a consent decree which requires police to answer domestic dispute calls promptly and to make arrests when a felony has been committed or an Order of Protection [2] issued by criminal or family court has been violated. In 1977, the State Assembly passed a bill

giving battered spouses the choice of pursuing their cases either in family court or in criminal court. Also in 1977, the City established borough crisis centers at four municipal hospitals where victims of domestic violence are offered advocacy, counseling and referral services.

When Victim Services Agency began in 1978, we recognized that battered women represented a group of victims with special needs. Since 1975, VSA's predecessor program - the Victim/Witness Assistance Project - has been serving victims assaulted by common-law spouses by helping them through the Brooklyn Criminal Court and providing referrals for social services. However, we wanted to expand services available to battered women and thus this present research was undertaken to help policy-makers both within VSA and in the broader community to better understand and respond to the needs of battered women.

Specifically, the aims of the study were: (a) to describe the population of abused spouses who seek help from government institutions and service organizations in New York City; (b) to identify and differentiate the kinds of victims who use different kinds of services; (c) to examine the responses of services to battered women and their success both in changing the lives of abused spouses and in reducing the potential for continued violence; and (d) to develop recommendations for program development and future research.

The original design of the study called for 250 interviews with battered women who were seeking emergency assistance at courts or hospitals. Half of these women were to be interviewed six months later to determine what resources they had used, what problems they had encountered in obtaining services, and which services had been helpful.

Unfortunately, it was not possible to complete the design as anticipated because women in crisis were not willing or able to spend the time necessary for interviews. Thus, other intake sites and methods were tried (see Appendix for description), yielding a sample of 112 women, most of whom were initially interviewed a few months after a crisis rather than in the midst of one. We did not intend to obtain a representative sample of battered women, and in fact, the final sample may overrepresent women who were successful in negotiating services and in extricating themselves from a violent home.

The difficulties encountered in completing the original design provided lessons on research with battered women. These problems are reviewed in the Appendix in the hope

that they will be useful to other researchers in designing future studies on spouse abuse.

Although the methodological difficulties prevented an analysis of the effect of services on helping a woman leave an abusive situation or reduce the violence, other analyses were possible. The findings provide insights on why some battered women stay in abusive relationships for a long time; the obstacles that women encounter when they turn to government institutions or service organizations for aid, the kind of services battered women with few resources feel that they need, and the availability of such services in New York City.

In Chapter II of this report, literature on spouse abuse is reviewed with an emphasis on theories that offer explanations for the causes of domestic violence. The third chapter describes the sample - demographic characteristics of women and their spouses, the nature of the battering relationships, the reason why women stay in such relationships, and the women's goals and aspirations for the future. The fourth chapter describes the experiences women in the sample had when they sought help, drawing on interviews with service staff as well as with their clients. It describes some of the obstacles women must overcome to receive assistance. The final chapter summarizes conclusions drawn from the study, and recommends changes in services and procedures to make the

social and criminal justice systems more responsive to the needs of battered women.

FOOTNOTES - CHAPTER I

1. Recent studies have also made it clear that men are often the victims of abuse by their spouses. Men, however, rarely identify themselves as battered and seldom use services available for battered spouses. (For example, during September 1981, 441 abused women called Victim Services Agency's hotline compared to 2 abused men.) Because this report focuses on users of services for battered spouses and because this population includes extremely few men, the sample examined was confined to battered women.

2. An Order of Protection is an order issued by a judge directing that a spouse, parent, child or other member of the same family or household observe certain conditions of behavior for a specified period of time (usually one year). The directives which may be contained in an Order include the following: to stay away from the family or household member against whom an offense has been committed, or from another member of the same family or household, or from such person's residence or place of employment; to abstain from offensive conduct against a spouse, parent, child or other member of the same family or household; to refrain from engaging in conduct which interferes with the custody of a child as set forth in the Order; to permit a parent to visit a child at stated intervals; and to obtain medical, alcoholism or drug abuse treatment, or employment or family counseling services.

II

REVIEW OF THE LITERATURE

by Barbara Bryan and Robert C. Davis

This section reviews literature on the frequency of spouse abuse, its causes, and the reasons why women remain in abusive relationships. This literature provides a background for later sections that deal with the problems battered women experience in their contacts with social services and the ways in which services are used by women to assist them in making changes in their lives.

A. The Scope of Spouse Abuse

It is difficult to obtain an accurate estimate of the frequency of spouse abuse. One problem in obtaining an estimate is that no consistent definition of spouse abuse has been adopted by experts in the field. Spouse abuse is commonly perceived as distinct, abnormal and largely incomprehensible behavior that occurs among a small portion of the population. Researchers have discovered, however, that some sort of violence occurs at least once between many couples. Indeed, Straus, Gelles, and Steinmetz (1980) estimate that two-thirds of American couples probably experience violence at least once in the course of their relationship. Spousal violence has been found to occur along a continuum, with those on the more extreme end fitting more the classic

picture of the abused spouse. Thus, violence is not an infrequent phenomenon among couples. The point at which it becomes defined as "abusive" is a subjective determination.

A second difficulty in estimating the scope of the problem is obtaining reliable statistics. Most victims of spouse abuse probably do not come to the attention of the police or courts. Thus, national crime statistics are likely to greatly underestimate the extent of the problem. Most hospitals do not keep separate statistics on the number of abused spouses whom they treat. Even if such statistics were gathered, however, they too would be likely to underestimate the problem because some victims would probably be reluctant to identify their spouses as the cause of their injuries.

Over the last fifteen years a variety of estimates of the scope of spouse abuse have been generated from a number of research studies. Levinger (1966) and O'Brien (1971) examined the frequency of allegations of physical violence among couples seeking divorce. Gelles (1974) studied the incidence of spousal violence among families selected from police records and social agencies, and their neighbors. College students were surveyed by Straus (1974) concerning violence between their parents. Gaquin (1977-78) analyzed findings from the National Crime Survey (NCS) to determine the incidence of domestic violence. Steinmetz (1977) interviewed families in New Castle, Delaware, concerning the frequency of

all forms of violence in the family. Nisonoff and Bitman (1979) conducted a telephone survey of Suffolk County (N.Y.) residents to determine the frequency of spouse abuse.

These studies were all important in the development of a body of empirical data and theory concerning spouse abuse. Nevertheless, estimates of the frequency of spouse abuse based on these data were susceptible to question. In some instances, the samples in the studies were quite small (e.g., Gelles' study contained 80 families and Steinmetz's contained 57). In addition, the representativeness of the sample populations was clearly questionable in some cases, such as the studies of couples seeking divorces. Other methodological concerns could be raised in some cases, such as whether college students have accurate knowledge of the frequency of violence between their parents.

The most rigorous attempts to determine the frequency of spouse abuse come from two recent studies: a random telephone survey of 1,793 women in Kentucky by Louis Harris and Associates (1979) and a random survey of 2,143 American families by Straus, Gelles, and Steinmetz(1980). Louis Harris and Associates (1979) found that 10 percent of Kentucky women had been the victims of some form of physical abuse [1] by their husbands during the past year, and that 21 percent had been victims of abuse at some point in their marriages. Harris, et al. also found that 4 percent of women had been the

victims of beatings or had been assaulted with weapons by their husbands during the past year and that 9 percent had been victims of such serious assaults at some time during their marriages.

Straus, Gelles, and Steinmetz (1980) arrived at similar findings. (Both studies, however, may underestimate the extent of domestic violence because of victims' reluctance to report abuse.) Straus, et al. estimate that some form of physical abuse by one spouse against another occurs in 16 percent of American families each year, and has occurred at some time in 28 percent of American families. They estimate that instances of serious abuse (defined as beatings or use of a weapon by one spouse against another) have occurred in 13 percent of American families at some time. While Straus, Steinmetz, and Gelles note that the instances of abuse and of severe abuse are roughly the same for both husbands and wives, they argue that the consequences are usually more serious for women than for men.

The National Crime Survey data suggest that assaults against spouses are likely to be more serious than other assaults. Although only 5 percent of the sampled assaults were committed by a spouse or ex-spouse, these incidents accounted for 12 percent of assaults requiring hospitalization, 16 percent of assaults requiring medical care, and 18 percent of

assaults in which one or more days of work were lost (Gaquin, 1977-78).

Homicide figures confirm the seriousness of spouse abuse. The Uniform Crime Reports for 1975 show that about one-fourth of all homicides were committed by family members and that about one-half of these family killings involved spouse killing spouse (United States Department of Justice, 1975). A Kansas City study sponsored by the Police Foundation (Wilt, Bannon, et al., 1977) showed that about one-third of homicides resulted from "domestic disturbances." Marvin Wolfgang analyzed 588 homicides over a six year period and found that 11 percent of all men killed were slain by their wives and that 41 percent of all women killed were slain by their husbands (Wolfgang, 1958). Beating was the most common method used by husbands for killing their wives.

Studies of homicide suggest that murder is often preceded by a pattern of repeated, escalating violence. The Kansas City study showed that for half the cases, the police had been at the address of the incident for disturbance calls at least five times in the two years preceding the homicide (Wilt, Bannon, et al., 1977).

B. Explanations of Spouse Abuse

Explanations of spouse abuse range from individual pathology to larger social issues of inequality between men and women and societal acceptance of violence. However, since family violence is a relatively new area of study, theories of spouse abuse have not been well developed or tested. In addition, the empirical evidence to support or refute the theories is scarce. Some surveys of female victims of domestic violence (e.g., Gayford, 1975; Truninger, 1971; Roy, 1977; Walker, 1979) have been conducted, and psychologists and counselors have contributed case studies and typologies developed from observation. The research has been limited, however, by relatively little contact with the abuser; thus more is known and written about the victim than about the assailant.

Immediate triggers of domestic violence. Interviews with victims of spouse abuse have yielded a list of common precipitating factors, or situational stresses, which trigger spouse abuse. For example, in interviews with 150 women who sought help from AWAIC, a women's center in New York, the nine factors most often cited as precipitating violence were: arguments over money; jealousy; sexual problems; husband's use of alcohol or other drugs; disputes over children; husband's unemployment; wife's desire to work; pregnancy; and wife's use of alcohol or other drugs (Roy, 1977). A study of 33 spouse

assault victims generated a similar list: financial problems; health or employment problems; conflicts over the marital relationship or children; jealousy; mental disturbances; and alcohol abuse (Flynn, 1977). Situational stresses help to explain when spouse abuse may occur, but not why it occurs. Approaches presented in the following sections attempt to explicate the interpersonal dynamics that lead to abuse.

Frustration-aggression theories. Frustration-aggression theory (Dollard et al., 1939) from experimental psychology assumes an innate connection between frustration and aggression and would predict marital violence when one or both spouses become seriously frustrated. Berkowitz (1969) has refined the theory to include aggression as only one of several possible responses to frustration. This view is consistent with the knowledge that many couples who experience serious frustrations do not become violent. However, the frustration-aggression theory fails to explain frequent outbursts of violence against a spouse which appear to have no particular immediate cause or which appear to be triggered by trivial incidents (Martin, 1976).

It has been suggested that "in some cases, the catharsis of "levelling" (giving free expression to aggressive feelings) would reduce the likelihood of physical violence. In short, verbal aggression could substitute for physical aggression between spouses. Straus (1974) asked 385

first-year college students about conflicts in their families during the last year they were in high school. Sixteen percent reported violence; there was a significant correlation between the measures of verbal and physical aggression. Straus concluded that releasing inhibitions in expressing anger leads to an increased likelihood of physical violence between spouses rather than preventing it. This conclusion was confirmed by Straus, Gelles, and Steinmetz (1980) on a larger sample.

Alcohol use. Alcohol use is frequently mentioned by victims as a factor precipitating, or associated with, violence (Hilberman and Munson, 1977-78; Gayford, 1975; Flynn, 1977; Nisonoff and Bitman, 1979; Roy, 1977). Bard and Zacker's (1974) study which examined records of police responses to 1,388 cases of domestic disputes over a 22-month period, showed that in 14 percent of the incidents, officers judged alcohol to be a primary cause of the dispute and in 30 percent of the cases, the accused had been drinking. These data suggest that alcohol is frequently associated with spouse abuse. However, no causal relationship between drinking and spouse abuse has been established. In fact, Gelles (1974) suggests that some spouse abusers may drink in order to create an excuse for their abuse, later blaming the alcohol for their behavior. The consensus of experts on spouse abuse seems to be that alcohol, like stress, may precipitate violence in some assailants, but that it is not an underlying cause of violence.

Individual pathology. Some authors have suggested that battering is the result of physiological or psychiatric disturbance of the assailant. In fact, a common outsider's response to a severe beating is: "You'd have to be crazy to do that."

Data indicate that in some (relatively few) cases, the assailant has suffered head injuries, chemical imbalance, minimal brain damage, or certain forms of disease (Elliott, 1977). Similarly, some spouse abusers may suffer from psychiatric disturbances. But because of the difficulty of interviewing assailants directly, little empirical evidence on the incidence of psychiatric disorders is available. In the few existing studies, the subjects were in prison either for the murder or serious assault of their spouse. One study of 23 incarcerated men found that at the time of the offense 16 were suffering from psychiatric disorders ranging from depression to dementia (Faulk, 1977). However, it is not possible to generalize from 23 jailed abusers to the larger population of men who are physically violent toward their wives and partners.

Other studies have found that batterers are more likely to have arrest and conviction records than other men. For example, more than half the husbands in Gayford's (1975) study had been arrested previously; Wolfgang (1958) found that 64 percent of the offenders in his marital homicide study had previous criminal records. Flynn (1977) and Carlson

(1977) also report unusually high rates of criminal records among wife batterers. However, the significance of these findings is dubious given that (a) the people studied were poor and crime rates among the poor are higher than for other segments of society, and (b) the previous arrests may have been for previous assaults on the spouse.

Some attempts have been made to develop typologies or syndromes based on neurotic or psychotic symptoms found in some spouse abusers (see, for example, Schultz, 1960, and Elbow, 1977). These typologies may be helpful to the practitioner trying to identify and treat spouse abusers, but they are descriptive rather than explanatory.

History of family violence. A history of violence in the parental family of the abuser or the victim has also been suggested as an important factor in the etiology of spouse abuse. Although the abuser's history is not always known, when it is, the evidence shows that the abuser often was harshly punished or abused as a child/or observed violence between his parents. Straus, Gelles, and Steinmetz (1980) found that the likelihood of abusing one's spouse was higher among persons who had observed parental violence as children or who had been physically punished as children than among those who had not.

Other studies have reached similar conclusions. Gelles (1974) found, for example, that husbands reported as violent almost always were from families where husband-wife violence had occured. The association between parental family violence and violent behavior among wives, he found, was not as strong but still significant. Gayford's study (1975) of 100 English battered women showed that 51 of the husbands had been exposed to family violence as children. Flynn (1977) reports that of the abusers whose family history was known, over half came from families where parents had abused one another, while 40 percent had been abused as children. Clinicians also often note a history of family violence in the assailant (Elbow, 1977; Walker, 1979; Hilberman and Munson, 1977-78).

It has also been shown that victims frequently grew up in violent households. Harris and Associates (1979) found that women who had observed violence between parents or who been victims of violence as children were more likely than others to be physically abused by their husbands. In Gayford's (1975) study, nearly one-quarter of the abused women had been exposed to family violence in childhood. Of 60 battered women treated at a rural mental health center, more than half reported violence between their own parents, and physical or sexual abuse of themselves as children (Hilberman and Munson, 1977-78).

Spouse abuse is also related to child abuse. Hilberman and Munson (1977-78) reported child abuse in 20 of the 60 families in which spouse abuse had been identified as a primary problem. The abuse was of two types: either the spouse abuser (in this study, the husband) also beat the children, or the abused spouse turned on the children and beat them. Gayford's study (1975) showed that 37 percent of the beaten women admitted to having beaten their children, and 54 percent claimed that their husbands were violent toward the children. In Roy's (1977) study, women reported that about 45 percent of the attacks on them were accompanied by attacks on at least one child.

Social learning theory (e.g., Bandura and Ross, 1961) hypothesizes that violent behavior is a learned response. According to this hypothesis, violence would be expected in marriages of individuals who had observed familial assaults and where the behavior was positively reinforced. Straus (1977-78) points out that the family is the setting in which most people first experience physical violence and learn its meaning. Physical punishment of children may teach them lessons that parents never intended. One lesson is the association of love with violence, since the child is most often physically punished by his parents. A second lesson taught by punishment is that it is acceptable to hit other family members. According to Straus, these lessons provide a model for later treatment of one's own children, and are

generalized to other relationships, especially that of husband-wife.

Socio-economic factors. Controversy surrounds the question of whether some socio-economic groups are more likely to engage in spouse abuse than others. Wolfgang has hypothesized a subculture of violence (Wolfgang, 1958; Wofgang and Ferracuti, 1967) in which violent acts are normative, not deviant. The subculture-of-violence hypothesis supports the middle-class impression that violence is a fact of life among the poor and among certain minority groups; this impression is supported by the fact that violent assaults against strangers are more often committed by members of those groups. Goode (1969) and Hepburn (1973) hav adopted the subculture of violence theory to help explain spouse abuse.

Empirical data on the extent to which spouse abuse is correlated to poverty abuse is most common among the young, poor and unemployed. The Kentucky study of Harris and Associates (1979) found wife abuse most prevalent among urban, young, and non-white families, but did not find an association between abuse and income level. In fact, one of the conclusions which Harris emphasizes is that spouse abuse is "found at every societal level." And neither Straus et al. nor Harris found spouse abuse to be higher among less educated people; in fact both studies report that spouse abuse was

somewhat less common among people with less than a high school education than among high school graduates.

Spouse abuse, however, may be more visible in poor families. The Harris study found that women who are poor or members of minority groups are more likely to call the police than middle class or white women. Similarly, Wolfgang and Ferracuti (1967) suggest that middle class people may be less likely to admit to having been abused than poor people. Whitehurst (1974) has suggested that the middle class assaulter has more to lose if his or her assaults become known and that resources available for covering up the abuse are generally greater for middle class persons than for poor. (Middle class people, for example, can use private physicians instead of emergency rooms, or psychiatrists instead of community mental health centers.)

Status, resources, and power. O'Brien (1971) theorizes that a factor contributing to spouse abuse is a discrepancy between the expected "superior" status of the husband within the family and the husband's actual status, based on such factors as employment, earnings and education. O'Brien found in his research that when a husband's achievement was low -- that is, when a husband was seriously dissatisfied with his job; when he started but failed to finish either high school or college; when his income was a source of serious conflict; when his educational achievement was less than that of his wife; or when

his occupational status was lower than that of his father-in-law -- he was more likely to respond with violence to perceived threats or challenges from his wife.

Goode (1971), Rodman (1972) and Rogers (1974) suggest that people resort to violence when they lack other legitimate resources. Allen and Straus (1975) put forth the "ultimate resource" theory of violence which predicts that violence will be used by an individual who lacks other resources to serve as the basis of power. They found that the more the wife's resources exceeded those of her husband, the more likely her husband was to have used physical force during the year preceding the study.

Cultural norms. It has been argued that spouse abuse is an outgrowth of cultural norms that prescribe that men be the head of the household and that legitimize men's use of violence to maintain that position when other resources fail (Straus, 1976; 1977). For hundreds of years, the legal systems and the community norms of Europe, England and, later, America supported a husband's right to beat his wife (Dobash and Dobash, 1977-78). In America, the legal "right" to use physical force against one's wife was not completely rejected until 1891, but there are many indications that community norms have not kept pace with law (Bannon, 1975).

Many who have observed and studied domestic violence believe that a continuing attitude of permissiveness toward spouse violence has characterized key institutions such as the police and the courts, and that such attitudes both reflect and contribute to the acceptance of violence between two people as long as they are married or living together (Straus, 1976; Fields, 1977-78; Parnas, 1967; Field and Field, 1973; Bannon, 1975). Comic strips, television, and popular music have often depicted violence against women as normal or legitimate. (See Julia London's article, "Images of Violence Against Women", 1977-78.) Gelles (1974) even developed a classification of "normal violence" because so many people he interviewed expressed attitudes such as "I deserved it" or "She needed to be brought to her senses," indicating that they saw violence as an acceptable way of dealing with conflict.

An Empirical Model of the Determinants of Spouse Abuse

Straus, Gelles, and Steinmetz (1980) examined the relationship between many of the aforementioned factors and spouse abuse. They developed a model which predicts the families in which spouse abuse is likely to occur. The factors which the authors included in the model are the following:

Husband employed part time or unemployed
Annual family income under $6,000
Husband a manual worker
Husband very worried about economic security
Wife very dissatisfied with standard of living
Two or more children

Age under 30 years
Married less than 10 years
Non-white racial group
Grew up in family in which father hit mother
Disagreement over children
High score on a "Marital Conflict" index
High life stress
Wife dominant in family decisions
Verbal agression between spouses
Alcohol problems
Lived in neighborhood less than two years
No participation in organized religion

Among families which scored the lowest on Straus et al.'s combined index, none had experienced husband-wife violence during the last year. But as a family's score on the index increased, so did the likelihood of spouse abuse; two in three families with the highest scores on the index reported having experienced husband-wife violence during the last year. Theorists who attribute spouse abuse to frustration, alcohol, social learning of violence from parents, life stress and status inconsistency between husband and wife can find partial support from the Straus, Steinmentz and Gelles model.

Theories on Why Women Remain in Abusive Relationships

It is difficult to understand why abused women remain in a situation that has proven painful and dangerous. One early view was that a female victim of spouse abuse is a masochist who stays in an abusive relationship because she derives pleasure from it. The theory of female masochism suggested that for women, suffering is "inherently bound up

with erotic pleasure and is desired for that reason" (Waites, 1977-78). Psychoanalytic theorists who have reinforced the idea of female masochism are Freud (1905, 1919, 1924), Reich (1949), Deutsch (1930), Bonaparte (1951) and Horney (1967). Today, however, few would argue that women remain in abusive relationships because they derive psychological pleasure from it.

Lenore Walker (1979) has suggested another view of why battered women stay in relationships, based on the concept of "learned helplessness." As a result of beatings, women come to believe that they cannot control their lives. According to Walker:

> Once we believe that we cannot control what happens to us, it is difficult to believe that we can ever influence it.... This concept is important for understanding why battered women do not attempt to free themselves from a battering relationship. Once the women are operating from a belief of helplessness, the perception becomes reality and they become passive, submissive, helpless.... In this way, battered women become blind to their options. (Walker, 1979:47-48)

Walker bases her theory on the findings of experimental psychologists working with animals in laboratories. In a series of experiments, animals were subjected to intensive inescapable electric shock. Although at first the animals tried vigorously to escape, they eventually gave up and simply endured the punishment passively. Later, when the situation was changed so that the animals were able to

escape the shock they were very slow to develop escape responses; in fact, repeated dragging of the animals out of the shock chamber was necessary to teach them to respond voluntarily again. (Walker, 1979:45-48)

Walker (1979:49) believes that repeated beatings, like electrical shocks, "diminish a woman's motivation to respond." She comes to think that nothing she can do will stop her husband from battering her. Eventually, the belief that she is powerless generalizes to other situations in her life as well; the woman has internalized the idea that she is incapable of controlling her life. She becomes passive, and prone to depression and anxiety.

Findings of other clinicians support Walker's views. A British study (Joblin, 1974) reported that spouse abuse victims were generally submissive and passive, while Gayford (1975) reported that victims felt helpless and dependent on their violent husbands. Carlson (1977) found battered women characterized by low self-esteem, isolation and intense concern with their children. Hilberman and Munson (1977-78) reported passivity and lack of decisiveness in many battered women, along with suicidal depression, aggression against themselves, denial of anger and low self-esteem.

Walker concludes that battered women cannot help themselves; if they are to improve their lot, it must be with active assistance from others:

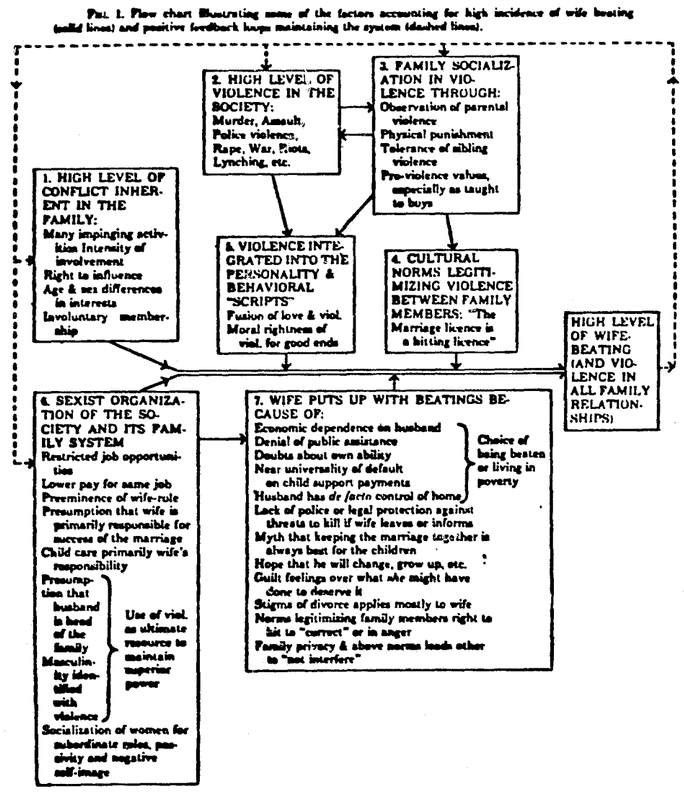
> Turning back to the animal studies, we see that the dogs could only be taught to overcome their passivity by being dragged repeatedly out of the punishing situation and shown how to avoid the shock.... A first step [for abused women] would seem to be to persuade the battered women to leave the battering relationship or persuade the batterer to leave. This "dragging" may require help from outside, such as the dogs received from the researchers. (Walker, 1979:53)

In contrast to the psychoanalytic explanation of masochism and Walker's view of battered women as helpless, Straus (1977) has presented a model of spouse abuse that presumes abused women to be rational decision-makers. The model (see Figure 3.1) is an ambitious one which seeks to explain the causes of abuse through a variety of social, structural and psychological factors.

Of particular interest in the present context is Straus' analysis of why women remain in abusive relationships (point 7 in Figure 3.1). The model states that there are incentives for women to remain in abusive relationships, even though they are battered -- or alternatively that there are disincentives for change. The factors that "cause" women to stay in abusive relationships are, according to Straus, economic reliance on their spouses, fear of physical harm if they leave, concern for the welfare of

FIGURE 3.1

STRAUS' MODEL OF SPOUSE ABUSE



Source: Murray A. Straus, "Wife Beating: How Common and Why?" Victimology 2, Nos. 3-4 (1977-78): 450.

children, the social stigma of divorce, and the belief that their spouses may change.

Other researchers have presented data which lend some support to the idea that women remain in battering relationships only as long as there are benefits to be gained from staying or as long as the costs of leaving are unacceptable. Truninger (1971) found that many women finally seek divorce or separation when they can no longer believe their husbands' promises that they will reform. Gelles (1976) found that women were more likely to seek separation or divorce as the severity of abuse they suffered increased. Gelles also reported that women who hold jobs -- and who therefore have less to fear economically by being on their own -- are more likely than other battered women to leave their spouses.

Surveys of battered women have found that the welfare of children is often cited as a reason for staying (Gayford, 1975; Truninger, 1971; Gelles, 1976; Straus, 1977-78). Concern for the children's welfare may encompass the impact of dislocation (loss of friends, new schools, loss of the family home), worry about children growing up with only one parent, and - perhaps most importantly - the children's economic well-being. These fears appear to be grounded in reality. One study showed that within one year after a court awarded support payments, full compliance characterized only 43 percent of the cases; five years after the award had been made,

65 percent of the awards were not being paid at all, while only 18 percent were being paid in full (reported by Fields, 1977-78). According to the Bureau of the Census, in 1969, 32 percent of families with female heads of household were living below the poverty line, and the median income of female-headed households was only one-third that of households headed by males(1970 United States Census).

The loss of social status is also a risk for battered women who leave their spouses. Divorce still carries a stigma in many circles, and women are more likely than men to feel that a divorce is their fault (Straus, 1977-78). Women are less likely to remarry than are men (Martin, 1976) and the prospect of coping socially as a single person is particularly ominous to a woman who has made a career of being a wife and mother and whose social existence has been defined by her role as wife (Geller and Walsh, 1977-78).

Another disincentive to leave is that even when a woman chooses to seek intervention or separation, she will not be assured of reducing or eliminating abuse. Many husbands threaten to kill their wives if they try to leave. Separated and divorced women have a high probability of being assaulted by a spouse or ex-spouse (Gaquin, 1977-78). Thus for the dubious safety of having left abusive husbands, women may sacrifice economic security, custody of children, community property, community respect and companionship. Since leaving

involves substantial risk and sacrifice, many women stay, hoping for reform, or living without hope to preserve what often seems to them to be their only valuable function -- their roles as mothers and wives.

Because Straus' model assumes that battered women are rational decision-makers who decide to leave or stay with their spouses based upon what they perceive to be in their best interests, it suggests that the elimination of disincentives (such as economic reliance upon spouses, fear of retaliation and so forth) would result in women taking steps to alter their situations. This view is in sharp contrast to Walker's view of battered women as in need of being "dragged" out of the battering relationship by others because they can no longer make decisions on their own. The applicability of each of these views to the behavior of the sample of battered women described in this report is examined in subsequent sections.

FOOTNOTES - Chapter II

1. Defined as throwing something at spouse; pushing; grabbing or shoving spouse; slapping spouse; kicking, biting, or hitting with fist; hitting or trying to hit with something; beating up spouse; threatening with a knife or gun.

III

A PROFILE OF THE SAMPLE

by Elizabeth Connick

As a background for understanding the kinds of services the 112 women in the sample needed and their responses to them, this section describes the women, their marital situations, their aspirations for the future and the factors that might inhibit them from attaining those aspirations.

Much of the information on this section, and the ones that follow, is statistical. However, to provide the reader with a picture of the women as individuals, a case study is first presented that in many respects illustrates a typical woman in the sample:

Tom and Joanne were married and had three children, ages 17, 15, and 4. Tom beat Joanne for 13 of the 18 years of their marriage. The first time Tom beat Joanne was during an argument over her in-laws. Although initially Tom used violence infrequently, as time progressed the beatings became more severe and occurred several times a month. On one occasion Joanne had to seek treatment at an emergency room for a broken finger. Joanne sought assistance from the police once and the Family Court twice. Once after a beating, Joanne took her children and left her husband for two weeks. She returned, however, because she had run out of money and because her husband promised to reform. Nevertheless, the beatings continued, and ultimately she left her husband again. At the time that she was interviewed, Joanne had been separated from her husband for eight months. She and her children were living on welfare.

Joanne reported that her husband, who earned an annual income over $20,000, sporadically sent money for the children's expenses. Her concerns at the time of the initial interview were to get a job and to see her children successfully complete their schooling.

A. Description of Women in the Sample

Like Joanne, most (67 percent) of the women were or had been legally married to the men who hit them. Another fourth were living with or had lived with the batterer in a consensual relationship; and the remaining 8 percent had neither been married to the batterer, nor had lived with him. At the first interview, however, only 18 percent of the women were living with the man; in 27 percent of the cases the woman had been living apart from the man for less than three months, and in the remainder (55 percent) she had been living apart from him for more than three months.

The women in the sample ranged from 19 to 68 years in age, with a median age of 32 years. The women were also ethnically diverse: 46 percent were Black; 36 percent were White; 19 percent were Hispanic. Two-thirds were high school graduates, but only seven percent reported having graduated from college. More than three-quarters had children living with them (see Table 3.1).

TABLE 3.1

DEMOGRAPHIC CHARACTERISTICS OF THE WOMEN AND THEIR SPOUSES

	WOMEN (n=112)*	SPOUSES (n=112)*	
RACE			
White	36%	34%	
Black	46	46	
Hispanic	19	20	
Asian	0	1	
	100%	100%	
EDUCATION			
Less than high school	34%	49%	
High school graduate	35	34	
Some college	24	14	
College graduate	7	3	
	100%	100%	(n=98)
ANNUAL INCOME			
Welfare	49%	2%	
Less than $5,000	24	18	
$5,000 to $15,000	27	58	
More than $15,000	0	22	
	100%	100%	(n=88)
EMPLOYMENT STATUS			
Working	30%	65%	
Not working	70	35	
	100%	100%	(n=101)
EMPLOYMENT SKILLS			
Professional work	5%	8%	
Trained or skilled work	17	31	
Clerical or sales work	44	15	
Semi-skilled or unskilled work	35	46	
	100% (n=110)	100%	(n=109)

*Data were missing in some cases. In those instances the n is indicated in parentheses.

Most of the women had, at best, modest financial resources of their own. Although 30 percent held either full-time or part-time jobs at the time of their first interview and 49 percent were receiving public assistance, only 9 percent of the total sample reported personal annual incomes in excess of $10,000. Only 22 percent of the women reported experience or training that would qualify them as professional or skilled workers.

The incomes and job skills of the women's spouses were markedly greater; 59 percent of their spouses were employed in full-time jobs (only two percent received public assistance), 22 percent were reported to have incomes in excess of $15,000 per year, and 39 percent had been trained as professional or skilled workers. Thus, in most relationships, the husband had been the primary source of income for the household.

Despite their greater skills, however, one-third of the men were unemployed at the time of the survey. This suggests that economic worries in many families may have compounded existing problems. Other factors also suggest that many of the abusers were under stress. According to the women, 43 percent of their spouses were poorer now than they had been as children -- a factor which Palmer (1972) found to be prevalent among individuals who commit violent crimes. Forty-eight percent of the abusers had had less education than

their spouses, a situation that many authors (O'Brien, 1971; Blood and Wolfe, 1960; Rodman, 1972; Goode, 1971; Rogers, 1974; Allen and Straus, 1975) have argued leads to feelings of inferiority and a need by males to use violence to maintain a sense of power over their wives. Finally, alcohol abuse was frequent among the husbands; according to 62 percent of the women, alcohol use was at least sometimes associated with violent behavior in their spouses. While these circumstances may not have "caused" the men to be abusive, they may well have amplified other existing problems.

Many women in the sample and their spouses had been exposed to familial violence as children. According to respondents' reports, between 39 percent and 54 percent of the men had observed parental violence, and between 24 percent and 42 percent had been bruised by their parents [1]. Among the women, 36 percent reported having observed violence between their parents when they were children and 30 percent reported having been bruised by their parents. These data are in accordance with Straus' et al.'s (1980) finding (reported in the previous chapter) that there is often a history of violence in the families of abusers and victims.

B. The Battering Situations

In most cases in the sample, incidents of abuse were long-standing and frequent. In 77 percent of the cases, the physical abuse had been going on for more than a year, and in 20 percent of the cases, it had been going on for more than 10 years. Fifty-nine percent of the women reported having been hit an average of at least once a month, and 36 percent of them said that they were abused every week. Although a few respondents (8 percent) reported that they had not suffered physical harm aside from headaches or emotional trauma, the majority had sustained injuries: 68 percent had suffered cuts or bruises; 18 percent broken bones; and 5 percent internal injuries. Seventy percent of the women had sought medical assistance at least once, and 6 percent had been hospitalized at least once.

In an effort to add to the understanding of the factors that contribute to spouse abuse, each woman was asked to describe the events leading up to the first violent incident. Although the first incident of violence may not necessarily be representative of succeeding incidents, it provides a uniform basis for comparison. As the studies by Roy (1977) and Walker (1979) found, jealousy on the part of the men was reported to trigger many violent acts, 37 percent of the first incidents of violence. In one-fourth of these jealous incidents, the violence was first brought on when the women

attempted to end the relationship. In a few cases the woman was seeing another man. Nevertheless, as Walker (1979: 38) and Martin (1976: 60) have observed, in many cases the man's jealousy seemed to be obsessive, often sparked by trivial events, or to have no apparent cause. For example, one woman said that her husband had first hit her after she stopped the car to ask a man for directions. Men were jealous not only of other men, but also of women's female friends. Several women said that their spouses tried to restrict their outside activities and thus their contact with female friends. One woman said that she would not leave the house without first informing her husband, for fear that he would call and discover that she was not at home.

Conflicts over money or unemployment accounted for 15 percent of the first violent incidents. Frequently, husbands accused the women of spending too much money. One woman said that her husband first beat her because he was frustrated by looking for a job for nine hours every day. Roy (1977: 42) found in her study that the wife's desire to work often precipitated violence. This appears to have happened in the case of one of the women in the study, who said that her husband made her quit her job (in which she was earning more money than he). Conversely, two other women in the study reported that their spouses first hit them because they wanted the women to get jobs and they either could not or did not want to do so [2].

Pregnancy also precipitated violence; 6 percent of the women in the sample said that their spouse first hit them when they became pregnant. Roy (1977) and Gelles (1974) report that in some cases battering became more severe when women were pregnant. In VSA's sample close to half (48 percent) of the women who had been pregnant reported that the hitting was harder or more frequent during this time. In some of the cases the spouse appeared to be concerned about the financial burden that a child would generate. Three of the women reported miscarriages as a result of the abuse.

Although some of the first incidents of violence could be categorized as arising from jealousy, financial problems, or pregnancy, others were difficult to categorize. Many first incidents appeared to have erupted out of trivial problems, such as conflicts over who should prepare dinner. One woman said that her husband would "fly off the handle" about things as minor as the way she ironed his shirt.

A striking aspect of abuse situations revealed in the interviews was the extent to which women feared their spouses and the extent they went to avoid a violent confrontation. Two-thirds of the women felt that fear of their spouses made them do things that they would not do otherwise [3]. Many of the women reported that they restricted their outside activities to avoid provoking their spouses; 20 percent of the women reported that the statement, "I always check with

my spouse before I do anything," accurately described their behavior [4]. In one particularly graphic report on behavior motivated by fear, a respondent said that if her husband did not come home early in the evening, she knew that he would come home drunk and angry. She would instruct her children to lie in bed and pretend they were asleep. Then she would unscrew all of the light bulbs in the house. She, too, would lie in bed and pretend to be asleep. When her husband came home he would call to them and try to turn on the lights, but eventually would go to sleep.

C. Factors Affecting A Woman's Decision to Leave

Even though many battered women find living in constant fear of another violent episode intolerable, they have difficulty changing the situation. Trying to stop the abuse while maintaining a relationship with the abuser is rare and would probably require that the abuser admit that he has a problem and seek help. One of the surest ways for ending the battering is for the woman to leave the abuser. Even this may not always work; there were several instances in the sample in which women who had left their spouses were subsequently attacked. This section examines attempts women had made to leave their spouses or stop the violence and discusses factors that keep women in abusive relationships. An understanding of

the obstacles to leaving is important to understanding the kinds of services battered women need.

Most of the women (85 percent) had tried at some point to discuss the problem of violence with their spouse. In 8 percent of the cases, women reported that the abuse became worse as a result of efforts to discuss it. Although one-quarter of the men (30) promised the abuse would abate as a result of discussions, only one man reportedly did stop.

All but 11 percent of the women had discussed the problem with a third party. Of the women who had talked to another person, most (78 percent) had discussed it with a friend or relative, 28 percent with a friend or a relative of their spouse, 22 percent with a counselor, 17 percent with a doctor, nurse, or social worker, and 13 percent with a member of the clergy. Most women (72 percent) found discussing the problem helpful, although some found it hard to convince others that there was a problem, or received unhelpful advice such as that they should try being "sweeter" to their spouses.

Seventy-two percent of the women in the sample had left their spouses at some point (often on more than one occasion), for at least one night, and then returned. Women typically stayed with friends or relatives. The most frequent reason for returning, cited by 44 percent of the women, was

that they had nowhere else to go, or that the apartment was theirs. In 34 percent of the cases, the women said that they had returned because their spouses promised to reform. A cycle of apologies and contrite, loving behavior on the part of the men after a violent incident has been documented by Walker (1979), and it was supported by evidence from interviews in this sample. One woman explaining why she returned said, "He'd woo me." Another reported that her husband would try to win back her affection with gifts and sex. One-fourth of the women said that they returned for the sake of the children. In 23 percent of the cases the women said they returned because they loved their spouses. A small proportion (3 percent) said that they returned because they were afraid of what their spouses might do if they did not [5]. In all but one instance, the battering resumed after the women returned.

To study factors which kept these women in abusive relationships, cases of women who had left the batterer more than three months before the initial interview (that is, women who were assumed to have left the battering relationship permanently) were examined in order to ascertain what factors influenced the length of the abuse which they endured before leaving (these women constituted 55 percent of the sample).

Financial dependence upon the spouse was found to be one of the determinants of the length of time women remained in abusive relationships. Women who reported that

they had no income of their own from jobs or public assistance while with their spouses, or no control over their own income, remained in abusive relationships significantly longer than those who did have financial resources (see Table 3.2). Nonetheless, several women who held full or part-time jobs were still living with batterers. This may perhaps be explained by the fact that even women who have some ability to support themselves often make financial sacrifices when they leave their spouses; 66 percent of the women who were not living with their spouses at the time of the first interview reported that they had worse economic situations at the time of the study than they had had in their childhoods. In contrast, only 24 percent of the women who were still living with their spouses reported they were currently worse off than they had been in their childhoods.

Table 3.2 also suggests that the presence of children made women more reluctant to leave their spouses. Those women who did not have children remained in abusive relationships for a significantly shorter period of time than the women with children. The hold that children have on keeping their mother in an abuse situation probably reflects primarily financial dependence, but also may reflect the value women place on having a father in the home.

TABLE 3.2

FACTORS AFFECTING LENGTH OF TIME WOMEN REMAINED IN ABUSIVE RELATIONSHIPS*

	In Relationship Less Than 1 year	In Relationship 1-5 years	In Relationship More Than 5 years	
Income [a]				
Some personal income	41%	47	12	100% (n=17)
No personal income	16%	47	37	100% (n=43)
Children [a]				
Never had children	60%	30	10	100% (n=10)
Had children	16%	50	34	100% (n=50)
Married to Spouse [a]				
Yes	16%	45	39	100% (n=38)
No	36%	50	14	100% (n=22)
Exposed to Violence as a Child [b]				
Yes	26%	29	45	100% (n=31)
No	21%	66	14	100% (n=29)

*Based upon those women in the sample who had been living apart from their spouses for more than three months.

[a] $p < .01$ The differences between the groups are statistically significant. There is less than one chance in 100 that these differences would happen by chance.

[b] $p < .10$ The differences between the groups are marginally significant. There is less then one chance in 10 that it would happen by chance.

Several women expressed their feelings about the importance of having a man in their life and their fears of being alone. For example, one woman said that it was helpful for her to discuss the hitting with her friends because she had been "afraid to be without a boyfriend" and they gave her "the courage to break up with him."

Some women feared the social consequences of ending a marriage. For example, one legally married woman reported, "I had to live with him because I didn't want to appear a failure." As Table 3.2 shows, women who were legally married to the batterer endured the abuse for a significantly longer period of time before leaving the relationship than did unmarried women.

Finally, Table 3.2 suggests that childhood exposure to domestic violence increased women's tolerance of abuse or reduced their confidence in attempting a life independent of their spouses. Women who had either observed or experienced violence as children remained in battering relationships for longer periods of time before leaving than those with no childhood exposure to violence (see Table 3.2).

Self-esteem did not appear to be a factor in women's decisions to leave the battering relationships. A 20-point self-esteem test was administered to the women in the study [6]. There were no significant differences, indeed only

slight variations, between the self-esteem scores of women who were living with their spouses (mean score = 12.4), the scores of women who separated from their spouses for less than three months (mean score = 11.5) and the scores of women who had permanently left the abusive relationship (mean score = 13.2). If these findings were to be replicated in other samples it would suggest that women's abilities to extricate themselves from the battering relationship were not necessarily related to low self-esteem, as Walker's learned helplessness theory would suggest.

D. Plans for the Future

The women were asked what, if any, specific plans they had for the future. The two most frequent responses given by the women were that they wanted to find a job (54 percent) or they wanted to further their education (33 percent) [7]. In many cases the impetus for acquiring more education appeared to be a desire to improve their employment qualifications so that they could become more independent of their spouses. For example, one woman, although still living with her husband at the time of the first interview, reported that she was enrolled in college and working toward "my degree and independence."

Some of the other specific plans for the future cited by the women were that they wanted to move away (18 percent), they wanted to secure a separation or divorce (7 percent), or they wanted to remarry or find a new boyfriend (6 percent). In 20 percent of the interviews the women did not articulate any specific goals.

To implement the plans for economic self-sufficiency that many women had, they relied on help from services and government institutions. Their experiences with these organizations is the subject of the next chapter.

FOOTNOTES - Chapter III

1. Only 55 percent of the women were sufficiently knowledgeable about their spouses' childhoods to respond to these questions. Because it is more probable that a woman would be aware that violence had occurred in her spouse's family than to be aware that violence had not occurred, it is likely that answers of the 55 percent of the women who responded inflate the actual number of men who experienced abuse in their families as children. Therefore, a range was used. The lower boundary of this range is obtained by dividing the number of affirmative responses by the total number of cases in the sample (probably an underestimate). The upper boundary of the range is obtained by dividing the number of affirmative responses by the number of cases in which the women claimed to know whether or not violence had occurred (probably an overestimate.)

2. The variation here between Roy's findings and this study's findings can probably be attributed to class differences between the two samples. Roy's study contained more middle class women than did this study, which consists predominantly of low income and working class women (who have a more extensive history of working outside the home).

3. This question was only asked on the follow-up and modified interviews N=87.

4. This question was only asked on the follow-up and modified interviews N=86.

5. The percentages add up to more than 100 percent because some women gave more than one reason for returning.

6. The self-esteem test was a modified version of a self-esteem scale developed by Berzins, Welling, and Wetter (1977).

7. The women were allowed to give more than one response to this question. In 21 percent of the cases the women said that they both wanted to get a job and further their schooling.

IV

WOMEN'S USE OF SERVICES

by Elizabeth Connick, Jan Chytilo, Robert C. Davis,

and

Barbara Bryan

This chapter discusses services used by the sample of battered women surveyed in the study. The women used the following six categories of services: police, medical, legal, counseling, shelter, and public assistance. (For a breakdown of how many women in the sample used each type of service, see Table 4.1.) For each type of service this chapter: 1) describes the characteristics and availability of the service, and 2) analyzes how it was used by the women in the sample.

Because the women in the survey were mainly recruited from the courts (indicating that they had already gone outside their families for help), compared to the sample in the Harris survey cited in Section 2 the sample in this study had a much higher proportion of service users. However, since the purpose of this study was not to estimate how many women use services but rather how such services are used, the nonrepresentative composition of the sample does not diminish the usefulness of the findings.

TABLE 4.1

PERCENTAGE OF BATTERED WOMEN IN THE SAMPLE WHO USED EACH TYPE OF SERVICE
(N=112)

1. Police Services	88%
2. Medical Services	70
3. **Legal Services**	
Criminal Court	45
Family Court	54
Legal Services	30*
4. **Counseling and Shelter Services**	
Crisis Counseling	37*
Marriage Counseling	11
Professional Counselor, Psychologist, Psychiatrist	28
Shelters	7
5. **Public Assistance**	75**

*Questions regarding legal services and crisis counseling were only included on the follow-up interviews (n=67).

**Questions regarding public assistance were only included on the modified and follow-up interviews (n=87).

As Table 4.1 shows, the service used most by the women in the sample (perhaps reflecting the way the women were identified for the study) were police, legal, and medical services. Shelters were the least used service, perhaps reflecting the shortage of shelters in the city. A majority of the clients had tried counseling, and about one-third depended on public assistance at some time.

A. Police Services

Background. Police are called upon in cases of spouse abuse for several reasons. They are one of the few agencies that respond on a 24-hour basis, seven days a week -- and many incidents of spouse abuse occur on weekends or in the evenings (Gelles, 1977). Police service is free. Also, when a person fears for his or her safety, the natural response is to call the police. Police are called not only after an assault has occurred, but often are also called upon to prevent violence from occurring. Bard (1974) found that in 64 percent of the "domestic disturbance" calls he studied, neither party charged that an assault had occurred.

Police policies and training have frequently encouraged an arrest avoidance strategy, treating assaults between husbands and wives differently from other assaults (Fields, 1978). In some jurisdictions, police have been specifically directed not to arrest in these cases (Martin,

1976), or even not to respond (e.g., "call screening," described by Bannon, 1975). Some departments have attempted to mediate "family conflicts" regardless of whether an assault has occurred, or to dissuade the victim from pressing charges, reminding her of the economic price she will pay if her husband goes to jail (Fields, 1978).

The arrest avoidance practices of many police departments have been cited as a factor contributing to the continuance of spouse abuse. According to Marjory Fields, an attorney who has represented many battered women in divorce actions, "...the non-arrest, mediation, and adjustment practiced by police officers has a negative effect on the victim seeking help or escape and encourages the offender to continue his violence" (Fields, 1978:248).

In many jurisdictions, notably in New York City, police handling of spouse abuse has changed. Rather than trying to mediate domestic disputes, professional criminal justice publications counsel police departments to treat domestic violence like stranger-to-stranger violence. One example is the International Association of Chiefs of Police training key #245 that stresses that a beating "is foremost an assault -- a crime that must be investigated" and that a policy of arrest, when the elements of the offense are present, promotes the well-being of the victim. Another example is the Police Executive Research Forum guide for police departments on

dealing with domestic violence. This guide recommends that wife beating cases be handled like stranger-to-stranger assault cases using similar criteria for arrest and prosecution (Loving, 1980).

In New York City, policy changes were hastened by a suit brought in 1977 against the police department by 12 women who were assaulted by their husbands and denied police protection. On June 26, 1978, the Police Department agreed to a consent judgment in Bruno vs. Codd; the terms of the settlement took effect on October 1, 1978, and were spelled out operationally in the New York City Police Department's Operations Order 89.

The most important provision of the order is that the officer must make an arrest if there is probable cause to believe a felony has been committed. He may not attempt to mediate or reconcile the parties, and he may not leave the decision as to whether or not an arrest should be made to the injured party; he must arrest. (In misdemeanor cases, the officer and the injured party have greater discretion. Officers are instructed in misdemeanor cases not to refrain from making an arrest solely because: the parties are married or the aggrieved spouse has no Order of Protection; or the officer prefers to reconcile the parties against the aggrieved spouse's wishes for an arrest; or the aggrieved spouse has a

case pending in either family or criminal court; or the aggrieved spouse intends to initiate family court proceedings.)

In addition, even if the act the officer is called to investigate would not of itself constitute a violation of the penal law, the officer must arrest if: 1) the Order of Protection has been violated and 2) the party with the Order of Protection desires that an arrest be made. Other procedures are also specified. The officer must follow normal procedures for locating the attacker if that person is not on the premises when the police arrive; must help the victim secure medical assistance if necessary; must stay on the premises until satisfied that the danger of recurrence of the incident has passed; and must explain the criminal court/family court choice. Thus, police in New York City must now respond to domestic violence as they do to other assaults. If grounds for an arrest are present, an arrest should be made; if the assailant is gone by the time the police arrive, it should be expected that he will be sought as in any other crime; if no grounds for arrest exist, the victim should be told what options are available.

Although women in this study were interviewed after Operations Order 89 went into effect, because of the retrospective nature of the interviews, approximately half of the experiences with the police that they described preceded the order.

Use of Police Services. The police department was the service most frequently used by women in the sample. Eighty-eight percent of respondents reported that they or someone else had called the police to prevent or stop a battering incident on at least one occasion, and 19 percent reported that the police had been called nine or more times.

Harris et al. (1979:36) reported that use of police services was greatest among economically disadvantaged battered women. As Table 4.2 shows, in this study as well, the police were called most by women with the least resources. Calls to the police were most common among women who were members of ethnic minorities, who did not have a high school diploma, whose spouses earned less than $10,000 per year, who had no personal incomes, who had children, and who had sought medical attention at least once.

In order to assess the response of the police to battered women, respondents were asked to recount their most recent experience with the police. Figure 4.1 summarizes these responses.

Cases in the sample obtained through the criminal or family court were excluded from this analysis because the frequency of arrests among cases received through the courts was by definition higher than among other cases in which women had had contact with the police. The analysis is based on

TABLE 4.2

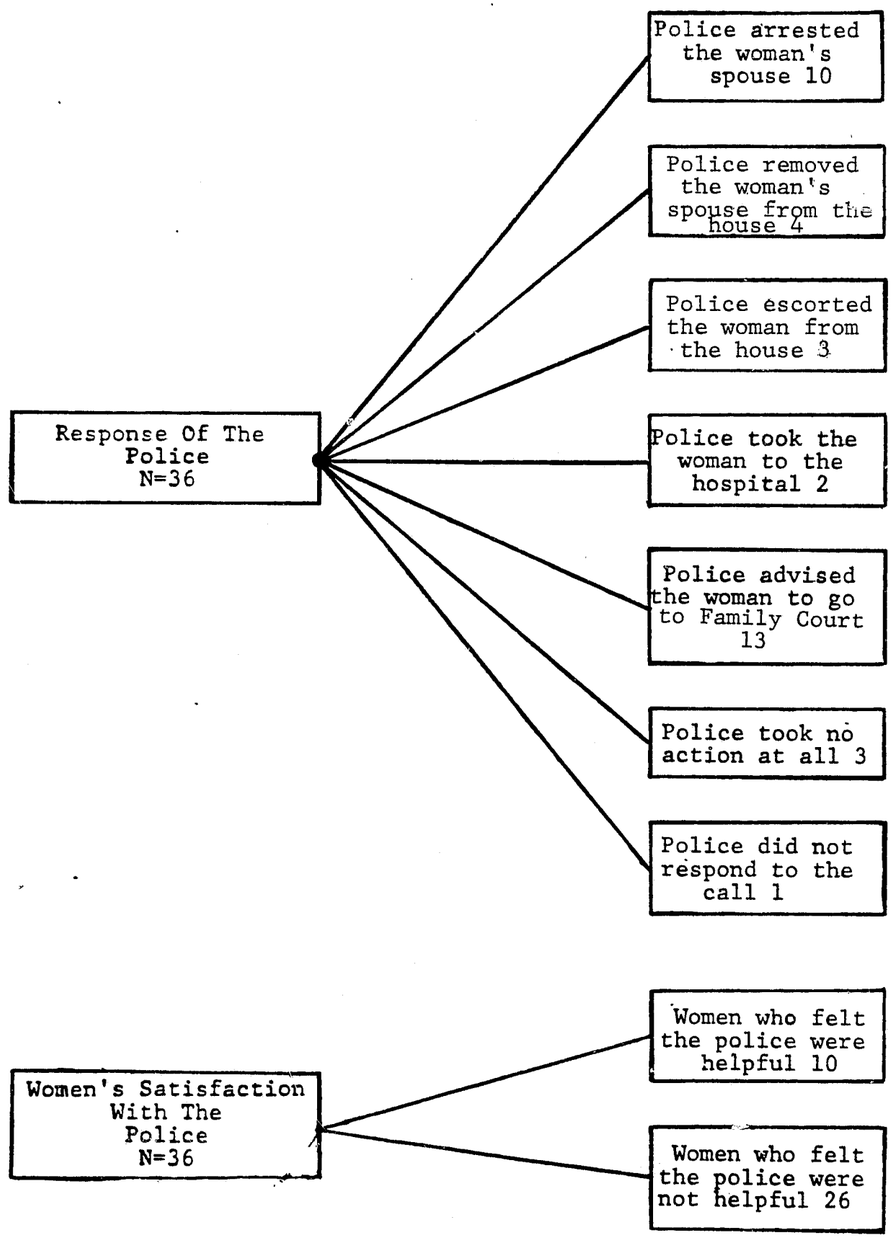
FACTORS RELATED TO THE NUMBER OF TIMES THE POLICE HAD BEEN CALLED

	Percentage Of Women Who Had Called The Police At Least Once	Kendall's Tau C*
1. Ethnicity		
White women (n=40)	80	.31 (p=.001)
Non-white women (n=72)	92	
2. Education		
Women with less than a high school education (n=38)	97	-.27 (p<.005)
Women with at least a high school education (n=74)	82	
3. Spouse's Income		
Women whose spouses earned less than $10,000 annually (n=46)	93	-.16 (p<.10)
Women whose spouses earned more than $10,000 annually (n=42)	76	
4. Women's Income		
Women with no personal income (n=82)	91	.13 (p<.01)
Women with some personal income (n=30)	77	
5. Children		
Women who had no children (n=17)	65	.19 (p<.01)
Women who had at least one child (n=95)	92	
6. Medical Attention		
Women who had never sought medical attention (n=34)	76	.25 (p<.001)
Women who had sought medical attention at least once (n=78)	92	

*Although the figures presented in this table dichotomize the sample into women who called the police at least once versus those who never called the police, the Kendall's Taus are computed using the range of calls made to the police--from 0 to 9 or more times.

FIGURE 4.1

SUMMARY OF THE RESPONSE OF THE POLICE AND THE WOMEN'S SATISFACTION WITH THE POLICE RESPONSE



the most recent experience with the police of 36 women not referred to this study through the courts.

In evaluating police response to domestic violence, the data in this study are flawed by the timing of the study, since it covered a period before and after police policy changed regarding the handling of wife abuse cases. This flaw, however, allows a preliminary look at the effectiveness of Operations Order 89, discussed in the background section. The data are first presented aggregated, and then separated according to whether the interaction with the police occurred before or after the issuance of Operations Order #89.

Police have been criticized for giving domestic disturbance calls low priority in response time. In the present study, the time it took the police to respond varied considerably. Of 21 women who themselves had called the police, eight reported that the police had arrived promptly, within 20 minutes. Another eight reported that the police had arrived between 20 minutes and one hour after the call, two reported that it took the police more than one hour to arrive, and one stated that the police had not come at all. (Two respondents could not remember.)

Although most of the women wanted the police to exert some form of authority, this did not always mean that they wanted them to use their power of arrest. In 40 percent of

instances in which police were summoned, the women requested that they arrest their spouses; in 34 percent of the cases, the women requested that the police evict their spouses from the residence, but did not request an arrest; in another 11 percent of the cases, the women requested that the police reprimand their spouses. In one case, the woman asked the assistance of the police to safely escort her and her child from the house. (Three of the women did not make specific requests of the police.)

Police made arrests in 28 percent of the 36 cases. Police were more likely to make an arrest when it was requested by the woman. When requests were made, spouses were arrested 57 percent of the time. In cases where the police did not make an arrest, they removed the woman's spouse from the home (11 percent); escorted her out of the house (8 percent); took her to the hospital (6 percent); advised the woman to resolve the problem by means other than police action (36 percent); or took no action at all (11 percent). In most of the cases in which the police gave advice, they advised the woman to go to family court. Yet in four of the cases in which women were advised to go to family court, the women were neither married to the abuser nor had had children with him, and therefore their cases did not fall under the family court's jurisdiction.

Because not enough is known about the circumstances which police encountered when they arrived at the scenes, it is difficult to judge the appropriateness of their responses. What is clear, however, is that more than two-thirds of the women did not perceive the police as responsive to their needs.

Women were most likely to believe that the police were helpful when an arrest was made. Six of the ten women whose spouses were arrested felt the police response had been helpful and both of the women whose spouses were arrested without their specific request reported this response as helpful. The four women whose spouses were arrested but who were dissatisfied with the police response, did not appear to be dissatisfied with the arrest, but with the attitudes of the arresting officers. According to one of these women, who had had to convince the police to make the arrest, "They [the police] don't want to be bothered. If you don't know the law you won't get anything done." In the remainder of the cases - the 26 in which the police did not make an arrest - the women were largely dissatisfied with the police, even when the police had carried out their requests for the spouses' removal. Only four (15 percent) of these 26 women reported that the police were helpful.

Police were not always responsive to the medical needs of the women. In four (15 percent) of the 26 cases in which a woman reported that she was injured, the police offered to take her to the hospital. One woman reported that she had had to insist before the police took her to the hospital, and another woman said that although she insisted, the police refused to take her to the hospital. In another case the woman reported that the police had never offered to take her to the hospital on the numerous occasions when she had called, "not even when they would see me bleeding."

The interviews suggest that many police officers believe that spouse abuse is not a police or a criminal matter. This attitude is reflected not only by the fact that the police advised more than one-third of the women to resolve the problem by means other than police action, but also by numerous statements which were recounted by the women who were interviewed. One woman, who was advised to go to family court, was told by an officer, "This is not something we handle." Another woman, who had wanted the police to reprimand her husband, was reportedly told, "This is his [her husband's] house. He can do anything he wants to do." Another woman, after being told to go to family court, asked the officer if he intended to leave her in her house to be beaten. According to this woman, the officer responded, "Yes." Another woman reported that the police had come to her door on five occasions. Apparently her neighbors had heard the noise and

called the police, because she herself had never called them. She said, "I did not call. I was afraid to call. I knew he [her husband] would kill me if I called the police. When they came he would meet them at the door and say nothing was wrong and they would go away."

What has been the impact of the Police Department's Operations Order 89, which instructed the police to treat spouse abuse cases as they would treat other criminal matters? Of the eight women who requested an arrest before Operations Order 89 went into effect, only three had their requests filled. In contrast, of the six women who requested an arrest after Operations Order 89 was implemented, five had their requests filled by the police. Although these figures are small, they suggest that Operations Order 89 has improved the Police Department's response to battered women's requests for arrests. Nonetheless, with regard to the other requests that the women made of the police (such as to remove or reprimand their spouses) there was no discernible change in either the response or the attitude of the police. Overall, six (35 percent) of the 17 women who had contact with the police prior to Operations Order 89 felt that the police were helpful in contrast to four (25 percent) of the 16 women who had contact with the police after Operations Order 89 was implemented. This finding is not surprising, however, because the process of changing attitudes is both slow and incremental. It seems possible that as new officers join the police force and as

training of these officers concerning the provisions of Operations Order 89 continues, the response of the police to battered women may improve. Although not documented by the study, the experience of VSA case workers in the field is that increasingly police are responsive to spousal violence.

B. Medical Services

Background. The medical profession is another service likely to attend to battered women in crisis. Unlike police, however, medical personnel do not necessarily have to confront the source of the crisis. Much of the medical literature on spouse abuse focuses upon the problem of identifying battered women when they seek medical treatment. A Yale study found that emergency room physicians identified only one in 35 female patients as battered women, whereas the true proportion was one in four (Stark, Flitcraft, and Frazier, 1979). The study also found that certain patterns of injuries were characteristic of spouse abuse cases and suggested that a knowledge of such patterns could serve to alert physicians to the origin of women's injuries.

Most hospitals in New York City have social workers who provide short-term counseling or referrals for in-patients. Yet most battered women are treated in emergency rooms and released, and therefore are much less likely to come in contact with hospital social workers. In 1977 the City of

New York established 24-hour Borough Crisis Centers in the emergency rooms of four municipal hospitals. These Centers, which receive referrals from hospital medical staff and from other social service agencies, provide services to battered women, rape victims, child abuse victims, and patients in other crisis situations. The counseling for battered women is expected to help them examine their situations and options. In addition, battered women may receive, through the Centers' referrals, legal services or assistance in negotiating the welfare system or the criminal justice system. During their first 16 months of operation, 49 percent of 3,299 Borough Crisis Center clients were battered women.

Use of the Service. Seventy percent of the women in the sample had sought medical assistance at least once. Many (46 percent) had sought medical assistance more than once, and 11 percent had been treated nine or more times. Emergency room treatment was the most frequently sought form of medical assistance (used by 62 percent of women in the sample). A smaller percent had had contact with private doctors (24 percent) or clinics (10 percent).

The women in this sample were not reluctant to identify themselves as battered. Seventy-two percent of the women reportedly identified themselves as battered to medical staff (in most instances, the doctor) [1]. Among women who did not identify themselves as battered, the most

frequent reason cited was that the woman was embarrassed or afraid of what her spouse would do if he found out. Another reason was that the woman's spouse had accompanied her to the hospital and she had had no opportunity to inform the medical personnel away from his presence. This finding would suggest that in any case in which medical personnel suspect that a woman has been battered and her spouse is present, attempts should be made to speak with the woman privately.

Even though most women identified themselves as battered to medical staff, many did not get offers of assistance. Of the women who came into contact with medical services, 21 percent reported that medical personnel had spoken with them about obtaining assistance for the battering problem. Among those women who had told medical staff of the abuse, only 29 percent reported receiving offers of assistance or referrals. (This figure may over-represent the proportion of women offered assistance by medical staff. Six of the 16 women in the sample who told staff of the abuse and were offered help were in a sense "self-selected." They were obtained in the sample through a Borough Crisis Center and had therefore by definition been offered assistance.)

The reasons that medical staff do not provide extra-medical assistance and referrals to battered spouses may stem in part from the attitudes of medical staff toward spouse abuse. As part of the study, interviews were conducted

with the director of an emergency room, a physician, and an emergency room nurse. The nurse expressed the opinion that, "...our responsibilities are medical." She also stated that some medical staff perceive battered women to be taking "needed resources from people who need it."

Another reason for the low rate of offers of assistance from medical personnel may be that they simply do not know how to respond to battered women and what services are available to help them. The Governor's Task Force on Domestic Violence (1980) has suggested that an emergency room treatment protocol should be established for battered women in order to insure an appropriate response from medical personnel. The findings of this study support this suggestion. The establishment of such a medical protocol could bridge an important gap between medical and social services.

C. Legal Services

The data on courts indicate that they can be effective in aiding battered women, although there are obstacles that sometimes prevent women from using them. Some battered women do not have a clear idea of what they want from court or are ambivalent about the action that they wish the court to take. Others may change their minds; some women may withdraw their complaints because tempers have cooled or their husbands have apologized, promised to reform, or intimidated

their wives. Even when women do have a clear idea of what they want from the courts they frequently encounter resistance from court officials who believe that domestic violence is a private matter in which the courts should not intervene or who doubt that the women will persist in their complaints.

Criminal Court

Background. In New York State from 1962 until September 1977, cases of assault between married couples were by law heard first by the family court, which could, in limited situations, refer them to criminal court [2]. Under current law a married victim has the option of pursuing an abuse case either through criminal or family court. Common law or unmarried victims have access only to criminal court, unless they have children and the batterer is the father [3].

Once a case is in criminal court, judges may attach conditions to pretrial release so that victims are not forced to live with their assailants pending trial for assault or harassment (Fields, 1978). A Temporary Order of Protection may be granted to victims at arraignment and may be extended at subsequent court dates. The Temporary Order of Protection may order the assailant away from the house, or if the victim has left, may order the assailant to leave the victim alone while the case is pending; it may also (but usually does not) spell out temporary custody and visitation arrangements. In

practice, however, the frequency with which such orders are granted varies greatly from borough to borough. Some prosecutors' offices see a problem in issuing such orders before a finding of guilt since the order imposes conditions on the defendant's behavior. In other boroughs, while the practice is to grant Orders of Protection, if the orders are violated, the court's response is rarely, if ever, to forfeit or alter the conditions of pre-trial release.

Upon conviction of assault in a spouse abuse case, the court may impose a variety of sentences including incarceration. The court may forgo sentencing a defendant and grant a conditional discharge under which a defendant must abide by conditions set by the court (such as staying away from his wife). If a defendant does not abide by the terms of the discharge, it may be revoked and another sentence imposed.

An alternative to prosecution is an Adjournment in Contemplation of Dismissal (ACD), in which the case against the defendant is dismissed in six months if the defendant has not been re-arrested and has abided by conditions set by the judge. Again these conditions may include an order to stay away from the complainant, to cease harassing her, and so forth. Despite these conditions, in practice it is unusual for judges to restore cases when defendants violate the conditions of a Conditional Discharge or an ACD.

The infrequent use of sanctions against spouse abusers by the courts has been criticized. Parnas reports:

> ...there is a tendency on the part of those in a position to respond to either ignore them [spouse abuse cases] altogether, or more usually, to respond in such a way as to get rid of such cases as quickly as possible. (Parnas 1973:734)

Critics contend that court officials regard spouse abuse cases as private matters in which the state ought not to intervene (e.g., Bannon, 1975; Smith, 1979), and as a result, sometimes neglect the plight and rights of battered women. Fields (1978) found in Cook County, Illinois, that prosecutors regarded husbands' attacks against wives as less serious than attacks against strangers; that charges brought against husbands were not related to the seriousness of the violence; and that prosecutors failed to engage in legal argument when judges dismissed complaints on the irrelevant grounds that divorce actions were pending.

Defenders of the court system counter that spouse abuse cases are not prosecuted like other cases because that is not what the victims want. Battered women, it is claimed, often change their minds and withdraw complaints after time has passed and perhaps after their spouses have been "taught a lesson." Even those who do not withdraw charges are characterized as not wanting the court to invoke sanctions against their husbands because they may rely on their husbands'

incomes, may feel guilty about being too hard on them, or may fear retaliation. Use of the courts to prosecute in such situations is seen by officials as wasteful at a time when courts are pressed for resources to deal with stranger-to-stranger crime.

Research conducted by the Vera Institute of Justice (Vera Institute, 1977) and VSA (Davis, Russell, and Kunreuther, 1980) apart from this study has focused on how criminal courts handle cases in which the defendant and victim have had a prior relationship. The majority of these cases are assaults between intimates: spouses, common-law spouses, ex-spouses, lovers and ex-lovers. This research shows that such victims are more likely to appear in court and more likely to be consulted by the prosecutor on what they want the outcome of the case to be than are victims in stranger-to-stranger cases. The data do support the impression that prior relationship cases are more likely to be dismissed and the defendant less likely to be incarcerated than in stranger-to-stranger cases.

Attitudes toward the prosecution of domestic violence cases are changing. A recent edition of Response to Violence in the Family (1981), published by the Center for Women Policy Studies, listed many jurisdictions which have developed special units or procedures for processing domestic violence cases. Data from the present

study help to shed some light on the issue of the responsiveness of court officials to battered women.

Use of the Service. Forty-five percent of the sample had been complainants against their spouses in criminal court. Compared to the sample as a whole, criminal court complainants were more often members of minority groups, less educated, more likely to have children, and more likely to have sought medical attention (see Table 4.3). Taken together, these findings suggest that battered women who end up in criminal court have fewer resources and more injuries than battered women as a whole.

The view that complainants in spouse abuse cases are likely to withdraw charges was not supported by the study. Among the 61 women whose spouses were arrested and who entered the criminal justice process, only 8 percent did not wish to file complaints. Among the 50 women who filed complaints in criminal court (in 11 cases women whose spouses had been arrested were referred to family court rather than criminal court), only 24 percent reported not following through on their intent to prosecute.

These results should be interpreted with caution. First, as discussed in the introduction, the sample is comprised largely of women who were successful in their efforts to leave their spouses. It is likely that such women would exhibit greater resolve to prosecute than other women. Second,

TABLE 4.3

FACTORS THAT DIFFERENTIATE WOMEN IN THE SAMPLE WHO USED CRIMINAL COURT

	Percent Who Used Criminal Court	Chi-square*
1. Ethnicity		
White women (n=40)	20%	9.3[a]
Non-White women (n=72)	51	
2. Education		
Women with less that a high school education (n=38)	66%	14.1[a]
Women with more than a high school education (n=74)	27	
3. Children		
Women with no children (n=17)	18%	3.2[b]
Women with children (n=95)	44	
4. Medical Attention		
Women who never sought medical attention (n=34)	21%	6.7[a]
Women who had sought medical attention at least once (n=78)	49	

*Chi-square statistics computed with Yates' correction.

a. $p < .01$

b. $p < .10$

when criminal court complainants were asked about their persistence, they were not asked specifically whether they had ever failed to attend court or whether they had asked the prosecutor or court to reduce charges or not to impose sanctions on their husbands. If they had been asked such questions, some might have been shown to have been less persistent. Finally, only the perspective of the complainant was sought; court officials may have perceived complainants' intentions or actions differently than complainants portrayed them. Yet the data do suggest that the failure of battered spouses to cooperate in prosecuting their husbands may be overestimated by court officials.

Women who stated that they were resolute in their decision to prosecute differed from women who did not wish to press charges from the outset or who changed their minds later. The "persistent" women were more likely to have been injured repeatedly and to have had their spouses arrested previously (see Table 4.4).

Figure 4.2 suggests a mixed picture of the responsiveness of court officials to the cases of the battered women studied. These women reported lenient treatment of their cases. Ninety-three percent said that the judge had admonished their spouses verbally to stay away from them or not to bother them. (Such warnings are not, however, legally binding). The court seldom imposed sanctions on abusers;

TABLE 4.4

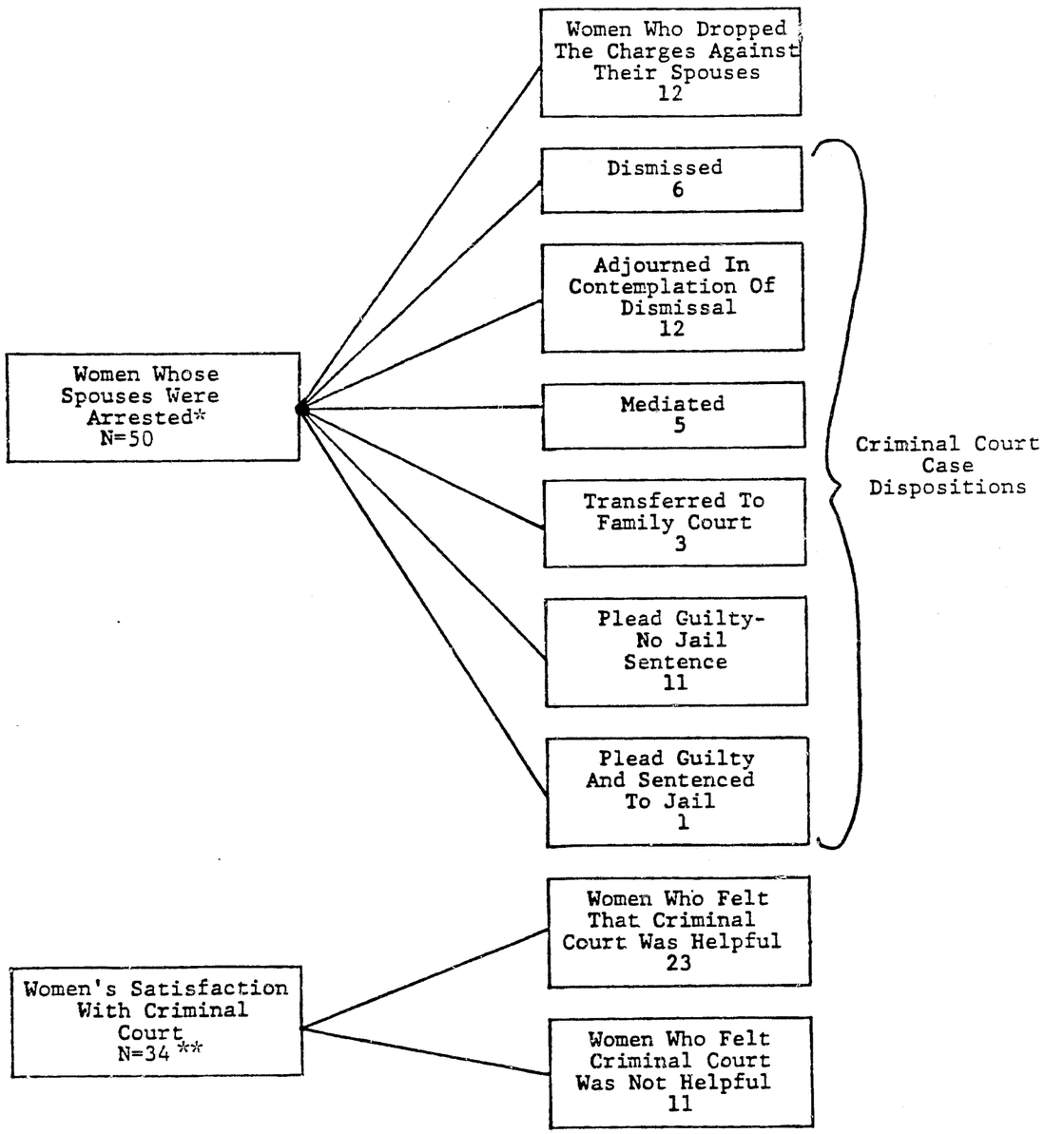
FACTORS ASSOCIATED WITH A WOMAN'S DECISION TO FOLLOW THROUGH WITH HER CRIMINAL COURT CASE

	Percent Of Women Who Followed Through With Their Criminal Court Cases	Kendall's Tau C
1. Medical Attention		
Women who had never sought medical attention (n=11)	55%	.25* (p=.04)
Women who had sought medical attention at least once (n=39)	82	
2. Number of Times Spouse Was Arrested		
Spouse arrested only once (n=35)	69%	.24** (p=.02)
Spouse arrested more than once (n=15)	93	

*Although the figures presented in this table dichotomize the sample into women who had sought medical attention at least once versus women who had never sought medical attention, the Kendall's Tau was computed using the whole range of number of times that women sought medical attention--from 0 to 9 or more times.

**Although the figures presented here dichotomize the sample into women whose spouses were arrested only once versus those whose spouses were arrested more than once, the Kendall's Tau was computed using the whole range of number of times that the spouses were arrested--from 1 to 9 or more times.

FIGURE 4.2
SUMMARY OF THE CRIMINAL COURT CASE DISPOSITIONS AND THE WOMEN'S SATISFACTION WITH THE COURT



*Excludes those women who pursued Family Court cases after their spouses were arrested.

**Responses of 4 women who followed through with Criminal Court cases were missing.

indeed, only one abuser was reported to have been sentenced to jail.

In part the leniency of the dispositions may reflect a reluctance among court officials to prosecute these cases, as observed by other authors (e.g. Parnas, 1973; Martin, 1976; Fields 1978). This impression was supported by a criminal court judge interviewed for the study, who said: "People involved in the judicial process give these [spouse abuse] cases low priority. Most court staff don't believe that this should be a court matter."

Despite the reluctance of some court officials to treat spouse abuse cases as serious, most of the women who followed through with their cases reported satisfaction with the system:

- 73 percent of the women who spoke to the prosecutor reported that the prosecutor had asked them what they wanted done in their case.
- 80 percent of the women who were asked by the prosecutor what they wanted from cases reported that the prosecutor attempted to get the case outcome they had requested; and 67 percent said the prosecutor succeeded in getting the desired case outcome.
- 73 percent of the women believed that taking their problem to the court had been helpful.

These statistics suggest that court officials were responsive to the women's wishes and that although dispositions in spouse abuse cases appear lenient, prosecutors and judges are not necessarily unresponsive to battered women.

The data suggest that there are many instances in which the courts do not harshly sentence an abusive spouse but nevertheless their intervention improves the situation. Even though an abuser's case is dismissed or he is not incarcerated, the threat of prosecution may cause the abuser to stop his assaults or seek help to control his violence; or the victim may take advantage of the time the assailant is in custody pending arraignment to escape and move to another location. Court officials thus should realize that women who decide to drop charges or are reluctant to have their husbands incarcerated may nonetheless benefit from filing charges in court. For instance, in some cases the woman's court action apparently deterred her spouse from battering her, at least temporarily. Forty-seven percent of the women reported that their spouses did not bother them again after their cases were disposed. Several of the women who reported a cessation of violence expressed the belief that the threat of sanctions was the reason. One woman said, "After spending a day in jail he sees he can get in trouble and pay for it. It taught him that I'll go to the police next time."

It may be, however, that a particular characteristic of this sample explains both why many of these women were not subsequently bothered by their spouses and why many found taking a case to court helpful. Eighty-nine percent of the women who followed through with their cases had moved out. Taking a case to court may be most effective when women have made a decision to sever ties with their spouses; such women may experience less ambivalence about pressing charges, may be taken more seriously by court officials and may be less obvious targets for retaliation by angry spouses.

Despite their efforts through the courts, and even though only 11 percent remained with their spouses, more than half (53 percent) of the 38 women who followed through with criminal court cases were bothered again by their spouses. According to one woman,

> It [taking the case to court] made it worse. After he didn't get locked up the first time, he realized they'd never lock him up. The first time he went to court he was scared. After that, when I threatened to call the police he'd laugh and beat me up.

Another woman said,

> They told him if he did it again he would go to jail. When we came back again they acted like they had no record of it.

A judge interviewed for the study stated that, "We don't have the kinds of help or services these [spouse abuse] cases need." The data from this study suggest that this judge is, to some extent, correct. An ability to sever the

relationship with the batterer appeared to be an important characteristic of most of those women who successfully pursued criminal court cases. The courts, however, are not designed to help a woman leave her spouse (eg., they do not provide relocation services or civil legal services for custody and support).

The data also suggest, though, that the courts can, and to some extent do, provide an important service to some battered women. The high level of satisfaction with the courts among some women and the abatement of violence in certain cases suggest that the criminal courts can be effective in deterring violence without invoking harsh penalties. The challenge is to determine for which women and under which conditions this is true.

Family Court

Background. The New York State family court system was created in 1962 to deal with several types of situations, one of which is "family offense" proceedings. Among the purposes of family offense proceedings is to provide "practical help" to wives and other family members who suffer from family offenses. In order to initiate a family offense proceeding the woman involved must be married to the batterer. Only civil procedures apply and

all records of family court proceedings are sealed. be married to the batterer. Only civil procedures apply and all records of family court proceedings are sealed.

The family court system contains two components: the Probation Department and the family court. The functions of probation include: 1) determining which clients do not belong under the family court jurisdiction; 2) explaining the process of family court; and 3) in some cases, counseling the parties. Family court rules authorize probation to attempt through conciliation and agreement to "adjust" a case before a petition for a hearing before a family court judge is filed.

Among the family court's powers is the issuance of Orders of Protection that provide that one spouse shall not assault, attempt to assault, menace, recklessly endanger or harass the other (Woods, 1978). In addition, it can award custody of the children; order support payments for children; work out arrangements for visitation with children; or order the abuser to move out of the house, to participate in educational programs (such as counseling), and to stay away from the home, the victim, or the children. An Order of Protection can be granted after a hearing before a family court judge and last for up to one year. (As in criminal court, these provisions may also be contained in a Temporary Order of Protection, which can be granted in the absence of the woman's spouse until the time of the hearing.)

Use of the Service. Sixty-one of the 112 women in the sample had been to family court at least once in an effort to end the violence in their relationships. The women using family court had more resources, better education, and spouses with higher salaries than women using the criminal court. But like other women who used services (compared to those who did not), they were more likely to be minorities and to have children living with them. Not surprisingly, 90 percent of the women who had had cases in the family court reported being legally married to the batterers.

Three-fourths of the 61 women who had had experiences with the family court had been there more than once. A previous study of the Manhattan Family Court found that 30 percent of the women studied had been in court for at least one prior case (Leeds, 1978).

When a battered woman goes to family court for an Order of Protection, typically she first goes to a clerk's office so that the court can determine the nature of any past contacts she has had with family court. Next, she is interviewed by a probation officer. Legally, a battered woman has the right to bypass probation although she may not be aware of this right. If it is determined that her case will be handled by probation, the probation officer may schedule an appointment with her husband or refer her to counseling. If she decides to bypass probation she proceeds to the petition

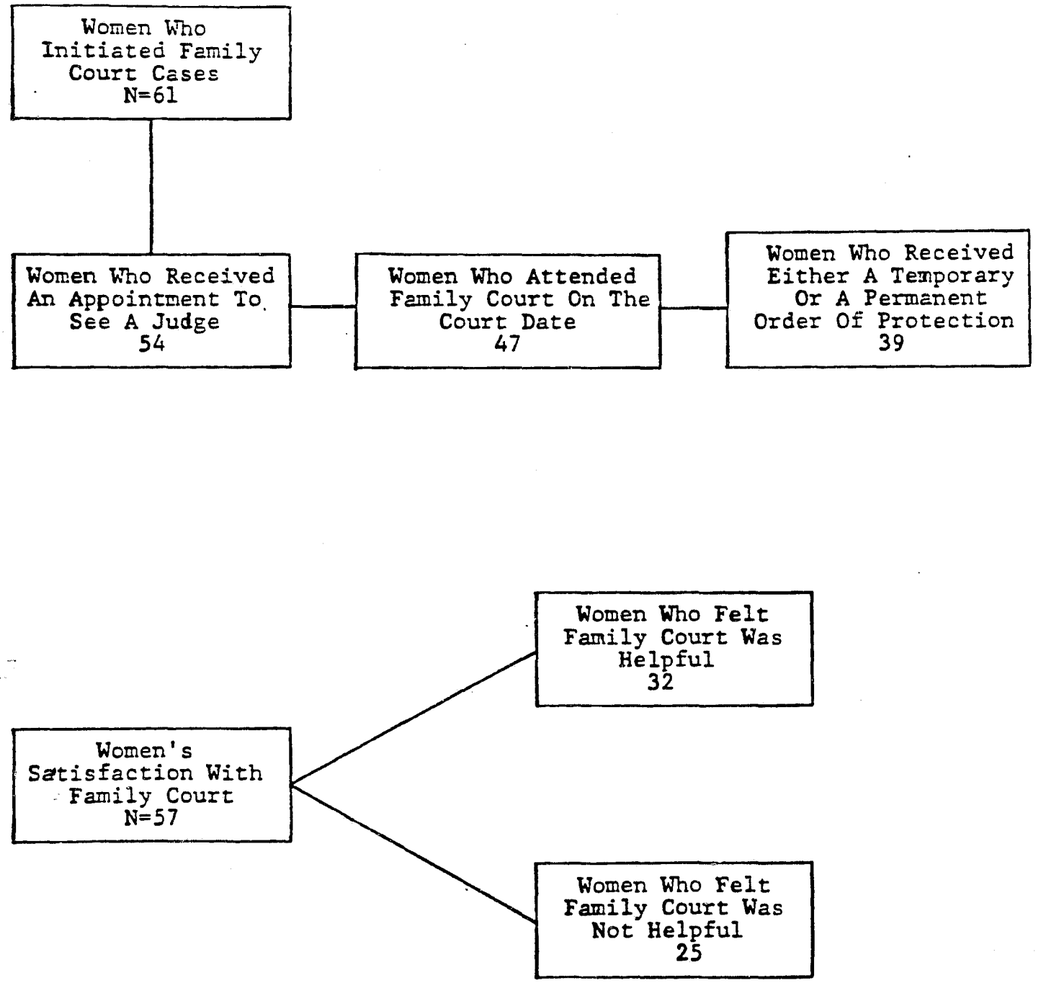
clerk who prepares the petition for the judge. The judge then determines whether to grant a Temporary Order of Protection [4]. At subsequent hearings the woman may be granted a Permanent Order of Protection (which lasts one year).

The data from the study showed that most women successfully negotiated the family court and received either Temporary or Permanent Orders of Protection. As Figure 4.3 shows, in 54 of the 61 cases the woman saw a judge and 39 received some type of Order of Protection. Moreover, the majority of women felt the family court was helpful, although some women voiced criticism about the process. For example, one woman reported that a probation officer wrote her address on the notice to be sent to the offender. Other women reported feeling that court officials "didn't want to be bothered" or "were unwilling to answer any questions" or seemed to be on the side of the spouse.

Despite these criticisms, more than 90 percent of the women in this study received appointments to have a hearing. This proportion is considerably higher than the 60 percent of women in Leed's (1978) study of Manhattan Family Court whose cases were not terminated at probation intake. The higher proportion in this study may reflect that these women were more resolute than the Leeds sample in their desire to change their situations or that the system has been changing, becoming more responsive to the needs of battered women.

FIGURE 4.3

PROGRESSION OF FAMILY COURT CASES AND WOMEN'S SATISFACTION WITH THE COURT



There are several dispositional alternatives available to judges who preside over family court hearings. These include dismissing the petition if the allegations are not established, suspending judgment (for up to six months), placing the offender on probation (for up to one year), and issuing an Order of Protection. The court may order a batterer to participate in an educational program as a condition of probation or in connection with an Order of Protection. The predominant response of judges for cases in the study was to issue an Order of Protection; 83 percent of the women who appeared on their court date received Orders of Protection. Although a judge interviewed for the study stated, "It is good to use the court and counseling together because the court has the power to enforce that which counseling recommends," none of the cases in the study was referred to counseling.

Fifty-nine percent of the women reported violations of their Orders of Protection. The rate of violations in family court was roughly comparable to the 53 percent rate reported for criminal court cases. As in criminal court, family court proceedings appeared to deter further violence by the threat of future court actions. For example, one woman said, "He was afraid of being arrested and put in jail." Another woman stated, "Before the Order of Protection he acted worse. Now he's afraid of the Order of Protection." Of course, the Order of Protection was not always effective in

ending violence. One woman reported, "he stopped for a while but then started up." Another woman reported, "He still hit me, and he was very smug because family court wouldn't do anything." As was true of women involved in criminal court cases, women with family court cases who lived apart from the abuser were least likely to experience continued difficulties. Six of seven women who were living with their spouses when they had cases in family court reported that their Orders of Protection were violated. Among the 32 women who did not live with their spouses, 16 reported violations. Thus, taking a case to either family or criminal court appeared to be most effective when the woman was not living with her spouse.

Legal Services for Divorce or Permanent Separation

Battered women legally married to their spouses who want to permanently separate from or divorce them should seek the assistance of lawyers. Twenty of the women in the sample had contacted lawyers. In 15 of the cases, women had sought low cost or free legal help through South Brooklyn Legal Services or Mobilization for Youth. Satisfaction with legal services was high; 77 percent of women who used them reported that the service was helpful.

One woman in the sample used legal services in a particularly creative way. The woman, who was hit by her husband approximately once every four months for eleven years,

sought help from a lawyer to draw up a contract. The agreement, signed by both the woman and her husband, stated that she would perform household duties as long as he did not hit her. If he hit her, she and the children would leave. Although her husband verbally abused her, he did not hit her after the contract was signed.

D. Counseling

Background. Battered women may seek professional counseling to serve one of several purposes. They may seek short-term, or "crisis" counseling when they have decided to leave their spouses in order to get psychological support during the period of separation and to find out about programs to help them reconstruct their lives. They may go with their spouses to a marriage counselor to find more constructive ways in which to relate to each other and to reduce the violence. Or they may seek therapy on a long-term basis to resolve problems that led to or stem from the abuse.

Use of the Service. People often turn to friends and relatives to receive the types of assistance available through counseling. As documented in Section 3, 78 percent of the women in the sample who had discussed the battering problems with others had spoken with friends or relatives. This figure may have been higher than the true frequency with which battered women consult friends and relatives because women who

agreed to be interviewed for this study may be less inhibited about discussing the battering problem than battered women in general. Although the majority (72 percent) found it helpful to discuss the problem with another party, friends and relatives were not always responsive to the women's problems. A few women reported that when they tried to discuss the problem, their confidant did not believe they were being hit. Others received advice concerning how to avoid "provoking" their spouse. Several women also reported that their friends and relatives grew weary of hearing about their problems.

Taken together, these findings suggest that professional counseling can be useful to battered women in several ways: the availability of an unbiased third party can encourage a woman who is too embarrassed to discuss the problem with friends or relatives to speak out; a hotline that advertises its services for battered women can reassure a woman that her story will be believed and that she is not the only one with such a problem; and a professional counselor can provide a woman with a perspective different from that of her friends and relatives, who may be too involved in the situation to provide useful advice. There are other advantages beyond those suggested by the findings; counselors can refer women or their husbands to services, let women know what options they have, and negotiate with services for them -- skills which most friends and relatives cannot provide. In addition, counselors

can assist women in achieving a better understanding of their problems.

Of the women interviewed, 12 (18 percent) had contacted VSA's hotline for crime victims; 8 (12 percent) had contacted Abused Women's Aid in Crisis (AWAIC); 3 (4 percent) had contacted the Brooklyn Women's Center; and 2 (3 percent) had contacted the Staten Island Women's Center. As shown in Figure 4.4, satisfaction with the programs was high; 21 (84 percent) reported that the programs had been helpful.

For example, one woman who sought help from the Staten Island Women's Center was placed in contact with a child welfare agency to assist her daughter who was also being beaten. The mother received help in obtaining an Order of Protection from family court. She left her spouse and subsequently began receiving public assistance payments, was placed in a shelter, and contacted a lawyer to begin separation proceedings. According to this woman, the staff of the Women's Center were "terrific...If it wasn't for them, I wouldn't have gotten out."

Another form of counseling sought by 12 (11 percent) of the women in the sample was marriage counseling. Most of the women who had been to marriage counseling reported having gone only a few times because their spouses were reluctant to go and most women came away feeling that "things

each variable on compliance (that is, the effect of each variable controlling statistically for the effects of other variables). The results of this analysis are presented in Table 2.5.

The factor that was most strongly related to compliance was the defendant's ties to the community, as measured by the bail recommendation made by the Criminal Justice Agency (this recommendation incorporates measures of defendants' employment status, residential stability, and family ties); the stronger a defendant's community ties, the more likely he was to complete restitution payments. It can be conjectured that community ties imply stability and the existence of persons in the defendant's social network who can provide pressure, as well as support, to complete payments.

The data also indicate that there is greater likelihood that a defendant with fewer prior arrests will comply with restitution orders. It may be that defendants who have had more experience with the court and know its limitations are less convinced of the court's ability to enforce compliance with restitution orders.

Surprisingly, the results suggest that the more time defendants are given to pay and the less the amount of money they are ordered to pay, the less likely they are to pay. These

TABLE 2.5

PREDICTORS OF DEFENDANT COMPLIANCE WITH RESTITUTION ORDERS

Variable	Beta	F Value
Defendant's Community Ties	-0.234	22.718*
Experience of the Judge	0.113	5.741*
Defendant's Prior Arrests	-0.100	4.021*
Length of Time Given To Pay	-0.156	8.551*
Amount of Restitution Ordered	0.129	5.797*
Defendant's Age	0.058	1.412
Arrest Charge	0.113	0.736

$R^2 = .12$

* For these variables $p < .01$.

paradoxical results may suggest that defendants take the court's action more seriously and are more intimidated by the threat of additional sanctions being imposed when the court sets harsh terms for the payment of restitution. Whatever the reason, these data suggest that leniency in setting the terms of restitution tends to work against victims.

Finally, the data indicate that a defendant sentenced by a judge more experienced in the use of restitution is more likely to pay. A judge more versed in the use of restitution may have a better sense of which defendants are likely to complete restitution payments if given a chance, and/or may have a better feeling for setting a reasonable amount or payment schedule than a less experienced judge.

FOOTNOTES

1. Cases adjourned in contemplation of dismissal are automatically dismissed in six months, provided that the defendant has not violated the law or conditions established by the judge in the meantime. Conditional discharges are sentences imposed following guilty pleas. Under a conditional discharge, a defendant is bound to terms set by the judge for one year in misdemeanor convictions and three years in felony convictions. Violation of these stipulations can become grounds for rearrest, revocation of conditional discharge, and imposition of a sentence.

2. If a maximum is indicated, the complainant is expected to provide VSA with a bill for the exact amount of loss or damage. When the program receives this information, the defendant is notified of the exact amount due. If the amount of restitution exceeds $500, the case must be approved by a supervisory prosecutor.

3. i.e., where the amount of restitution ordered is $400 or more and the date on which final payment is due in three months or more from the date of the order.

4. The Criminal Justice Agency is New York City's pretrial release agency. Based on verified information from interviews with persons arrested the Agency attempts to assess each individuals' ties to the community. The index of community ties used by the Agency includes such factors as who the defendant lives with, whether he or she is employed, how long he or she has lived in the community, and so forth. Persons who are found to have strong community ties are recommended by the Agency for release on their own recognizance at arraignment.

5. Chi-square = 16.06, df=1, p .01

CHAPTER 3

PROGRAM EFFECTS UPON THE COURT

As stated earlier, an aim of VSA's restitution program was to encourage greater use of restitution by court officials. It was believed that by relieving court officials of the responsibility for monitoring compliance with restitution orders, and by instituting more regular and effective compliance procedures, prosecutors and judges would request or order restitution more often. As the system had operated prior to VSA's intervention, compliance with restitution orders was thought to be low. Therefore, restitution as a case outcome was favorable to the defense (because defendants often failed to pay and thereby escaped any sanction) but not necessarily to the prosecution or to the court (because when defendants defaulted, they usually escaped sanction and victims were unsatisfied).

It was assumed by VSA that a major reason for the infrequent use of restitution as a dispositional alternative was that judges and prosecutors perceived it as usually benefitting only the defense, but (when defendants defaulted) not satisfying their own aims of rehabilitation, deterrence, or retribution. Moreover, effective monitoring of defendants' payment of restitution was an administrative burden that neither the prosecutor's office nor the court was able to manage effectively.

By relieving the prosecutor's office and the court of the responsibility for monitoring restitution payments and by increasing compliance with restitution orders, VSA hoped to change court officials' perceptions of restitution orders from an outcome which favored the defense to one which satisfied goals of both prosecution and defense. This section examines court officials' perceptions of VSA's program, the program's effects on officials' perceptions of restitution, and data which measures the program's effects on the frequency of restitution orders.

Interviews With Court Officials

Interviews were conducted with ten officials from Brooklyn Criminal Court. Those interviewed included eight judges, one Legal Aid Attorney, and one Assistant District Attorney. In addition, interviews were conducted with five VSA program administrators.

Judges and attorneys were asked about their attitudes toward restitution and about problems they had observed in the restitution process. Program administrators were asked about program procedures and the relationship of the program to the court. All respondents were asked about their ideas for changes in the program.

Perceptions of Restitution As a Case Outcome

Restitution was seen by all judges interviewed as an appropriate case outcome in many situations. As one judge put it: "The sentence the defendant would get for this type of case is 30-90 days and that could never have a rehabilitative effect; restitution is the best thing we [the court] have". Five of eight judges regarded restitution as serving both the victim and the defendant. They viewed restitution as a means of restoring to the victims what was lost, thereby making the victims whole again. Restitution was seen as beneficial to defendants because they do not

get a criminal record (if used in conjunction with an ACD) and because it may help them to "expiate [their] guilt". But several judges expressed reservation about the use of restitution in criminal court, regarding it as a remedy that should be pursued by the victims in civil court.

Several judges expressed the belief that restitution may be used as a means of furthering the court's goal of expeditious case processing. Restitution is a relatively quick case outcome; in many cases the order can be completed with only one continuance. Unless the case needs to be brought back to court due to defendant non-payment, that case is then off the court calendar. Because a restitution case is off the court calendar so quickly it is also relatively inexpensive. As one judge put it "a conditional discharge costs the court money, probation costs the court money, but restitution is cheap".

The Assistant District Attorney concurred with those judges who saw restitution as benefiting the victim. He felt restitution gives the victim something significant from the court process. The Legal Aid Society representative, on the other hand, had a defendant-oriented view of restitution. He felt that restitution benefited defendants because it was a relatively lenient court outcome, and reported that Legal Aid attorneys often propose it to their clients. But he also cautioned that use of restitution puts

the court in danger of being seen as a collection agency. When asked if restitution could have either a rehabilitative or deterrent effect on a defendant, both attorneys agreed that restitution probably would not have such an effect.

The Restitution Process

a) When Should Restitution be Ordered?

Four of eight judges felt restitution should be limited to cases in which there was no clear societal interest in incarcerating defendants. That is, they felt that restitution should be reserved for less serious cases where there may have been property loss or damage or minor injury, rather than cases involving crimes of violence (especially crimes where a weapon had been used) and/or defendants with extensive prior records. On the other hand, three judges said they would order restitution whenever a victim wanted it or the judge felt the victim needed it.

Judges differed in the extent to which they considered the defendant's means in deciding whether to order restitution. Two of the judges reported they would definitely not order restitution for a defendant on welfare, but two other judges stated that they would order restitution even if they weren't convinced a defendant had the ability to pay. Finally, two judges considered whether the

defendant has paid restitution in the past; if the defendant had, these judges would be more likely to order restitution again.

Both attorneys interviewed agreed with the judges that restitution should be ordered in less serious cases. While the assistant district attorney agreed that the victim's desires should be considered when contemplating an order of restitution, he felt the defendant's prior record, the relationship between victim and defendant, and the effect on the community of prosecuting the case compared to ordering restitution to be equally important. Both attorneys agreed that a defendant's willingness to pay restitution was not enough, but that there must also be a realistic assessment of the defendant's ability to pay. The Legal Aid attorney in particular cautioned that a defendant must not be compelled to use money to meet restitution payments that would otherwise pay for necessities such as food or shelter.

b) How Should the Amount and the Payment Schedule be Determined?

The interviews suggested that there was no consistent procedure for setting the amount of restitution payments. Judges reported that they consult with victims when setting the amount of restitution if the estimate of the damage is unclear from bills or the court's record. One of the judges and the Legal Aid

attorney felt that it was important for the victim to submit documentation of the extent of his losses prior to setting the amount of the award.

All judges agreed that defendants should be given a reasonable time to comply with restitution orders. One judge and the prosecuting attorney felt that VSA's restitution program should determine the payment schedule.

Program administrators agreed with the judges who felt victims should be consulted in setting the amount of the damages, and that the final decision should be made by the attorneys with advice from program personnel. Several program administrators thought documentation was unnecessary to set an amount if an estimate sounded reasonable

Views of VSA's Restitution Program

The two attorneys and all but two judges felt that VSA's program had made them more willing to agree to restitution. One judge related that the program had simplified case follow-up and enforcement. The attorney from the Legal Aid Society felt restitution was more acceptable now that payments can be made through a third party.

Although generally enthusiastic about VSA's program, court officials expressed concern about the high rate of non-compliance with restitution orders despite the program's efforts. To help deal with the problem, four judges suggested that reports on cases in which defendants had not completed their obligations be written up periodically by program staff; the reports would contain information on defendants' financial situation and whether they needed more time to pay. This information would give judges some basis for further actions in a restored case. The judges also felt that such information would also enable them to better form opinions about when to order restitution in the future.

Both attorneys thought that to increase compliance the restitution process should be restructured so that defendants would have to appear before the judge a second time, after the payments were due. In other words, they proposed a model for handling restitution that was similar to that used in Bronx Criminal Court.

Several court officials suggested an expanded role for VSA's program. They felt that program staff could play a part in setting the amount of the orders and verifying victims' claims.

Attitudes Towards Changes that Would Broaden the Scope of Restitution

Court officials were asked whether they would welcome efforts by VSA staff to screen cases for restitution in the complaint room and make recommendations to the court. Six judges and the two attorneys felt that such a procedure would benefit the court; both prosecuting and defense attorneys cautioned, however, that the subject of restitution not be broached with victims too soon after the crime, while they are still emotionally distraught and unlikely to favor the idea. Suggested criteria for screening included the type and severity of the offense; the defendant's ability to pay; likelihood of defendant compliance with a restitution order; and the victim's interest in restitution.

Officials were also asked their opinions of orders to perform community service, in lieu of restitution paid to victims, for defendants who do not have the means to pay restitution. (Under such a work restitution scheme, defendants would be required to perform a specific amount of supervised community work either without compensation or with earnings being paid to victims.)

Five of the judges and the prosecuting attorney favored work restitution in theory, but were concerned about the practicality of running such a program (citing problems such as arranging work assignments, supervision, and lack of funds). The

representative of the Legal Aid Society questioned what would happen to a defendant if he refused to do the work restitution. He was also concerned that giving a defendant a job for a limited period and then discharging him might have negative effects on the individual.

Analysis of Program Impact On The Frequency of Use of Restitution by the Court

As previously mentioned, court officials held favorable views of VSA's restitution program and believed that the program's operations had given them more confidence in ordering restitution. To ascertain whether the court had, in fact, increased its use of restitution, an impact study was undertaken in which the frequencies of restitution orders were compared between a sample of cases disposed before the restitution program began and another sample disposed after the program was in operation.

Originally it was intended to draw the two samples from court papers (and, in fact, such samples were collected). However, due to unforseen problems (described in Appendix A), this method of comparison proved untenable. Consequently, program impact was measured by comparing a pre-program and post-program sample that were each drawn for other studies of victims and services for victims in criminal court. The pre-program sample consisted of 295 cases collected in the summer of 1976 for a study about victims' satisfaction with the court process (Davis, Russell, and Kunreuther, 1980). The post-program sample consisted of 249 cases collected in the winter of 1978 and early 1979 for a study of an experimental program to give victims a greater voice in the court process. (Davis, Tichane, and Connick, 1980).

In both samples, cases examined were limited to (a) cases in which an adjournment in contemplation of dismissal or a conditional discharge had been ordered and (b) cases which (according to the victim's report) involved property loss, property damage or injury requiring medical attention. In other words, the samples were restricted to those cases which appeared eligible for restitution. The number of orders of restitution in each sample was tallied and the percentage of restitution orders among eligible cases was obtained. These two percentages were then compared to determine whether the use of restitution had increased over time.

The results of this examination showed that, both before and after the program, restitution was orderd in only a small proportion of apparently eligible cases. In the sample drawn prior to the start of the program, restitution was ordered in 15% of cases meeting the criteria defined above; in the sample drawn after the program began, restitution was ordered in 12% of the cases meeting the criteria specified. The difference between these proportions is not statistically significant.

However, data from VSA's quarterly reports, (summarized in Figure 3.1) show that, since the time the post-program sample was drawn, restitution orders increased substantially in Brooklyn (and in the Bronx as well). If these increases are indeed attributable to VSA's programs, it seems that program effects on the

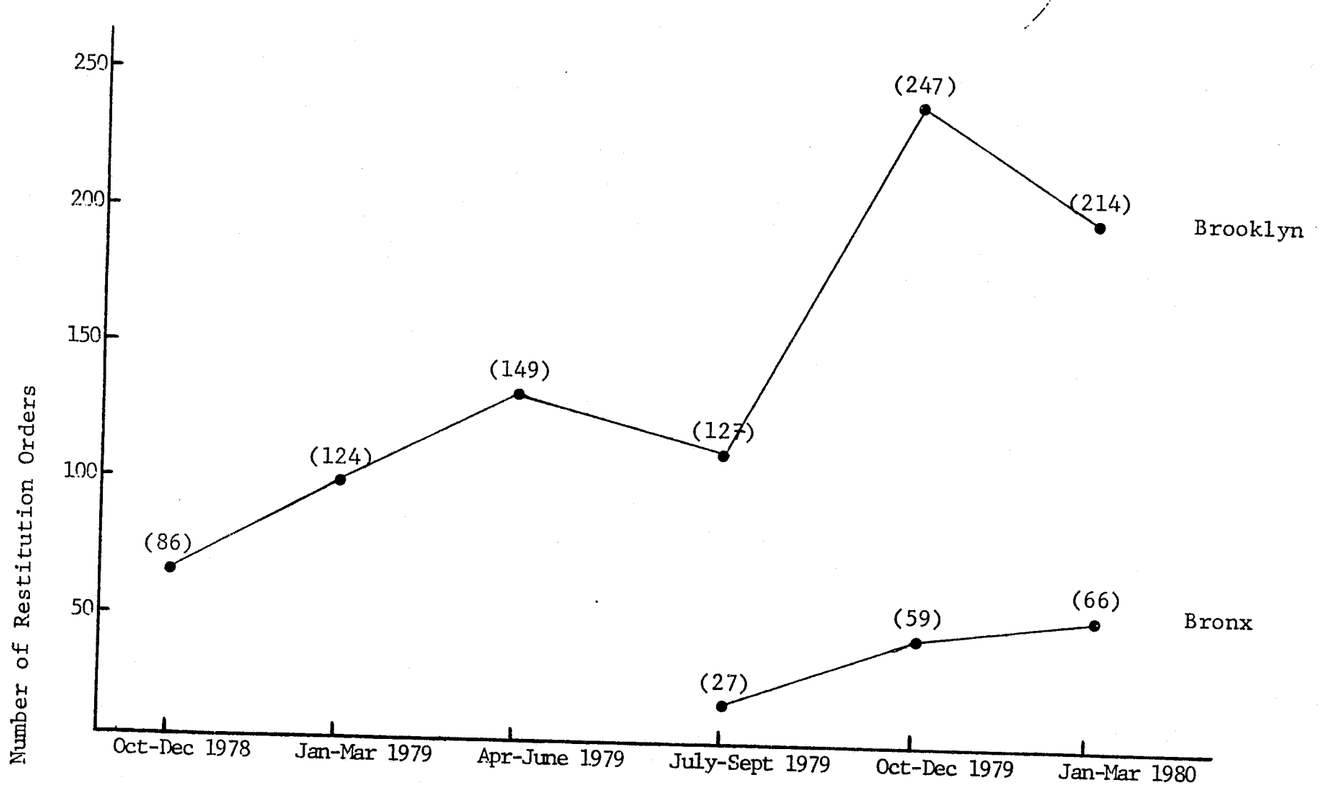


Figure 3.1

Restitution Orders in Brooklyn and Bronx by Quarters

frequency of restitution orders took time to develop. That would not be surprising since the effects depended on VSA's ability to generate greater confidence among court officials in the use of restitution -- a process that might well happen only gradually. The efforts VSA made to increase officials' awareness of the program (providing feedback to judges on the status of cases in which they had ordered restitution in both boroughs and promoting the program at judges' and prosecutors' meetings in Brooklyn) seemed in the long run to pay off. It may also be that the assumption of responsibility for monitoring restitution payments resulted in prosecutors and judges spreading to their colleagues by word of mouth the idea that restitution was now a more acceptable dispositional alternative.

The observed increase in restitution orders in both boroughs following introduction of VSA's programs is a good illustration of a point made by Lenihan (1977). That is, that reform programs are most readily accepted and successful when they are compatible with the goals of persons in the institution in which the program is introduced. VSA's programs offered prosecutors and judges greater assurance that restitution orders would be complied with. In a time of heightened public concern about victims of crime, this created an opportunity for court officials to be more responsive to the needs of victims by suggesting or ordering restitution more often.

CHAPTER 4

PROGRAM EFFECTS UPON VICTIMS AND DEFENDANTS

Because defendants often failed to make restitution payments, restitution orders created an unfair balance of rewards and costs between victims and defendants. In not complying with restitution orders defendants avoided sanctions entirely, while victims' losses remained unreimbursed. The inequitable cost/reward ratio between the two parties that stemmed from the crime was perpetuated. VSA hoped that by lending its authority and the authority of the court to the side of victims, defendants would be encouraged to pay the amounts they had promised. Through VSA's action, then, the balance of rewards and costs between victims and defendants would be more equitably distributed.

In order to determine victims' and defendants' perceptions of the program and of the program's effect on their satisfaction with the court process, interviews were conducted with 28 victims in Brooklyn and 26 victims in the Bronx; and with 25 defendants in Brooklyn and 25 defendants in Bronx. In areas where the perceptions of Brooklyn and Bronx program participants differ, data are reported separately for the two boroughs and the reasons for the differences explored; otherwise the data have been combined for Brooklyn and Bronx participants.

Description of the Samples

Most of the victims and defendants interviewed in both boroughs were males, but males made up a relatively smaller proportion of the victim sample (73%) than of the defendant sample (94%) [$p < .05$]. The majority of complainants and defendants from both boroughs fell in the 19-35 year old age range. Relative to defendants, more complainants fell in the 56 and above age range and fewer in the under 18 range (the difference in age distributions was not, however, statistically significant).

Indicators of economic stability such as occupation, annual income, and length of time employed during the past year were measured for all respondents. By each of these measures, complainants enjoyed a greater degree of economic stability than defendants. Fifty seven percent of complainants interviewed held white collar jobs compared to only 14% of defendants [$p < .01$]. Complainants also had higher annual incomes ($12,600) than defendants ($5,260) [$p < .01$]. Finally, 87% of complainants were employed full-time, while only 49% of defendants had worked full time during the last year [$p < .01$]. Taken together, these data suggest that many defendants may have difficulty in being able to make restitution payments ordered by the court.

In most of the cases in the sample (93%), restitution was ordered for property loss or damage; restitution was ordered for medical bills in only 21% of the cases (the percentages sum to more than 100% because in some cases restitution was ordered for both property loss and medical expense).

According to reports of both victims and defendants, in most of the cases they had not been acquainted prior to the crime. But victims were even less likely to report that a prior relationship existed (only 14% of victims responded affirmatively) than defendants (32% responded affirmatively). It is not known which is the more accurate figure.

Participants' Perceptions of Fairness of Restitution Awards

Victims and defendants differed in their opinions of the fairness of the restitution awards ordered by the court. Sixty-seven percent of victims felt that the amount ordered was fair, but among defendants only 38% felt that the amount was fair. Defendants who believed that the amount was unfair tended to express skepticism about the extent of victims' losses, sometimes stating that greater efforts ought to be made by the program and court officials to investigate and verify claims. Although defendants often felt that the amount was unfair, most (75%) believed the time allotted to make payments had been adequate. Still, in some cases

defendants had difficulty finding the funds to meet payment schedules; 28% said that getting the money to pay to the victim had been a problem.

Participants' Attitudes Toward the Program

Program participants felt well-treated by restitution program staff. Ninety percent of all victims and 100% of Bronx defendants felt that they had been treated well. This opinion was shared by somewhat fewer (76%) Brooklyn defendants, some of whom felt that program staff had been unfriendly.

Only seven percent of Bronx victims and defendants reported difficulties with program procedures. Although most Brooklyn victims and defendants similarly reported no difficulties, the proportion was higher (29%) than among Bronx participants. The problems most frequently cited by participants were (a) the inconvenience of having to bring in or pick up payments at the courthouse during working hours, (b) the inconvenience of having to obtain the required money order or certified check (many said they would prefer to pay cash), (c) having to wait to pick up checks, and (d) trouble cashing the checks issued by the restitution program.

Participants' Feelings About Restitution in Retrospect

Victims and defendants were asked about their view of restitution as a case outcome in retrospect; victims were asked whether they regretted that restitution had been ordered, while defendants were asked whether, if they had had a choice, they would rather have paid restitution to the victim or a fine to the court. Responses of victims and defendants differed between the two boroughs.

In Brooklyn, victims were less enthusiastic and defendants more enthusiastic about restitution than in the Bronx. Forty-three percent of Brooklyn victims, but only fifteen percent of Bronx victims, regretted that restitution had been ordered. Conversely, 54% of Brooklyn defendants, compared to 35% of Bronx defendants, favored payment of restitution over payment of a fine to the court.

Victim dissatisfaction with restitution was unrelated to whether defendants had completed payments, to victims' assessments of the fairness of the amount of the award, or to their evaluation of the treatment they received from VSA staff. Rather, dissatisfaction seemed to stem from a concern that restitution, in and of itself, was an insufficient punishment for the crime committed; 69% of victims who were dissatisfied reported that they

felt that way because the defendant had gotten off too easily. That fact may help explain why restitution was seen more positively by victims, and less positively by defendants, in Bronx than in Brooklyn. As reported earlier, the cases of defendants in the Bronx (but not in Brooklyn) are not closed until and unless restitution is actually paid. It may be that victims in the Bronx were more satisfied than in Brooklyn because defendants who failed to pay in the Bronx received (or victims believed they would receive) another sentence when they returned to court after defaulting. In contrast, Brooklyn defendants who defaulted often escaped with no sanctions at all.

Participants' Suggestions for Changes in the Administration of Restitution

The most common suggestion for change among victims was for the program to develop better means to enforce defendant compliance with restitution orders (mentioned by eight Brooklyn and Bronx respondents). This concern of victims echoes the concerns expressed by both court officials and program administrators.

Both victims and defendants voiced suggestions to facilitate the process of making and distributing restitution payments. Victims felt that the program should mail their checks to eliminate the need for victims to take time off to pick up their

checks during working hours. Defendants felt that they should be allowed to mail in checks, also to avoid taking time off from jobs (program administrators, however, opposed the idea of defendants mailing in checks because defendants would not receive receipts for payments).

Other suggestions made by victims included:

- Reduce the time allotted defendants to complete payments and grant less liberal extensions
- Consult victims more regularly about the costs of damages incurred
- Give defendants additional punishment
- Give clearer explanations of restitution payment procedures

Predictably, defendants' ideas about changes were often opposed to suggestions from victims. Defendants thoughts included:

- Give defendants more time to pay and grant extensions when needed
- Investigate victims' claims more thoroughly.
- Accompaniment of defendants to court by program administrators to testify that payment had been received.

Both victims and defendants were asked if they favored community service for defendants who did not have the financial means to pay restitution to victims. Both groups of respondents were favorable to the idea. Sixty-five percent of victims were in favor

of it, expressing the thought that it was a reasonable sanction which could instill in defendants a respect for justice, while avoiding the need to send defendants to jail -- an outcome which some victims felt would benefit no one. Eighty-seven percent of defendants favored the idea, feeling also that it was a reasonable way for them to pay for what they had done.

Chapter Five
CONCLUSIONS

This evaluation has suggested that restitution has an important role to play in the efforts of criminal courts to promote case resolutions that serve the needs of victims, defendants, and the community. It has also suggested that VSA's programs to administer restitution payments are providing an important service previously lacking in the courts.

The concept of restitution was endorsed by judiciary, prosecution, defense, victims, and defendants. It allows victims to recoup losses suffered as a result of crimes. It permits defendants to make up for their offenses in a meaningful way and to avoid the extreme hardships that accompany incarceration. And it permits court officials the relatively rare satisfaction of being able to meet the needs of <u>both</u> victim and defendant, as well as those of the community.

VSA's program to administer restitution was viewed as an important part of making restitution orders work by court officials. According to their reports (and to data from VSA's quarterly reports), the program has increased their willingness to use restitution. Victims and defendants who had contact with VSA's program rated staff highly.

But despite the generally positive feedback on VSA's program, this evaluation suggested improvements that could be made in the administration of restitution. Areas that remain problematic include determination of the amount of restitution awards, defendant compliance with restitution orders, and acceptance and disbursement of restitution payments by the program.

Determining the Amounts of Restitution Awards

Interviews with court officials, program personnel, victims and defendants indicated lack of uniform procedures for deciding upon a "fair" amount of restitution. Victims and defendants are sometimes consulted but sometimes not. Some victims are asked to submit verification of the extent of their losses but others are not. Defendants' means to pay are sometimes considered in determining the amount but sometimes not.

It would seem to make sense for restitution awards to be based upon the victim's statement of losses, either as agreed to by the defendant or as documented by the victim. This procedure could be followed either by the judge ordering restitution or by VSA program staff in conjunction with the prosecutor and defense attorney.

Such a procedure would not be effective, however, for cases in which victims had to undergo prolonged medical treatment. In these cases the total cost is not known ahead of time and the costs of restitution may be prohibitively high for defendants; restitution might be ordered for some or all expenses incurred by the victim at the time of case disposition, with the remainder made up by the Crime Victims Compensation Board.

Court officials often do not view restitution orders as appropriate in cases where defendants do not appear to have the means to pay. Yet it surely is unfair to impose harsher sentence on indigent defendants simply because they are indigent. Although there clearly are problems in administering community work programs for indigent defendants as an alternative to restitution, the positive reactions of court officials, victims, and defendants to the idea of community service orders suggest that it would be a worthwhile avenue to explore.

Defendant Compliance with Restitution Orders

One of VSA's primary aims in establishing its restitution program was to increase defendant compliance with restitution orders. It was not possible to determine whether the program in fact reduced defaults. But whether it did or not, the more important point is that two of five defendants in Brooklyn still fail to pay.

It is possible that tightening program controls could help to reduce the default rate. For example, defendants could be given less time to make payments (which, independent of the amount of the award, was found in this study to decrease defaults), extensions could be granted less liberally, and cases could be restored with greater regularity when defendants have not met their obligations. If the administrative judge established a policy for judges to follow when defendants default, then judges could warn defendants at the time restitution is ordered of sanctions for noncompliance. Further, the criteria found in this report to predict the likelihood of compliance (in particular the defendant's community ties, as measured by the Criminal Justice Agency's bail recommendation) could be used to target defendants most likely to default; greater efforts could ther be put into following up on that subgroup.

The Bronx model for ordering restitution - which seems to produce a lower default rate - also might be examined in greater depth and considered for use in Brooklyn. In the Bronx, the cases of defendants ordered to pay restitution are adjourned and are only closed when restitution has been paid by the next scheduled court date. It is probable (although it cannot be known with certainty based on data collected for the evaluation) that defendants' knowledge that cases are not closed, and that a stiffer sentence may be imposed if payment is not completed, increase their incentives to comply with restitution orders. Moreover, even when defendants do

default in this system, an alternative sentence may readily be imposed. In Brooklyn, on the other hand, taking additional measures against defaulters requires the restitution program, the prosecutor's office, and the court to initiate and coordinate action -- a process that appears to be somewhat erratic.

Acceptance and Disbursement of Restitution Payments

Many of the complaints and suggestions of victims and defendants in restitution cases centered on the difficulty of making and collecting payments, which had to be done in person and during working hours. Since the time the interviews were conducted, the program has allowed victims to make appointments to pick up payments in the evening and has begun mailing checks to victims who are unable to come to program offices. A plan to extend similar considerations to defendants is being explored.

APPENDIX A

METHOD

Four samples of data were collected to assist in answering questions pertaining to (a) the operations of the program, (b) its effects on the court system, and (c) its effects on victims and defendants. These tasks are described in detail below.

Descriptive Data Concerning Program Operations

To assist in describing operations of the Brooklyn program, data from all 480 cases handled by the program in 1978 were collected. From program files, information was gathered on charges, type of disposition, amount of restitution awarded, time allotted to pay, defendant compliance, and action taken by the program in response to non-compliance. From records of the New York City Criminal Justice Agency, information was collected on defendants' criminal records, community ties, and demographics. Finally from court records, information was gathered to determine whether default cases had been restored to the calendar, and if so what action the court took.

Data Concerning Program Impact on the Frequency of Restitution Orders

The task of obtaining comparable pre-program and post-program data to assess changes in the frequency of restitution orders proved to be difficult. One problem hindering the selection of comparable samples was that the frequency of restitution was not documented in any consistent manner before the program began. It was, therefore, not possible to get a simple accounting of the numbers of restitution cases or the percentage of all cases in which restitution was ordered before and after the existence of the restitution program.

Moreover, even drawing a sample from court records, from which to aggregate the frequencies of restitution orders before and after the program, proved unfeasable due to a sealing law which went into effect in September, 1977. This law resulted in the automatic sealing after six months of court records for all ACDs not restored to the calendar. Because ACDs comprise a large proportion of restitution orders, the sealing of these records precluded the possibility of drawing a random sample of cases from court records to compare the percentages of restitution cases before versus after the start of the restitution program.

Fortunately, there was a third way to obtain estimates of the use of restitution before and after VSA's program began. In this method, both the pre-program and post-program samples were drawn from cases collected for other studies in which victims with cases in Brooklyn Criminal Court had been interviewed.

The pre-program sample was drawn from cases collected for a study of the role of the victim in criminal court (Davis, Russell, and Kunreuther, 1980). Cases sampled for that study entered the court in the summer of 1976, and thus all of the 295 cases were disposed before the restitution program began. Victims in that study were interviewed once when their case was brought to the complaint room and a second time after their case had been disposed. In these interviews, it had been determined (a) whether they had suffered property loss or medical expenses, and (b) whether restitution had been ordered to cover their losses.

The post-program sample was selected from cases collected for an evaluation of the Victim Involvement Project (VIP), a VSA program which communicates the interests of victims to court officials (Davis, Tichane, and Connick, 1980). All cases contained in the VIP sample of 249 cases were disposed between May, 1978 and January, 1979, after the restitution program began operation. As in the Davis, Russell, and Kunreuther study, victims on cases in the VIP evaluation had been interviewed, and in the interviews it was

determined (a) whether they had suffered property loss or medical expenses, and (b) whether restitution had been ordered by the court.

In both pre- and post-program samples, cases were only included in the final analysis if (a) they had been adjourned in contemplation of dismissal or a conditional discharge and had been ordered and (b) they involved injury requiring medical attention, property loss, or property damage. These were the cases considered eligible for restitution awards. The final pre-program sample included 34 pre-program cases, in five of which restitution had been awarded. The final post-program sample included 52 cases, in six of which restitution had been awarded.

Interviews with Victims and Defendants

Brooklyn Program Participants

Twenty-eight victims and 25 defendants whose cases were handled by the Brooklyn restitution program were given structured interviews over the telephone to learn their attitudes toward restitution. In order to insure an eventual sample size of 25 victims and 25 defendants, 75 victims and 75 defendants were chosen from the Brooklyn restitution program files. There were several criteria used in selecting these individuals. First, the final payment date in the case, as set by the judge, had to fall between

November 1, 1978 and March 31, 1979. (This was to make sure the case would be closed at the time of the interview.) Secondly, each individual had to have a telephone number listed in the program files. Once these criteria were met, every fifth victim and every fifth defendant were included in the sample. No effort was made to insure that victims and defendants from the same cases were interviewed; thus the victim and defendant samples were essentially separate.

Letters were sent to the participants explaining VSA's interest in speaking with them and asking them to call the VSA office to be interviewed. Three days after the letters were mailed, phone contacts were attempted with individuals who had not yet responded to the letter. Attempts were made to contact respondents by telephone at several different times of the day, including at least one call during the evening hours. When necessary, interviews were conducted in Spanish. If a respondent refused to be interviewed or the telephone number was incorrect, attempts to conduct that interview ended. The interviews took place during March, 1979.

Forty letters were sent to victims to obtain the 28 completed interviews. Fifty-five letters were sent to defendants before interviewers were able to complete 25 interviews.

Interviews were designed to elicit victims' and defendants' perceptions about restitution as a condition of the case outcome as well as their respective attitudes toward VSA's Brooklyn restitution program.

Bronx Program Participants

Victims and defendants from the Bronx restitution program were given interviews similar to those conducted with Brooklyn program participants. Because at the time the entire caseload of the Bronx program consisted of 59 cases (open and closed), no sampling was needed. The same procedures for contacting victims and defendants in Brooklyn were followed in the Bronx.

Interviews With Court Officials

Interviews With Judges

Eight judges from Brooklyn Criminal Court were given unstructured interviews which elicited their ideas on restitution and on VSA's program. Four of the judges were permanently assigned to Brooklyn Criminal Court. The remaining four judges were assigned to Brooklyn Civil Court but were called upon to serve in Criminal Court on a rotating basis, usually during holidays and to replace judges on vacation. The judges were interviewed

during May, 1979.

The sample of judges was selected from all of the judges who had ordered restitution through VSA's Brooklyn restitution program. A tally was made of all of the judges whose names appeared in the restitution program files and they were grouped according to how many times they had ordered restitution. The names were divided into three groups: 1) those judges whose name appeared on the files thirty or more times; 2) those judges who had ordered restitution between 20 and 29 times; and 3)judges whose names appeared between one and 19 times. A total of 25 selected judges was then chosen out of the 57 listed. Since only five judges were in the "frequent user" group, all were included in the sample. Of the two remaining groups, 10 judges were randomly selected from each. Letters were sent to each of the 25 judges explaining VSA's interest in speaking with them and asking them to contact the VSA office to set up an appointment. A total of eight judges responded to the letter and were interviewed. Of the eight, three ordered restitution frequently, one ordered it occasionally, and four infrequently.

Interviews with Attorneys

During September, 1979, interviews were conducted with the attorney in charge of the Brooklyn Criminal Court Division of the Legal Aid Society and the Criminal Court Bureau Chief of the

Kings County District Attorney's Office. These interviews were unstructured, and focused on policies of each office regarding restitution, personal opinions of each attorney on specific issues pertaining to restitution, and thoughts about VSA's program.

Interviews with Program Administrators

The final group interviewed were VSA's restitution program administrators. Structured interviews containing 18 questions were conducted with five program administrators during June and July of 1979. The administrators were asked about their ideas on restitution and on changes in program procedures. The administrators interviewed included VSA's director of court operations, the past and present heads of VSA's reception center in Brooklyn Criminal Court, VSA's restitution specialist in Brooklyn Criminal Court, and VSA's borough director in the Bronx.

REFERENCES

Challeen, D.A. and J.H. Heinlen, The Winonas restitution program. In B. Galaway and J. Hudson (Eds.), Offender Restitution in Theory and Action (Lexington, Massachusetts: Lexington Books) 1978.

Davis, Robert C., Francis Kunreuther, and Victor Russell, The Role of the Complaining Witness in an Urban Criminal Court (New York: Vera Institute of Justice) 1980.

Davis, Robert C., Martha Tichane, and Elizabeth Connick, First-Year Evaluation of the Victim Involvement Project (New York: Victim Services Agency) 1980.

Edelhertz, H. Legal and operational issues in the implementation of restitution within the criminal justice system. In J. Hudson and B. Galaway (Eds.), Restitution in Criminal Justice (Lexington, Massachusetts: Lexington Books) 1977.

Hatfield, E., and M.K. Utne, Equity theory and restitution programming. In B. Galaway and J. Hudson (Eds.), Offender Restitution in Theory and Action. (Lexington, Massachusetts: Lexington Books) 1978.

Keve, P.W., Therapeutic uses of restitution. In B. Galaway and J. Hudson (Eds.), Offender Restitution in Theory and Action. (Lexington, Massachusetts: Lexington Books) 1978.

McAny, P.D., Restitution as idea and practice: the retributive prospect. In B. Galaway and J. Hudson (Eds.), Offender Restitution in Theory and Action. (Lexington, Massachusetts: Lexington Books), 1978.

Lenihan, Kenneth J., Telephones and raising bail: some lessons in evaluation research. Evaluation Quarterly, 1,(4), 1977.

Stein, John, Better Services for Crime Victims: A Prescriptive Package. Unpublished manuscript, 1977.

Stookey, J. A., The victim perspective on american criminal justice. In J. Hudson and B. Galaway and J. Hudson (Eds.), Restitution in Criminal Justice. (Lexington, Massachusetts: Lexington Books) 1977.

Tittle, C.R., Restitution and deterrence: an evaluation of compatibility. In B. Galaway and J. Hudson (Eds.), Offender Restitution in Theory and Action. (Lexington, Massachusetts: Lexington Books) 1978.

Viano, E.C., Victims, offenders and the criminal justice system: is restitution an answer? In B. Galaway and J. Hudson (Eds.), Offender Restitution in Theory and Action. (Lexington, Massachusetts: Lexington Books) 1978.

EVALUATION OF CASE FOLLOW-UP AND ENFORCEMENT ACTIVITIES BY THE BROOKLYN DISPUTE CENTER

Robert C. Davis
Jan Chytilo
Susan Schraga

Victim Services Agency
2 Lafayette Street
New York, New York 10007
December, 1980

CONTENTS

ABSTRACT

Mediation is becoming increasingly popular as an alternative to court processing of minor criminal and civil matters involving acquaintances. In Brooklyn, the Victim Services Agency and the Institute for Mediation and Conflict Resolution established the Brooklyn Dispute Center in 1977. The Center's purpose is to mediate offenses between acquaintances in lieu of prosecution in Brooklyn Criminal Court.

A first year evaluation of the Center found that most disputants were satisfied with the handling of their case in mediation and that, in general, recidivism following mediation was low. But the study also showed that certain types of mediated cases had a high rate of recidivism and that violations of mediation agreements were frequently not reported to the Brooklyn Dispute Center.

In response to this problem, an experiment was conducted in which disputants in 210 randomly-selected mediated cases were contacted several weeks after the mediation session. These disputants were asked if the agreement had been violated and, if so, enforcement procedures were begun. In addition, 191 cases were randomly assigned to a control (no follow-up) condition. The follow-up procedure, did not significantly increase the number of violations that were brought to the attention of Dispute Center staff, nor did it significantly reduce the continuation of problems between disputants.

INTRODUCTION

Mediation - a voluntary bargaining process in which parties to a dispute seek a mutually acceptable resolution under the guidance of a neutral third party (or parties) - has been gaining wide acceptance as a method of handling minor criminal offenses that occur between acquaintances. Since the Columbus Night Prosecutor Program began mediating disputes in 1971, numerous cities have set up community mediation programs which mediate and/or arbitrate criminal and civil matters arising from interpersonal disputes.

Although there is much diversity among mediation programs (see McGillis and Mullen, 1977 for a comparative description of six mediation programs), they share a common assumption that criminal courts are ill-equipped to resolve many interpersonal disputes. Courts are believed (a) to be unable to devote sufficient time to these cases, (b) to be constrained in their scope of inquiry by rules of evidence, (c) to ascribe to one disputant the role of complainant and to the other the role of defendant -- designations which may often be quite arbitrary, (d) to render "winner-take-all" decisions, and (e) to exclude the disputants themselves from an active part in the adjudication process. In contrast, mediation is seen as a process which stresses the need to probe the underlying causes of incidents; the need to promote disputants' participation in the

dispute settlement process; and the need to encourage both disputants to accept responsibility for their interpersonal problems, and to recognize a common interest in resolving them (see, for example, Paterson, Nicolau, and Weisbrod 1978).

Mediation is also seen as a way to help reduce court calendars which are overcrowded with cases stemming from crimes between family members, friends, or acquaintances, thereby enabling the courts to handle stranger-to-stranger crimes in a more effective manner. A study by the Vera Institute of Justice (1977) found that more than half of all felony arrests for violent crimes and one-third of felony arrests for property crimes in New York City involved crimes between acquaintances. The study concluded that this situation "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" (p. 15).

Program evaluations have shown that mediation holds much promise as an alternative to prosecution for resolving minor criminal cases between persons who know each other. Several studies have found that most disputants are satisfied with solutions reached in mediation, that many disputants feel that mediation alleviates tensions in relationships, and that mediation programs help to reduce court caseloads (e.g., Anno and Hoff, 1975; Conner and Surette, 1977; Moriarity and Norris, 1977; Bush, 1977; Sheppard, Roehl, and Cook,

1979).

Mediation, however, also shares some of the same limitations as prosecution. Like the courts, mediation programs attempt to resolve problems, which are often long-standing and complex, in a single session; and like the courts, most mediation programs have no contact with disputants after a case is disposed. (For example, only two of the six programs described by McGillis and Mullen, 1977, had procedures for systematically following up mediated cases to see whether problems recurred.)

Lack of systematic procedures for case follow-up is cause for concern because recent research has shown that some problems cannot be resolved in one mediation session. Felstiner and Williams (1979) suggest that a single intervention may be inadequate to settle disputes which (a) have a lengthy history and are affected by earlier incidents or (b) involve ancillary problems of drug abuse, unemployment, or mental illness, Similarly, Davis, Tichane, and Grayson (1980) found that, while recidivisim was generally low in cases arising from interpersonal disputes, certain categories of cases were exceptions. In particular, they found that cases of disputants who had strong interpersonal ties (i.e., family members or lovers) and who had asked for police intervention on a previous occasion were far more likely to result in reports of problems,calls to the police, and arrests after mediation than were cases of other

disputants.

Davis, Tichane, and Grayson (1980) also found that when problems did recur between disputants whose cases were mediated by the Brooklyn Dispute Center, they often failed to notify the Dispute Center staff. It was noted in their study that although problems occurred in 25% of mediated cases, problems were reported to the Dispute Center in only 10% of the cases.

Taken together, the findings of these studies suggested the need for outreach efforts in selected cases to determine if disputes have been successfully resolved in mediation. Such efforts would be expected to uncover the existence of problems that might otherwise go unreported and might eventually erupt into serious violent incidents. Once problems were discovered, actions could be taken to resolve them; such actions might include attempting to convince one or both parties to comply with the mediation agreement, bringing both parties back to re-mediate a case, making referrals to social service agencies, and (in the extreme) filing a complaint in Civil Court on behalf of one of the parties. Taking prompt action in response to non-compliance with mediation agreements could prevent problems from escalating. These ideas formed the basis of the present study, an experiment to test the effects of out-reach and enforcement.

The Program

In July, 1977 the Brooklyn Dispute Center was jointly established by the Institute for Mediation and Conflict Resolution (IMCR) and the Vera Institute of Justice. When Vera Institute's Victim/Witness Assistance Project became part of the Victim Services Agency (VSA) in July, 1978, VSA contracted with IMCR to administer the program. Initially, all cases considered for mediation in Brooklyn came from custodial arrests in which complainant and defendant had a prior relationship. Subsequently, the Center began mediating summons cases as well at the request of the Administrative Judge of the New York City Courts and the Kings County District Attorney's Office. In September, 1980, IMCR closed the Center because of insufficient funds; VSA and the Kings County District Attorney's Office are currently working on a plan to re-institute some form of mediation program in Brooklyn.

At the time this research was conducted, the Center mediated only custodial arrest cases, approximately 55 per month. Cases were screened in the complaint room for mediation eligibility by VSA staff. If complainant and defendant knew each other, and if a case met the criteria for mediation [1], a member of the VSA staff attempted to contact the complaining witness to see if he or she was interested in mediation. If the complainant agreed or the staff member was unable to contact the complainant,[2] VSA took

the case to the screening prosecutor for review. If the prosecutor approved the case, it was either adjourned in contemplation of dismissal (if the complainant was available to sign the mediation consent form), or adjourned for three weeks (if the complainant was not present to sign the form).

The mediation sessions took place in an office building a few blocks from the courthouse. About 20 community members served as mediators on a part-time basis. Mediators were trained by IMCR in a 50-hour program which included role playing, lectures, and group discussions. They received small stipends for each case they mediated. All agreements were written as arbitration awards and were enforceable in Supreme Court, civil term. When a case was mediated, the Brooklyn Dispute Center notified the prosecutor's office which moved to dismiss the charges.

Mediation sessions began with the introduction of the mediator to the parties and a description of the mediation process in which they would participate. Then, the parties were asked individually to describe their relationship as well as the events that led to police intervention. Parties were allowed as long as they needed to develop their stories, but they were not allowed to interrupt each other. At the conclusion of the initial phase, the mediator spoke with each party in private and gave each an opportunity to speak about anything he wished to reveal in

confidence. Following these private sessions, the parties were brought together. The mediator then suggested what the written agreement should contain, based upon the desired outcomes of both parties. Disputants were given an opportunity to object to provisions or to change wordings. The mediation agreement identified the responsibilities of each party and contained as many items as the participants (and the mediator) felt were necessary to resolve the problem. At the conclusion of the session, both parties were given a copy of the agreement to take with them. If the disputants were unable to agree on a settlement, mediators were empowered to impose a settlement through arbitration. (Center staff estimated that it was necessary to use arbitration in only five percent of the cases they heard.)

At the conclusion of the mediation session, each party was told to contact the Center if the other did not comply with the mediation agreement. A copy of the mediation agreement was mailed to each party ten days after the mediation session, accompanied by instructions to call the Dispute Center in case the other party did not live up to provisions of the agreement.

When the Center received a report of non-compliance, an enforcement specialist sent a letter to the individual charged with violating the agreement. The letter stated that the Dispute Center had been informed of the non-compliance, and urged the

recipient of the notice to call the Center for an appointment.

If, after several days, there was no response to the letter, a second letter was mailed. This letter again stated that the Dispute Center had been informed of a violation of the mediation agreement. An appointment to discuss the matter was included in this letter. The alleged violator was also told that continued failure to comply with the agreement might result in a case filed against him or her in the Supreme Court - Civil Term. Again, the recipient was asked to call the Center upon receipt of the letter. A copy of this letter was also sent to the disputant who informed the Center of the violation.

If the person charged with the violation failed to keep the scheduled appointment and did not call the Center, a third, and final, letter was sent. If the individual did not contact the Center within three working days after the final letter was sent, the case was turned over to the Center Director with the recommendation that immediate court action be taken. The person who reported the violation to the Center was asked to come to the Center to sign the papers required to have the case sent to the Civil Court. This entire procedure generally took three weeks from the day a complaint was received at the Center.

In practice, the procedures for non-compliance often were

not followed in the rigorous manner suggested above. Moreover, the procedures were not initiated unless Center staff was told about violations, and the research by Davis, Tichane, and Grayson (1980) suggested that problems were often not reported.

The Experiment

By late 1978, the Brooklyn Dispute Center had been open for more than a year. It had proven successful in terms of winning the confidence of court officials and in terms of disputant satisfaction. Because of the Center's success, there was interest among VSA staff in seeing whether mediation might by suitable for a wider range of cases than the Center was currently handling -- in particular, more serious cases between acquaintances and stranger-to-stranger property crimes in which restitution seemed a reasonable resolution. It was realized that if court officials and victims were to consider mediation as an alternative to court in these categories of cases, there would have to be greater assurance that defendants would abide by the agreements worked out in mediation. More rigorous enforcement procedures seemed the best way to provide such assurance.

Therefore, it was decided to test on an experimental basis the effects of systematic follow-up of mediated cases by Dispute Center staff. For five months, mediated cases were randomly assigned

by research staff to one of two conditions. In the experimental or follow-up condition, three to four weeks after the mediation session a member of the Dispute Center staff called both parties to ascertain if there had been any violations of the agreement. If a disputant did not have a phone, a letter was mailed asking him or her to contact the Center. When Center staff did uncover violations, regular enforcement procedures were followed. Cases in the control condition did not receive a follow-up call. If disputants contacted Center staff to report violations, however, enforcement procedures were initiated.

The goal of the follow-up call was to identify developing problems which otherwise might not be brought to the attention of Dispute Center staff. It was expected that the staff's contact with disputants would encourage compliance with agreements, and reduce recidivism. In addition, evidence of the Center's continuing concern might raise disputants' satisfaction with mediation.

Originally, both experimental and control groups were to contain a number of "high risk" cases, involving more serious felony crimes between acquaintances or stranger-to-stranger property crimes with potential for restitution. It was hoped that the results of the experiment would indicate whether such cases could be safely sent to mediation with or without improved case follow-up and

enforcement procedures. However, plans to include "high-risk" cases never materialized. The District Attorney's Office felt that stranger-to-stranger cases of any sort were inappropriate for mediation. The District Attorney's Office did agree to relax restriction and allow individual prosecutors in the complaint room discretion in deciding whether more serious prior relationship cases could be approved for mediation. This action did not, though, result in an appreciable number of serious felony offenses between acquaintances sent to mediation; even though policies had been relaxed, individual prosecutors and victims were reluctant to approve of diverting such cases to the Dispute Center. Therefore, cases selected for the experiment were typical of the cases handled by the Dispute Center -- low level felony and misdemeanor cases involving acquaintances.

Three types of evaluation data were collected to determine whether the follow-up procedure was effective. These included (a) interviews with disputants, (b) information about new arrests of disputants, and (c) information from the Dispute Center's records regarding reports of problems and responses to such reports.

Interviews for evaluation purposes were conducted with disputants in the sample three months after the mediation session. All disputants were sent a letter which explained the researchers' interest in interviewing them and asked that they call a

staff member for an interview. A few days after these letters were mailed, members of the evaluation staff attempted to call disputants who had telephones. Two weeks after the first mailing, a second letter was sent to disputants whom the staff had been unable to contact. Interviews were conducted by phone; disputants who did not have phones were interviewed only if they called in response to a letter. Disputants who were interviewed were asked whether they had experienced problems with the other party subsequent to the mediation session, whether they had reported problems to the Dispute Center, what response they had received and whether they were satisfied with the results of mediation.

Rearrest data were collected for each disputant in the sample. Using the New York City Criminal Justice Agency's information system, the researchers checked to see whether disputants were arrested after the commencement of the case which was sampled. Data collected included the number of subsequent arrests, the charges, and the dispositions for those arrests. In addition, an effort was made to determine whether the subsequent case involved the same party as that in the sample.

Data about reports of problems made to the Dispute Center were collected from the Center's files for all cases in the sample. These data included whether problems and/or violations of the agreement were reported to the Center by a disputant and what

action was taken by the Center in response to problems reported.

The research sample was drawn from cases mediated between February 5 and June 28, 1979. A total of 401 disputants was sampled; 210 were assigned to the follow-up group and 191 to the control group. Interviews were completed with 106 disputants (50%) in the follow-up group and 90 (47%) in the control group. Of the disputants who were interviewed, 75% had been involved in a violent crime; 76% of the disputes involved felony charges; and 55% of the disputants' relationships were categorized as intimate, involving spouses, lovers, or immediate family. There were no significant differences in these characteristics between disputants in the follow-up and control conditions. (See Tables 1.1 to 1.4)

TABLE 1

COMPARISON OF PRE-TREATMENT CHARACTERISTICS OF FOLLOW-UP AND CONTROL GROUPS

Table 1.1: Interview Completion Rate

	Follow-up	Control
Interview Obtained	50%	47%
Interview Not Obtained	50	53
(n)	(210)	(191)

Table 1.2: Crime Type*

	Follow-up	Control
Against Person	74%	75%
Property Crime	26	25
(n)	(99)	(88)

Table 1.3: Charge Severity*

	Follow-up	Control
B Felony	4%	3%
C Felony	16	6
D Felony	50	52
E Felony	6	8
Misdemeanor	23	31
(n)	(99)	(88)

Table 1.4: Relationship between Disputants*

	Follow-up	Control
Weak Interpersonal ties	47%	43%
Strong Interpersonal ties	54	57
(n)	(101)	(90)

*Tables 1.2 through 1.4 are based on only those disputants in experimental and control groups who were interviewed, since these are the cases that form the basis of comparisons made later in the report.

RESULTS

The Dispute Center staff attempted follow-up contact with each of the disputants in the follow-up condition, three to four weeks after cases were mediated. Whenever possible, contact was made by phone; calls were completed with 65% of disputants in the follow-up group. Disputants who did not have phones were contacted by letter and were asked to return an enclosed postcard indicating whether they had encountered problems with the the mediation agreement. The results of the experiment are summarized in Table 2.

The same proportion (18%) of disputants in the follow-up and control groups, when interviewed by the researchers three months after mediation, reported that they had experienced problems with the other disputant "shortly after the mediation session." Fifty-four percent of the problems reported involved verbal harrassment only; 19% involved physical assault; eight percent involved failure to pay restitution; eight percent involved property damage; and 19% involved miscellaneous violations of mediation agreements. It was expected that, as a result of the Center staff's phone calls to disputants in the follow-up group, Center staff would be made aware of more of these developing problems in the follow-up group than in the control group. But the results indicated little difference between treatment groups in Center staff's awareness of

TABLE 2

IMPACT OF FOLLOW-UP ACTIVITIES

	Follow-up (n=106)	Control (n=90)	Significance
% of disputants who experienced problems shortly after mediation	18%	18%	n.s.
% of disputants who experienced problems after follow-up calls	14%	19%	n.s.
% of disputants who experienced problems anytime within 3 months after mediation session	24%	28%	n.s.
% of disputants who reported problems to the Center*	10%	10%	n.s.
% of disputants for whom Center had report of a problem**	7%	5%	n.s.
% of disputants who were rearrested	4%	4%	n.s.
% of disputants who thought mediation a good way to resolve problems	90%	80%	$p < .05$

* According to disputants who were interviewed by research staff.

** According to Center records, disputant called to report a problem or a problem was reported during the follow-up call.

problems, either based upon self-reports of disputants in the research interview (10% of disputants interviewed in each group stated that they had reported a problem to Dispute Center staff) or based on the Dispute Center's records (7% of the files of disputants in the follow-up group indicated that a problem had been reported to Center staff, compared to 5% of the control group).

The Center's records indicated that its staff contacted the other party to discuss alleged violations of the mediation agreement in 4 of 15 cases in the follow-up group and in 5 of 10 cases in the control group in which disputants had reported problems. Among the other 16 cases in which the Center's files contained reports of problems, the Center's records indicated that staff did the following: in two cases the disputant who reported a problem was advised to call the police; in six cases disputants were referred to social service programs for problems that did not constitute violations; and in the eight remaining cases there was no indication that any action was taken.

The follow-up phone call by Center staff and subsequent actions taken to help resolve problems did not significantly lower recidivism. In the follow-up group, 14% of respondents reported experiencing "recent" problems with the other disputant on the research interview conducted three months after cases were mediated, compared to 19% of respondents in the control group. Over

the entire three month period since mediation, problems with the other party were experienced by 24% of disputants interviewed in the follow-up group, compared to 28% of disputants interviewed in the control group. Finally, an identical proportion (4%) of disputants in each of the two groups were arrested during the three-month interval.

The proportions of problems and new arrests of disputants during the three-month follow-up period in this study are similar to the proportions reported by Davis, Tichane, and Grayson (1980) for recidivism over a four-month period. The present data confirm the observation made in the earlier study that new problems and rearrests in interpersonal dispute cases are the exception rather than the rule. The present study also confirmed Davis, Tichane, and Grayson's finding that recidivism is concentrated among cases in which disputants have close interpersonal ties. Combining follow-up and control groups, continuing problems were most likely in cases involving intimate relationships (defined as nuclear family members or paramours) and least likely in cases involving other types of relationships (46% versus 15%, respectively).

Although the follow-up call did not alter the frequency of post-mediation problems, the evidence of concern by Center staff may have enhanced disputants' perceptions of mediation. Disputants in the follow-up group more often considered mediation a good way to

resolve disputes than disputants in the control group (90% compared to 80%, $Z = 1.88$, $p < .05$).

CONCLUSIONS

The hope that follow-up phone calls would reduce the likelihood of continuing problems between disputants through early diagnoses and corrective action did not materialize. In part, the intervention may not have been effective because many disputants could not be contacted by phone and because record keeping and enforcement procedures were not consistent.

But the primary reason the experiment did not increase reporting was that many people apparently were reluctant to report the continuation of problems in their relationships to authorities. Sixty-five percent of disputants in the follow-up group were contacted by phone and had a chance to vent problems. Yet no more people in the follow-up group reported problems to Center staff than in the control group, and the rate of unreported problems in each group was identical (about 44% of disputants in each group who admitted to continuing problems to evaluators but had not reported the problems to the Dispute Center).

The reasons why people who apparently were experiencing problems were unwilling to report them to the authorities is not known; it may be that they simply did not feel that the problems were important enough to report, that they did not believe that the Center staff could help, or that they feared reprisal from the other party

to the dispute. Whatever the reasons, the findings presented here suggest that when people do not report problems on their own, there may be little to be gained by initiating contact to encourage them to do so.

It is interesting to note that the results of the experiment were predicted in interviews with administrators of the Brooklyn Dispute Center. Both the Center's director and its enforcement officer felt that more consistent follow-up and enforcement procedures might make disputants view mediation and the Dispute Center more positively. Both, however, were skeptical that these procedures in and of themselves would insure that agreements were upheld or that new offenses were not committed by one of the parties against the other.

The enforcement officer also believed that for cases involving close relationships and a history of problems between the parties mediation was an appropriate first step, but that it ought to be followed up by ongoing social services. This was the same conclusion reached by Davis, Tichane, and Grayson (1980). More extensive intervention would be costly, and might, therefore, not appeal to those who minimize the importance of interpersonal cases or those who promote mediation on the grounds that it is cheaper than prosecution. But it seems needed in some of the cases currently diverted from criminal courts to mediation. And it may be essential

if court officials are to be persuaded to broaden the range of cases diverted to mediation in the future.

FOOTNOTES

1. Cases are considered for referral to mediation if (1) the parties know each other; (2) a gun was not used; (3) the complainant was not seriously injured; (4) the offense charged was not attempted murder, arson, or a first-degree rape or assault.

2. Generally, a case will not be presented to ECAB unless the victim's consent has been obtained. However, staff members do present cases which seem appropriate for mediation to ECAB even if there has been no contact with the victim.

REFERENCES

Anno, B.J. and B.H. Hoff (1975) "Refunding Evaluation Report on the Municipal Court of Philadelphia 4A Project". Blackstone Associates, Washington, D.C.

Bush, Robert. A. (1977) "San Francisco 4A Project Arbitration As an Alternative." American Arbitration Association.

Conner, Ross F. and Roy Surette (1977) "An Evaluation of the Citizen Dispute Settlement Program of the Orange County (Fla.) Bar Association".

Davis, Robert C., Martha Tichane, and Deborah Grayson (1980) "First Year Evaluation of the Brooklyn Dispute Resolution Center." Vera Institute of Justice, New York.

Felstiner, William and Lynne Williams (1979) "Community Mediation in Dorchester, Massachusetts: Final Report." Social Sciences Research Institute, University of Southern California, Los Angeles.

McGillis, Daniel and Joan Mullen (1977) "Neighborhood Justice Centers: An Analysis of Potential Models." U.S. Department of Justice, Law Enforcement Assistance Administration.

Moriarty, William F. and Thomas L. Norris (1977) "Dade County Citizen Dispute Settlement Program."

Paterson, Basil, George Nicolau, and Ann Weisbrod (1978) "An Alternative to Criminal Justice Process." New York Law Journal January 11, 1978.

Sheppard, D.I., J.A. Roehl, and R.F. Cook (1979) "Neighborhood Justice Centers Field Test: Interim Evaluation Report." U.S. Department of Justice.

Vera Institute of Justice (1977), "Felony Arrests: Their Prosecution and Disposition in New York City's Courts." New York: Author.

THE EXPERIENCES OF

WOMEN WITH SERVICES FOR

ABUSED SPOUSES IN NEW YORK CITY

Victim Services Agency
2 Lafayette Street
New York, New York 10007
February 27, 1982

THE EXPERIENCES OF

WOMEN WITH SERVICES FOR

ABUSED SPOUSES IN NEW YORK CITY

by Elizabeth Connick

in association with:

Barbara Bryan

Deborah Grayson

Andresa Person

Jan Chytilo

Robert C. Davis

This study was funded by the Law Enforcement Assistance Administration through the New York State Division of Criminal Justice Services (grant #2671 from the intensive evaluation program) and the New York City Criminal Justice Coordinating Council. The views expressed in this report are those of the authors and do not reflect the opinions of the Law Enforcement Assistance Association, the Division of Criminal Justice Services or the Criminal Justice Coordinating Council.

PREFACE

When the Victim Services Agency embarked on this study of battered women in 1979, we were a new agency without extensive experience in domestic violence. We recognized that the problems encountered by battered spouses were pervasive and considerable, but we had little documentation to guide us in developing programs. Now, three years later, the final version of the study is complete. At the Victim Services Agency (VSA) we have already taken the findings into account in the development and direction of our existing programs, and in the planning of new ones. We hope that other policy makers and service providers can also benefit from the report's findings and recommendations.

Perhaps the most significant set of findings in the report concerns the reasons why many battered women choose to remain in the battering situation. Some authors, such as Lenore Walker, have proposed that battered women "learn helplessness" due to being beaten, and lose the ability to extricate themselves from the situation. Others, such as Murray Straus, have suggested that external factors such as social norms and financial dependence are responsible for women remaining in abusive situations. The findings

here support Straus' model of battered women as rational decision makers. Those who choose to remain often do so because of financial constraints, concern for their children and unwillingness to become dependent on service agencies.

These findings are both significant and hopeful. They mean that women, given reasonable options, can and will take action to improve their situations. They suggest to us two directions. In developing programs, we must provide services that create choices -- such as employment training to help women become more financially independent. We must also endeavor to get out the word that options and services are available.

According to the study, services currently available to battered women are flawed, but are improving. The quality of services is inconsistent from agency to agency; there are service gaps which need to be filled; and referrals from program to program are sadly rare. Too often, battered women must rely on services that cause the most upheaval and expense, such as court proceedings, hospital emergency rooms and temporary shelters. If more attention were paid to early intervention, the more drastic and expensive measures might often be avoided.

At VSA, we have already used the data contained in this report to plan and implement new programs for battered victims. We have, for instance, worked with emergency room staff at several hospitals and with police officers at precincts to help them recognize the special needs of battered women and to encourage them to refer victims to agencies where they can get help. We have developed Project Oasis, a program which provides a residential family setting as an alternative to shelters. We have worked with the City's Task Force on Battered Women to develop programs to facilitate the distribution of emergency financial aid to battered women. We have mounted a public information campaign to inform battered women, their friends and families of the availability of counseling, legal services and emergency financial assistance.

Despite these initiatives, the study points out how much more must be done, both by VSA and other agencies, to aid and support victims of domestic violence. Areas of future action include: education and prevention programs; services for children from violent homes; counseling for batterers; and, a host of measures to increase the independence of battered women, particularly programs for working women, employment training, and counseling.

The subject of domestic violence is a grim one. In the past few years, much has been done to bring the problem to public attention. Our obligation now is to respond with services and procedures that aid victims and ease their involvement with the police, the courts and social service agencies.

This study provides us with grounds for optimism. First, there is evidence that social service agencies, which in the past have too often been either unaware or unresponsive to the needs of these victims, are rising to the challenge and are responding in more useful ways. Secondly, the study provides us with a guide to future actions. The directions it suggests are not necessarily the most expensive. Lastly, it affirms that battered women are ready and willing to help themselves, if provided with realistic alternatives. Our challenge now is to meet those needs.

Lucy N. Friedman
February, 1982

ACKNOWLEDGMENTS

This project would not have been possible without the cooperation and assistance of many people. We are particularly grateful to those who referred participants to the study, and to the many who generously shared their insights and knowledge about spouse abuse with us. We would especially like to thank the following for their help: Lauren Wedeles and Susan Schechter, formerly of the Family Abuse Project of Henry Street Settlement; Suzanne K. Steinmetz of our advisory committee; Joyce Scott, our project monitor from the New York State Division of Criminal Justice Services; Marjory Fields and the staff of South Brooklyn Legal Services Corpoation; Mobilization for Youth Legal Services; Karen Andrews of the Bronx Crime Victims Assistance Unit; Albert D. Koch of the Kings County District Attorney's Office; Bernice Raisin and other staff of the Brooklyn Family Court's probation department; Rosemary Carroll of the New York City Police Department; VSA's staff in the Brooklyn Complaint Room; Tom Foster and Gregory King, formerly of VSA's Bronx Criminal Court office; VSA's hotline workers; Norma Chernok and staff of the Staten Island Women's Crisis Center; Candy Butcher of the New York State Department of Social Services; staff of the Kings and Queens County Hospital emergency rooms and Borough Crisis Centers; Abused Women's Aid in Crisis; the Jane Addams Center; the New York City Mayor's Task Force on Rape; and staff of the New York City Human Resources Administration Shelter.

Special acknowledgments are also due to several people who worked directly on the project. Janet Palau, Camille Bristow, Fay Kahan, Beatriz Blum, Eleanor Graves, Santa Salgado, Ivonne Elias, Roberta McCombs, and Mary Mann conducted many of the interviews. Annie Gilbert-Rolfe, Christine Ondracek, Michele Jenkins, and John Golden typed numerous drafts of the report.

Lastly, we would like to thank the 112 battered women who shared their experiences with us and without whose help this study would not have been possible.

TABLE OF CONTENTS

TABLE OF CONTENTS (continued)

LIST OF TABLES

LIST OF FIGURES

SUMMARY

The problems of battered spouses have become more widely recognized in recent years, and in New York City services designed to aid this group have begun to be developed. The purpose of this study was to shed light on the nature of those services and on their use. Specifically, the study aimed to:

- describe the population of abused spouses who attempt to make use of governmental and private services in New York City;
- identify and describe some of the characteristics of the women [1] who use these different kinds of services;
- examine the responses with which battered women are met when they approach and use these services; and
- suggest directions for future program development on services for battered spouses.

For the study, a sample of 112 battered women who had sought help from services in New York City were interviewed in 1979 about their situations and about their experiences with the organizations they approached for help. The services to which they turned included the police, family and criminal courts, hospital emergency rooms, counseling facilities, shelters and the Department of Social Services. In most cases, the interviews took place a few months after the women had sought help in a crisis. From the information in these interviews, the researchers were able to analyze the kinds of responses with which the women were met at each type

of agency. In addition, the data gathered on the service users yielded insights into their chararcteristics and the problems they face, particularly the factors that keep them in abusive relationships.

The study reviews a number of earlier analyses of spouse abuse. Of particular interest are two theories that attempt to explain why women remain in abusive situations. Lenore Walker (1979) advances the hypothesis of "learned helplessness," claiming that beatings "diminish women's motivation to respond" and limit their ability to help themselves. Straus (1977), on the other hand, presents a model of battered women as rational decision-makers, remaining in abusive situations because they presume it to be in their best interests.

Women in the Sample

- Over two-thirds of the women were or had been legally married to the men who hit them. At the time of the interview, however, only 18 percent of the women were living with the men.

- The women were diverse in age -- ranging from 19 to 68 -- and in ethnic background -- 46 percent Black, 36 percent White, 19 percent Hispanic.

- Two-thirds of the women had graduated from high school. Forty-eight percent of the spouses of women in the sample were less educated than their wives, a situation that it is often claimed could lead to feelings of inferiority in the man and a need to dominate a wife with violence.

- One-third of the men were unemployed at the time of the survey. Nevertheless, the income and job skills of the men were markedly greater than those of their spouses. Only 9 percent of the women in the sample reported a personal income of more than $10,000 a year. Less than one-quarter (22 percent) reported experience or training that would qualify them as professional or skilled workers. In most relationships, the batterer had been the main financial provider for the family.

- Over one-third of the women had observed violence between their parents as children; 30 percent said they had been bruised by their parents as children. These findings support the theory of the "social heredity" of family violence.

The Battering Situations

Most of the women in the sample had experienced long-term, frequent abuse:

- For 77 percent the abuse had lasted more than a year; for 20 percent, more than 10 years. Fifty nine percent said they had been hit at least once a month; 36 percent, every week.

The women were asked about the causes of their spouses' first episode of violence:

- Jealousy, in many cases with what appeared to be trivial or no apparent provocation (such as asking a man for directions), had sparked 37 percent of the first violent episodes. Other first incidents were also precipitated by seemingly trivial problems (such as an argument over who should make dinner).

- Conflicts over money or unemployment brought on 15 percent of the incidents.

Half of the women in the sample who had been pregnant reported the abuse was more severe or more frequent during pregnancy.

Some of the data speak to the difficulties of leaving the abusive situation:

- Seventy-two percent of the women had left their spouses for at least one night and then returned.
- Forty-four percent returned because they had nowhere else to go; 34 percent because their spouses promised to reform; 25 percent for the sake of the children, 23 percent because they said they loved their spouses.
- In all but one case, the battering resumed after the return.

Fifty-five percent of the women in the sample had left their spouses at least three months before the first interview, some perhaps permanently. Data on these women were analysed to determine what factors had caused them to remain in the abusive situations for as long as they had.

One of the factors that was most compelling in keeping these women in the battering situation had been financial dependency. Those who reported that they had had no job, income, or control over their own money had stayed in abusive situations significantly longer than those who reported that they had had these advantages. Similarly, women with children stayed in such a relationship longer than women without children. Women who had either seen or been a target of violence in childhood stayed longer than those who had not.

There were no significant differences scored on a 20 point self-esteem test between the women who had left the battering situation for at least three months, perhaps permanently, and those who were still living with their spouses. These findings suggest that the factors that keep women in abusive relationships are more grounded in their assessments of objective difficulties involved in leaving and perhaps in familiarity with abuse as a behavior pattern than they are in "learned helplessness" or a low self-image.

Women's Use of the Services

Because a criterion for entering the sample was seeking help outside their families [2], the sample does not reflect the proportion of services users in the population of battered women as a whole. An examination of the experiences of the sample does make it possible, however, to learn more about how services are used and perceived by those battered women who did seek them out.

Police Services

Police service was the type of service most frequently used by women in the sample. Eighty-eight percent of the women had called the police -- or someone had called for them. Confirming findings of previous studies, this study found that police services were used most by women with

the least resources. Calls to the police were most common among women of minority background, without high school diplomas, with less than a $10,000 a year income from their spouses and with children.

Women who were referred to this study through the courts were not included in the analysis of the use of police services, because their inclusion would have skewed the study's findings on the ratio of arrests to calls. It should be noted that data on police covered a period both before and after implementation of Operations Order 89, a police order which instructed officers under what conditions to make arrests in spouse abuse cases.

Of the 36 women in the sample who were not contacted through the courts and who involved themselves with the police:

- Eight reported that the police had arrived promptly; another eight that they came between 20 minutes and an hour after the call; two that it took more than an hour; one that the police had not arrived at all.
- Police made arrests in 10 of the 36 cases. Arrests were more frequent if the woman requested one; in 8 of the 14 cases in which it was requested, an arrest was made.
- Of those cases in which there was no arrest, other actions were: removing the spouse from the home (11 percent); taking the woman to the hospital (6 percent); advising the women to resolve the problem without the police (36 percent); and no action at all (11 percent).

Two-thirds of the women in the survey did not perceive the police as responsive to their needs. The women were most likely to be satisfied with the police response when an arrest was made. Those for whom the police did not make an arrest were the most likely to be (20 out of 25) dissatisfied.

The evidence suggests that many police officers did not regard spouse abuse as a police or criminal matter. However, there was some tentative evidence that the police were changing their behavior in response to the recent policy change in the department. Of the six women in the sample who requested an arrest after the implementation of Operations Order 89, five had their requests filled. This contrasts to three out of eight who had requests for arrests filled before the order went into effect.

While the police were not consistently responsive to battered women, the evidence was that they were increasingly becoming more sensitive and responsive. The findings suggest that police response could be further improved by the institution of training focusing on:

- the appropriateness of arrest in cases of spousal abuse involving a felony;
- the value of arrests, even in those cases that do not result in conviction and prison sentences;
- the services available for battered women and how to make referrals to them.

It also might be useful to try in New York City a model that has been used elsewhere: deploying teams that bring together police and social service workers to help violent families.

Medical Services

- Seventy percent of the women in the sample had sought out medical services at least once. Most had used emergency rooms.
- Most women in the sample (72 percent) did not hesitate to identify themselves as battered to the medical staff. (However, it should be noted that the women interviewed may have been more willing than others to identify themselves as battered.) The most frequent reasons for not revealing the cause of the injury were embarrassment, fear of what the spouse would do if he found out about the disclosure, and the presence of the spouse at the medical interview, so that the woman was unable to discuss the problem privately.
- Less than one third of the women (29 percent) reported that medical personnel offered them referrals or assistance for the battering problem that extended beyond immediate medical attention.

It appears that medical personnel, like police, could use further training on domestic violence. Topics to be covered in such training could include:

- methods for identifying battered women;
- procedures for preservation of evidence, such as ripped clothing;
- availability of and procedures for referral to other services;
- protocol for excluding spouses from part of the medical procedure when battering is suspected.

In New York City, the Borough Crisis Centers administered by the Human Resources Administration are helpful in dealing with cases of domestic violence brought to the four hospitals where the centers are. Because there are insufficient funds to institute a center at every hospital, however, training of emergency room staff on the topics described above would seem a valuable alternative.

Legal Services

Criminal Court. The women in this study were among the first in New York State to be subject to new laws (passed in 1977) that allow victims of spouse abuse to pursue cases in either criminal or family court, rather than, as in the past, limiting them primarily to family court.

- Forty-five percent of the sample had initiated criminal court cases against their spouses. These women appeared to have fewer resources and more injuries than the sample as a whole.

Composed of women willing to take enough action to seek out services, the sample may overrepresent abused women determined to prosecute their spouses. Nevertheless, it is worth noting that, contrary to some criminal justice mythology, the majority of battered women in this sample did not withdraw charges against their spouses once filed.

- Among the 50 women who filed complaints in criminal court, only 24 percent reported that they did not follow through.

The court seldom imposed sanctions on abusers:

- Ninety-three percent of the 38 women who followed through with their cases reported that the judge gave a verbal admonishment to the batterer.
- Yet, the majority of women felt that the prosecutor had followed their wishes. Seventy-three percent reported it had been helpful to take the case to court.

These findings suggest that the courts were not generally unresponsive to battered women. Even though the courts did not mete out harsh punishments, they may have improved some situations:

- Forty-seven percent of the women said their spouses did not bother them after the disposition of the case.

However, since 89 percent of the women had left home before they filed complaints, they may have received less retaliation from spouses -- and have been taken more seriously by court officials about their determination to press charges -- than women who stayed with abusers. An ability to sever the relationship with the batterer may be important for successfully pursuing a case in criminal court.

The fact that 53 percent of the 38 women who followed through with their cases reported that their spouses attacked them again after the case had been settled suggests that while it can be helpful, criminal court alone is not an adequate source of assistance for battered women. Although satisfaction with the court was relatively high, it appears

that once again further training might be helpful:

- to make court officials more sensitive to the value the court process has even for women who do not follow through with it;
- to help court officials view spouse abuse as seriously as other assaults; and
- to inform court officials about additional resources for violent families.

These data also suggest the need for programs for abusers in an effort to intervene in the battering pattern.

Family Court. Sixty-one of the women in the sample had been to family court at least once. These women had more resources, were better educated and had spouses earning higher salaries than the women who used criminal court.

An Order of Protection was the most common remedy of the family court judges for the women in this study; 83 percent of the women who went to family court and requested an Order of Protection received one. Such an order lasts up to one year, and provides that one spouse cannot assault or otherwise menace and endanger or harass the other. It can also entail rulings for the abuser regarding children, living situations and, most recently, counseling.

The majority of women in the sample were satisfied with the family court. Nevertheless:

- Fifty-nine percent of the women who received one reported subsequent violations of their Orders of Protection. This is about the same proportion of women in the sample whose spouses repeated abuse after the settlement of a criminal court case.
- Six of the seven women who were living with their spouses after they had initiated family court cases reported that their Orders of Protection had been violated. In contrast, 16 of the 32 not living with their spouses reported their orders were violated.

As in criminal court, actions taken in family court appeared to result in some reduction of violence but seemed to be most effective for women who had left the batterer.

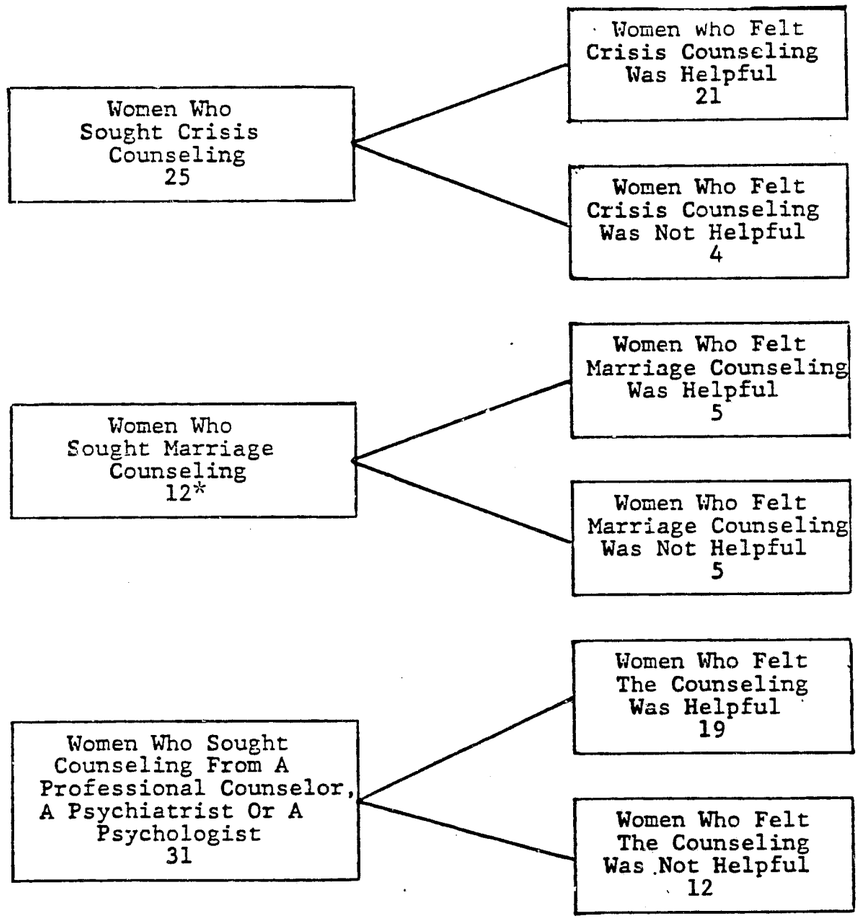
Counseling

More than three-quarters of the sample had discussed the battering problem with friends or relatives and most of the women had found this helpful. Still, friends and relatives were sometimes skeptical that battering had occurred; some gave advice on how to avoid "provoking" the spouse and several grew tired of discussing the problem. These findings suggest a need for nonjudgmental, professional counseling or hotline services, where the victim could feel more confident that she would receive an empathetic response, grounded in an assumption that battering can be a serious problem.

CONTINUED

FIGURE 4.4

WOMEN'S SATISFACTION WITH VARIOUS FORMS OF COUNSELING



*The responses of two women were not available.

never really got better," "he'd never change," or "no one can help." These women's experiences suggest that marriage counseling was not highly successful.

Thirty-one of the women in the sample had gone to a professional counselor, psychologist or psychiatrist. Sixty-one percent of these women reported that counseling had been helpful. As one respondent put it, going to counseling "gave me a chance to express myself and understand myself."

E. Shelters

Background. The idea of shelters for battered wives was conceived by Erin Pizzy in England in the early 1970's and subsequently took root in this country. Shelters are residences that give battered women a place to stay for up to a few months. Shelters offer women a secure living situation in a place where it is difficult for their husbands to track them down, the support of other women in like circumstances, and psychological and vocational counseling to assist them in establishing themselves on their own.

Battered women, when they leave their spouses, often turn to friends or relatives for a place to stay. As reported earlier, most of the women in this sample had left home several times and on those occasions found someone willing to put them up for a short period. But staying with friends or

relatives poses difficulties. It makes it easy for husbands to find the women, and therefore exposes not only the battered women but also their hosts to the danger of their spouses' violence. Several women who were interviewed reported that their spouses had sought them out and attacked them after they had moved out. In addition, few people have the living space or the desire to share their residences with a woman and children for long. Moreover, some women may not have anyone they can ask to stay with or they may be embarrassed to let acquaintances know that they have been abused. (Experience at VSA shows that about 60 percent of crime victims looking for temporary shelter can find a friend or family who can shelter them on a temorary basis.) Among the women in the sample who left their spouses and then later returned, the most frequent reason cited for returning (cited by 44 percent of the women) was that they had nowhere else to go or that the apartment they had shared with their spouse was theirs.

When the study was conducted, there were three shelters operating in New York City. One, operated by the City's Human Resources Administration, housed up to 65 women and children for up to three months. Two privately-run residences, Women's Survival Space and the Henry Street Shelter, housed 12 and 18 families, respectively. In addition, a Brooklyn organization that uses a variation of the shelter concept called Safe Homes places battered women in private homes of volunteer families for up to three days.

Two new shelters have recently opened, one sponsored by Project Return Foundation in the Bronx and the other one by Gustave Hartman YMHA in Far Rockaway. It is estimated that the 70 new beds will accommodate up to 28 families.

Use of the Service. Eight (7 percent) of the women in the sample reported that they had been to a shelter. Besides security, shelter served a variety of purposes for battered women. For example, one woman who left her spouse and went to Women's Survival Space saw a counselor and went to family court to seek an Order of Protection. She had been to family court for the same purpose before but had been unsuccessful. This time, however, accompanied by a counselor from the shelter, she received an Order of Protection. Reflecting on the differences between her first and second court experience, the woman noted that saying she was in shelter proved to be a "magic word" with family court officials.

The word "shelter" also seemed to work magic with welfare staff. A year earlier, after the woman had left her husband to stay with friends, she had applied for welfare but had been denied; welfare workers had told her that her spouse could support her even though they were living apart. While at the shelter, she applied again and this time got emergency assistance within two days [5]. According to her, welfare workers were able to expedite her claim because living

in a shelter was sufficient proof that she was a battered woman and living on her own.

After living at the shelter for three months, this woman moved into an apartment of her own. She did not return to her husband nor was she bothered by him again. The woman praised the shelter: she said that her experience had been "very good," the staff "supportive," and shelters are a "necessary" aid to helping battered women "get [their lives] together."

The small number of women in the sample who used shelters most likely reflects the lack of shelter space in New York City.

F. Public Assistance

Background. The emergency provisions of the public assistance or welfare system in New York City were not originally tailored to the problems of battered women. Within the past several years, however, changes have occurred within the public assistance system aimed at making procedures more responsive to battered women. Regulations governing Income Maintenance were modified so that emergency funds are available for people in immediate need of food, clothing and shelter. The Emergency Assistance Unit provides people in crisis immediate help (such as funding for food and shelter) at night and on weekends.

Procedures were also made in order to give priority to victims of spouse abuse in the application process, thus making it possible for the waiting time for receiving aid to be reduced to within 48 hours. Thus battered women are now eligible for faster application procedures as well as emergency assistance.

Since this study was conducted, the Human Resources Administration has tried to further facilitate the application process. Social service agencies that provide services to victims of battering can now be given the authority by the Human Resources Administration to make the initial determination and verification of whether a client is a victim of battering. The reasoning behind this decision is that agencies that have had previous contact with these women are in a better position to assess the women's circumstances than staff at the Income Maintenance Center. If a woman receives such certification, her financial eligibility is then determined and verified by the Income Maintenance Center. Although this study does not provide information regarding the effectiveness of this innovation, the experiences of battered women with public assistance suggest that it is an important improvement.

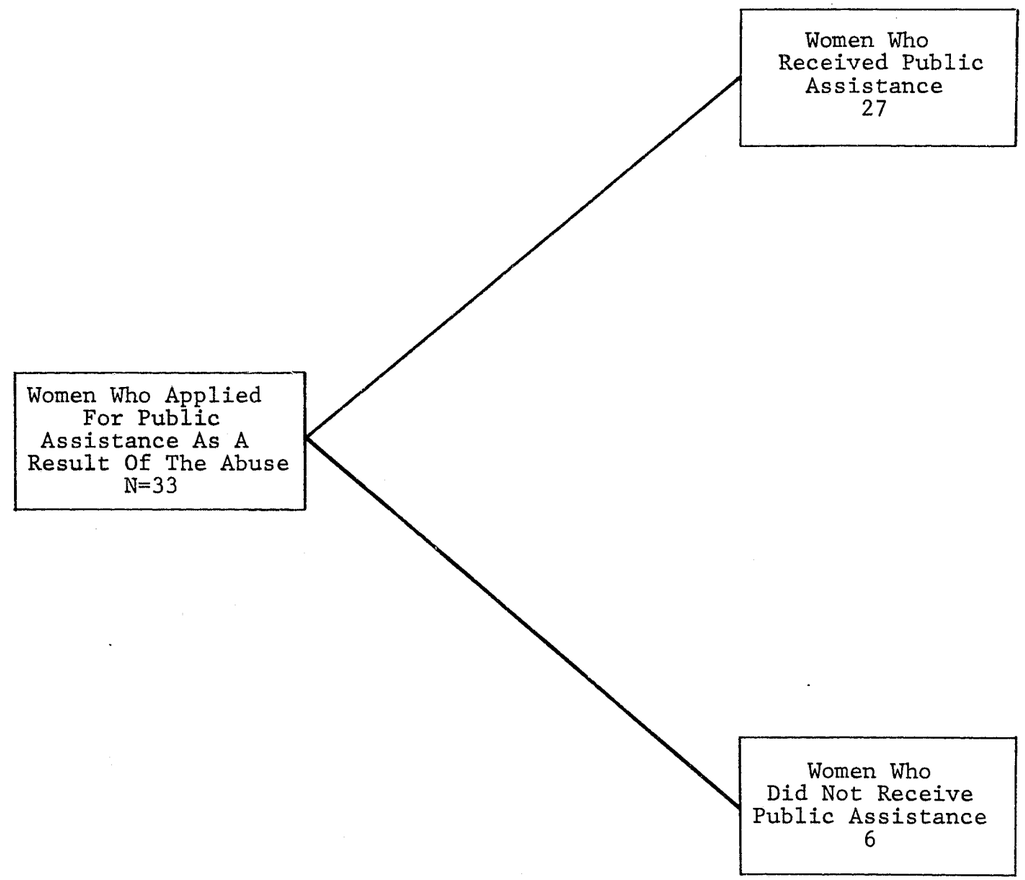
Use of the Service. About half (49%) of the women in the sample were receiving public assistance at the time of the first interview. A smaller number (33) reported that they had applied for welfare because they had left their spouses, and consequently were without a source of income. These 33 women were questioned about their experiences with the welfare system in an effort to determine how the system responds to their needs. Their experiences are summarized in Figure 4.5.

A high proportion (82 percent) of the women who applied for assistance did get aid (the remainder were determined ineligible for various reasons). Yet the process of obtaining assistance was not always easy. Eighteen percent of the women determined eligible for welfare received assistance within two weeks of applying, but the other 82 percent had to wait longer than two weeks -- in one case three months. Seventy-five percent of women who applied reported difficulties in the application process. The problems they reported included too much red tape and poor treatment by welfare workers. One woman said, "They kept me running back and forth. I never had the right information. I got sick of it. I had to go back to him [her spouse]."

The high proportion of women supported by welfare speaks to its importance for battered women. Welfare is virtually the only service in New York City which addresses the problem of battered women's financial dependence upon their

FIGURE 4.5

THE OUTCOMES OF WOMEN'S REQUESTS FOR PUBLIC ASSISTANCE



spouses. Welfare, however, does not provide an attractive standard of living. It seems possible that some battered women remain with their spouses because they do not view welfare as an acceptable alternative. Many of the women in the sample who were supported by welfare appeared to want to achieve economic self-sufficiency; 56 percent reported that they wanted to find employment within the next six months. As reported in Chapter 3, however, few of the women had the job skills or training to secure employment at a high income level.

FOOTNOTES - Chapter IV

1. This proportion may be much higher than the true frequency with which battered women identify themselves to medical personnel, due to the self-selection of women in the sample. It seems likely that women who did not want to tell medical personnel about the battering would also be reluctant to be interviewed for a study such as this.

2. The family court was authorized by statute to transfer a family offense proceeding to criminal court if it deemed the processes of family court to be "inappropriate" in the situation at hand. In general, case law supported such a finding where, based on the facts and circumstances surrounding a given case, there was no reasonable possibility for a reconciliation between the parties.

3. Common-law or unmarried victims may not initiate a family offense proceeding on their own behalf. However, if they have minor children in common with the batterer the court may issue an Order of Protection in connection with a paternity petition, a child support petition, or a child protective petition.

4. As of August 6, 1981, a woman seeking an emergency Temporary Order of Protection from family court has a statutory right to file a petition without delay on the same day that she first goes to the family court. A hearing before a judge on that request must be held on the same day or the next day that family court is open.

5. Certification of battering is necessary in order for a woman to receive public assistance immediately. The issuance of IM 64/77 in 1977, which allowed staff of three designated shelters to certify battering (in addition to income maintenance staff) might have facilitated the process for this woman. In 1979, income maintenance procedures were further modified to allow additional private social services and legal organizations to certify that a woman was battered (IM6/79). VSA is one of these Approved Assisting Organizations (AAO).

V

CONCLUDING THOUGHTS AND RECOMMENDATIONS

The profile of a battered woman that emerged from this study is one of a rational person who, caught in a difficult situation, had made a deliberate choice. The 112 women interviewed were seeking a tolerable life for themselves and their children. In general the women did not appear to have stayed in an abusive relationship because of self-destructive impulses, excessively low self-esteem, or other psychological characteristics suggesting emotional disturbance or deviance.

A particular concern of the study was exploring why women stay in violent homes. The data suggest that an important element was a woman's economic potential and resources: women who had resources, either because of their own financial assets or ability to earn money or because they did not have children, escaped from the battering relationship sooner than women without independent income or women with children. Although economics was not the sole motivating factor for staying in an abusive relationship, many of the women were trapped in a dilemma of either staying with a man who batters on occasion but promises to stop, or leaving to go on welfare. Given this choice, it seemed rational for the women to stay in a violent home. For many women in the sample,

the likelihood that the battering might stop or abate was less remote than the likelihood of becoming financially independent.

In general, the women interviewed took advantage and benefited from the services available to them. Although these women were generally successful in negotiating help from governmental agencies, many types of help were not sufficiently accessible and others simply did not exist.

In considering recommendations for programs and policies suggested by the results, we were guided by what we saw as the underlying theme of the findings: battered women are capable of making choices about how to improve their situation. To do this, however, there must be services available and the women must be aware of their options and how to obtain the services they need.

Police Services

The data from the 88 women in the sample who had contact with police officers suggested that the police response to victims of domestic violence was improving. These findings suggest that police training could help ensure that the police respond consistently to the needs of battered women. Training might most effectively focus on: 1) The appropriateness of arrest in cases of spousal violence when a felony has been committed. 2) The value of an arrest even in

cases that do not end up with a conviction and prison sentence; and 3) The availability of services for battered women and the methods for referrals. This would help ensure that women take advantage of what is available and would reduce police officers' feelings of helplessness in dealing with the social needs of battered women. It should be noted that the Police Department has also begun to explore the possibility of increasing police services to include escorting women who have had to take refuge in temporary shelter back to their homes to pick up their belongings; and is investigating reports of improper conduct by police officers.

An experiment tried in other jurisdictions in which social service counselors or advocates work in teams with police to intervene and provide counseling to violent families should be tested in New York.

Medical Services

The study's findings concerning the treatment accorded battered women in hospital emergency rooms indicated that although the women's physical injuries were attended to, medical personnel rarely referred women to follow-up social services. It would seem good preventive practice to refer a women who has been battered to other services (such as courts, police, or counseling) in an effort to intervene before the battering recurs. In some instances,

battered women did not identify themselves as battered, and they were not identified as such by emergency room staff. In some instances, the woman's husband accompanied her during treatment, precluding an opportunity for her to give the nurse or doctor a true account of the source of her injury. These findings suggest the need for training of hospital personnel and the development of a protocol for dealing with women when they report they have been battered or when it is suspected that they have been beaten by their spouses.

Among the topics to be covered in such training would be how to identify battered women; availability of services and methods of referral; a practice when women are accompanied by their mate of excluding the husband at some time during the examination; and procedures for the preservation of evidence which might include photographs and envelopes for ripped clothing to be used in court cases.

The Borough Crisis Centers administered by the City's Human Resources Administration are models for domestic violence programs in hospitals. In the face of fiscal constraints precluding such centers at each hospital, training of emergency room staff appears a valuable alternative.

Criminal Court

The role of criminal court in dealing with battered women has undergone significant changes during the past five years. The women in this study were among the first users of the revised system which allowed wives to pursue cases in either criminal or family court. (Common-law wives under most circumstances have not had the option of using family court.) This choice means that the criminal court plays a somewhat different role in spouse abuse cases than in other assault cases.

The response of criminal court officials to battered spouse cases was to take stronger account of the victim's desires about the case than in cases in which victim and defendant were strangers. As a result, satisfaction with the court was relatively high. However, the problem remains that some district attorneys treat spouse abuse less seriously than other assaults because it occurs between spouses or because they believe that battered women may not follow through on the case. One possible response would be training for district attorneys and judges. Included in the training could be a discussion of the value of the arrest and court process even in those cases when a woman does not follow through. As data in this study showed, the court may have been successful even in cases which were dropped by having treated the cases seriously at the time of arrest and arraignment; some men were apparently

deterred from further violence by their fear of the pending criminal prosecution.

Family Court

Battered women who choose family court also face some of the problems encountered in criminal court. Court officials who have seen women change their minds about taking their husbands to court or not appear at scheduled court hearings, may consider it a waste of time to treat such cases rigorously. Our findings suggested that as with criminal court, some women did not persist in court because the beatings had stopped. It would be useful for programs working with battered women, including the Victim Services Agency, to provide follow-up data to the court on cases in which battered women did not appear for subsequent hearings.

Counseling Services

The data suggest that counseling at times of crisis was helpful. Of particular importance was informing a woman that she had choices and what they were.

The interviews also suggested that it would be useful to have more counseling available because it might encourage a woman to develop a strategy for dealing with the battering before the situation becomes so violent that she

feels she has no choice but to resort to police, shelters, and hospital emergency rooms. If a woman sought counseling when her life was not in crisis, the counselor could explain the alternatives and she could prepare for the next, and perhaps more violent incident, by arranging to stay with a friend.

The data in the study were insufficient to assess the usefulness of marriage and psychiatric counseling for domestic violence.

Shelter Services

The need for more shelter space in New York City has been consistently reported by battered women counselors. The data from this study indicate that only 7 percent used shelters; the study did not address the question of how many women needed shelter but were denied it because of lack of space. The women who used the shelters were satisfied with them and found them a good entry into other services. This would suggest that there is a need for systems to be developed to guarantee that battered women not in shelters have access to other services. The Human Resources Administration's development of special prodecures which allow programs that serve battered woman to prescreen them for welfare eligibility is a useful step in this direction.

Public Assistance

The women interviewed about public assistance indicated that the revised procedures (Order IM 64/77) have facilitated the process of obtaining both emergency and long-term assistance. While the welfare system seems to work in crisis situations, there is a need for a long-term approach such as developing alternatives to public assistance so that women need not face a decision between staying with a batterer or becoming dependent on welfare.

New Services

An examination of the existing services suggests that most are making efforts to be more accessible and sensitive to the needs of battered women. However, the analysis also highlighted those services which were needed but were not available to the 112 women interviewed:

- Services and day care for children of violent families need to be developed. Both in the shelters and in other service agencies, there have been few programs tailored to children of battered women [1]. Children living with mothers who have recently abandoned their homes need counseling and support. The goals of such intervention would be to prevent the risk of foster care and child abuse and to help children better cope with the violence in their homes with long range goals of reducing the risk of their becoming violent. Short-term day care for children would also help the mothers by freeing them for a few hours each day of the burden of caring for their children. The women could take care of their practical needs: going to court; finding a new apartment; attending job training; or looking for a job.

- Services for batterers need to be developed. Often, the woman, the man, or the court, would like to see the abuser get help to reduce his abusive behavior. The Family Court Law was changed in 1980 to allow judges to include an educational program as part of a finding in family offense cases. Interviews with judges and prosecutors reveal that they too would like to have the option of including couple counseling, peer counseling and support groups as part of a sentence. Models exist in other jurisdictions, and while such programs are just beginning in New York City, there need to be many more such programs and their availability needs to be publicized.

- Vocational services need to be developed. Women who do not have incomes or means to earn wages are often in a bind between welfare and staying in an abusive relationship. This suggests that vocational training, job placement, and supported work programs should be tested to determine if such programs would help a woman leave earlier, reduce the violence, or reduce the welfare rolls [2].

- Services for working women need to be developed. One serious flaw in the shelter and public assistance system is the limitation on services for working women. If a woman has some assets or earnings -- even a low paying job -- she is unlikely to qualify for public assistance and, thus, for shelter. She may find it more difficult than a public assistance recipient to relocate because she does not qualify for city housing; and free medical services also may be unavailable. Procedures need to be modified in order to make services available to working women.

- Preventive services need to be developed and tested. Domestic violence prevention programs, similar to drug and sex education programs, could be instituted in the schools. In addition, methods need to be developed to identify families at high risk of domestic violence so that family counseling and other services could be made available before the violence escalates.

These recommendations stemmed from findings of this sample of women -- a sample of women willing to identify themselves as battered and sufficiently in control of their lives to seek help. The constraints of the research study prohibited us from reaching out to a representative sample of

all battered women. Such a sample might have generated a different picture: a picture of women, ashamed of the battering, isolated from family and friends, unaware of available services. For such women, public education addressed to both men and women about the prevalence of battering and programs that respond to it would be a necessary first step toward intervening in and improving their lives.

FOOTNOTES - Chapter V

1. Henry Street Settlement will be developing a special services program starting in September, 1981.

2. Manhattan College has just started a vocational guidance program, but such efforts need to be expanded elaborated, and tested.

APPENDIX A:

METHODOLOGY

by Deborah Grayson

Research on battered women is still a relatively new endeavor, and at the time this study was done (1979) there had been few large scale, longitudinal research efforts. The number and diversity of studies on abuse is increasing and consequently it occurred to us that it would be useful to devote some detail to the methodological difficulties we encountered in the hope that research in the future could be designed to avoid or reduce these problems. If a reader wants more detail, they may contact the Research Department, Victim Services Agency, 2 Lafayette Street, New York, New York 10007.

1. Research Design

The design of the study called for 250 victims of spouse abuse to be interviewed twice, first between February and March 1979, and then again, in a follow-up interview six months later. It was anticipated that the six month interval would allow for the observation of a change in the participants' situations.

The sample was limited to women because male victims of spouse abuse rarely use the courts and social service agencies; consequently to build a sample of even 50 would have taken more time than the study allowed.

Participants had to be 17 years of age or older. As an incentive for participation, $5 was offered for completion of the initial interview and $15 for the follow-up.

2. Intake - Initial Stage

Intake was begun at four points known to serve a large number of battered women: Brooklyn Criminal Court, two Borough Crisis Centers located in municipal hospital emergency rooms in Queens and Kings County [1], and Brooklyn Family Court.

Intake for Brooklyn Criminal Court cases was done in the Complaint Room, the stage in the criminal justice process when the District Attorney's office first becomes involved in a case. The Complaint Room is in operation 24 hours a day. Because of the cost of placing research intake personnel there on a full-time basis, intake at this location was done by regular VSA Complaint Room staff.

VSA Complaint Room personnel were oriented to the purpose of the study and the method for scheduling women, and were given a "pitch" designed to encourage participation [2].

The same intake procedure was followed at the hospitals, which also function on a round-the-clock basis. Staff from the Crisis Centers were requested to attend training sessions. These were organized by a VSA social worker/trainer and were designed to 1) explain the purpose of the study and intake methodology, 2) acquaint the crisis center staff with research staff, 3) discuss the justification for the research, and 4) elicit attitudes about various aspects of spouse abuse and the currently established methods for dealing with the problem. Interviews scheduled by the Crisis Center staff were administered in a room near the Crisis Center in the hospital.

In Brooklyn Family Court, intake was done by research staff. An interviewer sat at a desk (in the room where petitioners wait to see the probation officer at the first step in the Family Court process) and distributed flyers to interested women. These flyers (in English and Spanish) asked women to participate in the study and offered the $20 incentive. If a woman showed interest in the flyer, the person at the desk would explain the study and schedule the woman for an interview, to be conducted in Family Court a few days later.

3. Timing of the Interviews

The initial plan was to schedule the first interview as soon as possible after intake, the same day or evening. However, this timing proved infeasible.

First, women in both the hospital emergency rooms and in Family Court were often too involved with the procedures required by those institutions to spare time for an additional research interview. Many women were distraught, exhausted and in need of medical attention. In most cases, they already had repeated their stories to a number of officials. These factors contributed to an unwillingness to submit immediately to more, and from their perspective unnecessary, questioning.

In addition, there were legal problems with administering the interview immediately after intake. For women in the sample with open cases in Criminal Court, the District Attorney's Bureau Chief felt that information elicited on the questionnaire could be subpoenaed by the defense for use against the state's case. Hence, it was felt that it would better to conduct the research interview after arraignment (24-36 hours after Complaint Room case processing) so that researchers would know which women would have continuing court cases for which the interview material would be problematic. However, rather than interviewing only those women whose cases

had been disposed, which might skew the sample too much towards those with less serious cases, we decided to interview all the women, but to use an abbreviated interview form for those with continuing cases. This form excluded items that could potentially be used against the victim in court, such as references to the battering relationship. The abbreviated interview was also used for women in the Family Court sample scheduled to return to court at a later date, since they faced the same issue in their hearings. (See section 8 for a discussion of the abbreviated interview.)

4. Efforts to Increase the Sample Size

The original proposal had called for 250 participants, a rate of approximately 40 interviews per week. By the fourth week, however, only 13 interviews had been completed, and at the six-week point -- the intended cut-off date -- the number of completed interviews was 22.

There were several reasons for this low response rate. First, intake proceeded more slowly than anticipated at the two Borough Crisis Centers. At Queens Hospital Center, approval of the research study was delayed because of the need for the study to be approved by a Human Subjects Review Committee, the necessity of which was not known to the researchers before the study. It was not until three months after the initial contact had been made with the

administration that the committee met and gave its approval [3].

At Kings County Borough Crisis Center, the sample pool -- the number of abused women using the service during the study period -- was low. In addition, staff were reluctant to encourage women to participate in the study because they felt that many were too traumatized. Furthermore, staff felt that their focus should be on counseling and the resolution of problems rather than research.

Most importantly, the low response rate reflected the attitudes of the women. Many were under severe stress. With unresolved problems, often a court process ahead of them, and the necessity of repeating their story to many officials, participation in a research study where they would have to answer still more questions was of low priority. Many appeared reluctant even to take the step of talking to the researchers for intake. In Family Court, for example, women usually did not approach the research intake table.

Even among the few women who agreed to return for the interview, a large proportion failed to meet their appointments. It is likely that since the interview was scheduled for the same setting as intake -- such as Family Court or the Criminal Court Complaint Room -- some women were unwilling to return because of the painful associations of the

setting. It is also likely that members of the research staff were mistaken for employees of the agency where intake occurred. If a woman's contact with the agency's personnel had been unsatisfactory and she believed that the interviewer also worked for this agency, she would not want to appear for an interview.

In an effort to increase the sample, modifications were made in the methodology. A first effort to increase particpation involved changing the incentive payment schedule from $5 for the initial interview and $15 for the follow-up, to $10 for each interview. This 25/75 split had been selected on the basis of past research which indicated that a high attrition rate was likely during the six-month interim period. It became evident, however, that the initial $5.00 was insufficient. The results were encouraging: the number of women who signed up, as well as the number who appeared for the interview, increased.

In addition, efforts were made to involve staff at the intake centers more with the project. VSA staff made a second round of site visits. At Queens County Borough Crisis Center this was particularly important since there had been a three month lapse between first contact and the final approval to begin intake.

In Family Court, two new techniques were adopted. Probation officers agreed to distribute flyers describing the study and the timing of appointments was changed. Instead of scheduling interviews for a later date, staff conducted them during the court's lunch recess. The drawback to this method was that women interviewed at this time had open court cases and had to be given the shorter interview. The advantages of having an available population, however, outweighed this drawback.

5. New Sources -- Successful Attempts

Despite modifications in methodology, the intake rate did not increase sufficiently. After the first month during which staff had experienced considerable difficulty in attracting women in crisis to particpate, we decided to expand the number of sources and to include women not currently in crisis. The new sample was limited to women who had been beaten since September 1, 1977 (approximately one and a half years earlier). This deadline was used because on that date married women were given the option in New York State of pursuing cases in either family court or criminal court. It was necessary to restrict the sample to women who had been beaten relatively recently so as to obtain information on services currently available in New York City.

Several new recruitment sources were also tried. VSA has a notification unit which retains information on all complainants who have had cases in the Brooklyn Criminal Court. To gather a sample, cases which had been disposed within the last six months were examined. If the case involved assault on a woman by a man and the relationship was given as either married, common-law, or girlfriend/boyfriend, a letter was sent to the complainant, explaining the study and requesting that she call for an appointment.

South Brooklyn Legal Services Corporation (SBLS) and Mobilization for Youth Legal Services (MFY) are two non-profit legal agencies handling many cases including divorces. In the state of New York, battering is grounds for divorce. Both legal agencies agreed to allow the spouse abuse study to contact their former clients -- ones whose cases had been closed within the last 6 months -- provided that it was clear to the women that participation was voluntary, and that VSA was not part of the legal service.

Letters were sent to clients of both agencies. They contained two parts: 1) an explanation by the legal service agency of how the woman's name had been selected, and 2) an explanation of the study with a request that the woman contact VSA if interested in participating. SBLS staff were concerned about maintaining the confidentiality for their clients. Making it the responsibility of the woman, if she was

interested, to initiate contact with the study was one means of ensuring this. To keep the contents of files confidential, a part-time SBLS employee, who was already acquainted with the files, was paid by the study to review the files and send letters to eligible women.

The response rate from the new methods was sufficiently promising that outreach to other agencies that help women in crisis was begun. The Staten Island Women's Crisis Center (SIWCC), the Jane Addams Center, and Abused Women's Aid in Crisis (AWAIC) were receptive to telling their clients about the research. Contact with these agencies, however, was made near the conclusion of the study and did not produce many participants. The SIWCC sent four interested women; the Jane Addams Center and AWAIC sent none.

Advertisements were placed in various newspapers throughout the city asking women who had been hit by their husbands or boyfriends to participate in the study. A wide variety of publications were used. It was found from this initial wave of advertisements that the smaller local papers elicited a higher response rate than the papers serving larger areas (e.g., the Village Voice, the Amsterdam News). Based upon this information, two more sets of advertisement were placed. But of the three waves of advertisements placed over a six week span, only the first set provided the study with an ample number of participants. This may be because all

interested women responded to the advertisements the first time that they appeared. Despite the later disappointments, the advertisements proved to be the most effective of the new intake methods because staff time required to contact women was minimal.

One advantage of advertisements was that they reached a previously untapped demographic segment of the population: white, middle-class victims of spouse abuse. The majority of the research done on spouse abuse had drawn on a visible, easily researched population -- those using the courts or other public institutions for conflict resolution. Less is known about middle-class battered women since these women have private channels of support and resolution (such as private lawyers, doctors, and psychologists).

Another method of reaching women was the distribution and posting of flyers. These were worded similarly to the advertisements. The flyers were distributed at large shopping malls. No calls resulted from the several hundred flyers disseminated in this manner.

Flyers were also posted at various smaller sites frequented by women: The Brooklyn Women's Martial Arts Center, Brooklyn Women's Center, supermarkets, and laundromats. While the shopping centers and laundromats produced no response, the two women's centers proved to be good intake

sites, even though the total number of women using them is small. Unfortunately, however, many of the respondents from these centers had been out of crisis situations for more than one year and consequently were not eligible for the study.

6. New Sources - Unsuccessful Attempts

In addition to the five successful measures used to expand the sample size, several other techniques were either unsuccessfully employed or considered and dismissed. Staff considered using the recently established VSA reception center in the Bronx Criminal Court, but the District Attorney's Office was averse to VSA obtaining information from spouse abuse victims who had pending court cases.

Five local radio stations were approached about public service announcements. While all were willing to receive copies of the notice, none would guarantee airtime (and none aired the announcement).

When it became apparent that the proposed sample of 250 would not be achieved, methods of supplementing the existing interview with self-administered questionnaires were considered. The questionnaires would have asked for demographic data about the abused and the abuser, information

on changes in the woman's behavior due to abuse, and information on which agencies (police, courts, counselors) had been useful.

Two possible methods for collecting these data were considered. First, it was suggested that a one-page questionnaire applying to both battered and non-battered women be distributed to all women entering an office building in the morning. In the course of the day, the women could deposit the completed questionnaires in a box in the lobby. An alternate method suggested was to distribute the same questionnaire accompanied by a pre-stamped envelope to women in suburban shopping centers, major mid-Manhattan department stores and large transit centers such as Grand Central and Pennsylvania Stations.

Ultimately, both these ideas were rejected. It was believed that it would be difficult to secure permission to disseminate questionnaires in an office building and that the second method might not be cost effective. In addition, the demographic data obtained by either method would still not have enabled the study to make inferences to the general population. It was decided, instead, to develop a more detailed supplemental questionnaire, to be administered to a small group of women, thereby supplying qualitative data. This form is discussed in the next section.

7. Entrance Interview (Type I)

The original interview took approximately one hour to administer and was comprised of 12 sections, with both pre-coded (multiple choice) and open-ended questions. Interviews were in English and Spanish. The form was designed to be answered by women drawn from one of three locations (Family Court, Criminal Court, and hospital emergency rooms). Since a woman's presence at any one of these three sites indicated that the woman was currently in a crisis the questions were designed to be answered as they applied to the woman's current situation.

Topics covered in the interview were: 1) the incident of abuse which brought the woman to the intake point; 2) the history of the woman's relationship with the batterer including, the frequency of abuse, the number of times the woman had left, and whether they had children; 3) experiences with the police; 4) experiences with the Criminal Court; 5) experiences with the Family Court; 6) injuries and medical services used; 7) demographic characteristics of both parties, and the division of money within the household; 8) the woman's family of origin, including demographic characteristics and whether abuse adults or of children occurred; 9) the spouse's family of origin; 10) the woman's support systems - friends, relatives, and counseling experiences; 11) the woman's goals; and 12) a pre-standardized measure of self-esteem [4].

With the exception of the self-esteem measure, the interviewer both read the questions and recorded the answers. For the self-esteem section, the respondent was given an answer sheet pre-printed with a true-false option for each question. The interviewer read each question aloud and instructed the respondent to circle the appropriate box.

As the sampling method changed and the composition of the women in the study shifted from those currently in crisis to those who had resolved their problems, questions relating to the battering incident and services were reworded from present to past tense.

8. Abbreviated Interviews (Type II)

As previously mentioned, an abbreviated form was devised that eliminated mention of the battering relationship for women still involved in legal actions. The resulting instrument asked about demographic characteristics of both parties, their family backgrounds, and included the standardized measure of self-esteem. Edited sections on the relationship and the respondent's outside supports were also included (topics 7,8,9, 12 and some of 2 and 10 in the Type I interview).

9. Follow-Up (Type I)

The follow-up interview was constructed to measure changes in the respondents that occurred in the six-month period between the two interviews. Since the initial design had relied upon a sample of women some of whom were taking steps towards resolving their problems, it was hoped that by the follow-up they would have used services and would report which had been helpful. Therefore, the final interview restated many questions to determine whether changes had occurred. Goals that had been mentioned by the woman during the entrance interview also were mentioned to determine whether they had been attained.

As a result of early analysis, two new sections were added to the interview. One covered women's experiences with public assistance [5]. The other measured women's fear of their spouses. This was included because many women who had been beaten with relative infrequency, said that their lives had been significantly altered by fear engendered by the abuse. Some women who responded to the advertisements and flyers still considered themselves battered even though they had not been hit for more than a year, or had never been hit but had been threatened [6]. For these women, their spouses' verbal threats kept them in a consistently high level of fear regardless of whether violence was coupled with the threats.

To measure fear, the women were provided with 18 statements regarding fear and asked if the statements were applicable to them. As with the self-esteem measure, the women were given a pre-printed sheet and asked to record their own responses.

10. Follow-up (Type II)

The Type II follow-up contained all of the elements previously mentioned for the Type I follow-up, as well as most of the questions omitted on the entrance form, because the women had been involved in a court case at the earlier point.

11. Modified Interview

To supplement the sample, a modified interview was developed. This was a Type I entrance interview, with the public assistance and fear sections added. The modified form was given once to all eligible women who responded to the outreach after the May 15 cut-off date.

12. Interviewers

Nine female part-time interviewers were employed in the study. Since the interviews were sensitive and since useful information could be collected only if the participants were relaxed and candid, interviewers were hired primarily on

the basis of their past experiences working with people, either in counseling or hospital environments.

13. Training

Two eight-hour days were devoted to training the interviewers. Since staff were chosen primarily for their empathetic qualities and were not necessarily knowledgable about the criminal justice system, a large part of the training was devoted to acquainting the interviewers with the nature of the services, particularly legal services that the women in the sample had encountered. This was especially important because past research (Davis, Russell, and Kunreuther, 1980) has shown that many complaining witnesses progress through the criminal justice system either without understanding it or with a misconception of both the process and the outcome. One goal of the training was to ensure that the interviewers were familiar enough with the system to interpret the women's answers and to probe for more detailed accounts where necessary.

An important issue discussed during the training was "Why Research?" This was particularly significant because many of the staff had had experience counseling people in crisis, and their proclivity was to offer assistance. (In fact, some potential interviewers declined the job when it became apparent that the purpose of the project was only research.) Due to the nature of the design (a six month

follow-up), it was not possible to allow the interviewer to offer assistance during the initial interview. Such an intervention would have had the potential to alter the behavior of the participant during the subsequent months before the follow-up interview. This would have made it impossible to determine what changes the woman would have undergone and what resources she would have contacted without the intervention of the interviewer. Therefore, unless the interviewer perceived a crisis situation in which the woman's life might be in danger if help were not offered, no intervention was offered. Interviewers were, however, instructed to give the VSA telephone Hotline number to any participants who asked for help.

Most of training was devoted to practice in administering the 44 page interview. For each ten page segment of the interview, there was first a discussion of the content and the purpose of each question in the section. This was followed by a demonstration role-play by the training leaders. After questions, the interviewers broke into groups of three, and two people role-played the section while a third observed and made comments. A trainer sat with each group. This was repeated until everyone had administered the interview.

The final segment of the training was devoted to familiarizing interviewers with the series of forms to be completed for each participant in the study. The interviewer was responsible for the completion of several forms during the course of the interview. In sequence of administration, they were: the consent statement, interview, contact sheet, postcards and receipt of payment.

To be sure that the respondent understood the nature of the study and that participation was voluntary, there was a requirement that a consent statement be signed by each woman in the study. It stated that information gathered was completely confidential and that all questions had been answered freely. The form was completed in duplicate. One copy was given to the respondent and one was retained by the study.

Two instruments were used as means of maintaining contact with the respondent during the six month period between interviews. These were 1) contact sheets and 2) post-cards. The contact sheet was filled out by the interviewer upon completion of the interview. It contained two addresses and at least one telephone number where the woman felt that it was safe for her to be contacted. This sheet also included: intake point, interviewer, interview type, date, and amount paid. When follow-up began, all attempts to reach the woman were recorded.

Postcards addressed to VSA were pre-printed in both English and Spanish. They asked the respondent for current contact information and informed her that, upon receipt of the postcard, $1.00 would be sent to her. At the time of the interview, the interviewer wrote a date two months in the future on the postcard and asked the woman to complete it and mail it to VSA when that date arrived. Upon receipt of the card, a new post card, identical to the first, was mailed to the respondent, with the $1.00 and a letter both thanking her and explaining that the second card should be handled in the same manner as the first. If a postcard was not received after two and a half months, a reminder letter was sent, along with a new post card.

This method of maintaining contact with the sample was moderately successful. Of the 100 women who were eligible for the follow-up, 31 returned their cards at the appropriate time and 31 others returned the cards sent with their reminder letter. These people accounted for the majority of the follow-up interviews. a few interviews were obtained with the remainder of the non-responding sample by telephoning to schedule follow-up interviews.

To verify that each woman was paid a stipend at the completion of the interview, she was required to sign a receipt of payment.

14. Interviews with Program Staff

Informal interviews with directors and staff of programs which serve battered women were conducted. These interviews were approximately 30 minutes long and were designed to ascertain how the programs function. Information was elicited on the number of staff, who does intake, what the criteria are for offering assistance, and on the duration of time the client uses the resources.

Interviews were conducted with a doctor and nurse who treat emergency room clients and the director of an emergency room; a Brooklyn Criminal Court judge; a Brooklyn Family Court judge; the head of intake at Brooklyn Family Court; a New York City Police official; a Legal Aid attorney specializing in divorces; and 3 project directors of women's centers that provide services for battered women. The information obtained from these sessions was integrated with data drawn from the respondent interviews.

FOOTNOTES - APPENDIX

1. The Borough Crisis Centers were started in 1977 by the New York City Mayor's Task Force on Rape. Their purpose was threefold: 1) to aid in the processing and evidence-preservation of rape cases; 2) to offer counseling to victims of rape, child abuse, and spouse abuse; and 3) to provide referrals and services to clients needing relocation, court assistance, etc.

2. Since this part of the Brooklyn Complaint Room is run by VSA and has been studied in depth, members of the staff were familiar with research methodolgy.

3. Hospitals are a fertile ground for experimentation with new drugs, many of which may have unknown or harmful side effects. The board primarily reviews these types of requests. Unfortunately, the spouse abuse study fell within the same framework of "research" and was, therefore, required to be reviewed.

4. Self-Esteem Scale (Welling, 1977; Wetter, 1975) from Berzins, J., Welling, M.E., and Wetter, R.E. "A New Measure of Psychological Androgeny Based on the Personality Research Form." Journal of Consulting and Clinical Psychology. 1978, 1, 126-138.

5. At the time of the entrance interview, approximately half of the women reported they were living on public assistance.

6. These women did not meet the study's criteria for participation and, therefore, were not interviewed. Still, their mention of fear was noteworthy.

REFERENCES

Allen, Craig M. and Murray A. Straus. "Resources, Power, and Husband-Wife Violence." Paper presented at the National Council on Family Relations Annual Meeting. August 2, 1975.

Bandura, A.D. and S. Ross. "Transmission of Aggression through Imitation of Aggressive Models." Abnormal Psychology. 63: 575-582, 1961.

Bannon, James. "Law Enforcement Problems with Intra-Family Violence." Paper presented at the American Bar Association Convention. August 12, 1975.

Bard, Morton and Joseph Zacker. "Assaultiveness and Alcohol Use in Family Disputes; Police Perceptions." Criminology. Vol. 12, No. 3, 1974.

Berkowitz, L. (ed.). Roots of Aggression: A Re-examination of the Frustration-Aggression Hypothesis. New York: Atherton Jr., 1969.

Berzins, Juris I., Martha A. Welling and Robert E. Wetter. The PRF ANDRO Scale User's Manuel (Revised). University of Kentucky, 1977.

Berzins, Juris I., Martha A. Welling and Robert E. Wetter. "A New Measure of Psychological Androgyny Based on the Personality Research Form." Journal of Consulting and Clinical Psychology. Vol. 46, No. 1:126-138, 1978.

Blood, Robert O. and Donald M. Wolfe. Husbands and Wives: The Dynamics of Married Living. New York: Free Press, 1960.

Bonaparte, Marie. Female Sexuality. Paris: Presse Universitaire de France, 1951.

Carlson, Bonnie E. "Battered Women and Their Assailants." Social Work. November 1977:455-460.

Davis, Robert C., Victor Russell, and Frances Kunreuther. The Role of the Complaining Witness in an Urban Court. New York: Vera Institute of Justice, 1980.

Deutsch, Helene. "The Significance of Masochism in the Mental Life of Women." International Journal of Psychoanalysis. 11:48-60, 1930.

Dobash, R. Emerson and Russell P. Dobash. "Wives: The 'Appropriate' Victims of Marital Violence." Victimology. Vol. 2, Nos. 3-4:426-442, 1977-78.

Dollard, J. et. al. Frustration and Aggression. New Haven: Yale University Press, 1939.

Elbow, Margaret. "Theoretical Considerations of Violent Marriages." Social Casework. 58:515-526, 1977.

Elliot, Frank A. "The Neurology of Explosive Rage: The Dyscontrol Syndrome." in Maria Roy, ed. Battered Women. New York: Van Nostrand Reinhold Company, 1977.

Faulk, M. "Men Who Assault Their Wives." in Maria Roy ed., Battered Women. New York: Van Nostrand Reinhold Company, 1977.

Field, Martha H. and Henry F. Field. "Marital Violence and the Criminal Justice Process: Neither Justice nor Peace." Social Service Review. 47, No. 2:210-240, 1973.

Fields, Marjory D. "Representing Battered Wives, or What to Do When the Police Arrive." The Family Law Reporter. Vol. 3, No. 22:4,025-4,029, 1977.

Fields, Marjory D. "Wife Beating: Facts and Figures." Victimology. Vol. 2, Nos. 3-4:643-647, 1977-78.

Fields, Marjory D. "Does This Vow Include Wife Beating?" Human Rights. Vol. 7, No. 2, 1978.

Fields, Marjory D. and Elyse Lehman. A Handbook for Battered Women. Brooklyn, N.Y.: Brooklyn Legal Services Corporation B, 1977.

Flynn, John P. "Recent Findings Related to Wife Abuse." Social Casework. 58:13-20, 1977.

Freud, Sigmund. "A Child Is Being Beaten." in The Collected Papers of Sigmund Freud. New York: Basic Books, 1919.

Freud, Sigmund. "The Economic Problem in Maschochism." in James Strachy, ed., The Standard Edition of the Complete Psychological Works of Sigmund Freud. London: Hogarth Press, 1924.

Freud, Sigmund. "Instincts and their Vicissitudes." in The Collected Papers of Sigmund Freud. New York: Basic Books, 1905.

Gaquin, Deirdre A. "Spouse Abuse: Data from the National Crime Survey." Victimology. Vol. 2, Nos. 3-4: 632-643, 1977-78.

Gayford, John J. "Wife Battering: A Preliminary Review of 100 Cases." British Medical Journal. 1:194-197, 1975.

Geller, Janet A. and James C. Walsh. "A Treatment Model for the Abused Spouse." Victimology. Vol. 2, Nos. 3-4: 627-632, 1977-78.

Gelles, Richard J. "Abused Wives: Why Do They Stay?" Journal of Marriage and the Family. 38:659-668, 1976.

Gelles, Richard J. The Violent Home. Beverly Hills, Ca: Sage, 1974.

Goode, William J. "Force and Violence in the Family." Journal of Marriage and the Family. 33:624-636, 1971.

Goode, William J. "Violence Among Intimates." in D. Mulvihill and M. Tumin, eds., Crimes of Violence. Washington, D.C.: United States Government Printing Office, 1969.

Governor's Task Force on Domestic Violence. Domestic Violence: Report to the Governor and the Legislature. New York: Author, 1980.

Harris, Louis and Associates. A Survey of Spousal Violence Against Women in Kentucky. Louis Harris and Associates, Inc., Study No. 792701, 1979.

Hepburn, John R. "Violence in Interpersonal Relationships." The Sociological Quarterly. 14:419-429, 1973.

Hilberman, Elaine and Kit Munson. "Sixty Battered Women." Victimology. Vol. 2, Nos. 3-4: 460-470, 1977-78.

Horney, Karen. Feminine Psychology. ed. Harold Kelman. New York: Norton, 1967.

Jensen, Rita Henley. "Battered Women and the Law." Victimology. Vol. 2, Nos. 3-4:585-590, 1977-78.

Joblin, Megan. "Battered Wives: A Survey." Social Service Quarterly. 47:142, 1974.

Leeds, Stephen J. Family Offense Cases in the Family Court System: A Statistical Description. Unpublished report prepared for the Henry Street Settlement Urban Life Center, N.Y., N.Y. 1978.

Levinger, George. "Physical Abuse Among Applicants for Divorce." American Journal of Orthopsychiatry. 36:804-806, 1966.

London, Julia. "Images of Violence Against Women." Victimology. Vol. 2, Nos. 3-4: 510-524, 1977-78.

Loving, Nancy. Responding to Spouse Abuse and Wife Beating: A Guide for Police. Police Executive Research Forum, 1980.

Martin, Del. Battered Wives. San Francisco: Glide, 1976.

Nisonoff, Linda and Irving Bitman. "Spouse Abuse: Incidence and Relationship to Selected Demographic Variables." Victimology. Vol. 4, No. 1:131-140, 1979.

O'Brien, John E. "Violence in Divorce Prone Families." Journal of Marriage and the Family. Vol. 33, No. 4:692-698, 1971.

Palmer, Stuart. The Violent Society. New Haven: College and University Press, 1972.

Parnas, Raymond I. "The Police Response to the Domestic Disturbance." Wisconsin Law Review. Fall, 1967: 914-960.

Parnas, Raymond I. "Prosecutorial and Judicial Handling of Family Violence." Criminal Law Bulletin. 9, 1973.

Reich, Wilhelm. Character Analysis. New York: Farrar, Straus, and Giroux, 1949.

Response to Violence in the Family. Washington, D.C.: Center for Women Policy Studies. Vol. 4, Number 3, 1981.

Rodman, Hyman. "Marital Power and the Theory of Resources in Cultural Context." Journal of Comparative Family Studies. 3:50-70, 1972.

Rogers, Mary F. "Instrumental and Infra-Resources: The Bases of Power." American Journal of Sociology. 79:1,418-1,433, 1974.

Roy, Maria. "A Current Survey of 150 Cases." in Maria Roy, ed. Battered Women. New York: Van Nostrand Reinhold Company, 1977.

Schultz, L.G. "The Wife Assaulter: One Type Observed and Treated in a Probation Agency." Journal of Social Therapy. 6:103-111, 1960.

Smith, Barbara E. The Prosecutor's Witness: An Urban/Suburban Comparison. Unpublished Dissertation, 1979.

Stark, Evan, Anne Flitcraft, and William Frazier. "Medicine and Patriarchal Violence: The Social Construction of a 'Private' Event." International Journal of Health Services. Volume 9, Number 3, 1979.

Steinmetz, Suzanne K. "The Battered Husband Syndrome." Victimology. Vol. 2, Nos. 3-4:499-509, 1977-78.

Steinmetz, Suzanne K. The Cycle of Violence: Assertive and Abusive Family Interaction. New York: Praeger Publishers, 1977.

Straus, Murray A. "Leveling, Civility, and Violence in the Family." Journal of Marriage and the Family. 36:13-29, 1974.

Straus, Murray A. "Normative and Behavioral Aspects of Violence Between Spouses: Preliminary Data on a Nationally Representative USA Sample." Paper presented at the Symposium on Violence in Canadian Society, March 12, 1977.

Straus, Murray A. "Sexual Inequality, Cultural Norms, and Wife-Beating." in Emilio C. Viano, ed. Victims and Society. Washington, D.C.: Visage Press, 1976.

Straus, Murray A. "Wife Beating: How Common and Why?" Victimology. Vol. 2, Nos. 3-4:443-458, 1977-78.

Straus, Murray A., Richard Gelles, and Suzanne K. Steinmetz. Behind Closed Doors: Violence in the American Family. Garden City, New York: Anchor/Doubleday, 1980.

Truninger, Elizabeth. "Marital Violence: The Legal Solutions," The Hastings Law Journal. 23, 1971.

United States Census. United States Bureau of the Census, 1970.

United States Department of Justice. FBI 1975 Uniform Crime Reports. Washington, D.C.: United States Government Printing Office, 1975.

Vera Institute of Justice. Felony Arrests: Their Prosecution and Disposition in New York City's Courts. New York: Author, 1977.

Waites, Elizabeth A. "Female Masochism and the Enforced Restriction of Choice." Victimology. Vol. 2, Nos. 3-4:535-544, 1977-78.

Walker, Lenore. The Battered Woman. New York: Harper & Row, 1979.

Welling, Martha A. Measurement of Psychological Androgyny: Convergences between the PRF ANDRO Scale and Bem's Sex Role Inventory. Unpublished Masters thesis, University of Kentucky, 1977.

Wetter, Robert E. Program for Scoring the Interpersonal Disposition Inventory. Unpublished Materials, University of Kentucky, 1975.

Whitehurst, Robert N. "Violence in Husband-Wife Interaction." in S. Steinmetz and M. Straus eds., Violence in the Family. New York: Harper and Row, 1974.

Wilt, G. Marie, James D. Bannon, Ronald K. Breedlove, et al. Domestic Violence and the Police: Studies in Detroit and Kansas City. Washington, D.C.: Police Foundation, 1977.

Wolfgang, Marvin E. Patterns in Criminal Homicide. Philadelphia: University of Pennsylvania Press, 1958.

Wolfgang, Marvin E. and Franco Ferracuti. The Subculture of Violence: Towards an Integrated Theory of Criminology. New York: Tavistock, 1967.

Woods, Laurie. "Litigation on Behalf of Battered Women." Women's Rights Law Reporter. Rutgers Law School, 5:7-33, 1978.

END