

ICPSR 3010

**Factors Related to Domestic
Violence Court Dispositions in a
Large Midwestern Urban Area,
1997-1998: [United States]**

Description

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Bibliographic Description

ICPSR Study No.: 3010

Title: Factors Related to Domestic Violence Court Dispositions in a Large Midwestern Urban Area, 1997-1998: [United States]

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Scope of Study

Summary: The goal of this study was to identify factors that influence whether city misdemeanor domestic violence cases in which batterers are arrested by police result in dismissals, acquittals, or convictions in the courts, and how these cases are processed. The researchers sought to examine factors that influence court officials' decision-making in domestic violence cases, as well as factors that influence victim and witness reluctance in bringing batterers to successful adjudication. In Part 1 researchers merged pretrial services data with information from police and prosecutors' reports in the urban area under study to answer the following questions: (1) What is the rate of dismissals, acquittals, and convictions for misdemeanor court cases and what are the conditions of these sentences? (2) What factors in court cases are significantly related to whether the disposition is a dismissal, acquittal, or conviction, and how are these cases processed? In Part 2, judges, prosecutors, and public defenders were asked detailed questions about their level of knowledge about, attitudes toward, and self-reported behaviors regarding the processing of domestic violence cases to find out: (1) What roles do legal and extra-legal factors play in decision-makers' self-reported behaviors and attitudes? (2) How do decision-makers rate victim advocate and batterer treatment programs? (3) How do court

professionals view the victim's role in the court process? and (4) To what degree do court professionals report victim-blaming attitudes and experiences? For Part 3 researchers used a stratified random sample to select court cases of misdemeanor domestic violence that would be transcribed and used for a content analysis to examine: (1) Who speaks in court and how? and (2) What is considered relevant by different court players? In Parts 4-103 victim surveys and interviews were administered to learn about battered women's experiences in both their personal lives and the criminal processing system. Researchers sought to answer the following questions: (1) How do victim/witnesses perceive their role in the prosecution of their abusers? (2) What factors inhibit them from pursuing prosecution? (3) What factors might help them pursue prosecution? and (4) How consistent are the victims'/witnesses' demographic and psychological profiles with existing research in this area? Domestic violence victims attending arraignment between January 1 and December 31 of 1997 were asked to complete surveys to identify their concerns about testifying against their partners and to evaluate the effectiveness of the court system in dealing with domestic violence cases (Part 4). The disposition of each case was subsequently determined by a research team member's examination of defendants' case files and/or court computer files. Upon case closure victims who had both completed a survey and indicated a willingness to be interviewed were contacted to participate in an interview (Parts 5-103). Variables in Part 1, Pretrial Services Data, include prior criminal history, current charges, case disposition, sentence, victim testimony, police testimony, victim's demeanor at trial, judge's conduct, type of abuse involved, weapons used, injuries sustained, and type of evidence available for trial. Demographic variables include age, sex, and race of defendants, victims, prosecutors, and judges. In Part 2, Professional Survey Data, respondents were asked about their tolerance for victims and offenders who appeared in court more than once, actions taken when substance abuse was involved, the importance of injuries in making a decision, attitudes toward battered women, the role of victim advocates and the police, views on restraining orders, and opinion on whether arrest is a deterrent. Demographic variables include age, sex, race, marital status, and years of professional experience. Variables in Part 3, Court Transcript Data, include number and type of charges, pleas, reasons for dismissals, types of evidence submitted by prosecutors and defense, substance abuse by victim and defendant, living arrangements and number of children of victim and defendant, specific type of abuse, injuries sustained, witnesses to injuries, police testimony, verdict, and sentence. Demographic variables include age and sex of defendant and victim and relationship of victim and defendant. In Part 4, Victim Survey Data, victims were asked about their relationship and living arrangements with the defendant, concerns about testifying in court, desired outcomes of case and punishment for defendant, emotional issues related to abuse, health problems, substance abuse, support networks, other violent domestic incidents and injuries, and safety concerns. Part 5 variables

measured victims' safety at different stages of the criminal justice process and danger experienced due to further violent incidents, presence of weapons, and threats of homicide or suicide. Parts 6-103 contain the qualitative interview data.

Subject Term(s): battered women, case processing, decision making, disposition (legal), domestic violence, misdemeanor offenses, offenders, sentencing, treatment programs, urban areas, victims, witnesses

Geographic Coverage: United States

Time Period: • 1997 - 1998

Unit of Observation: Part 1 and 3: Court cases, Parts 2 and 4-103: Individuals

Universe: Parts 1 and 3: All misdemeanor intimate partner domestic violence cases in the urban area in 1997. Part 2: All municipal judges, prosecutors, and public defenders in the urban area in 1997. Parts 4-103: All female victims of domestic violence in the urban area in 1997.

Data Type: administrative records data

event/transaction data

survey data

Data Collection Notes: Part 4, Victim Survey Data, was minimally processed by ICPSR. The data definition statements for this file do not contain variable or value labels or missing value designations. However, a data collection instrument for this file is available in the PDF codebook.

Methodology

Purpose of the Study: This study helped fill the knowledge gap about what happens with domestic violence cases when the alleged batterers are arrested, once they leave law enforcement agencies. Specifically, the goal was to identify factors that influence whether city misdemeanor domestic violence cases in which batterers are arrested by police result in dismissals, acquittals, or convictions in the courts, and how these cases are processed. The researchers sought to examine factors that influence court officials' decision-making in domestic violence cases, and factors that influence victim and witness reluctance in bringing batterers to successful adjudication. In Part 1 researchers collected pretrial services data to answer the following questions: (1) What is the rate of dismissals, acquittals, and convictions for misdemeanor court cases and what are the conditions of these sentences? (2) What factors in court cases are

significantly related to whether the disposition is a dismissal, acquittal, or conviction and how are these cases processed? In Part 2 researchers surveyed judges, prosecutors, and public defenders to find out: (1) What roles do legal and extra legal factors play in decision-makers' self-reported behaviors and attitudes? (2) How do decision-makers rate victim advocate and batterer treatment programs? (3) How do court professionals view the victim's role in the court process? and (4) To what degree do court professionals report victim-blaming attitudes and experiences? In Part 3 court transcripts were analyzed to examine: (1) Who speaks in court and how? and (2) What is considered relevant by different court players? In Parts 4-103 victim surveys and interviews were administered to learn about battered women's experiences in both their personal lives and the criminal processing system. Researchers sought to answer the following questions: (1) How do victim/witnesses perceive their role in the prosecution of their abusers? (2) What factors inhibit them from pursuing prosecution? (3) What factors might help them pursue prosecution? and (4) How consistent are the victims'/witnesses' demographic and psychological profiles with existing research in this area?

Study Design: This research design was the result of a collaboration between university researchers and a community organization composed of judges, prosecutors, police officers, administrators, victim advocates, mental health and social workers, and others in a large, midwestern urban area. Data were collected on the court processing of misdemeanor domestic violence cases from five sources: (1) pretrial services, (2) interviews and surveys of court officials, (3) content analysis of court transcripts, (4) surveys of domestic violence victims, and (5) in-depth interviews with domestic violence victims. For this study the defendant was defined as any person who was arraigned in the municipal court between January 1, 1997, and December 31, 1997, for one or more of the following charges against a person living as a spouse: (1) misdemeanor domestic violence, (2) violating protection order or consent agreement, (3) menacing by stalking, and (4) rape. For Part 1, data from pretrial services were merged with information from police and prosecutors' reports. Pretrial services asked a large volume of questions of defendants upon intake. Police officers also completed "527" forms and National Incident-Based Reporting (NIBRS) Program forms on each case. Additionally, researchers developed a "green form" for prosecutors to help distinguish intimate partner domestic violence from other domestic violence cases and to provide information from prosecutors on their perspectives regarding victim behavior, judge's behavior, and other facets of the case, such as evidence. All 18 prosecutors were instructed to complete these forms for each of their intimate partner cases. Researchers were able to collect data on 90.5 percent of the 1997 court cases of misdemeanor domestic violence in the urban area. In Part 2 judges, prosecutors, and public defenders in the urban area were asked detailed questions about their level of knowledge about, attitudes toward,

and self-reported behaviors regarding the processing of domestic violence cases. Data were collected from court professionals through both intensive one-on-one, face-to-face interviews and detailed written surveys. Although the majority of questions were asked of all professionals, questions were altered according to the targeted professional group and its respective role in the criminal justice system. The surveys addressed such topics as evaluating the current arrest policy for domestic violence cases, issues related to bail and treatment mandates, and reasons why cases were dismissed. Moreover, scales were developed from Likert questions that ascertained decision-makers' assessments of concepts such as victim provocation, victim ability to leave, role of legal and extra-legal factors, treatment for batterers, deterrent factors, and policies relevant to the processing of domestic violence misdemeanor cases. Other items addressed in the survey included factors to be considered in the determination of whether an abuser should be sentenced and convicted, the influence of various factors on outcome decisions, criminal justice techniques most likely to be utilized in the courtroom, and the ranking of factors' effectiveness in stopping repeat woman battering. A representative from each professional group provided feedback on the respective measurement instruments to ensure the comprehensiveness and clarity of the items being addressed. The average interview was two hours in length. Judges usually returned the mailback survey within 48 hours, while prosecutors and public defenders took an average of two weeks to complete the survey. For Part 3, researchers used a stratified random sample to select court cases of misdemeanor domestic violence that would be transcribed and used for a content analysis. Each court transcript was coded independently by three coders and then reviewed for consensus. Information was coded on the different actors (defendant, victim, prosecutor, defense, judge, police, witnesses), the types of evidence, and the case outcomes. For Parts 4-103 domestic violence victims attending arraignment between January 1 and December 31 of 1997 were asked if they would participate in the current study. Victims were told that the study was designed to identify concerns victims had about testifying against their partners and to evaluate the effectiveness of the court system in dealing with domestic violence cases. The names and case numbers of all defendants charged with spousal abuse-related felonies were identified from the arraignment dockets, and their names and case numbers recorded by a research team member. In cases involving cross complaints, investigators attempted to ascertain who the real victim in the case was and to request participation of only that individual, despite the difficulties inherent in this process. Victims were told that participation involved completing both a survey and an interview for which they would be paid \$10 and \$40, respectively. Victims were also told that their identities would be kept confidential, and that they could withdraw from the study at any time. Those agreeing to participate were then given a copy of the survey which they could complete at the site, or they were given a survey and a business reply envelope by which

they could return their completed surveys (Part 4). The survey took approximately 90 minutes to complete and was comprised of a large number of measures included to assess constructs thought to possibly impact victims' decisions to testify. An effort was also made to assess extent of violence using both direct and indirect measures. All measures were self-report items. In general, the survey began with concerns about testifying, then moved to mediating variables (e.g., support system, post-traumatic stress disorder), and then to abuse-related measurement instruments (e.g., help-seeking behaviors, history of abuse). The disposition of each case was subsequently determined by a research team member's examination of defendants' case files and/or court computer files. Upon case closure victims who had both completed a survey and indicated a willingness to be interviewed were contacted by any combination of means necessary to locate them (phone, letter, home visit) to ask if they would be willing to participate in an interview (Parts 5-103). One of five interviewers then conducted the interview during a time and at a location convenient for victims. Interviews typically took place in victims' homes and were approximately two hours long. Eighty-five percent of survey participants were located and interviewed. Interviews were structured in format and designed to identify concerns of victims about testifying against their partners and to elicit victims' views regarding how the criminal justice system handled their cases. Victims' responses to questions were recorded by hand and typed up within a few days of the interview. No audio recording devices were used. Although interviewers attempted to record victims' language as stated, descriptions of victims' statements -- including those written using the first person pronoun -- represent only interviewers' "best efforts" at recording that language by hand during the interview. Part 5 consists of variables used to create victim safety and danger scales based on the interviews. Parts 6-103 contain the qualitative interview data.

Sample: Parts 1 and 2: No sampling. Part 3: Stratified random sampling. Parts 4-103: Convenience sampling.

Sources of Information: Part 1: Police and prosecutors' reports, Part 2: Personal interviews and mailback questionnaires, Part 3: Court transcripts, Part 4: Self-enumerated questionnaires and mailback questionnaires, Parts 5-103: Personal interviews

Description of Variables: Variables in Part 1, Pretrial Services Data, include prior criminal history, current charges, case disposition, sentence, victim testimony, police testimony, victim's demeanor at trial, judge's conduct, type of abuse involved, weapons used, injuries sustained, and type of evidence available for trial. Demographic variables include age, sex, and race of defendants, victims, prosecutors, and judges. In Part 2, Professional Survey Data, respondents were asked about their tolerance for victims and offenders who appeared in court more than once, actions taken when substance abuse was involved, the importance of injuries in making

a decision, attitudes toward battered women, the role of victim advocates and the police, views on restraining orders, and opinion on whether arrest is a deterrent. Demographic variables include age, sex, race, marital status, and years of professional experience. Variables in Part 3, Court Transcript Data, include number and type of charges, pleas, reasons for dismissals, types of evidence submitted by prosecutors and defense, substance abuse by victim and defendant, living arrangements and number of children of victim and defendant, specific type of abuse, injuries sustained, witnesses to injuries, police testimony, verdict, and sentence. Demographic variables include age and sex of defendant and victim and relationship of victim and defendant. In Part 4, Victim Survey Data, victims were asked about their relationship and living arrangements with the defendant, concerns about testifying in court, desired outcomes of case and punishment for defendant, emotional issues related to abuse, health problems, substance abuse, support networks, other violent domestic incidents and injuries, and safety concerns. Part 5 variables measured victims' safety at different stages of the criminal justice process and danger experienced due to further violent incidents, presence of weapons, and threats of homicide or suicide. Parts 6-103 contain the qualitative interview data.

Response Rates: Part 1: 90.5 percent. Part 2: 98.4 percent for face-to-face interviews and 85.7 percent for mailback surveys. Part 3: Not applicable. Part 4: 85 percent of survey respondents completed the follow-up interview.

Presence of Common Scales: Several Likert-type scales were used.

Extent of Processing: Standardized missing values.

Checked for undocumented or out-of-range codes.

Access and Availability

Note: A list of the data formats available for this study can be found in the [summary of holdings](#). Detailed file-level information (such as record length, case count, and variable count) is listed in the [file manifest](#).

Some instruments administered as part of this study may contain contents from copyrighted instruments. Reproductions of the instruments are provided solely as documentation for the analysis of the data associated with this collection. Please contact the data producers for information on permissions to use the instruments for other purposes.

Restrictions: The data are restricted from general dissemination. Users interested in obtaining these data must complete a Data Transfer Agreement Form and specify the reasons why they need the data. A copy of the Data

Transfer Agreement Form can be requested by calling 800-999-0960 or 734-647-5000. The Data Transfer Agreement Form is also available as a Portable Document Format (PDF) file from the NACJD Web site at <http://www.icpsr.umich.edu/NACJD/Private/private.pdf> ([Link](#)). Completed forms should be returned to: Director, National Archive of Criminal Justice Data, Inter-university Consortium for Political and Social Research, Institute for Social Research, P.O. Box 1248, University of Michigan, Ann Arbor, MI 48106-1248, or by fax: 734-647-8200.

Original ICPSR Release: 2001-12-14

Version History: The last update of this study occurred on 2006-03-30.

2006-03-30 - File UG3010.ALL.PDF was removed from any previous datasets and flagged as a study-level file, so that it will accompany all downloads.

2006-03-30 - File CQ3010.ALL.PDF was removed from any previous datasets and flagged as a study-level file, so that it will accompany all downloads.

- Dataset(s):
- DS1: Pretrial Services Data
 - DS2: Professional Survey Data
 - DS3: Court Transcript Data
 - DS4: Victim Survey Data
 - DS5: Victim Safety and Danger Scale Data
 - DS6: Victim Interview 1 Data
 - DS7: Victim Interview 2 Data
 - DS8: Victim Interview 3 Data
 - DS9: Victim Interview 4 Data
 - DS10: Victim Interview 5 Data
 - DS11: Victim Interview 6 Data
 - DS12: Victim Interview 7 Data
 - DS13: Victim Interview 8 Data
 - DS14: Victim Interview 9 Data
 - DS15: Victim Interview 10 Data
 - DS16: Victim Interview 11 Data
 - DS17: Victim Interview 12 Data
 - DS18: Victim Interview 13 Data
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 - DS21: Victim Interview 16 Data

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- DS22: Victim Interview 17 Data
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- DS100: Victim Interview 95 Data
- DS101: Victim Interview 96 Data
- DS102: Victim Interview 97 Data
- DS103: Victim Interview 98 Data

Publications

Final Reports and Other Publication Resources:

A list of publications related to, or based on, this data collection can be accessed from the study's download page on the NACJD Web site or through the ICPSR Bibliography of Data-Related Literature at <http://www.icpsr.umich.edu/ICPSR/citations/index.html>. The list of citations includes links to abstracts and publications in Portable Document Format (PDF) files or text files when available.

Final reports and other publications describing research conducted on a variety of criminal justice topics are available from the National Criminal Justice Reference Service (NCJRS). NCJRS was established in 1972 by the National Institute of Justice (NIJ), an agency of the U.S. Department of Justice, to provide research findings to criminal justice professionals and researchers. NCJRS operates specialized clearinghouses that are staffed by information specialists who supply a range of reference, referral, and distribution services. Publications can be obtained from NCJRS at NIJ/NCJRS, Box 6000, Rockville, MD, 20849-6000, 800-851-3420 or 301-519-5500. TTY Service for the Hearing Impaired is 877-712-9279 (toll-free) or 301-947-8374 (local). The URL for the NCJRS Web site is:

<http://www.ncjrs.gov/>

NIJ Data Resources Program

About the DRP: The National Institute of Justice Data Resources Program (DRP) makes datasets from NIJ-funded research and evaluation projects available to the research community and sponsors research and training activities devoted to secondary data analysis. Datasets are archived by the National Archive of Criminal Justice Data (NACJD) at the Inter-university Consortium for Political and Social Research (ICPSR) at the University of Michigan.

The NACJD maintains a World Wide Web site with instructions for transferring files and sending messages. Criminal justice data funded by the Department of Justice are available via the Internet at this site at no charge to the user. NACJD may be contacted at NACJD/ICPSR, P.O. Box 1248, Ann Arbor, MI, 48106-1248, 800-999-0960. The URL for the NACJD Web site is:

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