

168056

Prosecution of Domestic Violence Offenses

Executive Summary

October 31, 1996

Prepared by:
American Prosecutors Research Institute
99 Canal Center Plaza, Suite 510
Alexandria, Virginia 22314

Funded by:
National Institute of Justice
U.S. Department of Justice
Washington, D.C.

THE PROSECUTION OF DOMESTIC VIOLENCE OFFENSES

Executive Summary

(Grant # 93-IJ-CX-0039)

INTRODUCTION

With the proliferation of “pro-arrest” policies for domestic violence incidents and the resulting increase in cases being brought to court, prosecutors have reached a crossroads and must choose to move in one of two directions – toward more early dismissals or toward the exploration and adoption of innovative methods that effectively combat violence against women (Cahn, 1992). Currently, many local prosecutors have decided to accept the challenge and mobilize “cutting edge” programs for the prosecution of domestic violence offenses. However, there is little research to guide them in their efforts. While numerous evaluations of law enforcement response to domestic violence cases exist, the current body of research lacks any systematic study of the prosecution of domestic violence offenses, how domestic violence prosecution programs are organized and how they effectively address the processing of these cases while simultaneously addressing the needs of the victim.

The American Prosecutors Research Institute (APRI) received funding from the National Institute of Justice to evaluate the present level of domestic violence prosecution throughout the United States and to promote effective prosecution approaches through dissemination of information. The project sought to identify and connect local prosecutors’ needs for information with the best knowledge available on the most effective prosecution methods. In addition, the project focused on gathering information on how prosecutors are handling these offenses and to subsequently determine their most pressing needs. Moreover, APRI conducted case studies of existing strategies for coordinated prosecutor-led domestic violence programs.

METHODOLOGY

APRI used four different research strategies to collect information: (1) a self-administered, national mail survey on domestic violence prosecution to a representative cross-section of local prosecutors’ offices nationwide; (2) three case studies to explore the inner-workings of domestic violence prosecution programs; (3) a survey of domestic violence victims in two of the selected case study jurisdictions to assess their interaction with the criminal justice system; and (4) a review of selected prosecution files at selected sites to supplement victim responses.

APRI used stratified random sampling techniques, based on jurisdiction size and demographics, to select prosecutors’ offices for participation. Since small jurisdictions comprise the vast majority of existing offices, researchers randomly sampled one-third of offices in small jurisdictions. All large jurisdictions were included in the survey based on the assumption that jurisdictions serving the largest populations are more likely to develop innovative practices. The national mail survey allowed project staff to examine how prosecutors are handling domestic violence cases, and assist in identifying the differences in local domestic violence prosecution

needs, program implementation and prosecution outcomes among various jurisdictions. Specifically, the survey addressed eight topics: (1) case management; (2) case screening and charging; (3) pre-trial release policies; (4) post charge diversion; (5) trial; (6) sentencing options; (7) victim support programs; and (8) office and jurisdiction demographics. Of the 209 large jurisdiction offices surveyed, 142 (68%) responded. Almost fifty percent (249/521) of small jurisdiction offices included in the sample completed the questionnaire.

During the second phase of the project, APRI research staff examined three prosecutor-led domestic violence programs (King County, WA; San Francisco County, CA; and Duluth, MN). Each case study involved on-site face-to-face interviews with key program personnel, telephone interviews with domestic violence victims, and a review of domestic violence case files. The case study instrument gathered information on the following areas: (1) the scope of the domestic violence problem; (2) the program structure and operation; (3) interagency coordination; (4) the impact of the program on the domestic violence problem; and (5) recommendations for the future. For the victim interviews, the instrument was designed to collect (1) demographic information; (2) experiences with the prosecution/case processing/special services offered/outcome of the case; (3) victim safety issues; (4) level of interaction with criminal justice professionals and agencies; and (5) level of interaction with other individuals or agencies concerning the case. Attempts to collect data from victims were not very successful; however, APRI staff interviewed 60 victims. The case file data collection survey was categorized into five different areas: (1) discovery/report; (2) violation/charging information; (3) case screening; (4) disposition and sentencing; and (5) defendant/victim characteristics. APRI reviewed 146 cases between the three sites.

The following provides the highlights from this comprehensive study:

FINDINGS

National Mail Survey

In the recent past, local prosecutors were widely thought to be insensitive to the needs of domestic violence victims and negligent in the consistent prosecution of these cases. Public pressures for the aggressive prosecution of domestic violence offenders and the continuing evolution of the local prosecutor's role have dovetailed to produce a select group of local prosecutors' offices that have developed innovative programs for effective domestic violence prosecutions and a larger collection of offices that desire to establish such programs.

The history of domestic violence prosecution in the United States was captured best by McLeod (1983) in her depiction of the average prosecutor as indifferent toward these offenses, citing the pattern of withholding prosecution for these types of cases as evidence. But in the 1990s, changes in these practices began to emerge (Fagan, 1988; Fagan, 1996; Hart, 1996). Urban prosecutor offices developed specialized units targeting domestic violence offenses to upgrade domestic violence case investigation and preparation, to implement safeguards protecting victims from future abuse and to improve general prosecutor-victim relationships. The common objectives of these units were to improve the expertise of prosecutors of domestic violence and facilitate case outcomes satisfactory to both prosecutors and to victim-witnesses (Hart, 1996).

A comprehensive study of the Indianapolis Domestic Violence Prosecution Experiment (Ford, 1993) offered a glimpse of how these specialized units operate in large jurisdictions, but little had been known about the types of innovations that prosecutors in smaller jurisdictions were

undertaking. The results of the national mail survey of local prosecutors illustrate that, in many ways, small jurisdiction prosecutors go through the same domestic violence case processing experiences as do large jurisdiction prosecutors and share many of the same perceptions on domestic violence prosecution. However, the *differences* expressed between the two prosecution groups, result in some interesting findings on domestic violence prosecution in rural and urban settings.

Without a doubt, the survey results from prosecutor offices representing large jurisdictions reflect a growing commitment by district attorneys to vigorously prosecute domestic violence. Based upon their responses, prosecutors in offices in large jurisdictions seem to be constantly searching for the most effective means of bringing domestic violence offenders to justice. A pillar of this aggressive new stance is the "no drop" policy and, with it, a pronounced willingness of prosecutors to move forward in cases in which victims do not participate as witnesses and to rely on non-traditional methods to ameliorate the litigation dilemmas presented by victim absence. Deeper investigation, however, tells us that *pure* "no-drop" policies are fairly rare, with most incorporating some degree of discretion for prosecutorial charging decisions. Results also demonstrate how large jurisdiction prosecutors are quick to invoke the use of protective orders in efforts to ensure victim safety from retaliation in situations in which the victim *does* testify as a witness. At the same time, findings show that many local prosecutors, particularly in large jurisdictions, are also inclined to support domestic violence diversion programs, offender counseling programs and the extensive use of victim advocate programs. Collectively, these results converge toward an intriguing new direction for prosecutors, blending tough crime control positions with an expansion of the prosecutor's community leader role to address multiple dimensions of the domestic violence problem in their communities.

The portrait of the small jurisdiction domestic violence prosecutor presented by the survey data suggests a complex one. According to survey results, the small jurisdiction prosecutor appears to have made strides toward aggressive prosecution of domestic violence offenders but, to some extent, could be constrained by factors such as lack of adequate resources and limited experience - factors that may attenuate what could be a more assertive and innovative approach to these prosecutions. But, it could also be posited that the conservative nature of some small jurisdiction office approaches are the product of a closer, more intimate appreciation of the plight of domestic violence victims.

Despite the fact that small jurisdiction offices were discovered to be as likely to promote "no-drop" prosecution policies for domestic violence cases, small jurisdiction prosecutors were found to be less inclined to actually *execute* these policies in the sense that they were less likely to move forward with the prosecution of the cases when victims were unwilling to participate in the prosecution of the offender. The "flexibility" built into the "no drop" policies of most offices, was, thus, represented as being more liberally applied in offices located in small jurisdictions. At this early research stage it is unclear as to exactly what this finding represents. It is possible that liberal interpretation of "no-drop" policies in small jurisdiction offices is a sign of greater empathy for the special needs of domestic violence victims, permitting the type of victim empowerment in domestic violence prosecution advised by Ford (1991, 1993). Or, these charging patterns may be driven by resource shortages in small jurisdiction offices that make the strict implementation of "no-drop" policies impossible.

Turning to other survey results, there is some reason to believe that the liberal application of "no-drop" policies can be directly related to a lower degree of confidence that prosecutors in small

jurisdictions have in *successfully* prosecuting domestic violence cases in which the victim is absent. This may be due to funding deficiencies denying small jurisdiction prosecutors the alternative mechanisms large jurisdiction prosecutors routinely use in the prosecution of "no-drop" cases, or a lack of training that, potentially, could enhance the abilities of small jurisdiction prosecutors to forge ahead with prosecutions that resort to the use of victim injury photographs and excited utterances at the crime scene as primary evidence.

As might be expected, survey results demonstrated that many small jurisdiction prosecutor offices do not engage in specialized practices for domestic violence prosecution found to be more common in large jurisdiction offices. Few have units exclusively devoted to domestic violence prosecution and not many more have formal screening policies for domestic violence cases. Furthermore, when compared to large jurisdiction offices, far fewer small jurisdiction offices were involved in diversion/rehabilitation programs for domestic violence offenses and only a minority were found to house victim support programs. Clearly, small jurisdiction prosecutors have made inroads into the control of domestic violence crime but, in the future, they will require increased awareness of innovative programs in other jurisdictions, enhanced training and an infusion of local resources if they aspire to adopt more specialized program strategies.

The survey results also bring to light several disturbing aspects of domestic violence prosecution that remind us that more must be done before it is concluded that the struggle to upgrade the local prosecutor's response to domestic violence has been won. A most dispiriting result of the survey concerns the issue of offender retaliation against victims of domestic violence who *do* testify as witnesses. Based upon survey responses, prosecutors, regardless of jurisdictional size, continue to rely heavily on the use of protective orders as a remedy despite the fact that they concede that the effectiveness of this option is questionable and that violations of such orders often result in minimal punishments.

These survey results point out that there are a number of domestic violence prosecution issues cutting across various-sized prosecutor offices that demand immediate attention if the work of prosecutors is to have a genuine impact on combating domestic. The most critical of these issues, as confirmed by the survey results, is the need for prosecutors to explore methods to reduce victims' reluctance in supporting and participating in the prosecution of their assailants. Hart (1996) has suggested that more prosecutors should seriously consider the development of victim outreach programs that would furnish domestic violence victims with information - immediately after arraignment - on the charges filed; on bail and special conditions and on the defendant's release from custody. Included in these programs could be victim-witness clinics in which victims could enhance their awareness of the criminal justice system and their role in it. Such efforts could go far in strengthening the victim-prosecutor relationship while facilitating networking bonds among victims that can eradicate the type of isolation that typically precipitates victim reluctance to participate in prosecution. Until prosecutors consider the implementation of such proactive measures, they will likely continue to encounter formidable rates of victim non-participation in the prosecution of domestic violence offenders.

CASE STUDY RESULTS

The case studies of domestic violence prosecution programs in three local jurisdictions - San Francisco, CA, King County, WA and Duluth, MN - constitute a fitting microcosm of those programs that have gravitated toward enhanced victim assistance inclusion as a formal part of their domestic violence prosecution programs. In each of the three study sites, prosecutors have actively stretched the artificial boundaries of the criminal justice system to include victim advocacy as part of their official domestic violence control strategies to not only affect immediate response to the needs of domestic violence victims but to also help tear down the barriers standing in the way of victim cooperation.

Of special interest in these three sites is that the responses of program personnel reveals a history of the metamorphosis leading to the creation of specialized domestic violence programs. If the three study site programs are representative of other similar programs throughout the U.S., such programs are not apt to arise as the product of a reaction to extant events or circumstances, but will unfold over time as the seriousness of the crime problem becomes officially recognized and alliances are solidified among community groups, police and prosecution. Such was the case with each of these three sites, where grass roots efforts were inextricably linked to the development and implementation of official domestic violence control efforts. Whereas, reviewing the results of the national survey alone may lead one to conclude that the spread of mandatory procedure policies for the prosecution of domestic violence offenses was a natural response to the proliferation of pro-arrest policies, the case study profiles afford a much more complete and textured picture of other factors and relationships involved in this evolution.

In each of the sites, the mutual acceptance of the gravity of crimes of domestic violence has altered the playing field of how police, prosecutors and victim assistance entities interrelate. This is a directed change away from past practices of the criminal justice system, practices that reflected an insensitivity toward the needs of domestic violence victims. In both King County and Duluth, this was brought out in the development of liaison efforts with police and the institutionalization of protocol links between police and victim group referrals. Aside from the expected specialized approaches the three offices adopted for domestic violence prosecutions (e.g., specialized units, vertical prosecution), the characteristic that is most emblematic of their approaches is their movement toward formalizing and routinizing procedures that were open to the use of wider discretion in the past. Rather than being isolated within components of the system, examples of this formalization are evident through police and prosecution activities with victim advocates playing a strong role. San Francisco County's protocol for domestic violence intake, charging decision making, case tracking and 3-way referral system illustrates how these procedures have become more formalized.

The extent to which discretion was limited in each of the sites through the formalizing of prosecution processes mirrors the varying degrees of flexibility built into "no-drop" policies described by local prosecutor office representatives in the national mail survey results. Each of the case study site programs have acted to restrict charging discretion according to the prosecutor office's perception of problem seriousness, anticipated effects of discretion restrictions and the general acceptability of the policies. On occasion, prosecutors may have to experiment with these policies before satisfactory results are achieved. This was true in Duluth, where an abandonment of strict policies on the use of discretion in the use of subpoenas to facilitate victim/ witness cooperation was reversed after witnessing the decline of raw numbers of domestic violence convictions. In both Duluth and in San Francisco County, victim assistance agencies were viewed

as being an impetus of prosecutor policy revisions that break sharply from the past practices of the indiscriminate screening out of domestic violence cases.

The role that victim advocate entities play in the execution of domestic violence prosecution in each of these three sites should not be underestimated. They operate as an official part of the prosecutor's office in both San Francisco and King Counties; a concept unheard of not too long ago. In each of the sites, victim advocates represent a cohesive force of understanding between the prosecutor and the domestic violence victim, forming a bridge of communication and assistance that may not have existed before. The local prosecutors' alliance with victim advocates, in the words of one prosecutor interviewed, prevents the prosecutor from operating as a "lone wolf" in the difficult struggle against domestic violence.

The domestic violence programs of the three prosecutor offices studied personify strategies that Ford, Reichard, Goldsmith and Regoli (1996) have predicted would become more common in the future. In *Future Directions for Criminal Justice Policy on Domestic Violence*, the authors envision that breaking the victim's cycle of violence and responding to the victim's needs would be central to future prosecutorial policies. Ford et al. project that the future impact of the criminal justice system on domestic violence will be gauged, in part, by the reliability of the alliance between the prosecutor and the victim, the type of prosecutor services mobilized for victims and the vigor with which prosecutors respond to continued abuse by offenders. The three case study offices would seem to have transcended these expectations in that, while the prosecutor-victim relationship is integral to all three domestic violence programs, it is the entire multi-disciplinary approach to domestic violence control that represents the prevailing departure from traditional prosecution practices and forms the nucleus of these programs.

One approach advocated by the Duluth City Attorney's Office designed to heighten coordination among the range of agencies comprising the domestic violence program is to install a monitoring function performed by a group outside of the system. As indicated in the earlier discussion of Duluth's Domestic Abuse Intervention Project (DAIP), the agency there is an umbrella organization, financially and organizationally independent that interacts with and monitors the public and private systems of battered women services while existing apart from those systems. The objective, here, is to empower an agency that can rise above the special interests of those agencies comprising the domestic violence control program and help ensure that actions taken are in the best interests of the total system. To many this approach may seem radical. But while it remains to be seen how popular such a strategy would be in other jurisdictions, the strategy warrants further empirical study to discern its worth for replication in additional sites.

The ability of APRI staff to interview a sample of domestic violence victims at two of the case study sites - San Francisco County and King County - afforded researchers a rare opportunity to explore impressions of the domestic violence prosecution efforts from those most affected by program operations. The input from the vantage point of victims proves beneficial to rounding out the picture of the professional activities of these specialized prosecution programs. Scholars such as Hart (1996) remind us that domestic violence victims have much in common with victims of other types of crime in that they want the offenders to halt their actions, to pay for their crimes and to compensate victims. Also, like victims of other crimes, their interests in justice may be quite different from the interests of the justice system. While the criminal justice system calls for public accountability in the prosecution process, this may conflict with the victim's interest in anonymity and privacy. The victim's wish to be involved in plea negotiations and sentencing can clash with the exercising of prosecutorial discretion. System efforts toward the rehabilitation of the offender may

leave the victim more fearful if they are seen as diluting sentences that could provide greater protection from harm.

In essence, programs like the ones in San Francisco County and King County are conceived to reconcile some of the differences between victim expectations and system output to constructively respond to many of the victim needs. These programs take a fresh look at how the system has reacted to domestic violence victims and readjusts the focus. The victim reaction to this readjustment is highly informative because it reveals the areas in which gains have been made in narrowing the void between the desires of victims and the attainment of traditional system objectives. It also tells us where the system changes may not be fulfilling victim anticipations and why this may be so.

Upon initial analysis, one of the first conclusions that can be drawn from the victims responses is that, like victims of other crimes, domestic violence victims do not always seek the same system outcomes. The criminal justice system and the participation in the system can be viewed in very different ways by different victims. In line with this, the reasons motivating domestic violence victims to follow through with prosecution are not uniform among victims. What is consistent, though, is that as prosecution programs enhance victim awareness of system responsibilities to victims, pressure on the programs to effectively respond to victim needs intensifies, precipitating increasing demands on the programs. The manner in which the programs are able to rise to these demands, in the eyes of individual victims, will spell how these victims ultimately judge the quality of the programs. Responses elicited from the victims interviewed, while not necessarily representative of the majority of victims serviced in by these programs, help us to understand, more fully, this relationship between those who create innovative prosecution programs and those who are serviced by them.

As mentioned previously, one of the most problematic areas for prosecutors in the prosecution of domestic violence is facilitating the cooperation of victims. It appears by reviewing victim responses that prosecutors are attempting to engage victims on an active level to gain their cooperation. As shown in the victim survey results, the majority of victims in both San Francisco County and King County indicated they were willing to testify in their cases. However, the willingness of victims to testify in their cases does not necessarily imply that in fact, they will always be used by the prosecution as witnesses. Even as victims involved in the testimony phase of the case, there is also evidence that prosecutors in these offices are sensitive to victim input during plea agreements. Again, there were a number of victims in both jurisdictions that reported giving an opinion in reference to the plea. This pattern is true as well in regard to sentencing input from victims. The findings drawn from this limited sample suggest that prosecutors in King County and San Francisco County are working to develop and fortify the union between victims and the criminal justice system.

The work of prosecutors to encourage victim inclusion in the criminal justice system, when appropriate, can prove to be an important determinant of further participation in criminal justice processes. Many victims may initially feel confident that they will follow through with facilitating the prosecution of their abusers. This confidence can be easily bolstered or destroyed depending on the victim's experience with exposure to the criminal justice system. But, the exposure does not normally begin with the prosecutor's office, in most instances it starts with the police. Comments by some victims confirm that, in fact, the sensitive treatment by police at the time of the offense and efficient police performance could be pivotal in convincing victims that the system is serious

about the control of domestic abuse and that the rights and concerns of victims are of the utmost importance.

Victims who regularly contact the police for help may earnestly desire a break in the abusive pattern but once the arrest is at hand, change their minds. Police officers anticipating this reaction may decide that diligence in performing their regular police procedures is not necessary (i.e., evidence gathering and pictures of injuries). Given this framework, it is not surprising that the prosecution of some cases can begin with a number of disadvantages for the prosecutor, namely a paucity of strong police evidence and victim participation. Yet, despite misgivings on the part of some victims concerning police performance and the affect on their cases, over half of the victims in both San Francisco County and King County stated the police offered a high degree of support during their case.

There is no doubt that from the onset of the case processing, victims begin experiencing anxiety and fear associated with the prosecution of their abusers. The concern for safety is one of the major obstacles facing prosecutors attempting to aggressively address the crime of domestic abuse. It is clear from victim opinions on protection order effectiveness, that the presence of such formal mechanisms designed to enhance victim safety often does little to reduce the fears of domestic violence victims. Fear among victims and the subsequent response of the criminal justice system is a cyclical relationship. Inadequate actions, or lack of action, taken by the criminal justice system at any stage of case processing can raise the fear level of victims, motivating them to distance themselves from the incident and the prosecution of the offense. This cycle is not broken unless responsible measures are employed to convince victims that prosecution of domestic violence cases can resolve myriad issues.

According to victim interviewees, there are a number of systemic factors that can impede victim/criminal justice relations. As illustrated in victim results, the lack of communication between victims and the prosecution can make the victim feel alienated from the criminal justice process. Victims that are unaware of hearing dates, issuance of court orders, and final dispositions do not feel protected nor are they inclined to depend on the criminal justice system in the future. Victim interview results suggest that while prosecutor offices may encourage victims to cooperate and offer tactics to encourage this act, they may not always possess the resources or experience to fulfill the expectations of all victims. As the role of the domestic violence prosecutor evolves, and victim expectations of prosecutor services rise, the gap between what is promised and what is delivered could conceivably widen if prosecutors are unable to sustain an unfailingly rigorous adherence to prescribed program objectives.

A lack of general knowledge of which prosecutorial mechanisms effectively curtail domestic violence may be a factor in how judges view the needs of domestic violence victims in the criminal justice system. If judges observe that victim testimony is difficult to obtain, or that even if victims are willing to testify, but are asking for lenient treatment or sanctions, there may be a tendency for judges to view victims as a minor player in the process. The perception of victim non-cooperation causes a domino effect touching all criminal justice components including the judicial phase. Within the victim sample interviewed, those victims exposed to this phase seem to reflect a level of estrangement between themselves and judges responsible for rendering final dispositions. As reported, a small number of victims in both San Francisco County and King County felt judges offered a high degree of support. General conclusions concerning the judicial response to domestic abuse cannot be drawn from this small sample. But, given the limited exposure that many victims have to this phase of case processing, it is feasible that judges more than any other component in

the system may have somewhat restricted views of domestic violence and appropriate judicial responses.

The expanding role of the criminal justice not only encompasses the prosecution of domestic violence but meshes victim advocacy and services as well. As indicated in the jurisdictional profiles and site analyses, all three study jurisdictions have invested tremendous time and energy to provide a wide range of services for victims. Moreover, prosecutor offices in all three sites have continued to develop and promote the right of victim advocates to work in a partnership with the criminal justice system towards the successful prosecution of domestic abuse. And, although findings indicate different levels of satisfaction with specific criminal justice agencies, responses submitted by victim respondents concerning victim advocates reflect the evolving role of the criminal justice system and their satisfaction and receptiveness to this change. The advances King County and San Francisco County are making in providing adequate victim services is evident when reviewing the victim interview results. In both sites, over half of the victims addressing the degree of support by victim advocates stated that they had received a high level of support by victim advocates. Additionally, the majority of victims received information pertaining to victim services directly from victim advocates within the prosecutor's office. Although limited in interpretation, these findings would suggest that in some jurisdictions the criminal justice system and victim advocates have created a successful union and that strict prosecution is not the sole concern of some district attorneys.

Given the potential rewards to be gained through prosecution/victim advocate alliances, it is incumbent upon prosecutors to seriously consider investing time and resources into building such relationships. Properly implemented, these partnerships can make important contributions to raising the level of victim participation in the prosecution process. Without the victim's assistance in the prosecution, prosecutors of domestic violence will, undoubtedly, continue to wrestle with the same problem; that of testing alternative means of compensating for what can prove to be an essential ingredient in the success or failure of domestic violence prosecution. While it has been shown through the national prosecutor survey, that such replacement modes have the potential to be effective, it remains to be seen whether they truly convey the same degree of credibility to jurors as does the courtroom testimony of the victim of domestic violence. To date, there has been no empirical research that compares the relative strengths of alternatives to victim testimony in domestic violence trials. We still have no clear answers on how effective these alternatives are in convicting the domestic violence offender and what weight the threat of their use carries with the defense attorney during plea negotiations. In a quest to enhance the quality of domestic violence prosecutions, answers to these questions are necessary and require that future, rigorous studies should be initiated to address them. Until these questions can be empirically answered, prosecutors are obliged to actively cultivate professional partnerships that pave the way to increased victim cooperation.

From a system-wide perspective, it is clear that more should be done to establish inter-agency collaborations aimed at enhancing domestic violence victim satisfaction. Overall it appears that victim assessments of how they were treated by the criminal justice system were mixed. If there are conflicting feelings among victims in regard to the wisdom of pursuing the prosecution of domestic violence, there are factors that appear to assist in encouraging victims to pursue prosecution. Because of the growing numbers of jurisdictions incorporating the role of victim advocates within office procedure, victims seem to be more receptive to seeking the assistance of the criminal justice system. Obviously, there are different levels of awareness among components

when interacting with victims. This conclusion is most evident when examining the victim perceptions of police responses to domestic abuse. However, the functions performed by various individuals in the criminal justice system are many times dependent on and reactive to each other. As shown in these results, each participating criminal justice component is judged individually as well as a whole and cannot necessarily seek out the guidance of another component. To some extent, there must be an integration of both dependent and independent decisions by the criminal justice system. Dependent on levels where each component can work towards the common goal of prosecuting domestic abuse and independent in respect to addressing the uniqueness of each individual victim. These victim findings however limited in applicability have offered insight into the marked progress of the criminal justice system's attitude toward domestic violence and has also shed light in regard to the ongoing struggles that still prevail within the system.

CONCLUSION

These preliminary findings suggest that there is an increased awareness among many prosecution offices throughout the country in regard to the seriousness of domestic violence as a crime. They also suggest that some prosecutors are adopting procedures incorporating the assistance of victim advocates and services in conjunction with aggressive prosecutorial tactics, such as, no-drop policies. When taken in conjunction with baseline findings that some victims are actively participating in crucial phases of domestic violence prosecution, efforts on the part of prosecutors to integrate the use of victim advocates in domestic violence cases may have a positive impact on victim participation. The case file information seems to substantiate these findings with evidence that jurisdictions are prosecuting domestic violence on an equitable and vigorous basis. The study results overall suggest that while some prosecutors and victims attempt to build a unified front when addressing the crime of domestic violence, longstanding fears of the system by victims and inadequate means to conquer those fears while successfully prosecuting domestic violence continues to plague many prosecutor offices.

REFERENCES

- Cahn, N. 1992. Prosecuting Domestic Violence Crimes. Pages 162-179 in E. Buzawa and C. Buzawa, eds., *Domestic Violence: The Changing Justice Response*. Westport, Connecticut: Auburn House.
- Fagan, J. 1988. Contributions of Family Violence Research to Criminal Justice Policies on Wife Assault: Paradigms of Science and Social Control. *Violence and Victims*. 3(3): 159-186.
- Fagan, J. 1996. The Criminalization of Domestic Violence: Promises and Limits. *National Institute of Justice Research Report*. Washington DC: U.S. Department of Justice.
- Ford, D. 1991. Prosecution as a Power Source: A Note on Empowering Women in Violent Conjugal Relationships. *Law and Society Review* 25: 313-334.
- Ford, D. 1993. The Indianapolis Domestic Violence Prosecution Experiment. Final Report, Grant 86-IJ-CX-0012 to the National Institute of Justice. Indianapolis, IN:Indiana University.
- Ford, D., R. Reichard, S. Goldsmith, and M. Regoli. 1996. Future Directions for Criminal Justice Policy on Domestic Violence. Pages 243 - 265 in E. Buzawa and C. Busawa, eds., *Do Arrests and Restraining Orders Work?* Thousand Oaks, CA: Sage Publications.
- Hart, B. 1996. Battered Women and the Criminal Justice System. Pages 98-114 in E. Buzawa and C. Buzawa, eds., *Do Arrests and Restraining Orders Work?* Thousand Oaks, CA: Sage Publications.
- McLeod, M. 1983. Victim NonCooperation in the Prosecution of Domestic Assault. *Criminology*. 21: 395-416.