

The author(s) shown below used Federal funding provided by the U.S. Department of Justice to prepare the following resource:

Document Title: **Implementing Youth Violence Reduction Strategies: Findings from a Synthesis of the Literature on Gun, Group, and Gang Violence**

Author(s): **Andreea Matei, Leigh Courtney, Krista White, Lily Robin, Paige S. Thompson, Rod Martinez, Janine Zweig**

Document Number: **310159**

Date Received: **February 2025**

Award Number: **2018-PB-FX-K002**

This resource has not been published by the U.S. Department of Justice. This resource is being made publicly available through the Office of Justice Programs' National Criminal Justice Reference Service.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

FINAL RESEARCH REPORT
Award ID 15PNIJ-21-GG-02802-REVA
Submitted 12/30/2024

Court decision-making in domestic violence cases: An analysis of the case processing pipeline in South Carolina

Christi Metcalfe
Principal Investigator and Associate Professor
Department of Criminology and Criminal Justice
University of South Carolina
cmetcalf@mailbox.sc.edu
1305 Greene Street
Columbia, SC 29208
(803) 777-6532

This project was supported by Award ID 15PNIJ-21-GG-02802-REVA, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.

TABLE OF CONTENTS

1. Summary of Project	1
1.1 Background	1
1.2 Goals, Objectives, and Research Questions	2
1.3 Study Setting	3
Table 1	5
1.4 Research Design and Data Collection	6
Table 2	8
1.5 Methods, Analytical, and Data Analysis Techniques	9
Table 3	10
1.6 Expected Applicability of the Research	12
2. Participants and Other Collaborating Organizations	14
3. Changes in Approach from Original Design	14
4. Outcomes	15
4.1 Activities and Accomplishments	15
Table 4	16
4.2 Results and Findings	16
4.2.1 Characterizing Domestic Violence Cases	16
Figure 1	17
Figure 2	20
4.2.2 Case Processing Pipelines	21
4.2.2.1 Pipelines of Non-Homicide Charges	21
Figure 3	22
Table 5	24
Table 6	25
Table 7	26
Table 8	27
Table 9	28
4.2.2.2 Consideration of Sample Selection Bias	28
Table 10	34
4.2.2.3 Pipeline of Homicide Charges	35
4.2.2.4 Interviewee Reflections on Sex, Race, and Ethnicity	36
Figure 4	36
4.2.3 Legal and Extralegal Correlates of Charging Outcomes	38
4.2.3.1 Quantitative Assessment of Key Correlates	38
Table 11	40
Table 12	42
Table 13	43
Table 14	44
Table 15	45
Table 16	46
4.2.3.2 Interviewee Reflections on Factors Influencing Case Processing	47
Figure 5	47
Figure 6	50
Figure 7	52

Figure 8	54
Figure 9	55
4.2.4 Variation in Charging Outcomes Across Court Personnel and Location	57
4.2.4.1 Variation in Charge Outcomes Among Prosecutors	57
Table 17	58
Table 18	59
4.2.4.2 Interviewee Ideologies and Perceptions Around Domestic Violence Cases	60
Figure 10	61
Figure 11	62
Figure 12	64
Figure 13	65
Figure 14	67
4.2.4.3 Variation in Charge Outcomes by Location	69
Table 19	69
4.2.5 Charge Outcomes Pre- and Post-SVU	70
4.2.5.1 Quantitative Assessments of DV Cases Pre- and Post-SVU	70
Table 20	70
Table 21	71
4.2.5.2 Interviewee Reflections on the Special Victims Unit (SVU)	72
Figure 15	72
Figure 16	73
4.2.6 Feasibility of PTI Evaluation	74
Table 22	76
Table 23	78
4.2.7 Key Conclusions	79
4.3 Limitations	82
References	84

1. SUMMARY OF THE PROJECT

1.1 Background

The prosecution of domestic violence cases is challenging in many respects, including that these cases involve intimate or formerly intimate partners, can be disruptive to families, and often rely heavily on victim cooperation (Bechtel et al., 2018; Henning & Feder, 2005). As such, it is policy-relevant to gain a better understanding of existing prosecutorial practices and challenges, as well as the circumstances and evidence that can contribute to the successful prosecution of these cases. More generally, there has been a growing interest in prosecutorial discretion and the factors that weigh into prosecutorial decision-making (Spohn, 2018). It is argued that the processing of domestic violence cases, in particular, involves a substantial amount of discretion (Freiburger & Romain, 2018). This facet, coupled with initiatives and policies designed to aggressively prosecute these cases, is likely to contribute to some unique features of the domestic violence case process. Thus, an inductive examination of domestic violence case processing with a focus on case pipelines, general case flow and management, correlates of decision-making across multiple time points, and pitfalls in case resolution, is warranted and provided the impetus for the current study.

In reviewing prior research, we identified several ways that a detailed case processing study in South Carolina could contribute to the domestic violence literature. Much of the existing work in the area examined case patterns in the Northeast, Midwest, and Pacific regions, with minimal focus on the South, despite the relatively high victimization rates in this region (Bureau of Justice Statistics, 2018). There was a limited understanding of the domestic violence case pipeline and decisions made along multiple points of case processing (Freiburger & Romain, 2018; Henning & Feder, 2005; Kutateladze & Leimberg, 2018), with a majority of research

focused on the decision to prosecute or file charges. Many prior studies were unable to account for victim characteristics (Freiburger & Romain, 2018; Kutateladze & Leimberg, 2018) and/or information on evidence (Camacho & Alarid, 2008; Freiburger & Romain, 2018; Henning & Feder, 2005; Kutateladze & Leimberg, 2018; Romain & Freiburger, 2013). There was more limited consideration of how domestic violence case outcomes varied across court personnel (Kutateladze & Leimberg, 2018) and virtually no systematic research on the attitudes of defense attorneys and judges toward domestic violence case processing (Hartman & Belknap, 2003). Lastly, existing research identified a need to continue to explore the racial, ethnic, and sex disparities that may exist in domestic violence case processing (Romain & Freiburger, 2013).

1.2 Goals, Objectives, and Research Questions

In the context of these research gaps, we identified five primary goals of the study. The first was to document various domestic violence case pathways that exist from the decision to prosecute to the sentencing outcome to gain a better understanding of domestic violence case processing pipelines, including case flow and attrition. The second was to identify the legal and extralegal factors that correlate with prosecutorial and judicial decision-making at multiple points of domestic violence case processing, as well as factors that correlate with timing and efficiency in the process. The third was to develop a better understanding of the extent to which case outcomes and sentences vary across court personnel (e.g., prosecutors, defense attorneys) and location (i.e., county). The fourth goal was to consider how shifts in prosecutorial policies on domestic violence coincide with changes in case flow and outcomes for domestic violence cases. Finally, the last objective was to determine the feasibility of future evaluation-based research assessing the impact of a pretrial intervention program on domestic violence recidivism. These goals and objectives informed five specific research questions:

1. What are the case processing pathways for domestic violence cases? How are domestic violence homicides distinct in this regard from non-homicides?
2. What are the main legal and extralegal correlates of decision-making at each phase, including prosecution, detention/bail, plea negotiations, charging, diversion, sentencing, and time from arrest to case disposition?
3. To what extent is there variability in case outcomes across the court actors and location?
4. How has the creation of a centralized prosecution system, in the form of a Special Victims Unit, coincided with case flow and outcomes of domestic violence?
5. Are there identifiable control groups (through matching) that could be used to evaluate the impact of pretrial intervention on domestic violence recidivism?

1.3 Study Setting

The study took place in a circuit at the southern tip of South Carolina that encompasses five counties—Allendale, Beaufort, Colleton, Hampton, and Jasper—thus turning attention to the Southern region of the United States. The history of domestic violence policy in South Carolina provides important context to the research site chosen. Responding to the Pulitzer Prize winning series by *Post & Courier* regarding domestic violence-related deaths of South Carolina women, former Governor Nikki Haley formed a Domestic Violence Task Force in 2015 to raise awareness around domestic violence and create an interdisciplinary network designed to better understand the prevalence of domestic violence in the state and review existing policies and practices around domestic violence. The Domestic Violence Act was passed that same year to increase penalties for domestic violence offenders. After the Task Force was dissolved, the state created a Domestic Violence Advisory Committee composed of court, legislative, law enforcement, and treatment personnel. This new committee was tasked with (a) understanding

the causes and incidents of domestic violence, (b) developing plans to prevent future incidents, and (c) advising the state legislature on policy and practice changes. The committee recognized that many solutions to domestic violence in the state were impeded by lack of data. It was also unclear whether the state’s domestic violence pretrial intervention program was effective.

The current project involved a researcher-practitioner partnership between the research team and the 14th Circuit Solicitor’s Office in South Carolina. This circuit has more counties than any other circuit in the state, and these counties vary substantially in terms of population, socioeconomic status, and racial/ethnic composition. The elected Solicitor in this circuit also leads the South Carolina Domestic Violence Advisory Committee, and thus, has a vested interest in the objectives of the study, as well as ways in which his office can improve prosecution of domestic violence cases. The office has a fairly robust case management system—Matrix Prosecutor—that allowed for the collection of a large amount of data for purposes of answering the research questions.

In South Carolina, domestic violence is defined as physical harm or injury, or an attempt to cause harm or injury under circumstances that reasonably create fear of imminent peril, to a household member (SC Code of Laws Unannotated, Section 16-25-20). Household members include a “spouse, former spouse, persons who have a child in common, or a male and female who are cohabitating or formerly have cohabitated” (SC Code of Laws Unannotated, Section 16-25-10). There are four classes of domestic violence, including (1) high and aggravated, (2) first degree, (3) second degree, and (4) third degree. A person can also be arrested for violation of domestic violence protection orders. The distinction between each of these statutory offenses is outlined in Table 1. Within the statute, pretrial intervention (PTI) is listed as an option in South Carolina for those who commit domestic violence in the third degree, although its use is at the

Table 1*Domestic Violence Statutory Offenses in South Carolina*

Statutory Offense	Elements	Offense Classification	Expected Sentence
Third Degree (DV3)	The person commits an offense aligned with the definition specified in the text.	Misdemeanor	Fined not less than \$1,000 nor more than \$2,500, or imprisoned not more than 90 days, or both. Eligible for PTL.
Second Degree (DV2)	The person commits an offense aligned with the definition specified in the text and (a) causes moderate bodily injury, (b) violates a protection order and in the process commits domestic violence in the third degree, (c) has one prior conviction for domestic violence in the past 10 years from the current offenses, or (d) in the process of committing domestic violence in the third degree the person commits the offense (i) in the presence of a minor, (ii) against a person known to be pregnant, (iii) during the commission of a robbery, burglary, kidnapping, or theft, (iv) by impeding the victim's breathing or airflow, (v) using physical force or threatening to use force to block the person's access to a cellphone, telephone, or electronic communication.	Misdemeanor	Fined not less than \$2,500 nor more than \$5,000, or imprisoned for not more than 3 years, or both.
First Degree (DV1)	The person commits an offense aligned with the definition specified in the text and (a) causes great bodily injury, (b) violates a protection order and in the process commits domestic violence in the second degree, (c) has two or more prior convictions of domestic violence within 10 years of the current offense, (d) uses a firearm, or (e) in the process of committing domestic violence of the second degree the person commits the offense (i) in the presence of a minor, (ii) against a person known to be pregnant, (iii) during the commission of a robbery, burglary, kidnapping, or theft, (iv) by impeding the victim's breathing or airflow, (v) using physical force or threatening to use force to block the person's access to a cellphone, telephone, or electronic communication.	Felony	Imprisoned not more than 10 years
High and Aggravated (DVHAN)	The person commits an offense aligned with the definition specified in the text and (a) manifests extreme indifference to the value of human life and great bodily injury to the victim results, (b) would reasonably cause a person to fear imminent great bodily injury or death, (c) violates a protection order and in the process commits domestic violence of the first degree. Extreme indifference to the value of human life includes committing the offense (i) using a deadly weapon, (ii) by impeding the breathing or circulation of blood, (iii) in the presence of a minor, (iv) against a person known to be pregnant, (v) using physical force or threatening to use force to block the person's access to a cellphone, telephone, or electronic communication.	Felony	Imprisoned for not more than 20 years.
Violation of Protection Order (VPO)	A person violates the terms and conditions of an order of protection issued by the State pursuant to Chapter 4, Title 20 (Protection from Domestic Abuse Act) or a valid protection order related to domestic or family violence issued by a court of another state, tribe, or territory.	Misdemeanor	Imprisoned not more than 30 days and fined not more than \$500.

discretion of the prosecutor's office. Section 17-22-50 of the SC Code of Laws Unannotated stipulates that it should not be used for domestic violence of a high and aggravated nature and domestic violence in the first degree. Essentially, PTI is recognized by state officials as a common diversion practice for low-level domestic violence offenses.

1.4 Research Design and Data Collection

The project employed a convergent parallel mixed methods design. As such, there was both a quantitative and qualitative component to the project, which were conducted simultaneously. The analyses then proceeded independently, but the results presented in the subsequent sections were mixed for interpretation purposes (Creswell & Clark, 2011). The study relied on multiple data sources, which are depicted in Table 2, and described further below.

As part of the quantitative portion of the project, we conducted a large-scale collection of case-level data involving domestic violence charges, as well as data relevant to the court personnel involved in the cases. We selected the years 2017 to 2018, since these years encompassed a change in prosecutorial practice in the 14th Circuit Solicitor's office with the addition of a Special Victims Unit (SVU). This change was crucial for addressing our fourth research goal/question, which focused on how prosecutorial policy change might coincide with changes in case flow and outcomes. Over the two years, there were a total of 1,158 domestic violence charges (including 3 domestic violence homicide charges)¹ across 1,057 unique defendants. The study focused solely on charges that arose under Section 16-25 of the South Carolina criminal code. Thus, it is possible that other offenses committed during this time period

¹ One of the domestic violence homicides included a total of 8 charges, but only one of the charges met the definition of domestic violence. Thus, the other charges were non-domestic violence charges, including first degree murder (of an unborn child), attempted murder (3 counts), discharging firearms into a dwelling, possession of a weapon during a violent crime, and possession of a firearm by a convicted violent felon.

were domestic violence-related, but the perpetrator was not arrested under this statute. These charges would not appear in the data collected.

The case-level data were extracted from a variety of sources. The first of these sources was case-level data exported directly from fields in Matrix Prosecutor. This data was then cleaned and supplemented, when necessary, from (a) data that was not in exportable fields within the case management system and (b) the state's Public Index (the state's public case record database). A second source of data was PDF files stored within Matrix Prosecutor specific to each of the cases. These files were expansive and included documents like criminal history reports, incident reports, warrants, and victim and witness statements. Information from these documents was systematically coded. A third source of data was a supporting facts summary written by the prosecutors in each case summarizing the incident (about 1-2 paragraphs), as well as sometimes detailing evidence gathered, possible plea offers, and possible sentencing recommendations, among other items. The level of information provided in the supporting facts narrative varied across cases, with 354 charges missing a supporting facts narrative. A fourth source of data was about 12,600 notes inputted into the case management system by prosecutors and victim advocates for the cases. These notes included reports on communications with the victim, updates to the case as it was being processed, issues that arose during case processing, and case outcomes. The notes were systematically coded as supplementary information. A fifth source of data came directly from the Solicitor's office through a special database that tracks each defendant's history of pretrial intervention.

In the collection of the case-level data, we were able to identify the prosecutors, defense attorneys, judges, and victim advocates involved in each case, as well as any changes to each of these roles as the case progressed. As such, we compiled a separate database related to the court

Table 2
Overview of Data Sources

Data Source	Explanation
Matrix Prosecutor Export	<ul style="list-style-type: none"> ▪ Exported data from fields in Matrix Prosecutor ▪ Researcher-coded supplemental data from Matrix Prosecutor that was not in fields (e.g., attorney information, evidence information, bond information) ▪ Researcher-coded supplemental information from the Public Index
Matrix Prosecutor PDF Files	<ul style="list-style-type: none"> ▪ Researcher-coded data from: <ul style="list-style-type: none"> ○ Criminal history reports ○ Police incident reports ○ Warrants ○ Special conditions of bond ○ Victim and witness statements ○ 911 reports
Matrix Prosecutor Supporting Facts Narrative	<ul style="list-style-type: none"> ▪ Researcher-coded data from prosecutorial case summaries containing one or more of the following: <ul style="list-style-type: none"> ○ Facts supporting elements (i.e., summaries of incident) ○ Criminal histories ○ Notes ○ Victim advocate notes ○ Potential problems ○ Plea information ○ Case recommendations ○ Evidence information
Matrix Prosecutor Notes	<ul style="list-style-type: none"> ▪ Researcher-coded data from notes authored by prosecutors and victim advocates related to each case
Pretrial Intervention History	<ul style="list-style-type: none"> ▪ Data provided from the Solicitor's office on defendant history of pretrial intervention
Court Personnel Information	<ul style="list-style-type: none"> ▪ Data collected related to the prosecutors, defense attorneys, judges, and victim advocates involved in each case from: <ul style="list-style-type: none"> ○ South Carolina Bar website ○ Web searches ○ Solicitor's office
Interviews	<ul style="list-style-type: none"> ▪ Interviews with prosecutors and public defenders who work with domestic violence cases ▪ Interviews with victim advocate and investigator who work in the Solicitor's office SVU team

personnel, including each person's sex, race/ethnicity, law school, year of graduation from law school, and year of admittance to the South Carolina Bar. This data was derived from the attorney search feature on the South Carolina Bar's website and general web searches. After exhausting these sources, we also consulted with the Solicitor's office to fill-in as much missing information as possible.

The qualitative portion of the project involved semi-structured interviews with prosecutors, judges, defense attorneys, and victim advocates who handle domestic violence cases

in the circuit. These interviews were based on contemporary case processing, although some of these personnel were actively involved in the cases collected quantitatively. Also, prosecutors who were part of the office pre- and post-SVU were asked to reflect on both periods of time in the office. A total of 13 interviews were conducted, including 5 prosecutors, 1 victim advocate, 1 prosecutorial investigator, and 6 public defenders. Unfortunately, we were unable to gain cooperation and consent from the two judges assigned to the circuit at the time of our study (circuit judges rotate in South Carolina), although repeated attempts were made (one judge declined the interview and the other did not respond). All interviewees were given the option to conduct the interview in-person, by telephone, or over Zoom, and all but one participant chose to complete the interviews over Zoom or by telephone.

1.5 Methods, Analytical and Data Analysis Techniques

Table 3 outlines the analytical approach taken for each research question. It is relevant to note that the techniques chosen for this report were in the interest of presenting a succinct and concise overview of the initial findings, paying particular attention to areas in which we could use the unique features of the data collected to contribute knowledge to the research gaps noted within the proposal and outlined above. Because our proposal was exploratory and not driven by any specific theory, we refrained from multivariate analyses. The proposal also emphasized prosecutorial decision-making in domestic violence cases, so the analyses focus on this lens, such that more attention is given to prosecutorial-driven outcomes.

The majority of the analyses focused on the 1,155 domestic violence charges that did not involve a homicide. Among these charges, 6.8% were for DV1 ($n = 78$), 45.5% were for DV2 ($n = 525$), 41.2% were for DV3 ($n = 476$), 6.3% were for DVHAN ($n = 73$), and .2% were for VPO

Table 3*Analytic Techniques by Research Question*

Research Questions	Analytic Techniques
R1: What are the case processing pathways for domestic violence cases? How are domestic violence homicides distinct in this regard from non-homicide cases?	<ul style="list-style-type: none"> ▪ Map of the prosecutorial case progression pipeline in non-homicide cases (proportions and confidence intervals reported) ▪ Identification of prominent pipeline pathways for those diverted and not diverted through PTI ▪ Two-sample tests of proportions to assess significant differences in pipeline decision points across sex and race/ethnicity ▪ Identification of prominent pipeline pathways by sex and race/ethnicity ▪ Calculation of average time from arrest to case disposition for the overall sample and among sex and racial/ethnic groups, with Mann-Whitney tests for significant differences ▪ Bounding exercise to model selection from prosecution to dismissal with a focus on race/ethnicity ▪ Map of the prosecutorial case progression pipeline for homicide cases ▪ Discussion of relevant themes that emerged from coded interviews
R2: What are the main legal and extralegal correlates of decision-making at each phase, including prosecution, detention/bail, plea negotiations, charging, diversion, sentencing, and time from arrest to case disposition?	<ul style="list-style-type: none"> ▪ Two-sample tests of proportions to assess correlates of 4 key prosecutorial charge-related decisions: (1) diversion to PTI, (2) prosecution, (3) dismissal, and (4) charge reductions ▪ Mann-Whitney tests to assess correlates of the time from arrest to case disposition ▪ Discussion of relevant themes that emerged from coded interviews
R3: To what extent is there variability in case outcomes across the court actors and location?	<ul style="list-style-type: none"> ▪ Counts of charges diverted, prosecuted, dismissed, pled, and reduced by prosecutor and average time to disposition per prosecutor ▪ Unconditional models assessing prosecutorial variation in charging outcomes and time to disposition ▪ Counts of charges diverted, prosecuted, dismissed, pled, and reduced by county (chi-square difference tests) and average time to disposition per county ▪ Discussion of relevant themes that emerged from coded interviews
R4: How has the creation of a more centralized prosecution system, in the form of a Special Victims Unit, coincided with case flow and outcomes of domestic violence cases?	<ul style="list-style-type: none"> ▪ Identification of prominent charge pathways pre- and post-SVU ▪ Two-sample tests of proportions to assess significant differences in pipeline decision points pre- and post-SVU ▪ Mean time from arrest to case disposition pre- and post-SVU with Mann-Whitney test for significant difference ▪ Discussion of relevant themes that emerged from coded interviews
R5: Are there identifiable control groups (through matching) that could be used to evaluate the impact of pretrial intervention on domestic violence recidivism?	<ul style="list-style-type: none"> ▪ Comparison of means and standard deviations for PTI and non-PTI groups with computation of standardized difference tests ▪ ps() function in Ridgeway et al.'s (2024) Toolkit for the Weighted Analysis of Nonequivalent Groups (TWANG) followed by a recalculation of standardized difference tests

($n = 2$).² We then explored several correlates of four prosecutorial charging decisions—(1)

diversion to PTI, (2) prosecution, (3) dismissal, and (4) charge reductions—and the time from

² For one of the charges, the charged offense was unknown. It was listed as “Domestic Violence” on the warrant, and none of the reporting documentation provided clarification for whether it was a DV3 or DV2 offense.

arrest to disposition. We assessed variation in case decisions across prosecutors, although the interview data adds perspectives from defense attorneys, victim advocates, and investigators as well. We then explored variation in charge outcomes across the five counties in the circuit and compared charging outcomes before and after the creation of the SVU. Finally, we took a preliminary look at whether we could identify treatment and control groups post-hoc as a means of pursuing future funding opportunities to evaluate their pretrial intervention program.

As an artifact of the data, a few of the outcomes measured did not exhibit much variation. These data points are interesting in themselves and worth noting. Only 10 charges were resolved through a trial (.9%), including the 3 homicide charges. In half of these charges, the defendant was found guilty; in the other half, the defendant was acquitted. Virtually all charges that were sentenced involved some incarceration time (98.5%). A more relevant designation was whether the incarceration sentence was suspended (46.0%). Per the state's statute, the court can suspend all or part of a domestic violence sentence and either place the offender on probation or require a condition, including mandatory completion of a domestic violence intervention program (like the Batterer's Treatment Program), fulfillment of court orders, other terms and conditions of probation, and payment of restitution. Another relevant sentencing outcome was whether the defendant was given credit for time served (60.1%). The pipelines capture these nuances in the data.

For purposes of analyzing the interview data, we used an iterative process for the coding of data and creating a codebook. Using at least two research team members, we coded relevant parts of interview transcripts to address our research questions. Team members reviewed and coded several interview transcripts at a time and then met to review and discuss codes to come to a consensus and establish a working codebook (Creswell, 2007). First cycle coding involved

using open coding to divide the data into coded pieces (Saldaña, 2013). During this stage, we used an approach that splits the data into finely coded portions of data that provide a more detailed account of the data, while upholding the “integrity of the coded passage” by including a long enough segment of data (Jackson & Bazeley, 2019, p. 70). The establishment of a working codebook was an iterative process that was continuously reviewed and refined by research team members over the course of coding the interview data. Second cycle coding included axial coding that involved a constant review and reorganization into more “focused” categories (Saldaña, 2013). This step groups similar codes together, which in turn, reduces the number of codes developed through splitting the data during first cycle coding (Saldaña, 2013). Two research team members reviewed first cycle codes and came to a consensus on second cycle axial codes. The result of this process is reflected in the codebook through an account of the coding hierarchy (i.e., parent and child codes), definitions, and the prevalence of the respective codes and themes.

1.6 Expected Applicability of the Research

While the study itself was designed to be exploratory in nature, the data is useful for the purpose of theory testing and theory refinement, particularly as it pertains to theorizing decision-making at the earlier phases of case processing. As an example, O’Neal and Spohn (2017) consider the application of focal concerns theory to domestic violence. This theory argues that case outcomes reflect three primary focal concerns: offender blameworthiness, dangerousness to the community, and practical constraints and consequences (Steffensmeier et al., 1998). In the context of domestic violence, traditional focal concerns may shift, particularly because of the nature of the relationship between the victim and defendant and the dependence on victim cooperation. With the tremendous amount of information we were able to access on each

incident, as well as information learned from the interviews of prosecutors and public defenders, we suspect the data could be used to further refine relevant focal concerns in domestic violence cases.

Given the level of information we have on the domestic violence case pipeline, the data could be used to further explore issues of selection bias that arise in modeling case decisions. As cases progress through the system, others drop out, which creates a selection problem. Accounting for this bias is not easy and is often ignored in studies that look at multiple phases of case processing. Our findings take a preliminary look at this issue and how it might be addressed moving forward.

More broadly, our study focused on a single circuit in South Carolina, but the cross-section of counties and the diversity within them could have further reaching policy implications for both the state and nation. Through this project, we were able to contribute to the limited research across the country that has considered the case processing pipeline for domestic violence. We also identified key correlates of successful prosecution of these cases. We took a preliminary look at disparities in the pipelines and decision-making that can lead to differential case outcomes and potential cumulative disadvantages (Zatz, 1987; Kutateladze et al., 2014; Wooldredge et al., 2015). This information can be used as a means of updating guidelines and practices around domestic violence case processing.

The findings are also informative to the South Carolina Domestic Violence Advisory Committee. The data can be used to help understand the efficacy of prosecutorial strategies currently in place. We were also able to assess the feasibility of evaluating the pretrial intervention program within the state. The findings suggest potential for an evaluation project of this kind.

2. PARTICIPANTS AND OTHER COLLABORATING ORGANIZATIONS

The core research team was composed of Dr. Christi Metcalfe, Associate Professor at the University of South Carolina and Principal Investigator, Dr. Barbara Koons-Witt, Associate Professor at the University of South Carolina and Co-Principal Investigator, and Dr. Robert Brame, Professor at the University Maryland and Senior Project Advisor. A total of three doctoral students worked as graduate assistants at different periods during the funding cycle—Kaitlen Hubbard, Sophia Shaiman, and Avery Worrell. Several undergraduate researchers also assisted at various points through our National Science Foundation funded Research Experience for Undergraduates (REU) program at the University of South Carolina focused on Disparities in the Criminal Justice System and as award recipients of Magellan Scholar awards from the University of South Carolina’s Office of Undergraduate Research. As explained above, the project was conducted in collaboration with the 14th Circuit Solicitor’s Office.

3. CHANGES IN APPROACH FROM ORIGINAL DESIGN

The amount of data collected was far greater than we could have imagined at the onset of the project. As such, we had to make adjustments throughout the project period to accommodate the unexpectedly large amounts of data that needed to be systematically coded and cross-checked across data sources. There was an extensive amount of information not stored in exportable fields that had to be coded by hand. Some examples include the large file of prosecutorial notes with about 12,600 notes ranging from one sentence to full paragraphs, and the PDF files attached

to each case. This data, including thousands of PDF files, had to be redacted before it was taken from the Solicitor's office.

In addition, the data cleaning process was more time-consuming than originally anticipated, particularly in terms of trying to reconcile conflicting data points among various files and recover missing data through the use of multiple sources (i.e., Matrix Prosecutor, Public Index, case files, prosecutorial notes). This process impacted our original timeline but also provided for cleaner and more complete datasets.

Finally, given the level of data collected and the scope of the goals outlined in the grant proposal, the final report represents a higher-level, more generalized overview of the findings within each research question posed. It is the intention of the research team to pursue each of the goals further in-depth through additional deliverables targeted at various audiences, including academic journal articles, conference presentations, and practitioner meetings and conferences.

4. OUTCOMES

4.1 Activities and Accomplishments

Table 4 details the three core phases of our project, and the activities and accomplishments made at each phase. Phase one focused on preparation and approval of the project. Phase two was centered on data collection, and phase three encompassed data cleaning, analysis, and dissemination. At the time of submission of this report, phase three is still in progress given that preparations are being made for additional deliverables, which are outlined in the last section.

Table 4*Activities and Accomplishments by Grant Phase*

Phase	Activities and Accomplishments
Phase One: Preparation and Approval	<ul style="list-style-type: none"> ▪ Finalized the interview instrument ▪ Finalized the protocol for data collection ▪ Obtained IRB approval for the study
Phase Two: Data Collection	<ul style="list-style-type: none"> ▪ Trained research team on the data collection protocol ▪ Exported the case-level data from Matrix Prosecutor stored in fields ▪ Coded supplemental case-level data on-site from Matrix Prosecutor (that was not stored in fields) and the Public Index ▪ Collected and redacted all PDF data files for each case (e.g., police incident reports, criminal history reports, warrants) ▪ Collected and redacted prosecutorial notes for each case ▪ Reconciled defendant- and victim-level identifiers to determine victim-offender overlap incidents and repeat victims and defendants ▪ Collected pretrial intervention history for each of the defendants ▪ Removed defendant and victim identifiers and replaced with generic identifiers ▪ Interviewed court personnel
Phase Three: Data Analysis and Dissemination	<ul style="list-style-type: none"> ▪ Systematically coded the PDF files (e.g., police incident reports, criminal history reports, warrants) for variables of interest ▪ Systematically coded the prosecutorial notes for variables of interest ▪ Created usable variables from text-based fields in the data (e.g., sentence, evidence lists) ▪ Cleaned the data and cross-checked the variables across data sources for accuracy ▪ Recovered as much missing data as possible through cross-checking with various data sources ▪ Collected data related to the court personnel (e.g., race, sex, law school, year sworn into bar) ▪ Removed court personnel identifiers and replaced with generic identifiers ▪ Qualitatively coded the interview data ▪ Presented preliminary findings at the 2023 <i>American Society of Criminology</i> conference, 2022 and 2023 Summer Undergraduate Research Symposiums, and 2024 Discover USC Research Symposium ▪ Executed an archival agreement with the 14th Circuit Solicitor's Office ▪ Began preparations for manuscripts ▪ Made preparations for a presentation at the 14th Circuit Solicitor's office and to the South Carolina Domestic Violence Advisory Committee at the beginning of 2025 ▪ Prepared the data for archival ▪ Prepared the final research report

4.2 Results and Findings*4.2.1 Characterizing Domestic Violence Cases*

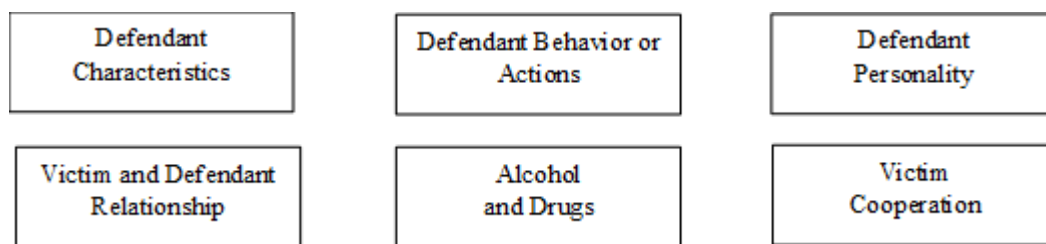
Before engaging with the research questions, it is relevant to establish some context around domestic violence case processing within the circuit. Interviewees were asked a couple questions that helped establish this context, as well as the perception of domestic violence cases. From the questions asked, two overarching themes emerged from their responses, including (1)

common features of domestic violence cases and (2) important distinctions between domestic violence cases and other assault or violent cases.

Interviewees made a total of 70 references to the common characteristics of domestic violence cases theme. Six main axial codes were identified within this theme (see Figure 1). The issue or presence of *alcohol and drugs* was most prevalent (10 of 13 interviews) among the responses, followed by *defendant characteristics* (5 of 13 interviews), *defendant behavior or actions* (4 of 13 interviews), *victim cooperation* (4 of 13 interviews), aspects of the *defendant's personality* (4 of 13 cases), and *victim and defendant relationship* (3 of 13 interviews).

Figure 1

Common Features of Domestic Violence Cases Theme - Axial Codes



The presence of alcohol and/or drugs during incidents was identified by most courtroom professionals as a common feature of domestic violence cases. Interestingly, participants identified instances where the victims excuse the perpetrator's behavior during the encounter because of alcohol or drug use.

"Or, you know, alcohol or drugs involved, which you get a lot of victims saying, oh, he's a great man, but when he's drinking, he misbehaves, or he acts like this. He's a great father, but when he does a little bit of drugs." [Interview 009]

"Substance abuse is a common pattern, not in every case. But a lot of times the defendant and/or the victim would be under the influence at the time of this happening. And a lot of times that is when the victim will come in and say, well, he's a great guy until he drinks." [Interview 003]

Common features of domestic violence cases also involved defendant-related factors. Defendant characteristics included a history of adverse childhood experiences (ACEs), being the breadwinner, being a male, being a member of the military (the circuit is in proximity to a military base), and having a limited level of education.

“I think every case is different in a lot of ways, but I do think that a lot of defendants may have adverse childhood experiences themselves. A lot of times when defendants come in to plead guilty or they're being sentenced, I've noticed that the defense attorney will kind of point back to negative things that happened to them as a child and abuse that they suffered. And I think that's certainly something that could be considered a commonality.” [Interview 003]

“The perpetrator or the defendant is usually the breadwinner, is usually the one that provides the money for the rent, the electricity, the food, the amenities.” [Interview 012]

The defendant's behavior or actions were also identified as common aspects of domestic violence cases and involved their abuse of animals or pets, destruction of property, stalking, threatening, repeated actions, and an escalation of violence.

“The cycle of abuse. You know, there's the ones that I feel really bad for the victims who want my help, need my help, know they need it and just can't stop going back. It's really, it's really sad to see, especially somebody that's aware of it and just can't stop it. Especially as the incidents get worse and those are kind of the more tough conversations that we have to have, you know, because I obviously don't want somebody to get hurt.” [Interview 008]

Another common feature of these cases involved aspects of the defendant's personality. Participants noted that defendants tend to have anger issues, are controlling, and try to keep victims “under the thumb” (Interview 001). They are also manipulative, narcissistic, and usually only focus on “what's immediately in front of them” (Interview 005), instead of being future oriented.

Elements related to victim cooperation were also mentioned by multiple courtroom actors with several individuals noting that cooperation often weakens overtime and as the case gets older.

“So, the biggest pattern is usually within the first six months of the case being active, the victim usually always wants to drop the case.” [Interview 013]

“I feel like a lot of time, people use 911 maybe in situations where they don't necessarily need to, like in the heat of their argument or whatever, they'll call 911 out of retaliation or even in cases where, yes they should have called 911, but then sometimes they later, you know, they a lot of times they'll change their minds and decide that's not what they want. And so, they'll reach out and want to sign a drop slip.” [Interview 007]

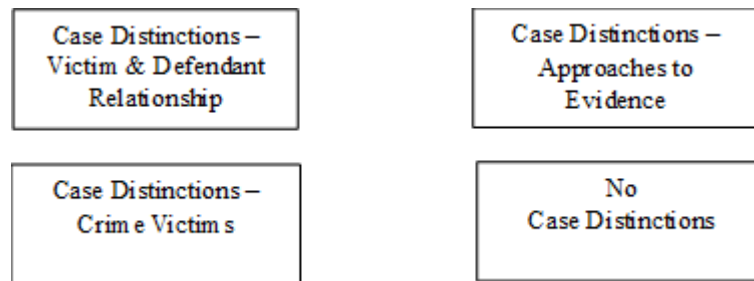
“They're all very I mean, they're all very similar because it's the same relationship dynamic where they're going to be very cooperative, usually right from the beginning and then the next day when they've slept on it, they're not cooperative anymore. They're less cooperative or it's a misunderstanding, and now they're minimizing and downplaying. But if law enforcement is able to get the tools for us a lot of them don't recant. They won't say that they lied. They'll minimize it, but they won't say it didn't happen. And so that's why it's so important and why we work so closely with law enforcement to get us that, because that that helps a lot when they're confronted with the evidence. And they may downplay, but usually they don't say that they made it all up.” [Interview 008]

Common concerns expressed about victim cooperation in domestic violence cases suggest that case processing can be influenced by the continued involvement of victims in the case.

The second theme highlights distinctions between domestic violence cases and other assault or violent cases. Ten interviewees referenced a total of 33 case distinctions and four axial codes were identified from the analysis (see Figure 2). These codes included case distinctions involving the *victim and defendant relationship*, *crime victims*, *approaches to the evidence*, and lastly, views that there are *no case distinctions*.

Figure 2

Case Distinctions Between Domestic Violence and Other Assault or Violence Offenses Theme - Axial Codes



Most courtroom actors (6 of 10 interviews) identified aspects about the relationship between domestic violence victims and defendants as being a key case distinction compared to the relationship between victims and defendants in other cases. This unique relationship between the victim and defendant in domestic violence cases also involves other related aspects, such as having children in common and a common residence. Moreover, one participant believed that the “story” between both parties is more relatable to juries than “someone just has some random beef at the gas station with someone and someone ends up dead” (Interview 001).

Courtroom actors also discussed case distinctions related to how they approach the evidence in the case (4 of 10 interviews). This entailed the importance of contacting witnesses early in the process, the presence of children and subsequent interviews with them, and the documentation of injuries. One participant (Interview 002) commented on the fact that, “domestic violence is a whole different animal in that you have to take in the factors of number one is to find out the aggressor, who the aggressor, aggressive party is.”

“Then you get on scene, and you take that information from what was initially reported and then take an account of both sides of the story. Then you have to look at the injuries involved or the injuries, you know, where a person was trying to defend themselves from an assault or was it injuries from actually assaulting another person? So, you have to take in all that with the injuries on each

party. You have to look at all the statements that are being taken, if there any, because a lot of times there's no other witnesses besides children or even they don't have children and it's just the two parties. So, it takes a lot, and you have to look at their statements or how each party has basically portrayed what occurred that night or that day. So, I mean, there's... there's it takes a lot to determine and at that point, you pretty much—you're hoping you make the right decision in that situation. I mean, you kind of don't want to leave a party there alone, or at least separate, because you never know what happens later that night.” [Interview 002]

The participant recognizes the magnitude involved in trying to reach a conclusion as to who is the primary aggressor in the case to prevent a further escalation of the situation after the incident.

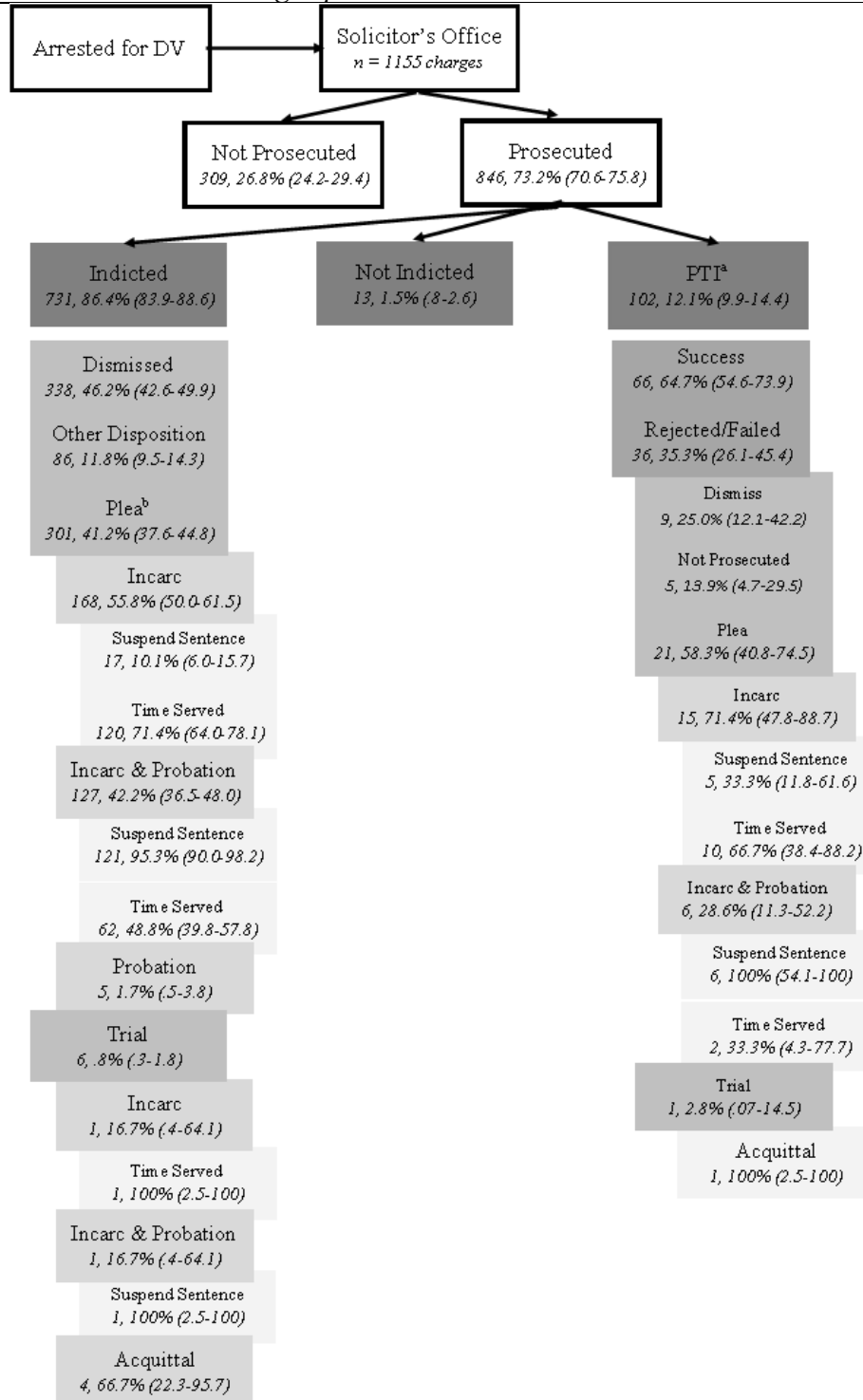
Several courtroom actors (3 of 10 interviews) also identified case distinctions as they relate to the crime victim in domestic violence incidents. Domestic violence victims, it is believed, require earlier contact and more engagement during the case, and there is the added concern about victim cooperation in domestic violence cases. Despite some of these key distinctions noted, there were still several interviewees (4 of 10 interviews) who reported no case distinctions between domestic violence crimes and other assaults or violent crimes.

4.2.2 Case Processing Pipelines

We next turn our attention to the domestic violence case processing pipeline within the circuit. All relevant pathways from arraignment to sentencing are documented for non-homicide and homicide charges, and the most prominent pathways are identified for the non-homicide charges, as well as disaggregated by defendant sex and race/ethnicity. We also explored significant differences in pipeline stages across these groups. The pipeline analysis draws attention to selection that occurs at each phase and the potential for selection bias. Therefore, we also discuss this bias and present a model that accounts for selection bias from the prosecution to dismissal decision.

4.2.2.1 Pipelines of Non-Homicide Charges

Figure 3
Domestic Violence Case Processing Pipeline



Notes. The values in parentheses represent 95% confidence intervals around the proportions, expressed as percentages. ^a The decision to divert a charge to PTI can be made before or after indictment, and thus, is made into its own category. ^b There is 1 charge in which the plea sentence is unknown.

Figure 3 depicts the case processing pipeline for the non-homicide charges (n = 1,155). This figure was designed to track prosecutorial decision-making as the charges progressed through the court system during the duration of the study period (2017-2018). There was an initial prosecution decision made at the onset, whereby 26.8% of the cases were not prosecuted (n = 309). In these circumstances, the Solicitor's office made the decision to dismiss the charge before it was indicted. Among the remaining 846 charges, 86.4% were indicted by a Grand Jury, while 1.5% were not indicted. The remaining 12.1% of charges were diverted to the pretrial intervention program (PTI). Among those diverted, about 35.3% were rejected from PTI or failed to complete PTI. A variety of outcomes were seen for these cases, including non-prosecutions, dismissals, pleas, and one trial. For the charges that were indicted, a substantial number of them (46.2%) were ultimately dismissed. The remaining were resolved through a plea, trial³, or some other type of disposition. Other dispositions included remands to the lower court (the charge was typically dropped to assault and battery in the third degree and handled in the magistrate or municipal court), convictions to other charges (the charge was typically dropped pursuant to a plea negotiation whereby the defendant was convicted of other charges), abscondence, and referral to federal court (the defendant was indicted in federal court on more serious charges). Most of the cases (58.3%, n = 674) were not prosecuted, not indicted, or dismissed.

For those that pleaded guilty and received incarceration sentences, it was not uncommon for defendants to receive credit for time served (71.4%). In some of these instances, the incarceration sentence was suspended upon completion of some condition other than probation, such as the multidisciplinary court (MDC, which is a rehabilitation-based court that focuses on

³ In consulting with the Solicitor's office through email about the trials (email communication dated 12/10/24), we were told that all trials were likely jury trials. Bench trials are traditionally reserved for the lower courts (i.e., magistrate and municipal courts) in South Carolina and are a rarity in the circuit court, which is where domestic violence charges are prosecuted (unless remanded).

treatment) or the batterer’s treatment program. The more common condition for suspension of the sentence was probation. As seen among the pled charges, 127 defendants received a sentence of incarceration and probation, of which 95.3% of these sentences were suspended upon the completion of probation. Probation was not often given on its own. There were only 7 charges that went to trial, and among these charges, 5 were acquitted (71.4%).

Table 5
Prominent Pipeline Pathways

Pathway	No. Charges	Percent Charges
Bonded Out → No PTI → Dismissed	274	23.7
Bonded Out → No PTI → Not Prosecuted or Indicted	255	22.1
Bonded Out → No PTI → Plea → Incarceration	102	8.8
Bonded Out → No PTI → Plea → Incarceration and Probation	83	7.2
Likely Detained → No PTI → Plea → Incarceration	65	5.6
Bonded Out → No PTI → Other Disposition	59	5.1
Bonded Out → PTI → Completed Successfully → Alternative Disposition	50	4.3
Likely Detained → No PTI → Dismissed	43	3.7
Likely Detained → No PTI → Plea → Incarceration and Probation	42	3.6
Likely Detained → No PTI → Not Prosecuted or Indicted	41	3.5

Table 5 identifies the ten most prominent pipeline pathways within the data, starting with the detention decision. There was a total of 66 charges in which the bond status was unknown. As would be expected based on the above numbers, the two most prominent pathways included the defendant bonding out, no diversion, and dismissal/non-prosecution (n = 529 charges, 45.8%). The next two most common pathways involved the defendant bonding out, no diversion, a guilty plea, and either an incarceration sentence or incarceration and probation. Among those charges that were diverted through PTI, the most common pathway was successful completion, such that the person bonded out, was diverted to PTI, and completed PTI successfully.

A goal of the project was to better understand the sex, racial, and ethnic disparities in domestic violence case outcomes. As such, Tables 6 and 7 report significant differences in pathway decision points by defendant sex and race/ethnicity. More specifically, two sample tests

Table 6*Significant Differences in Pathway Decision Points by Defendant Sex*

Pathway Decision Point	P(y x=female)	P(y x=male)	z
Bonded Out	.767 (.669 - .864)	.750 (.703 - .797)	.50
Likely Detained	.157 (.073 - .241)	.197 (.153 - .240)	-1.33
Missing Bond Info	.076 (.015 - .138)	.053 (.028 - .077)	1.31
PTI	.095 (.027 - .163)	.087 (.056 - .117)	.39
Dismissed	.390 (.278 - .503)	.280 (.231 - .329)	3.15
Plea	.138 (.058 - .218)	.310 (.260 - .360)	-5.03*
Trial	.005 (-.011 - .021)	.006 (-.002 - .015)	-.27
Alt. Disp.	.076 (.015 - .138)	.053 (.028 - .077)	1.31
Not Pros./Indict.	.324 (.215 - .432)	.274 (.225 - .323)	1.45
Other Disp.	.067 (.009 - .124)	.076 (.047 - .105)	-.48
Incarceration	.613 (.320 - .906)	.568 (.471 - .665)	.48
Probation	.000 (.000 - .000)	.017 (-.008 - .042)	-.73
Incar. & Prob.	.387 (.094 - .680)	.415 (.319 - .511)	-.30
Suspended Sent.	.355 (.067 - .643)	.473 (.375 - .570)	-1.25
T/S Credit	.742 (.478 - 1.005)	.588 (.492 - .685)	1.66

Abbreviations. z = z-score for two sample test of proportions, CI = confidence interval (99.92%, Bonferroni adjustment)

* p < .00078 (Two-tailed).

of proportions were performed (using STATA's `prtest` command). For purposes of these analyses (and others reported in this section), a total of 64 comparisons were made. As such, we used a Bonferroni corrected alpha of .00078 to account for the multiple comparison problem. We also report Bonferroni adjusted confidence intervals (99.92%). Only one sex difference emerged, such that a greater percentage of cases were resolved by a plea for males than females. There were more racial/ethnic differences found than sex differences. Hispanic individuals bonded out at a significantly lower rate than white individuals and were detained at a higher rate than both

white individuals and black individuals. A significantly greater proportion of white individuals were diverted to PTI and successfully completed PTI than black individuals. Lastly, Hispanic individuals pled at a higher rate than black individuals.

Table 7
Significant Differences in Pathway Decision Points by Defendant Race/Ethnicity

Pathway Decision Point	P(y x=white)	P(y x=black)	P(y x=Hispanic)	w/b z	w/h z	b/h z
Bonded Out	.792 (.726 - .858)	.753 (.696 - .811)	.591 (.415 - .767)	1.45	4.00*	3.23
Likely Detained	.142 (.085 - .199)	.191 (.139 - .243)	.398 (.223 - .573)	-2.08	-5.61*	-4.41*
Missing Bond Info	.066 (.026 - .107)	.055 (.025 - .086)	.011 (-.026 - .049)	.73	2.02	1.77
PTI	.130 (.075 - .185)	.052 (.022 - .082)	.136 (.014 - .259)	4.49*	-.16	-3.06
Dismissed	.310 (.234 - .385)	.305 (.243 - .366)	.216 (.069 - .363)	.17	1.76	1.72
Plea	.269 (.197 - .342)	.265 (.207 - .324)	.443 (.266 - .621)	.15	-3.24	-3.45*
Trial	.009 (-.006 - .025)	.005 (-.004 - .014)	.000 (.000 - .000)	.93	.92	.65
Alt. Disp.	.090 (.043 - .136)	.032 (.008 - .055)	.068 (-.022 - .158)	4.07*	.66	-1.72
Not Pros./Indict.	.265 (.193 - .337)	.305 (.243 - .366)	.216 (.069 - .363)	-1.41	.95	1.72
Other Disp.	.057 (.019 - .094)	.088 (.051 - .126)	.057 (-.026 - .140)	-1.91	-.00	1.00
Incarceration	.607 (.455 - .758)	.500 (.371 - .629)	.769 (.543 - .995)	1.78	-1.84	-3.04
Probation	.026 (-.023 - .075)	.012 (-.016 - .040)	.000 (.000 - .000)	.87	1.01	.68
Incar. & Prob.	.367 (.218 - .517)	.488 (.359 - .617)	.231 (.005 - .457)	-2.02	1.57	2.92
Suspended Sent.	.461 (.307 - .616)	.506 (.377 - .635)	.282 (.040 - .524)	-.74	1.97	2.53
T/S Credit	.590 (.437 - .742)	.565 (.437 - .694)	.795 (.578 - 1.012)	.41	-2.31	-2.64

Abbreviations. z = z-score for two sample test of proportions, CI = confidence interval (99.92%, Bonferroni adjustment), w/b = white defendants vs. black defendants, w/h = white defendants vs. Hispanic defendants, b/h = black defendants vs. Hispanic defendants

* $p < .00078$ (Two-tailed).

The prominent pipeline pathways were disaggregated by sex and race/ethnicity in Table 8. The Hispanic differential is particularly noteworthy when looking at these pathways. All sex and race/ethnic groups were similar in the top three common pathways, except for Hispanic

individuals. While these other groups were bonding out and having charges dismissed or not prosecuted as the most common pathways, the common pathway for Hispanic individuals was to be detained and then plea to some amount of incarceration time. It is important to note that the case files for 16 of the Hispanic individuals (18%) noted ICE holds (i.e., the prosecutor referenced it in some way within Matrix Prosecutor), which would explain detention. PTI was among the top five pathways for female and white defendants, while it did not make the list of common pathways for male, black, and Hispanic defendants.

Table 8
Prominent Pipeline Pathways by Sex and Race/Ethnicity

Pathway	No. Charges	Percent Charges
Defendant Male		
Bonded Out → No PTI → Dismissed	209	22.1
Bonded Out → No PTI → Not Prosecuted or Indicted	203	21.5
Bonded Out → No PTI → Plea → Incarceration	88	9.3
Bonded Out → No PTI → Plea → Incarceration & Probation	79	8.4
Likely Detained → No PTI → Plea → Incarceration	62	6.6
Defendant Female		
Bonded Out → No PTI → Dismissed	65	31.0
Bonded Out → No PTI → Not Prosecuted or Indicted	52	24.8
Bonded Out → No PTI → Plea → Incarceration	14	6.7
Bonded Out → PTI → Completed → Alternative Disposition	12	5.7
Likely Detained → No PTI → Not Prosecuted or Indicted	9	4.3
Defendant White		
Bonded Out → No PTI → Dismissed	113	26.7
Bonded Out → No PTI → Not Prosecuted or Indicted	91	21.5
Bonded Out → No PTI → Plea → Incarceration	43	10.2
Bonded Out → PTI → Completed → Alternative Disposition	27	6.4
Bonded Out → No PTI → Plea → Incarceration & Probation	25	5.9
Defendant Black		
Bonded Out → No PTI → Dismissed	146	23.1
Bonded Out → No PTI → Not Prosecuted or Indicted	146	23.1
Bonded Out → No PTI → Plea → Incarceration & Probation	55	8.7
Bonded Out → No PTI → Plea → Incarceration	53	8.4
Bonded Out → No PTI → Other Disposition	40	6.3
Defendant Hispanic		
Likely Detained → No PTI → Plea → Incarceration	20	22.7
Bonded Out → No PTI → Not Prosecuted or Indicted	15	17.1
Bonded Out → No PTI → Dismissed	14	15.9
Bonded Out → No PTI → Plea → Incarceration	6	6.8
Likely Detained → No PTI → Plea → Incarceration & Probation	6	6.8

Finally, in Table 9, we also considered the time in days from arrest to case disposition for the full sample of charges, as well as disaggregated by sex and race/ethnicity. On average,

charges were disposed within about 329 days of the arrest date, although the median suggests about 243 days. A Mann-Whitney test comparing male and female defendants revealed that charges for females were resolved significantly quicker than charges for males (average of 342 days for males and 270 days for females). The time from arrest to case disposition was comparable across race/ethnic groups.

Table 9
Time in Days from Arrest to Case Disposition

	Mean	Median	Comparison	Mann-Whitney Test
Overall	328.74 (288.88)	242.50	-	
Male Defendants	341.88 (297.92)	257.00	Male vs. Female	3.514*
Female Defendants	269.66 (235.88)	193.50		
White Defendants	327.31 (273.64)	253.00	White vs. Black	-0.310
Black Defendants	335.63 (299.71)	246.00	White vs. Hispanic	1.594
Hispanic Defendants	292.16 (278.24)	210.50	Black vs. Hispanic	1.899

Notes. The standard deviation of the mean is noted in parentheses.

* $p < .00078$ (two-tailed).

4.2.2.2 Consideration of Sample Selection Bias

Sample selection bias arises when the cases available for a study are not representative of the population of scientific interest. A classic example of the problem is seen in survey research when the people who agree to participate in the study and answer a question are not representative of the population from which the sample comes (Glynn et al., 1986; Manski, 1995). There are also other circumstances when sample selection bias can be a concern.

Consider a hypothetical example based on the criminal courts literature. Suppose we have a sample of persons who have been arrested for a certain type of crime. Suppose further that some of the arrested people are ultimately prosecuted while the cases of other people are dismissed; we call this the Stage 1 (S1) outcome. Then, among those who are prosecuted, some

will plead guilty or be convicted while others will not; this is the Stage 2 (S2) outcome. A concern in this literature is that variation in the S2 outcome can only be measured among those who have a particular S1 outcome (Zatz and Hagan, 1985).

The question is whether this censoring or lack of observability of the S2 outcome for the larger sample induces bias in our inferences about the S2 outcome. This is a subtle question because, as Bushway et al. (2007:155) have noted, "the more common interest" is in developing an inference about the S2 outcome distribution in "the potential population, which consists of everyone who could have possibly been selected." To address concerns about sample selection bias, we must acknowledge that the sample of people who are available for study at S2 might not represent the population of interest—those who, in the words of Bushway et al. (2007:115), “could have possibly” experienced a S2 outcome. We further note that since S2 outcomes are only measured among cases with a particular S1 outcome, it will be hard to make definitive statements about the S2 outcome distribution accounting for selection bias. Based on the identification problems that typically arise in this literature, the best we might be able to do is place bounds on the distribution of the S2 outcome that acknowledge this uncertainty.

To frame the problem more formally, we consider the joint distribution of two random variables, M and Y . We let $M = 0$ when a case is observed on the S2 outcome and $M = 1$ when a case does not progress past S1 (i.e., the S2 outcome is missing). Then, Y is the dependent variable of interest among cases whose S2 outcome is observed (i.e., $Y|M=0$). The hard part is quantifying $Y|M=1$, the distribution of Y among those cases that do not have a S2 outcome. As discussed in Glynn et al. (1986:115), it is useful to think of the mean value of Y in terms of the Law of Total Expectation:

$$E(Y) = p(M=0) \times E(Y|M=0) + p(M=1) \times E(Y|M=1)$$

This is a mixture model. As Manski (1995:24) and Holland (1986:114-115) note, the equation reveals that the first 3 terms on the right-hand side are identified and can often be easily calculated from an observational dataset. The fourth term, $E(Y|M=1)$, cannot be calculated except in unusual circumstances. It is not identified unless we have measurements for a random sample of cases in the $M=1$ group (cases that experienced a S1 outcome but did not progress to a S2 outcome); in general, we don't have enough information to assign a single numeric value to this variable.

To address the nonidentifiability of $E(Y|M=1)$ through the use of a mixture model, we rely on the identifiability of the first 3 terms of the above equation and then we can vary the value of $E(Y|M=1)$ to see how the inference about $E(Y)$ changes. Holland (1986:115) refers to this sort of exercise as a "sensitivity analysis." Manski (1995:24-25) considers it to be a partial identification analysis. He uses this term to distinguish between the usual practice of point identification and the less precise (but more credible) practice of identifying an interval that—with logical certainty—contains the correct answer. The choice is between being more precise with unclear validity or being correct and vague. Considering the kinds of noisy observational data with which criminologists often work, we lean toward the latter of these two options. Sometimes the data are so weak that no progress is possible. For example, if $E(Y|M=1)$ cannot be bounded then we cannot go any further with estimation of the sample mean (although if more than 50% of the cases progress to S2, we would be able to partially identify the sample median). On the other hand, if bounds can be placed on $E(Y|M=1)$ then we will be able to identify an interval that certainly contains the correct value of $E(Y)$.

Another way that researchers have addressed this problem is through the use of parametric sample selection models (and their variants), such as those discussed by Holland

(1986), Heckman (1979), Stolzenberg and Relles (1997), and Bushway et al. (2007). This literature coalesces around a 2-equation model for the joint distribution of M and Y where the first equation is a model of the distribution of M and the second equation is a model of the distribution of $Y|M=0$ with a correction factor to account for potential bias of the sample at S_2 . In this case, the identification problem can be solved by either (1) relying on distributional assumptions pertaining to the error terms of the first and second equations; or (2) invoking an exclusion restriction where a factor is hypothesized to have a causal effect on M but no effect at all on $Y|M=0$ (or both). There have been a range of concerns about these models over the years because of these demanding identifying assumptions (Stolzenberg and Relles, 1997; Bushway et al., 2007; Holland, 1986). The advantage of these models is that if the assumptions are met, then it is possible to obtain a valid inference about Y based on the joint distribution of M and $Y|M=0$.

In our application, we do not have any convincing exclusion restrictions, and we do not have any basis for invoking strong assumptions about the bivariate distribution of the error terms of the equations for M and Y . This leads us back to the partial identification approach for placing bounds on the distribution of Y . For this application, the S_1 outcome is whether the case was prosecuted; variation in the S_2 outcome—observed only for those who were prosecuted—is based on whether the case was then dismissed.

The sample was comprised of $N = 1,155$ charges of domestic violence (not including the 3 homicides). Within this sample, 828 cases were ultimately prosecuted (71.7%), while the remaining 327 (28.3%) were not prosecuted. A 95% confidence interval for the probability that a case randomly drawn from this sample was prosecuted is $[0.691, 0.742]$. This confidence interval was based on generating random numbers from a beta probability distribution with a Jeffreys prior (Brown et al., 2001:108) and obtaining the 2.5th and 97.5th percentiles of the highest

posterior density for the distribution of random numbers. While this interval, strictly speaking, is motivated from a Bayesian perspective, the Brown et al. (2001) study documents excellent repeated sampling coverage.

Among the 828 cases that were prosecuted, the data indicated that 347 cases were dismissed (41.9%), while the remaining 481 cases (58.1%) experienced further processing (not dismissed). The 95% confidence interval for the probability that a randomly drawn case from the sample of 828 prosecuted cases was not dismissed was estimated to be [0.547,0.614]. Note that this point estimate (0.581) and its confidence interval are both based on the assumption that the 828 cases are the sample of interest.

Next, we can also estimate bounds on the probability a case is not dismissed under two extreme assumptions. To start, let $M = 1$ denote the event that a case is observed in the first stage (prosecuted vs. not prosecuted) but is not observed at the second stage (dismissed vs. not dismissed). Then, $M = 0$ denotes the event that a person is observed at both stages. Next, let ND represent the event that an individual case i is not dismissed so that $p(ND|i \in M=0)$. Note that this probability is only point identified for cases that were prosecuted. The key to this estimation is our ability to rewrite the equation above in terms of the Law of Total Probability (Manski, 1995:25).

$$p(ND) = p(M=0) \times p(ND|M=0) + p(M=1) \times p(ND|M=0)$$

So, $p(ND|M=0)$ is not identified but unlike the equation above, we know that probabilities are bounded by 0 and 1 so the lower bound estimate of $p(ND)$ is $p(M=0) \times p(ND|M=0)$ while the upper bound estimate is $p(M=0) \times p(ND|M=0) + p(M=1)$. Considering the 327 cases that were not prosecuted, the lowest value that $p(ND)$ could take on is 0.416 while the highest value it could be is 0.700. Notice that the gap between the two bounds is

equal to 327/1155, confirming that the bound width is equal to the fraction of cases that did not progress to the second stage of processing.

We now turn to the question of statistical inference for the partial identification bounds. Here we consider each bound as a population parameter to be estimated. For a 95% confidence interval on these bounds, we rely on the inferential approach outlined by Manski (2003:20-21). The first step of this process involves estimating 97.5% confidence intervals for each bound, C.lb and C.ub. To do that, we simulate the marginal posterior distributions of LB[p(ND)] and UB[p(ND)] by drawing from marginal beta distributions with the Jeffreys prior. Then, the 97.5% Bonferroni-corrected interval for each bound is obtained by collecting the 0.0125 and 0.9875 percentiles of the highest posterior density. The second step of the process is to form the joint 95% confidence interval for the lower and upper bounds which (approximately) satisfy the following inequality:

$$\Pr(\text{LB}[p(\text{ND})] \in \text{C.lb} \ \& \ \text{UB}[p(\text{ND})] \in \text{C.ub}) \geq 0.95$$

The Bonferroni-corrected 95% confidence limits for the lower and upper partial identification bounds were estimated to be [0.384,0.449] and [0.669,0.730] for the upper bound. Reflecting the uncertainty due to both sampling error and variation in the dismissal/no dismissal outcome, these bounds make minimal assumptions about the sample selection process (i.e., that the data at both stages were accurately recorded and that the prosecute/no prosecute decision is a true gateway to the dismissal/no dismissal decision). Readers who believe that the population of scientific importance only includes the cases that progressed through the S1 decision (prosecute/no prosecute), will probably want to rely on the 0.581 estimate and its 95% confidence interval, [0.547,0.614]. This point estimate and confidence interval are based on the strong and untestable assumption that those who pass through S1 comprise a representative

sample of the population we are trying to study. If we do not want to make this assumption, the range of uncertainty expands accordingly. The results for the entire sample of $N = 1,155$ cases (stage 1) and $N = 828$ cases (stage 2) are summarized in the second column of Table 10.

Table 10

Bounding Exercise to Account for Selection Bias from Prosecution to Dismissal

Parameter	All Cases Combined	Race = Black	Race = Hispanic	Race = Other	Race = White
Sample Size at Stage 1	1155	633	88	11	423
Sample Size at Stage 2	828	440	69	8	311
p(prosecution)	0.717	0.695	0.784	0.727	0.735
95%CI of p(prosecution)	[0.691,0.742]	[0.659,0.730]	[0.694,0.864]	[0.461,0.933]	[0.692,0.776]
p(not dismissed prosecuted)	0.581	0.561	0.725	0.5	0.579
95% CI of p(not dismissed prosecuted)	[0.547,0.614]	[0.515,0.608]	[0.616,0.823]	[0.200,0.802]	[0.524,0.633]
LB[p(not dismissed)]	0.416	0.39	0.568	0.364	0.426
95% CI of LB[p(not dismissed)]	[0.384,0.449]	[0.347,0.434]	[0.451,0.683]	[0.105,0.676]	[0.372,0.480]
UB[p(not dismissed)]	0.7	0.695	0.784	0.636	0.69
95% CI of UB[p(not dismissed)]	[0.669,0.730]	[0.653,0.735]	[0.680,0.873]	[0.325,0.897]	[0.639,0.740]

We now turn to an analysis of both the S1 (prosecute/no prosecute) and S2 (dismiss/no dismiss) outcomes after conditioning on the race/ethnic group of these charges. Table 10 summarizes the estimated patterns for each of the race groups. The first stage analysis provides clearer results than the second stage, since we do not consider the problem of sample selection bias at stage 1. Visual inspection of the fraction of cases prosecuted at stage 1 for each group plus the 95% confidence intervals suggests that there are not significant differences between the race/ethnic groups at this level. To check on this, we estimated posterior distributions of p(prosecuted) for each group and then calculated 95% confidence intervals for the differences between each of the groups. In each case, the 95% confidence limits included zero (without a Bonferroni-correction for multiple tests; if we had included that correction, the confidence intervals would still have included zero).

We turn next to the subsample of cases who were prosecuted and who could have had their cases dismissed or not dismissed ($N = 828$). This subsample is comprised of the cases that progressed to S2. The outcome of interest for this analysis is whether the case was dismissed (or not) and the patterns for each race/ethnic group are summarized in the bottom 6 rows of Table 10. As a first step, we conducted an analysis where we assume that the population of interest is represented by cases that progressed to S2. For this analysis, it appears that charges involving Hispanic defendants were somewhat less likely to have their charges dismissed while the other groups had more similar dismissal rates. We checked on whether the differences between these groups were significant by estimating 95% confidence intervals for the differences between the groups on $p(\text{not dismissed})$. These calculations revealed two significant contrasts: comparing charges with black individuals to charges with Hispanic individuals and comparing charges with black individuals to charges with white individuals. However, when we applied a Bonferroni correction ($0.05/6 = 0.008$) to these comparisons, the confidence intervals for both comparisons did include zero. Thus, we conclude that the evidence is not strong enough to reject the hypothesis of equal dismissal/non-dismissal rates between the groups. This result is amplified by the bounds analysis for each group which takes potential sample selection bias into consideration. For each of the comparisons, the uncertainty of the estimates swamp whatever differences there might be between the different race/ethnic groups.

4.2.2.3 Pipeline of Homicide Charges

As previously stated, there were three domestic violence homicides within the study period. While this number was relatively small, we charted the pipeline for these homicides, which were all handled similarly by the circuit. The three defendants were initially detained, with their charges disposed of through a jury trial. All three were given incarceration terms, including

30 years, 35 years, and life. The latter case involved two homicide charges, three attempted homicide charges, and weapons offenses, which elevated the sentence. The average time from arrest to disposition was 1,034 days (SD = 505.11), and the median time was 1,046 days.

4.2.2.4 Interviewee Reflections on Sex, Race, and Ethnicity in the Case Processing Pipeline

Interviewees were asked to reflect on whether defendants of different sexes, races, and ethnicities are treated differently in domestic violence cases. Court professionals made a total of 41 references about the possible differential treatment of defendants by the system (see Figure 4). Within this theme, three axial codes were identified from the coding process, but we discuss the following two here: *race differences* (11 of 13 interviews) and *sex differences* (11 of 13 interviews).

Figure 4

Differential Treatment of Defendants in Domestic Violence Cases Theme - Axial Codes



When asked about whether domestic violence defendants of different sexes, races, and ethnicities are treated differently by the courts, several participants acknowledged that some of these incidents seldom occur in their experience. As for domestic violence incidents involving defendants of varying races, most court professionals believe that the defendant's race does not influence how their case is addressed by the court (8 of 11 interviews).

“I don't think so with the race. But I think judges in general and maybe even us prosecutors are probably more lenient towards women if they're the defendant.” [Interview 009]

“No. It's always the guy's fault. It doesn't matter what race they are.” [Interview 006]

Different views are expressed by interviewees as to differential treatment based on sex. Some participants have limited or no experiences with DV cases involving female defendants, and when they do it is difficult for them to imagine a female as the primary aggressor or perpetrator of the crime.

“Okay, to begin with I have never had a defendant who was female. I have only seen in two cases in my entire career a female defendant.” [Interview 012]

“I would say it's more uncommon to see a role reversal of a female. And I think that throws a lot of, most people off on that... is just seeing a female get up there being the aggressor towards a male.” [Interview 002]

Furthermore, the rarity of such incidents may also be connected to the belief of several court officials that males are less likely to report their domestic violence victimization to authorities or are less willing to cooperate in domestic violence cases.

“I would say it's very low in numbers you ever you see a male come out and report that he's being victimized.” [Interview 002]

“I think that the biggest issue that comes up when dealing with perhaps a male victim would be more uncommon is getting them to buy in and be cooperative because of the stigmas that maybe attached to not wanting to be fearful of a woman or feeling the need to be strong or protective or not wanting to go through with a...I think that's more of a struggle with getting that victim cooperation more than anything. I don't know if I would particularly say that, but I would and all that to say I don't think I've ever actually tried a case with a male victim. But for me, the struggle seems to be getting them to cooperate.” [Interview 003]

Still, a defendant's sex is believed to influence how they will be treated (7 of 11 interviews) by the court for domestic violence. Invariably, this seems to involve assumptions that are made during the investigation of the domestic violence incident at the scene or the view that women will be treated more leniently by those making decisions in the system.

“You know, the vast—what I think of a domestic is just your standard—it's two in the morning and they're arguing, and somebody got hit, or something got thrown, or somebody's phone got taken. And that is 95% of the time that the man is the problem. You know, I do get them where I think the lady is faking for whatever reason. And I've seen it where they both got into it—kind of in a mutual combat. You know, they both like to fight or whatever. But, generally, it's not even...the disparaging one is, you know, it's going to be assumed to be the man because, you know, just because it is, usually.” [Interview 006]

“Okay. She may have started it. He might have been defending himself. He might have pushed her away. Yes, she's got a banged head. Any injury on a woman the man is arrested. You cannot parse these things and make a fair decision. So, what are they doing? They're using gender preferences or prejudices to make arresting decisions that never should be made. Okay? 'Oh, he's the man. He's larger.' Well, I'm sorry, this little 110-pound wild cat can do a lot of damage to somebody.” [Interview 011]

4.2.3 Legal and Extralegal Correlates of Charging Outcomes

Next, we considered legal and extralegal correlates of charging outcomes and the time from arrest to disposition. We first explored these correlates quantitatively. We then present interview data that highlights relevant decision-making factors noted by the interviewees.

4.2.3.1 Quantitative Assessment of Key Correlates

We first explore potential correlates of four prosecutorial charging decisions: (1) diversion to PTI, (2) prosecution, (3) dismissal, and (4) reduction of the domestic violence charge. We also consider correlates of the time from arrest to case disposition. The first two charging decisions, as well as the time from arrest to disposition, were based on the full sample of non-homicide charges. Dismissal was assessed in terms of the non-homicide cases prosecuted, while charge reductions were assessed for those cases that were resolved through a plea, trial (and defendant was found guilty), remand, and negotiation for the conviction of another charge. The latter two dispositions represent reductions in the domestic violence charge, which is what

this variable was designed to capture. By virtue of a remand, the Solicitor's office decided that there was not sufficient evidence to move forward with the domestic violence charge and reduced the charge to assault and battery of the 3rd degree. Those cases that were negotiated to drop the domestic violence charge were also reductions, since the domestic violence charge was dropped as part of a deal where the defendant pled guilty to other charges.

As outlined in our proposal, we focused on several correlates specific to the offense, the defendant's prior record, situational circumstances of the incident, evidence information, and victim characteristics. These correlates were identified based on prior research and were also designed to expand upon noted knowledge gaps in the literature. As an example, few studies were able to account for evidence and victim circumstances. Each of the correlates were collapsed into dummy indicators. Table 11 presents a summary of the correlates considered, along with the mean value of these correlates in the diversion, prosecution, and time to disposition subsample (n = 1109), dismissed subsample (n = 789), and charge reduction subsample (n = 391).

For legal characteristics of the case, we designated whether the charge was for DV3 or VPO (coded as 1) versus DV2, DV1, and DVHAN. We constructed a prior record score on a scale from 0 to 4, indicating whether a defendant had prior misdemeanor convictions, felony convictions, domestic violence convictions, and was incarcerated in prison in the past 5 years. This score was divided at the median, such that those with a score at or below the median were deemed as having a low prior record score (coded as 0), whereas those with a score above the median were considered as having a high prior record score (coded as 1). We also identified whether there were multiple charges attached to the case, aside from the domestic violence charge (coded as 1).

Table 11
Means of Case Characteristics for the Subsamples of Interest

Case Characteristics	Diversion, Prosecution, and Time to Disposition Subsample	Dismissed Subsample	Charge Reduction Subsample
Legal Characteristics			
DV3/Protection Order Violation	.405	.386	.350
Prior Record Score	.364	.355	.437
Multiple Charges	.152	.158	.205
Situational Characteristics			
Witness Present	.371	.374	.417
Weapon Involvement	.261	.243	.245
Minor Present	.364	.388	.412
Restrict Phone Use	.121	.129	.153
Mutual Arrest	.057	.049	.023
Choke/Strangle	.208	.212	.225
Threaten	.174	.166	.166
Evidence Information			
Audio	.538	.536	.568
Body Camera	.223	.243	.225
Photos/Images	.573	.587	.637
Videos	.547	.561	.583
Witness Statement	.098	.095	.097
Victim Statement	.598	.612	.670
Victim Forms	.199	.223	.253
Number Evidence Indicators	.512	.527	.583
Victim Characteristics			
Noncooperation w/ Prosecution	.687	.616	.560
Conviction Record	.053	.049	.023
Alcohol/Drug Use	.131	.119	.089
Mental Health	.025	.021	.010
Injury	.715	.725	.729
N	1109	789	391

For situational characteristics, we accounted for the presence of a witness at the time of the incident, if the incident involved a weapon, if a minor was present, if the defendant restricted the victim from using a phone to contact law enforcement, whether the police arrested both parties, if the incident involved choking or strangling the victim, and if the incident involved threats made to the victim's life. With respect to evidence, we considered the presence of the following types of evidence: audio (body microphone audio, jail calls, in-car audio, 911 calls, EMS calls, fire department calls, and radio evidence), body camera footage, photos and/or

images, videos more generally (can include body camera videos, security camera footage, in-car videos), witness statements, victim statements, and victim forms (including victim impact statements). We also created a dummy variable representing charges with more evidence information. More specifically, we identified 33 distinct types of evidence in the data files, with the median number of evidence types being 5. Charges in which there were over 5 types of evidence were coded as 1 to represent cases with more evidence information.

Lastly, several victim characteristics were identified. First, we designated whether the victim was uncooperative with prosecution. This designation was made if lack of cooperation, inability to locate the victim, or inability to contact the victim was identified as an issue in any of the files, prosecutorial case summaries, or prosecutorial notes. We also considered those charges in which it was denoted that the victim had a conviction record, was using alcohol or drugs, suffered from mental health issues, and sustained an injury at the time of the incident.

Two sample tests of proportions were conducted to explore the relationship between the correlates noted and the charging outcomes (using STATA's `prtest` command). For the analyses presented in this section, a total of 115 comparisons were made. As such, we used a Bonferroni corrected alpha of .00043 to account for the multiple comparison problem. We also report Bonferroni adjusted confidence intervals (99.96%). There were a total of 46 charges that were missing an evidence list and incident-related facts after reviewing all data sources available. The subsample numbers in Table 11 reflect charges after dropping these cases. It is relevant to note that lack of information on these charges was likely not missing at random and could have contributed to the outcomes of interest. An analysis of the missing data demonstrated that the proportion of charges prosecuted was greater for those missing evidence and incident information (84.8% versus 71.1%, $z = 2.01$, $p = .0442$), but the proportion of charges dismissed

was also greater for these charges (82.0% versus 39.9%, $z = 5.20$, $p = .0000$). While missing information could be a result of information not put into the case management system, it could also be that prosecutors failed in getting the information they needed to prosecute the charge (e.g., some prosecutorial notes discussed issues in getting the incident reports from law enforcement) and ultimately dismissed the charge. Given that a substantial proportion of these charges were dismissals, it is also not surprising that charges with missing information had a significantly shorter time to disposition (about 157 days versus 336 days, $z = -5.47$, $p = .0000$).

Table 12
Two Sample Tests of Proportions for Diversion to PTI

Case Characteristics	p(y x=1)	CI	p(y x=0)	CI	z	p value
Legal Characteristics						
DV3/Protection Order Violation	.080	.035 - .125	.099	.057 - .140	-1.05	.2947
Prior Record Score	.005	-.007 - .017	.140	.094 - .187	-7.55	.0000
Multiple Charges	.035	-.015 - .086	.101	.066 - .136	-2.73	.0064
Situational Characteristics						
Witness Present	.116	.060 - .172	.076	.040 - .112	2.26	.0236
Weapon Involvement	.069	.016 - .122	.099	.062 - .136	-1.50	.1329
Minor Present	.134	.074 - .194	.067	.033 - .100	3.73	.0002
Restrict Phone Use	.104	.011 - .198	.089	.057 - .121	.58	.5652
Mutual Arrest	.016	-.040 - .072	.096	.063 - .128	-2.14	.0327
Choke/Strangle	.091	.024 - .158	.091	.057 - .125	-.01	.9922
Threaten	.072	.006 - .139	.095	.061 - .129	-.98	.3248
Evidence Information						
Audio	.105	.061 - .150	.074	.033 - .115	1.81	.0708
Body Camera	.125	.051 - .200	.081	.048 - .114	2.13	.0329
Photos/Images	.107	.063 - .150	.070	.028 - .111	2.13	.0334
Videos	.105	.061 - .150	.074	.032 - .115	1.83	.0675
Witness Statement	.147	.027 - .267	.085	.054 - .116	2.13	.0332
Victim Statement	.110	.067 - .153	.063	.022 - .103	2.69	.0072
Victim Forms	.140	.058 - .223	.079	.047 - .111	2.84	.0045
Number Evidence Indicators	.109	.063 - .155	.072	.033 - .111	2.14	.0320
Victim Characteristics						
Noncooperation w/ Prosecution	.073	.040 - .107	.130	.066 - .193	-3.02	.0026
Conviction Record	.017	-.042 - .076	.095	.063 - .127	-2.03	.0420
Alcohol/Drug Use	.159	.051 - .266	.081	.050 - .112	3.03	.0024
Mental Health	.036	-.088 - .160	.092	.061 - .124	-1.03	.3024
Injury	.102	.064 - .140	.063	.015 - .112	2.03	.0424

Notes. n = 1109. Significant p-values are bold, two-tailed test (Bonferroni adjusted alpha = .00043).

Abbreviations. CI = Bonferroni adjusted confidence interval (99.96%), z = z-score for two sample test of proportions

Table 12 reports the two sample tests of proportions for diversion to PTI. For this particular charging decision, prior record was significantly correlated to diversion, such that a

greater proportion of defendants with lower prior record scores had their charges diverted (14% versus .5%). Also, a greater proportion of charges involving the presence of a minor were diverted (13.4% versus 6.7%). While the statute outlined that PTI was a possible outcome for DV3, the data reflected that a greater proportion of the charges diverted were actually DV2

Table 13
Two Sample Tests of Proportions for Prosecution

Case Characteristics	p(y x=1)	CI	p(y x=0)	CI	z	p value
Legal Characteristics						
DV3/Protection Order Violation	.677	.599 - .755	.734	.673 - .795	-2.07	.0385
Prior Record Score	.693	.612 - .774	.722	.662 - .782	-1.02	.3064
Multiple Charges	.740	.620 - .859	.706	.654 - .759	.88	.3796
Situational Characteristics						
Witness Present	.716	.637 - .795	.709	.648 - .770	.26	.7963
Weapon Involvement	.664	.566 - .763	.728	.673 - .783	-2.05	.0399
Minor Present	.757	.682 - .833	.685	.623 - .747	2.56	.0105
Restrict Phone Use	.761	.631 - .892	.705	.653 - .756	1.35	.1753
Mutual Arrest	.619	.402 - .836	.717	.668 - .766	-1.67	.0956
Choke/Strangle	.723	.619 - .827	.708	.654 - .763	.43	.6648
Threaten	.679	.560 - .798	.718	.666 - .771	-1.10	.2700
Evidence Information						
Audio	.708	.643 - .774	.715	.644 - .785	-.23	.8174
Body Camera	.777	.684 - .871	.693	.637 - .748	2.59	.0095
Photos/Images	.728	.665 - .790	.689	.614 - .764	1.41	.1587
Videos	.730	.666 - .794	.689	.616 - .762	1.48	.1377
Witness Statement	.688	.531 - .845	.714	.663 - .765	-.57	.5705
Victim Statement	.728	.667 - .790	.686	.608 - .764	1.53	.1264
Victim Forms	.796	.700 - .892	.690	.635 - .745	3.11	.0018
Number Evidence Indicators	.732	.667 - .798	.689	.619 - .760	1.58	.1147
Victim Characteristics						
Noncooperation w/ Prosecution	.638	.576 - .699	.873	.810 - .936	-8.02	.0000
Conviction Record	.661	.443 - .879	.714	.665 - .764	-.88	.3796
Alcohol/Drug Use	.648	.508 - .789	.721	.670 - .772	-1.80	.0717
Mental Health	.607	.280 - .934	.714	.665 - .763	-1.23	.2172
Injury	.721	.665 - .778	.687	.594 - .779	1.15	.2510

Notes. n = 1109. Significant p-values are bold, two-tailed (Bonferroni adjusted alpha = .00043).

Abbreviations. CI = Bonferroni adjusted confidence interval (99.96%), z = z-score for two sample test of proportions

charges (which would align with the presence of a minor finding given that presence of a minor elevates a DV3 charge to DV2). In fact, 11.2% of the DV2 charges were diverted to PTI versus 7.6% of the DV3 charges. There were several possible reasons for this pattern: (1) PTI was used as a negotiation tactic for DV2 charges, (2) some of the DV2 charges were indicted as DV3 (the case management system listed the arrest warrant charge and the charge at sentencing but not the

indictment charge), and (3) prosecutors felt that there was not sufficient evidence to support the DV2 charge and proceeded as though the charge was DV3. It is relevant to keep in mind that PTI can be offered pre- or post-indictment and prosecutors can exercise discretion in the application of PTI.

Table 14
Two Sample Tests of Proportions for Dismissal

Case Characteristics	p(y x=1)	CI	p(y x=0)	CI	z	p value
Legal Characteristics						
DV3/Protection Order Violation	.431	.330 - .531	.378	.300 - .456	1.47	.1404
Prior Record Score	.371	.269 - .474	.414	.337 - .492	-1.18	.2368
Multiple Charges	.320	.172 - .468	.414	.346 - .482	-1.97	.0486
Situational Characteristics						
Witness Present	.325	.229 - .422	.443	.364 - .522	-3.27	.0011
Weapon Involvement	.422	.296 - .548	.392	.321 - .463	.74	.4616
Minor Present	.350	.253 - .446	.431	.351 - .510	-2.26	.0236
Restrict Phone Use	.314	.151 - .476	.412	.345 - .478	-1.89	.0588
Mutual Arrest	.744	.496 - .991	.381	.318 - .444	4.50	.0000
Choke/Strangle	.371	.239 - .504	.407	.337 - .477	-.83	.4056
Threaten	.412	.260 - .564	.397	.329 - .464	.33	.7399
Evidence Information						
Audio	.345	.263 - .427	.462	.369 - .554	-3.33	.0009
Body Camera	.380	.256 - .504	.405	.334 - .476	-.62	.5359
Photos/Images	.337	.259 - .415	.488	.390 - .586	-4.26	.0000
Videos	.350	.270 - .430	.462	.367 - .557	-3.20	.0014
Witness Statement	.347	.152 - .541	.405	.340 - .470	-.98	.3284
Victim Statement	.339	.263 - .416	.493	.392 - .595	-4.30	.0000
Victim Forms	.318	.194 - .442	.422	.352 - .493	-2.49	.0127
Number Evidence Indicators	.317	.236 - .398	.491	.399 - .582	-4.96	.0000
Victim Characteristics						
Noncooperation w/ Prosecution	.455	.375 - .535	.310	.216 - .404	4.03	.0001
Conviction Record	.718	.463 - .973	.383	.320 - .445	4.17	.0000
Alcohol/Drug Use	.404	.225 - .583	.399	.333 - .464	.11	.9157
Mental Health	.706	.315 - 1.097	.392	.330 - .455	2.61	.0091
Injury	.388	.316 - .460	.429	.310 - .547	-1.04	.3001

Notes. n = 789. Significant p-values are bold, two-tailed (Bonferroni adjusted alpha = .00043).

Abbreviations. CI = Bonferroni adjusted confidence interval (99.96%), z = z-score for two sample test of proportions

Table 13 looks at prosecution, while Table 14 focuses on dismissal. Interestingly, victim noncooperation with prosecution is the only significant correlate of prosecution identified. As would be expected, the proportion of charges prosecuted was higher for those charges where the victim cooperated (87.3% versus 63.8%). After this initial prosecution decision, though, victim cooperation continued to have a role in dismissal, but evidence factors also emerged as relevant.

The proportion of cases dismissed was less when there were photos and images (33.7% versus 48.8%), victim statements (33.9% versus 49.3%), and more evidence information overall (31.7% versus 49.1%). The proportion of charges dismissed was higher among charges where the victim was not cooperative with prosecution (45.5% versus 31.0%) and had a conviction record (71.8% and 38.3%). The dismissal proportion was also higher for charges involving a mutual arrest (74.4% versus 38.1%), likely because the prosecutor's office could not identify a primary aggressor.

Table 15

Two Sample Tests of Proportions for Domestic Violence Charge Reduction

Case Characteristics	p(y x=1)	CI	p(y x=0)	CI	z	p value
Legal Characteristics						
DV3/Protection Order Violation	.423	.274 - .573	.657	.552 - .763	-4.47	.0000
Prior Record Score	.561	.427 - .696	.586	.469 - .704	-.49	.6204
Multiple Charges	.525	.327 - .723	.588	.490 - .687	-1.02	.3060
Situational Characteristics						
Witness Present	.491	.352 - .629	.636	.523 - .749	-2.86	.0042
Weapon Involvement	.708	.544 - .873	.532	.429 - .635	3.03	.0024
Minor Present	.596	.459 - .733	.561	.445 - .677	.70	.4858
Restrict Phone Use	.533	.305 - .761	.583	.487 - .679	-.72	.4732
Mutual Arrest	.778	.287 - 1.268	.571	.481 - .660	1.24	.2141
Choke/Strangle	.579	.393 - .766	.574	.474 - .675	.09	.9296
Threaten	.538	.320 - .757	.583	.486 - .679	-.66	.5088
Evidence Information						
Audio	.563	.445 - .681	.592	.458 - .726	-.57	.5701
Body Camera	.591	.405 - .776	.571	.470 - .672	.33	.7389
Photos/Images	.558	.447 - .670	.606	.460 - .751	-.91	.3618
Videos	.583	.468 - .699	.564	.427 - .702	.37	.7091
Witness Statement	.474	.187 - .760	.586	.494 - .679	-1.34	.1816
Victim Statement	.565	.456 - .673	.597	.444 - .750	-.60	.5471
Victim Forms	.495	.317 - .673	.603	.501 - .704	-1.87	.0608
Number Evidence Indicators	.553	.436 - .669	.607	.472 - .743	-1.08	.2804
Victim Characteristics						
Noncooperation w/ Prosecution	.594	.476 - .711	.552	.418 - .686	.82	.4124
Conviction Record	.667	.110 - 1.223	.573	.484 - .663	.56	.5754
Alcohol/Drug Use	.400	.107 - .693	.593	.500 - .685	-2.20	.0278
Mental Health	.750	-.016 - 1.516	.574	.485 - .663	.71	.4777
Injury	.544	.439 - .648	.660	.497 - .823	-2.07	.0383

Notes. n = 391. Significant p-values are bold, two-tailed (Bonferroni adjusted alpha = .00043).

Abbreviations. CI = Bonferroni adjusted confidence interval (99.96%), z = z-score for two sample test of proportions

When looking at charge reductions (Table 15), the only correlate that emerged as significant was the offense type. More specifically, the proportion of charge reductions was less

for charges of DV3 or VPO than charges of DV2, DV1, and DVHAN (42.3% versus 65.7%).

This finding aligns with negotiation practices that would involve dropping some of these higher charges to a lower charge. At this phase, evidentiary information and victim cooperation seemed inconsequential, while the substantive patterns showed some of the situational characteristics came into play, such as the presence of a witness, weapon involvement, and the victim's alcohol and drug use.

Table 16
Mann-Whitney Tests of Time from Arrest to Disposition

Case Characteristics	Mean (x=1)	SD	Mean (x=0)	SD	z	p value
Legal Characteristics						
DV3/Protection Order Violation	314.002	265.423	350.891	305.996	-1.49	.1369
Prior Record Score	326.094	301.144	341.216	284.540	-1.34	.1809
Multiple Charges	338.828	295.592	335.146	289.914	.32	.7484
Situational Characteristics						
Witness Present	358.602	291.731	322.174	289.374	2.57	.0103
Weapon Involvement	347.242	294.580	331.642	289.330	.78	.4331
Minor Present	362.480	303.574	320.365	282.061	2.23	.0255
Restrict Phone Use	392.418	330.241	327.913	284.090	2.08	.0380
Mutual Arrest	194.016	178.841	344.241	293.925	-4.79	.0000
Choke/Strangle	383.281	310.252	323.190	284.139	3.33	.0009
Threaten	371.010	307.581	328.269	286.582	2.00	.0456
Evidence Information						
Audio	366.359	301.914	299.967	272.920	4.66	.0000
Body Camera	368.016	305.226	326.449	285.853	2.43	.0152
Photos/Images	358.415	298.020	305.173	277.842	4.61	.0000
Videos	361.185	305.127	304.900	269.224	3.93	.0001
Witness Statement	406.413	331.204	328.000	285.015	2.53	.0113
Victim Statement	363.542	315.616	294.330	243.488	3.55	.0004
Victim Forms	361.774	278.843	329.220	293.312	2.34	.0195
Number Evidence Indicators	367.921	302.231	301.885	274.211	4.68	.0000
Victim Characteristics						
Noncooperation w/ Prosecution	336.898	282.860	333.092	307.482	1.31	.1917
Conviction Record	268.237	254.120	339.498	292.216	-2.22	.0264
Alcohol/Drug Use	370.607	290.397	330.458	290.481	2.23	.0261
Mental Health	247.179	174.370	338.000	292.748	-1.32	.1886
Injury	357.445	302.020	281.155	252.262	4.41	.0000

Notes. n = 1109. Significant p-values are bold, two-tailed (Bonferroni adjusted alpha = .00043).

Abbreviations. CI = Bonferroni adjusted confidence interval (99.96%), z = z-score for two sample test of proportions

Finally, Table 16 reports Mann-Whitney tests for time from arrest to disposition. Charges that had audio evidence, photos and/or images, videos, victim statements, and more evidence overall took significantly longer to process through the system. Charges that involved injuries to

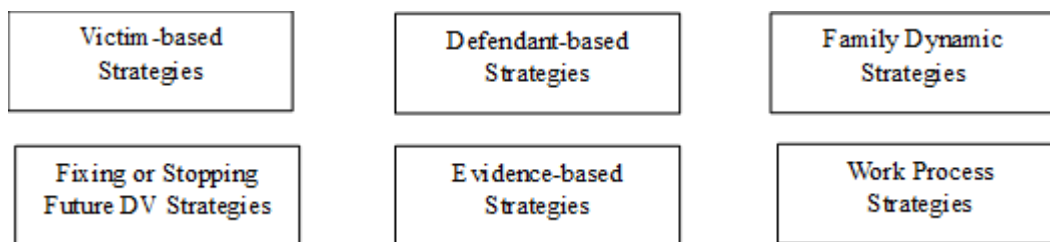
the victim also had a longer time to disposition (about 357 days versus 281 days). Alternatively, charges involving a mutual arrest had a shorter time to disposition (about 194 days versus 344 days). The majority of mutual arrests were dismissed or not prosecuted (86.3%), so it is not surprising that these cases were resolved quicker.

4.2.3.2 Interviewee Reflections on Factors that Influence Case Processing

Within the interview data, 5 overarching themes emerged around the legal and extralegal factors that could help us understand the processing of domestic violence charges. These themes included: (1) strategies used when working on domestic violence cases, (2) influential factors in moving domestic violence cases forward, (3) improving efficiency of domestic violence case processing, (4) significant barriers in the adjudication of domestic violence cases, and (5) dismissals of domestic violence cases.

The first theme centered on strategies used when working on domestic violence cases. Twelve interviewees made a total of 72 references to strategies they incorporate into their work activities. Six main axial codes on work strategies were identified during the analysis of the interview data (see Figure 5). These strategies included: *victim-based* (8 of 12 interviews), *evidence-based* (6 of 12 interviews), *defendant-based* (4 of 12 interviews), *fixing or stopping future domestic violence incidents* (5 of 12 interviews), *family dynamics* (4 of 12 interviews), and *the work process* (3 of 12 interviewees).

Figure 5
Strategies Used When Working on Domestic Violence Cases Theme- Axial Codes



Courtroom actors most frequently identified strategies associated with victims of domestic violence, usually involving the provision of assistance to victims, engaging with them, or focusing on their cooperation. Courtroom professionals tried to engage with victims “as quickly as possible” (Interview 003) for fear that victims may become uncooperative or disappear. One participant mentioned engaging with the victim to help counter misconceptions that they may have about the goals of the court process.

“So, the vast majority of my victims are uncooperative. They don't want to see anything happen to the defendant because in a lot of instances when someone gets arrested, my victims automatically think that we're going to be asking for prison time. And that's not always the case. And so my strategy is to do the best that I can to try to keep them engaged in a part of the system and help them understand that we're not necessarily going to be looking for prison time, that if they have an anger issue, a substance abuse issue, that we have programs that help them and in turn that helps the relationship.” [Interview 004]

Relatedly, the victim's perspective and possible role in the domestic violence case was seen as being crucial by both the prosecutor and public defender. Thus, determining whether the victim cooperates impacts the strategies of both sides.

“So, the thing that is different about criminal domestic violence cases is that they are very much victim driven. So, unlike most cases, the current mental status of the victim is probably the most important initial factor to determine. Are they still mad at my client? Are they ambivalent toward my client? You know, a lot of times, you get someone that didn't want someone charged in the first place, but police did it anyway. So, are they on my client's side? And so those are--that's probably the most important factor to determine, you know, really overall in handling the case.” [Interview 006]

Law enforcement can serve as a valuable reference point for the prosecution in trying to understand how the victim reacted at the scene and whether they are likely to cooperate with the case.

“And then, I ask them, do you think the victim is going to be cooperative? You kind of get the officers because they were there in the moment. Typically, domestic violence victims are never more cooperative than they are as it's happening on scene. They don't usually become more cooperative after that. So, we talk to the officers, kind of gauge what they're thinking...” [Interview 008]

Determining whether there is victim cooperation is also important to prosecutors because without it, the prosecution must decide if they can still prove the case. Some prosecutors even assume from the outset of the case that they will not have it; therefore, they try to quickly determine if the other available evidence is sufficient to prove their case.

“And for all cases, I try to get the 911 calls because that helps prove the case. I make sure we've got photographs of any injuries and make sure we get the medical records. I try to get that all early on so that you know from the beginning whether or not they're going to cooperate and they're not going to cooperate to look at all the evidence that you have and just pretend that they're not going to testify. That's what I do. I just pretend they're not going to testify. So, what do I have without them testifying? At that point, I make a decision of whether or not I can go forward without their testimony. That's what I do.” [Interview 009]

Strategies related to victims, especially their cooperation, appear to be connected to evidence-based strategies, which often involve an assessment of the evidence to weigh the strength of it or to make sure the evidence has been collected and is accounted for by the prosecution.

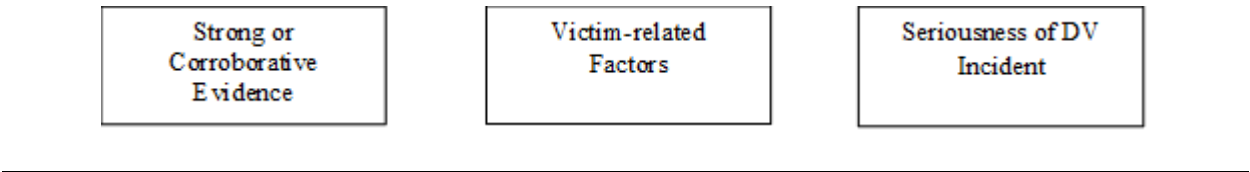
“We are reaching out to law enforcement officers as soon as we possibly can, as soon as that case comes in, and oftentimes before we even have any of the evidence, just to get that fresh perspective from the officer, follow up on any additional evidence that might have gotten looked over. For example, if there's surveillance footage and they forgot to go get it, hurry quick we got a few more

days. Go get it while you still can. So just doing that front and shoring things up...” [Interview 003]

Another topic identified by courtroom officials includes strategies to either fix or prevent domestic violence from continuing in the future. This included providing resources or treatment to the defendant (e.g., batterers treatment, anger management, substance abuse treatment) and stopping the cycle of violence and abuse for the victim.

The second theme centered on influential factors in moving domestic violence cases forward. Courtroom actors were asked about factors that would help continue to move a domestic violence case through the process. They made a total of 91 references to what they perceived to be influential in processing a case. Three main axial codes were identified from the analysis of the interview data (see Figure 6). *Strong or corroborative evidence* was identified by almost all participants (12 of 13 interviews). Factors related to *victims* were also frequently mentioned (9 of 13 interviews), as well as *seriousness of the DV incident* (6 of 13 interviews).

Figure 6
Influential Factors in Moving a Case Forward Theme- Axial Codes



Participants overwhelmingly point to available evidence being present as being a decisive factor in moving domestic violence cases forward through the system.

“Well, it's going to be the evidence. I mean, there's no way around it. We... we do have to prove it beyond a reasonable doubt. And, there's nothing to corroborate the victim's statements, it's going to be a really tough road ahead.” [case 001]

“Body cam footage is really good because you get excited utterances, you know, from the victim that you can typically get in and trial evidence of injury.” [Interview 001]

Courtroom professionals identified different types of recordings including 911 calls which could contain statements made by the victim and/or defendant, law enforcement body worn camera footage which could capture injuries to victims, property damage, or statements, and other videos taken by victims or witnesses on their phone. Other forms of evidence noted by participants include victim statements, photos of victim’s injuries, medical records, witness statements, and officer testimony. Some types of evidence such as victim photos or recordings can be used by the prosecution to impeach victims if needed.

“Body cameras and photographs of injuries. You know, those type of things. So that way if the victim does show up in court and they're not necessarily cooperative and they say, hey, that never happened, they could use that to impeach their testimony.” [Interview 010]

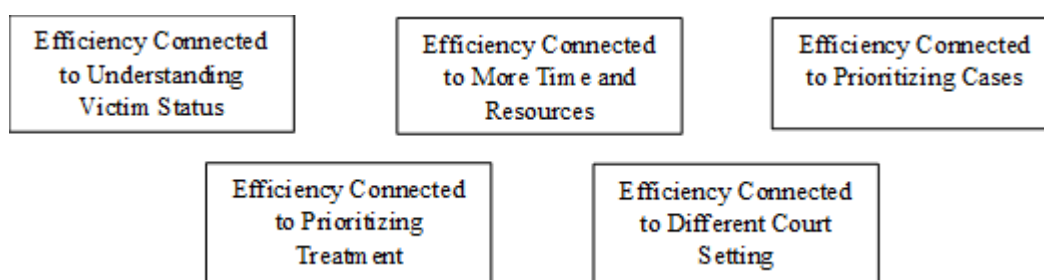
Victim-related factors mostly involve things that might influence their cooperation with the case. The presence of children in the family, financial dependence, and the relationship between the victim and defendant are often unique to this type of offense and are believed to influence case processing for domestic violence offenses. Finally, the seriousness of the DV incident was also frequently mentioned by courtroom professionals as an influential factor in moving a case forward.

“Okay, but I think a big part of it is, has there been a history of domestic violence between these people? Are they still getting complaints about domestic violence between these people? And do you feel like there's a future? So, a lot of the time I think they look at your client, my client's rap sheets, to determine—is this like a one-time thing or is this, and is there a future of harm? Because that's what their biggest thing is. They don't want these people coming back. And the next time around, they're killed.” [Interview 013]

Interviewees identified the level of charge, DV history, and seriousness of injuries as several examples of DV seriousness factors in case processing. A comparison between prosecutors and public defenders suggests some slight differences in views. While both solicitors (5 of 5) and public defenders (5 of 6) viewed strong or corroborative evidence as being an influence in moving domestic violence cases forward, only public defenders (4 of 6 vs. 1 of 5) mostly felt that the seriousness of the DV incident led to cases moving ahead in the process. Some public defenders (4 of 6) and prosecutors (3 of 5) also believed victim-related factors were important.

Figure 7

Improving Efficiency of Domestic Violence Case Processing Theme- Axial Codes



The third theme was improving efficiency of domestic violence case processing. Courtroom actors were asked about how to improve the efficiency of processing domestic violence cases in court. Interviewees made a total of 33 references to case efficiency and five central themes were identified after analyzing interview responses (see Figure 7). It was believed that domestic violence cases could be processed more efficiently by *understanding victim status* (8 of 13 interviews), having *more court time and resources* (5 of 13 interviews), *prioritizing certain cases* (3 of 13 interviews), *prioritizing treatment* as an approach (2 of 13 interviews), and moving DV cases (or certain) to a *different court setting* (2 of 13 interviews).

Most courtroom professionals maintained that knowing where the victim stood in terms of the case could help improve the efficiency of case processing. This usually entails having contact with the victim, determining their wishes and whether they will cooperate, or if there are any credibility issues for the victim.

“If I could figure out some way to get a larger percentage of victim cooperation that would make things more efficient as well. But that's just...that is a constant battle that I don't know that I'm ever going to be able to win. That would definitely make things more efficient.” [Interview 004]

“The state listening to a victim when they tell them they don't want to proceed. Instead of letting it hang around for however many months or years.” [Interview 006]

“I think getting—knowing which cases a victim is cooperative in and knowing which cases are not is huge because a lot of times cases may sit pending for a couple of years, and the solicitor's office has had no contact with the victim.” [Interview 010]

A good number of participants also pointed to the need for more court time and additional resources to help address case efficiency.

“Probably having I guess, it'd be more resources, more people able to work on them because the way the nature of the case is that you got to strike while they are iron is hot. And the longer the case is pending, the less cooperative, the less the individuals care about it. And so, obviously everybody wants more people, more resources, but it's it's much better for a domestic violence case to move quickly.” [Interview 008]

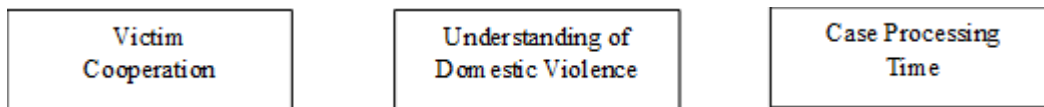
The need for additional resources to improve the efficiency of case processing usually meant the need to have more prosecutors to work on domestic violence cases.

The fourth theme centered on significant barriers in the adjudication of domestic violence cases. Courtroom actors were asked to identify what barriers were most significant in the adjudication of domestic violence cases. A total of 27 references were made by eight participants as to the most significant barriers. Three main axial codes (see Figure 8) were identified from the

analysis of interview data on barriers: *victim cooperation* (6 of 8 interviews), *understanding domestic violence* (4 of 8 interviews), and *case processing time* (2 of 8 interviews).

Figure 8

Significant Barriers in the Adjudication of Domestic Violence Cases Theme- Axial Codes



Most participants acknowledged that victim cooperation is a relevant barrier in the adjudication of domestic violence cases.

“...well, the ability to call a victim to court. We can try to subpoena her. But realistically, you know, are we going to go pick her up on a bench warrant if she doesn't decide to come? You know? Where is that line? So that's certainly a barrier.” [Interview 003]

“Victim cooperation is the most common barrier. If a case cannot be proven without a victim's cooperation, unfortunately in a lot of instances, the prosecutors have to wind up dismissing it because they have a burden of proof and if they can't prove it without the victim, it leaves them no choice. We don't like to do that. It pains us to do that because we know that we're just going to wind up in more cases—more often than not seeing the victim again at some point down the road. But they don't have a choice.” [Interview 004]

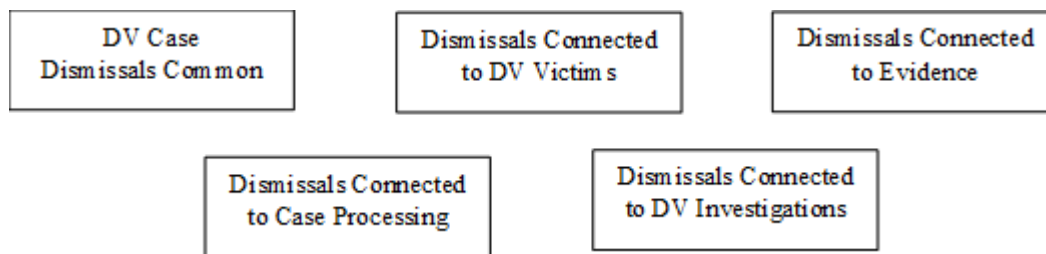
Several court officials also discussed barriers associated with understanding domestic violence, as in the case of misconceptions by judges, inexperienced law enforcement officers, or convincing a jury that domestic violence does not only involve physical violence and injury.

The fifth theme was dismissals of domestic violence cases. Court professionals were asked about their views on whether there is an issue with domestic violence cases being dismissed in the circuit, and if so, reasons for their occurrence. Twelve interviewees made a total of 51 references concerning DV case dismissals. Five common axial codes (see Figure 9) were

identified from the analysis of the interview data: *DV case dismissals common* (9 of 12 interviews), *dismissals connected to DV victims* (8 of 12 interviews), *dismissals connected to evidence* (7 of 12 interviews), *dismissals connected to case processing* (4 of 12 interviews), and *dismissals connected to DV investigations* (3 of 12 interviews).

Figure 9

Dismissals of Domestic Violence Cases Theme- Axial Codes



Most court professionals we interviewed said that dismissals of domestic violence cases were a common practice in the circuit court. Several participants also acknowledged that this is not unique to the present court but is an “issue everywhere” (Interview 001). Many participants believed DV cases were dismissed because of something related to victims of the incident. Reasons ranged from victim cooperation to victim credibility, and victim wanting charges dropped.

“...why cases--so many cases are dismissed is because of lack of victim cooperation. I can't prosecute a case where I don't have a victim. Victims will hide from us so that we can't get them served for trial. Even if I do have the impeachment evidence, they will downplay or change their story, which creates a credibility problem. It's more so than any other case. They're the most frustrating in that way because you see the people that you want and know need the help or need the conviction and can't do anything about it because you cannot get the victim to even call you back or to show up to a meeting or answer their door.”
[Interview 008]

“A lot of people will just say, I need to—I want to do what's best for my children and having this charge pending is not beneficial and

try to just say, I don't—we don't want to move forward with this.”
[Interview 013]

These victim-related issues are frequently related to dismissals because of lack of evidence, which was also identified by most participants.

“I dismiss a lot of cases and that really comes back to my inability to prosecute them which, you know is very much contingent on my ability to get a victim in the door to meet with me and getting them into court to testify and then having something to back that up. If they do lie or minimize or even if they tell the truth because it's a he said she said. Very rarely are we dealing with forensic evidence in a domestic violence case. It really comes down to character a lot of the time. And so that is a really big hurdle in prosecution and at the end of the day, I have a duty to do justice. And if I can't prove the case, I have to dismiss it.” [Interview 003]

Court officials also believe that dismissals are connected to the processing of cases, including having too few prosecutors, age of the case, a lack of time and poor case management.

“A lot of them end up getting dismissed because of the age of the case. So, years go by, and they can't find anybody anymore. You know, witnesses are gone. I think a lot of cases were dismissed for that reason.” [Interview 010]

Finally, dismissals connected to DV investigations highlight the importance and concerns associated with poor investigative work, law enforcement decision-making, and the need for better documentation of evidence.

Prosecutors were more inclined to attribute domestic violence case dismissals to factors connected to victims (4 of 5 prosecutors) and the evidence (4 of 5 prosecutors) than they were to cases processing (1 of 5 prosecutors) or investigative work (1 of 5 prosecutors). Public defenders were spread more evenly across the reasons for DV case dismissals with half viewing them as connected to case processing or victims (each 3 of 6 public defenders), while a third saw dismissals as connected to evidence or DV investigations (each 2 of 6 public defenders).

4.2.4 Variation in Charging Outcomes Across Court Personnel and Location

In this section, we consider variation in charge outcomes across court personnel and location. We begin with an exploration of variation in case processing and decision-making among court personnel. Quantitatively, we focus on variation among prosecutors, while qualitatively, we draw on themes discussed among prosecutors, public defenders, a victim advocate, and an investigator.

4.2.4.1 Variation in Charge Outcomes Among Prosecutors

We focused, again, on several outcomes denoted in the prior sections, including charges diverted, prosecuted, dismissed, pled, and reduced. We also tabulated the average days from arrest to disposition for each prosecutor. Table 17 lists all 40 prosecutors that handled the charges within the data. An important advantage of the data collected was the ability to record prosecutorial changes from the onset of the charge to its close, as well as the dates in which these changes occurred. Because each of the outcomes was tied to the final disposition, the charges in the counts presented in Table 17 were attributed to the prosecutor who became involved in the case closest to the final disposition date if there was more than one prosecutor noted for a charge. A total of 537 charges had more than one prosecutor listed for the charge. The identity of the prosecutor was unknown for 1 charge. As demonstrated by Table 17, there was a fair amount of variation among prosecutors.

As a means of determining whether the variation was significant, we conducted a series of unconditional hierarchical models. For the dichotomous outcomes, the level 1 model is denoted as:

$$\eta_{ij} = \ln \ln \left[\frac{\pi_{ij}}{1 - \pi_{ij}} \right] = \beta_{0j}$$

Table 17*DV Charge Outcomes and Time to Disposition by Prosecutor*

Prosecutor	Total Charges	Charges Diverted	Charges Prosecuted	Charges Dismissed	Charges Pled	Charges Reduced	Days to Dispo
P10	164	27	125	24	72	46	389
P37	145	8	71	29	27	24	348
P9	141	20	78	24	30	18	339
P19	110	10	75	25	41	17	303
P21	95	5	81	35	22	37	252
P2	59	4	55	41	10	7	332
P38	48	2	45	33	6	8	170
P33	46	0	45	18	21	12	141
P36	43	5	39	30	2	2	325
P4	38	1	17	3	11	10	318
P23	33	8	27	11	7	5	784
P5	33	0	25	11	13	6	190
P16	31	1	23	10	11	5	135
P30	29	0	25	12	12	5	275
P18	28	3	27	11	12	8	206
P8	17	0	11	1	10	5	208
P1	14	0	9	6	1	2	192
P7	14	0	6	0	5	3	123
P13	13	1	6	0	4	4	181
P11	7	0	2	2	0	0	607
P22	5	2	4	0	1	2	263
P25	5	2	5	4	0	0	1206
P46	5	1	4	1	2	1	566
P39	4	0	3	2	1	1	810
P15	3	0	1	0	0	1	362
P28	3	0	1	1	0	0	264
P32	3	0	3	3	0	0	1037
P12	2	0	2	1	1	0	303
P14	2	0	2	2	0	0	1220
P26	2	0	1	1	0	0	923
P27	2	1	2	0	0	1	1518
P31	2	1	1	1	0	0	571
P42	2	0	2	1	0	0	1673
P20	1	0	1	0	0	0	354
P29	1	0	1	1	0	0	1538
P35	1	0	1	1	0	0	1262
P43	1	0	1	1	0	0	157
P47	1	0	0	0	0	0	461
P6	1	0	1	1	0	0	552

And the level 2 model is represented as:

$$\beta_{0j} = \gamma_{00} + \mu_{0j}$$

η_{ij} is the log odds of a charge being diverted, prosecuted, dismissed, pled, or reduced, respectively, for charge i with prosecutor j . The β_{0j} regression coefficient is the expected log odds of each outcome with prosecutor j . At level 2, γ_{00} is the average log odds of each outcome across prosecutors and μ_{0j} is the between-prosecutor variation, or the residuals for the log odds of each outcome across prosecutors.

The time from arrest to case disposition variable was highly skewed, and thus, we chose to log transform this variable. For this outcome, the level 1 unconditional model is denoted as:

$$Y_{ij} = \beta_{0j} + e_{ij}$$

And the level 2 model is represented as:

$$\beta_{0j} = \gamma_{00} + \mu_{0j}$$

Y_{ij} represents the time from arrest to case disposition for charge i with prosecutor j . β_{0j} is the mean time from arrest to case disposition for prosecutor j . At level 2, γ_{00} is the overall grand intercept and μ_{0j} is prosecutor j 's random deviation around the grand mean.

Table 18
Unconditional Models Assessing Prosecutorial Variation in Charge Outcomes and Time to Disposition

Charge Outcomes	Fixed Effects				Random Effects		
	<i>b</i>	SE	<i>p</i> value	OR	Variance	SE	95% CI
Diverted	-2.693	.248	.000	.068	.653	.433	.178 – 2.398
Prosecuted	1.242	.221	.000	3.462	1.017	.395	.474 – 2.178
Dismissed	-.189	.204	.353	.827	.805	.390	.312 – 2.081
Pled	1.231	.215	.000	3.426	.507	.327	.143 – 1.797
Reduced	.347	.156	.026	1.415	.190	.132	.049 - .744
Time to Disposition	5.654	.126	.000	-	.470	.145	.257 - .861

Table 18 reports the results of the unconditional models. According to the variances for charges diverted, prosecuted, dismissed, pled, and reduced, the proportion of charges receiving these outcomes varies significantly across prosecutors, suggesting that prosecutor-level predictors can potentially help explain these outcomes. Also, according to the variance for time

to disposition, this outcome significantly varies across prosecutors, again suggesting the relevance of prosecutor-level predictors. Although beyond the scope of this report, we anticipate conducting further analyses exploring relevant prosecutor-level correlates of these outcomes.

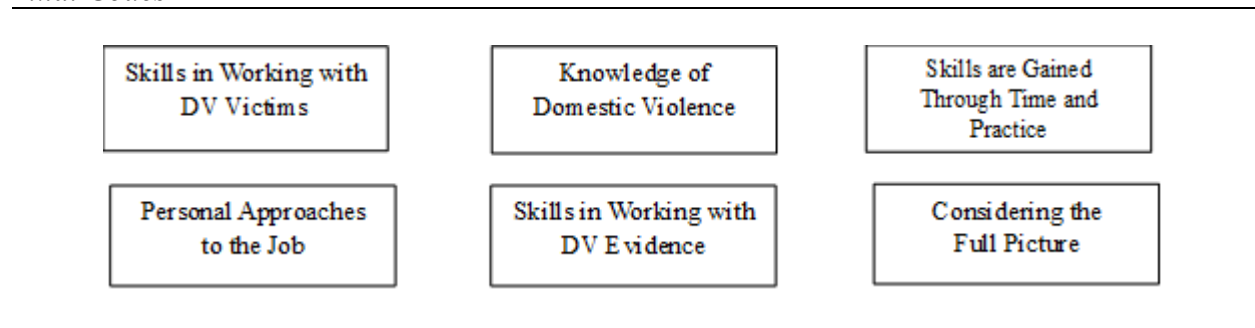
4.2.4.2 Interviewee Ideologies and Perceptions Around Domestic Violence Cases

Several themes were identified that highlight varying perceptions, ideologies, and outlooks taken by attorneys in the processing of domestic violence cases that can help us better understand variation in charge outcomes across court personnel. These themes centered on: (1) important skills, experience, and background for working in domestic violence cases, (2) focus on resolving domestic violence cases, (3) handling of plea negotiations, (4) impact of current sentencing practices on deterrence of future domestic violence incidents, and (5) perceptions of current treatment options for domestic violence cases. These themes highlighted how personnel approached cases differently, including with varying levels of experience, foci, goals, and outlook, which prior research has demonstrated can be consequential in understanding charge outcomes (Metcalf, 2016, 2021).

First, courtroom actors were asked what types of skills or experiences are important for individuals to have when working on domestic violence cases. Interviewees noted a total of 84 references on the importance of these attributes for people like them. Six axial codes were identified from the analysis of interview data (see Figure 10). Most prevalent were skills or experiences in *working with domestic violence victims* (8 of 13 interviews) and having a specific *knowledge of domestic violence* (7 of 13 interviews), followed by *skills that are gained through time and practice* on DV cases (6 of 13 interviews), skills in *how cases are personally approached* (5 of 13 interviews), *skills in working with DV evidence* (5 of 13 interviews), and finally skills with *considering the full picture* of the situation (3 of 13 interviews).

Figure 10

Important Skills, Experience, and Background for Working on Domestic Violence Cases Theme-Axial Codes



Most courtroom professionals noted that working with domestic violence victims is an important skill or experience. This was often expressed in terms of managing victims' expectations and experiences with the legal system (e.g., listening, preparing victims) and also in the need to respect and empathize with victims.

“Another skill that I find important is putting myself in the shoes--trying to put myself in the shoes--trying to put myself in the shoes of my victims to understand where they're coming from, because you have to meet them where they are. You know, a lot of my victims are still in the relationship with the defendant because they have kids together. They still love this person. They are fearful that they're going to lose a source of insurance or a source of income. And so, you really have to put yourself--try to put yourself in the shoes of your victims in order to understand where they're coming from and be able to help them where they are.” [Interview 004]

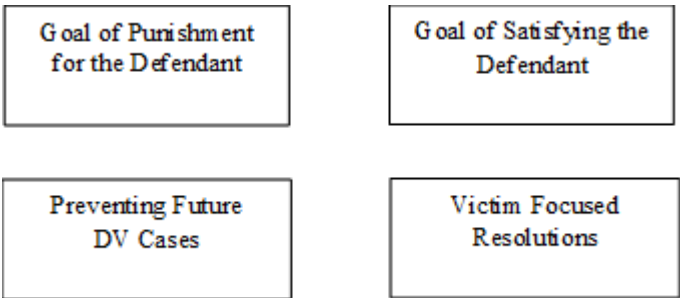
Most interview participants also noted skills or experiences as being important in the knowledge of domestic violence. For some this involved understanding the role of drugs and alcohol, addiction, and the mental state of a battered person. It also entailed understanding aspects of the relationship between the victim and defendant, their emotional attachment, and why victims might not be cooperative and want charges dropped.

“Victims are very rarely cooperative with the prosecution once they realize what all it is costing them... The perpetrator or the defendant is usually the breadwinner, is usually the one that provides the money for the rent, the electricity, the food, the

amenities. Oh, and if he is arrested, and especially if he is ordered protection and cannot return to the dwelling, he is no longer a piggy bank, and the victim does now feel a strong pinch in the purse and usually realizes that she needs him back.” [Interview 012]

Courtroom professionals also believe that valuable skills are acquired over time with work and involvement in domestic violence cases. These experiences included having served as a prosecutor, having trial experience, and years of building experience in working on cases. Participants also acknowledged that these experiences prepared them to work with domestic violence evidence, whether that entailed preparing witnesses for trial, knowledge about admissible evidence, or a familiarity with domestic violence laws. Finally, important skills also involve how courtroom officials approach their jobs by focusing on interpersonal skills, being mentally tough, time management, and understanding one’s ethical duties.

Figure 11
Focus in Resolving Domestic Violence Cases Theme- Axial Codes



Second, courtroom actors were asked about their views on the goals of the court process. More specifically, they were asked to comment on what should be the primary focus in the resolution of domestic violence cases, or stated differently, what outcomes they are hoping to achieve. Twelve interviewees made a total of 47 references to this question (see Figure 11), and four main axial codes were identified from the interview data. *Preventing future domestic*

violence incidents was most frequently mentioned (8 of 12 interviews), followed by *victim focused resolutions* (5 of 12 interviews), *goal of satisfying the defendant* (5 of 12 interviews), and *goal of punishment for defendant* (5 of 12 interviews).

The prevention of future domestic violence incidents was a focus for both solicitors (3 of 4) and public defenders (4 of 6).

“Well, my goal typically when I approach a case is to focus on how we can prevent this from happening again and so if it's someone's first time interacting with law enforcement when appropriate, I like to try the route of giving them tools and giving them the opportunity to learn and grow from this experience so that it won't happen again.” [Interview 003]

“You know, when I'm talking to somebody and they're like 'oh, she's starting it,' or 'they're always fighting,' or 'she's always calling the cops on me' like, well, maybe you need to be the one to—if she's calling the cops on you all the time, maybe you need to be away from her, you know? Try and keep that situation from repeating if it seems to be kind of a mutually toxic situation.” [Interview 006]

Prevention of future domestic violence incidents is viewed to be accomplished through rehabilitation, alternatives to prison, batterers treatment, substance abuse programming, and counseling.

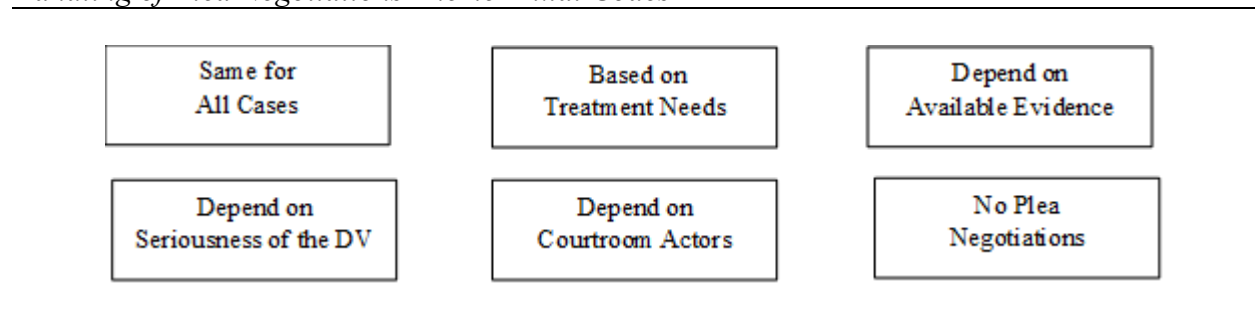
Not surprisingly, the goal of satisfying the defendant was mentioned by public defenders (5 of 6) who saw their clients as a main concern. They frequently discuss a desire for case dismissals, particularly for less severe domestic violence cases, or a “fair” case outcome. Prosecutors were more inclined to want punishment for the defendant (3 of 4). They focused on holding defendants accountable for their actions and protecting the community. Prosecutors preferred to focus on victim resolutions as well (3 of 4). They concentrated on protecting and supporting victims.

“You want to validate the victim in a way that you're letting the victim know it's not their fault. They didn't do something to deserve it...They blame themselves more than anybody in the system or anyone else. So, the goals are kind of validating that the victim did the right thing, that this is not okay, it's not love...”
[Interview 008]

In addition to focusing on the prevention of future domestic violence incidents, both sides focus on directly working on preferred outcomes for either the victim or the defendant.

Third, courtroom actors addressed how plea negotiations were handled for domestic violence cases and whether they were different from other types of cases. Responses shed some light on the variation across prosecutors. Ten interviewees made a total of 49 references to the use of plea negotiations by the court with a total of six axial codes being identified from the analysis of interview data (see Figure 12).

Figure 12
Handling of Plea Negotiations Theme- Axial Codes



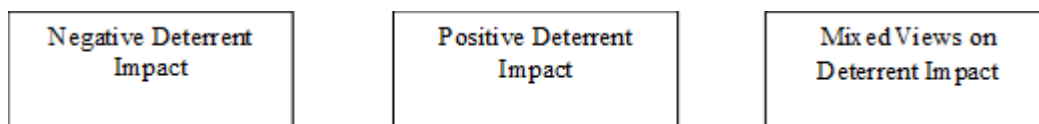
Most interviewees (7 of 10) reported that plea negotiations were not uniquely different for domestic violence cases; instead, all cases were treated the same. Half of the courtroom officials (5 of 10 cases) indicated that plea negotiations *depend on available case evidence*, in other words the strength of the case, and specifically, the victim’s involvement or testimony.

“When it does happen, when the solicitor lets the defense attorney know my witness is ready to go forward, she's had enough, she is willing to burn him--that's when we start working on a plea deal.”
[Interview 012]

Half of the participants also noted that plea negotiations *depend on the seriousness of the domestic violence* (e.g., charge level, harm to victim, defendant’s prior record). As one court official stated, “it’s really based on how bad is the guy” (Interview 001). Several courtroom professionals (4 of 10 cases) indicated that plea negotiations *depend on treatment needs/available options* such as diversion, including whether there is an underlying issue for the defendant, and their willingness to seek treatment. A few interviewees (3 of 10 cases) noted that plea negotiations depend on the courtroom actors themselves, whether it involves a judge’s response to the negotiated plea, public defenders waiting for the prosecutor to make the first move, or public defenders not being in favor of plea deals. Finally, half of the interviewees (5 of 10) indicated that the court does not use plea negotiations, but instead, makes sentencing recommendations and that these are based on a sentencing guideline scheme.

Fourth, courtroom actors were asked about their views on the deterrence of domestic violence with the use of current sentencing practices. Interviewees made a total of 42 references about the possible deterrence of sentencing practices for domestic violence. Three main axial codes were identified (see Figure 13) from the analysis of interview data: *negative deterrent impact* (9 of 13 interviews), *positive deterrent impact* (5 of 13 interviews), and *mixed view on deterrent impact* (5 of 13 interviews).

Figure 13
Impact of Current Sentencing Practices on Deterrence of Future Domestic Violence Incidents
Theme- Axial Codes



Most court professionals believe that current sentencing practices *do not* serve as a deterrent in preventing future domestic violence incidents. Several indicated that defendants do not think about the future or are incapable of thinking about the consequences of their actions.

“Because they're not. Because when there's something else that's driving the problem, they're not thinking long-term like, if I do this, I'm going to go to prison for X amount of years. So, people who are having issues with mental health issues or drug addiction or alcoholism are thinking in the moment. They're not thinking, okay, if I do this, this is what's going to happen. That's why more focus needs to be on treatment versus incarceration. Because threatening somebody with going to prison for X amount of years is never—I rarely really ever see that as a deterrent.” [Interview 010]

Other negative views of deterrence and current sentencing practices involve the notion that domestic violence needs to be treated more seriously, laws need to be tougher, and more stigma needs to be associated with these crimes.

Less prevalent were positive views of deterrence and the current law's impact on future domestic violence incidents. Several interviewees believed that more recent changes to the domestic violence laws have been beneficial in addressing the unique aspects (e.g., children present, strangulation) of these incidents and can deter future domestic violence incidents.

Another interviewee relayed that having a criminal record can be a deterrent.

“Probably. You know, a lot of people don't want domestic violence on their record. So, I think that's probably the most common. People—really most people will want to do whatever they need to do to be able to have it expunged from their record. So, I feel like with a lot of the lower-level domestic violence offenses, I do think that that has some deterrence effect. But maybe, there are some people that are your serial offenders—it doesn't really matter to them. So, but yeah, I think just having a domestic violence on your record is as you know, once it happens to them, people seem to very quickly be like, I don't want this. Okay, what do I need to do.” [Interview 007]

Some court professionals (5 of 13 cases) had mixed feelings about the deterrent impact of sentencing practices on future domestic violence incidents. Much of these views involved the idea that deterrence is specific to the defendant and thus not broadly impactful, “I think in some cases it deters the domestic violence, but in some cases it does not. It’s really just defendant specific...” (Interview 004).

When comparing the views of both prosecutors and public defenders, there is some variation across both groups. Prosecutors were more inclined to have positive views on deterrence (3 of 5), whereas public defenders seldom had positive views (1 of 6). Almost all public defenders (5 of 6) compared to prosecutors (2 of 5) held negative views of the deterrent impact of current sentencing practices for future domestic violence incidents. A few prosecutors (2 of 5) and public defenders (2 of 6) expressed mixed views on the deterrence issue.

Fifth, we asked courtroom actors if they believed current treatment programs, including pre-trial intervention, are effective in reducing recidivism. Participants made a total of 26 references about current treatment options, resulting in two main axial codes being identified around positive and negative views (see Figure 14).

Figure 14
Perceptions of Current Treatment Programs in Reducing Recidivism Theme- Axial Codes



Courtroom officials mostly had *positive views* about current treatment programs, including pre-trial intervention (PTI) and their effectiveness in decreasing recidivism (9 of 13 interviews).

“I do think so. We do have pretty good stats when it comes to PTI. And, you know, I mean, I don't want to say it's necessarily a get out of jail free card because it's a 26-week program for a lot of people. That takes some dedication to get through. So, I would think that if you care enough to get through that, then perhaps you care enough about your family that you're going to stop this.”
[Interview 001]

In addition to positive views of PTI, courtroom actors also identified the multidisciplinary court and the batterers program as being effective options. Notably, all prosecutors (5 of 5) and a third of public defenders (2 of 6) had positive views of current treatment programs.

Courtroom actors also expressed *negative views* (6 of 13 interviews) of current programs, including pre-trial intervention. Participants noted that current treatment options do not reduce recidivism, lead to unintended consequences, or are not accessible to defendants. When comparing the views of prosecutors and public defenders, almost all public defenders (5 of 6) while only one prosecutor (1 of 5) held negative observations of current treatment options.

“No. But I don't think it's the treatment's fault. I don't think any of those treatments work unless the person wants to be treated. So, they're being forced to be sent there. They're just doing it and they're going to get out and finish whatever and then go back to whatever they're doing.” [Interview 006]

“So, my advice to every one of my clients where it's offered-- except domestic violence victims or domestic violence defendants--is go do PTI. But 'oh, he can do PTI.' Well, he's not going to do that because it's like a grand. And plus, six months of Saturdays. And my clients can't afford that or maintain the consistency of that many committed weekends.” [Interview 006]

Three courtroom officials held both positive and negative views on current treatment options, and one individual was not sure about the effectiveness of current treatment programs.

When asked about other forms of needed treatment for domestic violence victims and defendants, courtroom professionals identified mental health treatment (4 of 11 interviews) and

substance abuse treatment (4 of 11 interviews). Two public defenders once again expressed concern about clients having access to treatment because of program capacity or being denied participation for unclear reasons. Finally, several courtroom actors (3 of 11 interviews) believe no additional treatment for domestic violence victims or defendants is necessary or they are unsure (2 of 11 interviews) about any additional programming needs.

Table 19
DV Charge Outcomes and Average Time to Disposition by County

Prosecutor	Total Charges	Charges Diverted	Charges Prosecuted	Charges Dismissed	Charges Pled	Charges Reduced	Days to Dispo
Allendale	13	0 0%	12 92.3%	7 53.8%	3 23.1%	5 38.5%	150
Beaufort	560	68 12.1%	368 65.7%	104 18.6%	182 32.5%	109 19.5%	352
Colleton	293	19 6.5%	208 71.0%	134 45.7%	43 14.7%	39 13.3%	320
Hampton	125	6 4.8%	96 76.8%	42 33.6%	27 21.6%	40 32.0%	340
Jasper	164	9 5.5%	144 87.8%	60 36.6%	67 40.8%	37 22.6%	268
χ^2		15.691	35.238	72.930	30.670	20.868	
<i>p</i> value		.003	.000	.0000	.0000	.0000	

4.2.4.3 Variation in Charge Outcomes by Location

In addition to considering variation across court personnel, we also explored variation in the charge outcomes by county. Table 19 denotes both the number and percent of charges diverted, prosecuted, dismissed, pled, and reduced by county, as well as the average time from arrest to disposition for each county. A series of chi-square tests for the charge outcomes revealed significant differences across counties. Allendale county only had 13 domestic violence charges over the study period. About half of the charges in the data came from Beaufort county. The counties had fairly high prosecution rates, although Beaufort's was lower than the other counties at 65.7%. That said, Beaufort county had a much lower dismissal rate (18.6%). Pleas were more common in Beaufort and Jasper counties. Allendale and Hampton counties negotiated

or experienced reductions more often than Beaufort, Colleton, and Jasper counties. The average time from arrest to disposition is shortest in Allendale county (150 days) followed by Jasper (268 days), Colleton (320 days), Hampton (340 days), and Beaufort (352 days).

4.2.5 Charge Outcomes Pre- and Post-SVU

A key feature of the data was a prosecutorial policy transition in December of 2017. More specifically, the Solicitor's office created a SVU. Prior to this point, domestic violence case processing was decentralized in the office, such that all prosecutors could potentially handle a domestic violence incident in their caseload. The SVU provides a more centralized, team-based approach to handling domestic violence cases. The team includes prosecutors, victim advocates, and investigators.

4.2.5.1 Quantitative Assessments of Domestic Violence Cases Pre- and Post-SVU

As a means of assessing change pre- and post-implementation of the SVU, Table 20 reports the popular pipeline pathways during both time periods. Prior to the creation of the SVU, the most prevalent pathways included the defendant bonding out and then the charge being dismissed (28.2% of charges). After the creation of the SVU, this shifted to non-prosecution as

Table 20
Prominent Pipeline Pathways Pre- and Post-SVU

Pathway	No. Charges	Percent Charges
Pre-SVU Charges		
Bonded Out → No PTI → Dismissed	164	28.3
Bonded Out → No PTI → Not Prosecuted or Indicted	80	13.8
Bonded Out → No PTI → Plea → Incarceration	59	10.2
Bonded Out → No PTI → Plea → Incarceration & Probation	39	6.7
Likely Detained → No PTI → Plea → Incarceration	39	6.7
Post-SVU Charges		
Bonded Out → No PTI → Not Prosecuted or Indicted	175	30.4
Bonded Out → No PTI → Dismissed	110	19.1
Bonded Out → No PTI → Plea → Incarceration & Probation	44	7.6
Bonded Out → No PTI → Plea → Incarceration	43	7.5
Likely Detained → No PTI → Plea → Incarceration	26	4.5

Table 21*Significant Differences in Pathway Decision Points Pre- and Post-SVU*

Pathway Decision Point	P(y x=pre-SVU)	P(y x=post-SVU)	z
Bonded Out	.744 (.691 - .798)	.762 (.710 - .815)	-.70
Likely Detained	.214 (.164 - .265)	.165 (.119 - .211)	2.134
Missing Bond Info	.041 (.017 - .066)	.073 (.041 - .105)	-2.30
PTI	.091 (.056 - .127)	.085 (.051 - .119)	.39
Dismissed	.347 (.289 - .406)	.253 (.200 - .307)	3.47*
Plea	.295 (.239 - .351)	.262 (.208 - .316)	1.26
Trial	.005 (-.004 - .014)	.007 (-.003 - .017)	-.39
Alt. Disp.	.062 (.032 - .092)	.052 (.025 - .079)	.74
Not Pros./Indict.	.197 (.148 - .246)	.370 (.310 - .429)	-6.52*
Other Disp.	.093 (.057 - .129)	.056 (.027 - .084)	2.44
Incarceration	.620 (.510 - .730)	.519 (.400 - .639)	1.83
Probation	.017 (-.012 - .047)	.013 (-.014 - .040)	.33
Incar. & Prob.	.363 (.254 - .471)	.467 (.349 - .586)	-1.92
Suspended Sent.	.403 (.292 - .514)	.526 (.407 - .645)	-2.21
T/S Credit	.614 (.504 - .724)	.591 (.474 - .708)	.43

Abbreviations. z = z-score for two sample test of proportions, CI = confidence interval (99.69%, Bonferroni adjustment)

* p < .003125 (Two-tailed).

the more dominant pathway (30.3% of charges). With a more centralized team, it seems there is a gateway effect, whereby more cases are dismissed before indictment as opposed to post-indictment. In this sense, it seems like more discretion is being taken upfront to determine whether a case is worth pursuing. The other pathways stayed mostly the same in both periods.

Table 21 reports two sample tests of proportions for the different pathway decision points pre- and post-SVU. For the analyses presented in this section, a total of 16 comparisons were made. As such, we used a Bonferroni corrected alpha of .003125 to account for the multiple

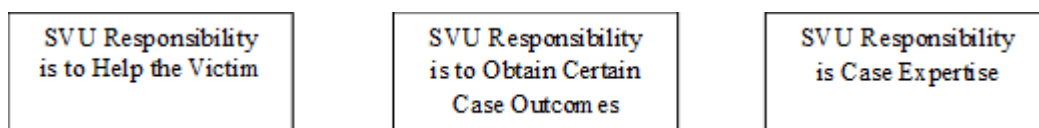
comparison problem. We also report Bonferroni adjusted confidence intervals (99.69%). The pattern noted in the popular pipelines table also emerges in this table, whereby dismissals were more prevalent pre-SVU (34.7% versus 25.3%) and non-prosecutions were more prevalent post-SVU (37.0% and 19.7%). There were no other significant differences noted among the remaining decision points. Pre-SVU, the time from arrest to disposition averaged 343 days (median = 257 days), while post-SVU, the time from arrest to disposition averaged 314 days (median = 236 days). A Mann-Whitney test revealed that this difference was not significant at the Bonferroni corrected alpha level ($z = 2.480, p = .0131$).

4.2.5.2 Interviewee Reflections on the Special Victims Unit (SVU)

Court personnel affiliated with the SVU were asked to reflect on the role of this unit and its contributions to the office. Two themes were identified from the responses: (1) main responsibilities of the SVU and (2) presence of the SVU. With respect to the first theme, courtroom actors affiliated with the SVU were asked their views on the main purpose or responsibility of the unit. Seven interviewees made a total of 19 references on the SVU, and three main axial codes were identified after analyzing interview data (see Figure 15).

Figure 15

Main Responsibilities of the SVU Theme- Axial Codes



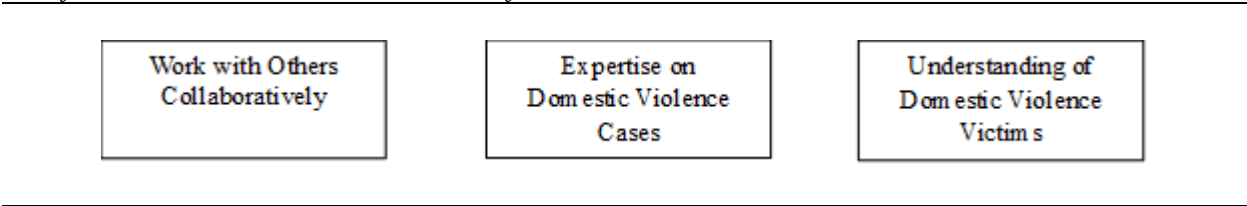
Almost all interviewees (6 of 7 interviews) identified some aspect of helping victims of domestic violence as a responsibility of the SVU. This translated into helping and supporting victims during trial preparations and at trial. For some, this also meant protecting victims and not re-traumatizing them.

“Being there for them during the trial times and trial prep. And that's the main importance is to make sure that, we provide some form a comfort to those victims.” [Interview 002]

Most interviewees (4 of 7 interviews) also pointed out specific case outcomes like getting justice or holding the defendant accountable for their actions, while a lesser number of individuals (2 of 7 interviews) alluded to having case expertise among the members of the SVU.

The second theme centered on the presence of the SVU. Again, interviewees who were members of the SVU were asked about their views on the presence of the unit to handle domestic violence cases. A total of three axial codes were identified as benefits of having the SVU (see Figure 16).

Figure 16
Benefits Associated with the Presence of the SVU Theme- Axial Codes



Most participants who were affiliated with the Special Victims Unit discussed the benefit of being able to *work with others collaboratively* (4 of 6 interviews) on domestic violence cases. Having the specialized unit allowed them to consult with other knowledgeable colleagues.

“And the benefit that I found was being able to just walk next door and bounce ideas, do a case analysis with a colleague who has a similar background and understanding. Because one of the challenges in prosecuting these cases is they're highly emotional. And you might have a case where you know they did it and you know they're wrong, but you can't prove it. And so having another set of ears, another set of eyes to kind of talk through that way of so that you're making the fair and just and right decision and someone who also understands the cases and may have had a similar experience with a different case and you can pull from that.” [case 003]

Interviewees also found that the SVU is beneficial because members have *expertise on domestic violence* (3 of 6 interviews), and as one member stated, “I think you develop a level of expertise and how to deal with them” (Interview 009). Also, it is beneficial because you gain an *understanding of the victims* (2 of 6 interviews) in terms of their needs and the time necessary to engage with them on the case.

Members of the SVU also weighed in on any *drawbacks* of there being a specialized approach. There were less references (total of 10) made to the negative aspects of the unit by six of the members. Drawbacks included being isolated to a small team, needing additional time to work on cases, and feeling burnt out or depressed from working on these types of cases.

4.2.6 Feasibility of PTI Evaluation

A natural question that arises from our study of the 14th Circuit is whether pretrial intervention (PTI) is an effective response to domestic violence. Of course, the word "effective" is open to interpretation since it could refer to future harm reduction, greater victim safety, or financial cost savings. A demonstration of effectiveness in any of these domains will require that we conduct some sort of reasonable comparison between those who receive PTI and those who do not. A concern in all such comparisons is whether the groups that are being studied are comparable to each other on pre-intervention factors (Rosenbaum, 1995:2-3). As part of our proposal for this project, we indicated that we would explore whether well-matched PTI and control groups could be identified in the data. Although we do not yet have outcomes that can be measured for these groups, we found some evidence that such an outcome comparison would be feasible.

To carry out this part of the study, we first identified the cases that were assigned to PTI (N = 102 out of the total 1,155 cases, excluding the 3 intimate partner homicide cases). Next, we

considered whether there were any meaningful groups of cases for whom PTI was not an option. For example, the South Carolina statutes pertaining to PTI and domestic violence make clear that people who have been charged with domestic violence in the first degree or of a high and aggravated nature (HAN) are not eligible for PTI. The statutes further explain that PTI is appropriate when there is "no significant history of prior delinquency or criminal activity" (SC Code of Laws Unannotated, Section 17-22-60[6]). The charge information in our data, however, can only measure the initial charge on the arrest warrant—not the charge that was ultimately indicted by the grand jury or the charge that would actually have been filed by the solicitor's office. Also, the prior record score that we have in our data may not precisely match the prior record information that was available to the 14th Circuit Solicitor's Office at the time that PTI eligibility decisions were made.

Thus, the information that is included in our dataset cannot be used to definitively say that someone is legally ineligible for PTI—save the homicide cases. Still, the data we have showed very limited assignment to PTI for people who have first degree or DVHAN charges and case notes on those charges suggested that the prosecutors believed those cases had been overcharged on the arrest warrants. Based on this information, we decided to concentrate our analysis on the following group: charges where the defendant's prior record score was 0 or 1 and charges where the offense on the arrest warrant was a second- or third-degree domestic violence offense. This left us with 93 out of the original 102 cases assigned to PTI and 565 of the 1,053 cases who were not assigned to PTI. Therefore, this preliminary comparison involved 93 PTI cases and 565 non-PTI cases.

We began the analysis by comparing the 2 groups on the following characteristics: (1) defendant race; (2) defendant sex; (3) defendant age; (4) prior record score (limited variation

including cases with a score of 0 or 1); (5) domestic violence arrest warrant charge (limited variation including cases with a 2nd or 3rd degree domestic violence charge); (6) defendant substance use problem (no/yes); and (7) defendant mental health problem (no/yes). It is important to note that cases with no indication of substance use or mental health problems may still have these problems; in other words, we were not able to distinguish between 0's that occurred because there was no problem and 0's that occurred because nothing was recorded.

Table 22
Unweighted Comparisons of PTI and Non-PTI Groups

Defendant and Case Characteristics	PTI Group		Non-PTI Group		<i>d</i>
	Mean	SD	Mean	SD	
Race					
White	.538	.499	.398	.490	.283
Black	.323	.467	.480	.500	-.315
Hispanic	.118	.323	.112	.315	.021
Other	.022	.145	.011	.103	.099
Sex					
Female	.194	.395	.736	.441	-.161
Male	.806	.395	.736	.441	.161
Age	35.484	11.554	34.173	10.649	.122
Prior Record Score	.280	.451	.504	.500	-.450
Charged Offense					
DV2	.624	.484	.492	.500	.263
DV3	.376	.484	.508	.500	-.263
Alcohol and Drug Use	.452	.500	.338	.473	.237
Mental Health	.097	.297	.055	.228	.175

Our initial comparison of the PTI and non-PTI groups revealed some differences. For example, we found that a charge that was randomly drawn from the PTI group had a .538 probability of being committed by a white individual and a .323 probability of being committed by a black individual. For the non-PTI group, the comparable probabilities were .398 and .480. This discrepancy indicated that race was not balanced between the PTI and non-PTI groups (the standardized difference statistic for charges with white individuals was .283 and for charges with black individuals it was -.315). Similarly, for sex, we found that the probability a charge drawn at random from the PTI group was male was .806; for the non-PTI group, this probability was

0.736. The standardized difference statistic for defendant sex was .161. The literature is not clear on the threshold at which a standardized difference statistic indicates "imbalance".⁴

A consideration in analyses such as those reported here was how much improvement in the standardized difference statistics could be attained once we adjusted for differences between the groups. Table 22 presents the means and standard deviations of the 7 variables mentioned above separately for the PTI and non-PTI groups, along with their corresponding standardized difference statistics.

We next used a procedure described by Ridgeway et al. (2024:1-2) to estimate propensity score weights so that the PTI and non-PTI groups could be weighted to look like each other on the characteristics in Table 22. If outcomes are measured, this approach can be used to estimate the Population Average Treatment Effect (P-ATE). An alternative approach (not pursued in this report) would be to assign each case in the PTI group a weight of 1 and then overweight cases in the non-PTI group that are most similar to cases in the PTI group; with outcomes measured, this analysis would yield an estimate of the average effect of treatment on the treated (ATT). The propensity score weights for this analysis were derived using the `ps()` function in Ridgeway et al.'s (2024) TWANG procedure (TWANG is an acronym which means Toolkit for the Weighted Analysis of Nonequivalent Groups). After applying the weights calculated from the `ps()` function, we were able to calculate a new set of comparisons between the PTI and non-PTI groups. These comparisons are summarized in Table 23.

⁴ For example, Austin (2009:3090) indicated that: "While there is no clear consensus on this issue, some researchers have proposed that a standardized difference of 0.1 (10 per cent) denotes meaningful imbalance in the baseline covariate. It is likely that the threshold for acceptable imbalance depends, to some degree, on the prognostic importance of the covariate in question."

In the unweighted analysis of Table 22, all 7 of the covariate dimensions yielded significant evidence of imbalance (using a 0.1 standardized difference statistic threshold). The weighted comparisons presented in Table 23 show that 3 of the 7 dimensions were imbalanced (defendant race, prior record score, and domestic violence charge on the arrest warrant). Although the groups were not fully balanced, real improvement was made. The residual imbalances could be addressed parametrically by estimating a regression model where those differences are statistically controlled. However, such an analysis runs the risk of being fragile since there were still intrinsic differences in pretreatment characteristics between the groups.

Table 23
Weighted Comparisons of PTI and Non-PTI Groups

Defendant and Case Characteristics	PTI Group		Non-PTI Group		<i>d</i>
	Mean	SD	Mean	SD	
Race					
White	.473	.499	.415	.493	.118
Black	.371	.483	.459	.498	-.176
Hispanic	.141	.348	.113	.317	.089
Other	.015	.120	.013	.114	.012
Sex					
Female	.257	.437	.257	.437	.001
Male	.743	.437	.743	.437	-.001
Age	33.719	11.336	34.272	10.709	-.051
Prior Record Score	.383	.489	.477	.500	-.187
Charged Offense					
DV2	.559	.497	.508	.500	.102
DV3	.441	.497	.492	.500	-.102
Alcohol and Drug Use	.394	.491	.351	.478	.089
Mental Health	.055	.230	.057	.233	-.009

It is also important to note that the effective sample sizes for these comparisons were reduced from 93 (PTI) and 565 (non-PTI) cases to 65.9 (PTI) and 555.1 (non-PTI) cases after weighting. This indicates that there was substantial incomparability between the two original samples which was partially resolved with the weighting procedure. On the other hand, the loss of (effective sample size) cases due to lack of comparability would have to be taken into consideration in any power analysis that would be conducted in preparation for an outcome

evaluation. We suspect that it would be possible to achieve better balance in a well-planned outcome evaluation—if that evaluation could be based on the actual charges that would be brought by the prosecutor (following Grand Jury indictment) and better information on the prior record scores that were available to prosecutors at the time PTI decisions were being made.

4.2.7 Key Conclusions

To recap, below is an outline of some of the key conclusions from the initial analyses reported. With respect to research question one (pipeline analysis), the following conclusions can be drawn.

1. From the onset, about 26.7% of charges were not prosecuted. Of those prosecuted, 1.5% were not indicted and 12.1% were diverted through PTI. Ultimately, 41.9% of charges were dismissed, including those where prosecution was initially pursued, as well as charges in which PTI was not completed successfully or terminated.
2. Of those diverted to PTI, the majority (64.7%) successfully completed the program. PTI was a common pathway for white individuals and females but not the other sex and racial/ethnic groups.
3. The two most common charge pathways were non-prosecution/indictment or dismissal after a defendant bonded out (these pathways represented about half the charges in the data).
4. There were some race/ethnicity differences in pathway stages, including that Hispanic individuals bonded out at a lower rate than white individuals, Hispanic individuals were detained at a higher rate than white and black individuals, white individuals were diverted and successfully completed PTI had higher rates than black individuals, and Hispanic individuals pled at a higher rate than black individuals.

5. Detention followed by a plea and incarceration was the most common pathway for Hispanic individuals but not a common pathway for the other groups.
6. Accounting for selection bias seems consequential as it swamps whatever differences might exist between race/ethnic groups, at least in terms of the dismissal decision once accounting for the prosecution decision.
7. Interviewees expressed that any differences in case decisions were likely along sex lines, where it was noted that women were treated more leniently than men and men were seen as the default perpetrator.

The following conclusions can be drawn in relation to research question two (the legal and extralegal correlates).

1. Prior record was a relevant correlate of diversion, such that those diverted had a significantly lower prior record score.
2. Victim non-cooperation was a key correlate of prosecution.
3. In the dismissal decision, victim non-cooperation remained consequential, as did the victim's prior conviction record. Evidence factors were also relevant, including photos/images, victim statements, and more evidence overall. Dismissals were higher among charges involving mutual arrests.
4. While not significant, the substantive findings for charge reductions revealed situational characteristics could be relevant, including presence of a witness, weapon involvement, and victim alcohol and drug use.
5. The time from arrest to disposition was related to evidence, victim injury, and mutual arrest. The former two were related to increased time, while the latter was related to decreased time to disposition.

6. According to the interview data, victim cooperation is crucial to the prosecution of domestic violence cases, as is other sufficient evidence to move the case forward.

Knowledge of the victim's stance could help improve efficiency in the process, as well as more resources and more court time. Dismissals were mostly attributed to victims and evidence, more so than case processing and investigative work issues.

The following conclusions can be drawn with respect to research question three (prosecutorial and location variation).

1. There was evidence of prosecutorial variation in charges diverted, prosecuted, dismissed, pled, and reduced. There was also evidence of prosecutorial variation in the time from arrest to case disposition.
2. Based on the interview results, it seems prosecutorial variation could stem from a number of sources: different skills and experience, varying goals, different sentiments around plea negotiation tactics, mixed feelings about the deterrent value of current sentencing practices, and mixed reviews on the effectiveness of existing treatment programs.
3. There was variation in charging outcomes and time to disposition across the counties. Allendale county had substantially lower numbers of domestic violence charges than the other four counties.

With respect to the analysis of research question four (outcomes pre- and post-SVU), the following conclusions can be made.

1. The only key difference noted in the transition was a change in prosecution tactics. Pre-SVU, more charges were prosecuted and then eventually dismissed. Post-SVU, more charges were not prosecuted at the onset.

2. Interviewees discussed the benefits of collaboration and drawing on the expertise of the SVU team.

Lastly, in terms of research question five (the feasibility exploration), the following conclusion can be made.

1. There is some initial evidence that an outcome comparison would be feasible for those that were and were not diverted through PTI.

4.3 Limitations

As with any study, this project was not without its limitations. First, our ability to make predictions is only as good as the data. This fact was highlighted in our exploration of selection bias across prosecution and dismissal decisions. As part of our bounding exercise, we discovered that the bounds around our point estimates (specifically for dismissal) were fairly large when accounting for selection bias—a common issue in analyses of court outcomes—and kept us from drawing definitive conclusions about differences in dismissal across race/ethnicity.

The data were drawn from a prosecutor’s office and the level of detail in the data varied from case-to-case. Prosecutors in the office are responsible for updating the case management system. We found that there was variation across prosecutors in terms of the amount of information uploaded into Matrix Prosecutor for each case. While we were fortunate to have various sources of data to rely upon to resolve issues around missing data or discrepancies in the data, there were still some cases missing documentation and case facts, which impeded our ability to collect more detailed information about the incidents for these cases.

While the interviews provided important insights into case processing, we were not able to gain cooperation from all personnel contacted. Most noteworthy, we were not able to successfully recruit any judges to interview. As such, we are missing this perspective within the

interview data. Even still, we were able to capture a wide range of perceptions from the prosecutors and public defenders interviewed, as well as the one victim advocate and one investigator on the SVU team.

References

- Austin, P. C. (2009). Balance diagnostics for comparing the distribution of baseline covariates between treatment groups in propensity-score matched samples. *Statistics in Medicine*, 28, 3083-3107.
- Bechtel, K. A., Alarid, L. F., Holsinger, A., & Holsinger, K. (2012). Predictors of domestic violence prosecution in a state court. *Victims & Offenders*, 7, 143-160.
- Bureau of Justice Statistics. (2018). *NCVS Victimization Analysis Tool (NVAT)*. Retrieved from <https://www.bjs.gov/index.cfm?ty=nvat>.
- Brown, L. D., Cai, T. T., & DasGupta, A. (2001). Interval estimation for a binomial proportion. *Statistical Science*, 16, 101-117.
- Bushway, S. D., Johnson, B. D., & Slocum, L. A. (2007). Is the magic still there? The use of the Heckman two-step correction for selection bias in criminology. *Journal of Quantitative Criminology*, 23, 151-178.
- Camacho, C. M. & Alarid, L. F. (2008). The significance of the victim advocate for domestic violence victims in municipal court. *Violence and Victims*, 23, 288-300.
- Creswell, J. W. (2007). *Qualitative inquiry and research design: Choosing among five approaches*. Sage.
- Freiburger, T. & Romain, D. (2018). An examination of the impacts of gender, race, and ethnicity on judicial processing of offenders in family violence cases. *Crime & Delinquency*, 64, 1663-1697.
- Glynn, R. J., Laird, N. M., & Rubin, D. B. (1986). Selection modeling versus mixture modeling with nonignorable nonresponse. In H. Wainer (ed.), *Drawing Inferences from Self-Selected Samples*, pp. 115-142. New York: Springer-Verlag.

- Hartman, J. L. & Belknap, J. (2003). Beyond the gatekeepers: Court professionals' self-reported attitudes about and experience with misdemeanor domestic violence cases. *Criminal Justice and Behavior*, 30, 349-373.
- Heckman, J. J. (1979). Sample selection bias as a specification error. *Econometrica*, 47, 153-161.
- Henning, K. & Feder, L. (2005). Criminal prosecution of domestic violence offenses: An investigation of factors predictive of court outcomes. *Criminal Justice and Behavior*, 32, 612-642.
- Holland, P. W. (1986). A comment on remarks by Rubin and Hartigan. In H. Wainer (ed.), *Drawing Inferences from Self-Selected Samples*, pp. 149-151. New York: Springer-Verlag.
- Jackson, K., & Bazeley, P. (2019). *Qualitative data analysis with NVIVO*. Sage.
- Kutateladze, B. L., Andiloro, N. R., Johnson, B. D., & Spohn, C. C. (2014). Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing. *Criminology*, 52, 514-551.
- Kutateladze, B. L. & Leimberg, A. (2018). The influence of type of defense counsel on prosecutorial and judicial decision making in domestic violence cases. *Crime & Delinquency*, 65(12), 1623-1647.
- Manski, C. F. (1995). *Identification Problems in the Social Sciences*. Cambridge, MA: Harvard University Press.
- Manski, C. F. (2003). *Partial Identification of Probability Distributions*. New York: Springer-Verlag.

- Metcalfe, C. (2016). The role of courtroom workgroups in felony case dispositions: An analysis of workgroup familiarity and similarity. *Law & Society Review*, 50(3), 637-673.
- Metcalfe, C. (2021). Toward a method of evaluating court actor influences on plea negotiations: A preliminary exploration of public defenders. *Behavioral Sciences & the Law*, 39(3), 345-357.
- Ridgeway, G., McCaffrey, D., Morral, A., Cefalu, M., Burgette, L., Pane, J. & Griffin, B. A. (2024). *Toolkit for Weighting and Analysis of Nonequivalent Groups: A Guide to the TWANG Package*. Santa Monica, CA: RAND.
- Romain, D. M. & Freiburger, T. L. (2013). Prosecutorial discretion for domestic violence cases: An examination of the effects of offender race, ethnicity, gender, and age. *Criminal Justice Studies*, 26, 289-307.
- Rosenbaum, P. R. (1995). *Observational Studies*. New York: Springer-Verlag.
- Saldana, J. (2013). *The coding manual for qualitative researchers*. Sage.
- Stolzenberg, R. M. & Relles, D. A. (1997). Tools for intuition about sample selection bias and its correction. *American Sociological Review*, 62, 494-507.
- Wooldredge, J., Frank, J., Goulette, N., & Travis, III, L. (2015). Is the impact of cumulative disadvantage on sentencing greater for Black defendants? *Criminology & Public Policy*, 14, 187-223.
- Zatz, M. S. (1987). The changing forms of racial/ethnic biases in sentencing. *Journal of Research in Crime and Delinquency*, 24(1), 69-92.
- Zatz, M.S., and Hagan, J. (1985). Crime, time, and punishment: An exploration of selection bias in sentencing research. *Journal of Quantitative Criminology*, 1, 103-126.