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Final Report on the Evaluation of the Judicial Oversight Demonstration

VOLUME 3

Findings from Focus Groups with JOD Victims and Offenders

Authors:

Lisa Newmark, Christine Depies DeStefano, and Adele Harrell

with

Janine Zweig

Lisa Brooks

Megan Schaffer

URBAN INSTITUTE
Justice Policy Center

URBAN INSTITUTE
Justice Policy Center
2100 M Street NW
Washington, DC 20037
www.urban.org

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TABLE OF CONTENTS

Chapter 1. Survey Methodology for the Judicial Oversight Demonstration 1

The JOD Demonstration 1
Impact Evaluation Overview 1
The Impact Analysis Design 3
Survey Firms 6
Selection Process 6
Atlantic Research and Consulting, Inc. 6
Center for Urban Studies, Wayne State University 8
Human Subject Protections 9
Informed Consent 10
Staff Confidentiality 10
Data Security 11
Field Work Procedures 11
Sample Selection 11
Sample Identification 13
Field Work Procedures 16
Study Recruitment 16
Conducting the Interview 18
Data Management 20
Questionnaires 21
Initial Survey Response Rates 23
Survey Case Disposition 23
Locating Sample Members 26

Follow up Survey 27

Interim Contact Efforts 27
Follow up Locating and Interviewing 28
Survey Completion 30

Chapter 2. Representativeness and Characteristics of the Sampled Intimate Partner Violence Cases 33

Case Selection 33
Analytic Approach 34
The Population of Cases 34
Comparison Of Survey Respondents And Nonrespondents 39
Sample Representativeness: Bivariate Analysis 39
Logistic Regression 46
Conclusion 46

Chapter 3. Comparability of Intimate Partner Violence Cases in the Judicial Oversight Demonstration and Comparison Samples and Analysis of Attrition 48

Sampled Cases 48
Comparability of Incident Characteristics 49
Victim Interview Samples 49
Offender Interview Samples 49
Paired Interview Samples 50
Comparability of Personal Characteristics 51
Victim Interview Samples 51

Offender Interview Samples 51
Paired Interview Samples 52
Summary 54
Attrition 55
Incident Characteristics 55
Personal Characteristics 56
Multivariate Prediction of Sample Attrition 56

Attachments 60
Attachment A: Interviewer Training Manual 61
Attachment B: Consent Forms 102
Attachment C: Staff Confidentiality Pledge 108
Attachment D: Data Security Plan 110
Attachment E: Questionnaires 113
Victim Followup 114
Offender Followup 127
Initial Victim Questions 145
Offender Baseline 165
Attachment F: Locator and Release of Information Forms 187

Chapter 1. Survey Methodology for the Judicial Oversight Demonstration

The JOD Demonstration

The Judicial Oversight Demonstration (JOD) Initiative was funded by the Office of Violence Against Women with the goal of improving victim safety and offender accountability in intimate partner violence (IPV) cases. JOD aimed to achieve these goals through a strong judicial response, combined with coordinated community services and integrated justice system policies in IPV cases. Since the start of JOD in 2000, the courts in Dorchester, Massachusetts, Milwaukee, Wisconsin, and Washtenaw County, Michigan, worked in partnership with their prosecutors' offices, victim service providers, batterer intervention programs, police, probation, and other community agencies to promote these goals. The JOD core intervention strategies included the following components:

- Uniform and consistent initial responses to domestic violence offenses, including: a) pro-arrest policies, b) identification and arrest of the primary aggressor, and c) a coordinated response by law enforcement;
- Coordinated victim advocacy and services, including: a) contact by advocates as soon as possible after the domestic violence call, b) an individualized "safety plan" for the victim and children (if appropriate), and c) provision of needed services such as shelters, protection orders, and other assistance; and
- Strong offender accountability and oversight, including: a) intensive court-based supervision, b) referral to appropriate batterer intervention and other needed programs, and c) administrative and judicial sanctions and incentives to influence offender behavior.

The demonstration was funded with two long-term goals in mind: 1) to learn from the experiences of well-qualified sites who were given resources and challenged to build a collaboration between the courts and community agencies to respond to IPV; and 2) to test the impact of JOD interventions on victim safety and offender accountability.

The evaluation included both impact and process evaluation. This chapter describes the methods used in the impact evaluation surveys of victims and offenders.

Impact Evaluation Overview

The evaluation used a quasi-experimental design that compares victims and offenders in eligible intimate partner violence (IPV) criminal cases in the Judicial Oversight Demonstration (JOD) sites to similar victims and offenders in comparison jurisdictions. Evaluation data sources included agency records and in-person interviews with victims and offenders approximately two months after case disposition or sentencing and again nine months later. Altlantic Research and Consulting (Atlantic) conducted the in-person interviews in Massachusetts. The Center for Urban Studies (CUS) at Wayne State University conducted the in-person interviews in Michigan.

The impact evaluation compared criminal IPV cases in two JOD sites, Dorchester, MA and Washtenaw County, MI to similar cases in Lowell, MA and Ingham County, MI. Court records in each site were reviewed to identify eligible cases. All domestic violence cases reaching

disposition were reviewed and sampled if appropriate. The files of all criminal domestic violence cases disposed during the sampling period in participating courts were reviewed for eligibility. Information was collected from police and court files on the incident, court processing, and the victim and offender characteristics and contained information on the population of cases represented by the survey sample recorded in a database. This database was used to identify respondents for in-person interviewing.

Victims and offenders in eligible cases were recruited for interviews independently; there was no requirement that both parties in a case agree to be interviewed. Sample members were recruited by mail, phone and in-person. Respondents completed the interviews on laptop computers, assisted as needed by the interviewer. Hardcopy versions of the questionnaires were used when interviewing incarcerated offenders and when computer difficulties arose. Neither survey firm matched respondents to interviewers based on race or gender. However, male interviewers were not assigned to interview female victims. Spanish versions of the questionnaires were prepared and used by bilingual interviewers. Bilingual interviewers and translation services were available when needed for other languages.

The initial interview was preceded by obtaining written informed consent to study participation and collecting information on how to locate respondents for the follow up interview. At this time, the interviewer answered questions about the study and gave victim respondents written contact information on agencies in their community that provided services for victims of domestic violence. All the follow up respondents were again asked for consent to complete the interview. The average time between the case disposition and completion of the initial interview was two months. The average time between the initial interview and follow up interview was nine months.

Most interviews were completed in the home, courthouse, or survey offices.[1] Other locations included food outlets, public places, homes of relatives, and jail (by special arrangement for a few offenders). Interviews were always conducted in a setting that ensured privacy for the respondent. Interviewers were trained in procedures for protecting their own safety and were told not to conduct interviews unless they felt safe.

Protection of Human Subjects procedures, reviewed and approved annually by the Institutional Review Board at the Urban Institute and Wayne State University, the MI survey contractor, included 1) informed consent, 2) staff confidentiality pledges, and 3) data security plans. At each step of the survey, procedures were designed to protect the safety of the victim.

At the end of each interview, respondents were given $50 in cash and completed a voucher documenting name and signature, social security number (requested, but not required), and address to confirm receipt of the payment. A copy was given to the respondent, one to the interviewer for their records, and one was returned to the survey firm.

To increase the likelihood of locating respondents for the follow up interview, interim contacting procedures were developed. Respondents were asked to call to update or verify their address four months after the initial interview. In addition, the survey firm began calling respondents at four months to verify the contact information. Respondents who called or were reached by telephone by the survey firm received $10.

[1] A very few follow up interviews were completed by telephone when the respondent had moved from the area.

TABLE OF CONTENTS

Chapter 1. Background and Methodology 1
The Judicial Oversight Demonstration Initiative 1
Theoretical Framework 2
Focus Group Methodology 3
Focus Group Procedures 3
Presentation of Findings 3
Chapter 2. Perceptions of Fairness of JOD in Dorchester 6
Highlights of the JOD Innovations in Dorchester 6
Victim Focus Group Findings 7
Police 8
Court Process and Outcomes 10
Prosecuting Attorneys 13
Judges 14
Probation 14
Victim Services 15
Offender Focus Group Findings 16
Police 16
Court Process: Case Handling 17
Court Process: Sentence Requirements 18
Defense Attorneys 19
Batterer Intervention Program (BIP) 19
Fatherhood Program 22
Probation 23
Probation Status Review Hearings 24
Chapter 3. Perceptions of Fairness of JOD in Milwaukee 25
Highlights of the JOD Innovations in Milwaukee 25
Victim Focus Group Findings: Perceptions of Victim Services 26
Victims' Desire for Outside Intervention 27
Victim Outreach 28
Victim Services 29
Police Assistance for Victims 30
Restraining Orders 30
No-Contact Orders 31
Assistance in Criminal Cases 32
Assistance From Probation 33
Notification of Release From Jail 34
Victim Focus Group Findings: Contact with Criminal Justice Agencies 35
Police 35
Victim Assistance 36
Restraining Orders 37
The Court Process 38
Notification 41
Offender Focus Group Findings: Perceptions of Fairness 42
Police 42
Representation in Criminal Cases 43
Court Process 44
Probation 45
No-Contact Orders 47

Batterer Intervention Program (BIP) and Substance Abuse Treatment 48
Offender Focus Group Findings: Contact with Criminal Justice Agencies and Perceptions of Fair and Just Treatment After Sentencing 48
Contacts with Probation 48
No Contact Orders 50
The Financial Costs of IPV Prosecution and Conviction 51
Batterer Intervention Program (BIP) 52
The Courts and Prosecution 53
Police 53
Chapter 4. Perceptions of Fairness of JOD in Washtenaw 55
Highlights of the JOD Innovations in Washtenaw County 55
Victim Focus Group Findings 56
Police 57
The Court Experience: Prosecutors 59
The Court Experience: The Role of Prosecution-Based Victim/Witness Staff 61
The Court Experience: Court Case Outcomes 61
Batterer Intervention Programs (BIP) 63
Probation 64
Non-Governmental Victim Services: Safe House Center (SHC) 65
Offender Focus Group Findings 68
Police 68
The Court Experience: Case Processing 71
The Court Experience: The Role of Victim Advocates 72
The Court Experience: Court Case Outcomes 74
Batterer Intervention Programs (BIP) 75
Probation 76
Chapter 5. Summary and Conclusions 78
Summary of Findings from Victim Focus Groups 78
Police 79
Enforcement of Restraining Orders and No-Contact Orders 79
Prosecution and Court Process and Outcomes 79
Probation 80
Victim Services 80
Batterer Intervention Program 80
Summary of Findings from Offender Focus Groups 81
Police 81
Court Process and Outcomes 82
Batterer Intervention Program (BIP) 82
Probation Supervision 83
Implications for Policy and Practice 83
References 87

Chapter 1. Background and Methodology

The Judicial Oversight Demonstration Initiative

The Judicial Oversight Demonstration (JOD) Initiative was funded by the Office on Violence Against Women with the goal of improving victim safety and offender accountability and reducing recidivism in intimate partner violence (IPV) cases. JOD aimed to achieve these goals through a strong judicial response, combined with coordinated community services and integrated justice system policies in IPV cases. Since the start of JOD in 2000, the courts in Dorchester, Massachusetts, Milwaukee, Wisconsin, and Washtenaw County, Michigan, worked in partnership with their prosecutors' offices, victim service providers, batterer intervention programs, police, probation, and other community agencies to promote these goals. The JOD core intervention strategies included the following components:

- Uniform and consistent initial responses to domestic violence offenses, including: a) pro-arrest policies, b) identification and arrest of the primary aggressor, and c) a coordinated response by law enforcement;

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- Strong offender accountability and oversight, including: a) intensive court-based supervision, b) referral to appropriate batterer intervention and other needed programs, and c) administrative and judicial sanctions and incentives to influence offender behavior.

The demonstration was funded with two long-term goals in mind: 1) to learn from the experiences of well-qualified sites who were given resources and challenged to build a collaboration between the courts and community agencies to respond to IPV; and 2) to test the impact of JOD interventions on victim safety and offender accountability.

The evaluation was designed to test the central hypothesis that strong judicial oversight of IPV offenders, together with extensive graduated sanctions for offenders and comprehensive services for victims, would reduce reoffending, increase accountability of the defendant and the system, and enhance victim safety. The evaluation of JOD drew on a number of quantitative and qualitative data sources, including reviews of case files from courts, prosecutors, probation, and victim service providers; two waves of structured interviews with victims and probationers in court cases; statistical data on JOD implementation provided by the sites; qualitative interviews and observations during site visits; and focus groups with victims and offenders in court cases.

The purpose of this volume is to document the results of a series of focus groups conducted with victims and offenders in each of the JOD sites as part of the formative and process evaluation portion of the study. Each data collection method has its own advantages and limitations. The focus groups were conducted to supplement the

quantitative findings from surveys by allowing an open discussion that allowed input on a variety of topics without restricting the type or form of feedback received. This type of information complements quantitative findings and provides important narrative details on the lives of program participants. The primary limitation of focus groups is that they are comprised of small samples that cannot be assumed to represent the population of JOD victims and offenders. By design, the focus groups were limited to a small number of participants to permit in-depth discussion. Although potential participants were selected without regard to individual or case characteristics from lists of victims and offenders in JOD cases by researchers, many of those invited did not attend the groups. Thus, there is no way to know if the views of those who did attend are representative of victims and offenders in criminal IPV cases in the JOD jurisdictions.

Theoretical Framework

Elements of procedural justice are critical to the JOD conceptual framework. Thus, two main models of procedural justice provide context for the focus group discussions. The Instrumental Model emphasizes an individual's level of decisional control, or voice. According to this model, fairness perceptions increase when people are allowed to offer procedural inputs, thereby influencing decision processes and, indirectly, outcomes (Thibaut and Walker, 1975; Williams, 1999). The Relational Model expands on the instrumental model and suggests that people care about self-expression in its own right, and that being treated with dignity and respect has intrinsic value, because it informs a person about his or her perceived value and status in a group (Fondacaro, Dunkle, and Pathak, 1998; Tyler, 1994).

Perceptions of fairness is an important issue to study since how fairly an individual is treated during any decision-making process will affect 1) how fair and legitimate he or she finds the outcome of the decision and 2) his or her willingness to comply with any decision-maker mandates. When people believe that they were not treated fairly during a decision-making process, prior research indicates that this belief can negatively affect their behavior and compliance with the orders of the decision-making authority (Brockner, Tyler, and Cooper-Schneider, 1992; Hagan and Zatz, 1985; Landis, Dansby, and Hoyle, 1997; Lind, Kray, and Thompson, 1998). Thus, perceptions of fairness may influence participant outcomes in JOD sites.

Nine main elements comprise how fairly an individual believes she or he was treated:

- *Voice* – people affected by the decision should have an opportunity to express their views.
- *Consistency* – procedures should be applied consistently across persons and over time.
- *Impartiality* – decision-makers should not be influenced by personal self-interest.
- *Neutrality* – decision-makers should not have preconceived biases in favor of or against an individual.
- *Accuracy* – decisions should be based on good information and informed opinion.
- *Correctability* – opportunities should exist to reverse bad decisions.
- *Ethicality* – procedures should respect individuals' legal rights.

- *Justification* – decision-makers should provide clear and adequate explanations for decisions.
- *Consideration* – decision-makers should treat people with dignity and respect.

These are the themes on which the focus group discussions were based. The participants of victim focus groups were asked to discuss their experiences with JOD partner agencies, the services they received, and their perceptions of the fairness of the criminal justice process and adequacy of the supportive services they received. The participants of offender focus groups were asked to discuss their perceptions of the fairness of the criminal justice process—from arrest through conviction. The following describes the methodology used for recruiting participants and conducting the focus groups.

Focus Group Methodology

Eight focus groups were conducted in the JOD demonstration sites: four victim focus groups (two in Milwaukee and one each in Dorchester and Washtenaw) and four offender focus groups (two in Milwaukee and one each in Dorchester and Washtenaw). Table 1.1 presents the number of participants in each focus group, the race/ethnicity of participants, and the dates when each group took place.

Focus Group Procedures

Victim focus group participants were recruited from lists of victims named in criminal cases filed in JOD courts (Dorchester and Washtenaw) or from lists provided by participating JOD agencies (Milwaukee). Offender focus group participants were recruited from lists of probationers who were convicted of IPV offenses before focus group recruitment began. Researchers identified and contacted potential participants by telephone, letter, and home visits following Institutional Review Board (IRB)-approved procedures for the protection of human subjects. The invitations described the purpose of the meeting, the time and place, and the incentive payments offered. Incentives included dinner and $40.00 cash. Childcare and transportation costs were also offered to victim participants.

A pair of Urban Institute researchers facilitated the 1.5-hour group discussions in each site in rooms that were configured to maximize privacy of the group. At the start of each discussion, the facilitator read an informed consent script introducing the Urban Institute, the purpose of the study, and the privacy protections. The facilitators advised the participants that the meeting would be audiotaped, that tapes would be destroyed once they had been transcribed, and that reports would not use their names or any information that would allow an individual to be identified. Participants were asked to agree not to repeat anything that was said in the group after leaving the room. Participants were also advised that UI is required to report to the appropriate authorities if a participant describes instances of child abuse, threatens to commit a crime, or threatens to harm her/himself.

Presentation of Findings

Chapters two, three, and four present focus group findings for each of the three JOD sites that relate to the participants' perceptions of their experiences with various justice system

and community-based agencies and core elements of procedural justice. These findings present the views expressed by participants during the open-ended discussions. The researchers introduced topics with neutral, open-ended questions, moderated the conversation, and, as noted in the findings, occasionally raised questions to encourage participants to elaborate on points made during the discussion. Our interpretive comments are intended to clarify points of consensus or provide context for the quotations. The findings present a range of views expressed during the meetings—even views that were held by only one participant—and are designed to help the reader understand how many victims or offenders agreed with opinions when they were offered. Summary conclusions and further interpretation of points raised are reserved for chapter five.

Table 1.1 Characteristics of JOD Focus Groups

Site	Type of Participant	Number of Participants	Race/Ethnicity of Participants	Date of Focus Group
Dorchester	Victims	13	10 African American 3 White	November 2004
Milwaukee	Victims	8	4 African American 3 White 1 Asian American	July 2003
Milwaukee	Victims	10	6 African American 4 White	July 2003
Washtenaw	Victims	10	4 African American 5 White 1 Hispanic	September 2004
Total Victims		***41***[1]		
Site	**Type of Participant**	**Number of Participants**	**Race/Ethnicity of Participants**	**Date of Focus Group**
Dorchester	Offenders	10	9 African American 1 White	December 2003
Milwaukee	Offenders	9	5 African American 3 White 1 Unknown	September 2003
Milwaukee	Offenders	8	4 African American 4 White	September 2003
Washtenaw	Offenders	6	6 White	September 2004
Total Offenders		***33***[2]		

[1] 40 women, 1 man

[2] 32 men, 1 woman

When considering findings from offender focus groups, readers should bear in mind that all participants were charged, prosecuted, and convicted of an IPV offense. Therefore, participants may have expressed some dissatisfaction with the criminal justice process based on the fact that they were held accountable for their offenses. A challenge we faced in analyzing and interpreting the information collected during the focus groups was to accurately extract from these discussions the concerns related to fairness of criminal justice procedures, as opposed to complaints rooted in their frustration with being held accountable for their offenses.

Chapter 2. Perceptions of Fairness of JOD in Dorchester

Highlights of the JOD Innovations in Dorchester

The Office on Violence Against Women provided funding to the Boston Police Department and the Massachusetts Trial Court to strengthen the response to intimate partner violence (IPV) by a range of justice system and community-based organizations. During the federal funding period from 2000 through 2004, Dorchester's approach to JOD involved a number of innovations that affected how court cases were processed.

- Law enforcement enhancements. The Boston Police Department (BPD) had a strong pro-arrest policy, and trained officers to determine primary aggressors and avoid dual arrest situations (in which both victims and offenders are arrested). BPD also developed a database of high-risk cases it shared with the District Attorney's Office and Probation, to coordinate enforcement on these difficult cases. Staffing of Domestic Violence Detectives and Peace Liaisons (police-based victim/witness advocates) was enhanced, and information and evidence collection procedures were improved.

- Dedicated domestic violence court session with vertical adjudication[1]. All IPV cases were heard in Session 2 of the Dorchester Court, from arraignment through post-disposition review (with the exception of cases that went to trial, which were sent to other sessions or courts). The bench was staffed by four judges, each of whom were trained in IPV and had a specific day(s) of the week to hear Session 2 cases. The same judge heard a given case from arraignment through the pretrial hearings to disposition (unless by trial), through post-disposition probation review. Civil restraining orders were also issued by the Session 2 court.

- Dedicated domestic violence unit of the District Attorney's Office with vertical prosecution[2]. Five Assistant District Attorneys made up the Domestic Violence Unit, and received specialized training in IPV cases. Evidence-based prosecution strategies were used to reduce dismissals when victims chose not to participate in the prosecution. Vertical prosecution was used from the point of arraignment onwards.

- Dedicated domestic violence unit of the Probation Department. Probation had an eight-member Domestic Violence Unit that supervised all IPV cases sentenced to probation. All new IPV probationers were placed at the maximum level of supervision at the start of probation. This involved a number of requirements, including regular meetings with probation officers, field visits by officers, batterer intervention program (BIP) participation, and probation status review hearings in court. Participation in additional programs, such as

[1] Vertical adjudication is when a given judge hears a case throughout the life of the case.
[2] Vertical prosecution is when a given prosecutor handles a case throughout its life.

the Fatherhood Program, substance abuse treatment, and mental health treatment, were also required as needed.

- Batterer intervention program referrals. Individuals convicted of IPV offenses were typically required to complete a state-certified 40-week BIP. To enhance accountability, the Probation Department received regular monthly reports from BIP service providers on probationers' compliance with requirements.

- Probation status review hearings. All IPV probationers were required to appear in court periodically during the period of probation to assess compliance and whether more restrictive or less restrictive probation conditions were warranted. These appearances were required at least four times during the period of probation (at 30, 90, 120, and 240 days post-sentencing), with additional hearings scheduled as necessary.

- On-site victim services. A triage position was established to assist IPV victims who came to the courthouse. This position, physically located in the Restraining Order Clerk-Magistrate's Office near the Session 2 courtroom, was originally located administratively in the Dorchester Community Roundtable, a coordinated community response initiative funded by the Centers for Disease Control. After about a year, it was administratively moved to the Restraining Order Clerk's Office. The Triager completed initial restraining order paperwork, assessed service needs, and made referrals to other providers located in the courthouse. These included victim/witness advocates in the District Attorney's Office (for criminal cases) and advocates in the Civil Legal Services Office (CLSO), who provided further assistance with restraining order and other civil legal matters. The CLSO was staffed by advocates from Northeastern University Law Clinic, Casa Myrna Vazquez, the Asian Task Force, and the Association of Haitian Women in Boston (all community-based non-profit organizations).

- Restraining order education program. Restraining order respondents who did not also have criminal cases were referred to this program, which educated them about requirements imposed by restraining orders, and clarified who can (judges) and who cannot (victims) lift restraining order requirements.

Victim Focus Group Findings

Below we present the findings from a focus group discussion conducted in Mattapan (an area within Dorchester) with female victims whose partners were charged with IPV crimes. The participants were asked to discuss their experiences with JOD partner agencies, the services they received, and their perceptions of the fairness of the criminal justice process, or their perceptions of procedural justice, and adequacy of the supportive services they received.

We asked the victims to discuss their experiences with the criminal justice system including the following agencies: police, prosecutors, the court, victim service programs, and probation. We also asked participants to share any problems they had with their jobs, living arrangements, or children because of the case.

Police

The discussions revealed that group members' evaluations of their interactions with the police were determined by whether the officers demonstrated respect and concern for the victim, whether they based decisions on information about the incident versus preconceived ideas about the parties involved, and whether officers made arrests to safeguard the victim's welfare versus to enhance their own standing. From the theoretical perspective of procedural justice, these concerns reflect the domains of consideration, accuracy, neutrality, and impartiality of the police response.

Some victims reported that officers had been slow to respond to their calls for service, and/or had been reluctant to arrest the perpetrator. They felt that slow response and failure to arrest indicated that the police did not treat these incidents with due seriousness.

> *Once again the police came. I called them at 3:00 o'clock. They got to my house at 6:30.*
>
> *So I'm wondering if something really bad has to happen before, you know, they get serious.*
>
> *They left 20 minutes later. There was another altercation. I got stabbed in my face. They told me at that point for me to go to court the next morning and make another complaint. There was nothing they could do cause they wasn't there at the time.*
>
> *And then something happens, but yet the person leaves the scene of the crime. Right. You have to go through a million questions and then they tell you this thing, this business about, well, we have to see the person. We didn't see the person here. We have to have witnesses and it has—you know what I'm saying?*
>
> *So I asked them, What? Are you gonna wait for me to be in a body bag before you do anything to this person? You understand? But still if they, if they was—if the person wasn't there when they got there, or if there wasn't no witnesses, even if the children seen it, then they can't do anything. And that's something I don't understand.*

Some victims even felt harassed or threatened by police.

> *They told me, this police lady told me, oh, you know, if you press charges against him then it's my duty, I have to follow up with you. We'll take your kids.*

Victims reported that officers responding to a call often did not understand the victim's mental and emotional state. By questioning the victim, often with the offender present, they put the victim in a more precarious and potentially dangerous situation.

> *I was just, that night, was just so—I wasn't capable of knowing to press charges or not press charges.*
>
> *And then that's putting the person in an awkward position too, because you're sitting up there asking this individual, What do you want me to do? And she may*

not feel comfortable with discussing with you—with him standing right there, what she wants done to him.

The facilitators asked whether any of the participants had had more positive experiences with the police. In response, one victim reported that the dispatcher and police officers were perceptive and took appropriate measures to respond in a way that did not place her in danger. She was very happy with the quality of police service and had a positive experience overall.

They didn't ask me that—they couldn't at the time of the incident. I wasn't capable of answering on the phone any questions, and so when they came, they were very efficient. I just couldn't believe it, to be quite honest with you.

Another victim had a strong and valued relationship with the detective over an extended period of time.

This one detective was very, very attentive and concerned. I mean, I got letters from him, he called me, he was actually there with me for the pretrial, sat there with me.

From other victim accounts, it seems that police may experience some difficulty in making an accurate arrest. Some group members criticized police for making careless or hasty judgments. Several reported that they had been arrested because the police made incorrect assumptions about the nature of the incident.

It's, it's they don't take time to—it seems like they try, when they come into our neighborhood, they try to do what they have to do very quickly—and get out, so they can do the next one. They don't take in, they don't take in the—everything. Information.

Now when the police get to the scene of the crime who goes to jail? Me and him. If two people are in an altercation—and then there is one tall one and one short one, they automatically will arrest me.

When we asked specifically whether victims thought police should ask for their input before making the decision to arrest the offender, the group's responses indicated that police officers should use their judgment to determine whether the victim is in immediate danger and base the arrest decision on that—asking for input is not always the preferred strategy. If the victim has been injured, group members responded, then police should take action to ensure the victim's safety. This means arresting the offender, even if it is against the victim's wishes. When there appears to be no immediate danger, group members' expectation was that police should allow the victim to have input.

The point at the time is the safety of the individual.

They shouldn't go on what—you know, she's all beat up and bloody. How can you not take him? You know what I'm saying? How can you go on her word, don't take him, after she now made the 911 call, you understand? You're already there. You know, take him away!

So I think it should go both ways. Yes, listen to me, and in the case, if you see somebody, just like you said, all bloody and everything, take that person away.

If there's no physical—if there's no physical contact, right? Then that's when they should ask, What is it that you want us to do?

If she's bleeding, you can't ask a person what do you want me to do.

In addition to cases where the victim appears to be in immediate physical danger, group members expected police to use their experience and judgement to intervene in the case of a repeat offender, where a clear pattern exists.

The same police officers are going back and forth, and they're still asking them, What do you want us to do? You know what I'm saying? So therefore they end up in the domestic violence shelter with their children, when they didn't have to uproot their kids if the police officer took in mind what was going on.

The cops need to start using their sense. You understand? Put themselves in the person's, in the person's shoes. If they went home and somebody was on their wife, knocking it out of her, right? Would they ask their wife, "Baby, what do you want me to do? Do you want me to take this person away or do you think that if I get him off you, then let him go for the night, he won't come back to hurt you?" You know what I'm saying? Automatically they're gonna throw him in jail. So why is it if they go to somebody else's house and the person's all beat up, especially if it's a repetitious thing, why is the questions all there? Take him away.

Victims observed that how aggressively police pursue an IPV suspect depends not on the seriousness of the IPV incident, but on whether the offender is wanted for other crimes. As a result, members of the group concluded that police failed to demonstrate impartiality in their enforcement of the law. From the victims' perspective, the decision to pursue an offender was not motivated by concern for the victim's welfare, but was a product of self-interest on the part of police officers looking to make a high-profile arrest.

If it's just a regular John Doe, he doesn't have a record, well, they don't care.

It all depends on who the plaintiff is. The police want this person bad enough—If he has a record, tall as he is, when you mention his name—on the phone, and they on this computer, they're gonna get to your house, they're gonna be twenty deep. They don't care. Okay. Even if they have to camp out. We're gonna get this man.

Like I said, it all depends on how bad they want the person.

In summary, while several group members reported positive interactions and satisfaction with the police, most victims felt that their experiences with the police were characterized by lack of respect and concern for the victim (consideration), and decision-making based on preconceptions about the parties involved (neutrality) or self-interest (impartiality) rather than factual information (accuracy).

Court Process and Outcomes

When the discussion turned to the victims' experiences in court, few group members felt that they had been treated with the dignity and respect due to a person who had been a crime victim. An experience many appeared to have in common was that of being treated only like a witness to a crime—being "used" for prosecution purposes—without acknowledgement of their dual status as the victim, or the trauma they had suffered. Most described the process as intimidating. Many felt exposed and were frightened by the prospect of facing the offender in court. Not only did victims feel unprotected in this process, they often felt that they were not being taken seriously, or that they were being blamed.

> *We—most of us I'm sure don't come from country club places, where we live, and have chauffeurs and things of that sort. So they should provide some type—when a woman walks in, when she's been a victim of something very serious, domestic, they should automatically give you some type of comfort or assurances, security.*
>
> *You're scared and it just doesn't make you feel comfortable and stuff. They make you feel like you're the one mostly did all this, you're the one that caused all this.*
>
> *It makes me feel like it's my fault.*

Under the Massachusetts Victim Bill of Rights (Massachusetts General Laws, Chapter 258B), victims have "the right to be provided with a safe and secure waiting area, which is separate from the defendant and the defendant's family, during court proceedings." However, some described experiences that violated this legal right.

> *Know what they did? This man—I was doing all right till I got to the courtroom. This man came in and sat beside me. I flipped out. I did.*

In fact, some group members expressed a belief that the system is set up to protect the interests of the offender, rather than that of the victim.

> *They asked for everything but offered nothing.*
>
> *But it's backwards; the system is backwards.*
>
> *It's protecting the men and not the women.*

In addition to being intimidated by the court process, many group participants said that they were coerced or forced to testify against their wishes. Others reported feeling ignored throughout the process. The missing element for many participants was having the opportunity to provide input about whether to testify in court, rather than being either forced or not allowed to testify.

> *And then they'll give you a summons. You should have had a choice. Any victim, especially in the situations, respectfully, that we've been in, you should not be forced—that's a very agonizing, tormenting, don't sleep, night and day, type of situation, to testify. You should have a choice.*

I wanted to have something to say and nobody was listening to me; you know? But I think if you want to have input, you should be allowed to. You should be listened to.

They told me they'd issue a bench warrant—if I didn't show up to testify against this guy. How can you issue a bench warrant against the victim?

Some victims did feel in control of the decision about testifying. When other members shared their sentiments about being forced to testify, several victims offered the following insights:

You have a choice, I know—You have a choice. You can go—when they have those pretrial hearings—they say you don't have to go. It's prudent that you go because—during that time you may have changed your mind, and have chosen not to press charges. It is your right to pull the DA aside and say, "I don't wanna go through with this." At that time she will take it before the judge . . .

Well, they must have had evidence because they told me, when I went, if they decide, if they determine that there's enough evidence—I don't have to do anything. They're gonna go ahead with it.

They told me that I didn't have to—they said if you are truly in fear of your life, you do not have to testify.

Although the above example shows the potential for flexibility in the justice system, a lack of correctability, or ability to reverse the legal process, was problematic for some victims. This problem was made worse by the inefficiency of the system, and by the amount of time that often passed between the incident and the court date. That was the case for one participant who had reunited with the defendant by the time he went to court.

So if they're gonna arrest him, why didn't they arrest him that night? Why did they wait till eight months later? There's a warrant out for him. So we went to court and that's how I got—you know—and I told them when I came, I told them my whole story. We went to court, we ended up paying like $200, this, that. By the time we got done with the court, we end up paying $800 for nothing.

Few victims participating in the focus group expressed the belief that they were treated fairly throughout the process, and nearly all group members were dissatisfied with the outcome as well. As one example:

He had a lawyer, him and his lawyer and the DA talked for the whole time, this guy got out. It was a slap on the wrist. He's a drug user. I told them he's a drug user, he's an alcoholic. So what? He goes to go work every day and he doesn't have a record. He's starting now, you know, and that was it. That was it. I was not happy with that at all.

Unfortunately, for most participants, the solution was to not initiate the process at all. Many participants signaled a belief that pursuing IPV through the legal system was more trouble than it was worth. One sentiment was shared by several members of the group:

Makes you never wanna call the police again.

I would never call the cops again.

At least one member of the group expressed the belief that an unfair and ineffective process left victims of IPV with no lawful means for self-protection.

And I feel that I'm gonna kill somebody, I'm gonna kill this man, and then I'm gonna be in jail for the rest of my life and I gotta suffer because of what this man did to me.

In summary, the most important elements of the court process and outcomes, for victims, were being treated with dignity and respect (consideration), being afforded their legal rights and protecting their interests (ethicality), having input about their role in the court case (voice), and flexibility in the system to allow necessary changes in course (correctability). While some victims had positive experiences in one or more of these domains, most were not satisfied with their court experience.

Prosecuting Attorneys

In addition to lack of voice about the decision to testify, some victims felt ignored, devalued, and neglected during case preparation and prosecution (consideration). Some described being in court with a prosecutor who did not speak to the victim or in one case even recognize her. Others reported that they did not confer with the prosecutor and received no information on significant developments in the case, or even its disposition, as required under the Massachusetts Victim Bill of Rights (M.G.L. c.258B) (ethicality). While members of the group generally agreed with one victim who noted that, "*The DAs are overworked,"* as an explanation for the lack of contact, some victims reported disrespectful and even hostile treatment from the prosecutor's office.

When we get to trial, the DA never spoke to me at all, never talked to me, didn't say one word to me.

They did not talk to me at all in court, you know, and so the judge asked the DA, was the victim here? And she was like, oh, I don't know, I don't think so. The judge said yes, she is, because he remembered me. It was the same judge who I went to for the restraining order. He said I see her, sitting right there. She is here. Oh. Well, I'll talk—she talks to me then, I'm telling her what happened, what's going on. She didn't even ask me what I wanted to do.

I didn't even know when the court date was. When I called they never told me. He went to court, three times it got dismissed. I never even heard from the DA, not a letter, nothing; only from his attorney.

They don't even return your phone calls.

The only reason I found out that the case was over, he called me and told me. Yeah, they dropped that case today.

I told them, hey, can you please keep these people away from me. I'm scared. And they didn't do nothing about it. I'm like this, this lawyer, he's defending him. My mother had to come down there and let them know. You stay where you're at. You know what I'm saying? He's defending my daughter. You're defending him. So why go near her?

They were terrible, they'd hang up in your face, they made me feel like I was the—the defendant—instead of the one that got abused. It was awful.

Victims who are going through the court process alone are not only intimidated, they are often bewildered. It is not surprising that, when left to interpret the actions of attorneys and other officers of the court, many perceived their actions as improper. Victims viewed attorneys' behavior as unethical when it was inconsistent with what they considered appropriate behavior and there was no one to tell them otherwise. The following group member, in attempting to make sense of the interactions she saw in the courtroom, drew the conclusion that the prosecutor was not acting in her best interest.

Is it really professional—all right, like she was saying, if you're in court and this person calls herself your attorney, right, and supposed to be helping you, is sitting there smiling, giggling and laughing with the other attorney—right? And you're trying to—like I asked my attorney, like, you know, What's up? I don't understand why you're over here talking to, talking to—her attorney. You understand what I'm saying? Laughing and joking while we—that's not the point. Professionalism is the fact that you are trying to show me that I'm gonna be all right.

Judges

Focus group participants had little to say about judges. When asked if they felt the judges in their cases had been fair and helpful, there was mild praise from one participant.

The judges are all right.

One member of the group told of her frustration with a judge who seemed disinterested in her case. While the intent of a dedicated docket is to concentrate attention and resources on IPV cases to increase accountability and services, she felt that when judges heard so many IPV cases they tended to use a "cookie-cutter" approach rather than treat each case individually (accuracy).

I think that the judges take everybody's situation and put it into one. Like if they hear domestic violence beginning of the day, by the time the middle of the day come up and they're hearing the same thing.

Another participant shared her cynicism and questioned the system's accuracy, or use of good information and informed opinion to make decisions.

It's all about deal making.

Probation

Among the several group participants who had been contacted by probation officers, none felt that the calls were motivated by concern for the victim. Most agreed that if the probation officer contacted the victim, it was motivated by self-interest or to better serve the probationer (impartiality). Victims believed that by questioning them, probation officers were using them to monitor probationers or attempting to enlist their support in encouraging probationers to participate in programs, and that this was inappropriate.

> *They want you to help them.*
>
> *They're asking, the probation officers are asking you to help them get the guy in the program.*
>
> *He has two probation officers. One don't ask nobody nothing, she just does, which is a good thing, and the other one, I have written out—she sent me a form to fill out and I wrote a little bit of comments. Now based on what I commented to you, why would I care if he's attending or not attending the program and you seemingly are asking me to help but you're not coming right out and saying it.*

In other cases, victims simply preferred not to have contact with probation officers because of their association with the offender, or because it put the victim in an awkward position.

> *It's uncomfortable. It's very uncomfortable.*

After going through an unpleasant, even traumatic, courtroom experience, some victims felt that being contacted by probation officers serving the defendant was another affront to their dignity and respect (consideration). For them, being contacted by a probation officer was not a courtesy, but an insult.

> *I'd prefer—no—not to, because it's kind of like getting slapped in the face.*

Victim Services

When we asked victims if they had had contact with victim services, most members of the group had not; only a few indicated that they had been in touch with victim service providers. Those who were assisted by victim services staff were happy with the services offered. Victims were not specific about what services had been helpful. Instead, they appear to have appreciated gestures of general support that showed consideration.

> *They were so great. They helped me so much. They helped me outside also.*
>
> *He [prosecution-based victim/witness service provider] was very, very nice. He went in the courtroom with me. He said I will stand by you.*

One victim noted that she was offered assistance with the restraining order process, but did not feel it was necessary.

> *They asked me if I needed their services . . . No, I felt confident that I could handle it.*

Another victim was not informed of the restraining order option by justice agency or victim service personnel, but by a personal friend.

> *They didn't even tell me I could go get one. My girlfriend had to tell me, girl, go down to that court and get . . .*

When asked what services and programs would be helpful, victims said that support groups and other opportunities to discuss their experiences would have been beneficial.

> *How come they never offered groups for women like us to go and sit and talk like we're having now? How come nothing was offered and said you could go here for a self-defense class or to talk in support groups?*

One member of the group said that she had been given referrals for such services, as per Massachusetts' Victim Bill of Rights (M.G.L. c.258B).

> *I actually got a piece a paper with a list of all the places that you could call.*

Most, however, said that they were never informed of any programs for victims of IPV.

> *I was never told until I heard through someone else speaking in maybe a situation like this, that they were supposed to offer you a place to go for support group or maybe take a self-defense class or—and a whole bunch of other things, and I'm like "You mean I went through this, eight months, by myself, and I could have had help and nobody said anything?"*

Some victims needed the childcare services formerly provided by the court but discontinued for funding reasons. For a parent who is unwilling to expose her children to the court proceedings, and who has no childcare options, taking away this resource may signal to the victim that the court is not respectful of her obligations as a parent or concerned for the welfare of her family.

> *I'm not working, I don't have day care, whatever, then I have to bring them. I have no choice. So if there's no place for them to go, then I don't need to be there.*

Offender Focus Group Findings

We asked the probationers to discuss their experiences with the criminal justice system including the following agencies: police, defense attorneys, the court, BIPs and other community services, probation, and probation review hearings. We also asked participants to share any problems they had with their job, living arrangements, or contacts with their children because of the case. Finally, we were interested in any help they may have received regarding problems encountered as a result of their IPV arrest.

Police

Aspects of procedural justice that are most relevant at the time of arrest include the opportunity to be heard (voice), neutrality on the part of the police, and the accuracy with which the officer makes arrest decisions. Not surprisingly, most participants were unhappy

about being arrested. There was, however, the widely shared opinion that officers needed to be more open-minded to input when responding to an IPV call. Many group members questioned police neutrality and accuracy. This was reflected in their expressed concern that the police automatically assume that the male is the primary (or only) aggressor, and their belief that the police automatically made arrests without thoroughly analyzing all of the physical evidence.

> *You're automatically the aggressor because you're the man, when you can be sitting there with scratches and bruises all over your body and everything, but you're the one that's going to go to jail.*
>
> *Nobody's arguing about the point in time when, you know, the police come to somebody's house and the woman has a black eye. You're going to jail. You obviously need to go to jail, exactly. But when it comes out it's just a verbal he-said/she-said, they still take the guy. Every time.*
>
> *But they [the police] didn't give anyone the chance to explain. And that's the thing about it, it's like you're [the man] always guilty.*

The group also questioned the fairness of arrests made on the basis of threats, without actual violence. Aside from concerns about gender bias in arrest practices, several expressed dismay over being arrested for non-physical actions, such as a "threatening tone."

> *You don't even have to hit them [women]. It doesn't even have to be physical. They [women] can just say, oh, well, I feel threatened. I don't want him here.*

Another agreed and said,

> *My restraining order was a threatening tone. That's what it said. It said there was a threatening tone… A threatening tone over the phone, a threatening tone.*

It should be noted that the state has strong pro-arrest laws for acts or threats of domestic violence, and the BPD has policies requiring arrest with probable cause.

Court Process: Case Handling

The conversation turned to how fairly probationers felt treated during the court process. Many probationers viewed the court process as biased against male defendants. In their view, probationers felt that the Court always takes the woman's word over the man's word (lack of neutrality) and that evidence to the contrary is dismissed (lack of accuracy). Several commented that they so strongly believed the Court was prejudiced against men that they felt compelled to accept a plea rather than chance being convicted.

> *It is a kangaroo court. When you go in front of the judge, she's a woman. The DA [District Attorney] is a woman and you got the victim advocacy, three women. It's all women. So how can I really have a choice [about not accepting a plea and going to trial]? I can't.*
>
> *Yeah, I'm copping out [accepting a plea] to avoid going to jail.*

But if you're not guilty and the girl just said, "oh, well, he hit me", and you didn't do anything to her, or she says, "Oh, I feel threatened", and you didn't do anything to her, the judge puts you on this program [BIP].

The Court don't look at the situation thorough enough, in my opinion.

They'll [the court] take whatever a woman says, they'll take that and run with it. They don't even care about the guy. It's always the guy that's the one that's getting "there's crazy Willie out there attacking [victim] all day long"…But if a man goes to court [to press charges against the woman for IPV], the man was like a dummy.

Other concerns about the court process centered on dissatisfaction with how long it takes a case to reach disposition.

But I know in Dorchester Court, we got two options: Do you want to get out [of jail] today? Or do you want to go sit in Nashua Street [Suffolk County House of Detention] for the next 60, 90 days, or whatever? And wait for your case to come up, and then when it comes up, they continue it. Then they continue it. Then they continue it. By the time you finally do get the opportunity to get out, it's well, you already got time served.

Court Process: Sentence Requirements

Typically, the Dorchester Court requires IPV probationers to complete a 40-week BIP; participate in other service programs as needed (such as substance abuse or mental health treatment); and be subject to the maximum level of supervision at the start of probation, which requires probationers to make frequent office visits to their probation officers, and the officers to make frequent visits to the probationer's home or place of work. A number of fees are often imposed as well, including probation service fees, restitution, victim/witness fees, and program fees for BIP and other court-ordered programs. The purpose of these requirements was to heighten offender accountability and impose programs aimed at changing their behavior.

The consensus among probationers in our focus group was that the Court mandates too many program requirements in IPV sentencing, and that it is very hard to juggle additional responsibilities in an already stressful life situation.

Okay, now you want me to go to X, Y, and Z. How am I supposed to hold down a 9 to 5? You see what I'm saying? Where, okay, well, let me see, you want me to go to a batterer's program, make it convenient for when they're having their sessions for me to go… Now mind, you, I'm going to a batterer's program on a Tuesday, so, therefore, I'm seeing probation on a Wednesday, you see what I'm saying? And then, oh, well, I might have to go in and take random urine on Wednesday. So when do I have time to work a 9 to 5 and for this batterer's program? Or when do I got time to pay for my children?,,, because you're constantly in and out running around trying to appease to these program… I mean, in my opinion, yeah, you can learn something from them, but at the same time, you know, you're not really going to be focused on that because you're focused on

trying to get everything in line so that you don't violate your probation and end up in jail, anyway.

In contrast to the complaints about the court's lack of neutrality and accuracy, case processing time, and probation requirements, several participants were satisfied with some aspects of their supervision experience. For instance, one offender was very impressed that the judge kept her word to release him from probation early if he successfully completed his BIP requirement. This indicates that the justification element of procedural justice was present in this case.

She was like, you do what you need to do, and I will let you off probation. Much more cooler than everybody else. She's very—you know, other people had problems. When I got in front of her, she was actually very—you know, this is the way it is, you just do what you got to do. She said, If you finish your class, I'll let you off probation early. And I did, and she said, Get off probation.

Another participant perceived strong impartiality when the judge reprimanded the primary BIP provider in Dorchester for discharging a probationer from BIP for failure to pay; the judge did not uphold the program's self-interest in receiving payment over serving the client.

When I went to court, though, the judge said something about that [terminating a client for failure to pay] because somebody said they couldn't pay and they were kicked out. The judge was more pissed that the program was saying you have to pay, the judge was, like, wait a minute, aren't we supposed to help this person? If they can't pay but they show up and you're going to kick them out?

Defense Attorneys

Most Dorchester Court defendants receive free representation from court-appointed attorneys, as this is a very low-income population. The conversation touched on the quality of defense counsel available to defendants. The consensus among focus group participants was that defense attorneys do not seriously try to defend their clients; their focus is more on closing cases through plea bargaining than adequately representing their clients. This may have indicated to participants that defense attorneys had poor impartiality.

They're there to make deals. They're not there to get you off. They're there to make deals, yeah, that's it.

Batterer Intervention Program (BIP)

As a condition of probation in Dorchester, probationers convicted of IPV are typically required to attend one of several BIPs offered in the area. When asked to provide their thoughts on BIPs, the overwhelming response was that BIP is an extremely costly program that is not worthwhile. Complaints centered on what participants described as the high cost of the program, crowded sessions, mismanaged groups, and lack of qualified counselors. At the core of the complaints was a sense of low impartiality: the perception that programs were much more interested in generating income than in helping clients.

The financial burden that BIP placed on probationers was a very important subject to the attendees. All agreed that the weekly fees[3] for BIP are too high, especially since the majority of the participants described themselves as low-income. Others were disgruntled to learn that they were unwelcome at BIP unless they paid their $30 to $40 weekly fee. It was clear that the financial hardship that the BIP fees cause low-income probationers is immense. Several commented that it was impossible to focus on the content of the group when all they could think about is how much money they just paid for BIP.

> *Well, to come up with $1,200 [total cost of the BIP], it's hard for us. It really is, sometimes we can't pay the 30 bucks a week. If we have 30 bucks a week, we'd rather buy our kids some sneakers or probably put some groceries on the table. And to tell me I'm going to go back to jail because I can't pay you 30 bucks a week because they [the Court] told me I had to come here. That's not fair.*
>
> *The whole issue is the money, the money, the money. It is not there [BIP] to straighten your mind out from violence, from domestic violence or none of that. Their main thing is the money, and whatever you can pick up on the way.*
>
> *You know, do you know when I lost my job and I couldn't pay these people [BIP] anymore, it was pretty much almost said to my face, well, where's the money?*
>
> *You're in the process of getting kicked out of the program, you're [BIP] basically telling my probation officer that I'm not in compliance with my probation [for failure to pay BIP fees].*
>
> *You might as well not even go if you're not going to pay them [BIP], because they're not giving you credit for going, so now they got to violate you.*

Money was obviously an important issue for the participants, so the facilitator asked if the participants would find it to be a worthwhile program if it were court-subsidized. Although a few said yes, several quickly dissented. These participants were upset with the quality of the program. Specifically, they said that there are too many people in a group, some participants with bad attitudes hold back the group, the groups are mismanaged, and the counselors are unqualified.

> *If the courts didn't—if the courts eliminated the fee, if we didn't have to pay the fee, it would still be the same thing because you're still not going to get anything out of it, but the fellowship* [with other probationers].
>
> *You've got two people running a class with like 30 people in there. You're going to get nothing out of that.*
>
> *I think the program* [BIP] *is totally useless… In a room with 20 or 40 people one day a week for an hour, maybe 45 minutes.*

[3] BIP fees are calculated on a sliding scale, ranging from $30 to $40 per week. Dorchester Court offers a community service option where the probationer provides eight hours of community service in exchange for one BIP session. The BIP does not receive the community service nor compensation from the recipient (a city park) equivalent to the fee scale, and this has posed a financial hardship for the programs. Recently a new requirement has been imposed in which probationers must pay $10 for each weekly session when they use the community service option, in addition to their service requirement.

You always get pulled down by the people that don't give a shit about the program. But you're sitting in there and you're paying and you may be listening, and there's always going to be like three people that just don't give a shit. And so they're [the BIP counselors] always like, hey, you guys need to be quiet over there. And you're paying for that. You were paying for them to tell some other guy to be quiet or something, you know?

Another participant agreed and added:

Yeah, or you're paying for supposedly an hour and a half or two hours of their services when it takes them [BIP counselors] *45 minutes to an hour to get the class started.*

So they're [the counselors] *getting the same thing out of it that we're* [the probationers] *getting. They're not really giving no input, they're giving just as much input as we're giving to each other. So, if they weren't there, basically, they're only there to oversee us…*

I would gladly pay you $30 a week if you're a clinical psychologist and you can sit down one-on-one with me and tell me things that I need to know.

And the thing about it, the people that run the program, they don't have any professional experience in what they're doing. Because at the end of my program, they asked one guy, like, okay, you've been here, you've been [inaudible], you want to come back here and help us out in the program? That's no training because you've been there and you did talk, you know, and participated.

But later on in the group, one participant refuted the need for certified counselors and presented an argument to have ex-participants as counselors.

How can you tell me about my relationship when you never, quote-unquote, had an argument with your girl? So how do you know about relationships? You can't teach me nothing about that. You can't teach me that.

One person mentioned that he had insurance that would have covered BIP services, but his court- ordered BIP was either not licensed or not registered,[4] so his insurance refused to pay. While this may or may not have been a factual error on the part of the participant, it underscored the group's opinion that the BIP counselors are unqualified.

In addition to the high cost of the program and what participants described as poor quality of groups, another complaint was that participants felt as though their voice was not heard at BIP.

So, I'm going there [to BIP] and the one thing I don't like about them, not matter what your story is, you're guilty.

Others agreed:

[4] In fact, Massachusetts has strong state-wide requirements for BIPs, including program standards, accreditation, and reporting requirements.

Participant 1*: You're guilty. Yes.*
Participant 2: *You did it. You wouldn't be here if you weren't guilty.*
Participant 3: *Give me my $35.*
Participant 4: *They don't want to hear your side of the story.*

Although all of the participants were disgruntled with BIP, several agreed that fellowship was an important and helpful aspect of the group sessions.

> *You do meet good people. And I think it's—I think it's helpful going to the program only because you get to meet the good people and you get to help them, you know, you share ideas and you share your solutions, it's like a fellowship.*

Some of the participants questioned why only men receive counseling, since they perceive the female partners as contributing to violent conflicts, and felt that couples counseling would be more effective. Several argued that addressing one partner's attitude and behavior while letting the other partner behave as they did before is beneficial to no one.

> *You really want to help the individual, bring them both in, like, okay, now where did it stem from? I want to hear you—let her talk. I want to hear her side of the story. She said, now, what did you say happen? That's how you handle that.*

> *Okay, if I get into a situation with a person, then we need to address that situation together so that way it won't be something that comes back to haunt either one of us later on in the future.*

> *It helps no one if they get you better and your partner is just the [same] person…but you go back to the same partner and they haven't had any classes, then the same problem's going to arise again.*

Fatherhood Program

An innovative program offered by the Dorchester Court is the Fatherhood Program, to help probationers examine parenting issues and the impact of violence on their children. This is a Saturday program offered free of charge, and involves guest appearances by local partners such as judges, the head of Probation's Domestic Violence Unit, and clinical psychologists.

Several focus group participants had participated in the Fatherhood Program. Some participants were impressed by the format of the group and the fact that guest speakers included probation officers, judges, and clinical psychologists, all talking about their own family problems. The format placed such persons at a peer level with the participants, thereby allowing the participants to both provide and receive advice on family problems. Participants appreciated the opportunity to provide input and feel like valued members of the group. Probationers felt they were treated with dignity and respect, which reflects the consideration aspect of procedural justice:

> *I got more out of that [the Fatherhood Program] than I did out of any one of these batterer's intervention programs because of the simple fact that you don't have to*

pay for it, there's only probably about like seven people in the group at a time, and you have . . . all these different people come in, and . . . you all sit down.

So, you know, they [Fatherhood Program participants] was giving him [Probation Officer] some positive advice and things like that…And it helped him. As well as it helped probably someone else that might have just been listening.

Several of the focus group participants gave the Fatherhood Program mixed reviews. Two
participants felt strongly that no one could tell them how to raise their own children.

How can another man honestly tell me how to treat my kids so I got to go to a parenting – a Fatherhood Program? Can't no other man or another woman tell me how to raise my children, because they're mine.

Another participant conceded that there is information to be learned in such classes but that the advice dispensed is not always practical, given the demands of work and school schedules.

… you could learn some things because you got different perspectives coming from different people and things like that, you know. But the thing is that, okay, well, how are you going to tell me that on Monday… sit down and do coloring activities?... You know, at six o'clock, you know, in the evening. No. At six o'clock in the evening, I'm trying to get something to eat, get the kids ready for school, you know what I'm saying? And lay my head down so that I could be up at six o'clock in the morning to get ready to go back to work.

Probation

In Dorchester Court the average period of probation for IPV offenses is about one year. The Domestic Violence Unit of the Probation Department supervises these cases, and all IPV cases are initially placed at the highest level of supervision. Probation Officers monitor compliance with court conditions through regular office visits by the probationer; frequent home and workplace visits by Probation Officers; monthly written reports on compliance with program requirements from BIPs and other programs; and attending review hearings to report on probationer compliance.

Responses about experiences with probation were difficult to obtain. Despite the fact that an experienced facilitator led the focus group, probationers very much wanted to continue to vent their concerns about BIP. Changing topics was difficult and once the topic was changed, participants often changed it back to BIP. Nonetheless, several comments were obtained about probation.

One participant felt that his probation officer treated him fairly because he listened to his financial problems (voice) and used his input on his personal circumstances to help him find a solution (accuracy).

My probation officer, he was cool. The dude, he worked with me. You know, he waived my probation fee when I was going through my hard times.
You know, he wasn't a bad guy.

Another was very upset when he was discharged unsuccessfully from BIP and was told that it was his responsibility to find another BIP that would accept him. He felt it was probation's responsibility to find him another program. It took this probationer six weeks before he was enrolled in another BIP.

Finally, one participant expressed a need for probation officers who are specialized in DV, although he did not elaborate as to why he felt specialization was important:

> *You know, don't give me a probation officer that last week he was dealing with, you know, drug convictions, and now he's dealing with domestic violence victims. In fact, Dorchester's Probation Department has a Domestic Violence Unit whose officers do specialize in these cases, and all such cases are by policy assigned to these officers.*

Probation Status Review Hearings

As a requirement of probation in Dorchester, IPV offenders must appear before the Court twice, once at 30 days after sentencing and again at 90 to 120 days, depending on compliance, for a probation status review hearing. Probationers expressed three main concerns regarding these hearings: the frequency of the hearings, the difficulty of trying to get time off work, and their lack of voice at the hearings

> *…I may have a lot of responsibility and people that work under me. And then like every 30 days, you know, to come in [to court], take time off from work, no matter what my schedule is... You know, I got to put my job first, you know, the company first. And then, you know, they [the Court] ain't trying to hear that.*

Others were dismayed that they had no voice: no opportunity to address the Court at their own review hearing. This is an important component of procedural justice, and one which probationers felt to be lacking in the review hearing process:

> *You come into court, and you listen to other people talk about you.*
>
> *You don't say a word.*
>
> *"Keep up the good work." That's it. That's what she said to me. She said, "Keep up the good work, and how was the program?"*

Chapter 3. Perceptions of Fairness of JOD in Milwaukee

Highlights of the JOD Innovations in Milwaukee

JOD funds were used by the District Attorney's Office to enhance the strength of charged intimate partner violence (IPV) cases, reduce case dismissals, and reduce time to disposition in the following ways:

- Additional Staff. JOD funds were used to add four Assistant District Attorneys, two of whom handle felony cases, to the specialized Domestic Violence (DV) Unit.

- Enhanced Evidence Collection. Protocols for building a case that can be prosecuted independently of, or in combination with, victim testimony were greatly expanded under JOD. New procedures emphasized collecting additional evidence such as pictures, excited utterances, and expanded police reports. To assist the police in evidence collection, JOD funds were used to purchase digital cameras and the District Attorney's DV Unit began requesting photographs on a regular basis.

JOD introduced significant changes in how both IPV and DV[5] cases were handled in Milwaukee Criminal Court. The three major innovations included creation of the DV Intake Court, development of the Intensive Pretrial Monitoring Program, and the introduction of probation review hearings.

- DV Intake Court. The Intake Court provided a Court Commissioner to hear all pretrial DV proceedings, including pretrial appearances after the initial appearance, bail reviews, and status appearances five days a week for defendants charged with DV misdemeanors.[6] The purpose of the Intake Court was to allow the DV trial judges the time to conduct probation review hearings and to hear felony cases, which previously were heard in felony court. The Intake Court also expanded court resources devoted to early intervention by providing a venue for pretrial monitoring and hearings on bail non-compliance.

- Intensive Pretrial Monitoring. The Intensive Pretrial Monitoring program supervises IPV defendants identified by the District Attorney's Office or the Court as a high risk to victim safety on the basis of prior DV charges. Up to 30 defendants are supervised at one time by a bail monitor in the Intake Court. Defendants assigned to pretrial monitoring were required to meet in-person with the bail monitor within 24 hours of release from custody, agree to be contacted regularly prior to case disposition, and appear in court for review hearings every 7 to 14 days.

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[5] Although JOD was funded with the goal of improving victim safety and offender accountability in IPV cases, some of Milwaukee's JOD initiatives addressed both IPV cases and DV cases (which includes IPV, child, family, and elder abuse cases). If an initiative addressed only IPV cases, it is noted as IPV and when an initiative addressed both IPV and DV cases, it is referred to as DV.

[6] Misdemeanor defendants detained at the time of arrest appeared initially in another court before transfer to the Commissioner.

- Probation Review Hearings. As part of JOD, judges in the three DV courts required probation review hearings of all DV defendants. At the time of the review hearing, offenders are held responsible for compliance with all conditions of probation, including attendance at a batterer intervention program (BIP). During review hearings, judges receive a report from the probation officer on compliance with conditions of probation and the court responds to non-compliance through a range of responses including additional review hearings, jail time (credited to the stayed incarceration time specified in the sentence), warrants for the arrest of those who fail to appear, and recommendations for parole revocation submitted to the Department of Corrections.

Other JOD changes in the Court identified by the Judges as important in facilitating a coordinated response to IPV cases included:

- Co-location of the Courts. The four DV courts were located on the same floor of the courthouse. This facilitated communication and assisted in scheduling staff from the District Attorney's office, the victim/witness specialists, and defense attorneys.

- Victim Waiting Room. A waiting room for victims was established near the DV courts to provide a safe place for victims (and their children) scheduled to testify in all DV cases.

- Inclusion of Felony Cases in the DV Courts. JOD planners moved felony DV or IPV cases (about 300 per year) to the DV courts and funded attorneys in the District Attorney's DV Unit to provide enhanced prosecution to felony DV cases.

The Wisconsin Division of Community Corrections supported the goal of enhanced offender accountability by developing protocols for the supervision of DV offenders, for working with victims/partners of probationers, and for working with the Court and batterer intervention programs to ensure that compliance was monitored. Probation officers submit reports to the Court at the time of each probation review hearing, outlining information on participation in BIPs, results of any drug tests, payment of fees, and compliance with all other conditions of probation. Probation officers also appear at the review hearings to testify to the offender's compliance status if necessary.

Community-based agencies working closely with the Court also extended their services as a result of JOD. These agencies moved to create additional BIPs to serve offenders placed on probation, developed procedures for providing information on attendance for inclusion in the probation reports to the review hearings, and worked to expand programs for specific ethnic groups. Expansions in victim services included a caseworker devoted to working with elderly women victims, an additional advocate to call victims following an incident, the creation of a partner contact component in a local BIP, and additional assistance to women seeking restraining orders.

Victim Focus Group Findings: Perceptions of Victim Services

The purpose of the first victim focus group was to discuss the services for victims of IPV. The discussion was introduced by showing a list of different kinds of victim services on a flip chart and asking group members whether they know if such services are available in their community, which services they have used, and whether the services they received were sufficient and helpful. The list of services included those provided at the time of the incident, at court, and by community-based agencies.[7]

Victims' Desire for Outside Intervention

As the discussion progressed, it became clear that the participants were sharply divided in their desire for help from the police and the Court. Three women expressed outrage over the justice system intervention and did not want involvement with the police or the Court; four actively said that they wanted help from the police and the Court; and one, who had lost her children following identification of child abuse during the IPV investigation, was satisfied with the services she was receiving to help her regain custody, but said she would never call the police again.

The group engaged in a heated debate about the appropriateness of police intervention at the time of their incident. The three victims who told the group that they did not want help from the police or courts were very angry. One maintained that her injuries were accidental and that the police refused to believe her or her children when responding to a neighbor's call. Another, who called the police at the time of her incident, said she later decided that it was her fault and was furious that she was not allowed to drop the charges. In another case, the victim said the hospital where she was taken for treatment reported the incident to the police against her wishes. She said she wanted to have control over decisions affecting her life. All three indicated that they felt coerced and victimized by the justice agencies and denounced the system in strong language:

> *I have no use for this justice system…The State should not come in and take over your life for you and make a decision for you.*
>
> *We as victims should have something to say instead of just being treated like someone they want to protect. These ladies wanted to be protected, I didn't want to be protected…but they [the DA] didn't care. I was going to be protected whether I wanted to or not.*

However, a majority of the group supported the intervention and challenged the victims who were opposed to the prosecution of their cases. They argued strongly that the intervention of the justice system was warranted and helpful. One said intervention was needed because many women are repeatedly victimized. Another said she thought the intervention was helpful. Several defended the police and advocates, indicating they were following the law by responding actively to the violence.

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[7] The immediate response services listed were as follows: called or knew of a hotline; advocate called or visited; received a letter from the Victim/Witness Unit; offered safe housing; safety plan discussed; and emergency help provided. The court services listed were as follows: calls or letters about the case; safety plan; help getting to court; explanation of court process; getting a restraining order; special waiting room at court; asked what you want to have happen; and referrals to victim service agencies. Services in the community were as follows: information/support groups for women; services for children; medical care/insurance; and help applying for victim compensation.

I think the reason that the State takes charge is that there's a lot a women out here who is scared to death to say anything. A lot of women that goes out here and get beat, over and over and over again. That's why I feel the State took it upon themselves…some people might not think it's right, but I think it's a good thing.

I really believe the state of Wisconsin really helps couples that's in trouble like this. So, I disagree with a lot of stuff that people say.

The police do what they are taught and what the law is, and it's not really the policeman's fault. They have to abide by the law. And then you, as the individual, has to go and find your ways of dealing with it.

The State automatically [presses charges]…They're only doing this to protect you. Because even though you feel that you might want to be back with your husband…Still, that incident…happened. Something struck somebody.

They [the advocates] didn't do anything wrong; they followed up like they were supposed to. People still call me to this day…They helped me really good.

The following sections on the discussion of victim services reflect these differences and highlight the challenges facing JOD partner agencies in responding effectively to meet the needs of IPV victims, not all of whom wanted assistance.

Victim Outreach

The discussion revealed that knowledge of victim service availability, especially the existence of a DV hotline operating in the area, was relatively high. By a show of hands, most victims were either given hotline contact information or the police directly contacted the hotline for them. During the conversation, victims mentioned two of the victim service providers operating in the Milwaukee area by name (i.e., Task Force and "Truth House").

Five of the eight participants said they knew about a DV hotline. Two reported that they first heard about it from the police, two said they had seen posters/billboards advertising the number, and one said she had received a call from a hotline advocate following an incident. Two of those who knew about a hotline had used the service and both said the hotline representatives were helpful. One of the hotline users received calls offering victim assistance after an incident:

They called me…They did an extremely valuable follow-up because they were concerned because I stayed in the home when he was arrested, and so their follow-up was to make sure that I was safe, and that if I felt that I wasn't safe that I could use their services.

The police were credited by the majority of the victims with either calling the hotline for them and/or giving them written information on agencies the victim could contact for help. Two exceptions include a victim in West Allis and another in Milwaukee who was hospitalized following an incident. Neither recalled getting any emergency contact information. The Milwaukee victim shared her experience:

I was in the hospital and the nurse pushed me to even call the police…I was hit [and had] five stitches. The police came; they took pictures…They never gave me any number, though, to call anybody.

Victim Services

Many participants reported using a variety of emergency services following an incident, and several said they had stayed at a shelter following an incident. No one had been turned away. Participants generally believed that the agencies in Milwaukee would find emergency shelter for them if needed:

One of the services provided is to make sure the victim has shelter, and that if there was no room available in Milwaukee for a battered woman and her children, then they'll send you to Waukesha [a nearby suburb].

One participant said that she was asked if she needed an ambulance, but she decided to go home on her own. Another woman described how the police helped her:

They gave us like a book; they gave us all kinds of number listings for shelters, for I mean even like food pantries, clothing.

However, several agreed that emergency services such as money for first month's rent or emergency supplies such as milk were more readily available for women with children but limited for women without children.

One said:

They do it more so if you got kids.

Another responded:

Yeah, women with children—like me, myself, I have three kids—…they like give you money towards your first month's rent and security deposit…if you want to relocate. Versus, with just a single woman with no children, they won't do that.

One gap in initial response services appears to be a lack of safety planning. Because participants made no reference to safety planning, the facilitator inquired if anyone had been told about packing a suitcase, arranging for a place to go in an emergency, or keeping some cash hidden. A few participants indicated that they were familiar with safety planning concepts such as packing a suitcase or identifying where to go if threatened. However, when asked directly, only one of the eight victims in the group recalled having anyone from victim services or the police discuss a safety plan with them.

Only one of the eight women mentioned receiving longer-term services, such as counseling or other support. Although she said she would not call the police next time, that victim (who lost custody of her children and said she was blamed for her partner's abuse of them), believes that some positive benefits came out of the experience:

They [the advocates] helped me guide through some stuff. They helped me; I'm going for counseling and seeing a lady for battered women, and I'm doing what I gotta do now for me and my [three] children.

Police Assistance for Victims

Some of the women reported valuable victim assistance from the police following an IPV incident. One participant complimented the police, indicating that the officers were helpful and courteous:

We were staying with his mother…They [police] actually helped me go back and forth into the basement and get stuff and put [it] in the van and sat there until I got ready to leave. But by that time he [the abuser] had showed back up, and they arrested him. When they got him, they wasn't real rude or nasty or nothing with him at all. They asked him, "Who are you?" And he said his name…and they said, "OK turn around."

Restraining Orders[8]

Several participants reported getting restraining orders and offered very positive comments about the help they received from the restraining order clinic:

They are extremely helpful…We were filling out the forms, and…they say, "Is there anything I can help you with?"…When I came in for the hearing, one of those same women came into the courtroom. I didn't even realize she was gonna be there. And [she] actually sat next to me while I explained [and] while this man [her abuser] was across the table from me and explain[ed] to the Court.

Most victims seemed to understand the difference between temporary and permanent orders. However, the discussion revealed some apparent confusion over the process used in the new court that combines IPV restraining orders with other types of restraining orders. Several victims stated that it now costs anywhere from $75-$160 to file for a restraining order. Others thought the fee was now imposed to keep people from abusing the system. However, one knowledgeable victim corrected the others by saying that the fee is waived if you have been battered.

Although the discussion was not focused on enforcement of restraining orders, several participants volunteered their unhappiness. They alleged that repeated violations and calls to the police had to occur before the police would enforce the order. For example, the police told one victim that the order was not valid because it had not been served. She maintains, however, that she stood outside his place of work and watched the police serve it:

[8] A Restraining Order is a civil order of protection ordered by a judge or commissioner. A victim/ petitioner initiates this process by filing for a Temporary Restraining Order (TRO). If the Court grants the TRO, the petitioner must come back to court within 14 days to ask for the order to be made into a final order (called an Injunction). The Injunction can last up to four years. If a respondent violates a restraining order, he/she can be charged with Violation of a Domestic Abuse Injunction (VODAI). The maximum possible penalty for VODAI is nine months in jail and/or a $1000 fine.

During this time he would call and just harass me at two and three o'clock in the morning. I'd call the cops…. One set of police officers come one day, and, well, it's like we can't do nothing. And I'm like this is his cell phone number right here. This is enough evidence…He violated his restraining order. So then they went on…"Well, it hasn't been served." [But] I watched the sheriff serve him [previously]…And I know he was served, and they went through everything.

Another victim was so upset about multiple restraining order violations by her abuser, and in her opinion, the indifferent response by the police, that she threatened to take action into her own hands:

See, the cops didn't help out so much so I told the cops, look if he comes back and I beat him, if I get caught, you guys better not take me.

No-Contact Orders[9]

There was heated discussion about no-contact orders and widespread agreement on the need to tailor them to individual circumstances, possibly through more appropriate use of no-violent contact orders for couples with children in common and those who want to undergo joint counseling. Some said that they thought the no-contact period should be established on a case-by-case basis and reduced even to days (a cool-down period), based on victim input:

[The criminal justice system needs to offer] *an intervention part for people that maybe want to get back together…after a certain cooling down period…you should be able to get together to talk to try to work things out.*

Everybody was treated alike; we have this silly no-contact order which, to be honest with you, we didn't follow. We did for a month, but then after that we were together three months before it was OK'd by his parole officer.

However, victims who were fearful of contact knew that they needed to document evidence of violations and call for help repeatedly, as one woman explained:

If my caller ID is empty—it only holds 50 calls—something's wrong. He called like 50 times plus. I couldn't deal with it anymore. Yeah, and like my cell phone, I've made sure I kept that on because they heard it in court, what he was saying on voicemail in the cell phone, so I made sure I kept that on.

Still, another victim who felt that no-contact orders were too long questioned the amount of faith victims put into believing a no-contact order will keep them safe:

But there's still no way of protecting… If you really need protection, they're [the orders[10]] not protecting you. And a restraining order is good unless that person violates it. If that person violates it, you're already in trouble.

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[9] A No-Contact Order (NCO) is a court ordered condition of bail in a criminal case. It is usually requested by the DA's office when a case is issued and ordered by the Court at the time of intake. NCO's usually remain in effect as long as the case is open. If a defendant violates the NCO, he/she can be charged with the crime of bail jumping. NCO's can also be ordered as a condition of probation.

Aside from the debate about the appropriate length of time a no-contact order should be in effect, one victim said that she was never notified that a no-contact order existed. The defendant, however, understood the guidelines of the no-contact order, and a third party notified her that the defendant couldn't contact her.

> *I went to pick mine* [husband*] up at the house of correction. I didn't know there was a no-contact order. I had no idea…Then he had a cop call me back later that night and explain what a no-contact order was. I didn't even know there was such a thing as a no-contact order.*

Assistance in Criminal Cases

The facilitator guided the discussion to include comments on receiving notification of court dates, receiving information about the case, legal options, and how the court operated. In response, victims volunteered accounts of their experiences with the court during the case, prompting debate among participants over services like the victim waiting room, contact with victim/witness specialists or advocates, and their satisfaction with case handling and outcomes.
Notification about court dates was not an issue for the victims in this group. In general, victims said they received written notices of court hearing dates. Most said they regularly received letters, but some indicated that they had to sign for this correspondence (subpoenas). As an exception, one woman who did not want court involvement said she was never notified about hearings.

Several victims said they were approached by an advocate in court, asked if they were the victim, and offered help or accompaniment. Their reactions to offers of help were mixed. Some really appreciated the offer, but one woman was offended that the same advocate she initially met with was not the one assisting her in court. In general, participants expressed discomfort at the impersonal and public process:

> *They already had one person calling me from the advocate constantly, calling me on a regular basis that knows about what's going on. And I felt like that should have been the person that's in the courtroom instead of some complete stranger that you haven't spoken with. She doesn't even know what you look like, but she's like, "Are you the victim?"*

Not all victims were offered access to the private and secure victim waiting room. Several looked interested when one participant described the victim waiting room. One, upon hearing about the room, said she wished she could have been invited to go to another room rather than having her abuser stare at her the entire time in the regular waiting area.

Women who were upset about the court intervention tended to resist and resent the repeated offers of help from the victim advocates and the victim/witness unit. One woman was approached and asked in the courtroom if she was the victim. Her response:

> *No, we're both* [she and her abuser] *a victim of the system.*

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[10] Participants often did not know the difference between no-contact orders and restraining orders and therefore, often used the terms interchangeably.

Lack of offender accountability was a major issue for some victims. One victim said that her abuser was found not guilty in a jury trial despite her evidence, pictures, and a 911 tape. Her conclusion is that his lawyer was good and got him off:

> Victim: *I had two black eyes and I testified against my husband and they still, he beat the case.*
> Facilitator: *But he's [the defendant] somehow gotten on probation right?*
> Victim*: No, he didn't get probation or nothing.*
> Facilitator: *So, your case was dismissed?*
> Victim: *Yes… he must have really good lawyers. Because I went to court to press charges… they, the DA had pictures of me, I had two black eyes. My lips were busted, and he got off…They* [the DA] *had the 9-1-1 tape, they had pictures of my face. My kids came to court to testify…because they were old enough to. And then by her* [victim's daughter] *calling the police, that made her competent enough to testify in court. And I said whatever kind lawyer he* [the defendant] *had was good because he…They dismissed it.*

Several said they did not think their abusers had received adequate punishment for their crime, while others were satisfied with the case outcome. During the discussion, victims in the group came to understand that the severity and duration of abuse varied substantially, and they questioned why almost everyone (their perception) received two years of probation regardless of the history of violence:

> *See, he got two* [years probation], *he got two, and mine got two. They* [the Court] *stuck on two?*

One woman put it succinctly:

> *I don't think they should lump every case together. I think they should take each one individually.*

Because so many victims in the group said they did not think anyone at court was listening to their story or considering what they wanted to happen, the facilitator asked if any had prepared victim impact statements for review by the judge. None of the group had and most did not seem to know how or when to use this option.

Assistance From Probation

Victims, who both wanted and did not want court involvement, commented that the probation officers (PO) they dealt with were very helpful. Comments included that the probation officers made themselves available 24 hours per day and helped monitor abusers' behavior. The women also said that POs are the only officials able to lift no-contact orders.[11] One woman said:

[11] In reality, the judge has the ultimate say in whether a no-contact order will be lifted; however, the judge relies heavily upon the recommendation of the probation officer. Sometimes, as a condition of probation, the judge leaves the modification of the no-contact order up to the probation officer's discretion, provided the victim has requested the modification.

My husband's [PO] *is great. She says, "If there is any problem, you know if he starts drinking, or he needs a ride someplace, or a place to sleep over night, call." Twenty-four hours a day, she'll be there.*

I talked to his PO, and she worked with me. We have contact with her like she's my sister or something. You know 'cause she's very good. He went through all his classes and now she's sending us…we wanted to go on some classes on our own…she give us the brochures.

We had an incident, as a matter of fact, a couple of nights ago. It wasn't violent, but I disagreed with him. I packed his clothes and took him down to his mom's house. He had to go see his PO the next day; he told his PO His PO was at our house the next morning asking me, "Was everything OK? What really happened?" I said no fighting, no arguing, no nothing…it's just, I disagreed and [that is] *what it was.*

Another participant, impressed, responded:

So, the PO will take your word for it and your husband's [word for it]*?*

Notification of Release From Jail

Notification of release from jail is one area that seems to be a serious problem for victims. Only three victims were notified of an impending jail release. Two of the three women complained that they received a call only 15 minutes before their abuser was released, allowing little time to make plans. After listening to the accounts, one victim observed that it appeared that the married participants were being notified and perhaps non-married participants were not being notified.

The effects of little or no notification can be terrifying, as victims described:

I was so scared [that] when I went to sleep I had like ten knives at each door. I had booby traps all over the house…If he came, it'll make this type of noise, you know. They didn't tell me when he got out, when he was gonna get out, or anything.

Yeah, they come back to the house without police or anything. And I think that's pretty scary.

Yeah, that was another thing that disturbed me. It's like, 15 minutes before they let him out, they call you, and you're like…I mean, the panic.

In one case, the first notification was a call from the abuser who had been released, without money or a place to go, leaving little option other than returning home, even if a no-contact order was in place:

He was standing on a street corner with no money, no shoes; he had no way to get any place. He's the one that called me and said, "Can you come get me?" The courts never called. He even asked the cops if somebody could just drive him back to the house.

Victim Focus Group Findings: Contact with Criminal Justice Agencies

The purpose of the second victim focus group was to discuss their contacts with criminal justice agencies and make recommendations on ways to assist victims. A flip chart was used to prompt discussion and included the following topics: police response and court services, at the hearing, and after the case.[12]

Police

Eight of the ten participants said that the police responded at the time of their most recent IPV incident. Their reactions to the police response varied widely from very satisfied to extremely dissatisfied. "*It depends on who you get for an officer*," remarked one victim with a five-year history of violence.

Generally, severely injured victims reported that the responding police officers treated them with compassion and sensitivity. For example, one victim received a severe cut to her head while another victim had her front teeth knocked out. Their injuries were extremely bloody, requiring immediate medical attention at a hospital. Both described the responding officers as compassionate and helpful:

> *They* [the police] *did not leave me alone. He [the abuser] ran out of the house, of course, but they did not leave me alone. And there was blood all over the kitchen, everywhere, and they helped me clean it up. But they took pictures first. And then when I got to the hospital, they stayed with me in the hospital, and then one officer, he stayed with me all the way through and made sure I had a ride home.*

However, not all victims reported receiving the same level of care, even though the police may have responded to multiple incidents at the same address, found children at the scene, or talked to witnesses who confirmed the victim's account. Several of these victims said they had repeatedly begged the police to make an arrest. The group discussion revealed a belief that police in the suburbs were less responsive than those in the city of Milwaukee, but problems were reported in both areas:

> *I've had six incidents with this man—breakin' in my house, smashing my stuff, coming back, trying to kill my dogs…They* [the police] *had him right there, and they'd say, "You need to leave"…It took six times before they finally took him downtown* [to be arrested]*…He always had an excuse.* [Incident occurred in the suburb of West Allis]
>
> *That was like the same thing that happened to me…in Milwaukee. It took like seven times, and every time I would call, he would be there and then he'd run. And they couldn't find him. And it happened like six or seven times.* [Incident occurred in the city of Milwaukee]

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[12] Discussion on immediate response from the police included the following topics: talked with victim privately; talked with children privately; referred to an advocate; received written information about where to go for help; removed guns/weapons from the home; looked for defendant if defendant fled; and took pictures for evidence. Discussion on court services included the following topics: number/kinds of court contacts, notifications, and referrals; waiting room/accompanied to court; district attorney contacts; restraining orders; and victim advocates at court. Discussion on court hearings included the following topics: testimony, lawyers, and the judge. Other topics included issues such as the following: probation contacts, counseling, and BIPs.

Another frequent complaint was police officers' implications that the incident was the victim's fault. One victim said that the police asked what she did to provoke an incident. Her response:

> *He comes to my house; I have a knot on my head; my kids are hysterical* [and you ask me] *what did I do? I did not put my hands on him.* [Incident occurred in the city of Milwaukee]
>
> *Another recent victim recalled, while she was being escorted from a shelter to her home to retrieve clothes, the police officer tried to justify the offender's behavior by saying "he loves you." She felt insulted. The incident occurred in the city of Milwaukee.*
>
> *Still another said she moved to West Allis to get away:*
> *She* [a Milwaukee police officer] *said I would be arrested if I continued to call instead of kicking him out—which I had tried. Well, how can you kick a big, giant man out?*

Victims also expressed concern about slow response times. When victims in Milwaukee called their District police stations directly instead of dialing 911, response times were as slow as one hour or more, even though several women lived only a few blocks from the station:

> *Yeah, he just eluded 'em* [the police] *good. But he kept coming over, and when I'd call 'em [the police] it would take 'em like an hour. And then he'd be gone.*
>
> *By the time they* [the police] *come, it usually takes that long* [more than an hour]. *The only reason I think they got to my home so quick is that I called 'em* [the police] *twice.*
>
> *The second time I called* [the police for the same incident], *I said, "*[My brother] *is a police officer. Do I need to get him to come to my house?" And they* [the police] *were like there. And they* [the police] *are like three blocks away from my house.*

The slow response times when Milwaukee District stations were called directly led many victims to call 911. Victims who used 911 said the response time was adequate.

Half of the victims reported the collection of photographic evidence at the scene of an incident. Of the eight victims who said that the police responded to their most recent incident, four said that they had taken photographs at the scene.[13] Overall, victims seemed pleased with the police investigations, although some group members expressed frustration with the time it took to pick up some offenders who fled from the scene, sometimes repeatedly.

Victim Assistance

[13] In January 2002, the Milwaukee Police Department established a Standard Operating Procedure for the taking of photographic evidence in the majority of domestic violence cases, which includes IPV, child, family, and elder abuse cases.

Victims in this group expressed satisfaction with the emergency help offered by the advocates at the time of the incident. Many reported offers of help, even if they chose not to use them.[14] They reported receiving emergency money, assistance in changing their locks, and being offered emergency shelter. As noted above, women are getting to the hospital, and in one incident, the hospital initiated the call to the police.

However, as a group, these victims voiced a need for more assistance in meeting other pressing needs stemming from the violence. In particular, all the women with children living in the home wanted counseling or some kind of help for their children, but when asked, none reported having received an offer of services for their children. Most of them indicated that they were not aware these services existed:

> *Now there was nothing mentioned to me about that they could help me get counseling for the kids or things like that. I didn't know this, so actually my daughter has an insurance that I pay like very high co-pays or whatever, so actually I had to go to my parents…So I think things like that should be explained more.*
>
> *He* [the defendant] *went to her* [victim's daughter] *school; he scared her so bad she wouldn't go to school for a month. I missed time off of work because I had to take her to the hospital; she was throwing up every day, reverted back into bedwetting…I went through hell.*
>
> *They* [victim advocates] *need to explain in more detail; well this could be offered to me or the kids, especially the kids. They* [the kids] *see violence and there's something that needs to be done right away that should right away tell you that your kids can get help right away.*

Restraining Orders

Many of the women in the group spoke of having restraining orders and seemed comfortable with the process. In most cases, victims said they learned about restraining orders from the police:

> *The police sent me* [to] *the DAs, and they gave me an advocate. They helped me out with a restraining order, helped me fill it out and everything, explained it to me.*

Only one seemed confused about the difference between restraining orders and no-contact orders, but the others in the group quickly explained the difference to her. As previously noted, however, enforcement of these orders by the police was viewed as poor in many instances.

However, violations of restraining orders and no-contact orders were a problem for many of the participants. Several participants remarked that there were incidents where they received phone calls and letters from their abusers in jail. One victim commented that she

[14] Some participants were recruited from names provided by JOD partner agencies (victim services, the District Attorney's Victim/Witness Unit, and probation) and as a result may have been more likely to represent victims that these agencies had been able to contact.

had a no-contact order against the defendant yet he continued to call her (non-collect) from the jail. Although she reported it, the calls continued:

> *They get some kind of job while they're in jail and then they're allowed privileges like that.*

Another said her abuser used a fake last name with her first name and address to write her from the jail. However, the response of another victim to these complaints indicates that the new prosecution strategy of collecting evidence from jail calls may be helping victims:

> *I had incidents like that, but I didn't call the police. I went into the station and actually watched them make the phone calls to the place where he was jailed at, listened to the phone calls, and he got extra time.*

Complaints about restraining order enforcement were widespread. In a glaring example, one victim said she was harassed at a public event by her abuser who was drinking, in violation of his probation and her restraining order. She described the results of her efforts to get help from officers on duty:

> Officer: *Oh, you know we get these [restraining orders] all the time, these restraining orders are like…*
> Victim response: *So you're telling me it's not worth the paper it's written on?*
> Officer: *Do you know how many restraining orders we had at Summer Fest? …You know, they give restraining orders when people call people names.*

Another women described her contact with the police:

> *He* [the abuser] *went to my daughter's school and stood in her school and I notified the police because a neighbor lady saw a stranger at the school. And I called the police, and they went there and they told him, "You have a restraining order; if you do it again, we're gonna do something.* [Women slapped her wrist indicating that next time the defendant violated, he would receive a slap on the wrist].

The Court Process[15]

Some victims said they received intensive court assistance and support during their cases. Victims were called regularly, given access to the private waiting room, and accompanied to court. One victim offered an example:

> *The first time I put the restraining order they gave me a cell phone and then I could dial 911. And then the second time…she called me every time, "You know court is*

[15] Throughout this section, victims discussed their experience with the "advocates." However, most were unclear as to whether they spoke with a community advocate or victim/witness specialist from the District Attorney's Office. Where the Urban Institute was able to distinguish between the types of advocate, we did so. However, since the women were confused, analysis of this section is often unable to clarify which type of advocate the victim was referring to and, in these cases, the report refers to them simply as "advocate."

tomorrow" and "You know, you gonna be there? You can bring the baby."…She sat with me through court.

Another said:

The victim advocate, they didn't do much for me, but they offer a lot. Their first question was, "Are you scared of him? Do you think he's gonna stalk you?…We can get you and the kids to the shelter; do you want to move?"…They were very, very nice…She called everyday and asked, "Has he been bothering you?"

Another victim was very appreciative of the help received from the assigned bail monitor because her abuser was identified as a high-risk offender:

I even had a bail monitor.

A participant asked what is a bail monitor, and the victim replied:

They want to watch over you and the person that's abusing you because they fear of them killing you. Calls from bail monitor were …an everyday thing for me until the last court date.

Despite these services, some of the strongest criticism voiced by victims was aimed at the Court. Many of the participants were confused about the court process and were disappointed with what happened—either how the case was handled or its outcome.

Several victims felt they were misled about what would happen in the case:

What they tell you though isn't what happens.

They [the Victim/Witness Specialist] *explained to me he's probably gonna be on probation and he's probably going to be ordered…they said he's probably going to be ordered to do some kind of counseling…*[because] *he did this in front of our children…When they got up, his attorney talked to that attorney. Nothing else was said to me. They* [the Court] *said he's gonna get 16 months probation and he seems like a quote-unquote respected guy from a respected family*.

One woman was extremely dissatisfied that her case ended up dismissed, especially since she had been working with a Victim/Witness Specialist. She said that the Victim/Witness Specialist told her that he would probably receive counseling and be required to submit to urine testing, since substance abuse was at the root of his violence. The woman expressed her frustration as follows:

I went to court three different times, but that happened. You know, as soon as he got into court and even made a false like apology to me, knowing I was in court to make him look good to the judge. Everything was dropped. And I was ready to pursue anything, you know. I went to court three different times. I wanted to see him get counseling; we have two children together. None of that happened.

Another victim indicated that she was very dissatisfied with the advice she received from the Victim/Witness Specialist. She was ready to go to trial, but felt as though the

Victim/Witness Specialist was pushing for a plea; yet, she wanted the chance to tell the judge what she wanted to have happen:

> *Well, she kept me in that room [the waiting room]…She kept, you know, almost pushing me to have him take a plea. And she didn't let me know that I could take the stand, even if he did take a plea, save my recommendation for sentencing. I didn't get to do any of that. So he got off with like 10 days.*

And later:

> *The advocates, they should explain the process better, exactly what you can and can't do.*

Another victim said:

> *I think they need to spend more time, more time actually explaining to the victims…actually give them all the information they need—pamphlets, whatever—explaining each procedure that they have because, like she said, there are procedures that I didn't know about, and things that me and you said we did on our own…So, I think they need to explain the procedures more because maybe in the long run it might help.*

In particular, women whose abusers had hired private counsel felt excluded from the justice process:

> *He had a [private] lawyer; of course I didn't. I didn't have enough money, so I couldn't afford a lawyer.*
>
> *The Task Force offered me…some kind of legal aid. But…he had heavy hitter lawyers; he got out with nothing.*

One woman, who received nine staples in her head following an IPV incident, took the stand unprepared for the adversarial questioning in court; she felt personally attacked:

> *The [defense] lawyer put the pictures in front of me …and they was asking me things—what happened and everything, what did I do to make him mad. They asked me what did I do to him to make him mad? "How could you make him mad?" I said I didn't make him mad. I said I did not make him mad. I said I was just sitting in the bedroom minding my own business.*

Beyond concerns with case processing, victims expressed dissatisfaction with case dispositions. Several of the participants believed that probation sentences were not commensurate with the crimes against them and indicated that they believed their offenders were not being held accountable. The three women whose abusers had received jail or prison terms were satisfied with the sentencing but nervous about what would happen upon release.

According to one victim, the Judge said at sentencing that the defendant was a "good guy" and then ordered him to 16 months of probation. She agreed with her mother who responded:

He's not that much of a good guy if he's beating her in front of his kids.

Others said they wanted more severe consequences for continued violations of restraining orders:

> *I don't think he's getting enough…because of the things that he did; he was a person who didn't listen; he disobeyed the police officers.*

These restraining orders and the violations that come with it, once they're violated, I think the time should be doubled. The laws should be written all over again because they don't learn anything. It's a joke; it's a joke.

As a group, the victims expressed skepticism about the value of requirements for BIPs, mainly because they do not think their abusers take it seriously. One victim said:

> *Well, first of all, I think some of these programs that they have are a joke; I really do. I don't think there is participation on the person's part who is the one who is being the abuser. I think it ends up just making them go as part of their sentence. But then again, once it's done, they'll do it again. I don't think there's any enforcement.*

Another victim commented:

> *And he went to Batterers Anonymous 'cause I called the Truth House, and I said, "Does he go?" And they said, "Yeah, but he doesn't participate." That's another problem. If you're gonna send him to these programs, they're just gonna sit there. What's the sense of putting them there?*

One woman responded:

> *Yeah, maybe they should come out and go check at the meeting once a week or something [to ensure they are participating and complying].*

The women expressed concern that judges are not fully aware of the breadth of violence when previous incidents occurred outside of the city of Milwaukee, especially in the suburbs. One victim explained that many IPV incidents in the suburbs result in a citation, while those in the city of Milwaukee typically result in an arrest. She said she was upset that five previous incidents in the suburbs were treated as "parking tickets" and were not taken into consideration when the abuser was finally arrested and prosecuted in the Milwaukee criminal court. Another victim said she was unhappy that her abuser's long history of felony violence in another state did not appear to have been presented or considered in sentencing of her very violent abuser.

Notification

A final issue mentioned by two women was inadequate notification. In one serious felony case, the victim was unhappy that she received only about 24 hours notice for the hearings, which did not give her time to make arrangements to be away from work.

In another, it was the offender who notified the victim that he had been arrested, while she was in the hospital, and that he was ordered to stay away. The victim was completely unaware of what happened until the defendant asked:

> *Didn't they call you?*
>
> *The victim replied:*
>
> *Nobody called me; nobody told me nothing, and that's why I was wondering what had happened.*

Offender Focus Group Findings: Perceptions of Fairness

The purpose of the first probationer focus group was to discuss how fairly the probationers thought they were treated from the moment of arrest through disposition. However, as previously mentioned, participants also very much wanted to discuss their probation and BIP experiences and therefore, the scope of this group was expanded to include post conviction perceptions.

Probationers discussed their experiences with the criminal justice system, including the following agencies: police, BIPs and other community services, defense attorneys, the court, and finally probation. We also asked participants to share any problems they had with their job, living arrangements, or contacts with their children as a result of the case. Finally, we were interested in any help received regarding problems encountered. A flip chart itemizing topics was used to facilitate discussions.[16]

Police

On the whole, participants felt that police officers needed to be more observant and open-minded when responding to an IPV call. Components of procedural justice that are most relevant at the time of arrest include the opportunity to be heard, the appearance of impartiality by the police, and the dignity with which the process treats the participants. Several group members questioned police impartiality. This was reflected in their expressed concern that the police automatically assume that the male is the primary (or only) aggressor and their belief that the police automatically made arrests without thoroughly analyzing all of the physical evidence.

> *First off, on the police, they took her statement down. They did not take my statement down. We are both drunk… And then they're taking her statement…they didn't take my statements. They just handcuffed me; didn't even tell me my rights. They put me in the car.*
>
> *The only thing I think is bad about the justice system, period, is that when there is a situation going on and the police is called and they come out, you know, the police got to analyze the situation…Bottom line is, the bigger person is going to jail. Point-blank. No questions asked.*

[16] Topics listed on the flip chart included conditions of release including no contact orders and alcohol or drug testing, provision of information on rights, the evidence, and the plea offer. Other topics listed included consequences of the incident including problems with job or living arrangements, contacts with children, and any help received for these problems.

So I guess a neighbor called them [the police]. But they said, "A 911 call was made, so somebody's going to jail." So they took me to jail.

Other complaints about the police reflected dismay at the lack of dignity and fairness of treatment immediately following arrest.

But the way that we were transferred from one location to another was very humiliating. I mean, very. I mean, we were like six or seven of us were like chained, in one long chain. And then the place that we were placed, which is a big hall and it's all concrete—very filthy, the restrooms. And like the gentleman said, the sandwiches they brought—I mean, I didn't even dare drink any water there, you know to be honest with you.

I sat in booking for two days. I slept at people's feet on a concrete floor, used a bologna sandwich for a pillow, before I was charged with a crime. They [the police] are allowed by law to keep you for up to three days before they charge you with a crime. I think that's outrageous.

Representation in Criminal Cases

Not surprisingly, this group of probationers, all of whom had been convicted, was not very satisfied with their defense attorneys. Nonetheless, there was variation in the extent to which participants believed their attorneys had provided accurate information and good advice**.** Although we do not know the exact number of participants who were represented by the Public Defender's Office[17] versus a private attorney, most were represented by the Public Defender's Office and all but one of those with a public defender expressed dissatisfaction with their attorney. Criticism of their defense attorney was more muted among those who had hired private attorneys.

Complaints about representation centered on two fairness issues: the provision of accurate information on the evidence and full explanation of legal options. Based on shortcomings in these areas, these defendants concluded that the case processing was not fair.

Because like what happened is I ended up not pleading guilty, and I got the 18 months…my lawyer, he kind of misled me, you know, on certain things. He said something like "She [the victim] don't show up, you know, you ain't got no problem"… It's like I thought that he didn't explain a lot of things… He was telling me to take the chance [by going to trial rather than accepting the plea bargain], whether she was not going to show up.

Anyway, I did eight months, without seeing my lawyer [public defender] once… So anyway, I thought they was going just to let me do the nine months… Anyway, about the eighth month, he came to me and he said, "Well, if you plead guilty to this, I can get time served… And if your wife doesn't come, or doesn't nobody show up, they let you go.".. No, I wasn't going to sign the paper… He said "Well,

[17]Attorneys from the Office of the State Public Defender and a group of contract attorneys from the community represent indigent defendants charged with misdemeanor and felony domestic violence cases in Milwaukee County.

there's witnesses out here. Your neighbors are out there, and your wife is out there. And they're going to testify against you."…So anyway, I signed the paper. And when I got out there [in the courtroom], my wife wasn't out there. It wasn't no witnesses…And I feel I was railroaded. And I put in an appeal to my lawyer. He never got back to me.

Since the Public Defender, Judge, and District Attorney were all government positions, probationers also expressed feelings of the three working together against the defendant. Focus group participants were not convinced that they could receive a fair hearing.

But, see, you feel like it's [the criminal justice system] *against you where you've got a state lawyer, state judge, state public defender. You feel like you can't win, anyway.*

Well, to me, the system stinks. Basically, you've got the lawyers working with the public defenders working with the judges and the DA's against you.

They [the DA] *held me down there* [police station]*, and was telling me one thing. And my lawyer was going right along with it.*

Court Process

The conversation turned to how fairly probationers felt the prosecutor and the court treated them. On the whole, participants were dissatisfied with the court process and again, the fact that all were convicted may help the reader put their dissatisfaction in context. However, legitimate concerns about the court process were raised and ultimately affect participants' perceptions of procedural justice. Concerns regarding the court process were primarily about probationers viewing the system as unfair and dissatisfaction with how long it takes for a case to reach disposition.

One dimension of procedural justice is the extent to which participants believe rules are applied equally to all. One participant believed that he had been unfairly treated because he was never offered a plea bargain. He commented that probationers often discuss their plea bargains in BIP classes and wondered why he was not given the opportunity to accept a plea:

He [the DA] *didn't talk to my lawyer or nothing. They didn't have no plea bargain, or nothing…And I'm hearing like a lot of people when I'm in my classes* [BIP]*, and they're talking about plea bargaining. And I'm going, "What? How come I didn't have nothing like this?" This is like I was condemned as soon as I, I mean, you know, walked into the jail.*

Several participants commented on how long it took for a case to reach disposition and how numerous continuances could have a negative impact on their employment. In their opinion, this appeared to be a penalty imposed without thought and not in direct response to their offending.

I had to go to court. I was in court for a year back and forth, back and forth to courts, back and forth to see my lawyer. And that's how I ended up losing the best job I probably ever had. Making $14 an hour, and I messed that job up.

Another group member was concerned about the fairness in sentencing, commenting that he believed (in part based on the discussion during the meeting) that most offenders received the same sentence despite differences in the duration and severity of their crime. This concern about fairness is more accurately classified as a concern about distributive justice (case outcome rather than case process), particularly the proportionality of the penalty to the offense.

> *…I think that treating a person who has committed—let's call it a crime—for the first time in his life, I mean, everything should be looked at. Because they should not have treated me the same way they treat somebody who's been doing this all the time, you know? And then again, it* [the punishment] *also should depend on the level of harm I did to my wife when I hit her, you know. Like slapping her once is not like hitting her with a drill or something, you know.*

However, in court during the hearings, one participant[18] who pled guilty and was sentenced to 12 months probation and 18 weeks BIP was very satisfied with the impartialness of the judge. His approval appears to be based on a perception that he was allowed to present his side of the story and was treated with dignity:

> *And the judge was so fair about the situation that he actually took in both sides. He heard me out…But you know, I just say it was fair simply because he heard me out. He took everything into consideration. And, you know, he wasn't biased about anything.*

Probation

All of the participants, with the exception of one,[19] were sentenced to probation. In Milwaukee County, the average length of probation for one count of IPV/DV is 20 months. For cases in which clients were on probation for IPV, probation agents regularly monitored compliance with court conditions through the following tactics: 1) established regular contacts (and reporting forms) to monitor probationer entry, attendance, and participation in BIPs, 2) prepared and submitted reports on probationer compliance to the court prior to probation status review hearings, and 3) attended their clients' probation status review hearings. Responses about assistance received from probation were mixed. Several participants felt that probation agents treated them fairly and were helpful while others commented that despite their unemployment status, their agents offered them no assistance in finding and securing employment.
One participant who felt he was treated fairly attributed this perception to that fact that his agent thoroughly analyzed situations of non-compliance before passing judgment:

> *She'll* [probation officer] *go out* [of her way] *to help you. She'll say "Call me if something goes on. If you lose your job, let me know. If anything happens, let me know." And it's been some times where I would have been revoked, I would have been in jail, for not doing nothing stupid… just for missing my classes a couple of times, and I missed like two or three of her meetings…But then she'll take into*

[18] This was the only participant who was not charged with IPV. Rather, he was charged with DV for assaulting his father.
[19] As previously mentioned, this participant was convicted in Wausau County Court and the only component of JOD he received was BIP. Therefore, only his comments regarding BIP were included in this report.

consideration your character, the person you are. And what she'll say, "It got to be something that's happening, for you to miss."

Another participant commented that probation agents treat their clients as fairly as they deserve to be treated. Meaning that if a probationer is not complying, they have only themselves to blame.

When they [probation agent] give you your rules, it's up to you how they're going to treat you…they can abuse their authority at times. But, like I said, it's up to you, you know; same way you put yourself in the situation that you're in to get on paper. It wasn't nobody's fault but yours.

Others expressed concern over the agents' strong emphasis on monitoring and what they perceived to be a lack of focus on offering assistance and guidance:
She's [probation officer] dying to catch me doing something wrong, so that she can throw me in jail. That's the way I see it. She has absolutely no interest in making my life any better or easier or anything. And she acted like it was an imposition for me to ask the damn restraining order be lifted.

On a similar note, one probationer, who is 41 years old with a previous felony conviction, described his difficulty trying to find a job and the lack of employment support from his probation officer.

Probationer: *Plus, like I'm a felon… and it's hard for me to find a job. I can't even find a job at McDonald's. And I'm 41 years old. You know, it's hard as hell for me to find a job. But every time I go to that PO, she tells me I got to find a job, I've got to have $20 to pay her…*
Facilitator: *Did anyone offer you any kind of job training?*
Probationer: *No! No!… I would like that a PO who was warning you to find work should point you in the right direction, even if it was just the job agencies. No, nothing. Nothing—.*

However, two probationers interjected and one said that his PO gives him a list every week for jobs while another said that he heard that probation agents have job-training programs available to their clients.

A final issue raised by participants regarding probation was concern about being self-employed and under probation supervision. Two of the eight probationers were self-employed and one discussed an instance where he was advised by his probation officer to find new employment despite the fact that he's been in that line of work for 20 years. The other discussed day to day difficulties of being self-employed and under probation supervision.

I got orders to find different kinds of work that I'm doing, that I've been doing for 20 years, doing siding contracting. And instead of that, I'm supposed to take a job for $10 an hour so she [PO] can better keep track of me… And in one week of doing (my regular job in construction), I can make twice as much as you can make… for five or ten bucks an hour. Yes, I'm self-employed. But you can't be self-employed on probation. I have been—what's the word?—warned about my employment.

And as far as the probation, I hate probation, and I wish—You know, I wish anything happens just to get me out of probation. Because I own my own business, and I need to travel a lot. And now I can't, because I have to ask for a travel permit every time I go even to Chicago.

No-Contact Orders

During JOD, the Milwaukee Circuit Court had a policy of issuing a no contact order as a release condition at the initial hearing in all IPV cases, and including no-contact as a condition of probation at the time of sentencing. Under some conditions, the no contact order is lifted or modified by the Court. The group members understood that the decision to change the order does not rest entirely with the victim. Most group members felt the order was unfair because of the financial and emotional consequences for themselves and family members. The only exception was one participant who said he was getting a divorce from his wife and the no-contact order was "a good thing."

Three participants cited harm to their children as a result of the no contact order:

I went before a judge. And my wife showed up, and she testified that she needed me home for the kids… And the judge said, no, but as soon as I started a domestic violence class [BIP], I'll be allowed to. So, when I started the DV class, the PO said "No, not until you do nine weeks of this program."… So it ended up being about six months that I was out of the home… When two adults, in my opinion, agree that they need to be together for the children, I think it's arrogance for a judge—and especially a PO, with judicial approval that I could go back—to say, "No, you can't go home." And I think it hurt my children additionally.

My wife made a good case [before the Judge] that I was needed for the family and that, you know—Judges don't care. They don't care about that.

The no contact order is hurting my kids even worse because my kids are 14, 13, and 8. They all go to school and my wife doesn't speak good English…And I'm the only one who can help the kids with their school issues…I mean, now if I want to help one of my kids on a math question, I'd have to go pick them up and go somewhere else, which is very inconvenient for the kids… The probation officer said that she will not allow any contact until I finish my courses, the Batterers Anonymous courses, which is in January. So that's like halfway through the school year.

Two participants got into a heated debate about the legitimacy of no contact orders. One strongly believed that the purpose of no contact orders was to protect victims by providing a cooling off period. However, the other argued that a no contact order will not stop future violence.

Participant 1: *But the case is more or less that there have been so many different times that they have trusted men to go back home, and women have come up dead…*
Participant 2: *…If a women's going to come up dead, a no contact order is not going to stop you. All that was happening with the no contact order is my kids were denied my presence for six months.*

Participant 1: *…It's not supposed to work. It's supposed to keep her and her family from suing the City…*
Participant 2: Yes, but when she comes to court and testifies she wants me home, she's making the statement, I'm making the statement. And that's two adults, the only two adults involved in the incident.

Batterer Intervention Program (BIP) and Substance Abuse Treatment

As a condition of probation in Milwaukee, probationers convicted of IPV were almost always required to attend BIP in Milwaukee County. At the initial probation meeting, the probation agent completed an assessment, determined the kinds of services needed, and referred the offender to a specific BIP. With institutionalization of probation review hearings, JOD provided funding to the BIPs in an effort to expand their capacity in anticipation of increased enrollment. The overwhelming response was that BIP, as well as programs such as drug and alcohol treatment, was extremely worthwhile.

> *I think that putting people in drug and alcohol programs, putting me in a drug and alcohol program and a domestic violence program is more effective than putting me in a cage… But the first time around especially, putting people in these classes I think is a good thing. And I think they've been very good, the ones I have been in.*
>
> *And the thing I got out of the class* [BIP] *when I took it was that I have to accept and come to terms that I'd done something wrong.*
>
> *I did get a lot of good information out of it* [BIP]*, of how to, you know, work with your spouse on problems that you're having, you know. That's the only good thing that really came out of this whole situation for me.*

Offender Focus Group Findings: Contact with Criminal Justice Agencies and Perceptions of Fair and Just Treatment After Sentencing

The purpose of the second focus group was to discuss probationer perceptions of fairness with criminal justice agencies since the disposition of the IPV case. However, participants often discussed topics outside of the proposed agenda and therefore, comments about their experience with the police and court was also included in this discussion. A flip chart was used to prompt discussion and included the following topics: experience with probation; participation in BIP, drug and/or alcohol treatment, or drug testing; and changes in living arrangement, employment, and finances as a result of the conviction.

In interpreting the results that follow, please note that two participants dominated the discussion. Despite the fact that the group was led by an experienced facilitator, keeping this group on task, as well as soliciting comments from some of the less vocal participants for inclusion in the report, was very difficult. Comments from every participant were included; however, the majority of the responses are those of just a few participants.

Contacts with Probation

The facilitator began this part of the discussion by asking the group if the probation agents were willing to listen to the defendant. One respondent indicated that they are, but this respondent was interrupted by another participant who said,

> *Only if the wife don't call, they'll listen. But if the wife calls, they don't listen. You automatically go to jail.*

Four agreed that the willingness of the probation officer to listen to the offender's side of the story varied by probation officer.

> *Some do, and some don't. It all depends on who you've got, really…*

> *Actually, the one that I got with right now is real firm. But it seems like—It seems like she trusts me, for some reason. "Cause she's only give me two urine tests since February."*

The discussion then turned to how fairly probationers felt treated by their probation agents. Neutrality, or an authority figure's even handedness, honesty, and lack of bias, have been found to be important elements of procedural justice. Probationers described incidents where agents either handled similar violations very differently or managed their caseloads very differently, and expressed concerns about unequal treatment. For example,

> *On my probation, I go to BA,* [Batterer's Anonymous]*, just like he does. You're allowed to miss three classes. It tells you that right in that book…But I did the very first one. Two other ones I missed, because of personal things. I saw my probation officer, and she said, "How come you missed those classes?" I tried explaining it to her. She said that, "There's no excuse."…She said, "I'm going to recommend time in jail for you, because of these missed classes." After she thought I had an attitude, she said, "You know what? I'm going to recommend some more time, because of this attitude you're having." So I went to the review. The judge saw the recommendation. She had put down two days in jail for missed classes. It was explained to the judge that you can miss three classes, but I got two days in jail.*

> *She* [the PO] *always wanted to leave by four o'clock. Now, see, I don't get done work till after four o'clock. And right there, you know, she wasn't having that. It had to be her way, her time, her schedule, the way she wanted it done. But then, another friend of mine, he's on probation. And his probation officer said, "No, they have to work around your work schedule".*

Probationers commented that agents seem to differ in their enforcement of the rules. A probationer with a full no contact order against him described how he told his probation officer that him and his girlfriend were having mutual contact. The agent's response was,

> *"Well, just don't see her."*

Yet another described an incident where his probation agent excused his missed BIP classes and continued drinking,

> *Oh, I'm lucky. I got a good PO… But she wasn't like how his* [pointing to another participant in the group] *was, and just saying, "Well, I'm giving you time."*

Another concern about probation was the significance attached to the opinions of the victims. In Milwaukee, probation made an effort to have more contacts with victims. The purpose of the contacts was to explain the conditions of probation to the victim, review the no contact order (if one exists), notify victims of the next court review date, and provide victims with community resources on DV. However, probation found that many victims contacted them when a problem (e.g., violation of the no contact order, continued harassing or abusive behavior, etc.) with the offender occurs. The probation agent then addressed the problem with the probationer.
In terms of procedural justice, all seemed to understand that they were in violation of requirements not to contact the victim and none of the probationers complained that a response by the probation officer was unfair when they were in violation of requirements not to contact the victim. However, the probationers were concerned about the amount of control the victim was given, and subsequently, their lack of voice, when allegations of problems arose. Several described incidents where the women threatened to call the probation officer and lie that the defendant abused her if the defendant did not do what she wanted him to do. This is especially a concern since some of the probationers revealed that they have been having regular contact with the victim with her consent, in violation of the no contact order.

> *Sometimes, when I want to go out and entertain, or just go places and sing, she* [the victim] *say, "If you go, I'm calling the probation officer." They* [the victim] *got you walking a thin line.*

> *You know, your job, your house, your whole future is under her* [the victim's] *control, in her hand. And they* [the probation officers] *done took your whole life from you, they took your whole life, and put your whole life in the hands of your wife.*

No Contact Orders

As in the first group, there was a general feeling that the no contact orders were in effect for too long. However, the reaction of this group was not nearly as strong as the first group. A closer examination of the demographics of the two groups reveals that although the majority of participants had children in common with the victim in both groups, participants in the second group were considerably older than the first group. It may be that the participants' children were grown and the no contact order did not affect the relationship with their children as deeply as it did with the first group.

As previously mentioned, commissioners in the Milwaukee Circuit Court had a policy of issuing a no contact order as a release condition at the initial hearing of all IPV cases and most DV judges included a no-contact as a condition of probation at the time of sentencing. Although exact statistics are not available on the average amount of time a no contact order is in effect, two out of eight probationers commented that their no contact orders have been in effect for over nine months. All responding to this question of "how do you feel about the no contact orders" agreed that the orders were too long.

> *See, what happens with the no contact order thing, first of all, they make it too long. If a person is into a situation with his fiancée or whatever, if they want to get back together, they should let them. At least, make it 30 days.*
>
> *Give a grace period to cool down.*

Another participant, after being denied lifting of the no contact order on his third court appearance, described how he pled with the judge to reconsider.

> *Listen, number one, it's a financial burden for both of us. Number two is, she* [the victim] *doesn't want to have it…We both are interacting with our kids. We're both involved with our kids in school and after-school activities… and he* [the judge] *modified it at that point.*

The Financial Costs of IPV Prosecution and Conviction

Although not originally an agenda item for the focus group, many participants expressed serious concerns over the financial burden they had to assume as a result of the Court, Probation, Alcohol and Other Drug Addiction (AODA), and BIP fees. Although the programs all operate on a sliding fee scale, the participants found even these subsidized fees very taxing, particularly in combination with other costs related to the arrest. Costs of BIP varied from a low of $60 for the entire 18-week program at one agency to a low of $220 for 22 weeks at another. Other fees paid by these probationers included court and supervision fees and, for some, AODA, Huber,[20] and jail fees.[21] The financial costs were a significant part of the penalty probationers received for their crime.

One participant said that he was ruined financially as a result of the DV/IPV conviction and how this just adds more stress to an already stressful life.

> *But out of that time that I spent in jail, I fell in debt, $6,800: a bail of $500; a lawyer of $850; BA classes, $550 probation with paying my fees will come out to $1,400; HUBER was another $300; to stay in the house of correction was $274… I was fired from my job... I fell back in my mortgage, my insurance, my home, my car, my child support.*

Several believed that the system is biased against working men with low incomes and imposed far less penalty on upper income persons who could afford to pay (if prosecuted) and the unemployed who could not pay.

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[20] Huber is a release privilege from the Milwaukee County Jail. Judges typically order Huber release for employed offenders so that they do not lose their job while incarcerated. However, Huber is also used for other types of releases such as treatment, including BIP and AODA treatment.

[21] Average fees include Huber (jail) fees of $143.50/week for those who are employed (no cost for Huber privileges for treatment); one-time court cost averaging $70; one time victim/witness surcharge of approximately $50; probation supervision charge ranging from $20-$60 per month with 20 months average probation sentence for first IPV conviction, depending on the income of the probationer; one-time DV surcharge of approximately $55; BIP fees (previously discussed), and/or AODA treatment costs (average cost unknown); and upon rare occasions, restitution to the victim was ordered. Probation also charges a 5 percent collection fee if the probationer fails to pay the appropriate agency and probation must then collect any of the above fees from the probationer.

And they are ruining people's lives for simple little domestic, quote, "little family fights." And a lot of these big politicians, they have these same family fights that we do…And nothing happens, because they call down to the courts or have somebody call to the courts…who's running the systems, and they get right out of it.

See, another thing they do is… the working class men, they are the ones that they… They got all of these programs, they need somebody to fill them. The people that's out there that's not working or doing nothing, they can't pay to keep these program going. So they take us… They risk our lives and our careers so we can pay to keep these programs going.

Another participant, responding to the previous probationer's comment, believed that working class persons have the most to lose and when an unemployed man is facing jail time, it does not have the same detrimental effects as when an employed person is facing jail time.

And we got real prisoners out here that beat up women… They don't go to jail. And don't nothing happen to them. They're not afraid of the "We're going to send you to jail for ten days." Whoop de doo. That's how they feel.

Another felt that the working class man was unfairly targeted for such programs simply so that the criminal justice system could get, and keep, its grip on him.

And then, when they send you to the poor house, where you got to do something illegal to get yourself back on top, you know, to get back where you need to be, then they want to get you again. They just stick you in a big circle, and then they try to make a big deal about it.

Batterer Intervention Program (BIP)

As in the first focus group, members of the second group agreed that BIP was helpful. However, as discussed in the previous section, the financial hardship imposed by BIP and other costs related to the incident, was an overriding concern among members of the second group. It was only after these low-income probationers were able to discuss the financial costs that they were able to focus on the substance and usefulness of the programs.

I did have to go to the anger management classes [BIP]. *And I went to some parenting classes. Now, I am glad that those services are available. I never knew about them before… Being a parent, being a husband, sometimes you don't have all the answers. I certainly didn't have a lot of skills and certain techniques or know alot of things that I do now by attending those programs. So I'm glad I did…. And it's nice to know that there are places that we can go and they can hear us and listen to us and give us suggestions…*

I learned some things about myself. Like I said, I learned I wasn't always physically abusive. And when I wasn't being physically abusive, I was being verbally abusive.

Participants then began feeding off each other in a stream of comments about the helpfulness of BIP:

> Participant 1: *Sometimes, you try to be strong and at least have that verbal control or power. They* [BIP] *teach you how to resist. In other words, they're not trying to make you out* [to be] *a creampuff. They're trying to make you-*
> Participant 2: *Keep you from getting involved.*
> Participant 3: *Make you humble and understanding.*
> Participant 4: *Be smarter.*
> Participant 5*: Right, be smart. And before the situation happens, see it before it happens. Don't walk over that bridge, if you know it's a fire on the other side.*

The Courts and Prosecution

Despite prompting, the group had little to say about the fairness of the court hearings including probation status review hearings. The group instead focused on distributive justice—namely, the fairness of the penalties imposed. While agreeing serious DV offenders should be punished, several believed that the punishment for misdemeanor offenses far outweighed the crime and that penalties had recently increased greatly because of a few serious incidents.

> *And a lot of guys that went through domestic cases honestly hurt these women, and then they* [the criminal justice system] *let them go. And they went back—maybe two or three of them out of thousands—went back and hurt them, killed them, beat them up or whatever the case. And they've got real strict with that now… I myself for grabbing somebody and throwing them out of my house because they were trying to attack me—Because I'm not violent at all, and I'm not a woman fighter at all—And this is what I went through. For one, I'm on probation for two years. This is a first-time offense, a first-time thing. Nine months state sentence; 60 days in jail, straight time; probation hearing…*
>
> *I can agree with him… I'm on probation for six months, just because I cursed at my wife. And I didn't put my hands on her… They sent me to anger management class* [BIP] *for that. I got six months probation. Like you say, you have to pay that money. For that, I got to go to battery class* [BIP] *now…and a drug* [class and I] *ain't have nothing to do with drugs.*
>
> *When you got a domestic violence case, they are more firm on you than they are for somebody stealing or robbing.*

Police

Although the focus of this particular group discussion was perceptions of fairness with criminal justice agencies since the end of the IPV case, one participant very much wanted to discuss what he described as unfair treatment with the police during his most recent IPV/DV incident. Rather than dismissing his concerns, the facilitators thought it best to spend a brief amount of time on participants' opinions about how they were treated by the police.

Half of the participants (4 of 8) felt that the police were professional and polite while one felt that it depended upon the responding officer.

> *Basically, the cops came there, but they never handcuffed me. They listened to both sides of the story…they kept us separated.*
>
> *You know, so it's a matter of who you get, whether they're "good 'ol boys," whether they like you. It really all depends on that.*

However, three participants complained that the police did not allow them to tell their side of the story. The opportunity to be heard—voice—is a key component of perceptions of procedural justice.

> *No, I thought they* [the police] *were prejudiced…She saw me, she profiled me, and she cuffed me right off the bat.*
>
> *You* [the police] *don't come in my house and just tell me to shut up and stand on the corner. I mean, she* [the victim] *was talking* [to the police], *so I have a right to talk also. But he* [the police officer] *going to tell me to shut up…*

Despite whether participants felt they were treated fairly by the police, there was the general opinion that whenever the police were called to a DV/IPV incident, someone must go to jail and it is always the male that goes. This suggested shared skepticism about the neutrality of the police, another component of perceptions of procedural justice.

> *And I guess due to some kind of statute that Milwaukee has, is that one of us has to go to jail…And he* [the officer] *was like, "Well, I'm sorry, you know, I mean, sure everything—You know, we obviously see that there's no problem and, you know, whatever, but somebody still got to go to jail, because somebody called* [the police]*."*

Another interrupted and said

> *It's the male that goes.*

And two others who agreed quickly interrupted him.

> *That's the way it goes. Right.*
>
> *It's us guys that* [go to jail].

Chapter 4. Perceptions of Fairness of JOD in Washtenaw

Highlights of the JOD Innovations in Washtenaw County

The Office on Violence Against Women provided funding to the Washtenaw County Prosecuting Attorney's Office to strengthen the response to intimate partner violence (IPV) by a range of justice system and community-based organizations. During the full federal funding period from January 2000 to March 2004, Washtenaw's approach to JOD involved a number of innovations that affected how court cases were processed.

- Centralized Domestic Violence Unit. Prosecuting attorneys and victim/witness staff from the Washtenaw County Prosecuting Attorney's Office (WCPAO);[22] an investigator from the Washtenaw County Sheriff's Department; and the District Courts' probation agents, compliance officers, and probation supervisor were co-located in one physical location. This greatly enhanced cross-agency relationships and case coordination practices.

- Dedicated domestic violence docket days with vertical adjudication through the post-disposition period. Each of Washtenaw County's four District Courts that adjudicated domestic violence cases[23] established a dedicated docket day for these cases, to allow enhanced coordination of schedules so that prosecutors, victim/witness staff, victim advocates, and probation agents could all be present in the courtroom for case actions. The judges and other court staff also developed a domestic violence protocol, including an arraignment script, a bond release form, bond review groups, and regular review hearings for probationers.

- Enhanced law enforcement resources. Washtenaw County is served by eleven law enforcement agencies. Four agencies were provided with JOD funds to hire specialized domestic violence sworn and/or civilian staff, and nearly all agencies received intensive training in domestic violence cases. The agencies have preferred or mandatory arrest policies in domestic violence cases. By the fall of 2002, all agencies were using a supplemental domestic violence report form to enhance evidence collection in these cases.

- Dedicated domestic violence unit of the Washtenaw County Prosecuting Attorney's Office (WCPAO) with vertical prosecution. Five Assistant Prosecuting Attorneys and a supervisor made up the domestic violence unit, and received specialized training in domestic violence cases. Evidence-based prosecution strategies were used to reduce dismissals when victims did not

[22] The WCPAO prosecuted all felony and misdemeanor domestic violence cases in Washtenaw County, with the exception of first offense misdemeanors prosecuted by the Ypsilanti Township Prosecuting Attorney's Office in District Court 14B. The Ypsilanti prosecutor's office did not have a presence in the centralized domestic violence unit. However, the probation agent assigned to Court 14B was a part of the centralized unit.

[23] District Court 15 adjudicated offenses committed in the City of Ann Arbor; District Court 14B adjudicatecd cases in Ypsilanti Township; and District Courts 14A-2 and 14A-3 adjudicated cases in the rest of Washtenaw County.

participate in the prosecution. Two Prosecuting Attorney's Office victim/witness staff dedicated to domestic violence cases worked closely with the attorneys and other dedicated staff.

- Dedicated domestic violence probation agents and compliance officers. Probation is a division of the District Courts, and each of the Washtenaw County District Courts had a dedicated domestic violence probation agent. Two of the busier courts also had compliance officers to assist probation agents with their caseloads. These staff and the supervisor were co-located in the Domestic Violence Unit. Probation conducted the bond review groups and was able to implement intensive case supervision, thanks to the lower caseloads that the increased resources allowed.

- Batterer intervention program enhancements. Individuals convicted of IPV offenses were typically required to complete a state-certified batterer intervention program (BIP). To enhance accountability, the Probation Department received regular reports from BIP service providers on probationers' compliance with requirements. JOD funds were used to create and implement a BIP within the county jail for incarcerated offenders, both those held pending trial and those serving sentences. This was a short orientation program, intended to prepare offenders to participate in the full program, not to replace it.

- Probation status review hearings. IPV probationers were required to appear in court periodically during the period of probation to assess compliance and whether more restrictive or less restrictive probation conditions were warranted. These appearances were required at least once during the period of probation (the schedule varied across the four courts), with additional hearings scheduled as necessary.

- Enhanced victim services. Victims were served by the victim/witness staff in the Prosecuting Attorney's Office and by advocates from Safe House Center (SHC—formerly Domestic Violence Project, Inc./SAFE House), a non-profit community-based service provider and advocacy organization. SHC received JOD funds to create an autonomy program (providing advocacy and direct financial assistance to help victims reclaim their autonomy), enhance legal and protection order advocacy, and provide training to its own and other agencies' staff.

In March 2004 a number of changes occurred due to reduced federal funding availability. Chief among these was the closing of the centralized Domestic Violence Unit, so that staff across agencies were no longer co-located, and reductions in staffing and other resources available to partner agencies. The criminal cases against the participants in our focus groups had all been disposed prior to these changes, so their experiences reflect implementation of the JOD model under full funding, at least to the point of case disposition.

Victim Focus Group Findings

We asked the participants (9 female and 1 male) to discuss their experiences with the criminal justice system and community agencies, including law enforcement, the court, prosecution and prosecution-based victim/witness staff, probation, batterer intervention programs, and the non-governmental victim service provider (SHC).

Police

Washtenaw County is served by a number of law enforcement agencies, some of which had specialized domestic violence staff under JOD, and all of which received domestic violence training and used supplemental reporting forms to enhance evidence collection. Participants reported very different experiences with their local law enforcement agencies. Several victims were extremely pleased with the professionalism shown by responding officers, and their accuracy in gathering information to make informed decisions and act on them quickly:

> [Name of agency] *came and and there were two males, one female, and all three were very thorough. Very thorough. Came in, separated us into separate rooms. While they talked to me, one was talking to him. And they were very nice, very polite. I was surprised, actually, for such a situation that it was. The female came into my room with me and saw that I had marks. And she asked me, if I had any more, could she see them. And I showed them to her and she took pictures. And they arrested him and told him what he was being charged with. Everything moved very properly. I was thoroughly impressed.*
>
> *My dad took me down to the police department and I gave my statement. And then they took photos. And I wasn't around when they arrested him, but I did find out through friends that live right around the corner that there were five cop cars there. And that kind of made me feel a little better about the situation, that there was a fast response.*

Another victim appreciated the consideration and concern shown by responding officers:

> *They had a male and female officer come, and they were really concerned. I was locked out of my house, and I had been walking up and down trying to get some help. And they were really concerned with my welfare. It was raining and I was outside in flip-flops and a teeshirt and shorts, and it was really cold. A friend had driven me back to my house, because I was trying to get my car, to go somewhere else. And they had me go in my driveway, down to the foot of my road, and stayed in contact with me on my cell phone to let me know what was going on. And after they removed my former husband from the house, they had me go back to the home and they really helped me and they told me what to take and what to do . . . The female police officer came back again—and it was probably two in the morning—just to make sure everything was okay. So I felt the follow-through was good, and they were very humane.*

Another victim had a very different experience with her local law enforcement agency, reporting treatment that showed little consideration for her or neutrality in their approach:

> *When I called the* [name of agency] *on my husband, for the third time abuse, they basically yelled, hollered, and screamed at me. Asked me why I was so stupid and so ignorant, taking him back all the time. They blamed me for it . . . The last time I was hit, they took their sweet time to get there. It's like they didn't care if I was dead or alive. And then when they did get there and take me, all they did was jump in my case.*

In response to probing by the facilitator, this victim reported that while the agency arrested her abuser on the third call, they had in the past taken him to a motel room rather than making an arrest. She also reported that the officer's attitudes across repeat calls consistently indicated that she was at fault for the abuse.

Law enforcement agencies across the nation, including Washtenaw County, have moved from discretionary to preferred or mandatory arrest policies—giving the victim little input or voice in the arrest decision. When the facilitator asked specifically whether victims had been asked for their input before making the decision to arrest the offender, responses were again mixed:

> *They had asked me, when I was at the police station, they did ask me that* [whether she wanted the offender arrested].
>
> *As soon as she told the police that she slapped me, they put her in cuffs and took her away. And nobody asked me, you know, whether I wanted her arrested or whether I wanted her charged, or anything . . . nowhere through the whole system did anybody ask me, you know, what I wanted, or take that into consideration.*

We further explored the issue of voice by asking victims whether they preferred to be asked for their input on the arrest decision. Again, some reported that this was a difficult situation that could potentially put them in danger or under pressure, while others wanted their voices heard:

> *It's a scary question to ask, especially if you care about the other person to some sort of extent, to say, yeah, I want to press charges* [victim who reported that the police had asked her input when her father took her to the station to make the report].
>
> *I've been asked . . . I say no, I may need you to, but I'm not going to say yes in front of him. You know, it's one of those situations where they kicked in my door, guns drawn and all. And I mean, you got him on the floor with guns and you ask me? If you're going to kick in my door then, yeah, you need to go ahead and do what you got to do. But it's almost like we're in the same room and you've got him on the floor and he's looking at me, you know, type thing. What am I going to say, you know? Why are you asking me? I'm not going to say yes, you know, whether I want him to go or not . . . I actually walked into another room to get away from him to actually say what I had to say.*
>
> *They say, do you want to have this person arrested? And what my friends were saying to me was, how could you bring charges against him? And I said, it wasn't me. It's the State of Michigan versus him. My own children didn't even*

understand that. And at one point, I said, I really don't want to deal with this any more. I can't handle any more. And they said, it's not your choice.

Victim [who had not been asked by officers for input on arrest decision]*: No, I don't consider myself a victim.*
Facilitator*: Would you have wanted them to ask you?*
Victim: *Sure.*
Facilitator*: Okay. And if you had said no, you would want them not to make the arrest.*
Victim*: Yeah.*

In summary, many participants could identify aspects of their experiences with law enforcement that were important to them, although some had positive interactions and others had negative interactions. Aspects of procedural justice that were most relevant in their interactions with law enforcement include being treated with dignity and respect (consideration); a timely, professional response to gather information and act on it appropriately (accuracy); a lack of bias on the part of law enforcement (neutrality); and whether officers asked their input on the arrest decision (voice) —although some were asked for input and others were not asked, and some preferred to be asked while others preferred not to be asked, or at least not to be asked in front of their partner.

The Court Experience: Prosecutors

A specialized domestic violence prosecution unit was formed under the JOD initiative, and evidence-based prosecution policies were put in place. The primary issue that emerged as important to victims in their interactions with criminal case prosecutors was voice. Some were given a chance for input into prosecution decisions, but most were not. Several also reported being pressured by the prosecutor:

It was the prosecuting attorney that I spoke with. And he said, it's out of your hands. You know, basically, we do this on purpose, so people don't bail because they get frightened or fed up or whatever. And I am not your attorney. You're just a witness for the state. And I didn't think I even understood that.

They take it over automatically. And then what they do to us is they hound us and subpoena us in court. We're their witness. And then once we get there, they're on us like flies on bananas. It's like, you gotta do this, you gotta do that. If you don't do this and you don't do that . . .

My prosecutor, he was not playing. He was like on my case every day.

I was contacted by somebody in the prosecutor's office . . . For me, they weren't willing to listen to what I wanted to have happen.

I was involved in like the decision process, as far as proceeding or not. The prosecutor said he was a first-time offender, that there is a plea bargain, that if he pled guilty, that he would, you know, be on probation for two years, have to do all these different programs, it wasn't going to be easy. And at first I said, no. And I thought about it. He told me again, you know, it's not going to be easy for him. It's

going to cost him a lot of time, money. He's going to have to take different classes, random drug and alcohol tests.

All the victims who participated in this discussion wanted to have a say in the prosecution processes and decisions, whether they felt they were actually accorded such a role or not:

If they don't want charges pressed, or if they do want charges pressed, I think it should be up to the victim.

I think it should be up to us.

Yeah, it should be up to us, really.

It should be up to us. We're the victim. And if we want to go proceed with the case, it should be up to us.

One victim, who was not consulted in either the arrest or the prosecution decision, and did not want his wife arrested or prosecuted, used a "backdoor" strategy to achieve his desired outcome:

And my wife had a court-appointed attorney, and I went with her to meet him. And essentially, he advised me to just not show up for the trial, to avoid being subpoenaed as a witness. And so I just avoided all contact with the prosecutor and the police after that point. And the case was dismissed because I didn't show up and the police officer didn't show up.

Interestingly, several participants pointed out the paradox created when the police ask for the victim's input, but the prosecutor does not allow victim input:

I think there's a huge cross-over there. Do you want this person arrested? Is this your choice? Then, you know, I was just a piece of the puzzle. It empowers you to think that you have some control in the situation, and it's like a mixed message . . . So I think when you feel that you're asked that question, because you were, I think you feel like you have some say.

Well, that's true. I think they set up some false expectations. So you expect that you're, you know, going to be listened to, you know. But those chances are that the prosecutor may not [listen to you] *later on, you know, in the case of State versus, you know, John Doe, or whatever.*

Aside from the issue of victim input in prosecution decisions, one victim noted that the prosecutor in her case was sensitive to safety issues and made efforts to protect her from intimidation:

When he came up to me afterwards, the prosecuting attorney physically body-blocked him. I mean, she got up and said, you need to leave. The bailiff came up and told him to leave. I mean, everyone was really cognizant of what he was doing to me. And I just continued to move down the aisle.

In summary, all participants agreed that they wished to have a voice in the prosecutor's decision-making, but more reported not having any say than having a say. Victims are aware of the mixed messages sent when some justice agencies invite input and others do not. Victims are also aware of ways to manipulate the system to achieve their desired outcome when they are not asked their opinions directly.

The Court Experience: The Role of Prosecution-Based Victim/Witness Staff

In Washtenaw County, two organizations serve victims of domestic violence. These two groups, SHC (a private non-profit agency) and the Victim/Witness Specialists in the Washtenaw County Prosecuting Attorney's Office, provide a variety of services to victims. This section reports victim feedback about the prosecution-based victim/witness staff; their experiences with SHC are discussed in a subsequent section, after all the justice system-based agencies are discussed.

The prosecution-based victim/witness staff's primary function is to keep victims informed and involved in the prosecution of the case. They educate victims on how the system works, notify victims of upcoming court dates in their case, inform them of their legal rights and help them exercise their rights (e.g., preparing a victim impact statement or an application for victim compensation), and explain case decisions and outcomes. JOD funds were used to hire additional victim/witness staff dedicated to domestic violence cases, which made it possible to expand services to also include safety planning, needs assessments and referrals, court accompaniment, and other services to enhance victims' ability and interest in participating in the prosecution.

A few participants shared their experiences with prosecution-based victim/witness staff, and the vital role they played in directly assisting victims as well as serving as a resource for prosecutors:

> *I had three different prosecuting attorneys. And the last one I got was the Friday before the trial on Monday. So even though the transience of the department could have been a problem, because the people there were advocating for me, they always kept everybody up to speed about what had happened in the meantime. It was amazing and very supportive. The prosecuting attorney's legal advocate was more than I could hope for. I mean, she was really—helped me fill out forms and has given me ideas of ways to follow up.*
>
> *You don't want to do the wrong thing, you know. And like they would say, Well, you can make a victim statement at this point. But we would advise you against it, because . . . I wouldn't have known to do it or to not do it without them.*

While these remarks do not clearly fit within the procedural justice paradigm, it is useful to note that the few victims who commented on their experiences with the prosecution-based victim/witness staff valued their role in the prosecution process, as well as the direct assistance they provided to victims.

The Court Experience: Court Case Outcomes

In Washtenaw County, offenders convicted on domestic violence charges are usually sentenced to probation, and may also receive up to 93 days in jail. Additional conditions

typically imposed at sentencing include requirements to complete a BIP; participate in other service programs as needed (such as substance abuse or mental health treatment); pay fines and court costs; and return to the court for probation review hearings throughout the period of probation. Probation officers closely monitor probationers' compliance with court conditions and report progress and violations to the judge at the review hearings. The purpose of such requirements is to heighten offender accountability and impose programs aimed at changing their behavior.

Some victims reported that the court imposed sanctions but then withdrew them for no apparent reason—in procedural justice terms, a lack of justification:

> *But for instance, he was not to leave the state. There was no alcohol. But he said, well I like to have a glass of wine with my dinner and I need to do this and that. And believe it or not, they rescinded that, but they did it in chambers, so it wasn't on the record. The only thing that's left is the guilty verdict and no contact. He was asked to go to 52 weeks of domestic violence classes. He was excused from that. He was asked to do anger management. He was excused from that. They said they had really quite never seen anything regress the way this has.*
>
> *When my husband came in, I think it was his pretrial or his trial, he cussed up a storm at the judge. And he hit him with five contempt of courts, and then he turned around and dropped them.*

Some victims felt the system treated their abusers too lightly, while others felt that criminal sanctions do not address the underlying problem. In response to a question from the facilitator as to whether the victim would have liked to see the abuser receive a longer sentence, one victim replied:

> *Oh, heck, yeah. Especially when he threatened me right there in court in front of a whole courtroom and a judge and everybody . . . "You better watch your back, because when I get out, you will die."*

Another victim was clearly frightened for her life, as her partner had a military background and training to kill in hand-to-hand combat, and she felt that more punishment might have deterred him and protected her:

> *He should have gotten more than a slap on the wrist. And that's what I feel that he got.*

Other victims, however, felt that incarceration only exacerbates the abuser's problem without treating the underlying issues that lead to abuse:

> *The one problem I seen with giving them time is that, if you give them prison time, jail time, whatever, that's kind of a reason for them to be angrier. So that's not helping the problem.*
>
> *Sometimes they should get help. Treatment, or anger management counseling. I mean, my husband and I have been through so much counseling. And through that counseling, I've seen his anger diminish a lot.*

So throwing him in jail is not going to do anything about the alcohol problem . . . So let's not just punish him for what he did, but let's treat the problem.

There was general agreement that the victim should have more voice in sentences imposed by the court:

So what they need to do is really listen to what the victim is saying, because the victim knows this person second best to himself.

Really listen to what the victim says. And that's a problem we have. They really don't take that to heart. I don't want him to go to jail. And they say, this is his third time. Well, jail is not going to solve it, I don't care if it's his tenth time. It's not going to solve that.

While victims' desire for input is an important factor to consider in court policy, it's important to note that courts must also adhere to standards of equity and consistency. When different victims desire different sentences for essentially similar offenses, this can complicate the courts' mission to provide fairness and consistency while still being responsive to victims' wishes.

In summary, victims wanted justification and a voice accorded to them in court case outcomes and sentencing practices, although there were differences in opinion as to what the preferred outcomes should be. There may be an underlying theme in sentencing preferences: those who clearly expressed fear of repeat violence wanted strong punishment to act as a deterrence, while those who preferred treatment may have been more interested in remaining in a relationship with the abuser, with hopes that the treatment would end the abuse and provide safety.

Batterer Intervention Programs (BIP)

As a condition of probation in Washtenaw County, probationers convicted of domestic violence are typically required to attend weekly meetings at one of a handful of local BIPs, for a one-year period. Each BIP provider determines the content and format of his/her program. While victims do not attend these groups, several did offer their perspectives on the impact and effectiveness of their partners' participation:

I think it depends on the person, because I see a big change. If we look like we're going to get into it, he'll actually walk away and take breathers, and then we'll talk . . . The only thing that I don't agree with is the money. I mean, that's a lot. You know, that's money for our family that we need . . . He's paying, like $25 a week . . . Then he had a Saturday class. He had this lump sum, $75, and he had to pay for the books. It's a lot.

He complains because he doesn't want to go, that kind of thing, but he'll go. And then when he comes home, once in a while he'll talk about it. He doesn't tell me what's going on, but he'll tell me that he's glad that he's going to them. And it's making him really open his eyes about things.

It is common practice for batterers to pay fees to BIP programs, not only as a practical issue (so that public funds don't have to be expended), but also as one component of

making offenders accept responsibility for their actions. It is clear, however, from the first quote above that when the batterer and victim remain in a relationship and are economically interdependent, the victim and any children also, in effect, bear the financial costs of BIP participation. It can also be inferred from these quotes that if it averts further violence it is money very well spent.

Probation

In Washtenaw County Court, most convicted IPV offenders are sentenced to two years of probation. During the demonstration period, probation officers who specialized in handling domestic violence cases monitored probationers' compliance with court conditions. Probation officers' contacts with probationers were primarily through group and individual meetings. Probation officers also gathered information about the probationer's compliance from home and workplace visits, contacts with victims, and regular reports from BIPs and other programs serving the probationer. Probation officers attended review hearings to report to judges on probationer compliance.

The probation department received both positive and negative reviews from victim focus group participants. Some victims had contacted their abusers' probation officers and received useful information and support (consideration):

> *My experience with the probation officer, I did call her and, you know, got suggestions on how I could go about, you know, have him taken in. And she was very supportive. And she called me back right after and she gave me all the information I wanted to know. And I could sense in her voice she was very helpful. She was on my side, to the point, you know, of being supportive to me and being sensitive to what I was going through. She gave me the information that this could happen, that could happen, you know.*
>
> *He still follows up with me and checks on me to see if everything's okay. And he asked me, does the process work? And, what do you think about it? . . . And they helped me. I feel they have changed my life.*

While these victims had clearly appreciated and benefited from their interactions with probation, another victim reported that the probation officers' responses to her input had caused problems for the victim:

> *I've talked to the probation officer a couple of time, because of his behavior . . . Because his behavior was starting—he was starting to act up again. And I called him* [the probation officer]*, and he called me right back. And he* [the probation officer] *yelled at him* [her partner], *and he met with the judge again . . . At times it's not helpful, because I tell him something confidentially, and he'll go back and tell my husband about it. And that's not good because then he'll come to me and he'll start arguing.*

In response to prompts from the facilitator, this victim indicated that she expected her communications with the probation officer to be treated confidentially, and the officer did not tell her that he would confront the abuser with the information that she had provided.

Others reported contact with probation only for the pre-sentence investigation, before the abuser was assigned to probation, to obtain information for sentence recommendations (accuracy):

> *Well, they take you for an initial interview, because they want to know your part of what happened and what you think he should get . . . before his sentence. And then after that, there is no contact.*

Additional victims had never had contact with their partners' probation officers, and attributed this to confidentiality protections for interactions between probationers and probation officers:

> *No. I've never been in contact with the probation officer. I did talk to the first probation officer once, and then they switched probation officers. I didn't find out until I tried to call to get ahold of her, and never talked to anybody.*
>
> *They're not allowed to give you information.*
>
> *No. You're not allowed to be contacted.*
>
> *That's a confidentiality thing between the client and the probation officers.*

One victim reported that court-ordered probation conditions were not being enforced, including one condition she had specifically requested from the judge. She attributed non-enforcement to probation officers' high caseloads:

> *I was told that I had a say in the sentencing. And I wrote a letter to the judge . . . I wanted a written apology letter . . . Well, I never got the letter. It was part of his probation. I never got it. And when I talked with Safe House* [non-governmental victim service provider]*, it's basically a probation problem. The probation officers have, I guess, too much going on . . . I also found out that he's pretty much flying through the whole course and whatever, because he doesn't have to do anything. He has random drug tests, apparently, and that's it.*

In short, victims reported a variety of different experiences with probation officers. Some reported considerate, helpful interactions, while one reported that officers' attempts to be responsive had backfired and caused negative repercussions for the victim. Others reported no contact with probation officers beyond the pre-sentence investigation (although soliciting victim input for sentencing recommendations indicates accuracy in the process), and one had third-party information that her abuser's probation officer was not enforcing the probation terms. Probation staffing and structure were significantly affected by the changes resulting from the federal funding cuts, and it is possible that the differences in victims' experiences reflect probation practices at different points in time.

Non-Governmental Victim Services: Safe House Center (SHC)

The sole provider of non-governmental, non-profit victim services in Washtenaw County is SHC. SHC provides a variety of services, including a 24-hour hotline, on-call response to police and healthcare providers, a 50-bed shelter, counseling, legal advocacy, transportation, health care, information and referral, support groups for victims and

children, and family preservation services. SHC received JOD funds to establish an autonomy program to provide victims with direct financial assistance to enhance their safety, legal advocates in court to assist with criminal cases, and personal protection order advocates to help victims obtain civil orders.

Many of the participants in our focus group had worked with SHC at various points in their case, from immediately after the assault through the criminal case processing and beyond. Quite a few participants indicated that SHC had assisted them immediately after the assault, providing helpful information and moral support through personal or telephone contacts:

> *In my case, the Safe House came to visit, and they were very supportive, and they explained the process to me.*
>
> *Safe House came the same day. It was very quick.*
>
> *They called me.*
>
> *Yeah, the next morning.*
>
> *I got a call at two in the morning to tell me that he was arrested. And then they called me later that evening when he got out on bond. But they never came over; I just talked to them over the phone.*
>
> *The Safe House was the only one that kept me up to date on what was going on.*
>
> *They kept me in total contact at all times.*

SHC also assisted victims with the prosecution and post-disposition processes as well:

> *The Safe House sat with me in court. It was amazing. Because it's kind of embarrassing to ask your friends, or you don't really want to involve them.*
>
> *They walked me to and from my car. They helped me file a grievance with the Michigan Bar Association against my former husband's attorney who threatened me in court on the way out. And we're working on that right now and on to the next level. They helped to serve the PPO for me and did all the paperwork. They're continuing to stay in touch with me during the probation hearings. They always report to me what's happened.*

When asked what other services victims needed, besides those related to the criminal case, housing emerged as the major issue. Confidential housing is critical to protect the safety of the victim and her children, but it can be quite difficult to move into affordable housing on short notice:

> *Finding an affordable place to live. Finding something to where I know that he won't be able to find me or track me down.*
>
> *A lot of people want to move, but they just can't . . . Like you can't break your lease. If you break your lease, you have to pay . . . So you're in a vice, like, I want*

to leave, get up and just leave today, like you get into it with your boyfriend or whatever. You want to leave that next day, you have money to move, but you can't because of the situation that you can't break your lease. So you stay there, and you end up in another conflict with the same guy, because you can't leave.

Several of the participants proposed some creative solutions to the housing dilemma:

I think it will be good if maybe they could come up with maybe a program for Safe House to participate with the local landlords, even if you wanted to move from your complex to another complex in the same area; that if they could get a participation program on, that would be something that would be good.

And as far as the apartment complexes, having a place to go, I do know that the complex that I live in, they have complexes all over the place. If you're in a lease, you can transfer to a different state, as long as it's [name of management company]. *You can just transfer your lease over if there is an available apartment. And I did.*

SHC operates a large shelter, which provides victims with affordable, immediately available (unless there's a waiting list), temporary housing. However, many of the victims in this group did not like the shelter atmosphere:

Safe House has rules. You have to be here at a certain time, and you have to cook and clean, you have to get up at a certain time. And you're like, I don't want to go through that.

That's like living with my mother.

Yeah, it's like you're a runaway or something.

You know, it's feeling like you're being treated like a kid again.

It's like you're homeless or something.

It's like boot camp.

Rather than a group living situation, participants preferred autonomous, family-style arrangements:

So what you want is something where you can continue to live like a family with your kids.

If they had like a big old apartment or something, an apartment we could just go in, lease for however long you're going to do the court thing, because they're going to keep harassing you in the court. They know where you are.

I'm just thinking like a detached building that maybe would have two floors and have eight or ten units . . . And it seems to me that it would be detached and unmarked, and it could still be run through this facility [SHC]. *And I think someone*

could bring their children if you didn't want your children to be in a more group setting.

You could have your privacy and your pride, and just go in and out for let's say up to a month.

In summary, the focus group discussions revealed that many of the participants had received services from SHC and greatly valued their emergency assistance and advocacy throughout the court process. However, they did not care for the structured group living situation of the shelter, preferring instead advocacy with landlords to allow them to continue living on their own, or housing that would offer individual family units rather than multiple families sharing common living space and subject to shelter rules.

Offender Focus Group Findings

We asked the probationers (5 male and 1 female) to discuss their experiences with the criminal justice system, including the following agencies: law enforcement, defense attorneys, the court, probation, BIPs, and other community services. We also asked participants to share any problems they had with their jobs, living arrangements, or contacts with their children because of the case. Finally, we were interested in any help they may have received regarding problems encountered as a result of their IPV arrest.

Police

Several participants had a history of multiple encounters with local law enforcement. Their prior experiences seemed to have a two-fold effect on their current dealings with law enforcement. For one, they were better able to manipulate the arrest process to their liking:

The police were actually fine with me. I didn't have a problem with them. Unfortunately, my case is probably different, due to the fact that this is my second one. Knowing that I was going to go to jail that night, I got in my car and left.

Secondly, some participants showed an ability to see the situation from law enforcement's perspective.

Well, one of the things that you should keep in mind, in my experience, is that most of the time police officers deal with people who are low-life people. That's the only way that I can describe those kind of people. So when they see a cause to arrest you, they don't really care whether you have a Master's degree or a Ph.D. They treat you exactly the same way.

Such perspective extended into their evaluations of their own actions as well. Some admitted guilt and were less defensive and more accepting of consequences.

Yes, I did something wrong; I'll admit it; I have no problem with that.

I had it coming, that's for sure.

Some participants questioned whether officers were able to maintain neutrality when making arrest decisions—participants often believed there was a gender bias in the arrest decision, such that males invariably were the ones arrested (despite the fact there was a female probationer in the focus group).

> *You cannot call the police on a woman. You don't prosecute women. Washtenaw County doesn't make any money from prosecuting women. They don't give government grants for women being in ADA programs. They're not interested in hearing about it. . . There's a program for men. So if it's a domestic problem, the man goes to the program. "Make us money." . . . Washtenaw County won't prosecute a woman, as far as I'm concerned.*

Other participants felt the system was not driven by gender bias. The female probationer in the group noted:

> *Well, I guess I'm here, so . . . The fact is, you can make police reports on women, and they will be prosecuted.*

Some participants were upset by the lack of dignity and respectful treatment shown them and their families during the arrest process. One participant was particularly upset by the lack of concern shown for his children's feelings by the arresting officer.

> *The only thing that I can say about the police department was the one arresting officer…could have been a little bit more nicer in front of my children… He walked into the restaurant and was being real arrogant and loud in front of everybody in the place… So now the whole restaurant knew everything that was going on at that point. Which is fine…But I was trying to seclude my children from visualizing it. That's all…my wife was even upset with him…because it was traumatizing to the children; which we were trying to separate from…But he was kind of a little bit arrogant in a public place, that didn't have to be that way.*

Another participant had a different experience. Police officers made special accommodations to ensure her children did not witness her arrest.

> *What happened with me was that my ex-husband, with whom I have two children, with 50-50 custody, made out the police report two months after the incident… And I guess, apparently he actually bargained with the police not to arrest me, because it would have happened in front of my children. And I mean, I'm not sure what he had to do, but he bargained with them so that they actually called me on the phone and they said that they will allow me to come in, rather than to have me arrested.*

Additional complaints voiced by participants about the arrest and booking processes centered around disrespectful and inconsiderate treatment directed at them by officers.

> *When they are going to arrest you, they act as if they are God. They act as if they are the total authority, and they demean you. Even if, you know, you are cooperative, they act as if, "Hey, I'll tell you 'Jump' and you'll ask 'How high?'." And that's not the way it's supposed to be. Because according to the law, you are innocent until proven guilty.*

I went from thinking of police as protecting and serving, to people that feel that they can deal out justice themselves…they definitely treated us like we'd committed a crime.

One probationer recollected being told by a sergeant, upon his pretrial release from the jail:

We have let your partner know that you're out. You do one thing wrong, your ass is back here.

This participant felt the comment was unnecessarily harsh and vindictive, and reported that another officer commented to him that he also felt the sergeant's tone was inappropriate.

Many of the group members were upset about their experience at the county jail operated by the Washtenaw County Sheriff's Department. According to participants, the holding cells at Washtenaw County Jail were overcrowded and conditions were unnecessarily uncomfortable.

The holding cell, which is probably set up for about eight people, had as many as 18 people… there wasn't even room to sit down. There were two long concrete benches, no blankets, no pillows. No way to get comfortable. And some of the guys had been in there three days.

Participant 1: *Someone would use the bathroom, and they've* [officers outside of the cell] *got a button on the wall to flush the toilet. And you'd say, 'Can you flush the toilet?' Someone's standing right next to the button—right next to the stinkin' button—wouldn't flush it for 15 minutes.*
Participant 2: *I can understand the whole concept…They don't flush the toilets for a reason. Unfortunately, the reason is because they think that somebody might be trying to get rid of things that they didn't find when they frisked them. I understand that.*
Participant 3: *I'd buy that, if somebody came in and checked the toilet before they flushed it…But they wait 15 minutes and then they flush it.*
Participant 2: *And then they just flush it, right…they're not coming in and surplusing what's in the toilet.*

As an aside, some participants believed the overcrowding problem ultimately benefited them, lowering the probability of arrest and increasing the likelihood of early release from jail for good behavior while serving the jail sentence.

I strongly believe that there is an unwritten rule, which is an order, even to the sergeants, by the police chief, 'Try your best not to arrest anybody. Try your best not to arrest. Try your best to settle the situation right on the spot, and stop arresting people.'

Even on domestic violence, after you've done a domestic violence, like most of us have here, that if you done it, and they don't think you're a threat and, you know, if your sentence is jail for 93 days, and the jail is getting overcrowded, and you're cooperating with the jail people and doing what you're supposed to do, and they

don't think you're a threat, a real immediate threat to anything, they'll discharge you and put you back out on the street. Because they need the space. It's a continuous turnover—boom, boom, boom.

Other participants believed that domestic violence cases were excluded from an unwritten policy to avoid making arrests:

Well, it's different on DV, though. I mean, it's an automatic arrest.

There is no exception to that in Washtenaw County. Period. If there is a call to 911, someone's going to jail.

In summary, most participants could identify aspects of the arrest process that were important to them, both positive and negative. Aspects of procedural justice that were most relevant at the time of arrest include lack of bias on the part of law enforcement (neutrality), and being treated with dignity and respect (consideration) during and after the arrest.

The Court Experience: Case Processing

Probationers voiced several complaints about how their cases were processed through the court system. Probationers believed heavy caseloads and limited resources affected court personnel's abilities to make impartial and accurate decisions. They also complained of slow processing and long waiting times, because of heavy caseloads.

Probationers believed that the county prosecutors and defense attorneys acted in their own self-interest when handling their cases (lack of impartiality). According to the majority of participants, both of these legal adversaries encouraged them to plead guilty to the charges brought against them. Probationers believed the district attorneys were politically motivated to plead cases (to boost their conviction rates) and that overwhelmed defense attorneys were motivated to plead cases because plea bargains meant quick dispositions.

The prosecutor, no matter whether it is in Washtenaw County or Canfield or anywhere else, prosecutors when they are running for the office, they run on the platform of, "Hey, look and see how many people I have convicted"…The prosecutors want convictions.

Participant 1*: An attorney who would charge somebody money to defend that person, that attorney would probably have, maybe maximum, 15, 20 cases a year. The public defender will have hundreds of those cases. The public defender is not supposed to work with the prosecutor, but in a way they are. Believe me, they are. They are supposed to work against each other, but they are not.*
Participant 2: *The public defender is the enemy of the person...Not the friend…he just wants to plead the case.*
Participant 3: *You're so—what's the word I'm trying to use here?—vulnerable. They* [public defenders] *use that against you. They come and say, "Are you going to plead guilty, or are you going to play innocent? You know, if you play guilty, or if you play 'no contest', you will just spend a few hours of community services. You will be coming home." So you go ahead and say "Yes. Okay, I will plead 'no contest'." And then, guess what? They don't tell you all the details… It comes to*

more than $3,000. If I had hired a lawyer, instead of public defender, I'd pay $2,500. The case would be dismissed. Period. The public defender actually shafted me. And after I pleaded guilty… I changed my mind. I said, "I'm going to take my plea back."… They wouldn't let me. They did everything in their power to stop me from changing my plea.

Many participants also felt decisions weren't well-informed (lacked accuracy) —that decision makers knew little of their individual situation and case, but rather applied preconceived templates.

We need a court system that's going to take cases individually. Because right now, as domestic violence sits, you're generalized. Women have one general category; you know, boom-boom-boom. Same thing with the guys. They're in the court system; they're in the jail. They're in the jail syndrome: "Okay. You're battered. So here, you suffered, whatever you did." So the court systems are overcrowded. They don't take a look at what's really going on: why battery occurred, how it occurred, how it prolonged, how it started.

Other concerns about the court process concerned dissatisfaction with the slow pace and lengthy waiting periods involved in court proceedings. This is of course quite common to the court experience not only in Washtenaw, but also in courts around the nation. One probationer believed extended case processing times and the handling of delays by staff were disrespectful to those appearing before the court.

Now, the holding cell, the only time I had a hard time with the holding cell was when it was January 2nd, and they took probably 15 to 18 of us in there and sat us in there, saying, "Yeah, you're going to go in front of the magistrate. You get out if, you know, somebody can give, you know, bond, your bail, or whatever… so they took us out at about 9:30. I went in front of the magistrate at 2:15. So we sat in that cell, all of us, that long, with all high hopes of, "Well, wait a minute, we're getting out." And then the time rolls by, and the time rolls by, and I'm thinking, "They're just playing games."… And then when I had to go back the second time, I spent—It was like January 14th or so. I spent about three to four hours waiting to get my case called.

The Court Experience: The Role of Victim Advocates

The two victim-serving groups, SHC (a private non-profit agency) and the Victim/Witness Specialists in the Washtenaw County Prosecuting Attorney's Office, provide a variety of services to victims, including notification of court dates, courtroom accompaniment and advocacy, assistance with victim's compensation claim filing, emergency financial and housing assistance, and information and referrals for follow-up services. The offenders who participated in our focus group noted the presence of SHC staff at Washtenaw County District Court proceedings. They all had a negative view of SHC's involvement: they believed the SHC advocates didn't hear or represent the victim's voice or respect her desires (lack of voice and consideration), and used their presence in the court to further their own agenda for the victim and the case (lack of impartiality). One also commented on the Victim/Witness Specialists from the Washtenaw County Prosecuting Attorney's Office, but most of the comments focused on SHC staff. Some were also unhappy with advocacy for severe punishment for domestic violence offenders.

They [Safe House advocates] *chewed her [the offender's partner] butt out because she talked with the probation officer and the prosecutors and got it reduced down. . . . And they just kept hounding her, hounding her, hounding her, for five, six weeks, wanting her to change her plea back to the original charge. . . . And they said, "Well, he's trying to tell you what to do; isn't he?" I wasn't trying to tell her. I know what happens if I were to try to tell her what to do. They're going to throw my butt in jail and let it rot for a while. My point here is they need to stop hounding the women. They need to stop hounding the judges, you know. . . . I mean, so we get these women advocate groups up there, wants to nail your ass to the wall. Yeah, sure, you did it. I copped out guilty, because I knew I did it. But, you know, you've got these women advocates up there, "Hey, keep that bastard in jail."*

So it was a week later [after arraignment]. *My wife was in court. She stood up and said, "I am, you know, inviting him back." And the Safe House woman stood up right there, "We don't recommend that." Period.*

Oh, yeah. My wife got the same thing. The look that she got from the Safe House people in the courtroom when she stood up and says, "I want the—" you know, whatever order they call it, I can't even think of the name, but "—dropped, so that he can come home." . . . And if you could have seen—If looks could kill, my wife wouldn't be with us now. Because all them women that are in that back row, sitting there with their little notebooks writing that stuff down, they're all looking at her like, "Well, he just did this to you. What are you, crazy?" That's what they think. They don't know the whole story.

The idea is to separate the woman from the man. That's the idea.

They push that. They push that issue, whether they be from the prosecutor's office—my wife had that—or whether it be from Safe House. Now, sure, I realize some couples shouldn't get back together; there should be orders. And I think all of us realizes that here in this room. But where's the line supposed to be drawn on these people to stop forcing or trying to act like, quote-unquote, they're God and "We know what's best for this woman, we know what's best for this person?"

Participants dissatisfied with SHC's presence in the court had the following to say:

So you've got all these women advocates lining up in the courtroom that day . . . really wanting to tell the judge . . . when I was arraigned it was recommended that they release me on PO. But the women's group had a snit-fit about that. They wanted me in jail. They [advocates from SHC] *go right up to the judge and speak to him. They also meet with the public defenders . . . the prosecutors, they meet and go over every case. And the Safe House contingency is at every court hearing.*

My police report recommended I could go back, and that was the situation. And so when they [SHC advocates] *found that out when I was being arraigned, they had a fit about that.*

The female probationer in the group had an interesting perspective on SHC staff based on her interactions with them. Although she was the defendant in the case, she felt the advocates insisted on re-identifying her as the victim, despite her statements to the contrary (lack of voice).

> *The Safe House women also contacted me. And to this day, I have no idea why. Because I was not the victim; I was the purported criminal. And so to this day, I didn't know whether they—I just—And I asked them whether they—I told them that they should talk to the alleged victim and have him whatever, save him from me, or whatever. But to this day, I have no idea why they contacted me. And it was to the point of harassment. I felt I was being harassed by them. They called me several times at home, and they approached me in the courtroom. And I have no idea what they wanted from me. . . . I told them that he was the accuser and he's the alleged victim. And they kept asking me whether I needed anything, and I said, "No, I don't need anything, unless you can help me in my court case." And they said, "No, we can't help you with the court case." So I have no idea what they wanted from me. And it was harassing me.*

The Court Experience: Court Case Outcomes

According to probationers, sentencing decisions are based on other factors aside from the adjudicated facts of the case. Participants questioned the accuracy, or use of reliable information, in making decisions. They believed the judges' sentencing decisions relied too heavily on the recommendations of probation officers, whose pre-sentencing investigation and resulting recommendations relied too heavily in turn on information obtained in unverified interviews with victims. Some probationers described the sentencing process (and decision making) as they understood it:

> Participant 1: *And you know, it's not even that. You say that your probation officer talked to your ex-wife, and gives it to the judge.*
> Participant 2: *Exactly.*
> Participant 1: *Actually, your probation officer recommends a sentence for you.*
> Participant 2: *Based on the interview.*
> Participant 1: *Based on the interviews. And that sentence, like 95 percent of the time or higher, is what the judge sentences you to. So the judge may be the judge; but unless you go into the courtroom and act like a complete jerk, the judge is going to follow the recommendations of your probation officer.*

Other participants added:

> *If I knew that the probation officer would interview my ex-wife, and whatever my ex-wife said would be going before the judge, and the judge would make a decision based on whatever the result of the interview was between the probation officer and me and also the probation officer and my ex-wife, I would never, ever have pleaded "no contest." Never.*
>
> *I think that's just kind of another case where the county is so jam-packed with these cases, because they made it mandatory jail time, mandatory sentencing, that the judges, they're not really even doing any judging any more. They're going, 'Well, okay, this is what the probation officer said, so—.'*

Batterer Intervention Programs (BIP)

Our focus group participants had experience with two local programs. While individual evaluations of the programs varied, participants involved with one program proved more critical of the experience. They found the program to be too structured, too rigid, and too authoritarian. They believed program staff had preconceived notions about blame, roles, and solutions in domestic situations (lack of neutrality), and that staff dictated their views to participants without considering the ideas and circumstances of the participants themselves (lack of voice).

> *The* [BIP] *program has a certain philosophy of how families ought to run...that you feel like it doesn't fit with your philosophy.*
>
> *Several of the women there* [facilitating the BIP groups] *have axes to grind. . . . But I think the whole program is, you know—it's like women should have the control. And that's what* [BIP program] *is teaching.*
>
> *They do not want to hear that you were provoked. They don't want to hear that there was any other side except the fact that there was abuse.*
>
> *It's like this program is like a little kid with a ball, it's my ball, if you don't want to play by my rules . . . It's an authority thing. We're going to kick your butt out, and you're going to go to jail.*
>
> Participant 1: *But someplace along the line, they act like that's a military court, tribunal session at the* [BIP program].
> Participant 2: *Yeah, you know, you have to start drawing your line down a little bit, taking your rules down a little bit. I mean, people have extenuating circumstances.*
>
> *If you don't play by their rules—And I've been there. Like I said, you know, you get behind. Because when I was in* [BIP program]*, I had a broken leg; cast all the way up there. I was working as well as possible. If you get behind on the money, they suspend you. If you don't agree with something, they suspend you. And all the time you get suspended, you wind up back before a judge. It's costing you more and more money.*

The quote above also alludes to a more universal complaint about both programs—the cost of attendance. The programs' financial requirements left some offenders questioning the motives of the program, suggesting the programs lacked impartiality in that they were more concerned about making money than about helping clients.

> *This guy comes in, and he owes 75 bucks. So by the rule, he's not supposed to attend the class. Now, the instructor of the class took 20 minutes talking to this guy about the money that he owed, while another 18 of us sat there and listened to it. And when I hear stuff like that, it makes me think, "Okay, what's more important to this guy? This guy's 25 bucks, or the 20 minutes that he could be using to help us not do the same thing again?" Okay? And that was definitely something that stuck in my mind. And so, look what's more important? This guy's 25 bucks is more important than the class time that he's wasting.*

Those participants who offered input for changing the BIP programs suggested that victims should participate in sessions. Participants believed this would allow BIP staff to have a more accurate picture of the incident and the continuing family situation. The most positive evaluations of BIPs came from participants who felt respected and listened to by program staff (consideration).

> Participant 1: *The problem is that both the victim and the accused need to be taking it.*
> Participant 2: *You're right. And there are definite aspects that my wife took out of that power and control wheel, too.*
> Participant 1: *Victims should be attending these classes or seminars or whatever. Because at least in my experience,… practically all…, to one extent or another, were provoked. And nobody, again, except for maybe substance abuse cases, nobody out of the blue smacks somebody, you know. There are causes to all of this. And all of them also agree that it would really benefit if the accuser would also go through some of these.*
>
> *There's been times when I know I should have been hauled back into court because I'm behind money-wise. And we talked. This gentleman here was talking about that for the* [BIP]*. Unless you make arrangements with the facilitator there, you know, the rules say you should be out at a certain time. I've made arrangements, because I get a disability check about every three months from a private insurance company. I have AFLAC. And I catch up with it. Yeah, but he's pretty cool with me.*

One final criticism of the BIPs came from a probationer who was held accountable on inaccurate information. This complaint highlights a communication problem between the BIPs and probation. It is interesting to note that during interviews conducted at various times throughout the life of the demonstration project, agency staff also identified a problem with haphazard and insufficient information sharing among the personnel at the different agencies.

> *I attended all of my sessions, and I did everything that they wanted me to do. And yet, they reported to my probation officer that I had not attended any of the meetings. So I went before the judge and I said, "Your Honor, here are my cancelled checks proving that I went to those sessions. I mean, there is apparently a lack of communication between the* [BIP] *and my probation officer."*

Probation

In Washtenaw County Court, most convicted IPV offenders are sentenced to two years of probation. During the demonstration period, probation officers who specialized in handling domestic violence cases monitored probationers' compliance with court conditions. Probation officers' contacts with probationers were primarily through group and individual meetings. Probation officers also gathered information about the probationer's compliance from home and workplace visits, contacts with victims, and regular reports from BIPs and other programs serving the probationer. Probation officers attended review hearings to report to judges on probationer compliance.

The probation department and its officers received both positive and negative reviews from participants in the focus group. Several participants felt their probation officers had taken the time to understand them and their situation, and make expectations and contingencies clear. In theoretical terms, these participants felt probation officers acted with voice, accuracy, and justification.

> *My probation officer is cool, though. I mean, this one I have is cool. He's worked with me a lot. He knows the situation. He's kept up with it with my wife. He's kept up with me. And he knows my situation. He knows what's going on with me physically, knows what's going on with me job-wise, knows what's going on with my wife's health… And there's a lot of stress. And he keeps up with us.*

> *My probation officer…is actually pretty good . . . I've been allowed to leave the state like ten times since I've been on this probation . . . As long as you're compliant with* [BIP]*, as long as you're jumping through* [BIP]'s *hoops and paying your money, your money's all paid up, she's good. She's good.*

One probationer, however, had a different experience of his probation officer's accuracy.

> *My probation officer is very inflexible. And basically, he pigeon-holes everybody in the same thing. And regardless of my own particular circumstances of my case, this is pigeon holed where—And it seems to me that he pigeon holes everybody in the same—same bucket. And so I am in the bucket with people who just are completely different from me.*

Another probationer felt that there was inconsistency between probation officers in BIP requirements.

> *And then, getting back to your question of how long is it, that all depends on the probation officer, the recommendation. The minimum amount of time is 30 weeks. But I'm sitting in a class, I've got 30 weeks, and the guy next to me got 44, and the guy next to him got 42. I mean, it's all over the board. And my thought is, if you're going to have a* [BIP], *it should be a set number of weeks. And if you think somebody else needs more weeks, you should have a different program.*

One probationer complained about his probation officer's lack of consideration for his (the probationer's) cultural beliefs.

> *She says she's going to recommend that I will attend cultural diversity seminars. I said, "I'm from the Middle East, and I wanted my daughter to stay a virgin to get married. What kind of cultural diversity do I need? I need to go to this seminar to say it is okay for my daughter to lose her virginity before she gets married? I don't need that kind of seminar."*

Chapter 5. Summary and Conclusions

This summary provides conclusions across the focus groups conducted in each of the JOD sites. Findings across the sites, for both victims and offenders, indicate the importance of procedural justice concepts when individuals relect on their intimate partner violence cases, services, and related outcomes. In particular, issues of voice, impartiality, neutrality, accuracy, and consideration were demonstrated in several sites for several types of JOD partners. Individuals involved in IPV cases, whether victim or offender, want to feel as though they have been heard, that they have been treated fairly, and that they have been treated with respect and consideration. Understanding procedural justice issues and reflecting such themes in service practices may lead to improved offender compliance with case outcomes, and improved satisfaction and safety for victims.

Highlights from victim focus groups by type of agency participating in the initiative are presented first, followed by findings from the offender focus groups. This is followed by a discussion of the implications for policy and practice. Without detracting from the accomplishments of Dorchester, Milwaukee, and Washtenaw agencies in meeting the needs of IPV victims while attempting to change the behavior of batterers, the summaries that follow identify the key areas in which victims and offenders evaluate their treatment by agencies—whether positive or negative—and identify practices that indicate high procedural justice and key areas in which participants would like to see improvements in practice.

Summary of Findings from Victim Focus Groups

Overall, the focus group discussions in Dorchester indicated that most but not all victims felt dissatisfied with how fairly and professionally they were treated by JOD partner agencies, including the police, courts, prosecutors, probation, and victim service providers. They called into question the extent to which these agencies provided numerous components of procedural justice, including voice, consistency, impartiality, neutrality, accuracy, correctability, ethicality, and consideration. However, some victims also cited positive examples of procedural justice in their interactions with some of the agencies. Some reported quick, considerate, and efficient police services; some appreciated the prosecutor allowing them to decide whether to testify; some felt the judges were helpful; and several greatly appreciated the support of both prosecution-based and non-governmental victim service providers.

The focus group discussions in Milwaukee revealed that some victims were receiving model responses from JOD partner agencies, including law enforcement, victim service agencies, court staff, and probation. However, some were not, indicating the need for continued efforts to make these model responses universal. The discussion also revealed gaps in service and unmet victim needs that suggest areas in which additional policy and program development is needed.

Overall, the focus group discussions in Washtenaw revealed that the victims had a wide variety of experiences with and perceptions of their treatment by JOD justice-based partner agencies, including law enforcement, prosecution and the courts, probation, and BIPs. Opinion was more uniform on the non-governmental victim service provider: all

victims who spoke about SHC received and appreciated useful information and support with the criminal case, but none cared for the shelter environment and preferred independent living arrangements to meet their needs for safe housing.

Police

Victim ratings of police responses to IPV varied widely. In Dorchester, victims voiced concerns about lack of respect and concern for them, police decisions they saw as based on preconceived assumptions rather than facts, and a desire to make themselves look good. In Milwaukee and Washtenaw County, victim reactions to the police response were more evenly balanced between satisfied and dissatisfied. Several victims were extremely pleased with the professionalism shown by responding officers, and their accuracy in gathering information to make informed decisions and act on them quickly; others were equally unhappy. Overall, the aspects of procedural justice most relevant to victims in their interactions with the police included being treated with dignity and respect (consideration); a timely, professional response to gather information and act on it appropriately (accuracy); and a lack of bias on the part of law enforcement (neutrality). Opinions varied on whether victims were asked for input on the arrest or wanted to have input on the arrest decision (voice). In every group, at least some victims believed the police did not take the incident seriously and were slow to respond to their calls for service and/or reluctant to arrest the perpetrator.

Enforcement of Restraining Orders and No-Contact Orders

Many victims in Milwaukee wanted restraining orders to be enforced consistently and infractions to be taken seriously. Some problems around enforcement of these orders might stem from the fact that orders might be unresponsive to the needs and wishes of many victims and therefore ignored or frequently violated. Victims, particularly those with children and those with ongoing, long-term relationships with the offender, wanted the Court to consider their individual needs and wishes in setting a no-contact order and its duration and conditions. Police were in a difficult position of trying to enforce orders selectively when they perceive a risk to the victim. Such a response, while understandable, is likely to undermine the consistency of the police response and respect for court orders, and may increase the risk to victims who need and want these orders.

Prosecution and Court Process and Outcomes

Victims implicitly supported the concept of evidence-based prosecution that would allow victims to choose whether to testify in court or not, and those who had this choice were grateful. Victims valued information and communication with the prosecutors and victim/witness staff, including notification of case progress and outcomes, as well as the chance to provide their input. Some comments indicated that better communication with the prosecutors would provide them with more information for interpreting court proceedings and understanding the prosecution role.

Victims wanted to see case outcomes that matched the seriousness of the crime, with each case considered individually rather than fit into a standard template that determined outcomes. Dissatisfaction with sentences imposed on abusers took several forms. Some feared further abuse and wanted more punishment, to act as a deterrent, while others—perhaps those interested in continuing the relationship—preferred treatment to address

the underlying problems they saw as causing the abuse. There was consensus that courts should consider victims' input in making sentence determinations.

Probation

Victim opinions about probation and monitoring offenders varied from site to site. In Dorchester, victims in the focus group did not appreciate contacts from probation officers, because they felt that the contacts were motivated not by concern for the victims but as a means of enlisting them to help probation accomplish its goals. This made them feel awkward and even insulted, so it is important that probation contacts clearly express concern for the victim's well-being and not be seen as engaging her/him as an ally in the probation function of monitoring offenders. In Milwaukee, victims were appreciative of efforts to monitor offenders on probation and keep victims informed of offenders' progress. Probation monitoring was helpful both to victims who wanted to proceed safely towards reunification, as well as to those who wanted no further contact with the offender. In Washtenaw, victims reported very mixed experiences with probation agents. Some had received useful information and support from their partners' probation agents throughout the probation term, while one reported that officers' attempts to be responsive had backfired and caused negative repercussions for the victim. Others reported no contact with probation officers beyond the pre-sentence investigation (although soliciting victim input for sentencing recommendations indicates accuracy in the process), and one had third-party information that her abuser's probation officer was not enforcing the probation terms. In Washtenaw, individual probation agents reported to the judge in the court to which they were assigned, and had widely different caseloads; some variability in practice may have been due to the influence of the judges and their unique preferences, and to caseload demands.

Victim Services

In all sites, victims who received victim services appreciated the support. In Washtenaw, many of the group members had received services from SHC, the nongovernmental victim service agency, in the immediate aftermath of the assault and throughout case adjudication, and found these services to be enormously informative and supportive. Peer groups to provide emotional support and validation seemed to be of particular interest. However, in two sites, Dorchester and Milwaukee, relatively few of the victims had received direct services and more wanted them. In these sites, many of the participants were not aware of safety planning strategies. The group discussion revealed that many of the participants had continued to have contact with their abuser, despite no-contact orders from the Court, and had found themselves in situations in which safety planning would have been helpful. The lack of in-court childcare was a gap in services for some victims and made them less likely to attend. Victims with children did not always get asked if their children needed help and wanted services for them. Housing was mentioned as a critical need, with a preference for independent, family-style housing, either through private arrangements with landlords or through SHC housing that was not a structured group-living situation like the shelter.

Batterer Intervention Program

In Washtenaw, only a few group members spoke about the BIP experience and both had positive feedback on its effectiveness, although the program fees were problematic for

family finances when the victims and offenders were still in a relationship. However, in Milwaukee, victims wanted assurances that the sentences offenders received reflected the severity of the offense and the history of the offender's violence. This meant making it clear to victims that prior offenses, particularly IPV, were considered at sentencing. In some cases, the plea offer may have been too lenient in the eyes of the victim. Several victims were skeptical of batterer treatment because their offenders did not appear to be taking the program seriously and wanted access to information on their progress and attendance.

Summary of Findings from Offender Focus Groups

Overall, the focus group discussions in Dorchester revealed that most offenders felt disgruntled—but not uniformly so—with how fairly and professionally they were treated by JOD partner agencies, including law enforcement, BIP and the Fatherhood Program, the court, defense attorneys, and probation. Specifically, they doubted the neutrality, accuracy, and voice given them by the police and court, and the impartiality of defense attorneys and BIPs. On the other hand, they also cited positive examples of voice and accuracy in probation supervision, consideration shown by the Fatherhood Program, and justification and impartiality shown by the court.

The focus group discussions in Milwaukee revealed that many offenders felt they were treated fairly and professionally by at least one JOD partner agency, including law enforcement, BIPs, court staff, and probation. The level of approval was relatively high in view of the fact that all participants had faced legal consequences for their behavior and undoubtedly many resented being held accountable. The complaints that were raised centered both on case outcomes (distributive justice) and the way they were treated during the process (procedural justice). Procedural justice concerns, the focus of our investigation, were raised in several areas. The most prevalent complaint was lack of an opportunity to be heard by those in authority. These incidents involved police officers, probation officers, and the Court. Others did not feel well represented in court and a few complained about very serious indignities during detention after arrest.

Overall, the focus group in Washtenaw revealed that the offenders had a wide variety of experiences with and perceptions of their treatment by JOD partner agencies, including law enforcement, the court, probation, and BIPs. Specifically, some group members expressed dissatisfaction with law enforcement's neutrality and consideration, while others felt they were treated without bias and with respect. Some felt the court process and outcomes lacked impartiality, accuracy, voice, and consideration, whereas others had more positive experiences. Opinions were split on the accuracy, justification, consistency, and consideration afforded them by probation. Many probationers reported problems with the BIPs' neutrality, voice, impartiality, consideration, and accuracy, but some felt they had been shown consideration by the BIP.

Police

Offenders, particularly those in Dorchester and Milwaukee, questioned police neutrality and accuracy. They believed the police automatically assumed that the male was the primary (or only) aggressor and automatically made arrests without thoroughly analyzing all of the physical evidence. They were divided on the issue of having a chance to tell their side of the story. Overall, offenders stressed the importance of lack of bias

(neutrality) at the time of arrest and treatment with dignity and respect (consideration) at the time of arrest and, when applicable, at the jail.

Court Process and Outcomes

Many offenders felt the legal process did not provide neutrality or accuracy. These offenders felt that the Court was biased against persons charged with IPV offenses and were dismayed by the amount of power the Court gives the victim and how loudly her voice is heard by the judge. In their view, probationers felt the Court always takes the woman's word over the man's word, even when evidence to the contrary is presented.

Offenders also had concerns about case processing. A number of offenders voiced concerns about the lack of a vigorous defense provided generally by public defenders. They felt urged to take a plea rather than present their case. Others were dissatisfied with the time it took for their case to reach disposition and the multiple court appearances required for each case, which may cause serious problems with employers, especially for hourly employees.

Offenders questioned the fairness of case outcomes, focusing on sentencing equity, financial burdens, and the impact of no-contact orders. Offenders wanted the punishment to reflect the severity of the offense and the history of the offender's violence. There was also a perception that not all IPV offenders were treated equally under the law by participants who cited similar sentences for cases of varying severity. Concerns about sentencing equity were closely tied to perceptions that the financial consequences were more severe for low-income working men than for upper-income men (who could afford to pay the fees) and the unemployed (who, by virtue of the sliding scales, paid almost nothing). Still others complained about the harmful effects of extended no contact orders on families.

Not all offenders were dissatisfied with their court experience. In one instance, the probationer appreciated the court's offering to provide early release from probation if he complied with probation conditions, and then rewarding his compliance with the early release as promised. In another case, the probationer applauded the court's impartiality in chiding a BIP for apparently emphasizing payment of fees over the program's mission of reducing battering behavior.

Batterer Intervention Program (BIP)

Many offenders were dissatisfied with BIP requirements and services. In Dorchester, offenders said that the programs were too expensive, overcrowded, mismanaged, and lacked qualified counselors. In both Dorchester and Washtenaw, offenders felt strongly that their limited financial resources and time were not well spent on BIP. Some felt that money was more important to the BIPs than helping clients. Many also believed that both the male and the female in a relationship were to blame for much of the arguing and that couples counseling would be a worthwhile option.[24] In contrast, Milwaukee offenders were extremely satisfied with services received through BIP. Probationers found BIP a safe place to discuss their problems and receive helpful suggestions. Many commented that lessons learned in BIP have led to self-reflection and self-awareness about their abusive behavior.

[24] It should be noted that many in the domestic violence field strongly discourage the use of couples counseling from concerns that the process may blame, intimidate, and re-victimize victims.

Probation Supervision

Experiences with probation varied across site. The Dorchester focus group discussions did not delve into the quality of probation supervision at length, but several comments indicated that probation supervision that involves working with probationers and considering their individual circumstances—allowing probationers' voices to be heard and using accuracy in decision-making—are very much appreciated.

Comments about the Dorchester probation status review hearing primarily centered on two topics. First, probationers discussed the frequency of the hearings and how trying to get off work to attend the hearings put a strain on their employment (since two hearings per year is the minimum, this situation would be more likely to apply to probationers who were not fully compliant, thereby requiring additional hearings). Second, probationers discussed their disappointment in not being given an opportunity to address the Court during their review hearings. One participant described it as a process where one goes in front of the Court to listen to others talk about them.

Concerns about Milwaukee probation can be put into two categories. First, many felt that agents needed to be more service-oriented. Probationers described incidents where their agents required them to obtain employment but didn't offer any assistance in finding and securing a job. Others were dismayed when their agents refused to schedule appointments around the offender's work schedule and did not understand why keeping the offender employed was not a top priority of the agent. Difficulties of being self-employed and under probation supervision were also discussed. Probationers want agents to recognize the legitimacy of their self-employed status and develop protocols that would allow them to remain in good standing on probation yet maintain their self-employed status (e.g., recognizing that a steady pay check is not always possible but what matters is that the probationer makes an acceptable wage over time; recognizing that a boss may not exist to verify work performance and find other ways to verify the legitimacy of the person's career, etc.). Second, there was a general feeling of a lack of neutrality among probation agents. Probationers discussed incidents where agents enforce rules and court orders differently leading to feelings of unfair and unequal treatment.

The probationers in the Washtenaw group had very mixed experiences with probation agents. Some felt that their agent listened to their input and considered their individual circumstances, and made expectations and contingencies clear. Others reported inflexibility and lack of attention to individual circumstances, as well as inconsistency across probation agents in the imposition of BIP requirements. One perceived a lack of cultural consideration from his probation agent. Individual probation agents reported to the judge in the court to which they were assigned, and had widely different caseloads; some variability in practice may have been due to the influence of the judges and their unique preferences, and to caseload demands.

Implications for Policy and Practice

The findings produced several implications for future police training. Victims attributed the responsiveness and sensitivity of the police reaction to: 1) the responding officer's

attitude towards IPV, and 2) the visibility of severe injury. Victims generally endorsed the following police practices, which can be strengthened further through on-going training:

- Victims want the police to show concern for victims by responding quickly and taking appropriate legal steps based on the evidence at the scene, regardless of the abuser's criminal profile (i.e., whether he/she was wanted on other charges).

- Victims want police to avoid engaging them in conversations that would put them on the spot, such as asking in the offender's presence whether the victim wanted the offender arrested, since this could trigger retaliation against the victim in the future. These victims felt that officers should only ask for the victim's input on the arrest decision if there was no clear evidence that a physical assault had occurred.

- Victims want the police to abstain from remarks that appear to trivialize the incident or appeared to blame the victim. Such remarks were reported by more than a few victims.

- Victims want more consistent enforcement of protection orders, including those in issued by courts outside the local jurisdiction.

- Victims noted that police have difficulty in responding to IPV calls that, according to victims, involved alcohol and sometimes cocaine.

Offenders in all sites complained about the police making quick judgments about the incident and not considering their sides of the story. A frequent complaint was that officers were quick to judge the male as the primary or only aggressor in the situation, even when physical evidence pointed otherwise. Offender groups generally endorsed the following police practices and identified them as areas that should be strengthened.

- Offenders want the police to give them an opportunity to present their side of the story before an arrest decision is made. Several participants remarked that the police officer took the women's statement but did not take their statement. This may require an extension of training in determining probable cause and the primary aggressor.

- Offenders want to be treated with respect, despite their apparent responsibility for the crime. Some of the offenders felt that their treatment during arrest and pretrial detention violated the legal assumption of innocent until proven guilty, in that officers' behavior and jail conditions were inappropriately punitive or deliberately and unnecessarily humiliating.

The victim focus groups produced several recommendations for courts.

- Victims, particularly those with children and those with ongoing, long-term relationships with the offender, want the court to consider their individual needs and wishes in setting a no-contact order and its duration and conditions. This would help police enforce them more consistently, help ensure respect for court orders, and offer greater protection to victims.

- Victims indicated a need for emotional support during the case and greater security during the court process—especially at in-court appearances.

- Victims implicitly supported the concept of evidence-based prosecution that would allow victims to choose whether to testify in court or not, and those who had this choice were grateful.

- Victims varied as to whether they wanted the offender penalized or treated. This led to consensus on wanting greater input into sentencing decisions and more variation in sentences so they could be tailored to the situation.

Offenders were generally less satisfied with their court experience. These perceptions reflect areas in which courts could expand efforts to explain the legal process to the offender.

- Some offenders wanted more opportunity for a strong defense in which their side of the case was explained in court.

- Some offenders did not believe that all IPV offenders were treated equally under the law by participants who cited similar sentences for cases of varying severity and that sentences were not tailored to the severity of the incident and criminal history.

- Some offenders thought the financial consequences were more severe (too severe) for low-income working men than for upper-income men (who could afford to pay the fees) and the unemployed (who, by virtue of the sliding scales, paid almost nothing). .

Offenders identified two areas of concern about status review hearings. First, the frequency of the hearings put a strain on their employment (particularly for those were not fully compliant, thereby requiring additional hearings). Second, offenders wanted more opportunity to address the Court during their review hearings.

Overall, victims who received victim services were very satisfied with them. However, there were big differences in victim services provided across the sites. Most criminal case victims in the focus groups in the two sites with multiple nongovernmental agencies affiliated with JOD said they were not referred to victim services by anyone at the court. These victims were generally unfamiliar with basic safety planning strategies. In some cases, the nongovernmental advocates in these sites focused on providing services in civil matters such as protection orders; in other cases, the advocates targeted special populations or were located off-site, making communication with the court more difficult. Most of these victims expressed an interest in services, particularly in receiving emotional support and validation and services for their children. In Washtenaw County, a single victim service agency worked very closely with staff in the prosecutor's office and had contact with the large majority of the victims in criminal cases. This level of close collaboration may be necessary to reach victims. Service gaps in that site seemed to be limited to preferences for more services for children, and housing options other than shelter such as independent, family-style housing, possibly through private arrangements with landlords.

Similarly, organizational differences may account for variation in offender experiences with probation. Offenders in sites with specialized probation units or officers praised probation officers for their helpfulness. However, offenders in Milwaukee supervised by a large, non-specialized agency tended to want probation officers to be more service-oriented and less enforcement-oriented. Probationers there discussed incidents where agents enforce rules and court orders differently leading to feelings of unfair and unequal treatment. Probationers described incidents where their agents required them to obtain employment but didn't offer any assistance in finding and securing a job. Others were dismayed when their agents refused to schedule appointments around the offender's work schedule and did not understand why keeping the offender employed was not a top priority of the agent. This suggests that specialized probation supervision may be more effective in motivating offenders to engage in required services.

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