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BEHAVIORS ON DOMESTIC VIOLENCE CASE OUTCOMES

by

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B.S. May 2001, Old Dominion University

A Thesis Submitted to the Faculties of
Old Dominion University and Norfolk State University
in Partial Fulfillment of the Requirement for the Degree of

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ABSTRACT

EFFECTS OF RACE AND PROSECUTOR'S PERCEPTIONS OF VICTIM'S BEHAVIORS ON DOMESTIC VIOLENCE CASE OUTCOMES

Angel K. Williams
Old Dominion University and Norfolk State University, 2003
Director: Dr. Ruth Triplett

The purpose of this study is to investigate the effects of race and prosecutor's perceptions of victim's behavior on domestic violence case outcomes. This research utilizes data collected by Belknap and Graham (2000) in a large Midwestern Urban area during 1997-1998. Past literature supports the predictions that race and victim's behaviors affect case outcomes. However, there are no studies that examine either race and victim's behavior or the connection between them.

Analyses revealed that victim's race is not significantly related to case outcome. Perceptions of victim's behavior, however, were significantly related to case outcomes. Additionally, prosecutor's race and level of evidence were found to be significantly related to case outcomes.

This thesis is dedicated to my husband and family. Thank
you all for your never ending support, love, and
motivation.

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I would like to take this opportunity to thank the people who have helped guide me throughout this process. Without their support and guidance I would not have been able to successfully accomplish this task.

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CHAPTER I

INTRODUCTION

The transformation of domestic violence from an unspoken experience to a nation's concern has happened in just a matter of a few decades. The experience of abuse that women face has now become the topic of academic research, political action, and public discussion (Dobash and Dobash 1979). Since the late 1970's, domestic violence has come to be nationally acknowledged as a crime, and the criminal justice system's treatment of domestic violence cases has been radically changed through landmark court cases, mandatory arrest laws, no-drop policies, and assistance to victim's from public and private agencies (Dobash and Dobash 1979).

Despite the changes that have occurred in the past few decades within the criminal justice system, domestic violence research has focused largely on the use and effectiveness of mandatory arrest policies. Relatively little is known about the response of other components of the criminal justice system. In addition, there is some research that suggests the experience of domestic violence and police responses vary by race (Cramer 1999; Hirschel

and Hutchinson 2001; Kingsnorth et al. 2001). There is little research, however, that examines the role of race in the court processing of domestic violence cases.

Past research on sentencing outcomes for a wide variety of offenses including domestic violence has found that both legal factors such as severity of the offense, physical evidence, past records, and victim's behavior, and extra legal factors such as race and victim-offender relationships, play a role in how cases are handled by the criminal justice system (Allard 1991; Berrios and Grady, 1991; Straus 1993; Rosenbaum 1994; Wattendorf 1996; Gersten 1998; Goodman, Bennett, and Dutton 1999; Cramer 1999; Belknap and Graham 2000; Peterman and Dixon 2001). Some cases show that race is a contributing factor in criminal justice processing, while others do not. This present study will examine whether there are differences by race in how domestic violence cases are handled in the court system. In particular, the current study will examine whether African American women are less likely to have their domestic violence cases result in a guilty verdict than Caucasian women.

This study will also examine whether perceptions of African American women who are domestic violence victims differ from perceptions of white women and whether these

perceptions affect case outcome. The idea that African American women may be perceived differently is supported by four items in the literature. First, people have expectations regarding women's behavior even when they are victims of a crime. Second, these expectations are based on an image of white women. Third, African American women will be less likely to meet these expectations. In terms of domestic violence case outcomes, if women who are victims of domestic violence are expected to be passive, dependent, and cooperative than women who are assertive, independent and less cooperative may be treated differently. Finally, women who fail to meet these expectations are treated differently from women who do meet them.

HISTORY OF DOMESTIC VIOLENCE

During the nineteenth century, in the United States, the states enforced laws based on English Common law. These laws gave husbands a legal right to control and discipline their wives through physical beatings (Glenn 1984). These laws were based on the belief that when a woman married she lost all rights to herself, children, wages, and her inheritance (Glenn 1984). Women were viewed as slaves and men as the superior being in the household

(Glenn 1984). As such, women lacked control and power over their lives, and husbands were given the right to control their wives by any means necessary. It was each husband's right to protect and control his indigent wife, which legally gave him the right to limit and control her behavior. According to Hammerton (1992), these standards of a man's domination over his wife created social acceptance of modern marital cruelty.

Throughout the years, women began to obtain legal assistance in escaping their husband's violent abuse. During the 1850's, for example, several states in America began to liberalize their divorce laws, and allow women to obtain a divorce based on marital cruelty (Glenn 1984). The laws were strict, however, since the violence had to be severe to meet the court's standards of legal cruelty. In fact, the violence had to be life threatening, habitual, and could not have been provoked by the behavior of a wife towards her husband (Glenn 1984).

Over the years domestic violence became known as an illegal act of violence. Several women's rights organizations (e.g. National Coalition Against Domestic Violence, Women Against Violence Against Women) struggled persistently until these organizations were eventually recognized and domestic violence became recognized as an

illegal act. It was from the creation of laws against domestic violence that helped put domestic violence on the national agenda.

Between the 1970's and 1980's domestic violence began to transition into a nationally recognized crime problem. Society gradually developed policies and laws to change the way this criminal act was approached. Slowly women who were victims of domestic violence began to receive more legal assistance and protection from the criminal justice system. Domestic violence was now seen by the law as a crime, instead of a personal family matter.

Progress in the area of criminalizing violence against women can be seen most recently in the 1994 Victims of Crime Act. According to Summers and Hoffman (2002), the Violence Against Women's Act was implemented and applied throughout the nation. This law stated that gender-motivated crimes are a violation of women's civil rights, and that the victim has a legal right to sue the perpetrator. Laws of this nature made it possible for women to obtain protection and restraining orders through the courts.

Though laws in every state recognized domestic violence as a crime by the 1970's, as late as 1984 the legal system still treated spousal abuse as a private

matter, a matter inappropriate for police or prosecutorial concern. For example, during the 1970's, the police almost never made arrests in domestic violence cases even with a visible injury (Sherman 1992). In addition, twenty-two states barred police from making warrantless arrests in cases where they had not personally witnessed the violence (Sherman 1992).

By 1984, however, police practices had begun to change. Two factors contributed to the change. First were the law suits. According to Price and Sokoloff (1995) two major cases, *Bruno v. Codd* and *Scott v. Harks*, charged police departments with failure to protect the victims. Another landmark case that helped to influence the treatment of domestic violence by the police was the lawsuit by Tracy Thurman in 1985 against the City of Torrington, Connecticut. In this particular case, Tracy Thurman was "assaulted and permanently disabled by her husband" as the police watched the entire event unfold (Price and Sokoloff 1995:264). It was because of cases of this nature that police departments began to rethink their approach to handling domestic violence cases.

In addition to these law suits, the second factor which contributed to change in the treatment of domestic violence cases came in 1984 when Sherman and Berk published

findings from their Minneapolis Police Domestic Violence experiment. The experiment offered evidence supporting arrest as "significantly more effective in deterring future violence in battering situations than either separation or mediation" (Price and Sokoloff 1995:264). The combination of these two events helped change the way the police ultimately responded to domestic violence (Price and Sokoloff 1995).

Several studies provide evidence showing the effectiveness of mandatory arrest by police (Berk et al. 1992; Hirschel and Hutchison 1992; Dunford 1992; Pate and Hamilton 1992; Stark 1993; Shoop 1994; Mills 1998) though others suggest it's not effective (Melton 1999; Hoyle and Sanders 2000). According to Stark (1993), research found that mandatory arrest involved immediate protection from domestic violence. Arrest, he argued, provides a meaningful opportunity for battered women to consider their options, and prepares women to end the relationship, find a different living location, and to obtain a legal protective order. Hoyle and Sanders (2000), however, argue for an approach that allows victims to make choices, instead of the automatic mandatory arrest policy. Melton (1999) suggests further that law enforcement and social welfare agencies should work together to create integrated

interventions, which may result in an effective approach in deterring domestic violence.

Another example of how the criminal justice system response to domestic violence cases has changed is the no drop policy that is enforced by prosecutors. This policy requires government attorneys to bring criminal charges against batterers (Mills 1998). Mandatory prosecution removes the burden of the decision to prosecute out of the hands of the victim and places it into the hands of the state (Hilton 1993). There is limited research thus far about the effectiveness of the mandatory prosecution policy.

Despite these changes, concerns remain that the criminal justice system response to domestic violence is still problematic. Ferraro and Boychuk (1992), for example, take a feminist approach to women battering and challenges that the criminal justice system does not respond appropriately to its victims. She states "the criminal justice system, including the police, prosecutors, and judges, has not enforced assault and battery laws" (Price and Sokoloff 1995:263). From subjective discretion of the police to arrest offenders, to prosecutors determining which domestic violence case is most important to prosecute; decisions are made which exclude many cases from

the criminal justice system.

In addition, we know little about the court's processing of domestic violence cases. It is evident that discrimination still exists within the criminal justice system. Thus it may play a factor in the court decision regarding domestic violence.

DOMESTIC VIOLENCE, RACE, AND THE CRIMINAL JUSTICE RESPONSE

For centuries, racism and patriarchy have been dually experienced by minority women, particularly black women, in the United States (Weis 2001; Bell and Mattis 2000). Research suggests that domestic violence that occurs among African American men and women has been influenced by exposure to slavery, segregation, the denial of civil rights, lynching, police brutality, educational and employment discrimination, and the construction and dissemination of stereotypes designed to destroy the image of African Americans (Oliver 2000). In addition, African American women have faced a history of traumatic experiences. These experiences have life long consequences that may result in having difficulty developing stable, emotional resources, developing trust in the criminal justice system, and the acceptance of violence as an acceptable lifestyle.

Research shows that the risk of violent victimization, including domestic violence varies by race (Dawson and Langan 1994; Kesner, Julian, and McKenry 1997; Oliver 2000; Newby et al. 2000; Wyatt et al. 2000; Harrison and Esqueda 1999; Smith 2000). In 2000, the rate of severe violence in black families was higher at 174 per 1,000, as compared to 115 per 1,000 in white families (Oliver 2000). According to Oliver (2000) domestic violence among African Americans correlates with several factors, including poverty, social class, substance abuse, lack of integration in primary networks, styles of dispute settlement based on exposure to lower-class values, norms, role expectations, and exposure to societal stress (Oliver 2000).

It is not just the actual experience of domestic violence that may vary by race; it is also how cases are handled by the criminal justice system. Researchers have determined that both legal factors and extra legal factors play a major role in court case outcomes for domestic violence (Lizotte 1978; McLeod 1983; Nagel 1983; Hanna 1992; Rosenbaum 1994; Ford et al. 1995; Wattendorf 1996; Cramer 1999; Goodman et al. 1999; Bui 2001; Hirschel and Hutchison 2001). Legal factors include, but are not limited to, severity of abuse, prior record, and evidence. Of the extra legal factors, limited research is beginning

to show that race is a contributing factor in domestic violence cases.

STATEMENT OF RESEARCH QUESTION

The purpose of this study is two-fold. First it is to examine the role of victim's race in domestic violence case outcomes. Specifically, this study will examine whether African American women who are victims of domestic violence are less likely to have cases result in a guilty verdict than Caucasian women. Second this study will also examine possible explanations for this by examining whether African American women who are victims of domestic violence are significantly more likely than Caucasian women to be perceived by prosecutors as demonstrating less than positive behaviors. These questions generate the following hypotheses.

H1: African American women who are domestic violence victims are significantly less likely to have cases result in a guilty verdict than Caucasian women.

H2: Prosecutor's perceptions of victim's behavior significantly affect case outcomes. The more positive prosecutor's perceptions of victim's behavior, the more likely the case will result in a guilty verdict.

H3: African American women who are victims of domestic violence are significantly more likely than Caucasian women to have their behavior be perceived negatively by prosecutors.

Methodology

Data for this thesis come from a study titled, "Factors Related to Domestic Violence Court Disposition in a large Midwestern Urban area, 1997-1998," conducted by Joanne Belknap and Dee L. R. Graham. The research design used by these researchers was the result of cooperation between university researchers and a community organization composed of judges, police officers, prosecutors, administrators, victim advocates, social workers and mental health workers. Data on court processing of misdemeanor domestic violence cases was collected from five sources and divided into six parts: pretrial services, interviews and surveys of court officials, content analysis of court transcripts, surveys of domestic violence victims, and in-depth interviews with domestic violence victims.

The present study uses one dependent variable guilty. The key independent variables are victim's race and prosecutor's perceptions of victim's behavior as positive or negative. The control variables, victim offender

relationship, prior history, evidence, severity of offense, and prosecutor's race, are also examined.

IMPORTANCE OF STUDY

An examination of role of race in domestic violence case outcomes is important for several reasons including: levels of violence, justice, and racial biases.

First, this study is important due to the higher levels of violence and spousal abuse African American women experience in comparison to Caucasian women. Domestic violence is prevalent in all racial, ethnic, and economic groups, transcending all social barriers (Zorza 1992). It is also the largest cause of injury to women between the ages fifteen and forty four (Berk et al. 1992). However, evidence shows that domestic violence is more prevalent in the lives of black women than white women (Weis 2001; Dawson and Langan 1994; Oliver 2000). Studies also show that violence among African Americans is considerably more severe than among Caucasians (Dawson and Langan 1994).

In terms of justice and racial biases, in our society, the implementation of law is supposed to be objective and neutral. Yet racial bias has been known to exist throughout the criminal justice system, especially in the processing of court cases. For years studies have shown that

minorities have been discriminated against from judges, prosecutors, to police officers (Hagan and Bumiller 1983; Ulmer and Kramer 1996; Crawford, Chiricos, and Kleck 1998). This racial bias has ranged from severe punishments from police officers, prosecutor's unwillingness to pursue cases, and even judge's harsh sentencing of minority offenders.

Too many discrepancies exist in the criminal justice system for society to deny that extra legal factors, such as race, significantly influence the outcome of cases. Not all research supports this conclusion, however; some studies support the claim that the criminal justice system responds more harshly when the offender is a minority (Spohn and Cederblom 1991), and others do not (Hagan and Bernstein 1979; Hagan and Bumiller 1983). In some instances, researchers have even found that racial minorities were sentenced more leniently than white offenders (Hagan and Bumiller 1983).

Many members of the criminal justice system have a great deal of discretionary power. In their hands rests the fate of all those processed through the legal system. Their beliefs and biases may affect their decisions, as well as court officials may be perpetuating the biases and prejudices that are deeply rooted within in our society.

This study is of importance because it will examine whether racial bias still exists in how domestic violence victims are treated. African American women can suffer from legal biases against women and biases by race. These women are more likely to be ignored than Caucasian women in spite of increased risks of abuse.

PLAN OF STUDY

This study tests several hypotheses to determine the role of race in domestic violence court cases. The next chapter consists of a detailed literature review that will provide supportive research, which focus on the role of race in case outcomes. The next chapter will discuss the methodology, which details plans for using specific dependent and independent variables and the type of analysis to be used. Additionally, this study shows in the findings section that hypothesis 1 and hypothesis 3 were not supported, however hypothesis 2 was supported. Finally, the last section provides a conclusion of the entire study.

CHAPTER II

REVIEW OF LITERATURE

Over the years, women of all ethnic backgrounds have endured the scars and emotional trauma of domestic violence. On occasion, these scars are enhanced by memories of processing through the criminal justice system. For some women, processing through the criminal justice has been a horrifying experience that begins at their first interaction with the police officers, continues in contact with prosecutors and the courts, and eventually ends with the results of their cases. Speculations as to the cause of these negative experiences have ranged from the victim not cooperating with the prosecutor (Hoyle 1998) to the behaviors of the court officials affecting the victim's experience (Gersten 1998; Cramer 1999; Peterman and Dixon 2001).

Researchers have explored domestic violence from many different angles. For instance, over the years several policies have been implemented to help solve the problem of domestic violence. Some of these policies consist of the use of mandatory arrest and prosecutor's no drop policies. Not much attention, however, has focused on court case outcomes and the effect of race.

The following review of literature will highlight the importance of race in sentencing by examining research on the role of legal and extra legal factors in domestic violence case outcomes.

RACE AND SENTENCING

Studies of racial influences on legal and criminal justice outcomes have been major issues in law and criminology (Steffensmeier and Demuth 2000). In fact race and sentence length have been considered a controversial issue within the criminal justice system for several years. Minorities have claimed to receive harsher punishment throughout the criminal justice system than Caucasians. In support of these claims, studies have shown that race is a factor in determining case outcomes regardless of the criminal act.

In their review, Hagan and Bumiller (1983) examine several studies using data from before and after 1969 to demonstrate changes and consistencies throughout the years in race and sentencing including the use of variables such as: severity or type of offense, prior criminal record, and race. They discuss research conducted by Clarke and Koch (1977) who analyzed sentencing of convicted felons. The offenses ranged from violent crimes, crimes of deceit, and

drug felonies, to theft and unlawful entry. The findings suggest that race was not a significant factor in the sentence for crimes of violence, frauds, forgeries, or embezzlements but it was a significant factor in sentencing for drug offenses where blacks received substantially longer sentences.

According to Hagan and Bumiller (1983), research conducted by Gibson (1978) focused on eleven judges and their sentencing behavior. These eleven judges sentenced thousands of felony cases between 1968 and 1970. Specifically, in this study "the index of discrimination in sentencing used attempts to capture the differential severity of sentences imposed by individual judges to black and white offenders net of legitimized criteria" (Hagan and Bumiller 1983:23). The results revealed differences among the eleven judges showing that blacks were the victims of "discrimination by some judges, but considered the beneficiaries of discrimination by others" (Hagan and Bumiller 1983:23; Gibson 1978:470).

Next Hagan and Bumiller (1983) discuss Hagan and Bernstein's (1979) analysis of data on the relationship of outcomes for selective service violations to race. According to Hagan and Bumiller, the findings of this study suggested that black resisters were more likely than white

resisters to be imprisoned. The results also show that among draft resisters, "both white and activist were singled out for the most severe sanctioning during the era of cooperative control and were more likely to be imprisoned during a period in which imprisonment had declined dramatically" (Hagan and Bumiller 1983:24).

Spohn and Cederblom (1991) utilized five crime seriousness measures: most serious conviction charge, number of conviction charges, and whether the defendant used a gun, injured the victim, or victimized a stranger. In addition to their inclusion as independent variables, each crime seriousness measure was used to create subsamples distinguished by the presence or absence of that trait. The authors found that race effects were consistently present in several contexts: no gun, no injury, and no prior felony convictions. They concluded that in "less serious cases, judges are less constrained by the law, by other members of the courtroom work group, and by public opinion, and they are thus free to take into account extra legal considerations such as race" (Hagan and Bumiller 1983:25; Spohn and Cederblom 1991:486).

Hagan and Bumiller also discuss a study by Chiricos and Crawford (1995) that reviewed 38 studies published beginning in 1975. These studies generated 145 estimates

of the race/sentencing relationship. They concluded that when prior record and crime seriousness were controlled, race was a consistent and frequently significant factor in sentencing (Hagan and Bumiller 1983:28; Chiricos and Crawford 1995:487). When the estimates of the relationship were disaggregated by characteristics of the place during the time the study was conducted, they concluded that race effects were stronger in the South and in places that contained a high proportion of blacks in the population.

Last, Hagan and Bumiller (1983) discuss The Economic and Demographic Research Division of the Joint Legislative Management Committee in the Florida legislature. The report of this division showed that at all offense seriousness levels, black defendant's were at least 50% more likely to be sentenced as habitual offenders even when controlling for prior record and seriousness of the offense. They found that the discretion of habitual offender prosecution and sentencing worked to the greatest disadvantage of blacks charged with the least serious crimes.

Since Hagan and Bumiller's review of sentencing research, there have been at least a total of six studies that have examined the role of race in sentencing. In a 1996 analysis of race and sentencing, Ulmer and Kramer

report that among statewide sentencing guidelines and patterns two studies have found significant and consistent extra legal sentencing differences associated with trial conviction, gender, race, and court size (Kramer and Steffensmeier 1993; Steffensmeier, Kramer, and Streifel 1993). These findings suggest that substantively rational concerns, such as "court actors' perceptions of offender dangerousness, rehabilitative potential, and practical organizational constraints, and practical consequences for offenders, are likely to be intertwined with race, age, gender, and mode of conviction" (Ulmer and Kramer 1996:385).

Ulmer and Kramer's (1996) own analysis examines extra legal differences in courts sentencing outcomes, and then "documented ways in which substantive rational sentencing criteria are intertwined with defendant's exercise of their right to trial and their race and gender" (Ulmer and Kramer 1996:383). The analysis measured whether a defendant was convicted by a bench or jury trial, whether a guilty plea is an open plea (including guilty pleas with no explicitly bargained agreement and no contest pleas) or a negotiated plea (in which some explicit bargained agreement exists as to the charge or sentence). The findings suggest that

among the three different counties (Southwest, Metro, and Rich County) the effect of race varied tremendously.

Racial differences were the greatest in Rich County. Black defendant's odds of going to state prison in Rich County were 1.7 times those of whites (Ulmer and Kramer 1996:397). The racial differences concentrated more around county jail decisions and state prison decisions. White defendant's were considered to be "advantaged" in state prison decisions to the extent that Rich County court officials perceived them as more vulnerable in predominantly black prisons. The following statement illustrated race linked status and resource factors in sentencing decision:

Many of the black defendants before Rich County's court came from the inner city of a nearby metropolis. To the extent that these black defendants were more often poor, unemployed, on welfare, or less educated, the consideration of such factors would tend to disadvantage black defendants. (Ulmer and Kramer 1996:399)

In Metro County, Ulmer and Kramer (1996) found that the effects of race on state prison sentences are smaller than for overall incarceration rates. Racial differences concentrated more around county jail decisions. Metro County also exhibited an "interaction effect in which racial differences in overall incarceration was higher among those with serious prior records. Southwest's

differences for race and incarceration, state prison, and sentence length were not statistically significant.

Crawford et al. (1998) examine whether blacks are more likely to be defined as habitual offenders, and whether habitual offender sentencing varies with community-level indicators of presumed racial threat, including violent crime rates, drug arrest rates, percent black, and racial income inequality. The findings supported the elements tested. For example,

Race is less consequential for violent and weapons-related crimes. The findings reveal that the race effects are more often significant in sentencing contexts that are low in terms of percent black, racial income inequality, drug arrest rates, and violent crime rates. (Crawford et al. 1998:481)

Steffensmeier and Demuth (2000) examine ethnic differences between white, black, and Hispanics in sentencing outcomes and in sentencing criteria. The findings show that blacks receive the longest average sentence (1 month longer), and that white defendant's are less likely to be incarcerated. A few contributing factors were: blacks are reported as having higher offense severity scores on average than whites, and blacks also have lengthier prior records. The majority of black defendant's are considerably younger and less educated than white defendants (Steffensmeier and Demuth 2000). Additionally,

the study shows that mode of conviction (trial vs. guilty plea) produced large differences in imprisonment and length of term decisions by race. This study shows some racial/ethnic disparities in federal sentencing practices.

THEORY

Research suggests then that race of defendant plays a significant role in sentencing. However, it is not always significant, the effects vary across context. Conflict theory attempts to explain these findings. First, conflict theory itself states that people with less power are treated differently. Secondly, conflict theory suggests devaluation of African Americans and women. Conflict theory can then be used to explain why research on the effects of race and case outcomes has produced conflicting results. Crimes that threaten the power of the dominant class will produce harsher penalties for racial minorities who commit these crimes. On the other hand, crimes that pose relatively little threat to the system of white authority will not necessarily result in more severe penalties for African Americans. Conflict theory suggests that African Americans who murder, rape, or rob whites will receive harsher sentences, while African Americans who victimize members of their own race will be treated more

leniently. In addition, Hagan and Bumiller (1983) contend that:

When black offenders assault or kill black victims, the devalued status of the black victims and the paternalistic attitudes of white authorities can justify lenient treatment. Also when blacks violate white victims, the high sexual property value attached to the white victims and the racial fears of authorities can justify severe treatment. (Hagan and Bumiller 1983:57)

The evidence regarding the effects of extra legal factors, specifically race, on the effects of case outcomes is contradictory. This study will attempt to find if race affects case outcomes specifically for African American domestic violence victims, and if the predictions of conflict theory are supported with these findings.

DOMESTIC VIOLENCE AND SENTENCING

This section will examine literature that focuses on the effects of legal factors and extra legal factors on sentencing in domestic violence cases. As reviewed above, research on sentencing in general suggests race plays an important role in sentencing outcomes though the effect varies by context. The research on domestic violence cases thus far is very limited with at least thirteen studies that examine the role of race in sentencing and domestic violence.

LEGAL FACTORS

Research shows that several legal factors are important when a domestic violence case is processed by the criminal justice system. These include the severity of abuse, physical evidence, victim's behavior, and past record of defendants.

Domestic violence can result in severe injury requiring admission to hospitals or major surgical treatment (Berrios and Grady 1991). Population-based studies suggest that some form of violence occurs each year in 16% of relationships, and that in 6% of the cases it is severe-such as kicking, punishing, beating, biting, and attacks with a gun or knife (Berrios and Grady 1991). Typically, victims suffer injuries to the face, skull, eyes, extremities, and upper torso.

The severity of abuse experienced by victims of domestic violence is a major factor in determining court case outcomes (Berrios and Grady 1991; Straus 1993; Belknap and Graham 2000; Peterman and Dixon 2001). For example, Goodman et al. (1999) suggest that the more severe the level of abuse a victim faces at the hands of her abuser, the more likely she will cooperate with the prosecutor to successfully prosecute the abuser. Further research suggests that the most severe cases may not been

documented, due to some severely abused women presumably being too ill or fearful to give full information on their conditions (Berriors and Grady 1991).

Research also suggests that severity of abuse effects the charge. Kingsnorth et al. (2001), suggests that "severity of injury is a statistically significant factor in determining not only the severity of the charge, but also the crime for which the offender is ultimately convicted" (Kingsnorth 2001:133).

Physical evidence is another important legal factor that affects outcomes in domestic violence cases. Evidence from photographs, statements of the victims, 911 calls, medical records, and eyewitnesses are all considered a key part of the effective prosecution of domestic violence cases. Wattendorf (1996) suggests, "Not every case can be won, but by collecting the right evidence and using it wisely, law enforcement officers and prosecutors can take a more active role in curbing domestic violence" (Wattendorf 1996:4).

Research suggests that evidence is a factor which influences the decision to prosecute domestic violence cases, and which significantly affects case outcomes at trial (Rosenbaum 1994; Wattendorf 1996; Gersten 1998; Cramer 1999; Belknap and Graham 2000). For example, Cramer

(1999) examines factors associated with verdicts in domestic violence trials. In this study, the dependent variable was verdict (guilty or not guilty), and the independent variables included demographic and background variables, and court processing variables. His study shows five variables significantly predict verdicts: race of perpetrator, gender of perpetrator, relationship between victim and perpetrator, previous criminal history, and availability of Polaroid pictures of the crime. The court processing variables included: the months between the domestic violence incident and the court hearing/trial, whether the report was victim or police initiated, type of crime, whether evidence of the crime was available during the case, and the judge that heard the court case. Cramer (1999) found that with evidence, the cases were more likely to result in guilty verdicts. Interestingly, the typical guilty case was a white man, married to or living with the victim, with a previous criminal history, and whose case file included Polaroid pictures of the crime.

Alternatively, Belknap and Graham's (2000) research on factors relating to domestic violence court dispositions in a large urban area suggests that the most common form of evidence used in domestic violence cases is victim's testimony or statement followed by photographs of the

injured victim. However, "Nine-one-one tapes, medical records, and other eye-witness testimony were available in fewer than three percent of the cases" (Belknap and Graham 2000:18). They found that evidence did not seem to play much of a role in domestic violence verdicts.

Police testimony had no impact on the verdict or any of the other three sentencing models (guilty, not guilty, or dismissed). The injury and abuse variables are only significant once, and the presence of 911 tapes was never related to any court outcome. The availability of photographs and medical records mattered solely in terms of extending the incarceration days to which the defendant was sentenced, but the availability of medical records increased the number of days sentenced to incarceration and the number of days sentenced to probation. (Belknap and Graham 2000:26)

Across several different studies evidence varies in its importance in processing domestic violence cases.

Research suggests that the victim's behavior affects court case outcomes (McLeod 1983; Allard 1991; Berrios and Grady 1991; Straus 1993; Tolman and Weisz 1995; Wattendorf 1996; Cretney and Davis 1997; Goodman et al. 1999; Belknap and Graham 2000). For instance, Goodman et al. (1999) examine victims cooperation verses noncooperation and the factors that correlate with collaboration between the victim and the prosecutor. In this study, prosecutors drew conclusions about the victim's cooperation following a conversation with the victim, either by phone or in person,

before the hearing began. The prosecutor checked off if the victim was perceived as cooperative at that point. Out of eighty-three participants, prosecutors rated thirty-nine as noncooperative and forty-four as cooperative. Four contributing variables were significantly correlated with victim's level of cooperation with the prosecutor: severity of violence experienced, relationship with the abuser, substance abuse, and tangible support.

Others have found victim's behavior to be important in determining case outcomes. Hoyle's (1998) study examined prosecution policy. He found the main reason domestic violence cases fail is due to the victim's requests to drop charges, and a lack of cooperation. According to Belknap and Graham (2000), prosecutors reported their descriptions of victim's demeanor when interacting with victims of domestic violence. The most commonly reported demeanors used to describe almost "three-fifths of the victims was cooperative, two-fifths of the victims was credible and reasonable, and one-fifth was reported friendly" (Belknap and Graham 2000:18). Belknap and Graham (2000) found that in seven percent of cases dismissed, the prosecutor claimed that the dismissal of the cases was due to the victims not cooperating with the prosecutor.

Finally, Bui (2001) found that prosecutors would make the victims of domestic violence wait to pursue the case to determine if she was serious about filing charges. She also found that prosecutors often used the excuse of the victim's unwillingness to cooperate as a reason not to prosecute.

A final legal factor research finds important in domestic violence case outcomes is defendant's past record. Studies provide evidence that prosecutors and judges take the past record of defendants into consideration when determining the outcome of domestic violence cases (Gersten 1998; Peterman and Dixon 2001; Cramer 1999). For instance, Cramer (1999) examined the factors that affect verdicts in domestic violence cases. Out of five variables, past criminal record was found to be one of the major elements that determine a guilty verdict in domestic violence cases.

EXTRA LEGAL FACTORS

Studies have also shown that extra legal factors can play a role in domestic violence case outcomes; included among these factors are race and victim offender relationship. This study will focus on race as found to be a contributing extra legal factor in domestic violence cases; however, research is limited resulting in only eight

studies all of which focus on the race of the defendant (Lizotte 1978; McLead 1983; Nagel 1983; Ford et al. 1995; Goodman et al. 1999; Cramer 1999; Belknap and Graham 2000; Hirschel and Hutchinson 2001).

Hirschel and Hutchinson's (2001) study focused on characteristics surrounding the offense, offender characteristics, and victim characteristics, and how these characteristics affect the prosecution's decision to prosecute. The findings of the study show that only three variables (victims under the influence, marital status, and race) approach statistical significance in terms of characteristics that affect the decision to prosecute. The findings showed that African American defendants were more likely than white defendants to have their domestic violence cases result in prosecution.

Cramer (1999) examines variables that predict six possible verdicts within three possible categories (guilty, taken under advisement, nolle prosequi-dismissed and not guilty). The findings show white males as more likely to receive guilty sentences than black males. Of importance to this study, the findings reveal that race was one of the five most powerful predictors of the verdict. The interesting findings suggest that non-white participants

are less likely to be found guilty of the crime, domestic violence.

Nagel's (1983) study focused on legal factors and extra legal factors that affect judicial decisions in pre-trial release, with particular interest on race. The findings show that the defendant's race has no effect on the decision to release on recognizance and small effects on the bail amount decision.

Belknap and Graham's (2000) study of factors relating to domestic violence court dispositions in a large urban area found three variables that significantly relate to case outcomes. These variables consist of: prosecutor's caseload, whether the victim changed her/his story, and the prosecutor's race. However, they found that the most important variable predicting the likelihood of a guilty verdict is the number of times the prosecutor meets with the victim.

Research conducted by Kingsnorth et al. (2001) used a sample of 455 cases to analyze the impact of interracial ethnic dyads on criminal justice processing of a random sample of domestic violence cases through the court system from prosecutorial intake through sentencing disposition. The following five outcome measures were identified for analysis:

(a) The decision to file charges, (b) the decision to file cases as felonies versus misdemeanors, (c) the decision to fully prosecute versus case dismissal, (d) whether a case was convicted on felony or misdemeanor charges, and (e) the length of sentence imposed. (Kingsnorth et al. 2001:123)

The researchers believe that "because domestic violence by definition excludes strangers, they are testing the hypothesis in what may be called a relationship-specific model" (Kingsnorth et al. 2001:125).

Specifically, in the decision to file criminal charges category, victim cooperation played a major role in the prosecutor's decision to prosecute. In the decision to fully prosecute category, cases involving prior domestic arrests are more likely to be fully prosecuted. The next category, the decision to file charges, shows the severity of the abuse and the degree of the victim's injury as significant factors that contribute to the decision to file felony charges. In the category, conviction on a felony charge, the severity of injury is a significant factor in determining the charge that is imposed on the defendant. Finally, the variable sentence length indicates that defendant's found guilty of a felony will receive more time than a defendant convicted of a misdemeanor.

Generally, the study revealed that blacks who assault blacks were more likely to have prior domestic violence

arrests than any other group, and blacks who assault whites are more likely to receive prior prison terms. The decision to file criminal charges indicated that a prior history of domestic violence, as evidenced by an arrest record, increased the likelihood of charges being filed. Another factor that increased the likelihood of charges filed was if the defendant was under the influence of a substance at the time of the offense.

Research shows the type of relationship between the victim and defendant as another important extra legal factor that is used to determine case outcomes (Buzawa and Buzawa 1992; Cramer 1999; Belknap and Graham 2000). Cramer examines five variables that can predict verdicts: gender of perpetrator, race of perpetrator, relationship between victim and perpetrator, availability of Polaroid picture of the evidence, and previous criminal history. Cramer's study showed that cases were more often charged when the victim and perpetrator did not live together. In addition, the "victim-offender relationship was only significant in the guilty v. dismissed/not guilty outcome" (Belknap and Graham 2000:25). This means that if the victim and offender were still involved/together during the court proceedings, the verdict was more likely to be guilty for the defendant.

To conclude, while the research is not always consistent it does point to two extra legal factors important in domestic violence case outcomes. Race has been found to affect outcomes, though not all studies agree there is evidence that African Americans are less likely to have their cases end in guilty verdicts. Victim-offender relationships have also been found to be important.

PERCEPTIONS OF AFRICAN AMERICAN WOMEN

African American females have been discriminated against for years, which many believe has caused corruption among black females and destroyed their image. Black women also face discrimination within the criminal justice system. Studies have provided evidence to show race is a significant factor in some cases, and others found it varies by context. The current study will examine whether victim's race plays a role in domestic violence case outcomes and why. There are two theories that provide possible explanations for victim's race being important to domestic violence case outcomes. First, conflict theory suggests that African American women who are victims of domestic violence cases may be treated more leniently, because of a general devaluation of African Americans. As

reviewed above, some research does show race as a factor that affects the outcome in court of domestic violence cases.

Second, conflict theory suggests that the treatment of African American women may be due to perceptions of African American women. Stereotypes and direct biases label black women as less cooperative than Caucasian women (Baughman 1971; Walker 1989; Allard 1991; Belknap 1998; Locke and Richman 1999; Smith 2000; West and Rose 2000). Allard (1991) conducted a study that identified forty-one sex role stereotypes that can be found in the battered women syndrome characterization of women who are victims of domestic violence. These include stereotypes of battered women as very emotional, very submissive, very excitable in a minor crisis, very passive, very uncomfortable about being aggressive, very dependent, and very gentle (Allard 1991; West and Rose 2000). Allard (1991) finds these characteristics are perceived as appropriate behavior for normal women. Stereotypical images of black women, however, do not fit this description of domestic violence victims. Black women, Allard then argues, deviate from normal domestic violence victims. "This deviance is reflected in the omnipresent images of the hostile Sapphire, the wanton Jezebel, and the strong and assertive

Sojourner Truth. The characterizations of the antagonistic yet subordinated Sapphire and the promiscuous Jezebel reaffirm society's belief that Blacks are less human and less individualistic than whites" (Allard 1991:197).

Allard suggests then that the battered women syndrome was based on the characteristics, and stereotypes, of white women, therefore it is inapplicable to black women.

Research finds that black women are perceived as angry, immoral, suffering, and promiscuous (Walker 1989; Locke and Richman 1999). Locke and Richman (1999) conducted a study to determine attitudes towards domestic violence across different ethnic groups. Research finds that Caucasians stereotype African Americans as individuals who have large amounts of aggression, violence, and anger. This study suggests African American women are seen as more violent and uncontrollable than Caucasians.

It should be noted; however, that research also shows actual cooperation varies by race. Hanna (1992) suggest that African American women often view cooperating with the system a breach of loyalty often feeling very suspicious of the criminal justice system. "African American women refuse to cooperate with the state because of their perceptions of and, in some cases, negative experiences with the criminal justice system resulting from their

membership in racial, ethnic, or socioeconomic groups” (Hanna 1992:1881). This suggests that one reason race is important in domestic violence cases is found in the connection between race and the actual domestic violence victim’s behaviors. It could be, as Hanna suggests, that African American women are less cooperative.

QUESTIONS

The following are the specific questions for this current study in examining the role of the victim’s race in domestic violence case outcomes, and examining possible explanations for the role of race, specifically focusing on prosecutor’s perceptions of victim’s behaviors:

Question 1: Are African American women who are victims of domestic violence less likely than white women to have their cases result in a guilty verdict?

Question 2: Do prosecutor’s perceptions of victims affect their case outcomes?

Question 3: Do perceptions of victim’s vary by race, and if so do the differences predict case outcomes?

HYPOTHESES

This study will analyze the effects of race on domestic violence court case outcomes. This study will also

investigate whether perceptions of victim's behavior affect court case outcomes and mediate the role of race.

The hypotheses to be tested are:

H1: African American women who are domestic violence victims are significantly less likely to have cases result in a guilty verdict than Caucasian women.

H2: Prosecutor's perceptions of victim's behavior significantly affect case outcomes. The more positive prosecutor's perceptions of victim's behavior, the more likely the case will result in a guilty verdict.

H3: African American women who are victims of domestic violence are significantly more likely than Caucasian women to have their behavior be perceived negatively by prosecutors.

CHAPTER III

METHODOLOGY

DATA

Data for this analysis is from a study titled, "Factors Related to Domestic Violence Court Disposition in a Large Midwestern Urban Area, 1997-1998," conducted by Joanne Belknap and Dee L. R. Graham. The research design involved cooperation between university researchers and a community organization composed of judges, police officers, prosecutors, administrators, victim advocates, social workers and mental health workers. Data on court processing of misdemeanor domestic violence cases was collected from five sources and divided into six parts: pretrial services, interviews and surveys of court officials, content analysis of court transcripts, surveys of domestic violence victims, and in-depth interviews with domestic violence victims.

The current study analyzes data from the first section, pretrial services, of the six parts of data. This section of the data was based on a pretrial services data collection instrument, which consists of questionnaires given to defendants upon intake. The researchers then merged the pretrial services data with information from

police and prosecutors' reports. Police officers completed "527" forms and National Incident Based Reporting (NIBRS) program forms on each case. Data from these forms were examined by the researchers and merged with data from the prosecutors for the purpose of the original study.

The "pretrial data alone only flags cases as general domestic violence thus the child abuse, elder abuse, sibling abuse, and other family violence cases get lumped in with intimate partner cases" (Belknap and Graham 2000:14). As a result, Belknap and Graham concluded it is often difficult to determine which cases are intimate partner domestic violence. These researchers developed a "green" form, which aided in determining the intimate partner domestic violence cases. All eighteen prosecutors were instructed to complete these forms for each of their intimate partner cases. This questionnaire gathered information on prosecutor's perspectives regarding victims' behavior, judges' behavior, and other facets of the case, such as evidence. It contained a wide variety of questions on items such as: victims and defendant's age and race, victim-offender relationship, evidence, victim's involvement, victim's demeanor (cooperative, not cooperative, withholding, credible, not credible,

reasonable, unreasonable, angry, friendly, belligerent, and equally or more at fault), and disposition of the cases.

SAMPLE

The data collected from pretrial services section, police and prosecutors contain 2,670 cases. These are all the misdemeanor domestic violence cases processed in a large Midwestern Urban area between the years 1997-1998. Of these 2,670 cases, certain cases do not pertain to the current study and thus were excluded from the study sample. Cases in which males were victims (n=353) or females were defendants (n=387) are excluded from the study sample. Some cases of domestic violence involve victims and defendants of the same gender. Thirty-four cases were excluded from the sample on this basis. Since the focus is on African Americans as compared to whites, cases involving individuals who were not African American or Caucasian were also excluded from the sample. This resulted in the loss of twenty-five cases. After all of these cases were excluded the sample size was reduced to 1,871 cases.

One of the key independent variables for this study is prosecutor's perception of victim's behavior. An examination of the data shows, however, that 60% of the cases have missing data on variables measuring prosecutor's

perceptions of victim's behavior. The cases marked as missing were thus excluded from the analysis leaving a total of 799 cases.

Of the 799 cases remaining in the study sample, there remained less than 2% of the variables that contained missing data. Missing data for the continuous variables were recoded to the mean and categorical variables were recoded to the mode.

Given the large number of cases excluded from the sample a series of chi-square tests were conducted to compare the 1871 sample and the 799 sample. Chi-square was used because the variables are categorical. Significant differences across the samples are indicated in Table 1. The variables which are significantly different across both samples were defendant's race, severity of abuse, and child in common.

Table 1 Combined Study Sample and Total Sample

Variables	Model 1 Study Sample			Model 2 Total Sample		
	Means	Frequencies	Percentages	Means	Frequencies	Percentages
Both Partners White BOPARTWH	.28	228	28.5%	.14	272	14.5%
Both Partners Black BOPARTBL	.65	525	65.7%	.32	599	32.0%
Defendent Black Victim White DEBLVIWH	.05	45	5.6%	.01	34	1.8%
Defendent White Victim Black DEWHVIBL	.00	1	.1%	.00	9	0.5%
Defendent Sex DEFENSEX (male)	1.00	799	100.0%	.87	1485	79.0%
Defendent Race DEFENRACE (white)	.71*	229	28.7%	.74*	527	28.0%
(black)		570	71.3%		1325	70.0%

Table 1 Continued

<hr/>						
Victim Sex						
VICTIMSEX (female)	.00	799	100.0%	0.43	1468	79.0%
Victim Race						
VICTRACE (white)	.66	273	34.2%	4.80	311	16.6%
(black)		526	65.8%		611	32.7%
Prosecutors						
Perceptions of						
Victim Behavior						
VGOODBEH (scale)						
2	6.9*	20		6.73	3	1.4%
3		38			4	1.9%
4		52			12	5.6%
5		126			53	24.7%
6		64			24	11.2%
7		119			41	19.1%
8		157			33	15.3%
9		115			17	7.8%
10		108			27	12.6%
Ex-Spouse						
EX2 (no)	.12	703	88.0%	.04	1781	95.2%
(yes)		96	12.0%		90	4.8%
Cohabiting						
RCOHAB (no)	.37	499	63.5%	.57	801	42.8%
(yes)		300	37.5%		1070	57.2%

Table 1 Continued

Spouse						
RSPOUSE1 (no)	.29	560	70.1%	.17	1537	82.1%
(yes)		239	29.9%		334	17.9%
Child in Common						
RCHILD1 (no)	.13*	693	86.7%	.13	1623	86.7%
(yes)		106	13.3%		243	13.3%
Prosecutors Race						
PROSRACE (white)	.42	492	61.6%	2.43	906	48.4%
(black)		303	37.9%		517	27.6%
Evidence						
EVIDENC1 (scale)	.28			.2		
0		610	76.3%		1531	81.8%
1		148	18.5%		306	16.4%
2		40	5.0%		33	1.8%
3		1	.1%		1	1.0%
Prior History						
RPRIORHIS (no)	.7	239	29.9%	.55	830	44.4%
(yes)		560	70.1%		1041	55.6%
Severity of Abuse						
NSEVERIT (scale)	1.6*			1.58		
1		142	17.8%		386	20.6%
2		657	82.2%		1486	79.4%

Table 1 Continued

Guilty						
RGUILTY (no)	0.8	152	19.0%	0.48	970	51.8%
(yes)		647	81.0%		901	48.2%

*p< 0.01 level

VARIABLES

The key independent variables for this study are victim's race and the prosecutor's perception of victim's behavior, victim's race is a dichotomous variable with Caucasian coded 0 and African American coded 1. Sentencing outcomes for domestic violence cases may vary not only by race of victim but whether victim and defendant are of the same or different races. This study thus examined combination groups for the defendant's and victim's race. Cases were divided into four categories: both partners white, both partners black, defendant black and victim white, and defendant white and victim black. The analysis shows, however, that in the majority of cases victim and defendant are of the same race. Table 1 shows the frequencies for these victim and defendant racial groups. Both partners were white in 228 cases, both partners black in 525 cases, defendant black/victim white in 45 cases, and defendant/white victim black in 1 case. In the analysis that follows, since the number of couples where race varies are so low, the variable used to control for race is victim's race. Also note that since in most of the couples that man and woman were of the same race, using victim's race is the same as using the race of defendant in this analysis.

Another key independent variable is prosecutor's perceptions of victims' behavior. This was measured in the data by ten different dichotomous variables-victim cooperative, victim not cooperative, victim credible, victim not credible, victim reasonable, victim unreasonable, victim belligerent, victim angry, victim friendly, and victim withholding. These variables were originally coded zero if no (the victim did not display this behavior) and one if yes (the victim did display this behavior). The variables (victim not cooperative, victim withholding, victim not credible, victim not reasonable, victim angry, and victim belligerent) have been reverse recoded to 0 if yes and 1 if no so that all ten variables measure positive victim behaviors. After reverse coding these six variables, these variables were then combined with victim cooperative, victim credible, victim reasonable, and victim friendly to create a continuous variable to measure and rank victim's according to prosecutor's perceptions of their behavior. The resulting scale ranges from 2 to 10 with the higher numbers indicating more positive behavior as perceived by the prosecutor, and the lower numbers indicating more negative behavior as perceived by the prosecutor.

DEPENDENT VARIABLES

The variable "guilty" is the only dependent variable used in this study. The information for this variable is obtained from the prosecutors "green" form where they are asked to mark: "Domestic violence charged was dismissed," "Domestic violence not guilty" or "Domestic violence verdict was guilty." For the purpose of this study not guilty and guilty are combined and created into a new variable to measure guilty. The variable verdict guilty was originally coded zero if the verdict was not guilty, and one if yes the verdict was guilty.

CONTROL VARIABLES

According to past research, several additional legal and extra legal factors can affect case outcomes. This analysis controls for the most important of these factors: victim-offender relationship, prosecutor's race, evidence, severity of abuse, as well as defendant's prior record.

The victim-offender relationship variable was originally coded zero if spouse, one if ex-spouse, two if boyfriend/girlfriend, three if ex-boyfriend/girlfriend, four if cohabitating/common law, and five if child in common. For this study, the victim offender relationship variable is recoded and constructed into three dichotomous

variables. Ex-spouses and ex-boyfriend/girlfriends is coded 0 if no and 1 if yes, spouses is coded 0 if no and 1 if yes, and cohabitating/common law is coded 0 if no and 1 if yes. The variable child in common is recoded 0 if no and 1 if yes, and used as a separate control variable. In the analysis, the variable spouse is used to control for victim-offender relationship. The variables that are not used in the analysis are cohabitating/common law, child in common, and ex-spouse/boyfriend-girlfriend.

Prosecutor race is measured with a dichotomous variable. The variable is coded zero if prosecutor is Caucasian and one if prosecutor is African American.

Evidence is also used as a control variable. Three variables in the data capture the level of evidence available in the case. Photo evidence available is coded 0 if no there was no photographic evidence and 1 if there was, medical records available is coded 0 if they were not available, and 1 if they were, and 911 tapes available is coded 0 if there was no 911 tapes available, and 1 if there was. By combining these three variables an index was created to measure evidence ranging from 0 to 3. The higher the number the more evidence available, and the lower the number the less evidence available.

Severity of abuse is measured in the data with two variables weapon used coded 0 if no weapon was used, and 1 if there was a weapon used, and threat physical non-lethal harm victim coded 0 if no physical non-lethal harm to victim, and 1 if there was physical non-lethal harm to victim. These two variables are combined to create one continuous variable. This variable ranges from 1 to 2 with 1 indicating no harm and 2 indicating harm. There were no zeros because without harm or weapon they would not come to police attention.

Finally, the variable prior criminal history will be used to control for defendant's prior criminal history. This variable is coded 0 if the defendant has no prior record and 1 if he did.

Table 2 Definitions

Variables

Victims Race	Prosecutor Reported-Green Form	Black=0 White=1
Prosecutors Perception of Victim Behavior	Prosecutor Reported-Green Form: Prosecutors Assessment of Victim Behavior-Victim Cooperative, Victim Uncooperative*, Victim Reasonable, Victim Unreasonable*, Victim Credible, Victim Not Credible*, Victim Belligerent*, Victim Angry*, Victim Friendly, Victim Withholding. (*Item reversed coded)	Scale 2 3 4 5 6 7 8 9 10
Ex spouse, ex-boyfriend/ex-girlfriend	Prosecutor Reported-Green Form	No=0 Yes=1
Cohabiting	Prosecutor Reported-Green Form	No=0 Yes=1
Spouse	Self Reported By Victim	No=0 Yes=1
Child in Common	Self Reported By Victim	No=0 Yes=1
Prosecutors Race	Prosecutors Self Reported Race	White=0 Black=1
Evidence	Prosecutor Reported-Green Form(photo evidence available, medical records available, 911 tapes available)	Scale 0 1 2 3

Table 2 Continued

Prior History	Reported On Pretrial Data Form(prior criminal history, DV, or otherwise)	No=0 Yes=1
Severity of abuse	Self Reported By Victim (total weapon-any used, threat physical non-lethal harm)	Scale 1 (no harm) 2 (harm)
Guilty	Prosecutor Reported-Green Form	Not Guilty=0 Guilty=1

ANALYSIS

The purpose of this study is to examine the effect of race and prosecutor's perceptions of victim's behavior on domestic violence case outcomes. This analysis examines the relationship between race and prosecutor's perceptions of victim's behavior on case outcomes, when controlling for victim-offender relationship, evidence, prior record, severity of abuse, and prosecutors race. The hypotheses to be tested are:

H1: African American women who are domestic violence victims are significantly less likely to have cases result in a guilty verdict than Caucasian women.

H2: Prosecutor's perceptions of victim's behavior significantly affect case outcomes. The more positive prosecutor's perceptions of victim's behavior, the more likely the case will result in a guilty verdict.

H3: African American women who are victims of domestic violence are significantly more likely than Caucasian women to have their behavior be perceived negatively by prosecutors.

The statistical package utilized for this study is SPSS. A correlation matrix is developed to examine the bivariate relationship between the dependent, independent, and control variables. Binary OLS regression is used in

the analysis of the dependent variable guilty. Binary logistic regressions is used because guilty is a dichotomous variable. Finally, OLS regression is conducted using prosecutor's perceptions of victim's behaviors as the dependent variable and victim's race as the independent variable to test the 3 hypothesis. Logistic regression is used for this procedure, because the variable measuring prosecutor's perception of victim's behavior is continuous.

LIMITATIONS OF THE STUDY

Although the data generated from the "Factors Related to Domestic Violence Court Disposition in a Large Midwestern Urban Area, 1997-1998", are valid and reliable, there are some limitations to its use for the purpose of this study. The first limitation of this study is the large amount of missing data in certain variables measured in the pretrial data set, specifically the prosecutor's perceptions of victim's behavior variables. No explanation was given for the large amount of missing data in this prosecutor's perception of victim's behavior category. Around 60% of the cases in the total sample were dropped due to the missing data on these variables. Since so many of the misdemeanors domestic violence cases were dropped from the sample the question is whether the data are now

representative of domestic violence cases in the Midwestern Urban Area. The sample differs from the original sample across defendant's race, severity of abuse, and child in common variables. The chi-square analysis shows that the sample is no longer representative of the original Midwestern Urban area total sample.

Additionally, another limitation of this study is the lack of information given from the original researchers regarding some of the variables central to the study. No explanation was given for the construction of the three variables measuring case outcomes-dismissal, not guilty, and guilty. Ultimately, after an analysis of the frequencies of these variables the decision was made to create and use one variable, measuring guilty/not guilty, where not guilty includes those cases which were dismissed before trial, dismissed at trial, and those resulting in not guilty at trial.

A final limitation is that the study deals only with misdemeanor domestic violence cases. As a result, the study will not be able to tell use about the causes of felony domestic violence case outcomes. Since the literature suggests severity of offense affects case outcomes this is an important limitation.

CHAPTER IV

ANALYSIS

This chapter reports the findings from the analyses conducted on the independent, control, and dependent variables. The chapter begins with an examination of the correlations between these variables, and then turns to a series of binary logistic regressions, and a regression procedure testing the hypotheses for the study. The binary logistic regressions test hypotheses 1 and 2, regarding race and sentencing outcomes developed and discussed in Chapter 1 and Chapter 2. The regression analysis tests hypothesis 3 regarding race and perceptions of victim's behaviors.

CORRELATIONS

The correlation matrix (see table 3) reports the correlations among the dependent, independent, and control variables. Beginning first with the dependent variable, and its relationship to the two key independent variables. The correlation, however, was not significant and not in the predicted direction. The correlation suggests race of the victim does not affect the chance of receiving a guilty verdict for a sentencing outcome.

Table 3 Correlations

Variables

Victim R.	.00											
Victim B.	.04											
Cohab.	.00	-.10**										
Child	.14**	.05	-.30**									
Spouse	-.10**	.09*	-.51**	-.26**								
Ex	.01	.03	-.29*	-.14**	-.24**							
Pros. R.	-.01	.01	-.11**	.08*	.04	.04						
Evid.	.02	-.01	.08*	-.04	-.03	-.01	.00					
Prior H.	.10**	-.05	.05	.01	-.04	.00	-.02	.05				
Seve.	.02	-.02	.01	-.02	.02	.02	.03	-.01	.00			
Guilty	-.01	.15**	.01	-.01	.00	.02	-.13**	.07	-0.02	-.03	.00	
	Victim R.	Victim B.	Cohab.	Child	Spouse	Ex	Pros.R.	Evid.	Prior H.	Seve.	Guilty	

Therefore, the correlation does not support hypothesis 1 which predicts the race of a victim does affect case outcome.

Guilty is however significantly correlated with prosecutor's perception of victim's behavior. In addition, the direction of the correlation between two variables is in the expected direction-the more victims' are perceived as behaving well, the greater the likelihood of a guilty verdict. This shows support for hypothesis 2, which predicts that case outcomes are affected by how victim's behaviors are perceived by prosecutors.

The correlations suggest prosecutor's perceptions of victim's behaviors are not affected by the victim's race. Therefore, the correlation does not support hypothesis 3 which predicts African American women who are victims of domestic violence are significantly more likely than Caucasian women to be perceived by prosecutors in more a negative way.

Among the control variables, guilty is significantly related to prosecutor's race. The direction of the correlations suggests that Caucasian prosecutors are more likely to have their domestic violence cases result in guilty verdicts than African American prosecutors. The variables measuring victim-offender relationship, child in

common, severity of abuse, level of evidence, and prior history are not significantly related to guilty.

Among the control variables the correlations (table 3) shows that the race of the victim is significantly related to child in common ($r=.14$), spouse ($r= -.10$), and prior history ($r=.10$). Additionally, prosecutor's perceptions of victim's behavior is significantly related to the control variables, cohabitating ($r= -.10$) and spouse ($r=.09$). Therefore, the perception of a victim may be affected by factors that are related to victim-offender relationships.

In conclusion, the correlation analysis suggests, little support, for hypothesis 1. The correlations suggest that race of victim does not affect the outcome of receiving a guilty verdict. Hypothesis 2 does receive support; however, the correlations suggest that case outcomes are affected by how victim's behaviors are perceived by prosecutors. Finally, hypothesis 3 regarding race and prosecutor's perceptions of victims behaviors is not supported by the correlations.

LOGISTIC REGRESSIONS

In this part of the analysis, a binary logistic regression procedure is used to test hypothesis 1 regarding race and the sentencing outcome-guilty, and hypothesis 2

regarding prosecutor's perceptions of victim's behavior and sentencing outcome-guilty. Table 4 shows the results of three logistic regression models (1a, 2a, and 3a). In the first model (1a), the effect of victim's race alone is examined in order to test hypothesis 1. The second model (2a) examines prosecutor's perceptions of victim's behavior in order to test hypothesis 2. Finally, in the third model (3a) control variables are added to the equation.

Table 4 model 1a shows that victim's race is not significantly related to case outcome-guilty. Therefore, hypothesis 1 which predicts that African American women who are domestic violence victims are significantly less likely to have cases result in a guilty verdict than Caucasian women is not supported.¹

In model 2a prosecutor's perceptions of victim's behavior is added to the equation to test hypothesis 2, which predicts prosecutor's perceptions of victim's behavior as positive increase the likelihood of a guilty verdict. The results show that prosecutor's perception of victim's behaviors is significantly related to guilty verdicts. For every unit increase in prosecutor's perceptions of victim's behavior there is a 19% increase in

¹ The analysis was run using defendant's race and a variable assessing the racial composition of the couple as well. The results were the same as those reported above.

the odds of a guilty verdict. Thus prosecutor's perception of victim's behaviors plays a significant role in the case resulting in a guilty verdict. The more the victim's behavior is perceived by the prosecutor as helpful and cooperative, the greater the likelihood of the case ending in a guilty verdict. Therefore, hypothesis 2 receives support.

Finally, the control variables are added into the model (3a) to determine whether the results for race and victim behavior remain when controlling for other variables found to be important in past studies. The results show that when the control variables are added to the model prosecutor's perceptions of victim's behavior remains significant. They show, also, that prosecutor's race and evidence is significantly related to receiving a guilty verdict. When the prosecutor is black there is a 30% decrease in the odds of receiving a guilty verdict. Therefore, victims with Caucasian prosecutors are more likely to have their cases result in a guilty verdict. Evidence is also significantly related to guilty verdicts. For every unit increase in evidence, there is a 45% increase in the odds of receiving a guilty verdict. The

greater the level of evidence, the more likely the domestic violence case ends in a guilty verdict.²

REGRESSION

In the final part of the analysis, regression was used to examine the relationship between victim's race and prosecutor's perceptions of victim's behavior. The regression procedure was conducted using prosecutor's perceptions of victim's behaviors as the dependent variable and victim's race as the independent variable. The control variables spouse, prosecutor's race, severity of abuse, and prior history were also added to the see if they significantly affected the relationship between victim's race and prosecutor's perceptions of victim's behaviors. Regression was used for this procedure because the variable prosecutor's perception of victim's behavior is a continuous variable.

Hypothesis 3 predicts that African American women who are victims of domestic violence are significantly more likely than Caucasian women to be perceived negatively by prosecutors. Though findings thus far suggest victim's race is not related to sentencing outcomes, it could be that race is related to prosecutor's perceptions of victim's

² To test whether other measures of victim offender relationships were important, the analysis was run with variables measuring non-spousal relationships. The results were the same as those reported above.

behavior, which is significantly related to case outcomes. The results of this analysis are reported in Table 5.

The analysis shows that victim's race is not significantly related to prosecutor's perceptions of victim's behavior with or without the control variables in the model. Therefore, hypothesis 3 which predicts African American women who are victims of domestic violence are significantly more likely than Caucasian women to be perceived negatively by prosecutors is not supported.

Table 4 Guilty

Variables	<u>Model 1a</u>		<u>Model 2b</u>		<u>Model 3b</u>	
	Sig.	Exp B	Sig.	Exp B	Sig.	Exp
Victim Race	0.71	0.93	0.60	0.90	0.57	0.89
Victim Behavior			0.00	1.19	0.00	1.19
Spouse					0.72	0.93
Prosecutor Race					0.00	0.70
Evidence					0.04	1.15
Severity					0.60	0.93
Prior History					0.57	0.89
Constant	0.00		0.24		0.14	
R-Square	0.00		0.03		0.07	

Table 5 Prosecutors Perceptions of Victim's Behavior

Variables	<u>Model 1b</u>			<u>Model 2b</u>		
	Sig.	B	Std. E	Sig.	B	Std. E
Victim Race	0.20	0.04	0.13	0.09	0.06	0.16
Spouse				0.07	0.10	0.20
Prosecutor Race				0.92	0.10	0.20
Evidence				0.94	0.00	0.13
Severity				0.58	0.01	0.10
Prior History				0.15	0.05	0.20
Constant	0.00					0.00
R-Square	0.04					0.01

CHAPTER V

CONCLUSION

Domestic violence has been a consistent problem for many years. Different strategies have been implemented to address this problem ranging from mandatory arrest to prosecutor's no drop policies. Still, each year the statistics for domestic violence continue to rise.

Additionally, throughout the years women of color have experienced the criminal justice system differently. There has been distrust and claims that these women are not treated the same as Caucasian women throughout the criminal justice system. Possibility of different treatment has created a special problem for women of color, especially African American women.

This current study is unique in its focus on race and the prosecutor's perception of victim's behavior. Many studies have shown evidence that race and sentencing outcomes are significantly related. Few studies have focused on race and domestic violence case outcomes and even fewer studies have examined prosecutor's perceptions of victim's behaviors and its relationship with domestic violence victims, their race, and the ultimate outcomes of their cases. The reason for this study was to look at the

effect race has on domestic violence case outcomes, and the effects of prosecutor's perceptions of victim's behaviors on domestic violence victim's and their case outcomes.

Past literature and research led this study in the direction of focusing on race and prosecutor's perceptions of victim's behaviors, and the effects they have on court case outcomes.

Hypothesis 1 predicts African American women who are domestic violence victims are significantly less likely to have cases result in a guilty verdict than Caucasian women. The analysis revealed that race was not statistically related to the case outcome-guilty. Therefore, the findings did not support hypothesis 1. Interestingly, these findings are not in accord with much of the other empirical research on the role of race in sentencing outcomes(Clark and Koch 1977; Lizotte 1978; Gibson 1978; Hagan and Bernstein 1979; Hagan and Bumiller 1983; McLeod 1983; Nagel 1983; Spohn and Cederblom 1991; Kramer and Steffensmeier 1993; Chiricos and Crawford 1995; Ford et al. 1995; Ulmer and Kramer 1996; Crawford et al. 1998; Cramer 1999; Goodman et al. 1999; Belknap and Graham 2000; Steffensmeier and Demuth 2000; Hirschel and Hutchinson 2001).

This line of research suggests that race has an effect on sentencing outcomes though the effect may vary across

contexts. Domestic violence sentencing research is not even this clear. Some of these studies find that race is a significant factor (Cramer 1999; Belknap and Graham 2000; Hirschel and Hutchinson 2001; Kingsnorth et al. 2001), others find however that race is not a significant factor predicting sentencing case outcomes in domestic violence cases (Nagel 1983).

Although the findings of these studies are not consistent with the general research, the findings of this current study are not far out of line with the previous empirical research on domestic violence and race. One reason race is not significant may be that the data used in this study focused on misdemeanor domestic violence cases while most sentencing research examines more severe cases. Additionally, race may not be important in this midwestern urban area in which the data was collected. Finally, as suggested by conflict theory, courts may not perceive domestic violence between intimate partners as threatening.

The analysis, however, does support the prediction of hypothesis 2 that prosecutor's perceptions of victim's behaviors play a significant role in sentencing outcomes. The results find the more positive the victim's behavior is perceived, the greater the likelihood of a guilty verdict. Additionally, the analysis shows that the effect of

prosecutor's perceptions victim's behavior remains when controlling for race and other factors found important in past research. These results are in line with several empirical studies (McLeod 1983; Allard 1991; Berrios and Grady 1991; Straus 1993; Tolman and Weisz 1995; Wattendorf 1996; Cretney and Davis 1997; Goodman et al. 1999) also showing that victim's behavior affects court case outcomes.

In addition, the findings do not support hypothesis 3. Interestingly, several empirical studies (Baughman 1971; Walker 1989; Allard 1991; Hanna 1992; Locke and Richman 1999; Smith 2000; West and Rose 2000) show that race is related to prosecutor's perceptions of victim's behavior.

Of the control variables, only prosecutor's race and evidence were found to be significantly related to case outcome. The results show that victim's with a Caucasian prosecutor are more likely to have their cases result in a guilty verdict. Although prosecutor's race was not the focus of the current study it is found to be a statistically significant factor in predicting case outcomes. This finding is in line with prior research. According to Belknap and Graham's (2000) study of factors relating to domestic violence court dispositions, prosecutor's race was related to case outcomes. They found that when the prosecutor was African American, the

defendent was less likely to be found guilty, fined a lesser amount, and sentenced to fewer days on probation.

The results also show that the greater the level of evidence the more likely the domestic violence case ends in a guilty verdict. Empirical research also supports (Rosenbaum 1994; Wattendorf 1996; Gersten 1998; Cramer 1999; Belknap and Graham 2000) the role found for physical evidence as a legal factor, which significantly affects case outcomes at trial.

The variables focusing specifically on victim-offender relationship, prior history of defendent and severity of abuse were not significant. Why are prior history and severity of abuse not significant? It could be that for this sample of misdemeanor cases there were not a great deal of difference across the cases on prior history or severity of offense. It should be noted the logistic analysis was run without severity of abuse in the model, but no change was found.

LIMITATIONS

The first limitation of this study is the large amount of missing cases in the part one pretrial data set, specifically within the prosecutor's perceptions of victim's behavior variables. No explanation was given for

the large number of missing cases on these variables. The result was that 60% of cases were dropped from the study. As a result the sample used in the analysis is no longer representative of the original large Midwestern Urban area total sample.

While no explanation was given for the missing data it may be due to the discretion that the prosecutors had when filling out the prosecutor "green" forms. The prosecutors had the discretion to check all descriptions that apply to the victim. Some may have simply decided not to complete this section of the form; while others may not have been able to if they never met the victim.

Another limitation of this study is the lack of information given from the original researchers regarding some of the other variables central to the study. No explanation was given for the construction of the three variables measuring case outcomes-dismissal, not guilty, and guilty. Ultimately, after an analysis of the frequencies of these variables the decision was made to create and use one variable measuring guilty/not guilty, where not guilty includes there cases which were dismissed before trial, at trial, and thus results in not guilty at trial.

Another limitation in this study is that the r-square is low thus the model does not explain much of the variance in the dependent variable. The low r-square suggests we need to look for other factors to explain the variation in sentencing outcomes. Though variables used were taken from those suggested by past research much of this research was on non-intimate felony cases. The cases in this study however were misdemeanor cases of intimate violence. It is possible that the factors that determine outcomes for these cases are radically different.

DIRECTIONS FOR FUTURE RESEARCH

There are several studies that researched mandatory arrest policies and prosecutor's no-drop policies. However, few studies focus on domestic violence case outcomes and role of race. Fewer still focus on race, prosecutor's perceptions of victim's behaviors, and case outcomes. The current study was an attempt to redress some of the imbalance that occurs within the research.

In terms of sentencing outcomes, the findings from the study suggest several avenues for future research to explore. More attention and focus needs to be geared towards the victims and how their experiences with the criminal justice system. There are several studies that

focus on the defendant's race and factors that affect their sentencing outcomes. This study however shows that victim's behavior significantly affects case outcomes. More research must be done to see if these finding can be replicated in different areas. It is possible that since this study was limited to this midwestern urban area if this study was conducted in a different location, like the south where race has been know to be an issue, the results of this study may differ.

In addition, future research should examine the link between prosecutor's perceptions of victim behavior and more objective measures of victim's behaviors. More research is also needed on what causes prosecutor's perceptions of victim's behavior. It may be due to myths about particular races and their behaviors, the overall lack of communication between the victim and the prosecutor, as well as actual victim behavior.

The comparison of Belknap and Graham's (2000) findings with the current study findings are interesting. They found that when the prosecutor was African American, the defendant was less likely to be found guilty, fined a lesser amount, and sentenced to fewer days on probation. The results of this current study also show that the race of the prosecutor significantly effects receiving a guilty

verdict. It could be that a significant racial group can affiliate with that particular racial group better.

Researchers need to conduct further research on the effects of prosecutor's race on domestic violence case outcomes, because the research is limited. Furthermore, research on other races, such as Hispanics and Asian Americans, should also be considered in future research.

Finally, this data was collected five years ago only limited to a large Midwestern Urban area. The generalizability of the findings of this study are thus limited. The generalizability of this study is further limited by the large amount of missing data on certain variables. Further research needs to be conducted in different areas to see if the results of this study can be replicated in other areas.

POLICY IMPLICATIONS

The study did not find victim's race important, but the prosecutor's race was therefore we must focus on the possibilities of race effects in policy. However, the study did find that prosecutor's perceptions of victim's behavior were significant. This finding has important implications for policy. If the desire is to increase the rate of

guilty verdicts policies which increase the cooperativeness of victim's behavior should help

Victims of all races must be provided with services to help them adjust to the criminal justice system and the court officials. There should be more organizations for minority women to help them adjust to the criminal justice system. These services should show women that the criminal justice system is about helping all victims of domestic violence, regardless of race. With organizations dedicated to helping women understand the process of the criminal justice system this will hopefully change victim's behaviors towards the criminal justice system, and change the way court official's view victims of domestic violence.

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