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An Exploratory Study of Domestic Violence Attitudes Among Virginia Magistrates

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AN EXPLORATORY STUDY OF DOMESTIC VIOLENCE ATTITUDES
AMONG VIRGINIA MAGISTRATES

by


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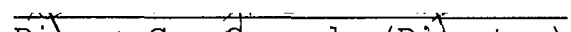
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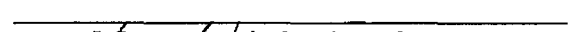
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ABSTRACT

AN EXPLORATORY STUDY OF DOMESTIC VIOLENCE ATTITUDES AMONG VIRGINIA MAGISTRATES

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Old Dominion University and Norfolk State University, 2000

Director: Dr. Dianne Cyr Carmody

Currently, 43 states utilize magistrates in the criminal justice response to domestic violence. In Virginia, magistrates have the power to grant emergency protective orders and arrest warrants in domestic violence cases. In 1996, Virginia instituted a new mandatory arrest law. This study explores magistrates' attitudes toward the new law. It also examines their attitudes toward victims and offenders involved in domestic violence cases. The study utilizes data from Crossland's 1998 survey of Virginia magistrates (n=239). Hypotheses based on conflict theory and feminist theory lead to hypotheses that predict that magistrates' attitudes will vary depending on the race, educational level and gender of the magistrates.

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CHAPTER I

INTRODUCTION

In 1980 and again in 1986, national surveys reported that 25% of all individuals involved in romantic heterosexual relationships experienced at least one incident of domestic violence in their lifetime (Straus and Gelles 1986; Straus, Gelles and Steinmetz 1980). Although both men and women perpetrate domestic assaults, females are more likely than males to suffer mental, emotional, and physical damage (Jolin and Moose 1997; Bachman and Saltzman 1995; Maguire, Pastore, Flanagan and Pastore 1995; Bachman 1994). In fact, domestic violence is the leading cause of mental and physical damage to females between the ages of 15 and 44 (Mills 1998; Novello, Rosenberg, Staltzman and Shoseky 1992). Approximately 35% of patients visiting hospital emergency facilities have experienced domestic violence (Acierno, Resnick and Kilpatrick 1997; Abbott, Johnson, Koziol-McLain and Lowenstein 1995; Randall 1990; McLeer and Anwar 1989). The United States Department of Justice estimated that one million females were victims of

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domestic violence in 1995 (Locke and Richman 1999). Other estimates of female victimization range from 1.8 to 4 million annually in the United States alone (Coleman and Stith 1997; Hotaling, Finkelhor, Kirkpatrick and Straus 1988; Straus et al. 1980).

In recent years, researchers have criticized law enforcement officers and judges for their failure to respond appropriately to domestic violence (Ford, Rompf, Faragher, and Weisenfluh 1995; Lerman and Cahn 1991). Several survey studies suggest that some police officers and judges believe that domestic violence does not belong in the courts and that it takes too much time to resolve. Ford et al. (1995) observed 174 domestic violence cases in civil court in Kentucky. Their data established that judges' decisions at domestic violence hearings were closely related to the judges' attitudes about domestic violence. Other researchers' studies reveal that many law enforcement personnel and judges consider domestic violence incidents insignificant (Locke and Richman 1999; Feder 1998; Schafran 1995).

The current study focuses on magistrates. Like judges, magistrates have the authority to grant emergency protective orders and arrest warrants in domestic violence disputes. Forty-three states currently utilize magistrates

inside the judicial system; yet, little is known about their day-to-day decision-making in domestic violence cases (Crossland, Vandecar and Nolan 1998; Diamond 1990). This is an important omission in the literature since magistrates often play a crucial role in domestic violence cases.

THE ROLE OF THE MAGISTRATE

The duties of magistrates originally evolved from old English law. In the past, magistrates were known as Justices of the Peace, and made quick legal decisions among the masses in small towns (Va. State Legislation 1997). In 1974, the Commonwealth of Virginia organized the duties of magistrates to center around the judicial court system (Va. Code Annotated § 19.2-30 1995). Although magistrates are not judges, lawyers, or police officers, they review investigations of charges against individuals executed by police officers and sheriff departments (Va. Department of Criminal Justice Services Victim Services Section 1993). Magistrates have the power to grant the following: bail for bond, jail time, custody, emergency protective orders, search and civil warrants, summons for court appearances, and 24-hour restrictions on drivers who have been drinking alcohol (Va. Code Annotated § 19.2-45 1995).

City magistrates work mainly in accordance with the lower district courts and juvenile and domestic courts. Their offices are located in each precinct to provide easy access to the public and the law enforcement officers. The head circuit court judge in each city hires the magistrates, and the Committee on District Courts establishes the number of magistrates hired in each precinct. Magistrates can be found at all precincts located in large cities and small towns, and they work in accordance with the needs of the precinct. Some magistrate offices in densely populated areas are open 7 days a week/24-hours a day, and other magistrates work when called in for specific incidents (Va. State Legislation 1997).

Magistrates in Virginia are hired under a 4-year renewable contract. A 1980 law requires magistrates to train for a period of 6 months and pass a test created by the Committee on District Courts (Va. Code Annotated § 19.2-38). If the Committee agrees that a newly hired magistrate is sufficiently experienced, the test can be waived. As of 1985, all newly hired magistrates had to be high school graduates. By 1995, the law required new magistrates to have a 4-year college degree or higher (Va. Code Annotated § 19.2-38.1 1995).

MAGISTRATES AND DOMESTIC VIOLENCE CASES

The role of the magistrate is especially important in light of recent changes in laws and policies concerning domestic violence. Prior to 1996, magistrates and police officers in Virginia were not required to identify the primary aggressor in a domestic violence dispute. The victims of domestic violence carried the responsibility for having their abusers removed from their homes or having them arrested (Meier and Zoeller 1995).

Today, new domestic violence laws require that police officers and/or city magistrates identify a primary aggressor in a domestic violence dispute and determine if the abuser should be removed from his/her home through the issuance of an emergency protective order or arrest. In domestic violence cases, magistrates have the power to issue emergency protective orders and arrest warrants against individuals they believe are abusing family members. Family members include the following: husbands, wives, spouses that do not live together, ex-spouses, heterosexual couples who have lived together more than one year, any couple with a child or children in common even if they do not live together, and any other relatives (i.e. parents, siblings, or adopted children) (Va. Code Annotated § 16.1-253.4 1999).

Emergency protective orders can restrict abusers from re-entering their family homes; they can also grant the victims specific custody of the children and use of the car and other property even if jointly owned. Emergency protective orders can last up to 72-hours; during that period the victim and the accused must appear before a judge in domestic court (Va. Code Annotated §16.1-279.1 1999).

EXPLORING MAGISTRATES' ATTITUDES

In 1996, the U.S. Department of Justice granted funds to the state of Virginia to survey local law enforcement agency personnel concerning their attitudes on domestic violence and the new mandatory arrest laws. In 1998, a survey was sent to all Virginia magistrates (Crossland et al. 1998). The current study utilizes data from this survey to explore magistrates' attitudes toward domestic violence. Specifically, it is expected that these attitudes may vary depending on the race, educational level, and gender of the magistrate.

CHAPTER II

LITERATURE REVIEW

This study examines magistrates' attitudes concerning domestic violence and Virginia's new mandatory arrest law. Virginia's recent implementation of a mandatory arrest law coincides with similar legislation in other states. Several researchers have explored public opinion concerning these laws, and some studies suggest that many law enforcement personnel do not support this new strategy to control domestic violence (Locke and Richman 1999; Muraskin 1999; Women's International Network 1993). Clearly even today, many believe that domestic violence is and should remain a private family matter (Stalans 1996; Bourg and Stock 1994; Buzawa and Austin 1993).

This review of the literature is divided into three sections. First, research concerning gender differences in attitudes regarding domestic violence is summarized. Next, research concerning the impact of education on attitudes regarding domestic violence is discussed. Finally, studies that explore racial differences in attitudes concerning domestic violence are examined. Within each category, studies specifically involving judges and law enforcement personnel are emphasized.

GENDER AND ATTITUDES TOWARD DOMESTIC VIOLENCE

Researchers have noted that males and females have different attitudes concerning spousal abuse (Muraskin 1999; Robinson 1999). Locke and Richman (1999) examined the relationship between gender and domestic violence attitudes using vignettes. In their study, 229 undergraduate college students were given several domestic violence scenarios typed out on police report forms. Females were more likely than males to assign blame to the male partners. In addition, they found that females ranked scenarios of domestic violence as more serious than did males.

Researchers have also noted that males with traditional sex role attitudes are most likely to blame female victims of domestic violence for their own victimization (Locke and Richman 1999; Kristiansen and Giuliett 1990). Females were found to be more supportive of other females in domestic violence situations (Locke and Richman 1999).

This gender discrepancy was examined further by Robinson (1999) in a telephone survey regarding mandatory arrests for spousal abuse. Members of the general public, police officers and other law enforcement officials were

included in this survey. In all groups, females supported mandatory arrest laws more than males (Robinson 1999).

Stalans (1996) also found that support for mandatory arrest laws varied by gender. In Georgia, 157 names were drawn from jury selection at the courthouse. These respondents were surveyed to determine how they assign blame for domestic abuse and whether they support mandatory arrest for domestic violence cases. Sixty-eight percent of the female respondents and 56% of the males stated that the male is responsible for the abuse. Additionally, more males than females believed abusive men unintentionally injured their female victims, and more males than females believed that the abuse was an isolated event.

In Stalans' (1996) study, many respondents also linked the level of injury to the seriousness of the crime. Fifty-nine percent of the respondents stated if there were no injuries, the police should not arrest but should instead give the couple recommendations on counseling or do nothing at all, leaving the couple to work it out alone. Thus, most respondents in this study believed that the police should arrest only when female victims had visible injuries.

Police Officers

Clearly, male and female police officers' attitudes concerning domestic violence may impact their work. Although they receive legal training, personal views may affect individual officers' judgments concerning the seriousness of domestic violence (Crossland 1996; Saunder 1995; Ford 1987). Since the criminal justice system has historically been dominated by males and combating crime has been considered a masculine action, Muraskin (1999) has argued that women's attitudes about crime are often ignored.

Researchers from a task force established by the National Organization for Women's Educational Program found that law enforcement, judicial and correctional agencies are still dominated by men (Muraskin 1999; Crossland 1996; Kraska and Kappeler 1995; Stanko 1989). This male dominance has prompted researchers to conduct studies on male and female police officers' attitudes toward domestic violence. Researchers discovered that police response to domestic violence crimes often varies by the gender of the officer involved (Crossland 1996; Morash and Haarr 1995; Acker 1990). This difference is highlighted by Crossland's study of 291 police officers in Virginia. Female officers were more likely than male officers to believe that

domestic violence calls are important. Crossland also found that the majority of female officers believed that police involvement in domestic violence situations is a highly significant component of police work (1996).

Judges

Like police officers, judges hold a critical position in the battle against domestic violence. Research suggests that gender differences are also evident at this level. Muraskin (1999) interviewed judges to examine gender differences in attitudes within the state and federal judicial system. The majority of the female judges interviewed stated that they try to place themselves in the same position as many female victims who enter their courtrooms. Muraskin strongly argues that male judges need to be sympathetic to female victims. Judges have the authority to decide the victims' future and impact their ability to escape their abusers. In two studies, female judges stated that some of their male colleagues minimize the seriousness of domestic violence cases in their courtrooms (Muraskin 1999; Fields 1996). In fact, some male judges even commented that women sometimes enjoy being hit (Muraskin 1999). These attitudes are critical since researchers have observed that judges do not take domestic

violence seriously and also hesitate to punish abusers (Ford et al. 1995; National Council of Juvenile and Family Court Judges 1990; Goolkasian 1986). Schafran (1995) examined a variety of domestic violence case decisions that went before male judges. The following cases discussed by Schafran illustrate this problem.

Case 1: In 1994, a man who lived in Maryland entered his house and found another man being intimate with his wife. Later that night, this man shot and killed his wife. His sentence dwindled from 3-8 years to 18 months to 50 hours community service with domestic violence victims. His lawyer stated that since the man had no previous criminal record, good employment, and was known as having a good family, his sentence should be light. The judge for this case agreed, stating that this domestic violence murder was not really considered a crime. The judge claimed that he could relate to this man's misfortune, and it was the judge's idea to sentence this man to 50 hours of community service at the local shelter for domestic violence victims (*State v. Peacock*, Maryland Circuit Court 1994).

Case 2: In 1991, a Missouri State Supreme Court task force noted that judicial officers tend to minimize and belittle domestic violence and its victims. It noted that

when males attempted to get protective orders in court against females for domestic violence, the judges made belittling comments. Another judge in Missouri asked a couple of female victims trying to obtain protective orders if they enjoyed getting beat up (Executive Council of the Missouri Judicial Conference 1993).

Case 3: In a 1990 domestic violence hearing, a Florida judge was told that a husband had poured lighter fluid on his wife and proceeded to set her on fire. In the hearing, the Florida judge started humming the tune to the song "You Light Up My Life" by singer Debbie Boone. Instead of "you light up my life" he sang "you light up my wife" (Supreme Court of the State of Florida 1990).

Case 4: In 1993, a New Hampshire man received only a 28-day sentence for stalking and beating up his wife. They had been separated for about one year when he stalked her and found her camping. She was in another man's tent when her husband proceeded to beat her up. The New Hampshire judge ruled that the beating was partially the wife's fault because the couple was still legally married (Weller 1994).

EDUCATION AND ATTITUDES CONCERNING DOMESTIC VIOLENCE

Studies have linked education and training to attitudes concerning domestic violence and its victims

(Locke and Richman 1999; Willis, Hallinan and Melby 1996; Kristiansen and Giulietti 1990; Stith 1990).

For example, several researchers have argued that increased training on the detection of domestic violence would lead to increased reporting by medical professionals (Coleman and Stith 1997; Tilden, Schmidt, Limandri, Chiodo, Gardland and Loveless 1994; Sugg and Inui 1992). It is encouraging to note that medical professionals who received some type of education in domestic violence indicated that they were more aware of abuse in their patients. Domestic abuse was also more likely to be discussed among medical providers who received some type of training in this topic (Acierno et al., 1997; Coleman and Stith 1997; Tilden et al. 1994).

Police Officers

Police officers have the power and duty to arrest individuals in domestic violence cases. Therefore, some victims of abuse may use the justice system as a source of protection (Stalans 1996; Hirschel and Hutchinson 1991). In spite of this, many officers still deal with domestic abuse by just talking to the couples, separating the parties overnight, or recommending therapy/counseling programs offered by the courts. Stalans (1996) argues that

when police still use these non-arrest tactics to handle domestic violence, they confuse the issues of individual protection and family privacy.

Several researchers have emphasized the importance of special police training in domestic violence (Crossland 1996; Buzawa and Austin 1993; Blount, Yegidis and Maheux 1992; Buchanan and Chasnoff 1986; Dolon, Hendricks and Meagher 1986; Levens and Dutton 1980). Bourg and Stock (1994) studied police enforcement of mandatory arrest policies in South Florida. They examined police reports related to domestic violence cases for one year. At the time of the study, the police in South Florida had only received domestic violence training once in a 2-year period. Bourg and Stock's (1994) study focused on 1870 incidents of domestic violence documented by police. Out of these 1870 reports, 538 of the abusers (29%) were arrested. The other 1332 (71%) cases did not result in an arrest. Bourg and Stock concluded that the mandatory arrest policy was not being enforced properly. They recommended more training for police officers in order to insure the proper response in these cases (1994).

Other researchers have noted that police officers who have college degrees take domestic violence calls more seriously than police officers with less education

(Crossland 1996; Buzawa and Buzawa 1990; Blankenship and Cramer 1976; Dalley 1975). Thus, it appears that both the level of formal education and specialized training may influence individual officers' attitudes and behaviors in these cases.

Judges

Several researchers have noted that judges often receive no specialized training in handling domestic violence cases and this lack of training may lead judges to rely on personal attitudes and perceptions in these situations (Fields 1996; Ford et al. 1995; Schafran 1995; Johnson and Sigler 1994; Crowley, Sigler and Johnson, 1990).

It is encouraging to note that with training, many judges do change their treatment of domestic violence cases. New York, California, New Jersey and Florida have created programs to educate judges. These training programs involve judges watching other judges handle the cases (Muraskin 1999; Schafran 1995; Archer 1989). In Texas, judges must finish eight hours of training in domestic violence and attend classes on gender bias awareness within their first period of tenure in office. This training assists judges in recognizing domestic

violence as a crime (Muraskin 1999; Ford et al. 1995; Schafran 1995).

Researchers suggest additional training leads to increased support of mandatory arrest laws (Robinson 1999; Cullen, Link, Travis, and Wozniak 1985; Rossi and Henry 1980). In a study conducted by Gottfredson, Warner, and Taylor (1988), college students, judges, criminal lawyers, law enforcement officers, probation and parole officers and correctional officers were surveyed and asked to rank the relative seriousness of a variety of crimes. Aside from the college students, all the other respondents were criminal justice personnel, yet the students ranked the scenarios of domestic violence as more serious than the criminal justice personnel. The study suggests that those closest to the domestic violence cases (criminal justice personnel) may minimize the seriousness of these offenses.

Researchers have also found that formal training programs improve police officers' perceptions toward domestic violence (Blount et al. 1992; Dolon et al. 1986; Buchanan and Chasnoff 1986; Levens and Dutton 1980). From this research, it was established that law enforcement officers who support mandatory arrest laws credit their training in domestic violence. Officers who value formal training in domestic violence believe that their roles are

important in answering domestic violence dispute calls, and they tend to take mandatory arrest laws regarding domestic violence more seriously (Crossland 1996).

Clearly, education and training may be expected to influence the attitudes of magistrates in way similar to police officers and judges. The current study will explore the relationship between formal education and attitudes concerning domestic violence among this important group.

RACE AND ATTITUDES TOWARDS DOMESTIC VIOLENCE

According to researchers, domestic violence is not limited to any particular race (Locke and Richman 1999; U.S. Dept. of Justice 1994; Greene, Raitz and Lindblad 1989; Lockhart 1987). In spite of this, media images often focus on cases involving blacks, perpetrating the myth that blacks are more violent than whites. Several studies have noted that such media reports are incorrect and reflect prejudicial stereotypes (Carmody 1998; Kozol 1995; Meyers 1994).

Returning to Bourg and Stock's study (1994), the same stereotypes of racial disparity were found in domestic violence reports in South Florida. Out of 1870 police reports for domestic violence, 538 abusers (29%) were arrested. Seventy-six percent of the arrests were

categorized as simple assaults, a misdemeanor charge, and 22% of the arrests were categorized as aggravated battery, a felony charge. The study showed that black women (84%) compared to white women (20%) were more prone to be arrested for the felony charge, aggravated battery. Felony charges usually involve use of weapons, yet these domestic violence reports by South Florida police did not include data for use of weapon.

Research in racial stereotypes suggests that black females are often described as angry and resentful of the white population (Walker 1989). It is interesting to note that in Bourg and Stock's study (1994), white males (19%) were least likely to be arrested for the felony of aggravated battery.

Other researchers have studied attitudes among the general public. Robinson (1999) specifically examined racial differences in support for mandatory arrest laws. Blacks and the poor were much less supportive of mandatory arrest. These attitudes may reflect a fear of biased enforcement.

Police Officers

Several researchers have explored racial stereotypes regarding domestic violence among police officers. Buzawa

and Austin (1993) found that white abusers (24%) were less likely than black abusers (33%) to be arrested. Buzawa and Austin (1993) also examined the impact of the race of the officer. In domestic violence incident reports filled out by Detroit police, 70% of the police officers were black. Black police officers were more likely to use arrest as an intervention tactic while white police officers preferred non-intervention arrest tactics (Friday, Metzgar and Walters 1991; Black 1980).

Judges

Research focused on racial differences among judges is scarce. The justice system has historically been dominated by older, wealthy, white males considered the gatekeepers of legislation and political power. Like females, blacks play a small role in the justice system, and this makes it difficult to change the media and societal stereotype that blacks are more violent than whites in domestic violence cases (Carmody 1998; Kozol 1995; Meyers 1994).

Many white powerful men are appointed as judges, politicians, and corporate lawyers. They have control over which laws are passed and impose their own political agenda on the rest of society, encouraging the stereotypes of minorities and the myths of domestic violence. This

creates conflict and power struggles within society (Muraskin 1999; Stalans 1996; Gottfredson et al. 1988; Flowers 1987; Chambliss 1973).

THEORETICAL FRAMEWORK

In framing the hypotheses, this thesis utilizes two theoretical approaches: conflict theory and feminist theory. In this section, each theory is discussed and the corresponding hypotheses are introduced.

Conflict Theory

According to conflict theory, the ruling class plays a significant role in identifying and punishing criminal behavior (Robinson 1999; Hagan and Albonetti 1982; Marx 1912). Additionally, conflict theory suggests that powerful groups have different viewpoints than less powerful groups.

Because those in power, such as white wealthy males, can influence which acts of conduct are defined as criminal, they are able to impose their beliefs on powerless groups such as females, minorities, and the poor (Quinney 1970). Conflict theorists argue that laws do not reflect the consensus of society, and they do not function equally for all individuals in society.

Following these arguments, the conflict model would predict that males and females and also whites and minority groups would differ in their support of the criminalization of domestic violence (Robinson 1999; Schmidt and Sherman 1996; Stalans 1996; Hilton 1993; Brecki & Murphy 1992; Flowers 1987; Vold and Bernard 1986). Several researchers have noted that white males perceive criminal acts as less serious than do females, minorities and the poor. Additionally, some argue that females, minorities and the poor are more quickly arrested and receive harsher punishments than white wealthy males (Robinson 1999; Hagan and Albonetti 1982; Rossi et al. 1974).

Conflict theorists also note that individuals with higher levels of education enjoy more power and influence. Thus, as educational levels increase, so should support for existing laws (Robinson 1999; Stalans 1996; Gottfredson et al. 1988; Chambliss and Seidman 1971; Marx 1912). More specifically, conflict theorists would predict that magistrates with the greatest amount of education would be most supportive of mandatory arrest laws.

Feminist Theory

According to feminist theory, domestic violence is often used to control women (Ferraro 1995; Smart 1995; Bart

and Moran 1993; Tong 1989). Frequently, women lack the economic, social and political power to escape abusive situations (Hurst 1995). Although there has been some progress towards equality between the sexes, feminists note that sex discrimination continues in all facets of life, including the criminal justice system (Richardson 1981; Eisenbert and Micklow 1977). As a result of this discrimination and inequality, feminists believe that domestic violence continues to be used to control women and the legal system fails to adequately punish these crimes (Bart and Moran 1993; Gelles and Cornell 1990; Dobash and Dobash 1979).

Feminist theory suggests that traditional male sex roles encourage individuals to blame female victims of domestic violence (Ferraro 1995; Gelles and Cornell 1990; Sigler 1989; Dobash and Dobash 1979). Researchers have established that there is a relationship between victim blaming and gender (Smart 1995; Hillier and Foddy 1993; Saunders and Size 1986; Gentemann 1984). Hillier and Foddy (1993) found that individuals with traditional sex role attitudes assigned more blame to female victims of domestic violence. Other studies have found that males tend to possess more traditional sex role attitudes than females (Kristiansen and Giulietti 1990; Larsen and Long 1988;

Nelson 1988; Finn 1986; Thornton, Ryckman and Robbins 1982). In this study, it is predicted that male magistrates will tend to blame female victims of domestic violence more than female magistrates.

HYPOTHESES

This study tests seven hypotheses. The first three hypotheses involve the "Punishment Scale" as the dependent variable. The "Punishment Scale" is an additive scale designed to measure magistrates' attitudes concerning punishment for domestic violence offenders. Magistrates with high scores on the "Punishment Scale" support mandatory arrest laws and harsher punishment of offenders.

Hypotheses Utilizing the "Punishment Scale"

1. White magistrates will have higher scores on the "Punishment Scale" than nonwhite magistrates. (conflict theory)
2. Male magistrates will have higher scores on the "Punishment Scale" than female magistrates. (conflict theory)
3. Magistrates with 4-year college degrees or more will have higher scores on the "Punishment Scale" than

magistrates with less formal education. (Conflict theory)

Victim Blaming Hypotheses

The second set of hypotheses involves magistrates' victim blaming attitudes. Dependent variables for these hypotheses are drawn from four items on the survey related to this issue.

4. Male magistrates will have greater support for the victim blaming statement, "Domestic violence wouldn't occur unless someone was provoked," than female magistrates. (Feminist theory)
5. Male magistrates will have greater support for the victim blaming statement, "It has been my experience that alcohol or drugs are most often responsible for domestics," than female magistrates. (Feminist theory)
6. Male magistrates will have greater support for the victim blaming statement, "Victims of domestic violence can always leave," than female magistrates. (Feminist theory)
7. Male magistrates will have greater support for the victim blaming statement "Women are using the new law

to get their partners in trouble," than female magistrates. (Feminist theory)

These hypotheses are tested utilizing data from a survey of Virginia magistrates. Chapter 3 presents information concerning the survey.

CHAPTER III

METHODOLOGY

Data for this study are taken from a 1996 survey of magistrates in Virginia. This survey centered on magistrates' attitudes concerning domestic violence victims and the mandatory arrest law passed in Virginia in 1996. Information concerning magistrates' education, race and gender were also collected (Crossland et al. 1998).

The survey contained 60 questions designed to gather data on magistrates' opinions concerning domestic violence. It was part of a larger study conducted by Crossland (1996). A total of 453 questionnaires were mailed to all magistrates in the state of Virginia (see Appendix).

The survey was accompanied by a letter which explained the purpose of the study. An additional letter was sent to the Chief Magistrate in each area requesting that he/she encourage all magistrates to complete the survey. The surveys were mailed in February 1998 and respondents were given one month to return the questionnaires. Out of 453 surveys mailed, 239 (53%) were returned and used for this analysis.

The survey collected information on magistrates' educational level, work experience, race, and sex. It also

included questions concerning magistrates' feelings about victims, abusers, court procedures and service agencies. Magistrates were asked to assess the degree of difficulty the new mandatory arrest law has invoked and the potential impact of harsher punishments for offenders (Crossland et al. 1998).

Table 1 displays demographic information for the sample. The magistrates in the survey were between the ages of 23 and 84, with an average age of 52 years. Most had served as a magistrate for 10 years or more. The magistrates worked in cities and towns whose populations ranged from under 2,500 to over 100,000. Most worked in medium and large cities.

The survey data for this study was collected in 1998. The demographic sample characteristics were compared with the current (2000) year data for Virginia magistrates. No differences were found, suggesting that the magistrates surveyed in 1998 are quite similar to those currently working in Virginia. This also suggests that the 239 magistrates that participated in the survey were demographically similar to the total population (462) of magistrates in Virginia.

Table 1. Sample Description

(N=239)	Mean	Standard Deviation
Average Age of Magistrates	52	11.53
Years Working as a Magistrate	10.23	7.50
Years Experience in Criminal Justice System	11.90	9.27
Population Size in Jurisdiction	Frequency	Percent
Large metropolitan city (over 100,000 pop.)	97	42.5
Medium-size city (25,000-100,000 pop.)	59	25.9
Smaller City (5000 - 24,999 pop.)	40	17.5
Town or Village (2500-4999 pop.)	8	3.5
County or Very Small Town (under 2500 pop.)	24	10.5

DEPENDENT VARIABLES

The first dependent variable was the "Punishment Scale," which measures the magistrates' support for mandatory arrest laws and stronger punishments for offenders. In addition, four individual items designed to measure magistrates' victim blaming attitudes regarding domestic violence were also used as dependent variables.

Punishment Scale Description

Table 2 describes the individual variables utilized to construct the "Punishment Scale." The scale was based on variables that use the Likert method. For each item, the response categories were: 1=Have No Opinion, 2=Strongly Disagree, 3=Disagree, 4=Agree, and 5=Strongly Agree." Prior to scale construction, the "No Opinion" responses were eliminated and the variables were recoded as 1=Strongly Disagree, 2=Disagree, 3=Agree, and 4=Strongly Agree. Respondents were given the following statements: "Call for harsher bail conditions," "Increase penalties for repeat offenders," "Increase offender penalties for violations of EPOs," and "Eliminate mandatory arrest." The last item, "Eliminate mandatory arrest," was reversed and recoded to reflect "Support for mandatory arrest." The

"Punishment Scale" was created by adding the magistrates' scores on the five items noted above.

Tables 2A and 2B show descriptive information on this additive scale. The "Punishment Scale" responses ranged from 4 to 16 with a mean of 12.15 (s.d. 2.46, N=205). Higher scores on the "Punishment Scale" reflect stronger support for mandatory arrest and harsher punishments for offenders. Table 2C shows that inter-item correlations between scale items range from .0974 to .5516. The alpha ($\alpha = .6343$) shows that the items are correlated but is slightly less than the standard .70.

Victim Blaming Statements

The next four dependent variables measure victim blaming¹. For each question, the response categories were: "1=Strongly Disagree", "2=Disagree," "3=Agree," and "4=Strongly Agree." The following victim blaming statements were used: "Domestic violence wouldn't occur unless someone was provoked," "It has been my experience that alcohol or drugs are most often responsible for domestics," "Victims of domestic violence can always leave," and "Women are using the new law to get their partners in trouble."

Table 2A. Variables Utilized in Punishment Scale Construction

Punishment Scale		(N=239)			
		Percentages			
	SD (1)	D (2)	A (3)	SA (4)	
Call for harsher bail conditions.	12.3	28.2	40.5	19.1	
Increase penalties for repeat offenders.	2.1	6.8	30.6	60.4	
Increase offender penalties for violations of EPOs.	3.4	10.7	39.9	45.9	
Support for mandatory arrest laws.	18.6	24.3	28.8	28.3	

Table 2B. Descriptive Statistics for the Punishment Scale

		(N=205)
Mean	12.15	
Range	4-16	
Standard Deviation	2.46	

Table 2C. Reliability Analysis and Scale Alpha of Punishment Scale

Inter-item	.0974 to .5516
Alpha Reliability	$\alpha = .6343$

Table 3 reflects considerable variation in magistrates' responses to these statements. More than 80 percent of the magistrates disagreed with the statement, "Domestic violence wouldn't occur unless someone was provoked." Yet, more than 60% of the magistrates agreed with the statement, "It has been my experience that alcohol or drugs are most often responsible for domestics." Sixty percent of the magistrates also disagreed with the statement "Victims of domestic violence can always leave." In addition, over half of the magistrates disagreed with the statement "Women are using the new law to get their partners in trouble."

STATISTICAL ANALYSIS

Initially, the dependent and independent variables were examined at the univariate level and a reliability assessment and strength of alpha test for the "Punishment Scale" were determined. Next, correlations, crosstabs and t-tests were used to explore relationships at the bivariate level and test the hypotheses.

Table 3. Descriptive Statistics for Four Victim Blaming Statements

Statement	Frequency	Percent	Cumulative
Domestic violence wouldn't occur unless someone was Provoked.			
Strongly Disagree	65	27.5	27.5
Disagree	125	53.0	80.5
Agree	36	15.3	95.8
Strongly Agree	10	4.2	100.0
It has been my experience that alcohol or drugs are most often responsible for domestics.			
Strongly Disagree	11	4.6	4.6
Disagree	80	33.8	38.4
Agree	107	45.1	83.5
Strongly Agree	39	16.5	100.0
Victims of domestic violence can always leave.			
Strongly Disagree	69	29.2	4.6
Disagree	141	59.7	38.4
Agree	22	9.3	83.5
Strongly Agree	4	1.7	100.0
Women are using the new law to get their partners in trouble.			
Strongly Disagree	14	6.0	6.0
Disagree	128	54.7	60.7
Agree	80	34.2	94.9
Strongly Agree	12	5.1	100.0

CHAPTER IV

RESULTS

This chapter presents the results of the analysis concerning magistrates' attitudes on domestic violence. The three independent variables used in this study are sex, race, and education. Table 4 displays the independent variables. The magistrates were predominately male (68%). Out of 239 respondents, 201 (88.2%) were white and 27 (11.8%) were nonwhite. The average educational level was a 2-year college degree, equal to an associate's degree. Out of 239 respondents, 45% of the magistrates had earned 4-year college degrees or more.

Below are the questions and category answers regarding the three independent variables:

Sex. The respondents were asked, "What is your sex?" The respondents were offered a selection of "male" or "female." Males were labeled "1" and females were labeled "2."

Race. The respondents were asked, "How would you describe yourself?" The respondents were offered a selection of six categories to chose from, "Asian/Pacific Islander," "Black/African American," "Hispanic," "Native American," "White," or "Other." The race variable was

dichotomized as "white" and "nonwhite." "White" was labeled "0" and nonwhite was labeled "1."

Education. "Check the highest level of education you have completed." The respondents were offered a selection of six categories: "High school diploma or GED," "Vocational-technical certificate," "One or more semesters of college," "Associate's degree," "Bachelor's degree," "Attended or completed graduate school." The education variable was dichotomized as, "No college degree," and "College degree or higher." "No college degree" was labeled "0" and "College degree or higher" was labeled "1."

BIVARIATE ANALYSES INVOLVING THE PUNISHMENT SCALE

First, the three hypotheses involving the "Punishment Scale" were tested. Hypothesis one predicts that white magistrates will have higher scores on the "Punishment Scale" than nonwhite magistrates. Table 5A shows that the correlation is positive (.111) between punishment and race, suggesting nonwhite magistrates have slightly higher "Punishment Scale" scores. However, this relationship is weak and not statistically significant. Table 5B displays the result of the T-test examining the relationship between race and the "Punishment Scale." No significant difference in mean scores for white magistrates and

Table 4. Description of Independent Variables

(N=239)		Frequency	Percent
Sex			
	Males	159	68.2
	Females	74	31.8
Race			
	White	201	88.2
	Nonwhite	27	11.8
Education			
	HS Diploma or GED	32	13.9
	Vocational-Technical	5	2.2
	One or more Semesters	55	23.8
	Associate's Degree	35	15.2
	Bachelor's Degree	54	23.4
	Attended or Completed Graduate School	50	21.6

Table 5A. Correlation of Punishment Scale and Race

Punishment Scale	Pearson's R
Race	.111

Table 5B. Difference of Mean Punishment Scale Score
by Race

Race	N	Mean	Standard Deviation
Whites	172	12.0407	2.5302
Nonwhites	24	12.8750	1.8013

t= -1.56 with 194 d.f.
p= .120

nonwhite magistrates on the "Punishment Scale" ($p > .05$) was found. Based on these findings hypothesis one is rejected. Hypothesis two predicts that male magistrates will have higher scores on the "Punishment Scale" than female magistrates. Table 6A shows that a positive correlation (.237) exists between the "Punishment Scale" and sex, indicating female magistrates had higher scores than male magistrates, and this relationship is statistically significant ($p = .001$). A T-test was conducted to further examine this relationship. As indicated in Table 6B, the T-test revealed a statistically significant difference ($p \leq .05$) in mean scores for male magistrates and female magistrates on the "Punishment Scale" ($p < .05$). This study finds that female magistrates tend to score higher on the "Punishment Scale" than male magistrates. Based on these findings, hypothesis two is rejected.

Hypothesis three predicts that magistrates with 4-year college degrees or more will have higher scores on the "Punishment Scale" than magistrates with less formal education. Table 7A shows a negative correlation (-.197) between the "Punishment Scale" and education levels, suggesting that magistrates with less than 4-year college degrees had higher scores on the "Punishment Scale." This relationship is statistically significant

Table 6A. Correlation of Punishment Scale and Sex

Punishment Scale	Pearson's R
Sex	.237*
*p ≤ .05	

Table 6B. Difference of Mean Punishment Scale Score
by Sex

Sex	N	Mean	Standard Deviation
Males	136	11.7721	2.4794
Females	64	13.0156	2.1930

t= -3.43 with 198 d.f.

p= .001 (p =.006).

($p=.006$). Table 7B displays the results of a T-test that was conducted to further examine this relationship. The T-test revealed a statistically significant difference based on educational level ($p \leq .05$). Therefore, magistrates with less than 4-year degrees tend to score higher on the "Punishment Scale." Based on these findings, hypothesis three is rejected.

BIVARIATE ANALYSES INVOLVING VICTIM BLAMING STATEMENTS

In the second part of the analysis, the four hypotheses regarding victim blaming were tested. Hypothesis four predicts that male magistrates will have greater support for the statement, "Domestic violence wouldn't occur unless someone was provoked" than female magistrates. The negative correlation between this item and sex ($-.179$) shown in Table 8A indicates that the male magistrates do show greater support for the statement, "Domestic violence wouldn't occur unless someone was provoked", than female magistrates. The p value ($.007$) indicates that this finding is statistically significant at the .05 level. Male magistrates tend to agree more with this victim blaming statement than female magistrates. Table 8B displays the results of a cross-tabulation of sex and this victim blaming statement. It also revealed a

Table 7A. Correlation of Punishment Scale and Sex

Punishment Scale	Pearson's R
4-year degrees or higher	-.197*

*p ≤ .05

Table 7B. Difference of Mean Punishment Scale Score
by Educational Level

Education	N	Mean	Standard Deviation
Less than 4-year Degree	109	12.5872	2.4160
4-year Degree and Higher	89	11.6180	2.4192

t= 2.81 with 196 d.f.

p= .006

statistically significant difference (.015) in male and female responses. Male magistrates (19%) were more likely to "agree" with this victim blaming statement compared to female magistrates (8.3%). In addition, 40% of female magistrates "strongly disagreed" with the victim blaming statement, "Domestic violence wouldn't occur unless someone was provoked," compared to 21.5% of male magistrates. Based on these findings, hypothesis four is supported.

Hypothesis five predicts that male magistrates will have greater support for the victim blaming statement, "It has been my experience that alcohol or drugs are most often responsible for domestics," than female magistrates. Table 9A shows that the correlation is negative (-.088) between this victim blaming statement and sex, suggesting male magistrates are slightly more supportive of the statement. However, this relationship is weak and not statistically significant ($p=.237$). The results of a cross-tabulation of sex and the victim blaming statement, "It has been my experience that alcohol or drugs are most often responsible for domestics," was conducted to further examine this relationship. As indicated in Table 9B, the cross-tabulation did not reveal a statistically significant difference (.182) in male and female responses. Based on these findings, hypothesis five is rejected.

Table 8A. Correlation of "Domestic violence wouldn't occur unless someone was provoked," and Sex

	Pearson's R
Sex	-.179*

*p ≤ .05

Table 8B. Cross-Tabulation of "Domestic violence wouldn't occur unless someone was provoked," by Sex

N=230	Male	Female
Strongly Disagree	21.5	40.3
Disagree	55.1	47.2
Agree	19.0	8.3
Strongly Agree	4.4	4.2
Total	100.0	100.0
Chi Square (df=3)	10.53*	

*p ≤ .05

Table 9A. Correlation of "It has been my experience that alcohol or drugs are most often responsible for domestics," and Sex

	Pearson's R
Sex	-.088

Table 9B. Cross-Tabulation of "It has been my experience that alcohol or drugs are most often responsible for domestics," by Sex

N=231	Male	Female
Strongly Disagree	2.5	8.2
Disagree	33.5	32.9
Agree	46.2	45.2
Strongly Agree	17.7	13.7
Total	100.0	100.0
Chi Square (df=3)	4.24	

p ≥ .05

Hypothesis six predicts that male magistrates will have greater support for the victim blaming statement, "Victims of domestic violence can always leave," than female magistrates. Table 10A shows a positive correlation (.020) between this victim blaming statement and sex, suggesting that female magistrates are slightly more supportive of this statement. However, this relationship is weak and not statistically significant. A cross-tabulation of sex and the statement, "Victims of domestic violence can always leave," was conducted to further examine this relationship. As indicated in Table 10B, the cross-tabulation did not reveal a statistically significant difference (.767) in male and female responses. Based on these findings, hypothesis six is rejected.

Hypothesis seven predicts that male magistrates will have greater support for the victim blaming statement, "Women are using the new law to get their partners in trouble," than female magistrates. Table 11A shows that a negative correlation (-.040) exists between this victim blaming statement and sex, suggesting male magistrates are slightly more supportive of this statement. However, this relationship is not statistically significant ($p=.484$). The results of a cross-tabulation of sex and the victim blaming statement, "Women are using the new law to get

their partners in trouble," was conducted to further examine this relationship. As indicated in Table 11B, the cross-tabulation did not reveal a statistically significant difference (.546) in male and female responses. Based on these findings, hypothesis seven is rejected.

Table 10A. Correlation of "Victims of domestic violence
can always leave," and Sex

	Pearson's R
Sex	.020

Table 10B. Cross-Tabulation of "Victims of domestic
violence can always leave," by Sex

N=230	Male	Female
Strongly Disagree	27.4	34.2
Disagree	65.0	50.7
Agree	7.0	12.3
Strongly Agree	.6	2.7
Total	100.0	100.0
Chi Square 5.79 (df=3)		

p \geq .05

Table 11A. Correlation of "Women are using the new law to get their partners in trouble," and Sex

	Pearson's R
Sex	-.040

Table 11B. Cross-Tabulation of "Women are using the new law to get their partners in trouble," by Sex

N=228	Male	Female
Strongly Disagree	7.1	4.1
Disagree	51.9	62.2
Agree	35.1	29.7
Strongly Agree	5.8	4.1
Total	100.0	100.0
Chi Square (df=3)	2.45	

p \geq .05

CHAPTER V

DISCUSSION AND CONCLUSION

This study examined Virginia magistrates' attitudes concerning domestic violence. Specifically, differences based on magistrates' sex, educational level and race were explored. In this chapter, the findings are summarized and discussed. Limitations and implications of the study are also offered.

MAGISTRATE CHARACTERISTICS AND SCORES ON THE PUNISHMENT SCALE

The "Punishment Scale" was designed to measure magistrates' attitudes concerning Virginia's new mandatory arrest law and punishment for domestic violence offenders. High scores on this scale reflect support for the law and harsher punishments for offenders. The first four hypotheses included the "Punishment Scale" as the dependent variable.

Following conflict theory, hypothesis one predicted magistrates' race would impact their scores on the "Punishment Scale." Specifically, it was hypothesized that white magistrates would have higher scores on the

"Punishment Scale" than nonwhite magistrates. This hypothesis was not supported.

Hypothesis two was also based on conflict theory and predicted that male magistrates would have higher scores on the "Punishment Scale" than female magistrates. This hypothesis was not supported. In fact, female magistrates' scores on the "Punishment Scale" were substantially higher than male magistrates' scores, a statistically significant difference. This finding lends support to feminist theorists' arguments. Feminists note that domestic violence may be used to control females (Bart and Moran 1993; Gelles and Cornell 1990; Dobash and Dobash 1979). Since researchers have suggested that female judges may identify more closely with female victims of domestic violence (Muraskin 1999; Fields 1996), female magistrates' support for the mandatory arrest law and harsh punishments for offenders are to be expected. Thus, while the findings do not support predictions based on conflict theory, they are consistent with recent research on female judges and feminist arguments.

Hypothesis three focused on the educational level of magistrates. Conflict theory led to the prediction that magistrates with 4-year college degrees or more would have higher scores on the "Punishment Scale." This hypothesis

was not supported. In fact, magistrates with less formal education had higher scores on the "Punishment Scale."

Previous studies have noted that police officers with college degrees take domestic violence calls more seriously than those with less education (Crossland 1996; Buzawa and Buzawa 1990; Blankenship and Cramer 1976; Dalley 1975).

The current study utilized a measure of the number of years of college education. The lack of support for this hypothesis may be linked to the use of the education variable instead of a more focused measure of domestic violence training². It is also possible that magistrates with 4-years or more of college may question whether mandatory arrest laws will substantially impact the problem of domestic violence.

MAGISTRATE CHARACTERISTICS AND VICTIM BLAMING ATTITUDES

Research suggests that judges' decisions may be impacted by their personal attitudes concerning domestic violence (Ford et al. 1995). Additionally, previous research highlights gender differences in victim blaming (Smart 1995; Hillier and Foddy 1993; Saunders and Size 1986; Gentemann 1984;). The final four hypotheses utilized a series of victim-blaming statements as dependent variables. These hypotheses were based on feminist theory,

and compared male and female magistrates' support of victim-blaming statements.

Hypothesis four predicted that male magistrates would more strongly support the statement, "Domestic violence wouldn't occur unless provoked." This hypothesis was supported. This is consistent with feminist research on gender differences in victim blaming which shows that males with conservative sex role attitudes tend to blame female victims of domestic violence (Ferraro 1995; Gelles and Cornell 1990; Sigler 1989; Dobash and Dobash 1979).

Hypotheses five, six and seven also predicted stronger male support for victim blaming statements. Hypothesis five stated that males would more strongly support the statement, "It has been my experience that alcohol and drugs are most often responsible for domestics." It is interesting to note that this item is asking about magistrates' experiences, not their beliefs. Therefore, it is somewhat different than the other victim-blaming statements. Hypothesis six predicted that males would more strongly support the statement, "Victims of domestic violence can always leave." Hypothesis seven predicted that males would more strongly support the statement, "Women are using the new law to get their partners in trouble." None of these hypotheses were supported.

Although gender differences did not emerge in support for the statement, "It has been my experience that alcohol and drugs are most often responsible for domestics," over 60% of the magistrates supported this statement. These attitudes reflect the myth that alcohol and drugs are responsible for domestic violence (Barnett, Miller-Perrin and Perrin 1997; Steinmetz 1987; LaBell 1979). Domestic violence researchers have noted that offenders are abusive whether or not they are using alcohol or drugs. Alcohol and drug abuse are frequently offered as excuses for domestic assaults (Barnett et al. 1997; Browne 1987; Walker 1989).

Approximately 11% of the magistrates supported the statement, "Victims of domestic violence can always leave." Researchers have identified many barriers to leaving abusive relationships including fear, hope for change, dependent children, and lack of economic resources (Barnett et al. 1997; Hurst 1995). In addition, Browne (1987) notes that women are at increased risk of serious injury or lethal attacks when they leave abusive relationships. This finding is supported by other researchers that note that victims who leave abusive situations are not assured that the abuse will stop (Barnett et al. 1997; Horton and Johnson 1993; Ellis 1992).

Finally, almost 40% of the magistrates supported the statement, "Women are using the new law to get their partners in trouble." This finding suggests that many magistrates are suspicious of the motives of domestic violence victims, and clearly this raises questions concerning victim blaming.

LIMITATIONS

The social sciences rely heavily on surveys to gather data to test social theories. Unfortunately, survey data has weaknesses and the survey utilized in this study suffers from several limitations.

First, although the state of Virginia employed 453 magistrates in 1998, only 239 (53%) of them answered the Crossland (1998) survey regarding attitudes on domestic violence. Although the respondents were demographically similar to the total population of Virginia magistrates at the time, it is possible that magistrates who did not participate in the survey hold different attitudes concerning domestic violence.

Second, the duties of magistrates are not the same in every state. Currently forty-three states employ magistrates. The duties and demographic characteristics of magistrates in other states clearly may differ from those

in Virginia. Caution must therefore be used in any attempt to generalize these findings beyond the borders of Virginia.

Third, the current study utilized a measure of years of college education as an independent variable. Previous studies have highlighted the importance of domestic violence training on attitudes among judges and police officers. While the survey instrument did ask magistrates about their training experiences, this data proved inadequate due to an unclear definition of formal domestic violence training. Magistrates were simply asked how many hours of formal and informal domestic violence training they had received during the previous year. Unfortunately, specific types of training were not identified or discussed. In addition, the review of the literature revealed very little research on specific types of domestic violence training available for judges and magistrates.

IMPLICATIONS

The current study revealed substantial support among magistrates for two victim-blaming statements related to domestic violence. It also found few attitudinal differences among magistrates based on race, gender and educational level. Thus, it appears that Virginia

magistrates are fairly similar in their attitudes concerning domestic violence. These findings suggest that magistrates need training on issues related to domestic violence situations in order to assist victims and enforce mandatory arrest laws. Previous research revealed that judges and police officers that had domestic violence training were more sensitive in assisting victims and more supportive of mandatory arrest laws. Currently only a few states have created programs to educate judges and police officers; these training programs have positively impacted on the courts' response to domestic violence cases (Muraskin 1999; Crossland 1996; Ford et al. 1995; Schafran 1995; Archer 1989).

The review of the literature revealed a lack of research on magistrates. Clearly, magistrates play an important role in domestic violence cases. It is imperative that we better understand the influence of magistrates' attitudes and training on their treatment of these cases. Future research should closely monitor the impact of legislative changes. Magistrates' interpretation and application of new laws may substantially impact domestic violence offenders and victims.

ENDNOTES

1. When an additive scale for blaming victims was created by combining the 4 statements regarding magistrates' victim blaming attitudes, the alpha ($\alpha=.3775$) was well below the standard .70. The individual items were therefore used separately in the analysis.
2. The Crossland (1998) survey did include two questions concerning domestic violence training (see Appendix). These items asked magistrates the number of hours of "formal" and "informal" domestic violence training they had received in the past year. Unfortunately, the meaning of the terms, "formal" and "informal" training was unclear, and these items were not included in the analysis.

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APPENDIX
SURVEY INSTRUMENT

March 23, 1998

Dear Chief Magistrate,

Toward the end of February a packet of questionnaires was sent to you. These surveys seek you and your staff's opinions on the training and attitudes of criminal justice personnel in dealing with the new domestic violence legislation. To date, I have been very pleased concerning the huge response I have received concerning these surveys.

If you have already completed and returned the packet of surveys to us, please accept our sincere thanks. We are very grateful for your support. If you have not returned the packet as of yet, please try to do so by March 30, 1998 or as soon as possible. Because it has been sent to all the jurisdictions throughout the Commonwealth, it is extremely important that everyone be included in the study if the results are to accurately represent the opinions and suggestions of all magistrates. If by some chance you did not receive the questionnaire packet, or it got misplaced, please call me and I will get another one in the mail to you.

If you have any questions or concerns, please feel free to contact me. Your cooperation is greatly appreciated.

Sincerely,

Tina Crossland

Christina Crossland
Old Dominion University
College of Arts & Letters
Department of Sociology and Criminal Justice
Norfolk, Virginia 23529-0090
voice: (757) 683-3802
fax: (757) 683-5634
e-mail: ccrossla@odu.edu

February 9, 1998

Dear Chief Magistrate,

We are requesting your cooperation with a study that is being conducted by Old Dominion University and the Norfolk Police Department which focuses on domestic violence and criminal justice practitioners' responses. The National Institute of Justice in 1996 awarded a grant to the Norfolk Police Department through the Office of Community Oriented Policing Services (COPS) program to Combat Domestic Violence. As part of the grant, an evaluation of the training and attitudes of criminal justice personnel was requested. We would like your help by supporting this project and answering the questions in the surveys provided for you and your staff.

All questions can be answered quickly. All responses are anonymous and confidential. It will be impossible to identify any individual or their responses in any final report. We are asking that all other magistrates, in addition to yourself, complete the enclosed surveys. Once they have completed the survey, they may deposit it in the self-addressed envelope provided by us which we would like you to maintain in your office. We have provided postage specifically for this purpose. If possible, please return the survey packet to us as soon as possible, but no later than March 30, 1998.

If you have any questions or concerns, please feel free to contact myself or Hank Ambrose of the Norfolk Police Department. Your cooperation is greatly appreciated.

Sincerely,

Christina Crossland
Old Dominion University
Department of Sociology and Criminal Justice
(757) 683-3802

Hank Ambrose
Norfolk Police Department
COPS Program Manager
(757) 441-2268

February 9, 1998

Dear Judicial Magistrate,

In the last year, the Commonwealth of Virginia has been responding to the legislative requirement of mandatory arrest in domestic violence cases. Our research is concerned with the impact of present and future practices of training and mandatory arrest policies on criminal justice practitioners' strategies for dealing with domestic violence. Because assessment of these practices has generally not included direct input from all of these criminal justice agents, we are concerned with drawing on your expertise as a magistrate about handling domestic violence. Your input can improve policies and procedures currently in effect.

Since you are a gatekeeper to the criminal justice system and you have been affected by the changes in the law as of July 1, 1997, we need your cooperation in sharing your experience, viewpoint, and knowledge. This survey focuses on magistrate training on domestic violence, the new mandatory arrest legislation in Virginia, and your opinions on how the law can be changed to better serve the public.

The data and findings will be used for research purposes only. All questionnaires and responses are **anonymous**, so please **do not put your name** on the survey. Any information you provide will be treated with the **strictest confidentiality**. All reports based on this survey will include only statistical information so no individual can be identified. Demographic information is **ONLY** requested to determine adequate representation throughout the commonwealth. Your participation in this project is voluntary, but without your **cooperation** this project will not be a success.

Please complete this survey and return it to your Chief Magistrate who will place it in an envelope we have provided. If you prefer, you may mail it back to the address below. We thank you for your assistance. Your responses are very important to this project. Your participation will help many people to better understand how criminal justice practitioners respond to domestic violence.¹

Christina Crossland
Old Dominion University
Department of Sociology and Criminal Justice
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(757) 683-3802

1

For the purposes of this study, domestic violence shall be defined as it is in 18.2-57.2sc.

The intent of this survey is to collect information about how magistrates feel about the mandatory arrest requirements of the Commonwealth of Virginia and your recommendations for improving present policies. In any reporting of this information, you will NOT be identified by name or in any manner that would associate you or your judicial jurisdiction with your responses, so you may be assured that whatever you say below will be anonymous.

For each statement, circle a number to indicate whether you:

	Strongly Disagree	Disagree	Agree	Strongly Agree
The training I have received about domestic violence has adequately prepared me to Deal with domestics.	1	2	3	4
Domestic violence is confined to the lower classes.	1	2	3	4
In most incidents, arrest policies are effective in reducing domestic violence.	1	2	3	4
Domestic violence wouldn't occur unless someone was provoked.	1	2	3	4
The new Virginia mandatory arrest policy is appropriate in combating domestic violence.	1	2	3	4
Victims of domestic violence can always leave.	1	2	3	4
Most police officers understand the new law.	1	2	3	4
It has been my experience that alcohol or drugs are most often responsible for domestics.	1	2	3	4
Most police officers still bring the victim with them to the magistrate to act as the complainant when they have Probable cause and can determine the primary aggressor.	1	2	3	4
Emergency protective orders are not taken seriously by <u>defendants.</u>	1	2	3	4
I feel that I have a good understanding of domestic violence.	1	2	3	4
Domestic violence victims are being helped by the new law more so than before.	1	2	3	4

	Strongly Disagree	Disagree	Agree	Strongly Agree
Women are using the new law to get their partners in trouble.	1	2	3	4
Domestic violence cases take up a large part of my duty time.	1	2	3	4

For each statement, circle a number to indicate whether you:

	Strongly Disagree	Disagree	Agree	Strongly Agree
I fully understand the new law concerning domestic violence.	1	2	3	4
Emergency protective orders are not taken seriously by the <u>police</u> .	1	2	3	4
I would like to learn more about domestic violence.	1	2	3	4
Emergency protective orders are not taken seriously by <u>victims</u> .	1	2	3	4
I understand the characteristics of a primary aggressor.	1	2	3	4
I take the time to explain an EPO to the victim (when present).	1	2	3	4
I take the time to tell the victim about petitioning the court for a preliminary protective order since The EPO is only good for 72 hours.	1	2	3	4
The relationship between magistrates and the police is often strained.	1	2	3	4
Magistrates could deal more effectively with domestic violence cases if the courts provided more feedback.	1	2	3	4
Because of the mandatory arrest requirement for family violence in Virginia, family violence is now treated as a more serious crime by police.	1	2	3	4
Emergency protective orders are not taken seriously by the <u>courts</u> .	1	2	3	4
Because of the mandatory arrest requirement for family violence in Virginia, victims are now safer.	1	2	3	4

How has the new law made your job easier?

How has the new law made your job harder?

How much formal training have you had for dealing specifically with domestics this past year?

- ☐ 1-2 hours ☐ 9-16 hours
☐ 3-4 hours ☐ 17 or more hours
☐ 5-8 hours ☐ Other (specify, _____)

How much informal training have you had for dealing specifically with domestics this past year?

- ☐ 1-2 hours ☐ 9-16 hours
☐ 3-4 hours ☐ 17 or more hours
☐ 5-8 hours ☐ Other (specify, _____)

For each statement, circle a number to indicate whether the training you received was:

1=No Training Received 2=Not Adequate 3=Fair 4=Good 5=Excellent

	NT	NA	F	G	E
The training I received in identifying a primary aggressor was	1	2	3	4	5
The training I received in evaluating cross-complaints of family violence was	1	2	3	4	5
The training I received addressing the new family violence laws was	1	2	3	4	5
Overall, the training I received in family violence was	1	2	3	4	5

For each statement about changing the new family violence law, circle a number to indicate whether you: 1=Have No Opinion 2=Strongly Disagree 3=Disagree 4=Agree 5=Strongly Agree

	NO	SD	D	A	SA
Eliminate mandatory arrest	1	2	3	4	5
Increase officer discretion	1	2	3	4	5
Increase offender penalties for violations of EPOs	1	2	3	4	5
Increase efficiency of the courts	1	2	3	4	5
Create a need night court	1	2	3	4	5
Increase penalties for repeat offenders	1	2	3	4	5
Call for mandatory sentences	1	2	3	4	5
Mandate counseling	1	2	3	4	5
Call for harsher bail conditions	1	2	3	4	5
Increase services to victims/children	1	2	3	4	5
Increase public awareness	1	2	3	4	5

Please specify any other changes you would like to see:

Approximately how many DOMESTIC WARRANTS have you written in the last month?

Estimate to the nearest number _____

Of ALL THE CASES you have dealt with in the last month, approximately what percentage would you classify as domestics?

_____ %

Would you rewrite the current Virginia mandatory arrest policy? ☐ No

☐ Yes

Explain:

ABOUT YOU: Check the box next to the response that best describes you for each item or fill in the blanks where appropriate.

What is your age? _____

What is your sex? ☐ Male ☐ Female

How would you describe yourself?

- | | |
|---|--|
| <input type="checkbox"/> Asian / Pacific Islander | <input type="checkbox"/> Native American |
| <input type="checkbox"/> Black / African American | <input type="checkbox"/> White |
| <input type="checkbox"/> Hispanic | <input type="checkbox"/> Other (Please specify, _____) |

Check the highest level of education you have completed.

- | | |
|---|--|
| <input type="checkbox"/> High school diploma or GED | <input type="checkbox"/> Associate's degree |
| <input type="checkbox"/> Vocational-technical certificate | <input type="checkbox"/> Bachelor's degree |
| <input type="checkbox"/> One or more semesters of college | <input type="checkbox"/> Attended or completed graduate school |

How many years have you been a magistrate?
(Estimate to the nearest year) _____ year(s)

Do you have any prior criminal justice work experience? ☐ No ☐ Yes

If yes, how many years? Estimate to the nearest year _____year(s)

With whom?

- | | |
|--|--|
| <input type="checkbox"/> Sheriff's office | <input type="checkbox"/> Court service unit |
| <input type="checkbox"/> Law enforcement | <input type="checkbox"/> Victim services |
| <input type="checkbox"/> Clerk's office | <input type="checkbox"/> Correctional facility |
| <input type="checkbox"/> Other (please specify, _____) | |

What is your employment class?

- | | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> I | <input type="checkbox"/> IV |
| <input type="checkbox"/> II | <input type="checkbox"/> V |
| <input type="checkbox"/> III | <input type="checkbox"/> VI |

How many hours do you usually work a month? _____hrs

Please describe the shift schedule your jurisdiction follows.

Of all the shifts that you work, which shift, if any, do you seem to deal with the most domestic cases?

What is the population size of your jurisdiction?

- ☐ A large metropolitan city (over 100,000 population).
- ☐ A medium-sized city (25,000 to 100,000 population).
- ☐ A smaller city (5,000 to 24,999 population).
- ☐ A town or village (2,500 to 4,999 population).
- ☐ A county or very small town (under 2,500 population).

Thank you for taking the time to complete this survey.

VITA

Elaine M. Phillips

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Education:

M.A. In Applied Sociology (emphasis in Criminal Justice). Old Dominion University, Norfolk, Virginia; August 2000; Current GPA 3.85

B.A. Criminology, Minor in Legal Studies. St. Leo College, Norfolk, Virginia; July 1996; GPA 3.3

Related Work Experience:

Old Dominion University, Department of Sociology and Criminal Justice. Norfolk, Virginia

- Graduate, research, and teaching assistant for the Graduate Program. 1999-Present

Friends of the Virginia Beach Juvenile & Domestic Relations District Court, Inc. (FANS), 2305 Judicial Blvd. Building 10-A, Virginia Beach, Virginia 23456

- Counselor, court service assistant, and legal advocate for domestic violence victims. 1998-Present

Freelance Paralegal

- Administrative support for attorneys practicing in criminal law, domestic relations, litigation and assist in trial preparations. 1996-1999

Tidewater Technical Institute, 330 Lynnhaven Parkway, Virginia Beach, Virginia

- Full time faculty for Legal Assistant Program. May - July 1997