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Perspectives of Key Court Personnel on the Prosecution of Domestic Violence Cases

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Walden University

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Crystal Schoeder

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Walden University
2021

Abstract

Perspectives of Key Court Personnel on the Prosecution of Domestic Violence Cases

by

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EJD, Concord Law School, 2013

BS, University of Wisconsin-Superior, 2008 and 2015

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

Walden University

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Abstract

Domestic violence (DV) continues to be a public health and criminal justice problem. Several criminal justice system changes have been made to combat DV, such as mandatory arrest policies, no-drop prosecution policies, and specialized DV courts. Perspectives on these policies, DV, and the criminal justice system have been obtained from the victims, police officers, and victim advocates. However, perspectives from those within the criminal justice court system are missing. The purpose of this qualitative phenomenological study was to obtain the perspectives of key court personnel in small rural communities regarding the prosecution of DV cases. Narrative policy framework was used to guide the study. Qualitative semistructured interviews were conducted with two judges, four prosecutors, and three court victim advocates involved in the prosecution of DV cases. The data were analyzed by creating codes, categories, and themes. The category of resources included themes of victims, offenders, and the criminal justice system. Themes of community, criminal justice personnel, and victims were included in the category of education. The common issues with resources that participants noted were the lack of access to childcare, lack of housing, lack of supervised visitation centers, and lack of programming for offenders. Additional education and training for law enforcement, victims, offenders, and the community on the dynamics of DV, why victims recant, and why victims continue to stay with their abusers were recommended by participants. Understanding key court personnel's perspectives may help change or create better DV policies as they are the people within the system that must enforce such policies resulting in positive social change.

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Dedication

I dedicate this dissertation to my mother, who, in the short 14 years she had with me, instilled the love of learning, and encouraged me to always follow my dreams. This dissertation is also dedicated to my children, in whom I hope I have instilled the same love of learning and encouragement to follow their dreams.

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To my husband, who did everything he could to make life easier for me so I could focus on my studies, including staying up late to make me coffee, waiting for me to finish “just one more thing,” and pulling way more than his share of the load for many years.

To my undergraduate advisor, Dr. Maria Stalzer Wyant Cuzzo, who guided me through some of the toughest years of my life even though she did not know all I was personally going through. Dr. Cuzzo’s love and enthusiasm for education were the sparks for my goal of obtaining my Ph.D. and becoming a college professor.

To the participants who provided their perspectives, time, and honesty for this study.

To my chair and committee member for all of your guidance and support through this amazing journey. Your input was invaluable.

To the survivors of domestic violence. Your strength to leave an abusive relationship and regain control of your life is an inspiration to many. It is not an easy path from victim to survivor, especially when there are so many barriers in place by the systems designed to help you.

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Chapter 1: Introduction to the Study

Despite being brought to the public's and criminal justice system's attention in the 1970s, domestic violence (DV) continues to be viewed as a private family matter to many (Bureau of Justice Statistics (BJS), 2005; BJS, 2017). Although DV policies have been enacted, which have increased arrests of DV offenders, there appears to be a lack of holding DV offenders accountable within the criminal justice system (Sloan et al., 2013). In the landmark Minneapolis Experiment, Sherman and Berk (1984) highlighted this lack of accountability. Sherman and Berk conducted an experiment on DV and police interaction with the Minneapolis Police Department between March 1981 and August 1982. The experiment's goal was to determine whether the three randomly assigned interventions reduced future DV incidents (Sherman & Berk, 1984). The three interventions were arrest, having the DV offender leave the property, and police offering some advice (Sherman & Berk, 1984). Sherman and Berk cautioned that although the results indicated arrests lowered recidivism rates, other factors might have played a role in reducing repeat DV incidents.

Sherman and Berk (1984) found that most DV incidents reported to police were unmarried, lower educated couples who were underrepresented groups or mixed-race couples. Additionally, almost 60% of offenders had prior arrests, with most of those arrests being DV-related (Sherman & Berk, 1984). Furthermore, follow-up interviews with victims indicated that there were repeat incidents of DV, but victims did not call for police intervention after an arrest (Sherman & Berk, 1984). DV may be reduced for about 24 hours after an arrest; however, due to the lack of swift and severe sanctions within the

criminal justice system, police were less likely to make initial arrests and even less likely to make subsequent arrests (Sherman & Berk, 1984). Sherman and Berk stressed that arrests could make a difference, momentarily, in DV cases; however, how DV cases were prosecuted needed to be revamped to provide swift and adequate punishment.

Sherman and Berk's (1984) Minneapolis Experiment was used to push DV policies through legislation despite their cautions not to generalize their results. The first round of DV-related policies were mandatory arrest and pro-arrest policies (Nichols, 2013). Mandatory arrest policies required law enforcement to arrest all abuse suspects in DV incidents, and pro-arrest policies encouraged the arrest of suspected abusers but allowed law enforcement to use their discretion (Tatum & Pence, 2005). No-drop prosecution policies started to appear throughout U.S. jurisdictions in the late 1980s (J. Cox et al., 2019). DV courts grew out of the increase in DV arrests and no-drop prosecution policies as traditional courts were overwhelmed with cases and did not have the needed specialized training to address the needs of DV cases (Belknap & Grant, 2018). Coordinated community response teams (CCRs) developed out of DV's growing public awareness (Beldin et al., 2015). CCRs brought community members, law enforcement, social services, DV advocates, and others involved in DV cases together to address DV within their communities (Beldin et al., 2015).

Despite the implementation of DV policies and growing awareness of DV as a societal problem, DV remains a major public health issue (Sloan et al., 2013). The deterrence theory is the foundation of most criminal justice laws and policies, which is no different from DV (Sherman & Berk, 1984). However, due to the length of time a DV

case takes to move through the criminal justice system and the weak sanctions imposed, if a case is not dismissed early in the process, the deterrence effect of the criminal justice system is lost on DV offenders (Sherman & Berk, 1984). Belknap and Grant (2018) noted that those who implement DV policies must be trained and knowledgeable for effective policies. However, there was minimal research done on the process of DV cases within the criminal justice system (Belknap & Grant, 2018; J. Cox et al., 2019). The current study addressed the perspectives of key court personnel involved with DV cases in the criminal justice system to determine what, if anything, can be done to increase DV offender accountability and decrease DV incidents.

This first chapter covers the background, problem statement, purpose, and research questions of the current study. Chapter 1 also includes the theoretical framework that guided the current study, as well as the nature of the study, the operational definitions related to the current study, the assumptions, the scope, the limitations, and the significance of the current study. Chapter 2 provides the literature review of DV and the policies enacted to combat DV. Chapter 3 addresses the research method used in the current study. Chapter 4 includes the study results, and Chapter 5 highlights the conclusions and recommendations for future research.

Background

The National Coalition Against Domestic Violence (n.d.) defined *domestic violence* as follows:

Domestic violence is an epidemic affecting individuals in every community regardless of age, economic status, sexual orientation, gender, race, religion, or

nationality. It is often accompanied by emotionally abusive and controlling behavior that is only a fraction of a systematic pattern of dominance and control. Domestic violence can result in physical injury, psychological trauma, and in severe cases, even death. The devastating physical, emotional, and psychological consequences of domestic violence can cross generations and last a lifetime.

(para. 2)

Although DV rates dropped from 1993 to 2002, the percentage of DV compared to all violent crimes remained stable during that period (BJS, 2005). Roughly 3.5 million family violence incidents were committed between 1998 and 2002, and almost half of them were incidents of DV against spouses (BJS, 2005). However, during the 2006 to 2015 period, “1.3 million nonfatal domestic violence victimizations occurred annually” (BJS, 2017, p. 1), which indicated an increase in DV incidents despite the previous decrease. Not all incidents of DV are reported to the police. Common reasons for not reporting incidents of DV to police were that the victims believed the incident was a “private/personal matter,” victims wanted to “protect the offender” (BJS, 2005, p. 2) victims feared reprisal or victims felt the incident was minor or not important to the police (BJS, 2017).

Over a third of the 2.1 million incidents of DV reported to police during the 1998–2002 timeframe resulted in an arrest (BJS, 2005). The arrest rate increased slightly to 39% during the 2006 to 2015 period (BJS, 2017). Over half of DV defendants were held in jail until case disposition with the inability to make bail as the main reason for remaining in jail (BJS, 2005). Almost half of felony DV defendants were convicted;

however, almost 25% of DV charges were dismissed, and another 4% were not prosecuted due to other outcomes such as diversion (BJS, 2005). Additional advancements in law enforcement to combat DV included the creation of specialized DV units. About 90% of sheriff's offices and local police departments had specialized DV units in 2013 (BJS, 2017).

Numerous DV-related policies have been enacted since the 1970s, including mandatory arrests, no-drop policies, DV courts, and batterer intervention programs (Belknap & Grant, 2018). These advancements toward reducing DV have been significant; however, states are not required to enact specific policies, and the policies are not doing enough to lower DV (Sloan et al., 2013). Despite the advances in DV-related policies such as no-drop prosecution, there is a lack of understanding of why DV cases are not prosecuted or later dismissed from the perspective of the prosecutors, judges, and court victim advocates (Kutateladze & Leimberg, 2019). The current study provided insight into the prosecution of DV cases. The current study contributed to the literature gap by addressing the perspectives of prosecutors, judges, and court victim advocates involved in the prosecution of DV cases. These perspectives were missing in the research regarding DV and may assist in improving DV policies.

Problem Statement

The feminist movement of the 1960s brought DV to the attention of the criminal justice community; however, it was not until the 1970s when DV was transformed from a private family matter to a criminal action (Belknap & Grant, 2018). It was not until the 1984 Minneapolis Domestic Violence Experiment that states looked at arrest as a viable

option for reducing DV (Sherman & Berk, 1984). However, by the early 1990s, only seven states had enacted mandatory arrest laws, which took away police discretion to arrest in DV calls (Zelcer, 2014). Specialized DV courts and no-drop prosecution laws were added to the fight against DV in the 1990s (Messing et al., 2015; Nichols, 2013; Pinchevsky, 2017). In an attempt to determine what will work in combating DV, DeCarlo (2016), Frantzen and Claudia (2009), Kutateladze and Leimberg (2019), Messing (2014), Messing et al. (2015), and Nichols (2013) conducted studies on mandatory arrest policies and no-drop policies.

Mandatory arrests do not necessarily mean mandatory prosecution, and if cases are prosecuted, they usually do not result in deterrence-level sanctions. Previous studies indicated that less than 10% of DV cases are prosecuted, and most of the prosecuted cases result in misdemeanor convictions resulting in minimal sanctions (Bechtel et al., 2012; Kutateladze & Leimberg, 2019; Messing, 2014). Of the small percentage of DV-related cases prosecuted, most result in dismissal due to lack of evidence and victim cooperation (Kutateladze & Leimberg, 2019).

Bechtel et al. (2012) and Tatum and Pence (2015) added to the literature by providing research on the perceptions of police officers, DV advocates, and victims, as well as offender demographics. Researchers claimed that the weak link in the process of reducing DV is the prosecution of DV-related cases, and understanding the perspectives of the prosecutors and judges is essential to the understanding of how court interventions can help to reduce DV (Kutateladze & Leimberg, 2019; Sloan et al., 2013). The current study was conducted in a rural Midwest region of the United States to obtain the

perspectives of prosecutors, judges, and court victim advocates regarding the flaws in the prosecution of DV cases that result in dismissals and reduced charges.

Purpose

The purpose of this qualitative study was to advance the understanding of the perspectives of prosecutors, judges, and court victim advocates regarding the flaws in the prosecution of DV cases that result in dismissals and reduced charges. Qualitative interviews were conducted with key court personnel involved in the prosecution of DV cases in a rural Midwest region of the United States to obtain an in-depth understanding of the court personnel's perspectives regarding the prosecution of DV cases (see Gog, 2015; Rubin & Rubin, 2012). The current study was conducted to improve the understanding of the prosecution of DV cases, which may lead to better DV prosecution policies that increase victim participation and safety while also reducing DV recidivism.

Research Questions

The research questions (RQs) for this qualitative study were as follows:

RQ1: What are the prosecutors' perceptions of the flaws in the prosecution of DV cases that result in dismissals and reduced charges?

RQ2: What are the judges' perceptions of the flaws in the prosecution of DV cases that result in dismissals and reduced charges?

RQ3: What are the court victim advocates' perceptions of the flaws in the prosecution of DV cases that result in dismissals and reduced charges?

Theoretical Framework

The theoretical framework used to explore the perceptions of prosecutors, judges, and court victim advocates involved in the prosecution of DV cases was the narrative policy framework (NPF). The narratives obtained from key court personnel had not been investigated and could be essential to understanding the prosecution of DV-related crimes (Shanahan, Jones, McBeth, & Radaelli, 2018). NPF plays a vital role in the policy process as it can help form people's realities and emotions (Shanahan, Jones, McBeth, & Radaelli, 2018). NPF has four core elements: setting, characters, plot, and moral of the story (Shanahan, Jones, McBeth, & Radaelli, 2018; Sievers & Jones, 2020). In the current study, the setting was the legal policies regarding DV; the characters were the prosecutors, judges, and court victim advocates; the plot was how the characters view the legal process of DV cases; and the moral of the story was the policy changes needed to improve the prosecution of and increase victim participation in DV cases (see Shanahan, Jones, McBeth, & Radaelli, 2018; see Sievers & Jones, 2020).

Nature of the Study

The foundation of qualitative research is to provide an in-depth understanding of the phenomenon being studied within the real world (Korstjens & Moser, 2017). Qualitative phenomenological studies are conducted to provide a comprehensive analysis of an individual, group, or social problem concerning the phenomenon being studied (Burkholder et al., 2016; Korstjens & Moser, 2017). The current study provided an in-depth analysis of perceptions of prosecutors, judges, and court victim advocates involved in the prosecution of DV cases in a rural Midwest region. Qualitative semistructured

interviews were conducted with prosecutors, judges, and court victim advocates involved with the prosecution of DV cases. The interviews were recorded and transcribed. The transcriptions were analyzed through coding to identify themes. A qualitative phenomenological approach was the appropriate research design to answer the research questions because it provided the ability to obtain a holistic view of the phenomenon and express the data in words (see Rudestam & Newton, 2015).

Operational Definitions

Court victim advocates: Victim/witness coordinators and victim/witness specialists employed by counties, as well as advocates employed by DV agencies that accompany DV victims to court.

Domestic violence (DV): “The willful intimidation, physical assault, battery, sexual assault and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another” (National Coalition Against Domestic Violence, n.d., para. 1). DV is sometimes used interchangeably with intimate partner violence or family violence (BJS, 2005). The study jurisdiction holds that DV is an act by an adult person against a spouse or former spouse, an adult with whom the aggressor lives or formerly lived, or an adult with whom the aggressor has a child.

Intimate partner violence (IPV): “Abuse or aggression that occurs in a close relationship. ‘Intimate partner’ refers to both current and former spouses and dating partners. IPV can vary in how often it happens and how severe it is. It can range from one episode of violence that could have a lasting impact to chronic and severe episodes over multiple years” (Centers for Disease Control and Prevention, n.d.-b). IPV is sometimes

used interchangeably with DV in research and advocacy but may not have the same criminal standing as DV. IPV may also be referred to as family violence (BJS, 2005).

Mandatory arrest policies: Policies that require law enforcement to make warrantless arrests of DV suspects when probable cause exists (Frantzen & Claudia, 2009).

No-drop prosecution: A DV policy that allows prosecutors to pursue DV cases without victim cooperation (DeCarlo, 2016).

Pro-arrest policies: Policies that encourage the arrest of a DV suspect when probable cause exists but allow law enforcement to use their discretion (Frantzen & Claudia, 2009).

Assumptions

Previous research showed that arrests in DV incidents only temporarily reduce DV recidivism, and achieving long-term recidivism reduction requires faster and harsher punishments within the criminal justice system (Belknap & Grant, 2018; J. Cox et al., 2019; Sherman & Berk, 1984). I assumed that key court personnel would have insight into the prosecution of DV cases. I also assumed that key court personnel's perspectives would provide the necessary insight into the prosecution of DV cases and what is needed to create meaningful laws and policies that will have a real effect on DV recidivism. Additional assumptions were that there are changes that need to be made within the criminal justice system to ensure full prosecution of DV cases, that more needs to be done to protect victims and ensure victim safety during the prosecution of DV cases, and

that more can be done to ensure victim participation and cooperation during the prosecution of DV cases.

Scope and Delimitations

The purpose of the current study was to obtain the perspectives of key court personnel to determine whether any themes within the responses could assist in understanding what, if anything, needs to be done to improve the prosecution of DV cases. Only judges, prosecutors, and court victim advocates who are routinely involved in the prosecution of DV cases within the selected counties were included in the sample. The current study took place in a rural Midwest U.S. region and had nine participants. The current study's results should not be used for generalization, but the results may be transferable. The study's transferability is discussed in more detail in Chapter 3.

Limitations

The current study was limited because the sample was small, and participants were from one rural Midwest U.S. region. The results should not be generalized to a larger population. However, the current study could be duplicated in future studies. Access to or willingness of participants to partake in the study was a barrier. A few potential participants informed me that they declined to participate, and most potential participants did not respond to the mailed invitation letter, emails, or phone messages. Participant honesty was another possible limitation. The results depended on the participants providing honest answers. Confidentiality was stressed to the participants regarding their names, the counties included in the selected region, the state, or any other identifying factors such as agencies or adjoining states. No identifying factors were

included in the study, which may have increased participants' willingness to give in-depth, honest answers.

Significance

The current study contributed to the literature gap by providing the perspectives of the prosecutors, judges, and court victim advocates involved in the prosecution of DV cases regarding the flaws within the prosecution of DV cases that lead to dismissals and reduced charges. These perspectives were missing in the research regarding DV and may assist in improving DV policies. Numerous DV-related policies have been enacted since the 1970s, including mandatory arrests, no-drop policies, DV courts, and batterer intervention programs (Belknap & Grant, 2018). These advancements toward reducing DV have been significant, but states are not required to enact any specific policies. Mandatory arrests do not necessarily mean mandatory prosecution. Previous studies indicated that less than 10% of DV cases are prosecuted, and most of the prosecuted cases result in misdemeanor convictions resulting in minimal sanctions (Bechtel et al., 2012; Kutateladze & Leimberg, 2019; Messing, 2014). Most of the DV-related cases that are prosecuted result in dismissal due to lack of evidence and lack of victim cooperation (Kutateladze & Leimberg, 2019). Despite the advances in DV-related policies, there is a lack of understanding of the perspectives of prosecutors, judges, and court victim advocates regarding why DV cases are not prosecuted or are later dismissed. The current study provided insight into the prosecution of DV cases from the perspectives of prosecutors, judges, and court victim advocates regarding the flaws within the prosecution of DV cases.

Summary

DV continues to plague U.S. society. Laws and policies have been enacted to combat DV yet do not appear to be enough to deter DV or reduce DV recidivism. Prosecution of DV cases appears to be the weak link in preventing DV and reducing recidivism; however, researchers have not investigated the perspectives of key court personnel regarding how to combat DV. The current study was conducted to fill that gap. Chapter 2 provides a literature review on DV, which includes the theoretical framework for the current study, mandatory arrest policies, CCR teams, DV courts, no-drop policies, and the perceptions of victims, law enforcement, and victim advocates.

Chapter 2: Literature Review

The purpose of this qualitative study was to advance the understanding of the perspectives of prosecutors, judges, and court victim advocates regarding the flaws in the prosecution of DV cases that result in dismissals and reduced charges. This chapter contains a literature review focused on DV and the policies enacted to address DV in the criminal justice system. The chapter begins with a brief discussion of the literature search strategy and the theoretical framework used in the current study. The literature review starts with a section defining DV. The next section includes background information about DV in the United States. I review mandatory arrest, CCR teams and DV courts, and no-drop prosecutions in the third, fourth, and fifth sections of the literature review. In addition, a brief discussion of the literature's missing perceptions of victims, law enforcement, and victim advocates is provided in the sixth section.

Literature Search Strategy

I conducted an extensive search of scholarly research. Using the Walden University library, I searched for peer-reviewed articles in the following databases: ProQuest, EBSCO, SAGE Journals, SocINDEX, and Political Science Complete. I used the following terms to identify studies addressing the research problem: *no-drop prosecution*, *no-drop policies*, *DV*, *IPV*, *family violence*, and *DV prosecution*. The following sections contain a description of the theoretical framework and discussions of the evolution of DV policies in the United States.

Theoretical Framework

NPF is a policy process framework that enables researchers to examine the complex interactions among policy actors, public policy, and outcomes (Shanahan, Jones, & McBeth, 2018; Sievers & Jones, 2020). I examined five core elements to determine whether NPF was the appropriate framework for the current study: social construction, bounded relativity, generalizable structural elements, three interacting levels of analysis, and homo narrans model of the individual (see Shanahan, Jones, & McBeth, 2018). Using NPF to evaluate DV policies is appropriate if the study meets all five elements (see Shanahan, Jones, & McBeth, 2018). The significant parts of DV policy are socially constructed (social construction) and have been created based on belief systems and ideologies about DV, and most policies have become stable over time (bounded relativity; see Shanahan, Jones, & McBeth, 2018). The narratives around DV policies have specific and identifiable structures (generalizable structural elements) and interact among the individual, group, and cultural or institutional levels (three interacting levels of analysis; see Shanahan, Jones, & McBeth, 2018). The final element, homo narrans model of the individual, means that people like to think and speak in story form regarding the policy (Shanahan, Jones, & McBeth, 2018). DV policies are explained and driven by victims' stories; therefore, this last NPF element was met. NPF was the ideal framework for DV research regarding perceptions of those affected by DV policies (victims, police officers, DV advocates, court personnel). The aim of the current study was to obtain the narratives of key court personnel who handle DV cases during the court process. Therefore, NPF was an appropriate framework.

Literature Review Related to Key Variables and Concepts

Domestic Violence

U.S. state laws define DV or IPV differently. However, DV or IPV is generally defined as the systematic pattern of power, control, dominance, and isolation of one partner against the other partner in a relationship (J. Cox et al., 2019; DeCarlo, 2016; Kutateladze & Leimberg, 2019). DV or IPV can include emotional, verbal, sexual, or physical violence, stalking, and financial abuse (J. Cox et al., 2019; Kutateladze & Leimberg, 2019). DV or IPV occurs in all communities regardless of age, race, gender, religion, socioeconomic status, or sexual orientation (DeCarlo, 2016). The Bureau of Justice Statistics (n.d.) and the Centers for Disease Control and Prevention (n.d.-a.) indicated that 1 in 3 or 4 women and 1 in 7 men had experienced some type of DV or IPV at some point in their lives.

Domestic Violence Policies in the United States

The frustration with and slow movement of DV policies are rooted in U.S. history. A husband's right to deal with his wife and children in the way he deems fit is as old as male privilege and viewed as a private family matter (Belknap & Grant, 2018; Frantzen & Claudia, 2009; Nichols, 2013; Zelcer, 2014). The Alabama Supreme Court was the first to prohibit husbands from abusing their wives in 1871, and a Massachusetts court held the same later that year (Zelcer, 2014). Maryland was the first state to criminalize spousal abuse in 1883 (Zelcer, 2014). In the 20th century, family courts were established to deal with domestic relations issues and staffed with social workers who advocated for marriage counseling rather than the criminal justice system (Zelcer, 2014).

Despite the few states' early holdings that spousal abuse was not acceptable, it was still viewed as a private family matter (Belknap & Grant, 2018; Frantzen & Claudia, 2009; Nichols, 2013; Zelcer, 2014). This public view of DV was evident in the 1967 U.S. President's Commission on Law Enforcement and Administration of Justice's report (Belknap & Grant, 2018). The Commission used terms such as "domestic dispute," "matrimonial dispute," "family altercations," "conjugal disharmony," and "killing of an unfaithful wife" (Belknap & Grant, 2018, p. 468).

The efforts of the battered women's movement in the 1960s led legislatures to address the previously private matter of DV as a social issue (DeCarlo, 2016; Gauthier-Chung, 2017; Nichols, 2013). Battered women's shelters did not exist before the 1970s, and women had to go to homeless or religious shelters, which also encouraged women to go home and fix their families (Zelcer, 2014). Feminist groups were able to gain public attention for DV, and shelters specific to battered women and their children started to be established in the 1970s (Zelcer, 2014). Abused women were also able to obtain civil protective orders in the 1970s, allowing them to be ready to leave their abusers (DeCarlo, 2016).

Before DV became a criminal matter, police were encouraged to quash domestic disputes without arrest (DeCarlo, 2016; Dixon, 2008). However, after DV victims began to sue police departments on the grounds of equal rights violations, mandatory arrest policies were developed and implemented (DeCarlo, 2016; Hirschel et al., 2007). Police response to DV changed in the late 1980s through the 1990s with the enactment of mandatory arrest and no-drop policies (Davis et al., 2001; DeCarlo, 2016). Victim

advocates believed these changes would increase victim safety by reducing retaliation by batterers because arrest and prosecution were made mandatory by state statutes (Davis et al., 2001).

Mandatory arrest policies and pro-arrest policies were enacted by almost half of U.S. police departments by 1986 after Sherman and Berk's Minneapolis Experience (Nichols, 2013). Mandatory and pro-arrest policies were the first to be enacted to combat DV, but these policies failed to prove sufficient and created uncooperative and hostile relationships between DV victims and police instead of improving the relationships (Gross et al., 2000; Novisky & Peralta, 2015). More DV policies were developed; however, most of these policies failed to affect a reduction in DV recidivism, and other approaches such as CCR teams began to emerge in the late 1990s (Gross et al., 2000; Nichols, 2013; Pinchevsky, 2017).

No-drop prosecution policies grew in the late 1980s and became standard practice by the end of the 1990s (Nichols, 2013). Many jurisdictions changed their policies, so they no longer required victims to sign complaints, they allowed victims to request charges be dropped once filed, they helped victims obtain restraining orders, they established specialized DV courts, and they increased coordination among criminal justice agencies (Davis et al., 2001; Nichols, 2013; Rajan & McCloskey, 2007). No-drop policies have been viewed as stripping victims of their power and decreasing the likelihood of victims reporting DV due to their fear of legal ramifications against victims who refuse to cooperate in prosecution (Rajan & McCloskey, 2007). The 1990s brought many other changes to the criminalization of DV.

The Supreme Court's 1992 decision in *Planned Parenthood v. Casey* (1992) held that Pennsylvania's Abortion Control Act of 1982 requiring a woman to notify her husband before obtaining an abortion increased a DV victim's risk and placed an undue burden on the woman and therefore was unconstitutional. Two years after the Court's decision, the first federal legislation against DV was the Violence Against Women Act (VAWA) of 1994 (DeCarlo, 2016; Messing et al., 2015; Rajan & McCloskey, 2017). The VAWA addressed violence against women, created laws, funded programs and services to victims, and provided training and education to those within the criminal justice system (DeCarlo, 2016; Messing et al., 2015; Rajan & McCloskey, 2017). The focus of the VAWA was to empower women to break the cycle of abuse; however, the criminal justice focus has limited the resources to the social services used by victims (Messing et al., 2015). The criminal justice focus, which is highly patriarchal, contradicts the empowerment of victims by taking away their ability to decide how their abuser is dealt with in the criminal justice system with mandatory arrest and no-drop policies (J. Cox et al., 2019; Messing et al., 2015; Novisky & Peralta, 2015).

Special DV courts were also created in response to the unique crime of DV, and these courts focused on offenders' accountability, batterer rehabilitation, and victim safety (DeCarlo, 2016; Pinchevsky, 2017). Personnel involved in DV courts receive DV-specific training (Belknap & Grant, 2015; Messing et al., 2015). DV courts have had success at lowering DV incidents during the time offenders are involved with the courts; however, the courts have not eliminated DV after offenders' court involvement and have not addressed the issues of DV before offenders enter the court system (Dixon, 2008).

Over the past 50 years, DV has become a growing topic in the criminal justice field. However, despite the steps to combat DV, it remains pervasive and unreported; the criminal justice system lacks the ability to hold abusers accountable, and DV victims face many roadblocks in the criminal and civil systems (DeCarlo, 2016; Frantzen & Claudia, 2009). Further, involvement with the criminal justice system should not be the only option DV victims have (Novisky & Peralta, 2015). It is critical for victims to have access to other social service agencies, advocacy groups, and medical care, which can help victims leave abusive relationships without getting involved with the criminal justice system (Novisky & Peralta, 2015).

Mandatory Arrests

The first significant policies enacted to combat DV in the early 1980s were mandatory arrest policies and pro-arrest policies. Before DV-related reforms in the 1970s, police viewed DV incidents as private matters not appropriate for police business (Rajan & McCloskey, 2007). When police had to respond to DV incidents, many felt they were hazardous situations that would harm officers (Rajan & McCloskey, 2007). Police often thought their job was to mediate the problem or have the abusers leave the location for some time rather than arrest them (Rajan & McCloskey, 2007). These police tactics regarding DV did nothing to end abuse within the homes they were called to (Rajan & McCloskey, 2007).

Sherman and Berk (1984) conducted an 18-month study of the Minneapolis Police Department beginning early March 1981, which included a field experiment of three police responses to DV. The three responses were to arrest the abuser, advise the

couple, or order the suspected abuser to leave the situation for 8 hours (Sherman & Berk, 1984). Victim self-reports and official data were tracked for 6 months on the suspected abuser after the police intervention, and data showed less subsequent abuse for those who were arrested than those who were ordered to leave (Sherman & Berk, 1984).

A limitation of the Minneapolis experiment was that it was applied only to misdemeanor DV incidents and those in which the victim and abuser were present when the police arrived (Sherman & Berk, 1984). Another limitation was that not all of the officers involved in the Minneapolis experiment were attending the meetings or turning in their case reports (Sherman & Berk, 1984). Another factor that may have affected the results was abusers not being at the scene when police arrived at the initial DV call and police not being inclined to record the DV incident if the abuser was not present during the follow-up period (Sherman & Berk, 1984).

Sherman and Berk (1984) cautioned that although immediate sanctions against DV may reduce DV recidivism, it is unclear whether arrest deters DV abusers. Sherman and Berk suggested the use of presumptive arrests but not for all misdemeanor DV cases. Five experiments were conducted after the Minneapolis experiment, and the results in all five showed that arrest worked for reducing DV recidivism with offenders who were employed, but with unemployed offenders, recidivism doubled (Sherman & Harris, 2015).

The Milwaukee Police Department conducted a similar experiment to the Minneapolis experiment from April 1987 to August 1988 (Sherman et al., 1992). The Milwaukee experiment addressed whether there was a cause-and-effect relationship

between arrests or nonarrests and subsequent incidents of DV (Sherman et al., 1992). Unlike the Minneapolis experiment in which officers rotated three response options randomly among DV calls, the Milwaukee experiment was a controlled experiment with identical groups with the only difference of arrest or nonarrest of the DV offender (Sherman et al., 1992). Unlike the Minneapolis and replicated experiments, the Milwaukee experiment was conducted almost a full year after the city enacted a mandatory arrest policy (Sherman et al., 1992). Subsequent incidents of DV were reduced after arrest; however, after about 9 months, incidents of DV increased for abusers who were arrested (Sherman et al., 1992). The results showed that there were some initial deterrent effects, but long-term deterrence was not found, which contradicted the findings of the Minneapolis experiment (Sherman et al., 1992).

Mandatory arrest policies grew out of the Minneapolis and subsequent experiments and in response to lawsuits against police departments (Frantzen & Claudia, 2009; Rajan & McCloskey, 2007; Sherman & Harris, 2015; Zelcer, 2014) despite the warning from the researchers of the Minneapolis experiment against passing laws based on the results because the sample size was relatively small (just over 300 cases) and results should not be viewed as applying to the general population (Sherman et al., 1992). Enacted by over half of U.S. states during the 1980s, mandatory arrest policies were designed for misdemeanor DV incidents, usually involving little to no injury to the victim (Sherman & Harris, 2015). Mandatory arrest policies indicate that law enforcement must arrest if there is probable cause to believe a crime has been committed (Hirschel et al.,

2007). Pro-arrest or preferred policies allow for officer discretion about making an arrest based on the situation but indicate that an arrest is preferred (Hirschel et al., 2007).

One goal of mandatory arrest policies was increased DV arrests, which was met (Hirschel et al., 2007). However, arrest alone has proven to be ineffective in the long-term deterrence of DV incidents (Zelcer, 2014). In some cases, an arrest has proven to increase DV and increase the severity of harm to victims (Sherman & Harris, 2015; Zelcer, 2014). Furthermore, research has shown that the increase in arrests is directly related to the increase in arrests of victims and abusers in what is now known as dual arrest (Hirschel et al., 2007).

Dual arrests result when law enforcement in jurisdictions with mandatory, pro-, or preferred arrest policies are uncertain of the DV situation and opt to arrest both victim and abuser, letting the courts figure it out (Hirschel et al., 2007). Most dual arrests or the increase in female victim arrests were directly the result of officer resentment of these policies (Belknap & Grant, 2018). Dual arrests (victims arrested as well as the abusers) increased with the enactment of mandatory arrests. It is held that DV education and training of police officers and criminal justice personnel is needed for those involved with the arrest and prosecution of DV offenders to minimize the adverse effects on victims (Rajan & McCloskey, 2007). The main focus of DV training and education must be the dynamics of power and control within relationships so that when police respond to DV calls, they can appropriately assess the situation and make better decisions on how to handle the situation (Rajan & McCloskey, 2007).

Mandatory arrest laws are viewed as grossly paternalistic by many victims and victim advocates as they shed victims of their right to decide what is best for them in DV situations (Zelcer, 2014). There are other negative side-effects of mandatory arrest policies, such as victims deciding not to call the police for subsequent DV incidents as they did not want their abuser to be arrested and put in jail resulting in the abuser missing work, which can result in financial hardship for the family (Sherman & Berk, 1984). Given the dynamics of power and control via the use of threats and violence, it is also likely that abusers threatened serious harm to the victim if she called for police intervention again (Sherman & Berk, 1984).

The passage of the VAWA in the mid-1990s also helped fuel the adoption of mandatory or pro-arrest policies by way of offering special VAWA funding (Frantzen & Claudia, 2009). Law enforcement attitudes toward DV did not change when mandatory and pro-arrest policies were enacted (Frantzen & Claudia, 2009). Therefore, mandatory and pro-arrest policies are not a cure-all for DV cases (Frantzen & Claudia, 2009). Some research has shown that arresting abusers increases abuse incidents (Frantzen & Claudia, 2009; Sherman et al., 1992).

The U.S. Supreme Court held in *Castle Rock v. Gonzales* (2005) that local governments that do not actively enforce restraining orders are not violating procedural due process. The Court rationalized that police are allowed discretion regarding handling disputes arising from restraining orders (Castle Rock v. Gonzales, 2005). DV advocates view this decision as a significant step backward in the fight against DV (Zelcer, 2014). This case's ruling is just one example of the struggles that victims are facing in their

battle to obtain safety and justice from their abusers and the criminal justice system (Rajan & McCloskey, 2007).

The general deterrent effect is the idea behind mandatory arrest laws; however, research has had mixed results on the deterrent effect of mandatory arrest laws on DV recidivism, with some research showing an increased risk of harm, including death, to victims whose abusers were arrested (Sherman et al., 1992; Sherman & Harris, 2015). The deterrent effect has shown effective in the short-term to reduce DV recidivism, especially with abusers that have more at risk, such as employment (Sherman et al., 1992). Still, the long-term risks are just too high to justify continuing strict mandatory arrest policies.

Coordinated Community Response Teams and Domestic Violence Courts

With the implementation of mandatory arrest and no-drop prosecution, courts became flooded with DV cases (Belknap & Grant, 2018), despite research indicating that the majority of DV victims do not report abuse to the police (Beldin et al., 2015). Courts were unprepared to handle the influx of cases and lack of DV victim cooperation that led many courts to blame the victims and hold victims more accountable than the offenders (Belknap & Grant, 2018; Messing et al., 2015). Additionally, research on DV has failed to discover one intervention that works independently to reduce DV incidents (Beldin et al., 2015). CCR teams and specialized DV courts grew out of these findings and were established throughout U.S. cities in the mid-1990s as an effort to the criminal justice response to DV (Beldin et al., 2015; Belknap & Grant, 2018). CCRs bring together law enforcement, prosecutors, DV advocates, probation officers, judges, and other

community groups and agencies that work to help victims of DV (Beldin et al., 2015).

The founding idea of CCRs is to hold DV offenders accountable by increasing arrests and prosecution of DV-related crimes and increasing victim safety (Beldin et al., 2015).

CCRs have been found to have a significant positive impact on DV; unfortunately, creating effective CCRs can be difficult (Beldin et al., 2015). However, the communities that successfully created an effective CCR have significantly reduced repeat incidents of DV (Beldin et al., 2015). Beldin et al. (2015) studied one effective CCR and found that the CCR focused on increasing the general awareness of DV, provided training and skill-building for professionals, and the agencies involved in the CCR worked collaboratively to increase offender accountability and victim safety.

Specialized DV courts hear all DV-related cases, and the court personnel have more specialized DV training, especially in the dynamics of power and control within relationships with DV (Belknap & Grant, 2018; Messing et al., 2015). DV courts aim to increase offender accountability and victim safety via judicial monitoring and treatment programs while the DV cases are processing through the criminal justice system (Dixon, 2008; Messing et al., 2015). Advocates of specialized DV courts hold that these courts are more efficient, informed, consistent, and victim-focused than traditional courts (Belknap & Grant, 2018). Unfortunately, like other DV-specific policies, DV courts cannot address DV problems before or after court involvement (Dixon, 2008). However, some studies have shown that the DV recidivism rates for offenders who have gone through DV courts were significantly lower than traditional courts (Messing et al., 2015).

There are more than 200 DV courts in the U.S.; however, there is no consistency on how DV courts are run (goals, functions, processes), and there are limited evaluations on the outcome (reduction of DV recidivism) of DV courts (Pinchevsky, 2017). The evaluations that have been conducted compare DV offenders who have gone through traditional courts and those that go through DV courts instead of comparing DV offenders within DV courts (Pinchevsky, 2017). Results from the limited evaluations of DV courts are mixed, ranging from no effect to increased reduction of DV recidivism (Pinchevsky, 2017). Some findings suggest that DV courts increase victim empowerment, which increases the odds of victims reporting future incidents of DV (Pinchevsky, 2017). Other mixed results are regarding the sanctions; some results indicate sanctions do not affect DV recidivism, yet different results indicate that DV offenders sentenced to severe penalties were less likely to re-offend (Pinchevsky, 2017). Pinchevsky's (2017) study of two DV courts and found few sentencing differences, such as many DV offenders were ordered to attend batterer treatment programs, most DV offenders were ordered to pay fines, and about the same about of DV offenders were sentenced to jail time. Pinchevsky's study extended the follow-up period to three years, whereas most research on DV recidivism conducts follow up for only one-year post court disposition.

Victim advocates in specialized DV courts are essential as they help keep the victim and DV court personnel connected and also provide other resources to the victim (Bechtel et al., 2012). Bechtel et al. (2012) found that victims participate more in DV cases when informed about the court process and have support and access to resources to

leave the abusive relationship. However, minimal research has been done on court victim advocates' perspectives and how they can increase victim participation.

No-Drop Prosecution

U.S. prosecutors generally have broad discretion about the criminal cases they prosecute, but some states have enacted no-drop policies that take away prosecutors' discretion with DV cases (J. Cox et al., 2019). San Diego had a high rate of dismissal of DV cases due to a lack of victim cooperation and started no-drop policies in the late 1980s to counter these dismissals (Davis et al., 2001). San Diego prosecutors identified many other forms of evidence that could be used without victim cooperation, such as 911 tapes, excited utterances to law enforcement, photos of injuries, witness statements, and medical personnel testimony (Davis et al., 2001; DeCarlo, 2016).

No-drop policies require DV cases to be prosecuted regardless of if the victim wants charges brought or not (Belknap & Grant, 2018). In jurisdictions with no-drop policies, prosecutor discretion is taken away, and all DV cases must be prosecuted (J. Cox et al., 2019; DeCarlo, 2016; Nichols, 2013). No-drop policies allow prosecutors to subpoena uncooperative victims to testify and issue a warrant for nonappearance and hold victims in contempt of court (DeCarlo, 2016; Ford, 2003). Some no-drop policies still allow prosecutors to dismiss the case later in the court process (DeCarlo, 2016). No-drop jurisdictions give prosecutors more time to investigate the merits of the case and give victims time to process the DV incident (DeCarlo, 2016). No-drop policies hold that taking the control to drop a case away from a victim decreases the abuser's intimidation of the victim as the victim cannot drop the charges (Ford, 2003; Gauthier-Chung, 2017;

Messing, 2014; Nichols, 2013). There has been no evidence to support a decrease in victim intimidation or victim violence in no-drop DV cases (Ford, 2003).

The majority of jurisdictions have enacted mandatory prosecution policies (Messing et al., 2015). There are two types of mandatory prosecution – those who require evidence besides victim testimony (referred to as evidence-based prosecution) and no-drop policies that require all cases be filed (many of which are later dropped due to lack of evidence or victim cooperation) (Messing et al., 2015). No-drop prosecution is criticized for taking away victims' right to decide and putting victims at a higher risk of retaliatory abuse (Messing et al., 2015; Nichols, 2013). In some jurisdictions, victims are revictimized by the prosecutor's office by way of subpoenas, threats of contempt of court, or jail time for not cooperating (Messing et al., 2015). Research has shown that victim-centered policies, not no-drop or mandatory policies, reduce future abuse (Messing et al., 2015).

Evidence-based prosecution is not the same as no-drop or mandatory prosecution because evidence-based prosecution uses evidence that does not depend on victim cooperation to prosecute (Messing, 2014). Evidence that should be collected to support evidence-based prosecution includes excited utterances to officers, photos, medical reports, and witness testimonies (Messing, 2014). There should be an emphasis on police and medical personnel's evidence collection at the initial DV intervention to ensure there is evidence with or without victim cooperation, as victims may change their minds about cooperating (Messing, 2014). In contrast, in jurisdictions that do not have no-drop policies, prosecutors still have the discretion to proceed with DV cases, and research had

shown that prosecutors would proceed with DV cases without victim cooperation when the victim was female, but many jurisdictions do require victim cooperation (J. Cox et al., 2019; DeCarlo, 2016). Law enforcement in jurisdictions without no-drop policies feel as if an arrest is futile and may not be as judicial in collecting other evidence necessary for prosecution (DeCarlo, 2016).

There has been some evidence that no-drop policies keep more DV cases in the criminal justice system than jurisdictions without no-drop policies (Ford, 2003). However, the rigorous screening for evidence-based cases means that about 33% of DV cases are screened out of the initial filing, with most DV cases ending in dismissal (Ford, 2003; Kutateladze & Leimberg, 2019). Although 33% may seem high for non-filing of DV cases under no-drop policies, it is estimated that in the early 1980s, almost 70% of DV arrests were not prosecuted (Ford, 2003). Proponents of the way DV cases are dealt with in the criminal justice system hold DV cases are treated like any other criminal case; however, others argue that the specialized responses (mandatory arrests, no-drop policies, proceeding without victim cooperation) and evidence rules in DV cases highlight the fact that DV cases are treated differently (Collins, 2015).

Many opponents of DV evidence rules hold the rules are so unjust that they would be inadmissible in other criminal cases (Collins, 2015). These tactics are unfair to DV offenders and weaken the criminal justice system as a whole (Collins, 2015). The entire system created to increase the adjudication of DV cases from mandatory arrests, no-drop prosecutions, specialized investigation practices, and victim relations are very different from other criminal offenses, so much so that the Supreme Court in *Giles v. California*

(2008) held that the Confrontation Clause for DV prosecutions violated the constitutional rights of DV defendants (Collins, 2015).

However, many victim advocates hold that no-drop policies are best for victims as they allow prosecution of the victim's abuser without increasing the risk of violence to the victim as the criminal case is out of the victim's control (Davis et al., 2001; Nichols, 2013). Other victim advocates think that no-drop policies are just another way to strip victims of their power by taking the process of the criminal case out of the victim's control (Davis et al., 2001; Nichols, 2013). Additionally, forcing a victim to continue to participate in the prosecution of her abuser can prevent the victim from moving forward with her life (Ford, 2003). In either jurisdiction, victim protection should be a priority, and screening should be in place for offender re-arrest (DeCarlo, 2016).

Prior to jurisdictions receiving funds from the Violence Against Women Office, minimal records were kept regarding DV arrests, case charging, and case conviction making it difficult to adequately compare the effects of no-drop policies (Davis et al., 2001). As such, no-drop policies are viewed as controversial because it is unclear if no-drop policies reduce DV recidivism, discourage violence within the community, increase victim safety, or discourage victims or witnesses from calling the police (Davis et al., 2001). J. Cox et al. (2019) researched factors that affected prosecutors' decisions to charge in a DV case. J. Cox et al. found that prosecutors were more apt to charge when the victim was female, the offender was male, there was substantial evidence, and the offense was serious. Additionally, J. Cox et al. found that prosecutors asked not only if they could prove the case but if they should prove the case.

External factors such as available resources, offender age, race, previous abuse history, and the offender's criminal record also play a role in charging decisions (J. Cox et al., 2019; Kutateladze & Leimberg, 2019). However, victim cooperation is the main factor of successful prosecution (Kutateladze & Leimberg, 2019), and victim advocacy is essential to increased victim support and collaboration as victims are informed about the court process and given referrals to social service agencies (Messing, 2014; Nichols, 2013). Research on jurisdictions with and without no-drop policies has been done; however, the results have been conflicting (Gauthier-Chung, 2017), so there is no clear answer on the best way to combat DV in the criminal justice systems.

Mandatory arrest and no-drop policies appear to be reducing victim participation in DV-related cases (Bechtel et al., 2012). Victims are usually too scared to participate in the prosecution of their abuser due to a history of abuse and threats from the abuser (Bechtel et al., 2012). Victims often have low self-esteem, little to no outside support due to the abuse, and are financially dependent on their abuser, which increases the likelihood the victim will not participate in the prosecution (Bechtel et al., 2012). No-drop policies take the decision to prosecute away from the victim; however, without victim participation, substantial evidence is needed, which most DV cases do not have, resulting in cases being dismissed (Bechtel et al., 2012). Another downfall of no-drop policies is that victims believe their input is unnecessary for a successful prosecution (Bechtel et al., 2012; Nichols, 2013). Prosecutors believe that victim cooperation is essential for substantial evidence to obtain convictions of DV cases (Bechtel et al., 2012). Bechtel et al. (2012) found that victim cooperation increases when they are part of the decision-

making process, provided with appropriate resources, and a strong relationship between the prosecutor and the victim advocate.

The problem with DV and related policies is that they cannot address all the DV issues by mandatory arrest and no-drop policies (Dixon, 2008; Gauthier-Chung, 2017). The main characteristic in DV is the circle of total control of the victim by the abuser (Gauthier-Chung, 2017). DV causes physical harm and psychological and emotional injury to the victim (Gauthier-Chung, 2017). Social issues such as employment, housing, and childcare must be addressed in DV cases to increase victims' possibility of leaving their abusers or improving the victim/abuser dynamic if the victim chooses to stay (Dixon, 2008; Gauthier-Chung, 2017; Nichols, 2013).

Like mandatory arrest policies, some critics view no-drop policies as paternalistic, which retraumatize the victim, and reduce the likelihood of victims reporting DV incidents to law enforcement (J. Cox et al., 2019; Gauthier-Chung, 2017). Because of the mixed results in research, jurisdictions with and without no-drop policies do not adequately help victims (Gauthier-Chung, 2017; Nichols, 2013). States should be working to end abuse instead of forcing victims to end their relationships (Gauthier-Chung, 2017).

Perceptions

Several studies have been conducted to explore DV victims, law enforcement, and victim advocates' perceptions. These perceptions are important in creating policies to combat DV. However, researchers such as Belknap and Grant (2018), J. Cox et al.

(2019), and Messing (2014) have noted that perceptions from key court personnel are missing and are essential voices to shaping DV policies.

Victims

Due to the protection of victims' rights, including the right to remain anonymous, little research has been conducted on the victim's perspective (Gross et al., 2000). However, from the minimal research conducted, it is known that stopping physical abuse is just one form of abuse victims want to be ceased (Gross et al., 2000). Yet, it is more difficult for courts to prosecute other types of abuse (emotional, financial) as it is challenging to obtain the evidence to meet the criminal burden of proof. This is why it is essential to provide other services to empower victims to help themselves (housing, employment, counseling).

Victims can feel as if police officers have minimized the DV incident and are made to feel shameful and invalidated by officers (Bechtel et al., 2012; Horwitz et al., 2011). When officers threaten to arrest both parties, victims can feel as if they have done something wrong by calling the police for intervention (Bechtel et al., 2012; Horwitz et al., 2011; Novisky & Peralta, 2015). Victims view mandatory arrest laws as a way for police to abuse their power and increase the victims' fears of being arrested along with their abuser (Novisky & Peralta, 2015).

Victims also fear the involvement of child protective services, losing their children, and the general well-being and safety of their children if law enforcement becomes involved with their families (Bechtel et al., 2012; Horwitz et al., 2011; Novisky & Peralta, 2015). Victims have legitimate fears of their children being taken away by

child protective services, being blamed for breaking up the family if the abuser is arrested, or being labeled as bad mothers for enduring the abuse (Novisky & Peralta, 2015). Victim fears may stem from a distrust of getting involved with the criminal justice system, which threatens the loss of housing or other public benefits, losing custody of their children, and increased risk of violence from the abuser (Novisky & Peralta, 2015).

Many victims have indicated they did not have positive views on mandatory arrest policies and were less likely to call police during DV incidents (Novisky & Peralta, 2015). Interestingly, many DV victims support mandatory interventions for DV, yet few of them saw any benefits of these interventions for themselves (Smith, 2000). Victims also indicated that mandatory arrest and no-drop prosecution policies would reduce the likelihood of victims reporting future incidents of abuse (Smith, 2000).

Law Enforcement

Horwitz et al. (2011) researched police officers' perspectives on DV, and many indicated frustrations with the recurring incidents of DV and the lack of the criminal justice system's ability to hold offenders accountable. Officers also noted that the repeated calls to the same household for DV changed their views on their roles as public safety officers (Horwitz et al., 2011). Police recommended additional training in DV, counseling, debriefing, better collaboration, and evidence-based prosecution (Horwitz et al., 2011). Officers also indicated that they feel more vulnerable in DV calls than other calls (Horwitz et al., 2011).

Police may use loopholes in DV incidents when the officers feel the risk of further harm to the victim is minimal, such as if the officer did not view the victim's injuries as

serious or if the officer believed there would not be a continued risk to the victim (Myhill, 2019). However, several studies have shown that regardless of DV moving into the criminal justice field as an illegal act, many police officers still view DV as civil disputes, not real crimes (Myhill, 2019). Nevertheless, police culture is not static and can change with the socio-political context, which means it may be possible to change the misogynistic police culture and decision-making regarding DV (Myhill, 2019).

England and Wales may provide a guide for changing police culture concerning DV. England and Wales have national guidelines that help police officers identify abuse patterns, have trained DV-specific police officers embedded within police departments and developed multi-agency partnerships to address DV (Myhill, 2019). All DV incidents are viewed as serious, and the attitude toward DV is to be proactive within communities to prevent DV in the first place (Myhill, 2019). This attitude is strikingly different from that of the U.K. and the U.S., which generally only addresses DV when the victim's harm is seen as very serious (Myhill, 2019). In the U.S., officers viewed negotiation as a typical response to DV calls when officers regarded the dispute as less serious (Myhill, 2019).

Some research has indicated that the victim's desire to have the abuser arrested was a substantial factor for officers when deciding to arrest; however, Myhill's (2019) study found the victim's desire for abuser arrest was not a factor in police officer's decision to arrest. Police officers indicated that the outcome of prosecution or conviction of a DV criminal case did not influence their decision to arrest; however, some felt that arrest was fruitless as the odds of arrests turning into convictions were minimal; thus,

abusers faced no meaningful punishment (Myhill, 2019). Other officers indicated that the decision to arrest was directly related to mandatory or pro-arrest policies because the arrest was easier than justifying a non-arrest (Myhill, 2019). Police felt that more community involvement is needed, such as CCRs, but stress more work is still necessary to combat DV, hold offenders accountable, and empower victims (Horwitz et al., 2011).

Victim Advocates

Victim advocates' perceptions are mixed. Some advocates fully support mandatory arrest and no-drop policies as a way to help victims break the cycle of abuse (Belknap & Grant, 2018; Davis et al., 2001). Other advocates are against mandatory arrest and no-drop policies and hold that these policies take away victims' power to make decisions about their own lives (Rajan & McCloskey, 2007; Smith, 2000; Zelcer, 2014). These advocates also view the DV policies as still ingrained with the old patriarchal system that allowed DV as an acceptable private family matter for centuries (J. Cox et al., 2019; Messing et al., 2015; Novisky & Peralta, 2015).

Missing Perceptions

Key court personnel that are involved with DV cases are the missing link within DV research. The perceptions of key court personnel are essential to understanding what is being done, what should not be done, and what should be done to help break the cycle of DV. Future research should focus on understanding prosecutorial decisions in DV cases (Belknap & Grant, 2018; J. Cox et al., 2019; Messing, 2014).

Summary

A review of the literature provided the history of DV in the U.S. criminal justice system. This history included making DV a public health and criminal justice issue, thus creating policies such as mandatory arrests and no-drop prosecutions, as well as creating new specialized DV courts. The literature review also provided the perspectives of victims, law enforcement officers, and victim advocates. The literature is missing court personnel's perspectives, such as judges, prosecutors, and court victim advocates that handle the prosecution of DV cases. Chapter 3 discusses the methods that were used to conduct the current study that will contribute to the gap in the current literature.

Chapter 3: Research Method

The problem addressed in the current study was the lack of perspectives of key court personnel regarding the flaws of the prosecution of DV cases that result in dismissals and reduced charges. Without the insight on the prosecution of DV cases, the policies in place before prosecution have minimal effectiveness. The purpose of this qualitative phenomenological study was to understand the phenomenon of the prosecution of DV cases from the perspectives of prosecutors, judges, and court victim advocates. These currently missing perspectives may provide the necessary information to improve current or create new DV laws and policies. This chapter includes the research design, role of the researcher, methodology, issues of trustworthiness, and ethical considerations.

Research Design and Rationale

Qualitative research focuses on understanding the human experience and its meaning to social or human problems (Crawford, 2016). Qualitative research is conducted within the participants' or events' natural settings to obtain authentic data (Crawford, 2016). Phenomenology is a research design that focuses on people's perceptions of human experiences (Crawford, 2016; Dawidowicz, 2016; Ravitch & Carl, 2016). Depth of information, not generalization, is the goal in phenomenological studies, and therefore the number of participants is usually between five and 15 (Dawidowicz, 2016).

The phenomenological study's primary data collection is in-depth interviews (Crawford, 2016; Ravitch & Carl, 2016). The interviews in the current study were

semistructured as there were guiding questions that ensured the specific narrative components were obtained yet allowed room for participants to provide in-depth natural information (see Shanahan, Jones, & McBeth, 2018). Because DV is a human-related event, it was essential to obtain the human experience of the prosecution of DV cases, which this phenomenological study provided (see Crawford, 2016; Dawidowicz, 2016; Ravitch & Carl, 2016; Schoch, 2016). The phenomenological design also provided the human insight and experience necessary to obtain key court personnel's perspectives on the prosecution of DV cases (see Crawford, 2016; Dawidowicz, 2016; Ravitch & Carl, 2016; Schoch, 2016).

The goal of the current study was to obtain an in-depth understanding of key court personnel's perspectives regarding the flaws in the prosecution process of DV cases within the criminal justice system (see Crawford, 2016; Ravitch & Carl, 2016; Rubin & Rubin, 2012; Schoch, 2016). To obtain this in-depth understanding, I acquired the narratives of these key court personnel regarding their experiences with DV cases through interviews (see Crawford, 2016; Ravitch & Carl, 2016; Rubin & Rubin, 2012).

Research Questions

The research questions for this qualitative study were the following:

RQ1: What are the prosecutors' perceptions of the flaws in the prosecution of DV cases that result in dismissals and reduced charges?

RQ2: What are the judges' perceptions of the flaws in the prosecution of DV cases that result in dismissals and reduced charges?

RQ3: What are the court victim advocates' perceptions of the flaws in the prosecution of DV cases that result in dismissals and reduced charges?

Role of the Researcher

In qualitative interviewing, the researcher is the data collection instrument by conducting interviews and observing the participants during the interview (Schoch, 2016). The researcher is to remain unbiased during the interactions with the participants because any hint of bias could affect the participants' answers to the interview questions (Dawidowicz, 2016; Schoch, 2016). Bias could be viewed by the participants as the unconscious, nonverbal language of the researcher, such as through facial expressions or gestures (Dawidowicz, 2016; Schoch, 2016). Researchers should not push participants to answer questions they are uncomfortable answering (Dawidowicz, 2016; Schoch, 2016). I am experienced with interacting with people and having to maintain neutrality in voice tone, facial expressions, and body language and was mindful of such during the interviews to minimize any perception of bias. My relationship, or positionality, to any of the participants was a casual one through previous volunteer experiences with DV committees (see Ravitch & Carl, 2016). These informal relationships were not a conflict and did not introduce any biases in the research.

Methodology

Participant Selection

The phenomenological study sample size is usually small because the goal is depth, not breadth, of the phenomenon (Crawford, 2016; Dawidowicz, 2016; Ravitch & Carl, 2016). Generalizing the results to the entire population is not a qualitative research

goal; however, obtaining multiple perspectives to understand the phenomenon and answer the research questions is (Ravitch & Carl, 2016). In the current study, the sample size was small, with an initial goal of 15 participants with at least five participants from each job title (judge, prosecutor, court victim advocate); however, the final sample size was nine and is discussed in more detail in Chapter 4. Because the objective of the current study was to understand the perspectives of key court personnel who handle DV cases within the criminal justice system of a rural Midwest U.S. region, the requirements for selection were that the participant shall be a key court personnel (judge, prosecutor, or court victim advocate) who were involved with the prosecution of DV cases. Potential participants were selected from staff directories on public county websites.

Instrumentation

The current study was conducted using semistructured interviews, and I was the main instrument (see Ravitch & Carl, 2016). Semistructured interviews were selected to enable participants to share their experience working with DV cases in their own words (see Dawidowicz, 2016; Rubin & Rubin, 2012). Semistructured interviews were used as there was a specific topic of interest and a limited number of interview questions were prepared in advance (see Ravitch & Carl, 2016). However, not all questions were asked in the same order or with the exact same wording to obtain the individual perceptions of the participants to answer the research questions (see Ravitch & Carl, 2016). I also explored whether there are any changes that need to be made within the criminal justice system regarding DV cases, whether anything needs to be changed to protect victims and

increase victim safety during the prosecution of DV cases, and whether more needs to be done to ensure victim participation during DV prosecution.

Semistructured Interviews

The qualitative semistructured interviews were conducted using Zoom video calls or telephone calls due to the COVID-19 pandemic and participants' demanding work schedules. The interviews were semistructured, guided by interview questions and follow-up prompts to guide the interview, to allow the participants to provide as much information as they would like (see Appendix A; see Ravitch & Carl, 2016). Conducting the interviews via Zoom video calls or telephone calls allowed the participants to select the environment they were comfortable with, which created a more natural setting for the participants (see Rubin & Rubin, 2012). Although in-person interviews were desired, they were not possible due to COVID-19 restrictions.

Recording the Interview

Recording the interviews was essential to producing accurate transcripts and ensuring reliable data (see Ravitch & Carl, 2016). Recording the interviews also enabled me to focus on the participant, such as their tone and nonverbal communication, and ask better follow-up questions instead of attempting to write every word spoken (see Ravitch & Carl, 2016). Although my observations and field notes were not part of the data that were analyzed, they helped put more context to the words of the interviewee (see Ravitch & Carl, 2016). Additionally, my observations and field notes were used for triangulation in establishing credibility (see Ravitch & Carl, 2016).

Researcher as Interviewer

Because qualitative interviewing was the method of data collection, I was the primary data collection instrument. I conducted the interviews, recorded the interviews, took notes during the interviews, and observed the participants during the interviews (see Schoch, 2016). I kept track of the interview questions and prompts to ensure the necessary information was being obtained to answer the research questions.

Interview Questions

I developed the interview questions. The interview questions were designed to allow for a semistructured interview to ensure enough data to answer the research questions were obtained. Interview questions were developed based on literature sources and focused on the need for insight of key court personnel regarding the prosecution of DV cases. Interview questions needed to be developed because no research specific to judges, prosecutors, and court victim advocates had been conducted. Transcription reviews were performed after the interviews were transcribed to assure the accuracy of the participants' information and allow the participants to correct or add additional information. Historical or legal documents were not applicable to the current study.

Procedures for Data Collection

Invitation letters (see Appendix B) were mailed to judges, prosecutors, and court victim advocates within the rural Midwest U.S. region in which the study was conducted. The mailing list of potential participants was obtained via public county websites from the 12 counties within the selected study region. I made phone calls and sent emails to follow-up with potential participants who did not respond within 3 weeks of the mailing

of the invitation letter. The data for the current study were collected via semistructured interviews, recordings of the interviews, and my field notes and observations. Interview questions were used to guide the interview and to ensure relevant data were collected to answer the research questions. I emailed completed transcripts to participants who agreed to review the transcripts, and follow-up correspondence was conducted through email.

Data Analysis Plan

The first step in data analysis of the qualitative interviews was to create accurate transcripts. Each transcript was numbered, pages were numbered, and every line of the transcripts was numbered, which enhanced the coding process (see Ravitch & Carl, 2016; Rubin & Rubin, 2012). Transcripts were reviewed by the participants who wanted to review their transcripts via email. All participants declined follow-up interviews because the initial interviews were recorded and the transcripts were accurate. The next step in data analysis was for me to read and reread the transcripts to determine whether any patterns or themes emerged among the participants' perspectives (see Crawford, 2016; Dawidowicz, 2016; Rubin & Rubin, 2012; Schoch, 2016). This step of data analysis is considered open coding, in which the researcher is open and nonbiased to findings to allow for patterns and themes to emerge from the data (Crawford, 2016; Schoch, 2016).

The third step was to compare each participant's data to determine whether themes and patterns were similar (see Crawford, 2016; Rubin & Rubin, 2012; Schoch, 2016). The final step was to synthesize the data's themes and patterns into answers to the research questions presented in the current study (see Rubin & Rubin, 2012). The

qualitative data management software Atlas.ti was used for data analysis to determine themes and patterns from participant interviews.

Issues of Trustworthiness

To ensure trustworthiness within a qualitative study, the researcher must ensure the study is credible, transferable, dependable, and confirmable (Ravitch & Carl, 2016). There are many threats to trustworthiness, including researcher bias in the interview process and data analysis, not obtaining enough depth from the participants' experiences, not collecting enough data, or misinterpreting data (Dawidowicz, 2016; Stewart & Hitchcock, 2016). Recording the interviews is one method of eliminating one threat to trustworthiness (Dawidowicz, 2016; Stewart & Hitchcock, 2016). Ensuring all risks have been minimized and all areas of trustworthiness have been established is essential to solid qualitative research (Ravitch & Carl, 2016).

Credibility

Credibility in a qualitative study means that the data and findings are believable in their relation to each other; that is, meaningful inferences can be drawn from the data to the results (Crawford, 2016; Ravitch & Carl, 2016). This connection is established through the researcher's instruments and data (Ravitch & Carl, 2016). Although qualitative phenomenological study results may not be generalized, the research methods used (criteria for participants and interview questions) should be replicable, which establishes credibility (Ravitch & Carl, 2016; Rubin & Rubin, 2012; Stewart & Hitchcock, 2016). In the current study, I ensured credibility by ensuring the participants were credible and knowledgeable in the prosecution of DV cases (see Rubin & Rubin,

2012). Transcription review was also used to bolster credibility. Participants of the current study were asked to review their transcripts to ensure accuracy and were offered an opportunity to clarify any part of the transcript or add additional information (see Rubin & Rubin, 2012). Five participants reviewed their interview transcripts. Only one participant provided corrections relating to the participant's length of employment.

Transferability

Qualitative phenomenological research is not designed for the generalization of results; however, having the research be applicable to another situation is important and refers to the study's transferability (Crawford, 2016; Ravitch & Carl, 2016; Stewart & Hitchcock, 2016). Thick description of the research participants, interview questions, and research setting is one way to ensure a study can be used and applied to another situation (Crawford, 2016; Ravitch & Carl, 2016; Stewart & Hitchcock, 2016). I achieved transferability by providing detailed information about the participants, interview questions, research setting, and results.

Dependability

Dependability, the counterpart to quantitative research's reliability, means there is consistency in the study (Crawford, 2016; Ravitch & Carl, 2016). One method to establish dependability is through audit trails (Crawford, 2016). In the current study, audit trails were created by providing detailed information on data collection and analysis, along with my interview notes (see Crawford, 2016). Another way to establish dependability is to ensure the interviews provided the researcher with in-depth

information (Ravitch & Carl, 2016). I established dependability through audit trails and in-depth interviews.

Confirmability

The last area of trustworthiness is confirmability. Confirmability means that the research provides verifiable information, leading other researchers to reach the same conclusions (Crawford, 2016; Ravitch & Carl, 2016). Triangulation and audits are methods used to attain confirmability. In the current study, triangulation through audit trails were used to attain confirmability.

Ethical Procedures

All ethical procedures required by Walden University's IRB (02-01-21-0976725) were followed in the current study. There was minimal risk to participants in the current study, which means that any risk will not exceed what the participants would experience in daily life (K. Cox, 2016). This risk was reduced by using participant confidentiality (K. Cox, 2016). Every precaution was made to provide participant confidentiality, such as not using participant names or the name of the specific counties or the study state in recordings, notes, transcripts, or the final study results. Providing participants with confidentiality provided participants with the opportunity to be more open and honest about their answers and sharing their experiences during the interview. Study participants participated voluntarily, and no compensation was provided for their time. Informed consent was obtained in person before the beginning of the interview.

Summary

A phenomenological study research design was chosen to ensure alignment throughout the current study. Chapter 3 outlined the research design and rationale, the research questions, the role of the researcher, the methodology, issues of trustworthiness, and ethical considerations. All sections covered in this chapter highlighted how and why a phenomenological study was the appropriate research design to answer the research questions and maintain alignment. Chapter 4 will examine the results of the study.

Chapter 4: Results

This qualitative study focused on the perspectives of key court personnel regarding the prosecution of DV cases. Previous research was limited due to the reluctance of judges and prosecutors to participate in such studies. I sought to fill the literature gap by focusing on the perspectives of judges, prosecutors, and court victim advocates who are involved with DV cases within the criminal justice system. Chapter 4 includes the setting and demographics of the interviews and participants, the data collection and data analysis processes, the evidence of trustworthiness, and the results of the study.

Participants were recruited from an invitation letter that was mailed to their place of employment. Follow-up emails and calls were also made to all potential participants who were mailed an invitation letter. Interviews were conducted via Zoom video calls or telephone calls, depending on the participant's preference. The research questions that guided the study were the following:

RQ1: What are the prosecutors' perceptions of the flaws in the prosecution of DV cases that result in dismissals and reduced charges?

RQ2: What are the judges' perceptions of the flaws in the prosecution of DV cases that result in the dismissals and reduced charges?

RQ3: What are the court victim advocates' perceptions of the flaws in the prosecution of DV cases that result in dismissals and reduced charges?

Setting

After IRB approval, invitation letters were mailed to all prosecutors, judges, and court victim advocates in the 12 counties within the selected study region. Follow-up emails and phone calls were made a few weeks after the initial mailing. A few potential participants declined to participate but requested a copy of the study results. A few other potential participants indicated they would like to participate but did not follow up to schedule an interview. Nine potential participants agreed to participate and completed interviews.

Due to the COVID-19 pandemic and restrictions to in-person interviews, all interviews were conducted via Zoom video call or telephone call. Several participants were working from home at the time of their interview, and I concluded that this flexibility and lack of office interruptions might have led participants to agree to be part of the current study because several participants noted their large caseloads. All participants were assured that their names would not be used, and the counties, state, or any other identifying information would not be included in the transcripts or final study results.

Demographics

All prosecutors, judges, and court victim advocates within the 12 counties of the study region were mailed invitations to participate in the current study. This consisted of 28 prosecutors, 22 court victim advocates, and 21 judges. A few potential participants emailed me in response to the mailed invitation and declined to participate in the study due to high caseload and lack of time but requested a copy of the study results. Several

potential participants verbally or via email declined participation due to noninterest in the study. I contacted potential participants via email or phone call 3 weeks after the invitations were mailed to follow up with those who had not responded. Twelve potential participants from five counties agreed to participate in the study. However, due to a variety of reasons, only nine participants from four counties completed interviews. The final participants included two judges, four prosecutors, and three court victim advocates. Besides the participants' employment position, the only demographic question asked was related to the participants' years working within the criminal justice system (see Table 1).

Table 1

Participants' Average Years Working in Criminal Justice System Relating to DV

	Court victim advocate	Prosecutor	Judge
Range of years	4 to 30 years	10 to 35 years	5½ to 12 years
Average of years	18 years	21½ years	8¾ years

Data Collection

Upon IRB approval, invitation letters (see Appendix B) and consent forms were mailed to a total of 71 potential participants who were listed on publicly accessible websites from the 12 counties within the selected region for the current study. Initially, only a few responses were received from the mailed invitation letter. After about 3 weeks from the date of mailing, follow-up emails were sent to all potential participants who had emails listed on publicly accessible websites, and telephone calls were made to potential participants without emails listed. Second follow-up telephone calls were made to potential participants who had not responded about 1 week after the first follow-up contact.

The goal of the current study was to include a minimum of 15 participants with at least five participants in each position (judge, prosecutor, court victim advocate). Twelve potential participants from five counties had agreed to participate in the study; however, the number of participants who completed the interview was nine from four counties. The final sample of participants included two judges, four prosecutors, and three court victim advocates. The number of participants in phenomenological studies is generally between five and 15 (Dawidowicz, 2016). Data saturation was obtained from the data collected from the nine completed interviews.

Interviews were conducted between February 16, 2021, and March 10, 2021. Due to the COVID-19 pandemic, interviews were conducted via Zoom video call or telephone call. Interview days and times were selected by the participants due to their busy work schedules. Participants agreed to have the interviews audio recorded for transcription purposes. The audio was recorded using the Voice Memos app on my iPhone. I decided not to record via Zoom to protect the identity of the participants. Interviews were between 25 and 44 minutes long, with the average time being 34 minutes.

All participants were asked the interview questions (see Appendix A). However, depending on the information provided by the participant, additional questions for follow-up or clarification were asked. The first two interview questions related to the participants' current position and their experience within the criminal justice system to confirm their qualification as a participant for the current study. Question 3 addressed the participants' perceptions of the prosecution of DV cases. Questions 4 through 6

addressed what changes, if any, need to be made within the criminal justice system regarding the prosecution of DV cases, victim safety, and victim cooperation.

Interview transcripts were created from the audio recording and my notes. Transcripts were saved on my password-protected computer. Participants' names were not noted on the transcripts; I used alphanumeric codes for reference. All participants were given the option of reviewing the transcript to ensure accuracy and to add any additional thoughts. Only three participants wanted to review their transcripts. One participant provided feedback to correct the time in current position; otherwise, participants approved the transcripts. Methods described in Chapter 3 were followed, and there were no unexpected incidents during the data collection process.

Data Analysis

I began the coding process by reviewing the transcripts based on the participants' job classification (judge, prosecutor, court victim advocate) to determine whether there were any common terms or ideas that were shared among the participants within the specific job classification. I decided to start the coding process this way based on the research questions being specific to each job classification. Upon review of the transcripts, I identified that all three job classifications had the same common terms and ideas among all participants. Based on the initial review of transcripts for coding, I decided to consolidate the interview data into four groups: all interviews together, interviews of judges, interviews of prosecutors, and interviews of court victim advocates.

The consolidated data were loaded into the ATLAS.ti qualitative analysis program. Categories of education and resources were identified through the data analysis

(see Table 2). These two main categories were identified in all nine interviews. Themes of community, criminal justice personnel, and victims were identified during data analysis under the category of education. The category of resources included themes of victims, offenders, and the criminal justice system. Codes were identified for the specific job classifications and are discussed in more detail later in this chapter under each research question.

Table 2

Categories and Themes

Categories	Education	Resources
Theme 1	Community	Victims
Theme 2	Victims	Offenders
Theme 3	Criminal justice personnel	Criminal justice system

All participants indicated that additional education and training on the dynamics of DV are needed for communities, those working within the criminal justice system, and victims. Suggestions for doing more with the domestic violence coordinated community response (DVCCR) already in place in one county would be helpful to educate the community and those working within the criminal justice system. Several participants from two counties indicated that education and training on the dynamics of DV and sensitivity training for dealing with victims were essential to victim participation and cooperation during the prosecution of DV cases. A few participants in one county indicated that they thought their law enforcement was doing great with victim interaction and evidence collection at the time of response to a DV incident. A few participants also indicated that early contact with the victim and education of the resources available to

help the victim leave the DV relationship, education on how the criminal justice system works and how long it can take, and education on the possible collateral consequences could increase victim cooperation and safety during the prosecution of DV cases.

All participants indicated there is a lack of resources necessary to combat DV. Needed resources were funding for additional judges, prosecutors, and law enforcement; funding for batterer's treatment programs; and resources for victims such as housing, childcare, visitation centers, and access to attorneys. One participant stated, "it all comes down to a lack of resources." Another noted, "we need to recognize barriers. There's just no funding. Resources are a big issue." Another participant described the DV epidemic perfectly: "it's a public health crisis that the criminal justice system has to deal with," yet "we are not the best equipped to deal with it, but we have to."

All prosecutor participants made reference to Marsy's Law that was enacted in the study state within the past few years and how the law now guides how they interact with victims. Marsy's Law began in California in 2008 based on the death of Marsalee (Marsy) Nicholas, a young college student who was stalked and murdered in 1983 by her ex-boyfriend (Marsy's Law for All, 2021). Marsy's Law holds that the law is "the strongest and most comprehensive Constitutional victims' rights laws in the U.S." (Marsy's Law for All, 2021). Ballotpedia (n.d.) showed that as of January 2021, 12 states had adopted Marsy's Law as state constitutional amendments, three states had public votes to adopt Marsy's Law but were overturned by state courts, 22 states had crime victim amendments but not Marsy's Law, and 13 states had neither Marsy's Law nor crime victim amendments.

Evidence of Trustworthiness

Establishing credibility, transferability, dependability, and confirmability in a study ensures the research has evidence of trustworthiness (Ravitch & Carl, 2016). I was able to maintain neutrality and showed no bias during the interview process or during the data analysis, which helped mitigate one threat to trustworthiness (see Dawidowicz, 2016; Stewart & Hitchcock, 2016). Other threats to trustworthiness were minimized by obtaining rich, in-depth information from the participants and recording the interviews (see Dawidowicz, 2016; Stewart & Hitchcock, 2016). Trustworthiness was established in the current study by minimizing the risks, which is essential to qualitative research (see Ravitch & Carl, 2016).

Credibility

Credibility was established in this qualitative study by following the strategies described in Chapter 3. Participant selection criteria and interview questions used in the current study can be replicated in future studies. Participant selection criteria were used to ensure the participants were credible and knowledgeable regarding how DV cases proceed through the criminal justice systems, which established credibility.

Transferability

The transferability strategies outlined in Chapter 3 were followed without adjustments. The participant recruitment steps, the research setting, and the results provided the possibility of transferability to any future studies. The interview questions that were used to guide the interviews are included in Appendix A.

Dependability

No adjustments were made to the dependability strategies described in Chapter 3. I created audit trails by providing detailed information on the data collection, data analysis, and my notes. A transcription review was conducted with the participants who agreed. Dependability was also established by obtaining in-depth information through the interviews.

Confirmability

Confirmability was established through the use of audit trails as described in Chapter 3. The information obtained from the current study is verifiable and could lead other researchers to come to the same conclusions (see Crawford, 2016; see Ravitch & Carl, 2016). I established credibility, transferability, dependability, and confirmability, therefore ensuring the trustworthiness of the current study.

Results

As shown in Table 2, all participants noted what became the categories of the current study: education and resources. The themes under the category of education were community, victims, and criminal justice personnel. The themes under the category of resources were victims, offenders, and the criminal justice system. These themes were also mentioned by all participants during their interviews, though the wording was slightly different for each job classification.

Only one county within the study region had participants from each job classification (judge, prosecutor, and court victim advocate). This county, according to participants, appears to be dealing with the issue of DV well, though all participants

noted that there are things that can be improved. Participants from the other three counties noted that there is progress being made toward dealing with DV, but there is much more that can be done, and things are not changing fast enough.

Several participants mentioned that part of the problem is that not all statute-defined incidents of DV as domestic violence as is generally understood when the term DV is used. As noted in Chapter 1, the study jurisdiction holds that DV is an act by an adult person against a spouse or former spouse, another adult with whom the aggressor lives or formerly lived, or an adult with whom the aggressor has a child. This jurisdictional definition of DV does not differentiate between couples or individuals who have physical altercations and couples engaged in DV relationships as defined by the National Coalition Against Domestic Violence (n.d.) as “the willful intimidation, physical assault, battery, sexual assault and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another” (para. 1).

One participant stated, “if the reason that there’s violence is financial frustration, then we need to not make things more expensive for them in that moment; not make them come to court a whole bunch of times making it harder for them to obtain and maintain employment.” Another participant highlighted this issue well, “there are times when these domestic situations are not about the power and control seen in the DV cycle but are just about the frustration and get a little out of control and is it something that we really need the legal system to be involved with?” This is an important point as the statutory definition of DV may be adding to the congestion of the criminal justice system

because these incidents are not within the context of the dynamics of the power and control domestic abuse.

Research Question 1

Four prosecutors participated in the current study. Together, they have over 100 years of experience practicing law. Three prosecutors have practiced as both prosecutors and defense attorneys. The prosecutors range from about three to about five years in their current positions. The resounding answer to flaws within the prosecution of DV cases is that it takes too long. On average, misdemeanor DV cases take anywhere from three to four months in one county to over a year and a half in another. If the case goes to trial, that time can double.

Participants agreed that the longer cases take to get resolved, the more opportunity there will be for victims to be pressured by the defendant and the court system. Participants noted that a lot of the time the victims and defendants are living together or have children in common, so there is continued interaction between them which can create additional problems for the victims. If there are no-contact orders in place, the defendant usually violates them, but the victims do not report the violations. The court system puts a lot of scrutiny and burden on the victim as the state has to prove the defendant is guilty of the crime.

DV cases are one of the most complicated types of cases. There is no expected, perfect way for a victim to respond, and the average person who does not have experience with DV does not usually understand why the victim acts or responds the way she does. A couple of prosecutors stated one problem is that victims' perceptions of how

the process should go are disjointed from the reality of how the criminal justice system actually proceeds.

All participants agreed that early contact with the victim is essential to victim cooperation in the process of prosecuting DV cases. Being able to explain the process to victims and obtain early buy-in would go a long way in victim cooperation; however, there are few prosecutors and limited time to make personal contact. In addition to early contact, prosecutors suggest having more regular, short-term contact would be helpful for connecting with victims and examining bail conditions, especially when victims request no contact orders be modified.

Some counties require victims to go meet with the DV program within their county to be made aware of the resources that could help victims should they decide to leave the relationship. Counties that do not have this process in place indicate it is a good idea, but the court does not have jurisdiction over the victim, so there could be some issues with trying to implement that requirement for bail modification. Some participants feel the brief meeting the victim has with the DV agency is not long enough and that the meeting should be a few hours with an in-depth conversation that also includes the completion of a threat assessment. Other participants feel that a threat assessment should be completed between the victim and the prosecutor or court victim advocate.

Another problem with obtaining and maintaining victim cooperation is the lack of resources available to victims to be able to leave their abusers. In all counties, there is a lack of access to childcare, housing issues, financial problems, and no supervised visitation centers. One participant summed up this problem well, there is no “ability to

have a short-term way to maintain the life the victim needs to maintain in order for her to decide in a safe place whether she wants to reconcile with the offender or find her own resources.” Additionally, victims do not always want to leave their abuser so it becomes what can the criminal justice system do within the context of the program for the victim and offender to “move forward with their relationship while still being held accountable for reducing violence and figuring out a way to avoid violence in the future.” However, all agree the resources just are not available within the study region.

All prosecutors stated what is needed to improve the prosecution of DV cases was education or additional training and resources. Many of the resources suggested were previously mentioned and go directly to supporting the victim. One additional resource suggested was the use of DV experts during jury trials. DV experts could provide information to the juries of the dynamics of DV and why victims may act in a certain way. It was also noted that, unfortunately, with rural, small counties, the financial resources to hire a DV expert or the talent pool of experts just is not available.

Although one county felt as if its law enforcement agencies deal with DV incidents very well, other counties do not. These participants felt that more training in the area of DV, especially the cycle and dynamics of DV, is essential to obtaining the necessary evidence at the time of the incident and also increasing victim involvement. Law enforcement is the first contact the victim has with the criminal justice system. One participant elaborated by noting that if the victim is “not treated adequately or properly by law enforcement, they are not going to work with us.”

Community education was another suggestion for reducing DV and improving case prosecution and outcomes. Educating the community about the dynamics of DV and what community members can do to help their friends, family members, neighbors, or co-workers that may be in abusive relationships could go a long way to helping DV victims. One participant suggested doing routine, relaxed gatherings to discuss realistic expectations about the criminal justice process as well as DV education would be great because it is something that needs to be talked about more frequently for people to retain the information. Explaining the differences between 72-hour no-contact order, no contact as a condition of bail, no violent or abusive contact, and restraining orders would be greatly beneficial to the community, victims, and offenders.

Education and training of those within the criminal justice system were also suggested. One prosecutor noted that although training and education are great in theory, it does no good if supervisors or those in charge do nothing to implement policies based on the training and education. Another prosecutor stated that knowledge would eventually reach the levels where it can make a change – prosecutors become judges, and the training and education they learn, they take with them to other positions. The perspectives of the judges were similar to the prosecutors' perspectives.

Research Question 2

Two judges participated in the current study. They each have over 20 years of experience in the criminal justice system. Even though there were only two judges that participated in the current study, they provided valuable information and insight into the perspectives of judges with DV cases.

Both judges agree with prosecutors that one of the best things to improving the process of DV cases through the criminal justice system, keeping victims engaged and cooperative, and ensuring the accountability of the defendant is effective, is that it needs to be faster. They acknowledge the court systems are overloaded, and as one judge stated, “you can’t do justice if it’s taking a year to get through a DV battery case. That’s not doing justice, that’s dragging your feet,” and it needs to be “swift and sure and the right amount.” When questioned about some research claiming plea agreements are not holding DV defendants accountable, one judge answered, “plea agreements are just part of the system; they’re going to be part of the system until the end of time.”

The judges think there is a lack of understanding of the dynamics of DV relationships and that they had to be proactive in obtaining training and education to handle their part of the process the best they can. They also acknowledge that education and training are needed with prosecutors and law enforcement to improve early interactions with victims. As with all aspects of government budgets, there is a lack of resources for training and education.

There is also a lack of resources due to the increasing drug problems. The already limited resources are going to focus on combating the drug epidemic and accompanying drug-related crimes, which means there are fewer resources to focus on DV crimes. One judge suggested that it would be great to get more resources for DV counselors and funding for the DV agency so they can do more. Overall, it just comes down to a lack of resources.

The judges' counties do not have batterer's programs. One county has the option of sending offenders to a batterer's program in an adjoining state, but there are barriers to offenders being able to attend the program, such as cost, transportation, and work schedules. Completion of a batterer's program is usually part of an offender's probation conditions, so there is accountability and monitoring of the offender.

Another tool that judges would like to be able to use is a lethality worksheet or threat assessment. A lethality worksheet can help to determine the dangerousness of DV offenders to victims. One judge recommends that DV offenders, in a perfect world, would remain incarcerated until their case is adjudicated. However, in reality, we are confined by law on what can be done. The judge adds, "bail is meant to ensure appearances in court, conditions are meant to protect the public, that's the statute, that's what we live under." As the law is now, the best that can be done to protect victims of DV is to issue a no-contact provision as part of the bail conditions. Overall, the judges agree that the focus needs to be double-sided – get victims the support and resources they need and provide the DV offender the counseling or programming to correct their abusive behavior.

Research Question 3

Three court victim advocates participated in the current study. They have combined experience of over 50 years in the criminal justice system with a span of four years to 30 years in their current positions. The court victim advocates agree that the main things needed to improve how DV cases proceed through the criminal justice system are education and resources. One court victim advocate noted that even if the

criminal justice system and community had everything they could possibly need, victims have to make a choice to leave their abuser.

Similar to the prosecutors and judges, court victim advocates feel it takes too long for DV cases to move through the court system. One court victim advocate feels that the system re-traumatizes victims and that the burden of proof falls on the victim rather than the abuser. This participant further noted that abusers use the legal process to continue to traumatize victims through criminal cases, custody issues, restraining order hearings, and divorce proceedings.

Another issue with the process of DV cases is that the victim does not have legal representation. Although many victims work with the court victim advocates and attend hearing with support, court victim advocates cannot provide legal advice or representation. The district attorney represents the state, to some extent, the victim, but the state's interest is first. The defendant usually has an attorney. The victim can have an advocate but no attorney. One court victim advocate holds that having an attorney represent the victim's interest in a criminal case may ensure more defendants are held accountable for DV-related charges. However, there is then the issue of the victim being able to afford an attorney. Many victims qualify for Judicare, but there are very few attorneys within the study area that accept Judicare, and if a victim can find an attorney, Judicare only covers divorce or custody issues, not representation in a criminal case.

Parallel to what prosecutors and judges had stated, one court victim advocate argued that convictions are not always the right path to addressing the issue of DV:

I don't think necessarily convictions are always the answer so long as we are addressing the issue as to why there is domestic violence in a home; whether or not there's a conviction at the end doesn't matter so long as it was addressed as to why the violence was there and what can we do to prevent it and make sure everyone is safe. Getting a conviction isn't the end all be all for holding someone accountable.

Resources suggested by court victim advocates were comparable to those suggested by prosecutors and judges:

- Batterer's program where offenders' attendance and completion are monitored by probation instead of deferred agreements;
- Community tools to help offenders such as treatment options, additional steps for offenders to complete to get bail modified, and other safety measures for victims and offenders;
- Supervised visitation centers to have a safe place for child exchanges and supervised child visits; and
- Resources for victims that choose to leave their abusers, such as emergency housing, emergency childcare, transportation assistance, job training, and education if needed.

Suggestions for improvements within the court system include having the system be more victim-centered and more contact with the district attorney's office. Due to Marsy's Law, more upfront contact with victims is starting to take place, which allows victims to be heard and have more of a say in the charging decision. One court victim

advocate stated that the prosecutors do give great consideration to victims' input regarding charges and bail conditions, but sometimes the prosecutor thinks the need to override the victims' wishes and keep no contact orders in place is best. Another suggestion was the discussion of collateral consequences with victims upfront. If there were upfront conversations about the possible outcomes of DV cases and what the collateral consequences could be for the victim (financial, childcare, housing, transportation), the victim could start making decisions earlier to find the resources the victim will need. One participant expanded this suggestion by explaining:

At first, when somebody's arrested and they're charged, and we get the case up and running, it's more about what do we need to do to make sure everybody is safe immediately. And then when we start looking at consequences for some people that really do deserve more than just intervention, and then they realize it's jail time or something that may conflict with their lifestyle now, then I think a lot of people want to back off then.

One court victim advocate felt her county needs to take DV cases and victims more seriously, signifying that more education and training for law enforcement is needed regarding sensitivity and the dynamics of DV. Two other court victim advocates thought their county had done a great job in the past with training and education of law enforcement and others that interact with DV victims. One of the two said, "I'm not hearing the stuff of 20 years ago. Victims are not being arrested or treated poorly." Following up, she stated she would like to get the domestic violence coordinated community response (DVCCR) team back up and going as they have not done much this

past year due to COVID-19. She credited the DVCCR for part of the improvement with those within the criminal justice system that interact with victims to the education provided by the collaboration of the DVCCR. The DVCCR also provided education and training to the community, which court victim advocates agree is important to combating DV.

One participant thought having offenders go through a process to make sure they know how to remain safe, such as completing a program or completing a safety agreement, would be helpful for modification of bail conditions. Some counties require victims to meet with DV agencies to learn about resources. Court victim advocates do not agree with this requirement for three reasons. The first is that the court does not have jurisdiction over the victim. Second, ordering the victim to complete certain things to modify the bail conditions of the offender puts an additional burden on the victim. The third reason is that if victims are ordered to go to the DV agency when they do not want to in order to get the bail conditions modified for their abuser, they will have a negative attitude toward the DV agency and when the victim is ready to leave her abuser, she will be less likely to obtain the assistance of the DV agency. As one participant said, it “has to be the victims’ decisions when they’re going to make that journey and make that break.”

Domestic Violence Treatment Court

Only one of the four counties that participated in the current study indicated they might be close to considering starting a DV treatment court. One participant noted that survivors do not always want to leave their abusers, they do not want their children to grow up without their dads, survivors want their abusers to change, and a DV treatment

court may be the right direction to move toward as we know “throwing defendants in jail isn’t working.” Another participant stated, “I love the idea. But again, it’s a question of resources and buy-in from the players in the system,” and it is “a concept that I think would be very interesting to figure out how a program like that would scale into a smaller jurisdiction versus larger jurisdiction.” A third participant said the idea of a DV treatment court is a great idea, and it is not a matter of resources because “where there’s a will, there’s a way,” but the question is, “do we have a market for it?” and if there is “will it be effective?” Research has shown mixed results with DV treatment courts, but most research was conducted in larger jurisdictions, so the question then becomes, “can we replicated that here without funding?” The three participants agree that the idea is intriguing but more information or research is needed before starting up a DV treatment court.

Summary

The interviews with participants provided the information to answer all three research questions. All participants indicated that, overall, there had been a huge improvement in the criminal justice system when dealing with DV cases during the past 20 years, but there are still areas that need improvement. The flaws in the criminal justice system related to the prosecution of DV cases fall under the need for additional education and resources. One participant summed up the general problem really well: “any intervention that is going to be effective for early on dealing with DV has to be quick, and it has to balance accountability with fixing the problem” and “that’s where we fail

from a court system perspective, we don't have the ability to get help in and support in right away.”

Chapter 4 discussed the setting, demographics, data collection, data analysis, the current study's evidence of trustworthiness, and the results of the current study. Chapter 5 includes the discussion of the interpretations of the findings and the limitations of the study. Recommendations for future research and implications for positive social change are also discussed in Chapter 5.

Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this qualitative study was to advance the understanding of the perspectives of prosecutors, judges, and court victim advocates regarding the flaws in the prosecution of DV cases that result in dismissals and reduced charges. Data were collected by means of semistructured interviews with prosecutors, judges, and court victim advocates involved with the process of DV cases through the criminal justice system. The results of the study may provide the needed information to assist with DV policy changes or help the counties within the study region obtain the needed funding for additional education and resources.

Interpretation of the Findings

As Rajan and McCloskey (2007) noted, mandatory arrest and pro-arrest policies were the first significant DV policies enacted; however, Zelcer (2014) found that arrests alone were not effective for long-term deterrence of DV incidents. Hirschel et al. (2007) found that the increase in arrests included the arrest of victims. Several participants who had been working in the field of combating DV stated that they were not seeing the problems of 20 years ago with DV and arrests of victims or victims being treated poorly. Rajan and McCloskey (2007) held that police officers needed DV education and training on the dynamics of power and control within DV relationships so they could better assess and handle DV situations. Although many participants in the current study thought that their law enforcement is doing a good job dealing with DV situations, there could be more training, especially in the dynamics of power and control, and also understanding why victims recant or why victims continue to stay with their abusers.

Belknap and Grant (2018) and Messing et al. (2015) held that traditional courts were not prepared to handle the influx and complexity of DV cases. Participants in the current study agreed, to some extent, that traditional courts may not be the best option to handle the complexity of DV cases. One prosecutor noted that a defendant does not have to prove their innocence, which in DV cases “puts a lot of scrutiny, perhaps unfairly, on the victim.” All participants agreed that it takes too long for DV cases to move through the system, which increases pressure on the victim and increases the likelihood that the victim will stop cooperating. DV courts are designed to have more frequent contact with the offender and victim, have personnel who have DV training, and move more quickly than traditional courts (Belknap & Grant, 2018; Dixon, 2008; Messing et al., 2015). Most of the research conducted on DV courts has been done in larger metropolitan areas, and it is not clear whether DV courts would be as effective in smaller, rural communities.

Although the idea of DV courts is commendable, one current study participant warned that they could not start a DV court because it is a good idea. The participant suggested that there would need to be some research done to ensure there was a need for it in the participant’s county. Another participant shared that survivors, most of the time, “just want him to change. It’s not that we want our kids to grow up without their dad or that I didn’t love him. I wanted his behavior to change.” With this in mind, traditional courts are not working to address the underlying issues of DV. “Just throwing him in jail is not working,” continued the participant; “there’s just no funding. Resources are a big issue.”

According to participants, traditional courts do not have the resources or alternative treatment options to deal with DV cases.

Marsy's Law recently passed in the study state and is making its way across the county, which has led to earlier and more frequent contact with victims of crimes. Although a few participants noted some downfalls of Marsy's Law, most participants indicated that the changes are for the better. The study state does not have no-drop prosecution policies, so this issue was not discussed during the interviews. However, all participants reported that victim-centered policies and prosecutions are best for DV cases. Messing (2014) discussed evidence-based prosecution as an alternative to no-drop prosecution, which trains and encourages law enforcement to collect evidence such as excited utterances, photos, medical reports, and witness testimonies so that the prosecution does not have to rely solely on the victim's cooperation. A few participants indicated that their law enforcement could use additional training for collecting evidence for DV cases beyond the victim's statement. However, several other participants indicated their law enforcement has been trained and is really doing well in collecting additional evidence. One participant pointed out that the advancements in law enforcement, such as body cameras, training in evidence collection, and DV questionnaires, have increased the collection of evidence that supports arrests and prosecution of DV cases.

As noted in Chapter 1, researchers have claimed that the prosecution of DV-related cases is the weak link in the fight against DV and that the missing information to improve this weak link is the perspectives of prosecutors and judges (Kutateladze & Leimberg, 2019; Sloan et al., 2013). The current study indicated that the assertion that the prosecution of DV-related cases is the weak link is too broad. Several participants noted

that the law that defines DV does not differentiate between relationships that involve DV power and control issues and relationships that have incidents of violence due to life-related stress. Although violence is never the appropriate response to any type of stressor, an individual incident of violence in a relationship is different from the systematic control and abuse within DV relationships. Having broad DV laws and policies may be contributing to the problem instead of leading to the solution.

As with many laws and policies, DV policies are commendable in theory but lack the necessary funding, training and education, and other resources needed to fully implement them, especially in small rural communities. One important finding from the current study was that over the past 20 years, the way in which the criminal justice system deals with DV has improved. Grassroots training and education of communities, police, prosecutors, probation agents, and others involved with DV have made advances in combating DV. As a few participants stated, the training received within the criminal justice system in the past 10 to 20 years has prompted these individuals to push for additional training and education, and they take this training with them as they move to different positions and jurisdictions. However, more needs to be done because funding is limited in rural communities. Additionally, rural communities need access to more resources (housing, childcare, visitation centers, employment training) to support DV victims if they want to leave their abusers.

Limitations of the Study

The current study was limited in size because it was conducted in one rural Midwest U.S. region. The final sample size was nine, which included two judges, four

prosecutors, and three court victim advocates from four counties within the selected study area. Therefore, the results from the current study should not be generalized to the larger population.

Access to and willingness of potential participants was another limitation. The publicly accessible county websites provided names, addresses, phone numbers, and emails of potential participants. However, connecting with potential participants to discuss the study was limited due to potential participants' busy schedules. More participants were desirable for the current study, but having two judges and four prosecutors participate was significant because previous studies indicated that judges and prosecutors were unwilling to participate (Kutateladze & Leimberg, 2019). Participants' openness and honesty were also a concern prior to conducting the interviews; however, participants were assured of confidentiality and appeared to be open and honest during their interviews.

Recommendations

The results of the current study indicated that how DV-related cases are dealt with in the criminal justice system is improving. What is still unknown is whether this improvement is decreasing DV recidivism. As one judge suggested, a future study should be conducted to determine whether what they are doing is working to reduce recidivism and to determine what they could be doing better. Future research should also be conducted in small rural communities in other areas of the United States to determine whether there are similar results. In the current study, one county indicated that they might be ready to start a DV treatment court, but participants also indicated that

additional research should be conducted to determine whether there is a need and support for a DV treatment court. Although there have been studies conducted on DV courts, the information obtained from the current study indicated that one thing may work in one area but may not work in another area. Future research regarding the individual needs of communities should be conducted rather than relying on the results of other studies.

Another future research area suggested by participants is the effects of COVID-19 on DV. Different counties and agencies within the same counties are seeing different patterns regarding DV during the past year. Some counties are indicating that law enforcement calls and DV referrals to the prosecutors' offices are decreasing, but DV agencies are seeing an increase in contact. One participant said

I know nationally, the numbers indicate that we have a lot more violence happening. I would say anecdotally, we have a lot more people that are calling the cops just wanting somebody to come in and break it up. I couldn't say that there are more of those than before, but I do know that when you have the situation that we have where people are forced to stay inside, and the outlets they normally would have to interact with others are cut off, there's going to be more conflict. Whether that's resulted in more violence, it's hard to quantify.

The COVID-19 pandemic has been difficult in all areas of life. The mandated shutdowns, stay-at-home orders, loss of jobs, uncertainty, and isolation that have occurred as a result of the worldwide pandemic will likely have lasting effects and may result in generational trauma. Future research on the COVID-19 pandemic should be

conducted in many areas affected but especially with DV because it appears this public health problem may be increasing despite the progress made to decrease it.

Implications

Several participants and potential participants who declined to participate in the current study stated they would like a copy of the results. This indicated that there is a desire to learn what is working in the criminal justice field regarding DV-related cases and what needs to be done for improvement. The results of the current study will be shared with those in the criminal justice field who requested copies, and I also hope to share the results with other DV agencies and prosecutors through conferences or presentations. The current study indicated that much needs to be done, but the things that need to be done may not be the things many are thinking of, such as community resources for victims and offenders because these are outside of the criminal justice system. Positive social change for DV may occur when stakeholders listen to the voices within the criminal justice system and work together to make the necessary changes for all levels (individual, family, society, and policy) that DV affects. Small rural communities are different from large cities in many ways but are similar in their need for additional resources to combat DV.

Conclusion

Without the needed resources in place for DV victims, no DV policies or laws will stop incidents of DV. One participant summed up this problem well: There is no “ability to have a short-term way to maintain the life the victim needs to maintain in order for her to decide in a safe place whether she wants to reconcile with the offender or find

her own resources” and to be able to “move forward with their relationship while still being held accountable for reducing violence and figuring out a way to avoid violence in the future.” The weak link is not within the criminal justice system but rather within the disbursement of state and local budgets.

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Appendix A: Interview Questions

1. How long have you been involved with the prosecution of DV cases?
2. Have you had more than one role in the prosecution of DV cases?
 - a. If so, what positions have you held?
3. What are your perceptions of how DV cases proceed through the criminal justice system?
4. What changes, if any, need to be made within the criminal justice system to ensure full prosecution of DV cases?
 - a. If no changes, what do you think is working best for the prosecution of DV cases?
 - b. Why do you feel there needs to be change or that no changes are needed?
5. What, if anything, needs to be done to protect victims and ensure victim safety during the prosecution of DV cases?
 - a. If nothing needed, what is being done that is working?
 - b. Why do you feel these changes should be made or that no changes need to be made?
6. What more, if anything, can be done to ensure victim participation and cooperation during the prosecution of DV cases?
 - a. If nothing needed, what is working?
 - b. Why do you think changes should be made or that changes are not needed?

Additional prompts such as “tell me more,” “could you elaborate,” and “could you give me an example” will be used to ensure an in-depth understanding of the interviewee’s perspective on the prosecution of DV cases is obtained.

Appendix B: Invitation Letter

[Date of letter]

Dear [participant name],

There is a new study called “Perspectives of Key Court Personnel on the Prosecution of Domestic Violence Cases” that could help develop more effective domestic violence policies that may reduce domestic violence recidivism while increasing victim safety. For this study, you are invited to describe your experiences on the prosecution of domestic violence cases.

This interview is part of the doctoral study for Crystal Schoeder, a Ph.D. student at Walden University. Interviews will take place between February 2021 and April 2021.

About the study:

- One 30–60-minute initial phone, virtual, or in-person interview that will be audio recorded
- One 30-60-minute follow-up phone, virtual, or in-person meeting for you to review your transcript and make any changes or updates as you find appropriate
- To protect your privacy, no names or counties will be used in the published study

Volunteers must meet these requirements:

- 18 years old or older
- English speaking
- Currently hold a position of judge, prosecutor, or court victim advocate
- Involved with the process of domestic violence cases through the court system

To confidentially volunteer, contact the researcher:

Crystal Schoeder

Thank you for your consideration,

[signature]