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**EARLY VICTIM ENGAGEMENT
IN DOMESTIC VIOLENCE CASES**

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and
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The methodology, findings, and conclusions of the study, as well as any errors, omissions, and misinterpretations are the sole responsibility of the author.

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EXECUTIVE SUMMARY

EARLY VICTIM ENGAGEMENT IN DOMESTIC VIOLENCE CASES

Richard R. Peterson, Ph.D.

The Early Victim Engagement (EVE) Project was established in 2008 to contact victims of intimate partner violence in Brooklyn by telephone immediately after a defendant is arraigned in Criminal Court. EVE provides victims with information about the case, the defendant's release status, and the existence of an order of protection, advises them about services and safety planning, and attempts to schedule appointments for victims to come to the District Attorney's (DA's) office. The EVE staff speaks to about 80% of victims, and schedules appointments with about 57% of them to meet with the DA's office for an intake interview.

With the assistance of the Kings County District Attorney's Office and the Mayor's Office to Combat Domestic Violence, the New York City Criminal Justice Agency has conducted a study assessing the impact of the EVE Project on victim participation and convictions in criminal cases of intimate partner violence in Brooklyn, New York. The study focused on the victim who was the primary complaining witness in each case.

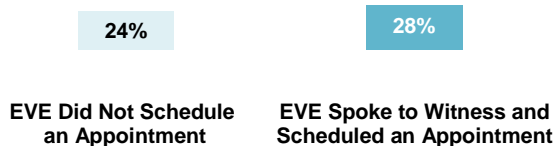
EVE INCREASED VICTIM PARTICIPATION IN INTIMATE PARTNER VIOLENCE CASES

DA'S OFFICE COMPLETED INTAKE FORM *Criminal Court Cases, Excluding Cross-Complaints*



- When EVE staff scheduled witnesses for an appointment, nearly two thirds (65%) came to the DA's office and completed an intake interview.
- Less than half (45%) of witnesses who were not scheduled by EVE staff for an appointment completed an intake interview. (Most of these witnesses had their appointments scheduled by staff in the DA's office, who contacted them about a week after the arraignment).

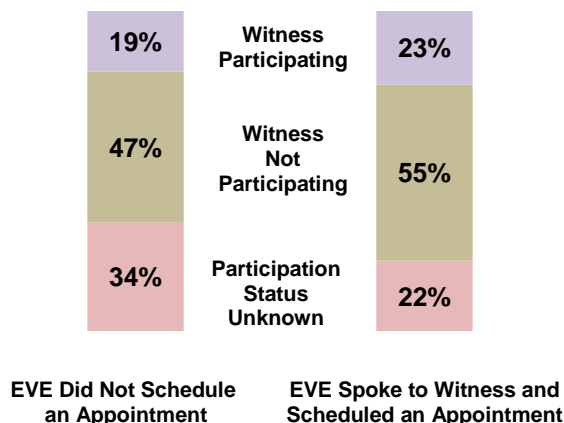
WITNESS SIGNED A CORROBORATING AFFIDAVIT *Criminal Court Cases, Excluding Cross-Complaints*



- Witnesses who were scheduled by the EVE staff for an intake appointment were slightly more likely to sign a corroborating affidavit supporting the facts of the case as described in the complaint (28%) than those who were not scheduled by the EVE staff for an intake appointment (24%).

WITNESS'S LAST KNOWN PARTICIPATION STATUS

Criminal Court Cases, Excluding Cross-Complaints



- Witnesses who were scheduled by EVE staff for an appointment with the DA's office were slightly more likely to be participating in the prosecution at the time of case disposition (23%) than those who were not scheduled by the EVE staff for an intake appointment (19%).
- Witnesses who were scheduled by EVE staff for an appointment with the DA's office were also more likely **not** to be participating in the prosecution at the time of case disposition (55% vs. 47%). Because most witnesses in cases of intimate partner violence do not participate in the prosecution, and because the EVE Project brought more witnesses to the DA's office, it is not surprising that most of these witnesses would decline to participate with the prosecution.
- When EVE staff scheduled a witness for an appointment with the DA's office, the participation status of the witness was less likely to be unknown (22%) than when EVE staff did not schedule a witness for an appointment (34%). By learning about the participation status of more witnesses, even those not participating in the prosecution, Assistant District Attorneys may have been able to allocate their time more efficiently.

EVE INCREASED CONVICTIONS IN INTIMATE PARTNER VIOLENCE CASES

Predicted Conviction Rate in Criminal Court by Type of Contact with EVE Staff

Released Defendants, Excluding Cross-Complaints



- In cases of intimate partner violence disposed in Criminal Court, the appointments scheduled by the EVE Project increased the conviction rate by 9.0 percentage points, from 23.6% to 32.6%.
- One reason the EVE Project increased the conviction rate was that victims scheduled for an appointment by the EVE Project were more likely to participate with the prosecution.

I. INTRODUCTION

The Early Victim Engagement (EVE) Project was established in 2008 to contact victims of intimate partner violence by telephone immediately after a defendant is arraigned in Brooklyn Criminal Court. The EVE Project has several goals. It provides victims with accurate criminal justice information, including real-time information about the order of protection issued at arraignment, how to enforce the order, and the defendant's next court date. The EVE Project also seeks to address victims' safety concerns, to offer advocacy and services to victims, and to schedule victims for an intake appointment with the District Attorney's office. By taking these steps, the EVE Project seeks to link victims to holistic services and to enable them to make an informed decision about whether or not to participate with the prosecution. Although EVE staff members encourage victims to schedule an intake appointment, they do not address whether victims should participate in the prosecution. However, when the EVE Project was established, the Kings County District Attorney's office anticipated that it would bring more victims in for an intake appointment. If so, this might increase the number of victims who decide to participate in the prosecution, which might then increase the conviction rate in cases of intimate partner violence.

This report describes the results of a study assessing the impact of the EVE Project on two outcomes in criminal cases of intimate partner violence: victim participation with the prosecution and conviction. This study does not assess the impact of the EVE Project on the information or services victims received, victim satisfaction with information or services received, or victim safety. A full evaluation would require data beyond the scope of this study and would assess the impact of the EVE Project on all these outcomes. The current study examines only the impact of the EVE Project on victim participation and convictions in criminal cases of intimate partner violence in Brooklyn, New York.

This chapter describes the operation of the EVE Project and the policies and practices of the District Attorney's Domestic Violence (DV) Bureau, which prosecutes cases of intimate partner violence. It also reviews the literature on victim participation with the prosecution and its impact on convictions in intimate partner violence cases. The chapter concludes with a description of the research plan for the current study.

A. The EVE Project

The EVE Project began operating on a limited basis in April 2008, and was phased in over several months, becoming fully operational by July 1, 2008. The EVE Project is based at the Family Justice Center in Brooklyn and supported by a grant from the U.S. Department of Justice Office on Violence Against Women to the Mayor's Office to Combat Domestic Violence and the Kings County District Attorney's Office (KCDA). EVE is staffed by the EVE Project Director who is employed by the Mayor's Office to Combat Domestic Violence, several victim liaisons employed by the Victim Services Unit (VSU) of the District Attorney's office, and case managers employed by Safe Horizon (a victim services agency affiliated with the Family Justice Center).

Victims of intimate partner violence are not present at the defendant's arraignment except in very rare cases and generally do not know how to obtain timely and comprehensive information about arraignment outcomes. To fill that gap, EVE staff members are in court for most arraignments in Criminal Court in Brooklyn at 120 Schermerhorn Street. They are scheduled to be present at arraignments from 9 a.m. to 10 p.m. every day of the year. For cases of intimate partner violence arraigned between the hours of 10 p.m. and 1 a.m., case files are sent to the District Attorney's (DA's) office and an EVE staff member calls victims the next morning. (The arraignment parts are closed from 1 a.m. to 9 a.m.)

When a defendant is arraigned in a case of intimate partner violence, an EVE staff member gathers information about the arraignment outcome (e.g., issuance of an order of protection, whether the defendant was released, amount of bail set, if any, etc.). In some cases, the EVE staff member also accesses electronic records of photos of victim injuries, of damaged property, and of damage at the scene, and provides copies to the Assistant District Attorney (ADA) for use at arraignment. If the photos are not yet available, the EVE staff contacts the New York City Police Department (NYPD) after arraignment to obtain and print copies for the case file.

After the arraignment, an EVE staff member calls to inform the victim about the provisions of the order of protection, whether the defendant was released, the docket number of the case, the telephone number of the District Attorney's Domestic Violence Bureau, and what the next steps are in the criminal justice process. EVE staff members inform victims of the terms of any protective order issued at arraignment, provide victims with a copy of the order of protection, and advise them about safety planning, services available at the Family Justice Center, and counseling available at Safe Horizon. The safety planning includes information about immediate steps victims can take to ensure their safety, such as how to enforce the order of protection, what information to provide to the police if the defendant attempts to violate the order, and, if the defendant was held in custody after arraignment, how to register for the Victim Information and Notification Everyday (VINE) program to be notified about the defendant's release.¹ Finally, the EVE staff tells victims that the criminal case is continuing and tries to schedule victims for an intake appointment with the DA's office. EVE staff members do not address whether the victim should participate in the prosecution. Although the EVE staff does not reach all victims, and not all the victims they reach agree to come to an intake appointment, EVE staff members do schedule many victims for an appointment. The EVE staff also makes follow-up calls to re-schedule appointments for victims who miss their scheduled intake appointments.

Until the EVE staff member calls the victim, she or he generally receives only limited information from the criminal justice system. ***(Although there are some male victims and female defendants, for the remainder of this report the discussion assumes the most typical case, i.e., that the victim is female and the defendant is***

¹ The VINE program provides timely information about the criminal case and the custody status of the defendant. Victims can register with VINE to receive notification by e-mail, text message, telephone call and/or mail when the defendant is released from custody.

male.) For example, after a victim calls 911, a police officer arriving on the scene might spend 20 minutes with her gathering information and filling out a Domestic Incident Report (DIR). Some, but not all, officers tell the victim that an order of protection will be issued and that victim services are available. If officers do provide this information, details about the order of protection—when it will be issued, what it will say, how to enforce it—and about how to obtain services may not be provided or may not be clear. Moreover, the victim receives this information at a time when she may be in physical and emotional distress as a result of the incident, and may not be focusing clearly enough to remember the information she receives. Several hours after the police leave, the District Attorney’s Early Case Assessment Bureau (ECAB) calls the victim to obtain information about the facts of the case for the criminal complaint. Because the call from ECAB comes before the arraignment, ECAB cannot provide information about the defendant’s release status or details of the order of protection. The victim may not understand that after arraignment the case will be handled by the DV Bureau, not by ECAB staff. After the call from ECAB, victims may think that the case, or their involvement in it, is over. This is especially likely if the defendant is released and returns home, as frequently happens, claiming that everything is resolved.

EVE staff members fill this information gap by calling the victim to tell her about the arraignment and the order of protection, to clarify any misunderstandings about the order of protection and the criminal case, and to tell her about immediate steps to take to ensure her safety. EVE staff members also collect additional contact information from the victim to enable the DA’s office to maintain contact with her. If the victim is reached and the defendant has not contacted her, the EVE staff explains the terms of the order of protection and how the victim can enforce it if he does contact her. If the victim is reached after the defendant has contacted her, the EVE staff can correct any inaccurate or misleading information the defendant has given her, and assist her with enforcing the order of protection. This is especially important because the order of protection issued at arraignment may not be logged in NYPD’s database for several days. If the victim has a copy of the order, or can tell a police officer that there is one, the officer can then confirm the existence of the order even if it has not yet been logged in the database.

Before the EVE Project was established, many victims did not receive information about the order of protection, the defendant’s release status, safety planning, and the criminal case until several days after the arraignment. Before EVE, court clerks brought copies of orders of protection to the Safe Horizon office at the end of each day. Safe Horizon staff looked up each victim’s mailing address and prepared envelopes for mailing by a court clerk. Typically, there was a backlog of one week between the time the order was issued and the date the order was mailed (New York City Bar Association, 2008). In the interim, the victim would not know there was an order of protection, and would not know what it said or how to enforce it. Furthermore, victims often did not know about services available, safety planning, the defendant’s release status, the charges he faced, or his next court date until several days after arraignment when the DA’s office received the case file and attempted to contact the victim. If the victim moved or changed phone numbers soon after the defendant’s

arrest, Safe Horizon and the DA's office might not be able to make contact. The EVE Project seeks to avoid this delay by contacting the victim immediately after arraignment, providing comprehensive information, and answering the victim's questions. Receiving information about the defendant's release status and the order of protection enables the victim to seek prompt enforcement of the order if the defendant violates it.

EVE calls have increased subsequent victim contact with the non-profit service providers in the Family Justice Center, as well as with the DA's office. The EVE Project Director reports that about 100 victims per month visit service providers at the Family Justice Center as a direct result of EVE contact. According to the Chief of the Domestic Violence Bureau, the number of victims coming in to the DA's office for an intake appointment increased dramatically because of the EVE Project. Coinciding with this increase, there was an increase in the conviction rate, from less than 20% a few years ago, to over 30% in 2009, according to statistics provided by the DV Bureau Chief. It is not possible to attribute these increases definitively to the EVE Project because no research has been done to determine whether the increases occurred among EVE cases. The current study is designed to take a closer look at the EVE Project by examining its impact on the number of intake appointments, on victim participation with the prosecution, and on the conviction rate.

This study examined the impact of EVE in two ways. First, we examined rates of victim participation and conviction rates before and after EVE was established. Second, during the period after the Family Justice Center established the EVE Project, we compared cases for which EVE staff scheduled an intake appointment to those for which they did not schedule an appointment. EVE staff may not have scheduled an appointment because they called the victim but could not reach her, they reached her but she did not want to schedule an appointment, or because EVE did not cover the case and did not attempt to call the victim. Although the EVE Project attempts to call victims in most cases of intimate partner violence, some arraignments are not covered. This can happen for several reasons. First, some intimate partner violence cases are arraigned without being identified as such, either because the relationship between the defendant and victim is not known until after arraignment, or, although the relationship is known at arraignment, the case is not properly flagged as intimate partner violence until after arraignment. Second, when a defendant is arraigned between 10 p.m. and 1 a.m. and held on bail, the case file is sent directly to a paralegal, rather than EVE staff, because a corroborating affidavit is needed quickly (see discussion in next section of this chapter). Third, under some circumstances (e.g., the victim has a disability, the defendant is younger than 20, the victim has previously been in contact with a VSU counselor), cases are assigned directly to a VSU counselor rather than EVE staff. In this report, we have classified these three types of cases as "cases not covered by EVE." In these cases, the DA's office staff contacts victims after they receive the case file.

Because some intimate partner violence cases are not covered by EVE, and because EVE staff members do not reach all victims, and are not able to schedule appointments for all those they reach, we can compare outcomes for victims who have

appointments scheduled to those who do not. If the EVE staff's calls increase victim participation and convictions, we should find that the victim participation rate and the conviction rate are higher for cases in which EVE was able to schedule an appointment.

B. The Domestic Violence Bureau

To understand how the EVE Project might affect victim participation and convictions, it is important to understand how the DV Bureau prosecutes cases of intimate partner violence. This section describes the DV Bureau's policies and practices.

The DV Bureau processes its cases using mandatory case filing and keeps filed cases active for as long as allowed by statute. (See below for a more complete discussion of these practices and see Peterson and Dixon (2005) for an explanation of how they differ from practices used in other jurisdictions). These practices ensure that almost all intimate partner violence arrestees are subject to court oversight.

Under the mandatory case filing policy, ADAs in the District Attorney's Early Case Assessment Bureau (ECAB) file charges for almost all arrests assigned to the DV Bureau, whether or not the victim wants charges filed, as long as the evidence in the case meets the legal threshold for filing. After ECAB files charges, the Criminal Court docket the case and arraigns the defendant. Intimate partner violence cases are rarely disposed at arraignment and are therefore almost always scheduled for subsequent court appearances. After arraignment, the DA's office assigns each intimate partner violence case to an ADA in the DV Bureau, who is responsible for prosecution of the case. The assigned ADA reviews the evidence in the case, attempts to interview the complaining witness(es), and gathers additional information and evidence, such as photos of injuries, medical reports, 911 recordings, etc.

If the most severe complaint charge is a misdemeanor and the defendant is held in custody following arraignment, the ADA seeks to obtain a corroborating affidavit from the complaining witness within 5 days. The ADA uses the corroborating affidavit to convert the complaint to an "information," an accusatory instrument that is sworn to by the complaining witness. If a corroborating affidavit is not obtained within 5 days of the arraignment, the Criminal Procedure Law (CPL §170.70) requires that the defendant be released.

In cases with felony complaint charges, the ADA consults with a Bureau supervisor and decides whether to reduce the charges and proceed in Criminal Court on misdemeanor charges, or to go to the grand jury for an indictment. If the ADA seeks an indictment and the defendant is being held in custody, the Criminal Procedure Law (CPL §180.80) requires that the defendant be released if an indictment is not obtained within 5 days of the arraignment. The grand jury may decide to take no action, to dismiss the case, to return it to Criminal Court, or to hand down an indictment. If the grand jury hands down an indictment, the case is transferred to Supreme Court and is processed in a specialized DV part. There are two specialized DV parts for indicted

cases in Supreme Court (Part 4 and Part DV), although the same judge presides over both parts.

Most DV Bureau cases are not charged as felonies and do not go to the grand jury. After arraignment, the court generally transfers non-felony DV Bureau cases to a specialized DV part in Criminal Court. There are two specialized DV parts in Criminal Court (Parts DV1 and DV2), each with its own presiding judge. The court also transfers a small proportion of DV Bureau cases to one of two Integrated Domestic Violence (IDV) parts in Supreme Court (IDV and IDV2), each with its own presiding judge. The IDV Court parts handle criminal cases of defendants who also have Family Court custody, visitation, or family offense petitions pending, and/or a concurrent Supreme Court matrimonial case. All of a defendant's related cases are scheduled for appearances on the same day, and the IDV judge makes decisions in all the cases. In IDV Court cases, the victim, although not a party in the criminal case, is typically present in the courtroom for the Family Court petition and/or matrimonial case, and is represented by a lawyer.

Recognizing that victims may change their minds and defendants may reoffend, an ADA will keep the case active and attempt to prosecute it to a disposition, even if the victim requests that the case be dropped.² This allows the court and the DA's office to monitor defendants and protect victims. The court routinely issues an order of protection for the duration of the case. While the case is pending, the DV Bureau encourages victims to participate in the prosecution and refers them to on-site services (counseling, housing assistance, safety planning, etc.) that may increase victim safety regardless of the outcome of the case.

If the victim does not participate in the prosecution, ADAs attempt to proceed with an evidence-based prosecution, using other types of evidence to obtain a conviction. ADAs may rely on photographs, police testimony, eyewitness testimony, *Mirandized* defendant statements, medical reports, or physical evidence in combination with "hearsay exceptions" (such as "excited utterances" made on 911 recordings, spontaneous statements to police officers or to others, and recordings of defendants' telephone calls from jail). However, in many cases, victims do not participate and other evidence is unavailable. When it becomes clear that further work will not produce sufficient evidence for a conviction, the ADA sets the case file aside but keeps the case active in court as long as legally permissible.³ While the case is active, the victim has an order of protection against the defendant, the court monitors the defendant through regular court appearances, and the victim has an opportunity to consider whether to participate in the prosecution. Unless the defendant re-offends, the victim decides to

² Under rare circumstances (e.g., a subsequent finding that the complaining witness filed a false report or that one of the defendants in a cross-complaint should not be charged), the DA's office may ask the court to dismiss the case.

³ Generally, the DA's office can keep cases active up to 90 days if the most severe charge is an A misdemeanor, 60 days if the most severe charge is a B misdemeanor, and 30 days if it is a violation.

participate, or new evidence becomes available, the court ultimately dismisses these cases.

If the EVE staff has not already scheduled an intake appointment, or the case was not covered by EVE, the DA's office contacts victims to ask them to come into the office for an intake appointment. During the intake appointment, the intake staff⁴ gathers background information about the victim, the defendant, the incident, and the history of domestic violence in the relationship and uses this information to assess the risk of future violence. The intake staff members also provide information about criminal justice case processing, orders of protection issued at arraignment, victim testimony before a grand jury or at trial, and services available to the victim (see later discussion of the Victim Services Unit and the Family Justice Center). The victim may sign a corroborating affidavit, supporting the facts of the case as described in the complaint. If the victim does not want to participate in the prosecution, the victim may sign a waiver stating that she does not wish to proceed with the case. The waiver is not a legal document. It is a statement of the victim's intent and does not bind the victim or the District Attorney's office, nor does it preclude a victim from later deciding to participate with the prosecution. Occasionally, the victim signs a waiver for safety reasons, i.e., to demonstrate to the defendant that she is not responsible for the prosecution of the case, and that the defendant has no reason to retaliate against the victim.

Victims who have signed a corroborating affidavit sometimes decide later not to participate and some return to the office to sign a waiver. Similarly, some who have signed a waiver later decide to participate and return to the office to sign a corroborating affidavit. Some victims choose not to sign either a corroborating affidavit or a waiver. However, ADAs keep all filed cases on the court docket whether or not the victim signs a corroborating affidavit or a waiver.

To provide a coordinated community response, the Family Justice Center in Brooklyn offers services to victims of intimate partner violence, elder abuse, and trafficking. Through its affiliations with nearly 40 nonprofit service providers, the Center offers on-site assistance with visitation and custody issues, public assistance, job training, education, housing, immigration, legal issues, individual and group counseling, and other services. (See Appendix A for a copy of the Family Justice Center's brochure, including a list of all affiliated service providers.) The Mayor's Office to Combat Domestic Violence and the DA's office are the primary partners in the Brooklyn Family Justice Center, which was established with a grant from the U.S. Department of Justice Office of Violence Against Women. As part of the Family Justice Center, the DV Bureau works with partner nonprofit organizations that provide a wide range of services tailored to victims of intimate partner violence.

The Family Justice Center provides services to many victims in criminal cases. The DV Bureau and the nonprofit service providers are located on the same floor to provide victims with easy access to services. The Center provides childcare, a

⁴ Intake appointments are completed by staff and interns in the Victim Services Unit as well as by ADAs, legal interns, and pro-bono attorneys in the DV Bureau.

children's playroom, and specialized services for victims with a disability who need these services while they receive assistance. Domestic violence victims who are not involved in criminal cases are also eligible for services at the Family Justice Center. Non-profit service providers refer some victims to NYPD officers at the Family Justice Center to file a complaint if the victims wish to pursue that option. In addition, the District Attorney's Victim Services Unit provides support and counseling services to all crime victims, including victims of intimate partner violence and elder abuse, whether or not they are participating with the prosecution. These counselors sometimes accompany and support victims who testify in court.

C. Review of the Literature

A recent CJA study of defendant's video statements in cases of intimate partner violence in Brooklyn included information about cases processed both before and after the EVE Project was established (Peterson 2012). Before the EVE Project was established, the conviction rate was 28% in DV Bureau cases that were not cross-complaints (i.e., both parties in an incident were arrested and charged with crimes against each other). During the EVE phase-in period (April 1 to June 30, 2008), the conviction rate was 33%, and after EVE was fully implemented on July 1, 2008, the conviction rate was 38% (Peterson 2012, p. 52). A model predicting the likelihood of conviction using a variety of measures of strength of evidence and case and defendant characteristics found that EVE increased the conviction rate by 12.2 percentage points (Peterson 2012, p. 89). The study cautioned, however, that without a more careful analysis, it was not possible to assess whether the increase in the conviction rate was due in whole or in part to the EVE Project. The measure of whether a case was an EVE case or not was based solely on the date of arrest, i.e., whether the arrest was made before or after the EVE Project was implemented. The study did not explicitly examine whether the EVE staff spoke to the victim in each case, nor did it establish how often contact from EVE was associated with a victim participating in a case and ultimately in a conviction.

Other than the CJA study, there is only one other study we are aware of that examined the impact of early victim engagement on victim participation and convictions in cases of intimate partner violence. DePrince et al. (2012a, 2012b) evaluated the Domestic Violence Coordinated Triage Intervention Project in Denver, Colorado. The study examined the impact of two types of early victim contact: contact by a system-based domestic violence advocate (in the police department or DA's office) and contact by a community-based advocate. The study found little difference in outcomes between the two types of contact, however it did find differences in outcomes between those who received any contact (system- or community-based) and those who received no intervention (either because they could not be reached, or declined any assistance). Of most interest are the outcomes for victim participation and conviction. DePrince et al. (2012a) found that when advocates contacted victims and made referrals, victims were more likely to participate in the prosecution of the criminal case compared to victims who could not be reached or who declined assistance. However, victim contact did not affect the conviction rate. This finding is inconsistent with the preliminary results from

the study of the EVE Project cited above (Peterson 2012), which suggested that early victim engagement might increase convictions.

In addition to these two studies of early victim engagement, several studies have measured the extent of victim participation with the prosecution and a few studies have examined the impact of victim participation on the likelihood of conviction.

Prosecutors have often noted the difficulties in obtaining victim participation with the prosecution, and the attendant difficulties in obtaining convictions, in cases of intimate partner violence (Wills 1997). Victims may have many reasons not to participate in the prosecution. Some victims may fear intimidation or retaliation from the defendant. Some may need financial support from the defendant. Others may mistrust or fear law enforcement, particularly if their immigration status may be questioned. Some victims may view the incident as minor, or as an aberration, and do not wish to take further action. Some victims may wish to continue the relationship with the defendant, and view the court case as an obstacle. Some may not participate with the prosecution because they are concerned that the court will sentence the defendant to jail or prison. Others may not participate because they doubt that the court will sentence the defendant to jail or prison and they fear that the defendant will return to commit further violence if he is not incarcerated.

Several studies have provided empirical data about the extent of victim participation in domestic violence cases. A 1993-94 survey of large jurisdictions in the U.S. found that about half of prosecutor's offices said that 40% or more of domestic violence victims did not participate in the prosecution of their cases (Rebovich 1996). One third of the prosecutor's offices reported that 55% or more of domestic violence victims did not participate in the prosecution. A few studies have examined participation rates in specific jurisdictions. In 1986-87, 46% of victims who were offered the chance to drop the prosecution of their domestic violence cases in Indianapolis chose to do so (Ford and Regoli 1992). Similarly, Buzawa et al. (1999) reported that 46% of victims in cases prosecuted in the Quincy, Massachusetts Domestic Violence court in 1995-96 requested that the charges be dropped. Around 40% of victims were not participating in the prosecution of domestic violence cases in Cincinnati in 1997 (Belknap and Graham 2000). A study of domestic violence cases in Toronto in 1997-98 found that 45% of victims did not participate in the prosecution, and an additional 15% participated only reluctantly (Dawson and Dinovitzer 2001). The study of the Denver Coordinated Triage Intervention Project reported that about one third of victims were not fully participating with the prosecution in 2007-08 (DePrince et al. 2012a). Victim participation rates are especially low in jurisdictions that prosecute almost all domestic violence cases. About 20% of victims were participating in the prosecution of cases of intimate partner violence and elder abuse in Brooklyn in 2007-2009 (Peterson 2012).

There are only a few studies that have examined the effect of victim participation on the likelihood of conviction in domestic violence cases. Belknap and Graham (2000) examined over 2,600 domestic violence cases in Cincinnati in 1997. About 44% of the cases ended in conviction. The study estimated the impact of several measures of

victim participation on the likelihood of conviction, after controlling for the impact of strength of evidence, charges, and defendant, prosecutor and judge characteristics. The number of times the victim and prosecutor met was the strongest predictor, increasing the likelihood of conviction. (Nearly half of the victims met with the prosecutor at least once.) When the victim made a statement or testified, which occurred in just over half the cases, conviction was also more likely. Cases in which victims “changed their stories” (about 10% of the cases) were less likely to end in conviction. Belknap and Graham (2000, p. 26) concluded: “It appears from these data that victims’ testimony and statements are seemingly ‘required’ for guilty verdicts in this jurisdiction.” One other finding of the study may be related to the impact of victim participation on conviction. Belknap and Graham (2000) found that prosecutors with higher caseloads were less likely to obtain convictions. Given the importance of victim participation in obtaining a conviction, one reason for this finding may be that prosecutors with higher caseloads were less likely to meet with victims.

A study by Newmark et al. (2001) also suggests that victim participation affects the likelihood of conviction in DV cases. The study examined 198 felony DV cases in Brooklyn, New York from 1995 to 1997 and found that cases in which the victim expressed a desire to drop the charges were less likely to end in conviction.

CJA’s study of 1,195 misdemeanor DV cases in Brooklyn found that victim participation was by far the strongest predictor of the likelihood of conviction (Peterson 2012). Even after considering the effects of other predictors of conviction (including strength of evidence), the study found that victim participation increased the likelihood of conviction by 36.5 percentage points.

Although the three studies cited above suggest that victim participation is an important predictor of conviction in DV cases, there is one study that suggests otherwise. A recent study of over 3,300 DV cases in 16 jurisdictions across the U.S. (Smith and Farole 2009) found that a statement from the victim (available in nearly half the cases) did not affect the likelihood of conviction, after controlling for other types of evidence available in the case. This finding is somewhat surprising, given the widespread consensus that victim participation is one of the most important predictors of conviction in DV cases. However it is worth noting that the study did not have a measure of whether the victim was available or willing to testify in court, and in many jurisdictions, a victim statement would not be admissible if the victim did not testify.

To summarize this research, two studies have considered whether early victim engagement increased victim participation with the prosecution or the conviction rate. CJA’s study found that the conviction rate increased after the EVE Project was established. However, the findings were suggestive but not conclusive, because the study did not examine the impact of the type of contact EVE staff members had with victims, nor did it examine the links between early victim engagement, victim participation, and conviction. A study in Denver found that early victim engagement increased victim participation, but did not increase convictions. The Denver study did not examine the link between victim participation and conviction. Studies of victim

participation with the prosecution of intimate partner violence cases have shown that participation rates are often around 50%, but the estimates range from 20% to 67%. Prosecutors are accustomed to low rates of participation and they use evidence-based prosecution to try to obtain convictions without victim participation. Nevertheless, they generally believe that cases are much stronger when victims participate. Only a few studies have tested this assumption. Three studies found that the likelihood of conviction is higher when victims participate in the prosecution. One study found that victim statements did not increase the likelihood of conviction, but the study did not have data indicating whether the victim was available and willing to testify.

D. Research Plan

The current study is designed to provide an overview of the operations of the EVE Project and to examine its impact on victim participation and convictions in cases of intimate partner violence. Although CJA's prior study suggests that the EVE Project increased convictions, a more careful assessment is needed to compare cases in which victims were contacted by the EVE Project to cases in which victims were not contacted. In addition, the prior study did not provide information about the most likely reason for an increase in convictions, an increase in victim participation. Moreover, the Denver study found that early victim engagement increased victim participation but not convictions. The results of the CJA and Denver studies raise important questions about the impact of early victim engagement. The current study addresses three research questions:

- 1) How successful has the EVE Project been in reaching victims and scheduling appointments with the DA's office?
- 2) To what extent has the EVE Project increased victim participation with the prosecution?
- 3) To what extent has the EVE Project increased the conviction rate in cases of intimate partner violence?

We will address these questions by examining data from several sources. As described in Chapter 2, the data include information on the operation of the EVE Project, as well as data from a sample of case files obtained from the Kings County District Attorney's office, supplemented with CJA data on case outcomes. Chapter 3 addresses the first question by providing an overview of data on the operation of the EVE Project. Chapter 4 addresses the second question by comparing rates of victim participation before and after the EVE Project was established, as well as by examining the impact of the type of EVE contact on victim participation. Chapter 5 addresses the third question by examining the impact of the EVE Project on convictions. It also explores the mechanisms by which the EVE Project affects convictions. The report concludes with a summary of findings and a discussion of their implications for the EVE Project and for prosecuting defendants in cases of intimate partner violence.

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II. METHODOLOGY

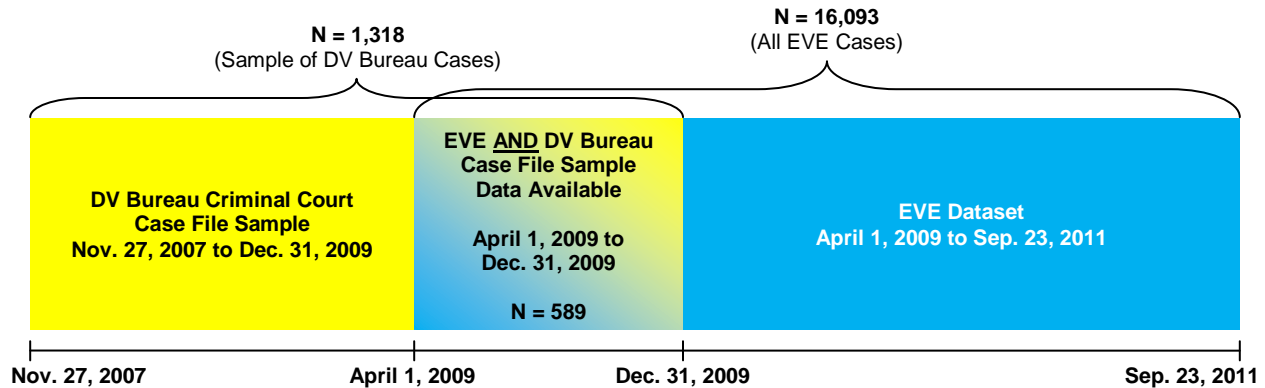
This study used data obtained from the Kings County District Attorney's office and the New York City Criminal Justice Agency, Inc. to examine how the EVE Project affected victim participation and the likelihood of conviction in intimate partner violence cases in Brooklyn. This chapter describes the datasets used for the study and explains how we selected cases for analysis.

A. Description of Datasets

The analyses in this report are based on two datasets, each of which contains information about intimate partner violence cases of defendants arrested in Brooklyn, NY. The EVE dataset contains information about cases in the EVE Project from an electronic data file. The DV Bureau Criminal Court Case File Sample contains information about a sample of DV Bureau cases. The sample includes information coded from paper records in the case files, electronic information provided by the Kings County District Attorney's office, and information obtained from the CJA database, including data on the processing of criminal court cases.

The EVE dataset includes data from a different time period than the DV Bureau Criminal Court Case File Sample, though the time periods overlap. The EVE dataset includes data from April 1, 2009 to September 23, 2011, while the DV Bureau Criminal Court Case File Sample includes data from November 27, 2007 to December 31, 2009. In this study, we will organize and present the data in three ways. First, in chapter 3, we will examine data from the entire period covered by the EVE dataset: April 1, 2009 to September 23, 2011. Second, for the before/after comparisons in chapters 4 and 5, we will use data from the DV Bureau Criminal Court Case File Sample covering the period from November 27, 2007 to December 31, 2009. Finally, for the cross-sectional comparisons in chapters 4 and 5 we will focus on the time period for which data are available from both the EVE dataset and the DV Bureau Criminal Court Case File Sample: April 1, 2009 through December 31, 2009. Figure 2-1 (next page) provides an overview of cases in the EVE dataset and the DV Bureau Criminal Court Case File Sample. Table 2-1 (on page 15) summarizes the information available in each dataset. We provide detailed descriptions of the datasets below.

EVE Dataset. The EVE dataset includes data collected on EVE cases from April 1, 2009 to September 23, 2011. (Although the EVE Project was established in April 2008, electronic data collection of information about EVE cases did not begin until a year later.) This dataset contains records for 16,093 arrests. Separate records are maintained for each defendant, each witness, and each contact with each witness. The defendant information includes arrest and arraignment dates, current parole and probation status, release status at arraignment, bail amount if any, and the appearance date and court part for the first post-arraignment appearance. Witness information includes the name, gender, age, ethnicity, disability status, order of protection information, and contact information for each witness in the case. Each witness is classified as a primary complaining witness (i.e., a victim in the incident, usually

Figure 2-1: Overview of Datasets

the defendant's intimate partner), a secondary complaining witness (also a victim in the incident), an eyewitness, or an "other" witness. There were 16,682 witnesses available for the 16,093 arrests. Contact information includes information about each attempt to contact a witness, including the name of the staff member attempting the contact, the means of contact (almost always telephone, but occasionally letter or e-mail), the date and time of the contact attempt, the identity of the person contacted (the witness, or someone else who answered the phone), and the outcome of the contact (whether an appointment was scheduled for the witness to come to the DA's office).

DV Bureau Criminal Court Case File Sample. The DV Bureau Criminal Court Case File Sample contains information for a sample of disposed cases in the DV Bureau. The information comes from three sources: 1) a review of the DA's case files, 2) electronic data from the DA's office, and 3) electronic data from CJA. The DV Bureau Criminal Court Case File Sample includes 1,318 cases of intimate partner violence assigned to the DV Bureau from November 27, 2007 to December 31, 2009.⁵ The sample is limited to cases of intimate partner violence that were not cross-complaints.

1) Case file review. For the review of case files, CJA researchers coded numerous items of information from the paper records saved in each selected case file. Using a standard coding form, we recorded background information about the defendant and the victim, as well as information about the evidence in the case available to ADAs: recordings of 911 calls, injuries, photos, weapons, medical records, whether or not the victim was participating with the prosecution, any oral, written, and video statements made by the defendant, and the ADA's notes about the strength of the evidence. The recorded information included extensive information about contact with victims and victim participation with the prosecution. We also viewed any video statements made by the defendant, and coded information about the content of the statements.

⁵ We also collected additional data for cases disposed in the Integrated Domestic Violence court parts and in the specialized domestic violence Supreme Court parts. The sample sizes for these courts were too small for analysis in this report. See Peterson (2012) for further details about the data collected.

TABLE 2-1: SUMMARY OF INFORMATION AVAILABLE IN EACH DATASET

DATASET	INFORMATION AVAILABLE
<p>EVE Dataset (N = 16,093)</p>	<p><u>Defendant Information</u></p> <ul style="list-style-type: none"> ● Arrest and arraignment information <p><u>Witness Information</u></p> <ul style="list-style-type: none"> ● Demographic characteristics (gender, age, ethnicity, etc.) ● Order of Protection information ● Whether witness is primary complaining witness <p><u>Witness Contact Information</u></p> <ul style="list-style-type: none"> ● Date and time of each contact attempt ● Identity of person contacted (if any) ● Outcome of contact (whether an appointment was scheduled)
<p>DV Bureau Criminal Court Case File Sample (N = 1,318)</p>	<p><u>DV Bureau Case Files</u></p> <ul style="list-style-type: none"> ● Evidence available (911 recordings, photos, medical records, victim participation with the prosecution, etc.) ● Defendant's statements on video (items coded include confession, denial, self-defense claim, types of admissions, etc.) <p><u>Electronic Data from the DA's Office</u></p> <ul style="list-style-type: none"> ● Incident information (date, time, location, injuries, 911 calls, photos, alleged defendant actions, narrative description, etc.) ● Arrest information (identity of defendant, arresting officer, and victim(s), weapons used, defendant's oral statements, etc.) ● Complaint information (charges, evidence available, narrative summary of defendant statement(s), etc.) ● Witness information (name, type of witness, relationship, etc.) <p><u>Electronic Data from CJA</u></p> <ul style="list-style-type: none"> ● Defendant's demographic characteristics (gender, age, etc.) ● Community ties (employment, NYC address, etc.) ● Criminal record (convictions, open cases) ● Arrest information (charges, date of arrest, etc.) ● Case processing (arraignment date, release status, etc.) ● Case disposition and sentencing (conviction, conviction charge, jail sentence, etc.)

We obtained case files of disposed DV Bureau cases in two ways. First, from September 2009 to April 2010, we obtained some case files soon after ADAs sent disposed case files to the DV Bureau's file room. These case files normally remain in the file room for a few days before the file clerk brings them to the archive (located in another building). We set these files aside and reviewed them before the DA's office archived them. Second, we requested other case files that the DA's office had already archived. We reviewed these archived case files during two periods: September 2009 to April 2010, and February 2011 to June 2011. We requested these archived files to obtain older files that had been unavailable when we began our case file review. In addition, because the study was originally designed to study the impact of defendant video statements, our requests for archived case files oversampled cases of defendants selected to make video statements. Although expeditors sent only about one of every eight DV Bureau cases during the study period to the ECAB Annex for a video statement, we requested the case files of many more archived video cases than non-video cases so that we would end up with an oversample of video cases.

After combining the case files selected in the file room with those selected from the archive, our final DV Bureau arrest sample consisted of 1,318 case files. Because of the sampling strategy we used, about 29% (386) of the case files were video cases and about 71% (932) were non-video cases. Aside from intentionally oversampling video cases, we selected sample cases randomly. To compensate for the oversampling of video cases, we weighted the data to reflect the true distribution of video and non-video cases. The results presented in chapters 4 and 5 are based on weighted data.

2) Electronic data from the DA's office. This data includes extensive information from three sources: a) the NYPD Omniform, b) the ECAB form, and c) the Witness Contact Sheet. The Omniform contains NYPD's information about the arrest and complaint, such as the date, time, location, and circumstances of the incident and of the arrest, names and identifying information for the defendant and the victim, and information about weapons used. The ECAB form contains information about the case based on the ECAB screener's interviews with the arresting officer and witnesses prior to arraignment, including information about the arrest and complaint charges, injuries, photos of injuries and the crime scene, 911 calls, witnesses, statements, any history of domestic violence by the defendant, and a narrative description of the incident. NYPD's Witness Contact Sheet contains identifying information about the witnesses in each case, including victims and other eyewitnesses.

3) Electronic data from CJA. We extracted this data from the CJA database, which contains information about the arrest, case processing, and case outcomes of most New York City arrestees. It includes data from three sources: 1) CJA's pre-arraignment interview,⁶ 2) NYPD's Omniform data, and 3) the New York State Office of

⁶ CJA conducts pre-arraignment interviews to measure the defendant's community ties. The interviews serve as the basis for making a recommendation as to whether or not the court should release the defendant on recognizance at his first court appearance. CJA does not interview defendants arrested on a bench warrant or those given a Desk Appearance Ticket

Court Administration's (OCA) case processing data. We used the CJA interview to obtain information concerning defendants' demographic characteristics and community ties. We used the NYPD Omniform data to obtain information about the arrests, including arrest charges, precinct, and date and time of arrest.⁷ We used the OCA data to obtain detailed Criminal Court and Supreme Court case processing, disposition, and sentencing data on each of the arrests.

Brooklyn has a two-tiered court system for handling criminal cases. The Criminal Courts only have trial jurisdiction over cases having a most serious charge of misdemeanor or lesser severity. The DA's office must bring cases sustained at the felony level to Supreme Court for prosecution. However, the court arraigns most defendants charged with felonies in Criminal Court first, and then transfers indicted cases to Supreme Court for subsequent appearances. If the Grand Jury fails to return an indictment or the ADA decides not to prosecute the case as a felony, the ADA can reduce the charges or take no action. The case may then be disposed in Criminal Court by dismissal, or by a plea to a reduced charge less severe than a felony, or by a transfer to another court's jurisdiction (e.g., Family Court).⁸

For cases that had multiple dockets, we obtained case-processing information for the **docket that had the most severe arraignment charge** (based on Penal Law severity⁹) in Criminal Court. When the most severe arraignment charges on two or more dockets are of equal Penal Law severity, OCA determines the most severe charge according to procedures developed by the New York State Division of Criminal Justice Services (see Appendix B). These guidelines provide a consistent set of rules for determining which of two arraignment charges of equal severity is the most severe arraignment charge. For purposes of examining case dispositions, we examined the **docket that had the most severe disposition**. Disposition severities were ranked

(DAT). However, CJA collects arrest and Criminal Court information for all arrestees, and we included arrestees in the CJA data whether or not CJA interviewed them.

⁷ CJA retains only selected information from NYPD's Omniform; however, as noted above, KCDA provided extensive information from the Omniform for all arrests assigned to the DV Bureau.

⁸ The Family Courts have concurrent jurisdiction over certain domestic violence cases (Aldrich and Domonkos 2000). Some DV cases are heard only in Criminal Court, some are heard in both Criminal Court and Family Court, and others are heard only in Family Court. CJA does not have access to data on civil DV cases that are heard in Family Court, and this report draws no conclusions about these cases.

⁹ New York State Penal Law categorizes most offenses according to their severity. The most serious crimes are A felonies, followed by felonies classified as being of severity B through E. Misdemeanors are less severe than felonies, and are classified as A or B misdemeanors or "Unclassified" misdemeanors. (A misdemeanors are more severe than B misdemeanors; "Unclassified" misdemeanors have no clear ranking, but are generally viewed as less severe than A misdemeanors and more severe than B misdemeanors.) Violations are less severe than misdemeanors. The Penal Law does not classify violations as crimes, although defendants in criminal cases can be convicted of a violation-level offense, and can be sentenced to jail for such a conviction. The Penal Law makes no distinctions of severity within the category of violations.

from conviction (most severe) to adjournment in contemplation of dismissal (ACD) to dismissal (least severe).

The CJA data include case processing information through final disposition (and sentencing, if there was a conviction), or until December 5, 2010, when we extracted the data from the CJA database. This cutoff date allowed sufficient time for most (but not all) cases to reach a disposition and sentence. Information about any final dispositions or sentences in Criminal Court or Supreme Court beyond this cutoff date was not included in the data.

B. Selecting Cases for Analysis

The EVE dataset was extracted from the EVE database maintained by the DA's office. The database includes information about all cases handled by the EVE Project. Because some intimate partner violence cases were not covered by EVE, the EVE cases do not include all cases of intimate partner violence in the DV Bureau. As discussed in chapter 4, we estimate that the EVE database includes information for about 80% of DV Bureau cases involving intimate partner violence.

The DV Bureau Criminal Court case file sample is a small sample of case files selected from all the cases processed by the DV Bureau during the period from November 27, 2007 to December 31, 2009. As described in an earlier report, there were a total of 20,845 cases during this period, and our original case file sample included 1,596 of these cases (see Peterson 2012 for a detailed discussion). For the current study, we excluded several types of cases from the sample: cross-complaints,¹⁰ cases of elder abuse that did not involve intimate partner violence,¹¹ and cases that were not disposed in Criminal Court. After these exclusions, there were 1,318 cases in the dataset.

The analyses in chapter 3 describing the operation of the EVE Project use all 16,093 cases in the EVE dataset. In chapter 4, the comparisons of cases processed before and after the EVE Project was established use the 1,318 cases in the DV Bureau Criminal Court case file sample. The before/after comparisons in chapter 5 are based only on the 1,177 cases of defendants who were released prior to case disposition. The cross-sectional comparisons in chapter 4 rely only on the 589 cases for which information is available from the DV Bureau Criminal Court case file sample *and* the

¹⁰ In a cross-complaint, the police arrest two (or more) parties to an incident, and charge each party with a crime against the other. We excluded cross-complaints because when the EVE Project began, staff did not call victims who were involved in cross-complaints. This policy changed in 2010 (after the time period covered by the case file review), when the EVE Project Director and case managers from Safe Horizon began a program to call some cross-complainants to identify those who need services.

¹¹ Although EVE staff members call victims of elder abuse that does not involve intimate partner violence, we excluded these cases from the analysis because information about these calls is not stored in the EVE database. The database only provides information on outcomes for victims of intimate partner violence.

EVE dataset if the arraignment was covered by EVE staff. The cross-sectional comparisons in chapter 5 are based only on the 514 cases of defendants who were released prior to case disposition.

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III. OVERVIEW OF EVE CASES

This chapter describes the volume of EVE cases, characteristics of defendants and witnesses, and information about the EVE staff's contacts with witnesses. The descriptive data cover the period from April 2009, when electronic data for the EVE Project were first collected, through September 2011. Although the EVE Project began operating in April 2008, electronic data on EVE operations were not collected during its first year.

An EVE staff member who is present at arraignment (or, for arraignments after 10 p.m., who receives the case file the next morning) initiates each EVE case. When an eligible case is arraigned, an EVE staff member records information about the case, including the name of the defendant, arrest and docket numbers, arraignment outcomes (date and part of next court appearance, release status, bail amount, if any) and contact information for all witnesses. After arraignment, an EVE staff member calls each witness to provide information and to ask her to come to the DA's office for an intake appointment.¹² Information about the case, the defendant, and the victims/witnesses is recorded in the EVE database.

A. Witness and Defendant Characteristics

In this report, we focused on the primary complaining witness in each case. In most cases in the EVE database, there was only one victim, the intimate partner of the defendant. When there were multiple victims, one was classified as the primary complaining witness, while the others were classified as secondary complaining witnesses.

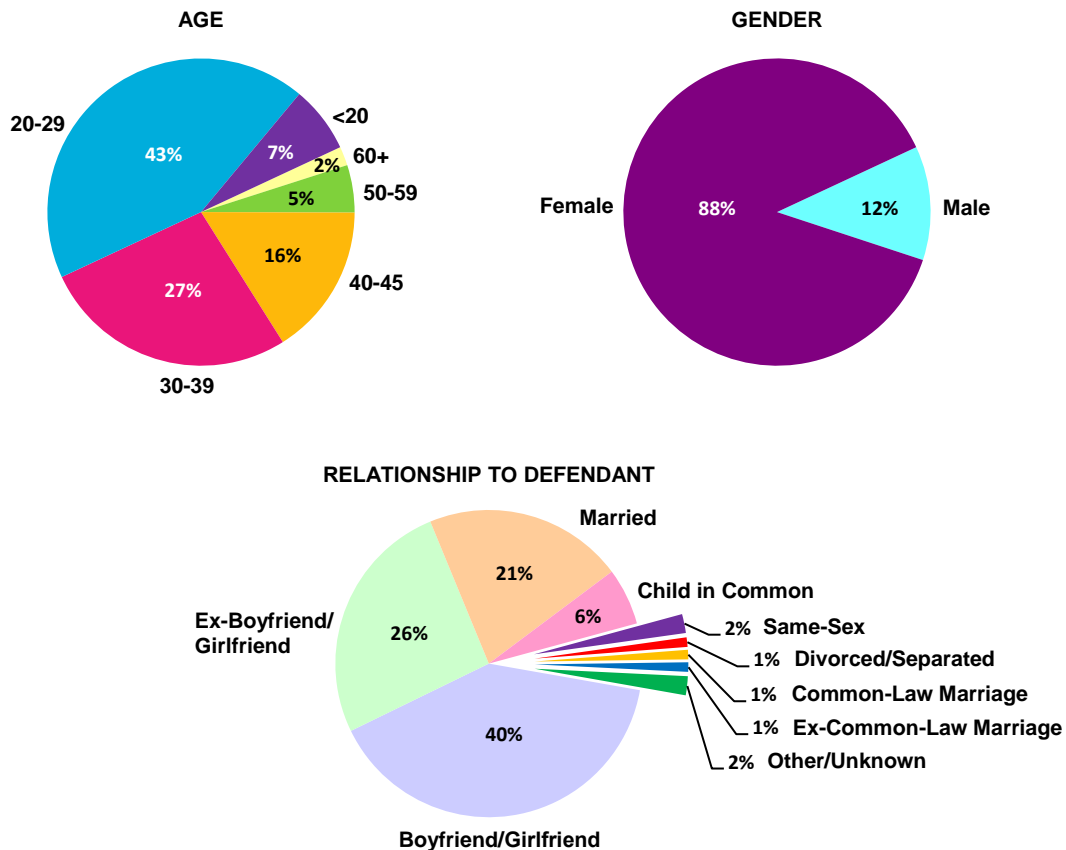
Over two-fifths of the primary complaining witnesses were between the ages of 20 and 29 (see Figure 3-1, next page). Over one quarter was between the ages of 30 and 39. About 2% were 60 or older, while nearly 7% were under 20. About 88% of the primary complaining witnesses were female (see Fig. 3-1).

In nearly two thirds of EVE cases, the relationship of the defendant to the primary complaining witness was either boyfriend-girlfriend (about 40%) or ex-boyfriend-girlfriend (about 26%) (see Figure 3-1). About 21% were married, and 6% had a child in common but did not cohabit. About 2% were in same-sex relationships, 1% were divorced/separated, 1% were in common-law relationships (cohabiting for at least 6 months), and 1% had previously been in a common-law relationship. About 2% were classified as other/unknown, a category which included parents, grandparents and other relatives, and cases where the relationship was not recorded. In these cases, the secondary complaining witness was an intimate partner of the defendant. More than 3% of the EVE cases had a secondary complaining witness and/or eyewitnesses (data not shown).

¹² On the rare occasions when a witness attends the arraignment, the EVE staff member may speak to the witness there. If the witness is emotionally distressed, EVE staff can refer the witness to Safe Horizon for counseling and services.

The EVE database includes limited information about defendants. As is typical of DV Bureau cases, the defendants in EVE cases were overwhelmingly male (87%, data not shown). Approximately 1% was on parole at the time of arrest, and less than 1% was on probation (data not shown).

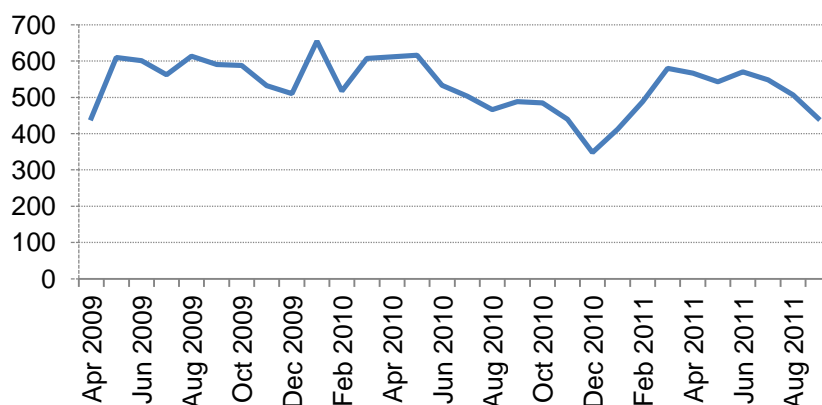
Figure 3-1: Characteristics of Primary Complaining Witnesses in EVE Cases
 April 2009 to September 2011
 (N=16,093)



B. Case Volume

There were over 16,000 EVE cases from April 2009 to September 2011. In the initial month of data collection, April 2009, information for about 450 EVE cases was recorded in the database (see Figure 3-2, next page). Because the database was phased in during this month, the volume for April 2009 may not reflect the full number of EVE cases. In May 2009, information about more than 600 EVE cases was recorded in the database, and monthly volume ranged between 500 and 600 until July 2010. EVE case volume dipped to a low of about 350 in December 2010, but was back over 500 per month by March of 2011, and remained above 500 through August 2011. (Data for September 2011 reflect case volume for only part of the month). The decline in EVE case volume in late 2010 was due to a temporary staffing shortage during that period that limited the coverage of arraignments.

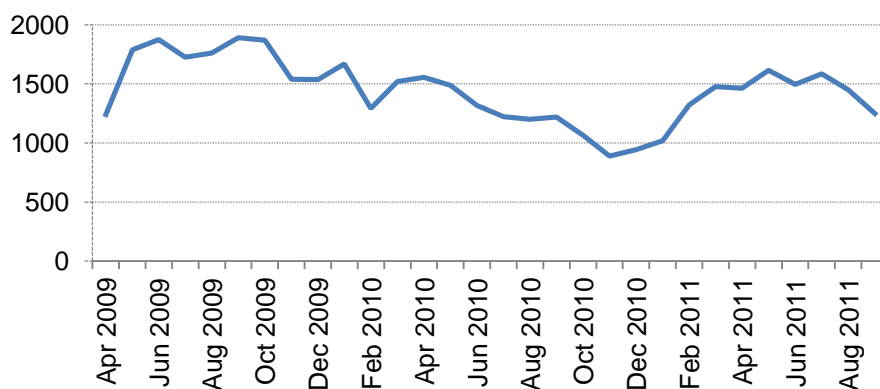
**Figure 3-2: EVE Case Volume by Month of Intake
April 2009 to September 2011**



C. EVE Contact with Witnesses

The EVE Project maintains detailed data on all contacts with victims of intimate partner violence, identified as the “primary complaining witness” in the case. Almost all contact (99%) was made by telephone (data not shown). Only occasionally was contact made in person (usually when the witness was present at arraignment) or by letter (in the rare cases when no phone number was available for the witness). Monthly call volume was over 1,000 in every month except for November and December 2010 (see Figure 3-3). The average monthly call volume from April 2009 to September 2011 was about 1,440 (data not shown).

**Figure 3-3: Volume of Calls to Primary Complaining Witnesses by Month of Intake
April 2009 to September 2011**

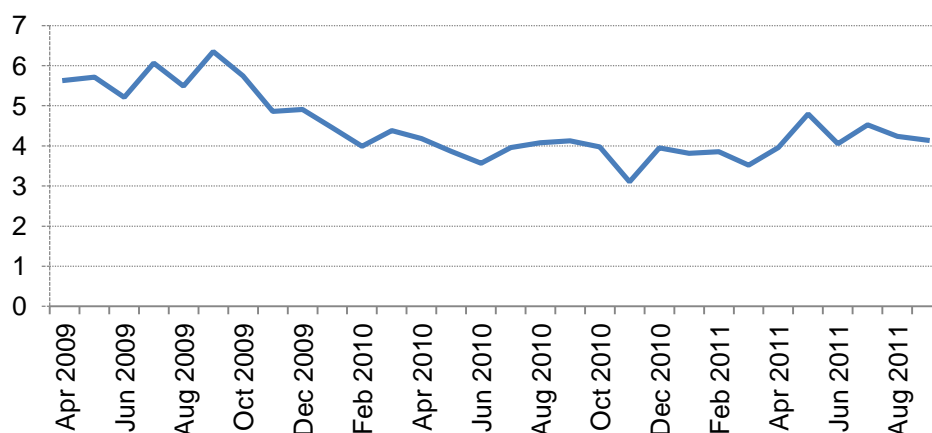


EVE staff members called each witness multiple times if necessary until they reached the witness and were able to provide her or him with case information and to request that the witness come into the DA’s office for an intake interview. If, after multiple calls on different days and at different times of day, the witness was never reached and did not return the call, EVE staff made no further calls. If the witness was

reached but declined to come in for an intake appointment, the witness was provided with information about the case and EVE staff made no further calls. (Occasionally when the witness declined to come in, the EVE staff would make an additional call.) EVE staff scheduled appointments for witnesses who agreed to come in for an intake interview.

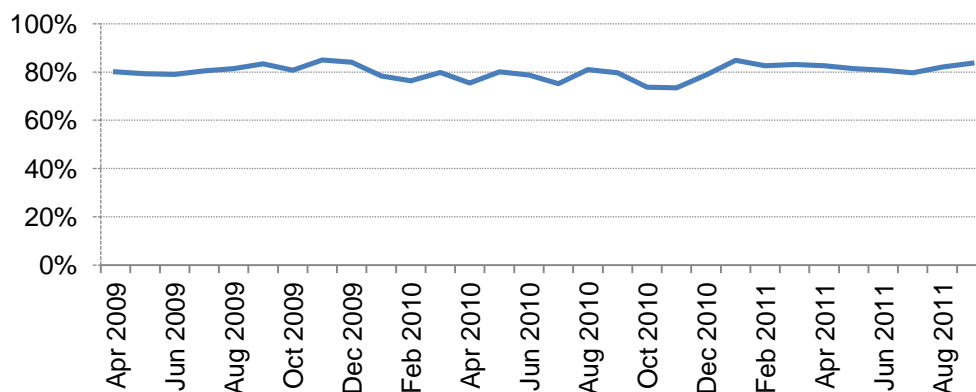
The average number of calls per witness from April 2009 to September 2011 was about 4.5 calls (data not shown). However, this overall average masks changes over time. The average number of calls per witness was initially higher, between 5 and 7 calls per witness from April to October 2009, and declined thereafter to between 3 and 5 calls per witness (see Figure 3-4).

Figure 3-4: Average Number of Calls to Primary Complaining Witness by Month of Intake
April 2009 to September 2011



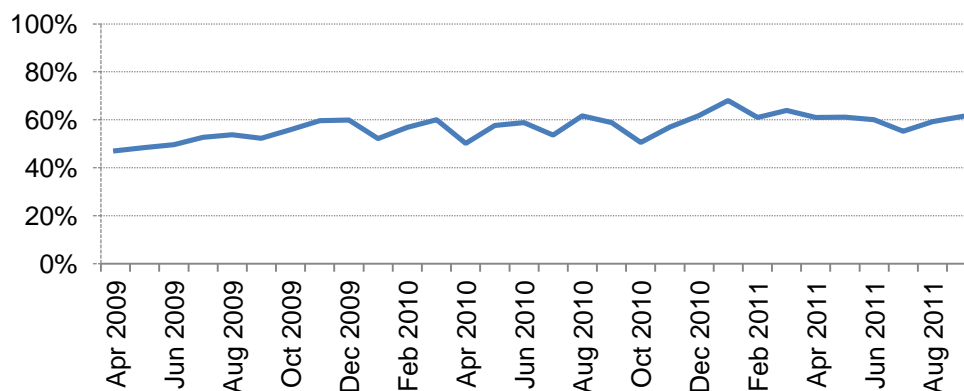
EVE staff members spoke to about 80% of primary complaining witnesses. There were only minor monthly fluctuations in the rate at which they reached witnesses, which was generally at or above 80% in 2009 and 2011, and generally at or below 80% in 2010 (see Figure 3-5).

Figure 3-5: Percentage of Primary Complaining Witnesses Reached by EVE Staff Members, by Month of Intake
April 2009 to September 2011



Overall, EVE staff members were able to schedule intake appointments for about 57% of the primary complaining witnesses (data not shown). From April to October 2009, EVE staff members were able to schedule appointments with witnesses about 47% to 56% of the time (see Figure 3-6). From November 2009 to September 2011, the success rates were generally closer to 60%. The increase in successfully scheduling appointments may account for the decline in the average number of calls per witness noted above (see discussion of Figure 3-4). Once a witness comes to the DA's office for an intake appointment, EVE staff members do not make additional calls. If a witness misses a scheduled appointment, EVE staff members make one or two additional calls to re-schedule the appointment. Because the success rate was higher beginning in November 2009, fewer calls were presumably needed before retiring a case.

Figure 3-6: Percentage of Primary Complaining Witnesses for Whom EVE Staff Scheduled an Intake Appointment by Month of Intake
April 2009 to September 2011



D. Summary and Discussion of Findings

This chapter has described the operation of the EVE Project using electronic data collected during the period from April 2009 to September 2011. During that period, case volume was relatively stable at about 500-600 EVE cases per month. Most of the witnesses in EVE cases were female and under the age of 30. The most common type of relationship between the defendant and the witness was boyfriend-girlfriend, accounting for two of every five witnesses. Over one in five witnesses were married to the defendant at the time of the arrest. Over one quarter of witnesses had previously been in a relationship with the defendant; almost all of these witnesses were former girlfriends or boyfriends of the defendant.

During the period for which electronic data were available, the volume of calls made by EVE staff declined over time. It appears that this decline was due to a decline in the average number of calls per witness from 5-7 calls to 3-5 calls per witness. Although the number of calls per witness declined, EVE staff have consistently reached and spoken to about 80% of witnesses throughout this period. This suggests that the

reason for the decline in calls is that EVE staff became more successful over time at reaching witnesses after fewer calls. EVE staff members were also more successful over time at scheduling appointments with witnesses. Through most of 2009, the EVE staff scheduled appointments with about 50% of witnesses. During 2010 EVE staff scheduled appointments with 60% of witnesses in most months. In 2011, the rate of scheduled appointments was generally above 60%.

Overall, the findings in this chapter show that the EVE Project has operated in a generally consistent manner over the period from April 2009 to September 2011. To the extent that operations changed, it appears that they have become more efficient. Over time, EVE staff members have been able to reach witnesses with fewer phone calls, and have improved their success rate in scheduling appointments with witnesses. This description of how the EVE Project operates provides a context for considering the impact of the EVE Project on witness contact with the DA's office and witness participation with the prosecution.

IV. EVE'S IMPACT ON VICTIM CONTACT AND VICTIM PARTICIPATION

In this chapter, we examine the impact of the EVE Project on witness contact with the DA's office and witness participation with the prosecution. We assessed the impact in two ways. First, we compared levels of contact and victim participation before and after the Family Justice Center established the EVE Project. Second, during the period after EVE began operating, we compared cases for which EVE staff scheduled an intake appointment to those for which no appointment was scheduled. As explained in chapter 2, all the comparisons excluded cross-complaints and cases of elder abuse not committed by an intimate partner, because EVE staff members did not routinely contact witnesses in these types of cases. We examined only cases that were docketed in Criminal Court because our samples of cases in Integrated Domestic Violence Court and Supreme Court were too small for analysis.

Our DV Case File Sample data include several measures of victim contact with the DA's office and of victim participation with the prosecution. These measures are based on our review of notes made by EVE staff and by ADAs on documents found in the case files. We summarized the information about victim contact and victim participation using six measures.

Witness came to DA's office. The first measure of victim contact is whether the primary complaining witness ever came to the DA's office. In most cases there were documents in the file indicating that the witness was in the office; in a few cases we relied on notes in the file. We were not able to determine from the records whether the witness came to the DA's office in response to a call from the EVE staff, or to a call from the DA's office or to a referral from a service provider at the Family Justice Center.

DA's office completed intake form. Each witness who comes to the DA's office is asked to complete the cover sheet of an intake form, and to wait for a meeting with the intake staff. On the cover page of the intake form, the witness provides her contact information. The intake staff member then completes the form by interviewing the witness and recording information about the defendant, details of the current incident, and the history of the relationship. Most witnesses who came to the DA's office met with a staff member who completed an intake interview. However, some witnesses elect not to complete the intake form, or not to wait for the interview, or to leave in the middle of the interview. We classified these interviews as not having a completed intake form.

Witness last signed a corroborating affidavit or a waiver. Witnesses may sign a corroborating affidavit, supporting the facts of the case as described in the complaint. If witnesses do not want the case to go forward, they may sign a waiver stating that they do not wish to proceed with the case. The waiver is not a legal document. It is a statement of the witness's intent and does not bind the witness or the District Attorney's office, nor does it preclude a witness from later deciding to participate with the prosecution. Occasionally, witnesses sign a waiver for safety reasons, i.e., to convince

the defendant that they are not responsible for the prosecution of the case, and that the defendant has no reason to retaliate against the witness.

Witnesses who have signed a corroborating affidavit sometimes decide later not to participate in the prosecution. Some witnesses notify the DA's office of this, and some return to the office to sign a waiver. Similarly, some witnesses who have signed a waiver may later decide to participate and return to the office to sign a corroborating affidavit. When witnesses signed both a corroborating affidavit and a waiver, we examined the date and time when each was signed. We classified these witnesses into the category corresponding to the last document she signed. In practice, when witnesses signed both documents, we found that all but a handful signed the waiver after the corroborating affidavit. Only a few signed the corroborating affidavit after signing a waiver.

Some witnesses do not sign either a corroborating affidavit or a waiver, either because they have never been in contact with the DA's office or because they choose not to sign either document. However, ADAs keep all filed cases on the court docket whether or not the witness signs a corroborating affidavit or a waiver.

Witness ever agreed to participate with the prosecution. In addition to the documents that may be in a case file (i.e., the intake form, corroborating affidavit and/or waiver), ADAs (and occasionally EVE staff members) also make handwritten notes about the witness's participation with the prosecution throughout the course of the case. We created a measure indicating whether the witness had ever agreed to participate in the prosecution by signing a corroborating affidavit and/or by indicating to the DA's office staff that she intended to participate.

Witness ever declined to participate with the prosecution. Similarly, we created a measure indicating whether the witness had ever declined to participate in the prosecution by signing a waiver and/or by indicating to the DA's office staff that she did not want to participate.

Last known status of witness participation. Finally, we created a measure indicating the last known status of witness participation prior to the disposition of the case: participating, not participating, or unknown. To create this measure, we examined the dates of each document the witness signed, if any, and the dates of each handwritten note in the case file. The last known status was determined from the information in the case file with the latest date, whether it was a signed document or a handwritten note.

- We classified the last known status as "participating" when the latest information in the file about witness participation was a signed corroborating affidavit or a handwritten note indicating that the witness was participating.
- We classified the last known status as "not participating" when the latest information in the file about witness participation was a signed waiver or a handwritten note indicating that the witness was not participating.

- We classified the last known status as “unknown” when there was no evidence in the case file of any contact with the witness or when the latest information in the file about witness participation indicated that her plans to participate were uncertain or unknown. The latter information was usually recorded in notes indicating that the DA’s office had spoken to the witness and she was not sure about participating. Similarly, notes indicating that the witness could no longer be reached in spite of repeated attempts were coded as “unknown,” even if the witness had previously indicated her intentions regarding participation.

A. Before/After Comparisons

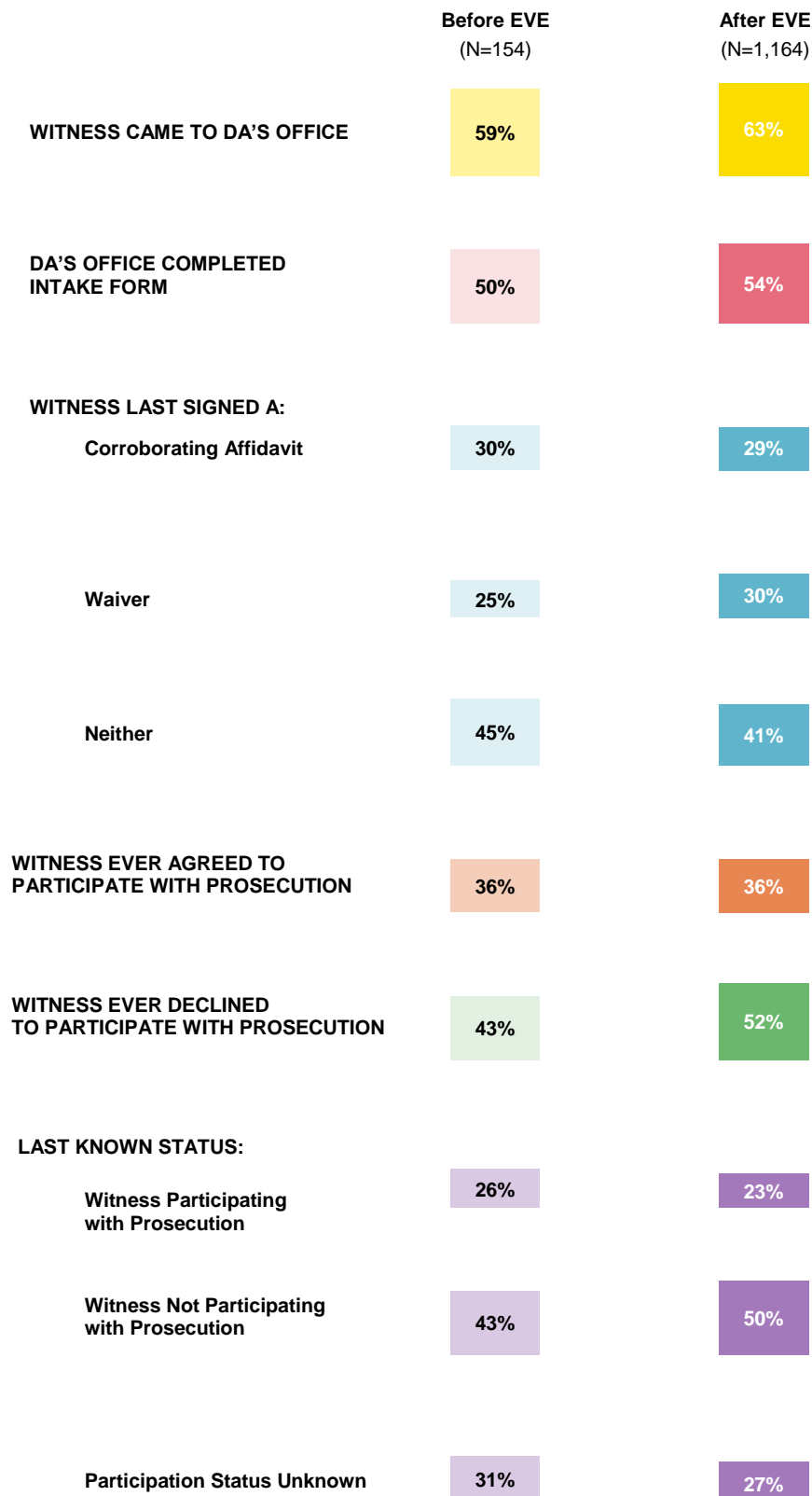
We begin by examining victim contact and victim participation before and after the DA’s office established the EVE Project. The percentage of witnesses who came into the office increased from 59% before EVE was established to 63% afterwards, a gain of 4 percentage points (see Figure 4-1, next page).

Most, but not all, of the witnesses met with an intake staff member who completed an intake form. The percentage of witnesses who completed an intake interview increased from 50% to 54% after EVE was established, an increase of 4 percentage points (see Figure 4-1). This suggests that EVE was successful at increasing contact between witnesses and the DA’s office.

We next considered whether witnesses signed a corroborating affidavit, a waiver, or neither. Before EVE was established, 30% of witnesses signed a corroborating affidavit (see Figure 4-1). After EVE was established, 29% of witnesses signed a corroborating affidavit. The percentage of witnesses signing a waiver increased from 25% before EVE to 30% after EVE. The percentage of witnesses who signed neither a corroborating affidavit nor a waiver declined from 45% to 41% after EVE was established. These findings suggest that the increased contact between the DA’s office and witnesses did not increase the likelihood that witnesses would sign a corroborating affidavit in support of the prosecution. Moreover, there was a 5 percentage-point increase in the percentage signing a waiver.

Because some witnesses indicated their intentions about participating with the prosecution without signing a corroborating affidavit or a waiver, we next looked at our measures indicating whether witnesses ever agreed or ever declined to participate. Before EVE, about 36% of witnesses ever agreed to participate; after EVE, the percentage was the same, 36% (see Figure 4-1). The percentage of witnesses who ever declined to participate increased by 9 percentage points, from 43% to 52% (see Figure 4-1).

Figure 4-1: Witness Participation with the Prosecution Before and After EVE was Established
Criminal Court Cases, Excluding Cross-Complaints



The most important determinant of conviction is the last known status of witness participation. We found that before EVE was established, 26% of witnesses had a final status of participating with the prosecution, compared to 23% after EVE was established (see Figure 4-1). This decline was not statistically significant (data not shown), but it does suggest that EVE did not increase witness participation with the prosecution.

Looking across the various measures of witness contact and witness participation, there was a clear pattern of a substantial decline in witness participation over the course of the case. After EVE was established, 63% of witnesses came into the office and 54% completed the intake interview. Although 36% of the witnesses ever agreed to participate with the prosecution, and 29% signed a corroborating affidavit, only 23% were still participating by the time of disposition.

Taken together these findings suggest that witness contact increased after the DA's office established the EVE Project. Witnesses were more likely to come to the DA's office and to complete the intake interview. However, victim participation with the prosecution did not increase, and in fact it appears that EVE increased the likelihood that witnesses would indicate that they were not participating in the prosecution. Although this may seem to be a negative consequence of the EVE Project, it is likely that before EVE, many of the witnesses who did not want to participate in the prosecution did not come to the DA's office. After EVE, more of these witnesses came to the DA's office and made their intentions known. The percentage of witnesses who signed neither a corroborating affidavit nor a waiver declined from 45% to 41%. Similarly, the percentage of witnesses whose last known participation status was unknown declined from 31% to 27%. Establishing the EVE Project enabled the DA's office to know about the participation status of more witnesses.

B. Cross-Sectional Comparisons

The before/after comparisons presented thus far provide only a rough estimate of the impact of EVE. The reason is that even after EVE was established, some intimate partner violence cases were not covered by EVE, and EVE staff made no calls to witnesses in these cases. (See discussion below and in chapter 1 regarding the reasons these cases were not covered.) As a result, the description of the "after" cases in the previous section includes cases that were not in the EVE Project. We estimate that even after EVE was established, about 21% of cases were not covered by EVE (data not shown).¹³ Because of this weakness in the before/after comparison data, those results should be viewed as minimum estimates of the impact of EVE on witness contact with the DA's office and on witness participation with the prosecution.

We now turn to cross-sectional comparisons to provide further information on the impact of EVE. We focus on 589 Criminal Court cases for which we have data in the

¹³ This estimate is based on data from the period April 2009 through December 2009; as noted in chapter 2, EVE data are not available electronically from April 2008 to March 2009, and we don't have DV Bureau data after December 2009. See discussion in chapter 1 regarding the reasons these cases were not covered by EVE.

DV Bureau Criminal Court Case File Sample during the period from April 1, 2009 to December 31, 2009. Using this sample, we examined data about the phone calls to witnesses to classify the phone calls in the following categories indicating the type of contact with EVE staff:

Witness not called by EVE staff. There were 122 witnesses in the DV Bureau Criminal Court Case File Sample who were not called by the EVE staff. This group includes 119 witnesses who were not in the EVE Project because the case was not covered by EVE (e.g., if the relationship between the defendant and victim was not known until after arraignment, the defendant was arraigned after 10 p.m. and held on bail, or the case was assigned to a VSU counselor). There were also 3 witnesses in the EVE Project for whom no contact information was available.

Witness called by EVE staff, not reached. There were 82 witnesses who were called by the EVE staff, but who were not reached. This group includes 72 witnesses for whom EVE staff could not reach anyone at the contact number(s), as well as 10 cases where EVE staff reached someone other than the primary complaining witness.

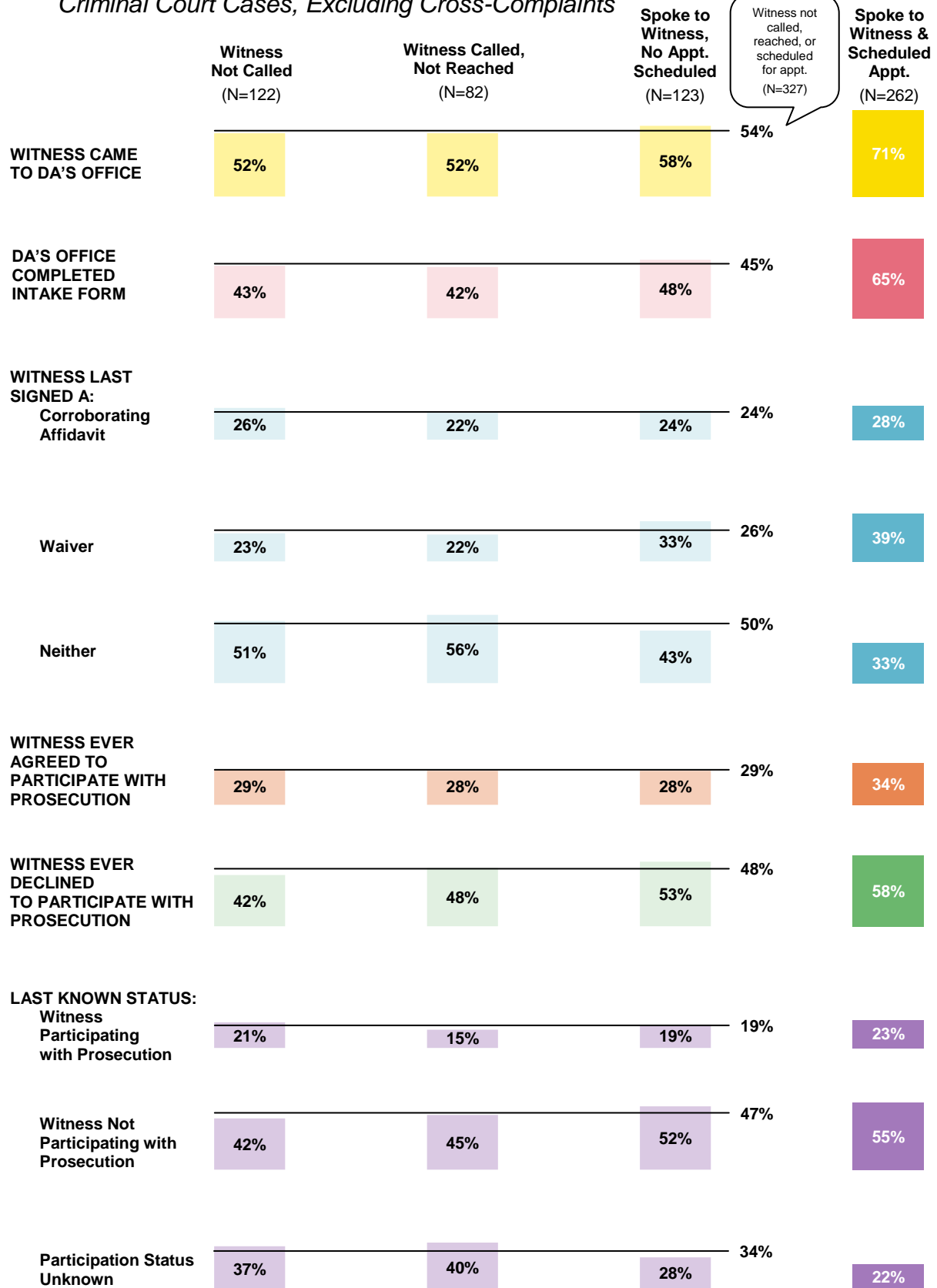
EVE staff spoke to witness, no appointment scheduled. There were 123 EVE cases in which the EVE staff spoke to a primary complaining witness who declined to schedule an intake appointment.

Witness not called, reached, or scheduled for appointment. As indicated in the discussion that follows, there were very few differences among the first three categories in terms of the percentage of witnesses who came to the DA's office for the appointment, completed the intake interview, or participated in the prosecution. For that reason, we present data not only for each of those categories individually, but for the three categories combined (N = 327). We refer to the combined category as "witness not called, reached, or scheduled for appointment." This category enables a clearer distinction between witnesses who were never contacted or who never agreed to schedule an appointment, and the final category: those who agreed to schedule an appointment.

EVE staff spoke to witness and scheduled an appointment. There were 262 EVE cases in which the staff spoke to the primary complaining witness and scheduled an intake appointment. This category includes all those for whom an appointment was scheduled, *whether or not the witness actually appeared at the DA's office for the appointment.*

About half of all witnesses who were *not* called by EVE staff came to the DA's office for an intake appointment (see Figure 4-2, next page). Most of these witnesses were presumably reached by the staff of the DA's office, who call witnesses when they receive the case file several days after arraignment. Similarly, about half of witnesses who were called by EVE staff members but were never reached came in for an intake appointment. When EVE staff members reached the witness but were unable to schedule an appointment, about 58% of the witnesses eventually came in for an intake

Figure 4-2: Witness Participation with the Prosecution by Type of Contact with EVE Staff
Criminal Court Cases, Excluding Cross-Complaints



appointment. Combining these three categories of witnesses who did not schedule an appointment through the EVE Project, about 54% eventually came in to the DA's office. Witnesses were much more likely to come to the DA's office for an intake appointment when EVE staff reached them and they agreed to schedule an appointment. About 71% of these witnesses came to the DA's office. Appointments scheduled by the EVE staff significantly increased the likelihood that a witness would come to the DA's office.

As shown in Figure 4-2 nearly two thirds (65%) of witnesses who scheduled an appointment through the EVE Project completed the intake interview. However, among those who did not schedule an appointment through the EVE Project, only 45% came to the DA's office and completed the intake interview.

Witnesses who scheduled an appointment through the EVE Project were only slightly more likely to sign a corroborating affidavit (28%) than those who did not (24%) (see Figure 4-2). However, those who scheduled an appointment through EVE were substantially *more* likely to sign a waiver (39%) than those who did not (26%) (see Figure 4-2). As discussed above, signing a waiver indicates that the witness does not wish to participate in the prosecution of the case. While not legally binding on the DA's office (the office can continue to prosecute the case), it often substantially weakens the case, because witness participation is frequently necessary to obtain a conviction. It appears that appointments scheduled through the EVE Project slightly increased the percentage of witnesses who signed a corroborating affidavit (by 4 percentage points) and substantially increased the percentage of witnesses who signed a waiver (by 13 percentage points). Overall, appointments scheduled through the EVE Project significantly reduced the likelihood that a witness signed neither a corroborating affidavit nor a waiver from 50% to 33% (see Figure 4-2).

Witnesses who scheduled an appointment through the EVE Project were more likely to have ever agreed to participate with the prosecution. About 34% of those who scheduled an appointment through EVE agreed at some point during the pendency of the case to participate with the prosecution. Among those who did not schedule an appointment, 29% of witnesses ever agreed to participate. Witnesses who scheduled an appointment through the EVE Project were also more likely to ever decline to participate with the prosecution of the case. About 58% of witnesses ever declined to participate, compared to 48% of those who did not schedule an appointment.

Whether they signed a corroborating affidavit, a waiver, or neither, and whether they ever agreed or declined to participate, the key measure of victim participation affecting the strength of the case and the likelihood of conviction is the witness's last known participation status. On this measure, we found that witnesses who scheduled an appointment through the EVE Project were slightly more likely to be participating with the prosecution than those who did not schedule an appointment (23% vs. 19%). Although this is a relatively small difference, it does suggest that appointments scheduled through the EVE Project increased witness participation. However, witnesses who scheduled an appointment through the EVE Project also were significantly more likely to be classified as not participating with the prosecution. About

55% of those who scheduled an appointment were not participating, compared to 47% of those who did not schedule an appointment.

As we found in the before/after results reported previously, there was a clear pattern of a substantial decline in victim participation over the course of the case. When EVE staff scheduled an appointment, 71% of the witnesses came into the office and 65% completed the intake interview. Although 34% of the witnesses ever agreed to participate with the prosecution, and 28% signed a corroborating affidavit, only 23% were still participating by the time of disposition. This indicates there was an 11 percentage-point drop in victim participation with the prosecution over the course of the case.

C. Summary and Discussion of Findings

In this chapter, we have examined the impact of the EVE Project on witness contact with the DA's office and witness participation with the prosecution. We used two types of comparisons to measure the impact. First, we compared 158 cases handled before EVE was established to 1,191 cases handled after EVE was established, to determine if there was any increase in witness contact or witness participation. During the period after EVE was established, this comparison did not distinguish among those cases where EVE staff covered the arraignment and attempted to contact the witness and those cases that were not covered by EVE. This comparison was not as clear-cut as we would have liked because not all cases prosecuted after EVE was established were EVE cases. Unfortunately, we did not have complete data indicating which cases were EVE cases for the entire time period. Second, for the time period after EVE was established we compared cases for which EVE staff scheduled an appointment to those for which no appointment was scheduled. This cross-sectional comparison provided a more accurate assessment of the impact of EVE, although it was based on a much smaller number of cases (589 cases). Our findings from both the before/after and cross-sectional comparisons were generally consistent with each other. In this discussion, we focus on the cross-sectional comparisons, which we believe provide a more accurate assessment of the impact of the EVE Project.

Overall, we found that the EVE Project increased both witness contact with the DA's office and witness participation with the prosecution. When an EVE staff member spoke to a witness and scheduled an appointment at the DA's office, 71% of witnesses came to the DA's office. When no appointment was scheduled (because a witness was not called, not reached, or reached but not scheduled for an appointment), only 54% of witnesses came to the DA's office. Most of these witnesses came in response to calls made by the DA's office when it received the case file several days after arraignment. Appointments scheduled by EVE staff appear to have been more successful at encouraging witnesses to come in to the DA's office.

The EVE Project's success in engaging witnesses was even larger when we considered whether the witnesses completed the intake interview. When an EVE staff member scheduled an appointment at the DA's office, 65% of witnesses completed the

intake interview. Only 45% of witnesses who did not have an appointment scheduled by EVE staff completed the intake interview. This 20 percentage-point difference is important because regardless of the witness's subsequent participation with the prosecution, the DA's office was able to speak to witnesses and to connect them to services significantly more often as a result of the EVE Project.

We also found that the EVE Project produced a small increase in witness participation with the prosecution. We examined three measures of witness participation. First, we found that when EVE staff scheduled an appointment at the DA's office, a larger percentage of witnesses signed a corroborating affidavit—28%, vs. 24% of other witnesses. Second, the percentage of witnesses who ever agreed to participate with the prosecution was higher when EVE staff scheduled an appointment—34%, vs. 29% of other witnesses. Finally, on the most important measure, the last known status of witness participation, the percentage participating was higher when EVE staff scheduled an appointment—23% vs. 19% of other witnesses.

Interestingly, we found that the EVE Project had an even larger effect on the percentage of witnesses who were *not* participating with the prosecution. Again, we examined three measures. First, we found that when EVE staff scheduled an appointment, 39% of witnesses signed a waiver indicating that they did not wish to proceed with the prosecution, compared to 26% of other witnesses. (Some of these witnesses had previously signed a corroborating affidavit). Second, the percentage of witnesses who ever declined to participate with the prosecution was higher when EVE staff scheduled an appointment—58% compared to 48% of other witnesses. Finally, we found that the percentage of witnesses whose last known status was “not participating” was higher when EVE staff scheduled an appointment—55% vs. 47% of other witnesses. All of these differences were larger than the differences observed for measures of witness participation with the prosecution.

At first glance, it may seem surprising, or even alarming, that the effect of appointments scheduled by the EVE staff on the participation rate of witnesses is relatively small, while the effect on the non-participation rate of witnesses was larger. This should not, however, be considered surprising in the context of well-known patterns of witness participation in cases of intimate partner violence. Most witnesses in cases of intimate partner violence in Brooklyn do not participate in the prosecution. If the EVE Project brought more witnesses into the DA's office, as it did, we would expect that most of the additional witnesses would decline to participate with the prosecution, and that only a small proportion of the additional witnesses would participate with the prosecution. Nevertheless, even small increases in the proportion of witnesses participating with the prosecution have the potential to increase the conviction rate.

It is also worth noting that appointments scheduled by the EVE staff were associated with a much lower proportion of cases in which witness participation was unknown—22%, compared to 34% for other cases. Although much of this reduction in the “participation status unknown” category occurred because witnesses made known

their intention *not* to participate, knowing the witnesses' intentions may have helped the ADAs to more efficiently allocate their time. When an ADA knows that a witness is not participating, and establishes that there is insufficient other evidence in the case for a successful evidence-based prosecution, she or he can set the file aside and concentrate on other cases with stronger evidence. While it is not possible to document this with the data we have available, we will return to this issue after examining the impact of the EVE Project on convictions in the next chapter.

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V. EVE'S IMPACT ON CONVICTIONS

In this chapter, we consider whether and how EVE affected the conviction rate in cases of intimate partner violence. As in the previous chapter, we consider two types of evidence: before/after comparisons and cross-sectional comparisons.

A. Before/After Comparisons

In this chapter, we examine conviction rates only for cases in which the defendant was released from custody at some point during the pendency of the case (about 87% of cases in our sample). In our previous study of the video statement program, we found that when defendants were held in custody until disposition, the conviction rate was extremely high and very few other factors were useful predictors of conviction (Peterson 2012). If the EVE Project has an impact on convictions, it is likely to be among cases in which the defendant is released.

Among released defendants in Criminal Court, conviction rates in cases of intimate partner violence increased after the EVE Project was established. Before the EVE Project, the conviction rate for cases disposed in Criminal Court was 22.5% (see Figure 5-1). After the EVE Project was established, the conviction rate increased by 5.2 percentage points to 27.7%.

Figure 5-1: Conviction Rate in Criminal Court Before and After EVE was Established
Released Defendants, Excluding Cross-Complaints

	Before EVE (N=143)	After EVE (N=1,034)
CONVICTION RATE	22.5%	27.7%

Although these results show that the conviction rate was higher after EVE was established in April 2008, important questions remain about the impact of the EVE Project. Did the EVE Project produce the increase in the conviction rate? Were there any differences between cases processed before and after EVE was established that could explain the increase in the conviction rate? If the EVE Project was responsible for increasing the conviction rate, how large an increase can be attributed to EVE and how much is due to changes in other factors that affect convictions? For example, our previous research found that the proportion of defendants asked to make a video statement increased significantly after July 2008 (Peterson 2012, p. 5) and that the video statements increased the conviction rate. Some or all of the 5.2 percentage-point increase in the conviction rate after EVE was established could be due to the increase in the proportion of video statements and not to the EVE Project.

It is also possible that the impact of EVE on the conviction rate might be *larger* than the 5.2 percentage-point increase reported in Figure 5-1. This could occur for several reasons. Just to illustrate one possibility, if the type of cases processed after EVE was established were more difficult to prosecute than before, the conviction rate would have been expected to drop. For example, if after EVE was established there was a decline in the proportion of defendants charged with violating an order of protection, we would expect the conviction rate to decrease, since these cases are more likely to end in conviction than other types of cases (Peterson 2012, p. 88). If the conviction rate increased in spite of this change in the type of cases, it would mean the EVE Project not only compensated for the expected decline in convictions but also produced an additional increase in the conviction rate. In that case the total impact of EVE on the conviction rate would include not only the before/after increase in the conviction rate, but also the prevention of the expected decline in the conviction rate. In this circumstance, establishing the EVE Project would not only have prevented the conviction rate from dropping, but also would have produced an additional increase in the conviction rate. This example is hypothetical—there is no reason to believe that there was a decline in the proportion of defendants charged with violating an order of protection. However, it is important to consider the possibility that the difficulty of prosecuting cases might have increased, and that this increase might have coincided with the establishment of the EVE Project.

To address the questions about the effect of the EVE Project on convictions, we developed a statistical model predicting the likelihood of conviction (see Appendix C for a discussion of the logistic regression models used to predict convictions). Our predictive model enables us to take into account the effect of any changes in the type of cases that might have increased or reduced the expected conviction rate. By taking these effects into account, the model enables us to determine more accurately the total impact of the EVE Project on the conviction rate.

To develop a model, we identified and included a variety of factors that affect the likelihood of conviction. In a previous report, we considered a large number of defendant, case, and incident characteristics that might affect convictions (Peterson 2012). We tested the effects of all these characteristics and developed a statistical model that included only those factors that had a measurable effect on the likelihood of conviction. This model allowed us to evaluate simultaneously the size and direction of the effects of multiple predictors on the likelihood of conviction, and to isolate the independent effect of each predictor. The model presented in this report includes all the same predictors included in our previous report (see Peterson 2012, p. 88, Table 6-1).

In the previous report, we focused primarily on identifying the independent effect of the video statement program. In this study, we report results for a similar model, with several notable differences. First, we present the results in a different format designed to make them easier to interpret. Second, we focus primarily on the impact of the EVE Project rather than the video statement program. Third, we exclude cases of elder abuse that did not involve intimate partner violence. Finally, we weight the analysis to compensate for the oversampling of cases in which the defendant made a video

statement. In the previous study, oversampling enabled us to make more accurate estimates of the effect of video statements, and no weighting was necessary. However, to accurately assess the effect of EVE, we weighted the data so that the proportion of cases with video statements in the DV Bureau case file sample would be the same as the proportion for all DV Bureau cases.

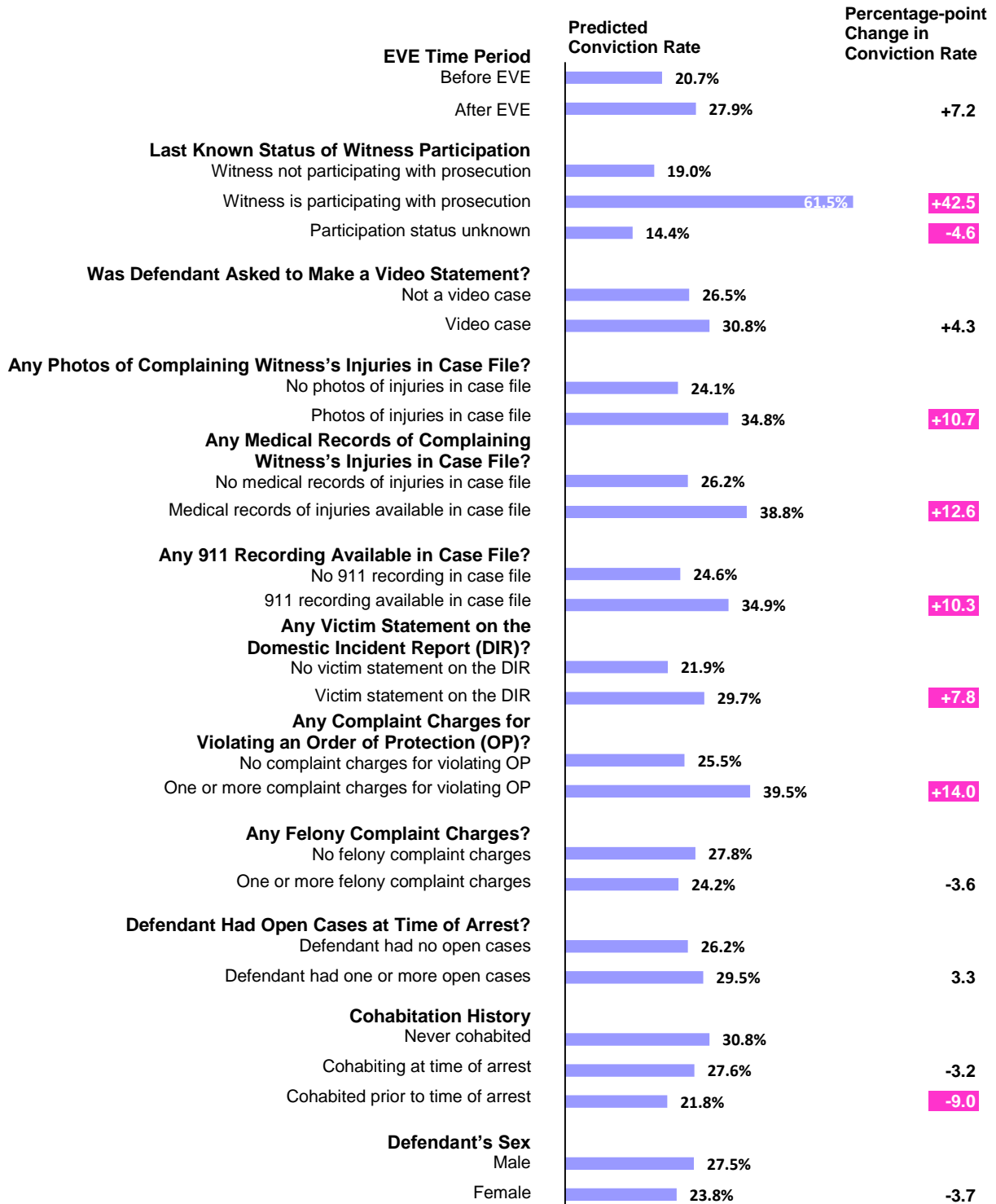
As shown in Figure 5-2, the predicted conviction rate increased from 20.7% to 27.9% after the DA's office established the EVE Project. This 7.2 percentage-point increase was nearly, but not quite, statistically significant ($p < .06$). This difference in the predicted conviction rates before and after EVE takes into account the effects of all the other predictors listed in Figure 5-2. The 7.2 percentage-point increase is larger than the 5.2 percentage-point difference reported in Figure 5-1, when the effects of other predictors were not taken into account. Taking into account changes in types of cases and evidence that coincided with establishing EVE produced a larger estimate of the impact of EVE. This finding suggests that in the absence of EVE, the conviction rate actually would have declined due to changes in the types of cases and evidence.

It is also worth noting that the 7.2 percentage-point increase reported here was considerably less than the 12.2 percentage-point increase found in our previous report (Peterson 2012, p. 88, Table 6-1). There are two reasons for the different findings. First, the 7.2 percentage-point difference was based only on cases of intimate partner violence, whereas the 12.2 percentage-point difference was based on cases of elder abuse as well as of intimate partner violence. Second, the data in the current report were weighted to reflect the true prevalence of cases with video statements, whereas the data in the previous report were not weighted, and cases with video statements were oversampled. In the previous model, there were considerably more cases with video statements after EVE was established, and these cases were more likely to end in conviction. Once the data were weighted to reflect the true distribution of video cases, the effect of EVE was reduced.¹⁴

One other finding in Figure 5-2 is worth noting: the large impact of witness participation status. When the witness was participating with the prosecution, the predicted conviction rate was 61.5%. This was 42.5 percentage points higher than in cases where the witness was known not to be participating with the prosecution. This finding confirms the findings from our previous report, which concluded that when the defendant was released from custody before case disposition, the single most important predictor of the likelihood of conviction was witness participation with the prosecution.

¹⁴ Because this analysis excludes cases of elder abuse and the data are weighted, there are also a few predictors that have weaker effects on the likelihood of conviction and are not statistically significant in this model, when compared to the results in Peterson 2012 (p. 88, Table 6-1). We retained them in the model primarily because they were important predictors in the previous study, and retaining them enables us to make comparisons to the results of that study. Most of the predictors remain statistically significant in the current model.

Figure 5-2: Logistic Regression Model Predicting Likelihood of Conviction in Criminal Court Intimate Partner Violence Cases Before and After EVE was Established
Released Defendants, Excluding Cross-Complaints (N = 1,177)



■ Significant predictors

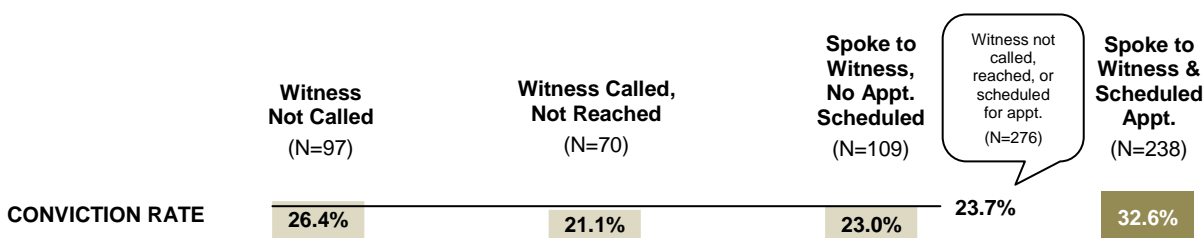
Although the results of this model show that the effect of EVE on the conviction rate was not quite statistically significant, it would not be appropriate to conclude that EVE did not increase convictions. First, the effect was nearly statistically significant, and with a slightly larger sample, the effect would probably be statistically significant. More importantly, the before/after comparison of conviction rates was not a “clean” comparison.

As noted earlier, even after the EVE Project was established, there were many cases that were not part of the EVE Project, and others where EVE staff members were not able to make contact with witnesses or schedule appointments. To get a more accurate assessment of the impact of EVE on convictions, we must look more closely at differences among these types of cases after the EVE Project was established. We turn now to a consideration of the impact of the type of contact with EVE on the likelihood of conviction.

B. Cross-Sectional Comparisons

As we did for the before/after comparisons, we limited our cross-sectional comparisons to cases in which the defendant was released. We began by examining conviction rates by the type of contact EVE staff had with the witness, using the same categories that we used in Chapter 4. We restricted our analyses to cases during the period from April 1, 2009 to December 31, 2009, a period during which we have EVE data on the type of contact with EVE staff. Among released defendants, when EVE staff spoke to the witness and scheduled an appointment, the conviction rate in Criminal Court was 32.6% (see Figure 5-3). When EVE staff didn’t call or reach the witness, or didn’t schedule an appointment the conviction rate was considerably lower, 23.7%. (In these cases, the DA’s office staff contacted victims after they received the case file.) This suggests that having the EVE staff schedule an appointment may have increased the conviction rate by almost 9 percentage points.

Figure 5-3: Conviction Rate in Criminal Court by Type of Contact with EVE Staff
Released Defendants, Excluding Cross-Complaints



The 8.9 percentage-point difference we found for those who scheduled an appointment was larger than the 5.2 percentage-point increase we found in our before/after comparison earlier in this chapter (see discussion of Figure 5-1). Although this finding may suggest that EVE had a larger impact on the conviction rate than we previously estimated, it is not definitive. As noted in our discussion of conviction rates

before and after EVE was established (Figure 5-1), it is important to take into account the impact of other factors that affect the likelihood of conviction. If there are differences between cases for which EVE staff scheduled an appointment and other cases, these differences might be responsible for the differences in the conviction rate. The effect of scheduling an EVE appointment might turn out to be smaller or larger than the 8.9 percentage points reported in Figure 5-3 once we consider the impact of other factors on the conviction rate.

To assess the impact of scheduling an EVE appointment on the likelihood of conviction, we included the same predictors used to evaluate the impact of establishing EVE (see discussion of Figure 5-2 above), except that we used a different measure of the impact of EVE. In this analysis, we divided the cases into two categories: 1) 238 cases where EVE staff spoke to the witness and scheduled an appointment, and 2) 276 cases where the witness was not called, reached, or scheduled for an appointment.

We present two versions of our predictive model (see Figure 5-4). The *first model* includes all the predictors included in the model presented above (see discussion of Figure 5-2 above), except that it *excludes witness participation status* as a predictor of conviction. The second model includes witness participation status, as well as all the other predictors included in the model presented above (Figure 5-2).¹⁵

We first consider the results of Model 1, which does not take into account the effects of witness participation status on the likelihood of conviction. In Model 1, the predicted conviction rate was 32.6% when EVE staff scheduled an appointment, compared to 23.6% when they did not (Figure 5-4, left panel). This difference of 9 percentage points was statistically significant and suggests that the EVE Project substantially increased the conviction rate. The difference was essentially the same as the difference reported in Figure 5-3, which suggests that taking into account all the predictors in Model 1 did not change our estimate of the impact of having the EVE staff schedule an appointment. However, Model 1 does not include witness participation status.

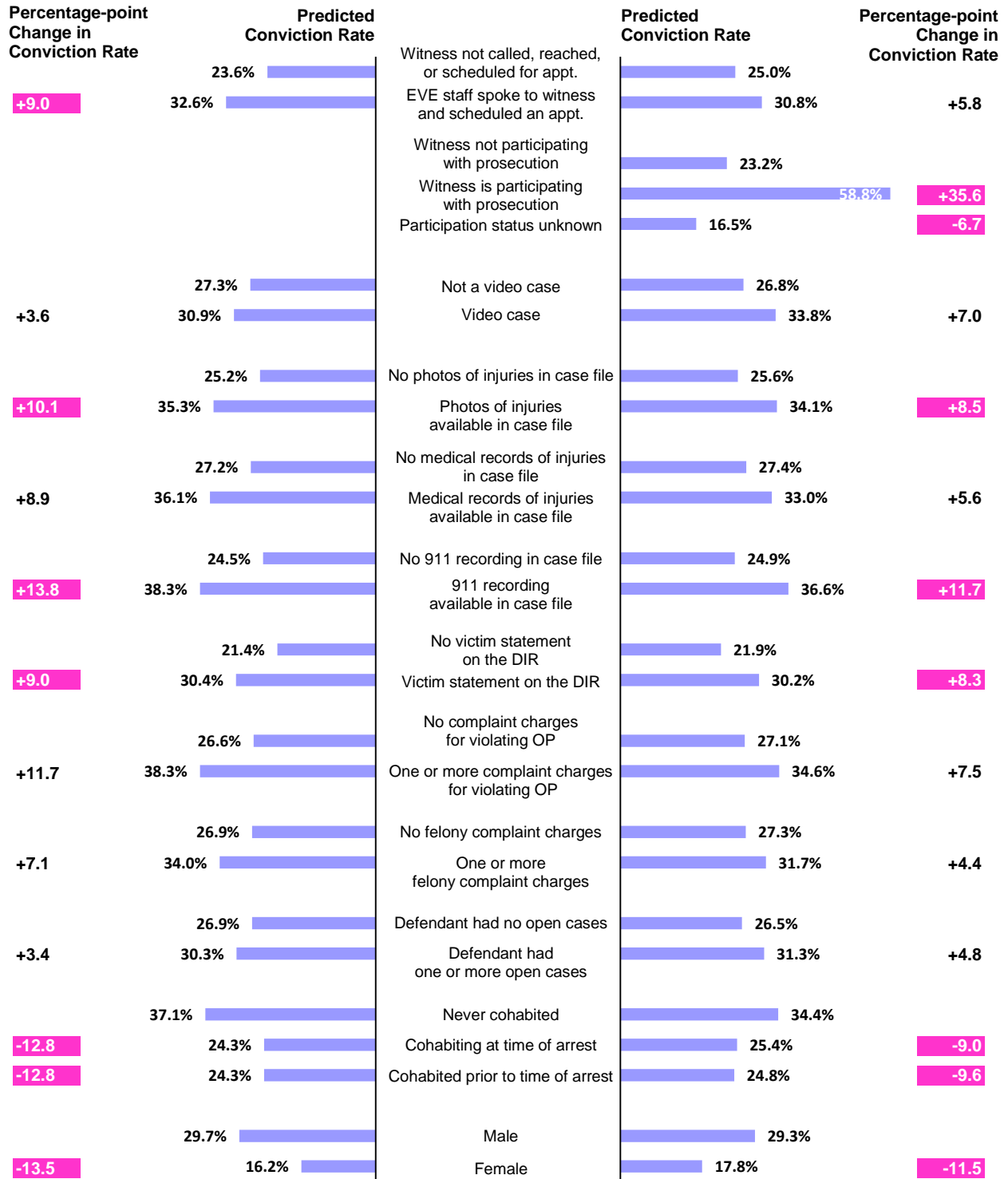
When we included witness participation status in Model 2, the predicted conviction rate when EVE staff scheduled an appointment was 30.8%, compared to 25.0% when they did not (Figure 5-4, right panel). This difference of 5.8 percentage points was not quite statistically significant ($p < .06$). Comparing the results of the two

¹⁵ The magnitude and direction of the effects of the predictors in Figure 5-4 are different than those in the model in Figure 5-2 for several reasons. First, the time period covered is different (April through December 2009 in Figure 5-4 vs. November 2007 through December 2009 in Figure 5-2). Second, the sample size is smaller ($N=514$, compared to $N=1,177$ in the previous model). The smaller sample size may produce less reliable estimates of the effects of the predictors on the likelihood of conviction. Third, the model in Figure 5-4 uses a different, and probably more precise, measure of the impact of EVE on the likelihood of conviction. Because the effect of each predictor in the model takes into account the effects of all the other predictors on the likelihood of conviction, this difference in measuring the impact of EVE could change the measures of the impact of the other predictors.

Figure 5-4: Logistic Regression Model Predicting Likelihood of Conviction in Criminal Court Intimate Partner Violence Cases by Type of Contact with EVE Staff Released Defendants, Excluding Cross-Complaints (N = 514)

Model 1: Excluding witness participation

Model 2: Including witness participation



Significant predictors

models shows that the 9 percentage-point difference is reduced to 5.8 percentage points when the influence of victim participation is taken into account.

Why was having EVE staff schedule an intake appointment associated with a higher conviction rate? One important reason is that witnesses who were scheduled for an intake appointment were more likely to be participating with the prosecution at the time of case disposition. Over one third (3.2 of the 9 percentage points) of the higher conviction rate attributable to EVE staff scheduling intake appointments is directly due to higher rates of victim participation. As we saw in Figure 4-2, about 23% of witnesses who were scheduled for an intake appointment were participating with the prosecution at the time of case disposition, compared to only 19% for other witnesses.

What accounts for the other two thirds of the higher conviction rate? We considered several possibilities. First, we examined whether any of the other predictors in the model could be responsible; none of them accounted for the difference (data not shown). Next, we considered whether the effect of witness participation on the conviction rate was stronger when EVE staff scheduled an intake appointment than when they did not. Again, we found little difference (data not shown). Finally, we considered the possibility that the higher conviction rate is due to factors not available for inclusion in our model. Although it cannot be tested directly, one explanation is that by increasing the information ADAs have about witness participation, they were able to focus their efforts on cases with a better chance of conviction. If this explanation is correct, the EVE Project may have increased the conviction rate not only by increasing the likelihood of witness participation with the prosecution, but also by providing ADAs with information about larger numbers of witnesses who did not wish to participate in the prosecution. ADAs may have been able to prosecute their cases more efficiently because they knew the status of witness participation in more of their cases. This would enable ADAs to focus more attention both on cases with a participating witness and on cases where an evidence-based prosecution was possible even without a participating witness. Although it is not definitive, there is some evidence in model 2 for the credibility of this argument. The conviction rate is 6.7 percentage points higher when the witness is not participating in the prosecution than when witness participation status is unknown. This suggests that ADAs were more successful using evidence-based prosecutions to obtain convictions when they knew the witness was not participating than when they were not sure if the witness was participating.

Overall, model 2 provides evidence that the EVE Project increased convictions by producing a slight increase in the number of witnesses who were known to be participating with the prosecution. It also suggests that the EVE Project may have increased convictions through a second mechanism. It may have increased the efficiency of the ADAs by producing a larger increase in the number of witnesses who were known *not* to be participating with the prosecution.

The results of model 2 are also informative because they indicate how important witness participation is as a predictor of the likelihood of conviction in cases of intimate partner violence. When the witness was participating with the prosecution, the

conviction rate was 58.8%, compared to 23.2% when the witness was not participating. The conviction rate was nearly 36 percentage points higher when the witness was participating than when the witness was not participating. No other predictor in the model had such a large impact on the conviction rate. The next strongest predictor was whether there was a copy of a 911 recording in the case file. The conviction rate when there was a copy of the 911 recording in the case file was 36.6%, 11.7 percentage points higher than when there was not.

C. Summary and Discussion of Findings

This chapter has examined the effect of the EVE Project on the conviction rate in cases of intimate partner violence. First, we examined conviction rates before and after EVE was established to determine the extent to which the conviction rate increased. Second, during the period after EVE was established, we compared cases in which the EVE staff was able to schedule an appointment with the primary complaining witness to those in which the witness was not called, not reached, or was reached but did not agree to come in for an appointment. For both types of analysis, we examined only convictions among defendants who were ever released between arraignment and case disposition. When defendants were held in custody the conviction rate was very high and very few other factors were useful predictors of conviction.

Among released defendants in Criminal Court, the conviction rate increased by 5.2 percentage points after the EVE Project was established, from 22.5% to 27.7%. To determine whether any other changes that occurred at the same time might be responsible for this increase, we developed a predictive model of the likelihood of conviction. The model included measures of the strength of evidence in the case including witness participation with the prosecution, the type and severity of the charges, the defendant's criminal history, the cohabitation history of the victim and the defendant, and the defendant's sex. After accounting for the impact of these other factors on the likelihood of conviction, we found that the conviction rate increased about 7.2 percentage points after EVE was established. The model's larger 7.2 percentage-point estimate indicates that when taking other predictors into account the conviction rate would have been expected to decline slightly in the absence of the EVE Project. The EVE Project not only prevented the decline, but produced an additional increase in the conviction rate.

Although the before/after predictive model suggests that the EVE Project increased the conviction rate, it is not definitive. Many of the witnesses during the "after" period were not contacted by the EVE Project, and others were contacted but did not agree to schedule an appointment. To assess more accurately the impact of the EVE Project, we conducted cross-sectional analyses comparing those who were scheduled for an appointment by the EVE staff to those who were not. The latter group was contacted by the DA's office staff, who attempted to schedule an appointment several days after arraignment. We developed two models—the first model excluded the measure of witness participation, while the second added witness participation as a predictor of conviction. In the first model, we found that when the EVE staff scheduled

an appointment with the primary complaining witness, the conviction rate was 32.6%. This was 9 percentage points higher than the 23.6% conviction rate when the EVE staff did not contact the witness, or contacted the witness but was unable to schedule an appointment.

In the second model, we added the measure of witness participation, and found that the difference between cases with appointments scheduled by the EVE staff and those without was 5.8 percentage points (25.0% vs. 30.8%). When model 2 took the effect of witness participation on convictions into account, the effect of scheduled appointments was smaller than in model 1 when witness participation was not taken into account. Comparing the results of models 1 and 2, we concluded that an important reason for the higher conviction rate when EVE staff scheduled an appointment was that witness participation was higher in these cases.

Although the remaining 5.8 percentage-point difference in model 2 is not quite statistically significant, the size of the difference suggests that there may be additional reasons, aside from witness participation, that the conviction rate is higher when EVE staff schedules an appointment with a witness. One possibility is that EVE appointments also increased the conviction rate because they increased the number of witnesses who came in to the DA's office to indicate that they were not participating with the prosecution. Having this information may have enabled ADAs to invest additional time and effort on cases with stronger evidence (either because the witness was participating, or because other evidence was sufficient for conviction).

VI. CONCLUSION

This report has described the EVE Project operated by the City's Family Justice Center in Brooklyn to contact victims of intimate partner violence by telephone immediately after the defendant is arraigned in Criminal Court. The EVE Project has multiple goals: to provide victims with accurate criminal justice information, including real-time information about the order of protection issued at arraignment, to address victims' safety concerns, to offer advocacy and services to victims, and to schedule victims for an intake interview with the DA's office. This study has examined whether the EVE Project increased victim participation with the prosecution, and whether greater victim participation has increased the conviction rate in cases of intimate partner violence in Criminal Court.

A. Major Findings

This study has addressed three research questions:

- 1) How successful has the EVE Project been in reaching victims and scheduling appointments with the DA's office?
- 2) To what extent has the EVE Project increased victim participation with the prosecution?
- 3) To what extent has the EVE Project increased the conviction rate in cases of intimate partner violence?

First, we found that when EVE staff members called primary complaining witnesses in cases of intimate partner violence, they reached about 80% of them and scheduled appointments with 57% of them. These rates have fluctuated slightly over time; by 2011, over 80% of witnesses were reached, and over 60% were scheduled for an appointment. Moreover, EVE staff members have been able to maintain these rates while reducing the number of phone calls needed to reach witnesses.

Second, we found that when EVE staff scheduled appointments for witnesses, 71% of witnesses came in to the DA's office. When EVE staff did not schedule appointments, about 54% eventually came for an intake appointment in response to subsequent calls from the DA's office or on their own. When EVE staff scheduled appointments, the percentage of witnesses participating with the prosecution was about 4 percentage points higher. Interestingly, we also found that the EVE Project increased the percentage of witnesses who were not participating with the prosecution by about 8 percentage points. Although this initially may seem troubling, it is not a surprising or unexpected outcome. By bringing more witnesses in to the DA's office, the EVE Project enabled ADAs to obtain information about the participation status of a larger number of witnesses. Because most witnesses decline to participate in the prosecution, it is not surprising that bringing more witnesses to the DA's office increased the number of witnesses who were known not to be participating in the prosecution.

Third, we found that the EVE Project increased the conviction rate in cases of intimate partner violence prosecuted in Brooklyn. After considering the effects of other predictors of conviction, we found that when witnesses had an appointment scheduled through the EVE Project, the conviction rate was 9 percentage points higher than when they did not. We also found that one important reason for this increase was that the EVE Project increased witness participation with the prosecution. Although the increase in witness participation was only 4 percentage points, the impact of witness participation on the likelihood of conviction was very strong. When the witness was participating with the prosecution, we found that the conviction rate was nearly 36 percentage points higher. Even the small increase in witness participation produced by the EVE Project had a large impact on the conviction rate. We estimate that over one third of the increase in the conviction rate associated with the EVE Project was directly attributable to increased witness participation.

B. Conclusions

This study has described the operation of the EVE Project and has examined its impact on contact with witnesses, on witness participation with the prosecution, and on the likelihood of conviction in cases of intimate partner violence. The study has also examined the mechanisms by which the EVE Project affected the conviction rate.

We found that the EVE Project was able to schedule an intake appointment for most witnesses in cases of intimate partner violence. The EVE staff was able to reach about 80% of the witnesses for whom they had contact information, and scheduled intake appointments for 57% of the witnesses. We also found that the operation of the EVE Project became more efficient over time. Prior to October 2009, EVE staff scheduled appointments for about 50% of witnesses. After November 2009, the success rate increased to around 60%. Although there were some fluctuations, the success rate remained around 60% through September 2011, the end of the period for which we had data. As the success rate increased, the number of calls per witness declined over time, from 5-7 calls through October 2009 to 3-5 calls thereafter. This suggests that the EVE staff became more efficient at scheduling appointments, and were consistently able to maintain this level of efficiency through September 2011.

Compared to witnesses who were not called, not reached, or not scheduled for an appointment by the EVE staff, witnesses who had an appointment scheduled by the EVE staff were more likely to come in to the DA's office. About 71% of witnesses with appointments scheduled by the EVE staff came to the DA's office, compared to 54% of other witnesses, who either came in on their own, or were subsequently contacted by the DA's office. When witnesses had an appointment scheduled by the EVE staff, they were also more likely to complete the intake interview and to indicate whether they intended to participate with the prosecution. The EVE Project increased the percentage of witnesses who were known to be participating with the prosecution as well as the percentage of witnesses who were known not to be participating. The increase in the percentage of witnesses participating with the prosecution was smaller than the increase in the percentage of those not participating. Nevertheless, we found that the

EVE Project increased the conviction rate by 9 percentage points, from 23.6% to 32.6%, even after considering the influence of other factors, including strength of evidence, that affect the likelihood of conviction.

Why did the EVE Project increase witness participation and the conviction rate? Our findings suggest that early contact with witnesses is important. EVE staff members contact witnesses soon after arraignment and attempt to schedule appointments quickly. If an intimate partner violence case is not covered by EVE, or EVE staff members are not successful in scheduling an appointment, it usually takes several days before the DA's office receives the case file and attempts to schedule an appointment. Witnesses are more likely to come to the DA's office for the appointment, to complete the intake interview, and to agree to participate with the prosecution when the EVE staff reaches them soon after arraignment and schedules an appointment. When the EVE staff does not schedule an appointment, the DA's office may be able to schedule one at a later time (or witnesses may come in on their own), but these appointments do not have the same impact.

The early contact by EVE staff seems to make a difference, presumably because the incident is more recent. When EVE staff members reach the witness at this critical time, the witness may be more receptive to coming to meet with the DA's office and the service providers at the Family Justice Center to learn more about the prosecution of the case and about services that are available. Witnesses who are contacted several days later may be harder to reach, may have less interest in pursuing the case, may have been persuaded or intimidated by the defendant not to participate with the prosecution, or may have responded to the incident in a way that does not involve them in the prosecution (e.g., leaving the relationship, moving away, reconciling with the defendant). The early contact by the EVE staff may also provide stronger motivation for the witness to come to the DA's office because EVE staff members provide timely information about the arraignment and the order of protection, and let the victim know that in addition to meeting with the DA's office about the case, coming to the Family Justice Center will enable them to obtain services and counseling on site.

Our findings also demonstrated that about one third of the 9 percentage-point increase in the conviction rate associated with the EVE Project was directly attributable to its impact on witness participation with the prosecution. Although we had speculated in an earlier report (Peterson 2012) that this was an important mechanism by which EVE increased convictions, the current study was specifically designed to determine the extent to which witness participation was responsible for the increase. Our findings also suggested that EVE may have indirectly contributed to an increase in the conviction rate by bringing more witnesses in and by providing more information to ADAs (and providing it earlier) about which of those witnesses were *not* participating with the prosecution. In these cases, ADAs could then concentrate on developing an evidence-based prosecution, or if that was not possible, could set the file aside until the witness decided to participate or the case was dismissed. Although we have no information available to document that ADAs allocated their time in this manner, it is clear that the EVE Project increased the number of witnesses who expressed their desire not to

participate in the prosecution. We can only speculate that this information was valuable to ADAs and that they may have allocated their time accordingly.

Although the current study provides valuable information about the EVE Project and its impact, it is not a comprehensive evaluation of the EVE Project. This study did not have data to assess EVE's ability to provide victims with accurate criminal justice information about the arraignment and order of protection, to address victim's safety concerns, and to offer advocacy and services to victims. A comprehensive evaluation would require an assessment of those goals, of victims' use of services at the Family Justice Center, and of victim satisfaction. Furthermore, a full assessment of EVE's impact on victim participation and convictions would require a survey of victim satisfaction with the DA's office and with the prosecution and disposition of the defendant's case. It would also be useful to determine whether witnesses who were scheduled for an appointment by the EVE staff but who did not participate in the prosecution of the case are more likely to participate in the prosecution in the future if they are a witness in another case of intimate partner violence. Nevertheless, in spite of these limitations, the current study has provided a focused view of the operation of the EVE Project and of its impact on two outcomes of interest to the DA's office: victim participation and convictions.

C. Best Practices for Prosecuting Intimate Partner Violence Cases

In the concluding section of this report, we summarize what we have learned from this study about best practices for early victim engagement in cases of intimate partner violence.

First, early victim engagement can increase, albeit modestly, the rate at which victims participate with the prosecution in cases of intimate partner violence. Previous research indicates that victim participation rates vary considerably, and prosecutors are accustomed to the frequent need to proceed with these cases without victim participation. When victims are not participating, prosecutors attempt to develop an evidence-based prosecution, relying on evidence other than victim testimony. Considerable effort has been invested in evidence collection and training for evidence-based prosecution, and it will continue to be an important strategy. However, the current study makes clear that efforts to increase victim participation can also be successful.

Our findings suggest that establishing other programs to increase witness contact and participation might also be valuable. For example, our findings showed that although a high percentage of witnesses scheduled for an appointment by the EVE staff actually came in to the DA's office and completed the intake interview, less than half ever agreed to participate with the prosecution and less than a quarter were still participating at the time the case was disposed. Although it is clear that many victims have valid reasons for not participating and are unlikely to change their minds, there may be ways to engage more of the victims who do come in and encourage them to participate. Reducing waiting time, providing more information about how cases are

processed, or adopting other strategies might increase victim participation. Determining what might be effective, or even what might be worth trying, is beyond the scope of this study. However DAs who believe increasing victim participation is not possible should re-evaluate their position, and consider implementing new strategies to encourage victim participation.

Second, the current study suggests that expanding efforts at early victim engagement can improve the conviction rate in cases of intimate partner violence. The striking finding in the current study is that contacting victims early, providing them with real-time information, and scheduling them for an appointment with the DA's office can increase victim participation, and ultimately the conviction rate, in cases of intimate partner violence. Victim participation is by far the strongest predictor of the likelihood of conviction. Even small increases in victim participation are valuable because, at least in the jurisdiction studied here, victim participation has such a large impact on the conviction rate.

The EVE Project's impact on the conviction rate differs from the results of the study of the Denver Coordinated Triage Intervention Project, which found that early victim engagement increased victim participation, but not convictions (DePrince et al. 2012a). One reviewer has argued that although the Denver study reports no increase in convictions, it is noteworthy that convictions did not decline. This finding addresses concerns that early victim engagement, by giving victims access to services, might reduce victims' interest in participating with the prosecution and reduce convictions. The Denver study demonstrates that early victim engagement "does not interfere with traditionally positive outcomes in the criminal justice system" (Garvin 2012). However, the results of the current study of the EVE Project suggest an even stronger conclusion: early victim engagement may actually improve outcomes in the criminal justice system, notably the likelihood of conviction.

Third, by increasing the number of victims who come in to the DA's office, early victim engagement enables more victims to let the DA's office know whether or not they wish to participate in the prosecution. For an ADA, it may be valuable to know when a witness is *not* participating with the prosecution. Knowing this enables the ADA to focus on developing an evidence-based prosecution or, failing that, to set the case aside and focus on other cases. When an ADA has a heavy caseload, information about the participation status of witnesses allows for a more efficient allocation of time and effort.

Finally, even when a witness does not participate, and even when there is no conviction, early victim engagement can provide ancillary benefits for victims and for the DA's office. The EVE Project's dual focus on connecting victims to services and counseling and on scheduling victims for intake appointments with the DA's office is especially important. Linking victims to services provides an additional way to make contact with them, and they may eventually decide to participate in the prosecution. Even when they do not, it addresses other goals, including increasing victim safety, providing economic and housing assistance, and offering counseling. Most importantly, in the event of another incident, the victim will have already established connections to

the Family Justice Center and the DA's office that can be a valuable resource in a time of crisis. Locating community-based and criminal justice services in one place makes it easier for victims to receive holistic services.

Our findings on the impact of the EVE Project demonstrate the importance of focusing on both victim services and criminal justice goals. Engaging victims, informing them about the criminal case, providing them with real-time information about the order of protection issued at arraignment, and offering services are strategies that enable the DA's office to achieve multiple goals. An exclusive focus on obtaining victim participation with the prosecution may be counterproductive. A broader approach, which addresses a variety of a victim's concerns, may produce better victim outcomes, and encourage some victims to participate in the prosecution of the current case or a future case. This should be part of the prosecution strategy if possible, even though it may not have a direct impact on convictions, and even if the indirect effect is small.

VII. REFERENCES

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APPENDIX A: FAMILY JUSTICE CENTER BROCHURE

PARTNERS:

- Arab American Family Support Center, Inc.
- Association of Hispanic Ministers
- Barrier Free Living
- Catholic Charities
- Center Against Domestic Violence
- Christian Cultural Center
- Church Avenue Merchants Block Association
- Department for the Aging
- Department of Information Technology and Telecommunications
- Department of Probation
- Dwa Farm
- Good Shepherd Services Safe Homes Project
- Health and Hospitals Corporation
- Help Roads/Help USA
- Human Resources Administration
- Jewish Association for Services for the Aged
- Jewish Board of Family and Children's Services
- Kings County District Attorney's Office
- Long Island College Hospital Chaplaincy Program
- Long Island College Hospital
- Metropolitan Council on Jewish Poverty
- New Destiny Housing Corporation
- New York Asian Women's Center
- New York Board of Rabbis
- New York City Housing Authority
- New York City Police Department
- New York Legal Assistance Group
- New York State Crime Victims Board
- New York State Division of Parole
- New York City Anti-Violence Project
- Ohel Children's Home and Family Services
- Puerto Rican Family Institute
- Safe Horizon
- Sanctuary for Families
- South Brooklyn Legal Services
- STEPS to End Family Violence
- TAMMEEN - The Center for Arab American Empowerment
- Urban Justice Center
- Women Working for a Better Community/Hope Gardens

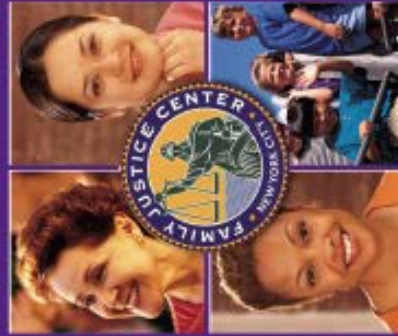
If you or someone you know is a victim of domestic violence, help is available.

In case of emergency, call 911
 For other City services, call 311
 NYC Domestic Violence Hotline
 1-800-621-HOPE (4673)
 1-866-604-5350 (TOLL)
 All of the above offer 24-hour assistance in all languages.

OTHER RESOURCES:

- Child Abuse and Maltreatment Hotline (New York State Central Register)
 1-800-342-3720
- Elderly Crime Victims Resource Center (NYC Department for the Aging)
 212-442-3100
- New York Immigration Hotline
 1-800-559-7636
- NYPD Sex Crime Report Hotline
 212-267-9496 (7273)
- Victim Notification Everyday (VINE) Program (NYC Department of Correction)
 1-866-VINE-4NY (6463-469)
- Youthline
 (NYC Dept. of Youth and Community Development)
 1-800-246-4646

**New York City
 Family Justice Center
 350 JAY STREET, 15TH FLOOR
 BROOKLYN, NEW YORK 11201
BROOKLYN**



Michael R. Bloomberg
 Mayor

**Mayor's Office to
 Combat Domestic
 Violence**

- Ydandi B. Jimenez
 Commissioner
- Charles J. Hynes
 District Attorney
 Kings County
 District Attorney's Office



Michael R. Bloomberg
 Mayor

What is the Family Justice Center? The New York City Family Justice Center in Brooklyn is a walk-in center for all domestic violence victims and their children. To make it easier for you to get help, many agencies are located at the Center. Services are free and available to all victims. We can help you regardless of what language you speak.

When you visit the Center, you can expect a safe and soothing environment with one-on-one services and support. On your first visit to the Center, you will meet with a client specialist who will speak with you about what services you might need. The client specialist will then link you to a care manager, who will be your guide at the Center.

The Center is located in a building with security to ensure your safety. You should go to the special Family Justice Center security desk in the lobby to check in. You will then be asked to go through a metal detector before entering the Center. Please bring picture identification.

EVERYONE has the right to live in a home where they feel safe. You are not alone. The New York City Family Justice Center is here to help you.

LOCATION & DIRECTIONS:

350 Jay Street in downtown Brooklyn
SUBWAY: Take the A, C, or F train to Jay Street, the 2, 3, 4, or 5 train to Borough Hall, or the M or R train to Lawrence Street.

BUS: The B25, B26, B55, B61, B64, B67, B61, B66, B67, and B75 buses all stop near the Center.

HOURS OF OPERATION:

Monday through Friday 9:00 a.m. to 5:00 p.m.

The Family Justice Center is a walk-in center. If you are returning for continued services, you should schedule a follow-up appointment. (718) 350-5111.

How can the Family Justice Center help me?

CASE MANAGEMENT You can meet with a case manager to discuss how to stay safe and learn about what services at the Center can help you.

COUNSELING Counseling is available for you and your children. Both one-on-one counseling and support groups are available at the Center.

LEGAL INFORMATION Lawyers and paralegals are available to speak with you about legal issues such as custody, visitation, and immigration.

POLICE Domestic Violence Prevention Officers from the New York City Police Department at the Center will assist you with reporting a crime or give information to you about how the police can help you to stay safe.

PROBATION A Probation Officer can help you if the person hurting you is currently on probation.

PROSECUTION The Domestic Violence Bureau of the District Attorney's Office is located in the Center and will work with you because domestic violence is a crime and can answer any questions you may have about the criminal justice system.

CHILDREN'S ROOM, MARGARET'S PLACE Your children, age 3 or older, can play in the Children's Room while you get help at the Center.

ELDER ABUSE SERVICES Social workers, lawyers, and district attorneys are here to help you if you are experiencing elder abuse.

SELF-SUFFICIENCY SERVICES The Self-Sufficiency Coordinator can help you with public assistance information, job training, and educational programs.

SPIRITUAL SUPPORT Faith leaders/volunteer at the Center to provide you with support.

Staying Safe

If you are being abused these steps may help you stay safe:

- Call 911 if you are in danger or have been hurt by your partner.
 - Teach your children to use the telephone to call the police and go to a safe place during a violent incident.
 - Identify a safe place to go in case of an emergency, such as your local police precinct.
 - Lock all windows and doors at night and when you leave your home.
 - Inform your children's school/daycare about who has permission to pick them up.
 - Request to have your telephone number changed to an unlisted number.
 - Keep your home address confidential and, if possible, do not tell the abuser where you live.
 - Avoid going out alone.
 - Change your route to and from work often.
 - If possible, have someone screen your calls at work, request that your office telephone number and email address be changed, and vary your schedule.
 - In case you need to leave quickly, you should gather important documents:
 - Passports/Green cards/Work permits
 - Social Security cards/Birth certificates
 - Bank account details/House deed/Lease
 - Order of protection
 - Custody/Visitation orders
 - Marriage license
 - Children's immunization/school records
 - Address book and a calling card
- Pack a bag with money, extra keys, clothes, medicine, and important documents – leave it in a safe place or with someone you trust.

APPENDIX B: DETERMINING THE MOST SEVERE CHARGE

To determine the most severe charge among a list of charges, CJA uses the charge designated by the Office of Court Administration (OCA) as the most severe charge. OCA bases its determination, in turn, on an algorithm developed by the New York State Division of Criminal Justice Services (DCJS). The algorithm is too complex to describe completely, but it proceeds sequentially through a series of steps as it compares pairs of charges to determine which one ranks as the most severe charge. If there are more than two charges in a list (e.g., four arrest charges), the algorithm compares all possible pairs to rank the charges and determine their rank order.

Six factors are used to determine the rank order of charges.

First, the two charges being compared are ranked according to statutory class and category, as shown in the table below:

<u>Class</u>	<u>Category</u>	<u>Rank</u>
A1	Felony	High
A2	Felony	
A3	Felony	
B	Felony	
C	Felony	
D	Felony	
E	Felony	
A	Misdemeanor	
B	Misdemeanor--completed	
B	Misdemeanor--attempted	
U	Misdemeanor (unclassified)	
	Violation	
	Infraction	
	Unspecified offenses	Low

Second, if the two charges are in the same statutory class and category, the algorithm next uses Harm/Armed/VFO attributes to assign a rank. This factor takes into account statutory increases in sentencing for violent and armed felonies and similar charges.

Third, if two charges still have the same rank, they are ranked according to other Harm/Destruction attributes (e.g. who committed the crime, with whom did they commit the crime, was a weapon used).

Fourth, charges involving criminal solicitation, criminal conspiracy, attempts, and criminal facilitation are ranked below VFO offenses which contain only potential or implied injury, which in turn are ranked below VFO offenses which contain actual injury/harm.

Fifth, completed A1, A2, and A3 felonies are ranked above attempted A1, A2, and A3 felonies, and Law titles are ranked as follows:

<u>Type of Law</u>	<u>Rank</u>
Penal Law	High
Vehicle and Traffic Law	
Environmental Conservation Law	
All other laws	Low

Finally, if charges are still tied, then the charge with the highest ordinal assigned by DCJS (usually a charge defined in a newer statute) will rank first.

Further information about the methods for ranking charges is available at the DCJS web site: <http://www.criminaljustice.ny.gov>

APPENDIX C: LOGISTIC REGRESSION ANALYSIS

This report used logistic regression to develop statistical models that predict the likelihood of conviction. Statisticians use logistic regression models when the outcome to be explained (the *dependent variable*) has two categories. In the models presented in this report, the dependent variable was conviction. We coded each disposed case in one of two categories: *not convicted* (coded 0), including dismissals, acquittals, and ACD's, or *convicted* (coded 1), including pleas of guilty and findings of guilty after a trial.

The models predicted the likelihood of conviction using information about a variety of defendant and case characteristics (the *independent variables*). Logistic regression models produce several statistical measures to evaluate the effect of the independent variables. The current study examined two statistical measures to evaluate the effect of the independent variables on the dependent variable.

Statistical Significance. First, we report the *statistical significance* of each independent variable. A statistical significance test takes into account the size of the sample as well as the magnitude of the effect of the independent variable on the outcome. Effects estimated from larger samples are more likely to be statistically significant, and larger effects are more likely to be statistically significant. By considering the size of the sample and the size of the effect, the statistical significance test assesses the probability that the effect of the independent variable observed in the sample could have occurred by chance alone. In this report, following standard convention, we considered significance levels of less than .05 as statistically significant. In other words, when the effect that we observed had less than a 5% probability of having occurred by chance alone, we concluded that the independent variable was a statistically significant predictor of the likelihood of the outcome.

One weakness of using statistical significance to measure the effect of an independent variable is that when sample sizes are large (e.g., more than several thousand cases), many independent variables have statistically significant effects even when the size of their effects is small. For example, in a very large sample, we may find that whether an arrest is made on-scene has a statistically significant positive effect on the likelihood of conviction, even though the conviction rate for on-scene arrests is only one percentage point higher than for off-scene arrests. In this hypothetical example, we can say that the positive effect of an on-scene arrest on the likelihood of conviction is unlikely to be due to chance. However, it is also clear that knowing whether an arrest was made on-scene does not explain much of the variation in likelihood of conviction.

Change in the Conviction Rate. The second statistical measure we used to evaluate the effect of the independent variables is the *change in conviction rate*. The change in conviction rate supplements information about statistical significance by evaluating the magnitude of the effect of the independent variable on the outcome. Specifically, it tells us how much the conviction rate changes for each one-unit increase in the independent variable. If an independent variable is coded in two categories (e.g., 0 and 1) then the change in conviction rate tells us how much the predicted conviction

rate differs between the two categories of the independent variable.¹⁶ A change in conviction rate greater than zero indicates an increase in the likelihood of the outcome occurring, while a change in conviction rate less than zero indicates a decrease in the likelihood of the outcome occurring. A change in conviction rate of zero, or close to zero, indicates that the independent variable does not affect the conviction rate.

To return to our previous example, if the change in conviction rate for the effect of an on-scene arrest on the likelihood of conviction was 1.0%, this would mean that in cases in which the defendant was arrested on-scene, the conviction rate was 1.0% higher than in cases in which the defendant was arrested off-scene. In contrast, if we examined the impact of whether the defendant was female, we might find a change in conviction rate less than zero. For example, if the change in conviction rate was -8.5%, this would mean that in cases in which the defendant was female, the conviction rate was 8.5 percentage points lower than when the defendant was male. (These examples are hypothetical and do not necessarily reflect our expectations about the findings.)

In logistic regression analyses, results may be presented for independent variables coded in three different ways: categorical variables that have two categories, categorical variables that have more than two categories, and continuous variables that measure the quantity of a defendant or case characteristic. When a categorical independent variable has two categories, the change in conviction rate measures the change in the likelihood of conviction when cases are in one category vs. the other (e.g., the defendant was arrested on-scene vs. off-scene). When a categorical independent variable has more than two categories, one of the categories is chosen as a **reference** category, and the change in conviction rate for each category measures the effect of being in that category vs. being in the reference category. For example, defendants cohabiting at the time of arrest (category 1) and defendants who cohabited previously (category 2) are each separately compared to defendants who never cohabited (category 3), which is used as the reference category. Finally, when the independent variable is continuous, the change in conviction rate measures the change in the likelihood of conviction associated with an increase of one unit of the continuous independent variable (e.g., for number of arrest charges, the change in conviction rate measures the effect of having one additional arrest charge). Because this change in conviction rate may be different at different numbers of arrest charges, we measure the effect at the mean (average) number of arrest charges, to represent a typical case.

In the current study, we used the statistical significance level to distinguish those independent variables that had a detectable¹⁷ effect on the dependent variable from those that did not. We used the change in conviction rate to evaluate the size of the

¹⁶ The predicted conviction rates are the average predicted probabilities for each category, calculated using StataCorp's (2011) marginals procedure.

¹⁷ Due to sampling error, and limitations of logistic regression techniques, it is possible that some independent variables that do affect the dependent variable are found to be statistically insignificant in our particular sample of cases. See Mohr (1990) for a further discussion of this issue.

effect of the independent variable, and we used the standardized *beta* to evaluate the ability of the independent variable to account for variation in the dependent variable.

Net effects. The models we discuss include a large number of predictors of the dependent variable. In these models, the measures of the effect of each independent variable (statistical significance, change in conviction rate, and standardized *beta*) evaluate the effect of that independent variable *after controlling for the effects of all the other independent variables in the model*. These effects represent the *net effect* of a given independent variable after the model takes into account the effect of all the other independent variables. This net effect differs from the *total effect* of the independent variable, which is the effect of the independent variable when it is the only predictor of the dependent variable.