



Gender, Victimization, and Victim Service Needs Among Community Court defendants

A Research-to Practice Fellowship Project

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Center for Victim Research

The [Center for Victim Research](#) (CVR) is a one-stop resource center for victim service providers and researchers to connect and share knowledge. Its goals are to increase 1) access to victim research and data and 2) the utility of research and data collection to crime victim services nationwide. CVR's vision is to foster a community of victim service providers and researchers who routinely collaborate to improve practice through effective use of research and data.

Accordingly, CVR engages in a number of training and technical assistance activities to support victim research-and-practice collaborations. Specifically, CVR:

- Hosts a library of open-access and subscription-based victim research;
- Provides light-touch research-focused technical assistance to victim service providers;
- Translates research findings for the field in fact sheets, reports, and webinars; and
- Highlights useful research-and-practice tools and training resources for the field.

CVR also supports two types of [researcher-practitioner collaborations](#): interagency VOCA-SAC partnerships and local-level Research-and-Practice (R/P) Fellowships. In 2018, CVR's R/P Fellowship program supported nine teams of researchers and practitioners engaging in a variety of victim-focused research projects. Fellows were engaged in emerging, ongoing, or advanced research-and-practice partnerships. This report describes activities by one of CVR's 2018 R/P Fellowship teams.

R2P Fellows: Organizational Descriptions

Dr. Alesha Durfee is an Associate Professor in the School of Social Transformation at Arizona State University. She has previously received funding from the National Science Foundation (Grant no. 1154098) and the National Institute of Justice (Grant No. 2015-IJ-CX-0013) for her research on legal interventions in domestic violence cases. Her work has been published in journals such as *Violence Against Women*, *Crime & Delinquency*, *Violence and Gender*, and *Gender & Society*. Her research on protection orders and other legal interventions for IPV has been cited in reports to Congress (Office of Violence Against Women, 2010), by policy organizations such as Wider Opportunities for Women (2012), and used by the National Center on Domestic Violence, Trauma & Mental Health (2014). She regularly teaches doctoral level quantitative and mixed methods courses at ASU, and has served as a victim advocate for law enforcement.

The Mesa Municipal Court is one of three "large volume" courts in the State of Arizona. The high volume of cases includes a significant number of PO requests. The Mesa Court is considered a "national model" by the National Center for State Courts and has a reputation for being progressive and creative in developing new programs and procedures enhancing the judicial process. In the past 10 years, the Mesa Municipal Court has led the state in developing programs of pre-trial release without cash bonds, piloted local resolution of competency issues that was the basis for legislative change, and recently initiated the first Community Court in the State of Arizona.

Description of the Problem

“Community” courts provide a holistic approach to linking chronic, low-level offenders with a wide array of treatment and resources designed to address the social problems that are associated with their offending. These diversionary courts decrease recidivism through service provision, and increase court efficiency through intensive case management, resulting in quicker dispositions and decreased caseload. Their holistic approach distinguishes them from problem-solving courts, which focus on only one particular social problem (usually drugs or mental health, though there are specialized courts that focus on other issues). One critique of specialized courts is their focus on one issue—addiction, mental health, housing instability—while their defendants are dealing with a myriad of co-occurring issues. For example, some “drug court programs are not equipped to provide the necessary mental health referrals and treatment” for their defendants (Henry & Kralstein, 2011). By linking defendants to a wide variety of resources, community courts can address a host of different needs.

Analyzing the need for victim services among community and problem-solving court defendants is critically important for three reasons.

First, from a victimization perspective, many of the defendants involved in these courts are highly marginalized and are vulnerable to a myriad of forms of victimization. Because of these adverse life circumstances, they have high degrees of exposure and vulnerability to violence. Previous research by the Urban Institute on 29 drug courts in the U.S. indicates that 31% of defendants were physically victimized in the year prior to their involvement in drug court, and another 9% were sexually victimized (Zweig, Yahner, & Rossman, 2012). Victims of physical and sexual victimizations were more likely to evince signs of antisocial personality disorder, depression, and were more likely to be frequent drug users. Defendants in community and problem-solving courts are distinctly different than defendants in traditional courts, and are more likely to be in need of victim services in order to help them cope with trauma and victimization.

Second, from a court perspective, providing victim services to defendants in community and problem-solving courts makes sense as these defendants have unique challenges and needs. Traditional responses to offending rely heavily on deterrence—individuals will not engage in criminal activity if the costs of that behavior outweigh the benefits. However, this type of response is ineffective with marginalized defendants. Defendants in these specialty courts are in active crisis, and it is unlikely they will successfully complete their court requirements if they cannot achieve stability. Screening defendants for victimization, and addressing the resulting trauma from that and other victimizations, can dramatically increase their chances of achieving safety, stability, recovering from crisis, complying with and successfully completing their court requirements, and desisting from criminal offending. Creating training materials and protocols for court staff and law enforcement who routinely come into contact with community court defendants and other highly marginalized individuals will help courts

create a more effective, efficient, and compassionate workforce, which can lead to better outcomes for defendants, including greater satisfaction with the process, an increased sense of procedural justice, and a higher likelihood of desistance from offending.

Third, from a research perspective, there has been scant attention to gender and community courts, even though pathways to delinquency and criminal offending are gender specific (Belknap & Holsinger, 2006; Chesney-Lind & Pasko, 2013; Wattanaporn & Holtfreter, 2014). Previous research on these courts indicates that the gender of the defendant is a statistically significant predictor of outcomes; in a study by Reich and colleagues (2014), women were significantly more likely to complete court mandated terms than were men. Differences by gender are likely due to gender differences in the trauma and victimization that are the precursors to homelessness, addiction, and un-/under-treated mental illness, which then leads to the types of offending addressed in community and problem-solving courts.

Addressing the Problem

Dr. Alesha Durfee and the Mesa Municipal Court were recipients of a 2015 National Institute of Justice Researcher-Practitioner Partnership grant to analyze protection order outcomes among several participating courts. This pre-existing partnership was a key reason why they could complete the current CVR Fellowship project on community courts and victimization in the time afforded. Dr. Durfee had already become familiarized with court staff and procedures, and both Dr. Durfee and Mesa Municipal had built a relationship of trust necessary to complete this type of analysis.

The receipt of the CVR fellowship allowed for the expansion of the existing partnership from a focus on civil courts and protection orders to the criminal courts and the Mesa Community Court (MCC), which began in July 2018. Dr. Durfee attended staffing meetings for the MCC, and observed several days of court hearings. Out of this partnership, two main research questions emerged:

- 1) What is the victimization rate (both lifetime and in the last year) among MCC defendants?
- 2) Do victimization rates differ between men and women who are MCC defendants?

Data Sources

In order to answer these research questions, Dr. Durfee collected both quantitative and qualitative data. The quantitative data consists of 106 surveys with MCC defendants collected between April and June 2019. Surveys were done one-on-one with Dr. Durfee either when defendants were waiting for their case to be called or after their case was finished. The survey questions asked about demographic information, homelessness and housing, the criminal charges defendants were facing, employment, income, their current needs, and whether they had experienced any of seven types of victimization (had item(s) stolen, threatened, threatened with a weapon, physically assaulted, sexually assaulted, experienced domestic violence, or were stalked). Any respondents who answered yes to any victimization question were asked if they wanted victim services, either through the court or a referral to a local service provider. All participants were given a \$10 gift card as compensation for their participation. It is important to note that survey respondents were more likely than MCC defendants as a whole to be women (45% vs. 28%). This was indirectly beneficial as over-sampling women allowed us to be more confident of our victimization rates for women, but it likely increased the victimization rate of the sample as a whole. A table containing the demographic characteristics of the survey sample can be found in the Appendix (Table 1).

The second source of data is five semi-structured interviews with MCC defendants. Interviews were conducted at a public park near the courthouse. Interviews focused on defendants' experiences with law enforcement, the legal system, and Community Court. All interviews were audio-taped with the consent of the interviewee. All interviewees were given a \$20 gift card as compensation for their participation. These interviews provided some qualitative insights into the quantitative data analyses.

Results

The analysis of the survey data indicated that MCC defendants were victimized at high rates, both for lifetime victimization and victimization in the last year. A table containing these victimization rates can be found in the Appendix (Table 2). Eighty-one percent of MCC defendants had something stolen from them in the last year (92% lifetime rate). Defendants reported that these items often included their birth certificates and identification, which prevented them from accessing governmental benefits and resources. Although a local agency would assist them in obtaining new documents, there was a limit on assistance of once every six months. Some defendants, especially those who lived outside and had no way to secure their belongings, would have everything stolen from them more frequently than every six months, and thus were not always able to get new ones. They also reported that stolen items included papers containing information about their court dates, appointments with service providers, and contact information for the MCC and service providers, which caused them to miss

important appointments and court hearings. Women were significantly more likely than men to have items stolen from them in the last year (92% vs. 72%).

Fifty-eight percent of MCC defendants had been threatened in the last year (71% lifetime rate), and 32% had been threatened with a weapon (54% lifetime rate). While women were not significantly more likely than men to have been threatened in the last year (58% vs. 52%), they were significantly less likely than men to have been threatened with a weapon (21% vs. 41%).

In contrast, women were significantly more likely than men to have experienced every other form of victimization both in their lifetime and in the last year. In their lifetime, 81% MCC female defendants have been physically assaulted (52% men), 73% have been subjected to domestic violence (43% men), 67% have been sexually assaulted (21% men), and 52% have been stalked (29% men). These rates are exceptionally high when compared to lifetime rates for U.S. women (36% for domestic violence, 44% for sexual assault, and 16% for stalking) and U.S. men (34% for domestic violence, 25% for sexual assault, and 6% for stalking) (Smith et al, 2018).

In the last year, MCC defendants were also far more likely than the general U.S. population to experience domestic violence (40% MCC women and 14% MCC men versus 6% U.S. women and 5% U.S. men) and stalking (29% MCC women and 16% MCC men versus 4% U.S. women and 2% U.S. men) (Smith et al, 2018). MCC female defendants were more likely to experience sexual assault in the last year than were U.S. women in general (25% MCC women versus 5% U.S. women) (Smith et al, 2018). No MCC male defendants disclosed that they had been sexually assaulted in the last year.

These high victimization rates may be due in part to the vulnerability that is associated with homelessness—especially sleeping outside. Thirty-eight percent of the sample slept outside the night before being surveyed, and only 41% had any kind of stable housing arrangement. Some respondents specifically linked their victimizations to being homeless—and especially to sleeping outside. These spells of homelessness were prolonged—the median number of months homeless for the full sample was 14, with longer spells reported for men (24 months) than women (12 months). Without outside resources, their living situation was unlikely to change as only 33% of the sample had an income and only 23% were working at the time of the survey.

However, gender plays an important role in understanding MCC defendant victimization rates. MCC female defendants (both during the surveys and in the interviews) explicitly linked their physical and sexual victimization to their vulnerability because they were homeless. Lisa (all names are pseudonyms to protect the identity of the interviewee), an MCC defendant, said that “it’s dangerous to be a single women on the street because people take advantage of you”, especially “younger and smaller women”, who “get more taken advantage of” by men (Interview #4). When single, she had been “cracked in the head with a baseball bat” when a man stole money from her and she resisted. Another man “hit” her in the face when he “thought I

would give him sexual favors and I didn't." On a separate occasion, when she was sleeping alone, she "woke up to a man unzipping his pants". Fortunately, he ran away when he saw that she had woken up. Lisa carried a knife at all times and found a boyfriend in order to avoid those dangers. In a separate interview, Lisa's boyfriend Todd agreed that "on the streets, men, we are stronger than women....some of the men will rape the women, and women here have to have somebody with them to watch their back" (interview #5).

While MCC female defendants may have been safer on the streets with a male partner, this left them more vulnerable to domestic violence. They often stayed with abusive men in order to manage the threat of stranger physical and sexual assault. Tamara stayed with her boyfriend who had "PTSD and anger issues", "liked knives", and had previous "choked" her because "I love him.... and I would like to go to sleep at night" (interview #1). She described the area of Mesa that she lived in as "scary", and that she always slept with "a knife under my pillow and a phone beside me". Although her boyfriend was violent enough that she had a current protection order against him, it was easier for her to take steps to protect herself against him than for her to live as a single woman on the streets. In order to stay safe when her boyfriend is drinking, "I take his knife, I take his wallet, I hide" but she stays in the abusive relationship because "if someone tries to hurt me, he will hurt them".

Implications for Policy and Practice

This pilot project is one of the first to estimate victimization rates among community court defendants by gender. One of the primary goals of community and problem-solving courts is to reduce recidivism by addressing problems underlying chronic, low-level offending, such as homelessness and substance use. However, few courts screen for victimization and offer victim services to defendants. This is especially problematic as victimization, and the resulting trauma from victimization, is a primary pathway to criminal activity, especially for women (Belknap & Holsinger, 2006; Chesney-Lind & Pasko, 2013; Wattanaporn & Holtfreter, 2014). In both surveys and interviews MCC defendants described the many ways in which past victimization, as well as their current risk of victimization, posed substantial barriers in regaining their stability, health, and well-being. By addressing victimization and trauma, community and problem-solving courts may be more effective in reducing recidivism.

Community and problem-solving courts should screen for victimization at the first hearing and at subsequent hearings. It is critical that this is done in private and not in the courtroom, especially as intimate partners routinely accompanied defendants to court hearings. All surveys and interviews conducted for this project were done one-on-one outside of the courtroom, which served to increase the validity of the victimization data and protect the privacy of the defendants. Some of the defendants told Dr. Durfee during the survey that they had never told anyone before about their

victimization—primarily because they had never been asked. Given the high rates of sexual and domestic violence, these screeners should receive specialized training.

Should a defendant disclose recent victimization, they should (in private) be offered a referral for victim services. In addition to referring them to police and prosecutor victim services, community courts should develop close relationships with outside service providers if the defendant, understandably, does not want to work with the criminal justice system. As 40% of MCC female defendants experienced domestic violence in the last year, and 25% reported they were sexually assaulted, MCC may want to consider having a victim service provider in the courtroom.

Finally, judges, court staff, police officers, and court navigators who routinely come into contact with community court defendants should be trained about issues of sexual and domestic violence.

Sustaining the Partnership

This project is an excellent example of how knowledge produced through a researcher-practitioner partnership may be more easily translatable and have greater impacts on policy and practice than solo projects (Sullivan et al., 2013).

One way the partnership will be sustained is to use practitioner feedback on the results of this report to create judicial, court staff, and police training modules focusing on the link between victimization and offending and the types of resources available to defendants who have been victimized, both in the last year and in their lifetime. Although the modules produced will focus explicitly on MCC, the researcher and practitioner could develop modules that could be used by other community courts.

In addition, the researcher and practitioner will be working together to develop a victimization screening tool and a protocol as to when and how the screening can take place in order to protect confidentiality and privacy.

Finally, the researcher and practitioner will continue to collaborate on projects in the future, including applying for a larger grant to expand this pilot study and examine whether victimization impacts outcomes for MCC defendants. This project was also limited in that there were too few cases to investigate whether victimization rates, and the dynamics of victimization, vary according to the race and ethnicity of defendants. In two interviews with Native Americans (one male and one female), they linked the “historical trauma” inflicted on Native Americans to their own victimization and offending, and the importance of their “clan” to their “healing.”

Clearly, further analysis of the intersections of gender, race, and ethnicity are needed. However, this project represents an important first step in recognizing an unmet need among community and problem-solving court defendants.

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Appendix

Table 1. Descriptive statistics for Community Court defendants (N=106).

Variable	All (N=106) n (%)	Women (n=48) n (%)	Men (n=58) n (%)
Gender			
Female	48 (45%)	--	--
Male	58 (55%)		
Race			
White	80 (75%)	36 (75%)	44 (76%)
Black	7 (7%)	2 (4%)	5 (9%)
Asian/Pacific Islander	3 (3%)	0 (0%)	3 (5%)
Native American	16 (15%)	11 (23%)	5 (9%)
Ethnicity			
Hispanic	24 (23%)	12 (25%)	12 (21%)
Not Hispanic	82 (77%)	36 (75%)	46 (79%)
Age (Mean)	39.60	37.63	41.24*
Marital Status			
Married	8 (8%)	2 (4%)	6 (10%)
Divorced, Separated, or Widowed	29 (27%)	6 (33%)	13 (22%)
Dating or Single	69 (65%)	30 (63%)	39 (67%)
# of children (mean)	1.75	1.93	1.60
# of children >18 (mean)	1.05	1.55	1.61
Education level			
Less than High School	30 (28%)	15 (31%)	15 (26%)
High School/GED	36 (34%)	15 (31%)	21 (36%)
Some College	22 (21%)	8 (17%)	14 (24%)
AA/Technical Degree	10 (9%)	6 (13%)	4 (7%)
Bachelor's Degree	8 (8%)	4 (8%)	4 (7%)

Please note that for the survey, race and ethnicity are separate variables.

Results of t-test: * $p \leq .05$; ** $p \leq .01$; *** $p \leq .001$

Table 2. Types of victimization reported by CC defendants, last year and lifetime (n= 106).

Variable	Full Sample N=106		Women n=48		Men N=58	
	Last Year M (SD)	Lifetime M (SD)	Last Year M (SD)	Lifetime M (SD)	Last Year M (SD)	Lifetime M (SD)
Had item(s) stolen	.81 (.39)	.92 (.27)	.92 (.30)***	.98 (.14)	.72 (.45)	.88 (.33)
Threatened	.58 (.50)	.71 (.46)	.58 (.50)	.75 (.44)	.52 (.50)	.67 (.47)
Threatened with a weapon	.32 (.47)	.54 (.50)	.21 (.41)*	.52 (.50)	.41 (.50)	.55 (.50)
Physical assault	.42 (.50)	.65 (.48)	.54 (.50)**	.81 (.39)***	.31 (.47)	.52 (.50)
Sexual assault	.11 (.32)	.42 (.50)	.25 (.44)	.67 (.48)***	0 (.00)	.21 (.41)
Domestic violence	.25 (.44)	.57 (.50)	.40 (.49)***	.73 (.45)***	.14 (.35)	.43 (.50)
Stalking	.22 (.41)	.40 (.49)	.29 (.46)*	.52 (.50)***	.16 (.37)	.29 (.46)

*p ≤ .05; **p ≤ .01; ***p ≤ .001.