

VICTIM/WITNESS INTIMIDATION
IN THE BRONX COURTS:
HOW COMMON IS IT, AND WHAT ARE
ITS CONSEQUENCES?

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SUMMARY

The present study was designed to measure the prevalence of witness intimidation among victims and witnesses in the Bronx Criminal Court, Bronx, New York, to assess its consequences for victims and its impact on case outcomes.

Victims and witnesses were interviewed twice, once in-person in the complaint room of the courthouse, and a second time, by telephone, following case dispositions. Two hundred and sixty victims were interviewed between February, 1988 and September, 1988. Respondents were asked about the incidence of intimidation and about the nature of the intimidation, such as when, where and how they were threatened.

The study found that intimidation was widespread, and that it can have serious consequences:

- o The incidence of intimidation is high: 36% of respondents had been threatened. (In an additional 5% of cases, respondents had been asked by defendants to drop charges, but no threats were made.)
- o One quarter of the treats involved a weapon, physical assault, or property damage.
- o Fifty-seven percent of victims who had not been threatened feared reprisals, and 71% of all respondents said that they would feel threatened if the defendant were out on bail.
- o The likelihood of threats was higher for victim with close ties to offenders: 54% of respondents who had romantic or

blood ties to defendants were threatened, compared to 26% of respondents who did not know the defendant.

- o Victims who were threatened were nearly three times as likely as victims who had not been threatened to decide to drop charges.

The results of this study confirm previous findings with regard to the prevalence and patterns of intimidation. Study findings indicate that criminal justice officials must confront the issue of intimidation and continue to explore ways to reduce victims' fear and the frequency with which threats are made by defendants.

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INTRODUCTION

Witness intimidation is a serious concern for criminal justice officials and victim advocates. Intimidation may take many forms. It may include subtle gestures or looks which communicate the message that harm will come to the victim or his or her family if the victim cooperates with authorities. It may include the threat of violence, actual violence or the destruction of property. Whatever its form, intimidation is motivated by the same intent: to frighten victims into dropping charges, or to prevent them from calling the police in the first place. Whenever effective, intimidation causes victims to withdraw from the criminal justice system. Even if it does not have its intended result, it certainly causes distress and inflicts additional harm on those already suffering. Our study was designed to measure the amount of intimidation among victims in a large urban court—the Bronx, New York—and to assess its consequences on the victim and case outcomes.

The study grew out of earlier research by the Victim Services Agency (VSA) and others. As early as 1976, a study in Washington, D.C.'s Superior Court found that 28% of witnesses feared reprisal from the offender (Cannavale and Falcon, 1976). In 1980, a study by VSA and the Vera Institute of Justice found an even higher proportion—39%—of witnesses in the Brooklyn Criminal Court feared that defendants would seek revenge and 26% of 295 witnesses

interviewed had actually been threatened (Davis, Russell, and Kunreuther, 1980).

A second VSA study conducted in 1983 in Brooklyn Criminal Court, interviewed 109 intimidated witnesses by telephone (Connick and Davis, 1983). The study found that 15% of witnesses had been threatened— a somewhat smaller percentage than the 26% rate found in the earlier study. The authors of the second study suggested that the difference in rates stemmed from differences in the methods used in the two studies. In the earlier study, witnesses were interviewed twice (the first time in-person in the complaint room and the second time by telephone after their cases were disposed), while in the second study, witnesses were interviewed only once, by telephone. Connick and Davis suggested that witnesses may have been less forthcoming in the second study because they were reluctant to discuss intimidation attempts over the telephone with an unknown interviewer.

In contrast to the earlier study, the Connick and Davis study elicited more detailed information concerning the experiences of intimidated witnesses—when, where, and how they were threatened; whom they told; and how the criminal justice system responded.

- o Eleven percent of the intimidated witnesses were threatened at the scene of the arrest; 72% were threatened in their homes, neighborhoods, schools, or workplaces.
- o The majority of the witnesses—61%—were threatened more than once.

- o Twenty-three percent of the witnesses were revictimized (vandalized, burglarized, threatened with a weapon or attacked) by the same defendant.
- o Sixty-three percent of the witnesses reported the threats to criminal justice officials. The primary response of the system was to warn the defendants not to harass the witness. No defendants were arrested for the intimidation.

The present study, conducted in 1988, examines some of these same issues in the Bronx Criminal Court, combining features of VSA's earlier studies. Like the 1980 Brooklyn study, the Bronx study interviewed witnesses twice, the first time in-person in the complaint room and the second time by telephone following case disposition. This method was used to encourage trust between the interviewer and respondent and thereby produce as accurate a rate of intimidation as possible. Like the 1983 Brooklyn study, the Bronx study asked witnesses detailed questions about the nature of the threats and about the response of the criminal justice system.

METHOD

Between February 1988 and September 1988, 260 victim/witnesses were interviewed in the complaint room of the Bronx Criminal Court, Bronx, New York. In the complaint room, complaining witnesses and arresting officers are interviewed by an assistant district attorney. The interviewer for the research project approached victim/witnesses while they waited to be seen by an assistant district attorney. The interviews were administered predominantly by VSA staff who routinely worked in the complaint room, but some interviews were conducted by VSA research staff.

Any victim or civilian witness present in the complaint room in a case where an arrest had been made was eligible to participate. Victim/witnesses over the age of fourteen as well as, in a few cases, the relative of a victim/witness too young to be interviewed, were interviewed for the project. Both English and Spanish speakers were interviewed. (Occasionally, if there was someone accompanying the victim/witness who could translate, victim/witnesses speaking other languages were interviewed.) Participation was voluntary and, although no official record was kept of people who refused to be interviewed, nearly all people agreed to participate.

The complaint room interviews took approximately 10-15 minutes to administer. The questions chosen were intended to assess whether

victim/witnesses had been threatened by defendants at the crime scene or police precinct and, if so, to elucidate the details of the intimidation. The interview schedule also included questions designed to determine victim/witnesses' expectations of and satisfaction with the criminal justice system. At the end of the interview, respondents were asked for their addresses and phone numbers so they could be contacted when their court cases ended.

When a respondent's case was disposed, the disposition was recorded and the respondent was contacted for a follow-up interview.¹ Between February of 1988 and October of 1989, 136 victim/witnesses were contacted either by phone or (if they had no phone) by letter for follow-up interviews.²

Before asking the first question of the follow-up interview, interviewers ascertained whether each respondent knew the disposition of his/her case. If the victim/witness did not know,

¹ In order to find out when each case was disposed and what the nature of the disposition was, cases were tracked through the Office of Court Administration (OCA) computer in the Bronx Criminal Court. At the time of the initial interview the complaining witness or the arresting officer was asked for the defendant's name. This name was then located on a log in the complaint room so that the defendant's arrest number could be documented. VSA research staff used the defendant's arrest number to access the OCA computer.

² Victims were paid a stipend of \$10 for filling out and returning an interview to VSA. Of the 124 respondents who were not interviewed a second time, most often it was because they could no longer be reached at the address they gave us or, if they received an interview in the mail, they did not return it to us. Only 2 respondents in the sample refused to complete a second interview.

the interviewer informed him/her of the case outcome.

The interview included questions asking victim/witnesses if, since the initial interview in the complaint room, they had been threatened by the defendant, whether they had wanted to drop charges, and, if so, whether it was the result of threats. For respondents who were threatened, detailed questions concerning the place, method and frequency of intimidation were asked. Respondents were also asked about their satisfaction with the outcome, and about their experience in the court system.

THE FINDINGS

A Profile of the Victims and the Crimes

Most of the individuals we interviewed in the complaint room (89%) were the victim of a crime, while the remaining 11% were an eyewitness to a crime. (For the purposes of this report, therefore, we generally refer to respondents as victims.) Most of the victims in our sample were between 21 and 40 years of age; were high school educated; had incomes of under \$15,000; were female, and were Hispanic or African-Americans (Table 1) .

Nearly two-fifths of the victims reported that they were injured during the commission of the crime and many of those who were injured required medical attention. Half of the victims who reported property stolen valued it at \$150 or less, but nearly a third said they lost over \$1,000 worth of property. In nearly one-half of the cases (46%) the property was recovered. A plurality of the people interviewed were the victims of assault, but also common were victims of robbery, theft, and burglary (Table 2) . Most victims, 65%, knew the defendants in their cases before the crime: About one in four (28%) were intimates, ex-intimates, or family members, and 37% were acquaintances of the offender.

Many of the victims we spoke with were not novices in the criminal justice system.

TABLE 1

VICTIMS¹ BACKGROUND CHARACTERISTICS

<u>Victims' Ages</u>	(N=252)
14-20 years old	16%
21-30 years old	38%
31-40 years old	24%
41-50 years old	14%
51-60 years old	4%
61 years old and older	4%
 <u>Victims' Education</u>	 (N=254)
8th Grade or less	5%
Some High School	36%
High School Graduate	31%
Some College	17%
College Graduate	11%
 <u>Victims' Income</u>	 (N=186)
\$0. to \$4,999	21%
\$5,000 - \$9,999	19%
\$10,000 - \$14,999	11%
\$15,000 - \$24,999	20%
\$25,000 or more	29%
 <u>Victims' Gender</u>	 (N=253)
Females	62%
Males	38%
 <u>Victims' Ethnicity</u>	 (N=243)
Hispanic	44%
Black	42%
White	11%
Other Ethnicity	3%

TABLE 2

CHARACTERISTICS OF THE CRIME

<u>Top Arrest Charge</u>	<u>(N=162)</u>
Assault	28%
Robbery-	19%
Theft	15%
Burglary	13%
Harassment	6%
Other Charges	19%
<u>Type of Injury</u>	<u>(N=258)</u>
No injury	56%
Minor injury	18%
Medical attention/Hospitalization	26%
<u>Amount of Property Stolen</u>	<u>fN=103)</u>
\$100 or less	30%
\$101 - \$250	20%
\$251 - \$1,000	19%
\$1,000 - \$5,000	21%
Over \$5,000	10%
<u>Relationship of Victim and Offender</u>	<u>fN=257)</u>
Acquaintances	37%
Intimates, ex-intimates, family	28%
Strangers	35%

When asked whether they had been involved in the court system prior to this case, 38% of the victims responded affirmatively. Twenty-two percent of respondents had the misfortune to have been involved in the past as a victim, 6% had been a witness, and 10% volunteered that they had been a defendant.

Intimidation

Intimidation was a concern for many of the people we interviewed, both at the time of the initial interview in the complaint room and at the time of the second interview when the case was over.

Threats reported at the initial interview: Victims were asked: At the crime scene or precinct, did the defendant threaten you or try to discourage you from pressing charges? Thirty-two percent of the victims responded affirmatively. In 90% of the reported threats intimidation consisted of verbal threats to cause physical harm to the victim or to the victim's property (Table 3). These threats included clearly stated intents to commit violence: "He told me I was going to pay for having him arrested and told the police officer he'd better be on duty tomorrow night because he's going to kill me when he gets out"; "He said he'll smash me into the window"; "He threatened to set fire to my house"; "He broke the phone from the wall and said he'd kill me if I called [the police]"; "He made [me] write a letter by knife-point stating [I] would not press charges". Six percent of the victims threatened

TABLE 3

INTIMIDATION REPORTED AT THE TIME OF INITIAL INTERVIEW

<u>Was Victim Threatened?</u>	(N=253)
Victim was threatened	32%
Victim not overtly threatened but defendant tried to dissuade from pressing charges	5%
No interaction between victim and defendant	63%
 <u>How Victim was Threatened</u>	 (N=81)
Verbal threat to cause physical harm or property damage	90%
Physical harm	6%
Menacing looks	4%
 <u>Victim Feared Reprisal, Although not Threatened</u>	 (N=138)
Victim feared reprisal	57%
Victim did not fear reprisal	43%

reported that the defendant intimidated them by physically attacking them. And four percent of the threats reported by victims were in the form of menacing looks or gestures.

In addition to the 32% of respondents who were overtly threatened, another 5% stated that defendants had tried to influence them through pleas for mercy or simple persuasion. Some respondents stated that the defendant, "told me not to press charges" or "begged me not to press charges." One defendant pleaded, "please, I'm afraid to go to jail." One victim reported that the defendant "tried to give me money."

Fear of reprisal was experienced not only by victims who were threatened. Fifty-seven percent of the victims who were not directly threatened still said that they feared reprisals. Moreover, 71% of all victims said that they would feel threatened or in danger if the defendant were out on bail.

Threats reported at the second interview: After their cases were over, all victims were asked whether they had been afraid that the defendant would get back at them for pressing charges or testifying. Many were: 30% replied that they were "very much" concerned; and 33% were "somewhat concerned".

Victims were also asked about threats that had occurred since they were interviewed in the complaint room. Nineteen percent replied that they had been subjected to such threats. (Of course, some of the 19% had also been threatened prior to the complaint room interview.) Combining data from both interviews, we found that in 41% of cases efforts had been made to discourage victims from pressing charges at some time since the crime (Table 4) . If instances of dissuasion without overt threats are again removed from the initial interview, the proportion declines slightly to 36%.

TABLE 4

PERCENTAGES OF VICTIMS WHO WERE
TARGETS OF ATTEMPTS TO DISSUADE
THEM FROM PRESSING CHARGES

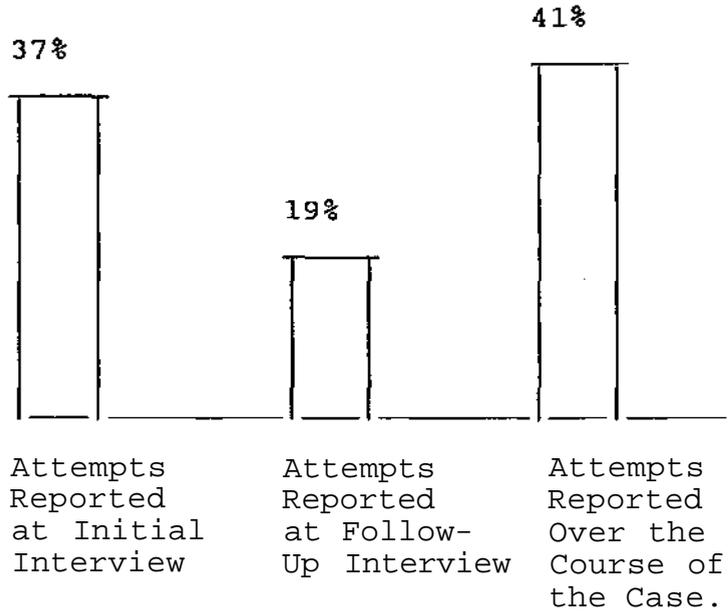


Table 5 shows that 7 in 10 threats occurred in victims' neighborhoods or by phone in their homes. Threats at the crime scene, police station or court, together accounted for the other 30%. Sometimes the threats occurred as a series of incidents: one respondent reported that the defendants "sit in [my] store and cause me to lose business. They come every day for a week and then stop for a week, then [come] again." The most common threats were in-person verbal threats and telephone threats, together comprising 68% of all threats. Violent threats – physical assaults, property damage and threats using a weapon – made up a quarter of the total.

Usually, the defendant made the threat. However, in a third of the cases, it was made by the defendant's friends or family (eg. "His [the defendant's] aunt and mother cursed me out on the phone.") This finding suggests that even pretrial detention of defendants would not completely solve the problem of intimidation.

TABLE 5**THREATS REPORTED AT THE TIME OF THE SECOND INTERVIEW**

(N=25)

<u>Where the Victim was Threatened</u>	<u>% of all threats</u>
In the neighborhood	47%
On the telephone (at home or work)	22
At the crime scene	20
At the precinct	7
In court	4
	100%
<u>How the Victim was Threatened</u>	
In-person verbal threats	46%
By the telephone	22
By physical assault(s)	13
With a weapon	7
By threatening looks	6
Property was damaged	6
	100%
<u>Who Threatened the Victim</u>	
Defendant	69
Defendant's friends/family	31
	100%

Reacting to the threat: Twelve of twenty-five victims who were threatened between the first and second interviews said that they had reported the threats to the police or court officials. All but one reported that some sort of action was taken, from filling out a crime complaint to warning the defendant to helping the victim get an order of protection. Eight of nine victims responding who reported threats to officials were satisfied with the responses they received.

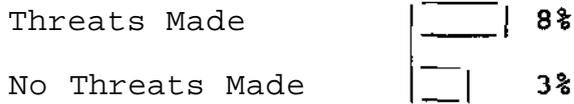
Did the threats make victims afraid to go to court? Among the victims who told us that they were threatened by the defendant during the second interview, 33% said the threats made them "very much" afraid; 29% said they were "somewhat" afraid, and 38% said they were "not at all" afraid to go to court. Only one victim said that the threats stopped him from going to court, however. Still, victims who had been threatened were nearly three times more likely than victims who were not threatened to decide to drop charges sometime during their case (32% versus 12%). Moreover, this association was not merely the result of the fact that victims with close ties to the defendant more often wanted to drop charges, and happened to be threatened more often than other victims: Threats against victims still were associated with dropping charges even after the effects of victim/offender relationship were statistically controlled (correlation between threats and dropping charges is 0.23, $p < .01$ after controlling for prior relationship). Figure 1 shows that, within each category of victim/offender

FIGURE 1

ASSOCIATION BETWEEN THREATS AND VICTIMS¹ DESIRE
TO DROP CHARGES, CONTROLLING FOR VICTIM/OFFENDER RELATIONSHIP

Percent Wishing to Drop Charges

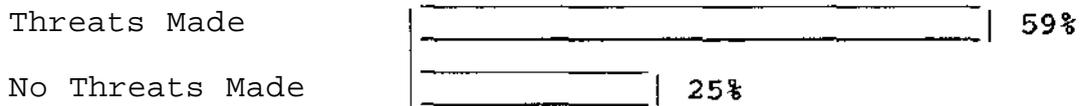
No Relationship



Weak Ties



Strong Ties



relationships, victims who had been threatened were at least twice as likely as those not threatened to want charges dropped.

Factors associated with threats: To find out which victims were most likely to be threatened, we correlated several factors which we guessed might be related to intimidation. These included the type of crime; the injury to the victim; the amount of property stolen and whether the property was recovered; and the victims' age, sex, education, income, and relationship to the defendant. Only two factors were significantly correlated with threats. Victims whose cases involved assaults or harassment were more likely to be threatened than victims of other crimes (51% versus 36%). And victims with close ties to the defendant (romantic relationships and blood relatives) were more likely to be the target of intimidation attempts (54% were threatened) than victims with weaker ties to the defendant (friends, coworkers, neighbors, and other non-family acquaintance) (35% were threatened) or strangers (26% were threatened).

CONCLUSIONS

Somewhere between 36% and 41% of the victims we interviewed reported that the defendant threatened to retaliate against them if they pressed charges.³ Even more victims reported that they feared reprisals, even though the defendant had not actually threatened them. Nearly three-quarters said they would be afraid if the defendant were released on bail while the case was pending. Clearly, levels of fear and intimidation are high, and add to the degree of distress felt by victims following a crime.

The results of this study confirm previous findings with regard to the prevalence and particular patterns of intimidation. The 41% rate of intimidation disclosed by the present study is higher than the 26% rate we found for Brooklyn Criminal Court in our earlier work. In part, this is because our Bronx sample contained a somewhat higher number of cases involving victim/offender relationships (which are more prone to intimidation)⁴ and because some of the Bronx incidents may actually have been innocent attempts at persuasion. But even if the true rate of intimidation only approaches the 41% finding of

³ Depending on whether we include or exclude attempts to dissuade victims from pressing charges where no overt threats were made.

⁴ Controlling for the proportion of relationship cases does not, however, explain the differences between the two samples. Threats were higher in the Bronx than in Brooklyn both among relationship cases (44% vs 34%) and stranger-to-stranger cases (26% vs 20%).

this study, it is evident that witness intimidation is a disconcertingly common occurrence. Further, threats by their very nature are likely to be under reported since, if the intimidation was successful, the respondent is unlikely to report it.

Another sobering aspect of intimidation was confirmed by the present study: a quarter of threats reported at the time of the second interview were violent in nature, that is included an attack, a weapon, or vandalism (in contrast, few of the threats reported at the initial interview were violent). The percentage of violent threats reported at the second interview in the Bronx study agrees closely with the findings from the 1983 Brooklyn study.

Victims are likely to report threats to officials (63% of respondents in 1981, 80% of respondents in the present study) and offer positive appraisals of the response of the criminal justice system (more than half of respondents in the earlier study thought that reporting helped and all but one of the respondents in the current study reported being satisfied).

Yet, it is patently clear that defendants¹ threats are sometimes having their desired effect: our study found a positive correlation between victims who were intimidated and their desire to drop charges. This finding suggests that criminal justice officials must confront the issue of witness intimidation and continue to explore ways to reduce victims' fear and the incidence

of threats made by defendants.

Our study suggests that the place to start that process is even before victims enter the court system, because that is when most threats are made. While we do not have an exact number, it was apparent from our interviews that many threats occur after defendants have been taken into custody, either at the police station or at the crime scene. Further investigation seems warranted into whether victims and defendants might be better isolated from each other once the police arrive at the crime scene.

Both the present study and the 1983 study also provide evidence that most threats made after the complaint is drawn up take place in witnesses' homes, workplaces, schools or neighborhoods. This makes regulation of intimidation more difficult than if intimidation occurred in a public setting, such as the courthouse.