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Summary:

A Statewide Profile of Abuse of Older Women and the Criminal Justice Response

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Summary: A Statewide Profile of Abuse of Older Women Cases and the Criminal Justice Response

In a first of its kind study of an entire state's reported population of abused older women, fifty years and older, researchers found larger than expected intimate abuse, especially among married couples, supplemented by even greater abuse by mostly male predatory offspring and grandchildren as women reach age sixty.

As women victims of abuse age, the percent abused by current or former intimate partners declined from 62.4% for those aged 50 to 59 to 34.3% for those aged 60 and older. However, among those women victims who remain married, the percent abused actually increased from 26% to 27.4%. The relatively large proportion of married abusers of elders contrasts with adult protective service surveys which report minimal caseloads of elders (11.3%) abused by intimates, married or unmarried (Teaster, et. al. 2006).

Abuse by non-intimate family members significantly increased from 35.5% to 65.2% ($P < .001$) as older women victims reach 60 years or older. The suspects of the latter abuse included sons (46.2%), daughters (26.9%) and grandsons (8.6%). Unlike prior literature that characterizes abusers of elders as "stressed care givers (See, e.g. Steinmetz, 1993)," researchers found family members to have significantly greater criminal histories than intimate abusers (57.2% compared to 42%, $P < .05$), including crimes against persons in general not involving family members or intimates (19.8% compared to 10% for intimate abusers, $P < .01$), and significantly more likely to have prior court histories for drug and alcohol-related offenses such as drunk driving, 27.3% compared to 18% for intimate abusers ($P < .05$). Indicating the extent of their prior records, family member abusers were significantly more likely to have been sentenced to probation in the past (44.9% compared to 29% for intimate abusers, $P < .01$) and to have been

imprisoned (19.3% compared to 13% for intimate abusers, although this only approached statistical significance, $P < .10$).

Family member suspects were also more likely to have assaulted other parties during the study incident, 11.2% compared to 2.9% for intimate suspects ($P < .05$). Further, while less than half, 43.4%, of dwellings where the abuse occurred were in the intimate suspect victims' name, 81% of the dwellings were in the victims' name if the suspect was a family member ($P < .001$). As suggested by Pillemer & Finkelhor (1998), it appears that the family member suspects may be dependent upon their elder parent victims, not the reverse.

Data Sources

Researchers examined every domestic violence report made to state and local law enforcement across the state of Rhode Island in 2002 involving women victims fifty and older, whether or not police ultimately arrested the alleged suspect. Rhode Island was chosen for this study for the following reasons: First, "domestic violence" is defined broadly (R.I. Gen. Laws § 12-29-2), including any incident, whether violent or not, that involves current or former intimates, married or not, couples with a child in common whether they ever lived together or not, dating partners, family members, or members of the same household.

Second, Rhode Island has one of the highest domestic violence reporting rates in the country (Klein, 2004). The number reported actually exceeds the estimated incidence rates for domestic violence against women 50 and over established by the National Crime Victim Survey (NCVS) (Catalano, 2006), notwithstanding the fact that they are limited to incidents reported to police whereas the NCVS numbers are based on victim reports to interviewers. According to the NCVS, up to 50% of victims do not report their abuse to police.

All law enforcement incident reports are accompanied by supplemental data (DV/SA Reports) and filed with a court agency, the Domestic Violence Training and Monitoring Unit. Data from the Unit was also obtained for the 6,200 incident reports involving women victims under age fifty. While these reports include duplicated victims and suspects, they were used to reveal major differences between younger, under age 50, and older women victim cases. The DV/SA file was also used to determine revictimization.

In addition to the police reports, researchers completed record checks on all of the alleged suspects to determine prior criminal histories and outcomes of any charges that resulted from the 2002 study incident(s). The record checks were obtained from the Rhode Island Courts' automated database called CourtConnect. CourtConnect only provides records from 1979 for felonies and the mid-1980's for misdemeanors. CourtConnect was also used to determine new suspect domestic violence charged in court.

The quantitative research was supplemented by qualitative research including interviews with state law enforcement, prosecutors, advocates and adult protective services officials as well as an examination of police narratives for select incident reports to assist in the interpretation of findings.

Study Variables

The incident data was organized into conceptual clusters, this set of variables includes those relating to victim characteristics, abuser characteristics, the nature of the incident, and the state's response to the incident. A complete table of the univariates examined is contained in the Appendix., Exhibit 1.

Outcome Measures

The study uses two outcome measures, revictimization and reabuse. Revictimization includes any domestic violence incident reported to police involving the same study victim after the 2002 study incident, including new abuse reports later in 2002, 2003 and/or 2004. The suspect is identified as the same as the study incident suspect, different, or both if there are multiple subsequent incidents during this period involving same and different suspects. Reabuse includes any new court case involving the study suspect through mid-2007, whether or not the subsequent victim is the same as the initial study victim. CourtConnect does not reveal the identity of the victim. New domestic violence charges filed in court represent a more conservative measure than the filing of a DV/SA report although the reporting period for reabuse is two and half years longer.

Analytic Approach for Quantitative Data:

The data analysis involves three major levels of examination: 1) univariate (descriptive) statistics; 2) bivariate analysis to compare: a) cases of victims 50 to 59 with those 60 and older; b) cases of victims of intimate abuse with family member abuse; and c) cases of victims and suspects who were involved in repeat domestic violence after the study incident; and 3) multiple logistic regression to determine which variables were most associated with victim revictimization and suspect reabuse. The descriptive breakdown of the study population of victims and their abusers is contained in the Appendix.

Study Population

Excluding multiple reports involving the same victim, there were 408 incidents involving (unduplicated) older women victims. These incidents involved slightly more suspects, 411, because three of the incidents involved two suspects in each incident. Because the police did not

provide dates of birth for eight of the suspects, prior record information was only obtained for 403 of the study suspects.

Other Findings:

1) As women victims aged, their likelihood of reported abuse declined. Two-thirds of the older women victims were between the ages of 50 and 59 notwithstanding that this age group represented only 37.7% of all women age 50 and older in Rhode Island (U.S. Census, 2000). The rate of abuse of women 50 to 59 was 2.90 per 1,000 female population and 1.25 for women 60 and older per 1,000 female population.

2) As women victims age, their abuser is more likely to be female, although the majority remain male. Twelve and one half percent (12.5%) of older women victims were abused by females. For elder women victims, that doubled to 25.2% ($P < .001$). This appears to continue a pattern, as incident reports of under 50 victims reveal that only 5% of the incidents involved female suspects.

3) As women victims age, intimate abuse declines and non-intimate family member abuses increases. While the percent of married women abused remains almost constant for older (26%) and elder victims (27.4%), abuse by divorced husbands and current or former intimates significantly declines from 62.4% to 34.3% ($P < .001$). Abuse by other family members significantly increases from 35.5% for older women to 65.2% ($P < .001$). Most of the abuse by other family members was intergenerational (94.5%), including the victims' sons (46.2%), daughters (26.9%), or grandsons' (8.6%). The remainder was committed by sons-in-law (4.8%), daughter-in-laws (2.1%), granddaughters (1.6%) and others. A little more than five percent (5.4%) were abused by siblings and two were abused by older abusers, a father and a mother-in-law.

The finding that marriage remains an unsafe place for abused women were also found in a longitudinal study of abusers in Massachusetts (Klein & Tobin, 2008).

The increase in abuse by family members appears to begin before victims reach age 50 and higher.

4) Current or former intimates suspected of abusing older women do not appear to be stressed out caregivers, any more than family member abusers. Based on the suspects' prior criminal and abuse histories, they do not appear to be responding to caregiver stress. Although intimate abuser suspects were less likely to have prior criminal histories than family members abusers, 42% had prior criminal histories, averaging 4.5 prior sets of court charges; 23.5% for prior domestic violence, 18% for drugs and alcohol offenses, and 10% for non-domestic crimes against persons. Almost thirty percent (29%) had been previously sentenced to probation and 13% had been imprisoned. Although family member suspects were significantly more likely to have criminal histories, the victims of intimates were twice as likely to report prior assaults by their abusers 47.3% compared to 23.4% ($P < .001$). Victims reported the abuse had been on-going for an average of five years.¹

Further, as the women victims aged from 50 to 60 years and older, there were no significant decreases in the likelihood of their suspects having prior criminal histories. In other words, the similarity of suspects' criminality between those who abuse women victims from 50 to 59 and 60 and older does not suggest that elder abuse is more associated with care giver stress than the general criminality of the abusers if we can assume that victims 60 and over are more likely to require care giver assistance than victims a decade younger.

¹ It appears from the police narratives that many of the marriages may have been second or subsequent marriages for the victim. Therefore, we cannot determine whether or not the reported prior abuse of five years represents late-in-marriage abuse or consistent abuse for the length of the marriage.

5) Victim cooperation with police does not diminish with age. First, there were no significant difference in the percent of older (67.6%) and elder victims (60.5%) calling police. Similarly, two-thirds of the incidents involving younger victims also involved victim calling police. Second, there was no significant difference between older (42.3%) and elder victims (43%) in providing written statements to police or pointing out suspect (44.9% and 40.7%). Incidents involving younger victims had equivalent rates of victim provision of written reports or pointing out suspects. Surprisingly, third, there were no significant differences in victim inability to fill out police provided forms themselves with 23.4% of the older victims unable to do so and 23.7% of elder victims unable. Nor were there significant differences in victim willingness to have police fill out forms for victims incapable of doing so themselves. Half of the elder victims who could not fill out the forms allowed police to do so for them, while the percentage for older victims was 43.8%. This finding is also consistent with the finding of Pillemer & Finkelhor (1998) that elder abuse victims appear no more incapacitated or disabled by age than their non-abused peers. On the other hand, only ten percent of incidents involving under 50 victims needed police assistance in filling out forms, suggesting while there is a difference between younger and older victims, after age fifty, inability to fill out forms remains the same.

6) Older women victims were not more likely to suffer injuries as a result of the abuse incident. Less than half of the reported abuse incidents (44%) involved physical or sexual assault. Most of the assaults did not result in visible injuries. A little over twenty percent of the victims (21.7%) had visible injuries according to police reports but only 8.3% required medical attention. In a little less than a third of the incidents (29%), property was damaged or stolen. In contrast, the incident reports involving younger victims suggest younger victims were as likely to

be assaulted (51.2%) and injured (28.2%), with almost the same percent requiring medical attention (9.4%).

7) The criminal justice response did not vary with victim age. There were no significant differences in police response to older and elder victims either in terms of police behavior or what they found at the scene. Police arrested 68.1% of suspects of elder victims and 60.7% of suspects of older victims within 24 hours. Police arrested a little less than two-thirds (63%) of suspects in incidents involving younger victims.

Prosecutors charged 53.2% of older victim suspects and 53.7% of elder victim suspects. The only significant difference in charging was that prosecutors were significantly more likely to charge suspects of elder victims with felony assault (16.1%) compared to 7.3% of older victim suspects ($P < .01$). This can be attributed to state law enhancing various assaults as felonies if victims are 60 or older. There were no differences in their conviction rates. Prosecutors successfully prosecuted 68.3% of suspects of older victims and 61.6% of suspects of elder victims. Although suspects of elder victims were significantly more likely to be charged as felons, their dispositions in terms of probation (28.7%) or imprisonment (8.2%) were not significantly different than that of suspects of older victims (31.1% probation and 9.9% imprisonment). As confirmed by prosecutors, charges against suspects of elder victims were often reduced so that elder victims would not have to testify in court.

Data on younger victim suspect prosecution were not available.

8) Criminal justice and adult protective service involvement did not reduce the risk of revictimization. Based on the filing of new domestic violence incident reports through 2004, 91 victims (22.3%) were revictimized by an intimate, family or household member, current or former. That represents 22.3% of the older victims. A third was revictimized from two to five

times. Most of the new incidents (77) involved the same suspects cited in the initial study incident; Different suspects were involved in 11 new incidents; and both same and different suspects were involved in three additional incidents. Almost half of the victims (47.8%) were revictimized in 2002. This is consistent with the research that finds that suspects who reabuse their victims do so relatively quickly (Klein, 2004).

More than a quarter of the study suspects, 28.8%, were charged in court for cases of domestic violence subsequent to the study incident through 2007.

The multiple logistic regression reveals revictimization was associated with suspect prior criminal history (prior drug and alcohol history and prior sentence of probation) and prior abuse (victim having had a prior protective order against the suspect). This is consistent with the research on domestic violence reabuse in general (see, e.g., Buzawa, et. al. 1999; Klein, 2004). Protective factors were the victim provided police with a written statement and the study incident involved stolen or damaged property or assault. Victims who provided written statements were significantly more likely to report different abuse crimes than those who did not provide written reports, including being twice as likely to report disorderly conduct or malicious damage, almost four times as likely to report threatening phone calls, and almost three times as likely to report “other” crime. Findings that protective factors revolve around offense type contradict most reabuse studies (see, e.g., Buzawa, et. al. 1999), including a major Rhode Island study (Klein, et. al. 2005) that find presenting charges to be unrelated to risk of reabuse with the exception of violation of protective order charges.

Risk predictors for suspects being subsequently charged for new crimes of domestic violence after the study incident also included prior criminal history (number of prior court cases, sentences of imprisonment) and abuse (previous protective order issued against suspect),

as well as being charged with the study incident, and defendant age (risk declining with age).

Protective factors were police noting a specific charge on the incident report.

Policy Implications

The study was initiated to identify older women abuse as reported to police and the state response. There are several major policy implications raised by this study. At least in Rhode Island, as of 2002, there was a major divide between the two major statutory responders to elder abuse, law enforcement and adult protective services. Few cases (3) referred to the state's Department of Elder Affairs were referred to police for criminal investigation and relatively few cases involving elder victims (35) brought to police were referred to DEA for services. Qualitative interviews underscored the need for a strong collaborative judicial and social service response due to the complexity of these cases.

While the abuse of women age fifty to fifty-nine more closely resembles that of women under fifty, abuse of women sixty years and older is significantly different, with a majority of elder female victims abused by family members as opposed to current or former intimates. If nothing else, the state should revisit state statute, R.I. Gen. Laws § 12-29-5, that requires all persons convicted of domestic violence to complete a batterer intervention program. The profile of family member elder abusers suggests that mandatory substance abuse counseling and abstinence enforced by testing as well as mental health counseling would be a far more appropriate requirement. Although the research also documents a large proportion of abused elder victims were abused by current or former intimates. This suggests that domestic violence service providers, as well as adult protective workers, need to be trained and equipped to deal with intimate partner abuse for elder as well as younger women victims.

Qualitative interviews revealed the challenge of creating coordinated and systematic approaches to elder abuse in fragmented systems of care. Limited data across systems and responder agencies constrains comprehensive statewide efforts to define the scope and nature of the problem and plan accordingly. Increasing collaboration among agencies with different missions and goals may require not only sufficient data to make reasonable decisions but openness to understanding the limitations and strengths of these varied response systems. As the problem of elder abuse gains increased public awareness and political will, we would expect that a cross system collaborative may be necessary to systematically address some of the gaps reported above.

While some research suggests that the arrest (Maxwell, et. al. 2001) and prosecution of abusers can reduce the likelihood of reabuse (Jolin, et. al. 1998; Gover, et al. 2003; Wooldredge, 2007), arrest and prosecution of cases in Rhode Island were not found to constitute protective factors for older women. Particularly for elder victims, the effectiveness of prosecution may have been compromised by tepid sentencing patterns and the imposition of misdemeanor dispositions for felony charges. Further, pursuant to state law, as previously detailed, imposition of batterer intervention programs for non-intimate abusers may represent a missed opportunity to deal more effectively with these abusers.

VII Limitations of the Research and Future Research

The research is based on a population of reported domestic elder abuse over one year in one northeastern state. While the population examined includes all cases of elder abuse reported to law enforcement, the extent of unreported abuse is unknown. Nor did researchers have access to state adult protective order files to examine if it had records of domestic elder abuse reported to it which never reached law enforcement.

The elder abuse uncovered also includes that allegedly committed by current or former intimates, cohabitants, and family members. As revealed in the interviews with prosecutors, this excludes cases, especially financial exploitation cases, that involve friends, associates, strangers, contractors, and others.

Revictimization and reabuse measures employed are conservative, based on only reported reabuse, not victim interviews. While the study did not find any significant association between arrest and prosecution, even incarceration, and revictimization and reabuse, more liberal measures of the latter may reveal more effect. Similarly, while referral to adult protective services also did not significantly correlate with reabuse and revictimization, researchers were not able to determine the nature of the referral and what actions or services were taken by adult protective services in response to the referrals.

Notwithstanding its many limitations, the research does paint a broader picture of elder abuse than that generally captured in adult protective files alone or overall domestic violence research. It clearly reveals that the nature of domestic abuse, the identities of their suspects differ depending upon victim age, and the criminal justice system and social service system response needs improvement regardless of victim age.

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Appendix

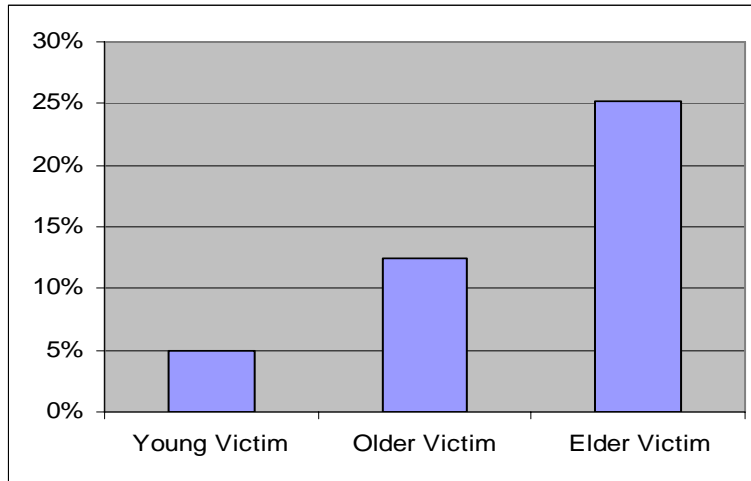
EXHIBIT 1: DESCRIPTIVES

Variable	N	% or Mean	(SD)	Min	Max
A. Victim-related (unique victims = 408)					
Age at time of incident report, <i>M</i> (<i>SD</i>)	408	59.2	9.1	50	91
Victim ethnic/racial background					
White	407	88.9		0	1
Black	407	6.4		0	1
Black Hispanic	407	3.2		0	1
White Hispanic	407	0.5		0	1
Asian	407	0.5		0	1
Native American	407	0.5		0	1
Relationship to victim					
Non-married relative	185	45.3		0	1
Spouse	108	26.6		0	1
Intimate partner	55	13.5		0	1
Former intimate partner	26	6.4		0	1
Cohabitant	16	3.9		0	1
Formerly married	10	2.5		0	1
Dating	8	2.0		0	1
Minor children live in the home	408	17.6		0	1
Dwelling in...					
Victim's name	365	62.5		0	1
Suspect's name	365	12.3		0	1
Victim's and suspect's name	365	13.4		0	1
Other	365	11.8		0	1
Victim/suspect living together at time of incident	408	64.2		0	1
Victim reported prior assaults by suspect	408	34.8		0	1
Police responded to involved parties before	407	30.7		0	1
Victim obtained Protective Order prior to incident	408	14.2		0	1
Victim gave written statement	407	42.5		0	1
Victim pointed out who hurt her	407	43.5		0	1
Victim unwilling to mark responses	407	12.8		0	1
B. Suspect-related (unique suspects = 411)					
Age at time of incident report, <i>M</i> (<i>SD</i>)	401	44.9	15.3	18	88
Suspect male	411	83.2		0	1
Suspect ethnic/racial background					
White	409	88.0		0	1
Black	409	6.8		0	1
Black Hispanic	409	4.2		0	1
White Hispanic	409	0.5		0	1
Asian	409	0.2		0	1
Native American	409	0.2		0	1
Any prior court cases	403	48.9		0	1
Number of prior court cases	197	4.5	4.0	1	26
Any prior court cases for DV/SA	403	26.8		0	1
Number of prior court cases for DV/SA	108	2.1	1.7	1	8

Variable	N	% or Mean	(SD)	Min	Max
Any prior court cases for crimes against persons/not DV/SA	403	14.1		0	1
Number of prior court cases for crimes against persons/not DV/SA	57	1.8	1.1	1	5
Any prior court cases for alcohol/drugs	403	21.6		0	1
# of prior court cases for alcohol/drugs	87	1.6	0.9	1	5
Ever been on probation prior to incident	403	36.0		0	1
# of times on probation prior to incident	145	2.6	1.8	1	10
Ever been in jail/prison prior to incident	403	15.6		0	1
# of times in jail/prison prior to incident	63	2.4	1.7	1	7
Suspect on probation at time of incident	411	8.8		0	1
C. Incident-related (unique incidents = 411)					
Who contacted police to report incident...					
Victim	394	65.0		0	1
Family member	394	14.2		0	1
Neighbor	394	8.4		0	1
Friend	394	2.5		0	1
Suspect	394	2.5		0	1
Hospital	394	0.3		0	1
Other	394	7.1		0	1
Victim was assaulted	411	44.0		0	1
Victim visibly injured at time of incident	411	21.7		0	1
Victim required medical care	411	8.3		0	1
Verbal threats were made to victim	411	26.8		0	1
Verbal threats were made to others	411	5.6		0	1
Multiple suspects involved in study incident	408	0.7		0	1
Suspect possess weapons	411	9.0		0	1
Someone else was assaulted by suspect	411	6.6		0	1
Property damaged or stolen during incident	411	29.0		0	1
Suspect injured at time of incident	411	6.3		0	1
D. Criminal Justice Response (unique incidents = 411)					
--Police					
Witnesses present during the incident	411	32.8		0	1
Photos were taken of victim	411	14.1		0	1
Photos taken of suspect's injuries	411	2.4		0	1
Photos were taken of crime scene	411	19.7		0	1
Other physical evidence was collected	411	10.9		0	1
Weapons confiscated	37	75.7		0	1
Suspect said something to police	411	21.7		0	1
Victim was given rights/safety pamphlet	411	64.2		0	1
If victim was 60+, DEA was notified	134	25.4		0	1
Arrest was made within 24 hours	410	63.2		0	1
Warrant issues	410	3.7		0	1
Under investigation	410	1.0		0	1
At time of incident, DV offense categorized by police as...					
Simple assault	411	33.8		0	1
Disorderly	410	20.0		0	1
Violation/protective order	411	6.1		0	1

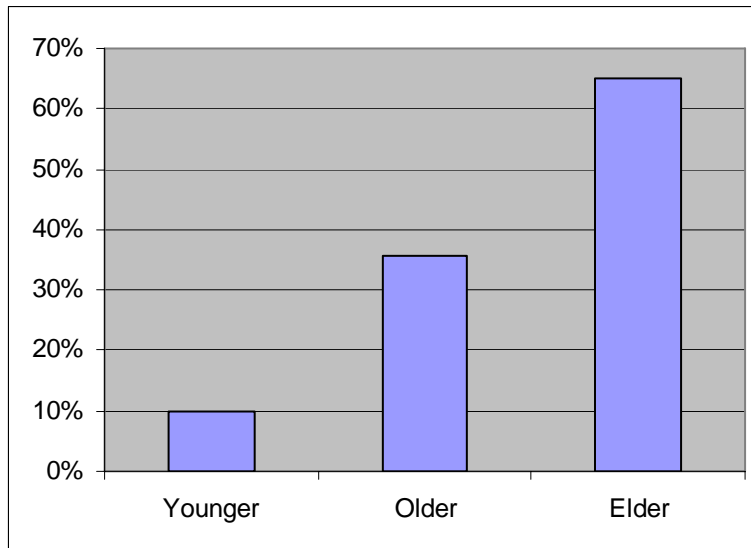
Variable	N	% or Mean	(SD)	Min	Max
Maliciousness/damage	410	12.7		0	1
Felony assault	411	7.3		0	1
Failure to relinquish phone	410	4.9		0	1
Threatening/harassing phone call	410	3.7		0	1
Breaking and entering	411	1.5		0	1
Stalking	410	0.2		0	1
Other					
Any charge noted on DV/SA form	411	66.9		0	1
--Prosecution					
Charged at all in 2002	403	53.3		0	1
Charged in 2002 with assault	215	61.4		0	1
Charged in 2002 with felony	215	19.5		0	1
Successfully prosecuted in 2002—probation/prison	403	35.2		0	1
Probation for study incident	403	30.3		0	1
Prison for study incident	403	5.0		0	1
E. Re-victimization and Re-abuse					
--Re-victimization					
Victim had subsequent DV/SA reports	408	22.3		0	1
# of times re-victimized	90	1.6	1.1	1	5
Same suspect as study incident	90	84.4		0	1
All different suspects	90	12.2		0	1
Same and different suspects	90	3.3		0	1
Multiple abuse incidents in study year	90	47.8		0	1
--Re-abuse					
In court for subsequent DV arrest	403	28.8		0	1
# of times in court for subsequent DV arrest	116	2.0	1.4	1	8

EXHIBIT 2: Percent of Female Suspect Abusers of Young, Older and Elder Female Victims*



*Note: Younger victim based on incidents, including duplicated victims.

Exhibit 3: Percent of Non-Intimate Family Member Suspects for Younger, Older and Elder Female Victims*



* Data on younger suspects based on incidents, not unduplicated suspects