

**The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:**

**Document Title:           Impact of Differential Sentencing Severity for Domestic Violence Offenses and All Other Offenses Over Abusers' Life Spans**

**Author(s):                   Andy Klein, Ph.D., David Centerbar, Ph.D., Steven Keller, Jessica Klein**

**Document No.:           244757**

**Date Received:           January 2014**

**Award Number:           2011-WG-BX-0001**

**This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant report available electronically.**

**Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.**

# **Impact of Differential Sentencing Severity for Domestic Violence Offenses and All Other Offenses Over Abusers' Life Spans**

Grant No. 2011-WG-BX-0001  
September 25, 2013

Andrew Klein, Ph.D.  
Advocates for Human Potential, Inc.  
490 B Boston Post Road  
Sudbury, MA 01776  
978-261-1435 • 978-443-4722 (fax)  
[aklein@ahpnet.com](mailto:aklein@ahpnet.com)

David Centerbar, Ph.D.  
Advocates for Human Potential, Inc.  
490 B Boston Post Road  
Sudbury, MA 01776  
978-261-1409 • 978-443-4722 (fax)  
[dcenterbar@ahpnet.com](mailto:dcenterbar@ahpnet.com)

Steven Keller, B.A.  
Advocates for Human Potential, Inc.  
490 B Boston Post Road  
Sudbury, MA 01776  
978-261-1409 • 978-443-4722 (fax)  
[skellerr@ahpnet.com](mailto:skellerr@ahpnet.com)

Jessica Klein, B.A.  
175 S 4th St., Apt.1  
Brooklyn, NY 11211  
617-852-4751  
[jess.klein330@gmail.com](mailto:jess.klein330@gmail.com)

This project was supported by Grant No. 2011-WG-BX-0001 awarded by the National Institute of Justice, Office of Justice Programs, U. S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the US Department of Justice.

This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

# Impact of Differential Sentencing Severity for Domestic Violence Offenses and All Other Offenses Over Abusers' Life Spans

## Abstract

The criminal justice response to domestic violence (DV) has been transformed since the 1980s, beginning with greatly increased numbers of arrests. Although prosecution initially lagged, recent research challenges the widespread belief that few DV arrests are prosecuted (Garner & Maxwell, 2009). However, the effectiveness of DV prosecution remains at issue. Maxwell and Garner's review of more than 30 DV prosecution studies, for example, found no deterrent effect of prosecution and sentencing beyond that obtained by the abuser's initial arrest (2012).

The goal of this research is to revisit the question of the effectiveness of DV prosecution. But unlike studies heretofore, we employ a wider lens, examining the relative effect of differential prosecutions of DV offenses over time and compared to **all** prosecutions experienced by the abuser, including those for offenses unrelated to DV (i.e., non-DV offenses). This wider examination is essential to determine the effectiveness of DV prosecution/sentencing because, as well established in the literature (Klein, 2009), the majority of abusers brought to court do not limit their criminal activities to DV alone. It was our hypothesis that the effectiveness of DV prosecution was significantly associated with the differential prosecution and sentencing severity between DV and non-DV crimes; namely, if DV offenses were treated more severely than non-DV offenses, reabuse would be significantly reduced compared to cases in which DV was prosecuted and sentenced less severely than in non-DV offenses.

To study the effectiveness of DV prosecutions, we identified from a larger sample almost 500 abusers who were on probation for DV in Rhode Island in 2002 who had both DV and non-DV cases during the first six years of their criminal careers (and for whom at least one non-DV case preceded a DV case). We then looked at their every adult criminal prosecution, for DV and for non-DV offenses, since age 18 through April 2012. The majority had active criminal careers (as measured from first to last arrest) of at least eight years, with 44% having them for at least 10 years. We then looked at the number of DV cases charged against each abuser after the first six years to determine whether the prosecution/sentencing patterns of domestic and non-DV cases established in the first six years of their criminal careers were associated with subsequent reabuse arrests.<sup>1</sup>

We controlled for the most common independent variables associated with risk of reabuse, including number of prior offenses, gender, and age at first offense (Klein, 2009).

More than half (57%) of the abusers were sentenced more severely for DV than for non-DV offenses. Although the 38 different prosecutors' offices across Rhode Island were significantly less likely to prosecute DV offenses than the non-DV offenses (18.8% vs. 15.4%,  $p < .001$ ), those prosecuted for DV were significantly more likely to be incarcerated, mostly for one to 30 days (8.5% vs. 4.0%,  $p < .001$ ).

In comparing the impact of differential prosecution/sentencing severity, we looked at both whether the abusers committed any new DV offense and also the number of new DV offenses, controlling for common risk factors in both analyses. In both analyses, we found that abusers who were prosecuted and sentenced more severely for DV compared to non-DV crimes during the first years of their adult criminal careers were less likely to be arrested for subsequent

---

<sup>1</sup> We chose six years because that provided us with what we believed would be a large enough sample to discern the effect of differential prosecution between domestic and non-domestic violence offenses.

new DV offenses. They had significantly fewer new DV offenses. Among the subset of abusers who were prosecuted for their DV offense(s) but were not prosecuted for their non-DV offense(s) (N=32), they were significantly less likely to commit new DV offenses.

The research suggests that prosecutors and courts have the means to significantly deter reabuse, especially in the majority of states that provide by statute enhanced sentences for repeat DV cases if these increased sanctions are not routinely plea bargained away.

## Table of Contents

<b>TABLE OF CONTENTS</b> .....	<b>4</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>5</b>
<b>I. INTRODUCTION</b> .....	<b>8</b>
A. PURPOSE, GOAL, AND OBJECTIVES .....	8
B. LITERATURE REVIEW .....	9
<i>Effectiveness of Criminal Justice Interventions</i> .....	9
<i>Effectiveness of Prosecution and Sentencing</i> .....	10
<i>Reabuse Risk Factors</i> .....	11
<i>Prior Non-DV Criminal Histories</i> .....	11
<i>Pro-Prosecution Domestic Violence Public Policy</i> .....	12
<b>II. RESEARCH DESIGN AND METHODS</b> .....	<b>12</b>
A. STUDY DESIGN .....	12
B. AIMS, RESEARCH QUESTIONS, AND HYPOTHESES .....	13
C. STUDY SITE.....	14
D. DATA SOURCE AND PROPOSED SAMPLE.....	14
E. STUDY SAMPLE .....	14
<i>Examples of Non DV and DV offenses</i> .....	16
F. MEASURES.....	20
G. ANALYTIC APPROACH .....	21
<b>III. FINDINGS</b> .....	<b>22</b>
A. DESCRIPTION OF FULL PROBATION ABUSER SAMPLE .....	22
1. <i>Offenders</i> .....	22
2. <i>Offenses</i> .....	24
3. <i>Prosecution/Sentencing</i> .....	24
4. <i>Differences Between Prosecution/Sentencing for Domestic Violence Compared to Other Offenses</i> .....	25
5. <i>Reabuse</i> .....	26
B. DIFFERENTIAL SENTENCING SAMPLE: DESCRIPTION OF SUB-SAMPLE OF OFFENDERS QUALIFYING FOR ANALYSIS OF DIFFERENTIAL SENTENCING .....	27
2. <i>Analysis Sample Sentencing Severity Scoring</i> .....	28
C. ANALYSIS OF DIFFERENTIAL SENTENCING SAMPLE .....	29
1. <i>Covariates</i> .....	29
2. <i>Findings</i> .....	29
3. <i>Differential Prosecution of DV and non-DV Offenses</i> .....	33
<b>IV. POLICY IMPLICATIONS</b> .....	<b>35</b>
<b>V. LIMITATIONS OF THE PROPOSED ANALYSIS</b> .....	<b>36</b>
<b>VI. FUTURE RESEARCH</b> .....	<b>37</b>
<b>APPENDICES</b> .....	<b>38</b>

## Executive Summary

### Impact of Differential Sentencing Severity for Domestic Violence Offenses and All Other Offenses Over Abusers' Life Spans

The criminal justice response to domestic violence (DV) has been transformed since the 1980s, beginning with greatly increased numbers of arrests. Although prosecution initially lagged, recent research challenges the widespread belief that few DV arrests are prosecuted (Garner & Maxwell, 2009). However, the effectiveness of DV prosecution remains at issue. Maxwell and Garner's review of more than 30 DV prosecution studies, for example, found no deterrent effect of prosecution and sentencing beyond that obtained by the abuser's initial arrest (2012).

The goal of this research is to revisit the question of the effectiveness of DV prosecution. But unlike studies heretofore, we employ a wider lens, examining the effect of differential sentencing of DV prosecutions over time within the context of **all** prosecutions experienced by the abuser, including those for non-DV offenses. Almost all of these prior studies measured reabuse over only a relatively limited period of time, several years at most. The DV careers of this study sample averaged 68.56 months (5.71 years), with a median of 62.50 months (5.21 years). This wider examination is essential to determine the effectiveness of DV prosecution/sentencing because, as well established in the literature (Klein, 2009), the majority of abusers brought to court do not limit their criminal activities to DV alone. It was our hypothesis that the effectiveness of DV prosecution was significantly associated with the differential prosecution and sentencing severity between DV and non-DV crimes; namely, if DV offenses were treated more severely than were non-DV offenses, reabuse would be significantly reduced compared to cases in which DV offenses were prosecuted and sentenced less severely than non-DV offenses. Findings among offenders with both DV and non-DV offenses, for whom the effects of such sentencing differences on reoffending could be compared supported this hypothesis.

To study the effectiveness of DV prosecutions, we first identified a large sample of almost 1,000 offenders from a prior study (Klein et. al., 2005) who were on probation for domestic violence in Rhode Island in 2002. In the first set of analyses, we describe the characteristics, offenses, and prosecution/sentencing patterns of this full sample, including every adult criminal prosecution, DV and non-DV, since age 18 through April 2012. The majority had active criminal careers (as measured from first to last arrest) of at least eight years, with 44% having them for at least 10 years.

In the second set of analyses, we identified an analysis sub-sample (the "Differential Sentencing Sample") of 473 offenders who had both DV and non-DV cases during the first six years of their criminal careers<sup>2</sup>. We compared the maximum sentence for any DV offense and the maximum sentence of any non-DV offense for each abuser to create three groups of offenders: 1) those sentenced less severely for DV offenses than for non-DV offenses; 2) those

---

<sup>2</sup> In the initial proposal, we planned on looking at the first 10 years of each defendant's criminal careers as a base period, but reduced it to six after determining that the majority of study defendants amassed repeated DV and non-DV offenses within six years. By reducing the base period to six years, we were able to examine longer subsequent periods to gauge the effects, if any, of any differential prosecution/sentencing patterns between DV and non-DV offenses.

sentenced equally severely for DV and non-DV offenses; and 3) those sentenced more severely for DV offenses than for non-DV offenses, and examined reoffending over the remainder of each offender's criminal career, controlling for the most common independent variables associated with risk of reabuse, including number of prior offenses, gender, and age at first offense (Klein, 2009).

## **Findings**

### **1) Differential Prosecution/Sentencing Patterns**

Although the 38 different prosecutors' offices across Rhode Island were significantly less likely to prosecute DV offenses than non-DV offenses (18.8% vs.15.4%,  $p < .001$ ), those offenders prosecuted for DV were significantly more likely to be incarcerated, mostly for one to 30 days (8.5% vs. 4.0%,  $p < .001$ ). Overall, 270 (57%) of the 473 offenders were sentenced more severely for DV compared to their non-DV offenses during the first six years of their criminal careers.

### **2) Reabuse After Six Years**

After the first six years, 218 (46.1%) of the 473 abusers were arrested for at least one new DV offenses through April 2012.

### **3) Risk Factors for Reabuse**

As expected, we found that risk factors commonly cited in the literature for reabuse applied to the study sample. Gender was positively correlated with reoffending ( $r = .11$ ,  $p = .01$ ), indicating that males had more DV offenses beyond six years compared to females. Age at first offense was negatively correlated with reoffending ( $r = -.17$ ,  $p < .001$ ) indicating that the younger an offender was at the time of his/her first offense, the greater number of DV offenses beyond 6 years. Additionally, the total number of previous criminal cases (in our data, the total number of cases in the first six years) was positively correlated with reoffending ( $r = .09$ ,  $p = .04$ ), such that the greater the number of total cases occurring in the first six years, the greater number of DV cases beyond six years.

### **4) Differential Sentencing Severity: Number of New DV Offenses**

We analyzed the impact of differential sentencing severity on the number of additional DV offenses committed after the baseline period (i.e., subsequent to the first six years) using negative binomial regression models. Differential sentencing severity was defined in terms of three groups of offenders: (1) those whose maximum DV sentence was *less severe* than their maximum non-DV offense (N = 133); (2) those whose maximum DV and non-DV offense sentences were *equally severe* (N = 128); and (3) those whose maximum DV sentence was *more severe* than their maximum non-DV sentence (N = 212). Differential sentencing severity was a significant predictor of the number of new DV offenses (regression coefficient =  $-0.74$ ,  $p < .05$ ). Those sentenced more severely for DV averaged 0.96 new DV offenses after six years. Those who were sentenced less severely averaged more: 1.65 new DV offenses.

Gender and age at first offense were also significant predictors of the number of new DV offenses, but the total number of offenses during the abusers' first six years was not a reliable predictor of the number of new offenses after six years. Consistent with our hypothesis, the direct effect of maximum DV sentence imposed and maximum non-DV offense imposed were not significant predictors of the number of reoffenses, rather it was the difference between the

maximum DV sentence and the maximum non-DV sentence that predicted the number of new DV offenses committed.

### **5) Differential Sentencing Severity: DV Reoffending (Yes/No)**

We also analyzed the impact of differential sentencing severity as a predictor of the dichotomous measure representing whether offenders committed 1 or more additional DV offense, or no additional offenses, using logistic regression. Gender (OR = 3.00,  $p < .05$ ) and age at first offense (OR = 0.96,  $p < .01$ ) remained significant predictors of reoffending. While the effect of differential maximum sentencing did not achieve statistical significance (OR = .63,  $p = .32$  comparing the DV more severe vs. DV less severe groups), the effect was in the prediction direction. Only 38% of offenders whose maximum DV sentence was more severe than the maximum non-DV sentence reoffended for DV, while 56% reoffended for DV whose maximum DV sentence was *less* severe than their maximum non-DV sentence.

While we looked at maximum DV and non-DV sentence in the comparison, there was a significant correlation between maximum sentence and the average sentence differentials between DV and non DV cases. For example, in addition to a greater sentence of incarceration, the same offenders were, on average, more likely to be prosecuted, rather than have their cases dismissed, less likely to have their cases diverted, and more likely to have suspended sentences as opposed to straight probationary sentences.

As documented in the following literature review, abusers who come into contact with the criminal justice system are not likely to be first-time abusers who otherwise are law-abiding citizens. They are often repeat abusers with extensive criminal histories for non-DV offenses. Given this, it is particularly unrevealing, if not misleading, to examine a single DV prosecution in isolation to gauge the effectiveness of prosecution/sentencing of DV. We must look at the effect of such prosecutions over time and within the context of **all** criminal prosecutions experienced by the abuser. It is our hypothesis that context matters, and that differences between patterns of prosecution/sentencing of DV compared to non-DV offenses will affect reabuse outcomes.



# I. Introduction

## A. Purpose, Goal, and Objectives

The criminal justice response to DV has been transformed since the 1980's, beginning with greatly increased arrests. Although prosecution initially lagged, recent research challenges the widespread belief that few DV arrests are prosecuted (Garner & Maxwell, 2009). However, the effectiveness of DV prosecution remains at issue. Maxwell and Garner's review of more than 30 DV prosecution studies finds no deterrent effect of prosecution and sentencing beyond that obtained by the individual's initial arrest (2012).

The goal of this research is to revisit the question of the effectiveness of DV prosecution. But unlike studies heretofore, we employ a wider lens, examining the effect of differential prosecution and sentencing of DV prosecutions over time and within the context of **all** prosecutions experienced by the abuser, including those for non-DV offenses. This wider examination is essential, we believe, to determine the effectiveness of DV prosecution/sentencing. As described by Stemen and Frederick (2012), research is beginning to show that prosecutorial discretion is constrained not only by internal rules and policies but also by resources of both the prosecutors' offices and that of the courts, as well as relationships with law enforcement, judges, and defense attorneys. Further, these constraints often trump evaluations of case-level factors (e.g., strength of the evidence, severity of the offense, defendant criminal history), forcing prosecutors to make decisions that they may not make in the absence of such constraints. These constraints may not be evident on any specific case or set of cases and may not reveal consistent prosecution/sentencing patterns that may influence the behavior of offenders over time.

As documented in the following literature review, abusers who come into contact with the criminal justice system are not likely to be first-time abusers who otherwise are law-abiding citizens. They are often repeat abusers with extensive criminal histories for non-DV offenses. Given this, it is particularly unrevealing, if not misleading, to examine a single DV prosecution in isolation to gauge the effectiveness of prosecution/sentencing of DV. We must look at the effect of such prosecutions over time, and within the context of **all** criminal prosecutions experienced by the abuser, including non-DV crime prosecutions. It is our hypothesis that context matters, and that differences between patterns of prosecution/sentencing of DV compared to non-DV offenses will affect reabuse outcomes.

To discern these differences, the following study utilizes a sentencing severity scale that allows us to measure and compare patterns of DV and non-DV prosecutions/sentences. We hypothesize that individuals prosecuted and sentenced more severely for DV offenses than for non-DV offenses will be less likely to reabuse and/or will reabuse less over time compared to those who are prosecuted and sentenced less severely for DV offenses than for non-DV offenses.

To determine whether or not this is true, we identified a large sample of almost 1,000 individuals on probation for DV offenses across the state of Rhode Island as of November or December 2002. We then reviewed their entire criminal careers as captured in state court dockets to establish prosecution/sentencing patterns for both DV and non-DV offenses. We then compared these sentencing/prosecution patterns to determine whether they were associated with differing rates of reabuse as measured by new DV charges. We looked at the first six years of each defendant's prosecution/sentencing histories to establish these patterns, and then looked at cases after the six years to determine whether or not the patterns established in the first six years were associated with different reabuse outcomes subsequently.

The sample used in this research was identified in a prior National Institute of Justice (NIJ) study (Klein et al, 2005). It was judged to be ideal for this study because, typical of court-identified abusers (Klein, 2009, p. 16), most of the offenders had both DV and non-DV criminal histories. Because their average age in 2002 was 34, we were able to examine their criminal careers, on average, from 1985 (when they became adults for criminal justice purposes) to April 2012 or, on average potential criminal careers of 27 years.

## **B. Literature Review**

Starting with law enforcement in the 1980s, the criminal justice response to DV has radically transformed. Before the 1980s, police rarely arrested for DV. Now, most states have mandatory or preferred arrest statutes for at least some DV offenses and/or violations of civil protective orders (Klein, 2004).

Also prior to the 1980's, if DV cases reached courts, they were summarily diverted, often specifically authorized by statutes distinguishing "domestic" from other violent offenses. For example, in 1979, the California legislature enacted a DV diversion law authorizing judges to divert from prosecution those charged with DV. Prompted by the outrage over O.J. Simpson's acquittal, the legislature eliminated diversion for any DV offense, declaring it to be "inadequate to address domestic violence as a serious crime" (SB 169, §1(a); Hayden, 1995). In its place, the legislature substituted a minimum three-year probationary sentence and a 52-week batterer intervention program (Ca. Penal Code §1203.097).

### *Effectiveness of Criminal Justice Interventions*

Notwithstanding the transformation of the criminal justice response to DV, the research reveals a continuing challenge to deter domestic abusers identified by the criminal justice system beyond the effect obtained by the initial arrest. The most recent analysis of more than 30 DV prosecutorial studies, for example, concludes that there is no consistent evidence that prosecution of DV has a deterrent effect over arrest without prosecution, prosecution without conviction, or conviction regardless of sentence severity (Garner & Maxwell, 2012).

There has been much research on criminal justice and court interventions and their impact on deterring reabuse. On the criminal side, researchers have looked at arrests (Maxwell, Garner, & Fagan, 2001; Felson, Ackerman, & Gallagher, 2002; Wordes, 2000); prosecution (Belknap, Graham, Hartman, Lippen, Allen, & Sutherland, 2000; Davis, Smith, & Nickles, 1998; Fagan, Friedman, Wexler, & Lewis, 1984; Friday, Lord, Exum, & Hartman, 2006; Gross, Cramer, Forte, Gordon, Kunkel, & Moriarty, 2000; Hirschel, Buzawa, Pattayina, Faggiani, & Reuland, 2007; Ford & Regoli, 1992; Gover, MacDonald, & Alpert, 2003; Jolin, Feyerherm, Fountain, & Friedman, 1998; Tolman & Weisz, 1995; Wooldredge, 2007; Wooldredge & Thistlewaite, 2005; Ventura & Davis, 2005; Thistlewaite, Wooldredge, & Gibbs, 1998; Syers & Edleson, 1992; Orchowsky, 1999); probation supervision (Klein & Crowe, 2008; Klein & Tobin, 2008; Klein, Wilson, Crowe, & DeMichele, 2005; Murphy, Musser, & Maton, 1998; Hayler & Addison-Lamb, 2000; Hayler, Ford, & Addison-Lamb, 1999); court-referred treatment, including batterer intervention programs (Babcock, Green, & Robie, 2004; Feder & Wilson, 2005; Gordon & Moriarty, 2003; Harrell, 1991; Daly, Taylor, & Maxwell, 2000; Feder & Forde, 2000; Gondolf, 1998, 2000, 2002; Gondolf & Jones, 2001); as well as dedicated DV courts (Harrell, Castro, Newmark, & Visher, 2007; Harrell, Schaffer, DeStefano, & Castro, 2006; Goldkamp, Weiland, Collins, & White, 1996; Grau et al, 1985; Peterson & Thunberg, 2000; Hartley &

Frohmann, 2003; Moore, 2009) and more comprehensive coordinated criminal justice and community responses (Tolman & Weisz, 1995; Syers & Edleson, 1992; Murphy et al., 1998).

Most of the research has agreed that these interventions are, at best, “modest” in their effectiveness, mostly restricted to low-risk abusers, those without extensive criminal and abuse histories. For example, the re-examination of the Spousal Assault Replication Program found a modest positive effect for arrest, but that effect diminished for offenders with prior arrests for any crime (Maxwell et al., 2001). Similarly, the study of abusers prosecuted and sentenced for DV in Rhode Island found that those abusers supervised by a specialized DV probation team were significantly less likely to be arrested for new abuse compared to equivalent peers supervised by regular probation teams. However, the significant difference was limited to the 52% of the probationers who did not have extensive criminal and abuse histories (Klein et al., 2005). Similarly, although Gondolf’s (1998) evaluation of multiple batterer intervention programs in different states found a significant reduction in reabuse for court-referred abusers, those with extensive criminal and abuse histories proved immune to treatment. A number of studies have discerned no consistent difference in outcomes on the basis of offender characteristics (Bancock & Steiner, 1999; Bennett & Williams, 2001; Shepard & Campbell, 1992; Tolman & Weisz, 1995; Wooldredge & Thistlewaite, 2005).

### ***Effectiveness of Prosecution and Sentencing***

The research on the effectiveness of prosecution of DV has found even more mixed results. A 2007 re-examination of a large Ohio prosecution data set (Wooldredge, 2007) using a multivariate model of the time to first re-arrest found that prosecution of DV arrestees was associated with less repeat offending, as was conviction and sentencing to probation. However, sentencing to a treatment program or sentencing of arrestees to jail was not (Garner & Maxwell, 2008). In fact, the researchers found that among convicted offenders, being sentenced to jail was associated with more repeat offending.

A study of specifically whether or not sentences of incarceration deter abusers over six months found among four groups of offenders (i.e., those sentenced to jail, sentenced to probation and treatment, those whose cases were dismissed or were not prosecuted) no differences in recidivism rates among the four groups controlling for variables related to risk for recidivism. These included prior criminal history and individual and relationship characteristics (Davis, Smith, & Nickles, 1998). A much larger study of more than 65,000 individuals prosecuted for DV across the State of Washington from 2004 through 2006 and followed for the subsequent five years (George, 2012) found that those sentenced to jail were significantly more likely to reabuse than were those given community-based sanctions, controlling for the following risk factors: gender, race, number of prior DV and non-DV offenses, age at first offense for either, the severity of the DV study offense, and the number of days between case filing and date of sentencing. However, the study looked at only the 27,000 individuals who were successfully prosecuted, and then only the 40% who complied with the community-based sanctions imposed. Perhaps more revealing, the study found that, overall, 70% of those successfully prosecuted for DV reoffended, 45% specifically for another DV offense.

Wooldredge (2007) tested the hypothesis that more severe sanctions might deter recidivism specifically for abusers accused of more serious, felony domestic assaults. Results were mixed. Although jail sentences were associated with fewer subsequent intimate partner assaults compared to probationary sentences, more serious prison sentences were not.

A recently completed review of approximately 30 prosecution studies found no consistent evidence that prosecution had a deterrent effect over arrest without prosecution, prosecution without conviction, or conviction regardless of sentence severity (Maxwell & Garner, 2012). Even those studies indicating that prosecution and sentencing deter reabuse follow defendants for only a year or two (Ford & Regoli, 1992; Gover et al., 2003; Jolin et al., 1998; Tolman & Weisz, 1995; Wooldredge & Thistlethwaite, 2005). The little longitudinal research completed on batterers suggests that even reabuse cessation for up to three years does not indicate longer-term cessation (Klein & Tobin, 2008; Huntley & Kilzer, 2005). In Klein and Tobin's Massachusetts study, while only a minority (32%) of the police-identified abusers reabused within a year of the court intervention, over the next decade the majority (60%) reabused as measured by a new arrest for DV. Similarly, Huntley and Kilzer found reabuse rates to be 60% across Colorado after 10 years.

If Maxwell and Garner's (2012) analysis is valid or if the positive effects of prosecution/sentencing fade relatively quickly, it would seem that after arrest, the likelihood of reabuse can be pre-determined by each abuser's risk factors rather than by the effects of further prosecution and sentencing.

### ***Reabuse Risk Factors***

The risk factors by which an abuser's likelihood of reabusing can be predicted are known and much studied (Klein, 2009). These factors include gender (Macmillan & Kruttschnitt, 2004; Wordes, 2000; Friday et al., 2006; Belknap et al., 2000; Hirschel et al., 2007), age (Buzawa, Hotaling, Klein, & Byrnes, 1999; Friday et al., 2006; Wordes, 2000; Holt, Kernic, Wolf, & Jaffe, 2003), and criminal history, including age at first offense (Hirschel et al., 2007; Jolin et al., 1998; Ventura & Davis, 2005; Hartley & Frohmann, 2003). Criminal history includes any offense, not only DV offenses. In fact, if the abuser has just *one* prior arrest on his criminal record for *any* crime, not only DV, he is more likely to reabuse than if he has no prior arrest (Buzawa et al., 1999; Davis et al., 1998; Gondolf, 2000; Orchowsky, 1999).

Other risk factors have been identified in various studies, including parentage of the victim's children, relationship of the victim to the abuser, abuser employment or possession of firearms, and more (see, e.g., Klein, 2009) as well as specific risk factors for lethality (Campbell, 2004); however, those listed in the preceding paragraph are most consistently found to be associated with risk for reabuse.

The research is also consistent: Most abusers identified by the criminal justice system have non-DV offenses. For example, the 66,759 individuals charged with DV across the State of Washington from 2004 through 2006 averaged 4.6 prior offenses on their records, with only .6 for DV. Their average age for first offense was 26.3 years, but 31.5 years for first DV offense (George, 2012).

### ***Prior Non-DV Criminal Histories***

DV perpetrators who come to the attention of criminal justice or court authorities have criminal histories for a variety of non-violent and violent offenses, against males as well as females, domestic and nondomestic. The percentage of officially identified perpetrators with criminal histories range from a low of 49% for prior arrest within six years in an arrest study in Portland, Oregon (Jolin et al., 1998), to 89% for at least one prior non-violent misdemeanor arrest for misdemeanor DV arraigned in a Toledo, Ohio Municipal Court (Ventura & Davis, 2005). Not only did most of the abusers brought to the Toledo Court for DV have a history of

prior arrests, but the average number of prior arrests was 14. Similarly, 84.4% of men arrested for DV in Massachusetts had prior criminal records, averaging a little more than 13 prior charges (resulting from five to six arrests) for a variety of charges (Buzawa et al., 1999). A study of intimate partner arrests in Connecticut, Idaho, and Virginia of more than 1,000 cases documented that 69.2% had a prior record, 41.8% for a violent crime (Hirschel et al., 2007). A study of the Cook County (Chicago, Illinois) misdemeanor DV court found that 57% of the men charged with misdemeanor DV had prior records for drug offenses, 52.3% for theft, 68.2% for public offenses, and 61.2% for property crimes, averaging 13 prior arrests (Hartley & Frohmann, 2003). Studies of abusers brought to court for protective orders find similar high rates of criminal histories, ranging from a little more than 70% in Texas (Carson et al., 1999) to 80% in Massachusetts (Klein, 1996).

### ***Pro-Prosecution Domestic Violence Public Policy***

Although the goals of criminal sentencing are not limited to specific deterrence, the lack of specific deterrence provided by DV prosecutions obviously has direct impact on the safety and well-being of specific victims, their children, and other third parties. In addition, as evidenced by Congress' mandate to the Office on Violence Against Women to administer discretionary grant programs to promote prosecution of DV ("Grants to Encourage Arrest and Enforcement of Protection Order Program"), prosecution of DV remains a cornerstone of public policy. The policy is based on the assumption that DV is not prosecuted aggressively enough. As Garner and Maxwell (2008) describe, since the late 1960s, the predominant theme in the literature is that prosecution of and conviction for DV "occurs rarely (p. 4)." Hartman and Belknap (2003) concluded that although pro-arrest policies have resulted in unprecedented numbers of batterers referred to criminal courts, "serious prosecution may still be unlikely (p. 351)." Although Garner and Maxwell (2008) suggest that DV prosecution may be more robust than widely believed, other studies nonetheless suggest that DV prosecution and sentencing fall short of that for non-DV offenses. For example, a study in Arizona (Wells, 2003) found that conviction rates for non-DV assault prosecutions were 40.5%, but only 33.9% for DV, with incarceration rates of 49.4% for DV assaults compared to 62.2% for non-DV assaults.

There are additional studies suggesting that DV prosecution can be enhanced with increased victim contact by prosecutors. Research suggests that there is a significant correlation between prosecutor victim contact and conviction rates (Belknap et al, 2000; Dawson and Dinovitzer, 2001; Peterson, 2013). A study in Brooklyn, New York, found that when victims (witnesses) participate with the prosecutor, the conviction rate was 58.8%, compared to 23.2% when the witness did not participate. Further, the study found that victim participation could be significantly increased if calls were made to the victim immediately after arraignment (Peterson, 2013). Implicit in efforts to increase victims' participation in DV prosecutions is the promise that such efforts will enhance victims' safety by deterring their abusers.

## **II. Research Design and Methods**

### **A. Study Design**

Using a retrospective, secondary research design, this exploratory study examines the impact of the differential prosecution/sentencing severity of DV and non-DV offenses on DV

recidivism. Specifically, secondary data analysis of complete adult criminal court histories for the state of Rhode Island is used to: 1) describe the prosecution and sentencing histories for DV and other offenses, 2) determine the severity gap in prosecution/sentencing between these DV and non-DV crimes over a six-year period, and 3) to answer whether the difference of severity in the prosecution/ sentencing severity of DV vs. non-DV offenses predicts being subsequently charged for DV in the future. To our knowledge, this is the first study to investigate this issue using statewide data across a substantial part of the adult lifespan. The following section provides specific details on the study's research methodology.

## **B. Aims, Research Questions, and Hypotheses**

**Aim 1:** Describe the prosecution and sentencing histories of a large group of abusers for both DV and non-DV offenses over at least a 10-year period beginning with their first adult criminal offense.

**Key Question:** Over the course of their criminal careers, or at the minimum, 10 years of their criminal career, did these abusers amass general criminal limited or extensive criminal histories for both DV and non-DV offenses?

**Hypothesis:** The vast majority of the study sample will have at least six-year<sup>3</sup> criminal histories replete with multiple DV and non-DV charges after their first adult offense charged in court.

**Aim 2:** Describe the reabuse histories of the study sample after their first offense for a minimum of the following decade.

**Key Question:** How many of the study sample continued to be brought to court for new DV offenses after the first six years of their criminal careers?

**Hypothesis:** The majority of defendants will be arrested and brought to court even after the first six years following their first arrest.

**Aim 3:** Determine whether prosecution/sentencing severity is consistently different for DV compared to non-DV charges.

**Key question:** Do prosecutors and courts consistently treat defendants charged with DV differently from those charged with non-DV offenses in terms of aggressiveness of prosecution and severity of sentences?

**Hypothesis:** Prosecutors and courts treat DV offenses more leniently than non-DV offenses, including being more likely to drop or divert DV cases and impose lighter sentences.

**Aim 4:** Determine whether the prosecution and sentencing severity gap between DV and non-DV cases over the first six years of offenders' criminal careers affects the likelihood of reabuse recidivism, and the number of new DV offenses over subsequent years.

**Key Question:** Can any differences found in reabuse rates be attributed to the severity gap in prosecution/sentencing between DV and non-DV offenses independent of each offender's individual risk factors most associated with reabuse, including age, criminal history, and gender?

**Hypothesis:** Severity gaps in prosecution/sentencing will independently predict reabuse.

---

<sup>3</sup> In the initial proposal, we planned on looking at the first 10 years of each defendant's criminal careers as a base period, but reduced it to six after determining that the majority of study defendants amassed repeated DV and non-DV offenses within six years. By reducing the base period to six years, we were able to examine longer subsequent periods to gauge the effects, if any, of any differential prosecution/sentencing patterns between DV and non-DV offenses.

### C. Study Site

Rhode Island was selected as the study site for several reasons. First, it has a high DV arrest rate and specifically distinguishes DV from non-DV offenses based on relationship of the parties, not by specific type of crime.<sup>4</sup> As a result, offenses coded as DV by law are not limited to just assaults or violations of protective orders. Second, Rhode Island's judiciary maintains a public web-based database of all offenders' court histories, allowing free access to defendants' prior adult court cases for DV and non-DV crimes through the April 2012, when the last record check was made. Opportunistically, the researchers had access to a list of every person under state probation supervision for a DV offense in 2002 across Rhode Island.

### D. Data Source and Proposed Sample

Secondary data analysis used the complete adult criminal court histories for a sample of persons on probation for at least one DV offense as of either November 14, 2002, or December 31, 2002 ( $N = 1,032$ ), with lists cross-referenced to avoid duplicating persons. Building on an earlier NIJ-funded study (Klein et al., 2005), we identified these individual records and determined offenders' complete adult criminal histories from *CourtConnect*, Rhode Island's automated court case file, which provides complete records of charges, case history, and dispositions, indicating whether defendants were imprisoned, placed on probation, or had their cases dismissed. The website includes an index of defendants by name and date of birth and lists all arrests followed by prosecution and court actions through final sentence. The criminal history information includes all charges filed in any Rhode Island Court for the last 25 years, allowing us to determine detailed criminal records of the DV offenders under study.

As determined from the earlier NIJ study using the same data (Klein, et al, 2005; Klein & Crowe, 2008), these DV probationers reflect the general population of abusers identified in national surveys, including the National Crime Victimization Survey. Almost one-third of the probationers were married or formerly married to their victims, a little fewer than two-thirds were current or former intimate partners of their victims (almost a quarter of the current or former intimates had a child with their partner), whereas the remaining few were in a dating relationship with their victim. Their ages at the time of the initial study ranged from 18 to 72 years, with a mean age of 34 years. The majority had prior non-DV as well as DV offense histories. Two-thirds of the study offenses involved convictions of a domestic assault (misdemeanor), followed by domestic disorderly (13%; petty misdemeanor), property damage (7%; misdemeanor/felony), and violation of a no-contact or protective order (10%; misdemeanor/felony). Rhode Island has an enhancement statute that makes repeat domestic misdemeanor convictions a felony. As a result, the study population includes an almost equal number of both misdemeanor and felony offenses.

### E. Study Sample

For the proposed study, individual probationers were the unit of analysis. Using the full data set of persons on probation for at least one DV offense as of November 14, 2002, or December 31, 2002, with lists cross-referenced to avoid duplicating persons, the sample was constructed using the inclusion criterion described below.

---

<sup>4</sup> Some state statutes that have a specific DV offense limit that offense to assaults only.

For inclusion in this study, offenders must have been on probation for a DV offense on either of these two dates. Although there were approximately 3,000 offenders on probation supervision for DV at this time, those included in this study were limited to a sample of probationers obtained in the prior NIJ funded study. That sample ( $N = 1,032$ ) consisted of those probationers who were on the caseloads of fourteen different probation officers, five of whom dealt exclusively with DV offenders. Unique individual offenders were identified by their first and last name and their date of birth. In cases in which offenders could not be uniquely identified using these characteristics, they were excluded from the analysis. For all offenders identified by these criteria, we then coded all available criminal records for their entire available criminal careers, from their first (adult) offense up to and including any charged through April 2012.

In identifying prior or subsequent “criminal history,” we looked at each arrest that resulted in a court arraignment. One arrest may lead to multiple charges for different offenses specified at arraignment. For example, a typical drunk driver may be arrested for drunk driving, as well as operating after license suspension, leaving the scene, and disorderly conduct. In these instances, we would classify this as a non-DV criminal case (set of offenses), and we would indicate as the sentence the most severe sentence imposed on any of the charges. So if in this instance, the leaving the scene charge was dismissed but the defendant received a probationary sentence for disorderly conduct, a one-month prison sentence for drunk driving, and a fine for operating after suspension, we would identify the case sentence as a one-month prison sentence. If the arrest included a DV offense, the case was classified as a DV criminal case even if the most severe sentence was specifically imposed on a charge that was not classified as DV. For example, the defendant could be charged with domestic disorderly conduct and resisting arrest. The defendant could receive a fine for the former and a probationary sentence for the latter. Although coded as a DV case, the sentence would be coded as a probationary sentence. The only cases that would not be coded as “domestic violence” that included a DV charge would be cases where the defendant was specifically found “not guilty” on the DV charge.

In Rhode Island, an offense is classified as “domestic violence” based on the relationship of the parties. §12-29-2 (a) of the Rhode Island Criminal Code states that “Domestic Violence” includes crimes “when committed by one family or household member against another.” Section (b) defines “family or household member” as “spouses, former spouses, adult persons related by blood or marriage, adult persons who are residing together or who have resided together in the past three years, and persons who have a child in common regardless of whether they have been married or have lived together, or if persons who are or have been in a substantive dating or engagement relationship within the past one year...” Further, for the sample, we excluded non-intimate family or household members so that the sample consists of what is commonly recognized as current or former “intimate partners.”

A criminal career, for purposes of this study, is considered all adult criminal offenses that result in an arrest and court arraignment. Unlike some other jurisdictions, across Rhode Island, arrests are not screened before defendants are arraigned in court. Once charged, only felony offenses are screened by the Office of the Attorney General that handles all felony prosecutions, but that screening takes place after the initial charges are arraigned in District Court. Cases may then be dropped by prosecutors (*nolle prosequi*), or dismissed or diverted by prosecutors and/or judges. Consequently, although the records on the sample’s criminal histories were obtained from court files, they represent almost all of the arrests made by local and state police for each study defendant.



### *Examples of Non DV and DV offenses*

To illustrate what DV and non-DV offenses were charged against the study defendants, we broke down the specific offenses charged against a small sample of half a dozen study defendants with more than half a dozen offenses each. Collectively, these offenders were charged with 68 offenses, 36 non-DV offenses and 32 DV offenses. Fifteen of the non-DV (41.6%) and 12 of the DV offenses (37.5%) were charged as felonies. Although charged as felonies, most were either prosecuted in District Courts and/or received misdemeanor sentences. Only three of the non-DV (felony assault and two drug offenses) and two of the DV offenses (third offense domestic assault and B & E/violation of protective order) were sentenced as felons (one year or more in prison). As indicated in the following exhibit, the majority of the DV offenses were crimes of violence, misdemeanor or felony assaults, while only 16.7% of the non-DV offenses were assaults. The largest number of offenses for non-DV was for drugs, with the largest number of these charges for possession of marijuana.

**Exhibit 1: Breakdown of DV and Non-DV Offenses from Study Sample**

<b>Charge</b>	<b>DV Offenses Percent</b>	<b>Non-DV Percent</b>
<b>Crimes against persons</b>		
Total Assaults	56.25%	16.7%
Harassment (Telephone Calls)/Stalking	6.25%	2.8%
Violation Protective/No Contact Order	12.5%	2.8% (Trespass)
<b>Total Crimes/Persons</b>	<b>75%</b>	<b>22.3%</b>
Drugs	0	27.8%
Drunk Driving	3.1%	8.3%
Disorderly Conduct/Obstruct Police/Elude Arrest	6.25%	19.4%
Larceny/B&E/Shoplifting/Forgery/Poss. Stolen Goods	6.2%	11.1%
Vandalism	9.4%	2.8%
Major Motor Vehicle	0	2.8%
Carrying Unlicensed Pistol	0	5.1%

### *Coding Scheme*

Two researchers independently coded offender data available on *CourtConnect*, guided by a detailed, written coding procedure described below. Coders entered a unique identifier for each offender, along with his/her first and last name, gender, and date of birth into the database, followed by various court dates, beginning with the court arraignment date (that occurred in almost all cases within three days of arrest date) and the subsequent disposition (sentencing/dismissal) date, as well as any probation revocations dates that resulted in new dispositions. Each charge was classified as DV or non-DV as defined by state statute. This was made easier as DV offenses are labeled as “domestic” on the court records that make up

*CourtConnect*. There are exceptions. Often, felony charges initially classified as “domestic” at arraignment lose that designation when they were re-arraigned and then prosecuted in the felony court. In addition, charges of “Violation of Protective Order,” “Violation of Restraining Order,” and “Violation of No Contact Order” were also coded as DV criminal cases although the record does not include the “domestic” designation. Additionally, in a handful of cases if the sentencing description of any charge included an order of “Domestic Abuse Counseling” it was also classified as DV and coded accordingly.

The severity of the prosecution/sentencing (sentencing severity scoring) was also coded in the spreadsheet for each case (most serious charge sentence). Minor charges, including ordinance violations or charges that most often resulted in at most fines, such as minor motor vehicle offenses or “short” lobsters (tails less than six inches in length), were excluded from the criminal histories. For example, driving without a license charge, generally sanctioned by a fine, was excluded, whereas a driving after suspension offense that does occasionally result in a jail sentence was included.

Coders then determined whether the defendants were prosecuted for the charges brought against them. Offenses that were not prosecuted were differentiated from offenses that were prosecuted in our coding. Not-prosecuted offenses were identified by instances when *CourtConnect* indicated *nolle prosequi* of charges by the prosecutor, dismissal of charges by either the prosecutor or judge, or felony prosecution was rejected by either the Grand Jury or the Attorney General’s Office charged with screening and prosecuting felonies. If a charge was not prosecuted, there was, of course, no sentence and the severity score would be coded as 0. If the charge was prosecuted, coders recorded the level of sentencing that each case charge received, as illustrated in Exhibit 2.

**Exhibit 2: Sentencing Severity Scoring**

Prosecution/ Sentence Action	Severity Rating Scoring	Action
A: Not Prosecuted	0	Dismissed, <i>Nolle Prosequi</i> Not Indicted (if felony charge)
B: Sentence	1	Diverted/Case Filed/Fined
	2	Guilty, Probationary Sentence
	3	Guilty, Suspended Sentence
	4	Guilty, Prison* (30 days or less)
	5	Guilty, Prison (31 to 365 days))
	6	Guilty, Prison (366+ days)

\* Rhode Island has only one prison for both felons and misdemeanants.

If on a particular case, the offender was prosecuted for several different charges, as previously explained, the charge coded included the charge for which the defendant received the most severe sentence. For example, if a defendant faced multiple charges on the same date and received a suspended sentence for one- and a two-month term to serve for the other, a “5” would appear as the sentence corresponding to that date of prosecution. In Rhode Island, judges may impose sentences of home confinement in lieu of prison sentences. In such cases, home confinement sentences are coded the same prison sentences, based on the number of days confined at home, consistent with state statute.

In cases in which defendants were sentenced to either a probationary or suspended sentence and were then charged with a subsequent crime or a technical violation of their supervision, their earlier probationary or suspended sentence could be revoked and a new sentence imposed. When this occurred, coders entered a second sentence for the case charge with a second date. In this manner, the sequence for each separate sentence is maintained notwithstanding the same dates for the charge's initial court arraignment. Revocations were recorded only if they resulted in a more severe sentence, generally prison or home confinement. If the subsequent revocation sentence did not differ from the original, it was not coded or entered in the spreadsheet. These additional sentences were excluded when we analyzed the data at the level of the offender (number of prior criminal cases) but included when we analyzed the impact of sentencing sequences.

Sentencing severity scores were calculated using the criteria in the Exhibit 1 matrix for each criminal offense (petty misdemeanor, misdemeanor, and felony). The severity score increases across offenses, beginning with the least severe (0; criminal cases are dropped by the prosecutor or judge), to the most severe (6; the case is prosecuted, the defendant is convicted and sentenced to prison for more than one year). Those cases scoring six are limited to defendants sentenced as felons because the maximum sentence for misdemeanants in Rhode Island is 12 months. The maximum severity score for a misdemeanor charged (or felony charged, pled down, or sentenced as a misdemeanor) is 5 and for a petty misdemeanor, 4.

The sentence severity score increases sequentially as sentences become more intrusive. The difference between probationary sentences and suspended sentences, although both typically are supervised by state probation officers, is particularly significant for DV offenses. Rhode Island has a DV enhancement statute (§12-29-5) that mandates a minimum of 10 days in prison for a second DV conviction and one year for a third. However, for purposes of this statute, a probationary sentence does not qualify as a "conviction" and cannot be used to enhance the minimum sentence for a subsequent DV offense conviction.

In the proposal, we initially intended to utilize a weighted prosecution/sentencing scale so, for example, a sentence involving incarceration would weigh substantially more than a sentence that did not involve incarceration, as opposed to the weighted difference between a probationary sentence and a suspended sentence. However, we found as we were comparing the two sets of prosecution/sentencing for DV and nonDV cases, we lost only complication by utilizing the simpler, unweighted scale described herein. Further, because the prosecution/severity scale did not represent a continuous variable, we incorporated a measure of differential prosecution/sentencing severity based on only the maximum sentence imposed on an offender's DV and non-DV offenses that is insensitive to the weighting of scale values (i.e., does not assume equal intervals between scale values).

We then created a group predictor variable (the independent variable) based on a comparison of the maximum severity level of their DV and non-DV offenses during the six year baseline period. This measure used only a single scale point (the maximum sentence imposed) for an individual offender's DV and non-DV offenses, allowing assignment of individual offenders into one of three groups: those who received more severe sentences for DV than for non-DV offenses, 2) those that received more severe sentences for non-DV than for DV offenses, and 3) those who had equivalent sentences for DV and non-DV offenses. By using only the maximum scale value, the difference score from which group membership is derived is unaffected by the weighting of the prosecution/sentencing scale values. That is, it makes no assumption about the size of the interval between scale points.

Further, we found that the maximum sentence serves as a proxy measure for the average prosecution/sentencing severity for all DV and non-DV cases. In other words, those defendants whose maximum sentence was for a DV offense were also likely to have greater prosecution/sentencing severity for their average DV offenses in general compared to nonDV cases, including cases where no prison sentences were imposed. The correlation between maximum and average differential prosecution/sentencing was  $r = .79$  and significant.

### *Coding Reliability*

Early in the coding of the offender data, we conducted an analysis of the reliability of the two coders. A randomly selected sample of 35 offenders was selected for recoding by the researcher (e.g., “rater”) who had not previously coded the offender’s data. The rater was provided only with the name and date of birth of the offender, and was unaware of the coding entries of the original rater.

The coding reliability was assessed at the level of each offender with respect to the total number of criminal cases that were identified as appropriate for coding (for each offender), given the criteria established for identifying the such criminal cases. We therefore calculated the percentage agreement between the two raters on the number of criminal cases coded for each offender, which was equal to the number of criminal cases that both raters coded for each offender divided by the maximum number of criminal cases coded by either rater. We also assessed reliability at the level of individual criminal cases, by calculating the percentage agreement between the two raters on the final numeric sentence code (0-6) entered for corresponding criminal cases entered in the data by each rater. This was calculated as the number of criminal cases in which each rater entered the same sentence, divided by the total number of criminal cases that both raters coded. Additionally, for each measure of reliability we computed both the raw correlation between raters’ coding and the Spearman-Brown correlation formula for the effective reliability of judges. The reliability measures were high for these data, and the results are summarized in Exhibit 3. Subsequent to these reliability analyses, the two raters together reviewed any discrepancies in their coding, and corrected any coding errors identified through this process.

### **Exhibit 3: Reliability of Coding**

<b>Level of Analysis</b>	<b>% Agreement</b>	<b>Raw Correlation</b>	<b>Spearman-Brown Correlation</b>
Offender (no. of criminal cases coded)	93.7%	.98	.99
Criminal Case (specific sentence coded)	93.3%	.98	.99

### *Analysis Sample*

For the periods included in our source lists, there were a total of 982 uniquely identifiable criminal offenders who were on probation for a domestic violation criminal case as of either November 14, 2002, or December 31, 2002, and who met our criteria for inclusion in the study.<sup>5</sup>

---

<sup>5</sup> Although there were 1,032 probationers under supervision for domestic violence in the initial NIJ-funded study from which our sample was obtained, when we coded them for this study, we found 50 were not on probation

These offenders collectively had a total of 6,673 criminal cases over the period of their criminal careers occurring between 1977 and April 2012.

We hypothesized that differential sentencing of DV and non-DV criminal cases during the earlier part of an offenders criminal career would be associated with differential DV reoffending. To test this hypothesis, we needed to define some initial baseline period to examine the pattern of domestic and non-DV offending, and a follow-up period beyond this baseline period to examine DV reoffending. In the context of this exploratory study, we were limited by the actual data on offenders' criminal career histories to determine an appropriate baseline period. The baseline period needed to be of sufficient length to ensure that offenders would have both DV and non-DV criminal cases for purposes of defining groups differing in sentencing severity across these two types of criminal cases. However, the baseline period needed to be short enough to leave a remaining follow-up period that would allow sufficient time within which offenders might have the opportunity to reoffend, whether they did or not. There was also a natural trade-off in the data, such that the longer the baseline period selected, the smaller aggregate number of offenders included in the study sample through the loss of those offenders with shorter criminal careers.

Initial inspection of the data indicated that the duration of offenders' criminal careers (date of last criminal case minus date of first criminal case) ranged from 0 to 391 months (32.6 years), with a mean duration of 112.3 months (9.4 years) and a median duration of 103.0 months (8.6 years). We then determined what proportion of offenders would be retained, depending on the length of criminal career used in the selection of various baseline periods. In these data we found that:

- 432 (44%) of 982 offenders had criminal careers of at least 10 years.
- 522 (53%) of 982 offenders had criminal careers of at least 8 years.
- 610 (62%) of 982 offenders had criminal careers of at least 6 years.
- 690 (70%) of 982 offenders had criminal careers of at least 4 years.

To retain a sufficiently large sample for defining offenders who differed in DV and non-DV sentencing severity, we ultimately defined the baseline observation period to include all DV and non-DV criminal cases committed within the first six years (72 months) of offenders' criminal careers, measured from the date of the first criminal case (DV or non-DV). Having defined this six-year baseline observation period, the follow-up period was thus defined as any time subsequent to the first six-years of each offender's criminal career.

## F. Measures

**Dependent Variables—Domestic Violence Recidivism:** DV recidivism was measured by assessing the arrest history of the study sample after the first six years of their criminal careers used to determine prosecution/sentencing patterns for domestic and non-DV crimes.

To examine the impact of the sentencing severity gap on DV recidivism, two dependent variables were used: 1) the total number of DV criminal cases after the first six years and 2) any DV criminal cases after the first six years of each offender's criminal histories (yes/no). The latter measure is simply a less sensitive measure, recoding of the former, where the number of offenses committed beyond six is recoded from the actual value to a value of "1" (e.g., "yes").

---

in 2002 for a specific domestic violence crime or their records were not available on *CourtConnect* under the same name.

**Independent Variables:** This study takes advantage of detailed Rhode Island court data available on a web-based data file, *CourtConnect*, spanning the entire adult criminal career of the study sample. The records reveal age of offenders at first and subsequent arrests, gender, as well number and classification of criminal offenses charged and date of each case filing and disposition. For the purposes of this study, we classified offenses (“criminal cases”) as either DV, consistent with Rhode Island statute as previously described, or non-DV. In regard to the latter, we excluded offenses in which sanctions are either limited to fines only or by tradition are rarely sanctioned beyond fines (certain common motor vehicle offenses).

## G. Analytic Approach

The focus of this analysis is on exploring the impact of the prosecution/sentencing severity gap on DV recidivism. The approach to data analysis involved three major levels of examination described below: 1) univariate statistics to describe prosecution and sentencing patterns for DV and other types of offenses, 2) bivariate analysis for descriptive purposes, and 3) multivariate techniques to determine whether variation in sentencing severity predicts being subsequently charged for intimate assault during a six-year follow-up period.

**Univariate Statistics:** Descriptive statistics form the basis of the analysis and were used to provide simple summaries about the sample and all of the study measures. At the descriptive level, the distribution and frequency of all items were examined to check for outliers and make sure missing data are minimal and do not show a systematic pattern. Descriptive analysis results include descriptive means, standard deviations, ranges for continuous variables and frequencies, and counts or proportions for categorical variables.

**Bivariate Relationships:** As part of the descriptive analysis, we also explored bivariate associations for each of the probationer and criminal history characteristics, and report differences in the rates of DV recidivism. Depending on the variable type, correlations, *t*-tests and  $\chi^2$  tests were performed to document the association between the independent variables and the outcome variable of DV recidivism. For the dichotomous dependent variable, logistic regression was conducted with continuous independent variables, and  $\chi^2$  tests were used for examining associations with other dichotomous variables in the model.

**Multivariate Techniques:** Although univariate and bivariate analyses are useful for describing probationer characteristics, criminal history information, and sentencing severity patterns, these analyses do not allow for the evaluation of the independent influences of all of the factors taken together.

To test whether differential sentencing severity was associated with the number of DV offenses in the follow-up period, we used Poisson regression, which is appropriate for modeling the association between categorical predictor variables and an outcome variable representing counts of events. Poisson regression also allows for the inclusion of covariates in the model, to statistically control for variables previously identified in the literature as predictors of the dependent variable, such as gender, age at first offense, and total number of prior offenses. DV reoffenses during the follow-up period (e.g., after 6 years from first criminal charge) were analyzed first using first a Poisson regression model of the untransformed count data. Using Poisson regression however, the model fit statistics were not good, suggesting that these outcome data, although believed to be generated by a Poisson process, did not fit a Poisson distribution. Inspection of the mean and variance of the dependent measure did not suggest an “over-dispersion” problem, as is sometimes associated with poor model fit. Rather, the lack of fit seemed to be related to an “excess zeros” issue, because of the high percentage of cases in which

no reoffenses occurred during the follow-up period. In this case, the suggested regression model to use with count data is the negative binomial model, and we applied this method to test the number of DV reoffenses during the follow-up period.

To the dichotomous outcome variable indicating whether or not offenders were prosecuted/sentenced for any DV offenses in the follow-up period we used multiple logistic analysis to examine the likelihood of recidivism while controlling for all other independent variables. The predictor of primary interest is the severity gap based on the maximum DV compared to maximum nonDV sentence imposed during the first six year's of each abuser's criminal careers, with the hypothesis that the difference will predict subsequent DV offenses. If the offenders' maximum sentence for DV was greater than that received for the non-DV sentences, then subsequent DV reoffending would be less likely. The main effects of the independent variables on DV recidivism were illustrated by using adjusted ORs and corresponding 95% confidence intervals (CIs; Hosmer & Lemeshow, 1989).

All statistical analyses were performed using the IBM SPSS Version 17 statistical package (for descriptive analyses and analyses of bivariate relationships) or STATA, Release 12 (for the multivariate analyses).

### III. Findings

We have, in effect, two sets of findings: the first in regard to the entire sample of 982 abusers and the second in regard to an "analysis sample," those abusers with both domestic and non-DV offenses on their records that allowed us to test our hypothesis regarding any differential impact of prosecution and sentencing.

#### A. Description of Full Probation Abuser Sample

We began the study with a sample of 982 offenders, all of whom were under probation supervision across Rhode Island as of November 14, 2002, or December 31, 2002, for at least one DV felony or misdemeanor offense. Following is a description of that sample. For those familiar with DV research involving abusers brought to the attention of police and/or courts (Klein, 2009), many of these findings will be familiar.

##### 1. Offenders

**Gender:** The sample consisted of 982 offenders of whom 900 (91.8%) were male.

**Age:** They ranged in age at **first** offense for any criminal case, DV or non-DV, from 17 years to 72 years old, with an average age at first offense at 27.7 years (median age, 25 years). The average age for the first DV criminal case was 32.24 years ( $n = 981$ ) and for the first non-DV criminal case was 26.56 years ( $n = 747$ ). At the time of this study, they ranged in age from 28 to 84 years, with an average age of 43.8 years (median age, 44 years).

**Criminal Histories:** The number of criminal cases (each case represents one arrest for one or more offenses or charges) against each offender ranged from one to 33, with an average of 6.8 criminal cases each. The median was five cases. In addition to these cases, 40% of the offenders (394 of 982) had at least one probationary sentence revoked as a result of new cases or technical violations. The number of cases in which probationary sentences were revoked ranged from one to nine for the 394 offenders who had revoked sentences.

The duration of the offenders' criminal careers (to date), from first criminal case to last during the study period through April 2012 ranged from zero (had only one criminal case) to 391

months (32.6 years), with a mean duration of 112.3 months (9.36 years). The median career was 103 months (8.58 years). The first criminal prosecution dated from February 4, 1977, to December 19, 2002.

The length of their DV careers, from first to last DV criminal case for those who had more than one DV case ( $n = 686$ ), ranged from one to 251 months, with a mean of 68.56 months (5.71 years), and a median of 62.50 months (5.21 years).

Fewer than a quarter of the offenders (23.83%) had **only** DV cases on their records. Almost half of the offenders (49.14%) with only DV histories had only that one criminal case on their record. Offenders with only DV cases on their record were significantly different from those with both DV and non-DV cases, as illustrated in Exhibit 4. They were more likely to be female, be older, and have significantly fewer prior offenses.

**Exhibit 4: Offenders with Domestic Violence Offenses Only and Those with Both Domestic Violence Offenses and Other Offenses**

Offender Characteristics	DV Only ( $n = 234$ )	DV & Non-DV ( $n = 748$ )	Statistical Significance
Female	11.5%	7.1%	$t(978) = 2.16, p = .03$
Age at First Offense	33.9 years	25.8 years	$t(979) = 12.14, p < .001$
Total Number of Prior Offenses	1.94	8.28	$t(980) = -17.96, p < .001$

The first case for the majority of offenders (54.2%) was a non-DV case. The criminal careers of those offenders who began with a non-DV case was significantly longer than those whose first case was for DV [159.1 months vs. 56.9 months;  $t(980) = -21.73, p < .001$ ].

**Finding:** Among this sample of offenders on probation for DV in 2002, most were male and committed both DV and non-DV offenses, and their criminal careers from first to last offense as of April 2012 averaged almost one decade. Those offenders with only DV offense on their record were significantly more likely to be female, to be older at first offense, and to have fewer offenses on their records. Almost half of the probationers with only DV offenses on their records had only a single DV offense as an adult through April 2012.

**Discussion:** Although this sample of abusers is skewed because it includes only those under probationary supervision across Rhode Island in 2002, it resembles most samples of abusers found in other studies involving abusers brought to the attention of courts and/or police. As indicated in the literature, most such abusers are males and have records of non-DV offenses as well as DV offenses. A recent statewide study in Washington, for example, examined all 66,759 individuals with DV cases filed from 2004 through 2006. It found that 77% were male, the average age was 32.7 years, and although 29% had a prior DV offenses, 67% had committed at least one prior non-DV offense (George, 2012).

To the extent that DV is a gender-specific behavior as opposed to part and parcel of general criminal behavior, it appears this may be truer for women arrested for abuse than for men arrested for abuse.



## 2. Offenses

The 982 study offenders were prosecuted for 6,649 cases, of which 3,072 (46.2%) were DV and 3,577 (53.8%) were non-DV cases. For the purposes of this study, in addition to these 6,649 prosecutions, there were an additional 819 “prosecutions” for probationary violations that resulted in new dispositions. Of these 819 revocations, most (702) were for new offenses, although 116 were for technical violations. Most of the revocations were for DV cases (15.2 % of DV cases [466 of 3,072] vs. 9.9% of non-DV cases [353 of 3,577];  $\chi^2 = 42.99, p < .001$ ).

**Finding:** During their criminal careers, spanning on average almost a decade, the majority of offenses committed by study abusers were for non-DV offenses, notwithstanding the obvious selection bias of obtaining our sample from those specifically under probation supervision for DV in 2002.

**Discussion:** This sample is in accord with other studies that reveal most abusers also commit non-DV offenses and are relatively high-volume offenders, based on their extensive histories of criminal cases.

## 3. Prosecution/Sentencing

Of the 6,649 offenses, 5,520 (83%) were prosecuted. The remainder was *nolle prosequi* (dropped) or dismissed by the prosecutor or court. Sentences for prosecuted cases ranged from fines to imprisonment. Exhibit 5 lists the sentences imposed. Note that the cases not prosecuted are included in the calculation of sentence percentages.

### Exhibit 5: Sentences of Offenses

	Frequency	Percent	Valid Percentage	Cumulative Percentage
Not Prosecuted/Dismissed	1129	17.0	17.0	17.0
Fined	389	5.9	5.9	22.8
Probation	1329	20.0	20.0	42.8
Suspended Sentence	1935	29.2	29.1	71.9
Prison (30 or less days OR 1 month)	403	6.1	6.1	78.0
Prison (31 to 365 days OR 1 year)	1173	17.6	17.6	95.6
Prison (more than 1 year/more than 365 days)	291	4.4	4.4	100.0
Total	6649	100.0	100.0	

The prosecution rate for DV offenses (81.2%) was significantly less than that for non-DV offenses (84.6%;  $\chi^2 = 13.63, p < .001$ ).

**Finding:** The prosecution rate for DV offenses was significantly less than the prosecution rate for non-DV offenses during these offenders’ criminal careers.

**Discussion:** Although Garner and Maxwell (2009) have documented from disparate DV prosecution studies completed across the country (and a few other English-speaking countries) that DV prosecutions are not as negligible as some have assumed, across Rhode Island, at least, prosecutors at both the local and state level are significantly less likely to prosecute DV as opposed to non-DV cases. In Rhode Island, felony prosecutions are handled by the state’s single

Attorney General, but all other cases are prosecuted by 38 separate city and town prosecutors and/or police departments, so this finding represents the aggregate behavior of multiple and diverse different prosecutors across an entire state.

#### ***4. Differences Between Prosecution/Sentencing for Domestic Violence Compared to Other Offenses***

There were significant differences in how DV and non-DV cases were sentenced, as illustrated by Exhibit 6. Although DV cases were significantly less likely to be prosecuted, those prosecuted were significantly more likely to be incarcerated, but less likely to be imprisoned for more than one year than those prosecuted for non-DV offenses. In DV cases, offenders were significantly more likely to be sentenced to “probation” than given “suspended sentences.” Although sentences of “probation” and “suspended sentences” both generally result in probationary supervision by state probation officers, under state statute [§12-29-5(c)(i),(ii)] if a DV sentence is “probation,” the sentence does not count as a “conviction” for purposes of sentence enhancement. If an abuser has a prior DV “conviction,” the sentence must be a minimum sentence of 10 days in prison and if the abuser has two prior “convictions,” the sentence must be a minimum of one year in prison. Except for this important difference, there was no difference in sentences that resulted in probationary supervision (probation or suspended sentences) between DV and non-DV cases.

**Exhibit 6: Sentencing of Domestic Violence and Non-Domestic Violence Cases**

<b>Sentence:</b>	<b>DV</b>		<b>Non-DV</b>		<b>Difference</b>	
	<b>Freq.</b>	<b>%</b>	<b>Freq.</b>	<b>%</b>	<b><math>\chi^2</math></b>	<b><i>p</i></b>
Not Prosecuted/Dismissed	578	18.8	551	15.4	13.64	< .001
Fined (only)	61	2.0	328	9.2	154.85	< .001
Probation	679	22.1	650	18.2	15.97	< .001
Suspended	797	25.9	1,138	31.8	27.60	< .001
Prison LE 30 days/1 month	261	8.5	142	4.0	59.47	< .001
Prison 31 to 365 days or 1 yr.	609	19.8	564	15.8	18.72	< .001
Prison >365 days or 1 yr.	87	2.8	204	5.7	32.55	< .001
Total	3,072	100.0	3,577	100.0		
Probation or Suspended	1,476	48.0	1,788	50.0	2.49	.115 (ns)
Prison Less Than or Equal to 365 days/1 yr.	870	28.3	706	19.7	67.32	< .001
Any Prison	957	31.2	910	25.4	26.70	< .001

However, there were significant differences in how persons charged with DV cases ended up incarcerated compared to persons charged with non-DV cases. Most of the DV cases that resulted in jail sentences were the result of revocations of initial non-jail sentences, whereas most of the non-DV cases that resulted in incarceration were the result of the initial sentence. Almost half (45.3%) of the DV cases that resulted in jail sentences were the result of revocations, whereas only 36.0% of the non-DV jail sentences resulted from revocations ( $\chi^2 = 13.63$ ,  $p < .001$ ).

**Finding:** Offenders convicted of non-DV offenses were significantly more likely to be sentenced to jail initially, whereas those sentenced for DV offenses were significantly more likely to be incarcerated as a result of a subsequent revocation, mostly for a new offense (DV and non-DV), notwithstanding Rhode Island’s statute mandating incarceration for repeat DV offenses. The limited impact of Rhode Island’s enhancement statute for repeat DV offenses can be attributed, in part, to the fact that DV offenses are significantly more likely to result in “probation” sentences as opposed to “suspended sentences” which are not considered “convictions” under state law qualifying for mandatory jail sentences.

**Discussion:** The increased likelihood of revocation for DV cases may be attributed to a number of factors, some unique to Rhode Island and limited in other jurisdictions. Pursuant to state law in Rhode Island [§12-29-5(a)], as in approximately a dozen other states, offenders convicted of DV offenses must be sentenced to and complete a prescribed batterer intervention program. Generally, a large proportion of defendants required to complete batterer programs fail to do so. A prior study of Rhode Island supervision of DV offenders in 2002 found that approximately 34.5 % were charged with failure to complete batterer programs (Klein, et. al., 2005). This may account for increased technical violations. However, because most of the revocations were for new offenses, the higher revocation rate for DV cases seems to be the result more often of prosecutors’/courts’ initial reluctance to impose sentences of incarceration for DV cases notwithstanding prior criminal histories that are associated with high rates of recidivism.

### **5. Reabuse**

More than two-thirds (69.9%) of the study offenders reabused after their first DV case through April 2012. The average time between their first DV case and their first subsequent DV case was 39.3 months (3.3 years). The range was less than one month to 278 months (23.2 years), and the median was 21 months (1.75 years).

**Finding:** The majority of those arrested for DV across Rhode Island (who ended up being placed under probationary supervision for a DV offense as of November or December 2002) were rearrested for at least one more DV offense(s) after their first DV arrest within 10 or more years through April 2012.

**Discussion:** This reabuse rate, as measured by a subsequent arrest for a DV offense, is higher than that found in almost all studies involving a justice-involved sample or population of abusers (see, e.g., Klein, 2008, p. 19). However, almost all of these prior studies measured reabuse over only a relatively limited period of time, several years at most. The DV careers of this study sample averaged 68.56 months (5.71 years), with a median of 62.50 months (5.21 years). Studies that track abusers only for less than 5.21 years would, therefore, miss **half** of the reabuse committed in this study. Studies that look at only whether a defendant reabused would have to track them up to a little more than 23 years to include all who eventually reabused.

The most recent statewide study of offenders with DV cases, those across Washington brought to court between 2004 and 2006, is more comparable to the present study. It, too, found higher reabuse rates based on a longer tracking period. The Washington researchers tracked 27,218 abusers who were prosecuted, and found a reabuse rate, as measured by a repeat DV offense, of 45% during a five-year follow-up period (George, 2012). In the Washington study, the length of DV criminal careers ranged from zero to 251 months (20.9 years), with an average

of four years. Our study suggests that even tracking DV careers for five years misses a great deal of future reabuse.

In two other of the few longitudinal abuser studies completed, one in Massachusetts and the other in Colorado, the reabuse rates based on official court records over 10 years were found to be 60% (Klein & Tobin, 2008; Huntley & Kilzer, 2005). These two longitudinal studies were for persons initially arrested for DV, not, as in this study, persons who at least once in their life were also placed under probationary supervision for DV. As a result, one would expect the current study sample of abusers to be higher risk than samples or populations of persons just arrested once for DV and who may never have reached the point of being placed on probation of a DV offense because generally few offenders are sentenced to probation for their first offense.

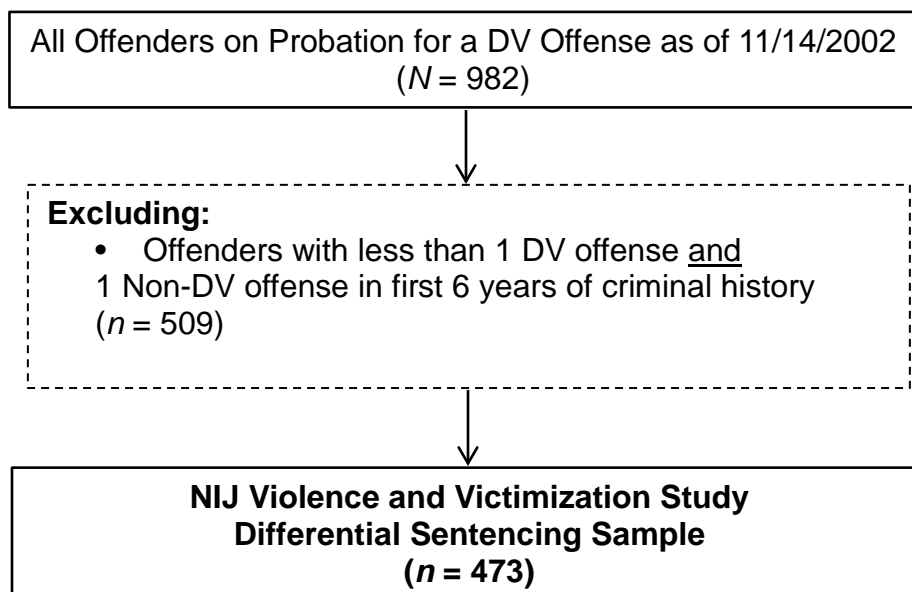
### **B. Differential Sentencing Sample: Description of Sub-Sample of Offenders Qualifying for Analysis of Differential Sentencing**

To establish prosecution and sentencing patterns for DV and non-DV cases needed for this study, we looked at the first six years (72 months) of each offender's criminal career from time of first criminal case and included all offenders who had at least one DV **and** at least one non-DV case. If offenders met these conditions, the actual duration of their criminal histories may have been less than 60 months. That was, in fact, the case for 135 offenders (28.5%) found to qualify for the study analysis.

As described, we chose six years to generate a large enough study sample to be able to test our hypothesis on the effects of prosecution/sentencing severity in deterring future abuse. We excluded the 234 offenders who had only DV cases on their record. We also excluded 275 offenders who had either no DV or no non-DV cases during the first six years of their criminal career. As a result, a sub-sample of offenders for whom differential sentencing could be assessed (the "differential sentencing sample") was identified to test our primary hypothesis concerning the differential impact of prior DV and non-DV prosecution and sentencing for new abuse consisted of 473 offenders.

The process is illustrated in Exhibit 7.

Exhibit 7: Study Population Derivation Process



1. Reabuse

A total of 217(45.88%) of these offenders committed at least one additional DV offense as measured by a court record of arraignment. As illustrated in Exhibit 8, within the first six years, on average the analysis sample committed five offenses (2.3 DV and 2.7 non-DV). Subsequently, the analysis sample committed 2.7 DV and 3.1 non-DV offenses. As of April 2012, the average study offender was 43.8 years old. Given that their average age at first offense was 26.56 years, the sample has, on average, been tracked for a little more than 17 years by the April 2012 cut-off date.

**Exhibit 8: Analysis Sample (n = 473\*): Criminal Case Histories Over Life Span**

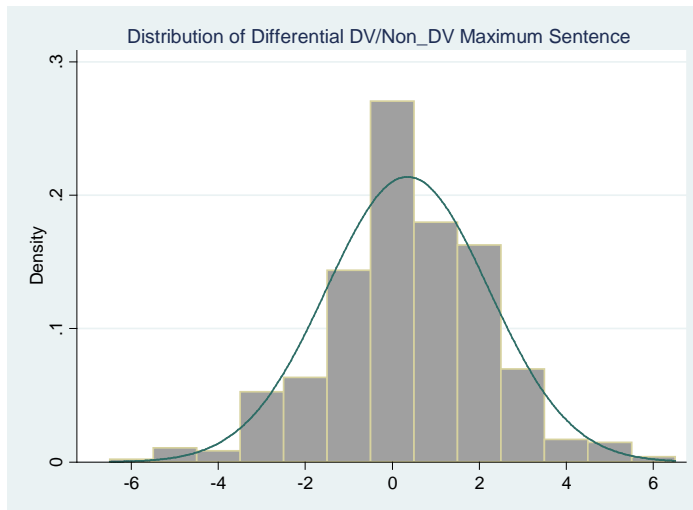
Case Characteristics	First 6 Years	Remaining Years	Total Career
Average No.			
All	5.0	2.9	7.9
DV	2.3	1.3	3.5
Non-DV	2.7	1.6	4.3
Prosecuted (%)			
All	85.4%	79.8%	84.0%
DV	87.0%	78.6%	85.6%
Non-DV	84.8%	82.4%	83.5%
Jail/Prison Sentences (%)			
All	19.7%	31.0%	22.8%
DV	24.9%	37.0%	28.2%
Non-DV	13.6%	26.5%	15.5%

\*Note: n is less than 473 across some of these measures.

**2. Analysis Sample Sentencing Severity Scoring**

As noted previously, we operationally defined the independent (predictor) variable in terms of the group membership of each offender with respect to whether his or her maximum sentence across all DV offenses committed in the first six years was more severe, as severe, or less severe than his or her maximum sentence across all non-DV offenses committed in the same period. Specifically, we assigned individual offender to one of three groups based on a comparison of the single, maximum sentence imposed on their DV offenses in the first six years and the single, maximum sentenced imposed on their non-DV offenses in the first six years (without respect to the number of DV and non-DV offenses committed). The correlation between this maximum prosecution/sentencing differential and differential prosecution/sentencing based on the average of all offenses was  $r = .79, p < .001$ . The maximum sentence differential variable was normally distributed around zero, is plotted in Exhibit 9. Scores of “0” indicate that the severity was the same for DV and non-DV prosecution and sentencing. From this measure, offenders were assigned to one of three groups: (1) offenders whose maximum DV sentence was less severe than their maximum non-DV offense (N = 133, 28%); (2) offenders whose maximum DV sentence was the same as their maximum non-DV sentence (N = 128, 27%); and (3) offenders whose maximum DV sentence was more severe than their maximum non-DV offense (N=212, 45%).

**Exhibit 9: Distribution of Severity of Sentence (Maximum Sentence) Difference Scores of Offenders with at least One Domestic Violence and One Other Offense in the First Six Years ( $n = 473$ )**



**C. Analysis of Differential Sentencing Sample**

**1. Covariates**

To make sure that any differences found were the result of the prosecution/sentencing severity disparities between DV and non-DV prosecution/sentencing during the first six years of each study offender’s criminal career, we controlled for the most common factors associated with reabuse: gender, age at first offense, and number of prior arrests for all offenses (during the initial six year period).

Gender was positively correlated with reoffending ( $r = .11, p = .01$ ), indicating that males had more DV offenses beyond six years compared to females. Age at first offense was negatively correlated with reoffending ( $r = -.17, p < .001$ ) indicating that the younger an offender was at the time of his/her first offense, the greater number of DV offenses beyond six years.

Additionally, the total number of previous criminal cases (in our data, the total number of cases in the first six years) was positively correlated with reoffending ( $r = .09, p = .04$ ), such that the greater the number of total cases occurring in the first six years, the greater number of DV cases beyond six years.

In addition, because our primary predictor variable represented the *difference* in the degree to which offenders were sentenced for DV and non-DV offenses, and was constructed from variables representing the maximum severity of sentencing for DV and non-DV offenses, we also included the original variables representing the DV sentence and non-DV sentence in the regression models to determine whether maximum DV or non-DV sentencing alone accounted for any portion of the variance in subsequent reoffending.

**2. Findings**

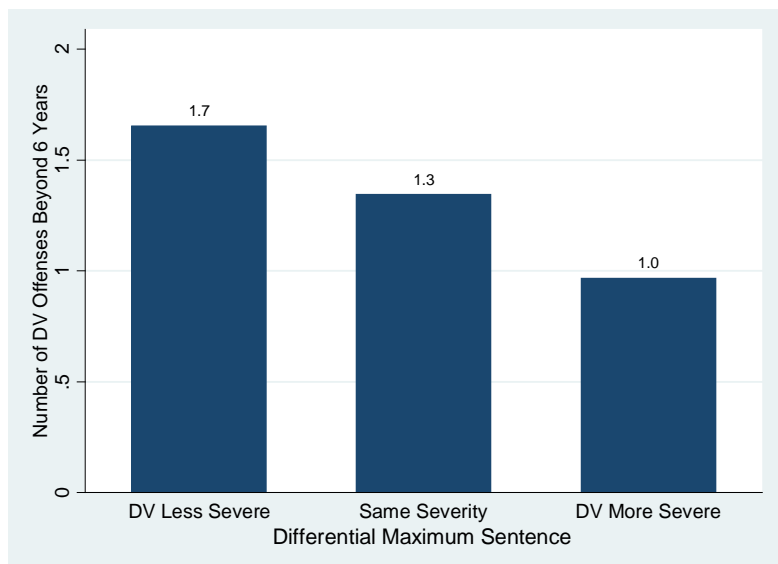
As displayed in Exhibit 10, the 212 offenders whose maximum DV sentence was **more severe** than their maximum non-DV offense during the first six years of their criminal careers

committed fewer new DV offenses subsequently than did those sentenced less severely for DV as measured by maximum sentence the first six years of their criminal careers, averaging 0.96 new DV offenses over their remaining criminal careers after the first six years. The 133 offenders whose maximum sentence was **less severe** for DV compared to non-DV offenses during the first six year of their criminal careers subsequently committed 1.65 additional DV offenses. The 128 offenders whose maximum DV sentence was the **same** as the maximum non-DV offense sentence committed an average of 1.34 new DV offenses.

**Exhibit 10: Reoffending Beyond 6 Years**

**1. Differential Prosecution/Sentencing Severity: Number of New Domestic Violence Offenses**

**Exhibit 10: Number of DV Reoffenses by Differential Maximum Sentencing Group**



We used negative binomial regression to model the count data of number of DV reoffenses prosecuted/sentenced subsequent to the baseline period as a function of the differential maximum DV and non-DV sentence.

We first modeled the hypothesized covariates of reoffending (Gender, Age at First Offense, Number of Total Prior Offenses). We also tested the potential direct effects of Maximum DV Sentence and Maximum non-DV Sentence as predictors of the number of DV reoffenses. The model (see, Model 1, Exhibit 11) was significant (LR  $\chi^2 = 35.19, p < .001$ ). Gender, Age at First Offense, and Maximum non-DV Sentence were all reliable predictors of the number of reoffenses beyond six years. Males committed significantly more DV reoffenses than did females, and older offenders committed significantly more DV reoffenses than did younger offenders. In addition, individuals who received higher maximum sentences for their non-DV offenses during the first six years of their criminal careers committed significantly more DV reoffenses subsequently.

At the second step, differential maximum sentence severity group was added as a predictor of DV reoffending (see Model 2, Exhibit 11). The full model was statistically significant ( $LR \chi^2 = 39.92, p < .001$ ), and the results qualify the results obtained using the covariates alone. With Sentencing Severity Group included in the full model, Gender and Age at First Offenses remained reliable predictors of the number of DV reoffenses. The direct effect of Maximum non-DV Sentencing did not, however. Rather, the effect of maximum sentencing depended on the relative difference of maximum sentence of DV versus non-DV offenses. Differential Maximum Sentence Group was a significant predictor of DV reoffending. Specifically, offenders whose maximum DV sentence was more severe than their maximum non-DV offense committed significantly fewer subsequent DV reoffenses (regression coefficient =  $-.74$ ). Neither the previous maximum DV sentence nor the previous maximum non-DV sentence had any direct effect DV reoffending, rather it was the difference between the maximum sentence imposed for DV offenses relative to non-DV offenses that predicted DV reoffending, consistent with our hypothesis.

**Exhibit 11: Effect of Differential Maximum Sentencing Group on Number of New DV Offenses**

Predictor	Model 1				Model 2			
	B	SE	95% CI		B	SE	95% CI	
			For B				For B	
Intercept	0.10	0.46	-0.79	1.00	0.45	0.48	-0.50	1.40
Gender	**0.97	0.34	0.29	1.64	**0.95	0.34	0.28	1.63
Age at First Offense	***-0.04	0.01	-0.06	-0.02	***-0.04	0.01	-0.06	-0.02
No. of Total Offenses (first 6 years)	-0.00	0.04	-0.07	0.07	-0.00	0.04	-0.07	0.07
Maximum DV Sentence (first 6 years)	-0.02	0.06	-0.13	-0.09	0.11	0.08	-0.05	0.27
Maximum non-DV Sentence (first 6 years)	*0.13	0.05	0.03	0.23	-0.02	0.08	-0.18	0.15
Differential Sentencing								
Group: No severity difference					-0.32	0.24	-0.79	0.16
Group: DV more severe					*-0.74	0.34	-1.42	-0.07

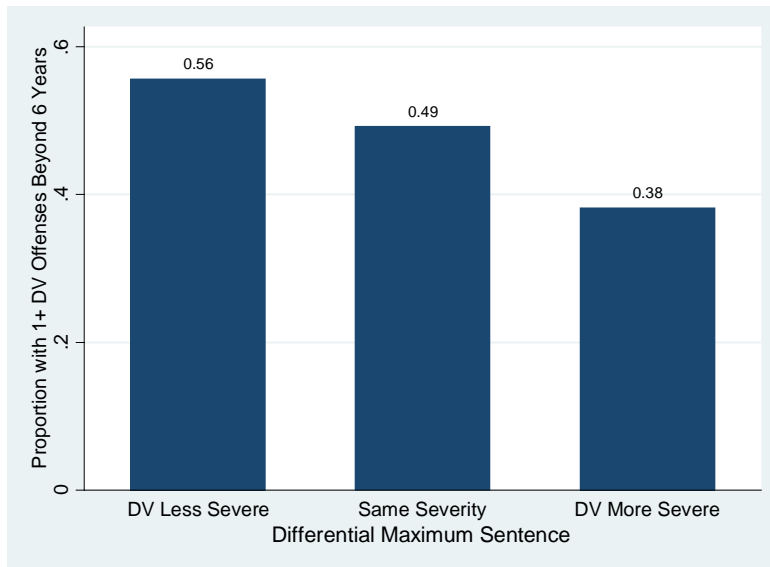
\*p<.05 \*\*p<.01 \*\*\*p<.001

***b) Differential Sentencing Severity: Reabuse Reoffending (Yes/No)***

We also examined and modeled the degree to which offenders committed 1 or more DV offenses during their subsequent criminal careers vs. no additional DV offenses. As displayed in Exhibit 12, and consistent with the findings on numbers of subsequent DV offenses committed, those abusers whose maximum DV sentence during the baseline period was more severe than the maximum non-DV sentence had the lowest rates of subsequent reoffending. Specifically, only 38% of these abuser reoffended, compared with about half (49%) of abusers whose maximum DV and non-DV sentences were the same, and 56% of abusers whose maximum DV sentence was less severe than their maximum non-DV offense.



## Exhibit 12: Proportion of Abusers with 1 or More DV Reoffenses by Differential Maximum Sentencing Group



Multiple logistic regression was used to model the dichotomous outcome variable of whether offenders committed one or more additional DV offense, or no additional DV offenses during their subsequent criminal careers. We first modeled the effects of covariates of DV offending, Gender, Age at First Offense, Number of Total Offenses in the baseline period, and the direct effects of Maximum DV Sentence and Maximum non-DV Sentence. As indicated in Model 1 of Exhibit 13, Gender and Age at First Offense were significant offender characteristics predicting DV reoffending. Males were 3 times more likely than females to reoffend, and older offenders were somewhat less likely to reoffend. In addition, abusers' maximum non-DV sentence during the baseline period was a significant predictor of subsequent DV reoffending, with those whose maximum non-DV offenses were higher being more likely to reoffend.

The full regression model included differential maximum sentencing group as a predictor variable (see Model 2, Exhibit 13). Both Gender and Age at First Offense remained significant predictors of whether abusers committed one or more subsequent DV reoffenses. As with the negative binomial regression model results of number of reoffenses, the direct effect of maximum sentencing of non-DV offenses in the baseline period was no longer a reliable predictor of DV reoffending when differential sentencing group was included as a predictor.

With respect to differentiating abusers who committed one or more DV offenses from those who never reoffended, the effect of differential maximum sentencing did not reach conventional levels of statistical significance ( $p = .32$ , ns). However, the regression coefficients and odds ratios were both in the predicted direction. Controlling for all covariates, those whose DV and non-DV maximum sentences were the same were 86% as likely (OR = .86) to ever reoffend compared to those whose maximum DV offense was sentenced less severely than their maximum non-DV offenses. Furthermore, when offenders received a maximum DV sentence more severe than their maximum non-DV offense, they were 63% as likely (OR = .63) to reoffend, compared to those sentenced less severely. These results were consistent with those predicting the number of subsequent reoffenses, and meaningful, but not statistically significant.

**Exhibit 13: Effect of Maximum Sentencing Group on Whether (Yes/No) Committed Any New DV Offenses**

Predictor	Model 1					Model 2				
	B	SE	OR	95% CI For OR		B	SE	OR	95% CI For OR	
Intercept	-0.50	0.59	0.61	0.19	1.92	-0.25	0.65	0.78	0.22	2.79
Gender	**1.11	0.43	3.03	1.32	6.98	*1.10	0.43	3.00	1.30	6.92
Age at First Offense	***-0.04	0.01	0.96	0.94	0.98	**0.04	0.01	0.96	0.94	0.98
No. of Total Offenses in First 6 Years	0.07	0.05	0.07	-0.02	0.16	0.07	0.05	1.07	0.98	1.17
Maximum DV Sentence (first 6 years)	-0.12	0.07	0.89	0.77	1.03	-0.03	0.11	0.97	0.77	1.21
Maximum non-DV Sentence (first 6 years)	*0.14	0.07	1.15	1.01	1.32	0.05	0.12	1.05	0.83	1.32
Differential Sentencing										
Group: No severity difference						-0.15	0.32	0.86	0.45	1.62
Group: DV more severe						-0.46	0.47	0.63	0.25	1.58

\*p<.05 \*\*p<.01 \*\*\*p<.001

**3. Differential Prosecution of DV and non-DV Offenses**

All 473 offenders reported above were prosecuted (i.e., a prosecution/sentencing score of 1 or higher) on at least one DV and/or one non-DV offenses. Most, 423 (89%), were prosecuted both for at least one DV and one non-DV offense. However, a subset of offenders was either: (1) not prosecuted for any DV offense (N=18), or (2) not prosecuted for any non-DV offense (N=32) during the first six years of their criminal careers. As a further test of our differential prosecution/sentencing hypothesis, we analyzed the degree to which such differential prosecution predicted DV reoffending. Exhibit 14 displays descriptive statistics for this subsample of 50 offenders. Of the 32 offenders prosecuted for one or more DV offenses (but no non-DV offenses), 7 (21.9%) committed one or more DV offenses in the follow-up period. Of the 18 offenders sentenced for one or more non-DV offenses (but no DV offenses), 15 (83.3%) committed one or more DV offenses in the follow-up period.

**Exhibit 14: Offenders Differentially Prosecuted for DV and Non-DV Offenses**

Case Characteristics	Prosecuted for:	
	1 or more DV Offenses, but no non-DV offenses (n = 32)	1 or more Non-DV Offenses, but no DV offenses (n = 18)
Baseline (first 6 years):		
Average # Total offenses	3.25	3.44
Average # DV offenses	2.06	1.06
Average # non-DV offenses	1.19	2.39
Follow-Up (beyond 6 years):		
Total Number of DV offenses	0.78	1.94
% Reoffending	21.9%	83.3%

Given the relatively small group sizes, full regression analyses, with the inclusion of potential covariates, is not included. Rather, we conducted t-tests of the group differences in reoffending.

***a) Number of New DV Offenses***

Those who were prosecuted for at least one DV offense but no non-DV offense committed significantly fewer subsequent DV offenses compared to those who were not prosecuted for any of their DV offenses but were prosecuted for at least one non-DV offense,  $t(48) = 2.07, p < .05$ .

***b) Reabuse Reoffending (Yes/No)***

Those who were prosecuted for at least one DV offense and no non-DV offenses were significantly less likely to be subsequently arrested for DV compared to those who were not prosecuted for any of their DV offenses but were prosecuted for at least one non-DV offense,  $t(48) = 5.12, p < .001$ .

## IV. Policy Implications

The policy implications of the findings are clear. Prosecution and sentencing of DV cases can significantly reduce reabuse, at least for the majority of more chronic abusers who also commit crimes other than DV. But to reduce reabuse, the sanctions imposed for DV offenses must be more severe than that imposed on the typical non-DV offenses committed by the abusers. At least in this study, not only was this statutorily possible, but indicated by the nature of the DV compared to the non-DV crimes. While the vast majority of the DV offenses were assaults and the remainder were all crimes against persons, the non-DV offenses were neither, with the greater number being for drug offenses.

Noteworthy, the research suggests that what matters is the comparative severity of the DV sentencing compared to non-DV sentencing, not the severity of the sentencing itself. The research is not a call for minimum mandatory DV sentencing. It is a call for prosecutors and judges to sanction crimes against persons appropriately, namely more severely than typical non-DV crimes abusers may be arrested for.

Although this study sample is skewed toward those abusers who were under probation supervision in Rhode Island for DV in 2002, the study sample is similar to that found for most chronic abusers who come into contact with police and courts (Klein, 2009). It is probable that at some time, the majority of chronic abusers similarly find themselves under probation supervision for their abuse at some time during their criminal careers.

Unlike other interventions that have been shown to be ineffective in dealing with chronic abusers, as described in the literature review, this research suggests that prosecutors and judges have the necessary tools to deter such higher-volume abusers and reduce reabuse significantly, but only if they consistently prosecute and sentence DV offenders more severely than non-DV offenses. This should not be an overwhelming obstacle. In most jurisdictions, all prosecutors and judges have to do is follow the spirit if not the letter of the law. The majority of states provide for statutory enhancement of DV sentences for repeat abusers. Rhode Island, for example, in which the study was completed, requires second offenders to be sentenced to a minimum of 10 days and third offenders to be sentenced to a minimum of one year. However, as indicated by this and the prior examination of the study sample (Klein et al, 2005), most Rhode Island repeat abusers are not charged accordingly, thereby allowing for reduced sentences. As the current research demonstrates, Rhode Island abusers most often ended up incarcerated as a result of a probation revocation, not an initial sentence. Were it not for the prison sentences that resulted from these probation revocations, far fewer of the abusers would have been sentenced more severely for DV compared to non-DV offenses. However, if the state's enhancement statutes were rigorously enforced (and prosecutors and judges considered a prior DV conviction with a probationary sentence as a prior offense), almost all of the abusers, not just 45%, would have been sentenced more severely for DV compared to non-DV offenses without having to rely on probation revocations.

The research also suggests the importance of prosecutors prosecuting abusers in the first place. Dropping DV prosecutions is all too common in some jurisdictions (and was significantly more likely in Rhode Island for DV compared to non-DV cases). Disproportionately dropping DV charges compared to non-DV charges increases re-victimization.

This and other research suggest, however, why DV offenses may not typically be sentenced more severely than non-DV offenses. It appears that prosecutors and judges may have gotten sidetracked, convinced that specialized batterer intervention programs or other alternatives will deter all abusers. In addition, many appear to be under the misapprehension that

DV offending is not related to non-DV offending. As a result, prosecutors and judges often treat an abuser, despite a prior non-DV criminal history, as a “first” offender if it is his first DV offense. The research is clear, and this study reconfirms it: DV brought to the attention of the police and courts for most abusers seems to be part and parcel of an offenders’ general criminal behavior. Prior non-DV offense histories are predictive of future abuse. Not only does it make no sense to discount prior non-DV crimes in prosecution and sentencing defendants who commit a DV offense, but it endangers victims and increases their likelihood of being abused in the future.

## **V. Limitations of the Proposed Analysis**

Although there are many strengths to the analysis proposed above (e.g., high-quality statewide data set covering the adult lifespan of all DV probationers in 2002), it is not without its limitations. These include the following:

- When examining secondary data sources, we were limited in our analyses by the data available. Our data set was confined to persons under state probation supervisions as of November 2002. Our findings may have differed if the data set was all persons arrested for DV in 2002 or all persons arrested for any offense in 2002 who also previously or subsequently were also arrested for DV.
- The data is also limited in that it only includes DV cases that result in arrest and court arraignment. As a result, measures of reabuse as determined by rearrests for DV may not reflect true reabuse rates (although because we are comparing two groups of offenders, this does not change the major finding of this study).
- With the use of state data that is not nationally representative, the generalizability of the specific findings is limited. Although there is no reason to suspect that chronic abusers are substantially different in Rhode Island than elsewhere in the nation, prosecution and sentencing statutes and conventions do vary across states.
- Without interviewing actual defendants and/or victims, we can only conjecture how and why the differential severity of sentencing affects behavior. Did the offenders consciously weigh the potential sanctions of DV compared to non-DV offenses and offend accordingly? Or were the patterns understood by our “adaptive unconscious” (Wilson, 2002)?
- Other unmeasured variables may potentially account for both differential severity and reoffending, or moderate the effect, because in this study we limited covariates to gender, age, and criminal history. We did not have additional factors that may relate to reabuse risk such as relationship of the parties, substance abuse, employment, suicidality, parentage of children, if any, threats, stalking, and other factors that have all been identified as possible risk factors for reabuse (Klein, 2009, pp. 22-28).
- The sample size was too small to drill down with sufficient statistical power to determine the specific impact of different levels of prosecution/sentence severity. For example, will the impact of jail compared to non-jail sentences be a more powerful predictor of reabuse offending than the difference between probationary sentences and fines? Does it take six years to establish the differential prosecution/sentencing patterns to have an impact on subsequent offending behavior? Will the same effect be observed after a specific number of DV and non-DV cases are brought to court regardless of time between cases? Did probation revocations play an independent role other than ultimately turning community-based sentences into prison sentence?

## **VI. Future Research**

The limitations listed above suggest the future research needed. Most basically, this research should be repeated with a larger population of abusers from multiple states to confirm our finding that differential sentencing severity significantly is associated with reabuse. A larger study population will also allow researchers to determine when the pattern of prosecution and sentencing for DV and non-DV offenses is determinant of future behavior. And finally, further research is needed to determine why differential sentencing over time has any deterrent effect (if reconfirmed by subsequent research). The answer to these questions may allow us to develop interventions before abusers are arrested multiple times.

## Appendices

### References

- Babcock, J. C. and Steiner, R. (1999). The relationship between treatment, incarceration, and recidivism of battering: A program evaluation of Seattle's coordinated community response to domestic violence. *Journal of Family Psychology, 13*(1), 46.
- Babcock, J. C., Green, Charles E., & Robie, C. (2004). Does batterers' treatment work? A meta-analytic review of domestic violence treatment. *Clinical Psychology Review, 23*(8), 1023-1053.
- Belknap, J., Graham, D. L. R., Hartman, J., Lippen, V., Allen, G., & Sutherland, J. (2000). *Factors Related to Domestic Violence Court Dispositions in a Large Urban Area: The Role of Victim/witness Reluctance and Other Variables: Final Report*. Washington, DC: U. S. Department of Justice.
- Bennett, L., & Pennsylvania Coalition Against Domestic Violence. (2001) Controversies and recent studies of batterer intervention program effectiveness. Harrisburg, PA: National Resource Center on Domestic Violence. Retrieved from [http://www.vawnet.org/applied-research-papers/print-document.php?doc\\_id=373](http://www.vawnet.org/applied-research-papers/print-document.php?doc_id=373).
- Buzawa, E., Hotaling, G., Klein, A., & Byrne, J. (1999). *Response to Domestic Violence in a Pro-Active Court Setting: Final Report*. Washington, DC: National Institute of Justice.
- Campbell, J. C. (2004). Helping women understand their risk in situations of intimate partner violence. *Journal of Interpersonal Violence, 19*(12), 1464-1477.
- Carlson, M. J., Harris, S. D., & Holden, G. W. (1999). Protective orders and domestic violence: Risk factors for re-abuse. *Journal of Family Violence, 14*(2), 205-226.
- Clapare, E. (1951). Recognition and "me-ness". In Rapaport, D. *Organization and Pathology of Thought: Selected Sources* (58-75). New York: Columbia University Press.
- Davis, R. C., Smith, B. E., & Nickles, L. B. (1998). The deterrent effect of prosecuting domestic violence misdemeanors. *Crime & Delinquency, 44*(3), 434-442.
- Dawson, M. & Dinovitzer, R. (2001). Victim cooperation and the prosecution of domestic violence in a specialized court. *Justice Quarterly, 18*(3), 593-622.
- Fagan, J., Friedman, E., Wexler, S., & Lewis, V. (1984) *National Family Violence Evaluation Final Report*. San Francisco: Ursa Institute .
- Feder, L. & Dugan, L. (2002). A test of the efficacy of court-mandated counseling for domestic violence offenders: The Broward experiment. *Justice Quarterly, 19*(2), 343-375.
- Feder, L. & Wilson, D. B. (2005). A meta-analytic review of court-mandated batterer intervention programs: Can courts affect abusers' behavior? *Journal of Experimental Criminology, 1*(2), 239-262.

- Felson, R. B., Ackerman, J. M., & Gallagher, C. A. (2005). Police intervention and the repeat of domestic assault. *Criminology*, 43(3), 563-588.
- Ford, D. A. & Regoli, M. J. (1992) *The preventive impacts of policies for prosecuting wife batterers. Domestic Violence: The Changing Criminal Justice Response*, 181-207. Westport, CT: Auburn House.
- Friday, P., Lord, V., Exum, M., & Hartman, J. (2006). *Evaluating the impact of a specialized domestic violence police unit. Final report for National Institute of Justice, grant 2004-WG-BX-0004*. Washington, DC: U. S. Department of Justice, National Institute of Justice.
- Garner, J. H. & Maxwell, C. D. (2009). Prosecution and conviction rates for intimate partner violence. *Criminal Justice Review*, 34(1), 44-79.
- George, T. (2012) *Domestic Violence Sentencing Conditions and Recidivism*. Olympia, WA: Washington State Center for Court Research, Administrative Office of the Courts.
- Goldkamp, J. S., Weiland, D., Collins, M., & White, M. (1996). *The Role of Drug and Alcohol Abuse in Domestic Violence and Its Treatment: Dade County's Domestic Violence Court Experiment, Final Report (NCJRS# 163410)*. Washington, DC: National Institute of Justice.
- Gondolf, E. W. (1998). Service contact and delivery of a shelter outreach project. *Journal of Family Violence*, 13(2), 131-145.
- Gondolf, E. W. (2000). A 30-month follow-up of court-referred batterers in four cities. *International Journal of Offender Therapy and Comparative Criminology*, 44(1), 111-128.
- Gondolf, E. W. (2001). *Batterer Intervention Systems: Issues, Outcomes, and Recommendations*. Thousand Oaks, CA: Sage Publications.
- Gondolf, E. W. & Jones, A. S. (2001) The program effect of batterer programs in three cities. *Violence and Victims*, 16(6).
- Gordon, J. A. & Moriarty, L. J. (2003). The effects of domestic violence batterer treatment on domestic violence recidivism: the Chesterfield County experience. *Criminal Justice and Behavior*, 30(1), 118-134.
- Gover, A. R., MacDonald, J. M., & Alpert, G. P. (2003). Combating domestic violence: findings from an evaluation of a local domestic violence court. *Criminology & Public Policy*, 3(1), 109-132.
- Grau, J., Fagan, J., & Wexler, S. (1984). Restraining orders for battered women. *Women & Politics*, 4(3), 13-28.



- Gross, M., Cramer, E. P., Forte, J., Gordon, J. A., Kunkel, T., & Moriarty, L. J. (2000). The impact of sentencing options on recidivism among domestic violence offenders: A case study. *American Journal of Criminal Justice*, 24(2), 301-312.
- Harrell, A., Schaffer, M., DeStefano, C., & Castro, J. (2006). *Evaluation of Milwaukee's Judicial Oversight Demonstration*. Grant number 99-WT-VX-K005. Washington, DC: U. S. Department of Justice, National Institute of Justice, and The Urban Institute.
- Harrell, A., Castro, J., Newmark, L., & Visher, C. (2007). *Final Report on the Evaluation of the Judicial Oversight Demonstration: Executive Summary*. Grant number 99-WT-VX-K005. Washington, DC: U. S. Department of Justice, National Institute of Justice, and The Urban Institute.
- Harrell, A. (1991). *Evaluation of Court-Ordered Treatment for Domestic Violence Offenders: Final Report*. Grant number 90-12L-E-089. 1991. Washington D.C., U. S. Department of Justice, National Institute of Justice and The Urban Institute.
- Hartley, C. & Frohmann, L. (2003). *Cook County Target Abuser Call (TAC): An Evaluation of a Specialized Domestic Violence Court. Final Report for National Institute of Justice, Grant (2000-WT)*. Washington, DC: U. S. Department of Justice, National Institute of Justice \
- Hartman, J. L. & Belknap, J. (2003). Beyond the gatekeepers: court professionals' self-reported attitudes about and experiences with misdemeanor domestic violence cases. *Criminal Justice and Behavior*, 30(3), 349-373.
- Hayden, T. & Blackshaw, A. (1995). *Not a Diversion: Domestic Violence is a Crime—A Background Paper and Legislative Proposal*. California Senate.
- Hayler, B., Ford, N., & Addison-Lamb, M. (1999). An Implementation Evaluation of the Enhanced Domestic Violence Probation Program in Champaign County. Springfield, IL: University of Illinois at Springfield, Center for Legal Studies.
- Hayler, B. & Addison-Lamb, M. (2002). *Process and Impact Evaluation of Specialized Domestic Violence Probation Projects in Preoria, Sangamon, and Tazewell Counties*. Springfield, IL: University of Illinois at Springfield, Center for Legal Studies.
- Hirschel, D., Buzawa, E., Pattavina, A., Faggiani, D., & Reuland, M. (2007). *Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases*. Grant number 2001-WT-BX-0501. Washington, DC: U. S. Department of Justice, National Institute of Justice.
- Holt, V. L., Kernic, M. A., Wolf, M. E., & Rivara, F. P. (2003). Do protection orders affect the likelihood of future partner violence and injury? *American Journal of Preventive Medicine*, 24(1), 16-21.
- Hosmer, D. W. & Lemeshow, S. (1989). *Applied Logistic Regression*. New York, NY: Wiley.

- Huntley, S. & Kilzer, L. (2005, February 5). Battered justice series (4 parts). *Rocky Mountain News*.
- Jolin, A., Feyerherm, W., Fountain, R., & Friedman, S. (1998). *Beyond Arrest: The Portland, Oregon Domestic Violence Experiment, Final Report*. Washington, DC: National Institute of Justice, Office of Justice Programs, U. S. Department of Justice.
- Klein, A. (2004). *The Criminal Justice Response to Domestic Violence*. Belmont, CA: Thomson/Wadsworth.
- Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). *Evaluation of the Rhode Island Probation Specialized Domestic Violence Supervision Unit*. Grant number 2002-WG-BX-0011. 2005. Washington, DC: National Institute of Justice.
- Klein, A. R. (1996). Re-abuse in a population of court-restrained male batterers: Why restraining orders don't work. In Buzawa, E. and Buzawa, C. (Eds.), *Do Arrests and Restraining Orders Work?* (192-213). Thousand Oaks, CA: Sage Publications.
- Klein, A. R. & Crowe, A. (2008). Findings From an outcome examination of Rhode Island's specialized domestic violence probation supervision program: do specialized supervision programs of batterers reduce reabuse? *Violence Against Women, 14*(2), 226-246.
- Klein, A. R. & Tobin, T. (2008). A longitudinal study of arrested batterers, 1995-2005 career criminals. *Violence Against Women, 14*(2), 136-157.
- Klein, A. R. (2009). *Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges*. Washington, DC: Office of Justice Programs, US Department of Justice.
- Macmillan, R. & Kruttschnitt, C. (2005). *Patterns of Violence Against Women: Risk Factors and Consequences*. Minneapolis, MN: University of Minnesota, Department of Sociology.
- Maxwell, C., Garner, J. H., & Fagan, J. A. (2001). *The Effects of Arrest on Intimate Partner Violence: New evidence from the Spouse Assault Replication Program*. Washington, DC: U. S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Maxwell, C. D. & Garner, J. H. (2012). The crime control effects of criminal sanctions for intimate partner violence. *Partner Abuse, 3*(4), 469-500.
- Moore, S. (2009). *Two Decades of Specialized Domestic Violence Courts: A Review of the Literature*. New York: Center for Court Innovation.
- Murphy, C. M., Musser, P. H., & Maton, K. I. (1998). Coordinated community intervention for domestic abusers: intervention system involvement and criminal recidivism. *Journal of Family Violence, 13*(3), 263-284.

- Orchowsky, S. J. (1999). *Evaluation of a Coordinated Community Response to Domestic Violence: The Alexandria Domestic Violence Intervention Project*. Richmond, VA: Applied Research Associates.
- Peterson, R. (2013). *The EVE Project. CJA Research Brief, No.31*. Bronx, NY: New York City Criminal Justice Agency.
- Peterson, W. & Thunberg, S. (2000). *Domestic Violence Court: Evaluation Report for the San Diego County Domestic Violence Courts*. Report submitted by San Diego Superior Court to State Justice Institute, Grant number SJI-98-N-271. San Diego, CA: San Diego Superior Court .
- Shepard, M. F. & Campbell, J. A. (1992). The abusive behavior inventory a measure of psychological and physical abuse. *Journal of Interpersonal Violence*, 7(3), 291-305.
- Stemen, D., Towers, L., & Frederick, B. (2012) *Rules, Resources, and Relationships: Contextual Constraints on Prosecutorial Decision Making*. Grant# 2009-IJ-CX-0040. Washington, DC: National Institute of Justice.
- Syers, M. & Edleson, J. L. (1992). The combined effects of coordinated criminal justice intervention in woman abuse. *Journal of Interpersonal Violence*, 7(4), 490-502.
- Thistlethwaite, Amy, Wooldredge, John, & Gibbs, David. Severity of dispositions and domestic violence recidivism. *Crime & Delinquency* 44(3), 388-398. 1998. Sage Publications.
- Tolman, R. M. & Weisz, A. (1995). Coordinated community intervention for domestic violence: The effects of arrest and prosecution on recidivism of woman abuse perpetrators. *Crime & Delinquency*, 41(4), 481-495.
- Ventura, L. A. & Davis, G. (2005). Domestic violence court case conviction and recidivism. *Violence Against Women* 11(2), 255-277.
- Wilson, T. D. (2002). *Strangers to Ourselves: Discovering the Adaptive Unconscious*. Cambridge, MA: Harvard University Press.
- Wolfe, D. A. & Jaffe, P. G. (2003). Prevention of domestic violence and sexual assault. Harrisburg, PA: National Resource Center on Domestic Violence. Retrieved from [http://www.vawnet.org/applied-research-papers/print-document.php?doc\\_id=390](http://www.vawnet.org/applied-research-papers/print-document.php?doc_id=390)
- Wooldredge, J. & Thistlethwaite, A. (2005). Court dispositions and rearrest for intimate assault. *Crime & Delinquency*, 51(1), 75-102.
- Wooldredge, J. (2007). Convicting and incarcerating felony offenders of intimate assault and the odds of new assault charges. *Journal of Criminal Justice*, 35(4), 379-389.
- Wordes, M. (2000). *Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence*. Grant number 96-IJ-CX-0098. Washington, DC: U. S. Department of Justice, National Council on Crime and Delinquency.