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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 careers². 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

² 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.

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.

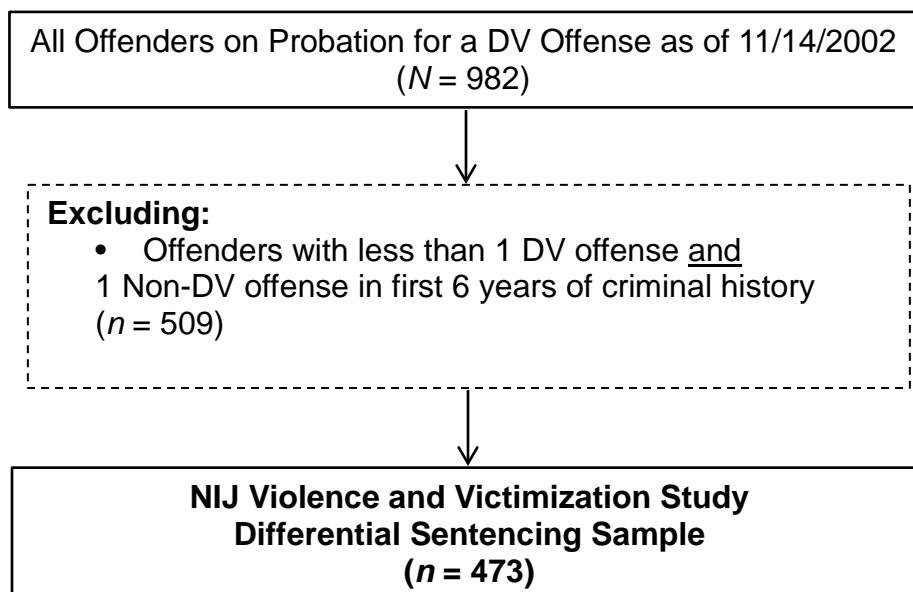
B. Differential Sentencing Sample: Description of Sub-Sample of Offenders Qualifying for Analysis of Differential Sentencing

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

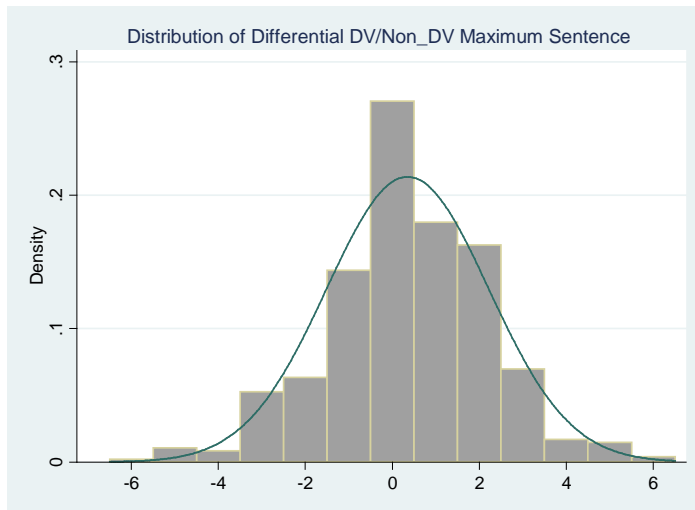
Case Characteristics	First 6 Years	Remaining Years	Total Career
Average No.			
All	5.0	2.9	7.9
DV	2.3	1.3	3.5
Non-DV	2.7	1.6	4.3
Prosecuted (%)			
All	85.4%	79.8%	84.0%
DV	87.0%	78.6%	85.6%
Non-DV	84.8%	82.4%	83.5%
Jail/Prison Sentences (%)			
All	19.7%	31.0%	22.8%
DV	24.9%	37.0%	28.2%
Non-DV	13.6%	26.5%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

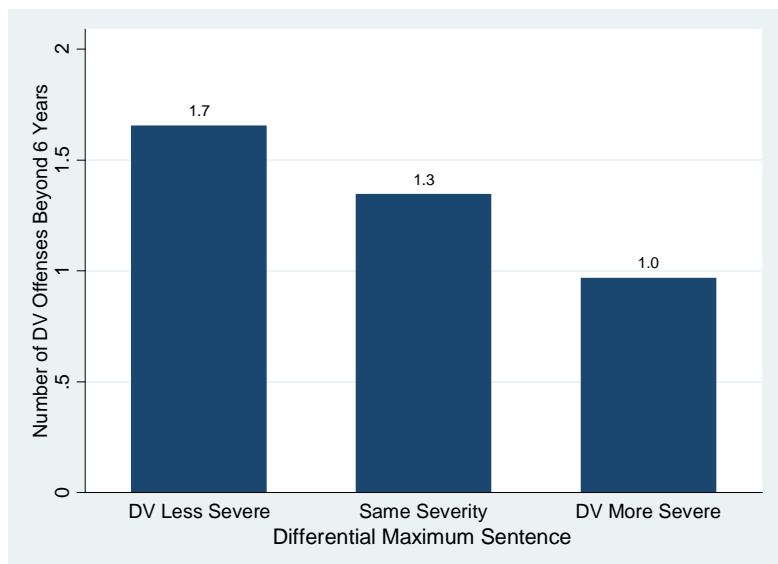
As displayed in Exhibit 10, the 212 offenders whose maximum DV sentence was **more severe** than their maximum non-DV offense during the first six years of their criminal careers

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

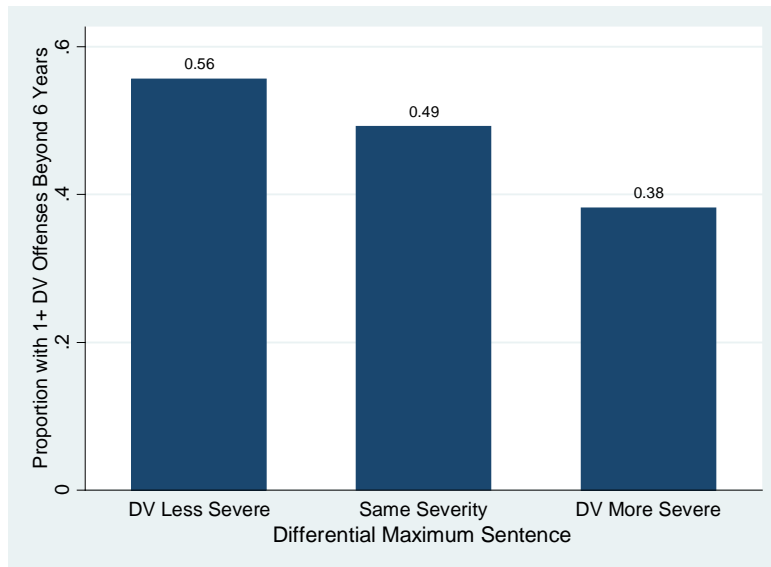
Predictor	Model 1				Model 2			
	B	SE	95% CI		B	SE	95% CI	
			For B				For B	
Intercept	0.10	0.46	-0.79	1.00	0.45	0.48	-0.50	1.40
Gender	**0.97	0.34	0.29	1.64	**0.95	0.34	0.28	1.63
Age at First Offense	***-0.04	0.01	-0.06	-0.02	***-0.04	0.01	-0.06	-0.02
No. of Total Offenses (first 6 years)	-0.00	0.04	-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

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