

**Deterring Domestic Violence:
Evaluating the Effectiveness of Arrest and Protective Orders**

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CHAPTER I: INTRODUCTION

Domestic violence is a significant problem in the State of New Mexico, with incidence rates almost twice the national average. In 2004, law enforcement agencies across the state responded to 26,940 incidents of domestic violence, an incidence rate of 15.3 per 1000 persons (Caponera 2005). Comparatively, the domestic violence incidence rate nationally was 8.9 per 1000 persons in 2004. Of those incidents documented in New Mexico in 2004, Caponera identified 4,011 (or about 6%) as domestic violence incidents for which at least one of the parties involved filed a petition for a protective order with the courts. To date there has been limited research evaluating the effectiveness of either law enforcement intervention or protective orders in New Mexico. As policymakers in the State continue to debate ways to enhance the responsiveness of law enforcement to domestic violence and to make protective orders both more widely available and the enforcement of these orders more uniform, research evaluating the factors that shape the use and effectiveness of the formal interventions is needed. The current research examines the effectiveness of formal social controls in response to a sample of domestic violence incidents that were reported to law enforcement authorities, brought before the District Court as a petition for a protective order, or both in Bernalillo County, New Mexico in 2002.

Intervention Strategies

Although justice system intervention is often a last resort for victims of domestic violence, when formal controls are invoked it is most commonly the police who are asked to intervene. Evidence regarding the effectiveness of police intervention, however, has been mixed. In their landmark study, Sherman and Berk (1984) found formal intervention in the form of arrest to be significantly more effective in deterring subsequent offending compared to informal remedies such as “advice” from the officer or temporary separation. Subsequent studies following the Sherman and Berk research protocol have resulted in inconsistent findings (Garner, Fagan, and Maxwell 1995). Garner et al. (1995) pooled and re-analyzed the data from seven studies that replicated Sherman and Berk’s methodology. They determined that arrest “may” reduce subsequent intimate partner violence. Specifically, they found that although arrest does not increase subsequent violence, a “majority of suspects discontinued their aggressive behaviors even without an arrest.” Ninety percent of domestic violence incidents in our study sample (N = 3073) involved law enforcement intervention (the incident is reported to either the police or County Sheriff’s office). Of the incidents reported to law enforcement, 39 % of offenders were arrested at the scene (N = 1198). Slightly less than 10 % of arrestees have at least one subsequent domestic violence charge following the 2002 incident (N = 294), compared to 14% of offenders who were not arrested at the scene (N = 430).

The courts provide a second avenue for formal intervention—protective orders that restrict contact between potentially violent partners. Annually, approximately 20% of women who are abused, raped, or stalked by partners in the U.S. obtain a protective order (Tjaden and Thoennes 2000). Victims are most likely to seek these orders when exposure to violence is repetitive

and/or particularly serious (Carlson et al. 1999; Gondolf et al. 1994; Jordan 2004; Zoellner et al. 2000). As such, these protective orders represent a potentially important resource for victims who fear imminent risk. However, at least in New Mexico, most victims of intimate partner homicide never seek orders of protection, and among those who do, the order is typically expired at the time of the homicide (Bauer et al. 2007). This suggests that even those at high risk do not commonly seek protective orders. However, whether policies and practices that encourage more victims to seek protective orders would be useful is unclear since there is limited research evaluating what conditions the effectiveness of protective orders in reducing subsequent violence.

Clearly, victims who seek protective orders do so with the hope that the court and criminal justice systems can offer them a measure of protection. Both interview and court record based research, conducted at the local level across jurisdictions in the U.S., provides some evidence that protective orders do reduce the risk of subsequent victimization (Carlson et al. 1999; Holt et al. 2002; 2003; McFarlane et al. 2000). However, the effectiveness of protective orders is potentially limited by numerous factors. Victims who secure a temporary restraining order (generally enforceable for two weeks) must return to court to request the order be extended. In one study, only 60% of women securing temporary orders returned for extended orders (Harrell and Smith 1996). Indeed, in our data we find that only 55.4% of women who received temporary restraining orders also secured extended orders (N = 455). Further, slightly more than 18% of women receiving an extended order returned to court before the date of expiration to request dismissal (N = 83). This is particularly troubling in light of recent evidence to suggest that, while extended orders of protection significantly decrease the risk of future victimization, temporary orders significantly increase this risk (Holt et al. 2002).

Additionally, while in New Mexico and elsewhere, offenders who violate protection orders are subject to mandatory arrest, police compliance with this stipulation is not uniform (Harrell and Smith 1996; Kane 2000). Kane indicates that the arrest rate for protective order violations in domestic violence incidents is between 20% and 40% (2000: 562). Still, the threat of arrest may be enough to deter offenders regardless of the extent to which police comply with this stipulation. Approximately 5% of offenders in our study sample (N = 188) are identified as having a DVOP violation either reported to the police or indicated in the DV court record. While this number seems low, at least one DVOP violation is reported in 35 % of cases where an extended order is granted.

Local Intervention Strategies

In New Mexico, the Attorney General's Office, along with the Crime Victims Reparations Committee, has played a central role in Violence Against Women Act's (VAWA) S.T.O.P. (Services, Training, Officers, and Prosecutors) related policy development, implementation, and evaluation. Currently the Attorney General's Office, in collaboration with the New Mexico Coalition Against Domestic Violence is interviewing key informants and surveying law enforcement officers in key jurisdictions around the state in order to identify strengths and weaknesses in the processes associated with the access to and enforcement of protective orders. The ultimate aim of the project is to develop and implement policies and procedures within law enforcement, prosecutorial offices and the judiciary to ensure the uniform enforcement of orders

of protection and compliance with the mandatory arrest provisions associated with these orders. The Tribal-State Judicial Consortium is also working to develop a uniform cover sheet for orders of protection that would be adopted by all state and tribal jurisdictions to reduce the problems that foreign orders can present for local law enforcement. Additionally, the State Department of Public Safety recently received funding to automate the protective order process and to speed up the procedures through which protective order records are transferred to local agencies.

These and other state and local efforts to facilitate access to orders of protection and strengthen enforcement rest on the assumption that when orders of protection are properly enforced they are a strong deterrent to future violence. While some recent research supports this assumption (Carlson et al. 1999; Holt et al. 2002; 2003; McFarlane et al. 2004), it is limited, and data at the local level are lacking. There is currently no effort to track victims and/or offenders once an order of protection is issued and no single database that would facilitate such tracking. However, such data are necessary, not only to validate current efforts to encourage the enforcement of protection orders, but also to track changes in domestic violence incidence and recidivism rates in response to policy and/or procedural shifts.

Current Research

For the current research we merge law enforcement and court data from Bernalillo County, New Mexico in order to examine the relative effectiveness of three formal system interventions for reducing domestic violence recidivism. Domestic violence incidents result in formal intervention in one of two ways. First, they may come to the attention of law enforcement authorities. Second, incidents are reported directly to the courts in the form of petitions for orders of protection. These groups comprise our first two intervention types. The third intervention type consists of domestic violence incidents where both law enforcement and court protections are sought simultaneously. Focusing on these three formal interventions, we examine three primary questions in this research:

1. How are the populations utilizing (victims) and subject to (offenders) the three different intervention strategies similar and/or different from one another?
2. Do these intervention strategies differ in terms of their deterrent effect on subsequent violence?
3. What factors influence the issuance of an extended order of protection and to what extent do these orders protect victims from future violence?

Both scholars and practitioners suggest that domestic violence continues to be an invisible social problem, one where victims often suffer in silence and are therefore not identifiable for research (Gracia 2004). In 2002, 1278 adult victims, 1069 children, and 145 adult offenders received community services (shelter, counseling, etc...) related to incidents of domestic violence or ongoing abuse in Bernalillo County (Caponera 2005). We do not know, however, if this population also utilized formal interventions, and so, we cannot determine whether outcomes for this population differ from outcomes for those included in the sample of individuals who request formal intervention. As a result of these limitations, the scope of our research is limited to cases

involving victims that either come to the attention of law enforcement officials or come forward to request legal assistance in the form of a protection order. Though this sample captures only a portion of individuals involved in domestic violence, it is an important population to assess. If we understand who is most likely to access these various interventions and how well these interventions serve those who access them, we are in a better position to improve these services. Following a description of the research design in Chapter II, the findings of our analyses for each of these questions are presented in Chapters III, IV, and V, respectively. The final chapter discusses the implications of these findings for future research, policy, and practice.

CHAPTER II: RESEARCH DESIGN

Evaluating the effectiveness of different types of interventions for deterring subsequent domestic violence requires information about the utilization and characteristics of both law enforcement and court interventions and measures of subsequent offending following either form of intervention. The study sample consists of 3714 domestic violence offenders identified from both law enforcement and protective order records in Bernalillo County, New Mexico in 2002. In this chapter, we describe each data source, the merging of these sources, the final study sample, and the variables and analytic strategy we use to examine and compare the relative effectiveness of police and court interventions for domestic violence.

Data Sources

For the current research we merged law enforcement and court data from Bernalillo County, to evaluate the influence of arrest and protection orders on future violence. The Albuquerque Police Department (APD) and Bernalillo County Sheriff's Office (BCSO) maintain a computerized database for two data sets that include all incidents and persons associated with an incident in Bernalillo County. The person dataset includes the nature of the incident (arrest statute), the person type (arrestee, suspect, cited, victim), and demographic information for each person (sex, race, date of birth). The incident data file includes the crime code and statute, weapon code, location of the incident, time of incident, and responding agency. Though maintained separately, these two files can be easily merged using the APD or BCSO case number associated with each incident. For the current project we rely on data from both person and incident files for 1996-2006. These data are provided to the SAC by APD on a routine basis.

For the current project we also received court data on domestic violence orders of protection (DVOP) issued in 2002 from the 2nd Judicial District in New Mexico, which serves Bernalillo County. The DVOP court file includes information on individual and case level characteristics for all petitions for temporary and extended orders initiated in 2002, including prior case activity from 1997 to 2002, and subsequent case activity through 2006. The court records are divided into two files: one provides information on case events and the other provides information on each party involved in the case. Event files include a line for each case event with the court case number, date of event, an automated code for description of each event (i.e. openings, filings, hearings, closings), and a comment field describing the event. The party file includes a line for each party (i.e. petitioners and respondents) involved in a case. These data include party name, date of birth, sex, and the associated case number. Event and party data were merged using the court case number, to produce a chronological event sequence dataset with both petitioner and respondent information.

Following sample selection (discussed below) and using both case and person identifiers (name, date of birth, social security number) we merged the law enforcement and court data. Each line of data represents one domestic violence offender, and includes the associated incident information and demographic characteristics of both the offender and victim. In addition to demographic information, the dataset also includes prior criminal offending history, prior DVOP involvement, subsequent criminal offending, and any subsequent DVOP involvement for the offender/respondent.

Sample

Offenders were selected for the study sample in one of two ways. First, we identified those who were designated as arrestees or suspects in a 2002 domestic violence incident reported to APD or BCSO. We include suspects as well as arrestees since the APD/BCSO data is based on incident reports taken at the time of the incident. While offenders are sometime arrested at the scene, more often the incident report identifies a suspect who may be arrested later. Unfortunately, these data are not updated to reflect whether suspects are later arrested. Though we treat arrestees and suspects similarly in our analysis (they constitute our offender sample), we do include controls for whether or not these “offenders” were arrested at the scene. It is important to note here, though, that in the case of domestic violence, where perpetrators and victims know one another intimately, misidentification of suspects at the scene is much less likely than it would be in other types of incidents making the conflation of these two populations of offenders less problematic than it might be for other forms of violent incidents. Second, data from the New Mexico Second Judicial District Court were queried to identify respondents named in petitions for DVOP that were active in 2002 (either initiated in 2002 or in effect during 2002) or initiated during the first two months of 2003¹.

We identified 5,407 domestic violence incidents known to law enforcement in Bernalillo County in 2002, and 2,355 active DVOP cases in the 2nd Judicial Court data. From these incidents, we restricted the universe of cases for this project to those involving: a) one adult offender, and b) one adult primary victim. For cases in which there were additional victims, we only include those for which these additional victims were juveniles. We restricted cases for analysis to dyads to get as close as possible to intimate partner pairings; however, it should be noted that neither dataset documents the relationship between the parties.

Cases involving juvenile offenders are excluded since law enforcement and judicial handling of juvenile offenders varies from that of adult offenders, complicating analyses focusing on the deterrent effect of these system responses. Although juveniles can and do petition the court for protective orders against intimate partners, we exclude cases in which the primary petitioner is a juvenile in order to have similar samples from both data sources. We also exclude cases with multiple adult victims and/or offenders since the dynamics of these incidents are likely distinct from those involving just the intimate pair and including these cases would complicate the analysis and interpretation of results. For example, multiple adult offenders could represent an incident occurring in a group home or among multiple roommates. It should be noted that although we include only adult pairs, we do not have information regarding the nature of their relationship, so these incidents could include, for example, adult siblings living together rather than an intimate partnership. The merging of these two sources resulted in three samples of cases:

¹ We included petitions that occurred in 2003 when the petition results between the same parties identified in a law enforcement incident occurring late in 2002.

- The **Law Enforcement Sample** consists of offenders for whom an incident is known to law enforcement, but for which no DVOP filing involving the same offender occurred within 60 days of the incident (N=2718).²
- The **Court Sample** includes those cases that begin with the court process, and for which no incident involving the same respondent was recorded by law enforcement in the 60 days prior to filing for a DVOP (N=641).
- The **Matched Sample** includes cases that have both an incident reported to law enforcement and a DVOP filing against the same offender within 60 days of the incident (N=355).

Variables

The merging of law enforcement and court data allows for a more thorough examination of domestic violence case histories and trajectories than either data set can provide on its own. First, we can look at “failure” from multiple perspectives. For example, we can examine cases in the Law Enforcement sample for subsequent incidents known to law enforcement as well as subsequent DVOP filings. Second, we can examine a wider range of factors that potentially influence the success or failure of either law enforcement or court intervention. Assembling court and criminal histories for offenders appearing in both datasets allows us to examine the extent to which outcomes of interest differ among those not only with previous domestic violence incidents but also with other types of prior criminal behavior. The merged dataset has four primary categories of variables for analysis: 1) incident level characteristics, 2) individual characteristics of both offenders and victims, 3) prior criminal offending histories of offenders, and 4) subsequent criminal offending of offenders.

Case Level Characteristics

Each case in the data set has a ***date of case initiation***. For the Law Enforcement and Matched samples, this date is the first law enforcement domestic violence incident date in 2002. The date of case initiation for the Court sample is the first date in 2002 the victim files for a temporary protection order in court. Cases that have court involvement also have a ***closing date***. This is the date on which the temporary order or resulting extended order (when granted) associated with the sample selection event either expires or is dismissed.

Although we excluded juveniles as either offender or primary victim, we constructed a variable to differentiate cases where juveniles are present as a second victim. For the Law Enforcement and Matched samples, ***juvenile victim*** is an incident level characteristic indicating that a minor child is present as a named second victim in the case. In the Court data, we excluded cases where minors appeared as either the primary petitioner or respondent and we also excluded cases with multiple petitioners. The court data does contain a field for “domestic violence with children.” However, while in the law enforcement data juveniles indicated are party to the

² We chose a 60 day cut off point in an attempt to include only those incidents that led to the immediate filing of a DVOP.

incident, this is not necessarily the case in the court data. Because “domestic violence with children” has different implications, we do not make use of this variable.

The sample design restricts cases to those involving one adult offender and one adult victim. However, the **number of persons involved** in a case varies from 1 to 4, once secondary juvenile victims are included. All but two cases in the Court sample involve two adults only. The exceptions are cases where an adult petitioner also files “in matter of” a minor child, indicating that a juvenile was also a victim during the incident leading up to the petition.

Two additional case level characteristics are available only for the Law Enforcement and Matched samples. First, APD/BCSO incident records are used to determine whether or not the sample selection event incident involved the use of a **weapon** (firearms, cutting instruments, blunt objects, and other non-bodily weapons). Second, the incident records are also used to determine whether or not the domestic violence incident was either an **aggravated or simple assault**. Since the Court sample is comprised of cases with no associated police incident, we do not have information on the nature of violence for this sample.

The final set of case level variables is available only for the Court and Matched samples. By definition, cases in the two samples have some **type of domestic violence order of protection** initiated and in place for a period of time in 2002. The type of DVOP can be either temporary or extended.³ A *temporary protection order* is requested by the abused party (petitioner) and granted by the court without a hearing. This means that the respondent does not have to be present; although the respondent must be formally notified or served before the order is enforceable. The temporary order serves only to protect the petitioner until both parties appear before the court for an extended order hearing, usually about two weeks. An *extended protection order*, often called a permanent order, is issued following a court hearing involving both parties. Extended orders are rarely “permanent” and are most commonly issued for six months to one year. For cases where the court sequence begins with a temporary order, we document whether or not an extended order is granted. Not all orders granted remain active through the assigned expiration date. For this reason we also examine the **reason for closure** for both temporary and extended orders to identify possible outcome differences for cases with orders that reach expiration compared to those that are either dismissed by the court or dismissed by request of the petitioner. The possible reasons for closure by the court include insufficient evidence, transfer of jurisdiction, and petitioner failure to appear.

Individual Characteristics

Both sources of data provide some basic individual demographic information for both offenders and victims. **Age** at the date of case initiation is constructed from person date of birth. **Sex** is reported based on the sex designation given by the APD/BCSO person data or the DVOP court data. In the court data in particular, the sex of offender and/or victim is often missing. In cases where the sex was not designated, we assigned sex based on sex normative given names when possible (e.g. In cases where sex of offender/victim was missing, names like Ellyn, Sheri, and

³ New Mexico also has an Emergency Protection Order (EPO). The granting of an EPO is not documented in either data source used to compile the data for this analysis. For a full definition of each type of order see, http://www.womenslaw.org/NM/NM_how_to.htm

Wendy were coded as female. Similarly, given names like Alfonso, Kenneth, and Darren were coded as male. Names commonly given to both males and females, for example, Terri, Pat, and Kasey were not imputed).⁴ **Race/ethnicity** of offenders and victims is not available for persons appearing only in the Court sample. The race/ethnicity of persons in the Law Enforcement and Matched samples is reported based on the designation assigned in the APD/BCSO data.

In addition to basic demographic information, the merged dataset also includes a variable for **person type**. For persons in the Law Enforcement sample, person types include victim, arrestee, and suspect. The latter two indicating the person is an offender or suspected offender in a DV incident, with the former designating victims. In the Court sample person types include one victim type, petitioner and one offender type, respondent. The Matched sample, which involves persons appearing in both data sources, has six person types: petitioner victim, petitioner arrestee, petitioner suspect, respondent victim, respondent arrestee, and respondent suspect. For this sample, we made offender/victim designation on the basis of court person type such that all respondents are offenders and all petitioners are victims.

Offender Criminal and DVOP Prior History

The final category of independent variables in the analysis pertains to the offender's prior criminal and DVOP court history. **Prior criminal offense** is defined as any offense recorded by law enforcement before the date of case initiation. APD/BCSO data allow us to track prior offenses back to 1996. Our investigation of prior criminal offenses include: domestic violence, DVOP violations, drug, weapon, DUI, family (non-violent), Part I violent index (homicide, rape, robbery, and aggravated assault), Part II violent index (other forcible sex and simple assault), and property crimes. For analytic purposes we created a set of variables to capture the nature of prior offense histories, which includes four mutually exclusive categories: **no prior** history, **prior domestic violence only**, **prior non-domestic violence only**,⁵ and **both domestic and non-domestic priors**. Each offender is assigned to one of these four categories.

We also include a measure of **prior DV court history**. When the same parties are involved in multiple incidents with one another, the documentation in the court record treats subsequent DVOP petitions as a new opening within the same case. It is possible that the petitioner in one opening is the respondent in another. However, the automated record does not allow for a clear method to disaggregate the outcome of requests for this change. Because of these limitations, we utilized two strategies to identify offenders with prior DV court activity. First, we coded respondents as having court history when they were identified as a respondent in a prior DVOP case in addition to the case which selected them into the study sample. To capture prior activity within the current case, we also coded offenders in our sample as having a prior DV court history if there were previous openings in the current DVOP case. Again, in some cases the offender in

⁴ After merging the law enforcement and court data, sex was missing for 563 persons (either offender or victim). Of the missing, N = 525 were imputed based on given name as described above, leaving 38 individuals for whom sex was coded as missing. The court data accounted for 95% of all cases missing persons' sex.

⁵ Non-domestic violence includes any offense type including: drug, weapon, DUI, family (non-violent), Part I violent index (homicide, rape, robbery, and aggravated assault), Part II violent index (other forcible sex and simple assault), and property crimes

our sample may have been a petitioner in the prior opening. A review of the comment field in the court data suggests that this is not often the case.

Offender Subsequent Criminal and DVOP Outcomes

The dependent variables for this analysis include both subsequent criminal offending and subsequent DVOP involvement for offenders in the sample. **Subsequent criminal offense** is defined as any offense recorded by law enforcement after the date of case initiation and up to four years after the sample selection date. Our investigation of subsequent criminal offenses include: domestic violence, DVOP violations, and any other non-domestic offenses. In addition to the type of subsequent offense, we also calculate a **time to failure** variable. Time to failure is the number of days from the date of case initiation to the first subsequent offense. We calculate time to first domestic violence incident, time to first DVOP violation, and time to first non-domestic subsequent offense.

Analysis

The analyses presented in this report address three broad sets of research questions. The first set focuses on the characteristics of offenders and victims involved in domestic violence incidents. Here we are particularly interested in identifying variation in victim and offender characteristics both within and across the three samples. Specifically, how do domestic violence victims and offenders utilizing different types of formal intervention compare on key demographic indicators? We also are interested in determining how domestic violence offenders and victims compare to their counterparts involved in non-DV related violence.

The second set of questions is designed to identify the factors associated with subsequent domestic violence offending. Here we are interested in the individual and incident level characteristics associated with “successful” police and/or court intervention for domestic violence. In other words, what distinguishes offenders with no subsequent DV activity following intervention from those who do exhibit subsequent DV activity? Further, to what extent, if any, is there variation across intervention (police and/or court) in the likelihood of subsequent DV activity?

The third set of research questions examines, in some detail the court process. Here we examine the factors that influence whether or not a temporary order is extended, whether extended orders reduce the likelihood of subsequent offending, especially DV offending, and what factors influence the likelihood of re-offending for those with and without an extended order. In examining the factors that influence whether a temporary order is extended we consider both individual (victim and offender) characteristics as well as available case level information (e.g., use of law enforcement intervention (Matched sample), prior DV court involvement, party request for dismissal, etc...). We examine similar factors when evaluating the likelihood of re-offense among those with and without an extended order. And, we compare “success” (particularly no subsequent DV activity) across those with and without an extended order, including in these models other key factors to determine if extended orders offer some protection above and beyond any other characteristics implicated in “success”. We summarize our key research questions below:

Research Questions

Offender and Victim Characteristics

- How are domestic violence offenders similar or different across sample types? Are offenders involved in law enforcement incidents different from respondents in court cases? How do these offenders compare with those that appear in both?
- How are domestic violence victims similar or different across sample types?
- How do domestic violence offenders compare to other aggravated and simple assault perpetrators? How do domestic violence victims compare to victims of non-domestic aggravated and simple assault?

Subsequent Offending

- How does the likelihood of subsequent domestic violence offending vary by intervention, incident, and individual characteristics?
- Among those with subsequent domestic violence offenses, what intervention, incident, and individual characteristics are associated with differences in time to failure?
- How does the likelihood of subsequent non-domestic violence offending vary by intervention, incident, and individual characteristics?

Domestic Violence Order of Protection

- For those cases appearing in the court involved samples (Court and Matched samples), what influences whether or not an extended order is granted?
- How does the likelihood of subsequent domestic violence offending vary by intervention, incident, and individual characteristics? Does the granting of an extended order work to prevent subsequent offending?
- Among those in the court-involved samples with subsequent domestic violence offenses, what intervention, incident, and individual characteristics are associated with differences in time to failure? Does the granting of an extended order affect the time to failure?
- How does the likelihood of subsequent non-domestic violence offending vary by intervention, incident, and individual characteristics? Does the granting of an extended order work to prevent non-domestic subsequent offending?
- Among cases where an extended order is granted, what is the likelihood of an alleged DVOP violation? How does the likelihood of DVOP violation vary by intervention and individual characteristics?

The first set of questions regarding offender and victim characteristics can be addressed using comparative descriptive statistics. In addition to presenting descriptive statistics, we test for significant differences in various case- and individual-level characteristics across samples and across individuals within samples (e.g. offenders compared to victims) using the Chi-Square statistic. We present these findings in a series of tables and charts that detail the observed relationships by sample type and prior history of offender, as well as by sex, race, and age of offender. Wherever possible we also look at these relationships in light of incident characteristics, including: weapon usage and whether or not the incident is an aggravated or simple assault. Statistically significant differences are noted in the tables and figures. Unless otherwise noted, all reported significant differences are at the $P < .05$ level or below. Though we highlight statistically significant findings throughout the report, we also note those findings

that are not statistically significant but provide substantive insights relevant to our research questions.

Questions concerning the effectiveness of the different types of intervention require more sophisticated analyses. In Chapters IV and V we utilize logistic regression techniques to assess how different interventions, as well as incident, and individual characteristics, affect the likelihoods of both subsequent offending and the procurement of an extended protective order. Logistic regression allows us to examine the influence of a set of variables on an outcome that captures the presence or absence of some phenomenon (Tabachnick and Fidell 2001); for example, of interest in this study—the presence of a subsequent offense versus no subsequent offense. The interpretation of logistic regression models is discussed in the introduction to Chapter IV.

The findings for this research are reported in three chapters that correspond to our three broad research questions. Chapter III details and compares the demographic characteristics for both offenders and victims in the cases under analysis. In Chapter IV we compare the likelihood of “success” across each sample and identify those factors associated with “successful” system (law enforcement and/or court) intervention. Chapter V focuses on the court system and examines the factors that make extended orders more or less likely following a temporary order and evaluates the relative “success” of each type of order. We conclude the report with a discussion of how criminal history shapes future behavior, of the degree to which domestic violence interventions deter future offending, and the policy implications of our findings.

CHAPTER III: OFFENDER AND VICTIM PROFILES

This chapter documents the descriptive characteristics of offenders and victims who are subject to or seek justice system intervention for DV and the characteristics of the incidents in which they are involved. We are particularly interested in detailing the similarities and differences between the populations served by each type of intervention. We currently know little about the characteristics of those who choose and/or are subject to law enforcement versus court intervention. This is particularly important since it may be the case that these distinct interventions have varying success in deterring future incidents.

After the identification of cases that fit our selection requirements, the study sample consists of 3714 domestic violence offenders and an equal number of primary adult victims. In the first section of this chapter, we detail the sex, race/ethnicity, and age of both offenders and victims and the prior offending history of offenders broken down by intervention type. The second section will compare domestic violence offender demographics from the Law Enforcement and Matched samples with a sample of non-domestic aggravated and simple assault offenders from the same year, 2002.

Offender Demographics

Table 3.1⁶ shows that domestic violence offenders in the sample are overwhelmingly male (80.6%, n = 2981). Female offenders account for 19.4 % of all offenders (n = 716). The percentage of female offenders in the Court and Law Enforcement samples are virtually identical, while cases that comprise the Matched sample are significantly less likely to have a female offender (11.9 %), when compared to those in the other samples. This suggests that victims of female perpetrators are less likely to utilize law enforcement and court interventions simultaneously.

Table 3.1. Sex of Offender by Sample Type

	N	% Male
Law Enforcement	2718	79.8 ^b
Court	625	80 ^b
Matched	354	88.1 ^{a,c}

a = significantly different from Court sample

b = significantly different from Matched sample

c = significantly different from Law Enforcement sample

Table 3.2 provides the breakdown of offender race/ethnicity for the Law Enforcement and Matched samples.⁷ The samples look notably similar in terms of race, suggesting that there is no variation across race/ethnicity among those who interact only with law enforcement and those who are subject to dual interventions (Matched sample). In total and across both samples, the largest group of offenders is White, followed by Hispanic, Native American, Black, and Asian.

⁶ It should be noted that, throughout this and the following two chapters, the sample size for each table varies slightly. Percentages reported in each table refer to the percent of the sample for which the relevant information is known.

⁷ Race/Ethnicity of both offenders and victims is unavailable for the Court sample. The race/ethnicity of offenders and victims in the Matched sample are derived from Law Enforcement data.

Although, Hispanic and Native American offenders are somewhat disproportionately represented in the Law Enforcement sample when compared to the Matched sample, this difference is not significant. However, compared to their representation in Bernalillo County more broadly, Whites, Native Americans and Blacks are over-represented and Hispanics and Asians are under-represented in these samples. Due to the low representation of Asian offenders (and victims as documented below), cases involving these offenders/victims will be dropped from analyses presented in Chapters IV and V.

Table 3.2. Race of Offender by Sample Type

	Law Enforcement	Matched	Bernalillo County Population ⁸
% Asian	0.7	0	1.9
% Black	7.1	6.1	2.4
% Native American	10.8	6.3	3.4
% Hispanic	27.3	32.6	38.3
% White	54.2	55	52.6
N	2607	347	415,658

Table 3.3 compares both the average age and the categorical age grouping of offenders by sample type. Offenders in the Court sample are, on average, older than offenders who come into contact with law enforcement. The average age of offenders in the overall sample is 32 years. Offenders in the court sample (mean age of 35 years) are older on average than their Law Enforcement and Matched sample counterparts (31 and 32 years, respectively). The breakdown of offenders by categorical age groupings also shows significant differences. We have divided age into three categories: young adults (18 to 24 years), adults (25 to 44 years) and older adults (45 years and over). Offenders are most likely to fall into the “adult” age group (age 25-44) regardless of sample type. While it appears there are fewer young adult offenders (18 to 24 years) in comparison to the adult age group, the young adult category only encompasses a six-year age range and still accounts for 30 % of all offenders in the sample. Offenders in the young adult category account for a larger proportion of offenders in the Law Enforcement sample when compared to both the Court and Matched samples. Across sample types, offenders are least likely to fall into the older adult category (45 and over), despite the fact that this category represents the broadest age range. Older adult offenders do, however, make up a larger proportion of offenders in the Court sample when compared to the Law Enforcement and Matched samples.

⁸ Retrieved from the U.S. Census American Fact Finder, 2000 Bernalillo County Population, Race by Hispanic or not, 18 years and older.

Table 3.3. Age of Offender by Sample Type

	Law Enforcement	Court	Matched	Bernalillo County Population ⁹
<i>Age</i>				
Mean	31 ^a	35 ^{b,c}	32 ^a	
(S.D.)	(9.81)	(10.58)	(9.18)	
Range (years)	18 to 80	18 to 75	18 to 67	
<i>Categorical Age (%)</i>				
18-24	32.7 ^{a,b}	20.5 ^{b,c}	26.5 ^{a,c}	13.8
25-44	57.2 ^{a,b}	63.4 ^c	63.8 ^c	40.7
45 and over	10.1 ^a	16.1 ^{b,c}	9.7 ^a	45.5
N	2605	584	351	415,658

a = significantly different from Court sample

b = significantly different from Matched sample

c = significantly different from Law Enforcement sample

Prior Offense Histories of Domestic Violence Offenders

The majority of domestic violence offenders in the sample (66%; N=2451) have a prior offending history characterized by at least one prior offense on record with law enforcement authorities.¹⁰ When we look at the prior offense histories by type of offense, we see that there are both similarities and differences in terms of offending histories across the different sample types. Offenders in all three samples are equally likely to have a prior history comprised exclusively of domestic violence priors (see Table 3.4). Figure 3.1 shows that the three samples are also almost identical in terms of prior arrests for substance related crimes (DUI or drug). Additionally, offenders in the Law Enforcement and Court samples are equally likely to have a violent offending history.

Table 3.4. Offender's Prior History by Domestic and Non-Domestic Offense Types

	Law Enforcement	Court	Matched
	% of sample	% of sample	% of sample
Prior DV only	3.9	3.6	4.2
Prior DV and other	27.2 ^b	25.0 ^b	33.8 ^{a,c}
Prior Non-DV only	30.9 ^{a,b}	47.0 ^c	42.3 ^c
No Priors	37.9 ^{a,b}	24.5 ^c	19.7 ^c
N	2718	641	355

a = significantly different from Court sample

b = significantly different from Matched sample

c = significantly different from Law Enforcement sample

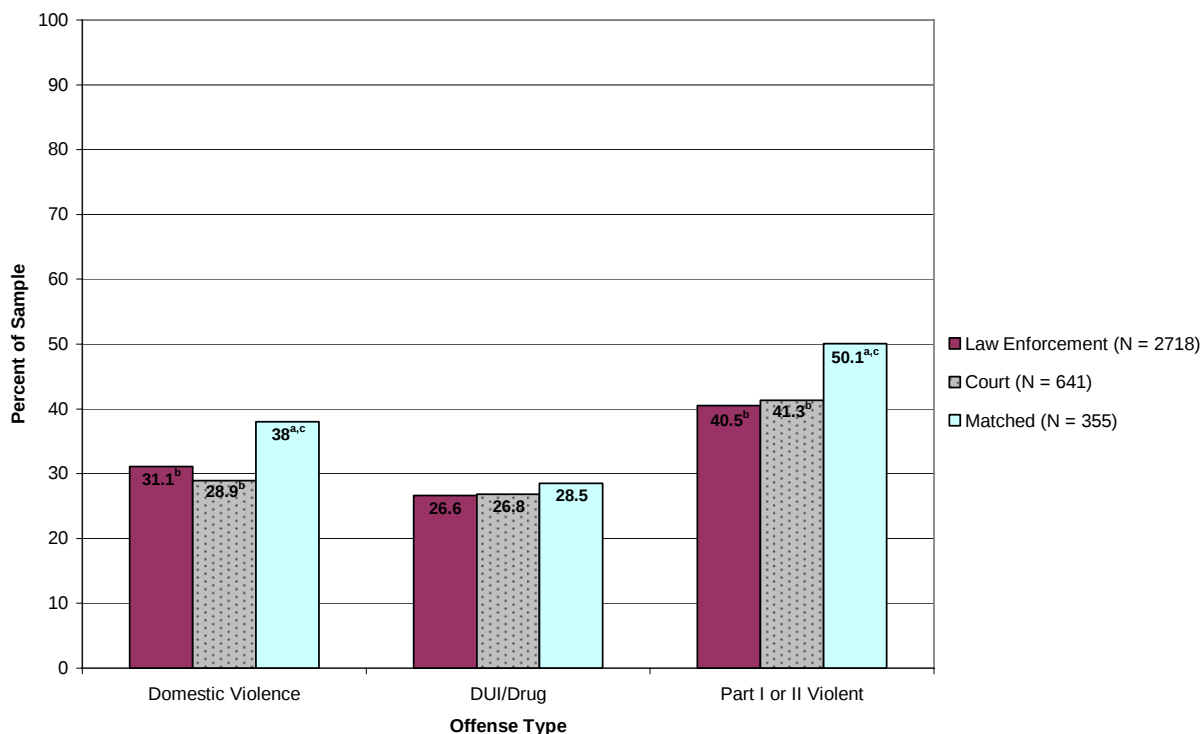
However, there are also some notable differences. First, offenders in the Law Enforcement sample are less likely than those in either the Court or Matched samples to have a record of prior offenses. Second, offenders in the Matched sample are the most likely to have the combination

⁹ Retrieved from the U.S. Census American Fact Finder, 2000 Bernalillo County Population, Age of population 18 years and over.

¹⁰ It should be noted that our measure of prior offending history represents only the presence or absence of priors, as such these findings speak to the nature of criminal history and not the extent of prior offending.

of both prior DV offenses and non-DV offenses, more likely to have a prior domestic violence offense, and more likely to have a prior history of other violent offenses (Part I or II index violent crimes) when compared to their Law Enforcement and Court sample counterparts. Third, those in both the Court and Matched samples are more likely to have prior non-DV offenses when compared to the Law Enforcement sample. These patterns suggest that where an offender has an extensive criminal history and/or a history of domestic violence, victims are likely to seek as much help as is available, accessing both law enforcement and the court concurrently.

Figure 3.1. Percent of Offenders in Sample with Priors by Offense Type



a = significantly different from Court sample
b = significantly different from Matched sample
c = significantly different from Law Enforcement sample

Whereas prior police records for DV and other crimes are common among the offenders in our samples, evidence of prior DVOP involving these offenders is relatively uncommon. In total, 232 offenders (6.2 %) have a DVOP court history predating the sample selection event. Among those selected into our sample because they were named as respondents in a 2002 DVOP, this 2002 petition is the first court documented DVOP activity for 91.8 % of cases (N = 914). Due to the low number of cases involving prior DVOP activity, there are no discernable patterns by sex, race, or age of offender.

Overall, offenders in this analysis are largely similar across samples. However, there are some interesting distinctions. White male offenders account for the largest group in the sample

overall. The typical offender is between the ages of 25 and 44 years, with those in the Court sample being older on average when compared to offenders who come into contact with law enforcement. Additionally, offenders subject to both law enforcement and court interventions are more likely to have prior criminal offending histories when compared to offenders subject to only one intervention. We next consider the profile of DV victims in our sample.

Victim Demographics

Just as domestic violence offenders in our sample are primarily male, the primary victims in these cases are most often female (78.5 %, $n = 2889$). This is consistent with other official data, which generally depicts domestic violence as a largely male-on-female offense. Though other sources of data, especially self-report data, call this characterization into question (see Archer 2002; Moffitt et al. 2000), our data suggest that it is these male-on-female incidents that are most likely to come to the attention of the courts and law enforcement.¹¹ By primary victim, we mean the adult victim identified in the case. For the Law Enforcement sample this person is classified by the law enforcement agency as a “victim” in the incident record. In the Court and Matched samples, the “petitioner” in the DVOP case is designated the primary victim. As evident in Table 3.5, the Law Enforcement sample is more likely than either the Court or Matched samples to have a male primary victim. Similarly, the Court sample is more likely than the Matched sample to have a male primary victim. In other words, although female victims are overrepresented compared to male victims in all three samples, the distribution of female victims is higher for both the Court and Matched samples when compared to the Law Enforcement only sample. This suggests that women are more likely than men to seek court intervention for DV. But, the proportion of female victims in the Matched sample is also significantly higher when compared to the Court only sample, suggesting that female victims are more likely than male victims to elicit the help of multiple formal social controls in response to DV victimization.

Table 3.5. Primary Victim Sex by Sample Type

	N	% Female
Law Enforcement	2710	76.3 ^{a,b}
Court	618	81.7 ^{b,c}
Matched	354	89.3 ^{a,c}

a = significantly different from Court sample

b = significantly different from Matched sample

c = significantly different from Law Enforcement sample

Table 3.6 provides the breakdown of victim race/ethnicity for the Law Enforcement and Matched samples. Similar to the race/ethnicity of offenders, the largest group of primary victims is White, followed by Hispanic, Native American, Black, and Asian. That White victims are over-represented here, given their numbers in the local population, does not necessarily suggest Whites are at greater risk for DV than are other racial/ethnic groups. Rather, it suggests White victims are more likely to seek help from formal social control agents in response to DV victimization. This is especially true in regard to the Matched sample—Whites are the most

¹¹ Slightly more than 13 percent of cases in the analysis involve same-sex offenders and victims ($n = 489$), of these same-sex cases, male offender/male victim dyads account for 58 % ($N = 283$) and female offender/female victim dyads make up the remaining 42% ($N = 206$). Due to the nature of the data used in this research, we do not know the relationship between the offender and the victim.

overrepresented among the group of victims who call upon the resources of both law enforcement and the courts. This is consistent with Donald Black's (1983) arguments regarding social status and access to law. He suggests that those of higher social standing have more ready access to formal social controls to resolve interpersonal conflict while those of lower social status are more likely to attempt to resolve such conflicts on their own (often with violent retaliation). To be sure, race/ethnicity is not the only marker of social status Black introduces, but his arguments help make sense of the patterns documented here.

Table 3.6. Primary Victim Race by Sample Type

	Law Enforcement	Matched	Bernalillo County Population
% Asian	0.6	0.3	1.9
% Black	4.7	3.2	2.4
% Native American	10.3	5.9	3.4
% Hispanic	26.7	25.5	38.3
% White	57.7	65.1	52.6
N	2599	341	415,658

Similar to the age distribution of offenders, primary victims in the Court sample are, on average, older than victims who come into contact with law enforcement. Table 3.7 compares both the average age and the categorical age grouping of primary victims by sample type. The average age of victim in the overall sample is 33 years. The distribution of victims by age category is similar across all samples. As we saw with offenders, the largest percentage of victims in each sample fall into adult category (25 to 44 years), followed by young adults (18 to 24 years). Older adults (45 years and over) are underrepresented among those utilizing formal social control agencies, when compared to the population distribution of Bernalillo County.

Table 3.7. Primary Victim Age by Sample Type

	Law Enforcement	Court	Matched	Bernalillo County Population
<i>Age</i>				
Mean	33 ^a	35 ^{b,c}	32 ^a	
(S.D.)	(11.50)	(11.73)	(10.19)	
Range (years)	18 to 92	18 to 81	18 to 78	
<i>Categorical Age (%)</i>				
18-24	31.5 ^a	24.3 ^c	28.1	13.8
25-44	54.9 ^a	59.4 ^c	59.4	40.7
45 and over	13.6	16.3	12.5	45.5
N	2654	559	352	415,658

a = significantly different from Court sample

b = significantly different from Matched sample

c = significantly different from Law Enforcement sample

As is the case with offenders, the demographic profile of victims is largely similar across samples. In general, victims who come to the attention of the police or courts are predominantly females in their early 30s. Whites are over-represented among this group, though a large proportion of victims are also Hispanic. As we also saw in the offender profile, victims in the Court only sample are older on average than those who interact with law enforcement. Male victims are significantly less likely to utilize dual interventions (Matched sample) when compared to their female counterparts or to utilize the courts at all. We next consider whether the profile of DV offenders and victims presented here differs from the profile of assault victims and offenders more generally.

Comparing Offenders and Victims of Domestic Assault and Non-Domestic Assault

We've shown the similarities and differences among domestic violence offenders and victims based on whether they are identified in law enforcement incidents, court cases or both. In this section, we will compare our sample of domestic violence offenders and victims identified through law enforcement incidents in 2002 (including cases from both the Law Enforcement and Matched samples) with all non-domestic violence assault offenders and victims in that same year.

Non-domestic aggravated assaults and simple assaults were extracted from the 2002 APD and BCSO database for comparison to 2002 domestic violence assaults. These data are comparable in terms of the type of assault, year and area (Bernalillo County) in which the offense occurred. They are dissimilar in that only couples are examined in the domestic violence data, while these data include any number of offenders and victims. However, this comparison gives the reader a sense of whether domestic violence assaults are different from other assaults in terms of severity (simple versus aggravated) and the demographic breakdown of victims and offenders.

Table 3.8 presents the sex composition of domestic violence and non-domestic violence assault offenders for 2002. Male offenders are in the majority for both types of assault (80.8 % of domestic offenders, n = 2482 and 72.2 % of non-domestic offenders, n = 4338). However,

females make up a larger proportion of non-domestic assault perpetrators when compared to their representation in the domestic assault sample (27.8 %, n = 1617 compared to 19.2 %, n = 716).

Table 3.8. Sex of Offender by Assault Type

	N	% Male
Domestic Assault	3072	80.8 ^a
Non-Domestic Assault	6008	72.2 ^b

a = Significantly different from non-domestic assault

b = Significantly different from domestic assault

The distribution of non-domestic assault offenders by race/ethnicity is similar to that of domestic assault offenders. White offenders make up over half of both samples, and Hispanic offenders comprise the second most represented group. Combined, White and Hispanic offenders make up a larger percentage of offenders in total for non-domestic assault (88.4 %) than for domestic assault (82.2 %); however, this difference is not statistically significant. Table 3.9 provides the race/ethnic breakdown of offenders by type of assault.

Table 3.9. Race of Offender by Assault Type

	Domestic Assault	Non-Domestic Assault	Bernalillo County
% Asian	0.6	0.6	1.9
% Black	6.9	6.6	2.4
% Native American	10.3	5.7	3.4
% Hispanic	27.9	28.4	38.3
% White	54.3	58.7	52.6
N	2954	5399	415,658

Table 3.10 shows the age of offender by assault type. Offenders in the domestic assault sample are slightly younger on average when compared to their non-domestic assault counterparts. The two groups show a similar distribution of offenders in the youngest age group (18-24 years) and the middle category (25-44 years). Consistent with the older average age of non-domestic assault offenders, we see a higher representation of offenders in the 45 years and older category when compared to those in the domestic assault sample. However, when compared to the Bernalillo County population, older adults are underrepresented as offenders for either type of assault.

Table 3.10. Age of Offender by Assault Type

	Domestic Assault	Non-Domestic Assault	Bernalillo County Population
<i>Age</i>			
Mean	32 ^a	35 ^b	
(S.D.)	(9.74)	(13.54)	
Range	18 to 77	18 to 94	
<i>Categorical Age (%)</i>			
18-24	31.9	28.3	13.8
25-44	58	50	40.7
45 +	10 ^a	21.7 ^b	45.5
N	2956	4861	415,658

a = significantly different from non-domestic assault

b = significantly different from domestic assault

Sex of victim varies a great deal when we compare domestic and non-domestic assault. As we documented earlier, adult victims of domestic assault are overwhelmingly female. However, victims of non-domestic assault are more often male than female (59.9 % compared to 40.1 %). Table 3.11 presents the breakdown of victim sex by type of assault.

Table 3.11. Sex of Victim by Assault Type

	N	% Female
Domestic Assault	3064	77.8 ^a
Non-Domestic Assault	8917	40.1 ^b

a = significantly different from non-domestic assault

b = significantly different from domestic assault

As is shown in Table 3.12, victim race/ethnicity in non-domestic assault follows a similar pattern as that for domestic assault, where victims in both groups are overwhelmingly either White or Hispanic. When compared to the Bernalillo County population, White, Native American, and Black offenders are slightly overrepresented in both assault samples.

Table 3.12. Race of Victim by Assault Type

	Domestic Assault	Non-Domestic Assault	Bernalillo County Population
% Asian	0.5	.6	1.9
% Black	4.6	3.9	2.4
% Native American	9.8	5	3.4
% Hispanic	26.5	27.7	38.3
% White	58.6	62.8	52.6
N	2940	8059	415,658

Adult victims of non-domestic assault are older on average than their domestic assault counterparts (36 years compared to 33 years, respectively). For both groups, the typical victim's age falls between 25 and 44 years; however, this is more likely in the domestic assault sample. While the representation of young adults is nearly identical across samples, older adult victims (45 years and older) are more highly represented in the non-domestic assault sample. Similar to the age distribution of offenders, victims in the older age category for both samples are

underrepresented when compared to the age distribution of the Bernalillo County adult population.

Table 3.13. Age of Victim by Assault Type

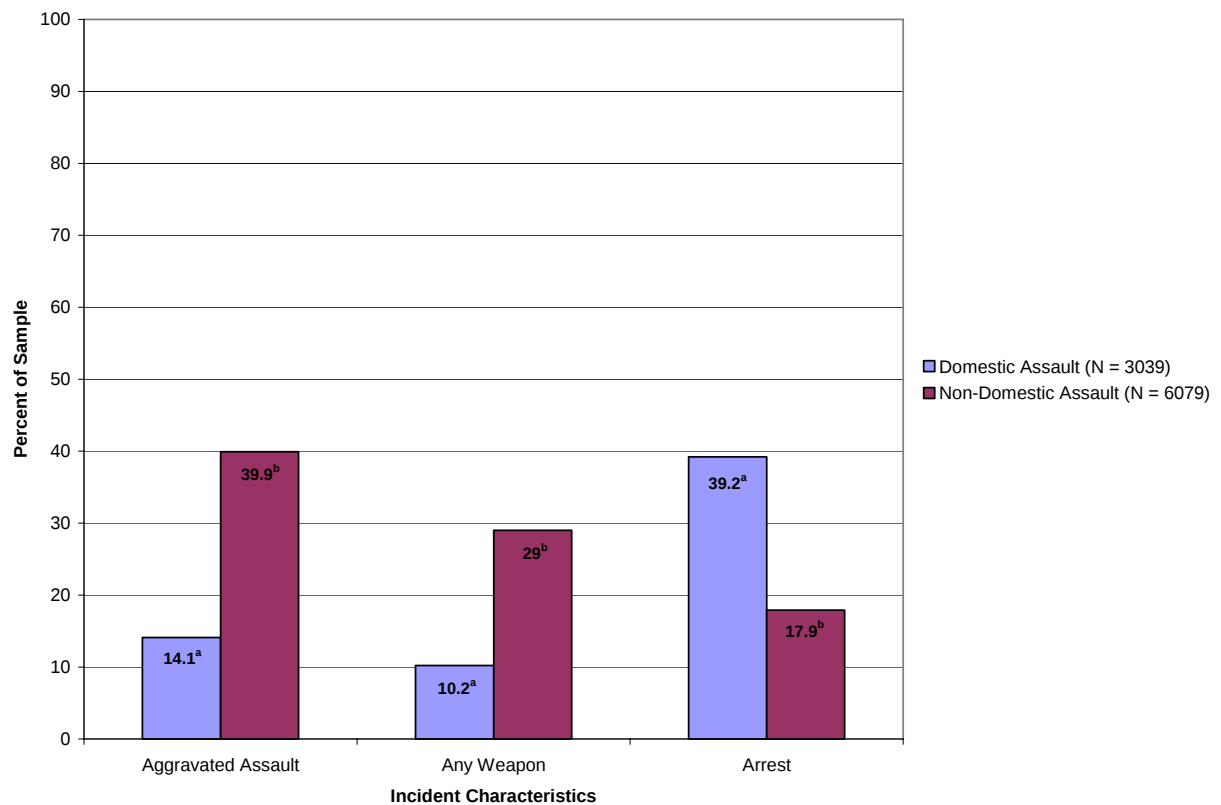
	Domestic Assault	Non-Domestic Assault	Bernalillo County Population
<i>Age</i>			
Mean	33 ^a	36 ^b	
(S.D.)	(11.35)	(14.05)	
Range	18 to 92	18 to 100	
<i>Categorical Age (%)</i>			
18-24	31.1	30.7	13.8
25-44	55.4 ^a	46.6 ^b	40.7
45 +	13.4 ^a	22.8 ^b	45.5
N	3006	8311	415,658

a = significantly different from non-domestic assault

b = significantly different from domestic assault

In addition to demographic differences observed among offenders and victims, the characteristics of domestic and non-domestic assault incidents differ as well. For both domestic and non-domestic assault, offenders are more often charged with simple rather than aggravated assault. However, as you can see in Figure 3.2, the distribution is still discernibly different when comparing the two samples. Only 14.1 % of domestic violence cases involve aggravated assault (N = 428), while 39.9 % of non-domestic assault incidents are aggravated rather than simple assault (N = 2426). Non-domestic assaults also involve the use of a weapon more often than incidents of domestic assault (29 % compared to 10 %). Although, non-domestic assaults are more often aggravated and involve the use of a weapon, domestic assault offenders are more likely to be arrested on the scene of the incident when compared to their non-domestic assault counterparts.

Figure 3.2. Incident Characteristics by Type of Assault



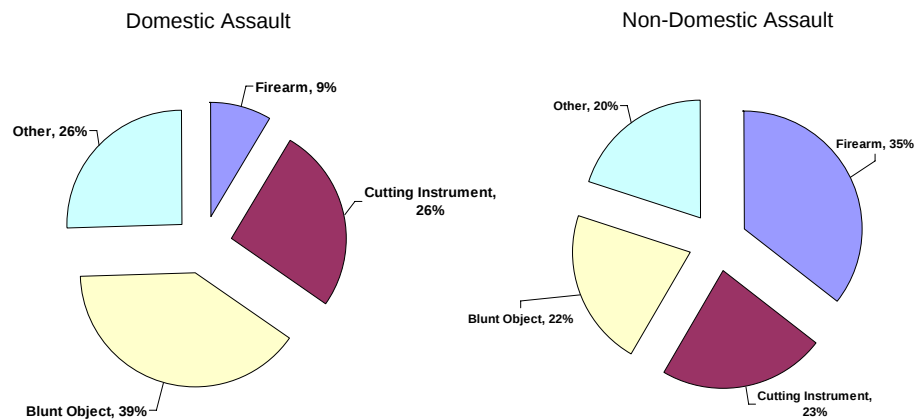
a = significantly different from non-domestic assault

b = significantly different from domestic assault

Figure 3.3 provides the breakdown of the types of weapons used in domestic and non-domestic assault incidents. For domestic assaults, blunt object is the most frequently cited weapon, followed by cutting instruments and other weapons¹². Domestic assaults reported to law enforcement rarely involve the use of a firearm. Firearms account for only 9 % of incidents involving a weapon for domestic assault cases in this sample (N = 27), compared to 35 % of non-domestic assault cases (N = 617). In fact, firearms are the most frequently cited weapon in non-domestic assaults, followed by cutting instruments, blunt objects, and other weapons.

¹² Other weapons include fire, poison, strangulation devices, motor vehicles, and any other type of weapon not specifically designated. In constructing this category, we eliminated “personal weapons” which indicates the use of one’s own body as a weapon.

Figure 3.3 Weapon Type for Domestic and Non-Domestic Assault Cases¹³



Consistent with prior research comparing domestic and non-domestic assault, this comparison of offender, victim, and incident characteristics suggests that domestic violence incidents differ somewhat from non-domestic violence incidents (Moffitt, et al. 2000). DV offenders are more often male and are younger on average when compared to non-domestic assault offenders. DV victims are also younger on average when compared to non-DV assault victims. These differences in age are attributable to the under-representation of older adults (45 years and over) in the DV sample. Another distinction between the two types of assault is found in the distribution of victims by sex. DV victims are predominantly female, whereas the majority of non-DV assault victims are male. When compared to non-domestic assault, DV incidents are more likely to be simple assaults rather than aggravated assault, less likely to involve the use of a weapon (especially firearms), but more likely to result in an arrest at the scene.

Summary

In the next two chapters we examine the possible effects of sample type on the likelihood of future domestic violence and non-DV offending. For the purpose of this study, we conceptualize each sample type as one form of system intervention for persons involved in a domestic violence incident. Before moving to the analysis of future offending, we identify similarities across samples, review the definition for each intervention type, and summarize the patterns of offender and victim characteristics that distinguish each intervention population from one another. These findings address 3 primary question sets:

- How are domestic violence offenders similar or different across sample types? Are offenders involved in law enforcement incidents different from respondents in court cases? How do these offenders compare with those that appear in both?
- How are domestic violence victims similar or different across sample types?

¹³ Domestic assault incidents involving a weapon, N = 310. Non-domestic assault incidents involving a weapon, N = 1763).

- How do domestic violence offenders compare to other aggravated and simple assault perpetrators? How do domestic violence victims compare to victims of non-domestic aggravated and simple assault?

Overall, this chapter documents a number of similarities among the populations of offenders subject to and victims utilizing different interventions as a result of a domestic violence incident. Across all three sample types, males account for the vast majority of DV offenders, with females accounting for most of the primary victims. There are no significant differences in the proportions of offenders and victims by race/ethnicity in each sample. Within the two samples for which race/ethnic demographic data are available, White, Native American, and Black offenders are over-represented in comparison to the Bernalillo County population; and Hispanic offenders are under-represented in these samples. This trend also appears in the race/ethnic composition of victims. Again, this does not necessarily mean that Hispanics are less likely to be involved in domestic violence incidents. It may be the case that victims of Hispanic offenders are less likely to call the police or petition the court. There are some significant differences among the three samples with regard to age of both offenders and victims (discussed below). In general there is an over-representation of young adults and an under-representation of older adults among the samples of DV offenders and victims when compared to the age distribution of the county population. The prior offense histories of DV offenders also differ by sample type to some extent. However, no significant differences are found with regard to the proportion of each sample with either domestic violence priors only or prior DUI/drug offenses.

The **Law Enforcement sample** consists of incidents for which the domestic assault resulted in a report to local police or the Sheriff's Office, but for which no DV court activity was initiated. Offenders subject only to law enforcement intervention are younger on average when compared to respondents in the Court sample. A larger percentage of offenders in this group fall into the young adult (18-24) age category when compared to the age distribution for both the Court and Matched samples. Offenders in this sample are also less likely to have a record of prior offenses when compared to the Court and Matched samples.

Cases falling into the **Court sample** represent those for which victims sought (at the very least) a temporary order of protection from the District Court, but did not report the incident to law enforcement authorities. Offenders subject only to court intervention are older on average when compared to those in the Law Enforcement and Matched samples, having the highest representation of offenders in the older adult age category (45 years and over) among the three samples. Offenders in the Court sample can also be distinguished from others by their prior offense histories. They are more likely than their Law Enforcement sample counterparts to have non-DV priors, but less likely than offenders in the Matched sample to have both prior DV and other non-DV offenses.

The **Matched sample** is comprised of cases for which both law enforcement and court interventions are utilized. For these cases, the DV assault incident was reported to law enforcement authorities and the victim of the assault sought (at the very least) a temporary order of protection with the offender as the named respondent within 60 days of the incident. As we documented earlier in this chapter, all samples are characterized by a majority of male perpetrators, but the Matched sample has a significantly higher percentage of male offenders

when compared to the other two samples. Similar to the Law Enforcement intervention group, the Matched sample also has a significantly higher proportion of offenders in the young adult age category (18 to 24 years) when compared to the Court intervention sample. Perhaps the most distinguishing commonality among offenders in the Matched sample is their prior offending histories. These offenders are more likely than offenders in either of the other two groups to have either a prior domestic violence charge or a prior Part I or II violent index offense. When we break down the possible combinations of prior offense history¹⁴, offenders in the Matched sample are also more likely than the others to have a history that includes both a prior DV and other non-DV offenses. Additionally, the Matched sample offenders are more likely than offenders in the Law Enforcement sample to have only prior non-DV offenses.

Although the populations served by each intervention type are not entirely dissimilar, the distinctions identified in this chapter are important for interpreting the results of the analyses presented in the next two chapters. Regardless of the effect intervention type may have on subsequent offending, we find that the populations served by these agencies are significantly different on a number of characteristics that are associated with increased risk of re-offending. In the next chapter, we present the findings of analyses designed to determine the deterrent effect of intervention type on future domestic and non-domestic offending.

¹⁴ No Priors, Prior DV only, Prior Non-DV only, Both DV and Non-DV Priors

CHAPTER IV: SUBSEQUENT OFFENDING

Almost 60 % of offenders in the study sample (N = 2208) have at least one subsequent offense reported to law enforcement authorities within four years of the date of case initiation. Among those with a subsequent offense, 23 % of offenders have subsequent DV offense (N = 857), and 55 % have subsequent non-DV offense (N = 2053). This chapter reports the findings for research questions aimed at identifying the incident and individual level characteristics associated with “successful” interventions for domestic violence. “Successful” intervention is defined as the absence of subsequent offending within four years of the date of case initiation for cases within our sample. The first section of this chapter examines the likelihood and correlates of domestic violence subsequent offending. In the second section, we investigate the effects of intervention, incident, and individual level characteristics on the likelihood of a subsequent non-domestic charge. For each question, we present findings from two separate analyses. The first includes all samples: Law Enforcement, Court, and those who utilize both. The second limits the analysis to only the sample of offenders subject to some type of law enforcement intervention: Law Enforcement and Matched samples. For offenders with some sort of law enforcement involvement, we have a larger set of variables reflecting incident and individual characteristics. We hope that by including these characteristics, we can shed more light on the characteristics correlated with successful outcomes across these interventions. In addition, we aim to identify the characteristics that distinguish a domestic violence incident only reported to law enforcement authorities from one that also ends up in court, and whether there is variation in the odds of success across these two intervention types.

The analyses presented in the next two chapters primarily utilize logistic regression procedures. Logistic regression allows us to examine the effects of a set of variables on a dichotomous outcome (Tabachnick and Fidell 2001); of interest in this study—the presence or absence of a subsequent offense.¹⁵ Logistic regression produces both beta coefficients and odds ratios. The beta coefficients (B) are useful in determining the direction of the relationship between the independent/predictor variables and the dependent /outcome variable. For example, we could include age of offender as a predictor of subsequent offending. If the beta coefficient for age of offender is negative, this means that the older the offender, the less likely it is that he/she has a subsequent offense; that is, as age increases, subsequent offending decreases. However, it does not give the magnitude of the effect.

The odds ratio is useful because it permits us to examine the degree to which particular variables increase or decrease the likelihood, or probability, of the outcome under examination. For predictor variables with continuous values, i.e. age, the odds ratios tell us whether and by how much of one unit change in age (i.e. one year) affects the likelihood of a change in the outcome (i.e. subsequent DV). For predictor variables that are dichotomous (a variable with two categories), the interpretation is made in reference to a single category not included in the model. For example, if we include a dichotomous variable indicating that an offender is female then we interpret any decrease or increase of likelihood of subsequent offense in comparison to male offenders. Some variables have more than two possible categories. For example, prior offense history has four possible categories: none, priors are DV only, priors are both DV and other

¹⁵ A dichotomous variable has only two possible outcomes and is usually defined by the numbers 1 and 0; in this instance, 1 would indicate a subsequent offense and 0 would indicate no subsequent offense.

offenses and priors are non-DV only. Only dichotomous or continuous variables can be included in the model. Thus, in order to include all of the categories in this variable, three different variables have to be created, all of which reference a category that has been left out of the equation. Here, to capture the effects of prior offense history of DV offenders in our sample, we include three prior history dichotomous variables: priors are DV only, priors are both DV and other offenses, and priors are non-DV only. The effects of each of these variables on the likelihood of subsequent offending can only be compared to the category left out of the analysis, which is no prior criminal history.

In addition to the logistic regression models, we also calculated ordinary least squares multiple regression models to predict the time to the first subsequent offense (domestic violence or non-domestic violence). The interpretation of the regression coefficients here is straightforward. If the regression coefficient is a positive number, it indicates that for every unit increase in the independent variable (i.e. every year in age) there is an increase in the length of time to re-offending (the amount of the increase is indicated by the value of the regression coefficient). Conversely, if the regression coefficient is negative, for every unit increase in the independent variable, there is a corresponding decrease in the length of time to re-offending. When interpreting the coefficients, we generally focus on the sign (positive or negative) and statistical significance, which indicates whether this relationship is likely due to chance (not significant) or not (significant).

Subsequent Domestic Violence

Twenty-three percent of offenders in our sample have a subsequent domestic violence incident reported to law enforcement authorities (N = 857) within four years of the 2002 date of case initiation. Among those with a subsequent domestic violence charge, offenders average 1.55 DV offenses over the period under analysis. Table 4.1 presents the percent of offenders with a subsequent DV charge within each sample. Offenders in both the Law Enforcement and Matched samples are slightly more likely than those involved in court intervention alone to have a subsequent arrest for domestic violence.

Table 4.1. Subsequent DV Offense by Sample Type

	N	% with Subsequent DV
Law Enforcement	2718	23.5 ^a
Court	641	19.8 ^{b,c}
Matched	355	25.4 ^a

a = significantly different from Court sample

b = significantly different from Matched sample

c = significantly different from Law Enforcement sample

As shown in Tables 4.2 and 4.3, intervention type is not a significant predictor of domestic violence recidivism.¹⁶ Table 4.2, Model 2 provides the regression coefficient and odds ratio for

¹⁶ Table 4.1 showed a significant difference between intervention type and subsequent offending. The lack of significance in the first model of both Table 4.2 and 4.3 is the result of the loss of cases in the analysis due to missing data. The sample sizes for models in these regressions are as follows: Law Enforcement N = 2553, Court N = 523, and Matched N = 347. We lose over 100 cases in the Court sample from missing data on the variables included in the model, approximately 30 or so are missing sex, the rest are missing either offender or victim age.

the analysis including the full study sample. We see significant relationships in Model 2 between both offender characteristics and victim demographics and our dependent variable, subsequent DV offense. Offenders with prior offending histories are more likely than offenders without priors to engage in subsequent criminal activity. When offenders have both domestic violence and non-domestic priors they are 4 times more likely than those with no priors to have a subsequent DV offense. Offenders having only DV priors are 2.4 times more likely than those with no priors to have a subsequent DV; and offenders with a non-domestic offense history are almost 2 times more likely to have a subsequent DV when compared to the no prior group. Young offenders are more likely to engage in subsequent DV offending than older individuals, and males are more likely to recidivate than females. Additionally, offenders with female victims are 1.5 times more likely than those with male victims to recidivate.

Table 4.2. Intervention and Individual Characteristics on Subsequent DV

	Model 1	Model 2
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>		
Law Enforcement	.165 (1.180)	.179 (1.196)
Matched	.221 (1.247)	.079 (1.082)
<i>Offender Prior History</i>		
Prior DV Only	-	.891 (2.437)***
Prior DV and Other	-	1.396 (4.040)***
Prior Non-DV Only	-	.682 (1.979)***
<i>Offender Demographics</i>		
Log of Offender Age	-	-1.093 (.335)***
Offender is Female	-	-.313 (.731)*
<i>Victim Demographics</i>		
Log of Victim Age	-	.101 (1.106)
Victim is Female	-	.432 (1.540)**
<i>Model</i>		
Constant	-1.300	1.008
N	3423	3423
-2 Log likelihood	3769.034	3495.465
df	2	9
All samples		
* p < .05		
** p < .01		
*** p < .001		

Table 4.3 presents the results of the analysis examining the effect of intervention, incident, and individual characteristics on the likelihood of any subsequent criminal offense for offenders in either the Law Enforcement or Matched samples. By limiting our analysis to these two groups, we are able to include variables for incident characteristics (juvenile victim, weapon, type of assault) and individual race/ethnicity, information not available in the court data. Consistent with the previous analyses, prior criminal history is the strongest predictor of subsequent offending, even when incident characteristics are added to the model. Compared to offenders

with no prior criminal history, those with both DV and non-DV priors are 3.6 times more likely to have a subsequent DV offense. Offenders with either DV only or non-DV only priors are around 2 times more likely than those with no priors to recidivate. Young offenders, those with prior offense histories, and offenders with female victims are more likely than older offenders, those with no priors and offenders with male victims, respectively, to have a subsequent DV charge. Neither intervention type nor incident characteristics show significant effects on the likelihood of DV recidivism. In contrast to the findings for the full sample, sex of offender is no longer significant.

Table 4.3. Intervention, Incident, and Individual Characteristics on Subsequent DV

	Model 1	Model 2
Variables in Equation	B(Odds Ratio)	B (Odds ratio)
<i>Sample</i>		
Law Enforcement	-.066 (.937)	.100 (1.105)
<i>Incident Characteristics</i>		
Use of a weapon	-	-.139 (.870)
Juvenile victim	-	-.181 (.834)
Aggravated assault	-	.242 (1.273)
<i>Offender Prior History</i>		
Prior DV Only	-	.719 (2.052)**
Prior DV and Other	-	1.286 (3.619)***
Prior Non-DV Only	-	.643 (1.902)***
<i>Offender Demographics</i>		
Log of Offender Age	-	-1.166 (.312)***
Offender is Female	-	-.224 (.799)
Offender is Hispanic	-	.483 (1.622)***
Offender is Native Am.	-	.254 (1.209)
Offender is Black	-	.630 (1.877)***
<i>Victim Demographics</i>		
Log of Victim Age	-	.272 (1.312)
Victim is Female	-	.501 (1.650)**
Victim is Hispanic	-	.032 (1.033)
Victim is Native Am.	-	.198 (1.219)
Victim is Black	-	-.478 (.620)
<i>Model</i>		
N	2695	2695
Constant	-1.059	.505
-2 Log likelihood	3011.374	2763.782
df	1	17

Law Enforcement and Matched samples

* $p < .05$

** $p < .01$

*** $p < .001$

For the law enforcement involved samples, race/ethnicity of both offender and victim can be added to the model. Model 2 in Table 4.3 indicates some effect of offender race/ethnicity on the likelihood of having a subsequent domestic violence offense. Both Hispanic and Black offenders

are slightly more likely than White offenders to have a subsequent DV charge. However, no significant effects are observed for victim race/ethnicity, those presumably making contact with authorities.

We also tested the effect of type of intervention, incident characteristics and individual characteristics on time to DV failure. For all samples, offenders average 551 days to the first subsequent DV offense. Again, no significant differences are observed for type of intervention. In contrast to the models for likelihood of subsequent DV, none of the variables included in the models (including offender prior history and other individual characteristics) are significant predictors of time to first subsequent DV offense.¹⁷

While there is no evidence to suggest that one intervention is more effective than another for deterring future domestic violence charges, in Chapter III we found that the populations served by each possible intervention vary on a number of dimensions identified to be important in predicting future offending. Young male offenders, those with prior offending histories, and offenders with female victims are more likely to re-offend. These findings suggest that both court and law enforcement agencies should be mindful of the populations they serve and the particular risks associated with case, individual, and prior criminal history characteristics. We return to this discussion in the Chapter summary on intervention and subsequent offending.

Next, we examine the effects of the same set of characteristics on the likelihood of non-domestic violence subsequent offending. We will be addressing two primary questions. First, how are the characteristics associated with the likelihood of subsequent DV charges similar to or different from those associated with non-domestic subsequent offending? And second, does the intervention type for the DV sample selection incident have an impact on the likelihood of offender involvement in other types of criminal offending?

Subsequent Non-Domestic Offending

Fifty-five percent of offenders in the sample have a non-domestic subsequent offense (N = 2053). Non-domestic offenses include drug, weapon, DUI, property, and all non-domestic Part I and Part II index offenses. In this section we will examine the effects of intervention, incident, and individual level characteristics on the likelihood of a subsequent non-domestic offense. Table 4.4 presents the proportion of offenders with at least one non-domestic subsequent offense by sample type. Offenders in the Law Enforcement only sample are less likely than those in the Matched sample to have a subsequent non-domestic offense. However, this relationship does not hold once offender prior history and other individual characteristics are included in the model.

¹⁷ This table is included in the Data Supplement available from the NMSAC.

Table 4.4. Subsequent Non-DV Offense by Sample Type

	N	% with Non-DV Subsequent
Law Enforcement	2718	54 ^b
Court	641	56.9
Matched	355	62 ^c

a = significantly different from Court sample

b = significantly different from Matched sample

c = significantly different from Law Enforcement sample

Table 4.5 shows the results for the analyses examining the likelihood of a subsequent non-domestic offense for the entire study sample. In Model 1, we see that offenders in the Law Enforcement sample are less likely to have a subsequent non-DV offense when compared to those in the Court sample. However, this relationship disappears when prior offense history, offender demographics and victim demographics are included in the model. Just as we saw with the likelihood of domestic violence recidivism, offenders with a prior offending history are more likely than those with no priors to have a subsequent non-DV offense. Having both a prior DV charge and any other prior offense increases the likelihood of a subsequent non-DV offense over 8 times that of an offender with no priors. Young offenders are more likely than older offender to have a subsequent non-DV offense. In addition, male offenders are more likely than female offenders to have non-DV subsequent offenses. Offenders with older victims are also slightly more likely to have a subsequent non-DV offense.

Table 4.5. Intervention and Individual Characteristics on Subsequent Non-DV

	Model 1	Model 2
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>		
Law Enforcement	-.274 (.761)**	-.123 (.884)
Matched	-.008 (.992)	-.123 (.884)
<i>Offender Prior History</i>		
Prior DV Only	-	.583 (1.791)**
Prior DV and Other	-	2.130 (8.414)***
Prior Non-DV Only	-	1.421 (4.143)***
<i>Offender Demographics</i>		
Log of Offender Age	-	-1.183 (.306)***
Offender is Female	-	-.242 (.785)*
<i>Victim Demographics</i>		
Log of Victim Age	-	.307 (1.359)*
Victim is Female	-	.230 (1.259)
<i>Model</i>		
Constant	.520	2.179
N	3423	3423
-2 Log likelihood	4650.571	3994.209
df	2	9

All samples

* p < .05

** p < .01

*** p < .001

Similar to the findings on domestic violence recidivism, limiting the analysis to the Law Enforcement and Matched samples only and including available incident characteristics has little affect on predictors of subsequent offending. Table 4.6 presents the models for non-DV subsequent offenses for these samples. Neither intervention type nor incident characteristics are significant. Again prior offense history is significantly associated with subsequent offending, where offenders who have both DV and non-DV priors are 8.6 times more likely than offenders with no priors to have a non-DV subsequent. Offenders with prior DV only are almost 2 times more likely to have a non-DV subsequent; and those with prior non-DV priors are over 4 times as likely to have a subsequent offense when compared to offenders with no prior history. Younger offenders are more likely than older offenders to have a subsequent non-DV offense, as are offenders with older victims and those with female victims. Additionally, we observe significant effects of offender race/ethnicity on the likelihood of non-DV subsequent offending. Hispanic offenders and Black offenders are significantly more likely to have a non-DV subsequent offense when compared to their White counterparts.

Table 4.6. Intervention, Incident, and Individual Characteristics on Subsequent Non-DV

	Model 1	Model 2
Variables in Equation	B(Odds Ratio)	B (Odds ratio)
<i>Sample</i>		
Law Enforcement	-.212 (.809)	.092 (1.097)
<i>Incident Characteristics</i>		
Use of a weapon	-	.214 (1.238)
Juvenile victim	-	.026 (1.027)
Aggravated assault	-	.162 (1.176)
<i>Offender Prior History</i>		
Prior DV Only	-	.655 (1.925)**
Prior DV and Other	-	2.159 (8.660)***
Prior Non-DV Only	-	1.454 (4.279)***
<i>Offender Demographics</i>		
Log of Offender Age	-	-1.356 (.258)***
Offender is Female	-	-.207 (.813)
Offender is Hispanic	-	.592 (1.807)***
Offender is Native Am.	-	.347 (1.415)
Offender is Black	-	.549 (1.731)**
<i>Victim Demographics</i>		
Log of Victim Age	-	.394 (1.483)*
Victim is Female	-	.357 (1.430)*
Victim is Hispanic	-	-.024 (.976)
Victim is Native Am.	-	.231 (1.259)
Victim is Black	-	.286 (1.331)
<i>Model</i>		
N	2695	2695
Constant	.508	1.852
-2 Log likelihood	3664.375	3042.995
df	1	17
Law Enforcement and Matched samples		
* p < .05		
** p < .01		
*** p < .001		

An examination of these same characteristics on the time to failure for those with at least one non-DV subsequent offense provides us with our first significant intervention effect. Offenders subject to both law enforcement and court intervention (Matched sample) are charged with non-DV offenses more quickly, when compared to those in the Court only sample. This relationship is significant even when offender prior history, offender demographics, and victim demographics are included in the model.¹⁸

¹⁸ This table is included in the Data Supplement available from the NMSAC.

Summary

In this chapter we examined the deterrent effects of three possible interventions available to victims of domestic violence on the occurrence of both future domestic violence and subsequent offending more broadly. These analyses were designed to answer three primary questions:

- How does the likelihood of subsequent domestic violence offending differ by intervention, incident, and individual characteristics?
- Among those with subsequent domestic violence offenses, what intervention, incident, and individual characteristics are associated with differences in time to DV failure?
- How does the likelihood of non-domestic subsequent offending differ by intervention, incident, and individual characteristics?

The type of intervention an offender is subjected to following a domestic violence incident does not appear to affect the likelihood of subsequent offending. However, prior offending history and offender and victim demographic characteristics do affect the likelihood of subsequent offending. Specifically, despite formal intervention, young male offenders and those with priors are more likely than others to engage in future criminal activity, both domestic and non-domestic. Intervention type is also not related to the time to DV failure, in fact none of the variables included in the analyses are significant predictors of time to first subsequent DV charge. These data do not contain information on incarceration, which may play a role in time to re-offense, since incarcerated offenders are incapacitated for a period of time. We hope to include this variable in future analyses. Intervention type is, however, significantly related to time to non-DV failure. Offenders in the Matched sample received a subsequent non-DV related charge more quickly than their Court sample counterparts.

While intervention type is not statistically significant in models predicting the likelihood of re-offending, the sample differences outlined in Chapter III suggest that the populations served by each intervention type differ in a number of respects. Some of these differences correspond to the concentration of offenders with these characteristics within specific intervention groups. For instance, young offenders are more at risk for both subsequent domestic violence and non-domestic violence offenses. Law enforcement agencies deal with a larger percentage of young offenders when compared to the court. Offenders in our sample with prior criminal histories (both domestic and non-domestic) are also more at risk for both domestic violence recidivism and subsequent non-domestic offenses. In our samples, offenders interacting with the court (Court only and Matched sample) have more extensive criminal histories when compared to those in the Law Enforcement sample. So, while the type of intervention itself does not predict subsequent offending, our findings suggest that each intervening agency has specific risk factors to take into account when processing domestic violence cases. In the next chapter we continue to examine the relationship of type of intervention and the likelihood of subsequent offending, limiting the analysis to offenders who are subject to court intervention—those in the Court and Matched samples.

CHAPTER V: COURT UTILIZATION AND OUTCOMES

This chapter focuses on the procurement and utilization of Domestic Violence Orders of Protection (DVOP). We begin by describing the paths victims can take once a domestic violence incident has occurred, focusing especially on pathways to obtaining an extended order of protection. Next, we examine whether there are any intervention based differences in the issuance of extended orders. Specifically, we look at whether those utilizing both the court and law enforcement (Matched sample) differ from those using only the court (Court sample) in the likelihood of securing an extended order of protection. We then turn our attention to subsequent offending. In addition to the intervention and individual characteristics modeled in the previous chapter, we also examine the deterrent effect of an extended order on the likelihood of subsequent domestic and non-domestic offending. Next, we limit the analysis to the Court sample and the Law Enforcement sample; this analysis allows us to examine whether a protective order of any type (temporary or extended) affects the likelihood of future offending. In the final section, we focus on the cases for which an extended order is granted, seeking to identify the characteristics that predict the likelihood of an alleged DVOP violation.

The Court Process

There are a number of interventions a victim may choose when a domestic violence incident occurs.¹⁹ Figure 5.1 is a diagram depicting intervention options and the trajectory from each to an Extended Order of Protection (EO). The solid lines represent the paths toward procuring an EO; the dotted lines indicate where cases drop out or do not result in an EO. We do not follow these paths to all potential outcomes, but rather focus on illustrating those observed in our data, which ultimately can lead to an extended order of protection.

The diagram begins with either a domestic violence incident or ongoing abuse. Once abuse occurs, the victim has four options. First, the victim may choose to contact the court for an order of protection, which represents a civil action against the offender. Second, victims or witnesses may report an incident to law enforcement officers. Criminal charges may be brought against the offender, possibly resulting in criminal prosecution. (The current research does not follow cases through the criminal justice system.) Third, the incident may result in both law enforcement and court interventions. Fourth, the victim can choose not to seek any legal intervention.

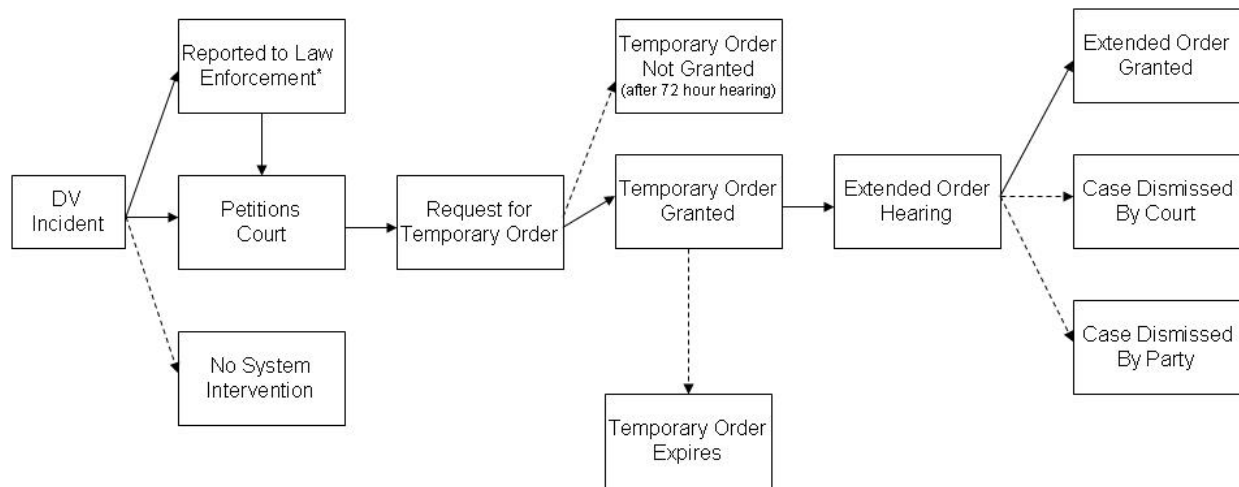
Law Enforcement Initiation

Victims who have contact with law enforcement following an incident may receive an emergency order of protection, which lasts 72 hours. The emergency order can be issued without the abuser's knowledge. Victims may then choose to pursue an order of protection from the court, which may place them on the path to an extended order of protection. It should be noted that even if an emergency order of protection is not issued, victims may still choose to secure a protection order from the court. Finally, victims may choose not to pursue any legal intervention. They could, however, pursue community services such as shelter from the abuser,

¹⁹ This information was obtained from the WomensLaw.org website at http://www.womenslaw.org/NM/NM_how_to.htm

counseling, severing ties with the offender, etc. These are the cases that go undetected by the legal system, and therefore are not included in the current research.

Figure 5.1. Pathways to an Extended Order



* The victim may get a 72 hour emergency order (EPO) from law enforcement authorities at the time of the incident. However, this EPO expires if the victim does not petition the court for a temporary order.

Court Initiation

The first stage in the court process is the request for a temporary order of protection. Temporary orders are intended to protect the victim until an extended order hearing and must be requested at the local courthouse. These can be issued without the abuser's knowledge and without a court hearing. If a petition does not appear to meet the criteria for a DVOP, the judge or a court commissioner may convene a 72 hour hearing where they ask the victim questions about the incident leading up to the petition, to determine whether there is cause to issue the temporary order. Once the temporary order is granted, the respondent (alleged offender) must be served with the notice of hearing. If the respondent is not served, the temporary order is not enforceable. Temporary orders typically last about two weeks or until the time of the hearing for an extended order.

If a victim fails to show up for the court case, the temporary order expires and the victim has to begin the process again. If, after being served, the offender does not show up for the hearing, there are two possible outcomes; either the extended order is granted or a new hearing date is set (in this instance a new temporary order is typically granted until the next hearing). In the 2002

court data, it appears that in practice an offender's first absence typically results in the issuance of a new temporary order and a new hearing date is set.²⁰ In some cases, especially those for which the respondent has not been served with the original order to appear, the judge can decide not to issue a new temporary order and dismiss the petition. It should be noted that while this is a possible outcome, a review of the data indicates that this rarely happens.

Once the hearing for an extended order occurs, there are several possible outcomes. An extended order can be granted. EOs are typically enforceable for either six months (if there is a child who is a dependent of both parties), or one year (if there are no children between parties). This discrepancy is likely due to custodial and visitation issues. Extended orders can be granted for longer periods of time at the judge's discretion. Among the orders granted in this study sample, the average length of order is 332 days, but 58 cases (10% of those receiving an extended order) resulted in orders enforceable for 2 years or longer. Alternatively, the court may decide there is insufficient evidence for the claim, and may dismiss the petition without issuing an extended order. Finally, the petitioning party may request that the petition be dismissed. In these data, 54% of all petitioners were granted an extended order (N = 535). Among petitioners who did not receive an extended order (N = 446), 60% of the temporary orders either expired or were dismissed by the court and the remaining 40% were dismissed by the party. There is little evidence to suggest that the courts deny EOs when petitioners pursue them.

Issuance of Extended Orders

The first set of analyses are designed to determine if any differences exist in the issuance of an extended order between those utilizing only the courts (Court only sample) and those using both the court and law enforcement (Matched sample). We then include other variables to assess what factors influence whether or not an extended order is granted.

Model 1 in Table 5.1 provides results for the analysis of the effects of the type of intervention on the likelihood of the petitioner receiving an extended order of protection. The results indicate that those utilizing both court and law enforcement intervention (Matched sample) are less likely to receive an extended order when compared to those in the Court only sample. When we include individual characteristics of both the offender and victim (see Model 2), only offender sex and victim age are statistically significant. This means that cases involving male offenders and those involving older victims are more likely to result in an extended order, when compared to those involving female offenders and those involving younger victims, respectively. Note that the intervention type is statistically significant in this model as well, indicating that once these other variables are accounted for, those who seek help from the criminal justice system as well as the civil system are less likely to receive an extended order of protection.

²⁰ Failure to appear is also an arrest worthy offense for DV court respondents.

Table 5.1. Intervention and Individual Characteristics on Obtaining an EO

	Model 1	Model 2
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>		
Matched	-.348 (.706)*	-.373 (.688)**
<i>Offender Prior History</i>		
Law Enforcement Priors²¹		
Prior DV Only	-	.047 (1.049)
Prior DV and Other	-	.097 (1.102)
Prior Non-DV Only	-	.206 (1.228)
Court Priors²²		
Prior DV Court Activity	-	-.098 (.906)
<i>Offender Demographics</i>		
Log of Offender Age	-	-.040 (.961)
Offender is Female	-	-.535 (.586)*
<i>Victim Demographics</i>		
Log of Victim Age	-	.793 (2.211)**
Victim is Female	-	.383 (1.467)
<i>Model</i>		
N	870	870
Constant	.273	-2.679
-2 Log likelihood	1195.920	1167.217
df	1	9

Court and Matched samples

* p < .05

** p < .01

*** p < .001

In order to better understand why those in the Matched sample are less likely to receive an extended order of protection, we examine the relationship between intervention type and petitioner requests for case dismissal. We find that the relationship between being in the Matched sample and the decreased likelihood of securing an EO is due in part to an increased likelihood of those utilizing both the police and the court process to request that the petition be dropped before the EO hearing takes place (Table 5.2). Prior to the EO hearing, petitioners in the Matched sample are significantly more likely to request a dismissal.

²¹ Reference category is No Prior law enforcement history.

²² This is any DVOP court involvement as petitioner or as respondent, the reference category is no prior court history.

Table 5.2. Likelihood of Request for Dismissal Before EO Hearing

Sample	N	Number Not receiving an EO	% Dismissed by party
Court	623	273	34.4
Matched	347	180	45.6

$\chi^2 = 5.649$, $df = 1$, $p = .017$

Petitioners in the Matched sample are also more likely than those in the Court sample to request a dismissal after an EO is granted. Indeed, the percentage of petitioners in the Matched sample requesting a dismissal after the granting of the extended order is almost twice that of those in the Court only sample. This suggests that there is something different about the population who utilizes both criminal and civil systems. Perhaps those who also pursue criminal charges do not feel they need the protection of the court because the offender is incarcerated, although we suspect this happens infrequently; perhaps there are case dynamics that differ between these populations, such as the degree of violence, the presence of children, the nature of the relationship between the individuals involved and numerous other variables. We are unable to ascertain what those differences might be at this point. Future research will allow us to at least examine whether there are fundamental differences in the types of cases that are seen at the court only compared to those utilizing both civil and criminal interventions.

Table 5.3. Likelihood of Request for Dismissal of an EO

Sample	N	Number Granted an EO	% Dismissed by party
Court	623	350	14.3
Matched	347	167	28.1

$\chi^2 = 14.245$, $df = 1$, $p = .000$

We also examined whether the samples differed on dismissal by the court. There is virtually no difference between intervention types with regard to dismissals initiated by the court.

We ran the models again, including the variable indicating whether or not the TO or EO was dismissed by party (see Table 5.4 below). When this variable is added to the model, sample type is no longer statistically significant, but dismissal by party is significant. It is also important to note that once other variables are introduced into the model (Model 2 below) dismissal by party is still significant, as is the victim's age. These results suggest that the effect of intervention type on the granting of an extended order is mediated by the likelihood of a party requesting dismissal, where victims in the Matched sample are more likely to make this request.

Table 5.4. Intervention, Case, and Individual Characteristics on Obtaining an EO

	Model 1	Model 2
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>		
Matched	-.224 (.800)	-.259 (.772)
Closed by Party	-.997 (.369)***	-1.008 (.365)***
<i>Offender Prior History</i>		
Law Enforcement Priors		
Prior DV Only		-.096 (.908)
Prior DV and Other		.004 (1.004)
Prior Non-DV Only		.097 (1.102)
Court Priors		
Prior DV Court Activity		.038 (1.039)
<i>Offender Demographics</i>		
Log of Offender Age		-.104 (.901)
Offender is Female		-.553 (.575)
<i>Victim Demographics</i>		
Log of Victim Age		.732 (2.079)*
Victim is Female		.396 (1.486)
<i>Model</i>		
N	847	847
Constant	.499	-1.942
-2 Log likelihood	1124.072	1099.434
Df	2	10

Court and Matched samples

* $p < .05$ ** $p < .01$ *** $p < .001$

As noted above, it is likely that case and relationship characteristics would help explain differences in the granting of an extended order. However, case and relationship characteristics are not automated for the court sample, and therefore cannot be included in the model. Subsequent studies will include these variables.

Subsequent Domestic Violence

We next turn our attention to the effects of receiving an extended order on the likelihood of subsequent offending. First, we examine which variables are predictive of a subsequent domestic violence offense. Intervention type, order characteristics and victim demographics are not statistically significant in any of the models (see Table 5.5 below). Only offender prior involvement with law enforcement and offender demographics are statistically significant, particularly the combination of prior domestic violence and other offenses. Interestingly, adding other prior offense categories (prior non-DV only, both prior DV and non-DV and no priors) to the model, prior domestic violence offenses alone do not predict subsequent domestic violence offending. Older offenders are less likely than younger offenders to recidivate. Neither

intervention type nor the issuance of an extended order influence the likelihood of subsequent domestic violence offenses.

Table 5.5. Intervention, Case, and Individual Characteristics on Subsequent DV

	Model 1	Model 2	Model 3
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>			
Matched	.176 (1.192)	.130 (1.139)	-.020 (.981)
<i>Order Characteristics</i>			
Extended Order	-	-.113 (.893)	-.242 (.785)
Closed by Party	-	.266 (1.305)	.235 (1.265)
Closed by Court ²³	-	.157 (1.170)	.050 (1.052)
<i>Offender Prior History</i>			
Law Enforcement Priors			
Prior DV Only	-	-	.215 (1.239)
Prior DV and Other	-	-	1.462 (4.315)***
Prior Non-DV Only	-	-	.652 (1.919)*
Court Priors			
Prior DV Court Activity	-	-	-.529 (.589)
<i>Offender Demographics</i>			
Log of Offender Age	-	-	-.795 9.451)*
Offender is Female	-	-	-.483 (.617)
<i>Victim Demographics</i>			
Log of Victim Age	-	-	.137 (1.147)
Victim is Female	-	-	.396 (1.485)
<i>Model</i>			
N	847	847	847
Constant	-1.286	-1.340	.040
-2 Log likelihood	910.454	907.087	850.612
df	1	4	12

Court and Matched samples

* p < .05

** p < .01

*** p < .001

The length of time to the first subsequent domestic violence offense is not predicted by intervention, order, or offender characteristics. However in Model 3 of Table 5.6, we do see a modest relationship between victim age and time to the first domestic violence offense. The coefficient indicates that the older the victim, the longer the time to re-offense. Unlike previous models examining the likelihood of subsequent offending, the offenders' prior offense history does not predict the length of time to recidivism. Although the direction of the relationship between the issuance of an extended order and the length of time to first subsequent domestic violence incident is in the direction that would be expected, it is, similar to the other models presented thus far, not a statistically significant predictor of time to first subsequent DV offense.

²³ Reference category is Order Expires.

Table 5.6. Intervention, Case, and Individual Characteristics on Time to 1st Subsequent DV

	Model 1	Model 2	Model 3
Variables in Equation	B (Std. B)	B (Std. B)	B (Std. B)
<i>Sample</i>			
Matched	-.987 (-.001)	32.143 (.048)	27.518 (.041)
<i>Order Characteristics</i>			
Extended Order	-	124.190 (.186)	100.972 (.151)
Closed by Party	-	-75.004 (-.106)	-87.523 (-.124)
Closed by Court	-	-44.997 (-.063)	-72.317 (-.101)
<i>Offender Prior History</i>			
Law Enforcement Priors			
Prior DV Only	-	-	-205.954 (-.088)
Prior DV and Other	-	-	11.920 (.018)
Prior Non-DV Only	-	-	-14.953 (-.022)
Court Priors			
Prior DV Court Activity	-	-	13.411 (.010)
<i>Offender Demographics</i>			
Log of Offender Age	-	-	-137.422 (-.114)
Offender is Female	-	-	-13.618 (-.012)
<i>Victim Demographics</i>			
Log of Victim Age	-	-	185.342 (.187)*
Victim is Female	-	-	143.381 (.128)
<i>Model</i>			
N	194	194	194
Constant	502.464	468.095	205.969
R ²	.000	.059	.093
df	1	4	12

Court and Matched samples

* p < .05

** p < .01

*** p < .001

We ran these same models, predicting the likelihood of subsequent offending and time to re-offense, using a second subsequent DV variable—the offender has a subsequent DV incident known to police and/or the offender is named in a subsequent DV petition involving the same petitioner (new opening). The results of these models are identical to those using the original subsequent DV variable (domestic violence incidents known to law enforcement).

Subsequent Non-Domestic Offending

The models presented in Table 5.7 indicate the predictive power of intervention type, order characteristics and individual characteristics on subsequent offending for any offense other than domestic violence. These results show again that prior offenses are significantly associated with subsequent offenses. Also, young offenders and male offenders are more likely to engage in subsequent offending when compared to female or older offenders. These results are consistent

with the results above, indicating that neither intervention type nor the receipt of an extended order has an impact on recidivism when other variables are included in the analysis.

Table 5.7. Intervention, Case, and Individual Characteristics on Subsequent Non-DV

	Model 1	Model 2	Model 3
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>			
Matched	-.019 (.981)	-.029 (.971)	-.154 (.857)
<i>Order Characteristics</i>			
Extended Order	-	.095 (1.099)	-.011 (.989)
Closed by Party	-	.131 (1.141)	.096 (1.101)
Closed by Court	-	.071 (1.073)	-.025 (.975)
<i>Offender Prior History</i>			
Law Enforcement Priors			
Prior DV Only	-	-	-.029 (.972)
Prior DV and Other	-	-	1.393 (4.026)***
Prior Non-DV Only	-	-	.843 (2.323)***
Court Priors			
Prior DV Court Activity	-	-	.257 (1.293)
<i>Offender Demographics</i>			
Log of Offender Age	-	-	-1.046 (.351)**
Offender is Female	-	-	-.621 (.537)*
<i>Victim Demographics</i>			
Log of Victim Age	-	-	.342 (1.408)
Victim is Female	-	-	-.042 (.959)
<i>Model</i>			
N	847	847	847
Constant	.532	.426	2.365
-2 Log likelihood	1117.954	1117.529	1042.221
df	1	4	12

Court and Matched samples

* $p < .05$

** $p < .01$

*** $p < .001$

Table 5.8 presents the findings on the time to the first subsequent offense for something other than a domestic violence incident. Similar to the time to 1st non-DV model presented in Chapter IV, this model again shows that there is a difference between the two intervention types analyzed here. Those in the Matched sample recidivate more quickly than those in the Court only sample. This statistically significant relationship holds true even when other variables are introduced. In model 2, we also see that the issuance of an extended order has an effect on the length of time to the first subsequent non-DV offense. However, the relationship is not in the direction one would expect: the coefficient indicates that those with an extended order experience a shorter time to first subsequent offense than those with a temporary order. However, once offender and victim characteristics are included in the model, this relationship ceases to be significant.

Table 5.8. Intervention, Case, and Individual Characteristics on Time to 1st Subsequent Non-DV

	Model 1	Model 2	Model 3
Variables in Equation	B (Std. B)	B (Std. B)	B (Std. B)
<i>Sample</i>			
Matched	-63.007 (-.093)*	-74.619 (-.111)*	-71.796 (-.106)*
<i>Order Characteristics</i>			
Extended Order	-	-84.471 (-.128)*	-74.986 (-.113)
Closed by Party	-	23.557 (.033)	23.254 (.032)
Closed by Court	-	17.241 (.024)	12.960 (.018)
<i>Offender Prior History</i>			
Law Enforcement Priors			
Prior DV Only	-	-	-89.479 (-.042)
Prior DV and Other	-	-	14.673 (.021)
Prior Non-DV Only	-	-	-17.603 (-.027)
Court Priors			
Prior DV Court Activity	-	-	-50.653 (-.044)
<i>Offender Demographics</i>			
Log of Offender Age	-	-	58.168 (.051)
Offender is Female	-	-	40.801 (.043)
<i>Victim Demographics</i>			
Log of Victim Age	-	-	-86.911 (-.083)
Victim is Female	-	-	-24.215 (-.025)
<i>Model</i>			
N	532	532	532
Constant	295.828	333.152	452.708
R ²	.009	.031	.043
df	1	4	12

Court and Matched samples

* p < .05

** p < .01

*** p < .001

Subsequent Domestic Violence among Court Only Versus Law Enforcement Only

Another important objective of this research is to determine whether or not the issuance of any type of protection order (either temporary or extended) deters future offending. In order to test for this relationship, we restrict the analysis to those cases utilizing court intervention only (where at the very least a temporary order is granted) and those for which no protective order is sought, Law Enforcement only.²⁴ Table 5.9 illustrates the results comparing the two groups with regard to the likelihood of subsequent domestic violence offending. Again we observe no sample effect, indicating that the two different interventions have little influence on subsequent domestic violence offending. Rather, prior offending, offender characteristics and victim sex are associated with subsequent domestic violence offenses. In particular, those with a prior domestic

²⁴ We also ran these models including a variable to distinguish Court sample cases with only a temporary order from those with an extended order. The inclusion of this variable did not change the results of the analyses presented below.

violence offense in addition to other offenses are almost 4 times as likely as those with no prior offenses to have another domestic violence offense. Those with prior domestic violence offenses only are approximately 2.6 times as likely as those with no prior history to have another domestic violence offense. Finally, those with only non-domestic violence offenses are almost twice as likely as those with no prior offenses to have a subsequent domestic violence offense. Younger male offenders with female victims are more likely to commit a subsequent domestic violence offense.

Table 5.9. Intervention and Individual Characteristics on Subsequent DV

	Model 1	Model 2
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>		
Law Enforcement	.165 (1.180)	.167 (1.182)
<i>Offender Prior History</i>		
Prior DV Only	-	.977 (2.657)***
Prior DV and Other	-	1.386 (3.999)***
Prior Non-DV Only	-	.670 (1.954)***
<i>Offender Demographics</i>		
Log of Offender Age	-	-1.171 (.310)***
Offender is Female	-	-.349 (.705)*
<i>Victim Demographics</i>		
Log of Victim Age	-	.091 (1.096)
Victim is Female	-	.411 (1.509)**
<i>Model</i>		
Constant	-1.300	1.340
N	3076	3076
-2 Log likelihood	3376.051	3118.450
df	1	8

Law Enforcement and Court samples

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

We also examined the length of time to the first subsequent domestic violence incident reported to law enforcement following the sample selection event. Neither intervention type nor individual characteristics are statistically significant. This suggests that there are no differences in the length of time to re-offending between the two groups. Further, none of the variables included in this model explain the length of time to re-offending. One difficulty with measuring time to subsequent offending, however, is the impact of incarceration. We do not have this information and therefore, cannot include it in the model. Additionally, we are unable to include other incident characteristics, like the nature of violence, which could potentially impact the time to re-offending.

Next, we examine non-domestic violence subsequent offenses. The first model includes only the sample type as a variable. We find that offenders in the Law Enforcement sample are less likely to have a subsequent non-domestic violence offense when compared to their Court sample counterparts, suggesting that law enforcement is a stronger deterrent than court intervention to subsequent non-domestic violence offending. However, once other variables are introduced, sample type is no longer significant. Instead, prior offending, especially the combination of domestic violence and other offending together, predicts future offending. Additionally, young male offenders and those with older victims are more likely to re-offend.

Table 5.10. Intervention and Individual Characteristics on Subsequent Non-DV

	Model 1	Model 2
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>		
Law Enforcement	-.274 (.761)**	-.113 (.893)
<i>Offender Prior History</i>		
Prior DV Only	-	.606 (1.833)**
Prior DV and Other	-	2.206 (9.077)***
Prior Non-DV Only	-	1.472 (4.356)***
<i>Offender Demographics</i>		
Log of Offender Age	-	-1.198 (.302)***
Offender is Female	-	-.209 (.812)
<i>Victim Demographics</i>		
Log of Victim Age	-	.343 (1.409)*
Victim is Female	-	.229 (1.257)
<i>Model</i>		
Constant	.520	2.058
N	3076	3076
-2 Log likelihood	4191.574	3559.533
df	1	8

Law Enforcement and Court samples

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

While the time to the first domestic violence offense was not predicted by any of the variables examined, Table 5.11 presents models that show both offender and victim characteristics that are significantly related to the time to first non-DV offense. Those with prior offenses are likely to re-offend more quickly compared to offenders with no prior offending history. Young male offenders and those with older victims commit a non-DV offense more quickly when compared to older offenders, female offenders, and those with younger victims, respectively.

Table 5.11. Intervention and Individual Characteristics on Time to 1st Subsequent Non-DV

	Model 1	Model 2
Variables in the Equation	B (Std. B)	B (Std. B)
<i>Sample</i>		
Law Enforcement	29.065 (.032)	30.015 (.033)
<i>Offender Prior History</i>		
Prior DV Only	-	17.249 (.008)
Prior DV and Other	-	-97.178 (-.136)***
Prior Non-DV Only	-	-93.246 (-.131)***
<i>Offender Demographics</i>		
Log of Offender Age	-	133.868 (.111)***
Offender is Female	-	59.705 (.064)*
<i>Victim Demographics</i>		
Log of Victim Age	-	-99.418 (-.094)***
Victim is Female	-	-28.139 (-.032)
<i>Model</i>		
N	1761	1761
Constant	294.119	270.060
R ²	.001	.033
df	1	8

Law Enforcement and Court samples

* p < .05

** p < .01

*** p < .001

Subsequent DVOP Violations

The final set of analyses assesses the likelihood of a violation of an extended order of protection (DVOP violation). For the purpose of this analysis, a case is coded as having a DVOP violation if either 1) a violation is reported to law enforcement authorities or 2) an alleged violation appears in the DV court record. Two-hundred and eight cases have at least one violation reported to law enforcement and 76 cases have one violation alleged in the court record; of these 241 cases, 18 % have a violation reported to both law enforcement and the court. Table 5.12 presents the results of the analysis of intervention type and individual offender and victim characteristics on the likelihood of a DVOP violation among those cases where an extended order of protection was issued following the sample selection incident in 2002. There are no significant differences in the likelihood of a DVOP violation by either intervention type or individual demographic characteristics. Only offender prior history is significantly related to the likelihood of a DVOP violation. Offenders with prior DV offenses are over 6 times more likely than those with no priors to have a DVOP violation alleged against them. Those with non-DV offenses are 2.7 times more likely than those with no priors to have a formal violation allegation when compared to offenders with no priors. And offenders with both DV and non-DV priors are 2.4 times more likely than those with no priors to have an alleged DVOP violation.

Table 5.12. Intervention and Individual Characteristics on DVOP Violation

	Model 1	Model 2
Variables in Equation	B (Odds Ratio)	B (Odds Ratio)
<i>Sample</i>		
Matched	-.112 (.894)	-.028 (.902)
<i>Offender Prior History</i>		
Law Enforcement Priors		
Prior DV Only	-	1.830 (6.231)**
Prior DV and Other	-	.915 (2.497)*
Prior Non-DV Only	-	1.007 (2.737)**
Court Priors		
Prior DV Court Activity	-	-.023 (.978)
<i>Offender Demographics</i>		
Log of Offender Age	-	.691 (1.995)
Offender is Female	-	.101 (1.010)
<i>Victim Demographics</i>		
Log of Victim Age	-	-.278 (.757)
Victim is Female	-	-.514 (.598)
<i>Model</i>		
Constant	-.947	-2.841
N	464	464
-2 Log likelihood	542.429	526.093
df	1	9

Court and Matched samples with EO

* p < .05

** p < .01

*** p < .001

We also examined the likelihood of a DVOP violation using both the law enforcement reported violation and the court reported violation as separate dependent variables. Using the DVOP violation reported to law enforcement only, we still find only offender prior history to be significant. However, offenders with prior DV only are no longer significantly more likely than those with no priors to have a violation. Using the Court DVOP violation dependent variable, prior DV only is significant but offenders with the combination of both prior DV and non-DV priors are no longer significantly more likely than those with no priors to have a violation. Also, utilizing the court violation measure, offender and victim age are significant, with increases in age decreasing the likelihood of an alleged violation for both. The absence of this age effect when using the law enforcement reported violation measure is not surprising in light of our findings on the differences in age distribution of offenders and victims by intervention type. Both offenders and victims in the Law Enforcement sample are younger on average when compared to their Court sample counterparts, with offenders largely concentrated in the lower age categories. Additionally, we ran these models including a variable for the length of the extended order and it was not significantly related to the likelihood of a DVOP violation.

Table 5.13 presents the findings of an analysis of the effects of intervention and individual characteristics on the time to the 1st DVOP violation among those with an extended order. Time to 1st DVOP violation was calculated from the date of case initiation to either 1) the first

violation reported to law enforcement authorities, or 2) the first alleged violation made to the DV court. As documented in Model 1, those utilizing the dual interventions of law enforcement and court (Matched sample) have a violation alleged against them more quickly than those in the Court only sample. This relationship holds when individual offender and victim characteristics are included in Model 2, and is the only significant relationship observed.

Table 5.13. Intervention and Individual Characteristics on Time to 1st DVOP Violation

	Model 1	Model 2
Variables in Equation	B (Std. B)	B (Std. B)
<i>Sample</i>		
Matched	-138.556 (-.246)**	-144.824 (-.242)**
<i>Offender Prior History</i>		
Law Enforcement Priors		
Prior DV Only	-	-220.868 (-.189)
Prior DV and Other	-	-106.039 (-.171)
Prior Non-DV Only	-	-139.516 (-.245)
Court Priors		
Prior DV Court Activity	-	140.327 (.139)
<i>Offender Demographics</i>		
Log of Offender Age	-	-103.314 (-.098)
Offender is Female	-	-26.150 (-.033)
<i>Victim Demographics</i>		
Log of Victim Age	-	15.959 (.017)
Victim is Female	-	-148.595 (-.187)
<i>Model</i>		
N	126	126
Constant	261.602	810.460
R ²	.053	.141
df	1	9

Court and Matched samples with EO

* p < .05

** p < .01

*** p < .001

We also ran these models separating the dependent variable based on whether the violation is reported to law enforcement authorities or is alleged in court. Using DVOP violations reported to law enforcement only (N = 88), intervention type remains the only significant predictor of time to 1st DVOP violation. Offenders in the Matched sample have a violation reported more quickly than those in the Court only sample. Using DVOP violations alleged in court (N = 62), intervention type is no longer significant. However, victim sex is significant, with offenders who have female victims violating the DVOP more quickly when compared to those with male victims.

Summary

In this chapter we examined the intervention and individual characteristics associated with receiving an extended order of protection among those cases where the victim sought court intervention. We next evaluated the deterrent effect of protection orders on the occurrence of both subsequent domestic violence and subsequent offending more broadly. These analyses were designed to answer five primary question sets:

- For those cases appearing in the court-involved samples (Court and Matched samples), what influences whether or not an extended order is granted?
- How does the likelihood of subsequent domestic violence offending vary by intervention, incident, and individual characteristics? Does the granting of an extended order work to prevent subsequent offending?
- Among those in the court-involved samples with subsequent domestic violence offenses, what intervention, incident, and individual characteristics are associated with differences in time to failure? Does the granting of an extended order effect the time to failure?
- How does the likelihood of subsequent non-domestic violence offending vary by intervention, incident, and individual characteristics? Does the granting of an extended order work to prevent non-domestic subsequent offending?
- Among cases where an extended order is granted, what is the likelihood of having an alleged DVOP violation? How does the likelihood of DVOP violation vary by intervention and individual characteristics?

The likelihood of receiving an extended order of protection is to some extent affected by the intervention path chosen by the victim. Petitioners in the Matched sample are 32 % less likely than those in the Court sample to receive an extended order of protection. However, this relationship is mediated by the increased likelihood of petitioners in the Matched sample to request a dismissal of the petition before an extended order hearing is held.

Our models of subsequent offending generally indicate that the best predictor of future offending is neither intervention type nor whether an extended order is granted, but whether or not the offender has a record of prior offending. Specifically, if the offender has prior offenses that person is more likely to have future offenses as well. Further, young males are more likely to re-offend.

Not only is there no difference in the likelihood of subsequent offending for those subject to civil verses criminal intervention; the type of civil intervention also has no significant effect of subsequent offending. Neither procuring an extended protection order nor having any type of order (temporary or extended) predicts future offending. When we compared the Law Enforcement (no order) sample to the Court only (at least a temporary order) sample, the models predicting the likelihood of subsequent offending are identical to previous evaluations of DV and

non-DV recidivism. Intervention type (and therefore the effect of having any type of protection order) does not influence the likelihood of either subsequent domestic or non-domestic offending. Again, offender prior history has the strongest predictive value, with observable differences in the likelihood of future offending by offender age and sex as well.

These findings suggest that the use of the court alone versus the utilization of both the court and law enforcement results in negligible differences for future domestic violence offending. It is primarily individuals who have prior offenses, particularly domestic violence in combination with other offenses, who are most at risk for future offending, regardless of intervention. In the final chapter, we review these findings and those of previous chapters. We also discuss directions for future research on the effectiveness of court and law enforcement intervention in cases of domestic violence as well as identify how these findings can contribute to intervention policy and practice.

CHAPTER VI: DISCUSSION AND CONCLUSION

The main purpose of this research was to compare the deterrent capability of three intervention strategies utilized by victims of domestic violence. The first and most frequently utilized strategy is reporting the incident to law enforcement officials (Law Enforcement sample). The second most common strategy in this study is seeking a Domestic Violence Order of Protection (DVOP) through civil court procedures (Court sample). The third and least commonly utilized strategy observed here is to use both law enforcement and DVOP court interventions in conjunction with one another (Matched sample).

Summary of Findings

We examined three primary sets of questions in this research. The objective of the first question set was to identify the similarities and differences of the populations utilizing (victims) and subject to (offenders) these intervention strategies. The goal of the second set of questions was to compare the deterrent effect of each strategy for preventing subsequent violence. The purpose of the third question set was to examine the court process in particular to identify what factors influence the issuance of an extended order of protection and to assess whether those who secure extended orders are protected from future violence better than those who do not extend their temporary orders. Below we discuss our primary findings.

Populations Utilizing Different Intervention Types

We began this research by comparing the populations who interact with law enforcement, the courts, and with both systems in response to domestic violence. Although there is some overlap across these three populations (e.g., the race/ethnic breakdowns of both offenders and victims are similar and, in all populations, males are overrepresented as offenders and females as victims), there are also some notable differences across these populations, particularly with respect to age and prior criminal involvement. Moreover, as we note below, these differences, more so than the interventions themselves, are implicated in the relative “success” of the interventions.

- The Law Enforcement only sample is characterized by younger offenders and those who are less likely to have a prior criminal history when compared to offenders in the other samples.
- The Court only sample is generally comprised of older offenders and victims compared to the other two groups, and offenders in this group are more likely than those in the law enforcement group to have a criminal history.
- Offenders in the Matched sample are more likely to have prior offense histories than either the Law Enforcement or Court only samples. Specifically, these offenders are more likely to have a prior domestic violence charge and more likely to have either a Part I or Part II violent index offense. This suggests that victims are more likely to call upon all of the legal resources available to them when they are victimized by offenders with more significant criminal histories. The Matched sample also has a higher concentration of young offenders when compared to the Court sample.

Intervention Type

Prior research has found intervention to be important for reducing future domestic violence incidents (Carlson et al. 1999; Garner et al. 1995; Holt et al. 2002; 2003; McFarlane et al. 2000; Sherman and Berk 1984). Our results indicate that all three interventions examined here provide victims with the same degree of protection against subsequent violence. Overall, and across samples, approximately 23 % of offenders come to the attention of the police or courts for involvement in a domestic violence incident in the 4 years following the sample selection incident. Specifically, we find that:

- Intervention type does not predict the likelihood of future offending (60 % of offenders are subsequently charged with a new offense), domestic violence (23 % have a subsequent DV charge) or other non-domestic offenses (55 % have a subsequent non-DV charge), nor does it predict differences in the time to domestic violence recidivism (on average offenders recidivate within 551 days).
- Intervention type does predict the time to 1st non-domestic offense, with those in the Matched sample incurring a non-domestic violence offense more quickly when compared to their Court sample counterparts (228 days compared to 293 days).
- Although the type of intervention does not predict the likelihood of subsequent offending, the populations served by each intervention differ to some extent, and these differences prove to be important factors for understanding domestic violence recidivism. Specifically, subsequent violence is more likely among younger offenders and victims who make up a larger proportion of the Law Enforcement sample when compared to the other two groups. Additionally, subsequent offending is more likely among those with prior offending records, offenders in the Court and Matched samples are more likely to have prior offending histories when compared to the Law Enforcement sample.

The reader should keep in mind that the aim of this study was not to evaluate the “success” of intervention in the grand sense. The interpretation of these findings must be done within the context of a very specific understanding of success. First, what we define as success in this study is *when an offender does not appear as a domestic violence (or other non-domestic incident) suspect or arrestee following the intervention under analysis*. In other words *successful offenders* do not come to the attention of the authorities for subsequent domestic and non-domestic offending. We cannot draw conclusions about who is more likely to engage in subsequent violence, but rather only those for whom subsequent violence leads to the re-arrest or designation of the offender as a suspect in a later case. Second, we do not examine the effectiveness of intervention versus no intervention, but rather we compare the effectiveness of various formal interventions. Overall, our findings indicate that formal interventions vary more in the populations they serve than in their overall effectiveness.

Orders of Protection

In addition to assessing the relative effectiveness of formal intervention options, our research aimed to examine, in some detail, the DVOP process. Particularly, who seeks extended orders

and whether these extensions protect victims better than temporary orders. Our analyses indicated that those who use both the police and the courts are less likely to receive an extended order, and more likely to request a dismissal of an order, than those who only utilize the courts. In general, though, those who request extended orders receive them.

- If a petitioner files for an extended order, does not request a dismissal prior to the hearing, and shows up at the scheduled EO hearing, then he/she is likely to receive an EO. Those in the matched sample are significantly more likely to request a dismissal.

The only other variable that influences the receipt of an EO is the age of the victim, which again appears to be an effect mediated by request for dismissal. While victims under the age of 35 years make up only 45 % of the Court and Matched samples, sixty-four percent of victims requesting dismissal were under the age of 35 years. Among victims under the age of 35, 30% requested a dismissal. Of those over the age of 35 only 25% requested that the case be dismissed. No other variables in the analysis are significantly related to the likelihood of obtaining an EO.

Prior research has shown protection orders to have some deterrent effect (Carlson et al. 1999; Holt et al. 2002; 2003; McFarlane et al. 2000). Our findings suggest that among offenders in this study sample, the issuance of an extended order does not deter future offending any better than a temporary order or law enforcement intervention.

- Compared to police intervention, protection orders (temporary or extended) do not significantly decrease the likelihood of subsequent domestic or non-domestic offending.
- For the cases in this analysis, relative to temporary orders, extended orders provide no additional protection against subsequent domestic or non-domestic offending.

Incident and Case Characteristics

We attempted to capture the nature of the domestic violence incidents by including variables for weapon usage, the type of assault (aggravated or simple) and the presence of a juvenile victim. None of these variables were significantly related to the likelihood of subsequent offending. However, this information was only available for the two samples involving a law enforcement incident (Law Enforcement and Matched). Additionally these and other factors, like serious injury, may lead victims to utilize different interventions. Incidents identified as dual intervention (Matched sample) were more likely to be aggravated assaults when compared to those in the Law Enforcement only group (20.3 % and 13.3 % respectively, $p < .001$); the Matched sample cases were also more likely to involve a weapon (14.1 % compared to 9.6 %, $p < .01$). This information was unavailable for the court only cases. We plan to collect this information from court files for future research.

Offender Prior History

Offender prior criminal history is consistently shown to influence the likelihood of both domestic violence recidivism and subsequent non-domestic offending.

- Offenders with any type of prior history (DV only, non-DV only, or both DV and non-DV) are more likely than those with no priors to have a subsequent domestic violence charge.
- Offenders with both DV and non-DV priors are over 4 times more likely to have a subsequent DV charge when compared to offenders with no priors.
- Offenders with any type of prior history (DV only, non-DV only, or both DV and non-DV) are also more likely than those with no priors to have a subsequent non-domestic violence charge.
- Offender prior history is not a significant predictor of the time to domestic violence failure.
- Offenders with prior criminal history are no more or less likely than those with no priors to have an extended DVOP issued against them.
- Offenders whose prior offending history consists of DV offenses only are over 6 times more likely than those with no priors to have a DVOP violation.

Findings on the influence of offender prior history suggest that the utilization of both court and law enforcement data in studies of intervention effectiveness is crucial. While our measure of criminal history is limited to the presence or absence of types of offending history (domestic violence, non-domestic violence, both, or none), it is nonetheless a consistent and strong predictor of subsequent domestic violence offending. However, additional measures of prior offending capturing the extent (number of priors and number of domestic violence cases in particular), seriousness (more detailed types of priors), temporality (recent versus distant criminal history), and length of criminal history, both domestic violence related and otherwise, would help us to evaluate more specifically why and how prior offending contributes to the likelihood of future offending.

Age and Sex

Both the age of the offender and the age of the victim influence the likelihood of subsequent offending. The age of the offender, in particular, was found to be predictive of subsequent offending. Younger offenders are more likely to reoffend. Victim age was also implicated in the likelihood of DV recidivism, where offenders with older victims are more at risk for subsequent offending. Male offenders are also more likely than their female counterparts to recidivate.

Race/Ethnicity

Our findings suggest that Hispanic and Black offenders are more likely than their White counterparts to have at least one subsequent domestic violence offense in the 4 years following the sample selection event. However, no significant effects are observed for victim race/ethnicity, those presumably making contact with authorities.

Implications for Policy, Practice, and Research

Prior research suggests that both arrest and DVOP are at least moderately successful relative to non-intervention. Consistent with the needs of both local and state efforts to improve response to domestic violence, we focused on comparing formal system interventions. Specifically, we compared the characteristics of those who use these strategies, the relative effectiveness of each strategy, and the factors that condition the effectiveness of these interventions. Our findings have a number of implications for policy, practice, and research.

First, this research indicates that those individuals who interact with law enforcement for a DV offense early in their offending careers (young people with no real criminal history) are at higher risk for subsequent offending. Law enforcement agencies need to pay particular attention to these young offenders and their victims. It may be important to develop a routinized program that encourages young victims and the victims of young offenders to seek a DVOP and/or utilize other forms of community intervention as early in the DV (and criminal) career as possible. Indeed, our research also suggests that protective orders work better when the offender has a limited history. The young offenders who come into contact with law enforcement may also be good candidates for battering intervention programs. Young offenders, while at greater risk for recidivism when compared to older offenders, have had less time to develop the offending histories, which also increase the risk of subsequent violence.

Second, an increase in the number of petitions filed does not automatically lead to an increase in enforceable protection orders. This research suggests that when a victim applies for a protective order and follows it through the extended order hearing, the vast majority receive the order. However, many of the petitioners in our sample (especially those who also had contact with law enforcement) dismiss their petition before the EO hearing occurs. Previous research on victim withdrawal from DV proceedings suggests numerous reasons for dismissal requests: for example, the victims need for relief has been met or system response is too disruptive in his/her life (Bennett et al. 1999). Ideally, therefore, the court could engage in more extensive follow up with petitioners prior to the hearing. It may also be helpful if petitioners were given advisement or information not only about the court process but also in regard to the risks of future victimization. The availability of a trained social worker or advocate for such consultation may be a more realistic goal than introducing a tracking and follow-up procedure for each petition. While we did not find extended protection orders to have benefits beyond the temporary order, prior research has suggested that this is the case (Holt et al. 2002). The court data used in the current research contains only limited information on case/incident level characteristics, so while we find no differences between the protective benefits of temporary and extended orders, it is too soon to conclude that there are none.

Third, both law enforcement and court agencies should increase the attention given to offenders with extensive criminal histories. We consistently found that offenders with prior histories (DV or non-DV) are at greater risk for DV recidivism when compared to those without offending histories. While criminal court proceedings (unexamined here) certainly take into account criminal history, it is unclear to what extent the civil court process considers criminal activities outside of their own process and record keeping. Since both domestic and non-domestic

criminal history matter in determining the likelihood of future violence, the consideration of this history could improve the court's ability to identify cases in need of additional interventions.

The limitations of the current study imply a number of ways in which future research can improve the analysis of the relationship between intervention for DV and subsequent violence. While this work has assembled a great deal of information about DV incidents and the individuals involved in system interventions for domestic violence, more information on DV incidents, offenders, and victims is needed. For example, the nature of the relationship between parties may influence the effectiveness of intervention. (i.e. length of relationship, children, marital status, etc...all of which may influence the nature of the violence and the likelihood of future violence). Further, we do not have incarceration information, and so could not account for time off the street, which clearly would impact the likelihood of future offending and time to failure (our key outcome variables). Though the likelihood of long-term incarceration for DV is low (Davis et al. 1998; Sherman et al. 1991), some offenders have extensive criminal histories and may be incarcerated for other non-DV offenses. We also do not know if the offenders and victims in these incidents sought other informal interventions in conjunction with arrest and/or court intervention. It is possible that those who utilize social services in conjunction with formal intervention fare better than those who do not (Shepard et al. 2002; Shepard 2005). Additionally, for the court cases in particular, we were unable to examine the nature of the incident or incidents that precipitated court contact (type of assault, use of a weapon); these and other contextual factors not included in this research could potentially influence recidivism. This information is not available in the automated court data used for the current analyses. In the next stage of research, we will retrieve as many of these characteristics as possible for a sample of court-involved incidents to further examine the effectiveness of formal domestic violence interventions.

This research represents an important first step in examining the effectiveness of formal interventions for domestic violence in New Mexico. It indicates that domestic violence offending is a complex issue. It suggests that those involved with interventions aimed at eradicating future violence must know the population well and how to best serve them. This reflects the findings of Garner et al. (1995) who conclude that arrest is not a one size fits all intervention. It is necessary only for some; as a mandatory policy, it is not justified. Moreover, court orders of protection do not appear to be any more or less effective than law enforcement intervention. More work is needed to identify the characteristics of cases and individuals that are likely to benefit most from a given intervention or combination of interventions, and to use this information in the development and refinement of policies and programs aimed at reducing the incidence of domestic violence.

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