

# FAST FACTS

## Domestic Violence in New Mexico Criminal Case Processing and Outcomes

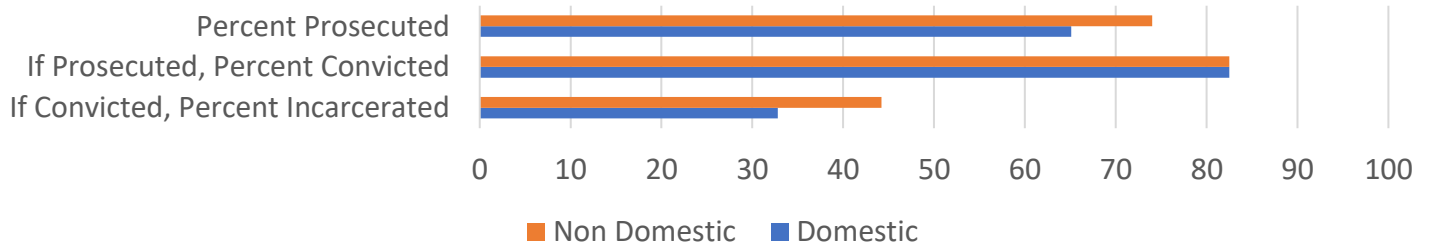
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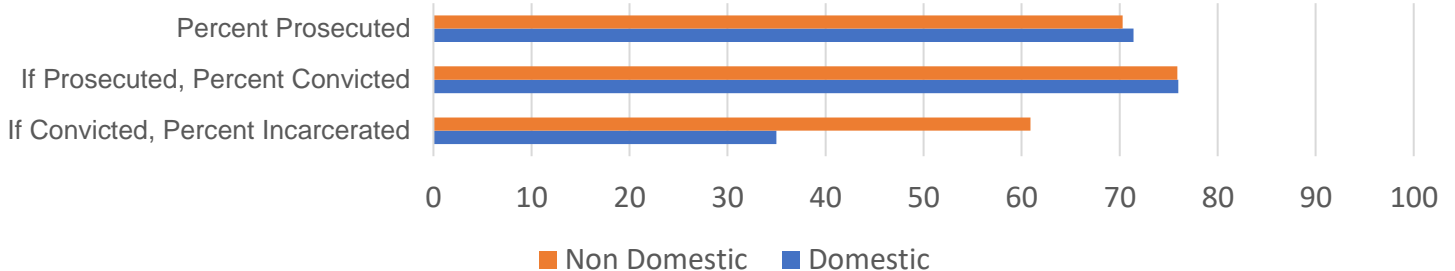
This study examined whether cases involving domestic violence-related aggravated or sexual assault are processed and sentenced differently than cases that do not involve domestic violence. Special attention is paid to the effect of defendant's gender on case processing outcomes. This study replicates sections of the Bureau of Justice Statistics' "State Court Processing of Domestic Violence Cases" report (Smith, Durose and Langan, 2008) in order to compare our results to those found nationally. Our results differed from those found in the BJS study. We highlight some key findings here.

- Domestic aggravated assault cases are significantly less likely to result in prosecution and incarceration than non-domestic aggravated assault cases.
- Prosecution and conviction rates of cases involving domestic sexual assault are about the same as non-domestic sexual assault. However, when convicted, domestic sexual assault cases are significantly less likely to result in incarceration than cases involving non-domestic sexual assault.

### Aggravated Assault Case Processing Outcomes



### Sexual Assault Case Processing Outcomes



*Other key findings:*

- Defendants charged with domestic violence have significantly lower felony conviction rates and higher misdemeanor conviction rates than defendants charged with non-domestic violence regardless of whether the case involves aggravated or sexual assault.
- Defendants charged with domestic aggravated assault receive significantly shorter incarceration sentences on average than defendants charged with non-domestic aggravated assault.
- Defendants charged with domestic sexual assault receive shorter sentences than defendants charged with non-domestic sexual assault; though not statistically significant, the differences are substantively significant.
- These findings differ from BJS's study. BJS found that case processing outcomes were either *more serious* for domestic violence cases or that there was no discernable difference in case outcomes between domestic and non-domestic violence cases (Smith et al, 2008). Conversely, when significant differences are found, we find *less serious* outcomes for domestic violence cases.

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*Multivariate analyses supported results found above.*

Multivariate analyses control for demographics, criminal history and offense information. After controlling for these factors, the results show that relative to those charged with non-domestic violence, defendants charged with domestic violence have:

- Significantly lower odds of prosecution.
- Significantly higher odds of receiving a deferred sentence or conditional discharge rather than an outright conviction.
- Significantly lower odds of incarceration.

However, the length of incarceration is not significantly different once controlling for other factors.

*Multivariate analyses indicate significant differences by gender.*

Cases involving male defendants have more serious case processing outcomes than cases involving female defendants:

- While no more likely to be prosecuted, males are more likely to be convicted, less likely to receive a conditional discharge, and more likely to be incarcerated regardless of whether charged with domestic violence.

Some outcomes varied by the interaction of gender and domestic violence:

- Females with domestic violence charges have the least serious outcomes in terms of prosecution and incarceration.
- Males without domestic violence charges have the most serious outcomes in that they are less likely to receive a conditional discharge or deferred sentence, and more likely to be incarcerated.

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More information is available in the full-length version of this report.

The full report can be obtained by contacting:

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