Summary

- New Mexico has a domestic violence incidence rate almost twice the national average.

- Arrest, protective orders, and the use of both simultaneously are found to be equally successful in terms of deterring future domestic violence incidents.

- Offenders with diverse prior records (history of both domestic and non-domestic violence offenses) are 4 times more likely than those with no priors to recidivate.

- A significant percentage of petitioners seek dismissal of Court proceedings both before and after the extended order hearing.

- The odds of a subsequent domestic violence incident are similar for those who seek extended orders and those who only secure a temporary order.

- Intervention agencies should give attention to offender prior history and guard against victim attrition from intervention proceedings.

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Statistical Analysis Center

Evaluating the Effectiveness of Arrest and Protective Orders

New Mexico Statistical Analysis Center

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*D*omestic 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. A petition for a protective order was filed in about 6% (n=4,011) of the domestic violence incidents documented in New Mexico in 2004 (Caponera 2005).

Intervention Strategies

As policymakers in New Mexico continue to debate ways to enhance the responsiveness of law enforcement to domestic violence (DV), while at the same time making protective orders more widely available and the enforcement of these orders more uniform, research evaluating the factors that shape the use and effectiveness of law enforcement and court interventions is needed.

The findings of prior research on the effectiveness of law enforcement and court interventions in response to domestic violence are mixed. In early studies, arrest (the primary intervention available to law enforcement) was shown to be significantly more effective in deterring subsequent intimate partner violence when compared to informal remedies such as "advice" from the officer or temporary separation (Sherman and Berk 1984). A reanalysis of studies on arrest, however, suggested that while arrest does not increase the likelihood of subsequent offending, many suspects desist even without an arrest (Garner, Fagan and Maxwell 1995). Moreover, recent work by Klein and Tobin (2008) suggests that any short-term effects that arrest (and other law enforcement interventions) might have do not hold over the long term, with 60% of the DV offenders engaging in subsequent DV offending within the ten years following law enforcement intervention.

The evidence regarding the effectiveness of court intervention, particularly protective orders, is also mixed. 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. Research utilizing both interview and court records 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, while offenders who violate protection orders are subject to mandatory arrest, police often ignore this stipulation (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.

There has been little to no research comparing the effectiveness of these formal interventions for domestic violence to one another. Further, no such research has been conducted in New Mexico. This report adds to existing knowledge on the effectiveness of arrest and protective orders by addressing the following questions:

- How are the populations accessing (victims) and subject to (offenders) police intervention similar to and/or different from populations involved with the courts?

- How effective are these interventions at preventing subsequent domestic violence relative to one another?

- Are the factors influencing whether or not the intervention is effective the same for those with police encounters versus those who are involved with the court?
- Focusing on court intervention, does a temporary order have a different deterrent effect when compared to an extended order of protection?
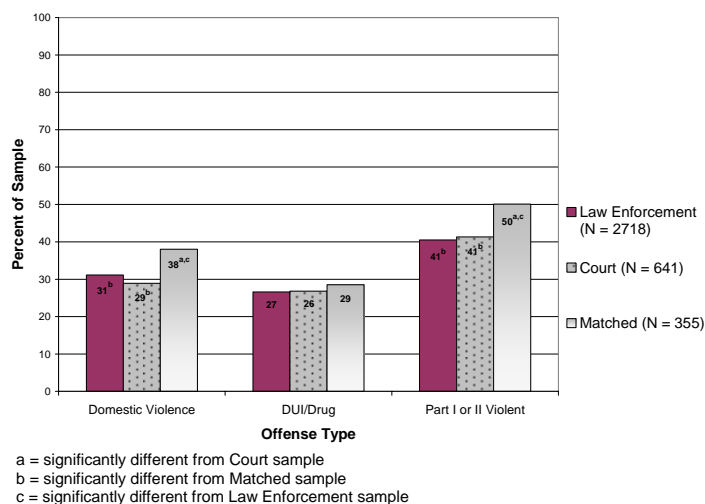
Study Design

For this study, we identified domestic violence incidents originating in 2002 from law enforcement and court records in Bernalillo County, New Mexico. From these records, we selected only those incidents involving couples. Once these cases were identified we divided the data set into three smaller samples by intervention type: one group was involved only with law enforcement, a second only with the courts, and a third was involved with both law enforcement and the courts. Table 1 provides the sample size for each intervention category and summarizes the definition for each sample type.

Analyses were designed to address the key questions outlined above. Looking at both offenders and victims, we assess similarities and differences in key demographic characteristics both within and between each intervention population. We also examine variation in the criminal histories of offenders/respondents in each sample. We then evaluated the relative success of each intervention type by assessing the odds of subsequent DV offending among the offenders/respondents in each sample as well as the influence of incident characteristics, offender's prior offense history, and both offender and victim demographic characteristics on these odds.[1] Finally, focusing on the court-involved samples, we assess the comparative success of temporary and extended protective orders and the factors that influence attrition from the court process. Domestic violence recidivism, our dependent variable, was tracked for four years following the sample selection date.

Table 1. Study Sample

Sample Type	Definition	N
Law Enforcement	Individuals identified as either suspects or arrestees in 2002 DV incidents with no associated DVOP.	2718
Court	Individuals listed as respondents in 2002 DVOP filing with no associated incident reported to law enforcement.	641
Matched	Individuals identified as both a suspect/arrestee in 2002 law enforcement incident with a corresponding record as respondent in a DVOP, within 60 days of one another.	355

Figure 1. Offending History for DV Offenders

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

Victim and Offender Characteristics

Regardless of intervention type, victims in our sample were overwhelmingly female (76% of Law Enforcement, 82% of Court and 89% using both types of intervention). Victims in the Court only sample were significantly older on average (35 years) when compared to the other two intervention types (average of 32 years for each). There were no significant differences in racial/ethnic composition for victims across the three interventions. However, whites are over-represented and minorities under-represented among victims in all samples when compared to their presence in the Bernalillo County population.

We found that offenders are predominantly male regardless of sample type (80% of Law Enforcement only and Court only offenders and 88% of those in the Matched sample). Offenders in the Court only sample are also significantly older on average when compared to those in the other two samples. The average offender age is 35 years for the Court only sample compared to 31 years for the Law Enforcement group, and 32 years for those in the Matched sample. Again White offenders are over-represented and minorities under-represented in the sample when compared to general population characteristics.

As demonstrated in Figure 1, offenders simultaneously subjected to both law enforcement and court interventions are more likely to have violent offending histories when compared to offenders in the single intervention groups. Thirty-eight percent of offenders in the Matched sample have a prior domestic violence charge, compared to 29% of their Court sample counterparts and 31% in the Law Enforcement only group. One-half of the offenders in the Matched sample have at least one prior Part I or II violent offense, compared to 41% of the Court sample and 40% of the Law Enforcement only group. This suggests that when an offender has an extensive criminal history, victims are likely to seek as much help as is available, accessing both law enforcement and the court simultaneously.

Intervention Effectiveness

During the four years following the 2002 incident, 23 % of offenders in the study sample had at least one domestic violence offense known to law enforcement authorities. Most notable among our results is the finding that outcomes are similar across all three intervention types. In other words, arrest, protective orders, and the combination of the two are equally successful in deterring future DV incidents. Also of note is the finding that among those who seek protective orders, extended orders offer no added protection beyond temporary orders. The odds of subsequent DV incidents are similar for those who seek extended orders and those who only secure a temporary order.

The results, presented in Table 2, outline the characteristics that influence the likelihood of subsequent DV among offenders during the 4 years following the 2002 incident. Overall, 24% of offenders in the Law Enforcement only sample, 20% of offenders in the Court only sample, and 25% of offenders in the Matched sample have at least one subsequent DV. However, intervention type is not a significant predictor of subsequent DV offending. Compared to protective orders alone, neither arrest nor arrest and protective orders increase (or decrease) the odds of subsequent offending. When we add other predictors to the model, we do find that some individual characteristics affect outcomes. Older offenders are less likely to recidivate when compared to younger offenders. Female offenders are also less likely than males to have a subsequent domestic violence charge. Offenders with female victims are 1.5 times more likely than those with male victims to recidivate.

Table 2. Logistic Models for Subsequent DV

	Model 1	Model 2
Variables in Equation		
Sample		
(court=comparison group)		
Law Enforcement	NS	NS
Matched	NS	NS
Offender Prior History		
(no priors=comparison group)		
Prior DV Only		+
Prior DV and Other		+
Prior Non-DV Only		+
Offender Demographics		
Offender Age		-
Offender is Female		-
Victim Demographics		
Victim Age		NS
Victim is Female		+

NS = not significant
+ = significantly increases odds of subsequent offending
- = significantly decreases odds of subsequent offending

Prior offense history is also significantly related to the likelihood of re-offending. Offenders in our sample who have only non-domestic prior offenses are almost 2 times more likely than those with no prior offense history to have a subsequent DV offense. Those with only domestic violence prior offenses are 2.4 times more likely than those with no offense history to recidivate. Offenders who have both prior domestic and non-domestic offense histories are over 4 times more likely than those with no priors to have a subsequent domestic violence charge. These same relationships are also observed in models predicting the likelihood of non-domestic violence subsequent offending.

Temporary Versus Extended Orders

Overall, we have found intervention type is not a significant predictor of subsequent DV offending. However, within the two samples where protective orders are pursued (Court and Matched), we also wanted to know if there are: 1) intervention type differences among those who have temporary orders extended and 2) differences in the likelihood of DV recidivism based on the temporary or extended status of a protective order.

Table 3. Request for Temporary Order Dismissal

Sample	N	Number Not receiving an EO	% Dismissed by party
Court	623	273	34.4
Matched	347	180	45.6
X2 = 5.649, df = 1, p = .017			

In our data we find that only 54 % of victims who received temporary restraining orders against their respective abusers also secured extended orders (N = 455). Initial analyses show that Matched sample cases are 30% less likely than those in the Court only sample to result in an extended order. However, this is not the result of a tendency of the Court to deny requests for extension from those in this group. Rather, this difference is accounted for by an increased likelihood of petitioners in the Matched group to request a dismissal prior to the extended order hearing. Table 3 demonstrates the likelihood of requests for dismissal by intervention type. Victims seeking police and court interventions simultaneously were significantly more likely than those who sought only protective orders to request a case dismissal prior to the extended order hearing. 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).

However, our findings do not show increased risk for those who acquire a temporary order but fail to secure an extended order. A subsequent domestic violence charge against an offender is no more likely in cases where an extended order is granted than in cases with only a temporary order. Again, only individual characteristics are significantly associated with increased likelihood of DV recidi-

vism. Older offenders are less likely than younger offenders to have a subsequent domestic offense. Offenders with both DV and non-DV priors are 4.3 times more likely than those with no priors to recidivate. Those with only non-DV priors are almost 2 times more likely than offenders with no prior history to re-offend. Interestingly, offenders whose prior offending history consists of only domestic violence offenses are no more or less likely than those with no priors to have subsequent DV charges.

Conclusions

The individuals who seek help from the police, the courts, or both do look different on some counts, but success of intervention (as measured by subsequent domestic violence) is not intervention specific. Success is more dependent on the characteristics of the individuals involved than the type of intervention they seek. Additionally, it is important to keep in mind that our sample includes only those who seek intervention and makes no comparison to the group of offenders and victims who do not come into contact with the police or the courts. Given this limitation, we can suggest that within cases where some formal intervention is sought, offenders with diverse prior records (DV and non-DV offense histories) are more likely to re-offend (subsequent DV) regardless of intervention type. Both police and courts need to pay attention to offender histories. This is especially important at the Court stage because victims of these more serious offenders are more likely to seek both law enforcement and court intervention, but are also more likely to abort protective order proceedings.

Notes

[1] We also included analyses assessing the effects of these same characteristics on non-domestic subsequent offending. Both types of subsequent offending are, for the most part, predicted by the same characteristics. These findings are available in the full report.

[2] In total, 60% of offenders had at least one subsequent offense of any kind, with 55% of offenders in this sample having at least one non-domestic subsequent offense.

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