

PRETRIAL OUTCOMES FOR DOMESTIC VIOLENCE DEFENDANTS IN NEW YORK CITY

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[Based on reports available at www.nycja.org:](http://www.nycja.org)

Peterson, Richard R. 2006. "Pretrial Outcomes for Domestic Violence Defendants."
Research Brief series, no. 12. New York: New York City Criminal Justice Agency.

Peterson, Richard R. 2006. *Pretrial Failure to Appear and Pretrial Re-Arrest Among Domestic Violence Defendants in New York City*. New York: New York City Criminal Justice Agency.

GOALS OF THE STUDY

- Compare pretrial release practices for DV and Non-DV defendants
- Examine pretrial misconduct by DV defendants, especially the commission of new DV offenses
 - Defendants may commit new offenses to retaliate against the victim for the arrest
 - Defendants may commit new offenses to discourage the victim from participating in the prosecution of the case
- Fill a gap in the literature

THE COMBINED FIRST QUARTER 2001 AND THIRD QUARTER 2002 DATASET

SOURCE OF DATA

- NYC arrests in first quarter of 2001 and third quarter 2002
- Defendant-based data file, using only the first arrest for each defendant

TYPES OF CASES SELECTED

- DV and Non-DV cases that involve crimes against persons and property:
Assault, criminal contempt, harassment, crimes against children, larceny, burglary, robbery, criminal mischief, weapons offenses and sex offenses
- Cases disposed in the (lower) Criminal Court (misdemeanor or less)

IDENTIFYING DOMESTIC VIOLENCE CASES

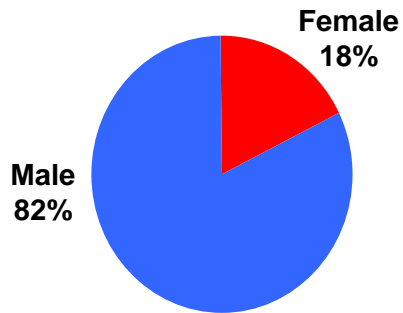
- Court “flag” for DV cases is based on the victim-defendant relationship:
1) married or formerly married, 2) related by blood or marriage,
3) have a child in common, or 4) cohabiting or previously lived together

FIGURE 1

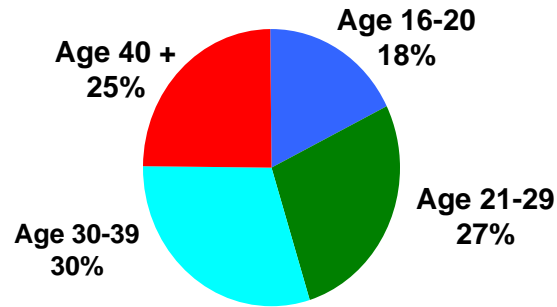
CHARACTERISTICS OF THE SAMPLE

(N=30,269)

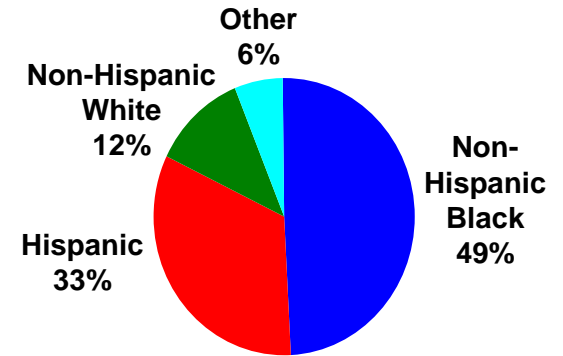
Sex



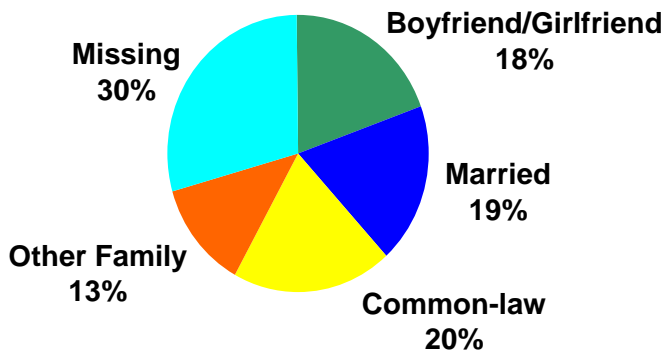
Age
Median: 32



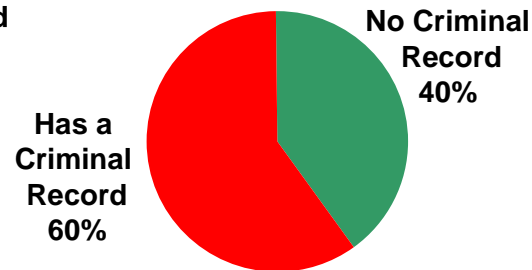
Ethnicity



Defendant-Victim Relationship
(DV Only) N=11,938



Criminal History



Borough

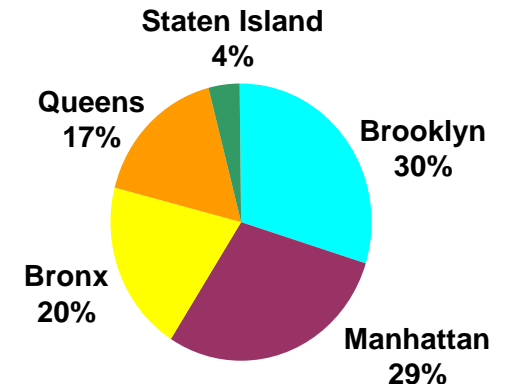
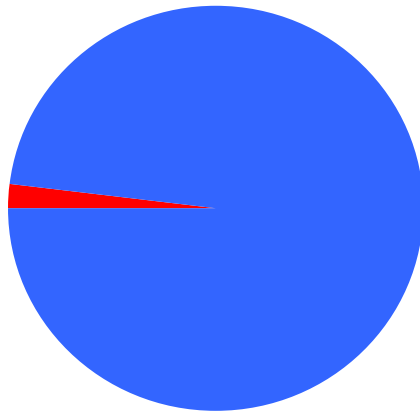


FIGURE 2

CASES DISPOSED AT ARRAIGNMENT

DV CASES

(N=11,938)

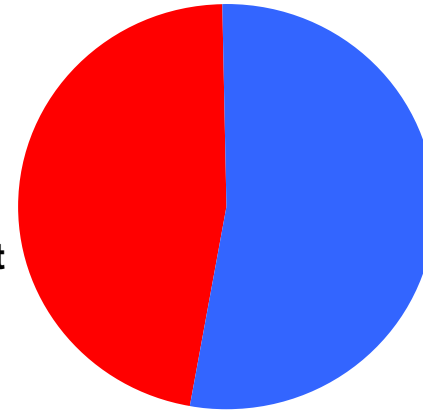


Disposed at
Arraignment
2%

Not Disposed
at Arraignment
98%

NON-DV CASES

(N=18,331)



Disposed at
Arraignment
47%

Not Disposed
at Arraignment
53%

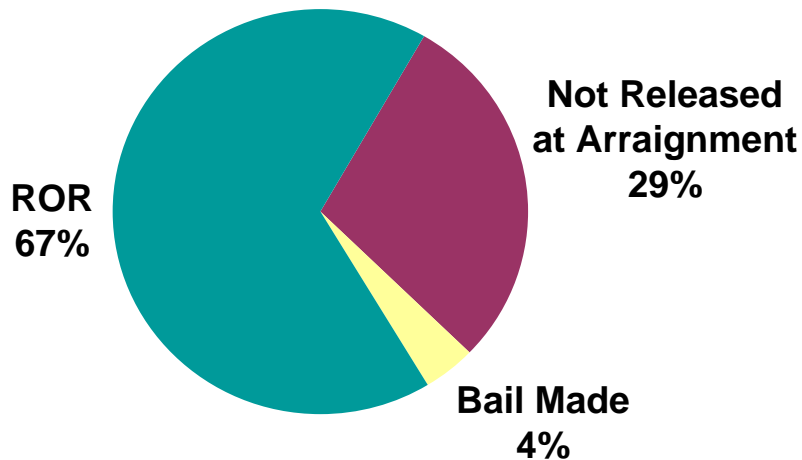
FIGURE 3

RELEASE STATUS AT ARRAIGNMENT

(Defendants with Cases Continued Beyond Arraignment)

DV CASES

(N=11,737)



NON-DV CASES

(N=9,711)

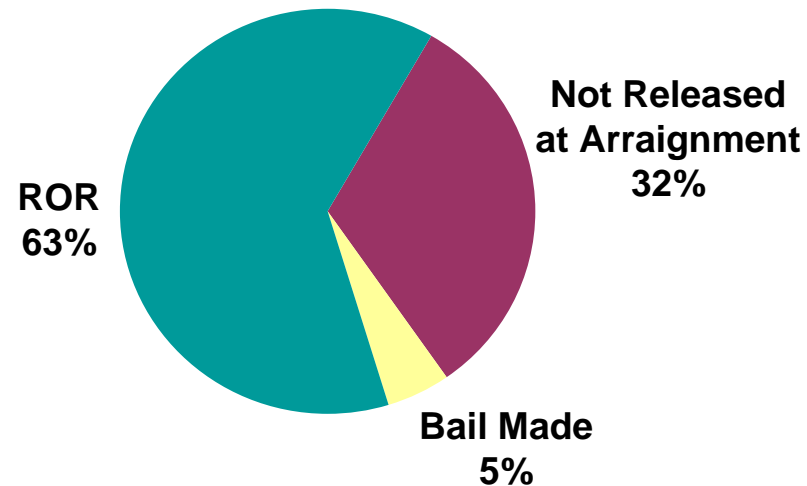
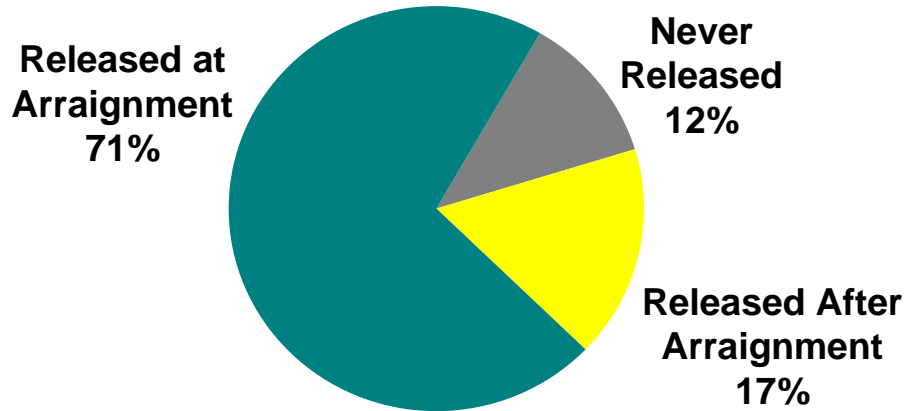


FIGURE 4 STAGE OF FIRST RELEASE

(Defendants with Cases Continued Beyond Arraignment)

DV CASES

(N=11,737)



NON-DV CASES

(N=9,711)

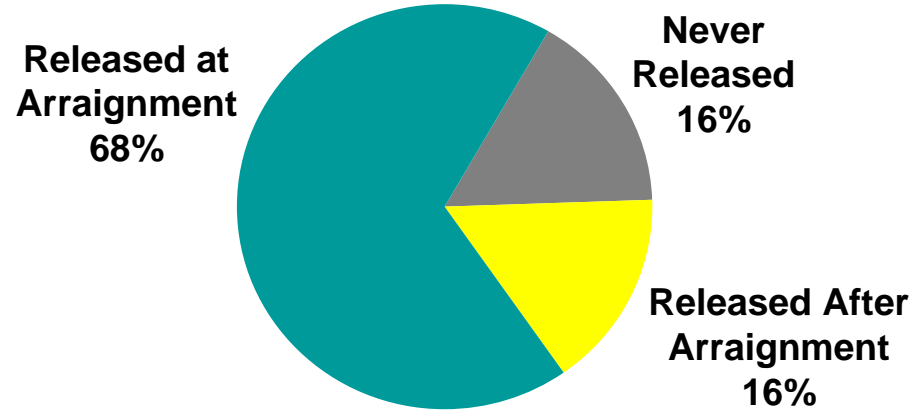


FIGURE 5
AMOUNT OF BAIL SET AT ARRAIGNMENT
(Defendants for Whom Bail Was Set at Arraignment)

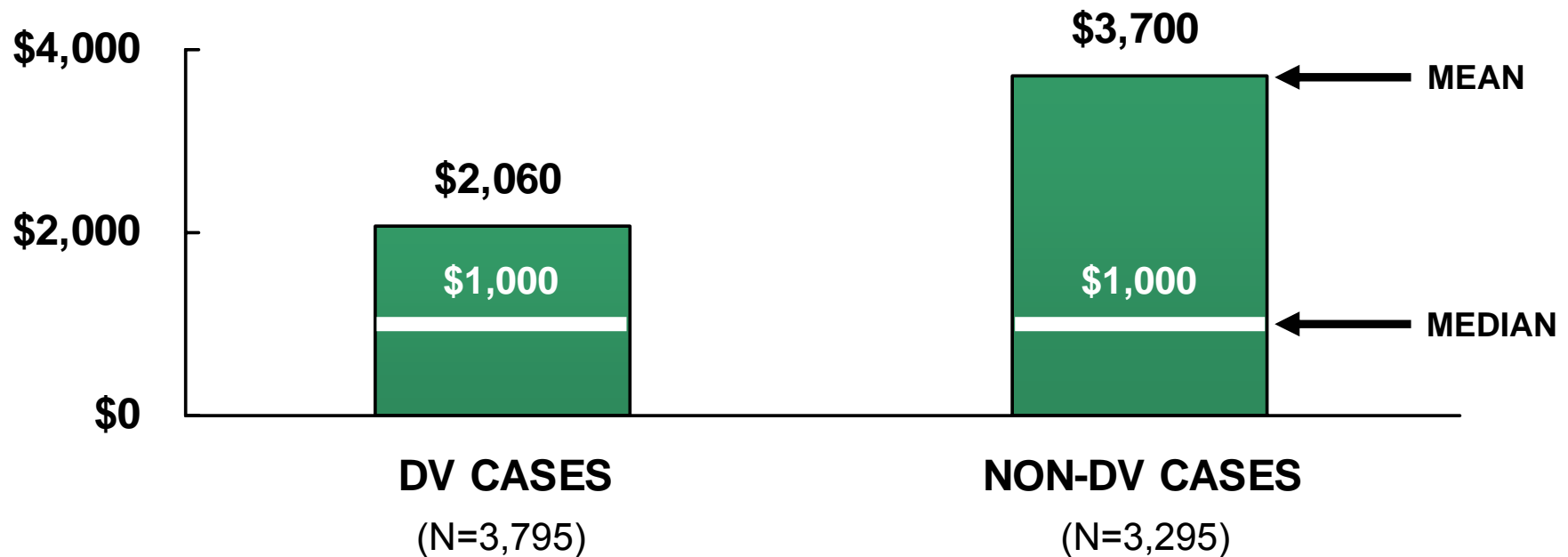


FIGURE 6
FAILURE-TO-APPEAR RATES FOR
DEFENDANTS WHO WERE EVER RELEASED

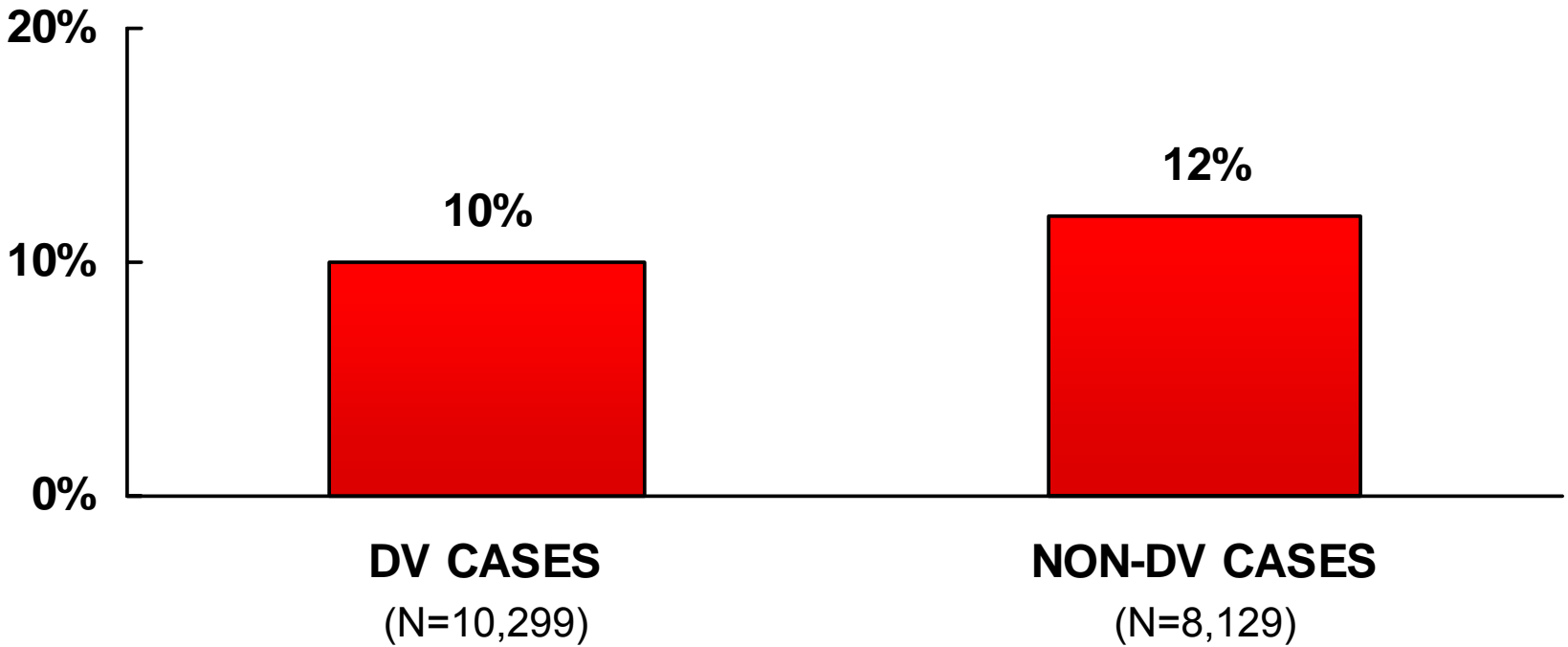


FIGURE 7

PRETRIAL RE-ARREST RATES FOR ANY NEW OFFENSES FOR DEFENDANTS WHO WERE EVER RELEASED

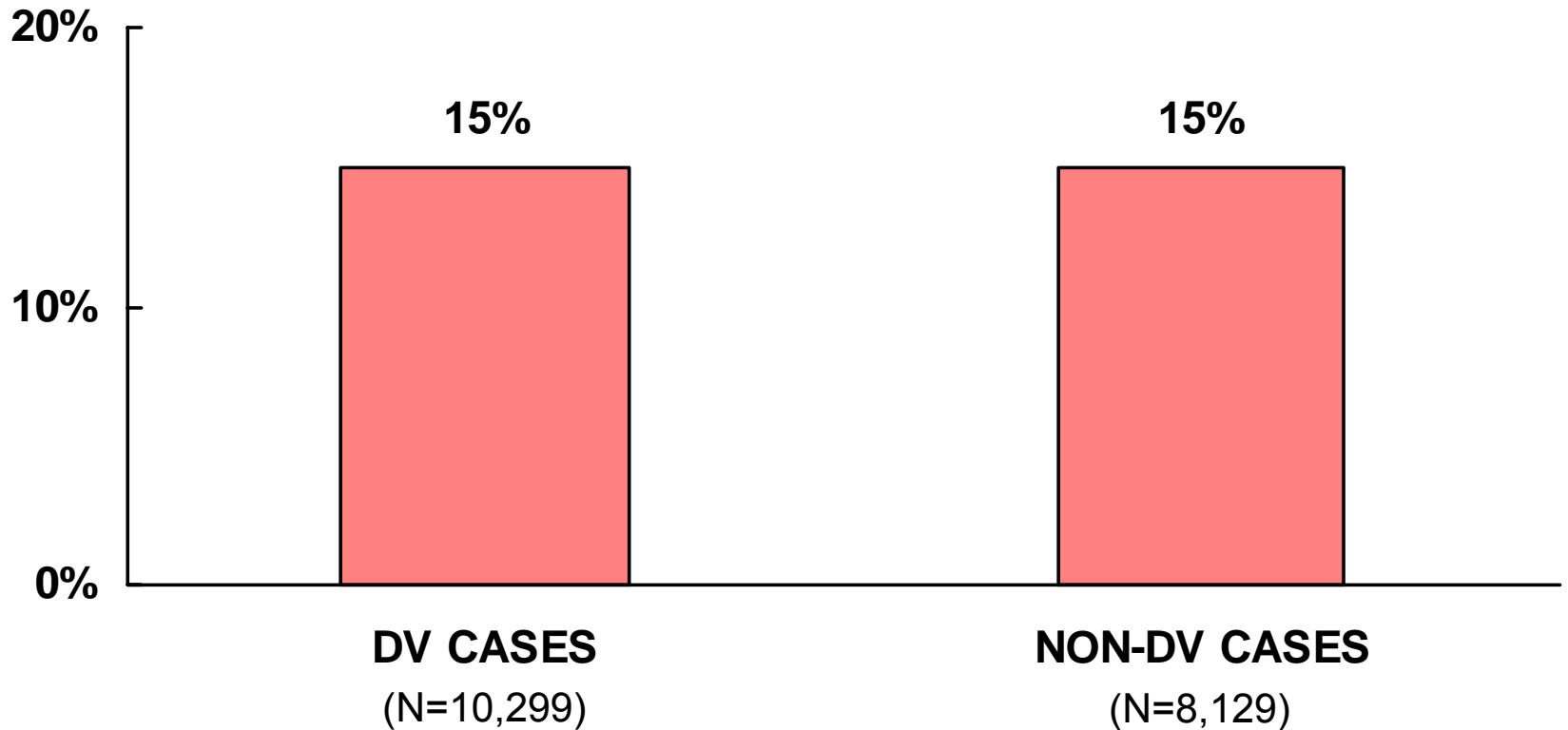
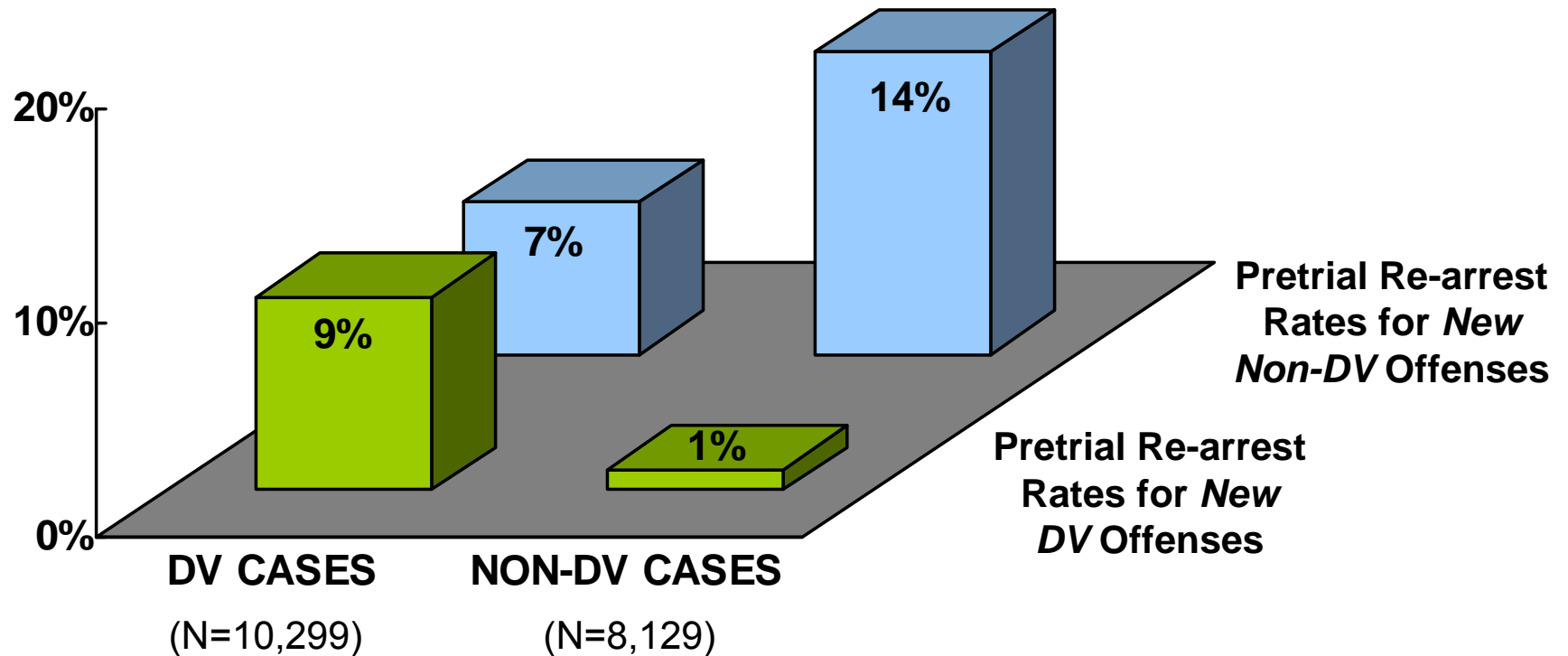


FIGURE 8 PRETRIAL RE-ARREST RATES FOR NEW DV AND NON-DV OFFENSES FOR DEFENDANTS WHO WERE EVER RELEASED



PREDICTORS OF PRETRIAL RE-ARREST FOR A NEW DV OFFENSE

- Criminal history and community ties, especially employment, were important predictors
- DV Defendants charged with criminal contempt were more likely to be re-arrested for a new DV offense
- Whether the defendant was released on recognizance or on bail had no impact on the likelihood of re-arrest for a new DV offense
- Age was the strongest predictor in the model: defendants over 40 were much less likely to be re-arrested for a new DV offense
- Women were less likely to be re-arrested for a new DV offense

CONCLUSIONS

- Pretrial release practices and overall rates of pretrial misconduct are quite similar for DV and Non-DV defendants
- Pretrial re-arrest for new DV offenses is a significant problem, but difficult to prevent
 - There is no evidence that increased use of bail would be effective
 - Pretrial orders of protection are issued in all DV cases, but re-arrests for new DV offenses continue to occur
- A supervised release program for high-risk DV defendants should be considered

FURTHER RESEARCH NEEDED

- Studies of pretrial practices for DV defendants
- Studies of pretrial misconduct in multiple jurisdictions
- Forthcoming:
Processing of Domestic Violence Cases in State Courts
conducted by Pretrial Services Resource Center, funded by BJS
- Interviews of victims for information about:
 - Victim reports of re-offending
 - Victim-defendant relationship
 - (Dis)satisfaction with the criminal justice system
- Evaluations of supervised release programs for DV defendants
- Development of instruments to assess the risk of pretrial re-arrest for new DV offenses