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# **Practical Implications of Current Domestic Violence Research**

## **Part I: Law Enforcement**

**Andrew R. Klein**

This is one of three final reports submitted to the National Institute of Justice on Contract 2007M-07032 which was awarded to Advocates for Human Potential. Points of view are those of the author and do not necessarily represent the official position of the United States Department of Justice.

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# Practical Implications of Current Domestic Violence Research, Part I: Law Enforcement

**Andrew R. Klein**

## *Preface*

*The purpose of this work is to describe to practitioners what the research tells us about domestic violence, including its perpetrators and victims, and the impact of current responses to it and, more particularly, the implications of that research for day to day real world responses to domestic violence by law enforcement officers, prosecutors and judges.*

*While many state and federal statutes define “domestic violence” broadly, for the purposes of this work, it is confined to current or former intimate partners, married or unmarried, with or without children.*

*Most but not all of the research reports used in this manuscript are from National Institute of Justice funded studies and/or a variety of refereed journals. For example, several studies of women seeking hospital emergency room treatment for injuries inflicted by intimate partners are included because, although of primary concern to the medical community, these studies underscore victim characteristics found in criminal justice related research suggesting how representative the latter research is.*

*Less rigorous research reports are also included based on the quality of their data collected or because they provide accurate examples of performance measures. For example, several performance evaluations of specific programs are included, not because they address program effectiveness in terms of reabuse, but they provide concrete examples of what specific programs can achieve in terms of important program outputs such as arrests rates. Some of the most extensive examinations of prosecution practices have been initiated by newspaper-initiated investigations where reporters gained access to state court data tapes of thousands of cases.*

*While some research findings may be questionable because researchers employed less than rigorous research methodology, the research may be cited because it contains accurate data illustrating an important phenomenon. The data are unaffected by the research design employed by the researchers. For example, while Gottman and Jacobson’s findings regarding the typology of batterers<sup>1</sup> have been questioned, their reported observations, if not their conclusions, have been confirmed.<sup>2</sup> They are cited supporting the proposition that batterer reaction to their violence is not uniform, not their more controversial conclusion that all batterers fall into two distinct categories.*

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<sup>1</sup> Jacobson, N. & Gottman, J. (1998). When Men Batter Women. New York, NY: Simon and Schuster.

<sup>2</sup> Meehan, J., Holtzwoth-Monroe, A. & Herron, K. (2001). Maritally Violent Men’s Heart Rate Reactivity to Marital Interactions: A Failure to Replicate the Gottman et. al. (1995) Typology, *Journal of Family Psychology*13, 409-414.

*The policy and practice implications are based on the evidence provided by the research and are therefore confined to areas specifically addressed by researchers. Consequently, the implications listed do not constitute a comprehensive listing of promising practices or even policies and procedures widely recognized to be effective. Whenever possible, policy implications are based on multiple studies. However, in some instances, where only one study examined an issue deemed to be important to practitioners, the policy implications may be drawn from just that one study. In such cases, the narrative will alert readers that the research has not yet been replicated.*

### ***Performance Measures***

*“Performance Measures” include examples of specific programs or specific jurisdictions’ achievements or surveys of multiple departments. The performance measures are included to provide examples of what at least a specific, real life program or jurisdiction(s) accomplished. As jurisdictions vary, these measures may not be replicable in all other jurisdictions but suggest what may be achieved in similar jurisdictions.*

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## **Practical Implications of Current Domestic Violence Research for Law Enforcement**

### **I. How widespread is the problem?**

- How widespread is nonfatal domestic violence?
- What percent of police calls are for domestic violence?
- When does it occur?
- How widespread is stalking?
- How widespread are intimate sexual assaults?
- How widespread is fatal domestic violence?
- How widespread is multiple domestic violence victimization?

### **II. What domestic violence is actually reported to law enforcement?**

- When do victims report?
- Which victims are likely to report?
- Does the quality of the law enforcement response influence reporting?
- Who else reports domestic violence?
- Are there are other major sources of domestic violence reporting?
- What domestic violence is generally reported to law enforcement?

### **III. Can arrest rates actually correspond to estimated actual rates for domestic violence and stalking found in victim surveys?**

- Can stalking arrests correspond to actual stalking rates as reported by victims?
- Is arrest the best response?
- What should the response be when the suspect is gone when law enforcement arrives?
- Who is the Primary/Predominant Aggressor?

### **IV. Who are the Perpetrators?**

- What is their gender?
- What age are they?
- Are they likely already known to law enforcement?
- Are they likely to be drug and/or alcohol abusers?
- Are they likely to be mentally ill? Or have certain personality types?
- Do abusers stick with one victim?

### **V. Who are their victims?**

Are victim characteristics and actions important factors in assessing abuse likelihood?

Victims and Substance Abuse

Why do some victims behave as they do?

Do male victims differ from female domestic violence victims?

#### **VI. How many abusers are going to do it again?**

Are abusers at risk for committing new non-domestic violence crimes, too?

When will abusers reabuse?

#### **VII. Which abusers are likely to do it again (within a year or so at least)?**

Is gender important?

Is age important?

Is prior arrest history important?

Is substance abuse important?

Are victims accurate predictors of reabuse?

Are there other common risk factors associated with reabuse?

What factors are *not* associated with reabuse?

Do the widely used risk instruments accurately predict reabuse?

#### **VIII. Which abusers are most likely to try to kill their victims?**

What about firearms and other weapons?

What are other lethality risk markers?

What are risk markers for severe injury?

#### **IX. Are specialized law enforcement domestic violence units effective in responding to domestic violence?**

Do they influence prosecution and convictions of abuse suspects?

Do they influence victim behavior?

Do they reduce reabuse?

Do they increase victim satisfaction?

Should law enforcement agencies participate in coordinated community responses?

#### **X. Police Domestic Violence Training**

# Practical Implications of Current Domestic Violence Research for Law Enforcement

## I. How widespread is the problem?

### How widespread is nonfatal domestic violence:

According to the latest 2005 National Crime Victimization Survey (NCVS), over the decade from 1993 to 2005, the average annual domestic violence rate per 1,000 population (age 12 or older) for intimate partners and/or relatives was 5.9 for females and 2.1 for males. About a third of the victims reported they were physically attacked; two-thirds were threatened with attack or death. A little more than half of the female victims suffered an injury, but only 5% were seriously injured. A little over 3% were sexually assaulted. Fewer male victims, 41.5%, reported injuries, less than 5% seriously. Those who were separated (or divorced) experienced more nonfatal domestic violence than those who were together.<sup>3</sup>

Victimization rates vary among different subpopulations. The highest reported rates are for Native American women.<sup>4</sup>

### What percent of police calls are for domestic violence?

Reflecting the extent of domestic violence, domestic violence-related police calls have been found to constitute the single largest category of calls received by police, accounting for between 15 and more than 50% of all calls.<sup>5</sup> Not all domestic violence calls are for activities that constitute crimes. Several New York studies, for example, found that 65% of such calls in upstate New York pertained to criminal conduct. In New York City, the police department found that 35% of reports pertained to specific chargeable index or other criminal offenses.<sup>6</sup> In San Diego, approximately 25% of calls for service in domestic violence cases result in an arrest.<sup>7</sup>

**Implications: Given the large numbers adversely affected by domestic violence, the fact that victims' prime countermeasure, leaving their abuser, does not stop the abuse, law enforcement agencies must commit time, resources and attention to domestic violence as it does to confront any other major crime. For this reason, all**

<sup>3</sup> Catalano, S. (2007). Intimate Partner Violence in the United States, Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics ([www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)).

<sup>4</sup> Malcoe, L. & Duran, B. (2004). Intimate Partner Violence and Injury in the Lives of Low-Income Native American Women, Washington D.C.: U.S. Department of Justice, National Institute of Justice, NCJ 199703.

<sup>5</sup> Hendricks, J. (ed.) (1991). Crises Intervention in Criminal Justice and Social Services. Springfield, IL: Charles C. Thomas Publishers; Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit, Washington DC: US Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>6</sup> \_\_\_\_ (2001). Family Protection and Domestic Violence Intervention Act of 1994: Evaluation of the Mandatory Arrest Provisions, Final Report, Albany, NY: Division of Criminal Justice Services and Office for the Prevention of Domestic Violence; Raiford, L. (2002). Report, New York City, NY: New York City Police Department, Domestic Violence Unit cited in Klein, A. (2004). The Criminal Justice Response to Domestic Violence. Belmont, CA: Wadsworth/Thomson.

<sup>7</sup> Smith, B., Davis, R., Nickles, L. & Davies, H. (2001). An Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict, Final Report, Washington D.C.: U.S. Department of Justice, 98-WT-VX-0029, National Institute of Justice, NCJ 187772.

**law enforcement agencies should have a domestic violence policy that includes, as a minimum, that written reports be completed on all domestic violence calls and if no arrest is made the circumstances fully explaining why.**

**Research Basis:** *Disparate national surveys, supplemented by local police department studies.*

**Performance Measure: 77% of police departments have written operational procedures for responding to emergency domestic violence calls, with larger departments most likely to have such written procedures. Most policies include requiring dispatcher to ask about weapons, check for protection orders, and advise caller to stay on the line until police arrive.**<sup>8</sup>

**Research Basis:** *Representative sample of 368 drawn from 14,000 law enforcement agencies across nation.*

### **When does it occur?**

Most, 60%, offenses occur between 6 PM and 6 AM at the victim's home (NCVS).<sup>9</sup>

**Implications: While all potential responding law enforcement officers must be trained and prepared to deal with domestic violence, if the agency has only a limited number of victim advocates, related auxiliary personnel, or volunteers to assist on domestic violence calls, priority should be give to these time periods.**

**Research Basis:** *National survey data from 1993 -2004.*

### **How widespread is stalking?**

Estimates of stalking vary depending upon how it is defined. A 1995-1996 National Violence Against Women Survey (NVAWS) found that 5 per 1,000 females (18 and over) and 2 per 1,000 males report being stalked annually using a conservative definition that requires victims to suffer a high level of fear. Eighty percent of stalking victims are women, 87% of stalkers male. Most women were stalked by spouses/ex-spouses (38%), current or former intimates (10%), dating partners (14%), other relatives (4%), acquaintances (19%), and strangers (23%). Males were more likely than females to be stalked by strangers (36%) and acquaintances (34%).<sup>10</sup> Further, research suggests a close association between stalking and femicide. One study, for example, found more than half, 54%, of female intimate partner murder victims had reported stalking to police prior to their murders by the stalkers.<sup>11</sup>

<sup>8</sup> Townsend, M., Hunt, D., Kuck, S., Baxter, C. (2006). Law Enforcement Response to Domestic Violence Calls for Service, U.S. Department of Justice, 99-C-008, National Institute of Justice, NCJ 215915.

<sup>9</sup> Catalano, S. (2006). Intimate Partner Violence in the United States, Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics ([www.ojp.usdoj.gov/bjs/](http://www.ojp.usdoj.gov/bjs/)).

<sup>10</sup> Tjaden, P. & Thoennes, N. (1998). Stalking in America: Findings from the National Violence Against Women Survey, Research in Brief, Washington DC: US Department of Justice, 93-IJ-CX-0012, National Institute of Justice, NCJ 169592.; Winn, R. (1990). *Gender and Homicide: A Comparison on Men and Women who Kill, Violence and Victims*, 5(4), 236.,

<sup>11</sup> McFarlane, J., Campbell, J. C., & Wilt, S. (1999). *Stalking and Intimate Partner Femicide*. Homicide Studies 3 (4):300-316.



**Implications: It is important for law enforcement officers to correctly identify stalking behavior in order to accurately analyze victim risk and utilize stalking laws appropriately. Even if not charged, stalking constitutes a red flag for potential lethality.**

**Research Basis:** *National study of 141 femicides and 65 attempted femicides, confirmed in other stalking studies.*

### **How widespread are intimate sexual assaults?**

If there is physical abuse in domestic violence, studies suggest that there is most probably sexual abuse, also. A Texas study found almost 70% of women seeking protective orders were raped, most (79%) repeatedly.<sup>12</sup> Though lower, an earlier Massachusetts study found 55% of female restraining order petitioners reported to interviewers that they had been sexually assaulted by their abusers, although *none* included this in her affidavit requesting a protective order.<sup>13</sup> Female victims similarly underreported sexual abuse in a Colorado study. While 20% to 50% of women seeking protective orders had been subject to a variety of abuses, including forced sex within the preceding year, only 4% listed forced sex on the complaint form requesting the temporary restraining order.<sup>14</sup>

**Implications: Investigators should be alert to possible sexual as well as physical abuse in interviewing or investigating domestic assaults. Judgment must be used as to how best and when to approach potential victims of sexual assaults.**

**Research Basis:** *National survey as well as disparate individual studies from multiple regions.*

### **How widespread is fatal domestic violence?**

According to the Supplementary Homicide Reports of the FBI's Uniform Crime Reporting Program in 2005, 1,181 females and 329 males were killed by their intimate partners.<sup>15</sup> The number of men killed has dropped by almost three-quarters since 1976 while the number of women killed has only dropped by a quarter. The number of white females killed has declined the least, only 6%. Intimate homicides constituted 11% of all homicides between 1976 and 2005, about a third of all female murders and 3% of all male murders. The proportion of female homicide victims killed by an intimate is increasing. Unlike nonfatal domestic violence, most intimate homicides (54%) involve spouses or ex-spouses although intimate homicides for unmarried couples are approaching that for married or divorced couples.

Intimate partner homicides may also involve third parties, including children, bystanders, employers, and lawyers among others. For example, according to the

<sup>12</sup> McFarlane, J. & Malecha, A. (October 2005). *Sexual Assault Among Intimates: Frequency, Consequences and Treatments*. Washington D. NCJ 155284 C.: U.S. Department of Justice, 2002-WG-BX-0003, National Institute of Justice, NCJ 11678.

<sup>13</sup> Kramer, R. (1989). *Alcohol and Victimization Factors in the Histories of Abused Women Who Come to Court: A Retrospective Case-Control Study*, Ann Arbor, MI: UMI Dissertation Services.

<sup>14</sup> Harrell, A. & Smith, B. (1996). *Effects of Restraining Orders on Domestic Violence Victims*. In E. Buzawa & C. Buzawa (Eds.) *Do Arrest and Restraining Orders Work?* Thousand Oaks, CA: Sage, 214-243.

<sup>15</sup> Catalano, S. (2007). *Intimate Partner Violence in the United States*, Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics ([www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)).

Washington State Domestic Violence Fatality Review, between 1997 and 2004, there were 313 domestic violence fatalities cases in that state involving 416 homicides, including 23 children, 32 friends/family members of primary intimate victims, 19 new boyfriends of the primary intimate victim, one co-worker of the primary intimate victim, three law enforcement officers responding to the intimate homicide, 9 abusers killed by law enforcement, 10 abusers killed by friend or family of victims, as well as 93 abusers who committed suicide.<sup>16</sup>

**Implications: To reduce female homicides generally, law enforcement must give priority to the protection of female intimates.**

**Research Basis:** *National data collected by Federal Bureau of Investigation.*

### **How widespread is multiple domestic violence victimization?**

Analysis of NVAWS data reveal that 18% of women who experienced abuse, experienced “systemic abuse,” meaning they were likely to suffer physical attacks, with and without weapons, and strangulation, with a quarter also experiencing sexual assaults, and almost half experiencing stalking.<sup>17</sup> A study of dating violence similarly found substantial overlap between physical and sexual victimization.<sup>18</sup>

**Implications: A full investigation may indicate additional, even more serious incidents of domestic violence than the one to which the law enforcement officers respond.**

**Research Basis:** *National survey and five year longitudinal study of college students from school considered representative of state colleges where 80% of all U.S. college students attend.*

## **II. What domestic violence is actually reported to law enforcement?**

As with any crime, not all incidents of domestic violence are reported to law enforcement and not all that are reported to law enforcement are forwarded to prosecutors. Finally, even less is generally prosecuted in court.

Both the older NVAWS and the more contemporary NCVS reports agree that victims do not report all cases of their victimization to police. According to NVAWS, only 27% of women and 13.5% of men who are physically assaulted by an intimate reported their assault to law enforcement. Less than 20% of women reported intimate partner rapes to police. Reporting rates for stalking are higher with 52% of women and 36% of men reporting them to law enforcement. A succession of NCVS surveys over the last several decades finds much higher reporting rates (but for a far lesser number of victimizations). According to these surveys, reporting to police of nonfatal partner victimization has increased for all victims, male and female to over 62% with no gap

<sup>16</sup> Starr, K., Hobart, M., & Fawcett, J. (2004). *Findings and Recommendations from the Washington State Domestic Violence Fatality Review*. Seattle, WA: Washington Coalition Against Domestic Violence.

<sup>17</sup> Macmillan, R. & Kruttschnitt, C. (2005). *Patterns of Violence Against Women: Risk Factors and Consequences*. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011, National Institute of Justice, NCJ 208346.

<sup>18</sup> White, J. & Smith, P. (2004). *A Longitudinal Perspective on Physical and Sexual Intimate Partner Violence Against Women*. Washington D.C.: U.S. Department of Justice, National Institute of Justice, NCJ199708.,

between male and female victim reporting rates. The highest reporting is for black females (70.2%) and the lowest is black males (46.5%).<sup>19</sup>

Comparing hundreds of actual police domestic violence incident reports with victim statements in four sites in three different states, researchers found a proportion of victims deny abuse documented by police. Researchers found 29% of victims reported “no assault,” contradicting police findings. Ironically, their alleged assailants were more likely to admit to the assaults with only 19% reporting “no assault” Suspects, however, were more likely to minimize the severity of the assaults compared to their victims.<sup>20</sup> Researcher also finds that some victims do not report repeated incidents of abuse to police. A review of NCVS data from 1992 through 2002 found that although 60% of the victims had been assaulted by their intimate partners before, only half of the subsequent survey assaults were reported to police, and these included reports made by persons other than the victim. Prior unreported domestic violence may be more serious than the incident actually reported.<sup>21</sup>

Reasons for not reporting found in the 2005 NCVS included belief that the abuse was a private or personal matter (22% for female and 39% for male); fear of reprisal (12% for female, 5% for male); desire to protect the suspect (14% for female, 16% for male); and belief police won’t do anything (8% for female and male).<sup>22</sup>

Once reported, police arrest rates vary depending upon the jurisdiction and how each defines domestic violence. Arrests for domestic violence per 1,000 population range from 3.2 in Omaha, Nebraska (2003) to 12.2 in Wichita, Kansas (2000).<sup>23</sup>

Prosecution rates similarly vary. A review of 26 domestic violence prosecution studies from across the country found prosecution per arrest ranged from 4.6% in Milwaukee reported in 1992 to 94% reported in Hamilton, Ohio in 2005. The average rate was 63.8% and the median rate was 59.5%.<sup>24</sup>

**Performance Measure: Based on *victim reporting* rates to law enforcement alone, law enforcement officers should be responding annually to at least 4 to 5 incidents per 1,000 females (12 and older) and 1 to 2 per 1,000 males (12 and older). Based on *actual* rates as determined by victim surveys, law enforcement officers should be responding annually to 8 to 9 incidents per 1,000 females and 2 to 3 per 1,000 males. Therefore, if reporting is significantly below at least that which *victims* actually report to law enforcement, greater community outreach and/or barriers to reporting must be addressed. Law enforcement officers must press the rest of the community to do its part.**

<sup>19</sup> Catalano, S. (2007).

<sup>20</sup>Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault. Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301.

<sup>21</sup> Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault. Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301.

<sup>22</sup> Catalano, S. (2007); Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault. Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301.

<sup>23</sup> Klein (2004). The Criminal Justice Response to Domestic Violence. Belmont, CA: Wadsworth/Thomson.

<sup>24</sup> Garner, Joel H., and Christopher D. Maxwell (2008). Prosecution and Conviction Rates for Intimate Partner Violence. Shepherdstown, WV: Joint Centers for Justice Studies, Inc. 49.

**Research Basis:** *Confirmed by multiple national surveys over past decades, although exact rates, as opposed to national average, may vary based on region, population density, ethnicity of population, and so on.*

### **When do victims report?**

Victims do not generally report their initial intimate victimization, but typically suffer multiple assaults and/or related victimizations before they contact authorities and/or apply for protective orders.<sup>25</sup> A Texas protective order study, like others conducted across the country, for example, found 68% of the victims taking out orders had been physically abused by their partners in the preceding two years before they took out orders.<sup>26</sup> A Massachusetts arrest study found that a majority of intimate victims (55%) sampled who called police reported that either the frequency or severity of on-going abuse was increasing at the time before the call. Another 11% reported no increases in either but increased controlling behaviors such as restrictions on freedom of movement, access to money, medical or counseling services, or social support.<sup>27</sup>

The NCVS found victims were more likely to report re-assaults, than initial assaults.<sup>28</sup>

**Implications:** **In questioning victims, law enforcement officers should always inquire about *prior* unreported assaults for evidence of crimes that may be charged depending upon the jurisdiction's statute of limitation and/or are necessary to develop an accurate offender history to determine offender risk and so advise the victim. Prior abuse history may be helpful in determining the primary or predominant aggressor.**

**Research Basis:** *Both national and a multitude of disparate individual jurisdictional studies agree that battering likely to come to the attention of the law enforcement constitutes repeated activity, much not reported to law enforcement initially.*

### **Which victims are likely to report?**

Some victims are more likely to report their victimization and/or re-victimization than others. Research indicates that women with greater experience with the criminal justice system, especially those with protective orders, and/or who experienced more severe abuse histories, are more likely to call police.<sup>29</sup>

<sup>25</sup> Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault. Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301; Harrell, A. & Smith, B. (1996). *Effects of Restraining Orders on Domestic Violence Victims*. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 214-243; Keilitz, S., Hannaford, P. & Efken, H. (1997). Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence. Washington D.C.: U.S. Department of Justice, 93-IJ-CX-0035 National Institute of Justice.

<sup>26</sup> Carlson, M., Harris, S., & Holden, G. (1999). *Protective Orders and Domestic Violence: Risk Factors for Reabuse*. Journal of Family Violence, 14 (2), 205-226.

<sup>27</sup> Buzawa, et. al. (1999).

<sup>28</sup> Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault. Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301.

<sup>29</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Catalano, S. (2006). Intimate Partner Violence in the United States, Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics ([www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)); Holt, V., Kernic,

The seriousness of injury may not increase victim reporting, however, either due to incapacity, the increased likelihood that a third party will call in these cases, or the fact that victims are less likely to have protective orders.<sup>30</sup> Younger women, those in dating relationships, and those with little prior contact with the criminal justice system are less likely to call police.<sup>31</sup>

**Implication: No news may not be good news, but if a victim *does* report domestic violence, it probably indicates repeated prior abuse incidents. Law enforcement officers should encourage and be trained how to assist victims to secure protective orders if for no other reason than victims with orders are more likely to alert police of subsequent victimization compared to victims without orders. Existence of protective orders adds to the body of evidence for future prosecution.**

**Research Basis: Both national surveys and multiple local studies conclude victim reporting is not uniform or consistent. While one might argue that the existence of orders generates violations by criminalizing otherwise legal behavior, both national and multiple local studies find higher reporting rates for victims with orders.**

### **Does the quality of the law enforcement response influence reporting?**

Research indicates that the actions of law enforcement, such as follow-up home visits after incidents, can encourage victim reports of domestic violence.<sup>32</sup> It appears that victim confidence in police response leads to more likely reports of new violence.<sup>33</sup> This is reinforced by a specific study of a specialized police department domestic violence unit that documented that repeated victim contact by law enforcement officers assigned to a specialized domestic violence unit significantly increased the likelihood of victim reports of re-victimization.<sup>34</sup>

On the other hand, research also shows that victims who reported prior victimization and thought the criminal justice response was insufficient or endangered

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M., Lumley, T., Wolf, M., & Rivara, F. (2002). *Civil Protection Orders and Risk of Subsequent Police-reported Violence*. *Journal of American Medical Association*, 288 (5), 598-594; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). *An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers*. Waltham, MA: BOTEC Analysis Corporation & American Probation and Parole Association, Final Report to NIJ on Grant 2002-WG-BX-0011.

<sup>30</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). *Response to Domestic Violence in a Pro-Active Court Setting, Final Report*. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>31</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). *Response to Domestic Violence in a Pro-Active Court Setting, Final Report*. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Catalano, S. (2006). *Intimate Partner Violence in the United States*, Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics ([www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)).

<sup>32</sup> Davis, R. & Maxwell, C. (2002). *Preventing Repeat Incidents of Family Violence: A Reanalysis of Data From Three Field Tests*. Washington DC: US Department of Justice, 2000-WT-VX-0007 National Institute of Justice, NCJ 200608.

<sup>33</sup> Davis, R. & Taylor, B. (1997). *A Proactive Response to Family Violence: The Results of a Randomized Experiment*, *Criminology* 35 (2), 307-333.; Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). *Evaluating the Impact of a Specialized Domestic Violence Police Unit*. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>34</sup> Jolin, A., Feyerherm, W., Fountain, R., & Friedman, S. (1998). *Beyond Arrest: The Portland, Oregon Domestic Violence Experiment, Final Report*. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0054, National Institute of Justice, NCJ 179968.

them are less likely to report subsequent victimizations.<sup>35</sup> But even if the victim initially opposed her abuser's initial arrest for domestic violence, she is generally just as likely to report re-victimizations as victims who did not oppose the initial arrest.<sup>36</sup>

**Implications: Law enforcement officers should not be deterred from arresting abuse suspects for fear of prejudicing future victim reporting of re-victimization. Law enforcement responses can increase victim reports of reabuse (even as they decrease the likelihood of reabuse). Therefore, increased reporting of victimization does not mean law enforcement efforts are failing to reduce actual domestic abuse and decreased reporting may not indicate successful law enforcement efforts.**

**Research Basis:** *Increased reported findings based on three experimental studies, as well as multiple observational studies from disparate localities.*

### Who else reports domestic violence?

Most reports are called in by victims with research finding victim report rates ranging from 59<sup>37</sup> to 93%.<sup>38</sup> The review of NCVS re-assaults between 1992 and 2002 found 72% of the re-assaults were reported by the victim and 28% by third parties.<sup>39</sup> Third parties include family members, relatives, even suspects themselves. In Chicago's domestic violence misdemeanor court, 26% of the calls were made by third parties on their own and another 7.3% called at the direct behest of the victim.<sup>40</sup> Third parties are more likely to call police if the incident involved major injuries and/or a weapon.<sup>41</sup> Other family members are significantly more likely to report abuse of elder women (60 years and older) abused by other family members, usually sons, daughters or grandsons.<sup>42</sup>

**Implications: 911 tapes of domestic violence calls should be routinely maintained and accessible as they may contain possible excited utterance evidence because a**

<sup>35</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>36</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Jolin, A., Feyerherm, W., Fountain, R., & Friedman, S. (1998). Beyond Arrest: The Portland, Oregon Domestic Violence Experiment, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0054, National Institute of Justice, NCJ 179968.

<sup>37</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice, NCJ 182781

<sup>38</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington DC: US Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>39</sup> Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault. Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301.

<sup>40</sup> Hartley, C. & Frohmann, L. (2003). Cook County Target Abuser Call (TAC): An Evaluation of a Specialized Domestic Violence Court. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0003, National Institute of Justice, NCJ 202944.

<sup>41</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.; Catalano, S. (2006). Intimate Partner Violence in the United States. Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics ([www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)); Klein, A.

<sup>42</sup> Klein, A., Tobin, T., Salomon, A. & Dubois, J. (2008). A Statewide Profile of Older Women Abuse and the Criminal Justice Response. Washington D.C.: U.S. Department of Justice, 2006-WG-BX-0009, National Institute of Justice, NCJ pending.

**majority of reported incidents are made by victims (some of whom may be reluctant to testify later). In addition, the identities and contact information for third party domestic violence callers should be elicited when possible as potential incident witnesses. Dispatchers should be trained toward these ends.**

**Research Basis:** *Multiple national and local observational studies.*

### **Are there other major sources of domestic violence reporting?**

Unlike most crimes, there is a parallel track for victim reporting domestic violence, namely civil courts where victims can petition for protective/restraining orders. In many jurisdictions, *more* victims report intimate assaults and related crimes to civil courts than to law enforcement.<sup>43</sup> Research from both sides of the country, Massachusetts<sup>44</sup> and the state of Washington,<sup>45</sup> however, indicates that the abuse reported in this civil setting is not significantly different from that reported to law enforcement.

**Implications: Civil protective order files offer law enforcement an essential tool in identifying domestic violence victims and perpetrators.**

**Research Basis:** *Disparate observational studies across the country as well as reported data from multiple states.*

### **What domestic violence is generally reported to law enforcement?**

Notwithstanding varying numbers and types of crimes that constitute “domestic violence” in different state and federal codes, most, almost two-thirds to three-quarters of domestic violence cited in law enforcement incident reports are for assaults.<sup>46</sup> Although prosecutors screen cases, a study of domestic violence prosecutions in California, Oregon, Nebraska and Washington found assaults formed from 59% to 81% of all prosecuted domestic violence cases.<sup>47</sup>

The percentage of felony assaults varies widely reflecting specific state felony enhancement statutes and the like. The highest percent of felony assault domestic violence charges documented, 41%, is in California where injurious domestic assaults are

<sup>43</sup> Klein, A. (2004). *The Criminal Justice Response to Domestic Violence*. Belmont, CA: Thomson/Wadsworth.

<sup>44</sup> Cochran, D., Adams, S., & O'Brien, P. (June/July 1998). *From Chaos to Clarity in Understanding Domestic Violence*, *Domestic Violence Report 3*, (5); Klein, A. (1996). *Reabuse in a Population of Court Restrained Batterers*. In E. Buzawa & C. Buzawa (Eds.) *Do Arrest and Restraining Orders Work?* Thousand Oaks, CA: Sage, 192-214.

<sup>45</sup> Holt, V., Kernic, M., Wolf, M., & Rivara, F. (2003). *Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?* *American Journal of Preventive Medicine*, 24 (1), 16-21.

<sup>46</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). *Response to Domestic Violence in a Pro-Active Court Setting, Final Report*. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). *Evaluating the Impact of a Specialized Domestic Violence Police Unit*. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.; Holt, V., Kernic, M., Lumley, T., Wolf, M., & Rivara, F. (2002). *Civil Protection Orders and Risk of Subsequent Police-Reported Violence*. *Journal of American Medical Association*, 288 (5), 598-594; Smith, B., Davis, R., Nickles, L. & Davies, H. (2001). *An Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict, Final Report*, Washington D.C.: U.S. Department of Justice, 98-WT-VX-0029 National Institute of Justice, NCJ 187772; Wordes, M. (2000). *Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence*, Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>47</sup> Smith, B., Davis, R., Nickles, L. & Davies, H. (2001). *An Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict, Final Report*, Washington D.C.: U.S. Department of Justice, 98-WT-VX-0029, National Institute of Justice, NCJ 187772.

classified as felonies.<sup>48</sup> However, most studies find much smaller percentages of felony assault charges, including 13.7% in Charlotte, N.C.<sup>49</sup> to only 5.5% in Massachusetts<sup>50</sup> as most physical injuries are minor and most cases do not involve the use of weapons. These studies accord with the findings of the NCVS.<sup>51</sup>

**Performance Measure: Reducing assault charges to non-assault charges allows convicted abusers to retain firearms otherwise barred by federal law, 18 U.S.C.§922(g)(9) endangering victims and law enforcement officers that may be called upon to respond to reabuse.**

**Research Basis:** *Numerous observational studies from across the country as well as finding of national victim surveys, 1993 – 2004.*

### **III. Can arrest rates actually correspond to estimated actual rates for domestic violence and stalking found in victim surveys?**

Domestic Violence arrest rates as a percentage of written incident reports vary greatly because incident report writing practices vary across jurisdictions. A better, more consistent measure is the *arrest rate per capita* over the course of a year. At least one study documents actual per capita arrests for domestic violence across an entire (albeit small) state actually exceeds the national estimates of domestic violence determined by the NCVS. A Rhode Island study found in 2004 that the actual per capita domestic violence arrests per 1,000 females was 10.5 (including both male and female suspects of female victims); and 2.9 for males (including both male and female suspects of male victims); higher than the national estimated rates of 8.6 and 2.5.<sup>52</sup> Other disparate jurisdictions have similarly demonstrated high per capita arrest rates.<sup>53</sup>

**Performance Measure: If broadly defined and if law enforcement agencies mandate and enforce arrest upon probable cause, over the course of a year, law enforcement can reach the same percent of victims who identify themselves as abused in national crime victim surveys. Departments should establish benchmarks based on the NCVS in order to assess their performance.**

<sup>48</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>49</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>50</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>51</sup> Catalano, S. (2006). Intimate Partner Violence in the United States, Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics ([www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)).

<sup>52</sup> Klein, A. (2005). Rhode Island Domestic Violence Shelter and Advocacy Services. Waltham, MA: BOTEC Analysis Corporation ([www.rijustice.state.ri.us/sac/Reports/Final%20ShelterEval%209-20-05.pdf](http://www.rijustice.state.ri.us/sac/Reports/Final%20ShelterEval%209-20-05.pdf).) The Rhode Island arrests may include multiple arrests of the same suspects involving incidents with the same victims within that year. It should also be noted that Rhode Island mandates arrest for “domestic violence” which is defined broadly to include any crime committed by current or former intimate partners, family or household members and dating partners although most Rhode Island domestic violence arrests are, in fact, for simple assault.

<sup>53</sup> Klein, A. (2004). The Criminal Justice Response to Domestic Violence. Belmont, CA: Thomson/Wadsworth (Wichita, KS- 12.1/1,000 (2000); Chicago, IL- 6.9/1,000 (1997), Nevada-5.4/1,000 (2001).



**Research Basis:** *This performance measure is based on actual arrest figures from Rhode Island, a state with mandatory arrest for order violations and assaults with injuries where domestic violence includes any crime committed by family or household members, cohabitants, current or former intimates and dating partners. Jurisdictions will necessarily vary based on state laws as documented in Klein (2004), pages 90-91.*

### **Can stalking arrests correspond to actual stalking rates as reported by victims?**

Stalking arrests are rare, nowhere near the number of estimated stalkers.<sup>54</sup> A pioneering study determined that although 16.5% of all domestic violence incident reports filed in Colorado Springs, Colorado (sample of 1,731) constituted stalking, in all but one incident the suspect was charged with a lesser offense, generally harassment, violation of protective order, or other non-stalking domestic violence offense.<sup>55</sup>

**Implications: If stalking arrests constitute a negligible proportion of all domestic violence arrests, departments should undertake a legal, policy and practice review to determine barriers to stalking statute enforcement. Law enforcement officers should receive training on stalking.**

**Research Basis:** National surveys supplemented by multiple domestic violence arrest studies from disparate jurisdictions across the country.

### **Is arrest the best response?**

A major re-examination of a series of fairly rigorous experiments in multiple jurisdictions finds that arrest deters repeat reabuse, whether suspects are employed or not. In none of the sites was arrest associated with increased reabuse among intimate partners.<sup>56</sup> Another major study based on 2,564 partner assaults reported in the NCVS (1992-2002) found that whether police arrested the suspect or not, their involvement has a strong deterrent effect. The positive effects of police involvement and arrest are not dependent upon whether or not the victim or a third party reported the incident to law enforcement. Nor are they dependent upon the seriousness of the incident assault, whether a misdemeanor or felony.<sup>57</sup>

A Berkeley arrest study found similarly that action taken by responding officers, including arrest, providing victims with information pamphlets, taking down witness statements, and helping victims secure protective orders, all were associated with reduced reabuse. By contrast, the highest reabuse rates were found where the responding officers left it to the victim to make a “citizen arrest,” swearing out a complaint herself.<sup>58</sup>

<sup>54</sup> Tjaden, P. & Thoennes, N. (1998). Stalking in America: Findings from the National Violence Against Women Survey, Research in Brief, Washington D.C.: U.S. Department of Justice, 93-IJ-CX-0012 National Institute of Justice. NCJ 169592.

<sup>55</sup> Tjaden, P. & Thoennes, N. (2001). Stalking: Its Role in Serious Domestic Violence Cases, Washington D.C.: U.S. Department of Justice, 97-WT-VX-0002, National Institute of Justice. NCJ 187346

<sup>56</sup> Maxwell, C., Garner, J. and Fagan, J. (June, 2001). The Effects of Arrest on Intimate Partner Violence: New Evidence from the Spouse Assault Replication Program, National Institute of Justice Research in Brief, Washington D.C.: U.S. Department of Justice, National Institute of Justice, NCJ 188199.

<sup>57</sup> Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault, Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301.,

<sup>58</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence, Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

Research has also shown that police response also significantly increases the likelihood that victims' will secure protective orders.<sup>59</sup>

Research also finds that by and large the vast majority of victims when interviewed after the fact report satisfaction with the arrest of their abuser. In Massachusetts, 82% were either very or somewhat satisfied and 85.4% said they would use police again for a similar incident.<sup>60</sup> Similarly, the study of courts in California, Oregon, Nebraska and Washington found that 76% of the victims said they wanted their abuser arrested.<sup>61</sup> As important, police arrests over victims' objections do not reduce likelihood of victims reporting new abuse to police.<sup>62</sup>

**Implications: Arrest should be the default position for law enforcement in all domestic violence incidents.**

**Research Basis:** *Multiple studies in diverse jurisdictions; the police arrest studies were combined carefully and separated intimate partner from family abuse cases.*

### **What should the response be when the suspect is gone when law enforcement arrives?**

A large percentage of alleged abusers leave the crime scene before law enforcement arrives. Where noted, absence rates range from 42% to 66%.<sup>63</sup> Pursuing them, including the issuance of warrants, is associated with reduced re-victimization.<sup>64</sup> Pursuing absent suspects may be of particular utility because limited research finds suspects who flee the scene before police arrive are significantly more likely to have prior

<sup>59</sup> Jolin, A., Feyerherm, W., Fountain, R., & Friedman, S. (1998). Beyond Arrest: The Portland, Oregon Domestic Violence Experiment, Final Report, Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0054, National Institute of Justice, NCJ 179968; Lyon, E. (2002). Special Session Domestic Violence Courts: Enhanced Advocacy and Interventions, Final Report Summary, Washington D.C.: U.S. Department of Justice, 98-WE-VX-0031, National Institute of Justice, NCJ 197860; Lyons, E. (2005). Impact Evaluation of Special Sessions Domestic Violence: Enhanced Advocacy and Interventions. Washington D.C.: U.S. Department of Justice, 2000-WE-VX-0014, National Institute of Justice, NCJ 210362.

<sup>60</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>61</sup> Smith, B., Davis, R., Nickles, L. & Davies, H. (2001). An Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict, Final Report, Washington D.C.: U.S. Department of Justice, 98-WT-VX-0029 National Institute of Justice, NCJ 187772.

<sup>62</sup> Apsler, R., Cummins, M. & Carl, S. (2003). *Perceptions of the Police by Female Victims of Domestic Partner Violence, Violence Against Women, 9*, 1318.

<sup>63</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Dunford, F. (1990). *System Initiated Warrants for Suspects of Misdemeanor Domestic Assault: A Pilot Study. Justice Quarterly, 7*, 631-653; Hirschel, D., Buzawa, E., Pattavina, A., Faggiana, D. & Ruelan, M. (2007). Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases. Washington D.C.: U.S. Department of Justice, 2001-WT-BX-0501, National Institute of Justice, NCJ 218355.; Worden, A. (2001). Models of Community Coordination in Partner Violence Cases: A Multi-side Comparative Analysis, Final Report. Washington D.C.: U.S. Department of Justice, 95-WT-NX-0006, National Institute of Justice, NCJ 187351; Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence, Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781; Smith, B., Davis, R., Nickles, L. & Davies, H. (2001). An Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict, Final Report, Washington D.C.: U.S. Department of Justice, 98-WT-VX-0029, National Institute of Justice, NCJ 187772.

<sup>64</sup> Dunford, F. (1990). *System Initiated Warrants for Suspects of Misdemeanor Domestic Assault: A Pilot Study Justice Quarterly, 7*, 631-653.

criminal histories and to reabuse than those arrested at the scene.<sup>65</sup> Similarly, another single study also finds higher reabuse if the *victim* is gone when officers arrive.<sup>66</sup>

**Implications: Law enforcement officers should make arresting abusers who flee the scene a priority.**

**Research Basis:** *Numerous studies confirm a large proportion of abusers flee the scene, only one has looked at differences in records of those that flee and those that remain.*

**Performance Measure: 68% of police departments have specific policy covering procedures for responding law enforcement officers when the perpetrator is gone on arrival according to a national survey.<sup>67</sup> In a study of the south shore communities of Massachusetts, researchers documented that police arrested 100% of abusers present at the scene as well as arrested or issued warrants for a majority (54%) who left the scene, for a total arrest and/or warrant rate of 75%.<sup>68</sup> Similarly, a statewide New York study found half of domestic violence suspects fled the scene but local police ultimately arrested 60%.<sup>69</sup>**

**Research Basis:** *State law varies regarding power of police to arrest after the incident. Time limits are not restricted in Massachusetts or New York where these results were documented.*

### Who is the Primary/Predominant Aggressor?

A substantial percent of victims of domestic violence hit their perpetrators back.<sup>70</sup> In Massachusetts, more than a third of the female victims fought back in the incident in which their male abuser was arrested, although most (59.1%) of those who did found it made their abuser more violent.<sup>71</sup> A substantial number of victims will not self-disclose their victimization.<sup>72</sup> Consequently, determination of primary or predominant aggressor may not be self-evident. Nonetheless, data on police action in 2,819 jurisdictions in 19 states reveal only 1.9% of incidents resulted in dual arrests for intimate partner violence and intimidation. In other words, less than 4% of all intimate partner arrests were dual

<sup>65</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>66</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence, Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>67</sup> Townsend, M., Hunt, D., Kuck, S., Baxter, C. (2006). Law Enforcement Response to Domestic Violence Calls for Service, U.S. Department of Justice, 99-C-008, National Institute of Justice, NCJ 215915

<sup>68</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>69</sup> New York Division of Criminal Justice Services (2001), Final Report: Evaluation of the Implementation of Mandatory Arrest Law. Albany, NY: NY Division of Criminal Justice Services.

<sup>70</sup> Gelles, R. (1997). Intimate Violence in Families, 3<sup>rd</sup> edition. Thousand Oaks, Ca: Sage.

<sup>71</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>72</sup> Bureau of Justice Statistics Factbook (1998). Violence by Intimates: An Analysis of Data on Crimes by Current and Former Spouses, Boyfriends and Girlfriends. Washington D.C.: Bureau of Justice Statistics, NCJ-167237.

arrests where law enforcement could not determine a primary or predominant aggressor.<sup>73</sup>

Studies suggest that officers' determination of primary or predominate aggressor is particularly problematic when the intimate partner violence occurs between same-sex couples. Although police are equally likely to make arrests in same-sex as heterosexual partner abuse cases, a study of more than 1,000 same sex intimate partner violence reports from departments across the country found officers were substantially more likely to arrest both parties in same sex cases. Specifically, 26.1% of female same sex cases and 27.3% of male same sex cases were dual arrests compared to only 0.8% with male offenders and female victims and 3% with female offenders and male victims.<sup>74</sup>

Research on the impact of primary aggressor policies either mandated by state statute or by individual law enforcement agencies reveal that such policies significantly reduce the percentage of dual arrests from an average of nine to two percent of domestic violence arrests.<sup>75</sup>

**Implications: If dual arrests exceed that found on average across the country, law enforcement departments should develop and implement specific primary aggressor policies and protocols.**

**Research Basis:** *The most significant dual arrest study was based on examination of all assault and intimidation cases in the 2000 National Incident-Based Reporting System (NIBRS) database as well as more detailed examination of these data from 25 diverse police departments across the country.*

## IV. Who are the Perpetrators?

### What is their gender?

While some sociological research,<sup>76</sup> based on self-reporting finds equal male and female partner "conflict," including mostly minor physical assaults, in terms of behavior likely to violate most state and federal criminal and civil (protective order) statutes, the typical perpetrator of nonfatal domestic violence is even more likely to be male than that found in the national victim surveys.<sup>77</sup>

Perpetrators that come to the attention of the criminal justice system are overwhelmingly male. For example, 86% of abusers brought to court for restraining orders in Massachusetts have been male<sup>78</sup> as were those arrested for domestic violence

<sup>73</sup> Hirschel, D., Buzawa, E., Pattavina, A., Faggiana, D. & Ruelan, M. (2007). Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases. Washington D.C.: U.S. Department of Justice, 2001-WT-BX-0501, National Institute of Justice, NCJ 218355.

<sup>74</sup> Pattavina, A., Hirschel, D., Buzawa, E., Faggiani, D. & Bentley, H. (2007). Comparison of the Police Response to Heterosexual Versus Same-Sex Intimate Partner Violence, Violence Against Women 13 (4), 374-394 (Abstract in NCJ 218287).

<sup>75</sup> Hirschel, D., Buzawa, E., Pattavina, A., Faggiana, D. & Ruelan, M. (2007). Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases. Washington D.C.: U.S. Department of Justice, 2001-WT-BX-0501, National Institute of Justice, NCJ 218355.

<sup>76</sup> Straus, M., Gelles, R., & Steinmetz, S. (1980). Behind Closed Doors: Violence in American Family. Garden City, NY: Doubleday.

<sup>77</sup> Macmillan, R. & Kruttschnitt, C. (2005). Patterns of Violence Against Women: Risk Factors and Consequences. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

<sup>78</sup> Adams, S. (1999). Serial Batterers. Boston, MA: Office of the Commissioner of Probation.

in California<sup>79</sup> and Charlotte, North Carolina (up to 97.4% for the most serious cases).<sup>80</sup> In Rhode Island 92% of those placed on probation for domestic violence were male.<sup>81</sup> A Cincinnati court study found 86.5% of 2,670 misdemeanor domestic violence court defendants to be male.<sup>82</sup> The overwhelming percentage of their victims were women, 84% in both Charlotte, North Carolina<sup>83</sup> and Berkeley, California.<sup>84</sup> The 2000 NIBRS multi-state study found 81% of the suspects were male and their victims female.<sup>85</sup>

Jurisdictions with higher numbers of female suspects and male victims usually include higher number of non-intimate family violence cases.<sup>86</sup>

**Implications: If the ratio of male to female suspects and victims differs substantially from those found above, departments should be alert to potential gender bias in their response to domestic violence. On-going training and supervision can address over representation of female to male arrests.**

**Research Basis:** *Multiple studies of abusers/victims brought to attention of criminal justice system, including civil protective orders, confirm gender ratio as opposed to studies focusing on family conflict, youthful aggression and the like outside the criminal justice system.*

## What age are they?

Most studies find most perpetrators to be between 18 and 35 with a median age of about 33 years, although they range in age from 13 to 81.<sup>87</sup> A large west coast study of

<sup>79</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>80</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>81</sup> Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. Waltham, MA: BOTEK Analysis Corporation & American Probation and Parole Association. Final Report to NIJ on Grant 2002-WG-BX-0011: Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>82</sup> Belknap, J., Graham, D., Hartman, J., Lippen, V., Allen, G., & Sutherland, J. (2000). Factors Related to Domestic Violence Court Dispositions in a Large Urban Area: The Role of Victim/Witness Reluctance and Other Variables, Executive Summary. Washington D.C.:U.S. Department of Justice, 96-WT-NX-0004 National Institute of Justice, NCJ 184112

<sup>83</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>84</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>85</sup> Hirschel, D., Buzawa, E., Pattavina, A., Faggiana, D. & Ruelan, M. (2007). Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases. Washington D.C.: U.S. Department of Justice, 2001-WT-BX-0501, National Institute of Justice, NCJ 218355.

<sup>86</sup> Smith, B., Davis, R., Nickles, L. & Davies, H. (2001). An Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict, Final Report. Washington D.C.: U.S. Department of Justice, 98-WT-VX-0029 National Institute of Justice, NCJ 187772; Klein, A., Tobin, T., Salomon, A. & Dubois, J. (2008). A Statewide Profile of Older Women Abuse and the Criminal Justice Response. Washington D.C.: U.S. Department of Justice, 2006-WG-BX-0009, National Institute of Justice.

<sup>87</sup> Belknap, J., Graham, D., Hartman, J., Lippen, V., Allen, G., & Sutherland, J. (2000). Factors Related to Domestic Violence Court Dispositions in a Large Urban Area: The Role of Victim/Witness Reluctance and Other Variables, Executive Summary. Washington D.C.:U.S. Department of Justice, 96-WT-NX-0004 National Institute of Justice, NCJ 184112; Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized

abusers subject to police incident reports or protective orders found 33% were between 20 and 29 years old, and slightly more, 33.4%, were between 30 and 39 years old.<sup>88</sup>

### **Are they likely already known to law enforcement?**

Most studies agree that the majority of domestic violence perpetrators that come to the attention of criminal justice or court authorities have a prior criminal history for a variety of non-violent and violent offenses, against males as well as females, domestic and non-domestic. A study of intimate partner arrests in Connecticut, Idaho and Virginia of more than a thousand cases, for example, found that almost seventy percent (69.2%) had a prior record, 41.8% for a violent crime.<sup>89</sup>

The percent of officially identified perpetrators with criminal histories range from a low of 49% for prior arrest within five years in an arrest study in Portland, Oregon<sup>90</sup> to 89% for at least one prior non-violent misdemeanor arrest for misdemeanor domestic violence defendants arraigned in a Toledo, Ohio Municipal Court.<sup>91</sup> Not only did most of the abusers brought to the Toledo Court for domestic violence have a prior arrest history, but the average number of prior arrests was fourteen. Similarly, 84.4% of men arrested for domestic violence in Massachusetts had prior criminal records, averaging a little more than 13 prior charges (resulting from five to six arrests), including four for property offenses, three for offenses against persons, three for major motor vehicle, two for alcohol/drug offenses, one for public order violations, and 0.14 for sex offenses.<sup>92</sup> A study of the Cook County (Chicago) misdemeanor domestic violence court found that 57% of the men charged with misdemeanor domestic violence had prior records for drug offenses, 52.3% for theft, 68.2% for public offenses and 61.2% for property crimes. They averaged 13 prior arrests.<sup>93</sup>

Even if abusers have no prior arrest records, they may be known to local police. In North Carolina, for example, based on police files, researchers found that 67.7% of the domestic violence arrestees had prior contact with the local criminal justice system,

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Domestic Violence Police Unit. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916; Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice, NCJ 182781

<sup>88</sup> Holt, V., Kernic, M., Wolf, M., & Rivara, F. (2003). *Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?* American Journal of Preventive Medicine, 24 (1), 16-21.

<sup>89</sup> Hirschel, D., Buzawa, E., Pattavina, A., Faggiana, D. & Ruelan, M. (2007). Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases. Washington D.C.: U.S. Department of Justice, 2001-WT-BX-0501, National Institute of Justice, NCJ 218355.

<sup>90</sup> Jolin, A., Feyerherm, W., Fountain, R., & Friedman, S. (1998). Beyond Arrest: The Portland, Oregon Domestic Violence Experiment, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0054, National Institute of Justice, NCJ 179968.

<sup>91</sup> Ventura, L. & Davis, G. (October 2004). Domestic Violence: Court Case Conviction and Recidivism in Toledo. Toledo, OH: University of Toledo Urban Affairs Center.

<sup>92</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>93</sup> Hartley, C. & Frohmann, L. (2003). Cook County Target Abuser Call (TAC): An Evaluation of a Specialized Domestic Violence Court. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0003, National Institute of Justice, NCJ 202944.

64.5% were officially known by local police, and 48.3% had prior domestic violence incident reports.<sup>94</sup>

Studies of abusers brought to court for protective orders find similar high rates of criminal histories, ranging from a little more than 70% in a Texas<sup>95</sup> to 80% in Massachusetts.<sup>96</sup>

**Implications: Given the large overlap between domestic violence and general criminality, law enforcement should carefully check domestic violence suspects' status in regard to outstanding warrants, pending cases, probationary or parole status, and other concurrent criminal justice involvement, including suspect involvement as a confidential informant for on-going investigations. In regard to the latter, in the event the informant is involved in a domestic violence incident, he should be precluded from working with the department without the authorization of department supervisors.**

**Research Basis:** *Multiple studies from jurisdictions across the country confirm these findings although the extent of prior records may vary depending upon jurisdictional law enforcement and court practices and resources.*

### **Are they likely to be drug and/or alcohol abusers?**

As with criminality in general, there is a high correlation between alcohol and substance abuse and domestic violence for abusers. This is not to say that substance abuse causes domestic violence. The Memphis night arrest study found 92 percent of assailants used drugs or alcohol on the day of the assault, nearly half were described by families as daily substance abusers for the prior month.<sup>97</sup> Other studies also find substantial but less substance use. For example, a California arrest study found alcohol and or drugs were involved in 38% of the domestic violence incident arrests.<sup>98</sup> A domestic violence fatality review study in New Mexico documented that alcohol and drugs were present in 65% of 46 domestic violence homicides between 1993 and 1996, 43% alcohol and 22% drugs.<sup>99</sup> Two surveys, one of state correctional facilities in 1991 and the other of jails in 1995, found more than half of those jailed or imprisoned for domestic violence admitted drinking and/or using drugs at the time of the incident.<sup>100</sup> A large Seattle arrest and protective order study found alcohol/drug use was reported in

<sup>94</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>95</sup> Carlson, M., Harris, S., & Holden, G. (1999). *Protective Orders and Domestic Violence: Risk Factors for Reabuse*. Journal of Family Violence, 14 (2), 205-226.

<sup>96</sup> Klein, A. (1996). *Reabuse in a Population of Court Restrained Batterers*. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214.

<sup>97</sup> Brookoff, D. (October 1997). Drugs, Alcohol, and Domestic Violence in Memphis, Research Review, Washington D.C.: U.S. Department of Justice, National Institute of Justice, NCJ 000172.

<sup>98</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence, Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>99</sup> Olson, L., Crandall, C., & Broudy, D. (1998). Getting Away with Murder, A Report of the New Mexico Female Intimate Partner Violence Death Review Team, Albuquerque, NM: Center for Injury Prevention Research and Education, University of New Mexico School of Medicine.

<sup>100</sup> Greenfield, L., Rand, M., Craven, D., Klaus, P., Perkins, C., Ringel, C., Warchol, G., Maston, G., & Fox, J. (March 1998). Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends. Washington D.C.: Bureau of Justice Statistics, NCJ 167237.

almost a quarter of the incidents.<sup>101</sup> It was higher in North Carolina, where 45% of suspects were identified as being intoxicated.<sup>102</sup> Self reports from batterers in Chicago revealed that 15 to 19 % admitted to having a drug problem and 26 to 31% scored more than one on the CAGE test indicating alcohol abuse.<sup>103</sup> Among defendants prosecuted in Chicago's domestic violence misdemeanor court, 60.7% were found to "ever had an alcohol or drug problem."<sup>104</sup>

Interviews with more than 400 North Carolina female victims who called police for misdemeanor domestic assaults found abuser drunkenness was the most consistent predictor of a call to police. According to the victims, almost a quarter (23.0%) of the abusers "very often" or "almost always" got drunk when they drank, more than half (55%) were binge drinkers, a little over a quarter used cocaine at least once a month, and more than a third (39.0%) smoked marijuana. Further, almost 2/3rds were drinking at the incident, having consumed an average of almost seven drinks resulting in more than half (58%) being drunk.<sup>105</sup>

Both a batterer and alcohol treatment study similarly reveals a consistent, high correlation between alcohol abuse and domestic violence. In one, for example, 272 males entering treatment for battering or alcoholism, the odds of any male to female aggression were 8 to 11 times higher on days they drank than days they had not. It was 11 times higher on days the men were drinking than on days of no drinking.<sup>106</sup>

**Implications: Law enforcement officers should note use of alcohol or drugs in domestic violence incident reports, not to mitigate abusive behavior but to indicate heightened abuser risk for continued abuse.**

**Research Basis: Correlation is found in multiple studies across the country.**

### **Are they likely to be mentally ill? Or have certain personality types?**

Batterers are no more likely to be mentally ill than the general population.<sup>107</sup> Although various researchers have attempted to classify abusers, ranging from agitated "pitbulls" and silent "cobras"<sup>108</sup> to "dysphoric/borderline" and "generally avoidance and

<sup>101</sup>Holt, V., Kernic, M., Wolf, M., & Rivara, F. (2003). *Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?* American Journal of Preventive Medicine, 24 (1), 16-21; Holt, V., Kernic, M., Lumley, T., Wolf, M., & Rivara, F. (2002). *Civil Protection Orders and Risk of Subsequent Police-Reported Violence*. Journal of American Medical Association, 288 (5), 598-594.

<sup>102</sup>Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). *Evaluating the Impact of a Specialized Domestic Violence Police Unit*. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>103</sup>Bennett, L., Stoops, C., Call, C., & Flett, H. (2007). *Program Completion and Re-Arrest in a Batterer Intervention System*. Research on Social Work Practice, 17 (42), 42-54.

<sup>104</sup>Hartley, C. & Frohmann, L. (2003). *Cook County Target Abuser Call (TAC): An Evaluation of a Specialized Domestic Violence Court*. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0003, National Institute of Justice, NCJ 202944.

<sup>105</sup>Hutchison, I. (1999). *The Influence of Alcohol and Drugs on Women's Utilization of the Police for Domestic Violence*. Washington D.C.: U.S. Department of Justice, 97-IJ-CX-0047, National Institute of Justice, NCJ 179277.

<sup>106</sup>Fals-Stewart, W. (2003). *The Occurrence of Partner Physical Aggression on Days of Alcohol Consumption: A Longitudinal Diary Study*. Journal of Consulting Psychology 71 (1), 41-52.

<sup>107</sup>Gondolf, E. & White, R. (2001). *Batterer Program Participants Who Repeatedly Reassault: Psychopathic Tendencies and Other Disorders*. Journal of Interpersonal Violence, 16, 361-380.

<sup>108</sup>Jacobson, N. & Gottman, J. (1998). When Men Batter Women. New York, NY: Simon and Schuster.



anti-social,”<sup>109</sup> attempts to utilize these classifications to predict risk of reabuse have proven unhelpful.<sup>110</sup> However, researchers agree that batterers differ markedly.<sup>111</sup> While some, for example, may appear to responding police officers as emotionally overwrought, others may appear calm and collected, labeled by two researchers as “pitbulls” versus “cobras.”<sup>112</sup> Other research suggests that batterers can be classified as low, moderate and high and that, contrary to common beliefs, batterers remain within these categories.<sup>113</sup> Similarly, in the treatment literature the multi-state study of four batterer intervention programs consistently found that approximately a quarter of court referred batterers are high level abusers, unlikely to respond to treatment.<sup>114</sup>

**Implications: Abuser demeanor at the scene, especially compared to overwrought, traumatized victims, can be misleading.**

**Research Findings:** *Multiple studies have failed to validate any classification of battering propensity based on personality types or mental illnesses although multiple observational studies reveal different patterns of behaviors among batterers.*

### Do abusers stick with one victim?

Deprived of their victim, many abusers will go on to abuse another intimate partner or family member. Others may abuse multiple intimate partners and family members simultaneously.<sup>115</sup> The Rhode Island probation study, for example, found that in a one year period, more than a quarter (28%) of those probationers who were re-arrested for a new crime of domestic violence abused a different partner or family member.<sup>116</sup> The Massachusetts study of persons arrested for violating a civil restraining order found that almost half (43%) had *two or more* victims over six years.<sup>117</sup> This confirms an earlier state study that found 25% of individuals who had protective orders taken out against them in 1992 had up to eight new orders taken out against them by as many victims over the subsequent six years.<sup>118</sup>

<sup>109</sup> Holtzworth-Munroe, A., & Meehan, J.C. (2004). *Typologies of Men Who are Maritally Violent: Scientific and Clinical Implications*. *Journal of Interpersonal Violence*, 18.

<sup>110</sup> Heckert, D., & Gondolf, E. (2004). *Battered Women's Perceptions of Risk Versus Risk Factors and Instruments in Predicting Repeat Reassault*. *Journal of Interpersonal Violence*, 19 (7), 778-800.

<sup>111</sup> Saunders, D.G.(1994). *A Typology of Men Who Batter: Three Types Derived from Cluster Analysis*, *American Journal of Orthopsychiatry*, 62, 264-275; Holtzworth-Munroe, A. & Stuart, G.L.(1994). *Typologies of Male Batterers: Three Subtypes and the Differences Among Them*, *Psychological Bulletin*, 116, 476-497; Chase, K.A., O'Leary, K.D., & Heyman, R.E. (2001). *Categorizing partner-Violent Men Within the Reactive-Proactive Typology Model*. *Journal of Consulting and Clinical Psychology*, 69, 567-572.

<sup>112</sup> Jacobson, N. & Gottman, J. (1998). *When Men Batter Women*. New York, NY: Simon and Schuster.

<sup>113</sup> Cavanaugh, M. & Gelles, R. (2005). *The Utility of Male Domestic Violence Typologies*, *Journal of Interpersonal Violence* 20 (2), 155-166.

<sup>114</sup> Gondolf, E. (2001). *The Program Effects of Batterer Programs in Three Cities*. *Violence and Victims*, 16, 693-704;

Gondolf, E. (1997). *Results of a Multi-site Evaluation of Batterer Intervention Systems*. Indiana, PA: Mid-Atlantic Addiction Training Institute; Gondolf, E. (2000). *A 30-month Follow-up of Court Referred Batterers in Four Cities*. *International Journal of Offender Therapy and Comparative Criminology*, 44 (1), 111-128.

<sup>115</sup> Cochran, D., Adams, S., & O'Brien, P. (June/July 1998). *From Chaos to Clarity in Understanding Domestic Violence*, *Domestic Violence Report* 3, (5).

<sup>116</sup> Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). *An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers*. BOTEC Analysis Corporation & American Probation and Parole Association. Final Report to NIJ on Grant 2002-WG-BX-0011.

<sup>117</sup> Bocko, S., Cicchetti, C., Lempicki, L. & Powell, A. (November 2004). *Restraining Order Violators, Corrective Programming and Recidivism*. Boston, MA: Office of the Commissioner of Probation.

<sup>118</sup> Adams, S. (1999). *Serial Batterers*. Boston, MA: Office of the Commissioner of Probation.

Studies have generally found that abusers who go on to abuse new partners are not substantially different from those who reabuse the same partner, with the exception they tend to be younger, and not married to their partners.<sup>119</sup>

**Implications: If the abuser is no longer with the victim of the last domestic violence incident, new intimate partners are vulnerable to becoming new targets of abuse. Whether the batterer remains with the same victim or not, battering behavior brought to police attention is likely to reflect chronic, patterned, not isolated behavior that is victim-specific.**

**Research Basis:** *While longitudinal studies of batterers are few, multiple studies that follow batterers for just a year or two confirm the serial nature of battering for some abusers.*

## V. Who are their victims?

### Are victim characteristics and actions important factors in assessing abuse likelihood?

Victims come in all shapes, sizes, ages and relationships, but these differences are largely irrelevant in terms of their victimization. Victim characteristics, other than gender and age, have generally not been found to be associated with likelihood of abuse.<sup>120</sup> For example, although many associated pregnancy with increased risk for domestic violence, research suggests that the increased risk is related to youth of the women, not their pregnancy.<sup>121</sup>

Those who leave their abusers have been found to be as likely to be reabused as those who remain with them.<sup>122</sup> Those who maintain civil restraining orders or criminal no contact orders against their abusers are as likely to be reabused as those who drop them. Only one study<sup>123</sup> comparing women with orders and those without, found the former, with permanent but not temporary orders, were less likely to have new police-reported domestic violence. However, the researchers in this study excluded violations of the orders themselves including violations of no contact or stay away orders.

**Implications: Victims face a dilemma- staying or leaving; securing, maintaining or dropping a protective order, which all may result in reabuse. Law enforcement**

<sup>119</sup> Adams, S. (1999). Serial Batterers. Boston, MA: Office of the Commissioner of Probation; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association. Final Report to NIJ on Grant 2002-WG-BX-0011.

<sup>120</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>121</sup> Weiss, H., Lawrence, B., & Miller, T. (2004). Pregnancy-Associated Assault Hospitalizations: Prevalence and Risk of Hospitalized Assaults Against Women During Pregnancy. Washington D.C.: U.S. Department of Justice, 1998-WT-VX-0V16, National Institute of Justice, NCJ 199706..

<sup>122</sup> Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association, Final Report to NIJ on Grant 2002-WG-BX-0011.

<sup>123</sup> Holt, V., Kernic, M., Lumley, T., Wolf, M., & Rivara, F. (2002). *Civil Protection Orders and Risk of Subsequent Police-reported Violence*. Journal of the American Medical Association, 288(5), 589-594.

**officers should assist victims in safeguarding themselves and their children while recognizing their limitations in controlling their abusers.**

**Research Basis:** *Multiple protective order studies in different jurisdictions over different time periods.*

**Performance Measures: A little over a quarter of both small and large law enforcement agencies require officers to review safety plans with victims and almost three-quarters arrange transport of victims to shelters or medical facilities where needed.**

### **Victim and Substance Abuse**

Victim abuse of drugs and alcohol is also associated with domestic violence victimization.<sup>124</sup> In the most dramatic findings, victims or (their families) reported in the Memphis night arrest study that 42% of victims were drinking or drugging the day of their assault.<sup>125</sup> The New Mexico fatality review study documented that a third of the female victims had alcohol in their system at the autopsy, with a blood alcohol content twice the legal limit allowable for driving; a little less than a quarter had drugs in their system.<sup>126</sup> Among women treated in emergency rooms for injuries caused by their abusers, those who suffered from substance abuse were found to have increased risk of violence from partners. However, if the partners' use of alcohol and drugs are controlled for, victim substance abuse is not associated with increased risk of violence.<sup>127</sup> Another hospital study also found victims who were injured by partners were more likely than other injured women in an emergency room to test positive for substance abuse.<sup>128</sup>

Victim substance abuse has been found to be associated with abuser use. For example, while one in five North Carolina victims reported being high at the time of abuse or binge drinkers, almost three-quarters (72%) of these victims are in relationships with men who were high or binge drinkers.<sup>129</sup>

Victim substance abuse has been identified as a consequence of the ongoing abuse. In other words, victims abuse drugs as a form of self-medication to deal with their abuse trauma.<sup>130</sup>

**Implications: Drug or alcohol abusing victims may make them more vulnerable to continued abuse requiring greater law enforcement scrutiny or surveillance.**

<sup>124</sup> Macmillan, R. & Kruttschnitt, C. (2005). *Patterns of Violence Against Women: Risk Factors and Consequences*. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

<sup>125</sup> Brookoff, D. (October 1997). *Drugs, Alcohol, and Domestic Violence in Memphis, Research Review*. Washington D.C.: U.S. Department of Justice, National Institute of Justice, NCJ 000172.

<sup>126</sup> Olson, L., Crandall, C., & Broudy, D. (1998). *Getting Away with Murder, A Report of the New Mexico Female Intimate Partner Violence Death Review Team*. Albuquerque, NM: Center for Injury Prevention Research and Education, University of New Mexico School of Medicine.

<sup>127</sup> Kyriacou, D., Anglin, D., Taliaferro, E., Stone, S., Tubb, T., Linden, J., Muelleman, R., Barton, E., & Kraus, J. (1999). *Risk Factors for Injury to Women from Domestic Violence*. *New England Journal of Medicine*, 341, (25), 1892-1898.

<sup>128</sup> Grisso, J., Schwarz, D., Hirschinger, N., Sammel, M., Brensinger, C., Santanna, J., Lowe, R., Anderson, E., Shaw, L., Bethel, C., & Teeple, L. (1999). *Violent Injuries among Women in an Urban Area*. *New England Journal of Medicine*, 341, 25, 1899-1930.

<sup>129</sup> Hutchison, I. (1999). *The Influence of Alcohol and Drugs on Women's Utilization of the Police for Domestic Violence*. Washington D.C.: U.S. Department of Justice, 97-IJ-CX-0047, National Institute of Justice, NCJ 179277.

<sup>130</sup> Macmillan, R. & Kruttschnitt, C. (2005). *Patterns of Violence Against Women: Risk Factors and Consequences*. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346., 106A

**Information given to victims should include substance abuse treatment referral information.**

**Research Basis:** *There are multiple single jurisdiction observational studies of victims as well as findings from a national victim survey of a representative sample of 8,000 women between November 1995 and May 1996.*

**Why do some victims behave as they do?**

A significant portion of victims of intimate partner violence and sexual assault suffer from trauma.<sup>131</sup> Studies have found up to 88% of battered women in shelters suffer from Post Traumatic Stress Disorder (PTSD).<sup>132</sup> Other studies have found up to 72% suffer depression<sup>133</sup> and 75% anxiety.<sup>134</sup> A meta-analysis across multiple samples of battered women found a weighted mean prevalence of 48% for depression and 64% for PTSD.<sup>135</sup>

Even victims who do not suffer PTSD have been found to be severely adversely affected by their abuse.<sup>136</sup> Victims brought to emergency rooms of hospitals, for example, have been found to be more socially isolated, have lower self-esteem, and fewer social and financial resources than other women treated for injuries in the same hospital emergency rooms that were not injured by their partners.<sup>137</sup>

Research also suggests that some victims of intimate partner abuse have experienced multifaceted violence that stretches across their life span, beginning as children.<sup>138</sup> Such prior victimization has been found to be associated with greater risk of more serious (adult) partner violence, particularly “systemic abuse” which includes physical, sexual and stalking abuse.<sup>139</sup> In short, some of the adult victims who suffer the greatest abuse may be the least able to protect themselves.

**Implications: Law enforcement officers may find the most severely traumatized victims to behave the least like law enforcement officers would expect them to. They may be among the least able to “cooperate” with law enforcement.**

<sup>131</sup> Albucher R. & Liberzon, I. (2002), *Journal of Psychiatric Research* 36(6):355-367.; Macmillan, R. & Kruttschnitt, C. (2005). *Patterns of Violence Against Women: Risk Factors and Consequences*. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

<sup>132</sup> Arias, I. & Pape, K. (Spring, 1999). *Psychological Abuse: Implications for Adjustment and Commitment to Leave Violent Partner*, *Violence and Victims* 14 (1): 55-67.

<sup>133</sup> Torres, S., & Han, H. (2000). *Psychological Distress in Non-Hispanic White and Hispanic Abused Women*. *Archives of Psychiatric Nursing* 14, 19-29.

<sup>134</sup> Gleason, W. (1993). *Mental Disorders in Battered Women: An Empirical Study*. *Violence and Victims*, 8 (1), 53-68.

<sup>135</sup> Golding J. (1999). *Intimate Partner Violence as a Risk Factor for Mental Disorders: A Meta-analysis*. *Journal of Family Violence* 14(2):99-132.

<sup>136</sup> Macmillan, R. & Kruttschnitt, C. (2005). *Patterns of Violence Against Women: Risk Factors and Consequences*. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

<sup>137</sup> Grisso, J., Schwarz, D., Hirschinger, N., Sammel, M., Brensinger, C., Santanna, J., Lowe, R., Anderson, E., Shaw, L., Bethel, C., & Teeple, L. (1999). *Violent Injuries Among Women in an Urban Area*. *New England Journal of Medicine*, 341, 25, 1899-1930., Macmillan, R. & Kruttschnitt, C. (2005). *Patterns of Violence Against Women: Risk Factors and Consequences*. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

<sup>138</sup> Kramer, R. (1989). *Alcohol and Victimization Factors in the Histories of Abused women Who Come to Court: A Retrospective Case-Control Study*, Ann Arbor, MI: UMI Dissertation Services.,

<sup>139</sup> Macmillan, R. & Kruttschnitt, C. (2005). *Patterns of Violence Against Women: Risk Factors and Consequences*. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

**Research Basis:** *There have been multiple victim studies documenting PTSD rates, although many studies obviously seek out samples likely to include the most severely abused victims such as those in shelters.*

### **Do male victims differ from female domestic violence victims?**

Research on domestic violence victims brought to the attention of law enforcement and the courts find male victims differ substantially from female victims.<sup>140</sup> First and foremost, male victims of any specific domestic violence incident are more likely than female victims to be future *suspects* for domestic violence. In one of the only studies to track abusers and victims over time, the Charlotte, North Carolina law enforcement study found that 41% of males identified as *victims*, who were involved in new incidents of domestic violence within two years were subsequently identified by police as *suspects*. This compares to only 26.3% of females with such role reversals. On the other hand, males identified as *suspects* were much less likely to be identified later as *victims* than females *suspects*, 26% compared to 44.4%.<sup>141</sup>

Similarly, male victims of domestic violence homicides are much more likely than female victims to have been identified previously as abusers of their eventual killers.<sup>142</sup> Several treatises suggest that the abuse experienced by male victims by female intimates is contextually different than that experienced by women victims of male intimates.<sup>143</sup>

Just as male victims differ, so too do females convicted of abusing male partners.<sup>144</sup>

**Implications: Specific incidents of domestic violence may not reveal longer term domestic violence patterns, particularly if the suspect is a female and the victim is a male. Police should acknowledge this fact and encourage suspects who are more typically victims to report future victimization notwithstanding their current suspect status.**

**Research Basis:** *The North Carolina process evaluation of the Charlotte-Mecklenburg police specialized domestic violence unit is unique in looking at subsequent status of victims and suspects in repeat incidents. The study looked at all police complaints*

<sup>140</sup> Macmillan, R. & Kruttschnitt, C. (2005). Patterns of Violence Against Women: Risk Factors and Consequences. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

<sup>141</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington DC: US Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>142</sup> Starr, K., Hobart, M., & Fawcett, J. (2004). Findings and Recommendations from the Washington State Domestic Violence Fatality Review, Seattle, WA: Washington Coalition Against Domestic Violence; Websdale, N., Sheeran, M., & Johnson, B. (1998). Reviewing Domestic Violence Fatalities: Summarizing National Developments, Violence Against Women Online Resources; Winn, R. (1990). *Gender and Homicide: A Comparison on Men and Women Who Kill, Violence and Victims*, 5 (4), 236., R. (1990). *Gender and Homicide: A Comparison on Men and Women Who Kill, Violence and Victims*, 5 (4), 236.

<sup>143</sup> Stark, E. (2007). Coercive Control: How Men Entrap Women in Personal Life. New York, N.Y.: Oxford University Press; Pence, E. & Dasgupta, S. (2006). Re-Examining 'Battering': Are All Acts of Violence Against Intimate Partners the Same? Duluth, MN: Praxis International (U.S. Department of Justice, 1998-WR-VX-K001, Office of Victims on Violence Against Women).

<sup>144</sup> Miller, S. & Meloy, M. (2006). Women's use of Force: Voices of Women Arrested for Domestic Violence, Violence Against Women, 12 (1), 89-115.

*involving domestic violence in 2003 followed for the next two years, totaling 6,892 domestic violence complaints in all. The findings are analogous to numerous findings regarding the prior status of male homicide victims as abusers.*

## **VI. How many abusers are going to do it again?**

Depending upon how reabuse is measured, over what period of time, and what countermeasures either the victim (e.g. getting protective order, going into hiding) or the criminal justice system (arresting, locking up abuser) take, a hard core of approximately a third of abusers will reabuse in the short run and more will reabuse in the longer run.

In Rhode Island, within two years of being placed on probation supervision for a misdemeanor domestic violence offense, 38.4% were arrested for a new domestic violence offense.<sup>145</sup> A half dozen batterer program studies published between 1988 and 2001 conducted across the United States documented reabuse as reported by victims to range from 26 to 41% within five to 30 months.<sup>146</sup> Five studies published between 1985 and 1999 of court-restrained abusers in multiple states found reabuse rates as measured by arrest and/or victim reports to range within four months to two years from 24 to 60%.<sup>147</sup>

Where studies have found substantially lower re-arrest rates for abuse, it appears the lower rate is a result of police behavior, not abuser behavior. In these jurisdictions, victims report equivalent reabuse, notwithstanding low rearrest rates. For example, studies of over 1,000 female victims in Florida, New York City and Los Angeles found while only four to six percent of their abusers were arrested for reabuse within one year, 31% of the victims reported being physically abused with half reported being burned, strangled, beaten up or seriously injured, and 16% reported being stalked or threatened..<sup>148</sup> Similarly, in a Bronx domestic court study, while only 14 to 15% percent

<sup>145</sup> Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. BOTEC Analysis Corporation & American Probation and Parole Association. Final report on grant 2002-WG-BX0011 to the National Institute of Justice.

<sup>146</sup> Aldarondo, E. (2002). *Evaluating the Efficacy of Interventions with Men Who Batter*. In E. Aldarondo & F. Mederos (Eds.) Programs for Men Who Batter. Kingston, NJ: Civic Research Institute, 3-12; Dobash, R., Dobash, R., Cavanaugh, K., & Lewis, R. (1996). *Reeducation Programs for Violent Men: An Evaluation*. Research Findings, 64, 309-322; Edleson, J. & Grusznski, R. (1988). *Treating Men Who Batter: Four Years of Outcome Data from the Domestic Abuse Project*. Journal of Social Service Research, 12, 3-12; Gondolf, E. (2001). *The Program Effects of Batterer Programs in Three Cities*. Violence and Victims, 16, 693-704; Gondolf, E. (1997). Results of a Multi-site Evaluation of Batterer Intervention Systems. Indiana, PA: Mid-Atlantic Addiction Training Institute; Gondolf, E. (2000). *A 30-Month Follow-Up of Court Referred Batterers in Four Cities*. International Journal of Offender Therapy and Comparative Criminology, 44 (1), 111-128; Gondolf, E. & White, R. (2001). *Batterer Program Participants Who Repeatedly Reassault: Psychopathic Tendencies and Other Disorders*. Journal of Interpersonal Violence, 16, 361-380; Hamberger, K. & Hastings, J. (1988). *Skills Training for Spouse Abuse: An Outcome Study*. Journal of Family Violence, 3, 121-130

<sup>147</sup> Aldarondo, E. (2002). *Evaluating the Efficacy of Interventions with Men Who Batter*. In E. Aldarondo & F. Mederos (Eds.) Programs for Men Who Batter. Kingston, NJ: Civic Research Institute, 3-12; Carlson, M., Harris, S., & Holden, G. (1999). *Protective Orders and Domestic Violence: Risk Factors for Reabuse*. Journal of Family Violence, 14 (2), 205-226; Harrell, A. & Smith, B. (1996). *Effects of restraining orders on domestic violence victims*. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 214-243; Keilitz, S., Hannaford, P. & Efkeman, H. (1997). Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence. Washington D.C.: U.S. Department of Justice, 93-IJ-CX-0035 National Institute of Justice; Klein, A. (1996). *Reabuse in a Population of Court Restrained Batterers*. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214.

<sup>148</sup> Roehl, J., O'Sullivan, C., Webster, D., & Campbell, J. (2005). Intimate Partner Violence Risk Assessment Validation Study: The RAVE Study-Practitioner Summary and Recommendations: Validation of Tools for Assessing Risk from Violent Intimate Partners. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0011 National

of defendants convicted of domestic violence misdemeanors or violations were rearrested after one year, victims reported reabuse of 48%.<sup>149</sup>

Reabuse has found to be substantially higher in longer term studies. A Massachusetts study tracked 350 male abusers arrested for intimate female victim abuse over a decade, 1995 to 2005. It found that 60% were re-arrested for a new domestic assault or had a protective order taken out against them, even though some went for three to four years between arrests.<sup>150</sup> An equivalently high rearrest rate for domestic violence was also documented in Colorado between 1994 and 2005. During that time, of 84,431 defendants arrested for domestic violence, according to the state Bureau of Investigation, more than 50,000, nearly 60%, were arrested for domestic violence charges more than once. In other words, the domestic violence rearrest rate was almost 60% for arrested abusers over an average of five years.<sup>151</sup>

**Implications: It is safe to assume that more often than not, the typical abuser who comes to the attention of law enforcement has a high likelihood of continuing to abuse the same or a different victim both in the short term and over the subsequent decade.**

**Research Findings:** *While observational studies vary on reabuse depending how it is measured, there is widespread consensus that reported reabuse is substantially less than actual reabuse experienced by victims which is typically found to be over 50%. The few longitudinal studies of more than a year or two suggests that some abusers continue to reabuse notwithstanding gaps of several years between initial and subsequent reported incidents.*

### **Are abusers at risk for committing new non-domestic violence crimes, too?**

Given extensive prior criminal histories, abusers typically do not confine their re-offending to domestic violence alone. Studies concur that abusers are also likely to commit new non-domestic violence crimes in addition to domestic violence-related crimes. Two New York City studies, one in the Bronx Misdemeanor Domestic Violence Court and the other the Brooklyn Felony Domestic Violence Court, found 58% rearrests for any crime within 30 months in the former from study arrest<sup>152</sup> and 44% within two years in the latter.<sup>153</sup> Most of the new arrests, based on the face of the complaints, were

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Institute of Justice. NCJ 209731; Feder, L. & Forde, D. (2000). A Test of the Efficacy of Court-Mandated Counseling for Domestic Violence Offenders: The Broward Experiment. Washington D.C.: U.S. Department of Justice, 96-WT-NX-0008 National Institute of Justice, NCJ 184752.

<sup>149</sup> Rempel, M., Labriola, M., & Davis, R. (2008) *Does Judicial Monitoring Deter Domestic Violence Recidivism? Violence Against Women*, 14(2).

<sup>150</sup> Klein, A. & Tobin, T. (2008). *Longitudinal Study of Arrested Batterers, 1995-2005: Career Criminals*. *Violence Against Women*, 14(2); Wilson, D. & Klein, A. (2006). A Longitudinal Study of a Cohort of Batterers Arraigned in a Massachusetts District Court 1995-2004. Washington D.C.: U.S. Department of Justice, 2004-WB-GX-0011 National Institute of Justice, NCJ 215346.

<sup>151</sup> Huntley, S. & Kilzer, L. (February 9, 2005). *Battered Justice Series*. Rocky Mountain News.

<sup>152</sup> Newmark, L., Rempel, M., Diffily, & Kane, K. (2001). Specialized Felony Domestic Violence Court: Lessons on Implementation and Impacts from the Kings County Experience. Washington D.C.: U.S. Department of Justice, 97-WT-VX-0005 National Institute of Justice, NCJ 191861.

<sup>153</sup> Puffett, N. & Gavin, C. (April 2004). Predictors of program outcome & recidivism at the Bronx Misdemeanor Domestic Violence Court, New York, NY: Center for Court Innovation.

for non-domestic violence related crimes, such as drug possession and/or sale or property offenses.

Similarly, while 51% of the Massachusetts abuser arrestees were rearrested for new domestic violence over ten years, 57% were rearrested for non-domestic violence, including 15% who were not also arrested for new domestic violence.<sup>154</sup> Among Cook County domestic violence misdemeanants, 26.1% were arrested within 2.4 years on average for new domestic violence while 46.5% were arrested for any offense.<sup>155</sup>

It is not surprising that research from the National Youth Survey found that most men (76%) who engage in domestic violence report also engaging in one or more deviant acts concurrently, including illegal behavior such as stealing or illicit drug use.<sup>156</sup> Nor is abuser violence limited to their households. In Cook County (Chicago, Illinois), the majority of prosecuted misdemeanor domestic violence offenders (55.6%) were found to have been violent with others, in addition to their partners.<sup>157</sup>

**Implications: Aggressively pursuing abusers not only may protect victims and their children, but also reduce non-domestic offenses often committed by abusers.**

**Research Basis:** *While multiple disparate studies document that abusers identified by the criminal justice system are likely to have nondomestic criminal histories, at least one study of non-arrested young married or cohabiting men also finds domestic violence and other deviant behavior were associated both concurrently and prospectively.*

### When will abusers reabuse?

Studies agree that for those abusers who re-offend, a majority do so relatively quickly. In states where no-contact orders are automatically imposed after an arrest for domestic violence, re-arrests for order violations begin to occur immediately upon the defendant's release from the police station and/or court. For example, in both a Massachusetts Misdemeanor arrest study and a Brooklyn, New York, felony arrest study, the majority of defendants re-arrested for new abuse were arrested while their initial abuse cases were still pending in court.<sup>158</sup> The latter included a 16% arrest rate for violation of no contact orders and 14% for a new felony offense.<sup>159</sup> Similarly, a little more than one-third of the domestic violence probationers in Rhode Island who were

<sup>154</sup> Klein, A. & Tobin, T. (2008). *Longitudinal Study of Arrested Batterers, 1995-2005: Career Criminals*. Journal of Violence Against Women, 14(2).

<sup>155</sup> Bennett, L., Stoops, C., Call, C., & Flett, H. (2007). *Program Completion and Re-arrest in a Batterer Intervention System*. Research on Social Work Practice, 17 (42), 42-54.

<sup>156</sup> Norwood, W., Jouriles, E., McDonald, R. & Swank, P. (2004). Domestic Violence and Deviant Behavior, Washington D.C.: U.S. Department of Justice, 98-WT-VX-005 National Institute of Justice, NCJ 199713.

<sup>157</sup> Hartley, C. & Frohmann, L. (2003). Cook County Target Abuser Call (TAC): An Evaluation of a Specialized Domestic Violence Court. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0003, National Institute of Justice, NCJ 202944.

<sup>158</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Newmark, L., Rempel, M., Diffily, & Kane, K. (2001). Specialized Felony Domestic Violence Court: Lessons on Implementation and Impacts from the Kings County Experience. Washington D.C.: U.S. Department of Justice, 97-WT-VX-0005 National Institute of Justice, NCJ 191861

<sup>159</sup> Newmark, L., Rempel, M., Diffily, & Kane, K. (2001). Specialized Felony Domestic Violence Court: Lessons on Implementation and Impacts from the Kings County Experience. Washington D.C.: U.S. Department of Justice, 97-WT-VX-0005 National Institute of Justice, NCJ 191861



rearrested for domestic violence were re-arrested within two months of being placed under probation supervision. More than half (60%) were arrested within six months.<sup>160</sup> A multi-state study of abusers referred to batterer programs found that almost half of the men (44%) who re-assaulted their partners did so within three months after batterer program intake, and two-thirds within six months. The men who re-assaulted within the first three months were more likely to repeatedly reassault their partners than the men who committed the first re-assault after the first three months.<sup>161</sup> In the Bronx, similarly, re-offending happened early among those convicted for misdemeanor or domestic violence violations. Of those re-arrested for domestic violence, approximately two-thirds re-offended within the first six months.<sup>162</sup>

**Implications: Arrest is only the first step in stopping abuse. Once arrested, counter measures must be immediately begun if the suspect is released pending trial. Focusing on those *already arrested* for domestic violence provides law enforcement with the means to target a high risk population of abusers disproportionately likely to commit new abuse-related and other offenses.**

**Research Basis: Multiple studies from disparate jurisdictions have all found relatively quick reabuse by those that reabuse within the first year or two.**

## VII. Which abusers are likely to do it again in the short term?

When officers respond to a domestic violence call, they typically do not have a lot of information about the parties involved, their psychological profiles, family and child development histories, and the like. Fortunately, the research consistently finds that the basic information usually available to officers provides as accurate a prediction of abuser risk to the victim as more extensive and time consuming investigations involving more sources, including clinical assessments.<sup>163</sup> As a Bronx study on batterer treatment concluded, intensive individual assessments of attitudes or personality are not required to make reasonable judgments regarding abusers' risk.<sup>164</sup>

### Is gender important?

<sup>160</sup> Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. Waltham, MA: BOTEC Analysis Corporation & American Probation and Parole Association. Final report on grant 2002-WG-BX0011 to the National Institute of Justice.

<sup>161</sup> Gondolf, E. (1987). Evaluating Programs for Men Who Batter: Problems and Prospects. Journal of Family Violence, 2 (2), 177-191; Gondolf, E. (December 1997). Patterns of Re-assault in Batterer Programs. Indiana, PA: Mid-Atlantic Addiction Training Program; Gondolf, E. (1997). Results of a Multi-site Evaluation of Batterer Intervention Systems. Indiana, PA: Mid-Atlantic Addiction Training Institute.

<sup>162</sup> Rempel, M., Labriola, M., & Davis, R. ( ) Does Judicial Monitoring Deter Domestic Violence Recidivism? New York: Center for Court Innovation.

<sup>163</sup> Heckert, D. & Gondolf, E. (June 2000). Assessing Assault Self-reports by Batterer Program Participants and Their Partners. Journal of Family Violence 15 (2), 181-197; Heckert, D., & Gondolf, E. (2004). Battered Women's Perceptions of Risk Versus Risk Factors and Instruments in Predicting Repeat Reassault, Journal of Interpersonal Violence, 19 (7), 778-800; Heckert, D. & Gondolf, E. (2005). Do Multiple Outcomes and Conditional Factors Improve Prediction of Batterer Reassault? Violence and Victims, 20 (1), 3-24; Roehl, J. & Guertin, K. (2000). Intimate Partner Violence: The Current Use of Risk Assessments in Sentencing Offenders', The Justice System Journal, 21, (2), 171-198.

<sup>164</sup> Puffett, N. & Gavin, C. (April 2004). Predictors of Program Outcome & Recidivism at the Bronx Misdemeanor Domestic Violence Court, New York, NY: Center for Court Innovation.

Of course, the most powerful predictor of risk is gender. All of the research concurs that males are more likely to reabuse than females.<sup>165</sup>

### Is age important?

Younger defendants are more likely to reabuse and recidivate than older defendants.<sup>166</sup> This has been found true in studies of arrested abusers, batterers in treatment programs, as well as court restrained abusers.<sup>167</sup>

### Is prior arrest history important?

If the abuser has just **one** prior arrest on his criminal record for **any** crime, not just domestic violence, he is more likely to reabuse than if he has no prior arrest.<sup>168</sup> A multi-state study of more than 3,000 police arrests found that offenders with a prior arrest record for any offense were over seven times more likely than those without prior records to be rearrested.<sup>169</sup>

The length of prior record is predictive of reabuse as well as general recidivism.<sup>170</sup> In looking at all restrained male abusers over two years, Massachusetts research, for example, documented that if the restrained abuser had just one prior arrest

<sup>165</sup> See, e.g., Puffett, N. & Gavin, C. (April 2004). Predictors of Program Outcome & Recidivism at the Bronx Misdemeanor Domestic Violence Court, New York, NY: Center for Court Innovation

<sup>166</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. Waltham, MA: BOTEK Analysis Corporation & American Probation and Parole Association. Final Report to NIJ on Grant 2002-WG-BX-0011; Puffett, N. & Gavin, C. (April 2004). Predictors of Program Outcome & Recidivism at the Bronx Misdemeanor Domestic Violence Court, New York, NY: Center for Court Innovation.

Rempel, M., Labriola, M., & Davis, R. ( ) Does Judicial Monitoring Deter Domestic Violence Recidivism? New York: Center for Court Innovation; Ventura, L. & Davis, G. (October 2004). Domestic Violence: Court Case Conviction and Recidivism in Toledo. Toledo, OH: University of Toledo Urban Affairs Center; Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence, Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>167</sup> Klein, A. (1996). Reabuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214; Heckert, D., & Gondolf, E. (2004). Battered Women's Perceptions of Risk Versus Risk Factors and Instruments in Predicting Repeat Reassault, Journal of Interpersonal Violence, 19 (7), 778-800; Heckert, D. & Gondolf, E. (June 2000). Assessing Assault Self-reports by Batterer Program Participants and Their Partners. Journal of Family Violence 15 (2), 181-197; Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence, Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781; Macmillan, R. & Kruttschnitt, C. (2005). Patterns of Violence Against Women: Risk Factors and Consequences. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

<sup>168</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Davis, R., Smith, B. & Nickles, L. (1998). The Deterrent Effect of Prosecuting Domestic Violence Misdemeanors. Crime & Delinquency, 44 (3), 434-443; Gondolf, E. (2000). A 30-Month Follow-Up of Court Referred Batterers in Four Cities. International Journal of Offender Therapy and Comparative Criminology, 44 (1), 111-128; see also Rempel, M., Labriola, M., & Davis, R. (2008). Does Judicial Monitoring Deter Domestic Violence Recidivism? Violence Against Women, 14 (2), 185-207; Orchowsky, S. (1999). Evaluation of a Coordinated Community Response to Domestic Violence: The Alexandria Domestic Violence Intervention Project-Final Report. Washington D.C.: U.S. Department of Justice, 95-WT-NX-0004, National Institute of Justice, NCJ 179974.

<sup>169</sup> Hirschel, D., Buzawa, E., Pattavina, A., Faggiana, D. & Ruelan, M. (2007). Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases. U.S. Department of Justice, 2001-WT-BX-0501 National Institute of Justice, NCJ 218355.

<sup>170</sup> Newmark, L., Rempel, M., Diffily, K. & Kane, K. (October 2001). Specialized Felony Domestic Violence Courts: Lessons on Implementation and Impacts from the Kings County Experience. Washington D.C.: Urban Institute.

for any offense on his criminal record, his reabuse rate of the same victim rose from 15 to 25%; if he had five to six prior arrests, it rose to 50%.<sup>171</sup> In the Rhode Island abuser probation study, abusers with one prior arrest for any crime were almost twice as likely to reabuse within the year compared to those with no prior arrest, 40% compared to 22.6%. And if they had more than one, reabuse increased to 73.3%.<sup>172</sup>

Of course, prior civil or criminal prior records specifically for abuse also increase the likelihood for reabuse.<sup>173</sup>

Related to the correlation between prior arrest history and reabuse, research also finds similar increased risk for reabuse if suspects are on warrants. In the Berkeley study, for example, researchers documented that having a pending warrant at time of the domestic violence incident for a prior non-domestic violence offense was a better predictor of reabuse than a prior domestic violence record alone.<sup>174</sup> Similarly, in the one study that looked at it, suspects gone at arrival of police were twice as likely to reabuse as those found on the scene by police.<sup>175</sup>

Similarly, one large state study found that if the suspect before the court for domestic violence is already on probation for anything else or another domestic violence case was also pending at the time of a subsequent arrest for domestic violence, that defendant was more likely than not to be arrested again for domestic violence within one year.<sup>176</sup>

**Implications: The absence of a prior domestic violence arrest is not as powerful a predictor of no reabuse as the absence of a prior arrest for anything. On the other hand, a prior record for any crime may be as accurate a predictor for subsequent domestic violence as a prior record for domestic violence. Law enforcement officers should attempt to track down suspect gone at the scene and/or aggressively serve warrants to protect victims for higher risk abusers.**

**Research Basis: Multiple studies in disparate jurisdictions find both prior criminal history as well as prior domestic violence correlate with reabuse, although the power of prior domestic violence history may be less revealing if domestic violence arrest rates**

<sup>171</sup> Klein, A. (1996). *Reabuse in a Population of Court Restrained Batterers*. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214.

<sup>172</sup> Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. Waltham, MA: BOTEC Analysis Corporation & American Probation and Parole Association. Final report on grant 2002-WG-BX0011 to the National Institute of Justice.

<sup>173</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Ventura, L. & Davis, G. (October 2004). Domestic Violence: Court Case Conviction and Recidivism in Toledo. Toledo, OH: University of Toledo Urban Affairs Center; Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington DC: US Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916; Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781.

<sup>174</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>175</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>176</sup> Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. Waltham, MA: BOTEC Analysis Corporation & American Probation and Parole Association. Final report on grant 2002-WG-BX0011 to the National Institute of Justice.

are low in that specific jurisdiction and vice versa. While only the limited studies cited speak to reabuse correlated to abuser flight, they are consistent with more plentiful arrest studies that find support the efficacy of arresting abuse suspects.

### Is substance abuse important?

Acute and chronic alcohol and drug use are well established risk factors.<sup>177</sup> This also applies to domestic violence. Prior arrests for drug and alcohol also correlate with higher rates of reabuse.<sup>178</sup> Just one prior arrest for any alcohol or drug offense (e.g. drunk driving, possession of a controlled substance), for example, doubled the reabuse rate from 20% (no prior drug/alcohol arrest) to 40% (at least one arrest for drugs/alcohol) in a restraining order study over two years.<sup>179</sup>

Defendant alcohol and substance abuse, similarly, are predictive of reabuse and recidivism.<sup>180</sup> The multi-state batterer program referral study found “heavy drinking” to be a significant predictor for reabuse. For the same reason, it found that abuser participation in drug treatment predicted repeated reassaults.<sup>181</sup> Batterers who complete batterer intervention are three times more likely to reabuse if they are intoxicated at any three month interval.<sup>182</sup>

Multiple,<sup>183</sup> but not all studies,<sup>184</sup> have found that abuser and/or victim abusing drugs or alcohol *at the time* of the incident to be a consistent risk marker for continued abuse.

<sup>177</sup> Hirschel, J.D. & Dawson, D. (2003). Violence Against Women: Synthesis of Research for Law Enforcement Officials. Washington D.C.: U.S. Department of Justice, 98-WT-VX-K001 National Institute of Justice, NCJ 198372; Wekerle, C. & Wall, A. (2002). The violence and addiction equation: Theoretical and clinical issues in substance abuse and relationship violence. New York, NY: Brunner-Routledge.

<sup>178</sup> Goldkamp, J. (1996). The Role of Drug and Alcohol Abuse in Domestic Violence and its Treatment: Dade County’s Domestic Violence Court Experiment. Washington D.C.: U.S. Department of Justice, National Institute of Justice.

<sup>179</sup> Klein, A. (1996). Reabuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214.

<sup>180</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Klein, A. (1996). Reabuse in a Population of Court Restrained Batterers. In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island’s Specialized Supervision of Domestic Violence Probationers. Waltham, MA: BOTEK Analysis Corporation & American Probation and Parole Association. Final Report to NIJ on Grant 2002-WG-BX-0011; Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

<sup>181</sup> Heckert, D. & Gondolf, E. (2005). Do Multiple Outcomes and Conditional Factors Improve Prediction of Batterer Reassault? Violence and Victims, 20 (1), 3-24.

<sup>182</sup> Gondolf, E. (December 1997). Patterns of Re-assault in Batterer Programs. Indiana, PA: Mid-Atlantic Addiction Training Program; Gondolf, E. (2001). The Program Effects of Batterer Programs in Three Cities. Violence and Victims, 16, 693-704; Gondolf, E. (1997). Results of a Multi-site Evaluation of Batterer Intervention Systems. Indiana, PA: Mid-Atlantic Addiction Training Institute; Gondolf, E. (2000). A 30-Month Follow-Up of Court Referred Batterers in Four Cities. International Journal of Offender Therapy and Comparative Criminology, 44 (1), 111-128.

<sup>183</sup> Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault. Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301.

<sup>184</sup> Hirschel, D., Buzawa, E., Pattavina, A., Faggiana, D. & Ruelan, M. (2007). Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases. U.S. Department of Justice, 2001-WT-BX-0501 National Institute of Justice, NCJ 218355; Felson, R., Ackerman, J. & Gallagher, C. (2005). Police Intervention and the Repeat of Domestic Assault. Washington D.C.: U.S. Department of Justice, 2002-WG-BX-2002, National Institute of Justice, NCJ 210301; Orchowsky, S. (1999). Evaluation of a Coordinated Community Response to Domestic Violence: The Alexandria Domestic Violence Intervention Project-Final Report. Washington D.C.: U.S. Department of Justice, 95-WT-NX-0004, National Institute of Justice, NCJ 179974.

**Implications: Seemingly unrelated, nonviolent offenses like drunk driving or drug possession that suggest substance abuse by the abuser should be considered as risk markers for continued abuse.**

**Research Basis:** *Multiple disparate studies suggest that any disagreement regarding the relationship between domestic abuse and substance abuse has to do with whether or not substance abuse “causes” domestic violence, not that the correlation exists.*

### **Are victims accurate predictors of reabuse?**

Victim perception of risk has been found to significantly improve the accuracy of prediction over other risk factors,<sup>185</sup> increasing sensitivity from 55 to 70% (Sensitivity is the proportion of true positives that are correctly identified by the test).<sup>186</sup> However, the same researchers find that women’s perceptions have to be interpreted. Women who felt very safe were less likely to be repeatedly reassaulted than those that felt somewhat safe. But women who were uncertain or felt somewhat unsafe were more likely to be reassaulted repeatedly than those who felt in much danger. The reason for this apparent contradiction is that women who felt in greatest danger took effective counter measures during the study. In other words, the research suggests that if women are not certain they will be safe, they err by giving the benefit of the doubt to their abuser. For these reasons, these researchers conclude the best predictions of repeated reassaults obtained by using risk markers, including women’s perceptions.<sup>187</sup> The researchers concern over victim under assessment of risk is born out by a large study of more than 1,000 women who sought protective orders or shelter or whose abusers were arrested in Los Angeles and New York City. Almost a quarter of these victims who thought their risk of reassault was low were, in fact, reassaulted within one year.<sup>188</sup>

Victim perception of risk also affects their reaction to criminal justice intervention. Arrest research finds that victims who were not re-victimized over two years were twice as likely to have opposed arrest compared to those who were revictimized. Those who thought police and court intervention did not go far enough were also accurate. Those who said police actions were too weak were three times more likely to experience revictimization and those that said courts failed them were seven times more likely to experience revictimization.<sup>189</sup>

<sup>184</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>185</sup> DeBecker, G. (1997). The Gift of Fear. Boston, MA: Little, Brown & Co.

<sup>186</sup> Heckert, D. & Gondolf, E. (2004). *Battered Women’s Perceptions of Risk Versus Risk Factors and Instruments in Predicting Repeat Reassault*, Journal of Interpersonal Violence, 19 (7), 778-800.

<sup>187</sup> DeBecker, G. (1997). The Gift of Fear. Boston, MA: Little, Brown & Co.; Heckert, D. & Gondolf, E. (2004). *Battered Women’s Perceptions of Risk Versus Risk Factors and Instruments in Predicting Repeat Reassault*, Journal of Interpersonal Violence, 19 (7), 778-800.

<sup>188</sup> Roehl, J., O’Sullivan, C., Webster, D., & Campbell, J. (2005). Intimate Partner Violence Risk Assessment Validation Study: The RAVE Study-Practitioner Summary and Recommendations: Validation of Tools for Assessing Risk from Violent Intimate Partners. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0011 National Institute of Justice. NCJ 209731.

<sup>189</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

**Implications:** Asking victims if they fear reassault and/or severe reassaults provides one of the best ways to predict reabuse and/or potential lethality and requires the least resources and time commitment, but cannot be relied upon alone. Although unlikely to exaggerate their risk, women often underestimate it.

**Research Basis:** *The national homicide study involving hundreds of victims of attempted homicides as well as the general reabuse studies confirms these findings.*

### **Are there other common risk factors associated with reabuse?**

Several studies have found other consistent risk markers for reabuse, many associated with the variables described above. These include increased risk associated with abusers who flee the scene of a domestic,<sup>190</sup> abusers who are unemployed,<sup>191</sup> economically disadvantaged and living in disadvantaged neighborhoods,<sup>192</sup> live in a household with firearms,<sup>193</sup> and if the abuser is not the father of children in the household.<sup>194</sup>

**Implications:** Law enforcement officers recording the status of the above variables in their initial reports will prove valuable data for the determination of risk in future bail hearings, charging decisions, and sentencing reports.

**Research Basis:** *These specific risk factors generally have been found in multiple studies as cited but may vary in relevance and power across jurisdictions.*

### **What factors are *not* associated with reabuse?**

<sup>190</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>191</sup> Benson, M. & Fox, G. (2004). Concentrated Disadvantage, Economic Distress, and Violence Against Women in Intimate Relationships. Washington D.C.: U.S. Department of Justice, National Institute of Justice, NCJ 199709; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). *Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study.* American Journal of Public Health, 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, National Institute of Justice Journal 250, 14-19. NCJ 196547; Malcoe, L. & Duran, B. (2004). Intimate Partner Violence and Injury in the Lives of Low-Income Native American Women, Washington D.C.: U.S. Department of Justice, National Institute of Justice, NCJ 199703.; Orchowsky, S. (1999). Evaluation of a Coordinated Community Response to Domestic Violence: The Alexandria Domestic Violence Intervention Project-Final Report, Washington D.C.: U.S. Department of Justice, 95-WT-NX-0004, National Institute of Justice, NCJ 179974.

<sup>192</sup> Macmillan, R. & Kruttschnitt, C. (2005). Patterns of Violence Against Women: Risk Factors and Consequences. Washington D.C.: U.S. Department of Justice, 2002-IJ-CX-0011 National Institute of Justice, NCJ 208346.

<sup>193</sup> Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). *Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study.* American Journal of Public Health, 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). Assessing Risk Factors for Intimate Partner Homicide, National Institute of Justice Journal 250, 14-19. NCJ 196547.

<sup>194</sup> Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V. & Laughon, K. (2003). *Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study.* American Journal of Public Health, 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). I Homicide, National Institute of Justice Journal 250, 14-19. NCJ 196547.

Generally, the seriousness of the presenting incident does not predict reabuse, whether felony or misdemeanor, including whether there were injuries or not, or what the specific charge is.<sup>195</sup> Abuser personality types have not been found to be associated with increased risk of reabuse.<sup>196</sup> Actuarial data offer improvement over clinical data.<sup>197</sup> Victim characteristics, including relationship with abuser, marital status and whether the parties are living together or separated, have not been found to predict reabuse.<sup>198</sup> At least one study has found that victim cooperation does not predict recidivism.<sup>199</sup>

**Implications: Criteria for charging should not be confused with criteria for determining future risk.**

**Research Basis:** *Wide agreement among multiple studies across the nation involving different abuser populations.*

### **Do the widely used risk instruments accurately predict reabuse?**

All of the common risk instruments in use are insufficient. The best instruments have found to falsely predict 40 to 43% abusers in both directions.<sup>200</sup> For example, a study of a risk instrument used by police in Berkeley found those classified at highest risk for re-offending did have the highest rate of reoffending but also had 43% false positives, over prediction. Those gauged as the lowest risk had 2% false negatives.<sup>201</sup>

**Implications: Given high base rates of re-abusing, the default presumption should be that the defendant will likely re-offend until proven otherwise. Risk instruments do not significantly improve upon victim perception and basic actuarial data.**

<sup>195</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427; Davis, R., Smith, B. & Nickles, L. (1998). *The Deterrent Effect of Prosecuting Domestic Violence Misdemeanors.* Crime & Delinquency, 44 (3), 434-443; Klein, A. (1996). *Reabuse in a Population of Court Restrained Batterers.* In E. Buzawa & C. Buzawa (Eds.) Do Arrest and Restraining Orders Work? Thousand Oaks, CA: Sage, 192-214; Klein, A., Wilson, D., Crowe, A., & DeMichele, M. (2005). An Evaluation of Rhode Island's Specialized Supervision of Domestic Violence Probationers. Waltham, MA: BOTEK Analysis Corporation & American Probation and Parole Association, Final Report to NIJ on Grant 2002-WG-BX-0011; Labriola, M. Rempel, M. & Davis, R. (2005). Testing the Effectiveness of Batterer Programs and Judicial Monitoring: Results from a randomized Trial. New York, Center for Court Innovation (NIJ); Orchowsky, S. (1999). Evaluation of a Coordinated Community Response to Domestic Violence: The Alexandria Domestic Violence Intervention Project-Final Report. Washington D.C.: U.S. Department of Justice, 95-WT-NX-0004, National Institute of Justice, NCJ 179974.

<sup>196</sup> Heckert, D., & Gondolf, E. (2005). *Do Multiple Outcomes and Conditional Factors Improve Prediction of Batterer Reassault? Violence and Victims*, 20 (1), 3-24.

<sup>197</sup> Roehl, J. & Guertin, K. (2000). *Intimate Partner Violence: The Current Use of Risk Assessments in Sentencing Offenders'*, The Justice System Journal, 21, (2), 171-198.

<sup>198</sup> Buzawa, E., Hotaling, G., Klein, A. & Byrnes, J. (1999). Response to Domestic Violence in a Pro-Active Court Setting. Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0027, National Institute of Justice, NCJ 181427.

<sup>199</sup> Labriola, M. Rempel, M. & Davis, R. (2005). Testing the Effectiveness of Batterer Programs and Judicial Monitoring: Results from a Randomized Trial. New York, Center for Court Innovation, Final Report to NIJ on Grant 2001-WT-BX-0506.

<sup>200</sup> Roehl, J., O'Sullivan, C., Webster, D., & Campbell, J. (2005). Intimate Partner Violence Risk Assessment Validation Study: The RAVE Study-Practitioner Summary and Recommendations: Validation of Tools for Assessing Risk from Violent Intimate Partners. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0011 National Institute of Justice. NCJ 209731.

<sup>201</sup> Wordes, M. (2000). Creating a Structured Decision-Making Model for Police Intervention in Intimate Partner Violence. Washington D.C.:U.S. Department of Justice, 96-IJ-CX-0098, National Institute of Justice. NCJ 182781

**Research Basis:** *Not only is there wide agreement among multiple studies, but the same instrument may have different results in different jurisdictions.*

### **VIII. Which abusers are most likely to try to kill their victims?**

Prediction of lethality is much more difficult than predicting reabuse and recidivism because, fortunately, it is much rarer. Also, the risk of lethality may increase due to situational circumstances, as opposed to static abuser characteristics. Nonetheless, researchers have found some key factors that increase the likelihood of homicide and/or significant injuries.

#### **What about firearms and other weapons?**

According to a CDC study, more female intimate partners are killed by firearms than all other means combined.<sup>202</sup> Firearms in the household increase the odds of lethal as opposed to nonlethal violence 6.1 to 1. Women who were previously threatened or assaulted with a firearm or other weapon are 20 times more likely to be murdered by their abuser than other women.<sup>203</sup> Prior firearm use includes threats to shoot victim; cleaning, holding, or loading a gun during an argument; threatening to shoot a pet or a person the victim cares about; and shooting a gun during an argument.<sup>204</sup>

A significant Massachusetts study of 31 men imprisoned for murdering their female partners willing to talk to researchers found that almost two-thirds of the guns used by men who shot their partners were illegal because the suspect had a prior abuse assault conviction or contemporary protective orders.<sup>205</sup>

**Implications:** *One of the most crucial steps to prevent lethal violence is to disarm abusers and keep them disarmed. Departments should implement a program to identify firearms in abusers' possession and remove them as soon as legally permissible and make sure the abuser remains disarmed. If police agencies are involved in firearm licensing, they should aggressively screen for domestic violence, even if not found initially in inquiries to the FBI's National Instant Criminal Background Check System (NICS).*

**Research Basis:** *Multiple studies, national, state, and local, support this as does a state by state correlation between existence of restrictive gun laws for batterers, state registries to enforce them and lower domestic homicide rates.*<sup>206</sup>

<sup>202</sup> Paulkossi, L. (October 2001). *Surveillance for Homicide among Intimate Partners-United States, 1991-1998*, *Morbidity and Mortality Weekly Surveillance Summaries*, 5, 1-16.

<sup>203</sup> Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Urich, Y. & Wilt, S. (2003). *Assessing Risk Factors for Intimate Partner Homicide*, *National Institute of Justice Journal* 250, 14-19. NCJ 196547; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Urich, Y. & Wilt, S. (2003). *Assessing Risk Factors for Intimate Partner Homicide*, *National Institute of Justice Journal* 250, 14-19. NCJ 196547.

<sup>204</sup> Block, C. (2004). *Risk Factors for Death or Life-Threatening Injury for Abused Women in Chicago*. Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0020, National Institute of Justice, NCJ 199732; Rothman, E., Hemenway, D., Miller, M. & Azrel, D. (2004). *Batterers' Use of Guns to Threaten Intimate Partners*. (Winter 2005). *Journal of the American Medical Women's Association* 60 (1).

<sup>205</sup> Adams, D. (2007). *Why do they kill? Men who murder their intimate partners*. Nashville, TN: Vanderbilt University Press.

<sup>206</sup> Vigdor, E. & Mercy, J. (2006). *Do laws Restricting Access to Firearms by Domestic Violence Offenders Prevent Intimate Partner Homicide?* *Evaluation Review*, 30 (3), 313-346.



### **What are other lethality risk markers?**

Other lethality markers that multiply the odds of homicide five times or more over non-fatal abuse have been found in a national study to include: a) threats to kill (14.9); b) prior attempts to strangle (9.9); c) forced sex (7.6); d) escalating physical violence severity over time (5.2); and e) partner control over the victim's daily activities (5.1).<sup>207</sup> Research has also found that male abusers are more likely to kill if the children in the household are his partner's by another man.<sup>208</sup> A Chicago study similarly found death was more likely if the partner threatened or used a knife or gun; strangled his partner or grabbed around her neck, and both were drunk.<sup>209</sup>

A series of interviews with 31 men imprisoned for partner murders revealed how quickly abusers turned lethal. Relationships with short courtships were much more likely to end in murder or attempted murder, and also to have quicker ends to the relationships than those following longer term courtships. Half of the murderers had relationships of no more than three months and almost a third, only one month.<sup>210</sup>

In terms of female murders of male partners, the research suggests abused women who killed their partners had experienced more severe and increasing violence over the prior year. They also had fewer resources, such as employment or high school education, and were in a long-term relationship.<sup>211</sup>

### **What are risk markers for severe injury?**

Medical researchers have looked at severe injuries, those causing victims to seek hospital emergency room treatment. They have found alcohol abuse, drug use, intermittent employment or recent unemployment, and having less than high school education to distinguish partners of women seeking medical treatment from domestic violence injuries compared to partners of women seeking treatment for non-domestic violence injuries. In one study, researchers found 63.7% of the abusive partners were alcohol abusers, 36.7% abused drugs; a slight majority, 51.6%, was drinking at the time

<sup>207</sup> Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). *Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study*. *American Journal of Public Health*, 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). *Assessing Risk Factors for Intimate Partner Homicide*, *National Institute of Justice Journal* 250, 14-19. NCJ 196547.

<sup>208</sup> Block, C. (2004). *Risk Factors for Death or Life-Threatening Injury for Abused Women in Chicago*. Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0020, National Institute of Justice, NCJ 199732, Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., Glass, N., McFarlane, C., J. Sachs, C., Sharps, P. Ulrich, Y., Wilt, S., Manganello, X, Xu, X., Schollenberger, J., Frye, V.. & Laughon, K. (2003). *Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study*. *American Journal of Public Health*, 93 (7), 1089-1097; Campbell, J., Webster, D., Koziol-McLain, Block, R., Campbell, D., Curry, M., Gary, F., McFarlane, J. Sachs, C., Sharps, P. Ulrich, Y. & Wilt, S. (2003). *Assessing Risk Factors for Intimate Partner Homicide*, *National Institute of Justice Journal* 250, 14-19. NCJ 196547.

<sup>209</sup> Block, C. (2004). *Risk Factors for Death or Life-Threatening Injury for Abused Women in Chicago*. Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0020, National Institute of Justice, NCJ 199732

<sup>210</sup> Adams, D. (2007). *Why do they kill? Men who murder their intimate partners*. Nashville, TN: Vanderbilt University Press.

<sup>211</sup> Block, C. (2004). *Risk Factors for Death or Life-Threatening Injury for Abused Women in Chicago*. Washington D.C.: U.S. Department of Justice, 96-IJ-CX-0020, National Institute of Justice, NCJ 199732.

of the assault, and 14.8% admitted to drug use at the time.<sup>212</sup> A similar hospital study found cocaine use and prior arrests distinguished the violent partners from the non-violent partners of women admitted to hospitals for treatment of injuries.<sup>213</sup>

**Implications: Prior threats to kill, prior strangulation, and sexual assaults should be taken very seriously as well as drinking and drugging histories and current use in considering offender danger.**

**Research Basis:** *Although not exactly, repeated studies overlap with the same or similar risk factors for injury and lethality, including hospital studies (of severe injuries) of victims not necessarily involved in the criminal justice system.*

## **IX. Are specialized law enforcement domestic violence units effective in responding to domestic violence?**

**Performance Measure: Eleven percent (11%) of departments have a specialized domestic violence unit according to a national survey of a representative sample of 14,000 law enforcement agencies. Most work within investigative units. They are most common in larger departments. The majority of departments (56%) with 100 or more officers have specialized domestic violence units. While only 4% of departments maintain domestic violence information on their websites, three-quarters of those departments with websites also had specialized domestic violence units.**<sup>214</sup>

**Research Basis:** *Representative sample drawn from 14,000 law enforcement agencies across nation.*

### **Do they influence prosecution and convictions of abuse suspects?**

Specialized domestic violence units, emphasizing repeat victim contact and evidence gathering, have been shown to significantly increase the likelihood of prosecution, conviction and sentencing.<sup>215</sup> Specialized domestic violence units are generally associated with more extensive inquiries made by department call takers, including asking if there are weapons involved, advising callers to stay on the line until police arrive, ask if children are present, whether suspect uses drugs/alcohol, presence of restraining orders or whether the suspect is on probation or parole.<sup>216</sup> They also have been showed to be more likely to amass evidence to turn over to prosecutors. The

<sup>212</sup> Kyriacou, D., Anglin, D., Taliaferro, E., Stone, S., Tubb, T., Linden, J., Muelleman, R., Barton, E., & Kraus, J. (1999). *Risk Factors for Injury to Women from Domestic Violence*. New England Journal of Medicine, 341, (25), 1892-1898.

<sup>213</sup> Grisso, J., Schwarz, D., Hirschinger, N., Sammel, M., Brensinger, C., Santanna, J., Lowe, R., Anderson, E., Shaw, L., Bethel, C., & Teeple, L. (1999). *Violent Injuries among Women in an Urban Area*. New England Journal of Medicine, 341, 25, 1899-1930.

<sup>214</sup> Townsend, M., Hunt, D., Kuck, S. & Baxter, C. (2006). Law Enforcement Response to Domestic Violence Calls for Service, Washington D.C.:U.S. Department of Justice, 99-C-008 National Institute of Justice, NCJ 215915.

<sup>215</sup> Jolin, A., Feyerherm, W., Fountain, R., & Friedman, S. (1998). Beyond Arrest: The Portland, Oregon Domestic Violence Experiment, Final Report, Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0054, National Institute of Justice, NCJ 179968.

<sup>216</sup> Townsend, M., Hunt, D., Kuck, S. & Baxter, C. (2006). Law Enforcement Response to Domestic Violence Calls for Service, Washington D.C.:U.S. Department of Justice, 99-C-008 National Institute of Justice, NCJ 215915.

specialized unit in Mecklenburg County (Charlotte), North Carolina collected evidence in 61.8% of its cases compared to only 12.5% collected by patrol officers. In addition, while 30% of victims handled by regular patrols declined to prosecute, only 8% of victims declined who were handled by the specialized unit.<sup>217</sup>

### **Do they influence victim behavior?**

Specialized police response is more likely to see victims leave their abusers sooner, within four compared to 14 months for victims not receiving specialized police response. Specialized police response also results in higher victim reporting of reabuse (but not more reabuse). Finally, victims of specialized police response are more likely to secure protective orders against their abusers.<sup>218</sup> One of the most important specialized police services that influence victim behavior is serving protective orders and assisting in safety planning. By contrast, victim services alone has not been found to be associated with victims leaving abusers, although this may also be due to the quality of the victim services provided in these studies.<sup>219</sup>

### **Do they reduce reabuse?**

An early study of a specialized detective unit in Dade County found it did not effect reabuse rates.<sup>220</sup> However, the Unit focused on referring parties to counseling. Subsequently, specialized units have been found more effective. Victims self-report significantly less reabuse (but are more likely to report the reabuse they do suffer).<sup>221</sup> Another study found specialized responses reduce “personal harm,” but not non-personal harm such as property damage. The positive effect may be tied to safety planning offered victims.<sup>222</sup> By contrast, research finds that victim services alone are not associated with increased victim safety.<sup>223</sup> Research in New York City among victims in public housing

<sup>217</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington DC: US Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>218</sup> Jolin, A., Feyerherm, W., Fountain, R., & Friedman, S. (1998). Beyond Arrest: The Portland, Oregon Domestic Violence Experiment, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0054, National Institute of Justice, NCJ 179968.

<sup>219</sup> Orchowsky, S. (1999). Evaluation of a Coordinated Community Response to Domestic Violence: The Alexandria Domestic Violence Intervention Project, Final Report. Washington D.C.: U.S. Department of Justice, 95-WT-NX-0004 National Institute of Justice, NCJ 179974; Weisz, A., Canales-Portalatin, D., & Nahan, N. (2001). An Evaluation of Victim Advocacy Within A Team Approach. Washington D.C.: U.S. Department of Justice, 97-WT-VX-0006 National Institute of Justice. NCJ 187107.

<sup>220</sup> Orchowsky, S. (1999). Evaluation of a Coordinated Community Response to Domestic Violence: The Alexandria Domestic Violence Intervention Project, Final Report. Washington D.C.: U.S. Department of Justice, 95-WT-NX-0004 National Institute of Justice, NCJ 179974.

<sup>221</sup> Jolin, A., Feyerherm, W., Fountain, R., & Friedman, S. (1998). Beyond Arrest: The Portland, Oregon Domestic Violence Experiment, Final Report. Washington D.C.: U.S. Department of Justice, 95-IJ-CX-0054, National Institute of Justice, NCJ 179968.

<sup>222</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>223</sup> Orchowsky, S. (1999). Evaluation of a Coordinated Community Response to Domestic Violence: The Alexandria Domestic Violence Intervention Project, Final Report. Washington D.C.: U.S. Department of Justice, 95-WT-NX-0004 National Institute of Justice, NCJ 179974; Weisz, A., Canales-Portalatin, D., & Nahan, N. (2001). An Evaluation Of Victim Advocacy Within A Team Approach. Washington D.C.: U.S. Department of Justice, 97-WT-VX-0006 National Institute of Justice. NCJ 187107.

suggest that specific crime prevention training as opposed to general victim counseling may be more associated with reduced subsequent victimization.<sup>224</sup>

In North Carolina, 29% of the abusers handled by the specialized domestic violence unit had at least one subsequent domestic violence offense during a two year follow up period compared to 37% of those handled solely by patrol units. This reduced rate was obtained despite the fact that the specialized unit handled the more serious cases and offenders with more prior offenses. The odds ratio for domestic violence unit suspects re-offending was nearly half of that for the non-unit suspects. Unit suspects who reabused also reabused less often, averaging .46 new assaults compared to .62. The difference is statistically significant but because fewer unit abusers reabused, the actual difference in the number of new incidents for just those abusers who reabused was less, 1.59 compared to 1.67, not reaching statistical significance.<sup>225</sup>

### **Do they increase victim satisfaction?**

Victim satisfaction with the criminal justice system is not associated with whether the victim received advocacy per se, but with concrete law enforcement activities such as issuance of a warrant against absent abusers or assistance in obtaining protective orders.<sup>226</sup> Similarly, the NVAWS found that stalking victims whose stalkers were arrested were significantly more likely to be satisfied with the police response than those where no arrest was made, 76% were satisfied compared to 42%.<sup>227</sup>

Research that victim dissatisfaction may focus on four major themes: 1) adverse personal outcomes (victim arrested, child protection agency called); 2) the police “made assumptions or did not listen”; 3) the police took sides (against her); and 4) nothing happened (absence of a strong court sanction).<sup>228</sup>

**Implications: The single, most appreciated service officers can deliver to the greatest number of victims is arresting their abusers. Specialized domestic violence law enforcement units that focus on arrests can enhance the likelihood of successful prosecution, and increase victim satisfaction and safety.**

**Research Implications:** *While specific studies of specialized domestic violence law enforcement units are few, the activities conducted by these units have been more widely studied and supported by much research.*

## **Should law enforcement agencies participate in coordinated community responses?**

<sup>224</sup> Davis, R. & Maxwell, C. (2002). Preventing Repeat Incidents of Family Violence: A Reanalysis of Data From Three Field Tests. Washington D.C.: U.S. Department of Justice, 2000-WT-VX-0007 National Institute of Justice, NCJ 200608.

<sup>225</sup> Friday, P., Lord, V., Exum, M. & Hartman, J. (2006). Evaluating the Impact of a Specialized Domestic Violence Police Unit. Washington D.C.: U.S. Department of Justice, 2004-WG-BX-0004, National Institute of Justice, NCJ 215916.

<sup>226</sup> Weisz, A., Canales-Portalatin, D., & Nahan, N. (2001). An Evaluation Of Victim Advocacy Within A Team Approach. Washington D.C.: U.S. Department of Justice, 97-WT-VX-0006 National Institute of Justice, NCJ 187107.

<sup>227</sup> Tjaden, P. & Thoennes, N. (November, 1998). Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey, Research in Brief. Washington D.C.: U.S. Department of Justice, 93-IJ-CX-0012 National Institute of Justice and Centers for Disease Control and Prevention. NCJ 172837.

<sup>228</sup> Lyon, E. (2002). Special Session Domestic Violence Courts: Enhanced Advocacy and Interventions, Final Report Summary. Washington D.C.: U.S. Department of Justice, 98-WE-VX-0031 National Institute of Justice, NCJ 197860.

A number of jurisdictions have endeavored to create what have been called “coordinated community responses,” composed of multiple criminal justice and social service agencies to respond to domestic violence. This approach may exert a positive impact on both case processing and reabuse according to initial research.<sup>229</sup> For example, both arrest and successful prosecutions increased in several Minnesota jurisdictions with the creation of coordinated community responses involving law enforcement.<sup>230</sup> Other studies have found similar promising results,<sup>231</sup> although more is required than participation in multidisciplinary task forces for communities to create effective coordinated responses.<sup>232</sup> Personnel of relatively autonomous organizations, both public and private, cannot be presumed to have the organizational capacity and/or willingness among personnel to truly collaborate.<sup>233</sup>

**Performance Measure: Sixty-five percent of departments have established a partnership with a community-based victim advocacy group according to a national survey of a sample of 14,000 departments.**<sup>234</sup>

**Research Basis:** *Representative sample drawn from 14,000 law enforcement agencies across the nation.*

## X. Police Domestic Violence Training

Several studies suggest that general domestic violence 101 training for law enforcement officers does not necessarily change attitudes towards domestic violence or, more important, behavior in terms of arrest and responding to domestic violence incidents. While knowledge of a department’s policy regarding domestic violence arrest preference increases likelihood of arresting alleged domestic violence suspects, the amount of domestic violence training received does not.<sup>235</sup> Research suggests that domestic violence arrest decisions, for example, are influenced more by an officer’s assessment of legal variables involved than his or her attitudes.<sup>236</sup> At least one study suggests that failure of police managers to hold police officers accountable for failure to

<sup>229</sup> Hirschel, J.D. & Dawson, D. (2003). *Violence Against Women: Synthesis of Research for Law Enforcement Officials*. Washington D.C.: U.S. Department of Justice, 98-WT-VX-K001 National Institute of Justice, NCJ 198372.

<sup>230</sup> Gamache, D., Edleson, J., & Schock, M. (1988). *Coordinated Police, Judicial and Social Services Responses to Woman Battering: A Multi-Baseline Evaluation Across Three Communities*. In G. Hotaling, D. Finkelhor, J. Kirkpatrick & M. Straus (Eds.) *Coping with Family Violence*. Beverly Hills, CA: Sage.

<sup>231</sup> Hirschel, J.D. & Dawson, D. (2003). *Violence Against Women: Synthesis of Research for Law Enforcement Officials*. Washington D.C.: U.S. Department of Justice, 98-WT-VX-K001 National Institute of Justice, NCJ 198372.

<sup>232</sup> Worden, A. (2001). *Models of Community Coordination in Partner Violence Cases: A Multi-side Comparative Analysis, Final Report*. Washington D.C.: U.S. Department of Justice, 95-WT-NX-0006, National Institute of Justice, NCJ 187351.

<sup>233</sup> Giacomazzi, A. & Smithey, M. (2004). *Collaborative Effort Toward Resolving Family Violence Against Women*. Washington D.C.: U.S. Department of Justice, 97-WE-VX-0131, National Institute of Justice, NCJ 199716.

<sup>234</sup> Townsend, M., Hunt, D., Kuck, S. & Baxter, C. (2006). *Law Enforcement Response to Domestic Violence Calls for Service*. Washington D.C.: U.S. Department of Justice, 99-C-008 National Institute of Justice, NCJ 215915.

<sup>235</sup> Feder, L. (1999). *Police Handling of Domestic Violence Calls: An Overview and Further Investigation*, in L. Feder (Ed.) *Women and Domestic Violence: An Interdisciplinary Approach*, New York, NY: Hawthorn Press, 49-69; Finn, M., Blackwell, B., Stalans, L., Studdard, S. & Dugan, L. (2004). *Dual Arrest Decisions in Domestic Violence Cases: The Influence of Departmental Policies, Crime & Delinquency*, 50, 565; Smithey, M., Green, S. & Giacomazzi, A. (2002). *Collaborative Effort and the Effectiveness of Law Enforcement Training Toward Resolving Domestic Violence*. Washington D.C.: U.S. Department of Justice, 97-WE-VX-0131 National Institute of Justice, NCJ 191840.

<sup>236</sup> Hirschel, D., Buzawa, E., Pattavina, A., Faggiana, D. & Ruelan, M. (2007). *Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases*. U.S. Department of Justice, 2001-WT-BX-0501 National Institute of Justice, NCJ 218355.

arrest in contravention of statutory requirement, not lack of training, is responsible for poor performance.<sup>237</sup>

**Implications:** Clear policy pronouncement from top administration may be more likely to change officer response to domestic violence than general domestic violence training aimed at education and attitude change.

**Research Basis:** *There is limited research in this area.*

**Performance Measures:** A national survey of a sample of law enforcement departments across the nation reveals that three-quarters have written domestic violence policies in place. Most have been in place for six years or longer. A majority of departments (88%) require officers to complete incident reports for all domestic violence calls they are dispatched to, regardless of outcome. Almost two-thirds (63%) require officers to fill out a supplemental form for domestic violence and most require written justification when no arrest is made (68%) or when there is a dual arrest (86%).<sup>238</sup>

**Research Basis:** *Representative sample drawn from 14,000 law enforcement agencies across nation.*

<sup>237</sup>Rigakos, G. (1997). *Situational Determinants of Police Responses to Civil and Criminal Injunctions for Battered Women*, *Violence Against Women*, 3, 204.

<sup>238</sup>Townsend, M., Hunt, D., Kuck, S. & Baxter, C. (2006). *Law Enforcement Response to Domestic Violence Calls for Service*, Washington D.C.:U.S. Department of Justice, 99-C-008 National Institute of Justice, NCJ 215915.

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