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State Court Processing of Domestic Violence Cases

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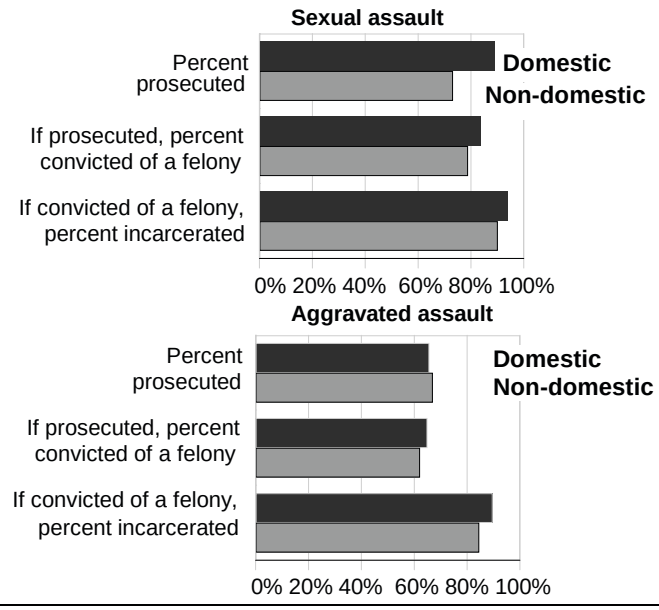
In state courts of 15 large urban counties, 2,629 violent felony cases were filed in May 2002. In nearly 7 in 10 of these cases, sexual assault or aggravated assault was the most serious charge. A third of these felony sexual or aggravated assault charges were classified as domestic violence (DV); the remainder were classified as non-domestic violence (non-DV) charges. Domestic violence includes violence between family members, intimate partners, and household cohabitants.

The findings in this report are based on a study of DV cases in the 15 counties' state courts. The study was conducted by the Bureau of Justice Statistics to examine how domestic violence cases were handled by the justice system. Persons charged with domestic or non-domestic violence were tracked in court records from May 2002, when charges were filed, through final court disposition. The 15 counties in the study are located in 8 states.

State	County
Arizona	Pima
California	Alameda, Orange, Riverside, San Diego, Santa Clara
Florida	Dade, Palm Beach, Pinellas
Georgia	Fulton
Indiana	Marion
Ohio	Franklin
Tennessee	Shelby
Texas	El Paso, Travis

This study compared domestic and non-domestic sexual assault and domestic and non-domestic aggravated assault on 11 prosecution, conviction, and sentencing outcome measures. On 7 of the 11 measures, no differences were found between DV and non-DV sexual assault case processing. On the other four case processing measures, DV sexual assault defendants had a higher prosecution rate (89% versus 73%); higher overall conviction rate (98% versus 87%); higher felony sexual assault conviction rate (80% versus 63%); and a longer average incarceration sentence (6 years versus 3¼ years).

Case processing outcomes for DV cases were the same as or more serious than the outcomes for non-DV cases.



Like sexual assault defendants, no differences were found on 7 of 11 measures of case processing between DV and non-DV aggravated assault defendants. On the other four measures, DV aggravated assault defendants had a higher overall conviction rate (87% versus 78%); higher violent felony conviction rate (61% versus 52%); higher aggravated assault conviction rate (54% versus 45%); and higher misdemeanor conviction rate (22% versus 16%).

Overall, the study found that the case processing outcomes for DV cases were the same as or more serious than the outcomes for non-DV cases. The 15-county study also found that DV aggravated assault defendants were less likely to be granted pretrial release than non-DV aggravated assault defendants. Of those granted pretrial release, courts were also more likely to issue a protection order against DV aggravated assault defendants.

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A third of violent felony defendants were charged with domestic violence

In state courts of 15 large urban counties, 2,629 violent felony cases were filed in May 2002. In nearly 7 in 10 of these cases, sexual assault (10%) or aggravated assault (58.5%) was the most serious charge (table 1). A third of these felony sexual or aggravated assault charges were classified as domestic violence (DV); the remainder were classified as non-domestic violence (non-DV). In this report, domestic violence comprises violence between family members, intimate partners, and household cohabitants.

The 15-county study focuses on defendants charged with felony sexual or aggravated assault because limiting the scope in this way reduced the possibility that differences in case processing could be attributed to differences in offense seriousness. The Methodology section contains more information on the selection of cases for analysis.

Felony cases in state courts in which the most serious charge was sexual or aggravated assault were tracked in court records from the time that charges were filed in May 2002 through final court disposition. The court records were used to examine the way DV and non-DV cases were processed by the justice system. This report compared DV and non-DV cases on 11 prosecution, conviction, and sentencing outcome measures. The 11 measures consisted of 1 prosecution rate, 7 conviction rates, 2 incarceration rates, and 1 measure of incarceration sentence length. Other factors were also examined that may explain the differences between DV and non-DV case processing.

11 measures of case processing outcomes*

1. Prosecution rate
2. Overall conviction rate
3. Felony conviction rate
4. Violent felony conviction rate
5. Felony sexual assault/aggravated assault conviction rate
6. Misdemeanor conviction rate
7. Violent misdemeanor conviction rate
8. Misdemeanor sexual assault/aggravated assault conviction rate
9. Prison incarceration rate
10. Jail incarceration rate
11. Average incarceration sentence length

*See Methodology for detailed definitions of these outcome measures.

Prosecution rate was not lower in felony DV cases

Domestic sexual assault defendants were more likely to be prosecuted (89%) than non-domestic sexual assault defendants (73%) (table 2). Domestic aggravated assault defendants were as likely to be prosecuted (66%) as non-domestic aggravated assault defendants (67%).

Of domestic sexual and aggravated assault cases not prosecuted, 78% were dismissed or declined for prosecution because victims would not cooperate (not in a table). Comparable information was not available for non-DV cases.

Conviction rate was not lower in felony DV cases

Prosecuted domestic and non-domestic sexual assault defendants differed on two of the seven conviction rates. Domestic sexual assault defendants had a higher overall conviction rate (98%) than non-domestic defendants (87%) (table 3). They were also more likely (80% versus 63%) to be convicted of the same offense as the arrest charge (felony sexual assault). For the other five conviction rates, no significant differences were found.

Prosecuted domestic and non-domestic aggravated assault defendants differed on four of the seven conviction rates. On all four, domestic aggravated assault defendants had a higher conviction rate: higher overall conviction rate (87% versus 78%), higher violent felony conviction rate (61% versus 52%), higher aggravated assault conviction rate (54% versus 45%), and higher misdemeanor conviction rate (22% versus 16%). For the other three conviction rates, no significant differences were found.

Table 1. Domestic and non-domestic violence defendants charged in 15 large counties during May 2002, by arrest charge

Most serious arrest charge[a]	Percent of felony defendants charged with — Total	Domestic violence	Non-domestic violence
All defendants	100%	100%	100%
Murder	1.6	1.0	1.8
Sexual assault[b]	10.0	10.8	9.7
Robbery	16.6	1.0	23.9
Aggravated assault	58.5	62.2	56.8
Intimidation[c]	4.5	8.4	2.7
Other violent[d]	8.8	16.7	5.1
Number of defendants	2,629	836	1,793
Percent of all defendants	100%	31.8%	68.2%

Note: Detail may not sum to total because of rounding. Data based on cases adjudicated during the 1-year study period.

[a]Defendants may have more than one arrest charge.

[b]Includes rape.

[c]Includes stalking and harassment.

[d]Includes kidnapping, child abuse, and other unspecified violent offenses.

Table 2. Prosecution rates of domestic and non-domestic violence defendants charged in 15 large counties during May 2002

Prosecution outcome	Percent prosecuted, for felony defendants charged with — Sexual assault: Domestic	Sexual assault: Non-domestic	Aggravated assault: Domestic	Aggravated assault: Non-domestic
All defendants	100%	100%	100%	100%
Prosecuted	88.9	73.0	65.6	66.9
Not prosecuted	11.1	27.0	34.4	33.1
Number of defendants	90	174	520	1,018

Prosecutors across the nation have adopted no-drop policies aimed at vigorously prosecuting DV defendants. The no-drop policies are linked to higher prosecution and conviction rates for DV defendants. They are also linked to lower rates at which prosecutors divert DV defendants from prosecution (prosecutorial diversion) or temporarily suspend prosecution on the condition that the DV defendant abide by certain conditions (deferred adjudication).

Prosecuted DV defendants had relatively high conviction rates and low prosecutorial diversion/deferred adjudication rates compared to non-DV defendants. For example, the overall conviction rate was 87% for prosecuted DV aggravated assault cases compared to 78% for non-DV cases. The prosecutorial diversion/deferred adjudication rate was 12% for prosecuted DV aggravated assault cases compared to 20% for non-DV cases.

Incarceration rates were not lower in felony DV cases and incarceration sentence lengths were not shorter

Defendants convicted of domestic sexual assault did not differ significantly from those convicted of non-domestic sexual assault on either their prison incarceration rate (58% and 52%, respectively) or their jail incarceration rate (36% and 37%, respectively) (table 4). Also, defendants convicted of domestic aggravated assault did not differ significantly from those convicted of non-domestic aggravated assault on either of the two incarceration rates.

On average, defendants sentenced to incarceration (prison or jail) for felony domestic sexual assault received a longer sentence than those sentenced for felony non-domestic sexual assault: 6 years versus 3¼ years (table 5). About 15% of DV sexual assault defendants had a sentence of more than 10 years, while none of the non-DV sexual assault defendants had a sentence that long (not in table).

Average incarceration sentence length did not differ significantly between sentenced domestic (2¼ years) and non-domestic (2 years, 1 month) aggravated assault offenders.

Table 3. Conviction rates of prosecuted domestic and non-domestic violence defendants charged in 15 large counties during May 2002

	Percent of prosecuted felony defendants			
	Sexual assault		Aggravated assault	
Adjudication outcome	Domestic	Non-domestic	Domestic	Non-domestic
All prosecuted defendants	100%	100%	100%	100%
Convicted	97.5%	87.4%	86.5%	78.4%
Felony offense	83.8	78.7	64.8	62.1
Violent offense	83.8	72.4	61.3	52.1
Same offense as arrest charge	80.0	63.0	54.3	45.1
Misdemeanor offense	13.8	8.7*	21.7	16.3
Violent offense	13.8	7.9*	16.4	14.5
Same offense as arrest charge†	8.8	3.1*	14.1	12.8
Not convicted	2.5%	12.6%	13.5%	21.6%
Acquitted	1.3	0.0*	1.5	1.3*
Prosecutorial diversion /deferred adjudication	1.3	12.6*	12.0	20.3
Number of prosecuted defendants	80	127	341	681

Note: Detail may not sum to total because of rounding.

*Based on 10 or fewer sample cases.

†Conviction offense was the same as the arrest charge but reduced to a misdemeanor.

Table 4. Incarceration rates of convicted domestic and non-domestic violence offenders charged in 15 large counties during May 2002

	Percent of felony defendants convicted and sentenced to incarceration			
	Sexual assault		Aggravated assault	
Sentence type	Domestic	Non-domestic	Domestic	Non-domestic
All convicted defendants	100%	100%	100%	100%
Incarceration	93.8%	90.0%	89.6%	84.5%
Prison	57.8	52.5	36.8	32.0
Jail	35.9	37.5	52.7	52.5
Non-incarceration	6.3%	10.0%	10.4%	15.5%
Probation	6.3	10.0*	10.4	15.2
Other	0.0	0.0*	0.0	0.3*
Number of convicted defendants	64	80	182	297

Note: Detail may not sum to total because of rounding. Data on sentence type were missing for 1.2% of domestic cases and 2.6% of non-domestic cases. Other sentences may include fines, community service, restitution, and treatment.

*Based on 10 or fewer sample cases.

Table 5. Incarceration sentence lengths of convicted domestic and non-domestic violent offenders charged in 15 large counties during May 2002

	Felony defendants convicted of —			
	Sexual assault		Aggravated assault	
Incarceration sentence length	Domestic	Non-domestic	Domestic	Non-domestic
Mean	71 mos.	39 mos.	27 mos.	25mos.
Median*	24	36	12	10
Number of incarcerated defendants	59	72	157	251

Note: Data on sentence length were missing for 3.1% of domestic cases. Sentence lengths were calculated including both jail and prison incarceration.

*The difference in median incarceration sentence length for defendants convicted of sexual assault was not statistically significant. Incarceration sentence length was 24 months or less for 51% of DV sexual assault defendants and 49% of non-DV sexual assault defendants.

The mode of conviction (guilty plea versus trial conviction) could explain the difference in incarceration sentences between domestic and non-domestic sexual assault cases. Trial convictions are typically associated with a greater likelihood of incarceration and longer sentences. In the 15-county study, similar percentages of domestic sexual assault convictions and non-domestic sexual assault convictions were attained through a guilty plea (97%), indicating that the mode of conviction did not necessarily explain the longer incarceration sentences of domestic sexual assault offenders (table 6).

Protection orders were more likely to be issued against DV defendants

A court-issued protection order is one tool available to prosecutors and judges to try to protect victims. Protection orders can also help prosecutors gain the cooperation of victims and witnesses who are reluctant to assist prosecutors because they fear reprisal or worry about their own or others' safety. The 15-county study found that, of the defendants granted pretrial release, protection orders were issued against 47% of all domestic aggravated assault defendants compared to 4% of all non-domestic aggravated assault defendants (table 7). Protection orders were included in the sentences of 41% of convicted domestic aggravated assault defendants compared to 12% of non-domestic aggravated assault defendants (table 8).

Other factors may explain differences in the processing of DV and non-DV cases

Overall, the 15-county study found domestic violence defendants were not less likely than non-domestic violence defendants to be prosecuted, convicted, or incarcerated. Among the outcome measures analyzed in this study, the Bureau of Justice Statistics found either no differences in the processing of domestic and non-domestic violence cases, or that domestic violence cases were handled more seriously. Several possible explanations follow.

DV aggravated assault defendants were more likely to have an active criminal justice status at time of arrest

A prior criminal record is typically associated with a greater likelihood of prosecution, conviction, a prison sentence, and a longer incarceration sentence. In the 15-county study database, the one available measure of prior record came from a variable describing the criminal justice status of the defendant at the time of arrest. A comparison of the criminal justice status at the time of arrest of sexual assault defendants showed a similar percentage of DV and non-DV defendants were on probation, on parole, or had some other active criminal justice status (table 9). However, about 26% of domestic aggravated assault defendants had an active criminal justice status at the time of arrest, compared to 18% of non-domestic aggravated assault defendants. This difference could have influenced how these cases were handled.

Table 6. Mode of conviction for domestic and non-domestic violence offenders charged in 15 large counties during May 2002

	Sexual assault		Aggravated assault	
Mode of conviction	Domestic	Non-domestic	Domestic	Non-domestic
All convicted	100%	100%	100%	100%
Guilty plea	96.9	97.5	92.9	93.1
Trial	3.1	2.5*	7.1	6.9*
Number convicted	64	80	184	291

Note: Data on conviction type were missing for 0.4% of domestic cases and 4.1% of non-domestic cases.
*Based on 10 or fewer sample cases.

Table 7. Pretrial release of domestic and non-domestic violence defendants charged in 15 large counties during May 2002 who had a protection order as a condition of release

	Sexual assault		Aggravated assault	
Pretrial release	Domestic	Non-domestic	Domestic	Non-domestic
All released	100%	100%	100%	100%
With protection order	21.6	0.0*	46.6	4.4
Without protection order	78.4	100	53.4	95.6
Number released	37	81	277	616

*Based on 10 or fewer sample cases.

Table 8. Domestic and non-domestic violence offenders charged in 15 large counties during May 2002 whose sentence included a protection order

	Sexual assault		Aggravated assault	
	Domestic	Non-domestic	Domestic	Non-domestic
All convicted	100%	100%	100%	100%
With protection order	43.8	32.5	40.5	11.7
Without protection order	56.3	67.5	59.5	88.3
Number convicted	64	80	185	307

Note: Detail may not sum to total because of rounding.

Table 9. Criminal justice status at time of arrest of domestic and non-domestic violence defendants charged in 15 large counties during May 2002

	Sexual assault		Aggravated assault	
Status at time of arrest	Domestic	Non-domestic	Domestic	Non-domestic
Total	19.5%	17.5%	26.4%	18.0%
Probation	12.2%	14.9%	15.4%	10.0%
Pretrial release	3.7	1.3*	4.6	5.8
Parole	3.7	1.3*	3.0	1.5*
In custody	0.0	0.0*	1.3	0.3*
Other	0.0	0.0*	2.1	0.4*
Number of defendants	82	154	474	952

Note: Detail may not sum to total because of rounding. Data on criminal justice status at time of arrest were missing for 8.9% of domestic cases and 7.2% of non-domestic cases. Criminal justice status at the time of arrest may not have been for a domestic violence offense. Some defendants with a criminal justice status had more than one type of status. For those cases, the status indicated is the most serious.

*Based on 10 or fewer sample cases.

Table 10. Pretrial release or detention of domestic and non-domestic violence defendants charged in 15 large counties during May 2002

	Sexual assault		Aggravated assault	
Pretrial release/ detention	Domestic	Non-domestic	Domestic	Non-domestic
All defendants	100%	100%	100%	100%
Released before case disposition	41.6	46.8	53.9	62.3
Detained until case disposition	58.4	53.2	46.1	37.7
Number of defendants	89	173	514	989

Note: Data on pretrial release or detention were missing for 1.1% of domestic cases and 2.5% of non-domestic cases.

DV aggravated assault defendants had higher rates of pretrial detention

Pretrial detention is typically associated with higher conviction rates. DV aggravated assault defendants (46%) were more likely than non-DV aggravated assault defendants (38%) to be detained pretrial (table 10). These higher rates of pretrial detention among DV defendants could be linked to higher conviction rates.

Larger percentage of non-DV aggravated assault defendants were under age 25

Courts and prosecutors sometimes consider the age of an offender in handling cases. Among sexual assault defendants, the percentage of persons under age 25 did not differ significantly between domestic and non-domestic defendants. However, the percentage varied between domestic (22%) and non-domestic aggravated assault defendants (41%) (table 11). This difference may be another reason non-domestic aggravated assault cases resulted in less serious outcomes than domestic aggravated assault cases.

Table 11. Demographic characteristics of domestic and non-domestic violence defendants charged in 15 large counties during May 2002

	Sexual assault		Aggravated assault	
Defendant characteristic	Domestic	Non-domestic	Domestic	Non-domestic
All defendants	100%	100%	100%	100%
Gender				
Male	100.0%	95.4%	84.0%	81.9%
Female	0.0	4.6*	16.0	18.1
Race				
White	55.6%	53.1%	53.2%	54.8%
Black	31.1	46.9	41.4	43.0
Other race†	13.3	0.0*	5.4	2.2*
Hispanic/Latino origin				
Hispanic/Latino	53.9%	42.0%	35.9%	31.9%
Non-Hispanic/Latino	46.1	58.0	64.1	68.1
Age at arrest				
24 or younger	34.8%	32.8%	21.6%	40.9%
25-34	29.2	19.5	33.4	25.0
35-54	32.6	35.1	41.6	31.7
55 or older	3.4	12.6*	3.5	2.5*
Mean	32.3 yrs.	35.4 yrs.	33.8 yrs.	30.6 yrs.
Median	29.0	34.0	33.0	27.0
Number of defendants	90	174	520	1,018

Note: Detail may not sum to total because of rounding. Data were missing on defendant gender for 1% of domestic cases; race for 31.6%; Hispanic origin for 24.9%; age for 1%. Data were missing on defendant race for 16.4% of non-domestic cases.

*Based on 10 or fewer sample cases.

†Other race includes American Indians, Alaska Natives, Asians, Native Hawaiians, other Pacific Islanders, and persons identifying two or more races.

Impact of offense seriousness on DV and non-DV case processing was mixed

In general, more serious offenses increase the likelihood of prosecution, of a prison sentence if convicted, and of a longer sentence length. The impact of offense seriousness on differences of case processing outcomes between DV and non-DV defendants could not be extensively investigated with the 15-county database because of limited data.

The FBI's National Incident-Based Reporting System (NIBRS) provided two measures of offense seriousness for a comparison between DV and non-DV offenses: the percentage of cases involving a firearm and the percentage of cases involving a child victim under age 13. NIBRS includes data reported by police departments in 29 states on persons arrested. (See Methodology for more information on NIBRS data.)

NIBRS data showed a higher percentage of non-domestic aggravated assaults involved a firearm (20%) than domestic aggravated assaults (10%) (table 12). However, the per-

Table 12. Weapon use in domestic and non-domestic violence cases where an arrest occurred in 29 states and the District of Columbia in 2004

	Sexual assault		Aggravated assault	
Weapon use	Domestic	Non-domestic	Domestic	Non-domestic
Total	100%	100%	100%	100%
Armed	7.0%	6.4%	66.5%	76.5%
Firearm	0.4	0.6	10.2	19.7
Handgun	0.2	0.4	5.7	11.8
Other gun	0.2	0.2	4.5	7.9
Knife	0.6	1.0	26.5	22.0
Blunt object	0.2	0.1	14.4	15.9
Other	5.7	4.6	15.5	18.9
Unarmed	93.0%	93.6%	33.5%	23.5%
Hands, fists, feet, teeth	66.9	68.1	30.7	21.3
No physical force used	26.1	25.5	2.8	2.2
Number of cases with an arrest	3,993	6,985	25,904	28,925

Note: Detail may not sum to total because of rounding. Data on weapon use were missing for 1.9% of domestic cases and 2.2% of non-domestic cases. Approximately 12% of sexual and aggravated assault cases involved more than one arrestee. For those cases, information is presented on the arrestee with the most serious charge.

Source: National Incident-Based Reporting System, 2004.

centage of DV sexual assault cases (46%) involving a child victim under age 13 was higher than the corresponding percentage for non-DV sexual assault cases (28%) (table 13).

Methodology

Data collection

State prosecutors and courts in 40 of the 75 largest counties in the nation were asked to participate in a study of how domestic violence cases are handled by the justice system. Of those asked to participate, 16 agreed. One of the participating counties was excluded from the analysis in this report because data were not available on felony cases.

In total, state prosecutors and courts in 15 large urban counties provided data on 940 DV defendants and 2,313 non-DV defendants charged with a violent felony offense in May 2002. Data were compiled on all 940 DV defendants and on a systematically drawn sample of 1,019 non-DV defendants for a total of 1,959 defendants. The study database documents the adjudication outcomes for a 1-year period from the time of initial court filing. Initial filing refers to the defendant's first appearance in court. In counties that have lower and upper courts, initial filing refers to the first appearance in the lower court. For defendants not adjudicated within the 1-year period, information on adjudication outcome was generally not documented in the database.

This report is based on those defendants who were adjudicated within the 1-year period: 836 DV defendants and 806 non-DV defendants (representing 1,793 non-DV defendants). BJS and the Pretrial Services Resource Center (under grant 2002-BJS-CX-0001) collected the data.

Table 13. Demographic characteristics of domestic and non-domestic violence victims in 29 states and the District of Columbia in 2004

	Sexual assault		Aggravated assault	
Victim characteristic	Domestic	Non-domestic	Domestic	Non-domestic
Total	100%	100%	100%	100%
Gender				
Male	13.6%	12.6%	35.5%	70.9%
Female	86.4	87.4	64.5	29.1
Race				
White	83.9%	81.2%	67.0%	70.1%
Black	14.9	17.8	31.9	28.9
Other race*	1.1	1.0	1.1	1.0
Hispanic/Latino origin				
Hispanic/Latino	8.6%	6.0%	5.9%	6.7%
Non-Hispanic/Latino	91.4	94.0	94.1	93.3
Age at offense				
17 or younger	82.1%	72.6%	11.6%	19.0%
12 or younger	45.7	28.2	5.1	5.0
18-24	6.8	13.8	20.5	26.2
25-34	5.9	6.7	25.8	24.0
35-54	4.8	6.1	37.3	27.3
55 or older	0.5	0.8	5.0	3.6
Number of cases with an arrest	3,993	6,985	25,904	28,925

Note: Detail may not sum to total because of rounding. Data were missing on victim gender for 0.1% of domestic cases; race for 1.6%; Hispanic origin for 9.4%; age for 1.7%. Data were missing on victim gender for 0.5% of non-domestic cases; race for 2.9%; Hispanic origin for 14.5%; age for 3.3%.

*Other race includes American Indians, Alaska Natives, Asians, Native Hawaiians, other Pacific Islanders, and persons identifying two or more races.

Source: National Incident-Based Reporting System, 2004.

Significance testing

In comparisons described in this report, an explicit or implied difference indicates a test of significance was conducted, and the difference was significant at the .05 level. The report also indicates that some comparisons were not different, meaning the difference between the two estimates was not significant at the .05 level.

Selection of sexual and aggravated assault cases for analysis

This report compares justice system processing of DV and non-DV defendants who were charged with either of two types of violent felonies: sexual assault and aggravated assault.

Analysis of differences in processing DV and non-DV cases required that the cases be alike in seriousness because the justice system handles offenses differently depending on their seriousness. An impediment to using the 15-county

data for the analysis was a major difference in seriousness between DV and non-DV cases. Most notably, murder and robbery—two of the more serious offenses —made up 2% of all DV cases, but 26% of all non-DV cases. The risk of ignoring this fact is that any difference found in case processing between all DV and all non-DV cases might be wrongly attributed to discretion on the part of prosecutors and judges when the actual reason might be the serious nature of the cases.

To address the differences in offense seriousness, the study did not compare all DV to all non-DV cases, but instead compared domestic sexual assault to non-domestic sexual assault, and domestic aggravated assault to non-domestic aggravated assault. Limiting the scope in this way eliminated the possibility that differences in case processing could be attributed to differences in offense seriousness as defined by offense mix. Nevertheless, these comparisons would not necessarily rule out other possible explanations, such as the possibility that differences in case processing could be explained by differences in other measures of offense seriousness.

Comparisons between DV and non-DV were also limited to sexual assault and aggravated assault because too few unweighted cases were available for other offense categories (8 charged with domestic murder; 20 with non-domestic murder; 8 with domestic robbery; 18 with non-domestic intimidation) to support reliable comparisons.

Selection of NIBRS database for comparisons of offense seriousness

Measures of offense seriousness included the percentage of cases involving a firearm and the percentage of cases involving a child victim under age 13. However, the 15-county study database contained information on these indicators only for domestic violence cases. In order to compare DV and non-DV cases, BJS used the FBI's National Incident Based Reporting System (NIBRS).

The NIBRS database contains information about persons arrested by police in 2004 in participating jurisdictions from 29 states. NIBRS was selected over other databases for a variety of reasons. Similar to defendants in the 15-county study database, NIBRS data included arrestees in multiple counties and states whose victims were of all ages. Also, information on offense seriousness was available in the NIBRS database on both DV and non-DV. In addition, the stage of justice system processing represented by NIBRS data (the arrest stage) is relatively close to the stage represented by data in the 15-county study (the court-filing stage), making NIBRS arrestees relatively similar to defendants in the 15-county study database.

Definitions of 11 outcome measures for the 15-county study

1. Prosecution rate - the percentage of defendants who were prosecuted. All defendants were classified as having been prosecuted except those labeled in court records as "dismissed" or "nolle prosequi," both of which signify the decision not to prosecute a case. Cases screened out by prosecutors prior to court filing could not be included in the calculation of the prosecution rate because that information was not collected in the 15-county study.
2. Overall conviction rate - the percentage of prosecuted defendants convicted of either a felony or misdemeanor offense.
3. Felony conviction rate - the percentage of prosecuted defendants convicted of a felony offense.
4. Violent felony conviction rate - the percentage of prosecuted defendants convicted of a violent felony offense.
5. Felony sexual assault/aggravated assault conviction rate - the percentage of prosecuted sexual assault and aggravated assault defendants who were convicted as charged.
6. Misdemeanor conviction rate - the percentage of prosecuted defendants convicted of a misdemeanor.
7. Violent misdemeanor conviction rate - the percentage of prosecuted defendants convicted of a violent misdemeanor.
8. Misdemeanor sexual assault/misdemeanor assault conviction rate - the percentage of prosecuted sexual assault defendants convicted of misdemeanor sexual assault, and percentage of prosecuted aggravated assault defendants convicted of misdemeanor assault.
9. Prison incarceration rate - the percentage of convicted defendants sentenced to a state prison.
10. Jail incarceration rate - the percentage of convicted defendants sentenced to a local jail.
11. Average incarceration length - the average incarceration sentence imposed by the court. Both prison and jail sentences were used to calculate the average incarceration sentence length. Separate prison and jail sentence length could not be reliably compared between domestic and non-domestic violent offenders because of small samples.

Other definitions

Domestic violence (DV) - intentional physical violence committed, attempted, or threatened between family members, intimate partners, or household cohabitants. Family members include persons related by blood or marriage. Marital relations include spouses, ex-spouses, and common-law spouses. Intimate partners include boyfriends or girlfriends, present or past.

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Non-domestic violence (non-DV) - intentional physical violence committed, attempted, or threatened between non-family members or non-intimate partners. Non-domestic relationships include persons who are strangers to one another, persons known by sight only, acquaintances, or close friends.

Sexual assault - all forms of violent sexual offenses (including forcible rape). "Violent" means the offender used, attempted, or threatened force in the commission of the sexual act, or while not actually using force, did not have the victim's factual or legal consent.

Aggravated assault - (1) intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury. The most serious form of aggravated assault is attempted murder.

Pretrial release or detention - The decision by a court to release or detain a defendant before the case is disposed. By posting bail or agreeing to non-financial conditions, a defendant can be allowed to return to the community to await trial.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jeffrey L. Sedgwick is the director.

This Special Report was written by Erica L. Smith, Matthew R. Durose, and Patrick A. Langan, BJS Statisticians. Grant LaFarge, BJS Intern, provided verification. Catherine Bird edited the report, Tina Dorsey produced the report, and Jayne Robinson prepared the report for final printing under the supervision of Doris J. James.

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This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <http://www.ojp.usdoj.gov/bjs/abrtract/scpdvc.htm>.

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