

State Court Processing of Domestic Violence Cases



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Report examines whether domestic violence cases are treated less seriously than other violent crime cases

- 1) Tracked domestic and non-domestic violence cases in court records from initial case filing to final court disposition
- 2) Compared DV and non-DV sexual assault and DV and non-DV aggravated assault on 11 measures of prosecution, conviction, and sentencing outcomes



Where differences were found, they were in the direction of DV cases being treated more seriously than non-DV

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



In nearly 70% of the 2,629 felonies tracked, the most serious charge was either sexual assault or aggravated assault

264 sexual assault cases

- 90 domestic
- 174 non-domestic

1,538 aggravated assault cases

- 520 domestic
- 1,018 non-domestic



Prosecution rate was not lower in felony DV cases

Sexual assault:

- Domestic (89%) more likely to be prosecuted than non-domestic (73%)

Aggravated assault:

- Domestic (66%) as likely to be prosecuted as non-domestic (67%)

Three-fourths of DV cases were not prosecuted due to lack of victim cooperation.



DV and non-DV sexual assault defendants differed on 2 of the 7 CONVICTION rates

1. Overall conviction rate: *DV higher than non-DV*
2. Felony conviction rate: *no difference*
3. Violent felony conviction rate: *no difference*
4. Felony sexual assault conviction rate: *DV higher than non-DV*
5. Misdemeanor conviction rate: *no difference*
6. Violent misdemeanor conviction rate: *no difference*
7. Misdemeanor sexual assault conviction rate: *no difference*



DV and non-DV aggravated assault defendants differed on 4 of the 7 CONVICTION rates

1. Overall conviction rate: *DV higher than non-DV*
2. Felony conviction rate: *no difference*
3. Violent felony conviction rate: *DV higher than non-DV*
4. Felony aggravated assault conviction rate: *DV higher than non-DV*
5. Misdemeanor conviction rate: *DV higher than non-DV*
6. Violent misdemeanor conviction rate: *no difference*
7. Misdemeanor aggravated assault conviction rate: *no difference*



Incarceration rates were not lower in felony DV cases

Sexual assault:

- Prison incarceration rate: no difference between convicted DV and non-DV defendants
- Jail incarceration rate: no difference

Aggravated assault:

- Prison incarceration rate: no difference
- Jail incarceration rate: no difference



Incarceration sentence lengths were not shorter in felony DV cases

Sexual assault:

- Convicted felony DV defendants sentenced to incarceration received a LONGER sentence than those sentenced for felony non-DV: 6 years versus 3 ¼ years
- 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

Aggravated assault:

- No difference in incarceration sentence length between DV and non-DV



Other interesting facts:

DV aggravated assault defendants were:

1. more likely to have an active CJ status at time of arrest (26% compared to 18% of non-DV);
2. less likely to be granted pretrial release (54% compared to 62% of non-DV).

Of those granted pretrial release, courts were more likely to issue a protection order against DV aggravated assault defendants (47% compared to 4% of non-DV)

Protection orders were included in the sentences of more DV aggravated assault defendants (41% compared to 12% of non-DV)





For additional information,
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