AN ANALYSIS OF INTIMATE PARTNER VIOLENCE CASE PROCESSING AND SENTENCING USING NIBRS DATA, ADJUDICATION DATA AND CORRECTIONS DATA

Prepared by:

Vermont Center for Justice Research
P.O. Box 267
Northfield Falls, VT 05664
802-485-4250
www.vcjr.org

October 2013
AN ANALYSIS OF INTIMATE PARTNER VIOLENCE CASE PROCESSING AND SENTENCING USING NIBRS DATA, ADJUDICATION DATA AND CORRECTIONS DATA

Prepared by:

Vermont Center for Justice Research

Research Team

Robin Weber, J.D., Ph.D.
Research Director

Funded by:

JUSTICE RESEARCH AND STATISTICS ASSOCIATION

JRSA Agreement Number VT11-2013-001

October 2013
Contents
Introduction ................................................................................................................................. 1
Methodology............................................................................................................................. 1
Using Court Data to Understand Police Decision to Arrest .................................................. 2
Using NIBRS to Understand Court Processes .................................................................... 3
   Bail ......................................................................................................................................... 3
   Domestic Violence Charging ............................................................................................... 5
Reduced Domestic Assault Charges ...................................................................................... 7
   Conviction and Sentencing ................................................................................................. 8
Conclusion ................................................................................................................................ 12
Introduction

This study is the first analysis in Vermont conducted by merging three disparate datasets to perform a more cohesive analysis of domestic violence incidents, processing, and sentencing in Vermont. This study merged data elements from the National Incident-Based Reporting System (NIBRS) with the Vermont Center for Justice Research Adjudication Database to perform incident-level analysis of court dispositions. The data from the new combined dataset were then merged with information from the Department of Corrections Most Serious Status Extract to determine the type of sentence served. For the first time, Vermont has been able to analyze the impact of the circumstances of the offense as reported in NIBRS on court and sentencing decisions.

This project built upon a prior Justice Research and Statistics Association-funded project\(^1\) using NIBRS to analyze domestic violence incidents reported from 2003 through the second quarter of 2011. That study\(^2\) found that the type of agency and the location of the agency were statistically significant in predicting whether a defendant was arrested or was cited to appear on the charge. This project analyzes the effect the decision to arrest or issue a citation has on court processes. Of the over 4,000 domestic violence arrests made during the study period, 69% resulted in a criminal charge. The project also uses variables in the Adjudication Database to analyze the citation or arrest decision. The police officer’s decision about arrest influences the bail and charging decisions.

Prior research in Vermont indicated that women were statistically more likely to be incarcerated for domestic violence offenses than men.\(^3\) Policy makers and stakeholders posited that it could be because there are no female batterer programs outside of a facility. This project enhances that prior research by using NIBRS data elements combined with Department of Corrections’ data and the Adjudication Database to examine the role of gender in sentencing. In this study, men were more likely to be incarcerated than women.

Methodology

The starting file for the analysis was created for the prior NIBRS study cited above. For this analysis, only cleared incidents\(^4\) that involved intimate partner violence and only one defendant reported to NIBRS were used.\(^5\) Incident numbers were then matched to the Adjudication Database maintained by the

---

\(^1\) Project number VT11-2012-001.
\(^2\) An Analysis of Domestic Violence and Arrest Patterns in Vermont Using NIBRS Data, 2012 (http://www.jrsa.org/jrrc/background-status/Vermont/VT_DVArrest.pdf)
\(^3\) Domestic Violence Case Processing in Vermont, 2010 (http://vcjr.org/reports/reportscrimejust/reports/dvcaseprocess_files/DAssault%20and%20VRAOrder.pdf)
\(^4\) There were 489 incidents coded as “Not Cleared” in NIBRS that had resulting charges filed in criminal court. These cases were excluded from analysis.
\(^5\) Sixty incidents, when matched to the court data, were dual arrest offenses. Only one defendant was recorded as arrested in NIBRS. These cases were excluded from analysis.
Incidents can result in multiple charges filed; the most serious charge filed was used as the basis of analysis. However, aggregate variables were created that captured the essence of the charges filed in the incident. These included: total number of felony and misdemeanor domestic assault charges filed and convicted, total number of charges filed, if there was evidence of a current protection order, and if any domestic assault charges were reduced to a non-domestic assault charge.

This dataset was then merged with the Department of Corrections Most Serious Status Extract. This Extract only records the status of a defendant (Intermediate Sanctions, Sentenced, Detained, Sentenced Detained, Parole, Reentry, and Home Confinement) at a particular point in time. It is updated when a defendant changes status. It does not include what docket or incident number the defendant is serving time on. For this project, the closest status to a court event was used to start tracking a defendant. For example, if a defendant appeared in the extract as “Detained” around the date of the offense, that date was used to begin calculations. In many cases, especially with “Intermediate Sanction” cases, a defendant did not appear in the extract until weeks after the disposition of the case. In these cases it was assumed that the first appearance after disposition was for that offense. These data were used to determine the actual sentence served by the defendant and if the defendant was under Department of Corrections supervision at the time of the NIBRS incident.

Using Court Data to Understand Police Decision to Arrest

In the prior NIBRS study, it was acknowledged that NIBRS did not capture everything that an officer observed on the scene. NIBRS data do not include information on current active protection orders or prior criminal histories. The Adjudication Database was used to create proxy variables for protection orders and prior domestic violence convictions. If a defendant was charged with violating a protection order or with the specific crime of domestic assault with an active protection order, it was assumed that the defendant had an active order. Likewise if the defendant was charged with the specific crime of a subsequent domestic assault, it was assumed that the defendant had a prior conviction for domestic violence.

The final cohort included 3,368 defendants of whom 378 had evidence of a prior domestic violence conviction. Of those with evidence of a prior domestic, 66.7% were arrested, while 33.3% were cited to appear. The proportion was the same for those without evidence of a prior domestic conviction.

Only 39 incidents had evidence of a current order in effect at the time of the incident. Twenty-three (46.9%) of the defendants were arrested, while the remaining 44% were simply cited to appear. More research is needed to determine why 44% of the defendants who are violating the order are not taken into custody.

These two variables were entered into the regression model used in the prior NIBRS study. Neither variable was statistically significant (Prior Domestic, $p = .06$; Current Order, $p = .22$) in predicting a custodial arrest versus a citation. Therefore, the conclusion of the prior study is still valid; the extra-legal factors of police agency and location, when combined with some circumstances of the offense,
determine whether the police arrest or issue a citation. Evidence of a prior domestic violence charge and evidence of a protection order are not predictors of a custodial arrest.

Using NIBRS to Understand Court Processes
To study the effect of the type of arrest on the court process, several data points in the judicial process were analyzed: bail, charges filed, charges reduced, convictions, and sentencing. These points were chosen because they involve some discretion on the part of court actors that may be influenced by the type of arrest. Shernock\textsuperscript{6} (2005) suggests that the citation signals to court actors that the case is “less serious” than one that involves a custodial arrest.

Bail
The Court wields considerable discretion in deciding whether to release a defendant on his own recognizance, to order bail, or to detain a defendant. Decisions on bail are often made via telephone in consultation with the prosecutor and arresting officer. The court may deny bail when the defendant poses a flight risk. In felony cases, a judge may deny bail for an act of violence where the evidence of guilt is great and there is clear and convincing evidence that the defendant poses a substantial threat of violence to another person and that no conditions of release will remove that risk.\textsuperscript{7} Because the officer’s interpretation of the incident is used in bail decisions, this decision was chosen for studying the influence of the type of arrest.

Multinomial\textsuperscript{8} Regression – Bail Type (N = 3,356)\textsuperscript{9}

Of the 3,386 incidents, the most common bail status was Bail Ordered, with 1,896 (56%) of defendants being granted bail, but they were unable to afford it. Seven hundred and fifty eight (22.4%) defendants were granted bail and posted it. The court ordered detention in 575 (17.1%) incidents, and defendants were released on their own recognizance in 157 (4.6%) incidents.

For purposes of this analysis, the categories of bail ordered and bail posted were combined, as the decision of the Court is what is being measured. The following analysis explores what factors are related to the bail decision.\textsuperscript{10} The model compares the bail outcomes of personal recognizance and detention

\textsuperscript{7} Statutes 13 VSA 7554 13 VSA 7553a
\textsuperscript{8} Multinomial Regression was chosen because the tested models failed the Test of Parallelism of Ordinal Regression.
\textsuperscript{9} Two incidents were charged as attempted homicide, they are not included in this analysis. Nine incidents had an arrest offense recorded as “Intimidation”; they are not included in this analysis. Regression analysis can only be performed on cases without missing values. One case did not record the type of arrest.
\textsuperscript{10} The following factors were not statistically significant: arrested offense time of day for the offense, weapon used, evidence of a protective order in place and total number of domestic violence charges filed, county of offense, the ranking of charge seriousness (5-90, with homicide offenses being ranked 90, domestic 75, non-domestic assault 65, etc.), victim gender, if the defendant was a Vermont resident, and whether the defendant was under DOC supervision at the time of arrest.
to the outcome of the court setting a bail amount. Table 1 on the next page presents the regression analysis.

**Table 1: Multinomial Regression – Bail Type (N = 3,356)**

<table>
<thead>
<tr>
<th>Personal Recognizance</th>
<th>Variable</th>
<th>Source</th>
<th>B</th>
<th>p-Value*</th>
<th>Exp(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Custodial Arrest*</td>
<td>NIBRS</td>
<td>-.548</td>
<td>.001</td>
<td>.578</td>
</tr>
<tr>
<td></td>
<td>Male Offender</td>
<td>NIBRS</td>
<td>-.192</td>
<td>.062</td>
<td>.699</td>
</tr>
<tr>
<td></td>
<td>Arrest for Aggravated Assault</td>
<td>NIBRS</td>
<td>-.298</td>
<td>.353</td>
<td>.743</td>
</tr>
<tr>
<td></td>
<td>Felony Charge Filed*</td>
<td>Court</td>
<td>-.908</td>
<td>.003</td>
<td>.403</td>
</tr>
<tr>
<td>Detained</td>
<td>Custodial Arrest*</td>
<td>NIBRS</td>
<td>.519</td>
<td>.000</td>
<td>1.68</td>
</tr>
<tr>
<td></td>
<td>Male Offender*</td>
<td>NIBRS</td>
<td>1.01</td>
<td>.000</td>
<td>2.75</td>
</tr>
<tr>
<td></td>
<td>Arrest for Aggravated Assault*</td>
<td>NIBRS</td>
<td>.405</td>
<td>.001</td>
<td>1.18</td>
</tr>
<tr>
<td></td>
<td>Felony Charge Filed*</td>
<td>Court</td>
<td>1.49</td>
<td>.000</td>
<td>3.5</td>
</tr>
</tbody>
</table>

*A factor is statistically significant if the number reported p < .05*

The above table illustrates the different factors that contribute to the bail outcome decision. The model compares the probability of the court releasing or detaining a defendant as opposed to setting a bail amount. Each statistically significant factor on its own can be used to predict a bail outcome.

The variables “Arrest Type” and “Felony Charge Filed” were significant in both the decision to release versus set bail and in the decision to detain versus set bail. If the police issued a citation, the court was more likely to release the defendant than set bail. If the police arrested the defendant, the court was more likely to deny bail. If there were no felony charges filed, the court was more likely to release the defendant. If a felony charge was filed, the court was more likely to detain.

More variables were statistically significant in the decision to detain someone than were significant in the decision to release. Only “Arrest Type” and “Felony Charge Filed” were significant in the decision to release. In the decision to detain, men were more likely to be detained than women, and those the police arrested for aggravated assault were more likely to be detained.

The type of arrest influences the bail decision. This may be because the officer believes that the defendant is not a flight risk when the decision to arrest is made and therefore the officer issues a citation. The court’s decision to release the defendant could be confirming the assessment of the officer. It could also mean, as Shernock has posited, that the court treats the citation cases as less serious.
Domestic Violence Charging

Filing and charging decisions are the hallmark of prosecutorial discretion. This section analyzes what effect the arrest decision has on filing and charging domestic violence crimes. As the data contained in NIBRS and the Adjudication database do not reflect the strength of the case, victim participation, or other important variables in the filing decision, no conclusion can be drawn about the influence of the arrest type on filing outcomes. Charging outcomes, however, were more successfully modeled.

Filing

The original data file of cleared arrests for intimate partner violence incidents contained 4,940 incidents. Of those, 1,725 resulted in a citation to appear and 3,215 resulted in a custodial arrest. The data file created for this analysis contains 3,368 incidents, as noted above. Therefore, 69% of the arrested incidents resulted in a criminal charge being filed. Incidents involving a citation were more likely (73%) to lead to a criminal charge. Only 66% of custodial arrests led to a criminal charge.

Charging

Domestic violence\(^\text{11}\) was charged in 92.4% (3,111) of the incidents analyzed. This analysis examines when an incident cleared by the police as a domestic violence charge is charged as a domestic violence crime by the prosecutor. If a domestic violence charge was filed, the incident was coded a 1; if no domestic violence charge was filed, the incident was coded 0.

Logistic Regression – Any Domestic Violence Charged (N = 3,368)

The model, when insignificant variables\(^\text{12}\) were excluded, correctly predicted when the prosecutor would file a domestic violence charge 100% of the time. However, the model only correctly predicted when a charge would not be filed 18% of the time, indicating that other factors not contained in the data are affecting the decision not to file a domestic violence charge. The model’s overall percentage rate was 93.8%. Each variable in this final model could be used on its own to predict whether a domestic violence charge will filed. Table 2 on the next page presents the regression analysis.

\(^{11}\) Domestic Violence was defined as a charge under Vermont’s Domestic Violence statutes, a charge under Vermont’s Sex Assault statutes, or a charge under Vermont’s homicide statutes.

\(^{12}\) The following variables were found not to be significant in predicting whether a domestic violence charge was filed: arrested offense, evidence of a current protection order, evidence of a prior domestic violence conviction, time of day of the offense, whether the offender was intoxicated during the offense, whether a weapon was used, and if the defendant was under DOC supervision at the time of the arrest.
Table 2: Logistic Regression – Any Domestic Violence Charged (N = 3,368)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Source</th>
<th>B</th>
<th>p-Value*</th>
<th>Exp(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>NIBRS/COURT</td>
<td>NA</td>
<td>.000</td>
<td>NA</td>
</tr>
<tr>
<td>Offender Gender</td>
<td>NIBRS</td>
<td>-.634</td>
<td>.000</td>
<td>.531</td>
</tr>
<tr>
<td>Arrest Type</td>
<td>NIBRS</td>
<td>-.805</td>
<td>.000</td>
<td>.447</td>
</tr>
<tr>
<td>Injury Category</td>
<td>NIBRS</td>
<td>NA</td>
<td>.000</td>
<td>NA</td>
</tr>
<tr>
<td>Serious Injury(^{13})</td>
<td>NIBRS</td>
<td>1.45</td>
<td>.017</td>
<td>4.29</td>
</tr>
<tr>
<td>No Injury</td>
<td>NIBRS</td>
<td>1.12</td>
<td>.000</td>
<td>3.06</td>
</tr>
</tbody>
</table>

\(^{*}\)A factor is statistically significant if \(p < .05\)

All of the variables used in the final model are categorical variables. Categorical values are compared within variables in regression models. By convention, the most populous value is chosen as a reference variable. Males were the reference category in the Offender Gender category. The model shows that female offenders are less likely to be charged with domestic violence than male offenders in single arrest domestic violence incidents.

In the County variable, all counties are compared to Chittenden County. The following counties were statistically less likely to file domestic charges when compared to Chittenden County: Caledonia County, Essex County, Lamoille County, Orange County, Rutland County, and Washington County.

The type of injury sustained by the victim is also statistically significant in the charging decision. However, whether the victim sustained an injury was not significant in the police officer’s decision to issue a citation or arrest.\(^{14}\) If a victim sustains a serious injury, the prosecutor is 4.29 times more likely to file domestic charges than if just a minor injury is reported. However, a prosecutor is also 3 times more likely to file a domestic charge if NO injury is sustained compared to a minor injury. Injury is the only variable related to the circumstances of the offense that was significant. Whether a weapon was used, the arrested offenses, and evidence of past domestics were not significant in the charging decision. The apparent contradiction in the role that injury plays in charging decisions should be more fully explored.

\(^{13}\) The NIBRS injury categories were combined as follows: “Serious”: severe laceration, unconsciousness, apparent broken bones, loss of teeth, other major injury and possible internal injury. “Minor”: apparent minor injury. None: none.

\(^{14}\) An Analysis of Domestic Violence and Arrest Patterns in Vermont Using NIBRS Data, 2012 (http://www.jrsa.org/ibrrc/background-status/Vermont/VT_DVArrest.pdf)
If issued a citation, the defendant is less likely to be charged with domestic violence compared to those who are arrested. This may indicate that the officer is less sure of the circumstances or strength of the case and the prosecutor is agreeing with that assessment by not filing domestic violence charges. It could also mean that Shernock’s hypothesis is correct and citations are treated less seriously.

**Reduced Domestic Assault**

The 3,368 single-arrest incidents analyzed contributed 3,659 domestic assault charges to the court system. A total of 3,025 single arrest incidents had a domestic assault charge filed. When the charges were disposed, 83% (3,042) were disposed as a domestic assault. Of the domestic assault charges filed, 47% (1,722) were disposed with a conviction for a domestic assault. Thirty-three percent (1,190) were dismissed by the prosecutor as a domestic assault. Of those charges that were not disposed as domestic assault, 595 were disposed as a simple assault, 20 as a public order offense (i.e., trespassing), one was disposed as a motor vehicle offense, and one as a drug offense.

The final disposition charge, whether by conviction or other means, has an effect on the defendant. If a domestic assault charge is reduced to a simple assault charge, even if the case is dismissed, it will show up on his prior record as an assault, not as a domestic. This may influence future police or court decisions should the defendant be re-arrested. This section examines the factors that contribute to the reduction of a domestic assault charge to a non-domestic assault charge.

**Logistic Regression – Domestic Assault Reduced (N = 3,111)**

The model, when insignificant variables are excluded, predicted the outcome in 94.3% of the cases. The model correctly predicted when a charge would be reduced 96.9% of the time and when it would remain as a domestic assault 82.9% of the time. The type of arrest was not a significant factor in predicting charge reduction. This could be because the decision to reduce a final charge is made farther along in the process and, therefore, the police perception of the event is not as influential as it is in bail or original charging decisions. Table 3 presents the regression analysis.

**Table 3: Logistic Regression – Domestic Assault Reduced (N = 3,111)**

15 This analysis focuses only on domestic assault as defined in 13 VSA 1042, 13 VSA 1043 and 13 VSA 1044.
16 This number is consistent with prior studies; see Domestic Violence Case Processing in Vermont, 2010 (http://vcjr.org/reports/reportscrimjust/reports/dvcaseprocess_files/DAssault%20and%20VRAOrder.pdf)
17 Insignificant variables included: weapon, victim gender, felony domestic filed, evidence of a prior domestic, evidence of a current protection order, and arrest type.
<table>
<thead>
<tr>
<th>Variable</th>
<th>Source</th>
<th>B</th>
<th>p-Value*</th>
<th>Exp(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>County*</td>
<td>NIBRS/Court</td>
<td>NA</td>
<td>.008</td>
<td>NA</td>
</tr>
<tr>
<td>Offender Gender*</td>
<td>NIBRS</td>
<td>.872</td>
<td>.000</td>
<td>2.93</td>
</tr>
<tr>
<td>Total Misdemeanor Domestic Filed for Incident*</td>
<td>Court</td>
<td>3.05</td>
<td>.000</td>
<td>21.19</td>
</tr>
<tr>
<td>Total Misdemeanor Domestic Conviction for Incident*</td>
<td>Court</td>
<td>-6.65</td>
<td>.000</td>
<td>1.833</td>
</tr>
<tr>
<td>Total Domestic Nolle Prosqui for Incident*</td>
<td>Court</td>
<td>-5.05</td>
<td>.000</td>
<td>.006</td>
</tr>
<tr>
<td>Injury*</td>
<td>NIBRS</td>
<td>NA</td>
<td>.011</td>
<td>NA</td>
</tr>
<tr>
<td>Serious Injury</td>
<td>NIBRS</td>
<td>-7.00</td>
<td>.175</td>
<td>.496</td>
</tr>
<tr>
<td>No Injury*</td>
<td>NIBRS</td>
<td>.6</td>
<td>.010</td>
<td>1.83</td>
</tr>
</tbody>
</table>

*A factor is statistically significant if \( p < .05 \)

As with the regression analysis in Table 2, the categorical variables (County, Offender Gender, and Injury) are compared to the most populous value within that variable. Franklin County and Windham County were the only counties that had statistically differing reduction patterns than Chittenden County. Franklin County was less likely to reduce the charge to a non-domestic, while in Windham County the charges were 1.9 times more likely to be reduced when compared to Chittenden County. Female defendants were 2.9 times more likely to have the charges reduced when compared to males. If the victim had NO injury, the charges were more likely to be reduced than if the victim suffered minor injuries. A serious injury was not significant in the reduction of charges.

In this model, the total number of misdemeanor domestic violence cases filed, misdemeanor domestic violence cases convicted, and total number of domestic violence cases that were dismissed by the prosecutor were significant in predicting whether a charge would be reduced or not. The fewer the misdemeanor domestic convictions an incident had and the fewer nolle prosqui domestic charges, the less likely that any particular charge would be reduced. However, the more misdemeanors domestic charges that were filed, the higher the likelihood that any particular domestic violence charge would be reduced increased.

**Conviction and Sentencing**

**Conviction**

Several court actors are involved in securing a conviction. Each actor, from the judge to the defendant, may have a different motivation for choices that lead to the conviction. There were 3,025 incidents where the most serious charge filed was a domestic assault. Of those, 1,440 (47%) ended in a conviction for a domestic assault. All but 22 of the convictions were by plea. No NIBRS data elements, including the type of arrest, were correlated to a domestic assault conviction. The only court data elements that were correlated were the number of domestic assault charges filed for the incident. The more charges of domestic violence filed, the more likely at least one would end in a conviction. The county of the
charge was not correlated to a conviction. As 98% of the convictions were by plea, a presumably voluntary act of the defendant, data sources that focus on the offense and the court process and not the offender are not likely to provide significant insight into the conviction decision.

Sentencing

In a prior study on domestic violence, this author found that women were more likely to be incarcerated for domestic violence than men. That study was not limited to intimate partner violence. The prior study relied on criminal history and court data to analyze the factors that predict an incarcerative sentence. However, the court data codes sentences to Intermediate Sanctions, such as batterer interventions, as an incarcerative sentence. In this project, we were able to merge the Adjudication Database with data from the Department of Corrections to help determine who was actually sentenced to an Intermediate Sanction versus those who were sentenced to actual incarceration. Unfortunately, the data do not indicate what the Intermediate Sanction is. It could be substance abuse treatment, batterer intervention, or work crew. Criminal histories were not available for this project. As they are a driver in the decision to incarcerate, no regression analysis is performed here.

In felony sentencing, no NIBRS data elements were correlated to the sentence. Gender and type of weapon used were not correlated in felony sentencing, but are in misdemeanor sentencing.

Felony Sentencing

Chart 1: Felony Sentences by Type and Gender (N = 308)


19 The adjudication database was missing the felony sentence for one woman (8.3% of the total female convicts). One male (.3% of the total male convicts) was sentenced to a fine.
Only 12 women were convicted of a felony domestic assault. Two hundred and ninety-eight men were convicted of the same crime. No women convicted of a felony domestic assault were sentenced to an Intermediate Sanction as their only sentence. This may reflect the lack of community-based interventions for women. Seventeen percent of women were sentenced to some form of an Intermediate Sanction in addition to serving time inside a facility. Gender was not statistically correlated to the sentence received.

Chart 2: Felony Sentencing By Weapon Type\textsuperscript{20} (N = 309)

\textsuperscript{20} The following NIBRS categories were combined for deadly weapon: motor vehicle as a weapon, knife/cutting instrument, asphyxiation, poison, and blunt objects.
NIBRS data indicated that a weapon was used in 309 of the 310 felony convictions. Twelve defendants used a firearm, nine of whom were sentenced to some type of incarceration. Two hundred and forty-four defendants used the body as a weapon. Of those, 225 were sentenced to some form of incarceration. The type of weapon used was not statistically correlated to the sentence received.

**Misdemeanor Sentencing**

In 1,130 incidents, the resulting conviction was for a misdemeanor domestic assault. One hundred and fifty women were convicted and 980 men were convicted. Gender was statistically correlated (Spearman Correlation = .008) to the sentence received. However, women were less likely to receive an incarcerative sentence then men. Table 4 illustrates the sentences received by gender.

**Table 4: Misdemeanor Sentence by Gender**

<table>
<thead>
<tr>
<th></th>
<th>Incarceration</th>
<th>Split</th>
<th>Probation</th>
<th>Fine</th>
<th>Deferred</th>
<th>I.S.</th>
<th>I.S. and Incarceration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>12.1%</td>
<td>8.8%</td>
<td>46.4%</td>
<td>1.8%</td>
<td>15.6%</td>
<td>5.1%</td>
<td>9.8%</td>
</tr>
<tr>
<td>Female</td>
<td>5.3%</td>
<td>2%</td>
<td>50%</td>
<td>3.3%</td>
<td>32%</td>
<td>3.3%</td>
<td>3.3%</td>
</tr>
</tbody>
</table>

Eighty-eight percent of women did not receive an incarcerative sentence compared to 68% of males. In raw numbers, only 10 (7%) women were sentenced to some form of Intermediate Sanction, compared to 146 (15%) of men. This may reflect the lack of community-based options for women. Judges may be
compensating for the lack of availability of specialized programs by placing women on more restrictive community supervision levels instead of incarceration. The effect of the lack of programming should be explored more thoroughly with practitioners.

The type of weapon used was statistically correlated to the sentence received (Spearman’s Correlation = .005). A weapon was reported used in 99% of the misdemeanor convictions. Table 5 illustrates the sentence received by weapon used.

Table 5: Misdemeanor Sentence by Weapon

<table>
<thead>
<tr>
<th>Weapon</th>
<th>Incarceration</th>
<th>Split</th>
<th>Probation</th>
<th>Fine</th>
<th>Deferred</th>
<th>I.S.</th>
<th>I.S. and Incarceration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firearm</td>
<td>0%</td>
<td>8.3%</td>
<td>58.3%</td>
<td>0%</td>
<td>8.3%</td>
<td>25%</td>
<td>0%</td>
</tr>
<tr>
<td>Deadly Weapon</td>
<td>16%</td>
<td>13.5%</td>
<td>51.4%</td>
<td>0%</td>
<td>8.1%</td>
<td>2.7%</td>
<td>8.1%</td>
</tr>
<tr>
<td>Body</td>
<td>11.4%</td>
<td>7.8%</td>
<td>47.2%</td>
<td>2.1%</td>
<td>17.7%</td>
<td>4.9%</td>
<td>8.5%</td>
</tr>
<tr>
<td>Other</td>
<td>10.3%</td>
<td>5.1%</td>
<td>30.8%</td>
<td>0%</td>
<td>23.1%</td>
<td>7.7%</td>
<td>15.4%</td>
</tr>
<tr>
<td>None</td>
<td>23.5%</td>
<td>11.8%</td>
<td>47.0%</td>
<td>0%</td>
<td>17.7%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

Conclusion

This project demonstrates the ability to use disparate databases to form a more complete analysis of criminal justice processes. The Adjudication Database helped explain actions captured in NIBRS. The NIBRS data elements were successfully used to analyze decisions in bail status, charging, and sentencing.

It was not unexpected that the police decision to arrest or issue a citation was more relevant earlier on in the criminal justice processes. It is in the bail and charging decisions that the police are most relied upon to inform decisions. However, policy makers and stakeholders should acknowledge that those who are cited are more likely to be treated less harshly. Given that prior research has shown this decision is made in part on extra-legal factors, the weight that the decision has should be treated as suspect.

This project also explored the role of protection orders in police decisions and court processes. An active protection order does not increase the likelihood of custodial arrest. Nor does it influence the court process in any way. It is the decision not to arrest in these situations that is more influential.

Merging NIBRS, the Adjudication Database, and data from the Department of Corrections helped in analyzing gender disparity in sentencing. Gender disparity was found where men were more likely to be incarcerated for misdemeanor domestic assault as opposed to women. However, these data should be merged with criminal histories for a more complete modeling of sentencing decisions.
This report raises questions about domestic violence charging practices that should be more fully explored. It also raises possibilities for further research using combined datasets. The incidents analyzed were those in which the police officer arrested for domestic violence. It does not represent all domestic assault charges filed. Tracing the incident number from the Adjudication Database back into NIBRS would provide more insight on how domestic violence incidents are brought to court.