

## Misdemeanor Domestic Violence Data Analysis Summary

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In earlier tasks for MAG, MGT has conducted a protocol analysis and a key indicators analysis for arrest/investigation and prosecution practices in misdemeanor domestic violence cases.

In this data analysis task, we have attempted to analyze data collection elements related to the implementation of arrest and prosecution protocols for misdemeanor domestic violence cases, in order to help evaluate which data elements can help determine effective protocol implementation. The steps to this end have included:

- Identification of best practices in data collection regarding the arrest and prosecution of misdemeanor domestic violence crimes.
- Documentation of what data are collected, how the data are collected, how the data are used, and any corresponding impacts.
- A list of domestic-violence related data that should be and/or is collected and utilized by law enforcement and prosecution agencies was developed from three sources:
  1. Data collected and used by the state of Arizona
  2. Data collected at the federal level
  3. Data suggested by documented best/promising practices or model protocols
  4. Data that is collected by select law enforcement and/or prosecution agencies identified as best practices by a referral resource contacted during the course of our research.

### 1. Data Collected By The State Of Arizona

MGT consultants have copies of the Uniform Law Enforcement Domestic Violence Statistical Report for law enforcement agencies in Arizona. The Uniform Law Enforcement Domestic Violence Statistical Report is a form used by the (Arizona) Governor's Office for Children, Youth and Families' Division for Women to collect primarily aggregate counts from law enforcement in categories such as: total numbers of cases involving arrests on scene, total number of arrests by individual gender and dual gender, total number of cases where weapons were seized, total number of cases involving arrest that were submitted to a prosecutorial agency, total number of cases where alcohol or other drugs were involved, and total number of reports where minors were present on scene. The submission of this report is voluntary. In FY 2009 81 law enforcement agencies were reporting information. The report does not include prosecution agencies in its data collection.

The law enforcement data is included in the annual Commission to Prevent Violence Against Women report.

### 2. Data Collected at the Federal Level

The primary federal data collection system for crimes is the Federal Bureau of Investigation's (FBI) *National Incident-Based Reporting System* (NIBRS). NIBRS is an incident-based reporting system for crimes known to the police. For each crime incident coming to the attention of law enforcement, a variety of data are collected about the incident. These data include the nature and types of specific offenses in the incident, characteristics of the victim(s) and offender(s), types and value of property stolen and recovered,

and characteristics of persons arrested in connection with a crime incident. NIBRS grew out of the Uniform Crime Report (UCR), and like the UCR, NIBRS data is submitted to the FBI. NIBRS covers a wider range of crimes than the UCR, including domestic violence.

Participation in NIBRS is voluntary. Currently 31 states are NIBRS certified. NIBRS participation at the local level has not yet developed as significantly, however, with only 37 percent of law enforcement agencies participating.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has developed a tool to extract domestic violence data from NIBRS. If agencies are “NIBRS compliant” their data will be available in the OJJDP tool. The data is public and available online.

An example of use of NIBRS domestic violence data is from the School of Policy and Management at Florida International University, which has used NIBRS data to: “evaluate the predictive utility of situational and organizational factors associated with arrest probability in domestic violence cases.”<sup>1</sup>

Another example of use of NIBRS data comes from a National Institute of Justice (NIJ) report on dual arrests for domestic violence that cited NIBRS domestic violence data in its work.<sup>2</sup>

### 3. Data Suggested by Best/Promising Practices or Model Protocols

In the course of this project, MGT has collected model protocols and best/promising practices from a number of sources including: the International Association of Chiefs of Police (IACP), the National Coalition Against Domestic Violence, the Office of Justice Program’s National Institute for Justice (NIJ), St. Paul’s Blueprint for Safety, the Maryland Network Against Domestic Violence, the Battered Women’s Justice Project, and the Center for Court Innovation. Data elements, and their collection and/or use, are often mentioned in these sources. Some of the data are not commonly thought of as “data” per se. Examples of these include: crime scene photographs, offenders’ statements, and witness contact information. Some of the data are considered “flags” that indicate that something occurred. Examples of “flags” include such items as: was alcohol involved? Was a weapon used?

### 4. Data That is Collected by Renowned Law Enforcement and/or Prosecution Agencies

In its effort to review what data are collected, how the data are collected, how the data are used, and any corresponding impacts, MGT consultants had to determine how best to go about collecting such data in a manner that would yield the most meaningful information within the scope and budget of the project.

As such, MGT contacted the following entities, which it considers to be expert sources in this regard, to request recommendations of best practice jurisdictions in law enforcement and prosecution of misdemeanor domestic violence cases, which would serve as a representative sample for the data analysis:

- Office of Justice Programs, U.S. Department of Justice
- Office of Violence Against Women, U.S. Department of Justice
- International Association of Chiefs of Police
- National District Attorneys Association

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<sup>1</sup> Eitle, David “The Influence of Mandatory Arrest Policies, Police Organizational Characteristics, and Situational Variables on the Probability of Arrest in Domestic Violence Cases” *Crime & Delinquency* October 2005 51: 573-597

<sup>2</sup> Hirschel, David ; Buzawa, Eve ; Pattavina, April ; Faggiani, Don; Reuland, Melissa. *Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases*. National Institute of Justice: May 2007. Document Number: 18355. Award Number: 2001-WT-BX-0501.

- The Institute on Domestic Violence and Sexual Assault, Center for Social Work Research at the University of Texas at Austin

The recommendations from the individual contacts at these agencies yielded a list of the best practice/model programs sampled for the data analysis. It is notable that the St. Paul jurisdiction and the Maryland jurisdiction were both named by more than one referral resource as a best/promising practice to be sampled for data collection information.

Multiple attempts were made, using telephone and email communications, to interview/survey the recommended jurisdictions for this data analysis. The ones listed here are those that responded to the requests for information.

- San Diego Police Department
- San Diego District Attorney's Office
- Saint Paul City Attorney's Office
- El Paso District Attorney's Office
- Travis County Family Violence Protection Team (specifically, the Austin Police Department, The Travis County Sheriff's Office and the Travis County Attorney's Office)
- Charlotte-Mecklenburg District Attorney's Office
- Police Chiefs' Association of Santa Clara County, California

These agencies and entities comprise a representative sample from across the country. It is important to note, however, that none of the sources contacted for identification of and referrals to best practice law enforcement and prosecution agencies in domestic violence offered a large number of referrals. Rather, it appears that while certain jurisdictions are doing promising work in this area, it is still an area which has much room for improvement and growth and is still, in many ways, uncharted territory.

The identified programs were contacted via phone interviews or email communications by MGT consultants and interviewed as to what data they collect, how they collect it, how they use the data, and any resulting impacts to their law enforcement/prosecution practices resulting from their data collections and analysis.

The following table represents a combined summary of data elements and data collection information from sampled data collection entities, model/sample protocols reviewed, and best/promising practice programs interviewed.

**Law Enforcement and Prosecution  
Misdemeanor Domestic Violence Data Elements and Analysis**

Data Element	Source																
	Data Collection Entities		Protocols														
	AZ Uniform LE DV Statistical Report	OJJDP Victims of Domestic Violence Report	IACP Model Policy	Practical Implications for Domestic Violence Research	National Coalition Against Domestic Violence	St. Paul Blueprint for Safety	Maryland Network Against Domestic Violence	Austin Police Department	Travis County Attorney's Office	Travis County Sheriff's Office	Charlotte-Mecklenburg District Attorney's Office	El Paso District Attorney's Office	San Diego Police Department	San Diego District Attorney's Office	Saint Paul Bridges to Safety Program	Saint Paul City Attorney's Office	Police Chief's Association of Santa Clara County California
Age of Offender/ Juvenile Status Flag		x	I	I									x				x
Age of Victim		x					LA						x		x		LA
Agency/Officer Contact Information (Law Enforcement)																	Provide to Victim's Service Provider
Alcohol Flag	x		x			x	LA									x	LA
Arrest Made Flag (for # of Arrests)	x		x	Implied		x		x		x						x	x
Arrest at Scene Flag	x		x			x										x	x
Case Declined (Reason)				I					x			x					
Case Disposition (by Type of Disposition)				I	x							x		x			Provide to Victim's Service Provider
Cases Filed Flag (for # of Cases Filed)				I								x		x			
Case Referred to Prosecutors Flag	x			I					x	x							

**Law Enforcement and Prosecution (cont'd)**  
**Misdemeanor Domestic Violence Data Elements and Analysis**

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Children Present Flag	x		I			x												x
Crime Report Number (provide to Victims Services Providers)																		x
Damage to Property (Description)										x								
Day of the Week		x										x						
Date Investigation Completed																	x	
Date of Offense											x						x	
Demeanor / Emotional State of Victim when Officer Arrived (Description)						x				x							x	x
Demeanor / Emotional State of Offender when Officer Arrived (Description)				Believes this is misleading		x				x							x	x

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Description / Documentation of Injury			I			X					X					X	X
Documentation of language barrier						X										X	X
Domestic Violence Warrant Enforced or Fulfilled Flag							X		X								
Drug Flag	X		I			X										X	X
Dual Arrest (both parties)	X		I			X			X							X	X
Emergency Protective Order Issued Flag									X								X
Evidence of Animal Abuse			I														X
Expected Release Date																	Provide to Victim's Service Provider

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Fire Arm Charge Referred to Federal Prosecutor										x							
Follow Up Visit Date (LE)			I											x		x	x
Gated Community Pass code (Dispatcher)																	x
Gender of Offender	x	x											x				
Gender of Victim		x											x		x		
History of Violence/Called about this before/Protection Order			I	x										x		x	x
Immediate Threat (dispatcher)/Offender on scene (LE)			I														x
Initial Charge Level for Filed Cases				I													
Jury Trial Flag																x	
Location of Incident		x											x			x	x

**Law Enforcement and Prosecution (cont'd)**  
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Medical Records (exam) or Victim's Release Form to get Medical Records						x								x		x	x
Number of Offenders		x											x				
Number of Victims		x											x				
Offender Active Duty Military or Law Enforcement Flag																	x
Offender Described as Controlling / Jealous																	LA
Offender Employment Status																	LA
Offender Mental Health Flag (Dispatcher)																	x
Offender Not on Scene when Officer Arrives Flag			x													x	
Offender on Parole or Probation (Dispatcher)							x									x	I

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Offender a Parole Violator Flag														X			X
Offender Previous Convictions (date and crime)														X			X
Offender's Statement			I			X					X					X	X
Offender's Suspected Location if not Arrested			I			X										X	
Offense Code / Description	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Pictures Taken at Scene			X			X							X			X	X
Police Report Written	X		X			X		X	X				X			X	X
Race of Offender		X										X					
Race of Victim		X										No		X			
Rearrested if released on bond Flag				I		I										X	
Recording of Communications in Hostage Situation																	X

**Law Enforcement and Prosecution (cont'd)**  
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Relationship between witness and victim/offender	x	x	x	x	x	x	LA		x	x	x	x	x	x	x	x	x
Released on Bond Flag				I													
Sentenced if convicted				I													Provide to Victim's Service Provider
Seriousness of Injury		x					LA					x	x			x	x
Services Victim Directed To							LA										x
Size of Offender and Victim																	x
Statements that were Utterances (Identified)											x						x
Strangulation or Other Nonvisible Injuries Flag			x														x
Time of Dispatch																x	
Time of First Contact with Victim																x	x

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Time of Incident						x										x	
Type of Clearance		x										x					
Type of Crime	x	x										x					
Type of Victim		x										x					
Type of Weapon		x					LA					x					LA
Victim Friends (2 or more) Name, DOB, Contact Information (Investigator)																	x
Victim Statement			I			x				x	x					x	x
Victim Support Prosecution Flag				I													
Warrant Issued													x				
Weapon Access Flag						x	LA									x	LA
Weapon Involved Flag (dispatcher)			I														x
Weapon Seized Flag	x																x
Weapon Used Flag	x	I	I								x	x	x				x

**Law Enforcement and Prosecution (cont'd)**  
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When did the victim feel most threatened (description, not necessarily this incident)							LA										x	LA
Witness Name, DOB, Contact Information			I			x						x					x	x
How Data Are Collected	N	E	N	N	N	N	N	E	E	E	E	E	E	E	P	E	N	
Data Utility	R	R	O	B	A	B	A	B	B	B	O	O	O	O	O	B	O	

**Key:** For protocols: "I" means implied. The agency did not specify that data be collected, but it follows logically from their recommendations.

LA: Lethality Assessment.

How data are collected: E=electronically, N=No recommendation, and P=paper.

Data utility: A=Advocacy, B=Both Operational and Management, O= (primarily) Operational, and R=Report Requirement.

**Note:** Types of case dispositions mentioned included: Acquitted, Deferred Adjudication, Dismissed, Found Guilty, Found Guilty of Lesser Charge, Plead as Charged, Plead to Lesser Charge in Different Category, and Plead to Lesser Charge within the Same Category.

Reasons for Declining to Prosecute Cases Include: Insufficient Evidence (Returned for Further Investigation), Insufficient Evidence and Victim Unavailable or Requested No Further Action, and Request of Victim

## Analysis

It is common to find, as a whole, that many criminal justice agencies often collect data as a result of statutory or other such types of requirements or, more often even, as a requirement of a funding source, such as a federal or state grant. It is less common to find that entities that collect data actually use it as a management tool for their work. When used in this fashion, there are essentially two types of utility for data: operational utility and management utility.

**Operational utility** is defined as the use of the data to help someone do their job. For example, if a 9-1-1 operator tells a responding officer that a weapon was reported (data), that data helps the responding officer decide how to initiate contact. Likewise, when a police officer takes a picture of the injuries (data), that data makes it easier for the prosecutor to prosecute the case.

**Management utility** means that the data is useful for scheduling, staffing, budgeting, or evaluation. Management utility can have policy implications and can be used to analyze results of processes and practices, to determine when to continue or enhance certain components or, in the alternative, when to change or perhaps even eliminate certain practices or processes. With management utility one can use the quantitative analysis to build justifications for funding, and policy and procedures changes or adoption. This type of use is also sometimes known as “direct” management utility, in that it impacts one’s agencies or programs directly.

Another definition of “direct” management utility is when data are used by public officials or agency heads to build a justification for changes in legislation governing the arrest, investigation and prosecution of cases.

“Indirect” management utility is when someone else uses data to attempt to influence a decision maker. Indirect management utility can be seen when members of the public use publicly available data to advocate for their policy positions with elected officials, and also when elected officials or government agencies provide data to the public to encourage the public to make decisions or to illuminate the state of a given issue.

Data reported to state/federal government data collection sources is assumed to have management utility, although this is not always necessarily so.

## FINDINGS

Major findings from the review of the best/promising practice programs are:

- All of the agencies either collect the majority of data electronically or are moving in that direction.
- Most of the agencies focus on the operational utility rather than the management utility of the data.
- One department interviewed indicated that it did not collect racial/ethnic data on the victims, to prevent public use of their data by media outlets and political organizations in a defamatory manner.
- One law enforcement agency mentioned that its use of data tends to be reactive rather than proactive. They stated that, unlike crimes such as robbery, where data analysis can point to trends that can lead to proactive prevention strategies, domestic violence is not the type of crime that lends itself to proactive prevention, but to reactive interventions. However, the agency also mentioned using data to determine how to

respond to changes in programming or procedures when new laws are enacted that impact how domestic violence cases are to be handled.

- One department shared a strong example of management utility of data: the department determined from analyzing its collected data that there was a negative correlation between the length of time for the investigation to begin and for an offender to be charged and the successful prosecution of the case; the longer the investigation lasted, the lesser the chance of a conviction. The jurisdiction changed its policy, requiring the investigation to begin within 10 days of the incident of domestic violence. The policy change decreased the average time from the incident to the filing of charges from 80 to 35 days, and increased convictions fourfold.
- A joint grant funded team of law enforcement and prosecution representatives also shared an example of management utility of data. It reported using collected data to analyze trends that have helped to shape decisions on what staff positions to seek under its grant. For example, several years into their funding, an assistant county attorney position was requested in order to provide on-site staffing of the increasing numbers of misdemeanor domestic violence cases with the family violence unit detectives. The result improved coordination between law enforcement and prosecution and is viewed as very positive by the both entities. It is believed to have resulted in more effective charging decisions overall.

### CONCLUSION

Methods of uniform/standardized data collection in the area of domestic violence cases appear to still be in their “infancy” nationally. More importantly even, analysis and use of collected data to meaningfully impact the work done in domestic violence cases is not necessarily commonplace, if the programs sampled for this review serve as a representation. If anything, use of data is more often for operational use and improvements rather than for proactive use as a management tool for working with domestic violence cases. Nevertheless, the few examples of management utility of data that were shared offer a glimpse of potential for proactive use of data in a management utility capacity to improve outcomes for domestic violence cases and their victims. There is tremendous room for growth, improvement and innovation in this arena.

The work being done in Maricopa County through the Maricopa Association of Government’s Protocol Evaluation Project could very well be used to chart a course for the jurisdictions in Maricopa County to serve as a model in this field.