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**The Crime Control Effects of Prosecuting  
Intimate Partner Violence in Hamilton County, Ohio:**

**Reproducing and Extending the Analyses of  
Wooldredge and Thistlethwaite**

**Executive Summary**

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**January 2008**

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# **The Crime Control Effects of Prosecuting Intimate Partner Violence in Hamilton County, Ohio:**

## **Reproducing and Extending the Analyses of Wooldredge and Thistlethwaite**

### **Executive Summary**

This research seeks to enhance our understanding of the effects of prosecution, conviction and sentence severity on subsequent offending against intimate partners. Our approach is to conduct in-depth analyses of the data (Wooldredge, 2000) used in four recent publications conducted by John Wooldredge and Amy Thistlethwaite (Wooldredge and Thistlethwaite, 1999; 2002; 2005; Wooldredge, 2002). These publications were selected because of the breath, depth, and quality of their design, implementation, and analyses, the likely impact of their reported findings on the scientific knowledge and future policy making, and the availability of the data for re-analysis. Our secondary analyses of these data are designed to more clearly explicate the specific nature of the published analyses and to identify the extent to which the published analyses can be reproduced from the available data.

This research goes beyond reproducing Wooldredge and Thistlethwaite's published analyses and develops alternative tests of the relationship between prosecution, conviction, and sentence severity and the pattern of repeat violence among intimate partners.

This report is organized into three parts. Part 1 reviews the prior research on the amount of prosecution and conviction for intimate partner violence and the reported effectiveness of these criminal sanctions on repeat offending. The primary focus of this report is the contribution of four publications by Wooldredge and Thistlethwaite on our understanding of the effectiveness of criminal sanctions in reducing repeat offending in Hamilton County, Ohio.

The second part of this report uses the publicly archived data produced by Wooldredge and Thistlethwaite to determine the extent to which their multivariate and multi-level analyses of the crime control effects of criminal sanctions can be reproduced by independent analysts. Using three explicit criteria for reproducibility, we determine that, while the vast majority of their findings can be reproduced, we could not confirm their findings about the lack of a crime control effect for offenders sentenced to probation—our analyses show probation to be consistently associated with reduced repeat offending.

In Part 3, we extend the analyses of Wooldredge and Thistlethwaite. Using their archived data, we conducted new analyses which identify a crime control effect associated with the filing of charges, with obtaining a conviction and with a sentence to probation. Among all 3,662 arrestees, a jail sentence has no effect on repeat offending; among only convicted offenders, a jail sentence is associated with increased repeat offending.











- \* Our ability to confirm most of the Wooldredge and Thistlethwaite's findings speaks well to the strengths of their efforts, the clear descriptions of their measures and methods, and the quality of their data and data documentation. Our inability to confirm some of their findings, especially some finding important for the crime control effects of criminal sanctions, provides a basis to revise somewhat our assessment of the research literature on this issue.
- \* Future analyses will be enhanced when archived data include detailed information about the dates of criminal justice processing events as well as the dates of repeat offenses that occur during as well as after the completion of a sentence.
- \* Our efforts at reproducing Wooldredge and Thistlethwaite's findings suggest the value of similar examinations of other studies about criminal sanctions prior to making any definitive policy judgments about their effectiveness in reducing repeat offending.
- \* Future efforts to synthesize findings on this and other criminological issues would be stronger if they were based on confirmed findings, instead of relying solely on the originally published findings.

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**A Final Report Submitted to the National Institute of Justice**

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Joint Centers for Justice Studies, Inc**

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**January 2008**

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within the context of the larger body of research. Chapter 3 describes our approach to the reproduction and extension of the analyses by Wooldredge and Thistlethwaite.

The second part of this report presents the results of our efforts to reproduce the published findings of Wooldredge and Thistlethwaite. In Chapter 4, we present the findings of our efforts to reproduce the descriptive statistics reported by Wooldredge and Thistlethwaite. In Chapter 5, we report the results of our effort to reproduce their findings about the direct effects of criminal sanctions on subsequent rearrest. Chapter 6 presents our results about the direct effects of an offender's stakes in conformity and the extent to which the direct effects of sanctions are conditioned on an offender's stakes in conformity. The focus of Chapter 7 is the social context in which an offender lives, the effect of that context on rearrest, and the effect of social context on the relationship between sanctions and rearrest.

In Part 3, we extend the analyses of Wooldredge and Thistlethwaite. In Chapter 8, we report the results of our reformulated tests of the crime control effects of criminal sanctions and stakes in conformity. In addition, we use the available data to illustrate an analytical approach to separating the selection effects of criminal sanctions from the selection processes that determine which offenders are given more severe sanctions.

In Chapter 9, we summarize the substantive findings of this research. We identify the methodological strengths and weaknesses of the archived data and the substantive implications of our ability to reproduce Wooldredge and Thistlethwaite's analyses. Based on the findings from reproducing and extending the analyses of Wooldredge and Thistlethwaite, we provide what we think is a more policy relevant assessment of the crime control effects of prosecuting intimate partner violence, convicting offenders and sentencing them to a treatment program, to probation, or to jail, based on the data from Hamilton County, Ohio.

### *Importance of Crime Control Effects for Prosecution and Conviction*

Since the early 1990s, the public debate about the appropriate response of the criminal justice system to intimate partner violence has emphasized the use of arrest, prosecution, conviction, and criminal sanctions to protect victims (Fagan, 1996; Ford, *et al.*, 1996). A recent National Academy of Sciences assessment of the effects of arrest concludes that “legal sanctions do have deterrent effects, although modest in magnitude” (Kruttschnitt, *et al.*, 2004: 7). The Academy also asserts that research on legal sanctions is generally poor in quality and that there was a need to increase support for more rigorous research.

According to some scholars (see Hirschel, *et al.* 1992; Tolman & Weisz, 1995; Mills, 1998; Zorza, 1992;), the lack of large and consistent effects of arrest on subsequent re-offending (Sherman, 1992; Maxwell, *et al.*, 2002) stems, in great part, from inadequate follow through by prosecutors and courts. According to this argument, when arrests are not prosecuted, offenders do not fear the consequences of their behavior and victims are not empowered by the criminal justice system (Cahn & Lerman, 1991; Cahn, 1992; Ellis, 1984; Lerman, 1986; Waits, 1985). Since the late 1960s, summaries of the research literature have consistently reported that both the prosecution and conviction for domestic violence occur rarely (Buzawa, *et al.* 1999; Dobash and Dobash, 1979; Hartman and Belknap, 2003; Jordan, 2004; Lerman, 1981; Martin, 1976; Miller, 1970; Parnas, 1970; Sherman; 1992; 2000; Tolman and Weisz, 1995; Walker, 1979; Worden, 2001). This assessment is also reflected in two reports from the National Academy of Science. Crowell and Burgess (1996, p. 118) report that “prosecution rates of battering cases typically have been low.” Two years later, Chalk and King (1998, p. 279) found that

the criminal justice system has traditionally been reluctant to impose fines, sentences, and other punitive sanctions on individuals charged with child maltreatment, domestic violence or elder abuse.

The available evidence suggests that the prosecution and conviction for intimate partner violence is more frequent than most of this research has assumed. Our review of 135 studies with sufficient information to produce a prosecution or conviction rate finds great variability in these rates across jurisdiction<sup>1</sup>. On average, one third of all reported offenses and more than three fifths of all arrests for intimate partner violence result in a prosecution; moreover, more than half of all prosecutions for intimate partner violence results in a conviction on one or more charges. Given that prosecution and conviction occurs more frequently than the prior research had asserted, questions about the effectiveness of criminal sanctions--prosecution, conviction and sentence severity--to reduce repeat offending become even more important.

While the effectiveness of arrest and prosecution has been questioned in the academic and reform literature, the Violence Against Women Act of 1994 and its subsequent re-authorizations continue to emphasize and promote the use of both arrest and prosecution through training grants and through direct support. The disconnect between the limited support for crime control effects for arrest and the continuing strong policy support by the Federal government raises an important question: what is known about the prevalence and frequency of repeat offending following the initiation of charges, the determination of a guilty verdict, or the imposition of more severe sanctions?

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<sup>1</sup>A listing of these 135 studies and the number of offenses, arrests, prosecutions and convictions reported in provided in Appendix 1





criminal sanctions and repeat offending for intimate partner violence. Table 1 - 1 summarizes the findings reported in these thirty studies for the three sanction hypotheses. For each of these studies, Table 1 - 1 displays the number of tests whose findings show statistically significant less repeat offending, more repeat offending, or no difference in repeat offending. Many studies report more than one test<sup>2</sup> of a particular hypothesis and studies with multiple tests often report inconsistent findings for each hypothesis.

The 30 studies reviewed here measure criminal sanctions in diverse ways and the associations they report of a particular sanction (e. g., diversion, probation, etc.) with repeat offending is frequently not interpreted by the original authors as a test of a broader hypothesis about prosecution, conviction or sentence severity. Thus, the summary of results we report below are based on our definition of prosecution as any time charges are filed and conviction as any form of a guilty verdict.

Based on the reported findings in Table 1 - 1, all three hypotheses about the crime control effects of sanctions for intimate partner violence find some support but none of them finds consistent support. The predominant finding in this literature is that criminal sanctions have no effect on subsequent re-offending. Out of the 164 tests, 107 (65.2%) show no statistically significant differences. In those studies where statistically significant effects were reported, the predominant finding favors the prosecution and conviction hypotheses. In 18 studies, 25 of the 61 tests (41.0%) of the prosecution hypothesis show less repeat offending following prosecution; only four (6.6%) of the 61 tests show more repeat offending following prosecution.

Fourteen of the 68 tests (20.6%) of the conviction hypothesis show reduced repeat

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<sup>2</sup>Multiple tests can result from many sources: using offenses or arrests as a measure of repeat offending, using prevalence, frequency or time to failure parameters of the same measure, using different measures of criminal sanctions or using official records or victim interviews.

offending; only five (7.3%) of the tests show increase repeat offending following a conviction for intimate partner violence. The evidence in Table 1- 1 for the sentence severity hypothesis is less promising. Comparing more severe to less severe sentences, four out 35 tests (11.4%) show less repeat offending but five tests (14.2%) show more repeat offending.

*Substantive Findings: Stakes in Conformity and Social Contexts*

As displayed in Table 1 - 2, the stakes-in- conformity hypothesis was tested in 12 published reports with 16 of 63 statistical tests (25.4%) supporting the hypothesis, 47 (74.5%) showing no effect and none showing contrary results. These findings tend to support the underlying argument of the stakes hypothesis that repeat offending can vary depending upon the extent to which an offender has a stake-in-conformity.

Tests for an interaction between an offender's stakes-in-conformity and criminal sanctions following prosecution for intimate partner violence have been reported in only five reports (See Table 2 - 1) and four of those reports are based on the analysis of data from Hamilton County, Ohio. Like the previous hypotheses, these results are dominated by findings of no effect. Twenty-five out of 34 tests (73.5%) show no effect. Eight tests (23.5%) support this hypothesis and there is one reported test that is contrary to this hypothesis.

The social context hypothesis has been tested in four publications that were produced by the same team of researchers and based on analyses that were derived from the same sample of cases in Hamilton County, Ohio<sup>3</sup> (See Table 1 - 3). In these four publications, the social context hypothesis was tested using different subsamples, different statistical models and different

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<sup>3</sup>In two of these publications, the social context variables are conceived of as aggregate level stakes-in-conformity. In order not to confound individual level and aggregate level measures of stakes-in-conformity and to not double count tests as stakes-in-conformity and social context, we record as aggregate level tests as measures of social context only.

outcome measures. Of the 19 tests reported in these four publications, 10 (52.6%) found that social characteristics of neighborhoods were associated with reduced repeat offending. In the other nine tests, social context was associated with no statistically significant differences in repeat offending.

Two of the studies using data from Hamilton County, Ohio also report tests of the social context-sanctions hypothesis. Based on these tests, support for this hypothesis is not very strong. Only three out of 29 tests (10.3%) confirm this hypothesis and six test results (20.7%) are contrary to this hypothesis--sanctions are associated with increased rates of rearrest in neighborhoods with more positive social contexts. As with the other six hypotheses, the predominant finding in 20 tests (68.9%) is no effect.

#### *Summary of Crime Control Effects*

We have identified thirty publications that report the extent to which the prosecution, conviction, or imposition of a more severe sentence is associated with lower levels of repeat violence between intimates. Consistent with the assessments from the National Academy of Sciences about the effects of sanctions generally (Blumstein, *et al.*, 1978; Kruttschnitt, *et al.*, 2004), the evidence from these 30 published reports is that the predominant finding is one of no effect; however, when statistically significant effects are reported, the evidence tends to favor the hypothesis that sanctions are associated with less subsequent offending more than it favors the hypothesis that sanctions are associated with more subsequent offending.

The evidence in the available research literature provides some support for the idea that the effectiveness of sanctions can vary by an offender's stakes-in-conformity and by the characteristics of the neighborhood where the offender lives. There is less support for the hypothesis that an offender's stakes-in-conformity mediates the effects of sanction and the

































































































































































































































































































































































