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United States District Court For The District of Hawaii

KIRK FISHER,,
Plaintiff,)

vs.)

LOUIS KEALOHA, as an)
individual)
and in his official capacity as)
Honolulu)
Chief of Police, PAUL)

PUTZULU, as)
an individual and in his official)
capacity)
as former acting Honolulu)
Chief of)
Police, and CITY AND)
COUNTY OF)
HONOLULU,.;)

;)
Defendants.)

Civ. No. 11-00589 ACK-BMK
Notice of Errata

Notice of Errata

Comes now the Amicus Curiae, Hawaii Defense files this notice of errata. Several hours after filing its motion to file a supplemental amicus brief, undersigned counsel received a unexpected response by email from Professor Dr. Edward Gondolf. Undersigned was aware he had academic publications with long term research within the field of domestic violence. Undersigned had contacted him for assistance. He did not expect Dr. Gandolf would provide an academically peer reviewed study which directly establishes a trend in decreasing recidivism over ten years mark from time of last conviction. Dr. Gandolf provided a Longitudinal Study of Arrested Batterers, 1995-2005 which does exactly that.

If the proposed supplemental brief is accepted by this Court, HDF will make a small amendment to include the addition of the study which he attaches to this notice. This study shows recidivism is quite high for those convicted of domestic violence (nearly 75%). However after each year from time of last conviction arrest rates decrease. Even if the brief is denied HDF is hopeful this study will be reviewed and considered submitted by the Court alongside the study (properly defined as a position paper) submitted by amicus curiae Brady Campaign to Prevent Gun Violence.

Respectfully submitted this 7th day of April, 2014

/s/Alan Beck

Alan Beck (HI Bar No. 9145)

CERTIFICATE OF SERVICE

On this, the 7th day of April, 2014, I served the foregoing pleading by electronically filing it with the Court's CM/ECF system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Alan Beck
Alan Beck (HI Bar No. 9145)

Violence Against Women

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A Longitudinal Study of Arrested Batterers, 1995-2005: Career Criminals

Andrew R. Klein and Terri Tobin
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A Longitudinal Study of Arrested Batterers, 1995-2005

Career Criminals

Andrew R. Klein

Terri Tobin

Advocates for Human Potential, Inc.

An examination of the abuse and criminal careers of 342 men arraigned in the Quincy, Massachusetts, District Court for a crime of domestic violence between 1995 and 1996 through 2004 reveals decade-long criminal and abuse careers largely undeterred by arrest, prosecution, probation supervision, incarceration, and batterer treatment. Although only a minority reabused (32%) or were arrested for any crime (43%) within a year of the study court arraignment, over the next decade, the majority (60%) reabused, and almost three fourths were rearrested for a domestic abuse or non-domestic abuse crime. The research suggests that short-term cessation of domestic violence achieved after a variety of interventions may not indicate longer-term behavior change.

Keywords: *criminal careers; domestic violence; offenders; reabuse; recidivism; restraining order; victims*

The research designed to determine the efficacy of various interventions targeting domestic violence employs a variety of measures to define reabuse and/or recidivism and uses various methodologies to analyze these interventions. Almost all, however, employ limited follow-up periods. The Spousal Assault Replication and related arrest studies (Felson, Ackerman, & Gallagher, 2005; Maxwell, Garner, & Fagan, 2001; Sherman & Berk, 1984), for example, looked at rearrests from 6 months to 3 years. The major research on civil restraining orders to date has employed follow-up periods between 4 months and 2 years (Carlson, Harris, & Holden, 1999; Grau, Fagan, & Wexler, 1985; Harrell & Smith, 1996; Holt, Kernic, Lumley, Wolf, & Rivara, 2002; Holt, Kernic, Wolf, & Rivara, 2003; Keilitz, Hannaford, & Efkerman, 1997; Klein, 1996). Batterer intervention studies similarly have had follow-up periods from 4 months to 1 year (Chen, Bersani, Myers, & Denton, 1989; Davis, Taylor, & Maxwell, 1999; Dunford, 2000; Feder & Forde, 2000). The one exception is Gondolf (2001), who followed batterers for 4 years. More recently, a study of probation intervention in Rhode Island followed abusers up to 2 years (Klein, Wilson, Crow, & DeMichele, 2005).

Authors' Note: The authors would like to acknowledge the work of Dr. Doug Wilson on the original report of this study.

As a result, to the extent these studies successfully address various methodological challenges to produce reliable results, they reveal only the short-term efficacy of interventions. The question remains whether any of these interventions, even multiple interventions, have a longer-term effect in deterring repeat domestic abuse or arrests for any crime.

Although there is no agreement why abusers abuse (McCarroll, 2004), it is generally conceded that at least those identified by the criminal justice system have relatively long established patterns of abuse and/or other criminal behavior. Harrell and Smith (1996), for example, concluded that victims of court-restrained abusers “had endured considerable abuse” before the temporary orders were issued (p. 230). The average number of abusive behaviors inflicted on the women was 12.74. The median duration of abuse was 2.4 years. This, the researchers suggested, demonstrates “that formal intervention through petition to the court for relief is used, not as a form of early intervention, but rather as a signal of desperation following extensive problems” (p. 231).

Similarly, domestic violence arrest studies have found that victims do not generally call police and/or police do not generally arrest suspects for their first abuse incident. Buzawa, Hotaling, Klein, and Byrnes (1999) found victims ($n = 117$) had called police an average 2.5 times before the study arrest call. Felson et al. (2005) found that 59.3% of sample victims ($n = 2,564$) had been victimized by the abuser previous to the study incident, but only 22.0% of the incidents resulted in arrests. Roehl, O’Sullivan, Webster, and Campbell (2005) interviewed select abused women, including 628 seeking protective orders in New York family courts, 400 who made a 911 domestic call to the Los Angeles Sheriff’s Department, 175 in a New York City or Los Angeles shelter, 28 seeking emergency care from New York City hospitals, and 11 women in a community domestic violence program. Only 6% reported that their abusers were arrested.

Not only do victims suffer repeated abuse before their abusers are arrested or restrained by courts, but their abusers often have a prior criminal history. Klein (1996) found that 78% of the male abusers ($n = 644$) brought to court for a civil restraining order by their female victims had extensive prior court involvement and criminal histories, averaging 13 prior criminal complaints per abuser.

A small 1995 study of nighttime domestic violence police incident responses in Memphis, Tennessee, found that two thirds of the domestic assailants ($n = 62$) were on probation or parole at the time of the assault (Brookoff, 1997). In the

overwhelming majority of incidents (89%), the primary victim had suffered a previous assault by the current assailant; 91% had reported a prior incident to police, 73% within the prior two weeks. Most reported daily (35%) or weekly (55%) battering. Of the women assaulted by a current or former partner, 44% reported an assault by that man during pregnancy. (p. 2)

The Spousal Assault Replication studies also found that 40% of sample abusers ($n = 4,032$) had prior criminal histories (Maxwell et al., 2001). If the anomalous Dade County results (12%) are excluded, the average rises to 48%. Buzawa et al. (1999) found that 86% of the men arrested for domestic violence on the south shore of Massachusetts had criminal court records. A study of 519 misdemeanor domestic violence cases in the Toledo, Ohio, Municipal Court documented that 89.0% had at least one or more prior arrests for a nonviolent misdemeanor; 69.0% had at least one prior violent misdemeanor arrest, including 59.0% with one or more prior arrests for domestic violence; 49.0% had at least one nonviolent felony arrest; and 26.4% had at least on violent felony arrest (Ventura & Davis, 2004).

Batterer intervention and probation studies have also documented that most abusers are not strangers to abuse or the criminal justice system. Baba, Galaka, Turk-Bicakci, and Asquith (1999), in Santa Clara County, California, documented that 54% had at least one prior court *conviction* for domestic violence; more than one fourth (26%) had two or more prior convictions for domestic violence.

Given that abusers identified by the criminal justice system are, in effect, repeat offenders, is it even reasonable to believe that any intervention or multiple interventions over relatively short periods can change long-term behavior such as domestic violence? Reviewing criminal histories of abusers identified in a Quincy, Massachusetts, arrest study from 1995 to 1996 and followed for the subsequent decade suggests not. Although they resemble career criminals in many respects, they appear to differ from them in several critical measures.

Research Method

Study Population

The abusers in this longitudinal study were first identified in a National Institute of Justice–funded study completed in 1998 (Buzawa et al., 1999; Buzawa, Hotaling, & Klein, 1998). The study identified a population of 356 males arrested for the crime of domestic abuse, most involving violence, against a female intimate partner in the jurisdiction of the Quincy District Court covering the Massachusetts south shore between February 1995 and March 1996. A little more than two thirds of the men were arrested and prosecuted for assaults and battery, 44 of them with a dangerous weapon. Another 8% were arrested for rape, kidnapping, robbery, or armed assault. A little more than 20% were arrested for violating a civil restraining order, including 15% who were also arrested for an assault and battering during the order violation. Only 5% were arrested and charged with a nonviolent offense, including threatening to commit a crime, stalking, and making annoying phone calls. The high proportion of study arrests for domestic assaults is consistent with that found in other studies of court-involved abusers (Baba et al., 1999; Klein et al., 2005; Maxwell et al., 2001).

In the follow-up longitudinal study, researchers tracked the criminal and civil records for the following decade through the end of 2004 for all but 14 of the study abusers. Researchers could not locate these files for follow-up examination, leaving 342 study abusers (96%).

1995 to 1996 Profile of Abusers ($n = 356$)

Consistent with other studies (Klein et al., 2005; Ventura & Davis, 2004), the average age of abusers in the initial study was 34, the median age was 33, although they ranged in age from 17 years to 66. Reflecting the area's demographics, 85% were White and 15% were African American, although the latter were overrepresented, given they constituted only 6% of the area's population at that time. Overrepresentation of African Americans as abusers is consistent with national surveys (Greenfield et al., 1998; Rennison & Welchans, 2000-2002). Only 28% were married, as found in many studies of court-involved abusers (Baba et al., 1999; Klein et al., 2005; Ventura & Davis, 2004). Of the cases, 23% involved ex-spouses or ex-intimates, according to the victims.

As in many other studies of court-involved abusers, the vast majority of abusers were repeat offenders. Only 16.4% had no record of any prior criminal court arraignments. The average abuser had 11 prior criminal complaints on his record; the median was 5. Although not all prior charges resulted in convictions, the majority (55.0%) had been under probation supervision (after a guilty finding) in the past, and 29.5% had been sentenced to a period of incarceration.

In another indication of prior criminality, the average age of the abusers' first arrest was 23, and the median age was 19. One fourth of the abusers had records of juvenile delinquency arrests (age 16 or younger).

Researchers were unable to determine if prior crimes-against-person arrests involved intimate partners in all cases. However, based on the face of these prior records, no less than one fourth of the abusers had at least one prior arrest for domestic abuse. On average, their first known domestic violence arrest preceded their study domestic violence arrest by almost 8 years, with a median time of 4.3 years. For those with no known prior domestic violence arrests, their first arrest preceded their study domestic violence arrest by 10.4 years on average, with a median time of 9.3 years.

In another indication of prior abuse history, 29% had at least one civil restraining order issued against them. One third of those with orders had multiple orders taken out against them. Combining criminal and civil records, 150 of the abusers, constituting 44% of the study population, had known prior criminal and/or civil court records of domestic abuse.

Most of the abusers (56%) had prior records for crimes against persons, including nonintimates. More than a few of the abusers had severe records of violence. Approximately 10% had prior felony convictions for murder, armed robbery, or rape and had been sentenced to state prison in the past. Although half of these were identified on the record as crimes involving intimate partners, more may have been.

Less than 5% of the abusers had court records restricted to domestic violence alone. Several studies of batterer typologies include batterers who are “family-only” abusers (Holtzworth-Monroe & Stuart, 1994; Stuart, 2005). If these categories of batterers did exist, they were not prevalent, at least not in this population of arrested abusers in the Quincy Court jurisdiction between 1995 and 1996. It may also be that “family-only” abusers do not come to the attention of law enforcement or are not arrested if they do.

Consistent with other research that documents a correlation between substance abuse and domestic violence (Felson et al., 2005; Gondolf, 2001; Saunders, 1994), the majority of abusers (58%) also had prior records of alcohol and illicit drug offenses, a slight majority (52%) had prior charges of crimes against property, and 44% had crimes against public order on their records.

Initial Study Dispositions

Excluding those defendants who defaulted (did not show) in court, it took an average of 8.5 months for the study abusers’ charges to be disposed of in court, with a median time of 6.5 months. This proved consequential because many of the abusers who were rearrested quickly reoffended. As a result, of those subsequently rearrested for any crime, including domestic violence, 44% had their first new arrest while their initial study arrest case was pending. The current research reveals similar periods for subsequent charge disposal in Quincy and other courts during the following 9 years.

Unlike many other jurisdictions where domestic violence prosecution studies have been completed (Klein, 2004), the majority of the Quincy domestic abuse arrests were prosecuted and resulted in convictions for the initial charges. Quincy Court, at the time, had one of the first specialized domestic violence prosecution teams in the country, which attempted to prosecute all cases. Only 31.5% of the study defendants’ charges were dismissed by prosecutors (*nolle prosequi*) prior to trial (18.5%) or were subsequently dismissed in court (13.0%).

A little less than half (49.5%) were placed under probation supervision, half after a finding of guilt and half after a finding of or admission of sufficient facts of guilt, but in which the judge “continues the case without a finding.” If these defendants satisfactorily completed their probationary period, the case was subsequently dismissed. The probationary conditions for all defendants under supervision generally included completion of a 50-week batterer intervention program, reporting to a probation officer weekly for the first 3 to 6 months, maintaining abstinence from alcohol and illicit drugs, and submitting to periodic, random urine screens. Although prohibitions on victim contact were not generally imposed as a condition of probation, some of the victims had restraining orders against the probationers during the course of their supervision. If so, the “no contact” order was incorporated into the probationary conditions and enforced as a condition of probation.

The survival rate for defendants placed under probation supervision was limited. Almost one third of the abusers, 31.3%, released to the community under probation supervision were subsequently incarcerated for violating those conditions. The average sentence for those revoked was 11 months, with a median sentence of 10 months.

In addition, 12% of the abusers were sentenced to jail, half receiving “split” sentences that required them to complete a term of probation on their release. Sentences of imprisonment were served in either county houses of corrections for misdemeanors or state prisons for felonies. The average sentence of incarceration was 13.6 months, with a median of 1 year. A little more than 5% of the cases included not guilty findings or fines or were not disposed because the defendants defaulted and were never tried.

Unlike other studies of domestic violence prosecution (Belknap et al., 1999; Davis, Smith, & Nickles, 1998; Ford & Regoli, 1993; Ventura & Davis, 2004), the sentencing correlated directly with prior criminal history. Those whose cases were dismissed, as shown in Table 1, were older at first arrest and less likely to have arrest records or prior probationary or jail sentences than those prosecuted and found guilty. On the other hand, those prosecuted and sentenced to probation, to a suspended sentence, to a split sentence, or to a jail sentence were younger, started their criminal careers earlier, and were more likely to have prior arrest records, prior records for crimes against persons and abuse, and prior probation and/or jail sentences in the past. Those defendants placed under probation supervision whose cases were continued without a finding more closely resembled those whose cases were dismissed than those placed under probation supervision or jailed.

Not only were those sentenced to probation or jail more likely to have criminal records than were those dismissed or continued without a finding, but their records were also lengthier. Those jailed averaged 25 prior charges, with a median of 17; those probated had 18 on average, with a median of 13; and those continued without a finding or dismissed had an average of only 4, with a median of 3.

Perhaps not surprising, those who received an initial continuance without a finding that was later revoked also began their criminal careers earlier and had more substantial criminal histories than did those whose initial continuance without a finding was not revoked. They resembled their peers, who were sentenced more severely to begin with.

Current Longitudinal Study Data Sources

To determine subsequent criminal and abuse histories, researchers obtained data on (a) any arrest that resulted in an arraignment in a Massachusetts court and (b) any civil restraining order filed against the defendant in any court through 1998 and thereafter filed in the Quincy Court. Although Massachusetts does not have a “domestic violence crime” per se, researchers investigated all criminal complaints for crimes against persons filed in Quincy and adjacent court houses to determine, based on complainant

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Table 1
Prosecution and Sentencing By Offender Criminal Records

Criminal Record	Dismissed ^a	Continued Without Finding ^b	Guilty (Probation, Suspended, Split, Imprisoned) ^c
Age at first arrest			
Average	25	25	19
Median	20	22	17
Prior arrests (%)	69.3	76.8	98.5
Crimes against persons (%)	48.5	38.4	72.9
Probation (%)	45.5	36.4	77.4
Jail (%)	17.8	12.1	49.6
Prior domestic violence arrest (%)	20.8	20.0	38.3
No prior arrests (%)	30.7	23.2	1.5

a. *n* = 101.

b. *n* = 99.

c. *n* = 133.

information and addresses, whether or not a subsequent charge involved an intimate female partner.

Although the vast majority of new arrests were filed in the Quincy Court jurisdiction or adjacent district courts, others occurred across the commonwealth. In these cases, the identity of some victims could not be determined. However, if there were accompanying charges indicating that the crime most probably did not involve an intimate partner, such as robbery or breaking and entering a commercial property, the new offense was not considered to be domestic. When in doubt, the research classified these new offenses as nondomestic.

The centralized Massachusetts criminal history file contains information of all criminal cases beginning with a court arraignment, even if the defendant defaults (fails to show) for his or her arraignment. If the defendant has been arrested by police, whether held or bailed at the station house, the arraignment is held the next morning the court is open. Consequently, although the study uses the court arraignment date as the study start date, at most this is within 4 days of the arrest date for all of the study defendants, except for 3 who had defaulted previously and were not arraigned immediately after their arrest.

In Massachusetts, arrests are not generally screened prior to charges being filed. Consequently, all but one of the study arrests resulted in court charges and subsequent arraignment.

Statistical Analysis

We summarized offender characteristics, court interventions, and outcomes from study arrests to final criminal and civil record checks in 2005. We also explored, more

specifically, bivariate associations between each of the independent variables and the three dependent outcome variables. Bivariate analyses were employed to examine the following relationships: (a) basic defendant characteristics, including age, marital status, and prior criminal history; (b) court interventions, including dismissed (nolle prossed by prosecutors or dismissed in court), placed under probation supervision (with or without a finding of guilty), jailed, or found not guilty or not prosecuted as defendant failed to appear in court; and (c) outcomes more than 9 years following the study arrest, including (a) at least one new abuse incident, (b) at least one new abuse for a nonabuse offense, and (c) multiple new abuse incidents.

Two age measures were used: (a) age at time of the study arrest and (b) age at first arrest. One dichotomous variable was used for marital status—either married or not. Prior criminal history included (a) at least one prior arrest, (b) at least one prior arrest for violence, (c) at least one prior arrest for domestic abuse or a prior civil restraining order for abuse filed against the defendant, (d) at least one prior sentence involving probation supervision, and (e) at least one prior sentence of incarceration. The outcomes measures for new abuse included new arrests for domestic abuse (crimes against persons in which the victim was a female intimate partner of the defendant) and/or new civil restraining orders filed against the defendant. The victims of these reabuse incidents included the same and different victims from the study victims.

For each of the dependent variables, multiple logistic regression was used to examine the odds of reabuse, multiple reabuse, and rearrest for nonabuse offenses while controlling for all of the other independent variables. Two logistic models were used, with dismissed cases and then jailed cases as reference categories. The same variables were employed in the logistic regression as the bivariate correlations, except that “probation supervision” was further broken down for those placed under probation supervision whose cases were “continued without a finding” to be dismissed if the defendant subsequently completed his supervision successfully and those who were sentenced to probation or a suspended sentence after a finding of guilt was entered onto their records.

The two groups of supervised defendants, those with guilty findings and those without, are distinguished because prior probation research (Klein et al., 2005) and batterer intervention program research (Gondolf, 2001) suggest that these groups of defendants respond to interventions differently. Those with lesser prior criminal histories and who are older are more amenable to treatment and/or supervision. The extensive arrest deterrence research similarly found that suspects’ ages and prior arrest records were consistently and significantly related to reabuse in all but one of the arrest deterrence studies (Maxwell et al., 2001).

Victim characteristics other than relationship with the abuser were not included, as the prior Quincy research, based on a 1-year follow-up, found that victim characteristics “have little or nothing to do with eventual re-offending” (Buzawa et al., 1999, p. 138). These findings are consistent with an earlier study of Quincy restraining order violators (Klein, 1996). In both of these prior studies, defendant age and prior

criminal history significantly predicted reabuse. These findings are also consistent with a wide range of abuser research summarized by Klein (2004, pp. 36-37; also see Felson et al., 2005; Maxwell et al., 2001).

Findings

Reabuse and Rearrests for Any Offenses

Nine years after their initial study arrest through December 2004, more than 70% of the abusers were rearrested for at least one new crime, and 60% were returned to court for at least one new domestic abuse incident as measured by an arrest for domestic abuse or a civil restraining order taken out against the abuser.

Of the 342 study abusers, 224 were arrested at least one more time, representing 71% of the follow-up sample. Half of the defendants (174) were arrested at least once for a subsequent domestic violence offense. In addition, 135 abusers had restraining orders taken out against them for new abuse. Of the abusers who had new restraining orders, 32 were not also arrested for new abuse. Adding new domestic violence arrests and new restraining orders together, 206 of the study defendants were returned to criminal and/or civil court for reabuse at least once, representing 60.2% of the study sample.

Like their prior criminal and civil abuse histories, the study defendants' subsequent criminal and civil histories were extensive. They were arrested 632 times for non-domestic abuse offenses and were either arrested for domestic abuse or brought to court for "civil" abuse (the victim obtained a restraining order against them) 622 times.

The majority of study abusers who were rearrested and/or returned to court for new restraining orders were rearrested or returned to court multiple times for both abuse and/or nonabuse offenses. Almost one third who were rearrested were rearrested at least five more times, and 20% who reabused did so at least five more times.

Only 22% of those rearrested were not also identified as reabusers, and only 20% of those who were identified as reabusers were not also arrested for non-domestic abuse offenses.

The majority of defendants (148) who were rearrested were rearrested within the first year following the study arraignment. A little more than half of the first new arrests (83) were for domestic violence. A majority of defendants (112) who reabused, as measured by arrest and new restraining orders, also did so during the first year. The average time to first new arrest was 536 days, and the median time was 259 days; to the first new domestic violence arrest, the average was 769 days and the median was 434 days; and to the first restraining order, the average was 770 days and the median was 451 days.

Table 2
Nonabuse Arrest and Reabuse Patterns Over Time

Reabuse (Arrest or Civil)	1 Year	2 Year	3 Year	4 Year	5 Year	6 Year	7 Year	8 Year	9 Year
Reabusers by year	112	70	42	39	34	36	30	33	28
Cumulative reabuse incidents	183	287	343	403	446	491	530	583	622
Cumulative number of reabusers	112	147	160	174	183	189	195	201	206
Nonabuse rearrests									
Rearrestees by year	95	61	54	46	45	39	40	52	48
Cumulative rearrests	134	212	280	342	405	460	507	563	632
Cumulative number rearrested	95	125	150	163	172	179	182	191	196

As Table 2 illustrates, the number of abusers who reabused or were rearrested for a nonabuse crime each year after the study arraignment markedly declined after the first 2 years. The numbers held fairly steady thereafter. On average, a little more than 34 of the abusers were brought to court each year after the initial 2 years for reabuse and a little more than 46 were arrested each year after the initial 2 years for nonabuse offenses.

There were significant gaps in reabuse and general rearrest patterns following the study abuse arrest. A little more than 20% reabused or were arrested for a non-domestic abuse offense after remaining abuse or arrest free from 2 to almost 3 years following the study arraignment, and a little more than 10% reabused or were arrested for a non-domestic abuse offense after remaining abuse and arrest free from 4 to almost 5 years following the study arraignment. Even after 8 years, 5 study abusers were brought back to court for reabuse for the first time since the study abuse arrest, and 5 were arrested for a non-domestic abuse offense for the first time since the initial study arrest. Furthermore, even after 8 years, some of the abusers charged with new abuse were charged with multiple incidents. Similarly, some of the abusers arrested for nonabuse offenses the 9th year were arrested multiple times that year.

The reabuse rate did not constitute a fixed percentage of all new arrests. Only 12% of the abusers with no new arrests after the study arrest were brought back to court for new abuse (indicated by a new restraining order). That percentage rose to 56% for those abusers who were arrested again from one to three times and to 83% for those arrested four or more times. In other words, it appears that the more a defendant was rearrested, the more likely he was to be identified as an abuser.

The reverse also appears to be true. Those with the greatest prior abuse histories, as indicated by domestic violence-related arrests or prior civil restraining orders filed against them, were the most likely to have the most numerous subsequent arrests. Of those arrested four or more times subsequent to the study arrest, 41% had a prior criminal record for domestic abuse, compared to 26% of those arrested only one to three times subsequent to the study arrest, and 13% with no subsequent arrests

after the study arrest. The same relationships existed based on prior civil restraining order abuse history.

Reabuse and Rearrest Predictors

Table 3 contains the bivariate correlations for both the independent and dependent variables. Age and prior criminal history are significantly associated with outcome over 9 years. Specifically, age at first arrest is positively associated with having a prior criminal and abuse history and negatively associated with new abuse, new multiple abuse, and new nonabuse arrests. Age also positively and significantly correlates with being married. However, being married does not have a significant relationship with new abuse, although it significantly and negatively correlates with new nonabuse crimes. This suggests that married abusers as they get older may be significantly more likely to stop committing crimes, outside but not inside the family.

All of the demographic and criminal history variables examined except marital status are significantly correlated with reabuse and being arrested at least once for a nonabuse offense in the 9 years following the study abuse arrest. Dismissals are significantly and negatively associated with new abuse and nonabuse arrests. Jail sentences are significantly and positively correlated with reabuse and nonabuse arrests. As previously detailed, dismissals are positively correlated with the abuser's age and negatively correlated with prior criminal history. The correlation between dismissals and outcomes may be because of the defendants' significant lack of prior criminal history and age, the prosecutorial acumen in deciding to dismiss these specific cases against these defendants, or the absence of a criminogenic effect of prosecution. On the other hand, those sentenced to jail or prison may be significantly associated with reabuse and being arrested for new nonabuse offenses because of their greater criminal histories and younger age, prosecutorial acumen in deciding they were the most deserving of punishment, or the criminogenic effects of prosecution and/or incarceration. By contrast, dispositions involving probation supervision have no significant correlation with reabuse or new nonabuse arrests.

Reabuse is significantly correlated with new nonabuse arrests, and new nonabuse arrests is significantly correlated with reabuse.

Table 4 contains the results of the multivariate analysis, using logistic regression. In the logistic regression models, marital status and age at the time of the study arrest are not significant predictors of outcomes. Age at first arrest significantly decreases the odds for reabuse (odds ratio [OR] = 0.966, $p = .038$) and new nonabuse offenses (OR = 0.921, $p = .000$), but not new multiple abuse incidents. Extensive research similarly finds age at first offense negatively associated with likelihood of reoffending generally and reabusing specifically (Blumstein, Cohen, Roth, & Visser, 2000; Klein, 2004).

Prior criminal history continues to be significantly associated with reabuse, new nonabuse arrests, and multiple new abuse. However, the specific prior history variables

Table 3
Bivariate Correlations

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Demographic variables														
1. Age at study arrest	N/A	.504**	.244**	ns	-.112*	-.205**	-.284**	-.146**						
2. Age at first offense	.504**	N/A	.204**	-.480**	-.242**	-.176**	-.316**	-.261**	.182**	ns	-.209**	-.295**	-.319**	-.255**
3. Married	.244**	.204**	N/A	-.168**	ns	ns	-.116*	-.107**	ns	ns	-.117*	ns	-.198**	ns
Criminal or abuse history variables														
4. Prior arrest	ns	-.480**	-.168**	N/A	.240**	.293**	.269**	.217**	-.233**	ns	.154**	.219**	.307**	.225**
5. Prior violence arrest	ns	-.242**	ns	.240**	N/A	.279**	.513**	.634**	-.131*	ns	.261**	.203**	.176**	.234**
6. Prior abuse	ns	-.176**	ns	.293**	.279**	N/A	.235**	.217	ns	ns	.187**	.187**	.159**	.194**
7. Prior probation	ns	-.316**	-.116*	.269**	.513**	.235**	N/A	.693**	-.121*	-.116*	.294**	.135*	.306**	.137*
8. Prior jail	ns	-.261**	-.107*	.183**	.634**	.217**	.693**	N/A	-.117*	-.201**	.398**	.184**	.225**	.222**
Criminal justice interventions variables														
9. Dismissed	ns	.182**	ns	-.233**	-.131*	ns	-.121*	-.117*	N/A	N/A	N/A	-.204**	-.131*	-.140**
10. Probation supervision	ns	ns	ns	ns	ns	ns	-.116*	-.107*	N/A	N/A	N/A	ns	ns	ns
11. Jail or prison	-.112*	-.209**	-.117*	.154**	.261**	.187**	.294**	.398**	N/A	N/A	N/A	.147**	.117*	.259**
Outcome variables														
12. New abuse	-.205**	-.295**	ns	.219**	.203**	.187**	.135*	.184**	-.204**	ns	.147**	N/A	.344**	.672**
13. New nonabuse arrests	-.284**	-.319**	-.198**	.307**	.176**	.159**	.306**	.225**	-.131*	ns	.117*	.344**	N/A	.228**
14. New multiple abuse	-.146**	-.255**	ns	.225**	.243**	.194**	.137*	.222**	-.40**	ns	.259**	.672**	.228**	N/A

Note: N/A = not applicable.
* $p < .05$, two-tailed. ** $p < .01$, two-tailed.

differ for different outcomes. Prior arrest for violence significantly increases the odds for new abuse (OR = 2.11, $p = .016$) and new multiple abuse (OR = 2.073, $p = .017$), whereas prior arrest for any crime significantly increases the odds for new nonabuse arrests (OR = 4.983, $p = .001$). Prior probationary sentences significantly increase the odds for new nonabuse arrests (OR = 1.234, $p = .037$) but negatively for new multiple abuse (OR = 0.905, $p = .037$). The significance of prior abuse is no longer a significant variable in the logistic regression. This is similar to findings from the Rhode Island probation study (described elsewhere in this article), which found that prior arrest for any crime and prior arrest specifically for a domestic abuse crime had the same association with reabuse over 1 to 2 years (Klein et al., 2005).

In terms of court interventions, compared to case dismissals, probation with guilty findings (probation or suspended sentence) or sentences of incarceration significantly increased the odds for new abuse (OR = 4.150, $p = .001$) and new multiple abuse (OR = 2.172, $p = .05$). Compared to defendants who were sentenced to jail, probation with guilty findings significantly increased the odds only for new nonabuse arrests (OR = 2.631, $p = .042$); dismissals significantly decreased the odds for new abuse (OR = 0.371, $p = .041$) and multiple new abuse (OR = 0.275, $p = .007$). Continued without a finding cases also decreased the odds for new multiple abuse (OR = 0.288, $p = .003$).

The estimated Nagelkerke R^2 indicates that this set of variables explains 29% of the variance for new abuse, 36% for new non-domestic abuse arrests, and 26% for multiple new abuse. The correctly predicted percentages of those who reabused, were arrested only for non-domestic abuse offenses, or reabused multiple times increased from 60% (with no independent variable in the model) to 72%, 57% to 75%, and 60% to 70%, respectively.

Conclusions and Implications for Research

1. Short-term measures of reabuse and/or recidivism following arrest, prosecution, probationary supervision, and/or imprisonment may not necessarily reflect longer-term abuse or criminal conduct over the subsequent decade. Although the majority of abusers may desist from being rearrested for abuse or any other crime and victims may not file new restraining orders against them for the first year, during the course of the next decade the majority of abusers may be arrested for new crimes and be arrested or brought to civil court for new abuse.

If the abusers arrested in the Quincy Court between 1995 and 1996 are representative of abusers elsewhere, the number of abusers who cease their abuse as indicated by new arrests for domestic abuse or new restraining orders filed against them erodes from 84% over 6 months down to 39% over 9 years. Furthermore, it should be pointed out that the measures employed for reabuse in this study are conservative and do not include victim reports of reabuse. In the initial Quincy study (Buzawa

Table 4
Logistic Regression: New Abuse and Multiple Abuse Over 9 Years

Independent Variables or Scales	New Abuse				
	<i>B</i>	<i>SE</i>	Exp(<i>B</i>)	<i>p</i>	95% CI
A. Reference dismissed cases					
Abuser characteristics					
Age at study arrest	-0.035	0.017	0.966	.038	0.934, 0.998
Abuse or criminal history					
Prior arrest	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior arrest for violence	0.747	0.311	2.110	.016	1.148, 3.879
Prior jail or prison	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior probation	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Initial court disposition					
Probation	1.423	0.407	4.150	.000	1.870, 9.211
Jail or prison	0.993	0.485	2.699	.041	1.042, 6.987
Continued without finding	<i>ns</i>	<i>ns</i>	<i>ns</i>		
B. Reference jail or prison sentences					
Abuser characteristics					
Age at study arrest	-0.035	0.017	0.966	.038	0.934, 0.998
Abuse or criminal history					
Prior arrest	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior arrest for violence	0.747	0.311	2.110	.016	1.148, 3.879
Prior jail or prison	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior probation	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Initial court disposition					
Probation	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Dismissed	-0.933	0.485	0.371	.041	0.143, 0.959
Continued without finding	<i>ns</i>	<i>ns</i>	<i>ns</i>		
New Multiple Abuse					
Independent Variables or Scales	<i>B</i>	<i>SE</i>	Exp(<i>B</i>)	<i>p</i>	95% CI
A. Reference dismissed cases					
Abuser characteristics					
Age at study arrest	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Abuse or criminal history					
Prior arrest	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior arrest for violence	0.729	0.306	2.073	.017	1.139, 3.773
Prior jail or prison	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior probation	-0.100	0.048	0.905	.037	0.824, 0.994
Initial court disposition					
Probation	0.776	0.396	2.172	.05	1.000, 4.719
Jail or prison	1.290	0.478	3.634	.007	1.424, 9.275
Continued without finding	<i>ns</i>	<i>ns</i>	<i>ns</i>		

(continued)

150 Violence Against Women

Table 4 (continued)

Independent Variables or Scales	New Multiple Abuse				
	<i>B</i>	<i>SE</i>	Exp(<i>B</i>)	<i>p</i>	95% CI
B. Reference jail or prison sentences					
Abuser characteristics					
Age at study arrest	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Abuse or criminal history					
Prior arrest	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior arrest for violence	0.729	0.306	2.073	.017	1.139, 3.773
Prior jail or prison	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior probation	-0.100	0.048	0.905	.037	0.824, 0.994
Initial court disposition					
Probation	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Dismissed	-1.290	0.478	0.275	.007	0.266, 1.343
Continued without finding	-1.245	0.422	0.288	.003	0.126, 0.657
Independent Variables or Scales	New Nonabuse Arrests				
	<i>B</i>	<i>SE</i>	Exp(<i>B</i>)	<i>p</i>	95% CI
Exhibit 4: Logistic regression: New nonabuse arrests over 9 years					
A. Reference dismissed cases					
Abuser characteristics					
Age at study arrest	-0.082	0.018	0.921	.000	0.889, 0.945
Abuse or criminal History					
Prior arrest	1.606	0.475	4.983	.001	1.964, 12.643
Prior arrest for violence	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior jail or prison	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior probation	0.210	0.071	1.234	.003	1.073, 1.420
Initial court disposition					
Probation	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Jail or prison	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Continued without finding	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Independent Variables or Scales	New Arrest, Not Domestic Violence				
	<i>B</i>	<i>SE</i>	Exp(<i>B</i>)	<i>p</i>	95% CI
B. Reference jail or prison sentences					
Abuser characteristics					
Age at study arrest	-0.082	0.018	0.921	.000	0.889, 0.954
Abuse or criminal history					
Prior arrest	1.606	0.475	4.983	.001	1.964, 12.643
Prior arrest for violence	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior jail or prison	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Prior probation	0.210	0.071	1.234	.003	1.073, 1.420
Initial court disposition					
Probation	0.967	0.477	2.631	.042	1.034, 6.696
Dismissed	<i>ns</i>	<i>ns</i>	<i>ns</i>		
Continued without finding	<i>ns</i>	<i>ns</i>	<i>ns</i>		

Note: CI = confidence interval.

et al., 1999), a sample of victims self-reported 123% higher reabuse (new assaults and/or violations of restraining orders) rates over 1 year than the rates captured in official arrest and/or civil records.

This study does not mean that arrest, prosecution, and various court interventions had no effect. There was no control comparison of abusers with equivalent records and characteristics who were released after arrest with no subsequent court intervention. Those whose cases were nolle prossed or dismissed did not resemble most of those who were further prosecuted.

Furthermore, the various interventions studied may have had at least a short-term suppression effect. Davis et al. (1999), in their study of batterer programs in New York City, found that batterer intervention programs deter repeat abuse while abusers are assigned to them, but not afterward. Second, although the interventions examined may not have indefinitely stopped the abuse, the quality and quantity of the abuse may have been altered. The current research does not speak to these issues.

Batterer intervention research with shorter follow-up periods have uniformly found that the majority of abusers do not reabuse after arrest, after prosecution, after referral to a batterer program, after supervision by probation, and/or after a restraining order is lodged against them (Davis et al., 1998; Gondolf, 2001; Holt et al., 2002; Klein et al., 2005; Maxwell et al., 2001). The current research suggests that these studies may have failed to reveal the chronic and persistent nature of the abusers' abusive and unlawful behavior in the longer run.

2. Given repeated abuse incidents as indicated by prior and subsequent arrests for domestic abuse and/or restraining orders filed against them, it does not appear that at least the abuse behaviors of those abusers arrested for domestic violence in this study were transitory or episodic, generated by unique situational or short-term emotional upheavals in the offenders' lives. Furthermore, given the extensive prior and subsequent arrests for non-domestic abuse crimes for the majority of study abusers, it appears that their abuse may be part of an overall pattern of criminal behavior. However, marriage, although associated with reduced risk of nonabuse arrests, is not associated with risk of reabuse.

The research suggests the arrested abusers' criminal and abuse behaviors are ingrained and intertwined, not easily eliminated over the long run. Of the sample, 43% were arrested four or more times during the 10-year study following the study abuse arrest; the majority (55%) were arrested three or more times. All but 16% had prior arrests, with the average number of prior arrests totaling 11 and a median number of 5.

In terms of reabuse, the majority of abusers reabused, and the majority of reabusers did so more than once. In addition, the overwhelming majority had prior criminal histories, beginning with juvenile records for one fourth, and almost half had prior histories of abuse, having begun that abuse almost 8 years on the average before the study arrest.

The average criminal career of those rearrested for any crime or court restrained was 16.5 years, with at least 10% still active in terms of new arrests issued in 2004, when final record checks were completed. The median criminal careers based on median ages of first and last offenses ran just short of 20 years. The defendants' abuse careers were shorter, averaging 8.4 years, with a median of 7.5 years. However, at least 13% of the defendants were still being arrested for new abuse and/or having restraining orders taken out against them in 2004, when final record checks were completed. The full abuse careers are probably underassessed because domestic violence arrests were not common before the mid-1980s, and restraining orders were not recorded in Massachusetts until 1992. As a result, early abuse incidents are not included, which, if they had occurred, would have added years to these abuse careers.

The criminal and abuse careers of these arrested abusers appears, on their face, to be longer than the shorter time span of 5 years, averaged by adult career criminals (Blumstein et al., 2000). However, as Blumstein et al. (2000) point out, this average "hides major differences across offenders" (p. 5). Although the residual career length is 5 years for 18-year-old index offenders, it is 10 years for index offenders who are still active in their 30s, and it does not begin to decline for active offenders until their 40s. Those active in their 30s display the lowest termination rates and the longest residual careers.

The current study compares to that reported by Gondolf (2001), who followed up a multistate sample of abusers referred to batterer intervention programs in three states over 4 years. He also found that reabuse rates increased over time from a little more than one third in the first 15 months from program assignment to nearly one half after 4 years. As in the Quincy study, those who reabused their partners did so quickly. Two thirds of the reassaulters did so within 9 months of program intake. Gondolf also found substantial de-escalation of reassault and other forms of abuse during the full year after program intake, which remained at lower levels during the next 3 years. The vast majority of men eventually were not violent for a sustained period. At 30 months, more than 80% of the men had not reassaulted a partner during the previous year. At 48 months, more than 90% had not reassaulted during the previous year. Only a little more than 20% of the men repeatedly reassaulted their partners throughout the study period.

The current study also shows a decrease in domestic abuse over time. However, it also suggests that cessation of abuse incidents for a year does not suggest a permanent cessation. The Quincy study also found a larger percentage appeared to be chronic abusers, with 36% having four or more domestic abuse arrests over the longer study period. The differences could be attributed to differences in study populations. Gondolf's sample was made up of nonincarcerated abusers, compared to the larger pool of abusers in the Quincy study, including those whose cases were dismissed, those who were probated, and those who were incarcerated. Also, Gondolf's follow-up was more limited than that in the current study, and his study involved different study starting points. Gondolf's study began at batterer program assignment, compared to court arraignment in Quincy. In the Quincy study, most abusers ordered into

batterer intervention programs were not so ordered until 8 months on average after their study arrest. Also, Gondolf restricted reabuse measures to reassaults, whereas the Quincy study also included new abuse as indicated by the filing of restraining orders against study abusers. Finally, the arrest rates for domestic abuse vary from jurisdiction to jurisdiction and may be higher in Massachusetts than in the states in which Gondolf assembled his study samples.

The current study suggests that abuse not only is part of an abuser's overall criminal pattern but also may be associated with an intensification of that criminality for nonabuse offenses and for domestic abuse-related offenses. This suggests a link between abusive and overall criminal behavior.

However, the career abusers identified in this study differ from other career criminals in several respects, including the relationship of marital status to reoffending and the relationship of various criminal justice interventions to subsequent criminal behavior. Although age and marriage have been found as major factors in ending criminal careers (Laub, Nagin, & Sampson, 1998), with the Quincy abusers, marriage seems to offset the effects of aging in terms of association with new abuse or multiple abuse compared to new nonabuse offenses. This suggests that marriage may not be "the safest place for women and children," as suggested by marriage promotion advocates (Rector, Fagan, & Johnson, 2004). As these abuser-criminals age, they simply continue their criminal behavior within their families.

Criminal justice interventions also appeared to have different effects on the abusers' abuse behavior from their nonabuse criminal behavior. Probation supervision of defendants who were continued without a finding was negatively associated in this study with new multiple abuse over 9 years. Probation supervision of defendants sentenced to probationary or suspended sentences was not significantly associated with reabuse. Both of the above associations use jail or prison cases as a reference. The Rhode Island probation research (Klein et al., 2005) similarly found probation supervision of abusers (modeled after the Quincy probation department) significantly reduced reabuse among those defendants with lesser prior criminal histories, but not those with more substantial criminal histories.

On the other hand, probation supervision of cases continued without a finding had no significant relationship with new nonabuse arrests, and probation supervision of abusers with lengthier records (those sentenced to probation or suspended sentences) was not significantly associated with new abuse or multiple abuse over 9 years but was positively associated with new non-domestic abuse arrests using jailed cases as a reference. This suggests that probation supervision of higher-risk abusers may have the unintended effect of increasing nonabuse arrests.

Study Limitations

There are a number of study limitations, including the measurement of reabuse, the study population, and the interpretations of the findings.

As previously mentioned, reabuse measures were conservative, excluding victim self-reports of new abuse, although measures included victim-initiated restraining orders. Furthermore, new domestic violence arrests were restricted to crimes against persons, although in the initial study the domestic abuse-related arrests included a broader range of offenses. As a result, although found to be significant, reabuse rates were undoubtedly higher than measured.

The Quincy arrest population and its criminal justice environment do not represent the entire population of abusive men and the full range of possible criminal justice responses to them. Any of the findings of this study, therefore, must be reexamined in other jurisdictions before they can be assumed to be representative of other abusers in other jurisdictions.

Correlation is not causation. The association between defendant characteristics and intervention variables and subsequent reabuse and rearrests may have less to do with the specific independent variables studied than with other variables not studied. Such other independent variables may include, for example, whether or not the victim remained with the abuser after the study arrest, abuser employment patterns, drug use, stake in social conformity, and other variables that have been found to be related to career criminal behavior (Blumstein et al., 2000) but that were not included in this research. On the other hand, Felson et al. (2005) found that socioeconomic variables, including education, poverty, race, and gender of offender, were not associated with reabuse likelihood. Similarly, the arrest deterrence studies found that employment and use of intoxicants were inconsistent in the direction of their relationship in terms of prevalence or frequency of reabuse (Maxwell et al., 2001).

Furthermore, the current research focuses on a specific criminal justice intervention at a specific point in time to determine its association with various outcomes. Selection of any specific intervention at any specific time may be arbitrary given the lengthy criminal and abuse careers of most of the study abusers. Most of the study abusers, for example, were involved in repeated criminal justice interventions both before and after the study incident. The various interventions in various combinations over time may have had a cumulative effect on the abusers that is more significant than the specific incident interventions singled out in this study. This is suggested in the logistic regression that found that prior sentences of probation predicted a greater likelihood of having a new nonabuse arrest and a decreased likelihood of multiple new abuse incidents. It also revealed that former sentences to jail or prison did not predict a greater likelihood of reabuse or new nonabuse arrests when controlling for defendant characteristics and study interventions suggesting that, at least in regard to these abusers, incarceration did not prove criminogenic.

Any analysis of the cumulative effect of criminal justice interventions over time is complicated by the fact that the criminal justice interventions, in this study, did not conform to a consistent pattern and varied widely from one abuser to another. For example, 36 of the defendants who were initially incarcerated for their study domestic violence offense were rearrested for new domestic violence on their release. Yet,

only 39% were reincarcerated for their first subsequent domestic violence arrest. Furthermore, although some were rearrested multiple times for new domestic violence offenses, a little more than 20% of those arrested for new abuse were never sanctioned at all, as their new cases were dismissed.

The lack of a consistent pattern of prosecution and sentencing was also present for other study defendants who were initially given noncustodial sentences. For example, of the study defendants, 60 were initially given suspended sentences. Subsequently, 44 were arrested again for domestic violence. Only 7 were subsequently sentenced to incarceration, whereas 8 defendants had their cases dropped by prosecutors or dismissed in court. More than half of these abusers were arrested for a second subsequent domestic violence offense. Of these, only 7 were sentenced to incarceration, whereas 2 had their cases continued without a finding—a disposition usually reserved for first offenders to “save” their record from a conviction. Also, 8 were given new suspended sentences or probation. The remaining cases were filed (2), dismissed (4), nolle prossed (1), or found not guilty (1).

On the other hand, many of the defendants who were not initially sentenced to jail for their crimes of domestic violence were subsequently jailed as a result of probation revocations, although these sentences were often concurrent with sentences imposed for new abuse arrests. As a result, the revocations did not necessarily result in additional time defendants spent in jail. Nonetheless, as a result, it would be difficult to isolate the effects of the probation supervision from the subsequent incarceration in terms of subsequent behavior.

The inconsistency in sentencing was exacerbated as defendants spread out over time across the commonwealth, involving different courts other than the Quincy District Court. Some of the subsequent arrests were in different counties, which means different district attorneys offices prosecuted these cases. Different district attorneys may have different policies in relation to the prosecution of domestic violence offenses. A study of restraining order violation prosecutions across the commonwealth in 1994, for example, found great variety in dismissal and sentencing rates from one district attorney to another (Bass, Nealon, & Armstrong, 1994).

In addition to subsequent domestic violence offenses, these same abusers were arrested for even more non-domestic violence offenses. These additional offenses also involved a variety of prosecution rates and sentences over time. The interplay between domestic and non-domestic violence criminal justice interventions is not explored in this study. Some of the abusers, for example, may have been abuse free for periods of time because they were incarcerated for subsequent non-domestic abuse offenses.

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