Domestic Violence Sentencing Conditions and Recidivism

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ABSTRACT

This study examined the types of sentence conditions imposed on domestic violence offenders, the combination of conditions that formed offenders' sentences, and the relationship between the type of sentence received and recidivism. A total of 66,759 individuals charged with a domestic violence offense from 2004 through 2006 in Washington State courts were included in the study, 41% of whom had conditions imposed at sentencing. Over 100 different types of conditions were used during the study period, which were then reduced to 14 condition categories. Offenders received, on average, over six different conditions. Proscriptions, fines, jail, and probation were the most common conditions imposed, each included in over half of all sentences. The combinations of conditions within sentences were then examined, and ten types of sentences were selected for analysis. Logistic regression was used to predict both domestic violence recidivism and any type of subsequent offense, controlling for a number of offender and case characteristics. Results indicated that, when compared to offenders who received sentences involving only fines and/or proscriptions, those who also complied with either probation, victim-oriented treatment, or probation and treatment had lower odds of committing another domestic violence offense during the five-year follow-up period. Any sentence that included a jail term along with fines and/or proscriptions was associated with higher odds of domestic violence recidivism. Results were similar when examining recidivism in general with one exception; sentences that included anger management interventions were also associated with lower odds of recidivating. Offenders who completed state-certified domestic violence treatment, on the other hand, did not have significantly lower or higher odds of recidivating when compared to offenders who received only fines and/or proscriptions. Results suggest a need to re-examine how domestic violence offenders are sentenced as well as whether current models of domestic violence treatment are effective in preventing further violence.

INTRODUCTION

Over the last few decades, a wide variety of statutory, procedural, and organizational reforms have been enacted throughout the legal system to combat the widespread and destructive effects of domestic violence. Beginning in the 1970's, efforts focused primarily on implementing legislation that criminalized domestic violence. Police departments instituted proarrest or mandatory arrest policies, prosecution increased dramatically, and the courts began using a variety of sanctions such as jail, probation, and mandatory treatment. At the same time, civil legal protections were expanded to cover domestic issues, and protection and restraining orders became widespread (Fagan, 1996).

Underlying the criminalization of domestic violence and the associated legal sanctions are a variety of goals. Deterrence of future crime, moral retribution, protection of victims and society, rehabilitation of offenders, and repairing individual and community harm are just some of the goals that are related to different legal sanctions, though not always clearly. For example, jail or prison sentences can be viewed as theoretically linked to deterrence, retribution, and protection, while fines are related to deterrence, retribution, and repairing harm. These disparate goals, with their vague theoretical links to sanctions, have led to a wide variety of sentencing options related to domestic violence. For example, in some jurisdictions a criminal sentence may include any combination of incarceration, probation, community service, fines, no-contact orders, various prohibitions such as no guns or alcohol, and multiple types of treatment. More importantly, the emergence of specific sanctions was often based more on assumptions of effectiveness than empirical evidence.

Over the years, researchers began testing these assumptions and examining outcomes, primarily recidivism, associated with different legal sanctions. One area of study has investigated whether incarceration deters offenders from committing future crimes. In one large study of domestic violence misdemeanants, Davis and colleagues (Davis, Smith, and Nickles, 1998) examined six-month recidivism among four groups of offenders, those who: were sentenced to jail, were sentenced to probation and treatment, had their cases dismissed, or had their cases declined for

prosecution. After controlling for a number of variables related to the domestic violence offense, criminal history, and individual and relationship characteristics, the authors found no differences in recidivism rates among the four groups.

In a more recent large-scale study, Wooldregde and Thistlethwaite (2005) examined seven different court dispositions on three measures of domestic violence recidivism: prevalence, incidence, and time to rearrest. Controlling for a host of variables, including criminal history and individual characteristics, the authors found no differences on any of the measures between domestic violence offenders sentenced to jail and those whose cases were subsequently dropped. Being sentenced to jail and probation, however, was associated with *higher* rearrest rates compared to those with dropped charges. Thus, findings from these two studies do not provide evidence of a deterrent effect of incarceration among domestic violence offenders.

Even though there is no evidence that incarceration reduces recidivism among domestic violence offenders as a whole, it remains a possibility that incarceration is effective for subgroups of offenders. Numerous studies indicate that the effects of sanctions often interact with the characteristics of offenders (e.g., Babcock & Steiner, 1999; Bennett & Williams, 2001; Shepard, 1992; Tolman & Weiscz, 1995; Wooldredge & Thistlewaite, 2005). For example, Wooldregde and Thistlethwaite (2005) also found that the impact of incarceration significantly interacted with offender characteristics such as prior violent crimes, residential stability, and race. Their results indicated that for a subgroup of offenders with a history of violent crime, more severe dispositions such as jail and probation did slightly lower the odds of rearrest. In a smaller follow-up study, Wooldredge (2007) tested the hypothesis that more severe sanctions lowered recidivism among violent offenders by studying individuals who had committed felony intimate assaults. Results, however, were mixed in that severe sentences for these violent offenders did not uniformly reduce recidivism. While jail sentences lowered the odds of subsequent intimate assaults in comparison to probation, prison sentences did not.

The impact of probation has also been examined, though few studies have investigated the effect of probation alone without other sanctions. The results of the few studies that do exist have been mixed as well. While Wooldredge and Thislethwaite (2005) found that the combination of jail and probation was related to higher recidivism compared to dropped charges for domestic violence misdemeanants, probation alone had the strongest impact on reducing recidivism of all the court dispositions examined. In an earlier study, however, Thislethwaite, Wooldredge, & Gibbs (1998) found support for greater effectiveness of jail and probation compared to a combined group of offenders who were sentenced either to jail alone, probation alone, or a fine alone. And in a review of the effect of supervision for criminal offenses in general, Taxman (2002) noted that most major studies have not found traditional supervision to be effective in preventing future crime.

By far the greatest research attention to date has focused on the impact of domestic violence treatment programs, and the results have been equivocal. In a meta-analytic review of 22 studies examining psychoeducational, cognitive-behavioral, and other types of treatment, Babcock, Green and Robie (2004) concluded that treatment had minimal impact on reducing recidivism. In another meta-analytic study, Feder & Wilson (2005) found that experimental studies using official data showed modest benefits for batterer intervention programs, but when studies used victim reports, treatment showed no effect. The authors concluded that extant studies "[do] not offer strong support that court-mandated treatment to misdemeanor domestic violence offenders reduces the likelihood of further reassault" (p. 257). The authors did note large, positive effects for studies comparing treatment completers to dropouts, but cautioned against interpreting the findings as due to the actual treatment rather that certain offender characteristics (e.g., motivation).

Finally, just as jail and probation can take many different forms both alone and in combination, treatment is often combined with other sanctions, especially probation. Specialized domestic violence treatment courts and domestic violence probation units are relatively recent contexts in which a batterer intervention program, and possibly other forms of treatment, often occur along with more intensive probation and judicial monitoring. The specialized process differs from

traditional approaches in that it also consolidates, into one centralized system, judicial officers, prosecutors, probation officers, service providers, and other related staff who are trained in domestic violence issues.

A small number of studies have evaluated the impact of these specialized domestic violence processes. In a study of a coordinated community effort involving the Domestic Violence Unit of Seattle municipal court's probation department, Babcock and Steiner (1999) examined recidivism rates for offenders who were sentenced for misdemeanor domestic violence offenses. Batterers in the study were sentenced to either incarceration or one of several state-certified domestic violence group treatment programs. Because only one-third of the participants completed treatment, three groups were compared: treatment completers, dropouts, and incarcerated batters. After controlling for criminal history and demographic variables, results indicated that treatment completers were less likely to commit subsequent domestic violence and non-domestic violence offenses than dropouts, who in turn were less likely to recidivate than incarcerated offenders. Effect sizes, however, were generally small. The study suggests that a coordinated effort among courts, probation officers, and treatment providers who are specially trained in domestic violence issues may provide a slight reduction in domestic violence recidivism.

In a study of four domestic violence courts in the San Diego Superior Courts (Angene, 2000), treatment was combined with more intensive judicial monitoring, in part to reduce the high rate of non-attendance and attrition associated with mandatory treatment. Results indicated that judicial monitoring increased attendance at counseling sessions and reduced one-year recidivism. In Rhode Island, an evaluation of specialized domestic violence probation compared to traditional probation was conducted (Klein, Wilson, Crowe, & DeMichele, 2005). While all domestic violence offenders received no contact orders, paid a small fine, and were required to attend a mandatory batterer intervention program, the specialized units supervised offenders more often and returned offenders to court more often for technical violations. Results of the evaluation indicated that the combination of treatment and more intensive, specialized probation reduced recidivism in general (i.e.,

subsequent domestic violence and non-domestic violence arrests) from 64% among those who received treatment with traditional supervision to 56% for those receiving treatment with specialized supervision. In addition, the specialized probation group had longer arrest-free periods. However, the effect was seen only among the low-risk offenders. And finally, in a review of the literature, Moore (2009) cited ten outcome evaluations of domestic violence courts. Of the ten, three courts were found to reduce recidivism, five resulted in no differences, and two yielded mixed results.

Given the equivocal nature of previous research, this study examined recidivism rates for domestic violence and non-domestic violence over a five-year period among a large sample of domestic violence offenders throughout Washington State. In doing so, the types of sentence conditions (e.g., specific sanctions), sentence categories (all the conditions within a sentence), and sentence compliance were also examined. Finally, to examine the relative impact on subsequent offending, recidivism rates were compared among ten different types of sentence categories using logistic regression and controlling for a number of variables.

METHOD

This study sampled 66,759 individuals with domestic violence[1] cases filed in Washington State courts from 2004 through 2006. If a court case involved multiple charges, the most serious charge was considered to be the case charge. For the purposes of this study, a case charge is used synonymously with "offense," even though some defendants may have been found not guilty or had their cases dismissed due to lack of evidence or other reasons. When using court data, case charges are generally considered to be more reliable indicators of population offenses because charges and cases are often diverted from court or dismissed after a defendant has completed the required conditions. Reliance on guilty verdicts tends to result in limited and biased samples.

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[1] Revised Code of Washington 26.50.010: (1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

Further, for the analyses involving offenders who received a court disposition, it is highly likely that an actual domestic violence offense occurred.

All demographic, criminal history, and case information was collected from the Judicial Information System of the Washington State Administrative Office of the Courts. Of the 66,759 cases, 87% (n = 58,080) involved a misdemeanor as the most serious charge, and 13% (n = 8,679) involved a felony. Over two-thirds (69%) of the charges stemmed from domestic violence assault (65% misdemeanors; 4% felonies), and 15% were related to harassment (11% misdemeanors; 4% felonies). The sample was predominantly male (77%) and White (71%), and the average age at the time of the offense that occurred during the 2004 through 2006 study period was 32.7 years (SD = 11.1 years; see Exhibit 1).

If an individual had multiple domestic violence cases filed during the study period, the first case was used as the study case. Misdemeanor and felony offenses that occurred both domestically and otherwise were tabulated both prior to the study case and for five years after the court case filing. Approximately one-third of the sample (29%) had committed at least one prior domestic violence offense, and two-thirds (67%) had committed at least one prior non-domestic violence offense. Additional information on prior offenses is presented in Exhibit 1.

Information on court sentences was available for 27,218 (41%) of the domestic violence cases in the study that were handled by the state's District and Municipal courts. Characteristics of the sentenced sample were similar to the full sample, though the sentenced sample consisted of a higher percentage of misdemeanants. In Washington State, a number of conditions may be imposed during sentencing for a domestic violence case, and conditions vary from court to court within legislative guidelines. Inspection of the types of conditions within the Judicial Information System indicated that more than 100 different types were used during the study period. Information on each condition that was imposed in at least .1% of the cases, including the frequency, percent of all conditions, and the percent of sentences with each condition, is presented in Appendix A.

Exhibit 1. Sample characteristics.

	Full (n = 66,759)	Sentenced (n = 27,218)
	%	%
DV charge for study case:		
Misdemeanor assault	65	75
Misdemeanor harassment	11	13
Misdemeanor property	5	3
Felony assault	4	3
Felony harassment	4	1
Other	11	5
Gender:		
Male	77	81
Female	23	20
Race/ethnicity:		
American Indian/Alaska Native	3	3
Asian/Pacific Islander	3	3
Black	14	12
Hispanic	9	10
White	71	73
Age at first lifetime offense: Mean (SD)		
DV related	31.5 (11.1)	31.4 (10.3)
All offenses	26.3 (11.0)	26.0 (10.4)
Prior offenses: Mean (SD)		
DV related	.6 (1.4)	.6 (1.4)
All offenses	4.6 (6.8)	4.8 (6.5)
Age at DV study case: Mean (SD)	32.7 (11.1)	32.7 (10.3)

In order to examine recidivism rates of defendants receiving different types of sentences, a series of coding decisions was made in order to create the study groups. First, conditions were determined to be in one of ten mutually exclusive and exhaustive categories: probation (both supervised and unsupervised), detention (e.g., home monitoring), jail, assessments, treatment, work, fines, proscriptions (e.g., no contact orders), administrative (e.g., review dates), and other/unspecified (see Appendix A for additional details). Second, because the impact of treatment

was the primary focus of this study, the treatment categories were further broken down into five subtypes of programs: alcohol and drug, anger management, domestic violence, mental health/counseling, and victim-oriented. Third, individuals with sentences that included any of the other/unspecified conditions were removed from the analyses due to the ambiguity of the conditions. Information on the 14 condition categories is presented in Exhibit 2.

The next step in the process involved the creation of *sentence* categories from the numerous combinations of the types of conditions. To create the reference group for the subsequent logistic regression analyses, fines, proscriptions, and administrative conditions were combined into one category (hereafter referred to as "fines/proscriptions"). Comparison groups were created by selecting offenders who were sentenced to fines and/or proscriptions plus one or more defining conditions.

Exhibit 2. Categories of domestic violence sentence conditions and frequency of use.

Sentence Condition:	*Frequency:*	*% of all conditions:*	*% of sentences w/ condition:*
Proscriptions	59,517	33.5	96.2
Fines	29,475	16.6	76.9
Jail	19,744	11.1	72.5
Probation	14,189	8.0	49.5
Assessment	12,077	6.8	35.7
Administrative	11,513	6.5	33.7
Other/unspecified	9,430	5.3	28.4
Domestic Violence Treatment	7,261	4.1	26.7
Victim-oriented treatment	4,296	2.4	15.7
Work	2,903	1.6	10.1
Alcohol and Drug Treatment	2,691	1.5	8.8
Anger Management	1,996	1.1	7.3
Mental health treatment/counseling	1,337	0.8	5.1
Detention	612	0.3	2.2
Total	177,041		

Because all of the other groups would eventually have some degree of compliance[2] regarding their respective defining conditions, all cases in the fines/proscriptions category which had zero percent compliance were removed. The final fines/proscriptions category included 1,334 offenders who averaged 2.2 conditions (SD = 1.5) and who, as a group, complied with 92% of those conditions.

For the comparison sentence categories, not only did the offenders have at least one fine or proscription imposed along with a defining condition, each offender must have complied with the additional defining condition. Further, the offender must not have had any other defining condition imposed. For example, an individual in the domestic violence treatment group must have complied with treatment, had at least one fine or proscription imposed, but must not have had any other types of conditions imposed. Of all the sentence categories, six types of sentences occurred with sufficient frequency to be included in the analyses. In addition to fines/proscriptions, the categories were jail, probation, and three types of treatment: domestic violence treatment, anger management, and victim-oriented education.

In addition to these six types of sentences, sentence categories were also created for combinations of the defining conditions. First, the three treatment types were combined into one "any treatment" category in order to obtain an adequate sample size. Next, the four possible categories combining treatment, jail, and probation were created: any treatment and jail, treatment and probation, jail and probation, and jail with treatment and probation. Characteristics of the final ten mutually exclusive sentence categories used in the analyses are presented in Exhibit 3.

The outcome measures for this study included whether or not the defendant was charged with any subsequent domestic violence or non-domestic violence misdemeanor or felony during the follow-up period. The follow-up period began on the day after the study case was filed in court and

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[2] Compliance for each sentence condition was determined from the Judicial Information System. Four compliance code options were in use during the study period: yes, no, excused/waived, and terminated. At the time each sentence condition was imposed, the default compliance code was set to "no." This code remained as the final code unless the court determined that the defendant had complied with the condition ("yes"), the condition expired without incident ("terminated"), or a compliance issue arose but was not serious enough to result in a violation ("excused/waived"). A code of "no", therefore, reflected either noncompliance, unknown compliance, or cases in which a different outcome occurred but the default noncompliance code was not changed.

For the analyses, the "yes" and "terminated" codes were used to indicate compliance, the "no" codes were used for noncompliance, and "excused/expired" conditions were removed from the analyses.

Exhibit 3. Characteristics of domestic violence offenders receiving different types of sentences.

	Fines/ Proscriptions Only (FP)	Treatment			Probation (with FP)	Jail (with FP)
		Anger Management (with FP)	Domestic Violence (with FP)	Victim-oriented (with FP)		
Sample size:	1,334	156	236	183	266	9,257
Number of FP sentence conditions: Mean (SD)	2.2 (1.5)	2.5 (1.3)	2.7 (1.5)	2.3 (1.2)	2.3 (1.3)	2.7 (1.3)
FP Compliance rate: Mean (SD)	.92 (.23)	.54 (.44)	.47 (.47)	.78 (.36)	.65 (.40)	.10 (.22)
% Male:	70	56	88	67	64	84
Race/ethnicity (%):						
American Indian/Alaska Native	3	1	1	1	2	4
Asian/Pacific Islander	2	9	5	6	6	2
Black	7	7	7	11	7	11
Hispanic	13	5	9	3	9	11
White	76	78	79	79	77	72
Prior offenses: Mean (SD)						
DV offenses	.3 (.9)	.1 (.5)	.4 (1.2)	.1 (.4)	.2 (.5)	.8 (1.6)
All offenses	2.5 (4.6)	1.3 (3.3)	2.3 (4.6)	1.0 (1.7)	1.4 (2.8)	6.6 (7.6)
Age at DV study offense: Mean (SD)	34.0 (11.2)	34.0 (11.5)	35.3 (11.2)	32.8 (11.8)	35.5 (12.1)	32.1 (10.0)

	Any Treatment & Probation (with FP)	Any Treatment & Jail (with FP)	Jail & Probation (with FP)	Jail, Probation, & Any Treatment (with FP)
Sample size:	477	605	850	749
Number of FP sentence conditions: Mean (D)	2.6 (1.3)	3.0 (1.4)	3.2 (1.3)	3.3 (1.2)
FP Compliance rate: Mean (SD)	.71 (.38)	.38 (.35)	.47 (.31)	.51 (.32)
% Male:	82	89	79	88
Race/ethnicity (%):				
American Indian/Alaska Native	2	1	2	2
Asian/Pacific Islander	7	3	2	3
Black	11	15	9	10
Hispanic	9	12	7	15
White	72	68	79	71
Prior offenses: Mean (SD)				
DV offenses	.1 (.4)	.6 (1.2)	.7 (1.4)	.6 (1.1)
All offenses	1.0 (2.3)	4.1 (5.2)	4.9 (6.4)	3.7 (4.8)
Age at DV study offense: Mean (SD)	34.5 (11.1)	32.0 (9.7)	34.1 (10.8)	32.8 (10.1)

continued for exactly five years regardless of the type of sentence or compliance. In other words, this study did not add additional follow-up time for incarcerated individuals who had fewer available days to commit an offense, nor did it attempt to begin the follow-up period after the completion of a treatment program or probationary period as these data were not available. In addition to recidivism rates, the total number of offenses committed during the five-year follow-up and the number of days to the first subsequent offense were calculated for descriptive purposes.

Given the primary emphasis on examining the impact of different types of sentences on recidivism, a number of additional variables often correlated with recidivism were used as covariates in the logistic regression analyses: gender, race/ethnicity, number of prior domestic violence offenses, number of prior non-domestic violence offenses, age at first domestic violence offense, age at the first offense of any type, age at the domestic violence study offense, the severity of the domestic violence study offense, and the number of days from the date of the case filing to the date of sentencing.

RESULTS

Domestic violence offenders in Washington State are subject to a wide variety of sanctions at sentencing. The number of conditions per sentence varied considerably, ranging from 1 to 25 with a mean of 6.5 (SD = 3.8). The use of some form of proscription was the most commonly used type of condition. Proscriptions accounted for one-third (33.5%) of all sentence conditions and occurred in almost every case (96.2%). Within the proscriptions category, some form of no contact order was the most frequent sanction, followed by orders for no further violations, and no possession of firearms. The second most common sanction was a fine (16.6% of all conditions and occurring in 76.9% of sentences), and the third most common was jail (11.1% of all conditions and occurring in 72.5% of sentences, see Exhibit 2).

Documented compliance with the different types of conditions was generally quite low, yet consistent for the most part with past research. Overall, 40% of the sentence conditions had

documented compliance. Rates ranged from a high of 74% for jail to a low of just 4% for fines (see

Exhibit 4). Victim-oriented treatment and anger management both had compliance rates of 64%

which is consistent with much of the literature indicating approximately 60 – 70% of offenders

complete court-prescribed treatments. Domestic violence treatment, on the other hand, had a

compliance rate of only 38% which is similar to many studies of batterer intervention programs.

However, given that noncompliance was the default code in the Judicial Information System, these

compliance rates likely underestimate actual sentence compliance.

In order to examine subsequent offending by domestic violence offenders, misdemeanor and

felony offenses that occurred in the state were calculated for a five-year follow-up period beginning

the day after the domestic violence case filing. Both domestic violence recidivism and any criminal

recidivism were investigated. Exhibit 5 displays the percentage of offenders who committed any

offense during the five-year follow-up period, the average number of offenses accumulated

Exhibit 4. Documented compliance rates for types of sentence conditions.

Sentence Condition Type:	% Compliance Rate:
Jail	74
Victim-oriented treatment	64
Anger management	64
Detention	50
Administrative	48
Mental health/counseling	46
Assessment	44
Other/unspecified	41
Alcohol & drug treatment	39
Domestic violence treatment	38
Work	32
Probation	32
Proscriptions	22
Fines	4
Total	40

over the five years, and the average number of crime-free days until the first subsequent offense. Figures are presented for offenders who were sentenced with fines and/or proscriptions only, and those whose sentence conditions included fines/proscriptions plus either anger management, domestic violence treatment, victim-oriented treatment, probation, jail, any of three types of treatment and probation, treatment and jail, jail and probation, and jail with probation and treatment.

Results of this study indicated that domestic violence offenders in general have a high likelihood of committing some type of offense within five years. Of the 27,218 sentenced offenders, over two-thirds (70%) committed a misdemeanor or felony during the follow-up period, and one-third (34%) committed a felony (see Exhibit 5). The average number of subsequent offenses was 2.6 (SD = 3.2), and the average length of time the offender was crime free was 819 days (SD = 759 days; median = 470 days). Offenders were also likely to commit another domestic violence offense, with nearly half (45%) charged again within five years (41% with a misdemeanor, 12% with a felony).

Recidivism rates, however, varied considerably among individuals receiving different types of sentences. Of those offenders who received only fines and/or proscriptions and complied with at least one of those conditions, approximately one-half (48%) committed a subsequent crime, and one-quarter (25%) committed another domestic violence offense within five years. Those who received fines/proscriptions along with completing either anger management, victim-oriented treatment, probation, or the combination of any type of treatment and probation, were less likely to recidivate in general and with respect to domestic violence offending. Offenders receiving victim-oriented treatment (i.e., victim awareness education and/or a victims' panel) were least likely to recidivate (25% any offense, 12% DV offense), followed by individuals receiving any type of probation (32% any offense, 14% DV offense), those receiving any type of treatment and probation (30% any offense, 18% DV offense), and those receiving anger management (35% any offense, 21% DV offense). Offenders who completed domestic violence treatment along with being sentenced to fines and/or proscriptions had nearly identical recidivism rates in comparison to those who received fines and/or proscriptions alone (45% any offense, 29% DV offense).

Exhibit 5. Five-year recidivism rates, the number of subsequent offenses, and the number of crime-free days for domestic violence offenders who received different types of sentences.

| | Any Domestic Violence Offense: | | | Any Offense: | | | Number of | Crime Free Days |
	Misd	Felony	Misd or Felony	Misd	Felony	Misd or Felony	Offenses	(max = 1,826)
Study Group:	%	%	%	%	%	%	Mean (SD)	Mean (SD)
Fines/proscriptions only:	24	4	26	44	15	48	1.2 (2.0)	1,215 (738)
Treatment:								
Anger management:	19	2	21	33	7	35	.9 (1.8)	1,393 (674)
Domestic violence	28	5	29	42	13	45	1.1 (1.7)	1,257 (723)
Victim-oriented	10	3	12	22	8	25	.5 (1.2)	1,516 (589)
Probation:	13	2	14	29	8	32	.63 (1.2)	1,450 (624)
Jail:	51	17	55	77	47	83	3.7 (3.7)	580 (672)
Any treatment & probation:	17	3	18	28	6	30	.5 (.9)	1,450 (640)
Any treatment & jail:	43	11	47	64	30	69	2.2 (2.6)	837 (753)
Jail & probation:	39	11	42	64	34	70	2.6 (3.5)	816 (759)
Jail, probation, and any treatment:	36	11	10	59	24	63	1.8 (2.6)	947 (765)
All study groups: (n = 14,113)	44	14	47	68	38	73	3.0 (3.5)	751 (746)
All sentenced DV offenders: (n = 27,218)	41	12	45	64	34	70	2.6 (3.2)	819 (759)

Notes: Recidivism calculated from the time the domestic violence study case was filed in court.

    For groups sentenced to jail alone or in combination, the follow-up period was not adjusted for the time in jail as the lengths of jail terms were not available.

Any offender who completed a jail term as a result of their domestic violence offense was more likely to recidivate that those receiving only fines/proscriptions, regardless of whether the jail term was combined with treatment or probation. Eighty-three percent (83%) of individuals who received jail alone committed another crime within five years, and over one-half (55%) committed another domestic violence offense. These offenders were charged with nearly four additional crimes on average (mean = 3.7, SD = 3.7) in the five years after the study offense. Jail, along with completing either probation or any of the three treatments resulted in somewhat lower recidivism rates (69 - 70% any offense, 42 - 47% DV offense), while jail in combination with probation and treatment resulted in the lowest recidivism rates of any type of sentence involving a jail term (63% any offense, 40% DV offense). The jail/probation/treatment group also had fewer offenses in the subsequent five years (mean = 1.8, SD = 2.6) in comparison to the jail only group.

Because offender characteristics, the specific type and severity of crime, and court case processing characteristics have been found to be associated with both the type of sentence imposed and recidivism, logistic regression was used to test whether the differences in recidivism rates among types of sentences existed after controlling for numerous covariates. The covariates in the study included offenders' gender, race/ethnicity, number of prior domestic violence offenses, number of prior non-domestic violence offenses, age at first domestic violence offense, age at the first offense of any type, age at the domestic violence study offense, the severity of the domestic violence study offense, and the number of days from the date of the case filing to the date of sentencing. The differences among the sentence categories on some of these variables is displayed in Exhibit 3.

Logistic regression was used to predict any domestic violence recidivism as well as any subsequent offense of any type. With respect to domestic violence recidivism, results indicated that the type of sentence received was statistically significant even after controlling for other factors (model chi-square (20) = 1,520.67, $p < .001$; Nagelkerke R square = .14). Offenders who complied with victim-oriented treatment and some fines and/or proscriptions were the least likely to recidivate

in comparison to those who complied with just some fines and/or proscriptions alone (OR = .38, CI = .23 - .61). Complying with probation (OR = .49, CI = 34 - .71) or probation with treatment (OR = .69, CI = .53 - .90) also significantly reduced the odds of domestic violence recidivism compared to fines/proscriptions alone. On the other hand, any individual sentenced to jail had a greater likelihood of recidivating. Being sentenced to jail alone (with fines and/or proscriptions) was associated with the highest odds of committing another domestic violence offense (OR = 2.67, CI = 2.34 – 3.07). The odds were lower if an offender completed treatment (jail and treatment OR = 2.03, CI = 1.65 – 2.50), and lower still if the offender completed probation with or without treatment (jail and probation OR = 1.75, CI = 1.45 – 2.11; jail/probation/treatment OR = 1.52; CI = 1.24 – 1.85). The odds ratios of all the sentence condition categories are presented in Exhibit 6 on a logarithmic scale in order to make equivalent comparisons among odds ratios both above and below the reference value of 1. Complete results of the logistic regression are presented in Appendix B.

Results were similar for the logistic regression predicting recidivism of any type (model chi-square (20) = 3,175.17, $p < .001$; Nagelkerke R square = .30). However, in addition to the lower odds of recidivating among offenders who completed victim-oriented treatment (OR = .39, CI = .27 - .57), completing anger management treatment was also related to a lower probability of any subsequent crime during the five-year follow-up (OR = .67, CI = .46 - .96). Probation (OR = .51, CI = .38 - .68) and probation with any of the three treatments (OR = .54, CI = .43 - .68) were the only other sentence categories studied associated with lower odds of committing a future offense in comparison to fines/proscriptions. The addition of domestic violence treatment to fines and/or proscriptions was not reliably associated with an increase or decrease in the odds of committing a future domestic violence offense or an offense of any type.

As with domestic violence recidivism, completion of a jail term increased the odds of committing any type of offense in the five years after the study offense. For offenders who completed a jail term alone, the odds of recidivating were more than three times

Exhibit 6. Odds ratios (and 95% confidence intervals) for domestic violence recidivism among domestic violence offenders with different sentence conditions.
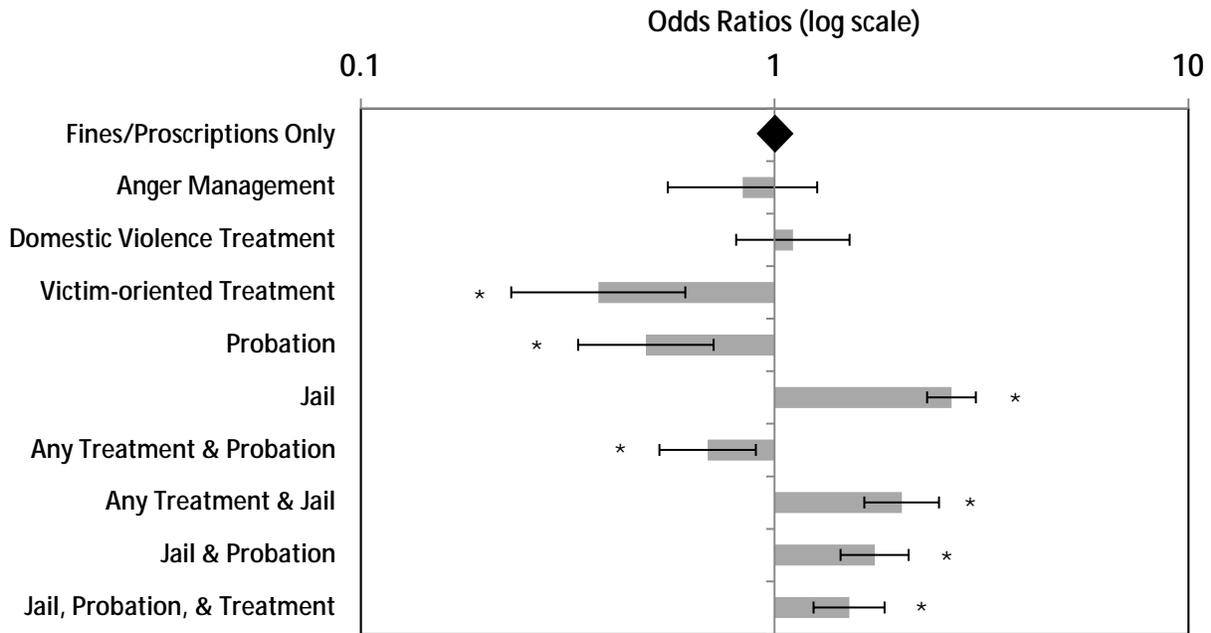
Odds Ratios (log scale)

0.1	1	10

Fines/Proscriptions Only
Anger Management
Domestic Violence Treatment
Victim-oriented Treatment
Probation
Jail
Any Treatment & Probation
Any Treatment & Jail
Jail & Probation
Jail, Probation, & Treatment

* Odds ratio for the sentence category is statistically different than the reference category (fines and/or proscriptions).

higher than the comparison group (OR = 3.13, CI = 2.75 – 3.57). Completion of either treatment or probation along with the jail term lowered the odds in comparison to a jail term alone, though the odds were still higher than the comparison group (jail and any treatment OR = 1.80, CI = 1.45 – 2.25; jail and probation OR = 1.80; CI = 1.48 – 2.19). Offenders with sentences that combined jail, probation, and treatment were the lowest of any sentence involving jail (OR = 1.31, CI 1.08 – 1.60) and were just slightly higher than the fines/proscriptions category (see Exhibit 7 and Appendix C).
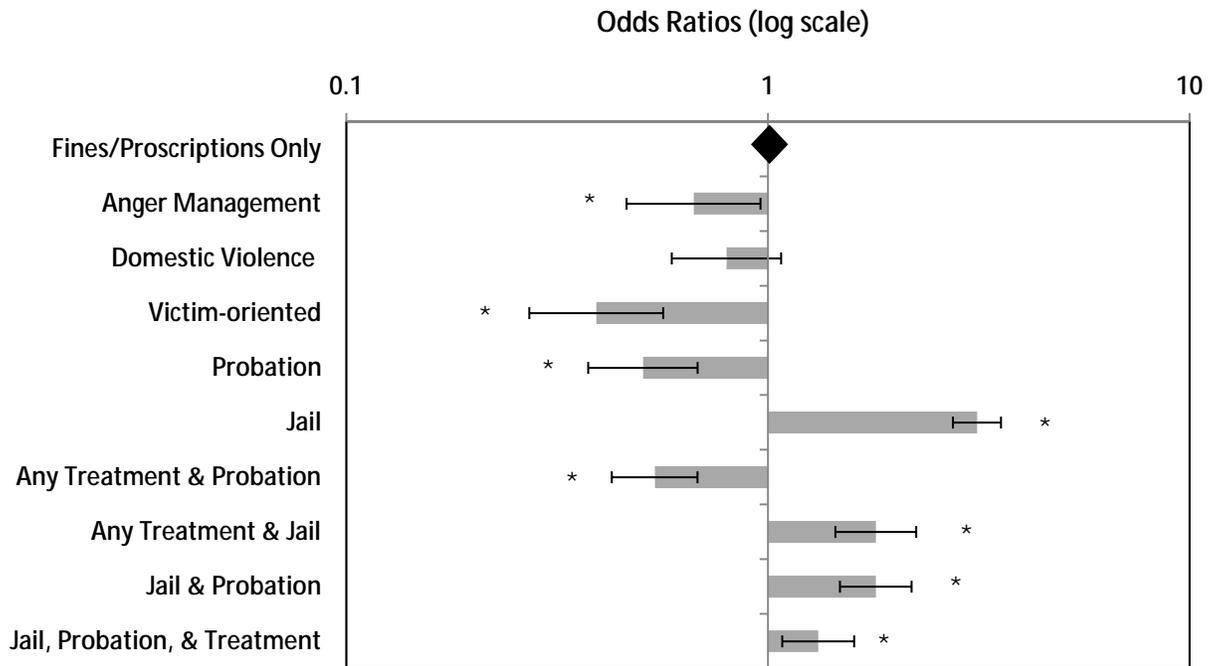
Exhibit 7. Odds ratios (and 95% confidence intervals) for criminal recidivism among domestic violence offenders with different sentence conditions.

Odds Ratios (log scale)

* Odds ratio for the sentence category is statistically different than the reference category (fines and/or proscriptions).

DISCUSSION

Domestic violence remains a pervasive problem throughout the nation. In Washington State alone, approximately 20,000 domestic violence cases are filed in the courts each year, with about half resulting in sanctions. Yet, relatively little is known about how judicial officers combine sanctions within specific sentences for domestic violence offenders, and even less is known about how effective those sentences are in promoting justice. While effectiveness may not be a primary consideration for all of those involved in the criminal justice system, much of society is concerned with reducing crime and repairing harm. Thus, the impact of judicial system processes on outcomes such as recidivism is often of great interest. However, relatively few research studies have

investigated the effect of different types of sentences on recidivism, and those that have are often equivocal. This large-scale longitudinal study was designed to examine domestic violence sentencing practices and contribute to the discussion of how best to prevent future offenses.

Results from this study indicated that judicial officers in the state use a wide variety of sentencing conditions in a multitude of combinations. From imposing only fines and/or proscriptions to crafting sentences that involve fines, proscriptions, jail, assessment, treatment, and probation, little consistency exists both within and across jurisdictions. This is not surprising given the variability in offenders' criminal histories, personal circumstances, the severity and context of the crime committed, the resources of different courts, and the availability of treatment services, among others. However, it also suggests a lack of clarity and consistency in the goals underlying domestic violence offender sentencing and reflects the ambiguous relationships between goals and sentence conditions. In addition, it highlights the lack of research evidence on successful approaches to reducing recidivism upon which judicial officers could base their decisions.

The type of sentence condition that has received the greatest focus to date is domestic violence treatment (i.e., batterer intervention). Findings from this study are consistent with much of the literature in that domestic violence treatment with fines and/or proscriptions did not result in statistically reliable reductions in recidivism compared to fines and/or proscriptions alone. Interestingly, victim-oriented treatment was related to significantly lower odds of both domestic violence and general recidivism, and anger management was associated with lower odds of general recidivism.

One possible explanation for these treatment effects may be a selection bias by judicial officers in selecting sentence conditions. Domestic violence treatment in the state is a much more intensive process compared to anger management or victim-oriented treatment. State law requires offenders to attend weekly 90-minute group treatment sessions for a minimum of six months, followed by monthly meetings with the treatment provider for another six months. Court mandated anger management and victim-oriented treatment, on the other hand, can range from single

sessions to time limited courses such as 8- or 16-hour workshops. It is not known why judicial officers choose one sentence condition over the other, but differences in offender characteristics, histories, actions, and other reasons may result in higher risk offenders being placed in the more intensive domestic violence treatment. Even though attempts were made to control for many of these possibilities, which were in fact strongly related to recidivism, unmeasured characteristics may still vary between offenders receiving different types of sentences and be driving the relationship with the outcome measures. Absent random assignment of offenders to different types of sentences, additional research should be undertaken to better understand the reasons behind treatment selection by judicial officers.

Another possibility for the relatively weak influence of domestic violence treatment is the existence of treatment/offender interactions. That is, treatment may be effective for certain types of offenders, but ineffective for others, thus obscuring any impact. Prior research indicates that more socially bonded individuals who have a greater stake in conformity have better outcomes following treatment (Sherman, Smith, Schmidt, & Rogan, 1992; Wooldredge & Thistlethwaite, 2005). Socially bonded individuals tend to have limited criminal histories, more education, and greater residential stability; not all of these factors could be controlled in this study. Treatment attendees also likely vary in their motivation to change. While all individuals in the group comparisons completed their treatment, it was not known whether they participated and completed because of a desire to change their harmful behavior or simply to complete court requirements. Another unknown is how well the treatment topics addressed offenders' individual needs. For any intervention to be effective it should be matched to a person's specific needs rather than take a one-size-fits-all approach. For example, Levesque and colleagues (2000) suggest that if a valid assessment determines that a perpetrator has low motivation to change, he or she could begin treatment in groups to improve motivation prior to domestic violence treatment.

Other possible reasons for the limited impact of state-certified domestic violence programs include unidentified underlying issues such as substance abuse or mental health problems, cultural

mismatch, the length of time from arrest to treatment, failure to sanction noncompliance, and the dominant reliance on educational and confrontational models of treatment (Bennett, Stoops, Call, & Flett, 2007). While dozens of certified programs exist in the state and likely vary in practice, all programs are required to adhere to a set of basic standards that emphasize group-level education and developing accountability for attitudes, beliefs, behavior, and change. Yet the predominant model of domestic violence treatment—which can be viewed as being confrontational, deficits-based, and lacking motivational components—has come under increased scrutiny in recent years due to a lack of therapeutic engagement and attention to individual needs. Recently, however, a different model has emerged that emphasizes a solution-focused, strength-based approach in which particular emphasis is placed on developing a strong therapeutic alliance and empowering the offender to change (Lee, Uken, & Sebold, 2007; Milner & Singleton, 2008). Additional research is necessary to determine what program models are currently in operation and whether a solution-focused approach to treatment is more effective in promoting change and reducing recidivism.

The lower rates of recidivism among offenders whose sentences consisted of victim-oriented treatment along with fines and/or proscriptions was somewhat surprising. The relatively minimal dose of treatment involved in victim awareness education and victim impact panels, which typically range from a single session to short-term courses, would lead one to reasonably expect little difference from the fines/proscriptions only sentence type. One explanation for the relative success of the programs is that they are consistent with a contemporary model of treatment which focuses on changing beliefs, attitudes, and behavior through empathy and education. Victim-oriented treatment is designed to be emotional and engaging and changes the focus from blame, judgment, and personal deficits of offenders to one in which the focus is on the harm caused to victims and society. This form of treatment may be more effective in motivating offenders to change as opposed to the confrontational nature of traditional domestic violence treatment. Given the dearth of attention to victim-oriented treatment for domestic violence offenders and other contemporary treatments in the context of the limited success of traditional programs, considerably more research is warranted.

Results from this study also suggest that probation is an important sentence condition for reducing domestic violence recidivism and recidivism in general. When added to a sentence of fines and/or proscriptions, individuals who received probation had significantly fewer subsequent offenses than those who received fines/proscriptions alone. Probation and/or treatment is especially important when the sentence conditions include jail, as jail without additional conditions was associated with very high rates of recidivism: 55% for a subsequent domestic violence offense within five years, and 83% for any type of offense. This study, however, was not able to examine the different types of probation (e.g., unmonitored, active, or specialized). Not all forms of probation may be equally effective, and probation requirements and processes may need to be tailored to offenders' unique circumstances. In addition, a change in philosophy from threats of punishment and frequent monitoring to one of reinforcing positive behavior change, as is often the case within specialized domestic violence treatment courts, may be a necessary component of effective intervention.

While the results from this study indicated that recidivism rates are strongly related to the type of sentence an offender receives, several limitations must be considered in addition to the possibility of unmeasured causal factors mentioned previously. For one, the validity of the administrative data used for this study has not been determined. While data codes are standard throughout the state, code definitions and documentation on how to use the codes are lacking. Decision rules for documenting sentence conditions and compliance should be investigated and standardized across the state. In addition, the generalizability of the findings is also a concern. While the large sample size allowed for the statistical control of a number of variables and the selection of well-defined groups, the wide variability in sentencing practices led to relatively small number of offenders in each study group. The majority of offenders have combinations of sentence conditions that are different than those studied for this research. Further, the practice and processes of domestic violence treatment, probation, jail, and court management in Washington State may differ substantially from other jurisdictions around the nation. Whether the findings are useful to guide the sentencing of domestic violence offenders in other jurisdictions is not known.

Recidivism among domestic violence offenders, and offenders generally, is of great concern. While substantial progress has been made in the awareness of and attention to domestic violence in the criminal justice system and in society, rates of recidivism remain alarmingly high. Two decades of research and practice have yet to identify the necessary components for effective prevention and treatment. It may be necessary for researchers, judicial officers, court staff, service providers, and policy makers to reconsider conceptions of interpersonal violence and how best to intervene through judicial action.

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Appendix A. Conditions of domestic violence sentences.

Sentence Condition:	Category:	Frequency:	% of all conditions:	% of sentences w/ condition:
			(n = 177,502)	(n = 27,218)
Bail/Bond Forfeiture Due Date	Administrative	203	0.1	0.7
Case Flow Management	Administrative	523	0.3	1.9
Finding/Judgment Review Date	Administrative	310	0.2	1.1
Finding Review Date	Administrative	424	0.2	1.6
Jail Time Verified	Administrative	950	0.5	3.5
Notify Court of Address Change	Administrative	1985	1.1	7.3
Record Check Only	Administrative	1561	0.9	5.7
Report on Progress	Administrative	93	0.1	0.3
Referred to Prosecutor	Administrative	97	0.1	0.4
Review Date	Administrative	1119	0.6	4.1
Stipulated Order of Continuance	Administrative	2154	1.2	7.9
Time Pay Review	Administrative	2094	1.2	7.7
Total Administrative		**11513**	**6.5**	**33.7**
Alcoholics Anonymous	Alcohol & Drug Treatment	401	0.2	1.5
Attend Meetings/Submit Attend. Record	Alcohol & Drug Treatment	83	0.0	0.3
Alcohol School	Alcohol & Drug Treatment	433	0.2	1.6
Alcohol Treatment	Alcohol & Drug Treatment	1634	0.9	6.0
Drug Treatment	Alcohol & Drug Treatment	140	0.1	0.5
Total Alcohol and Drug Treatment		**2691**	**1.5**	**8.8**
Anger Management Treatment	Anger Management	1996	1.1	7.3
Total Anger Management		**1996**	**1.1**	**7.3**
Alcohol Assessment	Assessment	4098	2.3	15.1
Anger Management Assessment	Assessment	1092	0.6	4.0
Breath or Urine Testing	Assessment	333	0.2	1.2
Chemical Dependency Evaluation	Assessment	112	0.1	0.4
Drug Assessment	Assessment	1035	0.6	3.8
Domestic Violence Assessment	Assessment	4601	2.6	16.9
Mental Health Evaluation	Assessment	806	0.5	3.0
Total Assessment		**12077**	**6.8**	**35.7**
Day Detention	Detention	139	0.1	0.5
DUI Electronic Home Monitoring	Detention	153	0.1	0.6
Home Detention	Detention	320	0.2	1.2
Total Detention		**612**	**0.3**	**2.2**
Domestic Violence Treatment	DV Treatment	7261	4.1	26.7
Total Domestic Violence Treatment		**7261**	**4.1**	**26.7**
Collections	Fine	87	0.0	0.3
Contribution Ordered	Fine	68	0.0	0.2
Fine	Fine	20829	11.7	76.5
Partial Payments - Timepay	Fine	1160	0.7	4.3
Pay Fine	Fine	2867	1.6	10.5
Pay or Serve	Fine	1274	0.7	4.7
Probation Fee Assessed	Fine	802	0.5	2.9
Recoupment	Fine	932	0.5	3.4
Restitution	Fine	1456	0.8	5.3
Total Fine		**29475**	**16.6**	**76.9**

Sentence Condition:	Category:	Frequency:	% of all conditions:	% of sentences w/ condition:
Jail Time Imposed	Jail	19744	11.1	72.5
Total Jail		**19744**	**11.1**	**72.5**
Counseling, General	Mental health/counseling	136	0.1	0.5
Mental Health Counseling	Mental health/counseling	410	0.2	1.5
Outpatient Treatment	Mental health/counseling	295	0.2	1.1
Parenting Classes	Mental health/counseling	496	0.3	1.8
Total Mental health/counseling		**1337**	**0.8**	**5.1**
Alternative to Custody	Other/unspecified	109	0.1	0.4
Deferred Sentence Condition	Other/unspecified	800	0.5	2.9
special conditions	Other/unspecified	2045	1.2	7.5
Other (Court specific)	Other/unspecified	1823	1.0	6.7
Perp Treatment/Enrollment	Other/unspecified	79	0.0	0.3
Revoked Suspended Fine	Other/unspecified	63	0.0	0.2
Revoked Suspended Jail	Other/unspecified	4357	2.5	16.0
Work Release Recommended	Other/unspecified	154	0.1	0.6
Total Other/unspecified		**9430**	**5.3**	**28.4**
Active Supervised Probation	Probation	3203	1.8	11.8
Monitored Unsupervised Probation	Probation	3563	2.0	13.1
Probation	Probation	7423	4.2	27.3
Total Probation		**14189**	**8.0**	**49.5**
DUI: License/Ins/no >.08 or refused	Proscription	49	0.0	0.2
No Firearms or No Poss. of Firearms	Proscription	9993	5.6	36.7
Law Abiding Behavior	Proscription	1898	1.1	7.0
No Alcohol or Drugs	Proscription	2999	1.7	11.0
No Frequenting Alcohol Establishment	Proscription	292	0.2	1.1
No Contact Ordered	Proscription	19731	11.1	72.5
No Contact per Court Directive	Proscription	469	0.3	1.7
No Criminal Violations	Proscription	9161	5.2	33.7
No Contact with Victim	Proscription	2065	1.2	7.6
No Alcohol or Drug Related Violations	Proscription	702	0.4	2.6
No Hostile Contact	Proscription	1061	0.6	3.9
No Driving Without License & Insurance	Proscription	641	0.4	2.4
No Similar Violations	Proscription	5586	3.1	20.5
No Violations For 1 Year	Proscription	662	0.4	2.4
No Violations For 6 Months	Proscription	180	0.1	0.7
No Violations	Proscription	3200	1.8	11.8
No Violations For Deferral Period	Proscription	689	0.4	2.5
Stay Out of Area	Proscription	45	0.0	0.2
Verbal No Contact	Proscription	50	0.0	0.2
Total Proscription		**59517**	**33.5**	**96.2**
Victim Awareness Education	Victim-oriented treatment	1530	0.9	5.6
Victims Panel	Victim-oriented treatment	2766	1.6	10.2
Total Victim-oriented treatment		**4296**	**2.4**	**15.7**
Community Service	Work	984	0.6	3.6
School	Work	91	0.1	0.3
Workcrew	Work	1828	1.0	6.7
Total Work		**2903**	**1.6**	**10.1**

Appendix B. Results of logistic regression predicting five-year domestic violence recidivism.

Model chi-square (20) = 1,520.67, p < .001

Nagelkerke R square = .141

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	95% C.I.for EXP(B) Upper
Gender: Male	.239	.049	24.111	1	.000	1.270	1.154	1.397
Race/ethnicity: White			48.976	4	.000			
Amer. Ind/Alaska Native	.267	.102	6.896	1	.009	1.306	1.070	1.594
Asian	-.016	.126	.015	1	.902	.985	.769	1.261
Black	.398	.060	43.920	1	.000	1.489	1.324	1.675
Hispanic	.079	.059	1.816	1	.178	1.083	.965	1.215
Age@firstoffense	-.020	.004	25.783	1	.000	.980	.973	.988
Age@firstdvoffense	.028	.008	13.796	1	.000	1.029	1.013	1.044
Age@DVevent	-.028	.007	15.076	1	.000	.972	.959	.986
PriorNONDVcases	.021	.004	30.380	1	.000	1.021	1.014	1.029
PriorDVcases	.175	.018	96.203	1	.000	1.191	1.150	1.233
File2Sentence	.001	.000	17.775	1	.000	1.001	1.000	1.001
Sentence Category:								
Fines/proscriptions only			492.087	9	.000			
Anger management	-.178	.212	.701	1	.402	.837	.553	1.269
Domestic violence treatment	.103	.161	.406	1	.524	1.108	.808	1.519
Victim-oriented Treatment	-.980	.247	15.728	1	.000	.375	.231	.609
Probation	-.715	.192	13.831	1	.000	.489	.335	.713
Jail	.985	.069	202.929	1	.000	2.678	2.339	3.067
Any treatment & probation	-.372	.137	7.370	1	.007	.690	.527	.902
Any treatment & jail	.708	.106	44.588	1	.000	2.030	1.649	2.499
Jail & probation	.557	.097	33.293	1	.000	1.746	1.445	2.110
Jail, probation, & any treatment	.415	.101	16.968	1	.000	1.515	1.243	1.846
Constant	-.849	.096	78.833	1	.000	.428		

Appendix C. Results of logistic regression predicting any five-year recidivism.

Model chi-square (20) = 3,175.17, p < .001

Nagelkerke R square = .301

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B)	
							Lower	Upper
Gender: Male	.106	.055	3.748	1	.053	1.111	.999	1.237
Race/ethnicity: White			20.377	4	.000			
Amer. Ind/Alaska Native	.298	.144	4.261	1	.039	1.347	1.015	1.787
Asian	-.181	.136	1.775	1	.183	.835	.640	1.089
Black	.292	.078	14.135	1	.000	1.340	1.150	1.560
Hispanic	.008	.070	.014	1	.907	1.008	.878	1.157
Age@firstoffense	.000	.003	.010	1	.921	1.000	.995	1.006
Age@firstdvoffense	.004	.001	6.688	1	.010	1.004	1.001	1.007
Age@DVevent	-.035	.003	135.122	1	.000	.965	.959	.971
PriorNONDVcases	.155	.008	403.490	1	.000	1.168	1.150	1.185
PriorDVcases	.168	.024	48.017	1	.000	1.183	1.128	1.241
File2Sentence	.003	.000	154.064	1	.000	1.003	1.002	1.003
Sentence Category:								
Fines/proscriptions only			771.940	9	.000			
Anger management	-.406	.187	4.739	1	.029	.666	.462	.960
Domestic violence treatment	-.226	.152	2.208	1	.137	.797	.591	1.075
Victim-oriented Treatment	-.937	.187	25.243	1	.000	.392	.272	.565
Probation	-.683	.152	20.064	1	.000	.505	.375	.681
Jail	1.142	.067	291.120	1	.000	3.132	2.747	3.571
Any treatment & probation	-.619	.119	26.816	1	.000	.539	.426	.681
Any treatment & jail	.589	.113	27.365	1	.000	1.803	1.445	2.248
Jail & probation	.589	.100	34.820	1	.000	1.802	1.482	2.191
Jail, probation, & any treatment	.275	.100	7.513	1	.006	1.316	1.081	1.602
Constant	.397	.099	16.246	1	.000	1.488		