

DOMESTIC VIOLENCE DEFENDANTS MORE LIKELY TO BE CONVICTED THAN NON-DOMESTIC VIOLENCE DEFENDANTS

WASHINGTON – State felony defendants charged with domestic violence (DV) were prosecuted, convicted and incarcerated at rates either equal to or higher than felony defendants charged with non-domestic violence (non-DV), the Justice Department’s Bureau of Justice Statistics (BJS) announced today. The study compared domestic and non-domestic sexual assault and domestic and non-domestic aggravated assault cases filed in state courts of 15 large urban counties during May 2002 on 11 prosecution, conviction and sentencing outcome measures. Domestic violence includes violence among family members, intimate partners and household cohabitants.

Among defendants charged with sexual assault, no differences were found between DV and non-DV sexual assault case processing on seven of the 11 prosecution, conviction and sentencing measures. On the other four measures, DV sexual assault defendants had a higher prosecution rate (89 percent versus 73 percent), higher overall conviction rate (98 percent versus 87 percent), higher felony sexual assault conviction rate (80 percent versus 63 percent) and a longer average incarceration sentence (six years compared to three and one quarter years). About 15 percent of the DV sexual assault defendants received sentences longer than 10 years, whereas none of the non-DV sexual assault defendants had a sentence that long.

Among defendants charged with aggravated assault, no differences were found between DV and non-DV aggravated assault defendants on seven of 11 measures of case processing. On the other four measures, DV aggravated assault defendants had a higher overall conviction rate (87 percent versus 78 percent), higher violent felony conviction rate (61 percent versus 52 percent), higher aggravated assault conviction rate (54 percent versus 45 percent) and higher misdemeanor conviction rate (22 percent versus 16 percent).

The study also found that DV aggravated assault defendants were less likely to be granted pretrial release than non-DV aggravated assault defendants. Of those granted pretrial release, courts were also more likely to issue a protection order against DV aggravated assault defendants.

The BJS study was conducted to examine how domestic violence cases were handled by the justice system. Persons charged with domestic or non-domestic violence were tracked in court records from May 2002, when charges were filed, through final court disposition.

The report, *State Court Processing of Domestic Violence Cases* (NCJ-214993), was written by BJS Statisticians Erica L. Smith, Matthew R. Durose and Patrick A. Langan. Following publication, the reports can be found at <http://www.ojp.usdoj.gov/bjs/abstract/scpdvc.htm>

For additional information about the Bureau of Justice Statistics' statistical reports and programs, please visit the BJS Web site at <http://www.ojp.usdoj.gov/bjs>.

The Office of Justice Programs (OJP) provides federal leadership in developing the nation's capacity to prevent and control crime, administer justice and assist victims. OJP has five component bureaus: the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile Justice and Delinquency Prevention; and the Office for Victims of Crime. Additionally, OJP has two program offices: the Community Capacity Development Office, which incorporates the Weed and Seed strategy, and the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office. More information can be found at <http://www.ojp.usdoj.gov>.

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