

Evaluating State Attorney Filing Decisions and Outcomes in Domestic Violence Cases

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Introduction

- Domestic Violence (DV) is a significant problem: nearly half of all women (47%) and men (47%) report experiencing psychological aggression. 1 in 4 adult women and nearly 1 in 7 adult men experience severe physical violence by an intimate partner (Breiding, Chen, & Black, 2014).
- In the 1990s, advocates pushed to criminalize DV and implement policies like mandatory arrests & no-drop prosecution. The hope was to reduce incident/recidivism rates and increase victim safety.
- Many studies examined arrest policies, but few have examined the filing rate for DV cases, and which factors affect the filing decision.
- The studies examining filing rates conducted from 2000-2006 found filing rates range from 20%-98% (avg 35%) with factors like victim injuries (and severity of injuries), defendant's criminal history, type of relationship, and race/ethnicity, all affect the filing rate (cf. Belknap et al., 2000; Henning & Feder, 2005; Worrall, Ross, & McCord, 2006). Little to no research has been done since 2006.
- No-drop prosecution means in cases with evidence, the State Attorney files regardless of victim cooperation. Victims do not make the decision to file, the State does.
- States like FL with no-drop laws should have higher filing rates in DV cases, and decisions should be based on evidence case factors, not victim cooperation.
- The purpose of our research was to address this gap by exploring the current DV filing rate in Pinellas County, and what factors determine the filing decisions.
- Why look at Pinellas County filing rates?
- In 2017, a study by USFSP found that DV cases cost Pinellas County \$132 million a year. Costs include emergency housing, medical care, support service, and more, equating to about \$21,000 per each victim. (Harris & Reichgelt, 2017)
- **Research questions:**
 - 1) What percent of DV cases are being filed/not filed in Pinellas County?
 - 2) What case factors are correlated to the decision to file?

Methods

To answer these research questions we did an exploratory study of DV cases in Pinellas County from January 1, 2018 to December 31, 2018. A random sample of domestic violence arrests (n = 370), one from every day of each month, was collected from the Pinellas County Sheriff's Office [Who's in Jail](#) website. Once the cases were identified, we located the case files on [The Clerk of the Circuit Court](#) website. We used the Register of Actions page and arrest affidavit to collect the data related to our variables of interest.

Sample characteristics:

- **Filing decision** (33% filed, 73% not filed)
- **Gender** (72% male, 28% female)
- **Race** (66% white, 34% nonwhite)
- **Age** (18 to 73 [$M=37.23$])
- **Offense type** (27% misdemeanors, 73% felonies)
- **Victim injury** (67% involved victim injury)
- **Drug or Alcohol use** (32% had influence of drugs or alcohol)
- **Weapon present** (12% had weapons present)
- **Witness corroboration** (34% had witness corroboration)
- **Injunction for protection** (19% had injunctions in place)
- **Prior violent arrests** (43% had prior domestic violence arrests, 56% had prior non-domestic violent arrests)

Data Analyses and Findings

We used a series of statistical tests to explore the relationship between the independent variables and case filing decisions. Below are the significant relationships at the $p < .05$ level unless otherwise indicated.

Chi-Square

- **Gender of defendant**
 - It appears that when the defendant was male the case was more likely to be filed.
- **Weapon presence**
 - It appears that cases without a weapon were less likely to be filed.
- **If the victim had an injunction for protection in place**
 - It appears cases without injunctions were less likely to be filed.
- **Witness corroboration**
 - It appears if there was witness corroboration the case was more likely to be filed (near significant at $p=.069$).



To better assess the predictive value and direction of these relationships, we conducted a series of bivariate and multivariate regression analyses.

Bivariate Results:

- **Victim requests not to prosecute**
 - In the felony group, victim requests not to prosecute were less likely to be filed.
- **Weapon presence**
 - In the felony group, cases involving weapons were more likely to be filed.

Multi-Variate Logistic Regression (control variables are gender, race, and age)

- **Victim requests not to prosecute**
 - In felony cases, if the victim chose not to prosecute, the case was less likely to be filed.
- **Weapon presence**
 - Misdemeanor cases without a weapon were less likely to be filed (near significant at $p=.09$).
 - Felony cases with a weapon present were more likely to be filed.
- **Witness corroboration**
 - Cases with witness corroboration were more likely to be filed (near significant at $p=.07$).

Given that very few variables were significant, we explored further the effect of prior arrests and injunctions in place using independent sample t-tests.

Independent Samples T-Test

- **The number of prior non-domestic violence arrests**
 - Misdemeanor and felony cases with prior non-domestic violence arrests were LESS likely to be filed.
- **If the victim had an injunction for protection in place**
 - As a group, and as felonies and misdemeanors, cases with injunctions for protection in place were more likely to be filed.



Discussion

The DV filing rate in Pinellas County is comparable to the national average at 33%.

There was some support that case characteristics and victim safety correlated with filing decisions.

- For victim safety, injunctions for protection and severity of violence should impact filing decisions. We found support that Pinellas SAO is considering these in case filing decisions.
- We expected drugs and alcohol to be significant, but they were not.
- Witness corroboration and weapon presence correlated to the filing decisions in all cases. Weapon presence and victim requests not to prosecute had a significant correlation to the filing decisions in felony cases, as we predicted.
- Surprisingly, the likelihood of individuals with histories of prior violent charges were less likely to be filed, the opposite of what we expected.
- Victim requests not to prosecute had a significant effect on case filing decisions. This should not be significant because of Florida's preferred prosecution laws, which mandate that DV cases be prosecuted despite victims' requests not to do so.

Limitations:

Victim cooperation can be measured in many ways; previous research indicates that it plays a role in filing decisions (Messing, 2014). In this study, victim cooperation was measured solely by requests not to prosecute; this is problematic because, as Jordan (2004) notes, nearly half of domestic violence victims claimed they were discouraged by their abusers from obtaining injunctions for protection under threats of violence. We must ask ourselves if these requests are given freely, or if they are given under duress. A more accurate measure of victim cooperation is needed.

- Affidavits do not contain as much information as police reports. Police reports, particularly ones including photographic evidence of injuries, offer crucial data, which for this study were inaccessible.

Future Research & Applications:

- A comparison group of non-DV violent offenses would allow future research to determine if and how filing rates for domestic violence are different.
- Victim safety is of utmost importance and should be considered regardless of their desire to prosecute. It may be helpful for DV victims to complete a Danger Assessment survey (Campbell, 2019). This survey is a series of questions about type, frequency, and severity of DV experienced by the victim. Danger assessment tools could be used by prosecutors to better identify high-risk cases and the need for criminal justice intervention.

References

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