

and suspect information (e.g., relationship, age, gender, and race), a victim statement, and actions taken by the responding officer, including arrest, seizure of weapons, evidence collected, and referrals to service organizations. Unfortunately, since a DIR is completed at the scene and is usually not updated before it is sent to DCJS, post-incident arrests (such as arrests through warrants) are not recorded. For this reason, arrest information is most accurate for incidents in which the suspect was on-scene when the officer arrived.

The Nature of Domestic Violence in Upstate New York And Long Island

Table 1 presents data on the total number of domestic incidents reported by most police departments in New York State in 1997 and 2000. New York City data was not available for either year and State Police data was only available for 1997. Thus, three columns of data are presented in Table 1: 1997 data (with State Police incidents), 1997 data (excluding State Police incidents), and 2000 data (excluding State Police incidents). [3]

DCJS received 145,932 domestic incident reports completed in year 2000 from 478 police departments within New York State (Table 1). The number of reports increased by nearly 25% between 1997 and 2000. Approximately half of the incidents in both years included some type of criminal offense allegation according to the classification of the responding police officers. DCJS researchers classified an additional 7 to 8% as potentially criminal because the incidents

Figure 1. New York State Domestic Violence Incident Reporting (DIR) Form

The form is titled "New York State DOMESTIC VIOLENCE INCIDENT REPORT (PRINT UPPER CASE)". It contains the following sections:

- Agency:** Agency, ORI, NY, New York State DOMESTIC VIOLENCE INCIDENT REPORT (PRINT UPPER CASE), SP/PT No. (NYSPD), Incident Report No., Pgt. of Report.
- Date and Time:** Date of Report, Time of Report, Date of Occur, Time of Occur, Address of Occurrence, Apt. No., Sector, Beat.
- Complainant:** Compl./Victim's Last Name, First, M.I., Address, Sex, Date of Birth, Age, Home Telephone, Race (White, Black, Other, Indian, Asian, Unk), Ethnic Origin (Hispanic, Non-Hispanic, Unknown).
- Suspect:** Suspect/Other Party Last Name, First, M.I., Address, Sex, Date of Birth, Age, Home Telephone, Race (White, Black, Other, Indian, Asian, Unk), Ethnic Origin (Hispanic, Non-Hispanic, Unknown).
- Offense:** Suspect Relationship to the Complainant/Victim, Suspect Present?, Offense/Incident Involvement, Description (Offenses).
- Legal/Procedural:** Order of Protection? Violated?, Issuing Court, OP Registry Checked, Expir. Date, Complaint Report Prepared?, Compl. No., Report Received, Suspect Used/Threatened Weapons?, Type, Victim Injured?, Describe, Aided No., Removed to Hospital?, What Hospital?, Phone Taken?, Arrest Made?, Non Arrest Reason, If Arrest Made, Did Prep. Resp?, Charges (List All), Arrest No.
- Family/Household:** Family/Household Members Present? If YES, Last Name, First, Date of Birth, Relationship, Domestic Incident Report Received? If NO, Reason, DV Notice Issued to Victim, Date.
- Suspect's Actions:** Biting, Choking, Destroying Property, Feible Restraint, Grabbing, Hair Pulling, Homicide, Injury to Child, Kicking, Pulling Phones From Wall, Punching, Pushing, Pushing/Shoving Into Walls, Sexual Abuse, Slapping, Threats With Weapon(s), Throwing Items, Using Weapon(s), Verbal Abuse, Other.
- Narrative:** Narrative of the Incident. (Include results of investigation and basis for action taken).
- Victim's Statement:** Victim's Statement of Allegations.
- Signatures:** False Statements made herein are punishable as a Class A Misdemeanor, pursuant to Section 210.45 of the Penal Law, Victim's Signature, Date, Other Involved Agency(s).
- Child Abuse:** In There Reasonable Cause to Suspect a Child May Be The Victim of Abuse, Neglect or Maltreatment?, Any Guns in the House?, Any Gun Seized?, Household Member Have a Pistol Permit?, Permit Seized?, If Yes, Reporting Officer Must Contact the NYS Child Abuse Hotline, Registry # 1-800-835-1522, Name, Issuing County.
- Referrals:** Child Protective Services, Licensing Bureau, Adult Protective Services, Domestic Violence Services, Other Outside Agency, Name of Person Notified.
- Reporting Officer:** Reporting Officer's Signature (Include Rank), Date, Time, Officer I.D. No., Date, Notified By.
- Supervisor:** Supervisor's Signature (Include Rank), Date.
- Page Info:** Page of, Pages.

described on the DIR form appeared to include behaviors that involved physical aggression or property damage. [4] Together, the two subsets of incidents comprise the "criminal conduct" incidents referenced throughout

much of the remainder of this report. To help focus the analysis on incidents more traditionally defined as domestic violence, Tables 2 and 3 (and Figures 2 and 3) include only criminal conduct incidents.

Similar to findings from previous research (e.g., Tjaden and Thoennes, 2000), approximately three-quarters of the domestic violence victims listed on the DIRs were female (Table 2). Approximately two-thirds of the incidents involved a white, non-Hispanic suspect or victim. The average age of suspects and victims was approximately 32 and 33 years, respectively. Approximately two-thirds of the victim/suspect dyads met the statutory definition of family while most of the remaining one-third was almost exclusively non-family intimates (Figure 2). Some of the non-family intimates, however, may actually have had a child in common and the officers simply failed to note it in the relationship field of the DIR form. (The DIR form does not explicitly require officers to distinguish between child-in-common intimates from non-child-in-common intimates.)

Table 3 presents statistics on the characteristics of incidents and the classification of offenses. Victims experienced some form of physical attack in approximately half of the criminal incidents. Over one-fourth of the victims experienced a serious physical attack defined as choking, kicking, punching, use of weapon, sexual abuse, or homicide. Weapons were used in fewer than 10% of the incidents. Although not presented in Table 3, of the year-2000 cases in which a weapon was used, the most common types of weapons used were knives (40%), blunt instruments (15%) and firearms (5%). Victims reported injuries in one-fourth of the criminal incidents. Of those injured, approximately 20% were removed to the hospital, and injury was more likely in incidents that involved weapons (data not presented).

Few victims held orders of protec-

Table 1. Domestic Violence Incidents: 1997 and 2000

	1997	1997 (No State Police)	2000
All Domestic Incidents	127,296	117,833	145,932
All Partner Incidents (% of all DIRs)	89,974 70.7%	83,347 70.7%	100,531 68.9%
Criminal Offenses According To Police (% of all DIRs)	71,828 56.4%	65,583 55.7%	74,050 50.7%
Criminal Conduct (% of all DIRs)	81,423 64.0%	74,155 62.9%	85,229 58.4%
Criminal Conduct, Aggressive (% of all DIRs)	45,762 35.9%	40,905 34.7%	47,433 32.5%
Criminal Conduct, Partners (% of all DIRs)	59,513 46.8%	54,480 46.2%	60,787 41.7%
Criminal Conduct, Partner, Aggressive (% of all DIRs)	33,553 26.4%	30,240 25.7%	33,409 22.9%

Definitions:

- All Domestic Incidents = All domestic incidents reported to the police and recorded on DIRs.
- All Partner Incidents = Partner is defined as spouse, sexual intimates, child-in-common, boyfriend-girlfriend, homosexual relationships, and ex-spouse/boyfriend-girlfriend/homosexual relationships .
- Criminal Offenses According to the Police = Incidents that the police classified as criminal.
- Criminal Conduct = Incidents classified as criminal by either the police OR the researchers.
- Criminal Conduct, Aggressive = Physical aggression incidents classified as criminal by either the police OR the researchers.

Figure 2. Victim-Offender Relationship, 2000

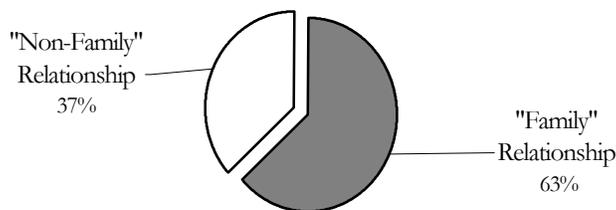


Table 2. Characteristics of Suspects and Victims
(Criminal Conduct Incidents Only)

	No State Police:					
	1997 (N=81,423)		1997 (N=74,155)		2000 (N=85,229)	
	#	%	#	%	#	%
Suspect Characteristics						
White/Non-Hispanic	53,122	65.2%	46,479	62.7%	54,365	63.8%
Male	61,616	75.7%	56,026	75.6%	62,926	73.8%
Average Age	32 years	----	32 years	----	32 years	----
Victim Characteristics						
White/Non-Hispanic	57,002	70.0%	50,233	67.7%	58,233	68.3%
Female	62,620	76.9%	57,065	77.0%	64,304	75.5%
Average Age	33 years	----	33 years	----	33 years	----
Suspect-Victim Relationship						
Spouse/Ex-spouse	27,135	33.3%	23,975	32.3%	25,377	29.8%
Other blood relative	19,793	24.3%	17,732	23.9%	22,373	26.3%
Child-In-Common	4,555	5.6%	4,389	5.9%	6,225	7.3%
Boyfriend/Girlfriend (Ex)	27,823	34.2%	26,116	35.2%	29,185	34.2%
Other	1,237	1.5%	1,112	1.5%	1,545	1.8%
Missing	880	1.1%	831	1.1%	524	0.6%
"Family" Relationship--1	51,483	63.2%	46,096	62.2%	53,975	63.3%
"Partner" Relationship--2	59,513	73.1%	54,480	73.5%	60,787	71.3%

--1 "Family," as presented in CPL 530.10, is defined as spouse, sexual intimates with a child-in-common, and other blood relatives or adopted children.

--2 "Partner" is defined as spouse, sexual intimates, child-in-common, boyfriend/girlfriend, homosexual relationships, and ex-spouse/boyfriend-girlfriend/homosexual relationships.

fled the scene by the time the police arrived. Between 36% and 39% of the on-scene suspects were arrested during the two time periods. Although we do not have arrest data for off-scene suspects, prior research indicates that when a suspect flees the scene, the likelihood of an arrest declines significantly (NYS DCJS and NYS OPDV, 2001; Loue, 2001).

The arrest rate for on-scene suspects increased substantially for incidents involving serious physical attack (54 to 55%) or injury (60 to 63%). Predictably, the probability of an arrest for on-scene suspects was highest when the case met criteria for unconditional mandatory arrest (82 to 85%) or conditional mandatory arrest (68 to 78%). [6] Suspects in non-family cases that met the offense component of the unconditional and conditional mandatory arrest criteria were arrested at rates similar to those of suspects in family cases that were actually covered by the legislation (data not presented). Thus, although the arrest legislation distinguishes between family and non-family cases, arrest decisions do not mirror those distinctions. [7]

County-level Analysis: Reporting, Charging, and Mandatory Arrest Practices

It is important to acknowledge that domestic violence reporting rates are influenced by a number of decisions made by victims and the police. A victim's decision to report an incident to the police may be influenced by many factors, including the desire for privacy, fear of reprisal from the suspect, or a belief that the criminal justice system cannot or will not stop the violence (Greenfeld et. al., 1998; Hoyle, 1998; Tjaden and Thoennes,

tion at the time of the incidents (11 to 12%) and most of those incidents (86 to 88%) were recorded as violations of orders by responding police officers. More than half of the criminal incidents in both years occurred in the presence of one or more other family members.

A majority of the criminal conduct incidents were classified as either misdemeanors (37 to 38%) or violations (41 to 43%), with few felony classifications (6 to 7%). Only one-third of physical attack incidents were classified as misdemeanor or felony offenses. This figure rose to half for cases involving serious physical attack,

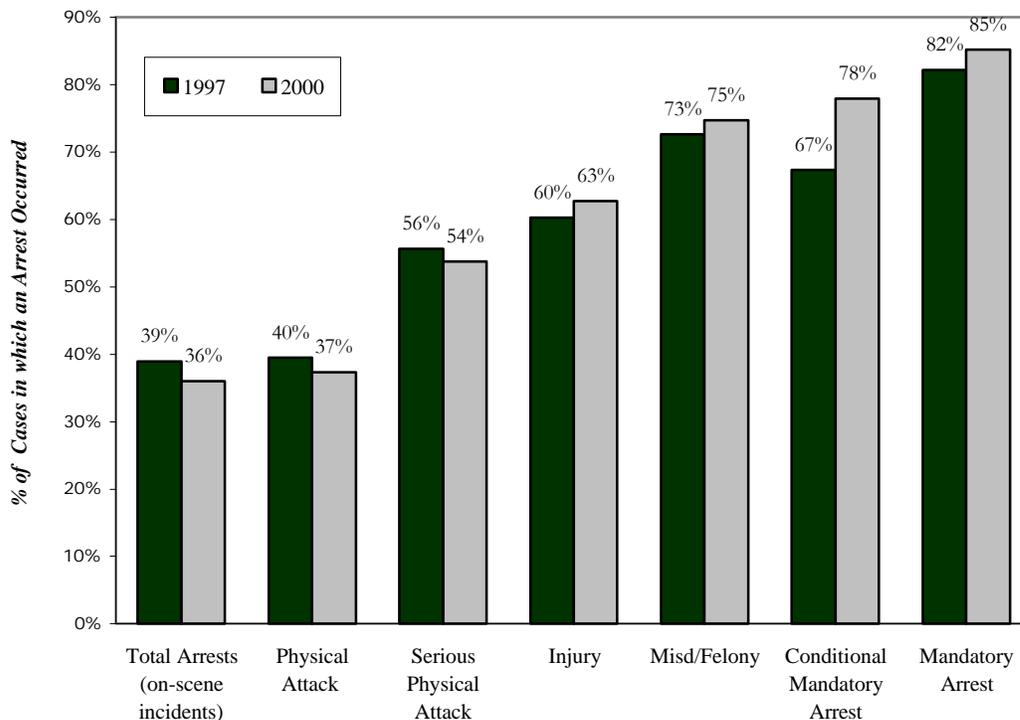
and to two-thirds for cases involving injury. Interestingly, only a small percentage of cases qualified as "unconditional" mandatory arrest cases (8 to 9%) or "conditional" mandatory arrest cases (11%). [5] Cases fell short of the mandatory arrest threshold largely because they involved partners that did not meet the statutory definition of family or because the offender was charged with a violation-level offense instead of a misdemeanor or felony-level offense.

Table 3 and Figure 3 also present on-scene arrest rates for criminal conduct incidents in 1997 and 2000. In both years, half of the suspects had

Table 3. Characteristics of the Incidents and Offense Level Classification
(Criminal Conduct Incidents Only)

	1997 (N=81,432)		No State Police:			
	#	%	1997 (N=74,155)		2000 (N=85,229)	
	#	%	#	%	#	%
Altercation Descriptors						
<i>Suspect's Actions</i>						
Any Physical Attack	45,762	56.2%	40,905	55.2%	47,433	55.7%
Serious Physical Attack	20,841	25.6%	18,709	25.2%	22,141	26.0%
Property Damage	10,654	13.1%	9,252	12.5%	11,260	13.2%
Weapon Use	6,560	8.1%	6,026	8.1%	7,809	9.2%
Homicide or Attempted	97	0.1%	88	0.1%	24	0.0%
Injury to Any Victim	21,409	26.3%	19,338	26.1%	19,313	22.7%
Suspect On-scene	39,658	48.7%	35,716	48.2%	41,501	48.7%
Family Present	43,779	53.8%	39,035	52.6%	45,092	52.9%
Gun in Home	7,582	9.3%	5,738	7.7%	6,753	7.9%
Order of Protection	9,168	11.3%	8,556	11.5%	10,032	11.8%
Order Violations (% of OPs)	8,030	87.6%	7,506	87.7%	8,610	85.8%
Offense Level As Classified by Officer						
Felony	4,916	6.0%	4,649	6.3%	6,009	7.1%
Misdemeanor	30,747	37.8%	28,449	38.4%	31,383	36.8%
Violation	35,298	43.4%	31,731	42.8%	34,812	40.8%
Unclassified Offense	867	1.1%	754	1.0%	1,846	2.2%
No offense identified	9,595	11.8%	8,572	11.6%	11,179	13.1%
Unconditional Mandatory Arrest	6,835	8.4%	6,311	8.5%	7,209	8.5%
Conditional Mandatory Arrest	9,026	11.1%	8,190	11.0%	9,369	11.0%
Physical Attack Incident						
Classified as Misd. or Fel.	45,762	---	40,905	---	47,433	---
Serious Physical Attack Incident	16,096	35.2%	14,654	35.8%	16,250	32.4%
Classified as Misd. or Fel.	20,841	---	18,709	---	22,141	---
Injury Incident	10,279	49.3%	9,367	50.1%	10,911	49.3%
Classified as Misd. or Fel.	21,409	---	19,338	---	19,313	---
% Arrested Overall (on-scene suspects)	13,258	61.9%	12,140	62.8%	12,196	63.1%
15,262	38.5%	13,928	39.0%	14,968	36.0%	
Arrests when suspect on-scene and:						
Physical Attack Incident						
Arrested	24,616	---	21,868	---	26,325	---
Serious Physical Attack Incident	9,575	38.9%	8,642	39.5%	9,838	37.4%
Arrested	10,117	---	8,993	---	11,255	---
Injury Incident	5,544	54.8%	5,004	55.6%	6,044	53.7%
Arrested	10,932	---	9,880	---	9,897	---
Incident Classified as Mis/Fel	6,530	59.7%	5,952	60.2%	6,209	62.7%
Arrested	13,554	---	12,490	---	13,395	---
Unconditional Mandatory Arrest	9,851	72.7%	9,077	72.7%	10,008	74.7%
Arrested	1,045	---	984	---	2,417	---
Conditional Mandatory Arrest	858	82.1%	809	82.2%	2,059	85.2%
Arrested	3,786	---	3,434	---	3,576	---
Arrested	2,575	68.0%	2,312	67.3%	2,788	78.0%

Figure 3. Arrest Rates for Offender On-Scene Incidents, 1997 and 2000



2000).

Police department policies and practices also play a central role in the development of incident rates. For example, the definition of domestic violence varies among police departments in New York State. Although a small number of police departments complete DIR reports only for statutorily defined family offenses, most departments also complete reports in incidents involving non-family intimates, particularly if the parties have cohabited. [8] Furthermore, departments also vary in the degree to which they monitor officer compliance with report preparation. Compliance is best ensured through strict policies requiring reports to be prepared on all domestic-related calls for service. Less vigorous monitoring risks the possibility that some officers will selectively complete DIRs only for the more serious cases or cases in which the victim's full cooperation is evi-

dent.

Thus, incident rates reflect not only the frequency of the events, but also the reporting practices of victims and law enforcement. Differences in reporting practices can lead to an underestimation of domestic violence and may skew various measures of the police response to the violence. For this reason, it is important that charging and arrest responses be understood within the context of these reporting dimensions.

Domestic Violence Reporting Practices

Table 4 presents county-level incident rates per 10,000 residents (criminal and non-criminal incidents combined) for years 1997 (with and without the State Police) and 2000 in columns 1 through 3. [9] (Figure 4 depicts incident rates by county for 1997

data, including State Police incidents.) When interpreting incident rates, it is important to keep in mind that DCJS may not have received full reporting from each county (refer to columns 10 through 12). Naturally, if police departments did not send their DIR forms to DCJS or if reporting police departments represented only a small percentage of their county's population, then that county's DIR rate may not be representative of the entire county. Fortunately, on average, DCJS received DIR forms from police departments that represented nearly 90% of their county's population. [10]

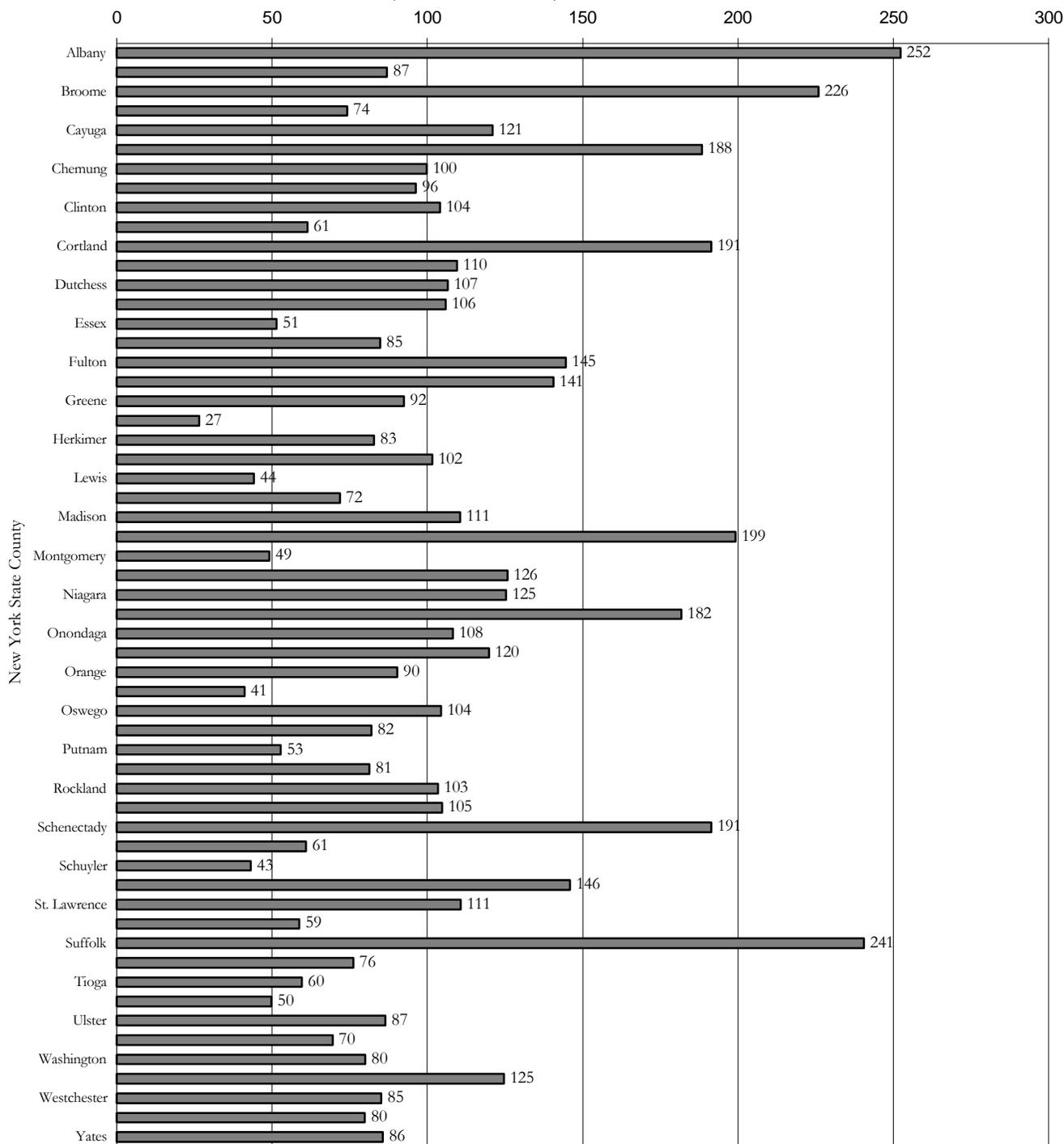
Year 2000 county incident rates range widely from 23 to 284 incidents per 10,000 population, with a state average of 144 incidents per 10,000 population. By contrast, the rate of violent crime in New York State is about 59 incidents per 10,000 population and property crime is about 272 incidents per 10,000 population (NYS

Table 4. Domestic Violence Reporting Practices by County

COUNTY	County Incidence Rate Per 10,000			Criminal Incidence Rate Per 10,000			Proportion of Incidents Involving a Crime			% Population Covered by Reporting Police Depts		
	1997	1997 (No State Police)	2000	1997	1997 (No State Police)	2000	1997	1997 (No State Police)	2000	1997	1997 (No State Police)	2000
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albany	252	251	274	149	148	146	0.59	0.59	0.53	85%	85%	94%
Allegany	87	173	28	66	131	24	0.76	0.69	0.85	91%	32%	16%
Broome	226	204	214	117	106	99	0.52	0.50	0.46	100%	100%	100%
Cattaraugus	74	141	138	60	115	103	0.81	0.85	0.75	98%	35%	13%
Cayuga	121	112	159	93	86	110	0.77	0.77	0.69	97%	97%	100%
Chautauqua	188	181	222	156	151	170	0.83	0.83	0.77	97%	97%	86%
Chemung	100	87	125	70	61	94	0.70	0.70	0.75	86%	86%	81%
Chenango	96	67	102	75	52	78	0.78	0.79	0.76	90%	90%	93%
Clinton	104	144	184	80	111	121	0.77	0.75	0.66	99%	27%	26%
Columbia	61	44	50	45	32	35	0.72	0.69	0.70	87%	87%	78%
Cortland	191	173	181	146	132	124	0.76	0.76	0.69	93%	93%	98%
Delaware	110	51	52	88	41	41	0.80	0.81	0.77	97%	97%	100%
Dutchess	107	94	129	74	65	81	0.69	0.68	0.63	90%	90%	85%
Erie	106	105	95	84	83	74	0.80	0.80	0.78	92%	92%	97%
Essex	51	37	75	46	33	57	0.90	0.88	0.76	100%	30%	20%
Franklin	85	154	233	70	127	165	0.82	0.86	0.71	100%	31%	31%
Fulton	145	131	116	120	108	99	0.83	0.83	0.85	100%	100%	100%
Genesee	141	134	155	102	97	106	0.72	0.72	0.69	100%	100%	100%
Greene	92	39	72	66	28	46	0.71	0.67	0.64	79%	79%	100%
Hamilton	27	NA	NA	18	NA	NA	0.69	NA	NA	93%	NA	NA
Herkimer	83	82	140	69	68	106	0.83	0.83	0.75	88%	46%	45%
Jefferson	102	74	130	68	49	79	0.67	0.64	0.61	96%	96%	93%
Lewis	44	31	39	33	23	33	0.75	0.76	0.83	100%	100%	88%
Livingston	72	69	101	53	51	60	0.74	0.74	0.60	100%	100%	100%
Madison	111	57	94	77	39	57	0.69	0.68	0.60	94%	94%	99%
Monroe	199	199	191	148	148	136	0.74	0.74	0.71	100%	100%	100%
Montgomery	49	34	53	40	28	40	0.81	0.80	0.76	100%	100%	96%
Nassau	126	126	142	68	68	66	0.54	0.54	0.46	100%	100%	100%
Niagara	125	122	155	103	100	122	0.82	0.82	0.79	99%	99%	92%
Oneida	182	167	198	135	123	130	0.74	0.74	0.66	92%	92%	97%
Onondaga	108	95	119	75	66	80	0.69	0.69	0.68	66%	66%	67%
Ontario	120	107	105	88	79	70	0.73	0.74	0.67	94%	94%	93%
Orange	90	91	119	74	74	91	0.82	0.83	0.76	99%	85%	79%
Orleans	41	63	63	34	52	56	0.82	0.97	0.89	100%	37%	100%
Oswego	104	90	98	80	70	67	0.77	0.76	0.68	98%	98%	98%
Otsego	82	34	49	65	27	39	0.79	0.81	0.80	97%	97%	97%
Putnam	53	50	73	44	41	56	0.83	0.84	0.77	100%	100%	100%
Rensselaer	81	68	79	74	61	73	0.91	0.94	0.93	100%	100%	95%
Rockland	103	103	99	64	64	58	0.62	0.62	0.59	71%	71%	64%
Saratoga	105	82	88	66	51	56	0.63	0.59	0.64	100%	100%	100%
Schenectady	191	196	284	165	169	220	0.86	0.87	0.77	100%	94%	95%
Schoharie	61	28	23	52	24	18	0.86	0.93	0.80	97%	97%	100%
Schuyler	43	41	89	36	34	73	0.83	0.82	0.83	100%	100%	100%
Seneca	146	132	158	112	101	112	0.77	0.77	0.71	96%	96%	98%
St. Lawrence	111	78	109	83	58	69	0.75	0.72	0.63	96%	96%	96%
Steuben	59	67	67	48	55	51	0.83	0.81	0.77	87%	27%	100%
Suffolk	241	240	242	104	104	94	0.43	0.43	0.39	97%	97%	99%
Sullivan	76	45	59	61	36	52	0.81	0.89	0.88	100%	100%	100%
Tioga	60	40	42	51	34	35	0.86	0.89	0.84	100%	100%	100%
Tompkins	50	41	65	39	32	48	0.78	0.80	0.73	100%	100%	99%
Ulster	87	59	60	68	46	46	0.78	0.79	0.77	90%	90%	90%
Warren	70	257	66	51	188	57	0.73	0.73	0.86	97%	22%	100%
Washington	80	64	76	66	52	63	0.82	0.82	0.83	97%	97%	91%
Wayne	125	92	94	83	62	59	0.67	0.65	0.63	94%	94%	94%
Westchester	85	82	84	58	56	52	0.69	0.69	0.62	89%	89%	91%
Wyoming	80	68	78	62	53	58	0.78	0.78	0.74	94%	94%	100%
Yates	86	74	48	72	62	43	0.84	0.87	0.90	100%	100%	100%
Range	27-252	28-257	23-284	18-165	23-188	18-220	.43-.91	.43-.97	.39-.93	66-100%	22-100%	13-100%
County Average	105	101	114	77	74	79	0.75	0.76	0.72	95%	84%	87%
Stan. Dev.	51	59	62	33	40	40	0.09	0.11	0.11	7%	24%	23%
State Average	137	133	144	88	73	85	NA	NA	NA	NA	NA	NA

Figure 4. Domestic Violence DIR Rates per 10,000 population, 1997

(with State Police data)



DCJS, 2001).

DIR incident rates in 1997 and 2000 are highly correlated, with counties tending to rank similarly in both years. [11] However, year 2000 incident rates in a small number of counties were significantly affected by the

exclusion of State Police data.

Criminal conduct DIR incident rates ranged from 18 to 220 in year 2000, with a county average of 79. The rank ordering of counties from low to high is similar regardless of whether one references all incidents or

only those with allegations of criminal conduct. [12] The more rural counties tend to show lower incident rates in both years. [13]

These incident rates mark a first attempt at quantifying the amount of domestic violence within New York

State counties. However, the validity of the rates is affected by the quality and scope of victim and police reporting. Incident rates in counties that show a high percent of the population covered are probably most reliable. That is, absent changes in departmental definitions of domestic violence or report-writing protocols, the rates are likely to be stable over time. Whether those rates are valid measures of the amount of domestic violence reported to the police is dependent on the quality and scope of police reporting.

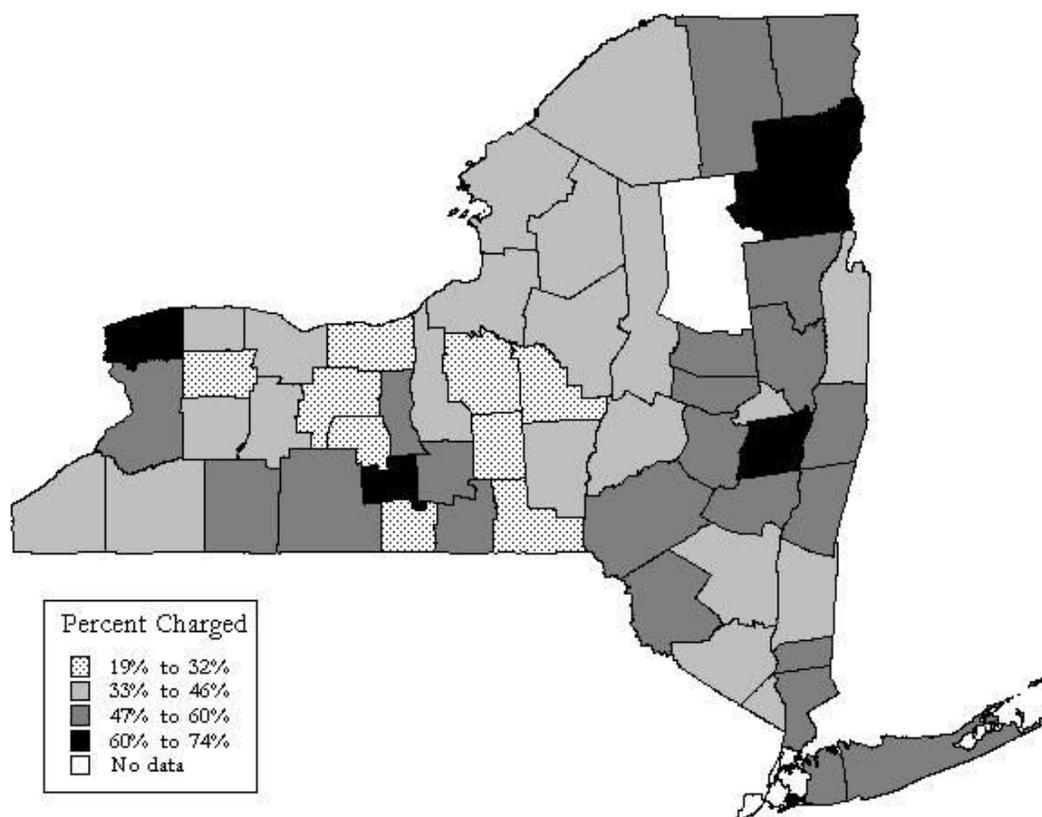
Domestic Violence Charging and Arrest Practices

Classifying an incident as a criminal offense marks the first step towards making an arrest decision. Although the identification of criminal actions and victim injury appear to be uncomplicated tasks in which officers would show little variation, prior research indicates that police departments do vary in the evidentiary thresholds used to classify the seriousness of domestic incidents (NYS DCJS and NYS OPDV, 2000). *Columns 1 and 3 of Table 5* show the percent of incidents by county, classified as injurious when the incident involved some form of serious physical attack. (To simplify the presentation, *Tables 5 and 6* present only 2000 data (which does not include State Police data) and 1997 data *with* State Police information since it is a more complete database.) *Table 5* indicates that the percent of serious physical attack cases reporting injury ranged from 43 to 83% in 1997 and 30 to 69% in 2000, with a county average of over 50% in both years. Similarly, the percent of serious attack cases classified as at least a misdemeanor ranged from 24 to 67% in 1997

Table 5. Domestic Violence Charging Practices by County

County	Percent Reporting Injury When Serious Physical Attack				Percent Charging Misdemeanor or Felony When Serious Physical Attack			
	1997		2000		1997		2000	
	(with State Police)				(with State Police)			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	%	N	%	N	%	N	%	N
Albany	64%	363	68%	1075	65%	363	74%	1075
Allegany	57%	89	56%	16	49%	89	56%	16
Broome	48%	591	50%	528	36%	591	32%	528
Cattaraugus	67%	129	49%	35	51%	129	40%	35
Cayuga	57%	192	48%	247	32%	192	38%	247
Chautauqua	60%	512	47%	586	46%	512	42%	586
Chemung	44%	81	35%	206	30%	81	31%	206
Chenango	49%	115	51%	120	43%	115	37%	120
Clinton	60%	213	56%	86	58%	213	53%	86
Columbia	57%	72	59%	46	51%	72	52%	46
Cortland	52%	159	46%	132	35%	159	27%	132
Delaware	61%	108	61%	44	39%	108	50%	44
Dutchess	47%	339	48%	488	32%	339	35%	488
Erie	65%	2175	57%	1637	66%	2175	55%	1637
Essex	60%	58	64%	11	45%	58	73%	11
Franklin	57%	100	56%	82	48%	100	49%	82
Fulton	58%	206	57%	125	53%	206	54%	125
Genesee	53%	137	49%	169	24%	137	28%	169
Greene	53%	68	55%	53	47%	68	49%	53
Hamilton	NA	NA	NA	NA	NA	NA	NA	NA
Herkimer	62%	123	58%	86	56%	123	43%	86
Jefferson	47%	190	41%	207	31%	190	34%	207
Lewis	76%	17	30%	20	65%	17	35%	20
Livingston	55%	85	45%	118	33%	85	35%	118
Madison	46%	134	41%	133	37%	134	19%	133
Monroe	44%	2750	39%	2726	45%	2750	42%	2726
Montgomery	51%	51	56%	54	53%	51	48%	54
Nassau	55%	1642	50%	1793	56%	1642	54%	1793
Niagara	60%	587	65%	812	59%	587	71%	812
Oneida	57%	847	47%	844	45%	847	40%	844
Onondaga	53%	390	47%	692	37%	390	32%	692
Ontario	49%	185	47%	146	45%	185	32%	146
Orange	64%	697	60%	799	49%	697	46%	799
Orleans	62%	47	52%	105	34%	47	42%	105
Oswego	50%	269	42%	219	41%	269	41%	219
Otsego	53%	96	51%	67	43%	96	33%	67
Putnam	49%	88	53%	120	47%	88	52%	120
Rensselaer	66%	365	60%	312	59%	365	59%	312
Rockland	55%	230	54%	238	47%	230	46%	238
St. Lawrence	53%	269	47%	220	39%	269	34%	220
Saratoga	60%	217	48%	262	58%	217	55%	262
Schenectady	50%	609	46%	695	36%	609	42%	695
Schoharie	43%	42	35%	20	50%	42	50%	20
Schuylers	83%	18	69%	42	39%	18	62%	42
Seneca	63%	87	42%	101	53%	87	52%	101
Steuben	60%	131	49%	151	48%	131	52%	151
Suffolk	43%	2820	52%	3146	48%	2820	57%	3146
Sullivan	71%	137	68%	136	67%	137	59%	136
Tioga	65%	81	61%	69	48%	81	57%	69
Tompkins	57%	129	52%	145	49%	129	48%	145
Ulster	65%	298	56%	205	56%	298	42%	205
Warren	65%	91	55%	113	67%	91	48%	113
Washington	49%	116	47%	119	39%	116	43%	119
Wayne	51%	164	42%	138	38%	164	32%	138
Westchester	62%	1001	67%	1289	52%	1001	60%	1289
Wyoming	58%	72	53%	78	38%	72	33%	78
Yates	55%	56	46%	35	38%	56	29%	35
County Average	57%	---	51%	---	46%	---	45%	---
Range	43-83%	---	30-69%	---	24-67%	---	19-74%	---
STDDEV	8%	---	9%	---	10%	---	12%	---

Figure 5. Percent Charged as Misdemeanor/Felony Given a Serious Physical Attack, 2000



and 19 to 74% in 2000, with a county average of approximately 45% in both years (refer to *Figure 5* for 2000 data). These data suggest that charging practices vary greatly among counties (and perhaps within counties as well).

Table 6 presents data on arrest practices by county when the suspect was present at the scene. Research has shown that the likelihood of arrest in domestic violence incidents increases when (1) injury occurs; (2) the incident occurs within view of the police; (3) a weapon is used; (4) a suspect is hostile or challenges police authority; and (5) a victim desires to have the suspect arrested (Hoyle, 1998; Loue, 2001). Suspects are significantly less likely to be arrested if they leave the scene of the assault, regardless of the severity of the

injuries inflicted or the level of violence (Hoyle, 1998; NYS DCJS and NYS OPDV, 2001; Loue, 2001). *Columns 1 and 3* of *Table 6* show the percent of suspects arrested when the incident involved some form of serious physical attack (see also *Figure 6*). The percent arrested ranged widely from approximately 30 to 80% in both time periods, with an average of approximately 50%. The presence of injury did not narrow the range of arrest rates (*columns 5 and 7*). When cases were classified as misdemeanors, the probability of arrest averaged approximately 75% across all counties, but a great deal of variability remained. The variability in arrest practices emphasizes the need for statewide implementation of the State's Model Domestic Violence

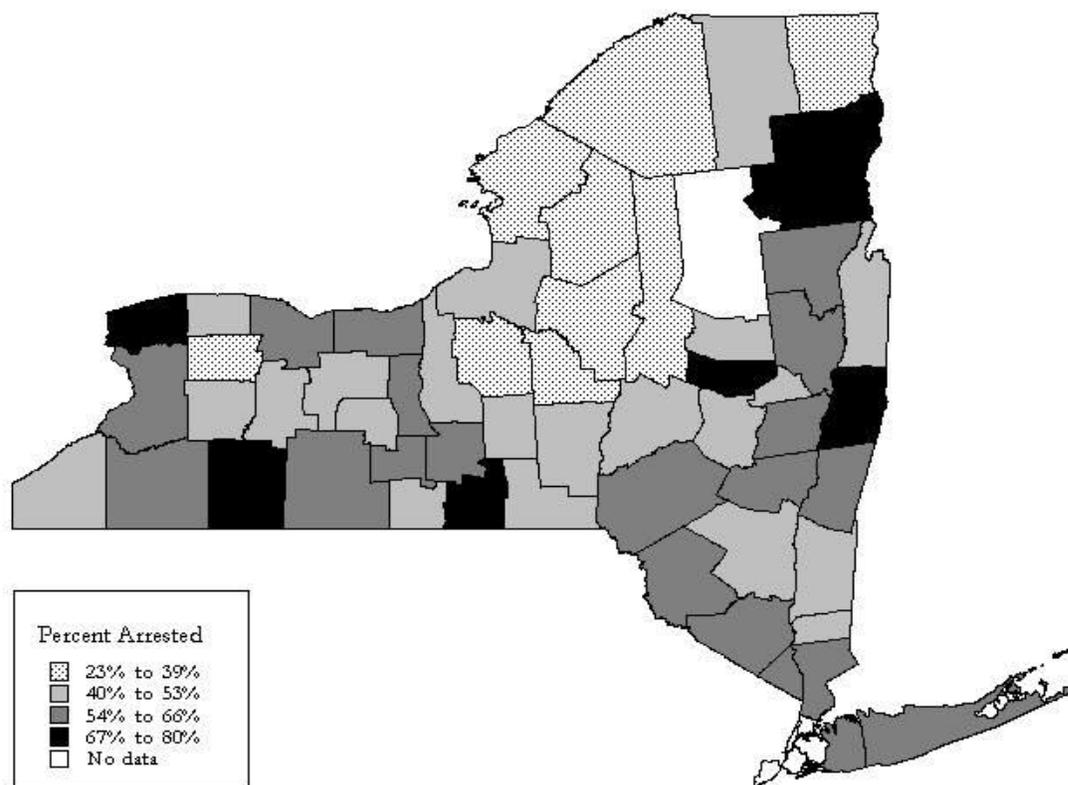
Policy for Counties (New York State Office for the Prevention of Domestic Violence, 1998).

A Cautionary Note

Although these data provide some insight into charging and arrest practices at the county level, they need to be viewed with caution given the variability in incident rates reported in *Table 4*. Counties with consistently high incident rates may produce more reliable statistics than low-rate counties if low-rate counties are selectively reporting incidents. Moreover, some of the arrest percentages are based on relatively few cases and thus may vary considerably from year to year. Also, changes in charging and arrest prac-

Table 6 Domestic Violence Arrest Practices for Offender On-Scene Cases, by County

County	Percent Reporting Arrest given:											
	Serious Physical Attack				Injury				Misdemeanor/Felony			
	1997		2000		1997		2000		1997		2000	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
%	N	%	N	%	N	%	N	%	N	%	N	
Albany	47%	165	58%	477	59%	215	67%	536	59%	295	70%	814
Allegany	63%	40	67%	9	67%	43	83%	6	71%	62	100%	4
Broome	50%	274	46%	281	56%	308	51%	263	77%	258	78%	223
Cattaraugus	67%	57	58%	24	73%	62	72%	18	78%	72	88%	16
Cayuga	46%	107	46%	142	47%	107	53%	111	65%	72	58%	130
Chautauqua	58%	260	40%	303	61%	294	47%	253	80%	284	66%	293
Chemung	50%	44	40%	126	59%	44	53%	87	66%	53	67%	91
Chenango	50%	66	45%	58	65%	54	78%	37	77%	48	78%	36
Clinton	48%	106	35%	43	61%	109	49%	37	80%	127	80%	45
Columbia	55%	38	59%	22	72%	36	82%	17	73%	37	91%	23
Cortland	56%	81	41%	73	60%	72	46%	67	82%	85	77%	74
Delaware	54%	54	55%	20	65%	49	68%	19	74%	53	64%	28
Dutchess	52%	157	44%	219	51%	175	48%	212	70%	161	74%	221
Erie	70%	1033	57%	904	71%	1194	66%	817	83%	1473	79%	1027
Essex	62%	26	75%	8	67%	30	70%	10	84%	25	85%	13
Franklin	62%	52	50%	50	63%	48	63%	41	78%	55	70%	54
Fulton	50%	119	51%	81	58%	106	58%	79	71%	129	74%	94
Genesee	45%	67	29%	94	39%	76	32%	84	67%	79	52%	81
Greene	57%	35	53%	32	59%	34	67%	30	74%	39	80%	41
Hamilton	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Herkimer	51%	70	34%	59	62%	71	42%	52	77%	83	59%	49
Jefferson	30%	89	24%	126	41%	93	31%	87	51%	79	58%	109
Lewis	57%	7	25%	8	36%	14	40%	5	79%	14	50%	10
Livingston	58%	52	52%	66	63%	60	62%	55	73%	52	65%	63
Madison	45%	66	30%	80	53%	62	39%	49	73%	63	63%	46
Monroe	67%	1168	59%	1243	68%	1113	64%	879	77%	1635	74%	1513
Montgomery	72%	25	80%	25	74%	27	66%	32	93%	30	76%	29
Nassau	60%	812	55%	876	70%	1022	71%	683	87%	1454	85%	1209
Niagara	63%	268	70%	347	66%	335	71%	348	77%	408	79%	561
Oneida	43%	395	37%	405	48%	470	39%	334	65%	482	48%	397
Onondaga	43%	219	31%	387	43%	237	37%	341	70%	231	55%	351
Ontario	53%	107	44%	97	57%	130	55%	82	79%	133	71%	115
Orange	64%	360	61%	444	66%	416	68%	420	80%	397	81%	450
Orleans	57%	30	42%	64	69%	26	51%	45	69%	36	71%	48
Oswego	42%	114	43%	131	60%	105	57%	93	74%	127	68%	115
Otsego	56%	41	50%	34	59%	54	77%	26	79%	57	62%	39
Putnam	39%	56	49%	59	63%	56	56%	62	77%	64	76%	74
Rensselaer	70%	149	80%	137	76%	182	82%	137	90%	206	92%	171
Rockland	51%	112	56%	149	60%	134	64%	156	82%	170	83%	177
St. Lawrence	45%	127	35%	118	45%	119	51%	90	61%	112	67%	106
Saratoga	67%	125	56%	131	70%	151	76%	108	81%	207	86%	173
Schenectady	62%	265	50%	259	61%	256	62%	217	77%	268	60%	348
Schoharie	61%	18	45%	11	67%	18	43%	7	88%	16	71%	7
Schuyler	63%	8	64%	22	64%	14	57%	30	100%	6	85%	26
Seneca	60%	50	56%	57	71%	55	60%	40	76%	79	75%	73
Steuben	49%	65	55%	76	61%	66	63%	63	75%	52	75%	102
Suffolk	41%	1225	62%	1565	49%	1059	80%	1337	55%	2027	78%	2283
Sullivan	66%	71	57%	83	66%	83	52%	83	77%	91	69%	81
Tioga	80%	44	74%	34	79%	47	86%	42	100%	45	94%	47
Tompkins	59%	74	62%	79	63%	73	65%	66	80%	65	82%	77
Ulster	57%	168	52%	126	61%	193	60%	137	73%	187	83%	100
Warren	65%	40	56%	73	87%	53	74%	70	91%	79	90%	77
Washington	52%	61	42%	65	60%	57	49%	55	70%	66	69%	58
Wayne	57%	68	55%	74	65%	91	53%	75	81%	108	79%	62
Westchester	55%	484	61%	706	55%	632	61%	802	74%	674	77%	892
Wyoming	36%	33	47%	53	47%	36	46%	54	79%	33	88%	41
Yates	48%	27	50%	20	40%	25	64%	11	53%	17	75%	8
County Average	55%	---	51%	---	61%	---	59%	---	76%	---	74%	---
Range	30-80%	---	24-80%	---	36-87%	---	31-86%	---	51-100%	---	48-100%	---
Standard Dev.	10%	---	13%	---	10%	---	14%	---	10%	---	11%	---

Figure 6. Percent Arrested Given a Serious Physical Attack, Offender On-Scene Cases, 2000

tices between 1997 and 2000 may be due to a changing mix of police departments reporting incidents. For example, Albany City Police Department accounted for 48% of the County's incidents in 1997 and 66% of the incidents in 2000. Thus, charging and arrest rates of Albany County are more influenced by the practices of Albany City Police Department in 2000. In some other counties, a shift in charging or arrest practices may be due to changing practices within a police department. For example, arrest percentages climbed steeply between 1997 and 2000 in Suffolk County and appear to be due to changes in the arrest policies of the Suffolk County Police Department. However, overall, counties that ranked high on various measures of arrest in 1997 also ranked high in 2000. [14]

Conclusion

Five years ago, very little was known about law enforcement's response to domestic violence in New York State. The extant national research painted a rather bleak picture of law enforcement systems that often appeared to ignore the needs of victims of domestic violence and failed to arrest domestic batterers. The data presented in this report portray a more favorable scenario. First of all, most police departments across New York State have improved the documentation of domestic violence by utilizing the Domestic Incident Reporting form to record their response to domestic calls. Documenting domestic incidents has enabled an examination and comparison of the rates and types of domestic events that police officers must navigate

daily.

Second, overall arrest rates in New York State generally exceed those found in the literature. A review of the literature on arrest practices indicates that jurisdictions without pro-arrest policies tend to produce arrest rates between 4% to 12%, while arrest rates within newly legislated pro-arrest jurisdictions usually range from 15 to 30% (see review by Jones and Belknap, 1999). [15] Finally, the data demonstrate that although only one out of every five incidents falls under the mandatory arrest legislation, New York State officers make high rates of arrests (70 to 85%) for these cases and do the same for cases that fall short of the statutorily-defined "family" member criteria of the mandatory arrest legislation.

In spite of these advancements, however, this study reveals several

areas that need continued attention. Criminal-conduct incident rates vary substantially, even among counties with similar populations. If the differences are at least partially due to reporting practices, our ability to draw meaningful comparisons among counties may be compromised.

In addition, variations in charging practices as well as the low rates at which some areas charge physical attack cases as misdemeanor assault underscore the urgency to delineate more clearly the State's criteria for physical injury. Physical injury is currently defined as "impairment of physical condition or substantial pain" (NYS Penal Law Section 10(9)). New York State courts have narrowly interpreted these criteria such that incidents involving blackened eyes and facial cuts have not met the courts' standard of physical injury. [16] The issue is further complicated by the fact that a finding of substantial pain or physical impairment often requires a showing of pain or impairment over time. Yet, police officers are confronted with rendering a charge soon after the incident has occurred. An alternative definition that includes a criterion of physical trauma exhibited by bruises, lacerations, burns or other wounds would provide a more objective standard for physical injury. However, absent such reform, police officers could follow the logic of the New York State Court of Appeals in People v. Henderson (92 N.Y. 2d 677) and charge the incident as misdemeanor assault if the victim exhibits physical impairment or substantial pain at the time of arrest, regardless of the duration of the injury. [17]

Similarly, the substantial variation among counties in the proportion of cases arrested may be indicative of

varying practices and policies among police departments. Thus, it is important that police departments use these statistics as tools to examine their policies and practices and address any inconsistencies revealed by the data that may interfere with the goals of victim safety and offender accountability.

The data presented in this report provide a broad overview of domestic violence law enforcement at the aggregated, county level. A more precise picture can be developed through work in local communities. Domestic violence task forces in counties with abnormally low incidence rates may want to review reporting protocols with local police departments, to ensure that officers are required to complete reports on all calls, regardless of the nature of the incident or the intended response of the officer. Counties with low charging and arrest rates may want to explore variations among police departments within the county and assess such practices through a qualitative review of case narratives. A "safety and accountability auditing" process can be used to measure law enforcement responses more closely. [18] A careful audit of all criminal justice policies and practices, from the initial call for assistance through offender sanctioning, can produce a wealth of information to guide action at the local level.

The statistical database developed by DCJS represents a significant step forward in the measurement of domestic violence and the corresponding law enforcement response. However, much refinement is still needed. Most important, New York needs to establish a clear and measurable definition of a domestic relationship. Most police departments do not re-

strict their reporting of domestic violence to the State's narrow definition of family, yet there is no consensus on what constitutes a "domestic relationship." Some relationship referent is needed to standardize the definition of domestic violence. Federal law defines domestic violence as violence "committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim" (18 U.S.C. Section 921 (a)(33)(A) (ii)). However, in a recently completed study of definitions and data elements used in the surveillance of intimate partner violence, the federal government recommended that the definition of intimate partners extend beyond marriage, children and cohabitation to include current or formerly dating partners (Saltzman, Fanslow, McMahon and Shelley, 1999). Judging from the behavior of police departments across New York State, law enforcement agencies are already well aware of the fact that the unique risks faced by victims of domestic violence are not mitigated by the absence of a marriage license. Development of sound measurement criteria is critical to our ability to gauge the magnitude of domestic violence in New York State and to respond accordingly.

Further development of the State's domestic violence statistical database needs to address these definitional issues so that the state can maximize its ability to monitor the effectiveness of violence prevention and intervention policies.

ENDNOTES

- 1 The Family Protection and Domestic Violence Intervention Act of 1994 required the New York State Division of Criminal Justice Services (DCJS) and the New York State Office for the Prevention of Domestic Violence (OPDV) to develop and distribute a standardized "domestic incident report" (DIR) form to be utilized by police departments throughout the State.
- 2 According to a survey of police departments in New York State conducted in 2000 by the New York State Office for the Prevention of Domestic Violence, 11% of the responding departments completed DIRs *only* for incidents involving family offenses.
- 3 The New York City Police Department only recently established a city-wide domestic violence incident system and has not yet forwarded data to DCJS. The New York State Police (NYSP) forwarded DIRs to DCJS in 1997, but retained their reports in 2000 to begin establishing their own information system. At the time of this study, their information system had not yet been completed and so, NYSP data were not available for this analysis.
- 4 Previous research revealed that in a minority of incidents, police officers document criminal behaviors such as slapping and punching, but chose not to classify the incidents as criminal (DCJS and OPDV, 2001). The prevalence of this phenomenon varies across jurisdictions. In year 2000, 87% of all "criminal conduct" incidents (according to the broader definition adopted by DCJS researchers) were identified as criminal by responding officers. However, seven counties had less than 80% of their incidents identified as criminal, with one county having only 58% of its incidents identified as criminal by responding officers.
- 5 As defined in CPL 140.10(4) an incident qualifies for "*unconditional*" mandatory arrest if the parties meet the definition of family (CPL 530.11) and the offense is a felony, a violation of a stay-away order within an order of protection, or a violation of an order of protection in the course of committing a family offense defined in CPL 530.11. An incident qualifies for "*conditional*" mandatory arrest (mandatory arrest absent a victim's affirmative request otherwise) if it involves a family offense misdemeanor defined in CPL 530.11 and the suspect is deemed to be the primary aggressor.
- 6 It should be noted that unconditional mandatory arrest cases in which there appeared to be no arrest may be perfectly valid "non-arrest" cases. In DCJS' analysis of a sample of these cases, the following explanations were found (1) cases with offenders under the age of 16 who could not legally be arrested, (2) cases in which officers did not complete the "arrest" field and so the case was data-entered as a "non-arrest," (3) cases that were classified as "non-offenses" once an on-scene investigation was pursued, (4) cases in which legal action was suspended until a Child Protective Services investigation was concluded and (5) cases in which the officer interpreted the incident (perhaps erroneously) as a discretionary arrest case.
- 7 The family/non family distinction carries over to the State's mandatory arrest policy as well. This distinction serves no purpose and should be eliminated. Mandatory arrest emerged as a policy throughout the nation because domestic violence advocates and law enforcement recognized that victims of violence by intimates are at high risk of repeat victimization and law enforcement historically provided too little assistance in cases of intimate violence. The risks faced by victims of violence by intimates are not lessened simply because the parties are unmarried and have no child in common.
- 8 See note 2, above.
- 9 The rates were computed by adding together all incidents reported by each police department within a county and dividing by the total population served by those police departments. The quotient was then multiplied by 10,000 to produce a rate per 10,000 population. If a police department did not submit data to DCJS, the population covered by the department was not included in the county's population. If a department served a population in excess of 10,000 and had one or more months in which no incidents were reported, then the average number of incidents in the reporting months was assigned as a value for the missing months.
- 10 For counties in which the state police respond to a considerable number of domestic incidents, the statistic on the "proportion of the population covered" (Table 4, column 12) may be an overestimate. The reason for this overestimate is that a county's sheriff's department and the state police basically cover the same geographic population. As a result, if a county's sheriff office reported domestic incidents, then the county's population was considered "covered" even though state police incidents were not included in the rate calculations.
- 11 Spearman's r coefficients between the 1997 and 2000 incident rates exceed .75.
- 12 Spearman's r coefficients between an all-incident rate and criminal conduct incident rates exceed .95 for both years.
- 13 The correlation coefficient between percent rural and incident rate is -.59. The correlation coefficient between percent rural and criminal incident rate is -.49.
- 14 Spearman's r coefficients between the 1997 and 2000 arrest rates ranged from .52 to .64, depending on the subset compared (e.g., serious physical attack cases, injury cases, and misdemeanor or felony cases).
- 15 The range of rates, however, generally represents arrests within all criminal incidents and not merely those incidents in which the suspect remained at the scene. Moreover, Jones and Belknap (1999), conducting their research in Boulder County Colorado, found domestic arrest rates in excess of 70%.
- 16 See, e.g., *People v. McDowell*, 1971, 28 N.Y.2d 373, 321 N.Y.S.2d 894, 270 N.E.2d 716; *People v. Jimenez*, 1982, 55 N.Y.2d 895, 449 N.Y.S.2d 22, 433 N.E.2d 1270.
- 17 In *People v. Henderson* (92 N.Y.2d 677, 708 N.Y.S.2d 165, 685 N.E.2d 409), the court acknowledge that, "[a] victim would not necessarily know with any certainty, shortly after an attack, what its lasting effects will be. Under these circumstances, allegations of substantial pain, swelling and

contusions, following kicks, must be deemed sufficient to constitute 'physical injury' to support a facially valid local criminal court information."

18 A trained state interagency team

which includes members from the NYS OPDV, NYS DCJS, NYS Department of Probation and Correctional Alternatives, NYS State Police and the NYS Coalition Against Domestic Violence, has been conducting a Safety Audit so that they will be

more prepared to provide technical assistance to local counties. The model the team is using for the audit was developed by Pence and Lizdas (1998).

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OTHER RELATED OJSA PUBLICATIONS

The following reports are joint publications by the Office of Justice Systems Analysis (of the New York State Division of Criminal Justice Services) and the New York State Office for the Prevention of Domestic Violence (OPDV). The first three reports are available on the OPDV website at: www.opdv.state.ny.us.

Family Protection and Intervention Act of 1994: Evaluation of the Mandatory Arrest Provisions– Interim Report to the Governor and the Legislature, January 1997, by the New York State Division of Criminal Justice Services and the New York State Office for the Prevention of Domestic Violence.

Family Protection and Intervention Act of 1994: Evaluation of the Mandatory Arrest Provisions– Second Interim Report to the Governor and the Legislature, July 1998, by the New York State Division of Criminal Justice Services and the New York State Office for the Prevention of Domestic Violence.

Family Protection and Intervention Act of 1994: Evaluation of the Mandatory Arrest Provisions– Third Interim Report to the Governor and the Legislature, October 2000, by the New York State Division of Criminal Justice Services and the New York State Office for the Prevention of Domestic Violence.

Family Protection and Intervention Act of 1994: Evaluation of the Mandatory Arrest Provisions– Final Report to the Governor and the Legislature, January 2001, by the New York State Division of Criminal Justice Services and the New York State Office for the Prevention of Domestic Violence.

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