

**Linking Incident-Based Crime
Data and Court Records;
A Pilot Study of Domestic Relationship and
Driving Under the Influence Incidents**

FINAL REPORT



Vermont Center for Justice Research
Montpelier, Vermont

Spring 2000

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March 2000

Funding for this project was provided by a grant from the Justice Research and Statistics Association (JRSA) as part of cooperative agreement number 98-BJ-CX-K019 between JRSA and the U.S. Department of Justice, Bureau of Justice Statistics. Additional funding was provided under a grant from the Vermont Center for Victim Services. The findings and opinions expressed in this document are those of the authors and do not necessarily reflect the official position of the Justice Research and Statistics Association, Bureau of Justice Statistics, Center for Victim Services or State of Vermont.

Introduction

This report summarizes the findings from an analysis of domestic violence and driving under the influence (DUI) incidents using incident-based crime and court adjudication data in Vermont. The project was designed as a demonstration for combining incident-based law enforcement and court data under a small grant from the Justice Research and Statistics Association incident-based reporting project.

Several developments in crime reporting over the past five years have made the ability to capture and analyze incident-based crime data feasible in Vermont. Specifically, the Vermont Incident-Based Reporting System (VIBRS) expanded considerably during this period after initial implementation in 1992 among the Vermont State Police and a relatively small number of municipal departments. The system presently captures incident-based crime data from the Vermont State Police, 28 local police departments, the Department of Fish and Wildlife, and 3 Sheriff's departments. About 85 percent of total crime reported in Vermont is captured by VIBRS agencies while 88 percent of Vermont residents live in an area served by VIBRS agencies.

Vermont was one of the first National Incident-Based Reporting System (NIBRS) certified states, primarily as a result of VIBRS implementation and subsequent expansion. The data captured on VIBRS is used primarily for operational purposes and at present are generally not available for research outside of the department; this study is an attempt to use incident-based data from that system for analytical purposes. Experience has shown that an important step in improving data quality for systems such as VIBRS is to use the data for analytical purposes and in policy formation dialog. The utility of NIBRS and incident-based data will not be fully realized until data are both accessible and integrated with other information systems.

Parallel developments in other criminal justice information systems and databases have also made analyses such as those presented in this report increasingly possible. Since 1987 the Vermont Center for Justice Research has maintained a database of all criminal adjudications in the state. The adjudication database has been used in a wide variety of research and evaluation projects and in recent years has included law enforcement incident numbers, allowing linkage of incident-based and adjudication data. Additionally, the adjudication data have been used to monitor trends in domestic violence charging and sentencing statewide since 1995. Coupled with the ability to identify domestic incidents in the VIBRS data, the domestic violence monitoring system has provided a relatively comprehensive picture of domestic violence cases entering the criminal justice system. A similar monitoring system has been developed for driving under the influence (DUI) offenses and has been in place for about one year as of this writing.

The purpose of this study is to explore the use of incident-based data for better

understanding domestic violence incidents and, equally important, to track domestic incidents into the court system. This project is the first attempt to track cases in the system from incident report and arrest through prosecution and conviction. In addition to providing a profile of domestic incident characteristics, a major contribution of the project was to determine the proportion of domestic incidents that result in prosecution, which until this study had not been systematically examined in Vermont. Furthermore, the incident-based data will allow an analysis of differences between incidents that result in arrest and those that do not, incidents that result in prosecution following arrest and those that do not, and differences between arrest offense classifications and how offenses are charged under state law.

An examination of DUI incidents was also conducted during the project, although the level of data available from NIBRS Part B arrest records is relatively limited. As was the case with domestic incidents, the project attempted to link DUI incident data with adjudication data. Unfortunately, incident numbers used to record DUI arrests for submission to the FBI NIBRS program are encrypted and are not the same as incident numbers used in the VIBRS operational system. The project did not provide the resources or time to obtain or reconstruct VIBRS incident numbers needed to track cases into court data, therefore, the analysis presented below was conducted separately on NIBRS (segment 7), VIBRS (DUI arrest records) and adjudication data.

The remainder of this report contains a description of the methodology used to identify domestic and DUI incidents. A separate section details the findings from both domestic and DUI incident analyses while a final section summarizes the project and examines what was learned in the context of future studies using these data.

Methodology

The central focus of this study was to link crime incident and adjudication data for incidents involving a domestic relationship. Data used for this study include VIBRS submissions to NIBRS for 1995-1996¹, which were obtained from the Vermont Department of Public Safety and compiled from their monthly compilations. In addition, 1997-1998 NIBRS data for Vermont were obtained directly from the FBI through the Department of Public Safety (DPS) and incorporated into the database used for this study.

The Center for Justice Research works closely with DPS on a variety of projects and obtained the NIBRS data without any special research access agreement, primarily because the data did not contain confidential information or individual identifiers. The monthly FBI submission data were previously compiled under a separate project and were obtained on diskettes from DPS. Segment files were constructed after a series of replace and delete programs were run on the data each month; substantial staff time is required to compile data in this fashion. The 1997 and 1998

¹The December 1996 submissions are were not available but remaining data from the year are otherwise complete. It is likely that some variation exists between data submitted to and processed by the FBI for 1995-1996 and that compiled from Vermont data directly.

data were obtained in single ASCII files in the data structure the FBI uses to produce annual master flat files; Vermont data only were in the files. The SPSS program used to read in the data and a sample of the data file structure are provided in the Syntax Appendix of this report.

Reading in the data from the FBI was relatively straightforward and required modest staff time to create base segment files and merge them with existing segment files from the earlier project. Use of NIBRS data requires careful planning since a significant amount of effort is required to match various segments in a targeted analysis, and subsequently with court data. This project was designed in part as a pilot to examine the process for segment matching and use of the data to address substantive issues pertaining to domestic offending and DUI.

A total of 61,088 NIBRS reportable incidents of all types were reported to law enforcement on the network between 1993-1998. Only incidents that occurred between 1995-1998 were used in this study, primarily because criminal filing data from the courts was not available until 1995; the significance of using the filings data will be explained in greater detail below. A total of 1,653 incidents which accounted for 1,866 offenses involving a domestic relationship of any type were selected for use in the study.

A number of options exist for defining a “domestic relationship,” the most narrow of which is a spousal relationship. The study used as broad a definition as possible since it was exploratory and crimes involving known offenders and victims, typically crimes against persons, are relatively less frequent in Vermont compared to property crime victimizations. Therefore, a liberal selection from among the NIBRS codes for relationship of victim to offender was used and is presented in Table 1 below.

Incidents were selected on the basis of a known relationship between a victim and one or more offenders as reported in segment 4 of the NIBRS data. In most instances only one offender was present, but in a small number of incidents there were approximately 126 additional victim-offender relationships, including some that would not be considered domestic or familial in nature. Specifically excluded from the analysis were stranger, employee, employer, neighbor, babysittee, and unknown offenders if they were the primary (offender 1) offender in the incident. The analysis attempted to use a very broad definition of domestic relationship to essentially exclude stranger crimes. Again, the purpose was not to examine only spousal violence, but the broad range of offenses against persons who had a familial or close relationship with the victim as could best be determined under the NIBRS coding scheme (data element 35).

Table 1

**Victim to Offender Relationship
Type and Distribution, 1995-1998**

Relationship of victim to offender	1 Offender		2 or more Offenders	
	Number	Percent	Number	Percent
Acquaintance	7	0.4%	14	11.1%
Boy/Girlfriend	641	35.5%	7	5.6%
Child of Boy/Girlfriend	47	2.6%	0	0.0%
Child	170	9.4%	7	5.6%
Common Law Spouse	63	3.5%	0	0.0%
Friend	1	0.1%	1	0.8%
Grandchild	11	0.6%	0	0.0%
Grandparent	5	0.3%	0	0.0%
Homosexual Relations	10	0.6%	0	0.0%
In-Law	20	1.1%	2	1.6%
Other Family Member	104	5.8%	12	9.5%
Otherwise Known	4	0.2%	8	6.3%
Parent	111	6.1%	2	1.6%
Sibling	108	6.0%	6	4.8%
Stepchild	37	2.0%	3	2.4%
Spouse	399	22.1%	4	3.2%
Step Parent	6	0.3%	0	0.0%
Step Sibling	6	0.3%	0	0.0%
Victim was Offender	4	0.2%	51	40.5%
Ex Spouse	54	3.0%	0	0.0%
Unknown	0	0.0%	9	7.1%
Total	1808	100.0%	126	100.0%

The relationships described in Table 1 indicate that more than half (57 percent) involved either a spouse or boyfriend/girlfriend, with the remaining relationships most often involving a child, parent, sibling, other family member, common law spouse, or ex-spouse. In fact, across all 1,934 relationships, these types account for 1,688 relationships, or 87 percent. It is important to note that this distribution is not representative of all incidents occurring in Vermont given less than complete statewide coverage of the VIBRS network and bias toward incidents from rural areas². Furthermore, the relationship of victim to offender in segment 4 is not reported for every offense but only for those involving the crimes specified in data element 35, therefore limiting the

²The Vermont State Police are responsible for coverage of the state's rural areas and were the primary agency on the VIBRS network during the early years of implementation, roughly late 1992-1996. Municipal agencies from Vermont's more densely populated areas have been added to the network in greater numbers since 1996, although several larger agencies are not yet on the network.

number of incidents available for study. The incidents studied here will allow, however, a tentative examination of victim-offender relationships and offense patterns, and how these may relate to the adjudication process.

The Vermont Center for Justice Research (VCJR) maintains several statewide adjudication databases compiled from data obtained from the Vermont District Court, the state's sole criminal court. Included in the database are all felony charges disposed since 1986, all misdemeanor charges disposed since 1988 and all criminal motor vehicle charges disposed since 1989. The adjudication files contain data on offender identity, case processing, charges filed, disposition and sentencing, if applicable. Conviction and sentencing data used in this study were derived from these court disposition files.

A criminal filings database is also maintained by the VCJR as a supplement to the court disposition files described above. The criminal filings database began in 1995 and contains much of the same information as the disposition database with the exception of dispositions, sentencing and some case processing variables. These data are used to provide a more current record of charge *filings* than is possible with the disposition database, which contains only *disposed* charges. The disposition database is typically not considered complete until at least one year from charge filing given the time necessary for the adjudication and sentencing process. Therefore, the filings database was used to track cases (particularly those from the 1998 crime incident data) into court since incidents resulting in a prosecution from the latter half of calendar year 1998 would not likely have such records added to the disposition database until mid-1999 or later and would have been missed by this study. At the time of this project the disposition data were complete only through calendar year 1998.

The crime incident data were linked to both filing and disposition data through the incident number, which has been captured by the courts since 1993. Incident numbers in the court data have been seldom used for research since incident-based law enforcement data has only recently become available. There should be increasing use of the incident number since it is the only common and standardized element relating law enforcement and court data at this time³.

During the course of this project a significant problem was discovered with incident numbers provided to VCJR by the courts. Specifically, the trailing digits of the number had been truncated as the result of an undiscovered error in the program used to electronically transmit data to the VCJR from the courts. The problem was overcome by matching on the remaining digits of the incident number and the offense date (common to both databases but which also required

³Name and data of birth are also common elements in some systems but are not present in NIBRS data. Moreover, use of name and date of birth are prone to error, misrepresentation and other problems that complicate or prohibit linking of records between systems. Ideally, a state identification number (SID) issued by the state criminal history records repository and/or offense tracking number could be used to better match records. The SID is not used in court records and an offense tracking number is not presently available in Vermont.

manipulation to get them into the same format), with subsequent examination of geographic location and offender characteristics to evaluate a match. Since only the last digit was truncated in most cases, the potential number of matches was reduced to 10 and most were resolved on the basis of offense date and offender characteristics, although in a few instances offenders with similar characteristics, offense dates and truncated incident numbers required more careful scrutiny and manual examination of other variables. An important contribution of this study was discovery of the truncated incident numbers; efforts are currently underway to correct the database and the electronic transfer program has been corrected so that full numbers are now transmitted.

The matching process used in the study was relatively straightforward with incident numbers from the 1,653 domestic incidents that also had a segment 6 arrest record first matched against the criminal filings data for 1995 through the first calendar quarter of 1999⁴. This initial matching process provided basic findings on the proportion of arrests that resulted in charges filed as well as charging characteristics, both of which will be discussed in more detail later in this report. For those cases in which a court filing was found the docket number was obtained and subsequently matched to the disposition database to determine the outcome of charges; findings reported on conviction rates and sentence types were derived from this analysis.

Figure 1 below depicts the results of the matching process and proportion of incidents that resulted in an arrest and/or a charge being filed in District Court. These findings are the first in Vermont to document the flow of cases from law enforcement into the courts and indicate that of the 1,808 offenders identified in segment 5 some 840 persons were arrested in 791 domestic incidents, resulting in an arrest rate of 46.5% ($840/1,808=.465$). About 47.9% ($791/1,653=.479$) of the 1,653 domestic incidents studied resulted in at least one arrest, suggesting that about half of the NIBRS reportable domestic incidents resulted in an arrest.

Among the 840 persons arrested some 340, or 40.5%, had at least one criminal charge filed against them in District Court. Viewed another way, 41.0% ($324/791=.409$) of the reported domestic incidents that resulted in an arrest culminated in at least one charge being filed. A number of factors influence the decision to both arrest and subsequently file charges, many of which are beyond the scope of this study to determine. Moreover, the appropriate level of enforcement and prosecution is open for discussion and will certainly not be resolved as the result of these findings, although the study comments on current practices to the extent that these data are representative of the entire state.

⁴At the time data were prepared for the study the criminal filings database was complete statewide through the first quarter of 1999. The data should have been complete enough to capture any charges filed from incidents which took place during the last quarter of calendar year 1998. It is possible that incidents that occurred in late 1998 and required an extensive investigation before charges were filed may have been missed in this study, although the number is likely to be small and not have a significant impact on the purposes of this study.

Also noteworthy from the findings in Figure 1 are that a significant number of charges resulted from the domestic incidents. A total of 550 charges were filed against 340 persons, resulting in an average of 1.62 charges per person. This figure is slightly lower than current charging practices since recent research by VCJR indicates that an average of 2.1 felony and 2.2 misdemeanor (non-motor vehicle) charges are filed per person in Vermont courts (Clements, Owen and Denton, 1999: 29). However, that average includes property crimes, which comprise the greatest proportion of charges filed and often involve multiple charges. One of the objectives of the project was to examine the consistency between the arrest charge and charge filed under Vermont law; findings from this analysis are presented below and suggest that the NIBRS arrest offense is typically consistent with offenses filed under Vermont statute.

Figure 1 also presents information on the conviction experience of individuals involved in domestic incidents. Note that this part of the analysis was conducted by matching incidents with the *disposition* database, which is why the number of charges disposed (505) and persons involved (310) are slightly lower than that derived from matching with the *filings* database⁵. The data presented here indicate that the conviction rate for persons charged in these offenses is about 73.5% ($228/310=.735$). The conviction rate is lower when constructed for charges disposed with 289 charge convictions resulting from the 505 disposed charges, for a rate of 57.2%. Both figures are consistent with previous findings of adjudication in Vermont with the proportion of persons convicted typically exceeding the proportion of charges convicted (See Clements, 1998). This results primarily from the fact that more than one charge is typically filed against criminal defendants by prosecutors with non-conviction dispositions likely for many charges.

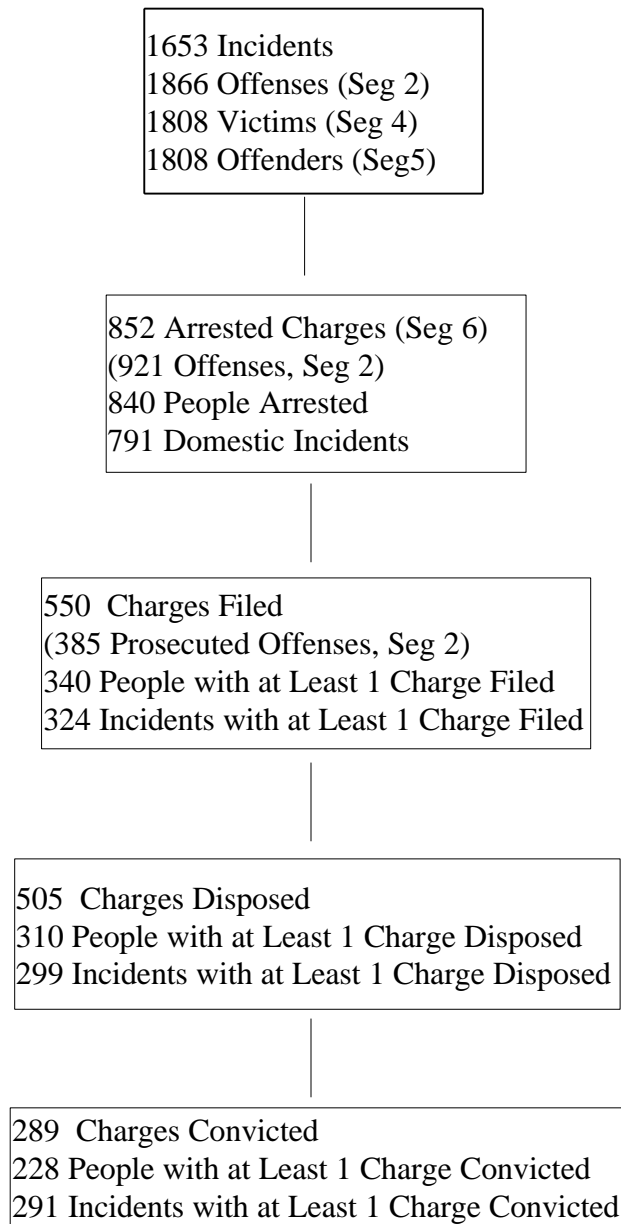
The remainder of the report presents findings from primarily a descriptive analysis of the incident-based data and its integration with court data. The analysis was directed at addressing several dimensions of domestic offending that could not be answered solely from the use of court or incident data. First, a profile of domestic offending was constructed from the incident-based data using variables such as time of day, day of week, socio-demographic characteristics of offenders, weapons use, offense location, drug/alcohol use and arrest offense. Second, the incident-based variables were used to examine for differences between two groups of offenders: 1) those who were arrested versus those who were not; and 2) arrestees who were prosecuted versus arrestees who were not prosecuted (e.g. a charge was not filed and identified in the court data).

A third focus of the analysis was to develop a profile of the type of charges filed under Vermont statute in domestic cases and to compare the prosecuted offense with the arrest offense indicated in the incident-based data. Finally, a profile of conviction rates and sentence types for

⁵Some 45 charges ($550-505=45$), 30 persons ($340-310=30$), and 25 incidents ($324-299=25$) would have been omitted from the analysis if only the disposition database had been used. This suggests that about 3.6% ($30/840=.036$) of the persons involved in the study incidents would have been erroneously designated as not having been prosecuted if only the *disposition* database was used.

the domestic offenses prosecuted was developed in order to compare these offenses with others prosecuted in the state.

FIG. 1
VERMONT DOMESTIC RELATIONSHIP INCIDENTS, 1995-1998



Incident-Based Data Findings

A profile of offense characteristics was developed using variables from the incident-based crime data. The analysis first examined the day of week and time of day of domestic relationship offenses, presented in Table 2 below. These data suggest a number of patterns that are consistent with previous research on domestic offending. Specifically, a greater number of incidents were reported for weekends (Friday, Saturday and Sunday) than for weekdays. Almost half (48%) of the domestic incidents used in this study occurred on weekends.

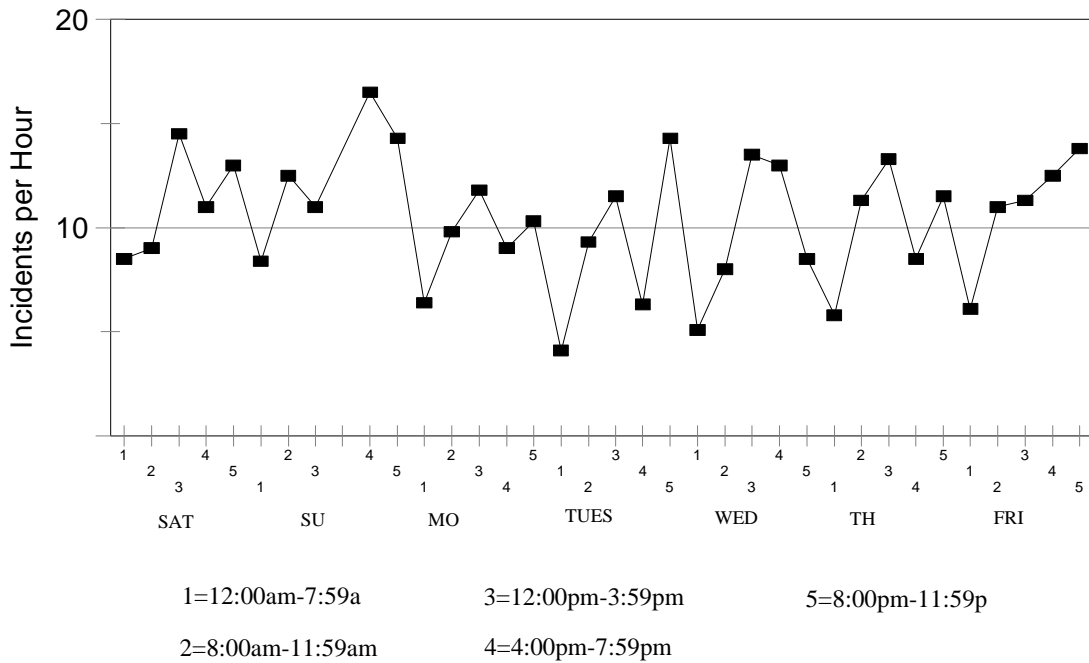
The data also suggest that offenses tend to be spread relatively evenly throughout the day, although in most instances the morning hours of 8:00-11:59 AM tend to experience proportionally fewer incidents. The peak time of reporting was in early morning hours following midnight for Saturday and Sunday. Peak times for weekdays appears to be either the early evening (Tuesday) or during mid-day (Monday-Thursday). The findings suggest that broadly defined domestic offending is not necessarily confined to evening or weekend hours.

The findings on time of day and day of week were standardized to reflect the rate of incidents per hour for each of the time segments used in Table 2. Standardized rates of domestic incident reports are presented in Table 3 and Figure 2 below. These findings point out a number of peak periods throughout the week, with most again occurring on weekends, but not exclusively. The greatest rate of 16.5 incidents per hour was found on Sunday afternoons between 4-8 PM. Other peaks include Saturday afternoon (noon-3:59 PM) at 14.5, Sunday evening (8PM-midnight) at 14.3, Tuesday evening (8PM-midnight) at 14.3, Friday evening (8PM-midnight) at 13.8, and Wednesday and Thursday afternoons (noon-3:59PM) at 13.5.

This approach is useful as a standardization method but the volume of reported incidents must also be kept in mind for the time period of midnight to 7:59 AM. This period was responsible for the greatest number of incidents on weekends and some weekdays, although the rate appears lower, in large part because a greater number of hours is included in the period. Nevertheless, the rates for early Saturday and Sunday mornings, 8.5 and 8.4 respectively, are about twice those for the same time period on other days such as Tuesday (4.1), Wednesday (5.1) and Thursday (5.8).

The next set of incident characteristics were analyzed to compare incidents which resulted in an arrest with those that did not. Before examining the results of this analysis a word on methodology is in order. Most important is that segment 2 offenses that resulted in an arrest were identified by matching these records with incident numbers from arrestees in segment 6. Segment 2 offenses were subsequently denoted as either linked to an incident that resulted in an arrest or not. The result of his process was that 921 of 1,866 offenses (49.4%) were linked to an incident-arrest while 945 or 51.6% were not. A total of 866 of 1,808 offenders (47.9%) from segment 5 were also identified as associated with an incident-arrest using the same matching methodology, although no attempt was made to specifically match offenders in segment 5 with arrestees in segment 6. Segment 6 arrest records indicated that a total of 840 individuals

Figure 2
Domestic Relationship Incidents
Time of Day by Day of Week, 1995-1998



accounted for 852 arrest charges in 791 separate incidents (see [Figure 1](#)). Although each of the figures pertaining to incidents identified as associated with an arrest are similar, for example 840 arrestees versus 866 offenders, the differences reflect which segment file was used and the linking methodology, both of which must be kept in mind when interpreting results from analysis of these data. The project did not attempt to link specific individuals in segment 6 with those in segments 5 or 2.

The characteristics of offenders from segment 5 who were linked to an incident-arrest and arrestees from segment 6 were almost identical, with any variation the result of 33 more offenders in segment 5 than were arrested and reported in segment 6. [Table 4](#) presents a profile of segment 6 arrestees and not surprisingly indicates that most were male (86.0%), between the ages of 25-44 (63.7%), white (95.6%) and unarmed (96.6%). This profile is similar to that presented in [Table 5](#) for segment 5 offenders associated with an domestic incident-arrest in segment 6 and denoted under the “arrested” column of the table.

TABLE 2
DOMESTIC RELATIONSHIP INCIDENTS, 1995 - 1998
TIME OF DAY BY DAY OF WEEK

Time of day	Saturday		Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Total	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
8:00am-11:59am	36	14.0%	50	17.6%	39	18.2%	37	18.7%	32	15.0%	45	20.1%	44	18.1%	283	17.3%
12:00pm-3:59pm	58	22.5%	44	15.5%	47	22.0%	46	23.2%	54	25.4%	53	23.7%	45	18.5%	347	21.2%
4:00pm-7:59pm	44	17.1%	66	23.2%	36	16.8%	25	12.6%	52	24.4%	34	15.2%	50	20.6%	307	18.8%
8:00pm-11:59pm	52	20.2%	57	20.1%	41	19.2%	57	28.8%	34	16.0%	46	20.5%	55	22.6%	342	20.9%
12:00am-7:59am	68	26.4%	67	23.6%	51	23.8%	33	16.7%	41	19.2%	46	20.5%	49	20.2%	355	21.7%
Total	258	100.0%	284	100.0%	214	100.0%	198	100.0%	213	100.0%	224	100.0%	243	100.0%	1634	100.0%

TABLE 3
DOMESTIC RELATIONSHIP INCIDENTS, 1995 - 1998
TIME OF DAY BY DAY OF WEEK

Time of day	Saturday		Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Total	
	Incidents	Per Hr.	Incidents	Per Hr.	Incidents	Per Hr.	Incidents	Per Hr.	Incidents	Per Hr.	Incidents	Per Hr.	Incidents	Per Hr.	Incidents	Per Hr.
8:00am-11:59am	36	9.0	50	12.5	39	9.8	37	9.3	32	8.0	45	11.3	44	11.0	283	70.8
12:00pm-3:59pm	58	14.5	44	11.0	47	11.8	46	11.5	54	13.5	53	13.3	45	11.3	347	86.8
4:00pm-7:59pm	44	11.0	66	16.5	36	9.0	25	6.3	52	13.0	34	8.5	50	12.5	307	76.8
8:00pm-11:59pm	52	13.0	57	14.3	41	10.3	57	14.3	34	8.5	46	11.5	55	13.8	342	85.5
12:00am-7:59am	68	8.5	67	8.4	51	6.4	33	4.1	41	5.1	46	5.8	49	6.1	355	44.4
Total	258	10.8	284	11.8	214	8.9	198	8.3	213	8.9	224	9.3	243	10.1	1634	68.1

**TABLE 4
PROFILE OF ARRESTEES
1995-1998**

Sex	Number	Percent
Male	723	84.9%
Female	129	15.1%
Total	852	100.0%
<hr/>		
Age Group		
10-15	22	2.6%
16-17	45	5.3%
18-20	68	8.0%
21-24	108	12.7%
25-34	306	35.9%
35-44	230	27.0%
45+	73	8.6%
Total	852	100.0%
<hr/>		
Race		
White	823	96.6%
Black	15	1.8%
American Indian/Alaskan	2	0.2%
Unknown	12	1.4%
Total	852	100.0%
<hr/>		
Type of Weapon		
Unarmed	826	96.9%
Firearm	3	0.4%
Handgun	4	0.5%
Rifle	2	0.2%
Lethal/Cutting Instrument	12	1.4%
Club/Blackjack/Knuckles	3	0.4%
Missing	2	0.2%
Total	852	100.0%

TABLE 5
DOMESTIC RELATIONSHIP INCIDENTS, 1995 - 1998
COMPARISON OF THOSE ARRESTED VS. THOSE NOT ARRESTED
SEX, AGE, AND RACE

Sex	Arrested		Not Arrested	
	Number*	Percent	Number**	Percent
Male	728	84.1%	750	81.8%
Female	138	15.9%	167	18.2%
Total	866	100.0%	917	100.0%
Age Group				
<10	0	0.0%	3	0.3%
10-15	23	2.7%	55	6.0%
16-17	47	5.4%	48	5.2%
18-20	67	7.7%	81	8.8%
21-24	117	13.5%	104	11.3%
25-34	310	35.8%	288	31.4%
35-44	229	26.4%	231	25.2%
45+	73	8.4%	106	11.6%
Unknown	0	0.0%	1	0.1%
Total	866	100.0%	917	100.0%
Race				
White	836	96.5%	884	96.4%
Black	17	2.0%	14	1.5%
American Indian/Alaskan	2	0.2%	2	0.2%
Asian	0	0.0%	2	0.2%
Unknown	11	1.3%	15	1.6%
Total	866	100.0%	917	100.0%
*Excludes 19 cases with missing data.				
**Excludes 6 cases with missing data.				

Table 6 lists the arrest offenses for the 840 persons recorded in segment 6 and indicates that most were for assault or other violent offenses with simple assault (70.7%) and aggravated assault (11.4%) the most frequent. Surprisingly, 58 (6.8%) offenses did not fall into the category of offenses for which a victim-offender relationship is required (and conversely excluded) under data element 35 from segment 4.

The comparison of offender characteristics presented in Table 5 above indicates that there were no pronounced differences between offenders associated with an arrest-incident and those that were not. There was a slightly greater proportion of female offenders in the non-arrested

group (18.2% vs. 15.9%) as well as a greater proportion of offenders under the age of 15 (6.3% vs. 2.7%), although this finding is not surprising. Additionally, a greater proportion of offenders age 45 or greater were not associated with an arrest-incident (11.6%) than similarly aged offenders who were (8.4%). There were no apparent differences between the two groups based on race.

TABLE 6
ARRESTS FROM DOMESTIC RELATIONSHIP
INCIDENTS, 1995-1998

Offense	NIBRS Arrests	
	N	%
Simple Assault	602	70.7%
Aggravated Assault	97	11.4%
Forcible Rape	39	4.6%
All Other Offenses	20	2.3%
Disorderly Conduct	19	2.2%
Kidnap	14	1.6%
Family Offense, nonviolent	14	1.6%
Intimidation	12	1.4%
Statutory Rape	9	1.1%
Destruction of Property	7	0.8%
Drug/Narcotic	5	0.6%
DUI	4	0.5%
Murder/NNMS	3	0.4%
Trespass of Real Property	2	0.2%
Larceny-other	1	0.1%
Liquor Law Violation	1	0.1%
Shoplifting	1	0.1%
Theft from Building	1	0.1%
Motor Vehicle Theft	1	0.1%
Total	852	100%

Produced by the Vermont Center for Justice Research, 11/99.

A comparison of the 921 segment 2 offenses associated with an arrest with 945 offenses not associated with an arrest was conducted and generally yielded no significant differences between the two groups. Table 7 presents the distribution of offenses and again illustrates that the proportional distribution of offenses between the two groups was similar with slightly more than half of the aggravated and simple assaults associated with an arrest. For some offenses such as forcible fondling, forcible rape and intimidation the greater proportion were found in incidents not linked to an arrest.

TABLE 7
DOMESTIC RELATIONSHIP INCIDENTS, 1995-1998
COMPARISON OF THOSE ARRESTED VS. THOSE NOT ARRESTED
OFFENSE TYPE

Offense	Arrested		Not Arrested	
	Number	Percent	Number	Percent
Murder	4	0.4%	3	0.3%
Kidnaping	24	2.6%	12	1.3%
Forcible Rape	14	1.5%	26	2.8%
Forcible Sodomy	4	0.4%	4	0.4%
Forcible Fondling	29	3.1%	72	7.6%
Aggravated Assault	97	10.5%	72	7.6%
Simple Assault	637	69.2%	629	66.6%
Intimidation	22	2.4%	52	5.5%
Extort	1	0.1%	0	0.0%
Burglary/B&E	14	1.5%	14	1.5%
Shoplifting	1	0.1%	0	0.0%
Theft-from Building	2	0.2%	0	0.0%
Theft-from mv	3	0.3%	0	0.0%
Larceny-other	3	0.3%	2	0.2%
MV Theft	6	0.7%	2	0.2%
Stolen Property	0	0.0%	2	0.2%
Destruction of Property	34	3.7%	23	2.4%
Drug/Narcotic	12	1.3%	6	0.6%
Incest	2	0.2%	10	1.1%
Statutory Rape	12	1.3%	16	1.7%
Total	921	100.0%	945	100.0%

The location of domestic relationship incidents for the groups was also compared and is presented in [Table 8](#). These data indicate that for both groups the most frequent location for a domestic offense was at a residence with slightly more than 8 in 10 offenses occurring there. The second most frequent location was a road or alley, which was the site for 7.1% of the arrest associated offenses and 6.9% of the non-arrest associated offenses. The remaining 1 in 10 offenses occurred in a wide range of locations captured by NIBRS coding with no noticeable differences between the two groups on this variable.

TABLE 8
DOMESTIC RELATIONSHIP INCIDENTS, 1995 - 1998
COMPARISON OF THOSE ARRESTED VS. THOSE NOT ARRESTED
LOCATION OF CRIME

Location	Arrested		Not Arrested	
	Number	Percent	Number	Percent
Terminal Air/Bus/Train	1	0.1%	3	0.3%
Bank	2	0.2%	1	0.1%
Bar/NClub	7	0.8%	10	1.1%
Office Bldg	2	0.2%	1	0.1%
Construction Site	2	0.2%	0	0.0%
Convenience Store	4	0.4%	3	0.3%
Dept/Disc Store	0	0.0%	2	0.2%
Drug Store/Dr office/Hosp	2	0.2%	0	0.0%
Field/Woods	12	1.3%	16	1.7%
Government/Public Bldg	2	0.2%	1	0.1%
Grocery	0	0.0%	2	0.2%
Road/Alley	65	7.1%	65	6.9%
Hotel/Motel	9	1.0%	7	0.7%
Lake/Waterway	0	0.0%	1	0.1%
Parking Lot/Garage	14	1.5%	12	1.3%
Residence/Nursing Home	767	83.3%	797	84.3%
Restaurant	2	0.2%	4	0.4%
School/College	2	0.2%	7	0.7%
Specialty Store	1	0.1%	1	0.1%
Other/Unknown	27	2.9%	12	1.3%
Total	921	100.0%	945	100.0%

The type of weapon used in domestic relationship incidents is presented in [Table 9](#) below. Again, there are no significant differences between the groups with person weapons such as hands and feet, the most prevalent weapon in both arrest associated offenses (71.3%) and offenses not associated with an arrest (68.0%). The arrest and non-arrest groups reported missing weapons data in 12.1% and 13.4% of the offenses, respectively, while “other” weapon was the next most frequently reported type. Comparatively few offenses report the use of a firearm or knife. It is also noteworthy that the use of no weapon was reported in very few offenses; 4.1% for the arrest associated offenses and 6.2% for the non-arrest offenses. These data suggest that the use of a weapon, especially a firearm, does not differentiate between those offenses resulting in an arrest and those that did not.

TABLE 9
DOMESTIC RELATIONSHIP INCIDENTS, 1995 - 1998
COMPARISON OF THOSE ARRESTED VS. THOSE NOT ARRESTED
TYPE OF WEAPON

Weapon Type	Arrested		Not Arrested	
	Number	Percent	Number	Percent
Firearm	5	0.5%	1	0.1%
Handgun	6	0.7%	7	0.7%
Rifle	4	0.4%	3	0.3%
Shotgun	1	0.1%	3	0.3%
Other Firearm	1	0.1%	1	0.1%
Knife/Cutting Instrument	21	2.3%	16	1.7%
Blunt Object	9	1.0%	2	0.2%
Motor Veh as Weapon	3	0.3%	0	0.0%
Personal Weapon-hands,feet,etc	657	71.3%	643	68.0%
Fire/Incendiary Device	1	0.1%	0	0.0%
Asphyxiation	1	0.1%	0	0.0%
Other	61	6.6%	74	7.8%
Unknown	2	0.2%	9	1.0%
None	38	4.1%	59	6.2%
Missing	111	12.1%	127	13.4%
Total	921	100.0%	945	100.0%

Table 10 presents a comparison of offender drug and alcohol use in offenses for the arrest/non-arrest groups. These data suggest that there is a slight difference between the groups with 14.4% of the arrest associated offenses and 10.5% of the non-arrest associated offenses reporting alcohol use. Both groups were similar in that only 1.4% of the offenses reported drug use. The findings on drug and alcohol use are somewhat surprising given research that indicates a substantial number of domestic incidents involve alcohol or drugs, the former of which is rather prevalent among all offenders entering the justice system in Vermont, and particularly domestic offenders (Dalberth et.al., 1998). Is it possible that domestic incident offenders are not under the influence of alcohol or drugs during commission of an offense, although it is more likely that law enforcement are not capturing this information as rigorously as possible.

TABLE 10
DOMESTIC RELATIONSHIP INCIDENTS, 1995 - 1998
COMPARISON OF THOSE ARRESTED VS. THOSE NOT ARRESTED
ALCOHOL AND DRUG USE

<u>Suspected of Using</u>	<u>Arrested</u>		<u>Not Arrested</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Alcohol	133	14.4%	99	10.5%
Drugs	13	1.4%	13	1.4%
Not applicable	775	84.1%	833	88.1%
Total	921	100.0%	945	100.0%

The relationship between arrest and non-arrest associated incidents was further explored by examining several victim characteristics. Injury to a victim enhances the seriousness of an offense and, presumably the likelihood of arrest and subsequent prosecution, particularly since evidence of any injury requires that Vermont law enforcement officers make an arrest in domestic incidents. Table 11 presents data on victim injury for over 1,700 victims associated with the domestic incidents studied here. Victims were denoted as either associated with an incident that resulted in an arrest or not, as well as association with a prosecution for those incidents denoted as associated with an arrest. Among the most important observations from these data are that there do not appear to be any substantial differences between the arrest/no arrest groups. About equal proportions of each report no victim injury (37.4% no arrest group, 41.6% arrest group) while the majority of injuries are coded as “apparent minor injury” under the NIBRS scheme. Relatively few injuries that would be considered more severe fell into the other injury categories⁶. This finding suggests that injury type is an important factor in the likelihood of arrest, at least for the cases studied here.

Several additional victim characteristics were also examined and are presented in Table 12 through Table 13 below. Specifically, the profiles of age, gender and race were examined for victims in incidents associated with an arrest and prosecution. Table 12 indicates that the majority of victims were between the ages of 21 and 44, although a significant proportion were under 21 years of age. As was the case with earlier variables, no substantial differences exist in the age

⁶It should be noted that the injury variable is designed to record injuries for specified violent crimes with up to five injuries recorded for each victim. Very few of the victims studied here had data for more than one injury.

distribution of victims in incidents associated with an arrest versus those not resulting in arrest. Somewhat fewer victims under the age of 16 or over the age of 44 were involved in incidents associated with arrest, with the single largest group of victims aged 25-34.

**TABLE 11
DOMESTIC RELATIONSHIP INCIDENTS
TYPE OF INJURY OF VICTIM, 1995-1998**

Injury Type	No Arrest		Arrest		Prosecuted	
	Number	Percent	Number	Percent	Number	Percent
Apparent broken bones	4	0.5%	2	0.2%	1	0.3%
Possible internal injury	0	0.0%	1	0.1%	0	0.0%
Severe laceration	5	0.6%	5	0.6%	3	0.9%
Apparent minor injury	532	61.1%	468	56.7%	178	52.5%
Other major injury	3	0.3%	5	0.6%	3	0.9%
Loss of Teeth	1	0.1%	0	0.0%	0	0.0%
Unconsciousness	0	0.0%	1	0.1%	0	0.0%
None	325	37.4%	343	41.6%	154	45.4%
Total	870	100.0%	825	100.0%	339	100.0%

Note: Cases with missing injury data are excluded from the table.

**TABLE 12
DOMESTIC RELATIONSHIP INCIDENTS
VICTIM AGE CATEGORIES, 1995-1998**

Age	No Arrest		Arrest		Prosecuted	
	Number	Percent	Number	Percent	Number	Percent
Under 10	89	9.4%	38	4.4%	11	3.1%
10-15	120	12.7%	75	8.8%	32	9.1%
16-17	42	4.4%	47	5.5%	19	5.4%
18-20	66	7.0%	65	7.6%	29	8.3%
21-24	105	11.1%	120	14.0%	49	14.0%
25-34	245	25.9%	264	30.8%	112	32.0%
35-44	183	19.4%	180	21.0%	69	19.7%
45+	95	10.1%	68	7.9%	29	8.3%
Total	945	100.0%	857	100.0%	350	100.0%

Note: Cases with unknown and missing age are excluded from the table.

Table 13 presents data on victim sex by incident arrest and prosecution status. The data suggest that a slightly greater proportion of those cases resulting in an arrest involved female victims (76.4% vs. 82.3%). The difference is not substantial, especially in light of the fact that more than 3 in 4 victims are female, while more than 8 in 10 offenders are male. No differences were found when victim race was examined (see Table 14), although the number of cases with other than white victims was extremely small (1.3% of all victims). The small number of minority victims appeared to be more likely associated with an incident resulting in arrest, but again, the small number of cases makes any definitive conclusions impossible.

**TABLE 13
DOMESTIC RELATIONSHIP INCIDENTS
SEX OF VICTIM, 1995-1998**

Sex	No Arrest		Arrest		Prosecuted	
	Number	Percent	Number	Percent	Number	Percent
Female	725	76.4%	707	82.3%	300	85.2%
Male	224	23.6%	152	17.7%	52	14.8%
Total	949	100.0%	859	100.0%	352	100.0%

**TABLE 14
DOMESTIC RELATIONSHIP INCIDENTS
VICTIM RACE, 1995-1998**

Race	No Arrest		Arrest		Prosecuted	
	Number	Percent	Number	Percent	Number	Percent
White	908	99.2%	821	98.2%	338	97.7%
Black	6	0.7%	12	1.4%	8	2.3%
Asian	1	0.1%	3	0.4%	0	0.0%
Total	915	100.0%	836	100.0%	346	100.0%

Note: Cases with unknown race are excluded from the table.

Analyses similar to those conducted above for offenses and offenders linked to incidents resulting in an arrest were conducted to compare for differences between offenders who were prosecuted and those who were not. Approximately 363 or 41.9% of the 866 offenders identified

in segment 5 as related to a segment 6 arrest record were associated with an incident that subsequently resulted in a court filing. These offenders were denoted as the “prosecuted” group while those associated with incidents that could not be matched to court filings were denoted as the “not prosecuted” group (n=503). Offender characteristics for these groups are presented in Table 15 below and, as was the case with the arrest/non-arrest group above, there were no substantial differences between the groups. Although there was only one offender under the age of 16 in the prosecuted group compared to 22 offenders in the non-prosecuted group, this observation is explained by Vermont juvenile delinquency law. Specifically, original jurisdiction of persons under age 16 rests with family court with such offenders being treated as juvenile delinquents, thus they would not be matched, or “prosecuted,” in the filings data used for this study. The law does allow prosecution as an adult for specified offenses such as assault, homicide, burglary etc. (33 VSA 5506). The one offender in the prosecuted category under age 16 is linked to a simple assault arrest and violation of conditions of release prosecution, both of which are not consistent with statute for adult prosecution and suggest a possible error in the age data. Data errors of this type are occasionally discovered in juvenile delinquency research undertaken by the Center.

Segment 2 offenses were compared for the prosecuted versus not prosecuted groups and are presented in Table 16. There were no substantial differences in the distribution of offenses between the prosecuted and not prosecuted groups, with relatively similar proportions of each comprised of simple (68.1% and 70.0%, respectively) and aggravated assault (10.4% and 10.6%, respectively). Proportionally more kidnaping intimidation offenses were prosecuted, although the four murder offenses were not linked to a prosecution. As was the case with arrest, the type of offense does not appear to be related to the propensity to be prosecuted since the likelihood was similar for most offense types.

Offense locations, weapon use, and offender alcohol/drug involvement were compared and are presented in Tables 17-19 below. The distribution of characteristics in each table again indicates no substantial differences between offenses linked to prosecution and those that were not. As was the case in the analysis of the arrested/not arrested groups above, the most typical location of offenses that resulted in prosecution was a residence, the most typical weapon a personal weapon such as hands or feet, and a relatively small proportion of offenders were suspected of using alcohol or drugs. The lack of any obvious differences between the arrest and prosecution groups suggests that variables other than those captured by NIBRS are relevant to the decision to arrest and prosecute domestic relationship offenses.

TABLE 15
DOMESTIC RELATIONSHIP ARRESTS, 1995 - 1998
COMPARISON OF THOSE PROSECUTED VS. THOSE NOT PROSECUTED
SEX, AGE, AND RACE

Sex	Prosecuted		Not Prosecuted	
	Number*	Percent	Number**	Percent
Male	306	84.3%	422	83.9%
Female	57	15.7%	81	16.1%
Total	363	100.0%	503	100.0%
Age group				
<10	0	0.0%	0	0.0%
10-15	1	0.3%	22	4.4%
16-17	20	5.5%	27	5.4%
18-20	32	8.8%	35	7.0%
21-24	49	13.5%	68	13.5%
25-34	134	36.9%	176	35.0%
35-44	91	25.1%	138	27.4%
45+	36	9.9%	37	7.4%
Unknown	0	0.0%	0	0.0%
Total	363	100.0%	503	100.0%
Race				
White	349	96.1%	487	96.8%
Black	9	2.5%	8	1.6%
American Indian/Alaskan	0	0.0%	2	0.4%
Asian	0	0.0%	0	0.0%
Unknown	5	1.4%	6	1.2%
Total	363	100.0%	503	100.0%
*Excludes 9 cases with missing data.				
**Excludes 10 cases with missing data.				

TABLE 16
DOMESTIC RELATIONSHIP ARRESTS, 1995 - 1998
COMPARISON OF THOSE PROSECUTED VS. THOSE NOT PROSECUTED
OFFENSE TYPE

Offense	Prosecuted		Not Prosecuted	
	Number	Percent	Number	Percent
Murder	0	0.0%	4	0.7%
Kidnaping	14	3.6%	10	1.9%
Forcible Rape	7	1.8%	7	1.3%
Forcible Sodomy	1	0.3%	3	0.6%
Forcible Fondling	14	3.6%	15	2.8%
Aggravated Assault	40	10.4%	57	10.6%
Simple Assault	262	68.1%	375	70.0%
Intimidation	13	3.4%	9	1.7%
Extort	1	0.3%	0	0.0%
Burglary/B&E	8	2.1%	6	1.1%
Shoplifting	0	0.0%	1	0.2%
Theft-from Building	1	0.3%	1	0.2%
Theft-from mv	0	0.0%	3	0.6%
Larceny-other	3	0.8%	0	0.0%
MV Theft	1	0.3%	5	0.9%
Stolen Property	0	0.0%	0	0.0%
Destruction of Property	11	2.9%	23	4.3%
Drug/Narcotic	5	1.3%	7	1.3%
Incest	0	0.0%	2	0.4%
Statutory Rape	4	1.0%	8	1.5%
Total	385	100.0%	536	100.0%

TABLE 17
DOMESTIC RELATIONSHIP ARRESTS, 1995 - 1998
COMPARISON OF THOSE PROSECUTED VS. THOSE NOT PROSECUTED
LOCATION OF CRIME

Location	Prosecuted		Not Prosecuted	
	Number	Percent	Number	Percent
Terminal Air/Bus/Train	1	0.3%	0	0.0%
Bank	2	0.5%	0	0.0%
Bar/NClub	6	1.6%	1	0.2%
Office Bldg	0	0.0%	2	0.4%
Construction Site	0	0.0%	2	0.4%
Convenience Store	1	0.3%	3	0.6%
Dept/Disc Store	0	0.0%	0	0.0%
Drug Store/Dr office/Hosp	2	0.5%	0	0.0%
Field/Woods	7	1.8%	5	0.9%
Government/Public Bldg	1	0.3%	1	0.2%
Grocery	0	0.0%	0	0.0%
Road/Alley	29	7.5%	36	6.7%
Hotel/Motel	4	1.0%	5	0.9%
Lake/Waterway	0	0.0%	0	0.0%
Parking Lot/Garage	7	1.8%	7	1.3%
Residence/Nursing Home	313	81.3%	454	84.7%
Restaurant	0	0.0%	2	0.4%
School/College	2	0.5%	0	0.0%
Specialty Store	1	0.3%	0	0.0%
Other/Unknown	9	2.3%	18	3.4%
Total	385	100.0%	536	100.0%

TABLE 18
DOMESTIC RELATIONSHIP ARRESTS, 1995 - 1998
COMPARISON OF THOSE PROSECUTED VS. THOSE NOT PROSECUTED
TYPE OF WEAPON

Weapon Type	Prosecuted		Not Prosecuted	
	Number	Percent	Number	Percent
Firearm	4	1.0%	1	0.2%
Handgun	2	0.5%	4	0.7%
Rifle	1	0.3%	3	0.6%
Shotgun	0	0.0%	1	0.2%
Other Firearm	0	0.0%	1	0.2%
Knife/Cutting Instrument	8	2.1%	13	2.4%
Blunt Object	2	0.5%	7	1.3%
Motor Veh as Weapon	2	0.5%	1	0.2%
Personal Weapon-hands,feet,etc	272	70.6%	385	71.8%
Fire/Incendiary Device	0	0.0%	1	0.2%
Asphyxiation	0	0.0%	1	0.2%
Other	25	6.5%	36	6.7%
Unknown	2	0.5%	0	0.0%
None	21	5.5%	17	3.2%
Missing	46	11.9%	65	12.1%
Total	385	100.0%	536	100.0%

TABLE 19
DOMESTIC RELATIONSHIP ARRESTS, 1995 - 1998
COMPARISON OF THOSE PROSECUTED VS. THOSE NOT PROSECUTED
ALCOHOL AND DRUG USE

Suspected of Using	Prosecuted		Not Prosecuted	
	Number	Percent	Number	Percent
Alcohol	60	15.6%	73	13.6%
Drugs	2	0.5%	11	2.1%
Not applicable	323	83.9%	452	84.3%
Total	385	100.0%	536	100.0%

In an attempt to determine if victim characteristics or injury were related to prosecution these characteristics were compared for incidents that resulted in a prosecution versus those that did not. The findings of this analysis were presented in [Table 11](#) through [Table 14](#) several pages above and are not repeated but summarized here. Generally, differences between victims in cases that resulted in a prosecution versus those that did not were not substantial, as was the case in examining for differences between the arrest/no arrest group. Injury patterns were similar between the groups ([Table 11](#)), with most victims receiving minor or no injuries. The age distribution of victims was also not significantly different in incidents that were prosecuted (see [Table 12](#)), as was the case with gender (see [Table 13](#)). Finally, the vast majority of victims were white in incidents resulting in arrest (98.2%) and prosecution (97.7%). However, the limited data on minority victims indicated that about 75% of the black victims involved in cases resulting in an arrest also were involved in an incident that resulted in a prosecution. Again, the numbers of minority incidents are comparatively small and do not lend themselves to additional analysis at this time.

Court Data Findings

A second phase of the analysis sought to track domestic relationship incidents into District Court filing and disposition data on the basis of incident number, offense date, arrest date, offender age and gender. As was noted above in [Figure 1](#), 840 persons accounted for 852 arrest charges of which 340 persons subsequently accounted for 550 charges in the criminal filings data. A list of the various charges linked to domestic relationship incidents as well as final charges and convictions (determined from the disposition database) are presented in [Table 20](#). Note that the “original charge” refers to the charge first filed by prosecutors while the “final charge” refers to the charge ultimately disposed in the case; differences between the two result from charge reduction, plea bargaining, charge amendment or other pretrial evidentiary processes. Notable differences typically exist in the number of original and final charges for offenses as a result of pretrial process, with a reduction in the number often seen for felony charges and increases in some lesser charges, including corresponding misdemeanor charges.

It is not surprising that almost half of the 550 charges filed were either for domestic assault (43.8%) or aggravated domestic assault (9.8%), both of which became specific offenses under Vermont statute in 1993. Additionally, traditional simple and aggravated assault charges accounted for 8.7% of those filed while criminal Temporary Restraining Order violations (TRO) accounted for another 6.2%. A variety of other related charges were also either filed originally or disposed as a final charge.

Although different but related databases were used to compare filings and dispositions, the latter having a slightly reduced number for analysis (n=504 vs. 550), two patterns are evident from these data. First, many of the charges filed as a result of domestic relationship incidents are consistent with the type of charges that would be expected for these offenses. Second, there is often a difference between original and final offense types for domestic incident relationships.

Specifically, the number of both simple (199) and aggravated domestic assault (37) final charges is noticeably less than the number of original charges filed (241 and 54, respectively). Charge modifications typically result in a shift to related or lesser included offenses, in this case simple assault and disorderly conduct are offense categories which could be considered “collector” offenses since their numbers typically increase between original filing and final disposition. In this case, simple assault charges increased from 41 to 59 while disorderly conduct increased from 17 to 36.

The variety of offenses charged in this study is also not surprising and is consistent with previous findings on criminal activity of domestic assault offenders in Vermont which has shown that more than half have a prior criminal filing involving a wide range of offenses (see Clements, 1996). Moreover, while the segment 6 arrest records indicated that there was slightly more than one arrest charge per incident, the ratio of criminal charges filed per incident is significantly greater at 1.7 (550 charges/324 incidents= 1.7 charges per incident). This finding is consistent with the notion that prosecutors file more charges than are reflected in the segment 6 arrest file and that there is not a one to one correspondence between the number of arrest and prosecution charges.

TABLE 20
DISTRICT COURT CHARGES FROM DOMESTIC RELATIONSHIP INCIDENTS
ARRESTS, 1995-1998

Charge	Original Charge Filed 1995 - 6/99	Final Charge Disposed 1995-3/99	Final Charge Convicted 1995-3/99	Conviction Rate
Domestic Assault	241	199	121	60.8%
Aggravated Domestic Assault	54	37	20	54.1%
Simple Assault	41	59	43	72.9%
TRO Violation	34	32	14	43.8%
Unlawful Mischief	20	19	10	52.6%
Kidnap	19	17	1	5.9%
Disorderly Conduct	17	36	28	77.8%
Failure to Appear	12	11	5	45.5%
Unlawful Trespass	11	11	5	45.5%
Vs Justice	10	8	4	50.0%
Drugs	8	8	4	50.0%
Sexual Assault	8	8	2	25.0%
Sexual Assault on a Minor	8	9	5	55.6%
L&L with Child	8	3	1	33.3%
Aggravated Assault	7	4	1	25.0%
Aggravated Sexual Assault	7	1	0	0.0%
Burglary	6	4	3	75.0%
Assault Law Enforcement	6	5	5	100.0%
DUI / DUI Refusal	4	3	2	66.7%
Stalking	4	3	0	0.0%
Lascivious Conduct	3	1	0	0.0%
Reckless Endangerment	3	3	3	100.0%
Disturbing the Peace	3	3	3	100.0%
Theft	3	3	1	33.3%
Alcohol Violation	3	3	0	0.0%
Cruelty to Children	2	4	3	75.0%
Operating without Owner's Consent	2	2	0	0.0%
Driving License Suspended	2	2	0	0.0%
Shoplifting	1	1	1	100.0%
Grand Larceny	1	0	0	0.0%
Weapons	1	1	1	100.0%
Careless & Negligent Operation	1	2	1	50.0%
Acts Prohibited/Prostitution	0	2	2	100.0%
Total	550	504	289	57.3%

One purpose of the project was to examine the relationship between the type of charge used to classify an arrest and the type of charge(s) ultimately filed in domestic incident cases. Table 21 presents the relationship between the arrest offense and statutory charges ultimately filed in District Court. The first observation from these data is the absence of a one to one correspondence between the NIBRS arrest offense and the charge ultimately filed in court, although this is not surprising since state statute is much more detailed than the NIBRS offense coding scheme. It is apparent, however, that a considerable amount of consistency in charge type and nature exists between the arrest offense and court charges generally. For example, simple assault was the most frequent arrest offense (n=361) which, not surprisingly, resulted most often (59.3%) in a domestic assault⁷ charge. When all other forms of assault are considered, such as simple and aggravated assault, aggravated domestic assault, and aggravated and sexual assault, approximately 3 in 4 simple assault arrests resulted in an assault charge of some type. The remaining charges represent a variety of behaviors that are often associated with assault and domestic assault, such as mischief, disorderly conduct, trespass and restraining order violations which together accounted for about 14% of the charges. The remaining miscellaneous charges are not unusual with a similar pattern found in a recent study of persons arrested and prosecuted by a sex offense unit in the state (see Clements, Shtull and Bellow, 1998).

A similar pattern is found for the 86 aggravated assault arrests and other less frequent arrest charges. Specifically, the most typical court charge either matches or is closely related to the NIBRS arrest offense. Moreover, assault and domestic assault court charges are found for each of the 13 arrest offense categories except the 3 trespass arrests, indicating that although the NIBRS arrest offense may appear not directly related to a domestic incident, prosecutorial charging correlates with the domestic nature of the victim-offender relationship indicated in segment 4. This finding also suggests that the segment 6 arrest offense is not by itself a robust method for identifying domestic incidents or a good indicator of the segment 4 victim-offender relationship, which remains the most direct method of identification such incidents in conjunction with segment 6.

Some 34 different charges under Vermont statute resulted from the incidents prosecuted in this study. The analysis tracked each charge through disposition to determine the extent to which convictions resulted from prosecuted incidents and to develop a conviction rate for comparative purposes. Note that Figure 1 earlier in the report documented the movement of cases from incident through arrest, prosecution and conviction. The rate at which filed charges ended in conviction was 57.2% while 73.5% of the persons charged ended up being convicted. Relative to the number of incidents reported it appears that a conservative estimate of general

⁷Domestic assault is a misdemeanor under Vermont Statutes (13 VSA 1042) and is most directly related to simple assault. Aggravated domestic assault is a felony level offense (13 VSA 1043, 1044). Until domestic assault statutes were enacted in Vermont in 1993, charging occurred under conventional simple or aggravated assault statutes. For a discussion of how the law initially impacted charging patterns, see Clements, 1995.

TABLE 21
ARRESTS FROM DOMESTIC RELATIONSHIP INCIDENTS
ARREST OFFENSE BY ORIGINAL CHARGE FILED, 1995-1999

<u>Arrest Offense</u>	<u>Original Charge Filed</u>	<u>Arrest Offense</u>	<u>Original Charge Filed</u>
361 Simple Assault		Aggravated Assault -cont.	
Domestic Assault	59.3%	Misdemeanor Drugs	1.2%
Simple Assault	9.1%	Misdemeanor Unlawful Trespass	1.2%
Aggravated Domestic Assault	4.4%	Shoplifting	1.2%
Unlawful Mischief	3.9%	Weapons	1.2%
Misdemeanor TRO	2.8%		
Disorderly Conduct/ Disturbing the Peace	2.7%	30 Forcible Rape	
Felony TRO	2.5%	Aggravated Sexual Assault	23.3%
Vs Justice	2.2%	Sexual Assault	20.0%
Kidnap	1.9%	Domestic Assault	13.3%
Unlawful Trespass	1.6%	Sexual Assault on a Minor	13.3%
Failure to Appear	1.7%	Alcohol Violation	6.7%
Drugs	1.3%	Lascivious Conduct	6.7%
DUI/Refusal	1.4%	Misdemeanor TRO	6.7%
Assault Law Enforcement	0.8%	Burglary	3.3%
Burglary	0.8%	L&L with a Child	3.3%
Theft	0.8%		3.3%
Aggravated Assault	0.6%	Simple Assault	3.3%
Aggravated Sexual Assault	0.3%		
Alcohol Violation	0.3%	20 Disorderly Conduct	
Cruelty to Children	0.3%	Disorderly Conduct	45.0%
Driving License Suspended	0.3%	Aggravated Domestic Assault	15.0%
Grand Larceny	0.3%	Domestic Assault	15.0%
Reckless Endangerment	0.3%	Aggravated Assault	5.0%
Sexual Assault	0.3%	Drugs	5.0%
Stalking	0.3%	Failure to Appear	5.0%
	0.3%	Lascivious Conduct	5.0%
	%	Simple Assault	5.0%
86 Aggravated Assault		11 Kidnap	
Aggravated Domestic Assault	33.7%	Kidnap	36.4%
Domestic Assault	15.1%	Domestic Assault	27.3%
Kidnap	8.1%	Aggravated Domestic Assault	18.2%
Aggravated Assault	5.8%	Burglary	9.1%
Simple Assault	5.8%	Misdemeanor TRO	9.1%
Assault Law Enforcement	3.5%		
Disorderly Conduct / Disturbing the Peace	3.5%	16 Family Offense, Nonviolent	
Felony TRO	3.5%	TRO	37.5%
Misdemeanor TRO	3.5%	Aggravated Domestic Assault	18.8%
Misdemeanor Unlawful Mischief	3.5%	Domestic Assault	18.8%
Failure to Appear	2.3%	Failure to Appear	12.5%
Reckless Endangerment	2.3%	Sexual Assault	6.3%
Burglary	1.2%	Vs Justice	6.3%
Careless & Negligent Driving	1.2%		
Cruelty to Children	1.2%		
Driving License Suspended	1.2%		

TABLE 21 - Continued
ARRESTS FROM DOMESTIC RELATIONSHIP INCIDENTS
ARREST OFFENSE BY ORIGINAL CHARGE FILED, 1995-1999

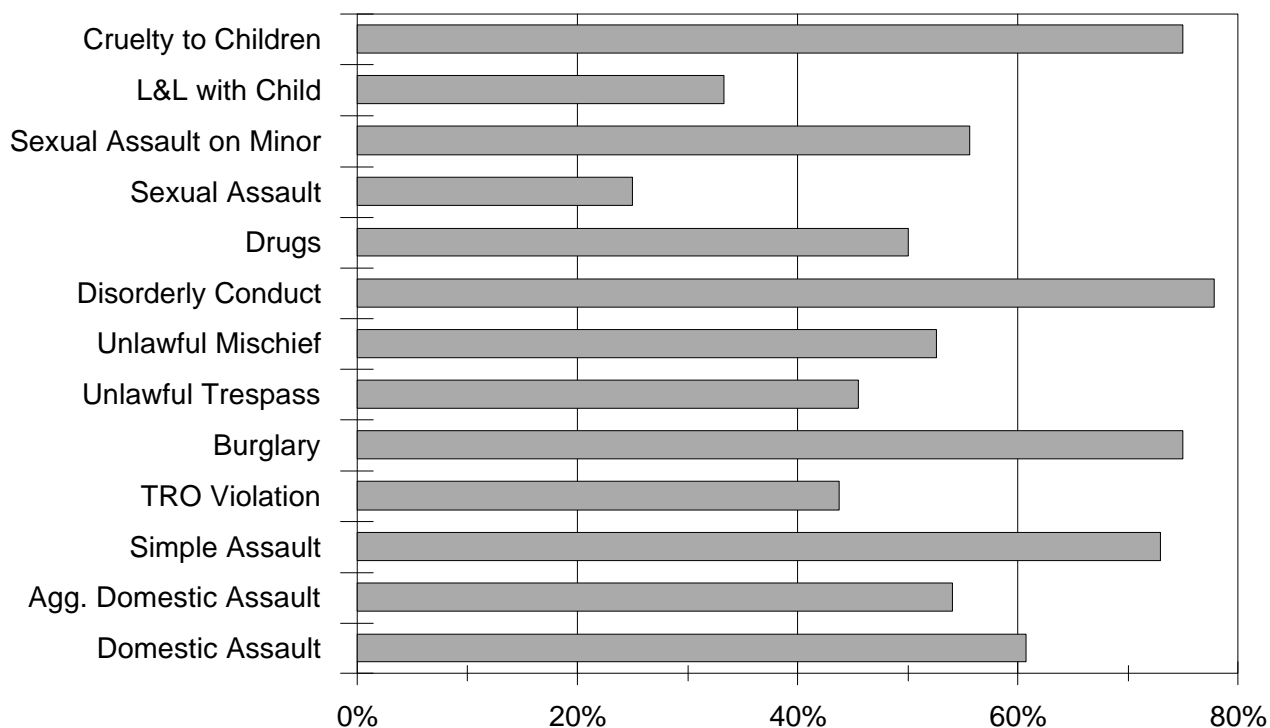
<u>Arrest Offense</u>	<u>Original Charge Filed</u>	<u>Arrest Offense</u>	<u>Original Charge Filed</u>
10 Intimidation		3 DUI	
Stalking	30.0%	Disturbing the Peace	33.3%
	0%	Domestic Assault	33.3%
Disorderly Conduct	20.0%	Unlawful Trespass	33.3%
Domestic Assault	20.0%		
Aggravated Domestic Assault	10.0%	3 Trespass of Real Property	
Unlawful Mischief	10.0%	Unlawful Trespass	66.7%
Unlawful Trespass	10.0%	Failure to Appear	33.3%
6 Statutory Rape		13 All Other Offenses	
Sexual Assault on a Minor	83.3%	L&L with Child	53.8%
Domestic Assault	16.7%	Kidnap	15.4%
		Aggravated Domestic Assault	7.7%
7 Destruction of Property		Sexual Assault	7.7%
Domestic Assault	28.6%	Simple Assault	7.7%
Operating without		Vs Justice	7.7%
Owner's Consent	28.6%		
Unlawful Mischief	28.5%		
Simple Assault	14.3%		
7 Drug / Narcotic			
Drugs	42.8%		
Assault Law Enforcement	14.3%		
Disorderly Conduct	14.3%		
Domestic Assault	14.3%		
Vs Justice	14.3%		

conviction rates⁸ is approximately 11.8% (228 persons convicted/1,934 offenders identified). It should be noted that using the gross number of offenders identified in domestic relationship incidents is not the most appropriate method for determining conviction rates and is only presented here to indicate the flow of cases from incident through disposition with gross number of offenders representing the maximum number of persons that could be prosecuted.

⁸The estimate is conservative since not all of the incidents were likely to be found in the disposition database. See footnote 4 above for discussion of the differences between the filing and disposition databases. While the estimate is conservative, it is not likely to be more than about 8% less than the actual number given the observed difference in charges tracked between the two databases and presented in Figure 1 above.

Figure 3 presents conviction rates for selected court charges, based on the number of convictions relative to the number of final (after bargaining or amendment) charges filed for each incident. The data indicate that conviction rates were highest for misdemeanor domestic assault (61%), simple assault (73%) and disorderly conduct (78%), each above the average of 57% for all charges. Conviction rates for felony aggravated domestic assault (54%) and unlawful mischief (53%) were near the average rate while restraining order violations (TRO) (44%) were a bit lower than average. Rates for several other less prevalent offenses ranged from 75% for burglary to 25% for sexual assault. Although not presented in Figure 3, the conviction rate for kidnaping (6%) was the lowest among offenses with 10 or more final charges filed.

FIGURE 3
Conviction Rates of Selected Offenses
VIBRS Domestic Relationship Incidents
1995-3/99



The final analysis of domestic incident convictions examined the type of sentence received for those charges resulting in conviction and is presented in [Table 22](#). Most of the conviction offenses do not occur in numbers large enough to examine sentence type patterns, although for the more prevalent assaultive convictions (domestic and simple assault) some observations are permitted. Most apparent is that the modal sentence type for these offenses is probation with 45.5% of domestic assault (see [Figure 4](#)) and 58.1% of simple assault (see [Figure 6](#)) convictions receiving this sentence. The exception for assaultive offenses is felony aggravated domestic assault (see [Figure 5](#)), with only 10% of the convictions receiving probation.

TABLE 22
DISTRICT COURT CHARGES FROM DOMESTIC RELATIONSHIP INCIDENTS ARRESTS, 1995-3/99
FINAL CHARGE CONVICTIONS BY SENTENCE TYPE

<u>Final Charge Convicted</u>	<u>Incar- ceration</u>	<u>Split Sentence</u>	<u>Probation</u>	<u>Sentence Deferred</u>	<u>Fine/ Restitution</u>	<u>Missing/ Unknown</u>	<u>Total</u>
Domestic Assault	15	27	55	17	6	1	121
Simple Assault	7	3	25	0	8	0	43
Disorderly Conduct	5	2	11	3	7	0	28
Aggravated Domestic Assault	13	5	2	0	0	0	20
TRO Violation	6	4	4	0	0	0	14
Unlawful Mischief	3	0	4	0	3	0	10
Unlawful Trespass	1	0	2	0	2	0	5
Sexual Assault on a Minor	1	1	2	1	0	0	5
Assault Law Enforcement	1	2	2	0	0	0	5
Failure to Appear	2	1	0	1	1	0	5
Vs Justice	0	2	1	1	0	0	4
Drugs	0	0	3	0	1	0	4
Burglary	3	0	0	0	0	0	3
Disturbing the Peace	0	0	1	1	1	0	3
Reckless Endangerment	0	1	2	0	0	0	3
Cruelty to Children	0	0	2	1	0	0	3
DUI-1st	0	0	0	0	2	0	2
Acts Prohibited/Prostitution	0	0	2	0	0	0	2
Sexual Assault	0	0	2	0	0	0	2
Aggravated Assault	1	0	0	0	0	0	1
Careless & Negligent Driving	0	0	1	0	0	0	1
Kidnap	1	0	0	0	0	0	1
Shoplifting	0	0	0	0	1	0	1
L&L with Child	0	1	0	0	0	0	1
Theft	0	0	1	0	0	0	1
Weapons	0	0	1	0	0	0	1
Total	59	49	123	25	32	1	289

Produced by the Vermont Center for Justice Research, 11/99.

A sentence to incarceration or a split-sentence (the combination of the two is considered to be the incarceration rate) occurred less frequently for misdemeanor simple assault (23.3%) than for misdemeanor domestic assault (34.7%). These findings are consistent with previous sentencing research in Vermont (see Clements, 1998) and indicate that convictions for domestic assault are considered more serious by the courts than those for conventional simple assault. The distribution of sentence types is also consistent with a prior study of misdemeanor domestic assault sentences (Clements, 1998) which found an incarceration rate of 30%, suggesting that the findings reported here may be representative of domestic incident case flows through the justice system despite less than statewide incident reporting to the VIBRS network..

The relatively high incarceration rate for aggravated domestic assault found here (90%), albeit based on a small number of cases, is consistent with the relatively high levels of incarceration (70%) found in previous studies noted above. By statutory default, those convicted of aggravated domestic assault are repeat offenders, indicating that prior criminal record is an important sentencing factor. It should be noted that the findings presented here are illustrative of the ability to track cases from incident data into court data and were not designed as sentencing studies. Other factors such as prior criminal record and involvement in prior domestic incidents are extremely important to consider in justice processing and sentencing for domestic relationship incidents. Moreover, is it not possible to determine the amount or characteristic of time served with the Department of Corrections using court sentencing data. Additional studies tracking domestic offenders into the correctional system are required to more fully understand the dynamics of domestic relationship offenders in the justice system.

FIGURE 4
Domestic Assault Conviction Sentence Types
From VIBRS Domestic Relationship Incidents, 1995-3/99

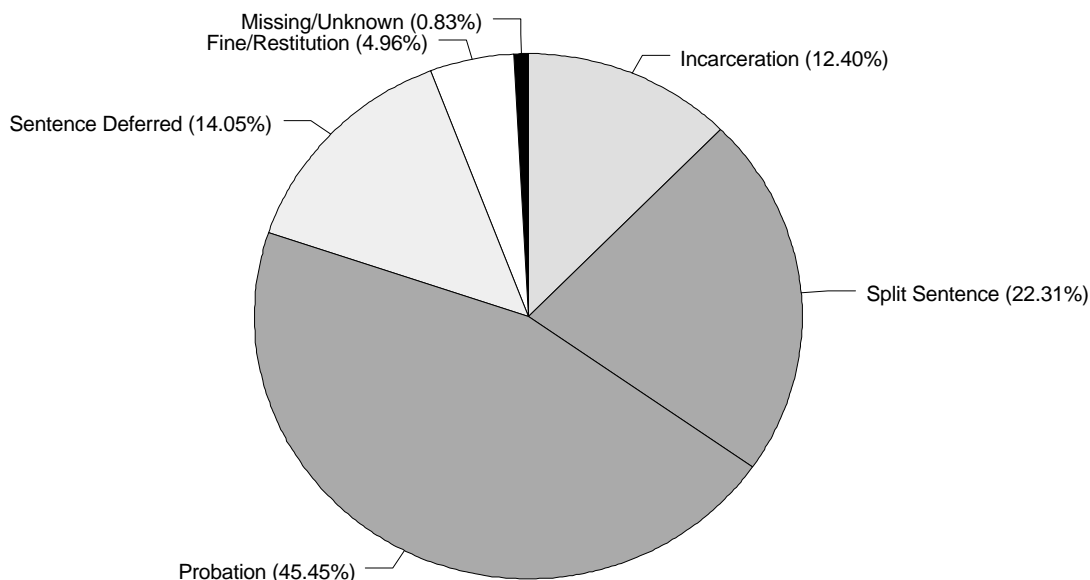


FIGURE 5
Aggravated Domestic Assault Conviction Sentence Types
From VIBRS Domestic Relationship Incidents, 1995-3/99

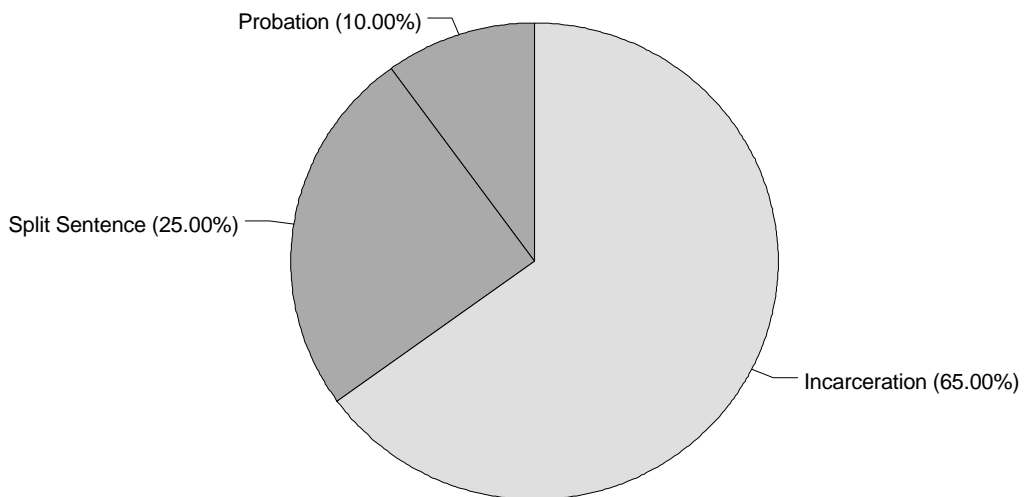
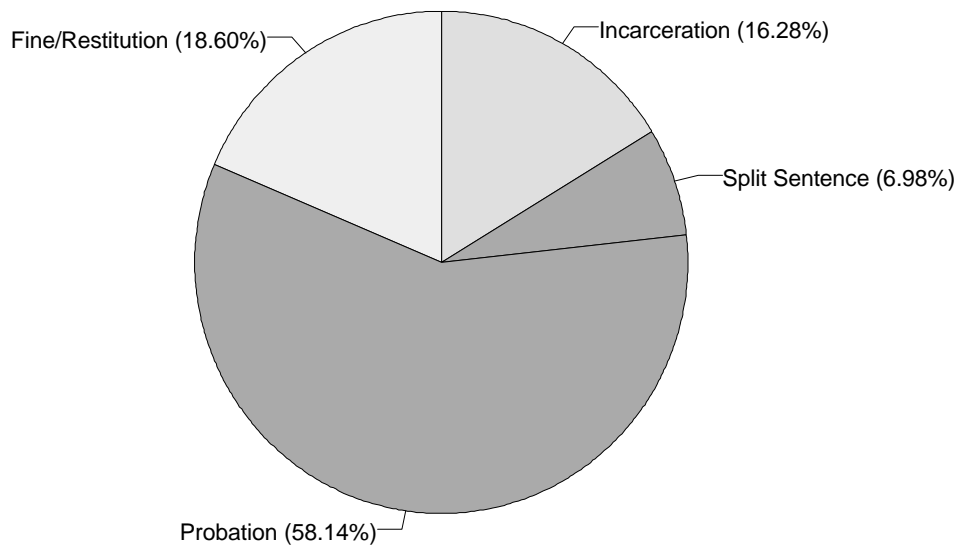


FIGURE 6
Simple Assault Conviction Sentence Types
From VIBRS Domestic Relationship Incidents, 1995-3/99



DUI Findings

This section of the report presents a relatively limited analysis of DUI arrests from segment 7 of the NIBRS data with some comparisons to state incident-based data from the VIBRS network. Only records from 1997-1998 were used in this analysis because segment 7 data were only available from the FBI dataset and not included in the original incident-based files constructed by the VCJR. The analysis is also limited to descriptive findings from segment 7 variables given the encryption of incident numbers and consequential inability under project resources to obtain unencrypted incident numbers for linking with court data. Tracking of some DUI offenses into Vermont's courts was conducted, although using VIBRS data rather than the NIBRS segment 7 data since the two databases could not be linked because of incident-number encryption.

During the preparation of data for analysis and tracking an additional anomaly was observed that is extremely important for those wishing to use segment 7 DUI data. Specifically, the number of DUI arrests reported to NIBRS is significantly lower than the number of DUI arrests recorded in the VIBRS system. Table 23 below presents the findings from a study of this relationship for all state police barracks and two large municipal departments on the VIBRS network. NIBRS segment 7 data for these departments indicate that 1,738 DUI arrests were made during 1997-1998, roughly about half (55%) of the number of 3,161 DUI arrests reported on the VIBRS network. This finding indicates that the NIBRS data account for significantly fewer DUI arrests than local records indicated transpired during the study period.

TABLE 23: DUI ARRESTS REPORTED TO NIBRS AND VIBRS, CHARGES FILED AND CHARGES DISPOSED BY SELECTED POLICE AGENCIES, 1997-1998

Police Agency	NIBRS DUI Arrests Reported	VIBRS DUI Arrests Reported	DUI Charges Filed	DUI Charges Disposed			
				Original	Final	Convicted	% Final Convicted
South Burlington P.D.	73	151	147	154	136	111	81.62%
Rutland P.D.	199	251	276	271	248	221	89.11%
VSP Headquarters	0	2	4	5	4	2	50.00%
VSP-Williston	277	396	363	372	310	272	87.74%
VSP-St. Albans	108	340	327	398	293	194	66.21%
VSP-St. Johnsbury	234	292	277	240	226	217	96.02%
VSP-Derby	164	211	214	232	189	169	89.42%
VSP-Middlesex	17	207	321	353	314	163	51.91%
VSP-Rutland	179	385	370	402	355	307	86.48%
VSP-Middlebury	43	86	88	100	91	84	92.31%
VSP-Shaftsbury	34	73	84	107	103	66	64.08%
VSP-Rockingham	152	258	239	241	187	175	93.58%
VSP-Bethel	41	205	189	181	152	131	86.18%
VSP-Brattleboro	136	157	148	160	140	127	90.71%
VSP-Bradford	81	147	143	125	120	111	92.50%
Total	1,738	3,161	3,190	3,341	2,868	2,350	81.94%

An inquiry into the reasons for such a marked difference suggests that the problem stems from

administrative processing of DUI records. Transmission of DUI arrest records to NIBRS depends in large part on the timely completion of data elements required for NIBRS submissions and reporting of cases to VIBRS system administrators. Incomplete records and those not submitted to system administrators for NIBRS processing are excluded from NIBRS submissions. Table 23 indicates that in all instances the number of VIBRS arrest records is greater than the number of NIBRS segment 7 records, although the proportional difference is not the same for all barracks or departments. For example, about 80% of the St. Johnsbury state police barracks DUI arrests (234/292=.80) are reported to NIBRS while at the other extreme only 8.2% of the Middlesex barracks DUI arrests (17/205=.082) were reported to NIBRS. Among the two large municipalities the ratio for Rutland (199/251=.79) was significantly better than that for S. Burlington (73/151=.48). These findings suggest that administrative procedures rather than actual DUI arrest activity is driving segment 7 file contents; researchers should be cognizant of this artifact.

The difference between databases was further explored by comparing three data elements common to both the NIBRS and VIBRS databases used in the study. The first comparison was made to examine for differences in reporting by month and year for 1997-1998. The findings presented in Table 24 indicate that there appear to be no major differences in the distribution of offenses by month over the two year period, although the proportion of NIBRS segment 7 arrests for December 1997 is significantly lower (3.6%) than that reflected in the VIBRS data (9.0%). Similar monthly arrest distributions suggest that administrative reporting practices were relatively uniform and that the differences in overall reporting levels between the two datasets did not result from a single event or time period. Substantively, the data from both sets show that DUI arrests are less likely to occur in January through April than they are at other times of the year.

**Table 24: DUI Arrests by Month
VIBRS and NIBRS, 1997-1998**

Arrest Month	1997		1998		Total	
	NIBRS	VIBRS	NIBRS	VIBRS	NIBRS	VIBRS
January	6.5%	6.4%	4.9%	6.4%	5.2%	6.4%
February	4.6%	5.9%	7.8%	7.4%	7.1%	6.8%
March	8.0%	6.8%	8.9%	8.0%	8.7%	7.6%
April	11.8%	8.1%	6.8%	6.6%	8.0%	7.2%
May	9.9%	8.7%	9.7%	9.7%	9.7%	9.3%
June	8.5%	8.1%	8.5%	8.0%	8.5%	8.0%
July	9.2%	9.0%	8.7%	8.7%	8.8%	8.8%
August	8.9%	9.9%	9.0%	8.9%	8.9%	9.3%
September	7.5%	8.8%	8.1%	8.1%	8.0%	8.4%
October	11.2%	10.6%	10.0%	10.2%	10.3%	10.3%
November	10.4%	8.7%	9.7%	9.3%	9.9%	9.1%
December	3.6%	9.0%	7.9%	8.7%	6.9%	8.8%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	(N=587)	(N=2073)	(N=1929)	(N=3157)	(N=2516)	(N=4002)

A second comparative analysis was conducted on the age-gender distribution of persons arrested for DUI. Table 25 presents the distribution of arrestees by age and gender for pooled 1997-

1998 data from both sources. The findings indicated that age distribution for both males and females is not substantially different between the NIBRS segment 7 records and VIBRS datasets, lending support for the conclusion that differences between the two datasets are a matter of numbers and not a function of differences in either offenders or distribution of offenses over the year. It should be noted that this analysis was conducted on statewide data and that very different results might be found between different police departments or barracks, as suggested by the data in [Table 23](#) above.

Substantive findings from the age-gender analysis reveal no surprises in offending patterns. Specifically, slightly more than half of all offenders are between the age of 25-44 with the greatest concentration, about one-third, between 25-34. In addition, the substantial majority of offenders are male; 80.4% for NIBRS arrestees and 81.9% among VIBRS arrestees. The gender distribution is consistent with that for DUI charges filed in District Court between 1990-1997 with 82.5% of charges attributed to males (Clements, Owen and Denton, 1999: Table 3.52). Consistency in the age-gender distribution of arrests and prosecutions suggests that differentiation between the databases by demographic characteristics, at least for age and gender, is not operative for DUI enforcement.

**Table 25: DUI Arrests by Age Group and Gender
NIBRS and VIBRS, 1997-1998**

Age Group	Male		Female		Total	
	NIBRS	VIBRS	NIBRS	VIBRS	NIBRS	VIBRS
Under 18	1.3%	1.5%	2.4%	1.9%	1.6%	1.6%
18 - 20	9.0%	9.6%	8.3%	9.5%	8.8%	9.6%
21 - 24	16.1%	16.3%	12.1%	12.1%	15.3%	15.6%
25 - 34	31.7%	31.2%	34.6%	33.0%	32.3%	31.6%
35 - 44	24.7%	25.1%	27.7%	30.4%	25.3%	26.1%
45 & Older	17.2%	16.2%	14.8%	13.1%	16.7%	15.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	(N=2,022)	(N=4,282)	(N=494)	(N=948)	(N=2,516)	(N=5,230)

Distributions for five additional variables captured in the NIBRS data were examined for substantive findings on DUI arrest characteristics and are presented in [Table 26](#) through [Table 29](#) below. The findings were consistent with expectations regarding the characteristics captured in the segment 7 arrest file. Moreover, this analysis provided the first opportunity to examine DUI offender beyond age and gender distributions. Specific findings include:

- g** Less than 1% of DUI arrestees were armed at the time of their arrest ([Table 26](#)).
- g** Very few arrestees were taken into custody with 91.7% cited into court ([Table 27](#)). This finding is consistent with statutory requirements that require use of citations for all limited instances when custody is permitted (Vermont Rules of Criminal Procedure, Rule 3).

- g The vast majority of offenders were white (96.0%) and not of Hispanic origin (95.2%) (Tables 28 and 29). Minority representation (4.0%) is greater than minority composition of the state (1.6%)⁹, suggesting a proportionally greater level of involvement in DUI offending.
- g Relatively few (1.6%) of the DUI arrests were for persons under the age of 18 in both the NIBRS and VIBRS (Table 25). Not surprisingly, most of the youthful arrestees were either referred to an agency or court (92.3%), as indicated in Table 30.

**TABLE 26: DUI ARRESTS REPORTED TO VIBRS,
1997-1998
ARRESTEE WEAPON**

	Number	Percent
Unarmed	2,511	99.80%
Firearm	4	0.16%
Handgun	1	0.04%
Total	2,516	100%

**TABLE 27
DUI ARRESTS REPORTED TO VIBRS, 1997-1998
ARREST TYPE**

	Number	Percent
Summoned/Cited	2,306	91.65%
Taken Into Custody	182	7.23%
On-View Arrest	28	1.11%
Total	2,516	100%

⁹Estimates of the minority population in Vermont indicate that most are Asian/Pacific Islander (51.4%), followed by Black (32.8%) and American Indian (15.8%) (see Vermont Department of Health, 1999).

**TABLE 28
DUI ARRESTS REPORTED TO VIBRS, 1997-1998
ARRESTEE RACE**

	<u>Number</u>	<u>Percent</u>
White	2,416	96.03%
Black	16	0.64%
American Indian/Alaskan	6	0.24%
Asian	3	0.12%
Unknown	75	2.98%
Total	2,516	100%

**TABLE 29
DUI ARRESTS REPORTED TO VIBRS, 1997-1998
ARRESTEE ETHNICITY**

	<u>Number</u>	<u>Percent</u>
Not Hispanic	2,396	95.23%
Hispanic	17	0.68%
Missing/Unknown	103	4.09%
Total	2,516	100%

**TABLE 30
DUI ARRESTS REPORTED TO VIBRS, 1997-1998
YOUTH ARREST DISPOSITION**

<u>Youth Disposition Type</u>	<u>Number</u>	<u>Percent</u>
Referred to Agency/Adult Court	36	92.31%
Handled Within Department	3	7.69%
Total	39	100%

DUI arrests from the VIBRS database were tracked into district court in an attempt to determine the proportion of arrests that resulted in DUI charge filings, as well as subsequent charge amendment and conviction patterns. The analysis was limited to the barracks and agencies presented in Table 23 above and should be considered exploratory since resources did not permit detailed examination.

Among the first observations is that the number of charges filed for most jurisdictions

closely parallels the number of arrests reported to VIBRS. It should be noted, however, that in some instances two charges may be filed for a single DUI arrest, depending upon prosecutorial policy and statute¹⁰. Most prosecutors file a single charge but in some counties the practice is to file under both statutory sections. This practice most frequently occurs in the counties in which the Middlesex and Shaftsbury state police barracks are located, and to a lesser degree in Rutland County, which includes the Rutland Police Department and Rutland state police barracks. Therefore, it is difficult to determine the attrition rate for DUI arrests without tracking individuals through the system. However, when the Middlesex, Shaftsbury, Rutland and Rutland Police Department are removed from the analysis it is estimated that 95.3% (2,139 charges/2,245 arrests=.953) of DUI arrests resulted in prosecution.

An analysis of conviction rates for the selected departments (less those with multiple charging practices) was derived from the database of charges disposed during 1997-1998¹¹. These data indicate that some charge modification occurs between the originally filed charge and disposed charge. In this case there were 2,208 original DUI charges filed with 1,848 DUI charges disposed, indicating that about 16.3% ($2,208 - 1,848 / 2,208 = .163$) of the original DUI charges were amended to some other charge. Previous research has indicated that this charge is most typically careless and negligent operation of a motor vehicle. Among the remaining DUI charges disposed, 1,593 resulted in a conviction. Therefore, the conviction rate based on final DUI charges is 86.2% ($1,593 / 1,848 = .862$). To the degree that arrests and charges correspond to persons this finding indicates a comparatively high conviction rate for DUI offenders as compared to domestic offenders as noted above. Additional research is needed to examine the arrest and prosecution of DUI offenders more closely and on a statewide basis, although these data are likely to be representative of state practice.

The findings presented in this section regarding DUI offending and subsequent prosecution practices shed light on characteristics of DUI offenders that have been made available only recently with the advent of incident-based crime data. Specifically, the relative infrequency of weapons present at offense and documentation of the proportion of arrestees actually taken into custody at the time of arrest, or citation in many instances. The findings also serve to document patterns that have been reported anecdotally or that have been suspected based on the distribution of DUI offenders in the court data only. Perhaps most important is that incident-based offense data provide

¹⁰Vermont law allows prosecution for DUI under a general provision against operating under the influence of an intoxicating liquor or a provision which specifies a blood alcohol concentration of .08 or more (23 VSA 1201a). The general provision does not require an evidentiary blood or breath test as does the .08 provision, which is more common in practice.

¹¹Note that the number of original and final charges does not directly correspond to number of DUI charges filed since different databases were use. As was discussed above in the methodology section, the filings database includes a record of charges filed during a specific time period. The disposition database, from which the conviction rate analysis was developed, includes cases that were disposed between 1997-1998, although some of the charges may have been filed prior to 1997. Likewise, some of the charges filed in 1998 may have been disposed in 1999 and would not be included here.

the ability to determine the degree to which arrests translate into prosecution. Unlike the analysis of domestic incidents presented above, DUI incidents tend to result in both arrest and prosecution at relatively greater levels. This study has documented those levels and will provide a groundwork for future analytical endeavors focusing on DUI case process, perhaps through the correctional system.

Conclusions and Observations

The project represented a first attempt to use incident-based crime data from NIBRS and the VIBRS network to track domestic relationship and DUI incidents into court data. In many respects the project was successful from both methodological and substantive perspectives, although not all objectives of the original design were able to be realized as a result of data availability or structure. The project did represent, however, the first systematic attempt to link incident reports to the adjudication process and laid a foundation for future research using integrated justice data.

Perhaps the most important and somewhat surprising substantive finding was the relative lack of differences on offender, offense and victim characteristics between domestic relationship incidents that resulted in arrest or prosecution and those that did not. One would expect injury, victim age, weapon use or alcohol/drug involvement to differentiate cases that lead to an arrest and/or prosecution, although the descriptive examination of data here did not support that expectation. This finding suggests three scenarios for continuing this line of research. First, either more sophisticated analysis is required to tease out these relationships; the descriptive analysis could be expanded into model building using other statistical techniques. One would expect, however, to observe fundamental differences between these groups if the available variables had any impact on case processing. Second, data could be examined more closely for quality issues to determine if reporting practices are accurate. The distribution of cases on at least the drug/alcohol involvement variable seems suspect and other variables may also not be properly or accurately capturing incident characteristics. Finally, variables other than those captured from the incident-based data systems may explain how and why cases are filed in court, as well as adjudication outcomes. Specifically, prior contact with the police, a criminal record (or at least history with the prosecutor) and other factors related to “known” and repeat (e.g. calls for service) incidents may ultimately be more important for understanding the flow into adjudication than the characteristics examined here and available from NIBRS data alone.

The substantive findings for both domestic incident and DUI adjudication outcomes are consistent with prior adjudication studies and statistical monitoring of court disposition patterns observed in recent years. This would suggest that even though the study cases were not complete statewide they were representative of statewide practices. What is important about this study is that it documented the flow of cases from incident into the courts and established some benchmark parameters for the justice process. Knowing that approximately 40% of domestic relationship incidents result in a charge being filed is important for discussions about the appropriate level of prosecution and initiating discussion over the issues raised by this finding.

The project did, however, document existing practice and provide fertile ground for a host of additional questions, including an examination of the factors that prosecutors consider when

reviewing such cases, or proportion of incidents that are even referred to prosecutors. Prosecution and conviction levels for DUI offenses were quite high compared to domestic relationship incidents, although the dynamics of offenses are different with the primary witness in DUI cases being law enforcement. Arrest and prosecution patterns for other offenses would be policy relevant and necessary research for criminal justice system modeling.

Among other things, the study suggests direct examination of prosecutorial case processing, which is not presently available in Vermont given lack of a statewide prosecutorial database. Any conclusions about prosecutorial behavior must be inferred from examining attrition between arrest and charge filing. It is clear, however, that the factors prosecutors consider in domestic relationship cases are extremely important and warrant further exploration. The findings did suggest, however, that the types of charges filed by prosecutors under Vermont statute are consistent with the offense classification scheme used by NIBRS, although not on a one-to-one basis.

An important observation from this study is that data quality and capture are essential for any research endeavor attempting to either link data systems or examine substantive dynamics of crime. As has been noted, missing or implausible data (e.g. alcohol and drugs, victim-offender relationships for offenses not noted in NIBRS guidelines in some of the earlier Vermont data) makes it difficult to conduct research and examine the relationship between offense, offender and victim characteristics. Similarly, the finding that NIBRS segment 7 arrest data for DUI captured about half (55%) of the DUI arrests recorded on the VIBRS network for the same period suggests that researchers should be cognizant of the impact administrative practices exert on crime data. Anomalies such as missing cases or truncated incident numbers in the court data are not likely to be discovered or corrected until the data are used in studies that examine the data and link it to other systems. The implication is, of course, that more data use will expose inconsistencies and lead to better data collection as well as training.

A final observation is that use of incident-based data in NIBRS format requires careful articulation of the research question and attention to the unit of analysis in both analytical procedures and communication of results. Throughout this report slightly different units were used when examining data from segments 2-6, requiring a careful interpretation of findings. The various segments were linked on incident number and records within each segment were marked as associated with a domestic relationship incident derived from the segment 4 victim-offender relationship. Therefore, all offenses (segment 2), offenders (segment 5) and arrests (segment 6) associated with these incidents were included in various stages of the analysis, although a specific offense or offender may not have been directly related to the victim. This approach is less problematic when the vast majority of incidents involve a single offender and victim, or limited number of victims all related to a single offender, as is the case in Vermont. It would, however, suggest that linking specific offenders and subsequent arrests to specific victims and offenses is necessary in cases of multiple offenders and victims.

The success of any project using NIBRS or other incident-based crime data to link with court records will be driven by the number and quality of common variables and uniform tracking numbers for offenses and individuals. The NIBRS incident number is of course the main linking variable within segment files; success will be driven by the degree to which this number is used in other records (or at least may be related to records in other systems). However, the incident

number is not sufficient by itself to identify court records for individuals offenders, of which there may be several from the same incident. Therefore, it is critically important to have accurate dates for the incident and arrest, as well as offender characteristics (e.g. age, gender) for triangulation and identification of proper court records. Truncated incident numbers in court data made the use of these other elements necessary. Arrest charges are important for correlating with court charges filed and are typically consistent, although there were many instances when arrest and court charges did not correspond but were ultimately domestic related. Finally, the quality and power of linking will be greatly enhanced to the degree that an additional offense tracking number and/or offender SID number are able to be associated to the NIBRS data. Although not undertaken in this project, these findings suggest that linking to correctional data for use in system models is possible with NIBRS being a starting point.

A final observation related to data management is in order. This project read data into SPSS and constructed several segment files from the NIBRS data, primarily because most of the files used in other projects are single flat files and use this format. Although the SPSS flat file approach is one method it remains a rather cumbersome way to manipulate data and relate records to each other between segments. Serious consideration should be given to using a database such as MS-Access for data storage and manipulation, especially since the interface between Access and SPSS has improved significantly with more recent versions of both packages.

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