



## Bureau of Justice Statistics

# Family Violence Statistics

Including Statistics on Strangers and Acquaintances

**Reported and unreported family violence**

**Murder of family members**

**Family violence reported to police**

**Family violence recorded by police**

**State prosecution of family assault**

**Federal prosecution of domestic violence**

**Family violence offenders in prison**

**Family violence offenders in jail**

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# Family Violence Statistics

**Including Statistics on Strangers and Acquaintances**

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## Highlights, definitions, and counting rules

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### Introduction

This compendium contains the most recent family violence statistics from these sources: surveys conducted by the Bureau of Justice Statistics (BJS), the BJS database of Federal statistics, and two statistical databases maintained by the FBI.

The sources provide statistical snapshots of family violence at different stages in the administration of justice. First are statistics on the nature and extent of family violence. Next are statistics on family violence that is reported to police, followed by statistics on the prosecution of persons charged with family violence. Lastly are statistics on persons sent to prison or jail for family violence.

The report is divided into eight sections giving statistics on —

- Reported and unreported family violence
- Fatal family violence
- Family violence reported to police
- Family violence recorded by police
- State prosecution of family assault
- Federal prosecution of domestic violence
- Family violence offenders in prison
- Family violence offenders in jail.

### Highlights

#### *Trends in family violence*

The rate of family violence fell between 1993 and 2002 from an estimated 5.4 victims to 2.1 victims per 1,000 U.S. residents age 12 or older. Throughout the period family violence accounted for about 1 in 10 violent victimizations.

#### *Reported and unreported family violence*

Family violence accounted for 11% of all reported and unreported violence between 1998 and 2002. Of these roughly 3.5 million violent crimes committed against family members, 49% were crimes against spouses, 11% were sons or daughters victimized by a parent, and 41% were crimes against other family members.

The most frequent type of family violence offense was simple assault. Murder was less than half of 1% of all family violence between 1998 and 2002.

About three-fourths of all family violence occurred in or near the victim's residence.

Forty percent of family violence victims were injured during the incident. Of the 3.5 million victims of family violence between 1998 and 2002, less than 1% died as a result of the incident.

The majority (73%) of family violence victims were female. Females were 84% of spouse abuse victims and 86% of victims of abuse at the hands of a boyfriend or girlfriend.

While about three-fourths of the victims of family violence were female, about three-fourths of the persons who committed family violence were male.

Most family violence victims were white (74%), and the majority were between ages 25 and 54 (65.7%). Most family violence offenders were white (79%), and most were age 30 or older (62%).

#### *Fatal family violence*

About 22% of murders in 2002 were family murders. Nearly 9% were murders of a spouse, 6% were murders of sons or daughters by a parent, and 7% were murders by other family members.

Females were 58% of family murder victims. Of all the murders of females in 2002, family members were responsible for 43%.

Children under age 13 were 23% of murder victims killed by a family member, and just over 3% of nonfamily murder victims.

The average age among sons or daughters killed by a parent was 7 years, and 4 out of 5 victims killed by a parent were under age 13.

Eight in ten murderers who killed a family member were male. Males were 83% of spouse murderers and 75% of murderers who killed a boyfriend or girlfriend.

In 2002 family murders were less likely than nonfamily murders to involve a firearm (50% versus 68%). Parents were the least likely family murderers to use a firearm (28%), compared to spouses (63%) or other family members (51%).

Among incidents of parents killing their children, 19% involved one parent killing multiple victims.

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### *Family violence reported to police*

Approximately 60% of family violence victimizations were reported to police between 1998 and 2002. The reporting rate among female victims was not significantly greater than the reporting rate among male victims.

The most common reason victims of family violence cited for not reporting the crime to police was that the incident was a "private/personal matter" (34%). Another 12% of non-reporting family violence victims did not report the crime in order to "protect the offender."

Among the 2.1 million incidents of family violence reported to police between 1998 and 2002, 36% resulted in an arrest.

### *Family violence recorded by police*

Family violence accounted for 33% of all violent crimes recorded by police in 18 States and the District of Columbia in 2000. Of these more than 207,000 family violence crimes, about half (53%, or 110,000) were crimes between spouses.

Among crimes recorded by police, 2% of family violence involved a firearm, compared to 6% of nonfamily violence. A weapon was used in 16% of family and 21% of nonfamily violence.

About 6% of all violent crime recorded by police in 2000 involved more than one offender victimizing a lone victim. The exception was stranger crime, in which 14% of incidents involved multiple offenders victimizing a lone victim.

About 49% of family violence crimes recorded by police resulted in an arrest. Males comprised 77% of suspected family violence offenders arrested in 2000.

### *State prosecution of family assault*

Of the approximately 1,500 defendants charged with felony assault during May 2000 in the State courts of 11 large counties, about a third were charged with family violence.

Among felony assault defendants charged with family violence in State courts, 84% had at least one prior arrest for either a felony or a misdemeanor (not necessarily for family violence), and 73% had been previously convicted of some type of felony or misdemeanor (not necessarily family violence).

Nearly half of felony assault defendants charged with family violence were released pending case disposition.

Among the 1,500 felony assault cases, the probability of the case leading to conviction (felony or misdemeanor) was greater for family assault defendants (71%) than nonfamily assault defendants (61%).

State courts sentenced 83% of persons convicted of assault (both family and nonfamily) to either prison or jail. Among felony assault defendants convicted in State courts —

- 68% of incarceration sentences for family assault were to jail
- 62% of incarceration sentences for nonfamily assault were to prison
- 45% of persons sent to prison for family assault received a sentence of more than 2 years, compared to 77% of nonfamily assault offenders sent to prison.

### *Federal prosecution of domestic violence*

Persons suspected of domestic violence made up 4% of the total 18,653 Federal suspects referred to U.S. attorneys for alleged violent crimes from 2000 to 2002.

Of the 757 suspects referred to U.S. attorneys for domestic violence offenses between 2000 and 2002, most were firearm-related domestic violence offenses rather than interstate domestic violence offenses.

- The Bureau of Alcohol, Tobacco, Firearms and Explosives accounted for 80% of all referrals for firearm-related domestic violence.
- The FBI accounted for 72% of all interstate domestic violence referrals.

Federal courts convicted 90% of defendants adjudicated for an interstate domestic violence offense.

Among defendants convicted in federal courts —

- 79% of convictions were the product of a guilty plea, and the remaining 21% were the product of conviction following a trial
- most were male (96%), under age 40 (67%), white (72%), and non-Hispanic (95%)
- 4 in 5 defendants had a prior adult conviction.

Of 47 Federal defendants sentenced for an interstate domestic violence offense between 2000 and 2002, 91% received a prison term with a median length of 60 months.

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*Family violence offenders in prison*

Of the nearly 500,000 men and women in State prisons for a violent crime in 1997, 15% were there for a violent crime against a family member.

Nearly half of all the family violence offenders in State prisons were serving a sentence for a sex offense against a family member. More than three-quarters of parents convicted of a violent crime against their son or daughter were in prison for a sex offense.

Of the crimes for which family violence offenders were in prison —

- most were against a female (78%)
- more than half were against a child under age 18
- more than a third were against a child under age 13.

About 90% of offenders in State prisons for family violence had injured their victim:

- 50% of family violence victims were raped or sexually assaulted
- 28% of the victims of family violence were killed
- 50% of offenders in State prisons for spousal abuse had killed their victims
- Of State prison inmates imprisoned for a crime against their son or daughter, 79% had raped or sexually assaulted the child, and another 10% had killed the child.

Among family violence offenders in State prisons in 1997 —

- most were male (93%)
- 6 out of 10 were white, while about a quarter were black
- about 80% were between ages 25 and 54.

Among offenders whose incarceration in State prisons was for family violence, 23% had used a weapon to commit their crime. The comparable percentage among State prisoners incarcerated for nonfamily violence was higher— 46%.

*Family violence offenders in jail*

Convicted family violence offenders made up about 22% of the nearly 86,500 convicted violent offenders in local jails in 2002. Most (60%) of these approximately 18,700 jail inmates incarcerated for family violence were in jail for an aggravated assault.

Local jail inmates convicted of family violence reported that —

- their victims were predominantly female (79%)
- nearly 30% of their victims were under age 18.

Among local jail inmates convicted of family violence, 55% injured their victim.

Most convicted jail inmates serving time for violence against a family member (88%) did not use a weapon during the crime.

Among jail inmates convicted of family violence, 45% had been subject to a restraining order at some point in their life. About 18% were under an active restraining order at the time of admission to jail.

## Definitions

**Violent crime** Unless indicated otherwise, statistics on violent crime in this report pertain to all forms of the following crimes: criminal homicide, completed and attempted rape, sexual assault (including threats), robbery, assault (including threats), kidnaping, intimidation, illegal abortion, extortion, cruelty towards child or wife, hit-and-run driving with bodily injury, and miscellaneous crimes against persons (as opposed to crimes against property).

**Family violence** Unless indicated otherwise, family violence includes all types of violent crime committed by an offender who is related to the victim either biologically or legally through marriage or adoption. A crime is considered family violence if the victim was the offender's current or former spouse; parent or adoptive parent; current or former stepparent; legal guardian; biological or adoptive child; current or former stepchild; sibling; current or former step sibling; grandchild; current or former step- or adoptive-grandchild; grandparent; current or former step- or

adoptive-grandparent; in-law; or other relative (aunt, uncle, nephew).

**Nonfamily violence** Unless indicated otherwise, nonfamily violence includes all types of violent crime between current or former boyfriends and girlfriends; between current or former friends and acquaintances; and between strangers.

**Relationship of victim to offender** The databases used in this report all contain sufficient information to permit identification of family violence cases.

However, the types of information that make identification possible are not uniform. Some provide more relationship categories than others. For example, the Supplemental Homicide Reports provides 28 different categories of victim-offender relationship, while the National Crime Victimization Survey has 15 categories. Also, the databases use different terms to describe specific victim-offender relationships. For example, one uses the category "employee/employer," while another uses "colleague at work."

In general, enough information was available in each of the databases to distinguish six categories of victim-offender relationship: three family categories (spouse, son or daughter, and other family), and three nonfamily categories (boyfriend/girlfriend, friend/acquaintance, and stranger). Most sections of the report present statistics on all six categories.

## Sources of data on family violence

### National Crime Victimization Survey (a BJS survey)

One data source used to document the nature and extent of family violence in the United States is the BJS National Crime Victimization Survey, or NCVS, for 1998 to 2002. The NCVS compiles data on family and nonfamily violence through biannual interviews with nationally representative samples of U.S. residents age 12 or older. In these interviews, residents are asked if they were a recent victim of crime. Those who were victims are then asked numerous questions about the incident, such as where it occurred and whether they knew the offender. Residents are encouraged to tell interviewers both about crimes that were reported to police and about unreported crimes.

Because the survey data come from interviews with victims, the NCVS has no information on homicide. The survey's scope is limited to certain forms of nonfatal violence: rape and sexual assault, robbery, aggravated assault, and simple assault. Based on interviews with the Nation's crime victims, estimates are formed not only of how many of these crimes occur each year but also of the characteristics pertaining to the criminal incidents. Such characteristics include the number of victims that obtained medical care for their injuries, the number that reported the crime to police, and the number whose assailant was a relative.

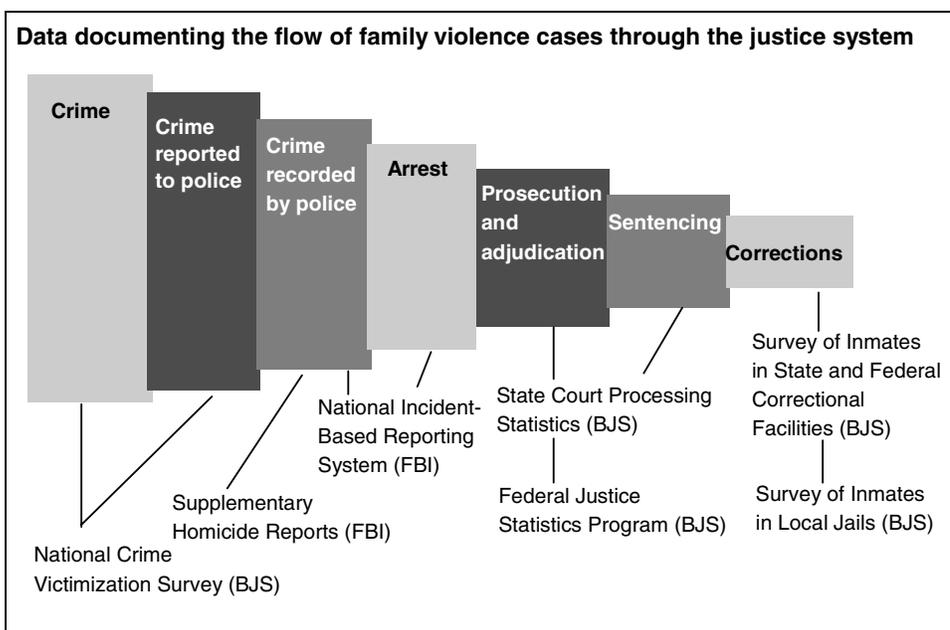


Figure 1

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*Supplementary Homicide Reports  
(an FBI database)*

For national statistics on family homicide for the year 2002, the source used in this report was the FBI's Supplementary Homicide Reports, or SHR. The FBI compiles detailed national data on family and nonfamily homicide from the thousands of law enforcement agencies across the Nation. For each criminal homicide, the SHR record such information as the age and race of the offender, the relationship of the victim to the offender, and the type of weapon used in the killing.

*National Incident-Based Reporting System (an FBI database)*

For statistics on family violence that comes to police attention and for statistics on arrests for family violence, the source used in this report is the database for the year 2000 from the National Incident-Based Reporting System, or NIBRS. The database, compiled by the FBI, contains NIBRS data from at least 1 police agency in each of 18 States and the District of Columbia. These jurisdictions cover about 16% of the U.S. population and do not include any areas with a population of one million or more.

The NIBRS data have information on victims, offenders, persons arrested, and incidents of family and nonfamily violence. For example, information on victims includes the type of injury sustained and the victim's relationship to the offender. Among the various details available on offenders and arrestees are their age, race, and gender. Offense characteristics available in the NIBRS data include the type of weapon used and the type of location where the crime occurred.

*State Court Processing Statistics  
(a BJS data collection)*

No national data in the United States describe the processing of family violence cases from arrest through final disposition by a court. The available alternative used in this report is an extract of the BJS data collection State Court Processing Statistics (SCPS). The SCPS data used are entirely from police and court records that tracked family and nonfamily assault cases in 11 counties, from the filing of State court charges in May of 2000 to their final court disposition. These data include information about persons arrested and charged with family and nonfamily assault: their demographic characteristics, their prior arrest and conviction record, and their criminal justice status at time of arrest. The SCPS data also contain information about the processing of the assault cases, such as type of pretrial release, adjudication outcome, and type of sentence imposed.

*Federal Justice Statistics Program  
(a BJS database)*

Information regarding violations of family violence-related Federal statutes that were subsequently referred to Federal court come from the Federal Justice Statistics Program (FJSP), a database maintained by the Bureau of Justice Statistics. FJSP provides annual data on workload, activities, and outcomes associated with Federal criminal cases. Data for 2000 to 2002 were acquired on all aspects of processing in the Federal justice system, including the number of persons investigated, prosecuted, convicted, and incarcerated. The FJSP database is a BJS database, constructed from files provided by the U.S. Marshals Service, the Executive Office for United States Attorneys, the

Administrative Office of the United States Courts, the United States Sentencing Commission, and the Federal Bureau of Prisons.

*Survey of Inmates in State and Federal Correctional Facilities (a BJS survey)*

For national statistics on persons in prison for family violence, this report used the BJS Survey of Inmates in State and Federal Correctional Facilities, conducted in 1997. The survey involves face-to-face interviews with a nationally representative sample of State prisoners. Persons in prison for either family or nonfamily violence are included in the sample. Through interviews with them, information is obtained on their victims and on numerous other characteristics of the crime that brought them into prison, such as whether a weapon was used, and the location of the offense.

*Survey of Inmates in Local Jails  
(a BJS survey)*

For statistics on inmates who were convicted of family violence and sentenced to a period of incarceration of less than 1 year, the source used in this report is the BJS Survey of Inmates in Local Jails. This is a periodic survey which describes the current offenses and offense characteristics of local jail inmates. Most recently conducted in 2002, face-to-face interviews were conducted with a nationally representative sample of local jail inmates to collect systematic information on this special correctional population. Questions were asked regarding the relationship of the victim to the incarcerated offender, the gender, race/Hispanic origin, and age of victims and offenders, injury to the victim, offender use of a weapon, offender substance use at the time of the crime, and the place at which the crime occurred.

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## Uniform counting rules

Incidents of crime vary depending on the number of offenders, number of offenses committed, and number of victims. For instance, in a single incident where two men rape and rob a woman, there are two offenders, four offenses (a rape and a robbery committed by each man), and a single victim. Such an incident differs from one in which a lone man assaults another individual. That incident involves one offender, one offense, and one victim.

The various databases used in this report are not uniform in the amount of information they contain about each incident of crime. One of the databases (NIBRS) contains information on virtually every offender, every victim, and every offense in an incident. The other databases contain less information. For example, offender characteristics available in the prisoner database pertain only to each individual incarcerated offender. The incident that resulted in that person's incarceration may have involved multiple offenders, but information on co-offenders was unavailable.

To improve the comparability of statistics across the databases, rules were adopted to guide tabulations. All statistics in this report — that is, statistics on offenders, on offenses, and on victims — follow the rule that each incident be treated as though it involved one offender, one offense, and one victim.

If an incident involved more than one *offender* and information (such as age, race, and gender) was available on more than one offender, the available data on just one of the offenders were tabulated. Similarly, if an incident involved more than one *offense* and information on the different offenses (such as the place where each occurred) was available, only the data on one of the offenses were counted.

Likewise, if an incident involved more than one *victim* and the database contained information (such as the victim's age, race, and gender) on more than one victim, victim statistics used in the analysis were based on just one of the victims.

Certain databases used in the report — NCVS, SHR, and NIBRS — were victim-based. Choosing a particular victim to characterize an incident was unnecessary with these databases. Other data collections used in the report — Survey of Inmates in State and Federal Correctional Facilities and Survey of Inmates in Local Jails — were offender-based. Choosing a particular offender to characterize an incident was unnecessary with these sources.

Where choices had to be made about which offender, which offense, or which victim characterized an incident, the choices were guided by various hierarchies. Information about the hierarchies is summarized below.

In choosing a particular *offender* to characterize an incident, the choice was guided by the victim's relationship to the offender. For example, in a single incident in which a woman was assaulted by her husband and a stranger, the incident was treated as a spouse-on-spouse assault. Offender statistics for such an incident (such as age, race, and gender) therefore pertained solely to the characteristics of the husband; characteristics of the stranger were not tabulated.

Selecting the husband over the stranger to characterize the incident conforms to a rule adopted for this report that says to select whichever offender is highest in the following victim-to-offender relationship hierarchy (shown in order from highest to lowest, with column headings in italics):

### *Spouse*

spouse and common-law spouse  
ex-spouse

### *Son or daughter*

child  
stepchild

### *Other family*

parent and stepparent  
sibling and step-sibling  
grandchild  
grandparent  
in-laws  
other relative

### *Boyfriend or girlfriend*

boy/girlfriend  
ex-boy/girlfriend  
homosexual partner

### *Friend or acquaintance*

child of girl or boyfriend  
friend  
neighbor  
employer  
employee  
acquaintance  
babysittee  
otherwise known

### *Stranger*

stranger

### *Not included in analysis*

relationship unknown

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When it was necessary to choose a single *victim* to characterize an incident, the victim-offender relationship hierarchy was also used. Again, the chosen victim was the one highest in the hierarchy.

In choosing a particular *offense* to characterize an incident, the choice was guided by the offense's position in a hierarchy of offense seriousness. The offense highest in the hierarchy was selected to characterize the incident. For example, in a single incident where the victim was raped and murdered, the offense selected to characterize the incident was murder because murder is higher in the offense seriousness hierarchy than rape. The offense seriousness hierarchy (from most to least serious) generally corresponds to the offense list shown in table 5.1.

As noted earlier, each incident tabulated in this report was treated as having one offender, one offense, and one victim. Each incident was also treated as having one offense location, one victim injury (if any), one weapon involved (if any), one arrestee (if any), and one arrest offense (if any). The characteristic's position in a hierarchy determined which characteristic (for example, which injury) was tabulated. The characteristic with the highest position was chosen.

Listed in order from highest to lowest, the offense location hierarchy is in table 5.2; victim injury hierarchy, table 8.4; offender weapon use hierarchy, table 5.6; and arrest offense hierarchy, table 5.8. The arrestee hierarchy is the same as the victim-to-offender relationship hierarchy described above.

## State prosecution of family assault

### About the data in this section

To compare the prosecution of family and nonfamily violence defendants, this section drew from a survey of adults charged with felony assault, the most frequent type of violent felony committed within families. The comparison could not be made for the full range of violent crimes because the needed data are not widely available.

In this section, “family assault” and “nonfamily assault” refer to the approximately 1,500 defendants charged with felony assault during May 2000 in the State courts of 11 large counties. The felony assault cases were from the BJS survey State Court Processing Statistics.

In this section, the basis for distinguishing between family and nonfamily assault was the existing statutes in the 11 counties. All 11 had at least 1 statute that specified penalties for family assault. Defendants were treated here as having been charged with family assault if the statute they were charged under was specific to assault against a

“spouse,” “family” or “household” member, or “domestic partner.”

### Family assault as a proportion of all assaults

Of the estimated 1,517 felony assault cases filed in the State courts of 11 counties during May 2000, about a third of the defendants were charged with family assault (table 6.1). The remaining two-thirds of defendants were either accused of nonfamily assault or their relationship to the victim was not specified.

### Demographic characteristics of family assault defendants

#### Gender

Males charged with felony assault included 33.8% that were against a family member, compared to 25% of females charged with assault (table 6.1). The difference was not statistically significant, however.

#### Race/Hispanic origin

Family assaults made up 40.1% of all assaults that Hispanics were charged with committing. That percentage was greater than the corresponding figures for whites (28.7%) and blacks (28.2%).

#### Age

Family assaults accounted for more of the assaults that defendants over age 34 (39.2%) were charged with committing than those under age 35 (28.4%) (not shown in table).

The average age of family assault defendants (33 years) was about the same as that of defendants charged with nonfamily assault (31 years).

### Criminal history of family assault defendants

Criminal history records of the defendants provided information on previous arrests and convictions. Although these records show prior arrests and convictions, they do not show whether any of these arrests or convictions were for family assault.

**Table 6.1. Family assault cases as a percent of all felony assault cases in State courts of 11 large counties in 2000, by defendant demographic characteristics**

| Defendant characteristic    | Percent of defendants charged with — |                |                   |
|-----------------------------|--------------------------------------|----------------|-------------------|
|                             | All assaults                         | Family assault | Nonfamily assault |
| <b>All defendants</b>       | 100%                                 | 32.5%          | 67.5%             |
| <b>Gender</b>               |                                      |                |                   |
| Male                        | 100%                                 | 33.8%          | 66.2%             |
| Female                      | 100                                  | 25.0           | 75.0              |
| <b>Race/Hispanic origin</b> |                                      |                |                   |
| White                       | 100%                                 | 28.7%          | 71.3%             |
| Black                       | 100                                  | 28.2           | 71.8              |
| Hispanic                    | 100                                  | 40.1           | 59.9              |
| Other                       | 100                                  | 26.7           | 73.3              |
| <b>Age at arrest</b>        |                                      |                |                   |
| Under 18                    | 100%                                 | 0%             | 100%              |
| 18 - 24                     | 100                                  | 23.2           | 76.8              |
| 25 - 34                     | 100                                  | 34.8           | 65.2              |
| 35 - 54                     | 100                                  | 41.2           | 58.8              |
| 55 or older                 | 100                                  | 19.6           | 80.4              |
| <b>Total defendants</b>     | 1,517                                | 493            | 1,024             |

Note: Data on the defendant's gender were reported for 99.7% of the 1,517 cases; race for 99%; age for 99.1%.  
Source: BJS, 2000 State Court Processing Statistics.

**Table 6.2. Number of prior arrest charges of family assault defendants compared to nonfamily assault defendants in State courts of 11 large counties in 2000**

| Prior arrests                  | Percent with a prior arrest, for defendants charged with — |                |                   |
|--------------------------------|--|----------------|-------------------|
|                                | All assaults   | Family assault | Nonfamily assault |
| <b>All defendants</b>          | 100%   | 100%           | 100%              |
| <b>Without prior arrest</b>    | 23.2%  | 16.3%          | 26.5%             |
| <b>With prior arrest</b>       | 76.8%  | 83.7%          | 73.5%             |
| Number of prior arrest charges |  |                |                   |
| 1                              | 12.1%  | 13.2%          | 11.6%             |
| 2-4                            | 23.3   | 24.0           | 23.0              |
| 5-9                            | 20.4   | 25.5           | 18.0              |
| 10 or more                     | 21.0   | 21.0           | 20.9              |
| <b>Total defendants</b>        | 1,517  | 493            | 1,024             |

Note: Data on prior arrest charges were reported for 97.3% of all cases. Prior arrest figures pertain to all prior arrests, whether or not the prior offense was for family violence.  
Source: BJS, 2000 State Court Processing Statistics.

Of the approximately 1,500 felony assault cases, the criminal histories were more serious for family assault defendants than for those charged with nonfamily assault. Seriousness is measured in terms of prior arrests and convictions.

*Prior arrests*

While the number of defendants with a prior arrest for family assault could not be determined, information on the number of defendants who had previously been arrested for some type of crime was available. Defendants charged with family assault (83.7%) were more likely than nonfamily assault defendants (73.5%) to have at least one prior arrest for a felony or misdemeanor (table 6.2). Among defendants charged with family assault, an estimated 13.2% had 1 prior arrest for some type of crime; 24% had from 2 to 4 prior arrests; 25.5%, from 5 to 9 prior arrests; and 21%, 10 or more.

Family assault defendants (61.4%) did not differ significantly from those charged with nonfamily assault (56.1%) in the percentage having at least one prior felony arrest for any type of crime (table 6.3). About 39% of family assault defendants had no prior felony arrest record.

*Prior convictions*

Although the number of defendants with a prior conviction for family assault could not be determined, information on the number of defendants who had previously been convicted for some type of felony or misdemeanor was available. Approximately three-fourths

of family assault defendants had been previously convicted of a felony or misdemeanor, compared to three-fifths of nonfamily assault defendants (table 6.4). An estimated 18.4% of family assault defendants had 5 or more prior convictions, including 6.5% who had 10 or more.

**Table 6.3. Number of prior felony arrest charges of family assault defendants compared to nonfamily assault defendants in State courts of 11 large counties in 2000**

| Prior felony arrests                  | Percent with a prior felony arrest, for defendants charged with — |                |                   |
|---------------------------------------|---|----------------|-------------------|
|                                       | All assaults  | Family assault | Nonfamily assault |
| <b>All defendants</b>                 | 100%  | 100%           | 100%              |
| <b>Without prior felony arrest</b>    | 42.2%   | 38.6%          | 43.9%             |
| Nonfelony arrests                     | 19.0  | 22.3           | 17.4              |
| No prior arrests                      | 23.2  | 16.3           | 26.5              |
| <b>With prior felony arrest</b>       | 57.8%   | 61.4%          | 56.1%             |
| Number of prior felony arrest charges |   |                |                   |
| 1                                     | 16.0%   | 18.2%          | 14.9%             |
| 2-4                                   | 19.6  | 21.7           | 18.6              |
| 5-9                                   | 13.3  | 15.2           | 12.4              |
| 10 or more                            | 8.9   | 6.3            | 10.2              |
| <b>Total defendants</b>               | 1,517   | 493            | 1,024             |

Note: Data on prior felony arrest charges were reported for 97.3% of all cases. Prior arrest figures pertain to all prior arrests, whether or not the prior offense was for family violence. Source: BJS, 2000 State Court Processing Statistics.

**Table 6.4. Number of prior convictions of family assault defendants compared to nonfamily assault defendants in State courts of 11 large counties in 2000**

| Prior convictions               | Percent with a prior conviction, for defendants charged with — |                |                   |
|---------------------------------|--|----------------|-------------------|
|                                 | All assaults   | Family assault | Nonfamily assault |
| <b>All defendants</b>           | 100%   | 100%           | 100%              |
| <b>Without prior conviction</b> | 35.9%  | 27.0%          | 40.1%             |
| <b>With prior conviction</b>    | 64.1%  | 73.0%          | 59.9%             |
| Most serious prior conviction   |  |                |                   |
| Felony                          | 33.4%  | 32.3%          | 33.9%             |
| Violent*                        | 13.2   | 14.5           | 12.5              |
| Nonviolent                      | 20.2   | 17.8           | 21.4              |
| Misdemeanor                     | 30.7   | 40.7           | 26.0              |
| Number of prior convictions     |  |                |                   |
| 1                               | 16.4%  | 19.1%          | 15.0%             |
| 2-4                             | 27.2   | 34.6           | 23.7              |
| 5-9                             | 14.1   | 11.9           | 15.1              |
| 10 or more                      | 5.9  | 6.5            | 5.6               |
| <b>Total defendants</b>         | 1,517  | 493            | 1,024             |

Note: Data on prior convictions were reported for 97.2% of all cases. Detail for “number of prior convictions” does not add to total with a prior conviction because this information was unknown for a small number of cases. Prior conviction figures pertain to all prior convictions, whether or not the prior offense was for family violence. \*Includes prior felony convictions for violent offenses, such as murder, rape, or robbery. Source: BJS, 2000 State Court Processing Statistics.

About a third of assault defendants, both family (32.3%) and nonfamily (33.9%), had at least one prior felony conviction (table 6.5). An estimated 3.5% of family assault defendants had five or more prior felony convictions.

#### *Criminal justice status at time of arrest*

Some defendants had an active criminal justice status at the time of their arrest, such as having been released pending disposition of a prior case or being on parole supervision in the community. The criminal justice status was not necessarily for family assault.

The likelihood of having an active criminal justice status at the time of the arrest was about the same whether the defendant was charged with family (38.3%) or nonfamily assault (31.7%) (table 6.6). At the time of their arrest, about 28% of family assault defendants were on probation and almost 5% had been on pretrial release pending disposition of other charges.

#### **Pretrial release of family assault defendants**

One of the first decisions a court makes in a case is whether to release or detain the defendant before the case is disposed. By posting bail or agreeing to nonfinancial conditions (such as not posting bail but being held liable for the amount should the defendant fail to appear in court), a defendant can be allowed to return to the community. Before releasing a defendant, the judge considers the defendant's risk of "pretrial misconduct," such as failing to appear in court when ordered, violating conditions of the release (such as failing a drug test), or being arrested for a new crime.

Family (48.6%) and nonfamily (47.7%) assault defendants did not differ in the likelihood of being released pending case disposition (table 6.7). Of the 493 family assault defendants, 253 (51.4%) were held in jail until their case was

**Table 6.5. Number of prior felony convictions of family assault defendants compared to nonfamily assault defendants in State courts of 11 large counties in 2000**

| Prior felony convictions               | Percent with a prior felony conviction, for defendants charged with — |                |                   |
|--|---|----------------|-------------------|
|  | All assaults  | Family assault | Nonfamily assault |
| <b>All defendants</b>                  | 100%  | 100%           | 100%              |
| <b>Without prior felony conviction</b> | 66.6%   | 67.7%          | 66.1%             |
| Nonfelony convictions                  | 30.7  | 40.7           | 26.0              |
| No prior convictions                   | 35.9  | 27.0           | 40.1              |
| <b>With prior felony conviction</b>    | 33.4%   | 32.3%          | 33.9%             |
| Number of prior felony convictions     |   |                |                   |
| 1                                      | 13.5%   | 14.5%          | 13.0%             |
| 2-4                                    | 15.1  | 14.3           | 15.4              |
| 5-9                                    | 4.1   | 2.9            | 4.7               |
| 10 or more                             | 0.7   | 0.6            | 0.8               |
| <b>Total defendants</b>                | 1,517   | 493            | 1,024             |

Note: Data on prior felony convictions were reported for 96.6% of all cases. Prior conviction figures pertain to all prior convictions, whether or not the prior offense was for family violence. Source: BJS, 2000 State Court Processing Statistics.

**Table 6.6. At time of arrest, criminal justice status of family assault defendants compared to nonfamily assault defendants in State courts of 11 large counties in 2000**

| At time of arrest, defendant was on - | Percent with a criminal justice status, for defendants charged with — |                |                   |
|---------------------------------------|---|----------------|-------------------|
|                                       | All assaults  | Family assault | Nonfamily assault |
| <b>All defendants</b>                 | 33.9%   | 38.3%          | 31.7%             |
| Probation                             | 20.8%   | 27.9%          | 17.4%             |
| Pretrial release*                     | 5.8   | 4.7            | 6.3               |
| Parole                                | 5.3   | 4.4            | 5.7               |
| In custody                            | 1.0   | 0.8            | 1.0               |
| Other                                 | 1.0   | 0.5            | 1.3               |
| <b>Total defendants</b>               | 1,517   | 493            | 1,024             |

Note: Data on criminal justice status at time of arrest were reported for 95.6% of all cases. Some defendants with a criminal justice status had more than 1 type of status. For those cases, the status indicated is the most serious.

\*Includes all defendants released prior to case disposition. Source: BJS, 2000 State Court Processing Statistics.

**Table 6.7. Pretrial release or detention of family assault defendants compared to nonfamily assault defendants in State courts of 11 large counties in 2000**

| Pretrial release/detention              | Percent released or detained, for defendants charged with — |                |                   |
|---|---|----------------|-------------------|
|   | All assaults  | Family assault | Nonfamily assault |
| <b>All defendants</b>                   | 100%  | 100%           | 100%              |
| <b>Released before case disposition</b> | 48.0%   | 48.6%          | 47.7%             |
| Financial release                       | 32.9  | 31.5           | 33.6              |
| Nonfinancial release                    | 15.1  | 17.1           | 14.1              |
| <b>Detained until case disposition</b>  | 52.0%   | 51.4%          | 52.3%             |
| Held on bail                            | 47.2  | 47.7           | 46.9              |
| Denied bail                             | 4.8   | 3.7            | 5.4               |
| <b>Total defendants</b>                 | 1,517   | 493            | 1,024             |

Note: Data on detention/release outcome were reported for 94.5% of all cases. Source: BJS, 2000 State Court Processing Statistics.

disposed. The vast majority of these 253 detained defendants usually had an opportunity to post bail, but for one reason or another, did not do so (235 of the 253 or 93%).

About 80% of family assault defendants were either released (31.5%) or held on bail (47.7%) by the court. Among family assault defendants who had a bail set, three-fifths could not post the amount required to be released (47.7% / 79.2% = 60%). The median bail amount for defendants charged with family assault was \$35,000, and the mean was \$66,000 (table 6.8).

#### *Time from arrest to release*

Among all 728 defendants charged with assault and released pending case disposition, over 90% of releases occurred within 1 month of arrest (table 6.9). Twenty-five percent of those charged with family assault were released within 1 day of arrest.

#### *Conduct of released defendants*

Defendants released after being charged with family assault (20.8%) were not significantly more likely than those released after being charged with nonfamily assault (26%) to commit some type of misconduct before the court disposed of their case, such as being rearrested for a new crime.

| After pretrial release, percent committing misconduct | Percent of defendants charged with — |                |                   |
|---|--------------------------------------|----------------|-------------------|
|   | All assaults                         | Family assault | Nonfamily assault |
| Total   | 24.3%                                | 20.8%          | 26.0%             |
| Rearrested  | 12.9%                                | 11.5%          | 13.6%             |
| Other misconduct*                                     | 11.4                                 | 9.3            | 12.4              |

\*Includes failure to appear in court or violation of release conditions.

**Table 6.8. Bail amount set for family assault defendants compared to nonfamily assault defendants released or held on bail before case disposition in State courts of 11 large counties in 2000**

| Bail amount                                      | Percent of defendants charged with — |                |                   |
|--|--------------------------------------|----------------|-------------------|
|  | All assaults                         | Family assault | Nonfamily assault |
| <b>All defendants released or held on bail</b>   | 100%                                 | 100%           | 100%              |
| Under \$5,000                                    | 11.4%                                | 8.8%           | 12.7%             |
| \$5,000-\$9,999                                  | 11.5                                 | 9.9            | 12.2              |
| \$10,000-\$24,999                                | 20.0                                 | 11.3           | 24.1              |
| \$25,000-\$49,999                                | 15.8                                 | 22.9           | 12.4              |
| \$50,000 or more                                 | 41.3                                 | 47.1           | 38.6              |
| Median   | \$25,000                             | \$35,000       | \$25,000          |
| Mean   | \$109,000                            | \$66,000       | \$130,000         |
| <b>Total defendants released or held on bail</b> | 1,214                                | 390            | 824               |

Note: Data on bail amount were reported for 99% of all defendants for whom a bail amount was set.  
Source: BJS, 2000 State Court Processing Statistics.

**Table 6.9. Time from arrest to pretrial release for family assault defendants compared to nonfamily assault defendants released before case disposition in State courts of 11 large counties in 2000**

| After arrest, defendants released within - | Cumulative percent of defendants charged with — |                |                   |
|--|---|----------------|-------------------|
|  | All assaults                                    | Family assault | Nonfamily assault |
| 1 day                                      | 32.8%   | 24.9%          | 36.5%             |
| 1 week                                     | 73.9  | 72.4           | 74.6              |
| 1 month                                    | 91.4  | 92.2           | 91.0              |
| <b>Total released</b>                      | 728   | 240            | 488               |

Note: Data on time from arrest to release were reported for 94.1% of defendants given pretrial release. Release data were collected for 1 year.  
Source: BJS, 2000 State Court Processing Statistics.

**Table 6.10. Time from arrest to adjudication for family assault defendants compared to nonfamily assault defendants in State courts of 11 large counties in 2000**

| After arrest, cases adjudicated within - | Cumulative percent of defendants charged with — |                |                   |
|--|---|----------------|-------------------|
|  | All assaults                                    | Family assault | Nonfamily assault |
| 1 week                                   | 2.5%  | 5.6%           | 1.0%              |
| 1 month                                  | 22.2  | 39.3           | 14.0              |
| 3 months                                 | 47.5  | 69.6           | 36.8              |
| 6 months                                 | 69.5  | 80.9           | 63.9              |
| 1 year                                   | 88.8  | 92.1           | 87.1              |
| Median time (in days)                    | 99.0  | 47.0           | 133.0             |
| <b>Total defendants</b>                  | 1,517   | 493            | 1,024             |

Note: Data on time from arrest to adjudication were reported for 97.9% of all cases. The median time from arrest to adjudication includes cases still pending at the end of the study. Knowing the exact times for these cases would not change the medians reported.  
Source: BJS, 2000 State Court Processing Statistics.

## Outcome of family assault cases

### Time from arrest to adjudication

A greater percentage of family assault cases (69.6%) than nonfamily assault cases (36.8%) were adjudicated within the first 3 months following the arrest (table 6.10). About 9 in 10 assault cases, both family and nonfamily, were adjudicated within 1 year of arrest.

### Adjudication outcome

Criminal cases are adjudicated several different ways. They result in no conviction when the case is dismissed by the court or the defendant is acquitted by a judge or jury. Convictions are the result of a guilty plea or the defendant being found guilty at a trial. Other outcomes include deferred adjudication based on the defendant's good behavior or pretrial diversion into programs such as substance abuse treatment or counseling.

The probability of being convicted of a felony was about the same for family (48.1%) and nonfamily (45.3%) assault defendants (whose cases were adjudicated within 1 year) in the 11 counties (table 6.11). Moreover, the probability of being convicted of some type of felony or misdemeanor was greater for family assault defendants (71.3%) as compared to nonfamily assault defendants (61%).

Twenty-five percent of defendants charged with family assault were not convicted, including about 24% not prosecuted because the charges were dismissed. An additional 4% of family assault cases had other outcomes, such as pretrial diversion, and were not prosecuted.

## Time from conviction to sentencing

About 3 in 4 of defendants convicted of either family or nonfamily assault were sentenced within 30 days of conviction (table 6.12).

Almost half of the defendants convicted of family assault received their sentence within a day.

**Table 6.11. Adjudication outcome for family assault defendants compared to nonfamily assault defendants in State courts of 11 large counties in 2000**

| Adjudication outcome     | Percent convicted, for defendants charged with — |                |                   |
|--------------------------|--|----------------|-------------------|
|                          | All assaults                                     | Family assault | Nonfamily assault |
| <b>All adjudicated</b>   | 100%   | 100%           | 100%              |
| <b>Convicted</b>         | 64.4%  | 71.3%          | 61.0%             |
| Felony                   | 46.2   | 48.1           | 45.3              |
| Misdemeanor              | 18.2   | 23.2           | 15.7              |
| <b>Not convicted</b>     | 27.5%  | 25.1%          | 28.5%             |
| Dismissed                | 26.4   | 23.8           | 27.6              |
| Acquitted                | 1.1  | 1.3            | 0.9               |
| <b>Other outcome*</b>    | 8.1%   | 3.6%           | 10.5%             |
| <b>Total adjudicated</b> | 1,360  | 457            | 903               |

Note: An estimated 1,360 cases were adjudicated within the 1-year study period. Data on adjudication outcome were reported for 97.9% of those cases that had been adjudicated.

\*Includes diversion and deferred adjudication.

Source: BJS, 2000 State Court Processing Statistics.

**Table 6.12. Time from conviction to sentencing for defendants convicted of family assault compared to nonfamily assault in State courts of 11 large counties in 2000**

| After conviction, defendants sentenced within - | Percent of defendants convicted of — |                |                   |
|---|--------------------------------------|----------------|-------------------|
|   | All assaults                         | Family assault | Nonfamily assault |
| <b>All convicted of felony assault</b>          | 100%                                 | 100%           | 100%              |
| 0-1 day   | 56.5%                                | 48.9%          | 61.2%             |
| 2-30 days                                       | 20.1                                 | 27.9           | 15.4              |
| 31-60 days                                      | 14.1                                 | 12.8           | 14.9              |
| 61 days or more                                 | 9.3                                  | 10.4           | 8.5               |
| <b>Total convicted of felony assault</b>        | 675                                  | 237            | 438               |

Note: Data on time from conviction to sentencing were reported for 96% of defendants convicted of felony assault.

Source: BJS, 2000 State Court Processing Statistics.

### Sentencing outcome

State courts sentenced over 80% of persons convicted of family (86.3%) and nonfamily (81.3%) assault to either prison (confinement in a State facility usually for more than a year) or jail (confinement in a local facility usually for a year or less) (table 6.13). While most incarceration sentences for family assault were to jail (58.9% / 86.3% = 68%), a majority of persons convicted and sentenced to incarceration for nonfamily assault were sent to prison (50.7% / 81.3% = 62%).

Forty-five percent of persons sent to prison for family assault received a sentence of more than 2 years, compared to 76.6% of nonfamily assault offenders sent to prison (table 6.14). The average State prison sentence for family assault was about 38 months.

Among defendants convicted of family assault and sentenced to jail, the mean sentence was almost 7 months, and the median was 6 months. About 4 in 5 jail sentences for family assault were for more than 3 months.

**Table 6.13. Most severe sentence received by defendants convicted of family assault compared to nonfamily assault in State courts of 11 large counties in 2000**

| Sentence type                            | Percent incarcerated, for defendants convicted of — |                |                   |
|--|---|----------------|-------------------|
|  | All assaults  | Family assault | Nonfamily assault |
| <b>All convicted of felony assault</b>   | 100%  | 100%           | 100%              |
| <b>Incarceration</b>                     | 83.1%   | 86.3%          | 81.3%             |
| Prison                                   | 41.9  | 27.4           | 50.7              |
| Jail                                     | 41.2  | 58.9           | 30.6              |
| <b>Nonincarceration</b>                  | 16.9%   | 13.7%          | 18.7%             |
| Probation                                | 16.5  | 13.7           | 18.2              |
| Fine                                     | 0.4   | 0              | 0.5               |
| <b>Total convicted of felony assault</b> | 675   | 237            | 438               |

Note: Data on type of sentence were reported for 96% of defendants convicted of felony assault. Sentences to incarceration that were wholly suspended are included under probation. Sentences to incarceration or probation may have included a fine, restitution, community service, treatment, or other court-ordered conditions.

Source: BJS, 2000 State Court Processing Statistics.

**Table 6.14. Length of prison and jail sentences for defendants convicted of family assault compared to nonfamily assault in State courts of 11 large counties in 2000**

| Maximum sentence length          | Percent of defendants convicted of — |                |                   |
|----------------------------------|--------------------------------------|----------------|-------------------|
|                                  | All assaults                         | Family assault | Nonfamily assault |
| <b>Sentenced to prison</b>       | 100%                                 | 100%           | 100%              |
| 1-24 months                      | 31.1%                                | 55.0%          | 23.4%             |
| 25-48 months                     | 28.7                                 | 33.3           | 27.2              |
| 49-72 months                     | 15.2                                 | 1.7            | 19.6              |
| 73-120 months                    | 14.3                                 | 10.0           | 15.8              |
| Over 120 months*                 | 4.9                                  | 0              | 6.5               |
| Life                             | 5.7                                  | 0              | 7.6               |
| <b>Number of months</b>          |                                      |                |                   |
| Mean                             | 83.4                                 | 38.3           | 98.1              |
| Median                           | 48.0                                 | 24.0           | 48.0              |
| <b>Total sentenced to prison</b> | 287                                  | 65             | 222               |
| <b>Sentenced to jail</b>         | 100%                                 | 100%           | 100%              |
| 1 month or less                  | 1.7%                                 | 3.1%           | 0%                |
| 2-3 months                       | 9.7                                  | 13.2           | 5.6               |
| 4-6 months                       | 45.3                                 | 50.4           | 39.3              |
| 7-9 months                       | 10.2                                 | 9.3            | 11.2              |
| 10-12 months                     | 33.1                                 | 24             | 43.9              |
| Over 12 months                   | 0                                    | 0              | 0                 |
| <b>Number of months</b>          |                                      |                |                   |
| Mean                             | 7.5                                  | 6.8            | 8.4               |
| Median                           | 6.0                                  | 6.0            | 9.0               |
| <b>Total sentenced to jail</b>   | 274                                  | 140            | 134               |

Note: Data on length of sentence were reported for 100% of all cases in which a defendant received a prison or jail sentence. Table excludes portions of sentences that were suspended. Detail may not add to total because of rounding.

\*Excludes life sentences.

Source: BJS, 2000 State Court Processing Statistics.

## Methodology

### Reported and unreported family violence

Statistics comparing reported and unreported nonfatal family violence to reported and unreported nonfatal nonfamily violence come from the Bureau of Justice Statistics (BJS) National Crime Victimization Survey (NCVS) for 1998 to 2002. The statistics are based on data gathered from residents living throughout the United States, including persons living in group quarters, such as dormitories, rooming houses, and religious group dwellings. Crew members of merchant vessels, Armed Forces personnel living in military barracks, and institutionalized persons, such as correctional facility inmates, were not included in the scope of this survey. Similarly, U.S. citizens residing abroad and foreign visitors to this country were excluded. With these exceptions, individuals age 12 or older living in units selected for the sample were eligible to be interviewed.

In addition to single incidents of criminal victimization, the NCVS records data on series victimizations. A series victimization is defined as six or more similar but separate crimes which the victim is unable to recall individually or describe in detail to an interviewer. Survey respondents who indicated they were series victims were asked to provide details for the most recent incident. In annual BJS reports on the NCVS, series victimizations are excluded from the published victimization estimates. However, because repeat victimization is an important aspect of family violence, series crimes were included in these analyses, counted as "1" victimization to represent all the incidents in the series.

NCVS data in this section are based on a nationally representative sample of the general population age 12 or older who experienced a violent victimization that occurred between January 1998

and December 2002. Data were aggregated over this 5-year period to obtain sample sizes large enough to detect differences between family and nonfamily violence victims, as well as to detect differences between family and nonfamily violent crimes based on the characteristics of the incident.

Additional information on weighting, along with other methodological details, can be found in the BJS Internet-only report *Criminal Victimization in the United States — Statistical Tables, 2002* (NCJ 200561).

### Fatal family violence

To compare family murder to nonfamily murder, this report uses data from the FBI's 2002 Supplementary Homicide Reports (SHR). Murder as defined here includes murder and nonnegligent manslaughter which is the willful killing of one human being by another. Not included in the analyses are deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder.

SHR data are based solely on police investigation. Not all law enforcement agencies which report offense information to the FBI also submit supplemental data on murder. At the time of analysis, the most recent SHR data contained information on 12,940 of the 16,204 murders reported in the FBI's Uniform Crime Report. To account for the total number of homicides, the SHR data were weighted to match national and State murder estimates prepared by the FBI. All victim-based analyses are adjusted in this manner.

While many law enforcement agencies report supplemental data on murder, one reason why much of the data concerning victim-offender relationship may not be reported is because no suspects were identified. In 2002, SHR data recorded information on the

relationship of the victim to the offender for 56.2% (9,102) of the 16,204 murders committed that year.

The dataset utilized in this report was compiled by James Alan Fox, the Lipman Family Professor of Criminal Justice at Northeastern University. The dataset, along with additional details about imputation and estimation procedures, is available from the National Archive of Criminal Justice Data <<http://www.icpsr.umich.edu/NACJD>>, please refer to ICPSR 4179. After the analysis for this report was completed, the SHR database was updated to include information on an additional 2,117 murders, bringing the total number of murders included in the database to 15,057 of the 16,204 murders in the United States in 2002.

### Family violence recorded by police

To compare family violence recorded by police to nonfamily violence recorded by police, this report utilizes official police statistics reported to the Federal Bureau of Investigation (FBI) in 2000. Law enforcement agencies can report official police statistics to the FBI's Uniform Crime Reporting System in one of two ways:

1. the Summary reporting system
2. the Incident-based reporting system (NIBRS).

Under the Summary system, law enforcement authorities aggregate the number of incidents by offense type and report these totals to the FBI on a monthly basis. Under the NIBRS system, agencies provide an individual record for each reported crime, including detailed information regarding the victim(s) and offender(s) involved, characteristics of the incident, and information on any arrests made in connection with the incident. In this regard, NIBRS represents a more comprehensive and detailed crime reporting

system, with the ability to capture a wide range of information on specific incidents.

To compare the characteristics of family violence to nonfamily violence, only cases with incident dates during calendar year 2000 were included in the analysis. In addition, only incidents from law enforcement agencies officially certified by the FBI to report NIBRS data were included. Currently, no agencies serving jurisdictions with populations of one million or more are certified to report NIBRS data. In 2000, agencies from 18 States and the District of Columbia submitted NIBRS data, representing 16% of the U.S. population and 13% of crime.

Additional methodological details can be found on the BJS website <<http://www.ojp.usdoj.gov/bjs/nibrs.htm>>, as well as at the Incident-Based Reporting Resource Center <<http://www.jrsa.org/ibrrc>>.

### State prosecution of family assault

To compare the prosecution of family and nonfamily violence defendants, this report uses data from the BJS data collection State Court Processing Statistics (SCPS). The most recent SCPS study collected data for 14,877 felony cases filed during May 2000 in 40 large counties selected to represent the estimated 54,590 felonies filed in the Nation's 75 most populous counties during that month. Results of that study and information regarding sampling and other methodological details are available in the BJS publication *Felony Defendants in Large Urban Counties, 2000*, NCJ 202021, December 2003.

Data from all 40 counties were not used to compare the case processing of family violence to nonfamily violence. Since assault was the only crime in the

**Table 10.1. Felony assault cases in the State courts of 11 counties during May 2000, by county and type of assault**

| County (State)          | Unweighted |           | Weighted |           |
|-------------------------|------------|-----------|----------|-----------|
|                         | Family     | Nonfamily | Family   | Nonfamily |
| Contra Costa (CA)       | 19         | 26        | 19       | 26        |
| Los Angeles (CA)        | 30         | 66        | 120      | 264       |
| Riverside (CA)          | 60         | 36        | 120      | 72        |
| San Bernardino (CA)     | 27         | 33        | 54       | 66        |
| Santa Clara (CA)        | 19         | 24        | 38       | 48        |
| Pinellas (FL)           | 15         | 53        | 30       | 106       |
| Essex (NJ)              | 15         | 72        | 30       | 144       |
| Franklin (OH)           | 7          | 9         | 14       | 18        |
| Harris (TX)             | 9          | 39        | 36       | 156       |
| Tarrant (TX)            | 8          | 38        | 16       | 76        |
| Travis (TX)             | 8          | 24        | 16       | 48        |
| <b>Total defendants</b> | 217        | 420       | 493      | 1,024     |

Source: BJS, 2000 State Court Processing Statistics.

2000 SCPS data to have specific statutes that identified family violence, other violent crimes (such as murder, rape, or robbery) were excluded from the analysis. To be in this study, a county also had to meet two criteria:

1. The county had an estimated 10 or more assault defendants charged under a family or domestic violence statute (table 10.1).
2. The county had at least 17% of its assault defendants charged with committing family or domestic violence.

A total of 11 counties met the selection criteria. For instance, Travis County, Texas, had an estimated 16 family violence cases which accounted for 25% of the 64 assault cases filed in that county during May 2000. Within the selected counties, a sample of 637 cases was statistically weighted to represent 1,517 family and nonfamily assault defendants. Although the estimated 1,517 cases were less than 3% of the 54,428 felony cases filed in the Nation's 75 largest counties in May 2000, demographic characteristics of both cohorts were similar (table 10.2).

Where family assault defendants were compared to nonfamily assault defendants in this section, sampling error was

**Table 10.2. Demographic distribution of felony defendants in the 11-county study compared to the Nation's 75 largest counties, 2000**

| Defendant characteristic    | Felony defendants in State courts during May 2000 |                                      |
|-----------------------------|---|--------------------------------------|
|                             | Assault cases in 11 counties                      | All cases in the 75 largest counties |
| <b>Total</b>                | 100%  | 100%                                 |
| <b>Gender</b>               |   |                                      |
| Male                        | 84.7%   | 81.0%                                |
| Female                      | 15.3  | 19.0                                 |
| <b>Race/Hispanic origin</b> |   |                                      |
| White                       | 26.2%   | 29.6%                                |
| Black                       | 39.2  | 45.4                                 |
| Hispanic                    | 32.6  | 22.7                                 |
| Other                       | 2.0   | 2.4                                  |
| <b>Age at arrest</b>        |   |                                      |
| Under 18                    | 1.6%  | 2.9%                                 |
| 18 - 24                     | 30.7  | 30.8                                 |
| 25 - 34                     | 31.5  | 30.9                                 |
| 35 - 54                     | 32.8  | 33.2                                 |
| 55 or older                 | 3.4   | 2.1                                  |
| <b>Total defendants</b>     | 1,517   | 54,428*                              |

\*Excludes 162 weighted cases for which the arrest charge could not be classified.  
Source: BJS, 2000 State Court Processing Statistics.

taken into account. All differences discussed were statistically significant at the .05 level.

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### **Federal prosecution of domestic violence**

The source of data for statistics on Federal prosecution of domestic violence is the BJS Federal Justice Statistics Program database covering the years 2000 to 2002. The database is presently constructed from source files provided by the U.S. Marshals Service, the Drug Enforcement Administration, the Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, the United States Sentencing Commission, and the U.S. Bureau of Prisons. A description of the source agency data files, along with other methodological details, can be found in the methodology section in the BJS Internet-only document *Compendium of Federal Justice Statistics, 2002* (NCJ 205368).

### **Family violence offenders in prison**

Information about offenders in prison for family violence were obtained from BJS's 1997 Survey of Inmates in State and Federal Correctional Facilities. From June through October, 1997, a nationally representative sample of inmates in State prisons were interviewed about their current offense and sentences, criminal histories, family and personal backgrounds, gun possession and use, prior drug and alcohol use and treatment, educational programs, and other services provided while in prison.

Data and documentation with additional details are available from the National Archive of Criminal Justice Data <<http://www.icpsr.umich.edu/NACJD>>. Please refer to ICPSR 2598.

### **Family violence offenders in jail**

The 2002 Survey of Inmates in Local Jails provides nationally representative data on persons held in local jails including those held prior to trial and convicted offenders serving sentences in local jails or awaiting transfer to prison. Data in the survey include the individual characteristics of jail inmates; current offenses, sentences and time served; criminal histories; jail activities, conditions and programs; prior drug and alcohol use and treatment; and health care services provided while in jail. In the last Survey, completed in 1996, a representative sample of 6,000 inmates were interviewed. The sample for the 2002 survey was selected from 3,365 jails housing 558,017 males and 73,224 females. The dataset and documentation with additional details about the survey will be available from the National Archive of Criminal Justice Data <<http://www.icpsr.umich.edu/NACJD>>.

## Appendix

### Discrepant findings from two different ways of measuring family violence

The extent of family violence in the United States is measured two different ways in this report. One way — through the National Crime Victimization Survey (NCVS) — is based on survey interviews with samples of the U.S. population. The other way — through the FBI's National Incident-Based Reporting System (NIBRS) — is based on statistics compiled by police.

NCVS data summarized in this report indicated that family violence makes up 11% of all violence (both reported to police and unreported) (table 2.1), but police statistics summarized in this report indicated that family violence makes up nearly 33% of all police-recorded violence (table 5.1). No firm explanation for this apparent discrepancy is offered in the report. Presumably the discrepancy is caused by a host of factors. The discussion that follows identifies some of them, not necessarily the most important ones.

One factor pertains to the willingness of victims (and others) to report crime to police. If family violence is more likely than nonfamily violence to be reported to law enforcement authorities, the family violence percentage in police statistics will tend to be larger than the percentage in the statistics for all violence (reported and unreported). To check that possibility, reporting rates for family and nonfamily violence were compared. Results indicated that family violence (59%) is more likely than nonfamily violence (46%) to be reported to police (table 4.1). While the difference is not large enough to fully account for the 11%-versus-33% discrepancy between NCVS and police statistics, results do suggest that a difference in reporting between family and nonfamily violence is a contributing factor.

A second factor pertains to the fact that the police statistics on family violence used here are not directly comparable to the NCVS statistics in terms of geographical coverage. That is, the police statistics are based on data from agencies reporting in 18 States and the District of Columbia, while the NCVS statistics are for the entire United States. If the family violence percentage in the 18 States and the District of Columbia happens to be much larger than other States, using these jurisdictions to compare to the NCVS will create the appearance of a greater discrepancy than may actually exist.

A third factor pertains to the handling of "series" victimizations in the analysis of the NCVS data. The 11% family violence percentage from NCVS data was based on an analysis that treated each "series" victimization (6 or more crimes of a similar nature that the victim is unable to recall individually) as a single victimization. Since family violence series victimizations comprised 17% (rather than 11%) of all violent series victimizations, treating each series victimization as 6 or more victimizations (rather than 1) would tend to raise the family violence percentage above 11%. To illustrate, when the family violence percentage was re-computed, this time treating each series using the actual number of incidents (up to 20) indicated by the victim, the percentage rose to 12.5%.

A fourth factor pertains to the possibility that the NCVS undercounts family violence to a greater extent than nonfamily violence. If so, that would make the family violence percentage look lower than it actually is. The little research on the undercount that has been done — notably, a small study of assault victims whose victimization was reported to police in San Jose, California, and a national study of victims who went to hospital emergency rooms for their injuries — compared undercounts

between family and nonfamily violence. Findings from both studies suggest that the NCVS undercounts family violence to a greater extent than nonfamily violence. The two studies are summarized below.

#### *San Jose study of known assault victims*

In January 1971, a sample of victims of assault was drawn from the records of the San Jose Police Department. These known victims were interviewed and asked whether they had been a victim of crime at any time in 1970. The victims and their interviewers were not told that the researchers wanted to determine to what extent known assault victims tell interviewers about recent victimizations.

Results suggested that family assault victims were less likely than nonfamily assault victims to tell interviewers about their victimization (table 11.1). While 78% of 18 family assault victims did not mention being a victim of family violence, the comparable percentage for 62 nonfamily assault victims was lower: 29%.

**Table 11.1. Among known assault victims, percent who told NCVS interviewers about the victimization**

| Relationship of victim to offender | Known assault victims who did not tell NCVS interviewers about their victimization |
|------------------------------------|--|
| Family violence                    | 78%  |
| Nonfamily violence                 | 29   |

Source: Adapted from U.S. Department of Justice, Law Enforcement Assistance Administration (1972). *San Jose Methods Test of Known Crime Victims*, Statistics Technical Report No. 1. Washington, DC: USGPO, June.

The original purpose of the San Jose study was to determine the effects of the passage of time on the recall of criminal victimizations. The survey design emphasized overall reporting issues, not the specific reporting of family violence. Hence, one limitation of the study is the small sample size. Of 126 sampled victims of assault, 18 family assault victims and 62 nonfamily assault victims were located and agreed to participate, a 63.5% response rate.

Another limitation pertains to the fact that the questionnaire used in the study was more similar to the pre-1993 NCVS questionnaire than the one in use today. Consequently, the San Jose study results may be more relevant to the pre-1993 version than today's questionnaire.

The pre-1993 version was replaced with one that was specifically designed to reduce undercounting of family (and domestic) violence. There is some evidence that the redesign may have succeeded in reducing the undercount. In 1991 (the last full year of interviews using the old questionnaire), family violence victims made up 7.3% of all violence victims (8% if series victimizations totaling 3 are counted as 3 crimes rather than 1; 4 counted as 4; and 5 counted as 5). In 1993 (the first full year using the redesigned questionnaire), the percentage was 10.2%.

#### *Hospital emergency room study*

While results of the San Jose study only shed light on the extent to which police-reported family violence (family violence that was brought to police attention) is mentioned in NCVS interviews, results of another study may shed light on the extent to which victims tell interviewers about both reported and unreported

**Table 11.2. Comparison of the Study of Injured Victims of Violence (SIVV) and the National Crime Victimization Survey (NCVS), by offense and by relationship, 1994**

| Type of offense    | SIVV-recorded admissions to hospital emergency rooms in 1994* |         | NCVS-estimated admissions to hospital emergency rooms in 1994 |         | Ratio of SIVV/NCVS |
|--------------------|---|---------|---|---------|--------------------|
|                    | Number  | Percent | Number  | Percent |                    |
| Total              | 954,000   | 100%    | 504,700   | 100%    | 1.9                |
| Family violence    | 179,000   | 18.8    | 33,300  | 6.6     | 5.4                |
| Nonfamily violence | 775,000   | 81.2    | 471,400   | 93.4    | 1.6                |

\*Age 12 or older

Source: Adapted from BJS, *Violence-Related Injuries Treated in Hospital Emergency Departments*, NCJ 156921, August 1997.

family violence of a particularly serious nature. In this other study, two national numbers were compared:

1. from the NCVS, the total (reported and unreported) estimated number of family violence victims who said they went to a hospital emergency room for treatment for their injuries in 1994
2. from a national survey — the Study of Injured Victims of Violence (SIVV) — the total (reported and unreported, presumably) estimated number of family violence victims whose injuries brought them to hospital emergency rooms for treatment in 1994.

All other things being equal, the two numbers should be the same if injured family violence victims tell NCVS interviewers about any incidents that lead to emergency room treatment.

In fact, SIVV recorded far more emergency room admissions in 1994 than the NCVS, suggesting that the NCVS undercounts victims of serious family violence. The SIVV number of emergency room admissions for family violence (179,000) was found to be over 5 times the number recorded by the NCVS (33,300) (table 11.2). By comparison, the SIVV number of emergency room admissions for nonfamily violence (775,000) was 1.6 times greater than the NCVS-estimate (471,400), suggesting that the NCVS

undercounts particularly serious types of family violence to a greater extent than nonfamily violence.

The relevance of the SIVV study is limited by the fact that its findings pertain to victims who were injured and went to an emergency room. Such victims are a small percentage of all family violence victims. Furthermore, the statistics for the NCVS-documented victims of family violence (who went to emergency rooms) may be unreliable because they are based on a small sample. Also, the SIVV study did not document how many victims had, and how many had not, reported the crime to police. Presumably, the SIVV study included some of both.