



An Evaluation of the Multnomah County Criminal Justice Response to Intimate Partner Violence

Executive Summary

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NPC Research
5200 SW Macadam Ave., Ste. 420
Portland, OR 97201
503-243-2436
Fax: 503-243-2454
e-mail: rumpitz@npcresearch.com



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The Multnomah County Domestic Violence Coordinator's Office, in partnership with the Local Public Safety Coordinating Council Domestic Violence Working Group Research Subcommittee, commissioned an evaluation of the Multnomah County criminal justice response to intimate partner violence. A thorough review of all domestic violence cases reported by Multnomah County police agencies during March 1999 yields descriptive and outcome data on all of the intimate partner violence cases that flowed through the criminal justice system that month.

Data indicate that in March 1999 there were more than 1000 calls for help to the Bureau of Emergency Communications by victims or witnesses to intimate partner violence. Police officers from Portland and Gresham investigated the incident and wrote reports in 546 cases. Arrests, either at the scene or by a subsequent warrant, were made in little more than half of these cases (284). The District Attorney's Office was able to successfully prosecute 59 cases. A key question in the study was how the system handles high-priority or repeat calls for help. The system responds no differently whether the perpetrator is a first-time offender or a repeat offender committing a felony-level crime involving weapons.

The detail of this study allows the reader to fully *understand* and *evaluate* what happened at each step in the complex process and highlights both the effort on the part of each agency as well as the areas where improvements are warranted. The findings also illustrate that, while the criminal justice system is an important entry point for receiving assistance, this reactive intervention must be accompanied by other preventative and response-based services.

During the course of this study it was evident that local criminal justice agencies, in partnership with other community-based service agencies dealing with intimate partner violence and the Multnomah County Domestic Violence Coordinator's Office, hold a strong commitment to addressing intimate partner violence and implementing recommendations based on research-driven best practices. Efforts to improve the community response to intimate partner violence are the focus for the year 2000.

¹A full copy of the report is available through the Multnomah County Domestic Violence Coordinator's Office.

Definitions and Evaluation Questions

This study focuses on crimes against a person—overwhelmingly women—that were committed by an intimate partner. It is important to note that this definition is more specific than the broader definition of domestic violence (which includes other types of family violence including sibling to sibling, child to parent, etc.) that is standard in the local criminal justice system and the Oregon Revised Statutes.

This evaluation answers the following broad questions:

- What is the criminal justice system intervention that occurs after a 9-1-1 call for service to an intimate partner violence incident?
- Is there a specific criminal justice system response or intervention to high-priority (repeat offenders or more dangerous incidents) cases? That is, what are the prevalence and characteristics of high-priority offenders and their victims and what is the criminal justice system intervention pertaining to high-priority intimate partner violence offenders and their victims?

Methods

Five primary methods were used to describe the Multnomah County criminal justice response to intimate partner violence both in terms of the written policies and protocols and the actual response to all cases during the month of March 1999:

- 1. Local Public Safety Coordinating Council Domestic Violence Workgroup Research Subcommittee.** This workgroup, chaired by the Multnomah County Domestic Violence Coordinator, guided all aspects of this evaluation and provided invaluable information access and feedback.
- 2. Document review and synthesis.** A literature review was conducted to identify the current research and theory on domestic violence and criminal justice system interventions. Local, state, and national data regarding the incidence and prevalence of domestic violence was gathered.
- 3. Agency personnel interviews.** In an effort to comprehensively describe the current intervention of the criminal justice system, key personnel at criminal justice agencies in Multnomah County were interviewed regarding policies and procedures for providing services to victims and suspects.
- 4. Incident report review.** Data were collected from police reports to describe the incidents of intimate partner violence in the proposed time period of March 1999.
- 5. Archival database search.** Prior and subsequent incidents from police agencies, call for service data from local emergency communications, prior and subsequent calls for services, prosecution, outcome and sentencing data, and probation data were collected through local agencies.

Findings

The findings from this study are organized according to six categories:

- Written Policies and Procedures Based on Oregon Revised Statutes
- Flow of Intimate Partner Violence Cases Through the Criminal Justice System
- Descriptive Characteristics of Intimate Partner Violence Cases
- Repeat Offenders
- BOEC, Police and District Attorney's Office Data
- High-Priority Cases

Written Policies and Procedures Based on Oregon Revised Statutes

According to literature in this field, the criminal justice policies and procedures based on best practices and Oregon Revised Statutes² that hold offenders accountable and provide services to victims in Multnomah County appear to be on the leading edge of intervention in domestic violence:

Response to suspects

- response coding by 9-1-1 operators that ensures a two officer response;
- responding officers collecting immediate photographic evidence;
- determining the primary perpetrator, mandatory arrest for cases with probable cause policies for law enforcement;
- mandatory report writing by responding police officer;
- follow up investigations and subsequent arrests by specialized domestic violence unit officers;
- the DA's Office reviews victim complaints and requesting warrants for suspect arrests;
- the DA's Office practices vertical prosecution methods, and attempts to use evidence-based prosecution tactics in cases where the victim is unable or unwilling to participate

Together the response to offenders and victims comprise a wide array of policies and procedures for criminal justice agencies in Multnomah County to follow as they intervene in domestic violence crimes...

Response to victims

- street officers provide business cards, information on resources, obtaining restraining orders, and case numbers, and contact information in the criminal justice agency;
- specialized domestic violence unit officers contact victims to offer assistance, provide support groups, and educate community and policing agencies;
- the DA's office provides victim advocates to provide information on available services and assistance with court proceedings

² Oregon Revised Statutes have changed since March 1999. This study reflects the procedures and protocols in place at the time of the incident. The full report contains the General Orders and other procedural documents that were in effect as of March 1999.

Flow of Intimate Partner Violence Cases Through the Criminal Justice System

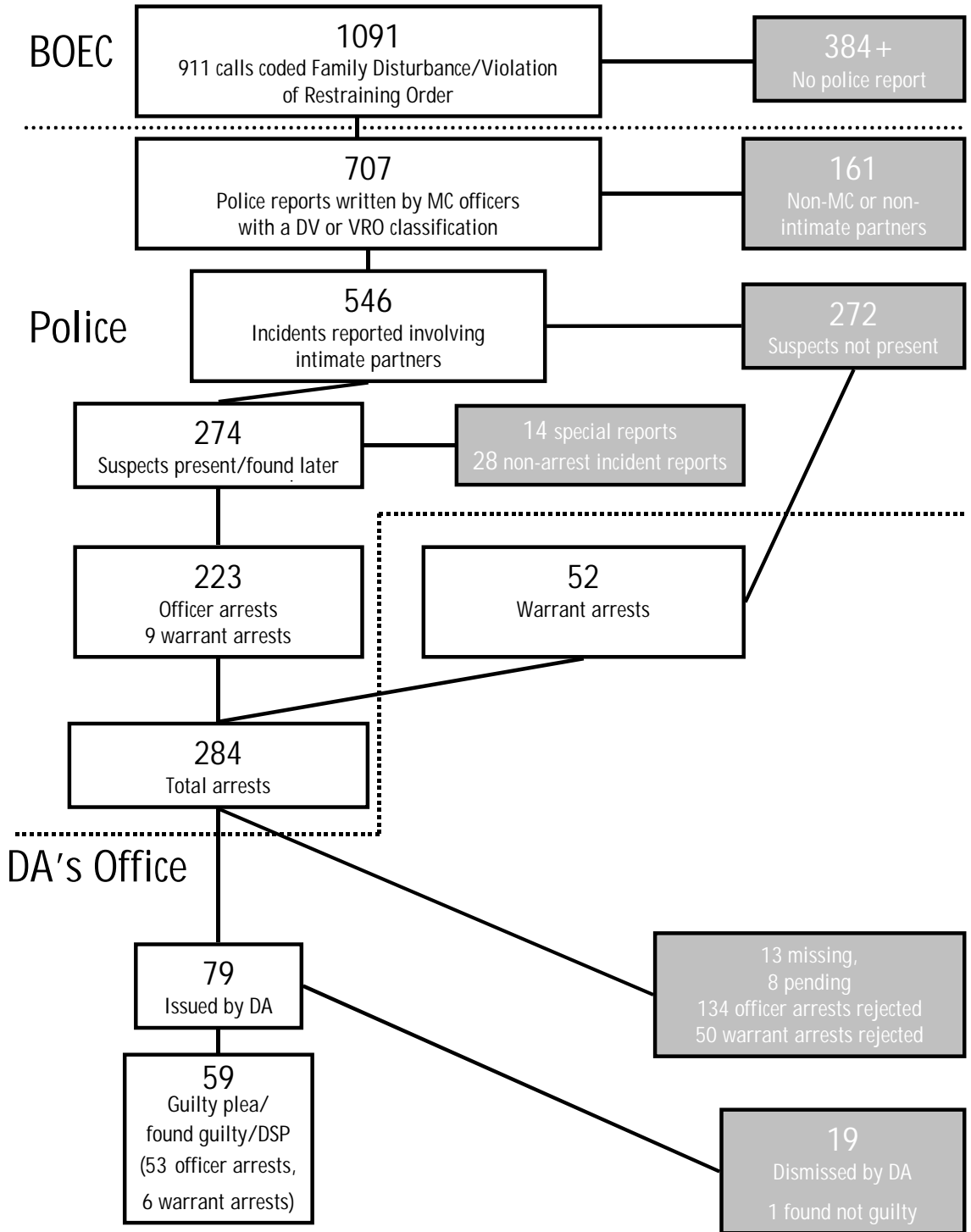
The criminal justice response to intimate partner violence in Multnomah County can best be described as funnel-shaped. As a case moves on to the next level, the likelihood of it being dropped from the system increases, to the extent that fewer than one in nine cases are successfully prosecuted. The flow diagram pictured below traces the cases through three parts of the system: the Bureau of Emergency Communications, the police, and the District Attorney's Office. A summary of the intervention follows.

- In March 1999 there were 1091 “9-1-1” calls that were coded family disturbance or restraining order violation, and 707 police reports written.³ Many (59%) of the police reports came from a 9-1-1 call that was coded something other than family disturbance or restraining order violation.
- Of these incidents, 546 were included in this study; 161 were not included because they occurred out of county or did not involve intimate partner violence.
- Only half of the suspects were at the scene or found later by police (N = 274); 272 suspects had fled the scene.
- Of the suspects at the scene or found later, 223 were arrested by street officers (81%), and an additional 9 were later arrested via warrants; 134 street officer arrests were rejected by the DA.
- Of those who fled the scene, 52 suspects (19 %) were subsequently arrested via a warrant requested by the District Attorney's Office based on a victim complaint; 50 of the 61 total warrant arrests were rejected by the DA.
- Specialized domestic violence officers made four of the 223 street officer arrests and wrote 5 reports that resulted in warrant arrests.
- The District Attorney's Office reviewed 271 arrest cases and prosecuted 79 of them; 59 of the suspects either pled guilty, were found guilty, or chose to take part in the Deferred Sentencing Program. One suspect was found not guilty and the DA dismissed 19 cases after they were issued.
- Most (75%) convicted offenders and those taking part in the Deferred Sentencing Program have histories of at least one previous parole and probation cycle on record with Adult Community Justice.

Fewer than one in nine intimate partner violence cases are successfully prosecuted.

³ The BOEC coding system was not designed for use as a research tool. BOEC has no 'domestic violence' type code. The type codes most closely associated with domestic violence are 'family disturbance' and 'restraining order violation'. The relationship of the parties involved, as well as the true nature of the argument, is often unknown at the point the call taker receives the information. Some portion of these 1091 calls may not have been domestic violence and a significant portion (59%) of domestic violence police reports were from calls coded a different crime, such as assault, kidnapping, etc. It is not possible with the current system to determine the actual number of domestic violence calls for service in a given time period.

**Case Flow of Intimate Partner Violence Incidents Through the Criminal Justice System
March 1999**



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Descriptive Characteristics of the Sample

- More than half (54%) of the cases involved current intimates, 43 percent were former intimates and 3 percent were parents of a child from a relationship. Arrests were made more often in cases involving current partners rather than former. This may be due to the fact that the suspect lived at the scene and was present more often.
- Sixty-one percent of reported incidents happened on the east side of Portland, either in the Northeast or Southeast. Fifteen percent of the incidents occurred in North Portland, followed by only 11 percent of incidents on the West side of the city. This may be due to the fact that domestic violence is more often underreported to police in affluent areas. Eleven percent of the incidents were reported in Gresham.
- Children were present in 33 percent of the cases.
- Eighty one percent of the 9-1-1 calls in the month of March 1999 (that resulted in an intimate partner violence report) came from the victim.
- Street officers from Portland Police Bureau responded to ten incidents by making dual arrests. Gresham Police street officers made no dual arrests.

Demographic Characteristics of the Sample

Characteristic	Victim	Suspect	1998 Census Data -- Multnomah County
Mean Age	32	33	
Gender			
Female	86%	15%	
Male	14%	85%	
Race			
White	73%	64%	81%
African American	15%	22%	7%
Hispanic	6%	9%	5%
Asian	4%	3%	6%
Native American	2%	2%	1%

Classification of Intimate Partner Violence Police Incident Reports

Incident Report Classification*	Street Officer Arrests		No Street Officer Arrest Number of Cases N=322
	Number of Felony Arrests N=77	Number of Misdemeanor Arrests N=122	
Domestic Violence	68	114	259
Simple Assault	40	81	87
Civil Complaint (VRO)	20	1	87
Disorderly Conduct (Menacing)	5	3	69
Aggravated Assault	7	33	45
Threats/Trespassing/Vandalism	13	2	48
Phone Threats	0	0	23
Other (e.g. Burglary, Kidnapping, Theft)	15	11	43

*Each report received multiple classifications and this table reflects the primary classification. All reports included in this study had either a domestic violence classification or a civil complaint (violation of restraining order).

Repeat Offenders

A high percentage of cases involved a repeat offender. Nearly all offenders (82%) had some recorded history of domestic violence based on prior criminal justice histories, subsequent incidents, previous and subsequent calls for service, or the presence of a restraining order.

Nearly all offenders (82%) had some recorded history of domestic violence.

- There were an additional 683 9-1-1 calls for service from this group alone for the six month period after the March 1999.
- One-quarter (25%) of offenders have prior criminal records in the Multnomah County data systems for prior non-domestic violence incidents, 11 percent have only domestic violence crimes, and 28 percent have a history of both domestic violence and non-domestic violence crimes.
- Less than one-quarter (22%) of the incident reports mention a current restraining order.

In 63 percent of the cases 9-1-1 had been called to the address in the *previous* six months, and in 53 percent of the cases 9-1-1 had been called in the *subsequent* six months.

Prior and Subsequent BOEC Calls for Service

	Number of calls			
	None	1-3	4-6	7+
Prior Calls for Service to Same Address (6 Months; range 0-17; N=463)	37%	44%	13%	6%
Subsequent Calls for Service to Same Address (6 Months; (range 0-20; N=458)	47%	41%	7%	5%

In 63 percent of the cases, domestic violence incidents are recorded in Multnomah County data systems in the previous 27 months, and in 22 percent of the cases, incidents were documented in the subsequent 5 months.

Prior and Subsequent (Suspect) Domestic Violence Incidents

	Number of domestic violence incidents			
	None	1-3	4-6	7+
Prior Reported DV Incidents Listed in Multnomah County Data Systems (27 months; range 0-46; N=463)	37%	35%	15%	14%
Subsequent Reported DV Incidents Listed in Multnomah County Data Systems (5 months; range 0-6; N=463)	78%	19%	3%	0%

BOEC, Police and District Attorney's Office Data

BOEC

- BOEC policies and procedures require family disturbance and restraining order violations that are occurring at the time of the 9-1-1 call to be prioritized for an immediate response by two officers. BOEC routinely sent two responding officers to calls that received the code for family disturbance.
- Many (39%) of the police reports written describing intimate partner violence in March 1999 came from a 9-1-1 call that was not prioritized to receive a two officer immediate response. Calls from victims reporting disturbances and violations that occurred previously, where the suspect is no longer an immediate threat to the victim, may not generate a high-priority or multi-resource response, but may still result in a written report by a responding officer. These calls may not have been identified to the call taker as a family disturbance or restraining order violation at the time of the call. Therefore, using current procedures, BOEC couldn't prioritize all domestic violence calls accordingly.

Police

- In almost all cases where a suspect was present and an incident report was written, the suspect was arrested. However, officers do not consistently write the mandated reports to document a domestic violence incident. One-quarter (24%) of all Portland Police Bureau reports were not written in compliance with General Order procedures. Gresham Police and Multnomah County Sheriff's Office had not yet implemented a policy for writing specific domestic violence reports. Further, evidence is not being collected consistently. For example, photographs were taken in 22 percent of the cases and witnessed were documented in just 43 percent of the cases.
- In addition, officers may not be always adhering to the current mandatory arrest policy as evidenced by the fact that 37 suspects who were present at the scene were not arrested even though there was an incident report to document the crime.
- Although there were several instances of dual arrest (of both victim and perpetrator) in March 1999, Multnomah County appears to be attempting to determine the primary perpetrator in intimate partner violence cases.

District Attorney's Office

- The District Attorney's Office is largely motivated by victim availability and desire to prosecute when deciding to issue a case to move forward to Grand Jury and trial. Most cases (70%) are rejected from further prosecution. In many of these rejected cases (65%), the State was unable to proceed without victim participation/cooperation. Case selection by the DA yields 84 percent successful prosecutions. Almost three-quarters, (72%) of the convicted offenders have served a previous probation cycle.

There is no significant relationship between arrest and prosecution and subsequent incidents.

Criminal Justice System

- There is no statistically significant difference in the likelihood of subsequent incidents if an arrest occurred or if the case was issued by the District Attorney's Office. Subsequent incidents occur at the same rate for households with or without an arrest (21% and 20%, respectively) or where the case was issued by the District Attorney or not (21% and 23%, respectively).

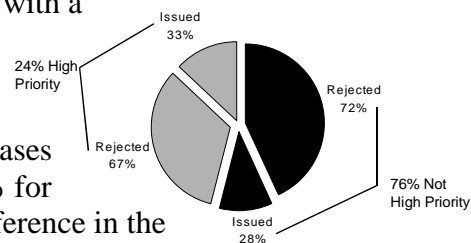
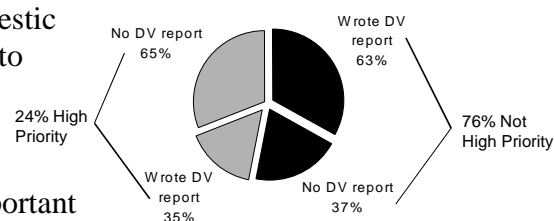
High-Priority Cases

The criminal justice system is interested in identifying and flagging cases that either involve repeat offenders, represent a very dangerous situation, or both. If cases could be ‘prioritized’ in this way, limited resources could also be prioritized thus increasing and ensuring focused intervention in the cases that are immediately the most dangerous and/or likely to lead to further re-offense.

Definitions of ‘High-Priority’ Arrest Cases for This Study

- Cases with a higher threat or level of violence/danger defined by the suspect using a weapon or a felony arrest (excluding the Assault IV felony upgrades for the presence of children; 6% of the sample);
- Cases with prior domestic violence arrests, incidents, or where a current restraining order was identified in the incident report (12% of the sample);
- Cases with prior domestic violence arrests, incidents, or where a current restraining order was identified in the incident report and either a felony charge arrest, use of weapons or both (6% of the sample)

- Using these definitions, 133 cases (24%) could be defined as high priority, a substantial segment of all of the intimate partner violence cases in March 1999.
- There were no differences in individual (e.g., age, race, alcohol and drug use) or case characteristics (e.g., presence of children, current restraining order) between cases that were identified as high priority and cases that were not defined as high priority. This finding would suggest that these variables are of little utility in flagging high-priority cases. In other words, high-priority cases cannot be distinguished from other cases based on demographic variables or the presence of children, etc.
- One of the central questions of this study was to determine how the system responds to high-priority cases. Results indicate that there is currently no statistically significant difference in how the police or District Attorney’s Office responds to cases defined by this study as high-priority cases.
- Officers did not consistently write the special domestic violence reports for high-priority cases, compared to other arrest. These reports serve as an additional level of evidence collection and are required by General Orders for Portland Police. This is important because police reporting is the most important method of evidence collection and incident documentation.
- The District Attorney’s Office prosecutes those cases with a felony arrest cases and or weapons involved where the suspect has a criminal justice history significantly more often than other arrest cases (58% compared to 35% for felony/weapon cases, 19% for cases with prior incidents/arrest/restraining orders, and 28% for other arrest cases). Overall, there is no significant difference in the prosecution rates of high-priority cases compared to other arrests.



Suggested Recommendations

In preparing this Executive Summary, a decision was made by the LPSCC Domestic Violence Workgroup Research Subcommittee that this summary and the corresponding larger report would serve to raise issues for further action and suggest broad areas of recommendations. It is the hope of the evaluation team that the LPSCC Domestic Violence Working Group will take responsibility for recommending concrete actions.

- Develop a more timely and effective method of distributing and implementing changes in law, policies and procedures. Monitor police officer adherence to these stated protocols (e.g., writing reports, collecting evidence, taking pictures, etc.).
- **BOEC:** Continue to develop an identification system that will notify officers of suspects being sought for domestic violence incidents; create a coding system that identifies domestic violence calls received by call takers as another crime for the appropriate response; and establish a method of providing accountability to officers who do not respond to intimate partner violence calls according to the Statutes.
- **Street officers and/or officers assigned to special domestic violence units:** Issue a ‘probable cause authorization’ to find suspects who flee the scene (using a bureau-wide identification system to locate suspects); conduct timely and thorough investigations of each case; and work to fulfill the District Attorney Office’s recommendations for collecting all information that may help them to prosecute the case (e.g., pictures of the victim and scene, detailed description of all excited utterances, witness testimony, and eventual suspect arrest even if he/she fled the scene).
- **District Attorney’s Office:** Increase resources to address all intimate partner violence cases; assign additional victim advocates who do intensive outreach to all victims in all intimate partner violence cases (whether there was an arrest or not), thereby encouraging victim participation; allocating resources to review all incidents, including non- arrest and high-priority cases; assure consistent training of all staff who interact with victims on the dynamics and impact of domestic violence, supportive communication, interviewing techniques, safety planning and building an ongoing relationship; and investigate all cases to the fullest extent.
- View victims as consumers of the criminal justice system in part to encourage better victim participation in prosecution. Provide consistent victim safety including outreach even when an arrest is not made. Create links to non-profit organizations to encourage service-based follow up. Continue to develop methods of prosecuting without victim support or interest. Encourage victim feedback consistently at each level of intervention.
- Develop a definition of high-priority cases that is clear and usable by BOEC and street officers and continue to research other factors that may be important. Flag high-priority cases beginning with BOEC’s message to the responding officer and continuing throughout the system using an identification system; investigate these cases further; and put more resources into prosecuting them.
- Develop a differential response protocol for danger/repeat or ‘high-priority’ cases. Remove the focus from suspects who use alcohol and drugs and those who commit theft crimes and concentrate on these violent and persistent offenders.

- Continue to collect and analyze data to develop long-term trend data. Create annual reports on dangerous/repeat or 'high-priority' households. Further analysis of dual arrest, female arrests and the relationship of ethnicity to the criminal justice system is necessary.