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Violations of Protection Orders: Characteristics of Offenders and Criminal Justice Responses

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**Violations of Protection Orders:
Characteristics of Offenders and Criminal Justice Responses**

Violations of Protection Orders:
Characteristics of Offenders and Criminal Justice Outcomes

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts in Sociology

By

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University of Arkansas
Bachelor of Arts in Sociology and Criminal Justice, 2012

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This thesis is approved for recommendation to the Graduate Council.

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Abstract

Criminal justice research often finds gender-based differences with regard to both perpetration and responses to offending. These data indicate that, overall, women's crime rates are far below those of their male counterparts and that women commit less serious offenses. That is there are distinct patterns of offending across sex. In addition, justice responses tend to favor women, in that female offenders fare better than men particular in areas of arrest, prosecution, and sentencing. While previous research explores patterns of crime between male and female offenders, focusing primarily on drug or violent crimes such as homicide, there has been very little that has examined gender differences in domestic violence offenders and violators of protection orders. And even less is known about how the justice system responds to these perpetrators. But explanations of responses to other types of offenders may provide some insight. This study explores gender differences in offending patterns among offenders arrested for violating protection orders. Specifically, I compare the characteristics of male and female violators with regard to age, criminal history, commission of additional offenses, and type of additional offenses. I also examine how these cases are processed by our justice system, identifying the depth of adjudication (dismissal, conviction, and sentence), in order to determine if there are gender differences in these outcomes.

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And without further ado... I want to give a special “high-five” to and thank my committee chair, advisor, mentor, and friend, Dr. Mindy S. Bradley. From the first day I stepped on to this campus she has been with me every step of the way, giving me advice, knowledge and the drive to keep going (especially when things got hard). I am forever indebted to her.

Dedication

I dedicate this to my mother.

I am so glad you are here to see what I do next.

I love you.

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Chapter 1: Introduction

Criminal justice research often finds gender-based differences with regard to both perpetration and responses to offending. These data indicate that, overall, women's crime rates are far below those of their male counterparts and that women commit less serious offenses. That is, there are distinct patterns of offending across sex. In addition, justice responses tend to favor women, in that female offenders fare better than men particular in areas of arrest, prosecution, and sentencing. Research indicates that females are no less likely than males when it comes to violent offending to receive prison time, but usually the length of the sentence is much shorter (Rodriguez, Curry, & Lee, 2006).

Although it appears that female offenders receive milder sentences and overall treatment within the criminal justice system, many researchers suggest that the size (and possibly the direction) of gender effects might vary across certain crime types (Steffensmeier, Kramer, & Streifel, 1993) (Farnworth & Teske, 1995). In fact, a handful of studies suggest female offenders actually receive harsher treatment than males, however such findings have typically only been found in studies of juvenile offenders (Chesney-Lind & Sheldon, 2004).

Explanations as to why and how female offenders are treated differently by the justice system are often debated. One explanation that has received support is the chivalry thesis, which suggests gender stereotypes influence the judicial process. Specifically, judges and other criminal justice advocates hold the view that women are more needed in the home, more vulnerable, are in need of protection, and are therefore less responsible for their criminal behavior (Crew, 1991).

While previous research explores patterns of crime between male and female offenders, focusing primarily on drug or violent crimes such as homicide, there has been very little that has

examined gender differences in domestic violence offenders and violators of protection orders. And even less is known about how the justice system responds to these perpetrators. But explanations of responses to other types of offenders may provide some insight. One explanation may lie in focal concerns theory. Because male offenders are presumed to be more culpable, and more dangerous (and more likely to have engaged in prior violence), judges may decide that they should result in harsher outcomes. Advocates of focal concern theory suggest that there is some degree of discretion and human error when it comes to the judicial decision-making process when making determination with regard to blame, dangerousness, and pragmatic concerns. In addition to objective evidence, cultural stereotypes may play important roles in the process.

Cultural stereotypes and focal concerns explanations may be more relevant in other offenses that tend to be gender asymmetric. However, focal concerns theory has yet to be applied to responses to stalking or other domestic offenses that appear to be more gender symmetric.

This study will explore gender differences among offenders arrested for violating protection orders. Specifically I will compare the characteristics of male and female violators with regard to age, criminal history, commission of additional offenses, and type of additional offenses. I will also examine how these cases are processed by our justice system, identifying the depth of adjudication (dismissal, conviction), in order to determine if there are gender differences in these outcomes.

Chapter 2: Literature Review

Domestic violence, often called intimate partner violence, continues to be an important concern in the United States. Early research in domestic violence suggests that family violence, especially among married couples, was relatively common. Some propose that a marriage license in many ways could be viewed as a “hitting license” (Gelles & Straus, 1988). Such concerns have prompted many changes in the criminal justice system, including passage of federal legislation such as the Domestic Violence and Matrimonial Proceedings Act (1976) and the Domestic Proceedings and Magistrates’ Courts Act (1978). More recently, the Protection from Harassment Act (1997) and the Domestic Violence, Crime and Victims Act (2004) (Hague & Malos, 2005), went into effect, providing legal protection and assistance to victims of crime, especially domestic violence. Although these laws seem intended to apply primarily to female victims and male offenders, (consistent with the idea that men are more violent than women) the language of court-ordered protection orders is actually gender neutral. They are issued to protect citizens from harm and from barriers to their well-being, and thus are non-reflective of and theoretically independent of gender (Mill, 1991). The literature discussed here provides a brief overview of what orders of protection are (characteristics and purpose), the process of obtaining orders of protection through the criminal justice system; and research on intimate partner violence assessing the role that gender may play in criminal justice responses.

Defining Protection Orders

Previous research indicates that while domestic violence continues to be a concern, it is really not that uncommon or rare of an occurrence. Because intimate partner violence has been a steady concern, protection orders were established to protect citizens from harm and from

barriers to their well-being (Mill, 1991). Within the United States, all states have domestic violence legislation issued through courts and enforced by local and state criminal justice agencies (DeJong & Burgess-Proctor, 2006).

Although this research is not critiquing the effectiveness or the criteria that are required for obtaining a protection order, it is important to present the requirements as well as the process underlying the granting of protection orders to provide readers with a background for understanding the sample and research questions here. Protection orders are often referred to as civil protection orders, restraining orders, and peace bonds depending on jurisdiction (Logan, Shannon, Walker, & Faragher, 2006). They are court-ordered and specifically designed to prohibit the abuser from committing violent and serious acts toward their victim. This is accompanied by the removal of the abuser from the home and prohibiting the ability of communication through telephone, face to face, mail, third party contact, and more recently the internet (Holt, Kernie, Lumley, Wolf, & Rivara, 2002).

The Protection Order Process

While it would seem logical that victims would not have to overcome barriers or provide justification for terminating a potentially violent outcome, the criminal justice system does make the determination of appropriateness of protection orders. Thus, previous research indicates that often women are required to provide “proof” of the relationship such as a marriage certificate or cohabitation agreement. A “legal” connection between the victim and abuser must exist to validate for court involvement (Logan & Walker, 2010) (McFarlane, et al., 2004). In addition, much time and financial obligations (such as multiple court dates and repeated interviews) often have to be met before the victim can have the abuser served (Logan & Walker, 2010). Research

by DeJong and Burgess-Proctor (2006) on the background and process of protection orders, suggest that there is, on average, a two-step process in which a protection order is obtained.

The process begins with filing a petition with the court for a temporary order, often called an “*ex-parte*”, which acts as an immediate barrier between the victim and the offender. This enables the victim to have time away from their abuser and immediately stop any current abusive behavior that may be present until a formal court hearing is arranged (Logan, Shannon, Walker, & Faragher, 2006). Unfortunately, the temporary order does not go into effect until the respondent is served. The court then officially instructs them to stay away from the accuser, they are notified of the formal court date, typically scheduled within two weeks (DeJong & Burgess-Proctor, 2006).

Next, both the victim and the abuser present their petition in person before the court. A judge will hear the grievance and listen to the information presented by both parties. If the judge decides if there is a need for a full order of protection, they will transition the temporary order to a full order of protection encompassing that jurisdiction's laws, state laws, and stipulations (DeJong & Burgess-Proctor, 2006). Research by DeJong and Burgess-Proctor (2006), found that most states have legislation consistent with the Violence Against Women Act. However, specifics regarding the accessibility and process of obtaining protection orders vary (DeJong & Burgess-Proctor, 2006). Judges will most often specify the dynamics of each order and the length of time for which they are valid on a case by case basis (Logan, Shannon, Walker, & Faragher, 2006).

Media Portrayal of Protection Orders

Protection orders are considered one of the few legal tools available for protecting victims of domestic violence. However, there is little study of the effectiveness of protection orders, and re-abuse (Carlson, Harris, & Holden, 1999). Research finds that the media often portray protection orders as “loosely obtained” and “weakly enforced”. Media stories of protection orders often tell of women who are in need of protection orders, but are denied for various reasons and subsequently tragically victimized (Logan, Shannon, Walker, & Faragher, 2006), (McFarlane, et al., 2004).

Criminal Justice Response to Protection Orders

Research finds that women who have obtained protective orders overall feel safer and that the protection order was effective in decreasing domestic violence abuse from 68% prior to protection order to 23% after protection order (Carlson, Harris, & Holden, 1999). Although this study is not interested in the effectiveness of protection orders; the interest is in those who violate these orders and assessing the impact their gender has on their outcomes in the judicial process. In a review of literature regarding police response to protection order violations, Chaudhuri and Daly (1992) found that the police may be more responsive to calls for service if there is an order of protection involved. Although police response may be timelier, arrests were still uncommon even in situations where there was an actual protection order (Chaudhuri & Daly, 1992).

Research would suggest that officers avoid arrests because of the negativity or hostility that arrests and incarceration could be exhibited toward the officer or the criminal justice system (Berger, 1972). In a study by Kane (2000) interested in police response to protection orders,

suggest police often operate in a culture that deemphasizes arrests (Kane, 2000). He suggests there are several reasons why police officers may not make an arrest in situations where having an order of protection mandates that arrests to be made. He finds that officers feel that arrests may be too disruptive. If children are present, some believe arrests could bring about more harm (physically and psychologically) than warranted (Kane, 2000).

There are undeniably strengths and weaknesses surrounding the process of obtaining a protection order, and the criminal justice response not only to the victim, also regarding the violator, and others potentially at risk for further psychological or physical harm. Often media help mold our perceptions of effectiveness of this tool, highlighting the negative and tragic outcomes. Theoretically, protection orders are designed to protect victims from their abuser and should therefore be a gender neutral. Perhaps a better understanding of the typology of intimate partner violence, the actors and their roles within domestic violence relationships; would allow aid in the understanding of protection orders and assurance that they providing the necessary support for the victims in which they were intended.

Violators of Protection Orders in Domestic Violence Relationships

Early research by Johnson (2005) suggests that there different types of intimate partner violence: intimate terrorism, violent resistant and situational couple violence. Within each of these types of intimate relationships, the victim and the offender each have unique characteristics that contribute to their role in the situation. Basing his typology of intimate partner violence in a control context framework, Johnson suggests that intimate partner violence be, “conceptualized at the level of the relationship rather the immediate situation” (Johnson, 2005). He suggests that the controlling and violent tendencies of both partners in the relationship are what contribute to

the escalation of intimate partner violence. Johnson's three types of intimate partner violence are briefly defined:

Intimate Terrorism: violence enacted in the service of taking general control over one partner.

Violent Resistance: violence utilized in response to intimate terrorism.

Situational Couple Violence: violence that is not embedded in a general pattern of power and control is a function of the escalation of a specific conflict or series of conflicts.

Within intimate partner violence, he argues there is no determined frequency of occurrence, nor is there one established specific violent act that can be expected. According to Johnson, intimate terrorism is the least frequent type of intimate partner violence in the population, but has the potential to cause the greatest harm. In addition, he asserts that evidence suggests that intimate terrorism is primarily male perpetrated, whereas situational couple violence tends to be "gender symmetric" (Johnson, 2005). Although most protection orders are likely imposed in situations involving domestic disputes, little research has explored the typology of protection order offenders and how the characteristics of violators may vary across gender.

Focal Concerns and Criminal Justice Outcomes

Gendered explanations of sentencing can be also found in the focal concern theory. This theory suggests that sentencing outcomes include some degree of human error (Rodriguez, Curry, & Lee, 2006). Often focal concern theory is used to explain the judicial decision making process. Judges make decisions based on offenders and offense characteristics. As well as,

prosecutors and judges often cannot make entirely informed decisions regarding the offender and the pre-offense. They may be making decisions without fully knowing all the information they need. Determinations of culpability and dangerousness involve a great degree of discretion and uncertainty. They are also making decisions on the context of practical constraints (jail, prison capacity children's welfare, caseload size, etc.). These three focal concerns offenders' blameworthiness, dangerousness, and practical implications influence the criminal justice process (Steffensmeier, Ulmer, & Kramer, 1998).

Blameworthiness includes characteristics of the offense such as "*cruel and heinous*" acts or what the legal system refers to "aggravating circumstances" (Steffensmeier, Ulmer, & Kramer, 1998). Offenders with those characteristics are viewed as more blameworthy. Therefore, criminal justice actors believe they should receive harsher sentences. Henning and Renauer (2005) suggest gender-based judicial favoritism with regard to perceptions of domestic violence severity. They found that the prosecutors rarely pursued charges and/or judges often dismissed cases involving female perpetrators. As a result, women were treated more leniently than men who committed the same crime (Henning & Renauer, 2005). This is supported by Brown (2004), who examined criminal justice responses and severity of assaults committed by males and females. This work found that when female offenders injured male victims, only 60.2% of the cases resulted in the female being formally charged. In contrast, when male offenders injured female victims, 91.1% of the cases resulted in formal charges (Brown, 2004).

Community protection, the second focal concern assesses the harm that the offender may bring or continues to bring within the community (Steffensmeier, Ulmer, & Kramer, 1998). This concern is commonly applied to offenders perceived as more dangerous, such as those who commit heinous crimes suggesting that they should be given longer or harsher sentences. The

criminal justice system is concerned with risk factors of recidivism and predicting the likelihood of future crime. However, applying this focal concern to intimate partner violence has had little attention. Researchers have suggested that the courts focus primarily on violence committed by strangers because these acts are viewed as the most dangerous threat to the public (Davis & Smith, 1981). Thus violence within relationships does not warrant more serious prosecution because it is perceived as less dangerous to the larger social order. Dawson (2006) stated that the criminal justice system is more lenient to those who victimize their intimate partners because they are understood to be crimes that only involve those that are closely related by blood, or sexual ties (Dawson, 2006).

The third focal concern considers workings and considerations associated within the judicial process. Factors such as the costs, time, and other practical concerns influence the likelihood of an outcome of plea bargaining and trial processes (Steffensmeier, Ulmer, & Kramer, 1998). Relatedly, incarceration and its effects, such as family disruption, may be viewed as causing more harm than good (Steffensmeier, Ulmer, & Kramer, 1998). Stereotypes regarding risk, culpability, risk of re-offending, and costs of incarcerating across gender may mean that females receive less serious punishments (Steffensmeier, Kramer, & Streifel, 1993). In addition, since judges are often held more accountable for the decisions that affect the public at large, cases involving intimate partner violence may receive lighter dispositions (Dawson, 2006).

Gender Differences in Characteristics of Domestic Violence Offenders

When researchers and victim advocates compare the differences between female and male offenders, one finding is that men have the means and the physical attributes to be more

effective at aggression; in contrast, women are more passive, even when classified as an offender (McMahon & Pence, 2003). Other research finds that female offenders differ from male offenders with regard to contextual circumstances surrounding their commission of violence, such as whether there was previous violence. These suggest that power differentials affect and influence gender differences in use of domestic violence (Dasgupta, 2002). Similarly, some scholars have found that male “batterers” had different reasons for using violence in their intimate relationships than female “batterers”. Barnett and his colleagues (1997) found that men initiated violence as a means to exert power over women; women used violence as a means of self-defense (Barnett, Lee, & Thelen, 1997).

Research suggests that gender differences among domestic violence offenders are similar to gender differences in other general crimes. Male offenders are presumed to be more aggressive, rather than passive and more likely to have engaged in prior violence. Comparisons of domestic violence offenders find that gender differences are similar with characteristics of offenders of other general crimes, such as theft (Brown, 2004). Use of drugs, and alcohol and lack of economic resources are found to be correlates of both types of offending.

A study by Cauffman (2008) assessed the relationship between the juvenile justice system and treatment of adolescent female offenders. The author found that although there many differences between male and female offenders, the *causes* of offending are often similar. Female delinquents experience more mental health issues than men, which can contribute to early onset of persistent offending. Cauffman's analysis of previous research found “early-onset persistent female offenders had, by age thirty-two, engaged in one or more violent acts, including violence toward partners (44.8 %) and children (41.7%)” (Cauffman, 2008).

When individuals in an intimate relationship have any of the aforementioned characteristics (drug and alcohol addiction, lack of economic resources, or psychological issues), one can expect that the propensity for intimate partner violence is increased. Research looking at these variables specifically found that men in intimate relationships are more likely to use violence against their partner, and maintain violence throughout the course of the relationship (Henning & Feder, 2004). These findings suggest that relationships that started with negative and criminal factors lead to greater risk for continued criminal activity and violence. In addition, it also suggests that male offenders would be more likely than female offenders to have histories of violence and commit violent acts in the context of violating a protection order.

Criminal Justice Response to Domestic Violence Offenders

Previous studies suggest that the criminal justice system is favorable toward female offenders. Therefore, one can predict that arrests for domestic violence are less likely to be prosecuted, and more likely to be dismissed. Researchers looking at criminal justice responses seek to explain why and how milder sentences are given to female offenders. Research by Crew (1991) lends support for the “chivalry hypothesis”. This concept suggests that gender stereotypes about men and women influence the decisions regarding prosecution and sentencing outcomes based on the sex of the offender. The ideology of this thesis suggests that women are viewed as vulnerable and are held less responsible for their criminal behavior than men. Strongly stated, the idea of chivalry suggests that women are childlike in their decisions. Based on this idea, the criminal justice system will exhibit preferential treatment of women especially by male law enforcement officers, prosecutors, and judges (Crew, 1991).

In a study of police arrest policy, Buzawa and her colleagues (1992) found male victims reported a higher rate of serious injury as compared to female victims. Male respondents reported that they felt that police and law officials did not display the respect or attention warranted for the situation, such as arresting the female perpetrator or removing her from the scene, even if it was obvious that she was the aggressor in that particular situation. In fact most of the male victims felt “belittled” by law enforcement officers (Buzawa, Austin, Bannon, & Jackson, 1992).

Although previous research offers little on protection order violation and its effect on case conviction or dismissal, Frantzen and her colleagues (2011) found that offenders with prior domestic violence charges had an increased chance of conviction. In addition, they found that offenders who were convicted had a greater rate of rearrests than those offenders who were dismissed from previous charges (Frantzen, San Miguel, & Kwak, 2011).

Furthermore, as studies suggest, there may be “gendered-based” or “gendered” judicial responses to domestic violence. One possibility is that women who engage in violent acts against their intimate partners are not only less likely to be charged, but less likely to be convicted as well. Henning and Renauer (2005) reported gender-based judicial favoritism with regard to domestic violence. They found that the prosecutors rarely pursued charges and/or judges often dismissed cases involving female perpetrators. As a result, women were treated more leniently than men who committed the same crime (Henning & Renauer, 2005). This is supported by Brown (2004), who examined criminal justice responses and severity of assaults committed by males and females. This work found that when female offenders injured male victims, only 60.2% of the cases resulted in the female being formally charged. In contrast,

when male offenders injured female victims, 91.1% of the cases resulted in formal charges (Brown, 2004).

This study will explore gender differences among offenders arrested for violating protection orders. Specifically I will compare the characteristics of male and female violators with regard to age, criminal history, commission of additional offenses, and type of additional offenses. I will also examine how these cases are processed by our justice system, identifying the depth of adjudication (dismissal, conviction, and sentence), in order to determine if there are gender differences in these outcomes.

Chapter 3: Hypotheses

Previous research indicates that women are given leniency throughout the criminal justice system. While some studies that suggest female offenders actually receive harsher treatment than males, these works often pertained to juvenile offenders (Chesney-Lind & Sheldon, 2004), (Cauffman, 2008). Although it appears that female offenders receive milder sentences and overall treatment within the criminal justice system, many researchers still suggest that gendered effects might vary across certain crime types (Steffensmeier, Kramer, & Streifel, 1993), (Farnworth & Teske, 1995). To date, none of these works have applied these ideas to violation of protection orders. Thus, I have developed four hypotheses with regard to gender differences in the violation of protection orders, the characteristics of the offender, and the adjudication process.

Research finds that gender differences among domestic violence offenders are similar to gender differences in other general crimes. Male offenders are presumed to be more aggressive, rather than passive and more likely to have engaged in prior violence. This study suggests the following hypotheses:

Hypothesis 1a: Men who have violated protection orders are more likely to have criminal histories (prior arrests, convictions).

In addition,

Hypothesis 1b: Men who have violated protection orders are more likely than women to have serious violent offenses in their criminal histories.

Research suggests men and women have different reasons for using violence in intimate partner relationships. For example women often resort to violence in self-defense, while men use violence to exert power. Based on this, I make the following prediction:

Hypothesis 2: Men who have violated orders of protection will have additional arrests in addition to the violation of the protection order.

Previous studies suggest that the criminal justice system is favorable toward female offenders. Therefore, one can predict that arrests for domestic violence are less likely to be prosecuted, and more likely to be dismissed. Specifically this research hypothesizes:

Hypothesis 3: Men, who violate protection orders, are more likely to be charged for the actual violation of the protection order.

Furthermore, as studies suggest, there may be “gendered-based” or “gendered” judicial responses to domestic violence. One possibility is that women who engage in violent acts against their intimate partners are not only less likely to be charged, but less likely to be convicted as well. Based on this, I make the following prediction:

Hypothesis 4: Men, who have violated orders of protection, are more likely to be convicted (found guilty) than female offenders (controlling for differences in criminal history, offense type, and number of other offenses).

Chapter 4: Methodology

Approval for this study was obtained from the University of Arkansas Institutional Review Board, Fayetteville (IRB approval #14-01-400). Data was obtained from the Arkansas Crime Information Center (ACIC) in Little Rock, AR. The ACIC is the state agency responsible for providing law enforcement and other criminal justice agencies information and technology services. Their primary role is the administration and maintenance of a comprehensive data system, accessible by criminal justice agencies in 250 locations within Arkansas. Data in this system is interfaced with the FBI National Crime Information Center and similar systems throughout the United States. In addition to collecting data the ACIC publishes statistics on crime, the state sex offender registry, and the crime victim notification system

The ACIC is divided into four divisions each with their own primary responsibility to provide maintenance and protective oversight to information and data exchange and reporting. This study requested data from the operations and repository divisions. Within the operations division of the ACIC is the Arkansas Statistical Analysis Center (SAC). The SAC is responsible for Uniformed Crime Reporting (UCR), the National Incident Based Reporting System (NIBRS), and the Law Enforcement National Data Exchange (N-DEX). The SAC regularly performs crime analysis and research to provide information and evaluate current and future policy issues that affect criminal justice advocates in Arkansas. The repository division is responsible for administering the central repository of criminal history records and is the public information office of the ACIC (Arkansas Crime Information Center, 2011).

The data set requested and obtained from ACIC was de-identified by ACIC prior to this study. The sample consists of persons listed as having violated an order of protection between

March 1987 and February 2013. In addition to the violation of protection order data includes the subjects' demographic information (race, sex, and age), criminal records (arrests, charge type, offense date and location) and court disposition records (court district, conviction, sentence, fines). Data was converted to a flat-file statistical dataset in SPSS for purpose of this research. After necessary data coding, the final sample included 5,220 men and women arrested for violation of protection orders.

Measures

Independent Variables

1. Offender Characteristics. Demographic variables coded in the database included the arrestees' race, sex, and age.

1a. Race. Race was used as a control and classified into a series of dummy variables in the analysis. This variable will be recoded such that (0 = White) and (1 = Non-white). Non-white races include the following breakdown: Asian .2%, Black 31.9%, Indian .1% and Unknown .7%.

1b. Sex. Arrestees' were classified by gender with male as the reference category coded (0 = Male) and (1 = Female).

2. Current Offense Measures. Arrestees' selected for this study were each arrested for violating a protection order, but many arrests include other offenses committed, or alleged, at the same time. I include the following variables to describe the arrest. For bivariate analysis these measures are used as dependent variables to look at gender differences in arrests and offense type charges.

2a. Total arrest offenses. The total number charges on file for each arrestee is captured with one variable recording whether an arrest resulted in criminal charges (0 = no charges filed, 1 = charges filed).

2b. Offense types. Arrestees' offense type is coded by a series of dummy variables which will be included to indicate the types of additional offenses alleged (if any) in addition to the arrest for violation of protection order. Categories include: serious violent offenses, other violent offenses, sex offenses, domestic violence offenses, property offenses, drug offenses, attempt/solicitation offenses, and public order offenses.

Dependent Variables.

1. Justice Responses. These are the variables that are associated with the arrestees' criminal justice outcomes and the courts final determination regarding their offenses.

1a. Additional (arrests). If the arrestee was arrested for other offenses in addition to the violation of the protection order were (0= no, 1 = yes).

1b. Charged VOP. If the arrestee what formally charged with the violation of the protection order it was coded (0=no, 1=yes).

1c. Convicted VOP. If the arrestee was convicted (found guilty) of violating the protection order it was coded (0= no, 1 = yes).

2. Criminal History. These are the variables associated with prior arrests, convictions, or incarcerations, for which the arrestee has been accused or convicted.

2a. Prior arrests. If arrestee had prior arrests they were coded (0 for no) and (1 for yes). The total number of prior arrests is coded as continuous variable.

2b. Most serious prior arrest. If the offender had any prior arrest, then arrests were classified based on the type of along these categories: serious violent offense, battery/domestic violence, property offense, drug offense, and public order offense coded (0 = no, 1 = yes).

Analytic Strategies

My dependent variables include dichotomous measures. For my bivariate analysis I conducted a chi-square test for independence because it evaluates significant differences between proportions for two or more groups in a data set. Among dichotomous outcomes, I use logistic regression; the dependent variable is binary while the independent variable can be continuous, binary, or categorical.

Logistic regression is a type of probability model appropriate when the dependent variable is binary. Logistic regression measures the relationship between a binary dependent variable (Y) and one or more independent variables (X). Although the independent variables are usually continuous, in logistic regression they can be numerical or categorical. It predicts the likelihood that Y is equal to 1 rather than 0 when given certain values of X. Logically if the dependent and the independent have a linear relationship, then the probability that the dependent variable will equal 1 will increase as the values of the independent variables increase. Logistic regression then is especially useful when predicting the probability that an event, such as a conviction, will occur. Because unlike other regression models there is no standard technique to gauge the variance in the overall model, I will use a chi-square test to determine how well the logistic regression model fits my data.

Chapter 5: Findings

Bivariate Findings

This chapter presents the basic descriptive tables of the data used for this study. In addition, this chapter presents the results of the analytical strategy proposed at the end of the last chapter. Each hypothesis is referenced and tested and the findings of the relationships are presented here first by a table, and then followed by paragraph of interpretation.

Table 1. Descriptive Statistics – Gender and Race

VARIABLE	N	MEAN %	AGE	SD
SEX	5220	100.00		
Male	4688	89.80	34.05	9.73
Female	532	10.20	33.13	9.99
RACE				
Asian	13	0.20		
Black	1668	31.90		
Indian	4	0.10		
White	3502	67.10		
Unknown	34	0.70		

Table 1 presents the sample consisting of 5,220 men and women who have violated protection orders. There are 4,688 men which is 89.8% of the total sample, with on average age of 34.15 years old at the time of the violation of the protect order (s.d. 9.73). There are 532 women which is 10.2% of the total sample, with on average age of 33.13 years old at the time of the violation of the protection order (s.d. 9.99). The racial categorization for the sample was divided into white or non-white with the non-white group to include: Asian .2%, Black 31.9%, Indian .1%, White 67.1%, and Unknown .7%.

Table 2. Descriptions of Arrests

VARIABLE	N	SAMPLE %
Arrests Offenses		
Serious Violent	74	1.40
Drug	140	2.70
Other Violent/Person	411	7.90
Sex Offense	19	0.40
Domestic/Family Violence	534	10.20
Property/Fraud	421	8.10
Public Order	1051	20.10
Other/Unknown	66	1.30
Attempt/Conspiracy/Solicitation	64	1.20
Mean Total Arrests		SD
7.70		7.08
Mean Total Prior Arrests		SD
3.77		4.84

Table 2 shows the types of offenses for which these offenders were arrested in addition to their violation of the protection order. Seventy four (1.4% of the sample) included serious violent offenses, 140 (2.7%) included drug offenses, other violent arrests included 411 (7.9%), whereas, sex offense arrests are 19 (0.4%), domestic and family violence are 534 (10.2%), property and fraud are 421 (8.1%), public order 1,051 (20.1%), other or unknown offenses are 66 (1.3%), and attempt, conspiracy, or solicitation offenses are 64 (1.2%). In addition, the total mean arrest offense for the total sample is 7.70 inclusive of the violation of the protection order (s.d. 7.08). The total mean for prior arrests for this sample is 3.77 for arrests prior to the violation of the protection order (s.d. 4.84).

Table 3. Convictions

VARIABLE	N	SAMPLE %
Convictions		
Any Convictions	1988	38.10
Convicted of Violation of Protection Order	1483	28.40

Table 3 shows the number of convictions for this sample. There are 1,988 offenders that have convictions, reflecting 38.1 % of the total sample. In this sample there are 1,483 offenders that have received convictions for violating protection orders, which is 28.4% of the total sample.

Multivariate Findings

Hypothesis 1a (H1a) predicts that men who have violated protection orders are more likely to have criminal histories (prior arrests, convictions). The data sample included 5,220 men and women arrested for violation of protection orders. Of the data sample there were 4,124 offenders that have had documented prior arrests. The findings of logistic regression are presented in Table 4 assessing the violators' prior arrest history.

Table 4. Logistic Regression of Ln(Odds) of Prior Arrest History on Predictors

	Prior Arrest History					
	B	S.E.	Wald	df	Sig.	Exp(B)
Non-White	0.63	0.08	62.97	1	0.00	1.88
Female	-0.56	0.10	30.16	1	0.00	0.57
Constant	1.21	0.04	841.19	1	0.00	3.35

In Table 4 we can see odds of violators of protection orders having a prior arrest history across gender and race. The logistic regression analysis finds that non-white violators of

protection orders have 1.88 times the odds as white violators of protection orders as having prior arrest history. My variable of interest is significant as well. Female violators of protection orders have .57 times the odds of male violators of protection orders of having an arrest history.

As previously stated the data sample contained 4,124 offenders that have had documented prior arrests. Of this sample only 3,241 offenders have had documented prior convictions. Findings of logistic regression of conviction likelihood among those arrested are presented in Table 5.

Table 5. Logistic Regression Ln(Odds) of Prior Conviction History on Predictors

Prior Conviction History						
	B	S.E.	Wald	df	Sig.	Exp(B)
Non-White	0.56	0.09	42.89	1	0.00	1.74
Female	-0.49	0.12	16.04	1	0.00	0.62
Constant	1.17	0.05	618.59	1	0.00	3.23

In Table 5 we can see the odds that violators of protection orders have a prior conviction history across gender and race. The logistic regression analysis finds that non-white violators of protection orders have 1.74 times the odds as white violators of protection orders as having a prior conviction. In addition, women are less likely than men to have prior convictions. Female violators of protection orders have .62 times the odds of having a prior conviction history, compared to male violators.

Hypothesis 1b (H1b) predicts men who have violated protection orders are more likely than women to have serious violent offenses in their criminal histories. As previously stated the

data sample contained 5,220 offenders that have violated orders of protection; of that sample 4,124 men and women have a documented prior criminal history (arrests and convictions).

Table 6. Prior Offense Percentage by Gender

VARIABLE	Male %		Female %	
	Yes	No	Yes	No
Offense Type				
Serious Violent	10.40	89.60	4.90	95.10
Domestic/Family Violence	36.10	63.90	29.10	70.90
Drug	28.00	72.00	17.30	82.70
Property	43.20	56.80	35.70	64.30
Public Order	53.90	46.10	41.90	58.10

* Significance (tested by a series of logistic regression models – see Table 7).

Table 6 summarizes gender differences in prior offending, presenting the overall percentages of prior offenses by gender for each of the listed offense type¹. Male offenders' prior serious violent offenses include 486 (10.40% of the male sample) and female offenders' include 26 (4.90% of the female sample). Male offenders' prior domestic/family violence offenses included 1,691 (36.10%) and female offenders' included 155 (29.10%). Male offenders' prior drug offenses included 1315 (28%) and female offenders' included 92 (17.30%). Male offenders' prior property offenses included 2025 (43.20%) and female offenders' included 190 (35.70%). Male offenders' prior public order offenses included 2527 (53.90%) and female offenders' included 223 (41.90%). I next discuss the logistic analyses supporting this, presenting the model findings in Table 7.

¹ Some offenses omitted due to extremely low number of documented cases in sample and lack of relevance to this study. Omitted offenses include: Other Violent/Person, Other/Unknown, Attempt, Conspiracy and Solicitation.

Logistic regression tests significance for each offense type and my variable of interest.

The findings of logistic regression analysis, of each offense and likelihood, among violators are presented in Table 7.

Table 7. Logistic Regression of Ln(Odds) of Prior Serious Violent Offenses, Domestic/Family Violence Offenses, Drug Offenses, Property Offenses, and Public Order Offenses on Predictors.

Multivariate Findings									
SERIOUS VIOLENT OFFENSES					PROPERTY OFFENSES				
	B	S.E.	Exp(B)	Sig.		B	S.E.	Exp(B)	Sig.
Non-white	1.22	0.10	3.38	0.00	Non-white	0.48	0.07	1.62	0.00
Female	-0.07	0.21	0.50	0.00	Female	-0.11	0.11	0.90	0.33
DOMESTIC /FAMILY VIOLENCE OFFENSES					PUBLIC ORDER OFFENSES				
	B	S.E.	Exp.(B)	Sig.		B	S.E.	Exp(B)	Sig.
Non-white	-0.02	0.07	0.98	0.78	Non-white	0.24	0.07	1.27	0.00
Female	-0.13	0.11	0.88	0.23	Female	-0.31	0.11	0.73	0.00
DRUG OFFENSES									
	B	S.E.	Exp.(B)	Sig.					
Non-white	0.12	0.07	1.13	0.08					
Female	-0.49	0.13	0.61	0.00					

Table 7, we can see odds of violators of protection orders having a prior serious violent offense across gender and race. The logistic regression analysis finds that non-white violators of protection orders have 3.38 times the odds as white violators of protection orders as having prior serious violent offense. My variable of interest is significant as well. Female violators of protection orders have .50 times the odds of male violators of protection orders of having a prior serious violent offense.

Next, we can see the odds that violators of protection orders having a prior domestic or family violence offense across gender and race. The logistic regression analysis finds that non-white violators of protection versus white violators of protection orders were not that significantly different when it came to prior domestic/family violence offenses. In addition, female versus male violators of protection orders were also found not to be significantly different when it came to prior domestic/family violence offenses.

Then we can see odds of violators of protection orders having a prior drug offense across gender and race. The logistic regression analysis finds that non-white violators of protection orders have 1.13 times the odds as white violators of protection orders as having prior drug offense. My variable of interest is significant as well. Female violators of protection orders have .61 times the odds of male violators of protection orders of having a prior drug offense.

Next, we can see the odds that violators of protection orders having a prior property offense across gender and race. The logistic regression analysis finds that non-white violators of protection orders have 1.62 times the odds as white violators of protection orders as having prior property violence offense. However, female male versus male violators of protection orders were not found to be significantly different when it came to having prior property offenses.

Finally, we can see odds of violators of protection orders having a prior public order offense across gender and race. The logistic regression analysis finds that non-white violators of protection orders have 1.27 times the odds as white violators of protection orders as having prior public order offense. My variable of interest is significant as well. Female violators of protection orders have .73 times the odds of male violators of protection orders of having a prior public order offense.

Hypothesis 2 (H2) predicts men who have violated orders of protection will have additional arrests in addition to the violation of the protection order. Table 8 provides a basic descriptive view showing the percentage of male and female offenders who while violating the order of protection received additional arrests and those who did not based on the sample of 5,220.

Table 8. Proportion of Offenders with Additional Arrests by Gender

VARIABLE	N	SAMPLE%
Male		
Just VOP (no additional)	417	8.90
VOP plus additional arrests	4272	91.10
Female		
Just VOP (no additional)	90	16.90
VOP plus additional arrests	442	83.10*

* Significance (tested by logistic regression).

Table 8 presents the percentage of male and female offenders that while violating a protection order received additional arrest and those who did not. Male offenders who just violated the protection order with no additional arrests included 417 (8.9% of the male sample)

whereas, there were only 90 (16.9% of the female sample) female offenders who just violated the protection order with no additional arrests. Male offenders who violated the protection order plus had additional arrests included 4,272 (91.9%) whereas, female offenders who violated the protection order plus had additional arrests included 442 (83.1%).

The findings of logistic regression of the likelihood of additional arrests in addition to violation of protection order among violators are presented in Table 9. We can see odds of violators of protection orders having additional arrests in addition to the actual violation of a protection order across gender and race. Non-white violators of protection orders have 1.92 times the odds as white violators of protection orders as of having additional arrests in addition to violation of the protection order. My variable of interest is significant as well. Female violators of protection orders have .48 times the odds of male violators of having additional arrests in addition to violation of the protection order.

Table 9. Logistic Regression of Additional Arrests in Addition to VOP on Predictors

Arrests in Addition to VOP						
	B	S.E.	Wald	df	Sig.	Exp(B)
Non-White	0.65	0.11	33.43	1	0.00	1.92
Female	-0.74	0.13	33.75	1	0.00	0.48
Constant	2.15	0.06	1410.03	1	0.00	8.57

Hypothesis 3 (H3) predicts men who violate protection orders, are more likely to be charged for the actual violation of the protection order. As previously stated the data sample contained 5,220 offenders that have violated protection orders. Of this sample only 2,901 offenders were charged for the actual violation of the protection order.

Table 10 presents the percentage of male and female violators that were charged or were not charged for violating the protection order. Male offenders who violated the protection order however, were not charged included 2064 (44% of the male sample) whereas, there were only 255 (47.9% of the female sample) female offenders who violated the protection order however, were not charged. Male offenders who violated the protection and were formally charged included 2,624 (56.0%) whereas; female offenders who violated the protection and were formally charged included 277 (52.1%).

Table 10. Proportion of Offenders Charged with VOP by Gender

VARIABLE	N	SAMPLE%
Male		
Not Charged with VOP	2064	44.00
Charged with VOP	2624	56.00
Female		
Not Charged with VOP	255	47.90
Charged with VOP	277	52.10

* Significance (tested by logistic regression).

The findings of logistic regression of the likelihood of violators of protection orders being charged for the actual violation are presented in Table 11. In Table 11 we can see odds of violators of protection orders being charged for violating a protection order across gender and race controlling for differences in prior criminal history, and additional arrest offenses. The logistic regression analysis finds that non-white violators of protection orders have 1.17 times the odds as white violators of protection orders as of being formally charged with violation of the protection order. In addition, women are less likely than men be charged with violating a

protection order. Female violators of protection orders have .82 times the odds of being formally charged with violating a protection order, compared to male violators.

Table 11. Logistic Regression of Likelihood of Being Charged with VOP on Predictors

	Charged with VOP					
	B	S.E.	Wald	df	Sig.	Exp(B)
Non-White	0.16	0.16	6.83	1	0.00	1.17
Female	-0.20	0.09	4.53	1	0.03	0.82
Prior Criminal History	-0.50	0.09	29.62	1	0.00	0.61
Other Additional Arrests (not VOP)	0.16	0.13	1.61	1	0.20	1.17
Constant	0.45	0.09	22.92	1	0.00	1.56

Hypothesis 4 (H4) predicts that men who have violated orders of protection, are more likely to be convicted (found guilty) than female offenders (controlling for differences in criminal history, offense type, and number of other offenses). The data sample included 5,220 men and women arrested for violation of protection orders. Of the data sample there were 2,901 offenders that were formally charged for violating a protection order. The findings of logistic regression of the likelihood of conviction among violators are presented in Table 12.

Table 12. Logistic Regression of VOP Conviction Likelihood on Predictors

Convicted of VOP						
	B	S.E.	Wald	df	Sig.	Exp(B)
Non-White	0.44	0.08	30.06	1	0.00	1.55
Female	-0.30	0.13	5.27	1	0.02	0.74
Prior Arrests	0.01	0.01	0.54	1	0.46	1.01
Other Arrests (Not VOP)	0.21	0.13	2.68	1	0.10	1.23
Constant	-0.28	0.12	5.71	1	0.02	0.75

In Table 12 we can see odds of violators of protection orders being convicted for violating a protection order across gender and race controlling for differences in criminal history, offense type, and number of other offenses. The logistic regression analysis finds that non-white violators of protection orders have 1.55 times the odds as white violators of protection orders as of being convicted of violation of the protection order. In addition, women are less likely than men to be convicted of violating a protection order. Female violators of protection orders have .74 times the odds of being convicted of violating a protection order, compared to male violators.

Chapter 6: Discussion

This study examined the gender differences among offenders arrested for violating protection orders. It relies on a large dataset obtained from the Arkansas Crime Information Center, with a sample consisting of individuals arrested for violating court orders of protection. Based on the literature, hypotheses were developed regarding the characteristics of male and female violators, including age, prior criminal history, additional offenses and the types of additional offenses in addition to violating protection order. In addition to looking at the offender's characteristics, I examine how offenders' cases were processed by our justice system, specifically the depth of the adjudication, in order to determine if gender differences were found in these outcomes.

This study used a total sample of 5,220 men (N = 4688) and women (N = 532) who have violated protection orders in the state of Arkansas. The average age for male offenders was 34 and female offenders were 33 at the time of the violation. Racial categorization for this sample was divided into two categories one being white, and the other non-white. Offenders that were not defined as white such as Asian, Black, Indian or those that were considered unknown were placed in the non-white category.

Previous research has found that gender differences among domestic violence offenders are often similar to gender differences in other general crimes (Brown, 2004). This study's first hypothesis, presented in two parts (H1a) predicted that men who have violated protection orders are more likely to have criminal histories. Criminal history for the purpose of this study will be defined by looking at the offender's arrests and convictions prior to violating the protection order. First, by looking at the total sample (N=5220) there were 4,124 offenders that have had

documented prior arrests, and of that sample 3,241 of those offenders have had prior convictions, prior to their violation of the protection order.

Findings for the first part of (H1a) it was found that non-white violators have 1.88 times the odds as whites as having prior arrest history and 1.74 times the odds of having a prior conviction. In regards to this study's focus, gender is also significant in that findings suggest that female violators of protection orders have .57 times the odds of male violators of having an arrest history and .62 times the odds of having a prior conviction.

Previous research suggests that male offenders are presumed to be more aggressive, less passive, and have engaged in prior violence (Brown, 2004). Part two of this study's first hypothesis (H1b) predicts that men who have violated protection orders are more likely than women who have violated protection orders, to have serious violent offenses in their criminal histories. As stated earlier there are 4,124 men and women who have documented prior arrests and/or convictions from our larger sample. To test this hypothesis an examination into these offenders' prior offenses was conducted.

Prior offenses were categorized as serious violent, drug, domestic/family violence, property and public order offenses. Looking at these prior offenses, I found that male offenders have higher percentages than female offenders within each category. Further analysis into each offense type notes its significance and relationship to this study, specifically in addressing the proposed hypothesis (H1b).

This study finds that non-white violators of protection orders have 3.38 times the odds of having serious violent offenses, 1.13 times the odds of having prior drug offenses, 1.62 times the odds of having prior property offenses, and 1.27 times the odds of having prior public order

offenses; as white violators. My variable of interest is significant as well in, finding that female violators of protection orders have .50 times the odds of having prior serious violent offenses, .61 times the odds of having prior drug offenses, and .73 times the odds of having prior public order offenses, as male violators. Although not reaching statistical significance criteria, it is important to note that non-white versus white and female versus male violators of protection orders, are not significantly different in prior domestic/family violence offenses. In addition, female versus male violators of protection orders are not significantly different in having prior property offenses.

Earlier research suggests that men and women have different reasons for using violence in intimate partner relationships. Often men will resort to violence to exert power over women, and women are often perceived to use violence as a mode of self-defense (Barnett, Lee, & Thelen, 1997). This study was interested in examining the likeliness of violators having additional arrests in conjunction with violation of the protection order. Specifically, this study's second hypothesis (H2) predicted that men who have violated orders of protection will have additional arrests in addition to the violation of the protection order.

The percentage of male offenders that violated the protection plus had additional arrests included (N=4272) 91.10% of the male sample, whereas, females violators who violated the protection order plus had additional arrests was considerably smaller (N=422), they were still 83.10% of the female sample. These descriptive findings suggest that those who violate orders of protection will more often have additional arrests in conjunction with the violation. In addition to these findings further assessing the likelihood of additional arrests in addition to violation of protections orders was tested.

There was evidence of violators of protection orders having other arrests in addition to the actual violation of a protection order across gender and race. Non-white violators of protection orders have 1.92 times the odds as white violators of having additional arrests in conjunction with the protection order violation. Additionally, female violators of protection orders showed significance of having .48 times the odds of male violators of having additional arrests in conjunction with the violation of the protection order. Previous research finds that more often there are arrests for other charges than for domestic violence, and consideration and understanding of custody thresholds is a need (Kane, 2000). My study is consistent with this other research, suggesting that domestic violence, specifically violation of a protection order; often happens in the commission of other crimes and that criminal justice agents do take them into account throughout the adjudication process.

Prior research finds that there is favoritism toward female offenders in the criminal justice system. Often it is predicted that arrests for domestic violence are less likely to be prosecuted when the perpetrator is female (McMahon & Pence, 2003). This study examines the likelihood of violators being formally charged for violating the order protection. Specifically, this study's third hypothesis (H3) predicts that men who violate protection orders, are more likely to be charged for the actual violation of the protection order.

Male offenders who violated the protection order, but who were not charged represented 44% of the male sample (N = 4688). Female offenders who violated the order of protection, yet avoided being charged represented 47.90% of the female sample (N = 532). The proportion of men who were formally charged with the violation was 56% among the male sample, compared to a proportion of 52.10% among women.

Previous research proposes that there is a type of “chivalry” toward women by the actors in the criminal justice system (Crew, 1991). This study provides some modest support for this theory. Bivariate comparisons of the percentage of offenders charged for violation of protection orders across gender, show women are less likely to be charged with the actual violation, (but the difference is modest). However, multivariate comparisons were not significant, although there is some evidence of a general trend. The likelihood of being charged across gender and race (taking into consideration differences in prior criminal history and additional arrest offenses) found that non-white violators have 1.17 times the odds of whites being formally charged and female violators have .82 times the odds of being charged compared to male violators.

Findings by other research suggest that responses to domestic violence offenders may be “gendered” throughout the adjudication process (Henning & Renauer, 2005). Some studies suggest that even when women engage in acts of violence they are often not charged and even less likely to be convicted (Brown, 2004). However, studies not focusing on gender, did find that offenders with prior domestic violence charges increased the odds of conviction even though conviction often brought a greater risk for rearrests than those offenders who were dismissed (Frantzen, San Miguel, & Kwak, 2011). The final hypothesis (H4) predicted that men who have violated orders of protection, are more likely to be convicted than female offenders (controlling for differences in criminal history, offense type and number of other offenses).

The odds of violators of protection orders being convicted of the violation across gender and race (taking into consideration criminal history, offense type and number of offenses) found that women are less likely than men to be convicted of violating a protection order. Non-white violators of protection orders have 1.55 times the odds of whites of being convicted. Also,

female violators of protection orders have .74 the odds of being convicted of violating a protection order, when compared to male violators.

Another interesting finding that was noticed within the logistic regression analysis that should be discussed is the influence in criminal history (prior arrests) with regards to conviction outcomes for violators of protection orders. In most criminal justice research when it comes to the legal outcomes for offenders; it is understood that a person's prior criminal history is thought to have some bearing or influence in conviction outcomes for general crimes. Consistent with the ideology of focal concerns theory, that suggests judges use a degree of discretion in their decision making process assessing offenders' blameworthiness, dangerousness, and practical concerns in sentencing outcomes. However, findings by this study do not support those assumptions. Prior arrest did not show significance in having any influence in whether those who violated protection orders were convicted due to their prior criminal history.

Chapter 7: Conclusion

Some findings of this study are consistent with prior research and theories of gender and crime and some are not. Yet this study also makes some important contributions to the literature. First, this study extends theories of gender differences in crime to offending patterns in violations of protection orders. This study set out to assess gender differences among violators of protection orders. Through hypothesis development and testing, the characteristics of male and female violators of protection orders were examined specifically focusing on their age, criminal history, commission of additional offenses. In addition, this work extends explanations of differences in sentencing, particularly focal concerns theory, to criminal justice responses in domestic violence/protection orders. I uncover gender differences in how these offenders are processed by our justice system both with regard to charging and conviction.

Limitations to Research

Like most research, this study does have limitations. First, the data obtained is not a national representation of all violators of protection orders, because the violators within this sample are restricted to one state. So, the findings may not be generalizable to the national population of violators as a whole. There is certainly variability across states and jurisdictions in responding practices and uniformed policing policy when it comes to issues of domestic violence. Thus, conducting this study may bring about different results within the context of another state.

Second, the data obtained only has information regarding offender criminal history recorded within this state. Arrest's and dispositions obtained in another state are therefore not

included in this data, creating a selection bias. A true estimate of violators' criminal history may not be represented.

Next, data was not made available of the victims these offenders violated. Therefore, there is not a complete understanding of the type of relationship that the protection order was issued under (homosexual v. heterosexual). However, its findings can provide law enforcement and various social services agencies insight into the consequences of violations of protection orders and possible gender-based influences on case outcomes. Still, I believe my findings can provide valuable information regarding the implementation and effectiveness of protection orders.

Bibliography

- Arkansas.gov. (2011). *Arkansas Crime Information Center*. Retrieved from ACIC:
<http://acic.org/Pages/default.aspx>
- Barnett, O., Lee, C., & Thelen, R. (1997). Gender differences in attributions of self-defense and control in interpartner aggression. *Violence Against Women, 3*, 462-481.
- Berger, M. (1972). Police field citations in New Haven. *Wisconsin Law Review, 2*, 390-405.
- Brown, G. (2004). Gender as a factor in the response of the law-enforcement system to violence against partners. *Sexuality and Culture, 8*, 1-87.
- Buzawa, E., Austin, T., Bannon, J., & Jackson, J. (1992). Role of victim preference in determining police response to victims of domestic violence. In *Domestic Violence: The Changing Criminal Justice Response* (pp. 255-269). Westport: Auburn House.
- Carlson, M. J., Harris, S. D., & Holden, G. W. (1999). Protective orders and domestic violence: Risk factors for re-abuse. *Journal of Family Violence, 14*(2), 205-226.
- Cauffman, E. (2008). The future of children. *Juvenile Justice, 18*(2), 119-142. Retrieved from <http://0-www.jstor.org.library.uark.edu/stable/20179981>
- Chaudhuri, M., & Daly, K. (1992). "Do restraining orders help? Battered women's experience with male violence and legal process." In E. Buzawa, & C. Buzawa, *Domestic Violence: The Changing Criminal Justice Response* (pp. 227-252). Westport, CT: Auburn House.
- Chesney-Lind, M., & Sheldon, R. (2004). *Girls, Delinquency, and Juvenile Justice* (3 ed.). Belmont, CA: Wadsworth.
- Crew, K. (1991). Sex differences in criminal sentencing: chivalry or patriarchy? *Justice Quarterly, 8*, 59-83.
- Dasgupta, D. (2002). Framework for understanding women's use of nonlethal violence in intimate heterosexual relationships. *Violence Against Women, 8*, 1364-1389.
- Davis, R. C., & Smith, B. E. (1981). Crime between acquaintances: The response of criminal courts. *Victimology International, 6*, 175-176.
- Dawson, M. (2006). Intimacy and violence: Exploring the role of victim-defendant relationship in criminal law. *The Journal of Criminal Law and Criminology, 96*(4), 1417-1449.
- DeJong, C., & Burgess-Proctor, A. (2006). A summary of personal protection order statutes in the United States. *Violence Against Women, 12*(1), 68-88.

- Farnworth, M., & Teske, R. (1995). Gender differences in filling court processing: Testing three hypothesis of disparity. *Women and Criminal Justice*, 6, 23-44.
- Frantzen, D., San Miguel, C., & Kwak, D.-H. (2011). Predicting case conviction and domestic violence recidivism: Measuring the deterrent effects of conviction and protection order violations. *Violence and Victims*, 26(4), 395-409.
- Gelles, R. J., & Straus, M. A. (1988). *Intimate Violence*. New York: Simon and Schuster.
- Hague, G., & Malos, E. (2005). *Domestic Violence: Action for Change*. Cheltenham: New Clarion Press.
- Henning, K., & Feder, L. (2004). A comparison of men and women arrested for domestic violence: who presents the greater threat? *Journal of Family Violence*, 19, 69-80.
- Henning, K., & Renauer, B. (2005). Prosecution of women arrested for intimate partner abuse. *Violence and Victims*, 20(3), 171-189.
- Holt, V. L., Kernie, M. A., Lumley, T., Wolf, M. E., & Rivara, F. P. (2002). Civil protection orders and risk of subsequent police-reported violence. *Journal of the American Medical Association*, 288(5), 589-594.
- Johnson, M. P. (2005, December). Domestic violence: It's not about gender - or is it? *Journal of Marriage and Family*, 67(5), 1126-1130. doi:10.1111/j.1741-3737.2005.00204
- Kane, R. (2000). Police responses to restraining orders in domestic violence incidents: identifying the custody-threshold thesis. *Criminal Justice and Behavior*, 27(5), 561-580.
- Logan, T., & Walker, R. (2010). Civil protective order effectiveness; justice or just a piece of paper? *Violence and Victims*, 25(3), 332-348.
- Logan, T., Shannon, L., Walker, R., & Faragher, T. M. (2006). Protective orders: Questions and conundrums. *Trauma Violence Abuse*, 7(3), 175-205.
- McFarlane, J., Malecha, A., gist, J., Watson, K., Batton, Elizabeth, . . . Sheila. (2004, April). Protection orders and intimate partner violence: An 18-month study. *American Journal of Public Health*, 94(4).
- McMahon, P., & Pence, E. (2003). Making social change: Reflections on individual and institutional advocacy with women arrested for domestic violence. *Violence Against Women*, 9, 47-74.
- Mill, J. (1991). On Liberty. In J. S. Mill, *On Liberty and Other Essays*. New York: Oxford University Press.

Rodriguez, S., Curry, T., & Lee, G. (2006, May). Gender differences in criminal sentencing. *Social Science Quarterly*, 87(2), 218-339.

Steffensmeier, D., Kramer, J., & Streifel, C. (1993). Gender and imprisonment decisions. *Criminology*, 31, 441-446.

Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*(36), 762-798.

Appendix A



Office of Research Compliance
Institutional Review Board

January 22, 2014

MEMORANDUM

TO: Kelly Henderson
Mindy Bradley

FROM: Ro Windwalker
IRB Coordinator

RE: New Protocol Approval

IRB Protocol #: 14-01-400

Protocol Title: *Violations of Protection Orders: Characteristics of Offenders and Justice Outcomes*

Review Type: EXEMPT EXPEDITED FULL IRB

Approved Project Period: Start Date: 01/22/2014 Expiration Date: 01/21/2015

Your protocol has been approved by the IRB. Protocols are approved for a maximum period of one year. If you wish to continue the project past the approved project period (see above), you must submit a request, using the form *Continuing Review for IRB Approved Projects*, prior to the expiration date. This form is available from the IRB Coordinator or on the Research Compliance website (<http://vpred.uark.edu/210.php>). As a courtesy, you will be sent a reminder two months in advance of that date. However, failure to receive a reminder does not negate your obligation to make the request in sufficient time for review and approval. Federal regulations prohibit retroactive approval of continuation. Failure to receive approval to continue the project prior to the expiration date will result in Termination of the protocol approval. The IRB Coordinator can give you guidance on submission times.

If you wish to make *any* modifications in the approved protocol, you must seek approval *prior to* implementing those changes. All modifications should be requested in writing (email is acceptable) and must provide sufficient detail to assess the impact of the change.

If you have questions or need any assistance from the IRB, please contact me at 210 Administration Building, 5-2208, or irb@uark.edu.

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