

The Interrelationship Between Substance Abuse and the Likelihood of Arrest, Conviction, and Re-offending in Cases of Intimate Partner Violence

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Abstract The nexus between substance abuse and intimate partner violence has been studied in depth. The interrelationship between substance abuse, intimate partner violence, and the criminal justice system response and subsequent offending has not received as much attention. In this article, the authors examine the impact of substance abuse on the likelihood of an officer's decision to make an arrest, conviction in that case, and subsequent re-offending. The authors find that while official decision-making remains unaffected by the fact that the offender has been drinking and/or using drugs, substance abuse and subsequent re-offending are inextricably interlinked. These findings highlight the need to screen domestic violence offenders for alcohol/drug abuse, and provide offenders manifesting these problems with alcohol/drug treatment in addition to batterer treatment.

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Introduction

Research on intimate partner violence accelerated rapidly during the 1970s, and by the 1980s was encompassing more and more studies involving the criminal justice system. In part, due to the highly publicized Minneapolis study (Sherman and Berk 1984a, b), researchers, funding agencies, and the general public became more aware of the police response to domestic violence. Roughly coinciding with growth of the women's movement and women's empowerment, police actions were placed under a microscope, perhaps as never before. The Spouse Abuse Replication Program (SARP) studies advanced this focus, although the results from the multiple sites were sometimes inconclusive or contradictory. The subsequent analyses of the SARP data by Garner et al. (1995) and Maxwell et al. (2001) clarified many of these apparent inconsistencies. However, the issue of arrest of batterers continued to embody a strong political dimension.

In the past there was—as there occasionally is today—a popular tendency to view intimate partner violence as limited to assaults, often drunken, by husbands on wives, with the use of alcohol/drugs proffered as an explanation/excuse for the violence. By the 1980s, there was a growing body of literature that addressed the complex relationship between alcohol/drugs and intimate partner violence, with general agreement on the lack of a causal relationship though considerable agreement on a strong association. About this same time period, researchers were beginning to examine the impact of alcohol-related intimate partner violence incidents, and the subsequent police response.

It has taken some time for the reality to start filtering into public consciousness: that intimate partner violence encompasses multiple types of relationships statuses; that such violence occurs in same-sex relationships as well as heterosexual relationships; that women are sometimes the offenders; and, that alcohol is not a causal agent. That said, the modal type of intimate partner violence is that of male against female, with whom there is or has been an intimate relationship. While alcohol is not involved in the majority of assaults, it is often, as discussed below, a variable in incidents that result in a call to the police.

The focus of this article is entirely on this modal type. In order to carefully cull the most important variables that influence the arrest and conviction of male offenders, and subsequent re-offending, without considering the confounding effect of victim drinking, we have chosen to focus only on male offenses against females; on cases where only the male has been drinking; and on cases where only the male has been arrested. Consequently, we exclude female-only arrest cases, dual arrest cases, and cases where the victim has been drinking. We believe that this offers the best opportunity of clearly addressing the questions involving the impact of drinking/substance use on men's arrest, conviction, and re-offending.

Prior Research

In this section, we address a number of issues related to men's alcohol use and their violence against female partners: the relationship between alcohol and police response; alcohol and prosecution and conviction; and alcohol, re-offending and rearrest. Unless otherwise noted, "alcohol" refers to alcohol and/or other drugs, with the assumption that if drug usage is reported on police forms it involves illegal substances.

Calling the Police, Arrest, and the Role of Alcohol

Calling the Police There is wide variation on the reported rates with which women call the police to report assaults; and on the rates for which such assaults are reported by others (neighbors, children etc). Indeed, despite many years of research, there is probably no consensus on what proportion of assaults is reported by anyone. It is known that many women never call the police and among those who do, most do not call for every abusive incident (Hutchison and Hirschel 1998). Rates of reporting intimate partner violence to the police vary widely, depending on the particular research: Kantor and Straus (1990) report an overall rate of 6.7% (14% for severe violence) using a national survey; Schulman (1979) reports a rate of 9%, based on a study of Kentucky women; Langan and Innes

(1986), using the 1978–1982 National Crime Survey data, report a far higher rate of 52%.

Does alcohol matter? Investigators who have found a positive relationship between calling the police and alcohol use include Johnson (1990, research among 426 abused women in shelters); Jones and Belknap (1996, based on 1,516 police reports of intimate partner violence); Brookoff et al. (1997, based on at-the-scene interviews with 72 victims and 64 offenders in Memphis); they also report that calling the police was related to previous arrests on alcohol or drug related charges. In addition, Kantor and Straus (1990) found a positive relationship between calling the police and drinking by the offender. Hutchison (2003) found that victim perceptions of male drunkenness, not the actual amount of alcohol consumed, was a significant predictor of how often intimate partner violence was reported to the police. However, he concludes: "neither substance use in general, nor drunkenness, are present in the majority of spouse abuse incidents, but may be present in those incidents which result in a call to the police" (Hutchison 2003).

Alcohol and Arrest Although now dated, Berk and Loseke's (1980–81) research found that police were more likely to make an arrest in domestic violence incidents when men were drinking. They state: "Not only does intoxication suggest the continued volatility of the situation, and thus no immediate solution to the disturbance, but it may also lead to a more convenient arrest charge (e.g. resisting or assaulting an officer) as an alternative to a charge of spouse abuse" (p. 339). More recently, using correspondence analysis of 506 intimate partner violence cases in the Omaha study, Baird and Clayton (2002) found that offender substance use had a significantly positive effect on likelihood of arrest. In a unique comparison of urban, "urban influenced," and rural arrested batterers in Kentucky, Logan et al. (2001) found a high prevalence of alcohol use in all three groups, as well as high and comparable rates of prior drug or alcohol convictions (range 42–47%). One of the few distinguishing factors between the three groups was that the rural males were more likely to combine alcohol with prescription drugs ("nerve pills" in the authors' terminology). Finally, in one of the most comprehensive studies to date, Eitle (2005) examined both police organizational characteristics and situational variables within the context of mandatory arrest policies, using data from both the National Incident Based Reporting System (NIBRS) and the Law Enforcement Management and Administrative Statistics (LEMAS). Among the situational variables, substance use emerged as one of the strongest predictors of arrest in all three of the models he employed (more so even than weapons use).

Alcohol, Prosecution, and Conviction

There is a paucity of evidence on the impact of alcohol/drug usage on prosecution and conviction of male batterers. Three studies all show that the presence of substance use in a domestic violence incident has an effect on case prosecution, but the significance of the effect varies. Martin (1994) found a positive correlation between substance use and the likelihood of prosecution. Her study examined 448 intimate family violence cases in Connecticut, a mandatory arrest state. Martin (1994) found that if the offender was using drugs or alcohol at the time of the incident, the defendant was significantly more likely to be prosecuted. Similarly, Schmidt and Steury (1989) noted a positive relationship between substance use and prosecution. Using official case files from Milwaukee County between January 1, 1983 and June 30, 1984, the study focused on reviewing cases from 38 prosecutors. Substance abuse was found to be the extralegal variable with the strongest influence on the prosecutors' decision to charge; absence of alcohol or drug use by the offender was clearly linked to leniency in the decision to charge (Schmidt and Steury 1989).

More recently, but less conclusively, Hartman and Belknap (2003) examined survey data from 62 municipal court professionals. Their survey was designed to provide additional information on court proceedings of domestic violence cases, and found that it was legal factors that played the major role in affecting domestic violence case outcomes. However, of the five next most influential factors, "defendant was on drugs or alcohol" was one of the variables that affected case outcome. Although they found a relationship between the variables, the effect was determined to be "medium or less" and consequently was not as significant as previous research had found.

Re-offending and the Role of Alcohol

While there is scant evidence on the impact of alcohol on conviction, there is a plethora of empirical evidence showing that alcohol is associated with the recidivism rates of batterers. In a longitudinal self report study, Fals-Stewart (2003) found that alcohol is a highly significant risk factor for recidivism; in addition, drinking was associated with a significant increase in the risk of wife assault the same day, especially among alcoholics. Shepard (1992) also reported a relationship between alcohol abuse and recidivism. This study examined 100 batterers and found that a history of alcohol abuse, as well as being court ordered to receive a chemical dependency evaluation, was associated with an increased likelihood of recidivism. Demaris and Jackson (1987) found that alcohol use significantly predicted recidivism in their study of 53 batterers. Fifty percent of

the men with an alcohol problem at intake were found to reoffend compared to the 26% of those without an alcohol problem.

In their follow-up of 169 women whose partners had been arrested, and thereby had established contact with the justice system, Cattaneo and Goodman (2003), found that the batterer's history of alcohol abuse (but not drugs) was a significant predictor of continued abusive behavior during the study period; moreover, they also found that "the victim's own assessment was a sensitive predictor of continued abuse." In their subsequent meta-analysis of risk factors associated with reabuse they reported a generally positive relationship between substance use and reabuse in other studies (Cattaneo and Goodman 2005). Support for this positive relationship is not universal. During an 18-month follow up of 872 intimate partner violence arrestees, Kingsnorth (2006) found no connection between substance use at the incident and subsequent recidivism.

Much of what is known about alcohol and intimate partner violence recidivism comes through batterer treatment programs. One estimate suggests that 40% of batterers who ever-attend treatment programs fail to complete these programs (Rosenfeld 1992). Many other studies have found that alcohol and substance abuse are significantly related to the percentage of batterers who do not complete batterer treatment programs (Chovanec 1995; Daly and Pelowski 2000; Daly et al. 2001; Rooney and Hanson 2001). Rooney and Hanson (2001) conducted a study of 306 abusive men who attended batterer treatment. Treatment drop-outs were more likely to have problems with substance abuse in comparison to those who completed the treatment (Rooney and Hanson 2001). Daly et al. (2001) found that batterers with clinical levels of alcohol problems attended significantly fewer treatment sessions. Daly and Pelowski (2000) also found substance abuse to be a factor that plays a role in the likelihood of batterer treatment dropout. In a study of 286 batterers enrolled in treatment programs, among the batterers who did not complete the programs, alcohol was found to be associated with the likelihood of program completion status (Yarborough and Blanton 2000).

An examination of risk factors associated with reassault by males assigned to treatment programs found a strong positive association for both alcohol use and drunkenness (Jones and Gondolf 2001). While careful to not imply a causal relationship, they state: "... risk of reassault increases almost exponentially as frequency of drunkenness increases from '2 to 3 times per month' to 'nearly everyday;' batterers who drank were 16 times more likely to recidivate when compared to those who do not or seldom drink." The study also showed that drinking during or after batterer program participation is a good predictor for batterers at high risk re-offending. Batterers with alcohol problems were also found to be more likely to recidivate

after treatment in comparison to those without alcohol problems (DeMaris and Jackson 1987). More recently, Tellefson and Gross (2006) found in their study of 197 batterers enrolled in treatment programs that substance abuse plays an important role in recidivism after program completion. In a Michigan study of 308 men in batterer treatment programs, Hilton and Harris (2005) report that drunkenness since the last interview was related to recidivism in the same three-month period

Alcohol and Recidivism with Rearrest

As noted earlier, most instances of domestic assault are not reported to the police, so arrest or rearrest is always a weak measure of intimate partner violence. In one study, researchers found a 35:1 ratio; that is, for every arrest there were 35 incidents of assault (Dutton et al. 1997). If we accept this ratio as approximately correct, then the mean odds of assault > arrest > reassault > rearrest are about 1225:1. Attempting to delineate the impact of alcohol on such rearrest odds is a challenge. In a recent study of 3,662 people arrested for misdemeanor intimate partner violence in one county in Ohio, Woolredge and Thistlethwaite (2005) examined the effect of different court dispositions on rearrest. With the exception of those serving split sentences, they found no significant impact of substance use on rearrest; however, they state that "...the limited number of individuals determined to have had a substance abuse problem at the time of arrest is likely to have contributed to the nonsignificant findings for most of the dispositions examined" (Woolredge and Thistlethwaite 2005). With such limited data, the question of the impact of alcohol on rearrest remains unresolved.

Current Study

The preceding literature review suggests that offender drinking may impact both the criminal justice system response to an incident involving intimate partners and the likelihood of the offender re-offending. In this study, we examine whether offender drinking and/or substance abuse affects the likelihood of arrest, conviction, and/or re-offending as measured by rearrest. Three primary research questions are examined:

1. Controlling for relevant factors, such as seriousness of offense, are offenders who have been drinking or using illegal substances at the time of the incident more likely to be arrested than are offenders who have not been using such substances?
2. Controlling for relevant factors, such as seriousness of offense, are offenders who have been drinking or using

illegal substances at the time of the incident more likely to be prosecuted and convicted than are offenders who have not been using such substances?

3. Controlling for other relevant factors, such as prior record, are offenders who have been drinking or using illegal substances more likely to reoffend than are offenders who have not been using such substances?

Sample

The sample for this study comprises intimate partner intimidation and assault cases reported to the police in calendar year 2000 in 19 jurisdictions in three states: Connecticut, Idaho, and Virginia. The sample was taken from the National Incident Reporting System (NIBRS) dataset for that year. Since the vast majority of intimate partner violence cases involve assault (e.g., Greenfeld et al. 1998; Rennison 2003), the decision was made to limit the study to incidents in which the most serious offense reported to the police was aggravated assault, simple assault, or intimidation.¹

For purposes of this article, we decided to focus on what we consider to be modal types: only intimate partner violence by males against females; the variable of only male arrest; and the variable of only male offender's drinking/drug use. We believe that this offers the best opportunity of clearly addressing the questions involving the impact of substance use on men's arrest, conviction and re-offending. Once these questions have been successfully addressed, future analysis will incorporate the broader range of intimate partner violence cases: same sex, female offenders and male victims, dual arrest and female only arrest, female only drinking/drug use as well as dual substance use.

There were 2,819 police jurisdictions in nineteen states in the original year 2000 NIBRS dataset. The NIBRS dataset, however, contained only a limited number of variables. To supplement this database a considerable amount of additional data had to be obtained from police records. In selecting the sites for additional data collection, we utilized a stratified sampling approach. The primary criterion for selecting the states was the legislative framework under which police departments operated. Specifically, in intimate partner violence cases, did state law mandate arrest, or leave arrest to the discretion of the responding officer(s)? Connecticut and Virginia were chosen to represent the mandatory arrest and Idaho the discretionary arrest states. The primary criteria for selecting jurisdictions within the selected states were arrest rates and

¹ NIBRS codes 13A (aggravated assault), 13B (simple assault), and 13C (intimidation).

the extent and quality of the police and court data that were available. Random sampling procedures were employed within the chosen jurisdictions to select the specific jurisdictional samples.

Hard copies of all incident, arrest, and supplemental case reports were provided directly by the police departments in all of the 19 selected jurisdictions. In addition, court processing information and criminal history information were obtained. In Connecticut and Virginia, there are well established state criminal history record systems administered by the State Police, and the required information was obtained through these agencies. In Idaho, information was collected by the counties, and data were provided by their county sheriff’s departments. The length of the follow up period varied depending upon the date on which the individual was arrested in 2000 and the date on which the record check was conducted. As a result, the follow up period for the study participants ranged from three to 5 years. The final sample comprised 1,123 male on female intimate partner intimidation and assault cases reported to the police in calendar year 2000 in nineteen jurisdictions in Connecticut, Idaho, and Virginia

Sample Description

The vast majority (86.8%) of the incidents occurred in a home or residence (see Table 1). The incident was somewhat more likely to have been reported to the police by the victim (53.2%) than by another person (46.8%). The vast majority of the incidents were simple assaults (81.8%) committed with personal weapons (75.2%) and resulting in either minor injury (56.7%) or no injury (41.3%). In slightly over a third of the cases (37.6%) the responding officers were aware that the offender had a history of violence. In less than half (46.5%) of the cases the offender was on the scene when the police arrived. In just over a third of the cases (34.5%) there was a minor on the scene at the time of the police response.

The male offenders in the sample were more likely to be white (55.2%) than non-whites (44.8%). Their mean age was 32.7 years (sd = 9.7). Just over a third (34.1%) of the offenders was under the influence of alcohol and/or illegal substances at the time of the incident that brought them into the sample. Almost two thirds (64.7%) had a prior arrest with nearly half (45.9%) having an arrest for a violent

Table 1 Incident, offender, victim, and System Processing Variables

<i>Incident Variables</i>					
Who reported the incident	Victim	597 (53.2%)	Other	526 (46.8%)	
Location of Incident	Home/Residence	959 (86.8%)	Other	146 (13.2%)	
Most Serious Offense Against Victim	Aggravated Assault	69 (6.1%)	Simple Assault	919 (81.8%)	Intimidation 135 (12%)
Most Serious Victim Injury	Serious Physical Injury	20 (2.0%)	Apparent Minor Injury	560 (56.7%)	No Injury 408 (41.3%)
Weapon	No Weapon	184 (21.6%)	Personal Weapon	641 (75.2%)	Deadly Weapon 27 (3.2%)
Offender on Scene When Police Arrived	Yes	522 (46.5%)	No	601 (53.5%)	
Offender Known History of Violence	Yes	422 (37.6%)	No	700 (62.4%)	
Minor on Scene when Police Arrived	Yes	387 (34.5%)	No	738 (65.5%)	
<i>Offender Variables</i>					
Offender Race	White	577 (55.2%)	Non-White	468 (44.8%)	
Offender Age	Mean	32.7	SD	9.7	
Offender Under Alcohol/Drugs	Yes	293 (34.1%)	No	566 (65.9%)	
Offender Prior Arrest	Yes	697 (64.7%)	No	381 (35.3%)	
Offender Prior Arrest for Violent Offense	Yes	460 (45.9%)	No	542 (54.1%)	
<i>Victim Variables</i>					
Victim Race	White	667 (61.1%)	Non-White	424 (38.9%)	
Victim Age	Mean	30.3	SD	9.5	
<i>System Processing Variables</i>					
Offender Arrested	Yes	793 (70.6%)	No	330 (29.4%)	
Offender Prosecuted	Yes	677 (90.3%)	No	72 (9.6%)	Juvenile Case 1 (0.1%)
Offender Convicted	Yes	311 (42.8%)	No	416 (57.2%)	Case Expunged 92 (12.3%)
Offender Rearrested	Yes	638 (59.3%)	No	437 (40.7%)	
Offender Rearrested for Violent Offense	Yes	369 (37.4%)	No	617 (62.6%)	

offense. Like the offenders, the female victims were more likely to be white (61.1%) than non-white (38.9%). Their mean age was 30.3 years ($sd = 9.5$).

Over two-thirds (70.6%) of the offenders were arrested. Over 90% of those who were arrested were prosecuted and 42.8% of those were convicted. This resulted in a total of 27.7% of offenders being arrested, prosecuted, and convicted. A total of 59.3% of the offenders were subsequently arrested, including just over one-third (37.4%) for a violent offense. In sum, a third (34.3%) of the male offenders in this sample was arrested at all three times: prior to the beginning of our research; for the incident that brought them into the sample; and subsequent to that incident.

Results

Three logistic regression analyses were conducted with (1) arrest, (2) conviction, and (3) re-arrest as the outcome variables. The primary focus was on whether offender drinking and/or substance abuse affects the likelihood of arrest, conviction, and/or rearrest and thus offender drinking and/or using illegal substances at the time of the presenting incident (coded as 1 = Yes, 0 = No) was included in all three models. Offender race and age were also employed as predictor variables in all three models. Since the tested model is guided by prior research, the forced entry method is the most appropriate. The intent is to examine the contribution of each variable individually while controlling for other known or hypothesized predictors of the outcome variables.

Arrest In addition to offender drinking and/or using illegal substances and offender age and race, other predictor variables that were hypothesized to affect the likelihood of arrest were: seriousness of offense as categorized by the officers who responded to the incident, measured as aggravated assault and intimidation offense dummy variables with simple assault serving as the reference category; who called the police (coded as 1 = Victim, 0 = Other); officer knew of offender's prior history (coded as 1 = Yes, 0 = No); offender on scene when police responded (coded as 1 = Yes, 0 = No); and, minor on scene when police responded (coded as 1 = Yes, 0 = No).

Prior research has generally indicated that measures of seriousness of offense such as victim injury and presence of weapon impact the arrest decision with the more serious offenses more likely to result in arrest. Thus, Berk and Sherman (1988), Black (1980), Buzawa and Hotaling (2000), Feder (1996), and Eigenberg, (2001) all found a strong positive association between the infliction of injury and arrest. However, Berk and Loseke (1980–1981), Eigenberg et al. (1996), Feder (1998), and Jones and Belknap (1999) found no such relationship. Meanwhile,

Eitle (2005) and Smith (1987) found that the use of a weapon has a positive influence on the officer's decision to arrest. The three indicators of offense seriousness in our dataset (victim injury, presence of weapon and offense classification) were observed to co-vary significantly with each other. Bivariate analysis revealed that all of the incidents in which a weapon (gun, knife, blunt object, etc.) was used or which resulted in serious injuries were categorized as aggravated assaults. Similarly, no weapons, personal or otherwise, and no injuries were reported in any intimidation incidents. Given the covariation in the measures of offense seriousness and our specific interest in examining official handling of intimate partner violence cases, we used offense seriousness as reported by the responding police officer for the multivariate analyses.

Research also indicates that the offender's previous history of abuse/violence significantly increases the likelihood of arrest in domestic violence cases (Bachman and Croker 1995; Buzawa and Hotaling 2000; Kingsnorth 2006; Klinger 1995; Worden and Shepard 1996). Similarly, whether the offender remains at the scene impacts the likelihood of arrest with offenders who leave the scene less likely to be arrested (Eigenberg et al. 1996; Feder 1996; Hirschel et al. 2007; Robinson and Chandek 2000).

Research also shows that the officer's decision to arrest in a domestic violence case can be influenced by who makes the initial report call. In cases when the victim makes the call, officers may be less reactive to the incident (Berk and Loseke 1980–1981; Berk and Newton 1985; Buzawa and Hotaling 2000; Stanko 1985). Likewise, studies have observed that the presence of minors on the scene increases the likelihood of officers arresting the offender (Buzawa and Austin 1993; Eigenberg et al. 1996) and not arresting the victim (Houry et al. 2004).

Three variables were found to be significantly associated with the likelihood of arrest in the ensuing regression model: Seriousness of offense as measured by the variables aggravated assault and intimidation; and, offender on scene when police responded (see Table 2). If the incident involved aggravated assault it was 3.4 times more likely to result in arrest.

Conversely, if the incident involved intimidation, it was half as likely to result in arrest. In addition, if the offender remained on the scene he was 2.3 times more likely to be arrested. None of the other variables, including offender drinking and/or using illegal substances at the time of the incident impacted the likelihood of arrest

Conviction With one difference, the same variables that had been used in the arrest regression model are included in the regression model predicting conviction. Instead of the variable "officer knew of offender's prior history," we used offender prior record (1 = Yes, 0 = No) since this informa-

Table 2 Likelihood of arrest

Variable	B	S.E.	Wald	df	Sig.	Exp(B)
Offender Drinking	-.030	.196	.023	1	.879	.971
Offender White	-.049	.190	.065	1	.798	.953
Offender Age	-.006	.010	.438	1	.508	.994
Aggravated Assault	1.222	.611	3.995	1	.046	3.392
Intimidation	-.656	.258	6.476	1	.011	.519
Victim Called	.174	.188	.858	1	.354	1.190
Offender on Scene	.836	.188	19.676	1	.000	2.307
Offender Known History of Violence	0.086	.192	.200	1	.655	1.090
Minor Present	-.189	.192	.967	1	.325	.828
Constant	1.275	.378	11.404	1	.001	3.579

$\chi^2 = 38.732$ at $df = 9$, $p < .000$
Nagelkerke $R^2 = 0.070$

tion was available to the prosecution in deciding whether to proceed with the case. Only two variables were found to be significantly associated with the likelihood of conviction: offender prior record and intimidation. A case was 2.3 times more likely to result in conviction if the offender had a prior arrest record (see Table 3). In addition, cases of intimidation were about half as likely as cases of simple assault to result in conviction. In this regard it should be noted that only four (1%) of the 416 cases that did not result in conviction were trial acquittals. The rest of the cases were dismissed by the prosecution. Although close to significance at the .05 level, offender drinking and/or using illegal substances at the time of the incident was not significantly associated with the likelihood of conviction. Of passing interest is the fact that this non-significant relationship was a positive one, with drinking/drug use promoting a greater likelihood of prosecution and conviction.

Rearrest The only other predictor variable, in addition to offender drinking and/or substance abuse and offender age and race, included in the rearrest regression model was offender prior record. Three of these four variables were found to be significantly associated with the likelihood of rearrest: Prior record, offender drinking and/or substance use at the time of the incident, and offender age. Offenders

with prior records were ten times more likely to be rearrested than those without a record. Offenders who had been drinking and/or using illegal substances at the time of the incident were 1.4 times more likely to be rearrested. And, finally, younger offenders were more likely to be rearrested (Table 4).

Discussion

This article set out to examine three issues. First, whether, after controlling for relevant factors, such as seriousness of offense, are offenders who have been drinking or using illegal substances at the time of the incident more likely to be arrested than offenders who have not been using such substances? Second, whether, after controlling for relevant factors, such as seriousness of offense, are offenders who have been drinking or using illegal substances at the time of the incident more likely to be prosecuted and convicted than offenders who have not been using such substances? And, third, whether, after controlling for other relevant factors, such as prior record, are offenders who have been drinking or using illegal substances more likely to reoffend than offenders who have not been using such substances?

Table 3 Likelihood of conviction

Variable	B	S.E.	Wald	df	Sig.	Exp(B)
Offender Drinking	.347	.185	3.522	1	.061	1.415
Offender White	.181	.179	1.024	1	.312	1.198
Offender Age	-.013	.010	1.764	1	.184	.987
Aggravated Assault	.403	.372	1.171	1	.279	1.496
Intimidation	-.689	.336	4.193	1	.041	.502
Victim Called	-.273	.177	2.385	1	.123	.761
Offender on Scene	-0.026	.182	.021	1	.885	.974
Offender Prior Record	.854	.208	16.904	1	.000	2.348
Minor Present	.246	.183	1.815	1	.178	1.279
Constant	-.537	.409	1.728	1	.189	.584

$\chi^2 = 35.705$ at $df = 9$, $p < .000$
Nagelkerke $R^2 = 0.089$

Table 4 Likelihood of rearrest

Variable	B	S.E.	Wald	df	Sig.	Exp(B)
Offender Drinking	.362	.185	3.820	1	.051	1.437
Offender Age	-.027	.009	8.834	1	.003	.973
Offender White	.192	.173	1.229	1	.268	1.212
Offender Prior Record	2.324	.176	174.155	1	.000	10.215
Constant	-.392	.330	1.408	1	.235	.676

$\chi^2 = 243.467$ at $df = 4$, $p < .000$

Nagelkerke $R^2 = 0.344$

Our data indicate that in determining whether to arrest an offender, the two major criteria that officers employ are seriousness of the offense, as measured by the nature of the offense, and whether the offender remains on the scene. These findings are consistent with previous research that has indicated that measures of seriousness of offense such as infliction of injury and use of a weapon, both of which are incorporated into our measure of offense classification (aggravated assault, simple assault, and intimidation) are positively associated with likelihood of arrest (see, e.g. Berk and Sherman (1988), Black (1980), Buzawa and Hotaling (2000), Feder (1996), and Eigenberg (2001) with regard to injury, and Eitle (2005) and Smith (1987) with regard to use of a weapon). Similarly, prior research (e.g., Eigenberg et al. 1996; Feder 1996; Hirschel et al. 2007; Robinson and Chandek 2000) has revealed that offenders who leave the scene are more likely to be arrested than those who remain. That offender drinking/substance abuse has no effect on the likelihood of arrest is, perhaps, somewhat unexpected. Here, the reader should be reminded that this study focused on the modal type of case in which only the male offender had been drinking and the victim was a female who had not been drinking and was not assessed responsibility for the incident by being arrested either alone or together with the male involved party. It is important to note that the responding police officers are not permitting the fact that the offender has been using alcohol or drugs to diminish his responsibility for the incident. Of interest is the possibility that victim drinking/drug use may negatively affect the likelihood of arrest. This is an issue we plan to investigate in a subsequent article.

Legal factors were found to predominate in the prosecutor's decision to go ahead with a case and obtain a conviction. A case was 2.3 times more likely to result in conviction if the offender had a prior arrest record and half as likely to result in conviction if it involved an incident of intimidation as opposed to simple assault. Thus, factors related to both the current incident and the offender's criminal history affect the likelihood of conviction. As noted above, the pivotal decision at this stage was the prosecutor's decision to go ahead with the case since only four (1%) of the 416 cases that did not result in conviction were trial acquittals. The rest of the cases were dismissed by the prosecution. At this stage of the criminal justice

process offender drinking/drug use was not a factor that significantly impacted decision-making. Clearly, prosecutors are focusing on salient legal factors in prioritizing cases for prosecution. Thus, like responding police officers, prosecutors do not take offender drinking/drug use into account when deciding whether to proceed with a case.

It was, in fact, only when we examined the factors that impact the likelihood of rearrest that offender drinking/drug use came into play. Along with youth and possession of a prior arrest record, offender drinking/drug use increased the likelihood that an offender would be rearrested. Thus, the findings of this study indicate that although offender drinking/drug use does not impact decision-making by criminal justice officials in an individual case, it is inextricably interwoven with re-offending. This highlights the need to screen domestic violence offenders for alcohol/drug abuse and provide offenders manifesting these problems with alcohol/drug treatment in addition to batterer treatment. This supports prior research that has shown that alcohol/drug use is positively associated with subsequent abuse (Cattaneo and Goodman 2003; Fals-Stewart 2003; Shepard 1992).

Two major findings regarding the nexus between offending drinking/drug use and domestic violence emerge from this study. First, official decision-making remains unaffected by the fact that the offender has been drinking and/or using drugs. Neither the responding police officers nor the prosecuting district attorney take offender drinking/drug into account when deciding whether to make an arrest or prosecute. Thus, at neither level of decision-making is the use of alcohol/drugs accepted as an excuse for the violence that has been perpetrated. This surely is encouraging news for those who believe that the criminal justice system response to domestic violence should not be mitigated by offender drinking/drug use. Second, offender drinking/drug use clearly is a factor that significantly impacts the likelihood of re-offending. Although offender drinking/drug use may not constitute a causal factor in the commission of domestic violence, there needs to be a focus on providing these offenders with alcohol/drug treatment.

This, of course, is not a novel idea. However, our findings underscore the need to pay extra attention to the substance abuse/intimate partner violence nexus and

provide additional community resources for treatment. Substance abuse treatment programs do not have a particularly high success rate to begin with, so it may be unrealistic to think that program completion will be high for batterers who are assigned to such treatment. It is beyond the scope of this article to address the legal consequences for batterers who fail to complete assigned treatment programs. However, the community has a large stake in designing and implementing appropriate means to increase substance abuse completion rates among batterers. If completion is jointly tied to the successful completion of batterer treatment programs, admittedly a difficult challenge for most communities, then the safety and security of both women—as victims, and children—as witnesses, is increased. Dual treatment is a big price to pay. However, the social and psychological costs of continued partner violence, as well as transmission of abusive patterns to the next generation, are far higher.

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