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# Examining the Relationship between the Lethality Assessment/ Domestic Violence High-risk Team Monitoring (LAP/DVHRT) Program and Prosecution Outcomes

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## Abstract

Lethality assessment (LAP) and team monitoring of high-risk offenders (DVHRT) are recent U.S. policy innovations designed to identify domestic violence offenders who are at high risk for perpetrating serious or lethal violence against their intimate partners. One goal of LAP/DVHRT is to increase offenders' accountability for domestic violence within the legal system. This study examines associations between LAP/DVHRT and prosecution and sentencing outcomes using data on domestic violence offenses ( $n = 88$ ) involving 37 offenders monitored by a DVHRT and 51 nonmonitored comparison offenders who were identified as high risk on the LAP. We use logistic and OLS regression to estimate models of six prosecution and sentencing outcomes for the full sample and for a sample matched using the coarsened exact matching technique ( $n = 73$ ). Multivariate results indicate

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that when the treatment and comparison samples are matched and control variables are included in regression models, the LAP/DVHRT program is not associated with prosecution or conviction rates, number of charges, or bail amount. DVHRT monitoring is positively associated with sentence length in multivariate analysis and in models using the matched sample. Findings suggest that the LAP/DVHRT program increases offender accountability in the form of incapacitation at the sentencing stages.

**Keywords**

domestic violence assessment, legal intervention, batterers, criminology

**Introduction**

In the United States, the 1994 Violence Against Women Act and its subsequent reauthorizations by Congress were intended to “[create] powerful criminal and civil enforcement tools for holding perpetrators accountable” (Office on Violence Against Women, 2016, p. 1). Yet academic research indicates that prosecutions of domestic violence (DV) cases are unlikely to result in accountability in the form of criminal convictions and jail time (Hester, 2006; Klein & Klein, 2016). In their review of 135 English-language studies, Garner and Maxwell (2009) find that approximately one-third of DV arrests and around half of prosecutions result in criminal conviction. DV offenses receive more lenient legal outcomes than violent offenses perpetrated by nonintimates (Bond & Jeffries, 2014; Gannon & Brzozowski, 2004; Kramer, 2016).

Research on offender accountability for DV highlights barriers to the successful prosecution and conviction of cases, including the cultural framing of DV as a private family matter rather than a crime, victims’ reluctance to testify due to fear of retaliation or a desire to keep partners out of jail, and high caseloads that result in high rates of dismissals (Belknap & Grant, 2018; Cerulli et al., 2014; Dawson & Dinovitzer, 2001; Regoeczi & Hubbard, 2018). As compared to similar violent offenses between nonintimates, cases charged as DV are less likely to result in jail time, and defendants in these cases receive shorter sentence lengths (Dawson, 2015; Gannon & Brzozowski, 2004; Kramer, 2016). In one of the largest studies to date, Bond and Jeffries (2014) compared outcomes for domestic and nondomestic criminal cases using information from 64,201 violent offenses in New South Wales Australia. They found that DV offenses had higher conviction rates and longer sentences than non-DV offenses in bivariate analysis. However, multivariate

results that included controls for demographic variables, plea, and criminal history showed that DV offenses were less likely to result in prison sentences and resulted in significantly shorter sentence lengths than offenses perpetrated by nonintimates (Bond & Jeffries, 2014). Kramer's (2016) observational study of courts in New Zealand found that defendants in DV cases were more likely than defendants in non-DV cases to receive sentences focused on rehabilitation and supervision, such as requirements to complete anger management courses. Nondomestic offenses received more punitive sentences that involved detention and imprisonment. Qualitative data indicated that attorneys and judges minimized the seriousness of DV offenses and emphasized offenders' fatherhood and breadwinner statuses to justify leniency in sentencing DV cases as compared to similar offenses between strangers (Kramer, 2016).

In the 1980s and 1990s, activists implemented coordinated community responses (CCR) to DV that included efforts to increase prosecution and conviction through victim-focused outreach, evidence-based prosecution, and specialized DV prosecution units and courts (DePrince et al., 2012). Research findings on the success of CCR programs for increasing prosecution, conviction, and sentence severity are mixed. Some studies of case outcomes associated with specialized DV prosecution units and courts indicated that these programs were associated with increased conviction rates and sentence lengths (Bledsoe et al., 2006; Cissner et al., 2015). Conversely, Regoeczi and Hubbard (2018) found that a dedicated DV prosecution unit and specialized court resulted in higher rates of dismissal as compared to the regular court. Moreover, the study found no difference in conviction rates or sentence lengths for cases prosecuted by the specialized court and the regular court.

Lethality assessment (LAP) and domestic violence high-risk monitoring teams (DVHRT) are recent policy initiatives developed to increase offender accountability in the United States. The LAP-Maryland Model was developed by the Maryland Network Against Domestic Violence (MNADV) in collaboration with Jacquelyn Campbell (Campbell et al., 2009; MNADV, 2015). The LAP is a shorter version of Campbell's Danger Assessment (DA) instrument, which has been shown to prospectively and accurately predict DV lethality (Campbell et al., 2009; Messing et al., 2017). Whereas the DA is designed to be administered to survivors by victim advocates when survivors seek services, the LAP is administered by law enforcement at the scene of a DV incident (Messing et al., 2014). If the tool indicates that the survivor is at high risk for lethality, officers call an advocacy helpline and encourage the survivor to speak with an advocate. Officers provide copies of the LAP

screens to advocacy agencies to facilitate follow-up with victims who do not screen in as high lethality risk or who do not wish to speak to an advocate at the scene. As of 2018, locations in 37 states had implemented the LAP (Office on Violence Against Women, 2018).

A smaller number of jurisdictions have created DVHRTs to monitor offenders who are considered high risk for perpetrating domestic homicides. DVHRTs are composed of multidisciplinary members from community and system-based victim services, prosecution, probation, corrections, and batterer intervention programs (Jeanne Geiger Crisis Center [JGCC], 2020). Following a fatality review of domestic homicides, advocates in Massachusetts developed the first DVHRT in 2002. The LAP screen is used to identify high-risk offenders, who are consequently referred to the DVHRT by team members or by others in the community. DVHRT goals include the early identification of offenders who pose high lethality risk, improving communication about these offenders between community and legal system staff, and the facilitation of a coordinated community response in which perpetrators are monitored and held accountable (JGCC, 2020). There is limited research to date on LAP/DVHRT outcomes in the criminal legal system. Richards et al. (2019, p. 2) suggest that “the implementation of these tools has outpaced comprehensive empirical evaluation research.”

DVHRT programs differ from the CCR initiatives studied in previous research because CCR programs target DV offenses in general, whereas the DVHRT focuses on identifying and targeting the subgroup of offenders who are considered to pose the highest risk of extreme harm and lethality to victims. An analysis of criminal case outcomes for 172 high-risk offenders monitored between 2005 and 2016 by the first DVHRT in the United States found that 81% of offenders monitored by the team were found guilty, and 70% of the offenders served jail time (JGCC, 2016). This was a higher conviction rate than the rate for jurisdictions that have not implemented DVHRT, which is around 50% (Belknap & Grant, 2018; Garner & Maxwell, 2009; Regoeczi & Hubbard, 2018). The JGCC study lacked a comparison group of nonmonitored high-risk DV offenders. Thus, it is unclear whether DVHRT monitoring was the reason for the increased sanctions. It is possible that conviction rates were higher than average for all DV offenders in the county that implemented the first DVHRT because of increased community attention to DV cases and greater collaboration between community activists and legal system staff. Previous research on the LAP suggests that the program might increase legal system accountability even in the absence of DVHRT. Although their study was not designed to focus on criminal case outcomes, Messing et al.’s (2014) evaluation of the LAP in Oklahoma found that women in the LAP group were

more likely than women in the comparison group to report that they were safe because the perpetrator was detained at the six-month follow-up.

Sechrist et al. (2016) evaluated an offender-monitoring initiative conducted by two police departments in Kentucky that shares the offender-focused elements of DVHRT. Victim injury and homicide rates were lower following implementation of the program than in the years prior to implementation. This initiative differed from the DVHRT model because law enforcement initiated and conducted the program, and offenders were aware of the program. For example, police left notices on offenders' doors to inform them that they were being monitored (Klein & Klein, 2016). DVHRT offenders are not notified that they are being monitored by the team.

In addition to homicide risk factors that are the focus of LAP and DVHRT, legal and extralegal factors are associated with prosecution, conviction, and sentence lengths in DV cases (Henning & Feder, 2005; Regoeczi & Hubbard, 2018). Defendants' criminal history is positively associated with higher rates of prosecution and longer sentences (Bond & Jeffries, 2014; Freiburger & Romain, 2018). Racial identity and social class status also affect prosecution outcomes for offenses charged as DV; defendants with fewer economic resources and those whose victims were White have higher prosecution rates and more serious sanctions than offenders with greater economic resources or those whose victims are people of color (Cerulli et al., 2014; Dichter et al., 2011; Henning & Feder, 2005). Findings on the effect of defendants' racial identity are conflicting. Freiburger and Romain (2018) find that Hispanic defendants received higher bail amounts than White defendants, and that Black defendants are more likely than White defendants to be sentenced to prison. Conversely, Regoeczi and Hubbard's (2018) analysis did not find associations between victim or defendant racial identity and charging or prosecution outcomes.

## **Theory: Why DVHRT Monitoring Should Influence Prosecution Outcomes**

DVHRT monitoring is designed to increase accountability for DV offenders in the form of harsher criminal case outcomes. Offenders are held accountable when they are formally charged with one or more offenses following arrest, when they face more serious or numerous charges, and when prosecutors do not dismiss charges at later stages of the prosecution. Accountability is, in theory, increased when offenders face longer periods of containment in the pre-trial or post-conviction phases of prosecution. DVHRT monitoring could influence prosecution outcomes in several ways. The coordinated

community discussion of monitored offenders might increase prosecutors' knowledge about, and attention to, cases involving DVHRT monitored offenders, leading prosecutors to file initial charges or to increase the number of charges filed against an offender rather than dismissing the case after initial review. Prosecutors might also request higher bail amounts or make a stronger case for the need for bail for DVHRT offenders during pre-trial hearings. Prosecutors may be less likely to offer to drop or reduce charges in exchange for a guilty plea or to negotiate a shorter sentencing recommendation for monitored than for nonmonitored offenders. Additionally, judges' knowledge that the offender is being monitored by a DVHRT in tandem with the offenders' high-risk status may lead judges to require higher bail in the pre-trial period, or to impose sentences closer to the maximum range for the specific convicted offenses.

Alternatively, prosecution outcomes might differ for DVHRT and comparison cases for reasons that are unrelated to monitoring. DVHRT offenders could face more serious criminal sanctions than comparison offenders because, if indeed they are more dangerous, then the incidents that led to their arrest may be more violent or injurious than those that led to the arrests of the comparison offenders.

## **Current Study**

This study examines associations between LAP/DVHRT and prosecution and sentencing outcomes using data from one county in Washington State that implemented LAP/DVHRT in 2014. In the first two years of the DVHRT program (2014-2016), the team monitored 37 offenders. We compare prosecution outcomes for offenders who were monitored by the DVHRT to outcomes for a comparison group of 51 nonmonitored offenders. The comparison group was randomly selected from the pool of cases in which offenders screened in as high lethality risk on the LAP but were not monitored by the DVHRT.

The primary contribution is to evaluate whether the LAP/DVHRT model is associated with prosecution outcomes when monitored offenders are compared to a matched sample of offenders who screened in as high risk on the LAP. We assess whether DVHRT monitoring is associated with six case outcomes: (a) prosecutions per offense, (b) convictions per offense, (c) convictions per prosecution, (d) number of charges filed by the prosecution, (e) bail amount, and (f) sentence length for convicted offenders. We hypothesize that DVHRT offenders will be prosecuted at higher rates, be charged with more offenses, and face higher bail requirements in the pre-trial period than comparison offenders. Moreover, we hypothesize that DVHRT offenders will be

more likely than comparison offenders to be convicted upon prosecution and will be sentenced to more jail time upon conviction.

Because defendants who are DVHRT monitored differ in several ways from the nonmonitored high-risk offenders, we conduct multivariate analysis using control variables for factors associated with prosecution outcomes in prior research, including offense charging level and defendants' criminal histories, ages, and racial identities (Bond & Jeffries, 2014; Henning & Feder, 2005; Regoeczi & Hubbard, 2018). Additionally, we use coarsened exact matching (CEM) to obtain a sample of DVHRT and comparison defendants who are matched on felony and misdemeanor criminal histories as well as racial identities. Unlike the more commonly used propensity score matching (PSM) approach, CEM does not increase model bias or inflate treatment effects (King & Nielsen, 2019). The matched sample enables analysis of whether DVHRT monitoring is associated with prosecution outcomes when DVHRT offenders are compared to offenders with the same criminal history and racial identification.

## Method

### Sample

Data on DV case outcomes were collected from one DVHRT implementation site in Washington State. The county has several small cities and towns, large tracts of agricultural land, and a population of over 200,000 people. The county is not racially diverse; over 80% of residents identify as White, 8% identify as Hispanic, and less than 5% identify as Black, Asian, or Multiracial (U.S. Census Bureau, 2019). Each year, law enforcement agencies in the county receive around 3,000 DV-related 911 calls, resulting in over 1,300 reported offenses. Washington State has a mandatory warrantless arrest policy for misdemeanor DV cases and a primary aggressor provision that is intended to discourage dual arrest.

This DVHRT was formed in response to recommendations from a DV fatality review conducted in 2013. The organization that completed the fatality review, a nonprofit DV commission, took the lead in implementing the LAP/DVHRT. The DVHRT consists of 13 individuals, including representatives from law enforcement, prosecution, probation, parole, child protective services, batterer intervention programs, medical providers, and community-based and system-based victim advocacy. Team members are disproportionately White and approximately half of team members identify as women, reflecting the demographic characteristics of the county and the victim services agencies represented on the team. Community members and/or DVHRT

members refer offenders to the program. The DVHRT reviews risk data from the LAP screen and other sources and determines, by vote, whether the team should monitor the offender. The team has discretion to accept or exclude offenders for monitoring and does not report the number of referred offenders, the acceptance rate, or the criterion used to admit offenders to the team. Information about referral sources and team decisions are considered confidential according to the DVHRT policy. The team meets weekly to discuss referred offenders and to develop an individualized monitoring plan for each offender intended to minimize their risk of recidivism.

The treatment group of 37 DVHRT offenders consists of all cases accepted for monitoring by the team between January 2014 and October 2016. The lead author obtained the names and birthdates of monitored offenders from the DVHRT, which allowed for the identification of monitored offenders within a judicial access database available to the public via user registration. The database contains offender information including full name, date of birth, and identifying characteristics including gender, race/ethnicity, height, weight, and piercings or markings such as tattoos. For each offense, the database contains information on charges, bail and other pretrial conditions, case disposition, sentence, and probation/parole requirements and violations. The database does not contain information that would allow for coding of incident-level characteristics such as the use of a weapon or injury to the victim, although these factors influence arrest and charging decisions (Dichter et al., 2011; Henning & Feder, 2005). For the DVHRT offenders, information about the case outcomes was collected for the DV offense that most closely preceded the offender's acceptance for monitoring by the team. The DVHRT coordinator suggested that using outcomes from the case immediately prior to the offender's acceptance by the team was most appropriate because the team's focus was on this offender during the initial phases of monitoring.

Law enforcement agencies in the county send copies of LAPs to the DV agency that organized the DVHRT. A simple random sampling technique was used to obtain a comparison group of 75 cases from the pool of over 450 DV incidents in which the offenders screened in as high risk on the LAP during the study period. The emerging research on the LAP finds that 50% of offenders are classified as high risk, suggesting that the LAP has a high false positive rate (Messing et al., 2017). The DVHRT model is designed to focus on the small group of offenders that team members believe are at the highest risk for DV lethality rather than all offenders that the LAP identifies as high risk. The LAP includes the police report number for the incident, which was used to locate comparison offenders within the judicial database. Of the 75 comparison cases, 5 offenders could not be found by name or police report number within the database and were omitted from the analysis. Additionally, the

37 DVHRT monitored offenders were all classified as male in the administrative judicial database. Of the comparison cases, 27% ( $N = 19$ ) of defendants were classified as female. We omit these offenders, resulting in an unmatched comparison group of 51 cases involving male defendants. For the comparison offenders, case outcome information reflects the DV offense that resulted in the LAP screen. Study procedures were approved by the Institutional Review Board of Western Washington University prior to data collection.

## Measures

The dependent variables include six prosecution outcomes. Three outcomes are binary variables indicating whether: (a) the offense resulted in prosecution, (b) the offense led to conviction, and (c) the prosecution led to conviction. Each of these indicators is coded as 1 to indicate the presence of the outcome and 0 otherwise. Following Garner and Maxwell (2009), the measure of prosecutions per offense identifies cases in which the offense resulted in at least one charge being filed by a prosecutor (1 = prosecuted, 0 = not charged). The measure of convictions per offense compares cases in which the offender was convicted to those in which the prosecutor did not file charges or the case was later dismissed (1 = convicted, 0 = not charged or charges dismissed). The convictions per prosecution measure identifies whether the defendant was convicted following the filing of formal charges (1 = convicted, 0 = not convicted). The courts in the county examined for this research rarely use deferred prosecution, and offenders are coded as convicted only if they plead guilty on one or more of the charges, or to a reduced charge.<sup>1</sup>

Three outcome measures are continuous variables: (a) bail amount in thousands of dollars (range = \$ 0-1,000), (b) the number of charges filed on the offense for cases in which at least one charged was filed (range = 1-6), and (c) the length of the sentence in months (ranging from 0 to 70) for offenders who were convicted of one or more charges. Sentencing outcomes were missing for one DVHRT offender, who was remanded to another state to face charges on a previous offense. Three of the charged cases were pending at the time of writing; these cases are not included in the models analyzing conviction rates and sentence outcomes. In seven cases, the charges were dismissed as part of a plea deal in which the defendant pled to previous charges. These cases were coded as charged and convicted rather than dismissed. Bail was coded according to the charged offense, but sentencing outcomes were coded for the offense to which the offender pled guilty.

The independent variable identifies whether the offender was monitored by the DVHRT team (1 = yes, 0 = no). Criminal history is measured by two

continuous variables: (a) the number of prior felony charges and (b) the number of prior misdemeanor criminal charges, including traffic and nontraffic offenses. Models that examine outcomes for those offenders who were prosecuted included a control for incident severity that differentiates cases in which at least one charge was a felony from those cases in which all charges are misdemeanors (1 = felony, 0 = misdemeanor). Control variables for extralegal factors including race (1 = White, 0 = POC) and age in years are used in the analyses because these factors may be associated with both selection for monitoring by DVHRT and the case outcome variables of interest.

### **Procedure**

To address concerns that the case outcomes vary for DVHRT and comparison offenders due to offender characteristics other than DVHRT monitoring, the current analysis uses two strategies. First, we include control variables for offender race, age, charging level (felony vs. misdemeanor) and number of prior felony and misdemeanor charges in multivariate analysis of prosecution outcomes for the unmatched sample. Second, we use CEM to match the comparison offenders and DVHRT offenders on criminal history and race and repeat the multivariate analysis for the matched sample.

### **Coarsened Exact Matching**

The CEM Stata algorithm developed by Iacus et al. (2009) was developed to improve balance between treatment and control group samples. In CEM, continuous variables (e.g., felony and misdemeanor history) are temporarily coarsened into ordinal categories to increase the number of matched cases. Exact matching is used for categorical variables. The algorithm matches offenders on the specified variables by weighting control group cases with a “1” if they are matched to a treatment case and a “0” otherwise. King and Nielsen (2019) recommend the use of CEM rather than propensity score matching (PSM) because PSM “often accomplishes the opposite of its intended goal—thus increasing imbalance, inefficiency, model dependence and bias” (2019, p. 1). We used CEM to create samples of DVHRT and comparison cases matched by felony history, misdemeanor history, and racial identity. We were unable to match on offender age due to sample size limitations; the large age variation in offenders resulted in a loss of more than 40% of cases when offenders were matched on age, even with the use of coarsened age categories. Preliminary analysis indicated that age was not associated with prosecution outcomes. CEM resulted in the pruning of 10 DVHRT and 5 comparison cases, creating a matched sample of 73 offenses. The matched

sample allows for the estimation of the treatment impact of DVHRT for cases in which offenders are similar on important correlates of prosecution outcomes. The quality of the matching procedure is assessed by comparing descriptive statistics for the unmatched and matched samples to determine whether CEM reduced imbalance in criminal histories and race for the DVHRT and comparison offenders.

Table 1 presents means and standard deviations for demographic and criminal history variables for the unmatched and matched samples. Prior to matching, DVHRT offenders have three times the felony history as the comparison group (6.08 vs. 2.06 priors). DVHRT offenders also have more extensive misdemeanor criminal histories than comparison offenders (14.43 vs. 10.88 priors). DVHRT offenders are slightly younger and less likely than comparison offenders to be classified as White. The imbalance in offender criminal history is substantially reduced in the matched sample; DVHRT offenders have an average of 4.29 prior felony charges and comparison offenders have an average of 4.09 prior felonies. The comparison group of offenders is higher on misdemeanor criminal history in the matched sample, with 18.35 prior misdemeanors as compared to 15.26 among DVHRT offenders. A total of 63% of both DVHRT and comparison groups are White in the matched sample.

Additionally, CEM provides a global measure of imbalance given by the  $L_1$  statistic, which ranges from 0 (perfect global balance) to 1 (maximum imbalance). Prior to matching,  $L_1 = .607$ . For the matched sample, model imbalance is reduced to  $L_1 = .386$ . Although this indicates some imbalance in the matched sample, the use of more specific coarsened categories resulted in the loss of too many cases to enable analyses.

**Table 1.** Criminal History and Demographic Variables for Unmatched and Matched Samples.

	Unmatched Sample		Matched Sample	
	DVHRT Offenders	Comparison Offenders	DVHRT Offenders	Comparison Offenders
	Mean (SD)	Mean (SD)	Mean (SD)	Mean (SD)
Prior felonies	6.08 (7.15)	2.06 (3.70)	4.29 (4.24)	4.09 (6.23)
Prior misdemeanors	14.43 (11.58)	10.88 (12.06)	15.26 (12.63)	18.35 (16.93)
Age	34.95 (9.43)	37.00 (12.10)	34.07 (9.95)	35.62 (10.80)
Race (1 = White)	0.54	0.82	0.63	0.63
N	37	51	27	46

## *Analytic Strategy*

We first examine bivariate prosecution outcomes for the unmatched sample to identify baseline differences between the DVHRT and comparison offenders. Next, we conduct multivariate analysis of prosecution outcomes for the unmatched and matched samples, including control variables for uncoarsened felony and misdemeanor history and offender race and age. Iacus et al. (2009) suggest controlling for uncoarsened continuous matching variables as an additional precaution in the estimation of regression models using CEM samples. We use logistic regression to model binary prosecution outcomes and OLS regression for the continuous outcomes. Because the continuous dependent variables for bail and sentence length are skewed towards zero, we estimate the natural log of the continuous dependent variables.

## **Results**

### *Binary Analysis of Prosecution Outcomes*

Table 2 presents chi-square and *t*-test results comparing prosecution outcomes for the unmatched sample, estimated using STATA 14.2. At the bivariate level, prosecution outcomes are significantly different for the unmatched sample of DVHRT and comparison defendants for four of six outcomes. Cases in which defendants were DVHRT monitored are significantly more likely than comparison cases to result in prosecution; 97% of DVHRT offenders and 82% of nonmonitored offenders are charged following arrest ( $X^2 = 4.89$ ,  $df = 1$ ,  $p = .027$ ). DVHRT offenders are convicted for the offense at significantly higher rates than comparison offenders (81% versus 60%,  $X^2 = 4.48$ ,  $df = 1$ ,  $p = .034$ ). Additionally, the average bail requirement for the DVHRT group is substantially higher than for comparison offenders (\$70,351 versus \$7,782,  $t = 2.04$ ,  $df = 73$ ,  $p = .048$ ). Sentence lengths are substantially higher for monitored offenders (15.92 versus 3.13 months,  $t = 3.10$ ,  $df = 55$ ,  $p = .004$ ). DVHRT and comparison offenders do not differ on the number of charges filed, suggesting that prosecutors do not overcharge in DVHRT cases. Additionally, among offenders who are prosecuted, conviction rates do not significantly differ for DVHRT and comparison offenders. These bivariate differences in outcomes may be due to measured or unmeasured differences between DVHRT and comparison offenders, such as criminal history, that result in imbalanced samples. Because the CEM sample is not perfectly matched, we include control variables in the multivariate regression models to ensure accurate interpretations of the DVHRT program effect. The control variables are age, race/ethnicity, number of prior felony charges, number of

**Table 2.** Summary of Prosecution Outcomes for DVHRT-monitored and Comparison Offenders, Unmatched Sample.

Variable	DVHRT Offenders		Comparison Offenders		$X^2/t$	Cramers V	Significance
	Mean	SD	Mean	SD			
Prosecutions per offense	0.97		0.82		4.89	0.24	0.027
Convictions per offense	0.81		0.60		4.48	0.23	0.034
Convictions per prosecution	0.83		0.74		1.02	0.12	0.314
Bail (thousands)	70.35	183.60	7.78	11.92	2.04		0.048
Number of charges	1.97	1.44	1.98	1.15	0.01		0.991
Sentence in months	15.92	21.26	3.13	6.38	3.10		0.004
N	37		51				

prior misdemeanor charges, and, for outcomes involving prosecution, charging level (felony vs. misdemeanor).

Table 3 presents results of logistic regression models in which the prosecutions per offense variable is regressed on DVHRT status and control variables for the unmatched and CEM samples. Although bivariate results indicated that DVHRT offenders were more likely than comparison offenders to be prosecuted and convicted for the offense, multivariate results show that DVHRT monitoring is not significantly associated with prosecution rates once control variables are considered.

Results for the conviction per offense and conviction per prosecution outcomes are shown in Tables 4 and 5. DVHRT monitoring is not associated with conviction outcomes once criminal history and demographic variables are included in the models or using the matched sample. These results indicate that higher prosecution and conviction rates for DVHRT offenders in the bivariate analysis are explained by group variation in criminal history, charging level, and demographic characteristics.

Table 6 reports OLS regression coefficients for associations between DVHRT monitoring and logged number of charges filed. Results indicate that DVHRT monitoring is associated with *fewer* charges filed by prosecutors

**Table 3.** Logistic Regression Coefficients for Prosecutions per Offense.

Variables	Unmatched Sample			Matched Sample				
	<i>b</i>	(SE)	Exp <i>b</i>	Significance	<i>b</i>	(SE)	Exp <i>b</i>	Significance
DVHRT	1.325	(1.119)	3.762	0.237	1.110	(1.158)	3.035	0.338
Model X <sup>2</sup>	11.77 (4)				8.07 (4)			
Pseudo R <sup>2</sup>	0.190				0.173			
N	87				72			

Note. Models include control variables for offenders age, number of prior felony charges, and number of prior misdemeanor charges.

**Table 4.** Logistic Regression Coefficients for Convictions per Offense.

Variables	Unmatched Sample			Matched Sample				
	<i>b</i>	(SE)	Exp <i>b</i>	Significance	<i>b</i>	(SE)	Exp <i>b</i>	Significance
DVHRT	0.420	(0.655)	1.521	0.522	0.606	(0.667)	1.833	0.364
Model X <sup>2</sup>	17.28 (5)				11.13 (5)			
Pseudo R <sup>2</sup>	0.166				0.143			
N	84				69			

Note. Models include control variables for offenders age, race/ethnicity, number of prior felony charges, and number of prior misdemeanor charges.

**Table 5.** Logistic Regression Coefficients for Convictions per Prosecution.

Variables	Unmatched Sample			Matched Sample				
	<i>b</i>	(SE)	Exp <i>b</i>	Significance	<i>b</i>	(SE)	Exp <i>b</i>	Significance
DVHRT	0.309	(0.814)	1.363	0.704	0.437	(0.854)	1.548	0.609
Model X <sup>2</sup>	14.76				13.91			(6)
Pseudo R <sup>2</sup>	0.191				0.250			
N	74				61			

Note. Models include control variables for offender age, race/ethnicity, number of prior felony charges, number of prior misdemeanor charges, and charging level (felony vs. misdemeanor).

than for matched controls ( $b = -0.400$ ,  $SE = 0.129$ ,  $p = .003$ ). This result suggests that DVHRT monitoring does not encourage prosecutors to overcharge. DVHRT offenders are charged with fewer offenses than comparison offenders in the matched sample, suggesting that prosecutors charge monitored offenders less aggressively than other DV cases when the sample is matched on criminal history and demographic variables.

Results for bail are presented in Table 7. DVHRT monitoring is not associated with significantly higher levels of bail when models include control variables or when the samples are matched, suggesting that the higher bail for DVHRT offenders in the bivariate analysis is explained by their higher criminal history, charging level, or demographic characteristics.

**Table 6.** Regression Coefficients for Number of Charges Filed.

Variables	Unmatched Sample			Matched Sample		
	<i>b</i>	( <i>SE</i> )	Significance	<i>b</i>	( <i>SE</i> )	Significance
DVHRT	-0.217	(0.129)	0.100	-0.400	(0.129)	0.003
Adjusted R <sup>2</sup>	0.267			0.285		
N	77			64		

Note. Models include control variables for offenders age, race/ethnicity, number of prior felony charges, number of prior misdemeanor charges, and charging level (felony vs. misdemeanor).

**Table 7.** Regression Coefficients for Bail in Thousands.

Variables	Unmatched Sample			Matched Sample		
	<i>b</i>	( <i>SE</i> )	Significance	<i>b</i>	( <i>SE</i> )	Significance
DVHRT	0.545	(0.321)	0.094	0.292	(0.256)	0.259
Adjusted R <sup>2</sup>	0.549			0.285		
N	75			60		

Note. Models include control variables for offenders age, race/ethnicity, number of prior felony charges, number of prior misdemeanor charges, and charging level (felony vs. misdemeanor).

**Table 8.** Regression Coefficients for Sentence Length in Months.

Variables	Unmatched Sample			Matched Sample		
	<i>b</i>	( <i>SE</i> )	Significance	<i>b</i>	( <i>SE</i> )	Significance
DVHRT	0.612	(0.230)	0.011	0.611	(0.207)	0.005
Adjusted R <sup>2</sup>	0.661			0.724		
N	57			49		

Note. Models include control variables for offenders age, race/ethnicity, number of prior felony charges, number of prior misdemeanor charges, and charging level (felony vs. misdemeanor).

Results for sentence length, presented in Table 8, show that DVHRT monitoring is associated with significantly longer logged sentences in the unmatched sample ( $b = 0.612$ ,  $SE = 0.230$ ,  $p = .011$ ) and in the matched sample ( $b = 0.611$ ,  $SE = 0.207$ ,  $p = .005$ ). These results suggest that DVHRT monitoring increases offender accountability in the form of post-conviction incapacitation for cases where offenders are matched on criminal history, charging level, and offenders' racial identity and age. Cases involving DVHRT-monitored offenders receive substantively and significantly longer terms of jail and prison time than cases involving offenders who screened in as high risk as the LAP and have similar criminal histories and demographic characteristics, but who are not monitored by the team.

## Discussion

Since the 1980s, activists and policymakers have implemented legislation and programs designed to encourage arrest and prosecution for DV (Belknap & Grant, 2018; Cissner et al., 2015; Office on Violence Against Women, 2018). These efforts have shown varying levels of success, and policymakers continue to seek ways to respond to DV that increase victim safety and encourage change in offenders. Although risk assessment has been widely used in the criminal legal system for over a century, the development of tools to assess lethality risk for DV began in the 21st century (Campbell et al., 2009; Monahan, 2006). The LAP/DVHRT model is the most recent policy innovation in the effort to improve community responses to DV. Proponents argue that the use of risk assessment and team monitoring will promote victim safety and offender accountability by focusing on the most dangerous cases, in which victims are at risk of serious injury and lethality.

The current study examined whether the use of risk assessment to identify and monitor the most dangerous offenders influences criminal case outcomes in one jurisdiction that implemented LAP/DVHRT in 2014. Results indicated that DVHRT monitoring was associated with significantly higher rates of prosecution and conviction, but these bivariate differences were due to differences between the high-risk and comparison groups such as the larger number of criminal charges in the history of offenders who were deemed high risk. Multivariate results showed that DVHRT monitoring was associated with prosecutors' filing fewer charges and was not associated with bail amounts, suggesting that DVHRT does not influence prosecutors' decisions during the pre-trial period.

DVHRT monitoring was associated with significantly and substantively higher sentence lengths, even when controlling for charging level, offender

history, and extra-legal factors, and when the analysis was restricted to the matched sample that balances these characteristics. These findings suggest that DVHRT monitoring influenced prosecution outcomes related to the sentencing of offenders. Prosecutors and judges have the discretion to seek and impose higher sanctions in cases that they deem as posing greater risk to victims or the larger public (Garner & Maxwell, 2009; Henning & Feder, 2005). In contrast, when considering whether to pursue charges, the number of charges to file, and bail requests, prosecutors rely on evidentiary concerns and defendants' prior records. Our results suggest that DVHRT monitoring affected the severity of sentencing outcomes rather than the likelihood of prosecution or conviction.

These findings provide additional evidence that the LAP/DVHRT model meets the goal of increasing offender accountability in the legal system. The findings are consistent with the results from the earlier study of DVHRT outcomes in Massachusetts, which found that offenders monitored by the DVHRT had higher conviction, pretrial detainment, and incarceration rates than has been shown for DV cases in locations without DVHRT (JGCC, 2016). The primary contribution of the current study is the finding that DVHRT monitored offenders received longer sentences than comparison offenders using a sample matched on criminal history and racial identity.

DVHRT increases offender accountability if this concept is narrowly defined as harsher sentencing and longer incapacitation. To date, however, evidence is mixed on whether arrest, prosecution, conviction, or sentence length are associated with changes in offenders that make them less likely to recidivate (Cerulli et al., 2014; Sloan et al., 2013; Xie & Lynch, 2016). Critics argue that the punitive focus of the current system fails to promote offender accountability when this concept is defined as offenders' reckoning with the harms they caused and their impacts on survivors (Sered, 2019). Additional research on how DV offenders interpret risk assessment and criminal sanctions is needed to extend our understanding of accountability and effective interventions to reduce DV.

Additionally, critics argue that promoting harsher legal sanctions will not serve the needs of survivors (Cattaneo et al., 2009). Victims of violent crimes seek validation that what happened to them is wrong, yet this validation is unlikely to result from criminal cases resolved by plea bargains wherein defendants plead to lesser crimes than those they were originally charged with and the case is resolved in a rote, bureaucratic fashion (Sered, 2019). Moreover, some DV survivors do not want their intimate partners to face long sentences, which have long-term negative economic and social impacts for survivors and their children (Cattaneo et al., 2009).

Opponents of risk assessment argue that the use of tools like the LAP/DVHRT will increase social class and racial disparities in prosecution outcomes (Eckhouse et al., 2019; Monahan, 2006). The current finding that offenders of color are more likely than White offenders to be monitored by DVHRT in the unmatched sample provides some preliminary evidence to support this claim. Additional studies that assess whether LAP and DVHRT lead poor offenders and people of color to face harsher sanctions for domestic violence are needed to inform the larger debate about the fairness and legitimacy of risk assessment for DV (Ferraro & Websdale, 2018).

## Limitations

This study is limited in several respects. First, because all offenders in the DVHRT population were classified as male, we were unable to examine associations between DVHRT monitoring and prosecution outcomes for women offenders. Studies of the LAP and DVHRT have focused on female victims and male offenders even though recent research finds that women offenders constitute a growing proportion of those arrested and charged for DV (Klein & Klein, 2016; Messing et al., 2017). Moreover, these findings apply to a single DVHRT location in one county in Washington State with a small, predominantly White population, and may not represent larger, more diverse jurisdictions or other regions of the United States.

The small sample size prevented full use of the data; we were unable to match 10 of the DVHRT offenders with comparison cases. Analytic sample sizes ranged from 57 to 87 cases in the unmatched sample and from 49 to 72 cases in the matched sample. Additionally, the remaining CEM imbalance of .386 suggests that the DVHRT and comparison samples differed on characteristics that may be associated with prosecution outcomes even in the matched sample analyses. We did not have data on victim characteristics or case details that may be associated with prosecution outcomes. It is possible that the samples of DVHRT and comparison offenders differed on unmeasured variables such as the racial identities of victims, the presence of children at the scene, victim injury, or other characteristics that are associated with prosecution and sentencing outcomes. This limitation, in combination with unmeasured differences between the DVHRT and comparison samples, suggest caution in concluding that the DVHRT program is the causal factor in the sentencing outcomes identified in this study.

Although we found that DVHRT monitoring was associated with longer sentences, these data did not allow for investigation into how or why offender monitoring is associated with longer post-conviction confinement. The team explored ways to communicate information that offenders were monitored by

DVHRT throughout the legal system (e.g., having prosecutors use a folder of a different color for monitored offenders), but this systemization was not implemented in the study site. The 911 dispatch system for one of the law enforcement departments in the county began to use a code to classify DVHRT offenders during the last eight months of the study period, but this is unlikely to have influenced case outcomes following an arrest. Research on the procedures or processes through which involvement with DVHRT influences criminal case outcomes, such as qualitative interviews with team members, prosecutors, and judges in jurisdictions that have enacted DVHRT, is needed to identify the mechanisms through which team monitoring influences sentencing outcomes.

## **Conclusion**

Results of this preliminary assessment indicate that DVHRT offenders received longer sentences than the matched comparison group, suggesting that monitoring is associated with longer periods of confinement. Thus, DVHRT may increase victim safety by providing victims with longer time periods in which they are protected from the risk of reassault. Additionally, confined offenders have diminished access to their victims, which may provide victims with the space and freedom to seek support and consider options that may enhance their safety upon the release of offenders (Messing et al., 2014). These results, in combination with earlier findings (Campbell et al., 2009; Cattaneo & Chapman, 2011; Cerulli et al., 2014; JGCC, 2016; Messing et al., 2017), suggest that risk assessment and team monitoring can successfully meet the dual goals of increasing survivors' safety and offender accountability within the criminal legal system.

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## **Notes**

All cases resulting in findings of guilt were the result of plea-bargains. Over 95% of criminal cases in the United States were resolved by plea-bargaining as of 2006 (Wilford et al., 2020).

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