

*A Report
on
Intimate
Domestic Violence
In
Springdale, Arkansas
For Year
2008*

*Prepared by:
Jeff C. Harper
Springdale City Attorney
October 2, 2009*



Introduction

INTRODUCTION

This report provides statistical information for intimate domestic violence incidents that occurred in Springdale, Arkansas during the year 2008. One of the primary purposes of this report is to educate the public about the problem of domestic violence, and to emphasize that domestic violence is a crime against the people of the State of Arkansas. Domestic violence is a problem throughout America, and October has been proclaimed as National Domestic Violence Awareness Month.

For purposes of this report, the term "domestic" means a family or household member, as defined by Arkansas law. In the 2005 Arkansas General Assembly, the definition of "family" or "household member" was expanded to include dating relationships. "Dating relationship" is defined under the 2005 law as a romantic or intimate social relationship between two individuals that is determined by examining the following factors:

- i) the length of the relationship;
- ii) the type of the relationship; and
- iii) the frequency of interaction between the two individuals involved in the relationship.

"Dating relationship" does not include a casual relationship or ordinary fraternization between two individuals in a business or social context.

In this report, domestic relationships are broken down into two different type relationships, "intimate" and "non-intimate." The term

“intimate” means the parties are spouses, ex-spouses, live together or have lived together in a sexual relationship, have had a child together, or are in a dating relationship, as defined in the previous paragraph. The term “non-intimate” for purposes of this report means the parties are related family members or live or have lived together in the same household, but not in an intimate relationship. The non-intimate relationships usually involve such family members as brothers, sisters, parents or children, or roommates who are not intimates.

For purposes of this report, the term “violence” means the crimes of homicide, felony battery, misdemeanor battery, aggravated assault (felony), and misdemeanor assault, as such crimes are defined under Arkansas law. Terroristic threatening is also included in the intimate crimes when the threat occurred in person between the suspect and victim. The specific crimes mentioned in this report are set out in the glossary, contained at the end of this report.

At one time, domestic violence, and in particular intimate domestic violence, was considered to be a private family matter. However, states throughout America gradually realized this was an antiquated approach, and started changing their laws. In 1991, the Arkansas General Assembly passed the Arkansas Domestic Abuse Act. The law changed how law enforcement and prosecutorial authorities deal with domestic abuse. Under the Arkansas Domestic Abuse Act, if a law enforcement officer responds to a

report of domestic abuse, and has probable cause to believe an offender of domestic abuse has violated Arkansas criminal laws, then an arrest is the preferred action. Prior to the change in the law, Arkansas law enforcement officers were not allowed to make a misdemeanor arrest in domestic abuse situations unless the offense occurred in their presence, and such situations were rare. The Arkansas Domestic Abuse Act has had a positive impact on the fight against domestic violence.

Jeff C. Harper
City Attorney



*Table
Of
Contents*

TABLE OF CONTENTS

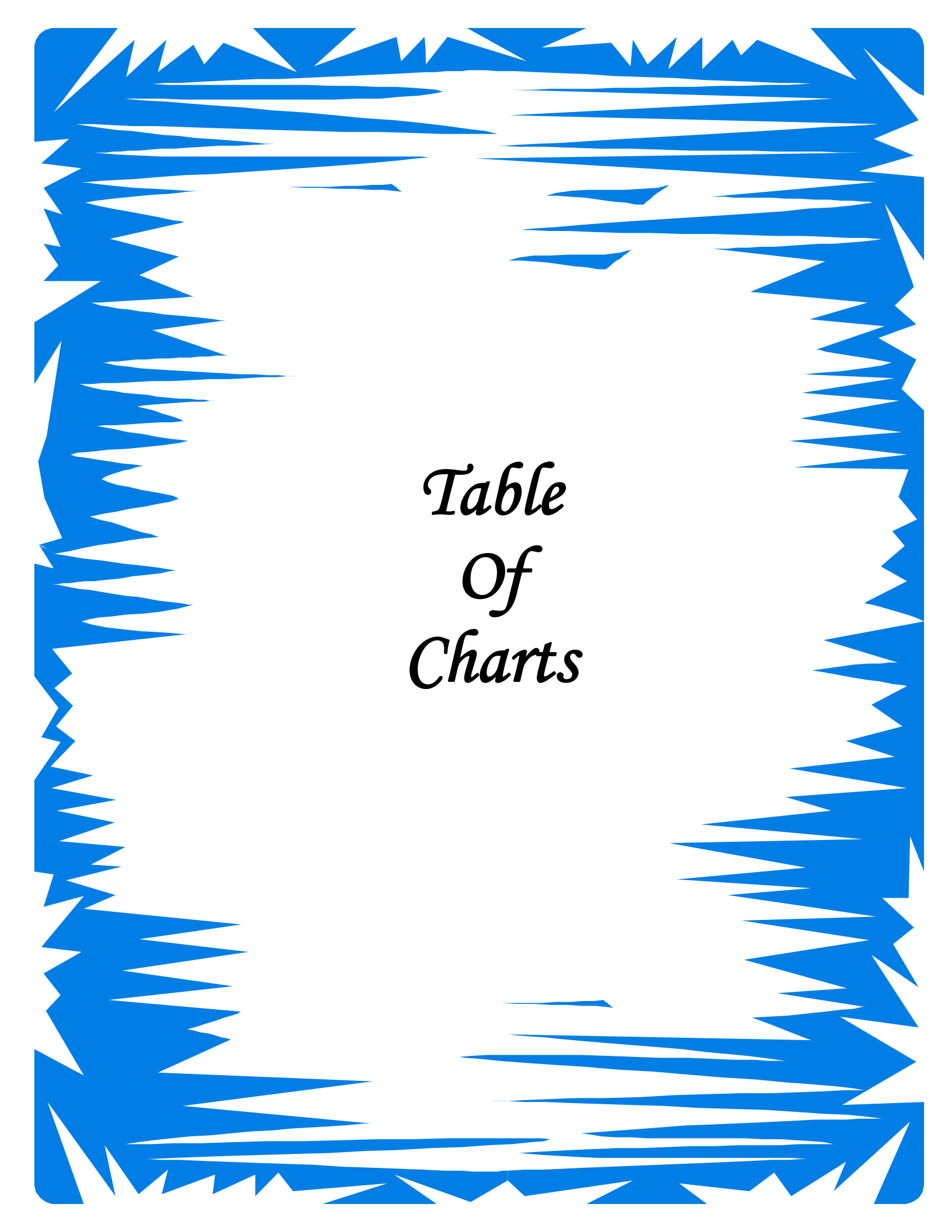
Page No.

INTRODUCTION

I.	GENERAL STATISTICS CONCERNING VIOLENCE IN SPRINGDALE, ARKANSAS IN THE YEAR 2008	
A.	Comparison of Total Violence in Springdale (Domestic and Non-Domestic Violence).....	1
B.	Total Number of Non-Intimate Domestic Violence Incidents Compared to Intimate Domestic Violence Incidents	1
C.	Comparison of Domestic Violence in Past Five Years	3
D.	Comparison of Intimate Domestic Violence in Past Five Years	4
E.	2008 Intimate Domestic Violence by Month in Which They Occurred	4
F.	Day of Week in Which 2008 Intimate Domestic Violence Incidents Occurred	5
II.	GENERAL STATISTICS ON ARRESTS IN INTIMATE DOMESTIC VIOLENCE CASES	
A.	Intimate Domestic Violence Incidents Resulting in an Arrest	7
B.	When Arrest Was Made	8
C.	Dual Arrests	10
D.	Charges Made for Crimes of Violence in Intimate Violence Cases	10
E.	Comparison of Intimate Domestic Violence Arrests The Last Five Years	11

F.	Interference With Emergency Communications	12
III.	STATISTICS ON PERSONS INVOLVED IN INTIMATE DOMESTIC VIOLENCE ARRESTS	
A.	Profile of Couples Involved in Intimate Domestic Violence Arrests	14
1.	Race	14
2.	Nature of Relationship	14
B.	Profile of Offenders Arrested for Intimate Domestic Violence	15
1.	Race/Gender of Offenders	15
2.	Average Age of Offenders	17
C.	Profile of Victims	18
1.	Race/Gender of Victims	18
2.	Average Age of Victims	19
IV.	PROSECUTION OF INTIMATE DOMESTIC VIOLENCE CASES BY CITY OF SPRINGDALE	
A.	Disposition of Cases	21
B.	Conviction Rate	22
C.	Comparing the Conviction Rate	23
D.	Treatment Options	24
E.	No Drop Policy	25
V.	CERTAIN OTHER CRIMES INVOLVING INTIMATES	
A.	Violation of 9.3 Order	27
B.	Violation of Order of Protection	27

C.	Rape	28
D.	False Imprisonment	28
E.	Stalking	28
GLOSSARY		29

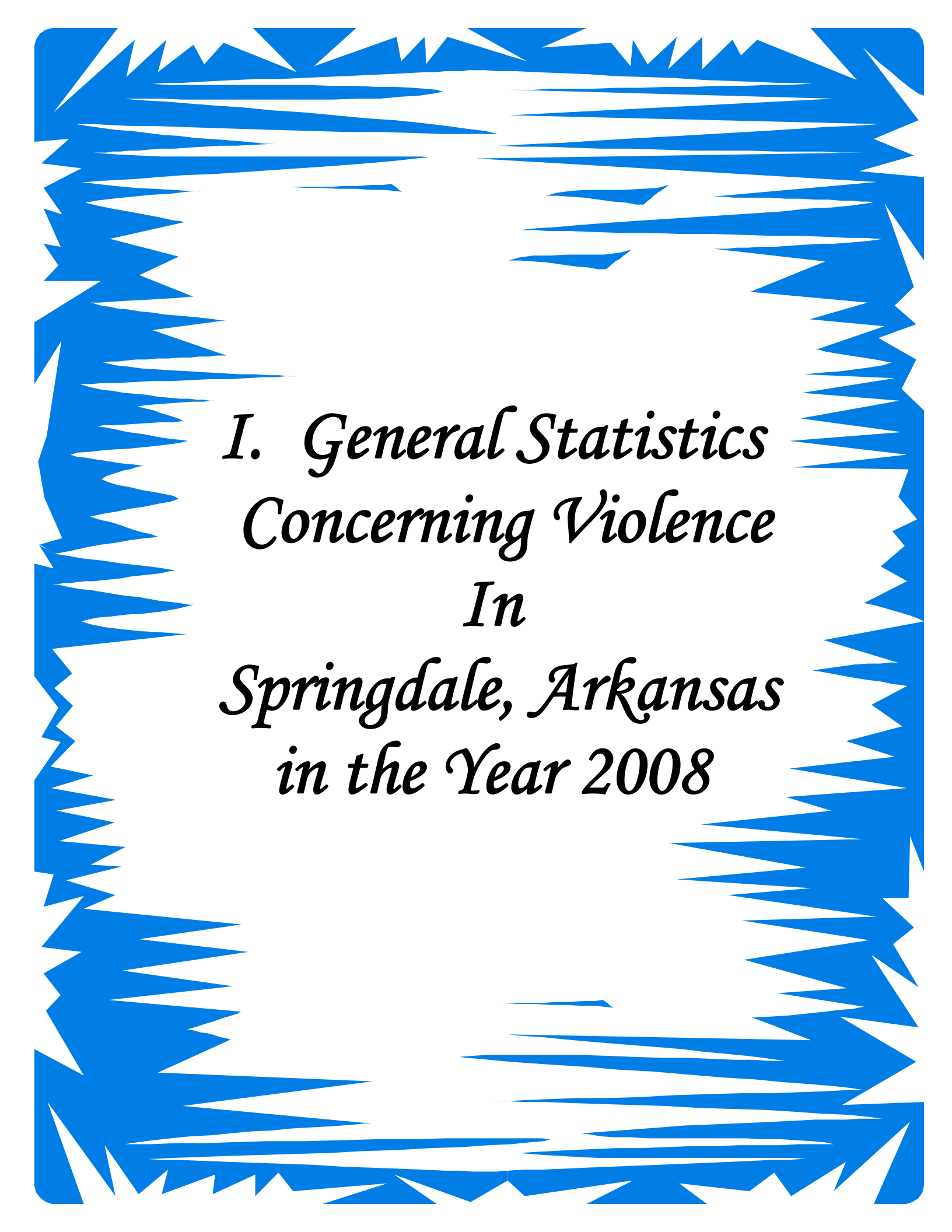


*Table
Of
Charts*

TABLE OF CHARTS

	Page No.
Chart 1 – Comparison of Domestic Violence Incidents With Non-Domestic Violence Incidents Reported to Springdale Police in 2008	1
Chart 2 – Comparison of Intimate Domestic Violence With Non-Intimate Domestic Violence Reported to Springdale Police in 2008	2
Chart 3 – Comparison of Domestic Violence Incidents Reported to Springdale Police in Past Five Years	3
Chart 4 – Comparison of Intimate Domestic Violence Reported to Springdale Police in Past Five Years	4
Chart 5 – Intimate Domestic Violence Incidents Reported to Springdale Police in 2008	5
Chart 6 – Days of Week in Which Intimate Domestic Violence Incidents Occurred in Year 2008	6
Chart 7 – Intimate Domestic Violence Incidents Reported to Springdale Police in 2008	7
Chart 8 – When Arrest Was Made	9
Chart 9 – Domestic Violence Charges Made Against Offenders Arrested or Who Have Arrest Warrants Issued for Intimate Domestic Violence in Springdale in the Year 2008	11
Chart 10 – Comparison of Intimate Domestic Violence Arrests for the Last Five Years	12
Chart 11 – Race of Couples Involved in Intimate Domestic Violence Incidents Which Resulted in an Arrest or Arrest Warrant in Springdale in 2008	14
Chart 12 – Nature of Relationship of Intimate Couples Involved in Domestic Violence in Year 2008	15

Chart 13 – Race/Gender of Offenders Arrested or Who Had Warrants Issued for Their Arrest for Intimate Domestic Violence in Springdale in the Year 2008 (396 Arrested in 389 Incidents)...	16
Chart 14 – Gender of Offenders Arrested for Intimate Domestic Violence	17
Chart 15 – Average Age by Race/Gender of Offenders Arrested for Intimate Domestic Violence in Springdale in Year 2008	17
Chart 16 – Race/Gender of Victims Involved in Intimate Domestic Violence Incidents in Springdale in 2008 in Which an Arrest was Made or a Warrant Issued	18
Chart 17 – Gender of Victims of Intimate Domestic Violence in Springdale in the Year 2008	19
Chart 18 – Average Age of Victims of Intimate Domestic Violence by Race/Gender in Springdale in Year 2008	20
Chart 19 – Dispositions of Misdemeanor Cases of Intimate Domestic Violence Handed by City of Springdale in Year 2008	21
Chart 20 – Conviction Rate of Misdemeanor Domestic Violence Cases in Springdale in 2008	22

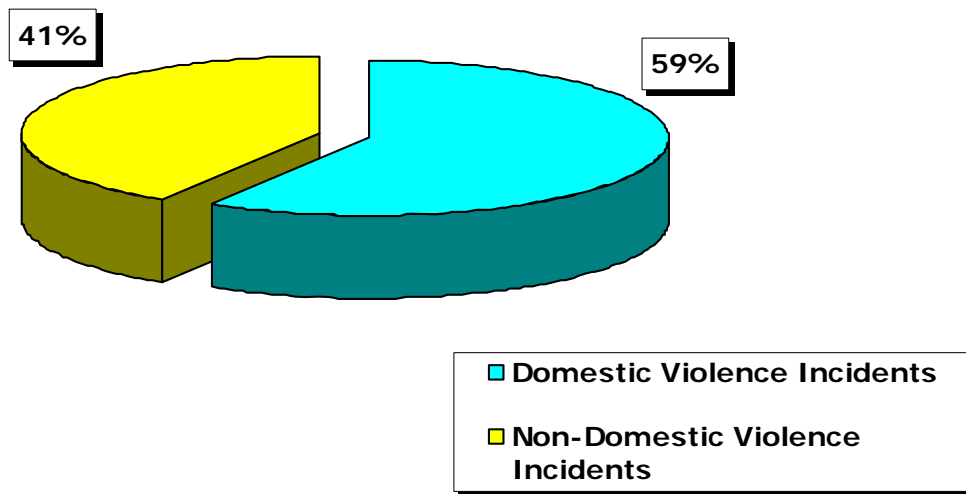


*I. General Statistics
Concerning Violence
In
Springdale, Arkansas
in the Year 2008*

A. Comparison of Total Violence in Springdale (Domestic and Non-Domestic Violence)

There were a total of 1,118 incidents of violence (homicide, battery, or assault) reported to Springdale Police in 2008. Of this total, 663 were domestic violence incidents, which means approximately 59% of the total incidents of violence reported to Springdale Police in 2008 involved a domestic incident.

CHART 1
Comparison of Domestic Violence Incidents With Non-Domestic Violence Incidents Reported to Springdale Police in 2008



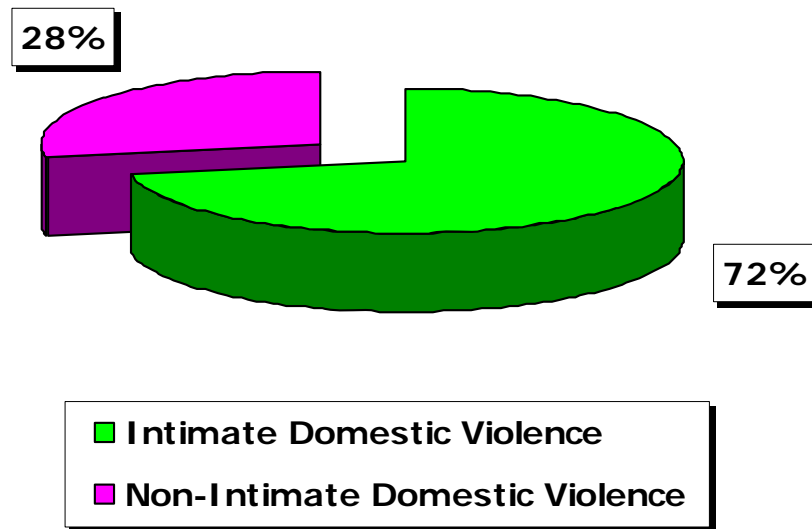
B. Total Number of Intimate Domestic Violence Incidents Compared to Non-Intimate Domestic Violence Incidents

In 2008, there were 478 intimate domestic violence incidents reported to Springdale Police and 185 non-intimate domestic violence incidents reported, making 663 total domestic violence incidents. This means that

intimate domestic violence makes up approximately 43% of the total violence reported in Springdale, and about 72% of domestic violence reported.

The following chart sets out the percentage of intimate domestic violence incidents compared to non-intimate domestic violence incidents reported to Springdale Police in 2008.

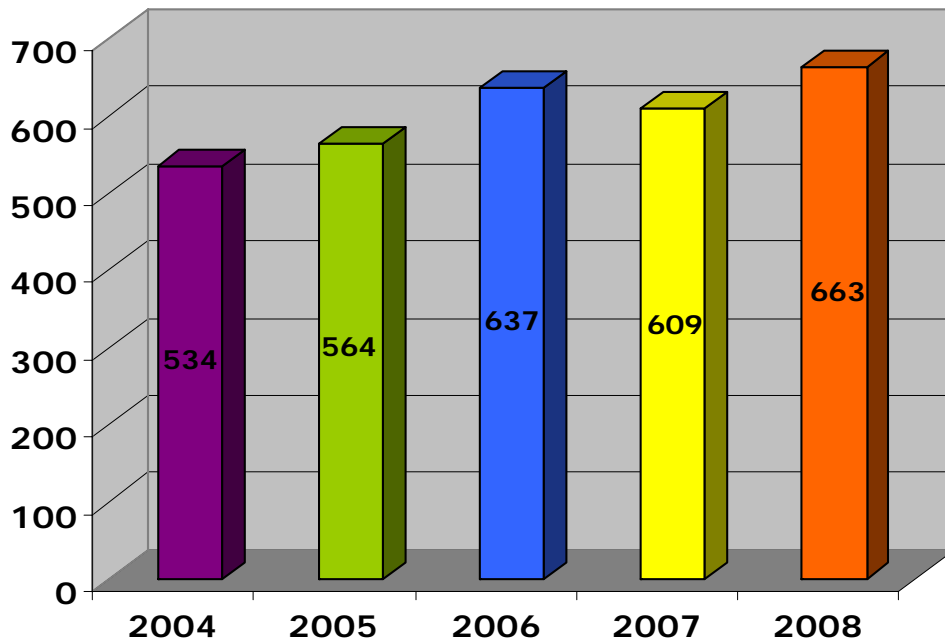
CHART 2
Comparison of Intimate Domestic Violence With
Non-Intimate Domestic Violence Reported to
Springdale Police in 2008



C. Comparison of Domestic Violence in Past Five Years

The following chart sets out the number of domestic violence incidents reported to Springdale Police in the past five years. Domestic violence went up approximately 8.9% from 2007 to 2008.

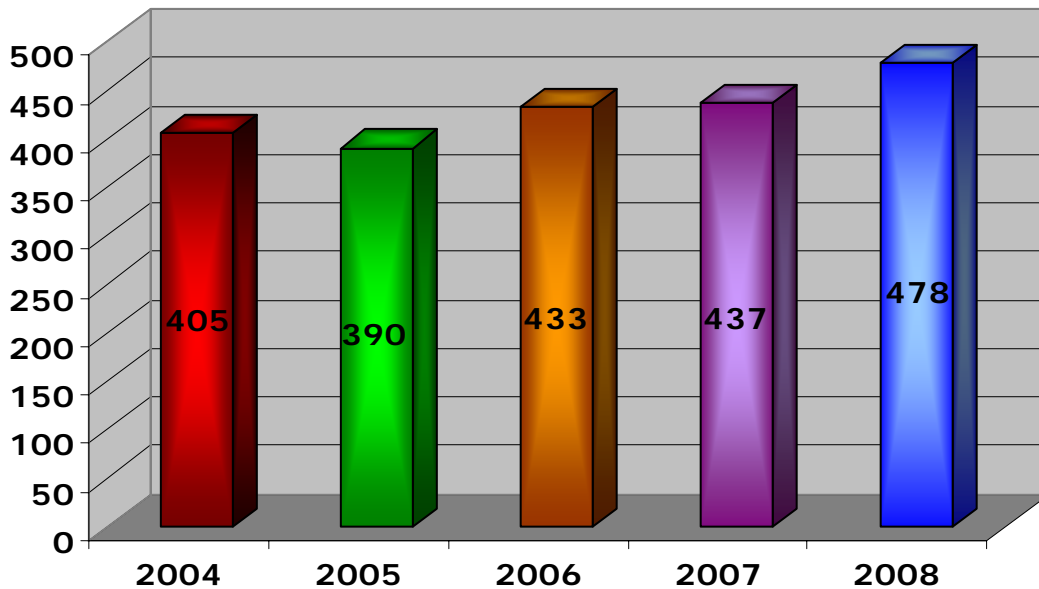
CHART 3
Comparison of Domestic Violence
Incidents Reported to Springdale Police in
Past Five Years



D. Comparison of Intimate Domestic Violence Incidents in Past Five Years

The following chart sets out the number of intimate domestic violence incidents reported to Springdale Police in the past five years. Intimate domestic violence went up about 9.4% from 2007 to 2008.

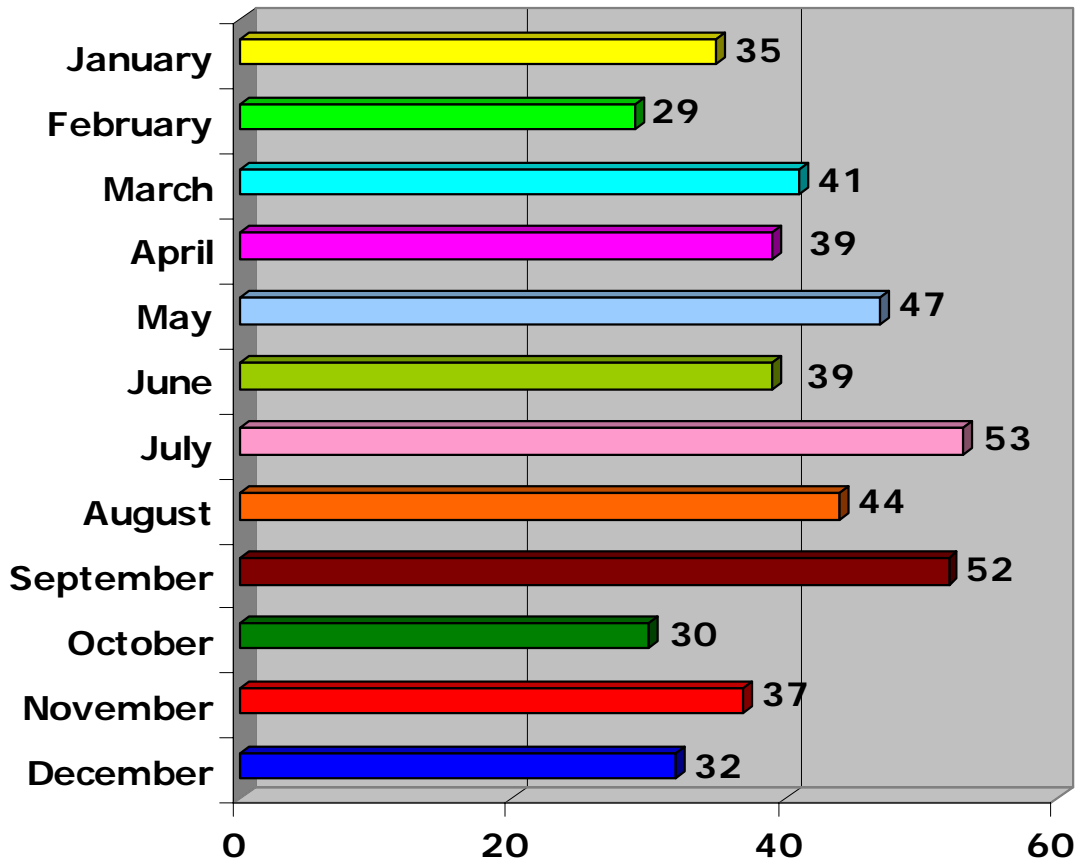
**CHART 4
Comparison of Intimate Domestic Violence
Reported to Springdale Police in Past Five Years**



E. 2008 Intimate Domestic Violence by Month in Which They Occurred

The following chart sets out the months in 2008 in which intimate domestic violence incidents occurred:

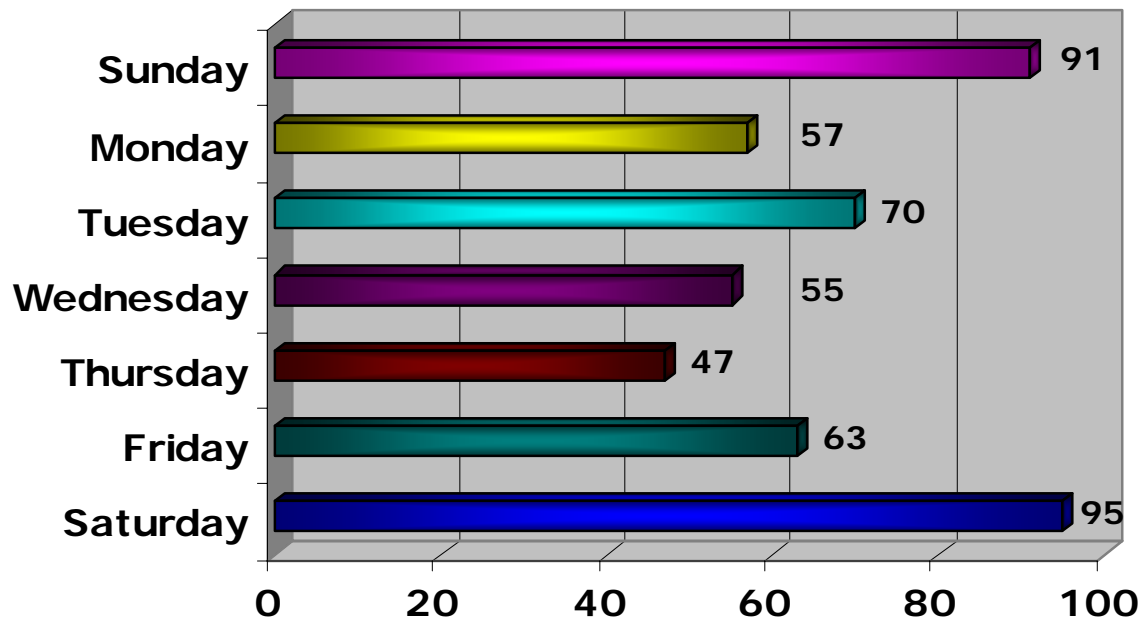
CHART 5
Intimate Domestic Violence Incidents
in Year 2008 By Month

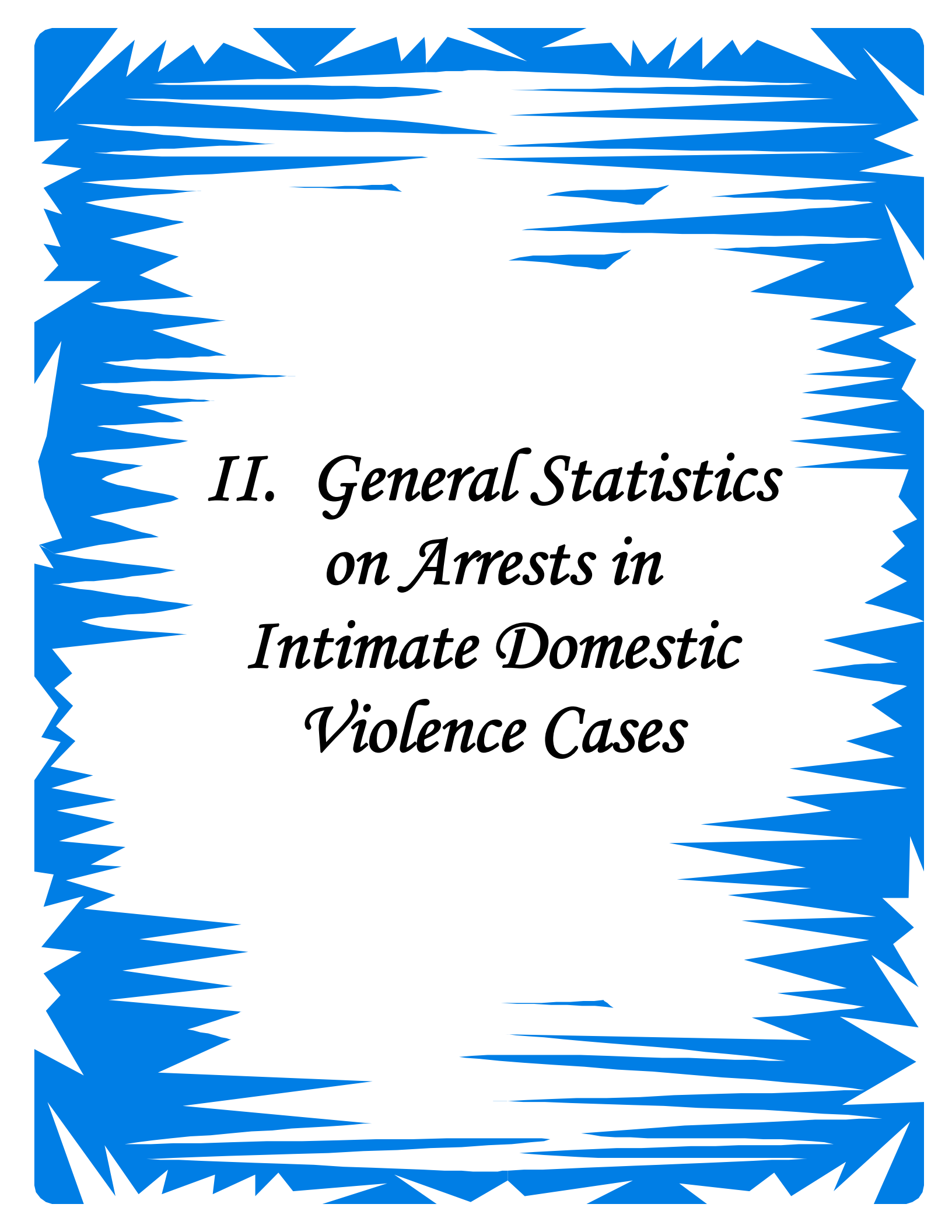


F. Day of Week in Which 2008 Intimate Domestic Violence Incidents Occurred

The following chart sets out the number by day of the week in which 2008 intimate domestic violence incidents occurred.

CHART 6
Days of Week in Which Intimate Domestic Violence Incidents Occurred in Year 2008



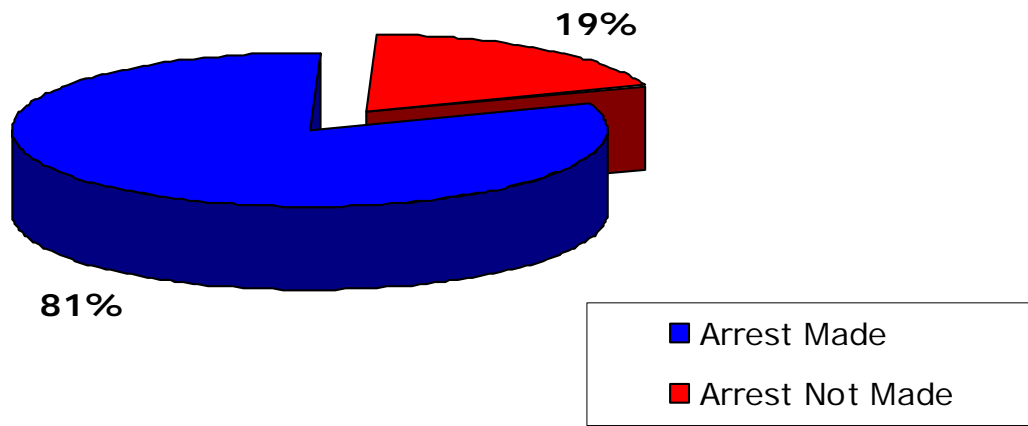


*II. General Statistics
on Arrests in
Intimate Domestic
Violence Cases*

A. Intimate Domestic Violence Incidents Resulting in an Arrest

As mentioned in the previous section, in the year 2008, there were a total of 478 intimate domestic violence incidents reported to the Springdale Police Department, which resulted in an incident report being filed. Of this total, there were 389 incidents in which an arrest was made or an arrest warrant was later issued, and 89 incidents in which there was no arrest made, nor a warrant issued. This means an arrest was made or a warrant issued in about 81% of the total intimate domestic violence incidents reported to Springdale Police in 2008.

**CHART 7
Intimate Domestic Violence Incidents Reported to
Springdale Police in 2008**

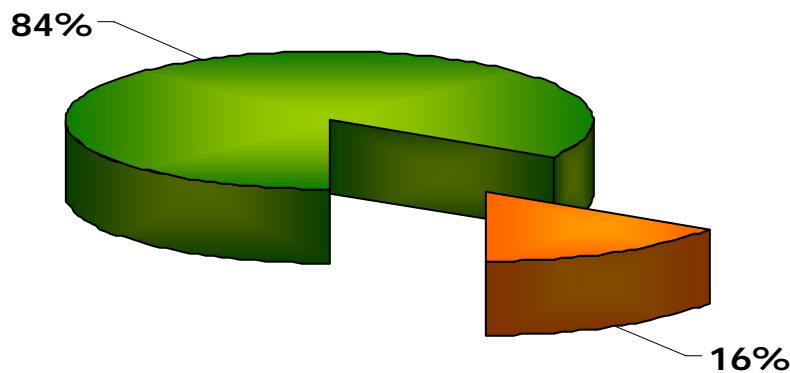


B. When Arrest Was Made

Of the 389 intimate domestic violence incidents that resulted in an arrest or an arrest warrant being issued, 326 (approximately 84%) involved an incident in which the officer made a probable cause arrest fairly quickly after the incident was reported. Under Arkansas law, an arrest is the preferred action when a law enforcement officer responds to a report of domestic abuse and has probable cause to make an arrest. The law further provides that in misdemeanor domestic violence cases, a probable cause arrest is authorized within 12 hours on misdemeanors involving injury, and four hours on misdemeanors involving no injury.

A total of 63 (approximately 16%) persons who were not arrested at the scene of the incident were later arrested or had a warrant issued for their arrest after follow-up was done by the reporting officer or by a detective with the Criminal Investigation Division (CID) of the Springdale Police Department, or the victim came into the City Attorney's Office to pursue a warrant. Most of these 63 cases involved an incident in which the offender had left the scene and could not be located by Springdale Police within the required time to make a probable cause arrest.

CHART 8
When Arrest Was Made



■ Arrest for Domestic Violence for Probable Cause at or Near Scene (326)
■ Arrest Warrant Issued (63)

One interesting statistic that is telling about the dynamics of intimate domestic violence is in all cases in which a law enforcement officer did not make a probable cause arrest within the time allowed under Arkansas law, only 23 victims contacted the City Attorney's Office requesting that a warrant be issued. In all 23 cases, a warrant was issued. This means that in only 23 out of 152 cases in which an arrest was not made at the scene or fairly soon thereafter by the police, did the victim pursue a warrant through the City Attorney's Office. Therefore, in just over 15% of the cases did the victim pursue a warrant. Most of the cases in which no warrant was ever issued represent cases in which it was determined a warrant could not be

pursued without the cooperation of the victim, and the victim would not cooperate. These cases usually involve assault cases, where there is no physical injury.

C. Dual Arrests

A dual arrest occurs when both intimates are arrested for domestic violence in the same incident. In 7 incidents, a dual arrest was made, so in 389 incidents, 396 people were arrested or had a warrant issued for their arrest (both intimates being arrested in 7 incidents). This means a dual arrest was made in about 1.8% of the total intimate domestic violence incidents in which an arrest was made or a warrant issued.

D. Charges Made For Crimes of Violence in Intimate Domestic Violence Cases

There were a total of 396 persons arrested or who had warrants issued for their arrest for intimate domestic violence in Springdale during the year 2008, and there were 409 total charges. Of the 409 total charges, 335 were prosecuted as misdemeanors (about 82% of the total charges were misdemeanors). However, a few of the misdemeanor cases went with related felony cases and were prosecuted by the Washington County Prosecutor's Office. The chart on the following page breaks down the exact charges against the offenders.

CHART 9
Domestic Violence Charges Made Against
Offenders Arrested or Who Had Arrest Warrants Issued
For Intimate Domestic Violence in Springdale in the Year 2008

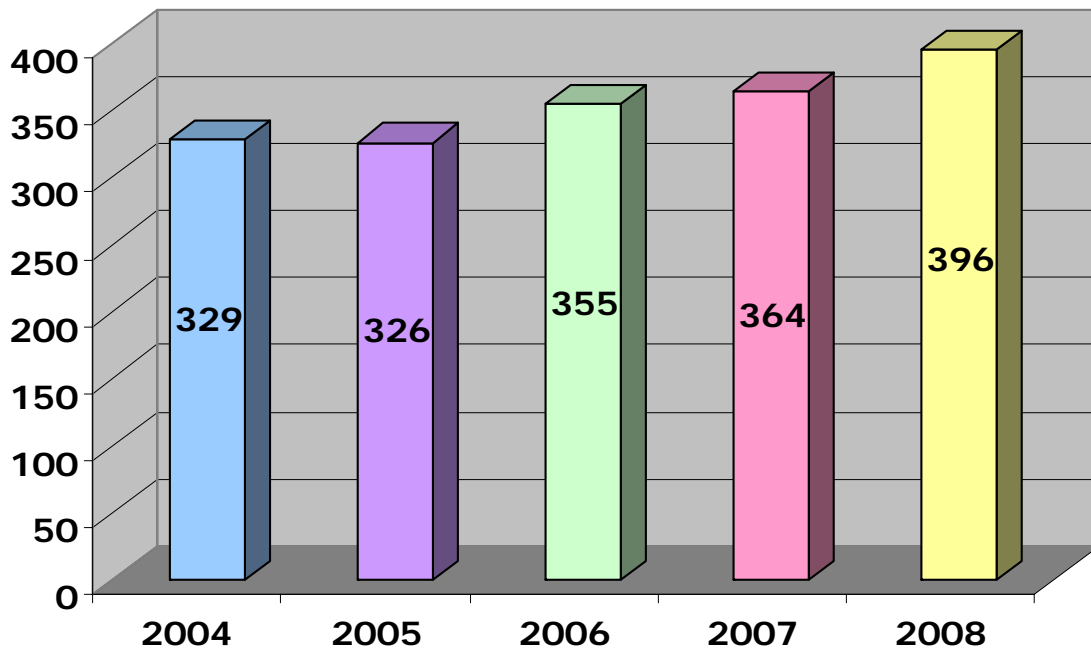
<u>Charge</u>	<u>Felony/Misdemeanor</u>	<u>No. of Arrests</u>
Capital Murder	Felony	1
Attempted Capital Murder	Felony	1
Domestic Battery, 1 st Degree	Felony	1
Domestic Battery, 2 nd Degree	Felony	5
Domestic Battery, 3 rd Degree, Second or more offense	Felony	25
Domestic Battery, 3 rd Degree, Victim pregnant	Felony	13
Domestic Aggravated Assault	Felony	17
Terroristic Threatening, 1 st Degree	Felony	11
Domestic Battery, 3 rd Degree	Misdemeanor	214
Domestic Assault, 1 st Degree	Misdemeanor	4
Domestic Assault, 2 nd Degree	Misdemeanor	39
Domestic Assault, 3 rd Degree	Misdemeanor	76
Terroristic Threatening, 2 nd Degree	Misdemeanor	<u>2</u>
Total		409

E. Comparison of Intimate Domestic Violence Arrests the Last Five Years

The chart below sets out the total number of intimate domestic violence arrests, or cases in which an arrest warrant was issued in

Springdale during the past five years. Intimate domestic violence arrests went up just over 8.75% from 2007 to 2008.

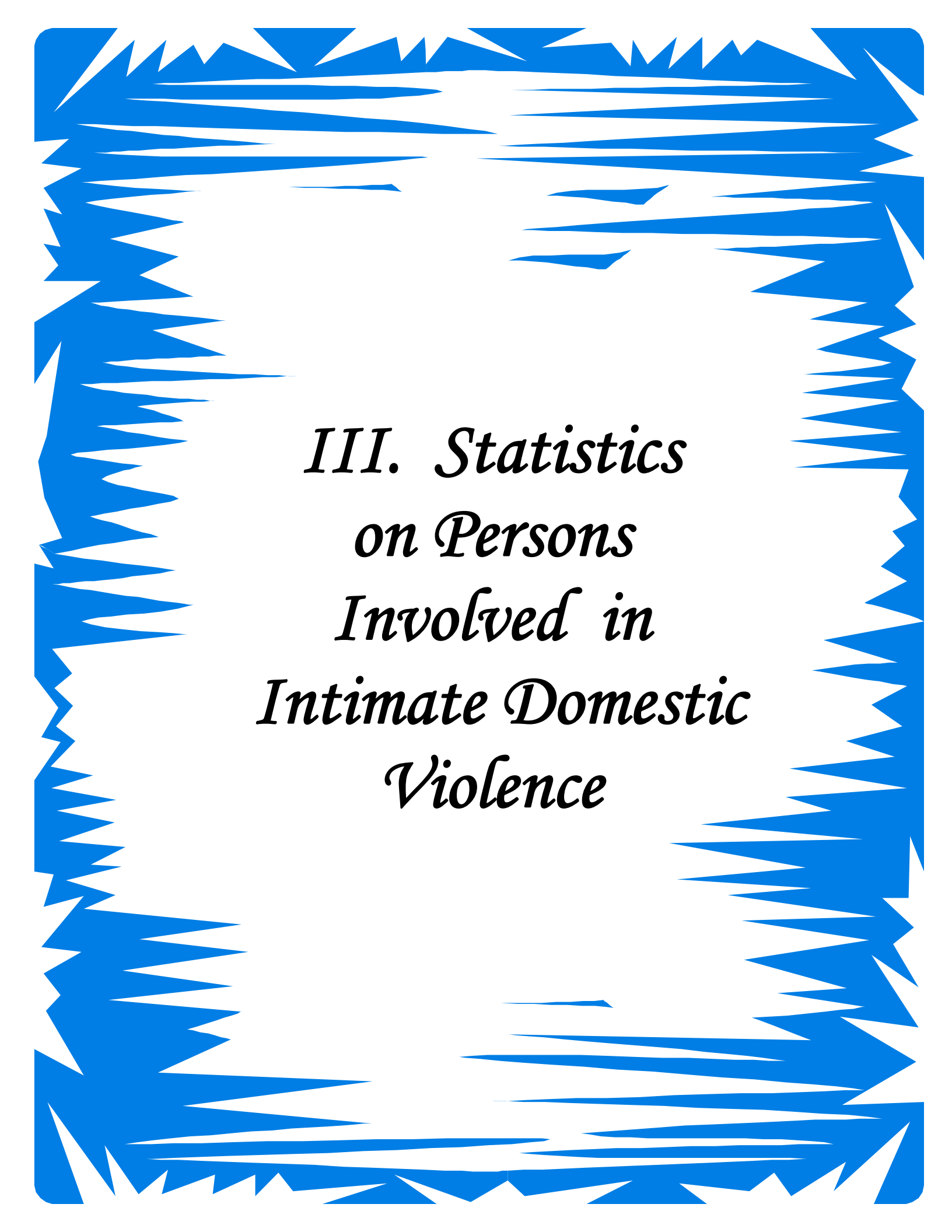
CHART 10
Comparison of Intimate Domestic Violence Arrests
For The Last Five Years



F. Interference With Emergency Communications

In 2007, the Arkansas General Assembly passed a law making it a crime to interfere with emergency communications (the crimes are interfering with emergency communications first and second degree). These new laws are aimed at protecting crime victims, often times domestic abuse victims, who are trying to call the police for help, only to have the suspect

interfere with their ability to get help. In 2008, there were 23 incidents in which a suspect who was charged with domestic violence was also charged with interfering with emergency communications.



*III. Statistics
on Persons
Involved in
Intimate Domestic
Violence*

A. Profile of Couples Involved in Intimate Domestic Violence Arrests

1. Race

The following chart sets out the race by couples in intimate domestic violence incidents that occurred in Springdale in 2008 which resulted in an arrest or a warrant being issued.

CHART 11
Race of Couples Involved in Intimate Domestic Violence Incidents Which Resulted in an Arrest or Arrest Warrant in Springdale in 2008

Race	No. of Couples	Percentage	Percentage +/- From Previous Year
White	203	52.25%	+3.25%
Hispanic	86	22%	-4.25%
Mixed Race	63	16.25%	+6.65%
Marshall Island	22	5.75%	-.75%
Black	11	2.75%	-.35%
Asian	<u>4</u>	<u>1%</u>	<u>+.7%</u>
Total	389	100%	

2. Nature of Relationship

The following chart sets out the nature of the relationship of the intimate couples.

CHART 12
Nature of Relationship of Intimate Couples
Involved in Domestic Violence in Year 2008

<u>Relationship</u>	<u>No. of</u> <u>Couples</u>	<u>Percentage</u>
Boyfriend/Girlfriend (living together, have lived together, had child together but never married, or in a dating relationship)	252	65%
Husband /Wife	120	31%
Ex-Spouses	10	2.5%
Same Sex Intimates	<u>7</u>	<u>1.5%</u>
Total	389	100%

B. Profile of Offenders Arrested for Intimate Domestic Violence

1. Race/Gender of Offenders

The chart on the next page is a breakdown of the number, as well as the approximate percentage, that each race/gender group makes up of the total offenders arrested or who had a warrant issued for their arrest for intimate domestic violence in 2008.

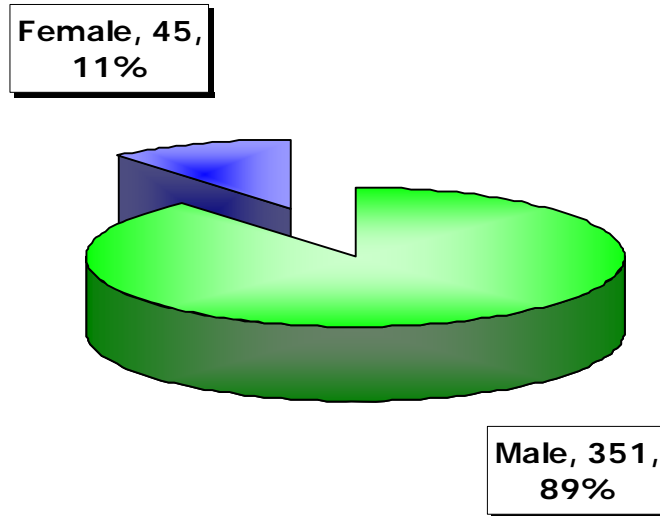
CHART 13
Race/Gender of Offenders Arrested
Or Who Had Warrants Issued For Their Arrest For
Intimate Domestic Violence In Springdale in the Year 2008
(396 Arrested in 389 Incidents)

Race/Gender	No. Arrested	Percentage	Percentage +/- From Previous Year
White male	183	46%	+2%
Hispanic male	112	28%	-4%
White female	38	10%	-.5%
Black male	28	7%	+2%
Marshall Island male	24	6%	+2.5%
Asian male	4*		
Hispanic female	3*		
Black female	3*		
American Indian female	<u>1*</u>	_____	
Total	396	100%	

*These race/gender groups total 3%.

As this chart shows, most offenders who are arrested for intimate domestic violence are male. A total of 351 (approximately 89%) of the total offenders arrested for intimate domestic violence were male, while only 45 were female (approximately 11%).

CHART 14
Gender of Offenders Arrested For Intimate Domestic Violence



2. Average Age of Offenders

The average age of offenders arrested for intimate domestic violence cases was about 30.04 years of age. The average age for the three highest race/gender groups is set out in the next chart:

CHART 15
Average Age by Race/Gender of Offenders Arrested For Intimate Domestic Violence in Springdale in Year 2008

<u>Race/Gender</u>	<u>Average Age</u>
White Male	32.95
Hispanic Male	28.77
White Female	29.34

C. Profile of Victims

1. Race/Gender of Victims

The following chart sets out the race/gender of victims of intimate domestic violence in Springdale in the year 2008, in cases in which the offender was arrested or an arrest warrant issued.

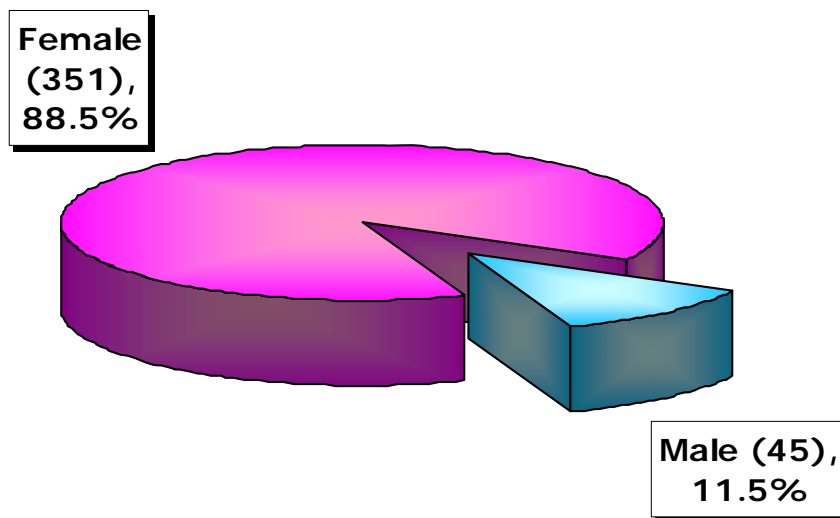
CHART 16
Race/Gender of Victims Involved in Intimate Domestic Violence Incidents in Springdale in 2008 in Which an Arrest Was Made or a Warrant Issued

Race/Gender	Number	Percentage	Percentage +/- From Previous Year
White female	224	56.5%	+7%
Hispanic female	92	23.25%	-3.5%
White male	30	7.75%	-2.75%
Marshall Island female	26	6.5%	+.5%
Black female	9	2.25%	-.5%
Hispanic male	7	1.75%	-1.5%
Asian female	4*		
Black male	3*		
American Indian female	<u>1*</u>	_____	
Total	396	100%	

*These race/gender groups total 2%.

As this chart shows, most of the victims of intimate domestic violence are female. A total of 351 of the 396 victims were female, which represents about 88.5% of the total victims.

CHART 17
Gender of Victims of Intimate Domestic Violence in Springdale in the Year 2008

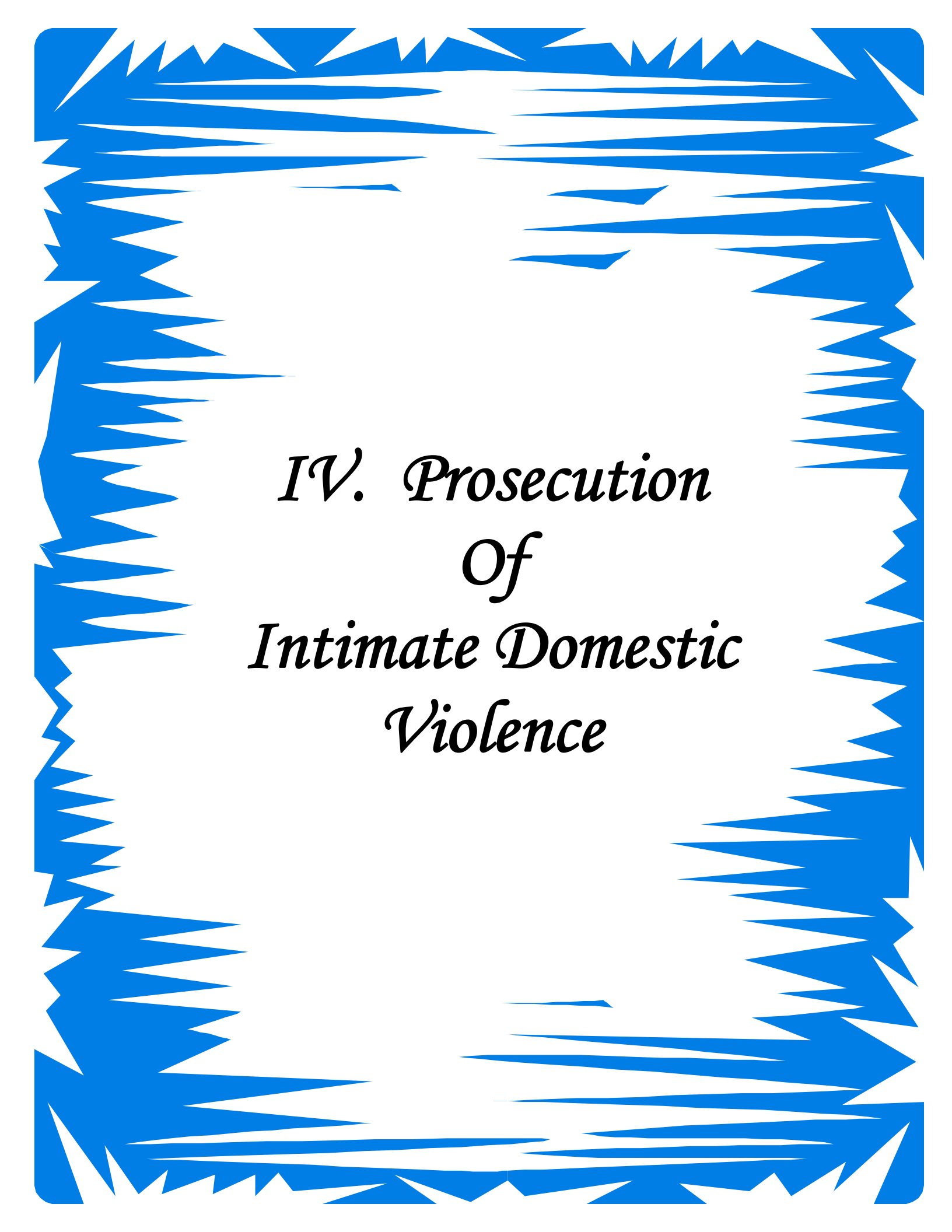


2. Average Age of Victims

The average age of victims of intimate domestic violence was 29.26. The following is a breakdown of the average age of the three highest race/gender groups who were victims of domestic violence in incidents that resulted in arrest during the year 2008.

CHART 18
Average Age of Victims of
Intimate Domestic Violence by Race/Gender in
Springdale in Year 2008

<u>Race/Gender</u>	<u>Age</u>
White Female	29.90
Hispanic Female	27.54
White Male	30.73



*IV. Prosecution
Of
Intimate Domestic
Violence*

A. Disposition of Cases

Of the total persons charged with intimate domestic violence crimes, if you deduct the total number of cases sent to the Washington County Prosecutor's Office as felonies, or cases sent with related felony charges, or cases which involved juvenile offenders, there were 306 cases handled by the City of Springdale. The following chart sets out the dispositions on the 306 misdemeanor cases as of the date of this publication, October 2, 2009.

<u>Disposition</u>	<u>No. of Cases</u>
Defendant Found Guilty of a Violation of Arkansas Criminal Code	254
Defendant Found Not Guilty or Charges Dropped	18
Cases Pending – Warrant Issued for Domestic Crime, but warrant has not been served or defendant has not had trial date set.	11
Defendant Failed to Appear – Warrant Issued for Failure to Appear	<u>23</u>
Total	306

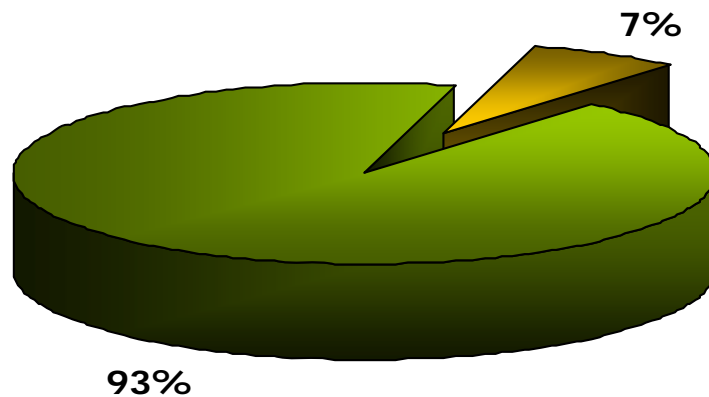
Fifty-six of the total convictions involved cases in which the charge was amended to a non-violent criminal charge, such as harassment or disorderly conduct (most of the 56 cases were amended to disorderly conduct). In all

of these cases, the charge was amended because the victim would not cooperate with the prosecution, or the victim could not be located.

B. Conviction Rate

Deducting the pending cases and the failure to appear, there have been a total of 272 misdemeanor domestic violence cases adjudicated, of which 254 defendants were convicted, which equates to a conviction rate of approximately 93%. If you deduct the 56 cases that were amended to a non-violent criminal charge, the conviction rate still equates to over 73%.

CHART 20
Conviction Rate of Misdemeanor Domestic Violence Cases in Springdale in 2008



- Defendant Found Guilty
- Defendant Found Not Guilty/Charges Dropped

C. Comparing the Conviction Rate

How does the conviction rate in Springdale compare with other jurisdictions? Three different sources which contain information on conviction rates in other jurisdictions on domestic violence cases were reviewed and compared to those conviction rates of the City of Springdale. One study was conducted by the Morrison Institute for Public Policy of the Arizona State University and included information on the conviction rates in all counties in Arizona in 2004.¹ The study showed that the domestic violence conviction rate for all the counties in Arizona was 46.5% for individuals convicted. The highest conviction rate on individuals convicted was in Yuma County, Arizona, with a conviction rate of 71.6%. The lowest conviction rate shown in the study on individuals convicted was 34.4% in Greenlee County, Arizona. The largest county, Maricopa County, had a conviction rate of 40.8%.

In another study with Richard R. Peterson, Ph.D., as the Project Director, the New York City Criminal Justice Agency issued a report in April 2003 entitled, "Combating Domestic Violence in New York City: A Study of DV Cases in the Criminal Courts."² In this report, case outcomes in criminal courts were included for the third quarter of 1998 in three New York City

¹ *Same Rules, Different Results: Arizona Domestic Violence Convictions by County*, Table 2, page 2, published by Morrison Institute for Public Policy, Arizona State University in May, 2006. This report can be accessed on the internet at <http://www.asu.edu/copp/morrison/SameRulesDifferentResults.pdf>.

² Peterson, Richard R., Ph.D. 2003. *Combating Domestic Violence in New York City: A Study of DV Cases in the Criminal Courts*, Figure 3, page 12, New York City Criminal Justice Agency, April 2003. This report can be accessed on the internet at <http://www.nycja.org/research/reports/ressum43.pdf>.

boroughs. This study found in DV cases, the Bronx convicted 53%, Manhattan convicted 28%, and Brooklyn convicted 17%.

In addition to the conviction information contained in these two studies, the *Chicago Tribune* released conviction information in the October 10, 2008 edition of the paper in an article written by Liam Ford. The article was entitled "Courts are Failing Battered Women."³ An analysis conducted by the *Chicago Tribune* showed that the percentage of Cook County domestic violence cases resulting in convictions on both felony and misdemeanor cases from 2005 to 2007 was 16.7%. While the 695 felony cases showed a conviction percentage of 85.5%, the 56,060 misdemeanor cases showed a conviction percentage of 15.08%. The percent of City of Chicago domestic violence cases that resulted in convictions on misdemeanor cases from 2002 to the present (through August, 2008) was 16.3%.

D. Treatment Options

Often times when persons plead guilty to intimate domestic violence, part of their sentencing includes counseling. A total of 125 intimate domestic violence defendants were ordered by the Court to attend and complete counseling.

³ Liam Ford, "Courts are Failing Battered Women," *Chicago Tribune*, October 10, 2008.
<http://www.chicagotribune.com/news/local/chi-domestic-violence-frioct10,0,5602022.story>.

E. No Drop Policy

As far as prosecution, intimate domestic violence is different than any other crime prosecuted. In most intimate domestic violence cases, the victim remains loyal to the offender and in many cases the victim tries to get the charges dropped. The Springdale City Attorney's Office has a policy that a domestic abuse case will not be dismissed solely because the victim requests that charges be dismissed. Each time a victim of domestic abuse requests or demands that the City Attorney's Office drop charges against their intimate, we point out to them that domestic abuse is a crime against the State, and therefore dropping charges is not up to the victim. We also try to make this policy clear in Court if the defendant pleads guilty.

The goal of the City Attorney's Office is to provide adequate containment of the domestic violence offender by effective prosecution while assisting and protecting the victim(s) of domestic violence. Our office has an open door policy to crime victims and victims can meet with an attorney in our office without having to make an appointment by simply walking into our office. The victim advocate in our office also tries to contact the victims of domestic violence on all cases handled by our office. Our office encourages the victims to be present at the phase of trial at which guilt or innocence is determined and every effort is made to allow the victim to be heard if the defendant pleads guilty.

If the victim becomes uncooperative and demands that we drop charges, we refer the victim to our “no drop policy,” including an explanation of the reasons for the policy and the goal of the City Attorney’s Office (to avoid future violence by the offender). It is quite common for the victims of intimate domestic violence to be more upset with our office’s “no drop policy” than are offenders. Victims are often times under extreme pressure and this has to be taken into account by prosecutorial authorities. Some of these pressures include economic dependence on the offender, emotional ties to the offender, fear of retaliation, pressure from other family members, etc. However, if offenders could escape criminal liability in every case the victim would not cooperate, it is estimated that over 90% of the cases would result in the offender escaping criminal liability.



*V. Certain Other
Crimes
Involving Intimates*

A. Violation of 9.3 Order

In misdemeanor cases in Springdale District Court, in which the defendant has been arrested for domestic battering (3rd degree), the Springdale District Judge usually issues an order under Rule 9.3 of the Arkansas Rules of Criminal Procedure at the arraignment, which sets certain conditions of release on the defendant, pending trial. One of the conditions is that the defendant have no contact with the victim. In 2008, there were 19 persons charged with violating the Springdale District Judge's 9.3 order. This constitutes a misdemeanor under the laws of the State of Arkansas, and the defendant is charged with contempt of court for violating the order.

B. Violation of Order of Protection

An Order of Protection is authorized to be issued in domestic abuse cases when a person is in fear of violence from a family or household member. Orders of Protection are only issued by circuit judges. In Washington County, the circuit judges are located in Fayetteville, and in Benton County, the circuit judges are located in Bentonville. Arkansas has made violating an Order of Protection a class A misdemeanor, and Arkansas law authorizes a probable cause arrest when a law enforcement officer has reasonable cause to believe that a person has violated an Order of Protection, provided the defendant has been served with the Order of Protection. There were nine defendants in intimate cases arrested for violating an Order of Protection in Springdale during the year 2008.

C. Rape

Springdale had a total 13 arrests for rape by forcible compulsion in 2008. Of these 13 arrests, three involved allegations by an intimate that her male intimate had raped her.

D. False Imprisonment

There were seven persons arrested for false imprisonment (first degree) in Springdale in 2008, and six of the seven were incidents involving intimates. There were 11 people arrested for false imprisonment (second degree) in Springdale in 2008, and nine of the 11 were incidents involving intimates.

E. Stalking

No persons were charged with stalking in the year 2008.



Glossary

GLOSSARY

Aggravated Assault on a Family or Household Member – When a person, under circumstances manifesting extreme indifference to the value of human life, purposely engages in conduct that creates a substantial danger of death or serious physical injury to a family or household member (constitutes a Class D felony under Arkansas law).

Class A Felony – If convicted, is punishable by a fine of up to \$15,000, and a prison sentence from 60 to 30 years.

Class B Felony – If convicted, is punishable by a fine of up to \$15,000, and a prison sentence from 5 to 20 years.

Class D Felony – If convicted, is punishable by a fine of up to \$10,000, and a prison sentence not to exceed 6 years.

Class A Misdemeanor – If convicted, is punishable by a fine of up to \$1,000, and a jail sentence up to 1 year (in a city jail or a county jail).

Class B Misdemeanor – If convicted, is punishable by a fine of up to \$500, and a jail sentence up to 90 days (in a city jail or a county jail).

Class C Misdemeanor – If convicted, is punishable by a fine of up to \$100, and a jail sentence up to 30 days (in a city or county jail).

Dating Relationship – A romantic or intimate social relationship between two individuals that is determined by examining the following factors: (i) length of the relationship; (ii) type of the relationship; and (iii) the frequency of interaction between the two individuals involved in the relationship. Dating relationship does not include a casual relationship or ordinary fraternization between two individuals in a business or social context.

Disorderly Conduct – Committed when a person, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creates a risk of public inconvenience, annoyance or alarm, engages in fighting or in violent, threatening or tumultuous behavior; makes unreasonable or excessive noise; uses abusive or obscene language or makes an obscene gesture, in a manner likely to provoke a violent or disorderly response in a public place; disrupts or disturbs any lawful assembly or meeting of persons; obstructs vehicular or pedestrian traffic; congregates with other persons in a public place and refuses to comply with a lawful order to disperse of a law enforcement officer or other person engaged in enforcing or executing the

law; creates a hazardous or physically offensive condition; mars, defiles, desecrates, or otherwise damages a patriotic or religious symbol that is an object of respect by the public or a substantial segment of the public; or exposes his or her private parts in a public place (constitutes a Class C misdemeanor).

Domestic Abuse – Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members, or any sexual conduct between family or household members whether minors or adults, which constitutes a crime under the laws of the State of Arkansas.

Domestic Assault, 1st Degree – Committed when a person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to a family or household member (constitutes a Class A misdemeanor under Arkansas law).

Domestic Assault, 2nd Degree – Committed when a person recklessly engages in conduct which creates a substantial risk of physical injury to a family or household member (constitutes a Class B misdemeanor under Arkansas law).

Domestic Assault, 3rd Degree – Committed when a person purposely creates apprehension of imminent physical injury in a family or household member (constitutes a Class C misdemeanor under Arkansas law).

Domestic Battering, 1st Degree – Committed when a person with the purpose of causing serious physical injury to a family or household member, causes serious physical injury to a family or household member by means of a deadly weapon or with the purpose of causing serious physical injury and permanently disfiguring a family or household member or of destroying, amputating, or permanently disabling a member or organ of a family or household member's body, causes such an injury to a family or household member or causes serious physical injury to a family or household member under circumstances manifesting extreme indifference to the value of human life (a Class B felony under Arkansas law, however, domestic battering in the first degree is a Class A felony upon a conviction if committed against a woman the person knew or should have known was pregnant, or if, for conduct which occurred within the five years preceding the commission of the current offense, the person has committed a prior offense of domestic battering 1st degree, domestic battering 2nd degree, or domestic battering 3rd degree, or violated an equivalent penal law of this State or of another State or foreign jurisdiction).

Domestic Battering, 2nd Degree – Committed when a person, with the purpose of causing physical injury to a family or household member, causes serious physical injury to a family or household member, or with the purpose of causing physical injury to a family or household member, causes serious physical injury to a family or household member by means of a deadly weapon (a Class C felony under Arkansas law, however, domestic battering, 2nd degree, is a Class B felony if committed against a woman the person knew or should have known was pregnant, or if, for conduct which occurred within the five years preceding the commission of the current offense, the person has committed a prior offense of domestic battering 1st degree, domestic battering 2nd degree, or domestic battering 3rd degree, or violated an equivalent penal law of this State or of another State or foreign jurisdiction).

Domestic Battering, 3rd Degree – Committed when a person, with the purpose of causing physical injury to a family or household member, causes physical injury to a family/household member or recklessly causes physical injury to a family/household member or negligently causes physical injury to a family/household member by means of a deadly weapon. However, domestic battering, 3rd degree, is a Class D felony if committed against a woman the person knew or should have known was pregnant, or if, for conduct which occurred within the five years preceding the commission of the current offense, the person has committed a prior offense of domestic battering 1st degree, domestic battering 2nd degree, or domestic battering 3rd degree, or violated an equivalent penal law of this State or of another State or foreign jurisdiction.

False Imprisonment, First Degree – Committed when a person, without consent and without lawful authority, knowingly restrains another person so as to interfere substantially with the other person's liberty in a manner that exposes the other person to a substantial risk of serious physical injury. False imprisonment, first degree, is a Class C felony.

False Imprisonment, Second Degree – Committed when a person, without consent and without lawful authority, knowingly restrains another person so as to interfere substantially with the other person's liberty. False imprisonment, second degree, is a Class A misdemeanor.

Family or Household Member – Spouses, former spouses, parents and children, persons related by blood within the 4th degree of consanguinity, or persons who are presently residing together or in the past have resided or cohabited together, or person who have had a dating relationship.

Harassment – Committed when a person, with purpose to harass, annoy, or alarm another person, without good cause, strikes, shoves, kicks, or otherwise touches a person, subjects that person to offensive physical contact or attempts or threatens to do so; directs obscene language or makes an obscene gesture to or at another person in a manner likely to provide a violent or disorderly response in a public place; follows a person in or about a public place; repeatedly insults, taunts, or challenges another person in a manner likely to provide a violent or disorderly response in a public place; engages in conduct or repeatedly commits an act that alarms or seriously annoys another person that serves no legitimate purpose; or places a person under surveillance by remaining present outside that person's school, place of employment, vehicle, other place occupied by that person, or residence, other than the residence of the defendant, for no purpose other than to harass, alarm or annoy (constitutes a Class A misdemeanor).

Homicide – The intentional or reckless killing of a person (for purposes of this report, includes the crimes of capital murder, murder 1st degree, murder 2nd degree, or manslaughter).

Interference With Emergency Communications (First Degree) – Committed when he or she knowingly displaces, damages, or disables another person's telephone or other communication device with the purpose of defeating the other person's ability to request with good cause emergency assistance from a law enforcement agency, medical facility, or other government agency or entity that provides emergency assistance (constitutes a Class A misdemeanor).

Interference With Emergency Communications (Second Degree) – Committed when he or she recklessly prevents, interrupts, disrupts, impedes, or interferes with another person's attempt to request with good cause emergency assistance from a law enforcement agency, medical facility, or other government agency or entity that provides emergency assistance (constitutes a Class B misdemeanor).

Intimates – Persons who are married, have been married, or live or have lived together in a sexual relationship or in a dating relationship.

Kidnapping – Committed when a person restrains another person so as to interfere substantially with the other person's liberty with the purpose of holding the other person for ransom or reward; or any other act to be performed or not performed for the other person's return or release, such as holding a person as a shield or hostage; facilitate the commission of a felony or flight after the felony; inflict physical injury upon the other person;

engage in sexual intercourse, deviate sexual activity, or sexual contact with the other person; terrorize the other person or another person; or interfere with the performance of any governmental or political function (constitutes a Class Y felony).

Misdemeanor Domestic Assault – A domestic assault in the 1st degree, 2nd degree, or 3rd degree.

Misdemeanor Domestic Battering – The same as domestic battering, 3rd degree.

No Contact Order – Also referred to as Rule 9.3 Order, as Rule 9.3 of the Arkansas Rules of Criminal Procedure provides that, “if it appears that there exists a danger that the defendant will commit a serious crime or will seek to intimidate witnesses, or will otherwise unlawfully interfere with the orderly administration of justice, the judicial officer, upon the release of the defendant, may enter an order: a) prohibiting the defendant from approaching or communicating with particular persons or classes of persons, except that no such order shall be deemed to prohibit any lawful and ethical activity of defendant’s counsel; b) prohibiting the defendant from going to certain described geographical areas or premises; c) prohibiting the defendant from possessing any dangerous weapon, or engaging in certain described activities or indulging in intoxicating liquors or in certain drugs; d) requiring the defendant to report regularly to and remain under the supervision of an officer of the court. In most domestic violence cases in Springdale District Court, the Springdale District Judge will issue such an order to the defendant directing that defendant not to contact the victim of the crime, and such requirement is a condition of the defendant’s release from jail.

Order of Protection – Issued by a Circuit Court in the State of Arkansas, and is authorized under the Domestic Abuse Act of 1991; the purpose of this Order is to protect a family or household member from another family or household member who has been threatening or assaulting the person petitioning for the Order, and it is a Class A misdemeanor for a person to violate an Order of Protection, when they are aware of the existence of such order.

Physical Injury – “Physical injury” means the impairment of physical condition; the infliction of substantial pain; or the infliction of bruising, swelling, or visible marks associated with physical trauma.

Pro-Arrest Laws – Laws passed by a legislative body to encourage arrests in misdemeanor domestic violence cases, provided the law enforcement

officer has probable cause. Arkansas has such a law in domestic abuse cases.

Rape – When a person engages in sexual intercourse or deviate sexual activity with another person by forcible compulsion; or engages in sexual intercourse or deviate sexual activity with another person who is incapable of consent because he/she is physically helpless; or engages in sexual intercourse or deviate sexual activity with another person who is less than 14 years of age (constitutes a Class Y felony).

Rule 9.3 Order – Also known as a No Contact Order, as Rule 9.3 of the Arkansas Rules of Criminal Procedure provides that, “if it appears that there exists a danger that the defendant will commit a serious crime or will seek to intimidate witnesses, or will otherwise unlawfully interfere with the orderly administration of justice, the judicial officer, upon the release of the defendant, may enter an order: a) prohibiting the defendant from approaching or communicating with particular persons or classes of persons, except that no such order shall be deemed to prohibit any lawful and ethical activity of defendant’s counsel; b) prohibiting the defendant from going to certain described geographical areas or premises; c) prohibiting the defendant from possessing any dangerous weapon, or engaging in certain described activities or indulging in intoxicating liquors or in certain drugs; d) requiring the defendant to report regularly to and remain under the supervision of an officer of the court. In most domestic violence cases in Springdale District Court, the Springdale District Judge will issue such an order to the defendant directing that defendant not to contact the victim of the crime, and such requirement is a condition of the defendant’s release from jail.

Serious Physical Injury – Physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ.

Stalking, 1st Degree – Committed when a person purposely engages in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family (constitutes a Class B felony under Arkansas law).

Stalking, 2nd Degree – Committed when a person purposely engages in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or

serious bodily injury, or places that person in imminent fear of the death or serious bodily injury of his or her immediate family (constitutes a Class C felony under Arkansas law).

STAFF OF CITY ATTORNEY'S OFFICE

Jeff C. Harper ~ ~ ~ ~ ~ City Attorney
Ernest B. Cate ~ ~ ~ ~ ~ Senior Deputy City Attorney
Amber Roe ~ ~ ~ ~ ~ Deputy City Attorney
Brooke Lockhart ~ ~ ~ ~ ~ Deputy City Attorney
Truman Brewer ~ ~ ~ ~ ~ Investigator
Cindy Horlick ~ ~ ~ ~ ~ Administrative Legal Assistant/Paralegal
Lynda England ~ ~ ~ ~ ~ Case Coordinator/Victim Advocate
Linda Brown ~ ~ ~ ~ ~ Hot Check Administrator
Dixie Putt ~ ~ ~ ~ ~ Receptionist
Jacque Roth ~ ~ ~ ~ ~ Part-time Clerk