

# Criminal sanctions to prevent domestic violence

Sanctions delivered through the Criminal Justice System, including prosecutions, convictions and custodial sentences.

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| Effect scale  | Quality of evidence   |   |   |                             |                             |
|---|---|---|---|-----------------------------|-----------------------------|
|   | Effect Impact on crime  | Mechanism How it works  | Moderator Where it works  | Implementation How to do it | Economic cost What it costs |
|  Mixed findings | <span style="color: #58357E;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span><br>Low | <span style="color: #58357E;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span><br>Low | <span style="color: #58357E;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span> <span style="color: #A9A9D1;">█</span><br>Low | No information              | No information              |

## Focus of the intervention

Criminal sanctions are used against perpetrators of domestic violence in an attempt to prevent reoffending.

These sanctions are delivered through the Criminal Justice System and include prosecutions, convictions, custodial sentences and severity of sentences. The focus of this overview is the impact of these sanctions on reoffending by domestic violence offenders.

This narrative is based on a systematic review of 31 studies. All of the primary studies in the review were based on evidence from the USA or Canada, meaning that any application of the results in the UK must be approached with caution.

## Effect – how effective is it?

There is some evidence that the intervention has either increased or reduced crime, but no evidence overall the intervention had a statistically significant effect on crime, since no meta-analysis was conducted.

Individual studies found both statistically significant positive and negative effects on crime. The review found that prosecution was associated with significantly less reoffending in 15 of the primary studies, but there was no effect in a further 17 studies.

In 4 of the primary studies it was associated with significantly more reoffending. Neither conviction nor sentence severity was found to have any effect on reoffending. The overall evidence is therefore mixed, with the authors concluding that criminal justice sanctions for intimate partner violence have no consistent effect on subsequent offending.

## How strong is the evidence?

Although the review was systematic, many forms of bias that could influence the study conclusions remain.

The search strategy for the review was unclear, and sources of bias may remain. No meta-analysis was conducted, and the statistical techniques used to summarise the effects did not account for variations in study design, publication bias or unanticipated outcomes.

Multiple biases were identified within the primary studies. The measurement of repeat offending and the use of criminal sanctions varied between the studies. Many suffered from lack of attention to missing data. Sample selection bias was sometimes ignored, and the statistical models used were not always appropriate.

There was overall a lack of attention in the primary studies to broader theories of human behaviour when analysing the meaning of any results presented.

## Mechanism – how does it work?

The review suggests two mechanisms by which criminal sanctions might have an effect on reoffending.

The first of these is specific deterrence, where the (increased) fear of future sanctions inhibits reoffending.

The second mechanism is based upon victim empowerment, where victims feel empowered by the opportunity to mobilise the power of the law, and therefore are more willing to do so. However, the data in the primary studies inhibited a test either of these mechanisms.

## **Moderators – in which contexts does it work best?**

The review identifies a number of potential moderators including the characteristics of offenders and victims and the different sanctions used. However, none of these were discussed in terms of how they may affect rates of reoffending.

Different types of sanctions were analysed to assess their impact upon reoffending for 12 of the 31 primary studies. The results suggest that while prosecution and conviction had no relationship with recidivism, the results for custodial sentences and the severity of these sentences were associated with higher rates of recidivism.

Specifically, prison sentences were associated with higher rates of recidivism 36% of the time and had no effect in the remainder. Although not clearly defined, more severe sentences were associated with higher rates of recidivism 19% of the time and had no effect in the remainder. Neither sanction was associated with a decrease in recidivism.

The review noted, however, that it was not possible to separate the effect of these sanctions on reoffending by the type of offender. As the more serious offenders were given custodial sentences (and more severe sentences), it may be their disposition which caused them to reoffend rather than the effect of the sanction.

## **Implementation – what can be said about implementing this initiative?**

There is no account of implementation details or implementation challenges within the review.

## **Economic considerations – how much might it cost?**

There is no mention of costs within the review, and no cost benefit analysis was conducted.

## Summary

There is some evidence that criminal justice sanctions (such as time in prison or on probation) have either increased or reduced crime, but overall the intervention has not had a statistically significant effect on crime.

The quality of primary studies varied considerably, so it is not possible to say whether criminal sanctions may increase or decrease rates of reoffending among domestic abuse offenders without further research.

## Reviews

### Review 1

#### Reference

- Garner, J. H. and Maxwell, C. D. (2010) '[\*\*The Crime Control Effects of Criminal Sanctions for Intimate Partner Violence\*\*](#)', Final Report, National Institute of Justice

## Summary prepared by

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