#### THE UNIVERSITY OF CALGARY

The Effect of Formal and Informal Controls Upon Patterns of Domestic and Non-Domestic Assaultive Males: A Criminal Career Perspective

by

Judith A. Wiltse

#### A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS

DEPARTMENT OF SOCIOLOGY

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# PHILOSOPHY, RELIGION AND

THEOLOGY	
Philosophy04	422
Religion	
General0	318
Biblical Studies03	321
Clergy	319
History of0	320
_ Philosophy of0	322
Theology04	469
SOCIAL SCIENCES	
American Studies0	323
Anthropology	
Archaeology0	324
Cultural03	326
Physical03	327
Business Administration	
General03	310
Accounting0	272
Banking0	770
Management04	454
Marketing0	338
Canadian Studies0	385
Economics	
General	501
Agricultural	203
Commerce-Business	202
Finance	208
	510
	510
Folkloro	250
Geography	366
Gerontology	351
History	
General0	578

· · ·	
Ancient	0579
Medieval	0581
Modern	0582
plant	0002
васк	0328
Atrican	0331
Asia, Australia and Oceania	0332
Canadian	0334
European and	00007
European	0333
Latin American	0330
Middle Eastern	0333
United States	0337
listony of Science	0585
isiony of ocience	0000
aw	0370
olitical Science	
General	.0615
International Law and	
Relations	0616
	0217
Public Administration	0017
lecreption	.0814
ocial Work	.0452
ociology	
General	0626
	0020
Criminology and Penology	002/
Demography	.0938
Ethnic and Racial Studies	.0631
Individual and Family	
Studios	0628
	0020
ingușiriai ana Labor	~
Relations	,0629
Public and Social Welfare	.0630
Social Structure and	
Dovelonment	0700
	222
ineory and meinoas	.0344
ransportation	.0709
Jrban and Regional Planning	.0999
Nomen's Studies	0453

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#### S

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Chemotherapy	0992
Dentistry	0567
Education	0350
Human Development	0758
Immunology	0982
Medicine and Surgery	0564
Nursing	0569
Nutrition	0570
Obstetrics and Gynecology	0380
Therapy	0354
Ophthalmology	0381
Pathology	0571
Pharmacology	0572
Physical Therapy	0382
Public Health	0573
Recreation	0574

Speech Pathology	0460
Toxicology	038
Home Economics	038

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chemisny .	
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Polymor	0/05
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	0000
Acoustics	0700
Astronomy and	0101
Astrophysics	0606
Almospheric Science	0608
Atomic	0/48
Electronics and Electricity	0607
Elementary Particles and	
High Energy	0798
Fluid and Plasma	0759
Molecular	0609
Nuclear	0610
Optics	0752
Radiation	0756
Solid State	0611
Statistics	0463
Applied Sciences	
Applied Mechanics	0346
Computer Science	0984
•	

Engineering	
General	.053
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Automotive	0.540
Biomedical	054
Chemical	054
Civil	054
' Electronics and Electrical	054
Heat and Thermodynamics	034
Hydraulic	054
Industrial	054
Marino	054
Matariale Science	070
Malenais ocience	0549
Mechanical	074
Meldilorgy	.074
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Perroleum	.070
Sanifary and Municipal	.033
System Science	.0/90
Georechnology	.0420
Operations Research	.0790
Flasilics lecunology	.0/9
Textile Technology	.099

## PSYCHOLOGY

General	062
Behavioral	038
Clinical	062
Developmental	062
Experimental	062
Industrial	062
Personality	062
Physiologícal	098
Psýchobiology	034
Psychometrics	063
Sócial	045

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Musique	.0413
Sciences de l'information	.0723
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#### ÉDUCATION

Généralités	.5	15
Administration	35	14
Art	)27	73
Collèges communautaires	227	75
Commerce	360	38
Économie domestique	)27	78
Education permanente	J5'	16
Éducation préscolaire	25	18
Éducation sanitaire	360	30
Enseignement garicole	35	17
Enseignement bilingue et		
multiculturel	228	32
Enseignement industrie	052	21
Enseignement primaire.	052	24
Enseignement professionnel	Ĵ7.	47
Enseignement religieux	05:	27
Enseignement secondaire	05	33
Enseignement spécial	05:	29
Enseignement supérieur	07	45
Évaluation	028	38
Finances	02	77
Formation des enseignants	ŏ5:	3Ò
Histoire de l'éducation	05	2Ō
Langues et littérature	<b>02</b>	79

# SCIENCES ET INGÉNIERIE

#### **SCIENCES BIOLOGIQUES**

Agriculture

Généralités	04/3
Agronomie.	0285
Alimentation et technologie	0050
alimentaire	. 0337
Culture	04/9
Elevage et alimentation	04/5
Exploitation des péturages .	0///
Pathologie animale	04/0
Pathologie végétale	0480
Physiologie végétale	0817
Sylviculture et taune	04/8
Technologie du bois	0746
Biologie	
Généralités	0306
Anatomie	0287
Biologie (Statistiques)	0308
Biologie moléculaire	0307
Botanique	. 0309
Çellule	0379
Ecologie	0329
Entomologie	0353
Génétique	0369
Limnologie	0793
Microbiologie	0410
Neurologie	0317
Océanographie	0416
Physiologie	0433
Radiation	0821
Science vétérinaire	0778
Zoologie	0472
Biophysique	
Généralités	0786
Medicale	0760
SCIENCES DE LA TERRE	
Biogéochimie	0425

# 

Géophysique	.03/3
lydrologie	.0388
Ainéralogie	.0411
Océanographie physique	.0415
aléobotanique	.0345
aléoécologie	.0426
aléontologie	.0418
aléozoologie	.0985
alynologie	.0427
CIENCES DE LA CANTÉ ET DE	
TIENTES DE LA SANTE ET DE	

# L'ENVIRONNEMENT

Économie domestique	.0386
Sciences de l'environnement	.0768
Généralités	.0566
Administration des hipitaux .	.0769
Alimentation et nutrition	.0570
Audiologie	.0300
Chimiothérapie	.0992
Dentisterie	.0567
Développement humain	.0/58
Enseignement	.0350
Immunologie	0982
Médecine du travail et thérapie	0354
Obstétrique et gynécologie Ophtalmologie	.0380 .0381 .0460
Pathologie	0571
Pharmacie	0572
Pharmacologie	0419
Physiothérapie	0382
Radiologie	0574
Santé mentale	0347
Santé publique	0573
Soins infirmiers	0569
Toxicologie	0383

#### PHILOSOPHIE, RELIGION ET

HEOLOGIE hilosophie	.0422
Religion Généralités	.0318
Çlergé	.0319
Etudes bibliques	.0321
Philosophie de la religion	.0322
héologie	.0469

#### SCIENCES SOCIALES

Anthropologie	
Archéologia	324
	357
	320
Physique0	327
Droit	398
É	0,0
· cconomie	501
Généralités0	501
Commerce-Affaires0	505
Économio garicolo	503
	505
Economie du travail	510
Finances0	508
Histoire 0	509
	511
	511
Etudes américaines	323
Études canadiennes	385
Étudos fáministos	153
	433
FolkloreU	338
Géographie0	366
Géroptologie	351
Costion das affaires	
Gestion des dildires	
Généralités0	310
Administration	454
Banquior	770
	070
	212
Marketina0	338
Histoire	
Histoiro généralo	578

# 

#### SCIENCES PHYSIQUES

Sciences Pures
Chimie
Genéralités0485
Biochimie 487
Chimie agricole0749
Chimie analytique0486
Chimie minérale0488
Chimie nucléaire0738
Chimie organique0490
Chimie pharmaceutique 0491
Physique
PolymÇres0495
Radiation0754
Mathématiques0405
Physique
´ Gènéralités0605
Acoustique
Astronomie et
astrophysique
Electronique et électricité0607
Fluides et plasma0759
Météorologie0608
Optique0752
Particules (Physique
nucléaire)0798
Physique atomique0748
Physique de l'état solide 0611
Physique moléculaire
Physique nucléaire
Radiation
Statistiques0463
Sciences Appliqués Et
Technologie
Technologie
Informatique
Ingenierie 0527
Generalites
Agricole
Automobile

Biomédicale	.0541
Chaleyr et ther	
modynamique	.0348
Conditionnement	
(Emballage)	.0549
Génie aérospatial	.0538
Génie chimique	.0542
Génie civil	.0543
Génie électronique et	
électrique	.0544
Génie industriel	.0546
Génie mécanique	.0548
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Ingénierie des systämes	.0790
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Science des matériaux	.0794
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Techniques sanitaires et	
municipales	.0554
Technologie hydraulique	0545
Mécanique appliquée	0346
Géotechnologie	.0428
Matières plastiques	
(Technologie)	.0795
Recherche opérationnelle	0796
Textiles et tissus (Technologie)	.0794
PSYCHOLOGIE	
	~ / ~ *

PSYCHOLOGIE	
Généralités	0621
Personnalité	0625
Psychobiologie	0349
Psychologie clinique	0622
Psychologie du comportement	0384
Psychologie du développement	0620
Psychologie expérimentale	0623
Psychologie industrielle	0624
Psychologie physiologique	0989
Psýchologie sociale	0451
Psychométrie	0632
	A
	VII.

#### ABSTRACT

The relationship between domestic and non-domestic batterers is not clearly defined nor understood in current research. In this research, I examine the effect formal and informal social controls have on severity of disposition and the likelihood of reoffending for domestic and non-domestic batterers. My conceptual framework employs both deterrence and labelling perspectives in an attempt to understand the effect social controls have on judicial decision-making and patterns of reoffending. Archival data collected from a large Western Canadian city is used to estimate these effects (N=479).

Domestic and non-domestic assaults appear to be treated differently by the court. Informal social controls seem to be significant factors in judicial decision-making for the domestic group. In contrast, formal controls appear to be significant factors for the non-domestic group. And, an offender's level of informal social control and number of prior convictions appear to affect the likelihood of reoffending for both groups of batterers. Offenders with a greater stake in conformity, or those who possibly face greater informal sanction costs, may be deterred for two years. Thus, deterrence and labelling may be conditional upon employment and marital status and number of prior convictions.

iii.

#### ACKNOWLEDGEMENTS

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iv.

## TABLE OF CONTENTS

Approval Page	.ii
Abstract	iii
Acknowledgements	.iv
Table of Contents	v
List of Tables	vii
List of Figuresv	iii

# CHAPTER ONE:

## CONCEPTUAL FRAMEWORK

1.0	Introduction:
1.1	Classical Approach:2
1.2	Contemporary Perspectives:
i.	Deterrence Perspective7
ii.	Labelling Perspective13
1.3	Domestic Violence Research:16
1.4	Criminal Career Research:
1.5	Research Questions:
1.6	Propositions and Hypotheses:
1.7	Procedure:

#### CHAPTER TWO: METHODOLOGY

2.0	Introduction:
2.1	Design and Sampling Procedure:40
2.2	Operationalization:
2.3	Uses of Official Data:47
2.4	Ethical Considerations:
2.5	Methods of Data Analyses:50

#### CHAPTER THREE: RESULTS

3.0 3.1	Introduction:
	53
3.2	Effect of Formal & Informal Controls on Severity of
	Disposition, Model 1 Analysis
	Disposicion. Model i Analysis
3.2.1	Separate Effect of Informal Controls on Disposition
	58
3.2.2	Separate Effect of Formal Controls on Disposition

3.2.3	Interactive Effect of Formal and Informal Controls:
	67
3.3	Effect of Formal & Informal Controls on Likelihood of Reoffending: Model 2 Analysis
3.3.1	Separate Effect of Informal Controls on Likelihood of Reoffending
3.3.2	Separate Effect of Formal Controls on Likelihood of Reoffending
3.3.3	Interactive Effect of Informal & Formal Controls: Domestics
3.3.4	Interactive Effect of Informal & Formal Controls: Non-Domestics

,

.

# CHAPTER FOUR: DISCUSSION

4.0 4 1	Introduction:
	Batterers:103
4.2	Effect of Formal & Informal Controls on Disposition:109
4.3	Effect of Formal & Informal Controls on Reoffending:
Endnote	es
Referen	nces
Append	Lx

.

# LIST OF TABLES

Table :	1	Descriptive Statistics54
Table :	2	Disposition by Level of Informal Control60
Table 3	3	Disposition by Level of Formal Control63
Table 4	4	Disposition by Level of Formal Control Contingent Upon Informal Controls69
Table	5	Reoffending by Level of Informal Control77
Table	6	Reoffending by Level of Formal Control83
Table	7	Reoffending by Level of Formal Control Contingent Upon Informal Control (Domestics)91
Table	8	Reoffending by Level of Formal Control Contingent Upon Informal Control (Non-Domestics) 98

.

. `

•

,

# LIST OF FIGURES

Models	1	& 2 Endogonous &	Exogenous Variables144
Figure	1	Sample Selection	1 & Data Collection Procedure .145
Figure	2	Age Crime Curve	146

۰.

.

•

#### CHAPTER ONE

#### CONCEPTUAL FRAMEWORK

#### 1.0 Introduction

Theories of how to best regulate social behaviour can be traced to the classical work of Durkheim, Hobbes, Beccaria and others. Since then, sociologists, policy makers and society in general have concerned themselves with testing the effects of formal and informal social controls on regulating social behaviour. The various agents of the criminal justice system are responsible for dispensing formal social controls. Formal controls are the legal sanctions agents like the police and courts impose upon people (Conklin, 1986). Laws prescribe formal controls and include such things as arrest, detention, jail, fine, and probation. Informal social controls refer to the reactions of others that influence individuals to conform to the norms and laws (Conklin, 1986). Thus, informal social controls are more of an internal or moral nature, and include peer and community pressure.

This chapter begins by addressing the classical sociological issues of the effect of formal and informal social controls on regulating social behaviour. The effect of formal and informal social controls on regulating behaviour is then discussed in a more contemporary context. Deterrence and labelling perspectives are examined for their utility for estimating the effects of formal and informal social controls.

The effects of these two types of control become relevant as we try to address the increasing problem of male spousal assault. Early research on domestic violence conducted from a family studies perspective is discussed. This research provides quidance for more recent criminological studies examining the classical sociological issue of the effects of formal and informal social control on regulating assaultive behaviour. The most recent research into the effect of police subsequent domestic assault is arrest on of primary significance to this study. The methodological and conceptual limitations of previous research are also discussed. These limitations highlight the importance of using a longitudinal design and other principles from the criminal career perspective in research. The three main research questions that guide this study and the numerous hypotheses to be tested are presented.

#### 1.1 Classical Approach

Emile Durkheim was particularly interested in how society could maintain social order while avoiding the exposure of individuals to formal repressive sanctions or excessive restrictions. The answer according to Durkheim (1984), lies in what he called social solidarity. Social solidarity is a "wholly moral phenomenon" (Durkheim 1984, p.24). It is the "totality of beliefs and sentiments common to average members of a society that forms a particular system with a life of its

2

own" (Durkheim 1984, p. 39). Thus, the societal whole is larger than the sum of its individual parts. Durkheim (1984, p.39) called this system of common beliefs and sentiments, the common or collective consciousness. It defined what was valued and acceptable behaviour and bound individuals together. Thus, according to Durkheim (1984), social order existed because individuals respected the common bond, or common goals established by the collective conscience.

As social solidarity is a moral phenomenon and therefore an internal fact, it does not lend itself readily to direct observation nor measurement. However, Durkheim (1984) believed social solidarity could be observed and measured through indices that symbolized the collective conscience. These observable indices of the collective conscience are the laws (Durkheim 1984, p.24). And, acts that offend "the well-defined states of the collective consciousness" are crimes (Durkheim 1984, p.39). Thus, by studying the laws we can estimate some of society's values.

According to Durkheim (1984) there are two general types of laws. Each has its own form of punishment and characteristics related to two general types of society. Repressive laws are found in mechanic societies or less technically advanced societies. These societies have a strong collective conscience because the members of society are very much dependent upon each other (Durkheim, 1984). Durkheim (1984) also argued that the unspecialized division of labour

3

in a mechanical society lead to frequent interaction among familiar individuals. This frequent interaction and dependency resulted in a shared set of values and mores: the collective conscience. From the collective conscience comes a system of laws that reflect and reinforce societal values. In a mechanical society, laws are repressive. In other words, laws in this type of society are designed to reflect the moral outrage of society when the common set of values or beliefs are offended. These laws are characterized by punishments that cause a criminal to suffer in proportion to his crime. They are the essence of the penal system (Durkheim 1984, Durkheim (1984) said the purpose of this form of p.48). punishment was not for personal vengeance. Rather, they are used solely to maintain the cohesion of society by reaffirming the common consciousness (Durkheim 1984, p.63). For Durkheim (1984) then, formal punishment associated with repressive laws is merely a device used to enhance informal controls, or the collective conscience.

societies, Organic or more technically advanced societies, tend to be characterized by restitutive laws. These societies typify а greater individuality and specialization of labour. Thus, Durkheim (1984, p.69) argued the collective conscience was not as predominant in organic societies as it was in mechanical societies. As such, laws in an organic society only minimally reflect the collective Repressive laws still exist but the emphasis conscience.

moves to restitutive laws. Restitutive laws are not explatory like repressive laws. Rather, the purpose of restitutive laws is to restore social relationships to the status quo (Durkheim 1984, p. 68). Specialized bodies such as civil courts and administrative tribunals are established to deal exclusively with disputes between private interests and individuals. These specialized courts and tribunals, and the sanctions they impose, do not exist for the sole purpose of reinforcing the collective conscience, like repressive laws. Instead. restitutive laws acknowledge the greater individuality or reduced influence of the collective conscience associated with organic societies. Here again, Durkheim (1984) argues formal controls, now in the form of restitutive laws, are reenforcing what society values: greater individuality.

The previous discussion illustrates that Durkheim (1984) spoke of social control both in terms of formal restraints (laws and legal punishments), and informal restraints (collective conscience). However, he emphasized the value of social control with respect to informal societal restraints. For Durkheim (1984), the idea of regulating social behaviour centred around his notion of the collective conscience. The collective conscience is a set of beliefs, or an informal moral bond, common to a society that specifies what is valued and which behaviour is acceptable. Acts that offend the collective conscience are condemned through the enactment of formal laws. Punishment, a formal sanction, was designed and used to maintain what is important, the omnipotent informal bonds of the collective conscience.

In contrast, classical theorists like Cesare Beccaria (1963) disputed the idea of the primacy of the collective conscience regulating social behaviour. Beccaria (1963, p.11) argued that humans were basically selfish beings who were not overly willing to sacrifice their own freedom for the common good. However, despite this egocentricism, Beccaria (1963) believed that humans were rational beings. As such, humans acknowledged the need for state imposed or formal legal sanctions to regulate behaviour or maintain order (Beccaria 1963, p.11). Thus, individuals concede some individual freedom to the state, by allowing the state to create laws that regulate behaviour and unite individuals into forming an orderly society.

Beccaria (1963) adamantly argued only formalized laws could determine punishments for crimes. As such, punishment was not a subjective matter. They were to be fixed by law with no room for individual interpretation by judges (Beccaria 1963, p. 14). Furthermore, to be effective, punishment had to be public, prompt, necessary, the least possible in the given circumstance, and proportionate to the crime (Beccaria 1963, p.99). If these conditions were met, then Beccaria said that punishment, or the fear of punishment, would best regulate behaviour, thereby preventing crime (Beccaria 1963, p.94). In other words, Beccaria (1963, p.56) maintained individuals would see the cause and effect relationship between crime and punishment. Assuming humans were sensible beings, Beccaria (1963, p.63) argued that individuals would conform in an effort to avoid the pain associated with crime and its subsequent punishment. Thus, according to Beccaria, the most effective way to maintain social order and regulate behaviour was through formal legal controls or sanctions.

High crime rates in contemporary society have revived the historical debate involving the effectiveness of formal and informal social controls on regulating social behaviour. The general theories of Durkheim (1984) and Beccaria (1963) provides the foundation for a conceptual framework for regulating social behaviour. However, as Merton (1949) suggests, a more substantive approach is required to empirically examine the effects of formal and informal social controls on regulating behaviour. Empirical results obtained from substantive approaches can then be used to reflect upon the general theories of Durkheim (1984) and Beccaria (1963) (Merton, 1949). Two substantive approaches that have proved to be useful in examining the effects of formal and informal social controls on regulating behaviour are the deterrence and the labelling perspectives.

#### 1.2 Contemporary Perspectives

i. The Deterrence Perspective

Contemporary deterrence proponents argue that the impact

of appropriate formal controls, such as state imposed legal punishments or sanctions, can prevent offenders from committing further crimes (Zimring & Hawkins, 1973). Like Beccaria (1963), this perspective assumes that individuals are primarily rational beings who can weigh the risks and rewards associated with deviant behaviour. If the pain associated with the punishment outweighs the possible pleasure associated with deviant behaviour then individuals should be induced to refrain from deviant behaviour because it is in their best interest to avoid pain. Thus, deterrence proponents argue that crime can be prevented if punishments are severe, certain, and swift (Conklin, 1986).

Deterrence can be generally conceptualized as either specific deterrence or qeneral deterrence. Specific deterrence is thought to occur when an individual is punished, and as a result of the costs or pain associated with the punishment, the individual refrains from committing further crimes (Zimring & Hawkins, 1973). General deterrence occurs when the larger population refrains from committing crimes because of the punishment given to specific individuals (Zimring & Hawkins, 1973). Thus, general deterrence relies on a system of communication that conveys a message to the larger will population that certain behaviours be punished accordingly (Geerken & Gove, 1975). As such, it is difficult to separate the general and specific deterrent effect of sanctions or punishments. In other words, it is difficult to

determine if an individual was deterred from certain behaviour because of punishment he received personally, or because of his knowledge of punishment others received, or a combination of both. Although it is acknowledged that a test of specific deterrence does not preclude an element of general deterrence, this study focuses on specific deterrence. This study is specifically interested in the effect various formal legal controls have on an individual's decision to reoffend.

Early research into the effect of formal legal sanctions on regulating behaviour suggested that legal sanctions do play a significant role in preventing criminal behaviour. For example, there is evidence to suggest a negative association between sentence severity and homicide rates (Gibbs, 1968; Tittle, 1969; Chiricos & Waldo, 1970; Zimring, 1971; Antunes & Hunt, 1973). In other words, research suggests as severity of legal sanction increases there is a decrease in the homicide rate. However, other research suggests a negative association between sentence severity and other index crime rates (Ehrlich, 1973; Logan 1971 & 1972).<sup>1</sup> While others (Chiricos & Waldo 1970) report an absence of association between time served and other index crime rates.

The controversial findings of early research may be related to the limitations of these studies. Specifically, early studies have been criticized for their failure to control for differences in structural factors such as socioeconomic status and other demographic characteristics (Nagin, 1978; Geerken & Gove, 1975). Furthermore, important potential variables such as age, employment status, and income were treated as constants, thereby limiting the significance of the reported findings. Despite these limitations, early research did make a significant contribution to the study of the possible deterrent effect of formal legal sanctions. As some scholars have suggested (Lofland 1969; Zimring & Hawkins 1973; Geerken & Gove 1975; Williams & Hawkins 1989; Nagin & Paternoster 1991), the issue has become, not if legal sanctions can deter criminal behaviour, but what social conditions influence the deterrent potential of formal legal sanctions?

This question has lead more recent research to try and expand the definition of deterrence. Researchers argue that the concept of deterrence should be expanded to include informal sanction costs (Williams & Hawkins 1986; Williams & Hawkins 1989; Nagin & Paternoster, 1991). Informal sanction costs are defined as the "fear" of indirect consequences that may occur as a result of the taking of formal legal sanctions such as arrest, fines, or jail (Williams & Hawkins 1989, p. 166). Thus, informal sanction costs include such things as the fear of personal humiliation, damage to interpersonal relationships, or the fear of losing one's job. It is argued that if an individual refrains from committing a crime because they fear an arrest will expose them and possibly jeopardize valued personal relationships or employment, then these informal sanction costs should be considered as part of the deterrent process (Williams & Hawkins 1986; Williams & Hawkins 1989; Nagin & Paternoster 1991).

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Exploratory research has provided some evidence that informal sanction costs may play a role in the deterrent process (Williams & Hawkins, 1989; Nagin & Paternoster, 1991). Williams and Hawkins (1989, p. 178) suggest men may be deterred from assaulting their wives because of potential informal sanction costs. For instance, men in the sample reported self-stigma as the reason most likely to prevent them from striking their partners. And, Williams and Hawkins 🔨 (1989, p.173) conclude that men are concerned about the potential damage to personal relationships, social disapproval of friends, and humiliation to family members, which would accompany an arrest for wife assault. The fear of formal legal controls, going to jail, was not perceived as a realistic consequence, and thus, did not act as a deterrent (Williams & Hawkins, 1989, p.178).

Williams and Hawkins (1989, p. 178) acknowledge their conclusions must be interpreted carefully as their findings are based on hypothetical scenarios. And, their model does not address the problem of temporal ordering concerning the relationship between perceptual and behavioral variables. Whether these same findings would hold for men who have actually been arrested is something that should not be assumed but tested.

11

Building on the work of Williams and Hawkins (1986 & 1989), Nagin and Paternoster (1991) re-examined the potential deterrent effect of informal sanction costs. Nagin and Paternoster (1991) found only marginal support for the deterrent potential of informal sanction costs. Specifically, they report a weak positive association between level of informal sanction costs and deterrence, and only in certain scenarios (Nagin & Paternoster, 1991, p. 579).

The inconclusive findings of Nagin and Paternoster (1991) initially appear to be cause for concern. However, researchers have suggested that individuals who have a greater stake in conformity face potentially greater informal sanction costs (Toby, 1957; Sherman et al., 1992; Berk et al., 1992). In other words, individuals who are employed or hold a position of respect in their community, potentially have the most to loose by committing a crime. As such, these individuals may show greater deterrence than individuals who have nothing to loose in the form of informal sanction costs, the unemployed or those who do not hold a position of respect in the community. The suggestion that informal sanction costs may prevent individuals from becoming involved in criminal behaviour assumes that perceived informal sanction costs are significant for the individual. However, Nagin and Paternoster (1991, p. 582) point out that their sample consisted of high school students who may not have matured to the point of developing clear stakes in conformity. Thus, for

this group, there are no real informal sanction costs associated with formal legal sanctions. This being the case, then the failure of Nagin and Paternoster (1991) to find stronger support for the work of Williams and Hawkins (1989) should not be seen as evidence to the contrary. Rather, as Nagin and Paternoster (1991, p. 583) suggest, further research is required to clarify social control issues.

To summarize, although the deterrence perspective emphasizes foremost the effect of formal legal sanctions or controls in regulating behaviour, it also acknowledges the potential importance of informal sanction costs that arise as a result of formal legal sanctions (Zimring & Hawkins 1973; Williams & Hawkins, 1989; Nagin & Paternoster 1991; Sherman et al., 1992; Pate & Hamilton, 1992; Berk et al., 1992). Thus, as will be discussed later, deterrence may be conditional upon the interaction of formal legal sanctions and potential informal sanction costs (Zimring & Hawkins, 1973; Williams & Hawkins 1986 & 1989; Nagin & Paternoster 1991; Sherman et al., 1992; Berk et al., 1992).

#### ii. The Labelling Perspective

In contrast to the deterrence perspective, labelling theorists argue that formal legal sanctions can actually increase criminal behaviour (Lemert 1951; Becker 1963). The labelling perspective also makes a fundamental distinction between primary and secondary causes of escalating deviance. For example, primary deviance refers to initial rule breaking that is labelled deviant or criminal by the police or judicial system (Lemert 1951, p. 75). Labelling of this behaviour, and the individual involved in the behaviour as deviant or effects the individual's self criminal, image. Thus, labelling theorists suggest that an individual comes to see themself as deviant or criminal and engages in subsequent criminal behaviour as part of a self-fulfilling prophecy (Lemert 1951, p. 76). Subsequent deviant behaviour is called secondary deviance (Lemert, 1951). However, because of the plethora of initial causal factors, many of which are unobservable, this study focuses on secondary deviance. In other words, this study is interested in the effect formal legal controls have on subsequent behaviour.

Labelling theorists acknowledge not everyone who is involved in primary deviance will accept the deviant label and engage in secondary deviance (Conklin, 1986). The ability to reject or tendency to accept the deviant label may be related to an individual's level of informal social control. Some research suggests that the ability to reject the deviant label is negatively related to an individual's level of informal social control (Lemert 1951, p. 318; Lofland 1969, p.178). For example, Lofland (1969, p. 179) suggests that individuals who have a strong sense and awareness of belonging to conventional activities will have less doubt about themselves and their identity when subject to the negative labels that accompany formal legal controls. As such, individuals with strong conventional ties are said to be less vulnerable to a new deviant identity and are able to reject the new deviant identity. Those who do not have a strong sense and awareness of belonging to conventional activities will be more likely to doubt themselves when subject to the negative labels that accompany formal legal controls (Lofland 1969, p.179). These individuals are more likely to accept the new deviant identity imposed upon them.

Other research also suggests a positive association between level of informal social control and tendency to accept the deviant label (Klein, 1986). For example, Klein (1986) suggested that high status individuals and whites experience a greater negative identity change than low status individuals and blacks when subject to formal controls. Tn other words, the blow to the identity of high status individuals and whites is so great that they are unable to overcome their fall from grace and thus accept the deviant label. This greater negative identity change can then result increased criminal behaviour for the hiqh in status individuals and whites. Thus, like deterrence, the labelling perspective acknowledges the possible interactive effect of formal legal controls and level of informal control or social bonds in regulating behaviour.

The previous discussion presents a general overview of deterrence and labelling research and conceptual issues

underlying the possible effects of formal legal controls and informal social controls on regulating social behaviour. The effect of formal legal and informal social controls on regulating behaviour is currently a contentious issue. For example, wife abuse has emerged as a major social problem in contemporary society. It is estimated that over one million women a year in Canada are battered by their male partners (Lupri 1991; MacLeod 1987). With the increased awareness of the growing problem of domestic violence comes a renewed interest in the possible effect of formal legal controls and informal social controls on regulating male assaultive behaviour.

#### 1.3 Domestic Violence Research

Most domestic violence research has been conducted from a feminist and a family studies perspective. Feminists argue that violence against women is a result of the inequality that exists between men and women (Kurz, 1993). They maintain that the institution of marriage and other cultural norms promotes male dominance and men's right to use force in their relationships (Kurz, 1993). Thus, according to feminists, men use violence as a means of coercive control in an effort to maintain their power in intimate relationships (Yllo, 1993).

Family studies research has tended to focus on the characteristics of the abuser, victim, or couple, to try to explain violent behaviour within an intimate relationship.

16

The result of these many studies has been to identify certain characteristics that appear to be related to violence in intimate relationships (for eg. see Hotaling and Sugarman, 1986).

A brief overview of the family studies literature suggests certain factors or characteristics are associated with male violence towards their female partners. For example, some research reports a negative association between employment status and rates of domestic violence (Lupri 1989; Straus et al., 1980). In other words, these studies report a tendency for unemployed men to have higher rates of violence than employed men. Yet other research reports no association between employment status and rates of violence (Gelles 1974). Furthermore, Kantor and Straus (1990) report no difference in the rate at which minor assaults are reported to the police for employed and unemployed men. However, they also found that unemployed men who commit severe assaults are more likely to be reported to the police than employed men.

The relationship between education and rates of violence more confusing. is Some research suggest a negative association between education and rates of violence (Gelles 1974; Steinmetz 1977; Coleman et al., 1980). Thus, the findings suggest an increase in rates of violence as educational level decreases. However, Straus et al., (1980) report a curvilinear relationship between education and Specifically, they found the highest rates of violence.

17

violence to be associated with high school education. Yet other research report no association between education and rates of violence (Stets & Straus, 1990; Hornung et al., 1981). Finally, Lupri (1989) reports a positive association between education and psychological abuse. Thus, the extent of the relationship between education and rates of violence remains unclear.

Several studies also report a negative relationship between occupational status and rates of violence (Stets & Straus, 1990; Gelles 1974; Steinmetz 1977; Straus et al., 1980). These studies suggest a decrease in rates of violence as occupational status increased, and an increase in rates of violence as occupational status decreased. However, in their review of the literature on domestic violence, Hotaling and Sugarman (1986) report that Shulman (1979)found no association between occupational status and rates of violence.

Perhaps the most agreed upon finding in domestic violence research is the positive relationship between experiencing violence in one's family of origin and being involved in subsequent violent behaviour, both within and outside the family. Several studies suggest individuals who experience violence in their childhood are more likely to be abusive than individuals who do not experience violence in their childhood (Hotaling et al., 1990; Lupri 1989; Shields & Hanneke 1985; Straus 1983; Fagan et al., 1983; Russell 1982; Straus et al., 1980; Gelles 1974). Furthermore, Hotaling et al., (1990) suggest that men involved in family violence are five times more likely to be involved in violence outside the home than men not involved in family violence.

Research conducted from a family studies perspective has provided valuable information regarding factors that are possibly associated with domestic violence. However, this research does face certain limitations. First, all the studies mentioned used cross-sectional research designs. Cross-sectional designs provide only a "snapshot" of domestic and as such, are limited violence, in their ability to explain causal factors or the processes involved in domestic violence (Babbie, 1992). These studies all relied on retrospective data that can undermine the ability to establish causal ordering (Babbie, 1992, p.101). For example, some respondents were asked to recall events that occurred many These subjects may have had years before the study. difficulty not only in recalling actual events but in accurately recalling the sequence of events. Second, only three studies use national data with a sample size large enough to allow adequate generalizations to the population (Lupri 1989, N=1843; Straus et al., 1980, N=2143; Straus & Gelles, 1985).<sup>2</sup> And, most of the studies did not randomly sample from the general population. Instead, subjects were selected from shelter services, social agency programs or counselling services (Coleman, 1980; Sheilds & Hanneke, 1983; Fagan et al., 1983). Such non-random sampling methods tend to

be biased and do not allow generalizations to the population at large (Babbie, 1992). Finally, many studies relied upon victim report data as a source of information regarding offender characteristics (Fagan et al., 1983; Sheilds & Hanneke 1983; Hornung et al., 1981; Steinmetz 1977; Gelles 1974). As such, the validity of this type of data regarding offender characteristics should be interpreted with caution.

Thus, one might conclude that research from a family studies perspective has identified possible factors or characteristics that are associated with °violent marital relationships (Lupri, 1989; Hotaling & Sugarman, 1986). Although this exemplary research is a valuable source of information, it has been unable to determine the causes of domestic violence due to the limitations mentioned. Thus, researchers took a different approach to the study of domestic violence and began looking at ways of possibly controlling violent behaviour. As mentioned earlier, this involved reexamining the classical issue of the effect of formal controls on regulating behaviour.

Recently, criminological researchers have examined the possible effect of formal controls on preventing wife abuse. For instance, Sherman and Berk (1984) conducted a controlled experiment, involving men who assaulted their female partners, to measure the deterrent effect of arrest - a formal control on subsequent domestic violence.<sup>3</sup> Based on a six month follow up period, Sherman and Berk (1984, p. 267) report arrested suspects - those subjected to formal controls - showed significantly less subsequent domestic violence than those suspects who were simply ordered to leave the family home, those subjected to informal interventions. As a result, they suggest that arrest contributes to the deterrent potential of the criminal justice system (Sherman & Berk 1984, p. 270).

Despite Sherman and Berk's (1984) exemplary research into the impact of formal sanctions for having a greater deterrent effect than informal interventions, several questions remain First, the follow-up period, of which to be addressed. respondents were aware, was only six months. This short follow-up period leaves some doubt as to the longevity of deterrence. Specifically, with a six month follow-up period it is not clear whether deterrence is temporary or lasting (Piliavin et al., 1986; Fagan, 1989). And, respondents' knowledge that they were being monitored for incidents of reoffending may have influenced the behaviour of some subjects. In other words, the deterrent may have been knowledge of a follow-up period (Hawthorne effect) and not arrest. Second, recidivism was measured as subsequent domestic violence. Thereby, ignoring the possibility of displacement to other areas of criminality, (displacement will be discussed in detail in the criminal career perspective section). Last, felony cases were excluded from the data. This sampling bias excludes a certain portion of the population thereby reducing the generalizability of the results.

Sherman and Berk's (1984) initial study examined the independent effects of formal legal sanctions on abusive husband's subsequent behaviour. They did not however, examine the effect of an individual's level of informal social control on regulating this behaviour. Recall deterrence and labelling proponents both acknowledge the possible importance informal social controls. of Specifically, deterrence researchers suggest that informal sanction costs may arise as a result of formal legal sanctions and as such should be considered an important aspect of the conditional deterrence process (Zimring & Hawkins 1973; Williams & Hawkins, 1986 & 1989; Nagin & Paternoster, 1991). And, labelling theorists suggest that an individual's level of informal social control is an important factor in determining whether someone is either more or less inclined in accepting the deviant label (Lemert, 1951, p.318; Lofland, 1969, p. 179; Klein, 1986, p. Thus, domestic violence research that examined the 75). effect of formal legal controls and informal social controls were required.

The most recent domestic violence research has attempted to examine both the effects of formal controls and informal social controls on preventing wife abuse. This includes the possibility that deterrence is conditional upon an individual's level of informal social control (Tittle & Logan, 1973). For example, researchers have recently included marital status and employment status as indicators of an

22

individual's level of informal social control (Sherman et al., 1992; Pate and Hamilton, 1992; & Berk et al., 1992). Recall it has been suggested that individuals who are employed and/or married may have a propensity for conforming behaviour and as such, have a greater stake in conformity than those who are unemployed and not married (Toby, 1957; Sherman, 1984). If married and employed individuals do face greater informal sanction costs because of their greater stake in conformity, then it is possible these individuals should be better deterred than individuals who do not face informal sanction costs because they lack a stake in conformity.

Sherman et al., (1992) re-examined the effect of arrest on recidivism while controlling for an offender's level of informal control. Their results suggest an offender's level of informal control is an important factor in preventing subsequent domestic violence (Sherman et al., 1992, p. 686). They found that for arrested subjects, there appears to be an inverse association between an offender's level of conformity and recidivism (Sherman et al., 1992, p. 686). In other words, arrested individuals with higher levels of conformity to conventional activity - being married and having a job are less likely to engage in subsequent domestic violence. Arrested individuals with lower levels of conformity, those not married and/or not having a job, are more likely to engage in subsequent domestic violence. These findings support the conditional deterrence hypothesis that says that formal legal

controls only deter those who are sufficiently tied to conventional society (Sherman et al., 1992, p. 686). They further conclude there is a clear absence of labelling effects among individuals with high levels of informal control but that labelling may occur with individuals who have low levels of informal control (Sherman et al., 1992, p. 687). They also mention when level of informal control, as measured by employment and marital statuses are omitted from the model, there is no statistically significant association between arrest itself and number of subsequent domestic violence (Sherman et al., 1992, p. 685). This suggests that formal controls alone are not always effective in preventing subsequent domestic violence.

The recent work of Sherman et al., (1992) marks a significant development in the study of the deterrent effects of formal and informal social controls. However, despite the significant contribution of this work, important measurement issues require further consideration. First, stake in conformity, or level of informal control, is measured by the indicators of marital status and employment status (Sherman et al., 1992, p. 683). However, there is little distinction within the broad category of married and not married. For example, it is not clear how marital status was recorded if individuals were legally married but living separately at the time of the incident. Nor is it clear which category common-law relationships fell into. These measurement issues

in turn lead to conceptual issues. The issue is not that marital status and employment status are not valid indicators social bonds. informal controls or Rather, of these indicators may not adequately measure the strength of the bonds or controls (Sherman et al., 1992, p.683; Berk et al., 1992, p.705). In other words, it may be inaccurate to assume that individuals who are married but have been living apart for a period of time really have a stake in conformity. Also, it is not clear if individuals in a common-law relationship are considered to have a stake in conformity. Questions abound such as, does a couple have to be legally married to have a stake in conformity? Moreover, can one conclude that a newlywed couple has a greater stake in conformity than a couple who has been living common-law for ten years and have Thus, questions still exist regarding the three children? effect of marital status, which need to be addressed in future research.

Similarly, provisions have not yet been made for the effect of occupational position or prestige in the category of employment, as a possible indicator of informal social control. For instance, Toby (1957, p. 16) found that the higher the socio-economic status of an individual, the more that individual felt he or she had to lose by being deviant. Thus, research should include occupational prestige as a potential facilitator of the deterrent process.

Irrespective of these measurement and conceptual issues,
is clear that Sherman et al., (1992) have made a it significant contribution to domestic violence research by examining the possible interactive effects of formal and informal social controls on regulating assaultive behaviour. Recall that Sherman et al., (1992) endorse the deterrent effects of formal interventions when combined with high levels of informal social controls. And, they also suggest possible labelling effects for individuals with low levels of informal social control. However, the findings of Sherman et al., (1992) cannot be seen as the definitive answer to this complex problem. There is other evidence to suggest that labelling may not occur for individuals with low levels of informal social control (Berk et al., 1992, p. 702). For example, Berk et al., (1992) found that arrest did not always lead to an increase in violence for unemployed and unmarried subjects. And, deterrence may not occur for individuals with high levels of informal social controls (Berk et al., 1992, p. 702; Pate & Hamilton 1992, p. 695). Berk et al., (1992) and Pate & Hamilton (1992) report no association between marital status and subsequent domestic violence for arrested individuals. Thus, it is fair to conclude that research has produced contradictory findings. Recent research designs have been unable to successfully untangle the nature of the interactive effects of formal and informal social controls on regulating assaultive behaviour.

The contradictory nature of recent research findings

suggests that something other than the formal and informal social controls researchers claim to be measuring is influencing rates of reoffending. A formal control that has not yet been explored is the effect court ordered dispositions regulating behaviour. research have on Previous has considered all individuals who are arrested as having received the same treatment or the same severity of formal control. No attempt has been made to investigate differences received in formal control after an individual's arrest, such as court ordered dispositions. Thus, arrested individuals who go to jail are considered to have been subject to the same formal control as individuals who are put on probation, or fined, or escape penalty altogether. It is possible that variation in court ordered dispositions have varying effects on subsequent behaviour. Thus, research needs to consider the possible effect of all formal legal controls an individual is subjected too, including variation in court ordered dispositions.

Another formal control that criminological research has only partially examined, is the effect of an individual's prior criminal record. None of the studies previously mentioned have controlled for subjects' prior criminal record or contacts with the police. As such, it is unclear if behaviour observed after an arrest is due to the arrest itself or is more likely related to or a result of prior contacts with the police. Recall that labelling theory tells us that the self-fulfilling prophecy individuals encounter is a process that occurs over time (Lemert, 1951). As such, it is essential to have information concerning a subject's prior involvement with the criminal justice system before drawing conclusions with respect to the labelling effect of a particular treatment or formal control. Thus, an approach that allows for an examination of criminal events and criminal justice responses over time may prove more useful in understanding strategies for regulating assaultive behaviour.

#### 1.4 Criminal Career Research

One of the most contentious issues in contemporary criminology is what is the best way to examine crime and criminal behaviour? One side of the debate argues for a longitudinal design referred to as a criminal career approach (Blumstein, Cohen and Farrington, 1988). Criminal career research is designed to examine the sequence of offending for an individual over a period of time (Blumstein, Cohen & Farrington, 1988). One way to conceptualize criminal careers involves three general stages: a beginning (onset or initiation), an end (dropout or termination), and a duration (career length), (Blumstein et al., 1988, p. 2). Criminal career approaches focus on rates, patterns and trends of offending for individuals from onset to termination (Blumstein et al., 1988, p. 2). This conceptual framework allows for the possibility that different causal factors and processes may be related to each of the three stages (Blumstein et al., 1988,

p. 4).

criminal Using а career perspective, Blumstein, Farrington and Moitra (1985, p. 189) propose a model of offender heterogeneity in which any offender can be classified into one of three types of offenders. "Innocents" have no prior involvement with the law, "desisters" have one or two prior involvements with the law, and "persisters" have three or more involvements with the law. This typology of offenders allows for the possibility that offenders differ by the number of crimes they commit. In other words, offenders who commit their first crime may differ from those who commit two crimes, who may differ from those who commit five crimes, and so on.

Classifying offenders into offender career types is an important development for deterrence and labelling research. Career criminal research indicates that the effect of legal punishments and informal sanctions can differ for persistent batterers and desisters. For example, with respect to the impact of the effect of formal controls, Fagan (1989) reports an increase in subsequent violence with criminal justice intervention for persistent batterers. This suggests that a labelling process may have occurred with persistent offenders. However, there is also some evidence supporting the deterrence perspective. Research suggests, both criminal justice intervention and informal sanctions appear to result in a greater deterrent effect among other types of offenders than persistent batterers (Fagan et al., 1983; Fagan 1989; Bowker,

29

1983). As a result, this raises the possibility that deterrence and labelling are not only conditional upon formal and informal controls, but are also conditional upon additional factors, such as the nature of an offender's criminal history.

The other side of this debate argues against a criminal career approach (Gottfredson & Hirschi, 1990). Gottfredson and Hirschi (1990, p.91) believe the tendency of those relatively few individuals who engage in deviant behaviour stems from low self-control. For these individuals, low selfcontrol is a characteristic that is said to appear early in life and remain stable over time. Thus, in relation to the impact of the effect of informal controls, they argue that changes in adult experiences, such as an increase in informal controls through marriage and employment, are irrelevant in determining whether an individual will continue their deviant behaviour (Gottfredson & Hirschi, 1990, p.249). As such, there is little utility in using a longitudinal design. Instead, Gottfredson and Hirschi (1990, p.249) advocate crosssectional designs that will examine a period in time where the expected distribution of relevant variables is high.

Gottfredson and Hirschi (1990) also take issue with Blumstein, Cohen and Farrington's (1985) criminal career offender typology (ie. , innocent, desisters & persisters). They argue that "the causes of criminal acts are the same regardless of the number of such acts" (Gottfredson & Hirschi, 1990, p.241). Thus, conclusions regarding the causes and correlates of crime are not dependent upon career typology distinctions (Gottfredson & Hirschi, 1990, p. 245). And, Gottfredson and Hirschi (1990, p. 242) warn against the use of predetermined distinctions with regards to possible level or types of offenders. They suggest such measurement decisions should only be made after a careful examination of the data and previous research. Finally, they argue that the causes of one type of offense do not vary from the causes of other types of offenses (Gottfredson & Hirschi, 1990, p. 242). Thus, Gottfredson and Hirschi (1990, p. 91) believe that offenders commit a variety of criminal offenses. They disagree with the suggestion that offenders specialize in a particular type of offense, and one offense only.

Both Blumstein et al., (1988) and Gottfredson and Hirschi (1990) have made enormous contributions to the field of Rather than choose a particular argument and criminology. dismiss the other completely, this study uses ideas from both First, as Gottfredson and Hirschi (1990) suggest, sides. measurement decisions were made only after a careful consideration of prior research and an examination of the Specifically, based on prior research (Fagan et al., data. 1983; Fagan, 1989; Bowker, 1983) and my data, the decision was made to include Blumstein, Farrington, and Moitra's (1985) criminal career offender typology. Second, this study explores the phenomenon of offense specialization. Consistent

with Gottfredson and Hirschi's (1990) view on the lack of specialization, this study explores the relationship between domestic and non-domestic assaults, and between assaultive behaviour and other types of offenses. In other words, this study explores the possibility of behavioral displacement between different forms of assaultive behaviour and different types of offenses. It is possible that individuals who engage in assaultive behaviour are not exclusively domestic or nondomestic batterers. For example, batterers may engage exclusively in one type of assaultive behaviour, or may go back and forth from one type of assaultive behaviour to another, or engage in other forms of deviant behaviour, over their career. An individual who begins his battering career with domestic violence may displace his assaultive behaviour to a non-domestic assault, or may interrupt his battering career and engage in other forms of deviant behaviour, or vice Thus, to examine the possible effects of formal and versa. informal social controls on offender decision-making, we must examine the entire criminal career. We cannot choose one type of deviant behaviour, such as spousal assault, and ignore all other forms of deviant behaviour the individuals engage in, both prior to and subsequent to the offense of interest. Doing so, would deny the possibility of displacement, thereby excluding an examination of more complete patterns and sequences of offending for offenders. And, it prevents the exploration towards a possible integrated theory of assault

with respect to domestic and non-domestic assault. Thus, it is fair to conclude that Gottfredson and Hirschi's (1990) views on the lack of specialization are not incompatible with Blumstein et al., (1985) desire to study the patterns and sequence of offending. To examine the issue of specialization and the pattern and sequence of offending, this study uses a longitudinal design.

Up to this point the discussion has focused on the effects of formal and informal social controls upon offenders' decisions regarding reoffending. However, we know that criminal justice decisions can be structured by social conceptions of lay theories of what is considered normal or deviant behaviour (Cicourel, 1968). Therefore, we cannot assume that criminal justice decision-making is not also influenced through the consideration of the possible independent and interactive effects of formal and informal social controls on recidivism. For example, research suggests that judges sentence individuals who have no or low informal controls more severely than those with higher informal controls (Black, 1976, p. 114; Burke & Turk, 1993, p.323). It is suggested that judges recognize the potential positive impact of informal controls in deterring individuals. When informal controls are absent, judges compensate for this lack of a positive factor by increasing the severity of their sentences in an effort to deter individuals (Black 1976, p.107). Thus, individuals who are unemployed and not married should receive more severe sentences. On the other hand, it appears that individuals who have informal controls, employed and married, are shown some leniency in an effort to avoid the possible labelling effects of more serious dispositions (Black, 1976). And, Burke and Turk (1993, p.324) report a negative association between occupational status and severity of sentence. They found as occupational status increased severity of sentence decreased, and as occupational status decreased severity of sentence increased.

Research has also examined the effect formal controls have on judicial decision-making. For example, Hagan (1991) reports a positive association between seriousness of offense and severity of disposition. In other words, the more serious the offense, the more severe the sentence. Finally, research suggests a positive association between number of prior convictions and probability of reoffending and severity of sentence (Black, 1976, p. 118; Burke & Turk, 1993, p. 321). Specifically, offenders with prior criminal convictions generally have higher rates of reoffending and receive more severe sentences than offenders without a prior criminal record.

# 1.5 Research Questions

The previous discussion illustrates that the possible independent effect of formal (arrest and sentencing) controls and informal social controls (employment and marital status, and occupational prestige) on assaultive behaviour may also be conditional upon the interaction of formal and informal social controls. And, these separate and interactive effects of formal and informal controls may also be embedded in the overall development and desistence of an offender's criminal career. This study will propose and examine two models designed to explore the empirical and conceptual aspects of this issue. Three main research questions guide this study (see appendix 1 for exogenous and endogenous model variables that are indicators of formal and informal social controls).

The first involves describing sample characteristics while the second and third research questions examine multivariate models for testing variations in criminal justice decision-making and the likelihood of possible reoffending. Model 1 (see appendix) examines the effect of informal social controls, as measured by marital and employment status and occupational prestige, and the effect of formal controls, as measured by prior convictions, severity of offense and type of assault, on severity of disposition. Model 2 (see appendix) examines the effect of informal controls, as measured by marital and employment status and occupational prestige, and the effect of formal controls, as measured by prior convictions, severity of offense, type of assault and severity of disposition, on likelihood of re-offending.

Question #1: What are the criminal and social characteristics of domestic and non-domestic batterers?

- Question #2: What impact do formal and informal controls have upon severity of disposition for domestic vs. non-domestic batterer's target offense? (See Model 1)
- Question #3: What impact does severity of disposition for target offenses and formal and informal controls have upon the likelihood of re-offending after the target offense for domestic and non-domestic offenders? (See Model 2)

## 1.6 Propositions and Hypotheses:

This study will examine several single variable propositions and test several single statement hypotheses for both Models 1 and 2.

Informal Controls:

P1: As level of informal control increases severity of disposition will tend to decrease.

Therefore, the related hypotheses for Model 1 to be tested are:

- H1: Employed men will tend to receive less severe dispositions than unemployed men.
- H2: Married men will tend to receive less severe dispositions than men living in common law relationships.
- H3: As occupational prestige increases severity of disposition will tend to decrease.
- P2: As level of informal control increases the likelihood of reoffending decreases.

The related hypotheses for Model 2 to be tested are:

- H4: Employed men will tend to have lower rates of reoffending than unemployed men.
- H5: Married men will tend to have lower rates of reoffending than men living in common-law relationships.
- H6: As occupational prestige increases the likelihood of reoffending will decrease.

Formal Controls:

P3: As level of formal control increases severity of disposition will tend to increase.

The related hypotheses for Model 1 to be tested are:

- H7: As number of total prior convictions increases severity of target disposition will increase.
- H8: As number of prior assault convictions increases severity of target disposition will increase.
- H9: As severity of target offense increases severity of target disposition will increase.
- P4: As level of formal control increases the likelihood of reoffending increases.

The related hypotheses for Model 2 to be tested are:

- H10: As number of total prior convictions increases the likelihood of reoffending will increase.
- H11: As number of prior assault convictions increases the likelihood of reoffending will increase.
- H12: As seriousness of offense increases the likelihood of reoffending will increase.
- H13: As severity of target disposition increases the likelihood of reoffending increases.

In addition, this study will examine the interactive effect of formal controls and informal controls. In other words, this study will test to see if the effect of formal controls upon the dependent variables is conditional upon level of informal controls (Sherman et al., 1992).

## 1.7 Procedure

To answer the three main research questions and to examine the specific hypotheses, several improvements from previous designs were made. First, the sample includes and compares men who are violent in the home to men who are violent outside the home. As mentioned earlier, this allows for an examination of the patterns and sequence of offending and possible displacement of one type of assault to another type for assaultive men. For example, it is possible that the effect of formal and informal controls may result in violence of one form or the other getting displaced onto another outlet, or being transformed into another form of deviance. Of particular interest, is how these two groups of men vary or be similar with respect to the variables in Models 1 and 2.

Second, given the findings of the career criminal studies, it is essential to employ a longitudinal design that can consider the offender's entire criminal history (Fagan, 1989). So, this study classifies each member of the sample as either a persister, desister, or innocent. This will not only allow an estimation of offender types, but may also provide insights into how and why an offender may graduate to the next offender stage. Recall that it is possible that the impact of formal and informal social controls may depend upon what stage an offender is at in his criminal career.

Third, a longer follow-up period than previously used, of which subjects are unaware, is used to better assess the longevity of deterrence relative to dispositions (see Model 2 and Figure 1, appendix). In other words, this study will use a two year follow-up period to explore the temporary or lasting nature of deterrence (Piliavin et al., 1986; Fagan, 1989).

Fourth, this study makes greater distinctions within the

indicators of formal and informal controls. Berk et al., (1992, p.704) and Fagan (1989, p.386) illustrate the importance of considering the effect of court ordered dispositions upon recidivism. As such, in this study, formal controls include various court ordered dispositions (for a complete list of formal controls see Models 1 & 2, appendix). Various dispositions such as probation, fine and/or jail are examined to estimate their effect on the likelihood of More precise distinctions are also recidivism (Model 2). made within the indicators of informal control, marital status and employment status. As well, occupational prestige is included as a possible indicator of level of informal social control.

In the next chapter I describe how methodological improvements were used with the data collected for this study to examine the research questions and to test the hypotheses.

39

#### CHAPTER TWO

#### METHODOLOGY

### 2.0 Introduction

Previous research has examined the separate and interactive effects of formal and informal social controls on regulating social behaviour. Recall, this research has not examined the possible deterrent or labelling effects of formal and informal controls as they relate specifically to domestic and non-domestic assaults. And, research has limited the exploration of the length of possible deterrence or labelling effects to six months.

This chapter discusses the design and sampling procedures used in this study, followed by the operationalization of key concepts and variables. Issues involving the use of official data are considered, as are ethical considerations as they relate to this study. Finally, the rationale for using the particular method of data analyses is explained.

# 2.1 Design and Sampling Procedure

The previous chapter highlighted the possible cause and effect relationship between formal sanctions and informal social controls, and subsequent behaviour from both the deterrence and labelling perspectives. Both perspectives suggest that formal and informal social controls may have separate and interactive effects on subsequent behaviour over time. Recall, it has been suggested that the effect of formal

40

controls may exceed a six month follow-up period (Piliavin et al., 1986). And, the previous chapter also highlights the important issue of offense specialization (Gottfredson & Hirschi, 1991). Specifically, past domestic violence research has failed to examine complete patterns and sequences of offending for domestic and non-domestic batterers (Fagan, 1989).

The possibility that the effect of formal controls may exceed six months, and the unfamiliarity surrounding the patterns and sequence of offending for domestic and nondomestic batterers are two issues explored in this study. To explore these issues, a longitudinal design that allows for an examination of individuals over an extended period of time is Thus, this study uses data with regards to an required. offender's complete criminal record to explore the pattern and offending and the issue of offense sequence of specialization.<sup>4</sup> And, this study uses a two-year follow-up period to explore the length of possible deterrent and labelling effects of formal controls.

Generally, longitudinal designs are better suited for making causal inferences than are cross-sectional designs (Wall & Williams 1970; Piliavan et al., 1986; Babbie, 1992). However, this study does include a limitation due to the nature of the data available. Specifically, data regarding level of informal control and type of assault were not available for the entire career of the individuals in the

study. In other words, it is not clear if marital status and employment status as recorded at the time of the sample offense, remains the same during the two-year follow-up period. It is possible an individual was employed at the time of the sample offense, but became unemployed shortly after his Such an individual would be considered employed arrest. during the follow-up period, when in fact he may not have been. As such, it is difficult to estimate the true effect of informal controls on subsequent behaviour when changes in level of informal control are difficult to measure (Sherman et al., 1992; Berk et al., 1992; Pate & Hamilton, 1992; Fagan, And, the type of assault, domestic or non-domestic, 1989). could not be made with respect to assault convictions both prior to and subsequent to the sample offense. Thus, limiting the exploration of the issue of specialization. In other words, the issue of offense specialization with respect to being exclusively a domestic or non-domestic batterer is undermined by data limitations. However, specialization with respect to assaultive and non-assaultive criminal behaviour is unaffected by the data limitations.

Data used in this longitudinal study were collected from court dockets and court informations held at the Provincial Court Criminal Clerks' office and from the Police Service files of a large Western Canadian city. Information regarding sample subjects' criminal records was obtained from the Canadian Police Information Computer (CPIC). Court dockets in the Clerks' office contain the names of everyone charged with assault and as such, these dockets constitute the target offense population. Preliminary investigations indicated approximately 3000 assault charges were laid in 1990 and the number of domestic and non-domestic assaults appeared to be fairly equal in numbers.<sup>5</sup>

An exhaustive list of the total population of men charged with assault is not readily available. Thus, a two-stage simple random sampling procedure without replacement was used. First, court dates between May 1, 1990 and April 30, 1991 were selected using a simple random sampling procedure without replacement. The corresponding dockets for these randomly selected dates were searched for males who had a final court disposition imposed for any type of assault charge.<sup>6</sup> A list of 1200 adult males charged with assault was compiled and served as the target offense sampling frame. From this list of 1200 adult males, 500 names were randomly selected without replacement. These 500 randomly generated names constituted the final sample.<sup>7</sup>

## 2.2 Operationalization

As this is a longitudinal study, three classes of offenses are used to study the criminal career of each subject. The "target offense" is an assault that has had a final disposition imposed by the courts between May 1, 1990 and April 30, 1991. A "current offense" consists of any and all criminal conviction within two years subsequent to an individual's target offense. A "past offense" consists of any and all criminal convictions that occurred prior to an individual's target offense (see Figure 1, appendix).

Data for each target offense and corresponding prior and past offenses were first collected from Police Service files with respect to the variables contained in Models 1 and 2. A domestic assault is defined as one in which the accused is male, the complainant is female, and there is evidence as to an intimate relationship between the two persons involved. An intimate relationship is defined as one in which the two persons involved are married to each other either at present or in the past, or are involved in a common-law relationship together either at present or in the past, or have dated either at present or in the past. A non-domestic assault consisted of all other target offense assaults that involved a male accused which did not meet the criterion of a domestic assault.<sup>8</sup> As previously mentioned, the distinction of domestic or non-domestic assault could not be made with respect to prior offenses and was not made for subsequent offenses.

Marital status was available for target offense domestic assaults, but was unavailable for non-domestic assaults. Marital status for domestic assaults was coded as 1 = "married", 2 = "common-law", and 3 = "other". Length of marital status was not available for the majority of cases and was later dropped from the analyses.

Employment status was recorded as 0 = unemployed, 1 = employed. Accused's occupation was initially recorded using an 18 category ordinal scale (Pineo, Porter & McRoberts, 1977). For the purpose of analyses the original categories were collapsed into five categories of 0 = unemployed, 1 = labour, 2 = sales/service, 3 = supervisors, 4 = upper white collar (Pineo, Porter & McRoberts, 1977).

Data concerning past and current offenses were collected from each subjects' criminal record as generated by CPIC (Canadian Police Information Computer). Two measures of past offenses were used. TPRIORS reflects each subjects' total number of prior criminal convictions. APRIORS reflects each subjects' total number of prior assault convictions. Accordingly, TPRIORS may include elements of APRIORS and/or other non violent related convictions.

There are two measures for the dependent variable for Model 2. TRECIDS reflects the total number of criminal convictions within the two-year follow-up period subsequent to the target offense disposition date. ARECIDS reflects the total number of assault convictions within the two-year follow-up period subsequent to the target offense disposition date. As such, TRECIDS may include elements of ARECIDS and/or other non violent related convictions.

TPRIORS, APRIORS, TRECIDS and ARECIDS were originally recorded as ratio level variables. However, for the purpose

of contingency table analyses, each individual in the sample was classified into an offender career type (Blumstein, Farrington, and Moitra, 1985) based on their TPRIORS, APRIORS, TRECIDS and ARECIDS. Each of the four variables was recoded into ordinal level measures in which zero convictions were classified as "INNOCENTS", one or two convictions were classified as "DESISTERS", and three or more convictions were classified as "PERSISTERS" (Blumstein, Farrington and Moitra, 1985, p.189). Thus, the variables TPRIORS, APRIORS, TRECIDS, and ARECIDS all use the value labels INNOCENTS, DESISTERS and PERSISTERS.

Additional data for the target offenses regarding seriousness of the offense and disposition were then collected from Provincial Court files in the Clerk's office (see Models 1 & 2). The variable TAROFF refers to the seriousness of the target offense. For the purpose of analyses, an ordinal scale reflecting the seriousness of the target offense was required and the original categories were collapsed into 1 = "assault, assault peace officer, or uttering threats", 2 = "assault bodily harm, assault with a weapon", 3 = "sexual assault", and 4 = "aggravated assault". The seriousness of each target offense, and thus the final categories used, was determined as a result of the maximum penalty allowed for each offense under the Canadian Criminal Code (Bernstein, Kelly & Doyle, 1977). For instance, the offenses grouped into category 1 have a maximum sentence of 5 years, category 2 a maximum of 10 years, category 3 a maximum of 14 years, and category 4 a maximum of life imprisonment.

The variable TDISPO reflects the disposition imposed for each target offense. TDISPO is the dependent variable in Model 1 and then becomes an independent variable in Model 2. For the purpose of contingency table analyses, dispositions were collapsed into the four ordinal categories of 0 = "dismissed, withdrawn, absolute discharge", 1 = "conditional discharge or suspended sentence", 2 = "fine, fine + probation", 3 = "jail, intermittent jail, jail + fine, jail + probation, jail + fine + probation" (see appendix 1 for original categories). Disposition was recoded in this manner because the original cell frequencies proved too small to allow for my analyses (Burke and Turk, 1993).

## 2.3 Uses of Official Data

Using official data and statistics raises issues regarding validity and reliability. One main concern is that it is problematic to obtain a complete or absolute measure of crime (see Nettler, 1978; Cicourel, 1968; and Silverman, Teevan & Sacco, 1991). For example, we know that crime reported is only a portion of actual crime committed. And, we know as we proceed through the various phases of the criminal justice system, the proportion of actual crime being measured decreases at each step.<sup>9</sup> Thus, the further down we go on the funnel of crime, the more difficult it is to talk about deterrence or labelling with a degree of certainty.

In this study, criminal convictions are used to measure the independent variable, prior criminal involvement (TPRIORS and APRIORS) and the dependent variable, reoffending (TRECIDS and ARECIDS). It is acknowledged that criminal convictions, as used in this study, comprise only a small portion of the actual crime committed (Silverman, Teevan & Sacco, 1991). Thus, raising the issue of construct validity with respect to the variables mentioned. However, only criminal convictions were counted with regards to total priors and reoffending (TPRIORS and TRECIDS), and assault priors and reoffending (APRIORS and ARECIDS) for two reasons. First, victimization and self-report data were not available. Second, subjects' were considered innocent until proven guilty by the courts. In other words, subjects' were given the benefit of the doubt if they had been charged with a criminal offense but had been found not guilty or had their charge dismissed. While it is acknowledged that the use of criminal convictions results in an underestimate of actual crime, it is also true that the use of criminal convictions greatly reduces the possibility of over-estimating crime and reoffending. Thus, although construct validity is affected by using criminal convictions as an indicator of crime and reoffending, content validity is enhanced.<sup>10</sup>

Information obtained from Police Service personnel indicated that criminal record information (CPIC) was

comprehensive. This was confirmed during data collection as several criminal records contained entries showing convictions only days prior to data collection, thus, further enhancing content validity.

Face validity was primarily used in regards to the information contained in Police Service files. For example, when a police report stated the marital status of the subject, this data was considered valid because it was assumed the report writer, complainant and/or accused had no reason to lie about such a fact. As such, data collected from police files were taken to be truthful responses. Any ambiguities for any variables were recorded as unclear and excluded from the analyses.

Face validity was also used with respect to Court files It is suggested that the validity of the and documents. information contained in Court files and documents is very high. Court clerks are fully aware of the extremely serious ramifications of incorrectly recording a disposition. As such, great care is taken to accurately record information. Any errors that may occur are likely to be detected by other clerks, the court reporter, the Judge, the accused, and/or the accused lawyer, all of whom have access to the court files. Validity in this study is further enhanced through the use of construct validity with regards to the coding of seriousness of offense (TAROFF) (Bernstein, Kelly & Doyle, 1977) and severity of disposition (TDISPO) (Burke & Turk, 1993). And,

through the use of the criminal career offender typology (Blumstein, Farrington and Moitra, 1985) with respect to the variables total priors (TPRIORS) and assault priors (APRIORS).

# 2.4 Ethical Considerations

This research strictly adhered to the ethical guidelines of the Social Sciences and Humanities Research Council and the University of Calgary. In preliminary conversations with counsel for the Police Service and the Administrator of the Provincial Court Criminal Division, I guaranteed both persons of this fact. Strict adherence to the ethical guidelines of the SSHRC and the University of Calgary were essential in receiving the cooperation of the parties involved and for gaining access to court documents and Police Service files.

A security clearance was required to work within the Police Service Headquarters and the Court Clerks' office, and to handle the respective files. Names of accused, complainants, and identifiable characters do not appear in any written findings, nor do any specific details that could possibly identify anyone.

# 2.5 Methods of Data Analyses

Ideally, one would use multi-variate modelling to test variation in the two dependent variables. For instance, one could use OLS for estimating effects of informal and formal controls upon severity of disposition and likelihood of reoffending. However, to adequately model both severity of disposition and likelihood of reoffending would require a two-stage regression equation, or what is commonly called selective regression modelling (see Berk, 1983). While this would be an ideal form of analyses to test my hypotheses, this type of modelling procedure requires specific software capabilities that are not readily available. Instead, data analysis was confined to measures of central tendency, contingency tables and chi-square tests of significance (Grimm & Wozniak, 1990).

The three research questions are addressed in the next chapter. The hypotheses testing the separate effects of formal and informal controls upon severity of disposition (Model 1) and likelihood of reoffending (Model 2) is discussed. Also, I test to see if the effect of formal controls upon the dependent variables, severity of disposition and likelihood of reoffending is contingent upon level of informal control.

#### CHAPTER THREE

#### RESULTS

#### 3.0 Introduction

Following data gathering and coding, statistical analyses were performed to address the research questions and to examine the hypotheses. These quantitative analyses involve the use of measures of central tendency, contingency tables and chi-square tests of significance (Grimm & Wozniak, 1990). Alpha levels for tests of significance in this chapter are indicated on each table.

This chapter addresses the three research questions discussed in chapter one. The first section addresses the first research question. Using univariate (measures of central tendency) and bivariate statistics (contingency tables), I present descriptive statistics for both domestic and non-domestic batterers, including the different types of offenders and career patterns to describe the sample characteristics. In the second section, I address the second research question. To do this, I first examine the separate effect of informal controls upon the dependent variable: disposition (see Model 1, appendix). I then probe the separate effect of formal controls upon disposition. Lastly, I explore the possibility that the effects of formal controls on disposition, are contingent upon levels of informal control. In the third section, I address the third research question. To do this, I first inspect the separate effect of informal controls upon the second dependent variable: likelihood of reoffending (see Model 2, appendix). This is followed by an examination of the separate effect of formal controls upon likelihood of reoffending. Finally, I explore the possibility the effect of formal controls on the dependent variable, likelihood of reoffending, is contingent upon level of informal controls.

# 3.1 General Profile of Domestic and Non-Domestic Batterers

Table 1 contains descriptive statistics for the sample. Recall from the previous chapter, the sample is considered representative of the population from which it was selected because of its similarity to other accepted population characteristics. This allows generalizations from sample data to be made to the population. For example, the randomly selected sample of assaults (N = 479) contained a fairly equal number of domestic (46%) and non-domestic assaults (54%). Non-domestic assaults outnumbered domestic assaults by only eight percent. And, the age crime distribution (see Figure 2, is consistent with previous research findings appendix) (Conklin, 1986). Specifically, the entire sample has a mean age of 31.72 years, with a range of 18.25 years to 77.35 years. The mean age for domestic assaults is 32.39 years, with a range of 18.58 years to 61.19 years. The mean age for non-domestic assaults is slightly lower at 31.16 years, and

Table 1. Demographic Characteristics of Sample of Domestic and Non-Domestic Batterers (N=479). Variables , Indicators and Descriptive Statistics						
Variable	Indicator	Non Domestic % (N)	Domestic % (N)			
Marital Status (MAR)	l = married 2 = common law 3 = other		22.5 (49) 47.2 (103) 30.3 (66)			
Employment Status (AEMP)	0 = No 1 = Yes	62.1 (162) 36.8 (96)	50.5 (110) 48.6 (106)			
Occupation (AOCC)	5 category ordinal scale with a range of 0 (unemployed) to 4 (upper white collar)	·				
Type of Assault (TYASS)	0 = Non Domestic 1 = Domestic	54 (261) -	- 46 (218)			
Total Priors (TPRIORS)	Continuous O to 46	Median = 3.0 Mean = 5.25	Median = 4.0 Mean = 5.66			
Assault Priors (APRIORS)	Continuous 0 to 8	Median = .0 Mean = .82	Median = .0 Mean = .93			
Total Recids (TRECIDS)	Continuous 0 to 8	Median = .0 Mean = .96	Median = .0 Mean = .89			
Assault Recids (ARECIDS)	Continuous 0 to 3	Median = .0 Mean = .176	Median = .0 Mean = .294			
Severity of Assault (TAROFF)	4 category ordinal scale	Median = 1.0 Mean = 1.67	Median = 1.0 Mean = 1.32			
Target Disposition (TDISPO)	5 category ordinal scale	Median = 1.0 Mean = 1.2	Median = 1.0 Mean = 1.1			

has a wider range of 18.25 years to 77.35 years.

Recall that level of informal control is measured by employment status and marital status. A high level of informal control is associated with being employed and/or being married. A low level of informal control is associated with unemployment and/or living common law. The non-domestic assault group had a higher percentage of unemployed than the domestic group. Specifically, only 36.8% of the non-domestic group was employed and considered to have a high level of informal control compared to 48.6% of the domestic group.

Marital status was not available for non-domestic assaults but was recorded for domestic assaults. With respect to the domestic assaults, 22.5% were married and therefore considered to have a high level of informal control. Conversely, 47.2% were living common-law and considered to have a low level of informal control. The remaining 30.3% were neither married nor living in a common-law relationship and were excluded from the analyses involving the effect of marital status on the dependent variables. Thus, the data appear to be consistent with Toby's (1957) theory on stake in conformity as the sample consists of a high percentage of individuals with low informal controls (unemployed and not married).<sup>11</sup>

With respect to criminal career patterns and offender types, the domestic and non-domestic assault groups reveal some interesting differences. The median for total priors

55

(TPRIORS) for the domestic group is 4.0, compared to 3.0 for the non-domestic group.<sup>12</sup> This indicates initial support for the absence of offense specialization (Gottfredson & Hirschi, In other words, individuals in the sample appear to 1990). have been involved in both violent and non-violent criminal activities. The mean for assault priors (APRIORS) for the domestic group is .93, compared to .82 for the nondomestics.13 Similarly, the domestic group had a higher mean, .294, for assault reoffending (ARECIDS), in comparison to the non-domestic group mean of .176. These figures indicate that men in the sample who committed a domestic assault likely were more to have prior non-assault convictions, prior assault convictions, and a greater tendency of assault reoffending than men who committed a non-domestic Thereby implying, those who committed a domestic assault. assault had a greater history of overall criminal behaviour and a greater history of assaultive behaviour than those who committed a non-domestic assault. And, the figures indicate an increased tendency for the domestic group to continue its propensity for assaultive behaviour in the future in comparison to the non-domestic group.<sup>14</sup> In addition, the domestic group had a slightly higher percentage, 59.9%, of TPRIORS persistent offenders (3+ convictions), compared to 52.5% non-domestic TPRIORS persistent offenders. Also, 12.4% of the domestic group are APRIORS persistent offenders (3+ prior assault convictions). Compare this figure to 10.8% of the non-domestic group who are classified as APRIORS persistent offenders. Thus, the data indicate that the domestic group had a higher percentage of those subject to a higher level of prior formal controls (TPRIORS and APRIORS) than the non-domestic group.

Looking at the means for seriousness of target offense (TAROFF), we see the non-domestic group (1.67) appear to have a greater tendency to commit more serious assaults than the  $(1.32).^{15}$ domestic group Recall а possible factor influencing this finding was suggested earlier.<sup>16</sup> And, the non-domestic group received slightly stiffer dispositions (TDISPO) than the domestic group (means of 1.2 and 1.1 respectively).17 Finally, the non-domestic group seems to be more disposed (mean = .96) to engage in any type of reoffending (TRECIDS) than the domestic group (mean = .89).

The previous discussion provides some general descriptive statistics for domestic and non-domestic batterers. The next section addresses the second research question that relates to Model 1 (see appendix).

# 3.2 The Effect of Formal and Informal Controls On Severity of Disposition: Model 1 Analysis

This section addresses the second research question regarding the effect informal and formal controls upon the dependent variable: severity of disposition (see Model 1, appendix). In the first subsection, I use the hypotheses (H1, H2, H3) derived from the first proposition (P1) that examine the separate effects of informal controls upon severity of disposition (Model 1). In the second subsection, I use the hypotheses (H7, H8, H9) derived from the third proposition (P3) that probe the separate effect of formal controls upon severity of disposition (Model 1). In the third subsection, I explore the interactive effect of formal and informal controls on severity of disposition (Model 1). Specifically, I test to see if the effect of level of formal control on severity of disposition is contingent upon level of informal control.

#### 3.2.1 Separate Effect of Informal Controls Upon Disposition

This subsection makes reference to Table 2, Blocks A and B, in which the separate effects of level of informal controls (as measured by marital status and employment status), upon severity of disposition are presented. The proposition and hypotheses that address the effect informal controls have upon severity of disposition are tested. Recall, that the first proposition (P1) relating to Model 1 states that, as level of informal control increases severity of target disposition will tend to decrease. The first hypothesis (H1) derived from P1 to be examined states that employed men will receive less severe target dispositions than unemployed men. Similarly, the second hypothesis (H2) derived from P1 to be examined states that married men will receive less severe target dispositions than living in men common-law ' relationships. There appears to be support for both the first and second hypotheses, but only with respect to the domestic group (see Table 2, Blocks A & B). For example, the analysis reveals an inverse relationship between level of informal control (MAR and AEMP) and severity of disposition (TDISPO). A high level of informal controls (married and employed) is associated with less severe target dispositions (PROBATION), and a low level of informal control (common-law and unemployed) is associated with more severe target dispositions (JAIL).<sup>18</sup> Specifically, being employed (Table 2, Block A) reduces the likelihood of JAIL (12.3%), whereas being unemployed increases the likelihood of JAIL almost twofold (23.9%). Employed men are most likely to be placed on PROBATION (25.5%), whereas, it is very unlikely for unemployed men to be put on PROBATION (9.2%). And (Table 2, Block B), men living in common-law relationships appear to be almost twice as likely to receive JAIL (21.4%), as are married men (12.2%). Men in common-law relationships are rarely put on PROBATION (9.7%), compared to married men who are more likely to be put on PROBATION (32.7%). The effect of level of informal control, being employed or unemployed, upon severity of disposition is not statistically significant for the nondomestic group, and is therefore excluded from the analysis. Recall that marital status was not available for the nondomestic group and is therefore not included in the analysis.

The third hypothesis (H3) derived from P1 states, as

TABLE 2. TARGET DISPOSITION (TDISPO) BY LEVEL OF INFORMAL CONTROLS

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BLOCK A	EMPLOYMENT	STATUS	(AEMP)		
	HIGH	LOW	(Domestics	3)	
TDISPO	EMPLOYED	UNEMPI	OYED	Row To	tal
DISMISS	39.6 (42)	49.5	(54)	44.7	(96)
PROBATION	25.5 (27)	9.2	(10) '	17.2	(37)
FINE	22.6 (24)	17.4	(19)	20.0	(43)
TATT.	12.3 (13)	23.9	(26)	18.1	(39)
Column Total	49.3 (106)	50.7	(109)	100.0	(215)
Chi-square = 14.18	6				
p<.01, d.f.=3					
lambda = $0$					

BLOCK B MARITAL STATUS (MAR)							
	HIGH		LOW	(Domestics)			
TDISPO	MARRIE	ED	COMMON	LAW	Row To	tal	
DISMISS	38.8	(19)	50.5	(52)	46.7	(71)	
PROBATION	32.7	(16)	9.7	(10)	17.1	(26)	
FINE	16.3	(8)	18.4	(19)	17.8	(27)	
JAIL	12.2	(6)	21.4	(22)	18.4	(28)	
Column Total	22.6	(49)	47.5	(103)	100.0	(152)	
Chi-square = 12.775							
p<.01, d.f.= 3							
lambda = $0$							

occupational prestige increases severity of target disposition will tend to decrease. The data do not support this hypothesis. The associations between occupational prestige and severity of disposition are not statistically significant for either the domestic or non-domestic group, and are therefore not included in the analysis. Accordingly, the data does not provide evidence of a class bias in judicial decision-making for either group of batterers.

Thus, the data suggest level of informal controls are a significant factor in criminal justice decision-making for domestic assaults but not for non-domestic assaults. Next, the separate effect of formal controls on severity of disposition will be examined.

# 3.2.2 Separate Effect of Formal Controls Upon Disposition

This subsection makes reference to Table 3, Blocks A through E, in which the separate effects of formal controls, as measured by total priors, assault priors and severity of assault, upon severity of disposition are examined. The proposition and hypotheses that address the effect formal controls have upon severity of disposition are tested. Recall, the third proposition (P3), which relates to Model 1 states, as level of formal control increases severity of target disposition will tend to increase. The related hypotheses include hypothesis seven (H7) which states, as total prior convictions (TPRIORS) increase severity of target
disposition (TDISPO) will tend to increase. And, hypothesis which states, as prior assault convictions eight (H8) (APRIORS) increase severity of target disposition (TDISPO) will tend to increase. There appears to be support for both the seventh and eighth hypotheses for both the domestic and non-domestic groups (see Table 3, Blocks A - D). The analyses suggest positive relationships between level of formal control (TPRIORS and APRIORS) and severity of target disposition (TDISPO).<sup>19</sup> For example, a high level of formal control (TPRIORS PERSISTERS, and APRIORS DESISTERS & PERSISTERS) appears to be associated with a more severe target disposition (JAIL), and a low level of formal control (TPRIORS DESISTERS & INNOCENTS, and APRIORS INNOCENTS) is associated with a less severe target disposition (PROBATION).<sup>20</sup> Specifically (Table 3, Block A), a non-domestic TPRIORS PERSISTER (3+ priors) is more likely to receive JAIL (28.7%), than a DESISTER (1-2 priors), 10.4%, or an INNOCENT (0 priors), 8.0%. Conversely, a non-domestic INNOCENT TPRIORS offender is more likely to be put on PROBATION (18.7%), than a DESISTER (10.4%) or a PERSISTER (10.3%). A similar association appears to exist between TPRIORS and TDISPO for the domestic group (Table 3, Block B). And, further evidence of the positive association between level of prior formal control, as measured by assault priors (APRIORS), and severity of target . disposition, are found in Table 3, Blocks C and D. Thus, the data indicate that the number of prior convictions appears to

TABLE 3. TARGET DISPOSITION (TDISPO) BY LEVEL OF FORMAL CONTROLS

BLOCK A	TOTAL PRIORS	- TPRIORS	(NON DOMESTIC	S)
TDISPO DISMISS PROBATION FINE JAIL Column Total Chi-square = 19 p<.01, d.f.= 6 gamma = .24	INNOCENTS 45.3 (34) 18.7 (14) 28.0 (21) 8.0 (6) 29.0 (75) .485	<b>DESISTERS</b> 56.3 (27) 10.4 (5) 22.9 (11) 10.4 (5) 18.5 (48)	<b>PERSISTERS</b> 37.5 (51) 10.3 (14) 23.5 (32) 28.7 (39) 52.5 (136)	Row Total 43.2 (112) 12.7 (33) 24.7 (64) 19.3 (50) 100.0 (259)

#### BLOCK B

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BLUCK B	TOTAL PRIORS	- TPRIORS	(DOMESTICS)	-
TDISPO DISMISS PROBATION FINE	INNOCENTS 40.0 (14) 28.6 (10) 22.9 (8)	DESISTERS 32.7 (17) 25.0 (13) 23.1 (12)	<b>PERSISTERS</b> 51.5 (67) 10.8 (14) 17.7 (23)	Row Total 45.2 (98) 17.1 (37) 19.8 (43)
JAIL Column Total Chi-square = 13 p<.05, d.f.= 6 gamma = .07	8.6 (3) 16.1 (35) .630	19.2 (10) 24.0 (52)	20.0 (26) 59.9 (130)	18.0 (39) 100.0 (217)

#### BLOCK C

BLOCK C	ASSAULT PRI	ORS - APRIORS	(NON DOMESI	CICS)
TDISPO DISMISS PROBATION FINE JAIL Column Total Chi-square = 26 p<.001, d.f.= gamma =.29	INNOCENTS 50.0 (77) 11.0 (17) 28.6 (44) 10.4 (16) 59.5 (154) 5.376 6	DESISTERS 31.2 (24) 18.2 (14) 20.8 (16) 29.9 (23) 29.7 (77)	PERSISTERS 39.3 (11) 7.1 (2) 14.3 (4) 39.3 (11) 10.8 (28)	Row Total 43.2 (112) 12.7 (33) 24.7 (64) 19.3 (50) 100.0 (259)

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INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

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TABLE 3. TARGET DISPOSITION (TDISPO) BY LEVEL OF FORMAL CONTROLS

#### BLOCK D

BHOCK D	ASSA	JLT PRI	ORS - A	PRIORS	(DOM	ESTICS)		
TDISPO	INNOC	ENTS	DESI	STERS	PERS	ISTERS	Row	Total
DISMISS	41.7	(53)	47.6	(70-	55.6	(15)	45.2	(98)
PROBATION	21.3	(27)	14.3	(9)	3.7	(1)	17.1	(37)
FINE	26.0	(33)	14.3	(9)	3.7	(1)	19.8	(43)
JAIL	11.0	(14)	23.8	(15)	37.0	(10)	18.0	(39)
Column Total	58.5	(127)	29.0	(63)	12.4	(27)	T00.0	(21/)
Chi-square = 2	2.499							
p<. 001, d.f.	= 6							
gamma = .03								

# BLOCK E

SERIOUSNESS OF OFFENSE - TAROFF (NON DOMESTICS) ABH/WEAP SEXUAL AGGRAVATED Row Total TDISPO ASSAULT 61.1 (11) 53.3 (8) 43.8 (112) 42.3 (66) 40.3 (27) DISMISS 16.0 (25) 9.0 (6) 11.1 (2) 0 (0) 12.9 (33) PROBATION 31.4 (49) 17.9 (12) 5.6 (1) 13.3 (2) 25.0 (64) FINE 10.3 (16) 32.8 (22) 22.2 (4) 33.3 (5) 18.4 (47) JAIL 60.9(156) 26.2 (67) 7.0 (18) 5.9 (15) 100.0 (256) Col Total Chi-square = 28.439p<. 001, d.f.= 9 gamma = .08

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

ASSAULT = common assault, assault peace officer, threats ABH/WEAP = assault bodily harm or assault with a weapon SEXUAL = sexual assault AGGRAVATED = aggravated assault be a significant factor influencing judicial decision-making for both groups of batterers.

The ninth hypothesis also relates to P3 and states, as severity of offense (TAROFF) increases severity of target disposition (TDISPO) will tend to increase. There appears to be support for this hypothesis for the non-domestic group only (Table 3, Block E). For the non-domestic group, the analysis reveals a positive relationship between severity of offense (TAROFF) and severity of disposition (TDISPO). More serious assaults (ABH/WEAP, SEXUAL, AGGRAVATED) are associated with a more severe disposition (JAIL), and less serious assaults are associated with less severe dispositions (ASSAULT) (PROBATION).<sup>21</sup> For example (Table 3, Block E), those charged with the least serious offense (ASSAULT), are the least likely to receive JAIL (10.3%), compared to those charged with more serious assaults (ABH/WEAP, 32.8%; SEXUAL, 22.2%; and AGGRAVATED, 33.3%). And, the former is more likely to be put on PROBATION (16.0%) than the latter (9.0%, 11.1% and 0%). The association between severity of offense and severity of disposition is not statistically significant for the domestic assault group and is therefore excluded from the The association between severity of offense and analysis. severity of disposition for the non-domestic group implies that the offense of non-domestic assault is treated like other offenses (Hagan, 1991). In other words, the same sentencing principles seem to apply to non-domestic assaults as to other

offenses. However, the absence of an association for the domestic group suggests that the offense of domestic assault is not treated like other offenses (Hagan, 1991). Here, standard sentencing principles do not appear to apply to domestic assaults (Hagan, 1991).

Thus, as expected, when the effects of formal controls are examined, it appears that number of prior convictions (TPRIORS & APRIORS) is a significant factor in criminal justice decision-making for both the domestic and non-domestic groups. And, it appears that severity of offense (TAROFF) is a significant factor in judicial decision-making for the nondomestic group. However, these findings should be interpreted with caution. For example, although statistically significant at < .05, the strength of the association between TPRIORS and TDISPO (Block B), and APRIORS and TDISPO (Block D) for the domestic group, and TAROFF and TDISPO (Block E) for the nondomestic group, are all very weak (G = .07, G = .03, and G = .08 respectively) (Elifson, Runyon & Haber, 1990). The very weak association implies that formal controls, as measured by the variable severity of offense (TAROFF), appears to have only a negligible effect on severity of disposition (TDISPO) for the non-domestic group. This alludes to the possibility that some other factor or factors may be influencing the expected effect of severity of target offense on severity of target disposition for the non-domestic group. Similarly, number of priors (TPRIORS & APRIORS), appear to have a negligible effect on severity of disposition (TDISPO) for the domestic group. This suggests that something other than formal controls is influencing or outweighing the expected effect of prior convictions on severity of target disposition for the domestic group.

We know that judicial decision-making is a complex process. In other words, each offender that comes before the courts has a level of informal social control and a level of formal control that must be considered collectively. Thus, the relationships observed in the separate effects models are only tentative. I therefore next examine the possibility that the effect of levels of formal control upon the dependent variable, severity of disposition, may be contingent upon level of informal control.

# 3.2.3 Interactive Effect of Informal and Formal Controls

This subsection makes reference to Table 4, Blocks A through D. Here, the effects of formal controls (as measured by severity of offense 'TAROFF', total priors 'TPRIORS' and assault priors 'APRIORS'), upon severity of disposition (TDISPO) appears to be contingent upon level of informal control (as measured by marital status and employment status). I first discuss the effect of formal control (TAROFF) upon severity of disposition (TDISPO), controlling for employment status. When controlling for employment status as an indicator of informal social control, the analysis reveals a

significant association between seriousness of target offense (TAROFF), and severity of disposition (TDISPO) for both the domestic and non-domestic groups. For the domestic group (Table 4, Block A), those with a low level of informal control (unemployed), lend support to the predicted association between seriousness of target offense and severity of In other words, for the unemployed of the disposition. domestic assault group, seriousness of target offense is positively associated with severity of disposition. Specifically, for the unemployed, serious assaults (ABH/WEAP, SEXUAL & AGGRAVATED) are associated with a more severe disposition (JAIL), and less serious assaults (ASSAULTS) are associated with less severe dispositions (PROBATION & FINE). For example, the unemployed who commit the more serious assaults (ABH/WEAP, SEXUAL, & AGGRAVATED) are more likely to get JAIL (39.1%, 100% & 40% respectively) than the unemployed who commit the least serious assaults (ASSAULT, 16.5%). And, the latter are more likely to be FINED (22.8%) or put on PROBATION (12.7%) than the former (4.3% and 0%). However, the association between seriousness of target offense and severity of disposition is not statistically significant for the employed (high informal control) of the domestic group and is therefore excluded from the analysis. Thus, it appears that high informal controls (employed) may favourably diminish the expected effect of seriousness of target offense on severity of disposition in judicial decision-making for the domestic

# TABLE 4. TARGET DISPOSITION (TDISPO) BY FORMAL CONTROLS, CONTINGENT UPON INFORMAL CONTROLS

# BLOCK A

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	SERIC	DUSNESS	S OF (	OF	FENSE	: - TZ	ROFF	(DOM	ES	STIC	UNEMPI	OYED)
TDISPO	ASSAU	LT	ABH/	W)	EAP	SEXU	AL	AGG	RA	VATE	D Row	Total
DISMISS	48.1	(38)	56.9	5	(13)	0	(0)	60.	0	(3)	49.5	(54)
PROBATION	12.7	(10)	(	0	(0)	0	(0)		0	(0)	9.2	(10)
FINE	22.8	(18)	4.3	3	(1)	0	(0)		0	(0)	17.4	(19)
JAIL	16.5	(13)	39.1	L	(9)	100	(2)	40.	0	(2)	23.9	(26)
Col Total	72.5	(79)	21.3	1	(23)	1.8	(2)	4.	6	(5)	100.0	(109)
Chi-square	= 10.4	107										
p<.05, d.f	.= 9										•	
gamma = .15	i											
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#### BLOCK B

	SERIOUSNESS	OF OFFENSE	- TAROFF	(NON-DOMESTIC	EMPLOYED)
TDISPO	ASSAULT	ABH/WEAP	SEXUAL	AGGRAVATED	Row Total
DISMISS	51.6 (33)	29.2 (7)	71.4 (5)	100.0 (1)	47.9 (46)
PROBATION	15.6 (10)	12.5 (3)	14.3 (1)	0 (0)	14.6 (14)
FINE	31.3 (20)	20.8 (5)	0 (0)	0 (0)	26.0 (25)
JAIL	1.6 (1)	37.5 (9)	14.3 (1)	0 (0)	11.5 (11)
Col Total	66.7 (64)	25.0 (24)	7.3 (7)	1.0 (1)	100.0 (96)
Chi-square	= 25.415				
p<.01. d.f	.= 9				
gamma = .24	:				

BLOCK C

	TOTA	L PRIORS	5 <b>-</b> TPH	RIORS	(DOI	MESTIC	COMMON	I LAW)
TDISPO	INNOC	ENTS	DESIS	TERS	PERSI	STERS	Row	Total
DISMISS	30.0	(3)	33.3	(7)	58.3	(42)	50.5	(52)
PROBATION	30.0	(3)	19.0	(4)	4.2	(3)	9.7	(10)
FINE	30.0	(3)	33.3	(7)	12.5	(9)	18.4	(19)
JAIL	10.0	(1)	14.3	(3)	25.0	(18)	21.4	(22)
Column Total	9.7	(10)	20.4	(21)	69.9	(72)	100.0	(103)
Chi-square = 1'	7.508							
p<.01, d.f.= (	5							
gamma = .16								

ASSAULT = common assault, assault peace officer, threats ABH/WEAP = assault bodily harm or assault with a weapon SEXUAL = sexual assault AGGRAVATED = aggravated assault

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

# TABLE 4. TARGET DISPOSITION (TDISPO) BY FORMAL CONTROLS CONTINGENT UPON INFORMAL CONTROLS

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BLOCK D

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	ASSA	ULT PRIO	RS - A	PRIORS	(DC	MESTIC	COMMON	I LAW)
TDISPO	INNOC	ENTS	DESIS	TERS	PERSI	STERS	Row	Total
DISMISS	49.0	(25)	46.4	(13)	58.3	(14)	50.5	(52)
PROBATION	15.7	(8)	7.1	(2)	0	(0)	9.7	(10)
FINE	25.5	(13)	17.9	(5)	4.2	(1)	18.4	(19)
JAIL	9.8	(5)	28.6	(8)	37.5	(9)	21.4	(22)
Column Total	49.5	(51)	27.2	(28)	23.3	(24)	100.0	(103)
Chi-square = 15	.630							
p<.05, d.f.= 6								
gamma = .11						,		

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

ASSAULT = common assault, assault peace officer, threats ABH/WEAP = assault bodily harm or assault with a weapon SEXUAL = sexual assault AGGRAVATED = aggravated assault

assault group.

For the non-domestic group, the association between seriousness of target offense (TAROFF), and severity of disposition (TDISPO) is also contingent upon level of informal control as measured by employment status (Table 4, Block B). However, the data reveal an interesting difference between the domestic and non-domestic groups. Looking first at the nondomestic group (Table 4, Block B), those with a high level of informal control (employed), show the predicted association between seriousness of target offense (TAROFF) and severity of disposition (TDISPO). This means that the employed who commit the least serious assaults (ASSAULT) rarely get JAIL (1.6%) compared to the employed who commit the more serious assaults (ABH/WEAP, 37.5% and SEXUAL, 14.3%). And, the former is more likely to be fined (FINE: 31.3%), than the latter (ABH/WEAP, However, the association between 20.8% and SEXUAL, 0%). seriousness of target offense and severity of disposition is not statistically significant for the unemployed (low informal control) of the non-domestic group and is therefore not reported. Notwithstanding, the analysis reveals the unemployed of the non-domestic group are twice as likely to get JAIL (22.3%) than the employed (11.5%), regardless of seriousness of target offense. In other words, being unemployed greatly increases the chances of going to jail even for those who commit the least serious assaults. Thus, it appears that a low level of informal control (unemployed)

eliminates the expected effect of seriousness of target offense on severity of disposition in judicial decisionmaking for the non-domestic assault group. However, the elimination of this expected association is anything but beneficial for the unemployed of this group.

Recall the separate effect of the formal controls, number of prior convictions (TPRIORS & APRIORS), on severity of disposition is significant for the non-domestic group. These associations are not contingent upon level of informal control (employment status) and are therefore excluded from the analysis. This suggests that the formal controls TPRIORS and APRIORS are more significant factors than level of informal control, in influencing judicial decision-making for the nondomestic group.

However, the effect of total priors (TPRIORS) and assault priors (APRIORS), on severity of disposition is contingent upon marital status for the domestic group (Table 4, Blocks C & D). The data suggest a positive relationship between number of total prior convictions (TPRIORS) and severity of disposition (TDISPO) (Block C) for those living in a common-law relationship. More prior convictions (TPRIORS PERSISTERS) are associated with more severe dispositions (JAIL), and fewer prior convictions (TPRIORS DESISTERS & INNOCENTS) are associated with less severe dispositions (PROBATION). For example (referring to Table 4, Block C), 10% of the TPRIORS INNOCENTS (0 priors) and 14.3% of the TPRIORS DESISTERS (1-2

prior convictions) received JAIL, compared to 25% of the TPRIORS PERSISTERS (3+ priors). Conversely, 30% of the TPRIORS INNOCENTS and 19% of the TPRIORS DESISTERS were put on PROBATION, compared to only 4.2% of the TPRIORS PERSISTERS. The association between TPRIORS and severity of disposition is not significant for those who are married (high informal control) and is therefore excluded from the analysis. Thus, data analysis implies that a high level of informal control (married) may favourably eliminate the expected effect of number of prior convictions (TPRIORS) on severity of disposition.

Furthermore, the analysis also suggests a positive association between number of prior assault convictions (APRIORS) and severity of disposition (TDISPO) for those living in common-law relationships (Table 4, Block D). More prior assault convictions (APRIORS DESISTERS & PERSISTERS) are associated with more severe dispositions (JAIL), whereas, fewer prior assault convictions (APRIORS INNOCENTS) are associated with less severe dispositions (PROBATION).22 For example (referring to Block D), only 9.8% of the APRIORS INNOCENTS (0 assault priors) received JAIL, compared to 28.6% of the APRIORS DESISTERS (1-2 assault priors), and 37.5% of the APRIORS PERSISTERS (3+ assault priors). Conversely, 15.7% of the APRIORS INNOCENTS were put on PROBATION, compared to 7.1% of the APRIORS DESISTERS, and 0% of the APRIORS The association between APRIORS and severity of PERSISTERS.

disposition, is not statistically significant for those who are married (high level of informal control), and is therefore excluded from the analysis. Thus, the findings imply that a high level of informal control (married) may favourably diminish the expected effect of number of prior assault convictions (APRIORS) on severity of disposition in judicial decision-making for the domestic assault group.

The results from Model 1 can be summarized as follows: informal social controls appear to have a separate effect on judicial decision-making for the domestic group only. This means that individuals with high informal controls (employed and married) tend to receive less severe dispositions than offenders with low informal controls (unemployed and living common-law). Conversely, formal controls appear to have a separate effect on judicial decision-making for the nondomestic group. Data analyses reveal that number of prior convictions are positively associated with severity of disposition for this group. Further analyses suggest that an offender's level of informal control affect associations between formal controls (severity of assault and number of Specifically, the priors), and severity of disposition. results imply that a high level of informal control (employed and married) may favourably diminish the expected effect of seriousness of assault and number of prior convictions on severity of disposition for the domestic group. Thus, for the domestic group, it appears that informal social controls may be the most significant factor affecting judicial decisionmaking. On the other hand, the results do not seem to suggest that level of informal social control is particularly significant in judicial decision-making for the non-domestic group.

# 3.3 The Effect of Formal and Informal Controls On Likelihood of Reoffending: Model 2 Analysis

This section addresses the third research question that examines the effect informal and formal controls have upon the likelihood of reoffending (see Model 2, appendix). In the first subsection, I test the hypotheses (H4, H5, H6) derived from the second proposition (P2), which examine the separate effects of informal controls upon the dependent variable: likelihood of reoffending (Model 2). In the second subsection, I test the hypotheses (H10, H11, H12, H13) derived from the fourth proposition (P4), which examine the separate effect of formal controls upon likelihood of reoffending (Model 2). In the third subsection, I examine the interactive effect of formal and informal controls on likelihood of reoffending for the domestic group only. Specifically, I test to see if the effect of formal controls on the dependent variable, likelihood of reoffending, is contingent upon level of informal control. This same procedure is repeated in subsection four for the non-domestic group.

#### 3.3.1 Separate Effect of Informal Control Upon Reoffending

This first subsection makes reference to Table 5, Blocks A through E, in which the separate effect of level of informal control upon likelihood of reoffending is examined. The proposition and hypotheses that address the effect informal controls have upon likelihood of reoffending are tested. Recall, that the second proposition (P2) relating to Model 2 states, as level of informal control increases, the likelihood of reoffending decreases. The hypotheses related to P2 to be tested include hypothesis four (H4) which states, employed men will tend to have lower rates of reoffending than unemployed men. And, hypothesis five (H5) which states, married men will tend to have lower rates of reoffending than men living in common-law relationships. There appears to be support for both the fourth and fifth hypotheses (See Table 5, Blocks A -E). For example, the analyses indicate a negative relationship between level of informal control, as measured by marital status and employment status, and likelihood of reoffending (TRECIDS and ARECIDS). A high level of informal control (married and employed), is associated with lower rates of reoffending, and a low level of informal control (commonlaw and unemployed), is associated with higher rates of reoffending. For example (Table 5, Block A), with the nondomestic group, 70.8% of the employed men do not reoffend (TRECIDS INNOCENTS) compared to only 43.2% of the unemployed men. And, 20.8% of the employed men reoffended once or twice

# TABLE 5. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY LEVEL OF INFORMAL CONTROLS

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# BLOCK A

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BLOCK A			
	EMPLOYMENT STATUS	(NON DOMESTI	CS)
	LOW	HIGH	
TRECIDS	UNEMPLOYED	EMPLOYED	Row Total
INNOCENTS	43.2 (70)	70.8 (68)	53.5 (138)
DESISTERS	40.7 (66)	20.8 (20)	33.3 (86)
PERSISTERS	16.0 (26)	8.3 (8)	13.2 (34)
Column Total	62.8 (162)	37.2 (96)	100.0 (258)
Chi-square = 18	3.489		,
p<.001, d.f.=	2		
lambda = 0			

# BLOCK B

	EMPLOYMENT STATUS	(DOMESTICS)	
	LOW	HIGH	_
TRECIDS	UNEMPLOYED	EMPLOYED	Row Total
INNOCENTS	52.7 (58)	67.9 (72)	60.2 (130)
DESISTERS	28.2 (31)	24.5 (26)	26.4 (57)
PERSISTERS	19.1 (21)	7.5 (8)	13.4 (29)
Column Total	50.9 (110)	49.1 (106)	100.0 (216)
Chi-square = 7	.702		
p<.05, d.f.=	2		
lambda = 0			

BLOCK C	MPLOYMENT STATUS LOW	(NON DOMESTICS) HIGH	I
ARECIDS	UNEMPLOYED	EMPLOYED	Row Total
INNOCENTS	80.2 (130)	93.8 (90)	85.3 (220)
DESISTERS	19.8 (32)	6.3 (6)	14.7 (38)
Column Total	62.8 (162)	37.2 (96)	100.0 (258)
Chi-square = 8.75	51		
p<.01, d.f.= 1			
lambda = 0			

INNOCENTS =	: 0	CC	onvictions
DESISTERS =	: 1	2	convictions
PERSISTERS	=	2+	convictions

# TABLE 5. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY LEVEL OF INFORMAL CONTROL

#### BLOCK D

.

M	ARITAL STATUS LOW	(DOMESTICS) HIGH	
TRECIDS	COMMON LAW	MARRIED	Row Total
INNOCENTS	48.5 (50)	75.5 (37)	57.2 (87)
DESISTERS	34.0 (35)	20.4 (10)	29.6 (45)
PERSISTERS	17.5 (18)	4.1 (2)	13.2 (20)
Column Total	47.2 (103)	22.5 (49)	100.0 (152)
Chi-square = 10.83	12		
p<.01, d.f.=2			
lambda = 0			

BLOCK E	MARITAL STATUS LOW	(DOMESTICS) HIGH	•
ARECIDS	COMMON LAW.	MARRIED	Row Total
INNOCENTS	68.0 (70)	87.8 (43)	74.3 (113)
DESISTERS	28.2 (29)	12.2 (6)	23.0 (35)
PERSISTERS	3.9 (4)	0 (0)	2.6 (4)
Column Row	47.2 (103)	22.5 (49)	100.0 (152)
Chi-square = $7$ .	303		
p<.05, d.f.= 2			
lambda = 0	•		

INNOCENTS =	0	con	vict	ions
DESISTERS =	1-	•2 d	onvio	ctions
PERSISTERS :	= 2	2+ C	onvio	ctions

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(TRECIDS DESISTERS), compared to 40.7% of the unemployed. Furthermore, nearly two times as many unemployed men reoffended more than twice (16.0% TRECIDS PERSISTERS), compared to only 8.3% of the employed (TRECIDS PERSISTERS). A similar association is revealed with respect to the effect of employment status on total reoffending (TRECIDS) for the domestic group (Table 5, Block B). Specifically, 67.9% of the employed do not reoffend (TRECIDS INNOCENTS), compared to 24.5% of the 52.7% of the unemployed. And, employed reoffended once or twice (TRECIDS DESISTERS), compared to 28.2% of the unemployed who fall into this category. Furthermore, only 7.5% of the employed reoffend more than twice (TRECIDS PERSISTERS), whereas 19.1% of the unemployed are persistent reoffenders.

Employment status is also a significant factor in predicting the likelihood of assault reoffending (ARECIDS) for the non-domestic group (Table 5, Block C). Only 6.3% of the employed had one or two subsequent assault convictions (ARECIDS DESISTER), compared to 19.8% of the unemployed who had one or two subsequent assault convictions (ARECIDS DESISTERS). Similarly, 93.8% of the employed, and 80.2% of the unemployed, did not have a subsequent assault conviction (ARECIDS INNOCENTS). The association between employment status and assault reoffending (ARECIDS) is not statistically significant for the domestic group and is therefore excluded from the analysis. The absence of an association with respect

to subsequent assaults for the domestic group suggests that domestic batterers' decisions to reoffend (ARECIDS) may not be affected by employment status. This implies that domestic assaults may be fundamentally different from non-domestic assaults.

Level of informal control is also measured by marital status for the domestic group. Like employment status, there is а negative association between marital status and likelihood of reoffending (TRECIDS and ARECIDS) (Table 5, Blocks D & E). The analyses imply that being married appears to reduce the likelihood of reoffending (TRECIDS and ARECIDS), whereas living in a common-law relationship appears to increase the likelihood of reoffending (TRECIDS and ARECIDS). For example (Table 5, Block D), 75.5% of married men do not reoffend (TRECIDS INNOCENTS), compared to only 48.5% of men And, only 20.4% of the married men living common-law. reoffended once or twice (TRECIDS DESISTERS), compared to 34% of the men living common-law. Additionally, only 4.1% of the married men reoffended more than twice (TRECIDS PERSISTERS), whereas 17.5% of those living common-law fall into this category (TRECIDS PERSISTERS). A similar association is revealed in Block E, in which the effect of marital status on likelihood of assault reoffending (ARECIDS) is examined.

The final hypothesis related to the second proposition (P2) is the hypothesis six (H6) which states, as occupational prestige increases the likelihood of reoffending decreases.

The analysis does not support this hypothesis. The association between occupational prestige and likelihood of reoffending (TRECIDS and ARECIDS) is not statistically significant for both the domestic and non-domestic groups and is therefore excluded from the analysis. The absence of this association suggests that occupational prestige does not have an effect on likelihood of reoffending for this sample.

Thus, the data suggest levels of informal control are significant factors in predicting the likelihood of reoffending for both the domestic and non-domestic groups. A high level of informal control (married and employed) is associated with lower rates of reoffending. And, a low level of informal control (unemployed and common law) is associated with higher rates of reoffending. Next, the separate effects of formal controls upon the likelihood of reoffending will be examined.

# 3.3.2 Separate Effect of Formal Controls Upon Reoffending

This subsection makes reference to Table 6, Blocks A through J. Here, the separate effect of level of formal control (as measured by prior convictions 'TPRIORS & APRIORS', seriousness of offense 'TAROFF', and severity of disposition 'TDISPO'), upon the likelihood of reoffending (TRECIDS & ARECIDS) is examined. The proposition and hypotheses that address the effect formal controls have upon the likelihood of reoffending are tested. Recall, the fourth proposition (P4) relating to Model 2 states, as level of formal control increases the likelihood of reoffending increases. The hypotheses related to P4 include hypothesis ten (H10) which states, as total prior convictions (TPRIORS) increases, the likelihood of reoffending (TRECIDS & ARECIDS) increases. And, hypothesis eleven (H11) which states, as prior assault convictions (APRIORS) increase, the likelihood of reoffending (TRECIDS & ARECIDS) increases. There appears to be strong support for both hypotheses ten and eleven, for both the domestic and non-domestic groups (See Table 6, Blocks A - G). For example, the analyses reveal a positive relationship between level of prior formal control and likelihood of reoffending. A high level of prior formal control (TPRIORS PERSISTERS, and APRIORS DESISTERS & PERSISTERS) is associated with higher rates of reoffending (TRECIDS/ARECIDS DESISTERS & PERSISTERS), and a low level of prior formal control (TPRIORS DESISTERS & INNOCENTS, and APRIORS INNOCENTS) is associated with lower rates of reoffending (TRECIDS/ARECIDS INNOCENTS). For illustrative purposes, I refer to Table 6, Block A, to describe in detail the association between one measure of level of prior formal control, total priors (TPRIORS), and the dependent variable, likelihood of reoffending (TRECIDS). For the domestic group (Table 6, Block A), 80% of those with no prior convictions (TPRIORS INNOCENTS) and 77.4% of those with one or two priors (TPRIORS DESISTERS) did not reoffend (TRECIDS INNOCENTS), compared to 47.7% of those with more than

82

# TABLE 6. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY LEVEL OF FORMAL CONTROLS

DESISTERS

77.4 (41)

22.6 (12)

· 0 (0)

24.3 (53)

(DOMESTICS)

PERSISTERS

47.7 (62) 30.0 (39)

22.3 (29)

59.6 (130)

BLOCK A TOTAL PRIORS - TPRIORS TRECIDS INNOCENTS 80.0 (28) INNOCENTS 20.0 (7) DESISTERS 0 (0) PERSISTERS

16.1 (35) Column Total Chi-square = 29.345p<.001, d.f.= 4 gamma = .58

#### BLOCK B

PLOCK P	TOTAL PRIOR	S - TPRIORS	(NON-DOMESTI	CS)
TRECIDS INNOCENTS DESISTERS PERSISTERS Column Total Chi-square = 6 p<.001, d.f.= gamma = .70	<b>INNOCENTS</b> 88.0 (66) 10.7 (8) 1.3 (1) 28.7 (75) 1.721 4	DESISTERS 57.1 (28) 36.7 (18) 6.1 (3) 18.8 (49)	<b>PERSISTERS</b> 33.6 (46) 44.5 (61) 21.9 (30) 52.5 (137)	Row 53.6 33.3 13.0 100.0

#### BLOCK C

TRECIDS INNOCENTS DESISTERS PERSISTERS Row Total   INNOCENTS 65.8 (102) 37.2 (29) 32.1 (9) 53.6 (140)   DESISTERS 27.7 (43) 42.3 (33) 39.3 (11) 33.3 (87)   PERSISTERS 6.5 (10) 20.5 (16) 28.6 (8) 13.0 (34)   Column Total 59.4 (155) 29.9 (78) 10.7 (28) 100.0 (261)   Chi-square 27.959 p<.001, d.f.= 4 gamma = .48	DHOCK C	ASSAULT PRI	ORS - APRIORS	(NON-DOME	STICS)
-	TRECIDS INNOCENTS DESISTERS PERSISTERS Column Total Chi-square = 2' p<.001, d.f.= gamma = .48	<b>INNOCENTS</b> 65.8 (102) 27.7 (43) 6.5 (10) 59.4 (155) 7.959 4	DESISTERS 37.2 (29) 42.3 (33) 20.5 (16) 29.9 (78)	<b>PERSISTERS</b> 32.1 (9). 39.3 (11) 28.6 (8) 10.7 (28)	Row Total 53.6 (140) 33.3 (87) 13.0 (34) 100.0 (261)

#### BLOCK D ASSAULT PRIORS - APRIORS (DOMESTICS) DESISTERS PERSISTERS Row Total INNOCENTS TRECIDS 22.2 (6) 60.1 (131) 69.5 (89) 57.1 (36) INNOCENTS 48.1 (13) 26.6 (58) 21.9 (28) 27.0 (17) DESISTERS 13.3 (29) 29.6 (8) 8.6 (11) 15.9 (10) PERSISTERS 100.0 (218) 12.4 (27) 28.9 (63) 58.7 (128) Column Total Chi-square = 22.079p<.001, d.f.= 4 gamma = .43

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

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83

Row Total

60.1 (131)

26.6 (58) 13.3 (29)

100.0 (218)

Total (140)(87)

(34)

(261)

# TABLE 6. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY LEVEL OF FORMAL CONTROLS

#### BLOCK E

ASSAULT PRIORS - APRIORS (NON-DOMESTICS) DESISTERS PERSISTERS Row Total ARECIDS INNOCENTS 89.3 (25) 71.8 (56) 85.1 (222) INNOCENTS 91.0 (141) 10.7(3)14.9(39)10.7(28)100.0(261) 28.2 (22) DESISTERS 9.0 (14) Column Total 59.4 (155) 29.9 (78) Chi-square = 15.449p<.001, d.f.= 2 gamma = .37

#### BLOCK F

	ASSA	ULT PR	IORS - A	PRIORS	(D	OMESTI	CS)	
ARECIDS	INNOC	ENTS	DESIS	TERS	PERSI	STERS	Row	Total
INNOCENTS	85.9	(110)	77.8	(49)	48.1	(13)	78.9	(172)
DESISTERS	14.1	(18)	19.0	(12)	44.4	(12)	19.3	(42)
PERSISTERS	0	(0)	3.2	(2)	7.4	(2)	1.8	(4)
Column Total	58.7	(128)	28.9	(63)	12.4	(27)	100.0	(218)
Chi-square = 2	2.269							
p<.001, d.f.=	- 4							
gamma = .49							-	
-								

BLOCK G

22001 0				
	TOTAL PRIORS	- TPRIORS	(NON-DOMEST	ICS)
ARECIDS	INNOCENTS	DESISTERS	PERSISTERS	Row Total
INNOCENTS	93.3 (70)	77.6 (38)	83.2 (114)	85.1 (222)
DESISTERS	6.7 (5)	22.4 (11)	16.8 (23)	14.9 (39)
Column Total	28.7 (75)	18.8 (49)	52.5 (137)	100.0 (261)
Chi-square = $6$ .	581			
p<.05, d.f.= 2	•		1	
$\bar{q}amma = .24$				

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

# TABLE 6. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY LEVEL OF FORMAL CONTROLS

#### BLOCK H

1

SERIOUSNESS OF OFFENSE - TAROFF (DOMESTICS) AGGRAVATED Row Total ABH/WEAP SEXUAL ARECIDS ASSAULT 50.0 (3) 78.8 (171) 75.0 (3) 77.1 (27) 80.2 (138) INNOCENT 19.4 (42) 25.0 (1) 50.0 (3) 19.2 (33) 14.3 (5) DESISTER 0 (0) (4)(3) 0 (0) 1.8 .6 8.6 PERSISTER (1) 100 (217) 1.8 (4) 2.8(6)79.3 (172) 16.1 (35) Col Total Chi-square = 14.406 p<.05, d.f.= 6 gamma = .22

#### BLOCK I

SEVERITY OF TARGET DISPOSITION - TDISPO (NON-DOMESTICS) Row Total JAIL FINE PROBATION TRECIDS DISMISS 57.8 (37) 34.0 (17) 53.7 (139) 58.0 (65) 60.6 (20) INNOCENT 33.2 (86) 13.1 (34) 25.0 (16) 48.0 (24) 31.3 (35) 33.3 (11) DESISTER 17.2 (11) 18.0 (9) 6.1 (2) 10.7 (12) PERSISTER Col Total 43.2 (112) 12.7 (33). 24.7 (64) 19.3 (50) 100 (259) Chi-square = 12.685p<.05, d.f.= 6 gamma = .19

#### BLOCK J

(DOMESTICS) SEVERITY OF TARGET DISPOSITION - TDISPO Row Total PROBATION JAIL FINE TRECIDS DISMISS 59.9 (130) 51.3 (20) 62.8 (27) 78.4 (29) INNOCENT 55.1 (54) 27.9 (12) 23.1 (9) 26.7 (58) 21.6 (8) 29.6 (29) DESISTER 0 (0) 9.3 (4) 25.6 (10) 13.4 (29) PERSISTER 15.3 (15) 19.8 (43) 18.0 (39) 100 (217) 45.2 (98) 17.1 (37) Col Total Chi-square = 14.058p<.05, d.f.= 6 qamma = 0

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

ASSAULT = common assault, assault peace officer, threats ABH/WEAP = assault bodily harm or assault with a weapon SEXUAL = sexual assault AGGRAVATED = aggravated assault

two prior convictions (TPRIORS PERSISTERS). And, 20% of the TPRIORS INNOCENTS (0 total priors) and 22.6% of the TPRIORS DESISTERS (1-2 total priors) reoffend once or twice (TRECIDS DESISTERS), whereas 30% of the TPRIORS PERSISTERS (3 or more total priors) reoffended once or twice (TRECIDS DESISTERS). Furthermore, none of the TPRIORS INNOCENTS (0 total priors) or TPRIORS DESISTERS (1-2 total priors) reoffended more than twice (TRECIDS PERSISTERS), compared to 22.3% of the TPRIORS PERSISTERS (3 or more total priors) who fell into this category (TRECIDS PERSISTERS). The analysis indicates this to be a moderate association (G = .58) (Elifson et al., 1990). Similar obvious positive associations using the measures of level of prior formal control (TPRIORS/APRIORS) and likelihood of reoffending (TRECIDS & ARECIDS) are represented in Table 6, Blocks B through G. Except for the weak association between TPRIORS and ARECIDS for the non-domestic group (Block G: G = .24), the remaining associations appear to be moderate in strength (Blocks B - F: G = .70, .48, .43, .37, and .49) (Elifson et al., 1990). Thus, it appears that number of prior convictions (TPRIORS & APRIORS) are significant factors influencing offenders' decisions to reoffend for both groups of batterers.

The next hypothesis derived from proposition four (P4) to be tested is hypothesis twelve (H12) which states, as seriousness of target offense (TAROFF) increases, the likelihood of reoffending (TRECIDS & ARECIDS) increases. There appears to be only limited support for this hypothesis (Table 6, Block H). For example, the analysis reveals only a weak positive relationship (G = .22) between seriousness of target offense (TAROFF) and likelihood of assault reoffending only (ARECIDS), and only with respect to the domestic group. More serious assaults (ABH/WEAP, SEXUAL & AGGRAVATED) are associated with a greater likelihood of assault reoffending (ARECIDS DESISTERS & PERSISTERS), whereas, less serious assaults (ASSAULT) are associated with a lower likelihood of assault reoffending (ARECIDS INNOCENTS). For example, with the domestic group, 80.2% of those charged with the least serious offense (ASSAULT) do not have a subsequent assault conviction (ARECIDS INNOCENTS), compared to 77.1%, 75.0% and 50.0% of those charged with more serious offenses (ABH/WEAP, SEXUAL, & AGGRAVATED respectively). And, 19.2% of those charged with ASSAULT have one or two subsequent assault convictions (ARECIDS DESISTERS), compared to 14.3%, 25.0% and 50.0% of those charged with more serious offenses (ABH/WEAP, SEXUAL, & AGGRAVATED respectively). Furthermore, only .6% of those charged with ASSAULT have more than two subsequent assault convictions (ARECIDS PERSISTERS), compared to 8.6% of those charge with ABH/WEAP. TAROFF is not significantly associated with assault reoffending (ARECIDS) for the nondomestic group and is therefore excluded from the analyses. Thus, the data suggest a possible pattern of escalation for the domestic group. The data does not suggest a similar

pattern of escalation for the non-domestic group. Furthermore, seriousness of target offense (TAROFF) is not significantly associated with total reoffending (TRECIDS) for both the domestic and non-domestic groups and is therefore excluded from the analyses. Thus, it appears that seriousness of offense (TAROFF) does not affect either group of batterers' decision to engage in non-violent reoffending (TRECIDS). The possible pattern of escalation for the domestic group and the absence of associations just mentioned, adds further weight to the suggestion that domestic assaults may be fundamentally different from non-domestic assaults and other types of offending.

The final hypothesis related to the fourth proposition (P4) is hypothesis thirteen (H13) which states, as severity of target disposition (TDISPO) increases, the likelihood of reoffending (TRECIDS & ARECIDS) increases. There appears to be some support for hypothesis thirteen for both the domestic and non-domestic groups (Table 6, Blocks I & J). For example, data analysis reveals a weak positive relationship between severity of target disposition (TDISPO) and likelihood of total reoffending (TRECIDS) for both groups. More severe dispositions (JAIL) are associated with a greater likelihood of reoffending (TRECIDS DESISTERS & PERSISTERS), and less severe dispositions (PROBATION & FINE) are associated with a lower likelihood of reoffending (TRECIDS INNOCENTS). For example, for the non-domestic group (Table 6, Block I), only 34% of those who get jail do not reoffend (TRECIDS INNOCENTS), compared to 57.8% who are fined, and 60.6% who are placed on And, 48% of those who get JAIL reoffend once or probation. twice (TRECIDS DESISTERS), compared to 25% of those who are FINED and 33.3% of those placed on PROBATION. Furthermore, 18% of those who get JAIL reoffend more than twice (TRECIDS PERSISTERS), compared to 17.2% who are FINED and only 6.1% of those placed on PROBATION. Α similar weak positive association exists between TDISPO and TRECIDS for the domestic group (Table 6, Block J). Thus, the data imply that severity of disposition (TDISPO) may have an effect on likelihood of total reoffending (TRECIDS) for both groups of batterers. However, severity of target disposition (TDISPO) is not significantly associated with assault reoffending (ARECIDS) for either the domestic or non-domestic groups and is therefore excluded from the analysis. This suggests that severity of disposition may not affect an offender's decision to engage in subsequent assaultive behaviour.

Thus, as predicted, the data suggest that both level of informal and formal control alone are significant factors in influencing likelihood of reoffending for both the domestic and non-domestic assault groups. However, we know that informal social controls and formal controls exist together for each offender. Thus, the relationships observed in the separate effects models are only tentative. Therefore, I next examine the possibility that the effect of level of formal control on the dependent variable, reoffending, is contingent upon level of informal control. I first discuss the effect of level of formal control upon likelihood of reoffending, controlling for employment and marital status for the domestic group. This is followed by the effect of level of formal control upon likelihood of reoffending, controlling for employment status for the non-domestic group.

# 3.3.3 Interactive Effect of Informal and Formal Controls - Domestics

This subsection deals exclusively with the domestic group by making reference to Table 7, Blocks A through I. I begin with Table 7, Blocks A, B, & C, in which, the effect of formal (as measured by prior convictions 'TPRIORS controls & APRIORS'), on likelihood of reoffending (TRECIDS & ARECIDS) appear to be contingent upon level of informal control (as measured by employment status and marital status). For example (Table 7, Block A), when controlling for marital status, the association is significant between total priors (TPRIORS) and total reoffending (TRECIDS). The analysis appears to suggest that those with a low level of informal control (living common-law), show the predicted positive association between number of prior convictions (TPRIORS) and likelihood of reoffending (TRECIDS). In other words, more prior formal controls (TPRIORS PERSISTERS) are associated with a greater likelihood of reoffending (TRECIDS DESISTERS & PERSISTERS), and less prior formal controls (TPRIORS DESISTERS)

# TABLE 7. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY FORMAL CONTROLS, CONTROLLING FOR LEVEL OF INFORMAL CONTROLS

.

DOMESTICS

#### BLOCK A

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	TOTA	L PRIORS	- TPRI	ORS	(DOME	STIC	COMMON	I LAW)
TRECIDS	INNOC	ENTS	DESIS	STERS	PERSI	STERS	Row	Total
INNOCENTS	60.0	(6)	71.4	(15)	40.3	(29)	48.5	(50)
DESISTERS	40.0	(4)	28.6	(6)	34.7	(25)	34.0	(35)
PERSISTERS	0	(0)	0	(0)	25.0	(18)	17.5	(18)
Column Total	9.7	(10)	20.4	(21)	69.9	(72)	100.0	(103)
Chi-square = 13	1.598							
p<.05, d.f.= 4	4							
gamma = .52								

#### BLOCK B

	ASSA	ULT PR	IORS - AF	RIORS	(DOME	STIC	COMMON	N LAW)
ARECIDS	INNOC	ENTS	DESIS	STERS	PERSI	STERS	Row	Total
INNOCENTS	80.4	(41)	64.3	(18)	45.8	(11)	68.0	(70)
DESISTERS	19.6	(10)	28.6	(8)	45.8	(11)	28.2	(29)
PERSISTERS	0	(0)	7.1	(2)	8.3	(2)	3.9	(4)
Column Total	49.5	(51)	27.2	(28)	23.3	(24)	100.0	(103)
Chi-square = 1	0.904							
p<.05, d.f.=	4							
gamma = .49								

#### BLOCK C

BHOCK C	ASSAUL	T PRIOR	S - AI	RIORS	(DOME	STIC	UNEMPL	OYED)
TRECIDS	INNOCEN	TS I	DESIS	TERS	PERSI	STERS	Row	Total
INNOCENTS	63.5 (3	33)	60.6	(20)	20.0	(5)	52.7	(58)
DESISTERS	23.1 (3	12)	18.2	(6)	52.0	(13)	28.2	(31)
PERSISTERS	13.5	(7)	21.2	(7)	28.0	(7)	19.1	(21)
Column Total	47.3 (	52) .	30.0	(33)	22.7	(25)	100.0	(110)
Chi-square = 15	.268							
p<.01, d.f.= 4								
gamma = .38								

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

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# TABLE 7. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY FORMAL CONTROLS, CONTROLLING FOR LEVEL OF INFORMAL CONTROLS DOMESTICS

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BLOCK D

	TOTAL	PRIORS	- TPR	IORS		(DOME	STIC	UNEMPL	OYED)
TRECIDS	INNOCE	INTS	DESIS	TERS		PERSI	STERS	Row	Total
INNOCENTS	66.7	(6)	78.3	(18)		43.6	(34)	52.7	(58)
DESTSTERS	33.3	(3)	21.7	(5)		29.5	(23)	28.2	(31)
PERSISTERS	0	(0)	0	(0)		26.9	(21)	19.1	(21)
Column Total	8.2	(9)	20.9	(23)	•	70.9	(78)	100.0	(110)
Chi-square = 13	3.497								
p<.01, d.f.= 4	Ł								
gamma = .59									

# BLOCK E

BLOCK E	TOTAL PRIORS	- TPRIORS	(DOMESTIC	EMPLOYED)
TRECIDS INNOCENTS DESISTERS PERSISTERS Column Total Chi-square = 12 p<.05, d.f.= 4 gamma = .52	INNOCENTS 84.6 (22) 15.4 (4) 0 (0) 24.5 (26) 2.620	DESISTERS 75.9 (22) 24.1 (7) 0 (0) 27.4 (29)	<b>PERSISTERS</b> 54.9 (28) 29.4 (15) 15.7 (8) 48.1 (51)	Row Total 67.9 (72) 24.5 (26) 7.5 (8) 100.0 (106)

# BLOCK F

BLUCK F	ASSAULT PRIORS - APRIORS			PRIORS	(DOME	STIC	UNEMPLOYED)		
ARECIDS INNOCENTS DESISTERS PERSISTERS Column Total Chi-square = 15 p<.01, d.f.= 4 gamma = .55	ASSA INNOC 86.5 13.5 0 47.3 .525	ENTS (45) (7) (0) (52)	DESIS 81.8 15.2 3.0 30.0	TERS (27) (5) (1) (33)	<b>PERSI</b> 48.0 48.0 4.0 22.7	STERS (12) (12) (1) (25)	Row 76.4 21.8 1.8 100.0	Total (84) (24) (2) (110)	

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions 92

#### TABLE 7. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY FORMAL CONTROLS, CONTROLLING FOR LEVEL OF INFORMAL CONTROLS DOMESTICS

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BLOCK G

	ASSAULT PRIORS - APRIORS				(DO)	<b>ESTIC</b>	EMPLOYED)		
ARECIDS	INNOC	ENTS	DESIS	TERS	PERSI	STERS	Row	Total	
INNOCENTS	85.3	(64)	72.4	(21)	50.0	(1)	81.1	(86)	
DESISTERS	14.7	(11)	24.1	(7)	0	(0)	17.0	(18)	
PERSISTERS	0	(0)	3.4	(1)	50.0	(1)	1.9	(2)	
Column Total	70.8	(75)	27.4	(29)	1.9	(2)	100.0	(106)	
Chi-square =	28.452								
p<.001, d.f.	= 4								
gamma = .43									

#### BLOCK H

	ASSAU	ILT PF	RIORS - AP	RIORS	S (DOMESTIC		MARRIED)		
TRECIDS	INNOCI	ENTS	DESIS	TERS	PERSIS	STERS	Row	Total	
INNOCENTS	79.4	(27)	71.4	(10)	0	(0)	75.5	(37)	
DESISTERS	17.6	(6)	28.6	(4)	0	(0)	20.4	(10)	
PERSISTERS	2.9	(1)	0	(0)	100.0	(1)	4.1	(2)	
Column Total	69.4	(34)	28.6	(14)	2.0	(1)	100.0	(49)	
Chi-square =	24.863								
p<.001, d.f.	= 4								
gamma = .35									
-									

#### BLOCK I

	ASSAULT PRIORS - APRIORS		RIORS	(DOME:	STIC	COMMON LAW)			
TRECIDS	INNOC	ENTS	DES	IS	TERS	PERSIS	TERS	Row	Total
INNOCENTS	58.8	(30)	53.	6	(15)	20.8	(5)	48.5	(50)
DESISTERS	29.4	(15)	28.	6	(8)	50.0	(12)	34.0	(35)
PERSISTERS	11.8	(6)	17.	9	(5)	29.2	(7)	17.5	(18)
Column Total	49.5	(51)	27.	2	(28)	23.3	(24)	100.0	(103)
Chi-square = 10	.250								
p<.05, d.f.=4									
qamma = .38									
5									

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

& INNOCENTS) are associated with a lower likelihood of reoffending (TRECIDS INNOCENTS), only for those living commonlaw. Specifically (referring to Table 7, Block A), for those living common-law, 60.0% of those who had no prior convictions (TPRIORS INNOCENTS) and 71.4% of those who had 1-2 prior convictions (TPRIORS DESISTERS) did not reoffend (TRECIDS INNOCENTS), compared to only 40.3% of those who had more than 2 prior convictions (TPRIORS PERSISTERS). And, none of the TPRIORS INNOCENTS or TPRIORS DESISTERS had more than 2 subsequent convictions (TRECIDS PERSISTERS), compared to 25.0% of the TPRIORS PERSISTERS who reoffended more than twice (TRECIDS PERSISTERS). A similar positive association appears to exist between number of prior assault convictions (APRIORS) and likelihood of assault reoffending (ARECIDS) for those living in common law relationships (Table 7, Block B).<sup>23</sup> The associations between TPRIORS and TRECIDS, and APRIORS and ARECIDS, are not significant for those with a high level of informal control, as measured by marital status (married), and were therefore excluded from the analysis. Thus, it appears that a high level of informal control (married), may suppress the expected negative effect of prior formal controls (TPRIORS & APRIORS) on likelihood of reoffending (TRECIDS & ARECIDS).

The effect of level of prior formal control, as measured by assault priors (APRIORS) on likelihood of reoffending (TRECIDS), appears to also be contingent upon level of informal control, as measured by employment status (Table 7, Block C). For example, when employment status is controlled for, the association is significant between number of assault priors (APRIORS) and total reoffending (TRECIDS). As with marital status, those with a low level of informal control (unemployed) exhibit the predicted positive association between APRIORS and TRECIDS. More prior formal controls (APRIORS DESISTERS & PERSISTERS) are associated with a greater likelihood of reoffending (TRECIDS DESISTERS & PERSISTERS), and fewer prior formal controls (APRIORS INNOCENTS) are associated with a lower likelihood of reoffending (TRECIDS However, the association between APRIORS and INNOCENTS). TRECIDS is not significant for those with a high level of informal control (employed) and is therefore excluded from the analysis. Thus, it appears that a high level of informal control (employed), may suppress the expected negative effect of prior assault convictions (APRIORS) on likelihood of reoffending (TRECIDS).

Table 7, Blocks D through I present the significant associations between level of formal control, as measured by prior convictions (TPRIORS & APRIORS), and likelihood of reoffending (TRECIDS & ARECIDS), which are not contingent upon level of informal control. In other words, the analyses (Blocks D - I) reveal further significant positive associations between number of prior convictions (TPRIORS & APRIORS) and likelihood of reoffending (TRECIDS & ARECIDS) that are not contingent upon employment status or marital

Controlling for level of informal control furthers status. our understanding of the complex nature of the relationship between level of informal and prior formal control, and their combined effect on likelihood of reoffending. For example, (Table 7, Block D) there appears to be a positive association between number of prior convictions (TPRIORS) and likelihood of reoffending (TRECIDS) for the unemployed of the domestic And, a similar association is suggested for the group. employed of the domestic group (Block E). When categories of the unemployed are compared to similar categories of the employed, the analysis appears to suggest that the employed are less likely to reoffend than their counterparts in the For example, (Block E) 84.6% of the unemployed group. TPRIORS INNOCENTS do employed not reoffend (TRECIDS INNOCENTS), compared to only 66.7% of the unemployed (Block D) TPRIORS INNOCENTS who do not reoffend (TRECIDS INNOCENTS). Similarly, 15.7% of the employed (Block E) TPRIORS PERSISTERS reoffended more than twice (TRECIDS PERSISTERS), compared to 26.9% of the unemployed TPRIORS PERSISTERS. Thus, the analysis seems to indicate that a high level of informal control (employment) affects likelihood of reoffending for all levels of prior convictions. Similar associations appear to exist when employment status is controlled for, and the effect of number of assault priors (APRIORS) on likelihood of assault reoffending (ARECIDS) is examined (Blocks F & G). And, a similar association appears to exist when controlling for

96

marital status, and the effect of number of assault priors (APRIORS) on likelihood of reoffending (TRECIDS) is examined (Blocks H & I). Thus, the analyses seem to suggest that a high level of informal control (married and employed) may reduce the possible negative effects of prior convictions (TPRIORS and APRIORS) on likelihood of reoffending.

# 3.3.4 Interactive Effect of Formal and Informal Controls -Non-Domestics:

This subsection deals exclusively with the non-domestic group and makes reference to Table 8, Blocks A through F. For this group, the effect of level of formal control (TPRIORS and APRIORS) on likelihood of reoffending (TRECIDS and ARECIDS) does not appear to be contingent upon level of informal In other words, the analyses (Table 8, Blocks A - F) control. appear to reveal significant positive associations between number of prior convictions (TPRIORS & APRIORS) and likelihood of reoffending (TRECIDS & ARECIDS) for both the employed and unemployed of the non-domestic group. For example (Table 8, Block A), there appears to be a positive association between number of prior convictions (TPRIORS) and likelihood of for the unemployed. reoffending (TRECIDS) Α similar association appears to exist for the employed (Table 8, Block B). When categories of the unemployed are compared with categories of the employed, the analysis seems to suggest that the employed are less likely to reoffend than their unemployed counterparts. For example (Block B), 95.1% of the employed
## TABLE 8. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY FORMAL CONTROLS, CONTROLLING FOR LEVEL OF INFORMAL CONTROLS NON-DOMESTICS

BLOCK A TOTAL PRIORS - TPRIORS (NON-DOMESTIC UNEMPLOYED) DESISTERS PERSISTERS Row Total INNOCENTS TRECIDS 
 50.0 (14)
 30.4 (31)

 46.4 (13)
 46.1 (47)

 3.6 (1)
 23.5 (24)
43.2 (70) 78.1 (25) 50.0 (14) INNOCENTS 40.7 40.7 (66) 16.0 (26) 18.8 (6) 3.1 (1) 46.4 (13) DESISTERS PERSISTERS 63.0 (102) 100.0 (162) 17.3 (28) 19.8 (32) Column Total Chi-square = 27.542p<.001, d.f.= 4 gamma = .61

#### BLOCK B

BLUCK B	TOTAL PRIORS		- TPRIORS		(NON-DOMESTIC		EMPLOYED)	
TRECIDS INNOCENTS DESISTERS PERSISTERS Column Total Chi-square = 25 p<.001, d.f.= gamma = .77	<b>INNOC</b> 95.1 4.9 0 42.7 5.215 4	ENTS (39) (2) (0) (41)	DESIS 70.0 20.0 10.0 20.8	(14) (4) (2) (20)	<b>PERSI</b> 42.9 40.0 17.1 36.5	STERS (15) (14) (6) (35)	Row 70.8 20.8 8.3 100.0	Total (68) (20) (8) (96)

#### BLOCK C

BLUCK C	ASSAULT PRIOF	S - APRIORS	(NON-DOMESTIC	UNEMPLOYED)	
TRECIDS INNOCENTS DESISTERS PERSISTERS Column Total Chi-square = 9. p<.05, d.f.= 4 gamma = .32	INNOCENTS 52.3 (46) 37.5 (33) 10.2 (9) 54.3 (88) .930	DESISTERS 30.2 (16) 49.1 (26) 20.8 (11) 32.7 (53)	<b>PERSISTERS</b> 38.1 (8) 33.3 (7) 28.6 (6) 13.0 (21)	Row Total 43.2 (70) 40.7 (66) 16.0 (26) 100.0 (162)	

INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

## TABLE 8. TOTAL REOFFENDING (TRECIDS) & ASSAULT REOFFENDING (ARECIDS) BY FORMAL CONTROLS, CONTROLLING FOR LEVEL OF INFORMAL CONTROLS NON-DOMESTICS

NOW-DOWER'S I

## BLOCK D

ASSAULT PRIORS - APRIORS (NON-DOMESTIC EMPLOYED) TRECIDS INNOCENTS DESISTERS PERSISTERS Row Total INNOCENTS 84.4 (54) 52.0 (13) 14.3 (1) 70.8 (68) DESISTERS 14.1 (9) 28.0 (7) 57.1 (4) 20.8 (20)PERSISTERS 20.0 (5) 1.6 (1) 28.6 (2) 8.3 (8) Column Total 66.7 (64) 26.0 (25) 7.3 (7) 100.0 (96) Chi-square = 23.568 p<.001, d.f.= 4 gamma = .72

#### BLOCK E

ASSAULT PRIORS - APRIORS (NON-DOMESTIC UNEMPLOYED) ARECIDS INNOCENTS DESISTERS PERSISTERS Row Total INNOCENTS . 85.7 (18) 14.3 (3) 86.4 (76) 67.9 (36) 80.2 (130) 13.6 (12) 32.1 (17) DESISTERS 19.8 (32) Column Total 54.3 (88) 32.7 (53) 13.0(21)100.0 (162) Chi-square = 7.550 p<.05, d.f.= 2 gamma = .26

#### BLOCK F

	ASSAULT PRIORS -		IORS - A	PRIORS	(NON-DO	MESTIC	EMPLOYED)	
ARECIDS	INNOC	ENTS	DESIS	TERS	PERSIS	STERS	Row	Total
INNOCENTS	98.4	(63)	80.0	(20)	100.0	(7)	93.8	(90)
DESISTERS	1.6	(1)	20.0	(5)	0	(0)	6.2	(6)
Column Total	66.7	(64)	26.0	(25)	7.3	(7)	100.0	(96)
Chi-square = 10	).933							
p<.01, d.f.= 2	2							
gamma = .67							•	

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INNOCENTS = 0 convictions DESISTERS = 1-2 convictions PERSISTERS = 2+ convictions

INNOCENTS (0 priors) do not reoffend TPRIORS (TRECIDS INNOCENTS), compared to only 78.1% of the unemployed (Block A) TPRIORS INNOCENTS (0 priors) who do not reoffend (TRECIDS Similarly, 17.1% of the employed (Block B) INNOCENTS). TPRIORS PERSISTERS (3 or more priors) reoffended more than twice (TRECIDS PERSISTERS), compared to 23.5% of the unemployed (Block A) TPRIORS PERSISTERS (3 or more priors) who reoffend more than twice (TRECIDS PERSISTERS). Similar associations appear to exist between APRIORS and likelihood of total reoffending (Blocks C & D), and between APRIORS and likelihood of assault reoffending (Blocks E & F). Thus, the analyses seem to suggest that a high level of informal control (being employed), may reduce the possible negative effects of prior convictions (TPRIORS & APRIORS) on likelihood of reoffending for the non-domestic group.

In the following chapter, I discuss the findings from each of the three research questions in relation to the conceptual framework that guided this research. I also discuss the methodological limitations of this research. As well, I present some recommendations for future research.

## CHAPTER FOUR

## DISCUSSION

### 4.0 Introduction

The effect of formal and informal social controls on regulating social behaviour is a subject that has a long and varied history dating back to classical times. Informal social controls refer to a perceived reaction of disapproval for engaging in deviant behaviour from friends, family and coworkers that persuade individuals to conform to the norms and laws (Conklin, 1986). Thus, some argue that the fear of embarrassment or condemnation from peers is the most effective means of regulating behaviour and deterring individuals from engaging in deviant behaviour (eq. Durkheim, 1984). Formal controls are the legal sanctions agents of the criminal justice system impose upon people (Conklin, 1986). Some insist that this type of control, which is prescribed by laws and includes such things as arrest, detention, jail, fines, and probation, is the best means of regulating behaviour (Becarria, 1963).

In this chapter I discuss the significance of the results in relation to the conceptual framework that guides this study. The chapter begins with a brief discussion of the findings in relation to the first research question. This is followed by a discussion of the findings in relation to the second and third research questions. Finally, I discuss the methodological limitations of this research and present some recommendations for future research.

A considerable amount of contemporary research tends to examine the effect of formal and informal social controls from either a deterrence or a labelling perspective. Deterrence proponents argue that the impact of appropriate formal controls can prevent offenders from committing further crimes (Zimring & Hawkins, 1973). Conversely, labelling theorists argue that formal controls can actually increase criminal behaviour (Lemert, 1951; Becker, 1963). However, both perspectives agree that informal social controls may also play a significant role in the possible deterrent or labelling effect of formal controls (Zimring & Hawkins, 1973; Williams & Hawkins, 1989; Nagin & Paternoster, 1991; Lemert, 1951; Lofland, 1969; Klein, 1986).

The main purpose of my research has been to examine the effect formal and informal social controls have upon the likelihood of reoffending for both domestic and non-domestic batterers. Previous spousal assault research has examined the effect of one formal control, arrest, in combination with the controls, employment and marital informal status, on subsequent spousal assault (Sherman & Berk, 1984; Sherman et al., 1992; Berk et al., 1992; Pate & Hamilton, 1992). My research builds on these exemplary studies in several ways. First, this study looks beyond the effect of arrest. Using original data, I use court ordered dispositions, as an indicator of formal control, in an attempt to examine their possible role in the deterrence and labelling process. Second, I use an offender's entire criminal record, as an indicator of formal control, to explore the concepts of offense specialization (Gottfredson & Hirschi, 1990), and their possible role in the deterrence and labelling process. Third, this research uses a two-year follow-up period wherein any subsequent criminal conviction is used to explore the true nature of deterrence, and the possibility deterrence may exceed the previously used six month follow-up period (Piliavin, 1986; Fagan, 1989). Fourth, the sample includes both domestic and non-domestic batterers in an attempt to explore the relationship between the two groups of batterers. Thereby, providing the opportunity to explore the possibility that the effect of formal and informal social controls may vary with respect to intimate and stranger violence. Also, of particular interest is how these two groups of men possibly vary or be similar with respect to sample characteristics, their treatment before the courts, and their patterns of offending.

## 4.1 Characteristics of Domestic and Non-Domestic Batterers

Previous research has failed to fully explore the relationship between intimate and stranger violence (see Fagan & Wexler, 1987). Thus, many questions still exist surrounding the patterns and sequence of offending for different types of batterers. In an attempt to extend our knowledge of the relationship between different types of assault, the first research question examines the characteristics of domestic and non-domestic batterers (see Table 1 for variables and descriptive statistics).

The data reveal no significant age difference between the domestic and non-domestic groups.<sup>24</sup> However, the employment figures for both groups are well below provincial unemployment statistics (Statistics Canada, 1990 & 1991). This overrepresentation of unemployed men in the sample is consistent with family studies research (Lupri, 1989; Straus et al., 1980), and Toby's (1957) theory of stakes in conformity. Specifically, Toby (1957) argued that individuals who are unemployed, have less at stake in terms of informal sanction costs and therefore, are more likely to engage in deviant behaviour.

Similarly, Toby (1957) also hypothesized that individuals who are not married have a lower stake in conformity than married individuals. Thus, the former would be more likely to engage in deviant behaviour than the latter. My data is consistent with this prediction, as less than one quarter of the domestic group was married. The data also suggest that more than three quarters of those involved in a domestic assault were not married and considered to have a lower stake in conformity.

An examination of subjects' criminal records provides

some interesting information with respect to the possible patterns and sequence of offending for the two types of batterers. First, the data support Gottfredson and Hirschi's (1990) theory that offenders commit a variety of criminal In other words, my data does not support the offenses. concept of offense specialization. Subjects in both the domestic and non-domestic groups possess a variety of criminal convictions through out their criminal career. Second, and of particular interest, is the implication that those involved in a domestic assault appear to have a greater history of overall criminal behaviour, a greater history of assaultive behaviour, and a greater propensity for being involved in subsequent assaultive behaviour.<sup>25</sup> possibility of The increased criminality for the domestic group raises some interesting questions when level of informal control is considered. For example, descriptive statistics suggest the non-domestic group has lower informal controls than the domestic group.<sup>26</sup> If the non-domestic group does have lower informal controls, then both deterrence and labelling theorists would predict higher rates of reoffending for this group, although for slightly different reasons (Lofland, 1969; Zimring & Hawkins, 1973; Williams & Hawkins, 1989). For example, deterrence proponents would speculate that individuals with low informal controls are not as easily deterred and have higher rates of reoffending because they do not face the informal sanction costs associated with high informal controls (Williams & Hawkins, 1989; Nagin & Paternoster, 1991). In contrast, labelling proponents would suggest that these same individuals are more likely to accept a new deviant label and subsequently engage in further criminal behaviour because they lack a strong sense and awareness of belonging to conventional Thus, both deterrence and activities (Lofland, 1969). labelling theorists would argue that the group with lower informal controls should have higher rates of reoffending than the group with higher informal controls. My data appears to be consistent with the prediction of higher rates of total reoffending for the group with lower informal controls, the non-domestic group (Lofland, 1969; Williams & Hawkins, 1989; Nagin & Paternoster, 1991). However, this same group does not appear to have higher rates of assault reoffending than the group with higher informal controls, the domestic group. Thus, the lower rate of assault reoffending for the group with lower informal controls, the non-domestic group, is not consistent with either deterrence or labelling predictions (Lofland, 1969; Williams & Hawkins, 1989; Nagin & Paternoster, 1991).27

One possible explanation for this inconsistency may lie in the different nature of offenses. For instance, this variation may indicate that committing a domestic assault is fundamentally different from being involved in a non-domestic assault. For example, the data suggest a possible escalation pattern in which offenders begin with a non-violent crime, then possibly get involved in violent crime and finally, graduate to domestic assault.<sup>28</sup> Once they enter the realm of domestic assault, they may face a greater probability of further assaultive behaviour. In other words, the domestic assault group may be showing signs of a greater predisposition or propensity for assaultive behaviour.<sup>29</sup>

The data do not qo so far as to suggest evidence of offense specialization for either the domestic or non-domestic group, as both groups have a variety of convictions both prior to and subsequent to the target offense. However, the data do seem to suggest that being involved in a domestic assault is more consistent with an overall history and pattern of assaultive behaviour. Accordingly, it appears to be more difficult to deter this group from assaultive behaviour. It is also possible there is a greater social stigma associated with committing a domestic assault. In other words, domestic batterers may suffer excessive social disgrace that causes a domestic batterer to perceive himself as violent or abusive. This may possibly explain the higher rates of assault reoffending for this group. Conversely, the data seem to imply that being involved in a non-domestic assault may be more of a transitory occurrence. For example, it appears that this group may be more easily deterred from assaultive behaviour. It is also possible that those who commit a nondomestic assault are not subject to the same social stigma that surrounds domestic assaults. Thus, the non-domestic group does not experience an intense labelling effect that could cause a non-domestic batterer to perceive himself as violent or abusive.

On the other hand, feminists would charge that the increased rate of assault reoffending for the domestic group is the product of men trying to reassert their control in their relationships (Kurz, 1993). Feminists would argue that men who have been arrested probably feel they have lost some control over their lives and relationships. In an attempt to regain control, men respond with further violence. With the non-domestic group, the issue of control of men over women in intimate relationships is not central. Men who have been arrest for non-domestic assault probably do not blame their female partners for the loss of control they experience in the Thus, for a non-domestic same way domestic batterers do. batterer there is less of a need to reassert control through violence, thereby possibly explaining the very low rates of assault reoffending observed for the non-domestic group. Unfortunately, as previously mentioned, due to data limitations and time constraints, it was not possible to determine whether prior and subsequent assault convictions were domestic or non-domestic in nature. This distinction is something future research should attempt to ascertain as it may prove extremely useful in unravelling the sequence of assaultive behaviour.

Thus, an examination of the characteristics of domestic

and non-domestic batterers reveals two important points. First, there appears to be no evidence of offense specialization among either type of batterer. However, there may be something fundamentally different between domestic assaults and non-domestic assaults. For example, an escalation pattern may exist in which once someone commits a domestic assault, they are less likely to be deterred from future assaultive behaviour. The possibility of an escalation pattern means that future research may be better off not to treat domestic and non-domestic assaults as polar opposites or Instead, it may be more useful to separate entities. conceptualize assaultive behaviour as a continuum ranging possibly from a greater possibility of deterrence (nondomestic assault) to a lower possibility of deterrence (domestic assault).

# 4.2 The Effect of Formal and Informal Controls on Disposition

The second research question examines the separate and combined effects of informal social controls and formal controls on the dependent variable, severity of disposition. Much research has been conducted on the effect of informal social controls and formal controls on judicial decisionmaking (See Hagan & Bumiller, 1983). However, previous sentencing research is relatively silent on these issues as they relate specifically to the area of domestic and nondomestic assaults. In other words, it is not clear if the relationships that apparently exist between informal and formal controls and severity of sentences applies equally to domestic and non-domestic assaults.

In this section, I first review my findings in relation to each hypotheses that explore the separate effects of informal and formal controls on severity of disposition. And, the significance of the findings from each hypotheses is discussed with particular reference to the deterrence and labelling perspectives. This is followed by a review of the findings of the interactive effects of informal and formal controls on severity of disposition. Once again, the significance of these findings are discussed with respect to the deterrence and labelling perspectives. The section concludes with a possible explanation as to why domestic and non-domestic assaults appear to be treated differently by the courts.

Previous research suggests that informal social controls alone are significant factors in the judicial decision-making process (Black, 1976; Burke & Turk, 1993). Recall, that hypotheses one (H1), two (H2) and three (H3) examine the effect of informal social controls on severity of disposition. My results appear to provide some support for hypothesis one (H1) which states, employed men will tend to receive less severe dispositions than unemployed men (Black, 1976; Burke & Turk, 1993). And, there appears to be some support for hypothesis two (H2) which states, married men will tend to receive less severe dispositions than men living common-law (Black, 1976). Specifically, the data support H1 and H2 with respect to the domestic group only. The data does not support H1 for the non-domestic group.30 Furthermore, there is no support for hypothesis three (H3) which states, as occupational prestige increases, severity of disposition will tend to increase, for either group of batterers (Burke & Turk, 1993). Thus, my data suggest that informal social controls, measured by marital and employment status, may be as significant factors in judicial decision-making for the domestic group only. Specifically, it appears men with a high level of informal social control (married and employed) are treated less severely than those with low informal controls (common-law and unemployed). This implies that judges may be less concerned with providing a repressive formal deterrent for individuals who are married or employed. In other words, the data suggest that judges may be reluctant to dispense more severe dispositions and risk possibly labelling domestic batterers with high informal social controls. Furthermore, it appears that judges may believe that offenders with low informal controls (common-law and unemployed) require more severe dispositions to deter them. For the low informal control group then, the possible labelling effects of more severe dispositions appear to be less of a concern in judicial decision-making. The lack of an association between

occupational prestige and severity of disposition (H3), indicates an absence of a possible class bias in judicial decision-making.

Previous research also suggests that formal controls alone are significant factors in the judicial decision-making process (Black, 1976; Hagan, 1991; Burke & Turk, 1993). Recall that hypotheses seven (H7), eight (H8) and nine (H9) examine the effect of formal controls on severity of disposition. However, my results seem to lend only limited support to hypothesis seven (H7) which states, as number of total prior convictions increase, severity of disposition will tend to increase (Black, 1976; Burke & Turk, 1993). And, there appears to be only limited support for hypothesis eight (H8) which states, as number of prior assault convictions increase, severity of disposition will tend to increase (Black, 1976; Burke & Turk, 1993). For example, the data reveal moderate positive associations between number of prior convictions and severity of disposition for the non-domestic group only (Black, 1976; Burke & Turk, 1993).<sup>31</sup> This suggests that judges may be more concerned about trying to avoid the possible labelling of first time non-domestic offenders and less concerned with possible deterrence through strong sanctions for these offenders. Conversely, judges appear to be less concerned about the possible labelling of already convicted non-domestic offenders. For this group, it seems that judges are more committed to possible deterrence

through strong sanctions. Although statistically significant, the associations between number of prior convictions and severity of disposition for the domestic group are very weak.<sup>32</sup> As such, these findings should only be considered tentative, and should not be interpreted as clear support for H7 and H8.

The final hypothesis to consider the effect of formal controls on severity of disposition is hypothesis nine (H9) which states, as severity of offense increases, severity of disposition will tend to increase (Hagan, 1991). My data provide minimal support for H9. For example, although statistically significant, the association between severity of offense and severity of disposition is very weak for the nondomestic group. Once again, this finding should only be considered tentative, and should not be interpreted as clear support for H9 (Hagan, 1991). In addition, the absence of an association between severity of offense and severity of disposition for the domestic group is considered possible evidence contrary to H9 (Hagan, 1991). Thus, based on the moderate associations mentioned with respect to H7 and H8, my. data suggest that formal controls, as measured by number of prior convictions, appear to be significant factors in judicial decision-making for the non-domestic group only.

The equivocal results with respect to the separate effects of informal and formal controls on severity of disposition implied that judicial decision-making may be a complex process not readily reduced to a single factor. In other words, we know that judges must consider and weigh an offender's level of informal social controls with the offender's level of formal controls before making a decision. As such, it was necessary to examine the possible interactive effect of informal and formal controls in judicial decisionmaking. Thus, I explored the possibility the effect of formal controls on the dependent variable, severity of disposition, may be contingent upon level of informal social control.

My data seem to lend limited support to the possibility the effect of formal controls on severity of disposition is contingent upon level of informal social control, for both the domestic and non-domestic groups. For example, for both groups of batterers, there appears to be а positive association between severity of offense and severity of disposition, when controlling for employment status. However, an integral difference exists between the two groups that requires further discussion. With the domestic group, a weak positive association is suggested between severity of offense and severity of disposition for the unemployed men only (Hagan, 1991). This implies that judges seem to be more concerned with deterring the unemployed who commit the most serious domestic assaults through more severe sentences. And, they also appear to be trying to avoid the possible labelling of the unemployed who commit the least serious domestic assaults by handing out less severe sentences to these offenders. Thus, for the domestic group, men with low informal controls (unemployed) are treated as expected. However, my data seem to imply that employed men in the domestic assault group receive special treatment. In other words, severity of offense is not associated with severity of disposition for those with high informal controls (employed). This suggests that judges may be trying to avoid the possible labelling of the entire employed group, even those who commit the most serious domestic assaults. Or, it may be that judges believe employed men require less formal control to deter these individuals. Irrespective of either possible explanation, the weak association with respect to the unemployed men, and the absence of an association for the employed men, suggests the formal control, severity of offense, has only a minimal effect on the dependent variable, severity of disposition. If the data is correct, and severity of offense has only a minimal effect on severity of disposition, then this may indicate that domestic assaults are treated differently from other offenses by the courts (Hagan, 1991).

With the non-domestic group, a different association seems to manifest itself. For example, the employed appear to exhibit a moderate positive association between severity of offense and severity of disposition (Hagan, 1991). Thus, it appears that the employed of the non-domestic group are treated as expected with regards to the association between severity of assault and severity of disposition. The data imply that judges may be more concerned about deterring the employed who commit the most serious non-domestic assaults and consequently award these assaults the most severe sentences. Conversely, it appears that judges are not as concerned with deterring the employed who commit less serious assaults via Instead, the emphasis seems to be on severe sentences. avoiding the possible labelling effect of more severe dispositions for the less serious non-domestic assaults. Thus, for this group, individuals with high informal control (employed men), are treated as expected. However, the unemployed men in the non-domestic group are not afforded the same sentencing principles as their employed counterparts. For example, my data indicate that as a group, unemployed nondomestic batterers are twice as likely to receive a jail sentence as employed non-domestic batterers, regardless of seriousness of assault. This suggests that judges are less anxious about the possible labelling effects of more severe sentences for the entire group of unemployed non-domestic assaults. And, it also implies that judges are more zealous in dispensing more repressive formal controls in an attempt to deter offenders with low informal controls. Thus, similar to the domestic group, it appears that individuals with high informal controls (employed men), receive special treatment, and men with low informal controls are treated more harshly.

My data also seem to indicate weak positive associations

prior convictions and between number of severitv of disposition, contingent upon marital status for the domestic For example, men with low informal controls (living group. common-law) are treated as expected with respect to the impact of prior convictions on severity of disposition (Black, 1976; Burke & Turk, 1993). Thus, the data suggest that judges may be less concerned with the possible labelling of those with more prior convictions and more anxious to try to deter these offenders. Conversely, it appears that judges may be trying to avoid the labelling of those without prior convictions. And, married men appear to escape the impact of prior convictions, as this indicator of formal control is not associated with severity of disposition for those who are married.<sup>33</sup> Thus, the data imply that men with high informal controls (married) who commit domestic assaults may possibly be afforded special treatment over their low informal control counterparts (common-law). Conversely, the data suggest that men with low informal controls are treated more harshly.

The weak association with respect to those living commonlaw, and the absence of an association for those who are married, suggests that the formal control, number of prior convictions, has only a minimal effect on severity of disposition for the domestic group. And, when controlling for employment status, the association between number of priors and severity of disposition is not significant for the domestic group. Thus, the data suggest that marital status may be the most significant informal control in judicial decision-making for the domestic group. And, it also implies that domestic assaults are treated differently from other offenses (Black, 1976; Burke & Turk, 1993).

With the non-domestic group, the association between number of prior convictions and severity of disposition does not appear to be contingent upon employment status.<sup>34</sup> Instead, my data indicate apparent positive associations for both the employed and unemployed of this group. Thus, it appears non-domestic assaults are treated no differently than other offenses with respect to the effect of number of prior convictions on severity of disposition (Black, 1976; Burke & Turk, 1993). This also implies that the formal control, number of prior convictions, is the most significant factor influencing judicial decision-making for the non-domestic group.

The previous discussion addresses the separate and interactive effect of informal and formal controls on the dependent variable, severity of disposition and can be summarized as follows. First, informal social controls appear to be the most significant factor in judicial decision-making for the domestic group. However, this type of control does not appear to be a significant factor in judicial decisionmaking for the non-domestic group. Second, formal controls seem to be the most significant factor in judicial decisionmaking for the non-domestic group. However, this type of control does not appear to be a significant factor in judicial decision-making for the domestic group.

The variation observed in the factors possibly affecting judicial decision-making between the two groups of offenders implies that the two groups are treated differently by the courts. One possible explanation for the variation observed in judicial decision-making between domestic and non-domestic assaults, may pertain to what Durkheim (1984) said regarding the two types of society and their respective forms of laws. For example, I am suggesting domestic assaults resemble organic society in that they are both characterized by greater individuality and less repressive laws. In other words, the family, and what goes on in the family, is considered a private sphere. Thus, as with organic society, the collective conscience is less significant in domestic assaults and consequently, less severe punishments are meted out. Instead, less repressive informal controls are used in domestic assaults to try to restore the status quo.<sup>35</sup> Conversely, non-domestic assaults are more reflective of a mechanical society. Mechanical societies and non-domestic assaults are both characterized by frequent interaction between various individuals and more repressive laws. In other words, this type of assault is more of a public nature. And, crimes of a public nature are believed to threaten the shared set of values mechanical society cherishes, and mores а the Thus, repressive collective conscience (Durkheim, 1984).

sanctions or formal controls are deemed necessary in nondomestic assaults to protect the collective conscience from being undermined.

The preceding discussion suggests judges sentence individuals based on a preconceived notion of what are the most effective and significant means of control for deterring particular offenders. As such, it is important to examine the possible effect informal and formal controls have on patterns of reoffending.

## 4.3 The Effect of Formal and Informal Controls on Reoffending

In this section I review the findings in relation to each hypotheses that explores the separate effect of informal social controls and formal controls on likelihood of reoffending. The significance of the findings from each hypotheses is discussed with respect to the deterrence and labelling perspectives. The findings from the separate effects of informal social controls are also used to assess Toby's (1957) stakes in conformity theory and the related concept of informal sanction costs (William & Hawkins, 1989). In addition, I review the interactive effects of informal and formal controls on likelihood of reoffending. Once again, the significance of these findings is discussed with respect to the deterrence and labelling perspectives. The findings of this research are then addressed in relation to classical sociological issues. The chapter concludes with some policy implications and suggestions for future research.

Previous research suggests that informal controls may be significant factors in predicting likelihood of reoffending (Toby, 1957; Zimring & Hawkins, 1973; Williams & Hawkins, 1986 & 1989; Nagin & Paternoster, 1991; Sherman et al., 1992; Berk et al., 1992). Recall, hypothesis four (H4), five (H5) and six (H6) examine the effect informal controls have on likelihood of reoffending. I shall deal with each hypothesis in order. First, my data seem to lend support to hypothesis four (H4) which states, employed men will tend to have lower rates of reoffending than unemployed men (Toby, 1957; Williams & Hawkins, 1989; Sherman et al., 1992). For example, employed men in both the domestic and non-domestic groups apparently manifest lower rates of total reoffending than the unemployed. And, the data indicate that the majority of employed men may be completely deterred for the two-year follow-up period.36 Thus, there appears to be little evidence to support the suggestion that formal controls label employed men. However, the data also suggest that the majority of unemployed men may not be completely deterred for two years. Instead, these men may be showing greater signs of possible labelling (Sherman et al., 1992). Furthermore, the data also imply that employed men in the non-domestic group possibly have lower rates of assault reoffending than the unemployed of this group. What is particularly encouraging is that the majority of both the employed and unemployed of this group appear to be deterred from committing a subsequent assault for two years. In other words, there is little evidence to suggest that non-domestic batterers are being labelled as violent individuals. Thus, it appears in most cases, a high level of informal control, as measured by employment status, is associated with lower rates of reoffending than a low level of informal control (Toby, 1957; Williams & Hawkins, 1989; Sherman et al., 1992). The exception appears to be with the domestic group where informal control, as measured by employment status, is not associated with likelihood of assault reoffending. Recall, a possible explanation for the exception was discussed earlier in this chapter (see section 4.1).

My data also appear to support hypothesis five (H5) which states, married men will tend to have lower rates of reoffending than men living common-law (Toby, 1957; Williams & Hawkins, 1989; Sherman et al., 1992).<sup>37</sup> For example, the data seem to indicate that married men may conceivably have lower rates of total and assault reoffending than those living Therefore, the data seem to indicate that the common-law. majority of married men may be completely deterred during the two-year follow-up period. And, there appears to be little evidence of a labelling effect for this group (Sherman et al., However, the majority of men living common-law may 1992). not be completely deterred during the follow-up period. Instead, those living common-law may be showing greater signs the possible labelling effect of formal controls. of

Furthermore, only a very small percentage of married men are not deterred from committing a subsequent assault. In other words, married men do not appear to manifest signs of being Conversely, a greater percentage of men labelled violent. living common-law may be showing some evidence of being labelled violent, as they are not deterred from committing a subsequent assault. Nevertheless, the majority of those living common-law seem to be deterred from committing a Thus, it appears that a high level of subsequent assault. informal control, as measured by marital status, is possibly associated with a lower likelihood of both assault and total reoffending for the domestic group. Conversely, a low level of informal control (common-law) is apparently associated with a greater likelihood of both assault and total reoffending for this group.

There does not appear to be support for hypothesis six (H6) which states, as occupational prestige increases, likelihood of reoffending decreases (Toby, 1957). My data reveal no association between occupational prestige and likelihood of reoffending for either group. This finding need not be taken as direct evidence refuting Toby's (1957) hypothesis that individuals in higher status occupations may have a greater stake in conformity. Rather, with the current depressed economic situation, occupational prestige may be irrelevant. It is possible that in today's economy, what is important, is having and maintaining a job, period. Perhaps, at a different time, in a different economic situation, occupational prestige may be related to stake in conformity.

The results from H4 and H5 suggest that level of informal social control may be a significant factor influencing offenders' decisions to reoffend. Thereby lending some support to Toby's (1957) theory of stake in conformity, and the suggestion of increased informal sanction costs for those with high informal controls (Williams & Hawkins, 1986 & 1989; Nagin & Paternoster, 1991). Specifically, my data is compatible with the hypothesis that individuals with high informal controls (married and employed) may possibly feel they have more at stake, and subsequently refrain from getting involved in deviant behaviour. Thus, for the married and employed, the costs of getting caught may outweigh the benefits of deviant behaviour. Furthermore, there is no evidence to support Klein's (1986) contention that individuals with high informal controls will be more readily labelled.

Previous research also suggests that formal controls are significant factors in predicting likelihood of reoffending (Black, 1976; Burke & Turk, 1993; Ehrlich, 1973; Logan, 1971 & 1972). Recall, hypothesis ten through thirteen (H10, H11, H12, H13), examine the effect formal controls have on likelihood of reoffending. I shall discuss each hypothesis in order. First, my data appear to lend support to hypothesis ten (H10) which states, as total priors increase, likelihood of reoffending increases (Black, 1976; Burke & Turk, 1993).

Similarly, my data appear to lend support to hypothesis eleven (H11) which states, as number of prior assault convictions increase, likelihood of reoffending increases (Black, 1976; Burke & Turk, 1993). For example, the majority of men in the sample, with two or more prior convictions are not being deterred (Fagan, 1989). Rather, these persistent offenders may be manifesting signs of the possible labelling effects of Conversely, the data reveal little prior convictions. evidence of the possible labelling effect of an individual's first conviction. Instead, the majority of first time offenders are being deterred for the full two year follow-up The data seem to suggest that two or three prior period. convictions may be the critical turning point as to whether an individual can be deterred or is possibly labelled.

My data provide minimal support for hypothesis twelve (H12) which states, as seriousness of offense increases, likelihood of reoffending increases (Fagan, 1989). Seriousness of offense appears to be positively related to likelihood of assault reoffending for the domestic group only. However, the association is weak and is therefore not considered strong support for H12. In addition, the small N in two of the four offense categories makes interpretation of this association difficult.

The last hypothesis to examine the effect of formal controls on likelihood of reoffending is hypothesis thirteen (H13) which states, as severity of disposition increases, likelihood of reoffending increases (Ehrlich, 1973; Logan, 1971 & 1972). My data provide limited support for H13. Although there appears to be a positive association between severity of disposition and likelihood of total reoffending for both groups of batterers, these associations are weak to very weak. As such, these findings should only be considered tentative and should not be interpreted as clear support for H13.

The previous discussion implies that informal social may possibly affect the controls alone likelihood of reoffending for both domestic and non-domestic batterers. it is also suggested that formal controls alone, And. specifically number of prior convictions, appear to affect the likelihood of reoffending for both groups of batterers. However, we know that informal and formal controls exist together for each offender. Therefore, it is imperative to examine how informal social controls and formal controls combine to affect the likelihood of reoffending. More specifically, I discuss whether the effect of formal controls on likelihood of reoffending, is contingent upon level of informal social control. I first address this issue with respect to the domestic group, followed by the non-domestic group.

For the domestic group, there is evidence to indicate that a high level of informal social control (married and employed) may possibly suppress the negative effect of prior convictions on likelihood of reoffending. Conversely, a low level of informal control (common-law and unemployed) appears to manifest the negative effect of prior convictions on likelihood of reoffending. In other words, when offenders with a similar number of convictions are compared, it appears that married and employed men have lower rates of reoffending than their unemployed and common-law counterparts.

Similarly, for the non-domestic group, there is evidence to indicate that a high level of informal control (employed) may possibly suppress the negative effect of prior convictions on likelihood of reoffending. Conversely, a low level of informal control (unemployed) appears to manifest the negative effect of prior convictions on likelihood of reoffending. In other words, when offenders with a similar number of convictions are compared, it appears that employed men have lower rates of reoffending than their unemployed counterparts.

The results from the combined effect of formal and informal social controls tend to support Durkheim's (1984) assertion that informal social controls may be the most effective means of regulating behaviour. However, the results are not consistent with his notion that informal controls are less effective in an organic society (Durkheim, 1984). And, the results appear to be consistent with Toby's (1957) theory on stakes in conformity and with Williams and Hawkins (1986) suggestion of informal sanction costs. Specifically, the employed and married may have a greater stake in conformity or face greater informal sanction costs than the unemployed and those living common-law. Thus, as argued by Sherman et al., (1992), it appears that deterrence may be conditional upon an offender's level of informal control.

If as the results suggest, informal social controls are the most significant factor in regulating behaviour for both domestic and non-domestic batterers, then this has meaningful implications with respect to judicial decision-making. Recall, my data suggest that informal social controls are significant factors in judicial decision-making with respect to the domestic batterers and not the non-domestic batterers. Perhaps level of informal control should be given the most consideration at sentencing for both types of batterers. And, perhaps domestic assaults should not be treated differently from other assaults and other offenses. For example, individuals lacking informal controls, regardless of the type of assault, seem to require more severe sanctions to either deter them from further deviant behaviour, or for the expressed purpose of protecting the public.38 On the other hand, individuals with informal controls may not require as severe formal controls, as those without informal controls. Something, whether it is a stake in conformity (Toby, 1957) or increased sanction costs (Williams & Hawkins, 1989) appears to keep these individuals from reoffending. Furthermore, it may be prudent for the criminal justice system to assist offenders in increasing their level of informal controls. For example,

offenders can be further encouraged to seek and/or maintain employment through probation orders or as part of the conditions of their release from custody.

This research has faced some limitations that need to be First, the statistical analyses were limited to addressed. measures of central tendency and crosstabulations. As such. I am only able to suggest associations between certain variables. Future research should attempt to use more sophisticated methods of analyses in an attempt to predict the probability of reoffending and spuriousness of variables. Second, this study relied exclusively on official data that suffers from an inherent drawback. In other words, changes in employment or marital status during the follow-up period could not be ascertained. Future research should attempt to monitor any changes in employment or marital status during the follow Third, marital status was not available for the up period. non-domestic group. This prevented a comparison with the group on this domestic important variable. Recent standardized report writing forms, in which marital status is recorded, have been adopted by police forces and should eliminate this difficulty for future research. Finally, distinctions between domestic and non-domestic assaults could not be made with respect to prior and subsequent assaults. Future research should attempt to make this distinction, as my data imply a possible escalation pattern, wherein, offenders may begin with a non-violent crime, then possibly commit an assault and finally, commit a domestic assault. The ability to confirm an escalation pattern or predisposition to assaultive behaviour would be an important development for criminological studies and the judicial system.

Despite its limitations, this research does make a valuable contribution to both criminological studies and domestic violence research. First, this study is unique in that I use official data to examine the effect of the formal control, court ordered disposition. The data do not discount variation in court ordered dispositions as a possible factor influencing offenders' decision to reoffend. Future research should examine the effect various court ordered dispositions offenders' decision to reoffend using more have on sophisticated statistical procedures. Second, my data suggest a batterer's level of informal control may be a significant factor in determining likelihood of reoffending. Thereby suggesting that different causal factors and processes may be related to an offender's decision to engage in deviant behaviour (Blumstein et al., 1988). And, it appears it may be insightful to record common-law relationships as different from married individuals when trying to assess an offender's level of informal control. Furthermore, my data seem to lend support to Toby's (1957) theory of stakes in conformity, and Williams and Hawkins (1989) theory of informal sanction costs. Future research should attempt to explore and unravel the exact nature of these concepts through personal interviews.

Third, my data suggest offenders' prior criminal convictions significant factors in determining likelihood of are This finding supports the criminal career reoffending. research argument that different causal factors or processes may be related to various stages in an offender's career (Blumstein, Cohen & Farrington, 1988). As such, future research should include this variable when attempting to examine the deterrence and labelling process. Fourth, future research should attempt to monitor all subsequent criminal activity in an effort to explore the true deterrent or labelling potential of any treatment from agents of the criminal justice system. Fifth, my data indicate a possible deterrent effect of up to two years for some offenders. Future research needs to explore the possibility that deterrence may last longer for some individuals than others, and what factors affect the length of deterrence. Only then can we expect to further understand the true deterrent or labelling effects of formal and informal social controls.

131

### ENDNOTES

1. Index crimes include murder, rape, robbery, aggravated assault, burglary, larceny (theft), and motor vehicle theft (Conklin, 1986).

2. The findings from Kantor & Straus (1990), Stets & Straus (1990), and Hotaling, Straus and Lincoln (1990) all use data collected from Straus and Gelles National Family Violence Resurvey of 1985 (N= 6002 households).

3. Minneapolis police officers responding to calls of simple misdemeanour domestic assault took part in a controlled experiment. Each time officers encountered a situation consistent with the criterion set out by the experiment's guidelines, they were to take whatever action was specified by randomly assigned report forms. The three possible actions included, arrest of the subject, removal of the suspect from the house, or simply offering advice to the persons involved.

4. Through an examination of an offender's complete criminal record it may be possible to estimate the three general stages of offending (Blumstein, Cohen & Farrington, 1988). Especially important is the ability to possibly estimate onset, or when assaultive behaviour begins.

5. Police Service Informational statistics indicated the approximate number of total assault charges laid in 1990 and the distribution of domestic and non-domestic assaults for the sample city.

6. Police Service Informational statistics indicated the approximate number of total assault charges laid in 1990 and the distribution of domestic and non-domestic assaults for the sample city.

7. 15 of the 500 Police Service files could not be located and consequently these individuals had to be excluded from the sample. Similarly, 6 files could not be located at the Clerks' office and these names had to be excluded from the sample. Thus, the final sample consisted of N = 479.

8. It should be noted that a policy existed wherein Police Service personnel were to arrest and charge men suspected of assault when officers had reasonable and probable grounds to believe that an offense had been committed regardless of the complainants' wishes, in the case of domestic assaults. This "mandatory arrest" policy did not apply to non-domestic assaults. In other words, if a non-domestic assault was relatively "minor" in nature, and the complainant was not willing to pursuit further action, officers in all likelihood would not arrest and charge the accused. This "mandatory arrest" policy could result in a higher proportion of relatively less serious assaults in the domestic group.

9. See Silverman, Teevan and Sacco (1991, p. 56) for a diagram of the theoretical funnel of crime.

10. In other words, the use of criminal convictions only, results in a large portion of the total definition or concept of reoffending not being measured or included in this study (see Silverman, Teevan & Sacco, 1991, re: the crime funnel). Thus, construct validity is weakened. At the same time, the use of criminal convictions should increase content validity as theoretically, those who have been convicted by the judicial system are quite likely to have actually committed a subsequent offense.

11. The high percentage of individuals with low informal controls is also consistent with Hirschi and Gottfredson (1990). However, they would argue that the high unemployment and large number of offenders living common-law are a merely consistent with or a result of the low self-control these individuals possess.

12. The median is defined as the value in a distribution of values, above and below which one-half of the frequencies fall (Elifson, Runyon & Haber, 1990). The median is the best measure of central tendency for total priors (TPRIORS) because it is unaffected by the extreme scores in the distribution.

13. The mean is the sum of all the offenders' prior assault convictions (APRIORS) divided by the number of offenders (Elifson, Runyon & Haber, 1990). It refers to the "average" number of prior assault convictions. The mean is the preferred measure of central tendency and is reported whenever there are no extreme scores in a distribution.

Data analyses techniques used do not 14. allow any conclusions to be made with regard to the timing of reoffending or possible patterns of escalation. In other words, it could be argued that committing two assaults within a short period of time (eq. within three months of the target offense) indicates a greater assaultive tendency than committing two assaults over a longer period of time (eq. one assault ten months after the target offense and another assault two years after the target offense). My data analyses does not take such circumstances into account and utilizes only the number of times an offender reoffends to draw conclusions with respect to likelihood of reoffending.
15. The variable TAROFF is an ordinal level measure. The median is typically reported for ordinal level data (Elifson et al., 1990), and in this case the median is 1.0 for both the domestic and non-domestic groups. A median of 1.0 for both the domestic and non-domestic groups only indicates that 50% of all the assaults fell into the least serious assault category (ASSAULT). The median does not reflect the true variation in seriousness of assaults (TAROFF) that exists between the domestic and non-domestic groups. The mean can be used on ordinal level data as a measure of central tendency (Elifson et al., 1990, p.102). As such, the mean of TAROFF is reported as the best measure of the variation that exists between the domestic and non-domestic group.

16. See endnote #7 for a possible factor influencing this finding.

17. The median for the ordinal level variable TDISPO is 1.0, for both the domestic and non-domestic groups. Thus, the median suggests that 50% of the dispositions fell into the least severe category (DISMISSED). The mean is reported as the best measure of central tendency for the variable TDISPO as it better reflects the variation that exists between the domestic and non-domestic groups.

18. Lambda is the appropriate measure of association for nominal level variables. A limitation of lambda is that it will always equal 0 when the within-category modes of the independent variable occur in the row containing the modal category of the dependent variable (Elifson, Runyon & Haber, 1990). This situation occurs throughout the nominal level variable analyses in this study. However, it should also be mentioned that a lambda of zero does not necessarily imply no association between the independent and dependent variables (Elifson, Runyon & Haber, 1990). Rather, when the above noted situation occurs, lambda is unable to reflect the strength of the association.

19. Gamma is the appropriate measure of association for ordinal level variables (Elifson, Runyon & Haber, 1990).

20. Recall most offenders begin their career with something other than an assault conviction. Thus, the APRIORS DESISTER category is considered to be a high formal control because these offenders most likely have other prior convictions that would put them into the TPRIORS PERSISTER offender category.

21. ASSAULT includes what are commonly referred to as simple assaults, assault peace officer, and threats which carry a maximum penalty of 5 years. ABH/WEAP refers to the offenses assault bodily harm and assault with a weapon, which both carry a maximum penalty of 10 years. SEXUAL refers to the

sexual assault offenses which carry a maximum penalty of 14 years. AGGRAVATED refers to the offense of aggravated assault which carries a maximum of life imprisonment.

22. The data appears to suggest that 1-2 total prior convictions (TPRIORS DESISTERS) constitute "fewer prior formal controls" and subsequently draw less severe dispositions from the courts. Whereas, 1-2 prior assault convictions (APRIORS DESISTERS) constitute "more prior formal controls" and subsequently draw more severe dispositions from the courts.

23. As is the case with previous analyses involving prior assault convictions, high formal controls consist of the DESISTER and PERSISTER categories, while low formal control consists of the INNOCENTS category.

24. See Table 1 for descriptive statistics of the sample.

25. Recall, the domestic group have a higher median for total priors (TPRIORS), and higher means for prior assaults (APRIORS) and assault reoffending (ARECIDS) than the non-domestic group.

26. This conclusion is made based on the finding that only 36.8% of the non-domestic group were employed, compared to 48.6% of the domestic group.

27. The higher rates of assault reoffending for the group with higher informal controls is consistent with Klein's (1986) findings. Recall, Klein (1986) suggested that those with higher informal controls suffer a greater fall from grace and consequently face greater labelling effects. If Klein (1986) is correct, then an inconsistency now exists with respect to the lower rates of total reoffending observed for those with higher informal controls. In light of the inconsistency with Klein's (1986) suggestions, another explanation is required that can fully account for the variation.

28. Recall the data suggest that men tend to start their criminal career with something other than an assault. And, it appears that the domestic group had more total prior convictions and more prior assault convictions than the nondomestic group. These latter findings suggest that the domestic group may be the most wayward of the offenders.

29. Gottfredson and Hirschi (1990) would disagree with the suggestion that an individual's level of informal control is a significant factor in determining who will engage in criminal behaviour. And, they would take issue with the implication of a greater predisposition or propensity for assaultive behaviour for domestic batterers. Presumably they would argue that the higher rates of assault reoffending associated with the domestic assault group are purely coincidental and of no real significance.

30. Recall, marital status is not available for the nondomestic group. As such, H2 can not be examined for this group.

31. Both total priors (TPRIORS) and assault priors (APRIORS) appear to reveal moderate positive associations.

32. The very weak associations appear to exist for both total prior convictions and prior assault convictions.

33. This refers to both total prior convictions (TPRIORS) and prior assault convictions (APRIORS).

34. This refers to both total prior convictions (TPRIORS) and prior assault convictions (APRIORS).

35. Feminists would argue that the use of less repressive informal controls by the courts to deal with domestic violence is proof that the institutions of society reinforce male domination over females (Kurz, 1993; Yllo, 1993). In other words, the lack of repressive formal controls used by the courts in domestic assaults would be interpreted as institutional support perpetuating male dominance over females.

36. Completely deterred refers to having no subsequent convictions ( 0 TRECIDS) during the two-year follow-up period.

37. This applies to the domestic group only, as marital status is not available for the non-domestic group.

38. Jail terms are successful in protecting the public, at least for the length of the sentence.

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## APPENDIX 1

## MODEL 1

.

Independent Variables

Dependent Variable

Informal Social Controls:

<b>x</b> 1 '	marital status (MAR)
¥7	employment status (AEMP)
<u>ም</u> ጋ	occupational prestige (AOCC)
A.J	Occupacione Farania

# Severity of Y1 Disposition

Formal	Controls:
X4	Total Priors (TPRIORS)
X5	Assault Priors (APRIORS)
X6	Severity of Assault (TAROFF)
X7	Type of Assault (TYASS)

### MODEL 2

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Independent Variables

Informal Social Controls:

- X1
- X2
- marital status (MAR) employment status (AEMP) occupational prestige (AOCC) ХЗ
- Y1 Probability of Re-offending: Any offense (TRECIDS)

Dependent Variables

- Y2 Probability of Re-offending: Assault (ARECIDS)

Formal	Controls:
X4	Total Priors (TPRIORS)
X5	Assault Priors (APRIORS)
X6	Severity of Assault (TAROFF)
X7	Severity of Target Disposition
X8	(TDISPO) Type of Assault (TYASS)

144

Sample Selection and Data Collection Procedure



Procedure:

- 1. Identify and sample Target Offenses. The target offense is the first assault conviction that occurs for an individual during the period of May 1/90 to April 30/91.
- 2. Identify Past Offenses. Past offenses consist of all criminal convictions prior to the target Offense.
- 3. Identify Current Offenses. Current Offenses consist of any criminal convictions subsequent to the target offense.



FIGURE TWO

Age Crime Curve

146