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Public Approval of Plea Bargaining in Hong Kong: The Effects of Offender Characteristics

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Abstract

Despite the prevalence of plea bargaining, few studies have endeavored to measure public support of it. The few that did neglected offender characteristics even when it is a core consideration stipulated by prosecution policy in plea bargaining decision making. This study argues that public approval toward plea bargaining is not binary but rather multifaceted and is dependent upon a variety of factors including the parties involved, the type of plea bargain reached, and the characteristics of the defendant. Telephone interviews were conducted with respondents selected randomly from Hong Kong ($N = 374$) who responded to a series of hypothetical plea bargaining scenarios. Public approval was higher when there was judicial presence and when offenders were elderly, had a clean criminal record, and displayed remorse. It was lower for fact bargaining and offenders from high-income families. Policy implications and reform are discussed.

Keywords

plea bargaining, public support, focal concerns, vignettes, offender characteristics

Introduction

Plea bargaining, regardless of its frequent use, remains one of the most controversial issues in criminal justice (Flynn, 2015; Mulcahy, 1994; Sanders, Young, & Burton, 2010; Smith, 1987). The pros and cons of plea bargaining have been extensively debated in the extant literature. Some authors underscore that legal practitioners consider plea bargaining as an administrative necessity to dispose of the vast amount of criminal cases brought before the courts (Cheng, 2014; Fisher, 2004; Mack & Roach Anleu, 1995; Mulcahy, 1994; Roach Anleu & Mack, 2001). Others assert that plea bargaining runs contrary to the principles of adversarial justice and call for its abolishment (Alschuler, 1981; Ashworth & Redmayne, 2010; McConville, 1998; Schulhofer, 1985, 1994).

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Despite the prevalence of plea bargaining and the fact that most criminal cases are disposed of by way of guilty pleas (Cheng, 2013a; Motivans, 2013; Sanders et al., 2010), there is limited research that examines public attitudes toward it. How the public regard the criminal justice system, including its policies and responses against offenders, affects confidence in and support for the criminal justice system (Hough & Roberts, 2012). Many empirical studies that assess plea bargaining utilize the public to serve as either mock lawyers or mock defendants (Bordens, 1984; Dervan & Edkins, 2013; McAllister & Bregman, 1986; Tor, Gazal-Ayal, & Garcia, 2010). The few studies that have directly measured public approval of plea bargaining focused on manipulating the type of plea bargain only (Cohen & Doob, 1989; Herzog, 2003, 2004).

What have not been taken into account by these past studies are the characteristics of the offender. In practice, prosecutors are given a high degree of discretion in determining plea bargained outcomes on a case-by-case basis (Frenzel & Ball, 2008). When engaged in plea bargaining, prosecutors must take into account the background of the defendant in question, such as their age and criminal record (Ball, 2006; Department of Justice, 2013; Office of the U.S. Attorneys, 2014).

The focal concerns perspective has been one of the most prevailing theoretical frameworks in explaining criminal justice decision makers' discretion in sentencing (Hartley, Maddan, & Spohn, 2007). It argues that sentencing and plea bargaining decisions by criminal justice decision makers are based on the three primary concerns of blameworthiness, community protection, and practical constraints (Steffensmeier, Ulmer, & Kramer, 1998). These concerns are assessed using stereotypical views of offenders' individual characteristics. The focal concerns perspective is a useful framework to guide research and interpret findings. Using this as a theoretical framework, this study examines whether the public also share similar "focal concerns" as criminal justice decision makers? Would public approval of plea bargaining also differ depending on the individual characteristics of the offender as with prosecution policies?

This study builds upon the limited research on the public's perception of plea bargaining, and further extends the plea bargaining literature internationally beyond the Anglo-American context. Unlike the United States and to a lesser extent England, Australia, and Canada, there is a dearth of research on this controversial practice in other jurisdictions such as Hong Kong (Cheng, 2014). Hong Kong has largely retained its previous legal system, despite being the resumption of sovereignty by the People's Republic of China in 1997. Its common law system and legal institutions are maintained under the "one country, two systems" framework (Lo & Chui, 2012). Prosecutors operate under the Department of Justice and they make their decisions independently. Defendants have a right to legal advice, and assistance is given to those who cannot afford it (Lo & Chui, 2012).

Type of Plea Bargains

Plea bargaining occurs when the defendant agrees to plead guilty in return for some form of concession. The concessions offered by the prosecution for a guilty plea can come in different forms and involve various actors, and there are contentions about each of them. Legal practitioners may avoid the use of the term "plea bargaining" because it possesses the negative connotation of conducting a bargain, or trade, in the justice setting (Flynn, 2015). Instead, the terms "plea negotiations" or "make representations . . . to see if the matter can be dealt with in another way" are often preferred (Cheng, 2014, p. 400; Flynn, 2015). Nonetheless, even though legal practitioners may avoid the use of the term plea bargaining publicly, they acknowledge that it is a process prevalent in the daily operations of the criminal justice system (Cheng, 2014).

Plea bargaining where a judge guarantees a certain sentence in exchange for the defendant pleading guilty does not exist in Hong Kong and in other common law jurisdictions such as Australia (Roach Anleu & Mack, 2001; *R v Scales* [1987] HKLR 583). Because the judiciary does not get directly involved in plea bargaining, legal practitioners contend that this makes plea bargaining

noncoercive for the accused and that it imparts a sense of voluntariness in guilty pleas (Cheng, 2014; Roach Anleu & Mack, 2001). However, there are indications that while judges are not directly involved in plea bargaining, they can influence pleas indirectly. For instance, in a courtroom observations study by Roach Anleu and Mack (2009), it was found that magistrates can set adjournments to make explicit expectations about the progress and direction of the case, thereby prompting the prosecution and defense to explore plea bargaining. Moreover, they are concerned about the lack of judicial oversight in the plea bargaining process (Herman, 1997; Nasheri, 1998).

What occurs in Hong Kong, and in many other jurisdictions, are negotiations between the defendant, the defense counsel, and the prosecution. The most prominent type of plea bargaining is charge bargaining (Cheng, 2014). There are two types of charge bargaining. First, in cases where an accused faces multiple charges, the prosecution may drop certain charges in return for the accused pleading guilty to the remainder of the charges. Second, a prosecutor may reduce a charge for a specific offense to a lesser offense. For instance, the prosecutor may agree to go from drug trafficking to drug possession, in return for a guilty plea to the lesser offense. The purpose of charge bargaining, whether it is pleading guilty to fewer charges or to a lesser charge, is for the accused to receive a more lenient sentence since the court determines the sentence based on the criminal offense(s) that an accused is charged with, that is, being charged with a less serious offense results in a less punitive sentence. On the other hand, there are concerns that charge bargaining grants the prosecution too much power and may lead to the potential abuse of overcharging (Alschuler, 1968).

Another type of plea bargaining is sentence bargaining. That is where the prosecutor guarantees the sentence that the accused will receive. Prosecutors in Hong Kong, however, cannot make such guarantees (Young, 2009). What prosecutors can do is either make a recommendation for leniency before the court for the accused or promise not to object to a recommendation for a particular sentence by the defense (Young, 2009). The last form of plea bargaining, known as fact bargaining, occurs where the prosecution agrees to alter certain negative labels and aggravating facts about the accused in their submissions to the court. For instance, child molestation may be replaced by “assault” in the prosecution’s facts (Young, 2009, p. 122). The purpose is so that by rendering the circumstances of the offense less serious, it would lead the court to impose a more lenient sentence. Fact bargaining, however, has been criticized for distorting the true extent of the offensive behavior (Sarner, 1996). Indeed, there are many objections toward plea bargaining in general, such as the uncertainty for defendants who elect for trial and the pressuring of innocent defendants, or defendants with arguable defenses, into pleading guilty (Dervan & Edkins, 2013; McConville & Mirsky, 1995; Sanders et al., 2010).

Existing Studies

Only a few studies have chosen to elicit the attitudes of the public, despite the salience of public opinion in shaping criminal justice policies (Roberts, 1992). Early studies that simply asked whether respondents supported the use of plea bargaining found that the public generally disliked the practice and would like to see it abolished (Rich & Sampson, 1990). In a study about public attitudes toward the courts in the United States, it was found that the public felt that the courts were too lenient and were overwhelmingly against the practice of charge reductions and plea bargaining (Fagan, 1981).

The first study that focused exclusively on the public’s attitudes toward plea bargaining was conducted by Cohen and Doob (1989). A sample of the Canadian public was presented with five plea bargaining scenarios involving an armed robbery. Overall, it was found that nearly 80% of the public either disapproved or strongly disapproved of plea bargaining for such cases. The authors contended that this was because the public considered plea bargaining as a way for defendants to receive lighter sentences than they deserve. Judges’ adjudications made after a standard plea bargain (between a

prosecutor and the defense) were regarded less favorably compared with plea bargaining that takes place in the judge's office with the judge present.

Herzog (2003) examined the relationship between the type of plea bargaining agreement and perceived crime seriousness and public support of plea bargaining using a random sample in Israel. Respondents were asked to rate their approval of several plea bargaining scenarios that varied with respect to crime seriousness (from tax evasion to murder), type of plea bargain, and judicial involvement in the plea bargain. It was discovered that approval of plea bargaining was correlated with crime seriousness, with there being strong disapproval for the most serious offenses and strong approval for plea bargaining for minor offenses. Public support was higher when there was judicial participation in plea bargaining.

In a subsequent article, Herzog (2004) tested more closely the relationship between judicial involvement and public disclosure of plea bargaining and the public's support for plea bargaining. It was found that a more active role played by the judge in plea bargaining enhanced the public's approval of the practice. These studies have underscored the multifaceted nature of plea bargaining. What are missing from these studies are the potential effects of offender characteristics on the public's support.

Theoretical Framework

While the influence of offender characteristics has not been measured directly against public support for plea bargaining, the extant literature has consistently underscored the salience of offender characteristics in sentencing decisions (Spohn, 2000; Ulmer, 2012). Given the direct link between plea bargaining and a reduced sentence, it would be beneficial to review the literature to highlight significant characteristics that have been identified to affect sentence decisions. The public's punitive attitude is also largely affected by offenders' individual characteristics (Cullen, Fisher, & Applegate, 2000).

The influence of individual characteristics on sentencing can be explained, at least in part, by the focal concerns perspective, which maintains that decision makers take into account three primary interrelated considerations: blameworthiness, community protection, and practical constraints, in determining their sentencing decisions (Steffensmeier et al., 1998). Blameworthiness examines the defendant's culpability and the degree of harm that the offense has caused. It follows the retribution philosophy of punishment, where the objective is for the perpetrator to receive his or her "just deserts." Community protection assesses the dangerousness of the defendant and the risk that he or she poses to society. It involves predictions about the likelihood of recidivism. Practical constraints focus on the efficacy of the criminal justice system. It is about being attuned to court resources and practical consequences to defendants such as the impact that the sentence will have on the offender and family members (Steffensmeier et al., 1998).

The focal concerns perspective has been applied to sentencing decisions (Steffensmeier, Kramer & Streifel, 1993; Steffensmeier et al., 1998; Ulmer & Johnson, 2004) and more recently to the prosecution's charging decisions and plea bargaining as well (Burrow & Lowery, 2014; Ulmer, Kurlychek, & Kramer, 2007). Decision makers assess the three "focal concerns" starting with legal benchmarks such as the type of offense and criminal history. But judges rarely have complete information about the cases. The focal concerns perspective therefore suggests that they develop a "perceptual shorthand" about the character and future behavior of the offender based on individual characteristics such as age and social status (Steffensmeier et al., 1998, p. 767). Past research revealed that judges are susceptible to heuristics and cognitive illusions that can lead to erroneous judgments. For instance, judges might be inclined to rely on anchoring, make estimates based on irrelevant starting points, and hindsight bias, perceiving past events to be more predictable to they actually were (Guthrie, Rachlinski, & Wistrich, 2000; Rachlinski, 1998).

One important offender characteristic seems to be gender (Spohn & Holleran, 2000). With few exceptions, women were constantly found to be given more preferential treatment than men, as reflected by the more lenient sentences that female offenders would receive compared with their male counterparts (Franklin & Fearn, 2008; Nagel & Weitzman, 1971; Rodriguez, Curry, & Lee, 2006; Steffensmeier et al., 1993). Female offenders are regularly considered as less blameworthy and pose less of a risk to the community (Ulmer et al., 2007). Women are also more disposed to pleading guilty because of their stress in being unable to fulfill their duties as primary caregivers if they are held in custody and their desire to protect their male codefendant partners (S. Jones, 2011).

Another significant offender characteristic is age. Juveniles and youths are generally given more lenient sentences. One reason is that young offenders are regarded to possess a lesser degree of culpability because they have less capacity to understand the consequences of their actions compared with adults (Von Hirsch & Ashworth, 2005). This is directly related to assessments of blameworthiness. Another reason pertains to practical constraints and effects that punishment has on young offenders. The same sentence against a youth carries a more “punitive bite” than when imposed on an adult (Von Hirsch & Ashworth, 2005, p. 41). Young offenders are said to be further penalized for loss opportunities for education and development into adulthood when serving out their sentences, particularly custodial sentences. Moreover, they are considered to be less resilient to the harsh environment of prison (Chung, Little, & Steinberg, 2005; Uggen & Wakefield, 2005).

At the other end of the spectrum, senior citizens are also given preferential treatment and lighter sentences. Elderly offenders are less likely to be incarcerated compared with their younger counterparts (Champion, 1987; Steffensmeier & Motivans, 2000; Wilbanks, 1988). Several explanations are offered. Like juvenile offenders, it is argued that imprisonment takes a greater toll on older offenders, as every year in prison assumes a greater proportion of the offender’s remaining years (Steffensmeier, Kramer, & Ulmer, 1995). For the state, sending older offenders to prison requires more resources such as medications and special diets. Lastly, judges are more likely to conclude that older offenders pose a lower risk to society (Steffensmeier et al., 1995). In the case of plea bargaining, defense lawyers state that it is easier to persuade prosecutors to agree to a plea bargain for old offenders by appealing to their sympathy for the elderly (Cheng, 2013b).

Especially in the United States, race has consistently been found to be a significant variable in sentencing outcomes. For example, Steffensmeier, Ulmer, and Kramer (1998) in analyzing sentencing outcomes in Pennsylvania found that young African Americans are found to be sentenced more severely than other groups. In a review of 40 empirical studies on sentencing in the United States, Spohn (2000) notes that race and ethnicity play a determining role in sentencing decisions. Hispanic offenders, who are noncitizens, receive harsher punitive outcomes in the U.S. criminal justice system (Light, 2014). The disproportionate arrests and incarceration of ethnic minorities are not limited to the United States but exists in every Western country (Tonry, 1997). For instance, in Australia, Aborigines are much more likely to be arrested and imprisoned than other ethnicities (Broadhurst, 1997).

A defendant’s socioeconomic status has often created controversy when it comes to prosecutors’ charging practices and the courts’ sentencing. Ashworth (2010) pointed out that in many cases, unemployed defendants are less likely to be fined and therefore they are given a custodial or community service sentence because the court may deem them incapable of paying a sufficient fine. This practical constraint may give the impression that poorer defendants receive harsher penalties. In Hong Kong, there have been numerous high-profile cases in recent years where the prosecution’s decision not to initiate criminal prosecution against persons of high social status have caused public outcry (McConville, 2007).

Criminal record is another important offender characteristic when it comes to sentencing and plea bargaining. Previous convictions are regarded as an aggravating factor that increases the severity of

sentences, as it enhances blameworthiness and risk (Ashworth, 2010; Cross & Cheung, 2011). Sentencing guidelines in many jurisdictions tell the court to consider the offender's criminal past when handing out sentences (Ashworth, 2010). In terms of plea bargaining, past convictions is one of the factors that prosecutors must consider before any plea arrangement is agreed upon (Department of Justice, 2013). It would appear that an offender's criminal history inhibits lenient treatment, as prosecutors will likely propose plea bargains with harsher conditions for repeat offenders (Champion, 1989).

Finally, whether the defendant is remorseful has traditionally played an important part in sentencing outcomes (Bibas & Bierschbach, 2004). The display of remorse has consistently led the courts (Everett & Nienstedt, 1999) and mock jurors (D. T. Robinson, Smith-Lovin, & Tsoudis, 1994; Taylor & Kleinke, 1992) to impose more lenient sentences. Remorse is perceived as an indication that the offender would not recidivate in the future (Gold & Weiner, 2000) and thus that they are more deserving of mercy and that their character is distant from their wrongful act (Weisman, 2009). Thus, defendants who are remorseful are seen as less blameworthy and less dangerous.

Hypotheses

The extant literature reveals that sentencing, charging, and plea bargaining are related to offender characteristics. The purpose of this study is to determine whether the same "focal concerns" that drive decision makers also influence public support for plea bargaining. Under this perspective, the public should support plea bargaining for defendants who are less blameworthy and poses the least risk to the community. Moreover, the plea bargaining process should be as streamlined as possible in order to ensure that the limited court resources are preserved. In this way, prosecutors ought to be given broad discretion to engage in plea bargaining without judicial oversight. Given this, the following hypotheses are offered:

Hypothesis 1: The more serious the offense, the less support there is for a plea bargain.

Hypothesis 2: There is more support for plea bargaining for female offenders.

Hypothesis 3: There is more support for plea bargaining for young and older offenders.

Hypothesis 4: There is more support for plea bargaining for higher income defendants.

Hypothesis 5: There is more support for plea bargaining for defendants with clean records.

Hypothesis 6: There is more support for plea bargaining for defendants who are remorseful.

Hypothesis 7: There is more support for plea bargaining without judicial involvement.

Method

Population

Hong Kong presents a novel and well-suited location for the study of public attitudes toward plea bargaining. The relatively small and homogenous population of Hong Kong, where over 90% of the seven million inhabitants are ethnically Chinese, allows for a collection of a sample that accurately represents the public. Additionally, despite its handover to China in 1997, the English common law and criminal procedure inherited during the colonial era have been retained in Hong Kong (Lo & Chui, 2012). Plea bargaining, as reviewed above, is performed similarly to other common law jurisdictions. Therefore, the results of this study can be used to compare with other similar legal jurisdictions.¹ In this way, another purpose of this study is to extend the plea bargaining literature in a jurisdiction where the topic has largely been neglected even though like other common law jurisdictions, plea bargaining plays an integral role in the day-to-day operations of the criminal justice system in Hong Kong (Cheng, 2014).

Table 1. Descriptive Statistics of the Research Sample ($N = 374$) Compared With the Hong Kong Population.

Demographic Characteristics	<i>n</i> (%)	%
Gender		
Male	199 (53.2)	46.3
Female	175 (46.8)	53.7
Age		
18–24	69 (18.4)	12.0 (Age 15–24)
25–29	29 (7.8)	
30–34	22 (5.9)	15.2 (Age 25–34)
35–39	17 (4.5)	
40–44	37 (9.9)	15.8 (Age 35–44)
45–49	30 (8.0)	
50–54	46 (12.3)	17.6 (Age 45–54)
55–59	35 (9.4)	
60–64	36 (9.6)	14.1 (age 55–64)
65 or above	50 (13.4)	14.2
Education		
Primary school	28 (7.5)	20.2
Secondary school (Forms 1–3)	42 (11.2)	
Secondary school (Forms 4–7)	121 (32.4)	50.9 (Secondary school)
Associate degree/diploma	60 (16.0)	
University or above	123 (32.9)	29.0 (Postsecondary and above)
Income (monthly in HKD)		
Less than \$9,999	168 (44.9)	21.2
\$10,000–19,999	92 (24.6)	23.0
\$20,000–29,999	47 (12.6)	17.6
\$30,000–39,999	32 (8.6)	12.6
Equal or more than \$40,000	27 (7.2)	15.6
Victimization (self or close family member)		
Yes	33 (8.8)	
No	341 (91.2)	

Note. Not all data add up to 100% because of missing data. The age-groups of the Hong Kong population do not add up to 100% because the first group categorized by the Census and Statistics Department (2014) is from 0 to 14 years old. Also the second group is between 15 and 24 years old. HKD = Hong Kong Dollar.

Telephone interviews were conducted with a random sample of the Chinese adult population in Hong Kong ($N = 374$) by using a computer-assisted telephone interviewing system (CATI). Recent telephone directories of Hong Kong provided the sampling framework. The CATI system generates telephone numbers for automatic dialing. Data collection took place in July 2014 with a response rate of 70%. This took into account the number of interviews, including partially completed interviews, divided by the number of interviews plus number of noninterviews and unknown eligibility cases (see World Association for Public Opinion Research, 2011). Table 1 presents the demographic characteristics of the sample compared with the Hong Kong general population (Census and Statistics Department, 2014).

Factorial Vignettes

Three randomly generated factorial vignettes were read to each respondent. The respondents were asked to provide their level of support for the plea agreement in each of the scenarios (referred to as plea bargaining scenarios). The plea bargaining scenarios varied in a series of dimensions and levels. Therefore, a total of 1,122 (374×3) scenarios were evaluated. Such a technique allows for

the benefits of a survey to be combined with the advantages of an experimental design (Rossi & Anderson, 1982). The subtle variations of the scenarios allow for the testing of the impact of a series of independent variables simultaneously and the control of personal characteristics of respondents on each respondent's overall appraisal (Aviram, 2012).

In each of the plea bargaining scenarios, eight dimensions were randomly manipulated until a complete scenario was formed. The dimensions were (1) the type of criminal offense with four levels (property, drugs, fraud, and violence), (2) the offender's gender (male/female), (3) the age of the offender with three levels (16 years old/40 years old/70 years old), (4) the socioeconomic background of the offender (from a low-/middle-/high-income family), (5) whether the defendant has a prior criminal record (clean record/previous conviction), (6) the offender's attitude (showed remorse/no remorse), (7) type of plea bargain (charge bargain/fact bargain/sentence bargain), and (8) whether there was judicial involvement in the plea bargaining process (agreement reached in the presence of a judge/without the presence of a judge). Dimensions (2–6) relate to the offender's characteristics. The last two dimensions relate to the type of plea bargain. Respondents were also asked to rate the perceived seriousness of the crime in question on a scale from 1 (*not serious at all*) to 5 (*very serious*). These constituted the independent variables of the study.

The dependent variable was the respondents' subjective evaluations of the vignettes. Respondents were asked to provide their support for the agreement made between the prosecutor and the defense lawyer on behalf of the defendant based on a 5-point Likert-type scale from 1 (*no support at all*) to 5 (*strongly support*). Table 2 presents the mean and standard deviations of respondents' support of the plea agreement in accordance with the varying independent variables of the scenarios. The exact wordings of the scenarios and a sample scenario can be found in the Appendix.

Lastly, the respondents were asked about their own demographic characteristics, namely, gender, age, educational level, income, and whether they or a close family member have been a victim of crime. These demographic characteristics were used as control variables.

Plan of Analysis

Because each respondent answered each of the three plea bargaining scenarios, this does not simply increase the sample size 3 times but rather produces a sample with three sets of observations. Hence, the scenarios are hierarchically nested within respondents and may lead to correlated errors because of the idiosyncrasies of the respondent (Aviram, 2012). To test this, the intraclass correlation was used to gauge data dependency. The intraclass correlation for the dependent variable is .255, thus suggesting a possibility of the clustering of responses by respondents. In response, multi-level modeling was used to overcome the clustering that occurs when a respondent answers different versions of the same plea bargaining scenario (Hox, Kreft, & Hermkens, 1991).

Results

A series of multilevel regressions was performed to test the effects of the independent variables on public support for plea bargaining for the whole sample. Table 3 presents the results of the regression models. Model 1 tested the effects of the type of plea bargaining on public support. In Model 1, only the type of offense, perceived seriousness of the crime, type of plea bargain and whether there was judicial presence when the plea agreement was reached, along with the control variables, were inputted into the regression model. There was slightly less approval for fact bargaining compared with sentence bargaining (the reference variable), although the statistical significance is low ($p < .1$). Judicial presence was also found to be significant. In scenarios where the judge was present during the plea agreement made between the prosecution and the defense, there was more public support

Table 2. Mean Support for Plea Bargaining for the Various Dimensions/Levels of the Case Scenarios.

Dimension	No. of Scenarios (%)	Support for Plea Bargaining	
		<i>M</i>	<i>SD</i>
Type of offense			
Theft	302 (26.9)	2.94	1.34
Fraud	248 (22.1)	2.93	1.26
Drugs	277 (24.7)	2.79	1.27
Violence	295 (26.3)	2.84	1.24
Offender's gender			
Male	576 (51.3)	2.90	1.27
Female	546 (48.7)	2.84	1.28
Offender's age			
16 Years old	419 (37.3)	2.80	1.28
40 Years old	362 (32.3)	2.72	1.25
70 Years old	341 (30.4)	3.12	1.27
Offender's socioeconomic status			
Low income	399 (35.6)	2.95	1.27
Middle income	349 (31.1)	2.91	1.24
High income	374 (33.3)	2.76	1.31
Offender's criminal record			
Clean record	591 (52.7)	3.04	1.24
Previous conviction	531 (47.3)	2.69	1.29
Offender's attitude			
Remorseful	568 (50.6)	3.14	1.24
No remorse	554 (49.4)	2.69	1.29
Type of plea bargain			
Charge bargain	412 (36.7)	2.91	1.25
Fact bargain	344 (30.7)	2.74	1.29
Sentence bargain	366 (32.6)	2.96	1.28
Judicial presence			
Judge present	563 (50.2)	2.97	1.26
Judge not present	559 (49.8)	2.77	1.29

Note. $N = 1,122$.

for the agreement. There was no significant difference between the type of offenses, perceived seriousness of the crime, or the control variables.

Model 2 tested the effects of the offender's characteristics on public support for plea bargaining. The offender's gender, age, socioeconomic background, criminal record, and attitude were included into the model. It was found that there was more support for plea agreements made for elderly offenders (70 years old) compared with offenders who were middle aged (40 years old). There was less support for plea agreements made for offenders who came from high-income families compared with offenders who came from middle-income families. The public showed most support for plea agreements made for offenders who had a clean record and those who were remorseful. Both variables demonstrated a positive coefficient at strong statistically significant levels ($p < .001$). The offender's gender was, however, not found to be of significance with respect to public support for plea bargaining.

Model 3 combined all of the independent variables and control variables. The results were consistent with the previous models. The public was less supportive of fact bargaining compared with sentence bargaining. Once again, judicial presence was positively associated with support for plea agreements. Similar to the previous model, the public showed more support for plea bargains made

Table 3. Multilevel Regression on Support for Plea Bargaining.

Independent Variables	Model 1		Model 2		Model 3	
	Standardized Coefficient	SE	Standardized Coefficient	SE	Standardized Coefficient	SE
Type of offense						
Ref: Violence						
Theft	.080	.099	—	—	.035	.093
Fraud	.023	.104	—	—	.011	.098
Dugs	.031	.104	—	—	-.006	.097
Perceived seriousness	-.054	.039	—	—	-.043	.037
Type of plea bargain						
Ref: Sentence bargain						
Charge bargain	-.068	.087	—	—	-.089	.082
Fact bargain	-.156	.090 [†]	—	—	-.167	.085*
Judicial presence						
Judge present	.162	.080*	—	—	.193	.074**
Offender characteristics						
Offender's gender						
Male offender	—	—	.033	.067	.037	.068
Offender's age						
Ref: 40 years old						
16 Years old	—	—	-.004	.083	-.008	.083
70 Years old	—	—	.268	.087**	.269	.088**
Offender's socioeconomic background						
Ref: Middle-income						
Low income	—	—	.066	.084	.078	.084
High income	—	—	-.209	.084*	-.173	.085*
Offender's criminal record						
Clean record	—	—	.290	.080***	.287	.080***
Offender's attitude						
Remorseful	—	—	.542	.072***	.561	.073***
Control variables						
Gender (male)	.076	.092	.069	.091	.064	.093
Age	-.024	.017	-.023	.017	-.022	.017
Education	.008	.047	-.002	.046	-.007	.046
Income	.033	.040	.036	.039	.028	.040
Victimization (yes)	-.141	.160	-.078	.159	-.100	.162
-2 Log likelihood	3,456.541		3,418.682		3,346.225	
Intercept	3.023	0.270***	2.421	0.232***	2.564	0.283***

Note. $N = 1,122$.

[†] $p < .1$. * $p < .05$. ** $p < .01$. *** $p < .001$.

for elderly offenders (compared with middle-aged offenders) but less support for offenders who come from a high-income background. Lastly, like before, most support was found for offenders who had a clean record and displayed remorse. Overall, it can be seen that both types of plea bargain and offender characteristics play significant roles in determining public support for plea bargaining.

Discussion

This study examined the effects of offender characteristics on public approval of plea bargaining. The results demonstrate partial support for the focal concerns perspective. Firstly, both the seriousness

of the offense (Hypothesis 1) and the gender of the offender (Hypothesis 2) had no effect on public support. In terms of plea bargaining, it seems the public do not regard the offense itself as a salient factor. This is contrasted with previous studies that found crime seriousness to be important (Herzog, 2003, 2004). Moreover, in contrast to Hypothesis 2, the public was not more supportive of plea bargaining for female offenders. The focal concerns perspective stresses that while the reliance on blameworthiness, community protection, and practical constraints are universal, their interpretation takes on a local dimension. In Hong Kong, there is less of a sense that female offenders are less blameworthy or dangerous. For instance, Hong Kong has one of the highest women prison population ratios in the world, and imprisonment is argued to be used as a way of migrant control from the Mainland (Lee, 2007). Regrettably, this study did not compare whether the offender was from Hong Kong or Mainland China. This is one variable that future studies should be mindful of.

Hypothesis 3 was partially supported. There was a higher public support for plea bargaining for elder defendants. Like the views of defense lawyers, it could very well be the case that the public is more sympathetic toward the elderly and are more accepting for them to receive a deal that would lessen their punishment (Cheng, 2013b). It could also be the case that the public perceives punishment to take a greater toll on elderly offenders and that they pose a lower risk (Steffensmeier et al., 1995), so that they are more willing for them to receive more lenient treatment through plea bargaining. However, the same cannot be said for young offenders. Again, the local context may play a defining role. In Hong Kong, there has been public concern about youth delinquency since the 1980s (C. Jones & Vagg, 2007). Young people committing trivial offenses are seen as a sign of larger character problems and the justice system has responded with harsh penalties in the pursuit to reform them (Wong, 2000). In this way, young offenders are regarded as being culpable and pose a risk.

The public is less supportive of defendants from high-income families receiving plea bargains (contrasted with Hypothesis 4). Recent high-profile cases where the prosecution had withdrew or dropped charges for celebrities or individuals of higher social standing have recently escalated into a public outcry (McConville, 2007; Young, 2009). Where offenders of higher socioeconomic status have been perceived to have received preferential treatment, it has led to the public perception that there is a two-tier justice system—one for the rich and one for everyone else. Plea bargaining inevitably involves a deal being made where the defendant obtains some form of concession, and when a high-income offender is involved, it gives the impression that they can circumvent justice because of their wealth or social standing.

Consistent with the focal concerns perspective, offenders with clean records and who displayed remorse garnered public support with respect to them receiving plea bargains (Hypotheses 5 and 6). A likely explanation is that the public attributes more blame to repeat offenders and therefore is less supportive of them receiving a more lenient sentence through plea bargaining. Likewise, the public may very well be more compassionate toward offenders who are remorseful and regard remorse as an early indication of rehabilitation and restoration. This is consistent with previous research. For instance, Roberts and Hough (2005) provided three hypothetical crimes involving a young offender to a public sample in Britain and asked them of their sentencing preferences. It was found that the public was less punitive when the offender displayed remorse. Petrucci (2002) notes that empirical evidence suggests that apologies may be linked to reduced recidivism and empowerment for victims. Remorse fits into restorative justice, as apologies would aid in the restoration of relationships and serve as symbolic reparation (Petrucci, 2002). Under the U.S. federal sentencing guidelines, for instance, reduced penalties may be rewarded for defendants who accept responsibility for their crimes (Everett & Nienstedt, 1999) and indeed, indications of remorse serve as a mitigating factor in practice (P. H. Robinson, Jackowitz, & Bartels, 2012).

The presence of a judge in the plea bargaining process enhanced public support of plea agreements reached between the prosecution and the defense (it did not support Hypothesis

7). This finding is important because it contrasts with the policy held by the courts in many common law jurisdictions where plea negotiations are conducted away from judicial involvement. Plea bargaining in Hong Kong is conducted between the prosecution and the defense only (Cheng, 2014). For instance, the Hong Kong Court of Appeal stressed that with respect to plea bargaining: “It is of major importance that there be no appearance of a defendant striking a bargain with the court” (*R v Scales* [1987] HKLR 583). Moreover, legal practitioners justify that because judges are not involved in plea bargaining, it is less coercive on defendants therefore ensuring that plea bargaining abides by the principle of voluntariness in pleas (Cheng, 2014; Roach Anleu & Mack, 2001). Instead, the public showed more support for plea bargains that were made in the presence of a judge. A possible reason is that the public possesses more trust in judges than in lawyers, especially when it comes to brokering deals for offenders to receive more lenient sentences. There is generally greater public confidence in the judiciary, where the court can legitimize unpopular decisions (Gibson, 1989). Lawyers on the other hand are often seen as manipulative and are “more interested in winning than in seeing that justice is served” (Leo & Associates, 2002, p. 7).

In the same vein, it is not surprising to find that the public was less supportive of fact bargaining than for sentence bargaining. Fact bargaining after all involves the deliberate hiding and manipulation of facts in order to present the offender’s conduct in a better light. The results support the notion that the public does not support actions that purposefully distort or hide the actual facts of the case. From the results regarding the effects of the type of plea bargaining on public support, it can be seen that the public is more supportive of plea bargains that are less covert (Herzog, 2004). The findings suggest that while the public does care about “focal concerns” with respect to plea bargaining decisions, they also care about transparency, oversight, and fairness.

Policy Implications

This study has suggested that public support for plea bargaining is multifaceted and dependent upon a variety of factors encompassing both the type of plea bargain and offender characteristics. The discussion on plea bargaining should be moved away from the binary division of being for or against plea bargaining. It is appreciated that plea bargaining has many drawbacks that undermine the ideals of adversarial justice (McConville, 1998). At the same time, given the costs and the high caseloads, plea bargaining is a way to ease the amount of time and resources for both the state and the defendants (see Cheng, 2013a; Cheng & Chui, 2014). How then, can plea bargaining be modestly reformed to enhance public support of it?

This study revealed that the public agrees with the criteria that prosecutors must use in considering plea bargains, namely, the defendant’s age, criminal history, and attitude (Department of Justice, 2013; Office of the U.S. Attorneys, 2014). All three factors were found to be salient in this study. However, these factors are not well defined. The prosecution is simply asked to consider them. To increase public approval, decision makers may consider imposing more well-defined criteria, such as restricting plea bargaining to first-time offenders only.

Where public opinion departs from the existing practice of plea bargaining, at least in the way that plea bargaining operates in Hong Kong and other common law jurisdictions, is in the lack of judicial involvement. Public support for plea bargaining increased when there was judicial presence in the plea bargaining process. Indeed, even in the United States where plea bargaining is arguably the most prevalent and accepted, there has been recent calls for greater judicial oversight, including having the court set the framework for a plea bargain deal after examining all the evidence (Rakoff, 2014). But how much involvement the judge should engage in must be carefully considered. Too much involvement and the court may be seen to negatively impact the defendant’s voluntariness in pleading guilty and it may also compromise judicial neutrality.

Limitations and Future Directions

Several limitations of this study need to be acknowledged. As noted above, the race and ethnicity of offenders were not measured. In many American studies, it was found that racial minorities are sentenced more harshly (Steffensmeier et al., 1998; Ulmer & Johnson, 2004; Ulmer et al., 2007). The racial makeup of Hong Kong differs from the United States, but it would be interesting to measure public attitudes toward offenders especially from Mainland China and elsewhere. Also, evidentiary variables were not measured. This would be a useful measure of practical constraints as the likelihood of conviction is a determining factor for charge and plea bargaining decisions (Spohn & Holleran, 2001). This study focused exclusively on public attitudes. Future studies should also measure the attitudes of criminal justice decision makers such as prosecutors and judges toward plea bargaining in Hong Kong. This would be useful to compare whether the attitudes of decision makers are the same as the public.

Another direction for future research would be a comparison of public approval of plea bargaining across different legal systems. Comparative studies would be useful for the expansion of the focal concerns perspective as well, as currently this perspective has been predominately applied in the American context only. If indeed, the focal concerns are universal but takes on a local interpretation, then it would be beneficial to compare how the focal concerns in different contexts take shape.

Conclusion

By examining public support of plea bargaining, the present study focused on a unique facet of public attitudes toward criminal justice policies. It adds to our understanding of the criminal justice process, especially in the lead up to sentencing in occasions where cases do not make it to trial. This study focused on the Hong Kong context, where plea bargaining is not as frequently discussed in the literature and in official discourse compared with other common law jurisdictions. Nonetheless, the public had differing views toward the practice. The findings revealed that the public is not simply opposed to or in favor of plea bargaining, as support depends on the type of plea bargain and offender characteristics. It informs the wider plea bargaining debate in the sense that the debate should not be limited to either supporting or opposing plea bargaining.

Appendix

Dimensions and Levels of the Scenarios (in the Order as They Appeared)

1.1 Type of offense

- a) A person stole HK\$500 worth of groceries from a supermarket.
- b) A person got into a fight with a passenger on the bus and hit him causing injuries.
- c) A person was caught for possessing 5 g of ketamine on the street.
- d) A person filed an income tax return declaring an income lower than his actual income.

1.2 How serious do you find this offense? 1 = *not serious at all* to 5 = *very serious*.

1	2	3	4	5
<i>Not serious at all</i>				<i>Very serious</i>

1.3 Offender's gender

- a) The offender is a male.
- b) The offender is a female.

1.4 Age of the offender

- a) The offender is a 16-year-old young person.

Note

1. A similar argument was made by Herzog (2003) who as discussed measured the public's attitudes toward plea bargaining by using an Israeli sample. He contended that because the Israeli legal system was influenced by English common law and its plea bargaining practices were similar to other common law jurisdictions, the findings from that study could be used to compare with other common law jurisdictions.

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Attempted Crime and the Crime Drop

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Abstract

This study contributes to crime drop research on the security hypothesis. Using data from the Crime Survey for England and Wales, it finds that the decline in *attempted* vehicle-related theft and domestic burglary was delayed by 2–4 years. Between 1993 and 1997, completed domestic burglary fell 21% but attempts by only 2.1%, while between 1993 and 1995 theft of cars fell 8% but attempts increased 3%. The delay is interpreted as consistent with rational choice theory and with some offenders continuing to try, but failing, to complete these crimes when faced with improved security. The subsequent decline in attempts is consistent with offenders, particularly new cohorts of adolescents, having been discouraged.

Keywords

crime drop, crime decline, security hypothesis, debut crime hypothesis, situational crime prevention, attempted crime

Introduction

“If at first you don’t succeed, give up” was Homer Simpson’s insightful take on humanity’s frequent failure to persevere. When it comes to teenage novices committing crime—particularly car crimes and burglary—it may denote a largely unrecognized fact. The primary conjecture of the present study is that when such offenders are faced with significant security improvements, some may try, try again, but then they give up. This study looks at the patterns of *attempted* property crime when the volume of completed crime fell dramatically in the 1990s in England and Wales. It finds that the fall in attempts was delayed by 2–4 years relative to completed crimes and suggests that this is consistent with rational choice theory and what would be expected as the result of improved security.

The theoretical context for the study is the security hypothesis which posits that crime fell in the 1990s due to the spread of more and better security. It is framed within the crime opportunity theories of rational choice and routine activities. Simply put, offenders choose to commit less crime when it becomes more difficult to do so. Thus, the security hypothesis is consistent with prior crime increases because both are products of changing crime opportunities (Farrell, 2013).

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Security hypothesis research to date has focused mainly on the high-volume property crimes. The decline in theft of vehicles has been linked to vehicle security improvements in Australia, England and Wales, the Netherlands, and the United States (Brown, 2004; Brown & Thomas, 2003; Farrell, Tseloni, Mailley, & Tilley, 2011; Farrell, Tseloni, & Tilley, 2011; Fujita & Maxfield, 2012; Kriven & Zeirsch, 2007; van Ours & Vollaard, 2013), with electronic immobilizers also found effective in Germany (Bassman, 2011; Brown, 2013).

Improvements in household security have been linked to the decline in household burglary generally in many countries (van Dijk, 2008; van Dijk, Manchin, van Kesteren, Nevala, & Hideg, 2007) and by a series of more detailed studies of England and Wales (Tilley, Farrell, & Clarke, 2015; Tilley, Farrell, Tseloni, & Evans, 2015; Tilley, Tseloni, & Farrell, 2011; Tseloni & Thompson, 2015; Tseloni, Thompson, Grove, Tilley, & Farrell, 2014). In Australia, where property crime fell from 2001 (Mayhew, 2012), a recent study based on interviews with offenders asked their views on why crime had declined. The most popular response from offenders was to attribute the crime drop to improvements in security (Brown, 2015).

Young offenders are known to commit property crimes as their primary early-career debut crimes from which they learn and from which a small cohort graduate to commit more diverse crimes (Owen & Cooper, 2013; Svensson, 2002). It has been suggested that the disproportionate decline in adolescent crime that underpinned the crime drop in the United States is consistent with inexperienced young offenders being more easily deterred by improved security (Farrell, Laycock, & Tilley, 2015). This is consistent with Clarke and Cornish's (1985) formulation of rational choice theory, wherein offender initial decisions to become involved in crime are distinct from those relating to continuance.

Security hypothesis research to date has largely utilized an analytic approach comprising triangulation of data signatures (Farrell, Tilley, & Tseloni, *In press*). Data signatures are empirical indicators that may prove consistent or inconsistent with theory. The use of signatures per se is not new but their application in the context of situational crime prevention has been spurred by Eck and Madensen (2009), who concluded that "The analysis of crime signature change, as part of crime prevention evaluations, can improve the internal validity of evaluation findings" (p. 59). While a scientific hypotheses can never be said to be formally proven, evidence that fails to falsify a hypothesis and is consistent with what theory would suggest lends support to its credibility (see Tilley, *In press*). This is the case for replication studies and for work that adds additional signatures to the evidence base, of which the present study is the latter type and the first to distinguish patterns of attempted from completed crimes in the context of the security hypothesis.

Tables 1 and 2 summarize security hypothesis data signatures identified to date in the works of Farrell, Tseloni, Mailley, and Tilley (2011); Farrell, Tseloni, and Tilley (2011); Farrell, Tilley, and Tseloni (2014); Farrell, Laycock, and Tilley (2015); Tilley, Tseloni, and Farrell (2011); Tilley, Farrell, and Clarke (2015); Tilley, Farrell, Tseloni, and Evans (2015); Tseloni, Thompson, Grove, Tilley, and Farrell (2014); and Tseloni and Thompson (2015).

Security hypothesis research to date has concentrated mainly on car crime and household burglary. However, it has outlined how security and other situational crime prevention measures are likely to have been critical to reductions in other crime types. Shoplifting, for example, is a high-volume property crime that also features prominently in the debut crimes of young offenders (Owen & Cooper, 2013). Tilley (2010) identifies 31 situational crime prevention tactics from meet-and-greet policies to radio-frequency identification tagging and locked cabinets, improved sightlines and management policies, which present a *prima facie* case for such measures having played a key role in reducing shoplifting (see also Ross, 2013; Farrell, Tilley, & Tseloni, 2014). The security hypothesis identifies two routes by which violence has declined. The first is the direct effect of security measures of different types. Robbery of businesses such as banks is the clearest example where improved security is likely to have had a strong direct impact. The second is that violence fell as an indirect diffusion of the benefits of reduced property crime. This includes the argument, dubbed,

Table 1. Data Signatures Consistent With Security Having Reduced Vehicle-Related Theft.

-
- The timing and spread of security fits with the trajectory of declines in vehicle-related theft in different countries
 - Different security devices impact differently against different crime types, consistent with their preventive mechanisms
 - Preventive effects are much stronger when multiple security devices are in place.
 - The average age of stolen vehicles increased over time when crime fell because new vehicles have better security
 - There were quicker and larger effects on temporary theft (joyriding and transportation) than on permanent theft (for resale or chopping)
 - Offenders' modus operandi changed, with door lock forcing declining disproportionately, consistent with better quality deadlocks
 - In Australia and Canada, car theft fell earlier in regions that introduced electronic immobilizers earlier, then fell nationally in line with their broader spread
-

Table 2. Data Signatures Consistent With Security Having Reduced Domestic Burglary.

-
- A steep decline in households *without* security coincided with burglary's decline
 - Variation in the effectiveness of different security devices is consistent with their preventive mechanisms
 - Preventive effects are much stronger when multiple security devices are in place
 - The drop was mainly a decline in forced entry through doors and windows, consistent with improved security
 - Unforced entries—push pasts, keys used, deception—increased slightly for a short period when forced entries (and all burglary) decreased, consistent with partial short-term displacement as a result of effective security
 - Door forcing at the rear of properties fell first and fastest, consistent with security at the previously most vulnerable entry point
-

the debut crime hypothesis, that if teenage potential offenders are prevented from committing the “easy” property crimes, then they do not progress to violence (Farrell et al., 2014, 2015; Farrell, Tseloni, Mailley, et al., 2011).

Data and Method

The study uses all available sweeps of the Crime Survey for England and Wales (CSEW, formerly the British Crime Survey). For the 1980s, the CSEW measured crimes occurring in the years 1981, 1983, and 1987. For the 1990s, it measured crime for every other year: 1991, 1993, 1995, 1997, and 1999. It became a continual survey from 2001 and from 2001 switched from calendar to fiscal years. For simplicity and consistency, only calendar years are referred to here, with the majority part of the fiscal year used (e.g., 2004 refers to 2004/2005).

The CSEW only asks respondents about attempted crimes for two types of property crime: domestic burglary and vehicle-related thefts. Serendipitously this focus fits with security hypothesis research to date outlined above. Domestic burglary in the CSEW is subdivided into domestic burglary at a dwelling and domestic burglary at a nonconnected building to a dwelling. The latter refers mainly to burglaries of sheds and garages that are not connected to the household by an adjoining door (which means burglary in a dwelling includes garages, sheds and similar with an adjoining door). Vehicle-related theft is discussed further below.

Some further conventions are adopted here for brevity and clarity. The “domestic” in domestic burglary tends to be dropped as redundant. Burglary in a nonconnected building to a dwelling is

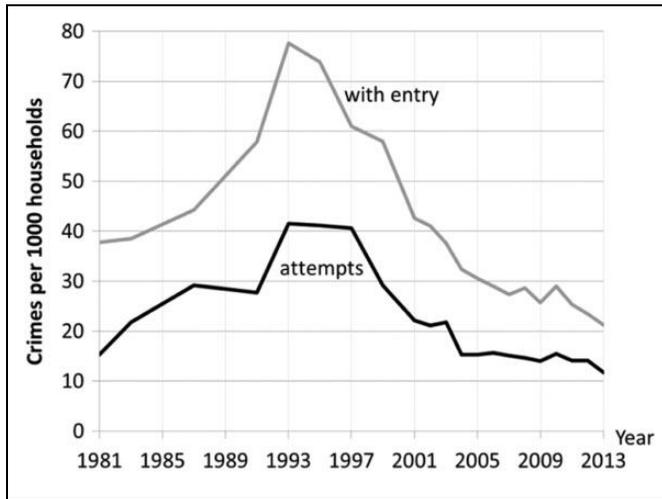


Figure 1. All burglary incidence per 1,000 households.

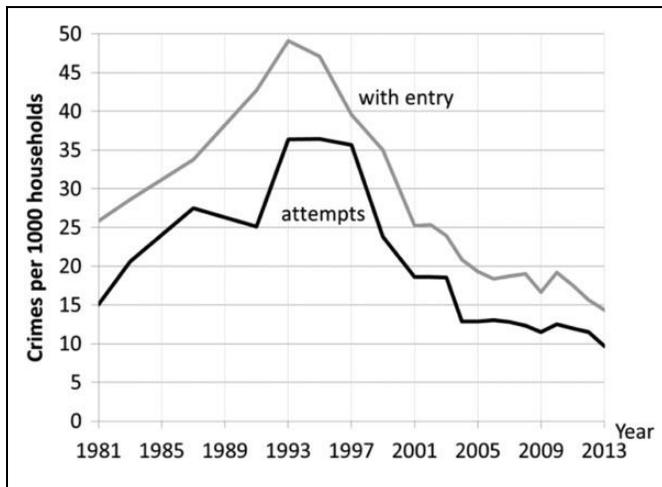


Figure 2. Burglary in a dwelling incidence per 1,000 households.

sometimes referred to as burglary in nonconnected buildings. Burglary with entry, either dwelling or a nonconnected building, is sometimes referred to as completed burglary to distinguish it more clearly from attempts.

Findings

Burglary

Figure 1 shows incidence rate trends per 1,000 households for all burglary, that is, both types combined. Figure 2 shows burglary in a dwelling and Figure 3 shows burglary in nonconnected buildings. There are proportionally far more attempted burglaries in dwellings than nonconnected buildings. This is probably indicative of better security and higher occupancy (guardianship) of dwellings than

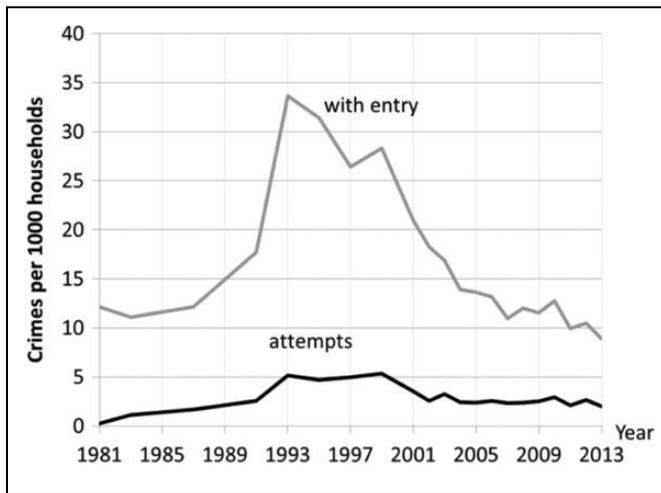


Figure 3. Burglary in a nonconnected building.

nonconnected buildings and perhaps greater underreporting of attempts that may go unnoticed more often for nonconnected buildings. However, in both instances, the basic finding with respect to the trend is similar: attempts peak and plateau between 1993 and the late 1990s (1997 for dwellings and 1999 for nonconnected buildings), whereas completed burglaries decline from a 1993 peak.

The delayed effect on attempted burglary is most pronounced by 1997. Within the first 4 years of burglary's decline, the fall in completed burglaries was 10 times greater at 21% than that of attempts which fell by 2.1%. This effect is consistent between the two subtypes of domestic burglary: By 1997, burglary of dwellings with entry fell 19% and attempts by 2%, and burglary of nonconnected buildings fell 22% while attempts *increased* by 4%.

Vehicle-Related Theft

The CSEW gathers information on two categories of motor vehicle-related theft: theft of vehicles and theft from vehicles. For attempts though, it is not possible to distinguish one from the other: Both leave a visible sign that someone sought to enter the vehicle but the specific motivation (theft of or theft from) cannot be determined. Hence there is only one combined attempts category. Most vehicle-related theft is theft from vehicles, but the trend in both is remarkably similar (Figure 4) and so it is not considered misleading to group them for present purposes and is the appropriate means of comparing them to attempts.

At first blush, the vehicle-related theft rate trend (Figure 5) appears broadly similar to that of burglary: It peaks in 1993 and then declines. Attempted theft of and from vehicles continues to increase until 2 years later and then declines. Between 1993 and 1995, theft of and from vehicles fell 4% (theft of by 8% and theft from by 3%) while attempts increased 3%. The delay between the fall in completed and attempted crime is most evident in the comparison of the first differences (Figure 6).¹ The first differences clarify that the rate of increase of completed vehicle-related theft was already decelerating by 1987, but attempts did not do so until 1993.

Attempts per 100 Completed Crimes

Another way of cutting the analytic cloth is to look at trends in the number of attempts per 100 completed crimes. Figure 7 shows this for the two burglary subcategories and vehicle-related theft.

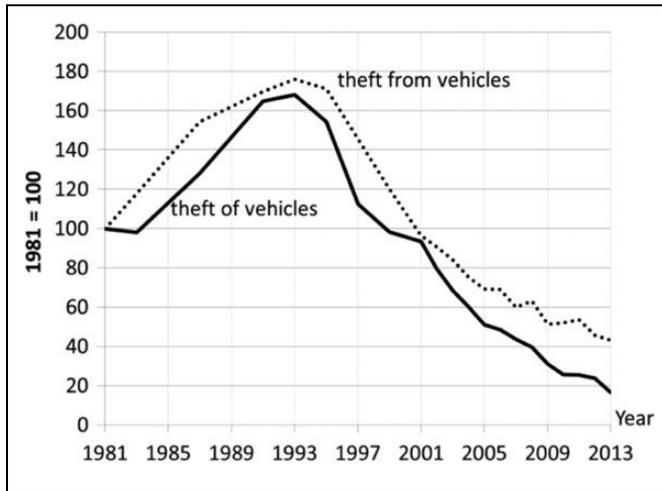


Figure 4. Indexed trends in theft of motor vehicle and theft from motor vehicle.

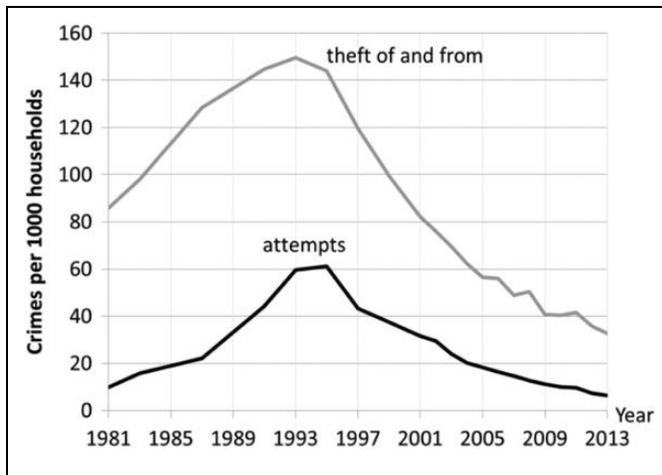


Figure 5. Motor vehicle-related thefts incidence per 1,000 households.

As might be expected, the proportion of attempted burglary dwellings and vehicle-related thefts peaks in the 1990s, but, reflecting the delay, these peaks come after completed crimes have begun to fall: in 1997 for burglary dwelling and 1995 for vehicle-related thefts. The proportion of attempts then declines over time in each case, somewhat more steadily for motor-vehicle theft. From the peak of 30 attempts per 100 completed motor vehicle-related thefts in 1995, the proportion of attempts had almost halved to 16 by 2013, although this was still well above the 1981 value of 10 attempts per 100 completions.

Discussion

The delay between the fall in completions and attempts of between 2 and 4 years suggests distinct patterns of offending behavior and decision making. The delays are consistent with some offenders continuing to attempt crime but being thwarted by improved security. The subsequent fall in

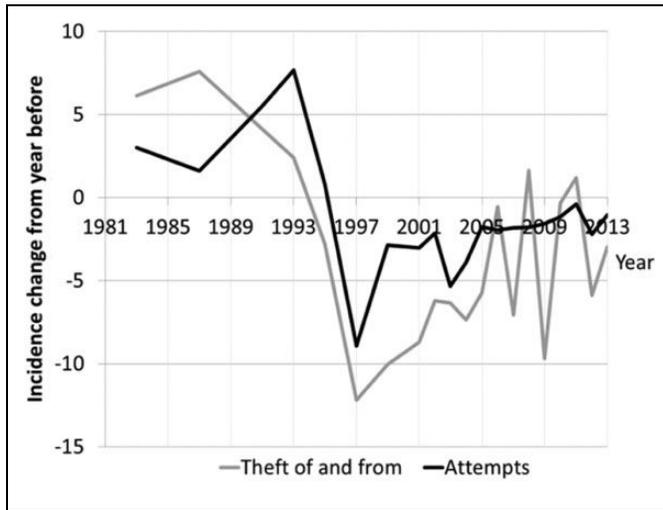


Figure 6. Motor vehicle-related thefts—annual first difference in incidence.

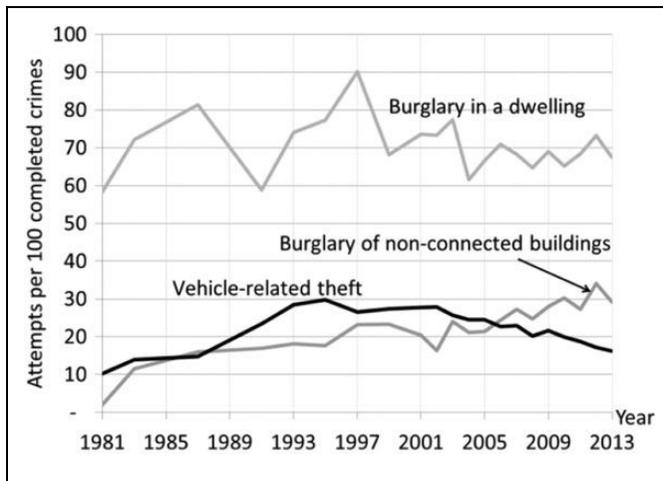


Figure 7. Attempts per 100 completed crimes.

attempts is consistent with those offenders giving up, not at their first lack of success but at repeated failure. Thus, the delayed fall in attempted crimes is here interpreted as consistent with both the rational choice theory and the security hypothesis.

Trends in the proportion of attempted crimes (Figure 7) square well with the security hypothesis. The proportion of attempts was lowest when crime was easiest in the 1980s, increasing as crime became more difficult due to increased security in the 1990s. Since then, the declining proportion of attempts reflects offenders learning that crime is more difficult. Less crime is being undertaken by slightly more expert offenders: They are better at choosing suitable targets or gaining entry (being more skilled or better equipped) and fail less often. This interpretation is consistent with the finding of far greater declines in the offending rates of adolescents compared to older more experienced offenders identified for the United States (Farrell et al., 2015).

This paragraph further outlines why the delay is interpreted as consistent with rational choice theory. Individuals make bounded or quasi-rational decisions to offend that appear—to them at the time—to offer greater potential reward than cost. Rewards include psychological and monetary components, while costs include risk, time, and effort as well as any psychological cost such as pangs of conscience (see, e.g., Farrell, 2010). Improved security increases the cost, causing some offenders, particularly novices, to quit. The remainder continue, particularly those who have already determined to continue beyond their initial involvement decision (see Clarke & Cornish, 1985). Thus framed, the aggregate delay in attempts is a form of partial and impermanent displacement and a signature of effective prevention (Barr & Pease, 1990). After subsequent failure, other offenders perceive costs to outweigh likely reward, causing them to also quit whereupon attempts decline. The result is that the fall in the rate of attempts lags behind that of completed crimes.

Conclusion

When the going gets tough, the tough gets going. Fortunately most adolescent offenders are not that tough, even though they disproportionately commit crime compared to other age-groups. The well-established offender age-crime curve suggests many committed only one or a few crimes in adolescence even when crime was at its peak. The delayed fall in attempted property crimes identified here is consistent with many giving up when faced with improved security, while others continued then gave up after further failed attempts. This in turn would leave a much smaller cohort of potential life-course persistent offenders than previously, consistent with recent findings for the United States (Farrell et al., 2015). The offenders who continued to attempt crime may be those who already had a little experience and were less easily deterred, but another possible explanation is that it simply took some time until burglary and car crime began to “fall out of fashion” among teenagers. If so, then “falling out of fashion” is essentially a technique of neutralization that saves face rather than acknowledging that burglary and car crime were more difficult. Thus, contemporary youth may claim to prefer to stay indoors or undertake other activities, but this could also be because the easy crimes opportunities encountered by previous cohorts were never available.

In addition to the security hypothesis, a range of alternate crime drop hypotheses have been proposed. One of the strengths of the triangulation of data signatures is that each signature offers a fresh challenge to each. Rival hypotheses are now required to offer an explanation consistent with a delayed decline in attempted crimes. It is difficult to see how demographic change, changes in policing, imprisonment or illicit drug markets, or other rival hypotheses can account for this delay. Neither can any of them account for the broader range of data signatures identified in Tables 1 and 2, while most are also contradicted by a range of other evidence (Farrell, 2013).

To the extent that there is increasingly strong support for the security hypothesis, there are significant implications for criminological theory and crime policy. It suggests that situational crime prevention is far more important than many commentators realized. If the most major declines in crime experienced in modern history were due to situational factors, then there is a clear case for policy to pursue situational crime prevention far more widely and persistently than it has to date to address the crime types that continue or have increased in recent years.

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Note

1. As the CSEW did not collect data every year, the first differences are adjusted before 2001 depending on the number of years between sweeps: when there was a 2-year gap between sweeps the difference was halved and when there was a 4-year gap the difference was quartered.

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The Impact of Known Criminals on the Proportion and Seriousness of Intimate Partner Violence Incidents

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Abstract

This study examines a hypothesis that has not received adequate scrutiny: that an important proportion of intimate partner violence (IPV) incidents, particularly those that are more serious, involve generalist offenders known to the police. Many criminological theories and empirical studies suggest that offenders are often generalists, yet few IPV studies consider this hypothesis. Based on a sample of 52,149 IPV incidents recorded by police, we found that 31% of IPV incidents involved suspects only with criminal records for non-IPV criminality, 9% involved victims only with criminal records for non-IPV criminality, and 14% involved both suspects and victims with criminal records for non-IPV criminality. Thus, 45% of IPV offenders and 23% of IPV victims had criminal records for non-IPV criminality. Multilevel regression analyses reveal that controlling for prior IPV incidents, community context, and other individual and couple variables, IPV offenders with criminal records are 16% more likely to be involved in more serious incidents, and victims of IPV with criminal records are 17% more likely to be involved in more serious incidents. In addition, IPV incidents for which both suspects and victims had criminal records were 46% more likely to be more serious incidents. These results suggest that generalist criminals known by police have an important impact on the proportion of IPV incidents, particularly the more serious ones.

Keywords

generalist offenders, family violence, intimate partner violence, policing, crime seriousness

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Introduction

Two competing themes in the intimate partner violence (IPV) literature are the patriarchal male abusers of female victims versus common couple violence. On the one hand, much literature on IPV focuses on incidents involving controlling, jealous, and patriarchal male abusers (DeKeseredy & Schwartz, 2005; Dobash & Dobash, 1998; Dobash, Dobash, Wilson, & Daly, 1992; Yllo, 2005). This literature, often based on feminist theories and qualitative methodologies, indicates that most serious IPV is committed by men against their female partners or ex-partners in a mostly unidirectional way (e.g., a clear offender and a clear victim). If women fight back, it is in self-defense (Barnett, Lee, & Thelen, 1997; Cascardi & Vivian, 1995; Hamberger, Lohr, Bonge, & Tolin, 1997). The term “patriarchal or intimate terrorist” is sometimes used to describe the abuser (Johnson, 1995; Johnson & Leone, 2005). These men use severe psychological, economic, and physical violence to control their victim (Frye, Manganello, Campbell, Walton-Moss, & Wilt, 2006). Because of the seriousness of the violence, many female victims end up in shelters or at the emergency (Dobash et al., 1992; Johnson, 1995). Interestingly, for the current study, these patriarchal male abusers are not described as psychopaths, gangsters, or active criminals. Rather, they are described as “ordinary” men in public who terrorize their female partners behind closed doors.

On the other hand, common couple violence (Johnson, 1995, Johnson & Leone, 2005) typically involves less serious form of IPV, is bidirectional, and often emerges from minor conflicts in otherwise functional couples (Graham-Kevan & Archer, 2003; Whitaker, Haileyesus, Swahn, & Saltzman, 2007). As R. B. Felson (2002, p. 216) puts it,

Many people have at some point engaged in minor forms of violence against their partners. No one was hurt . . . no one called the police. Women are just as likely as men to engage in this noninjurious violence, and they are just as likely to be the first one to strike.

Some common couple violence may lead to an injury or a call to police, however. It is also possible that concerned neighbors contact police when they hear screaming or the sound of breaking objects. Thus, incidents of common couple violence do appear in official police databases (Melton & Belknap, 2003), particularly when “zero-tolerance” policies are adopted by police departments. Here again, the protagonists in common couple violence are described as ordinary couples, not criminals or troublemakers known to police.

Although we agree that many IPV incidents involve either patriarchal male abusers or common couple violence, another likely scenario has not received the same level of attention from scholars: generalist offenders who engage in IPV as part of a larger criminal lifestyle. In the current study, we examine this hypothesis, with a particular focus on more serious IPV incidents. We first review criminological theories useful to establish the link between IPV and general criminality. In the second section, we review studies of the level of seriousness of IPV incidents.

IPV and Theories of Generalist Offenders

Many criminological theories posit that offenders tend to be generalists. Among them, Gottfredson and Hirschi's (1990) general theory of low self-control and crime, theories of criminal personalities (Hare, 1999; Moffitt, 1993; Moffitt, Krueger, Caspi, & Fagan, 2000), and ethnographic studies of “street life” or “gangster lifestyle” (Densley, 2013; Jacobs & Wright, 2006; Shover, 1996) are noteworthy examples. In addition, the policing literature on “hot spots” indicate that a small number of addresses generate a disproportionate amount of calls for interventions (Eck, Chainey, Cameron, & Wilson, 2005; Sherman, Gartin, & Buerger, 1989). These “problem places”

generate frequent police interventions for partner and nonpartner violence, conflicts with neighbors, drugs and alcohol issues, and various misdemeanors.

According to Gottfredson and Hirschi's (1990) theory, many of those who engage in IPV should have low self-control and should be generalist offenders. This well-known criminological theory posits that offenders tend to live in the present moment, are careless about future consequences, and are "impulsive, insensitive, physical (as opposed to mental), risk-taking, short-sighted, and nonverbal" (Gottfredson & Hirschi, 1990, p. 90). In addition, Gottfredson and Hirschi (1990) make it clear that offenders are rarely "specialists" (i.e., focusing on a single criminal behavior) but rather tend to be generalists who will commit violence, theft, or will use drugs based on available opportunities and the temptations of the moment. In this study, we focus on the generalist component of their theory since we do not have a measure of low self-control. This theory has interesting implications for the explanation of IPV. Those who engage in IPV should be quicker to impulsively use physical (and verbal) violence during arguments with their partner compared with other couples. They should also be less mature in the type of partner they seek out, looking for short-term excitement instead of long-term commitment. In addition, they are expected to jump from one short-term "hookup" to the next, with little concerns about the future. But most importantly, low self-control theory posits that IPV offenders should engage in a variety of other violent and deviant acts. IPV is not a specialization; it is one outcome of a general propensity for careless, impulsive, and criminal behaviors. It is also expected that many IPV offenders already have criminal records and are known to the police as troublemakers.

A similar argument emerges from the vast literature on criminal personality, such as psychopathy, the antisocial personality, the life-course-persistent chronic offender, and many others (Hare, 1999; Moffitt, 1993; Moffitt et al., 2000). A central hypothesis is that a small number of very active offenders are responsible for a large number of crimes in society (Blumstein, Cohen, & Farrington, 1988; Chaiken & Chaiken, 1985; Kratzer & Hodgins, 1999; Moffitt, Caspi, Harrington, & Milne, 2002; Piquero & Chung, 2001; Wikström, 1985; Wolfgang, 1987). These offenders have biological, neurological, and psychological characteristics that often compound with negative social environments to make them very prone to all kinds of antisocial behaviors. Thus, when these offenders are in relationships, they should be responsible for frequent and serious incidents of IPV. However, IPV should not be a specialization: Theories of criminal personality posit general criminal activities involving violence against anyone, property crimes, and drugs. Involvement in a general criminal lifestyle may even worsen the risk of serious IPV: Weapon possession and heavy alcohol and drug use are likely factors for violence escalation during IPV (and other types of violence). Surprisingly, there are only a few studies that examine the link or the overlap between chronic or life-course offending and IPV. For example, Piquero, Brame, Fagan, and Moffitt (2006) examined whether the suspects involved in IPV specialize in this form of violent crime. They found that almost 60% of suspects had committed other types of offenses before the incident of IPV, suggesting that most IPV offenders are generalists instead of specialists (see also Buzawa & Hirschel, 2008; Piquero, Theobald, & Farrington, 2013; Richards, Jennings, Tomsich, & Gover, 2013).

Studies on the relationships between criminal personality and IPV versus other crimes sometimes show more nuanced results, however, including some evidence about the uniqueness of IPV (e.g., Boyle, O'Leary, Rosenbaum, & Hassett-Walker, 2008; Moffitt et al., 2000). For example, Moffitt, Krueger, Caspi, and Fagan (2000) found that (1) many, but not all, partner abusers also engaged in violence against nonintimates; (2) partner abuse and general crime represent somewhat different latent constructs that are moderately related, but they are not two expressions of the same underlying antisocial propensity; and (3) "negative emotionality" is strongly associated with both partner abuse and general crime, but "weak constrain" is associated with general crime but not partner abuse.

Another area of research in criminology which suggests that IPV may commonly involve generalist offenders is the ethnographic study of street life or "gangster life" (Densley, 2013; Jacobs &

Wright, 2006; Shover, 1996). Across many ethnographic studies, some common themes relevant to the current study emerge. Those involved in street or gangster lifestyles live life in the fast lane, commit a variety of crimes to earn fast money and have fun, and are somewhat careless about future consequences (Cromwell, 2009). They will use violence to gain status, save face, or as part of other criminal activities (robberies and gang conflicts). Dates, girlfriends, and sex are also focal points in their lifestyles. Interestingly, few studies propose a connection between street or gangster lifestyles and IPV (Reed et al., 2013; Wright & Benson, 2010). However, one might hypothesize that because violence is a common method to solve conflicts or establish dominance among gangsters, it may also be used during conflicts with their partners or as a method to control their partners' behavior. In addition, individuals living street or gangsters life often have access to weapons and drink/use drugs often (Cromwell, 2009), which in turn may increase the seriousness of IPV.

Studies of the Seriousness of IPV Incidents

A few empirical studies have examined the severity or escalation of violence of domestic disputes. These studies can be divided into two groups: those that focus on predicting spousal homicides and those looking at nonlethal forms of IPV. Among the spousal homicides studies, Kellermann and Mercy (1992) found that a third of women victims of homicide have been killed by a partner or an ex-partner. As part of several projects, Campbell and her colleagues (Campbell, 1995; Campbell, Sharps, & Glass, 2001; Campbell et al., 2003) rated a sample of victims of domestic violence using a danger assessment tool and compared the results with a sample of victims of spousal homicide (data were compiled retrospectively for the second group). Their studies show that homicide risks significantly increase when the abusive partner has already threatened his spouse or ex-spouse with a weapon or made death threats, has access to a firearm, has already attempted to strangle her, has a jealous nature and controls her every move, when the severity and frequency of the violent episodes have increased, when he has already committed sexual assault against his partner, abuses drugs and alcohol, and has already beaten his partner while she was pregnant. Although these studies provide information on the determinants predicting spousal homicide, it is difficult to assess the significance of these findings on IPV more generally since spousal homicides represent a very small proportion of IPV incidents.

Studies of nonlethal IPV seriousness are often based on victimization surveys (e.g., Archer, 2000; R. B. Felson & Cares, 2005; Morse, 1995; Stets & Strauss, 1990; Tjaden & Thoennes, 2000). In a general study of gender and violence, R. B. Felson (1996) found that men in general were more likely to injure adversaries and that women in general were more likely to be injured (the results are interpreted as variations in physical size, strength, and combat skills). Thus, similar patterns may also apply to IPV. Based on a large sample of 11,370 young U.S. adults aged 18–28 years from the 2001 National Longitudinal Study of Adolescent Health, Whitaker, Haileyesus, Swahn, and Saltzman (2007) found that men were more likely to inflict injury than were women during IPV and reciprocal IPV lead to greater injury than nonreciprocal IPV (regardless of the gender of the perpetrator). In an analysis of violence seriousness comparing IPV to other forms of violence, R. B. Felson and Cares (2005) found that violent incidents were more likely to be serious (i.e., fear of death or serious injury) when they involved male offenders, older victims, and weapons. In contrast, they were less likely to be serious when they involved male victims and “couples, dating partners, or family members” (vs. strangers). Interestingly, they did not observe significant differences between the predictors of seriousness between IPV and other violence.

Some qualitative studies explore IPV escalation by focusing on the specific dynamic of detailed incidents (e.g., Coie et al., 1999; Eisikovits & Winstok, 2001, 2002; Straus, Hamby, Boney-McCoy, & Sugarman, 1996; Winstok, 2007, 2008). For example, Winstok (2008) described in great detail the rationalization process that follows an attack and how this process contributes to explain future

attacks and their severity. Eisikovits and Winstok (2002) explored variations in the memories of IPV based on 48 in-depth interviews with victims. They argue that memories are somewhat selective and are constructed in a manner meant to achieve coherence, given the context (e.g., staying in a relationship despite increasing violence). Because of the focus on specific cases, however, it is difficult to generalize the results of these studies to larger populations of IPV incidents. Moreover, although these studies improve our understanding of processes behind the escalation of IPV, they give little information on predictors influencing the unfolding of violence.

Finally, it is not clear how victims' characteristics may affect the seriousness of IPV incidents. Research shows that around one third of victims of domestic violence have been abused in more than one relationship (Pagelow, 1992; Walker, 2009), suggesting that some victims have higher risks of revictimization than others. Whether these victims are also more likely to be involved in more serious incidents is unknown.

This surprisingly small number of studies on seriousness variations in IPV may reflect political goals (R. B. Felson, 2002, 2010). Activists can increase their IPV statistics by claiming that all IPV incidents are serious and there is no need to differentiate between more or less serious incidents. For example, many scholars of IPV who take a feminist stance argue that the proportion and magnitude of abuse in a conjugal context primarily affect women and that the domination of women by men results in severe acts of violence (Archer, 2000; Dobash et al., 1992; Jackson, 2003; Jaffe, Lemon, & Poisson, 2003; Johnson, 1995). This perspective implies it is irrelevant to discuss the issue of variations in IPV seriousness.

The Current Study

In the current study, we examine the hypotheses that (1) a significant proportion of IPV incidents involve individuals who are known by the police (i.e., have criminal records for other crimes), either as suspects or as victims and (2) IPV incidents involving known criminals tend to be more serious, controlling for prior IPV incidents, community contexts, and many individual characteristics of the incidents. Our goal is to understand the impact of known criminals on the frequency and the seriousness of IPV, above and beyond the archetypes of "patriarchal male abusers" and "common couple violence." We will also mention the effects of interesting control variables as a secondary objective.

Method

Our data are based on police reports for IPV incidents involving married or cohabiting partners (including ex-partners) in a large metropolitan city in the Province of Quebec, Canada, between 2000 and 2009. The data used were extracted from the *Module d'Information Policière* (Police Information Module) system. These incidents occurred in a domestic context and were officially classified as criminal offenses. Although not all IPV incidents are reported or classified as criminal (Black, 1970; Boivin & Ouellet, 2011; R. B. Felson & Pare, 2005), the dark figure of crime is not a major threat to the goal of our study: more serious IPV incidents may be more likely to be reported and recorded, but our data set includes thousands of cases for both more serious and less serious IPV incidents.

Over a decade, police officers recorded as many as 53,429 criminal IPV incidents involving current or former partners. For the sake of uniformity and comparison, the analyses presented are limited to incidents with only one victim and one suspect ($N = 52,149$), thus leaving out cross complaints (i.e., cases where it is not clear who the suspect and the victim are; $n = 973$) and incidents where more than one victim or assailant are recorded ($n = 307$). These IPV incidents involve 38,566 different victims and 38,191 different suspects. Thus, some victims and some suspects took part in

more than one incident. Over a decade, 20.1% of IPV victims and 20.9% of suspects are recorded more than once.

Dependent Variable

Our dependent variable is a dichotomous measure of IPV level of seriousness. Seriousness is defined based on crime type as determined by police. The incidents are coded 1 (*more serious*) if they involved homicides (0.1%), attempt or conspiracy to commit murder (0.3%), sexual assault (1.7%), kidnapping and forcible confinement (2.6%), robbery (0.7%), and assault with a weapon or causing bodily harm (15.3%). They are coded 0 (*less serious*) if they involved simple assault with no weapon or injury (55.3%) or threats (24%). Thus, our dependent variable is divided between 79.3% less serious and 20.7% more serious IPV incidents.

Independent Variables

The two main independent variables are (1) whether the suspects, the victims, or both have criminal records for non-IPV crimes and (2) the number of times the suspects or the victims have been involved in IPV incidents known to the police. In order to isolate effects, the measurement of criminal records excludes IPV incidents since we are measuring IPV with its own variable. Identifying each experience of victimization or aggression in IPV during the period studied makes it possible to examine the effect of repetition in the sequence of events, namely, whether each new episode of intimate partner violence is more severe than the previous one. Thus, we will be able to estimate the impact of a criminal record on seriousness, controlling for prior IPV, and vice versa.

Control Variables

We use a variety of control variables to take into account the effects of other incidents' and neighborhoods' characteristics on the level of IPV seriousness. We measure the age of the suspects and the victims and the age differences between them. We also measure the gender differences between the protagonists by creating three dummy variables: (1) female victim—female suspect, (2) male victim—male suspect, and (3) male victim—female suspect, and the most common “female victim—male suspect” is the reference group. Similarly, we measure the relationship status with three dummy variables: (1) partners living apart, (2) ex-partners living together, and (3) ex-partners living apart, and partners living together is the reference group. We also control for general violent victimization (excluding IPV victimization) for the suspects, the victims, or both. This allows us to take into account the possibility that the seriousness of IPV incidents may be correlated with more general risky lifestyles or routine activities (M. Felson, 2006).

We also take into account the community characteristics where the IPV incidents took place. Recent multilevel studies have highlighted the importance of Level 2 community variables in the etiology of IPV (Catalano, Smith, Snyder, & Rand, 2009; Cunradi, Caetano, Clark, & Schafer, 2000; Fox & Benson, 2006; Frye, 2007) or crime more generally (Morenoff, Sampson, & Raudenbush, 2001; Sampson & Groves, 1989; Sampson, Raudenbush, & Earls, 1997). We believe it is important to measure Level 2 community variables in the current study to test our main hypothesis. We assume that criminals known to the police are more likely to live in disadvantaged neighborhoods, thus it is important that models isolate neighborhood effects from the individual effects of having a criminal record.

Our data allow us to measure community variations across 33 neighborhoods. All community data are based on the 2006 census conducted by Statistics Canada. We include the following five variables (related to prior work on social disorganization and neighborhood studies; Baumer,

2002; Boivin & Ouellet, 2011; Catalano et al., 2009; Cunradi et al., 2000; Fox & Benson, 2006; Frye, 2007; Varano, Schafer, Cancino, & Swatt, 2009; Warner, 1997): the proportion of single-parent families, residential mobility, the proportion of visible minorities (a measure of the proportion of people who reported belonging to an ethnic minority), the proportion of low-income households, and population density. Residential mobility is based on the proportion of residents who moved in the 5 years before census data were collected. The proportion of low-income household is a standardized measure from Statistics Canada, which takes into account income relative to the number of people living in the household (e.g., a single person earning US\$30,000 annually may not be considered to have low income, while a family of four earning the same amount would be). Lastly, as population density in urban areas has sometimes been associated with crime, population density per square kilometer is also measured.

Analysis

We rely on a multilevel design to estimate the effects of our Level 1 incidents characteristics and Level 2 community characteristics on IPV seriousness. In other words, IPV incidents were nested within the census districts where they took place. Because the dependent variable is binary, we use Bernoulli's model of hierarchical linear modeling (HLM; i.e., a multilevel binary logistic regression). With a binary or Bernoulli distribution, the hierarchical generalized linear model is similar to a logistic regression model in that it aims to predict the likelihood of occurrence of an event, that is, the chances of an event occurring (or not), while controlling for other parameters. We estimated two similar models in order to deal with multicollinearity issues between some predictors. Suspects and victims in IPV incidents often have similar age and similar numbers of prior IPV incidents. Thus, in Model 1, we focus on suspects variables and exclude the age and IPV incidents for victims. In Model 2, we focus on victims variables and exclude the age and IPV incidents of suspects. Note that the results from the two models are almost identical. Statistical analyses were conducted using HLM software, version 6.06.¹

Results

The descriptive statistics for our sample are presented in Table 1. As we mentioned previously, about 20% of IPV are more serious while 80% are less serious (i.e., simple assault with no injury or weapon or threats). A substantive result of interest is the proportion of incidents involving individuals with criminal records who are known to the police: 31% of IPV incidents involved suspects only with criminal records for non-IPV criminality, 9% involved victims only with criminal records for non-IPV criminality, and 14% involved both suspects and victims with criminal records for non-IPV criminality. Thus, 45% of IPV offenders and 23% of IPV victims had criminal records for non-IPV criminality. Prior convictions include violent crimes only (37.7% of respondents with criminal records); property or market crimes only (23.7% of respondents with criminal records); or a combination of violent, property, and market crimes (37.5% of respondents with criminal records).

The vast majority of IPV incidents involve female victims and male suspects (85%). This result is surprising, and similar patterns were found with the U.S. data (Catalano et al., 2009). Although a large proportion of IPV incidents are between partners living together (46%), an almost equal proportion of incidents are between partners living apart (43%). Community variables indicate that on average, 20% of households are single-parent families and 30% of households have low income.

Table 2 shows our main multivariate results. Suspects with criminal records are 16% more likely to commit more serious IPV (odds ratio = 1.16; $p < .01$) and victims with criminal records are 17% more likely to experience more serious IPV (odds ratio = 1.17; $p < .05$). In addition, couples where both the suspects and the victims have criminal records are in particularly dangerous relationships:

Table 1. Descriptive Statistics.

	% or Mean
Level 1—incidents characteristics	
DV: More serious IPV incident	20.7%
DV: Less serious IPV incident	79.3%
Suspect only: criminal record	30.7%
Victim only: criminal record	9.0%
Both suspect and victim: criminal records	14.0%
Both suspect and victim: no criminal records (reference category)	46.3%
Suspect: # prior IPV incidents (mean, SD)	1.5 (1.2)
Victim: # prior IPV incidents (mean, SD)	1.5 (1.2)
Control variables	
Suspect: age (mean, SD)	36.1 (11.0)
Victim: age (mean, SD)	34.1 (10.9)
Age differences between suspect and victim (mean, SD)	2.0 (6.9)
Genders between the protagonists	
Female victim—Female suspect	1.2%
Male victim—Male suspect	2.5%
Male victim—Female suspect	11.3%
Female victim—Male suspect (reference category)	85.0%
Relationship status	
Partners living apart	42.8%
Ex-partners living together	10.1%
Ex-partners living apart	0.8%
Partners living together (reference category)	46.2%
Prior experiences of victimization	
Victim only	25.3%
Suspect only	19.9%
Both suspect and victim	22.3%
No victimization (reference category)	32.5%
Level 2—Neighborhood context	
Single-parent families	20.2%
Residential mobility	50.3%
Visible minorities	24.4%
Low-income households	29.6%
Population density (mean)	6,044.9

Note. $N = 52,149$ IPV incidents clustered into 33 neighborhoods. IPV = intimate partner violence; DV = dependent variable.

they are 46% more likely to be involved in more serious IPV (odds ratio = 1.46; $p < .01$). These patterns are observed while controlling for the number of prior IPV incidents, genders of the protagonists, and all the community variables. Models 1 and 2 show the same results (i.e., changes between suspects or victims variables do not modify the patterns).

This is not to say that prior IPV incidents are unimportant, however. Model 1 shows that for every prior IPV incident involving the same suspects, there is 5% increase in the likelihood that future IPV incidents will be more serious (odds ratio = 1.05; $p < .01$). Similarly, Model 2 shows that for every prior IPV incident that the victims experienced, there is 4% increase in the likelihood that future IPV incidents will be more serious (odds ratio = 1.04; $p < .01$). Thus, both non-IPV criminal records and prior IPV incidents have independent effects on the seriousness of IPV incidents.

We also observe some interesting effects of our control variables. Older suspects and victims are less likely to be involved in more serious IPV incidents (odds ratio = 0.99; $p < .05$). This may suggest that older couples sometimes experience what has been called common couple violence over

Table 2. Multilevel Logistic Regression Predicting IPV Seriousness.

	Model 1		Model 2	
	γ (SE)	OR [CI 95%]	γ (SE)	OR [CI 95%]
Level 1—incidents characteristics				
Suspect only: criminal record	.15** (.02)	1.16 [1.08, 1.22]	.17** (.02)	1.18 [1.12, 1.23]
Victim only: criminal record	.15* (.04)	1.17 [1.11, 1.26]	.14* (.04)	1.15 [1.06, 1.25]
Both suspect and victim: criminal records	.38** (.03)	1.46 [1.37, 1.56]	.38** (.03)	1.46 [1.37, 1.56]
Suspect: # prior IPV incidents	.05** (.01)	1.05 [1.03, 1.07]	—	—
Victim: # prior IPV incidents	—	—	.04** (.01)	1.04 [1.02, 1.07]
Control variables				
Suspect: age	-.01* (.00)	.99 [0.99, 0.99]	—	—
Victim: age	—	—	-.03* (.00)	.99 [0.99, 1.00]
Age differences between suspect and victim	.00 (.00)	1.00 [1.00, 1.01]	.00 (.00)	1.00 [0.99, 1.00]
Genders between the protagonists				
Female victim—Female suspect	.27* (.09)	1.31 [1.09, 1.58]	.27* (.09)	1.31 [1.09, 1.57]
Male victim—Male suspect	.39** (.07)	1.49 [1.32, 1.74]	.42** (.07)	1.52 [1.32, 1.74]
Male victim—Female suspect	.60** (.04)	1.83 [1.70, 2.02]	.63** (.04)	1.89 [1.71, 2.05]
Relationship status				
Partners living apart	-.50** (.03)	.60 [0.57, 0.64]	-.50** (.03)	.60 [0.57, 0.64]
Ex-partners living together	.16 (.11)	1.17 [0.95, 1.45]	.16 (.10)	1.17 [0.95, 1.46]
Ex-partners living apart	-.08 (.05)	.92 [0.83, 1.01]	-.08 (.05)	.92 [0.83, 1.01]
Prior experiences of victimization				
Victim only	-.02 (.06)	.98 [0.87, 1.11]	-.03 (.06)	.97 [0.86, 1.10]
Suspect only	-.03 (.04)	.97 [0.90, 1.05]	-.03 (.04)	.98 [0.91, 1.05]
Both suspect and victim	-.02 (.09)	.98 [0.82, 1.19]	-.03 (.09)	.97 [0.81, 1.17]
Level 2—neighborhood context				
Single-parent families	.04 (.27)	1.04 [0.60, 1.82]	.03 (.27)	1.03 [0.59, 1.83]
Residential mobility	-.12 (.21)	.89 [0.52, 1.51]	-.12 (.26)	.89 [0.52, 1.51]
Visible minorities	.12 (.21)	1.12 [0.73, 1.73]	.13 (.21)	1.11 [0.72, 1.72]
Low-income households	.01* (.00)	1.01 [1.00, 1.02]	.01* (.00)	1.01 [1.00, 1.02]
Population density	.00 (.00)	1.00 [1.00, 1.00]	.00 (.00)	1.00 [1.00, 1.00]

Note. $N = 52,149$ incidents clustered in 33 neighborhoods. OR = odds ratio; CI = confidence interval.

* $p < .05$. ** $p < .01$.

arguments and bickering. In comparison with cases where the victim is female and the suspect is male, the other victim–suspect gender dyads are more likely to be involved in more serious IPV. Several hypotheses can be envisaged to explain such results. It is possible that women use more weapons, given their smaller size. Supplementary analyses (not presented in tabular form) indicate that women who engage in IPV used weapons in 27% of incidents, while men who engaged in IPV used weapons in 11% of incidents ($p < .01$). It is also possible that male victims of female IPV are less likely to report less serious IPV and would only contact the police in the context of more serious IPV. This may also be the case for same-sex couples because differences in physical strength between the partners are typically smaller than for heterosexual couples (R. B. Felson, 1996). In comparison with partners living together, partners living apart are much less likely to experience more serious IPV (odds ratio = 0.60; $p < .01$). No differences are observed for ex-partners, however. Prior victimization for non-IPV crimes is unrelated to the level of seriousness of IPV.

Among the community-level control variables, we only observe one significant effect: the proportion of low-income households in the community is associated with greater likelihood of more serious IPV (odds ratio = 1.01; $p < .05$). Thus, impoverished neighborhoods have higher rates of serious IPV, as predicted by various criminological theories. It is surprising that the other

community characteristics are not associated with IPV seriousness, but the sample size is only 33 at Level 2, thus we may not have enough statistical power to detect every patterns.

Discussion

The goal of the current study was to examine whether (1) an important proportion of IPV incidents involve suspects and/or victims who are known to the police for other crimes and (2) these individuals known to the police commit or experience more serious IPV. We found support for both hypotheses. These results suggest that the literature on IPV should pay more attention to criminological theories of generalist criminals, instead of focusing almost exclusively on models of patriarchal male abusers or common couple violence. While these two types of IPV are valid, they might hide the fact that a large proportion of IPV incidents involve generalist offenders known to police or high-risk victims also known to police because of criminalized lifestyles, particularly for the more serious IPV incidents.

To our knowledge, very few studies examine the overlap between IPV and general offending (Buzawa & Hirschel, 2008; Leana et al., 2008; Piquero et al., 2006, 2013; Richards et al., 2013). Our study makes a number of specific contributions. First, we examine the criminal records of non-IPV incidents for both the offenders and the victims, instead of the offenders alone. Second, we study the seriousness of IPV incidents as our dependent variable, which was not done previously. Third, our sample size of over 50,000 incidents is much larger than previous studies, with sample sizes of a few hundred or a few thousand IPV incidents. Fourth, we use a Canadian data set, providing an international comparison with U.S. and U.K. studies. We will now discuss our results in more details.

IPV, Generalist Criminals, and Criminalized Victims

The strongest pattern in our study is that IPV incidents are much more likely to be more serious when both the suspect and the victim have criminal records for non-IPV incidents. This pattern is observed when controlling for the number of prior IPV incidents, the community context, and other characteristics of the suspect and the victim. In addition, the pattern is stronger than the effect of a criminal record for either the suspect or the victim in isolation. This suggests that the couple dynamics of known offenders who are in relationship are particularly dysfunctional and go beyond scenarios of common couple violence. Given prior results by Whitaker et al. (2007), it is likely that the violence is bidirectional in many cases, but we cannot test this hypothesis with our data. In addition, we could not test the mediators of the relationship between criminal records and IPV seriousness. Presumably, couples of known offenders own more weapons on average than noncriminalized couples, and they might drink alcohol more heavily or use more drugs. This may explain why IPV is more serious among criminalized couples. Also, this pattern begs a question and provides an answer that most IPV scholars have avoided: who fall in love with these abusive men (or women)? Our results suggest that women (or men) who are also criminalized may be more likely to be involved in such relationships. From a policy perspective, police and prevention effort should focus specifically on these high-risk couples in order to reduce serious IPV. These individuals should not be particularly difficult to identify since they are already known to the police for prior crimes.

Not all our IPV incidents involved criminalized couples, however. In fact, only 14% did. Twice as many incidents (31%) involve only the suspect having a criminal record for non-IPV crimes, but not the victim. These incidents were also more likely to be more serious, controlling for the number of prior IPV incidents, the community context, and other characteristics of the suspect and the victim. This result provides supporting evidence for the idea that many IPV incidents are not committed by IPV specialists, such as patriarchal male abusers, but rather by generalist offenders, as suggested by

Piquero, Brame, Fagan, and Moffitt (2006). Unfortunately, we do not have psychometric or lifestyle measures to test more precise hypotheses about these offenders. We only know that they have a criminal record for non-IPV crimes. Thus, we cannot evaluate whether they have low self-control, psychopathic or antisocial personality disorders, or living a “street” or gangster lifestyle. We think that future research should look into these hypotheses. It is important to note, however, that theories of generalist offenders are not mutually exclusive. Individuals with low self-control may also have psychopathic tendencies (Wiebe, 2003), and many gangsters live life for the present moment (Cromwell, 2009), as predicted by Gottfredson and Hirschi’s (1990) theory of low self-control and general criminality. Thus, the critical point might not be which generalist theory is the strongest correlate of IPV, but the fact that many IPV offenders and victims could be involved in a more general criminal lifestyle, for a variety of reasons.

Although we found independent effects of suspects’ criminal records for non-IPV crimes on IPV seriousness, it does not mean that a history of IPV is irrelevant. Every prior incident IPV reported to the police increases the risk that future IPV incidents will be more serious. This pattern is observed with either suspect’s or victim’s prior IPV incidents. Because of possible underreporting of IPV to police, our estimates may be conservative and the real effect even stronger. Thus, this result is in line with other studies regarding the risk of escalating violence over time. It is also compatible with the idea that some abusers commit more frequent and more serious IPV over time and that victims are at increasingly greater risks in these relationships, as described in studies of patriarchal male abusers. This result is not gender specific, however.

Finally, in 9% of IPV incidents, only the victims had criminal records for non-IPV crimes. Although less common, this situation is interesting because it is also associated with greater risks of more serious IPV. It suggests that individuals with criminal antecedents engage in routine activities or interpersonal behaviors that facilitate their more serious victimization by their partners who do not have criminal antecedents. Again, we cannot test the details of this pattern because we do not have psychometric or lifestyle measures for these victims, only their criminal records. Presumably, they may be more confrontational (R. B. Felson, 2002), more careless (Gottfredson & Hirschi, 1990), or more antisocial (frequent lying, unfaithfulness, and parasitic lifestyle; e.g., Hare, 1999; Moffitt, 1993). Perhaps the IPV is bidirectional in many cases. These hypotheses should also be tested in future studies. However, it is important to remember that these cases are relatively uncommon and that most IPV victims are not criminalized.

Limitations

These findings are not without limitations. One limitation of our study is the possibility of selection bias. Although the policy of systematic recording that is in place in the province of Quebec for domestic violence matters should eliminate the possibility of bias in recording (Boivin & Ouellet, 2013), we cannot exclude the presence of bias in reporting. It may be that some groups of individuals are more reluctant to report domestic disputes to the police. For example, men assaulted by women and homosexual couples, for fear of being prejudiced against, may be less inclined to report less severe incidents. It is also possible that the propensity to report could change over time. Victims may become less inclined to report as their history of victimization grows. For example, it is reasonable to assume that victims of serious assault may be less likely to report future verbal threats.

The dichotomous measurement of the dependent variable (seriousness of IPV) is also a limitation of our study. IPV can take many different forms, and one could measure the seriousness of IPV with a continuous variable or a multivariable scale. Thus, our measure of “more serious” and “less serious” IPV is a simplification of a more complex phenomenon. However, we believe there is value in

understanding variations between noninjurious simple assault and threats in comparison with assaults involving injuries, sexual violence, and even homicide.

Another limitation of this study affects our independent variables: whether the suspects, the victims, or both have criminal records. Criminal records of the suspects and the victims include only crimes committed on the territory of the metropolitan city under study. Criminal background does not account crimes committed in other cities or provinces. However, research shows that offenders tend to commit their crimes in their close environment, often around their home (Brantingham & Brantingham, 1984; M. Felson, 1998, 2006).

Also, criminal record information is limited to infraction that occurred during the study period. This means that the presence of a criminal record for the victim or the suspect and the number of times the suspects or the victims have been involved in IPV incidents only takes into account events between 2000 and 2009. This study therefore underestimates official background on criminal records and history of IPV.

It is obvious that the official data give a partial portrait of IPV, and one could even argue that this is the tip of the iceberg. A solution to understand in greater detail process and parameters of IPV would be to examine victims and suspects life trajectories. In criminology, this type of study helped to better understand criminal careers of persistent offenders (Piquero, Farrington, & Blumstein, 2007). Analysis of these trajectories would be useful to understand the variables related to the frequency and the seriousness of IPV across time and could include incidents that were not reported the police.

Conclusions

In conclusion, we believe that our findings give more precise indications of the role played by individual characteristics, type of relationship, and community context in which police decisions are made. Specifically, our study showed that many IPV incidents involved individuals who have prior criminal records for non-IPV crimes and are known to the police. These individuals are more likely to be involved in the more serious forms of IPV, including assaults with injuries or weapons, sexual assaults, and even homicides in some cases. Not all IPV offenders are patriarchal male abusers specializing in terrorizing their female partners or normal couples who let an argument get out of hand, and our results suggest that many are generalist offenders.

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Note

1. In our models, the favored approach is the method of restricted maximum likelihood. This method has the advantage of taking the loss of degrees of freedom into account in the estimation of variance. As regard standardization, some variables were centered using the grand mean centering method. This operation was performed when 0 was an impossible value (e.g., the age of the victim and assailant, the number of the victimization experience or attack in the sequence, etc.).

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