



**A Report on
Intimate
Domestic
Violence
In
Springdale,
Arkansas
For Year 2007**

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Introduction

INTRODUCTION

This report provides statistical information for intimate domestic violence incidents that occurred in Springdale, Arkansas during the year 2006. One of the primary purposes of this report is to educate the public about the problem of domestic violence, and to emphasize that domestic violence is a crime against the people of the State of Arkansas. Domestic violence is a problem throughout America, and October has been proclaimed as National Domestic Violence Awareness Month.

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

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

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

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

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

For purposes of this report, the term “violence” means the crimes of homicide, felony battery, misdemeanor battery, aggravated assault (felony), misdemeanor assault, or terroristic threatening, as such crimes are defined under Arkansas law. The specific crimes mentioned in this report are set out in the glossary, contained at the end of this report.

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

preferred action. Prior to the change in the law, Arkansas law enforcement officers were not allowed to make a misdemeanor arrest in domestic abuse situations unless the offense occurred in their presence, and such situations were rare. The Arkansas Domestic Abuse Act has had a positive impact on the fight against domestic violence.

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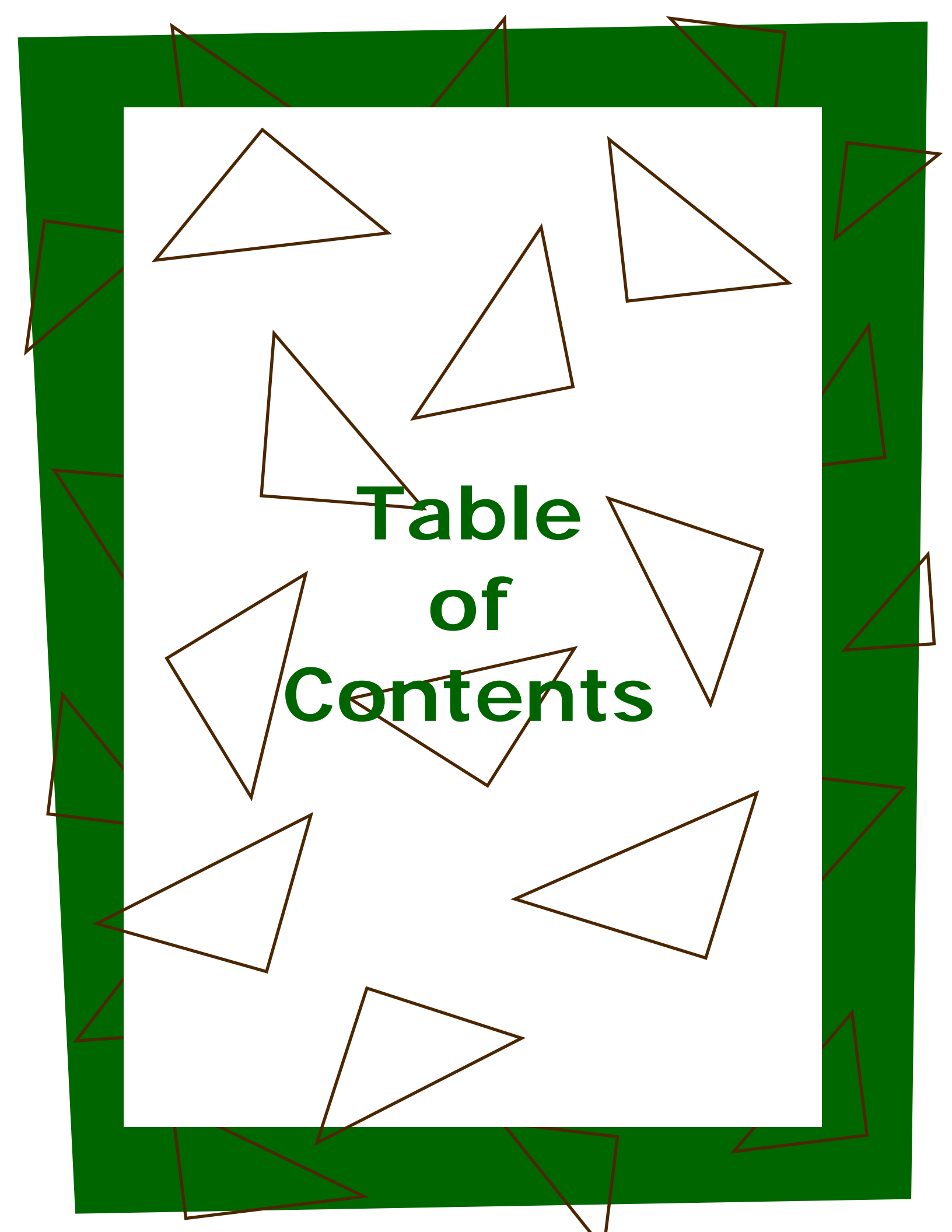
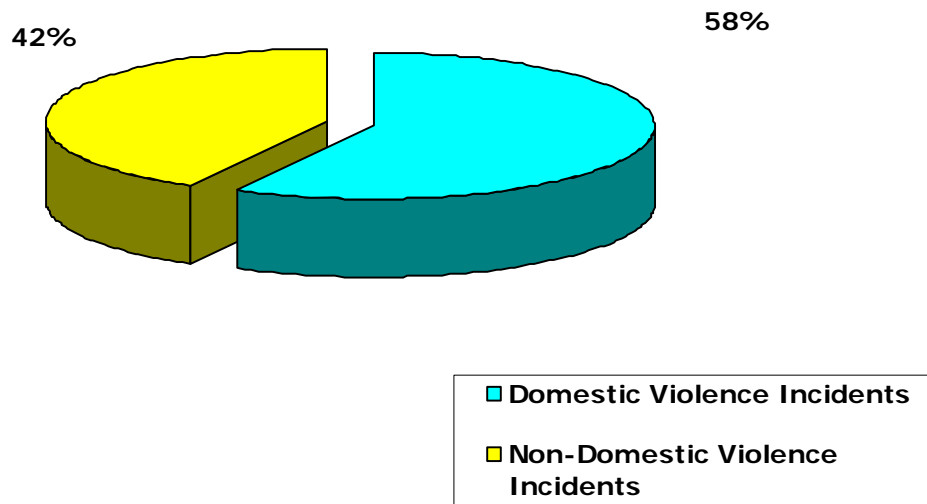


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A. Comparison of Total Violence in Springdale (Domestic and Non-Domestic Violence)

There were a total of 1,044 incidents of violence (homicide, assault, battery, or terroristic threatening) reported to Springdale Police in 2007. Of this total, 609 were domestic violence incidents, which means approximately 58% of the total incidents of violence reported to Springdale Police in 2007 involved a domestic incident.

CHART 1
Comparison of Domestic Violence Incidents With Non-Domestic Violence Incidents Reported to Springdale Police in 2007



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

In 2007, there were 437 intimate domestic violence incidents reported to Springdale Police and 172 non-intimate domestic violence incidents reported, making 609 total domestic violence incidents. This means that

intimate domestic violence makes up approximately 42% of the total violence reported in Springdale, and about 72% of domestic violence reported.

The following chart sets out the percentage of intimate domestic violence incidents compared to non-intimate domestic violence incidents reported to Springdale Police in 2007.

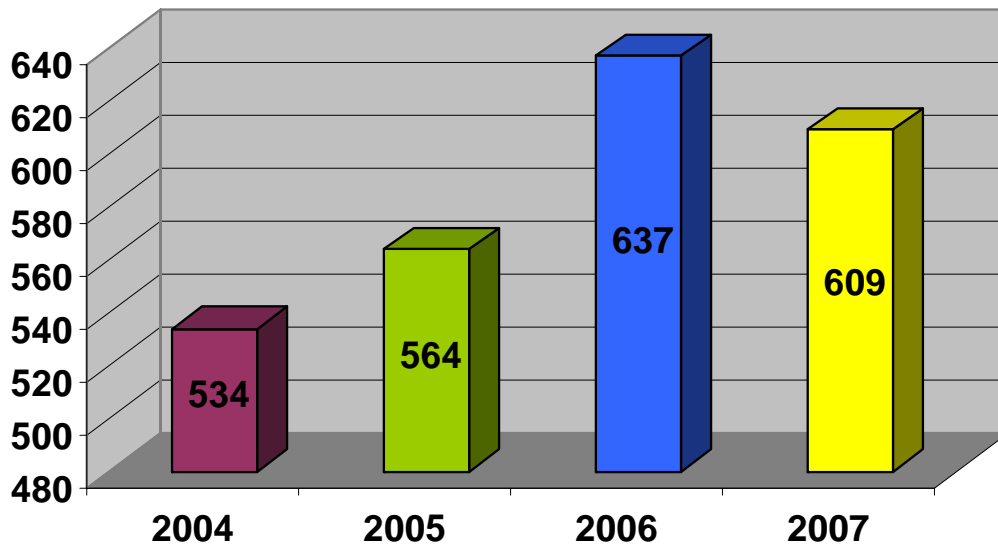
CHART 2
Comparison of Intimate Domestic Violence With
Non-Intimate Domestic Violence Reported to
Springdale Police in 2007



C. Comparison of Domestic Violence in Past Four Years

The following chart sets out the number of domestic violence incidents reported to Springdale Police in the past four years. Domestic violence went down about 4.4% from 2006 to 2007.

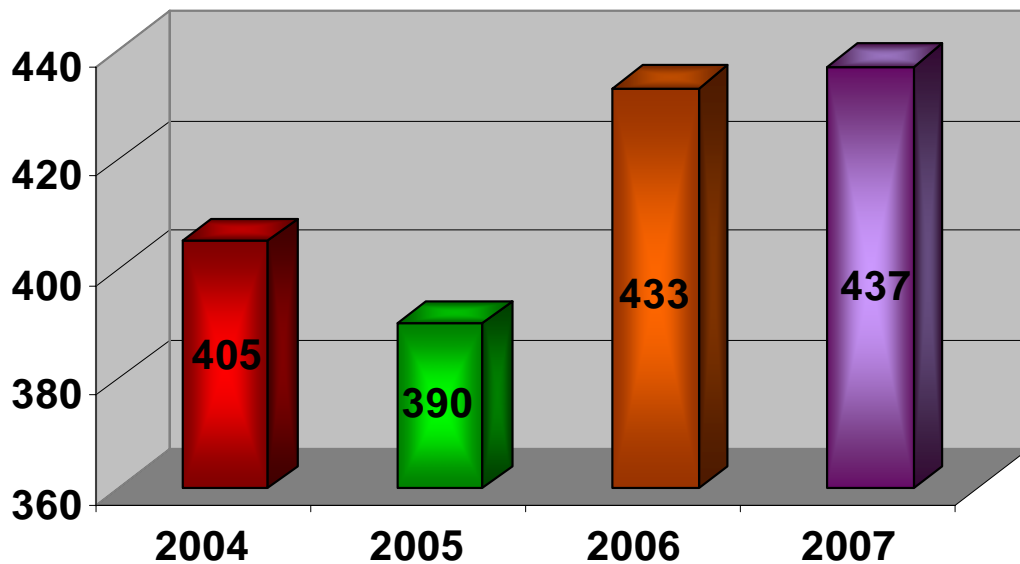
CHART 3
Comparison of Domestic Violence Incidents Reported to Springdale Police in Past Four Years



D. Comparison of Intimate Domestic Violence in Past Four Years

The following chart sets out the number of intimate domestic violence incidents reported to Springdale Police in the past four years. Intimate domestic violence went up slightly (about 1% from 2006 to 2007).

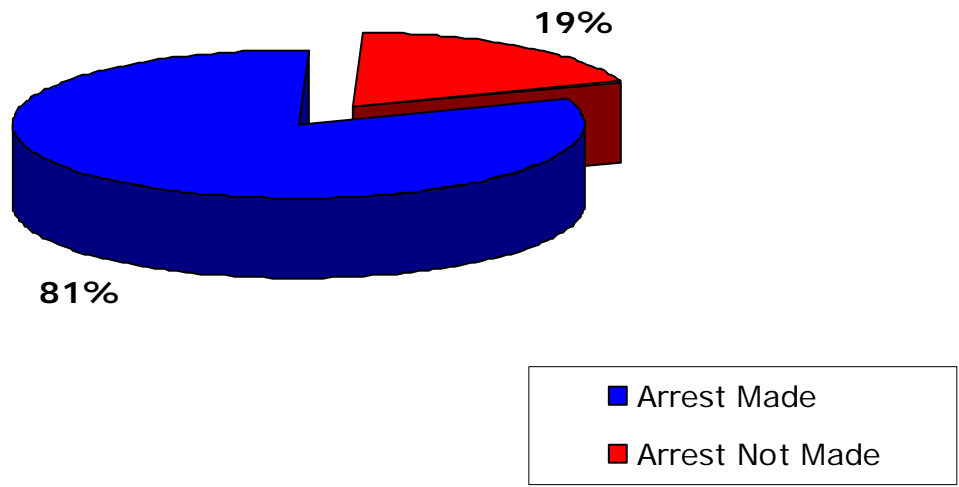
CHART 4
Comparison of Intimate Domestic Violence Reported to Springdale Police in Past Four Years



A. Intimate Domestic Violence Incidents Resulting in an Arrest

As mentioned in the previous section, in the year 2007, there were a total of 437 intimate domestic violence incidents reported to the Springdale Police Department, which resulted in an incident report being filed. Of this total, there were 354 incidents in which an arrest was made or an arrest warrant was later issued, and 83 incidents in which there was no arrest made, nor a warrant issued. This means an arrest was made or a warrant issued in about 81% of the total intimate domestic violence incidents reported to Springdale Police in 2007.

CHART 5
Intimate Domestic Violence Incidents Reported to
Springdale Police in 2007

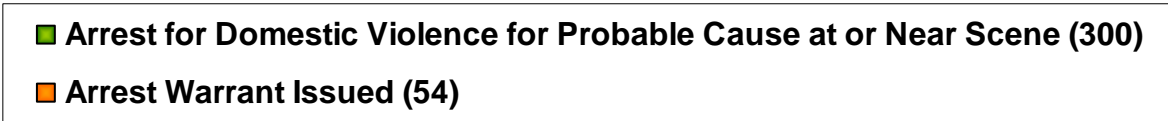
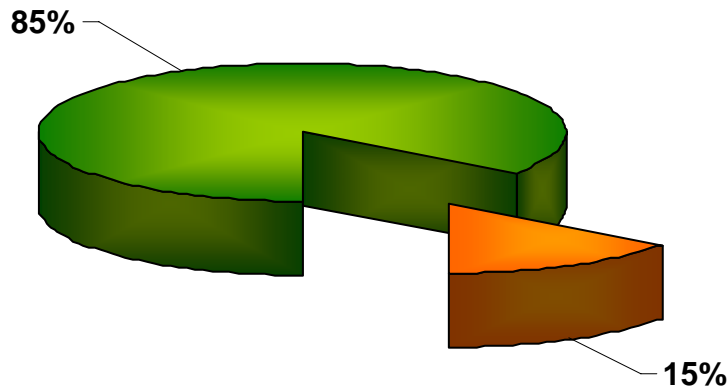


B. When Arrest Was Made

Of the 354 intimate domestic violence incidents that resulted in an arrest or an arrest warrant being issued, 300 (approximately 85%) involved an incident in which the officer made a probable cause arrest fairly quickly after the incident was reported. Under Arkansas law, an arrest is the preferred action when a law enforcement officer responds to a report of domestic abuse and has probable cause to make an arrest. The law further provides that in misdemeanor domestic violence cases, a probable cause arrest is authorized within 12 hours on misdemeanors involving injury, and four hours on misdemeanors involving no injury.

A total of 54 (approximately 15%) persons who were not arrested at the scene of the incident were later arrested or had a warrant issued for their arrest after follow-up was done by the reporting officer or by a detective with the Criminal Investigation Division (CID) of the Springdale Police Department, or the victim came into the City Attorney's Office to pursue a warrant. Most of these 54 cases involved an incident in which the offender had left the scene and could not be located by Springdale Police within the required time to make a probable cause arrest.

CHART 6
When Arrest Was Made



One interesting statistic that is telling about the dynamics of intimate domestic violence is in all cases in which a law enforcement officer did not make a probable cause arrest within the time allowed under Arkansas law, only 17 victims contacted the City Attorney's Office, requesting that a warrant be issued. In all 17 cases, a warrant was issued. This means that in only 17 out of 137 cases in which an arrest was not made at the scene by the police, did the victim pursue a warrant through the City Attorney's Office. Therefore, in just over 12% of the cases did the victim pursue a warrant. Most of the cases in which no warrant was ever issued represent cases in which it was determined a warrant could not be pursued without the

cooperation of the victim, and the victim would not cooperate. These cases usually involve assault cases, where there is no physical injury.

C. Dual Arrests

A dual arrest occurs when both intimates are arrested for domestic violence in the same incident. In 10 incidents, a dual arrest was made, so in 354 incidents, 364 people were arrested or had a warrant issued for their arrest (both intimates being arrested in 10 incidents). This means a dual arrest was made in about 2% of the total intimate domestic violence incidents in which an arrest was made or a warrant issued.

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

There were a total of 364 persons arrested or who had warrants issued for their arrest for intimate domestic violence in Springdale during the year 2007, and there were 371 total charges. Of the 371 total charges, 308 were prosecuted as misdemeanors (about 83% of the total charges were misdemeanors). However, a few of the misdemeanor cases went with related felony cases and were prosecuted by the county prosecutor's office. The chart on the following page breaks down the exact charges against the offenders.

CHART 7
Domestic Violence Charges Made Against
Offenders Arrested or Who Have Arrest Warrants Issued
For Intimate Domestic Violence in Springdale in the Year 2007

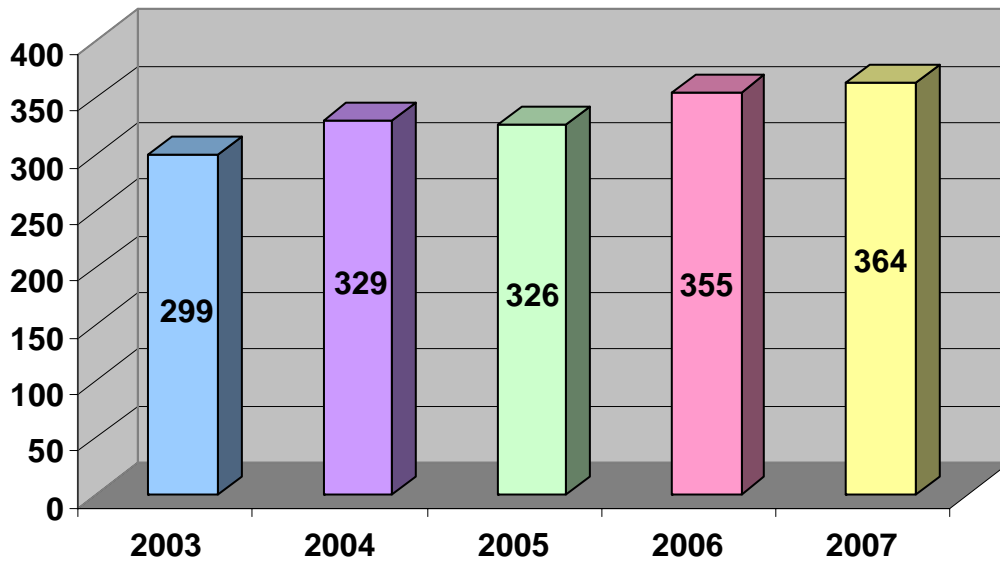
<u>Charge</u>	<u>Felony/Misdemeanor</u>	<u>No. of Arrests</u>
Domestic Battery 3 rd Degree	Misdemeanor	212
Domestic Assault	Misdemeanor	96
Domestic Battery 3 rd Degree, Victim pregnant	Felony	9
Domestic Battery 3 rd Degree, Second or more offense	Felony	32
Domestic Aggravated Assault	Felony	13
Domestic Battery 2 nd Degree	Felony	6
Terroristic Threatening, 1 st Degree	Felony	<u>3</u>
Total		371

There were no intimate arrests for capital murder or domestic battery, 1st degree.

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

The chart below sets out the total number of intimate domestic violence arrests, or cases in which an arrest warrant was issued in Springdale during the past five years.

CHART 8
Comparison of Intimate Domestic Violence Arrests For The Last Five Years



A. Profile of Couples Involved in Intimate Domestic Violence Arrests

1. Race

The following chart sets out the race by couples in intimate domestic violence incidents that occurred in Springdale in 2007 which resulted in an arrest or a warrant being issued.

CHART 9
Race of Couples Involved in Intimate Domestic Violence Incidents
Which Resulted in an Arrest or Arrest Warrant
in Springdale in 2007

Race	No. of Couples	Percentage	Percentage +/- From Previous Year
White	185	52.25%	+3.25%
Hispanic	100	28.25%	-4.75%
Mixed Race	34	9.6%	-3.4%
Marshall Island	23	6.5%	+3.5%
Black	11	3.1%	+1.6%
Asian	<u>1</u>	<u>.3%</u>	<u>-.2%</u>
Total	354	100%	

2. Nature of Relationship

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

CHART 10
Nature of Relationship of Intimate Couples
Involved in Domestic Violence in Year 2007

<u>Relationship</u>	<u>No. of Couples</u>	<u>Percentage</u>
Boyfriend/Girlfriend (living together, have lived together, had child together, but never married, or in a dating relationship)	235	66.4%
Husband /Wife	111	31.3%
Ex-Spouses	7	2%
Same Sex Intimates	<u>1</u>	<u>.3</u>
Total	354	100%

B. Profile of Offenders Arrested for Intimate Domestic Violence

1. Race/Gender of Offenders

The chart on the next page is a breakdown of the number, as well as the approximate percentage, that each race/gender group makes up of the total offenders arrested or who had a warrant issued for their arrest for intimate domestic violence in 2007.

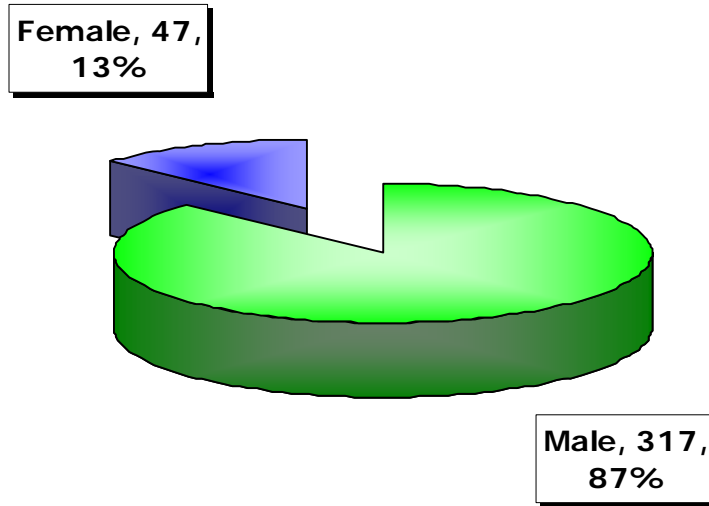
CHART 11
Race/Gender of Offenders Arrested
Or Who Had Warrants Issued For Their Arrest For
Intimate Domestic Violence In Springdale in the Year 2007
(364 Arrested in 354 Incidents)

Race/Gender	No. Arrested	Percentage	Percentage +/- From Previous Year
White male	159	44%	+5.5%
Hispanic male	116	32%	-5%
White female	39	10.5%	-1.5%
Marshall Island male	22	6%	+2.5%
Black male	19	5%	+1.5%
Hispanic female	6	1.5%	-2.5%
Asian male	1*		-.25%
Marshall Island female	1*		-.25%
Black female	<u>1*</u>	_____	
Total	364	100%	

*These race/gender groups total 1%.

As this chart shows, most offenders who are arrested for intimate domestic violence are male. A total of 317 (approximately 87%) of the total offenders arrested for intimate domestic violence were male, while only 47 were female (approximately 13%).

CHART 12
Gender of Offenders Arrested For Intimate Domestic Violence



2. Average Age of Offenders

The average age of offenders arrested for intimate domestic violence cases was 31.69. The average age for the three highest race/gender groups is set out in the next chart:

CHART 13
Average Age by Race/Gender of Offenders Arrested For Intimate Domestic Violence in Springdale in Year 2007

<u>Race/Gender</u>	<u>Average Age</u>
White Male	33.52
Hispanic Male	29.53
White Female	29.20

C. Profile of Victims

1. Race/Gender of Victims

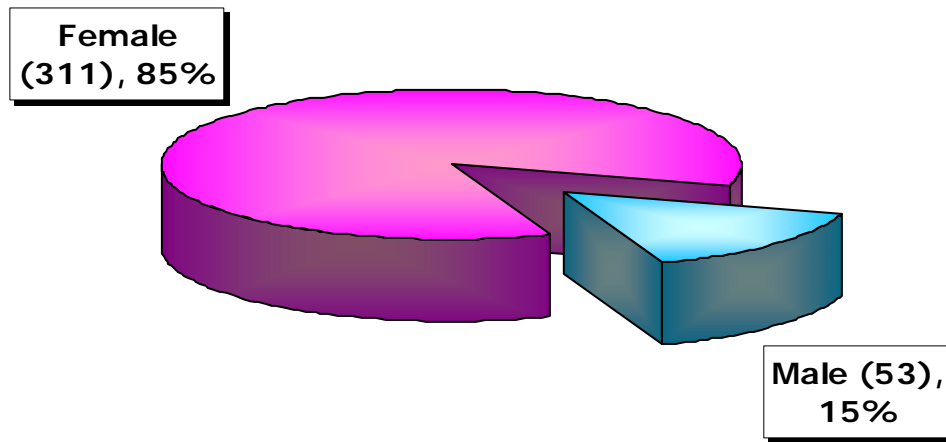
The following chart sets out the race/gender of victims of intimate domestic violence in Springdale in the year 2007, in cases in which the offender was arrested or an arrest warrant issued.

CHART 14
Race/Gender of Victims Involved in Intimate Domestic Violence
Incidents in Springdale in 2007
in Which an Arrest Was Made or a Warrant Issued

Race/Gender	Number	Percentage	Percentage +/- From Previous Year
White female	180	49.5%	+2%
Hispanic female	97	26.75%	-3.25%
White male	38	10.5%	+1%
Marshall Island female	22	6%	+1.75%
Hispanic male	12	3.25%	-2.5%
Black female	10	2.75%	+1.5%
Black male	2	.5%	
Asian female	2	.5%	
Marshall Island male	<u>1</u>	<u>1.25%</u>	
Total	364	100%	

As this chart shows, most of the victims of intimate domestic violence are female. A total of 311 of the 364 victims were female, which represents over 85% of the total victims.

CHART 15
Gender of Victims of Intimate Domestic Violence in
Springdale in the Year 2007



2. Average Age of Victims

The average age of victims of intimate domestic violence was 30.45. The following is a breakdown of the average age of the three highest race/gender groups who were victims of domestic violence in incidents that resulted in arrest during the year 2007.

CHART 16
Average Age of Victims of
Intimate Domestic Violence by Race/Gender in
Springdale in Year 2007

<u>Race/Gender</u>	<u>Age</u>
White Female	30.08
Hispanic Female	26.83
White Male	34.75

A. Disposition of Cases

Of the 364 total persons charged with intimate domestic violence crimes, 71 cases were sent to the Washington County Prosecutor’s Office as felonies, or were sent with a related felony charge, or involved juvenile offenders. One felony case was sent to the Benton County Prosecutor’s Office. Deducting these 72 total cases, there were 292 cases handled by the City of Springdale. The following chart sets out the dispositions on the 292 misdemeanor cases as of the date of this publication, October 15, 2008.

<u>Disposition</u>	<u>No. of Cases</u>
Defendant Found Guilty of a Violation of Arkansas Criminal Code	245
Defendant Found Not Guilty or Charges Dropped	28
Cases Pending – Warrant Issued for Domestic Crime, but warrant has not been served.	8
Defendant Failed to Appear – Warrant Issued for Failure to Appear	8
Defendant Died Before Case Adjudicated	<u>3</u>
Total	292

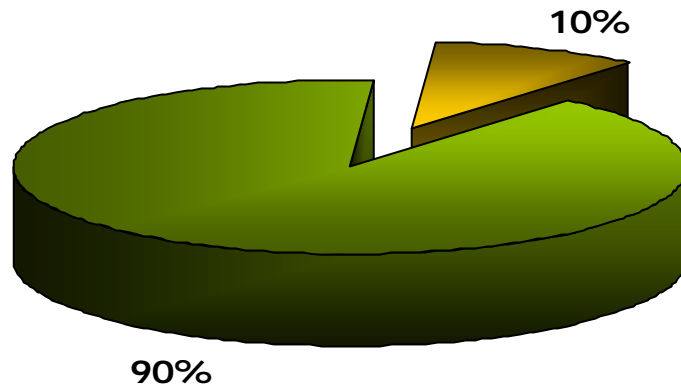
Fifty-three of the 245 convictions involved cases in which the charge was amended to a non-violent criminal charge, such as harassment or disorderly

conduct (most of the 53 cases were amended to disorderly conduct). In all of these cases, the charge was amended because the victim would not cooperate with the prosecution, or the victim could not be located.

B. Conviction Rate

Deducting the pending cases, the failure to appear, and the three cases in which the defendant died before the case was adjudicated, there have been a total of 273 misdemeanor domestic violence cases adjudicated, of which 245 defendants were convicted, which equates to a conviction rate of approximately 90%. Even if you deduct the 53 cases that were amended to a non-violent criminal charge, the conviction rate equates to over 70%.

CHART 18
Conviction Rate of Misdemeanor Domestic Violence Cases in Springdale in 2007



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

C. Comparing the Conviction Rate

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

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

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

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

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

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

D. Treatment Options

Often times when persons are convicted of intimate domestic violence, they are sentenced to counseling. A total of 63 defendants were ordered by the Court to attend the Domestic Abuse Intervention Program (DAIU) at Ozark Guidance Center and an additional 25 persons were ordered to attend anger management counseling, for a total of 85 defendants ordered to complete counseling.

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

E. No Drop Policy

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

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

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

A. Violation of 9.3 Order

In misdemeanor cases in Springdale District Court, in which the defendant has been arrested for domestic battering (3rd degree), the Springdale District Judge usually issues an order under Rule 9.3 of the Arkansas Rules of Criminal Procedure at the arraignment, which sets certain conditions of release on the defendant, pending trial. One of the conditions is that the defendant have no contact with the victim. In 2007, there were 11 persons charged with violating the Springdale District Judge's 9.3 order. This constitutes a misdemeanor under the laws of the State of Arkansas, and the defendant is charged with contempt of court for violating the order.

B. Violation of Order of Protection

An Order of Protection is authorized to be issued in domestic abuse cases when a person is in fear of violence from a family or household member. Orders of Protection are only issued by circuit judges. In Washington County, the circuit judges are located in Fayetteville, and in Benton County, the circuit judges are located in Bentonville. Arkansas has made violating an Order of Protection a class A misdemeanor, and Arkansas law authorizes a probable cause arrest when a law enforcement officer has reasonable cause to believe that a person has violated an Order of Protection, provided the defendant has been served with the Order of Protection. There were eight defendants in intimate cases arrested for violating an Order of Protection in Springdale during the year 2007.

C. Rape

Springdale had a total nine arrests for rape by forcible compulsion in 2007. Of these nine arrests, two involved allegations by an intimate that her male intimate had raped her.

D. False Imprisonment

There were three persons arrested for false imprisonment (first degree) in Springdale in 2007, and two of the three were incidents involving intimates. There were 17 people arrested for false imprisonment (second degree) in Springdale in 2007, and 15 of the 17 involved were incidents involving intimates.

E. Stalking

No persons were charged with stalking in the year 2007.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kidnapping – Committed when a person restrains another person so as to interfere substantially with the other person’s liberty with the purpose of holding the other person for ransom or reward; or any other act to be performed or not performed for the other person’s return or release, such as holding a person as a shield or hostage; facilitate the commission of a felony or flight after the felony; inflict physical injury upon the other person; engage in sexual intercourse, deviate sexual activity, or sexual contact with the other person; terrorize the other person or another person; or interfere with the performance of any governmental or political function (constitutes a Class Y felony).

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

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

No Contact Order – Also referred to as Rule 9.3 Order, as Rule 9.3 of the Arkansas Rules of Criminal Procedure provides that, “if it appears that there exists a danger that the defendant will commit a serious crime or will seek to intimidate witnesses, or will otherwise unlawfully interfere with the orderly

administration of justice, the judicial officer, upon the release of the defendant, may enter an order: a) prohibiting the defendant from approaching or communicating with particular persons or classes of persons, except that no such order shall be deemed to prohibit any lawful and ethical activity of defendant's counsel; b) prohibiting the defendant from going to certain described geographical areas or premises; c) prohibiting the defendant from possessing any dangerous weapon, or engaging in certain described activities or indulging in intoxicating liquors or in certain drugs; d) requiring the defendant to report regularly to and remain under the supervision of an officer of the court. In most domestic violence cases in Springdale District Court, the Springdale District Judge will issue such an order to the defendant directing that defendant not to contact the victim of the crime, and such requirement is a condition of the defendant's release from jail.

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

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

Pro-Arrest Laws – Laws passed by a legislative body to encourage arrests in misdemeanor domestic violence cases, provided the law enforcement officer has probable cause. Arkansas has such a law in domestic abuse cases.

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

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

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

Stalking, 2nd Degree – Committed when a person purposely engages in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury, or places that person in imminent fear of the death or serious bodily injury of his or her immediate family (constitutes a Class C felony under Arkansas law).

STAFF OF CITY ATTORNEY'S OFFICE

Jeff C. Harper ~ ~ ~ ~ ~ City Attorney

Ernest B. Cate ~ ~ ~ ~ ~ Senior Deputy City Attorney

Amber Roe ~ ~ ~ ~ ~ Deputy City Attorney

Brooke Lockhart ~ ~ ~ ~ ~ Deputy City Attorney

Truman Brewer ~ ~ ~ ~ ~ Investigator

Cindy Trimble ~ ~ ~ ~ ~ Administrative Legal Assistant/Paralegal

Lynda England ~ ~ ~ ~ ~ Case Coordinator/Victim Advocate

Linda Brown ~ ~ ~ ~ ~ Hot Check Administrator

Dixie Putt ~ ~ ~ ~ ~ Receptionist

Jacque Roth ~ ~ ~ ~ ~ Part-time Clerk