

August 2013

## **RECIDIVISM TRENDS OF DOMESTIC VIOLENCE OFFENDERS IN WASHINGTON STATE**

The 2012 Washington State Legislature passed a bill directing the Washington State Institute for Public Policy (WSIPP) to complete the following research tasks on domestic violence offenders:<sup>1</sup>

- 1) Review the research literature on treatment for domestic violence offenders and other interventions effective at reducing recidivism;
- 2) Survey states' laws regarding domestic violence treatment for offenders; and
- 3) Analyze recidivism rates of domestic violence offenders in Washington.

WSIPP published findings earlier this year on the first two tasks.<sup>2</sup> In this report, we complete the legislative assignment and describe the recidivism rates of domestic violence offenders in Washington.<sup>3</sup>

To conduct the analyses in this report, we use WSIPP's criminal history database, which was developed to conduct criminal justice research at the request of the legislature. The database is a synthesis of data from the Administrative Office of the Courts (AOC) and the Department of Corrections (DOC).<sup>4</sup>

This report contains three sections. In the first section, we provide context on the volume of cases filed in Washington State's criminal courts and the proportion of those cases that are domestic violence. Next, we examine re-offense behavior of domestic violence offenders after entering the criminal court system. In the final section, we examine recidivism trends of domestic violence offenders over an eight year period. A technical appendix contains a detailed description of the data and data-processing for this study.

<sup>1</sup> Engrossed Substitute House Bill 2363, Laws of 2012.

<sup>2</sup> Miller, M., Drake, E., & Nafziger, M. (2013). *What Works to Reduce Recidivism by Domestic Violence Offenders?* (Document No. 13-01-1201). Olympia: Washington State Institute for Public Policy.

<sup>3</sup> WSIPP was also directed to estimate of the number of domestic violence offenders sentenced to certified domestic violence perpetrator treatment in Washington State and completion rates for those entering treatment; however, those data are not available.

Suggested citation: Drake, E., Harmon, L., & Miller, M. (2013). *Recidivism Trends of Domestic Violence Offenders in Washington State*. (Document No. 13-08-1201). Olympia: Washington State Institute for Public Policy.

<sup>4</sup> WSIPP conducts a matching process using the court case number and the primary identification number from the data systems to link criminal history records. The criminal history database is intended for research purposes.

## I. Court Cases Filed in Washington State

In this section, we examine the prevalence of cases filed in Washington's criminal courts and the proportion of those cases that involve domestic violence.<sup>5</sup> In Washington State, a prosecutor files cases in criminal court.

Exhibit 1 displays the number of cases filed in court by the fiscal year (FY) the case was filed. Nearly 2.4 million cases were filed in Washington State's criminal courts between FY 2001 and 2012.

Cases are categorized as either felony or misdemeanor based on the most serious offense associated with the case.<sup>6</sup> As shown in Exhibit 1, 78% of cases filed in Washington's criminal courts are misdemeanor offenses.

Current Washington State law defines domestic violence broadly—acts or threats of physical harm, sexual assault, or stalking by one household or family member against another household or family member.<sup>7</sup>

We can identify domestic violence offenses in WSIPP's criminal history database in two ways. First, offenses are classified as domestic violence when the description from the Revised Code of Washington (RCW) indicates it as such (e.g., domestic violence violation of a no contact order).

Second, an indicator in the database, provided by the AOC, is used to identify domestic violence offenses that are not specifically domestic violence by statute. For example, rape in the first degree is not specifically a domestic violence offense, but when coupled with the AOC indicator, the offense is counted as domestic violence.

**Exhibit 1**  
**Cases Filed in Washington State**  
**Criminal Courts**

FY	Felony		Misdemeanor		Total
	N	%	N	%	N
2001	39,746	21%	147,476	79%	187,222
2002	41,289	22%	149,072	78%	190,361
2003	41,912	21%	157,899	79%	199,811
2004	44,166	22%	159,013	78%	203,179
2005	45,877	22%	158,185	78%	204,062
2006	48,119	23%	161,886	77%	210,005
2007	49,748	24%	161,412	76%	211,160
2008	44,497	22%	159,608	78%	204,105
2009	41,211	21%	156,935	79%	198,146
2010	38,495	20%	154,329	80%	192,824
2011	40,147	21%	150,726	79%	190,873
2012	39,912	22%	142,073	78%	181,985
Total	515,119	22%	1,858,614	78%	2,373,733

Data source: WSIPP criminal history database

<sup>5</sup> We include cases filed in Washington's District and Superior Courts.

<sup>6</sup> Multiple charges or offenses can be associated with a criminal case filed in court.

<sup>7</sup> RCW 26.50.010

For all cases filed in Washington State’s criminal courts, we examined how many cases had at least one domestic violence charge associated with the case. As shown in Exhibit 2, approximately 20% of all misdemeanor cases include a domestic violence offense and 12% of all felony cases include a domestic violence offense.

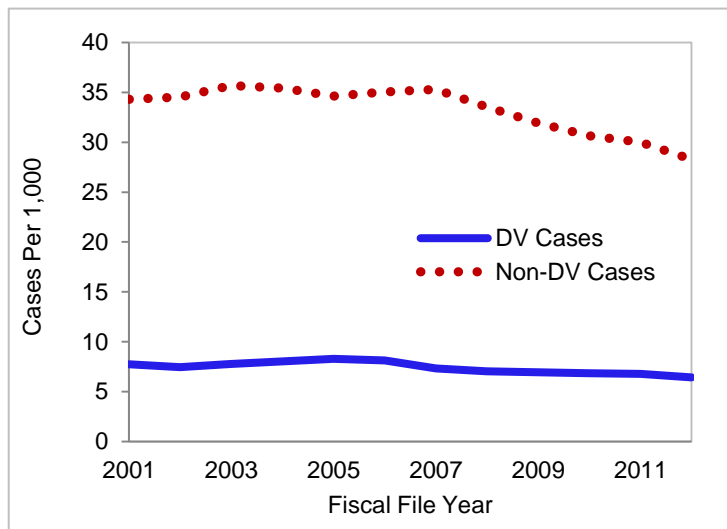
Exhibit 3 displays the rate of cases filed per capita in Washington State. Since 2007, non-domestic violence filings have declined 20% and domestic violence filings have declined 12%. In 2012, there were 33 non-domestic violence cases filed in criminal court per 1,000 people and 6 domestic violence cases per 1,000 people.

**Exhibit 2**  
**Percent of Court Cases Filed in Washington State**  
**By Domestic Violence (DV) or Non-Domestic Violence**

FY	Felony				Misdemeanor			
	DV case		Non-DV case		DV case		Non-DV case	
N	%	N	%	N	%	N	%	
2001	4,293	11%	35,453	89%	30,209	20%	117,267	80%
2002	4,592	11%	36,697	89%	29,228	20%	119,844	80%
2003	4,972	12%	36,940	88%	30,687	19%	127,212	81%
2004	5,415	12%	38,751	88%	32,125	20%	126,888	80%
2005	6,046	13%	39,831	87%	33,296	21%	124,889	79%
2006	6,235	13%	41,884	87%	33,278	21%	128,608	79%
2007	5,397	11%	44,351	89%	30,828	19%	130,584	81%
2008	5,342	12%	39,155	88%	30,083	19%	129,525	81%
2009	5,359	13%	35,852	87%	30,036	19%	126,899	81%
2010	5,453	14%	33,042	86%	29,712	19%	124,617	81%
2011	5,418	13%	34,729	87%	29,675	20%	121,051	80%
2012	5,338	13%	34,574	87%	28,396	20%	113,677	80%
Total	63,860	12%	451,259	88%	367,553	20%	1,491,061	80%

Data source: WSIPP criminal history database

**Exhibit 3**  
**Rate of Cases Filed Per Capita in Washington State**



Data source: WSIPP criminal history database & Office of Financial Management population data.

## II. Domestic Violence Offenders Compared to Other Offenders

This section of the report examines the profile of domestic violence offenders compared with other offenders. We describe offender characteristics such as criminal history and demographics upon entry into the court system.

For simplicity, we select a single cohort of offenders—FY 2008—resulting in a total of 155,380 offenders.<sup>8</sup> Additionally, this is the most recent cohort available while allowing a 36-month recidivism follow-up period for offenders who are at-risk in the community. Cases are grouped into three categories:

- 1) Current domestic violence offender—offenders with a current domestic violence offense, but no domestic violence in their prior criminal history.

- 2) Current or prior domestic violence offender—offenders who had a current domestic violence charge or a domestic violence charge in their criminal history.
- 3) All other offenders—any remaining offenders who did not have a current or prior domestic violence offense.

### Offender Characteristics

Displayed in Exhibit 4 are the characteristics of the FY 2008 cohort. Domestic violence offenders have more criminal history compared with all other offenders (when measured as felonies or misdemeanors). We also find that domestic violence offenders have more violent and assault charges than non-domestic violence offenders. Domestic violence offenders are more likely to be classified as higher risk to reoffend for violent crimes.<sup>9</sup>

**Exhibit 4**  
**Characteristics of Fiscal Year 2008 Cohort**

	Current DV offender	Current or prior DV offender	All other offenders (non-DV)
Number	24,698	52,654	102,726
<u>Criminal History</u> (average)			
Total prior and current charges	5.52	8.25	3.92
Felony charges	1.30	2.15	1.02
Felony property charges	0.49	0.88	0.47
Violent felony charges	0.54	0.72	0.21
Misdemeanor charges	4.22	6.09	2.91
Misdemeanor assault charges	2.15	2.51	0.35
Misdemeanor violent charges	2.25	2.68	0.47
<u>Offender Characteristics</u> (average)			
Age at file date	35.6	36.2	34.7
White	78%	79%	77%
Black	9%	10%	9%
Native	2%	3%	2%
<u>Risk classification</u> (average)			
Low	48%	39%	55%
Moderate	20%	20%	23%
High non-violent	5%	11%	8%
High violent	16%	24%	6%

Data source: WSIPP criminal history database

<sup>8</sup> Because offenders may have more than one case in a year, the number of offenders in the FY 2008 cohort is less than the number of cases as indicated in Exhibit 1. See the technical appendix for more details.

<sup>9</sup> Barnoski, R. & Drake, E. (2007). *Washington's Offender Accountability Act: Department of Corrections' static risk instrument*. (Document No. 07-03-1201) Olympia: Washington State Institute for Public Policy.

## Recidivism

Exhibit 5 displays the results of the recidivism measures (see sidebar, “Measuring Recidivism” for a description of the measures used in this report). Section 1 of Exhibit 5 shows recidivism measures for charges. Section 2 of Exhibit 5 shows the recidivism measures for convictions.

For example, 44% of current DV offenders were charged with a felony or misdemeanor offense during the 36-month follow-up period compared with 36% of non-dv offenders.

**Exhibit 5**  
**Recidivism Rates for the 2008 Cohort**

Recidivism Measure	Current DV offender	Current or prior DV offender	Non-DV (All other) offenders
<b>1) Charges</b>			
<u>a) All offenses (DV and non DV)</u>			
Any (felony or mis.)	44%	52%	36%
Felony	17%	23%	13%
Violent felony	10%	12%	4%
Misdemeanor	28%	29%	23%
<u>b) DV offenses only</u>			
Any (felony or mis.)	25%	24%	6%
Felony	7%	6%	1%
Violent felony	6%	6%	1%
Misdemeanor	19%	18%	5%
<b>2) Convictions</b>			
<u>a) All offenses (DV and non DV)</u>			
Any (felony or mis.)	36%	44%	30%
Felony	12%	17%	9%
Violent felony	7%	7%	3%
Misdemeanor	24%	28%	20%
<u>b) DV offenses only</u>			
Any (felony or mis.)	18%	17%	4%
Felony	4%	4%	4%
Violent felony	4%	3%	0.4%
Misdemeanor	14%	13%	3%
Number in group	22,288	45,184	87,624

Data source: WSIPP criminal history database

<sup>#</sup>Not all offenders were at-risk in the community long enough to calculate 36-month recidivism rates; thus, the number in group does not match the number on Exhibit 4. The numbers for the recidivism measures using charges is different from the recidivism measures using convictions due to adjudication processing time. See technical appendix for details.

## Measuring Recidivism

Recidivism is defined as any offense committed after release to the community that results in a Washington State court legal action.<sup>#</sup> The follow-up period for this study is 36-months after becoming “at-risk”—the date the offender is released into the community.

We examine the following recidivism categories:

- Any recidivism (felonies or misdemeanors)
- Felonies (all felonies, including violent)
- Violent felonies (only)

For this report, we analyze both charges filed in court and charges resulting in a conviction.<sup>##</sup> In addition, we examine all offenses; that is, domestic violence and non-domestic violence offenses. We also examine domestic violence offenses only. In total, there are 16 different measures of recidivism.

<sup>#</sup> Barnoski, R. (1997). *Standards for improving research effectiveness in adult and juvenile justice*. (Document No. 97-12-1201). Olympia: Washington State Institute for Public Policy.

<sup>##</sup> Typically, WSIPP measures convictions for recidivism and does not examine charges. Feedback from treatment providers in the domestic violence community, however, indicates that arrests or charges may be better measures for domestic violence offenders because victims of domestic violence may be less likely to pursue charges. Thus, we chose to report charges as well as convictions for this study. Additionally, we reported domestic violence measures of recidivism as well as all offenses (including domestic violence).

Findings from our analysis of the 2008 cohort indicate that:

- ✓ **Any recidivism:** Domestic violence offenders have higher rates of recidivism than non-domestic violence offenders. For example, for offenders with a current domestic violence offense, 36% were convicted for a new felony or misdemeanor within 36-months compared to 30% of non-domestic violence offenders.
- ✓ **Domestic violence recidivism:** Domestic violence offenders have higher rates of domestic violence recidivism than non-domestic violence offenders. For example, for offenders with a current domestic violence offense, 18% were convicted for a new domestic violence felony or misdemeanor within 36-months compared to 4% of non-domestic violence offenders.

### III. Recidivism Trends

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For this section of the report, we examine the longer-term recidivism trends—changes in recidivism rates over time—of domestic violence offenders.<sup>10</sup>

Data are presented for eight years of offenders from FY 2001 through FY 2008. Each year includes all offenders who became “at-risk” for recidivism in the community during that fiscal year.

We use the same procedures as described in the sidebar, “Measuring Recidivism.” We analyzed recidivism trends for offenders who were charged with a current domestic violence offense and for offenders who did not have a current domestic violence offense.<sup>11</sup>

Exhibit 6 displays the results of eight different measures of recidivism. A summary of the findings include:

- ✓ All of the eight recidivism measures indicate that recidivism rates have been relatively stable over time with the exception of felony recidivism.
- ✓ All of the eight recidivism measures indicate that domestic violence offenders have consistently higher recidivism rates than all other offenders.

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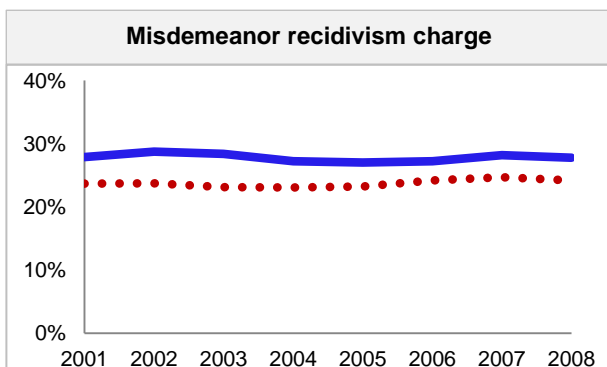
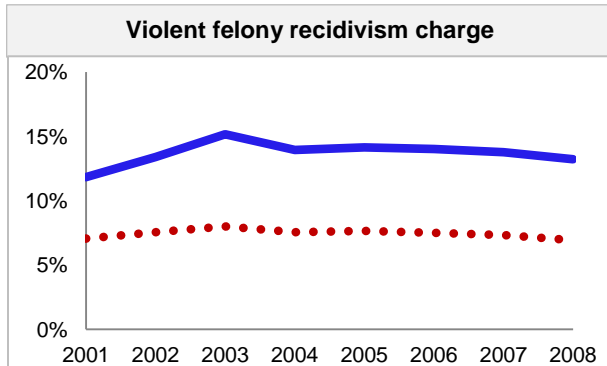
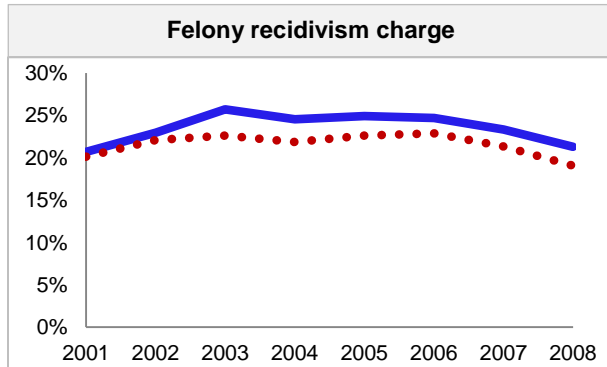
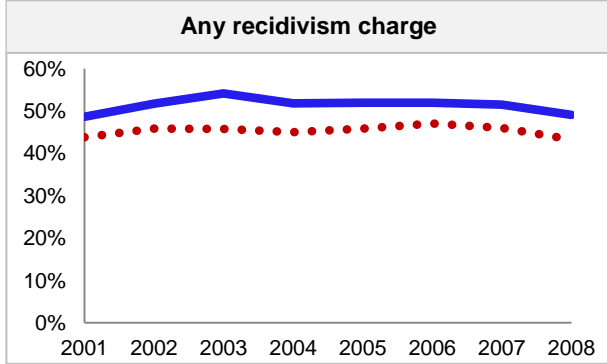
<sup>10</sup> The approach to the recidivism analysis in Section III is different than Section II. See technical appendix for details.

<sup>11</sup> We also analyzed convictions; however, the overall trend of the conviction measure was not substantively different from charges. Thus, we only display charges in Exhibit 6.

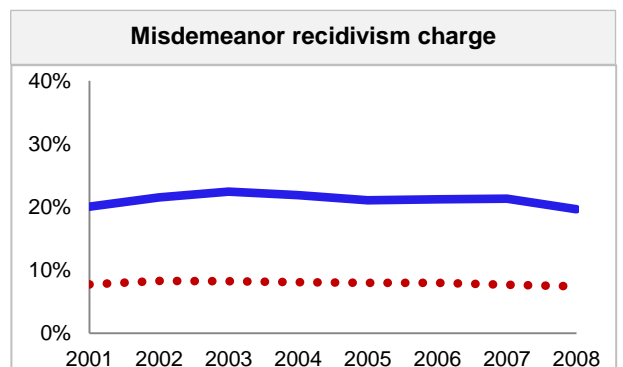
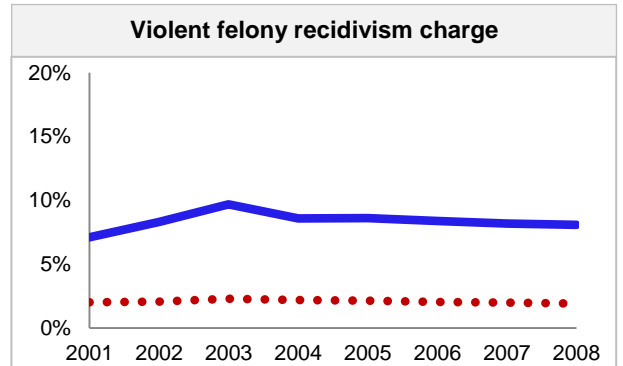
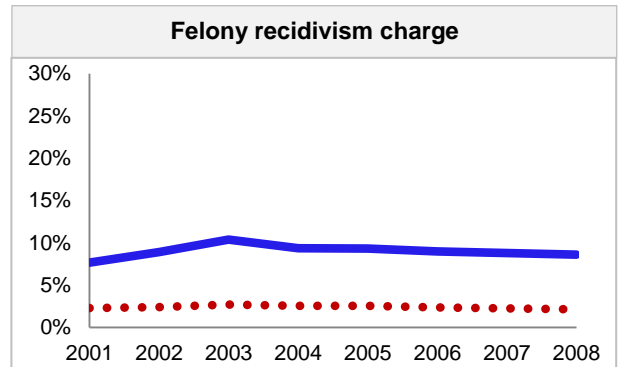
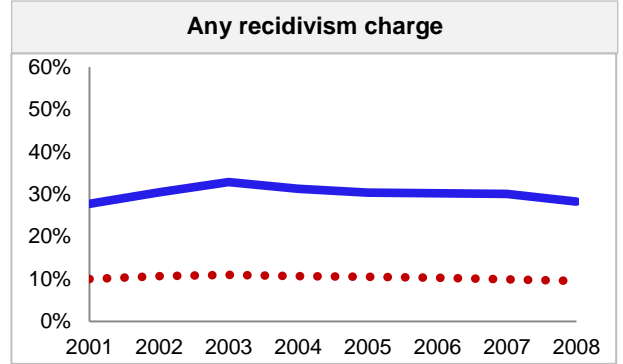
## Exhibit 6 Recidivism Trends

**Key:** — Current DV offender      - - - All other offenders (not current DV offender)

### All offenses (DV and non-DV)



### Domestic violence offenses only



## Technical Appendix: Study group selection, data processing, and definitions

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The Washington State Institute for Public Policy (WSIPP) has a criminal history database which is a synthesis of criminal charge information for individuals. The database was developed using data from the Administrative Office of the Courts (AOC) and the Department of Corrections (DOC) with the intent to conduct legislatively mandated research in a timely fashion. This comprehensive database can be used to determine an offender's criminal history or to calculate recidivism. We used this database to select the study groups and to analyze criminal history and recidivism trends for this report.

**Case selection criteria.** We included offenders with felony or misdemeanor criminal cases filed in Washington State's superior and district courts. Offenders under the age of 18 at the time of the offense were excluded from the analysis.

**Domestic violence.** Domestic violence was determined in two ways. First, if the offense description from the Revised Code of Washington indicated that the offense was domestic violence (e.g., violation of a domestic violence protection order); the offense was classified as domestic violence. We also relied on a field in our database provided by the AOC which indicates whether or not an offense is domestic violence.

**Criminal history and static risk assessment.** Any offense charged in district or superior court prior to the offender's current case is calculated as prior criminal history. This includes adult and juvenile offenses as well as misdemeanor and felony offenses. The static risk calculations in this report are based on the assessment used by the DOC.<sup>12</sup> Since the static risk assessment is based on criminal history and demographics, we have the ability to estimate an offender's risk assessment at any point in time using WSIPP's criminal history database. The static risk assessment counts the total number of prior adjudications (convictions).

**Recidivism.** The legislature directed WSIPP to develop a standard protocol to define recidivism.<sup>13</sup> For this report, we follow those same procedures and define recidivism as any offense committed after release to the community that resulted in a Washington State court legal action. The follow-up period is 36-months from the time the offender was "at-risk" in the community—the date an offender was in the community with the potential to re-offend. In addition to this follow-up period, time is needed to allow an offense to be processed in the criminal justice system. The criminal justice process includes the time period between the date recorded for the commission of a subsequent offense and the resulting conviction of that offense. In our previous report, we found that a 12-month adjudication period is adequate for adult offenders.

Typically, the at-risk date is the adjudication date. If the offender had multiple adjudication dates associated with a case, the first adjudication date was used as the at-risk date. District courts do not provide an adjudication date; thus, the disposition date was used as the at-risk date. When the adjudication and disposition dates were not available, the file date was used as the at-risk date.

When data from DOC indicated the offender was in prison, we adjusted the at-risk date to reflect the release date from prison. If the offender was sent to jail and subsequently to community supervision with DOC, the at-risk date was adjusted to account for time served in jail. It is important to note that we adjusted the at-risk date for offenders who served time in jail only for those offenders under the jurisdiction of DOC because we do not have the necessary jail data from the Jail Booking and Reporting System (JBRS) to determine time in jail for non-DOC offenders.

For this report, we analyzed both charges filed in court and charges resulting in a conviction. We analyzed any recidivism (felonies or misdemeanors), felonies only, and violent felonies only (see Exhibit A1). We examined all offenses (including domestic violence and non-domestic violence offenses) and domestic violence offenses only as defined above.

**Recidivism analyses in this report.** We examine domestic violence recidivism using two approaches. First, in Section II of this report, we provide a "cohort" analysis with the purpose of investigating what happens to domestic violence offenders once they enter into the court system by examining their re-offense behavior. For this analysis, we selected a cohort of offenders who had cases filed in Fiscal Year 2008. Offenders are only counted in the cohort once. That is, there are no duplicate persons. This is the most recent cohort available while allowing a 36-month recidivism follow-up period for offenders who are at-risk in the community. This analysis allows us to examine the criminal history of the cohort as well as how many offenders recidivate and for what kinds of offenses.

In the second recidivism approach in Section III of this report (Recidivism Trends), index cases are selected based on the at-risk-date as opposed to the file date for the cohort analysis in Section II. An offender can enter into the analysis multiple times if they have multiple criminal justice system events and multiple at-risk dates over time. The purpose of this analysis is to examine longer-term recidivism patterns for offenders who are charged with domestic violence offenses.

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<sup>12</sup> Barnoski, R. & Drake, E. (2007). *Washington's Offender Accountability Act: Department of Corrections' Static Risk Instrument*. (Document No. 07-03-1201). Olympia: Washington State Institute for Public Policy.

<sup>13</sup> Barnoski, R. (1997). *Standards for Improving Research Effectiveness in Adult and Juvenile Justice*. (Document No. 97-12-1201). Olympia: Washington State Institute for Public Policy.



**Exhibit A1**  
**Offense Descriptions for Recidivism Categories**

**Misdemeanor**

Assault  
Assault DV Related  
Auto Theft/Vehicle Prowl  
Bail Jump  
Child sex  
Criminal Conduct  
Cruelty to Animals  
Deliver  
Destruction  
Drugs  
DUI/DWI  
DV Related  
Escape  
Fire setting  
Firearm  
Harassment/DV Petition  
Interlock Violations/Aid & Abet DWI  
Miscellaneous Alcohol  
Miscellaneous Criminal  
Possession  
Prostitution  
School  
Sex Offender Fail to Register  
Theft/Fraud/Larceny  
Trespass  
Weapon

**Felony**

Animal Cruelty  
Arson Except First Degree  
Auto Theft/Vehicle Prowl  
Burglary Except First Degree  
Deliver  
Destruction  
Domestic violence related  
Escape  
Possession  
Sex Offender Fail to Register  
Theft/Fraud/Larceny  
Trespass

**Violent Felony**

Arson First Degree  
Assault  
Assault (domestic violence related)  
Burglary First Degree  
Child Sex (including Child Rape)  
Domestic Violence (minus Assault)  
Extortion  
Firearm  
Kidnapping  
Manslaughter  
Murder  
Other Sex  
Rape  
Robbery  
Weapon

For further information, contact Elizabeth Drake at  
(360) 586-2767 or [ekdrake@wsipp.wa.gov](mailto:ekdrake@wsipp.wa.gov)

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