

Examining Recidivism Outcomes Among State Court Defendants Convicted in Large Urban Counties



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BJS Recidivism Studies

<i>Sample</i>	<i>Jurisdictions</i>	<i>Follow-up period</i>
Young parolees released from prison, 1978	22 states	6 years
Felons sentenced to probation, 1986	32 counties in 17 states	3 years
Inmates released from federal prison, 1986-94 (based on federal justice data)	Federal prison system	3 years
Inmates released from state prison, 1983	11 states	3 years
Inmates released from state prison, 1994	15 states	3 years
Felony defendants convicted in state court, 2002-03	40 counties in 18 states	4 years
Domestic violence defendants convicted in state court, 2002-03	16 counties in 8 states	4 years
<i>Current projects</i>		
Inmates released from state prison, 2005	30 states	4 years
Residents interviewed in the National Longitudinal Survey of Youth, 1997 (based on self-reporting)	United States	10 years
Federal offenders under community supervision, 2007	Federal prison system	3 years

JRSA Presentation

- Domestic Violence Recidivism Project
 - Goals and objectives
 - Source of DV cases and non-DV comparison group
 - Data collection and processing
- New Criminal History Record Research Projects
 - Criminal History Records Information Sharing
 - Conversion of Criminal History Records into Research Databases

Domestic Violence Recidivism Project

Goals and objectives

- Compare the criminal activities of defendants convicted of domestic violence with a group of defendants convicted of non-domestic violence offenses
 - DV and non-DV samples taken from two BJS data sources:
 - State Court Processing Statistics Program: 2002-03
 - Domestic Violence Case Processing Study: 2002-03
- Examine the impact of different case processing outcomes on future offending
- Compile criminal history records from the repositories of the project's 18 states and the FBI's Interstate Identification Index (III) and convert the files into a single database that supports national-level recidivism research

State Court Processing Statistics (SCPS)

Source of non-DV sample

- Bi-annual survey that collects detailed case processing data on approximately 15,000 persons charged with felonies during the month of May in 40 counties representative of the nation's 75 largest counties
- Felony defendants tracked from initial filing until final disposition to determine the case outcomes during the pretrial process, adjudication and sentencing
 - About two-thirds of cases result in a conviction
 - 7 in 10 convicted defendants sentenced to prison or jail

Domestic Violence Case Processing (DVCP) Study

- State courts in 16 of the 40 SCPS sites provided incident-based and case processing data on about 5,000 felony and misdemeanor domestic violence cases filed in May 2002
 - 83% intimate partners
 - 17% non-intimate family/household members
- Prosecutor files supplied incident-based data
 - victim-defendant relationship, weapon use, victim injury, alcohol/drug use, presence of witness, evidence collected, and history of prior violence
- Court records supplied case processing data
 - protection orders, pretrial release/detention, adjudication outcomes, and sentencing

Domestic Violence Case Processing Study

Statistical reports

U.S. Department of Justice
Office of Justice Programs

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Bureau of Justice Statistics
Special Report

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State Court Processing of Domestic Violence Cases

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In state courts of 15 large urban counties, 2,629 violent felony cases were filed in May 2002. In nearly 7 in 10 of these cases, sexual assault or aggravated assault was the most serious charge. A third of these felony sexual or aggravated assault charges were classified as domestic violence (DV); the remainder were classified as non-domestic violence (non-DV) charges. Domestic violence includes violence between family members, intimate partners, and household cohabitants.

The findings in this report are based on a study of DV cases in the 15 counties' state courts. The study was conducted by the Bureau of Justice Statistics to examine how domestic violence cases were handled by the justice system. Persons charged with domestic or non-domestic violence were tracked in court records from May 2002, when charges were filed, through final court disposition. The 15 counties in the study are located in 8 states.

State	County
Arizona	Pima
California	Alameda, Orange, Riverside, San Diego, Santa Clara
Florida	Dade, Palm Beach, Pinellas
Georgia	Fulton
Indiana	Marion
Ohio	Franklin
Tennessee	Shelby
Texas	El Paso, Travis

This study compared domestic and non-domestic sexual assault and domestic and non-domestic aggravated assault on 11 prosecution, conviction, and sentencing outcome measures. On 7 of the 11 measures, no differences were found between DV and non-DV sexual assault case processing. On the other four case processing measures, DV sexual assault defendants had a higher prosecution rate (89% versus 73%); higher overall conviction rate (98% versus 87%); higher felony sexual assault conviction rate

Case processing outcomes for DV cases were the same as or more serious than the outcomes for non-DV cases.

Metric	Domestic	Non-domestic
Percent prosecuted	89%	73%
If prosecuted, percent convicted of a felony	98%	87%
If convicted of a felony, percent incarcerated	80%	63%

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(80% versus 63%); and a longer average incarceration sentence (8 years versus 2½ years).

Like sexual assault defendants, no differences were found on 7 of 11 measures of case processing between DV and non-DV aggravated assault defendants. On the other four measures, DV aggravated assault defendants had a higher overall conviction rate (67% versus 78%); higher violent felony conviction rate (81% versus 52%); higher aggravated assault conviction rate (54% versus 45%); and higher misdemeanor conviction rate (22% versus 16%).

Overall, the study found that the case processing outcomes for DV cases were the same as or more serious than the outcomes for non-DV cases. The 15-county study also found that DV aggravated assault defendants were less likely to be granted pretrial release than non-DV aggravated assault defendants. Of those granted pretrial release, courts were also more likely to issue a protection order against DV aggravated assault defendants.

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Bureau of Justice Statistics
SPECIAL REPORT

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State Court Processing Statistics

Profile of Intimate Partner Violence Cases in Large Urban Counties

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BJS Statisticians

This report is based on data collected in the study *Processing of Domestic Violence Cases in State Courts*, conducted by the Bureau of Justice Statistics (BJS). Findings are based on information documented in prosecutor files and court records of 3,750 intimate partner violence cases. Cases were tracked for one year following the defendant's first court appearance in May 2002.

Most cases of intimate partner violence involved a female victim and a male defendant

Victims in intimate partner violence cases were generally female (86%), while defendants were generally male (86%) (table 1). The majority of IPV cases (84%) involved a male defendant and a female victim. Twelve percent of cases involved a female defendant and a male victim (not shown in table). In 4% of IPV cases, the defendant and victim were of the same gender.

In the state courts of 16 large urban counties, 3,750 cases of intimate partner violence (IPV) were filed in May 2002. These cases represent 83% of the 4,562 domestic violence cases filed in the 16 counties.¹ A case was defined as intimate partner violence if it involved an allegation of intentional physical violence committed, attempted, or threatened between spouses, ex-spouses, common-law spouses, boyfriends or girlfriends, present or past. For more information on the definitions of domestic violence and intimate partner violence used in this report, see the *Methodology*.

More than half of IPV defendants were convicted, and of those convicted, more than 80% were sentenced to incarceration in either prison or jail. This report examines the case characteristics that are associated with an increased likelihood of conviction.

¹See appendix table 1 for distribution of victim-offender relationships for all 4,562 domestic violence cases in the study.

Highlights

Among 3,750 cases of intimate partner violence filed in the state courts of 16 large urban counties in May 2002:

- Most involved a female victim and a male defendant (84%).
- Most involved a charge of assault, either aggravated (12%) or simple (78%); an additional 5% were charged with intimidation, including stalking.
- Nearly half (46%) involved a defendant with a prior history of abuse toward the same victim.
- Approximately 1 in 4 cases involved the use of a weapon, such as a gun, a knife, or other blunt object.
- Defendants charged with a felony (44%) were twice as likely to have used a weapon as defendants charged with a misdemeanor (22%).
- A witness to the incident was present in nearly half of intimate partner violence cases; half of those witnesses were children.
- A history of abuse between the victim and defendant, among other characteristics, was associated with a higher likelihood that the case resulted in a conviction.

State Court Processing of Domestic Violence Cases (*Smith, Durose and Langan, 2008*)

- Compared to non-domestic sexual assault, domestic sexual assault defendants:
 - had a higher prosecution rate (89% versus 73%)
 - had a higher conviction rate (98% versus 87%)
- Compared to non-domestic aggravated assault, domestic aggravated assault defendants:
 - had a higher conviction rate (87% versus 78%)
 - more likely to be on probation, on parole, or have some other active criminal justice status at the time of their arrest (26% versus 18%)
- Other findings included:
 - DV defendants were less likely to be granted pretrial release than non-DV defendants
 - Of defendants granted pretrial release, courts were more likely to issue a protection order against DV defendants than non-DV defendants

Profile of Intimate Partner Violence Cases in Large Urban Counties (*Smith and Farole, 2009*)

- Examined the incident-based and case processing information on intimate partner violence (IPV) cases filed in the state courts of large urban counties
- Among 3,750 IPV cases filed in the state courts of 16 large counties in May 2002:
 - About 1 in 4 involved the use of a weapon
 - A witness to the incident was present in nearly half of cases; half of those witnesses were children
 - A history of abuse between the victim and defendant was associated with a higher likelihood of conviction

Domestic Violence Recidivism Project

- Personal identifiers (e.g., name, date of birth, state identification number) supplied by the courts were used to obtain computerized criminal history (CCH) records from the FBI's III database and the state repositories on defendants in the 2002-03 SCPS and DVCP samples.
- Each data file generated by the FBI or a state repository in response to these requests required unique and often lengthy computer programs to convert the information into a single database to support national-level recidivism research.

Domestic Violence Recidivism Project

During the project period, BJS, the Regional Justice Information Services (grantee) and the Pretrial Justice Institute (sub-grantee):

1. Contacted the project's 18 states to obtain their participation
2. Established data transfer agreements
3. Worked with each state and the FBI to determine the correct file format for submitting CCH inquiries and receiving CCH data extracts
4. Developed coding specifications for the recidivism research database
5. Processed the CCH responses from each agency into a uniform layout
6. Converted the state-specific subject, arrest and court data elements into a standardized coding structure
7. Performed quality control checks and followed up with data providers to resolve issues
8. Calculated analysis variables for recidivism research

Domestic Violence Recidivism Project

Types of CCH data elements converted into the BJS coding structure and added to recidivism research file

Subject variables (for verification purposes)

- Name
- State Identification Number (SID)
- FBI Identification Number
- Date of birth
- Gender
- Race
- Hispanic origin

Arrest variables

- Date of arrest
- Arrest disposition
- Arrest charge code
- Charge severity
- Probation/parole violation indicator
- Protection order violation indicator
- FTA/Warrant indicator
- Domestic violence indicator
- Weapon use
- Child victim

Court/Sentencing variables

- Adjudication/Sentencing date
- Adjudication outcome
- Adjudication offense code
- Sentence lengths
- Fine/Restitution amounts
- Treatment

Domestic Violence Recidivism Project

Types of analysis variables added to the BJS recidivism research database

- Prior to 2002-03 conviction
 - # of arrests
 - # of convictions
 - # of incarcerations
- Following 2002-03 conviction
 - # of arrests
 - # of convictions
 - # of incarcerations
- Time from 2002-03 conviction to
 - First rearrest
 - First reconviction
- Type of recidivism offense
 - Same as 2002-03 conviction offense
 - Differs from 2002-03 conviction offense
- State CCH files processed to obtain “in-state” criminal history information (criminal activities that occurred in the state where the defendant was adjudicated)
- FBI CCH files processed to obtain “out-of-state” criminal history information (criminal activities that occurred outside the state where defendant was adjudicated)

Domestic Violence Recidivism Project

Forthcoming Publications

- Recidivism of Felony Defendants Convicted in Large Urban Counties
 - Compare criminal histories and subsequent criminal behavior of various types of offenders (e.g., sex offenders, drug traffickers, drunk drivers)
 - Compare future offending patterns of persons with different case outcomes (e.g., incarcerated, probation, pretrial diversion, deferred adjudication)
- Recidivism of Domestic Violence Offenders
 - Report on offending patterns of persons convicted of felony or misdemeanor domestic violence
 - Update case processing reports - State Court Processing of Domestic Violence Cases and Profile of Intimate Partner Violence Cases in Large Urban Counties - with recidivism analyses

Current BJS National Criminal History Record Research Projects

- Criminal History Records Information Sharing (CHRIS) Project
- Conversion of Criminal History Records into Research Databases (CCHRRD) Project

Criminal History Records Information Sharing (CHRIS) Project

- BJS was recognized by the FBI as a criminal justice agency and assigned an ORI number to directly access information in the FBI's III System (2008).
- BJS entered into a data sharing agreement with the FBI and Nlets* to receive state and federal criminal history information through Nlets for data analysis purposes and to support the improvement of criminal history records.

*Nlets is the International Justice and Public Safety Network. It links together state, local and federal law enforcement agencies for the purpose of information exchange.

Criminal History Records Information Sharing (CHRIS) Project

- BJS and Nlets produced a secure system to receive criminal history records from the FBI and state repositories in a common file layout through a single request to the FBI's III System via Nlets.
- BJS and Nlets developed software programs to interpret the unique structure of CCH files from all 50 states and parse key data elements into the standardized CHRIS layout.
- This process will decrease the time and resources needed to collect data for national criminal history research while reducing the reporting burden on the repositories.

Conversion of Criminal History Records into Research Databases (CCHRRD) Project

- BJS is working with the National Opinion Research Center (grantee) to translate criminal history data obtained from the CHRIS process into a standardized coding structure for national-level recidivism research.
- CCHRRD software system will be designed to:
 - Quickly recode large amounts of federal and state-specific data (e.g., free-field text and offense codes).
 - Run on data conversion programs that are easy to update with new coding rules (e.g., tables that crosswalk state statutes and charge descriptions into the BJS codes).
 - Produce recidivism databases analyzable by standard statistical analysis packages.
 - Support various types of recidivism research projects.

2005 National Recidivism Study of Released Prisoners

- Data exchange model developed through the CHRIS project was recently used to obtain CCH data on a sample of 70,000 former inmates selected to represent the 400,000 released in 2005 in the study's 30 states.
- Nlets merged each subject's "in-state" and "out-of-state" criminal history records into a multi-state rap sheet through an automated process.
- When completed, the CCHRRD software will be used to standardize the federal and state-specific CCH data and produce output files for national recidivism research.

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