

MISSOURI STATE HIGHWAY PATROL

# Domestic Violence Offenders in Missouri

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A Study on Recidivism

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## **I. BACKGROUND**

The characteristics of domestic violence and domestic violence offenders in Missouri are understudied. To date there have been no published studies on this topic in Missouri despite the fact that 11 percent of all homicides in 2008 were domestic violence related (Missouri 2009). The goal of this study is to determine if domestic violence offenders in Missouri recidivate at a higher rate than non-domestic violence offenders while at the same time quantifying as much information as possible about domestic violence and domestic violence offenders in Missouri. It is hoped this study will definitively answer questions regarding domestic violence and how it is similar or different from other crimes.

Research suggests that domestic violence offenses are prosecuted in at least the same manner as non-domestic violence offenses (Smith, Durose, & Langan 2008). In a survey of state courts of 15 large urban counties examining individuals charged with a violent felony, approximately one-third of the felony sexual or aggravated assault charges were classified as domestic (Smith, Durose, & Langan 2008). Individuals charged with domestic violence sexual assault felonies were more likely to face prosecution than non-domestic violence sexual assault defendants, while those charged with aggravated assault showed little difference.

## **II. METHODOLOGY**

The data source used for this analysis is the Criminal History Reporting System (CHRS) maintained by the Missouri State Highway Patrol. Data stored in the CHRS repository are collected on fingerprint cards initiated at the time of offenders' arrests. Fingerprint cards are subsequently sent to prosecutors and courts to update their dispositions. At each criminal justice system level data are submitted to the CHRS and added to the data repository.

The first steps undertaken by this study were to determine which offenses qualify as domestic violence. For this analysis, domestic violence was defined to include cohabiting partners, roommates, and family members in addition to intimate partners. In order to select which charges to include as domestic violence charges, those explicitly relating to domestic violence were selected from the Missouri statutes (e.g., domestic assault). In addition, charges with domestic violence NCIC modifiers were included for this study. The statute numbers and charge codes were then utilized to select the study population.

A SAS computer program was written to select offenders arrested for at least one domestic violence charge from 1999 through year-to-date 2010 from the CHRS data repository. An arrest analytical database was constructed that contained domestic violence offenders' charge information, demographic characteristics, and arrest status. SPSS 11.5 for Windows was used to perform the statistical analysis.

Because arresting charges and prosecutor charges are unlinked in the CHRS repository it was necessary to re-collect data for the prosecution analytical file. It was constructed by sub setting only those charges and offenses filed by prosecuting attorneys. Only domestic violence charges that were prosecuted were kept to conduct an analysis of the prosecution, adjudication, and sentencing. Domestic violence arrest charges that were amended by prosecutors to non domestic violence charges were not included in the prosecution analysis file.

### III. ANALYSIS OF ARRESTS IN MISSOURI

To identify characteristics of persons arrested for domestic violence, an analysis of arrest data in Missouri is warranted. From 1999 through 2010, 21,659 individuals had 24,039 unique arrests for domestic violence offenses in Missouri. These arrests had 26,535 associated charges.

<b>Table 3.1</b>		
<b>Age of Domestic Violence Arrestees 1999-2010</b>		
	<b>Count</b>	<b>Percent</b>
<b>Less than 16</b>	3	0.0%
<b>16-25</b>	6,337	29.3%
<b>26-35</b>	7,286	33.6%
<b>36-45</b>	5,504	25.4%
<b>More than 45</b>	2,524	11.7%
<b>Total<sup>1</sup></b>	21,654	100.0%
<i>Mean = 32.7</i>	<i>Range: 14-87</i>	<i>Std. Dev. = 10.2</i>
<sup>1</sup> Age was unknown in 5 arrests		

Domestic violence offenders in Missouri appear to be young middle aged members of the population. As indicated in Table 3.1, persons between 26 and 35 years of age comprised the largest age group arrested for domestic violence. The average age, at time of arrest, of a domestic violence offender was 32.7 years old.

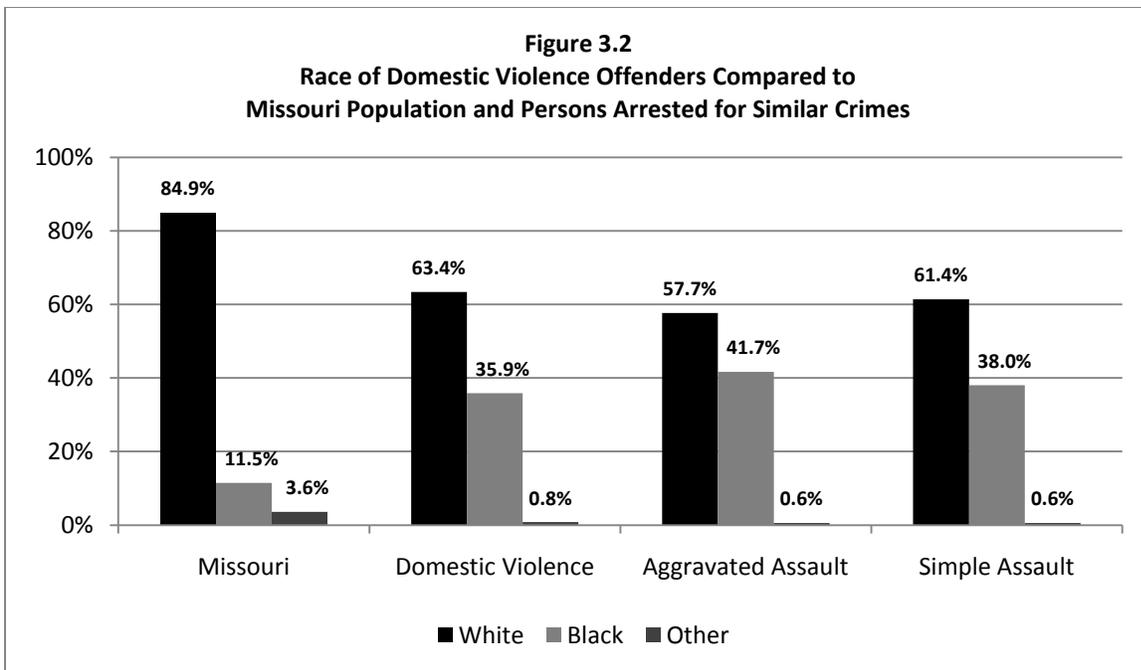
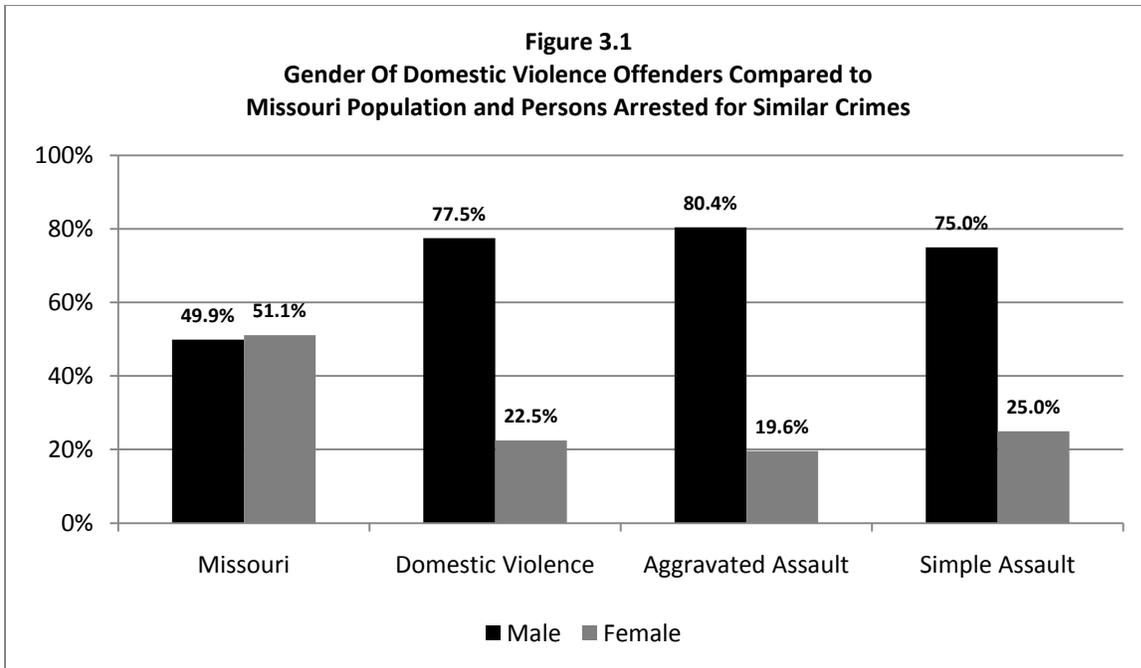
In addition to being committed largely by younger middle aged adults, the preponderance of domestic violence offenses is committed by white males. In Missouri between 1999 and 2010, over 77 percent of domestic violence arrestees were male (Table 3.2) and over 63 percent were white (Table 3.3).

<b>Table 3.2</b>		
<b>Gender of Domestic Violence Arrestees 1999-2010</b>		
	<b>Count</b>	<b>Percent</b>
<b>Male</b>	16,776	77.5%
<b>Female</b>	4,880	22.5%
<b>Total</b>	21,656	100.0%

Comparing the demographics of domestic violence offenders in Missouri to the general population and offenders of similar crimes such as aggravated and simple assault allows for a meaningful comparison to be drawn. In order to make these comparisons, United States Census 2009 estimates data were used to describe the general population of Missouri. Uniform Crime Reporting 2009 arrest data were used to describe aggravated and simple assault offender demographics.

<b>Table 3.3</b>		
<b>Race of Domestic Violence Arrestees 1999-2010</b>		
	<b>Count</b>	<b>Percent</b>
<b>White</b>	13,724	63.4%
<b>Black</b>	7,770	35.9%
<b>Other</b>	165	0.8%
<b>Total</b>	21,659	100.0%

Figures 3.1 and 3.2 compare domestic violence offenders demographic characteristics to the 2009 Missouri population and offenders arrested for aggravated and simple assault. The figures demonstrate that domestic violence offenders are similar to other criminal assault arrest populations with a high male and minority overrepresentation. The domestic violence population has a slightly higher proportion of white offenders than persons arrested for aggravated assault.



The most common arrest charge levied against domestic violence offenders in Missouri is assault of some type (Table 3.4). Abuse constitutes the second largest group of arrest charges for domestic violence offenders in Missouri and between 1999 and 2010 over 6,000 abuse charges were levied against persons arrested for domestic violence. Murder charges do not make up a significant portion of domestic violence offenses.

<b>Table 3.4</b>		
<b>Domestic Violence Offences by Arrest Charge Group 1999-2010</b>		
	<b>Count</b>	<b>Percent</b>
<b>Assault</b>	16,386	61.8%
<b>Murder</b>	161	0.6%
<b>Abuse</b>	6,647	25.0%
<b>Other</b>	3,341	12.6%
<b>Total</b>	26,535	100.0%

Table 3.5 provides more detailed data that describe offenses in domestic violence arrests. In this table, statistics are given for each specific offense type and include degrees of the primary offense. In general an offense in the first degree is more severe than the same offense in the second degree, and the second degree more severe than the third degree. The primary difference is

often intent and/or circumstance of the offense. For example, first degree assault is an attempt to kill or cause serious physical injury to another person while second degree assault is the intent to cause physical injury while under the influence of sudden passion. Domestic assault and murder charges follow a similar pattern. Abuse offenses include all offenses relating to some form of abuse, including both child abuse and elderly abuse. As seen in Table 3.5, 3rd degree domestic assault (28.7%) comprises the largest proportion of Missouri domestic violence arrest charges from 1999 to 2010. Following this charge was abuse (25%) and 2nd degree domestic assault (17.2%).

Table 3.6 provides a racial breakdown of persons arrested for domestic violence charges. The category identified as other includes manslaughter, kidnapping, false imprisonment, endangering the welfare of a child, and unlawful transaction with a child. As seen in Table 3.6, most offenses are distributed equally among races arrested for domestic violence. However, there are a few notable exceptions in third degree domestic assault that have over representation of blacks and other races, and abuse that is over represented in blacks.

Table 3.7 displays arrest charges by gender of arrestees. Male domestic violence offenders in Missouri are arrested for domestic assault charges more often than female offenders. Female offenders are more likely to be arrested and charged with abuse or one of the offenses falling under the other category.

<b>Table 3.5</b>		
<b>Domestic Violence Arrest Charges 1999-2010</b>		
	<b>Count</b>	<b>Percent</b>
<b>Assault 1<sup>st</sup> Degree</b>	1,783	6.7%
<b>Assault 2<sup>nd</sup> Degree</b>	1,093	4.1%
<b>Assault-School Property</b>	0	-
<b>Domestic Assault 1<sup>st</sup> Degree</b>	1,222	4.6%
<b>Domestic Assault 2<sup>nd</sup> Degree</b>	4,575	17.3%
<b>Domestic Assault 3<sup>rd</sup> Degree</b>	7,618	28.8%
<b>Murder 1<sup>st</sup> Degree</b>	103	0.4%
<b>Murder 2<sup>nd</sup> Degree</b>	58	0.2%
<b>Abuse (All)</b>	6,647	25.1%
<b>Endangering Welfare of Child</b>	2,374	8.9%
<b>False Imprisonment</b>	0	-
<b>Kidnapping</b>	471	1.8%
<b>Unlawful Trans. w/ Child</b>	79	0.3%
<b>Other<sup>1</sup></b>	417	1.6%
<b>Total<sup>2</sup></b>	26,440	100.0%

<sup>1</sup>Includes manslaughter, kidnapping, false imprisonment, endangering the welfare of a child, & unlawful transaction with a child  
<sup>2</sup>95 domestic assault charges were unclassified by degree

<b>Table 3.6</b>								
<b>Domestic Violence Arrest Charges by Race 1999-2010</b>								
	<b>White</b>		<b>Black</b>		<b>Other</b>		<b>Total</b>	
	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>
<b>Assault 1<sup>st</sup> Degree</b>	679	4.1%	1,091	11.1%	13	6.7%	1,783	6.7%
<b>Assault 2<sup>nd</sup> Degree</b>	668	4.0%	421	4.3%	4	2.1%	1,093	4.1%
<b>Assault-School Property</b>	0	-	0	-	0	-	0	-
<b>Domestic Assault 1<sup>st</sup> Degree</b>	750	4.5%	461	4.7%	11	5.7%	1,222	4.6%
<b>Domestic Assault 2<sup>nd</sup> Degree</b>	2,894	17.5%	1,648	16.8%	33	17.0%	4,575	17.2%
<b>Domestic Assault 3<sup>rd</sup> Degree</b>	4,097	24.8%	3,483	35.5%	38	19.6%	7,618	28.7%
<b>Murder 1<sup>st</sup> Degree</b>	68	0.4%	32	0.6%	2	1.5%	103	0.4%
<b>Murder 2<sup>nd</sup> Degree</b>	49	0.3%	9	0.1%	0	-	58	0.2%
<b>Abuse (All)</b>	4,516	27.4%	2,073	21.1%	58	30.1%	6,638	25.1%
<b>Other<sup>1</sup></b>	2,730	16.6%	578	5.9%	33	17.1%	3,341	12.6%
<b>Total<sup>2</sup></b>	16,451	100.0%	9,796	100.0%	193	100.0%	26,440	100.0%

<sup>1</sup>Includes manslaughter, kidnapping, false imprisonment, endangering the welfare of a child, & unlawful transaction with a child  
<sup>2</sup>95 domestic assault charges were unclassified by degree

	Male		Female		Total	
	Count	Percent	Count	Percent	Count	Percent
<b>Assault 1<sup>st</sup> Degree</b>	1,415	6.9%	368	6.3%	1,783	6.7%
<b>Assault 2<sup>nd</sup> Degree</b>	869	4.2%	224	3.8%	1,093	4.1%
<b>Assault-School Prop.</b>	0	-	0	-	0	-
<b>Domestic Assault 1<sup>st</sup> Degree</b>	929	4.5%	293	5.0%	1,222	4.6%
<b>Domestic Assault 2<sup>nd</sup> Degree</b>	3,989	19.4%	586	10.1%	4,575	17.3%
<b>Domestic Assault 3<sup>rd</sup> Degree</b>	6,626	32.2%	991	17.0%	7,617	28.8%
<b>Murder 1<sup>st</sup> Degree</b>	80	0.4%	23	0.4%	103	0.4%
<b>Murder 2<sup>nd</sup> Degree</b>	47	0.2%	11	0.2%	58	0.2%
<b>Abuse (All)</b>	4,388	21.3%	2,256	38.7%	6,644	25.1%
<b>Other<sup>1</sup></b>	2,271	11.0%	1,070	18.4%	3,341	12.6%
<b>Total<sup>2</sup></b>	20,614	100.0%	5,822	100.0%	26,436	100.0%

<sup>1</sup>Includes manslaughter, kidnapping, false imprisonment, endangering the welfare of a child, & unlawful transaction with a child  
<sup>2</sup>95 domestic assault charges were unclassified by degree and 4 arrests had unknown gender

Table 3.8 displays domestic violence arrests by the geographic area of occurrence. Arrests that occurred in counties with a population greater than 10,000 were classified as urban while those that occurred in counties with population less than 10,000 were classified as rural. As seen in Table 3.8, a greater proportion of domestic violence arrests in Missouri occurred in urban counties. Of the 24,039 arrests, nearly 60 percent were from urban areas of the State. However, 9,646 arrests, or 40.1%, occurred in rural counties. These data suggest that while urban areas contribute most of the domestic violence arrests, significant arrests are made in rural environments as well.

	Count	Percent
<b>Urban</b>	14,391	59.9%
<b>Rural</b>	9,646	40.1%
<b>Total<sup>1</sup></b>	24,037	100.0%

<sup>1</sup>2 arrests were from unknown locations

It is important to identify how law enforcement agencies process domestic violence arrests after the initial event. Table 3.9 identifies the status of domestic violence arrests including the number sent to prosecutors. Of the 24,039 arrests in Missouri containing domestic violence

offenses between 1999 and 2010, three-quarters (75.2%) were subsequently sent to prosecuting attorneys for further action. Only 15 percent of the 24,039 arrests were not filed, and another 9.8%

percent had no further action taken or were sent to another agency. It is important to note that an arrest sent to a prosecuting attorney does not guarantee domestic violence charges are filed.

<b>Table 3.9</b>		
<b>Arrest Status of Domestic Violence Arrests 1999-2010</b>		
	<b>Count</b>	<b>Percent</b>
<b>Sent to Prosecutor</b>	18,081	75.2%
<b>No Further Action</b>	1,074	4.5%
<b>Turned Over To (Other Agency)</b>	1,279	5.3%
<b>Pending/Taking Under Advisement</b>	0	-
<b>Not Filed</b>	3,605	15.0%
<b>Total</b>	24,039	100.0%

#### **IV. ANALYSIS OF PROSECUTOR ACTION IN MISSOURI**

Unfortunately arrest-level records are not directly linked to prosecutor-level records in the Missouri CHRS repository. Although arrest charges may be amended by prosecutors based on case facts, the lack of database record linkage prevents an analysis of charge modifications. Prosecutor actions are maintained on arrest records in CHRS but charges filed are maintained on prosecutor records that can't be directly linked to arrest information. As a result, it can appear that a domestic violence arrest charges were sent to prosecutors and filed. But in reality the prosecuting attorney may have filed charges not under the sphere of domestic violence. An effort has been made to remedy the lack of arrest and prosecution record linkage as best as possible. However, it should be acknowledged that it is not a perfect solution.

For this study, analyses accepted the limitations of CHRS and were made at two levels; arrest and prosecution. Analyses to this point were at the arrest level. For the analyses to follow in this section and subsequent sections, data originated from prosecutor level unless otherwise indicated. The result of using two separate levels was a drop in the size of the population in exchange for accuracy. This analysis does however allow an offense containing a domestic violence charge to be tracked through the criminal justice system from the prosecution to court adjudication and sentencing.

Table 4.1 provides a breakdown of prosecutor actions on arrest offenses analyzed at arrest level. Of the 18,081 arrests with domestic violence charges sent to prosecuting attorneys, 15,926, or 88.1%, had domestic violence charges filed.

<b>Table 4.1</b>		
<b>Prosecutor Action on Domestic Violence Arrests 1999-2010</b>		
	<b>Count</b>	<b>Percent</b>
<b>Charge(s) Filed</b>	15,926	88.1%
<b>Amended</b>	1,262	7.0%
<b>Nolle Prosequi</b>	862	4.8%
<b>No Bill</b>	10	0.1%
<b>Deferred</b>	21	0.1%
<b>Diversion</b>	0	-
<b>Total</b>	18,081	100.0%

Frequencies of arrests with at least one domestic violence charge filed by prosecuting attorneys are given in Table 4.2 based on analyses at both the arrest and prosecutor levels. An apparent decrease in the arrest population at prosecutor analysis level as compared to arrest level is evident in this table. The decrease of arrests at prosecutor analysis level suggests a significant number of charges in domestic violence cases are amended by prosecutors to non-domestic violence charges. Consequently, the

<b>Table 4.2</b>		
<b>Comparison of Domestic Violence Arrests and Charges Filed at Arrest and Prosecution Analysis Levels 1999-2010</b>		
	<b>Arrest Level</b>	<b>Prosecutor Level</b>
<b>Arrest with Charges Filed</b>	15,926	6,670
<b>Total Domestic Violence Charges</b>	26,535	17,854
<b>Charge To Arrest Ratio</b>	1.67	2.68

prosecutor analysis dataset created for this study would not contain these arrests. Also important is the differences between charge and arrest ratios at the two analysis levels seen in Table 4.2. The larger ratio of charges to arrests at the prosecution level may imply domestic violence cases with only a single charge are not being processed through the CHRS as completely by prosecutors as cases with multiple charges.

#### **Prosecutor Action by Offense Type**

In order to identify types of offenses filed in domestic violence cases, charges were analyzed at prosecutor level. As seen in Table 4.3, more felony domestic violence charges were filed by prosecuting attorneys in Missouri from 1999 to 2010 than misdemeanor charges. Of the domestic violence charges filed by prosecuting attorneys, 10,243 were felonies (58.5%) and 7,416 (41.5%) were misdemeanors.

Table 4.4 identifies the percentage of each specific charges filed by prosecutors. The most common

<b>Table 4.3</b>		
<b>Type of Domestic Violence Charge Filed by Prosecutors 1999-2010</b>		
	<b>Charges Filed</b>	
	<b>Count</b>	<b>Percent</b>
<b>Felony</b>	10,438	58.5%
<b>Misdemeanor</b>	7,416	41.5%
<b>Total</b>	17,854	100.0%

charges filed by prosecutors were domestic assault 3rd degree (27.8%) and domestic assault 2nd degree (24.5%). Although a direct comparison cannot be made to the previous analysis of arrest charges in Table 3.5, the increase in proportion of domestic assault 2nd degree charges suggest some offenders are prosecuted more severely than they were originally arrested for.

#### **Prosecutor Action by Offender Demographic Characteristics**

An analysis of prosecuted domestic violence offenders' demographic characteristics was conducted to determine whether any population group was processed differently than other groups. In order to count each individual once per arrest, only unique offense cycle numbers were analyzed. Although a specific individual may appear in the analysis more than once because of multiple arrests, they are not included if charges are from the same arrest.

	<b>Total Charges Filed</b>	<b>Percent Filed</b>
<b>Assault 1<sup>st</sup> Degree</b>	365	2.0%
<b>Assault 2<sup>nd</sup> Degree</b>	474	2.7%
<b>Assault-School Property</b>	0	-
<b>Domestic Assault 1<sup>st</sup> Degree</b>	408	2.3%
<b>Domestic Assault 2<sup>nd</sup> Degree</b>	4,372	24.5%
<b>Domestic Assault 3<sup>rd</sup> Degree</b>	4,961	27.8%
<b>Murder 1<sup>st</sup> Degree</b>	55	0.3%
<b>Murder 2<sup>nd</sup> Degree</b>	83	0.5%
<b>Abuse (All)</b>	3,032	17.0%
<b>Endangering Welfare of Child 1<sup>st</sup> Degree</b>	1,158	6.5%
<b>Endangering Welfare of Child 2<sup>nd</sup> Degree</b>	2,074	11.6%
<b>Other</b>	860	4.8%
<b>Total<sup>1</sup></b>	17,842	100.0%

<sup>1</sup> Charge type was unknown in 12 charges

#### **Prosecutor Action by Race**

Domestic violence cases filed by prosecutors involved white individuals nearly three times as often as minorities in Missouri between 1999 and 2010 (Table 4.5). Of all offenders arrested for domestic violence charges, 74.1% were white while 25.9% were black or of another race.

	<b>Count</b>	<b>Percent</b>
<b>White</b>	4,763	74.1%
<b>Black</b>	1,604	25.0%
<b>Other</b>	60	0.9%
<b>Total</b>	6,427	100.0%

#### **Prosecutor Action by Gender**

Males accounted for the overwhelming majority of the prosecuted domestic violence arrests between 1999 and 2010. Of the 6,425 arrests with domestic violence charges filed against them by prosecuting attorneys, over 80 percent were male (Table 4.6). This is just a slight increase in the proportion of arrested males (i.e., 77.5%). This suggests gender is not a factor in domestic violence cases filed by prosecutors.

	<b>Count</b>	<b>Percent</b>
<b>Male</b>	5,145	80.1%
<b>Female</b>	1,280	19.9%
<b>Total<sup>1</sup></b>	6,425	100.0%

<sup>1</sup>Gender was unknown in two arrests

	<b>Count</b>	<b>Percent</b>
<b>Less than 16 yrs.</b>	0	-
<b>16-25 yrs.</b>	1,831	28.5%
<b>26-35 yrs.</b>	2,240	34.9%
<b>36-45 yrs.</b>	1,599	24.9%
<b>More than 45 yrs.</b>	756	11.8%
<b>Total<sup>1</sup></b>	6,426	100.0%
<i>Mean = 32.7</i>	<i>Range: 16-85</i>	<i>Std. Dev. = 10.2</i>
<sup>1</sup> Age was unknown for one arrest		

### **Prosecutor Action by Age Group**

The age distribution of offenders with domestic violence charges filed by prosecutors is similar to that of offenders arrested for these crimes. As seen in Table 4.7, the greatest proportion of filed domestic violence charges was against offenders aged 26 to 35 years old. This suggests age has does not factor in prosecutors' decisions to file these charges. It may also suggest the absence of any alternative programs, such as counseling or therapy, designed for young offenders as a means of early intervention.

## **V. ANALYSIS OF COURT ACTION IN MISSOURI**

In order to conduct analyses of court actions associated with domestic violence charges in Missouri, the court dispositions had to be linked to prosecutor charges. This was accomplished by indexing arrest numbers to prosecutor action sequence numbers. As a result of this processing, court dispositions were identified for each domestic violence charge filed by prosecutors. It is important to note that analyses of court dispositions are at charge level. This is necessary because a given offender may be charged and prosecuted on a number of charges, each of which will receive a disposition from the court. Filtering data by unique offenses or individuals in this circumstance would only provide a glimpse of the population.

Table 5.1 provides frequencies of court dispositions on domestic violence charges associated with arrests made between 1999 and 2010. Over half (52.8%) of domestic violence charges resulted in a

	<b>Count</b>	<b>Percent</b>
<b>Acquitted</b>	31	0.2%
<b>Acquitted/Insane</b>	0	-
<b>Dismissed by Court</b>	102	0.6%
<b>Dismissed by State</b>	1,597	8.9%
<b>Defendant Died</b>	0	-
<b>Guilty</b>	9,424	52.8%
<b>Guilty-SES</b>	3,709	20.8%
<b>Guilty-SIS</b>	2,894	16.2%
<b>Change of Venue</b>	69	0.4%
<b>Other</b>	28	0.2%
<b>Total</b>	17,854	100.0%

guilty disposition. Another 20.8% of the charges received guilty dispositions with suspended execution of sentences (SES), and 16.2% were found guilty but given suspended imposition of sentences (SIS). Suspended execution of sentence generally means that no sentence is served while suspended imposition typically requires the individual to meet certain requirements in order for the sentence not to be carried out (e.g. probation).

**Court Disposition by Charge Type**

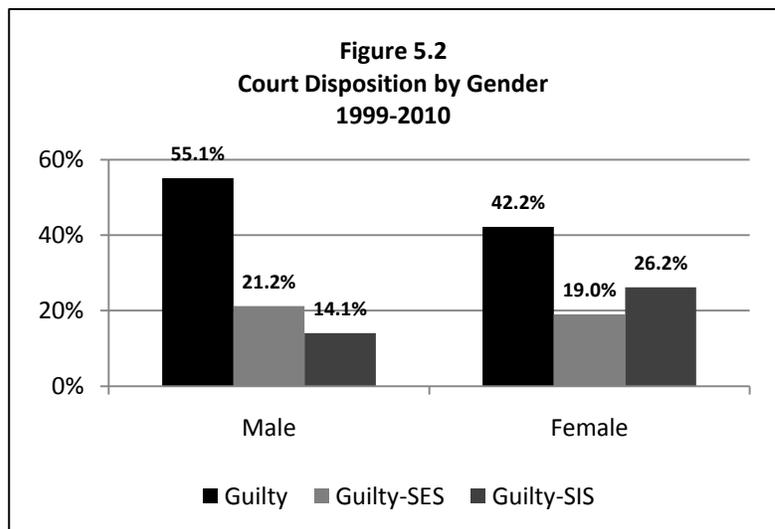
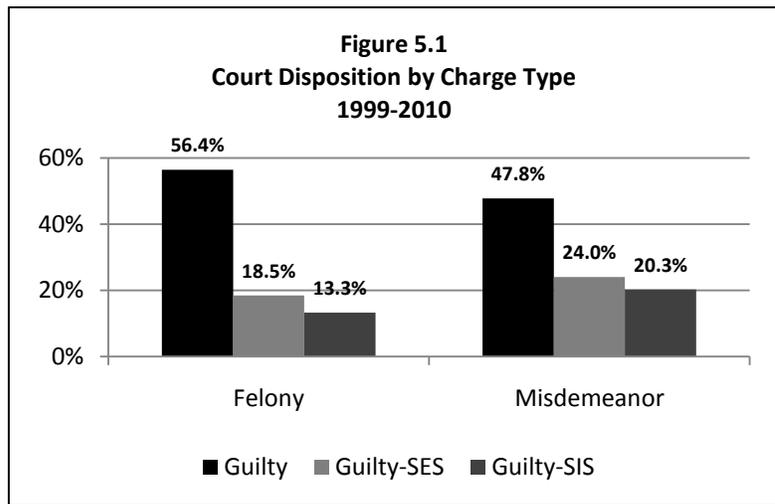
An analysis of charge levels indicated felonies received more convictions than probation or suspended sentences (Figure 5.1). Of all felony charges, 56.4% were found guilty, 18.5% were guilty with a suspended execution of sentence, and 13.3% were guilty with a suspended imposition of sentence. In addition, the percentage of felony charges resulting in a conviction is higher than the proportion of convicted misdemeanors (47.7%) and the proportion of felonies receiving a suspended sentence or probationary disposition is lower (18.5%) than the proportion of misdemeanors receiving this sentence (24.0%).

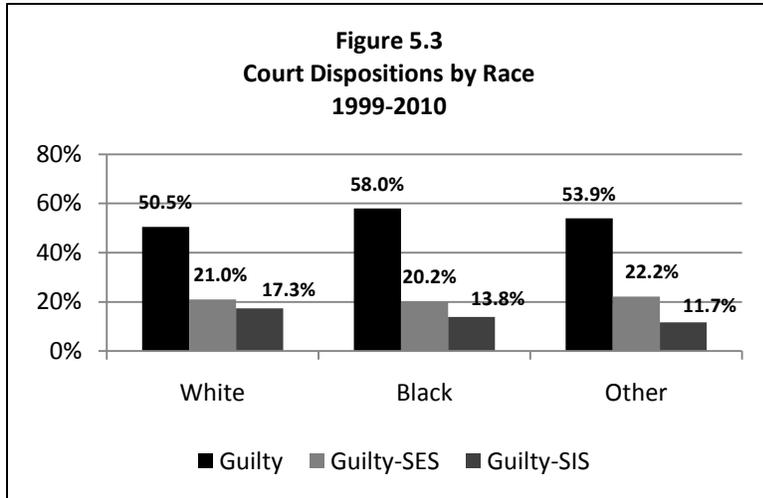
**Court Action by Gender**

An analysis of the gender of offenders found guilty on domestic violence charges indicates males are given suspended imposition of sentences less frequently than female offenders. Of all domestic violence charges associated with male offenders, 14.1% received an SIS compared to 26.2% of charges against females (Figure 5.2). Female domestic violence offenders had a lower rate of conviction and instead a higher rate of SIS dispositions. The only other notable gender difference occurs in charges dismissed by the state, which females were more likely to receive.

**Court Action by Race**

The majority of domestic violence charges prosecuted in Missouri between 1999 and 2010 were committed by white offenders. However, white offenders appear





to receive guilty court dispositions less often than black or other minority offenders. Of the 12,073 charges prosecuted against white individuals, 50.5% received guilty dispositions. In comparison, 5,317 charges prosecuted against black individuals, or 58.0%, received a guilty disposition. Black domestic violence offenders also had a lower proportion of SIS dispositions (13.8%) compared to white offenders (17.3%). Persons of other races received court

dispositions similar to those of blacks and only 11.7% received suspended imposition of sentences.

### Court Action by Age

As seen in Table 5.2, the majority of domestic violence charges prosecuted in Missouri between 1999 and 2010 was against defendants aged 26 through 35. The age of offenders has very little effect on court outcomes, as evidenced by the near-constant proportions of guilty dispositions for all age groups. The largest difference of proportion of court disposition types is seen in SIS dispositions. Of all charges

**Table 5.2  
Court Action of Domestic Violence Charges by Age  
1999-2010**

	16-25		26-35		36-45		> 45		Total	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
<b>Acquitted</b>	4	0.1%	12	0.2%	7	0.2%	8	0.4%	31	0.2%
<b>Acquitted /Insane</b>	0	-	0	-	0	-	0	-	0	-
<b>Dismissed by Court</b>	22	0.4%	41	0.6%	25	0.6%	14	0.7%	102	0.6%
<b>Dismissed by State</b>	376	7.3%	559	8.9%	422	9.7%	237	11.6%	1,594	8.9%
<b>Defendant Died</b>	0	-	0	-	0	-	0	-	0	-
<b>Guilty</b>	2,685	52.3%	3,377	53.5%	2,309	53.0%	1,053	51.4%	9,424	52.8%
<b>Guilty-SES</b>	1,053	20.5%	1,304	20.6%	925	21.2%	427	20.8%	3,709	20.8%
<b>Guilty-SIS</b>	958	18.7%	988	15.6%	657	15.1%	291	14.2%	2,894	16.2%
<b>Change of Venue</b>	22	0.4%	24	0.4%	10	0.2%	13	0.6%	69	0.4%
<b>Other</b>	10	0.2%	10	0.2%	3	0.1%	5	0.2%	28	0.2%
<b>Total</b>	5,130	100.0%	6,315	100.0%	4,358	100.0%	2,048	100.0%	17,851	100.0%

receiving a court disposition for offenders aged 16 through 25, 18.7% received an SIS. In comparison, 14.2% of all court disposed cases involving offenders over 45 years of age received an SIS.

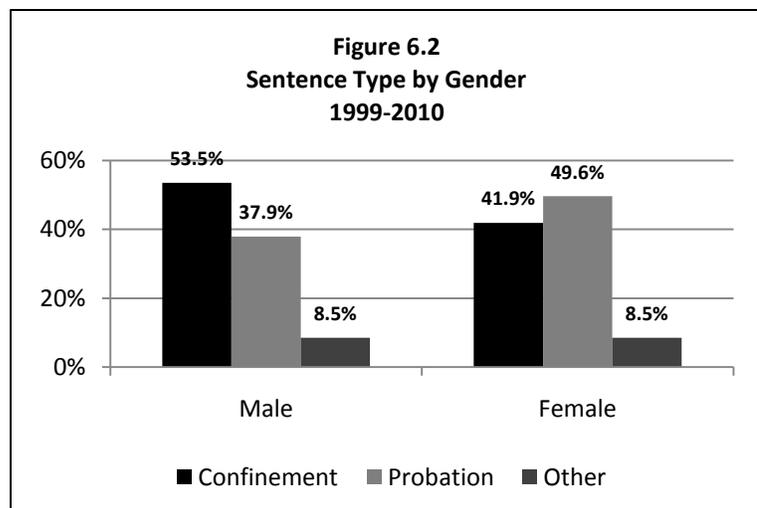
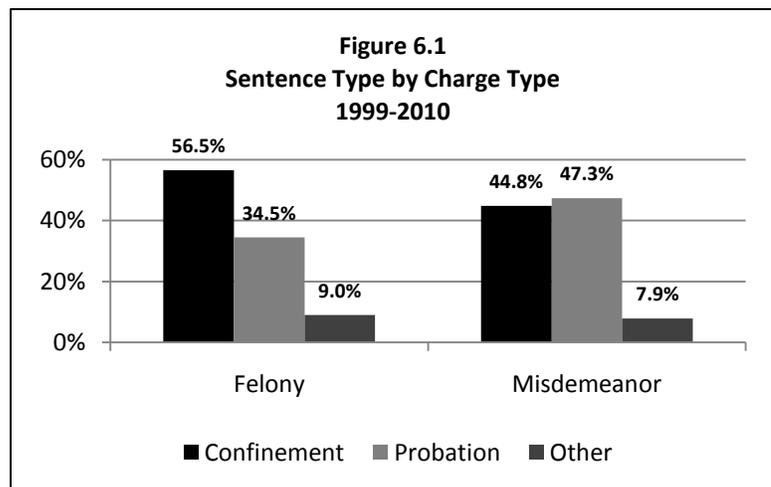
## VI. ANALYSIS OF DOMESTIC VIOLENCE OFFENCE SENTENCING

Analysis of guilty domestic violence offenders' sentences was conducted to determine whether common patterns exist in these cases. These analyses examined 16,027 charges that received guilty final court dispositions (including SIS and SE). As seen in Table 6.1, just over half (51.5%) of all convicted domestic violence charges received confinement of some period of time. Of all convicted domestic violence charges, 40% received probation sentences and 8.5% received sentences of another type such as fines, community service, etc.

	Count	Percent
<b>Confinement</b>	8,255	51.5%
<b>Probation</b>	6,404	40.0%
<b>Other</b>	1,368	8.5%
<b>Totals</b>	16,027	100.0%

### Sentencing by Charge Type

A marked difference in sentencing is given to felony and misdemeanor charges. Misdemeanor charges received an almost equal proportion of confinement and probation sentences whereas felony charges received larger proportion of confinement sentences than probation. Of all felony domestic violence charges that were convicted, 56.5% received confinement sentences and 34.5% received probation (Figure 6.1). In comparison, only 44.8% of all misdemeanor domestic violence charges with convictions received confinement sentences and 47.3% received probation. This analysis suggests domestic violence offenders face a less small chance of serving confinement sentences for a misdemeanor offense than for a felony offense. This is particularly pertinent in Missouri because third-



degree domestic assault, the most common charge in Missouri domestic violence cases, is considered a misdemeanor offense unless it is the third offense.

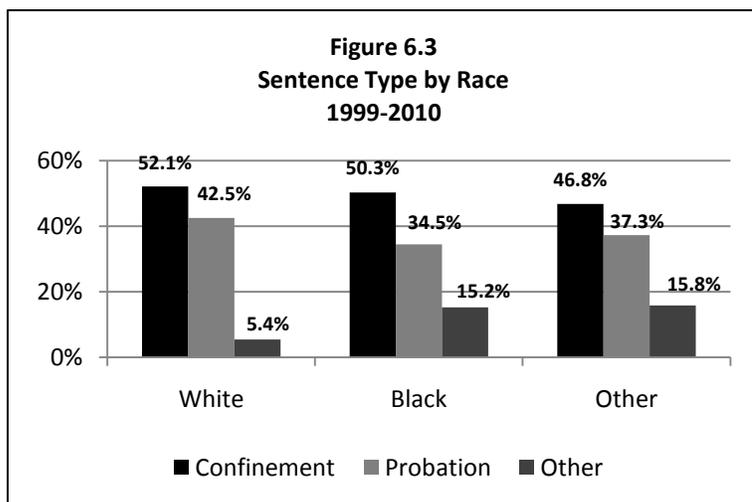
### Sentencing by Gender

Of the 16,027 domestic violence charges with a final court disposition of guilty, over half resulted in a confinement sentence (Table 6.1). Similarly, of all convicted domestic violence charges to male offenders, 53.5% were confinement sentences (Figure 6.2). In comparison, of convicted domestic violence charges to female offenders, less than half, or 41.9%, received confinement. The proportion of probation sentences given on convicted charges to female offenders (49.6%) was much higher than probation sentences given on domestic violence charges to male offenders (37.9%).

### Sentencing by Race

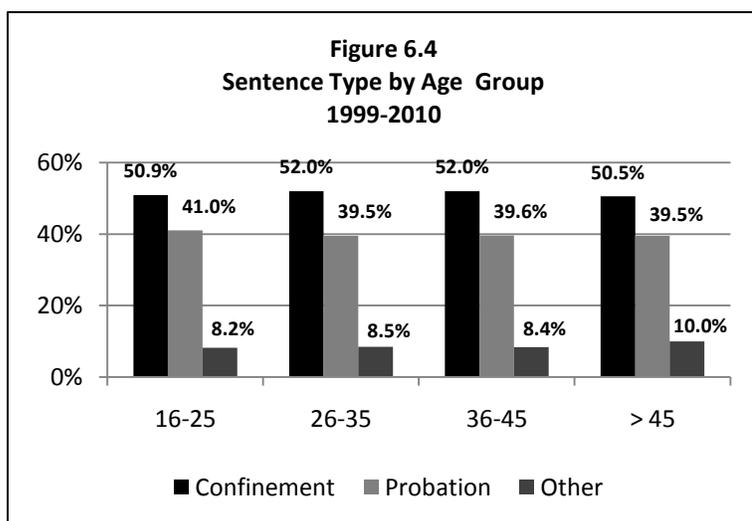
White individuals had 10,802 domestic violence charges resulting in guilty dispositions in Missouri between 1999 and 2010. Over 52% of these charges received confinement sentences and 42.5% received probation (Figure 6.3). For blacks, the proportion of domestic violence charges receiving confinement was slightly less (50.3%) but significantly less for probation sentences (34.5%).

Sentences given to other races on domestic violence charges were distributed similarly to black offenders' sentence distributions. Of all sentences given to these offenders' domestic violence charges, 46.8% were confinement and 37.3% were probation.



### Sentencing by Age

The proportion of sentences given on guilty domestic violence charges was fairly consistent across all age ranges. As seen in Figure 6.4, the proportion of convicted domestic violence charges that received confinement sentences was just above 50% for each age group. The proportion of convicted charges that received probation sentences varied only slightly and



approximately 40% of all age groups convicted charges were probation.

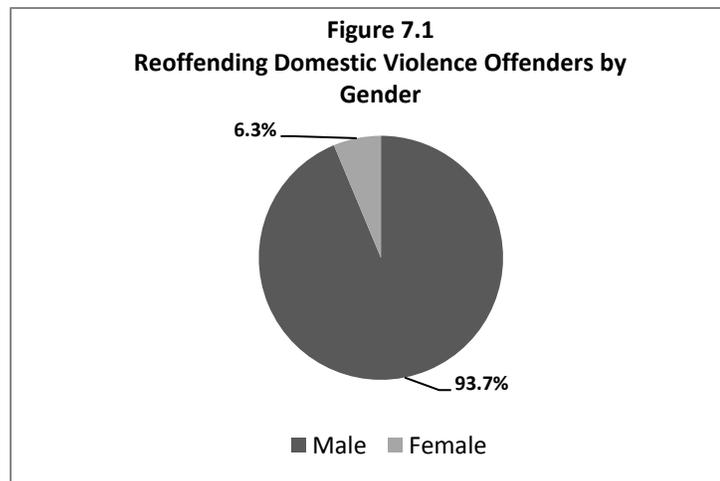
## VII. REOFFENDING

Although the initial goal of this study was to determine if domestic violence offenders recidivated at higher rates than other criminal offenders in Missouri, data limitations prevented this analysis from being accomplished. Instead this study was refocused to analyze reoffending characteristics of convicted domestic violence offenders. For this analysis, 796 domestic violence offenders arrested for domestic violence offences between 1999 and 2006 were studied for subsequent arrests. The time frame was reduced to 2006 in order to allow for a full three year time interval to be realized from the original conviction date.

Using this offender group, it was determined 316 offenders, or 39.7%, were re-arrested for a crime within three years subsequent to their initial domestic violence arrest. The most common arrest charge for the reoffending individual was possession of a controlled substance. However, domestic assault charges, if grouped, nearly double the number of controlled substance possession charges.

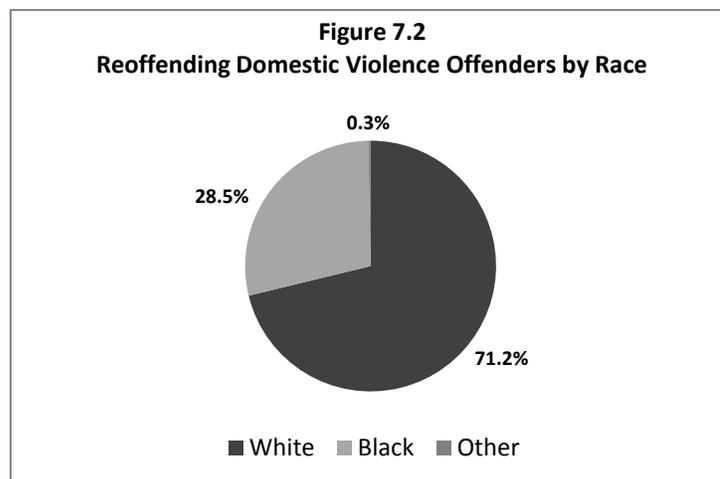
### Re-Offenders by Gender

Of the 316 domestic violence offenders rearrested for a crime of some type, the overwhelming majority, or 93.7%, was male (Figure 7.1). This study also indicated female domestic violence offenders were rarely re-arrested for a crime as only 6.3% of the 316 analyzed offenders were female.



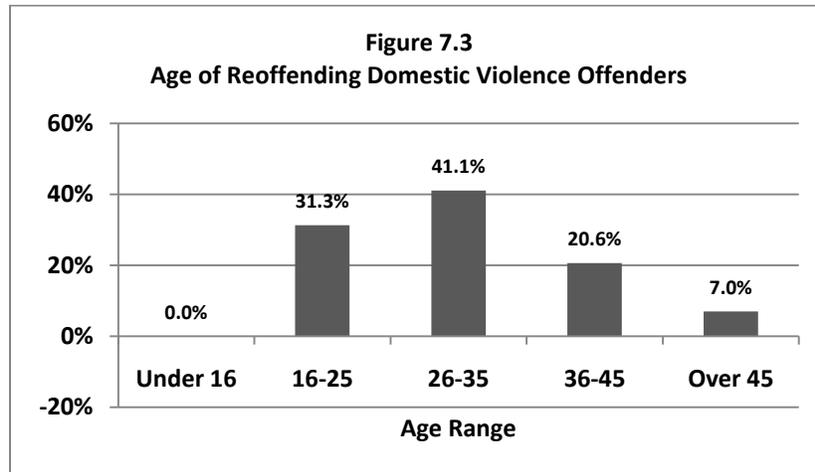
### Re-Offenders by Race

Most domestic violence offenders rearrested for any crime were white. As seen in Figure 7.2, over 71% of reoffending offenders in this study were white. This proportion is much greater than the proportion of whites convicted of domestic violence offenses discussed previously. Black offenders comprise over a quarter (28.5%) of offenders rearrested for a crime after their initial domestic violence arrest.



### Re-Offenders by Age

Figure 7.3 displays the distribution of age groups of domestic violence offenders rearrested for a crime of any type. The largest proportion (41.1%) of re-offenders was in the age group of 26 through 35 years. The second largest re-offenders' age group was those offenders between the ages of 16 and 25 years (31.3%). An additional analysis determined the average age of reoffending individuals at the time of the subsequent arrest was 31.3 year of age. A high standard deviation of 8.7 on this average age suggests that reoffending individuals are slightly younger and more tightly clustered about this mean compared to age statistics of offenders' first domestic violence arrest.



Although finding the recidivism rate for domestic violence offenders ultimately was hindered by the limitations of data used in this study, the existing literature on the topic can serve as a guide for designing such studies in the future. Typically, studies take place in limited geographic areas such as counties or a group of cities and identify the entirety of domestic violence charges from that area. Random samples are subsequently drawn and used for analysis in order to facilitate the collection of individual-level data. From here, researchers generally track or follow the individual after the domestic violence charge disposition in order to determine if that person is re-arrested, convicted, sent back to prison, etc. Studies vary on the type of crimes they seek to keep track of, some continue limiting the study to domestic violence charges while others do not, but the follow-up times are virtually always at least one year.

### VIII. CONCLUSION

The analysis to this point provides a more detailed picture of domestic violence offenders at various levels, or phases, of the criminal justice system. This study demonstrated the preponderance of domestic violence offenses in Missouri over the past ten years has been committed by whites around the age of 30. Furthermore, it was shown that assaults and abuse charges make up the majority of domestic violence arresting charges and that almost 60 percent of arresting charges originated in an urban county. Finally, the study indicates three-quarters of the arrests involving at least one domestic violence charge over the past ten years was sent to prosecuting attorneys, although this does not necessarily mean that domestic violence charges were eventually filed.

At the prosecutor level, it was found that the demographic characteristics of domestic violence offenders change very little. A significant decrease was seen in the number of charges filed by prosecutors, the number of unique offenses containing at least one domestic violence charge, and the number of individuals charged with a domestic violence offense. The nature of the Missouri CHRS makes these changes difficult to attribute to any one source. However, it may reflect tactical decisions by prosecutors in terms of which charges to pursue and offering of plea deals. Another noticeable difference on the prosecutor level is in the decrease in assault charges (not including domestic assaults) and simultaneous increase in charges such as endangering the welfare of a child and domestic assaults.

When examining court dispositions of domestic violence charges filed from prosecuting attorneys, this study indicated almost three-quarters of filed charges resulted in a conviction and another 16 percent receiving guilty verdicts with suspended imposition of sentences. In addition, it is evident that gender and racial differences exist in court actions. Males were convicted at a much higher rate than females, with an almost 15 percent difference, while females were more likely to receive a guilty verdict with a suspended imposition of sentence. Furthermore, higher proportions of charges against blacks and other minorities resulted in convictions compared to their white counterparts. The age of domestic violence offenders, however, apparently was a nonfactor as the distributions were virtually unchanged throughout all of the age brackets.

The sentencing analysis revealed that a vast majority of convicted charges resulted in either probation or confinement. The biggest difference was seen between males and females, with females much more likely to receive probation than males and males more likely to receive confinement. Somewhat surprisingly, the confinement rates for whites, blacks, and other minorities were all nearly the same; however, there were differences in the probation rates and rates of other types of sentences with blacks and other minorities less likely to get probation but more likely to receive a sentence type categorized as other.

Finally, convicted domestic violence offenders were tracked to the best extent possible through the Criminal History Reporting System. The resulting conclusion that almost 40 percent of these individuals were subsequently arrested for some charge within a three year time frame yields the closest approximation of recidivism or reoffending that this analysis could accomplish. Compared to figures released by the Missouri Department of Corrections (2010), this proportion falls between the percentage of male offenders who are returned to prison within three years, 48.9 percent for the most recent cohort, and those who receive a new conviction within three years, 17.1 percent for the most recent cohort<sup>1</sup>. This finding is not surprising, given that the return to prison figures reflect technical violations of parole or other violations, and not necessarily arrests, while conviction rates are just that and offer little insight into the number or percentage who were arrested but not convicted (or not yet convicted).

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<sup>1</sup> Because the overwhelming majority of reoffending individuals in our population were male, the rates for males from the Department of Corrections are used.

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- Missouri. Statistical Analysis Center. (2009). Domestic Violence Related Homicides-2008. Missouri State Highway Patrol. Retrieved from <http://www.mshp.dps.mo.gov>
- Missouri. Department of Corrections. (2010). A Profile of the Institutional and Supervised Offender Population on June 20, 2009. Retrieved from <http://doc.mo.gov>
- Smith, E.L., Durose, M.R., & Langan, P.A. (2008). State Court Processing of Domestic Violence Cases. Bureau of Justice Statistics Special Report. Retrieved from <http://bjs.ojp.usdoj.gov>

IX. DATA APPENDICES

Table 1						
Court Disposition of Domestic Violence Charges by Charge Type, 1999-2010						
	Felony		Misdemeanor		Total	
	Count	Percent	Count	Percent	Count	Percent
Acquitted	26	0.2%	5	0.1%	31	0.2%
Acquitted/Insane	-	-	-	-	-	-
Dismissed by Court	64	0.6%	38	0.5%	102	0.6%
Dismissed by State	1,066	10.2%	531	7.2%	1,597	8.9%
Defendant Died	-	-	-	-	-	-
Guilty	5,882	56.4%	3,542	47.8%	9,424	52.8%
Guilty-SES	1,927	18.5%	1,782	24.0%	3,709	20.8%
Guilty-SIS	1,387	13.3%	1,507	20.3%	2,894	16.2%
Change of Venue	59	0.6%	10	0.1%	69	0.4%
Other	27	0.3%	1	0.0%	28	0.2%
<b>Total</b>	<b>10,438</b>	<b>100.0%</b>	<b>7,416</b>	<b>100.0%</b>	<b>17,854</b>	<b>100.0%</b>

Table 2						
Type of Sentence for Domestic Violence Charges by Gender, 1999-2010						
	Male		Female		Total	
	Count	Percent	Count	Percent	Count	Percent
Confinement	7,096	53.5%	1,158	41.9%	8,254	51.5%
Probation	5,031	37.9%	1,372	49.6%	6,403	40.0%
Other	1,133	8.5%	235	8.5%	1,368	8.5%
<b>Total<sup>1</sup></b>	<b>13,260</b>	<b>100.0%</b>	<b>2,765</b>	<b>100.0%</b>	<b>16,025</b>	<b>100.0%</b>

<sup>1</sup>Gender was unknown in 2 cases

Table 3								
Type of Sentence for Domestic Violence Charges by Race, 1999-2010								
	White		Black		Other		Total	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Confinement	5,693	52.1%	2,488	50.3%	74	46.8%	8,255	51.5%
Probation	4,640	42.5%	1,705	34.5%	59	37.3%	6,404	40.0%
Other	590	5.4%	753	15.2%	25	15.8%	1,368	8.5%
<b>Total</b>	<b>10,923</b>	<b>100.0%</b>	<b>4,946</b>	<b>100.0%</b>	<b>158</b>	<b>100.0%</b>	<b>16,027</b>	<b>100.0%</b>

Table 4						
Type of Sentence for Domestic Violence Charges by Charge Type, 1999-2010						
	Felony		Misdemeanor		Total	
	Count	Percent	Count	Percent	Count	Percent
<b>Confinement</b>	5,196	56.5%	3,059	44.8%	8,255	51.5%
<b>Probation</b>	3,175	34.5%	3,229	47.3%	6,404	40.0%
<b>Other</b>	825	9.0%	543	7.9%	1,368	8.5%
<b>Total</b>	9,196	100.0%	6,831	100.0%	16,027	100.0%

Table 5										
Type of Sentence for Domestic Violence Charges by Age, 1999-2010										
	16-25		26-35		36-45		> 45		Total	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
<b>Confinement</b>	2,389	50.9%	2,948	52%	2,023	52%	895	50.5%	8,255	51.5%
<b>Probation</b>	1,924	41.0%	2,240	39.5%	1,541	39.6%	699	39.5%	6,404	40.0%
<b>Other</b>	383	8.2%	481	8.5%	327	8.4%	177	10%	1,368	8.5%
<b>Total</b>	4,696	100.0%	5,669	100.0%	3,891	100.0%	1,771	100%	16,027	100.0%

Table 6						
Court Disposition of Domestic Violence Charges by Gender, 1999-2010						
	Male		Female		Total	
	Count	Percent	Count	Percent	Count	Percent
<b>Acquitted</b>	24	0.2%	7	0.2%	31	0.2%
<b>Acquitted/Insane</b>	-	-	-	-	-	-
<b>Dismissed by Court</b>	80	0.5%	22	0.7%	102	0.6%
<b>Dismissed by State</b>	1,240	8.4%	354	11.2%	1,594	8.9%
<b>Defendant Died</b>	-	-	-	-	-	-
<b>Guilty</b>	8,087	55.1%	1,336	42.2%	9,423	52.8%
<b>Guilty-SES</b>	3,107	21.2%	601	19.0%	3,708	20.8%
<b>Guilty-SIS</b>	2,066	14.1%	828	26.2%	2,894	16.2%
<b>Change of Venue</b>	59	0.4%	10	0.3%	69	0.4%
<b>Other</b>	21	0.1%	7	0.2%	28	0.2%
<b>Total<sup>1</sup></b>	14,684	100.0%	3,165	100.0%	17,849	100.0%

<sup>1</sup>Gender was unknown in 5 charges

Table 7								
Court Disposition of Domestic Violence Charges by Race, 1999-2010								
	White		Black		Other		Totals	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
<b>Acquitted</b>	21	0.2%	10	0.2%	0	-	31	0.2
<b>Acquitted/Insane</b>	0	-	0	-	0	-	0	-
<b>Dismissed by Court</b>	79	0.6%	22	0.4%	1	0.5%	102	0.6%
<b>Dismissed by State</b>	1,188	9.7%	389	7.2%	20	11.1%	1,597	8.9%
<b>Defendant Died</b>	0	-	0	-	0	-	0	-
<b>Guilty</b>	6,210	50.5%	3,117	58.0%	97	53.9%	9,424	52.8%
<b>Guilty-SES</b>	2,582	21.0%	1,087	20.2%	40	22.2%	3,709	20.8%
<b>Guilty-SIS</b>	2,131	17.3%	742	13.8%	21	11.7%	2,894	16.2%
<b>Change of Venue</b>	66	0.5%	3	0.1%	0	-	69	0.4%
<b>Other</b>	23	0.2%	4	0.1%	1	0.5%	28	0.2%
<b>Total</b>	12,300	100.0%	5,374	100.0%	180	100.0%	17,551	100.0%

Table 8		
Subsequent Arrest Following Domestic Violence Arrest by Gender		
	Count	Percent
<b>Male</b>	296	93.7%
<b>Female</b>	20	6.3%

Table 9		
Subsequent Arrest Following Domestic Violence Arrest by Race		
	Count	Percent
<b>White</b>	225	71.2%
<b>Black</b>	90	28.5%
<b>Other</b>	1	0.3%

<b>Table 10</b>		
<b>Age at Time of Subsequent Arrest</b>		
	<b>Count</b>	<b>Percent</b>
<b>Less than 16</b>	0	-
<b>16-25</b>	99	31.3%
<b>26-35</b>	130	41.1%
<b>36-45</b>	65	20.6%
<b>More than 45</b>	22	7.0%
<b>Totals</b>	316	100%
<i>Mean = 30.8</i>	<i>Range: 17-60</i>	<i>Std. Dev. = 8.7</i>