



DOMESTIC VIOLENCE 2005 – 2008 Whatcom County Small Cities



**Bellingham-Whatcom County Commission Against
Domestic Violence
1407 Commercial
Bellingham, WA 98225
360.312.5700**

**With assistance from
Cornerstone Strategies, Inc.**

This project was supported by Grant No. 2005-WE-AX-0080 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



DOMESTIC VIOLENCE 2005 – 2008 City of Blaine



**Bellingham-Whatcom County Commission Against
Domestic Violence
1407 Commercial
Bellingham, WA 98225
360.312.5700**

**With assistance from
Cornerstone Strategies, Inc.**

This project was supported by Grant No. 2005-WE-AX-0080 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Contents

I. Executive Summary:.....	1
II. Glossary of Terms	3
III. Domestic Violence Indicators: Law Enforcement.....	4
Domestic Violence Offenses vs. All Offenses.....	4
Domestic Violence Offenses vs. Verbals	5
IV. Domestic Violence Indicators: Misdemeanor Charges	7
Domestic Violence Charges Filed	7
Domestic Violence Charges Resolved.....	8
Domestic Violence Charges by Category of Crime.....	9
Domestic Violence Charge Disposition vs. Case Disposition	10
V. Domestic Violence Indicators: Defendants	12
Number of Defendants.....	12
Misdemeanor Repeat-Offenders	13
Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders	14
Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions.....	16
VI. Domestic Violence Indicators: Felony Cases.....	18
Felony Domestic Violence Case Filings and Disposition Status.....	18
VII. Domestic Violence Indicators: Days to Disposition.....	19

I. Executive Summary:

Purpose:

The Bellingham-Whatcom County Commission Against Domestic Violence, in partnership with the City of Bellingham, is a recipient of a federal grant from the Office on Violence Against Women, U.S. Department of Justice. The grant is funded through the Grants to Encourage Arrest and Enforcement of Protection Order Policies program. As part of this grant award, the Commission Against Domestic Violence proposed to compile domestic violence indicators for the five small cities of Whatcom County: Blaine, Ferndale, Everson-Nooksack, Lynden and Sumas.

A report has been compiled for each of the five cities based on input solicited from police chiefs, prosecutors, probation officers and court personnel. It is the Commission's hope that the report will provide each city with information on domestic violence trends as well as outcomes of intervention. While the report is not able to identify and differentiate the factors that could be responsible for changes in the indicators, the data may be helpful to officials on the nature and extent of domestic violence in their communities.

Methods:

Raw numbers for domestic violence indicators were obtained from one of four sources: "*Crime in Washington*" (Washington Association of Sheriffs and Police Chiefs); *Judicial Information System* (State of Washington); Whatcom County Prosecutor's Office, and records kept by individual law enforcement agencies. Population data was taken from the *WA State Office of Financial Management, April 1 Population of Cities, Towns and Counties*. A glossary is included for definitional purposes and can be found in II. Glossary of Terms. It is important to understand the meaning and limitation of each domestic violence indicator.

Summary of Findings:

This report is a collection of domestic violence indicators for the City of Blaine, primarily from 2005 – 2008. Some of the key findings:

- Domestic violence offenses represent a higher percent of all criminal offenses in the City of Blaine compared to Whatcom County and Washington State.
- The population for the City of Blaine has been increasing. Domestic violence verbals and offenses as reported by law enforcement have seen a slight decline over the four years, adjusting for population. This parallels a statewide and countywide trend.
- The per capita rate of domestic violence offenses per 1,000 population is higher in the City of Blaine than in Whatcom County and Washington State.
- Misdemeanor domestic violence charges filed and resolved have fluctuated between 2005 and 2008.
- The most common misdemeanor domestic violence charges are assault and order violations.

- When analyzed by case, rather than charge, over 60% of cases resolved as either guilty or amended in each of the four years. 31-41% of cases were dismissed.
- The numbers of defendants (unduplicated by year) has fluctuated over the four years, from 35 to 46.
- Over three-quarters of defendants are charged in only one misdemeanor domestic violence case in a three year period.
- The percent of defendants charged in multiple misdemeanor domestic violence cases within the noted three-year periods are on the decline.
- For those misdemeanor repeat-offenders in a three year time period, their first offense is most likely to be an assault, whereas their repeat offenses are most likely to be order violations.
- Across all five small cities, 15% of defendants charged in misdemeanor domestic violence cases had cases resolved in another court in Whatcom County, between 2006 and 2008.

II. Glossary of Terms

Domestic Violence Offenses

Under WA State law, an offense is domestic violence related if it is committed by a family member (regardless of the family relationship) or by a domestic partner. Domestic violence offenses as reported to the WA Association of Sheriffs and Police Chiefs (WASPC) only includes crimes in the following categories: criminal homicide, forcible rape, robbery, assault (including simple assault), burglary, larceny theft, motor vehicle theft, arson and violation of Protection/No Contact Orders. Domestic violence offenses do not include other types of domestic violence related crimes such as malicious mischief or disorderly conduct. It is not unusual for multiple offenses to occur during the same incident. However, based on recording standards established by the FBI, only the “highest-ranking offense” is recorded into *Uniform Crime Reports*, which is the nation’s statistical database for crime (utilized by this report and by WASPC). For example, an offender can break into a victim’s home, steal her car keys, force her into her vehicle, drive her to a secluded location, sexually assault her, take her car and her purse, and abandon her. Even though there are multiple offenses in this one event, the highest-ranking offense is the rape. This would be the only offense recorded, counted (and thus accessible to researchers) in *Uniform Crime Reports*. Therefore, for each domestic violence related incident, there is generally only one domestic violence offense counted. However, it is important to remember that this system of coding identifies and tallies a police identified problem and is not based on the findings of a court, medical examiner, jury or other judicial findings.

Felony Domestic Violence

Felony domestic violence offenses are defined as occurring when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. The nature of the charges filed may include both physical and non-physical assault offenses, including but not limited to, felony harassment/threats, violation of a no contact order, burglary, malicious mischief, robbery, kidnapping, unlawful imprisonment, assault and murder. The superior courts in the State of WA have sole jurisdiction over the adjudication of cases when a felony offense is charged.

Misdemeanor Domestic Violence

Misdemeanor domestic violence crimes occur when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. Examples of this type of crime include: Violation of a Protection Order; Assault 4th Degree; Malicious Mischief; Disorderly Conduct; and Interfering with Reporting of Domestic Violence. Courts of Limited Jurisdiction (District and Municipal Courts) and Tribal Courts have jurisdiction over domestic violence related misdemeanors committed within their area of authority.

Verbal Domestic

Law enforcement officers are frequently called to respond to situations that are categorized as “Domestic Violence – No Assault,” or “Verbal Domestic.” These are incidents where law enforcement determines that no physical assault occurred, and/or where no other conditions were met to warrant probable cause for an arrest.

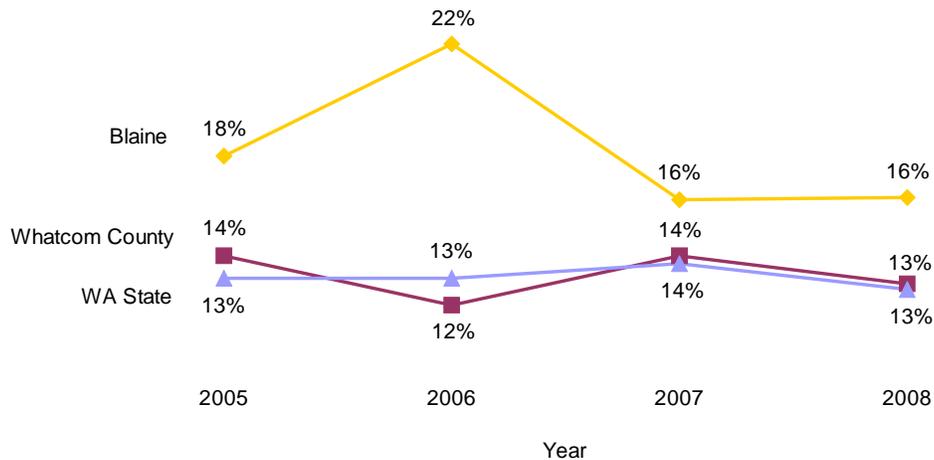
III. Domestic Violence Indicators: Law Enforcement

Domestic Violence Offenses vs. All Offenses

Figure 1 illustrates the percentage of all offenses reported by the Blaine Police Department that are domestic violence related offenses. The category of all offenses (as defined by the *Uniform Crime Report* and reported to WASPC) include the crimes of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, arson, simple assault and order violations. Domestic violence offenses are defined in the Glossary of Terms and generally fall in the category of simple assault and order violations. As such, domestic violence offenses and all offenses only represent those offenses that meet the definitions noted above and do not include offenses in categories such as traffic offenses, drug offenses, damage, destruction and vandalism, fraud and bribery, to name a few.

Over the past four years, the percent of offenses related to domestic violence has been higher for the City of Blaine than for Whatcom County or Washington State, with a peak in 2006.

Figure 1 Domestic Violence Offenses as a Percentage of All Offenses



Note: The total number of offenses for the City of Blaine was 358 in 2005; 305 in 2006; 350 in 2007; and 336 in 2008.

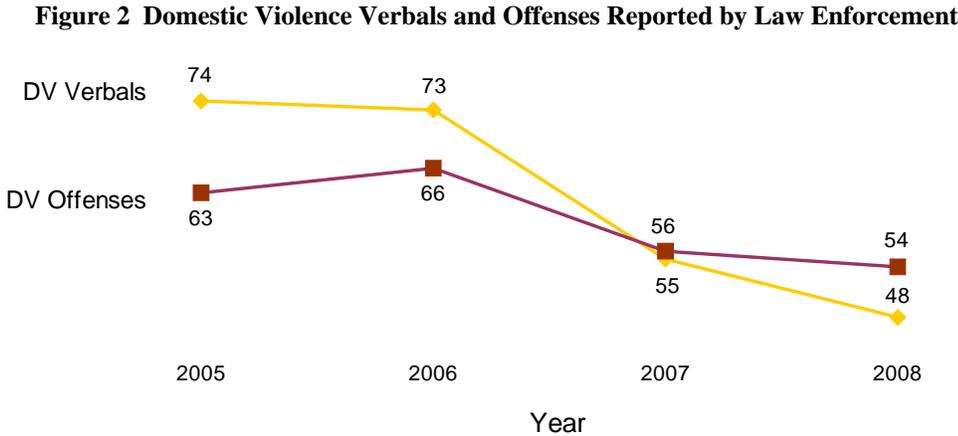
Domestic Violence Offenses vs. Verbals

Figure 2 shows the number of domestic violence offenses (see definition in Glossary of Terms) and domestic violence verbals reported by the Blaine Police Department between 2005 and 2008. As noted in the Glossary on page 4, domestic violence verbals are incidents where law enforcement respond to an incident but do not make an arrest or issue a citation. On the other hand, domestic violence offenses represent the number of incidents where a domestic violence related offense is committed.

Both domestic violence verbals and offenses measure law enforcement activity in response to domestic violence. Domestic Violence verbals represent opportunities for law enforcement to provide resources to the involved parties, as well as to note those relationships where potential for future violence appears to be high.

Domestic violence offenses provide an indication of *reported* domestic violence related criminal incidents in the City of Blaine. For each reported offense, the numbers represent an entry point for both victims and defendants into the criminal justice system, regardless of the outcome of the case. Each offense involves a significant amount of law enforcement resources, and depending on the circumstance, may require an arrest and jail booking. There are comprehensive reporting and documentation requirements for law enforcement.

Despite a steady increase in population over the past four years, both domestic violence verbals and domestic violence offenses as reported by the Blaine Police Department have been on the decline.



Note: Offenses recorded may result in misdemeanor or felony charges.

Figure 3 shows the estimated Blaine population over the four year period. As Table 1 below shows, when taking population growth into account, rates of domestic violence verbals and offenses as reported by the Blaine Police Department have slightly declined over the noted four years.

Figure 3 Estimated Number of Blaine Residents

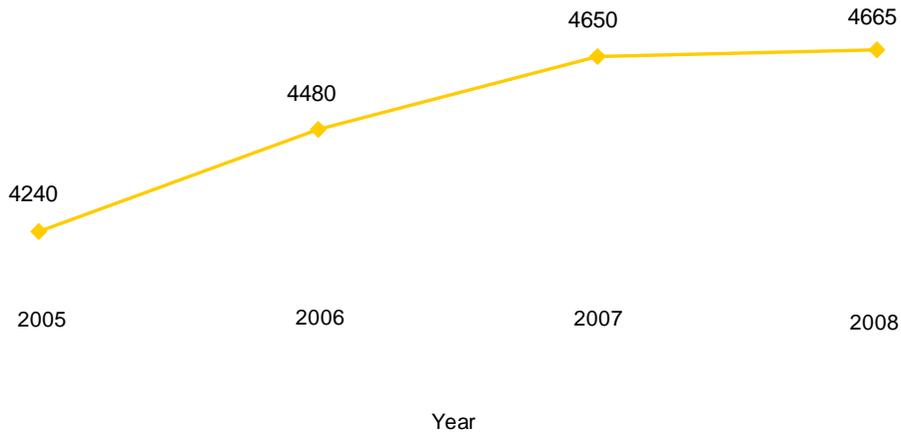


Table 1 Domestic Violence Verbals and Offenses per 1,000 Population

Year	2005	2006	2007	2008
Verbals	17.5	16.3	11.8	10.3
Offenses	14.9	14.7	12.0	11.6

The Whatcom County per capita rate (per 1,000 population) of domestic violence offenses as reported by all Whatcom County law enforcement agencies is shown below, along with the per capita domestic violence offense rate for Washington State, as reported by all law enforcement agencies.

Table 2 County and State Domestic Violence Offense Rates per 1,000 Population

Year	2005	2006	2007	2008
Whatcom County	9.4	7.5	7.4	6.6
Washington State	8.6	7.8	7.4	6.5

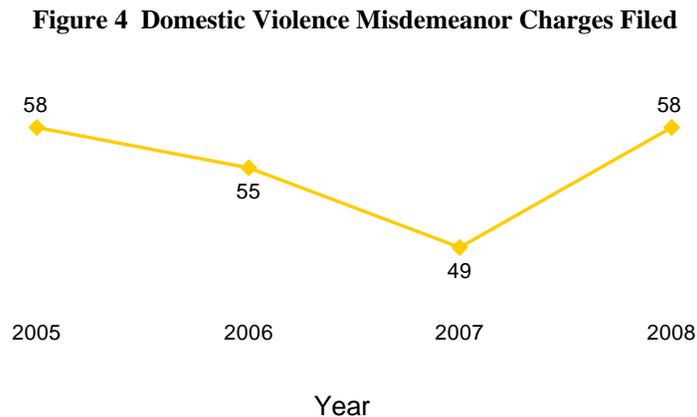
The City of Blaine has a higher per capita domestic violence offense rate than Washington State or Whatcom County.

IV. Domestic Violence Indicators: Misdemeanor Charges

Domestic Violence Charges Filed

Figure 4 illustrates the number of domestic violence misdemeanor charges filed during the years 2005 – 2008 in Blaine Municipal Court. Each charge resulting from a domestic violence incident, or case, must be “processed” and resolved in some manner by the court. The filing of a charge is the first step, whereas, the resolution of the charge is when there has been a final disposition, such as guilty, dismissed, amended or deferred.

The number of domestic violence misdemeanor charges filed ranged from 49 in 2007 to 58 in both 2005 and 2008.



When taking into account population growth, rates of misdemeanors charges filed varies between 10.5 (2007) and 13.7 (2005) per 1,000 population.

Table 3 Misdemeanor Charges Filed per 1,000 Population

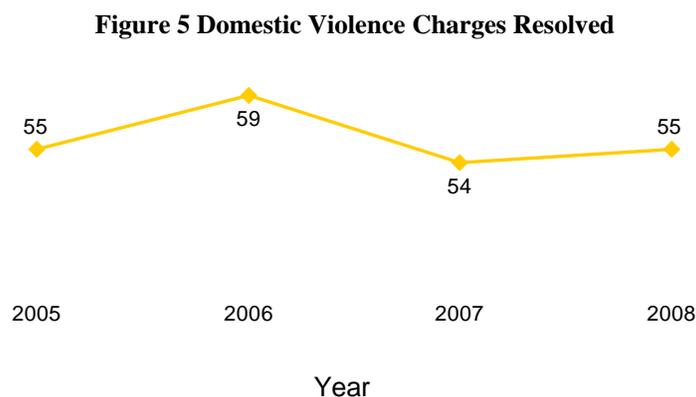
Year	2005	2006	2007	2008
Misdemeanor Charges Filed	13.7	12.3	10.5	12.4

Domestic Violence Charges Resolved

A domestic violence charge is resolved when there has been a final disposition, such as guilty, dismissed, amended or deferred. In a given year, the number of charges filed will be different than the number of charges resolved, as charges are not necessarily filed and resolved within the same year.

Many criminal justice professionals are involved in the filing and resolution of domestic violence charges. This can include law enforcement, prosecutors, court clerks, judicial officers, defense attorneys, victim advocates and probation.

Figure 5 shows that the number of domestic violence misdemeanor charges resolved has been fairly steady.



When taking population growth into account, rates of misdemeanor charges resolved have remained fairly constant with a very slight decline.

Table 4 Misdemeanor Charges Resolved per 1,000 Population

Year	2005	2006	2007	2008
Misdemeanor Charges Resolved	13.0	13.2	11.6	11.8

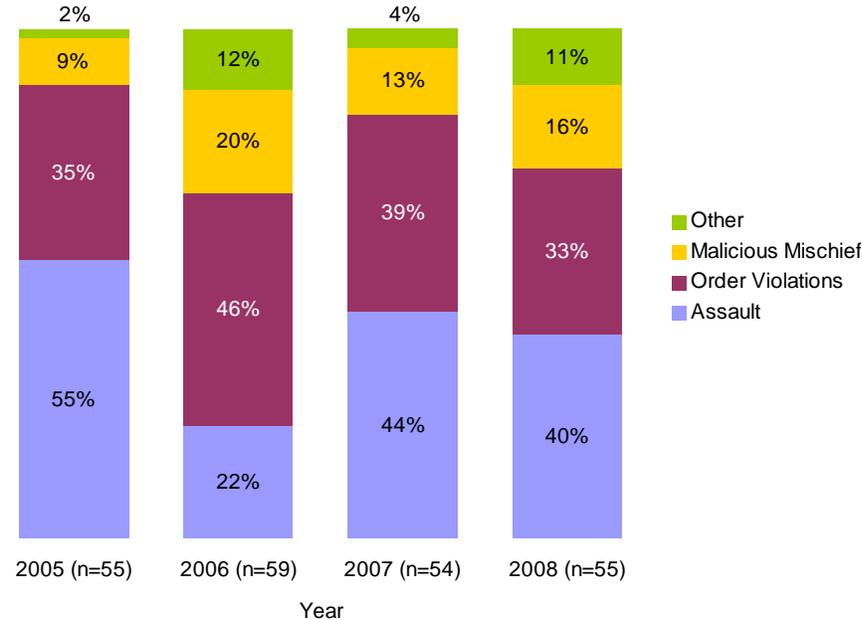
NOTE: The analyses that follow in the remainder of this report are based on domestic violence misdemeanor charges resolved within the noted time period, rather than charges filed.

Domestic Violence Charges by Category of Crime

Each domestic violence related misdemeanor charge must be linked to a corresponding crime as defined by state law. Figure 6 illustrates categories of crime corresponding to the domestic violence charges that were resolved within a calendar year in the City of Blaine.

For three out of the past four years, assault was the most common misdemeanor charge, making up between 22-55% of charges. Almost as common as assault was order violation charges, including violations of protection orders, restraining orders, and no contact orders. Malicious mischief charges were third most common. Other charges include interference with reporting of domestic violence; telephone harassment; resisting a public officer; harassment; reckless endangerment; stalking; false statement; and reckless burning.

Figure 6 Domestic Violence Misdemeanor Charges by Category of Crime



Domestic Violence Charge Disposition vs. Case Disposition

Filed charges ultimately reach a resolution in court. The most familiar ways charges resolve are dismissal, guilty as charged, or not guilty (Generally not guilty resolutions result from a jury trial, whereas guilty resolutions can result from a plea or trial.) There are other types of disposition that result from negotiations (plea bargains) between the prosecutor and the defense attorney or defendant, pleading guilty to an amended charge or receiving a deferred prosecution (sometimes referred to as a “stipulated order of continuance” or “SOC”). With an amended sentence the defendant enters a guilty plea to a charge that was amended from the original charge. With a deferred prosecution, the defendant stipulates to facts of the charge, agrees to an order of continuance and agrees to comply with certain conditions within a set time period. If the defendant is found to be non-compliant in that time period, the charge will resolve as guilty. If the defendant complies with the agreement, the original charge may be amended or dismissed upon completion.

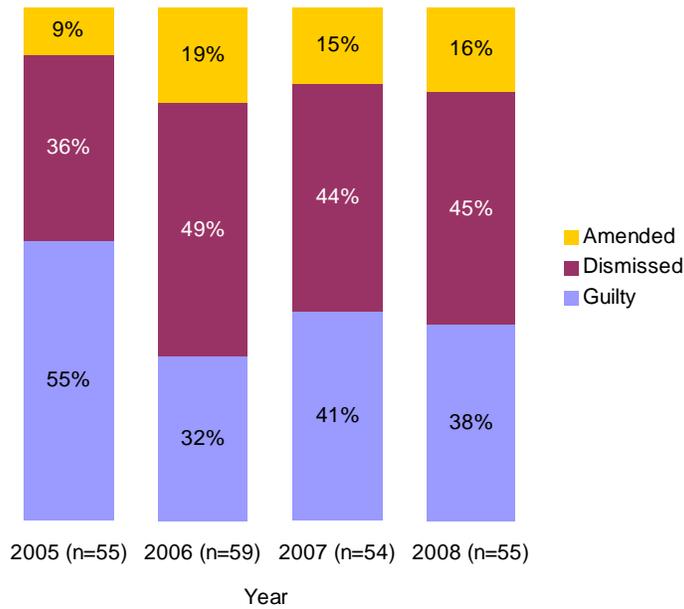
One limitation to looking at dispositions status is that it does not provide information, or context, on why a particular resolution was reached.

Another way in which dispositional data might be misleading is where there are multiple “charges” or counts resulting from a single incident. It is not uncommon for a domestic violence incident, or case, to involve multiple charges, meaning, the defendant is charged with multiple crimes. However, prosecutors resolve “cases” rather than individual charges. So, for example, if a defendant is charged with assault 4, interference with reporting of domestic violence, and malicious mischief in one incident, the prosecutor may negotiate with the defendant to dismiss two of the charges if the defendant pleads guilty on the remaining charge. By tracking this by *charge*, there are two charge dispositions of dismissed, and one of guilty. However, by looking at this by *case*, it is a guilty disposition. Tracking disposition status by case rather than charge illustrates this approach to disposition. This approach demonstrates the consequences for individual defendants, compared to disposition status by charge.

Charges that were disposed of in Blaine Municipal Court during the years 2005 and 2008 were compiled by individual *charge* and by *case*. A comparison of the two approaches is noted in Figure 7 and Figure 8.

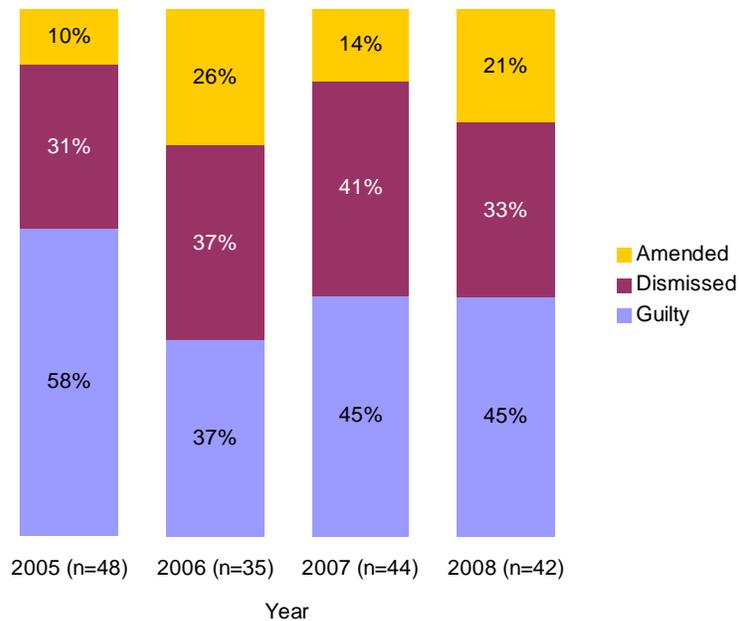
Over the past four years, misdemeanor domestic violence charges have been about as likely to be dismissed or resolved as guilty. In the charts below, dismissed charges include those dismissed with or without prejudice. However, dismissal rates have been lower if compared to guilty and amended charges combined.

Figure 7 Disposition Status of Domestic Violence Misdemeanor Charges Resolved



Compared to resolved charges, resolved cases are slightly more likely to be guilty than dismissed. When amended cases are combined with guilty cases, the percent of “guilty” cases is higher compared to charges. This suggests that many of the dismissed charges shown in the previous figure were part of cases where the defendant was found guilty of least one charge.

Figure 8 Disposition Status of Domestic Violence Misdemeanor Cases Resolved



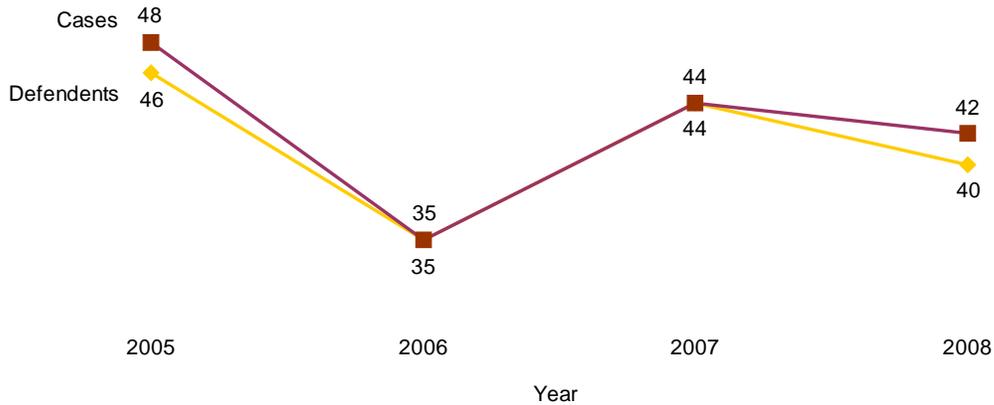
V. Domestic Violence Indicators: Defendants

Number of Defendants

Figure 9 illustrates the number of unduplicated defendants involved in misdemeanor domestic violence *cases* in a calendar year in the City of Blaine. By comparing the number of defendants to the number of cases resolved in that calendar year, it shows how many defendants are involved in more than one case, regardless of the disposition of the case.

The number of unduplicated defendants (per calendar year) has fluctuated between 35 and 46 in the past four years. Comparing the number of cases with the number of defendants in a given year, we see that very few defendants are involved in more than one case in a given calendar year.

Figure 9 Number of Cases Compared to Number of Defendants

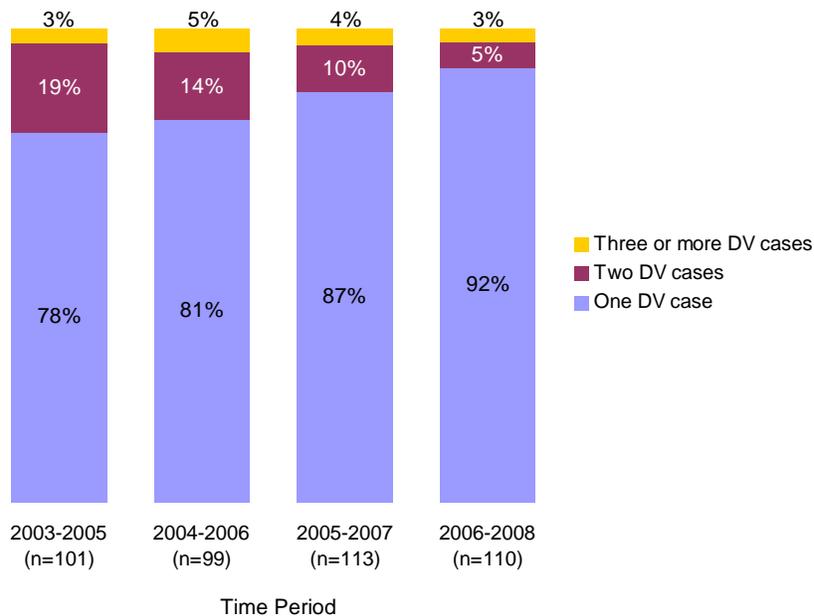


Misdemeanor Repeat-Offenders

For purposes of this report, misdemeanor repeat-offenders are individuals who have been charged with more than one domestic violence related misdemeanor level case (incident) during the time periods noted below, regardless of the resolution of the case. The analysis is based on cases that were resolved within the time period noted. *This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.*

The majority of domestic violence defendants in the three-year time periods shown below, have only had one resolved case (78% - 92%). Only between three and five percent of defendants have had three or more domestic violence cases resolved within a given time period. Between 2003-2005, there were 22 defendants charged in two or more domestic violence cases, compared to only 9 in 2006-2008. The percent of defendants charged in multiple domestic violence misdemeanor cases appears to be on the decline.

Figure 10 Proportion of Defendants with One, Two, or Three or More Cases in a Time Period

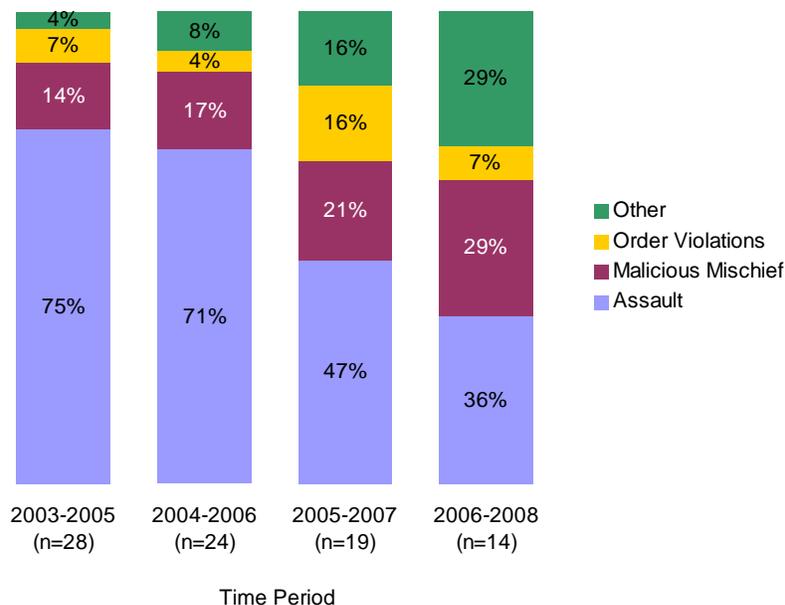


Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders

For those defendants who were charged in multiple misdemeanor domestic violence cases, Figure 11 illustrates the types of crimes they were charged with in the *first* case within the noted time period. (There may be more charges than defendants as some cases involve multiple charges.)

For those individuals who were charged in multiple domestic violence misdemeanor cases, the charges in the first case (Figure 11) are more likely to be assault or malicious mischief, and less likely to be charges of order violations when compared to Figure 12. Between 2003 and 2008 there is a relative increase in “other” domestic violence charges and a decrease in assault charges. It is not known if this represents an actual change in the nature of domestic violence activity for repeat-offenders, or just in the methods of reporting.

Figure 11 Charges by Category of Crime for First Offense in Time Period

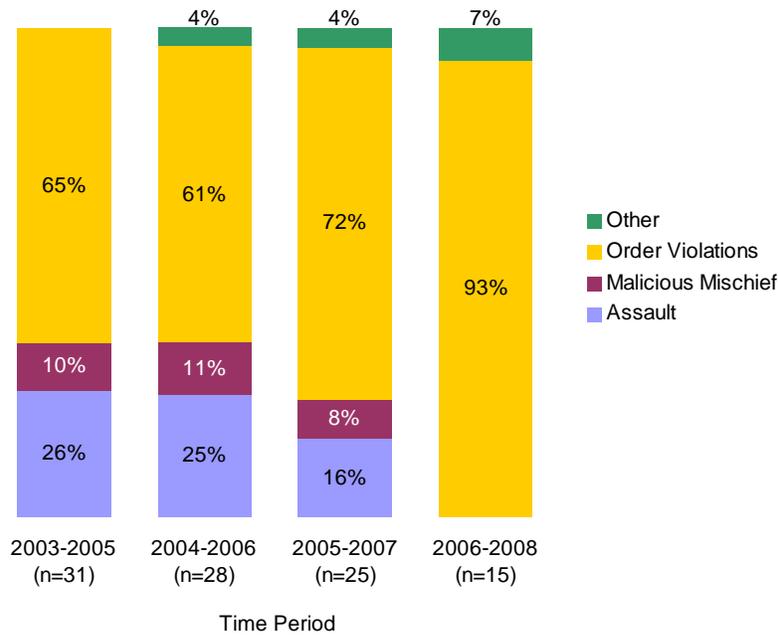


For misdemeanor repeat-offenders, Figure 12 illustrates the types of crimes they were charged with in the second, third, fourth, or more, incidents within the noted time period. Figure 12 indicates the types of crimes that are most typical for those defendants who are charged repeatedly. Because the time frame is a three year period, the data reflects a mix of re-offenses within a short time period as well as re-offenses that occur up to three years apart.

There are too few charges in this category to draw strong conclusions, and they represent only a fraction of domestic violence offenders. None-the-less, the differences in the categories of crime for these charges deserves attention. Over all four periods, order violations are the most common

charge, ranging from 61% of charges, to 93% of charges. This suggests that repeat offenders are likely targeting the same victims with repeated order violations. Assault is the next most common charge, representing at most 26% of charges.

Figure 12 Charges by Category of Crime for All Re-Offenses in Time Period



Once again, it is important to note that this data only shows repeat charges for misdemeanor domestic violence cases. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.

Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions

Figure 13 illustrates the numbers of defendants who were charged in a misdemeanor domestic violence case in one of the five small cities (Blaine, Ferndale, Everson-Nooksack, Lynden, or Sumas) **and** were charged in a misdemeanor domestic violence case in any other jurisdiction in Whatcom County, excluding Lummi and Nooksack Tribal Court, during the same time period. Although the majority of defendants were only charged in one jurisdiction between 2006-2008, for those who were charged in multiple jurisdictions, the data speaks to the need to ensure that jurisdictions check criminal histories and concurrent charges across all jurisdictions in Whatcom County.

Defendants with domestic violence misdemeanor cases in multiple jurisdictions make up about 15% of the total number of defendants between 2006 and 2008. This three-year time period is typical of the preceding periods, 2003-2005, 2004-2006, and 2005-2007. In each period, defendants with cases resolved in multiple jurisdictions make up between 14% - 17% of all defendants.

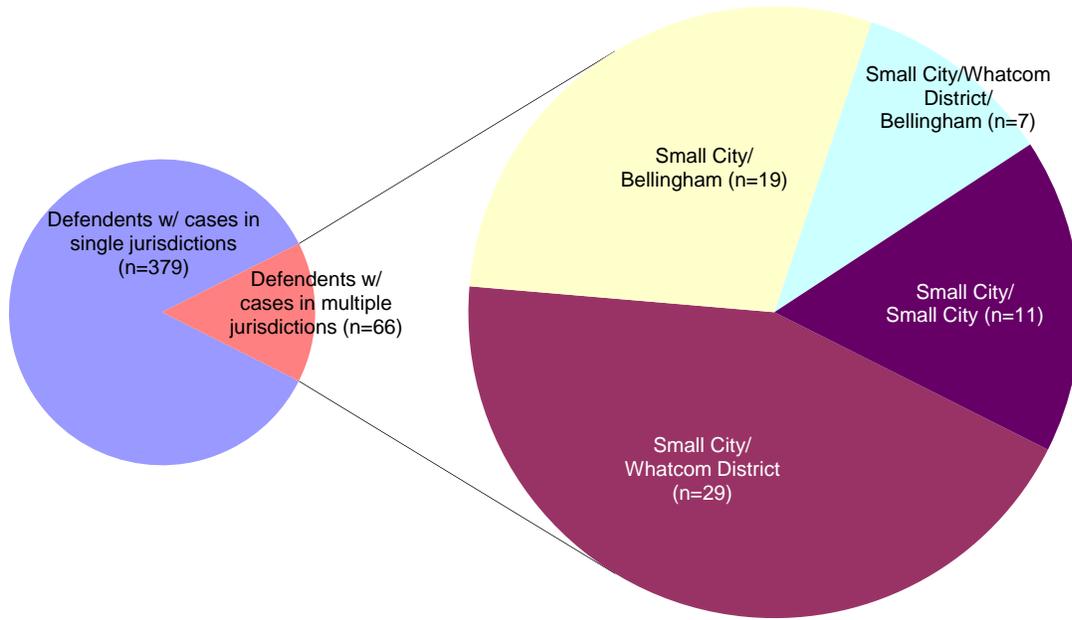
The most common overlaps between jurisdictions are for defendants with cases in one of the five small cities and Whatcom County District Court. The next most common is between defendants with cases in one of the five small cities and Bellingham Municipal Court, followed by defendants that are charged in two of the five small cities.

For example, 445 unduplicated defendants were charged in misdemeanor domestic violence cases in the five small cities between 2006- 2008. These cases were all resolved in this time period. Only 66 of these defendants had multiple misdemeanor domestic violence cases within a three-year time period that were resolved in a different jurisdiction in Whatcom County (excluding Lummi and Nooksack Tribal Court). Of those 66, 29 had a misdemeanor domestic violence case resolved in Whatcom County District Court and one of the small cities.

Prosecutors have noted that when there are concurrent criminal cases across jurisdictions, especially domestic violence related cases, a prosecutor in one jurisdiction may dismiss charges knowing that concurrent charges in another jurisdiction will be resolved as either guilty or amended. This is another example of how dispositional data within a jurisdiction might be misleading, as noted previously.

As noted in the previous section, this data only shows defendants with cases in multiple jurisdictions for misdemeanor domestic violence crimes. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of criminal cases in another jurisdiction within the time period noted.

Figure 13 Proportion of Defendants with Cases in Single or Multiple Jurisdictions 2006-2008



VI. Domestic Violence Indicators: Felony Cases

Felony Domestic Violence Case Filings and Disposition Status

Table 5 illustrates the number of felony domestic violence *case* filings from the City of Blaine that were charged by the Whatcom County Prosecutor's Office in Whatcom County Superior Court.

Table 5 also illustrates the disposition status of Blaine felony *cases* resolved in a calendar year. It is very common for a felony case to have multiple charges. Because felony charges often involve a level of injury that is visible and more easily documented, it is not surprising that a larger percentage of cases resolve in a guilty disposition, compared to misdemeanor cases.

Compared to misdemeanors, very few domestic violence felonies are filed each year. Though there are too few cases to draw strong conclusions from this data, domestic violence felony cases were much more likely to result in a guilty rather than dismissed disposition.

Table 5 Felony Cases Filed and Resolved

		2005	2006	2007	2008
<i>Cases Filed</i>		1	6	3	4
<i>Cases Resolved</i>	<i>Guilty</i>	4	5	2	1
	<i>Dismissed</i>	0	1	0	0

Note: Domestic Violence felony cases are not necessarily filed and disposed of in the same year.

VII. Domestic Violence Indicators: Days to Disposition

Days to disposition is the time between filing a charge in court and when it reaches final disposition. The longer it takes for a resolution or disposition, the more challenging it may be for the victim and witnesses to provide the prosecution with testimony. In some cases, more time allows a defendant to intimidate or influence a victim. Resolving domestic violence cases in a timely manner is considered a best practice. Some courts have set goals for days to disposition in domestic violence cases and use this measure as a benchmark. Other courts fast track certain domestic violence cases.

Data on days to disposition can be skewed by those cases where the defendant is in warrant status and has failed to appear in court and cannot be found. These cases may be in warrant status for years and at some point may be dismissed to clear the record, or the defendant is finally found and brought to court. In reviewing the data, it appeared that a number of courts had resolved cases that had been in warrant status for many years.

Data on days to disposition can also be skewed where the prosecution and defendant enter into a pre-disposition agreement, such as a deferred prosecution or stipulated order of continuance (SOC). These agreements typically require a defendant to obtain a domestic violence evaluation and complete the recommended treatment program within a specified period of time. The prosecution typically agrees to amend the charge and allow the defendant to plead guilty to the amended charge if the treatment and other conditions of the agreement are successfully completed within the specified period (often 6 months or a year). The defendant will typically be required to waive the right to a jury trial and stipulate to the admissibility of the police reports as part of the agreement.

For these reasons, “days to disposition” data may not accurately reflect a jurisdiction’s diligence in prosecuting domestic violence cases and is therefore not included in this report.



DOMESTIC VIOLENCE 2005 – 2008 Cities of Everson/Nooksack



**Bellingham-Whatcom County Commission Against Domestic
Violence
1407 Commercial
Bellingham, WA 98225
360.312.5700**

**With assistance from
Cornerstone Strategies, Inc.**

This project was supported by Grant No. 2005-WE-AX-0080 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Contents

I. Executive Summary:.....	1
II. Glossary of Terms	3
III. Domestic Violence Indicators: Law Enforcement.....	4
Domestic Violence Offenses vs. All Offenses.....	4
Domestic Violence Offenses vs. Verbals	5
IV. Domestic Violence Indicators: Misdemeanor Charges	7
Domestic Violence Charges Filed	7
Domestic Violence Charges Resolved.....	8
Domestic Violence Charges by Category of Crime.....	9
Domestic Violence Charge Disposition vs. Case Disposition.....	10
V. Domestic Violence Indicators: Defendants	12
Number of Defendants.....	12
Misdemeanor Repeat-Offenders	13
Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders	14
Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions.....	16
VI. Domestic Violence Indicators: Felony Cases.....	18
Felony Domestic Violence Case Filings and Disposition Status.....	18
VII. Domestic Violence Indicators: Days to Disposition.....	19

I. Executive Summary:

Purpose:

The Bellingham-Whatcom County Commission Against Domestic Violence, in partnership with the City of Bellingham, is a recipient of a federal grant from the Office on Violence Against Women, U.S. Department of Justice. The grant is funded through the Grants to Encourage Arrest and Enforcement of Protection Order Policies program. As part of this grant award, the Commission Against Domestic Violence proposed to compile domestic violence indicators for the five small cities of Whatcom County: Blaine, Ferndale, Everson-Nooksack, Lynden and Sumas.

A report has been compiled for each of the five cities based on input solicited from police chiefs, prosecutors, probation officers and court personnel. It is the Commission's hope that the report will provide each city with information on domestic violence trends as well as outcomes of intervention. While the report is not able to identify and differentiate the factors that could be responsible for changes in the indicators, the data may be helpful to officials on the nature and extent of domestic violence in their communities.

Methods:

Raw numbers for domestic violence indicators were obtained from one of four sources: "*Crime in Washington*" (Washington Association of Sheriffs and Police Chiefs); *Judicial Information System* (State of Washington); Whatcom County Prosecutor's Office, and records kept by individual law enforcement agencies. Population data was taken from the *WA State Office of Financial Management, April 1 Population of Cities, Towns and Counties*. A glossary is included for definitional purposes and can be found in II. Glossary of Terms. It is important to understand the meaning and limitation of each domestic violence indicator.

Summary of Findings:

This report is a collection of domestic violence indicators for the Cities of Everson-Nooksack, primarily from 2005 – 2008. Some of the key findings:

- Domestic violence offenses represent a higher percent of all criminal offenses in the Cities of Everson-Nooksack in the years 2005, 2006 and 2008 compared to Whatcom County and Washington State. In 2007, domestic violence offenses as a percent of all criminal offenses was slightly lower in Everson-Nooksack than in Whatcom County or Washington State.
- The population for the Cities of Everson-Nooksack has been increasing. Domestic violence verbals as reported by law enforcement has been decreasing over the four years analyzed. Domestic violence offenses as reported by law enforcement has been stable when population growth is considered. The statewide and countywide trend for domestic violence offenses has been a decrease during the same time period.
- The per capita rate of domestic violence offenses per 1,000 population is slightly lower in the Cities of Everson-Nooksack than Whatcom County and Washington State.
- Misdemeanor domestic violence charges filed and resolved have remained fairly constant between 2005 and 2007, with an increase in resolved charges in 2008.

- The most common misdemeanor domestic violence charges are assault and order violations.
- When analyzed by case, rather than charge, 50-70% of cases resolved as either guilty or amended in each of the four years. 29-45% of cases were dismissed.
- The numbers of defendants (unduplicated by year) stayed between 20 and 22 from 2005 through 2007, and increased in 2008 to 35.
- Approximately 90% of defendants are charged in only one misdemeanor domestic violence case in a three year period.
- The percent of defendants charged in multiple misdemeanor domestic violence cases within the noted three-year periods are increasing slightly.
- For those misdemeanor repeat-offenders in a three year time period, their first offense is most likely to be an assault, whereas their repeat offenses are most likely to be order violations.
- Across all five small cities, 15% of defendants charged in misdemeanor domestic violence cases had cases resolved in another court in Whatcom County, between 2006 and 2008.

II. Glossary of Terms

Domestic Violence Offenses

Under WA State law, an offense is domestic violence related if it is committed by a family member (regardless of the family relationship) or by a domestic partner. Domestic violence offenses as reported to the WA Association of Sheriffs and Police Chiefs (WASPC) only includes crimes in the following categories: criminal homicide, forcible rape, robbery, assault (including simple assault), burglary, larceny theft, motor vehicle theft, arson and violation of Protection/No Contact Orders. Domestic violence offenses do not include other types of domestic violence related crimes such as malicious mischief or disorderly conduct. It is not unusual for multiple offenses to occur during the same incident. However, based on recording standards established by the FBI, only the “highest-ranking offense” is recorded into *Uniform Crime Reports*, which is the nation’s statistical database for crime (utilized by this report and by WASPC). For example, an offender can break into a victim’s home, steal her car keys, force her into her vehicle, drive her to a secluded location, sexually assault her, take her car and her purse, and abandon her. Even though there are multiple offenses in this one event, the highest-ranking offense is the rape. This would be the only offense recorded, counted (and thus accessible to researchers) in *Uniform Crime Reports*. Therefore, for each domestic violence related incident, there is generally only one domestic violence offense counted. However, it is important to remember that this system of coding identifies and tallies a police identified problem and is not based on the findings of a court, medical examiner, jury or other judicial findings.

Felony Domestic Violence

Felony domestic violence offenses are defined as occurring when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. The nature of the charges filed may include both physical and non-physical assault offenses, including but not limited to, felony harassment/threats, violation of a no contact order, burglary, malicious mischief, robbery, kidnapping, unlawful imprisonment, assault and murder. The superior courts in the State of WA have sole jurisdiction over the adjudication of cases when a felony offense is charged.

Misdemeanor Domestic Violence

Misdemeanor domestic violence crimes occur when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. Examples of this type of crime include: Violation of a Protection Order; Assault 4th Degree; Malicious Mischief; Disorderly Conduct; and Interfering with Reporting of Domestic Violence. Courts of Limited Jurisdiction (District and Municipal Courts) and Tribal Courts have jurisdiction over domestic violence related misdemeanors committed within their area of authority.

Verbal Domestic

Law enforcement officers are frequently called to respond to situations that are categorized as “Domestic Violence – No Assault,” or “Verbal Domestic.” These are incidents where law enforcement determines that no physical assault occurred, and/or where no other conditions were met to warrant probable cause for an arrest.

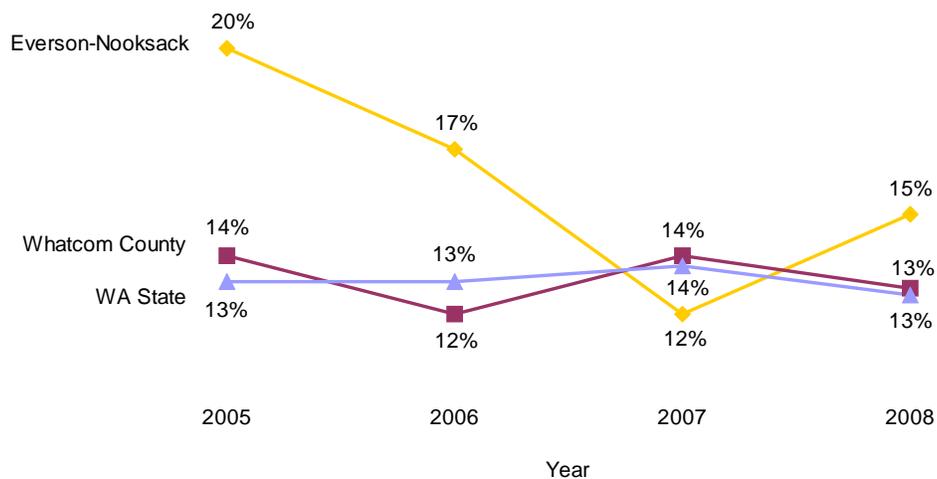
III. Domestic Violence Indicators: Law Enforcement

Domestic Violence Offenses vs. All Offenses

Figure 1 illustrates the percentage of all offenses reported by the Everson-Nooksack Police Department that are domestic violence related offenses. The category of all offenses (as defined by the *Uniform Crime Report* and reported to WASPC) include the crimes of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, arson, simple assault and order violations. Domestic violence offenses are defined in the Glossary of Terms and generally fall in the category of simple assault and order violations. As such, domestic violence offenses and all offenses only represent those offenses that meet the definitions noted above and do not include offenses in categories such as traffic offenses, drug offenses, damage, destruction and vandalism, fraud and bribery, to name a few.

The proportion of offenses related to domestic violence in Everson-Nooksack decreased between 2005-2007, only to rise again in 2008. The rates for Whatcom County and Washington State, however, have been more stable.

Figure 1 Domestic Violence Offenses as a Percentage of All Offenses



Note: The total number of offenses for the City of Everson-Nooksack was 103 in 2005; 133 in 2006; 148 in 2007; and 137 in 2008.

Domestic Violence Offenses vs. Verbals

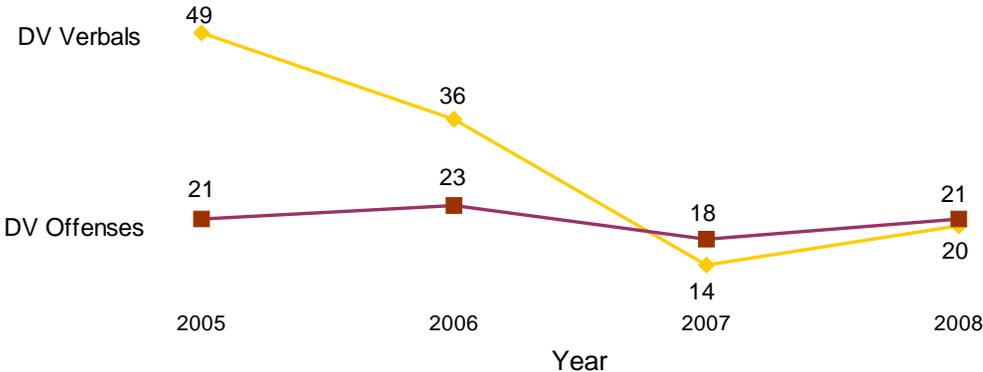
Figure 2 shows the number of domestic violence offenses (as defined in the Glossary of Terms) and domestic violence verbals reported by the Everson-Nooksack Police Department between 2005 and 2008. As noted in the Glossary on page 4, domestic violence verbals are incidents where law enforcement respond to an incident but do not make an arrest or issue a citation. On the other hand, domestic violence offenses represent the number of incidents where a domestic violence related offense is committed.

Both domestic violence verbals and offenses measure law enforcement activity in response to domestic violence. Domestic violence verbals represent opportunities for law enforcement to provide resources to the involved parties, as well as to note those relationships where potential for future violence appears to be high.

Domestic violence offenses provide an indication of *reported* domestic violence related criminal incidents in the Cities of Everson-Nooksack. For each reported offense, the numbers represent an entry point for both victims and defendants into the criminal justice system, regardless of the outcome of the case. Each offense involves a significant amount of law enforcement resources, and depending on the circumstance, may require an arrest and jail booking. There are comprehensive reporting and documentation requirements for law enforcement.

Despite a steady increase in population over the past four years, domestic violence verbals as reported by the Everson-Nooksack Police Department have been on the decline. Domestic violence offenses have ranged between 18 in 2007 and 23 in 2006.

Figure 2 Domestic Violence Verbals and Offenses Reported by Law Enforcement



Note: Offenses recorded may result in misdemeanor or felony charges.

Figure 3 shows the estimated population growth of the City of Everson-Nooksack over the four-year period. As Table 1 shows, when taking population growth into account, rates of domestic violence verbals as reported by law enforcement have declined, whereas the reported domestic violence offenses have been fairly stable.

Figure 3 Estimated Number of Everson-Nooksack Residents

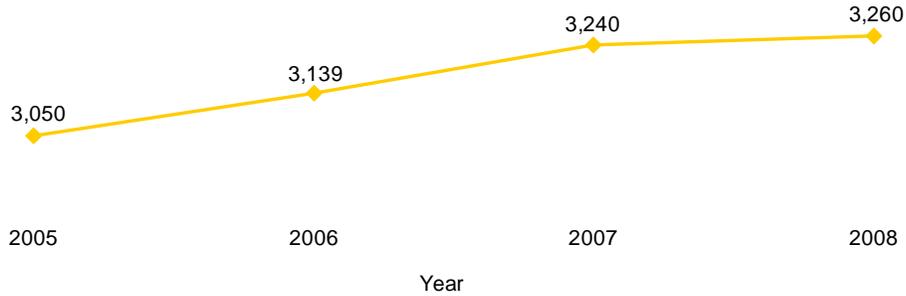


Table 1 Domestic Violence Verbals and Offenses per 1,000 Population

Year	2005	2006	2007	2008
Verbals	16.1	11.5	4.3	6.1
Offenses	6.9	7.3	5.6	6.4

The Whatcom County per capita rate (per 1,000 population) of domestic violence offenses as reported by all Whatcom County law enforcement agencies is shown below, along with the per capita domestic violence offense rate for Washington State, as reported by all law enforcement agencies.

Table 2 County and State Domestic Violence Offense Rates per 1,000 Population

Year	2005	2006	2007	2008
Whatcom County	9.4	7.5	7.4	6.6
Washington State	8.6	7.8	7.4	6.5

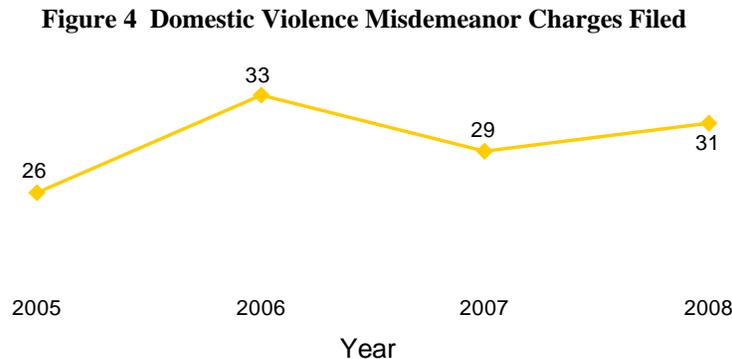
The per capita rate of domestic violence offenses per 1,000 population is slightly lower in the Cities of Everson-Nooksack than Whatcom County and Washington State.

IV. Domestic Violence Indicators: Misdemeanor Charges

Domestic Violence Charges Filed

Figure 4 illustrates the number of domestic violence misdemeanor charges filed during the years 2005 – 2008 in Everson-Nooksack Municipal Court. Each charge resulting from a domestic violence incident, or case, must be “processed” and resolved in some manner by the court. The filing of a charge is the first step, whereas, the resolution of the charge is when there has been a final disposition, such as guilty, dismissed, amended or deferred.

The number of domestic violence misdemeanor charges filed has remained fairly steady over the past four years.



As the table below shows, when taking population growth into account, rates of misdemeanors charges filed ranged from 8.5 in 2005 to 10.5 in 2006.

Table 3 Misdemeanor Charges Filed per 1,000 Population

Year	2005	2006	2007	2008
Misdemeanor Charges Filed	8.5	10.5	9.0	9.5

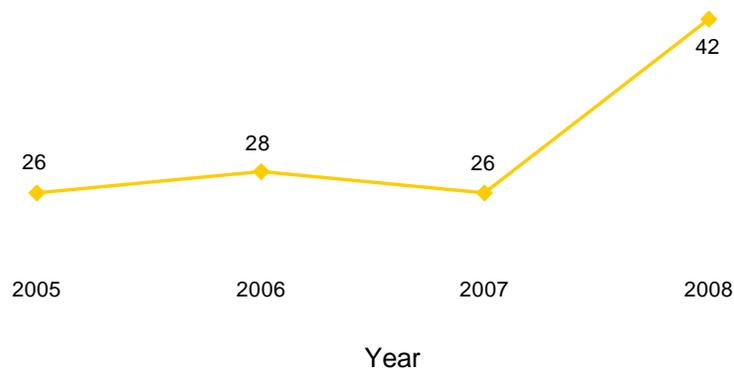
Domestic Violence Charges Resolved

A domestic violence charge is resolved when there has been a final disposition, such as guilty, dismissed, amended or deferred. In a given year, the number of charges filed will be different than the number of charges resolved, as charges are not necessarily filed and resolved within the same year.

Many criminal justice professionals are involved in the filing and resolution of domestic violence charges. This can include law enforcement, prosecutors, court clerks, judicial officers, defense attorneys, victim advocates and probation.

Figure 5 shows that the numbers of charges resolved remained fairly steady with a marked increase in 2008. This could reflect an effort to resolve charges that had been in warrant status for long periods of time.

Figure 5 Domestic Violence Charges Resolved



As Table 4 shows, when taking population growth into account, charges resolved remained steady with an increase in 2008.

Table 4 Misdemeanor Charges Resolved per 1,000 Population

Year	2005	2006	2007	2008
Misdemeanor Charges Resolved	8.5	8.9	8.0	12.9

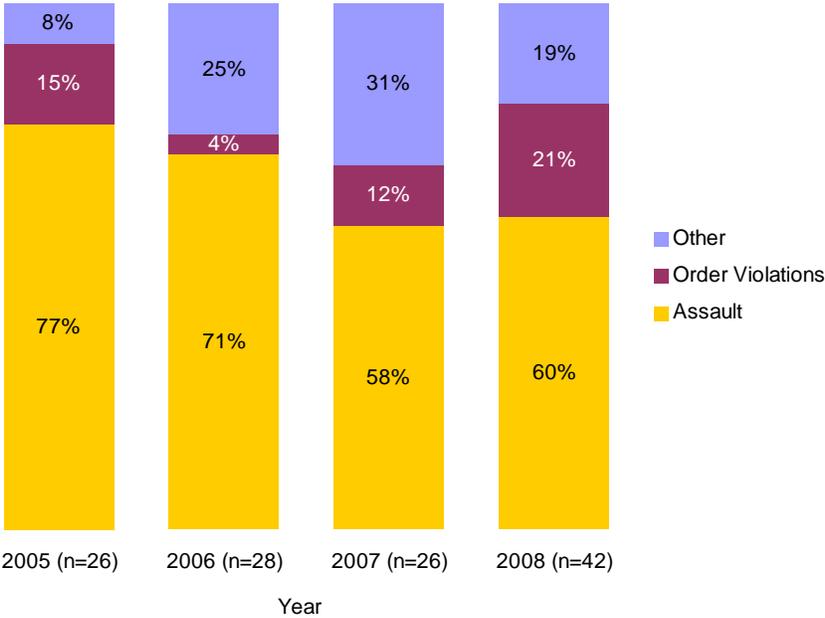
NOTE: The analyses that follow in the remainder of this report are based on domestic violence misdemeanor charges resolved within the noted time period, rather than charges filed.

Domestic Violence Charges by Category of Crime

Each domestic violence related misdemeanor charge must be linked to a corresponding crime as defined by state law. Figure 6 illustrates categories of crime corresponding to the domestic violence charges that were resolved within a calendar year in the Cities of Everson-Nooksack.

For all four years, assault was the most common misdemeanor charge disposed of, making up between 58% and 77% of charges. Next most common was order violations, including violations of protection orders, restraining orders, and no contact orders. Other charges include interference with reporting of domestic violence; disorderly conduct; malicious mischief; resisting a public officer; harassment; reckless endangerment; criminal trespassing; and threatening to injure.

Figure 6 Domestic Violence Misdemeanor Charges by Category of Crime



Domestic Violence Charge Disposition vs. Case Disposition

Filed charges ultimately reach a resolution in court. The most familiar ways charges resolve are dismissal, guilty as charged, or not guilty (Generally not guilty resolutions result from a jury trial, whereas guilty resolutions can result from a plea or trial.) There are other types of disposition that result from negotiations (plea bargains) between the prosecutor and the defense attorney or defendant, pleading guilty to an amended charge or receiving a deferred prosecution (sometimes referred to as a “stipulated order of continuance” or “SOC”). With an amended sentence the defendant enters a guilty plea to a charge that was amended from the original charge. With a deferred prosecution, the defendant stipulates to facts of the charge, agrees to an order of continuance and agrees to comply with certain conditions within a set time period. If the defendant is found to be non-compliant in that time period, the charge will resolve as guilty. If the defendant complies with the agreement, the original charge may be amended or dismissed upon completion.

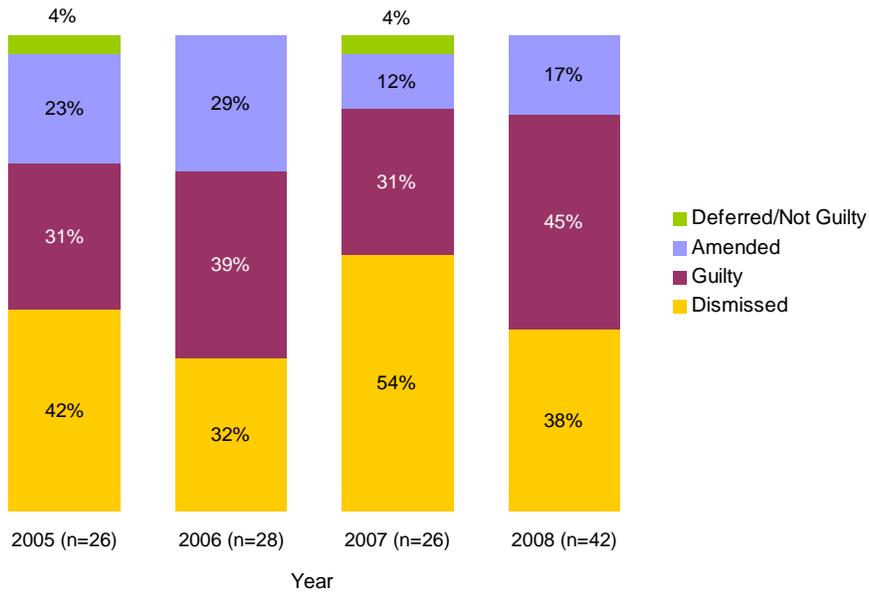
One limitation to looking at dispositions status is that it does not provide information, or context, on why a particular resolution was reached.

Another way in which dispositional data might be misleading is where there are multiple “charges” or counts resulting from a single incident. It is not uncommon for a domestic violence incident, or case, to involve multiple charges, meaning, the defendant is charged with multiple crimes. However, prosecutors resolve “cases” rather than individual charges. So, for example, if a defendant is charged with assault 4, interference with reporting of domestic violence, and malicious mischief in one incident, the prosecutor may negotiate with the defendant to dismiss two of the charges if the defendant pleads guilty on the remaining charge. By tracking this by *charge*, there are two charge dispositions of dismissed, and one of guilty. However, by looking at this by *case*, it is a guilty disposition. Tracking disposition status by case rather than charge illustrates this approach to disposition. This approach demonstrates the consequences for individual defendants, compared to disposition status by charge.

Charges that were disposed of in Everson-Nooksack Municipal Court during the years 2005 and 2008 were compiled by individual *charge* and by *case*. A comparison of the two approaches is noted in Figure 7 and Figure 8.

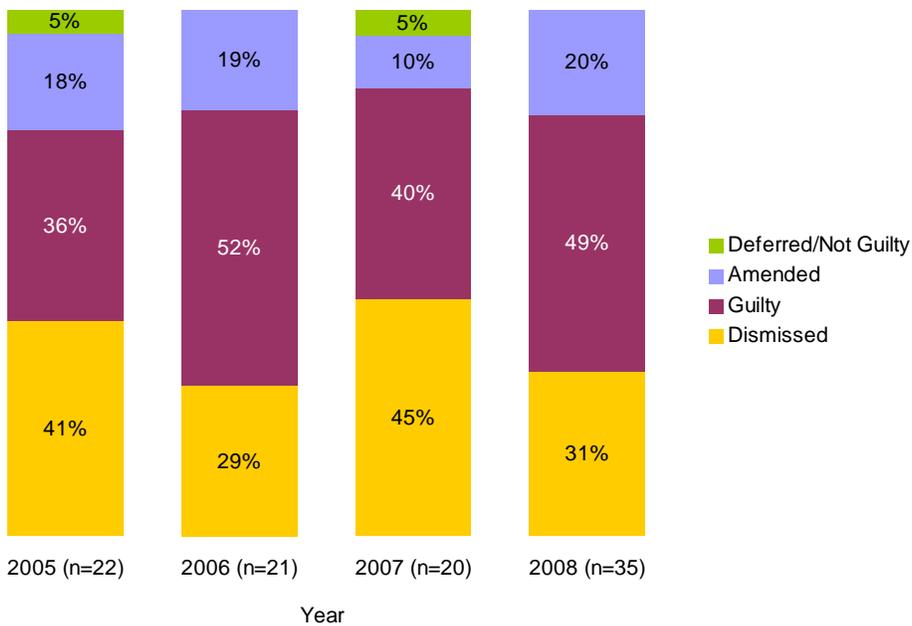
Over the past four years, misdemeanor domestic violence charges have been about as likely to be dismissed as to be found guilty. In the charts below, dismissed charges include those dismissed with or without prejudice. However, dismissal rates have been lower if compared to guilty and amended charges combined, with the exception of 2007 when dismissal rates were higher.

Figure 7 Disposition Status of Domestic Violence Misdemeanor Charges Resolved



Compared to resolved charges, resolved cases are slightly more likely to be guilty than dismissed. When amended cases are combined with guilty cases, the percent of “guilty” cases is higher compared to charges, and the rates of dismissals decreases. This suggests that many of the dismissed charges shown in the previous figure were part of cases where the defendant was found guilty of at least one charge.

Figure 8 Disposition Status of Domestic Violence Misdemeanor Cases Resolved



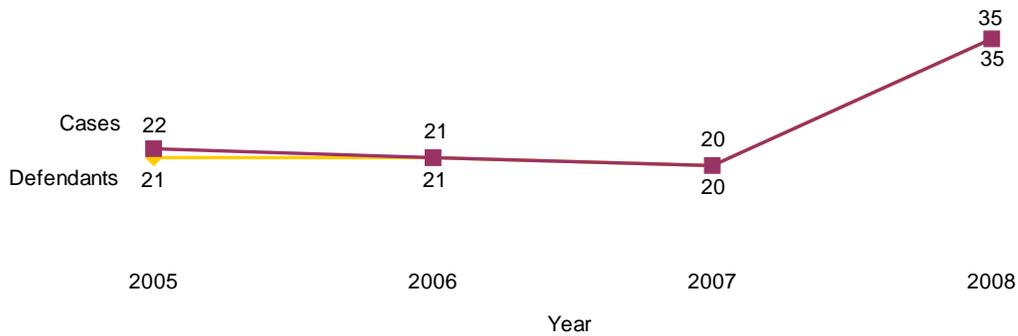
V. Domestic Violence Indicators: Defendants

Number of Defendants

Figure 9 illustrates the number of unduplicated defendants involved in misdemeanor domestic violence *cases* in a calendar year in the Cities of Everson-Nooksack. By comparing the number of defendants to the number of cases resolved in that calendar year, it shows how many defendants are involved in more than one case, regardless of the disposition of the case.

The number of unduplicated defendants jumped between 2007 and 2008, after a few years of stable rates. Comparing the number of cases with the number of defendants in a given year, we see that very few defendants are involved in more than one case.

Figure 9 Number of Cases Compared to Number of Defendants

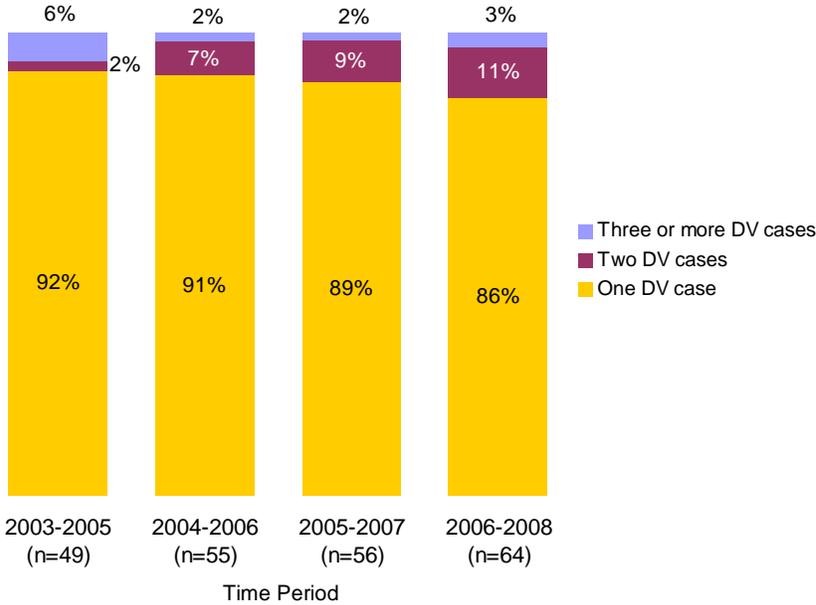


Misdemeanor Repeat-Offenders

For purposes of this report, misdemeanor repeat-offenders are individuals who have been charged with more than one domestic violence related misdemeanor level case (incident) during the time periods noted below, regardless of the resolution of the case. The analysis is based on cases that were resolved within the time period noted. *This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.*

The vast majority of domestic violence defendants over the last few years, (86% - 92%), have only had one resolved case. Only between two and six percent of defendants have had three or more domestic violence cases resolved within a given time period. Between 2003 and 2005 there were 4 defendants charged in two or more misdemeanor domestic violence cases, compared to 9 between 2006 and 2008. The percent of defendants charged in multiple misdemeanor domestic violence cases appears to be increasing slightly.

Figure 10 Proportion of Defendants with One, Two, or Three or More Cases in a Time Period

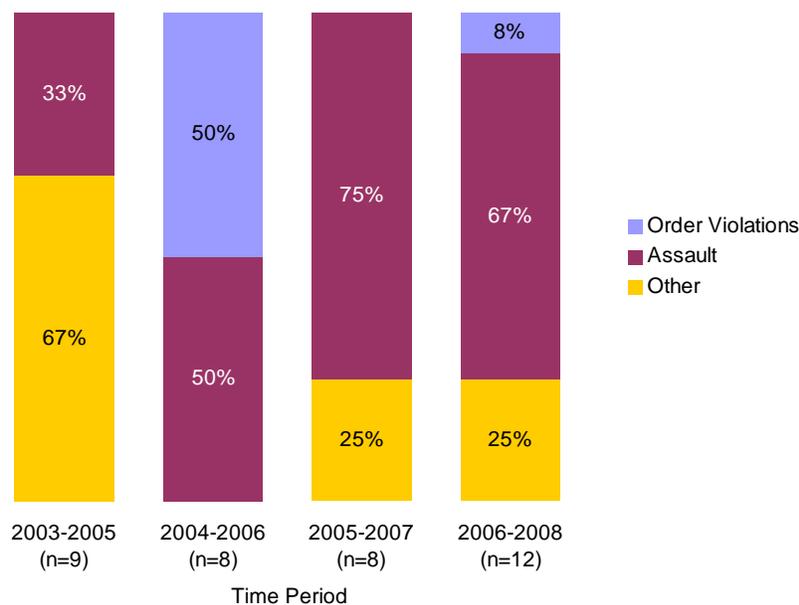


Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders

For those defendants who were charged in multiple misdemeanor domestic violence cases, Figure 11 illustrates the types of crimes they were charged with in the *first* case within the noted time period. (There may be more charges than defendants as some cases involve multiple charges.)

For those individuals who were charged in multiple domestic violence misdemeanor cases, overall, assault is the most common charge for the first offense. Though the patterns for order violations and other charges are unclear, the rate of assault for this subgroup is definitely on the rise.

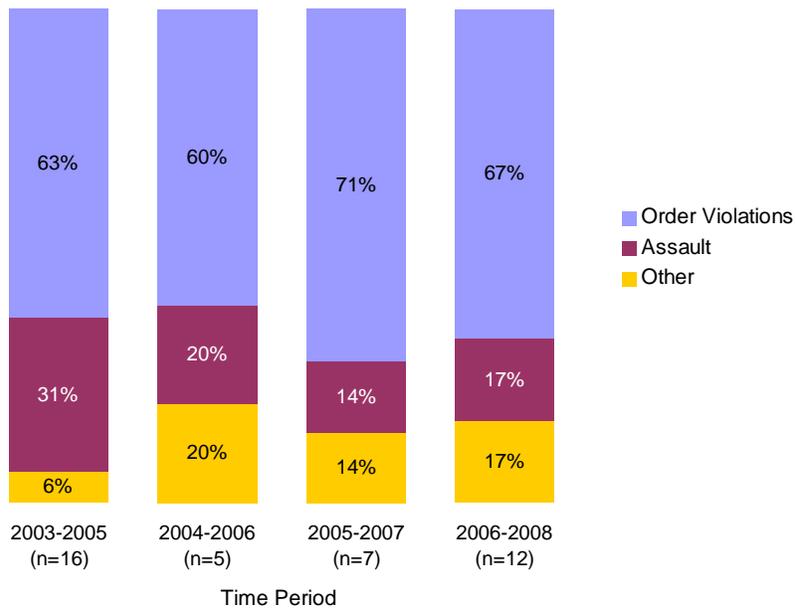
Figure 11 Charges by Category of Crime for First Offense in Time Period



For misdemeanor repeat-offenders, Figure 12 illustrates the types of crimes they were charged with in the second, third, fourth, or more, incidents within the noted time period. Figure 12 indicates the types of crimes that are most typical for those defendants who are charged repeatedly. Because the time frame is a three year period, the data reflects a mix of re-offenses within a short time period as well as re-offenses that occur up to three years apart.

There are too few charges in this category to draw strong conclusions, and they represent only a fraction of domestic violence charges. None-the-less, the differences in the categories of crime for these charges deserves attention. Over all four time periods, order violations are the most common charge, making up about two thirds of all repeat offender charges.

Figure 12 Charges by Category of Crime for All Re-Offenses in Time Period



Once again, it is important to note that this data only shows repeat charges for misdemeanor domestic violence cases. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.

Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions

Figure 13 illustrates the numbers of defendants who were charged in a misdemeanor domestic violence case in one of the five small cities (Blaine, Ferndale, Everson-Nooksack, Lynden, or Sumas) **and** were charged in a misdemeanor domestic violence case in any other jurisdiction in Whatcom County, excluding Lummi and Nooksack Tribal Court, during the same time period. Although the majority of defendants were only charged in one jurisdiction between 2006-2008, for those who were charged in multiple jurisdictions, the data speaks to the need to ensure that jurisdictions check criminal histories and concurrent charges across all jurisdictions in Whatcom County.

Defendants with domestic violence misdemeanor cases in multiple jurisdictions make up about 15% of the total number of defendants between 2006 and 2008. This three-year time period is typical of the preceding periods, 2003-2005, 2004-2006, and 2005-2007. In each period, defendants with cases resolved in multiple jurisdictions make up between 14% - 17% of all defendants.

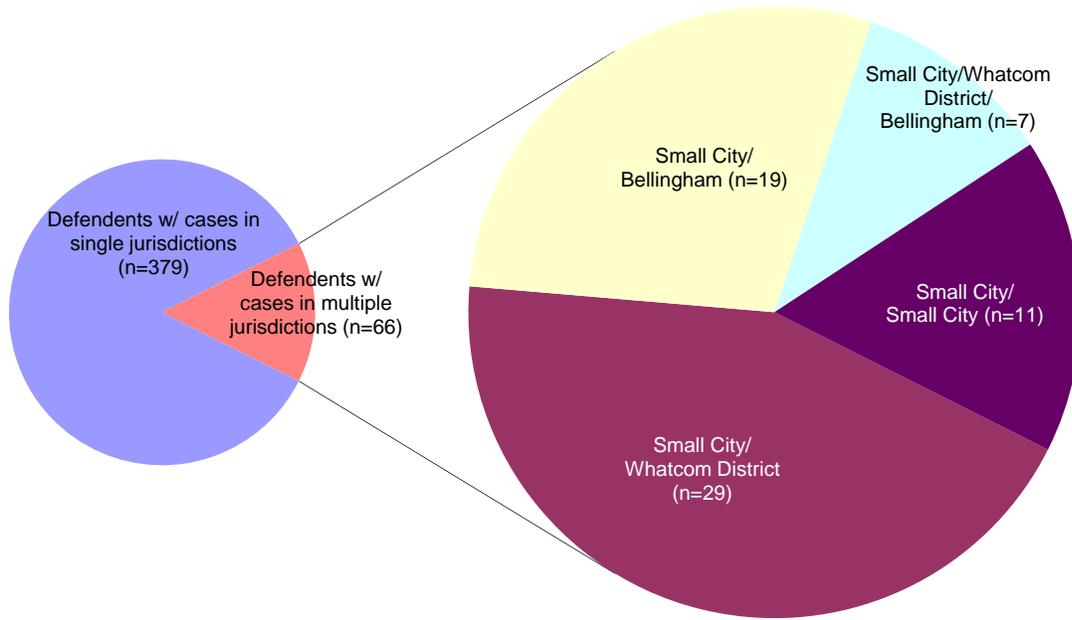
The most common overlaps between jurisdictions are for defendants with cases in one of the five small cities and Whatcom County District Court. The next most common is between defendants with cases in one of the five small cities and Bellingham Municipal Court, followed by defendants that are charged in two of the five small cities.

For example, 445 unduplicated defendants were charged in misdemeanor domestic violence cases in the five small cities between 2006- 2008. These cases were all resolved in this time period. Only 66 of these defendants had multiple misdemeanor domestic violence cases within a three-year time period that were resolved in a different jurisdiction in Whatcom County (excluding Lummi and Nooksack Tribal Court). Of those 66, 29 had a misdemeanor domestic violence case resolved in Whatcom County District Court and one of the small cities.

Prosecutors have noted that when there are concurrent criminal cases across jurisdictions, especially domestic violence related cases, a prosecutor in one jurisdiction may dismiss charges knowing that concurrent charges in another jurisdiction will be resolved as either guilty or amended. This is another example of how dispositional data within a jurisdiction might be misleading, as noted previously.

As noted in the previous section, this data only shows defendants with cases in multiple jurisdictions for misdemeanor domestic violence crimes. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of criminal cases in another jurisdiction within the time period noted.

Figure 13 Proportion of Defendants with Cases in Single or Multiple Jurisdictions 2006-2008



VI. Domestic Violence Indicators: Felony Cases

Felony Domestic Violence Case Filings and Disposition Status

Table 5 illustrates the number of felony domestic violence *case* filings from the Cities of Everson-Nooksack that were charged by the Whatcom County Prosecutor's Office in Whatcom County Superior Court.

Table 5 also illustrates the disposition status of Everson-Nooksack felony *cases* resolved in a calendar year. It is very common for a felony case to have multiple charges. Because felony charges often involve a level of injury that is visible and more easily documented, it is not surprising that a larger percentage of cases resolve in a guilty disposition, compared to misdemeanor cases.

Compared to misdemeanors, very few domestic violence felonies are filed each year. Though there are too few cases to draw strong conclusions from this data, domestic violence felony cases appear likely to result in a guilty than dismissed disposition.

Table 5 Felony Cases Filed and Resolved

		2005	2006	2007	2008
Cases Filed		4	4	2	5
Cases Resolved	Guilty	3	2	2	4
	Dismissed	0	1	0	0
	Warrant	0	1	0	0

Note: DV felony cases are not necessarily filed and disposed of in the same year.

VII. Domestic Violence Indicators: Days to Disposition

Days to disposition is the time between filing a charge in court and when it reaches final disposition. The longer it takes for a resolution or disposition, the more challenging it may be for the victim and witnesses to provide the prosecution with testimony. In some cases, more time allows a defendant to intimidate or influence a victim. Resolving domestic violence cases in a timely manner is considered a best practice. Some courts have set goals for days to disposition in domestic violence cases and use this measure as a benchmark. Other courts fast track certain domestic violence cases.

Data on days to disposition can be skewed by those cases where the defendant is in warrant status and has failed to appear in court and cannot be found. These cases may be in warrant status for years and at some point may be dismissed to clear the record, or the defendant is finally found and brought to court. In reviewing the data, it appeared that a number of courts had resolved cases that had been in warrant status for many years.

Data on days to disposition can also be skewed where the prosecution and defendant enter into a pre-disposition agreement, such as a deferred prosecution or stipulated order of continuance (SOC). These agreements typically require a defendant to obtain a domestic violence evaluation and complete the recommended treatment program within a specified period of time. The prosecution typically agrees to amend the charge and allow the defendant to plead guilty to the amended charge if the treatment and other conditions of the agreement are successfully completed within the specified period (often 6 months or a year). The defendant will typically be required to waive the right to a jury trial and stipulate to the admissibility of the police reports as part of the agreement.

For these reasons, “days to disposition” data may not accurately reflect a jurisdiction’s diligence in prosecuting domestic violence cases and is therefore not included in this report.



DOMESTIC VIOLENCE 2005 – 2008 City of Ferndale



**Bellingham-Whatcom County Commission Against
Domestic Violence
1407 Commercial
Bellingham, WA 98225
360.312.5700**

**With assistance from
Cornerstone Strategies, Inc.**

This project was supported by Grant No. 2005-WE-AX-0080 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Contents

I. Executive Summary: 1

II. Glossary of Terms 3

III. Domestic Violence Indicators: Law Enforcement 4

 Domestic Violence Offenses vs. All Offenses 4

 Domestic Violence Offenses vs. Verbals 5

IV. Domestic Violence Indicators: Misdemeanor Charges 7

 Domestic Violence Charges Filed 7

 Domestic Violence Charges Resolved 8

 Domestic Violence Charges by Category of Crime 9

 Domestic Violence Charge Disposition vs. Case Disposition 10

V. Domestic Violence Indicators: Defendants 12

 Number of Defendants 12

 Misdemeanor Repeat-Offenders..... 13

 Charges by Category of Crime for First and Repeat Offense in Three Year Intervals
 for Misdemeanor Repeat-Offenders 14

 Number of Defendants with Misdemeanor Domestic Violence Cases in Other
 Whatcom County Jurisdictions 16

VI. Domestic Violence Indicators: Felony Cases..... 18

 Felony Domestic Violence Case Filings and Disposition Status 18

VII. Domestic Violence Indicators: Days to Disposition 19

I. Executive Summary:

Purpose:

The Bellingham-Whatcom County Commission Against Domestic Violence, in partnership with the City of Bellingham, is a recipient of a federal grant from the Office on Violence Against Women, U.S. Department of Justice. The grant is funded through the Grants to Encourage Arrest and Enforcement of Protection Order Policies program. As part of this grant award, the Commission Against Domestic Violence proposed to compile domestic violence indicators for the five small cities of Whatcom County: Blaine, Ferndale, Everson-Nooksack, Lynden and Sumas.

A report has been compiled for each of the five cities based on input solicited from police chiefs, prosecutors, probation officers and court personnel. It is the Commission's hope that the report will provide each city with information on domestic violence trends as well as outcomes of intervention. While the report is not able to identify and differentiate the factors that could be responsible for changes in the indicators, the data may be helpful to officials on the nature and extent of domestic violence in their communities.

Methods:

Raw numbers for domestic violence indicators were obtained from one of four sources: "*Crime in Washington*" (Washington Association of Sheriffs and Police Chiefs); *Judicial Information System* (State of Washington); Whatcom County Prosecutor's Office, and records kept by individual law enforcement agencies. Population data was taken from the *WA State Office of Financial Management, April 1 Population of Cities, Towns and Counties*. A glossary is included for definitional purposes and can be found in II. Glossary of Terms. It is important to understand the meaning and limitation of each domestic violence indicator.

Summary of Findings:

This report is a collection of domestic violence indicators for the City of Ferndale, primarily from 2005 – 2008. Some of the key findings:

- Domestic violence offenses represent a similar percent of all criminal offenses in the City of Ferndale compared to Whatcom County and Washington State, with the exception of 2008, when the City of Ferndale had a higher percent of domestic violence offenses.
- The population for the City of Ferndale has been increasing. The numbers of domestic violence verbals as reported by law enforcement has fluctuated, whereas domestic violence offenses have been on the decline. The decline in domestic violence offenses parallels a statewide and countywide trend.
- The per capita rate of domestic violence offenses per 1,000 population is slightly higher in the City of Ferndale than Whatcom County and Washington State.
- Misdemeanor domestic violence charges filed and resolved decreased between 2005 and 2006 and then have remained fairly constant between 2006 and 2008.
- The most common misdemeanor domestic violence charges are assault and order violations.
- When analyzed by case, rather than charge, the percentage of cases resolved as either guilty or amended fluctuated between a high of 66% in 2007 and a low of 37% in 2008.

(In 2008, 26% of cases were also deferred.) The percentage of cases dismissed fluctuated between 30-49%

- The numbers of defendants (unduplicated by year) has fluctuated over the four years, from 96 in 2005 to between 60 and 64 between 2006 and 2008.
- 86-89% of defendants are charged in only one misdemeanor domestic violence case in a three year period.
- For those misdemeanor repeat-offenders in a three year time period, 64% of the time their first offense is assault, whereas 78% of the time their repeat offenses are order violations.
- Across all five small cities, 15% of defendants charged in misdemeanor domestic violence cases had cases resolved in another court in Whatcom County, between 2006 and 2008.

II. Glossary of Terms

Domestic Violence Offenses

Under WA State law, an offense is domestic violence related if it is committed by a family member (regardless of the family relationship) or by a domestic partner. Domestic violence offenses as reported to the WA Association of Sheriffs and Police Chiefs (WASPC) only includes crimes in the following categories: criminal homicide, forcible rape, robbery, assault (including simple assault), burglary, larceny theft, motor vehicle theft, arson and violation of Protection/No Contact Orders. Domestic violence offenses do not include other types of domestic violence related crimes such as malicious mischief or disorderly conduct. It is not unusual for multiple offenses to occur during the same incident. However, based on recording standards established by the FBI, only the “highest-ranking offense” is recorded into *Uniform Crime Reports*, which is the nation’s statistical database for crime (utilized by this report and by WASPC). For example, an offender can break into a victim’s home, steal her car keys, force her into her vehicle, drive her to a secluded location, sexually assault her, take her car and her purse, and abandon her. Even though there are multiple offenses in this one event, the highest-ranking offense is the rape. This would be the only offense recorded, counted (and thus accessible to researchers) in *Uniform Crime Reports*. Therefore, for each domestic violence related incident, there is generally only one domestic violence offense counted. However, it is important to remember that this system of coding identifies and tallies a police identified problem and is not based on the findings of a court, medical examiner, jury or other judicial findings.

Felony Domestic Violence

Felony domestic violence offenses are defined as occurring when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. The nature of the charges filed may include both physical and non-physical assault offenses, including but not limited to, felony harassment/threats, violation of a no contact order, burglary, malicious mischief, robbery, kidnapping, unlawful imprisonment, assault and murder. The superior courts in the State of WA have sole jurisdiction over the adjudication of cases when a felony offense is charged.

Misdemeanor Domestic Violence

Misdemeanor domestic violence crimes occur when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. Examples of this type of crime include: Violation of a Protection Order; Assault 4th Degree; Malicious Mischief; Disorderly Conduct; and Interfering with Reporting of Domestic Violence. Courts of Limited Jurisdiction (District and Municipal Courts) and Tribal Courts have jurisdiction over domestic violence related misdemeanors committed within their area of authority.

Verbal Domestic

Law enforcement officers are frequently called to respond to situations that are categorized as “Domestic Violence – No Assault,” or “Verbal Domestic.” These are incidents where law enforcement determines that no physical assault occurred, and/or where no other conditions were met to warrant probable cause for an arrest.

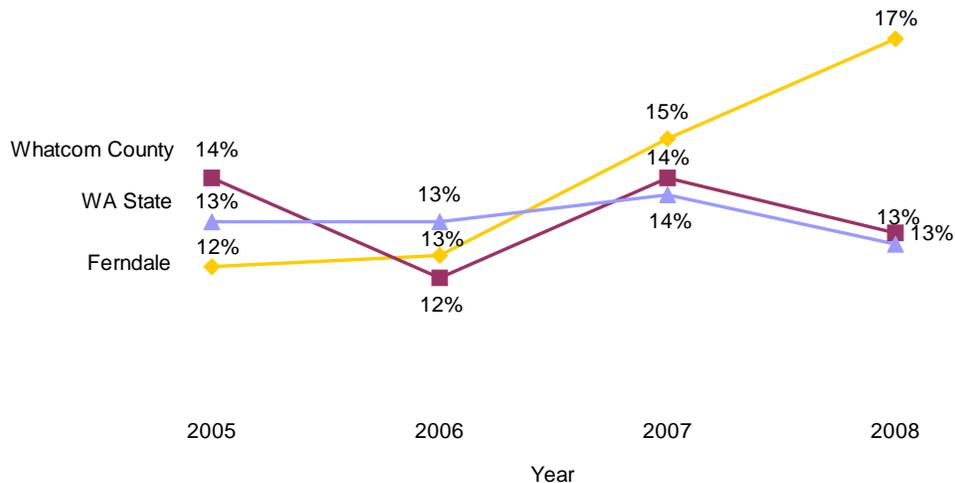
III. Domestic Violence Indicators: Law Enforcement

Domestic Violence Offenses vs. All Offenses

Figure 1 illustrates the percentage of all offenses reported by the Ferndale Police Department that are domestic violence related offenses. The category of all offenses (as defined by the *Uniform Crime Report* and reported to WASPC) include the crimes of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, arson, simple assault and order violations. Domestic violence offenses are defined in the Glossary of Terms and generally fall in the category of simple assault and order violations. As such, domestic violence offenses and all offenses only represent those offenses that meet the definitions noted above and do not include offenses in categories such as traffic offenses, drug offenses, damage, destruction and vandalism, fraud and bribery, to name a few.

Over the last few years, the proportion of offenses related to domestic violence in Ferndale has risen, especially when compared to the rates for Whatcom County and for the State of Washington.

Figure 1 Domestic Violence Offenses as a Percentage of All Offenses



Note: The total number of offenses for the City of Ferndale was 906 for 2005; 777 for 2006; 566 for 2007; and 508 for 2008.

Domestic Violence Offenses vs. Verbals

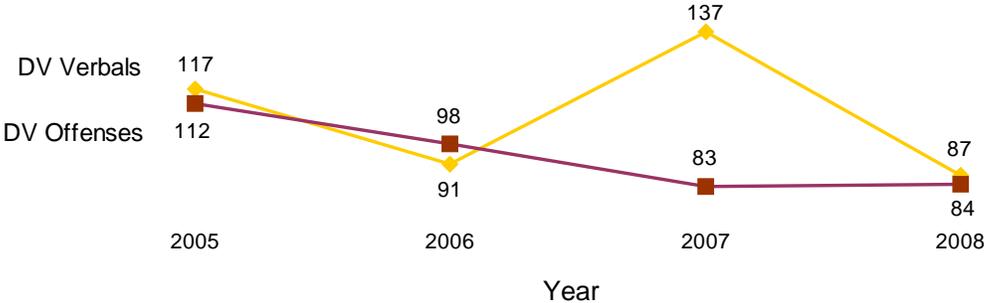
Figure 2 shows the number of domestic violence offenses (see definition in Glossary of Terms) and domestic violence verbals reported by the Ferndale Police Department between 2005 and 2008. As noted in the Glossary on page 4, domestic violence verbals are incidents where law enforcement respond to an incident but do not make an arrest or issue a citation. On the other hand, domestic violence offenses represent the number of incidents where a domestic violence related offense is committed.

Both domestic violence verbals and offenses measure law enforcement activity in response to domestic violence. Domestic violence verbals represent opportunities for law enforcement to provide resources to the involved parties, as well as to note those relationships where potential for future violence appears to be high.

Domestic violence offenses provide an indication of *reported* domestic violence related criminal incidents in the City of Ferndale. For each reported offense, the numbers represent an entry point for both victims and defendants into the criminal justice system, regardless of the outcome of the case. Each offense involves a significant amount of law enforcement resources, and depending on the circumstance, may require an arrest and jail booking. There are comprehensive reporting and documentation requirements for law enforcement.

Despite a steady increase in population over the past four years, domestic violence offenses as reported by the Ferndale Police Department have been on the decline. The pattern for domestic violence verbals is less linear.

Figure 2 Domestic Violence Verbals and Offenses Reported by Law Enforcement



Note: Offenses recorded may result in misdemeanor or felony charges.

Figure 3 shows the estimated population for Ferndale for the four-year time period. Table 1 shows the rates of domestic violence verbals and offenses when taking population growth into account.

Figure 3 Estimated Number of Ferndale Residents

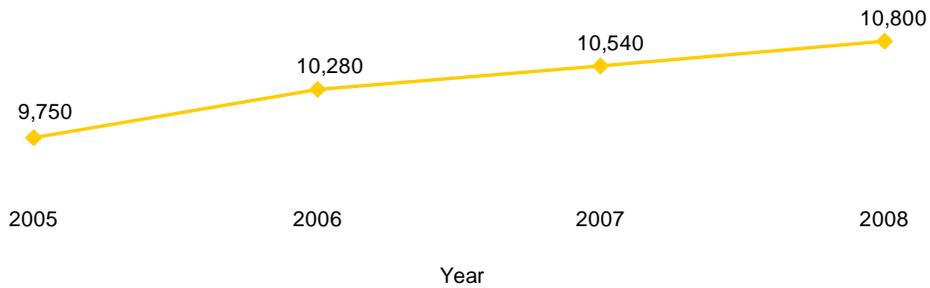


Table 1 Domestic Violence Verbals and Offenses per 1,000 Population

Year	2005	2006	2007	2008
Verbals	12.0	8.9	13.0	8.1
Offenses	11.5	9.5	7.9	7.8

The Whatcom County per capita rate (per 1,000 population) of domestic violence offenses as reported by all Whatcom County law enforcement agencies is shown below, along with the per capita domestic violence offense rate for Washington State, as reported by all law enforcement agencies.

Table 2 County and State Domestic Violence Offense Rates per 1,000 Population

Year	2005	2006	2007	2008
Whatcom County	9.4	7.5	7.4	6.6
Washington State	8.6	7.8	7.4	6.5

The City of Ferndale has a slightly higher per capita rate of domestic violence offenses as compared to Washington State and Whatcom County.

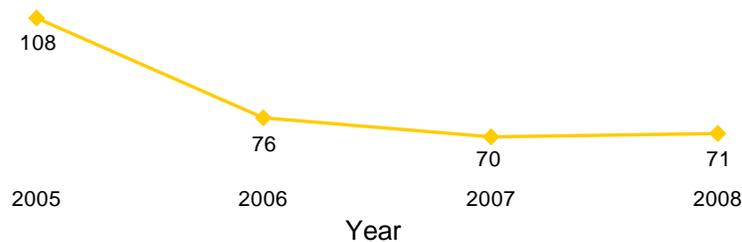
IV. Domestic Violence Indicators: Misdemeanor Charges

Domestic Violence Charges Filed

Figure 4 illustrates the number of domestic violence misdemeanor charges filed during the years 2005 – 2008 in Ferndale Municipal Court. Each charge resulting from a domestic violence incident, or case, must be “processed” and resolved in some manner by the court. The filing of a charge is the first step, whereas, the resolution of the charge is when there has been a final disposition, such as guilty, dismissed, amended or deferred.

The number of domestic violence misdemeanor charges filed decreased substantially between 2005 and 2006 and remained fairly stable over the next two years.

Figure 4 Domestic Violence Misdemeanor Charges Filed



As the table below shows, when taking population growth into account, rates of domestic violence charges filed has decreased slightly, with the biggest decrease between 2005 and 2006.

Table 3 Misdemeanor Charges Filed per 1,000 Population

Year	2005	2006	2007	2008
Misdemeanor Charges Filed	11.1	7.4	6.6	6.6

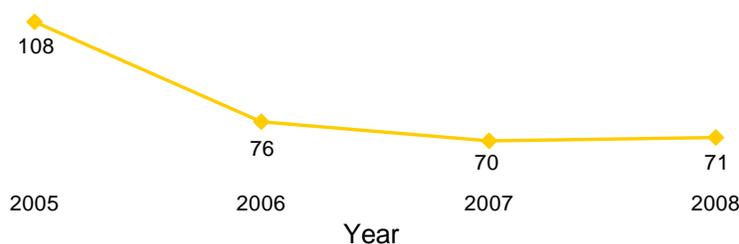
Domestic Violence Charges Resolved

A domestic violence charge is resolved when there has been a final disposition, such as guilty, dismissed, amended or deferred. In a given year, the number of charges filed will be different than the number of charges resolved, as charges are not necessarily filed and resolved within the same year.

Many criminal justice professionals are involved in the filing and resolution of domestic violence charges. This can include law enforcement, prosecutors, court clerks, judicial officers, defense attorneys, victim advocates and probation.

The number of domestic violence misdemeanor charges resolved decreased substantially between 2005 and 2006 and remained fairly stable over the next two years.

Figure 5 Domestic Violence Misdemeanor Charges Resolved



As the table below shows, when taking population growth into account, rates of domestic violence charges resolved have decreased slightly, with the biggest decrease between 2005 and 2006.

Table 4 Misdemeanor Charges Resolved per 1,000 Population

Year	2005	2006	2007	2008
Misdemeanor Charges Resolved	13.1	7.8	8.3	7.4

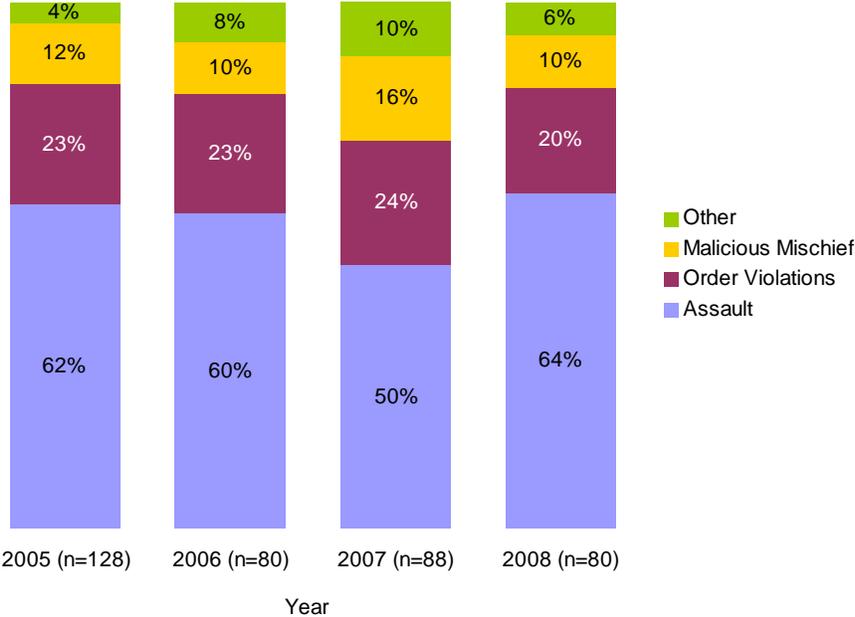
NOTE: The analyses that follow in the remainder of this report are based on domestic violence misdemeanor charges resolved within the noted time period, rather than charges filed.

Domestic Violence Charges by Category of Crime

Each domestic violence related misdemeanor charge must be linked to a corresponding crime as defined by state law. Figure 6 illustrates categories of crime corresponding to the domestic violence charges that were resolved within a calendar year in the City of Ferndale.

For the past four years, assault was the most common misdemeanor charge disposed of, making up between 50-64% of charges. Order violation charges accounted for between 20 and 24% of charges. These include violations of protection orders, restraining orders, and no contact orders. Malicious mischief charges were third most common. Other violations include interference with reporting of domestic violence; telephone harassment; disorderly conduct; obstructing a public servant; theft; trespassing; shop lifting; and reckless endangerment.

Figure 6 Domestic Violence Misdemeanor Charges by Category of Crime



Domestic Violence Charge Disposition vs. Case Disposition

Filed charges ultimately reach a resolution in court. The most familiar ways charges resolve are dismissal, guilty as charged, or not guilty (Generally not guilty resolutions result from a jury trial, whereas guilty resolutions can result from a plea or trial.) There are other types of disposition that result from negotiations (plea bargains) between the prosecutor and the defense attorney or defendant, pleading guilty to an amended charge or receiving a deferred prosecution (sometimes referred to as a “stipulated order of continuance” or “SOC”). With an amended sentence the defendant enters a guilty plea to a charge that was amended from the original charge. With a deferred prosecution, the defendant stipulates to facts of the charge, agrees to an order of continuance and agrees to comply with certain conditions within a set time period. If the defendant is found to be non-compliant in that time period, the charge will resolve as guilty. If the defendant complies with the agreement, the original charge may be amended or dismissed upon completion.

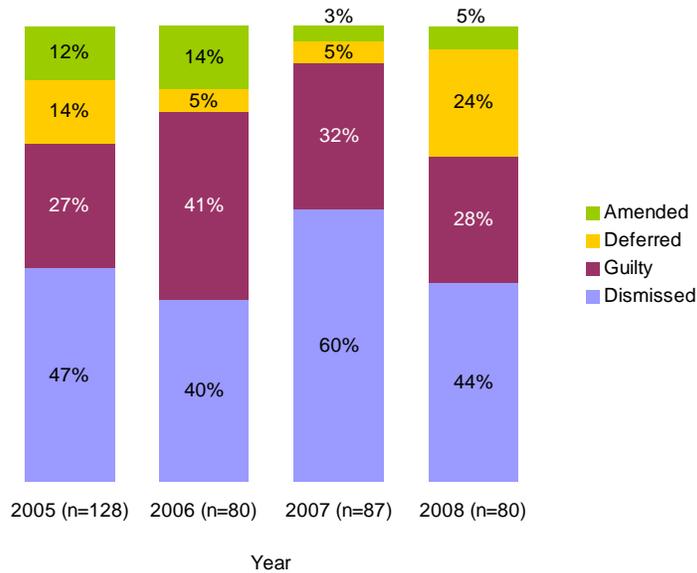
One limitation to looking at dispositions status is that it does not provide information, or context, on why a particular resolution was reached.

Another way in which dispositional data might be misleading is where there are multiple “charges” or counts resulting from a single incident. It is not uncommon for a domestic violence incident, or case, to involve multiple charges, meaning, the defendant is charged with multiple crimes. However, prosecutors resolve “cases” rather than individual charges. So, for example, if a defendant is charged with assault 4, interference with reporting of domestic violence, and malicious mischief in one incident, the prosecutor may negotiate with the defendant to dismiss two of the charges if the defendant pleads guilty on the remaining charge. By tracking this by *charge*, there are two charge dispositions of dismissed, and one of guilty. However, by looking at this by *case*, it is a guilty disposition. Tracking disposition status by case rather than charge illustrates this approach to disposition. This approach demonstrates the consequences for individual defendants, compared to disposition status by charge.

Charges that were disposed of in Ferndale Municipal Court during the years 2005 and 2008 were compiled by individual *charge* and by *case*. A comparison of the two approaches is noted in Figure 7 and Figure 8.

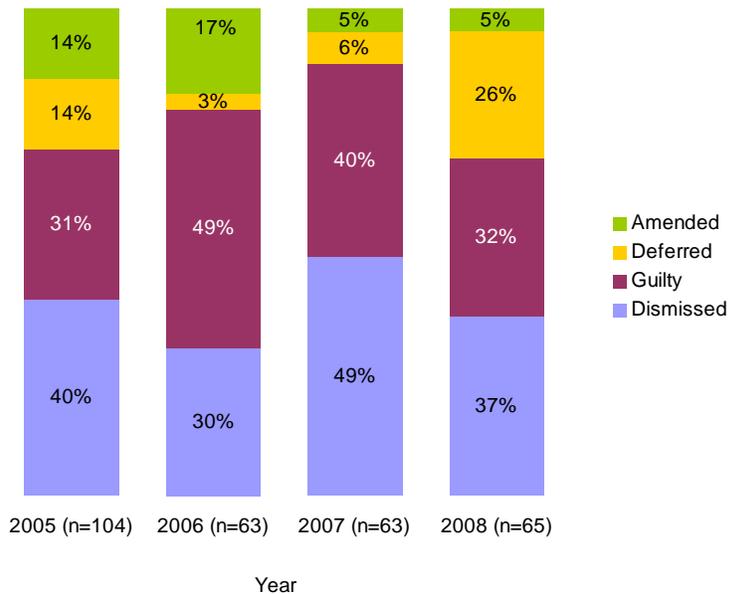
Over the past four years, misdemeanor domestic violence charges have been slightly more likely to be dismissed as to be found guilty or amended, except for 2006. In the charts below, dismissed charges include those dismissed with or without prejudice. It is important to note that deferrals may result in a guilty disposition over time if the defendant is found to be non-compliant with the conditions set by the court.

Figure 7 Disposition Status of Domestic Violence Misdemeanor Charges Resolved



When looking at cases rather than charges, the percentage of dismissed resolutions decrease and guilty/amended resolutions increase. However, the difference between the two are small, with the exception of 2006, when the percentage of guilty/amended resolutions are much higher than dismissed. This suggests that many of the dismissed charges shown above were part of cases where the defendant was found guilty of at least one charge. Again, it is important to note that deferrals may result in a guilty sentence over time if the defendant is found to be non-compliant with the conditions set by the court.

Figure 8 Disposition Status of Domestic Violence Misdemeanor Cases Resolved

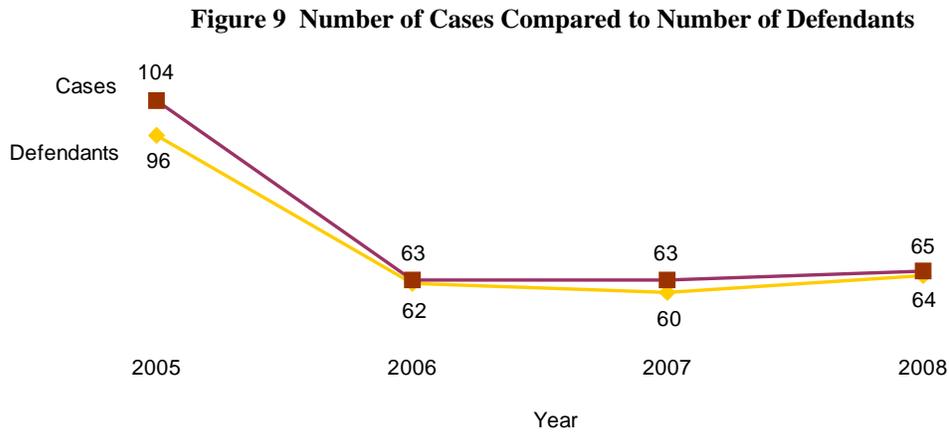


V. Domestic Violence Indicators: Defendants

Number of Defendants

Figure 9 illustrates the number of unduplicated defendants involved in misdemeanor domestic violence *cases* in a calendar year in the City of Ferndale. By comparing the number of defendants to the number of cases resolved in that calendar year, it shows how many defendants are involved in more than one case, regardless of the disposition of the case.

The number of unduplicated defendants decreased between 2005 and 2006, and remained steady between 2006 and 2008. These make up the vast majority of cases, suggesting very few repeat offenders within a given year.

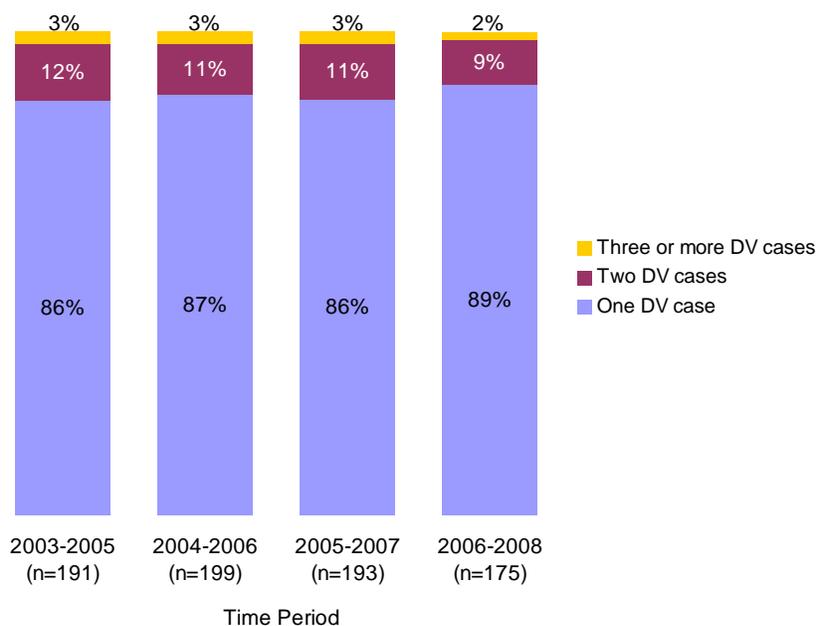


Misdemeanor Repeat-Offenders

For purposes of this report, misdemeanor repeat-offenders are individuals who have been charged with more than one domestic violence related misdemeanor level case (incident) during the time periods noted below, regardless of the resolution of the case. The analysis is based on cases that were resolved within the time period noted. *This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.*

The majority of domestic violence defendants over the last few years, (86% - 89%), have only had one resolved case. Only two to three percent of defendants have had three or more domestic violence cases resolved within a given time period. Between 2003–2005, there were 27 defendants charged in two or more domestic violence cases, compared to 19 in 2006-2008.

Figure 10 Proportion of Defendants with One, Two, or Three or More Cases in a Time Period



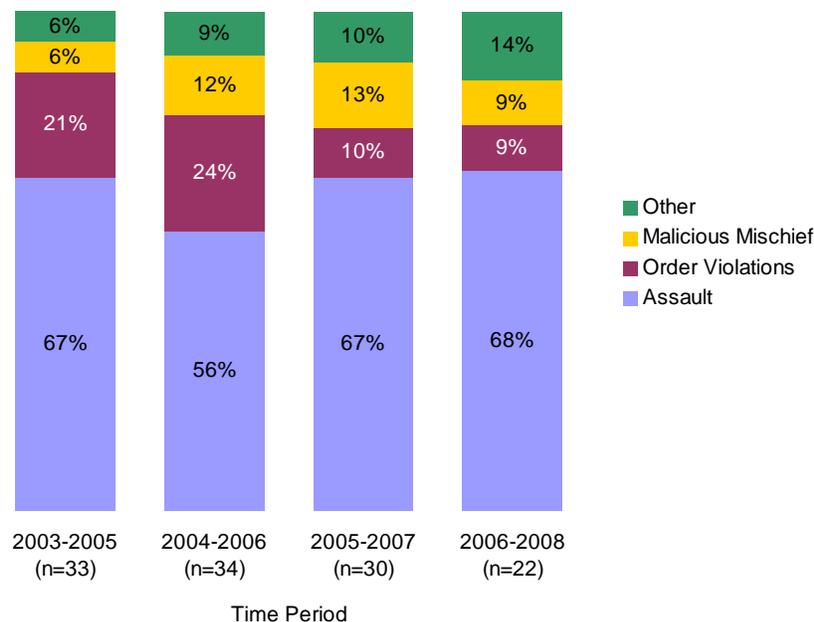
Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders

For those defendants who were charged in multiple misdemeanor domestic violence cases, Figure illustrates the types of crimes they were charged with in the *first* case within the noted time period. (There may be more charges than defendants as some cases involve multiple charges.)

For those individuals who were charged in multiple domestic violence misdemeanor cases, the charges in the first case (Figure 11) are more likely to be assault, and less likely to be charges of order violations when compared to Figure 12.

Between 2003 and 2008 there is a relative increase in “other” domestic violence charges and a decrease in order violation charges. It is not known if this represents an actual change in the nature of domestic violence activity for repeat-offenders, or just in the methods of reporting.

Figure 11 Charges by Category of Crime for First Offense in Time Period

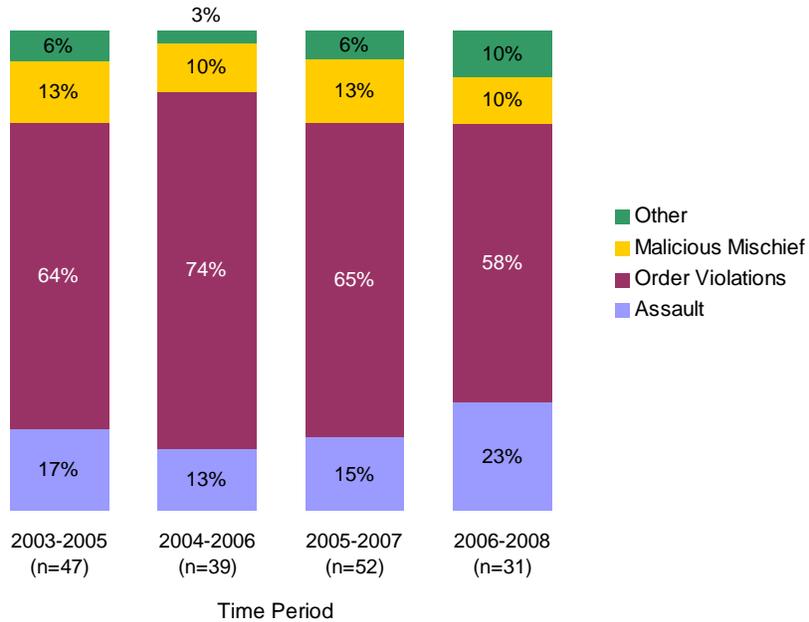


For misdemeanor repeat-offenders, Figure 12 illustrates the types of crimes they were charged with in the second, third, fourth, or more, incidents within the noted time period. Figure 12 indicates the types of crimes that are most typical for those defendants who are charged repeatedly. Because the time frame is a three year period, the data reflects a mix of re-offenses within a short time period as well as re-offenses that occur up to three years apart.

There are too few charges in this category to draw strong conclusions, and they represent only a fraction of domestic violence charges. None-the-less, the differences in the categories of crime for these charges deserves attention. Over all four time periods, order violations are the most

common charge, ranging from 58% to 74% of charges. This suggests that repeat offenders are likely targeting the same victims with repeated order violations. Next most common are assault and malicious mischief.

Figure 12 Charges by Category of Crime for All Re-Offenses in Time Period



Once again, it is important to note that this data only shows repeat charges for misdemeanor domestic violence cases. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.

Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions

Figure 13 illustrates the numbers of defendants who were charged in a misdemeanor domestic violence case in one of the five small cities (Blaine, Ferndale, Everson-Nooksack, Lynden, or Sumas) **and** were charged in a misdemeanor domestic violence case in any other jurisdiction in Whatcom County, excluding Lummi and Nooksack Tribal Court, during the same time period. Although the majority of defendants were only charged in one jurisdiction between 2006-2008, for those who were charged in multiple jurisdictions, the data speaks to the need to ensure that jurisdictions check criminal histories and concurrent charges across all jurisdictions in Whatcom County.

Defendants with misdemeanor domestic violence cases in multiple jurisdictions make up about 15% of the total number of defendants between 2006 and 2008. This three-year time period is typical of the preceding periods, 2003-2005, 2004-2006, and 2005-2007. In each period, defendants with cases resolved in multiple jurisdictions make up between 14% - 17% of all defendants.

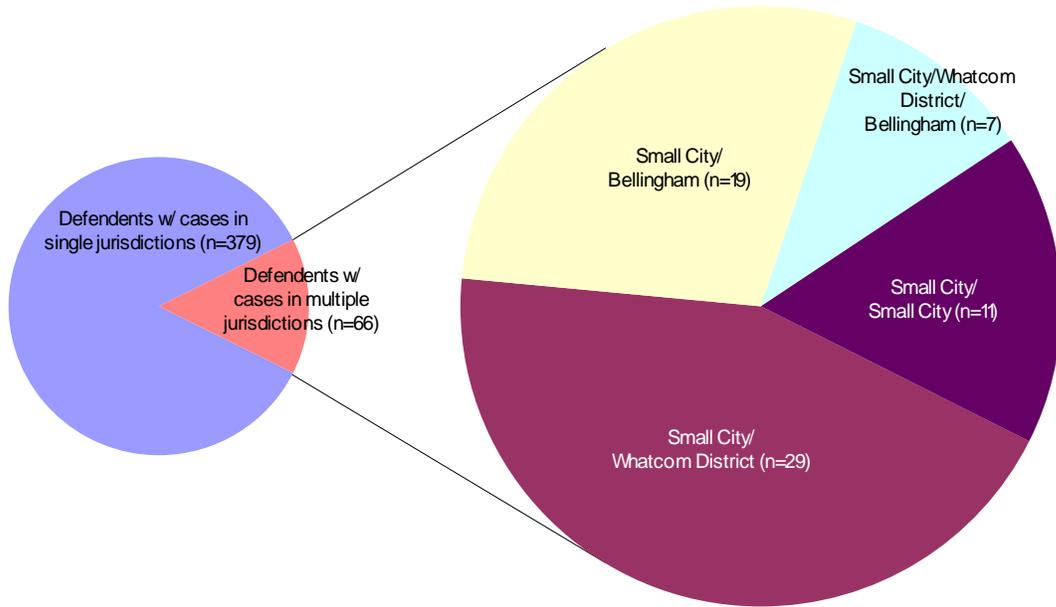
The most common overlaps between jurisdictions are for defendants with cases in one of the five small cities and Whatcom County District Court. The next most common is between defendants with cases in one of the five small cities and Bellingham Municipal Court, followed by defendants that are charged in two of the five small cities.

For example, 445 unduplicated defendants were charged in misdemeanor domestic violence cases in the five small cities between 2006- 2008. These cases were all resolved in this time period. Only 66 of these defendants had multiple misdemeanor domestic violence cases within a three-year time period that were resolved in a different jurisdiction in Whatcom County (excluding Lummi and Nooksack Tribal Court). Of those 66, 29 had a misdemeanor domestic violence case resolved in Whatcom County District Court and one of the small cities.

Prosecutors have noted that when there are concurrent criminal cases across jurisdictions, especially domestic violence related cases, a prosecutor in one jurisdiction may dismiss charges knowing that concurrent charges in another jurisdiction will be resolved as either guilty or amended. This is another example of how dispositional data within a jurisdiction might be misleading, as noted previously.

As noted in the previous section, this data only shows defendants with cases in multiple jurisdictions for misdemeanor domestic violence crimes. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of criminal cases in another jurisdiction within the time period noted.

Figure 13 Proportion of Defendants with Cases in Single or Multiple Jurisdictions 2006-2008



VI. Domestic Violence Indicators: Felony Cases

Felony Domestic Violence Case Filings and Disposition Status

Table 5 illustrates the number of felony domestic violence *case* filings from the City of Ferndale that were charged by the Whatcom County Prosecutor’s Office in Whatcom County Superior Court.

Table 5 also illustrates the disposition status of Ferndale felony *cases* resolved in a calendar year. It is very common for a felony case to have multiple charges. Because felony charges often involve a level of injury that is visible and more easily documented, it is not surprising that a larger percentage of cases resolve in a guilty disposition, compared to misdemeanor cases.

Compared to misdemeanors, very few domestic violence felonies are filed each year. Though there are too few cases to draw strong conclusions from this data, domestic violence felony cases were much more likely to result in a guilty rather than dismissed disposition.

Table 5 Felony Cases Filed and Resolved

		2005	2006	2007	2008
<i>Cases Filed</i>		9	23	9	11
<i>Cases Resolved</i>	<i>Guilty</i>	5	14	11	10
	<i>Dismissed</i>	1	6	4	1
	<i>Warrant</i>	1	0	0	0

Note: Domestic Violence felony cases are not necessarily filed and disposed of in the same year.

VII. Domestic Violence Indicators: Days to Disposition

Days to disposition is the time between filing a charge in court and when it reaches final disposition. The longer it takes for a resolution or disposition, the more challenging it may be for the victim and witnesses to provide the prosecution with testimony. In some cases, more time allows a defendant to intimidate or influence a victim. Resolving domestic violence cases in a timely manner is considered a best practice. Some courts have set goals for days to disposition in domestic violence cases and use this measure as a benchmark. Other courts fast track certain domestic violence cases.

Data on days to disposition can be skewed by those cases where the defendant is in warrant status and has failed to appear in court and cannot be found. These cases may be in warrant status for years and at some point may be dismissed to clear the record, or the defendant is finally found and brought to court. In reviewing the data, it appeared that a number of courts had resolved cases that had been in warrant status for many years.

Data on days to disposition can also be skewed where the prosecution and defendant enter into a pre-disposition agreement, such as a deferred prosecution or stipulated order of continuance (SOC). These agreements typically require a defendant to obtain a domestic violence evaluation and complete the recommended treatment program within a specified period of time. The prosecution typically agrees to amend the charge and allow the defendant to plead guilty to the amended charge if the treatment and other conditions of the agreement are successfully completed within the specified period (often 6 months or a year). The defendant will typically be required to waive the right to a jury trial and stipulate to the admissibility of the police reports as part of the agreement.

For these reasons, “days to disposition” data may not accurately reflect a jurisdiction’s diligence in prosecuting domestic violence cases and is therefore not included in this report.



DOMESTIC VIOLENCE 2005 – 2008 City of Lynden



**Bellingham-Whatcom County Commission Against
Domestic Violence
1407 Commercial
Bellingham, WA 98225
360.312.5700**

**With assistance from
Cornerstone Strategies, Inc.**

This project was supported by Grant No. 2005-WE-AX-0080 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Contents

I. Executive Summary:.....	1
II. Glossary of Terms	3
III. Domestic Violence Indicators: Law Enforcement.....	4
Domestic Violence Offenses vs. All Offenses.....	4
Domestic Violence Offenses vs. Verbals	5
IV. Domestic Violence Indicators: Misdemeanor Charges	7
Domestic Violence Charges Filed	7
Domestic Violence Charges Resolved.....	8
Domestic Violence Charges by Category of Crime.....	9
Domestic Violence Charge Disposition vs. Case Disposition.....	10
V. Domestic Violence Indicators: Defendants	12
Number of Defendants.....	12
Misdemeanor Repeat-Offenders	13
Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders	14
Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions.....	16
VI. Domestic Violence Indicators: Felony Cases.....	18
Felony Domestic Violence Case Filings and Disposition Status.....	18
VII. Domestic Violence Indicators: Days to Disposition.....	19

I. Executive Summary:

Purpose:

The Bellingham-Whatcom County Commission Against Domestic Violence, in partnership with the City of Bellingham, is a recipient of a federal grant from the Office on Violence Against Women, U.S. Department of Justice. The grant is funded through the Grants to Encourage Arrest and Enforcement of Protection Order Policies program. As part of this grant award, the Commission Against Domestic Violence proposed to compile domestic violence indicators for the five small cities of Whatcom County: Blaine, Ferndale, Everson-Nooksack, Lynden and Sumas.

A report has been compiled for each of the five cities based on input solicited from police chiefs, prosecutors, probation officers and court personnel. It is the Commission's hope that the report will provide each city with information on domestic violence trends as well as outcomes of intervention. While the report is not able to identify and differentiate the factors that could be responsible for changes in the indicators, the data may be helpful to officials on the nature and extent of domestic violence in their communities.

Methods:

Raw numbers for domestic violence indicators were obtained from one of four sources: "*Crime in Washington*" (Washington Association of Sheriffs and Police Chiefs); *Judicial Information System* (State of Washington); Whatcom County Prosecutor's Office, and records kept by individual law enforcement agencies. Population data was taken from the *WA State Office of Financial Management, April 1 Population of Cities, Towns and Counties*. A glossary is included for definitional purposes and can be found in II. Glossary of Terms. It is important to understand the meaning and limitation of each domestic violence indicator.

Summary of Findings:

This report is a collection of domestic violence indicators for the City of Lynden, primarily from 2005 – 2008. Some of the key findings:

- Domestic violence offenses represent a lower percent of all criminal offenses in the City of Lynden compared to Whatcom County and Washington State.
- The population for the City of Lynden has been increasing. Domestic violence verbals and offenses as reported by law enforcement have been relatively steady between 2005 and 2008, with a slight fluctuation in 2007. The statewide and countywide trend is for a decrease in reports of domestic violence offenses by law enforcement.
- The per capita rate of domestic violence offenses per 1,000 population is lower in the City of Lynden than Whatcom County and Washington State.
- Misdemeanor domestic violence charges filed and resolved have increased in numbers between 2005 and 2008, but when adjusted for population change, have remained fairly constant.
- The most common misdemeanor domestic violence charges are assault and order violations.

- When analyzed by case, rather than charge, about 70% of cases resolved as either guilty or amended in each of the four years, with the exception of 2006, when only 39% were resolved as guilty or amended. 19% (2007) – 63% (2006) of cases were dismissed.
- The numbers of defendants (unduplicated by year) has fluctuated over the four years, from 15 to 24.
- Over 90% of defendants are charged in only one misdemeanor domestic violence case in a three year period.
- For those misdemeanor repeat-offenders in a three year time period, their first offense is most likely to be an assault, whereas their repeat offenses are most likely to be order violations.
- Across all five small cities, 15% of defendants charged in misdemeanor domestic violence cases had concurrent cases resolved in another court in Whatcom County, between 2006 and 2008.

II. Glossary of Terms

Domestic Violence Offenses

Under WA State law, an offense is domestic violence related if it is committed by a family member (regardless of the family relationship) or by a domestic partner. Domestic violence offenses as reported to the WA Association of Sheriffs and Police Chiefs (WASPC) only includes crimes in the following categories: criminal homicide, forcible rape, robbery, assault (including simple assault), burglary, larceny theft, motor vehicle theft, arson and violation of Protection/No Contact Orders. Domestic violence offenses do not include other types of domestic violence related crimes such as malicious mischief or disorderly conduct. It is not unusual for multiple offenses to occur during the same incident. However, based on recording standards established by the FBI, only the “highest-ranking offense” is recorded into *Uniform Crime Reports*, which is the nation’s statistical database for crime (utilized by this report and by WASPC). For example, an offender can break into a victim’s home, steal her car keys, force her into her vehicle, drive her to a secluded location, sexually assault her, take her car and her purse, and abandon her. Even though there are multiple offenses in this one event, the highest-ranking offense is the rape. This would be the only offense recorded, counted (and thus accessible to researchers) in *Uniform Crime Reports*. Therefore, for each domestic violence related incident, there is generally only one domestic violence offense counted. However, it is important to remember that this system of coding identifies and tallies a police identified problem and is not based on the findings of a court, medical examiner, jury or other judicial findings.

Felony Domestic Violence

Felony domestic violence offenses are defined as occurring when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. The nature of the charges filed may include both physical and non-physical assault offenses, including but not limited to, felony harassment/threats, violation of a no contact order, burglary, malicious mischief, robbery, kidnapping, unlawful imprisonment, assault and murder. The superior courts in the State of WA have sole jurisdiction over the adjudication of cases when a felony offense is charged.

Misdemeanor Domestic Violence

Misdemeanor domestic violence crimes occur when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. Examples of this type of crime include: Violation of a Protection Order; Assault 4th Degree; Malicious Mischief; Disorderly Conduct; and Interfering with Reporting of Domestic Violence. Courts of Limited Jurisdiction (District and Municipal Courts) and Tribal Courts have jurisdiction over domestic violence related misdemeanors committed within their area of authority.

Verbal Domestic

Law enforcement officers are frequently called to respond to situations that are categorized as “Domestic Violence – No Assault,” or “Verbal Domestic.” These are incidents where law enforcement determines that no physical assault occurred, and/or where no other conditions were met to warrant probable cause for an arrest.

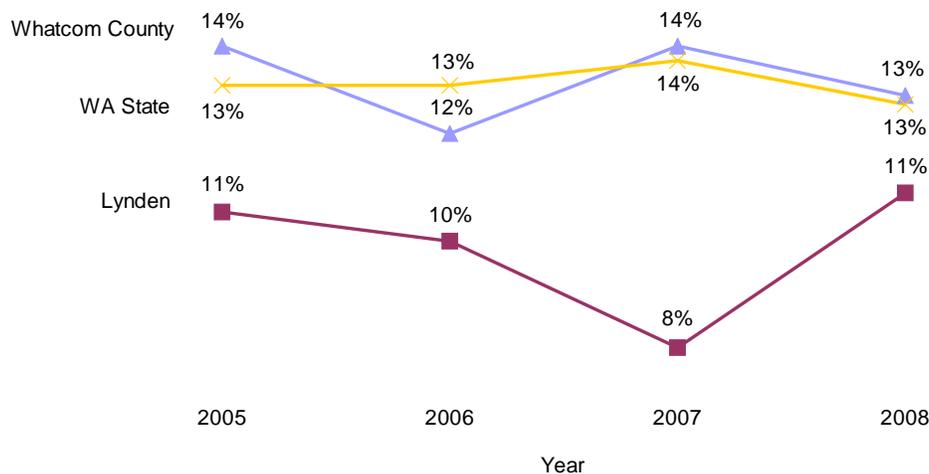
III. Domestic Violence Indicators: Law Enforcement

Domestic Violence Offenses vs. All Offenses

Figure 1 illustrates the percentage of all offenses reported by the Lynden Police Department that are domestic violence related offenses. The category of all offenses (as defined by the *Uniform Crime Report* and reported to WASPC) include the crimes of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, arson, simple assault and order violations. Domestic violence offenses are defined in the Glossary of Terms and generally fall in the category of simple assault and order violations. As such, domestic violence offenses and all offenses only represent those offenses that meet the definitions noted above and do not include offenses in categories such as traffic offenses, drug offenses, damage, destruction and vandalism, fraud and bribery, to name a few.

The proportion of offenses that have been domestic violence related in Lynden has fluctuated over the past few years between 8% and 11%. The rates have been consistently below the rates for Whatcom County and Washington State.

Figure 1 Domestic Violence Offenses as a Percentage of All Offenses



Note: The total number of offenses for the City of Lynden was 301 for 2005; 320 for 2006; 334 for 2007; and 291 for 2008.

Domestic Violence Offenses vs. Verbals

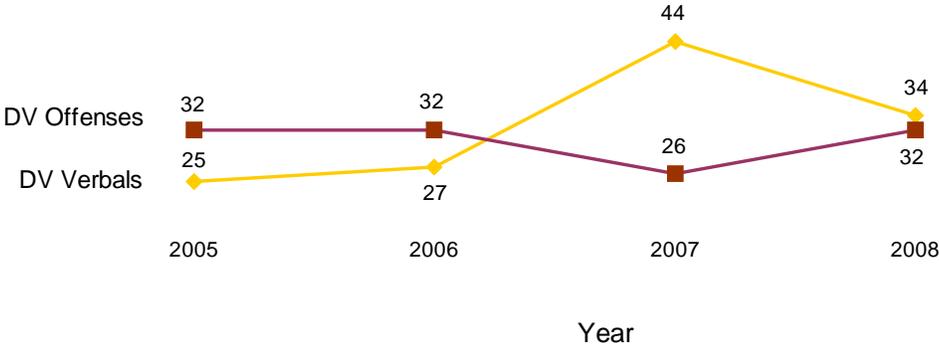
Figure 2 shows the number of domestic violence offenses (see definition in Glossary of Terms) and domestic violence verbals reported by the Lynden Police Department between 2005 and 2008. As noted in the Glossary on page 4, domestic violence verbals are incidents where law enforcement respond to an incident but do not make an arrest or issue a citation. On the other hand, domestic violence offenses represent the number of incidents where a domestic violence related offense is committed.

Both domestic violence verbals and offenses measure law enforcement activity in response to domestic violence. Domestic Violence verbals represent opportunities for law enforcement to provide resources to the involved parties, as well as to note those relationships where potential for future violence appears to be high.

Domestic violence offenses provide an indication of *reported* domestic violence related criminal incidents in the City of Lynden. For each reported offense, the numbers represent an entry point for both victims and defendants into the criminal justice system, regardless of the outcome of the case. Each offense involves a significant amount of law enforcement resources, and depending on the circumstance, may require an arrest and jail booking. There are comprehensive reporting and documentation requirements for law enforcement.

The number of domestic violence offenses as reported by the Lynden Police Department over the past four years has been relatively steady, with a dip in 2007. Domestic violence verbals peaked in 2007 and may be trending towards an increase.

Figure 2 Domestic Violence Verbals and Offenses Reported by Law Enforcement



Note: Offense recorded may result in misdemeanor or felony charge

Figure 3 shows the estimated population for the City of Lynden during the four year time period. As Table 1 shows, when taking population growth into account, rates of law enforcement reports have varied between 2.4 (2005) and 3.9 (2007) for verbals and between 2.3 (2007) and 3.1 (2005) for offenses.

Figure 3 Estimated Number of Lynden Residents

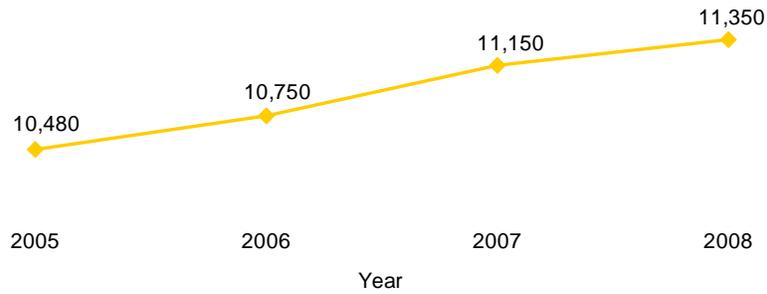


Table 1 Domestic Violence Verbals and Offenses per 1,000 Population

Year	2005	2006	2007	2008
Verbals	2.4	2.5	3.9	3.0
Offenses	3.1	3.0	2.3	2.8

The Whatcom County per capita rate (per 1,000 population) of domestic violence offenses as reported by all Whatcom County law enforcement agencies is shown below, along with the per capita domestic violence offense rate for Washington State, as reported by all law enforcement agencies.

Table 2 County and State Domestic Violence Offense Rates per 1,000 Population

Year	2005	2006	2007	2008
Whatcom County	9.4	7.5	7.4	6.6
Washington State	8.6	7.8	7.4	6.5

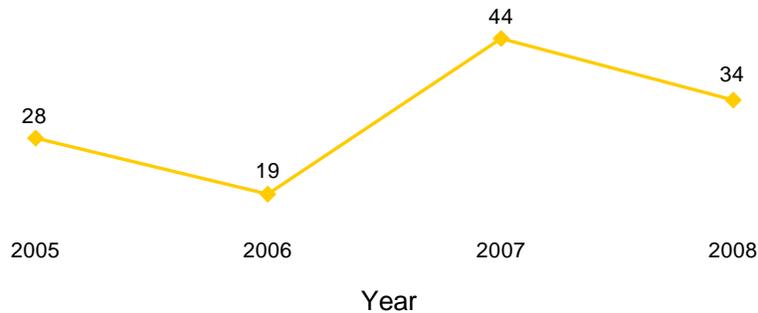
The City of Lynden has a lower per capita rate of domestic violence offenses than Washington State and Whatcom County.

IV. Domestic Violence Indicators: Misdemeanor Charges

Domestic Violence Charges Filed

Figure 4 illustrates the number of domestic violence misdemeanor charges filed during the years 2005 – 2008 in Lynden Municipal Court. Each charge resulting from a domestic violence incident, or case, must be “processed” and resolved in some manner by the court. The filing of a charge is the first step, whereas, the resolution of the charge is when there has been a final disposition, such as guilty, dismissed, amended or deferred.

Figure 4 Domestic Violence Misdemeanor Charges Filed



The number of domestic violence misdemeanor charges filed generally increased between 2005 and 2008, with a peak in 2007.

As the table below shows, when taking population growth into account, rates of misdemeanor charges filed have ranged from a low of 1.8 in 2006 to a high of 3.9 in 2007.

Table 3 Misdemeanor Charges Filed per 1,000 Population

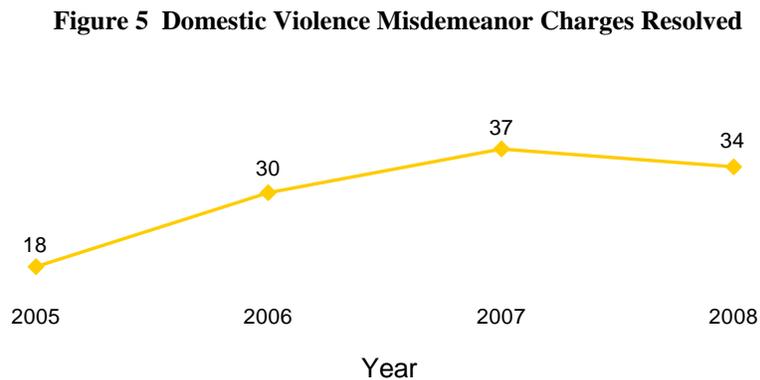
Year	2005	2006	2007	2008
Misdemeanor Charges Filed	2.7	1.8	3.9	3.0

Domestic Violence Charges Resolved

A domestic violence charge is resolved when there has been a final disposition, such as guilty, dismissed, amended or deferred. In a given year, the number of charges filed will be different than the number of charges resolved, as charges are not necessarily filed and resolved within the same year.

Many criminal justice professionals are involved in the filing and resolution of domestic violence charges. This can include law enforcement, prosecutors, court clerks, judicial officers, defense attorneys, victim advocates and probation.

The number of domestic violence misdemeanor charges resolved have increased over the four years noted below in Figure 5.



As the table below shows, when taking population growth into account, rates of domestic violence charges resolved have ranged from a low of 1.7 per 1,000 population in 2005 to a high of 3.3 per 1,000 population in 2007.

Table 4 Misdemeanor Charges Resolved per 1,000 Population

Year	2005	2006	2007	2008
Misdemeanor Charges Resolved	1.7	2.8	3.3	3.0

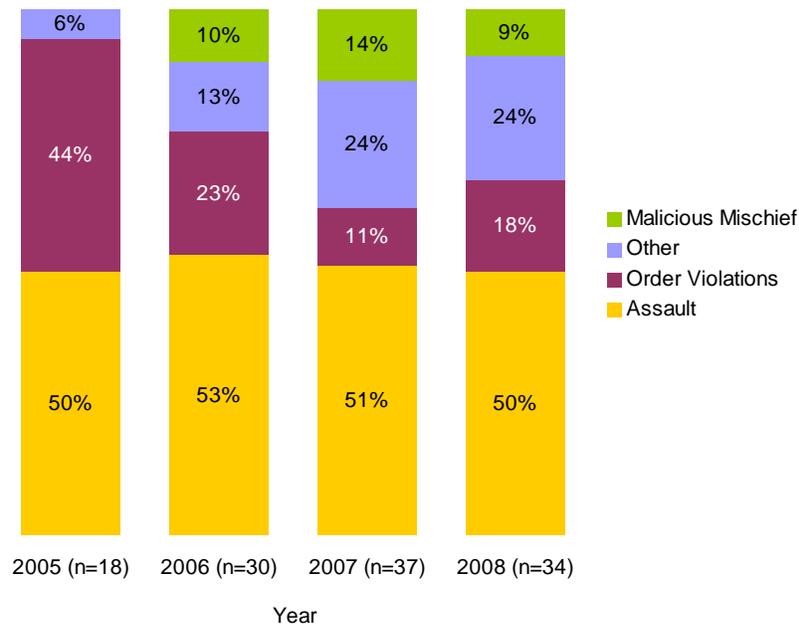
NOTE: The analyses that follow in the remainder of this report are based on domestic violence misdemeanor charges resolved within the noted time period, rather than charges filed.

Domestic Violence Charges by Category of Crime

Each domestic violence related misdemeanor charge must be linked to a corresponding crime as defined by state law. Figure 6 illustrates categories of crime corresponding to the domestic violence charges that were resolved within a calendar year in the City of Lynden.

For the past four years, assault was the most common type of misdemeanor charge, making up about half of all resolved charges. Next most common was order violation charges, including violations of protection orders, restraining orders, and no contact orders. Malicious mischief charges were third most common. Other violations include interference with reporting of domestic violence; harassment; reckless endangerment; false reporting; trespassing; disorderly conduct; display of a weapon; coercion; theft; and minor in possession.

Figure 6 Domestic Violence Misdemeanor Charges by Category of Crime



Domestic Violence Charge Disposition vs. Case Disposition

Filed charges ultimately reach a resolution in court. The most familiar ways charges resolve are dismissal, guilty as charged, or not guilty (Generally not guilty resolutions result from a jury trial, whereas guilty resolutions can result from a plea or trial.) There are other types of disposition that result from negotiations (plea bargains) between the prosecutor and the defense attorney or defendant, pleading guilty to an amended charge or receiving a deferred prosecution (sometimes referred to as a “stipulated order of continuance” or “SOC”). With an amended sentence the defendant enters a guilty plea to a charge that was amended from the original charge. With a deferred prosecution, the defendant stipulates to facts of the charge, agrees to an order of continuance and agrees to comply with certain conditions within a set time period. If the defendant is found to be non-compliant in that time period, the charge will resolve as guilty. If the defendant complies with the agreement, the original charge may be amended or dismissed upon completion.

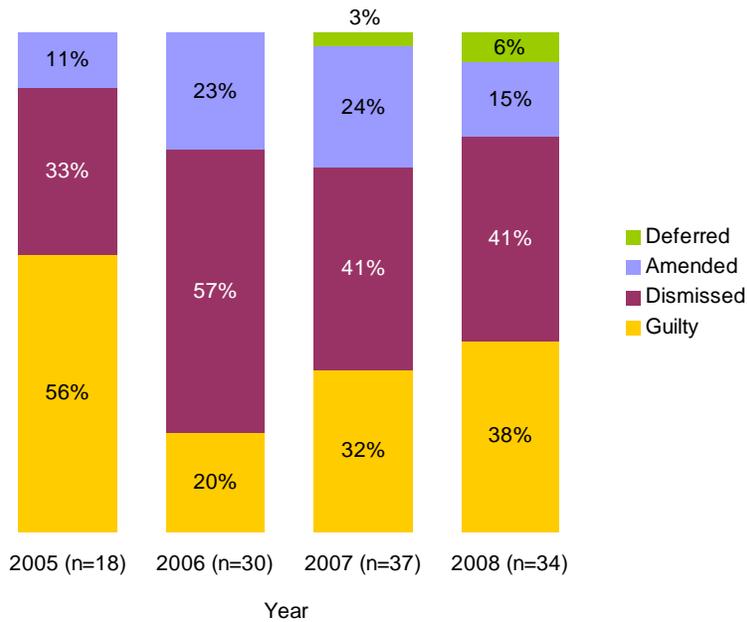
One limitation to looking at dispositions status is that it does not provide information, or context, on why a particular resolution was reached.

Another way in which dispositional data might be misleading is where there are multiple “charges” or counts resulting from a single incident. It is not uncommon for a domestic violence incident, or case, to involve multiple charges, meaning, the defendant is charged with multiple crimes. However, prosecutors resolve “cases” rather than individual charges. So, for example, if a defendant is charged with assault 4, interference with reporting of domestic violence, and malicious mischief in one incident, the prosecutor may negotiate with the defendant to dismiss two of the charges if the defendant pleads guilty on the remaining charge. By tracking this by *charge*, there are two charge dispositions of dismissed, and one of guilty. However, by looking at this by *case*, it is a guilty disposition. Tracking disposition status by case rather than charge illustrates this approach to disposition. This approach demonstrates the consequences for individual defendants, compared to disposition status by charge.

Charges that were disposed of in Lynden Municipal Court during the years 2005 and 2008 were compiled by individual *charge* and by *case*. A comparison of the two approaches is noted in Figure 7 and Figure 8.

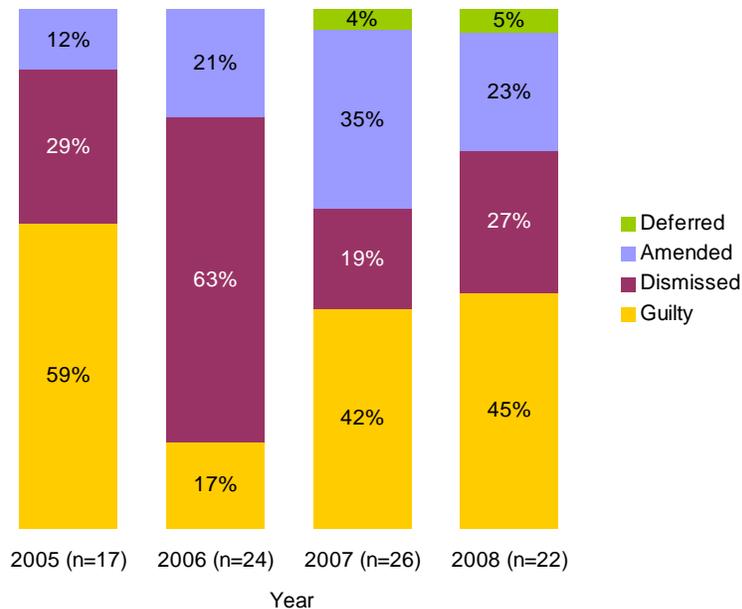
Over the past four years, misdemeanor domestic violence charges have been about as likely to be dismissed or resolved as guilty. However, if guilty and amended dispositions are combined, charges are less likely to be dismissed, with the exception of 2006. In the charts below, dismissed charges include those dismissed with or without prejudice.

Figure 7 Disposition Status of Domestic Violence Misdemeanor Charges Resolved



Compared to resolved charges, resolved cases are even more likely to be guilty and amended than dismissed, with the exception of 2006, when the percentage of dismissed cases increased over dismissed charges. With the exception of 2006, this suggests that many of the dismissed charges shown in the previous figure were part of cases where the defendant was found guilty of at least one charge.

Figure 8 Disposition Status of Domestic Violence Misdemeanor Cases Resolved

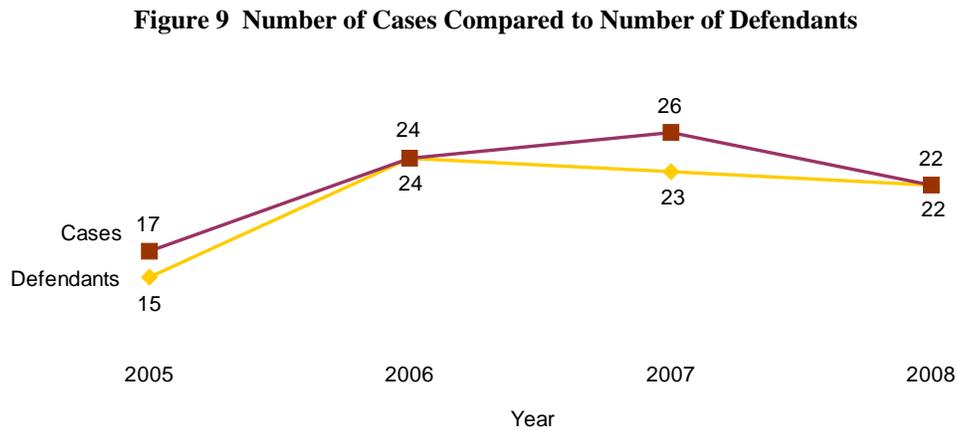


V. Domestic Violence Indicators: Defendants

Number of Defendants

Figure 9 illustrates the number of unduplicated defendants involved in misdemeanor domestic violence cases in a calendar year in the City of Lynden. By comparing the number of defendants to the number of cases resolved in that calendar year, it shows how many defendants are involved in more than one case, regardless of the disposition of the case.

As with law enforcement activity and misdemeanor charges shown above, the number of cases and defendants peaked in 2007. By comparing number of cases with the number of defendants in a given year, we see that very few defendants are involved in more than one case.

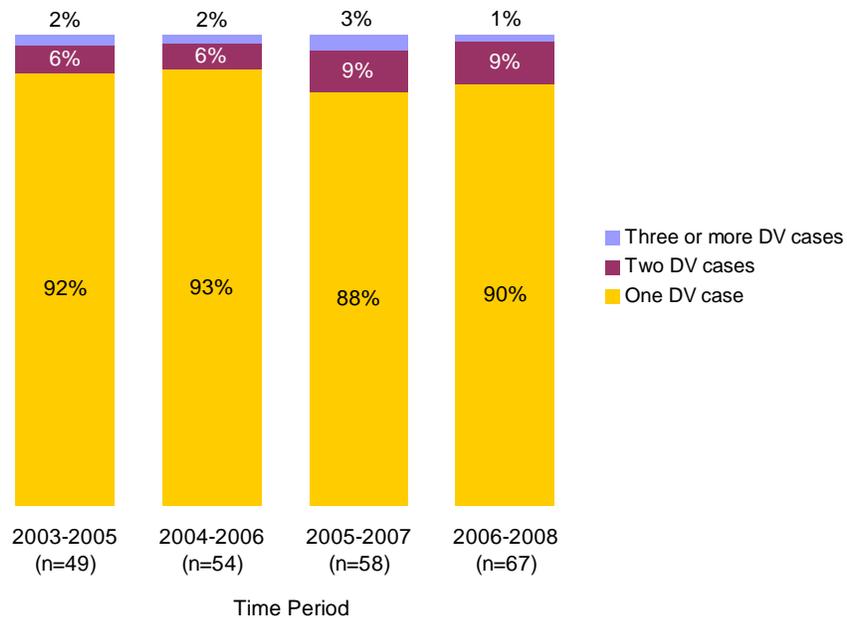


Misdemeanor Repeat-Offenders

For purposes of this report, misdemeanor repeat-offenders are individuals who have been charged with more than one domestic violence related misdemeanor level case (incident) during the time periods noted below, regardless of the resolution of the case. The analysis is based on cases that were resolved within the time period noted. *This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.*

Nine out of ten domestic violence defendants in the three-year time periods shown below, have only had one resolved case (88% - 93%). Only between one and three percent of defendants have had three or more domestic violence cases resolved within a given time period. Between 2003-2005, there were 4 defendants with two or more resolved misdemeanor domestic violence cases, compared to 7 between 2006-2008.

Figure 10 Proportion of Defendants with One, Two, or Three or More Cases in a Time Period

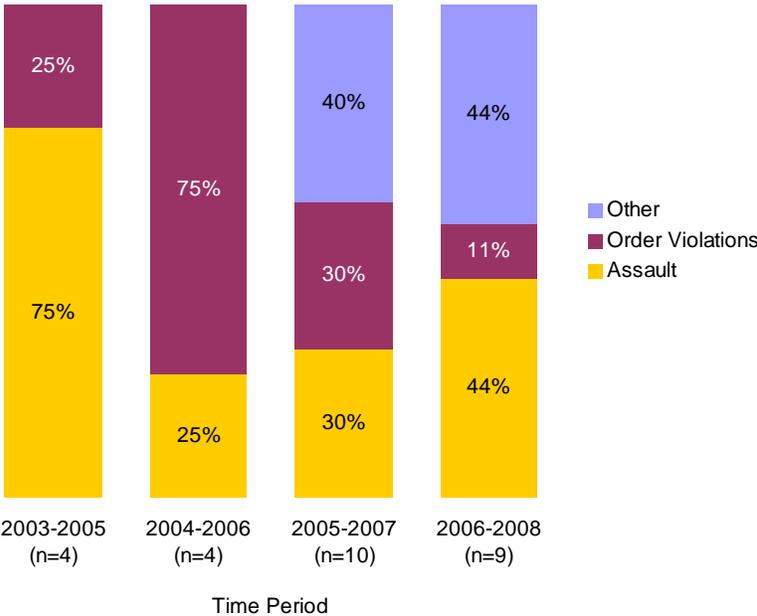


Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders

For those defendants who were charged in multiple misdemeanor domestic violence cases, Figure 11 illustrates the types of crimes they were charged with in the *first* case within the noted time period. (There may be more charges than defendants as some cases involve multiple charges.)

For those individuals who were charged in multiple domestic violence misdemeanor cases, the charges in the first case (Figure 11) are more likely to be assault and order violations combined, and less likely to be charges of order violations. Between 2003 and 2008 there is a relative increase in “other” domestic violence charges and a decrease in order violations. It is not known if this represents an actual change in the nature of domestic violence activity of repeat offenders, or just in the methods of reporting.

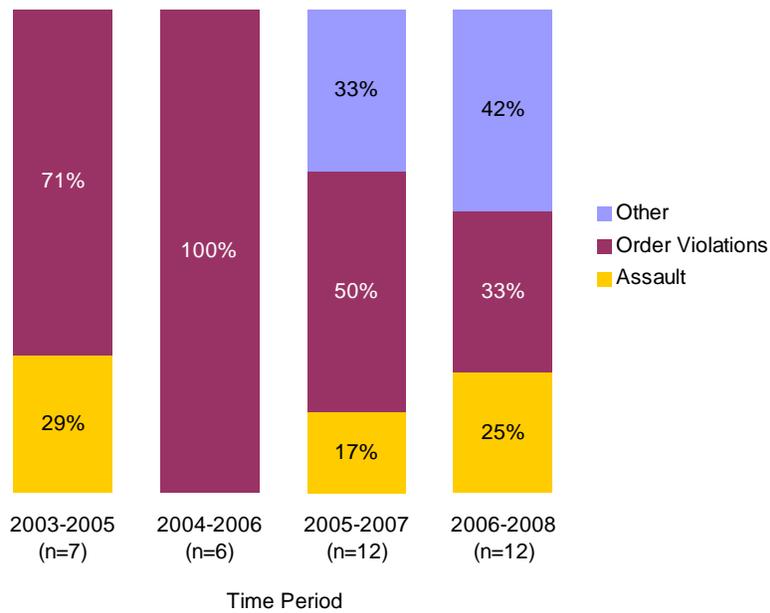
Figure 11 Charges by Category of Crime for First Offense in Time Period



For misdemeanor repeat-offenders, Figure 12 illustrates the types of crimes they were charged with in the second, third, fourth, or more, incidents within the noted time period. Figure 12 indicates the types of crimes that are most typical for those defendants who are charged repeatedly. Because the time frame is a three year period, the data reflects a mix of re-offenses within a short time period as well as re-offenses that occur up to three years apart.

There are too few charges in this category to draw strong conclusions, and they represent only a fraction of domestic violence charges. None-the-less, the differences in the categories of crime for these charges deserves attention. Over all four time periods, with the exception of 2006-2008, order violations are the most common charge, ranging from a third of charges, to 100% of charges. This suggests that repeat offenders are likely targeting the same victims with repeated order violations. Assault is the next most common charge, representing at most 29% of charges.

Figure 12 Charges by Category of Crime for All Re-Offenses in Time Period



Once again, it is important to note that this data only shows repeat charges for misdemeanor domestic violence cases. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.

Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions

Figure 13 illustrates the numbers of defendants who were charged in a misdemeanor domestic violence case in one of the five small cities (Blaine, Ferndale, Everson-Nooksack, Lynden, or Sumas) **and** were charged in a misdemeanor domestic violence case in any other jurisdiction in Whatcom County, excluding Lummi and Nooksack Tribal Court, during the same time period. Although the majority of defendants were only charged in one jurisdiction between 2006-2008, for those who were charged in multiple jurisdictions, the data speaks to the need to ensure that jurisdictions check criminal histories and concurrent charges across all jurisdictions in Whatcom County.

Defendants with misdemeanor domestic violence cases in multiple jurisdictions make up about 15% of the total number of defendants between 2006 and 2008. This three-year time period is typical of the preceding periods, 2003-2005, 2004-2006, and 2005-2007. In each period, defendants with cases resolved in multiple jurisdictions make up between 14% - 17% of all defendants.

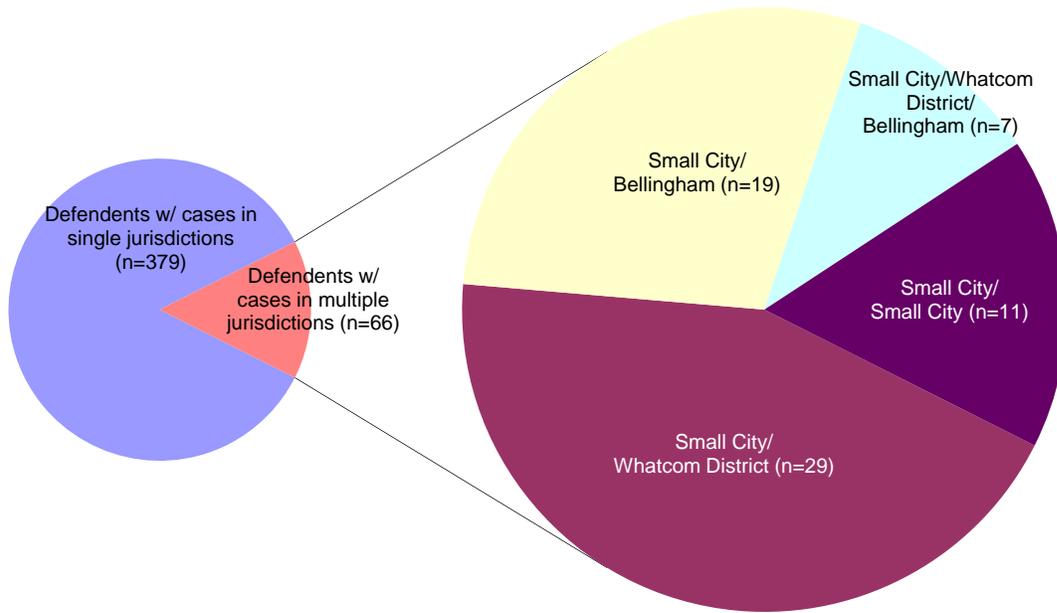
The most common overlaps between jurisdictions are for defendants with cases in one of the five small cities and Whatcom County District Court. The next most common is between defendants with cases in one of the five small cities and Bellingham Municipal Court, followed by defendants that are charged in two of the five small cities.

For example, 445 unduplicated defendants were charged in misdemeanor domestic violence cases in the five small cities between 2006- 2008. These cases were all resolved in this time period. Only 66 of these defendants had multiple misdemeanor domestic violence cases within a three-year time period that were resolved in a different jurisdiction in Whatcom County (excluding Lummi and Nooksack Tribal Court). Of those 66, 29 had a misdemeanor domestic violence case resolved in Whatcom County District Court and one of the small cities.

Prosecutors have noted that when there are concurrent criminal cases across jurisdictions, especially domestic violence related cases, a prosecutor in one jurisdiction may dismiss charges knowing that concurrent charges in another jurisdiction will be resolved as either guilty or amended. This is another example of how dispositional data within a jurisdiction might be misleading, as noted previously.

As noted in the previous section, this data only shows defendants with cases in multiple jurisdictions for misdemeanor domestic violence crimes. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of criminal cases in another jurisdiction within the time period noted.

Figure 13 Proportion of Defendants with Cases in Single or Multiple Jurisdictions 2006-2008



VI. Domestic Violence Indicators: Felony Cases

Felony Domestic Violence Case Filings and Disposition Status

Table 5 illustrates the number of felony domestic violence *case* filings from the City of Lynden that were charged by the Whatcom County Prosecutor's Office in Whatcom County Superior Court.

Table 5 also illustrates the disposition status of Lynden felony *cases* resolved in a calendar year. It is very common for a felony case to have multiple charges. Because felony charges often involve a level of injury that is visible and more easily documented, it is not surprising that a larger percentage of cases resolve in a guilty disposition, compared to misdemeanor cases.

Compared to misdemeanors, very few domestic violence felonies are filed each year. Though there are too few cases to draw strong conclusions from this data, domestic violence felony cases were much more likely to result in a guilty than dismissed disposition.

Table 5 Felony Cases Filed and Resolved

		2005	2006	2007	2008
<i>Cases Filed</i>		6	5	3	6
<i>Cases Resolved</i>	<i>Guilty</i>	7	3	3	7
	<i>Dismissed</i>	0	1	0	0

Note: Domestic Violence felony cases are not necessarily filed and disposed of in the same year.

VII. Domestic Violence Indicators: Days to Disposition

Days to disposition is the time between filing a charge in court and when it reaches final disposition. The longer it takes for a resolution or disposition, the more challenging it may be for the victim and witnesses to provide the prosecution with testimony. In some cases, more time allows a defendant to intimidate or influence a victim. Resolving domestic violence cases in a timely manner is considered a best practice. Some courts have set goals for days to disposition in domestic violence cases and use this measure as a benchmark. Other courts fast track certain domestic violence cases.

Data on days to disposition can be skewed by those cases where the defendant is in warrant status and has failed to appear in court and cannot be found. These cases may be in warrant status for years and at some point may be dismissed to clear the record, or the defendant is finally found and brought to court. In reviewing the data, it appeared that a number of courts had resolved cases that had been in warrant status for many years.

Data on days to disposition can also be skewed where the prosecution and defendant enter into a pre-disposition agreement, such as a deferred prosecution or stipulated order of continuance (SOC). These agreements typically require a defendant to obtain a domestic violence evaluation and complete the recommended treatment program within a specified period of time. The prosecution typically agrees to amend the charge and allow the defendant to plead guilty to the amended charge if the treatment and other conditions of the agreement are successfully completed within the specified period (often 6 months or a year). The defendant will typically be required to waive the right to a jury trial and stipulate to the admissibility of the police reports as part of the agreement.

For these reasons, “days to disposition” data may not accurately reflect a jurisdiction’s diligence in prosecuting domestic violence cases and is therefore not included in this report.



DOMESTIC VIOLENCE 2005 – 2008 City of Sumas



**Bellingham-Whatcom County Commission Against
Domestic Violence
1407 Commercial
Bellingham, WA 98225
360.312.5700**

**With assistance from
Cornerstone Strategies, Inc.**

This project was supported by Grant No. 2005-WE-AX-0080 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Contents

I. Executive Summary:.....	1
II. Glossary of Terms	3
III. Domestic Violence Indicators: Law Enforcement.....	4
Domestic Violence Offenses vs. All Offenses.....	4
Domestic Violence Offenses vs. Verbals	5
IV. Domestic Violence Indicators: Misdemeanor Charges	7
Domestic Violence Charges Filed	7
Domestic Violence Charges Resolved.....	8
Domestic Violence Charges by Category of Crime.....	9
Domestic Violence Charge Disposition vs. Case Disposition	10
V. Domestic Violence Indicators: Defendants	12
Number of Defendants.....	12
Misdemeanor Repeat-Offenders	13
Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders	14
Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions.....	16
VI. Domestic Violence Indicators: Felony Cases.....	18
Felony Domestic Violence Case Filings and Disposition Status.....	18
VII. Domestic Violence Indicators: Days to Disposition.....	19

I. Executive Summary:

Purpose:

The Bellingham-Whatcom County Commission Against Domestic Violence, in partnership with the City of Bellingham, is a recipient of a federal grant from the Office on Violence Against Women, U.S. Department of Justice. The grant is funded through the Grants to Encourage Arrest and Enforcement of Protection Order Policies program. As part of this grant award, the Commission Against Domestic Violence proposed to compile domestic violence indicators for the five small cities of Whatcom County: Blaine, Ferndale, Everson-Nooksack, Lynden and Sumas.

A report has been compiled for each of the five cities based on input solicited from police chiefs, prosecutors, probation officers and court personnel. It is the Commission's hope that the report will provide each city with information on domestic violence trends as well as outcomes of intervention. While the report is not able to identify and differentiate the factors that could be responsible for changes in the indicators, the data may be helpful to officials on the nature and extent of domestic violence in their communities.

Methods:

Raw numbers for domestic violence indicators were obtained from one of four sources: "*Crime in Washington*" (Washington Association of Sheriffs and Police Chiefs); *Judicial Information System* (State of Washington); Whatcom County Prosecutor's Office, and records kept by individual law enforcement agencies. Population data was taken from the *WA State Office of Financial Management, April 1 Population of Cities, Towns and Counties*. A glossary is included for definitional purposes and can be found in II. Glossary of Terms. It is important to understand the meaning and limitation of each domestic violence indicator.

Summary of Findings:

This report is a collection of domestic violence indicators for the City of Sumas, primarily from 2005 – 2008. Some of the key findings:

- Compared to Whatcom County and Washington State, the per capita rate of domestic violence offenses per 1,000 population was higher in the City of Sumas in 2005 and 2007, and was slightly lower in 2006 and 2008. Domestic violence offenses as a percent of all criminal offenses in the City of Sumas followed this same pattern.
- The population for the City of Sumas has been increasing. Domestic violence verbals and offenses as reported by law enforcement have seen a slight decline over the four years, adjusting for population, with the biggest drop between 2005 and 2006. This parallels a statewide and countywide trend.
- Misdemeanor domestic violence charges filed and resolved dropped between 2005 and 2006, and then have declined slightly since that time when taking population growth into account.
- The most common misdemeanor domestic violence charges are assault and order violations.

- When analyzed by case, rather than charge, from 72-90% of cases resolved as either guilty or amended in each of the four years. 10-27% of cases were dismissed.
- The numbers of defendants (unduplicated by year) dropped from a high of 21 in 2005 to an average of 10 between 2006 and 2008.
- Approximately three-quarters of defendants are charged in only one misdemeanor domestic violence case in a three year period.
- The percent of defendants charged in multiple misdemeanor domestic violence cases within the noted three year period are on the decline.
- For those misdemeanor repeat-offenders in a three year time period, their first offense is most likely to be an assault, whereas their repeat offenses are most likely to be order violations.
- Across all five small cities, 15% of defendants charged in misdemeanor domestic violence cases had cases resolved in another court in Whatcom County, between 2006 and 2008.

II. Glossary of Terms

Domestic Violence Offenses

Under WA State law, an offense is domestic violence related if it is committed by a family member (regardless of the family relationship) or by a domestic partner. Domestic violence offenses as reported to the WA Association of Sheriffs and Police Chiefs (WASPC) only includes crimes in the following categories: criminal homicide, forcible rape, robbery, assault (including simple assault), burglary, larceny theft, motor vehicle theft, arson and violation of Protection/No Contact Orders. Domestic violence offenses do not include other types of domestic violence related crimes such as malicious mischief or disorderly conduct. It is not unusual for multiple offenses to occur during the same incident. However, based on recording standards established by the FBI, only the “highest-ranking offense” is recorded into *Uniform Crime Reports*, which is the nation’s statistical database for crime (utilized by this report and by WASPC). For example, an offender can break into a victim’s home, steal her car keys, force her into her vehicle, drive her to a secluded location, sexually assault her, take her car and her purse, and abandon her. Even though there are multiple offenses in this one event, the highest-ranking offense is the rape. This would be the only offense recorded, counted (and thus accessible to researchers) in *Uniform Crime Reports*. Therefore, for each domestic violence related incident, there is generally only one domestic violence offense counted. However, it is important to remember that this system of coding identifies and tallies a police identified problem and is not based on the findings of a court, medical examiner, jury or other judicial findings.

Felony Domestic Violence

Felony domestic violence offenses are defined as occurring when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. The nature of the charges filed may include both physical and non-physical assault offenses, including but not limited to, felony harassment/threats, violation of a no contact order, burglary, malicious mischief, robbery, kidnapping, unlawful imprisonment, assault and murder. The superior courts in the State of WA have sole jurisdiction over the adjudication of cases when a felony offense is charged.

Misdemeanor Domestic Violence

Misdemeanor domestic violence crimes occur when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. Examples of this type of crime include: Violation of a Protection Order; Assault 4th Degree; Malicious Mischief; Disorderly Conduct; and Interfering with Reporting of Domestic Violence. Courts of Limited Jurisdiction (District and Municipal Courts) and Tribal Courts have jurisdiction over domestic violence related misdemeanors committed within their area of authority.

Verbal Domestic

Law enforcement officers are frequently called to respond to situations that are categorized as “Domestic Violence – No Assault,” or “Verbal Domestic.” These are incidents where law enforcement determines that no physical assault occurred, and/or where no other conditions were met to warrant probable cause for an arrest.

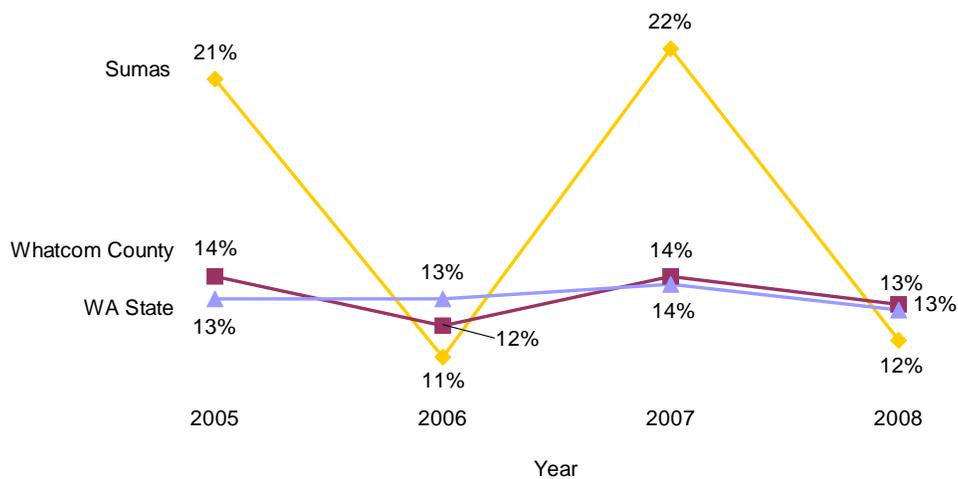
III. Domestic Violence Indicators: Law Enforcement

Domestic Violence Offenses vs. All Offenses

Figure 1 illustrates the percentage of all offenses reported by the Sumas Police Department that are domestic violence related offenses. The category of all offenses (as defined by the *Uniform Crime Report* and reported to WASPC) include the crimes of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, arson, simple assault and order violations. Domestic violence offenses are defined in the Glossary of Terms and generally fall in the category of simple assault and order violations. As such, domestic violence offenses and all offenses only represent those offenses that meet the definitions noted above and do not include offenses in categories such as traffic offenses, drug offenses, damage, destruction and vandalism, fraud and bribery, to name a few.

The proportion of offenses which have been domestic violence related has fluctuated between 11% and 22% of all offenses in Sumas. The rates for Whatcom County and Washington State, however, have been more stable.

Figure 1 Domestic Violence Offenses as a Percentage of All Offenses



Note: The total number of offenses for the City of Sumas was 95 in 2005; 72 in 2006; 54 in 2007; and 60 in 2008.

Domestic Violence Offenses vs. Verbals

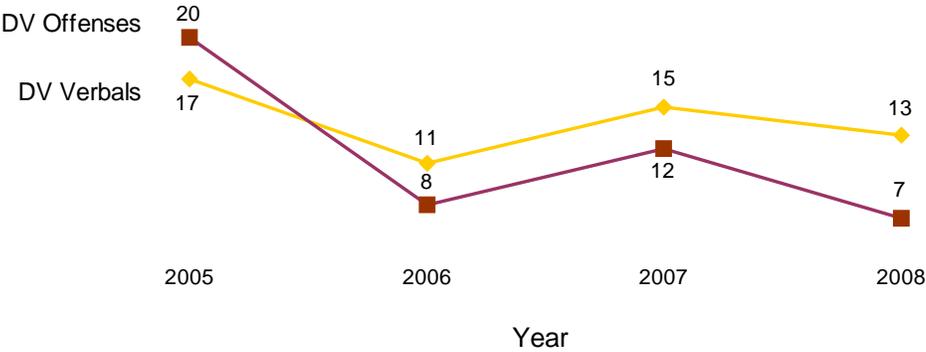
Figure 2 shows the number of domestic violence offenses (as defined in the Glossary of Terms) and domestic violence verbals reported by the Sumas Police Department between 2005 and 2008. As noted in the Glossary on page 4, domestic violence verbals are incidents where law enforcement respond to an incident but do not make an arrest or issue a citation. On the other hand, domestic violence offenses represent the number of incidents where a domestic violence related offense is committed.

Both domestic violence verbals and offenses measure law enforcement activity in response to domestic violence. Domestic violence verbals represent opportunities for law enforcement to provide resources to the involved parties, as well as to note those relationships where potential for future violence appears to be high.

Domestic violence offenses provide an indication of *reported* domestic violence related criminal incidents in the City of Sumas. For each reported offense, the numbers represent an entry point for both victims and defendants into the criminal justice system, regardless of the outcome of the case. Each offense involves a significant amount of law enforcement resources, and depending on the circumstance, may require an arrest and jail booking. There are comprehensive reporting and documentation requirements for law enforcement.

Despite an increase in population, both domestic violence verbals and domestic violence offenses as reported by the Sumas Police Department decreased substantially between 2005 and 2006. Over the last three years, verbals have been more common than offenses.

Figure 2 Domestic Violence Verbals and Offenses Reported by Law Enforcement



Note: Offenses may result in misdemeanor or felony charges.

Figure 3 shows the estimated Sumas population over the four-year period. As Table 1 shows, when taking population growth into account, rates of domestic violence verbals and offenses are reported by the Sumas Police Department appear to have declined over the past four years.

Figure 3 Estimated Number of Sumas Residents

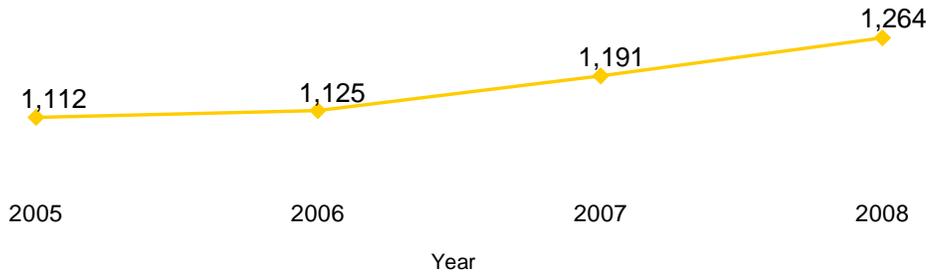


Table 1 Domestic Violence Verbals and Offenses per 1,000 Population

Year	2005	2006	2007	2008
Verbals	15.3	9.8	12.6	10.3
Offenses	18.0	7.1	10.1	5.5

The Whatcom County per capita rate (per 1,000 population) of domestic violence offenses as reported by all Whatcom County law enforcement agencies is shown below, along with the per capita domestic violence offense rate for Washington State, as reported by all law enforcement agencies.

Table 2 County and State Domestic Violence Offense Rates per 1,000 Population

Year	2005	2006	2007	2008
Whatcom County	9.4	7.5	7.4	6.6
Washington State	8.6	7.8	7.4	6.5

The City of Sumas had a higher per capita rate of misdemeanor domestic violence offenses than Washington State and Whatcom County in 2005 and 2007. It had a lower rate in 2006 and 2008.

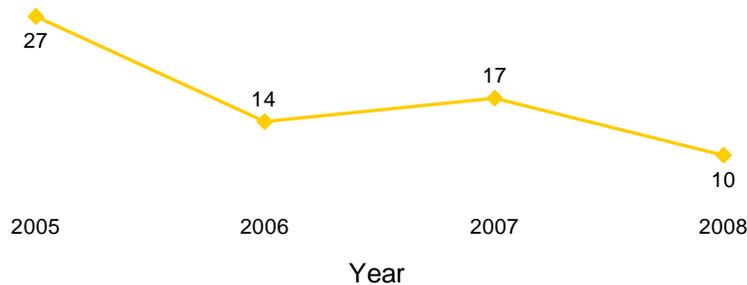
IV. Domestic Violence Indicators: Misdemeanor Charges

Domestic Violence Charges Filed

Figure 4 illustrates the number of domestic violence misdemeanor charges filed during the years 2005 – 2008 in Sumas Municipal Court. Each charge resulting from a domestic violence incident, or case, must be “processed” and resolved in some manner by the court. The filing of a charge is the first step, whereas, the resolution of the charge is when there has been a final disposition, such as guilty, dismissed, amended or deferred.

Consistent with the rates of verbals and offenses shown above, the number of domestic violence misdemeanor charges filed dropped between 2005 and 2006, and remained steady between 2006 and 2008.

Figure 4 Domestic Violence Misdemeanor Charges Filed



As the table below shows, when taking population into account, rates of domestic violence misdemeanor charges filed have decreased over the four years, with the biggest decrease between 2005 and 2006.

Table 3 Misdemeanor Charges Filed per 1,000 Population

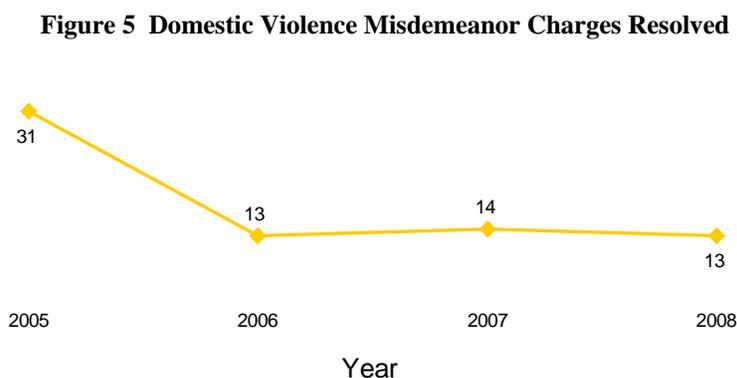
Year	2005	2006	2007	2008
Misdemeanor Charges Filed	24.3	12.4	14.3	7.9

Domestic Violence Charges Resolved

A domestic violence charge is resolved when there has been a final disposition, such as guilty, dismissed, amended or deferred. In a given year, the number of charges filed will be different than the number of charges resolved, as charges are not necessarily filed and resolved within the same year.

Many criminal justice professionals are involved in the filing and resolution of domestic violence charges. This can include law enforcement, prosecutors, court clerks, judicial officers, defense attorneys, victim advocates and probation.

Figure 5 shows that the number of domestic violence misdemeanor charges resolved dropped between 2005 and 2006 and remained steady the remaining years analyzed.



As Table 4 shows, when taking population changes into account, rates of domestic violence misdemeanor charges resolved dropped between 2005 and 2006 and then remained steady.

Table 4 Misdemeanor Charges Resolved per 1,000 Population

Year	2005	2006	2007	2008
Misdemeanor Charges Resolved	27.9	11.6	11.8	10.3

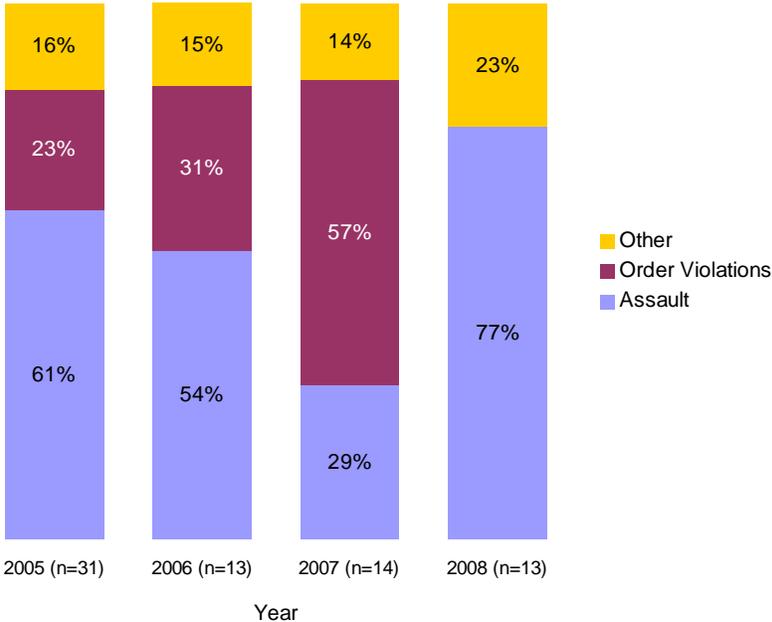
NOTE: The analyses that follow in the remainder of this report are based on domestic violence misdemeanor charges resolved within the noted time period, rather than charges filed.

Domestic Violence Charges by Category of Crime

Each domestic violence related misdemeanor charge must be linked to a corresponding crime as defined by state law. Figure 6 illustrates categories of crime corresponding to the domestic violence charges that were resolved within a calendar year in the City of Sumas.

For three out of the past four years, assault was the most common misdemeanor charge disposed of, making up between 29% and 77% of charges. Next most common was order violation charges, including violations of protection orders, restraining orders, and no contact orders. Other violations include malicious mischief; interference with reporting of domestic violence; and harassment.

Figure 6 Domestic Violence Misdemeanor Charges by Category of Crime



Domestic Violence Charge Disposition vs. Case Disposition

Filed charges ultimately reach a resolution in court. The most familiar ways charges resolve are dismissal, guilty as charged, or not guilty (Generally not guilty resolutions result from a jury trial, whereas guilty resolutions can result from a plea or trial.) There are other types of disposition that result from negotiations (plea bargains) between the prosecutor and the defense attorney or defendant, pleading guilty to an amended charge or receiving a deferred prosecution (sometimes referred to as a “stipulated order of continuance” or “SOC”). With an amended sentence the defendant enters a guilty plea to a charge that was amended from the original charge. With a deferred prosecution, the defendant stipulates to facts of the charge, agrees to an order of continuance and agrees to comply with certain conditions within a set time period. If the defendant is found to be non-compliant in that time period, the charge will resolve as guilty. If the defendant complies with the agreement, the original charge may be amended or dismissed upon completion.

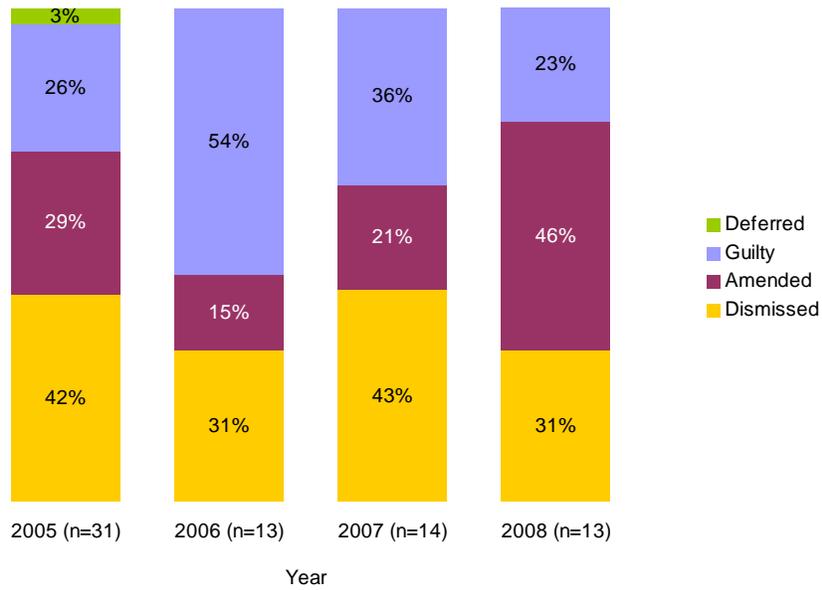
One limitation to looking at dispositions status is that it does not provide information, or context, on why a particular resolution was reached.

Another way in which dispositional data might be misleading is where there are multiple “charges” or counts resulting from a single incident. It is not uncommon for a domestic violence incident, or case, to involve multiple charges, meaning, the defendant is charged with multiple crimes. However, prosecutors resolve “cases” rather than individual charges. So, for example, if a defendant is charged with assault 4, interference with reporting of domestic violence, and malicious mischief in one incident, the prosecutor may negotiate with the defendant to dismiss two of the charges if the defendant pleads guilty on the remaining charge. By tracking this by *charge*, there are two charge dispositions of dismissed, and one of guilty. However, by looking at this by *case*, it is a guilty disposition. Tracking disposition status by case rather than charge illustrates this approach to disposition. This approach demonstrates the consequences for individual defendants, compared to disposition status by charge.

Charges that were disposed of in Sumas Municipal Court during the years 2005 and 2008 were compiled by individual *charge* and by *case*. A comparison of the two approaches is noted in Figure 7 and Figure 8.

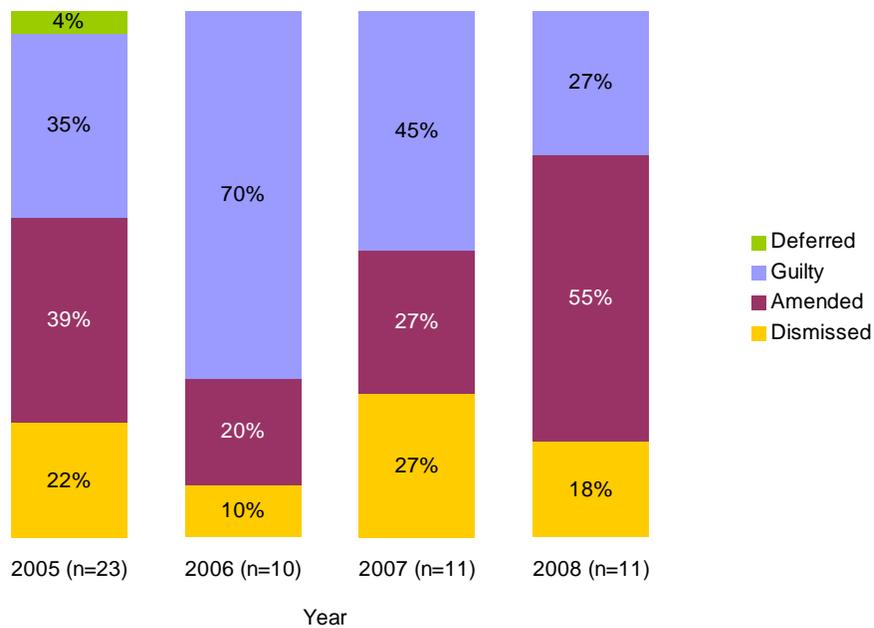
Over the past four years, common dispositions for misdemeanor domestic violence charges have been guilty, amended, or dismissed. In the charts below, dismissed charges include those dismissed with or without prejudice. When guilty and amended dispositions are combined, charges are less likely to be dismissed over all four years.

Figure 7 Disposition Status of Domestic Violence Misdemeanor Charges Resolved



Domestic violence misdemeanor cases are more likely to be guilty or amended and less likely to be dismissed than individual charges. When compared to charges, there are even less dismissals. This suggests that many of the dismissed charges shown in the previous figure were part of cases where the defendant was found guilty of least one charge.

Figure 8 Disposition Status of Domestic Violence Misdemeanor Cases Resolved



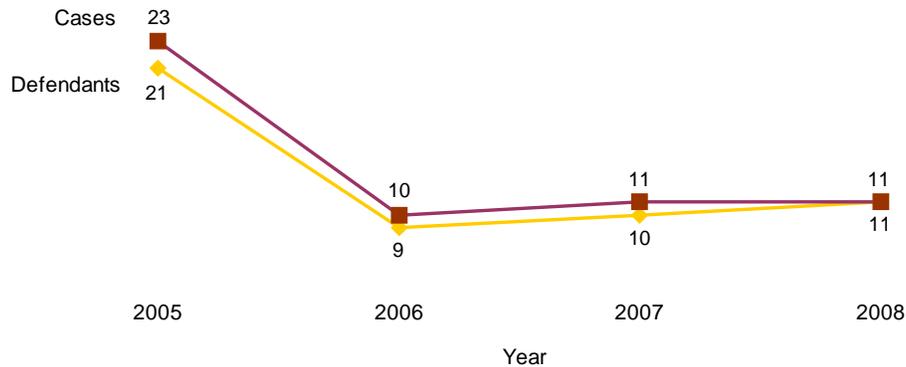
V. Domestic Violence Indicators: Defendants

Number of Defendants

Figure 9 illustrates the number of unduplicated defendants involved in misdemeanor domestic violence *cases* in a calendar year in the City of Sumas. By comparing the number of defendants to the number of cases resolved in that calendar year, it shows how many defendants are involved in more than one case, regardless of the disposition of the case.

The number of unduplicated defendants fell by half between 2005 and 2006, and has been fairly stable in the following two years, similar to the rates of verbals and offenses. Within any given year, the number of defendants is very close to the number of cases, revealing the low number of repeat offenders within a given year.

Figure 9 Number of Cases Compared to Number of Defendants

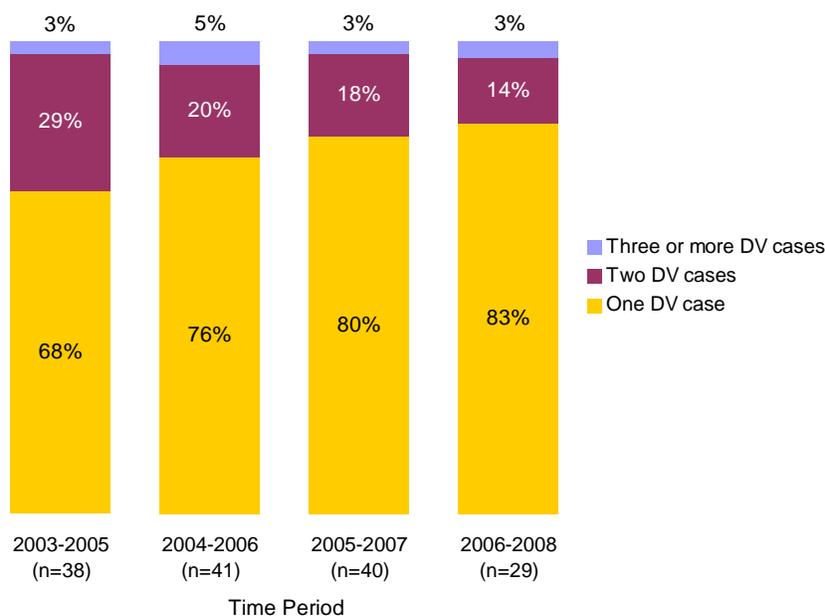


Misdemeanor Repeat-Offenders

For purposes of this report, misdemeanor repeat-offenders are individuals who have been charged with more than one domestic violence related misdemeanor level case (incident) during the time periods noted below, regardless of the resolution of the case. The analysis is based on cases that were resolved within the time period noted. *This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.*

A majority of domestic violence defendants over the last few years, (68% - 83%), have only had one resolved case. The number of defendants with two domestic violence cases has been on the decline over the past few years, representing a decreasing proportion of defendants. Between three and five percent of defendants have had three or more domestic violence cases resolved within a given time period. Between 2003 and 2005, 12 defendants were charged in two or more misdemeanor domestic violence cases, compared to 5 between 2006 and 2008.

Figure 10 Proportion of Defendants with One, Two, or Three or More Cases in a Time Period

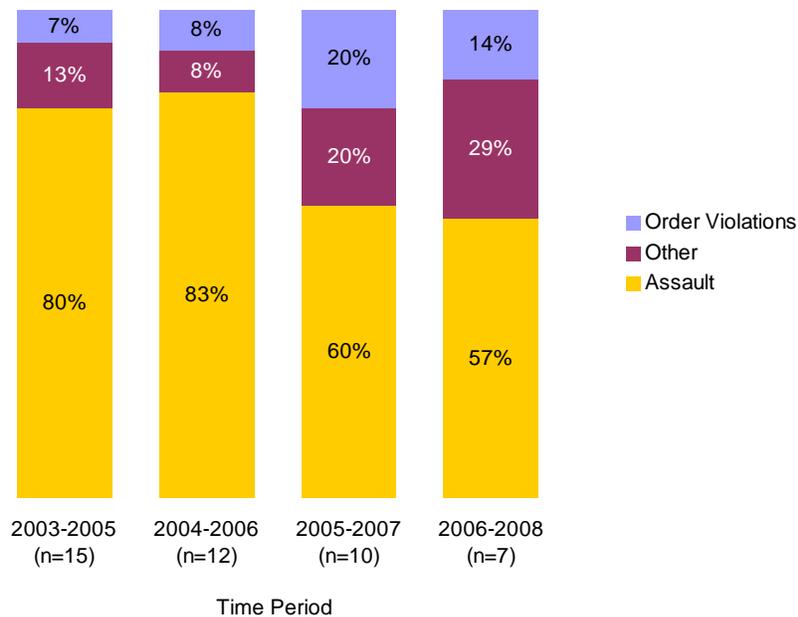


Charges by Category of Crime for First and Repeat Offense in Three Year Intervals for Misdemeanor Repeat-Offenders

For those defendants who were charged in multiple misdemeanor domestic violence cases, Figure 11 illustrates the types of crimes they were charged with in the *first* case within the noted time period. (There may be more charges than defendants as some cases involve multiple charges.)

For those individuals who were charged in multiple domestic violence misdemeanor cases, the charges in the first case (Figure 11) are most likely to be assault, and less likely to be charges of order violations when compared to Figure 12. However, the most recent data shows a reduction in assault charges over time, as well as an increase in “other” charges. It is not known if this represents an actual change in the nature of domestic violence activity for repeat-offenders, or just in the methods of reporting.

Figure 11 Charges by Category of Crime for First Offense in Time Period

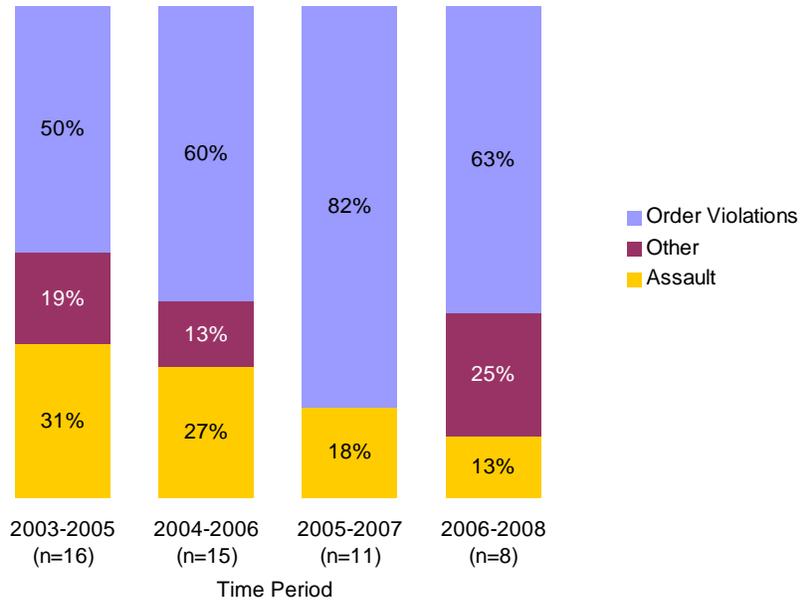


Note: The total number of charges in this category decreased over each time period, from 15 between 2003-2005 to 7 between 2006-2008.

For misdemeanor repeat-offenders, Figure 12 illustrates the types of crimes they were charged with in the second, third, fourth, or more, incidents within the noted time period. Figure 12 indicates the types of crimes that are most typical for those defendants who are charged repeatedly. Because the time frame is a three year period, the data reflects a mix of re-offenses within a short time period as well as re-offenses that occur up to three years apart.

There are too few charges in this category to draw strong conclusions, and they represent only a fraction of domestic violence charges. None-the-less, the differences in the types of crime they are charged with deserve attention. Over all four years, order violations are the most common charge, ranging from half to four out of five charges. While there is no clear pattern of the rate of order violations for this sub-group, the rate of assault has decreased over the past four years.

Figure 12 Charges by Category of Crime for All Re-Offenses in Time Period



Once again, it is important to note that this data only shows repeat charges for misdemeanor domestic violence cases. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of misdemeanor criminal cases within the time period noted.

Number of Defendants with Misdemeanor Domestic Violence Cases in Other Whatcom County Jurisdictions

Figure 13 illustrates the numbers of defendants who were charged in a misdemeanor domestic violence case in one of the five small cities (Blaine, Ferndale, Everson-Nooksack, Lynden, or Sumas) **and** were charged in a misdemeanor domestic violence case in any other jurisdiction in Whatcom County, excluding Lummi and Nooksack Tribal Court, during the same time period. Although the majority of defendants were only charged in one jurisdiction between 2006-2008, for those who were charged in multiple jurisdictions, the data speaks to the need to ensure that jurisdictions check criminal histories and concurrent charges across all jurisdictions in Whatcom County.

Defendants with domestic violence misdemeanor cases in multiple jurisdictions make up about 15% of the total number of defendants between 2006 and 2008. This three-year time period is typical of the preceding periods, 2003-2005, 2004-2006, and 2005-2007. In each period, defendants with cases resolved in multiple jurisdictions make up between 14% - 17% of all defendants.

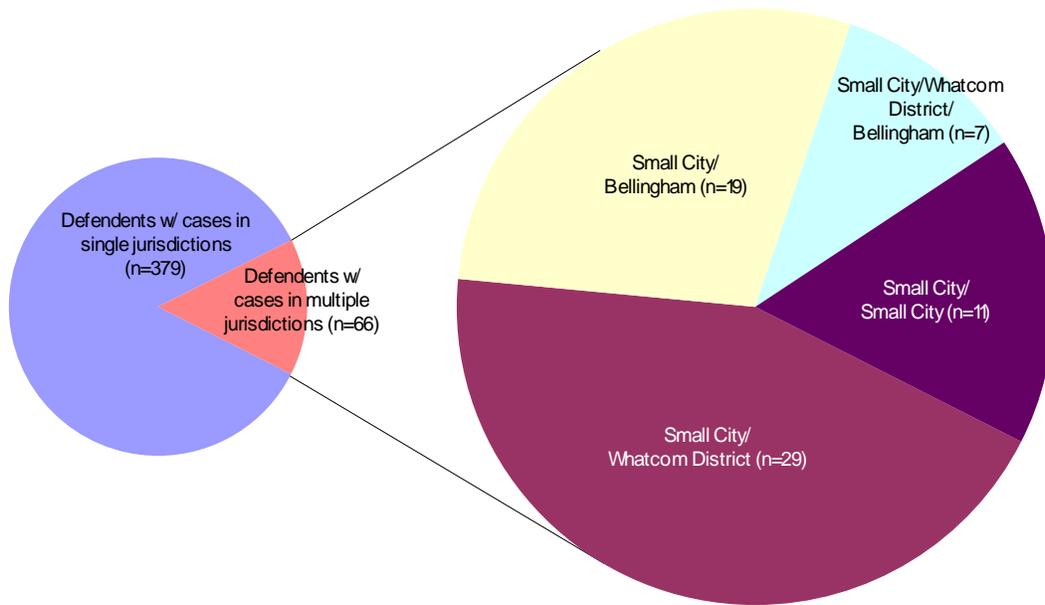
The most common overlaps between jurisdictions are for defendants with cases in one of the five small cities and Whatcom County District Court. The next most common is between defendants with cases in one of the five small cities and Bellingham Municipal Court, followed by defendants that are charged in two of the five small cities.

For example, 445 unduplicated defendants were charged in misdemeanor domestic violence cases in the five small cities between 2006- 2008. These cases were all resolved in this time period. Only 66 of these defendants had multiple misdemeanor domestic violence cases within a three-year time period that were resolved in a different jurisdiction in Whatcom County (excluding Lummi and Nooksack Tribal Court). Of those 66, 29 had a misdemeanor domestic violence case resolved in Whatcom County District Court and one of the small cities.

Prosecutors have noted that when there are concurrent criminal cases across jurisdictions, especially domestic violence related cases, a prosecutor in one jurisdiction may dismiss charges knowing that concurrent charges in another jurisdiction will be resolved as either guilty or amended. This is another example of how dispositional data within a jurisdiction might be misleading, as noted previously.

As noted in the previous section, this data only shows defendants with cases in multiple jurisdictions for misdemeanor domestic violence crimes. This data does not show whether or not defendants were also charged in felony domestic violence cases or other types of criminal cases in another jurisdiction within the time period noted.

Figure 13 Proportion of Defendants with Cases in Single or Multiple Jurisdictions 2006-2008



VI. Domestic Violence Indicators: Felony Cases

Felony Domestic Violence Case Filings and Disposition Status

Table 5 illustrates the number of felony domestic violence *case* filings from the City of Sumas that were charged by the Whatcom County Prosecutor's Office in Whatcom County Superior Court.

Table 5 also illustrates the disposition status of Sumas felony *cases* resolved in a calendar year. It is very common for a felony case to have multiple charges. Because felony charges often involve a level of injury that is visible and more easily documented, it is not surprising that a larger percentage of cases resolve in a guilty disposition, compared to misdemeanor cases.

There are far too few felony domestic violence cases to discern any patterns over the past four years.

Table 5 Felony Cases Filed and Resolved

		2005	2006	2007	2008
<i>Cases Filed</i>		1	0	1	2
<i>Cases Resolved</i>	<i>Guilty</i>	1	0	1	1
	<i>Dismissed</i>	1	0	0	0

Note: DV felony cases are not necessarily filed and disposed of in the same year.

VII. Domestic Violence Indicators: Days to Disposition

Days to disposition is the time between filing a charge in court and when it reaches final disposition. The longer it takes for a resolution or disposition, the more challenging it may be for the victim and witnesses to provide the prosecution with testimony. In some cases, more time allows a defendant to intimidate or influence a victim. Resolving domestic violence cases in a timely manner is considered a best practice. Some courts have set goals for days to disposition in domestic violence cases and use this measure as a benchmark. Other courts fast track certain domestic violence cases.

Data on days to disposition can be skewed by those cases where the defendant is in warrant status and has failed to appear in court and cannot be found. These cases may be in warrant status for years and at some point may be dismissed to clear the record, or the defendant is finally found and brought to court. In reviewing the data, it appeared that a number of courts had resolved cases that had been in warrant status for many years.

Data on days to disposition can also be skewed where the prosecution and defendant enter into a pre-disposition agreement, such as a deferred prosecution or stipulated order of continuance (SOC). These agreements typically require a defendant to obtain a domestic violence evaluation and complete the recommended treatment program within a specified period of time. The prosecution typically agrees to amend the charge and allow the defendant to plead guilty to the amended charge if the treatment and other conditions of the agreement are successfully completed within the specified period (often 6 months or a year). The defendant will typically be required to waive the right to a jury trial and stipulate to the admissibility of the police reports as part of the agreement.

For these reasons, “days to disposition” data may not accurately reflect a jurisdiction’s diligence in prosecuting domestic violence cases and is therefore not included in this report.