

OFFENDING PATTERNS AMONG DOMESTIC VIOLENCE OFFENDERS IN IDAHO



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Offending Patterns Among Domestic Violence Offenders in Idaho

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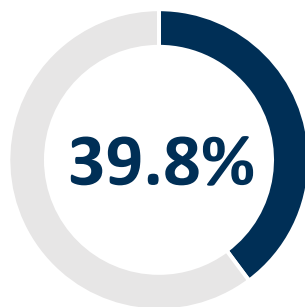
EXECUTIVE SUMMARY

In an effort to better understand offending patterns among Idaho's domestic violence (DV) offenders, the Idaho Statistical Analysis Center (ISAC) analyzed criminal history record data from the Idaho Criminal History Repository (ID CHR; housed at the Idaho State Police's Bureau of Criminal Identification). The data set included criminal history records for more than 56,000 individuals who had been arrested for a domestic violence crime in Idaho. This report is intended to answer four research questions about those offenders. Key results are presented here, organized by research question.

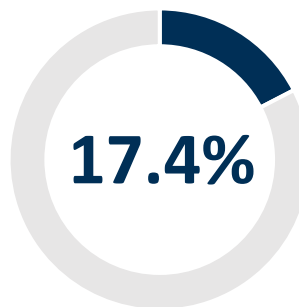


What is the recidivism rate among Idaho's domestic violence offenders?

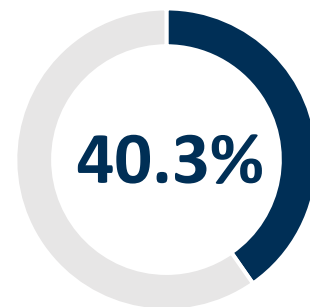
ISAC conducted survival analyses, which are statistical models that identify how many offenders were arrested for new crimes after their first DV arrest, what subsequent crimes DV offenders were being arrested for, and how much time passed between arrests.



**Total 5-year
recidivism rate
(any new charge)**



**5-year DV
recidivism rate
(new DV charge)**



**Percentage of
recidivism events
that occurred
within 1 year**

- ❖ Overall, 39.8% of DV offenders were arrested for a new crime within five years of their first DV arrest. A qualifying crime types included DV, other violent, property, sexual, or stalking/intimidation crimes.
- ❖ About 1 in 6 DV offenders (17.4%) was arrested for a second DV crime within five years of their first DV arrest.
- ❖ Of those who were arrested for any new crime after their first DV arrest, 40.3% were arrested within just one year. For new DV crimes, that number is similar (38.0%).



What are key characteristics of DV offenders, and do they predict recidivism?

ISAC's survival analyses also included demographic and criminal history indicators. Some factors that predict whether an individual might be arrested for additional DV crimes are:



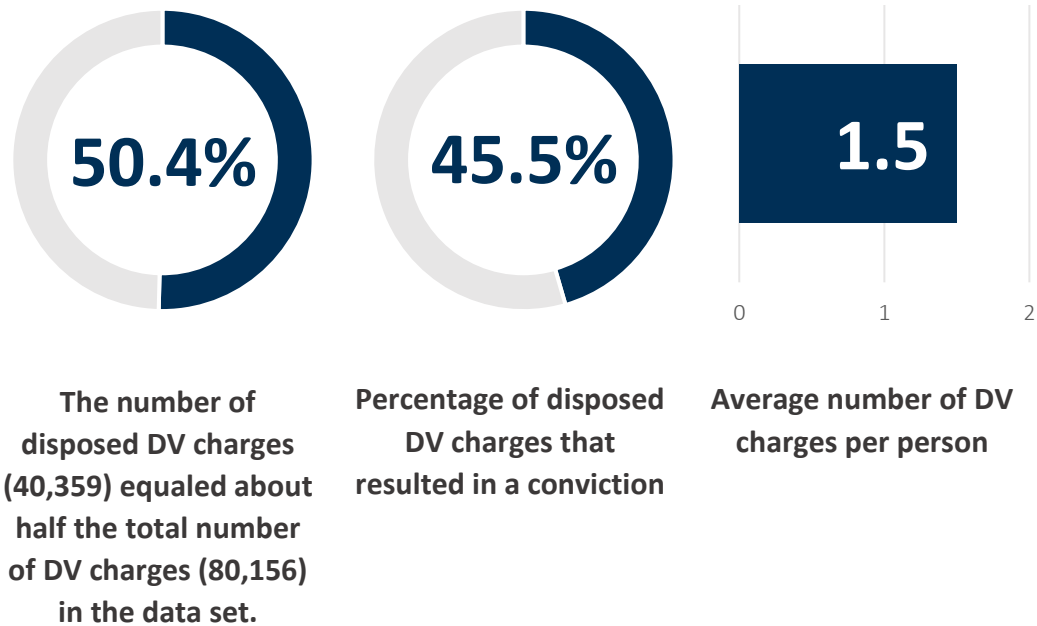
Offender sex: Males were nearly twice as likely as females to be arrested for multiple DV crimes.

- ② **Offender age:** The younger the offender was at the time of their first DV arrest, the more likely they were to be arrested for multiple DV crimes (there was a 3-percentage point increase in likelihood of rearrest for each 1-year decrease in age).
- ③ **Offender criminal history:** DV offenders who had been arrested for a different violent crime before their first DV arrest were 55% more likely to be arrested for multiple DV crimes than those who had not been previously arrested for a violent crime. Additionally, DV offenders who had been previously arrested for a drug/alcohol crime were 36% more likely to be arrested for multiple DV crimes than those who had not.



What is the impact of Idaho’s felony enhancement for repeat DV offenders?

ISAC attempted to answer this question by comparing arrest charges to disposed charges in the criminal history data. However, missing data impeded efforts to come to any firm conclusions.



- ❖ When comparing the number of disposed DV charges to the total number of DV charges in the criminal history database, nearly half (49.6%) of DV charges seemingly did not have dispositions recorded (there was also no reliable way to link initial charges to disposed charges given the structure of the data file provided to ISAC). This level of missing data represents a major barrier to using criminal history data to evaluate justice system processes such as the application of the felony enhancement for repeat DV offenders.
- ❖ Of the 40,359 disposed DV charges in the data, less than half (45.5%) resulted in a conviction, while 53.6% were dismissed (which may include amendments to lesser charges) and 0.9% resulted in an acquittal.

- ❖ The average number of total DV charges per person was 1.5. The felony enhancement for repeat DV offenders is not applied until the third *conviction* within 15 years. This means the vast majority of DV offenders will likely never be subject to the felony DV enhancement.



Is criminal history data a suitable data source for this type of study?

In addition to the three substantive questions above, ISAC also aimed to evaluate the utility of criminal history data for use in a recidivism study that also included measures of justice system processes. For answering some questions, the data performed well. For others, it fell short.



The criminal history data was appropriate for use in survival analyses, which calculate recidivism rates and identify predictors that increase or decrease an individual's likelihood of recidivism. Included in those analyses were demographics (age, sex, and race) as well as two measures of criminal history that have been shown by previous research to be linked to DV offending (prior violent charges and prior drug charges). However, only one definition of recidivism (rearrest) could be used.



Data quality was good in some respects but did have some drawbacks. First, demographic data was relatively reliable. Offender names exhibited the most inconsistency, mostly due to name changes and offender use of aliases. Offender sex was the most consistently recorded data point. Others (race, date of birth) fell somewhere in between. An important note here is that the race indicator included Hispanic as an option, whereas in other criminal justice data sets it is captured in a separate ethnicity variable. This likely led to Hispanic offenders being severely undercounted in the ID CHR data (only 0.1% of DV offenders were categorized as Hispanic) and White offenders being overcounted.

While there is reason to believe that missing arrest data is a small problem that is getting smaller as more agencies transition to livescan fingerprint submission, it is possible that a small percentage of offenders who are cited and released (as opposed to being booked into jail), may not be included in the ID CHR data. This is especially problematic for research on crimes that are typically misdemeanors, such as domestic violence.



The biggest limitation of ID CHR data in a research context is the inability to follow any single charge from arrest to final disposition, as well as the extent of missing disposition data. Part of this problem could be due to the structure of the data file released to ISAC for this particular project. More research is needed to determine if the data could be structured differently in order to facilitate different types of analyses. However, the extent of missing disposition data is a problem that severely limits researchers' ability to draw conclusions about how the justice system is functioning.

BACKGROUND

The statute governing domestic violence (DV) in the state of Idaho defines DV as assault or battery committed by a household member, which is “a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife.”¹ A domestic assault or battery is a misdemeanor unless the offender inflicted a traumatic injury or had been convicted of a felony domestic battery within 15 years,² or if it is the third conviction within 15 years of the first conviction.³

A previous study by the Idaho Statistical Analysis Center (ISAC) found that 39% of domestic assault/battery charges were amended, with 74.1% of those being amended to disturbing the peace or disorderly conduct (Swerin & Kifer, 2018). The tendency to amend domestic violence charges may have unintended consequences that undermine this enhancement if domestic violence offenders show a propensity to reoffend. Currently, it is unknown if this is the case in Idaho, as studies such as the 2018 ISAC study have not included in-depth analyses at the individual level that could shed light on patterns of offender behavior and recidivism.

One data source in Idaho that could help begin to answer these questions is the Idaho Criminal History Repository (ID CHR). To date, data from the ID CHR has rarely been utilized for research purposes. For example, previous ISAC projects that analyzed individual-level data have relied on front-line criminal justice agencies such as the Idaho Department of Correction, Idaho Department of Juvenile Corrections, and Idaho Supreme Court⁴ for that data. This methodology can suffer from data quality issues that stem from specific data points not being captured the same way across multiple data sets. Additionally, in recidivism studies such as the current study, individuals would need to be linked across multiple data sets to complete the project, a process which can also be time-consuming and fraught with errors.⁵ The ID CHR, a database that collects arrest, charge, disposition, and sentencing data on arrests made by state or local law enforcement in Idaho in one place and at the individual level, represents a potentially rich source of data for addressing questions about offending patterns. The Idaho State Police’s Bureau of Criminal Identification is required to collect this data by Title 67, Chapter 30 of Idaho Code, and the data is widely used for purposes ranging from law enforcement investigations to employment background checks. However, it is unknown whether the ID CHR lives up to its potential as an untapped data source for research purposes.

To address these gaps in knowledge about domestic violence offenders in Idaho and the utility of ID CHR data in studying their offending patterns, this report seeks to address the following key questions:

¹ Idaho Code § 18-918(1)(a).

² I. C. § 18-918(2).

³ I. C. § 18-918(3)(c).

⁴ Under Idaho’s unified court system, the Idaho Supreme Court maintains a centralized database of all court cases throughout the state.

⁵ For example, a separate recidivism study conducted by ISAC in 2021 for which researchers attempted to link offenders between Idaho Department of Correction (IDOC) and Idaho Supreme Court (ISC) data sets found that about 20% of offenders in the IDOC data could not be linked to any records in the ISC data (Strauss, 2021).

1. What is the recidivism rate of domestic violence offenders in Idaho, what types of crimes are repeat offenders committing after their first domestic violence arrest, and what is the average time to recidivism?
2. What are the key characteristics (e.g., demographics, criminal histories) of domestic violence offenders in Idaho, and do those characteristics predict repeat offending?
3. How many domestic violence charges result in guilty dispositions, acquittals, or are amended to a lesser charge? Do these patterns have an impact on the application of the repeat domestic violence offender felony enhancement?
4. Can ID CHR data be used to answer Questions 1 – 3?

Predictors of Domestic Violence Perpetration

Numerous factors may lead to the perpetration of intimate partner violence (IPV) or domestic violence (DV), yet certain factors have been highlighted as persistent predictors. Perpetrators' prior actions are considered important predictors of future actions and thus have been examined in multiple ways. Research has illuminated particular offense types that predict future DV offenses. Predictors of DV arrests in general include prior assault (Barry, 2017), prior drug related crimes (Barry, 2017; Larsen & Hamberger, 2015; Richards et al., 2013; Richards & Gillespie, 2019), and prior domestic violence arrests (Richards et al. 2013). In a more specific examination of the criminal histories of intimate partner homicide (IPH) offenders, 70% of males and 63% of females were found to have prior histories of arrest (Zeoli et al. 2021). Of the IPH offenders with arrest histories, 9% had been previously convicted for DV, 21% had been convicted for other violent crimes, and 32% had been convicted of felony crimes (Zeoli et al., 2021). Active animal cruelty has also been found to be related to IPV perpetration (Hoffer and Loper, 2016). Prior actions can have an impact through restraining orders as well. Perpetrators of DV with restraining orders are 36% more at risk to be rearrested for a DV offense (Richards et al., 2014).

While most research focuses on IPV perpetrators' prior actions, there are also a few studies that examine alternate predictors. Factors external to the individual that predict IPV perpetration/victimization overlap include maternal hostility and witnessing violence in the community (Richards & Gillespie 2019). While these predictors do seem to have an effect, in general these items need to be measured and potentially addressed during childhood for any prevention efforts to be effective. Offender traits that can be measured in adult perpetrators have also been investigated and a few demographics are considered important predictors. Men are generally arrested more for IPV offenses and have significantly longer arrest records than women (Larsen & Hemerger, 2015). Offenders who are married to their victims have been found to be 28.5% less likely to be rearrested for DV during a ten-year follow-up (Richards et al. 2014). Offenders who are older at their first arrest also have a lower risk of DV rearrest (Richards et al. 2014).

These characteristics seem to impact rearrest for DV, but it may be important to consider rearrest in general. The variety of offense types found to predict perpetration of domestic violence, along with other factors specific to the offender, seem to suggest that DV offenders do not specialize in one type of offense, a notion that has been further explored.

Offender Specialization

Offender specialization refers to the idea that an offender mainly commits one type of crime, while a generalist refers to an offender who commits multiple types of crime. Offender specialization in IPV or DV is rare, with studies finding anywhere from 45-60% of IPV offenders having committed another non-IPV

offense prior to an IPV offense (Barry, 2017; Piquero et al., 2006; Richards et al., 2013; Ouellet et al. 2016). Even so, men who have criminal records beginning earlier are more likely to engage in violent crimes in general, both intimate and non-intimate (Larsen & Hamberger, 2015). Multiple types of offenses are generally committed before an IPV offense including both violent and non-violent offenses. DV offenders have been observed to have histories of a range of crimes from traffic offenses to substance abuse to criminal sexual charges (Buzawa et al., 1999; Hartley & Frohmann, 2003; Hirschel et al., 2007). This generalization also seems to continue after a DV offense. In follow-up after the DV offense, it is common to see a variety of offenses committed, not only subsequent IPV/DV (Richards et al., 2014). Considering the timeline of re-offense, DV offenders also tend to be rearrested for new crimes fairly quickly after the initial incident (Klein et al., 2008, Richards et al., 2014). Of those who are rearrested for non-DV crimes, half were rearrested within 8 days (Richards et al., 2014). Research seems to largely agree that DV offenders do not specialize in DV or IPV crimes, but rather commit a variety of crimes.

Even with the general sense that DV offenders do not specialize, there are a few factors found to be associated with an increase in potential specialization. Factors that may increase the likelihood of DV/IPV offender specialization include being older at the time of the first arrest (Bouffard & Zedaker, 2016), being female (Bouffard & Zedaker, 2016, Bouffard et al. 2008; Larsen & Hamberger, 2015), and being currently involved with a romantic partner/married (Bouffard et al., 2008). Interestingly, these factors also decrease the likelihood of rearrest for any offense (Richards et al., 2014), supporting the notion that there is likely only a small group of IPV specialists and a larger group of generalists.

Domestic Violence Law in Idaho

Although the statute defining “domestic violence” as assault or battery against an adult household member was not added to Idaho Code until 1993,⁶ the Idaho Legislature had identified domestic violence as a problem about a decade earlier. The Idaho Council on Domestic Violence and Victim Assistance (ICDVVA) was established by the Legislature in 1982, noting that “[d]omestic violence is a disruptive influence on personal and community life and is often interrelated with a number of other family problems and stresses. Refuge for victims of domestic violence is essential to provide protection to victims from further abuse and physical harm.”⁷ To that end, ICDVVA is tasked with the administration of federal and state grant programs meant to support victim service agencies throughout the state. Nearly 40 years later, victims of domestic or dating violence make up nearly half of the clients served by these agencies (49% in 2020; Idaho Victimization Clearinghouse, n.d.).

However, it was not until 1988 that the first criminal law dealing specifically with domestic violence was added to Idaho Code. The Legislature passed the “Domestic Violence Crime Prevention Act”⁸ that year, which created domestic violence protection orders and deemed a violation of those orders to be a misdemeanor. Five years later, the Legislature added a new section to Idaho’s assault and battery statute defining domestic violence and setting penalties for violations.⁹

⁶ Idaho Code § 18-918.

⁷ Idaho Code § 39-5201.

⁸ Idaho Code § 39-6301.

⁹ Idaho Code § 18-918

Criminal History Information Systems

The use of criminal history data is a methodological departure from other ISAC reports on domestic violence. Previously, ISAC has utilized state crime data collected through the Idaho Incident-Based Reporting System (IIBRS) and Idaho Supreme Court (ISC) repositories to research domestic violence. While these analyses have been useful, these data sources are unable to provide a thorough understanding of domestic violence offenders due to lack of ability to follow individual offenders over time. Due to the purpose of the data collection, IIBRS data does not identify offenders in a way that allows them to be reliably linked to other crimes. Further, the ISC data does not have a unique identifier for defendants that follows them through other parts of the criminal justice system, and therefore the analyses were based on fuzzy matches or conducted using aggregate data. These issues lead to less ability to reliably follow individuals over time. As a result of the lack of ability to follow offenders with these sources, there is an absence of research examining longitudinal criminal behavior of domestic violence offenders in Idaho and led to the identification of the ID CHR as a potential data source to fill this gap in knowledge.

The Survey of State Criminal History Information Systems, conducted by SEARCH (The National Consortium for Justice and Information Statistics) since 1989, collects information about Criminal History Information Systems in each state and territory of the United States. The most recent iteration of this survey was completed in 2018 and allows for comparison across states or years through the presentation of results by state. The information provided by this survey is not only helpful in understanding the current state of Idaho's criminal history records, but also in understanding the process by which the records are created and maintained.

The process of creating a criminal history record in Idaho is governed by state statute.¹⁰ Records are submitted to the Bureau of Criminal Identification at the Idaho State Police for inclusion in the state repository. Fingerprinting typically occurs at the arrest stage, and in 2018, 97% of Idaho agencies submitted their prints through livescan (Goggins & DeBacco, 2020). Livescan fingerprinting is ink-less, electronic fingerprinting that scans fingerprints directly to a computer, improving the quality and speed of transmission to the database. Unfortunately, some individual offenses may be missing from criminal history databases. Individuals who commit infractions and/or misdemeanors might not be arrested, but rather cited and released. While there may be missing records for these types of offenses, there is reason to believe this issue may be limited due to the ability to collect fingerprints at other points along the criminal justice system.¹¹ Arrest records and court dispositions are received and attached to each file either through automated means by name and Process Control Number (PCN) or through receipt of paper copies that are matched to the PCN at time of arrest and includes the offender's name, date of birth, and charges. The Idaho system included 444,400 subjects as of 2018 and processed 143,200 fingerprints that year (Goggins & DeBacco, 2020). In 2018, Idaho reported that 47% of dispositions received could not be attached to a specific arrest record and only 22% of arrests in the past 5 years had final dispositions recorded (Goggins & DeBacco, 2020). There was also a backlog of entering court disposition data with 125,221 cases unprocessed or partially processed as of 2018 (Goggins & DeBacco, 2020).

¹⁰ I. C. § 67-3004

¹¹ In Idaho, fingerprints can be entered at other points further into the criminal justice system, such as incarceration or probation, if they have not been previously submitted.

DATA COLLECTION AND ANALYSIS METHODS

The Idaho Statistical Analysis Center (ISAC) requested data from the Idaho Criminal History Repository (ID CHR) on any individual who had a record of being arrested for or convicted of a violation Idaho Code § 18-918.¹² ISAC requested the full criminal history for any person who met the criteria. The contractor that maintains the ID CHR queried the repository on behalf of the Idaho State Police's Bureau of Criminal Identification (BCI) and provided a file containing 356,509 criminal records representing more than 56,000 people. Individuals were selected into the study sample if they had at least one domestic violence arrest or disposition in their Idaho criminal history record. If the individual did have such an arrest or disposition, their entire criminal history record was included. The resulting data set included 56,010 individuals who had a domestic violence arrest or disposition in the state of Idaho between January 1st, 1988, and March 16th, 2022 (the date the contractor pulled the data).

To understand the offending and recidivism patterns of domestic violence offenders in Idaho, ISAC examined the patterns of criminal behavior by investigating the following items:

- Number of arrests for violent crimes,
- Number of arrests for drug offenses,
- Number of arrests for other crime types, and
- Time between charges.

Due to the lack of prior use of the state's criminal history records, ISAC are also evaluated the accuracy and completeness of the criminal history records. This phase included the examination of descriptive statistics of the study sample and attempts to link arrest charges to disposed charges.

Study and Data Limitations

Due to being the first study of its kind in Idaho (i.e., to use criminal history records to study offending patterns), this study suffers from a few limitations, two of which stem from limitations of the data itself. However, one major limitation not related to the data is the recent ruling in *State of Idaho v. Clarke* that changed the way misdemeanor offenses are handled by law enforcement in Idaho.

On June 12th, 2019, the Idaho Supreme Court ruled in *State of Idaho v. Clarke* that it was unconstitutional to make an arrest for a misdemeanor without a warrant unless the offense occurred in the presence of an officer (Bostaph et al., 2020). Before the *Clarke* ruling, it was common law enforcement practice to take a domestic violence offender into custody without a warrant. The *Clarke* decision creates issues in assuring offenders will be included in the databases as fewer misdemeanor arrests may occur. Prior to the *Clarke* decision the majority of arrests for domestic violence were misdemeanor arrests. According to the BCI, approximately 87% of these arrestees were taken into custody and should have a criminal history record for those incidents, but it is unknown how the *Clarke* decision may have impacted those numbers since 2019.

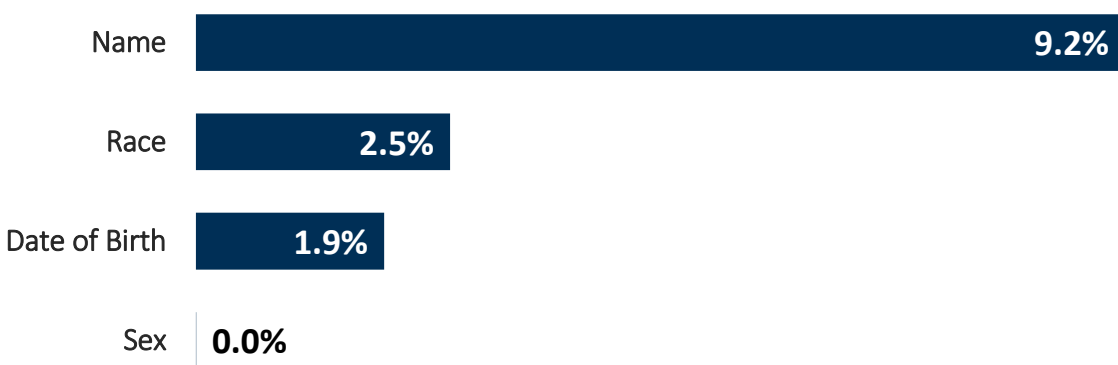
Two other limitations stem from data quality and structure issues. First, ISAC staff inspected the file provided by the database contractor for accuracy and completeness. Part of this check involved creating a unique ID number for each individual in the file. In creating this number, about 9% of records in the file needed to be standardized to ensure each person was identified correctly (see Figure 1). Many of the

¹² I.C. § 18-918 is the statute that defines "domestic violence" and sets penalties for violations.

matching errors in this step were due to names not being recorded consistently. For example, one major problem of this type involved name suffixes not appearing in the same place from record to record. The basic structure of the name field was typically formatted to show the last name at the beginning, followed by a comma, and finally first name, middle initial, and suffix without any separators. However, sometimes this pattern would be broken by a name that included the suffix immediately after the last name and before the comma, which caused a new unique ID to be assigned to that record even though the record actually belonged to the same person as the previous record. Another issue here was that name changes or aliases seemed to not be referenced back to a master list and standardized across an individual's entire record at any point. When a potential alias was flagged by ISAC staff, the Idaho Supreme Court's (ISC) online database was searched to verify the person's name.¹³ In addition to inconsistencies in the way the ID CHR stores names, similar inconsistencies were also identified in the race, date of birth, and sex fields. ISAC staff verified questionable records against other records in the file and the ISC database and made manual adjustments as needed.

Figure 1.

Percentage of records changed by ISAC staff due to inconsistencies in the data file.



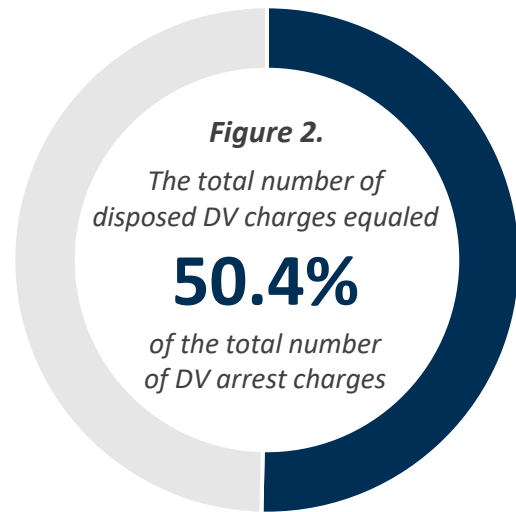
NOTE: Nine sex records (0.003%) were changed due to inconsistencies.

The second data limitation is due to the structure of the data file provided to ISAC. The file was aggregated by date of arrest, meaning that one record in the file could contain multiple charges, often of different types (e.g., one domestic violence charge and one drug charge on the same record). ISAC staff attempted to separate charges for further examination. However, this line of analysis quickly unraveled as it became clear that arrest charges and disposition charges could not be lined up reliably. In fact, the file contained far fewer dispositions than arrest charges. Looking at domestic violence charges specifically, the number of DV charges disposed equaled only about half of the number of DV charges filed (see Figure 2). This disparity rendered ISAC unable to answer one of the key questions of the study: whether amending charges has an impact on the application of the felony repeat DV offender enhancement. It is currently unknown if the data could have been structured differently before being provided to ISAC. Idaho's response to the SEARCH survey in 2018 (see Background section for more information) indicates

¹³ The ISC online database often lists known aliases and/or former legal names within each case file.

that it is not uncommon for disposition data to be unable to be linked back to the arrest charge, and that point was reiterated to ISAC staff in conversations with the ID CHR administrator.

The inability to link arrest charges to dispositions limits the utility of ID CHR data for examining the impact of criminal justice processes generally and prosecutorial discretion specifically. Additionally, the amount of missing disposition data makes it impossible to use ID CHR data to calculate some measures of recidivism, such as being convicted of a new crime. However, the error rate in other parts of the data (such as personal identifying information) appeared to be minimal by comparison. In the future, researchers using ID CHR data should be aware of these limitations, as well as potential missing data due to the arrest of misdemeanor offenders without a warrant being deemed unconstitutional in 2019. ID CHR data may not be representative of the actual prevalence of crime, especially misdemeanors, given the new restrictions on law enforcement, and may not even be representative of the total number of incidents to which Idaho law enforcement is responding (this data would show up in other databases, such as the Idaho Incident-Based Reporting System).



RESULTS

Demographics and Criminal Histories

In total, 56,010 domestic violence (DV) offenders were included in this study. The average DV offender was male (69%), White (94%) and between 25 and 34 years of age at the time of their first DV arrest (mean = 33.7 years; see Table 1). It should be noted that while Hispanic is a valid race category in the ID CHR data, it was rarely used (only 0.1% of offenders were categorized as Hispanic). This could be because other law enforcement databases, such as IIBRS, treat race and ethnicity data as different variables. It is likely that the vast majority of Hispanic offenders were classified as White in the ID CHR data.

Table 1.
Demographics of DV offenders.

Sex	#	%
Female	11,143	27.7%
Male	44,867	69.1%
Race	#	%
Asian	428	0.8%
Black/African American	1,311	2.3%
Hispanic	82	0.1%
Native American	1,046	1.9%
White	52,464	93.7%
Unknown	679	1.2%

NOTE: Hispanic offenders are likely undercounted due to the ID CHR treating race and ethnicity data as one variable, which ISAC staff believe caused most Hispanic offenders to be categorized as White.

Age at First DV Arrest	#	%
18 - 24 Years	11,703	20.9%
25 - 34 Years	21,187	37.8%
35 - 44 Years	14,617	26.1%
45 - 54 Years	6,209	11.1%
55 Years and Over	2,261	4.0%
Unknown	33	0.1%

NOTE: Offenders with unknown age are due to errors in recording date of birth (e.g., date of birth and date of arrest being the same). Date of birth could not be verified in public court records because only the year of birth is public information.

About half of DV offenders (52%) had no arrest records prior to their first DV arrest (see Table 2), while 30% had between one and five previous charges (mean = 6.9; median = 4). Of those that did have prior arrest records, half (50%) had prior drug and/or alcohol charges, 40% had prior property crime charges, and 31% had prior violent crime charges.

While 52% of DV offenders had no criminal histories before their first DV arrest, the percentage of DV offenders with other types of charges on their records at any time (before or after their first DV arrest) climbed to 70% (see Table 2 and Figure 3). In total, about half of offenders (51%) had between one and

five charges in their criminal history record (mean = 10.5; median = 5), but only 31% of offenders had more than one DV charge in their record (mean = 1.5; median = 1).

Table 2.
Criminal histories of DV offenders.

Number of Charges Before First DV Arrest	#	%
1 - 2	10,136	18.1%
3 - 5	6,912	12.3%
6 - 10	4,695	8.4%
11 or more	5,235	9.3%
None	29,032	51.8%

Types of Charges Before First DV Arrest	#	%
Drug/Alcohol	13,379	49.6%
Property	10,703	39.7%
Sexual	816	3.0%
Stalking/Intimidation	422	1.6%
Violent	8,333	30.9%

NOTE: Percentages represent proportion of those who had prior arrest records ($n = 26,978$).

Non-DV Charges After/Concurrent with First DV Arrest	#	%
Drug/Alcohol	12,664	32.2%
Property	9,407	24.0%
Sexual	1,127	2.9%
Stalking/Intimidation	1,225	3.1%
Violent	14,808	37.7%

NOTE: Percentages represent proportion of those who had arrest records for other (non-DV) crimes at the same time as or after their first DV arrest ($n = 39,273$).

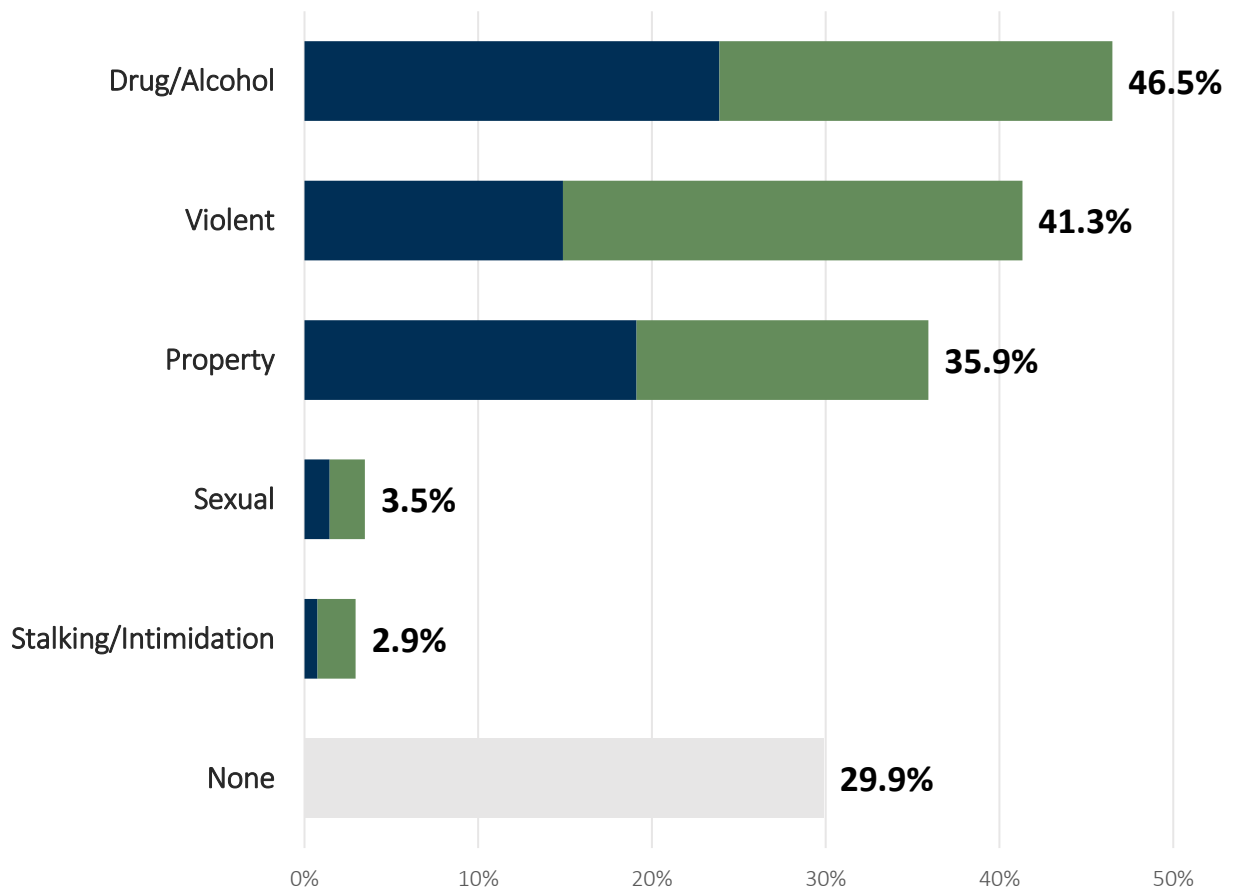
Total Number of Charges	#	%
1 - 2	15,801	28.2%
3 - 5	12,751	22.8%
6 - 10	9,975	17.8%
11 or more	17,483	31.2%

Total Number of DV Charges	#	%
1	38,381	68.5%
2	11,048	19.7%
3	3,578	6.4%
4	1,541	2.8%
5 or more	1,462	2.6%

In comparing the timing of non-DV charges before and at the same time as or after the initial domestic violence arrest, there was consistency across crime types in the timing of those arrests (see Figure 3). Roughly half of DV offenders who were charged with other types of crimes were first arrested for those crimes before their first DV arrest; the other half were first charged with those crimes at the same time as or after their first DV arrest. About 30% of DV offenders only had charges for DV crimes in their criminal history record. These arrests for other crime types both before and after are unsurprising given prior research findings that DV offenders are not usually “specialists” (i.e., only commit DV crimes). This is further supported by the fact that only 31.5% of DV offenders had multiple DV arrests on their record, but the median number of total charges per person was five.

Figure 3.

*Roughly half of DV offenders who committed non-DV crimes, regardless of crime type, were charged with their first non-DV crime **before their first DV arrest**, and half **after or simultaneously with their first DV arrest**.*



NOTE: The “none” category represents offenders who only had DV charges in their criminal history records.

Examination of charge dispositions was more difficult due to the data structure and high amount of missing disposition data (see Data Collection and Analysis Methods section for more information). Of the dispositions that were recorded ($n = 40,359$), 53.6% of DV charges were dismissed, 45.5% resulted in convictions,¹⁴ and 0.9% resulted in an acquittal (see Figure 4).

Figure 4.
Dispositions of DV charges.



Recidivism Rates

ISAC examined time to any rearrest, violent rearrest, and domestic violence rearrest. In this analysis, any rearrest included arrests for DV, violent crimes, sex crimes, property crimes, drug or alcohol crimes, and stalking/harassment. Due to our records for analysis extending from 1988 to 2022, we were able to include a long follow-up time for some individuals. However, we were not able to account for censoring events that may have impacted our analyses. These would include movement in and out of the state or lengthy prison sentences. Each of these circumstances may have prolonged the time to subsequent arrest because we could not account for offenders to whom these circumstances may have applied.¹⁵ On the other hand, the death of an individual would shorten the follow-up period for that person. This may have artificially lengthened follow-up times in this analysis for some people because there was no indication in the ID CHR data released to ISAC regarding whether an individual is deceased. While we were not able to account for these circumstances, survival analysis is a useful tool for data such as these. Survival analysis allows for individuals who were lost to follow-up or did not experience an event at the time of analysis (in this case, an arrest subsequent to their first DV arrest) to be excluded from analysis through censoring.

The analyses used in this study include Kaplan-Meier failure functions and Cox regression models.¹⁶ Kaplan-Meier failure functions are generally used to determine the expected time to failure. In order to determine which characteristics were important predictors for survival outcomes, Cox regression analysis was performed. Based on the literature, the following predictors were included in each model: sex (male, female), race (non-white, white), prior violent arrest(s) (no, yes), prior drug/alcohol arrest(s) (no, yes), and age at first DV arrest.

¹⁴ Here, “conviction” is defined as a guilty verdict or guilty plea. This is inconsistent with prior ISAC reports that examined court records due to the ID CHR data classifying charges as “dismissed” when the dismissal was the result of an offender’s successful compliance with the terms of a withheld judgment or graduation from a Treatment Court such as Domestic Violence Drug Court (these cases would be classified as convictions in other ISAC reports).

¹⁵ These “incapacitation effects” can be accounted for in survival analysis if known. In this study, it is unknown when and for how long any given offender may have been incapacitated.

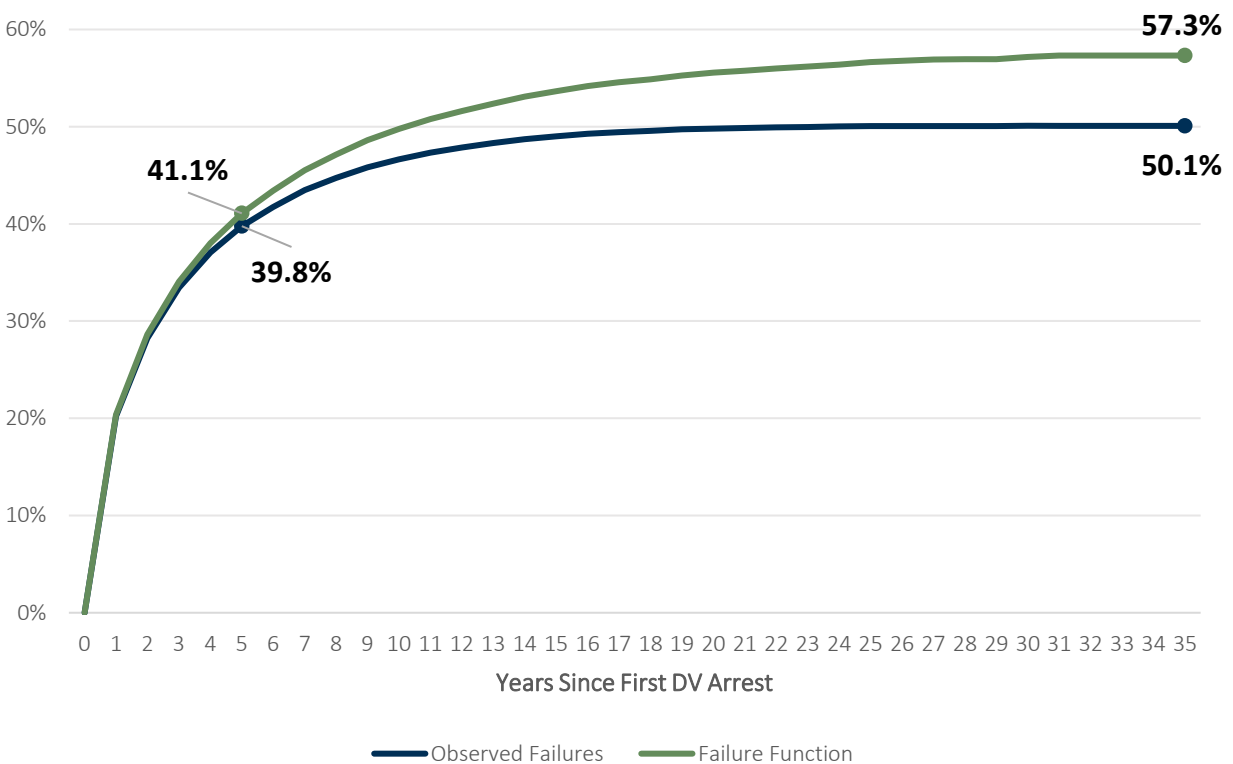
¹⁶ Results are noted in the text. Full failure function and Cox regression tables are available in the Appendices.

Any New Arrest

The Kaplan-Meier failure function is the probability of a failure event occurring at a given time for those who have not yet experienced the event. The failure function indicates the predicted timing of the first failure while the observed failures are the actual first failures observed in the sample. Of the 56,010 individuals in the sample, 39.8% were arrested for a new DV, violent, sex, property, drug/alcohol, or stalking/harassment charge within five years after their initial DV arrest. As time extends, the failure function indicates that had a full follow-up been available for every person in the data set, by year 35 an estimated 57.3% would have been rearrested at least once.

Figure 5.

About 40% of DV offenders were charged with at least one new crime within five years of their first DV charge.



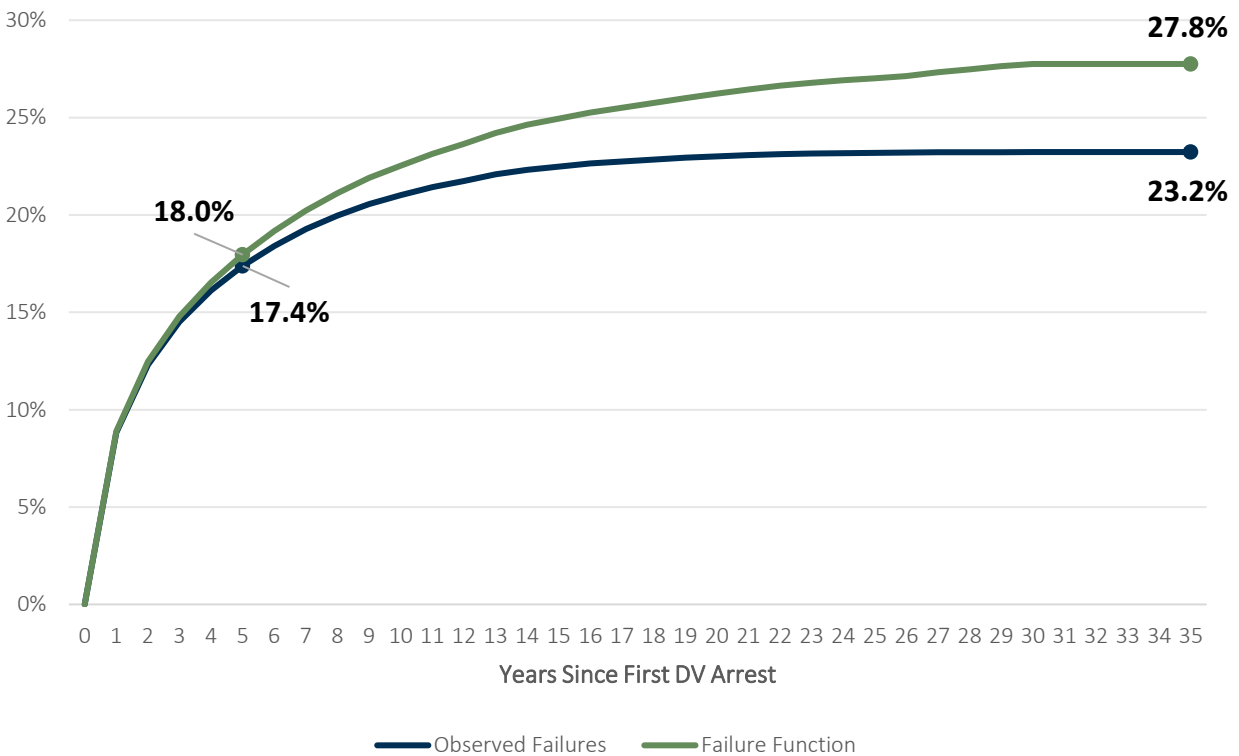
The Cox regression model for any new arrest was found to be statistically significant ($\chi^2(5) = 5967.346, p = .000, \log \text{likelihood} = 583960.047$). All variables in the model were significant except for race. It is likely that this variable did not vary enough to reach significance in this sample but may be important in other groups with more variance. Holding all other variables constant, the risk of rearrest for any new charge was 42% higher for males than females, 63% higher for those with a prior violent arrest and 83% higher for individuals with a prior drug or alcohol arrest. Each one-year decrease in age was associated with a three-percentage point increase in probability of rearrest when holding all other variables constant.

New DV Arrest

Examining new domestic violence arrests only, 17.4% of DV offenders were arrested for a new DV charge within five years of their initial DV arrest. As time extends, the failure function indicates that had a full follow-up been available for every person in the data set, by year 35 an estimated 27.8% would have been rearrested for a new DV crime.

Figure 6.

About 17% of DV offenders were charged with a second DV crime within five years of their first DV charge.



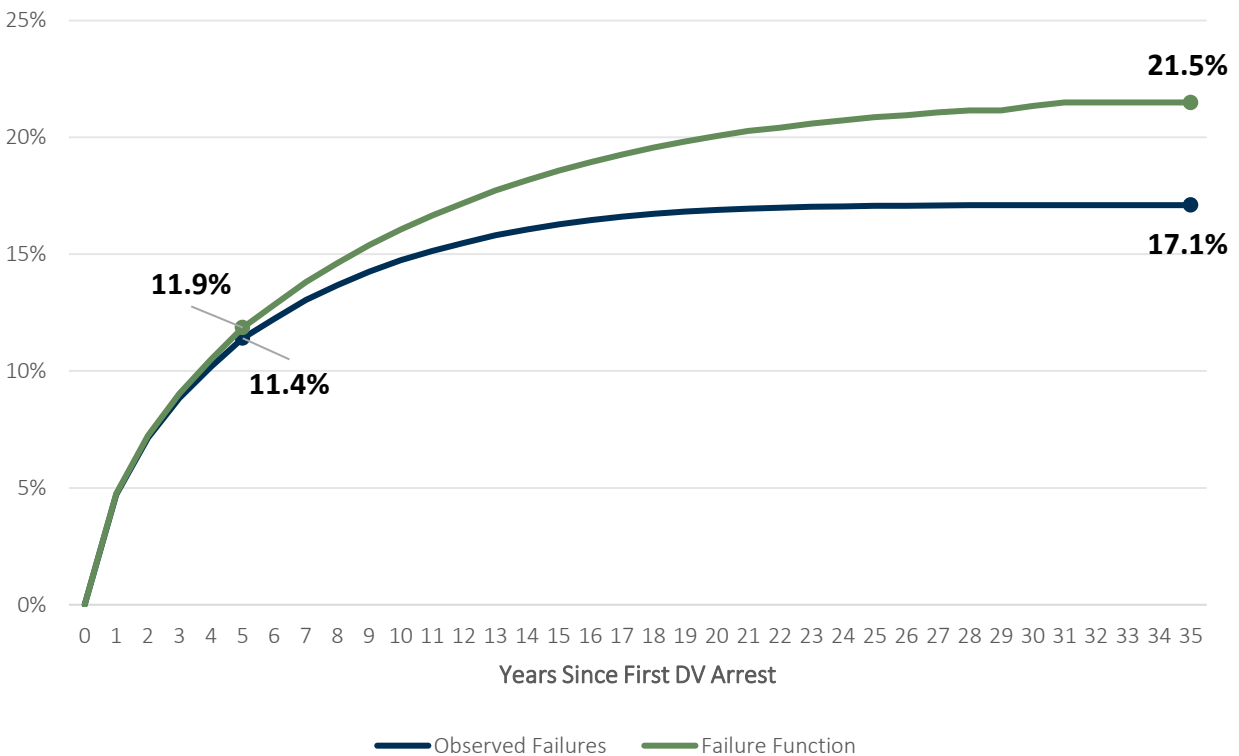
The Cox regression model for new DV arrest was also found to be statistically significant ($\chi^2(5) = 2283.627, p = .000, \log \text{likelihood} = 275404.698$). Holding all other variables constant, the risk of rearrest for a new DV charge was almost two times higher for males than females, 55% higher for those with a prior violent arrest, and 36% higher for individuals with a prior drug or alcohol arrest. Each one-year decrease in age was associated with a three-percentage point increase in the probability of rearrest for DV charges when holding all other variables constant. Again, the race variable was not found to be significant in this model.

New Violent Arrest

Examining arrests for new violent charges (excluding DV), 11.4% of DV offenders were arrested for a new violent charge within five years of their initial DV arrest. As time extends, the failure function indicates that had a full follow-up been available for every person in the data set, by year 35 an estimated 21.5% would have been rearrested for a new violent charge.

Figure 7.

About 11% of DV offenders were charged with a new violent crime (excluding DV) within five years of their first DV charge.

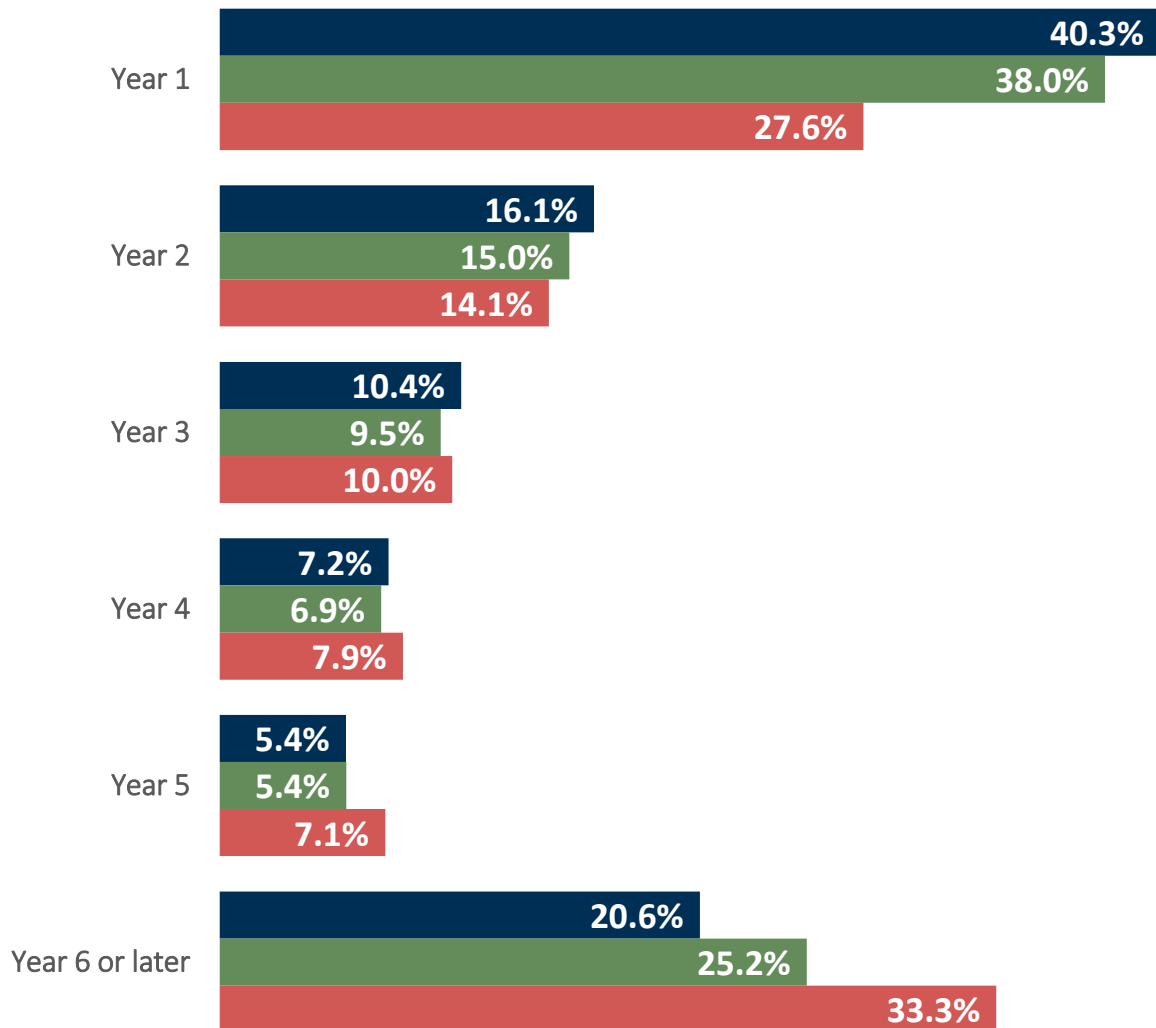


The Cox regression model for new violent arrests was found to be statistically significant ($\chi^2(5) = 2976.040, p = .000, \log \text{likelihood} = 201582.837$). Holding all other variables constant, the risk of rearrest for a new violent charge was 46% higher for males than females, more than two times higher for those with a prior violent arrest, and 53% higher for individuals with a prior drug or alcohol arrest. Each one-year decrease in age was associated with a nearly four-percentage point increase in the probability of rearrest for violent charges when holding all other variables constant. Finally, non-Whites were 9% more likely than Whites to be rearrested for a new violent crime. However, this finding should be interpreted with caution given the extreme inequity in the sizes of the two groups, as well as the likely misclassification of Hispanic offenders as White.

Focusing on the first five years after offenders' initial DV arrest, most of the recidivism events occurred in the first year, then continued to decrease as time went on. The first year after the initial DV arrest is when 40.3% of the any new arrest events occurred, 38.0% of the new DV arrest events, and 27.6% of the new violent arrest events.

Figure 8.

About 40% of all **new arrests for any crime**, 38% of **new domestic violence arrests**, and 28% of **new violent arrests** (excluding DV) occurred within one year of offenders' first domestic violence arrest.



CONCLUSIONS AND POLICY RECOMMENDATIONS

This study sought to fill the gap in understanding of Idaho's DV offenders, their characteristics, and their histories. It also sought to explore a potentially rich data source that had not been previously utilized for research: Idaho's criminal history records. Analyzing ID CHR data has provided answers to some, but not all of the questions originally proposed.

The first question surrounded recidivism of domestic violence arrestees in Idaho. We were able to track many arrestees and analyze their histories, beginning with their earliest domestic violence arrest in Idaho. There are multiple ways to measure recidivism but due to the data limitations, we were only able to use one definition based on rearrest. We found results that were consistent with prior research. The results also suggest that Idaho DV arrestees are not specialists; instead, these individuals have been arrested for a variety of offenses both before and after their first DV arrest, with the most common being drug or alcohol arrests. A short time to rearrest was also observed, with most recidivism occurring within the first year.

The next question focused on examining the key characteristics of DV offenders in Idaho and whether these characteristics predict repeat offending. In the examination of predictors, we found that prior violent arrests, prior drug/alcohol arrests, being younger at the time of the first DV arrests, and being male were all significantly associated with a greater risk of any rearrest, as well as DV and violent rearrests. It is important to note that the potential bias that may have been caused by lengthy incarceration for drug/alcohol or violent charges would lean towards making those prior charges non-significant, but our analysis still found these predictors to be statistically significant in predicting rearrest. There may be other factors that were not able to be included in the model based on lack of data that future research should consider. A few of these factors identified by previous research are presence of a restraining order, witnessing violence in the community, and marriage status.

Unfortunately, the third question regarding the dispositions of domestic violence cases could not be addressed thoroughly with the ID CHR data. ISAC was unable to reliably link dispositions to arrest charges and thus were unable to complete a full analysis on this point. This could be due to the structure of the data that was released to ISAC for analysis. Almost half (49.6%) of the DV arrest charges in the database did not have dispositions recorded. Prior reports have also noted that dispositions are not able to be linked easily, including the 2018 SEARCH survey which found that in Idaho, 47% of dispositions received could not be attached to an arrest (Goggins & DeBacco, 2020). Future research may be needed to determine if the data could be structured differently to allow for more complete analysis of individual charges and to identify how linking data could be improved. The data obtained by ISAC for this project limits the ability to track domestic violence charges that were amended or assess the impact of the repeat domestic violence offender felony enhancement.

The final goal of this study was to evaluate the ability to utilize ID CHR data to answer the previous questions. Using the ID CHR data, ISAC was able to successfully conduct descriptive analyses and survival analyses which included examination of several factors including age, sex, race, prior violent charges, and prior drug charges. ISAC was able to use data spanning over 30 years, allowing for long follow-up times for some individuals and for a large sample. There were also some limitations found with the ID CHR data. Data quality was good overall, but some issues linking records to the correct unique ID number created for each offender did arise based on inconsistency in names and dates of birth. The data also did not allow for the full examination of disposed charges in relation to arrest charges. The missing dispositions in

the data severely limited the usefulness of these data in understanding the complete justice system process and its impacts on the application of the felony enhancement for repeat offenders.

Based on the findings of this study, ISAC makes the following recommendations:

1. *Improve ability to link disposition data to arrest data.*

A major shortcoming in the data was the lack of dispositions linked to arrests. It is not clear if there is an alternative data structure within which the state's CHR vendor could have provided the data that could have allowed for better linking, but the lack of data is also a known problem. Based on prior SEARCH survey findings and discussions with BCI, ISAC understood that there would likely be some missing data. Still, the lack of disposition data in the database limits researchers' ability to understand the outcomes of domestic violence cases. Improving the ability to connect arrest charges to dispositions would not only benefit future research, but also enhance the ID CHR by improving data quality and take some of the burden off of BCI staff to research submitted-but-unlinked disposition data and make those connections manually.

2. *Additional research and data are needed to fully understand domestic violence offenders in the state of Idaho.*

While this study provides a good base-level understanding of DV arrestees in Idaho, there is much more to be considered and explored. With the complexities of Idaho's domestic violence laws, more complete data is needed to better understand DV offenders in the state. While the ID CHR data are able to capture the arrests, there are enhancements added in Idaho that cannot be assessed through these data based on lack of dispositions. Future research should also consider complexities specific to domestic violence and the limitations of administrative data in measuring this type of crime. It is well known that many instances of domestic violence go unreported and may not result in police reports or arrest. Adding to this issue in Idaho specifically, the introduction of the *Clarke* decision may decrease the number of arrests recorded in administrative police data. To address these limitations, data from victims themselves or service providers should be considered, along with data from Idaho offender intervention programs and domestic violence courts.

3. *Use these results to inform evaluations of Idaho's offender intervention programs and domestic violence treatment courts and conduct further research on offending patterns that takes those programs into account.*

While it was beyond the scope of this study, there are other parts of the justice system that are likely influencing the results seen in this study in unknown ways. Offender intervention programs and domestic violence treatment courts are increasingly pivotal parts of the justice system response to domestic violence in Idaho. Both types of programs aim to address factors that underlie domestic violence perpetration, such as cognitions and values around relationship dynamics and the role drugs and/or alcohol play in incidents of violence. It is not known what impact these programs may have had on the findings presented here. Additionally, these findings may have implications for the design of such programs, including who makes a good candidate for admission to these programs. Future research should both examine the impact of offender intervention programs and specialty courts on domestic violence recidivism and evaluate whether those programs are able to impact the other offending patterns observed in this study.

APPENDIX A: REFERENCES

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APPENDIX B: FAILURE FUNCTION TABLES

Any New Charge

Year	Observed Failures	Observed Failure Rate	Failure Function
1	11,313	20.1982%	20.3544%
2	4,505	28.2414%	28.6291%
3	2,905	33.4280%	34.0789%
4	2,031	37.0541%	38.0169%
5	1,520	39.7679%	41.0850%
6	1,110	41.7497%	43.4201%
7	963	43.4690%	45.5275%
8	702	44.7224%	47.1316%
9	616	45.8222%	48.6021%
10	460	46.6435%	49.7543%
11	389	47.3380%	50.7814%
12	291	47.8575%	51.5938%
13	259	48.3199%	52.3617%
14	225	48.7217%	53.0752%
15	170	49.0252%	53.6552%
16	146	49.2858%	54.1937%
17	94	49.4537%	54.5695%
18	70	49.5786%	54.8758%
19	78	49.7179%	55.2526%
20	55	49.8161%	55.5489%
21	35	49.8786%	55.7622%
22	33	49.9375%	55.9993%
23	24	49.9804%	56.1968%
24	19	50.0143%	56.3920%
25	19	50.0482%	56.6347%
26	9	50.0643%	56.7763%
27	6	50.0750%	56.9103%
28	1	50.0768%	56.9378%
29	0	50.0768%	56.9378%
30	2	50.0803%	57.1636%
31	1	50.0821%	57.3199%
32	0	50.0821%	57.3199%
33	0	50.0821%	57.3199%
34	0	50.0821%	57.3199%
35	0	50.0821%	57.3199%

New Domestic Violence Charge

Year	Observed Failures	Observed Failure Rate	Failure Function
1	4,941	8.8216%	8.8903%
2	1,952	12.3067%	12.4754%
3	1,234	14.5099%	14.7891%
4	901	16.1186%	16.5341%
5	706	17.3790%	17.9578%
6	578	18.4110%	19.1711%
7	481	19.2698%	20.2221%
8	391	19.9679%	21.1142%
9	331	20.5588%	21.9033%
10	254	21.0123%	22.5374%
11	230	21.4230%	23.1430%
12	180	21.7443%	23.6438%
13	190	22.0836%	24.2058%
14	133	22.3210%	24.6274%
15	93	22.4871%	24.9430%
16	86	22.6406%	25.2607%
17	61	22.7495%	25.5045%
18	55	22.8477%	25.7487%
19	52	22.9405%	26.0045%
20	40	23.0120%	26.2272%
21	34	23.0727%	26.4434%
22	27	23.1209%	26.6414%
23	17	23.1512%	26.7890%
24	12	23.1726%	26.9111%
25	8	23.1869%	27.0123%
26	7	23.1994%	27.1240%
27	9	23.2155%	27.3218%
28	5	23.2244%	27.4734%
29	2	23.2280%	27.6416%
30	1	23.2298%	27.7536%
31	0	23.2298%	27.7536%
32	0	23.2298%	27.7536%
33	0	23.2298%	27.7536%
34	0	23.2298%	27.7536%
35	0	23.2298%	27.7536%

New Violent Charge

Year	Observed Failures	Observed Failure Rate	Failure Function
1	2,645	4.7224%	4.7615%
2	1,353	7.1380%	7.2465%
3	956	8.8448%	9.0388%
4	753	10.1893%	10.4953%
5	680	11.4033%	11.8618%
6	471	12.2442%	12.8467%
7	448	13.0441%	13.8191%
8	352	13.6726%	14.6173%
9	324	14.2510%	15.3860%
10	273	14.7384%	16.0649%
11	228	15.1455%	16.6619%
12	191	15.4865%	17.1908%
13	184	15.8150%	17.7317%
14	140	16.0650%	18.1727%
15	119	16.2775%	18.5732%
16	100	16.4560%	18.9396%
17	82	16.6024%	19.2680%
18	68	16.7238%	19.5665%
19	54	16.8202%	19.8306%
20	42	16.8952%	20.0617%
21	34	16.9559%	20.2740%
22	19	16.9898%	20.4149%
23	21	17.0273%	20.5901%
24	13	17.0505%	20.7227%
25	11	17.0702%	20.8614%
26	5	17.0791%	20.9415%
27	6	17.0898%	21.0669%
28	3	17.0952%	21.1586%
29	0	17.0952%	21.1586%
30	2	17.0987%	21.3486%
31	1	17.1005%	21.4945%
32	0	17.1005%	21.4945%
33	0	17.1005%	21.4945%
34	0	17.1005%	21.4945%
35	0	17.1005%	21.4945%

APPENDIX C: COX REGRESSION TABLES

Any New Charge

The Cox regression model for any new arrest was found to be statistically significant ($\chi^2(5) = 5967.346$, $p = .000$, log likelihood = 583960.047). All variables in the model were significant except for race. Holding all other variables constant, the risk of rearrest for any new charge was 42% higher for males than females, 63% higher for those with a prior violent arrest and 83% higher for individuals with a prior drug or alcohol arrest. Each one-year decrease in age was associated with a three-percentage point increase in probability of rearrest when holding all other variables constant.

Variable	Hazard ratio	P	95% Confidence Interval	
			Lower bound	Upper bound
Sex (Male = 1)	1.424	0.000	1.379	1.471
Race (White = 1)	1.044	0.096	0.992	1.098
Violent arrest prior to first DV (yes =1)	1.629	0.000	1.579	1.679
Drug/alcohol arrest prior to first DV (yes=1)	1.836	0.000	1.786	1.888
Age at time of first DV arrest	0.972	0.000	0.971	0.974

New Domestic Violence Charge

The Cox regression model for new DV arrests was found to be statistically significant ($\chi^2(5) = 2283.627$, $p = .000$, log likelihood = 275404.698). Holding all other variables constant, the risk of rearrest for a new DV charge was almost two times higher for males than females, 55% higher for those with a prior violent arrest, and 36% higher for individuals with a prior drug or alcohol arrest. Each one-year decrease in age was associated with a three-percentage point increase in the probability of rearrest for DV charges when holding all other variables constant.

Variable	Hazard ratio	P	95% Confidence Interval	
			Lower bound	Upper bound
Sex (Male = 1)	1.974	0.000	1.870	2.084
Race (White = 1)	1.054	0.165	0.979	1.135
Violent arrest prior to first DV (yes =1)	1.547	0.000	1.480	1.616
Drug/alcohol arrest prior to first DV (yes=1)	1.360	0.000	1.305	1.417
Age at time of first DV arrest	0.972	0.000	0.970	0.973

New Violent Charge

The Cox regression model for new violent arrests was found to be statistically significant ($\chi^2(5) = 2976.040$, $p = .000$, log likelihood = 201582.837). Holding all other variables constant, the risk of rearrest for a new violent charge was 46% higher for males than females, more than two times higher for those with a prior violent arrest, and 53% higher for individuals with a prior drug or alcohol arrest. Each one-year decrease in age was associated with a nearly four-percentage point increase in the probability of rearrest for violent charges when holding all other variables constant. Finally, non-Whites were 9% more likely than Whites to be rearrested for a new violent crime. However, this finding should be interpreted with caution given the extreme inequity in the sizes of the two groups.

Variable	Hazard ratio	P	95% Confidence Interval	
			Lower bound	Upper bound
Sex (Male = 1)	1.460	0.000	1.377	1.547
Race (White = 1)	0.910	0.024	0.839	0.988
Violent arrest prior to first DV (yes =1)	2.192	0.000	2.090	2.299
Drug/alcohol arrest prior to first DV (yes=1)	1.532	0.000	1.462	1.605
Age at time of first DV arrest	0.961	0.000	0.959	0.964



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