

2008-  
2013

# Domestic Violence in Idaho



Idaho Statistical Analysis Center  
Grants & Research  
Idaho State Police

---

# DOMESTIC VIOLENCE IN IDAHO: 2008-2013

Idaho Statistical Analysis Center  
Grants and Research  
Idaho State Police

Email: [pgr@isp.idaho.gov](mailto:pgr@isp.idaho.gov)

Website:

[www.isp.idaho.gov/pgr/Research/sac.html](http://www.isp.idaho.gov/pgr/Research/sac.html)

Printed: September 2015  
Report by: William Phelps  
Misty Kifer

Images on the cover and throughout the report do not represent actual victims.

Cost information for this publication is available from the Idaho State Police in accordance with Idaho Code, Section 60.202. This project was supported by Award No. 2012-WF-AX-0057 awarded by the Office of Violence Against Women, Office of Justice Programs. Points of view or opinions in this document are those of the authors and do not represent the official position or policies of the United States Department of Justice or the Idaho State Police.

---

## Table of Contents

Introduction.....	1
Methodology.....	2
Police Reported Incidents from IIBRS .....	2
Offenses between Intimates .....	2
Victim/Offender Relationship.....	3
County Information.....	4
Victim, Offender, and Arrestee Characteristics .....	5
Age.....	5
Gender.....	6
Race and Ethnicity .....	6
Event Characteristics .....	7
Location .....	7
Alcohol and Drug use .....	8
Weapon .....	8
Victim Injury.....	8
Case Outcome .....	9
Idaho Supreme Court Records .....	11
Yearly Trends .....	11
Defendant Age .....	12
Offenders, Charges, and Cases .....	12
Amended Charges.....	13
Amended Charges: Domestic Violence .....	14
Attempted Strangulation .....	18
Stalking/Harassing .....	19
No Contact Order Violation.....	21
Protection Order Violation.....	22
Summary and Conclusion .....	23
Bibliography .....	24

# Domestic Violence in Idaho

---

## Introduction

The purpose of this report on domestic violence in Idaho is to inform the criminal justice community and other interested parties about the prevalence and characteristics of intimate partner violence and court cases often associated with domestic violence within the state of Idaho. This report presents information on police-reported violence between intimate partners and domestic violence related court cases during 2008 through 2013.

Information on intimate partner violence comes from police incidents reported to the Idaho Incident Based Reporting System (IIBRS). Within this section, Intimate partner violence (IPV) refers to violent crimes reported to the police where the victim was an offender's spouse, ex-spouse, common-law spouse, or boy/girlfriend, as provided in police incident reports. As a result, data from IIBRS does not necessarily reflect the statutory definition of domestic violence in the state of Idaho.

Within the Idaho Supreme Court Records section of this report, domestic violence is defined by statute as a battery or assault of another household member (i.e., spouse, former spouse, child in common, or a cohabitant). Included in the analysis of court data are crimes associated with domestic violence: stalking, attempted strangulation, protection order violations, violations of no contact orders, as well as domestic violence-assault/battery.

## Highlights

### Intimate Partner Violence (IPV) from the Idaho Incident Based Reporting System (IIBRS)

- Simple assaults make up 76% of all IPV crime and 67% of all violent crime.
- The majority of violent crimes are by someone known to the victim (80.4%).
- Crimes involving intimates most frequently occurred on Sunday (18.4%) and Saturday (16.7%).
- Bannock County (5.34), Clearwater County (5.31), and Kootenai County (5.23) had the highest average rates of IPV victims per 1,000 residents between 2008-2013,
- Violent crimes involving intimate partners were more likely to result in an arrest, however, prosecution was more likely to be declined.

### Domestic Violence Related Court Cases

- A total of 72,383 violent offenses (aggravated assault, homicide, rape, harassment etc.) were filed from 2008 through 2013. Of those, 45% were domestic violence related charges (n=32,761).
- Domestic assault/battery was the leading charge for 2008-2013 with 59% of charges falling within that category.
- Of the cases where age was included, more than one third (37.3%) of the defendants were between the ages of 25 and 34. This group accounted for 7,097 domestic violence related charges.
- Almost half of the charges involving domestic assault/battery were amended to another charge before the case was closed.

# Domestic Violence in Idaho

---

## Methodology

Two sources of data were used for this report:

- 1) Crime data from IIBRS
- 2) Court filings listed in the Idaho Supreme Court Repository.

IPV crime from IIBRS represents violent crimes reported to the police where the victim was an offender's spouse, common-law spouse, boy/girlfriend, or ex-spouse. Data from IIBRS does not necessarily reflect the statutory definition of domestic violence in the state of Idaho. Domestic violence for the purpose of this report is defined by statute as a battery or assault of another house hold member (i.e., spouse, former spouse, child in common, or cohabitants), whether or not they have married or have held themselves out to be husband or wife. In addition to domestic violence assault and battery, charges involving stalking, attempted strangulation, and violations of no contact orders or protection orders are included in the court data. While stalking, attempted strangulation, and violations of no contact orders/protection orders do not necessarily involve intimate partners or domestic violence situations, they are commonly associated with these cases.

## Idaho Incident Based Reporting System (IIBRS)

IIBRS is a collection of all criminal incidents reported to the Idaho State Police Incident Based Reporting System. This data provides information on victim, offender, arrestee, and offense characteristics and is a key measurement for IPV.

For the purposes of this study, data was collected and analyzed for all violent incidents from 2008-2013.

The information collected from IIBRS is extensive and includes the following:

- Incident Information
  - Date/Time
  - Reporting Agency
  - Exceptional Clearance
- Offense Information (up to 10 per victim)
  - Weapons used per offense (up to 3)
  - Types of Criminal activity (up to 3)
- Offense location
- Suspected use of alcohol or drugs by offender
- Victim Information (up to 999)
  - Type of Victim (person, Business, society, etc.)
  - Age, race, sex, and ethnicity
  - Circumstances of aggravated assault
  - Injuries suffered (up to 3)
  - Victim-offender relationships (up to 10)
- Offender information (up to 99)
  - Age, race, sex, and ethnicity
  - Arrest Date
  - Type of arrest (citation, on site, etc.)
  - Weapons in possession of arrestee (up to 3)
  - Arrest offense (only 1)
  - Disposition of Juvenile arrestees

# Domestic Violence in Idaho

---

## Idaho Supreme Court Repository

The Idaho Statistical Analysis Center requested and received data from the Idaho Supreme Court Repository for charges, cases and offender information from 2008-2013 regarding domestic violence. Juvenile data was removed from these cases. For ease of analysis, original and adjudicated charges were categorized into five distinct categories:

- Domestic Violence (assault or battery)
- Attempted Strangulation
- Stalking
- No Contact Order Violation
- Protection Order Violation

## Limitations

It should be noted that this study attempts to examine domestic violence solely through the use of official records. For police records in particular, the data represents only incidents that have been reported to the police and not necessarily all incidents of violence. For court records, the data received represents court filings for domestic violence related cases only and may not represent all case filings for a particular defendant.

## IIBRS Data

Concerning IIBRS data, of the 108,358 violent crime victims between 2008 and 2013, 10,373 or 9.6% had at least one undocumented characteristic. In instances where all victim characteristics were undocumented (.1%), it is likely that the victim reported a crime over the phone but did not provide their personal information. The table in Appendix A provides detailed data on the number and percent of victims that are missing victim information.

## Court Data

- Kidnapping in IIBRS analysis was considered intimate partner violence if the relationship between the victim and offender was intimate. In the analysis of court data, kidnapping was never classified as related to domestic violence since the relationship between the victim and offender was unknown.
- If the statute number listed with the charge did not indicate whether the charge was a misdemeanor or felony, the Idaho statutes were looked up to determine the charge degree.
- Sometimes the original charge and the final charge were not related. For example, a driving under the influence charge became a domestic assault charge. In these cases, the following steps were taken:
  - a query using MS Access was used to determine which cases involved charges that did not appear to be related,
  - the resulting case and charges were examined and re-matched if a better option was available

The table in Appendix B lists the Idaho Statutes and how each one was categorized for analysis.

# Domestic Violence in Idaho

## Police Reported Incidents from IIBRS

IIBRS is a collection of reported crime in Idaho provided to the Idaho State Police through the Incident Based Reporting System. This data provides information on victim, offender, arrestee, and offense characteristics and is a key measurement of Intimate Partner Violence, IPV.

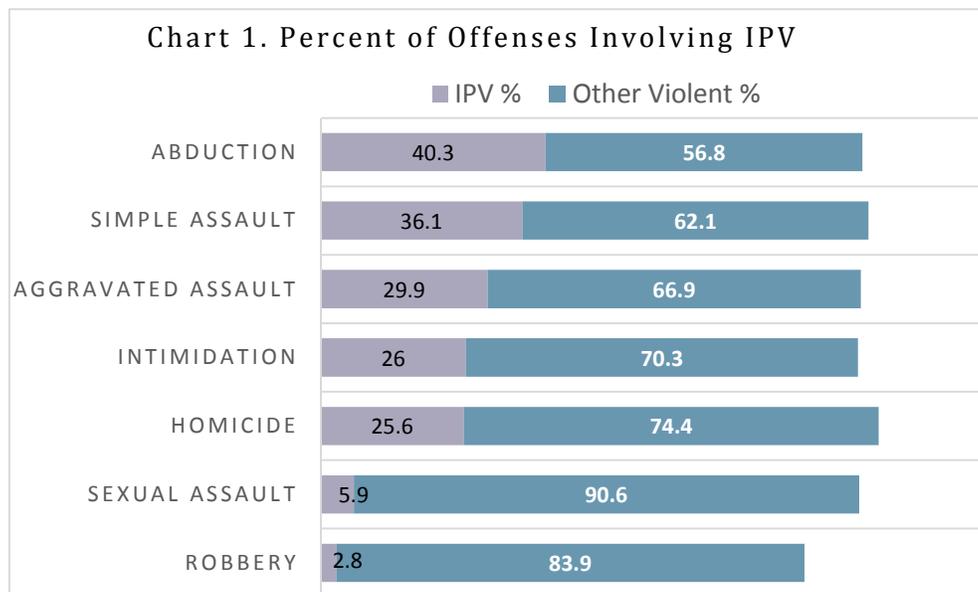
For the purposes of this section of the report, IPV is defined as an act of violence, such as murder, assault, sexual assault, or robbery committed by a spouse, common-law spouse, ex-spouse, and boy/girlfriend.

## Offenses between Intimates

Table 1, shows the percentage of victims by the offense against them. For victims of IPV and other violent crime, simple assault was most common comprising 76.6% of IPV victims and 63.2% of all violent crime victims.

As shown in Chart 1, of abductions 40.3% involved an intimate partner, which is disproportionately high considering that IPV accounted for 31.5% of violent crimes. Additionally, one in four homicides involved intimate partners.

	IPV	Other Violent
Aggravated Assault	12.9%	14.0%
Forcible Fondling	1.0	7.5
Forcible Rape	1.6	3.3
Forcible Sodomy	0.1	0.6
Intimidation	6.1	7.9
Kidnaping/Abduction	1.3	0.9
Homicide	0.1	0.1
Robbery	0.1	1.8
Sexual Assault With An Object	0.1	0.5
Simple Assault	76.6	63.2
Total Count	34,590	72,376

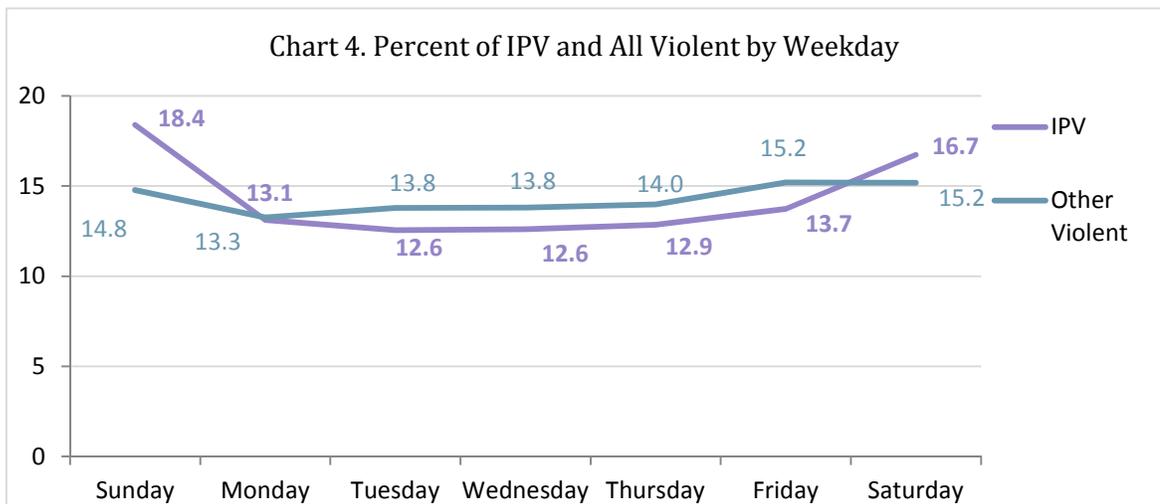
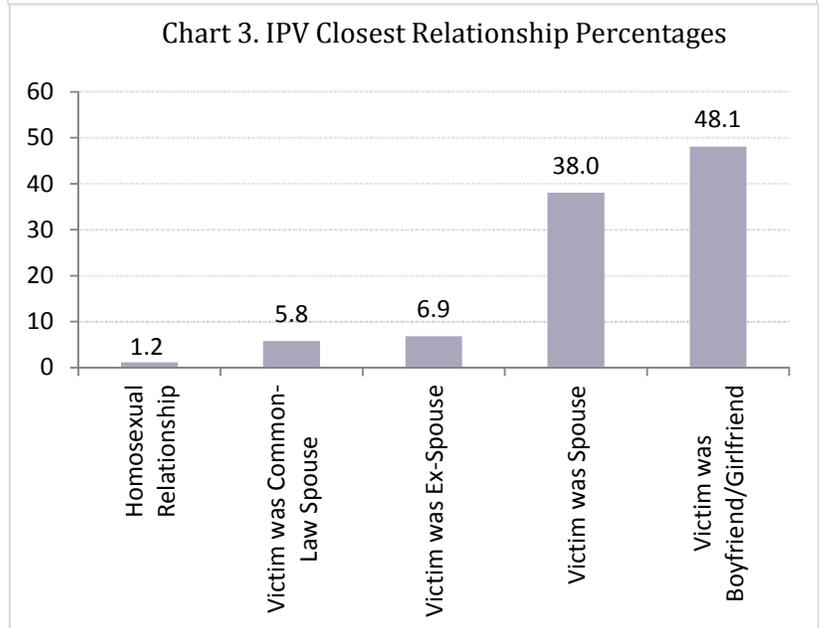
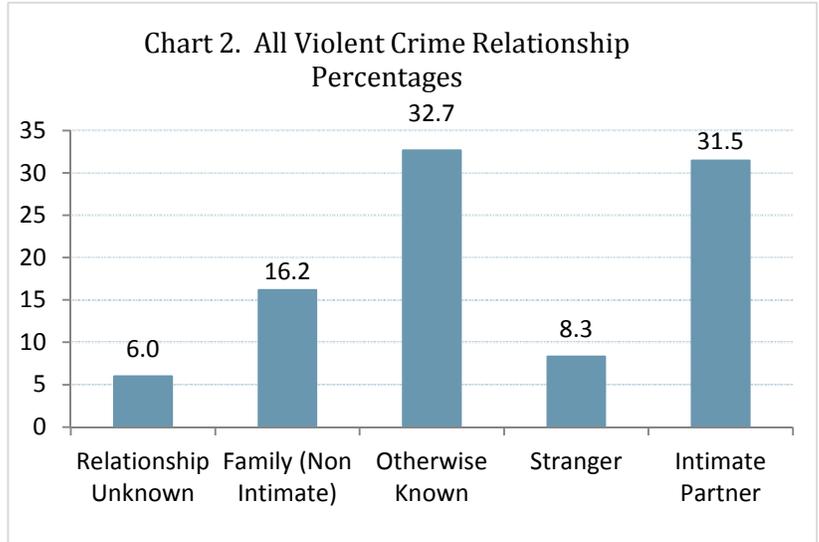


# Domestic Violence in Idaho

## Victim/Offender Relationship

The majority of violent crimes are committed by someone known to the victim (80.4%). Chart 2 shows that 31.5% of violent crime victims were in an intimate partner relationship with the offender, and 32.7% are known to the offender in some other way. Boyfriend/girlfriends are the most common relationship found in IPV as shown in Chart 3.

IPV was more likely to occur during the weekend, with Saturday and Sunday accounting for 35.1% of incidents as shown in Chart 4. This pattern followed for all violent offenses. Other violent offenses are more evenly spread throughout the week, whereas IPV incidents spike on the weekends but drop during the weekdays.



# Domestic Violence in Idaho

## County Information

Intimate partner victimization rates were calculated per county. Table 2 shows the total number of victims from 2008-2013 and the average percent of change per 1,000 residents.

County level data provides some important insights into intimate partner violence rates.

The counties with the highest average rate of incidents per 1,000 victims were Bannock (5.34), Clearwater (5.31) and Kootenai County (5.23).

Three counties experienced increases in IPV between 2008 and 2013. Lincoln, Fremont and Teton County increased 1.13%, .93% and .74% respectively.

Boise County had the largest decrease with an average percent change in rate of -0.48. Between 2012 and 2013, the rate of IPV in Boise County dropped from 3.19 to 1.57.

Table 2. Intimate Partner Victim Rates per County by Year

County	2008-2011	2012		2013		2008-	Avg. Pop. 2008-2013
	Average Rate per 1,000	N	Rate per 1,000	N	Rate per 1,000	2013 Avg. % Rate of Change	
Ada	3.78	1,275	3.16	1,481	3.56	-0.03	396,744
Adams	1.89	0	0.00	6	1.53	-0.23	3,749
Bannock	5.77	382	4.53	374	4.43	-0.04	82,791
Bear Lake	2.85	23	3.81	17	2.87	0.08	5,865
Benewah	2.93	28	3.02	35	3.84	0.18	9,259
Bingham	3.33	179	3.87	156	3.42	0.02	45,052
Blaine	2.29	39	1.83	35	1.65	-0.10	21,754
Boise	2.20	21	3.19	10	1.57	-0.48	5,716
Bonner	3.36	112	2.73	102	2.52	-0.06	41,267
Bonneville	4.97	476	4.47	415	3.85	-0.08	103,614
Boundary	1.95	12	1.10	8	0.74	-0.05	10,965
Butte	3.34	3	1.06	5	1.85	-0.08	2,780
Camas	3.58	0	0.00	2	1.87	-0.21	1,114
Canyon	4.49	805	4.17	796	4.05	-0.03	191,383
Caribou	1.60	14	2.03	11	1.63	0.03	6,848
Cassia	3.68	56	2.40	62	2.65	0.07	22,287
Clark	2.15	0	0.00	0	0.00	-0.32	919
Clearwater	6.15	28	3.20	35	4.06	0.01	8,395
Custer	1.24	5	1.15	1	0.23	-0.44	3,581
Elmore	3.47	81	3.05	64	2.45	-0.06	27,706
Franklin	1.41	23	1.78	9	0.70	0.10	12,715
Fremont	0.88	18	1.36	19	1.47	0.93	12,905
Gem	4.24	51	3.04	38	2.27	-0.11	16,692
Gooding	2.57	41	2.63	28	1.83	-0.09	14,896
Idaho	1.94	28	1.69	34	2.07	0.01	15,913
Jefferson	1.65	23	0.87	36	1.33	-0.06	25,476
Jerome	3.12	66	2.89	89	3.93	0.06	21,736
Kootenai	5.10	780	5.49	795	5.51	0.02	141,092
Latah	2.25	69	1.82	62	1.60	-0.05	37,462
Lemhi	1.72	9	1.12	11	1.42	0.11	7,858
Lewis	3.56	12	3.12	9	2.29	0.15	3,747
Lincoln	2.42	7	1.34	12	1.44	1.13	4,386
Madison	0.48	23	0.60	16	0.43	-0.01	38,299
Minidoka	2.83	49	2.41	35	1.74	-0.06	19,419
Nez Perce	3.39	143	3.59	131	3.29	0.02	39,428
Oneida	1.86	4	0.94	5	1.19	-0.09	4,201
Owyhee	2.48	37	3.21	34	2.96	0.04	11,261
Payette	3.87	80	3.51	62	2.72	-0.07	22,965
Power	3.41	32	4.09	16	2.05	0.00	7,767
Shoshone	4.22	58	4.55	78	6.11	0.17	12,733
Teton	1.24	5	0.49	16	1.59	0.74	9,686
Twin Falls	4.33	334	4.25	319	4.02	0.00	76,892
Valley	2.97	16	1.65	18	1.89	-0.10	9,346
Washington	2.13	12	1.16	15	1.48	0.04	10,196
Statewide	3.81	5,459	3.42	5,502	3.41	-0.03	1,567,866

# Domestic Violence in Idaho

## Victim, Offender, and Arrestee Characteristics

The majority of violent crime victims in 2013 were female (56.8%), White non-Hispanics (79.4%) with an average age of 29.8. The majority of violent offenders were male (73%), White (86.9%) with an average age of 31.1. The following illustrates that compared to all violent crime victims, intimate partner violence victims represented have a higher proportion among Hispanic, White, older individuals, and female groups.

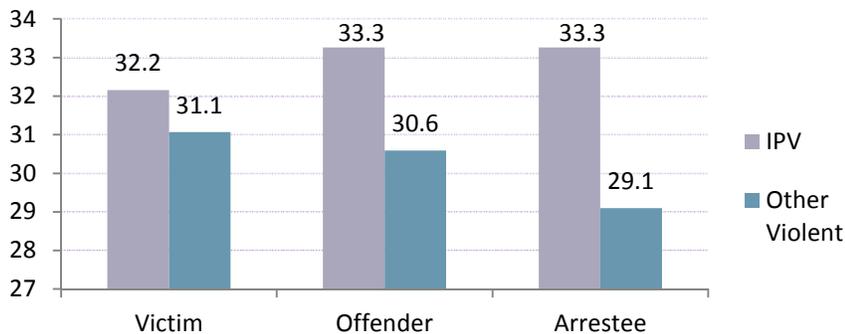
### Age

Table 3 shows that the age distribution of IPV offenders was similar to their victims; IPV victims, offenders, and arrestees are most likely to be between the ages of 18 and 34 (60.6%, 58.6%, and 59.2% respectively). IPV victims, offenders, and arrestees are older than other violent crime victims given that those under age 14 are not likely to be in a serious intimate relationship, thus resulting in the large difference in age between intimate partners and all other victims and offenders. Approximately 18.5% of other violent crime victims and 8.3% of offenders were under age 14, whereas less than 1% of intimate partner violence victims and offenders were under age 14.

Due to this large disparity, analyses of age were limited to 13 years and older. Chart 5 includes subjects age 13 or older and shows that the average age for IPV and all other violent crime victims, offenders, and arrestees are similar. However, there is still a difference between IPV and other violent. Data shows that IPV tends to be committed more frequently by older individuals, who are more commonly in intimate relationships.

		Unknown	1-13 Yrs.	14-17 Yrs.	18-24 Yrs.	25-34 Yrs.	35-44 Yrs.	45-54 Yrs.	55+ Yrs.	Total
IPV	Victim	0.2%	0.2%	3.1%	25.6%	35.0%	21.4%	10.8%	3.7%	34,590
	Offender	0.1	0.1	1.5	23.0	35.6	23.4	12.2	4.2	34,579
	Arrestees	-	-	1.2	22.8	36.4	23.4	12.4	3.8	19,656
Other Violent	Victim	1.2%	18.5%	14.8%	18.9%	18.1%	13.4%	9.3%	5.8%	72,376
	Offender	3.7	8.3	15.4	21.7	21.0	15.3	9.4	5.3	71,060
	Arrestees	-	9.4	19.8	22.9	21.1	13.2	8.9	4.6	30,564

Chart 5. Mean age of victims, offenders, and arrestees over the age of 13, 2008-2013



# Domestic Violence in Idaho

## Sex

Males were slightly more likely than females to be victims of other violent crimes, while females are three times more likely than males to be victimized by an intimate partner. A majority of all offenders and arrestees for both IPV and all other violent offenses were male (Table 4).

**Table 4. Percent of Sex for Victims, Offenders, and Arrestees**

		2008-2012		2013	
		Male	Female	Male	Female
IPV	Victim	24.8%	75.2%	24.9%	75.0%
	Offender	74.9	25.1	74.6	25.2
	Arrestee	78.0	22.0	78.0	22.0
Other Violent	Victim	52.2%	47.4%	51.2%	48.3%
	Offender	73.6	24.3	72.1	25.9
	Arrestee	74.7	25.3	72.2	27.8

## Race and Ethnicity

The majority of other violent crime victims were White and non-Hispanic. As Table 5 shows, those involved in intimate partner violence were more likely to be White than those involved in other violent crime. Intimate partner victims were slightly more likely to be Hispanic than victims of other violence, as Table 6 shows. In addition, Arrestees were more likely to be Hispanic than their representative proportion of victims for both IPV and other violent crime.

**Table 5. Race of Victims, Offenders, and Arrestees**

		2008-2012			2013		
		Victim	Offender	Arrestee	Victim	Offender	Arrestee
IPV	White	92.3 %	92.7 %	92.7 %	89.2 %	90.4 %	90.5 %
	Non-White	3.3	4.8	5.2	3.7	4.9	5.6
	Unknown	4.4	2.5	2.2	7.1	4.8	4.0
Other Violent	White	89.6%	86.9%	91.2%	86.4%	85.0%	89.6%
	Non-White	3.2	4.7	5.3	3.7	5.7	5.9
	Unknown	7.2	8.4	3.5	9.9	9.3	4.5

**Table 6. Percent of Victims and Arrestees Ethnicity**

		2008-2012		2013	
		Hispanic	Non-Hispanic	Hispanic	Non-Hispanic
IPV	Victim	10.1%	84.0%	10.4%	80.8%
	Offender	-	-	-	-
	Arrestee	13.9	82.5	14.7	79.6
Other Violent	Victim	8.9%	82.1%	9.3%	78.9%
	Offender	-	-	-	-
	Arrestee	13.5	81.2	13.1	80.4

\*IIBRS does not collect ethnicity information for offenders, and is not required for victims and arrestees. 11.8% was reported as unknown for victims of all violent crime in 2013.

# Domestic Violence in Idaho

## Event Characteristics

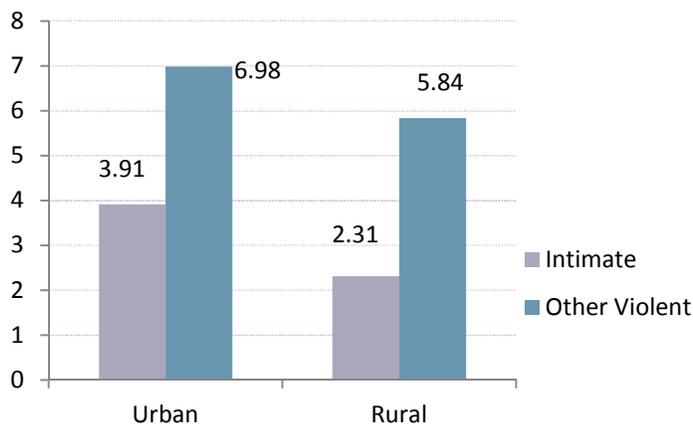
### Location

Both IPV and other violent crimes were more likely to occur in a residence/home than any other location (Table 7). A home or residence accounted for 55.5% of other violent crime locations and 85% of violent crime locations involving an intimate partner. This relates to the previous finding that 80.4% of violent crimes were committed by someone known to the victim.

Location	Other Violent	IPV
Residence/Home	55.5%	85.0%
Public	16.5	8.8
Commercial	14.0	4.4
School/College	8.9	.5
Other/Unknown	5.1	1.3
Total Count	57,799	32,030

Chart 8 illustrates the urban to rural difference between IPV and other violent crimes. Of the IPV incidents reported, where victim information was provided, 76.7% of victims came from urban communities and 23.2% from rural communities between 2008 and 2013. For all other violent crime victims, 72.1% were from urban areas and 27.5% from rural areas between 2008 and 2013. These findings pose the question, is crime more prevalent in highly populated areas or is it less likely to be reported in rural communities?

Chart 8. Victim Geographics Rate per 1,000 Residents for 2013

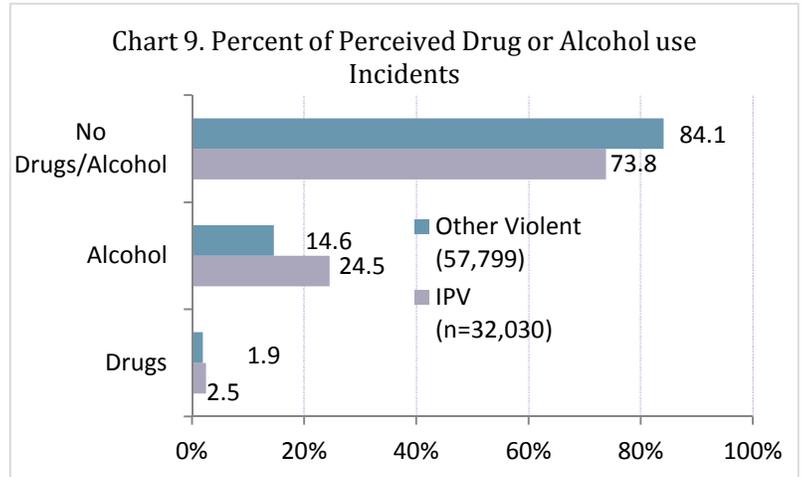


Urban counties are the 8 counties that have a city with a population larger than 30,000 (Ada, Bannock, Bonneville, Canyon, Kootenai, Madison, Nez Perce, and Twin Falls). State Totals- All incidents reported to Police. County is not reported for Idaho State Police.

# Domestic Violence in Idaho

## Alcohol and Drug use

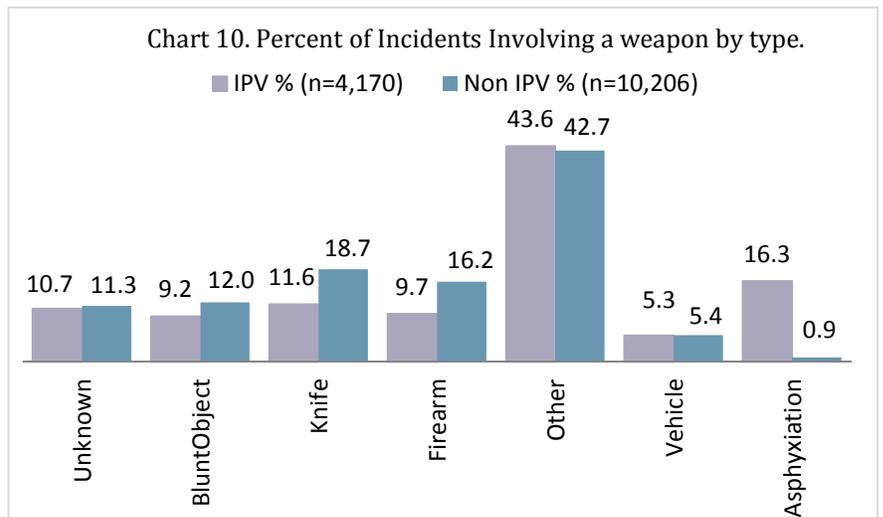
The suspected alcohol or drug use by an offender during, or just prior to, the crime increased if an intimate partner was involved. The percentage of intimate partner violent crimes thought to be alcohol related was greater (24.5%) than all other violent crime (14.6%). In addition, 2.5% of intimate partner violent incidents involved an offender thought to be under the influence of drugs (Chart 9).



## Weapon

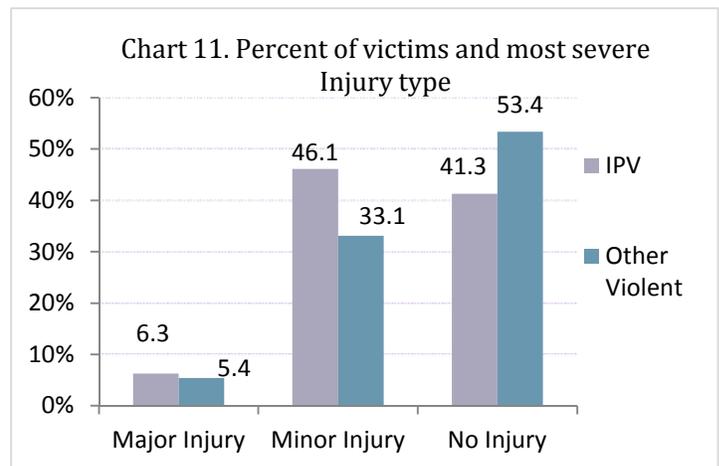
An IPV incident was more likely to involve an offender's hands, fists or feet (81.6%) compared to all other violent crimes (73.8%).

When a weapon was used, IPV incidents were less likely to involve a firearm (9.2%) than all other violent incidents (16.2%). Asphyxiation was more 18 times more likely to be used in an IPV incident compared to a non-IPV incident (Chart 10).



## Victim Injury

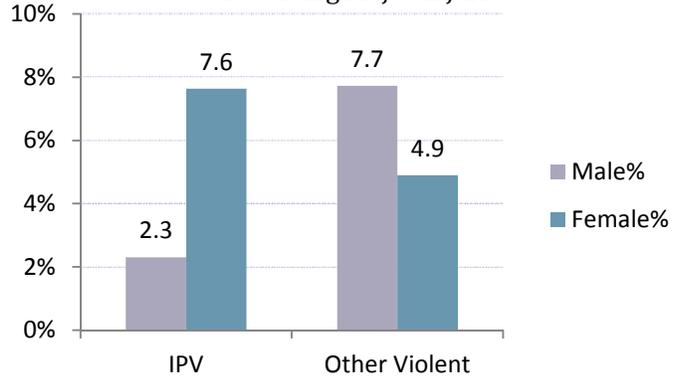
Victims of other violence crimes sustained some form of injury 38.5% of the time while intimate victims were even more likely to sustain an injury (52.4%; Chart 11). A sustained injury appears partly dependent on gender as well as the victim's relationship to the offender. In other violent crimes, males sustained an injury 43.6% of the time while and females sustained an injury 35.2% of the time. In IPV, however, females (52.7%) were more likely to suffer an injury than males (51.5%).



# Domestic Violence in Idaho

Victims of other violent crimes were more likely to sustain major injuries (broken bones, lacerations, etc.) than victims of IPV. Of IPV victims, major injuries were most likely to be sustained by intimate females (Chart 12). 4.9% of female victims of other violent crimes received a major injury whereas 7.6% of female IPV victims received a major injury. Male victims were less likely to sustain a major injury in IPV (2.3%) than in violent crimes (7.7%).

Chart 12. Percent of Male and Female Victims Receiving Major Injuries



## Case Outcome

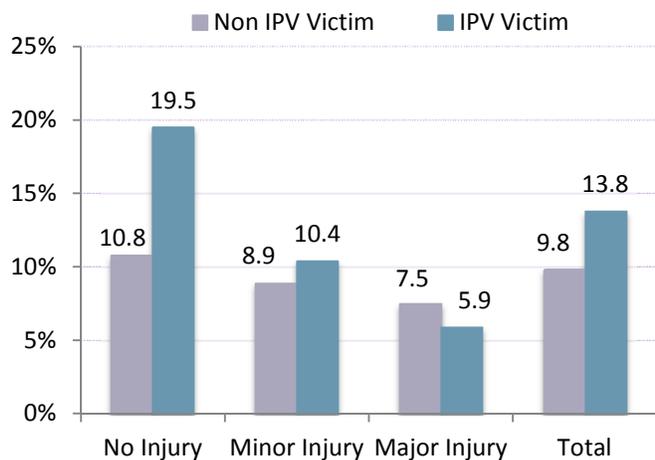
In IIBRS a case is cleared by an arrest or an exceptional clearance. Exceptional clearance includes such outcomes as the victim refusing to cooperate or prosecution being declined<sup>1</sup>.

Almost half (48.9%) of all violent crimes resulted in an arrest. However, the likelihood of an offender being arrested increased when the victim was an intimate partner (56.9%) or stranger (55.6%). An arrest was less likely when the victim was a non-intimate family member (49.8%).

*IPV is more likely to result in an arrest but is also more likely to have the case declined for prosecution compared to victims with other types of relationships with the offender.*

The victim's refusal to cooperate was less likely to be a reason for not arresting an offender when the victim was intimate partner (3.9%) compared to victims of violence in general (5.2%).

Chart 13. Incidents where Prosecution Declined based on Victim Injury



Cramer's V= .038(non-IPV) Cramer's V= .142 (IPV) P>.000

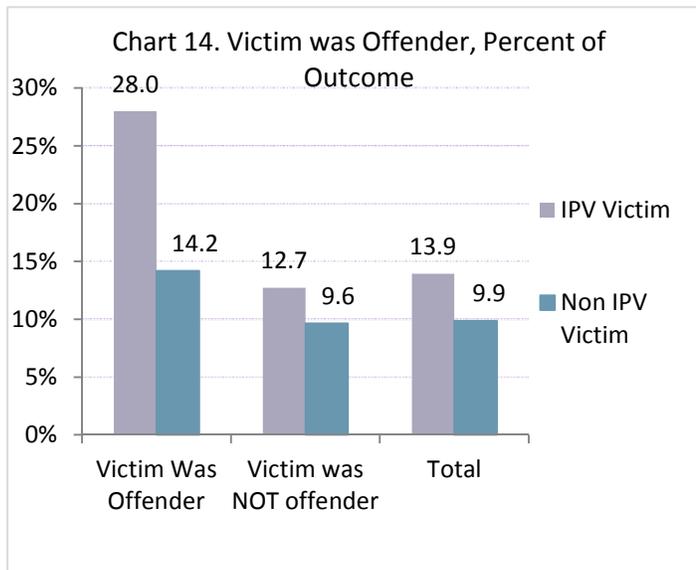
<sup>1</sup> The prosecutor declines prosecution for a reason other than a lack of probable cause. For an exceptional clearance, the investigation must clearly establish: 1) the identity of at least one offender; 2) sufficient probable cause to support the arrest, charging, and prosecution of the offender; and, 3) the exact location of the offender is known so that an arrest could be made.

## Domestic Violence in Idaho

IPV victims were more likely to see a case declined for prosecution (15%) than all violent crime victims (11.3%; Table 8). Prosecution was declined more often if the victim was also an offender in the incident and if an injury was not severe (charts 13 and 14). Since IPV is more likely to involve victims who are also classified as offenders (14.3% vs. 10.8%), this could explain the increased likelihood of prosecution being declined for IPV cases. However, when controlling for the victim also being an offender, prosecution is still more likely to be declined in IPV incidents compared to other violent crimes. Controlling for victim injury did not account for the higher rates of prosecution being declined in IPV cases.

**Table 8. Percent of Victims by Relationship and Case Outcome**

Relationship	Arrest Made	Victim Refused to Cooperate	Prosecution Declined	Total
Intimate Partner	56.9%	3.9%	15%	34,590
Stranger	55.6	3.3	6.3	9,157
Other Family Member	49.8	5.9	11.6	17,755
Otherwise Known	47.7	6.5	10.8	35,871
Relationship Unknown	30.0	5.2	4.5	6,585
All Victims	48.9	5.2	11.3	137,644

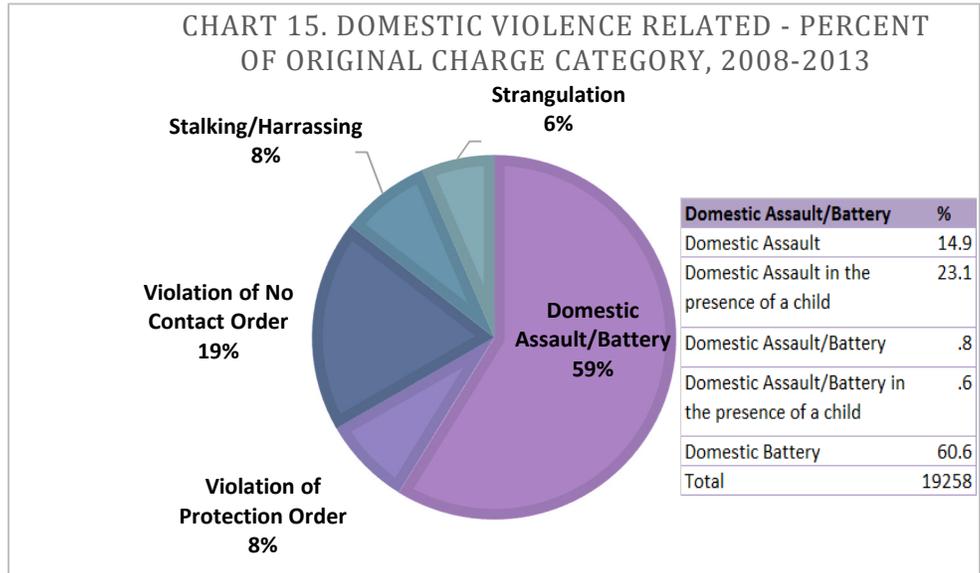


# Domestic Violence in Idaho

## Idaho Supreme Court Records

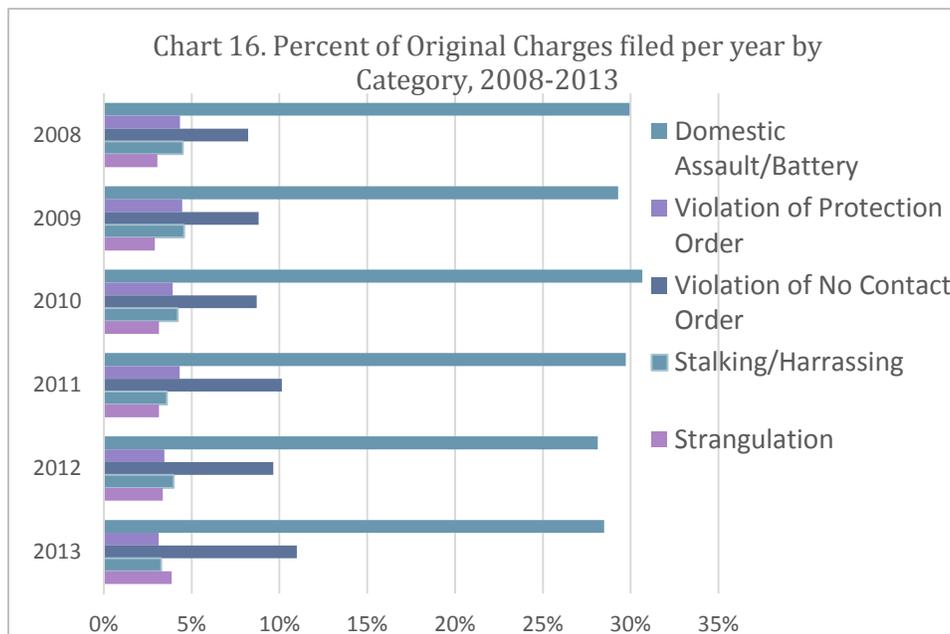
Court records were obtained for all adult cases and sorted for those commonly related to domestic violence (DV) (i.e., domestic assault/battery, protection order violations, no contact order violations, stalking, and attempted strangulation) and other violent offenses by looking at the charges for the years 2008 through 2013.

A total of 32,761 initial charges related to domestic violence were filed during this time, with an additional 32,790 initial charges for other violent offenses (aggravated assault, homicide, rape, etc.). Domestic assault/battery was the leading domestic violence related charge with 59% of charges falling within that category. Of the 32,761 domestic violence related charges, domestic assault/battery accounted for 19,258 charges.



## Yearly Trends

Chart 16 shows the total number of domestic violence related charges filed per year between 2008 and 2013. DV related charges peaked in 2009 with a total of 5,789 but have decreased an average rate of 2% each year with the lowest in 2013 at 5,217 charges. Violations of No Contact Orders have increased 27% since 2008, from 908 violations to 1,153.



# Domestic Violence in Idaho

## Defendant Age

Of the cases where age was included, more than a third of defendants were between the ages of 25 and 34 (36.3%) and accounted for 7,141 domestic violence related charges followed by 2,210 no contact order violations. No contact order violations comprised the second largest domestic violence related category. The average age for all cases filed was 33.8 years (Table 9).

Age	Domestic Assault & Battery	Violation of Protection Order	Violation of No Contact Order	Stalking/Harassing	Strangulation	Total DV related	Other Violent
	%	%	%	%	%	%	%
18-24 years	21.7	18.6	23.4	19.7	22.8	21.7	31.2
25-34 years	<b>37.3</b>	<b>34.4</b>	<b>35.8</b>	<b>30.3</b>	<b>40.5</b>	<b>36.2</b>	<b>31.2</b>
35-44 years	24.5	25.8	24.2	24.6	23.7	24.4	19.2
45-54 years	11.2	15.8	12.6	18.1	10.2	13.3	12.6
55-64 years	3.0	4.3	3.1	5.4	2.4	3.3	4.2
65+ years	0.9	1.0	0.9	1.9	0.3	1.0	1.7
Total Count	19,053	2,408	5,387	2,439	2,066	29,309	28,689

## Offenders, Charges, and Cases

An offender can have multiple cases against him/her with multiple charges in each case. The number of cases includes the individual number of cases filed from 2008-2013. Cases may include one or more charges filed

against an offender (as shown in Table 10), therefore the number of charges is the individual number of charges filed during the specified time period. These charges are referenced by statute in Idaho code and can be a misdemeanor or felony. Most defendants of domestic violence related cases had one case against them (75%) and most of those cases involved one charge (91.6%). However, a quarter of defendants in domestic violence related cases had multiple cases before the court between 2008 and 2013. For other violent crimes, defendants had one case against them 86% of the time and only one charge 86.5% of the time.

# of Charges	N	Percent
1	27,178	91.6
2	2,067	7.0
3	254	0.9
4	90	0.3
5	32	0.1
6+	53	0.2
Total	29,697	100

# of Cases	N	Percent
1	15,764	75.0
2	3,371	16.0
3	1,087	5.2
4	441	2.1
5	187	.9
6+	171	.8
Total	21,021	100

# of Cases	N	Percent
1	20,967	86.0
2	2,641	10.8
3	530	2.2
4	157	.6
5	53	.2
6+	35	.1
Total	24,383	100

# of Charges	N	Percent
1	25,108	86.5
2	2,868	9.9
3	612	2.1
4	228	.8
5	82	.3
6+	125	.4
Total	29,023	100

# Domestic Violence in Idaho

## Amended Charges

Throughout the court proceedings, charges can be modified or amended from their initial filing. For the purpose of this study we defined charges that are amended as “final charges.” To determine if a charge was amended, the initial charge filed was compared to the final adjudicated charge. One of the most common reasons for amending charges was reaching a plea agreement, which occurs when a defendant pleads guilty to a lesser charge or a charge(s) is dropped in exchange for a guilty plea.

Chart 17 shows the percent of DV related charges that were amended or modified from the initial charge. The majority of charges in the Domestic Assault/Battery category had final charges in the Domestic Assault/Battery category (61%). However, specific charges of domestic assault or domestic battery had the highest modification rate with 47% modified to another charge. For example, 50% of ‘Domestic Battery with a Traumatic Injury’ charges became ‘Domestic Battery with no Traumatic Injury.’

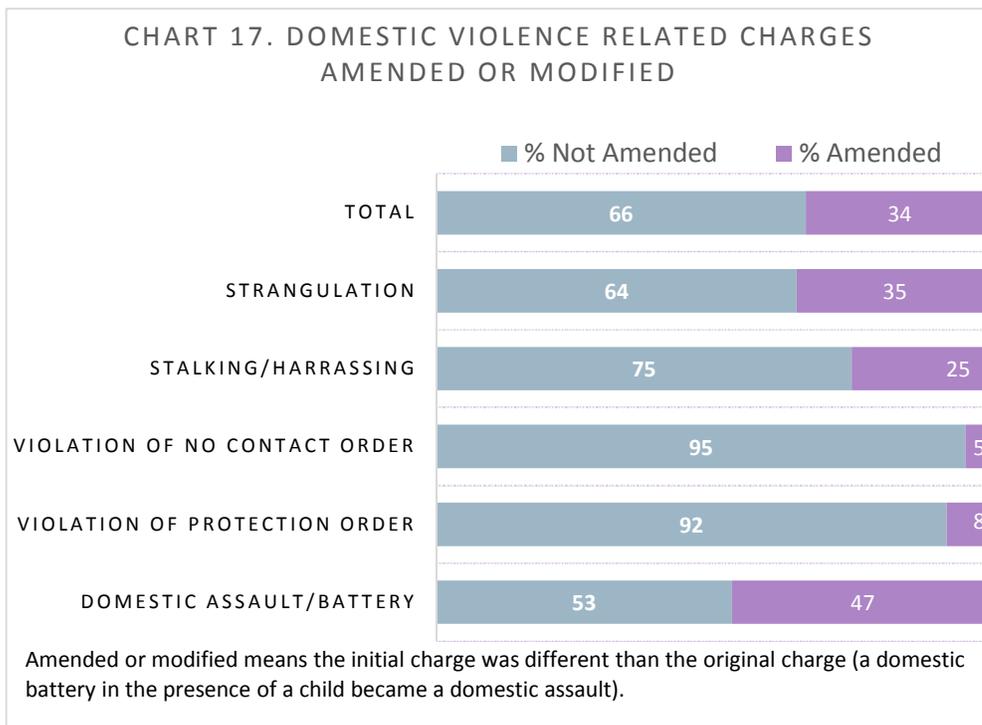


Table 14 (next page) shows the category of the initial domestic violence related charge by the final charge. Although the majority of domestic violence related charges result in final charges within the same category (domestic assault/battery, strangulation, stalking/harassing, violation of a no contact order, or a violation of a protection order), there are a few anomalies. Of the original domestic assault/battery charges, 29.3% were amended to disturbing the peace or disorderly conduct. Strangulation is another DV related charge that is often amended to another charge. Only 59.2% of strangulation charges stay as a strangulation charge whereas 30.5% of strangulations are changed to domestic battery. If these amended charges result in a guilty conviction, the impact can be significant.

## Domestic Violence in Idaho

Idaho Code allows for enhancements for multiple convictions for several crimes. Domestic assault and domestic battery are crimes in which a judge can increase a defendant’s sentence if they are convicted of one or more domestic assault or domestic batteries. In addition, some misdemeanor stalking offenses like using a telephone to threaten, harass, or offend become felonies upon a second conviction. A third violation of a No Contact Order Violation becomes a felony.

**Table 14: Percent of Initial Domestic Violence Related Charges by the Final Charge**

Final Charge	Original Charge				
	Domestic Assault/Battery %	No Contact Order Violation %	Stalk/Harass %	Protection Order Violation %	Strangulation %
Domestic Battery	<b>40.8</b>	0.0	0.0	0.0	<b>30.5</b>
Domestic Assault – Child Present	12.2	0.0	0.0	0.0	3.4
Domestic Assault	7.5	0.0	0.0	0.0	1.2
Domestic Assault/Battery	0.4	0.0	0.0	0.0	0.9
Domestic Assault/Battery – Child Present	0.4	0.0	0.0	0.0	0.3
Harass	0.0	0.0	<b>40.4</b>	0.0	0.0
Stalking	0.0	0.0	<b>47.9</b>	0.0	0.1
Strangulation	0.1	0.0	0.0	0.0	<b>59.2</b>
No Contact Order Violation	0.1	<b>89.8</b>	0.0	1.5	0.1
Protection Order Violation	0.0	9.5	<b>10.6</b>	<b>92.1</b>	0.0
Aggravated Assault	0.1	0.2	0.0	0.0	0.4
Assault	0.7	0.0	0.0	0.0	0.4
Disturbing The Peace	<b>28.0</b>	0.5	1.1	5.9	1.2
Disorderly Conduct	1.3	0.0	0.0	0.3	0.0
Kidnapping - False imprisonment	0.0	0.0	0.0	0.0	0.2
Possession	0.0	0.0	0.0	0.0	0.1
Intimidating A Witness	0.0	0.0	0.0	0.0	0.0
<b>Total count</b>	<b>19,258</b>	<b>6,162</b>	<b>2,637</b>	<b>2,585</b>	<b>2,119</b>

# Domestic Violence in Idaho

## Amended Charges: Domestic Assault and Battery

Domestic violence is defined by statute as either domestic battery or domestic assault. Domestic battery occurs when a household member<sup>2</sup> uses force or violence, causes intentional bodily harm, or intentionally and unlawfully touches or strikes a household member against their will. Domestic battery becomes a felony when a traumatic injury<sup>3</sup> occurs. Domestic assault occurs when a household member attempts to injure, or intentionally threatens violence against, another household member and there exists a well-founded fear that the violence is imminent. Domestic assault is a misdemeanor but becomes a felony if it is the third conviction within 15 years of the first conviction. (I.C. § 18-918).

Table 15a. Percent of Charges Filed as a Felony Domestic Assault/Battery by Outcome						
	Acquittal	Dismissed	Conditional Dismissal	Guilty	Other	Total
	%	%	%	%	%	%
<b>Felony to Felony</b>	<b>1.0</b>	<b>29.7</b>	<b>3.5</b>	<b>24.6</b>	<b>1.5</b>	<b>60.3</b>
Domestic Assault	0.0	1.3	0.5	1.6	0.0	3.4
Domestic Assault/Battery	0.1	0.6	0.0	0.4	0.0	1.1
Domestic Assault/Battery – Child Present	0.0	0.2	0.2	0.3	0.0	0.7
Domestic Assault – Child Present	0.1	5.2	0.4	2.1	0.1	7.9
Domestic Battery	0.8	21.9	2.3	19.7	1.4	46.1
Aggravated Assault	0.0	0.1	0.1	0.3	0.0	0.5
Aggravated Battery	0.0	0.1	0.0	0.0	0.0	0.1
Intimidating A Witness	0.0	0.0	0.0	0.1	0.0	0.1
Other	0.0	0.0	0.0	0.1	0.0	0.1
Other Sexual	0.1	0.1	0.0	0.0	0.0	0.1
Robbery	0.0	0.1	0.0	0.0	0.0	0.1
Strangulation	0.0	0.2	0.0	0.0	0.1	0.3
<b>Felony to Misdemeanor</b>	<b>0.1</b>	<b>3.2</b>	<b>3.4</b>	<b>32.4</b>	<b>0.3</b>	<b>39.4</b>
Domestic Assault	0.0	0.2	0.1	1.7	0.0	2.0
Domestic Assault/Battery– Child Present	0.0	0.0	0.0	0.1	0.0	0.1
Domestic Assault – Child Present	0.0	0.3	0.6	3.1	0.1	4.1
Domestic Battery	0.1	1.8	1.7	18.1	0.2	21.8
Battery	0.1	0.4	0.7	4.9	0.0	6.2
Kidnapping	0.0	0.0	0.0	0.1	0.0	0.1
NCO	0.0	0.0	0.0	0.3	0.0	0.3
Destruction/Damage/Vandalism	0.0	0.1	0.0	0.3	0.0	0.4
Disturbing The Peace/Disorderly Conduct	0.0	0.2	0.3	3.7	0.1	4.2
Child	0.0	0.1	0.1	0.0	0.0	0.1
Drug	0.0	0.1	0.0	0.0	0.0	0.1
Driving	0.0	0.0	0.0	0.1	0.0	0.1
Other	0.0	0.0	0.0	0.1	0.0	0.1
<b>Felony to Unknown</b>	<b>0.0</b>	<b>0.2</b>	<b>0.1</b>	<b>0.2</b>	<b>0.0</b>	<b>0.4</b>
Domestic Assault/Battery	0.0	0.0	0.0	0.1	0.0	0.1
Disturbing The Peace	0.0	0.0	0.0	0.1	0.0	0.1
Other	0.0	0.2	0.1	0.0	0.0	0.2
<b>Total Felony</b>	<b>1.1</b>	<b>33.0</b>	<b>6.9</b>	<b>57.2</b>	<b>1.8</b>	<b>1,900</b>

<sup>2</sup> A household member refers to a spouse, former spouse, or a person who has a child in common, 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.

<sup>3</sup> A traumatic injury is either an external or internal, injury of a minor or serious nature.

## Domestic Violence in Idaho

---

Table 15a and Table 15b show the 19,258 charges that entered into the courts as a domestic violence assault or battery charge and the final charge and disposition. Most domestic violence assaults/battery charges were amended and resulted in a guilty disposition (53%). Conviction rate of domestic assault or battery charges vary by several factors, including the degree a charge is classified as, misdemeanor or felony.

The majority of felony domestic assaults and batteries that were initially filed as a felony were resolved as a felony (60%) with 25% of the felony domestic assaults and batteries ending in a felony conviction.

Approximately 13% of felony domestic assault and battery charges had the enhancement of a domestic assault/battery in the presence of a child, of which 43% were dismissed. A Charge of domestic assault/battery - child present refers to a domestic assault or battery committed in the presence of a child meaning “in the physical presence of a child or knowing that a child is present and may see or hear an act of domestic assault or battery” I.C. §18-918(4). Under the code a “child” is defined as a person under sixteen years of age. Since the maximum penalty for domestic violence is doubled if a child is present the impact of reducing a felony or misdemeanor domestic assault and battery in the presence of a child is significant.

Table 15a shows that 39.4% of felony domestic assault or battery charges were amended to a misdemeanor charge. Approximately 82% of the amended domestic assault/battery felonies resulted in a misdemeanor conviction. In comparison, Table 15b (next page) shows that when a domestic assault or battery charge is filed as a misdemeanor, 50% result in a misdemeanor conviction. However, 29% of misdemeanor domestic assault or batteries are amended to disturbing the peace<sup>4</sup> or disorderly conduct with 86% of these modified misdemeanors resulting in a conviction.

---

<sup>4</sup> I.C. §18-6409. Disturbing the peace. (1) Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol, or uses any vulgar, profane or indecent language within the presence or hearing of children, in a loud and boisterous manner, is guilty of a misdemeanor.

## Domestic Violence in Idaho

Table 15b. Initial Charge of Misdemeanor Domestic Assault/Battery by Outcome

	Acquittal %	Dismissed %	Conditional %	Guilty %	Other %	Total %
<b>Misdemeanor to Felony</b>	<b>0.0</b>	<b>0.4</b>	<b>0.0</b>	<b>0.3</b>	<b>0.0</b>	<b>137</b>
Domestic Assault	0.0	0.0	0.0	0.0	0.0	1
Domestic Assault/Battery	0.0	0.0	0.0	0.0	0.0	3
Domestic Assault/Battery – Child	0.0	0.0	0.0	0.0	0.0	2
Domestic Assault – Child Present	0.0	0.0	0.0	0.0	0.0	15
Domestic Battery	0.0	0.2	0.0	0.3	0.0	84
Aggravated Assault	0.0	0.0	0.0	0.0	0.0	7
Aggravated Battery	0.0	0.0	0.0	0.0	0.0	1
Intimidating A Witness	0.0	0.0	0.0	0.0	0.0	2
Kidnapping	0.0	0.0	0.0	0.0	0.0	2
Strangulation	0.0	0.1	0.0	0.0	0.0	15
Other Sexual	0.0	0.0	0.0	0.0	0.0	1
Other	0.0	0.0	0.0	0.0	0.0	4
<b>Misdemeanor to Misdemeanor</b>	<b>0.7</b>	<b>38.1</b>	<b>5.4</b>	<b>50.1</b>	<b>2.2</b>	<b>16,625</b>
Domestic Assault	0.1	4.7	0.5	2.3	0.2	1,330
Domestic Assault/Battery – Child	0.0	0.2	0.0	0.2	0.0	66
Domestic Assault – Child Present	0.2	8.2	0.3	3.0	0.4	2,081
Domestic Battery	0.4	23.0	1.1	11.6	1.3	6,437
Assault	0.0	0.1	0.1	0.6	0.0	132
Battery	0.0	0.4	0.9	6.9	0.1	1,426
Kidnapping	0.0	0.0	0.0	0.0	0.0	5
NCO	0.0	0.0	0.0	0.1	0.0	13
Harass	0.0	0.0	0.0	0.0	0.0	1
Protection Order - False	0.0	0.0	0.0	0.0	0.0	5
Destruction/Damage/Vandalism	0.0	0.0	0.0	0.3	0.0	56
Disturbing The Peace/Disorderly	0.0	1.5	2.5	25.0	0.1	5,029
Fighting	0.0	0.0	0.0	0.1	0.0	12
Child	0.0	0.0	0.0	0.0	0.0	6
Alcohol	0.0	0.0	0.0	0.0	0.0	8
Driving	0.0	0.0	0.0	0.0	0.0	4
Drug	0.0	0.0	0.0	0.0	0.0	3
Unlawful assembly	0.0	0.0	0.0	0.0	0.0	2
Resisting/Obstructing	0.0	0.0	0.0	0.0	0.0	7
Sexual – Not forcible	0.0	0.0	0.0	0.0	0.0	1
Other	0.0	0.0	0.0	0.1	0.0	13
<b>Misdemeanor to Infraction</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0</b>
Disturbing The Peace	0.0	0.0	0.0	0.0	0.0	2
<b>Misdemeanor to Unknown</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>2.4</b>	<b>0.0</b>	<b>457</b>
Disturbing The Peace	0.0	0.1	0.0	2.0	0.0	435
<b>Total Misdemeanors</b>	<b>0.7</b>	<b>38.7</b>	<b>5.5</b>	<b>52.9</b>	<b>2.2</b>	<b>17,223</b>

\*Other: Active, other, not filed. Conditional Dismissal contains: Conditional Dismissal, Dismissed after deferred prosecution, withheld judgement or diversion, and dismissed pursuant to plea agreement.

# Domestic Violence in Idaho

## Attempted Strangulation

By statute, attempted strangulation is a felony and is defined as the willful and unlawful choking, or attempt to strangle, a household member or a person with whom the perpetrator has or had a dating relationship (I.C. § 18-923). Table 17 shows the outcome of charges filed as strangulation charges. Although a high percentage of strangulation charges were not amended (64%), 54% were dismissed. Of the 2,119 attempted strangulation charges, only 8.4% resulted in a guilty conviction of attempted strangulation, 54.4% were dismissed, 28.1% resulted in a conviction to another charge, 1.2% were active, and 0.8% had some other result. While 71.4% of the attempted strangulation charges were adjudicated as a felony charge, 72.1% of these were dismissed. Of the 27.8% that were reduced to a misdemeanor charge, 54.8% became Domestic Battery and 49.6% resulting in a guilty conviction to a domestic assault or domestic battery.

Table 17. Percent of Charges filed as Attempted Strangulation by Final Charge and Outcome

	Acquittal %	Dismissed %	Conditional Dismissal %	Guilty %	Other %	Total %
<b>Felony to Felony</b>	<b>2.0</b>	<b>51.5</b>	<b>2.2</b>	<b>13.9</b>	<b>0.8</b>	<b>71.4</b>
Strangulation	2.0	51.2	1.2	8.4	0.7	64.6
Domestic Assault	0.0	0.0	0.0	0.1	0.0	0.1
Domestic Assault – Child Present	0.0	0.0	0.1	0.2	0.0	0.3
Domestic Assault/Battery	0.0	0.0	0.0	0.0	0.0	0.0
Domestic Assault/Battery – Child	0.0	0.0	0.0	0.0	0.0	0.0
Domestic Battery	0.0	0.1	0.7	4.0	0.0	4.9
Aggravated Assault	0.0	0.1	0.1	0.8	0.0	1.0
Aggravated Battery	0.0	0.0	0.0	0.2	0.0	0.2
Kidnapping	0.0	0.0	0.0	0.0	0.0	0.0
Other Sexual	0.0	0.0	0.0	0.0	0.0	0.0
Child	0.0	0.0	0.0	0.0	0.0	0.0
Drug	0.0	0.0	0.0	0.1	0.0	0.1
Total	0.0	0.0	0.0	0.0	0.0	0.0
<b>Felony to Misdemeanor</b>	<b>0.0</b>	<b>2.6</b>	<b>2.8</b>	<b>22.1</b>	<b>0.0</b>	<b>27.8</b>
Domestic Assault	0.0	0.1	0.1	0.4	0.0	0.7
Domestic Assault – Child Present	0.0	0.1	0.4	1.3	0.0	1.9
Domestic Assault/Battery – Child	0.0	0.0	0.0	0.1	0.0	0.1
Domestic Battery	0.0	1.5	1.4	12.0	0.0	15.0
Assault	0.0	0.0	0.0	0.5	0.0	0.5
Battery	0.0	0.7	0.4	4.3	0.0	5.3
Kidnapping	0.0	0.0	0.0	0.1	0.0	0.1
NCO	0.0	0.0	0.0	0.2	0.0	0.2
Stalking	0.0	0.0	0.0	0.0	0.0	0.0
Disturbing The Peace	0.0	0.2	0.4	2.7	0.0	3.4
Destruction/Damage/Vandalism	0.0	0.0	0.0	0.1	0.0	0.2
Other	0.0	0.0	0.0	0.3	0.0	0.3
Total	0.0	0.0	0.0	0.0	0.0	0.0
<b>Felony to Unknown</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.5</b>	<b>0.0</b>	<b>0.7</b>
Disturbing The Peace	0.0	0.0	0.0	0.0	0.0	0.0
Domestic Assault/Battery	0.0	0.0	0.0	0.5	0.0	0.5
Other	0.1	0.0	0.0	0.0	0.0	0.1
<b>Total Felonies</b>	<b>2.1</b>	<b>54.4</b>	<b>5.0</b>	<b>36.5</b>	<b>2.0</b>	<b>2119.</b>

# Domestic Violence in Idaho

## Stalking/Harassing

There are two degrees of stalking in Idaho, stalking in the first degree and second degree. Stalking in the second degree is a misdemeanor that occurs when a person engages in repeated nonconsensual contact with the victim or a victim’s family/household member that alarms or harasses the victim and would cause a reasonable person substantial emotional distress or conduct that would cause a reasonable person to be in fear of death or injury (I.C. §18-7906). Stalking in the second degree becomes stalking in the first degree, a felony, if one of several aggravating circumstances exists<sup>5</sup>. (I.C. § 18-7905)

Stalking related charges were grouped into 3 subcategories based on the charge: stalking, spying, and harassing. Of the 2,637 charges initially filed as a stalking related charge, 80% left as a stalking related charge but only 38% resulted in a guilty conviction. Another 20% were amended to a non-stalking charge, 91.2% of which were amended to disturbing the peace or disorderly conduct. When the charge was amended to disturbing the peace or disorderly conduct, 79% resulted in a guilty disposition.

Table 18a. Percent of Felony Stalking Related Charges by Final Charge and Outcome						
	Acquittal %	Dismissed %	Conditional %	Guilty %	Other %	Total %
<b>Felony to Felony</b>	<b>0.0</b>	<b>36.3</b>	<b>2.3</b>	<b>22.8</b>	<b>3.0</b>	<b>64.4</b>
Harass	0.0	7.3	0.3	5.9	0.0	13.5
Spy	0.0	1.0	0.0	0.3	0.7	2.0
Stalking	0.0	28.1	2.0	15.5	2.3	47.9
Aggravated Assault	0.0	0.0	0.0	0.7	0.0	0.7
Other	0.0	0.0	0.0	0.3	0.0	0.3
<b>Felony to Misdemeanor</b>	<b>0.0</b>	<b>1.7</b>	<b>1.0</b>	<b>28.4</b>	<b>0.3</b>	<b>31.4</b>
Harass	0.0	0.3	0.0	1.3	0.0	1.7
Stalking	0.0	0.7	0.3	12.5	0.3	13.9
NCO	0.0	0.0	0.0	6.6	0.0	6.6
Protection Order Violation	0.0	0.0	0.3	1.7	0.0	2.0
Assault	0.0	0.0	0.0	0.7	0.0	0.7
Battery	0.0	0.0	0.0	0.7	0.0	0.7
Destruction/Damage/Vandalism	0.0	0.0	0.0	0.3	0.0	0.3
Disturbing The Peace	0.0	0.3	0.3	4.3	0.0	5.0
City Ordinance	0.0	0.3	0.0	0.0	0.0	0.3
Other	0.0	0.0	0.0	0.3	0.0	0.3
<b>Felony to Unknown</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>	<b>3.3</b>	<b>0.0</b>	<b>4.3</b>
Harass	0.0	0.3	0.0	3.3	0.0	3.6
Other	0.0	0.7	0.0	0.0	0.0	0.7
<b>Total Felony</b>	<b>0.0</b>	<b>38.9</b>	<b>3.3</b>	<b>54.5</b>	<b>3.3</b>	<b>303</b>

<sup>5</sup> 1<sup>st</sup> degree stalking conditions are: 1) the conduct violates a temporary restraining order, protection order, no contact order, probation or parole; or 2) the victim is under the age of sixteen years; or 3) the defendant possessed a deadly weapon or 4) the defendant had a prior conviction of stalking within seven years; or 5) the defendant has been previously convicted of a crime, or an attempt, solicitation or conspiracy to commit a crime, involving the same victim as the present offense within seven years for several different crimes.

## Domestic Violence in Idaho

The majority (55%) of stalking related charges were filed as misdemeanors (93.5%), 34% had an unknown degree, and 12% were filed as felonies. Of the 195 felony charges that stayed as felonies, 56% were ultimately dismissed and 35% resulted in a felony conviction. Although 51% of stalking related charges were filed as a misdemeanor and stayed as a misdemeanor, 18% of these misdemeanor charges resulted in a final charge of disturbing the peace (9% of all stalking related charges). The implications for a stalking or harassment charge to be amended to disturbing the peace has vast implications. The sentence for a misdemeanor stalking or harassment charge is up to one year in jail, whereas the possible sentence for disturbing the peace or disorderly conduct is up to 6 months in jail. In addition, a previous conviction of stalking results in an automatic felony charge. Of those that were amended, the majority were amended to disturbing the peace with

Table 18b. Percent of Misdemeanor Stalking Related Charges by Final Charge and Outcome

	Acquittal	Dismissed	Conditional Dismissal	Guilty	Other	Total
	%	%	%	%	%	%
<b>Misdemeanor to Misdemeanor</b>	<b>0.7</b>	<b>45.1</b>	<b>3.1</b>	<b>41.6</b>	<b>3.0</b>	<b>93.5</b>
Stalking	0.6	21.7	1.5	9.2	1.7	34.6
Harass	0.1	22.6	1.0	15.1	1.2	40.0
NCO	0.0	0.0	0.1	0.1	0.0	0.2
Protection Order Violation	0.0	0.0	0.0	0.3	0.0	0.3
Assault	0.0	0.1	0.0	0.0	0.0	0.1
Battery	0.0	0.0	0.0	0.1	0.0	0.1
Destruction/Damage/Vandalism	0.0	0.0	0.0	0.1	0.0	0.1
Disturbing The Peace/Disorderly	0.0	0.0	0.0	1.2	0.0	17.0
Disturbing The Peace	0.0	0.7	0.4	14.5	0.1	15.8
Resisting/Obstructing	0.0	0.0	0.0	0.1	0.0	0.1
Other	0.0	0.1	0.1	1.0	0.0	1.2
<b>Misdemeanor to Felony</b>	<b>0.0</b>	<b>0.1</b>	<b>0.0</b>	<b>0.1</b>	<b>0.1</b>	<b>0.3</b>
Stalking	0.0	0.1	0.0	0.1	0.1	0.3
<b>Misdemeanor to Unknown</b>	<b>0.1</b>	<b>0.5</b>	<b>0.2</b>	<b>5.4</b>	<b>0.0</b>	<b>6.2</b>
Disturbing The Peace/Disorderly	0.0	0.0	0.1	0.1	0.0	2.4
Disturbing The Peace	0.1	0.1	0.1	1.9	0.0	2.2
Harass	0.0	0.4	0.0	3.4	0.0	3.8
<b>Total Misdemeanor</b>	<b>0.8</b>	<b>45.7</b>	<b>3.3</b>	<b>47.2</b>	<b>3.1</b>	<b>1,441</b>

Table 18c. Percent of Stalking Related Charges with an unknown charge degree by Outcomes

	Acquittal	Dismissed	Conditional	Guilty	Other	Total
	%	%	%	%	%	%
<b>Unknown to Misdemeanor</b>						
Harass	0.0	0.6	1.2	16.7	0.0	18.5
<b>Unknown to Unknown</b>						
Harass	0.8	40.8	4.6	32.3	3.0	81.5
<b>Total Unknown</b>	<b>0.8</b>	<b>41.4</b>	<b>5.8</b>	<b>49.0</b>	<b>3.0</b>	<b>892</b>

# Domestic Violence in Idaho

## No Contact Order Violations

A no contact order (NCO) forbids contact with a specified person and is issued and imposed by the court or by Idaho criminal rule when a person is charged or convicted of one of several offenses (assault, battery, domestic violence, stalking, violation of a protection order, felonious administering of drugs, or other offenses for which a court finds a no contact order is appropriate). A no contact order violation is a misdemeanor unless the violator is convicted of a second no contact order violation within five years of the first conviction (Idaho Code § 18-920).

Most NCO violations are not amended (96%) and the outcome is either guilty (54%) or dismissed (44%). When charges of NCO violations are amended, the charge is most often amended to disturbing the peace or disorderly conduct. As shown in Table 18, felony level NCO violations are rare (3.1%) and have a lower conviction rate than charges that originate as misdemeanor NCO violations (56% guilty).

Table 19. No Contact Order Related Charges both Amended and Non Amended Outcomes						
	Acquittal	Dismissed	Conditional Dismissal	Guilty	Other	Total
	%	%	%	%	%	N
<b>Felony to Felony</b>	<b>0.0</b>	<b>1.3</b>	<b>0.0</b>	<b>1.3</b>	<b>0.0</b>	<b>163</b>
NCO	0.0	1.3	0.0	1.3	0.0	163
<b>Felony to Misdemeanor</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.4</b>	<b>0.0</b>	<b>28</b>
NCO	0.0	0.0	0.0	0.4	0.0	27
Disturbing The Peace	0.0	0.0	0.0	0.0	0.0	1
<b>Misdemeanor to Felony</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>0.3</b>	<b>0.0</b>	<b>33</b>
NCO	0.0	0.1	0.0	0.2	0.0	24
Stalking	0.0	0.0	0.0	0.0	0.0	6
Intimidating A Witness	0.0	0.0	0.0	0.0	0.0	1
Aggravated Assault	0.0	0.0	0.0	0.0	0.0	1
Other	0.0	0.0	0.0	0.0	0.0	1
<b>Misdemeanor to Misdemeanor</b>	<b>0.2</b>	<b>40.9</b>	<b>0.5</b>	<b>53.0</b>	<b>1.7</b>	<b>5,930</b>
NCO	0.2	40.7	0.5	49.3	1.7	5684
Protection Order Violation	0.0	0.1	0.0	0.5	0.0	41
Contempt	0.0	0.0	0.0	0.1	0.0	9
Disorderly Conduct	0.0	0.0	0.0	0.0	0.0	1
Disturbing The Peace	0.0	0.0	0.0	2.8	0.0	177
Destruction/Damage/Vandalism	0.0	0.0	0.0	0.0	0.0	2
Drug	0.0	0.0	0.0	0.0	0.0	2
Alcohol	0.0	0.0	0.0	0.0	0.0	1
Resisting/Obstructing	0.0	0.0	0.0	0.0	0.0	1
Other	0.0	0.0	0.0	0.2	0.0	12
<b>Misdemeanor to Unknown</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.1</b>	<b>0.0</b>	<b>8</b>
Harass	0.0	0.0	0.0	0.0	0.0	2
Disturbing The Peace	0.0	0.0	0.0	0.1	0.0	4
Other	0.0	0.0	0.0	0.0	0.0	2
<b>Total NCO Violations filed</b>	<b>0.2</b>	<b>42.4</b>	<b>0.6</b>	<b>55.1</b>	<b>1.7</b>	<b>6,162</b>

# Domestic Violence in Idaho

## Protection Order Violations

A protection order is a civil order issued after a person who is in a domestic relationship<sup>6</sup> (or the parent of a minor child who is in a dating relationship) petitions the court on the grounds that there is an immediate and present danger of domestic violence (defined as a physical injury, sexual abuse, or forced imprisonment or threat thereof). By statute, a violation of a protection order is a misdemeanor (Idaho Code § 39-6312).

A large majority of protection order violation charges were not amended to a charge other than a protection order violation (2,367), compared to only 178 that were amended. Of those charges not amended over half were dismissed (53%). The conviction rate for protection order violations is 45.2% and a dismissal rate of 49.4%. The conviction rate for protection order violations is much higher when the original protection order violation charge was amended to another charge (88% guilty). For the 178 charges that were amended, 73.8% were amended to disturbing the peace with an outcome of guilty.

Table 20. Protection Order Violation Related charges both Amended and Non Amended Outcomes						
	Acquittal	Dismissed	Conditional Dismissal	Guilty	Other	Total
	%	%	%	%	%	N
<b>Misdemeanor to Misdemeanor</b>	<b>0.3</b>	<b>49.4</b>	<b>1.9</b>	<b>45.0</b>	<b>1.4</b>	<b>2,576</b>
Protection Order Violation	0.0	0.0	0.0	0.1	0.0	3
Disturbing The Peace/ NCO	0.0	0.0	0.0	0.2	0.0	5
Contempt	0.0	0.3	0.2	5.4	0.0	152
Resisting/Obstructing	0.0	0.4	0.0	1.0	0.0	36
Other	0.3	48.5	1.7	37.9	1.4	2,368
<b>Misdemeanor to Felony</b>	<b>0.0</b>	<b>0.1</b>	<b>0.0</b>	<b>0.3</b>	<b>0.0</b>	<b>11</b>
NCO	0.0	0.0	0.0	0.0	0.0	0
<b>Misdemeanor to Unknown</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.1</b>	<b>0.0</b>	<b>3</b>
Alcohol	0.0	0.0	0.0	0.0	0.0	2
Disorderly Conduct	0.0	0.0	0.0	0.0	0.0	1
<b>Total P.O. violations filed</b>	<b>0.3</b>	<b>49.4</b>	<b>1.9</b>	<b>45.2</b>	<b>3.2</b>	<b>2,585</b>

<sup>6</sup> A domestic relationship in this case includes married/previously married couples, couples that have children in common, couples that cohabitate or used to cohabitate, individuals related by blood, marriage, or adoption, and adults in a dating relationship.

# Domestic Violence in Idaho

---

## Summary and Conclusion

The use of police reported data and court data necessitated the formation of two definitions concerning the concept of domestic violence, one being the relationship based definition for intimate partner violence (IPV) and other based solely on statutory definitions. While court data provides the statutory definition for various criminal violations, it does not provide the victim-offender relationship found within police reported data. Despite the inability to compare police reported data and court data, a broad and detailed picture of domestic violence in Idaho was obtained by analyzing the two sources separately.

The use of both data sets confirmed prior research documenting the decline of IPV and domestic violence. However, police reported data, or IIBRS, indicated that IPV is declining at a slower rate than all violent crimes. Court records show that domestic violence, protection and no contact order violations, stalking, and attempted strangulation have declined an average of 3% per year since 2008. The most dramatic decrease was an average 6% decline in protection order violations.

The findings in this report indicate that compared to all victims of violence, victims of IPV tend to be: female, Hispanic, older, victimized in a home, sustained a minor injury, victimized by a male, and more likely to be victimized on Saturday or Sunday. Court data revealed that defendants in domestic violence related cases were most likely to be between 25 to 34 years old. Despite the majority of defendants having only one case and one charge per case against them, between 2008 and 2013 a quarter of defendants involved in domestic violence related cases had multiple domestic violence related cases against them.

The analysis of police reported data led to the conclusion that the arrest rate is higher in IPV cases but so is the proportion of cases cleared by means of “prosecution declined,” despite there being enough evidence for an arrest. Further research is needed to discover the reasons behind this trend. Court data indicated that charges of attempted strangulation were most likely to be dismissed compared to other domestic violence related charges (i.e., stalking, domestic assault/battery, no contact order violations, and protection order violations). Alternatively, no contact order violations were least likely to be dismissed. Court data also indicated that domestic violence related charges were more likely to be amended to another charge where the majority of outcomes from the amended charges were guilty.

The analyses in this report discussed the limitations and usefulness of using police reported data (IIBRS) and court data. The use of both data sources provides a more informative approach to analyzing domestic violence in Idaho that neither one can do alone. By combining different data sources into the analysis, a better picture is painted of what occurs from the time of the incident to the outcome of the case in court.

## **Bibliography**

Crimes and punishments, 18 Idaho Stat. §§ 9-18, 20, 23 & 79- 05, 06

Health and Safety, 39 Idaho Stat. § 63-12

## Domestic Violence in Idaho

---

### Appendix A: Unknown Victim Characteristics and Relationship to the Offender(s)

Table 1: Unknown Victim Characteristics and Relationship to the Offender(s)		
	%	N Victims
Age, Race, Gender, OR Ethnicity was unknown	9.6%	10,373
Age, Race, Gender, AND Ethnicity was unknown	0.1%	62
Gender unknown	0.3%	377
Age unknown	0.5%	547
Race unknown	6.7%	7,305
Ethnicity unknown (Optional Data element)	8.5%	9,219
Relationship is unknown or the number of offender(s) was unknown	8.9%	9,691
Number of victims with relationships to offender(s) is unknown	6.5%	7,056
Number of offenders is unknown	2.4%	2,635
Total Violent Crime Victims from 2008 through 2013	100.0%	108,358

# Domestic Violence in Idaho

## Appendix B: Idaho Statute, Degree, Charge, and Categories

Statute	Degree	Charge	Category	Violent	DV Related	Stalk/Harass	Sexual
<b>118-6702</b>	F	Interception of Wire or Oral Communications	Spy	Violent	DV Related	Stalk/Harass	
<b>118-6710</b>	M/F	Telephone - Use to Annoy, Harass, Intimidate or Threaten	Harass	Violent	DV Related	Stalk/Harass	
<b>118-6710(1)(C)</b>	M	Telephone - To disturb peace, or right of privacy	Harass	Violent	DV Related	Stalk/Harass	
<b>118-6710(1)(c){2}</b>	F	Telephone - Use to Annoy, Harass, Intimidate or Threaten (Second or Subsequent Conviction)	Harass	Violent	DV Related	Stalk/Harass	
<b>118-6711</b>	M/F	Telephone - Used to Annoy, Harass, Intimidate or Threaten by False Statements	Harass	Violent	DV Related	Stalk/Harass	
<b>118-7902</b>	F	Malicious Harassment	Harass	Violent	DV Related	Stalk/Harass	
<b>118-7905</b>	F	Stalking - First Degree	Stalking	Violent	DV Related	Stalk/Harass	
<b>118-7905 {M}</b>	M	Stalking	Stalking	Violent	DV Related	Stalk/Harass	
<b>118-7906</b>	M	Stalking - Second Degree	Stalking	Violent	DV Related	Stalk/Harass	
<b>118-918</b>	M/F	Domestic Assault or Battery	Domestic Assault/Battery	Violent	DV Related		
<b>118-918(2)</b>	F	Domestic Battery - Traumatic Injury	Domestic Battery	Violent	DV Related		
<b>118-918(3)(A)</b>	M	Domestic Assault - with No Traumatic Injury	Domestic Assault	Violent	DV Related		
<b>118-918(3)(b)</b>	M	Domestic Battery - with No Traumatic Injury	Domestic Battery	Violent	DV Related		
<b>118-918(3)(c){3}</b>	F	Domestic Battery (Third Offense)	Domestic Battery	Violent	DV Related		
<b>118-918(3)(c){2}</b>	M	Domestic Assault (Second Offense)	Domestic Assault	Violent	DV Related		
<b>118-918(3)(c){2}</b>	M	Domestic Battery (Second Offense)	Domestic Battery	Violent	DV Related		
<b>118-918(4)</b>	M/F	Domestic Assault - In The Presence of a Child Enhancement	Domestic Assault_IPC	Violent	DV Related		
<b>118-918(5)</b>	M/F	Domestic Battery	Domestic Battery	Violent	DV Related		
<b>118-918(7)(B)</b>	M/F	Domestic Battery or Assault - In The Presence of a Child Enhancement	Domestic Assault/Battery_IPC	Violent	DV Related		
<b>118-923</b>	F	Strangulation (Attempted)	Strangulation	Violent	DV Related		
<b>118-1505B</b>	F	Sexual Abuse or Exploitation of a Vulnerable Adult	Sexual Abuse or Exploitation	Violent			Sexual Assault
<b>118-1506</b>	F	Child Sexual Abuse of a Minor Under 16 Years of Age	Child Sexual Abuse	Violent			Sexual Assault
<b>118-1508</b>	F	Lewd Conduct With Child Under 16	Forcible Fondling	Violent			Sexual Assault
<b>118-1508A</b>	F	Sexual Battery Of Minor Child 16/17 Years Of Age	Forcible Fondling	Violent			Sexual Assault
<b>118-1509A</b>	F	Enticing Through the Internet, Video Image or Other Communication Device	Child Enticement	Violent			Sexual Assault

## Domestic Violence in Idaho

<b>I18-5605</b>	F	Prostitution - Compels Another Person to Engage in by Holding, Detaining or Restraining	Human Trafficking	Violent			Sexual Assault
<b>I18-5609</b>	F	Prostitution - Induce Person Under 18 Years of Age into Prostitution	Human Trafficking	Violent			Sexual Assault
<b>I18-6101</b>	F	Rape	Rape	Violent			Sexual Assault
<b>I18-6108</b>	F	Rape - male	Rape	Violent			Sexual Assault
<b>I18-6608</b>	F	Sexual Penetration - Forcible by Use of Foreign Object	Sexual Assault with an Object	Violent			Sexual Assault
<b>I19-2520G</b>	F	Child Sexual Abuse Enhancement - Mandatory Minimum Sentence	Child Sexual Enhancement	Violent			Sexual Assault
<b>I18-1353</b>	F	Threats and other improper influence in official and political matters	Intimidation	Violent			
<b>I18-1505(1)</b>	F	Abuse or Neglect of a Vulnerable Adult (likely to produce Great Bodily Harm or death)	Assault/Battery	Violent			
<b>I18-1509</b>	F	Enticing children - Kidnap	Child Enticement	Violent			
<b>I18-2604 {F}</b>	F	Witness - intimidating A Witness	Intimidating A Witness	Violent			
<b>I18-2604 {M}</b>	M	Witness - intimidating A Witness	Intimidating A Witness	Violent			
<b>I18-2901</b>	M	False Imprisonment	Kidnapping - False imprisonment	Violent			
<b>I18-3301</b>	M	Weapon - Possession with Intent to Assault	Weapon Charge	Violent			
<b>I18-3302I</b>	M	Weapon - Threaten Violence On School Grounds	School	Violent			
<b>I18-3306</b>	M	Weapon - Injuring Another by Discharge of Aimed Firearms	Weapon Charge	Violent			
<b>I18-4001-I</b>	F	Murder I	Homicide	Violent			
<b>I18-4001-II</b>	F	Murder II	Homicide	Violent			
<b>I18-4003(b)</b>	F	Murder I -Murder of certain personnel	Homicide	Violent			
<b>I18-4003(d)</b>	F	Murder I - by Aggravated Battery	Homicide	Violent			
<b>I18-4006(1)</b>	F	Manslaughter - Voluntary	Homicide	Violent			
<b>I18-4006(2)</b>	F	Manslaughter - Involuntary	Homicide	Violent			
<b>I18-4006(3)</b>	F	Manslaughter - Vehicular	Homicide	Violent			
<b>I18-4015</b>	F	Assault With Intent To Murder	Assault	Violent			
<b>I18-4501-I</b>	F	Kidnapping - First Degree	Kidnapping - 1st Degree	Violent			
<b>I18-4501-II</b>	F	Kidnapping - Second Degree	Kidnapping - 2nd Degree	Violent			
<b>I18-4502</b>	F	Kidnapping - First Degree for the Purpose of Ransom or Committing Rape, Etc.	Kidnapping - 1st Degree	Violent			
<b>I18-4503</b>	F	Kidnapping - Second Degree Not for Ransom	Kidnapping - 2nd Degree	Violent			
<b>I18-4506(1) {F}</b>	F	Kidnapping - custodial Interference	Kidnapping - custodial	Violent			

## Domestic Violence in Idaho

<b>I18-4506(1) {M}</b>	M	Kidnapping - custodial Interference	Kidnapping - custodial	Violent			
<b>I18-5001</b>	F	Mayhem	Aggravated Battery	Violent			
<b>I18-6007</b>	F	Murder -Involving Theft of Railroad, Locomotive	Homicide	Violent			
<b>I18-6501</b>	F	Robbery	Robbery	Violent			
<b>I18-706</b>	M	Assault - Unnecessary Assault by Officers	Assault	Violent			
<b>I18-901</b>	M	Assault	Assault	Violent			
<b>I18-903</b>	M	Battery	Battery	Violent			
<b>I18-904</b>	M	Battery on a Pregnant Female	Battery	Violent			
<b>I18-905</b>	F	Aggravated Assault	Aggravated Assault	Violent			
<b>I18-905(A)</b>	F	Aggravated Assault - With a Deadly Weapon or Instrument Without the Intent to Kill	Aggravated Assault	Violent			
<b>I18-905(B)</b>	F	Aggravated Assault - By Means or Force to Produce Great Bodily Harm	Aggravated Assault	Violent			
<b>I18-905(C)</b>	F	Aggravated Assault - use Acid/caustic Chemical Etc	Aggravated Assault	Violent			
<b>I18-907</b>	F	Aggravated Battery	Aggravated Battery	Violent			
<b>I18-907(1)(A)</b>	F	Aggravated Battery - Great Bodily Harm	Aggravated Battery	Violent			
<b>I18-907(1)(B)</b>	F	Aggravated Battery - Use Deadly Weapon or Instrument	Aggravated Battery	Violent			
<b>I18-907(1)(C)</b>	F	Aggravated Battery - Use Acid or Caustic Chemical, etc.	Aggravated Battery	Violent			
<b>I18-907(1)(D)</b>	F	Aggravated Battery - Use Poison or Destructive Substance, etc.	Aggravated Battery	Violent			
<b>I18-909</b>	F	Assault With Intent To Commit A Serious Felony	Assault	Violent			
<b>I18-911</b>	F	Battery With Intent To Commit A Serious Felony	Battery	Violent			
<b>I18-913</b>	F	Controlled Substance - Felonious Administering of Drugs	Aggravated Battery	Violent			
<b>I18-915 {F}</b>	F	Assault or Battery Upon Certain Personnel	Assault/Battery	Violent			
<b>I18-915 {M}</b>	M	Assault or Battery Upon Certain Personnel	Assault/Battery	Violent			
<b>I18-915A</b>	F	Weapon - Attempt or Remove from Law Enforcement Officer	Assault	Violent			
<b>I18-915B</b>	F	Assault- Propelling Bodily Fluid or Waste at Law Enforcement Officer	Assault	Violent			
<b>I18-916</b>	M	Abuse of a School Teacher	Assault/Battery	Violent			
<b>I19-2520B</b>	F	Assault or Battery Enhancement - Infliction of Great Bodily Injury	Assault	Violent			
<b>I39-608</b>	F	AIDS - Transferring of Body Fluids Containing the HIV Virus	Aggravated Battery	Violent			
<b>I18-920</b>	M	Violation of a No Contact Order	NCO		DV Related		
<b>I18-920(3)</b>	F	Violation of a No Contact Order (Third Offense)	NCO		DV Related		
<b>9-6312</b>	M	Domestic Violence - Violation Of Protection Order	Protection Order Violation		DV Related		

# Domestic Violence in Idaho

---