

Legal system response to first time and re-offending domestic violence defendants: results and implications.

Lisa Hay
Spring 2006

*Shortened version. Full version is available at www.leapalternativestoviolence.com
May 12, 2006

Results

First time offenders

All of the subjects included in this study are male. They range in age from 18 to 67. Of the sampled populations of first time offenders (A1 and B1 = 180 total. Subjects were only counted once.) Most of the first time offenders, 20% (n=36), were between 18-24. The second most common age group was 25-34 at 17% (n=32). Seventy-eight (43%) subjects in the population had no date of birth listed in their arraignment.

First time offenders

	Sample	A 1 & A2- 1 st time offenders. With and without sentencing info available.	Original population- 1 st time offenders
Age groups	18-24	20% (n=36)	18% (n=106)
	25-34	18% (n=32)	12% (n=69)
	35-44	12% (n=21)	10% (n=60)
	45-54	6% (n=11)	6% (n=27)
	55-64	.05% (n=1)	.05% (n=3)
	65 and older	.05% (n=1)	.01% (n=1)
	No DOB	43% (n=78)	55% (n=320)
	Total	180	587

Re-offenders

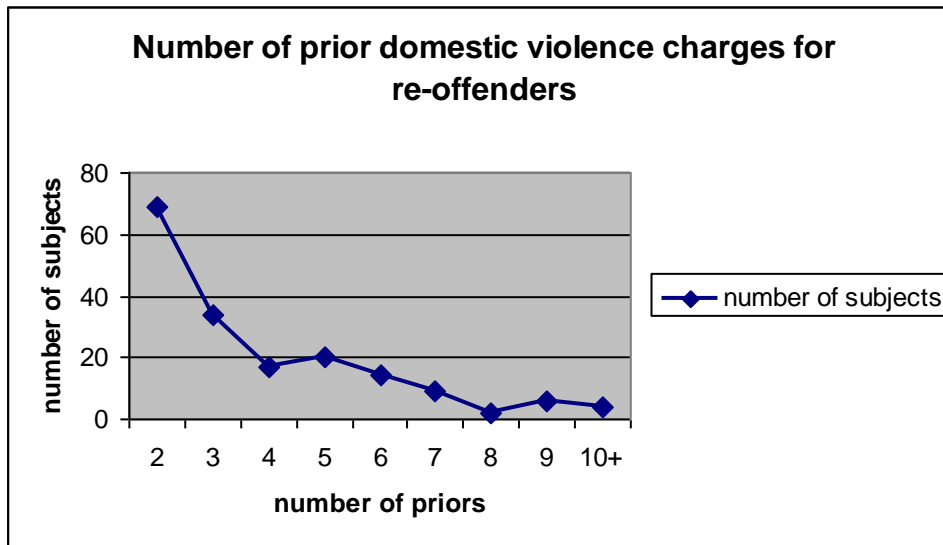
For the sampled populations of re-offenders (A2 and B2, 175 total) the majority of the re-offenders, 33% (n=57) were between the ages of 25-34. There was a close second from re-offenders aged 35-44, 26% (n=46). Nine of the re-offenders did not have DOB available.

The represented age groups of the sampled populations were consistent with the original populations. The majority of first time offenders, 18% (n=106), from the original population were between the ages of 18-24. The second most common age group was 25-34 years old at 12% (n=69). Three hundred and twenty of the subjects had no DOB available. For re-offenders, the majority, 30% (n=153), were between the ages of 25-34. The second highest age group was age 35-44 at 26% (n=133). There were 33 re-offenders with no DOB available.

Re-offenders

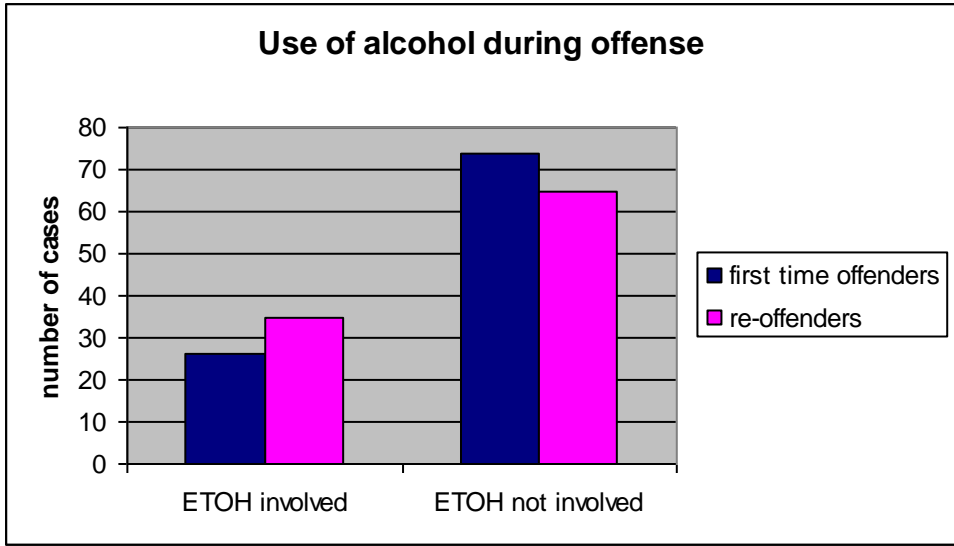
	Sample	B 1 & B 2- Re-offenders. With and without sentencing info available.	Original population- Re-offenders
Age groups	18-24	21% (n=36)	20% (n=100)
	25-34	33% (n=57)	30% (n=153)
	35-44	26% (n=46)	26% (n=133)
	45-54	1% (n=21)	12% (n=60)
	55-64	.03% (n=5)	.04% (n=19)
	65 and older	.006% (n=1)	0
	No DOB	.05% (n=9)	.06% (n=)
	Total	175	511

Sixty-nine or 39% of the re-offenders had two domestic violence charges to their name. One hundred and six or 61%, of them had more than two prior domestic violence offences. Ten of those subjects had committed eight or more crimes of domestic violence.



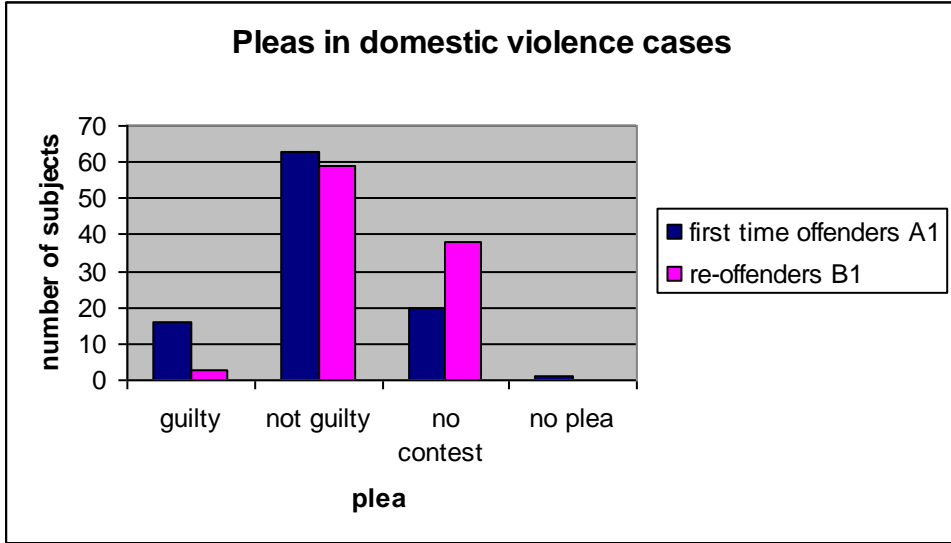
Alcohol Involvement

For first time offenders, sample A1, 74% of the cases *did not* involve alcohol (n=74). Twenty-six or 26% of the cases of first time offenses did involve alcohol. For re-offenders, sample B1, the amount of cases involving alcohol is higher than first time offenders at 35% (n=35). Sixty-five percent (n=65) of the cases of re-offense did not involve alcohol.



Pleas

For pleas, most of the cases in both samples, A1 and B1, pled not guilty. Sixty-three percent (n=63) and 59% (n=59) respectively. More re-offenders (n=38) pled no contest which indicates probable guilt, but not by admittance. Twenty percent (n=20) of fist time offenders pled no contest, which was also very close to the 16% (n=16) of first timers who pled guilty. Only 3% (n=3) of re-offenders pled guilty. One first time defendant did not enter a plea at the time of arraignment.



Sentencing

The majority of fist time offenders from sample population A2 were sentenced to thirty days in jail at 54% (n=54). The second most often sentence received by first time offenders was sixty days in jail at 17% (n=17). The third most common sentence received was ten days at 9% (n=9). Thirty percent (n=30) of re-offenders were sentenced to thirty days as well. Twenty-five percent (n=25) of the subjects were sentenced to sixty days. The third most common sentence

was one hundred and twenty days at 11% (n=11). Ten percent of re-offenders received sentences that were less than thirty days.

Sentencing

	First time offenders B1 (n=100)	Re-offending subjects B2 (n=100)
Sentence/days		
10	9% (n=9)	5% (n=5)
20	4% (n=4)	4% (n=4)
25	3% (n=3)	1% (n=1)
30	54% (n=54)	30% (n=30)
45	1% (n=1)	0
50	2% (n=2)	0
60	17% (n=17)	25% (n=25)
90	3% (n=3)	5% (n=5)
100	1% (n=1)	2% (n=2)
120	3% (n=3)	11% (n=11)
180	1% (n=1)	6% (n=6)
200	0	1% (n=1)
250	0	0
270	0	2% (n=2)
360	2% (n=2)	8% (n=8)

Suspended Time

Suspended time is time not spent in jail. It's similar to probationary time in that it is held over the defendant's head and can be revoked if the defendant does not abide by their probationary conditions. However, it is not full probation, which is typically one year (including time suspended) for first time offenders in Assault IV/domestic violence cases.

The majority of first time offenders from sample population A2, 36% (n=36), received time suspended in the amount of thirty days. Twenty-one percent (n=21) received 29 suspended days. For re-offenders in sample B2, twenty-nine percent (n=29) received 30 days suspended, while thirteen percent (n=13) received 29 days. Eleven percent of re-offenders (n=11) received sixty suspended days.

Time suspended

Time suspended	First time offenders B1 (n=100)	Re-offending subjects B2 (n=100)
8	1	0
9	2	2
10	6	5
15	0	2
17	1	0
18	0	2
19	1	0
20	5	1
25	0	3
27	4	3
28	5	2
29	21	13
30	36	29
40	0	2
42	1	0
45	0	3
49	1	0
50	2	0
55	2	0
57	1	0
59	1	0

60	5	11
80	1	2
85	0	2
90	2	5
110	0	1
120	0	1
150	0	1
180	0	3
210	0	1
240	0	1
270	1	3
300	1	2

Time Actually Served in Jail

The majority of first time offenders from sample population B1, 33% (n=33), spent no time in jail after their arrest. Twenty-six percent (n=26) of subjects spent one day in jail. For re-offenders in B2, fourteen percent (n=14) spent no time in jail. Fifteen percent (n=15) spent one day. The majority of the re-offenders, twenty-one percent (n=21) spent 30 days in jail. Fourteen percent (n=14) spent sixty days in jail.

Time served

Time Served	First time offenders B1 (n=100)	Re-offending subjects B2 (n=100)
0	33	14
1	26	15
2	6	4
3	7	3
5	5	5
10	3	2
15	0	1
20	1	5
30	12	21
40	1	0
45	0	3
60	4	14
90	2	9
120	0	2
150	0	1
180	0	1

Statistical Analysis

Sentencing

A T-test was run on the sentencing information to determine if there was any statistical significance in the differences in sentencing received for first time and re-offenders (B1 and B2). The results of the t-test on all three components of sentencing all had standard deviations as high as each mean, indicating that mean was not an effective measure of central tendency to use with this data. Because the sentences for both first time and re-offenders were inconsistent and had a very high range of days in each, the mean does not truly represent the sentencing information. However, according to the results of an independent samples test(s), there are statistically significant differences between the sentences given to first time and re-offenders, time suspended and time served in jail.

T-test results: group Statistics table.

		N	Mean	Standard Deviation	Standard Error Mean
Sentence	First time offenders B1	100	46.000	52.52647	5.25265
	Re-offenders B2	100	92.2500	95.59060	9.55906
Time Suspended	B1	100	37.0600	38.72649	3.87264
	B2	100	60.4800	66.83803	6.68380
Time served	B1	100	9.5400	18.75866	1.87587
	B2	100	31.7700	36.74231	3.67423

Independent Samples test

T-test for equality of means

		T	df	Sig. (2-tailed)	Mean difference	Std. Error difference	95% confidence interval of the difference	
Sentence	= variances assumed	-4.185	198	.000	-45.6500	10.90715	-67.15909	-24.14-91
	= variances not assumed	-4.185	153.790	.000	-45.6500	10.90715	-67.19718	-24.10282
Time Suspended	= variances assumed	-3.032	198	.003	-23.4200	7.72467	-38.65319	-8.18681
	= variances not assumed	-3.032	158.738	.003	-23.4200	7.72467	-38.67639	-8.16361
Time served	= variance assumed	-5.389	198	.000	-22.2300	4.12539	-30.36534	-14.09466
	= variance not assumed	-5.389	147.327	.000	-22.2300	4.12539	-30.38258	-14.07742

Use of Alcohol and Type of Offender

A chi-square test was run to determine if there was any relationship between use of alcohol and whether a subject was a first time or re-offender. The chi-test found none.

Chi-square tests table.

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2- sided)	Exact sig. (1-sided)
Pearson Chi-square	1.911(b)	1	.167		
Continuity Correction (a)	1.510	1	.219		
Likelihood Ratio	1.916	1	.166		
Fisher's Exact Test				.219	.110
Linear-by-linear Association	1.901	1	.168		
N of valid cases	200				

(a) computed only for a 2x2 table.

(b) (b) 0 cells (.0%) have expected count less than 5. The minimum expected count is 30.50.

Program completion and Recidivism

Eighty-two percent (n=82) of first time offenders who had been sentenced were court-ordered to state-approved Alternatives to Violence program (BIP). Eighty-three percent (n=83) of re-offenders were court-ordered to the same type of treatment program. **However, only six, or 7% first time offenders actually completed a program and only six or 7% re-offenders had completed a program as of April 20, 2006. Three of the re-offenders had completed the ABCs program prior to re-offending. One of the first time offenders completed ABCs after this offence. The remaining eight completed LEAP after their latest offense.**

