

Domestic Violence in Whatcom County

A Compilation of Data

March 2005

**Bellingham-Whatcom County Commission
Against Domestic Violence**

**1407 Commercial
Bellingham, WA 98225
360-671-5714 extension 235**



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EXECUTIVE SUMMARY

Introduction:

The Bellingham-Whatcom County Commission Against Domestic Violence was established by a Bellingham City Council and Whatcom County Council ordinance in December 1998. The ordinance charges the Commission with six functions, one of which is to:

- *Develop community benchmarks for monitoring domestic violence and prepare an annual report.*

This report is the Commission's second annual compilation of a small sampling of Whatcom County domestic violence benchmarks, herein referred to as indicators and data. The report focuses primarily on the criminal justice response to domestic violence, as this data is most readily available. This report begins to answer some of these questions:

- How much domestic violence do we have in Whatcom County?
- How do Whatcom County statistics compare with the state?
- How many people arrested for domestic violence offenses are convicted?
- What proportion of perpetrators complete court-ordered treatment?

The Commission has learned that much work and many questions remain in trying to provide complete answers to the questions above. Despite these challenges, the Commission is pleased to issue this second annual report on domestic violence data for Whatcom County.

Goals:

The Commission has compiled this report in order to achieve the following:

- Compile data that has been historically fragmented in order to provide a more comprehensive understanding of domestic violence in Whatcom County.
- Describe the general outcomes of domestic violence cases that are processed in the criminal justice system.
- Establish domestic violence-related indicators in order to evaluate change over time.
- Provide a template from which to revise, standardize and add indicators.

It is the Commission's intention to publish an updated report on an annual basis. If you have suggestions or feedback, please contact the Commission Against Domestic Violence.

Process:

Two primary systems have been responding to domestic violence cases for over twenty years: the domestic violence victim service provider system and the criminal and civil justice system. This report focuses on data from both of these systems.

Despite the fact that data is available, the extent and manner in which domestic violence-related data is defined and collected varies significantly across jurisdictions, across entities within the criminal justice

system, and across domestic violence service providers. Nevertheless, the Commission hopes that the general findings contained within this report will encourage dialogue and discussion.

Washington law provides a statutory framework for the criminal and civil justice system response to domestic violence. (See Appendix A for two of the key statutory provisions: RCW 26.50.010 and RCW 10.99.020.) The criminal and civil justice system data in this report is based on the application of these statutory definitions of domestic violence.

Limitations:

Consistency: As noted above, there are differences in the way that domestic violence-related data is defined and collected across and within the systems examined herein. Unfortunately, these inconsistencies may limit the ability to make concise and detailed comparisons, or to make generalizations from the data. However, one goal of the Commission is to encourage and facilitate a consistent approach to data collection and management across systems so that these issues can be addressed in the future.

Missing Information: Data is not readily available from all jurisdictions, rendering some data sets incomplete. Thus, findings do not always reflect the population of Whatcom County as a whole. For example, some jurisdictions have not historically collected domestic violence-related data and have no system in place to do so. Alternatively, Lummi Tribal Business Council policy and practice precludes sharing certain types of data. As a result, domestic violence service provider data is not available from Lummi Victims of Crime, even though they represent one of three primary domestic violence service providers in Whatcom County.

Duplicated Counts: With the exception of data from one domestic violence service provider, data from all other sources does not provide unduplicated counts of domestic violence-related indices. For example, when tabulating the number of domestic violence offenses, one individual may account for multiple offenses. Thus, we cannot make statements about the proportion of this community that commits domestic violence.

Criminal/Civil Justice System Focus: Although the criminal justice system response to domestic violence is a critical one, it is only one of many key components required for effective intervention. Domestic violence is a community problem, and there are additional opportunities to track domestic violence data across allied systems (i.e. social and health care services). The Commission strongly encourages more comprehensive attention to, and gathering of, domestic violence related data across varied community systems.

Limited Analysis: This report provides limited analysis of the data for the reasons noted above, including difficulty comparing data across entities within the criminal justice system, as well as across multiple jurisdictions. Additionally, while this report tracks changes in domestic violence indices across time, it cannot assess the reason(s) for any changes in these indices. The reason(s) for changes are likely multifactorial in nature and are outside of the scope of this report.

Limited Time Period: Generally, data in this report spans the years 1998 through 2003, unless otherwise noted. As a result, the pattern of results reported herein cannot be contextualized within a larger time frame, statements about long-term trends cannot be made, nor can comparisons be

made between this and other snapshots in time. Nevertheless, this data represents the first comprehensive analyses of domestic violence-related indices compiled in this community.

Summary of Findings:

Throughout this report, Pearson’s Chi Square Test was utilized to determine whether differences between domestic violence variables existed (i.e. “*Compared to 1999, does the rate of domestic violence reported in 2000 represent a true increase?*”). In other words, is this increase statistically significant, not due to chance, and corrected for differences in population base rates? (For population base rates used for Whatcom County and Washington State, please see Glossary of Terms at the end of this report.) For ease of reading, detailed results of statistical analyses are not contained herein but are available upon request. Nevertheless, all statements regarding the stability, increase or decreases in domestic violence-related variables are based on tests of statistical significance. This is especially important to remember given that upon initial inspection, increases or decreases in raw numbers are typically seen. However, when these same numbers are subjected to statistical tests, there may be no corresponding statistically significant, and thus meaningful, change. For example, in 1998 there were 1,474 domestic violence offenses reported by Whatcom County law enforcement compared to 1,564 domestic violence offense reported in 2003. While the raw number of offenses has clearly increased, this increase does not ultimately prove to be statistically significant. That is, it does not represent a *true* increase in the rate of domestic violence offenses when the data are subject to mathematical tests. (Again, these statistical equations take into account changes in the county’s population as well as evaluating the likelihood that changes are random in nature and simply due to chance). Thus, when evaluating the data contained herein, bear in mind that unless it is noted that there is a *significant* increase or decrease in the numbers, that any variation seen has not proved to be mathematically meaningful.

- The number of domestic violence offenses in Whatcom County has remained steady between 1998 and 2003.

A total of 1,564 domestic violence offenses were reported by all Whatcom County Law Enforcement Agencies in 2003.

- The number of “verbal domestics” (where law enforcement determines that no assault has occurred and where no arrest is made), decreased significantly between 1998 and 2003.

A total of 1,351 verbal domestics were reported by the Bellingham Police Department and Whatcom County Sheriff’s Office in 2003.

- Significantly more verbal domestics than domestic violence offenses were reported by the Bellingham Police Department and Whatcom County Sheriff’s Office in each of the years surveyed.
- Per capita rates of domestic violence offenses in Whatcom County have remained steady with no significant differences seen across time.

The Per Capita rate of domestic violence offenses in Whatcom County averages 8.8 offenses for every 1,000 residents for the years 1998 through 2003.

- The Per Capita rate of domestic violence offenses in Whatcom County reflects state statistics for the period of 1998 to 2003.

The Per Capita rate of domestic violence offenses in Whatcom County was 9.0 per 1,000 residents in 2003. The Per Capita rate of domestic violence in the state of Washington was 8.5 per 1,000 residents in 2003.

- The proportion of criminal offenses in Whatcom County that are domestic violence-related typically does not differ from that reported by Washington State as a whole.

In 2003, 9.7% of total offenses reported by Whatcom County Law Enforcement Agencies were domestic violence-related. Alternatively, in this same year 10.4% of total offenses reported by Washington State Law Enforcement Agencies were domestic violence-related.

- Domestic violence bookings at the Whatcom County Jail fluctuated significantly between 2001 and 2003.

In 2003, 20% of the Whatcom County jail bookings were for domestic violence related offenses.

- Misdemeanor domestic violence charges fluctuated significantly over the 5-year period between 1998 and 2003.

A total of 1,345 misdemeanor domestic violence charges were reported by Whatcom County District, Municipal and Tribal Courts in 2003.

- Whatcom County Municipal and District courts resolved 1,148 domestic violence misdemeanor charges in 2003.

The disposition status of these charges included 552 Guilty findings; 409 Dismissals; 129 Amended charges; 50 Stipulated Orders of Continuance; and 8 Not Guilty findings.

- Felony domestic violence case filings increased significantly in 2003 when compared to the number of felony cases filings reported in 1998.

There were 217 domestic violence related felony case filings by the Whatcom County Prosecutor's Office in 2003.

- The Whatcom County Prosecutor's Office resolved 208 felony domestic violence cases in 2003.

The disposition status of these cases included 159 Guilty findings; 28 Dismissals; 11 Dismissals pursuant to a plea regarding another felony case; 8 warrants issued for Failure to Appear; and 2 Not Guilty findings.

- Whatcom County District Court Probation domestic violence referrals increased significantly between 1998 and 2003, including significant increases on a yearly basis since 2000.

There were 718 new domestic violence referrals to Whatcom County District Court Probation, and 151 new domestic violence referrals to the Ferndale Municipal Court and Blaine Municipal Court Probation Departments in 2003.

- Domestic Violence Perpetrator Treatment Programs in Whatcom County reported that 140 individuals were enrolled in treatment in 2003.

Of those individuals in Domestic Violence Perpetrator Programs during 2003, over one-third were terminated from treatment for program non-compliance.

- Domestic Violence Protection Order Filings increased significantly between 2000 and 2003.

A total of 405 Domestic Violence Protection Orders were filed in all Whatcom County courts in 2003.

- Domestic violence victim service providers reported fluctuations in the number of clients utilizing services between 1999 and 2003. However, when compared to 1999, there was a significant increase in the number of victims utilizing services in 2003.

A total of 2,830 clients utilized an array of domestic violence victim services at Domestic Violence and Sexual Assault Services of Whatcom County in 2003.

In this same year 1,958 clients utilized services at Womenscare Shelter and Domestic Violence Services, including 358 individuals who received emergency shelter through the agency.

Conclusion:

This report is the Bellingham-Whatcom County Commission Against Domestic Violence's second annual compilation of domestic violence-related indices in Whatcom County. Despite the limitations noted above, such as lack of consistency in data collection, missing data, and problems with duplication, this is Whatcom County's only comprehensive analysis of domestic violence data.

The Commission has compiled data that has been historically fragmented by jurisdiction and agency in order to describe the general outcomes of domestic violence cases that are processed across *all* criminal justice systems in Whatcom County. This data has been compiled in order to evaluate change over time and to facilitate questions, discussion and further analysis.

Statistical analyses were conducted on all longitudinal data to determine whether or not changes were significant, i.e., not due to chance and corrected for differences in population base rates. The following significant increases in domestic violence indices were found:

- Felony domestic violence case filings (2003 compared to 1998 values)
- Domestic Violence Protection Order filings (2003 compared to 2000 values)
- Whatcom County District Court Probation referrals for domestic violence charges (2003 compared to 1998 values)
- Service usage of two key domestic violence programs (2003 compared to 1999 values)

The following significant decreases in domestic violence indices were found:

- Verbal domestics reported by the Bellingham Police Department and Whatcom County Sheriff's Office (2003 compared to 1998 values)

The following domestic violence indices revealed no significant increases or decreases across time:

- Domestic violence offenses and domestic violence offenses per capita as reported by Whatcom County law enforcement agencies (2003 compared to 1998 values)
- Domestic violence jail bookings at the Whatcom County Jail (2003 compared to 2001 values)
- Misdemeanor domestic violence charges filed in all Whatcom County courts (2003 compared to 1998 values)

In addition to that detailed above, it is important to note that in the domestic violence-related indices evaluated, the total numbers have typically increased over time even if these increases were not statistically significant.

When comparing domestic violence offenses per capita and the percent of all offenses that are domestic violence related, Whatcom County rates parallel that found in the state of Washington as a whole.

Data collection was initiated in 2003 for the following indices:

- Misdemeanor charge dispositions
- Felony case dispositions
- Domestic violence perpetrator treatment outcomes

Comparisons and analyses will be conducted on this data as it is collected over time.

DOMESTIC VIOLENCE IN WHATCOM COUNTY: LAW ENFORCEMENT RESPONSE

Domestic Violence Offenses

The Washington Association of Sheriffs and Police Chiefs is responsible for administering the Washington Uniform Crime Reporting Program. Within this program, individual law enforcement agencies throughout the State of Washington submit monthly Uniform Crime Reports that provides some of the data utilized in this report. (For an explanation of how domestic violence offenses are defined and tabulated, please see the Glossary of Terms at the end of this report).

As is indicated in Figure 1, the number of domestic violence offenses reported by Whatcom County Law Enforcement Agencies has remained essentially stable between 1998 and 2003. With the exception of a statistically significant drop in the number of offenses between 2000 and 2001, there have been no statistically significant changes in the number of domestic violence-related offenses in any other years compared.

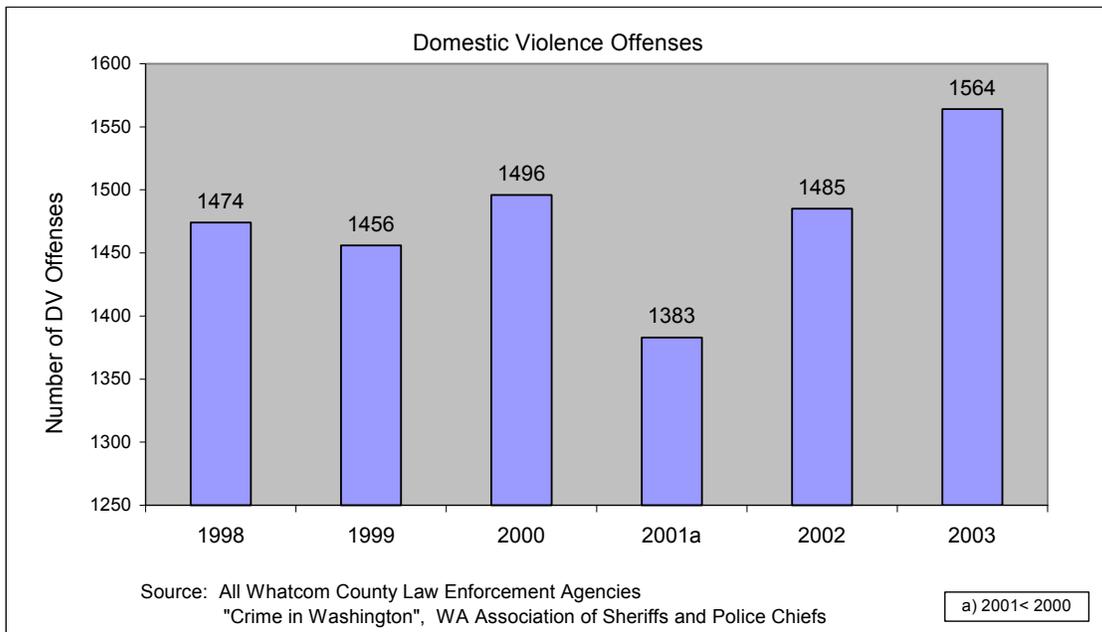


Figure 1

It is important to note that the rate of domestic violence, or the number of individuals and the percentage of the population in Whatcom County committing domestic violence offenses, cannot be determined utilizing these figures. The number of offenses as reported does not take into account those individuals who may have committed more than one offense, or individuals who may have committed multiple offenses across jurisdictions and law enforcement agencies (i.e. it is not an unduplicated count of individuals who have committed domestic violence offenses). Neither does it take into account those acts of domestic violence that went unreported to law enforcement agencies. Additionally, comparisons cannot be made between domestic violence offenses reported by law enforcement and domestic violence misdemeanor charges filed (i.e. an event that was coded as one domestic violence offense by law enforcement can potentially result in multiple charges).

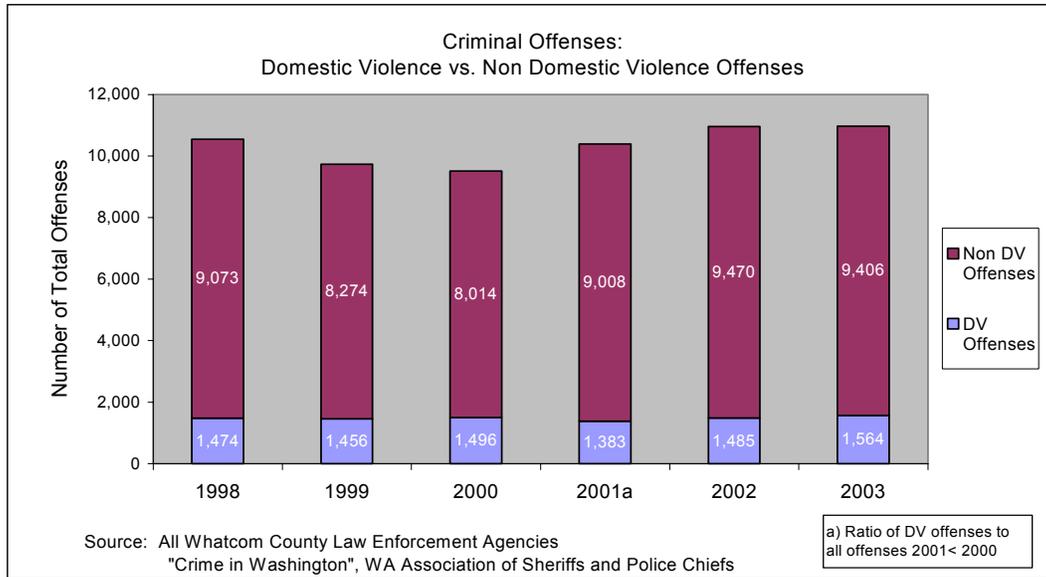


Figure 2

Figure 2 compares the number of all criminal offenses reported by Whatcom County Law Enforcement Agencies, and evaluates the proportion of domestic violence offenses relative to the total number of criminal offenses in the county.

The proportion of domestic violence offenses relative to all other criminal offenses in Whatcom County has also remained quite stable over time. With the exception of a statistically significant difference in this ratio between 2000 and 2001, there have been no other statistically significant changes in the ratio of domestic violence offenses to non-domestic violence offenses in any other years compared.

Domestic Violence Offenses per capita

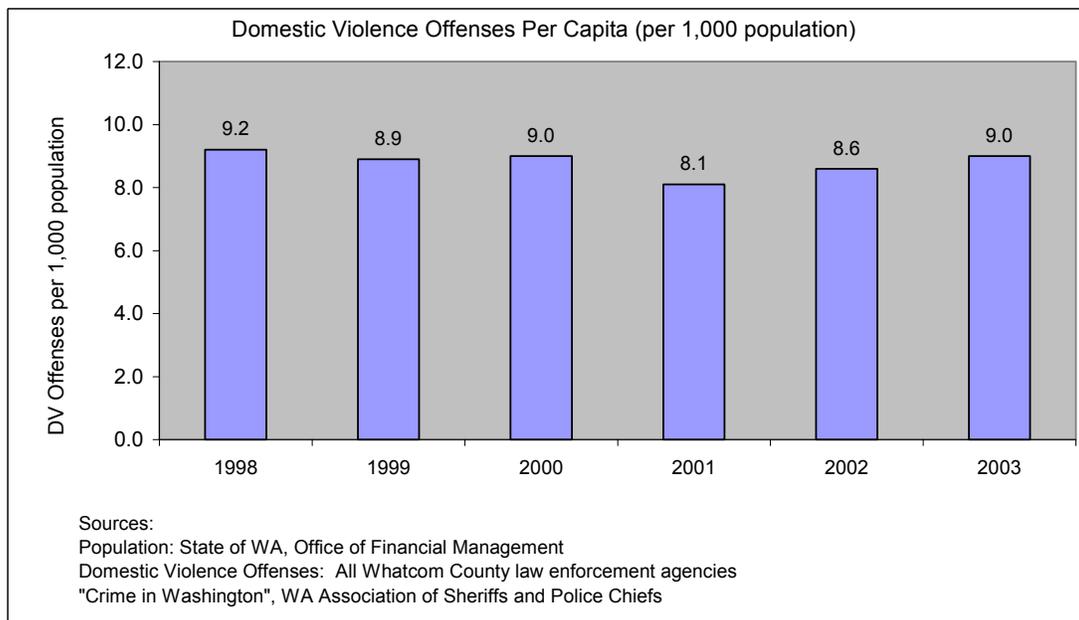


Figure 3

Figure 3 illustrates the number of per capita Domestic Violence Offenses in Whatcom County (for every 1,000 residents) as reported by all Whatcom County law enforcement agencies. Per capita rates of domestic violence-related offenses in Whatcom County have remained steady over time. Specifically, no significant differences in this indicator were seen between 1998 and 2003.

Verbal Domestic

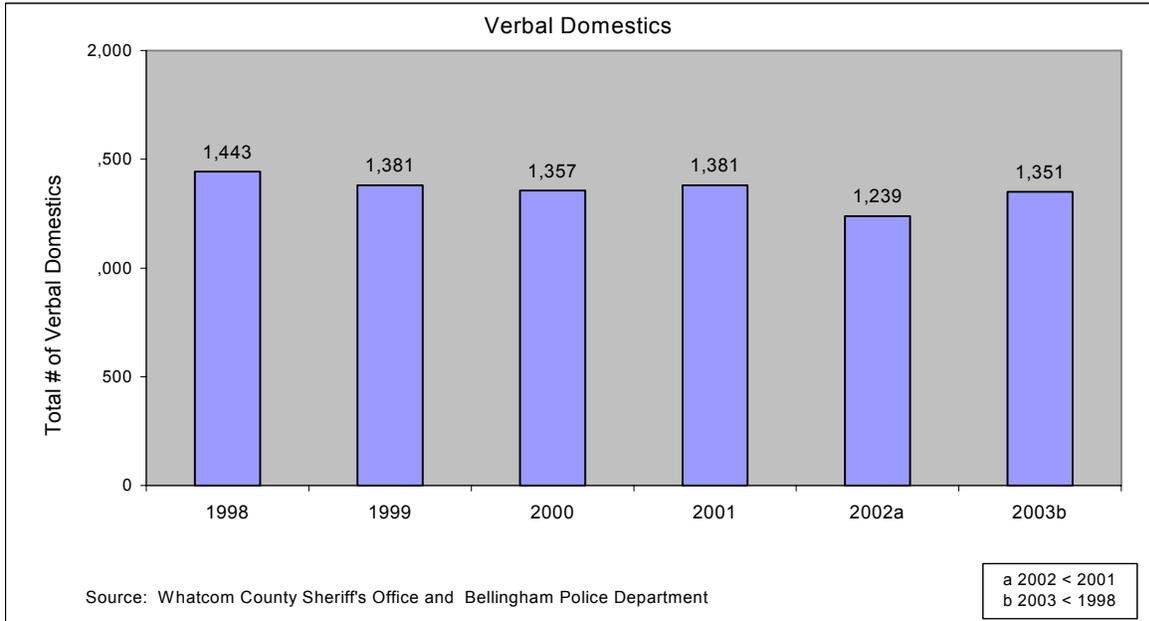


Figure 4

Law enforcement officers are frequently called to respond to situations that are categorized as “Domestic Violence – No Assault”, or “Verbal Domestic”. These are verbal arguments where law enforcement determines that no physical assault occurred, and where no other conditions were met to warrant probable cause for an arrest. (See Appendix 1 for a definition of the pertaining statute, RCW 26.50.010). As noted in Figure 4, Verbal Domestic represent a significant amount of law enforcement activity and resources.

Between 1998 and 2003, the Bellingham Police Department and Whatcom County Sheriff’s Office have responded to and assessed over 1,200 Verbal Domestic each year. With the exception of two significant decreases in this category of data, there have been few differences in the rate of Verbal Domestic over the time period assessed. Specifically, when compared to the number of Verbal Domestic reported in 1998, there was a significant drop in this category in 2003. Additionally, there was a statistically significant drop between 2001 and 2002.

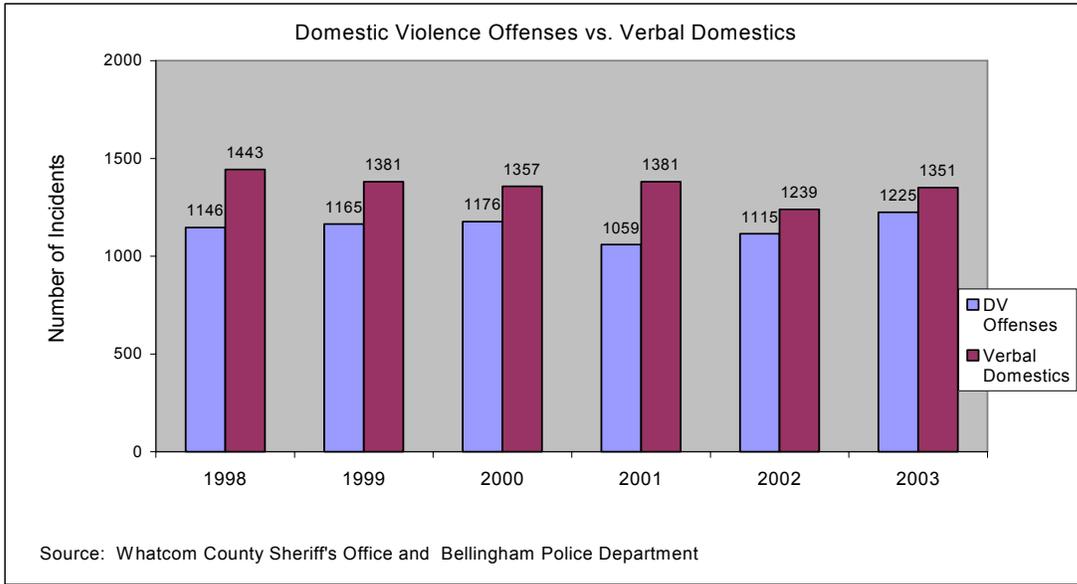


Figure 5

Figure 5 compares the rates of Verbal Domestics (where it is determined that no offense has been committed), to the rate of domestic violence offenses (where it is determined that an offense has been committed). In every year surveyed, the Bellingham Police Department and Whatcom County Sheriff's Office reported significantly higher rates of verbal domestics than domestic violence offenses.

DOMESTIC VIOLENCE IN WHATCOM COUNTY: COMPARISONS TO WASHINGTON STATE

Figure 6 compares the rate of Domestic Violence Offenses per capita in Whatcom County to the rate of per capita Domestic Violence Offenses in the state as a whole.

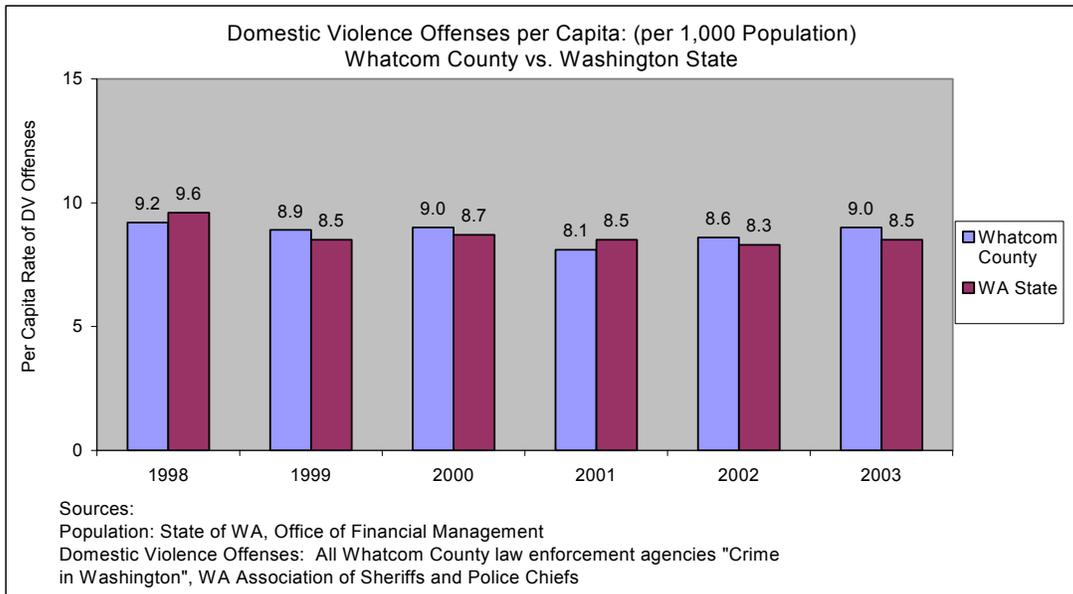


Figure 6

When compared to the state, the number of Domestic Violence Offenses per capita in Whatcom County reflects statewide statistics. That is, the number of Domestic Violence Offenses for every 1,000 Whatcom County residents does not significantly differ from the number of Domestic Violence Offenses for every 1,000 Washington State residents

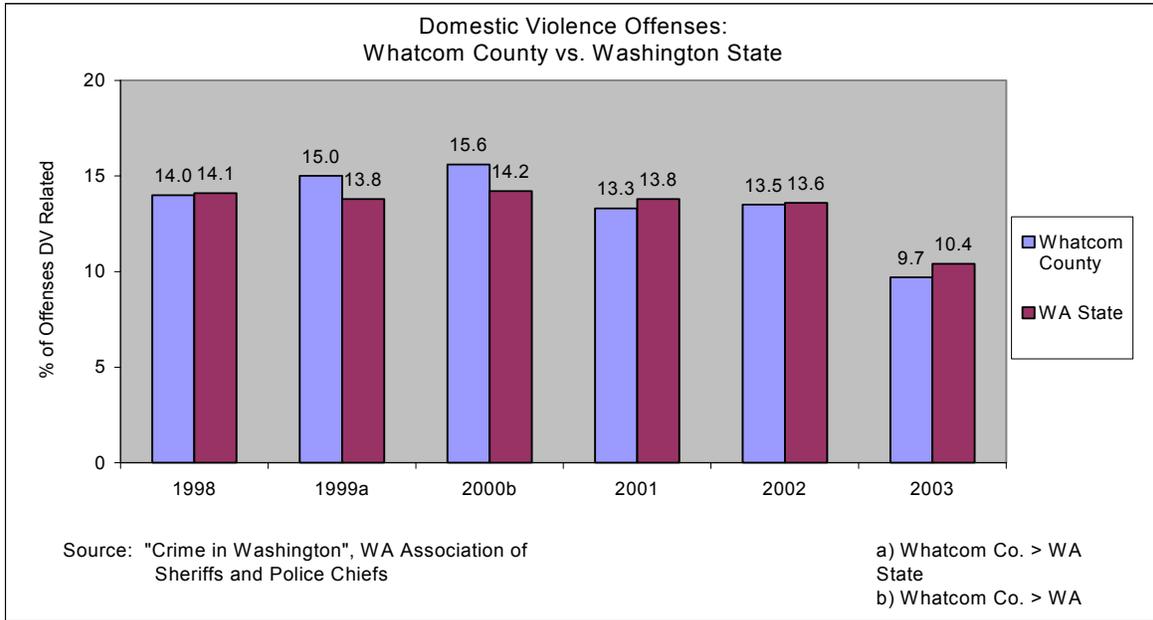


Figure 7

Figure 7 compares the percentage of reported total offenses that are domestic violence-related in Whatcom County to the percentage of total offenses that are domestic violence-related in the state of Washington as a whole. Results indicate, that with the exception of 1999 and 2000, Whatcom County and Washington State do not significantly differ in this regard. Alternatively, in the two years noted above, Whatcom County’s percentage of total offenses that are domestic violence-related are significantly higher than that found in the state as a whole. Additionally, please note that in 2003 the Washington Association of Sheriffs and Police Chiefs instituted changes in the way that the percentage of offenses that are domestic violence related are calculated. Thus, it was determined that analyses would not be performed for this year as these changes rendered comparisons inappropriate.

DOMESTIC VIOLENCE IN WHATCOM COUNTY: THE CRIMINAL JUSTICE RESPONSE

Jail Bookings

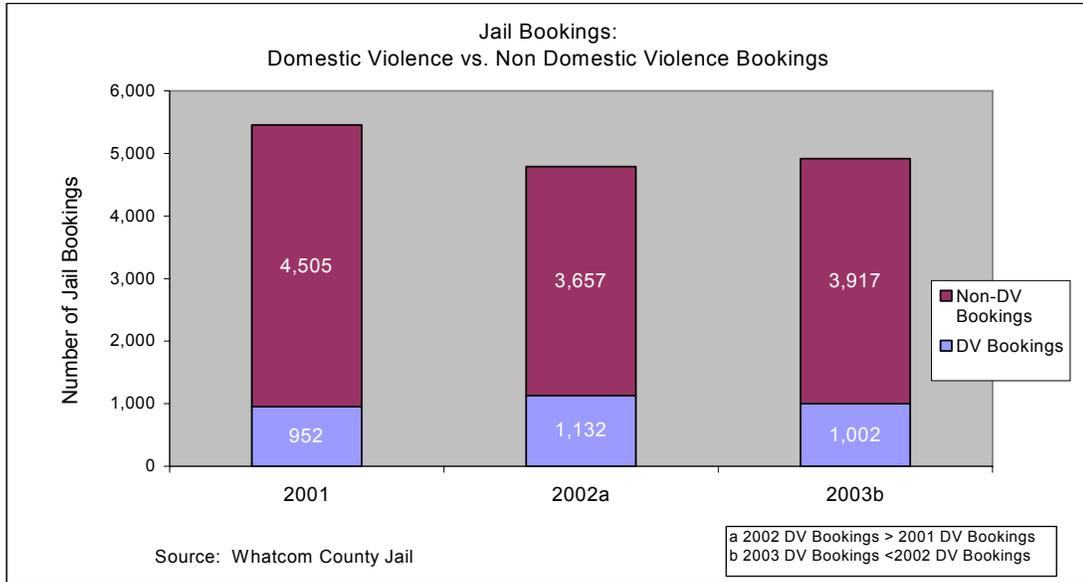


Figure 8

Figure 8 indicates the number of domestic violence jail bookings for the years 2001 to 2003. Bookings of domestic violence offenders represent a significant subset of all jail bookings for each of these years (17%, 24%, and 20%, respectively). Even so, there were statistically significant fluctuations between 2001 and 2002 (domestic violence jail bookings increased) and 2002 and 2003 (domestic violence jail bookings decreased). Compared to 2001 levels, there was no significant difference in the number of domestic violence jail bookings in 2003.

One factor that likely affects the variation in these numbers is related to data collection. For example, there were irregularities in data input in 2001, wherein all domestic violence offenders were not logged into the booking system. This likely results in an under representation of domestic violence bookings for 2001, and contributes to the statistically significant jump in domestic violence bookings seen the following year.

Moreover, the percentage of domestic violence jail bookings relative to all bookings is established in an artificial climate. While domestic violence offenses remain a high priority and generally accepted for booking, significant restrictions have been imposed on all other misdemeanor bookings. Thus, although domestic violence represents a significant proportion of current jail bookings, the actual percentage of domestic violence bookings (relative to all criminal bookings) cannot be determined at this time.

Misdemeanor Charges

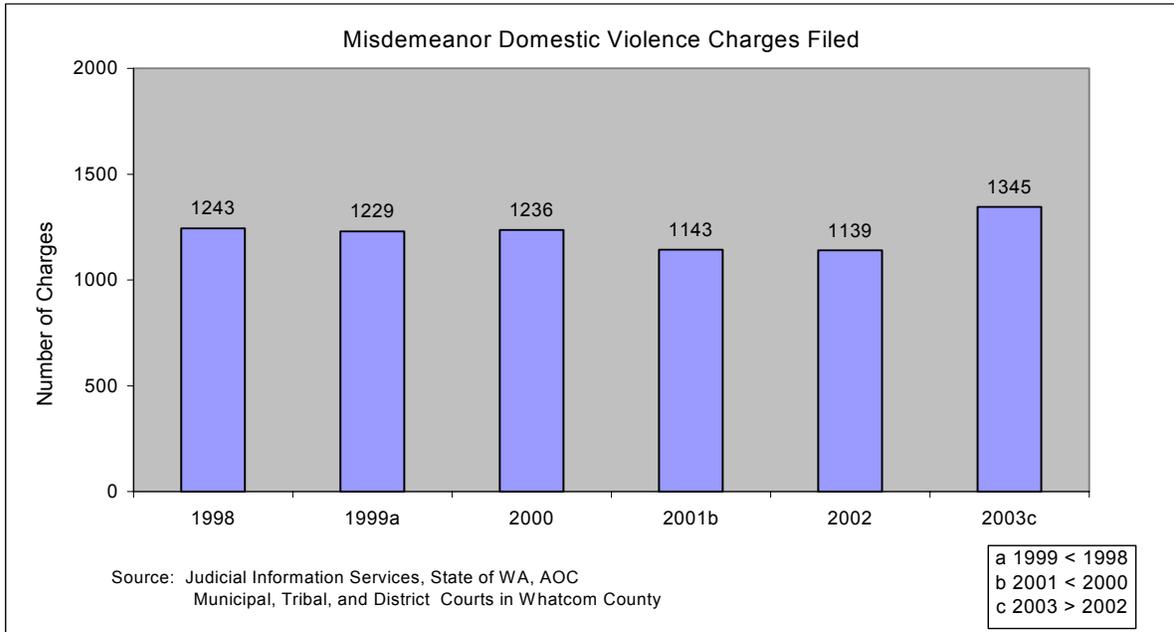


Figure 9

Figure 9 illustrates the number of misdemeanor domestic violence charges as reported by all Municipal, District and Tribal Courts in Whatcom County. (See Glossary of Terms for issues related to the relationship between the parties, types of acts and jurisdictional issues related to this class of charges.)

The number of misdemeanor domestic violence charges reported by courts across Whatcom County has fluctuated significantly between 1998 and 2003. While there was no statistically significant difference between the number of charges filed in 1998 and 2003, this is not the case regarding comparisons between other years. For example, between 1998 and 1999 and between 2000 and 2001 there was a statistically significant drop in the number of misdemeanor domestic violence charges filed in Whatcom County Courts. Alternatively, and compared to 2002 levels, there was a statistically significant increase in misdemeanor domestic violence charges filed in Whatcom County Courts in 2003.

It must be noted that while the majority of domestic violence incidents or cases result in a single charge, more than one charge may be related to a case. Therefore, the number of charges cited herein does not represent the number of actual individuals charged with these crimes, nor the number of cases actually filed. Relatedly, the number of cases will always be lower than the number of charges.

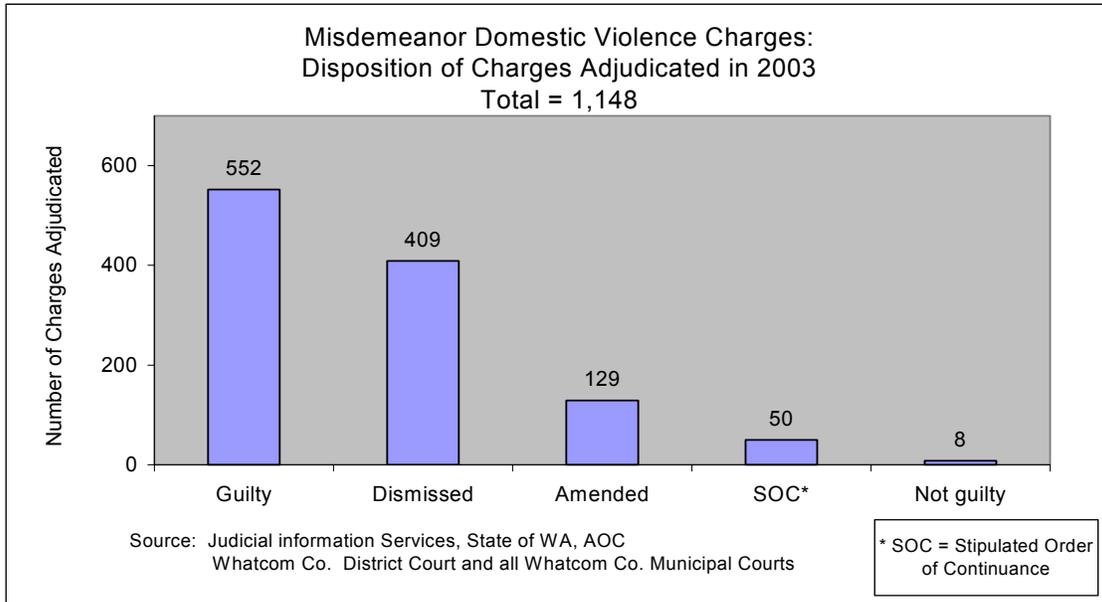


Figure 10

Figure 10 describes the outcomes for the 1,148 domestic violence-related misdemeanor charges resolved in Whatcom County District and Municipal Courts for the 2003 calendar year. Unfortunately, data was not available from Lummi Tribal Court. Also note that a number of these domestic violence charges were originally filed in years other than 2003. Nevertheless, all charges in Table 1 above were resolved in the 2003 calendar year, despite the year of filing.

The following is a description of each resolution status, as well as the average days to disposition in each category. The average days to disposition figures include those days in which a charge was in warrant status. This typically occurs when the defendant fails to appear for court hearings, and results in the case entering an inactive period until the defendant is located. Obviously, those charges that include warrant status lengthens the average days to disposition.

Guilty: These are convictions for the original domestic violence offense as charged. They may be obtained either through trial or a plea agreement. Average days to disposition for this category was 116.

Dismissed: These are charges for which a case was closed and that are no longer being pursued within the legal system. This includes charges that were dismissed due to the defendant’s successful completion of court mandates; charges dismissed without prejudice (where the prosecutor can re-open the case at a later date in light of new evidence); and other conditions. Average days to disposition for this category was 246.

Amended: These are convictions for misdemeanors other than the original domestic violence related charge. Examples include a conviction for the original charge with the domestic violence “tag” removed (i.e. 4th Degree Assault vs. 4th Degree Assault/DV), or for a different misdemeanor charge. Average days to disposition for this category was 195.

Stipulated Order of Continuance: This is an agreement entered into by the defendant to comply with court mandates. Successful completion of court requirements typically results in a

dismissal of the original charges. In most cases, the defendant is required to complete a Domestic Violence Evaluation and comply with the recommendations of that evaluation (i.e. treatment). The defendant is also typically placed on probation where their progress is supervised by the court. Finally, there must not be any new domestic violence offenses incurred within a time period specified by the court (usually until successful completion of court requirements). Average days to disposition for this category was 72.

Not Guilty: These are decisions entered by a judge or a jury at the conclusion of a trial. Average days to disposition for this category was 191.

Felony Cases

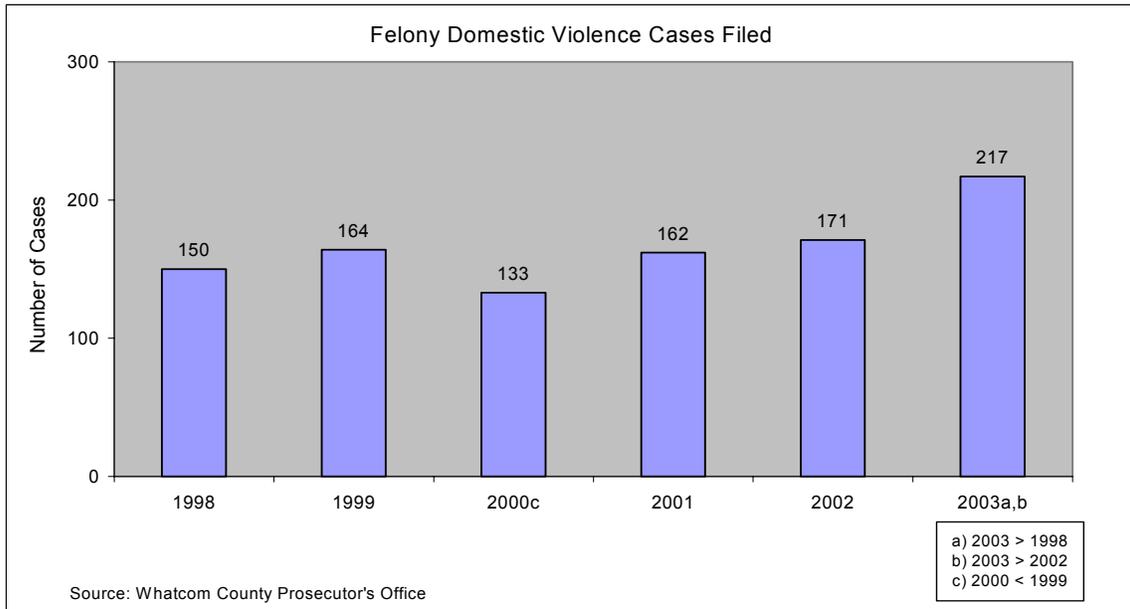


Figure 11

Figure 11 indicates the number of cases filed by the Whatcom County Prosecutor’s Office wherein at least one count against the defendant was a felony. (Please see Glossary of Terms for definitions related to this class of offense.) The number of felony cases filed by the Prosecutor’s Office has generally increased over the time period evaluated. Specifically, when compared to the number of cases filed in 1998, the number of felony cases filed in 2003 increased at statistically significant levels. Similarly, domestic violence felony case filings increased at a statistically significant rate between 2002 and 2003. Lastly, the rate of this class of case filing decreased between 1999 and 2000.

It should be noted that unlike the previous data on misdemeanor charges, this data is based on *case* counts, rather than charge counts. In 2003, approximately half (48%) of the felony cases involved a single offense (charge). The other half (52%) of felony cases involved multiple offenses (charges).

Figure 12 describes the outcomes for the 208 domestic violence-related felony cases resolved in Whatcom County Superior Court the 2003 calendar year. Please note that a number of these domestic violence cases were originally filed in years other than 2003. Nevertheless, all cases were resolved in the 2003 calendar year, despite the year of filing.

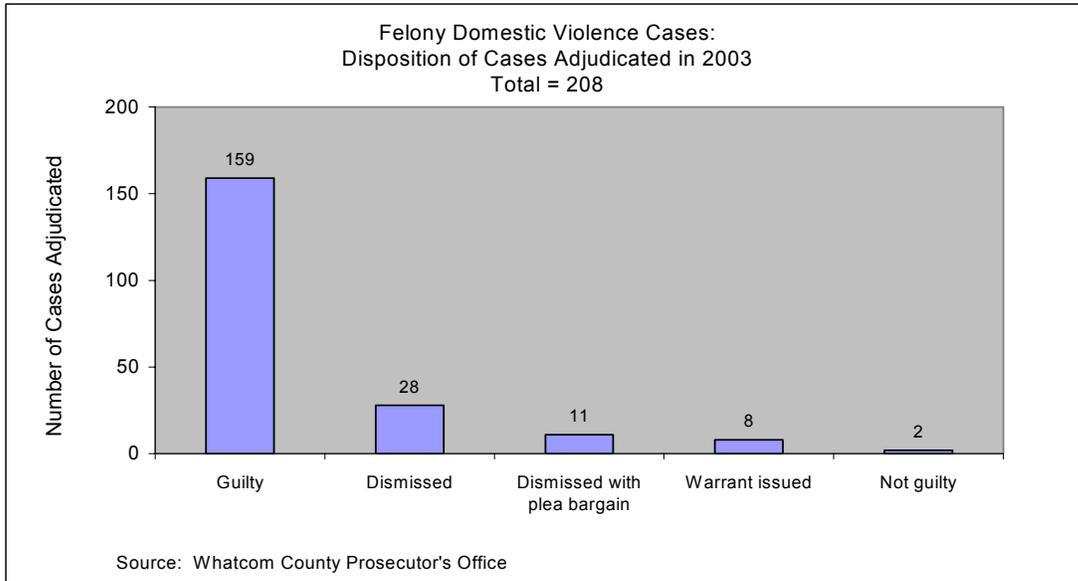


Figure 12

Definitions of resolution status regarding the 208 felony cases differ slightly from that described for misdemeanors. Thus, definitions are listed below, along with average days to disposition for each of these categories.

Guilty: These are cases in which the offender either pled or was convicted at trial to the original charge or a lesser related offense. Average days to disposition for this category was 134.

Dismissed: These are cases in which any/all counts charged were dismissed; the case is closed and is no longer being pursued within the legal system. This category does not include any case that is dismissed pursuant to a plea bargain (a plea bargain dismissal is considered a conviction). Average days to disposition for this category was 220.

Dismissed Pursuant to Plea: These are cases that are dismissed in exchange for a plea to another case. Average days to disposition for this category was 178.

Warrant Issued: These involve cases where an arrest or bench warrant is issued due to the defendant failing to appear for scheduled court proceedings. This is an interim disposition. Average days to disposition for this category was 83.

Not Guilty: These are decisions entered by a judge or a jury at the conclusion of a trial. Average days to disposition for this category was 88.

Probation

Whatcom County District Court Probation provides probation services for Whatcom County District Court and the Municipal Courts of Bellingham, Everson-Nooksack, Lynden, and Sumas. Lummi Tribal Court, Blaine Municipal Court, and Ferndale Municipal Court provide their own probation services.

Probation services are typically limited to misdemeanor cases. Felony domestic violence cases are referred to the Washington State Department of Corrections. It is estimated that Whatcom County District Court Probation handles approximately 75% of all misdemeanor domestic violence-related probation referrals in Whatcom County.

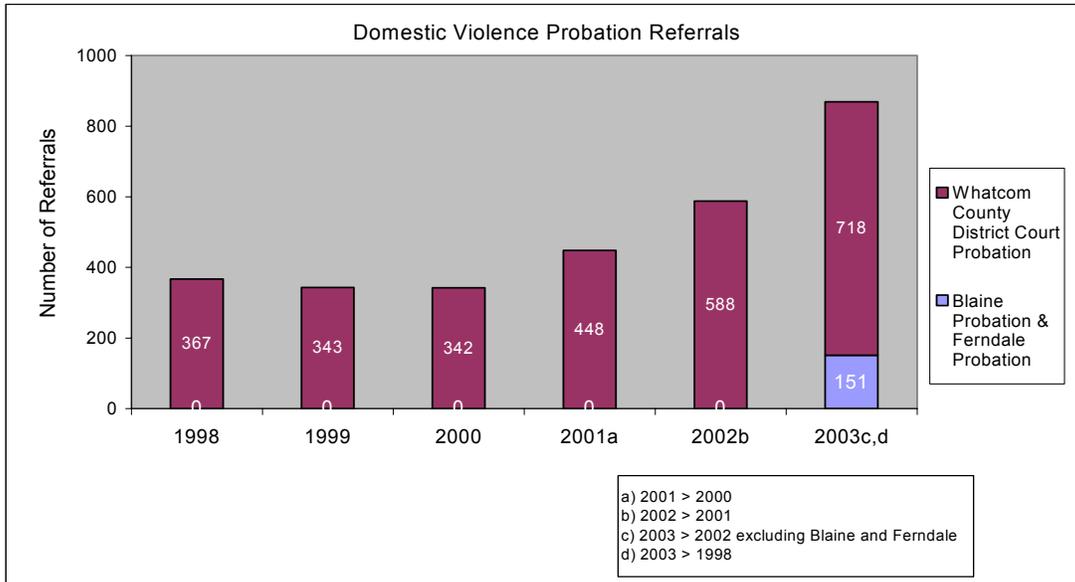


Figure 13

Figure 13 documents all domestic violence charges referred to Whatcom County District Court Probation during the years 1998-2002. In 2003, the data began including Blaine and Ferndale’s Probation Departments. In general, the number of new domestic violence charges referred to probation has been on the rise. With the exception of 1998 to 2000, there were statistically significant increases in the number of new charges referred to probation every year.

It is worth noting that the number of new referrals to probation does not correspond to the actual number of individuals requiring supervision by that department. For example, a single incident may result in an individual garnering two domestic violence charges. If this same individual is mandated to pre-trial probation supervision by the courts, the department counts this as two new referrals (corresponding to the number of charges). If during the same calendar year that same individual is convicted of one of those domestic violence charges and is ordered to two years of probation supervision, this is counted as an additional referral by the department. In summary, this individual’s case will result in three new domestic violence probation referrals in one calendar year.

Ultimately, it is important to obtain an unduplicated count of new domestic violence charges referred to probation that accounts for the number of individuals being supervised, rather than being related to the number of charges incurred by an individual. Nevertheless, Whatcom County District Court Probation has experienced a significant increase in new domestic violence referrals per year. Given that the numbers of misdemeanor domestic violence charges has not increased at this same rate, it is assumed that this increase reflects a change in court decisions, practices and outcomes, as it is the courts that determine whether or not an individual is referred for probation. It may be that more people are ordered to pre-trial supervision, that the conviction rate for domestic violence related offenses has increased, or that more people are ordered to probation as part of a domestic violence conviction.

DOMESTIC VIOLENCE IN WHATCOM COUNTY: CIVIL JUSTICE AND SERVICE PROVIDER RESPONSE

Domestic Violence Perpetrator Treatment

The majority of Whatcom County Courts have agreed that in cases involving a domestic violence-related charge, the defendant must complete a Domestic Violence Evaluation at a state-certified domestic violence perpetrator treatment program, and then comply with the recommendations set forth therein. (For further information on perpetrator treatment please refer to Glossary of Terms). While the majority of Domestic Violence Evaluations result in a recommendation for domestic violence perpetrator treatment, not all do so. In Whatcom County, it is left up to the discretion of the evaluator to recommend the form, length, and stipulation(s) of treatment most appropriate for the individual perpetrator evaluated.

In 2003, there were three state-certified Domestic Violence Perpetrator Treatment Programs in Whatcom County: Dr. Shannon Meyer; Violence Intervention Professionals; and Waterfront Counseling. Some individuals ordered to domestic violence perpetrator treatment may choose to attend a program in another county, and Whatcom County programs provide services to individuals from other counties. Nevertheless, of individuals who are court-ordered to treatment, approximately 95% of those enrolled in Whatcom County Programs were referred by Whatcom County courts.

It is important to note that the following data only includes those individuals who have complied with a court order by either completing a Domestic Violence Evaluation or by attending domestic violence perpetrator treatment. It does not include those individuals who failed to complete their Domestic Violence Evaluation, or who never complied with the original court order to receive an evaluation.

The following table reports characteristics of evaluations and treatment conducted by Whatcom County Domestic Violence Treatment Providers in 2003. As Table 1 indicates, 136 completed Domestic Violence Evaluations were reported in 2003. The courts ordered over 90% of these evaluations. The remaining evaluations were conducted based on referrals from the Department of Children and Family Services, referrals from private attorneys, or from individuals seeking an evaluation on their own.

Completed Domestic Violence Evaluations	136
Number of Individuals in Perpetrator Treatment	140
Status of Individuals in Treatment:	
Completed	46 (33%)
Ongoing	34 (24%)
Terminated for non-compliance	52 (37%)
Left treatment for other reasons	8 (6%)

The table above also reports treatment outcomes for individuals enrolled in Whatcom County Domestic Violence Perpetrator Treatment Programs in 2003. The 140 perpetrators listed represent individuals who may have started treatment in 2002 (and thus were in ongoing treatment in 2003), as well as individuals who started treatment in 2003 (regardless of how many sessions they attended). Participants in Domestic Violence Perpetrator Treatment Programs are held to strict attendance and payment requirements and failure to comply can result in termination from treatment. Treatment providers are in regular contact with probation regarding court-ordered program participants. Non-compliance with Domestic Violence Perpetrator Treatment can result in a variety of sanctions by the court, including revocation of probation or jail time.

Even given the above, 37% of participants in Domestic Violence Perpetrator Treatment Programs were terminated from treatment due to non-compliance during 2003. There were also a small percentage of individuals who left treatment in 2003 for reasons other than noncompliance. These included relocation, probation ending prior to the end of treatment, and stopping and re-starting treatment.

Domestic Violence Protection Orders

A Domestic Violence Protection Order is a civil Court Order available to an individual who is a victim of domestic violence, or who is inflicted with the fear of violence by a family or household member (see Appendix A, RCW 26.50.510 for further definition). In general, Protection Orders may contain stipulations that include prohibiting contact of any kind between the abuser and victim, removing the abuser from a shared residence, awarding temporary custody of the children to the victim and setting parameters for visitation, and/or ordering an abuser to obtain a Domestic Violence Evaluation and Domestic Violence Perpetrator Treatment. Protection Orders are generally sought by individuals who are not involved in criminal domestic violence cases, individuals for whom a criminal case does not resolve all safety issues, such as temporary custody and visitation arrangements of children, and individuals who are the alleged victim in criminal domestic violence cases which result in no conviction or a dismissal of the charges or case.

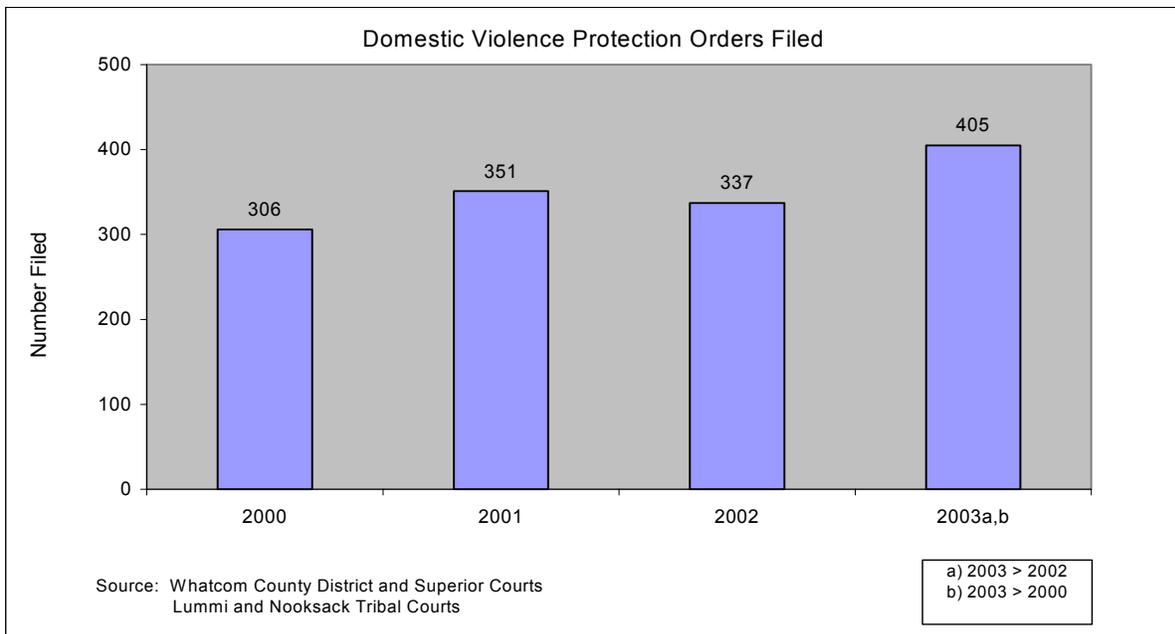


Figure 14

Figure 14 indicates the number of Domestic Violence Protection Orders filed in Whatcom County District and Superior Courts, as well as in Lummi and Nooksack Tribal Courts between 2000 and 2003. Compared to the number of Protection Orders filed in these courts in 2000, there was a statistically significant increase in the number of Protection Orders filed in 2003. Additionally, there was a significantly greater number of Protection Orders filed between 2002 and 2003. Alternatively, there were no significant differences in the number of Protection Orders filed between 2000 and 2001 or between 2001 and 2002. Presently, the reasons for the increase in Protection Order filings in the years noted remain unclear.

Services to Victims of Domestic Violence

Services to victims of domestic violence in Whatcom County are overwhelmingly provided by two agencies: Domestic Violence and Sexual Assault Services (DVSAS); and Womenscare Shelter and Domestic Violence Services.

Domestic Violence and Sexual Assault Services

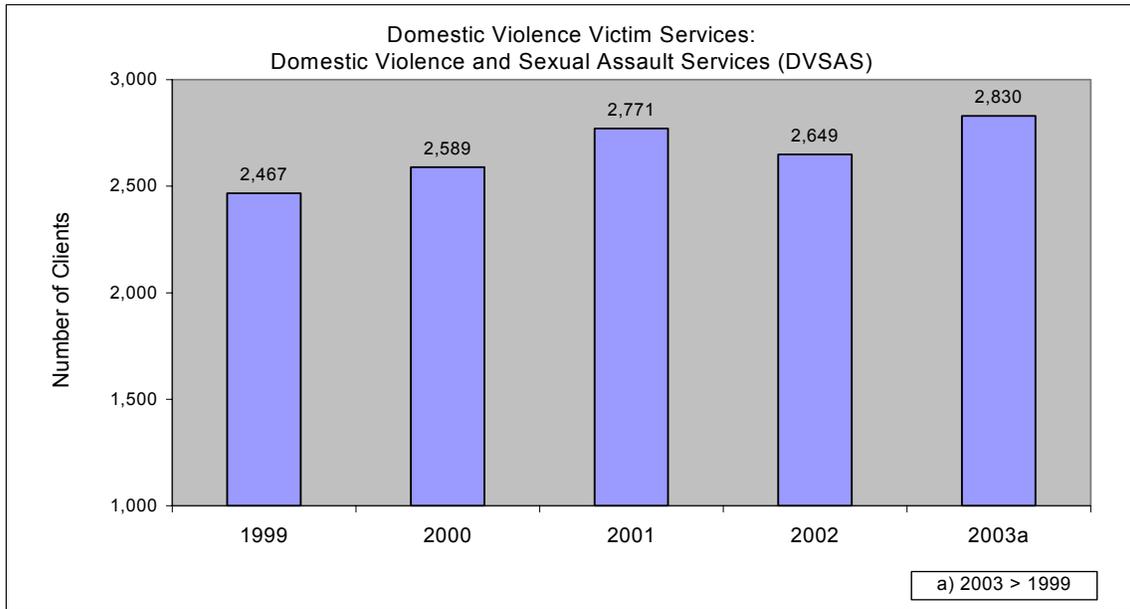


Figure 15

Figure 15 indicates the total number of domestic violence clients served by DVSAS between 1999 and 2003. Services provided to these clients may include legal and personal advocacy, 24-hour hotline, walk-in and on-scene crisis intervention, and support groups. This agency’s services to victims of domestic violence have remained consistent over the time period noted, with the exception of a statistically significant increase in the total number of clients in 2003, when compared to 1999 service levels.

Womencare Shelter and Domestic Violence Services

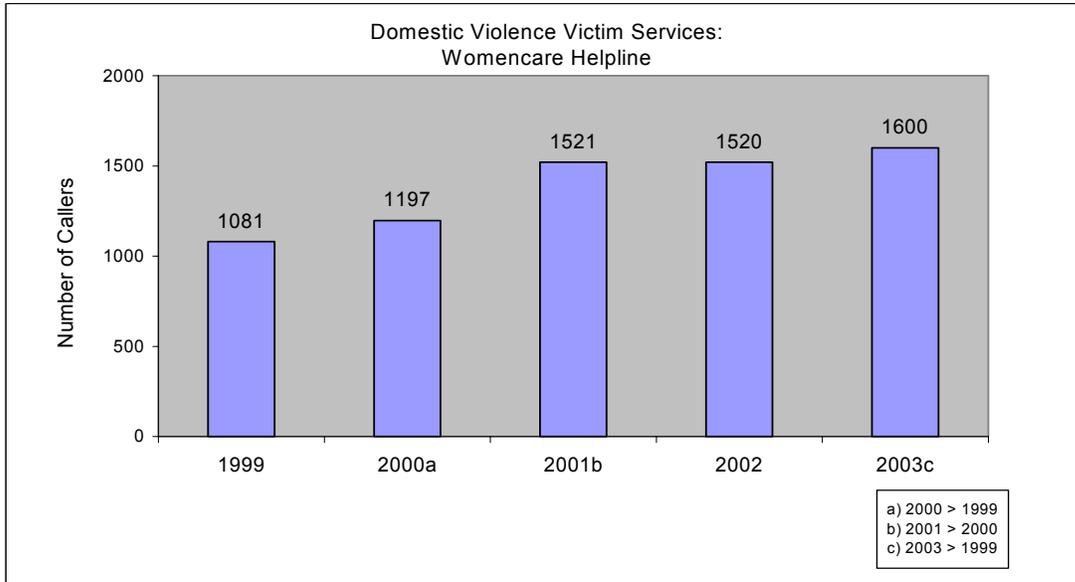


Figure 16

Figure 16 reports the number of Helpline callers served by Womencare between 1999 and 2003. Services to Helpline callers may include crisis intervention, advocacy-based counseling, safety planning, and referrals to appropriate community programs. In general, this agency has seen increases in its demand for Helpline services. In particular, statistically significant increases in Helpline callers occurred between 1999 and 2000, and 2000 and 2001. Finally, when compared to 1999 levels, there were significantly more Helpline callers in 2003 than there were four years earlier.

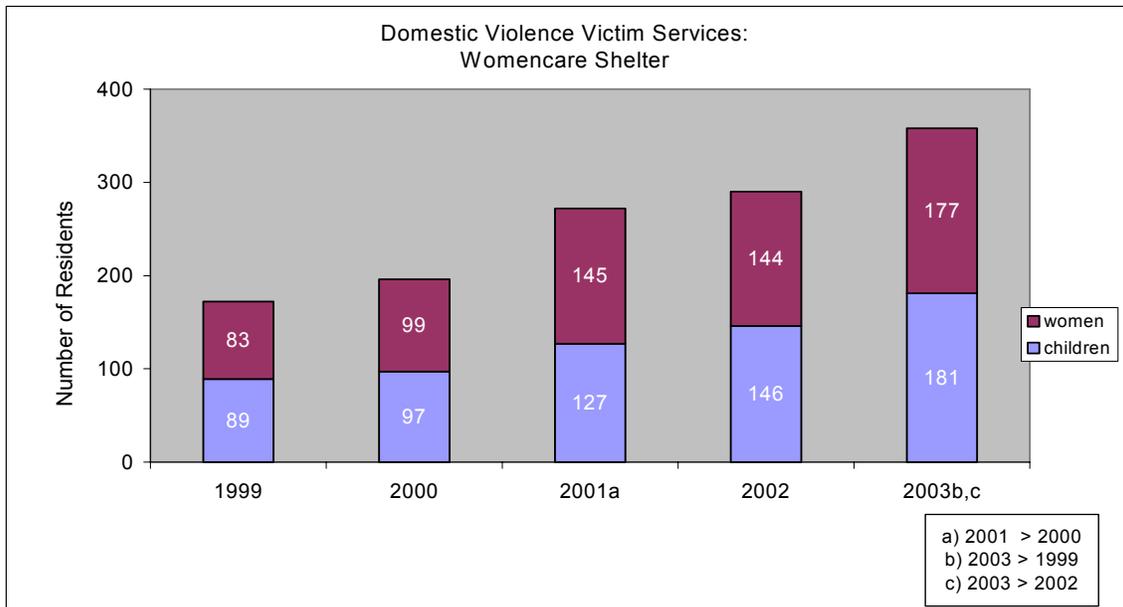


Figure 17

Figure 17 indicates the number of women and children victims who received emergency housing and support services at Womencare Shelter. Evaluating the total number of shelter residents served between 1999 and 2003, there have been several significant increases in this agency's provision of shelter services. Specifically, when compared to 1999, there was a significant increase in the number of shelter residents in 2003. Likewise, the years between 2000 and 2001, and 2002 and 2003 each saw significant jumps in the number of shelter residents at Womencare.

Glossary of Terms

Domestic Violence Offenses

Under Washington State law, offenses are considered to be domestic-related if they are committed by family members, regardless of the family relationship, or by domestic partners. Domestic violence offenses include offenses in the following categories: criminal homicide, forcible rape, robbery, assault, burglary, larceny theft, motor vehicle theft, arson *and* violation of Protection/No Contact Orders. There are occasions where multiple offenses occur during the same incident. Due to criteria standards established by the FBI to ensure uniform coding by all 50 states, only the highest ranking offense can be tallied for statistical purposes. The FBI monitors 26 offenses with the most serious offenses placed at the top of the list. For example: if an offender broke into a victim's home, stole her car keys, forced her into her vehicle, drove her to a secluded location, sexually assaulted her, abandoned her, but took her car and her purse, then only the rape would be counted, as it is the highest ranking offense. The proper order of charges in this case would be 1) Rape, 2) Burglary, 3) Theft, 4) Auto Theft, 5) Kidnapping/Unlawful Imprisonment. Therefore, for each domestic violence related incident, there is generally only one domestic violence offense counted in this database. It is important to remember that this system of coding (UCR) identifies and tallies a police identified problem and is not based on the findings of a court, medical examiner, jury or other judicial findings.

Domestic Violence Perpetrator Treatment

Washington Administrative Code 388-60-0025 establishes minimum standards for programs that treat perpetrators of domestic violence. In the State of Washington, all domestic violence perpetrator treatment providers must be certified by the Department of Social and Health Services. In order to be certified, the program must demonstrate that it meets the standards outlined in WAC 388-60-0025. These state codes assert that the focus of domestic violence perpetrator treatment programs is on ending the program participant's physical, sexual, and psychological abuse. Treatment must be based on strategies and philosophies that hold the participant accountable for the violent and abusive behaviors and are not blaming of the victim. The minimum treatment period for program participants is twenty-six consecutive weekly same gender group sessions followed by monthly sessions until a twelve-month period is complete.

Felony Domestic Violence

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

Misdemeanor Domestic Violence

Misdemeanor domestic violence crimes occur when there is a family, household, or dating relationship, and one or both parties commit a crime against the person or property of the other. Examples of this type of crime include: Violation of a Protection Order; Assault 4th Degree; Malicious Mischief; Disorderly Conduct; and Interfering with Reporting of Domestic Violence. Courts of

Limited Jurisdiction (District and Municipal Courts) and Tribal Courts have jurisdiction over domestic violence related misdemeanors committed within their area of authority.

Population Base Rate Figures

Washington State’s Office of Financial Management provided all population rates utilized in this report. Whatcom County and Washington State figures are as follows:

Year	Whatcom County	Washington State
1998	160,667	5,685,459
1999	163,774	5,792,214
2000	166,814	5,894,121
2001	170,600	5,974,900
2002	172,200	6,041,700
2003	174,500	6,098,300

APPENDIX A

Washington State RCW 26.50.010

Definitions:

As used in this chapter, the following terms shall have the meanings given them:

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(3) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

Washington State RCW 10.99.020

Definitions:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);
- (r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
- (s) Rape in the first degree (RCW 9A.44.040);
- (t) Rape in the second degree (RCW 9A.44.050);
- (u) Residential burglary (RCW 9A.52.025);
- (v) Stalking (RCW 9A.46.110); and
- (w) Interference with the reporting of domestic violence (RCW 9A.36.150).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

Acknowledgments

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Commission Members

Cynthia Bauleke
Mary Elizabeth Bisese
Randy Carroll
Regina Delahunt
Burton Dickerson
William Elfo
Sheri Emerson
Mike Haslip
Joan Hoisington
Rebecca Johnson
Cheri Kilty

Kathleen Marshall
Dave McEachran
Erin McIlhany
Shannon Meyer
Jon Ostlund
Candy Petersen
Todd Reutlinger
Michael Sledge
Linda Storck
Karen Summers
Bruce Van Glubt
Kathy Washatka

Staff

Sue Parrott, Director
Linda Ward, Administrative Support

Technical and Editing Assistance

Shannon Meyer

Bellingham-Whatcom County Commission Against Domestic Violence

1407 Commercial

Bellingham, WA 98225

Phone: 360-671-5714 extension 235

FAX: 360-647-6015

dvcommission@yahoo.com

