

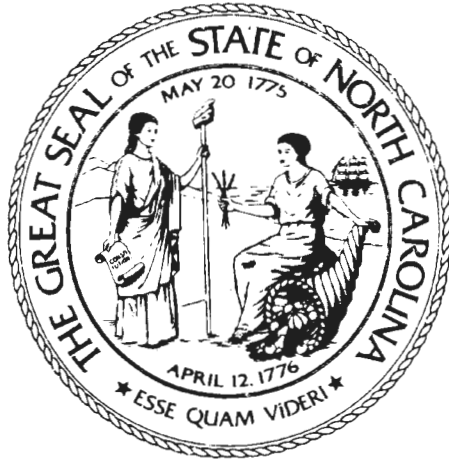
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GOVERNOR'S CRIME COMMISSION STUDY OF DOMESTIC VIOLENCE CRIME CATEGORIES

As Directed by Senate Bill 32, Part V

Enacted During the 1997 Session of the North Carolina General Assembly

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GOVERNOR'S CRIME COMMISSION
RALEIGH, NORTH CAROLINA 27609

MAY 1998

GOVERNOR'S CRIME COMMISSION
DOMESTIC VIOLENCE CRIME CATEGORY
STUDY COMMITTEE

REPORT TO THE 1998 SESSION OF THE
NORTH CAROLINA GENERAL ASSEMBLY

A. BACKGROUND:

During the 1997 session of the General Assembly, the Governor's Crime Commission was instructed to coordinate a study of Domestic Violence Crime Categories. The legislation required that this study include participation from the North Carolina Conference of District Attorneys and from prosecutorial districts currently receiving funds from the Violence Against Women Act, administered through the Governor's Crime Commission. A copy of the relevant legislation is included in *Appendix A*.

The Committee was given the following major responsibilities:

- Recommend a statutory definition of domestic violence that will be sufficiently clear so that it can be used by law enforcement officers and prosecutors to determine eligibility of victims of these crimes for victims assistance services.
- Recommend whether any crimes that are currently misdemeanors should be reclassified as felonies when committed as crimes of domestic violence. Furthermore, these recommendations should be forwarded to the North Carolina Sentencing and Policy Advisory Commission for purposes of analyzing the impact on the length of time for which persons are incarcerated and the number of persons incarcerated.

B. PROCESS:

Working with the Conference of District Attorney's the Governor's Crime Commission convened a representative nine-member committee. The Committee included one state senator, one state representative, one district attorney, two assistant district attorneys, one district court judge, one police chief, one representative from the North Carolina Coalition Against Domestic Violence, and one representative from the North Carolina Victims' Assistance Network. See *Appendix B* for a list

of the members. The Governor's Crime Commission provided staff support to the Committee with assistance from the Administrative Office of the Courts and the North Carolina Sentencing and Policy Advisory Commission.

The Committee met four times from October 1997 through April 1998 as follows:

The first meeting was held on October 17, 1997. At this meeting, the Committee reviewed the legislative mandate; reviewed current North Carolina laws regarding domestic violence; reviewed definitions of domestic violence used in other states; and reviewed model definitions of domestic violence as promulgated by various national organizations.

The second meeting was held on December 4, 1997. At this meeting, the committee reviewed preliminary statewide domestic data and developed an initial statutory definition of domestic violence.

The third meeting was held on January 22, 1998. At this meeting the Committee further refined the definition of domestic violence; discussed the potential need to include statutes related to child abuse in the definition; and considered the issue of raising some misdemeanor offenses to felonies if committed within the context of domestic violence. The committee also asked the staff, in conjunction with the Administrative Office of the Courts and the North Carolina Sentencing and Policy Advisory Commission, to conduct a study of the incidences of domestic violence in ten prosecutorial districts and to extrapolate the resulting information on a statewide basis.

The fourth meeting was held on April 24, 1998. At this meeting the Committee adopted a final statutory definition of domestic violence; discussed further the potential need to include statutes related to child abuse in the definition; reviewed the results of the domestic violence study in ten prosecutorial district; and affirmed the earlier decision to raise the offense class of certain misdemeanors when committed within the context of domestic violence.

C. RECOMMENDED DEFINITION OF DOMESTIC VIOLENCE:

The Committee believed that there were two elements basic to the definition of domestic violence: 1) the nature of the offense, and 2) the nature of the relationship between the parties. For purposes of determining eligibility to receive victim services under proposed victims enabling legislation, the Committee elected to limit the types of offenses and the types of relationships to be included in the definition. *The Committee was very careful to indicate that it was not attempting to broadly define what constitutes domestic violence, but rather was attempting to narrowly prescribe the situations when victim services would automatically be provided under law.*

The Committee adopted the following definition:

RECOMMENDED DEFINITION

For the purposes of determining eligibility for crime victims' assistance, misdemeanor offenses included are any violation of *Assault Inflicting Serious Injury or Assault With A Deadly Weapon* (NCGS 14-33(c)(1)), *Assault On A Female* (NCGS 14-33(c)(2)), *Simple Assault* (NCGS 14-33(a)), *Assault By Pointing A Gun* (NCGS 14-34), *Domestic Criminal Trespass* (NCGS 14-134.3) or *Stalking* (NCGS 14-277.3) that is committed between persons who are current or former spouses, or who live together in an intimate relationship or who have lived together in an intimate relationship, or who have or are expecting a child in common.

D. ESTIMATED IMPACT OF RECOMMENDED DEFINITION:

To determine the potential impact of the Committee's recommendations, staff collected data on domestic violence cases in nine North Carolina Prosecutorial Districts reported during the last four months of 1997. These districts were selected because they were the only districts with domestic violence units in their prosecutor's office and were able to collect and report statistics related to domestic violence¹. Information was collected, coded, and analyzed on 4,248 reported domestic violence-related misdemeanor charges in the nine districts. The results of this analysis are included in *Appendix C* of this report. This information was further provided to the Administrative Office of the Courts for purposes of projecting the statewide impact of the Committee's recommendations.

Analysis of the domestic violence-related misdemeanor charges in the nine-district sample showed that approximately 60.6% of these charges would be fit within the Committee's proposed definition and consequently the victims of these crimes would automatically be eligible to receive victim services. Furthermore, based on this analysis, the Administrative Office of the Courts estimates that this definition would mandate victim services for a maximum of 30,822 victims per year². See *Appendix D* for a summary of this analysis.

¹Ten districts have domestic violence units in their prosecutorial districts but only nine were able to report domestic violence statistics.

²This is considered to be a maximum number because currently not all prosecutorial districts are as proactive in investigating and prosecuting instances of domestic violence as were the nine prosecutorial districts in the data sample.

E. RECOMMENDATIONS TO RAISE OFFENSE CLASSES:

The Committee discussed raising certain misdemeanors to felonies when committed within the context of domestic violence. After considerable discussion, the Committee decided not to recommend that any misdemeanors be raised to felonies. The Committee was concerned about the impact that such a change would have on Superior Court and the available sentencing options for low-level felonies under the felony Structured Sentencing law. The Committee also recognized that in 1996 the General Assembly created a new Class F offense of *Assault Inflicting Serious Bodily Injury*, which allows for the prosecution of domestic violence cases as felonies if the offense involves serious bodily injury as defined in NCGS 14-34.4.³

The Committee did recommend, however, that certain misdemeanor offense should be raised to higher misdemeanor levels if committed within the context of domestic violence as defined in this report and that *Criminal Domestic Trespass* should be raised to a higher misdemeanor level. Consequently, the Committee made the following three recommendations:

RECOMMENDATION TO RAISE OFFENSE CLASSES:

- ◆ Raise *Stalking* to a Class A1 misdemeanor when committed in the context of domestic violence. *Stalking* is currently a Class 1 misdemeanor.
- ◆ Raise *Simple Assault* to a Class A1 misdemeanor when committed in the context of domestic violence. *Simple Assault* is currently a Class 1 misdemeanor.
- ◆ Raise *Criminal Domestic Trespass* to a Class A1 misdemeanor. *Criminal Domestic Trespass* is currently a Class 1 misdemeanor.

³Serious bodily injury is defined as bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

F. ESTIMATED IMPACT OF RECOMMENDATIONS TO RAISE OFFENSE CLASSES:

These recommendations have been forwarded to the North Carolina Sentencing and Policy Advisory Commission to determine the additional number of inmates that would be sentenced and housed in county jails as a result of these recommendations. In developing these impact projections, the Sentencing Commission will be working with the Administrative Office of the Courts to estimate the number of *Simple Assault* and *Stalking* convictions that are committed within the context of domestic violence as defined in this report.

G. OTHER CONSIDERATIONS:

The Committee was very concerned about children who witness domestic violence. However, the Committee felt that providing direct victims services to children, such as those outlined in House Bill 665,⁴ did not make practical sense since all such notifications would necessarily go through parents, guardians or custodians. The Committee did feel that counseling services to children who witness domestic violence should not be mandated but felt that the availability of such services should be expanded.

The Committee also believed that local law enforcement agencies be encouraged to adopt a pro-arrest domestic violence protocol, such as that developed by the Governor's Crime Commission. The Committee further felt that such protocols should provide for the collection of information related to the presence of children during the incident of domestic violence.⁵

The Committee also felt that the General Assembly should consider the feasibility of raising the penalty of crimes involving domestic violence when a child is present and witness to the offense.

⁴Notification of upcoming court dates; notification of availability of counseling and other services; notification of release of the perpetrator from jail or prison, etc.

⁵Refer to *Domestic Violence: Best Practices for Law Enforcement Response*, printed and distributed by the North Carolina Governor's Crime Commission.

APPENDIX A:

LEGISLATION CREATING THE COMMITTEE

SENATE BILL 32: 1997 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

PART V. GOVERNOR'S CRIME COMMISSION TO STUDY DOMESTIC VIOLENCE CRIME CATEGORIES

Section 5.1 The Governor's Crime Commission of the Department of Crime Control and Public Safety shall coordinate a study of the incidence of domestic violence and identify the felonies and misdemeanors that may be categorized as domestic violence. The study shall include participation by the North Carolina Conference of District Attorneys and the seven prosecutorial districts that are currently receiving funds from the Violence Against Women Act, administered through the Governor's Crime Commission. The study shall also include participation of other prosecutorial districts which volunteer their participation in providing necessary information. The Commission shall recommend a statutory definition of domestic violence crimes that will be sufficiently clear so that it can be used by law enforcement officers and prosecutors to determine eligibility of victims of these crimes for victims' assistance services. The Commission shall also recommend whether any crimes that are currently misdemeanors should be reclassified as felonies when committed as crimes of domestic violence. The Commission shall forward its recommendations to the North Carolina Sentencing and Policy Advisory Commission. The Sentencing and Policy Advisory Commission shall analyze the recommendations for impact on the length of time for which persons are incarcerated and the number of persons incarcerated. The Commission shall report the findings of its study and its recommendations, including the analyses from the Sentencing and Policy Advisory Commission, to the 1997 General Assembly, 1998 Regular Session, on or before its convening date.

APPENDIX B
LIST OF COMMITTEE MEMBERS

The Honorable Allen H. Wellons, Chairman
N. C. General Assembly
Raleigh, NC 27601-2808

Chief Harry Dolan Lumberton Police Department Lumberton, NC 28359	Ms. Karen Luciano Director, N. C. Coalition Against Domestic Violence Durham, NC 27702
The Honorable Thomas D. Haigwood District Attorney, District 3-A Greenville, NC 27835	Ms. Lillian Salcines Assistant District Attorney, District 13 Bolivia, NC 28422
Ms. Stephanie Jenkins Assistant District Attorney, District 10 Raleigh, North Carolina 27602	Ms. Catherine Smith, Director N. C. Victim Assistance Network Raleigh, NC 27605
The Honorable Joe L. Kiser N. C. General Assembly Raleigh, NC 27601	The Honorable Ronald E. Spivey District Court Judge Winston-Salem, NC 27101

APPENDIX C:

**AN ANALYSIS OF DOMESTIC VIOLENCE COURT DATA AND
DISPOSITIONAL OUTCOMES**

An Analysis of Domestic Violence Court Data

And

Dispositional Outcomes

Domestic Violence Study Committee

Prepared by the North Carolina Criminal Justice Analysis Center

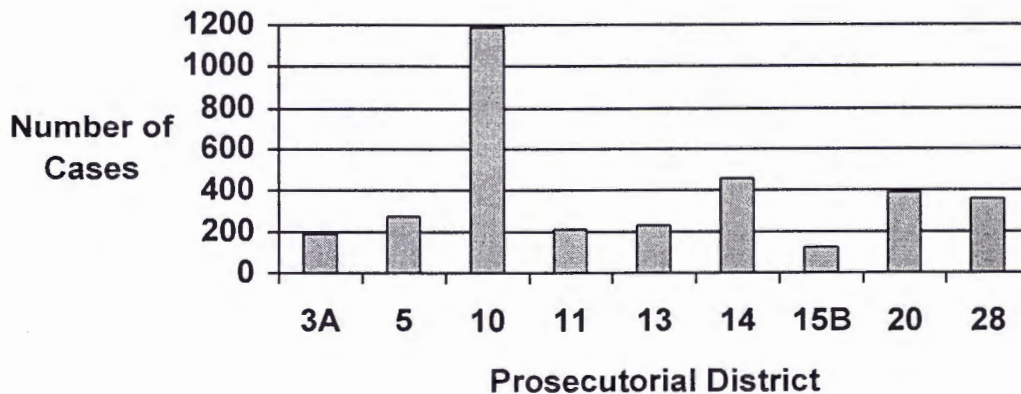
of the

Governor's Crime Commission

April 24, 1998

- This report presents **preliminary findings** for the data which was requested by the Domestic Violence Study Committee as part of its work to ascertain the extent of domestic violence in North Carolina and to formulate a definition of domestic violence as outlined in Senate Bill 32.
- Data were submitted by 9 of the state's prosecutorial districts. The greatest number of cases were reported by the 10th district (Wake County) which accounted for 1,188, or 34.7 percent, of the total number. Durham County (14th district) reported 456 cases (13.3 %), the 20th prosecutorial district (Anson, Richmond, Union and Stanly Counties) submitted 389 cases (11.4%) and 356 cases, or 10.4 percent, were recorded in Buncombe County (28th district). The remaining 5 districts accounted for the remaining 30.2 percent of the cases or roughly 6 percent per district.

Domestic Violence Cases by Prosecutorial District



- A total of 3,419 cases were recorded by these districts for the reporting period of September 1 – December 31, 1997. A total of 4,248 distinct charges were filed with the majority of the cases involving only one offense charge (2,777 or 81.2 % of the cases). Two charges were filed in 466, or 13.6 %, of the cases, with 167 cases having three separate offenses (4.9%). Seven cases had four separate charges and two cases had five different charges.

Primary Charge for Each Case

Offense	Number	Percent
Assault on a Female	2161	63.2 %
Simple Assault	341	10 %
Communicating Threats	275	8 %
Assault w/ Deadly Weapon	180	5.3%
Domestic Criminal Trespass	116	3.4%
Assault /Inflicting Serious Injury	57	1.7%
Injury to Personal Property	55	1.6%
Harassing Phone Calls	44	1.3%
Assault by Pointing a Gun	30	.9%
Violation of a Domestic Violence Protective Order (50B)	30	.9%
Second Degree Trespass	28	.8%
Assault on a Child	20	.6%
Stalking	15	.4%
Injury to Real Property	13	.4%
Breaking & Entering	12	.4%
Criminal Contempt	9	.3%
Larceny	8	.2%
First Degree Burglary	4	.1%
Carrying a Concealed Weapon	2	.1%
First Degree Trespass	2	.1%
Unauthorized Use of a Motor Conveyance	1	0%
Other	16	.5%
TOTAL	3419	100%

- The most common offense was assault on a female with 2,161 (63.2%) incidents being reported as the primary charge. Simple assault (341) and communicating threats (275) were the next most frequently reported offenses. Assault with a deadly weapon was listed as the primary charge in 180 cases. Domestic criminal trespass was the primary offense in 116 cases. These five offenses account for nearly 90 percent of the primary charges.

- The majority of the cases involved only one victim (3,356, 98.2%). Multiple victims were only reported for 63 (1.8%) cases. Fifty-nine cases involved two victims and 4 cases involved three victims.
- Data on the relationship between the defendant and the victim was available for 3,626 charges. Married, divorced or separated was the most frequently reported relationship (1,490 , 41.1%) , followed by living or previously lived together (1,290 , 35.6%) and dating (553, 15.3%).

Total Charges By Offender – Victim Relationship

Relationship	Number	Percentage
Married/Divorced/Separated	1,490	41.1%
Have/Expecting Child in Common	118	3.2%
Dating	553	15.3%
Live/Lived Together	1,290	35.6%
Parent/Child	35	.9%
Sibling	6	.2%
Other	134	3.7%
TOTAL	3,626	100%

Note: The number of charges here (3,626) does not equal the previously reported total of 4,248. Relationship information was not available, or known, for every case thus the lower number.

Services Provided

Service	Number	Percent
Court notification by letter	361	4.3%
Court notification by phone or in person	2,084	24.7%
Referral to community agencies	1,350	16%
Mailed info about criminal justice process	205	2.4%
Provided info in person or by phone about the criminal justice process	2,096	24.8%
Assist w/ impact statement or victim compensation	215	2.5%
Met with prosecutor	1,677	19.8%
Other	465	5.5%
TOTAL	8,453	100%

- A total of at least 8,453 services were offered to 3,312 (95%) of the 3,486 primary and secondary victims of domestic violence. Services were rarely refused by the victims. Only 2 percent (73) of the victims actively declined the provision of services and an additional 161 (4.6%) did not receive services for other reasons. The provision of information about the criminal justice process and court notification by telephone or in person were the most common service types. Meetings with the prosecutor and referrals to community agencies were provided for approximately one in five victims.
- Disposition data was available for 2,447 completed cases. The greatest number of defendants pled guilty to the original charge(s) with 1,013, or 41.4%, of the cases being disposed of in this manner. Dismissals without leave accounted for 23.1% (564) of the dispositions compared to dismissals with leave which accounted for a lower 10.1% (248). Court trials were conducted for 470, or 19.2%, of the cases. The defendants' probability of receiving a guilty verdict was relatively high with guilty verdicts being returned in 297, or 63.2%, of the trials. Appeals were extremely rare with only 64 defendants (2.6%) seeking assistance through the appellate process.

Case Disposition

Disposition Type	Number	Percent
Trial/ Guilty	297	12.1%
Trial/Not Guilty	173	7.1%
Guilty plea to charged offense	1013	41.4%
Guilty plea to lesser charge	19	.8%
Dismissal after deferred prosecution	61	2.5%
Dismissal w/ leave	248	10.1%
Dismissal w/out leave	564	23.1%
Other	72	2.9%
TOTAL	2,447	100%
Pending	941	-----

Note: The number of cases here does not equal the previously reported total of 3,419. Disposition information was not available, or known, for every case thus the lower number.

- An analysis of offense charge by disposition, when one of the five most common domestic violence offenses was reported as the single charge, reveals that the majority of the assault on female cases were resolved by the defendant pleading guilty to the original charge (44.1%). Approximately 22 percent of the cases were dismissed without leave. Court trial outcomes mirrored the trial outcomes for all cases with approximately 63 percent of the defendants being found guilty at trial. Overall 58 percent of the defendants either pled or were found guilty.
- Simple assault cases were typically dismissed with the three dismissal categories accounting for 47.2 percent of the simple assault dispositions. Defendants plead guilty as charged in 27.2 percent of these cases with 12.3 percent of the defendants being found guilty after trial proceedings. Roughly 41 percent of the cases resulted in guilty pleas or convictions.

- Dismissals were also common for cases in which the sole charge was the communication of threats. These cases were dismissed 49.1 percent of the time, however 30.2 percent were resolved with the defendant pleading guilty as charged. Slightly more not guilty verdicts were returned when these cases advanced to the trial stage. Defendants either pled or were found guilty in 39 percent of the cases.
- Convictions and dismissals were more equally balanced for the assault with a deadly weapon cases. Slightly more than one in four cases were disposed of by the defendant pleading guilty to the original charge. Dismissals with, and without leave, accounted for 45.2 percent of the cases. Defendants who went to trial had a better chance of being acquitted (62.5%) as opposed to being found guilty (37.5%). Forty-two percent of the defendants received guilty dispositions.
- The typical disposition for a domestic criminal trespass case was to be dismissed without leave. However, guilty pleas to the original charge did occur for 28.2 percent of the cases. Defendants who went to trial for this offense were found guilty in 73.7 percent of the cases. Overall approximately 49 percent of the defendants either pled or were found guilty.

Offense Charge by Dispositional Outcome

Offense/Disposition	Assault on a Female	Simple Assault	Communicatin Threats	Assault w/ Deadly Weapon	Domestic Criminal Trespass
Trial/Guilty	151 (11.6%)	24 (12.3%)	12 (7.5%)	6 (5.8%)	14 (19.7%)
Trial/ Not Guilty	88 (6.9%)	19 (9.7%)	15 (9.4%)	10 (9.6%)	5 (7%)
Guilty plea to charged offenses	571 (44.1%)	53 (27.2%)	48 (30.2%)	28 (26.9%)	20 (28.2%)
Guilty plea to lesser charge	7 (.5%)	1 (.5%)	0 (0%)	9 (8.7%)	0 (0%)
Dismissal after deferred prosecution	38 (2.9%)	4 (2.1%)	4 (2.5%)	2 (1.9%)	1 (1.4%)
Dismissal w/ leave	118 (9.1%)	32 (16.4%)	20 (12.6%)	23 (22.1%)	4 (5.6%)
Dismissal w/out leave	282 (21.7%)	56 (28.7%)	54 (34%)	24 (23.1%)	25 (35.2%)
Other	42 (3.2%)	6 (3.1%)	6 (3.8%)	2 (1.9%)	2 (2.9%)
TOTAL	1,297 (100%)	195 (100%)	159 (100%)	104 (100%)	71 (100%)

Offense/Relationship	Total
<i>AWDW & AISI</i>	296
married/div/sep	73
living/lived together	86
have/ or expecting child	10
<i>AOF</i>	2290
married/div/sep	823
living/lived together	735
have/ or expecting child	60
<i>Simple Assault</i>	366
married/div/sep	134
living/lived together	122
have/ or expecting child	10
<i>Domestic crim. trespass</i>	149
married/div/sep	64
living/lived together	47
have/ or expecting child	2
<i>Assault by pointing gun</i>	42
married/div/sep	21
living/lived together	8
have/ or expecting child	1
<i>Stalking</i>	26
married/div/sep	6
living/lived together	4
have/ or expecting child	0
<i>TOTAL Offenses</i>	3169
married/div/sep	1111
living/lived together	1003
have/ or expecting child	83
TOTAL D.V. Definition	2,197

➤ An analysis of those seven offenses which were recommended by the Study Committee, as being applicable to their proposed definition of domestic violence, is presented above. This table provides a breakdown for each offense by the three relationship types which were also recommended for inclusion in the proposed definition. The **total** number of offenses are presented by prosecutorial district with the number being provided for each relationship type.

➤ A total of 3,169 domestic violence offenses, that fit the Study Committee's definition of such an offense, were reported by the prosecutorial districts. These cases represented 74.6 percent of all cases reported by the nine districts.

Note: Relationship information was only available for 15 cases within District 28 thus the 356 charges from this district were excluded from any further analyses.

➤ Narrowing these down by the three proposed relationship categories produced a total of 2,197 offense-relationship charges that met the Study Committee's proposed definition. These 2,197 definitional charges represented 60.6 percent of the total number of charges which were filed in the eight districts during the four-month study period.

➤ The inclusion of dating, as a fourth domestic violence relationship within the proposed definition, would add an additional 375 charges to those qualifying as domestic violence related. This would increase the number of charges from 2,197 to 2,572. This would represent 70.9 percent of the total number of charges.

➤ The inclusion of communicating threats, as an eighth domestic violence offense, would increase the number of charges by 283 and result in 2,480 relevant charges. This equates to 63.7 percent of the total charges.

➤ The inclusion of communicating threats, **and** the fourth relationship category of dating, would increase the number of cases by an additional 716 charges. This would place 2,913 charges within the affected definitional boundaries and represent 80.3 percent of the total charges which were filed.

APPENDIX D:

REPORT FROM AOC

**DISCUSSION OF AOC'S EXTRAPOLATION TO FULL-YEAR, STATEWIDE ESTIMATES
OF DOMESTIC VIOLENCE MISDEMEANORS FROM SAMPLE DATA COLLECTED BY
THE GOVERNOR'S CRIME COMMISSION FROM 16 COUNTIES
IN WHICH DISTRICT ATTORNEYS' OFFICES
OPERATE SPECIAL DOMESTIC VIOLENCE UNITS**

Sixteen counties, in 9 prosecutorial districts, supplied data on the caseloads that they process in their domestic violence misdemeanor courts that are funded through the Governor's Crime Commission. These jurisdictions are: Pitt County, District 3A; New Hanover County, which is part of District 5; Wake County, District 10; Harnett, Johnston, and Lee Counties, District 11; Bladen, Brunswick, and Columbus Counties, District 13; Durham County, District 14; Orange County, which is part of District 15B; Anson, Richmond, Stanly, and Union Counties, District 20; and Buncombe County, District 28. From the data that they reported for four months of operation, we extrapolate to a full-year, statewide figure to develop our best estimate of the number of domestic violence misdemeanors that are filed in North Carolina during a year.

First, there were several data-related problems that were addressed before any extrapolation to a full-year, statewide figure was attempted. The modifications involved issues of both data reporting (e.g., one district failed to report data for one of the four months, so the analysis weights each observation from that district by 1.33 to compensate for the missing month) and data entry (e.g., in one district, cases that were reported to us as having been called and failed in the courtroom were not initially included on the database; however, these cases were added for completeness, although less detail is available about them). After these modifications to the database were made, there were 3,793 cases or sets of related cases involving the same defendant. Alternatively, we can look at the number of victims represented in the database since the local jurisdictions reported the number of victims for every case (this was rarely over 1 per case or set of related cases -- only about 4% involved two or three victims). Presented in terms of the number of victims, our analysis yields an estimate of 3,868 victims of domestic violence who are included in the database.

The next step was to extrapolate from these four months' worth of data in 16 counties to a full year's data for the entire state. This can be done by applying a weighting factor to the results seen in the sample data. The weighting actually consists of two pieces: estimating 100 counties from 16 counties, and then estimating 12 months of statewide data from the estimate of 4 months of statewide data. To determine the appropriate factor for estimating a statewide figure from only 16 counties, we analyzed the frequency of non-motor vehicle misdemeanor filings for each jurisdiction for the latest full fiscal year, FY96-97. We focused on the misdemeanor non-motor vehicle filings category because the domestic violence misdemeanors estimated here are in fact a subset of that filing category. This analysis suggested that the 16 counties that supplied data represent about 27% of all such filings in North Carolina. Therefore, the ratio of $1 / 0.27$ (or 3.704) is the factor that would be used to estimate statewide data from the 16 counties. The next step is to estimate a full-year's data from the statewide estimate for 4 months. Since 4 months is one-third of a year, the relevant factor for this piece of the extrapolation is $1 / 0.33$ (or 3.030). As both of these factors need to be applied, the product of the two factors, or 11.223 (3.704×3.030), can be used to extrapolate from the sample data to the entire state for an entire year.

Thus, our best estimate would be that there are 42,569 cases or sets of related cases of domestic violence at the misdemeanor level in North Carolina during a year ($3,793 \times 11.223 = 42,569$). Alternatively, the analysis suggests an estimate of 43,411 victims of misdemeanor-level domestic violence statewide for a year.

DISCUSSION OF AOC's ANALYSIS ESTIMATING DOMESTIC VIOLENCE MISDEMEANORS UNDER THE COMMITTEE'S RECOMMENDED DEFINITION

We conducted an analysis to estimate the number of cases or sets of related cases that would qualify under the committee's proposed definition of domestic violence misdemeanors. The analysis counted each case or set of related cases as "eligible" under the definition if it involved a charge of simple assault, assault on a female, assault with a deadly weapon, assault inflicting serious injury, assault by pointing a gun, domestic criminal trespass, or misdemeanor stalking (the database allowed up to three separate charges to be coded, and a case or set of related cases was counted here if one of these charges qualified). Limiting the database in this way resulted in 87% of the cases being retained because one of the charges qualified. From these cases, we then analyzed the relationship between the victim and the defendant that had been coded, and retained only those in which the relationship was shown as "married/divorced/separated," "living or have lived together," or "have a child in common." Of 3,868 victims in the database, the cases involving 2,298 of them met these two prongs of the definitional test. In many instances, however, the relationship information had not been provided to us, and we excluded such cases from our denominator in determining the percentage of all cases or victims that would meet the definition. Thus, the analysis is: 2,298 victims in cases meeting the definition divided by 3,219 (3,868 total victims minus 649 cases in which the relationship is missing), or an estimate of 71% (2,298 / 3,219) of all domestic violence misdemeanor-level cases that would meet the definition. From the statewide estimates of 42,569 cases or sets of related cases, we would estimate that 30,224 would qualify under the committee's proposal. Similarly, from the statewide estimate of 43,411 victims of domestic violence misdemeanors, we would estimate that 30,822 would qualify under the committee's proposal.

