A white paper on

Examining 20 Years of Misdemeanor Family Violence Offenses in Bexar County

by

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The UTSA Policy Studies Center conducts policy-based research that promotes, informs, and influences social change that contributes to improvements in the health and well-being of historically underserved populations.

Executive Summary

In a previous white paper we took a look at patterns that emerged from examining approximately 10 years of felony family violence offenses in Bexar County District Court. In this paper, we switch focus to examining more than 20 years of data, representing over 82,000 cases that capture the two most prevalent family violence misdemeanor offenses, 131342 and 131352.

Race and ethnicity, gender, age at time of offense, and geographical distribution by ZIP Code of offenders was analyzed. Distribution of offenses by month of year shows a peak during summer months. Additionally, repeat offenders were identified, and costs of their arrests were identified. A subset of cases for 2018, the last full year on which we have data was analyzed in depth, according to the above metrics. Finally, a month-by-month look at the active caseload of misdemeanor family violence cases in Bexar County District Court was included, along with average conviction and sentencing rates for these offenses.

Much like the previous, companion white paper on felony family violence cases, it appears there are a number of repeat offenders, as well as what appears to be a surprisingly low rate of convictions and sentencing for these offenders. The extent to which these elements are contributing to what may have become a normalization of domestic violence in San Antonio and Bexar County remains to be fully understood.
Overview

Figure 1 Family violence misdemeanor offenses 131342 and 131352 over time

82,667 cases from the two most prevalent family violence misdemeanors over 20+ years were analyzed, representing 68,798 unique, unduplicated offenders and their collected offenses, for an average of 1.2 cases apiece. The misdemeanor offenses examined were 131342 and 131352.

<table>
<thead>
<tr>
<th>Location</th>
<th>Whites</th>
<th>Blacks</th>
<th>Hispanics</th>
<th>Other</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bexar County</td>
<td>28%</td>
<td>7%</td>
<td>60%</td>
<td>5%</td>
<td>49%</td>
<td>51%</td>
</tr>
<tr>
<td>San Antonio</td>
<td>25%</td>
<td>7%</td>
<td>64%</td>
<td>4%</td>
<td>49%</td>
<td>51%</td>
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<table>
<thead>
<tr>
<th>Offense Code</th>
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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>131342</td>
<td>33.4%</td>
<td>13.7%</td>
<td>52.1%</td>
<td>0.5%</td>
<td>77.3%</td>
<td>22.7%</td>
</tr>
<tr>
<td>131352</td>
<td>32.2%</td>
<td>12.9%</td>
<td>54.1%</td>
<td>0.6%</td>
<td>86.3%</td>
<td>13.7%</td>
</tr>
<tr>
<td>Combined</td>
<td>32.5%</td>
<td>13.1%</td>
<td>53.6%</td>
<td>0.6%</td>
<td>84%</td>
<td>16%</td>
</tr>
</tbody>
</table>

Figure 2 Demographics by Race, Ethnicity, Gender and Offense

Overall, of the 82,677 cases under review, 69,413 were committed by males (84%) and 13,264 by females (16%); with one unknown. As far as race and ethnicity is concerned, there were 173 offenses committed by Asians (0.2%); 10,825 by Blacks...
(13.1%); 44,274 by Hispanics (53.6%); 26,902 by whites (32.5%); and 463 by others (0.6%).\(^1\) The age range of offenders was between 16.2 and 96.6 years old, with an average age at time of offense of 32.4 years old.\(^2\)

As a point of reference, Bexar County is currently considered to be 7% Black, 28% white, 60% Hispanic, 3% Asian, and 2% biracial or multiracial, with 0% Native American, Pacific Islander or other, according to ACS 2017 1-Year data. “Hispanic” can be of any race. San Antonio, which makes up about three-quarters of Bexar County by population, is currently considered to be 7% Black, 25% white, 3% Asian, 64% Hispanic, and 1% biracial or multiracial, with 0% Native American, Pacific Islander or other, according to ACS 2017 1-Year data. Again, Hispanic can be of any race.

In the research literature on family violence, nationally, a typical offender is white, which appears to include Hispanic (79%) and most are 30 years old or older (62%) (Durose et al., 2005).

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\(^1\) Race and ethnicity were noted in the original spreadsheets produced by the Bexar County District Court, but it’s not clear whether it was self-reported or whether it was noted by intake staff. There are questions about the validity of this information, based on a brief review of surnames. It’s possible that it’s not useful information at all, but it is what they provided.

\(^2\) Age at time of offense was calculated by comparing date of offense to assailant’s date of birth.
The five most prevalent ZIP Codes for offenders by number of offenses were: 78207 (5,431); 78228 (3,556); 78237 (3,126); 78210 (3,082); and 78201 (3,008).
Offenses committed appeared to peak during the summer months.
Repeat offenses committed within family violence misdemeanors 131342 and 131352

Within this combined group of the two most prevalent misdemeanor domestic violence offenses — 131342 and 131352 — there were 24,875 repeat offenses, representing about 30.1% of the total overall.

These **repeat offenses** were committed by approximately 11,006 offenders, for an average of 2.26 cases apiece. There were:

- 17,595 unique offenders who committed two (2) offenses.
- 1,722 unique offenders who committed three (3) offenses.
- 355 unique offenders who committed four (4) offenses.
- 101 unique offenders who committed five (5) offenses.
- 24 unique offenders who committed six (6) offenses.
- Four (4) unique offenders who committed seven (7) offenses.
- There was one (1) unique offender who committed eight (8) offenses.
- And, there was one (1) unique offender who committed nine (9) offenses.

In the research literature on family violence, nationally, a typical misdemeanor family violence offender is very likely to re-offend. In a study that took place in the
Bronx, New York misdemeanor family violence court, a full 62% of offenders were re-arrested for other family violence offenses during the time period between their initial arrest and two years post-release. Almost one in 10 (8%) were arrested in the time between their initial arrest and disposition of their case, with almost one-third (31%) being re-arrested within a year of release, and 44% within two years of release (Puffett and Gavin, 2004). The most typical re-arrest was for an escalation: Felony assault (Puffett and Gavin, 2004).

In Bexar County, among the small group of most severe repeat offenders, the six (6) individuals who had committed between seven (7) and nine (9) family violence misdemeanors apiece for a total of 45 offenses, half (3) the offenders had also committed family violence felonies. Of these three (3) individuals, one was charged with one 130089 felony offense, a second or subsequent offense; and the other two had two 130089 felony offenses, second or subsequent offenses, apiece. The other three (3) offenders with the most family violence misdemeanors, two men and a woman, had no family violence felonies recorded to date.

The offender with the most family violence misdemeanor repeat offenses (9) had a grand total of 55 misdemeanors, inclusive — including multiple assault charges (13), child endangerment charges (2), resisting arrest/search (17), making a terroristic threat (1), unlawfully carrying a weapon (1), and violating a protective order (3), along with a miscellany of other charges, from theft through drunk driving.

**Time between Offenses for Repeat Misdemeanor Domestic Violence Offenders with 7-9 Offenses**

For the 30 repeat offenders with 6-9 domestic violence misdemeanors apiece, the time between offenses — with multiple offenses committed on the same day removed...
from the calculation — ranged between 113 days and 4.2 years, with an average time between offenses of two (2.0) years.

**Calculating Arrest Costs for Repeat Offenders**

Introducing the idea that all encounters with the criminal justice system represent expenses to the community, and utilizing only the average cost of an arrest determined locally to be $3,500 — without even accounting for court costs and costs to the family from lack of earnings, etc. — the expense for arresting just misdemeanor family violence offenders with four or more offenses, for the 560 cases committed as their fourth or higher repeat offense, comes to almost $2 million ($1,960,000) (Personal communication, Roger Enriquez, August, 2019). Alternatively, if we look at this same group of 486 unique offenders with four or more domestic violence misdemeanors, the total cost for all 2,114 misdemeanor family violence offenses committed by this group, an average of 4.3 offenses each, would come to almost $7.4 million ($7,399,000) in arrest costs.

A discussion of the two misdemeanor family violence offenses under review follows.
Offense 131342, Assault bodily injury family/house, a Class A misdemeanor

Figure 6 Number of misdemeanor 131342 offenses over 20+ years, and ZIP Code distribution of offenses by offenders

Within family violence misdemeanor 131342 there were 21,400 cases, with 16,536 offenses (77.3%) committed by males, and 4,864 of the offenses (22.7%) committed by females. Age at time of offense ranged from 16.2 to 88.1 years old. The average age at time of offense was 31 years old. The breakdown by race and ethnicity is as follows. There were 44 offenses committed by Asians (0.2%), 2,926 by Blacks (13.7%), 11,158 by Hispanics (52.1%), 7,156 by whites (33.4%), and 117 other/unknown (0.5%). 7,160 of the cases were repeat offenses, representing more than a third of the cases (33.5%). The five most prevalent ZIP Codes for offenders by number of offenses were: 78207 (1,456); 78228 (910); 78210 (788); 78237 (771); and 78223 (746).

Offenses seemed to peak in the summer months. Looking at approximately 20+ years of cases for misdemeanor 131342, the greatest prevalence of cases occurred in these months:
<table>
<thead>
<tr>
<th>Month</th>
<th>Number of Offenses</th>
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<tbody>
<tr>
<td>July</td>
<td>2,138</td>
</tr>
<tr>
<td>August</td>
<td>2,041</td>
</tr>
<tr>
<td>May</td>
<td>2,005</td>
</tr>
<tr>
<td>June</td>
<td>1,922</td>
</tr>
</tbody>
</table>

Figure 7 Top months for family violence misdemeanor 131342 over time
Offense 131352, Assault bodily injury (married), a Class A misdemeanor

Figure 8 Number of misdemeanor 131352 offenses over 20+ years and ZIP Code distribution of offenses by offenders

Within misdemeanor family violence offense 131352, there were 61,267 cases, with 52,866 of the offenses (86.3%) committed by males, and 8,399 of the offenses (13.7%) committed by females, with one unknown. Age at time of offense ranged from 16.7 years old to 96.6 years old. The average age at time of offense was 32.8 years old. The breakdown by race and ethnicity is as follows: 129 offenses were committed by Asians (0.2%), 7,899 by Blacks (12.9%), 33,116 by Hispanics (54.1%), 19,746 by whites (32.2%) and 346 by others/unknown (0.6%). 17,715 cases were repeat offenses, representing 28.9% of the cases. The five most prevalent ZIP Codes for offenders by number of offenses were: 78207 (3,975); 78228 (2,646); 78237 (2,355); 78210 (2,294); and 78201 (2,287).
Offenses seemed to peak in the summer months. Looking at approximately 10 years of cases for misdemeanor 131352, the greatest prevalence of cases occurred in these months:

<table>
<thead>
<tr>
<th>Month</th>
<th>Number of Offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>5,804</td>
</tr>
<tr>
<td>May</td>
<td>5,758</td>
</tr>
<tr>
<td>June</td>
<td>5,736</td>
</tr>
<tr>
<td>August</td>
<td>5,591</td>
</tr>
</tbody>
</table>

*Figure 9 Top months for family violence misdemeanor 131352 over time*

### 2018 Cases Only

Looking at 2018 cases only for the two most prevalent family violence misdemeanors, 131342 and 131352, combined, we find the following. There were 3,112 cases, total, with offense dates within calendar year 2018. Of those, 868 (27.9%) were misdemeanor 131342, and 2,244 (72.1%) were misdemeanor 131352. 2,116 of the offenses (79%) were committed by males; with 996 of the offenses committed by females (32%). Offenders ranged in age from 17.0 years to 96.6 years old, with an average age at time of offense of 33.4 years old.

Regarding race and ethnicity, there were 17 offenses committed by Asians (0.5%), 449 by Blacks (14.4%), 926 by Hispanics (29.8%), 1,672 by whites (53.7%), and 48 by those identified as “other” or “unknown” (1.5%).

Regarding repeat offenses, 221 of the 3,112 offenses (7.1%) were repeat offenses committed by the same offender within 2018, although not necessarily the same type of offense since two different offenses were combined. There were approximately 108 + unique, unduplicated offenders, responsible for committing 221 repeat offenses, or an average of 2 offenses each. Five (5) of the unique offenders appeared to have committed
three (3) offenses within the same year; no one was identified as having committed more than three (3). All told, 3,112 offenses were committed by 2,999 unique offenders, including multiple repeat offenders, for an average of just slightly over one (1) offense each (1.04) in 2018.

Figure 10 Distribution of two main family violence misdemeanors, combined for 2018

The five most populous ZIP Codes for number of offenses by offender address were, in order: 78207 (169); 78245 (139); 78227 (112); 78228 (108); and 78221 (107).
Offenses seemed to peak in the summer months. Looking at cases for 2018, the greatest prevalence of cases occurred in these months:

<table>
<thead>
<tr>
<th>Month</th>
<th>Number of Offenses</th>
</tr>
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<tbody>
<tr>
<td>July</td>
<td>317</td>
</tr>
<tr>
<td>May</td>
<td>305</td>
</tr>
<tr>
<td>June</td>
<td>301</td>
</tr>
<tr>
<td>August</td>
<td>291</td>
</tr>
</tbody>
</table>

*Figure 11 Prevalence by month of two prevalent misdemeanor family violence offenses for 2018*

*Figure 12 Top months for family violence misdemeanor 131342 and 131352 for 2018 only*
Conviction and Sentencing Rates for 2018 Misdemeanor Family Violence Cases

A brief review of misdemeanor family violence cases on a monthly basis for calendar year 2018 shows that the average caseload in each month was 2,920 cases, and the average active caseload was 2,955. Additionally, the number of individuals convicted in an average month was 76, which was the same as the number of individuals sentenced in an average month. (Given the typically short time between conviction and sentencing, it is likely that these can be considered most often to be the same individuals.) This produces an average conviction rate (or sentencing rate) for 2018 of 2.6% based on either the average caseload (2.60%) or the active caseload (2.57%).

In the research literature, Garner and Maxwell (2009) did an extensive review of studies across the U.S. regarding prosecution and sentencing in intimate partner violence cases, and found that the mean conviction rate in the 40 studies they reviewed was 32%, and that in a larger set of 135 English language studies, “one-third of the reported offenses and more than three-fifths of the arrests resulted in filing of charges; and more
than half of prosecutions resulted in convictions.” A U.S. Department of Justice report on state court processing of domestic violence cases found that, of the 15 sites included in their study — including El Paso and Travis County in Texas — “the case processing outcomes for DV cases were the same as or more serious than the outcomes for non-DV cases” (Smith, Durose and Langan, 2008).
Observations and Conclusions

- Cases of the two family violence misdemeanor offenses under review, when combined, seemed to peak in 2009, decrease afterward, and for the past few years have been increasing, on a year-by-year basis.
- Almost a third of these family violence misdemeanor cases (30.1%) were repeat offenses.
- Almost 500 offenders have committed four or more family violence misdemeanors.
- Offenses for both these misdemeanor family violence offenses appear to peak in the summer months.
- Regarding race/ethnicity of offenders, Blacks and whites appear to both represent a higher proportion of those charged than their representation in the local population, and Hispanics less. The identification by race/ethnicity, while less than likely to be completely accurate, at least provides us with some information with which to compare.
- It might be interesting to compare costs — such as bonds, court costs and fines — by race and ethnicity, and see whether they are borne equally or whether differences exist.
- Instituting a three-strikes rule for domestic violence misdemeanors would result in fewer arrests, fewer injuries to victims and transmission of trauma, and would also represent substantial cost savings on an annual basis.
- Based on a review of 2018 statistics only, conviction rates and/or sentencing rates for misdemeanor family violence offenders seem surprisingly low on a national basis. Further investigation is warranted into whether prior years’ data show similarly low
rates and/or what other contributory factors might explain this variance from national or expected norms.

- It could be advantageous to explore what differences there are between those who commit two domestic violence misdemeanors, and then apparently commit no further offenses, and those who commit three or more offenses. The benefit would be learning more about how and why an individual steps away from domestic violence as a behavior before it becomes hardened into a pattern. What makes the difference between a one- or two-time offender, and someone who becomes a multiple repeat offender? Identifying and comparing a number of individuals who are involved in low-repeat and high-repeat offenses, and perhaps interviewing them might give us some insights as a community into what allows someone to decide their behavior needs to change, and someone who doesn’t develop that insight or ultimately make that change. Once we can identify what those points of departure are, it may be possible to transmit those insights to others and work on changing the culture around repeat offending. To the extent that many misdemeanor family violence offenders end up escalating to felony domestic violence offenses, the opportunity to learn what convinced someone at a lower and more infrequent level of offending to change their behavior could be quite beneficial.
About the Data

Misdemeanor family violence offenses in the categories examined were obtained from the Bexar County District Court website in July, 2019, and represented offenses occurring between 2009 and the end of April, 2019. Demographics about race, ethnicity and gender in Bexar County and San Antonio were obtained from American Community Survey 5-Year Estimates for 2017.

Author Bios

Lily Casura, MSW is a graduate of UTSA’s Masters in Social Work program and a current student in UTSA’s Applied Demography program. In 2017 she was chosen as UTSA’s “Most Outstanding Graduate Student” in the College of Public Policy. She co-authored the “Status of Women in San Antonio” report with Rogelio Sáenz, Ph.D., and the white paper on “Trends in Home Flipping” with Roger Enriquez, J.D. Her award-winning mapping work has been presented and referenced widely.

Roger Enriquez, JD is an Associate Professor of Criminology and Criminal Justice and Director of the Policy Studies Center in the UTSA’s College of Public Policy. Enriquez’ research agenda is primarily focused on bridging the gaps between the social sciences and the law. His articles have appeared in both peer-reviewed journals and law reviews. He has secured funding for his work from federal agencies like the National Institute of Justice (NIJ) Health Resources Services Administration (HRSA) and Bureau of Justice Assistance (BJA).

Casura and Enriquez previously co-authored the white paper, “Examining 10 Years of Felony Family Violence Offenses in Bexar County,” published by UTSA’s Policy Studies Center in 2019.

NOTE: All data visualizations are done by Lily Casura, and are available on her TableauPublic.com profile: https://public.tableau.com/profile/lilygc#
References


County-level courts misdemeanor case activity detail (report) for Bexar County, January 1, 2018 through December 31, 2018. Austin, TX: Office of the Court Administrator, Texas Judicial Branch.³


³ Report is generated on a monthly basis; the printout had all 12 months for 2018.