



TARGETING FAMILY VIOLENCE REPORTED TO
WESTERN AUSTRALIA POLICE, 2010-2015:

The Felonious Few vs. The Miscreant Many

By Lawrence Sherman, Matthew Bland, Paul House and Heather Strang

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CAMBRIDGE CENTRE FOR EVIDENCE-BASED POLICING ltd.

Professor Lawrence W. Sherman
Director

Somersham House, Rectory Lane
Somersham PE28 3EL
United Kingdom
Tel +44 1487 740 790

ABSTRACT

1. Most serious *harm* from WA family violence is caused by just 2% of offenders.
2. Of these 707 most harmful offenders, only 4% were in prison as of early this year.
3. Yet most of the 36,000 domestic offenders cause no physical injury to their victims.
4. Most couples with domestic abuse do not suffer escalation in seriousness over time.
5. Murder or attempted murder is rarely associated with prior escalation of harm.
6. Prior suicide threats by offenders, however, indicate higher risks of a family murder.
7. More data-sharing on offender mental health may help reduce family murders.

Recommendation: New strategies for preventing serious harm among the “Felonious Few” should be launched and tested immediately, with ten elements recommended below.

SUMMARY

1. **The Felonious Few.** Domestic violence in Western Australia in 2010-15 was dominated by just 707 offenders who caused over half of all the harm from such abuse. Across 214,814 cases reported to WA Police, with a total of 36,228 offenders, just two percent of them caused over fifty percent of the days in prison associated with their crimes using the Cambridge University “crime harm index” (CHI). Taken as a whole, this group committed or attempted murder at the rate of 2,000 per 100,000 per year, as compared to just 1.68 per 100,000 per year for the state as a whole.¹ The rate of completed and attempted murder in the Felonious Few (79 out of the 707) offenders was almost 1200 times higher than average for all state residents in those years. Almost half (43% = 307) of the 707 offenders had more than one victim over five years. There were 119 offenders with three or more different victims.
2. **Few of these Few Are in Prison.** As of late January 2016, only 26 of the 707 Felonious Few members (4%) from 2010-2015 were in prison. Twelve of the 707 offenders (2%) were known to have died, and 15 offenders resided interstate. The remaining 93% of the 707 (654) were at liberty in Western Australia. In the 17 months from the end of the targeting period (1 July 2015-26 November 2016), the 707 members of this list were charged for an additional 542 crimes by 121 of those offenders, including 1 murder, 15 serious assaults (non-sexual), 8 aggravated sexual assaults, 21 other assaults, and 8 non-assaultive sex crimes against children. The overall recidivism prevalence was 17%, with a family violence prevalence of 4% (52 charges against 26 family offenders). Yet many other family violence crimes may go undetected, and might be reported after more outreach to potential victims.
3. **The Miscreant Many.** In sharp contrast to the Felonious Few, 75% of all families with abuse by the 36,000 known family abusers in WA collectively reported just 9% of total harm from family violence in 2010-15, as measured by the days in prison calibrated by the Cambridge Harm Index. The vast gulf between these “Miscreant Many” offenders that police encounter and the Felonious Few has never before been

¹ Based on Australian Bureau of Statistics murder and attempted murder counts for 2010,11,12,13, and 14.

documented in a large jurisdiction with the harm including such a high volume of murders.

4. **The Miscreant Many Do Not Escalate Their Seriousness.** Contrary to a widespread global belief, the analysis showed that among the Miscreant Many there is no general pattern of escalation over time in the seriousness of harm caused by offenders against the same victim. Most escalation is also confined to the tiny Felonious Few minority of all abusers.
5. **Even the Felonious Few Rarely Escalate.** The larger problem of prediction is the murders and attempts that have no pattern of escalating seriousness. The majority of the harm committed by the Felonious Few *occurs in the first reported offence*, with no prior cases known to police from which to escalate. The average number of separate dates on which victims of the 707 Felonious Few offenders are the subject of domestic abuse is 1.8. That means that most of them have only one date, with no priors, but a few of the rest have more than two separate dates. In 80% of their most harmful incidents, the offender had *no prior record* of domestic violence within the 5-year time period, but may have had other prior crimes.
6. **Suicide Attempts Predict Some Murderous Crime.** What does help to predict at least some family murders is prior suicide threats, attempts, or reported ideation. Of the 72 offenders among the 707 Felonious Few who were known to have made suicide threats or attempts prior to their homicidal behaviour, 16 subsequently committed or attempted to murder their partners—an annualized rate of murderous conduct by 1 person in every 22. This analysis commissioned by the Western Australia Police reinforces recent findings from the UK suggesting that suicidal behaviour or threats offer the best available predictor of domestic homicide.
7. **Better Prediction Requires More Data-Sharing on Mental Health.** Unless more sources of mental health data on suicide risk can be incorporated into a family murder forecasting data base, it seems likely that many murders will occur in WA that might have been preventable. Two analyses of family murder death reviews in England have found substantial indications of suicide attempts, threats or ideation that were known by others, but not shared with police. In 188 cases of Intimate partner homicide in England in 2011-2013, 40% of the male perpetrators and 28% of female perpetrators showed evidence of suicide ideation and attempts prior to committing the murder being reviewed (Bridger, 2015:58), a far higher percentage than those indicated as suicidal by local police data alone.

Note: The Appendix to this report describes the case histories of a diverse selected sample of the 707 members of the 2010-15 Felonious Few of family abusers in WA.

Recommendations:

Prevention Strategies That Can Be Tested on the Felonious Few.

Even though the retrospective analysis cannot identify most of the serious harm from domestic abuse in the coming year, a regularly updated, rolling 5-year list of the Felonious Few names in the top 2% of all family violence offenders can be used to test a wide range of

preventive interventions. Such interventions can clearly be consistent with human rights and the rule of law. Some might even seek voluntary participation by offenders, including offers to provide cognitive behavioural therapy or other behaviour change programs. A trial-and-error program of testing various ideas offers what is likely to be the most effective pathway to reducing harm in Western Australia as soon as possible.

Legitimate policing strategies for managing the Felonious Few could also include tracking their whereabouts, their living arrangements and cohabitants, their access to children and other vulnerable people, and their compliance with any conditions of bail or sentences. All of these options could be tested, with a growing body of knowledge on what works to prevent serious harm being repeated by people who have already caused serious harm. But all of them depend on the key role of data analysis in updating and expanding the identification of the Felonious Few and the prediction of murderous behaviour.

We recommend careful yet prompt discussion of the following ten proposals:

- 1. Monthly Updating of the Felonious Few.** The Family Violence Felonious Few targeting analysis should be updated state-wide every month, so that the top 2% of offenders are clearly identifiable during every police contact with them—especially in domestic abuse callouts.
- 2. Providing Local Lists to each Police District.** The 707 Felonious Few of domestic offenders in 2010-2015 were spread over all 11 WA police districts listed in the time period, from a high of 140 in South Metropolitan to 26 in Wheatbelt. Each month's updated list of ID numbers for those offenders ranked in the top 2% of crime harm from All-Family Violence should be sent to the police district where they have most recently been contact, with monthly deletions for those found to be in prison, hospitalized or deceased.
- 3. Continuous Police Tracking of each Felonious Few Offender's Whereabouts.** Each police district should attempt to locate the offenders on their list, then regularly document the current household living arrangements for each Felonious Few offender.
- 4. Planning for Testing Prevention Strategies.** Each district should analyze the current status of their list for the appropriateness of a possible menu of potential preventive measures, reporting to the Deputy Commissioner in advance of a statewide meeting on the most feasible next steps for coordinated testing programs in both Metro Perth and regional WA. The options for next steps would include those described in recommendations 7-9 below.
- 5. Annual Reviewing of Prevention Results.** An annual state-wide WA Police meeting should be held to report and discuss the outcomes of systematic Felonious Few analysis and should consider a range of steps that could be taken with some or all of the Felonious Few to try to prevent further serious harm.
- 6. Seeking New Data Sharing on Suicidal Tendencies of Felonious Few Offenders.** Each Police District should request local mental health providers, families or any other potential

source to share information on the possible indicators of suicidal behaviour or ideation. If current legislation bars some agencies from sharing these data with police despite clear evidence of elevated risk of homicide, a public discussion of offender privacy vs. victims' risk of murder may be appropriate.

7. Testing Special Measures for Suicidal Offenders. Once the data on suicidal offenders is compiled, the Evidence-Based Policing Unit of WA Police should design and carry out a state-wide test that randomly divides all Felonious Few members known to be suicidal into two treatment conditions, comparing two competing approaches that are best supported by the most current suicide prevention research and advice from WA medical schools and mental health agencies.

8. Voluntary Individual vs. Group Prevention. WA's Evidence-Based Policing unit should consider launching a test of a program that would offer half of all Metro-area Felonious Few offenders the opportunity to participate in a cognitive behavioural therapy (CBT) program on a voluntary basis. A pilot test could first measure the rate of offender takeup or refusal of the offer, followed by a controlled trial of those who accept the offer, comparing individual vs. group therapy. Within Metro Perth, voluntary CBT provided individually could be compared to group workshops using motivational interviewing, such as those reducing family violence in the UK CARA project. Similar testing should be explored with relevant providers for Regional WA, where group therapy may be impractical but other individual approaches might be feasible.

9. Testing Enhanced Investigations. A program of enhanced investigations for any outstanding accusations against Family Violence Felonious Few members could also be tested by random assignment statewide. This test could determine whether the Felonious Few in the experimental group are engaged in ongoing high-harm acts that can be proven in court, and which may result in much longer periods of incarceration. That could, in turn, allow an assessment of how much harm can be prevented by more imprisonment of these extremely harmful people. Resources needed to investigate the Felonious Few might be garnered from less investment of police time in investigating or arresting the Miscreant Many, for which an international body of evidence indicates no clear benefits in harm reduction.

10. Informing the Judiciary. A copy of this report should be provided to judges who sentence domestic violence offenders, so that they can become more aware of the context of their cases in the wider Domestic abuse problems of Western Australia. Once the report is discussed, a further discussion could explore the legal status of information about Felonious Few status being provided on a pre-sentence report to sentencing judges in family violence cases.

1. INTRODUCTION

Domestic abuse policies around the world are based on insufficient evidence about the true patterns of abusive behaviour in domestic relationships. The major limitation is an over-generalization of the risk of serious but rare harm to every case reported to police for abuse or crime. The fact that these behaviours are serious does not mean that they are equally distributed across all such cases. Nor, as sometimes claimed, is every domestic call a potential homicide case.

The Need for Precision. In general, there is a need for greater precision in defining the nature of the problem. This need stems in part from broadly written policies and law that draw no distinction between intimate partner violence (IPV) and a far broader definition of “domestic” or “family” violence, including child abuse, elder abuse, and other kinds of victim-offender “dyads.”² Police data collection systems are particularly problematic in this regard, with Western Australia being no different from the many other agencies that use the broader definition of domestic violence. This practice creates great confusion about the analysis and interpretation of statistics about domestic violence.

This Report Can Only Analyze All Family Relationships Combined, Not IPV. Many reports on domestic violence, including this one, are not able to distinguish between IPV and broader family violence, including sexual and physical abuse of children by adults in the household or family. Despite many caveats, it is likely that statements made about these general family statistics are interpreted as being about IPV. Thus we begin this report with a plea for reorganizing Western Australian Police data collection systems, so as not to *exclude* domestic abuse other than IPV, but to permit analyses that can be done separately for both IPV alone and for other forms of family violence.

Introducing “All-Family Abuse: AFA.” We propose to introduce a new label to the data we actually have, which includes but is not limited to IPV. We call this data collection category “All-Family Abuse,” or “AFA.” The latter category includes not only physical violence among all household relationships, but the kind of psychological abuse that is increasingly described in law as emotional “violence.”

Two Problems of Domestic Abuse: The Felonious Few and the Miscreant Many.

More important than the co-mingling of IPV with the broader category of AFA (All-Family abuse) is the co-mingling of a tiny fraction of cases with extremely serious injuries, on one hand, and the vast majority of “domestic” incidents generating police callouts on the other hand:

- incidents that have no violation of law, or if so,
- no injuries, or if there are injuries,
- only minor injuries.

² Dyad: in sociology, a group of two people, the smallest possible group.

In this report, we call the offenders who commit the most serious harm the “Felonious Few,” who in one single moment cause more harm than hundreds of other domestic abusers will cause in their lifetimes. We *distinguish the “Felonious Few” from the “Miscreant Many.”* The latter group is the vast majority of offenders (80% to 98%) brought to police attention for domestic conflicts, most of which feature no criminal conduct.

Needles in the Haystack. Even within the Felonious Few, there is a further distinction between those who repeatedly cause serious harm, and those who kill or attempt to kill. We suggest that these **would-be killers are “needles in the haystack,”** whose identification and prediction is one of the most pressing challenges facing the police strategy for both IPV and AFA. While all of those attempting lethal violence are by definition part of the Felonious Few, our capacity to isolate the lethal subset of the Felonious Few requires substantial improvement.

Because the fatal or very serious cases of domestic violence can sometimes look much like the vast majority of non-serious cases, there is a common tendency to conflate these serious needles in the haystack with the entire haystack. Yet if farmers did that, they might throw away all their hay. The analytic need for preventing serious harm is to accept and define this distinction, and to craft policies that reduce total harm to families and communities. Failure to create such precision in thinking and planning has, arguably, resulted in

- 1) considerable waste of resources on cases that have very little risk of producing serious harm (the haystack), while
- 2) Cases that are likely to result in serious harm (the needles) get far too little attention and police resources.

Classifying Degrees of Harm in Western Australia

This report relies substantially on a common-sense idea of the degree of “harm” in any domestic abuse incident, one which we define as precisely as possible. The common-sense idea is that *all crime is not created equal*: murder is far more harmful, obviously, than slapping someone, for example, while burglary is more harmful than a shoplifting theft. We say this not only because it is common sense, but because criminal law in any country provides clear evidence of the concept of a hierarchy of harm.

For the past decade, the Cambridge University Institute of Criminology has been proposing the development of a “Cambridge Crime Harm Index” (Sherman, 2007, 2010, 2013; Sherman et al 2016). The idea of any crime harm index (CHI) or crime severity index (as in New Zealand and Canada) is to multiply each crime by a number of days of imprisonment associated with that category of crime. That multiplication creates a “weighting” for each crime event. These weightings, in turn, can be added up across all crimes committed by one offender, or against one victim, or in an entire state or nation over a one-year period. The sum of these weighted crimes is a “bottom line” for crime, similar to a profit and loss statement for a business. Both a Crime Harm Index and a profit or loss statement summarize thousands or even millions of transactions. The bottom line shows how it all adds up, creating clarity out of complexity.

The most rapidly growing use of the Cambridge Crime Harm Index is among police agencies in England and Wales. In that jurisdiction, a Sentencing Council comprised mostly of senior judges across a range of courts issues precise “sentencing guidelines” for each of hundreds of offence types (see <http://www.sentencingcouncil.org.uk/>). These guidelines each contain a “starting point” for sentencing each type of crime. The starting point is intended to reflect the “pure” seriousness of the crime, relative to all other categories of crime. It is not intended to reflect other considerations in any actual sentence, such as the prior criminal convictions of the defendant, or the aggravating or mitigating facts of the case. The starting point is exactly what is needed for a crime harm index, in order to use the same metric to classify the harm levels associated with each offender or victim. By specifying the number of days in prison as the starting point for each crime type, the guidelines provide precise weightings for each crime.

What criminal law in Western Australia (as in some other Australian jurisdictions) does not do, however, is to provide anything like a starting point in the English guidelines. This makes it impossible to rely on the legitimate authority of local law to apply precise rankings of offences by the severity of punishment prescribed on the basis of definition of the crime. Sentencing law in WA gives broad discretion to judges to apply a range of severity that can reflect the particular³ details of each offender’s criminal history and the specific harm caused by any criminal event. Maximum sentences for most serious crimes tend to be identical or similar in statutory powers. Thus it is difficult to apply an Australian legal framework to the task of calibrating fine distinctions of harm levels across different offence categories.

Since this report is not concerned with the sentencing policies related to domestic violence, we use the practical solution of applying the English sentencing guidelines to the Western Australian offence categories. Most of the WA crime categories correspond to the English categories, as assessed by our co-author Matthew Bland, who is Chief Crime Analyst for two English police agencies. Thus when we discuss the breakdown of 100% of all crime “harm” across different kinds of offenders, victims or victim-offender dyads, the definition of “harm” is the sum of days imprisonment recommended as the starting point for each offence type in the English sentencing guidelines.

For example, if one offender is reported to have committed 20 domestic assaults against family members, the Cambridge CHI value for each those crimes is 20 days of recommended imprisonment as a starting point—for a total CHI value of $20 \times 20 = 400$ days. Yet if another offender committed just one crime—a murder—the CHI value for that one offence and that offender’s total record would be 5475 days (see Figure 1). If another offender (or dyad) was reported to have had three thefts (from a family member) at 2 days per theft, that would sum to a CHI value of 6.

This approach also has the consequence of creating no weight for a non-criminal event, such as a callout for a “disturbance” in which police find no evidence that a crime has been

³ This is not the only report in Australia to use the practical solution of applying English sentencing guidelines to Australian offence categories. Until a better solution is offered, crime harm analysis in Australia can create comparability across states in research findings by using the same system for measuring the degree of harm.

committed. Because the index is by definition an index of crime, it would be conceptually imprecise to include non-criminal events in a crime index. Others may choose, however, to add some weight to non-criminal events for their own analyses of similar data.

Figure 1: Cambridge Crime Harm Index Scores Used In This Report (Bland and Ariel 2015)

CHI Scores

Crime Classification (WA Data)	Crime Harm Index Score
Murder	5475
Manslaughter	3825
Attempted Murder	1460
Robbery (Business)	365
Recent Sexual Assault	365
Robbery (Non-Business)	365
Historical Sexual Assault	365
Deprivation of Liberty	84
Damage (Arson)	33
Domestic Assault	20
Dwelling Burglary	20
Non-Dwelling Burglary	20
Motor Vehicle Theft	20
Threatening Behaviour	10
Damage (Property)	2
Theft	2
Non Crime Incident	0.1

Recent Evidence Supporting Offender Classifications Based On Harm

Recent research by students and academics in the Cambridge University Police Executive Programme has helped to define the harm index contours of the different problems of domestic abuse, both for AFA and IPV. The research reveals the very steep differences in risk and harm across different kinds of abusive relationships known to police.

AFA. In one recent study, Bland and Ariel (2015) analyzed over 36,000 police records of All-Family Abuse between 2009 and 2014 reported to Suffolk Constabulary in the east of England. This study of violence in *all* family relationships, not just intimate partner violence, found a clearly identified Felonious Few: less than 2% of dyads accounted for 80% of all domestic abuse harm. They found no escalation of severity over time in the majority of cases. The primary reason for a lack of escalation was that 76% of all unique victim-offender dyads had zero repeat calls—none—in the time period studied. Even among the 727 dyads who called police 5 or more times, there was no evidence for statistically significant escalation in harm severity over time. While there was some evidence of increasing frequency, the lack of increasing seriousness may actually suggest that police responses can prevent increasing seriousness. In contrast to these frequent callouts with no escalation, in over half of the Felonious Few cases there had been no prior contact with police regarding domestic abuse.

IPV. In another recent Cambridge analysis, covering five years in an Australian jurisdiction, almost 62,000 IPV cases were reported for 23,000 intimate partner dyads, a majority of whom were Aboriginal. A Cambridge student (who was a senior executive of that jurisdiction's police agency) found that almost half of the IPV dyads had no reported repeat incidents for 4 years after their first contact with police. Among these "Miscreant Many," over two-thirds of all incidents were non-criminal, only one sixth of the total had any injury, and 44% of those injuries were minor. While the population of dyads as a whole had no tendency towards escalation in repeated events, the small subset of dyads with two or more incidents did demonstrate escalation in frequency and seriousness – (up to 20 events in 4 years). Unlike the Suffolk analysis, every dyad in this escalation analysis was followed for exactly four years, which standardized the exposure period for all cases.

Fatal IPV. In 2011 Chief Constable Sara Thornton discovered in her Cambridge thesis that previous attempts at suicide were, retrospectively, the best predictor of completed or attempted murder of intimate partners in the Thames Valley Police area of England. Since then several Cambridge Police Executive students have actively pursued the opportunity to replicate this findings in other jurisdictions. Bridger (2015: 42), for example, found in his analysis of 188 cases of IPV homicide in England from April 2011 through March 2013 that the comprehensive "death reviews" conducted after each of these cases provided ample evidence of "Suicide ideation and attempts prior to and after the [murder] ... recorded for victims and perpetrators where it had been witnessed by a friend, family or professional and was evident in the source material." (Bridger, 2015:58). In the universe of these IPV homicides, 40% of the male perpetrators and 28% of female perpetrators showed evidence of suicide ideation and attempts prior to committing the murder being reviewed (Bridger, 2015:58). Moreover Bridger (2015: 93) notes that

"The study's findings regarding suicidal ideation and attempts could be considered the most promising potential indicator of lethal violence in cases where it was present. It is apparent that this is much higher than suicide found in the general population but again requires further research to properly understand in context. It seems the heavy reliance on prior abuse as an indicator of risk of homicide may be flawed as an overriding principle."

Chalkley (2015) analyzed 107 IPV murders in Dorset, England, from 2009 to 2015. He found that 14% of male offenders had shown prior evidence of self-harm, twice the rate of such reports in a control sample. While a police warning of suicide risk had been present with only 8% of Dorset's male offenders, Dorset police had no access to other sources of data on suicidal measures prior to the murder. The all-England study by Bridger (2015), in contrast, drew on data from family members and other agencies, using the extraordinary powers of a "death review" to gather information. The contrast between the 40% rate in Bridger's study and the 8% rate in Chalkley's suggests that there is a lot of information that *could* be detected in advance of an IPV homicide, if the infrastructure for doing so could be created.

Thus the homicidal "needles in the haystack" may be different from the other members of the Felonious Few with respect to mental health and depression issues. Because these causes of IPV homicide are likely to be common across English-speaking countries, the present report made special efforts to assess whether suicide was a risk factor for lethal family violence in Western Australia.

2. ANALYSIS PLAN

The central research question for this report is how police can best target the reduction of harm from domestic abuse, defined (as the data require) as All-Family Abuse. The plan for the analysis uses several standard units of analysis (offenders, victims and dyads) to explore several standard dimensions by which harm is hypothesized to be concentrated. The specific hypotheses that are tested come from three widespread claims made in police training and domestic violence victim advocacy in Australia, Great Britain and the US:

1. Domestic violence escalates over time in both frequency and seriousness
2. Every case of domestic violence is a potential homicide
3. Serious harm is best predicted by prior harm

In addition, we tested a hypothesis that is not commonly discussed, but which has ample basis in recent Cambridge Police Executive Programme studies:

4. Domestic offenders with evidence of suicidal tendencies are at higher risk of committing murderous attacks against family members than other offenders.

The analysis tests these four hypotheses in a way that makes maximum use of the five years of available data from July 1, 2010 through 30th June, 2015. The method allows for “right-hand censoring,” by which we mean that the length of time to observe any victim, offender or dyad is limited by the time remaining from the first date they come to police attention in the study period until the study period ends. This means that each unit of analysis has a different time at risk. For example, if a dyad first comes to police attention on July 1, 2011, it has a four-year followup period in which to have further harm reported—but if a different dyad comes to police attention on July 1, 2013, it only has a two-year followup period.

The decision to analyze the data in this way was made on the basis of its operational value. Excluding any case that had less than a 2-year followup period, for example, would substantially reduce the number of cases. It would also invalidate any effort to identify the most current Felonious Few AFA offenders in Western Australia. Further analyses can use other methods, but for the present we employ a full-data utilization approach.

The Data

All data used were provided by authorization of Deputy Commissioner Stephen Brown, with technical work by Rolfe Peacey, to whom we express our thanks.

Data records relate to “incidents”, which is in effect a police call-out. Each “incident” may have multiple crimes with separate Crime Harm Index Weights attached to it.

The “non crimes” (incidents of DV where no crime has been committed), do not identify the role of the people involved. WA Police have provided a list of “Persons of Interest” (POI). Using the Date of Birth, Ethnicity, Gender and Location of these PoIs, matches have been

made to victim records held within the crime data. This has enabled some “non crime” records to be included.

The limitations of the data include the following:

- General incidents do not identify people to specific roles so offenders could not be identified meaning that all dyad analysis is confined to crimes. This may remove a ‘diluting’ effect of noncrime events, which may actually help to answer the key questions.
- The CHI scores applied and the offence descriptions included in the dataset are a ‘best fit’ using England & Wales Cambridge Crime Harm Index (Bland and Ariel, 2015; Sherman et al, 2016). There is a smaller number of categories in WA than in England, which reduces somewhat the sensitivity of the analysis, but not the overall pattern.
- The practice of recording multiple crimes at one call out means that repeat figures will be inflated compared to other police agencies who do not use this practice. Multiple call outs were removed from escalation analyses and only the highest CHI scoring incident used. Finally, on a technical note, no post-hoc tests have been applied to the ANOVA tests.

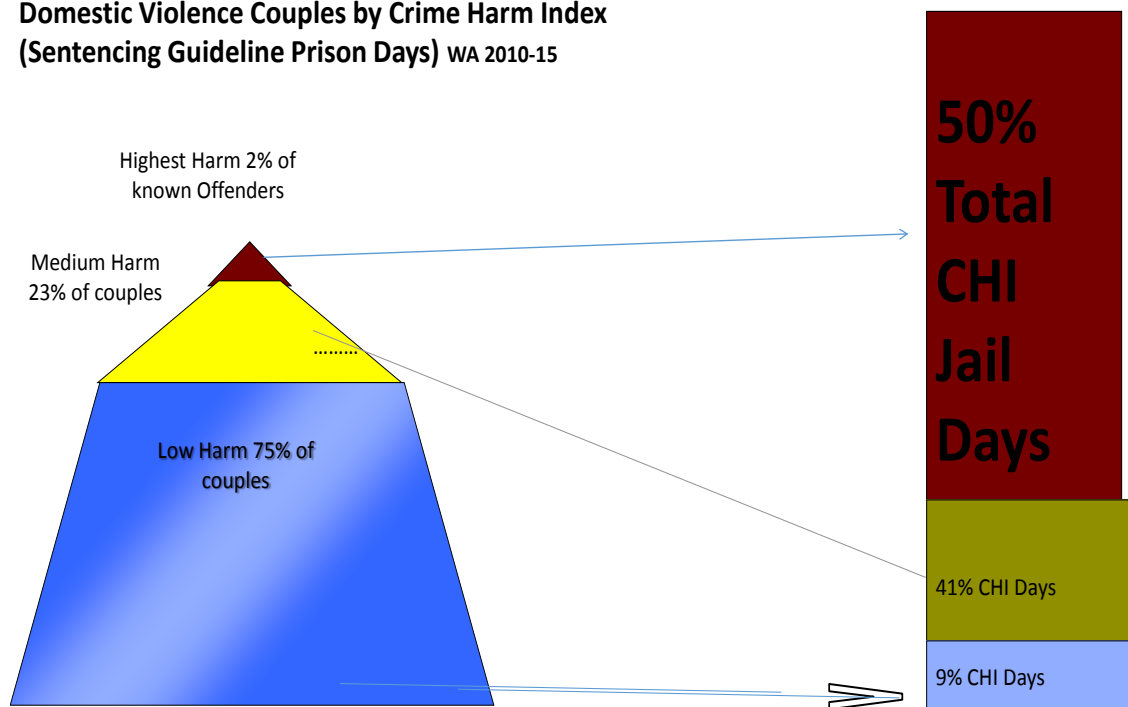
3. FINDINGS

This report is based on WA Police records of 214,814 crimes and incidents of domestic abuse from 1st July 2010 through June 30th 2015, reported in relation to 76,878 cases, in which the records identified 50,094 unique couples, 53,901 unique victims (some with unidentified offenders), and 36,228 unique offenders.

The vast majority (75%) of the 50,094 couples in reported domestic abuse cases accounted for only 9% of criminal harm as measured by the Cambridge CHI. Figure 2 shows how that finding translates into the Felonious Few and the Miscreant Many.

Figure 2: The Felonious Few and the Miscreant Many

**Domestic Violence Couples by Crime Harm Index
(Sentencing Guideline Prison Days) WA 2010-15**



These cases are, parenthetically, not all about male offenders abusing female victims. As Chart 1 shows below, fully one-third of the victims of family abuse are male. This may include boys who are being abused by their fathers, or by older siblings, or even by mothers or other family members. It also includes intimate partners of women who are abusing grown men. Two-thirds of victims are female, which can also include children as well as adults.

Chart 1: Breakdown of Family Violence Victims by Gender

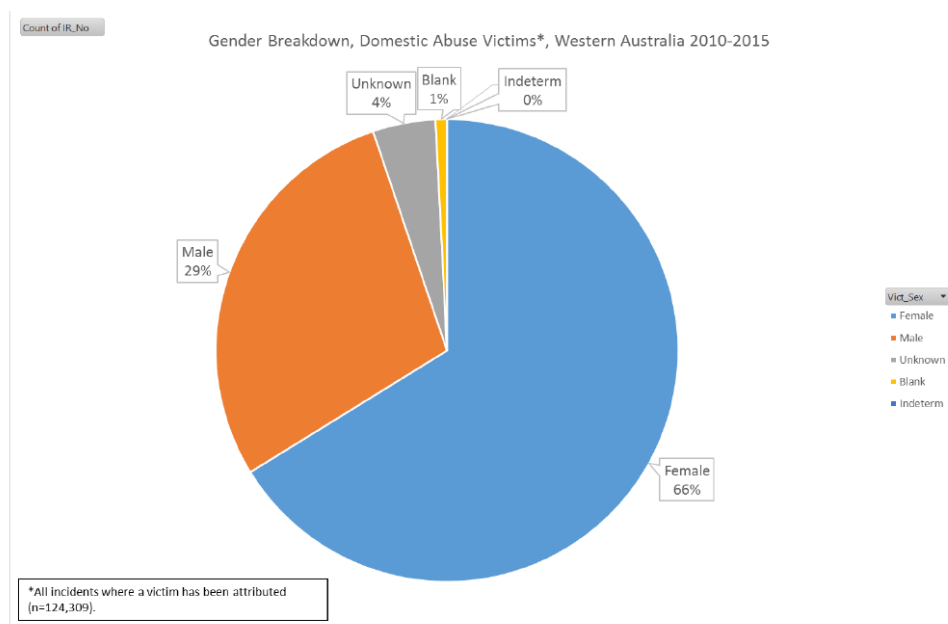
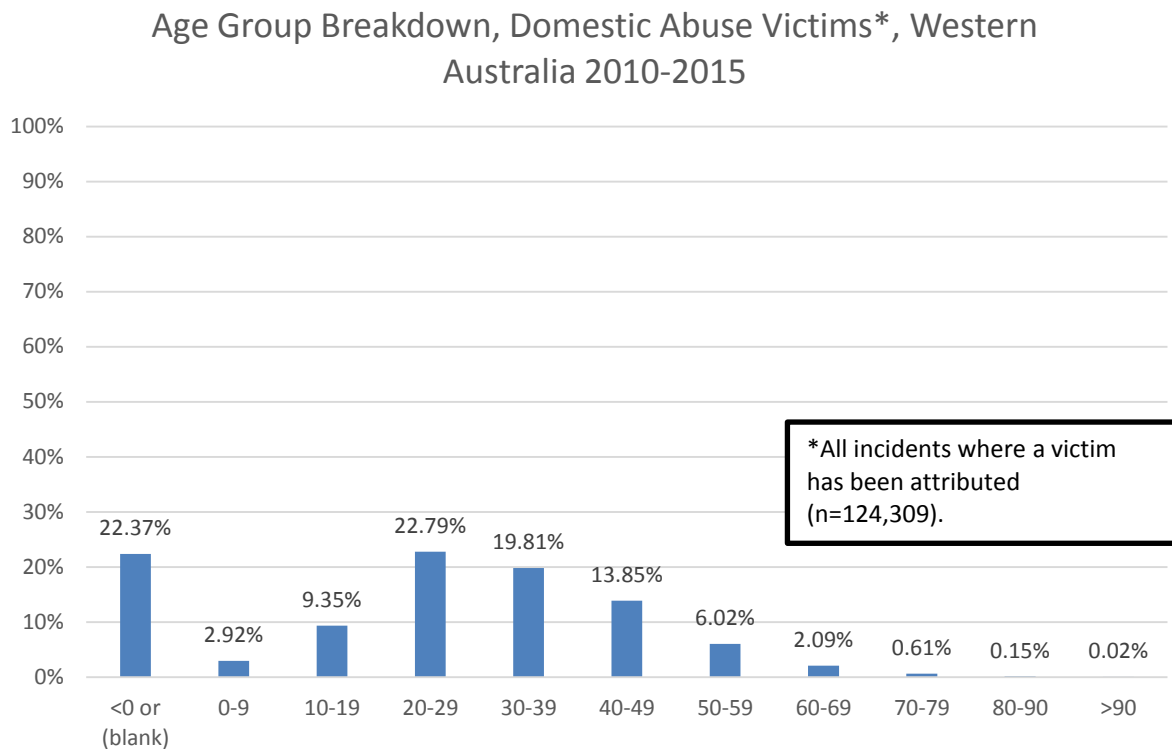


Chart 2 sheds some further light on the demographics of family violence victims, with over 25% of the victims either under the age of ten, or with no age given. Twelve percent were recorded as being 18 or younger.

Chart 2: Age of Victims



Claim #1: Domestic violence escalates over time in both frequency and seriousness?

As Figure 3 shows, this claim is not true in Western Australia. There is no escalation in seriousness of injury over time, as measured by the Cambridge Crime Harm Index. The analysis is limited to the small portion of the sample that had 5 or more calls, which provide enough cases for the statistical power to detect a pattern of escalation if one is present. It is not.

Figure 4 shows something even more important about escalation: over half (56%) of all offenders have only one reported family abuse case in the five-year study period. That means for the majority of reported offenders, there can be no escalation because there was no further event to compare to the first event. Even two events over five years, which another 20% of the offenders had, falsifies the general idea of escalation. Hence for 76% of the offenders, there are too few events for escalation to be possible. And for those with 5 or more events, where escalation was indeed possible, it is not observed.

Figure 3: Average CHI Score Over Time for Victims With 5 or More Callouts

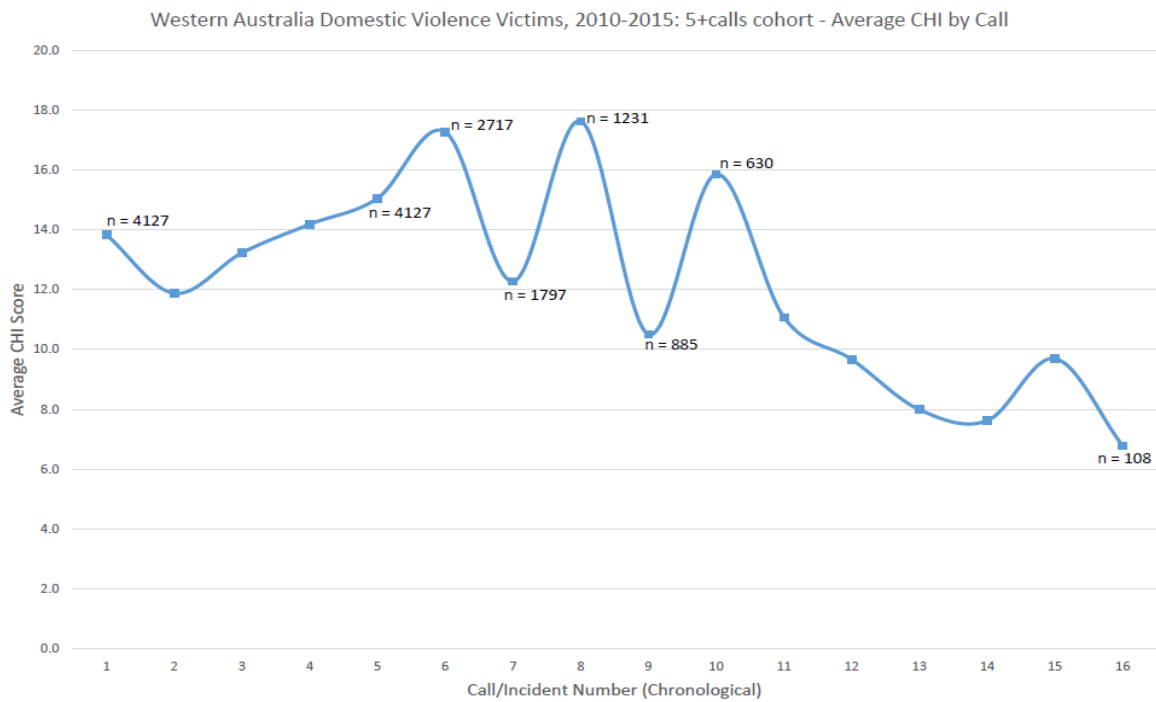
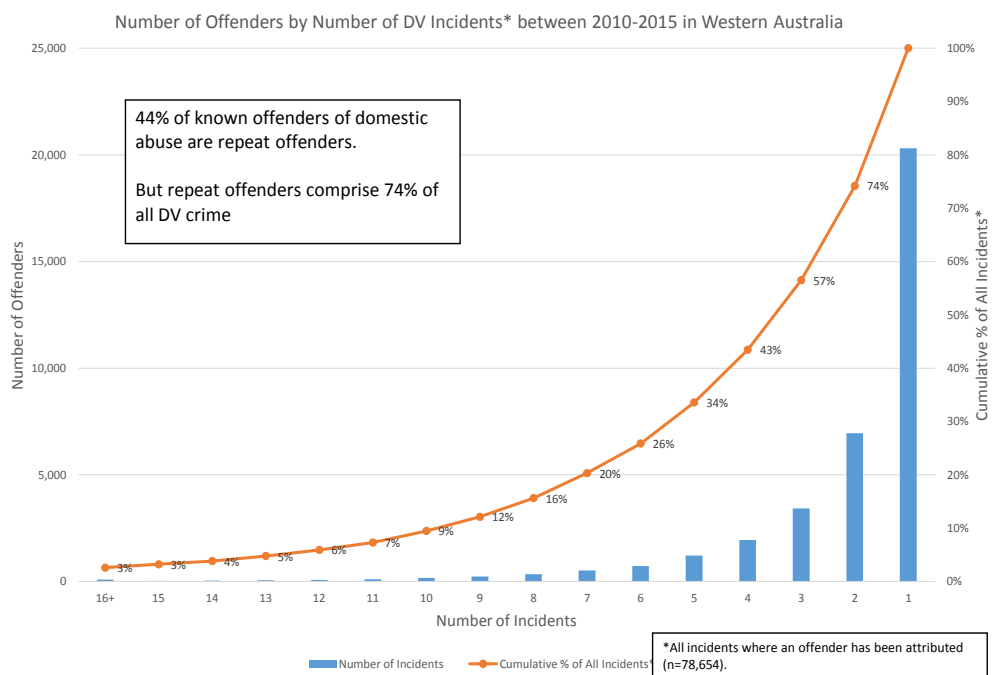


Figure 4: Number of Offenders by Incidents 2010-2015



The question of escalation can also be addressed separately for Aboriginal offenders in WA. This is especially important because one other Australian study found some escalation in both frequency and seriousness in a predominantly Aboriginal sample. Using the open-ended, uneven but maximum followup period method of the WA study, we see no evidence of escalation in Crime Harm Index values among the Aboriginal population.

As Figure 5 shows, analyzing dyads rather than victims (as in Figure 3), there is no escalation in average harm levels over successive police callouts among all cases. A very similar, although slightly different, pattern is found for Aboriginal dyads in Figure 6. In neither analysis is there a detectable pattern of linear escalation. Rather, the harm levels fluctuate in both directions over time in a manner consistent with statistical “noise.”

Figure 5: Average Harm By Successive Callout, All Dyads

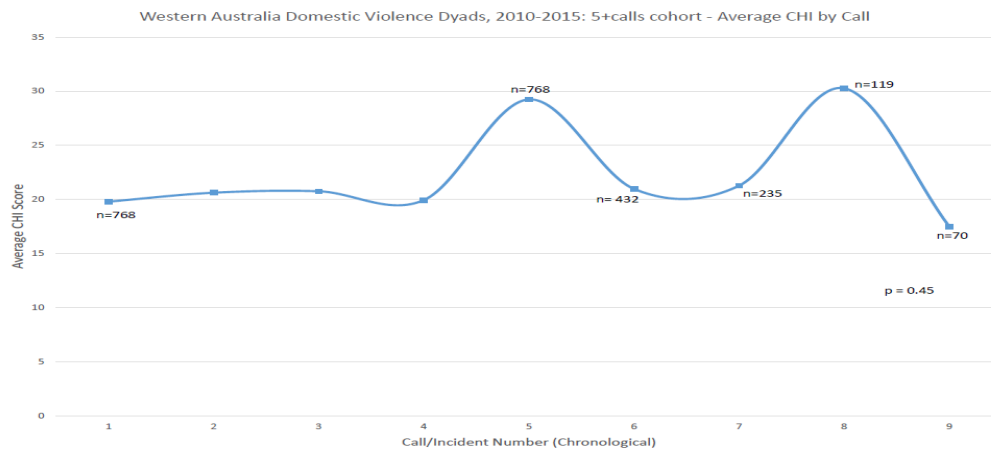
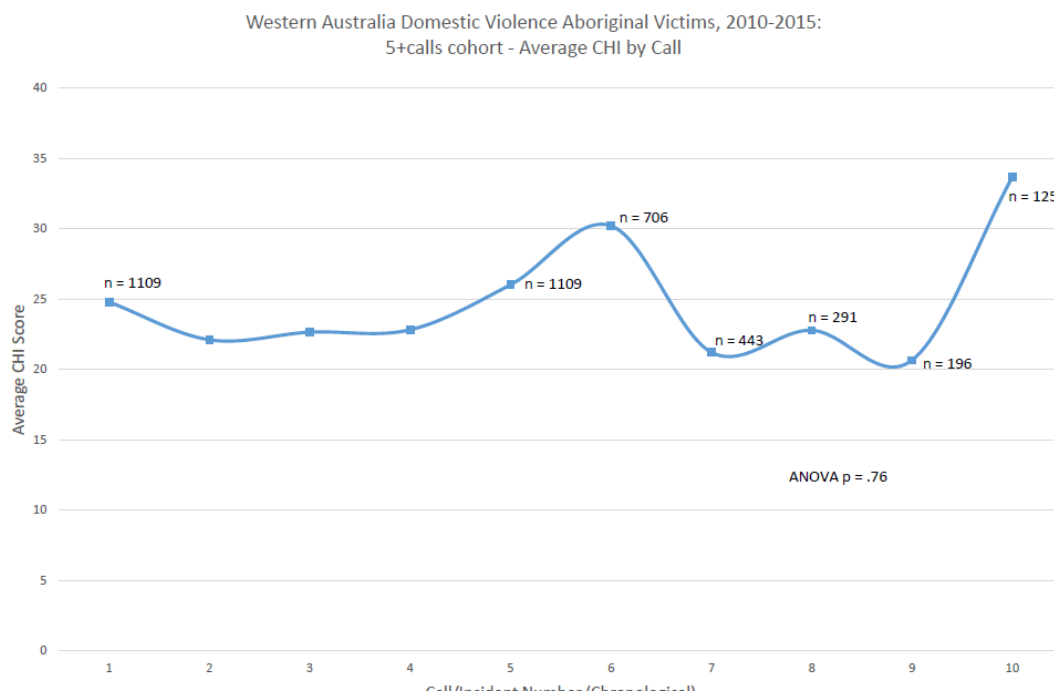


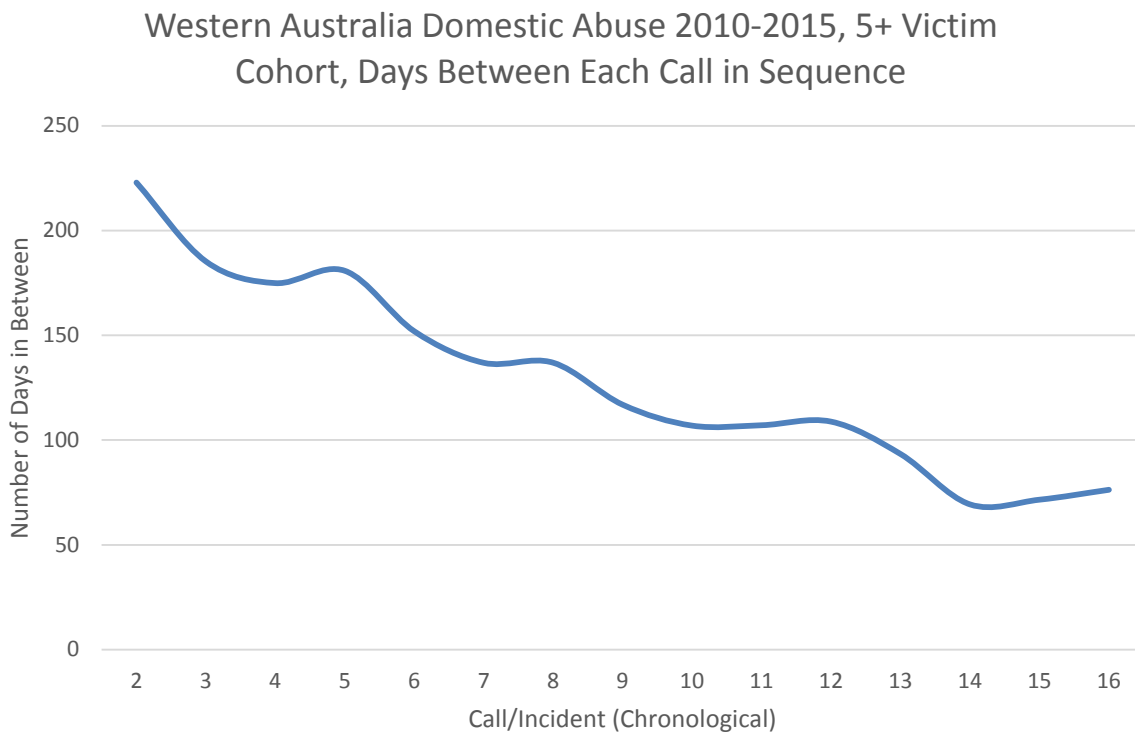
Figure 6: Aboriginal Dyads Only: Average Harm By Successive Callouts



The question of frequency is a related but distinct claim about escalation. It is related because the lack of repeat offending in most cases means that there is no opportunity for the callouts to become more frequent. It is distinct because among the minority of cases with repeated events, there is evidence of an increasing speed with which they occur. That speed is measured by a declining amount of time between events. As Figure 7 shows, among the small

minority of dyads that reported 5 or more incidents over five years, there is a statistically significant increase in the frequency of their incidents. The average time between each successive event decreases with each successive event, which means that the speed with which each successive event occurs after the last one is increasing. Yet because this pattern applies only to that subset of the “Miscreant Many” (and perhaps a few of the Felonious Few), care must be taken not to generalize from the pattern in Figure 7 to the entire population—in which there is too little repetition to experience increasing frequency.

Figure 7: Average Days Between Successive Callouts, All Victims With 5 or More Cases



Claim #2. Every case of domestic violence is a potential homicide?

The claim that every family violence callout can be a homicide may be true in some metaphysical sense, but it implies a far greater risk than is actually true. With about 215,000 incidents, the chances that one of them will be among the 79 murderous attacks are just 1 in 2,722. Even among the 36,000 offenders observed over 5 years, the chances of one of them committing a murderous attack are 1 in 456. This risk is even lower when the attacks committed by first-time offenders are removed from the denominator.

Claim #3. Serious harm is best predicted by prior harm?

This claim is most clearly falsified in the case of murder and attempted murder. As previous studies in the US, UK and Victoria have shown, the majority of domestic murder victims have not previously come to police attention for family violence problems. In Western Australia in 2010-2015, 67% of victims were “Never Called Before” dyads. Only 11% had

more three or more prior calls, but the small number of cases (under 10) makes escalation analysis impossible.

Conversely, a detailed analysis of all 707 Felonious Few offenders show that many of them commit severe harm, but do not go on to commit higher harm or murder. The Appendix illustrates this point with individual, anonymized cases.

In 143 of their most harmful incidents, the Felonious Few offender did have one or more priors, but there is *no pattern of escalation in seriousness over time leading to the peak harm*.

New Claim #4. Domestic offenders with evidence of suicidal tendencies are at higher risk of committing murderous attacks against family members than other offenders?

The evidence provides strong support for this claim. Of the 79 offenders who committed or attempted a domestic homicide, 20% (16/79) had a warning for suicide or self-harm registered prior to their most serious crime. This compares to only 8.9% (56) of the 628 nonlethal offenders in the felonious few who had a warning for suicide or self-harm registered prior to their first domestic violence crime in the five-year time period. ***Thus the homicidal offenders were 2.27 times more likely than the non-homicidal offenders to have had a prior warning for suicide or self harm.***

This ratio is similar to those found for male offenders committing or attempting domestic homicides in Thames Valley, Dorset, and (without a comparison group) 188 completed domestic homicides in the England and Wales in recent years (Thornton, 2011; Bridger, 2016; Chalkley, 2016).

Overall, of the 72 members of the 707 Felonious Few group who had a prior warning for suicide or self-harm, 16 committed or attempted a domestic homicide. The risk of someone on this list trying to kill someone is therefore 1 in 4.5. The use of the warning among members of this group would have a 78% error rate (of false positives), but that error must be weighed against the false negative rate of 22%. In other words, 56 offenders who did not try to kill anyone could be subjected to an unnecessary intervention if suicide/self-harm warnings are used to mobilize action. Yet the 16 lives that could be saved from a successful intervention may provide adequate justification of the action, depending on both its level of success and the level of intrusion it may entail, within the limits of legal powers appropriate to each case.

The larger problem of prediction is the 80% of murders or attempted murders in which there was no prior warning of suicide or self-harm. But membership in the felonious few group is a feloniousful predictor of lethal violence, even if it cannot predict most domestic murders.

With an adult population of over 2 million people (over age 14), Western Australia had 79 cases of successful or attempted domestic murders in five years. The risk of any adult committing such a crime was 1 in 25,800. The risk in the Felonious Few was 1 in 9. The felonious few are therefore 2,866 times more likely, retrospectively, to have committed

murder or attempted murder than was the general population. This estimate, however, is provisional and will be somewhat lower when removing lethal cases that occurred before offenders joined the Felonious Few.

Of the 707 offenders, 79 (11%) had a record of committing or attempting a homicide. Of those 79, fully 20% (16) had a warning filed on police records for threats or ideation of suicide or self-harm prior to committing the murder or attempted murder.

The percentage of threatened suicide or self-harm in this population is 1500 times higher than the overall suicide death rate in Western Australia in the most recent Australian Bureau of Statistics Mortality Report (for 2013), showing 13.1 suicides per 100,000 persons in WA.

Predicting high harm crimes beyond homicide shows even greater value of using prior self-harm warnings as a predictor. We explored this question by breaking out a sample of offenders with a minimum of 730 CHI total. That level of CHI is typically two or more offences equivalent to a sexual assault in the 2010-2015 data and is a natural break in CHI scores (below 365 the next highest is in the 80s). Thus N=764 for this sample of “extreme harm” offenders.

Of these, 592 had no self-harm warning at all in the Warning dataset. Of the remaining 172 who did have warnings, 100 had the warning recorded AFTER their first DV of over 365 and 72 BEFORE that extreme DV. The rate of 72 before 764 = 9% of the sample had a self-harm warning. This compares to 20% for the murderous cases.

Unlike the murderous cases, however, there were no cases in this sample where self-harm warning was not followed by a high-harm scoring. This means that knowledge of prior suicidal tendencies could be helpful in preventing high levels of harm beyond murderous attacks. This is a key fact that could be discussed in relation to proposed increases in data sharing about the entire list of persons in WA who are known to have threatened to kill themselves. Whether this finding applies to those who have not been in police custody (where the self-harm warnings were generated) is an open question. Yet the potential for prediction and prevention may still be greater in pursuing this option than any other pathway for which we have evidence.

APPENDIX:

CASE STUDIES OF THE FELONIOUS FEW

WA Domestic Abuse Offender Number One

The following case is not typical; it is the most serious case in the entire state over five years. We select it to show what can be discovered through systematic analysis of 100% of all known offenders.

- In 2010-15, the most harmful domestic offender in WA (based on the Cambridge Crime Harm Index⁴) was the subject of reported offences that could have attracted 110 years (40,000 days) in prison under sentencing guidelines in England.
- This 21-year old man was named in 113 domestic incidents reported to WA Police, all of them in the South East Metropolitan District.
- All of these incidents occurred between 24th February, 2014 and 19th May, 2014.
- In that time period he victimized four different victims, all Caucasian.
- Only 84 days elapsed between his first reported incident and his most serious incident.
- He had 3 prior crimes before his most serious incident, but 109 crimes reported after the most serious incident.
- All of his crimes, however, were reported on just three separate dates.
- Further analysis of this case is likely to reveal a clearer understanding of the pattern, especially his current status (possibly in prison) and date on which he may return to the community if he is not already there.

WA Domestic Abuse Offender Number 707

This case describes the least serious offender of the 707 who caused 50% of the Crime Harm Index over five years:

- This 12-year-old male offender had one Caucasian victim in March of 2012. (There were approximately 35 offenders among the Felonious Few under age 15 at the time of this crime.)
- He was not the youngest offender on record; the youngest was a boy age 7.
- The CHI total cost of the two crimes reported on one day was 730: 365 days imprisonment for each of two offences.
- He had no priors and no subsequent offences in the time period
- If he is still in the community, his risk level for further serious harm cannot be precisely identified without a further, five year or more analysis of all 12-year-old males who have been reported for serious domestic offences.

WA Domestic Abuse Offender 005

- Offender 005 is a 34 year old Caucasian residing in the Metropolitan WA. He has warnings suggesting he is a drug user, has medical conditions and may self-harm. His employment status and educational background is unknown; court records list him as unemployed when charged in 2011.
- His domestic violence record relates to multiple offences of sexual conduct with his juvenile nephew. Eight charges of sexual penetration and 27 charges of indecent dealing with a child were established following a single report in 2011. This offending took place over approximately 18 months, but only one 'report date' is recorded.
- Of these 35 charges, most were discharged or dismissed at court. In 2012 he was convicted of eight charges of indecently dealing with a child and two charges of sexual penetration of a child. This resulted in a total sentence of four years imprisonment.
- He is listed as a person of interest in two previous domestic violence (aggravated common assault) matters. Both were offences against his female partner in 2010, subsequently withdrawn as the victim moved interstate. Between 2004 and 2008 he was victim of minor assaults and suspected of damage, both incidents relating to drunken altercations with other adults (non-domestic related). He has never been listed as victim of any family violence or sexual offences.
- He was released on parole in December 2014 and has been linked to a variety of residences since, indicating an itinerant nature. In the three months from November 2015 he has received 11 traffic infringements for speeding and been involved in at least one traffic crash.

WA Domestic Abuse Offender 401

- Offender 401 is a 43 year old Australian Aboriginal male residing in regional WA. He has multiple warnings for drug use, depression, self-harm, medical conditions and violence.
- He has 185 criminal convictions dating from 1985 (when he was 13 years old). The majority of these charges are for volume crime offences, including stealing, disorderly conduct, burglary, theft of vehicles, assault (domestic and non-domestic), breaching bail and liquor consumption. His employment status is unknown.
- He has spent time in prison on multiple occasions, both as a sentenced prisoner and on remand.
- His most recent domestic violence offences were in 2013 and then 2015. All domestic offences relate to abuse of a female partner. He is linked to four victims of his domestic violence; a previous female partner (eight incidents recorded), his mother (three incidents) and two other female partners - all are Aboriginal.
- There is one incident recorded with a female partner in 2015. Before this, five criminal offences and 11 'general incidents' of domestic violence occurred involving his then-partner. General and criminal incidents with his partner are interspersed from 2007 to 2011, showing no clear pattern of escalation. Reports suggest both have issues with alcohol, that most incidents occurred when either or both partners were

drunk and involve 'jealousy issues'. He is listed as victim in two domestic violence incidents where the offender was this partner.

- His family violence offending has occurred in both regional and Metropolitan WA, at a range of addresses, usually belonging to members of his extended family. He is also listed as a witness to family violence between members of his extended family. He is not listed as victim of any domestic violence as a child.
- As of late 2015 he was being sought for an outstanding warrant relating to domestic violence charges in 2013. His persistent alcohol use, itinerant lifestyle, offending against a range of associates and failure to desist following incarceration all suggest he will continue to offend.

WA Domestic Abuse Offender 011

- Offender 011 is a 46 year old Caucasian male who resides in Metropolitan WA. He has one active warning for prohibited drug use.
- Of 54 charges brought to court against him, all but three relate to sexual offences against a lineal relative. Of the charges relating to domestic violence, 17 have been discontinued, and he was acquitted of a further 25. In 2011, he was convicted of six counts of sexual penetration against an adult lineal relative. He was sentenced to 12 months imprisonment and was released in August 2012.
- These charges arose from four reports of sexual offending against his daughter and another young female (daughter's friend) made on three separate dates in 2006 and 2010. In 2015 he was named a person of interest for sexual offences against his juvenile niece. This is not categorised as domestic violence in WA Police systems.
- Offender 011 was also linked to a domestic violence incident in 2009 after an altercation with his daughter (non-sexual). He has been further charged with stealing and possession of drugs, which was dealt with via a fine.
- Allegations of sexual offending were first made against him in 2006, and it appears that his children continued residing with him until 2010. Police systems suggest he still resides with his female partner. His children were in the care of government agencies (as of late 2015) and his daughter (victim of these incidents) has also made reports of sexual offences against her by family friends. Offender 11 is listed as a witness to these matters, though there is no implication he participated or facilitated the incidents.
- Court records show that he completed year 11 at a Metropolitan WA high school, and has in the past been employed as a truck driver. He has never been listed as a victim of physical or sexual abuse.

WA Domestic Abuse Offender 325

- Offender 325 is a 29 year old male was born in New Zealand currently residing in a Perth Metropolitan suburb. He has numerous active warnings recorded including: 'may inflict self injury', known prohibited drug user, talk of self-harm, suffers from

depression, has medical condition requiring prescribed drugs, is a known recidivist FDV victim/offender and 'not to issue firearm licence'.

- Since his first recorded offence in October 2000 he has been charged 41 times. He has had seven long term and three short term restraining orders placed against him, breaching many of them over the years.
- His episodes of family violence have been interspersed with charges for armed robbery, dangerous driving, steal motor vehicle and drug offences. He has been known to fabricate weapons such as hammers welded to metal poles and ball and chain objects.
- His first family violence offence was a breach of a restraining order against his mother. One month later he was charged again with four breaches of the same restraining order, both at her workplace and at her home.
- In 2007 he was involved in an incident where he demanded money from her to buy drugs. He then damaged property and made threats to burn down the house. He physically restrained his mother from leaving the house and threatened self harm.
- In December 2011 he was involved in his most serious offence to date when he broke into his ex-girlfriend's house, abused her and attempted to kill her current boyfriend with a sharp object, again breaching an existing violence restraining order. The attempted murder charge however was discontinued during court proceedings.
- In May 2015 he threatened to stab a shop employee with a hunting knife when challenged for shoplifting. His most recent family violence incident was in Jan 2016 where he returned to his current partner's house breaching a short term police order.
- For the majority of his offences, he has received fines, intensive supervision orders, community based orders and up to three years' incarceration. These outcomes however have not seemed to deter him from unlawful behaviour and he has offended since being released from prison.

WA Domestic Abuse Offender 064

- Offender 064 is a 21 year old Australian Aboriginal female residing in a regional town. She has numerous active warnings recorded, including "may inflict self injury," known prohibited drug user, talk of self-harm, suffers from depression, may assault police, may resist arrest and may become violent when intoxicated.
- She had 16 charges recorded against her from 2008 to 2012. The majority of her charges are anti-social including disorderly behaviour and obstructing police.
- Her general disorderly behaviour offending escalated in 2010 when she was charged with assaulting a police officer (by biting and spitting).
- She was charged with aggravated unlawful wounding in June 2012 when she stabbed her victim in the face with a serrated knife during an argument and was intoxicated at the time.
- Four months later she was charged with Murder following an alcohol fuelled argument with her boyfriend, stabbing him in the neck with a knife. She received 4 years 9 months imprisonment, due for release in 2017.

WA Domestic Abuse Offender 387

- Offender 387 has 117 criminal court outcomes including Assault Occasioning Bodily Harm, aggravated indecent assault, deprivation of liberty and unlawful wounding.
- Recorded warnings include; known prohibited drug user, may carry a weapon, medical condition, has attempted self-harm and may resist arrest.
- He has an extensive history of alcohol related offending dating back to 1990 when he was under 18 years of age. His victim and partner of 3 years is an alcoholic and he drinks heavily. It appears all of his DV incidents appear to involve alcohol and/or illicit drugs.
- The last incident listed against his ex-partner was in late 2014. The seriousness of this incident is noteworthy and is described as the couple's eighth incident. The reporting officers had noted a serious escalation in their incidents. In this incident the victim was verbally and physically abused including being stuck in the face with a bottle, and received a laceration to her left lower leg about 5cm in length that required sutures after he stuck her with a sword.
- He is listed as a person of interest for Family Violence against his brothers and father.
- A large percentage of his offences taken to court have been discontinued, dismissed or he has received monetary fines at Court. He does not appear to have served any imprisonment for Family Violence offending.

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