

An Examination of the Factors that Impact the
Likelihood of Arrest in Intimate Partner Violence Cases*

Paper presented at the Annual Meeting of the Justice Research Statistical Association

St. Louis: October 2009

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* This project was supported by Grant No. 2001-WT-BX-0501 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Abstract

Past studies of the police response to intimate partner violence have, for the most part, been limited by their use of a single department, departments in a single state, and/or the size and composition of their sample. In addition, there have been a number of important legal, victim, incident, and offender variables that have not been considered in the analyses, and the examination of the police response to intimate partner violence cases has not been compared to their response to other domestic and non-domestic incidents. In this study an examination is conducted of legal, organizational, incident, victim, and offender characteristics that impact the likelihood of arrest in intimate partner violence cases. Two datasets are used in the analyses. The first comprises 577,862 incidents of assault and intimidation from a calendar year 2000 NIBRS dataset that includes information from 2,819 police departments in 19 states. The second comprises 4,388 of the incidents taken from the larger dataset and for which a far more extensive list of variables was obtained by culling information from police reports. In this paper we present an overview of the key findings of the first phase of the project, which have been extensively reported elsewhere, and then, building on those findings, present in more detail an accounting of the organizational, incident, victim, and offender characteristics that impact the likelihood of arrest in intimate partner violence cases. The policy implications of our findings are discussed.

Introduction

In an effort to combat intimate partner violence, state laws governing police warrantless arrest powers in domestic violence cases have been greatly expanded over the past thirty years. All states have increased police authority by empowering the police to make warrantless arrests in cases of domestic violence and by increasing both the scope of relationships as well as the acts covered under these statutes. Two-thirds of the states have laws that either mandate or indicate a preference for arrest when the police respond to a domestic incident and have probable cause to believe an offense has been committed.

Prior research has indicated that the passage of these mandatory and preferred arrest domestic violence laws has had the desired effect of increasing the likelihood of arrest in cases of domestic violence. However, this body of research has also revealed the occurrence of several unintended consequences, including increases in the arrests of women, whether as the sole offender or together with the other involved party in what is known as a "dual arrest."

The current study, which was funded by the National Institute of Justice, was designed to provide a description of domestic violence arrest practices in the United States and an understanding of the legal, organizational, incident, offender and victim characteristics that impact the likelihood of arrest in domestic violence cases. In order to accomplish these objectives, a two phase approach was undertaken.

The first phase comprised an extensive examination of the police response to intimate partner violence and involved comparing the police response to incidents involving intimate partner and other domestic situations, such as those between parents and children or siblings, with their response to incidents involving other types of victim offender relationship, namely acquaintances and strangers. For this phase we used data obtained from the National Incident-

Based Reporting System (NIBRS). We choose the calendar year 2000 and examined all assault and intimidation cases in the year 2000 database to investigate the extent to which both arrest and dual arrest were occurring nationwide, the relationship between incident and offender characteristics, and the effect of state laws on police handling of these cases for all types of victim-offender relationships. The dataset contained a total of 577,862 incidents of aggravated assault, simple assault, and intimidation reported in 2,819 contributing jurisdictions in 19 states.

The second phase of the project provided a more intensive examination of a subset of the incidents in the Phase One dataset. This was considered necessary because the NIBRS dataset only contained a limited number of incident, offender, and victim specific variables that might help explain divergent arrest practices. This second phase of the study, which was restricted to intimate partner and other domestic violence cases, involved collecting far more detailed information on 4,388 NIBRS cases from 25 police departments of varying sizes in four states.

In this paper we first examine prior research on the police response to intimate partner violence. We then present the key findings of the first phase of the current project which have been extensively reported elsewhere (see, e.g., Hirschel et al., 2007(a), 2007(b)). We then build on the findings on the first phase and present in more detail an accounting of the organizational, incident, victim, and offender characteristics that impact the likelihood of arrest in intimate partner violence cases.

Prior Research

Beginning in the 1970s, political pressure exerted by women's groups, lawsuits brought against police departments for negligence and failure to provide equal protection to female victims in domestic violence situations (see, e.g., *Bruno v. Codd* (1977); *Scott v. Hart* (1976); *Thurman v. City of Torrington* (1984)), and the findings reported by the Minneapolis domestic

violence experiment (Sherman & Berk 1984a, 1984b), resulted in a nationwide movement toward arrest as the preferred response to domestic violence.¹ At the core of this movement have been legislative mandates aimed at modifying police behavior. The fulfillment of legislative goals has been evidenced by research which has reported increased rates of arrests, prosecution, and conviction and improved responsiveness to victims (National Research Council, 2004).

Prior research indicates that the raw numbers of domestic violence arrests increased in many police departments after the implementation of mandatory or pro-arrest laws and policies. Arrest rates from data collected in the 1970s and 1980s were generally in the 7% to 15% range (see, e.g., (Dutton, 1984; Worden and Pollitz, 1984; Bayley, 1986; Holmes & Bibel, 1988). More recently, however, these rates have been observed to be 30% or greater (Bourg & Stock 1994; Mignon & Holmes, 1995; Jones & Belknap, 1999; Buzawa & Hotaling, 2000; Robinson & Chandek, 2000; Buzawa & Buzawa, 2003; Ho, 2003; Hall 2005; Eitle, 2005).

While legislative mandates can be expected to promote the desired change, compliance is likely to impact organizational behavior in unexpected ways (Manning, 1997; Buzawa & Buzawa, 2003; National Research Council, 2004). There is an acknowledged need to determine how change impacts police behavior both in intended and unintended ways. Of particular concern has been research suggesting that domestic violence laws have resulted in an increase in female arrests.

¹ For a more detailed history of the law enforcement response to intimate partner violence see e.g. Buzawa & Buzawa (2003), Hirschel and Dawson (2000), Hirschel, Hutchison, Dean & Mills (1992), and Pleck (1989).

The Increase in Female Arrests

Accompanying the general increase in arrests for domestic violence offenses after the implementation of a preferred or mandatory arrest law has been an increase in the arrest of females for assault (Comack, Chopyk, & Wood, 2000; Miller, 2005; DeLeon-Granados, Wells and Binsbacher, 2006; Chesney Lind, 2006).²

Part of the increase in female arrests may be the result of the increase in cases where the police have arrested both parties (see, e.g., Epstein, 1987 citing Kassel, 1985; Victim Services Agency, 1988; Zorza & Woods, 1994; Saunders, 1995; Martin, 1997; Haviland, Frye, Rajah, Thukral, & Trinity, 2001). In the first detailed study of dual arrests, Martin (1997) examined the disposition of domestic violence cases handled by the criminal courts in Connecticut just after implementation of a mandatory arrest policy in 1988 and found the dual arrest rate in adult intimate family violence cases to be 33%. More recent research has shown wide variations in dual arrest rates. Where statewide data are available for domestic violence cases, dual arrest rates are as high as 23% in Connecticut (Y. Peng, personal communication, July 10, 2002), as low as 4.9% in neighboring Rhode Island (Domestic Violence Training and Monitoring Unit, 2001a), and are 8% in Arizona (Governor's Division for Prevention of Family Violence, 2001). The overall rate of women arrested for domestic violence also varies. In these three jurisdictions, it is 30.8% (Connecticut Department of Public Safety, 2000), 17.4% (Domestic Violence Training and Monitoring Unit, 2001b), and 28% respectively (Governor's Division for Prevention of Family Violence, 2001).

In some cases, dual arrests may be the result of legislation and/or department policies failing to require officers to identify the primary aggressor. In addition, when such provisions are

² For a more detailed description of these studies see Hirschel et al., 2007.

present, there may be a lack of sufficient police training and/or a lack of information needed when responding to a domestic assault in order to identify the primary aggressor. This situation may be compounded by the allegation that batterers have become increasingly adept at manipulating the criminal justice system in an effort to further control or retaliate against their victim and may make efforts to “pre-empt” victims from notifying police (Buzawa & Buzawa; 2003; Klein, 2004; Chesney-Lind, 2006).

Current political and/or organizational pressure may discourage officers from arresting women as aggressors, and, unsure what to do, the officers may arrest both parties. This observation is supported by some of the existing research (Buzawa & Buzawa, 2003). Jones and Belknap (1999:265-6) found in their Boulder study that “those identified as male victims were more than three times as likely to be part of a dual arrest couple than those individuals identified as female victims” Similar findings were reported by Buzawa and Hotaling in their study of three Massachusetts towns that when a male was a victim, the female was five times less likely to be arrested than was a male (Buzawa & Hotaling, 2000, 2006).

There are other possible explanations for high rates of female single and dual arrests. It may be that police officers, inclined to assume that adult male against female violence involves a male primary aggressor, find that they are in a situation where the female (according to both parties’ admissions and evidence upon arrival) is the primary aggressor. Research by Moffit, Caspi, Rutter, and Silva. (2001) suggests that women do in fact commit a considerable number of violent acts in intimate relationships that do not constitute self defense, although the researchers emphasize that the women’s rates of violence are considerably lower, and their acts are less severe, than those perpetrated by males. In addition, a comparison of 1980 through 2003 UCR arrest and NCVS victimization data conducted by Steffensmeier, Zhong, Ackerman, Schwartz &

Agha (2006) leads to the conclusion that women have not become more violent. While the UCR data showed that females constituted an increasingly higher percentage of arrests for both simple and aggravated assault, the NCVS data did not reveal a concomitant increase in female offending.

Arrest in Non-Domestic Cases

It has long been known that police usually do not arrest in cases of both of domestic and non-domestic assaults. In these cases, arrest has generally been infrequent and considered a last resort (Skolnick, 1966; Parnas, 1967; Wilson, 1968; Bittner, 1974; Black, 1976; Elliott, 1989; Manning, 1997). Statutes mandating arrest in cases of domestic assault are likely to result in an increase in a more “legalistic” approach to domestic assault resulting in a greater likelihood for arrest in a domestic compared to a non-domestic assault. Since the vast majority of domestic violence incidents involve a female as one of the parties while the majority of non-domestic assaults involve males only, there may be a disproportionate increase in the proportion of females arrested for assault overall as a result.

Research regarding leniency toward domestic violence compared to non-domestic violence cases has resulted in mixed findings. While some studies indicate that the police are less likely to arrest in domestic violence cases (see, e.g., Buzawa, Austin, & Buzawa, 1995; Eigenberg, Scarborough & Kappeler, 1996; Fyfe, Klinger & Flavin, 1997; Avakame & Fyfe, 2001; Felson & Ackerman, 2001), other studies show a consistent police response to domestic and non-domestic violence cases (see, e.g. Oppenlander, 1982; Klinger, 1995; Feder, 1998). While a critique of this research is beyond the scope of this paper, there are major differences in methodological strategies that make it difficult to draw any conclusive results. Further, research to date that has attempted to examine data nationally has relied on National Crime Victimization

Survey data (Avakame & Fyfe, 2001; Felson & Ackerman, 2001), an approach that cannot account for potentially major, and possibly conflicting, practices among police departments. Moreover, prior research (see, e.g. Buzawa & Hotaling, 2000) suggests that dual arrest may occur less frequently in intimate partner relationships than in other types of domestic violence situations (e.g. siblings, parent/child).

In sum, there are several explanations suggested for the increase in domestic arrests observed in the literature. Most hinge on changes in domestic violence legislation. In our previous publications we have expanded on prior research by investigating how the structure of domestic violence arrest laws impacts the decision to arrest. In the following section of this paper we outline the methodology employed in our study, discuss the key findings from our earlier analyses, and present some new analyses that assess the impact of various organizational, incident, victim, and offender characteristics on the likelihood of arrest in intimate partner violence cases.

The Present Study

The primary focus of the study was to examine the police response to intimate partner violence and the impact of mandatory and preferred arrest legislation on the police response. However, examining arrest decisions in intimate partner cases without reference to what is occurring in other domestic, and in non-domestic violence situations, poses the risk of concluding that particular arrest patterns are unique to intimate partner violence. Since the vast majority of domestic violence cases involve assault (see, e.g., Rennison 2003; Greenfeld, Rand, Craven, Klaus, Perkins, Ringel, Warchol, Maston, & Fox 1998), the decision was made to limit the study to incidents in which the most serious offense reported to the police was aggravated

assault, simple assault, or intimidation.³ In order to more fully understand patterns and variations unique to domestic violence, we included all cases of assault and intimidation, regardless of relationship. The period chosen for the study was calendar year 2000.

As noted above, the study was conducted in two phases. In Phase One, we examined all assault and intimidation cases in the year 2000 National Incident-Based Reporting System (NIBRS) database. In Phase Two, we collected more detailed information on a subset of NIBRS cases from 25 police departments of varying sizes across four states. While Phase One included incidents involving all relationship categories, Phase Two was restricted to intimate partner and other domestic violence cases.

Phase One Findings

The Phase One dataset comprised a total of 577,862 incidents of aggravated assault, simple assault, and intimidation reported in 2,819 contributing jurisdictions in 19 states. In these 577,862 incidents there were 650,849 victims, 622,258 offenders, and 235,690 arrests. Because the primary focus of the study was on assessing the police response to incidents, the incident was chosen as the primary unit of analysis.

The primary research strategy was to utilize Hierarchical Generalized Linear Modeling (HGLM) as the statistical technique for these analyses, with the incident as level one and the agency as level two. The independent variables used to assess arrest practices were *legal context* (as indicated in state domestic violence warrantless arrest laws); *agency characteristics* (such as the number of officers per 1000 population and the total number of assault, simple assault and intimidation cases reported in the jurisdiction); *victim and offender demographics* (including age,

³ NIBRS codes 13A (aggravated assault), 13B (simple assault), and 13C (intimidation).

sex and race); and *incident characteristics* (such as offense seriousness and incident location).

The key findings, which are described below, are presented in Table 1.

Findings: Arrest practices.

A total of 213,598 (37.0%) of the 577,862 assault and intimidation incidents to which the police responded resulted in arrest. This number comprises 206,370 (35.7%) incidents in which the police made one or more arrests and 7,228 (1.3%) situations in which the responding officers arrested both of the involved parties. Arrest rates were higher for intimate partner (49.9%) and other domestic violence cases (44.5%) than for cases involving acquaintances (29.1%) and strangers (35%). Dual arrest rates also were higher for intimate partner (1.9%) and other domestics (1.5%) than for acquaintance (1.0%) and stranger (0.8%) cases. Factors influencing these variations in arrest rates are examined next.

Findings: Impact of domestic violence legislation on arrest practices.

HGLM analysis revealed that mandatory and preferred arrest laws were having the intended effect of producing higher domestic violence arrest rates in these states compared to states with discretionary arrest laws. In mandatory arrest states, with other factors held constant, the odds of arrest in intimate partner incidents increase by 97% compared to discretionary arrest states. In preferred arrest states the increase is even higher: about 177%. These higher arrest rates are observed not only in intimate partner and other domestic violence cases, but in acquaintance and stranger cases as well, revealing an apparent spillover effect.

In addition, while the overall dual arrest rates were low (1.3%), the existence of a mandatory arrest law significantly increased the likelihood of dual arrest for all three of the relationship categories (intimate partner, other domestic, and acquaintance) examined. Thus, this study provides support for the hypothesis that mandatory arrest laws produce higher rates of dual

arrest in a range of relationship types. The existence of a preferred arrest law did not, however, produce a similarly significant impact on the likelihood of dual arrest.

Findings: Impact of incident and victim/offender characteristics on arrest practices.

The key incident-level variables in analyses affecting the arrest decision are those relating to offense seriousness and location, with offenses occurring in residences more likely to result in arrest than those taking place in public. Offender race had a significant effect on the response to intimate partner cases with arrest more likely if the offender was white.

In these analyses, sex had no significant effect on the response to intimate partner or stranger cases. Thus, no support is provided by these analyses for the hypothesis that the increase in the number of female arrests in intimate partner violence cases can be attributed to their disproportionate arrest rate for minor offenses. However, the fact that males and females are equally likely to be arrested may be evidence of an increase in female arrests, if in the past males were more likely to be arrested.

Findings: Impact of victim and offender gender on arrest practices.

Further analysis of the interrelationship between the sex of both the victim and the offender revealed that although the police were equally likely to resolve cases involving both heterosexual and same sex intimate partner couples by making an arrest, cases involving same sex intimate partner couples were substantially more likely to result in the arrest of both parties. Specifically, 26.1% of the female same sex cases, and 27.3% of the male same sex cases, resulted in the arrest of both of the involved parties compared to 0.8% of the cases with male offenders and female victims and 3.0% of the cases with female offenders and male victims.

Although dual arrests were about equally likely in female and male same sex aggravated and simple assault cases, dual arrests were twice as likely to occur in intimidation cases

involving female same sex couples as they were in cases involving male same sex couples. In addition, though in general arrest was more likely if the incident took place in a home or residence, cases involving same sex female victims were marginally more likely to result in arrest if the incident took place outside of the home or residence. Thus, same sex female couples who were involved in incidents that took place outside the home were more likely to be arrested than any of the other victim-offender sex categories.

Phase Two Findings

In the second phase of the project, which focused only on intimate partner and other domestic cases, the NIBRS dataset was supplemented by the addition of numerous variables from several different sources to explain more fully the divergent practices we observed in arrest patterns. In particular, we added detailed incident-level variables not contained in NIBRS to understand their contribution to arrest patterns. These variables included: whether the offender was on the scene when the police arrived, who reported the incident, the exact nature of injuries suffered by the involved parties, victim and offender substance use, and presence of children.

In selecting the sites for additional data collection, we utilized a stratified sampling approach. The primary criterion for selecting the states was the legislative framework under which police departments operated. Specifically, in intimate partner violence cases, did state law mandate arrest, or leave arrest to the discretion of the responding officer(s)? Connecticut and Virginia were chosen to represent the mandatory arrest, Tennessee the preferred arrest, and Idaho the discretionary arrest states. The primary criteria for selecting jurisdictions within the selected states were arrest rates and the extent and quality of the police and court data that were available. Random sampling procedures were employed within the chosen jurisdictions to select samples of cases in which no arrest or a single arrest or multiple arrests were made in the incident. Because

of their low prevalence rate, the full population of dual arrest cases (cases in which both parties to an incident were arrested for offenses against each other) was generally selected.⁴ Hard copies of all incident, arrest, and supplemental case reports were provided directly by the police departments in all of the 25 selected jurisdictions. Information on 3,216 intimate partner cases was collected from these jurisdictions.

Descriptive Findings

Descriptive information about the jurisdictions, incidents, victims and offenders is presented in Table 2. As can be seen from an examination of that table, the 25 jurisdictions varied considerably with regard to population density, the mobility and racial composition of the population, the percent living in poverty, and the number of officers per 1,000 inhabitants. Three of the variables examined significantly affected the likelihood of arrest: the racial composition of the jurisdiction, population density, and the mobility of the population as measured by the percent of the population living in the same household in 1990 and 2000. Arrest was more likely in jurisdictions with a higher percentage of White inhabitants, with a higher population density and with a higher percent of inhabitants living in the same household in 1990 and 2000.

The vast majority of the incidents (86.3%) occurred in a home or residence, involved a simple assault (80.4%) with a “personal” weapon (67.2%), and resulted either in an apparent minor (48.9%) or no (47.1%) injury (see Table 2). The incident was slightly more likely to be reported by someone other than the victim (52.2%) and in just over half of the cases (58.6%) the offender was on the scene when the police arrived. In a third of the cases (33%) the officers were aware that the offender had a history of violence before arriving on the scene and in just under a third of the cases (29.5%) there was a minor on the scene when they arrived.

⁴ A total of 498 (15.5%) of the 3,216 cases in this study resulted in the arrest of both parties. For a more detailed discussion of the selection of the states, jurisdictions, and cases see Hirschel et al., 2007.

Most of the cases involved male (77.7%) offenders. Slightly more were White (51.1%) than Non-White (48.9%). Their average age was 32.37 (sd = 9.71). A minority (36%) were noted by the responding police officers to have been using alcohol or drugs. Likewise victims were likely to be female (77.6%) and somewhat more likely to be White (55.3%) than Non-White (44.7%). Their average age was 31.29 (sd = 9.72) and only a small minority (14.3%) were noted by the responding police officers to have been using alcohol or drugs (see Table 2).

Incidents were significantly more likely to result in arrest if the incident was reported by someone other than the victim, involved a more serious offense, involved the use of a weapon (particularly a deadly weapon) and resulted in injury. Incidents were also more likely to result in arrest if the offender was on the scene when the police arrived, if there was a minor on the scene, if the offender was a female, if the offender was White, if the victim was male and white, if the victim was older, and if the victim was under the influence of drugs or alcohol (see Table 2).

Multivariate Analysis

Building on our bivariate findings, we constructed a multivariate model to test the effect. Issues with collinearity necessitated the omission of some of these variables. As would be expected, offender and victim race were highly correlated (.809, sig. = .000) in a positive direction, while offender sex and victim sex produced a high negative correlation (-.943, sig. = .000). In both of these cases the offender attribute was chosen in preference to the victim attribute because it is the offender who is the focal point of the current analysis.

Likewise there were collinearity issues between type of offense (aggravated assault, simple assault, and intimidation) and two other indicators of seriousness, use of weapon (coded as weapon, personal weapon, and no weapon) and injury (coded as serious physical injury, apparent minor injury, and no injury). A bivariate analysis revealed that nearly all of the incidents in

which a weapon (gun, knife, blunt object etc.) was used were categorized as aggravated assaults. Similarly, no weapons, personal or otherwise, were reported in any intimidation incidents. Injuries (serious and minor) were reported in two thirds of the aggravated assault incidents and more than half of the simple assault incidents. No injuries were reported in close to 100% of the intimidation cases. As a result of these analyses we decided to use modified versions of the variables injury and weapon use, coding the former as victim injury (1 = yes, 0 = no), and the latter as deadly weapon (1 = yes, 0 = no). Thus, the following independent variables were included in the logistic regression model:

- Offender is white (1 = white, 0 = minority)
- Offender is male (1 = male, 0 = female)
- Who reported the incident (1 = victim, 0 = other)
- A minor was present when the incident occurred (1 = yes, 0 = no)
- The primary victim reported an injury (1 = yes, 0 = no)
- A deadly weapon was used (1 = yes, 0 = no)
- The offender was on the scene of the incident (1 = yes, 0 = no)
- Victim used drugs or alcohol (1 = yes, 0 = no)
- Victim age (ratio variable)
- Percent of the population living in the same household in 1990 and 2000 (ratio variable)
- Population per square mile (ratio variable)

Since the tested model is guided by prior research, the forced entry method is the most appropriate. The intent is to examine the contribution of each variable individually while controlling for other known or hypothesized predictors of arrest in intimate partner violence incidents.

The results of this analysis are presented in Table 3. As can be seen from an examination of that table, arrest was more likely if someone other than the victim had called the police, if the offender was White, if the offender was on the scene when the police arrived, if a minor was present, and if the incident involved the use of a deadly weapon and the infliction of injury.

Incidents occurring in jurisdictions characterized by higher population density and greater resident stability, as measured by the percent of the population living in the same household in 1990 and 2000, also showed a higher likelihood of arrest. While some of these findings were to be expected, others are counterintuitive. Perhaps most striking among these findings is that an offender who stays on the scene is nearly six times more likely to be arrested than one who leaves the scene. Also notable is the fact that offender sex was not related to the likelihood of arrest.

Discussion

Through the inclusion of additional variables, such as offender on the scene and presence of children, and by shedding additional light on the variables included in the multivariate models examined in the Phase One analyses, these Phase Two results contribute substantially to our understanding of the police response to intimate partner violence.

As would be expected, indicators of seriousness of offense were major predictors of likelihood of arrest. In our Phase One multivariate analyses we used offense as a predictor variable and did not include victim injury because of the highly significant interrelationship between the two variables. In Phase Two we substituted victim injury and presence of a deadly weapon for seriousness of offense because of the richness of the data we have gathered on victim injury, data that will be fully explored in subsequent analyses. As would be expected, victim injury and presence of a deadly weapon exerted in our Phase Two model a similar effect to that exerted by seriousness of offense in our Phase One model. An incident was two times more likely to result in an arrest if injury was inflicted on the victim and 1.6 times more likely to result in arrest if a deadly weapon was used in the incident (see Table 3).

A major difference between our Phase One and Phase Two findings concerns the impact of the place in which the incident occurred. Our Phase One findings indicated that arrest was more likely if the incident took place in a residence as opposed to somewhere else. In our Phase Two analyses location of the incident was observed in our bivariate analyses to no longer exert a significant impact on the likelihood of arrest. A new variable, offender on the scene, appeared to have taken its place and our logistic regression analysis indicated that if the offender remains on the scene, he/she is nearly six times more likely to be arrested than if he/she leaves the scene. Intuitively, it makes sense to believe that an offender who has committed an offense in a residence is less likely to take off than one who has committed the offense elsewhere. Our finding that 41.4% of offenders leave the scene (see Table 2) is in line with prior research shows that about half of the offenders in domestic violence incidents have left the scene before the police arrive (Dunford, 1990; Feder, 1996; Hirschel & Hutchison, 1992:894). Our finding that leaving the scene results in a highly diminished likelihood of arrest is also supported by prior research (see e.g. Eigenberg et al., 1996; Feder, 1996; Robinson & Chandecck, 2000). From the perspective of the offender this is clearly a good course of action to take. For victims and policymakers this is disconcerting, particularly since there is research indicating that offenders who have left the scene are more dangerous and more likely to reoffend than those who remain on the scene (Buzawa et al., 1999:142).

As in our Phase One multivariate analyses, sex had no impact on the likelihood of any of the involved parties being arrested. Thus, no support is provided by these analyses for the hypothesis that the increase in the number of female arrests in intimate partner violence cases can be attributed to their disproportionate arrest rate for minor offenses. However, the fact that males and females are equally likely to be arrested may be evidence of an increase in female

arrests if in the past males were more likely to be arrested. No longer are females treated more leniently. Faced with similar circumstances responding officers are as likely to arrest a female offender as they are a male offender.

Again, as in our Phase One multivariate analyses, arrest was more likely if the offender was white than if he/she was of minority status. This suggests that, intentionally or not, officers appear to consider race in their arrest decisions. This finding appears to support Black's (1976) theory that violence among minorities is more likely to be viewed as "normal behavior" and thus police are less likely to invoke their arrest powers when responding to incidents of intimate partner violence involving minorities.

Additional new variables that manifest a significant effect on the likelihood of arrest are who called the police, presence of minors, and whether the incident took place in a jurisdiction with high population density or high resident stability. Our logistic regression analysis indicated that incidents that were reported by victims were 20% less likely to result in arrest than incidents reported by persons other than the victim. This is consistent with prior research that the police may not be as responsive as expected to incidents when it is the victim who initiated the call. (Berk & Loseke, 1980-1981; Berk & Newton, 1985; Buzawa & Hotaling, 2000; Stanko, 1985). The presence of minors also increased the likelihood of arrest. This may be taken as evidence that the police take seriously the well documented deleterious effects that children experience as a result of exposure to domestic violence (see, e.g. Buka, Stichick, Birdthistle & Earls, 2001; Edleson, 1999; Henning, Leitenberg, Coffey, Bennett & Jankowski, 1997;. Levendosky & Graham-Bermann, 2001). Finally, arrests were more likely to be made in more densely populated jurisdictions and jurisdictions with greater residential stability. It is perhaps to be expected that police departments in more densely populated jurisdictions, police departments in

urban as opposed to suburban or rural areas, are likely to place greater emphasis on the enforcement of domestic violence laws. It should, however, be borne in mind that in these analyses we did not control for the type of arrest law in effect in the jurisdiction, whether the law mandated the responding officers arrest a suspect they had probable cause to believe had committed a domestic violence offense, indicated a preference for arrest in these circumstances, or simply left the decision of whether to arrest in the discretion of the officer(s). The omission of this variable would, in fact, appear to account for the finding that residential was positively associated with likelihood of arrest. The two states with the greatest amount of residential stability, Connecticut and Virginia, are the two states in the dataset that have mandatory arrest laws.

Conclusion

Our Phase One findings did not provide any support for the hypothesis that the increase in the number of female arrests in intimate partner violence cases can be attributed to their disproportionate arrest rate for minor offenses. Controlling for factors such as type of offense (aggravated assault, simple assault, intimidation) female offenders were no more likely to be arrested than were male offenders. This finding was corroborated by our Phase Two analyses where we substituted presence of a deadly weapon and victim injury for type of offense and added a number of additional variables.

The concern raised by our Phase One finding of the effect of race on the likelihood of arrest was supported by our Phase Two findings and merits further investigation. Particularly disconcerting was our finding that an offender who leaves the scene is nearly six times less likely to be arrested than an offender who remains on the scene. It is imperative that we take measures

to reduce the ability of offenders who flee the scene before the police arrive to escape responsibility for their offenses. Clearly we owe the victims of intimate partner violence better.

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Table 1: Key Phase One Findings

<i>Arrest practices</i>	
	<ul style="list-style-type: none"> ▪ A total of 213,598 (37.0%) of the 577,862 assault and intimidation incidents to which the police responded resulted in arrest. Arrest rates were higher for intimate partner (49.9%) and other domestics (44.5%) than for acquaintance (29.1%) and stranger (35%) cases. ▪ The overall dual arrest rate was 1.3%. Dual arrest rates were higher for intimate partner (1.9%) and other domestics (1.5%) than for acquaintance (1.0%) and stranger (0.8%) cases. ▪ Of the 213,598 incidents with an arrest, 206,370 (35.7%) comprised incidents in which the police made one or more arrests and 7,228 (3.4%) involved situations in which the responding officers had indicated that they had arrested both of the involved parties.
<i>Impact of domestic violence legislation on arrest practices (for all relationship categories)</i>	
	<ul style="list-style-type: none"> ▪ States with mandatory and preferred arrest laws produced significantly higher domestic violence arrest rates compared to states with discretionary arrest laws. ▪ In mandatory arrest agencies, with other factors held constant, the odds of arrest in intimate partner incidents increase by 97% compared to discretionary arrest agencies. In preferred arrest agencies the increase is even higher: about 177%. ▪ These higher arrest rates are observed in intimate partner, other domestic violence cases and in acquaintance and stranger cases as well, revealing an apparent spillover effect. ▪ Mandatory arrest laws significantly increased the likelihood of dual arrest for all three of the relationship categories examined (intimate partner, other domestic, and acquaintance). ▪ The existence of a preferred arrest law did not produce a similarly significant impact on the likelihood of dual arrest. ▪ The only mandatory state that did not have a primary aggressor provision at the time of the study (Connecticut) also had by far the highest dual arrest rate.

Table 1 cont.

Impact of Incident and victim/offender characteristics on arrest practices (for all relationship categories)

- Females were no more likely than males to be arrested in cases of intimate partner violence.
- For all relationship categories, aggravated assault cases were significantly more likely than simple assault cases to result in arrest.
- For all relationship categories, intimidation cases were significantly less likely than simple assault cases to result in arrest.
- For all relationship categories, offenses occurring in residences were significantly more likely to result in arrest than those taking place in public.
- Offender race had a significant effect on the response to intimate partner cases. Arrest was more likely if the offender was white.
- Cases involving intimate partners and acquaintances were more likely to result in arrest if the offender was over 21. However, in other domestic cases, arrest was more likely if the offender was under 21.
- The presence of mandatory and preferred arrest laws mediated the effect of offense location on the likelihood of arrest. In intimate partner and acquaintance cases the existence of both mandatory and preferred arrest laws, and in the case of stranger cases mandatory arrest laws, significantly equalized the likelihood of arrest.
- The presence of preferred arrest laws mediated the effect of race on the likelihood of arrest. In intimate partner violence cases, the existence of a preferred arrest law equalized treatment of black and white offenders.

Impact of victim and offender gender on arrest practices.

- Police were equally likely to resolve cases involving both heterosexual and same sex couples by making some arrests in the case.
- However, the dual arrest rates for same sex couples (both female and male) were almost ten times the rate for cases with male victims and female offenders and over 30 times the rate found in cases with female victims and male offenders.
- There was little difference in the probability of dual arrest between female and male same sex couples for offenses of aggravated and simple assault, but female same sex couples (11.7%) were twice as likely as male sex couples (5.7%) to have cases of intimidation resolved by a dual arrest.
- Same sex female couples who were involved in incidents that took place outside the home were more likely to be arrested than any of the other victim-offender sex categories.
- If the primary victim in a heterosexual incident was male the likelihood of a dual arrest was three times greater than when the primary victim was a female.

Table 2. Likelihood of Arrest by Jurisdictional, Incident, Offender and Victim Variables

		Arrested	Not Arrested	Chi ² /F	Sig.	Total Mean
<i>Jurisdictional Variables</i>						
Population per sq. mile	Mean	2715.13	2484.74	7.036	.008	2641.91
	Std Deviation	2357.41	2149.38			2295.52
Population percent change 1990-2000	Mean	18.39	21.09	3.419	.065	19.25
	Std Deviation	38.25	39.14			38.55
Percent living in same household 1990-2000	Mean	48.76	48.2	4.003	.046	48.58
	Std Deviation	7.73	6.71			7.43
Percent white	Mean	72.59	67.08	51.36	.000	70.84
	Std Deviation	19.98	20.95			20.45
Percent below poverty level 1999	Mean	12.03	12.23	0.812	.368	12.09
	Std Deviation	6.05	5.96			6.02
Officers rate per 1,000 pop	Mean	22.23	22.62	2.632	.105	22.35
	Std Deviation	6.62	5.65			6.33
<i>Incident Variables</i>						
Who reported	Victim	957	579	47.479	.000	1536
		62.3%	37.7%			47.8%
	Other	1237	443			1680
		73.6%	26.4%			52.2%
Location	Home/Residence	1880	862	0.097	.755	2742
		68.6%	31.4%			86.3%
	Elsewhere	295	140			435
		67.8%	32.2%			13.7%
Most serious offense	Aggravated Assault	263	83	105.657	.000	346
		76.0%	24.0%			10.8%
	Simple Assault	1813	774			2587
		70.1%	29.9%			80.4%
	Intimidation	118	165			283
		41.7%	58.3%			8.8%
Injury	Serious Physical Injury	99	27	146.008	.000	126
		78.6%	21.4%			3.9%
	Apparent Minor Injury	1220	354			1574
		77.5%	22.5%			48.9%
	No Injury	875	641			1516
	57.7%	42.3%			47.1%	

<i>Table 2 cont.</i>		Arrested	Not Arrested	Chi²/F	Sig.	N/ % with Attribute
Weapon	Weapon	165	48	37.095	.000	213
		77.5%	22.5%			7.6%
	Personal Weapon	1316	560			1876
		70.1%	29.9%			67.2%
No Weapon	417	286			703	
	59.3%	40.7%			25.2%	
Minor on Scene	Yes	704	245	22.073	.000	949
		74.2%	25.8%			29.5%
	No	1490	777			2267
		65.7%	34.3%			70.5%
Officer aware offender has history of violence	Yes	713	341	0.256	.613	1054
		67.6%	32.4%			33.0%
	No	1468	674			2142
		68.5%	31.5%			67.0%
Offender on scene	Yes	1547	338	402.848	.000	1885
		82.1%	17.9%			58.6%
	No	647	684			1331
		48.6%	51.4%			41.4%
<i>Offender Variables</i>						
Gender	Female	533	183	16.436	.000	716
		74.4%	25.6%			22.3%
	Male	1661	839			2500
		66.4%	33.6%			77.7%
Race	White	1114	455	7.996	.005	1569
		71.0%	29.0%			51.1%
	Non-White	996	507			1503
		66.3%	33.7%			48.9%
Age	Mean	32.52	32.02	1.792	.181	32.37
	Std Deviation	9.67	9.83			9.71
Used drugs/alcohol	Yes	710	177	.050	.824	887
		80.0%	20.0%			36.0%
	No	1254	320			1574
		79.7%	20.3%			64.0%
<i>Victim Variables</i>						
Gender	Female	1663	834	13.545	.000	2497
		66.6%	33.4%			77.6%
	Male	531	188			719
		73.9%	26.1%			22.4%

<i>Table 2. cont.</i>		Arrested	Not Arrested	Chi²/F	Sig.	N/ % with Attribute
Race	White	1219	515	6.129	.013	1734
		70.3%	29.7%			55.3%
	Non-White	927	474			1401
		66.2%	33.8%			44.7%
Age	Mean	31.6	30.61	7.198	.007	31.29
	Std Deviation	9.61	9.93			9.72
Used drugs/alcohol	Yes	343	104	16.134	.000	447
		76.7%	23.3%			14.3%
	No	1793	875			2668
		67.2%	32.8%			85.7%

Table 3. Factors predicting Likelihood of Arrest

		Variables in the Equation					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step a 1	offender male	.076	.130	.343	1	.558	1.079
	offender white	.400	.106	14.158	1	.000	1.492
	offender age	.001	.005	.060	1	.806	1.001
	who called police	-.237	.100	5.671	1	.017	.789
	offender on scene	1.742	.102	294.240	1	.000	5.708
	minor present	.293	.110	7.129	1	.008	1.340
	victim injured	.731	.086	71.406	1	.000	2.077
	victim used drugs/alc	.187	.155	1.441	1	.230	1.205
	deadly weapon	.482	.204	5.597	1	.018	1.619
	pop. per sq. mile	.000	.000	25.079	1	.000	1.000
	% in same household 1990- 2000	.020	.007	7.905	1	.005	1.020
	Constant	-2.043	.424	23.215	1	.000	.130

a. Variable(s) entered on step 1: off_male, off_white, offage1, who_called, off_onscene, minor_present, reported_injury, vicuse_DA, weapon3, persmile, sameplc.

$X^2 = 519$ at $df = 11$, $p < .000$

Nagelkerke $R^2 = 0.262$