CONTRIBUTORY FACTORS AFFECTING ARREST IN DOMESTIC AND NON-DOMESTIC ASSAULTS

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Traditionally, police officers have viewed domestic “disputes” as private, family matters. In the 1960s and 1970s, officers were trained not to arrest the perpetrators of domestic violence. Instead, officers were trained to defuse the situation. Some police agencies even developed domestic dispute teams that coupled police and social service workers to mediate these disputes (Berk and Loseke, 1980; Goolkasian, 1986; Loving, 1981; Waits, 1985).

A variety of factors in the early 1980s led police departments to reevaluate their policies involving domestic violence, and departments nationwide began to implement pro/mandatory arrest policies. One of the factors which precipitated this change was an increased risk of legal liability for failure to arrest in domestic violence cases. This risk was illustrated by the two million dollar settlement in the highly publicized case involving Tracey Thurman (Thurman v. City of Torrington, 1984; Jerin, 1989). In addition, several other developments seemed to “get the attention” of police officials nationwide: the Minneapolis Police Foundation study’s conclusion that arrest, in and of itself, had a deterrent effect on future battering, the study’s subsequent publicity, and a general tendency toward increased public awareness (Buzawa and Buzawa, 1993; Eigenberg and Moriarty, 1991; Sherman et al., 1986).

Furthermore, numerous advocacy groups created in the mid-1960s and early 1970s had time to mature and began making headway with state legislators in many locations across the United States. As a result of these factors, state laws and police department policies were altered in the mid-1980s to facilitate arrest in domestic violence cases.
There is considerable debate over the desirability of these changes (Berk, 1993; Bowman, 1992; Buzawa and Buzawa, 1993; Frisch, 1992; Lerman, 1992; Manning, 1993). Some researchers point to the Minneapolis replication studies and argue for a repeal of mandatory arrest policies since the growing body of evidence suggests that arrest fails to deter battering. They also contend that treatment for batterers may be more appropriate than arrest and the costs associated with arrest may result in a decline of financial support for victim services (Buzawa and Buzawa, 1990, 1993; Schmidt and Sherman, 1993; Sherman et al., 1992). Other researchers are critical of the replication studies and point out that these findings, like those from Minneapolis, must be evaluated cautiously (Berk, 1993; Binder and Meeker, 1988; Bowman, 1992; Frisch, 1992; Lerman, 1992; Miller, 1989). These studies focus on only seven cities and are full of nuances which take time to digest and which make generalizations very difficult. At the most simplistic level, however, it does not appear that the replication studies have found any startling evidence that arresting offenders in domestic assaults makes things worse.

While the debate rages on about the appropriateness of arrest, there is virtually unanimous agreement that the police have, historically, failed to treat domestic violence seriously (Buzawa and Buzawa, 1990, 1993; Pagelow, 1987; Pleck, 1987; Schechter, 1982; Stark, 1993). Victims have long contended that the police tend to do “little or nothing helpful when (and if) they responded to calls” (Pagelow, 1987, pp. 4-5) and that they have been reluctant to make arrests. As Buzawa and Buzawa (1993) note:

There can be little argument with the basic premise that until relatively recently, virtually all US jurisdictions systematically minimized the role of arrest in handling domestic violence cases. In fact, the “classic” police response to domestic violence could be characterized as one of virtual nonfeasance, the development of procedures by which the police evaded their responsibility to protect victims of crimes within families (p. 338).

Despite the widespread acceptance of this premise, there are relatively few studies that have compared police officers’ responses in domestic assaults to other types of assaults to determine whether domestic cases are treated more leniently.
LITERATURE REVIEW

Only a few studies have actually compared arrest rates in domestic and non-domestic assault cases to confirm the popularly held assumption that police officers are less apt to make arrests in cases of domestic assault. Ironically, and in contrast to the popular assertion in the literature, the only studies directly comparing domestic to non-domestic assaults find no evidence of discriminatory enforcement; they report that officers are equally or more apt to arrest in domestic assaults (Black, 1971; Oppenlander, 1982; Smith and Klein, 1984). These findings, however, must be interpreted cautiously. There is a paucity of research in the area and the data sets are dated (gathered in 1966 and 1977). The over-reliance on bivariate analyses also makes it difficult to decipher how factors simultaneously affect officers’ arrest decisions and fail to provide a complete picture of the complex process of arrest.

The overwhelming majority of the studies on police response have concentrated on identifying factors which predict arrest in domestic assaults. However, they have no comparison group so disparate treatment can only be inferred (Berk and Loseke, 1980; Buzawa and Austin, 1993; Dolan et al., 1986; Ferraro, 1989; Ford cited in Dutton, 1988; Friday et al., 1991; Holmes, 1993; Loving and Farmer cited in Dutton, 1988; Waaland and Keeley, 1985; Worden and Pollitz, 1984). These studies suggest that officers are more apt to arrest in domestic assaults if the victim prefers it (Berk and Loseke, 1980; Buzawa and Austin, 1993; Dolan et al., 1986; Loving and Farmer cited in Dutton, 1988; Worden and Pollitz, 1984) or if the offender acts badly toward police officers (Dolan et al., 1986; Loving and Farmer cited in Dutton, 1988; Waaland and Keeley, 1985; Worden and Pollitz, 1984). It also appears that officers are more apt to arrest in domestic assaults when there are additional witnesses (Buzawa and Austin, 1993; Holmes, 1993), although one study reports that the officers are less apt to arrest if witnesses are present (Worden and Pollitz, 1984). Finally, there are contradictory findings about the effects of weapons and injuries. While some studies using bivariate analyses (Buzawa and Austin, 1993; Dolan et al., 1986; Ferraro, 1989; Loving and Farmer cited in Dutton, 1988; Waaland and Keeley, 1985) find that the presence of injuries and weapons increases the probability of arrest, studies using multivariate analyses (Berk and Loseke, 1980; Holmes, 1993; Worden and Pollitz, 1984) find no such relationship.
The research on police response to domestic violence can be divided into four general categories:

1. Surveys of police officers which ask them to specify how they think they would respond to a variety of different hypothetical scenarios involving domestic assaults;

2. Field studies which evaluate police behavior while they perform their duties during domestic calls;

3. Content analyses of arrest decisions reconstructed from actual police reports of domestic assaults; and

4. Studies which actually compare domestic and non-domestic assaults. The following section reviews each of these types of research.

SURVEY RESEARCH

Several authors have examined officers’ purported reactions to hypothetical situations of domestic assault. Most of this research concentrates on whether a variety of situational factors including legal and extralegal variables influence officers’ self-reported willingness to arrest.

Loving and Farmer (cited in Dutton, 1988) surveyed 130 officers in 16 police agencies. They do not report an arrest rate for domestic violence assaults but instead focus on identifying factors that police officers believe affect their decisions to arrest. Officers indicated a willingness to arrest when (in decreasing order of importance): the offense was a felony, there was serious injury to the victim, the incident involved a weapon, violence was used against the officers, there was a likelihood of future violence, there was a history of legal action against the offender, there had been a prior injury to a victim, prior damage had been done to property, and the offender had been using drugs and/or alcohol. Police reported they were not inclined to arrest when the victim refused to press charges, if the victim indicated a tendency to drop charges, or if there was a lack of serious injuries.

A similar study conducted by Waaland and Keeley (1985) involved a survey of 36 officers in Oregon. Officers appeared to be reluctant to make arrests in domestic assaults as 58 percent of the officers
said they would not make an arrest even when victims were depicted as moderately injured (e.g. multiple bruises or black eyes), despite the fact that all vignettes provided ample grounds for arrest under the state statute. Officers indicated that they believed that abusive husbands were responsible for the abuse, and they said they would be more inclined to make an arrest if the offender acted poorly toward the police officers. Officers reported that the offender’s history of domestic violence did not affect their decisions to arrest, but that they would be less apt to view the situation seriously if the victim had precipitated the violence or had been using alcohol. Officers reported that they would be more inclined to arrest if the victim was seriously injured than if there were minor injuries, although only about one-half of the officers endorsed arrest under either circumstance.

Ford (cited in Dutton, 1988) also administered a hypothetical vignette to 439 police officers in Indiana. While this scenario also provided ample probable cause for making an arrest, police officers were relatively reluctant to report that they would make an arrest. Only 20 percent of the officers indicated more than a 50/50 chance of arrest despite the existence of a state policy mandating arrest under the circumstances described in the survey. Officers who believed that the couple was intact and that the woman had not made an effort to leave the relationship were less apt to indicate they would arrest, and officers who were more apt to suggest arrest did so because of their belief that the violence would continue.

In another study, Dolan et al. (1986) surveyed 125 police officers in three municipal agencies in the Midwest. They did not ask officers how frequently they made arrests in domestic assaults, but they did identify factors influencing their decisions to arrest. Officers reported more willingness to arrest (in ascending order) when: the officer’s safety was threatened, a felony was committed, a weapon was used, the victim was seriously injured, future violence was likely, there was a history of frequent calls from the household, the batterer was under the influence of alcohol or drugs, the offenders’ failed to respect the police officer’s authority, the victim had previously been injured, there had been prior legal action (i.e. a restraining order), and the victim had requested arrest. Officers also reported factors that affected their decision not to make an arrest. In descending order of importance, officers listed the following factors: victims’ refusal to press charges, victims’ tendency to drop
charges, lack of serious injury, commission of a misdemeanor, jail overcrowding, intoxicated participants, availability of other civil alternatives, frequency of calls for police assistance, availability of social services, victims’ first contact with the police, absence of weapon, and added paperwork burden.

Friday et al. (1991) surveyed 51 police officers in a Midwestern community. Officers were not asked how often they would make an arrest, but were asked to describe their actions in the last domestic assault case they had attended. Police officers suggested several reasons why they had failed to make an arrest. The vast majority of officers (80 percent) reported that there was no evidence of physical abuse, about one-quarter (26 percent) reported that the victim did not want them to arrest, and about one-fifth (18 percent) suggested that there appeared to be no need as the situation seemed to be under control. About one-third of the officers reported that when they made an arrest they did so because the offender’s actions challenged the authority of the officers.

The surveys of police officers, as a whole, suggest that officers are somewhat reluctant to make arrests in domestic assaults. Officers report that they would arrest in between 20 and 50 percent of the cases, even though all vignettes provided ample evidence of probable cause. Officers also report that many factors influence their willingness to make an arrest. They are most inclined to do so if the case is a felony involving serious injuries and/or weapons; there is a history of domestic violence; or the offender is using drugs/alcohol or somehow challenges officers at the scene. Officers indicate that they are least apt to make an arrest when the victim refuses to press charges, officers believe that the victim will drop the charges, there are no visible injuries, or the victim is using drugs/alcohol. These findings have been used to argue that there is evidence of differential treatment. The findings are consistent with the assertion that battered women have historically confronted police officers who are unwilling to arrest and that these women have had to be assertive to overcome officer’s biases about victims and their willingness to “follow through”. These studies, however, have not compared officers’ hypothetical responses to domestic assaults to other types of assaults. Perhaps this same set of variables predict arrest, regardless of the nature of the assault. Without direct comparisons it is impossible to determine if these findings, in fact, are evidence of differential treatment.
FIELD STUDIES

Obviously, when one surveys police officers we only have an account of what they say they will do. Thus, field studies are somewhat more reliable because they generally involve the observation of police work and documentation of actual police behavior in domestic assault cases. Worden and Pollitz (1984) undertook such an examination of 167 incidents of domestic violence recorded by trained observers who accompanied police on calls in 24 police departments located in three metropolitan communities in three different states\(^3\). Observers found that officers rarely made arrests in domestic assaults, using this option in only about 9 percent of the cases. The authors also tested a more sophisticated model using regression analyses to identify those factors which affected officers’ decisions. They found that offenders were more apt to be arrested when the victim agreed to sign a complaint or if the offender was present at the scene, had been drinking, or was disrespectful to the police\(^4\). Arrest was not significantly affected by the location of the assault (private versus public), victim injuries, time of call, race of the offender, or who called the police for assistance.

Extending this avenue of inquiry, Ferraro (1989) also examined police officers’ actions in domestic violence cases in 1984 following legislative changes in Arizona state law and subsequent to the adoption of a presumptive arrest policy in Phoenix. A team of six field observers rode with officers for 44 nights which produced 69 incidents of domestic violence for analyses. Here again, the arrest rate was quite low (18 percent). While officers considered severe injuries or the use of a weapon as sufficient grounds to establish probable cause, minor injury, property damage and the presence of child witnesses were considered insufficient to establish probable cause. Officers also indicated that they believed battered women would drop charges and that women choose to stay in battering relationships.

These two field studies point out some interesting distinctions when compared to surveys of police officers. First, observations of officers find lower arrest rates for domestic assault than do surveys asking officers about their purported behavior. Second, while officers frequently say they focus on the presence of injuries and weapons, this relationship was not particularly strong. In one of the field studies (Worden and Pollitz, 1984) injuries did not significantly affect arrest decisions when controlling for the effects of other independent variables,
and in the other study (Ferraro, 1989) only serious injury appeared to be related to arrest. Again, without comparative studies it is impossible to determine whether these variables are impacting uniquely on arrest decisions in domestic assaults.

CONTENT ANALYSES

While field studies may give us a more accurate description of actual police behavior, content analyses of police reports also offer insight into officers’ behavior. Police reports are sometimes criticized as “ex post facto reconstructions of incidents intended to ‘justify actions already taken’” (Worden and Pollitz, 1984, p. 106), although they provide insight into the ways that police officers socially construct domestic assaults. Furthermore, we were unable to locate any study which directly compared officers’ actions in the field to police reports of domestic assaults to determine the reliability of these reports. In the absence of evidence suggesting widespread distortion between reports and behavior, studies of police reports provide an accessible and financially feasible means of examining some aspects of police behavior.

Berk and Loseke (1980) examined 262 police reports from Santa Barbara County, California, and found that officers made arrests in 39 percent of the domestic assault cases. Regression analyses indicated that arrest was significantly more likely when: the victim agreed to sign a complaint; both the victim and offender were present when the officer arrived; and the offender had been drinking. Property damage, injuries, marital status, time of offense, and race of the offender were not significantly associated with arrest. Interestingly, arrest was significantly less apt to occur when the victim called the police for assistance. However, this finding may be related to a specification error in the model. The authors did not measure or control for the presence of witnesses. Thus, it is possible that victims tend to call the police themselves when there are no other witnesses, and the apparent relationship between the victim’s call for help and the offender’s arrest is a by-product of failing to control for the effect of witnesses.

More recently, Friday et al. (1991) examined 166 police reports of domestic assaults in a Midwestern community. Data are rather limited, but the authors reported that about one-half of all cases resulted in arrest and officers were significantly more apt to arrest in cases where injuries
had resulted. They also reported that previous arrests, prior calls to the police for domestic violence, and race or age of either the victim or offender were not associated with officers’ decisions to arrest.

Buzawa and Austin (1993) examined 165 police reports over a four month period in Detroit and report that arrest occurred in about 30 percent of the cases. Officers were significantly more apt to arrest when other witnesses or bystanders were present, children witnessed the violence, serious injury was inflicted on the victim, or the victim preferred prosecution. Officers also were significantly more apt to arrest offenders who were living with their victims, although marital status itself was not significantly associated with arrest decisions. When guns and/or knives were present, officers were more apt to make an arrest compared to cases involving other weapons or one’s body (hands, feet, etc.), although these relationships were not significant.

Two hundred police records of domestic assaults were collected from seven police agencies in Massachusetts. Holmes (1993) found that officers made arrests in only 7.5 percent of the cases. Officers were more apt to arrest when a protective order was violated, witnesses were present, the assault took place in public, and the offender was African-American. Officers also were significantly more apt to arrest when victims called the police quickly after the incident and when a higher number of officers responded to the call. The use of a weapon, injury to the victim, repeated incidents, victim preference, and involvement of children were not significantly associated with arrest. Holmes also completed two logistical regression models, but only a few variables remained statistically significant in the multivariate analyses. In the first model, arrest resulted when a restraining order was in place and when there was a tendency for the department to endorse a practice of non-arrest. In the second model, only the length of time the victim took to report the offense significantly affected officers’ decisions to arrest.

By and large, the content analyses of police reports offer some support for the premise that victims of domestic assault experience differential treatment. Officers are more apt to arrest in domestic assaults when there are additional witnesses to the act (Buzawa and Austin, 1993; Holmes, 1993), weapons are present (Friday et al., 1991), and the victim prefers arrest (Berk and Loseke, 1980; Buzawa and Austin, 1993). Thus, the analyses of police reports suggest that victims in domestic assaults must be willing to “prove” their victimization. If they can back it up with
other witnesses and/or weapons, or if they plead for arrest, then perhaps the perpetrator will be arrested. It also is possible, however, that police officers use these same criteria in non-domestic assaults. Here again, it is impossible to determine whether differential treatment exists without a comparison group.

**COMPARISONS OF DOMESTIC AND NON-DOMESTIC ASSAULT CASES**

We were able to locate only three studies which directly compared domestic to non-domestic assaults. The earliest study offers a limited amount of information and is a small part of a larger study on the social organization of arrest. Black (1971) analyzed 176 incidents recorded by trained observers. He found that officers were about equally likely to arrest family members (46 percent) as they were non-family members (48 percent)\(^6\).

Oppenlander (1982) used the same data set as Worden and Pollitz (1984) to compare police response in domestic and non-domestic assaults. She analyzed 596 cases of assault reported by trained observers in field studies in three metropolitan cities. She found that dispatchers were significantly more apt to classify domestic violence cases as arguments rather than assaults and that police were significantly slower to arrive on the scene of domestic violence cases. Victims were significantly more apt to be injured in domestic assaults and more apt to be arguing with the suspect when the police arrived. In addition, victims in domestic assaults were significantly more apt to request arrest, to sign a complaint, and to be asked to sign a complaint by the attending officer. Contrary to popular assertions, Oppenlander found that police officers were more likely to make an arrest in domestic assaults than other assaults. Officers made an arrest in 22 percent of the domestic assaults, but only 13 percent of the other assaults resulted in arrest; however, this difference does not appear to be significant\(^7\).

Smith and Klein (1984) also used the data set involving the three metropolitan cites (as did Oppenlander, 1982 and Worden and Pollitz, 1984), although this study compared officers’ responses in domestic assaults to other types of interpersonal disputes. They found that arrest was less likely in domestic violence disputes than other types of interpersonal disputes, although the difference was not significant.
Officers were significantly less apt to arrest offenders for domestic violence in middle and higher income neighborhoods and equally likely to arrest offenders for either domestic violence and non-domestic violent disputes in lower incomes areas.

Thus, none of the comparison studies find that officers are less apt to arrest in domestic than in non-domestic assaults. In two of the studies (Black, 1971; Smith and Klein, 1984), officers were about equally apt to arrest in domestic versus non-domestic assaults. In Oppenlander’s (1982) study, officers were more apt to arrest in domestic (22 percent) than non-domestic assaults (13 percent). These findings, however, must be evaluated cautiously. There is a paucity of research in the area and the data sets are quite dated. There is a pressing need for additional research and more sophisticated analyses in this area.

The current study seeks to address some of the void in the current literature. It examines police reports in a small Midwestern police department to determine whether domestic assaults are treated differently than non-domestic assaults, to explore whether a variety of variables affect officers’ decisions to arrest in both types of assaults, and to determine whether these variables impact similarly on domestic assaults and non-domestic assaults.

**METHODS**

*Research Setting*

The department in this study is located in a city with a population of over 60,000. Although the city has a mixed economy, it is primarily known as a university town. Several higher educational institutions are located here including a large state university, a four-year college and several community/vocational colleges.

The department itself has about 120 full-time sworn police officers. During the five year period of the study, the department had a low turnover (4.5 percent) most of which resulted from retirements. Officers are predominantly male (84 percent) and white (88 percent). They were on average 38 years old and had worked for the department for about ten years. Slightly over three-quarters (79 percent) of the department were employed at the line-staff level, and 71 percent of the officers had completed four-year college degrees. The high proportion of
college graduates in part reflects an innovative administrative ideology as the department requires officers to have a minimum of 60 hours of college credit.

The police department operates under a classical organizational structure. The department is organized into two major divisions: operations and administration. It operates with three fixed shifts and limits specialization to a few areas. There is no specialized domestic violence unit and most officers are routinely rotated from patrol through areas of specialization and back to patrol. Thus, the majority of officers in the department would have been involved in patrol duties during the five year study period, and many of them would have had investigative experience. While education is stressed in the department, police officers did not have any specific training on domestic violence during the study period aside from any minimal training that might have occurred in basic academy training. In addition, state law at the time did not suggest a preference for arrest in domestic assaults and the department had no policy on domestic violence.

**Sampling Procedures**

A total of 92,000 police reports were subjected to a systematic random sample. Every tenth police report for assault generated from 1982 through 1987 was sampled from the police department. Reports were then examined and excluded from the analyses if they failed to involve an assault or if they could not be analyzed because of their condition. The final sample in the study consists of 515 police reports: 180 cases of domestic assault and 335 cases of non-domestic assault. Thus, 35 percent of the cases in the sample represent domestic assaults and 65 percent are non-domestic assaults.

**Operationalization of Variables**

Eight variables were available in this data set. First, to allow comparisons, cases were identified as domestics versus non-domestic assaults. They were coded as domestic assaults when the intimates involved in the case had a prior or current intimate relationship which included marriage, cohabitation and dating. There were no cases involving same sex partners (homosexual battering), nor were there any
reports of battering that involved male victims. If there was no indication of a prior or current intimate relationship then the case was coded as a non-domestic assault.

The dependent variable – police action – includes three possible police responses: no arrest, issued warrant, and made an arrest. For the purposes of analyses, this scheme was dichotomized into categories of taking action to pursue arrest (seeking a warrant for arrest or making a warrantless arrest) or taking action which did not result in an arrest. For ease of discussion, this variable is discussed in the remainder of the paper as arrest or non-arrest.

The remaining six variables represent independent variables which were used to predict arrest. These include injuries, weapons, witnesses, victim’s request, suspect’s presence at scene, and suspect’s actions. Injuries were coded based on three categories: none present or visible; minor and not requiring medical attention; and serious which required medical treatment. Weapons were dichotomized into categories of yes and no. Use of one’s body was not classified as a weapon. Thus, feet and fists, for example, do not constitute weapons. Witnesses were coded into three groups: complainant only; complainant and one additional witness; and complainant and two or more additional witnesses. Victim preference was coded according to three options: requested no action or only that a report be taken; requested removal; or requested arrest. If suspects were present at the scene this was coded “yes” and if they were absent it was coded “no”. If suspects were present, their actions were coded as normal, verbally abusive, and violent or criminal.

Limitations of Data

Certain limitations affect this analysis. First, officers may fail to file a report for a variety of reasons and thereby preclude analysis of their behavior from a study such as the current one. Second, like all secondary data analysis, we only have access to those variables present in the data set. Third, police reports, by nature, suffer from reductionism as officers seek to cull information for the purposes of documentation. Unfortunately, police reports rarely are tailored to meet the needs of social scientists, and therefore important information is sometimes unavailable.
Analyses

After descriptive analyses, several bivariate tests were conducted. First, we examined officers’ actions to determine whether they were significantly more apt to arrest in domestic and non-domestic assaults. Second, we compared arrest rates in domestic and non-domestic assaults to determine whether arrest was affected by a variety of victim, offender and offense characteristics. Third, we compared domestic and non-domestic assaults to identify whether they have similar characteristics. All bivariate analyses used Chi-square tests to evaluate the significance of the differences.

Finally, the sample was separated into domestic and non-domestic assaults, and logistic regression was used to determine whether the same variables affected officers’ decisions to arrest in domestic versus non-domestic assaults when controlling for the effect of other independent variables. Logistic regression was used because the dependent variable is a dichotomous, nominal variable. Conceptually, it is similar to multiple regression in that it is used to make predictions about the probability that an event will occur, and most experts argue that it is appropriate to use logistic analysis when the dependent variable is not at least ordinal level data (Hair et al., 1987).

FINDINGS

While non-domestic assaults were over-represented in the study (65 percent), there were sufficient cases of domestic assault to offer comparisons (35 percent). Likewise, while arrest was employed less frequently than other options (79 percent of the time), there were sufficient numbers of arrests in the data to allow for analyses (21 percent). The sample as a whole suggests that most victims of assault experienced no visible injuries (46 percent) and weapons were relatively rare (30 percent). Half of the cases only had the complainant as a witness and the remaining half had additional witnesses. Victims requested no action in about half (54 percent) of the cases. Suspects infrequently remained at the scene when officers arrived (34 percent) and they acted “normally” the vast majority of the time (69 percent) when they were there.
CONTINGENCY ANALYSES

Table 1 displays the results of the Chi-square tests and shows that officers are significantly less apt to arrest in domestic assaults than in non-domestic assaults. While officers made arrests or sought a warrant for arrest in 24 percent of the non-domestic assaults, they arrested in only 17 percent of the domestic cases. Suspects were present at the scene in only about one-third of the cases in the study; however, offenders were

Table 1
BIVARIATE ANALYSES OF VARIABLES THAT DISTINGUISH DOMESTIC FROM NON-DOMESTIC ASSAULTS

<table>
<thead>
<tr>
<th>Variables which examine differential treatment</th>
<th>Domestic assault Casesa</th>
<th>Non-domestic assault Casesa</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Police action*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>29</td>
<td>17</td>
</tr>
<tr>
<td>Other response</td>
<td>144</td>
<td>83</td>
</tr>
<tr>
<td>Suspects present at scene</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>111</td>
<td>63</td>
</tr>
<tr>
<td>Yes</td>
<td>65</td>
<td>37</td>
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<tr>
<td>Suspect’s conduct at scene*</td>
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<td></td>
</tr>
<tr>
<td>Normal</td>
<td>50</td>
<td>78</td>
</tr>
<tr>
<td>Verbally abusive/violent</td>
<td>14</td>
<td>22</td>
</tr>
<tr>
<td>Injuries*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-visible</td>
<td>73</td>
<td>42</td>
</tr>
<tr>
<td>Minor</td>
<td>75</td>
<td>43</td>
</tr>
<tr>
<td>Serious</td>
<td>26</td>
<td>15</td>
</tr>
<tr>
<td>Weapons*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>130</td>
<td>76</td>
</tr>
<tr>
<td>Yes</td>
<td>41</td>
<td>24</td>
</tr>
<tr>
<td>Witness*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complainant only</td>
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<td>68</td>
</tr>
<tr>
<td>Multiple witnesses</td>
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<td>32</td>
</tr>
<tr>
<td>Victim preference*</td>
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<td></td>
</tr>
<tr>
<td>Arrest requested</td>
<td>72</td>
<td>42</td>
</tr>
<tr>
<td>Arrest not requested</td>
<td>99</td>
<td>58</td>
</tr>
</tbody>
</table>

a The number of cases may vary slightly throughout the table because of missing data
*Denotes that the Chi-square was significant at the 0.05 level or below
about equally apt to be present when officers arrived in domestic and non-domestic cases (37 percent and 32 percent, respectively). Thus, offenders of domestic assaults were not significantly less available for arrest than offenders in non-domestic assaults.

The data also suggest some interesting differences between domestic and non-domestic assaults. These findings are presented in Tables 1 and 2. Three variables represent characteristics of the crime: injuries, weapon use and presence of witnesses. Victims of domestic assaults are more apt to experience minor injuries, but officers’ decisions to arrest were not significantly related to injuries. Officers were about as apt to arrest in domestic assaults when there were injuries (57 percent) as they were to arrest in non-domestic assaults (51 percent). Thus, injuries do not appear to affect arrest decisions at this level of analysis.

<table>
<thead>
<tr>
<th>Variables which examine differential treatment</th>
<th>Arrests in domestic assaults</th>
<th>Arrests in non-domestic assaults</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Suspect present at scene</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>12</td>
<td>42</td>
</tr>
<tr>
<td>Yes</td>
<td>17</td>
<td>59</td>
</tr>
<tr>
<td>Suspect’s conduct at scene*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Normal</td>
<td>20</td>
<td>71</td>
</tr>
<tr>
<td>Verbally abusive/violent</td>
<td>8</td>
<td>29</td>
</tr>
<tr>
<td>Injuries*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>None visible</td>
<td>12</td>
<td>43</td>
</tr>
<tr>
<td>Injuries present</td>
<td>16</td>
<td>57</td>
</tr>
<tr>
<td>Weapons*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>16</td>
<td>57</td>
</tr>
<tr>
<td>Present</td>
<td>12</td>
<td>43</td>
</tr>
<tr>
<td>Witness*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complainant</td>
<td>13</td>
<td>45</td>
</tr>
<tr>
<td>Multiple witnesses</td>
<td>16</td>
<td>55</td>
</tr>
<tr>
<td>Victim preference*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest requested</td>
<td>17</td>
<td>63</td>
</tr>
<tr>
<td>Arrest not requested</td>
<td>10</td>
<td>37</td>
</tr>
</tbody>
</table>

*The number of cases may vary slightly throughout the table because of missing data
*Denotes that the Chi-square was significant at the 0.05 level or below
Similarly, while domestic assaults were significantly less apt to involve weapons (24 percent) than were non-domestic assaults (33 percent), the presence of weapons was not significantly associated with officers’ arrest rates (43 percent in domestic and 39 percent in non-domestic assaults). Thus, while weapons may be more apt to be present in domestic assaults, the bivariate findings suggest that weapons are not associated with officers’ arrest decisions.

The presence of witnesses, though, was significant in several ways. Victims were significantly more apt to be the sole witness in domestic (68 percent) rather than non-domestic assaults (40 percent); however, cases with single complainants were significantly more apt to result in arrest in domestic assault cases (45 percent compared to 25 percent of non-domestic assaults). Domestic assaults appear to be more hidden in nature and less often result in witnesses although officers apparently recognize this problem, at least to some degree, since they are significantly more apt to make arrests in domestic assaults in the absence of additional witnesses.

Victim characteristics in this study are limited to one variable: victims’ preference for arrest. Ironically, the data contradict the stereotype of the reluctant victim in domestic assaults. Domestic violence victims were significantly more apt to request arrest. Almost half (42 percent) of the victims requested arrest in the domestic assaults compared to about one-third (33 percent) of the victims in non-domestic cases. While arrests were more common in domestic (63 percent) than non-domestic assaults (51 percent), officers’ arrest decisions were not affected by victim preference at the bivariate level of analysis.

Finally, we have limited data on offender characteristics. As previously discussed, only about one-third of the victims were present when the officers arrived at the scene. In those cases, offenders were significantly more apt to act “normal” in domestic (78 percent) than in non-domestic assaults (63 percent), although it apparently did not pay off as well as they might have hoped. Arrests were significantly more apt to occur in domestic than in non-domestic assaults even though the offender seemed to be acting appropriately toward the officer at the scene of the crime.

In sum, then, the bivariate analysis finds that domestic assaults are less apt to result in arrest than in non-domestic assaults and that the difference in arrest rates cannot be explained by the availability of the suspect at the scene. It also suggests that domestic assaults have some
different characteristics than do non-domestic assaults; they are significantly more apt to be characterized by minor injuries, fewer weapons and fewer complainants. Domestic assaults also are significantly more apt to have victims who request arrest and offenders who act normal at the scene. Officers, however, were significantly more apt to arrest in domestic assaults than in non-domestic cases despite the fact that offenders were significantly more apt to act normal in domestic assaults, and even though domestic assaults were significantly less apt to have additional witnesses to corroborate their victimization. Thus, by and large, the bivariate analyses suggest that domestic and non-domestic assaults are characterized by differences in the nature of the assault, but that the evidence of disparate treatment in arrest is limited. The multivariate analysis further explores this issue.

**Logistic Regression**

Table 3 displays the results of the logistic analyses which examines whether similar variables predict arrest in domestic and non-domestic assaults when controlling for the effects of a series of independent variables\(^9\). The beta values offer some indication of

<table>
<thead>
<tr>
<th>Independent variable</th>
<th>Domestic assaults</th>
<th>Non-domestic assaults</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>( \beta )</td>
<td>SE</td>
</tr>
<tr>
<td>Suspect present at scene</td>
<td>1.09* (0.48)</td>
<td>2.08* (0.38)</td>
</tr>
<tr>
<td>Industries present</td>
<td>-0.32 (0.49)</td>
<td>0.05 (0.39)</td>
</tr>
<tr>
<td>Weapons present</td>
<td>1.29* (0.50)</td>
<td>0.59 (0.38)</td>
</tr>
<tr>
<td>Number of witnesses</td>
<td>0.99* (0.49)</td>
<td>1.33* (0.43)</td>
</tr>
<tr>
<td>Victim preference for arrest</td>
<td>1.16* (0.49)</td>
<td>0.74* (0.38)</td>
</tr>
<tr>
<td>Constant</td>
<td>3.34</td>
<td>3.70</td>
</tr>
<tr>
<td>Overall correct classification</td>
<td>85.35</td>
<td>84.55</td>
</tr>
<tr>
<td>Pseudo ( R^2 )</td>
<td>14%</td>
<td>16%</td>
</tr>
</tbody>
</table>

\(^9\)Denotes significance at the 0.05 level or below
magnitude of effect and are interpreted similar to an unstandardized regression coefficient (Menard, 1995).

In domestic assaults, arrest is significantly affected by the suspect’s presence at the scene, weapon use, the availability of additional witnesses, and the victim’s preference for arrest. Only injuries were not significantly related to arrest decisions. Officers are more apt to arrest in domestic assaults if there is a suspect at the scene, weapons are used, there are additional corroborating witnesses, or the victim requests arrest.

In non-domestic assaults, arrest also is significantly related to the suspect’s presence at the scene, the availability of additional witnesses, and the victim’s preference for arrest. In this equation, however, neither weapons nor injuries were significantly related to arrest decisions. Officers are more apt to arrest in non-domestic assaults when the suspect is at the scene, there are corroborating witnesses, or when the victim requests arrest.

Thus, the analyses suggest that at least some variables operate differently in domestic and non-domestic assaults. The presence of weapons is a significant predictor for arrests in domestic assaults but not in non-domestic assaults. The victim’s preference for arrest also is a stronger predictor of arrest in domestic than in non-domestic assaults. The presence of the suspect at the scene and the number of witnesses are much stronger predictors of arrest in non-domestic than domestic assaults. Thus, the logistic analyses suggests that victims in domestic assaults have to convince police officers that they are earnest and that the assault is serious. In contrast, it appears that officers concentrate on availability of offenders and the presence of witnesses in non-domestic assaults, and victim preference is considered far less important in these cases. Thus, at least some findings in the study at both the bivariate and multivariate level support the hypothesis that domestic assaults are treated differently than their non-domestic counterparts. The significance of these findings are discussed below.

**DISCUSSION**

Most importantly, this study is the first empirical evidence to suggest that police officers are less apt to arrest in domestic violence cases when directly comparing officers’ responses in domestic and non-domestic assaults. In contrast to previous research which found that
domestic assaults were equally or more apt to result in arrests than were non-domestic assaults (Black, 1971; Oppenlander, 1982; Smith and Klein, 1984), our study certainly supports the premise of disparate treatment for domestic assaults.

Furthermore, several other findings from the current study also support the notion that police treat domestic violence cases differently. For example, prior studies suggest that officers say they consider injuries when making decisions about arrests in domestic assaults (Dolan et al., 1986; Loving and Farmer, cited in Dutton, 1988; Waaland and Keeley, 1985), and this finding is confirmed both by observations of police behavior (Ferraro, 1989) and by content analyses of police reports (Buzawa and Austin, 1993). However, the multivariate analyses of domestic assaults using both field studies and content analyses report that injuries are not related to officers’ decisions to arrest (Berk and Loseke, 1980; Holmes, 1993; Worden and Pollitz, 1984). Our findings are very similar to the latter body of research. We found that injuries were about equally apt to be present in cases of arrest for domestic and non-domestic assault, although victims were more apt to experience minor injuries in domestic assaults. Thus, it appears that while victims of domestic violence cases are more frequently victims of minor violence, the level of injuries in and of itself has relatively little to do with arrest in either domestic or non-domestic assaults.

Interestingly, the previous studies have not included weapon use in their designs as often as they have included injuries. Hence, it appears that the studies tend to focus more on the experiences of the victims than the behavior of the perpetrator. There is some evidence that officers say they are more apt to arrest when weapons are present in domestic violence cases, and this finding has been confirmed in a field study observing police behavior (Ferraro, 1989) and a content analysis of police reports (Friday et al., 1991). Here again, though the only multivariate study which examined this variable finds that weapons have a non-significant effect on arrest decisions in domestic assaults. Our findings contradict this interpretation.

At the bivariate level, we found that officers were about equally apt to arrest in domestic as in non-domestic assaults when weapons were present. However, the multivariate analysis suggests that weapons affected officers arrest decisions in cases of domestic violence but not in other assault cases when the effects of other independent variables are
controlled. Thus, it also appears that officers may be more willing to view domestic assaults as “real” only when “real” weapons are used.

It is quite perplexing to find that injuries have no effect on arrest decisions and that the impact of weapons is limited. By statutory definition, injuries and weapons are part of the criteria used to determine whether an action amounts to a legal violation. One would expect that offenders who administer severe injuries or who use weapons would be more apt to be arrested in either domestic or non-domestic assaults.

Future research needs to attend to these variables in more depth. We need to explore the subtler nuances of these variables. For example, do officers view injuries that produce cuts and bruises differently depending on the level of medical treatment required or based on how the injury was produced? Do they treat a deep cut caused by a knife differently, as more lethal and/or more worthy of arrest, than a cut caused by a fist? Do they search for evidence of injuries that may not be readily apparent? Do they ask victims, out of the presence of the perpetrators, about any injuries that might be hidden by clothing or that may take a few hours to appear (e.g. bruises)? Do they acknowledge that puffy eyes may well be black by morning and that a blow to the temple poses a threat of fatal cerebral hemorrhage whether produced by a club or a fist? In short, we need to re-examine how officers define injuries and weapons and we need to attend to our own operationalization of these variables to ensure a better understanding of the complex relationships among these variables.

We also need additional research on the effect witnesses have on arrest decisions. While two of the prior studies on witnesses (Buzawa and Austin, 1993; Holmes, 1993) find that officers are more apt to arrest in domestic assaults when there are additional witnesses to corroborate the assault, a third study (Worden and Pollitz, 1984) reports that officers are less apt to make arrests in domestic assaults when witnesses are present. Two of these studies involve multivariate analyses (Holmes, 1993; Worden and Pollitz, 1984) and two focus on content analyses of police reports (Buzawa and Austin, 1993; Holmes, 1993). The current study finds that officers are more apt to arrest when there are corroborating witnesses regardless of the nature of the assault, but that the effect of witnesses is more powerful in non-domestic assaults.

It seems reasonable to assume that officers prefer to arrest when there are additional bystanders because, realistically, a case is stronger if there are corroborating witnesses. It also is possible that officers are more
apt to arrest and to write up reports in cases where there are multiple
witnesses to “cover their ass,” since their actions could be challenged by
numerous individuals instead of one witness if any further attention is
given to the case. It is unclear, however, why witnesses seem more
important in non-domestic than domestic assault cases. Perhaps officers
are more apt to be concerned about strangers causing trouble in non-
domestic assaults and calling attention to the officers’ behavior. Or,
perhaps the witnesses in domestic assaults are more suspect because they
are more apt to be relatives and/or children.

We had limited information on the offenders’ conduct so it is
difficult to make comparisons to prior research. We found that offenders
in domestic assaults were more apt to act appropriately at the scene than
were offenders in non-domestic cases, but that it apparently did them
little good since their conduct did not reduce the likelihood of arrest.
However, because too few offenders were at the scene we would have lost
too many cases if this variable had been included in the logistic
regression; therefore, it was deleted. This is a definite limitation of the
current work and makes it impossible to speculate on how the remaining
dependent variables might have been affected if we had been able to
include this information.

Our results provide the strongest support for the previous finding
that officers are more apt to arrest in domestic violence cases when the
victim asks for this action (or in all probability demands it). Police
officers clearly say they are more apt to arrest if the victim is cooperative
(Dolan et al., 1986; Loving and Farmer, cited in Dutton, 1988), and this
finding was observed in a field study of officers behavior (Worden and
Pollitz, 1984) and in two of the content analyses of police reports (Berk
and Loseke, 1980; Buzawa and Austin, 1993). Furthermore, two of the
three multivariate studies (Berk and Loseke, 1980; Worden and Pollitz,
1984) find that this variable is the most important predictor in the models.
Our findings confirm these results.

In this study, victims are significantly more apt to request arrest in
domestic than non-domestic assaults and the multivariate analyses finds
that victim preference is a stronger predictor of arrests in domestic assault
cases. In other words, it appears that victims can facilitate arrests in non-
domestic assaults by asking for this action, but that victims in domestic
assaults must prove their victimization and then plead or demand for
arrest to get action. Our findings appear to confirm the previous assertion
that victims in domestic assaults must insist on arrest in too many cases
and that officers may not be inclined to arrest if they believe that victims are insincere.

Obviously, there are many limitations in the current study. The sample is small and the data set is limited. However, it is one of a handful of comparative studies, thereby contributing to our knowledge in an area where research is scarce. Furthermore, many of our findings are consistent with prior research. We find that officers are less inclined to arrest in domestic than non-domestic assaults, and that different variables predict whether an arrest will occur in both types of assaults. Victims of domestic assaults apparently have to work harder to prove their victimization before batterers are arrested and they require more evidence to validate their claims.

Future research should continue to explore the issue of disparate treatment in domestic assaults, but we must ensure that more of these studies have comparative samples. Most research has assumed officers react differently in domestic assaults and then look for evidence of prejudicial treatment. This approach is inappropriate. Without direct comparisons across types of assault categories, we can only assume that any given factor is operating uniquely with respect to domestic assault; however, this cannot be demonstrated empirically.

In the meantime, the best available evidence suggests that there is a continued need to design training programs, laws and policies that ensure equitable treatment of domestic violence victims by police officers. Unfortunately, it appears that it is still necessary to stress to victims that they must be clear and directive if they have much hope of getting the batterer arrested. We also must continue to train police officers that victim preference should not be more important in domestic assaults than in non-domestic assaults. In addition, we must question academicians who support a return to mediation and counseling when the existing evidence suggests that the playing field is still not level.

In other words, it seems premature to move away from proactive arrest policies without first ascertaining that arrest in domestic assaults has had the opportunity to work at least as well (or as badly) as arrest in non-domestic assault cases. Until we can empirically demonstrate a lack of police bias toward domestic assaults, such an argument does to victims of domestic violence what police decision making has already done: it requires these victims to prove that they are worthy of legal protection.
NOTES

1. See Schechter (1982) for a good review of the early days of the women’s advocacy movement.

2. Most of the studies reviewed in this paper provide no information about contextual factors that might have impacted on their findings. For example, they generally fail to discuss whether there were policy statements or state law which endorsed arrest or what types of responses were stressed in any training that might have existed.

3. This study is actually a replication of an earlier study conducted by Berk and Loseke (1980). In that study, however, the authors examined police reports while in the Worden and Pollitz study the authors used similar methodology and variables in a field study to examine officers’ actions. The Berk and Loseke study will be examined in the third section.

4. The authors ran two separate regression equations – one which was similar to Berk and Loseke to examine whether their results were replicable and a second equation which added variables absent in Berk and Loseke’s study. Marital status was significant in the first equation as officers were less apt to arrest when offenders and victims were married. This relationship is not significant in the second model. It is somewhat difficult to determine what effects are occurring, as some variables in the first model are eliminated from the second model and there are variables in the second model that are absent from the first model.

5. The author never really discusses the apparent contradiction between a departmental custom of non-arrest resulting in a tendency to facilitate arrest.

6. These figures are computed from Table 3 in Black’s 1971 publication.

7. This finding is difficult to interpret from the tables and text of the paper. Table 3 lists several responses: settle argument, tell someone to leave, referrals, threaten arrest, arrest, and none of the
above. None of the above is reported as significant though it is not
clear to what this category refers. It would appear that it means to
take no action since there seem to be a paucity of alternatives left,
but the interpretation is unclear.

8. Several variables had to be collapsed for the Chi-square analyses
to prevent violations in the assumptions of the test (specifically
those associated with small cell frequencies). Thus, suspects’
actions were collapsed into two categories: normal actions and
provocative action which included offenders who were verbally
abusive and violent. Victim preference was collapsed from
request for no action, request for removal, and request for arrest,
to two categories: requesting arrest or having other preferences.
The witness variables also were reduced from complainant only,
complainant and one victim, and complainant and multiple
witnesses, to complainant as sole witness and other witnesses
present.

9. The independent variables that were previously collapsed for the
bivariate analysis were used in their original form in the logistic
regression. All of these variables can be considered ordinal
variables and there was no reason to reduce any power of the
analysis by reducing the level of measurement of these variables.

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