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Making Arrests in Domestic Violence Cases: What Police Should Know

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THE PROBLEM

Police have been making more arrests in domestic violence incidents. In 2000, about 50 percent of intimate partner violence cases¹ resulted in arrests, compared to 7 to 15 percent in the 1970s and 1980s. Research has revealed that some aspects of the change cause problems: too many victims are arrested and too few cases are accepted by prosecutors.

The problem appears to arise in part from the practice of dual arrests — situations in which police arrest both parties involved in the altercation rather than trying to identify the primary aggressor. About 2 percent of domestic violence incidents result in dual arrests.

The research comes from a study that examined data from the National Incident-Based Reporting System,² and involved a multistate survey of incident records kept by police. See the full report at: <http://www.ncjrs.gov/pdffiles/nij/grants/218355.pdf>.

Findings point to a number of practices that could improve the effectiveness of arrests, conserve police resources and raise conviction rates.

THE FINDINGS

- Contrary to previous beliefs, arrests do not appear to be gender biased. The research showed that police arrested men and women with equal frequency when other factors, such as seriousness of offense, were taken into account. Additionally, police were equally likely to make arrests in same-sex and heterosexual incidents.

- Officers were four times more likely to make an arrest if an offender stayed at the scene of the crime. If the offender left, the officers were unlikely to follow up and obtain an arrest warrant. Even if a warrant was obtained, it might not be served.
- Police were more likely to make dual arrests when responding to an incident that involved a same-sex couple. For example, if the domestic incident involved two males, officers apparently assumed that, as in a barroom fight, both men were equally responsible and thus both should be arrested.
- Police made the highest number of dual arrests in jurisdictions with mandatory arrest laws, particularly if state laws or department policies did not instruct officers to arrest only the main offender at a domestic violence incident. Jurisdictions with such primary aggressor laws reported one-fourth the dual arrest rate observed in jurisdictions without such policies or laws.

THE SOLUTION

Police executives and lawmakers can do several things to lower dual arrest rates and make arrest more effective:

- **Police can arrest offenders who have left the crime scene.** Officers should canvass the area more thoroughly to find and arrest offenders who have left the crime scene.

- **Police can make fewer dual arrests in incidents involving same-sex couples.** High rates of dual arrest in these incidents indicate a need to train officers to recognize patterns of abuse in same-sex relationships and identify the primary aggressor. Policies and training should address potential gender-role stereotyping and the significance of victimization for same-sex couples.
- **Police executives and lawmakers can institute primary aggressor laws and policies.** States and police departments that wish to lower dual arrest rates may want to institute primary aggressor laws and policies, and enhance officer training on how to identify the primary offender in an incident. Officers should, for example, be able to distinguish between injuries inflicted in attacking someone and injuries inflicted in self-defense, such as biting an offender to make him/her let go of a stranglehold.

Changes such as these may help law enforcement departments better detect the real offender in a domestic violence incident and secure the arrest of that offender. More effective policies and procedures can increase the likelihood that offenders will be prosecuted and convicted for their crimes.

NOTES

1. These are cases of aggravated assault, simple assault and intimidation that involve spouses, ex-spouses, same-sex couples, and boyfriends and girlfriends.
2. -For more information about the National Incident-Based Reporting System, see <http://www.fbi.gov/ucr/faqs.htm>, and Hirschel, D. *Expanding Police Ability to Report Crime: The National Incident-Based Reporting System*, Washington, DC: U.S. Department of Justice, - National Institute of Justice, June 2009, NCJ 225459. -

