



Pergamon

Journal of Criminal Justice 28 (2000) 181–188

**JOURNAL  
OF CRIMINAL  
JUSTICE**

## Multiple parties in domestic violence situations and arrest

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### Abstract

Analyses of domestic violence incidents in one jurisdiction indicate significant differences in police handling of single perpetrator events and incidents with more than one party as either perpetrator or victim. In this study a “multiple record” variable was constructed to indicate that an incident contained more than one perpetrator or victim. The difference in arrest rates was then analyzed controlling for both legal and extralegal factors. Results indicate that in situations of domestic violence with more than one perpetrator or victim an arrest is more likely to occur when there is serious injury, although these multiple individual situations report less serious injury than single perpetrator incidents. Additional results show that when the relationship is spousal and the type of crime is assault or greater there is a greater likelihood of arrest than when the relationship is nonspousal. In general, the results indicate that the impact of extralegal factors is significantly different for multiple party incidents than single perpetrator incidents, and that these factors impact arrest differently. © 2000 Elsevier Science Ltd. All rights reserved.

### Introduction

Results of domestic violence and police response studies have indicated that police fail to arrest perpetrators of domestic violence at the same rate as perpetrators of stranger assault (Berk & Loseke, 1980–81; Bourg & Stock, 1994; Browne, 1995; Buzawa & Buzawa, 1990; 1992; 1993; Zalman, 1992). Arrest is less likely when the victim and offender are married according to research conducted by Fyfe, Flavin, and Klinger (1997) who dubbed this finding the “leniency thesis” (i.e., police officers exhibited more tolerant attitudes towards violence in a marriage than elsewhere). In general, these research findings indicated that several extralegal factors were correlated with arrest: the presence of a witness as well as the presence of a child (Buzawa & Austin, 1993), drug or alcohol use of both the offender and victim (Feder, 1997; Mignon & Holmes, 1995), the victim’s preference for arrest (Berk & Loseke, 1980–81; Buzawa & Austin, 1993; Eigenberg et al., 1996; Feder, 1997; Friday et al., 1991; Rigakos, 1997; Smith, 1987; Smith & Klein, 1984; Thornton, 1993; Waaland & Keeley, 1985; Worden & Pollitz, 1984), the de-

meanor of the offender as well as the gender of both the victim and offender (Fyfe et al., 1997; Klinger, 1996), the use of a weapon, and the relationship between offender and victim (Fyfe et al., 1997).

One policy that emerged in the 1980s as a result of these and earlier domestic violence studies was the introduction of mandatory arrest laws. These pro-arrest policies both allow and force police officers to arrest perpetrators. Police officers in jurisdictions that previously had required a complainant to initiate an arrest warrant are no longer stymied by lack of cooperation from the victim. Mandatory arrest laws have often been supported by domestic violence activists as a guarantee that offenders will be punished and victims will be protected, yet in many cases, officers tend to arrest the victim as well as the offender because of the difficulty in determining which party is the primary aggressor (Martin, 1997; Mignon & Holmes, 1995). Studies have indicated that pro-arrest policies have coincided with an increase in dual arrests in Rhode Island, Connecticut, Massachusetts, and Washington (Martin, 1997; Mignon & Holmes, 1995) as well as a decrease in the number of domes-

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tic violence calls (Martin, 1997). Martin (1997) contended that the fear of dual arrest may actually discourage victims in reporting abuse, even when the victim is not the primary aggressor. In response, eight states have tried to reduce the number of dual arrests by requiring police officers to identify and arrest only the primary aggressor. Massachusetts requires an arresting officer to provide the courts with written justification for a decision to arrest both parties (Mignon & Holmes, 1995).

The empirical literature reviewing extralegal factors associated with mutual violence and dual arrest is scant. Feld and Straus (1989) showed that wives who assault husbands are those already confronted by abusive mates, and Saunders (1995) found that most women who act out violently do so in self-defense. Stets and Straus (1989) indicated that mutual violence is most likely to occur between cohabiting couples rather than with married couples. Studies conducted by Mignon and Holmes (1995) and Stewart and Maddren (1997) found that the use of alcohol and the demeanor of victims were positive determinants for dual arrest in mutual violence situations. The study by Martin (1997), using both subject response and data analysis, indicated that intoxication as well as the races of both the victim and offender had an influence on an officer's decision to arrest both parties.

Nazroo (1995) examined police officers' responses to hypothetical scenarios and found that men's use of violence toward marriage partners tends to be much more dangerous and life-threatening than the type of violence that married women use against their partners. In addition, Nazroo's results indicated that men are much more likely to physically abuse their partners than women.

Hamberger and Potente (1996), in a study aimed at developing counseling techniques for women who are arrested as domestic violence offenders, concluded that mandatory arrest laws were responsible for a twelvefold increase in arrests. They concluded that male and female partner violence was essentially different with women using violence in self-defense, retaliation, or as a response to cues perceived as suggesting imminent violence against them. In addition, two-thirds of female perpetrators in their study reported previous battering by the partner they assaulted. In contrast, male perpetrators reported their primary motivations as control and punishment of their victim. The authors concluded that different treatment programs for women accused of domestic violence were necessary.

In a comparison study of battered women who have been imprisoned for killing or seriously injuring

their abusers and battered women who were incarcerated for other reasons, O'Keefe (1997) examined the age of the women, the extent of their injuries, and the length of time in the violent relationship. The author found that the women who either killed or seriously injured their abusive partners tended to be older and experienced a much longer period of spousal violence, as well as much more serious injuries and types of victimization (i.e., sexual assault and more frequent and severe batterings). In addition, battered women who killed or seriously injured their former abusers were more likely than battered women imprisoned for other offenses to believe that their lives were in danger. Battered women who killed their partners reported using violence much less frequently than the battered women in the comparison group.

In sum, this literature indicated that although women are domestically violent, they tend to act violently in self-defense. Women, like men, are arrested when there is the presence of alcohol and when they are disrespectful toward police officers. Even in mutual violence situations, men's use of violence is more dangerous and life-threatening. Finally, women in mutual assault situations are less likely to be married to their abusers.

This literature did not, however, address police response to domestic violence situations when multiple parties are involved. The present study expands this literature by analyzing differences between domestic violence situations where there is only one perpetrator and one victim, and those where there are multiple parties involved. Are arrest decisions by responding police officers made similarly or differently? The arrest factors analyzed are those included in the official crime reports and include the victim's gender, the type of violence, the extent of injury, the relationship between the victim and the offender, the offender's gender, and the use of a weapon. It was hypothesized that these factors are important both in single perpetrator incidents as well as multiple party incidents. Secondly, it was hypothesized that the impact of these factors on arrest is different when the incident involves multiple parties.

## Data and methods

The data analyzed were from the 1996 database of domestic violence incidents reported by local law enforcement agencies to the Wyoming Division of Criminal Investigation (DCI). Wyoming State Statutes 7-20-107(a)(b) and 6-4-404 mandate the reporting of all domestic violence incidents by law enforcement agencies including police departments, sheriffs' offices, game and fish officials, and campus police. The

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