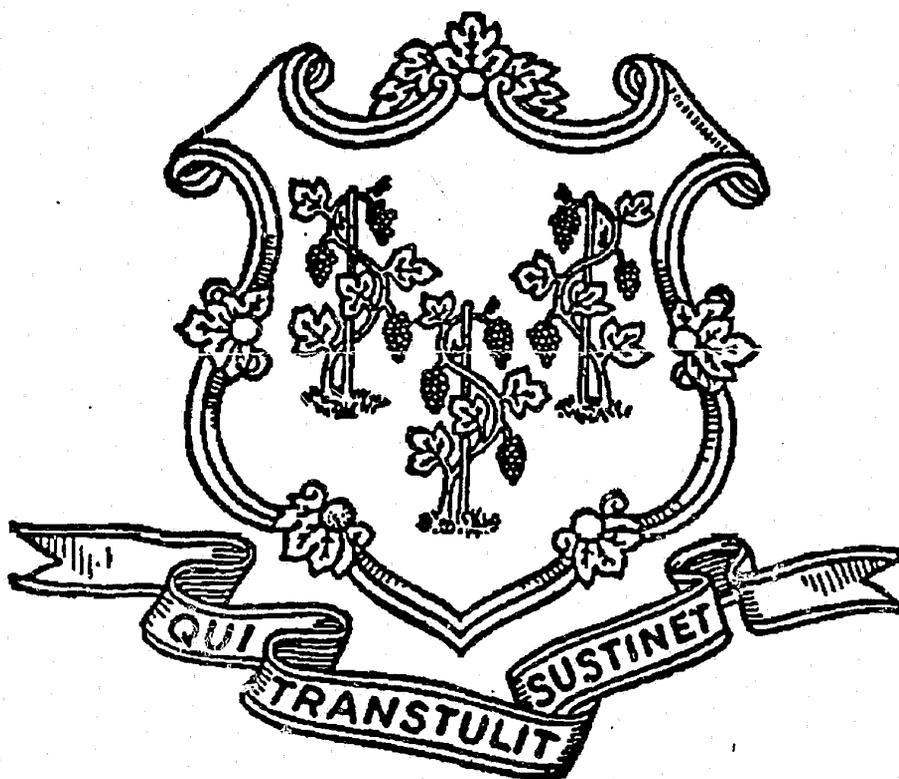


130838

# State of Connecticut Department of Public Safety

## Study of Family Violence Incidents Which Result in Arrest of Both Parties



Nicholas A. Cioffi  
Commissioner

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130838

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## Executive Summary

### Dual Arrest

A major area of concern since the inception of the mandatory arrest requirement has been the effects of arrest of all parties involved in a family violence incident, or dual arrest. Every evaluation of the family violence law has devoted space to dual arrest and has cited it as cause for concern. None of the evaluation projects to date have included input from law enforcement as to why dual arrests are made and what impact Connecticut's reporting mechanism has on the rate of dual arrest. The State Police Family Violence Reporting Program in the research summarized in the following sections sought to preserve law enforcement interests while providing policy makers with the information they require to fully and fairly evaluate the law enforcement response to family violence.

### Review of Family Violence Arrest Data

Information on dual arrest rates was obtained from statewide arrest data. Of the number of family violence incidents which resulted in arrest, dual arrests accounted for 20% of the total in 1989, 19% in 1988 and 19% in 1987.

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### Profile of Dual Arrest Incidents versus Victim-Offender Incidents

#### Dual arrest incidents are

- more likely to be of a less serious type, usually disorderly conduct or breach of peace;
- more likely to involve live-ins (people who are not married or related who live together, ever lived together or share a child in common).

#### Dual arrestees are

- more likely to be between the ages of 16 and 30 than persons arrested in victim-offender incidents.

#### Victim-offender incidents are

- more likely to involve an arrest for assault;
- more likely to involve spouses.

#### And,

- persons arrested in victim-offender incidents are more likely than dual arrestees to be older than 30.
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### Review of Arrest Reports

To insure that the measures of dual arrest are complete and accurate, this part of the study attempted to determine the degree of misclassification of reported dual arrests. Although the FVRP uses auditing procedures to insure high quality data, there is no way to determine, from the Family Violence Offense Report alone, that a report of dual arrest is appropriate. A sample consisting of 10% of the dual arrest incidents reported during 1989 was selected at random from the statewide family violence database. Records personnel at the departments where the report originated were asked to provide a copy of the incident report associated with the Family Violence Offense Report. Family Violence Reporting Program staff read through the incident reports and completed a summary for each incident which identified whether the arrests were appropriately classified as family violence and what factors were present such as presence of witnesses, whether the officer was interfered with or assaulted, whether there were differing degrees of charges or injury and whether one or more of the parties claimed self-defense.

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## Summary of Incident Report Review

- Of the incident reports requested, 76% were received (329 total). The rate of misclassification of dual arrests among the reports received was 20%.
- Forty-five percent of the arrestees were live-ins, that is they are not related and live together, lived together in the past or share a child. Fifty-three percent of the arrestees were male and forty-seven percent were female.
- Eighty-eight percent of the arrestees inflicted minor (not requiring medical treatment) or no physical injuries.
- The most frequent, most serious, charges were disorderly conduct (33%), assault in the third degree (31%) and breach of peace (30%), accounting for nine out of ten of the primary charges.
- In most cases, it was unclear who started the incident and the parties were equivalently violent. Self defense was claimed by one or both of the parties in seventeen percent of the incidents. Witnesses, other than the arrested parties, were present in thirty-four percent of the incidents.
- Five percent of the cases involved one or both of the parties verbally abusing, interfering with or assaulting the arresting officer. Of all the charges against arrestees, 1.3% were for assaulting or interfering with a police officer.

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## Survey of Patrol Officers

To determine why dual arrests are made, a sample of patrol officers were asked to complete a survey about family violence. Each department was asked to have officers complete surveys based on the proportion of family violence arrest incidents they reported during 1989. Patrol supervisors were asked to distribute the surveys to officers who volunteered to participate in a study of family violence, and everyone who participated was assured of anonymity. The survey took five minutes to complete and asked officers about their attitudes on mandatory arrest, contributing factors they consider when deciding to arrest both parties, and their recommendations for improving policy and training.

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## Summary of Patrol Officer Survey Results

- Of the surveys requested, 82% were returned completed (258 of 316). This is an extraordinarily high rate of response and the chiefs of police as well as the officers who completed the surveys are to be commended and thanked for their efforts.
- The average respondent had been a police officer for ten years and had responded to "more than 50" domestic violence incidents.
- The responses of the officers indicate that they do not believe mandatory arrest has decreased family violence or has had an impact on offenders viewing their acts as serious crimes. However, the responses do indicate that the officers feel that police treat family violence as a serious crime and that these incidents are treated uniformly.
- Although more officers agreed than disagreed that victims are more likely to call police since the mandatory arrest requirement was implemented, they were about equally divided in their opinions over whether victims are safer. Most officers indicated that victims receive needed services.

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- When asked what they would change about the family violence laws in Connecticut, officers most frequently suggested revising or eliminating the mandatory arrest provision, improving or changing post arrest processing by the courts and revising restraining and protective orders.
  - Although most officers rated their overall training in family violence as "good" or "excellent," more than one-third rated their training in evaluating cross-complaints as "not adequate" or "no training received."
  - When given a list of factors which may affect their decision to arrest both parties, the five most important were:
    - #1 Evidence of injury to both parties
    - #2 Probable cause established independently for both parties
    - #3 Statements of uninvolved witnesses which implicate both parties
    - #4 Assault on or interfering with a police officer by one or more of the parties
    - #5 A restraining or protective order is in effect for one of the parties and the other party invited them in (accepting the invitation caused the person to violate the order).
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## **Introduction**

In response to concerns voiced over dual arrests made in family violence cases, the Department of Public Safety conducted the study outlined below. The research consists of three sections. First, the arrest data submitted by police departments to the Department of Public Safety was analyzed to elicit general information about dual arrest. This was done to determine if dual arrest incidents are different from victim-offender incidents. Second, arrest reports were requested from police departments in order to gain more specific information about the incidents than is available from the Family Violence Offense Reports (see below). Third, police officers were surveyed to identify their opinions about mandatory arrest, dual arrests and their training in family violence.

## **Family Violence Arrest Data**

Whenever an arrest is made for family violence in Connecticut, a report must be submitted to the Department of Public Safety. Following the enactment of reporting requirements in 1986, the Family Violence Reporting Program (FVRP) was formed within the State Police Research and Planning Section. The FVRP is responsible for the collection, analysis and reporting of family violence to the governor, legislature and public. Since the inception of reporting mandates, there has been 100% compliance from police departments in Connecticut.

In order for an incident to be counted as family violence, a number of standards must be met. First, an arrest must have been made. Second, the actions which constituted the offense for which the arrest was made must have been committed against a family or household member. Family or household members are defined by statute as: spouses; former spouses; parents and their children; persons eighteen years of age or older who are related by blood or marriage; and persons who are sixteen years of age or older who live together or ever lived together; and persons of any age who share a child in common. Third, the offense must have included an act of violence or threat of violence which created a fear of imminent physical harm on the part of the victim. Acts of parents when disciplining minor children and mere arguments or verbal abuse are not counted as family violence.

Information collected on the Family Violence Offense Report (SP-230-C) includes the names of the parties, their relationship, sex, date of birth, the time and date of the incident, whether children were involved or present, the type of offense, extent of injury, whether liquor/drugs were involved, weapons used, whether there were prior court orders, town where the incident occurred and police department which made the arrest(s). Some of the variables examined later require further explanation.

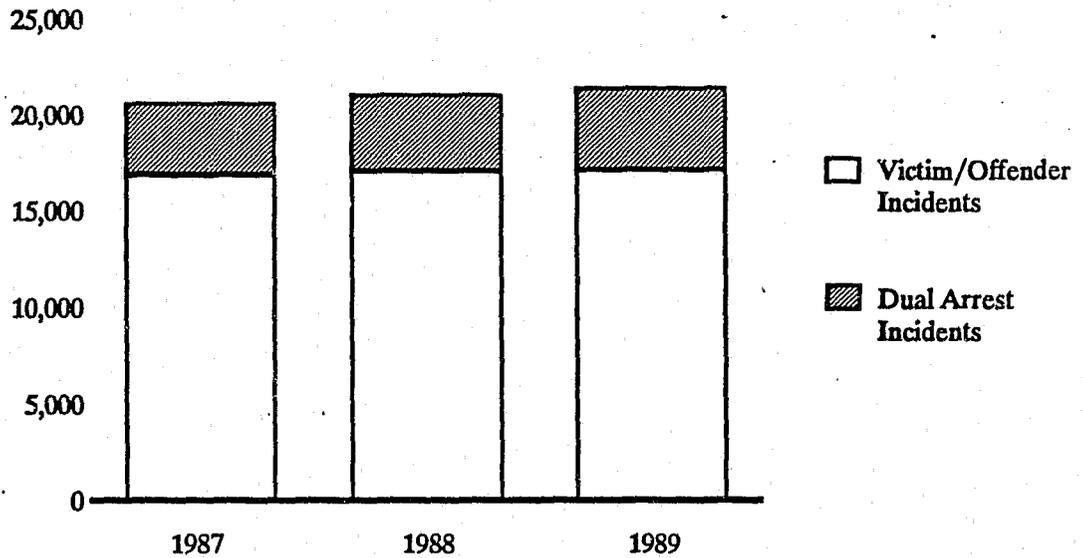
Because Section 46b-38d(b) of the Connecticut General Statutes requires that, "An offense shall be counted for each incident reported to the police," it was necessary to develop a system of reporting which uses hierarchies for classifying incidents when there is more than one charge or more than one person is arrested. Two variables examined in the next section use hierarchies. For offense type, the offense for which any of the parties was arrested which appears first in the following order is reported; homicide, assault, kidnapping, sexual assault, criminal mischief, risk of injury to a minor, breach of peace, disorderly conduct, and "other." The crimes of threatening, harassment and reckless endangerment may be reported as either breach of peace or disorderly conduct. The category of "other" includes all other violent crimes such as robbery, burglary, arson and criminal trespass.

The closest relationship of a victim to an offender or dual arrestees to each other is counted. The relationship which appears first in the following order is counted; spouse, former spouse, relative same home, relative different home, and live-in. Live-ins are defined as persons not related by blood or marriage who are sixteen years of age or older and who live together or ever lived together and persons of any age who have a child in common. In the analysis that follows, the closest relationship between the victim/offender or dual arrestees relationship to each other is counted when there were more than two people involved.

## **Analysis of Data, 1987-1989**

Total dual arrest incidents increased by 5.7% in 1988 over 1987 and by 6.5% in 1989 over 1988. The rate of increase in dual arrest incidents slightly surpasses the growth in total family violence arrest incidents in 1988 and 1989. In 1988 total arrest incidents increased by 2.6% over 1987 and in 1989 total arrest incidents increased by 1.9% over 1988. Overall, dual arrest incidents made up 18.5% of family violence arrest incidents in 1987, 19.1% in 1988 and 20.0% in 1989.

### Family Violence Arrest Incidents 1987 through 1989

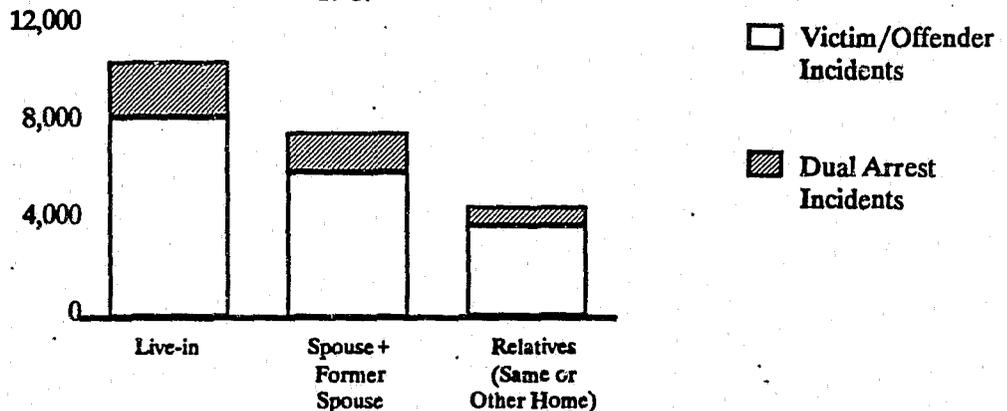


For 1989 dual arrest incidents, the most serious crime for which either party was arrested was most often assault (37.8%), breach of peace (30.9%) or disorderly conduct (29.1%). In 1988, 37.9% of dual arrest incidents involved an arrest for assault, 31.6% involved an arrest for breach of peace and 28.2% involved an arrest for disorderly conduct.

Family violence arrest incidents which had an identified victim and offender were compared to dual arrest incidents (for 1989). Dual arrest incidents were significantly different from victim-offender incidents with regard to the most serious type of offense for which an arrest was made. Dual arrest incidents were more likely to involve an arrest for disorderly conduct or breach of peace than were victim-offender incidents which were more likely to involve an arrest for assault. Data reported to the FVRP counts only the most serious offense type for which any person involved in the incident was arrested. Also, for this comparison, only assault, breach of peace and disorderly conduct were compared due to empty cells for the offenses of homicide, kidnapping, sexual assault and risk of injury to a minor. The category of "Other" offenses was not used due to the varying degrees of seriousness of the offenses included within that category.

The closest relationship between parties involved in victim-offender incidents was compared to the closest relationship of parties in dual arrested incidents. Even though live-in appears as the lowest relationship type in the hierarchy, it is the most frequently reported relationship both in victim-offender incidents and dual arrest incidents for the three years studied (1987, 1988 and 1989).

### Closest Relationship Between Parties 1989



When dual arrest incidents were compared to victim-offender incidents, the closest relationship between parties involved was found to be significantly different for the three years studied. For all three years, dual arrest incidents were more likely than victim-offender incidents to involve the closest relationship of live-in, and less likely to involve spouses.

The ages of persons arrested in victim-offender incidents were compared to the ages of dual arrestees. Only persons sixteen years of age or older were included in the analysis. From the comparison it was found that dual arrestees were more likely to be between the ages of 16 and 30 and less likely than persons arrested in victim-offender incidents to be older than 30. Comparison of the ages of arrestees in victim-offender incidents to dual arrestees showed that the differences in ages are significant.

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## **Profile of Dual Arrest Incidents versus Victim-Offender Incidents**

### **Dual arrest incidents are**

- more likely to be of a less serious offense type, usually disorderly conduct or breach of peace;
- more likely to involve live-ins (people who are not married or related who live together, ever lived together or share a child in common).

### **Dual arrestees are**

- more likely to be between the ages of 16 and 30 than persons arrested in victim-offender incidents.

### **Victim-offender incidents are**

- more likely to involve an arrest for assault;
- more likely to involve spouses.

And,

- persons arrested in victim-offender incidents are more likely than dual arrestees to be older than 30.

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## **Incident Report Review**

### **Method**

Ten percent of the 4,347 dual arrest incidents which occurred during 1989 were selected for review. A computer program was devised to select every tenth report from the family violence database in which all parties involved in the incident were arrested. The incident number and reporting agency were extracted and the full report was requested by the Commissioner of Public Safety from the reporting agency through the chief of police. FVRP staff read each of the arrest reports and extracted information for analysis. When specific classification criteria were used they are outlined below.

### **Limitations**

Since 100% response was not achieved, possible sources of bias should be noted. This is a pilot study, so any listing of the sources of possible bias cannot be comprehensive.

Non-response could be one source of bias. The reports not submitted could have been reviewed by contributors and "edited out" because they were incorrectly classified or otherwise in error. Some departments did advise the reporting program that they would not forward any arrest reports when there was a judicial disposition leading to

erasure. Examples of the types of cases that would be erased would be cases dismissed by a judge, nolle by a prosecutor, or when someone was given accelerated rehabilitation, adjudged a youthful offender, or any case in which a juvenile was involved. These factors may tend to minimize the level of incorrect classification the study would be able to detect by underrepresenting cases which were either incorrectly classified or otherwise in error, assuming that erased records would be more likely to be of a less serious nature or somehow in error.

Rater reliability may be a source of bias. Two members of the FVRP staff rated the arrest reports using the instrument found in Appendix A. The raters both have four years experience reviewing family violence offense reports with the reporting program. This could affect reliability if any future replication were attempted because the raters for this study have been exposed to the data for an extended period and have worked together throughout.

Another threat to the reliability of results is that the request for arrest reports came from the Commissioner of the Department of Public Safety directly to the chiefs of police who directed their staff to respond. It is unlikely that any future replication would achieve such a high rate of response if it were not conducted by a law enforcement agency. Also, the FVRP is especially more likely to get higher response when requesting these arrest reports since police departments are mandated by statute to provide most of the information that was requested for the study on the Family Violence Offense Report.

**Response**

Of the 435 total reports requested, 329 were received, or a total of 76% of the identified sample. The FVRP made no attempt to persuade departments to submit reports if they felt uncomfortable releasing the information.

Only incidents which resulted in the arrest of two parties for family violence were included for analysis. Reports were excluded if more than two people were arrested, there was insufficient information, there was no violence by one or more person or the parties were not family or household members. A total of nineteen reports were excluded because either more than two people were arrested or there was insufficient information for analysis.

An additional sixty-four incidents were excluded because they were incorrectly classified as dual arrests. In twenty-eight incidents one of the parties arrested was not arrested for an offense involving violence. In eleven of the incidents there was no violence by either party. In ten incidents the parties arrested were not family or household members (e.g. they were dating or only acquainted). In ten of the incidents there were family/household member victims involved who were not arrested. Four incidents were clearly not family violence (e.g. shoplifting or dog bite). In one incident there were no arrests.

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**Incident Reports Received**

<b>Included in Analysis</b>	<b>246</b>
<b>More than Two Arrests or Insufficient Information</b>	<b>19</b>
<b>Not Dual Arrests</b>	
One Person Not Violent	28
Neither Party Violent	11
Not Family/Household Members	10
Other Family/Household Member Victims Involved	10
Misclassified as Family Violence (dog bite, shoplifting, etc.)	4
No Arrests (either party)	1
	<b>64</b>
<b>Total Received</b>	<b>329</b>

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This represents a classification error rate of 20.4% (64 of 310 reports). If this rate were applied to the dual arrest incidents reported for 1989, the proportion of incidents classified as dual arrests would be reduced from 20.0% to 15.9%. The rate of error in classification should be noted by law enforcement trainers, particularly as it may relate to training in the evaluation of cross-complaints and the family violence laws overall.

For the departments which had incorrectly classified dual arrests in the sample, the average rate of dual arrest incidents they reported during 1989 was 25%, an average of 5% higher than the statewide average.

**Arrestee Characteristics**

Forty-five percent of the incidents involved unmarried couples, which is more than one and one-half times as many as the number of incidents which involved married couples. Unmarried couples were classified into three categories. Persons who live together accounted for thirty-eight percent, persons who ever lived together accounted for four percent and persons who share a child accounted for three percent of the total incidents.

Married couples accounted for twenty-eight percent of the incidents. Couples who were separated or were in the process of a divorce accounted for three percent of the incidents, and divorced couples accounted for two percent. Parents and their children accounted for seven percent of total incidents. Other family members, those persons over the age of eighteen who are related by blood or marriage, accounted for fifteen percent of the incidents.

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**Relationship of Parties**

<b>Unmarried Couple</b>		<b>110</b>
Live-in	94	
Former Live-in	9	
Child in Common	7	
<b>Married Couple</b>		<b>69</b>
<b>Separated or Divorced</b>		<b>13</b>
Separated	8	
Divorced	5	
<b>Parent/Child</b>		<b>16</b>
<b>Other Family</b>		<b>37</b>
<b>Unable to Determine, but Family/Household Member</b>		<b>1</b>
<b>Total</b>		<b>246</b>

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In the 246 incidents studied, 250 males were arrested and 222 females were arrested. The sex of the party could not be identified for 20 of the arrestees. Both male and female arrestees were most frequently between the ages of twenty-six and thirty-five. Forty-four percent of females and forty-five percent of males were between twenty-six and thirty-five. Three-quarters of the females and two-thirds of the males were between the ages of eighteen and thirty-five.

Blacks accounted for nearly one-third of the arrestees in the sample. Whites made up two-thirds of the sample. Persons of "other" racial classes accounted for less than one percent of arrestees.

**Incident Characteristics**

Overall, two-thirds of the injuries inflicted were minor, not requiring medical treatment. Twenty percent required medical treatment and twelve percent of the parties were not physically injured. Male arrestees caused injury eighty-three percent of the time. Female arrestees caused injury three-quarters of the time.

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**Injury Caused by Sex of Arrestee**

	Inflicted by Female	Inflicted by Male	Total
Grave/Near Fatal	0	1	1
Serious/Hospitalization Necessary	2	0	2
Moderate/Medical Treatment Required	25	30	55
Minor/No Treatment Required	128	197	325
No Injury	48	45	93
Property Damage Only	1	2	3
<b>Total</b>	<b>204</b>	<b>275</b>	<b>479</b>

Unknown = 13

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When the charge could be identified from the report, the charges were categorized according to seriousness. In this sample, the most serious charge for which the parties were arrested was most frequently disorderly conduct (32.5%), assault in the third degree (30.5%) and breach of peace (30.3%). These three charges accounted for more than nine of every ten of the most serious charges. Sixty-four of the parties were arrested on more than one charge. There were seventy-seven additional charges which ranged in seriousness from motor vehicle violations to assault on a police officer and threatening (see table on next page).

Male arrestees were taken into custody more than two-thirds of the time. Female arrestees were taken into custody slightly more than half the time. (See graph on next page.)

In most cases (58%) it was unclear who started the violent incident. Males were violent first in one-quarter of the incidents and females were violent first in seventeen percent of the incidents. For classification purposes verbal provocation was not counted as initiating violence. Only acts of physical violence, including property damage and threatening were counted as initiating the violent incident.

In more than half of the incidents the parties were equivalently violent. That is, each of the parties inflicted a nearly equal degree of injury or damage. Males were more violent in about one-third of the cases and females were more violent in fourteen percent of the cases.

## Charges

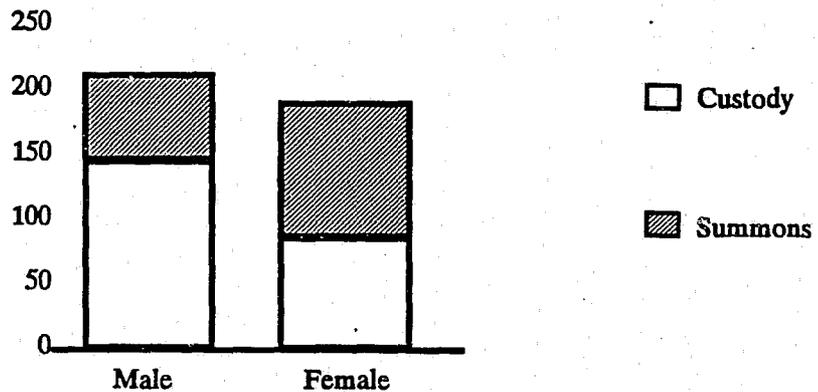
**Assault 1st Degree**  
**Assault 2nd Degree**  
**Assault 3rd Degree**  
**Threatening**  
**Rockless Endangerment 2nd Degree**  
**Criminal Trespass**  
**Simple Trespass**  
**Criminal Mischief 2nd Degree**  
**Criminal Mischief 3rd Degree**  
**Assault on/Interfering with a Police Officer**  
**Breach of Peace**  
**Disorderly Conduct**  
**Narcotics Offenses**  
**Motor Vehicle Violations**  
**Firearms Violation**  
**Total**

Most Serious Charge	Additional Charge
2	
15	1
140	
7	4
2	
3	
	1
	2
2	2
	7
139	22
149	29
	3
	5
	1
459	77

Unknown=33

Neither party claimed self-defense in eighty-three percent of the cases. In seventeen percent of the incidents at least

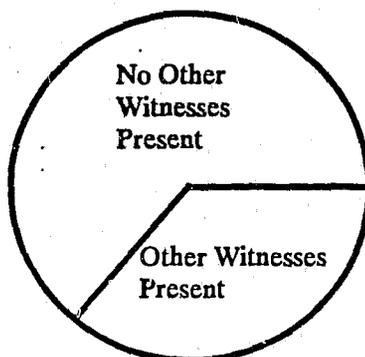
### Type of Arrest Custody versus Summons



one party claimed self-defense. For classification purposes, a claim of self-defense was counted if there was a statement anywhere in the case report that the person claimed or the police officer believed the party acted in self-defense. In nine percent of the cases a female claimed self-defense. In seven percent of the cases a male claimed self-defense, and in one percent both parties claimed self-defense.

There were no other witnesses besides the arrestees in sixty-four percent of the cases. Most of the time, then, officers had only the statements of the two arrested parties, and other evidence gained through investigation in order to establish probable cause. In thirty-four percent of the incidents there were other witnesses present.

### Presence of Witnesses



In eleven cases (5%) one of the parties verbally abused, interfered with or assaulted the arresting officer. In seven of the eleven cases a female arrestee was responsible and in the remaining four cases a male was responsible.

### Survey of Patrol Officers

#### Method

The survey asked patrol officers to provide information about their attitudes concerning the impact of the mandatory arrest requirement on family violence, on the victims and on police liability. Officers were also asked to rate their overall training in family violence and specifically in the evaluation of cross-complaints. They were asked to rate the likelihood of a dual arrest given a list of conditions and to list the five most important factors which would make dual arrest likely. Their suggestions to improve training and change the family violence law were also solicited.

A total of 316 surveys were sent out to police departments under a cover letter from the Commissioner of the Department of Public Safety to the chiefs of police. The chiefs were asked to distribute a set of instructions along with the surveys to their patrol supervisors. The instructions described the purpose of the study and the number of surveys requested from that department. Supervisors were asked to recruit volunteers to complete the survey which would take no longer than five minutes to complete, to inform the volunteers that their identities would be confidential and their candor appreciated. An unstamped, self-addressed envelope was provided. The number of surveys each department was requested to complete was based on the proportion of dual arrest incidents their agency reported for 1989. At least one survey was requested from each of the departments which reported one or more dual arrests.

Of the 316 surveys sent, 258 or 81.6% were returned completed. An additional sixty-two unsolicited surveys were sent in but not used because over representation of some departments would have resulted. Given that there was no follow-up for non-response, the high response rate is impressive. Had the sixty-two unsolicited surveys been used, the response rate would have exceeded 101%!

#### Limitations

This is a pilot study, so any bias present in the results cannot be fully anticipated or explained. However, some areas which could have impacted the rate of response and the responses themselves can be identified. First, since the Commissioner of the Department of Public Safety solicited survey responses from the chiefs directly, the

respondents may have been ordered to complete the surveys or an order may have been implied. It is very unlikely that the high response rate achieved in this study could be replicated by any independent researcher.

A second source of bias could have occurred when respondents were selected by patrol supervisors. Since volunteers were solicited, the motivations of the respondents could impact the results in any number of ways.

### Respondents

Of the officers who responded, more than two-thirds were police officers for five years or more. The average time on the job was ten years. When asked to estimate the number of family violence incidents they had ever responded to, eighty-four percent of the officers stated they had responded to more than fifty during their career.

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### Number of Years as a Police Officer

Less than 5	62
5-9	58
10-14	58
15-19	48
20 or more	32
Total	<hr/> 258

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### Mandatory arrest

Two-thirds of the respondents did not agree that there is less family violence due to mandatory arrest for family violence. About one-quarter agreed that there is less family violence and nine percent had no opinion.

Eight in ten respondents disagreed with a statement that offenders in family violence incidents view their actions as serious crimes. Ten percent of the officers surveyed agreed that offenders view their actions as serious and six percent had no opinion.

More than three-quarters of officers surveyed agreed with a statement that police treat family violence as a serious crime. Nineteen percent did not agree that police treat family violence seriously and four percent had no opinion.

When asked if they agreed that family violence was treated uniformly by police, more than half of the respondents agreed. One-third did not agree with a statement that police response to family violence is uniform and nine percent had no opinion.

A majority (58%) of the officers who responded disagreed with a statement that mandatory arrest protects them from liability for failure to arrest. One-quarter of the officers agreed that they are protected from liability for failure to arrest and sixteen percent had no opinion.

Half of the officers disagreed with a statement that mandatory arrest protects them from liability for false arrest. Twenty-eight percent agreed that they are protected from liability for false arrest and twenty-one percent had no opinion. (See table on the following page.)

### Victims

More police officers agreed than disagreed that victims are more likely to call police due to mandatory arrest. Half of the officers agreed and thirty-nine percent disagreed that victims are more likely to call police. Nine percent had no opinion.

The officers were nearly equally divided when asked whether they felt victims are safer with mandatory arrest. Forty-three percent agreed that victims are safer while forty-two percent disagreed. Sixteen percent of the officers had no opinion.

Sixty percent of the officers agreed that victims receive needed services. Twenty percent disagreed and twenty percent had no opinion.

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### Mandatory Arrest Concerns

Because of the mandatory arrest requirement for family violence in Connecticut,

	Strongly Agree	Agree Somewhat	No Opinion	Disagree Somewhat	Strongly Disagree	Total
there is less family violence than before the law	14	45	24	104	68	255*
family violence offenders view their acts as serious crimes	5	21	15	85	132	258
family violence is treated as a serious crime by police	95	103	11	44	5	258
family violence incidents are treated uniformly by police	43	106	23	64	22	258
police are protected from liability for failure to arrest	20	47	41	57	93	258
police are protected from liability for false arrest	20	53	53	59	73	258

\*unknown = 3

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### Perceived Effects on Victims

Because of the mandatory arrest requirement for family violence in Connecticut,

	Strongly Agree	Agree Somewhat	No Opinion	Disagree Somewhat	Strongly Disagree	Total
victims are more likely to call police	35	100	23	73	27	258
victims are safer	25	85	40	75	32	257*
victims receive needed services	41	114	51	37	15	258

\*unknown = 1

#### Suggested improvements to family violence law

The officers were asked, "If you could change any part of the family violence law in Connecticut, what would you change?" Although the responses were diverse, we have grouped the suggestions together by category.

Nearly one-quarter of the suggestions concerned revising the mandatory arrest provision. Of the suggestions relating to mandatory arrest, the most common were to increase officer discretion or eliminate mandatory arrest. About twenty percent of the mandatory arrest suggestions contained inaccurate perceptions of the law such as, "Limit the mandatory arrests to crimes of violence (or threat thereof) only."

Another one-quarter of the suggestions concerned improving post-arrest actions. Stiffer or mandatory penalties were most frequently suggested followed by tighter restrictions on bail decisions and improving the efficiency of court processing. Other suggestions were to adopt a "no-drop" policy for family violence cases and to create a night court for family violence. Eliminating next day arraignment was also suggested.

Twenty-one percent of the suggested changes dealt with restraining and protective orders. More than half of those suggestions requested the ability to arrest the victim or not mandate the arrest of the offender in cases where an order is violated at the request of the victim. Other changes suggested were to have tighter restrictions and penalties for violation of orders and to improve procedures for notification of police departments when orders are issued, served, changed or terminated.

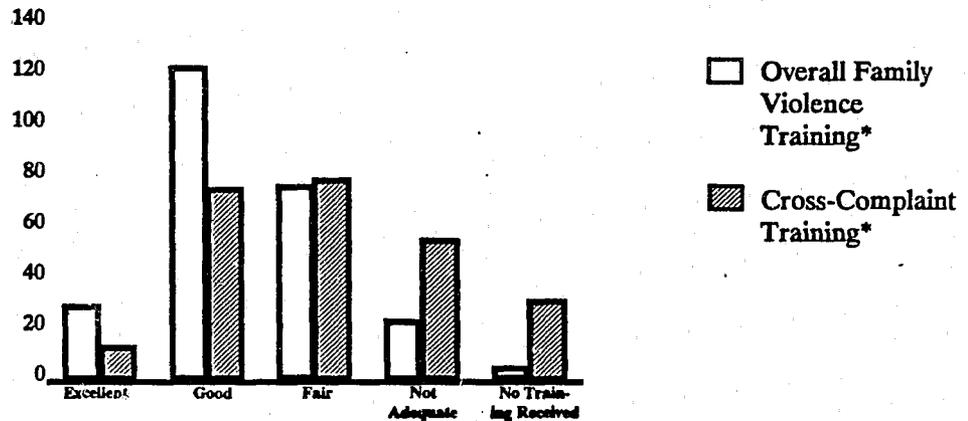
Other suggested changes to the law included reduce or eliminate liability of officers for false arrest or failure to arrest, clarify definitions of family violence and family or household members; increase services to victims and children and increase public awareness, and reduce paperwork or change the family violence offense report.

### Training

The majority of officers (59%) rated their overall training in family violence as "good" or "excellent." Thirty percent rated their training as "fair." Nine percent stated their training in family violence was "not adequate." Two percent of the respondents (6 of the 258) responded that they had not received training in family violence.

Training the officers received in evaluating cross-complaints was rated lower than their overall training in family violence. Thirty-five percent of the officers rated their cross-complaint training as "good" or "excellent." Thirty-one percent rated their training as "fair." Notably, twenty-two percent rated their cross-complaint training as "not adequate" and thirteen percent reported that they had received no training in this area.

### How Officers Rated Their Training



\*Overall, unknown = 1; cross-complaint, unknown = 1

The officers were given the opportunity to suggest improvements to their family violence training. Nearly half (45%) of the suggestions concerned expanding the family violence curriculum. Officers suggested using service providers to instruct them in services available. Court personnel were requested to instruct them on the role of the Family Division in these cases and what happens after an arrest occurs. They requested that prosecutors instruct them in what is needed to successfully prosecute family violence cases. Officers also requested that recent cases, since the 1986 law went into effect, be used in their training and that laws and cases concerning probable cause and evaluation of cross-complaints be specifically addressed. There were also requests for more academic training concerning the causes and treatment of family violence.

More than one-third of the suggested improvements concerned having more family violence training. Specifically, officers suggested more frequent training, updated training and more time spent on training. Twelve percent of the suggestions dealt with use of different training tactics. The most frequently suggested tactic was role playing, followed by practical application, video taped training and roll call training. Nine percent of the suggestions were classified as miscellaneous or were positive remarks.

### Factors which contribute to dual arrest

Officers were asked to rate a list of factors according to whether they made dual arrest likely or unlikely. For each factor, the officers were asked to rate whether it would make dual arrest "very likely," "somewhat likely," "somewhat unlikely," "very unlikely," or "not taken into consideration." The following tables list, in order, the rankings of the factors on whether they make dual arrest somewhat/very likely, somewhat/very unlikely or they are not taken into consideration.

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### Dual Arrest Somewhat/Very Likely

Rank	Factor	Percent
#1	Evidence of injury to both parties	96.5%
#2	Probable cause established independently for both parties	94.6%
#3	Statements of uninvolved witnesses which implicate both parties	89.5%
#4	Assault on or interfering with officer by one or more of the parties	84.5%
#5	Both parties under the influence of drugs/alcohol	68.1%
#6	Conflicting statements of parties involved	67.3%
#7	One or more of the parties claims self-defense	66.6%
#8	Prior history of family violence arrests for one of the parties	64.2%
#9	A restraining or protective order is in effect for one of the parties and the other party invited them in (accepting the invitation caused the person to violate the order)	62.3%
#10	Request from parties involved to make an arrest	57.0%
#11	Officer's possible liability for failure to arrest	47.7%
#12	The parties are not married (live together, ever lived together, or have a child)	38.4%
#13	Officer's possible liability for false arrest	24.2%

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### Dual Arrest Somewhat/Very Unlikely

Rank	Factor	Percent
#1	Officer's possible liability for false arrest	28.5%
#2	A restraining or protective order is in effect for one of the parties and the other party invited them in (accepting the invitation caused the person to violate the order)	21.5%
#3	One or more of the parties claims self-defense	21.1%
#4	Conflicting statements of parties involved	19.8%
#5	The parties are not married (live together, ever lived together, or have a child)	19.2%
#6	Prior history of family violence arrests for one of the parties	17.5%
#7	Officer's possible liability for failure to arrest	14.4%
#8	Both parties under the influence of drugs/alcohol	13.6%
#9	Request from parties involved to make an arrest	12.8%
#10	Assault on or interfering with officer by one or more of the parties	4.3%
#11	Statements of uninvolved witnesses which implicate both parties	3.9%
#12	Probable cause established independently for both parties	2.8%
#13	Evidence of injury to both parties	1.2%

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**Not Taken Into Consideration When Deciding to Make Dual Arrest**

Rank	Factor	Percent
1	Officer's possible liability for false arrest	47.3%
2	The parties are not married (live together, ever lived together, or have a child)	42.4%
3	Officer's possible liability for failure to arrest	37.9%
4	Request from parties involved to make an arrest	30.2%
5	Prior history of family violence arrests for one of the parties	18.3%
5	Both parties under the influence of drugs/alcohol	18.3%
7	A restraining or protective order is in effect for one of the parties and the other party invited them in (accepting the invitation caused the person to violate the order)	16.1%
8	Conflicting statements of parties involved	12.8%
9	One or more of the parties claims self-defense	12.3%
10	Assault on or interfering with officer by one or more of the parties	11.2%
11	Statements of uninvolved witnesses which implicate both parties	6.6%
12	Probable cause established independently for both parties	2.7%
13	Evidence of injury to both parties	2.3%

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**Top five most important factors**

When asked to select the five most important factors which would make dual arrest likely, the officers' responses were similar to those above. The top five responses were grouped together, and the most frequently cited factors are listed in the table below.

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**Top Five**  
**Most Important Factors Which Make Dual Arrest Likely**

Rank	Factor	% in Top Five
#1	Evidence of injury to both parties	18.5%
#2	Probable cause established independently for both parties	16.3%
#3	Statements of uninvolved witnesses which implicate	15.6%
#4	Assault on or interfering with officer by one or more of the parties	11.3%
#5	A restraining or protective order is in effect for one of the parties and the other party invited them in (accepting the invitation caused the person to violate the order)	7.4%

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**Appendix A**  
**Case Report Review**  
**Rating Instrument**

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**Report Information**

1. Incident # \_\_\_\_\_ 2. Control # \_\_\_\_\_ 3. Troop/PD \_\_\_\_\_

**Offender 1 Information**

1. Sex M F	2. Age _____	3. Charge(s)	3a. Summons/ custody	4. Family violence?	5. Why not? (codes)
6. Relationship of victim to offender		_____	S C	Y N	_____
___ NOT family or household member		_____	S C	Y N	_____
___ Spouse		_____	S C	Y N	_____
___ Separated/divorce in progress		_____	S C	Y N	_____
___ Former Spouse		_____	S C	Y N	_____
___ Live-in		_____	S C	Y N	_____
___ Former Live-in		CODES FOR #5: a. no violence b. victim not family member c. other, SPECIFY			
___ Share a child in common					
___ Parent					
___ Child					
___ Other family					
___ Can't tell from report		7. Race	___ White	___ Black	___ Other

8. Injury caused to family/household member victim

___ grave, near fatal	___ minor, no treatment required
___ serious, hospitalization necessary	___ no physical injury
___ moderate, medical treatment required	___ property damage only

**Offender 2 Information**

1. Sex M F	2. Age _____	3. Charge(s)	3a. Summons/ custody	4. Family violence?	5. Why not? (codes)
6. Relationship of victim to offender		_____	S C	Y N	_____
___ NOT family or household member		_____	S C	Y N	_____
___ Spouse		_____	S C	Y N	_____
___ Separated/divorce in progress		_____	S C	Y N	_____
___ Former Spouse		_____	S C	Y N	_____
___ Live-in		_____	S C	Y N	_____
___ Former Live-in		CODES FOR #5: a. no violence b. victim not family member c. other, SPECIFY			
___ Share a child in common					
___ Parent					
___ Child					
___ Other family					
___ Can't tell from report		7. Race	___ White	___ Black	___ Other

8. Injury caused to family/household member victim

___ grave, near fatal	___ minor, no treatment required
___ serious, hospitalization necessary	___ no physical injury
___ moderate, medical treatment required	___ property damage only

**Incident Information**

- 1. Who committed first violent act?  Offender 1  Offender 2  unclear from report
- 2. Who was most violent/caused the most damage?  Offender 1  Offender 2  equivalent  unclear
- 3. Was self defense claimed by  Offender 1  Offender 2  both parties  neither party?
- 4. Were there  one or more witnesses other than arrested parties  
 no other witnesses other than the arrested parties?
- 5. During the arrest, did Offender 1 assault, interfere with or verbally abuse the arresting officer?  
 yes  no
- 6. During the arrest, did Offender 2 assault, interfere with or verbally abuse the arresting officer?  
 yes  no

**NOTES**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Reason Report Not Completed**

more than 2 people arrested  other (specify) \_\_\_\_\_

Initials of person who reviewed file \_\_\_\_\_ date completed \_\_\_\_\_

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**Appendix B**  
**Survey Instrument**  
**Summary of Results**

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Officer Survey  
 Family Violence Reporting Program  
 Study of Dual Arrests



**Introduction**

The Family Violence Reporting Program, Connecticut State Police is conducting research regarding the police response to family violence in Connecticut. You have been selected at random to participate in a survey of police officers. The intent of this survey is to collect information about how police officers feel about the mandatory arrest requirement of the Family Violence Prevention and Response Act, dual arrests and your recommendations for improving present policies. **In any reporting of this information, you will not be identified by name or in any manner that would associate you or your department with your responses, so you may be assured that whatever you say below will be anonymous.**

**Officer Information**

How many years have you been a police officer? mean=10.7, range 1 to 33

How many family violence incidents have you ever responded to? (check one box)  1-10  11-20  21-50  50 or more

**Mandatory Arrest (circle letters)**

How well do the statements below fit with your feelings about Connecticut's requirement of mandatory arrest for family violence? For each statement, circle a letter to indicate whether you:

1= strongly agree      2= agree somewhat      3= have no opinion      4= disagree somewhat      5= strongly disagree

Because of the mandatory arrest requirement for family violence in Connecticut,

	1	2	3	4	5	
14	45	24	104	68		there is less family violence than before the law
95	103	11	44	5		family violence is treated as a serious crime by police
43	106	23	64	22		family violence incidents are treated uniformly by police
5	21	15	85	132		family violence offenders view their actions as serious crimes
35	100	23	73	27		victims are more likely to call police
25	85	40	75	32		victims are safer
41	114	51	37	15		victims receive needed services
20	47	41	57	93		police are protected from liability for failure to arrest
20	53	53	59	73		police are protected from liability for false arrest

**Training**

Using the scale below please circle the response which best describes your training:

1= excellent      2= good      3= fair      4= not adequate      5= no training received

Overall, the training I received in family violence was

	1	2	3	4	5
29	123	76	23	6	
13	76	80	56	32	

The training I received in evaluating cross-complaints of family violence was

**Dual Arrest**

How much do each of the factors listed below contribute to your decision to arrest both parties? Please circle a response for each item which best describes the probability that you would arrest both parties.

1=very likely 2=somewhat likely 3=not taken into consideration 4=somewhat unlikely 5=very unlikely

Percent in Top 5  
(see below)

		1	2	3	4	5	
4.0	A.	50	118	31	41	9	one or more of the parties claims self-defense
16.3	B.	187	56	7	4	3	probable cause established independently for both parties
18.5	C.	200	48	6	2	1	evidence of injury to both parties
1.0	D.	27	35	121	39	34	officer's possible liability for false arrest
6.0	E.	59	165	47	29	16	prior history of family violence arrests for one of the parties
3.8	F.	43	104	78	18	15	request from parties involved to make an arrest
4.7	G.	47	126	33	43	8	conflicting statements of parties involved
7.4	H.	83	76	41	32	23	a restraining or protective order is in effect for one of the parties and the other party invited them in (accepting the invitation caused the person to violate order)
15.6	I.	173	57	17	7	3	statements of uninvolved witnesses which implicate both parties
2.9	J.	57	65	97	19	18	officer's possible liability for failure to arrest
5.6	K.	55	120	47	29	6	both parties under the influence of drugs or alcohol
11.3	L.	166	52	29	7	4	assault on or interfering with officer by one or more of the parties
3.0	M.	38	60	108	22	27	the parties are not married (live together, ever lived together, or have a child)

Using the letters corresponding to the statements above, with 1 st being most important, list the five most important factors, in order, which make dual arrest likely.

See percent results above

1st  2nd  3rd  4th  5th

**Recommendations**

How could your training in family violence be improved? See next page for summary of results.

If you could change any part of the family violence law in Connecticut, what would you change? See next page for summary of results.

*Please return the completed survey to your patrol supervisor. Thank you very much for your help. Your participation will help many people to better understand the law enforcement response to family violence.*

## Open-ended answers

### How could your training in family violence be improved?

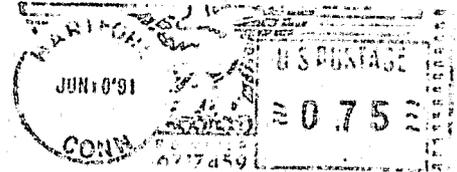
I.	<b>More regular or updated training</b>		70
A.	More regular training	44	
B.	Updated training	18	
C.	Spend more time on training	8	
II.	<b>Expand curriculum</b>		57
A.	More academic training	6	
B.	Training by prosecutors, service providers, court personnel	29	
C.	Include case law/legal training	7	
D.	Probable cause and cross-complaints	9	
E.	Miscellaneous	6	
III.	<b>Use different training tactics</b>		25
A.	Role playing	16	
B.	Videotape	3	
C.	Roll call	2	
D.	More practical application	4	
IV.	<b>Positive comments</b>		6
V.	<b>Miscellaneous comments</b>		13

### If you could change any part of the family violence law in Connecticut, what would you change?

I.	<b>Mandatory arrest</b>		46
A.	Eliminate mandatory arrest	10	
B.	Inaccurate perception of mandatory arrest provisions	10	
C.	Increase officer discretion	21	
D.	Miscellaneous	5	
II.	<b>Restraining and Protective Orders</b>		49
A.	Arrest victim, void order when violation occurs due to victim inviting respondent (causing violation)	23	
B.	Automatic issue of orders	7	
C.	Tougher penalties for violation	10	
D.	Need for notification when orders issued, served, terminated, etc. for police departments	9	
III.	<b>Courts/post arrest processing</b>		20
A.	Adopt a "no drop" policy	5	
B.	Increase efficiency of court	10	
C.	Change next day arraignment	3	
D.	Create a night court	2	
IV.	<b>Stiffer penalties</b>		18
A.	Increase penalties for repeat offenders	12	
B.	Mandate sentences or counseling	6	
V.	<b>Change bail conditions/processing</b>		11
VI.	<b>Increase services to victims/children, increase public awareness</b>		9
VII.	<b>Decrease liability of police</b>		9
VIII.	<b>Paperwork</b>		8
A.	Reduce paperwork	2	
B.	Change Family Violence Offense Report	6	
IX.	<b>Positive comments</b>		7
X.	<b>Miscellaneous</b>		12



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