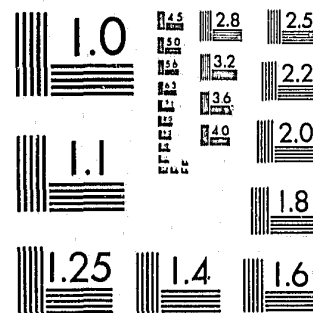


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Police Responses to Domestic Assault:

Preliminary Findings

(An Executive Summary)

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Abstract

Does punishment deter criminals? Or does it just make their behavior worse?

Nowhere is the debate over these questions more evident than in police responses to domestic violence. Some police, like labeling theorists in sociology, argue that arresting people for minor acts of domestic violence will only increase the seriousness and frequency of the violence. Some feminist groups, like some deterrence theorists, argue that arresting suspects of domestic violence will reduce the suspects' use of violence.

With the support of the National Institute of Justice, the Police Foundation and the Minneapolis Police Department tested these hypotheses in a field experiment. Three police responses to simple assault were systematically assigned: arrest, "advice" or informal mediation, and an order to the suspect to leave for eight hours. The behavior of the suspect was tracked for six months after the police intervention, with a variety of measures. Preliminary analysis of the official recidivism measures suggests that the arrested suspects manifested significantly less violence than those who were ordered to leave, and less violence than those who were advised but not separated.

Other interpretations of the results are possible. But if this one is correct, it suggests that police should reverse their current practice of rarely making arrests and frequently separating the parties. The findings suggest that other things being equal, arrest may be the most effective approach, and separation may be the least effective approach. Since other things are not usually equal, however, it would probably be a mistake to conclude that arrest should be mandat r

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The Policy Problem

For many years, police have been reluctant to make arrests in response to domestic violence, one of the more common situations they face. Parnas' (1972) qualitative observations of the Chicago police found four categories of police action in these situations: negotiating or otherwise "talking out" the dispute, threatening the disputants and then leaving, asking one of the parties to leave the premises, or (very rarely) making an arrest. Parnas offers ten different reasons why police avoid making arrests, one of which is an explicit labeling theory formulation: the offender, angered by his arrest, may cause more serious harm to the victim upon his return to the family home.

The reluctance of police to make arrests for this offense is reported in many other cities. Surveys of battered women who tried to have their domestic assailants arrested report that arrest occurred in 10% (Roy, 1977:35) or 3% (see Langley and Levy, 1977:219) of the cases. Surveys of police agencies in Illinois (Illinois Law Enforcement Commission, 1978) and New York (Office of the Minority Leader, 1978) found explicit policies against arrest in the majority of the agencies surveyed. Despite the fact that violence is reported to be present in one-third (Bard and Zacker, 1974) to two-thirds (Black, 1980) of all domestic disturbances police respond to, police department data show arrests in only 5 percent of those disturbances in Oakland (Hart, n.d., cited in Meyer and Lorimer, 1977:21), 6 percent of those disturbances in a Colorado city (Patrick, Ellis, and Hoffmeister, n.d., cited in Meyer and Lorimer, 1977:21) and 6 percent in Los Angeles County (Emerson, 1979).

The best available evidence on the frequency of arrest is the observations from the Black and Reiss study of Boston, Washington and Chicago police in 1966, reported in Black 1980:182. Police respond to disputes in those cities

made arrests in 27% of violent felonies and 17% of the violent misdemeanors. Among married couples (Black, 1980:158), they made arrests in 26% of the cases, but tried to remove one of the parties in 38% of the cases.

The apparent preference of many police for separation rather than arrests of the suspect has been attacked from two directions over the last fifteen years. The original attack came from clinical psychologists, who agreed that police should rarely make arrests (Potter, 1978:46; Fagin, 1978:123-124) in domestic assault cases, but who wanted the police to mediate rather than separate. A highly publicized demonstration project of teaching police special counseling skills for family crisis intervention (Bard, 1970) failed to show a reduction in violence, but was interpreted as a success nonetheless. By 1977, a national survey of police agencies with 100 or more officers found that over 70 percent of them reported a family crisis intervention training program in operation. While it is not clear whether these programs reduced separation and increased mediation, evaluations of some of them reported a decline in arrests (Wylie, et al, 1976), which many programs adopted as a specific goal (University of Rochester, 1974; Ketterman and Kravitz, 1978).

By the mid-1970s, police practices were attacked from the opposite direction by feminist groups. No sooner had the psychologists succeeded in having many police agencies treat domestic violence intervention as "half social work and half police work" than feminists began to argue police put "too much emphasis on the social work aspect and not enough on the criminal" (Langley and Levy, 1977:218). Widely publicized lawsuits in New York and Oakland sought to compel police to make arrests in every case of domestic assault, and state legislatures were lobbied successfully to reduce the evidentiary requirements needed for police to make arrests for misdemeanor domestic assaults. Some legislatures have even passed statutes requiring police to make arrests in these cases.

The feminist critique was bolstered by a study that suggested the seriousness of police interventions in these cases (Police Foundation, 1976). It found that in the two years prior to the occurrence of a sample of domestic homicides, police had intervened in disputes involving 85% of the victims at least once and in 54% of the cases five or more times. But it is impossible to determine from the cross sectional data whether making more or fewer arrests would have reduced the homicide rate after police intervention.

In sum, police officers confronting a domestic assault suspect faces at least three conflicting options, urged on them by different groups with different theories. The officers' colleagues might recommend forced separation as a means of achieving short-term peace. The officers' trainers might recommend mediation as a means of getting to the underlying cause of the "dispute" (in which both parties are implicitly assumed to be at fault). The local women's organizations may recommend that the officer protect the victim (whose fault, if any, is legally irrelevant) and enforce the law to deter such acts in the future. If the officers take sociology courses, they will conclude that labeling theorists imply mediation would be the response least likely to provoke further violence, with separation a mild label and arrest a severe label likely to engender secondary deviance. The officers' reading of the deterrence doctrine would be exactly opposite: arrest would cause the greatest discomfort, separation the next greatest, and mediation the least discomfort, so they should deter subsequent violent acts in that descending rank order of effectiveness.

The Original Research Design

In order to shed some empirical light on these conflicting recommendations, the Police Foundation and the Minneapolis Police Department agreed to conduct a

classic experiment. The design called for systematic use of arrest, separation, and some form of mediation, with a six month follow-up period to measure the frequency and seriousness of violence after each police intervention. The systematic use of these treatments, unlike a cross-sectional survey of police actions and subsequent violence, is much more effective in holding other factors constant. With sufficient numbers of cases, the social characteristics of the suspects in all three treatment groups should be very similar. The only difference between them should be due to the police actions, not to pre-existing differences in the average group tendencies to commit violence.

The design only applied to simple (misdemeanor) domestic assaults where both the suspect and the victim were present when the police arrived. The experiment included only those cases in which police were empowered (but not required) to make arrests under Minnesota state law: the police officer must have probable cause to believe that a cohabitant or spouse had assaulted the victim within the last four hours. Cases of life-threatening or severe injury, usually labeled as a felony (aggravated assault), were excluded from the design.

The predominantly minority female research staff was then supposed to contact the victims* for one long interview, and telephone followup interviews every two weeks for 24 weeks. The interviews were designed to measure the frequency and seriousness of victimizations caused by the suspect after the police interventions. We even planned to interview the offenders, although without much optimism about a high response rate. The research staff were also to gather data on offense reports or arrest reports that mentioned the suspect's names during the six month followup, as well as police cars dispatched for domestic disturbances to the victim's address.

The Conduct of the Experiment

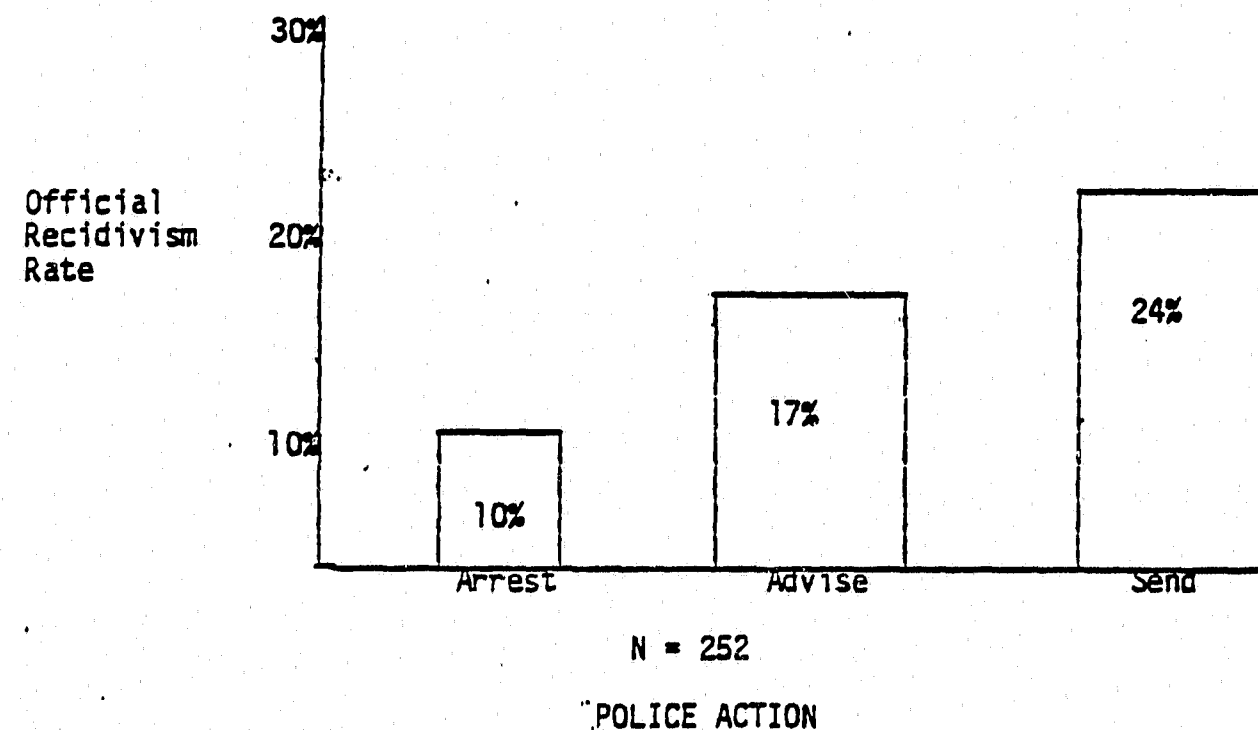
The implementation of the research design entailed slippage from some aspects of the original plan, but remained remarkably close to achieving the overall structure of the design.

Results

This preliminary analysis examines two of the possible outcome measures. One is a "failure" of the suspect to survive the six month followup period without having police generate a written report on the suspect for domestic violence, either through an offense report, an arrest report, or a subsequent report to the project research staff of a randomized (or other) intervention by study officers. A second measure comes from the initial interviews, in which the research staff asked the victims what happened when the couple was alone again without the police present.

TABLE 2

Six-Month Official Recidivism Rate For Domestic Violence
Suspects By Police Action For Randomized Subset



The official recidivism or "failure" data demonstrate a strong difference

hours, as Table 2 shows. The "sent" suspects were almost two and a half times more likely to generate a new official report of domestic violence than the arrested suspects, a difference that is statistically significant. The differences between advise and send, and between advise and arrest could have been obtained by chance. But additional analyses of these differences makes all of them close to being statistically significant.

An obvious rival hypothesis to the deterrent effect of arrest is that arrest incapacitates. If the arrested suspects spend a large portion of the next six months in jail, they would be expected to have lower recidivism rates. But the initial interview data show this is not the case: of those arrested, 43% were released within one day, another 43% were released within one week, and only 14% were released after one week or had not yet been released at the time of the initial victim interview. This much incarceration is nowhere close to eating up 60% of the time at risk of the send group, which is what would be required to explain away the differences as an incapacitation effect. We can therefore eliminate incapacitation as an explanation of the differences in six-month recidivism rates.

Discussion

How much should one make of these results? Several cautions are clearly required before reaching any policy conclusions, yet there are reasons to place some confidence in these results regardless of the cautions.

One caution is that this paper only presents two measures of recidivism. We have yet to analyze several other measures. One is the followup interviews of the victims, reporting the frequency and seriousness of the violence they suffered over six months, much of which may not have come to the attention of

the police. Another measure is the record of police cars dispatched to the victims' addresses for domestics or related calls for service over the six month followup period. Since all measurement is imperfect, multiple measures pointing to the same conclusions strengthen confidence in the conclusion. If these additional measures of six month recidivism show the same differences across police actions, then we can be much more confident that the differences are real. If they do not show the same pattern, then the interpretation of the results will become less certain. But since the first cut at the followup interview data shows the same pattern as the official recidivism data, we are optimistic that the measures will not be inconsistent.

A further caution is that the "advise" category is a catchall, done in different ways by different officers. Some of them give threats and leave. Others sit down and talk. Others refer the couple to counseling, women's shelters, or the police chaplain. Depending on how it is done, it is still possible that some advising may be more effective than arrest, or even less effective than send, in reducing the risks of subsequent violence.

Despite all the cautions, it is clear that the recidivism measure is lowest when police make arrests. And in many ways, it is the most important measure in the study. It is also the measure that has been used to evaluate most programs for reducing individual criminal behavior. So it is not totally incautious to assume that we do have some reliable differences in violence in the three categories.

What of the policy implications of these findings? We should be very cautious in jumping to policy recommendations from these data. Even when the analysis is complete, it will still only be one experiment. In the physical sciences, many replications--sometimes hundreds--would be needed before reaching a policy conclusion. Moreover, it is still possible that the other measures of recidivism may be inconsistent with the police report data presented here.

Nonetheless, public policy cannot always wait for perfect information, and must rely on the best available facts, even if they turn out later to be wrong. Whether by subsequent analysis of these data, or by subsequent replications, it is possible that further study could lead to different conclusions. Hence, policy-makers should never assume studies "prove" anything; studies merely provide one more piece of information.

This preliminary analysis apparently suggests that, other things being equal, police should arrest suspects for simple domestic assault rather than sending them out of the residence, or even (perhaps) advising the couple. This implication is weakened by all the cautions we have noted. But it is strengthened by the nature of the recidivism measure. Assuming that those offenders who are more aggressive to the police are also more aggressive to their spouses, these findings probably show how to deal with that most aggressive group of "tough cases." Even if the other measures show different patterns for the full range of offenders, these findings could still hold true for what are possibly the most serious cases. We can check this by analyzing the other measures while controlling for criminal records, sample size permitting.

Other things are not equal, of course. Police actions may always have different effects on different people, depending on the maze of factors that influence human behavior. Just as there is no replacement for a doctor's diagnostic judgment, there may be no replacement for a police officer's judgment. Both doctors and police can be wrong, but their use of judgment may be preferable to an automatic rule that applies to every case of lymphatic cancer or spouse assault.

No matter how reliable these findings, there may still be cases in which arrest will backfire. We will try to say more about that in subsequent reports. But the last policy implication that should be drawn from this analysis is that arrests for simple domestic assault should be made mandatory. It may be reasonable to recommend from these findings that police should make more arrests and fewer sends. The data do not necessarily support a recommendation of always making an arrest.

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