Dual arrest in intimate partner violence incidents: the influence of police officer, incident and organizational characteristics

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Abstract

An unintended consequence of mandatory and preferred arrest laws has been dual arrest, the arrest of both parties in an incident involving intimate partner violence. Concern has been raised that its continued use may have an undesirable impact on the victims of this crime, particularly as it relates to revictimization by the criminal justice system. Using family violence arrest data from 21 municipalities in southwestern Connecticut for calendar year 2005, this research tests the influence of officer, incident and organizational variables on the decision to arrest both parties in an incident involving intimate partner violence. The sampling frame for the research is all family violence incidents that occurred from January 1, 2005 through December 31, 2005 in the 21 municipalities identified above, that resulted in arrest. In order for the incident to be included in the sampling frame, it had to involve a couple in an intimate relationship. Binary logistic regression was employed to test each of the independent variables and examine their contribution to the prediction of dual arrest. Significant predictors were identified as departmental policy with self-defense language, offense seriousness, officer seniority, and spousal relationship. The implications of the research include an increased understanding of dual arrest, the need for better data collection, illumination of the benefits of self-defense language in departmental policies, the need for enhanced police officer training, and demonstration of the need for primary aggressor language in statutory law.

Keywords: dual arrest, primary aggressor, self-defense

Introduction

The last forty years have seen a dramatic increase in the efforts to research and legislate the issues surrounding intimate partner violence. These efforts have changed the manner in which society has responded to this type of violence, particularly as it relates to violence against women. Once viewed almost exclusively as a private matter, intimate partner violence now occupies a position in the public sphere that has arguably led to improved responses, particularly from a criminal justice perspective.

Coinciding with the increased efforts to research and legislate intimate partner violence has been a significant change in the law enforcement response to this crime, including the willingness of police to respond and the nature of that response. Initially dictated by policies of nonarrest (Parnas, 1967; Stanko, 1989), the response of police departments nationwide is now overwhelmingly prescribed by either mandatory or preferred arrest policies, ostensibly limiting the discretion of police officers who investigate these types of incidents.

However, analyses of the official statistics on arrest for intimate partner violence following implementation of mandatory and preferred arrest policies have revealed an unanticipated phenomenon: a subsequent increase in dual arrest (Frye, Haviland, & Rajah, 2007; Martin, 1997; Miller, 2001; Osthoff, 2002). Dual arrest is the arrest by a police officer(s) of both parties in an intimate partner violence incident. This has translated into an increase in the number of women arrested for their involvement in domestic violence incidents (Chesney-Lind, 2002; Swan & Snow, 2002; Zorza & Woods, 1994). Although the number of female arrestees is still much lower than male arrestees, the increase in the percentage of women arrested is far outpacing that of men (Buzawa & Buzawa, 2002).

This unexpected occurrence has led advocates and researchers to seek explanations for law enforcement's increasing reliance on dual arrest. Previous research has identified several possible explanations. Hirschel, Buzawa, Pattavina, Faggiani and Reuland (2007) noted that police officers may utilize a legalistic orientation in interpreting mandatory or preferred arrest laws, opting to limit their use of discretion and arrest both parties as mutual combatants. Those who subscribe to the idea of gender symmetry (Straus, 2006) would attribute a portion of the increase in dual arrest to the actual use of violence by women in intimate relationships. From that perspective, police would be inclined to arrest both parties in an incident when both engaged in an illegal act of violence. Convergence theorists (Adler, 1975) posit that crime rates between men and women will converge along with their greater equality in economic and social spheres. From this perspective, higher usage of dual arrest as a law enforcement response to intimate partner violence would be expected.

An increasing volume of research attests to the fact that dual arrest is an important criminal justice topic (DeLeon-Granados, Wells, & Binsbacher, 2006; Feder & Henning, 2005; Finn, Blackwell, Stalans, Studdard, & Dugan, 2004; Frye et al., 2007; Hamberger & Potente, 1994; Hirschel & Buzawa, 2002; Hirschel et al., 2007; Houry, Reddy, & Parramore, 2006; Martin, 1997; Miller, 2005; Osthoff, 2002; Peng & Mitchell, 2001). It is clearly an unintended consequence of mandatory and preferred arrest laws. There is concern that its continued use, particularly in light of the limited amount of research of its effect on victims, could result in the revictimization of women by the criminal justice system. Further research is needed to develop a greater understanding of this phenomenon, especially an analysis of the myriad of variables that correlate with the decision to arrest both parties in an intimate partner violence incident.

Connecticut is an optimal location in which to conduct research on dual arrest in intimate partner violence incidents because past research has indicated that police in Connecticut generate higher than average levels of dual arrest compared with other states (Cares, 2007; Hirschel et al., 2007; Martin, 1997; Peng & Mitchell, 2001; State of Connecticut Department of Public Safety, 1991). This research adds to the literature on dual arrest by identifying significant predictors affecting the arrest decision, thereby increasing an understanding of this unintended and undesirable consequence of mandatory and preferred arrest policies. It also points to policy recommendations that have the potential to reduce dual arrest to a reasonable level.

Research on Dual Arrest

Hirschel et al. (2007) conducted the most comprehensive national research to date on dual arrest. Their study addressed limitations of previous research by broadening the context, including examination of both acquaintance and stranger cases, expanding the range of variables to be analyzed, and increasing the number of jurisdictions studied. Using 2000 National Incident-Based Reporting System (NIBRS) data, the authors examined assault and intimidation cases in two phases in an effort to explain the phenomenon of dual arrest. The first phase was an examination of incidents (numbering over 575,000) in which there was no arrest, a single arrest or a dual arrest in intimate partner, other domestic, acquaintance and stranger cases. The second phase involved a smaller sample of incidents and included onsite visits to police departments, records examination, case follow-up and policy analysis.

The authors concluded that dual arrest rates were relatively low for all incidents included in the analysis (1.3%), but that incidents involving intimate partners had the highest rate (1.9%). States with mandatory and preferred arrest laws had significantly higher numbers of domestic violence arrests than those states with discretionary laws. However, dual arrest was more likely in mandatory arrest states than in those with preferred arrest laws. Same sex couples were also more likely to be subjected to dual arrest than heterosexual couples.

Arrest for domestic violence was influenced by the seriousness of the offense, the presence of a minor, offender race, and whether the offender was at the scene upon officer arrival. Of significance to this proposed study is that Connecticut, a mandatory arrest state with no primary aggressor provision, was identified as having the highest rate of dual arrest (13.6%). Of the remaining 18 states in the analysis, the next highest rate came from Nebraska (5.5%), a state with a discretionary law.

In their annual report on family violence, the State of Connecticut Department of Public Safety regularly reports the rate of dual arrest in Connecticut. Dual arrest rates have been fairly consistent in recent years, averaging just over 20% of the total number of family violence incidents resulting in arrest. For calendar year 2003, the rate was 22.1%; calendar year 2004 showed a slight decrease to 20.9% (Cares, 2007). Analysis of family arrest data for calendar year 2005 indicated that the rate was slightly above 20% (State of Connecticut Department of Public Safety, 2007). Although statistics on dual arrest are not readily available from all states, rates in Connecticut are reportedly higher than many other states, including the 5.5% rate in Rhode Island (Domestic Violence Training and Monitoring Unit, 2000) and 8% rate in Arizona (Governor's Division for Prevention of Family Violence, 2001).

Several studies have analyzed family violence data in Connecticut in an effort to determine the nature and characteristics of dual arrest in the state. The State of Connecticut Department of Public Safety (1991) studied 329 domestic violence incidents that resulted in dual

arrest, comparing them with incidents resulting in single arrest. They found that those resulting in dual arrest generally involved less serious crimes such as breach of peace and disorderly conduct. Dual arrestees were more likely to be unmarried, but cohabiting, and between the ages of 16 and 30. The single arrestee was more likely to be a married partner over 30 years of age and charged with the crime of assault. Police officers were also interviewed as part of this study and reported that among the factors affecting the decision to arrest both parties, evidence of injury to both parties was the most important. Other factors, in order of importance, were establishment of independent probable cause, statements from uninvolved witnesses, assaulting or interfering with a police officer, and violation of a restraining or protective order.

Shortly after implementation of the mandatory arrest law in Connecticut, Martin (1997) carried out a study of dual arrest in that state, using family violence data from the first six months of 1988. She drew a stratified sample of cases that had been disposed of by Connecticut's criminal courts and found that 33% of the adult, intimate partner family violence arrests resulted in dual arrest. The typical profile of the defendant was described as a young, white, employed man or woman, unmarried, but cohabiting with their partner. In addition, alcohol and drugs were more likely to be involved, although the effect size could not be determined. Female dual arrestees were more likely than their male counterparts and those singularly arrested to have been previously victimized in the relationship and to have used alcohol or drugs at the time of the incident. Of equal importance for the proposed study was the observation that certain departments and courts were more likely to routinely engage in dual arrest. Prevalence was higher in smaller cities and rural police departments.

Methodology

This study focuses on all incidents of intimate partner violence occurring in calendar year 2005 that resulted in either single or dual arrest in 21 municipalities in southwestern Connecticut. The analysis was limited to arrests involving violence between intimate partners in either spousal or nonspousal (former spouse, dating) relationships. The 21 municipalities are located in close proximity to one another geographically and are serviced by 4 of the 20 superior courts in the state. Two of those courts include specialized domestic violence docket courts that prosecute all family violence arrests. A total of 1,401 incidents were analyzed for this study. Incidents resulting in single arrest number 1,117 (79.7%) and those resulting in dual arrest make up the remaining 284 (20.3%).

The study assesses the influence of three different sets of variables on the probability of dual arrest: officer, incident, and organizational. The officer characteristics under examination include gender (male or female) and seniority (three categories of years of experience). The data were obtained from the 21 municipalities that are included in the analysis. The incident characteristics include offense seriousness (dichotomous), spousal relationship (yes or no), presence of alcohol/drugs (yes or no), and presence of children (yes or no). The data were obtained from the Family Violence Offense Report (DPS-230-C, Rev. 09/00), a state of Connecticut form that all police officers are mandated to file with the State of Connecticut Department of Public Safety when making an arrest for a family violence crime. The organizational characteristics include size of the department (small or large), policies in place for the investigation of intimate partner violence that include self-defense language (yes or no), and affiliation with a domestic violence court (yes or no). This information was obtained from the departments included in the analysis.

The database contains 1,401 total incidents as described above. Each case (incident) is populated with incident, officer, and organizational variables. The data analysis was conducted in a three-step process. Univariate analyses consist of means, frequency and percentage distributions, and tabular displays of the relative distributions of scores on each variable. Bivariate analyses, consisting of chi square tests of statistical independence, were conducted for pairs of categorical variables. Finally, binary logistic regression was employed to test each of the independent variables and examine their contribution to the prediction of dual arrest. Only descriptive statistics and the results of the binary logistic regression are reported here.

Results

Descriptive statistics are reported in Table 1. Incidents characteristics, gleaned from the Family Violence Offense Report (DPS-230-C; Rev. 09/00), showed that dual arrests were made in 284 of the 1,401 incidents (20.3% of the total). Physical force was used in 952 of the incidents (68% of the total). Serious incidents (n=525) accounted for 37.5% of the total number of incidents. The crimes included in that category were assault, sexual assault and kidnapping. Serious physical injury (physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of a bodily organ) occurred in only 1.8% of the incidents (n=25). Those incidents only resulted in two dual arrests (8%).

The individual police departments supplied data on the officers involved in the incidents. Officer characteristics were available for 1,377 of the 1,401 incidents. Departments were unable or unwilling to supply information on officers in the 24 missing cases (1.7%). The percentages that follow are based upon the population of 1,401 incidents. In 87.7% of the incidents (n=1,228), investigating officers were identified as males. Female officers investigated 10.6% of the incidents (n=149). In 74.9% of the incidents (n=1,050), the investigating officers were white. Officers had a mean age of 37. Additionally, the majority (54.1%) had five or more years of seniority. No significant differences were found in relation to dual arrest between officer races, nor were they any significant differences in dual arrests between officer age categories.

The individual police departments supplied organizational data for their departments. Organizational data relating to policy were not available for 16 of the incidents (1%). Those 16 incidents were from two small police departments included in the sample. Of the remaining 19 police departments included in the analysis, seven (37%) had self-defense language in their family violence policies. Those seven departments, however, accounted for 659 of the 1,401 incidents in the dataset (47%). Smaller departments (0-124 officers) accounted for 513 of the incidents (36.6%) and larger departments (125 and more officers) accounted for the remaining 888 incidents (63.4%). Department size was not associated with dual arrest, but individual police departments did differ significantly in their usage of dual arrest. Nine of the 21 departments (42.8%) were affiliated with a domestic violence docket court. Officers from those departments investigated 880 of the 1401 incidents (62.8%).

Stepwise logistic regression was conducted to determine which of the nine variables in the initial model (self-defense policy, affiliation with a domestic violence docket court, department size, officer gender, officer seniority, incident seriousness, presence of alcohol or drugs, presence of children, and spousal/nonspousal relationship) were statistically significant predictors of dual arrest in incidents involving intimate partner violence. The initial model is presented in Table 2. The results of the logistic regression indicate the overall model (see Table

3) contains four predictors (self-defense policy, officer seniority, incident seriousness, and spousal/nonspousal relationship) that were statistically significant in distinguishing between dual and single arrest decisions. The likelihood ratio test for the analysis was significant and the estimate for Nagelkerke R^2 indicates that the model accounts for 3.6% of the variance in the dependent variable. It is important to note that the purpose of this analysis was not to explain a high percentage of the variance in dual arrest, but rather to identify which correlates in the existing literature were significant predictors when controlling for multiple variables. The model correctly classified 79.7% of the cases. Regression coefficients are presented in Table 3.

Three of the four significant predictors (self-defense policy, officer seniority, and incident seriousness) reduced the likelihood of a dual arrest occurring in an intimate partner violence incident. The odds ratio for the effect of self-defense policies on dual arrests was .617. In other words, incidents investigated by officers from police departments with self-defense language in their policies were about one and a half times less likely to result in dual arrest (1/.617 = 1.62). For officer seniority, the reference category was officers with less than two years police experience (<2 years). The middle category, officers with two to less than five years of experience, did not differ significantly from the reference group. However, the category representing the most senior officers, with five or more years of experience, was significantly different from the reference group. Specifically, there was a lower probability of a dual arrest occurring when the arresting officer had five or more years of experience, controlling for the other predictors in the model. The most senior officers were 40% less likely to make a dual arrest than their counterpart officers with less than two years of experience (1/.699 = 1.4). Incident seriousness was also a significant predictor in the final model. Incidents that were classified as serious were associated with a reduced likelihood of dual arrest. While holding the other variables constant, dual arrests were almost 50% less likely for serious incidents than nonserious incidents (1/.688 = 1.45).

Contrary to what was hypothesized, the presence of a spousal relationship (as opposed to dating/former spouse) increased the probability of a dual arrest by over 30%. In responding to incidents that involved intimate partners who were married, police officers made significantly more dual arrests. This is noteworthy considering that much of the previous research consistently identifies lower rates of dual arrest in spousal relationships as compared to nonspousal relationships (Martin, 1997, State of Connecticut Department of Public Safety, 2001).

It was also notable that affiliation with a domestic violence docket court, which was hypothesized to be a significant predictor in the multivariate analysis, was not predictive in the final logistic regression model. Other variables that were used in the initial stepwise regression model that were not identified as significant predictors included the presence of alcohol (yes/no), children in the household (yes/no), the size of the police department (small/large), and the arresting officer's gender (male/female).

In order to insure that the model was specified correctly, a series of interaction terms was created using each of the significant predictors in the final model to test for any interaction effects that were theoretically relevant. These terms were created and specified in a series of explanatory models to insure that the impact of certain predictors was not contingent on the value of any other predictor. The interaction terms included self-defense policy x officer seniority, self-defense policy x offense seriousness, self-defense policy x spousal relationship, officer seniority x offense seriousness, officer seniority x spousal relationship, and offense seriousness x spousal relationship. Only one interaction term, self-defense policy x officer seniority, was statistically significant (p<.05). The use of dual arrests by officers in the middle

seniority category (2 yrs. to < 5 yrs.) was, to some extent, mediated by the presence of self-defense language in domestic violence policy. This interaction term was omitted from the final model because it was not particularly intuitive or theoretically relevant.

Table 1.   Descriptive Statistics   (n=1,401)

Dependent Variable	Coding	%	%
Dual Arrest	0=no	79.7	1,117
	1=yes	20.3	284
Independent Variables			
Gender [1]	0=male	87.7	1,228
	1=female	10.6	149
Seniority [1]	0=< two years	20.1	281
	1=2 yrs. to <5 yrs.	24.1	338
	2=5 yrs. or more	54.1	758
Incident Characteristics			
Offense Seriousness	0=no	62.5	876
	1=yes	37.5	525
Spousal Relationship	0=no	40.4	566
	1=yes	59.6	835
Alcohol or Drugs	0=no	66.8	936
	1=yes	33.2	465
Presence of Children	0=no	70	981
	1=yes	30	420
Organizational Characteristics			
Department Size	0=small	36.6	513
	1=large	63.4	888
Affiliation w/ Docket Court	0=ns	37	519
	1-yes	63	882
Self Defense Policy [2]	0=n0	51.8	726
	1=yes	47	659

[1] Missing officer gender /seniority in 24 incidents (1.7% of the total)
[2] Missing self-defense policy information in 16 incidents (1.1% of the total)

Table 2.   Binary Logistic Regression Initial Model (backwards stepwise)

Independent Variables	B	S.E.	Wald	df	Sig.	Exp(B)
Self-Defense Policy	-.468	.143	10.647	1	.001	.626
Officer Seniority (<2yrs.)			4.239	2	.120	
Officer Seniority (2 yrs. to <5 yrs.)	-.301	.203	2.195	1	.138	.740
Officer Seniority (5 yrs. or more)	-.344	.170	4.088	1	.043	.709
Incident Seriousness	-.354	.149	5.599	1	.018	.702
Alcohol or Drugs Involved	-.261	.149	3.092	1	.079	.770
Spousal/Nonspousal	.307	.148	4.272	1	.039	1.359
Officer Gender	-.008	.223	.001	1	.971	.992
Children Involved	-.046	.154	.091	1	.763	.955
D/V Court Affiliation	-.167	.148	1.268	1	.260	.846
Department Size	.146	.150	.957	1	.328	1.158
Constant	-.859	.217	15.664	1	.000	.424

Table 3.   Binary Logistic Regression Final Model (backwards stepwise)

Independent Variables	B	S.E.	Wald	df	Sig.	Exp(B)
Self-Defense Policy	-.483	.139	12.025	1	.001	.617
Officer Seniority (<2yrs.)			4.849	2	.089	
Officer Seniority (2 yrs. to <5 yrs.)	-.342	.200	2.924	1	.087	.710
Officer Seniority (5 yrs. or more)	-.358	.169	4.506	1	.034	.699
Incident Seriousness	-.375	.146	6.591	1	.010	.688
Alcohol or Drugs Involved	-.255	.148	2.951	1	.086	.775
Spousal/Nonspousal	.289	.141	4.199	1	.040	1.335
Officer Gender	-.008	.223	.001	1	.971	.992
Constant	-.842	.184	21.009	1	.000	.431
Log Likelihood	1359.24					
R Square (Nagelkerke)	.036					
Chi Square	31.530					
DF	6					
Significance	.000					
N	1377					

Discussion

Significant Predictors of Dual Arrest

A substantial amount of research suggests that women's use of violence in intimate relationships is motivated by self-defense (Barnett, Lee, & Thelen, 1997; DeKeseredy, Saunders, Schwartz, & Alvi, 1997; .Hamberger, Lohr, Bonge, & Tolin, 1997; Swan & Snow, 2003). With that in mind, it is critical for police officers to separate violence that is used in self-defense from that used in either mutual combat or primary aggressiveness.

The findings point to the importance of departmental policy in predicting dual arrest in incidents involving intimate partner violence. Specifically, officers from departments with policies that include self-defense language were less likely to use dual arrests than officers from departments without such policy language. This was the strongest predictor of dual arrest in the multivariate analysis (logistic regression). The results seem to confirm that policy provides direction, particularly policy that had self-defense language in it. It had the effect of reducing the incidence of dual arrest.

For this study, operationalization of the policy variable centered on whether or not a department's policy had self-defense language in it. An example of self-defense language in a family violence policy from one of the departments included in this research is as follows: "When officers reasonably believe that a party used force as a means of self-defense, the officers are not required to arrest such party." For those departments that had self-defense language in their policies, this was the standard terminology. The above language is drawn from the state's family violence statute, making it apparent that Connecticut's police departments do tend to mirror state language when developing their own policies. With that said, it becomes critical for the state to draft definitive language in their statute that directs the police officer in assessing self-defense. The current language, however, is too vague and does not provide enough direction to the officer on how to ascertain or discern self-defense behavior. This vagueness carries over to departmental policies.

In order to encourage officers to comply with law and policy, strategies should be developed to that end. Officers may be more inclined to spend the time necessary to investigate the violence in greater detail if they are required to file a report justifying their use of dual arrest. Justifying a dual arrest in writing holds the officer accountable and permits monitoring of the arrest decision. The logic is that if there is effective monitoring of an officer's decision, that officer will more carefully consider that decision.

Policies should encourage officers to examine the social dynamics and broader context of the violence, and then insure compliance through follow-up in the form of supervision and monitoring of results. Examination of the context can facilitate a thorough investigation, including interviews, recording history of violent behavior, collection of available evidence, and effective report writing. Intuition would lead one to believe that a full contextual examination would result in domestic violence incidents that are less likely to result in dual arrest. For too long, police officers have looked at domestic violence incidents as individual crimes. This incident-specific definition of violence may be one of the reasons that dual arrests have flourished after the legislation of preferred and mandatory arrest laws. Change may come in the form of carefully worded policies that require the same type of complete investigation for domestic violence as is expected in any crime of violence.

Other than departmental policy with self-defense language, offense seriousness was the strongest predictor of dual arrest. Specifically, more serious offenses were less likely to result in dual arrest than less serious offenses. This finding has been consistently documented in the dual arrest literature. Incidents that are categorized in this research as serious (kidnapping, sexual assault, and assault) are generally less ambiguous. The facts are laid out for the police officer so there is less difficulty in assigning blame. Establishing a primary aggressor is much easier and requires less effort on the part of that officer. With the blameworthy party identified, other arrests become unnecessary.

Part of the challenge for law enforcement rests with the culture of policing. That culture has evolved over the years, redefining the role of the police officer in the process. Of particular importance is the Reform or Professional Era, characterized by an emphasis on crime control, rapid response to crime, and a professional remoteness from the community. Officers in that era (1930-1980) saw themselves as crime fighters and not social service providers. There is little doubt that many present-day officers still characterize themselves as crime fighters and associate themselves with the Professional Era. This presents some problems for investigation of the domestic violence crime, particularly one that is deemed less serious. Misdemeanor domestic violence was not traditionally seen as a crime that was worthy of police involvement. It differed markedly from a gun call or burglary in progress, where the excitement was the reward for officer involvement. Many officers hold that same opinion today. The challenge for law enforcement is to have the same level of commitment to the less serious domestic violence incident as there is for the felony crime. The challenge can be met through training and supervision. If officers are provided the skills to conduct thorough investigations (i.e. identifying the primary aggressor), even on a misdemeanor domestic violence call, the result will be fewer dual arrests. Once trained, officers must be supervised closely enough to insure that they are complying with the mandate to treat all domestic violence incidents as serious crimes, but perhaps not so closely that field supervisors are overly concerned about liability so as to encourage dual arrests.

The results indicate that a greater likelihood of dual arrest exists in spousal relationships. Explanations for why spousal partners are more likely to be dually arrested might include their reluctance to implicate their partner and risk their marriage (i.e. has more to lose). Marriage is a stake in conformity in our society and it may be that spouses, even after calling the police and reporting violence, may have second thoughts about risking the investment they have made in their relationship, children, assets, etc. As a result, they may be less likely to follow through and provide the police with the necessary evidence to identify a primary aggressor. This becomes problematic when it is a misdemeanor crime with no visible physical injury and no other

witnesses to interview. Both are common fact patterns for these types of cases. Police may have little else to evaluate, creating the ambiguity that may result in dual arrest. In contrast, the unmarried (nonspousal) partners may have less of a stake or investment because they have not legally formed their relationship. As a result, there may be less resistance to providing information to the police, making determination of a primary aggressor (single offender) a greater probability.

It would seem that married partners may be more likely share a home (cohabitate) than nonspousal partners. The data for this research did not allow determination of cohabitation, so obtaining the percentage of nonspousal partners who were sharing the same residence was not possible. Future research should consider cohabitation as a variable. Unfortunately, the Family Violence Offense Report does not specify cohabitation, making it necessary to read case narratives to glean that information. If married partners are more inclined to live together, they may have fewer options for leaving their home than an unmarried person. This may lead to reluctance to speak candidly with the police about the incident, resulting in a lack of information exchange and greater odds of dual arrest.

It may also be that the greater investment for the married partner includes consideration of her economic dependence on her spouse. Although the status of women has improved considerably in this country, women still earn much less than men, even for comparable jobs. This structural impediment to women means that they are often compelled by society to rely on their spouse for money and support. Moreover, it may be that the greater the length of the marriage, the greater the economic and emotional dependence. The alternative might be a life of economic hardship for both her and her children. In addition, women bear the greater burden of caring for children and keeping the family intact. This unpaid work is undervalued in American society. When a woman makes a decision to report violence by her spouse, she may have second thoughts about providing information that will identify him as the primary aggressor and place him in jail. A spouse in jail can obviously no longer provide the economic support for the family. Because police have less information to evaluate the violence, they have less opportunity to identify a single offender. The chances of dual arrest are elevated.

Women's responsibility to keep a family intact, which is particularly strong in certain cultures, can also be an impediment to full disclosure to the police. Women are often socialized to nurture both their husband and children. When domestic violence threatens to break up a family, the woman may be implicitly or explicitly blamed and labeled a failure. As with economic dependence, it has the potential to increase dual arrest because women are less likely to provide incriminating evidence and risk the stigma of a family break-up.

In the present research, officers with five years or more of seniority were less likely to use dual arrest than their less experienced colleagues. This finding was contrary to the predicted relationship of less experienced officers, fresh out of the academy and well versed on proper domestic violence investigation, making fewer of those arrests. That hypothesis was based on the fact that newer officers would receive more sophisticated training on domestic violence, dual arrest and the consideration of self-defense. The hypothesis also predicted that increased usage by more experienced officers was based on existing research that old habits were hard to break. In essence, experienced officers would be more resistant to new policies and less likely to comply.

Several factors may explain the experienced officer's less frequent use of dual arrest. Foremost would be the officer's experience in handling domestic violence calls. The experienced officer is a better investigator because of more extensive experience in dealing with countless

numbers of domestic violence calls. He or she is likely to be more confident in knowing what questions to ask, and can pick up on situational cues that an inexperienced officer cannot. As better investigators, they are perhaps more adept at identifying the primary aggressor. Experienced officers are also less likely to be influenced by first line supervisors, particularly those with little seniority in rank. One of the impediments to conducting a full criminal investigation is the pressure in busier jurisdictions to move on to the next call. With calls stacking up in dispatch centers, communications personnel are pressured to clear officers from one assignment so they can dispatch them to the next. That pressure is also felt by officers at crime scenes, including domestic violence calls.

Policy Recommendations

Connecticut is somewhat unique in the fact that its 169 municipalities operate with a great deal of independence. With the absence of county government, the burden of advancing consistent statewide law enforcement practices falls upon the state government. Without it, individual police departments and their officers will continue to produce inconsistent results when investigating intimate partner violence incidents. Strategies to reduce dual arrest cases must revolve around law, policy, training and supervision. The more information the police have about domestic violence, the better equipped they are to conduct comprehensive investigations. If police officers have clear policy mandates crafted from statutory language, they will have the necessary guidance. Once they are provided with that mandate and given the specific skills, it is up to the police departments to monitor compliance and correct deficiencies.

Consideration of primary aggressor law in state statute should be on the horizon. Although evidence is still being collected as to its effectiveness, Connecticut's high dual arrest rate warrants that the language be considered. There are states who have adopted it already, so there is model statutory language to follow. Despite the fact that police officers do not always follow mandates, compliance can be garnered through proper monitoring and supervision. The statutory language should reduce reliance on dual arrest because officers will more likely investigate the context of the violence. Context will allow them to separate offensive from defensive violence, making identification of the primary aggressor possible. Should the state be concerned with the existing empirical support demonstrating the effectiveness of primary aggressor language, then pilot studies could be undertaken in a small number of agencies. Changing policies to include primary aggressor language would have the same effect as statutory change and would allow the state to first examine effectiveness at the local level.

An initial strategy recommendation involves enhanced training. Police officers in Connecticut have always received training in the area of domestic violence. There has definitely been an increased emphasis on it in the past 20 years. Despite that, officers need more of it and it has to emphasize reducing dual arrests. Many officers receive nothing more than a few hours in domestic violence investigation every three years (mandated in-service training is a total of 80 hours every three years in all areas). Officers should be armed with knowledge of the dynamics of domestic violence so they understand and properly react to victim behaviors. Role-playing exercises might allow police officers to assume a different role, such as the victim of domestic violence. Actual case investigations need to be critiqued in order to identify errors that resulted in dual arrests. The state and its police departments need to continually evaluate their training to insure that it is in line with identified best practices across the country. Once officers receive this enhanced training, it is up to their supervisors to monitor compliance. It is imperative that

supervisors receive the same training as their patrol officers and that their supervision is monitored as well.

Limitations

Although the research design and data analysis in this study builds upon much of the prior research on dual arrest, the analysis used did not include all of the variables that affect the arrest decision. This was apparent in the final model's inability to account for a substantial portion of the variance in dual arrest. The research is necessarily limited by the instrument that is the source of much of the data, the State of Connecticut Department of Public Safety Family Violence Offense Report (DPS-230-C, Rev. 09/00). At issue is not only the number of variables, but the manner in which the information is collected. Some of those variables could include additional or revised categories to allow for more effective data interpretation. It does, however, include many of the variables that are correlated with intimate partner violence. Analysis of the interaction among those variables allows for valid conclusions to be drawn on the characteristics of dual arrest. Future research efforts should continue to expand upon the number of relevant variables to assess their impact on the decision to arrest in an incident involving intimate partner violence.

Previous research has suggested that there is a need to broaden the context when studying dual arrest to include expanding the ability to generalize results beyond the study site (Hirschel et al., 2007). A clear limitation of this research is that all of the data were obtained from a single county in the state of Connecticut. It is not possible to generalize the findings beyond this jurisdiction, particularly with the departmental differences in law enforcement practices and the variations in state domestic violence laws. Despite that, it remains an important research objective to better understand dual arrest in Connecticut, particularly in light of its reliance on this outcome in the investigation and prosecution of intimate partner violence. Future research might involve replicating this study in other geographical regions. Another area of future research should involve a time series analysis of dual arrests. Continuing to track the rates of dual arrest, particularly as new initiatives are introduced, may shed more light on the best practices for improving the police response to intimate partner violence.

Data for this study has been drawn from incidents in which a police officer effects an arrest. No attempt was made to compare the characteristics of incidents involving arrest with those for which an arrest was not made. Hirschel et al. (2007) identified this as a weakness of previous studies because it does not allow readers to distinguish the potentially different characteristics of arrest and nonarrest situations. Along a similar vein, this study made no attempt to determine whether the response to intimate partner violence differed from the response to other assaults in the jurisdictions under study.

Conclusion

Consistent in the research is that police agencies in the state of Connecticut are more reliant on dual arrest than agencies in other states. From Martin's groundbreaking Connecticut study (1997) to the national study by Hirschel and his colleagues (2007), there are consistent results. The current study, using data from the 2005 calendar year, continues the trend. With a database containing 1,401 incidents of intimate partner violence occurring in 21 municipalities in southwestern Connecticut, it was determined that 284 of those incidents, or 20.3% of the total,

resulted in dual arrest. The percentage is too high and this research was undertaken for two reasons: to understand the dual arrest decision and to make recommendations to reduce it to a more reasonable level.

When improperly applied, dual arrest has devastating effects on victims of intimate partner violence. The effects range from revictimization by our criminal justice system to discouraging future victims of violence from reporting the incident for fear of arrest. An additional effect may be that the domestic violence victim is placed in greater danger. If they hesitate to report future violence, their next victimization may be more severe or potentially lethal. The criminal justice system has a responsibility to victims of domestic violence to provide the optimal response and prevent that from happening.

That said, there may be circumstances where dual arrest is the appropriate law enforcement response. When an officer has evidence that the involved parties engaged in mutual combat, and a full investigation has ruled out self-defense, it may be the correct arrest decision.

This research has added to the literature on dual arrest by identifying four significant predictors that reduce its incidence. First, dual arrests are reduced when a domestic violence or family violence policy that includes self-defense language is in effect. Such a policy gives direction to the investigating officer and signals the need to conduct a thorough criminal investigation to uncover the context of the violence. That context has the potential to make it easier to identify a primary aggressor, effectively reducing dual arrest. Second, the more serious the incident, the less likely an officer is to resolve it with a dual arrest. Because less ambiguity exists in the serious incident, it is easier to identify the culpable party and make a single arrest. Officers need to take a similar approach with the less serious domestic violence incident and conduct a thorough investigation to establish probable cause. Third, the more senior the officers, the less likely they are to resort to dual arrest. In the current study, officers with five or more years of experience were less likely to use dual arrest than the reference group, officers with fewer than two years of seniority. The bottom line is that they are on average better investigators than their less experienced counterparts. The experience gives them the tools to uncover the truth and place the violence into context. The result is fewer victims being arrested and more accountability for the actual offender. Finally, and contrary to expectations, police officers in the study were more likely to use dual arrest in spousal than in nonspousal relationships. Research has been fairly consistent in reporting that arrests, both single and dual, are more prevalent in nonspousal relationships than in spousal relationships. Because a legal marriage signals a greater stake in conformity than a nonmarital relationship, one or both parties may be reluctant to provide crucial information to the police because they fear harming something quite valuable to them: their spouse or children. Without critically needed evidence, police are unable to establish a primary aggressor and more likely to arrest both parties as a default. Training that includes the dynamics of domestic violence might provide the insight so that officers recognize what is happening and tailor their investigation accordingly.

Future research on dual arrest should endeavor to identify additional predictors that affect the arrest decision. The explanatory power of the final model in this research was weak, indicating that there is a significant amount of unexplained variance in the dependent variable, dual arrest. It seems plausible that policy, training, and supervision may be some of the more important variables to identify. Qualitative inquiry may be a useful method for this purpose. Understanding the predictors of dual arrest and implementing best practices to address those predictors have the potential to reduce the high dual arrest rates in the state. The improper use of dual arrest has a devastating impact on victims of domestic violence. It compromises their safety

and may unfairly subject them to revictimization by the criminal justice system. If the state of Connecticut and its police departments intend to treat domestic violence as the serious crime that it is, both need to direct adequate resources to insure the optimal law enforcement response. A reduction in dual arrest along with the fair and equitable treatment of victims of domestic violence is the reward.

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