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DOMESTIC VIOLENCE: AN EVALUATION OF POLICY EFFECTS ON
ARRESTS FOR THE RIVERSIDE COUNTY SHERIFF'S
DEPARTMENT FROM 1987 THROUGH 1997

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Criminal Justice

by
James Patrick McElvain

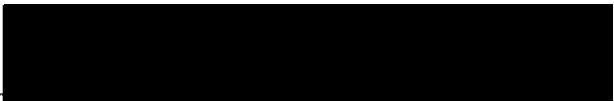
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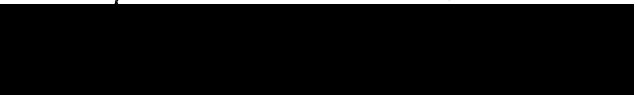
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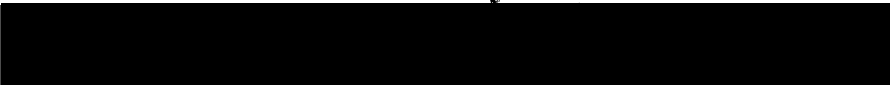


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ABSTRACT

This research examines the affect of the Riverside County Sheriff Department's policy on arrest rates for domestic violence over an 11-year period, beginning in 1987 and ending in 1997. Data reflecting the number of domestic violence calls, arrests, and population for the area serviced by the sheriff's department were collected and evaluated against departmental policy implementations over the 11-year period. The result of this examination showed that arrests dramatically increase by more than 50 percent, whereas the calls and population increased at a significantly lower rate. These facts imply that the policy implementations had a positive affect on increasing arrest rates for domestic violence.

To those who believed it could be done.

Most importantly to my wife Penny and our children

Joseph, Gregory, and Breann.

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INTRODUCTION

The morals, customs, and beliefs of our society shape the rules we choose to live by. Society defines unlawful acts and social problems. It differentiates between public and private matters. It defines and circumscribes the need for police involvement. The legislature in turn enacts laws for the criminal justice system to enforce, protecting the rights of society as a whole and those who individually make up the society. Therefore, the criminal justice system reacts and responds to the dilemmas facing society in a manner that is acceptable to society in general. As the morals, customs, and beliefs in society change and evolve, so does the criminal justice system.

At any point in time, the knowledge and the limitations of the knowledge we possess bind us. Therefore, the decisions that we make regarding legal and social issues should be based on what we know, not speculation. This knowledge should be the basis for written policy.

Police departments are no different than any other organization dealing with the problems of society. The goal of police agencies is to provide service to the public in a manner that is acceptable to the public. Law enforcement agencies are charged with the responsibilities duties of providing protection to citizens and people living in the United States and to serve the people without intruding upon their constitutional rights.

Law enforcement must balance its response to crime based upon the United States Constitution, statutes and case law as well as the opinions and pressures of those it serves. If law enforcement agencies are overly intrusive, too aggressive, or (on the other hand) too selective in the performance of duty, society will "voice complaint." Such complaints are made through injunctions or lawsuits and by the political power of special interest groups.

✓ The research presented in this paper is an analysis and interpretation of policy impact upon law enforcement's approach to domestic violence in Riverside County, California. ✓ As such, it will explain how the Sheriff's Department policy evolved over time to the present. More specifically, this paper will define the impetus for implementing policies of mandatory arrest for domestic violence through a recapitulation of available research, the impact of the women's movement, the impact of domestic violence legislation, and the subsequent effect of civil liability on law enforcement agencies. This research will explore whether or not domestic violence arrests have increased as a result of the mandatory arrest policies and procedures; and, whether or not policy has affected the frequency of calls for domestic violence intervention.

The Riverside County Sheriff's Department:

The Riverside County Sheriff's Department provides law enforcement services for the unincorporated areas of the

county as well as 11 contract cities¹, and is responsible for 7,310 square miles. Employing in excess of 2,500 employees, it is the third largest sheriff's department in the State of California.

Overview and Purpose:

This area of study is of interest because of its potential on future policies for law enforcement in regards to responding to incidents of domestic violence. The findings from this research may suggest whether or not current policies have been effective and accomplished what they were intended to.

Domestic violence is a rather broad term, which could include but not be limited to: child abuse, elderly abuse, and spousal abuse. For the purposes of this paper, domestic violence will refer only to misdemeanor spousal abuse which will be primarily defined as the willful infliction of an injury that does not amount to that which could be defined as a felony (i.e. injury that amounts to "great bodily injury"), and excludes acts of threats of violence. Furthermore, the term "spouse" will be used to include persons who are cohabitating, dating, or married.

Although spousal abuse includes incidents in which the

1

The number of contract cities serviced by the sheriff's department for the 11-year period considered for this research paper has fluctuated between eight and 11 (i.e., Desert Hot Springs began contract services in 1990, Canyon Lake, and Perris began contract services in 1996).

female is the aggressor, this paper will refer to the male as being the aggressor and the female being the victim. This is due to the fact that the greater frequency in which domestic violence occurs, the male is the offender (Steinman, 1991); also the research on this topic that was looked at for this paper primarily focuses on males as the offender and the effects arrest have on them repeating or recidivating (Sherman and Berk, 1984, Berk, Berk, Newton, and Loseke, 1984, Gondolf and McFerron, 1989, Steinman, 1991).

Hypothesis:

In 1985, the California legislators passed Senate Bill 1472 making every law enforcement agency in the state responsible for developing, adopting, and implementing written policies and standards for officers' response to domestic violence by January 1, 1986 (California Penal Code, 1997). Since 1986, legislation and policy mandates for law enforcement agencies regarding domestic violence have become more restricted and better defined.

Hypothesis - If the change in departmental policies and mandates of the Riverside County Sheriff's Department from 1987 to 1997 have become more defined and controlling of officer discretion when handling domestic violence calls, then the frequency of arrest for domestic violence will increase.

CHAPTER ONE

A HISTORICAL REVIEW OF DOMESTIC VIOLENCE AND POLICE RESPONSE

Concern over incidents of domestic violence is a rather new area for police agencies in the United States when considering that there have been organized police forces in the United States since the mid-1800's. Since the inception of police in the United States, there has been little or no action on behalf of the police to investigate incidents of domestic violence until the 1970's. A historical view of police response to domestic violence can be traced back to the 1960's when, as some would say, the police basically did nothing (Paterson, 1979, Roy, 1977, and Langley and Levy, 1971) to the present response, which includes legal mandates and departmental policies and procedures.

The media, women's organizations, and recent celebrated cases (e.g. the O. J. Simpson case) have caused American citizens to question the method in which the criminal justice system handles domestic violence (i.e., Are the police protecting the victim or are they still doing nothing?). There have been accusations of disparity in the treatment of victims, more specifically, women, due to the fact that they are statistically more prone to being the victim than men of domestic violence (Steinman, 1991). These accusations are echoed in the media and from the women's organizations; it further appears to have been

reaffirmed in the O. J. Simpson case and other celebrity domestic violence cases such as Tom and Roseann Arnold, and more recently, Pamela and Tommy Lee. These dramatically covered cases in the media have brought special attention to the problem (Buzawa and Buzawa, 1996).

Regarding the response to domestic violence, how far has the criminal justice system, and the police in particular, grown over the past 30 years? What progress, if any, has been made?

A Brief Look at Early Treatment of Women in America:

In order for one to understand the change in police response to domestic violence since the 1960's, we must examine the way in which women were treated throughout early American history (1700's and 1800's). Historically, women and children were considered inferior, and mere property of their husband/father (Binder and Meeker, 1992). Eva Jefferson Patterson (1979) points out that "for centuries" wife abuse was a normal practice in American society. In 1824 the Supreme Court of Mississippi reinforced the norm of spouse abuse when it found that a husband had a right to beat his wife. This was not seen as an act of abuse, but a form of discipline.

Following the pattern of the Supreme Court of Mississippi, in the United States prior to 1874, spouse abuse was deemed permissible as long as the husband used a stick no bigger than his thumb; hence, the "rule of

thumb"emerged (Dobash and Dobash, 1979, Martin, 1979, and Paterson, 1979). However, in 1874 this all changed with a ruling by the Supreme Court of North Carolina in its decision that a husband could no longer reprimand his wife, thus prohibiting the battering of one's wife. However, Del Martin (1979) points out, the decision by the Court was ambiguous because it also added to its decision the following statement:

"If no permanent injury has been inflicted nor malice, cruelty, nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze and leave the parties to forgive and forget."

Therefore, it is better to turn a blind eye to the assault than to take enforcement action, and that is just what the police did. For about 100 years, from the 1870's to the 1970's, women continued to be beaten by their husbands and the police did nothing, thus ignoring women's plight for justice.

It is difficult to understand why domestic violence was ignored as a problem, however, Buzawa and Buzawa (1996) believe that as our society became more organized and government developed, private issues were not open to the morality of the community. Although domestic violence has been seen as a private matter between a husband and his wife, pressure by the women's movement forced law enforcement to pry into the private arena and make domestic violence a public matter. This brings us to the more recent

historical change since the 1960's, in which the police changed their methods of responding to and investigating incidents of domestic violence.

Police Attitudes and Responses Through the 1960's, and the Movement that Changed Them:

As stated before, since the 1960's, police response to incidents of domestic violence has gone from no intervention, to mandatory investigations, documentation, and in some circumstances, arrests. It is no wonder that there has been a change in the way police react to domestic violence due to its frequency of occurrence. Lawrence Sherman (1992) writes, "Domestic assault is the single most frequent form of violence that police encounter, more common than all other forms of violence combined." However, less than 10 percent of all incidents of spousal abuse come to the attention to the police (Buzawa and Buzawa, 1993), which may be one reason that there has been failure on the part of the police to act on the behalf of the victim. In this section, I will explore those forces in American society that have brought about the change in the way the police handle incidents of domestic violence, and why the police failed to act in a positive manner sooner.

Attitudes of police administrators as well as those of individual officers are but a small part of what inhibited change, and later brought about change in the way they respond to domestic violence. In the 1960's, police

officers avoided arrests, and were even instructed by supervisors to not make arrests in domestic violence cases except as a last resort or if the victim demanded it (Walker, 1994, Langley, and Levy, 1977, and Chapman and Gates, 1978). Lawrence Sherman (1992) describes an incident in 1966 in which the police responded to a "man with a gun" call in which the offender was holding his wife hostage. The officers on scene were ordered to leave by a Deputy Chief because no "real" assault had taken place. In a sense, it was not that the police "did nothing", because they were reacting to calls of domestic violence, but chose to treat them as a private matter and not involve themselves.

It was not uncommon for police dispatchers to screen out calls of domestic violence during the 1960's (Dobash and Dobash, 1979). These types of calls were seen as unimportant, and it was believed that the police could be using their time on more "serious" problems. Beliefs of individual officers also played heavily on the investigation of domestic violence cases. Arrest was usually not in the mind-set of the officer (Dobash and Dobash, 1979) unless the wife sustained injuries that required hospitalization, or the offender acted in a disrespectful manner toward the officer (Roy, 1977, and Buzawa and Buzawa, 1993). Many police departments had policies of the so-called "stitch rule" which required the wife to sustain a higher degree of injury than in a normal battery before the police took

action (Roy, 1977, and Langley and Levy, 1977).

Training regarding police officer's response to incidents of domestic violence during the 1960's was almost nonexistent and usually only a brief segment, 3-5 hours long (Dobash and Dobash, 1979), of training for all disturbance type calls (Buzawa and Buzawa, 1993). In 1966, Dr. Morton Bard, a psychology professor at City University of New York, argued that the police were inadequately trained to handle domestic violence calls (Straus, 1977). Given the fact that the police operate 24 hours a day, seven days a week, they have been given the responsibility to be the first responders to calls for assistance in incidents of domestic violence, and based on this responsibility, Dr. Bard (1977) argued for training in crisis intervention for the police. However, it isn't until the 1970's that we see this occur.

The 1970's, the Era of the Women's Movement, and Concern for Police Safety:

Beginning in the 1970's, a change in police response to domestic violence was born. Most influential in this change, was the women's movement and class-action lawsuits demanding equal protection under the law for victims of domestic violence. And, in a lesser role, was concern for officer safety, which I will discuss first.

Police departments looked for ways to provide safety to their officers, who were being injured or killed responding to family disturbances, which are one of the most dangerous

assignments for the police (Langley and Levy, 1977, and Buzawa and Buzawa, 1993). In 1972, 13 percent of all officers killed and 27 percent injured were as a result of investigating domestic violence cases (Bard, 1977). These figures had increased in the 1980's to approximately 20 percent of all officers killed and approximately 30 percent injured (Remsburg, 1986). Thus, police officers have frequently hesitated to get involved in domestic violence incidents not only because they were viewed as a private matter, but also because they are dangerous and difficult to manage (Moore, 1979).

In the mid-1970's, the Oakland, California Police Department issued a training bulletin to their officers regarding domestic violence. The bulletin stressed discouraging arrests for officer safety reasons (i.e. to avoid confrontation with the offender) and to stress the consequences of arrest, such as court appearances and hardship to the family due to the breadwinner losing work (Martin, 1979).

Again in the 1970's, as in the 1960's, the police were reluctant to make arrest for domestic abuse and instructed by supervisors to restore order (Buzawa and Buzawa, 1996). Reasons for the lack of action were a lack of training, as well as officer's belief that the district attorney and judges would not charge or sentence the offender (Paterson, 1979). Police officers would often talk women out of arrest

(Langley and Levy, 1977), side with the offender, and suggest that he leave for awhile to allow the situation to calm down (Langley and Levy, 1977).

Training in the 1970's consisted of crisis intervention, and mediation, which was the approach supported by clinical psychologists who contended that disputes should be mediated and arrests should seldom be made (Sherman and Berk, 1984). Dr. Morton Bard (1977) argues that the police accepted and put into use crisis intervention training more as a means of increasing the safety of their officers rather than improving service to the victim.

Toward the late 1970's and early 1980's, as stated earlier, pressure by the women's movement, the civil-rights movement, and crime victim's rights were imposed on police departments to enforce and investigate incidents of domestic violence as a crime and institute mandatory arrest policies for the police to follow (Binder and Meeker, 1992, Sherman and Berk, 1984, Miller, 1983, Frisch, 1992, Bush, 1992, and Buzawa and Buzawa, 1996). At that time, those involved in the women's movement believed that discrimination existed against women because it was perceived that they were not being fairly treated when victimized in a domestic violence incident. The women's movement had two goals: ending domestic violence and changing conditions that lead to such violence (Bush, 1992). These groups were demanding that

police treat victims of spouse abuse like victims of any other crime. The police would not turn their backs on or ignore the complaints of someone who was robbed, so why should they treat domestic violence victims any differently? Battered women activists argued that the police made arrests in all other criminal incidents except for domestic violence (Buzawa and Buzawa, 1996).

The criminal assault on a wife by a husband has been defined as a private matter, a mere family quarrel, when the police failed to take action (Eppler, 1986). However, through the women's movement, domestic violence was seen as a public issue to be handled as a crime.

Worse yet, police officers during the 1970's continued to see handling domestic violence cases as not being a part of "true" law enforcement which added to their failure to take action. Buzawa and Buzawa (1996) point out that domestic violence cases are of little occupational value when police administrators trivialize spouse abuse. The police see domestic violence as being cyclical in the lower-class areas (Buzawa and Buzawa, 1993) as opposed to middle-class and upper-class areas, where victims have more options (i.e. can support themselves because they are employed more often than those from the lower-class) than calling the police (Bush, 1992).

The women's movement has questioned the foundations of the state structure on the basis of gender, and targets the

legislature, courts, media and law enforcement agencies (Bush, 1992). Frisch (1992) wrote that civil liability was the most compelling reason for law enforcement to change the way they treated domestic violence. Within a few years of the Oakland, California Police Department implementing its training bulletin and policy on domestic violence, mentioned above, four battered women filed a federal lawsuit against the Oakland Police Department "on the grounds that the non arrest policy is a denial of their rights to equal protection under the law and a breach of the duty of the police to make arrest" (Martin, 1979).

The Oakland Police Department's policy failed to offer equal protection under the law, which is a violation of the 14th Amendment, and amounts to deliberate indifference. As a result of the lawsuit, the Oakland Police Department agreed to make policy changes in 1978 (Paterson, 1979, and Buzawa and Buzawa, 1996). Similar lawsuits backed by the women's movement, as well as celebrated domestic violence class-action suits and cases in which cities paid out millions of dollars to victims when the police departments and their officers failed to act, helped bring about police department policies and procedures for handling domestic violence incidents (Bush, 1992, Sherman, 1992, and Chapman and Gates, 1978).

One example of a city paying out a multimillion dollar award was when Tracey Thurman sued the Torrington,

Connecticut Police Department for failing to protect her from her husband, Charles Thurman, who had severely cut her with a knife, and later kicked her in the head as she lay on the ground with police officers present but not doing anything to protect her. For Tracey Thurman and the Torrington Police Department, this was not the first incident in which Charles Thurman had assaulted her. Even though Tracey Thurman sought and received a restraining order against Charles Thurman, the police still refused to arrest him until the brutal assault. The "nonperformance or malperformance" of the police violated Tracey Thurman's rights for equal protection. In the end, Tracey Thurman was awarded \$2.5 million by a jury's verdict (Sherman, 1992, Samaha, 1990, Buzawa and Buzawa, 1996, and Eppler, 1986).

Prior to the women's movement and the civil lawsuits of the mid to late 1970's, the police officer's hands were tied when it came to making misdemeanor arrests for spouse abuse unless the assault was committed in their presence, or the victim made a citizen's arrest (Buzawa and Buzawa, 1993 and 1996). For most jurisdictions, a misdemeanor assault is one in which the victim sustains no injury or minimal injury at most. Therefore, as Eve and Carl Buzawa (1993) state, "As a consequence, many police believed that their role was peripheral, ... 'restoring order' rather than actual law enforcement with an arrest as a probable outcome."

This all changed when states began to change their laws

on domestic violence, as stated earlier, during the mid to late 1970's, allowing police officers to arrest offenders, who committed a misdemeanor battery on their spouse outside the presence of the officer. It was believed that mandatory arrests would change the behavior of police officers and treat domestic violence as a crime (Ferraro, 1998).

However, there has been little evidence that it has accomplished what it intended to do (Buzawa and Buzawa, 1996). Buzawa and Buzawa (1996) point out that mandatory arrests are unusual for law enforcement; these constraints are a result of political manipulation to make up for the inadequacy of law enforcement's response to domestic violence.

Some states, as is the case for California in 1977, made spouse abuse a felony. California subsequently mandated arrest on the part of the police, as long as the victim sustains a "corporal injury resulting in a traumatic condition." The California Penal Code defines "traumatic condition" as a "condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force (California Penal Code, 1997).

Research and Police Policy of the 1980's and Beyond:

From the late 1970's and more so into the 1980's there was a trend in police practice to criminalize domestic violence conduct which was also in line with the general

conservative view in society to punish criminal offenders (Buzawa and Buzawa, 1993). Spouse abuse was now being treated as a crime, not a private conflict to be resolved. Interestingly enough, at the same time, research was being conducted on the effects of arrest on domestic violence and policy implications. Lawrence Sherman and Richard Berk led the research in this area with their "Minneapolis experiment." Sherman and Berk (1984) found that offenders who were arrested were less likely to repeat their abuse by as much as 50 percent as compared to those who were not arrested.

The Minneapolis experiment and its popularity led to an increased development and implementation of departmental policies calling for arrests of the offender in domestic violence cases (Pate and Hamilton 1992). Not long after, California also passed legislation making every law enforcement agency in the state responsible for developing, adopting, and implementing written policies and standards for officers' response to domestic violence by January 01, 1986 (California Penal Code, 1997).

Other interesting research looked at police officer perceptions, experience, and reality in handling domestic violence (Friday, Metzgar, and Walters, 1991), as well as how the victims felt when the police were summoned (Gondolf and McFerron, 1989). Surprisingly, Friday, Metzgar, and Walters (1991) found that 98 percent of the police officers

surveyed favored arrest policies, which seems to be a drastic change in attitude since the 1960's. However, it is not so surprising to find that in Gondolf's and McFerron's (1989) research that when the police officers took no action, 86 percent of the victims were dissatisfied because they called for police assistance but received no support.

As stated earlier, police agencies began implementing arrest policies for domestic violence in the 1980's. In 1984, the same time the Minneapolis experiment was published, only 10 percent of police departments in cities with over 100,000 people had policies that recommended arrest of the offender for spousal abuse. By 1988, 90 percent of the police departments in cities with over 100,000 people had arrest policies. These figures are based on a police foundation survey (Sherman and Cohn, 1989, and Sherman, 1992).

Even though research appears to support arrest in domestic violence cases as a means to deter future assault, Sherman and Berk (1984) also warned that their experiment was not conclusive evidence for such action. More recently, Buzawa and Buzawa (1993) have pointed out that in some circumstances (e.g., arresting offenders from weak social bonds) may cause increased violence at a later time. However, they believe that the key to deterring domestic violence is to bring the offender into the criminal justice system of intervention, where something (i.e. counseling,

anger management, arrest, or incarceration) may work. This opens up more areas to be researched, a sort of medical treatment to domestic violence (i.e. diagnosing the best treatment for the problem). Thus, for now, mandatory arrest policies may just be a means to avoid legal action against the police for failure to protect the victim. However, for the future, there may be greater demands on what actions the police take because arrest may not always be the best solution.

Effect of Mandatory Arrest Policies:

The police have always done something regarding domestic violence. However, as time passes by and societal attitudes change, and movements are made, it appears that what was done in the past was wrong. It may be that what the police did in the past regarding domestic violence was not wrong, for the police generally reflect societies demands at any given time, and as those demands change, so does the response of the police.

Based on what we have seen here, it appears that the police have all along conformed to reflect what society has wanted done. As the public's awareness of domestic violence heightened, they urged the police to act (Lanza-Kaduce, Greenleaf, and Donahue, 1995). The police have implemented mandatory arrest policies to make up for their indifference toward women in the past. However, these mandatory arrest policies continue these indifferences by taking away the

victim's choice as to whether or not the suspect is arrested (Buzawa and Buzawa, 1996).

When a problem exists, society calls for action. In the case of domestic violence and law enforcement's failure to make arrests, society persuaded legislators to enact laws for mandatory arrest. Problem solved, right? Perhaps not. This assumes that officers follow policy without using their own judgment, experience and discretion when interpreting the policy.

In her article on policy, Frisch (1992) states that a strong police policy is the most effective impetus for change in other parts of the criminal justice system. This suggests that police officers will follow mandatory arrest policies, which in turn would increase arrest for domestic violence. However, police officers are skillful enough at their profession to get around policies through creative report writing (Buzawa and Buzawa, 1996). Report writing may increase while arrest rates remain stable as officers justify why they did not make an arrest, especially if the suspect was present (Lanza-Kaduce, Greenleaf, and Donahue, 1995).

It does not matter what policy states, discretion still exists (Ferraro, 1998). A police officer interprets the facts of the domestic violence incident, and based on legal, ideological, practical as well as internal and external politics, makes a decision whether or not the incident calls

for an arrest.

In his study on police pursuits, Falcone (1994) compared officers' reporting methods between police agencies with strict pursuit policies and agencies with lax policies; he found an under reporting of pursuits by officers working for agencies with strict policies. Police officers were not reporting "near pursuits" (i.e., short distance pursuits in which the violator eventually yielded) which by policy should not have been entered into in the first place.

In another study on police attitudes toward preferred arrest for spouse abuse Blount, Yegidis, and Maheux (1992) discovered that ten percent of all officers were responsible for more than 50 percent of all domestic violence arrests. Blount et al. (1992) concluded that there was a "lack of commitment" on the part of many officers to follow policy.

CHAPTER TWO

METHODOLOGY

Selected Sample:

All domestic violence related calls for the areas serviced by the Riverside County Sheriff's Department (i.e., unincorporated areas of the county, and contract cities) from January 1, 1987 through December 31, 1997 were considered for evaluation. This data was obtained through the Riverside Sheriff's Department Information Services Bureau. The data consists of calls for service (i.e., all calls dispatched as domestic violence), number of arrests made, exceptional case clearance (i.e., no crime occurred, the suspect was not at the scene and the officer is filing charges out of custody with the district attorney and seeking an arrest warrant), percentage clearance (i.e., the percent of exceptional clearance cases and arrest cases combined; the remainder not included, consist of open cases to be followed up by the initial officer or detectives).

In addition to the data collected from the Information Services Bureau, I obtained population statistics for the unincorporated and contract cities serviced by the sheriff's department for the years 1987 through 1997. This information was obtained through the California Department of Finance, Demographic Research Unit.

I also researched the Riverside Sheriff Department's departmental memorandums and directives from 1985 through

1997 in order to track the changes in policy on domestic violence (i.e., policy and procedures to be followed by officers in the field who may respond to domestic violence related calls).

Research Limitations:

In order for an arrest to be made, the suspect has to be present when the officer arrives on scene. If the suspect has left the scene prior to the officer's arrival and the officer determines through his/her investigation that the suspect violated the law, the officer can submit his/her report to the district attorney's office for review and prosecution.

In the event the district attorney's office decides to prosecute the suspect, a warrant will be sought through the courts. If a warrant is issued, the suspect is eventually arrested for the law violation. In cases such as these, the Riverside County Sheriff's Department does not have a system for tracking those arrests. Therefore, the data provided does not include those cases. Again, these data would fall in the exceptional clearance category.

Even though this is a limitation in regards to this study, this practice has been consistent throughout the 11-year period being considered for evaluation. Thus, unless there has been some unforeseen change in the number of suspects leaving the scene of the crime prior to the officer's arrival, this should not negatively impact the

results of the study.

Hypothesis:

In 1985, the California legislators passed Senate Bill 1472 making every law enforcement agency in the state responsible for developing, adopting, and implementing written policies and standards for officers' response to domestic violence by January 1, 1986 (California Penal Code, 1997). Since 1986, legislation and policy mandates for law enforcement agencies regarding domestic violence have become more restricted and better defined.

Hypothesis - If the change in departmental policies and mandates of the Riverside County Sheriff's Department from 1987 to 1997 have become more defined and controlling of officer discretion when handling domestic violence calls, then the frequency of arrest for domestic violence will increase.

CHAPTER THREE

DATA ANALYSIS

Upon researching the sheriff department's policies, I synthesized the following from the available policies:

In December 1985, the sheriff's department implemented a policy regarding domestic violence incidents and keep the peace calls in accordance to California Senate Bill 1472, which mandated law enforcement agencies implement written policies for domestic violence. This policy stressed that the "primary role of the deputy. . .will be to restore order." In order to restore order, the deputy "may" have to arrest the suspect.

In July 1988, the sheriff's department distributed a memorandum, instructing deputies how to obtain and enforce an "emergency protective order" for domestic violence situations. Department memorandums regarding "telephonic emergency protective orders" were disseminated in January and November 1990. In February 1991, another memorandum regarding on-line data base for "restraining orders" was implemented, instructing deputies what was required regarding restraining orders.

A domestic violence protocol was implemented in August 1991, which referred back to the memorandum issued in July 1988. In September 1991, a second phase to the on-line database for restraining orders was put in place, prohibiting persons subject to domestic violence restraining

orders from purchasing firearms.

In July 1992, two department directives were issued regarding domestic violence and emergency protective orders. The first directive informed deputies that they were authorized per Penal Code section 12028.5 to temporarily take custody of firearms at the scene of a domestic violence incident. The second directive expanded emergency protective orders by doing away with the requirement that the restrained person had to be a family member or household member. Another domestic violence protocol was issued in March 1994 directing deputies to physically arrest and book the suspect for violations of a protective order involving domestic violence.

In July 1997 a department directive regarding domestic violence incidents was issued and supersedes the memorandum from December 1985. This time the department emphasized,

"It is our intent to assure victims of domestic violence the maximum protection from abuse which the law can provide. The Department's official response to cases of domestic violence shall stress the enforcement of the laws to protect the victims and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated."

In September 1997, the Supervising Criminal Judge for the Riverside County Consolidated/Coordinated Courts distributed a memorandum to the sheriff's department regarding the "no bail status" procedure for domestic violence arrests. The sheriff's department in turn issued a departmental directive along with the court's procedure

memorandum, instructing employees to follow the procedure.

Upon reviewing the information obtained, I found that the Riverside Sheriff's Department continued to update their employees with law changes as they occurred, which could be interpreted as clarification and reinforcement of the implemented policy and law regarding spousal abuse.

However, it appears that the department was slow, taking twelve years, to update their domestic violence policy; a policy in which the department appears to be taking a stricter stand against domestic violence. In 1985, the department emphasized "restoring order," however, in 1997, the department took on a guardian role by stressing protection of the victim, and enforcement of violated laws.

Variables:

The memorandums and directives of the Riverside County Sheriff's Department regarding domestic violence are the independent variables.

Domestic violence calls for service, arrests, exceptional case closures, percentage clearance, and population are the dependent variables.

Data Evaluation:

To evaluate the data, I compared each year's data with the proceeding year in order to show the rate of change over time. This was done by subtracting the preceding year from the latter year, then dividing the answer by the latter year, thus getting the percent of change from the first year

to the second year (refer to **Table 1**).

The column titled "year" refers to the year in which the data was collected. "Calls" refer to the total number of domestic violence related calls dispatched during the corresponding year. "Arrest" refers to the total number of arrests made for domestic violence for that year. "Exc" refers to exceptional case clearance. "Clearance" refers to the percentage of the cases cleared for the year.

"Population" refers to the population serviced by the Riverside County Sheriff's Department. The percentage of change for calls, arrests, exceptional clearance, percentage clearance rate, and population can be seen in the columns labeled "Change 1" for calls; "Change 2" for arrests; "Change 3" for exceptional clearance; "Change 4" for clearance rate; and, "Change 5" for population.

In order to visually observe the changes, see **Chart 1** - calls, **Chart 2** - arrests, **Chart 3** - exceptional clearance, **Chart 4** - rate of clearance, and **Chart 5** - population changes. I also compared the two extreme years, 1987 and 1997, to show a more dramatic change over time (refer to **Table 2**).

TABLE 1**Riverside County Sheriff's Department Domestic Violence
Statistics from 1987 through 1997**

YEAR	CALLS	CHANGE 1	ARREST	CHANGE 2	EXC	CHANGE 3	CLEARANCE	CHANGE 4	POPULATION	CHANGE 5
1987	3883		827		2536		87%		475385	
1988	4399	0.117	931	0.112	2584	0.019	80%	-0.087	512785	0.073
1989	4326	-0.017	946	0.016	2613	0.011	82%	0.024	560115	0.085
1990	4518	0.042	1210	0.218	2645	0.012	85%	0.035	617520	0.093
1991	4458	-0.013	1298	0.068	2651	0.002	89%	0.045	654670	0.057
1992	4730	0.058	1308	0.008	2935	0.097	90%	0.011	639685	-0.023
1993	4618	-0.024	1374	0.048	2783	-0.055	90%	0	655800	0.025
1994	4767	0.031	1451	0.053	2903	0.041	91%	0.011	669890	0.021
1995	4384	-0.087	1413	-0.027	2545	-0.141	90%	-0.011	681405	0.017
1996	4088	-0.072	1389	-0.017	2324	-0.095	91%	0.011	734930	0.073
1997	4379	0.066	1656	0.161	2213	-0.050	88%	-0.034	729065	-0.008

CHART 1

Domestic Violence Calls for Service

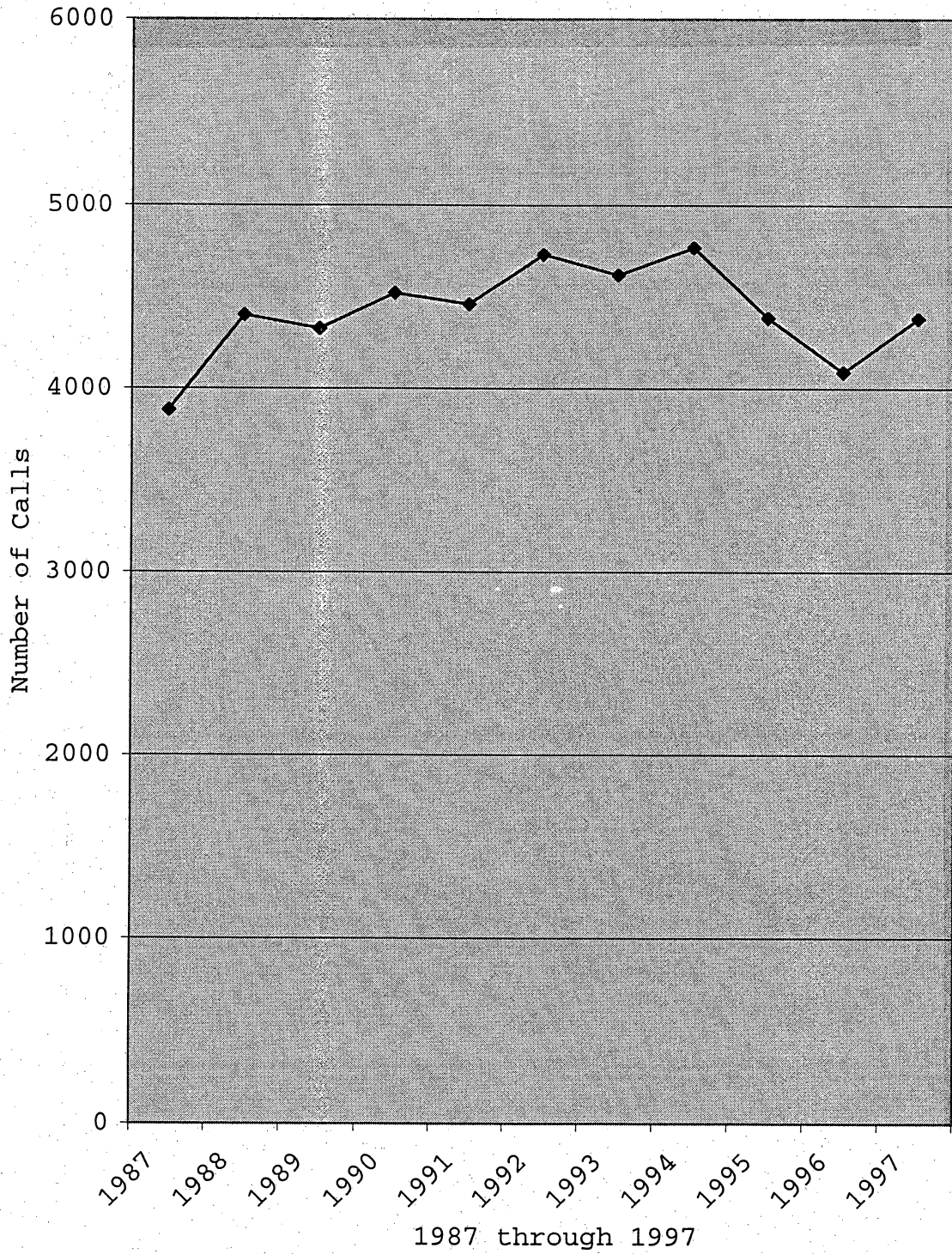


CHART 2

Arrests for Domestic Violence

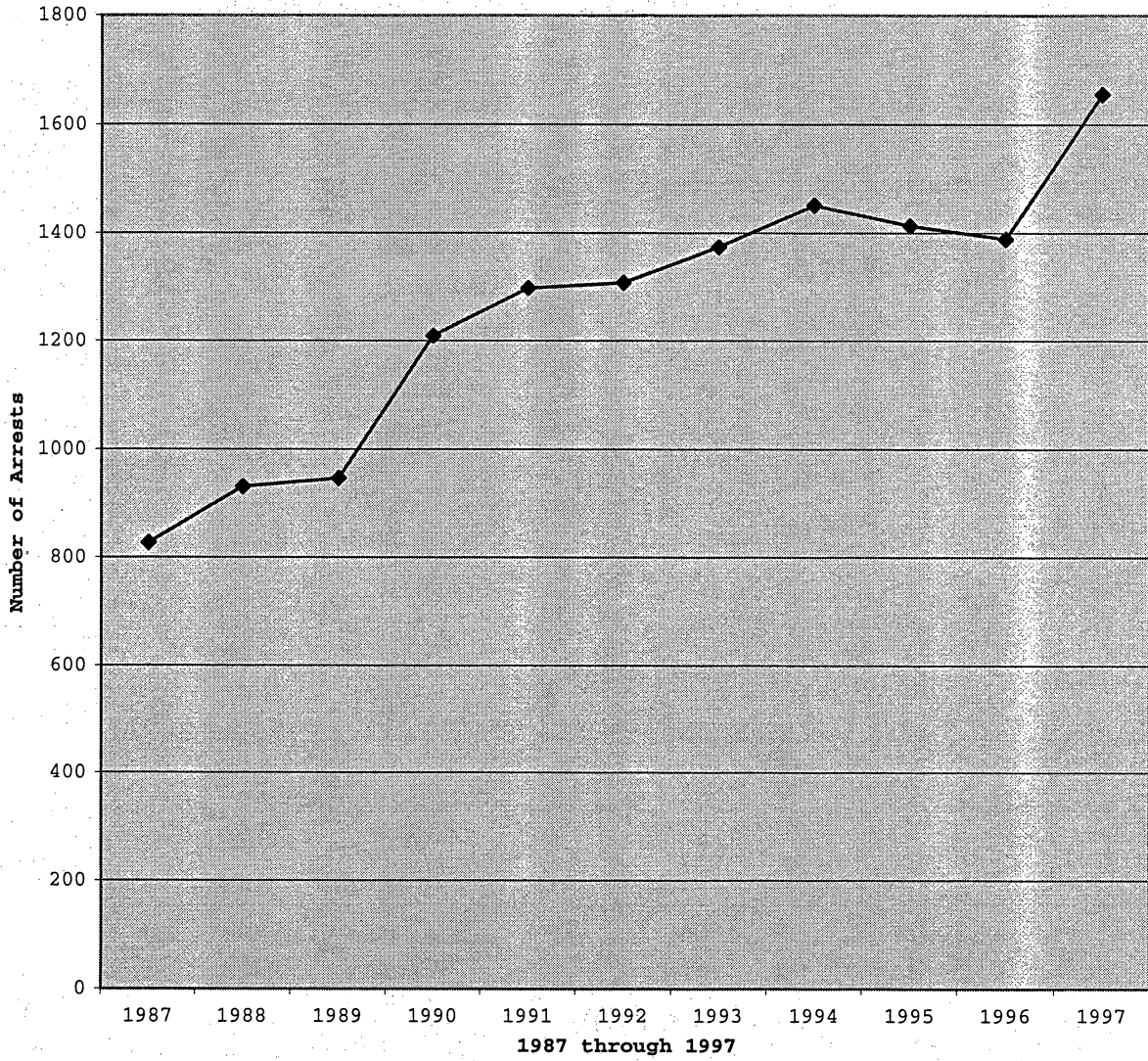


CHART 3

Exceptional Clearance

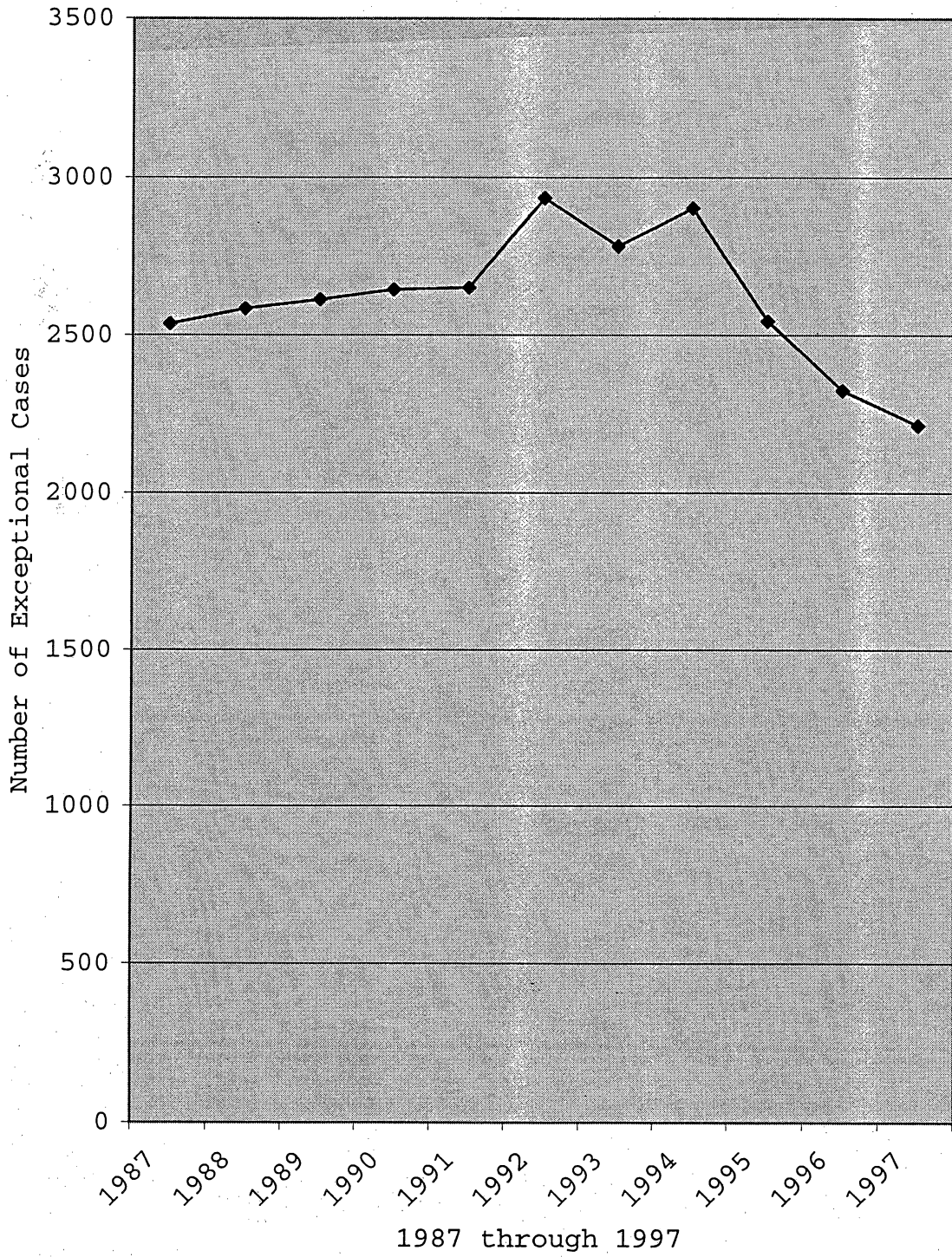


CHART 4

Rate of Clearance

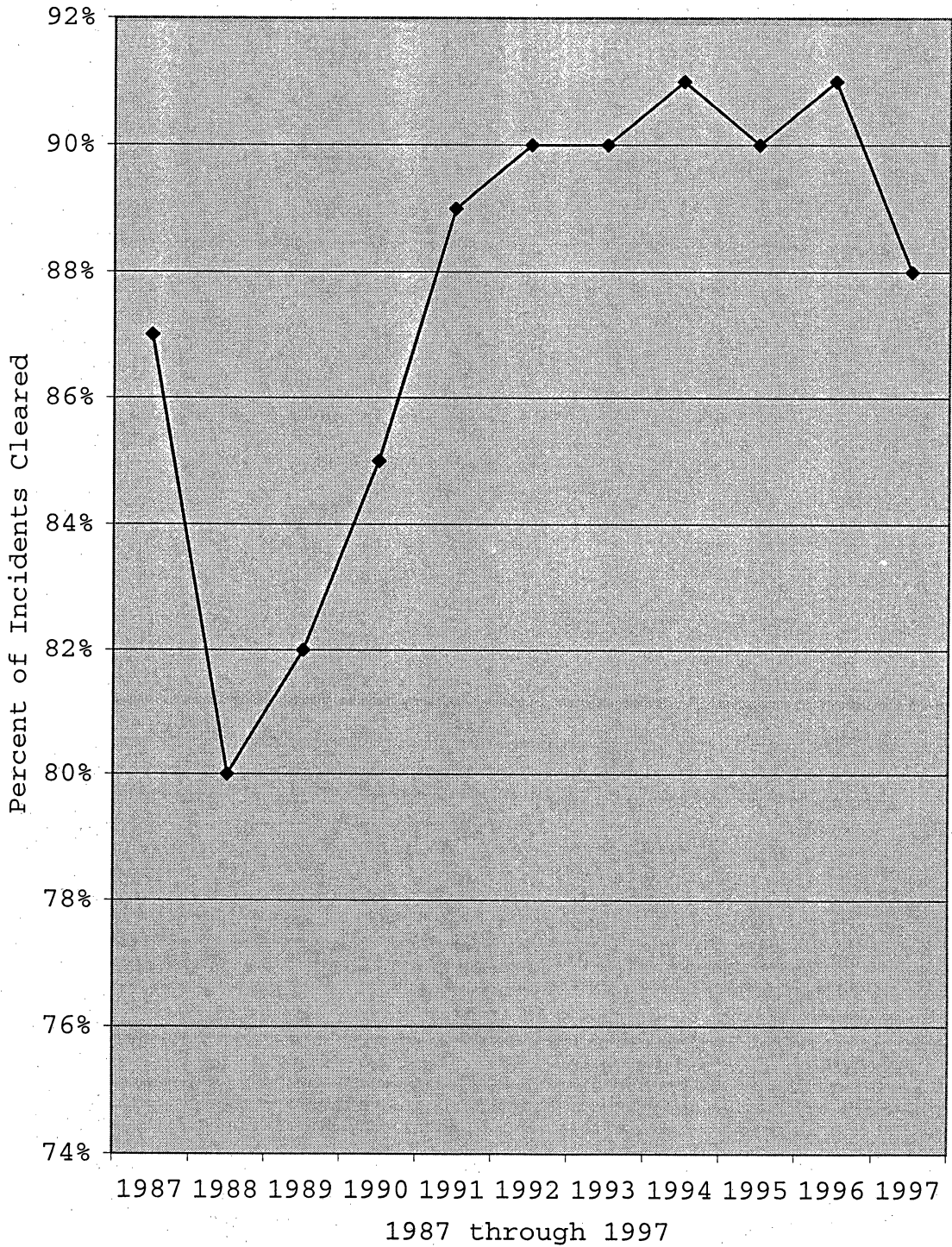


CHART 5

Population Changes for Riverside County

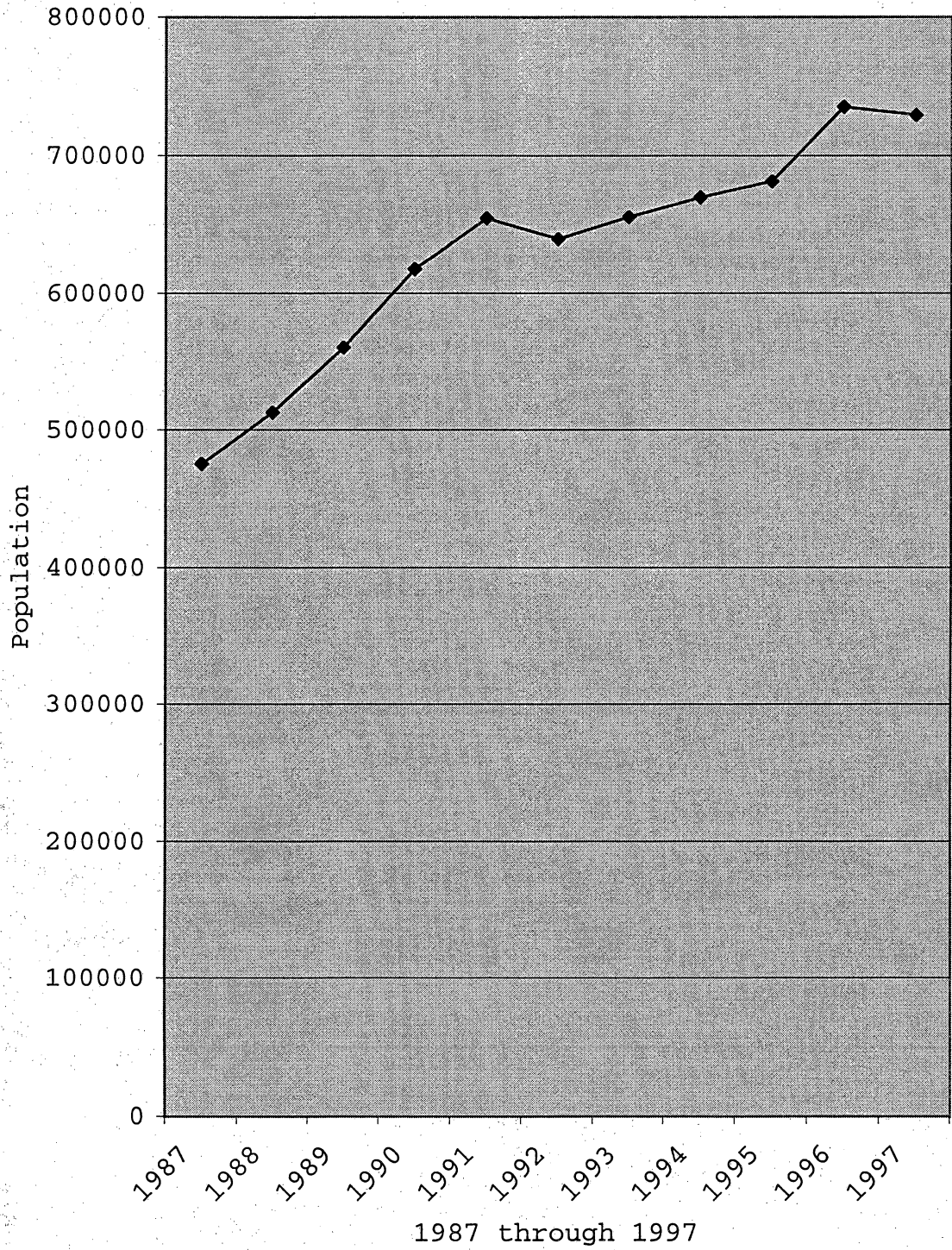


TABLE 2

Riverside County Sheriff's Department Domestic Violence
Statistics for 1987 and 1997

YEAR	CALLS	CHANGE 1	ARREST	CHANGE 2	EXC	CHANGE 3	CLEARANCE	CHANGE 4	POPULATION	CHANGE 5
1987	3883		827		2536		87%		475385	
1997	4379	0.113	1656	0.501	2213	-0.146	88%	0.011	729065	0.348

With the data evaluated, I compared the rates of change from year to year with the Riverside County Sheriff's Department policy implementations for each corresponding year. The purpose of this comparison was to look for a cause and effect relationship (i.e., whether or not the policy caused an increase in the rate of arrests for violations of domestic violence).

Findings:

Upon reviewing the data there are several noteworthy changes. In order to systematically clarify these changes, I will first discuss each category studied, then I will summarize my findings comprehensively.

First, calls for service fluctuated over the eleven-year period of evaluation. There was one increase worth mentioning, which was an 11.7 percent increase from 1987 to 1988. However, ultimately from 1987 through 1997, there was only an 11.3 percent increase for domestic violence related calls.

Second, arrests steadily increased during the eleven-year period of evaluation, with one two-year period of decline (1995 and 1996). There was two dramatic increases in arrests that should be mentioned; in 1990 arrests increased by 21.8 percent; and, in 1997 there was a 16.1 percent increase. From 1987 through 1997, arrests for domestic related calls increased 50.1 percent.

Third, exceptional clearance cases consistently

increased over the first seven years, however, there was a dramatic decrease during the last three years. In the end, there was a 14.6 percent decrease in exceptional clearance cases for domestic violence related calls.

Fourth, the rate of clearance for domestic violence related calls markedly showed no change except for an initial 8.7 percent decrease from 1987 to 1988. However, the rate continuously increased and leveled out over the next ten years, with an overall increase of 1.1 percent increase for the eleven-year period.

Finally, the population increased at a steady rate over the eleven-year period. There was a 34.8 percent increase in population serviced by the sheriff's department from 1987 through 1997.

Regarding the two mentioned exceptional increases in arrests in 1990 and 1997, I found that in 1990 there were two minor memorandums, one in January and the other in November, issued regarding telephonic emergency protective orders. There were no memorandums issued the proceeding year. It is inconceivable that these memorandums, based on their content, would have led to such a dramatic (21.8 percent) increase in arrest. However, in 1997, the department revamped their domestic violence response policy. This same year there was a 16.1 percent increase in arrests for domestic violence. It is plausible that the department's overt position taken on the seriousness of

domestic violence played a key role in the increase in arrests.

CHAPTER FOUR

SUMMARY AND CONCLUSIONS

This research study evaluated law enforcement's response to domestic violence, and more specifically, the affect of policy mandates of the Riverside County Sheriff's Department. We have seen that historically, law enforcement has taken different approaches to dealing with domestic violence. From essentially ignoring the problem, to counseling, to arrests, the police have mirrored the desires of society.

The Riverside County Sheriff's Department, its policies and procedures regarding domestic violence, and its data were the focus of this study. The data and policy implementations and changes were closely examined in order to explore the affect of policy on arrest rates in the area of domestic violence.

Although it is difficult to conclude that any one policy change with the Riverside County Sheriff's Department led to an increase in arrests, it is clear that domestic violence related arrests have increased as departmental policies on domestic violence were implemented. Most remarkable are the rates of change from 1987 to 1997. Referring to **Table 2**, note that the rate of increase for arrests (50.1 percent) surpassed the rate of increase for the population (34.7 percent) and domestic violence related calls for service (11.3 percent). Thus, based on the fact

that domestic violence calls came in at a lower rate than the increase in population, and arrests were made at a greater rate than the increased population, we can assume that the departmental policy changes and mandates affected police officers' response to domestic violence, and arrest rate increased significantly.

Domestic violence has always been present in our society, however, how we have chosen to define it, and what we have decided to do about it continue to change. At this point in time, outwardly, society as a whole does not tolerate domestic violence and has placed the burden of protecting the victims onto the police. As first responders to incidents of violence due to the nature of their business (i.e., working 24 hours a day, seven days a week), the police are expected to solve the problem.

Pressure from women's organizations, lawsuits, and research, law enforcement has moved toward mandated arrests for domestic violence. Researchers now look to observe the affects of mandated arrests, and in this study we examined whether or not mandated arrests affected the rate of arrests made by the police.

Obviously, this study did not answer all the questions regarding domestic violence, but it did show that policies have impacted arrest rates. Based on the data, arrest rates increased as more defined policies were steadily implemented. As stated earlier, there were limitations to

this study. Unfortunately, the sheriff's department does not have a system, nor does it appear to be feasible, to track the violations of all warrant arrests. It would be virtually impossible to track these arrests because other police agencies make warrant arrests for violations committed in the sheriff's department jurisdiction and vice versa.

Additional research in this area needs to be continued as questions surpass the answers. In this study, we have seen a qualitative perspective of the affects of policy changes on arrest rates; it would be interesting to use this same department and question the deputies in the field who have had to work within the guidelines of the mandates. Did the deputies' attitudes change? Did the deputies change their behavior based on the mandates? What do they think of the policies (i.e., do they feel restricted, has their discretionary power been taken away). Do the deputies follow the policy, correctly implementing it or do they do what they feel is right, and justify their actions in their report through "creative report writing?"

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