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Sex Disparities in Arrest Outcomes for Domestic Violence

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Abstract

Domestic violence arrests have been historically focused on protecting women and children from abusive men. Arrest patterns continue to reflect this bias with more men arrested for domestic violence compared to women. Such potential gender variations in arrest patterns pave the way to the investigation of disparities by sex of the offender in domestic violence arrests. This study utilizes data from a quantitative dataset that includes responses by police officers who completed a specially mandated checklist after responding to a domestic dispute. The results showed that while females are arrested quite often in domestic disputes, there remains a significant difference in the arrest outcome whereby male suspects were more likely to be arrested than female suspects. Regression models further indicated differences based on sex and certain predictors of arrest, which supported sex-based rationales in arrests for domestic violence.

Keywords

assessment, domestic violence, legal intervention, perceptions of domestic violence

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Traditionally, domestic violence has been viewed as a private matter undeserving of an official response within the criminal justice system (Schneider, 2000). This perspective is often tied to historical religious tenets regarding sexist power hierarchies in families and is also generally supported by social norms in male-centered societies. This patriarchal view has historically upheld a man's natural right to discipline his wife (Dobash & Dobash, 1979). Consequently, wife beating was generally not considered a criminal offense under the English common law or the laws of many of the original states in the United States until the late 19th century (Epstein, 2002).

In contemporary times, even when the justice officials in Western societies have declined to officially endorse a man's legal right to chastise his wife, the courts have often remained loathe to interfere, often citing a belief that keeping the family together was the preferred option all around (Schneider, 2000). In addition, despite modern laws that criminalize domestic violence, police generally have chosen not to make arrests (Berk & Loseke, 1980-1981; Sherman, 1992). Until the 1990s, many police departments maintained policies that affirmatively discouraged arrest in domestic disputes (Zorza, 1992). However, more recently, the expansion of the types of crimes for which police can arrest without a warrant, the development of specialized reporting forms for police about the parameters of domestic violence arrests, and the introduction of proarrest laws and policies have all contributed toward increases in the number and frequency of arrests when responding to domestic disputes (Ferraro, 1989).

Previous research has shown that the introduction of mandatory, presumptive, or preferred arrest laws or policies alters how police respond to domestic assaults (Ferraro, 1989). These proarrest principles generally attempt to reduce the discretionary aspect of police decision making in the hope of increasing the number and frequency of arrests when responding to domestic disputes. However, in practice the mandatory arrest policies (i.e., proarrest policies) have simply resulted in increased arrest rates (Eitle, 2005).

Although such new trends have had a positive impact on the arrests of abusers, there are some recent concerns that the new policies and laws encouraging arrest in domestic violence cases have had negative impacts by increasing the arrests of females (Schneider, 2000). One study in California showed that arrests of women for domestic violence rose from 6% in 1988 to 16.5% in 1998 (Bureau of Criminal Information and Analysis, 1999). More research similarly indicated a dramatic increase in arrests of women for domestic violence from 1987 and 2000 from a subset of counties in California (DeLeon-Granados, Wells, & Binsbacher, 2006). Although some studies have shown that wives are just about as likely to batter their spouses (Steinmetz, 1977;

Straus, Gelles, & Steinmetz, 1980), critics charge that those studies fail to control for women's actions taken in self-defense or retaliation (Dobash, Dobash, Wilson, & Daly, 1992). Instead, data collected from the National Crime Victimization Survey (NCVS) consistently show women as the victims in 85% of domestic violence incidents between intimate partners (Durose et al., 2005). The dramatic increase in female arrests for domestic violence seems problematic due to the fact that the majority of domestic violence is perpetrated by males.

Some research has examined predictors of arrest in domestic abuse situations. In one study, the victim's sex was not significantly related to the decision to arrest (Feder, 1998). Another study similarly found equivalent arrest rates at around 36% for both males and females involved in intimate partner violence (Ho, 2003). In contrast, other researchers found that police were more likely to arrest males for violence against their female partners rather than vice versa (Jones & Belknap, 1999). Overall, the mixed results of past research show that further investigation is needed.

Furthermore, past studies suggest that gender might not be the only factor in an officer's decision to arrest in domestic violence cases. One study found that police utilize a greater number of factors in their decision to arrest for males than for females (Ho, 2003). Other work suggests that even when official policies constrain criminal justice agents from regarding gender in their decisions about punishing offenders, gendered factors continue to play a role, tending toward a less punitive action toward female offenders (Daly, 1994; Nagel & Johnson, 1994; Steffensmeier, Ulmer, & Kramer, 1998). These studies suggest that it is important to go beyond simplistic percentage differences based on suspect gender and to look more thoroughly at more predictive multivariate models. A review of the literature on arrest differences in domestic abuse situations has pointed to several factors as significant in the decision to arrest. One limitation of much of the research in this review is the failure to carefully consider the impact of whether the jurisdiction has a pro- or mandatory arrest practice or whether such practice considers certain specified factors that may lead to gendered results. On the other hand, in one notable exception, Hirschel, Buzawa, Pattavina, and Faggiani (2007) directly considered the type of policy in its cross-jurisdictional study but found no gender difference in arrest based on the type of policy at the state level. Below, we outline a variety of factors found in past research that have been significant in the decision to arrest: physical injury, prior assault, weapon presence, presence of third party witnesses, existence of a protective order, the party who notified police, characteristics of the suspect, and use of alcohol or drugs.

Factors in Arrest Decisions

Physical Injury

A number of studies have looked at the impact of injury to the victim on the arrest outcome. This physical evidence of assault may be seen as indicative of both the danger posed by the suspect and may help justify the decision to arrest. In addition, because the police may arrest regardless of the victim's own desires, physical evidence may influence the arrest decision even without the victim's statement. Some studies have shown that the existence of a physical injury to the victim has a positive correlation with an officer's decision to arrest for male offenders (Berk, Fenstermaker, & Newton, 1988; Feder, 1998) and for both male and female offenders (Buzawa & Austin, 1993; Ho, 2003). However, other studies have found no impact of injury to the female victim on the likelihood of arrest of males in domestic violence (Berk & Loseke, 1980/1981; Eigenberg, Scarborough, & Kappeler, 1996; Worden & Pollitz, 1984) and no significant relationship between injury and the police officer's decision to arrest, mediate, or separate the disputants (Smith, 1987).

Previous Assault of Victim

Jasinski (2003) found that the decision to arrest was not significantly related to prior assault within 6 months. Unfortunately, these results were not qualified in terms of gender. Also, it seems plausible that prior violence may indicate ongoing violence if the officer does not intervene; however, research in this area is extremely limited.

Weapon Presence

Some studies show a correlation between a weapon and the arrest decision in datasets involving male and female offenders but do not indicate if there are differences between men and women for this predictor (Jones & Belknap 1999; Smith 1987). Further research indicates that the presence of a weapon is a significant factor that is positively related to the police decision to arrest for male suspects (Eigenberg et al., 1996; Jasinski, 2003) but not for females (Ho, 2003).

Presence of Third Party Witnesses

The presence of a third party witness has been found to be another predictor of arrest. Some research indicates that the presence of a third party witness

positively predicts arrest for male suspects (Eigenberg et al., 1996) while other studies indicate that the presence of a third party witness is positively correlated to arrest for both male and female suspects (Buzawa & Austin, 1993; Ho, 2003). Such mixed results suggest the need for a closer examination of the presence of third party witnesses as a potential predictor of sex differences in arrest decisions.

Protective Orders

A party violating a protective order to stay away from the victim would provide a legal reason to arrest. In their research, Henning and Feder (2004) found support for the relevance of this factor in arrest decisions. In particular, male arrestees were more likely to have violated a protective order than female arrestees (Henning & Feder, 2004). While this study is quite informative, no other studies could be located that have investigated gender differences in the effects of protective order violations on arrest.

Notification of the Police

There is also evidence that arrest outcomes vary depending on who contacts the police in the event of a domestic dispute (i.e. the victim, the offender, or a third party). In one study, police arrested suspects less often when the victim, whether male or female, contacted the police (Jones & Belknap, 1999). Other studies have found that the probability of arrest in a domestic violence call declined significantly when the female victim called the police as compared to a third party contact (Berk & Loseke, 1980-1981; Berk & Newton, 1985). The authors suggest that when a victim notifies the police, the incident can still be viewed as a private matter; however, when a third party is involved, it becomes a matter of public order causing the police to feel a greater need to take formal action.

Characteristics of the Suspects

The suspect's demeanor has also been strongly associated with the police decision to arrest. A suspect in a case involving interpersonal violence who is hostile or threatening in the officer's presence is far more likely to be arrested than one who is calm (Buzawa & Austin 1993; Feder, 1998; Worden & Pollitz, 1984). In addition, the living situation of the suspects also plays a role in the decision to arrest. Indeed one study showed that the arrest of both male and females was twice as likely if the combatants were living together at the time of the incident (Buzawa & Austin, 1993).

Presence of Alcohol/Drugs

The use of alcohol and/or drugs is associated with domestic abuse arrest likelihood (see Smith, 1987). Martin (1997) found that more than half of dual arrest cases of domestic violence involved the use of alcohol and/or drugs at the time of arrest. Further results suggest that the impact of alcohol and drug use on decision to arrest is based on sex. A male suspect's use of alcohol is positively related to the decision to arrest for assaulting of a female partner (Berk & Loseke, 1980-1981; Jasinski, 2003; Worden & Pollitz, 1984). Indeed, studies show that a male perpetrator's alcohol-related assault of his female partner is statistically associated with a greater chance of physical injury (Brecklin, 2002; Thompson & Kingree, 2006). On the other hand, a survey of police officers showed they were less inclined to arrest if the female victim had been drinking alcohol as it increases her perceived responsibility while reducing the male partner's role in the abuse (Waaland & Keeley, 1985). Still more research indicates that men and women arrested for domestic violence are equally as likely to have been using drugs and/or alcohol at the time of arrest (Busch & Rosenberg, 2004).

In sum, the literature suggests that there may be many elements related to police decision to arrest. We consider such multiple factors as well as potential differences between males and females arrested for an offense against their intimate partners. It is essential that we begin to understand how sex affects domestic violence arrests so that we can develop policy and laws that may counteract such a bias.

Research Question

Overall, this project considers which factors are salient in the police decision to arrest and whether there are any differences in the significance of such factors between males and females arrested for an offense against their intimate partners. Specifically, we explore the following research question:

> *Research Question 1:* What factors are significant in predicting the outcome of arrest for males and females in heterosexual relationships when police respond to domestic violence calls?

We predict that police make decisions about arrest in cases involving domestic violence between adult heterosexual couples based on the sex of the suspect. Specifically, we expect that police will be less likely to arrest female offenders as compared to male offenders even controlling for legal

and extralegal factors. Furthermore, our research questions concern what factors are significant (or not) in the officers' decision to arrest and whether these vary by the sex of the suspect.

This study seeks to replicate and expand on prior studies that have analyzed certain factors that correlate with the police decision to arrest in domestic assault situations. Furthermore, this research engages with a relatively unique strategy that does not just focus on the potential for a sex differential but also compares the significance of each of the predictor variables for each gender.

Method

The data were derived from a statistical database maintained by the Rhode Island Supreme Court Domestic Violence Training and Monitoring Unit (DVU). Pursuant to a 1998 state statute, law enforcement officers in Rhode Island are required to complete a report form for every domestic violence incident they respond to or investigate, regardless of whether an arrest is made (Rhode Island Domestic Violence Prevention Act, 1998). The document, called the Domestic Violence and Sexual Assault/Child Molestation Police Reporting Form, asks for information relating to the demographic characteristics of the parties involved, relationship data, situational characteristics, background facts, and arrest outcomes. The statute defines domestic violence as a crime committed by a family or household member against another, with such latter terms broadly encompassing spouses, ex-spouses, cohabitants or former cohabitants, those who have a child in common, and partners or ex-partners of intimate relationships. The data from these reports are then collected in an electronic database maintained by the DVU. After scrubbing the data for information that may reveal personally identifiable information, the DVU makes the database publicly available for research purposes.

The dataset used here covers the 2002-2004 calendar years and includes 17,380 cases. We retained cases involving heterosexual couples because it seems very likely that the police response to same-sex violence may be very different than responses to heterosexual domestic violence (see Hamilton & Worthen, unpublished manuscript; Renzetti & Miley, 1996). Since cases involving juveniles are often handled differently than cases among adults, we filtered out cases involving persons under the age of 18. We excluded cases where the suspect was dead (and therefore could not be arrested) as well as the few reports that were labeled as still under investigation because it is unknown whether an arrest was made or not at some future time. Because this study is

focused on sex differences in arrest, we also excluded reports with dual arrests. The dual arrest cases were excluded as there is evidence of important differences in the scenarios whereby police arrest just one of the parties after making a determination of which one was the primary aggressor as opposed to arresting both. Several studies show that the determinants for arrest vary in cases of a single arrest compared to dual arrest in domestic violence situations (Hirschel et al., 2007; Jones & Belknap, 1999; Lane, Lucera, & Boba, 2003; Martin, 1997). For example, one study highlighted that officers may not take the time to determine who the primary aggressor was and that a desire to force both partners into counseling was behind their decision to make a dual arrest (Finn & Bettis, 2006). There is also evidence from another study that the rates of prior assault of both the men and women subjected to dual arrest was much higher than the statistics of prior violence shown in the instant study, implying that dual arrest may be differentiated by the higher level of relationship violence (Feder & Henning, 2005).

Dependent Variable

The dependent variable of "Arrest" includes arrests made or warrants issued, both coded as 1, and no arrest coded as 0.

Independent Variables

Independent variables were constructed from the police reports using the Rhode Island Domestic Violence and Sexual Assault/Child Molestation Police Reporting Form. Officers are required to fill out the form to the best of their knowledge when assessing each incident. This form allows for a variety of information about the particular incident. The instructions do not specifically require the officer to affirmatively ask all the questions relevant to the form but permits them, as situational issues permit, to gather this knowledge from available sources. Upon arrival on the scene, officers make the initial assessment of who is the suspect and who is the victim in the incident.

We have separated our independent variables into Legal and Extralegal groups. Legal variables are those that comprise evidence that will generally be admissible at trial. Extralegal variables should also be considered since studies about police decision making confirm the consistent importance of variables involving evidence that should not be admissible against the arrestee in court. Accordingly, this article includes the two groupings to highlight the multitude of factors, whether legal evidence or not, that predict the outcome of arrest.

Legal Variables

Legal variables include presence/threat of a weapon, visible injury to the victim, presence of a witness, and existence of a prior protective order. Weapon was coded as 1 when the police listed that a weapon was used or threatened. Injury was coded as 1 when the report noted there was a visible physical injury to the victim. If a witness was present to the assault, the witness category was coded as 1. The existence of a prior protective order involving the couple was also coded as 1.

Extralegal Variables

Extralegal variables include the police interpretation of a hostile suspect, cohabitation status of the couple, drug and alcohol use by both the victim and the suspect, prior assault, and race/ethnicity. The variable of hostile suspect was coded as 1 if the police noted that the suspect was belligerent, angry, and/or threatening in the presence of officers. Other response categories included drug and alcohol use, prior assault, and whether the two parties were living together. Responses were coded as 1 for *yes* and 0 for *no* as indicated in the police reports. In examining the race/ethnicity of individuals, 72% of the victims were White and 65% of the suspects were White. The form categories also included options for Hispanic, Black, Asian, Native American, and all other. Because of the relatively homogenous racial/ethnic composition of our Rhode Island sample, we combined the race and ethnicity categories into a dichotomous variable of 1 = *White* where both partners were labeled as non-Hispanic White and other races/ethnicities were coded as 0.

A variable indicating who called the police was also created utilizing two dummy variables, one for when the victim contacted the police and another for when the suspect called the police. The reference category refers to when a third party contacted the police. Although studies show that victim's desire for arrest is a positive influencing factor in arrest (Berk & Loseke, 1980-1981; Black, 1980; Smith, 1987), the dataset does not contain sufficient information to indicate the victim's preference for or against arrest.

Results

Descriptive statistics provide an early review of the potential for sex differentials in arrest outcomes. Of all the suspects in the data set, 84.7% suspects were male ($N = 14{,}723$), 15.3% were female ($N = 2{,}657$). Of those arrested in a domestic violence incident, 86.5% were men ($N = 11{,}255$) and 13.5% were women ($N = 1{,}758$). Table 1 contains additional descriptive statistics of the

Table 1. Characteristics of Male and Female Suspects and Arrestees in a Domestic Abuse Incident Against an Intimate Partner

	Male Suspects (%)	Female Suspects (%)	Male Arrestees (%)	Female Arrestees (%)
	N = 14,723	*N* = 2,657	*N* = 11,255	*N* = 1,758
Arrested	76.4	66.2**		
Legal variables				
Witness present	32.8	35.2	35.8	40.7**
Visible injury to victim	28.5	28.3	35.6	40.7**
Weapon	11.2	16.6**	13.7	23.2**
Protective order	30.6	23.5**	32.9	25.7**
Extralegal variables				
Couple White	62.4	74.2**	60.0	72.1**
Living together	50.3	48.1	51.4	49.1
Victim contacted police	68.0	64.4**	67.3	62.2**
Suspect contacted police	2.7	8.6**	2.4	10.4**
Hostile suspect	20.8	33.7**	23.6	39.6**
Assaulted victim before	50.0	29.0**	56.0	35.4**
Victim used alcohol	12.1	16.4**	12.4	18.3**
Victim on drugs	1.0	1.1	.9	1.5
Suspect used alcohol	31.1	29.5	34.7	34.6
Suspect on drugs	4.3	4.4	4.8	5.3

Note: Proportional data analyzed using chi-square analyses.
**$p < .001$.

independent variables with their relative proportions. The first two columns of numerical data represent all the reports of domestic violence used in this study, with the suspects separated by sex (male, female). The two columns on the right are a subset, representing those arrested involving adult intimate partner abuse, with the arrestees separated by sex. The proportionate

differences between sexes in each paired set were analyzed using a chi-square test for significance in proportions.

Overall, more male than female suspects were arrested. Female suspects and arrestees were more likely to have had a witness present and more likely to have had a weapon involved in a domestic abuse incident. In contrast, male suspects and male arrestees were more likely to have been under a protective order and to have assaulted the victim before. Male and female suspects were about equal in causing visible injury, though female suspects who were arrested were more likely to have caused injury. Female suspects and arrestees were far more likely to have been described as hostile than males in both categories. About half of all suspects and arrestees of both sexes were living with their partners at the time of the violence.

Victims contacted the police in a majority of cases and arrests were made in over 60% of the cases where the victim called. Female suspects were four times as likely to call the police as male suspects, and 10% of women who were arrested were the ones to call, compared to 2% of men. More females were reported as having a hostile demeanor and hostile female arrestees were almost twice as likely to be arrested as hostile male arrestees.

The male victims of female suspects were more likely to have used alcohol than the female victims of male suspects. Females were 50% more likely to be arrested when their male victims were drinking than were males arrested when their victims used alcohol (although the relative percentage differences were quite small). The victim's use of drugs was relatively uncommon, at around 1%, but females were again 50% more likely to be arrested when their male victims were on drugs than were males arrested when their female victims used drugs. The use of alcohol by the suspects was far more common than the victims' use. About 30% of the suspects, male and female, used alcohol at the time of the domestic abuse incident. About one third of the arrestee population, both male and female, had used alcohol. The use of drugs by the suspect was rare, representing about 4% to 5% of the cases.

Logistic Regression Analyses

To examine the relative effects of the independent variables on the outcome of arrest, regression is an appropriate tool. As the dependent variable is dichotomous and nominal (*arrest* = 0 or 1) and with multiple predictor variables, binomial logistic regression procedures were appropriate. Logistic regression coefficients can be converted to odds ratios that can indicate the change in the likelihood of the occurrence of the dependent variable (here, arrest) given a one unit change in an independent variable, holding constant the other independent variables. Odds ratios also indicate the direction of the change, that is,

Table 2. Logistic Regression Results Predicting Arrests in Domestic Abuse Incidents Against an Intimate Partner

	All Suspects			Male Suspects			Female Suspects		
	β	*SE*	Odds Ratio	β	*SE*	Odds Ratio	β	*SE*	Odds Ratio
Legal variables									
Witness present	0.606	(.046)	1.833**	0.565	(.051)	1.759**	0.784	(.109)	2.191**
Visible injury to victim	2.336	(.078)	10.340**	2.257	(.085)	9.550**	2.648	(.195)	14.130**
Weapon	1.174	(.096)	3.234**	1.136	(.110)	3.115**	1.262	(.203)	3.533**
Protective order	0.740	(.050)	2.097**	0.751	(.054)	2.120**	.658	(.124)	1.930**
Extralegal variables									
Suspect female	−0.501	(.055)	0.606**						
Couple White	−0.277	(.044)	0.758**	−.277	(.048)	0.758**	−0.259	(.118)	0.772
Living together	0.044	(.044)	1.045	.084	(.048)	1.087	−0.161	(.108)	0.851
Victim contacted police	−0.006	(.047)	0.994	−.027	(.052)	0.973	0.101	(.115)	1.106
Suspect contacted police	−0.160	(.110)	0.852	−.492	(.132)	0.611**	0.598	(.211)	1.818*
Hostile suspect	0.760	(.056)	2.139**	.770	(.064)	2.159**	0.751	(.113)	2.118**
Assaulted victim before	0.677	(.044)	1.968**	.690	(.047)	1.993**	0.581	(.123)	1.788**
Victim used alcohol	−0.445	(.071)	0.641**	−.506	(.080)	0.603**	−0.211	(.159)	0.809
Victim on drugs	−0.514	(.206)	0.598	−.747	(.221)	0.474**	1.061	(.607)	2.889
Suspect used alcohol	0.731	(.054)	2.076**	.755	(.060)	2.128**	0.635	(.132)	1.888**
Suspect on drugs	0.396	(.119)	1.486**	.406	(.133)	1.500*	0.406	(.277)	1.501
Constant		−0.064			−.045			−0.681	
Model chi-square		3,732.575**			2,871.442**			791.819**	
−2 log likelihood		15,060.887			12,545.045			2,470.296	
		N = 16,743			*N* = 14,187			*N* = 2,556	

* $p < .01$. ** $p < .001$.

whether the one unit change in the independent variable increases or decreases the possibility of arrest, holding other variables constant.

Three logistic regression models examining the influence of suspect sex on arrest outcomes were estimated with multiple explanatory variables. Table 2 reports the unstandardized logistic coefficients, standard errors (in parentheses), and the odds ratios for the models. Diagnostics ruled out any problem with multicollinearity.

The first model includes all suspects, male and female, with sex being a predictor variable. This model correctly predicted 78.5% of arrest outcomes and was statistically significant at the .001 level. The impact of sex is clear here since police were .6 times as likely to arrest females for domestic assaults as compared to males, holding constant the other explanatory variables. Thus with this finding and the significant bivariate differences in proportions illustrated in Table 1, there is support for sex differentials in arrest outcomes for domestic assaults. The next two models focus on separate results for male and female suspects.

The second and third models correctly predicted arrest outcomes at 79.1% for male suspects and 75.8% for female suspects, and both models were statistically significant at the .001 level. The four legal variables were quite salient in the arrest decision for both males and females, though with some difference between the sexes in their strength. Visible injury to the victim was the strongest predictor increasing the odds of arrest by 9.6 times for males and 14.1 times for females. Similarly, the use of a weapon by women increased the odds of arrest by 3.5 times compared to 3.1 times for men. The presence of a witness also increased the odds of arrest by 1.8 times for male suspects compared to 2.2 times the odds of arrest for female suspects. In sum, both men and women were more likely to get arrested when there was visible injury to the victim, a weapon was used, and/or there was a witness present during the incident. However, these legal factors increased the likelihood of arrest for females much more than males. This may indicate that when legal factors are considered, females are much more likely to be arrested.

In addition, seven of the extralegal variables showed statistically significant effects on arrest. Interestingly, these effects were similar among both males and females. The strongest predictor, suspect's hostile demeanor, increased the odds of arrest 2.1 times for both male and female suspects. In addition, previous assault on the victim increased the odds of arrest 2.0 times for male suspects and 1.8 times for female suspects. In contrast to legal factors, extralegal factors do not seem to result in sex differences in arrest.

Drug and alcohol use also showed some similar statistically significant results. The suspect's consumption of drugs or alcohol increased the odds of

arrest similarly for males and females. The suspect using alcohol increased the odds of arrest for males by 2.1 times and females by 1.9 times. The suspect using drugs increased the odds of arrest 1.5 times for both sexes (though the statistic for female suspects was not statistically significant). The predictions are somewhat different for when the victim used alcohol or drugs. Victim use of alcohol decreased the odds of arrest by about .6 times for the males and .8 times (not statistically significant) for females. Although these effects are similar for males and females, there is an opposite effect by sex for the victim using drugs. When the female victims used drugs, the odds of arresting the male suspects decreased by .5 times, but when the male victims used drugs, the odds of arrest for female suspects increased 2.8 times. The odds for female suspects when their male partners use drugs is not statistically significant, which is likely because of the small number of cases in that category.

Relative to the reference category of a third party contact to the police, the victim having contacted police was not statistically significant for either sex whereas the suspect having contacted police was significant for both sexes. However, the impact of the suspect being the one to call the police was in the opposite direction for the sexes. When the female suspect notified officials, the odds of arrest increase 1.8 times, but when the male suspect contacted police, the odds of arrest were reduced to about .6 times.

Where both parties in the couple were White, the odds of arrest decreased by just less than .8 times for both sexes. Living together was not significant in these models.

Discussion

This study supported the prediction that there are disparities in arrest outcomes for domestic assaults between heterosexual adults based on sex. Females were less likely to be arrested in the bivariate results (76% for male suspects vs. 66% for females) and a logistic regression model showed that female suspects were .6 times as likely to be arrested net of controls. The probabilities of arrest in the bivariate results of this study are far higher than found in previous research (Berk & Loseke, 1980-1981; Eigenberg et al., 1996; Feder, 1998; Worden & Pollitz, 1984). However, this may be because this study uses the specialized domestic violence reporting form, rather than victimization surveys, police responses to calls, or written police reports of incidents that prior studies have used. The time and effort required by officers to complete the lengthy specialized form in addition to other report forms and paperwork may represent a further filtering mechanism for the confirmed and more serious domestic disputes that are more likely to justify

arrests. In addition, the proarrest policy of this jurisdiction may have worked to increase arrest rates, as desired by the state's legislature. The percentages found in this study are close to the 59% arrest figure that a previous study found in another proarrest police department (Jones & Belknap, 1999).

Several predictors of arrest including presence of a witness, visible injury, use of a weapon, and existence of a protective order were all positive and significant for the arrest outcome for both males and females. By far, the most important factor was a visible physical injury to the victim. Yet there was an appreciably greater likelihood of arrest in the presence of a clear victim injury when the suspect was female (14.1 times) as compared to the male (9.5 times). With arrest representing an early stage in the criminal justice process, women who injure their male partners, net of other factors, were treated far more strictly than men who cause injuries to their female partners. This suggests that men are given more leeway causing physical injury to their women partners, lending support to the patriarchal perspective of domestic violence whereby men are afforded the natural right to discipline their wives (Dobash & Dobash, 1979). On the other hand, as female suspects were more likely to use a weapon, it is possible that the injuries caused were more severe, thereby potentially justifying the higher probability of arrest among women. Unfortunately, the data do not indicate the severity of injury. As expected, the other three legal predictors (presence of a witness, use of a weapon, and existence of a protective order), were also positively and significantly associated with the outcome of arrest for both males and females.

Consistent with prior research, the suspect's demeanor with police was salient in arrest outcomes relatively equally for male and female suspects in the logistic regression analyses. Although female suspects and arrestees were more likely than males to have been ascribed a hostile demeanor in the bivariate results, the odds of arrest in the logistic regression models for hostile demeanor were similar across the sexes (2.1 times). Thus we believe that officers were not holding women to a greater standard in judging their demeanor. Instead, law enforcement appeared to demand respect from all suspects. Although it is possible that the officers are assessing hostile behaviors differently across sexes, we cannot tell from this dataset if there is a sex difference in how hostile behaviors are assessed. A prior assault on the victim was also one of the better predictors of arrest for both sexes. This was evident even though propensity evidence about prior similar acts by the suspect is generally not legally admissible to support an arrest or conviction. Still, prior behavior here appeared to be important in police decision making about the current incident.

The impact of victim and suspect use of alcohol and drugs had some interesting effects. While the victim's use of alcohol led to the decreased likelihood of arrest for both sexes, it was of greater impact for male suspects. When female victims of male suspects had used alcohol, male suspects were .6 times less likely to be arrested, as compared to .8 times for female suspects with their male counterparts drinking. The effect of the victim using drugs was more dramatic. When female victims use drugs, the odds of arrest of the male suspects decreased by about half, whereas when the male victims use drugs, the odds of arrest for female suspects increased by 2.9 times. These findings suggest that the police may judge women as bearing more responsibility than men in being victimized when they are drunk or on drugs. In addition, police may anticipate a great deal of danger among victimized women if male suspects are drunk or on drugs. The effect of the suspect using drugs was similar for both sexes and worked to moderately increase the likelihood of arrest. The results indicate that police may differentiate between alcohol and drugs as intoxicants, at least among victims.

The victim being the one to call the police had no significant impact on either sex. However, the suspect having contacted the police had a remarkable influence. The odds of arrest decreased by .6 times when the male suspect contacted the police, yet the odds of arrest increased 1.8 times when the female suspects called. Since these equations control for significant legal and extralegal factors, this finding implies that women are being punished for engaging the police in their quarrels. Furthermore, living together had no statistical significance. This was a surprise because we believed that the police would be more likely to arrest if the couple resided in the same household because further personal contact may be related to an increase in tension and possibly more violence.

There are several methodological flaws here that should be briefly mentioned. First, the data come from police accounts which offer retrospective reports that may differ from what actually occurred. They may be more justifications of police action rather than true representations and thus may be biased (Worden & Pollitz, 1984). On the other hand, because of the state's proarrest policy, these police reports may be leaning toward justifying police inaction in the decision not to arrest. Second, and related, the retrospective reports may include information that was not known to the authorizing police officer until after the arrest. For instance, the officer may have discovered that the arrestee had previously assaulted the victim during postarrest interviews or researching police files and therefore the information might not have been a factor in the decision to arrest. Third, the study involved only one jurisdiction located in a northeastern state (Rhode Island). Thus the results may not be generalizable to other states or departments.

Conclusion

This study showed differential arrest outcomes whereby men are more likely to be arrested for crimes involving domestic violence than women. In addition, the results indicated variations in how certain legal and extralegal factors are involved in police decision making on arrest varying by sex. We sought to investigate possible factors that may contribute to the increasing likelihood of women being arrested for intimate partner abuse. The feminist push toward arrest as the presumptive action by law enforcement in domestic abuse situations has resulted in greater protection of women in abusive relationships but harmed women as well by increasing the number of arrests of women for domestic assault.

However, there may be valid reasons for not treating male and female offenders alike. Some feminist scholars argue that criminal law is created by men with a male-centered approach and thereby is not well designed to consider what may be the special needs of women (Schulhofer, 1995). Although feminists work toward equal treatment, this does not always mean men and women should be treated in the same way where differences between the groups may dictate otherwise. For example, the results of a study of officers' inferences on the situational cues in domestic assaults suggest that officers tended to interpret that male victims had greater control over their actions and were more responsible in the assaults than female victims (Finn & Stalans, 1997). In comparing male and female arrestees, Henning and Feder (2004) found that male arrestees were more likely to have engaged in more serious physical assaults, used a weapon, have substance abuse problems, made homicidal and suicidal threats, been the reason of prior police interventions, carry a more severe criminal history, been the subject of more prior arrests for domestic violence, and have engaged in more extrafamilial violence. While the data used here did not include all the same variables as Henning and Feder (2004) nor achieve all the same results on similar factors, the results similarly found statistically significant gendered differences in the use of a weapon and prior victim assault. Thus one can question the appropriateness of using the same factors in decisions to arrest for men and women. Acknowledging that women's experiences and realities can be different may make a more rational and just system.

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