

What is Known About Mandatory Arrest for Intimate Partner Violence

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Historically, violence directed against a woman by her husband was considered a private matter. Consequently, police responses had inadequately protected wives from severe injury and even death (*Thurman v. City of Torrington*, 1984). Police often delayed responding to such calls, or ignored them entirely. Warrantless arrests were only made when the assault occurred in the presence of an officer (Sherman, 1980). Less than 10% of such calls resulted in arrest (Roy, 1977). In fact, one study found that in 85% of sampled spousal homicides, the police had intervened within the previous two years (Police Foundation, 1976). This raises the question as to whether the police could have prevented these homicides had they arrested the perpetrator during an earlier assault. Consequently, the battered women's movement used this research to push for the passage of mandatory arrest laws.

In the early 1980s, Sherman and Berk (1984) published a study that used the classical experimental design in Minneapolis that found that those batterers who are arrested are less likely than their counterparts to re-batter. This finding led the U.S. Attorney General to recommend arrest as the standard treatment for misdemeanor domestic assault (Mignon et al., 1995). By 1991, 15 states plus the District of Columbia passed mandatory arrest statutes.

Meanwhile, the National Institute of Justice (NIJ) funded studies to replicate the findings in other U.S. Cities (Maxwell et al., 1991). Findings reveal that the original Sherman and Berk results were not robust across sites. While findings in two cities suggest that arrest can deter continued violence (Schmidt and Sherman, 1996), findings in three cities suggest arrest can actually escalate the violence (Dunford et al, 1990). Later work by Sherman (1992) claims that arrest only works for those perpetrators who have a stake in conformity (i.e., employed or married perpetrators). This is the departure point for the research presented here.

NIJ funded research by Dugan, Nagin, and Rosenfeld (2003) examined how changes in resources, policies, and state statutes designed to protect battered women affect rates of intimate partner homicide in 48 of the largest 50 cities. Because rates of partner homicide differ according to the victim's race, gender, and marital relationship to the offender, we examined the relationships across all three dimensions. Findings show that the effects of domestic violence resources depend on the type of resource the victim. Stronger arrest policies seem to be associated with declines in rates of homicide for white married males. However, they are also associated with increases in homicide for black unmarried males and females.

These findings led to another study that used data from the National Crime Victimization Study (NCVS), a data set whose funding is mandated by Congress, to examine the effect of state statutes on the probability 1) that someone in the household experiences a domestic assault, 2) that the police are informed of a domestic assault, and 3) that the police arrest (Dugan 2002). Findings show 1) that victims in states with mandatory arrest statutes are less likely to report assaults, 2) that police in those states are no more likely to arrest, and 3) homes in those states are less likely to have violence (Dugan 2002).

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