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*Crime Delinquency* 2003; 49; 313

DOI: 10.1177/001128702251067

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# The Voices of Domestic Violence Victims: Predictors of Victim Preference for Arrest and the Relationship Between Preference for Arrest and Revictimization

David Hirschel  
Ira W. Hutchison

*This article focuses on what female victims of domestic violence expect the police to do when they call for assistance during an abusive incident and whether there is an association between their desire for formal intervention and subsequent victimization and offender aggression. The 419 victims interviewed in this study had a variety of expectations ranging from simply warning to arresting the offender. A combination of victim characteristics, offender characteristics, and incident characteristics was predictive of victim desire for arrest, and victim desire for arrest was significantly associated with subsequent threat of abuse and actual abuse of the victim. The implications of these findings for preferred and mandatory arrest policies are discussed.*

**Keywords:** domestic violence; arrest; victim preference; revictimization

The past 30 years have seen a radical change in the law enforcement response to spouse abuse. As we have elaborated elsewhere (Hirschel, Hutchison, Dean, & Mills, 1992), the historical development of the law enforcement response involved a move from simply restoring order between the disputants to employing mediation to the current focus on arresting the abuser. The movement to adopt preferred and mandatory arrest policies in spouse abuse cases has constituted an attempt to give abused spouses equal justice, demonstrating that the marriage license is not, in fact, a so-called hitting license. The means for achieving this goal of equal justice has been by promoting arrest through limiting the discretion of the police not to arrest.

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The data on which this study is based were obtained from research conducted under Grant No. 87-IJ-CX-K004 from the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Opinions in this article are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

CRIME & DELINQUENCY, Vol. 49 No. 2, April 2003 313-336  
DOI: 10.1177/0011128702251067  
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Thus, traditional officer reluctance to arrest an offender simply because the situation involved domestic matters has been overcome by legislative provisions and department policies showing a preference for, or actually mandating, arrest.

However, it is not only the police from whom the proarrest movement removes discretion. In the past, officer decision making in spouse abuse cases could be influenced by victim preferences. If the victim in a misdemeanor case did not want an offender arrested, then there was a good possibility that the offender would not be arrested. However, preferred and mandatory arrest policies diminish the ability of victims to influence police decision making. Now, the officer may have to arrest the offender even over the victim's strenuous objections.

Preferred and mandatory misdemeanor arrest provisions are unique to domestic violence cases. In other misdemeanor cases, police officers may take victims' desires into consideration when deciding how to proceed with a case, although they are under no obligation to do so. Whether it is desirable to treat domestic violence victims differently from other crime victims is open to debate and is an issue that will be examined in this article.

The issue of allowing victim input into official decision making takes on added import given the uncertainty that exists about the deterrent effect of arrest in domestic violence cases and the allegation that arrest may, in fact, escalate the violence within the relationship (Sherman, 1992). It is possible that a victim, who certainly has more knowledge about the situation to which the officers are responding, may be better able than the responding officers to predict whether in her particular case arrest is likely to have a deterrent or an escalation effect. Indeed, it may be her fear of escalation that has prompted her to argue against arrest. By failing to allow the voices of victims to be heard, it is possible that their safety is being jeopardized. To date, there has been little research that examines what victims want police officers to do when they respond to the scene of a domestic violence incident and how victim desires are associated with subsequent revictimization and reoffending. This study, which utilizes data generated by an experimental design, is able to compare both victim desire for arrest and a randomized arrest response with revictimization.

#### *PRIOR RESEARCH*

In this section, we examine what prior research has concluded about the factors that are associated with calling the police in a domestic violence inci-

dent and what domestic violence victims want the police to do when they respond to the scene. We also assess current research on the deterrent effect of arrest.

*When Are Domestic Violence  
Victims Likely to Call the Police?*

Many domestic violence victims never call the police, and among those who do, most do not call for every abusive incident (Hutchison & Hirschel, 1998). Based on data from the 1978 to 1982 National Crime Victimization Surveys (NCVS), Langan and Innes (1986) found that 52% of abusive incidents were reported to the police. Similarly, an analysis of 1993 to 1996 NCVS data revealed a reporting rate of 52.1% (U.S. Department of Justice, 1998). These reporting frequencies, however, are much higher than other estimates. Schulman's (1979) study of 1,000 women in Kentucky found a rate of 9% of incidents reported to the police; a rate roughly comparable to Kantor and Straus's (1990a) overall rate of 6.7% (14% for severe violence), based on the National Family Violence Survey.

Among the studies investigating the factors that influence the probability of police utilization, the following four variables emerge with some consistency: (a) previous history of abuse/violence (Abel & Suh, 1987; Berk, Berk, Newton, & Loseke, 1984; Bowker, 1982; Brookoff, O'Brien, Cook, Thompson, & Williams, 1997; Johnson, 1990; but see contra Bachman & Coker, 1995); (b) abuse severity, in particular the infliction of injury (Bachman & Coker, 1995; Bowker, 1982, 1984; Conaway & Lohr, 1994; Johnson, 1990; Kantor & Straus, 1990a); (c) the use of weapons (Brookoff et al., 1997; Conaway & Lohr, 1994; Jones & Belknap, 1996); and (d) alcohol consumption by the offender at the incident (Bowker, 1984; Brookoff et al., 1997; Johnson, 1990; Jones & Belknap, 1996; Kantor & Straus, 1990b). Although these variables were operationalized differently across the studies cited, the general consistency of the results lends some confidence to the conclusion that these factors are among the more consistent predictors.

Other factors that have been found to be associated with calling the police, but with less consistency, include the following: the presence of children (Berk et al., 1984; Johnson, 1990; Jones & Belknap, 1996; but see contra Abel & Suh, 1987; Hutchison & Hirschel, 2001); victim race, with Blacks more likely to call the police (Bachman & Coker, 1995; Gondolf, Fisher, & McFerron, 1990); employment/occupational status, with unemployment (Kantor & Straus, 1990a) and lower occupational status (Bowker, 1984) associated with calling the police; age (Conaway & Lohr, 1994) and length of

time in relationship (Johnson, 1990); and, finally, previous police utilization (Berk et al., 1984), particularly if the results had been perceived as positive (Conaway & Lohr, 1994).

*What Do Domestic Violence Victims  
Want the Police to Do When They Respond?*

As noted above, the proarrest movement tends to remove discretion from the victim as well as the police. Part of the traditional reluctance of police to arrest in domestic violence situations stemmed from the perception that female victims were uncooperative and, thus, arresting and prosecuting abusers was a waste of time (Parnas, 1967, p. 931; U.S. Commission on Civil Rights, 1982). A concern with proarrest and mandatory arrest policies is that they pay little or no attention to victim preferences. Victims do not always want the offender arrested. Some simply want officers to calm the situation and stop the abuse (see, e.g., Buzawa & Austin, 1993; Dunford, Huizinga, & Elliot, 1990, p. 191). Others may be using the legal system to achieve a variety of objectives. As Ford (1991) pointed out in his analysis of why victims file and drop charges, complex personal factors affect the decision to seek legal intervention in domestic abuse situations. Victims may fear destructive side effects of police action, such as the loss of the family breadwinner or the escalation of violence.

Whether it is desirable to remove all victim input from decision making is a subject of dispute. For some, this approach is preferable because they believe that women trapped in coercive relationships are unable to make decisions for themselves. In addition, taking the decision away from the victim may promote victim safety by lessening the likelihood of an offender threatening further harm to have charges dropped (see, e.g., Friedman & Schulman, 1990, p. 98). For others, preferred or mandatory arrest is yet another indication that the victim is powerless to affect the situation (see, e.g., Ford, 1991). Moreover, arrest provides only a temporary resolution to the underlying problem, and the victim may soon be faced by a released offender who is even more angry. There is some evidence that victims can accurately assess the likelihood of revictimization (Buzawa, Hotaling, Klein, & Byrne, 1999, pp. 147-148) and this, along with victim preference, is perhaps a factor that could be incorporated in official decision making.

*What Is the Deterrent Effect of Arrest?*

The major legislative change in the past 20 years in the area of domestic violence has been the broadening of police power to conduct on-the-scene,

warrantless arrests of suspected abusers. Whether such arrests deter subsequent abuse has been the subject of intense research.

The primary studies on the deterrent effect of arrest all used experimental designs that ensured those cases that met specified criteria for inclusion had an equal chance of being assigned to one of a number of police responses. All the experiments used arrest as one of the possible responses. The other responses varied across sites, but arrest was always compared with these other responses. All the sites focused on misdemeanor cases in which the police were empowered, but not required, to arrest. In addition, a 6-month follow-up using both police records and victim interviews was conducted on all cases that met the criteria for, and were randomly assigned to, one of the police responses. Unfortunately, the sites also varied in a number of important ways; for example, with regard to the types of cases included,<sup>1</sup> the definition of failure, and the methods of data analysis (see Garner & Maxwell, 2000).

In the Minneapolis experiment, 314 predefined misdemeanor domestic assault cases were randomly assigned to one of three police responses: advising the couple, separating the couple, or arresting the offender (Sherman & Berk, 1984a, 1984b). After examining official police records and conducting victim interviews every 2 weeks for 6 months, the researchers concluded that arrest was significantly more effective at deterring subsequent abuse than either advising or separating the couple.

Both the researchers themselves (see, e.g., Sherman & Berk, 1984b, pp. 263-266, 269) and others (see, e.g., Binder & Meeker, 1988; Elliot, 1989, pp. 453-454; Lempert, 1989, pp. 152-154) noted problems with the study. Despite this, the study received unprecedented national attention and is credited with helping to promote the nationwide movement toward arrest as the preferred response in abuse cases ("Roughening Up," 1987; Sherman & Cohn, 1989).

To test the validity of the results obtained in this single-site study, the National Institute of Justice funded six additional experiments in Omaha, Atlanta, Colorado Springs, Dade County (Florida), Milwaukee, and Charlotte, North Carolina. The replication studies produced some conflicting results, but, in general, found that arrest did not exert a significant deterrent effect on spouse abusers as a whole.<sup>2</sup> In Omaha, the researchers observed no significant differences between the failure rates of the three treatments employed in cases in which the offender was present when the officers arrived on the scene (Dunford et al., 1990). In Charlotte, the failure rate of the arrest treatment did not differ significantly from the other two treatments (Hirschel & Hutchison, 1992, 1996; Hirschel, Hutchison, & Dean, 1992; Hirschel, Hutchison, Dean, Kelley, & Pesackis, 1991). In Milwaukee, there

was, in general, no significant difference between the treatments (Sherman et al., 1991; Sherman et al., 1992). In Dade County, however, analyses based on victim interviews and on one of the two official measures of recidivism (rearrest) revealed significant deterrent effects (Pate, Hamilton, & Annan, 1992). In Colorado Springs, finally, analyses of official police records revealed no significant deterrent effect, but analyses of victim interviews did (Berk, Black, Lilly, & Rikoski, 1991).

A review of these arrest studies leads to the conclusion that the overall effect of arrest on subsequent abuse is uncertain. However, it is possible that the variation in findings is the result of differences in the way the studies were conducted in the different sites. A recent multisite analysis of these experiments appears to indicate that this is the case. Using consistent criteria for including cases and defining failure, Maxwell, Garner, and Fagan (2001) found in their analysis of the Charlotte, Colorado Springs, Dade County, Milwaukee, and Omaha data that cases assigned to the arrest response resulted in lower levels of subsequent aggression.

From the above literature review, two points need to be stressed: First, the deterrent effect of arrest in domestic violence cases is uncertain. Second, it is unclear whether it is desirable to allow victims any input into the disposition of the less serious misdemeanor incidents over which police officers traditionally used to exercise considerable discretion, albeit generally in the direction of not arresting the offender. By examining what victims want police officers to do when they respond to the scene of a domestic violence incident, and how victim preferences are associated with subsequent revictimization, we hope to contribute in a meaningful way to the debate about the role of mandatory and preferred arrest policies.

## *METHODOLOGY*

### *Sample*

Data were gathered in Charlotte, North Carolina, as part of the multisite spouse abuse studies undertaken by the National Institute of Justice. Charlotte is the largest urban area between Washington, D.C., and Atlanta, Georgia. Located in North Carolina, close to the South Carolina border, the city covers an estimated 160 square miles. The population in 1986 was 352,070 (U.S. Bureau of the Census, 1988, p. 690). The 1990 population of Charlotte was estimated to be 390,000. The ratio of Whites to Blacks is about 2:1 (67.4% White vs. 31.1% Black, based on census data).

To provide an acceptable degree of homogeneity within the sample, the study focused only on female victims and male offenders with a current or previous marital or cohabiting relationship. Again with the objective of obtaining a relatively homogeneous group of cases, the decision was made to focus on the middle range of misdemeanor spouse abuse cases: those in which both victims and police have discretion over their actions, and for which police are empowered but not required to make an on-the-scene arrest. Excluded from consideration were cases that were considered so minor that an arrest could not be made: when, for example, there had only been shouting and the responding officers determined that there was no probable cause to believe that a crime had been committed. Also excluded were cases at the other end of the spectrum when a felony had been committed, when an arrest was necessary for the victim's safety, or when the officers had to arrest the offender: For example, when he was subject to a warrant or a restraining order. Because different response options were available when the offender had left the scene before the police arrived, these cases were also excluded. Finally, because of the difficulties inherent in conducting research with minors, victims under the age of 18 were excluded from the study.

About 82% of the domestic violence calls to which the police responded during the 99-week study period were determined to involve situations in which there was no probable cause to believe that a crime had been committed. Of the remaining 3,380 cases, 682 cases involving 646 different couples met the above criteria. Although these 682 cases constitute only a small percentage of the domestic violence cases to which the police were called, they represent those cases that were deemed serious enough to merit consideration for formal police intervention but not serious enough to require arrest.

#### *Interview Data*

Victims in these 646 dyads were scheduled for face-to-face interviews conducted by female interviewers, and a total of 419 women were interviewed. Of the 227 cases in which interviews were not obtained, 108 were not obtained as a result of the case being dropped (generally as a result of inability to locate the victim, although a few cases were dropped because the victim's alcohol/drug problem made her answers incoherent), and 119 were not obtained because of the victim's refusal to participate (generally as a result of fear of retaliation by the offender if he found out about the interview). Women who were interviewed were very similar to those who were not. Analysis of the interviewed with noninterviewed cases on 26 relevant demo-



graphic characteristics of the victim and abuser, as well as offense/case characteristics (e.g., injury, medical treatment, prior record, location, time of day) produced no significant differences in 24 of the 26 comparisons.<sup>3</sup>

The interviews were extensive, with detailed questions on the nature of the victim-offender relationship; the composition of the household; victim-offender abuse history; victim and offender alcohol use; the victim's family background and early abuse history; the victim's help-seeking actions; the events that led to the police being called to the incident that brought the victim into the study; the police actions at the scene; the events that occurred after the police left the scene; subsequent revictimization; demographic information on the victim and offender; and interviewer observations. Included among the interviewer observations was the interviewer's assessment of the couple's socioeconomic status. The interviews contained a total of 543 potential questions and lasted an average of 1 hour and 13 minutes.<sup>4</sup> Although the interviewees do not represent all women who call the police, they approximate those who do call the police in situations in which police have the discretionary power to make warrantless arrests.

The following two sets of measures of victim-reported aggression were used in this research: (a) core items common to all the National Institute of Justice-funded Spouse Assault Replication Projects (e.g., threatening or hitting the victim; see Hirschel et al., 1991, p. 119) and (b) the Conflict Tactics Scale (CTS). The CTS was utilized to obtain some measure of prevalence and incidence comparability with previous studies of domestic assault. For many years, the CTS has been the most widely used instrument in the United States for assessing intimate partner violence, despite a variety of criticisms. For example, some have suggested that results of the CTS often wrongly imply sexual "symmetry" in domestic assaults (Dobash, Dobash, Wilson, & Daly, 1992), or that the motivations for assault are similar (DeKeseredy & MacLean, 1990), or that some types of abuse are lost because of the lack of multiple types of measures (Junger, 1990). However, we believe that within its purpose, the benefits of the CTS's established reliability and validity clearly outweigh its limitations. More specifically, items k-s of Form R of the original CTS (the predominant form at the time of the research, as opposed to the newer form CTS2) were used, and coded as follows: Minor violence = threw something; pushed, grabbed, or shoved; slapped. Severe violence = kicked, bit, or hit with fist; choked; beat up; threatened with a knife or gun; knife or gun was used (Straus & Gelles, 1990, p. 33).<sup>5</sup>

*Sample Profile*

There was a bimodal distribution in this sample between those who were married (48.9%) and those who were cohabiting (40.6%), with relatively few divorced (0.5%), separated (1.9%), or ex-cohabitants (8.1%). Among those currently married, the mean length of marriage was 7.6 years; among current cohabitants, the mean length of the relationship was 1.5 years. Most of the victims were Black (70.3%), and nearly all of the rest were White (29.0%). The 3 (0.7%) who were in the Other racial category were omitted from the bivariate and multivariate analyses.

Reflecting the fact that calls to the police are more common at lower socioeconomic status (SES) levels, more than one third of the families were at the poverty level (39.1%); a similar proportion was at the working-class level (39.6%); 11.9% were borderline working class-middle class; and only 9.5% of couples were middle class or higher. Two thirds (67.2%) of the victims were employed either full- or part-time, compared to approximately three fourths of the batterers (74.3%). One third of the sample (33.5%) had not completed high school, 29.4% were high school graduates, and 37% had at least some college education. Among the male partners, a similar proportion had not completed high school (33.8%), whereas 42.7% were high school graduates, and 23.5% had at least some college education. The mean age of the women was 30.5 years, and of their partners, 32.7 years.

*FINDINGS**Victim Preferences*

Abuse victims were asked to describe what they hoped the police would do when they responded to the call for assistance:

When you called the police, do you remember what you wanted to happen? Just tell me in your own words.

Of the 354 women who responded to this question, those who constitute the basis of the analysis for the remainder of the article,<sup>6</sup> more than one fourth (29.7%,  $N = 105$ ) wanted the offender arrested. Among those who wanted another type of police action (70.3%,  $N = 249$ ), the largest number wanted the offender "taken away" (41.0%,  $N = 145$ ), followed by "warning him" (12.1%,  $N = 43$ ), "making him leave her alone" (5.9%,  $N = 21$ ), enabling her to leave herself (4.5%,  $N = 16$ ), or another type of nonarrest response (6.8%,  $N = 24$ ).

The first major issue examined in this article concerns the factors associated with victim desire to have the offender arrested. A two-stage process was used to investigate this issue. First, bivariate analyses were conducted on the relationships between a series of victim, offender, and incident variables and whether the victim wanted the offender arrested. Second, using logistic regression, multivariate analysis was conducted between the variables found to be significant in the bivariate analyses and whether the victim wanted the offender arrested.

As can be seen from an examination of Table 1, the following eight variables were associated at the .05 significance level with victim desire to have the offender arrested: (a) victim race, with Blacks (35.5%) significantly more likely than Whites (15.2%) to want the offender arrested; (b) victim age, with younger victims significantly more likely to desire offender arrest; (c) victim employment, with those who were not employed (40.7%) significantly more likely than those who were employed (even part-time: 24.0%) to want the offender arrested; (d) victim social class, with those at the poverty level (40.7%) significantly more likely than those in the working (23.3%) or borderline middle or above (18.4%) classes to seek offender arrest; (e) number of times victim was hit during the previous 6 months, with victims who wanted the offender arrested reporting being hit an average of 4.7 times in the previous 6 months compared to the average of 2.9 incidents reported by those who did not want the offender arrested; (f) offender race, with those with Black offenders (35.1%) significantly more likely than those with White offenders (14.3%) to want the offender arrested; (g) offender prior arrest record, with those victims whose offenders had ever been arrested for any offense (35.7%) significantly more likely than those whose offenders had never been arrested (16.4%) to desire offender arrest; and, finally, (h) offender arrest for a nontraffic offense within the previous 5 years, with those whose offenders had been arrested (35.1%) significantly more likely than those whose offenders had not been arrested (23.3%) to desire offender arrest. A ninth variable, offender CTS score, was close to significance at the .05 level, with those whose offenders scored "severe" (32.8%) with regard to the presenting incident significantly more likely than those whose offenders scored either "minor" (21.4%) or "none" (11.1%) to want arrest.<sup>7</sup>

A strong association was to be expected between some of these variables and, in accordance with customary statistical procedures, when a strong interrelationship was found, only one of the variables was used in the ensuing logistic regression. With strong associations found between victim race and offender race ( $\chi^2 = 336.63$ ,  $df = 1$ ,  $p < .01$ ,  $\phi = .92$ ) and offender prior arrest record and offender arrest for a nontraffic offense within the previous 5 years ( $\chi^2 = 226.52$ ,  $df = 1$ ,  $p < .01$ ,  $\phi = .74$ ), the decision was made to employ only

*(text continues on p. 326)*

**TABLE 1: Victim Wanted Offender Arrested by Victim, Offender, and Incident Characteristics**

	<i>Victim Wanted Offender Arrested</i>	<i>Victim Did Not Want Offender Arrested</i>	$\chi^2/F$	p
<i>Victim variables</i>				
Race				
Black	89 35.5%	162 64.5%	13.06	< .01
White	15 15.2%	84 84.8%	$\phi = -.20$	
Age	$\bar{x} = 28.90$ $SD = 7.6$	$\bar{x} = 31.16$ $SD = 9.2$	4.92	.03
Education				
Less than high school	42 36.5%	73 63.5%	4.45	.22
High school graduate	29 28.4%	73 71.6%		
Some college	28 24.1%	88 75.9%		
College graduate	6 33.3%	12 66.7%		
Employed				
Yes <sup>a</sup>	55 24.0%	174 76.0%	9.34	< .01
No	46 40.7%	67 59.3%	$\phi = .172$	
Social class				
Poverty level	57 40.7%	83 59.3%	15.47	< .01
Working class	31 23.3%	102 76.7%	$\phi = .211$	
Border middle-class	14 18.4%	62 81.6%		
Relationship to offender				
Married/ex-married <sup>b</sup>	52 29.9%	122 70.1%	.08	.77
Cohabitants/ex-cohabitants <sup>c</sup>	40 27.8%	104 72.2%		
Number of times hit during previous 6 months	$\bar{x} = 4.7$ $SD = 6.2$	$\bar{x} = 2.9$ $SD = 3.7$	10.26	< .01
<i>Offender variables</i>				
Race				
Black	91 35.1%	168 64.9%	12.15	< .01
White	12 14.3%	72 85.7%	$\phi = -.20$	

*(continued)*

TABLE 1 (continued)

	<i>Victim Wanted Offender Arrested</i>	<i>Victim Did Not Want Offender Arrested</i>	$\chi^2/F$	p
<i>Offender variables</i>				
Age	$\bar{x} = 33.02$ <i>SD</i> = 8.9	$\bar{x} = 32.70$ <i>SD</i> = 9.3	.09	.77
Education				
Less than high school	39 33.6%	77 66.4%	6.56	.09
High school graduate	38 28.1%	97 71.9%		
Some college	10 16.7%	50 83.3%		
College graduate	8 38.1%	13 61.9%		
Employed full time				
Yes <sup>a</sup>	66 28.7%	164 71.3%	.63	.43
No	29 34.1%	56 65.9%		
Prior arrest				
Yes	87 35.7%	157 64.3%	12.62	< .01
No	18 16.4%	92 83.6%	$\phi = -.20$	
Nontraffic arrest				
Previous 5 years				
Yes	67 35.1%	124 64.9%	5.29	.02
No	38 23.3%	125 76.7%	$\phi = -.13$	
<i>Incident variables</i>				
Victim injured				
Yes <sup>d</sup>	81 31.5%	176 68.5%	1.24	.27
No	24 24.7%	73 75.3%		
Property damaged				
Yes	11 24.4%	34 75.6%	.42	.52
No	94 30.4%	215 69.6%		
Children present				
Yes	53 32.9%	108 67.1%	1.04	.31
No	29 26.4%	81 73.6%		

TABLE 1 (continued)

	<i>Victim Wanted Offender Arrested</i>	<i>Victim Did Not Want Offender Arrested</i>	$\chi^2/F$	p
<i>Incident variables</i>				
Offender substance use at presenting incident				
Under influence	24 29.6%	57 70.4%	1.47	.48
Apparent use	26 25.0%	78 75.0%		
No apparent use	52 31.9%	111 68.1%		
Victim substance use at presenting incident				
Under influence	8 22.9%	27 77.1%	.90	.64
Apparent use	19 27.9%	49 72.1%		
No apparent use	75 30.4%	172 69.6%		
Offender Conflict Tactics Scale				
None	1 11.1%	8 88.9%	5.46	.06
Minor	18 21.4%	66 78.6%	$\phi = .125$	
Severe	85 32.8%	174 67.2%		
Victim Conflict Tactics Scale				
None	36 27.3%	96 72.7%	1.03	.60
Minor	25 30.9%	56 69.1%		
Severe	41 33.1%	83 66.9%		
Arrest assigned				
Yes	34 30.4%	78 69.6%	.01	.94
No	71 29.3%	171 70.7%		
Offender arrested				
Yes	39 28.5%	98 71.5%	.07	.79
No	66 30.4%	151 69.6%		

a. Includes both full-time and part-time employment.

b. Includes 8 separated and 2 divorced couples.

c. Includes 34 previously cohabitating couples.

d. Primarily bruised (88% of those injured).

victim race and offender prior arrest record in the logistic regression analysis. Although a moderate association was found to exist between victim socioeconomic status and victim race ( $\chi^2 = 80.07$ ,  $df = 6$ ,  $p < .01$ , Cramer's  $V = .34$ ), both variables were used in the regression analysis. Interestingly, we found no significant association between offender prior arrest record and the number of times the victim was hit in the previous 6 months.<sup>8</sup>

As can be seen from an examination of Table 2, the following five variables contributed significantly to the final regression model: victim race, victim SES, number of times victim was hit in the previous 6 months, offender prior record, and offender CTS. Victims who were (a) Black, (b) from the lower socioeconomic classes, (c) had been hit more frequently during the previous 6 months, and (d) whose offenders had employed more severe tactics to resolve the current dispute and (e) had prior arrest records were all more likely to want their offenders arrested.

#### *Victim Preference for Arrest and Revictimization*

The second issue examined in this article concerns the association between victim desire for arrest and revictimization. Revictimization is measured in seven different ways, based on information obtained from the victim 6 months after the initial police action in the case. These seven revictimization outcome variables are as follows: (a) victim threatened; (b) victim hit; (c) family member threatened; (d) family member hit; (e) property damage threatened; (f) property damaged; and (g) any subsequent aggression (a composite variable with a yes response to any of the previous six variables constituting subsequent aggression). Complementing these seven measures of revictimization that are derived from information obtained in victim interviews, an eighth measure of revictimization based on official police data, offender rearrest, is also used in these analyses. Offender rearrest is operationalized as rearrest of the offender for a subsequent offense against the same victim within 6 months of the presenting incident.

As can be seen from Table 3, victims who wanted their offenders arrested were consistently more likely to be revictimized than victims who did not want arrests to be made. For four of the outcome measures (victim threatened, victim hit, any subsequent aggression, and offender rearrest), the differences were statistically significant at least at the .05 level. In this sample, there was no association between victims wanting their offenders to be arrested and the offenders actually being arrested. Although offenders were arrested in 28.5% of the cases in which victims wanted them arrested, they

**TABLE 2: Logistic Regression Model for the Variable Victim Wanted Arrest<sup>a</sup> (N = 301)**

Variable	Variables in the Equation			
	B	SE	Significance	Exp (B)
Victim race <sup>b</sup>	-1.046	.380	.006	.351
Victim SES <sup>c</sup>	-.366	.207	.077	.694
Victim number of times hit	.074	.028	.008	1.077
Offender prior arrest <sup>d</sup>	.796	.342	.020	.451
Offender Conflict Tactics Scale <sup>e</sup>	.934	.354	.008	2.545
Constant	-.052	.585	.930	

  

Variable	Variables Not in the Equation	
	Score	Significance
Victim age	2.331	.127
Victim employment	1.910	.167

Log likelihood = 313.187,  $\chi^2 = 45.123$ ,  $p < .01$ .

NOTE: SES = socioeconomic status.

a. 0 = no, 1 = yes.

b. 0 = Black, 1 = White.

c. 1 = poverty, 2 = working class, 3 = borderline middle class and above.

d. 1 = yes (for any offense), 2 = no.

e. 0 = none or minor, 1 severe.

were arrested in 30.4% of the cases in which victims did not want them arrested.

These data were obtained as part of a field experiment. Thus, it is possible to observe how victim desire for arrest compared with the random assignment of arrest as a predictor of subsequent revictimization. As we have noted elsewhere (Hirschel et al., 1991; Hirschel & Hutchison, 1992), the police response of arrest was not significantly associated with any of the seven measures of revictimization obtained from the victim interviews (victim being threatened, or hit; family member being threatened, or hit; property damage threatened, or actual damage; any subsequent aggression).

These results are based on the primary analyses used in the Charlotte experiment (i.e., conducted by treatment assigned). Because not all of the treatments were delivered as assigned,<sup>9</sup> it is also important to consider whether revictimization was influenced by treatment delivered. Treatment effects, measured by treatment delivered, did not produce any statistically significant differences in revictimization. With regard to the outcome variable, offender rearrest, there were likewise no significant statistical differ-



**TABLE 3: Subsequent Aggression and Offender Rearrest by Whether Victim Wanted Offender Arrested**

<i>Subsequent Aggression</i>	<i>Victim Wanted Offender Arrested</i>				$\chi^2$
	<i>Yes</i>		<i>No</i>		
	%	n	%	n	
Victim threatened	62.3	48	39.8	78	10.41**
Victim hit	49.4	38	35.4	69	3.95*
Family member threatened	14.5	11	10.8	21	.39
Family member hit	9.2	7	5.1	10	.93
Property damage threatened	24.7	19	20.9	41	.26
Property damage	27.6	21	25.0	48	.08
Any subsequent aggression	73.3	55	59.1	110	4.04*
Offender rearrest	29.5	31	15.3	38	8.68**

\* $p \leq .05$ . \*\* $p \leq .01$ .

ences between arrest and the other responses, whether the analysis was conducted by treatment assigned or treatment delivered.<sup>10</sup> Cross-tabulations between treatment delivered (arrest vs. nonarrest) and revictimization controlling for victim preference did not reveal a significant association for any of the eight measures of revictimization and reoffending.

We observed earlier that it is a combination of victim characteristics, offender characteristics, and incident characteristics (namely, victim race, victim SES, number of times victim was hit in the previous 6 months, offender prior arrest, and offender CTS) that determine whether a victim wants the offender arrested. To examine the effect of victim preference for arrest on revictimization while taking into account the mediating effects of these variables, we investigated a series of logistic regression models that predicted each of the eight measures of revictimization. In addition to the above five variables, we included in these models a variable measuring whether the victim wanted the offender arrested and a variable that indicated whether the offender was actually arrested.

Seven logistic regression models are presented in Table 4. The variable that appears most consistently predictive in these models is number of times victim was hit in the previous 6 months, which is a contributing factor in five of the six regression models based on victim interviews. In the one model based on criminal justice system action, the variable number of times victim was hit in the previous 6 months is replaced by offender prior arrest. Thus, although previous abuse is a major factor in a victim reporting subsequent abuse, prior arrest is a major factor in predicting subsequent arrest. Two other variables appear in the models: victim SES and victim preference. Although

**TABLE 4: Logistic Regression Models for Different Measures of Subsequent Victimization**

	B	SE	Significance	Exp(B)
Model 1: Outcome measure: Subsequent threat to victim <sup>a</sup> ( <i>n</i> = 240)				
Victim desire for arrest <sup>b</sup>	-.956	.313	.002	.384
Victim number of times hit	-.087	.034	.010	.917
Constant	1.559	.419	.001	
Log likelihood = 312.324, $\chi^2 = 20.120$ , <i>p</i> < .001				
Model 2: Outcome measure: Victim subsequently hit <sup>c</sup> ( <i>n</i> = 240)				
Victim desire for arrest	-.610	.307	.047	.543
Victim number of times hit	-.112	.034	.001	.894
Constant	1.516	.421	.001	
Log likelihood = 305.944, $\chi^2 = 19.379$ , <i>p</i> < .001				
Model 3: Outcome measure: Subsequent threat to family <sup>d</sup> ( <i>n</i> = 238)				
Victim SES <sup>e</sup>	.711	.299	.017	2.037
Constant	.795	.513	.121	
Log likelihood = 166.108, $\chi^2 = 6.304$ , <i>p</i> = .012				
Model 4: Outcome measure: Subsequently hit family <sup>f</sup> ( <i>n</i> = 239)				
Victim number of times hit	-.118	.041	.004	.889
Constant	3.356	.387	.001	
Log likelihood = 99.408, $\chi^2 = 7.203$ , <i>p</i> = .007				
Model 5: Outcome measure: Subsequent damage to property <sup>g</sup> ( <i>n</i> = 235)				
Victim number of times hit	-.082	.030	.006	.921
Constant	1.407	.196	.001	
Log likelihood = 257.436, $\chi^2 = 7.409$ , <i>p</i> = .006				
Model 6: Outcome measure: Any subsequent aggression <sup>h</sup> ( <i>n</i> = 241)				
Victim number of times hit	-.183	.056	.001	.833
Victim SES	.454	.192	.018	1.575
Constant	-1.138	.429	.008	
Log likelihood = 276.345, $\chi^2 = 25.625$ , <i>p</i> < .001				
Model 7: Outcome measure: Offender rearrest <sup>i</sup> ( <i>n</i> = 311)				
Victim SES	-.633	.216	.003	.531
Offender prior arrest <sup>j</sup>	-1.156	.409	.005	.315
Constant	1.125	.561	.045	
Log likelihood = 289.429, $\chi^2 = 24.026$ , <i>p</i> < .001				

NOTE: SES = socioeconomic status.

a. 0 = subsequent threat, 1 = no subsequent threat.

b. 0 = victim did not want arrest, 1 = victim wanted arrest.

c. 0 = victim subsequently hit, 1 = victim not subsequently hit.

d. 0 = subsequent threat to family, 1 = no subsequent threat to family.

e. 1 = poverty, 2 = working class, 3 = borderline middle class and above.

f. 0 = family member subsequently hit, 1 = family member not subsequently hit.

g. 0 = subsequent damage, 1 = no subsequent damage.

h. 0 = subsequent aggression, 1 = no subsequent aggression.

i. 0 = not rearrested, 1 = rearrested.

j. 1 = prior arrest, 2 = no prior arrest.

victim SES is the sole variable in the model predicting subsequent threat to family, it accompanies the variable, number of times victim was hit in the previous 6 months, in the model predicting any subsequent aggression and offender prior record in the model predicting subsequent offender arrest. Victim preference appears in the models predicting both subsequent threat to victim and victim subsequently hit. One of the logistic regression analyses (that employing threat to damage property as the outcome variable) did not produce a statistically significant logistic regression model.

### *DISCUSSION*

The evidence in this study indicates that the factors influencing a desire for arrest are to a large extent very similar to the criteria used by the criminal justice system for offender processing. These include a focus on the seriousness of the current offense, as measured by offender CTS, and on the prior behavior of the offender, as measured both by victim reported abuse and the offender's prior arrest. Two other factors, however, appear to come into play with regard to victim preference for arrest: race and SES. Black women are more likely than White women to desire arrest, as are victims who are from the lower socioeconomic classes. Given prior research indicating an association between both race and socioeconomic status and using the criminal justice system to deal with intimate partner violence (see, e.g., Gondolf et al., 1990; Hutchison & Hirschel, 1998), it should not be surprising that Blacks and those from the lower socioeconomic classes are more likely than Whites and those from the higher socioeconomic classes to want offenders arrested.

This study found that victims who wanted their offenders arrested were consistently more likely to suffer subsequent abuse than victims who did not want arrests to be made. Multivariate analyses indicated that prior abuse (measured by victim reports of abuse) and reoffending (measured by offender rearrest) are predictive of subsequent reoffending. Prior victim abuse was significantly predictive of subsequent victim reported reabuse, and prior offender arrest was significantly predictive of subsequent offender arrest. However, there was no significant association between prior victim abuse and prior offender arrest. Thus, it appears that there may be a significant difference between violent intimate partner relationships that come to police attention and those that do not.

Measures of prior victimization were not the only variables found to be significantly predictive of subsequent abuse in the multivariate analyses. Of particular note is the fact that victim preference for arrest was found to be a significant factor in predicting subsequent threat of abuse and actual abuse of

the victim (although not of measures assessing subsequent threat to or abuse of family members, threat to damage or damage of property, or offender rearrest). Compared to victims who expressed no arrest preference, victims who indicated a preference for arrest were more likely to report both that they had been threatened and had been hit in the 6 months following the incident that brought them into the study. Whatever the victim's motivations, there appears to be an important message behind her stated preference for arrest: There is an increased likelihood that the offender both will threaten to revictimize her and will actually revictimize her. Conversely, when a victim does not want the offender arrested, there is a decreased likelihood of such a threat. Thus, based on these data, victim desire for arrest of the offender would appear to be a factor that police should take into account in determining subsequent action.

There are a number of limitations to these data. First, this is a single-site study. Second, the sample was drawn from women who had called the police (or, for whom a call was made on their behalf) during a misdemeanor-level domestic assault, and such incidents do not represent the entire range of incidents of spouse abuse. Cases included in this study were those that fell within the misdemeanor range of domestic violence. Excluded was the relatively small proportion of cases that occur at the felony level. The consequence of this restriction is that the most serious violence, involving greater use of weapons and often more serious injury, is not represented by this sample. Third, many women had been in an abusive relationship for several years; currently married women (48.9% of the sample) had been in the marriage an average of 7.6 years. Some women terminate an abusive relationship early, and thus would be less likely to appear in any research investigation. In other words, the sampling process has partially selected out those women most likely to leave abusive relationships. Fourth, the sample is skewed toward the lower socioeconomic level. This is not surprising because families at higher socioeconomic levels are less likely to utilize the police for domestic violence. Fifth, this analysis hinges on a single base question: "When you called the police, do you remember what you wanted to happen?" There is no way of knowing if the women who agreed to be interviewed were overrepresented by those who received the police action they wished or, perhaps, overrepresented by those who did not—and were hoping for an opportunity to air grievances. Nor is there any way of determining if some victims, perhaps those who had mixed motives for calling the police, might have answered this core question after being influenced by the police action that was taken and over which they had only partial control. Sixth, during the conduct of this research, a woman's partner was arrested if she insisted on arrest; however, the case was then ineligible for inclusion in the experiment because

the treatment delivered was no longer based on random assignment. There is no way of determining if these women were different in significant ways from those who were eligible and subsequently interviewed. Finally, if the assigned treatment was to be an arrest, a woman could not deter this action by her wishes for nonarrest. Other research has shown that in cases in which the offender was arrested, only a minority (20.4%) of women argued against this (Hutchison, 1999, p. 84). Moreover, arguing against arrest was not significantly associated with any of the variables investigated: demographic, substance use, conflict level, victim injury, or children's presence.

There is an obvious conundrum in these results. The historic antipathy toward arresting batterers has been replaced in many jurisdictions with strong proarrest policies. As in the past, women may have little voice in the decision to make on-scene arrests. This, once again, deprives women of choice. Given the variation in abusers, it is likely in some cases that the victim is revictimized because she wanted the arrest, (i.e., as opposed to wanting the arrest because she fears revictimization), even though the fact of arrest has not generally been shown to have an escalation effect on subsequent violence. Unfortunately, we cannot address the question if the consequences to the victim are different for police-initiated versus victim-initiated arrest. We might speculate that batterers are more vengeful if they perceived their partners to have both contacted the police and insisted on arrest than they might otherwise be if—in the batterer's perception—neighbors made the call to the police and the woman begged them to not make an arrest. However, this remains for future research to determine.

Unfortunately, there is little other evidence to shed light on the motivations for wanting an offender arrested. We suggest here that the potential for revictimization is one of the primary motivators; certainly there are others, although we have no direct evidence to support this. For example, Hutchison (1999) found no evidence that the presence of children altered the desire for arrest.

This study provides important data that support the argument that officials should pay attention to the preferences of victims of domestic violence when deciding whether to effect an arrest. Although the debate rages over whether arrest exerts a deterrent or an escalation effect in domestic violence cases, this study indicates that victims may possess knowledge that is of importance in predicting future danger. We surmise that when victims state a preference for arrest, they appear to be indicating that there is a likelihood of revictimization, in particular the likelihood of their revictimization at the hands of a particular offender. When there is no preference for arrest, there is a diminished likelihood of revictimization, perhaps indicating that simply having the police respond has fulfilled the victim's objectives in calling the

police. We do not advocate blindly following victims' wishes. We do, however, suggest that, when neither the past history of offending nor the current incident are severe enough in themselves to merit arrest, victim preference should be considered an important element in police handling of domestic violence cases, just as it is in other criminal cases.

### NOTES

1. Whether, for example, they included only female victims and male suspects (as did Charlotte and Miami) and whether they included relationships other than those involving married, previously married, cohabiting, and previously cohabiting heterosexual couples (as did Colorado Springs, Milwaukee, and Omaha).

2. For a summary of the specific failure rates of arrest versus the other responses in each of the sites, including Minneapolis, see Garner, Fagan, and Maxwell (1995, p. 12).

3. Cases that produced interviews were less likely to have victims who (based on police reports) were under the influence of alcohol or drugs at the time of the presenting incident, and were more likely to have offenders who had prior state felony (but not local) arrest records.

4. The length of the interviews ranged from little more than half an hour up to 2½ hours, with a mean of 72.9 minutes. The range in the interview length was due to the structure of the interviews. That is, due to follow-up questions, the interviews were considerably longer when there was a wider range of types and targets of abuse (e.g., threats only toward the victim vs. both threats and physical abuse of the victim vs. physical abuse of the victim and threats toward other family members).

5. Other papers discussing the CTS may be found at <http://pubpages.unh.edu/~mas2/cts.htm>.

6. All subsequent variations in sample size are the result of missing responses to variables used in the analyses.

7. Because of the small number of offenders (9) who scored in the None category, these cases were grouped for subsequent analyses with offenders in the Minor category.

8. Victims whose offenders had been arrested reported that they had been hit a mean of 3.65 ( $SD = 4.98$ ) times in the previous 6 months, whereas those whose offenders had not been previously arrested reported being hit an average of 3.14 times ( $SD = 4.53$ ,  $F = .902$ ,  $p = .34$ ).

9. For a discussion of the issue of misassignment in this experiment, see Hirschel and Hutchison (1992, pp. 99-100).

10. Although 20.4% of the offenders assigned the arrest treatment were rearrested within the next 6 months, 18.4% of those assigned the other treatments were rearrested ( $\chi^2 = .62$ ,  $p = .74$ ). Likewise, although 20.8% of the offenders delivered the arrest treatment were rearrested within the next 6 months, 17.9% of those delivered the other treatments were rearrested ( $\chi^2 = .45$ ,  $p = .81$ ).

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