



# Domestic Violence Victimization and the Influence of Protective Orders on Arrest

Presented to the Governor's Committee on  
Crime, Delinquency, and Correction

# Background

- Prior studies have identified many characteristics that have an impact on officer's decisions to arrest in domestic violence situations
- Kane (1999) reviews the literature and suggests a “threefold conceptual framework that drives the modes of inquiry”



# Research on Correlates of Arrest

- **Situational Context**
  - Weapon Use, victim/offender relational distance, violation of PO, presence of children
- **Victim Specific**
  - Victim injuries, victim use of alcohol/drugs, victim actions toward LE, racial backgrounds, victim arrest preferences
- **Offender Specific**
  - Previous assaultive behavior, use of alcohol/drugs, presence at the scene, attitude toward LE



# Kane Study

- Kane (1999) found that violation of PO alone did NOT guarantee arrest even in mandatory arrest state (WV discretionary)
- Risk/injury to victim most important decision making criterion for officers
- As risk levels decrease, officers become more flexible with decision to arrest
  - Risk low and PO violated, arrest 22.34 times higher than for non arrest
  - Arrest fulfills administrative purpose (Custody-Threshold Thesis)



# Kane Study

- Kane (2000) builds on previous studies by applying Custody-Threshold Thesis
- This framework suggests examination of potential interaction effects because PO violations are likely to have greatest impact on arrest in low risk to victim situations
- High risk conditions, custody-threshold quickly met leading to arrest to achieve preventive custody (incapacitating offender)



# Other Research

- Police arrest decision-making processes literature suggests that arrests made when there is perceived need to take immediate custody of offender to reduce threat of physical injury to the victim (Gottfredson & Gottfredson, 1988)
- Buzawa and Buzawa (1996) suggest poor communication networks as an explanation for low arrest rates when there is a PO violated
  - Officers in the field don't know there is a PO or the exact terms of it



# Purpose of Current Study

- Illustrate the utility of incident-based reporting (IBRS) data to conduct analyses on factors associated with arrest
- Examine the impact of previously identified factors available in WVIBRS data on arrest in domestic violence situations
- Specifically, to examine the impact of protective orders on arrest in relation to other factors



# Current Study

- Utilizes state level WVIBRS data to examine the impact of previously determined correlates
  - Relationship, weapons, injuries, alcohol/drug use, protective order on file and protective order violations
- Examines the impact on arrest of having a PO on file and PO violations while holding these other important factors constant



# Domestic Violence Victims

- 2007 WVIBRS Data – Victim Segment
  - 13,116 victims with a domestic relationship to their offender(s)
    - 65.1% Intimate Partners
    - 34.9% Other Family Members
  - 74.3% of Victims were Female, 91.2% White, 87.9% Adults
  - 5.9% of victims were also offenders in the incident
  - Simple Assault most often reported offense (73.6%)



# Protective Orders

- Only 16.1% of victims indicated that a protective order was on file at the time of the reported incident
- 14.7% indicated that the reported incident was a violation of a protective order



# Arrest Reports

- An arrest report could be linked with 6,736 or 51.4% of the domestic violence victims in 2007
- The most serious arrest offense was also simple assault (78.2%)
- Most offenders were unarmed at arrest (96.9%)



# Arrest Reports

- Without considering other factors, more arrests associated with victimizations where...
  - No PO on file (52.3%)
  - No violation of a PO (52.0%)
  - Sig. but not in the expected direction

		Incident Resulted in Arrest		
		No	Yes	Total
PO on File	No	5,252 47.7%	5,754 52.3%	11,006 100.0%
	Yes	1,128 53.5%	982 46.5%	2,110 100.0%
	Total	6,380 48.6%	6,736 51.4%	13,116 100.0%

		Incident Resulted in Arrest		
		No	Yes	Total
PO Violation	No	5,295 48.0%	5,739 52.0%	11,034 100.0%
	Yes	1,011 53.2%	888 46.8%	1,899 100.0%
	Total	6,306 48.8%	6,627 51.2%	12,933 100.0%



# Characteristics in WVIBRS

- Incident location, relationship, and/or suspected alcohol/drug use may influence the decision to arrest
- Weapon involvement and victim injuries have been used to determine victim risk which may also influence the decision to arrest



# Location

- Measure of private vs public (witnesses)
- 84.3% of the victimizations were reported to have occurred in the home/residence
- No difference in arrest
  - 51.8% of victimizations in the home resulted in arrest
  - 48.9% of victimizations in other/public locations resulted in arrest



# Relationship

- Slightly more victimizations involving intimate partners (53.0%) resulted in arrest compared to situations where the victim and offender had other familial relationships (48.2%)
- Could also go toward establishing risk to the victim



# Alcohol/Drug Use

- 12.6% of victimizations indicated that offender(s) were suspected of using alcohol/drugs during the incident
- More arrests associated with those victimizations where alcohol/drug use suspected
  - 73.1% with suspected alcohol/drug use resulted in arrest
  - 48.2% with no suspected alcohol/drug use resulted in arrest



# Weapon Involvement

- Only 11.8% of DV victimizations indicated that a firearm, knife, or other dangerous weapon was used
- Type of weapon involvement appears to be related to arrest
  - 67.0% of victimizations involving a firearm and 68.8% involving a knife resulted in arrest
  - About 57.0% of victimizations involving other weapons or personal weapons resulted in arrest
  - Of the victimizations where no weapons were reported, 35.3% resulted in arrest



# Victim Injuries

- 56.3% of victimizations resulted in victim injuries (including 24 deaths)
- Fewer victimizations with no injuries (43.0%) resulted in arrest
- 64.2% of those with minor injuries resulted in arrest, while 57.4% with major injuries resulted in arrest



# Protective Orders and Arrests

- Examine the relationship between protective orders and arrest while controlling for other potentially influencing factors: weapon type, injuries, and alcohol/drug use
- Do PO's make more difference in terms of arrest decision in lower risk situations as suggested in prior studies?



# Controlling for Weapon Type

- Does not produce expected results
  - No weapon = more LE discretion = PO has more impact
- When no weapons used, no difference in proportion of victimizations resulting in arrest with a PO on file (36.2%) and without (35.2%)
- Same results for victimizations involving PO Violations



# Controlling for Weapon Type

- PO on file and violations of PO do not appear to positively impact arrest decision for victimizations involving personal or other weapons
  - Personal weapons, no PO on file = 58.3% arrest
  - Personal weapons, PO on file = 55.5% arrest
  - Personal weapons, no PO violation = 58.1% arrest
  - Personal weapons, PO violation = 56.0% arrest



# Controlling for Weapon Type

- Similarly for firearm use...
  - Firearm used, no PO on file = 68.1% arrest
  - Firearm used, PO on file = 59.1% arrest
  - Firearm used, no PO violation = 67.5% arrest
  - Firearm used, PO violation = 60.0% arrest
- No differences for victimization involving the use of knives and other dangerous weapons



# Controlling for Victim Injury

- PO on file and PO violations have slight impact on arrest in greater discretionary situations in terms of victim injuries
  - No apparent injury, no PO on file = 42.4% arrest
  - No apparent injury, PO on file = 45.9% arrest
  - No apparent injury, no PO violation = 42.2% arrest
  - No apparent injury, PO violation = 46.5% arrest



# Controlling for Victim Injury

- Greatest difference in situations involving major victim injuries (unexpected given low level of discretion)
  - Major injury, no PO on file = 56.8% arrest
  - Major injury, PO on file = 61.9% arrest
  - Major injury, no PO violation = 55.8% arrest
  - Major injury, PO violation = 71.4% arrest
- Little or no difference in arrest results in terms of protective orders for victimizations involving minor injuries



# Controlling for Alcohol/Drug use

- When offender alcohol/drug use suspected, a high percentage result in arrest regardless of PO status
- In victimizations where alcohol/drugs are not a factor, PO's do not appear to have impact on arrest
  - 45.9% with PO on file resulted in arrest compared to 48.7% without PO
  - 46.2% where PO violated resulted in arrest compared to 48.5% where no PO violation



# Discussion

- Less than 20.0% of victimizations indicated that PO on file or violated
- Protective orders seemed to negatively affect arrest, without considering any other factors
- Study was able to demonstrate how IBRS data could be used
  - Findings similar to prior studies: weapon use, offender alcohol/drug use, and victim injury related to arrest
- Mixed results in terms of PO impact on arrest when controlling for other factors individually
  - PO had greater impact on arrest in higher discretionary situations only in terms of victim injuries



# Discussion

- Next steps: examine interaction effects of multiple factors on arrest (logistic regression models)
- This study prior to implementation of statewide DV PO database in WV, replicate and expand after up and running
  - Will officer access to PO/terms of order result in greater impact on arrest decision?
- Recommendation: need to know if offender at scene when LE arrived
  - Currently a limitation of using IBRS data



# References

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