

# **“HANDLING” FAMILY VIOLENCE: SITUATIONAL DETERMINANTS OF POLICE ARREST IN DOMESTIC DISTURBANCES**

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The recent “discovery” of family violence, particularly violence between spouses, has elicited attention from social scientists and policy makers. Police intervention in domestic disputes is a primary focus. Critiques of police practice have often centered on police failure to arrest offenders in domestic violence incidents. Yet, the literature to date reveals little effort to examine systematically the discretionary role of police in domestic disputes. With data drawn from 262 official police reports concerning domestic disturbances, the propensity of police to make arrests is examined through a variety of exogenous variables. Police arrests, we find, reflect the immediate circumstances of police-citizen encounters.

## **I. INTRODUCTION**

Social science has recently discovered what many Americans have known for a long time: the home can be a dangerous place. National Crime Survey results (Gaquin, 1977-1978) show that spousal assault is more likely to result in an injury, and more likely to require medical attention or hospitalization for its victims, than is assault by a stranger. Estimates that over one fourth of all murders in the United States are intrafamilial conjure up chilling images of American family life.

The “discovery” of violence in the family, particularly between spouses, has drawn significant attention. Academics

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have been struggling to understand the problem<sup>1</sup> from a "family violence" perspective in general (e.g., Gelles, 1974; Steinmetz and Straus, 1974; Straus *et al.*, 1980), or from a perspective on "wife-beating"<sup>2</sup> in particular (e.g., Martin, 1976; Pagelow, 1978; Walker, 1979). Policy makers in thirty-four states have rewritten statutes to more fully address assault within the home (Center for Women's Policy Studies, 1979). State governments have earmarked public funds for social service and crisis intervention programs (e.g., California State Legislature, 1978). And practitioners in law (e.g., Field and Field, 1973; Fields, 1978; Truninger, 1971) and criminal justice (e.g., Bannon, 1978; Bard, 1974, 1978; Bard and Zacker, 1971) have sought new ways to respond to violence within the home.

Police intervention in domestic disputes<sup>3</sup> is a primary focus of these concerns, particularly of researchers concerned with "wife-battery." As front-line agents of social control in domestic disturbances, police are the proximate representatives of state policy. Many alternative social services have been developed to provide refuge for battered women, and these depend in large part on police cooperation; police must inform family violence victims of the availability of shelters and sometimes escort victims to safety. Thus police practices represent the critical link, both to the prosecution process and to the provision of victim services in a community.

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<sup>1</sup> Estimates of the extent of violence in American families vary in part as a function of research methods, sampling strategies, and operational definitions of "violence." For example, Straus (1977-1978) confines his definition to those actions which carry with them a high probability of serious injury, and thus estimates that 3.8 percent of American women are victims of such violence in their families. If "common" forms of violence are included (e.g., slapping, hitting, grabbing), estimates range as high as 28 percent of American families affected (Straus *et al.*, 1980). Finally, crime statistics carry their own set of limitations. Perhaps only two to ten percent of family violence incidents are ever reported to police (e.g., Dobash and Dobash, 1979; Walker, 1979).

<sup>2</sup> Assault laws do not specify sex of offender or victim. Typically, however, the offender who comes to the attention of police is male, and his victim female. At the very least, men are generally taller, heavier, and more muscular than women. Thus, males are likely to do more damage when violent. Consequently, the typical police call represents the greater likelihood that female victims call for police protection. Perhaps police are seen as "equalizers" in what is usually an inherently unfair fight.

<sup>3</sup> Police normally use a reporting category of "domestic disturbance" when responding to calls involving family members. Bard and Zacker (1974) found that, according to police, as many as two-thirds of these calls are "pre-violent" in nature. That is, police report that they are called before situations escalate to actual physical violence. In another study, Emerson (1979) found that 80 percent of police contacts in domestic situations involved no allegation of physical violence. However, this exclusive use of the term "disturbance" as a reporting category is misleading for the approximately 30 percent of contacts where violence does occur. While the term "disturbance" will be used throughout this discussion, the reader should be aware that it masks a good deal of physical violence in a significant number of incidents.

Perhaps the most salient critique of police practices centers on the arrest of offenders in domestic violence incidents (e.g., Field and Field, 1973; Dobash and Dobash, 1979; Paterson, 1979). It is often alleged that police decisions to arrest are determined by traditional attitudes which support the right of husbands to physically sanction their wives, coupled with a reluctance to intervene in a "family" matter. As Roy (1977: 138) claims, "the family . . . is immune to the benefit of intervention from the law." There is widespread agreement with this view of police arrest practices (e.g., Altschule, 1978; Martin, 1976; 1978; Paterson, 1979; Woods, 1978); what little comparative evidence exists on police arrest rates lends some support to these general indictments.<sup>4</sup> For example, Black (1971) found that police arrest practices vary with the relationship of victim and offender. Eighty-eight percent of *felony* assaults involving strangers resulted in arrest, compared to 77 percent of felony assaults involving friends, and 45 percent involving family members. For *misdemeanor* crimes, however, *higher* rates of arrest were found for offenders related to their victims. The offender's demeanor, and the desire of the victim to have the offender arrested, were the strongest determinants of police arrest practices. When faced with family disturbances, do police engage in other than "normal" arrest practices? Dobash and Dobash (1979: 207), for example, conclude that:

Research relating to the use of discretion among police officers has revealed that officers are *very unlikely* to make an arrest when the offender has used violence against his wife. In other violent situations, officers typically arrest the attacker regardless of the characteristics of the victim and offender or the circumstances surrounding the crime [emphasis in original].

The message behind the criticisms of police practice in domestic disturbances is clear: police are not doing their job. Yet it is not entirely clear what that job is or should be. Social science research to date reflects little effort to integrate general understandings of the discretionary role of police with systematic evidence of the actual practices of police in domestic disputes. There appear to be two perspectives on

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<sup>4</sup> Little empirical research is available directly comparing domestic and nondomestic police contacts. For example, Bard (1974; 1978) and Parnas (1967; 1973) only concern themselves with domestic police contacts. Other works (e.g., Black, 1971; Cumming *et al.*, 1965; LaFave, 1965; 1969) address general police practice, with the handling of "domestics" included among several types of problematic police situations. More important, perhaps, is that some otherwise useful studies proceed from the assumption that police handling of domestic disturbances is quite different from their handling of other crimes; they fail to make the assumption itself an empirical question (see, for example, LaFave, 1965).

police arrest practices. One addresses police work in general through empirical studies; the other, as yet largely nonempirical, confines itself to police intervention in domestic violence incidents in particular.

The present analysis is an initial attempt to bridge the gap between a general perspective on police discretion and a view of the immediate decisions police make when faced with domestic disturbances. Specifically, with data drawn from 262 domestic disturbance police reports forwarded to the District Attorney's Unit of the Santa Barbara Family Violence Program, we will consider what factors affect the propensity of the police to make an arrest. A variety of exogenous variables speaking to the immediate circumstances under which police must act will be considered.

Before examining the data, we will briefly review some perspectives relevant to an understanding of police decision making in domestic disturbances. Critical considerations of police "law enforcement" activities in incidents of domestic violence will be placed in a broader perspective on police work as the management of "critical situations," where arrest represents only one choice among many options.

## II. POLICE DISCRETION AND DOMESTIC DISTURBANCES

Since the police often seem to be arresting everyone *but* family violence offenders, it is understandable that police attitudes toward women in general, and a specific reluctance to cast women as victims within a family setting, would be an initial target for those seeking reform of police practice. A recurring theme in the domestic violence literature is the effect of society's patriarchal attitudes as reproduced in police dealings with offenders and victims in family violence. For example, Dobash and Dobash (1979) outline historical precedents for the husband's legal right to "control" his wife. While formal laws have changed, they argue that police practices mirror traditional prejudices. Martin (1976: 96) observes, "Police officers are usually male; therefore, they identify more readily with the husband than with the female victim."

It is said that such traditional police attitudes find strong reinforcement in general patterns of official response to family crisis. For example, Roy (1977: 138) argues that:

Underlying the criminal justice system is the covert toleration of wife-beating, indicated in the policy and personal attitudes of police, prosecutors and judges . . . police policy of arrest avoidance, the incredible lengthy response time to calls for help, the "take a walk

around the block" recommendations of police, prosecuting attorneys and judges, and the policy to "cool off" the husband and "turn off" the wife all contribute to the perpetuation of violence behind closed doors within the sanctity of the family.

Empirical studies of police intervention in domestic disturbances make it clear that the police may well be reluctant to arrest family violence offenders. The conflict between the individual "call for help" and the larger organizational mandate of police departments (Parnas, 1967), the absence of occupational rewards attached to legal intervention in domestic disturbances (DeAmicis, 1978), the lack of victim cooperation (LaFave, 1965), and general occupational orientations to domestic disturbance (Bard and Zacker, 1974)<sup>5</sup> are all cited as reasons why police may view arrest as a low priority or even distasteful course of action, and one worth avoiding.

These indictments of police handling of domestic disturbances, and the empirically derived explanations for why criminal sanctions are not more frequently invoked, portray such disturbances as *unique* situations in which police fail to make arrests when they "should." They convey the image that the police response is *uniquely* subject to the forces of male prejudice, occupational socialization, organizational pressure, and chaotic police-citizen encounters. This view of police practice implies that: (1) the police officer's primary job is to invoke legal sanctions; (2) when arrest does not occur (for whatever reason) in situations of domestic disturbance, a central police mandate has been violated; and (3) such violations of expectations are especially frequent in domestic disturbance interventions, representing a systematic bias in the application of police power and prerogative.

In stark contrast to this view, studies of the general role of police in society have amply demonstrated that most of what police do on the job can only remotely be viewed as "law enforcement." Even minimal familiarity with the day-to-day work of police demands a rejection of the notion that police primarily react to crime, apprehend and arrest criminals, and lead them to jail.

Few of those knowledgeable about police work argue that arrest is more than a rare occurrence (e.g., Banton, 1964; Bittner, 1974; Black, 1971; Davis, 1975; Reiss, 1971; Skolnick, 1966; Van Maanen, 1974; Webster, 1973). While the *possibility* for the

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<sup>5</sup> Traditional police folklore, however, does portray the domestic disturbance as one of the most dangerous policing situations. Some departments have a policy of pro forma back-up units for domestic calls (Van Maanen, 1974). Recent research (Margarita, 1980) finds no evidence for assuming that police face particular peril on domestic disturbance calls.

“good pinch” has a great deal of symbolic value in a work life characterized by dull, repetitive tasks (Van Maanen, 1974), police-citizen encounters which result in arrest are few and far between.<sup>6</sup> In short, to conceptualize police work as primarily “law enforcement” is to ignore the essential features of a police officer’s work environment and to misapprehend the nature of police discretion on the job.

Wilson’s (1968) study of police officers was one of the first to demonstrate that the law both supplies an available resource to police and lays a constraint on their activities. The law may be invoked by a police officer in the course of his/her duties, but—perhaps more important—it also constrains the officer by proscribing choices that are *not* available to “maintain order.” Moreover, Goldstein (1977) argues that it is impossible to understand the work of police without stepping outside the framework of the law. He argues that the bulk of police work takes place *prior to* invocation of legal sanction, makes *use* of the law for purposes other than legal sanction, or occurs entirely *outside* the legal framework.

Bittner (1967a; 1967b; 1970; 1974) provides the most instructive commentary on the discretionary nature of police work. He argues that policing in general, and the decision to arrest and charge in particular, represents only one decision point for the officer who must “handle the situation” (Wilson, 1968: 31). Given the wide array of tasks in which police engage, officers must interpret each situation in light of their own orientations and prejudices and their understandings of the occupational constraints under which they work, as well as choose the most suitable method for coping with policing situations. As only one method for managing encounters with citizens, arrest may or may not be selected by the officer as the best means to solve the problem at hand. Thus, Bittner (1974: 27) speaks directly to confusions over police decision making:

I am not aware of any descriptions of police work on the streets that support the view that patrolmen walk around, respond to service demands, or intervene in situations, with the provisions of the penal code in mind, matching what they see with some title or another, and

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<sup>6</sup> It is not necessary to burden the text with documentation of this observation about police work. Yet, for those readers unfamiliar with the literature on policing, some past studies are worth noting. Bittner (1974) estimates that, depending upon characteristics of the patrol area, the average officer can expect to make approximately 26 arrests per year, with five arrests for serious (e.g., felony) crimes. Likewise, Black (1971) found that for over 5,000 police-citizen contacts, fewer than two percent resulted in arrest. Finally, Wilson (1968) estimates that fewer than one third of police contacts with the citizenry involve matters which are even remotely criminal in nature; Goldstein (1977) argues that perhaps fewer than one in ten police contacts involve law breaking.

deciding whether any particular apparent infraction is serious enough to warrant being referred for further process. . . . In the typical case the formal charge *justifies* the arrest a patrolman makes but is *not* the *reason* for it. The actual reason is located in the domain of considerations . . . as the need to "handle the situation," and invoking the law is merely a device whereby this is sometimes accomplished [emphasis in original].

The many activities of the police are not well described simply as "law enforcement." Rather, says Bittner (1970: 39) the police have a unique mandate to distribute "situationally justified force." This differentiates the police from all other governmental or private agents who might be called upon to manage similarly conflictual situations (Bittner, 1970: 45).

If arrest is merely one of several police options to "handle the situation," the observed reluctance of the police to arrest domestic violence offenders should not be surprising. Yet, the particular features of domestic disturbances demand empirical investigation. Those concerned with more than speculation about the determinants of police arrest in domestic disturbances are directed to the site where such "remedies" are played out. For as Bittner (1967a: 714) argues, "the real reason behind an arrest is virtually always the actual state of particular social situations." Our analysis will emphasize the immediate characteristics of domestic disturbances salient to police, and therefore most likely to shape their arrest decisions.

### III. THE DATA

In the fall of 1978, the Law Enforcement Assistance Administration (LEAA) provided funding to the Santa Barbara County Family Violence Program (FVP) to improve public response to domestic violence incidents. While all forms of family violence were to be addressed, the FVP became involved primarily with incidents in which both offender and victim were adults. Together with Santa Barbara County funding, the LEAA funds were used to establish several FVP service components. Program components included: (a) public information, (b) training and education for police and community social service personnel, (c) mandatory counseling for offenders diverted from the prosecutory process, (d) counseling for victims and offenders on a voluntary basis, (e) two shelters for battered women and their children which offered emergency housing and telephone crisis counseling, and (f) a special unit under the auspices of the District Attorney's office with responsibility for review of domestic disturbance incidents and subsequent decisions to prosecute.

(For more extensive discussion of FVP program components, see Berk *et al.*, 1979.)

The sample of domestic disturbance incidents used in this analysis is drawn from data provided through the special unit of the District Attorney's office of Santa Barbara County. County-wide law enforcement personnel were to submit copies of all reports of domestic disturbance contacts to a Deputy District Attorney (DDA) in charge of the special unit. While the DDA was responsible for review of all incidents and decisions to prosecute, additional activities were undertaken by the unit. These included telephoning victims to ask if they were interested in program services (e.g., counseling, shelters), notifying offenders and victims by mail that services could be provided for them (e.g., voluntary counseling), or that their actions had come to the attention of the District Attorney's Office. Finally, an "offender index" was constructed to keep track of incidents which, though minor, were frequent enough that they might eventually lead to a decision to prosecute.

The total number of incident reports reaching the DA's office (May 1, 1978 through June, 1979) was 730. This number includes all cases submitted to the DA's FVP unit, regardless of the action taken on them. Some were investigated for possible prosecution; some were used for the "offender index" or mail contact; and others received no formal action (for details see Berk *et al.*, 1979). While each report submitted to the unit represented some domestic disturbance contact by the police, a subset of these incidents was chosen for the present analysis. The great variation in the amount of information provided through police reports, as well as the variation in specificity of police categorization of "domestic" and "disturbance" required that difficult methodological decisions be made about the sample of incidents to be examined and the treatment of police incident reports. A brief discussion of these issues is presented in the next section of the paper.

#### IV. REFINING THE SAMPLE

##### *Police Reports: Sampling and Coding Strategies*

A large number of the 730 domestic disturbance police contacts was not suitable for this analysis. The total number includes police reports ranging from rather lengthy "arrest" reports, to more modest "incident" reports, to very brief "field cards."



Information on field cards is limited to five lines for the officer to write especially pertinent information about the incident, as well as the name, race, sex, and age of involved parties. Typically, field cards are filled out by police to record minimal contact with citizenry, and serve primarily as an account for the time police spend on duty. Often the only descriptive remark on the cards is that "all was quiet" when police arrived.

Incident reports (sometimes called offense reports or case sheets) represent more lengthy police contact and contain much more information about the incident. Finally, documentation on arrest reports is usually quite extensive, and includes the most complete history of events reconstructed by police on the scene. Thus, the degree to which each type of report offered codable information varied, with the field cards providing very little usable documentation of incident characteristics.<sup>7</sup>

For the present analysis, it was decided that only reports which had sufficiently detailed information to convey a picture of the immediate characteristics of the incident confronting police would be analyzed. The sample was refined to include only incident or arrest reports; police-citizen contacts documented through field cards simply had too much missing data to warrant serious consideration.<sup>8</sup> With this exclusion, the number of cases analyzed dropped to 405.

It is clear that this methodological decision carries important substantive implications for the external validity of our findings. By examining only reports with more detailed

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<sup>7</sup> Police decisions regarding the type of report chosen to document an incident pose many empirical questions worth investigating. To date, few researchers have explored such issues. One exception is the work of Pepinsky (1976), which examined police reporting in all types of encounters. Most interesting for our purposes, however, are his findings concerning the critical role played by dispatchers in determining police decisions to report offenses. Arguing that, to a large extent, officers meet the expectations implied in the terms given them by dispatchers, Pepinsky (1976: 35) found that:

To a remarkable extent, the patrolmen's decisions as to whether to report offenses were determined by the terms of the calls they had received from the dispatcher . . . In the vast majority of cases in which the dispatcher named an offense in the call, the patrolmen reported offenses.

While we are currently undertaking a study of dispatchers in Santa Barbara County, for now we must be satisfied with a partial understanding of the context in which police decisions are made during the domestic disturbance.

<sup>8</sup> Obviously, it would have been preferable to document the characteristics of all situations in which police must manage domestic disturbances, broadly defined. Initially, we hoped to apply a sample selection bias adjustment technique (e.g., Heckman, 1979) to facilitate our ability to generalize to all police contacts with domestic disturbance. However, the field cards typically contain so little information, and so much missing data, that such techniques proved impossible to employ.

documentation, we necessarily analyze only those domestic disturbance incidents which are deemed serious enough *by the police* to warrant more thorough attention, and a nontrivial amount of police time. By excluding the field cards we have effectively limited our sample to only those police-citizen contacts in which the possibility of arrest is likely to be real. Indeed, the very existence of an incident or arrest report indicates that police interpreted the situation as requiring greater police time, more detailed documentation, and as one in which a crime may have been committed. In short, we have consciously traded higher *internal* validity for lower external validity. The data that will be used are characterized by promising information about the arrest decision. Thus, internal validity is not jeopardized as long as one understands that any findings are *conditional* upon the earlier police decision to complete an incident or arrest report, and cannot be generalized to all "domestic disturbance" calls.

#### *Operationalizing the Term "Domestic"*

Past research has employed a variety of samples of domestic conflict. For example, Gelles (1974) defined a sample of families who experienced police intervention for domestic violence, "problem" families identified by social service agencies, and a random selection of neighbor families for his analysis. Yet another approach was used by Lvinger (1966), in which sampling only included divorce applicants who had already seen public-supported social service marriage counselors. Finally, much of Walker's (1979) work is based on her private practice as a clinical psychologist.

For the present study, we classified as "domestic" only those incidents where the principals were adults involved in a heterosexual "romantic," or conjugal relationship prior to, or at the time of, the incident. We employed two criteria for selection in this dimension: (a) legal relationship (e.g., married, separated, divorced), and (b) relationship which constituted sharing of a residence (e.g., common-law marriage, past or present "live-in" relationships). This definition allows for considerably more conceptual clarity in analyzing police response to domestic disturbance, and it is also parsimonious. Moreover, our decision is fully consistent with much of the literature cited earlier which argues that there is something "special" about the ways in which police respond to violence between a man and a woman who live in such "domestic" situations. By excluding incidents involving parents and

children, siblings, same sex adults, and the like, we are focusing on just those police-citizen encounters that are deemed especially problematic. This strategy resulted in a further reduction of our sample to 270 cases.

*Operationalizing the Term "Disturbance"*

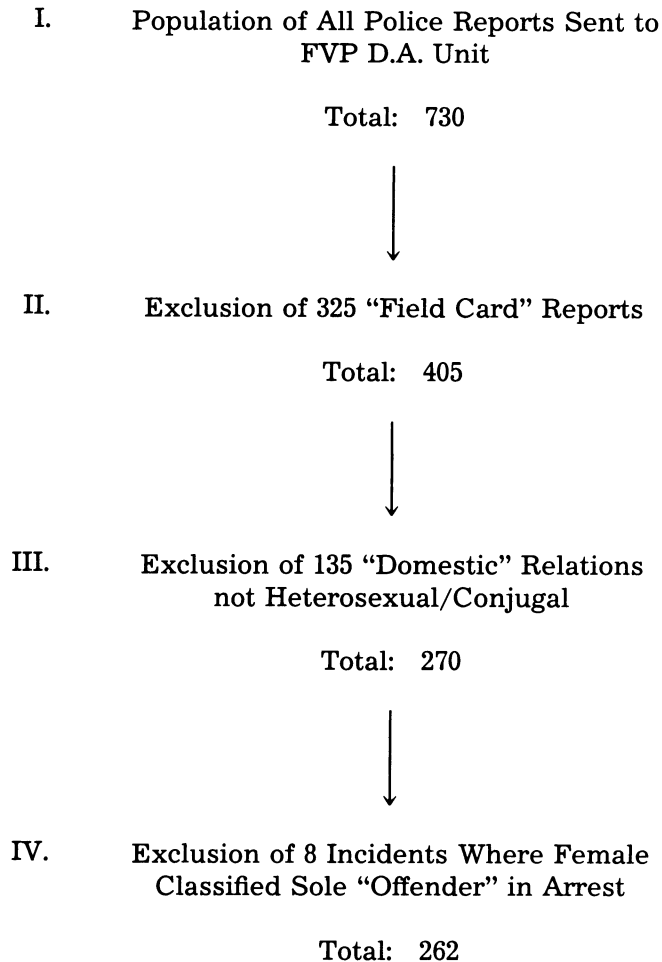
There are divergent perceptions as to what constitutes a disturbance, when disturbances should be termed "violence," and when violence is severe enough to warrant research concern. Operational definitions of "disturbance" or "violence" have often depended upon the alleged severity of the conflict (see footnote 1 for examples). But such definitions have generated quite different estimates of the extent of family violence in America, and they have not escaped criticism. Commenting on the "objective" measurement of violent acts, Walker (1978: 160) argues:

It is too narrow to permit real understanding of the problem. Including psychological abuse in the definition is indeed messy. But in my research with battered women, they insist that it is as powerful as physical force in perpetuating the reign of terror under which they live.

In this study we tried to avoid imposing external definitions of violence on data coded from police reports. Instead, we relied on police reports themselves for definitions of "disturbances"; we followed the lead of the police officer interpreting the events and included in the definition not only physical violence and the threat of violence, but also property damage and verbal arguments. Sometimes a police report noted offenses such as "drunk and disorderly behavior," "disturbing the peace," or "trespassing." Where such offenses were linked to an initial domestic problem, they were included. By contrast, incidents centering on such things as missing persons, immigration, or suicide attempts were dropped from consideration if there were no mention of any connection to a domestic problem.

In eight of the incidents, only a female was arrested. The details of these cases suggested quite strongly that police officers were confronted with an unusual series of events, and thus one might imagine that their handling of the cases was atypical. These eight cases were excluded, leaving a final sample of 262 police reports. Figure 1 depicts the process and results of our data refinement efforts.

Figure 1. Successive Stages in Sample Definition for Domestic Disturbance Police Incident Reports



Total Sample N = 262

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## V. A METHODOLOGICAL NOTE ON POLICE REPORTS

Our data are limited to information about domestic disturbance incidents contained in police reports. This required us to make certain assumptions about the nature and quality of such reports. Since these assumptions are critical to the analysis, it is best to describe them more fully.

For almost twenty years, researchers who have employed "official" statistics and reports as sources of data have understood that such data are often not what they appear to be. (For an initial discussion of these issues see Kitsuse and

Cicourel, 1963.) Official police reports may be an imperfect reflection of police behavior, just as official crime statistics may have less to do with crime and more to do with the vagaries of bureaucratic infighting, record keeping, and political survival. It has been argued that there is often little epistemic relation between “real” life and “officially reported” life.

What is the relationship between what the police actually do and what they report? First, one might argue that police reports accurately reflect not only the “actual” characteristics of the policing situation, but also *all* the characteristics about it that are worth noting. That is, if one were to discuss a domestic disturbance with the police *and* involved parties, the incident characteristics reported by police would be reliably substantiated. It is probably safe to dismiss this argument, since it makes no allowance for (a) the necessary loss of information posed by reporting of any kind, or (b) the inevitable differences of perspective among the parties.

Second, there is the argument that the occupational setting in which police must operate and their socialization to the job promote the writing of reports to justify actions already taken. We could assume, for example, that police incident reports on domestic encounters focus primarily on characteristics of the situation that would “fit” the decision made by the police. Whether reported incident characteristics would square with the “actual” situation is beside the point. With this argument, the relationship between police reports and police decisions changes. The underlying causal model, roughly put, would be that of police decisions “causing” police reports. Indeed, under this logic, a more reasonable model specification would be to reverse the independent and dependent variables such that one would investigate the determinants not of police actions, but of police reporting. Police decisions (e.g., arrest) would become exogenous predictors of reported incident characteristics.

To our knowledge, there has been no rigorous investigation of the relationship between policing and police reporting. No study compares *observed* police behavior at the scene with police reportage about events after the fact. For example, there is no analysis from which we might learn that “X percent of the time,” police will fail to record that the offender is intoxicated, if an *a priori* decision has been made to avoid arrest. The difficulties of carrying out such an investigation are obvious. However, less systematic, but certainly rich, descriptions of police life do suggest that police are subject to the temptation

to distort or falsify reports to cover previous action (for examples see Pepinsky, 1976; Rubinstein, 1973; Skolnick, 1966; Van Maanen, 1974; Westley, 1970). John Van Maanen's description of police socialization practices emphasizes the depth of personal loyalty among officers and the acceptance of a "cover your ass" perspective. But the distortion or falsification of some reports does not mean that such practices are frequent or that police reports typically make little reference to "actual" incident characteristics.<sup>9</sup> What is clear is that under certain circumstances (e.g., when the possibility of sanction for police action exists) reporting may turn from routine *interpretation* to the *reconstruction* of events to cover questionable action. This possibility counsels caution in the use of police reports.<sup>10</sup>

Our prior discussion of police decision making as a function of the situated qualities of each policing encounter suggests a third perspective on the relationship between police reports and police decisions. Our conceptualization of policing as the "handling" of situations implies that police reports will reflect critical features of a domestic disturbance intervention as perceived by the reporting officer. The situational exigencies of policing require the police to interpret events, take action appropriate to those interpretations, and then file reports which correspond to those actions. Even allowing for some puffery in reporting, it is likely—and we assume—that police reports reflect real and significant features of each encounter as interpreted by officers. These features are the salient "signs" of the encounter, since they serve to direct the police toward a decision, *and* ultimately justify that decision.

## VI. INCIDENT CHARACTERISTICS AS PREDICTORS OF ARREST

A wide variety of notations were made by police on domestic disturbance incident and arrest reports. These notations identified the critical dimensions of police decision making and formed the basis for an *a priori* specification of the

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<sup>9</sup> On simply pragmatic grounds, frequent distortion or falsification of records is probably inadvisable. First, it probably takes considerably more time to do an adequate job of "covering" through the report than it does to simply fill out the report by making reference to events witnessed and reported. Second, police are not wholly unaccountable for either their actions or their version of events which justify their actions. For example, in the courtroom, witnesses (whether "outsiders" or involved parties) are routinely asked for their accounts of "what happened."

<sup>10</sup> Later on in the discussion, the results of a limited, but instructive test of the "report as cover" perspective will be presented.

model.<sup>11</sup> Table 1 displays the means for all the variables relevant to the analysis.<sup>12</sup>

Table 1. Means for Selected Domestic Disturbance Incident Characteristics  
(N = 262)

<u>VARIABLE</u>	<u>MEAN</u>
Arrest (dummy)	.385
Principals Married (dummy)	.477
Male White (dummy)	.454
Female Calls Police (dummy)	.626
Incident on Saturday or Sunday (dummy)	.427
Both Principals Present (dummy)	.492
Female Only Alleges Violence (dummy)	.592
Male Drinking (dummy)	.179
Property Damage (dummy)	.149
Injuries (dummy)	.442
Citizen's Arrest Signed or Promised (3 ordinal levels: -1, 0, +1)	.156
Both Principals Present X Property Damage (dummy)	.050
Both Principals Present X Injuries (dummy)	.252
Both Principals Present X Male Drinking (dummy)	.118
Both Principals Present X Female Only Alleges Violence (dummy)	.305

<sup>11</sup> If information were not included on the reports, we did not "guess." For example, if a male and female with identical last names were noted as involved in a disturbance, but were not listed as married, we did not assume they were. We only coded what was actually on the reports, since our interest is in those incident characteristics which police deem important enough to consciously document. Moreover, police were not instructed as to what they should write in their reports. Other research on this topic has either used special forms to document domestic disturbance (e.g., Emerson, 1979), and/or has involved training officers in what to look for and note (e.g., Bard and Zacker, 1974). This strategy may generate much more information, but hardly results in a reflection of what police "normally" do in the immediate context of domestic disturbance calls.

<sup>12</sup> A number of variables were dropped from the analysis, either because they were redundant, or because there was insufficient variance to warrant further examination. In addition, the exogenous variables represent the "lowest common denominator" of police reporting. There was considerable variation in the specificity with which police officers reported important features of domestic disturbances. For example, some officers went to great lengths to describe the details of the physical environment, the claims made by principals, and their own impressions of the situation. Others provided only the "bare facts" of the incident. As a result, we found that our coding had to comply with the average report, which was typically rather brief.

The dependent variable of "arrest" included arrests made at the scene and those made soon afterward at some other location. The mean of .39 for the "arrest" variable indicates that arrests are made 39 percent of the time for the incidents in our sample. However, since poorly documented contacts and cases where either the female or both principals were arrested were dropped from the sample, the mean should not be interpreted as an arrest percentage for *all* police contacts with domestic disturbance.<sup>13</sup>

California police have a number of arrest options. First, the officer may arrest an individual if there is probable cause to believe that a felony has been committed. However, conflicting accounts, and the physical evidence necessary to justify such a decision, make this a difficult option for the police to exercise. Second, while at the scene, officers may witness the commission of a wholly separate misdemeanor or felony which can be used to justify arrest and removal of the offender. In our sample, such charges included "drunk and disorderly conduct" (if in a public place), "assaulting an officer," "trespassing," and "destroying telephone company property" (i.e., ripping the phone from the wall). Finally, police may encourage a witness (usually the female victim) to sign a citizen's arrest warrant. Regardless of the charge, this is a common basis of police arrest in domestic disturbance. Where a complaint is signed, police need not establish probable cause or witness the assault. Police are required to "transport" the offender from the scene, with the complainant being legally responsible for the actual arrest. From police incident reports, it was not possible to estimate the frequency of each "type" of arrest. The arrest variable thus reflects different kinds of arrest decisions.

Table 1 also reports the means for all variables employed in this analysis, including four interaction terms and their components. Discussion here, however, will center only on those variables which were actually used in the multivariate models predicting police arrest.

Two of the independent predictors listed in Table 1 represent, respectively, characteristics of the principals presumed important to police decision making, and the circumstances surrounding police intervention. First, in almost 48 percent of the incidents, principals were married (as opposed to divorced, separated, or "living together"). This

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<sup>13</sup> For the full sample of *all* disturbance contacts (N = 730), arrest occurred in almost 14 percent of the cases.



dummy variable was included in the analysis to address the empirical question of whether police decision making varies by the legal relationship between principals. A number of studies (e.g., Dobash and Dobash, 1979; Martin, 1976; Paterson, 1979) have speculated that police are less likely to arrest husbands engaged in spousal violence; police, it is presumed, see marriage as legitimating the authority of husbands to “control” their wives.

Second, the dummy variable for the race of the male is categorized as “male white,” and its effects can be distinguished from the dropped residual categories of Mexican (27 percent), black (16 percent), and “other” (12 percent). The vast majority of the disturbances occurred between principals of the same race; consequently, a race variable for the female was dropped from the analysis to avoid collinearity. *A priori*, we suspected that the probability of arrest would be reduced if the male were white. That is, police might be inclined to choose less drastic intervention strategies for white males, and be less inclined to treat nonwhite offenders leniently.

The next three variables, “female calls police,” “incident on Saturday or Sunday,” and “injuries,” describe characteristics of the incident itself, rather than attributes of principals. In 63 percent of the incidents, the female principal called the police. In most of the other instances, neighbors made the initial police contact. In only a few instances did other family members (e.g., male, children) call the police. Occasionally, other social service agents (e.g., shelter personnel) alerted police to the disturbance. We speculated that if the woman involved in a domestic disturbance (i.e., the likely victim) were *able* to call the police, and the disturbance had consequently not reached the attention of “outsiders” (e.g., neighbors), this might lead police away from resolving the situation through arrest. Thus, this variable might, at least in part, be a surrogate for both severity of conflict and the degree to which the disturbance is a “private” trouble—two dimensions of the situation which may be critical to police decision making.

Forty-three percent of the domestic disturbance calls were received on weekends. A dummy variable (“incident on Saturday or Sunday”) was included to distinguish the effect of this time period from all others in the week. In part, the inclusion of this variable speaks to anecdotal data received from police themselves. Their comments suggest that outcomes may be somewhat different when demands on police

time are great.<sup>14</sup> Decisions to initiate the lengthy process of arrest may be less likely when, as on weekends, there are multiple competing demands for police intervention.

Forty-four percent of the incidents were accompanied by police notation of injuries to one or both parties, and the fifth variable included captures these effects. Inclusion of this dummy variable speaks directly to the police option of arrest for the felony of spouse abuse. Recall that in this situation, police are not dependent on victim cooperation to make an arrest, yet they do face the difficult task of collecting enough physical evidence to justify their decision. Thus, we assumed that arrest might be more likely if police were confronted with physical evidence that an assault had occurred.<sup>15</sup> In the coding of reports, we found that police were more likely to note those injuries they could see, as opposed to those that were merely claimed by disputants.

The sixth variable is an ordinal level measure for whether police mentioned that a citizen's arrest warrant was signed (or signature promised the next day). In almost 16 percent of the incidents, the female signed an arrest warrant. Of course, police may have a good deal to do with how this option is presented to the victim, or whether it is presented at all. For example, impressionistic data suggest that if officers are eager to make an arrest, but have little evidence to justify such a choice, they may spend considerable time urging the female to sign a warrant. This can often be a lengthy battle of wills, since the warrant also exacts a promise that the complainant will cooperate with prosecution of the offender. This is a promise that many women are understandably reluctant to make. On the other hand, if police see no purpose served by arrest, they may either fail to mention the option of citizen's arrest, or spend time discouraging the woman from this course of action.<sup>16</sup> Nevertheless, once a warrant is signed, police will seek arrest of the offender.

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<sup>14</sup> As one officer told us: "A lot of times the dispatcher will give you more than one call . . . they will give you three at a time. You got to make them short and sweet."

<sup>15</sup> LaFave (1965: 121) quotes a Detroit Police Manual:

In any case where an officer suspects that a disturbance may result in the injury of any person, it is advisable for the officer to take the person causing the disturbance into custody, at least temporarily, even though it may be against the wishes of the family involved.

<sup>16</sup> The dependence upon the citizen's arrest warrant in domestic disturbance has been identified as a significant problem for arrest and prosecution rates. While this characteristic of domestic disturbance has been identified as unique (e.g., Field and Field, 1973), LaFave (1969: 198) argues otherwise:

Police nonenforcement is also the rule when the victim of a minor offense does not wish to expend his own time in the interests of

The construction of this variable was intended to reflect the degree to which the citizen's arrest warrant is salient to police decision making. The ordinal variable ranges from -1 (woman flatly refuses to sign) to +1 (woman signs or promises to sign form). The "zero" level for this variable indicates that police made no notation of the procedure.

The four remaining variables in the equation are all interaction terms, with four characteristics of the incident placed in interaction with the variable "both principals present." The justification for these variables follows directly from the perspective emphasizing the discretionary judgments of police and the situated determinants of their decisions. If one assumes that police are faced with situations they must "handle," and if the offender has fled the scene (41 percent of the incidents), then the immediate situation has perhaps "handled" itself. In other words, the *immediate* circumstances of disturbance which may have required "nonnegotiable coercive" solutions have largely disappeared (Bittner, 1970: 41). In contrast, if both parties to the conflict are present when police arrive, the police must weigh alternatives and seek resolutions in a context of *ongoing* confrontation and potential for escalation. Thus, we anticipated that it is under the "condition" of the presence of both principals that the effects of other incident characteristics would be of special importance in police arrest decisions.<sup>17</sup>

The four characteristics of the immediate situation all center on the critical "signs" which police may use to justify both their interpretations of the situation and their resolution of it. First, our *a priori* expectation for the effect of "property damage" when both principals are present, was an increased likelihood of arrest. Evidence of property damage, particularly when the "offender" is present, might be an important cue to the officer that without arrest, the conflict might well resume. However, this variable has very little variance, with only five percent of the incidents described by this combined characteristic.

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successful prosecution. This occurs not only with minor property crimes, when the victim is concerned primarily with restitution, but also with many other offenses arising out of family relationships or other associations, such as that between landlord and tenant or employer and employee.

<sup>17</sup> The findings did indicate that far stronger effects were generated with the use of interaction terms than in preliminary models run solely with main effects. Thus, on both substantive and methodological grounds the inclusion of interaction terms made sense. (See footnote 21 for more detailed discussion.)

Second, an interaction term was included to combine the effects of the presence of both principals with injury to at least one of them. Twenty-five percent of the incidents are so characterized. Police notation of injury is the only variable which is included in the model for its main effects and for its interaction with the presence of both principals. We anticipated that different processes were involved depending upon whether injuries served as physical evidence for arrest under a charge of felony spouse abuse (main effect), or served as a salient clue to the certainty of past violence and the probability of later conflict were an arrest not made (interaction term). No other variable coded from police report forms can so obviously serve this dual role of providing physical evidence necessary for felony spouse abuse arrest,<sup>18</sup> as well as convey a high probability of further conflict between principals on the scene. Yet, in either form, the expectation was that injuries would heighten the probability of arrest.

In 12 percent of the incidents, both principals were present when police intervened, and police noted drinking by the male. The complementary categories of drinking by the female (3 percent), or drinking by both (2 percent) were dropped. "Drinking" can range from notations that the male "had been drinking" to notations that the male was "highly intoxicated." Since it is not illegal to be intoxicated in one's own home, we reasoned that police use this information to assess the efficacy of various remedies in light of likely future action by the offender. Moreover, since citizen demeanor is critical to police attitude and action (for discussion see Black, 1971), alcohol use by the male may well lead to "arrestable" offenses (e.g., "resisting an officer") unrelated to the domestic disturbance itself. Given such possibilities, we expected male drinking to increase the probability of arrest.

The final interaction term describes 30 percent of the incidents where both principals are present at the point of intervention and the female alleges that violence occurred. The complementary categories where neither party alleges violence (61 percent), and the less frequent occurrences where both parties (8 percent) or only the male allege violence (1 percent) were dropped. Given that police are confronting what may be an ongoing situation, this variable was expected to accompany

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<sup>18</sup> All other variables depend on allegations by principals which are difficult to substantiate (e.g., "female only alleges violence"), or center on actions by principals which are perfectly legal in one's own home (e.g., "property damage," "male drinking").

an increased likelihood of arrest (see also Pepinsky, 1976). The allegation of violence solely by the female may provide police with a clear identification of an "offender" and may suggest a situation best resolved through arrest.

## VII. FINDINGS

Table 2 presents results from both Ordinary Least Squares analysis and Maximum Likelihood logit procedures for an equation explaining whether or not an arrest is made. The OLS equation will provide the primary analytic focus and source for substantive interpretation of findings. However, with a binary dependent variable, one cannot assume constant error variance, which when coupled with OLS procedures, will lead to inefficiency and biased estimates of the standard errors for regression coefficients (Pindyck and Reubinfeld, 1976: 240-244). Consequently, a logistic model was also employed. This form of analysis provides asymptotically unbiased standard errors and significance tests (Hanushek and Jackson, 1977: 200-203). Yet, the logit form poses its own problems for these data, particularly since estimation procedures assume a nonlinear (e.g., logistic) relationship between the independent and dependent variables. As a result, one would have to argue that the effect of each independent variable on police arrest is greatest in its middle ranges. For some of the variables this relationship could be justified *post hoc*, but we did not begin with a nonlinear set of logistic relationships in mind. Thus, the logit equation is presented primarily as a statistical check on the problematic OLS significance tests. Nevertheless, for readers who feel more comfortable with the logistic formulation, we have provided not only the significance tests, but the logit coefficients and the predicted change in the probability of an arrest evaluated at a probability of .50 (Hanushek and Jackson, 1977: 188-189).<sup>19</sup>

Turning to Table 2, we see that with ten independent variables describing police recorded incident characteristics, over 45 percent of the variance in domestic disturbance arrest is explained. In addition, the "goodness of fit" measure provided through the logit procedure indicates that the model correctly classifies actual arrest 85 percent of the time. Errors in classification were more likely of the conservative variety;

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<sup>19</sup> The change in the predicted probability of an arrest is analogous to the OLS metric regression coefficients, but because of the "s-shaped" functional form, will typically be larger when evaluated at a probability of .50.

Table 2. Ordinary Least Squares and Maximum Likelihood Logit Equations for Prediction of Police Arrest  
(N = 262)

Variable	OLS		MLE LOGIT		
	Regression Coefficient	t-value	Logit Coefficient	$\Delta P_i$ (for $P_i = .50$ )	Chi-square
Constant	.259	4.19	-1.38	---	8.90
Citizen's Arrest Signed or Promised	.300	8.21*	2.15	.537	40.86*
Both Principals Present X Property Damage	.020	.19	.64	.159	.53
Both Principals Present X Injuries	-.031	-.37	-.27	-.067	.18
Both Principals Present X Male Drinking	.204	2.70*	1.63	.408	6.21*
Both Principals Present X Female Only Alleges Violence	.319	5.06*	1.95	.488	16.93*
Injuries	.081	1.30	.63	.158	1.81
Female Calls Police	-.209	-4.18*	-1.61	-.402	15.49*
Principals Married	.077	1.59	.53	.132	1.91
Male White	.024	.51	.05	.013	.02
Incident on Saturday or Sunday	.028	.61	.24	.061	.46
R <sup>2</sup> = .454 F = 20.87 (df = 11,250) p < .05			% Correct Predictions = 84.7 X <sup>2</sup> = 145.50 (df = 10) p < .05		

\* Statistically significant at  $p < .05$

the model would predict no arrest when in fact an arrest was made.

In *both* the OLS and Logit equations, four variables exerted a significant effect ( $p < .05$ ) on police arrest, and we will focus primarily on these. The independent variable exerting the strongest effect on arrest decisions is the ordinal variable "citizen's arrest." The probability of arrest increases by 30 percent in the change from refusal of the female victim to sign a warrant to no mention of the warrant by police; it increases another 30 percent from "no mention" to "signs" or "promises

to sign.” Impressionistic data suggest that if police see the citizen’s arrest warrant as the best solution to handling the situation and the woman refuses to sign, arrest on any grounds is highly unlikely. For example, as one officer said: “If she’s been putting up with it, I say sign it [citizen’s arrest warrant], or forget it.”<sup>20</sup>

Two of the four interaction terms prove significant to police arrest decisions, and evidence far stronger effects than preliminary models run with main effects only.<sup>21</sup> When both principals remain at the scene, the effects of alcohol use by the male, or an allegation of violence by the female, significantly increase the probability of arrest. Alcohol use or the male’s intoxication are strong cues for an arrest disposition. Not only does intoxication suggest the continued volatility of the situation, and thus no immediate solution to the disturbance, but it may also lead to a more convenient arrest charge (e.g., resisting or assaulting an officer) as an alternative to a charge of spouse abuse.

The second of the four interaction terms that exerted significant effects was the combination of the presence of both principals and an allegation of violence by the female. Under this condition, police arrests increased by over 30 percent. The presence of two disputants who may be classified as “victim” and “offender” may provide the impetus for police to dismiss remedies other than arrest. The remaining two interaction terms (“both principals present X property damage”; “both principals present X injuries”) showed nonsignificant effects on arrest. The regression coefficients are also very small, especially given the large causal effects just discussed.

The failure of the interaction variable for injuries is all the more disappointing given the null finding for the main effect of injuries. However, the t-value of 1.30 and the regression coefficient of over .08 suggest that perhaps “something” is going on. Indeed, we suspect that with a more sensitive measure

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<sup>20</sup> Unfortunately, any real understanding of the presumably complicated process whereby police “guide” a potential complainant to a signed warrant, or divert her from such a procedure, is not revealed through this analysis. Our hunch, however is that police “handling” of the situation may in large part turn on their orchestration of this arrest option.

<sup>21</sup> The main effects for “male drinking” and “female only alleges violence” were both significant in an earlier model. However, the regression coefficients exerted weaker effects on the probability of arrest ( $b = .14, .12$ , respectively). The main effects for “property damage” and “injuries” were, as in the model presented here, insignificant. Moreover, in earlier models combining interaction terms and main effects, problems of multicollinearity precluded the inclusion of any variable other than “injuries” in both main effect and interaction form.

reflecting the severity of injuries, important effects might well surface.

There is one negative effect that is significant. If the female alerts police to the disturbance, the probability of arrest decreases by almost 21 percent. We expected that this variable might indicate to the police that the conflict was not severe, or that the disturbance was confined to the principals themselves. If the most likely victim of domestic dispute calls the police, the disturbance has clearly not reached the point where she is physically incapable of calling for police intervention. Further, it may mean that the disturbance has not reached the point where neighbors, friends, or social service agents are alerted. If we assume that the decision to arrest is in part determined by police assessments of the severity of conflict, this finding makes some sense. One might speculate also that police response to domestic disturbances is affected by whether or not an "outsider" assumes a role in the dispute (e.g., makes a complaint, witnesses the disturbance, etc.). Once the disturbance has escalated beyond the immediate household, the police response may be correspondingly more severe. Arresting an offender, for example, not only limits the immediate conflict, but avoids further complaints from "outsiders."<sup>22</sup>

The remaining three independent variables did not prove statistically significant in either equation. The race of the male,

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<sup>22</sup> This variable was chosen as one possible indicator of an *a priori* decision by police to arrest, with the report serving as a "cover" for police decisions. Presumably when an "outsider" calls, this means that someone else may ultimately make the police accountable, and in addition, police may be more inclined to make an arrest, since they may reasonably expect repeat complaints from the caller. If the "report as cover" perspective is most appropriate, we should expect that the relationship between the dependent variable of arrest and the independent variable of "who called" would look very different when police anticipate (i.e., prior to the actual encounter) that an arrest may be needed.

In order to address this possibility, the analysis was rerun separately for the *subset* of cases in which the wife called, and the *subset* of cases in which an outsider called. Despite the smaller sample size and the need to drop the selection variable ("female calls") as a regressor, the empirical story remained about the same. For example, for the equation that looked only at those cases where the female herself had placed the call (representing a lower *a priori* need to arrest) we found 45 percent of the variance explained, just as in the original analysis. Whether or not the female signed a citizen's arrest warrant and whether the female alleged violence had virtually the same effect as when the full sample was used. The impact of male drinking was no longer significant, but the magnitude of the coefficient and the direction of its effect remained the same. The loss of the significant t-value is primarily a result of the smaller sample size and the slightly higher multicollinearity. The higher multicollinearity is not surprising, since the selection process makes the samples homogeneous. In short, we can find no compelling evidence of significantly distorted police reporting as a function of an *a priori* expectation about the arrest outcome.



and whether or not the incident occurred on a weekend, produced only trivial effects. This suggests that the immediate characteristics of the situation, rather than ascribed characteristics of the disputants (e.g., race), or factors external to the disturbance (e.g., demands on police time) are most critical to police decision making.

Marital status was also not a significant predictor of arrest. Recall, others (e.g., Dobash and Dobash, 1979; Martin, 1976) have argued that police are reluctant to subject husbands to the sanction of arrest. However, it is important to stress that we are *not* comparing police arrest practices in situations unrelated to domestic violence (e.g., stranger assault, conflict between acquaintances, etc.) to incidents of domestic violence; nor have we included cases where the probability of arrest is very low. Consequently, the null findings may not be that surprising, and even a positive relationship may have a reasonable explanation. Since married individuals have an ongoing relationship, the police may anticipate more disturbance calls in the immediate future. An arrest may then be a particularly effective way to terminate immediate conflict. Regardless, this finding certainly argues for more systematic attention to the role of marital status in police response to domestic disturbance.

Taken together, the findings suggest that domestic disturbance incident characteristics which prove most critical to explaining police arrest center on the police encounter itself. The circumstances under which police intervention is sought, the assessments by police which arise from direct encounters with disputants, and the role of citizen's arrest procedures all converge on the situated quality of arrest decisions in domestic disturbances.

### VIII. DISCUSSION AND CONCLUSIONS

In this analysis, police decisions to arrest in domestic disturbances were taken as problematic, with arrest conceptualized *a priori* as only one resource available to police to "handle" the situation. Through a multivariate analysis of 262 police reports, recorded incident characteristics were examined for their impact on variation in police decisions to arrest. Four variables which derived from immediate characteristics of the incident proved significant to arrest decisions. Significant positive influence was exerted by whether the female victim signed a citizen's arrest warrant (+.30). When both principals were present at the point of

police intervention, the female's allegation of violence (+.32), and drinking by the male (+.20) also increased the likelihood of arrest. The probability of arrest decreased (-.21), however, when the female made the initial call for help to the police.

The results presented here suggest a model of police decision making rife with situationally determined contingencies. Police assessment of the situation, and later justifications for their actions, depend in part upon the ways in which the actors themselves set the stage for police management or "handling" of the situation. Our results indicate that when police arrive at the scene of a domestic disturbance, they have to construct a "story" of what has happened from the immediate characteristics of the encounter. The officer's interpretation of salient "signs" in the context of the immediate situation leads to the construction of a "theory" of events, and prediction of the likely results of potential choices. The evidence suggests that police management of domestic disturbances and components critical to decision making do not necessarily center on the collection of evidence for "proof" that laws have been violated.

While police decision making may depend largely on situation-specific interpretations, police do not approach domestic disturbances (or any other policing task) without predilections. The discretionary options open to police to "handle the situation" require knowledge of past decisions and their outcomes, as well as normative notions as guides to actions. Yet, police management of domestic disturbance is not *wholly* determined by legal considerations, by an officer's personal or occupational prejudices, or by some unchecked free association with the events of the encounter.

An officer's interpretation of events, and the ways in which these interpretations are assessed and ultimately acted upon, constitute a far more complex process than prior research and speculation on police response to domestic violence would suggest. A close reading of the domestic violence literature and its critique of police practices conveys a false and misleading dichotomy: police arrest, or they do not arrest. This narrow understanding of actual police practice directs our attention to the possibility of police abuse of power, but directs attention *away* from the potentially problematic nature of the *routine* exercise of police discretion.

Given the limited options that police have in the handling of domestic disturbances, they obviously can and sometimes do abuse their powers. However, the more essential point,

supported by our analysis, is that police interpretations of the situation, their prior experience, and the situation-specific rationales for decisions are all inherent in the policing enterprise. They do not constitute an *abuse* of discretionary powers; they are part of the *normal* exercise of duty.

The very real plight of battered women has led many observers to plead for a more liberal use of the arrest option. Swift and sure arrest may deter future violence by the offender, as well as convey societal-level disapproval of violence in the home (e.g., Dobash and Dobash, 1979; Martin, 1976; Woods, 1978). It may be that violent family conflicts demand *unique* treatment by police. Yet, can police be "re-educated" to handle such situations differently? The question must remain largely unanswered in light of our inadequate understanding of the link between police attitudes toward family violence, women as victims, and the situational exigencies posed by domestic disturbances. Recent research by the authors (Berk *et al.*, 1979; 1980) suggests that educating the police about management of domestic disturbances can yield significant changes in police practice. We have found that police do respond to encouragement to enhance both the quality and the frequency of their reporting on domestic disturbances. These findings suggest that more ambitious goals in police training might result in changes in actual police practice. For example, training programs explicitly directed to the reading of situational "cues" could be developed.

Yet, an argument for changes either in police training or in police arrest practices is meaningless without commensurate attention to the larger criminal justice system in which police operate. First, whatever positive effects found as a result of past educational programs directed toward improving police practice (Berk *et al.*, 1980) depended primarily on the direct support and encouragement of the District Attorney's Office and police administrators. Unless police officers are made to understand that changes in practice (a) are expected of them as employees, and (b) will be accompanied by corresponding changes in other areas of the criminal justice system, little change will result. Second, arguments that police "should" frequently arrest family violence offenders come perilously close to encouraging greater jeopardy for victims unless accompanied by recommendations for massive changes in prosecutorial and judicial practices. In a judicial system which seldom tries spouse abuse offenders and rarely convicts them, women are seldom protected from violent reprisals.

Looking to the future, it is clear that more rigorous empirical study is needed comparing police responses to domestic disturbances with their responses to nondomestic conflict situations. The continued role of mysogynist ideas in shaping police attitudes and predispositions also needs additional exploration.<sup>23</sup> The role of the police dispatcher in "setting the stage" for the encounter itself and the decisions which ensue is also of more than passing interest. Finally, we need to know more about the interpretive process behind police reporting practices in domestic disturbance situations. Until this kind of research is undertaken, police handling of domestic disturbances will remain obscure.

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<sup>23</sup> For example, one might begin by investigating the conditions under which police exercise critical influence over the signing of citizen's arrest warrants by female victims.

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