

Social and Legal Determinants on the Enforcement of
Domestic Violence Laws by the Police:
A Study of New Jersey Police Officers

By

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A dissertation submitted to the Graduate Faculty in Criminal Justice in partial
fulfillment of the requirements for the degree of Doctor of Philosophy,

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This manuscript has been read and accepted for the Graduate Faculty in Criminal Justice in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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ABSTRACT

Social and Legal Determinants on the Enforcement of

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Advisor: Professor Maria (Maki) Haberfeld

A survey study of 425 police officers operating within fourteen police departments over a two countywide area of New Jersey examines police officer's attitudes and opinions concerning the enforcement of domestic violence laws. New Jersey is a jurisdiction with strict statewide mandatory arrest policies and procedures that apply to all police agencies. Extensive mandatory training is a key component to the New Jersey model of domestic violence enforcement. The first phase of the research examines similarities and differences by the setting in which officer's work: Urban, urban suburb, large suburban, and small suburban police agencies. The second phase examines six scenarios in which officers responded to questions as to how they would handle domestic situations. A follow-up question to each scenario explored the motivation and justification for the officer's action. The majority of police officers cited as their primary motivation in handling mandatory arrest situations of domestic violence that their actions were mandated under law. Yet, only about one-half of officers in the study had received all mandatory required training over the past four years. Police officers in a mandatory arrest jurisdiction for the enforcement of domestic violence laws rely heavily on their

perception of the law to justify their enforcement activities. Significant correlations were found between a police officer's personal and professional positive opinions toward the enforcement of domestic violence legislation and his actions in mandatory arrest domestic violence situations. Police officers are more likely to make an arrest for a domestic violence offense in a mandatory arrest situation when they observe the offense as opposed to when they must rely on victim statements or physical evidence to establish probable cause.

Dedication

To my father John M. Waldron, a police officer for 36 years, who taught me much of what there was to know about law enforcement and life in general. He was my mentor, guide, and advisor about anything and everything related to the law, policing, and life in general. He often unselfishly went without, to give to his family. He encouraged my love of reading, something that has served me well in my later academic pursuits. As an early product of the LEEP program, he was a shining example and a role model for me of the educated practitioner for both law enforcement and criminal justice.

As a police officer, he rose up through the ranks to become police chief of his department in New Jersey. Some of my fondest memories are of our time spent enjoying and sharing our pride in our Irish heritage and our chosen profession. I have been around police culture almost my entire life, from being the son of police officer, to attending PBA functions, to pouring over the monthly FBI Bulletins that were a permanent fixture in our home, to reading some of the early presidential commission reports on law enforcement at a young age. I truly miss our lively discussion, debates, and even the occasional disagreements. What I have achieved, is but a reflection of his wisdom, patience, and leadership by example.

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Table of Contents

ABSTRACT	iv
DEDICATION	vi
ACKNOWLEDGEMENTS	vii
TABLE OF CONTENTS	ix
LIST OF TABLES	xi
CHAPTER ONE: INTRODUCTION	1
Implications of Decisions in Domestic Violence	1
Legislative Intent of New Jersey Domestic Violence Laws	3
New Jersey’s Domestic Violence Laws	4
Role of Attorney General in Domestic Violence Enforcement	8
Profile of the State of New Jersey and Study Sites	9
Survey Methodology	13
CHAPTER TWO: LITERATURE REVIEW	17
Domestic Violence: Middle Ages to the 1970’s	17
Domestic Violence: Early Criminal Justice Research and Victims Rights	19
Domestic Violence: Mandatory Arrest	22
Domestic Violence: The Federal Response	25
Domestic Violence: The Victims and Batterers	32
Domestic Violence: Mandatory Arrest and the Police	35
Domestic Violence: Recent Research and Developments	40
CHAPTER THREE: RESEARCH DESIGN	47
Hypotheses and Research Questions	47
Survey Research	52
Ethical Considerations	53
Data Collection Procedures	54
Data Collection Instrument	56
CHAPTER FOUR: FINDINGS	58
Part I: Demographic Survey Responses	59
Part II : Survey Questionnaire Scenarios	93
Scenario 1	95
Analysis	95
Scenario 2	108
Analysis	108

Scenario 3	121
Analysis	121
Scenario 4	135
Analysis	135
Scenario 5	148
Analysis	148
Scenario 6	164
Analysis	164
CHAPTER FIVE: DISCUSSION AND CONCLUSIONS	180
Major Findings	180
Research Questions and Hypotheses Addressed	181
Conclusion	213
Scope and Limitations	219
Contributions to the Literature	222
Future Research	224
REFERENCES	225
APPENDICES	262
Appendix A - Informed Consent Form	262
Appendix B - Data Collection Instrument	264
Appendix C - Supplemental Tables Chapter 4	275
Appendix D - Supplemental Tables Chapter 5	343

List of Tables & Charts

Table 1.1	Demographics of Participating Police Agencies	11
Chart 4.1	Years of Police Service by Setting	63
Chart 4.2	Scale of Officer Support of Attorney General Guidelines	86
Scenario 1	Domestic Assault with Uncooperative Victim and Abuser Gone	
Table 4.1	Identify the Offender	96
Table 4.2	Arrest under the Domestic Violence Laws	97
Table 4.3	Officer to Sign Complaint	98
Table 4.4	Document with an "Investigation Report"	99
Table 4.5	Document with a "Domestic Violence Offense Report"	100
Table 4.6	Most Important Justification of Officer's Actions	105
Table 4.7	Least Important Justification of Officer's Actions	106
Scenario 2	Domestic Assault with Injury and Physical Evidence	
Table 4.8	Identify the Offender	109
Table 4.9	Arrest under the Domestic Violence Laws	110
Table 4.10	Officer to Sign Complaint	111
Table 4.11	Document with an "Investigation Report"	113
Table 4.12	Document with a "Domestic Violence Offense Report"	115
Table 4.13	Most Important Justification of Officer's Actions	118
Table 4.14	Least Important Justification of Officer's Actions	120
Scenario 3	Violation of Out of State Domestic Violence Restraining Order with Uncooperative Victim Witnessed by the Police	
Table 4.15	Identify the Offender	123
Table 4.16	Arrest under the Domestic Violence Laws	124
Table 4.17	Officer to Sign Complaint	125
Table 4.18	Document with an "Investigation Report"	127

Table 4.19	Document with a "Domestic Violence Offense Report"	128
Table 4.20	Most Important Justification of Officer's Actions	132
Table 4.21	Least Important Justification of Officer's Actions	133
Scenario 4	No Domestic Violence Although the Complainant Disagrees	
Table 4.22	Identify the Offender	137
Table 4.23	Take No Police Action No Offense or Crime Committed	138
Table 4.24	Deescalate, Mediate, Resolve the Situation	139
Table 4.25	Remove Offender for Detoxification/Counseling	140
Table 4.26	Arrest under the Domestic Violence Laws	141
Table 4.27	Most Important Justification of Officer's Actions	146
Table 4.28	Least Important Justification of Officer's Actions	147
Scenario 5	Domestic Assault with a Knife and Both Parties Sustain Injuries	
Table 4.29	Identify the Offender	150
Table 4.30	Arrest under the Domestic Violence Laws	151
Table 4.31	Identify and Arrest Offender under the Domestic Violence Laws	152
Table 4.32	Officer to Sign Complaint	154
Table 4.33	Document with an "Investigation Report"	155
Table 4.34	Document with a "Domestic Violence Offense Report"	157
Table 4.35	Most Important Justification of Officer's Actions	161
Table 4.36	Least Important Justification of Officer's Actions	162
Scenario 6	Domestic Assault Witnessed by the Police with a History of Domestic Violence	
Table 4.37	Identify the Offender	166
Table 4.38	Arrest under the Domestic Violence Laws	167
Table 4.39	Arrest Offender under DV laws	168
Table 4.40	Officer to Sign Complaint	170
Table 4.41	Document with an "Investigation Report"	173

Table 4.42	Document with a "Domestic Violence Offense Report"	174
Table 4.43	Most Important Justification of Officer's Actions	176
Table 4.44	Least Important Justification of Officer's Actions	178
Discussion		
Table 5.1	Arrest Mean Scores by Geographic Work Setting	181
Table 5.2	Arrest Mean Scores by Civil Service Status	182
Table 5.3	Arrest Mean Scores by Felony vs. Misdemeanor Domestic Violence Crimes	183
Table 5.4	Arrest Mean Scores by Shift Size in Mandatory Arrest Scenarios	185
Table 5.5	Misdemeanor Domestic Violence Crimes Arrest Mean Scores By Geographic Setting	187
Table 5.6	Arrest Mean Scores of Scenarios 1, 2, & 3 by Years of DV Training	189
Table 5.7	Arrest Mean Scores by Promotional Exam Studying	191
Table 5.8	Arrest Mean Scores by Study Group Participation	192
Table 5.9	Arrest Mean Scores by Education Level	193
Table 5.10	Arrest Mean Scores by Self-Report Compliance with AG Guidelines	194
Table 5.11	Arrest Mean Scores by Officer's Opinion Regarding Practicality of DV Enforcement	196
Table 5.12	Arrest Mean Scores by Officer's Opinion of Departmental Discipline	197
Table 5.13	Arrest Mean Scores by Departmental Support of DV Enforcement	198
Table 5.14	Mean Scores for Self-Reported Compliance with Domestic Violence Laws by Years of Police Service	199
Table 5.15	Arrest Mean Scores for Scenario 1 by Most Popular Justification: Mandated by Law	201
Table 5.16	Arrest Mean Scores for Scenario 1 by Least Popular Justification: Comply with Wishes of Victim	202
Table 5.17	Arrest Mean Scores for Scenario 4 by Most Popular Justification: Mandated by Law	203

Table 5.18	Arrest Mean Scores for Scenario 4 by Least Popular Justification: Comply with Wishes of Victim	204
Table 5.19	Arrest Mean Scores for Scenario 6 by Most Popular Justification: Mandated by Law	207
Table 5.20	Arrest Mean Scores for Scenario 6 by Least Popular Justification: Comply with Wishes of Victim	208
Table 5.21	Summary Arrest Score as a Function of Social and Legal Determinants of Domestic Violence Enforcement by a Sample of New Jersey Police Officers	210
Appendix C Supplemental Tables Chapter 4		
Demographics of Study Participants		
Appendix Table 4.1	Police Officer's Rank	275
Appendix Table 4.2	Officer's Current Assignment	276
Appendix Table 4.3	Number of Officers Assigned to Shift	277
Appendix Table 4.4	Number of Domestic Calls Responded to in Past Six Months	278
Appendix Table 4.5	Police Officer's Years of Service	279
Appendix Table 4.6	Police Officer's Level of Education	280
Appendix Table 4.7	Police Officer's Civil Service Status	281
Appendix Table 4.8	Studying for Promotional Exam by Civil Service Status and Study Group Participation	282
Appendix Table 4.9	Departmental Policing Style	283
Appendix Table 4.10	Police Department Discipline	284
Appendix Table 4.11	Officers Kept Abreast of Changes in the Law	285
Appendix Table 4.12	In-Service Training Days	286
Appendix Table 4.13	Domestic Violence Training in Last 4 Years	287
Appendix Table 4.14	Supervisor's Support of Domestic Violence Laws	288
Appendix Table 4.15	Departmental Support of Domestic Violence Laws	289
Appendix Table 4.16	Scale of Departmental Support for Domestic Violence Enforcement	290
Appendix Table 4.17	Motivation in Handling Domestic Violence Calls	291
Appendix Table 4.18	Compliance with the Enforcement of Attorney General Guidelines	292

Appendix Table 4.19	Practicality of Domestic Violence Enforcement	293
Appendix Table 4.20	Dual Arrest for Domestic Violence within Last Six Months	294
Appendix Table 4.21	Warrantless Arrest Disorderly Persons Assaults	295
Appendix Table 4.22	Support for More Discretion in Handling Domestic Violence	296
Appendix Table 4.23	Victim Empowerment in Simple Assault Domestic Violence Offenses	297
Appendix Table 4.24	Opinions on Mandatory Prosecution	298
Appendix Table 4.25	Municipal Judges Application of Domestic Violence Laws	299
Appendix Table 4.26	Aggressive Prosecution of Domestic Violence Simple Assault Cases	300
Appendix Table 4.27	Court System Treatment of Domestic Violence Assaults	301
Scenario 1		
Appendix Table 4.28	Dispatch Medical Assistance for Victim	302
Appendix Table 4.29	Right to Obtain Temporary Restraining Order	303
Appendix Table 4.30	Victim to Sign "Victim Witness Notification Form"	304
Appendix Table 4.31	Take No Police Action No Offense or Crime Committed	305
Appendix Table 4.32	Advise Victim to Sign Complaint Tomorrow	306
Appendix Table 4.33	Proper Classification to Document Incident	307
Appendix Table 4.34	Arrest Offender not Under Domestic Violence Laws	308
Scenario 2		
Appendix Table 4.35	Dispatch Medical Assistance for Victim	309
Appendix Table 4.36	Right to Obtain Temporary Restraining Order	310
Appendix Table 4.37	Victim to Sign "Victim Witness Notification Form"	311
Appendix Table 4.38	Take No Police Action No Offense or Crime Committed	312
Appendix Table 4.39	Advise Victim to Sign Complaint Tomorrow	313
Appendix Table 4.40	Proper Classification to Document Incident	314
Appendix Table 4.41	Arrest Offender not Under Domestic Violence Laws	315

Scenario 3

Appendix Table 4.42	Arrest Offender not Under Domestic Violence Laws	316
Appendix Table 4.43	Take No Police Action No Offense or Crime Committed	317
Appendix Table 4.44	Right to Obtain Temporary Restraining Order	318
Appendix Table 4.45	Victim to Sign "Victim Witness Notification Form"	319
Appendix Table 4.46	Advise Victim to Sign Complaint Tomorrow	320
Appendix Table 4.47	Proper Classification to Document Incident	321

Scenario 4

Appendix Table 4.48	Arrest Offender not Under Domestic Violence Laws	322
Appendix Table 4.49	Officer to Sign Complaint	333
Appendix Table 4.50	Advise Victim to Seek Counseling	334
Appendix Table 4.51	Right to Obtain Temporary Restraining Order	335
Appendix Table 4.52	Make no Written Report of Incident	336
Appendix Table 4.53	Document with a "Domestic Violence Offense Report"	337
Appendix Table 4.54	Victim to Sign "Victim Witness Notification Form"	338

Scenario 5

Appendix Table 4.55	Arrest Offender not Under Domestic Violence Laws	339
Appendix Table 4.56	Identify and Arrest Offender not under the Domestic Violence Laws	340
Appendix Table 4.57	Take No Police Action	341
Appendix Table 4.58	Right to Obtain Temporary Restraining Order	342
Appendix Table 4.59	Victim to Sign "Victim Witness Notification Form"	343
Appendix Table 4.60	Seize Any Weapon that Poses a Threat to Victim	344
Appendix Table 4.61	Take No Police Action No Offense or Crime Committed	345
Appendix Table 4.62	Advise Victim to Sign Complaint Tomorrow	346
Appendix Table 4.63	Proper Classification to Document Incident	347

Scenario 6

Appendix Table 4.64	Arrest Offender not Under Domestic Violence Laws	348
Appendix Table 4.65	Dispatch Medical Assistance for Victim	349
Appendix Table 4.66	Right to Obtain Temporary Restraining Order	350
Appendix Table 4.67	Victim to Sign "Victim Witness Notification Form"	351
Appendix Table 4.68	Proper Classification to Document Incident	352

Appendix D Supplemental Tables Chapter 5

Appendix Table 5.1	Multiple Comparisons of Arrest Mean Scores by Work Setting	353
Appendix Table 5.2	Multiple Comparisons of Disorderly Persons Arrest Means by Shift Size	354
Appendix Table 5.3	Multiple Comparisons of Disorderly Persons Arrest Mean Scores by Geographical Setting	355
Appendix Table 5.4	Multiple Comparisons by Arrest Mean Scores Of Self-Report Compliance with AG Guidelines on Domestic Violence	356
Appendix Table 5.5	Multiple Comparisons of Arrest Mean Scores by Officers Self-Report on the Practicality of Enforcement of AG Guidelines on Domestic Violence	357
Appendix Table 5.6	Arrest Mean Scores by Years of Police Service	358

CHAPTER ONE: INTRODUCTION

Implications of Decisions in Domestic Violence

Domestic violence enforcement poses numerous far reaching and potentially life or death consequences and implications for all parties involved. For the police who are called upon to intervene, most often at the residence of the victim and or the attacker, the situation is fraught with a multitude of unknown variables that are most often potentially dangerous and on occasion life threatening. The actions and decisions a police makes at these volatile encounters can have a lasting impact on their agency's image and reputation as well as their own. They can have criminal and civil implications for the officer, and beside the obvious effect on both the victim and the offender, the potential impact on children of the involved parties who are too often the unintended victims as witnesses to the abuse and subsequent police actions.

For victims, the direct result of a police intervention is the immediate end to the abuse currently taking place. Additional benefits can include the education of the victim as to their legal rights under the domestic violence laws in their particular state and their options for relief, temporary and or permanent, to prevent further acts of domestic violence against them. It is also a goal that through police intervention that the attacker may desist from further acts of domestic violence. For the attacker, the effective enforcement of domestic violence laws by the police can lead to the imposition of legal sanctions from arrest, to conviction, and to the imposition of criminal sanctions. The ultimate goal of the domestic violence laws is to change the behavior of offenders,

preferably through education and rehabilitation, but by the imposition of sanctions (monetary and incarceration) if necessary.

Unfortunately, the record of domestic violence enforcement by law enforcement has had at best a checkered past. Not that all the blame can be laid on the lower levels of police agencies entrusted with enforcement. Past public policy encouraged the view that incidents of domestic violence were private matters best resolved between spouses. Research (Bard, 1970) also contributed to this policy of non-intervention that encouraged mediation and resolution, rather than the imposition of criminal sanctions influenced police practices and policies for decades. Also the perception that handling domestic disputes was not “real police work” and not part of the crime fighting model of police work made popular during the 1930’s and 40’s which continued well into the 60’s and 70’s and even today in some police agencies.

Over the last quarter century, domestic violence laws and policies have been enacted to treat domestic violence as a serious crime necessitating an appropriate criminal justice response. Court decisions have also had an influential impact on policy and often have been a catalyst for change in the protection of the rights of victims of domestic violence. These changes have included everything from mandatory arrest laws for domestic violence offenses, the compilation of extensive report filing systems to track domestic violence, mandatory in-service training on an annual basis for police officers and the establishment of specific domestic violence units in many prosecutorial offices, and specific training for judges on the intricacies of domestic violence laws. There has been an unprecedented mobilization of the criminal justice system, from the 911 operators who receive the initial call for help, to the judges who sit in preside over the

outcome. Nowhere has this change been more pronounced than on the law enforcement officers on the front lines of this struggle to protect the victims who are all too often the least capable to fight back and defend themselves.

It is against this background that this research examines some of the social and legal influences that effect the decision making process of police officers in domestic violence. New Jersey was chosen as the site for this research due to a series of considerations. First, is the specific enumeration of the mandatory arrest criteria in the State Laws. Second, the heavy influence of the State of New Jersey Attorney General's office in the establishment of policies and procedures that all police officers are directly responsible for knowing and following and that all agencies are encouraged to make part of their standard operation procedures. Third, the diversity of population and housing allows for comparisons between police agencies by setting urban, urban suburb, large suburban and small suburban. Finally, the concept of home rule and the fact that each municipality has its own individual police department, which often practices a unique and individualized style of law enforcement allows for variations not characteristic of large monolithic agencies often studied in police research. The fact that the vast majority of officers spend their entire careers or a good portion of them in a single setting is an area of minimal research and one that needs to be examined and explored in detail.

Legislative Intent of New Jersey Domestic Violence Laws

The New Jersey State Legislature in the enactment of The Prevention of Domestic Violence Act included a statement of legislative intent along with the Act. This reads in part at *N.J.S. 2C:25-18* that:

domestic violence is a serious crime against society; that there are thousands of persons in this State who are regularly beaten, tortured and in some cases even killed by their spouses or coinhabitants; that a significant number of women who are assaulted re pregnant; that the victims come from all social and economic backgrounds and ethnic groups; that there is a positive correlation between spousal abuse and child abuse; and that children, even when they are not themselves physically assaulted, suffer deep and lasting effects from exposure to domestic violence. It is, therefore, the intent of the Legislature to assure the victim of domestic violence the maximum protection from abuse the law can provide.

It is the intent of the Legislature to stress that the primary duty of a law enforcement officer when responding to a domestic violence call is to enforce the laws allegedly violated and to protect the victim.

It is further the intent that the official response to domestic violence shall communicate the attitude that violent behavior will not be excused or tolerated, and shall make clear the fact that the existing criminal laws and civil remedies created under this act will be enforced without regard to the fact that the violence grows out of a domestic situation.

New Jersey's Domestic Violence Laws

The New Jersey Criminal Justice Code Title, 2C, establishes the general purpose and defines the specific criminal offenses that comprise the State's criminal code.

Chapter 25 of the Code is known as The Prevention of Domestic Violence Act. This Act establishes and identifies the three primary elements of domestic violence acts, relationships that activate domestic violence procedures and offenses that activate mandatory arrest procedures by law enforcement.

As this research takes place in New Jersey and the participants are full time sworn police officers serving in various jurisdictions over a two countywide area of the State the legal definitions of domestic violence as defined by the Criminal Code are the only ones applicable to this research. Federal statutes directly applicable to law enforcement

officers nationwide in the enforcement of domestic violence specifically the Full Faith and Credit provisions of the Violence Against Women Act (VAWA), 18 *U.S.C.A.* 2265 are also used in this research.

For the purposes of this research, the working operational definitions of domestic violence will be the statutory definitions as explained in the State of New Jersey Code of Criminal Justice under N.J.S. 2C 25-19. This section recognizes 14 crimes as offenses under the domestic violence laws, they are:

- | | |
|----------------------------|-----------|
| 1. Homicide | 2C: 11-1 |
| 2. Assault | 2C: 12-1 |
| 3. Terroristic threats | 2C: 12-3 |
| 4. Stalking | 2C: 12-10 |
| 5. Kidnapping | 2C: 13-1 |
| 6. Criminal restraint | 2C: 13-2 |
| 7. False imprisonment | 2C: 13-3 |
| 8. Sexual Assault | 2C: 14-2 |
| 9. Criminal sexual contact | 2C: 14-3 |
| 10. Lewdness | 2C: 14-4 |
| 11. Criminal mischief | 2C: 17-3 |
| 12. Burglary | 2C: 18-2 |
| 13. Trespass | 2C: 18-3 |
| 14. Harassment | 2C: 33-4 |

For the purposes of this research, the working operational definition of victims of domestic violence will be defined by the New Jersey Criminal Code 2C: 29, which include any person:

- 1) who is 18 years of age or older, or
- 2) who is an emancipated minor,
a minor is considered emancipated from his or her parents when the minor;

- a) has been married;
- b) has entered military service;
- c) has a child or is pregnant;
- d) has been previously declared by the court or an administrative agency to be emancipated.

and

who has been subjected to an act of domestic violence by:

- a) spouse
- b) former spouse
- c) any other person who is a present or former household member, or

3) who, regardless of age has been subjected to domestic violence by a person:

- a) with whom the victim has a child in common, or
- b) with whom the victim anticipates having a child in common, if one of the parties is pregnant, or

4) who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

- a) A victim may be below the age of 18.
- b) The domestic violence assailant must be over the age of 18, or emancipated at the time of the offense.

For the purposes of this research, the definition of a mandatory arrest under the domestic violence statutes will be defined in the Guidelines on Police Response Procedures in Domestic Violence Cases Issued October 1991 and revised November 1994. It states that a police officer must arrest and take into custody a domestic violence suspect and must sign the criminal complaint against that person if:

A. The victim exhibits signs of injury caused by an act of domestic violence.

1. The word "exhibits" is to be liberally construed to mean any indication that a victim has suffered bodily injury, which shall include physical pain or any impairment of physical condition. Probable cause to arrest also may be established when the police officer observes manifestations of an internal injury suffered by the victim.

2. Where the victim exhibits no visible sign of injury, but states that an injury has occurred, the officer should consider other relevant factors in determining whether there is probable cause to make an arrest.
 3. In determining which party in a domestic violence incident is the victim where both parties' exhibit signs of injury, the officer should consider:
 - a. the comparative extent of injuries suffered;
 - b. the history of domestic violence between the parties, if any, or
 - c. other relevant factors.
 4. Police shall follow standard procedures in rendering or summoning emergency treatment of the victim, if required.
- B. There is probable cause to believe that the terms of a "no contact" court order have been violated. If the victim does not have a copy of the court order, the officer may verify the existence of an order with the appropriate law enforcement agency.
- C. A warrant is in effect.
- D. There is probable cause to believe that a weapon as defined in N.J.S. 2C:39-1r. has been involved in the commission of an act of domestic violence.

For the purposes of this research, the definition of a discretionary arrest in a domestic violence situation is defined by the New Jersey Criminal Code in 2C:25 as a situation where a police officer may arrest a person or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed but none of the conditions for a mandatory arrest exist.

While the law is very long and extensive in scope, the above description is the basis for the current research, which is to explore the legal and social justifications for actions police officers in domestic violence situations. The mandatory arrest provisions of the Domestic Violence Act are the legislature's means of attempting to deter future acts of domestic violence, to hold abusers accountable, and to afford the maximum protection legally allowed to the victims of domestic violence.

Role of Attorney General in Domestic Violence Enforcement

The New Jersey State Attorney General plays a pivotal law enforcement role within the criminal justice system in the promulgation, dissemination, and training regarding domestic violence enforcement. *N.J.S. 52:17B-97* the "Criminal Justice Act of 1970" establishes as public policy that the "to provide for the general supervision of the criminal justice by the Attorney General as the chief law enforcement officer in the State, in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State." *N.J.S. 17B-112b* further states that "It shall be the duty of the police officers of the several counties and municipalities of this State and all other law enforcement officers to cooperate with and aid the Attorney General and the several county prosecutors in the performance of their respective duties."

The result has been a series of guidelines formulated by the office of the Attorney General covering a wide variety of law enforcement related issues. Some of the subjects covered by these guidelines are Bias Incident Investigation Standards, Standards to Ensure the Rights of Crime Victims, the Statewide Narcotics Action Plan, the Semi-Annual Firearms Qualification and Requalification Standards for New Jersey Law

Enforcement, Internal Affairs Policy and Procedures, Missing and Unidentified Persons Investigations, Use of Force including Deadly Force by Law Enforcement Officers, Vehicular Pursuit Policy, and the Guidelines on Police Response Procedures in Domestic Violence Cases. The Guidelines on Police Response Procedures in Domestic Violence Cases were originally issued in 1991 and revised in 1994. In addition, the State of New Jersey Domestic Violence Procedures Manual issued under the authority of the Supreme Court of New Jersey and the Attorney General of the State of New Jersey was published to provide procedural guidance to law enforcement, officials, judges, and judiciary staff on the implementation of the Prevention of Domestic Violence Act. Originally issued in 1991 it has been revised in 1998 and most recently in 2004 to reflect changes in the law and judicial decisions.

N.J.S.A. 2C:25-20 requires annual in-service training of at least four hours on domestic violence. Initial training now occurs as part of the Basic Course for Police Officers. The Attorney General's office provides training materials to police agencies to fulfill this requirement. It also conducts training sessions for officers to become instructors in domestic violence for their agencies and police training academies.

Profile of the State of New Jersey and Study Sites

New Jersey is situated on the east coast of the United States and is located between the major markets of New York and Philadelphia. New Jersey is considered a corridor state in that major highways cross the state both north to south along the Atlantic seaboard and east to west cross country to and from her ports and New York City through the mid- west and even to the West Coast. The state is comprised of 21 counties, it contains 566 incorporated municipalities. While New Jersey ranks 46th in geographic

land size with 7,495 square miles, it has an estimated 2007 population of 8,414,350 ranking it 10th, and a density of 1158 per square mile, making it the most densely populated state in the nation.

The Department of Community Affairs, Division of State and Regional Planning for the New Jersey Bureau of State Wide Planning have compiled a list of municipal characteristics and descriptions for each category. The State Police use this classification in their reporting of crime statistics and this system will be used by this research as well. The categories are listed below with their accompanying descriptions.

- Urban Center Densely populated with extensive development.
- Urban Suburban Near an urban center but not as extremely developed and more residential areas.
- Suburban Predominantly single family residential, within a short distance of an urban area.
- Rural Scattered small communities and isolated single family dwellings.
- Rural Center High density core area with surrounding rural municipalities.

For the purposes of this research, the category of suburban has been further broken down into large and small suburban agencies as there was a wide variance within this specific classification as to the number of officers in police departments. The cutoff point for inclusion in the small suburban designation was 50 officers. There are no Rural, or Rural Centers, that chose to participate in this study. Participation by specific police agencies and individual police officers was strictly voluntary. This research was conducted over a two countywide area of New Jersey. The names of the counties and the names of individual municipalities as well as individual subjects that participated in the

study are being kept confidential due to the sensitive nature of the study. However, some general statistics of the participating sites is provided:

Table 1

Demographics of participating police agencies by setting classification*:

2008	<u>Urban</u>	<u>Urban Suburb</u>	<u>Large Suburban</u>	<u>Small Suburban</u>
Geographic size square miles	10.55	8.2	100.2	57.1
Population	95,350	50,202	222,666	73,528
Population per square mile	9,037	6,099	2,528	2,198
Crime Index Total offenses	3,353	1,315	4,703	779
Crime rate per 1,000	35.17	26.2	21.1	10.6
Violent crimes	667	164	433	41
Violent crime rate per 1,000	7.1	3.3	1.9	.6
Nonviolent crimes	2,676	1,151	4,270	738
Nonviolent crime rate per 1,000	28.07	22.9	19.2	10.0
Domestic violence crimes	920	528	745	109
Number of sworn officers	268	134	446	194
Number of sworn officers per sq mi	25.4	16.3	5.3	3.4

* Sources 2008 US Census Bureau and N.J. State Police Uniform Crime Reporting Unit.

Fourteen of potential forty-seven police agencies from a two countywide area of New Jersey participated in the study. This represents a response rate of 30 percent of the

possible departments. Combined, these agencies have 1042 sworn officers of which 425 participated in the study, a response rate of 41 percent. There are clear differences between settings in almost every category of Table 1. The two urban settings while geographically small in size and with smaller population totals are several times more densely populated than the two suburban settings. The total crime rates per 1000 residents exhibit a stark contrast across the four settings. The urban police departments report a violent crime rate almost 12 times and almost 3 times a nonviolent rate when compared to the small suburban agencies.

When the number of domestic violence incidents reported are examined as a function of population, the rate it was found that these crimes in the urban settings were almost three times more prevalent than in large suburban setting and six times more likely than in the small suburban setting. Surprisingly, the urban suburb communities in the study had a slightly higher reported domestic violence crime rate than even the urban settings in the study.

The number of sworn officers per square mile is another indication of the concentration of police personnel in urban settings. Urban participating study sites had police concentrations almost five times as high as large suburban study sites and over seven times that of small suburban sites. Urban suburb study sites had police concentrations over three times greater than large suburban and almost five times that of the small suburban study sites.

The overall findings of Table 1 indicate an expected high concentration of population, sworn police personnel and crime, violent, nonviolent, as well as domestic violence crimes in the Urban and Urban Suburb study sites. The large suburban study

sites considerably were larger geographically and in total population. The small suburban study sites were the most sparsely populated of all the settings and reflected substantially lower crime rates per 1,000 population in all categories. They also had the lowest concentrations of sworn officers and reported domestic violence incidents.

Survey Methodology

This research was conducted by self-report surveys of individual police officers. It is understood that this is a non-probability sample and as such, safeguards must be taken concerning sampling error. During 2008, there were 21,715 municipal police officers employed in the state of New Jersey. Over 3,000 of these were eligible for inclusion in this study, if the chief law enforcement officer of their agency approved and the individual officers agreed to participate. The reason for this universe is multi-faceted. First, with over 3,000 police officers employed within these two selected counties working different shifts and various schedules a random sample would suffer from either an inability to contact selected subjects, coordinate an effective administration of the questionnaire, and/or a poor response rate. By working with the various police agencies and bringing the questionnaire to the police officers primarily responsible for the enforcement of domestic violence offenses, this will allow for a clearer and more accurate collection of data on the variables measured with a wider pool of potential participants.

Self-administered questionnaires have been found to have higher rates of return when a researcher delivers and picks up the completed questionnaires. The principle investigator was present at all sessions at which the questionnaires were distributed, he remained on site during the completion of the survey, and he personally collected and

secured all completed surveys. No individuals from the participating police agencies were given access to completed surveys. This enhanced the security and confidentiality as only the principle investigator had access to the raw data and was able to monitor all the security protocols of this research.

Since the survey has the potential to show findings in responses that could represent hypothetically and actual violations of state laws and departmental regulations, the survey was completed anonymously. In order to obtain accurate data, the survey only collected basic and limited information concerning an officer's background. To avoid identification especially for officers working in smaller agencies, years of service of participating police officers were grouped by three-year increments. Nowhere on the questionnaire was the officer's individual department identified to ensure anonymity. All responses for agency were categorized by the New Jersey State Police designation for the type of police agency of which there will be several in each category. Participation in the survey was strictly voluntary by individual officers after the approval of their Police Chief. This fact was stressed both by the primary investigator in person prior to the distribution of the survey and in the informed consent letter that accompanied the questionnaire which every research subject was required to read and sign prior to participation in the research.

All New Jersey police officers operate under the same laws and Attorney General Guidelines for the handling of domestic violence laws there is considerable elimination of conflicting and confounding policies. New Jersey police officers are mandated to effect arrest in many situations similar to those posed in the hypothetical situations found in the

questionnaire. If and why they deviate from this standard of conduct is at the crux of this study.

The survey consists of two parts. The first phase is a series of 30 multiple choice questions including several qualifying and sorting questions, officer and department demographics, a series of questions concerning the officers opinion concerning current domestic violence laws, department philosophy, and training. The second phase is a series of six hypothetical domestic violence incidents, which will require determining how he would handle the scenarios on his next tour of duty. Each scenario will represent situations that are commonly encountered in domestic violence situations, uncooperative victims, obvious physical injuries, suspects that have left the scene prior to police arrival, responding to the scene of repeat domestic offenses, the use of weapons in escalating domestic situations, the presence of potentially dangerous weapons, and injuries to both parties. The respondents were then be asked to sort through 25 potential courses of action, some of which are mandated by the Attorney General Guidelines and New Jersey State Law, others that are optional and some that are legally incorrect under the circumstance. The respondent were also asked to explain the motivation for their decisions on each scenario.

Participants were advised that there were no right or wrong answers but only how they think, feel, and would react to the scenarios. They were asked to give honest reactions to the questions posed. Yet in evaluating the responses, the benchmark employed will be the letter of the law in the State of New Jersey according to the 2C:25-17, The Prevention of Domestic Violence Act of 1991 and the Attorney General Guidelines on Police Response Procedures in Domestic Violence Cases revised

November 1994. While there is somewhat of a contradiction inherent in asking anyone especially police officers about the potentially hypothetical non-compliance with the criminal laws, there was no way to resolve this inherent conflict within this research.

As the scenarios are all hypothetical situations and officers are not being asked to reveal any actual acts of malfeasance, misfeasance, or nonfeasance, no real harm is either measured or recorded. It would serve no legitimate purpose to ask officers to recite the letter of the law on the questionnaire and then attempt to investigate deviation from those standards. Only by attempting to learn how officers actually handle hypothetical incidents of domestic violence and then measuring against an established benchmark that all officers are required to know, are trained in, and be in compliance with, can the deviation from the established standards be measured. To simply test the officer's level of knowledge of the law, rather than his application to the law, in dynamic situations and the justification for his actions would have been counterproductive and not provide insight into the realities of domestic violence enforcement.

CHAPTER TWO: LITERATURE REVIEW

Domestic Violence: Middle Ages to the 1970's

Domestic violence is not a recent phenomenon that was only addressed in the late Twentieth Century. The basis for the patriarchal male dominated society extends back to Biblical times and can be seen in the Bible itself (Genesis 3:16, Ephesians 5:22-23, Num. 5:29-30.) Blackstone's codification of the common law in 1768, asserted that a husband had the right to "physically chastise" an errant wife, provided the stick was no bigger than his thumb (Straus & Gelles, 1986). This patriarchal concept of the right for a husband to chastise his wife with a whip or rattan no bigger than his thumb was upheld in a Mississippi court in Bradley v. State (1824). However, this was one of only three nineteenth century American appellate court rulings that held that a husband had a right to beat a wife in "moderation" (Sherman, 1992). The structural element of patriarchy can be seen in the low status that women generally held relative to men in the family and in economic, educational, political, and legal institutions of the times. The legitimacy of male dominance in the patriarchal society is reflected in the values, beliefs, and norms of the times and society (Yllo and Straus, 1984).

Balancing these facts is evidence that there are three distinct eras when attempts to outlaw spousal abuse by men, have occurred in North America over the past three centuries. In 1642, American Puritans in the Massachusetts Bay Colony drew up their own criminal code, which provided:

"Everie married woman shall be free from bodilie correction or stripes by her husband, unless it be in his own defence upon her assault" (Pleck, 1989).

Several years later, an amendment prohibited husband beating as enacted as well. The laws provided for penalties of fines, whipping, or both. Magistrates relied heavily on “holy watching” by neighbors as a deterrent to further violence. Church courts also “shamed offenders and decided whether to expel them from the congregation (Sherman, 1992). This public focus on family violence diminished in the eighteenth century as the distinction between public and private conduct widened. Cultural values increasingly treated the family as a private institution and as a result, spousal abuse as a private matter not subject to public or legal scrutiny.

In the late nineteenth century, with the rising concerns over immigration, crime and general social disorder again brought the issue of family violence to prominence. By the 1870’s, many of the larger cities in the United States had created police departments. A broad reform movement began to hold the police responsible for enforcing public and private morality. A number of innovative policies were developed for the control of domestic disputes, and the maintenance of public order. These included:

1. Whipping posts for wife-beaters were legislated in Maryland 1882, Delaware 1901, and Oregon 1906 (Caldwell 1947).
2. Tort liability for saloonkeepers was enacted by 20 states between 1873 and 1891. The laws permitted injured persons to sue saloonkeepers or owners for damages inflicted by people who became intoxicated in their establishments. In some states, only battered wives could sue. The laws generally required her to notify the saloonkeepers in advance not to serve alcohol to her husband (Pleck, 1989).
3. Legal Aid for battered wives seeking divorce was established in Chicago and other cities in the 1880’s by the Woman’s Club Movement (Sherman, 1992).

By World War I however, the concern over family violence had again faded, although the problem remained. While it is difficult to obtain reliable estimates of how

much change there was in the volume or rates of domestic violence, there is no reason to believe that it had substantially abated (Zimring, Makherjee, & Van Winkle, 1983).

Domestic Violence: Early Criminal Justice Research and Victims Rights

Wolfgang found (1958) in an investigation of homicides occurring between 1948 and 1952, that spouses accounted for 18 percent of the crimes. He concluded there was virtually no difference between the percent of husbands and wives who were the offending party. According to FBI statistics, 15 percent of the homicides in 1975 were between husband and wife. In 7.8 percent of the cases, the husbands were the victims and 8 percent of the victims were wives (Steinmetz, 1978).

In 1967, in one of the first U.S. Department of Justice grants for law enforcement assistance, CUNY psychology professor Morton Bard designed a new method of police response to domestic disturbances. All domestic calls were directed to officers specially trained in conflict management skills. The unit was named the Family Crisis Intervention Unit or FCIU. The techniques stressed mediation of conflict, much like a marriage counselor on the spot, rather than the assessment of possible law breaking. Arrest was reserved for cases of serious injury or assaults on police, consistent with past practices (Sherman, 1992). The consequence of this program in some cities was that fewer arrests were made than before the training (Wylie, Basinger, Heinecke, & Reuckert, 1976). Weaknesses in the research design were compounded by errors in the statistical analysis found that many of the early claims of success were unsubstantiated (Liebman & Schwartz, 1973).

Yet by 1977, a national survey of large police agencies with over 100 employees found that 71% of them reported a family crisis intervention program in operation (Bard

and Connolly, 1978). This widespread adoption of mediation helped establish a bias in favor of mediation and against arrest (Sherman, 1992). Crisis intervention programs assumed violence within the family was an interpersonal matter, not a criminal matter. Consequently, even when criminal sanctions were warranted, the police seldom invoked them (Wermuth, 1983). The response of law enforcement throughout the 1970's and early 1980's reflected the views of society, the laws of the time, and their training. Domestic violence was seen as a private matter, ill suited to public intervention (Burzawa & Burzawa, 2003). Domestic violence calls were considered unglamorous, unrewarding, and not real police work in the eyes of many in law enforcement.

Police agencies that did have written policies on domestic violence in the 1970's, promoted a clear non-arrest policy. An example is the Oakland Police Department 1975

Training Bulletin on Techniques of Dispute Resolution, which read:

the police role in a dispute situation as more often that of a mediator and peacekeeper than enforcer of the law....The possibility that... arrest will only aggravate the dispute or create a serious danger for the arresting officers due to possible efforts to resist arrest...is most likely when a husband or father is arrested in his home....Normally officers should adhere to the policy that arrests are to be avoided...but when one of the parties demands arrest, you should attempt to explain the ramifications of such action (e.g., loss of wages, bail procedures, court appearances) and encourage the parties to reason with each other (Martin, 1981).

In the 1970's, the third era of resurgence for domestic violence as a problem that needed to be addressed by society again brought the issue to the attention of the public.

The feminist movement of this period addressed spouse assault as a major woman's issue. Frustrated by a failure of police to arrest even husbands who committed felony assaults, domestic violence rights activists recognized the need to concentrate their efforts in two areas. First, they focused on forcing the police to enforce the few laws that did

exist to help battered woman (Schechter, 1982). Secondly, activists and advocates for women's rights began the lobbying of state legislatures to turn police policy away from mediation and towards arrest (Sherman, 1992).

In 1976, New York Legal Aid and the Center for Constitutional Rights filed a class action lawsuit on behalf of battered woman against the New York City Police Department. In a suit captioned *Bruno v. Codd* (1977), the plaintiffs alleged that the actions of the NYPD in their failure to arrest husbands, who had battered their wives, were improper. The suit claimed the wives had been denied police protection that they were entitled to under the law. Although the Court of Appeals dismissed several counts of the suit, the police department entered into a consent judgment. The judgment provided that the police would have a duty to respond and would respond to every woman's request for protection against acts of domestic violence (Zorra, 1992). In 1979, more than 3 years after the filing of a class action lawsuit by the Legal Aid Society of Alameda County in Oakland, a suit captioned *Scott v. Hart*, (filed October, 1976), the parties agreed to a settlement. The police agreed to institute new policies, which required:

1. The police to make an arrest whenever there was probable cause to believe a felonious assault had occurred or that a misdemeanor had been committed in the presence of a police officer
2. The decision to make an arrest would not consider factors traditionally used to justify inaction.
3. The police would not use the threat of adverse financial consequences for the couple to justify inaction or to urge the victim not to pursue the case.
4. The police would inform victims that she had the right to make a citizens arrest and to assist the victim if she chose to do so.
5. The police to acknowledge its affirmative duty to enforce civil restraining orders.

Domestic Violence: Mandatory Arrest

By the early 1980s, there were three competing perspectives on the best way to handle and reduce domestic violence. The traditional law enforcement view was to take as little formal action as possible to prevent escalation of the violence and to allow the parties to cool off. The clinical psychological approach was to stress mediation and to arbitrate the disputes (Sherman, 1992). Meanwhile, advocates for woman and victim's rights began to instigate policy changes that would establish domestic violence as a crime, rather than a family crisis and would lead to mandatory arrest policies (Ellis, 1987).

In response to the controversy of how to best deal with domestic violence incidents, the first controlled experiment involving the arrest of suspects of misdemeanor assaults was conducted in Minneapolis. Perhaps the most influential and misunderstood research conducted concerning domestic violence was the Minneapolis Domestic Violence Experiment (Sherman & Berk, 1984). This scientifically controlled test attempted to determine if arrest, mediation, or temporarily separating assailants and victims was the most effective at reduced recidivism in misdemeanor domestic violence assaults. The random assignment of the three treatment responses were termed arrest, advise, or send. The victims were then followed up on a bi-weekly basis for a period of 24 weeks by telephone and in-person interviews to determine the effectiveness of the treatment plan employed. Of the three police responses tested, arrest was found to be the most effective of the three methods to reduce domestic violence. Data from 314 cases over an 18-month period was collected.

This finding was seized on by a wide variety of political and social organizations from both ends of the political spectrum as positive proof that mandatory arrest policies for misdemeanor domestic violence offenses was the mean of reducing domestic violence. While conservatives saw mandatory arrest as part of a program to get tough on crime, liberals and women rights activists promoted the same policies as empowering and protecting women's rights. What almost all readers failed to heed was the author's major caveat to their own research findings:

It may be premature to conclude that arrest is always the best way for police to handle domestic violence, or that all suspects in such situations should be arrested. A number of factors suggest a cautious interpretation of the findings (Sherman & Berk, 1984.)

The same can be said for the three major recommendations made by the authors the first two of which were warmly embraced while the third was ignored. They were:

1. Police officers should probably employ arrest in most cases of minor domestic violence
2. That the Minneapolis Domestic Violence experiment should be replicated to see if it would hold up in other cities with many different kinds of people.
3. An explicit recommendation against the adoption of mandatory arrest laws.

There were many methodological issues, which also arose during and after the completion of the experiment that gave concern about the published results and the supposed conclusions of this study. First, while the designed treatment "arrest" was delivered 98.9% of the time, the designed treatment "advise" was only delivered 77.8% of the time with "arrest" being the preferred alternative in 17.6% of the cases. Similarly, the designed treatment "separate" was only delivered 72.8% percent of the time, with

again “arrest” being the alternative employed in 22.8% of these cases. There was also considerable attrition among the police officers involved requiring the training of eighteen additional police officers to supplement the original 33 involved in the study. In fact, three officers accounted for 28% of all the cases included the study. Even more disturbing was the low initial follow-up interview completion rate of 62%. This dropped to only 161 victims who completed all twelve follow-up interviews or a 49% response rate (Sherman & Berk, 1984.)

Perhaps the greatest criticism of the methodology of the Minneapolis Domestic Violence Experiment was the experiments lack of generalizability due to a single city with the many unique limitations of that specific community (Lempert, 1984.) Yet, the results and findings were to have an immediate and long reaching impact on domestic violence policy nationwide.

In part due to the surprising and somewhat controversial conclusions found by Sherman and Berk in the Minneapolis Domestic Violence Experiment, five follow-up studies were funded and conducted. In the five subsequent follow-up studies, the original conclusions were severely called into question. They were: Omaha, Milwaukee, Miami-Dade, Colorado Springs, and Charlotte. The original conclusions of Minneapolis could only be replicated in two of the five follow-up studies as measured by victim interviews. In only one of the five follow-up studies was deterrence, as measured by official measures, effective at the six-month period. The most startling finding was an escalation effect in domestic violence for arrested unemployed offenders and a deterrence effect for employed offenders in three of the follow-up studies (Sherman, 1992.)

Researchers Meeker and Binder (1990) suggested that the experiment had “indirect effects in modifying police policy by its effects on legislators, lobbyist, and general advocates of feminist positions.” Researchers also called for an increased involvement of the criminal justice system as the appropriate response to domestic violence (Sherman & Berk, 1984; Dutton & McGregor, 1991; Jolin, 1983). Primarily, because of Sherman and Berk (1984) Minneapolis Domestic Violence Experiment, a wave of pro-arrest policies swept the nation and with them programs established to assist the victims. By 1988, 90% of police agencies either “encouraged” or “required” arrests for misdemeanor domestic violence (Sherman, 1992).

Domestic Violence: The Federal Response

The United States Attorney General’s Task Force on Family Violence Final Report (1984) is often cited as one of the primary reasons for changes in arrest policies in law enforcement agencies across the nation. The goal of the task force was to help determine what role the government should be in combating the domestic violence problem. The report made specific recommendations to law enforcement agencies that included:

1. Written policies be instituted.
2. Arrest be considered the preferred response to domestic violence incidents.
3. A system be devised to track orders of protection.
4. That there be no delay in the response of law enforcement to incidents of domestic violence.
5. That orders of protection be made available by the access of forms at all police and sheriff offices.

6. That all violations of pretrial release conditions are documented.

During this time, another avenue, which was taken to protect victims of domestic violence, were the attempts by advocates of woman's rights to use the courts to provide greater protection under the law. Since 1978, an increasing number of plaintiffs have sought to use 42 U.S.C. § 1983 as a means to redress wrong and injuries inflicted by municipal officials including the police. 42 U.S.C. § 1983 (1882) states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Suits charging that police department policies have deprived female victims of domestic violence equal protection of the law have been the most consistently successful type of failure to protect claims. In failure-to-protect cases, the policy or custom can either be a formal police department policy, or an informal "pattern or practice" implicitly condoned by the city through its failure to halt it. These equal protection suits rely on the principal that although a municipality has no obligation to provide police protection to its citizens, once it undertakes to provide these services it may not do so in a discriminatory fashion.

Thurman v. City of Torrington 595 F. Supp. 1521 (Dist. Conn. 1984) was the first case that sought to extend section 1983 protection to redress discriminatory treatment of domestic violence victims. In this case, the police refused to accept a complaint from a woman whose ex-husband repeatedly threatened her with violence (Thurman at 1530). A few days later, the police stood by while the ex-husband screamed threats at the plaintiff

in her car; they refused to intervene until he broke her windshield. When the plaintiff later attempted to have her ex-husband arrested for threatening to shoot her and violating a parole condition that he refrain from future threats against the plaintiff, the police told her to return in three weeks. Three weeks later, she was told to come back after the holiday weekend; and when she returned at that time, she was informed that the only police officer who could help her was on vacation (Thurman at 1524-25).

The court held that the consistent failure of the police to respond to plaintiff's complaints, repeated over a lengthy period, demonstrated an ongoing "pattern of deliberate indifference" to persons in the plaintiff's position. It also raised an inference that there was a municipal custom or policy of extending lesser protection to women victims of domestic violence. The court had no difficulty finding that these events constituted an informal policy of denying police services to abused women (Thurman at 1527). The court found that Torrington's policy of indifference amounted to sex discrimination. By refusing to afford plaintiff protection over an eight-month period, the police were in effect operating in a discriminatory fashion. A federal jury awarded Tracey Thurman and her son \$2.3 million because the police were negligent in failing to protect her from her abusive husband (Buzawa & Buzawa, 1990). *Thurman* was a landmark case, establishing the requirements for a domestic violence equal protection claim under section 1983.

Two years later, *Watson v. City of Kansas City* (1988) clarified the two types of discrimination claims that may be made in the domestic violence failure-to-protect context and the level of evidentiary proof needed to withstand summary judgment on each. The two types of claims are discrimination against the class of victims of domestic

violence, and sex discrimination. In *Watson* (1988), attempts were made to apply the Fourteenth Amendment and the equal protection provisions to female victims of domestic violence. The basis for these lawsuits was the assertion that women in domestic violence assaults were not being treated fairly and that the custom and practices of the police agencies failed to provide the victims with constitutional guaranteed protections. This case has provided the clearest statement of the requirements for equal protection claims to date.

In this case, the plaintiff, who prevailed on her equal protection claim, produced statistics showing that the arrest rate in domestic assault cases in Kansas City was half that for non-domestic assaults (Watson, 695). The statistical evidence in *Watson* was effective because it was local and it analyzed police response based on the same classification that the plaintiff claimed existed (domestic compared with non-domestic assault victims) so that disparities could easily be seen. The plaintiff in *Watson* also offered evidence that police training for domestic violence situations was oriented toward mediation, with arrest as a last resort (Watson, 696). The court held that the statistical evidence, coupled with the training curriculum, constituted sufficient evidence of a municipal policy to withstand a motion for summary judgment and to render the municipality a proper party to the suit.

The police defendants originally maintained that the statistics showing different arrest rates were not applicable to the case because the statistics did not take into account the determination of probable cause. The *Watson* court rejected this argument, however, stating that the determination of probable cause could also be influenced by the same discriminatory motives that the plaintiff alleged; and thus probable cause was not an

objective standard. In other words, "the failure to account for probable cause does not necessarily undermine the probative value of the statistics (Watson, at 695).

Although equal protection claims continue to be asserted in section 1983 failure-to-protect cases, due process claims have provided an additional theory of recovery. Due process claims allow an avenue of recovery for the plaintiff who can show that she was injured by action taken pursuant to a municipal policy or custom, but who may not be able to prove the discriminatory effect or intent needed for an equal protection claim.

Due process failure-to-protect cases concern the issue of whether a state can be liable under the fourteenth amendment for failing to act. Traditionally, the state must take some affirmative action that deprives an individual of life, liberty, or property in order to trigger the protection of the due process clause. In failure-to-protect cases however, the deprivation is caused by state inaction. The challenge for plaintiffs seeking to bring due process claims lies in showing that the state's failure to act violated the fourteenth amendment. Two approaches have been developed to resolve this action/inaction dilemma.

The first approach is the special relationship theory. This theory postulate that in certain circumstances the state has an obligation to act, and by failing to act, the state violates the constitutional rights of the person toward whom it owes the obligation. However, this approach was rejected by the Supreme Court in *DeShaney v. Winnebago County Department of Social Services* (1989). The second approach holds that the creation of an arbitrary governmental policy of inaction toward certain citizens itself constitutes state action. Domestic violence failure-to-protect cases may be construed as involving affirmative state action in one of two ways. One form of state action is the

creation of a municipal policy, such as a policy of nonintervention in domestic violence cases. When a city creates a policy that results in an individual being deprived of a fundamental right, it affirmatively acts in a way that may give rise to a valid substantive due process claim. A second form of state action exists when a state law grants citizens a right to expect a particular level of police protection. If the police summarily refuse to render that level of protection to an individual, the deprivation of protection is state action that violates procedural due process. The two types of claims are distinguished here primarily based on the kind of right invaded. Substantive due process claims are based on the deprivation of fundamental constitutional rights, while procedural due process claims focus on the deprivation of rights created by state law without due process.

Thus far, the section 1983 failure-to-protect cases that have been brought are based upon equal protection and the due process special relationship theory. The equal protection theory remains strong, having been reaffirmed in *DeShaney v. Winnebago County Department of Social Services*, (1989). However, the two types of equal protection claims must be distinguished and each has their separate requirements, using the Watson (1988) two-track analysis. As for due process theories, while *DeShaney* (1989) struck down the due process special relationship claims outside of the custodial context. However, claims based on affirmative state action offer a valid alternative. A strong substantive due process argument can be made that municipal policy making itself constitutes state action. Procedural due process theory offers another potential cause of action, but only in those states with statutes granting an identifiable level of protection to domestic violence victims (McFarlane, 1991).

The *DeShaney* Court addressed the question of whether a state, through its officials and governmental entities, has an affirmative constitutional duty under the due process clause to protect a citizen from private violence. If so, a state's failure to protect would render it liable under section 1983. The Court held that "a State's failure to protect an individual against private violence simply does not constitute a violation of the Due Process Clause" (*DeShaney*, at 1004.) Further, the Court denied the existence of a special relationship triggering the state's affirmative duty to protect because the child victim was not in the state's custody when his father abused him (*DeShaney*, at 1004).

Battered women plaintiffs have relied upon Section 1983 to seek federal redress for their constitutional deprivations resulting from the state's failure to intervene in domestic abuse situations. Because of this close analogy, battered women plaintiffs have felt the impact from *DeShaney's*, particularly those asserting substantive due process claims. The Court's significant narrowing of the special relationship doctrine to state custodial relationships effectively forecloses this due process avenue for battered women. In *DeShaney*, however, the Court kept the equal protection avenue open, thus signaling its continued availability as a legal avenue to recovery for battered women

In a post-*DeShaney* domestic violence case, *McKee v. City of Rockwall*, Texas, (1989), the Fifth Circuit provided the first indication of *DeShaney's* impact by confirming the apparent foreclosure of substantive due process claims (*McKee v. City of Rockwall*, at 413). The court suggesting that if McKee had claimed a due process violation, her section 1983 suit would have been "directly barred by the holding in *DeShaney*." The plaintiff, a domestic assault victim, sued responding police officers and the city under section 1983 for injuries resulting from the police officers' refusal to arrest her boyfriend-

assaulter. *McKee* asserted an equal protection violation, alleging that this "non-arrest was the result of a [city] policy that discriminated on the basis of gender" because it discouraged officers from making arrests in domestic violence situations (*McKee v. City of Rockwall* at 401).

Domestic Violence: The Victims and Batterers

Family violence, family abuse, or battering are the most encompassing and inclusive of the many terms occasionally used surrounding the issue of domestic violence (Straus and Lincoln, 1985). Battering has been defined by researchers Healey, Smith and O'Sullivan (1998) as a constellation of physical violence, sexual, and psychological abuses that may include physical violence, intimidation, threats, emotional abuse, isolation, sexual abuse, manipulation, the using of children, economic coercion, and the assertion of male privilege. Victims of family violence can either share kin, intimate, or domestic relationships with their offenders. This all-encompassing term can include such varied offenses as child and elderly abuse or sibling, dating relationship and roommate violence (Weis, 1989). Definitions can be based on the form or pattern of coercive control action used or threatened to be used and forced upon the victim, these actions can include:

- Physical violence
- Sexual violence
- Emotional/ Psychological violence
- Psychological battering
- Destruction of property and pets
- Economic control

The definition of the term violence or abuse also stirs debate as to the appropriate context of each of the terms. Spousal abuse has been expanded from its earlier definition of acts of physical violence directed toward woman by their spouses or partners (Martin, 1976) to one including sexual abuse, marital rape, and pornography (London, 1978). Researchers Gelles and Strauss (1978) defined violence as “an act carried out with the intention or perceived intention of physically pain or injury to another person.”

Gelles (1974) asked the question, “Why would a woman who has been abused by her husband remain with him?” His analysis suggests that there are three major factors influencing wife’s decision to leave her abusing husbands.

- The less the severity and the frequency of the violence.
- The more the wife experienced violence as a child.
- The fewer the resources and power the wife has, the more likely she is to stay with her husband.

Victims of domestic violence also face multiple situational obstacles to leaving the batterer. Because of the isolation imposed by the abusive partner, abused woman often have no friends to turn to for assistance. Their families will often offer little support and may even encourage the victim to return to their abusive partners. Some religious beliefs do not favor separation or divorce. Among the many difficult choices they may face some can include:

- Living in poverty
- Going on welfare
- Living in a neighborhood less safe for her children
- Living out on the streets

The bonding that takes place between the batterer and the victim as a survival mechanism for the victim is similar to the dynamics that occur between hostages and captors. Applying the Stockholm Syndrome to domestic violence would mean that the victim tolerates the psychological abuse from the batterer because she sees herself through her abuser. The victims of domestic violence often have no incentive to leave because she defines herself through him. The domestic violence victim is afraid to show disloyalty to her abuser because he threatens her survival. Even when let free, the victim fears her abuser will get her again.

The repeated experience of violence may produce specific characteristics in women who are victims of domestic violence. This condition has been termed “The Battered Woman Syndrome.” Women suffering battered women's syndrome have low self-esteem, strong feelings of personal guilt over their failing marriages, and self blame for the violence that their mates inflict upon them (Walker, 1979). The battered woman syndrome can be divided into two categories:

1. **Learned Helplessness.** Repeated batterings in addition to the victim's failed attempts at leaving the relationship reduce her self-esteem to a point where she becomes powerless. The victim accepts the inevitable that she is helpless to stop the violence against her (Walker, 1979).
2. **Post-Traumatic Stress Disorder.** The continued abuse a victim is subjected to may lead to post-traumatic stress symptoms, such as nightmares, flashbacks, numbness, memory impairment, hyper-vigilance, and exaggerated startle response. The victim may deny and minimize the extent of the violence. This denial is necessary as a defense against anxiety and as a method of daily survival (Walker, 1991).

Domestic Violence: Mandatory Arrest and the Police

Descriptive research studies suggest that there are multiple profiles of batterers, and therefore one generic approach is not appropriate for all offenders (Chalk & King, 1998). Mandatory arrests increase domestic violence among the unemployed, but no arrests increases domestic violence among the employed (Sherman, 1992). Studies of batterers in treatment suggest conditions of impaired cognition or mental disorder (Dutton, 1995). The logic of deterrence is compromised among batterers whose behavior is patterned over time, and for whom rational calculations are not possible during the arousal of violent assault (Fagan, 1996).

A retrospective research study conducted by Bourg and Stock (1994) of 1,870 domestic violence reports from a Florida county sheriff's department. In this jurisdiction, the police agency was determined to have a pro arrest policy, limited training, and no organized community approach. The researchers found only 28.8% of cases ending in arrests. The authors concluded that future research needed to consider the adverse impact of some pro-arrest policies as well as the effectiveness of these programs.

Past research has measured the impact of mandatory arrest policies on police through surveys (Walker, 1981; Breci, 1989; and Bellknap & McCall, 1994). Feder (1997) conducted a study of a larger southern Florida police department with a pro arrest policy. The author found those individual police officers possessing positive attitudes toward intervention and women were positively associated with the likelihood of arrest. In addition, correct knowledge of the pro-arrest policy was found significant in accounting for the variation in the probability of police to arrest.

Researchers have examined the reluctance of police officers to enforce domestic violence legislation in detail and have noted a series of influences that have affected police agencies response (Wallace, 1996). Some researchers have looked to feminist theories of criminal justice for an explanation of domestic violence and deviance from the law. They have looked at the males dominated law enforcement structure and declared that domestic violence is yet another example of the male dominated patriarchal society. Researchers have also looked at behavioral differences among officers within the same department and investigated education and training (Buzawa & Buzawa, 1990). Past research has theorized that police behavior is a result of socialization within the police sub-culture, producing a similarity of values and expectations and behavioral norms (Gross, 1984).

Recently, developments include the expansion of domestic violence laws to protect victims in dating relationships and to punish those who would use stalking as a weapon in domestic settings. Another development has been the recognition and greater emphasis placed on expanded victim services. Yet, despite the increased and intensified response, there continues to be considerable criticism to the response of law enforcement and their failure to act with respect to domestic violence.

On one side of the equation, there are victims' advocacy groups and legislative mandates eliminating police discretion in act of domestic violence. Diametrically opposed to this concept, is the theory of community policing and the need for the police to empower residents to make their own decisions regarding the criminal justice process. The community-policing model, which allows for a greater emphasis on a wider range of discretion, places law enforcement in a dilemma. The dynamics of domestic violence

include the interpersonal relationship between the victim and the offender and the reluctance of victims to pursue legal recourse of their own accord. Caught in the middle are the police, often faced with uncooperative victims and called on to enforce the letter of the law despite the potential of greater harm to the victim (Sherman, 1992).

Several studies (Dunford et. el. 1990, Hirschel & Hutchinson, 1991) within the field have come to identify new factors that may actually place victims at increased risk in incidents involving misdemeanor assaults and mandatory arrests. These findings call into question the entire concept of mandatory arrests within situations of domestic violence. Yet, the vast body of current research supports the mandatory arrest provisions of domestic violence laws. Prior to any wholesale changes in the mandatory arrest laws of domestic violence, research should be conducted that will establish the answers to a number of questions surrounding domestic violence.

Challenging the status quo and promoting a societal change in values and the criminal statutes afforded women permanent protection from the abuse at the hands of a spouse or intimate partner. We can see in the feminist movement and the application of the criminal law to the problem of domestic violence and the deconstructing of the traditional values of the patriarchal male dominated society that existed in Western Culture from the Middle Ages until the 1970's almost unabated. By rejecting the mediation approach of Bard (1970) and promoting a change in the attitude of the society toward domestic violence, the feminist movement brought out into the open that which had remained hidden and literally behind closed doors and brought to the forefront an issue of importance and concern for millions of women and their families.

In the late 1970's, state laws expanded protection of domestic violence victims, shelters and other services for domestic violence victims (Buzawa and Buzawa, 1990). Throughout the 1970's and early 1980's, police officers were taught and believed that domestic violence was a private matter, ill suited to public intervention (Gillespie, 1989). Prior to the early 1980s, most police agencies discouraged their officers from arresting perpetrators of domestic violence (Goolkasian, 1986). Many would make an arrest only if the injury to the victim was severe in their estimation. It illustrates the thinking and reluctance of the police to intervene in a "family argument" (Buzawa and Buzawa, 1990).

In the early 1980s, advocates for women's and victim's rights began to instigate policy changes that would establish domestic violence as a crime rather than a family crisis (Ellis, 1987). The Supreme Court of New Jersey, in *State v. Smith* (1981) declared that a husband could be criminally liable for the rape of his wife. The reaction to the 1984 Minneapolis Experiment was the rapid enactment in a number of states including New Jersey embracing mandatory arrest in domestic violence offences. It was hypothesized that arresting the batterer would have the effect of exposing the offender to negative sanctions, which would counteract any rewards associate with the battering (Jolin & Moose, 1997). The United States Attorney General's Task Force on Family Violence endorsed the Minneapolis Domestic Violence Experiment findings and recommended that State and local agencies adopt a pro-arrest policy towards domestic violence. By 1988, 90% of police agencies either "encouraged" or "required" arrests for misdemeanor domestic violence (Sherman, 1992).

Since that time, multiple studies have decried the ineffectiveness or the lack of a concerted effort by police to the problem of domestic violence. Past research has found

that only 10% of domestic violence criminal incidents led to arrests (McLeod, 1983; Roy, 1977). In jurisdictions, which mandated arrest, it has been found that arrests statistics as low as 18% (Ferraro, 1989). Even where there is extensive injury to the victim, studies have indicated a rate of arrest rarely falls outside of the 11% to 23% range (Bowker, 1982; Balos & Trotzky, 1988). In a study of homicide and domestic violence, Friedman and Shulman (1991) found 3,000 women are murdered yearly by their boyfriends or husbands. Yet, recent research has called into the question the validity of mandatory arrest for misdemeanor domestic violence offenses.

In the past, limited research measured the impact of mandatory arrest policies on police through surveys (Walker, 1981; Breci, 1989; and Belknap & McCall, 1994; Logan, Shannon & Walker, 2006) have focused on various aspects of problem. Walker (1981) conducted interviews with 30 police officers in a small northeastern city and explored both their perceptions and approaches to handling domestic violence disturbances. He found that the police officers interviewed were frustrated and believed that little in the way of positive accomplishments could be achieved through their intervention in domestic disputes.

Another researcher (Breci, 1989) conducted studies in four police agencies, two in the southeast, and two in the Midwest. A total of 242 respondents completed questionnaires that measured police training and attitudes regarding domestic disturbances. The findings of this research concluded that trained officers were more likely to have a service-oriented perspective on their role in handling domestic disputes. Officers with little training on the other hand were more likely to view their role in terms of enforcing the law. This research concluded that the more training the officers

received, the more likely they were to resent guidelines and policies that limit their ability to use alternative interventions to resolve domestic disputes.

Belknap and McCall (1994) surveyed 324 police officers in a large mid-western metropolis to determine the number and types of police referrals in incidents of domestic violence. It also surveyed the officer's personal characteristics and attitudes toward domestic violence to determine if these factors influenced the type of referrals they made.

Feder (1997) conducted a study of a larger southern Florida police department with a pro arrest policy. The author found those individual police officers possessing positive attitudes toward intervention and women were positively associated with the likelihood of arrest. In addition, correct knowledge of the pro-arrest policy was found significant in accounting for the variation in the probability of police to arrest.

Domestic Violence: Recent Research and Developments

Logan et al. (2006) surveyed a municipal police agency with over 300 respondents to examine the police officers attitudes toward sanctions including fines, hard labor, or incarceration and toward the use of treatment for domestic violence offenders. This study also examined police officers attitudes for domestic violence offenders, their substance abuse, and the imposition of sanctions. The results of this study found that officers preferred to handle domestic violence cases with treatment rather than arrest. This study also found that sanctions were favored by officers when confronted by domestic violence offenders with drug or alcohol while treatment was the favored option for offenders who were not abusers.

Over the last ten years, researchers have begun to explore the decision making process of law enforcement in the handling of domestic violence laws and in particular organizational characteristics than impact officers decision-making process. Researchers Buzawa & Carl Buzawa (2003) examined the response of the criminal justice system and in particular, the evolving police response and the role of prosecutors and the courts. Among the situational and incident characteristics, the researchers identify that influence arrest decisions in domestic violence situations include:

- The absence of the offender upon police arrival
- Who initiated the call to the police
- The presence of weapons
- The potential threat to victim's or present children's safety
- Degree of injury
- The victim-offender relationship
- Victims preference for arrest

Dugan (2003) uses data collected from the Nation Crime Victimization Survey to examine how legislation influences police involvement and arrest when compared to cases not reported to the police. The research found that all the legislative initiatives had at least some marginal significance with one or more forms of domestic violence. There was only one contradictory finding in that violent males are more likely to retaliate if they lose custody of their children. Another surprising finding of this research was that in states with a mandatory arrest policy the police were less likely to be called to the scene of domestic violence incidents. Hall (2005) examined the role of suspect availability in the domestic violence arrest decision-making process. This research conducted in 3

upstate jurisdictions within New York found on-scene arrests in one location at over 90%. However, all three sites the absence of a suspect at the scene diminished the likelihood of arrest.

The use of dual arrest in domestic violence incidents is another area of research that has concentrated on the decision making process of police officers. This situation has been identified as very problematic, as it often results in true victims who on a particular occasion retaliate or who are perceived by the police as the aggressor in a domestic violence situation even when in fact they are not. An unintended consequence of the nationwide enforcement efforts of mandatory arrest policies in domestic violence has been the marked rise in the number of women arrested. This is often as the result of dual arrest of both the victim and the offender after the implementation of a preferred or mandatory arrest law (Buzawa & Burzawa, 2003.) Martin (1997b) found that some prosecutors encouraged the use of dual arrest in domestic disputes to allow the courts to make the factual determination of guilt or self-defense in such cases. In Delaware, researcher Miller (2001) found the police employed dual arrest to leave the decision making process of whom to charge in the hands of the prosecutor.

Research conducted by Connolly, Huzurbazar, & Routh-McGee (2000) found that the impact of extralegal factors is significantly different for multiple party domestic violence incidents from in single offender incidents and that these factors such as marital status impact arrest differently.

Finn, Blackwell, Stalans, Studdard, and Dugan (2004) examined the influence of departmental policies on the dual arrests decision-making process. The researchers found that the perception by officers of official support by their superiors for dual arrest

increased the likelihood of this option to resolve domestic violence disputes, especially among older officers. In addition, the presence of injuries to both parties in a dispute was a factor that led to dual arrest. Finn & Bettis (2006) examined dual arrest in a preferred arrest jurisdiction in Georgia. The researchers concluded that there were two primary justifications for the use of dual arrests. First, officers cited as justification for dual arrest the admissions of both parties to fighting, claims of injuries and the provisions under state law. Second, this research found that by invoking dual arrest the criminal justice process would help the couple obtain the necessary services and access to resources to resolve their problem.

Researchers Frye, Haviland, & Rajah (2007) examined dual arrest and three other unintended consequences of mandatory arrest by examining data collected from a random sample of callers to a domestic violence victims call line in 1997. The findings of this study included that dual arrests were over three times as likely to be making more than \$30,000 per year. In addition, the callers were found to have more likely to have been involved in previous documented domestic violence situation.

New Jersey strongly discourages the use of dual arrest in domestic violence situations as can be seen by the directives in the Attorney General Guidelines for Domestic Violence Cases, which states:

“In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider:

- a. the comparative extent on injuries suffered
- b. the history of domestic violence between the parties, if any, or
- c. other relevant factors.” (Sect II A, sub sec. 3)

The New Jersey Division of Criminal Justice Domestic Violence Instructors Manual (Module 2, 1/95) reinforces this concept “the officers should not automatically arrest both parties in a domestic violence incident (where both parties are injured). An officer should attempt to determine who was the victim and who was the assailant.” (p.11)

Recent research by Finn et al. (2004) found that departmental policies that appeared to support dual arrest resulted in a greater willingness by police officers to use this option in mutual injury domestic violence incidents. This research also found that experienced officers were more likely to utilize the dual arrest option than novice officers were. Finn & Bettis (2006) explored police officers’ justifications for using dual arrest. The research found that officers often cited requirements under the laws and the desire to implement counseling for both parties as justification for their dual arrest actions.

Another area of research that is receiving considerable attention explores the perceptions of the victims of domestic violence in evaluating police performance, the victim centered approach to domestic violence. Davis and Taylor (1997) conducted research of the NYPD and a coordinated police and social services response to domestic violence. Their findings were that victims were more likely to report future acts of violence; there was no reduction in recidivism. The researchers concluded that increased victim confidence in reporting subsequent incidents was due to the positive impression of the police response. Research by Barnett, Miller-Perrin, & Perrin, (1997) focused on the reluctance by victims of domestic violence to evoke criminal justice sanctions against their attackers. The commonly cited justifications by female victims include economic dependency, relationship issues, lack of social support, and the concept of learned helplessness. Other research Stephens & Sinden (2000) found that victims want the

police to show empathy for them and their situation. The researchers also found that victims of domestic violence wanted the police to treat them as worthy of police concern and intervention.

A third area of recent study that closely is associated to the current dissertation proposal involves the development of systematic and encompassing domestic violence programs that go beyond the simple mandatory arrest policies currently in place in many states including New Jersey. White, Goldcamp, & Campbell (2005) examined a California Police Department that designed and implemented a program that sought to increase successful prosecutions and reduce the recidivism in domestic violence offenses. This was accomplished by integration of victim support services working with the investigating police to provide enhanced response to victims needs and an increased emphasis on victimless prosecutions. Enhanced prosecutorial involvement and communication also sought to improve the quality of case preparation and presentation.

Another researcher (Humphries, 02) has called for an integrated criminal justice response with greater emphasis on victim preference and a broader range of punitive and treatment options. She proposes to monitor, but keep the offender out of jail and in intensive supervision probation or halfway houses to remain a viable taxpaying member of society. The researcher also proposes greater dedication of resources to support the victims of domestic violence through a wide array of enhanced social and legal services.

This research builds upon many earlier empirical studies that have examined a wide variety of the various aspects of theoretical perspective of police work including domestic violence, criminal law, police discretion, police training, and police administration. While informed by various theoretical approaches and perspectives,

much of what is examined in this research is not widely known outside of the closely guarded circle of practitioners, within the law enforcement community. This research attempts to merge these two divergent and sometimes conflicting perspectives of criminology theory and the criminal justice apparatus at work in its practical application, into a cohesive framework on domestic violence enforcement by the police in a mandatory arrest environment.

CHAPTER THREE: RESEARCH DESIGN

The purpose of this research is to examine the social and legal determinants that effect a police officer's decisions and actions in domestic violence incidents in both mandatory and discretionary arrest situations within the State of New Jersey. This study investigates the effect of variation based on years of police service, education, departmental size, working environment (urban or suburban), training, police experience, departmental policy, supervisory preferences, discipline employed by individual departments, managerial style of individual departments, and requirements under the law.

It is important to clarify the terminology used by this researcher, to operationalize the concept of "determinants" as referred to in this study. Determinants of domestic violence enforcement by police officers in this research examines the causes and effects of a wide variety of factors that are at work both on the surface and behind the scene to produce expected and unanticipated outcomes in these situations. The traditional discretion common for much of police work is limited, sometimes severely, by the mandatory arrest provisions that exist in current domestic violence legislation.

Some of these determinants are orientations or personal attitudes of the individual officer being studied. Others are factors investigated include those associated with the formal nature and structure of police organizations and their policies and procedures that are the result of the enacted laws and administrative directives. Still another determinant examined in this research is the geographical setting in which a police officer operates. There are four major hypotheses each with several research questions that explore this phenomenon.

Research Questions and Hypotheses

H 1 There are geographic determinants, which influence and effect the enforcement of domestic violence laws by police officers.

Crank and Wells (1991) and Weiseheit, Wells & Falcone (1999) found that officers from larger more urban police departments spend more time on the crime control than officers in smaller agencies. Conversely, it was found that officers in smaller police agencies expended significantly more resources providing services than did larger agencies. Meager (1985) found significant variation in police activities by city size in a national study of 249 municipal agencies. How does this translate into the actions of the police in domestic violence situation? This research hypothesizes that police officers working in urban settings will display less strict adherence to the legal requirements of domestic violence situations and will justify their actions on personal justifications. Urban officers will differ significantly from how officers in other geographic working environments perform their duties and their justifications for their actions.

Research Question 1. Does the size and type of municipality where a police officer is employed affect his/hers enforcement of domestic violence laws? Are police agencies in urban settings more focused on violent felony crimes than on misdemeanor domestic violence crimes?

Research Question 2. Does the working environment of the individual police officer have a direct effect on the enforcement of mandatory arrest domestic violence situations? Do police officers in urban settings focus more on violent felony domestic violence offenses than on misdemeanor domestic violence crimes?

Research Question 3. Does the larger number of officers assigned to a shift or squad have a positive effect on a police officer's enforcement of domestic violence laws within a specific geographical setting?

Research Question 4. Do police officers working in urban areas display an adverse desire to the strict enforcement of misdemeanor domestic violence crimes compared to officers in either urban suburb or suburban municipalities?

H 2 There are variances in the enforcement of domestic violence laws by police officers based on level of in-service training and self-motivated learning that officers are exposed to.

Studies conducted of four police agencies (Breci, 1989), two in the southeast and two in the Midwest with a total of 242 respondents in which questionnaires measured police training and attitudes regarding domestic disturbances. The findings of this research concluded that trained officers were more likely to have a service-oriented perspective on their role in handling domestic disputes. Officers with little training on the other hand were more likely to view their role in terms of enforcing the law. This research concluded that the more training the officers received, the more likely they were to resent guidelines and policies that limit their ability to use alternative interventions to resolve domestic disputes. This research runs counter to the express intent of the State of New Jersey mandating four hours of annual training in domestic violence. The current research study hypothesizes that training will have a positive effect on an officer's attitudes and actions toward adherence to and enforcement of domestic violence laws.

Research Question 5. Does the frequency and amount of time an officer receives in-service training positively affect an officer's attitude toward the enforcement of domestic violence laws?

Research Question 6. Do police officer who has studied for a promotional exam with a formal study group show a more positive attitude in his/hers enforcement of domestic violence laws?

Research Question 7. Does an increased level of formal education that a police officer possesses correlate to positive effect his/hers enforcement of domestic violence laws?

H 3 There are social determinants, which will influence and effect the enforcement of domestic violence laws by police officers.

Department leadership, attitudes of direct supervisors, and the work environment of the various police agencies will each effect and influence how police officers perform their duties in domestic violence situations. Herbert (1998) found that formal and informal regulations commingle in ways that merit investigation. Legal and bureaucratic rules partially determine police activity; however, officers have the ability to interpret these rules in different ways. There is a need to examine how formal rules become real in daily practice. This question is tested in several of the scenarios as conflicting demands for police services complicate the officer's response in domestic violence situations.

Research Question 8. Does the impression given by a police agency on strict adherence to the letter of the law correlate with a positive effect an officer's attitude toward the enforcement of domestic violence laws?

Research Question 9. Does a police officer's years of service have a negative effect his/hers attitudes toward the enforcement of domestic violence laws?

H 4 There are variances in the enforcement of domestic violence laws based primarily on a police officer's justification for initiating and sustaining a specific course of action.

The subculture of normative orders as described by Herbert ((1998) based on the works of Parsons (1951) which attempt to capture the importance of internalized values for structuring individual behavior will be examined for police officers participating in this study. This hypothesis will be tested by an officers actual actions in a given scenario and his rationalization as allowed in the second question for each scenario where the officer must justify and give some insight as to his/her reasoning for his chosen course of action. It is one thing for an officer to say that he abides by the law and another to do so in practice and be able to justify and articulate it. It will allow the principal investigator to test leadership, training, and the police officer's attitudes against his/her actions and justifications.

The patrol officer has been long recognized as having the most discretion in law enforcement. Yet, when it comes to domestic violence, particularly in New Jersey with extensive and specific mandatory arrest laws and guidelines, that discretion would seem to be rather limited. However, there are circumstances both within and beyond the control of the police officer on patrol, which can confound and conspire against even the best of intentions. Uncooperative victims, defendants that know how to manipulate the system, the need to prioritize responses and handle other pressing requests for police

services, reluctance by prosecutors and courts to enforce sanctions all conspire to have police officers seek and sometimes utilize alternative solutions to arrest.

Research Question 10. Do the justifications given by a police officer for the actions he/she initiates; explain their actions taken in the enforcement of domestic violence laws under State and Federal law?

Survey Research

Survey research is one of the best and preferred vehicles by which to collect original data from a population too large to observe directly. It also eliminates the Hawthorne effect, where participant's actions are effected by and respond to the attention given them by the direct observation of researchers. The use of a standardized questionnaire in the scenario part of the survey allows for meaningful comparisons between respondents. Self-administered questionnaires also appropriate in a group format to respondents gathered at a central location simultaneously. This research was required to adapt to the limitations and restrictions of 15 different police agencies in the location and times when the survey could be distributed, it would have been almost impossible to complete this research if not for the ability to do so in-group settings. Four primary methods were used to collect the data for this research. Many agencies permitted this researcher to address their police officers at roll call either prior to or directly after their tour of duty. This option was available primarily due to overlapping shifts which maintained police coverage, while still allowing adequate time for officers to complete the questionnaire. Second, several agencies had scheduled in-service training days during the course of the data collection phase of this research and allowed this officer to address officers in this format. Third, some agencies allowed officers to return to

headquarters and complete the survey in small groups as workload and work force allowed. Finally, this researcher was given access to a room at several agencies primarily used for conferences or roll call and permitted to use the office for walk-in participants and solicit departmental member assigned to specialized units to participate in this research.

Ethical Considerations

The potential harm to subjects in this research project is minimal. It is a routine activity for police officers to respond to domestic disputes and violations of the domestic violence laws of the State of New Jersey. The questions focus on hypothetical situations, questions about the officers opinions toward domestic violence, or general questions regarding the police agency by which the officer is employed.

The demographical information collected was specifically designed so that no individual police officer could ever be identified from his or her answers to the questionnaire. Special considerations include the fact that no identifying information such as name, age, badge number, or even gender were asked on the questionnaire. Departments that participated in the study are not individually identified and are known only to the principal investigator.

The principle investigator of this research was present at all sessions where the questionnaire were distributed, read the informed consent to all potential participants, answered any and all concerns prior to the participants signing the informed consent forms. All potential participants were advised as to the strictly voluntary nature of their participation and that no repercussions would result from their refusal to participate in

this study prior to the distribution of the surveys. The principal investigator remained present while the surveys were completed and collected.

As all responses are strictly confidential and the survey is anonymous, there is minimal risk of discomfort, embarrassment, or anxiety from a subject's participation in this project. The benefits of a subject's participation are that, in the future, there may be more information available on how and why police officers undertake the actions they do in domestic violence situations.

Data Collection Procedures

This study was conducted by the completion of an anonymous survey questionnaire by full-time police officers employed within a two countywide area of New Jersey. All municipalities within this area were available for inclusion in this research. There are 21 counties in New Jersey and the two counties that agreed to participate in this study have a population of 1.3 million of the 8.7 million of the New Jersey population or 15% of the state population. It must be stressed that this is a convenience sampling of available police agencies and voluntary participation of individual police officers.

Preliminary contact was made through the Police Chief's Associations for each of the selected counties. A brief 15 minute presentation was conducted at a monthly meeting and a package of information concerning the research was distributed to all Police Chief's, Deputy Chief's and/or Public Safety Directors. The executives of the police agencies were next given the option of completing a form to agree or decline to participate in the study. If a police chief agreed to participate in the study, they were asked to designate a contact person for the principal investigator to contact and arrange the best method for distribution of the questionnaires for that particular department. All

jurisdictions within these counties were contacted either at these Police Chief meeting or by follow up letter and offered the opportunity to participate in this research. It was entirely up to the individual police chiefs or chief executive to grant permission for the officers under his command to participate in the study. Fourteen of forty-six possible police agencies participated in this study.

At each session where potential subjects were asked to participate in the study, the principal investigator would follow the same procedure of introducing himself, distributing the approved informed consent forms for the police officers to read and then read the informed consent form to those present. The anonymous and strictly voluntary nature of each officer's participation in this research was stressed in every session. The principal investigator then asked for questions and answered them as needed. Officers who agreed to participate in the study signed the informed consent forms and only then given a questionnaire. Officers who declined to participate were released and allowed to resume their normal duties. All questionnaires were personally administered by the principal investigator to assure anonymity to participants and eliminate any uncertainty and inconsistency that might affect the results of the questionnaire. This precaution helped assure consistent extraneous and environmental conditions were controlled for and that sufficient time is allotted to complete the questionnaire. At the completion each officer's participation, study subjects were given a copy of the IRB consent form to keep. They were also given the opportunity to sign a separate mailing list to receive the results of the research when it becomes available.

Data Collection Instrument

The data collection instrument was a 10-page questionnaire. It consists of 2 distinct sections the first with 30 questions, the second with twelve questions. Section 1 was comprised of one sorting question regarding the officer's status as a full time police officer, 14 demographic questions concerning the officer and his agency. There are 7 questions on the respondent officer's attitude towards current domestic violence laws. Six of these questions were rated on a four-point Likert-type scale. One question had a numerical value for the frequency of dual arrest in domestic violence situations.

There were a series of 5 questions concerning the police officer's support for replacement of mandatory arrest for disorderly person's offenses of simple assaults in incidents of domestic violence. There were 5 questions on the officer's opinion of the general and specific training that he/ she receives from the police department attitude toward the department and the enforcement of domestic violence by his agency. Three of these questions used a four-point Likert-type scale. The other two questions employed numerical values determining the quantitative number of days training provided by the officer's department. There were two questions on the officer's opinion on support from administration and his immediate supervisor for the strict enforcement of domestic violence laws. These questions used a four-point Likert-type scale. There was 1 question on the severity of his agencies departmental discipline with a four-point Likert-type scale. There was a series of 3 questions on the respondent's attitude towards his municipal court systems handling of domestic violence incidents. Here, each response was rated on a four-point Likert-type scale.

The second part of the questionnaire was a series of six scenario questions. First, the respondents were asked to identify who they felt was the offender in each situation. The second segment of the scenario-based questions examined the dependent variable “Action taken by police officer in domestic disputes.” There will be twenty-five possible courses of action available to the officer. The correct answers were: In five of the scenarios, the answer “arrest the suspect” was the correct course of action. In one of the scenarios, “Take no action, not a crime of domestic violence” was the correct course of action.

There was a second question after each scenario asking the respondent to list those factors most important in making his/her decision. It was used to determine the officer’s justification and compliance between his/her chosen course of action and the requirements under the Domestic Violence laws of New Jersey. There are seven possible justifications and respondents were requested to rank at least two but not more than five in order of importance from 1 to 5 with 1 being the most important and five the least.

CHAPTER FOUR: FINDINGS

For the sake of clarity, the findings are discussed in the following order: First, the demographic data for the participants is examined followed by the officer's opinions of their personal policing style and their departmental policies and practices. Next, the subjects overall training and departmental and judicial support for domestic violence enforcement are examined. Finally, the officer's philosophies concerning domestic violence enforcement are explored. This completes the examination of the self-report first phase of the questionnaire.

The second part of the questionnaire consists of six potential hypothetical domestic violence scenarios in which the officers were asked to handle as if they occurred on their next tour of duty. In each scenario, officers were questioned to identify the offender and then asked how often they would take 25 potential actions. Some of these actions are mandatory under the current New Jersey Criminal Code and the Attorney General Guidelines, while other actions are discretionary, and some other actions would be violations of state law. There is a follow up question to each scenario, which attempts to explore the motivation for each officer's actions in a given situation.

Part I: Demographic Survey Responses

Appendix Table 4.1 identifies the rank of the participating police officers (N=425) by the setting in which the officer works. The setting is broken down into four categories: **Urban, Urban Suburb, Large Suburban, and Small Suburban**. The first three of these settings are designations used by the New Jersey State Police in their annual Uniform Crime Reports to distinguish municipalities. The **Suburban** category was broken up due to the wide variety in the size of police agencies participating in the study. An arbitrary division at 50 police officers was made by the principal investigator for the purposes of this research. Two police departments are represented in the **Urban** setting, three police departments in the **Urban Suburb**, four departments in the **Large Suburban**, and five departments in the **Small Suburban**.

As depicted in Appendix Table 4.1 within the **Urban** setting of the 98 respondents 57 or 58.2% of the participants held the rank of police officer, 11 or 11.2% were detectives, 20 or 20.4% were sergeants, six or 6.1% were lieutenants, and four or 4.1% held the rank of captain or police chief. In the **Urban Suburb**, the smallest of the four settings, there were fifty-eight respondents, of which 42 or 72.4% identified themselves as police officers, one or 1.7% as corporals, 12 or 20.7% were sergeants, and three or 5.2% were lieutenants. The **Large Suburban** setting was the largest setting of respondents with 192 participants. The breakdown by rank for this setting was 142 or 74% police officers, 30 or 15.6% as sergeant, 15 or 7.8% as lieutenant, and two or 1% were either a captain or chiefs of police. The **Small Suburban** setting was comprised of 77 respondents, of which 50 or 64.9% were police officers, one or 1.3% was a detective, three or 3.9% were corporals, 11 or 14.3% sergeants, nine or 11.7% lieutenants, and three

or 3.9% as captains or chief of police. It must be noted that the ranks of corporal and detective are titles not recognized by the New Jersey Department of Personnel (Civil Service), as an official rank and is one reason for the low number of officers identifying themselves as such by rank. This is different from Appendix Table 4.2, which identifies an officer's current assignment and may explain the disparity between the fifteen participants of the study who identified themselves by rank as detectives and the forty-eight participants who identified their assignment as detective.

The assignment of a police officer to a particular unit within the agency is, as just explained, an entirely different designation than an officer's rank. There are many different organizational designs for police agencies that can effect the designation of a particular officer's assignment. Some of the more frequently identified structural types include line, line and staff, functional and matrix and combinations or hybrids of these designations (Swanson, Territo, & Taylor, 2005). To accommodate variances between agencies, participants were given five general primary choices for assignments and the option for specifying another designation if they so desired. Nine assignment designations were reported by 425 participants as found in Appendix Table 4.2.

Across all four settings 325 or 76.5% of respondents reported their assignment as patrol, 48 or 11.3% as detective, 27 or 6.4% as administration, ten officers or 2.4% as traffic, six or 1.4% as narcotics officers, four or .9% as juvenile officers, two .5% as both community policing and internal affairs, and one or .2% as a domestic violence officer.

As shown in Appendix Table 4.2 there was considerable variance between settings as to the assignment of officers participating in this research. The **Urban** setting exhibited the greatest variance in the range of assignments for their officers most likely a

direct result of the degree of specialization and the size of the agencies compared to the other three settings. Fifty-nine or 60.2% of respondents in the **Urban** setting were assigned to patrol, the lowest percentage of the four settings, while 20 or 20.4% of participants were detectives. Seven officers or 7.1% were assigned to administration, and six or 6.1% of officers in this setting were assigned to narcotics, two officers or 2% self-reported as either juvenile or internal affairs officers and one or 1.0% as domestic violence or traffic.

The **Urban Suburb** setting with 49 or 84.5% of participants reported their assignment as patrol; this was the highest percentage among the settings in this research. Of the remaining nine officers in this setting designation, four or 6.9% were detectives, three, or 5.2% were assigned to traffic and two or 3.4% officers were classified as administration. Within the 192 **Large Suburban** research subjects in this study, 153 or 79.7% were assigned to patrol, 20 or 10.4% reported of the officers reported their assignment as detective and ten or 5.2% were assigned to administration, while five or 2.6% were designated as traffic, and two officers or 1% reported being assigned to either juvenile or community policing. Within the **Small Suburban** setting, 77 respondents were broken down by assignment as 64 or 83.1% in patrol, eight or 10.4% as administration, four or 5.2% as detective, and one officer reporting as assigned to traffic.

Appendix Table 4.3 examines the number of officers assigned to participant's shift. For the officers from the **Urban Suburb** and **Small Suburban** police agencies who participated in the study the most frequent response was four officers per shift. The **Urban** setting's most frequent response was seven officers per shift with 66.2% of all responses found between six and ten officers per shift. The **Large Suburban** setting the

most frequent response was six officers per shift, with 64.1% of all respondents within this setting reporting that there were between five and eight officers assigned to their shift.

All police officers, regardless of their current assignment, should be aware of the requirements of the Domestic Violence laws as part of their basic police knowledge. However, as the handling of domestic disturbances calls is primarily a function of the patrol division, this difference due to specialization is of particular interest in examining the responses to the hypothetical situations found in Part Two of this research. In Appendix Table 4.4, 101 or 32% of officers who regularly respond to domestic disturbance calls report that over the past 6 months they answered “less than 10” such calls for service. This was the largest response within this grouping. Just over one-fourth of officers or 83 respondents answered they had answered “ten and 19 domestic calls” in the past six months. The category of “20 to 29 domestic calls” had 61 respondents or just fewer than 20%, the smallest response grouping for this question. The final response of “30 or more domestic calls” in the past six months elicited 71 responses or just over 20%. In total, the count of 316 of officers who report they regularly respond to domestic disturbances represented 74% of all study participants. For the remaining 26 % of the study participants the overwhelming majority of 106 of 109 or better than 97% of officers, who in the course of their regular duties do not respond to domestic calls reported answering “less than 10” domestic calls in the past 6 months.

By setting **Urban** police officers who regularly respond to domestic calls were evenly distributed at around 25% for each of the four responses with “less than 10” having the lowest response rate at 22.7% and “30 or more” having the highest at 27%.

Urban Suburb officers reported regularly responding to domestic calls ranged from a low of 20.8% in the “less than 10” category. This group recorded the largest responses at 28.3% for both the “10 to 19” and “30 or more” categories. **Large Suburban** police officers reported the least responses in the “20 to 29” category at 20.7% and the most in the “10 to 19” grouping at 29.3%. **Small Suburban** participants were highly concentrated in the “less than 10” category with an over 75% response rate. The setting respondents in this category fell off sharply with only two participants or 4% in each of the categories “20 to 29” and “30 or more.”

Appendix Table 4.4 examines the issue of officers who regularly respond to domestic disturbances in the course of their normal police duties and the frequency with which they do so. The numbers are quite similar to those for 4.2 and with good reason. In most police agencies, the primary responsibility for responding to calls for service falls upon the patrol division. The only officers assigned to the patrol division, who might consider they do not regularly respond to domestic calls, would be supervisors whose primary responsibilities are to be in charge of police headquarters during their tour of duty.

Appendix Table 4.5 displays the years of service for the police officers participating in this research. There are 11 categories; the first 10 are equally divided into 3 years of service, while the last collects all officers with more than 30 year of service. Police officers in New Jersey can retire with benefits after 25 years of service and after 30 years of service, a police officer cannot improve the percentage of his pension. This in part explains why there is such a precipitous drop in last three categories of the chart. The reason why the years of service were broken down into categories

rather than record the years of service of a participant was to give greater anonymity to participants, especially those from smaller police departments who often only hire a few officers in any given year and who, as a result, could be more readily identified by their responses.

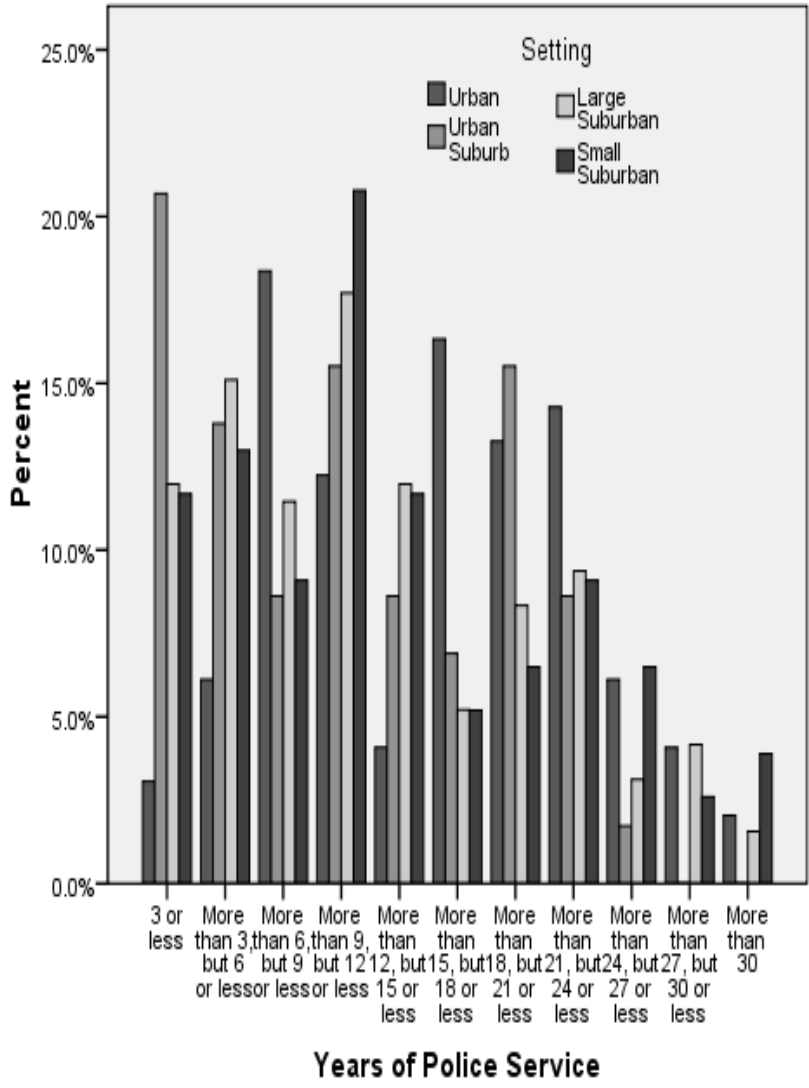
Chart 4.1 depicts the variation between participants in this study by their years of service and the percentage of officers within each of the four setting. Hiring of new police officers is contingent upon a number of factors including the number of positions open due to retirements, resignations, and terminations, economic factors of the community, available federal funding, and grant approvals, as well as other external factors. Civil Service police agencies must give their entrance exams on the cycle determined by the Department of Personnel, which may not be on an annual basis, while non-Civil Service police agencies can administer a test whenever they desire.

Years of police service was used as a measure rather than age since this research is studying a subject, namely domestic violence, that most individuals would have little need for extensive knowledge, unless they are involved in law enforcement or the administration of law. The use of age as a measure could be used to identify an individual officer, especially in a smaller police agency. The confidential nature of this research was needed to safeguard and to protect study participants identities. The additional safeguard was taken to group years of service by three-year increments.

The screening and selection process for new police officers is both expensive and time consuming. After successfully passing the written exam portion of the selection process, police candidates undergo a battery of tests and examinations. These may include character and background examinations, physical agility tests, medical

examinations, psychological testing, and personal interviews (Fyfe, Klinger, & Flavin 1997, Swanson, Territo, & Taylor 2005, Bennett & Hess, 2007).

Chart 4.1 Years of Service by Percentage within Settings



There has been and there continues to be an ongoing debate within academic and law enforcement circles on the value of formal education for police officers. Researchers and commissions have decried the lack of higher standards for many of the ills within policing in the past (Fosdick, 1920; Presidents Commission, 1968; Vollmer, 1972; National Advisory Commission, 1973; Sherman et al., 1978) and as an impediment to future advances such as community policing (Shernock, 1992; Smith & Flanagan, 2000). Some researchers have concluded that college educated police officers are a valuable asset that needs to be encouraged and promoted (Carter, Sapp & Stephens (1989), Cohen & Chaiken (1973), and Kappeler, Sapp & Carter (1993). Researchers Carter, Sapp, & Stephens (1986) cited several hypothetical advantages for police officers obtaining college educations including:

1. The development of a broader base of information for decision making by college educated officers.
2. College education engenders the officer with the ability to flexibly handle difficult or ambiguous situation with greater creativity.
3. Higher education develops greater empathy for diverse populations.
4. An officer with a less rigid decision making process and one that more readily accepts and adapts to organizational change.
5. Police officers with a college education exhibit more “professional” demeanor and performance.
6. College educated police officers would tend to be less authoritarian and less cynical within the milieu of law enforcement.

There are important differences between education and training, both of which are examined as possible factors in determining police actions within the scope of this research. Haberfeld (2002) differentiates between education and training within the police environment as follow:

Training

Training prepares a person with a ready response in case of an emergency.

“Programmed responses can be attained through intensive training.

Research is used to determine the best responses.

Training makes people feel more confident.

Training leads to quicker and more efficient responses.

Training leads to more consistent responses that are in accordance with the authority.

The training process is concentrated and inexpensive.

Skills that require hands-on training are acquired efficiently.

Training provides an alternative solution to people who do not have the interest or ability to find their own solutions.

Training decreases the likelihood of being sued because of the appropriate training to specific situations.

Education

Skills can be applied to various situations.

Education results in a wider range of knowledge, and more intelligent communication skills.

Education provides knowledge of how to create good training programs.

Education may result in more worldly knowledge and thereby more tolerance of differences.

Education takes the student through an extensive program that prepares him for a wide range of occupations.

Education provides greater awareness of contemporary and historical events.

Education provides people with better logical solutions.

Education provides problem-solving skills, critical thinking, and communication skills

Appendix Table 4.6 displays the level of education for the police officers participating in the study. It should be noted that at most police academies in New Jersey some college academic credit is available as an optional part of the curriculum. New Jersey municipalities, covered by Civil Service, have as a minimum basic requirement a high school diploma in order to take the entrance exam for police officer. Non-civil service departments are free to have their own educational requirements. Often, even if there is no formal advanced academic requirement, advanced academic standing can be one of many factors in determining an applicant's success in non-civil service police agencies.

The status of whether or not a police agency is covered by Civil Service regulations extends far beyond entrance requirements. The New Jersey Department of Personnel also administers promotional exams to Civil Service police departments. Police departments not covered by Civil Service do not participate in Department of Personnel promotional exams, but are free to set their own criteria and develop their own testing procedures. Table 4.7 shows the study's participants covered by Civil Service Regulation.

A substantial number of officers who study for promotional exams in the State of New Jersey do so with the assistance of formal study groups. Study groups are available for both Civil Service and non-civil service police agencies. Some study groups are open to any officer wishing to participate; others are limited by recommendation or other means of selection. They have been around for at least fifty years in one form or another and are a subject of considerable controversy and debate.

There is a constant chess game going on between the New Jersey Department of Personnel and the study groups as each attempt to counter efforts to regarding issues of test integrity and the security of test questions used in the testing procedure. Test subjects and study group organizers on the other hand claim of a lack of due process, unfair, and blatantly improper test questions. Study groups can be extremely intensive and expensive investments in both an officer's time and money and they are no guarantee of success or promotion. What they do accomplish is to make the study group participant, who seriously undertakes his or her involvement, keenly aware of a wide scope of police administration theories and practices, relevant New Jersey and U. S. case law and statutes, and the New Jersey Attorney General Guidelines including those on domestic violence. The study groups in New Jersey also have a very good record of accomplishment of placing participants at or near the top of many departmental promotional lists on a regular basis. Still, many officers decide to forego the formalized instruction of organized study groups and either prepare for promotional exams on their own. Some officers choose or to walk in with little or no preparation and multiple guess their way through the testing process.

Within Civil Service departments, the normal testing cycle for promotional exams is three years and this is why this period was used to ask study participants about their involvement with study groups. Appendix Table 4.8 illustrates the considerable role study groups play in preparing officers in this study for promotional exams. For Civil Service police agencies, there were 266 officers in this study, of which 36.8% or 98 who chose to participate in study groups. Officers choosing not to participate in study groups

within Civil Service departments represented 63.2% or 168 of study participants. For participants found in this cohort 63 or 37.5% studied on their own for their last promotional exam, while 105 or 62.5% did not study or participate in a study group.

Study participants in non-Civil Service police agencies comprised 159 or 37% of all police officers in this research. Only 31 or 19.5% of this cohort participated in study groups. This is about half the rate of participation as in Civil Service departments. Part of this difference might be explained by the diversity of exams given by the non-Civil Service police departments and the difficulty in preparing a study program to meet the needs of such a small number of potential promotional candidates. Civil Service promotional exams are given on a yearly cycle and as such are predictable and test roughly one-third of all promotional candidates. Several of the large promotional study groups hold multiple sessions weekly for up to 3 months and can prepare 1,000 officers or more in a given testing cycle.

Another issue of interest, in this research, is a police officer's perception of the departmental philosophy. Participants were asked what their perception was of the philosophy of the police department as shown in Appendix Table 4.9. This information is sometimes found in the mission statement for the agency or is the result of a concerted and ongoing effort by a particular department to foster a specific work environment.

Traditional policing is perhaps best described as a model comprised of crime control and criminal apprehension (Kelling & Moore, 1988), first conceived by August Vollmer in the beginning of the twentieth century, it came to prominence under O.W.

Wilson and William H. Parker and the concept of crime control through motorized preventive patrol (Fyfe, Greene, Walsh, Wilson, McLaren, 1995).

Conversely, community policing consistently involves some measure of community participation and involvement, particularly in the identification and prioritizing of problems as well as being an involved partner in solutions (National Research Council, 2004). Community policing is an organization-wide philosophy and management approach that promotes community, government, and police partnerships; proactive problem solving to prevent crime; and community engagement to address the causes of crime, fear of crime, and other community issues (Bennett & Hess, 2007). Community policing seeks to have the police become proactive, so that they can anticipate and prevent crime rather than reacting after the fact as in traditional policing. Haberfeld (2002) noted “there are as many versions of community-oriented policing as there are police chiefs.”

Discipline within a law enforcement agency can have many meanings, among the definitions authors (Fyfe et al. 1995) found that discipline is a state in which an organization’s members behave in ways that best serve its goals and purposes. Other authors, (Schroeder, Lombardo, & Stollo, 1995) differentiate between various forms of discipline. Overall discipline is defined as the combined results of the administration of positive and negative discipline. Negative discipline refers to the meting out of forms of punishment for wrong or inappropriate job-related conduct. Positive discipline refers to the training and counseling of subordinates that result in willing and voluntary compliance with the rules and regulations of an organization.

Appendix Table 4.10 displays the study participant's opinions on the discipline of the officer's department. This question evoked an obvious and often verbal reaction in almost every session where the questionnaire was distributed. Most officers just chuckled or made short declaratory statements, while others voiced their consternations. One primary concern was that the administration or police chief would not learn of the officer's answer to this question. Secondly, officers asked if I really wanted their honest answer to this question. Thirdly, officers asked for reassurance that the survey was anonymous and that they could and would not be identified. Finally, there were concerns by participants if their department's administration had seen this question and or knew of its inclusion. Officers were reassured that all answers were strictly confidential and completely anonymous. To the final question of the department's preview of the questionnaire the officers were informed that all officers were given the opportunity to participate in the study and that no police chief or administration official had asked for or been given a preview or advance copy of the survey to maintain the integrity of the process. The officer's concern was not without good reason. Several senior administrative police officers who participated in the study commented afterwards that they would love to have their departments answer to this particular question. Their requests were of course denied.

In Appendix Table 4.10 across all four settings, the category of "somewhat strict" had the largest percentages of responses from a high of 62.1% for **Urban Suburb** to a low of 42.7% for **Large Suburban**. The lowest category was "very loose" across all four settings which scored highest in the **Urban** at only 12.2% and the lowest in **Urban**

Suburb with no responses. The results of this table need to be taken into consideration with other survey items that address particular components of discipline including overall training, domestic violence training and policing style for a more complete picture of the environment in which police officers operate within a given setting.

One component of training for New Jersey police officers is the need for police departments to keep their officers current with changes to criminal statutes, Attorney General Guidelines, and both New Jersey case law and new Federal rulings. Each of these can affect the officer's performance of their duties in critical ways. Some of the better police departments accomplish this by distributing periodic newsletters published through the County Prosecutor's Offices to each officer, undated departmental policies and procedures to reflect changes in the law, and ongoing and comprehensive in-service training programs.

Unfortunately, as can be seen in Appendix Table 4.11, 140 or almost one-third of the police officers who participated in this study responded "never" or "sometimes" to the question, "I am regularly kept abreast of changes in the law by my department." It is encouraging that two-thirds of the respondents felt that their police agencies often or always kept them abreast of changes in the law. It is interesting to note that the smaller police agencies **Urban Suburb** at 53.4% and **Small Suburban** at 35.1% displayed considerably higher percentages than the **Urban** at 23.5% or **Large Suburban** at 25% of officers by setting for the response "always".

In New Jersey, there are several key components to ongoing training. For 2008, when this research was conducted, the list of mandatory training for New Jersey police officers included the following subjects. First, are firearms requalification, use of deadly force, and motor vehicle pursuit policies, which according to the Attorney General Guidelines (Division of Criminal Justice, rev. 2000) occur on a mandatory, semi-annual basis and should be given in the same 8-hour block of instruction. Secondly, there is domestic violence training which is required on an annual basis for at least four hours. Thirdly, there are a series of mandatory training sessions that must occur on an annual basis due to a particular assignment or duty. These training subjects include bloodborne pathogens, hazardous materials, right to know (hazardous substances), breathalyzer recertification, 911 dispatcher or call taker update training, K-9 in service training, Emergency Medical Technician recertification, confined space training, self-contained breathing apparatus training, and even fire extinguisher training. For Terminal Agency Coordinators (TAC) who monitor their departments participation in the National Crime Information System there is also (N.C.I.C/S.C.I.C recertification).

Participants in this research were asked “How many days a year do you have programs of in-service training excluding firearms,” to examine this essential and required component of police training. Appendix Table 4-12 displays the results of this survey question. Between all settings 55.5% of respondents received 3 days or less of in-service training. The median number of days of training, by setting, showed considerable difference between the settings. The median number of days of training reported for the **Urban** setting was 3.0, for the **Small Suburban** 4.0, for the **Large Suburban** 6.0 and for

the **Urban Suburb** 6.5. Perhaps more surprising was the variance in the means between the settings. Police officers in the **Urban** setting had a mean of 3.28 days of training compared to 4.65 for **Small Suburban**, 5.61 for **Large Suburban** and 6.9 for **Urban Suburb**. It is quite possible to conduct the majority of the required mandatory training in two or three days or less of in-service training depending on an officer's assignment.

A follow-up question was asked of participants to inquire how often within the past 4 years had they received in-service training on domestic violence. Respondents were asked to circle all the years from 2005 to 2008 in which they had received this training, which can be seen in Appendix Table 4.13. All police agencies were asked if they had completed their training for 2008 before this questionnaire was distributed. In fact, this survey was distributed on the day of in-service training on domestic violence at 3 police agencies prior to the officers receiving this training. All other police departments in this study stated that they had in fact completed their training for the year.

The results of table Appendix 4.13 are perhaps the most disturbing and controversial of this entire research. Less than half of respondents (N=197/425) self-reported that they had received the state mandated domestic violence training in each of the past four years. Over 35% (N=135) of all study participants had only received domestic violence training once in the past four years with 19 police officers reporting having received no training at all over this period. There are issues that fall upon the responsibility of the police officer to remain current with the present state of the law. However, domestic violence training is a mandate that is the responsibility of the chain of command within the police department to insure compliance. There should not and

cannot be any excuse for the failure of the departmental responsibility to properly train their police officers.

The success or failure of a law enforcement agency depends more on the quality of its first level supervision than on the quality of supervision at any other managerial level (Schroeder et al, 1999). Supervisor's fundamental responsibility is to ensure that what needs to be accomplished during a given shift is accomplished effectively and legally. They are concerned with supervision of the day-to-day concerns of law enforcement officers (Bennett & Hess, 2007).

Appendix Table 4.14 displays the support by the study subject's immediate supervisor for the strict enforcement of domestic violence laws. It is clear (94%) that there is widespread agreement among most the of the studies participants that their immediate supervisor support or strongly support domestic violence enforcement. Police officers will often take their lead for their actions from their immediate supervisors. This is often termed leading by example. This question will be further explored in part II of this research where participant's motivations for handling hypothetical domestic violence incidents are examined in detail.

The results of departmental support of strict enforcement of domestic violence laws are examined in Appendix Table 4.15. The findings are almost identical to the previous table. It would appear from the data in Appendix Tables 4.14 and 4.15 that there is a fairly consistent and strong indication that participants of this study consider that there is considerable widespread organizational support for the enforcement of domestic violence laws. In order for any organizational goal to be realized over a long

period, it is vital that it receive support and encouragement from the upper levels of management.

Appendix Table 4.16 represents the combination of actions in terms of the number of years that an officer was provided with the mandatory domestic violence in-service training over the past four years along with participant's perceptions of both immediate and departmental support for domestic violence enforcement. It should not be surprising that the strong support as displayed in Appendix Tables 4.14 & 4.15 would translate into a similar result even when combined with the lower domestic violence training results of Appendix Table 4.13.

There was over an overall 90% support or strong support across all settings. As seen in other tables by settings the **Urban** reported the lowest (21.4%) "strong support" of departmental support for domestic violence enforcement, with **Small Suburban** the second lowest percentage at 32.5%. The **Large Suburban** reported a considerable increase to 60.9% strong support for domestic violence enforcement and **Urban Suburb** reported the highest percentage at 75.9%.

What do police officers consider their primary motivation in the handling of domestic violence calls? Table Appendix 4.17 examines study participants responses to this question. Across all four settings "situational characteristics" (N=209) was found to be the primary motivation for the handling of domestic violence calls, all groups displayed a response rate of about 50%. **Urban Suburb** was slightly higher at 55.2%, than **Urban** at 49%, **Small Suburban** at 48.1% and **Large Suburban** at 47.9%. "Legal constraints" was the next category with the most responses (N=157) again across all four

settings with 36.9% of all responses. Few study participants considered the other three alternative responses as primary motivations for their handling of domestic violence calls. Only 5% (N=23) of research subjects reported their primary motivation as “my individual characteristics,” while 5% (N=20) considered “community characteristics,” and 4% (N=16) reported “situational characteristics.”

By setting, **Large Suburban** showed slightly higher percentage response with 39.6% of participants citing this reason followed by **Urban** officers at 38.8%, **Small Suburban** at 32.5% and **Urban Suburb** at 31%. Of the three remaining possible responses “my individual characteristics” was only cited by a total of 23 police officers or 5.4% of the sample followed by “community characteristics” with 20 officers, or 4.7% selecting this option and “organizational characteristics” the least cited response with only 16 officers or 3.8 % selecting this response.

This conclusion is further supported by the results of Appendix Table 4.18 in which officers were asked how often they feel that they personally try to enforce the Attorney General Guidelines on domestic violence. 76.6% (N=326) of all respondents answered they “always” try to enforce the AG Guidelines and 20.7% (N=88) gave the second most popular response “often.” Only 2.4% of respondents answered “sometimes” and .2% or 1 participant stated “never.” There was over an overall 90% support or strong support across all settings. As seen in other tables by settings, the **Urban** reported the lowest (21.4%) “strong support” of departmental support for domestic violence enforcement, with **Small Suburban** the second lowest percentage at 32.5%. The **Large**

Suburban reported a considerable increase to 60.9% strong support for domestic violence enforcement and **Urban Suburb** reported the highest percentage at 75.9%.

By setting, the responses for Appendix Table 4.18 are similar to those found in table 4.17. Police officer's opinions were grouped around those answers that support the enforcement of domestic violence laws. In the **Urban** setting, the highest percentage of survey participants responded they always try to enforce the domestic violence laws with 80.6%, the **Small Suburban** setting at 77.9%, the **Urban Suburb** at 75.9% and the **Large Suburban** at 74.5%. Of those officers who responded that they "often" try to enforce domestic violence laws the highest percentage was found in the **Large Suburban** setting at 23.4%, the **Urban** setting at 19.4%, the **Urban Suburb** at 19%, and the **Small Suburban** at 16.9%.

Appendix Table 4.19 displays the study participants responses to their perception of how practical are the domestic violence laws of New Jersey to enforce. It is somewhat surprising that over one-third of all the respondents (35.3%) cited that the domestic violence laws were either "sometimes" or "never" practical to enforce. The most frequent response to this question was that the domestic violence laws were "often" practical to enforce (42.1%), while only 22.6% found that the laws were "always" practical to enforce. The responses by setting revealed somewhat more variance than the several previous ones concerning the New Jersey Attorney General Guidelines. For the category that the domestic violence laws are practical to enforce "always" the **Urban** survey participants were 30.6% (N=30), while the **Urban Suburb** participants were 27.6% (N=16), the **Small Suburban** setting were 26% (N=20) and the **Large Suburban**

setting were only 15.6% (N=30) or just above half that of the **Urban** setting. For the category that the domestic violence laws are practical to enforce “often” the **Urban** survey participants were 46.9% (N=46) , the **Large Suburban** setting participants were 44.8% (N=86), the **Urban Suburb** setting participants were 41.4% (N=24), and the **Small Suburban** setting participants were 29.9% (N=23).

For the category that the domestic violence laws are practical to enforce “sometimes” the **Small Suburban** setting respondents represented 42.9% (N=33) and the **Large Suburban** setting respondents were 39.1% (N=75). There was a sharp decline in the **Urban Suburb** setting reporting 31% (N=18) and the **Urban** setting respondents at 21.4% (N=21). The response that it was “never” practical to enforce the domestic violence laws only had 3 total respondents in the entire survey (N=425).

Appendix Table 4.20 exemplifies one of the difficulties in the enforcement of the domestic violence laws in New Jersey. This question goes to the heart of training and the practicality of domestic violence enforcement. The survey asked officers if and how often they had arrested both parties in a domestic violence incident in the last six months. This question will come up again in Part II of the survey when one of the scenarios will involve injuries to both parties. The training component is that the New Jersey Division of Criminal Justice Domestic Legal Aspects of Domestic Violence Instructor Manual (2003) states that:

Where both parties in a domestic violence incident are injured, the officer should consider the following factors to determine which of the two should be arrested as the domestic violence assailant:

The comparative extent of injuries suffered

The history of domestic violence between the parties, if

any, or

Each person's fear of physical harm, if any, which resulted from the other person's threatened or actual use of force

Whether a person was acting in self defense and inflicted injuries upon the aggressor

Other relevant factors.

The officer should not automatically arrest both parties in a domestic violence incident. An officer should attempt to determine who was the victim and who was the assailant. Where an office is not able to determine who was the primary aggressor and arrests both parties, the officer should note in the incident report the reason for the dual arrest. (p. 2-12)

It is clear that the majority of police officers in the study (74.6%) have not reported making a dual arrest in a domestic violence incident within the last six months. However, it is unclear if that they were trying to follow the Attorney General Guidelines in regards to avoiding dual arrests or that the opportunity had just not presented itself within the relatively short time frame of this question. The majority of officers who reported making a dual arrest (20.9%) have only had one or two such encounters within the period. Only 4.5% (N=19) participants in this study reported having made more than two dual arrests in the previous six months. The officers responses to this question will be again examined in part II of the scenarios where one of the situations could be interpreted as a potential dual arrest situation.

Participants were asked if police officers should be empowered by law to make warrantless arrests on probable cause for disorderly persons domestic assaults which the police do not witness. Currently under the law in New Jersey, if a victim exhibits signs of physical injury, police officers are mandated to make an arrest and sign a criminal complaint. If the victim does not exhibit signs of injury police officers may make a discretionary arrest if the police officer has probable cause to believe an act of domestic violence has been committed (N.J.S.A. 2C:25-21b).

The results of Appendix Table 4.21 support widespread agreement on the concept of empowering police officers to make warrantless arrests on probable cause for disorderly person's domestic assaults that the police do not witness. There is greater "agreement" or "strong agreement" by setting among **Small Suburban** 80.5% (N=62) and **Urban Suburb** 70.7% (N=41) than among the larger departments in the study. There was 63.9% (N=142) support among **Large Suburban** police officers and 63.3% (N=62) among **Urban** police officers.

Only 20.9% (N=89) of the survey participants in Appendix Table 4.21 were found to "disagree" with the concept and only 6.8% (N=29) that "strongly disagree" with the premise that the police should be empowered to make warrantless arrests on probable cause for disorderly person's domestic assaults that the police do not witness.

Appendix Table 4.22 examines the participating officer's opinion on one of the most difficult provisions of the New Jersey Domestic Violence Act, which inquires about the severe restrictions placed upon police discretion in the handling of domestic disputes that rise to the level of mandatory action under the Act. As previously discussed, an

officer has no discretion in making an arrest by four mandatory criteria. He may not even take into consideration the desires of the victim. This removal of discretion has also come with a major protection for police officers who act in good faith to enforce the provisions of New Jersey Domestic Violence Act. Under 2C:25-24, police officers will not be held liable in a civil action for enforcing the domestic violence act by:

1. Making an arrest based on probable cause
2. Enforcing a court order in good faith, or
3. Any other act or omission in good faith under the domestic violence act.

Many situations do not fall neatly into the precise categories of mandatory or discretionary arrest in domestic violence situations. An example of this is that according to New Jersey Uniform Crime Report (2008), alcohol and/or drugs were involved in 28% (N= 19,691) of all the reported domestic violence offenses (N=70,613). The fact that one or both of the parties in a domestic violence incident may not be in full control of their mental faculties can complicate an already difficult situation. Another fact is that in 2008, 33% of all domestic violence offenses there was either the presence of or the involvement by children in the domestic violence situations (NJ UCR, 2008). The need to provide and arrange for the continuing caregiver services of minor children at the scene of domestic violence incidents can cause acute complications to an already volatile and emotionally charged environment. Yet another complication is the lack of both parties still at the scene of a domestic violence offense when the police arrive. This makes it difficult to obtain statements from both of the involved parties and to make difficult to arrest the departed and often offending party. This can, partially account for

the fact that arrests are recorded in only 31% of reported domestic violence offenses (NJ UCR, 2008). The New Jersey Domestic Violence Offense reports are written shortly after the initial incident and do not take into account subsequent arrests for offenses where the offender has fled and is apprehended at a later date. It is for these and other complications that police officers at times feel hampered by the Attorney General Guidelines.

Appendix Table 4.22 examines the desire of police officers to have more discretion in the handling of domestic violence incidents involving simple assault. 66.8% of all study participants (N= 284) either “agree” or “strongly agree” with this concept. Of the **Urban Suburb** setting participants, 38% (N= 22) either “disagree” or “strongly disagree” with allowing police officers more discretion compared to 34.7% (N=34) of **Urban** setting participants. **Large Suburban** setting police officers opposed more discretion in 33.9% (N= 65) of those surveyed while **Small Suburban** participants disagreed 26% (N=20). It is apparent that a majority of police officers in the study would like more discretion in the handling of minor assaults in domestic violence incidents.

Appendix Table 4.23 shows research subject’s opinions about the concept of enhanced victim empowerment in simple assault domestic violence offenses by geographical settings. Those officers who “strongly disagree” represent 18.6% (N=79) of study participants and 40.2% (N=171) of officers in the study were found to “disagree.” Combined, these groups represented 58.8% of police officers in this study. Police officers who “agree” with the concept of enhanced victim empowerment represented 37.6% (N=160) of research subjects. Those participants who “strongly agree” with this

concept represented 3.5% (N=15) of survey respondents. Police officers in this study were consistent in their opposition on this issue across all four settings. Police officers opposing the concept within the **Small Suburban** setting is at 59.8% (N=46), **Urban** at 59.2% (N=58), **Urban Suburb** at 58.7% (N=34), and **Large Suburban** at 58.3% (N=112).

Chart 4.2 represents a scale of officer support with the Attorney General Guidelines for Domestic Violence. It is comprised of five previously asked questions which either indicates agreement or disagreement with the current domestic violence policies, these include Tables 4.18, 4.19, 4.21, 4.22 and 4.23. While the scale originally represented four potential levels of support, no participants of this study fell into the bottom category of “very weak support” for the Attorney General guidelines. The remaining three responses are “weak support,” “support,” and “strong support.”

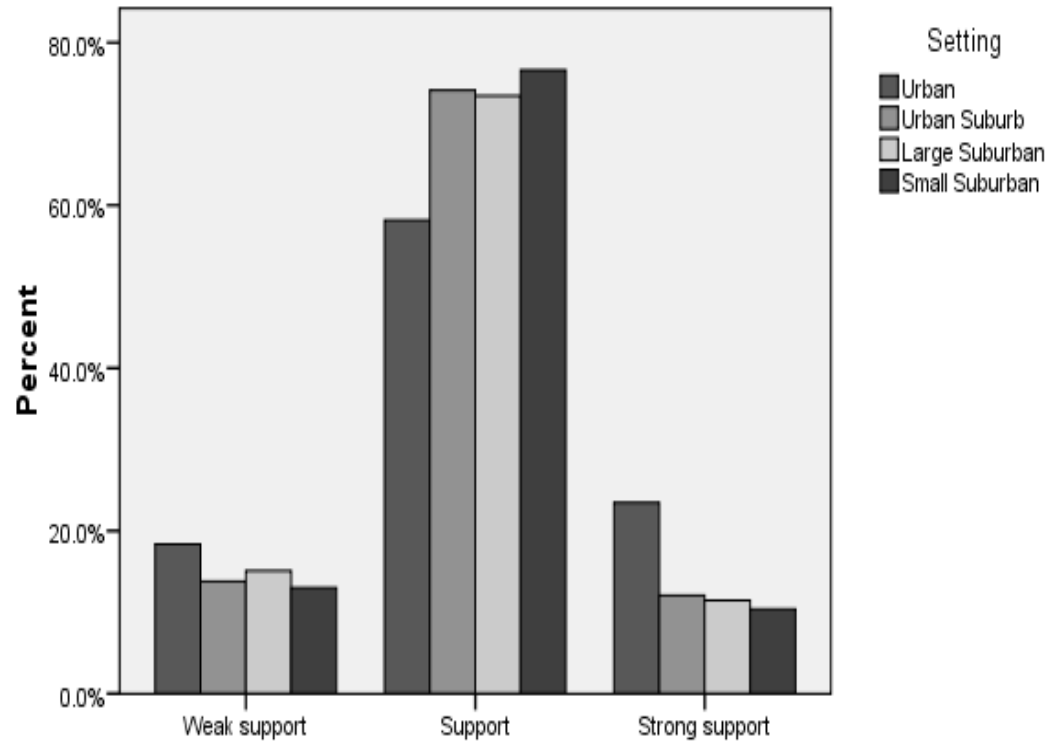
As seen in Chart 4.2, 70.6% of study participants (N=425) “support” the New Jersey Attorney General Guidelines on Domestic Violence. There was “weak support” by 15.3% of police officers in the study (N=65) and “strong support” by 14.1% of study participants (N=60). By setting, there was considerably more variance in the **Urban** setting when compared to the three other settings. There was greater percentage of “weak support” in the **Urban** setting 18.4% (N=18) than in the **Large Suburban** 15.1% (N=9), the **Urban Suburb** setting 13.8% (N=8), or the **Small Suburban** at 13.0% (N=10).

For the category of “support” for the current Attorney General Guidelines on Domestic Violence, the **Urban** setting displayed the lowest response rate at 58.2%

(N=57) compared to the **Small Suburban** at 76.6% (N=43), **Urban Suburb** at 74.1% (N=43), and **Large Suburban** at 73.4% (N=141). The category “strong support” found greater support in the **Urban** setting at 23.1% or (N=23) compared to the **Small Suburban** at 10.4% (N=8), **Large Suburban** with 11.5% (N=22), and **Urban Suburb** at 12.1% (N=7).

Chart 4.2

Scale of Officer Support of Attorney General Guidelines



Appendix Table 4.24 examines a basic concept of community policing in the domestic violence setting, that of empowering the public most directly effected by police policies with a voice in the enforcement of police activity. Study participants were asked if the current provisions of the New Jersey domestic violence laws regarding the mandatory arrest for offenses of disorderly person's simple assaults should be replaced by an option to allow the victim to decide if an immediate arrest is necessary.

Study participants either "strongly disagree or "disagree" with the concept of greater victim empowerment in simple assault domestic violence offenses 58.8% (N=250) of all respondents across all four settings. The **Large Suburban** setting was the category that had the largest percentage of "strongly disagree" responses with 20.8% (N=40) closely followed by the **Urban** setting with 20.4% (N=20). The **Small Suburban** setting was considerably lower at 15.6% (N=12) of study participants and the **Urban Suburb** had the smallest percentage of respondents who "strongly disagreed" at 12.1% (N=7).

Appendix Table 4.24 investigates a concept that, although not part of the New Jersey domestic violence laws at present, has been successfully implemented in various jurisdictions within the United States, that of mandatory prosecutions. This concept is controversial for it diminishes the power of the victim, is costly not only to the police, but to the courts as well, and is fraught with constitutional issues most notably the right of a defendant to confront his accuser. It can also ultimately pit the police against the victim and increase the likelihood of the victim's support of their abuser in court.

Perhaps this can explain, in part, some of the frustration of police officers in the enforcement of domestic violence laws. The reluctance of many victims to seek legal sanctions against their abusers is well documented in the literature on domestic violence. Some of this reluctance is because of a desire by the victim to remain with the offender despite the abuse. Other reasons include a lack of alternatives, financial, emotional, and social, which keep the victim clinging to the belief that conditions will improve at some juncture in the future. Police often must return to the same location to intervene in domestic violence incidents between the same parties far too often.

Mandatory prosecution is an alternative that, as Appendix Table 4.24 displays, has a great deal of support from police officers across all settings. Officers in this study who “strongly agree” or “agree” with the concept comprise 69.9% of all respondents. The highest percentage positive response to this question came from the **Large Suburban** setting with 73.9% (N=142), followed by police officers in the **Urban** setting with 71.4%. (N=70). The **Urban Suburb** setting had a positive response rate of 63.8% (N=37), while the **Small Suburban** setting had the lowest positive percentage of 62.3% (N=48). Those officers who disagree with the concept of mandatory prosecution comprised 30.1% of all respondents. They were evenly distributed among all the four settings.

We have so far examined the officer’s opinions regarding both the legislative and executive branches of government toward the enforcement of domestic violence. The final component will be to examine the judicial. Each officer was asked to evaluate their own municipal court system as to how domestic violence cases are handled. Many of the

more serious offenses under domestic violence are indictable offenses that are handled by the Superior Court at the county level. This allowed the next series of questions focused on the most common offense under domestic violence that is handled at the local level by the municipal court system, that for the offense of simple assault, where the participating police officers would have greater interaction and direct knowledge of the outcomes. The most surprising issue with the next series of questions was that a few police officers declined to give any response to this set of questions. Since the number was statistically small, no attempt was made to substitute or average responses to compensate for the non-responses. The number of responses is given for each question.

Appendix Table 4.25 shows the responses to the question if the police officer's opinion on how strict the municipal judge(s) in their jurisdiction are in their application of domestic violence laws for the offense of simple assault (N=422). While few officers "strongly agreed" 8.8% (N=37) with this statement when combined with the respondents who "agreed" there was an overall positive response of 76.6% (N=323). Of those officers who "agreed" that their judge(s) strictly apply the domestic violence laws the **Small Suburban** setting had the largest percentage with 77.6% (N=59), next was the **Large Suburban** with a 67% (N=128), followed by the **Urban** with 66%. The lowest positive response rate of "agreed" was in the **Urban Suburb** setting with 60.3%, (N=35) however, this could have been due, in part, to the much greater "strongly agree" response rate of 20.7% (N=12) than the other three settings.

Appendix Table 4.26 examines study participants opinion regarding simple assaults, which occur within domestic violence cases in their local jurisdiction.

Prosecutorial discretion is a factor that must be taken into consideration when considering the entire dynamic of domestic violence enforcement. Municipal prosecutors in New Jersey are appointments made by the local legislative body for a specific term, often for 1 or 2 years. While a municipal prosecutor holds considerable discretion to prosecute, downgrade, or even dismiss cases involving domestic violence they are accountable at reappointment and to the Administrator of the Courts for serious lapses of judgment.

Appendix Table 4.26 shows a clear division by setting on the subject of the aggressive prosecution of disorderly person offenses in domestic violence situation. By setting **Urban** study participants “strongly disagree” with the concept of aggressive prosecutions in their jurisdiction 11.3% (N=11) of the group compared to the **Large Suburban** setting at 8% (N=15), the **Small Suburban** at 6.6% (N=5), and the **Urban Suburb** at 5.2% (N=3). The **Large Suburban** setting recorded the highest percentage of officers who “disagree” with the concept of aggressive prosecutions of domestic violence simple assaults with 41% (N=77), **Urban Suburb** with 27.6% (N=16), **Small Suburban** with 22.4% (N=17) , and **Urban** with 21.6% (N=21). Combined 39.4% of all respondents (N=419) either “disagree” or “strongly disagree” with the premise that their municipal prosecutor aggressively prosecute simple assault domestic violence cases.

Of the 60.6% of participants in the study who agree, that their local prosecutor is aggressive in the prosecution of simple assault domestic violence cases the overwhelming majority “agree” with 56.8% with this concept. Meanwhile, only 3.8% of all participants

“strongly agree.” No setting recorded over a 2% response rate to the response “strongly agree.” For the response “agree” all settings ranged from a high of 65.5% for **Urban Suburb** (N=38), to 61.8% for **Small Suburban** (N=47), to **Urban** with 60.8% (N=59), and **Large Suburban** at 50% (N=94). The total number of respondents used to collect the data for Table 4-26 is 419. It would appear from these results that while police officers report support for domestic violence prosecutions that very few feel their efforts receive strong support.

Appendix Table 4.27 examines a comparison between the court systems treatment of simple assaults that occur within and out of domestic violence situations. Participants were asked if they feel that domestic violence assaults are treated with the same seriousness as assaults between strangers by the court system in their jurisdiction. It is an opportunity to examine the perceived outcome of the judicial process on the most common offense by the officers who regularly enforce mandatory arrests statutes.

The results of Appendix Table 4.27 show even more displeasure by police officers who participated in this study with the treatment of domestic violence assault offenses when compared with simple assaults between strangers in their local court system. Of 423 respondents, 47% (N=199) either “disagree” or “strongly disagree” with this concept of equal treatment for domestic violence offenses. While only 7.3% (N=31) “strongly disagree” a surprisingly high 39.7% (N=168) “disagree” with the concept. By setting **Large Suburban** participants for the “disagree” were 45.3% (N=86), **Urban Suburb** were 37.9% (N=22), **Small Suburban** 37.7% (N=29) and the setting with the lowest responses was **Urban** with 31.6% (N=31).

Officers surveyed who “agree” that their court takes domestic violence simple assaults as serious as assaults between strangers were the largest group by setting at 48.5% (N=205). All settings were closely grouped on this answer with the highest being the **Urban** setting at 53.1% (N=52), **Small Suburban** at 51.9% (N=40), **Urban Suburb** at 48.3% (N=28) and **Large Suburban** at 41.5% (N=85). Participants who responded “strongly agree” only comprised 4.5% of all officers and no setting had a greater than 2% response rate by setting.

Part II Survey Questionnaire Scenarios

The second part of this research was conducted by asking participants to respond to a series of six hypothetical domestic dispute scenarios. The stated purpose was to find out how the officer's would handle the situations as if they were occurring on their next tour of duty. The subjects were asked for their honest and forthright answers as to how they would respond to each situation. Each survey first asked the participating officers to identify either the male or the female in the scenario as the offender. They were then asked to rank how often that they would take a particular course of action under the circumstances presented. The same twenty-five potential courses of action were presented for each scenario. Some of these actions were mandated under the Attorney General Guidelines, the New Jersey Criminal Code, and in one instance Federal law. Others actions were discretionary, and a few were inappropriate, given the specific nature of the scenario. Participants were asked to rate how often they would take a particular course of action under the presented circumstances. They were given five options Always (A), Most of the time (M), About half the time (H), Some of the time (S), and Never (N). The research subjects were allowed to check off their responses for each question. A second follow-up question was then asked in which the police officer was asked to rank in order of importance with 1 being the most important and 4 being the least important why they had taken the actions in this particular scenario. Participants were asked to rank only four of seven potential responses and to only use each number one time. The seven options were: a) Mandated under law, b) Discretionary under the law, c) Comply with the wishes of the victim, d) Based on my training as a police officer, e) Based on

my experience as a police officer, f) Based on my departmental policy, g) Based on my supervisor's preferences.

As each scenario varies in the requirements placed upon the officer's by the applicable rules, regulations, guidelines and laws first each scenario will be displayed, then an analysis of the ideal response to the scenario, and finally the survey participants responses. As not all responses are appropriate in all situations, so only those most appropriate in a given scenario was examined. The entire questionnaire can be found in appendix "B".

Scenario 1

You respond to a call of a “noise complaint.” Upon arriving, you find Billy Jean, standing in front of her home with a bleeding cut on her forehead. She is quite intoxicated and staggering around. She tells you that her husband Bob hit her during a fight over the remote control for the television. He left in his pickup truck to go out with the boys for the night. She does not want to make a complaint, since they are to go hunting in the morning. She only wants to go back inside and get some sleep. She states that her “nosey neighbors” called because of an ongoing dispute. What actions would you take?

Analysis: Scenario 1

In this situation, the officer is confronted by a number of issues. First the female victim has sustained a visible head injury, is intoxicated, and she does not wish to make a complaint or pursue criminal charges. From her statement of “going hunting in the morning,” it is safe to assume at least the possibility of weapons in the residence. She has identified her attacker as her husband and that he has left the scene for the evening.

First, there is an immediate need to k) attend to the medical condition of the victim. While her staggering may be the result of the level of her intoxication, it could also be indicative of a more severe head injury than just the visible bleeding. In addition, her desire to go to sleep may be an indication of head trauma. Billy Jean qualifies as a victim of domestic violence as she was victim of a simple assault by her spouse, which resulted in a visible injury. Despite her desire not to pursue criminal charges, the officer is **must** arrest and **must** sign g) criminal complaint against her husband and arrest him.

If there is any indication that there are weapons in the house and that they pose a risk of serious bodily injury to the victim the officer should take all appropriate procedures to obtain a search warrant to w) seize them. The officer **must** advise and explain to the victim m) her rights under the domestic violence laws, including her right to obtain a Temporary Restraining Order. As an assault has occurred, the incident should be documented by the officer with: t) an Investigation Report, v) a Domestic Violence Offense form, and x) a Victim Witness Notification form.

As can be seen in Table 4.1 the overwhelming majority 95.1% (N= 404) correctly identified the husband of Billy Jean as the offender in this scenario. Only 1.2% (N=5) considered Billy Jean as the sole offender while 2.1% (N= 9) considered both parties to be offenders under the circumstances presented.

Table 4.1

Scenario 1: Identify the Offender

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Male	Count	92	56	186	70	404
	% within Setting	93.9%	96.6%	96.9%	90.9%	95.1%
Female	Count	4	0	1	0	5
	% within Setting	4.1%	.0%	.5%	.0%	1.2%
Both	Count	2	1	2	4	9
	% within Setting	2.0%	1.7%	1.0%	5.2%	2.1%
Neither	Count	0	1	3	3	7
	% within Setting	.0%	1.7%	1.6%	3.9%	1.6%
Total	Count	98	58	192	77	425

Table 4.2 displays the number of officers and the percentage within each setting that participants would undertake to arrest the male offender for a violation under the Domestic Violence laws in scenario 1. As this scenario is considered a mandatory arrest situation, the percentage of respondents who would always make an arrest under the circumstances (63.9%) must be considered low. Even if combined with the category of making the arrest “most of the time” the percentage of respondents taking the correct course of action only rises to 84.6% making the mandatory arrest. By setting the settings range from a low in the always arrest category from 60.5% in the **Large Suburban** to a high of 74.1% for the **Urban Suburb** setting.

Table 4.2

Scenario 1 G: Arrest Under the Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	65	43	115	46	269
	% within Setting	66.3%	74.1%	60.5%	61.3%	63.9%
Most of the time	Count	25	7	43	12	87
	% within Setting	25.5%	12.1%	22.6%	16.0%	20.7%
About half the time	Count	2	3	12	5	22
	% within Setting	2.0%	5.2%	6.3%	6.7%	5.2%
Some of the time	Count	4	5	16	10	35
	% within Setting	4.1%	8.6%	8.4%	13.3%	8.3%
Never	Count	2	0	4	2	8
	% within Setting	2.0%	.0%	2.1%	2.7%	1.9%
Total	Count	98	58	190	75	421

Table 4.3 displays the frequency with which officers would undertake the mandatory action of personally signing a criminal complaint against the offender in scenario 1. Less than half or 46.8% (N=198) of respondents would take this course of action mandated under the law. Even with the category “most of the time” combined only 65.9% (N=279) of police officers would take this action. Considerable variance of responses between the settings was found on this question.

Table 4.3

Scenario 1 J: Officer to Sign Complaint

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	58	31	78	31	198
	% within Setting	59.2%	53.4%	40.8%	40.8%	46.8%
Most of the time	Count	19	10	35	17	81
	% within Setting	19.4%	17.2%	18.3%	22.4%	19.1%
About half the time	Count	10	1	22	9	42
	% within Setting	10.2%	1.7%	11.5%	11.8%	9.9%
Some of the time	Count	8	9	40	12	69
	% within Setting	8.2%	15.5%	20.9%	15.8%	16.3%
Never	Count	3	7	16	7	33
	% within Setting	3.1%	12.1%	8.4%	9.2%	7.8%
Total	Count	98	58	191	76	423

Appendix Table 4.28 displays the frequency with which officers would dispatch medical assistance to the intoxicated and uncooperative victim as found in scenario 1. This despite the fact that this provision of the Domestic Violence laws is another

mandatory component that officers are required to comply and abide by. If the two categories of “always” and “most of the time” are combined, victims would be dispatched medical assistance 90.6% (N=382) of the time.

The need for proper documentation of an incident of domestic violence has long been a concern of domestic violence researchers. Table 4.4 and the next several charts exemplify these concerns. In Scenario 1, a crime and an act of domestic violence has occurred. The need for properly documenting the incident is necessary for the Uniform Crime Report (UCR) system. The responses to this question are very similar to those received in Table 4.2 for officers who would arrest the offender under the domestic violence laws.

Table 4.4

Scenario 1 U: Document Incident with an "Investigation Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	69	44	119	61	293
	% within Setting	70.4%	75.9%	62.3%	79.2%	69.1%
Most of the time	Count	14	7	25	6	52
	% within Setting	14.3%	12.1%	13.1%	7.8%	12.3%
About half the time	Count	4	2	19	2	27
	% within Setting	4.1%	3.4%	9.9%	2.6%	6.4%
Some of the time	Count	2	3	14	7	26
	% within Setting	2.0%	5.2%	7.3%	9.1%	6.1%
Never	Count	9	2	14	1	26
	% within Setting	9.2%	3.4%	7.3%	1.3%	6.1%
Total	Count	98	58	191	77	424

The State of New Jersey has a mandatory requirement that a Domestic Violence Offense report be completed for every domestic violence offense. This form is submitted to the New Jersey State Police and used to compile statistical data used in the annual Uniform Crime report. Table 4.5 displays the frequency with which study participants would comply with this provision on the law.

Table 4.5

Scenario 1 V: Document Incident with a "Domestic Violence Offense Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	75	50	129	54	308
	% within Setting	76.5%	86.2%	67.2%	70.1%	72.5%
Most of the time	Count	18	4	33	10	65
	% within Setting	18.4%	6.9%	17.2%	13.0%	15.3%
About half the time	Count	2	1	17	2	22
	% within Setting	2.0%	1.7%	8.9%	2.6%	5.2%
Some of the time	Count	2	3	11	10	26
	% within Setting	2.0%	5.2%	5.7%	13.0%	6.1%
Never	Count	1	0	2	1	4
	% within Setting	1.0%	.0%	1.0%	1.3%	.9%
Total	Count	98	58	192	77	425

Appendix Table 4.29 displays how often participants of the study would make the mandatory advisement to the victim of her right to obtain a Temporary Restraining Order to seek relief from her abuser. The results show that the overwhelming majority of police

officers who participated in the study 89.9% (N=382) would comply with this provision of the Domestic Violence laws of New Jersey.

Appendix Table 4.30 displays study participants frequency of completing The Victim Witness Notification form. This form allows law enforcement personnel to make mandatory notifications to a victim of domestic violence at specified times under the Domestic Violence Act. The fact that 95.6% (N=406) would “always” or “most of the time” complete the form is evidence of widespread knowledge of this mandatory element of domestic violence enforcement procedures and officer’s willingness to comply with this provision of the law within the confines of this scenario.

Besides the mandatory requirements of the domestic violence laws of New Jersey, there are a number of possible actions in this research, which are inappropriate and improper. They would be considered neglect of duty if police officers engaged in such activities. These actions could open the officer up to departmental, civil or in rare cases, criminal charges. It is important to repeat that police officers are only exempt from civil liability in the enforcement of domestic violence offenses when officers’ act upon probable cause to make an arrest, commits an act in good faith to enforce a court order, or commits any other act or omission in good faith under the Domestic Violence Act. Given the facts of Scenario1 the following actions were deemed inappropriate and will be examined: Question 1 A “Take no police action, not a reportable offense”; Question 1 N “Advise victim to sign a complaint tomorrow”; and 1H “Arrest the offender for an offense not under the domestic violence laws.”

Appendix Table 4.31 is perhaps the most glaring example within Scenario 1 of an inappropriate response to an incident of domestic violence. The visible injury to Billy Jean, the statements of the victim and the surrounding circumstances all give rise to a presumption of sufficient evidence for a finding of probable cause that an act of domestic violence has occurred. With a fact pattern as described in Scenario 1, the responding police officer is mandated by law to sign a criminal complaint and made an arrest.

In this scenario the fact that 4.9% (N= 21) of officers would “always’ take no police action and would not classify this incident as an offense (a disorderly persons offense, synonymous with a misdemeanor) or a crime (synonymous with a felony) is both surprising and disturbing. When combined with respondents that would not take any police action “most of the time” 5.2% (N=22), study participants who would take no action about half the time 4.2% (N=18), and police officers who would only act “some of the time” 16.7% (N=71) almost one-third of all respondents (N=132) would not consider this incident to be a criminal offense on at least an occasional basis. The denial of the protection of the Domestic Violence Act to a victim, even one that is intoxicated and uncooperative, is in direct contravention to both the spirit and letter of the law under the described circumstances. The results of Appendix Table 4.31 are very similar to those of Table 4.2 in that 68.9% of study participants would “never” refuse to take action and 63.9% would always arrest the offender in the circumstances of Scenario 1.

Appendix Table 4.31 is another example of an inappropriate action as police officers are required to sign a criminal complaint given the facts of Scenario 1 and to inform the victim that she should sign a complaint tomorrow is simply incorrect. The

State of New Jersey, both in through the legislature and the directives of the State Attorney General make it clear that there should be no delay in rendering assistance to victims of domestic violence. Protocols have been established and are well known to ensure 24/7 access to all police and judicial services for victims of domestic violence.

Appendix Table 4.32 shows how often participants would properly classify Scenario 1. This table is a combination of four questions 1p, 1q, 1r, and 1s. The “count” rows show how many participants per setting properly responded “never” to the various questions. The highest response rate was to “never document incident as unfounded” at 90% (N=381). The lowest response rate was to “never document incident as a verbal dispute” at just two-thirds or 67% (N=285) of participants. These numbers are again close to those produced in Table 4.33 where officers who “always” documented this incident with an Investigation Report 69.1% (N=293). They are also close to Table 4.32 where officers reported documenting the incident with a “Domestic Violence Offense Report” 72.5% (N=308) of the time. This table shows that slightly less than one-half or 48.3% (N= 205) of study participants would “never” improperly advise the victim to wait until the next day to sign a complaint against her attacker. It is extremely disheartening that in circumstances similar to Scenario 1 participants of this study would give victims of domestic violence erroneous information more than half the time.

Another alternative that can be employed by police officers when faced with a domestic violence situation is to make an arrest at the scene of a domestic, but not for a violation of an offense under the Domestic Violence laws. This alternative often satisfies the need to have an offender to be charged with an offense and removed from the scene

of the domestic violence for the evening without triggering many of the time and work force consuming mandatory provisions of the Domestic Violence laws. Appendix Table 4.34 displays the frequency with which officers in this study were willing to employ such measures in Scenario 1.

The second question asked after scenario 1 examines the justification of why a study participant decided to take the particular course of actions under the specific circumstances. These results are found in Table 4.6. This question was asked after each scenario to explore if an officer's justifications may change with circumstances or if police officers consistently apply the same justifications regardless of the situational facts. The responses were ordered ranked to allow both the most important and least important justifications to be examined. Of the seven possible responses that participants were given to choose from, one justification had a response rate of 54% (N=357). This justification was "mandated under Law." Three other possible responses had moderate response rates they are: "based on my experience as a police officer" 13% (N=88), "based on my departmental policy" 11% (N=88), and "based on my training as a police officer" 11% (N=70). The final three responses were very low in Scenario 1 they are: "based on my supervisor's preference" at 5% (N=30), "discretionary under law" 4% (N=28), and "comply with the wishes of the victim 2% (N=16). Although participants were asked to rank and select each action only once, many officers decided to give multiple responses to this question. This resulted in more than 423 responses being recorded. If multiple responses were eliminated then the 357 responses of "Mandated

under law” would represent the “most important” justification of 84% of all respondents in this study.

The high percentage of police officers in this study who base their actions on their knowledge of the law bodes well for the fact that the vast majority of police officers in this study believe that they are following the mandates of the Domestic Violence laws of New Jersey. The fact that a considerably lower number of officers complied with the mandated actions within the scenario may suggest issues concerning poor and insufficient training and understanding of the requirements for enforcing the requirements of Domestic Violence laws of New Jersey.

Table 4.6

Scenario 1: Most Important Justification of Officer’s Actions

	Urban 97 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 76 Participants	Total 423 Participants
Mandated under law	87	48	159	63	357
Discretionary under the law	11	6	8	3	28
Comply with the wishes of the victim	7	4	4	1	16
Based on training as a police officer	29	14	24	9	76
Based on experience as a police officer	31	9	36	12	88
Based on departmental policy	30	12	18	10	70
Based on supervisor’s preferences	12	7	6	5	30
Total	207	100	255	103	665*

* Although participants were asked to rank and select each action only once, many officers decided to give multiple responses to this question. This resulted in more than 423 responses being recorded.

In similar fashion, the study participants listed their least important justification for their actions within Scenario 1 in Table 4.7. Not surprisingly the response “comply with the wishes of the victim” which had the smallest “most important” justification had the largest “least important” justification at 23% (N=115). If measured on the scale of possible respondents the 115 would represent 27% of the 423 police officers in the study who responded to this question. This is less than one-third of the “most important” response.

Table 4.7

Scenario 1 Least Important Justification of Officer’s Actions

	Urban 97 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 76 Participants	Total 423 Participants
Mandated under law	7	3	7	5	22
Discretionary under the law	22	12	30	10	74
Comply with the wishes of the victim	35	18	45	17	115
Based on training as a police officer	12	2	29	15	58
Based on experience as a police officer	16	16	29	13	74
Based on departmental policy	19	10	38	6	73
Based on supervisor’s preferences	25	10	39	14	88
Total	136	71	217	80	504*

* Although participants were asked to rank and select each action only once, many officers decided to give multiple responses to this question. This resulted in more than 423 responses being recorded.

The remaining five answers were all in a similar range of 12% to 17%. The responses in declining order were: “based on my supervisor’s preferences” at 17% (N=88), the response “based on my experience as a police officer” at 15% (N=74), the response “discretionary under the law” at 15% (N=74), “based on my departmental policy” at 14% (N= 73), and “based on my training as a police officer” with 12% (N=58). The response “mandated under law,” which had the largest “most important” response, reported the smallest “least important justification” with only 4% (N=22) of all 504 responses.

Scenario 2

You respond to the Jones residence where you find the Mrs. Jones in a disheveled state. She invites you in and you see an interior door smashed. She does not display any signs of injury, but she complains she had “the wind knocked out of her” and she is holding her ribs. She stated that her husband “just lost it” and threw her into the door. She doesn’t know what to do. She states that she is in fear for the safety of her four children and herself. At this time, Mr. Jones comes back from Home Depot with a new door.

Analysis: Scenario 2

In this situation, the officer is confronted by a multitude of issues. Here the female victim Mrs. Jones is not exhibiting visible signs of an injury, but there is considerable evidence that an assault has taken place and that she has sustained internal injuries. Her complaint of “having the wind knocked out of her” and “holding her ribs” along with the physical evidence of the broken door are sufficient to establish probable cause that an assault has occurred. As this was caused by her husband it qualifies as an act of domestic violence under the New Jersey Criminal Code. The charges should include criminal mischief for the damaged door and assault for being thrown through the door. Mrs. Jones additional statements that she is in fear for her safety and that of her children trigger additional mandatory criteria. The fact that her husband has just returned with a new door should not influence the officer in the performance of his duty.

First, the police officer should dispatch the appropriate medical assistance for the victim. Second, Mr. Jones should be arrested for assault on his wife and the officer should sign the criminal complaint. Finally, the officer should assist the victim in

applying for a temporary restraining order against her husband. As in Scenario 1, there are additional actions the officer must take. The officer **must** advise and explain to the victim m) her rights under the domestic violence laws, including her right to obtain a Temporary Restraining Order. As an assault has occurred, the incident should be documented by the officer with: t) an Investigation Report, v) a Domestic Violence Offense form, and x) a Victim Witness Notification form.

Table 4.8 displays the distribution of how officers identified the offender in Scenario 2. 99.1% (N=421) of officers in the survey correctly identified the male, Mr. Jones, as the offender under the Domestic Violence laws in Scenario 2.

Table 4.8
Identify Offender Scenario 2

		Setting				Total
		Urban	Urban Suburb	Large Suburban	Small Suburban	
Male	Count	98	58	191	74	421
	% within Setting	100.0%	100.0%	99.5%	96.1%	99.1%
Female	Count	0	0	0	1	1
	% within Setting	.0%	.0%	.0%	1.3%	.2%
Both	Count	0	0	0	1	1
	% within Setting	.0%	.0%	.0%	1.3%	.2%
Neither	Count	0	0	1	1	2
	% within Setting	.0%	.0%	.5%	1.3%	.5%
Total	Count	98	58	192	77	425

Table 4.9 displays the number of participants by setting that the police officers would arrest the male offender under the Domestic Violence laws of New Jersey in scenario 2. This scenario is a mandatory arrest situation. 64.9% (N=276) of study participants who would “always” arrest the offender under the Domestic Violence laws in Scenario 2 must be considered low. Even when added with the 17.2% (N=73) of participants who would arrest “most of the time” for a combined 82.1% (N=349) an arrest could be expected in only four out of five such incidents.

Table 4.9

Scenario 2 G: Arrest Offender Under Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	68	44	116	48	276
	% within Setting	69.4%	75.9%	60.4%	62.3%	64.9%
Most of the time	Count	15	8	36	14	73
	% within Setting	15.3%	13.8%	18.8%	18.2%	17.2%
About half the time	Count	9	1	16	5	31
	% within Setting	9.2%	1.7%	8.3%	6.5%	7.3%
Some of the time	Count	6	4	20	7	37
	% within Setting	6.1%	6.9%	10.4%	9.1%	8.7%
Never	Count	0	1	4	3	8
	% within Setting	.0%	1.7%	2.1%	3.9%	1.9%
Total	Count	98	58	192	77	425

Table 4.10 displays the frequency with which officers would undertake the mandatory action of personally signing a criminal complaint against the offender in Scenario 2.

Similar to Scenario 1, in Scenario 2 less than half or 49.2 (N=208) of respondents would take this course of action mandated under the law. Even with the category “most of the time” combined only 65.7% (N=278) of police officers would take this action. The two **Urban** settings display higher rates of “always” making the mandatory arrest, but lower “most of the time” rates for Scenario 2.

Table 4.10

Scenario 2 J: Officer to Sign Complaint

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	56	34	85	33	208
	% within Setting	57.1%	58.6%	44.7%	42.9%	49.2%
Most of the time	Count	13	7	37	13	70
	% within Setting	13.3%	12.1%	19.5%	16.9%	16.5%
About half the time	Count	9	1	17	6	33
	% within Setting	9.2%	1.7%	8.9%	7.8%	7.8%
Some of the time	Count	13	10	31	10	64
	% within Setting	13.3%	17.2%	16.3%	13.0%	15.1%
Never	Count	7	6	20	15	48
	% within Setting	7.1%	10.3%	10.5%	19.5%	11.3%
Total	Count	98	58	190	77	423
	% within Setting	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.11 displays that in Scenario 2 that study participants were slightly more willing to “always” document the incident with an “Investigation Report” 76.9% (N=326) than officers were in Scenario 1. When considered in combination with participants who would document this incident “most of the time” 9.9% (N=42) with an “Investigation Report” officers in this study group would correctly memorialize this act of domestic violence at least 77.8% (N=388) most of the time or more frequently.

Table 4.11

Scenario 2 U: Document Incident with an "Investigation Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	72	49	137	68	326
	% within Setting	73.5%	84.5%	71.7%	88.3%	76.9%
Most of the time	Count	13	3	22	4	42
	% within Setting	13.3%	5.2%	11.5%	5.2%	9.9%
About half the time	Count	2	1	6	1	10
	% within Setting	2.0%	1.7%	3.1%	1.3%	2.4%
Some of the time	Count	3	2	9	3	17
	% within Setting	3.1%	3.4%	4.7%	3.9%	4.0%
Never	Count	8	3	17	1	29
	% within Setting	8.2%	5.2%	8.9%	1.3%	6.8%
Total	Count	98	58	191	77	424

Appendix Table 4.35 displays the frequency with which officers would dispatch medical assistance for a victim that is in obvious pain but exhibits only limited signs of physical injury as found in Scenario 2. This is a mandatory provision of the Domestic

Violence laws which officers are required to comply and adhere to. Study participants responded that they would “always” dispatch medical assistance 77.6% of the time in Scenario 2. When combined with respondents who answered “Most of the time” victims would be dispatched medical assistance 90.1% (N=383) in such incidents.

In Scenario 2, the fact that Mrs. Jones has stated that she is in fear for her safety and that of her four children should trigger the responding officer’s need to advise and assist the victim to obtain a Temporary Restraining Order (TRO). The Temporary Restraining order is designed to prohibit contact between the victim and her attacker for a brief period, usually between a week and 10 days, to allow the victim time to rationally consider her/ his situation and decide on how they wish to proceed in their relationship with their abuser.

There are, in addition to the no contact order, other provisions of the TRO for continued temporary financial support, prohibiting the attacker from returning to the scene/ residence of the domestic violence without a police escort. This brief return is only for the removing limited personal items, which can be imposed by the court. Anger management and an alcohol or drug treatment programs can also be imposed on the attacker if requested and warranted in the opinion of the judge. The victim will be required to appear in court to have a Superior Court judge at the County level decide to continue, modify or dismiss the TRO. The TRO can also be converted to a Final Restraining Order (FRO), which is permanent and remains in effect until such time as the victim wishes to rescind the FRO, goes before a judge, and has the order modified. Under no circumstances can the victim rescind or modify the restraining order by his/her

own action or statement. Nor can the victim be held accountable if the offender violates a restraining order based on statements or actions of the victim. Violation, by the attacker, of a TRO or FRO are grounds for a mandatory arrest under the Domestic Violence laws of New Jersey, based on probable cause.

Appendix Table 4.36 displays how often participants of the study would make the mandatory advisement to the victim of her right to obtain a Temporary Restraining Order to seek relief from her abuser. The results for survey question 2M show that the overwhelming majority of police officers who participated in the study 90.4% (N=384) would comply with this provision of the Domestic Violence laws of New Jersey. The category “most of the time” represented an additional 6.4% (N=27) of study participants. If combined, police officers in this study confronted with a similar scenario could be expected to advise victims of their rights to obtain a TRO under the provisions of the Domestic Violence laws of New Jersey 96.8% (N=411) of the time.

It is mandatory that for each domestic violence offense that occurs in New Jersey a Domestic Violence Offense report must be completed. In Table 4.12 for Scenario 2, study participants reported that they would always” 83.8% (N= 356) document the incident with a Domestic Violence Offense report. Another 9.2% (N=39) would complete the Domestic Violence Offense report “most of the time. Combined, this would produce a compliance rate of 92% (N=395) for this scenario.

Table 4.12

Scenario 2 V: Document with "Domestic Violence Offense Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	82	53	156	65	356
	% within Setting	83.7%	91.4%	81.2%	84.4%	83.8%
Most of the time	Count	9	3	22	5	39
	% within Setting	9.2%	5.2%	11.5%	6.5%	9.2%
About half the time	Count	1	0	7	0	8
	% within Setting	1.0%	.0%	3.6%	.0%	1.9%
Some of the time	Count	4	2	5	7	18
	% within Setting	4.1%	3.4%	2.6%	9.1%	4.2%
Never	Count	2	0	2	0	4
	% within Setting	2.0%	.0%	1.0%	.0%	.9%
Total	Count	98	58	192	77	425

Appendix Table 4.37 shows the frequency for officers in this study that would have the victim of Scenario 2 sign the Victim Witness Notification form as required under the Domestic Violence laws of New Jersey. 90.6% (N=385) of officers reported that they would “always” comply with this requirement. This is slightly higher than in Scenario 1 (85.9%). Another 5.4% (N= 23) would comply with this requirement “most of the time.”

In Scenario 2, there are specific actions that are inappropriate and violations of the Domestic Violence laws of New Jersey. Among the list of possible courses of action the

following would be: a) Take no police action, not a reportable offense, e) Remove offender from household for night, h) Arrest the offender for an offense not under the domestic violence laws, n) Advise victim to sign a complaint tomorrow, o) Make no written report of incident, p) Document incident as “unfounded”, q) Document incident as “Gone on Arrival”, r) Document incident as “verbal dispute”, s) Document incident as “family problem.”

Appendix Table 4.38 depicts the most egregious of these transgressions in that the officer’s report taking no police action in the circumstances and fact pattern of this situation. Fortunately, only 8.5% (N=36) of officers surveyed would “some of the time” or more frequently take no police action in Scenario 2. 91.5% (N= 389) would take some form of police action in this situation.

Appendix Table 4.39 finds that slightly over one-half or 50.6% (N= 215) of study participants would “never” improperly advise the victim to wait until the next day to sign a complaint against her attacker. This is a mandatory arrest situation where the officer is required to sign the criminal complaint. While a slight improvement over Scenario 1, it is still disheartening that in circumstances similar to Scenario 2, participants of this study would give victims of domestic violence erroneous information almost half the time N= 210 of 425 (49.4%).

Appendix Table 4.40 shows how often participants would properly classify Scenario 2. This table is a combination of four questions 2p, 2q, 2r, and 2s. Each of these choices is improper as they would decriminalize the incident and attempt to minimize the facts of Scenario 2. The downgrading of the seriousness of a domestic

violence incident is a major concern to all parties interested in the reduction of domestic violence. First, the incident is not recorded as an act of domestic violence, the offender will not be discouraged from further acts of domestic violence, and the victim may feel that her abuse is not being treated with the degree of seriousness it deserves.

The “count” rows show how many participants per setting properly responded “never” to the various questions. The highest response rate was to “never document incident as unfounded” at 98% (N=413). The answer “never document as gone on arrival” also received a very high response rate of 96% (N=408). The response “family problem” was used to define the facts of Scenario 2 by study participants 19% (N=81) of the time. The response “document incident as a verbal dispute” was used by 20% (N=84) of study participants to improperly classify this scenario as something other than an act of domestic violence.

Appendix Table 4.41 examines an alternative to mandatory arrest under the Domestic Violence law. In these circumstances, an offender is arrested for a violation of the law, but not a violation of the domestic violence laws. It may be a means to remove the offending party to allow the victim to collect her/his thoughts and make decisions without being influenced by their attacker. It may also allow for a cooling off period for both parties to deescalate the conflict. This alternative is now considered improper under current mandatory pro-arrest policies. Making an arrest for other than an offense other than an act domestic violence can also considerably reduce the paperwork the officer must complete, than if the incident were treated under the provisions of the domestic

violence laws. Considerably more officers were willing to employ this alternative to a mandatory arrest in Scenario 2 than in Scenario 1.

The second question asked after scenario 2 explores the justification of why a study participant chose the particular course of action under the specific circumstances of the situation. The responses were order ranked to allow both the most important and least important justifications to be examined. Table 4.13 displays the most important justification, for officers in this study, for their actions in Scenario 2.

Table 4.13

Scenario 2: Most Important Justification of Officer's Actions by Setting

	Urban 96 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 76 Participants	Total 422 Participants
Mandated under law	79	46	155	58	338
Discretionary under the law	12	8	20	10	50
Comply with the wishes of the victim	10	3	6	0	19
Based on training as a police officer	31	11	24	10	76
Based on experience as a police officer	28	13	27	12	80
Based on departmental policy	27	13	17	10	67
Based on supervisor's preferences	17	8	8	3	36
Total	204	102	257	103	666*

* Although participants were asked to rank and select each action only once, many officers decided to give multiple responses to this question. This resulted in more than 422 responses being recorded.

Of the seven possible responses that participants were given to select from, the justification “Mandated under Law” had the highest response rate of 51% (N=338). This was also the highest response in Scenario 1. Three other possible responses had moderate response rates in Scenario 2 they are: “Based on my experience as a police officer” 12% (N=80), “Based on my training as a police officer” 11% (N=76), and “Based on my departmental policy” 10% (N=67). Again, the same categories were in the second tier of responses in Scenario 1. The final three responses were the lowest response rates in Scenario 2: “Discretionary under law” 8% (N=50), “Based on my supervisor’s preference” at 5% (N=36), and “Comply with the wishes of the victim” 3% (N=19). If multiple responses are eliminated, then the 338 responses of “Mandated under law” would represent the “most important” justification of 80% of all respondents in this study. This is a slightly lower statistic than found in the results of Scenario 1 by this measure.

In similar fashion, the study participants listed their least important justification for their actions within Scenario 2 in Table 4.14. The response “comply with the wishes of the victim” which had the smallest “most important” justification had the largest “least important” justification at 21% (N=105). If measured on the scale of possible study participants the 105 would represent 25% of the 422 police officers who responded to this question. Research subjects considered the response “based on my experience as a police officer” next least important at 20% (N=97). The next tier of four responses was in the range of 16% to 11%. The greatest of these for “least important justification” was “based on my supervisor’s preferences at 16% (N=77), the response “based on my departmental

policy” was at 15% (N= 76), “Discretionary under the law” at 12% (N=61), and “based on my training as a police officer” with 11% (N=56). The response “mandated under law” which had the largest “most important” response reported the smallest “least important justification” with only 4% (N=21) of all 493 responses.

Table 4.14

Scenario 2 Least Important Justification of Officer’s Actions by Setting

	Urban 96 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 76 Participants	Total 422 Participants
Mandated under law	8	3	9	1	21
Discretionary under the law	19	9	24	9	61
Comply with the wishes of the victim	33	14	40	18	105
Based on training as a police officer	12	7	28	9	56
Based on experience as a police officer	17	17	42	21	97
Based on departmental policy	17	13	37	9	76
Based on supervisor’s preferences	19	10	33	15	77
Total	125	73	213	82	493

* Although participants were asked to rank and select each action only once, some officers decided to give multiple responses to this question. This resulted in more than 422 responses being recorded.

Scenario 3

You are cruising the parking lot of a popular nightclub just before closing time. You observe a female pulling away from her male companion. She is visibly upset. Upon investigation, you find that the two had been engaged, but that she broke it off. She just wants to be left alone; she has an hour ride back to the “City,” to get home. While the ex-fiancé is telling you his sob story of female troubles, the female interrupts and states “Officer, I got a copy of my restraining order here from New York, he is not suppose to come within 100 feet of me. Can’t you tell him just to leave me alone?” What actions do you take?

Analysis: Scenario 3

In this situation, the officer is again confronted by a victim, the female party in this scenario, who does not wish to press a criminal complaint, but simply wants her attacker to stop harassing her. The female is a victim of domestic violence in that a valid court order protecting her has been violated. For the police officer, simply separating the parties and sending them on their way may have been possible, if not for the out of state restraining order that the officer is made aware of in the course of his investigation. Despite the fact that the restraining order is not from a New Jersey court, it must be given full faith and credit. The facts of this scenario are clearly a violation of the terms of a restraining order. While there is no need for an additional domestic violence offense to occur for a violation of a restraining order to take place in this situation, just the mere presence of the offender in physical contact with the victim is sufficient to trigger the violation of the New York Court order.

It must be noted that a court order only prohibits the offender from having any contact with the victim. The victim cannot violate the terms of a restraining order in New Jersey. Even if the victim lures the defendant into a situation where the offender is in violation, with the implied or explicit consent of the victim, the offender is still the only one in violation of the court-imposed order. The restraining order can only be violated by the defendant and any contact can subject him/her to a mandatory arrest in New Jersey.

Depending what the officer's investigation reveals, it may also trigger additional charges for harassment or stalking. The violation is witnessed by the officer, this turns this ex-lovers spat into a **mandatory** arrest situation of the offender. The police officer also **must** sign the criminal complaint. The appropriate paperwork would include: t) an Investigation Report, v) a Domestic Violence Offense form, and x) a Victim Witness Notification form. Among the list of possible courses of action the following would be inappropriate are: a) Take no police action, not a reportable offense, e) Remove offender from household for night, h) Arrest the offender for an offense not under the domestic violence laws, n) Advise victim to sign a complaint tomorrow, o) Make no written report of incident, p) Document incident as "unfounded", q) Document incident as "Gone on Arrival", r) Document incident as "verbal dispute", s) Document incident as "family problem", and t) Document the incident with an "Operations report."

This situation is fraught with serious implications for the officer who fails to take the necessary actions. If the officer witnessing this offense were to do nothing and if either later this date, or in the future, the male offender were to injure the victim or worse, the police officer could be held liable civilly for failing to protect the victim.

Departmental discipline could also be imposed up to and including dismissal from the department. There would also be the potential for civil liability for the police department and the officer's supervisors under the theory of vicarious liability for failure to supervise and failure to train.

Table 4.15 examines the ability of study participants to correctly identify the male as the offending party in Scenario 3. Police officers in this research correctly identified the male as the offender in this situation 94.4% (N=401) of the time.

Table 4.15

Scenario 3: Identify Offender

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Male	Count	90	56	185	70	401
	% within Setting	91.8%	96.6%	96.4%	90.9%	94.4%
Female	Count	1	1	4	0	6
	% within Setting	1.0%	1.7%	2.1%	.0%	1.4%
Both	Count	5	1	1	4	11
	% within Setting	5.1%	1.7%	.5%	5.2%	2.6%
Neither	Count	2	0	2	3	7
	% within Setting	2.0%	.0%	1.0%	3.9%	1.6%
Total	Count	98	58	192	77	425
	% within Setting	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.16 displays the number of study participants who would arrest the offender under the Domestic Violence laws and the frequency with which they would do so in each setting. In this research, 70.7% of all study subjects would “always” make the

mandatory arrest in the circumstances described in Scenario 3. When combined with the category “most of the time” 11.1% (N=47) a compliance rate of 81.8% is calculated. More officers in the study were reluctant to take the required action mandated by the Scenario 3 fact pattern than in either of the other scenarios so far examined.

Table 4.16

Scenario 3 G: Arrest Offender Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	66	45	140	48	299
	% within Setting	68.0%	77.6%	73.3%	62.3%	70.7%
Most of the time	Count	15	3	23	6	47
	% within Setting	15.5%	5.2%	12.0%	7.8%	11.1%
About half the time	Count	4	2	9	2	17
	% within Setting	4.1%	3.4%	4.7%	2.6%	4.0%
Some of the time	Count	6	4	11	12	33
	% within Setting	6.2%	6.9%	5.8%	15.6%	7.8%
Never	Count	6	4	8	9	27
	% within Setting	6.2%	6.9%	4.2%	11.7%	6.4%
Total	Count	97	58	191	77	423

To examine this phenomena more closely the responses to the option to arrest the offender not under the Domestic Violence laws will be examined to see how many study participants chose to select this alternative course of action to resolve Scenario 3.

Appendix Table 4.42 reveals that almost one-half of all study participants or 49.5%

(N=209) would arrest the offender, but not under the Domestic Violence laws “some the time” or more.

Table 4.17 displays the frequency with which officers would undertake the mandatory action of personally signing a criminal complaint against the offender in Scenario 3. As this is a violation of one of the mandatory arrest situations under the New Jersey Domestic Violence Act, police officers are required to sign the criminal complaint in this situation. Participants in this study were slightly more likely to take this action in Scenario 3, 52.4% (N=221) than in the two previous hypothetical scenarios.

Table 4.17

Scenario 3 J: Officer to Sign Complaint

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	50	35	101	35	221
	% within Setting	52.1%	60.3%	52.6%	46.1%	52.4%
Most of the time	Count	14	3	21	9	47
	% within Setting	14.6%	5.2%	10.9%	11.8%	11.1%
About half the time	Count	3	3	12	4	22
	% within Setting	3.1%	5.2%	6.2%	5.3%	5.2%
Some of the time	Count	16	7	28	10	61
	% within Setting	16.7%	12.1%	14.6%	13.2%	14.5%
Never	Count	13	10	30	18	71
	% within Setting	13.5%	17.2%	15.6%	23.7%	16.8%
Total	Count	96	58	192	76	422

The largest increase occurred in the **Large Suburban** setting which rose to 52.6% of respondents would “always” sign the complaint against the offender as compared to Scenario 2 where only 44.7% (N=85) would and Scenario 1 where only 40.8% (N=78) would.

Appendix Table 4.43 examines the participant’s responses to the issue if the Scenario 3 warrants’ “no police action” at all. It is clear that the majority of police officers 85.4% (N=363) in this study report that they would not ignore the situation and take “no police action.” This lends credibility to Table 4.16 & Appendix Table 4.41 in which most subjects would take some police action to arrest the offender is Scenario 3. The results are slightly lower than in Scenario 2 (91.5%), but considerable higher than in Scenario 1 (68.9%) on this same question.

Appendix Table 4.44 shows the results of the frequency with which officers in this study would comply with the mandatory provisions of the Domestic Violence laws to advise the victim of her rights to obtain a Temporary Restraining Order. The low number of officers who would advise the victim of her rights to a restraining order 52.7% (N=216) may reflect the fact there is a standing restraining order in effect. This may also explain a small number of study participants (N=15) chose not to answer this particular question.

Table 4.18 shows the frequency that police officers in the study were only willing to “always” document this incident with an “Investigation Report” 70.3% (N=298) of the time. This action is an indication of the seriousness with which the study participant is treating the incident as it generates a Uniform Crime Report statistic. The result for

Scenario 3 was somewhat lower than in Scenario 2 (N=326) but marginally higher than in Scenario 1 (N=293). An additional 7.8% (N=33) of study participants would document the incident “most of the time” with an Investigation Report.

Table 4.18

Scenario 3 U: Document Incident with an "Investigation Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	66	46	130	56	298
	% within Setting	68.0%	79.3%	67.7%	72.7%	70.3%
Most of the time	Count	9	3	16	5	33
	% within Setting	9.3%	5.2%	8.3%	6.5%	7.8%
About half the time	Count	5	0	14	3	22
	% within Setting	5.2%	.0%	7.3%	3.9%	5.2%
Some of the time	Count	6	4	8	5	23
	% within Setting	6.2%	6.9%	4.2%	6.5%	5.4%
Never	Count	11	5	24	8	48
	% within Setting	11.3%	8.6%	12.5%	10.4%	11.3%
Total	Count	97	58	192	77	424

The mandatory requirement in New Jersey for each domestic violence offense to be documented with a Domestic Violence Offense report is examined for Scenario 3 in Table 4.19. Study participants reported that given the facts of Scenario 3 they would “always” document the incident with a Domestic Violence Offense report 73.8% (N=313) of the time. This is, again, consistently similar to the “always” of Scenario 1 (72.5%) and is lower than was exhibited in Scenario 2 (83.8%) The combined results for

the responses “most of the time” and “always” are similar with Scenario 3 recording a response rate of 81.6%, Scenario 1 with 81.4% and Scenario 2 at 93%.

Table 4.19

Scenario 3 V: Document with "Domestic Violence Offense Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	75	48	141	49	313
	% within Setting	77.3%	82.8%	73.4%	63.6%	73.8%
Most of the time	Count	8	2	20	3	33
	% within Setting	8.2%	3.4%	10.4%	3.9%	7.8%
About half the time	Count	3	0	9	2	14
	% within Setting	3.1%	.0%	4.7%	2.6%	3.3%
Some of the time	Count	6	3	10	12	31
	% within Setting	6.2%	5.2%	5.2%	15.6%	7.3%
Never	Count	5	5	12	11	33
	% within Setting	5.2%	8.6%	6.2%	14.3%	7.8%
Total	Count	97	58	192	77	424

Appendix Table 4.44 displays how often study participants would have the victim of Scenario 3 sign the Victim Witness Notification form as required under the Domestic Violence laws 80.1% (N=338). The results are the lowest percentage of officers complying with this mandatory requirement of the Domestic Violence laws so far seen in this study. Even when combined with the category “most of the time,” Scenario 3 results 85.8% were considerably lower than Scenario 1 at 95.5% or Scenario 2 at 96%. This is

consistent with the results of Table 4.16 where more police officers were reluctant to view this incident as a mandatory arrest under the Domestic Violence laws.

Scenario 3, as all the incidents in this research, contains questions about actions that are not only improper, but contrary to the legal requirements of the Domestic Violence laws of New Jersey. In Scenario 3, if the victim had simply made a complaint that a violation of the restraining order had occurred out of eyesight of the officers, there may have been some doubt as to establish the requirement of probable cause to make an arrest or sign a criminal complaint by the police officer. Under those circumstances, it is then appropriate for the officers to document the incident. If the victim still wishes to pursue a civil or criminal complaint, then the officer should arrange transport to police headquarters for the victim to begin the complaint process on their own. If the victim is reluctant to or does not wish to begin the complaint process, and none of the four mandatory arrest criteria are met, it is proper to advise the victim/ complainant of the complaint procedure to sign a criminal complaint the next day if she were to change her mind.

However, in Scenario 3, the violation of a court order was witnessed by the police officers, establishing probable cause, and escalating the incident to a mandatory arrest situation. The police officer **must** make an arrest and **must** sign a criminal complaint, even if the victim does not wish to press charges. To advise the victim to sign a complaint tomorrow is incorrect and contrary to the spirit and letter of the criminal statutes of the State of New Jersey. The results of Appendix Table 4.46 show that 60% (N=252) of study participants would “never” improperly advise a victim, as found in

Scenario 3, to wait until the next day to sign a criminal complaint against the offender. Again, this is the first instance in this study where the officer observed the offense and did not have to rely on the statements of the victim to establish probable cause that an act of domestic violence with a mandatory arrest situation had occurred. While the results of Appendix Table 4.46 are encouraging there is still considerable room for improvement in the 40% of study participants who would “some of the time” or more give the improper advice to the victim to wait until the next day (when she would be back in New York and out of the officer’s jurisdiction) to sign a complaint against the offender.

Appendix Table 4.47 shows how often participants would properly classify Scenario 3. This table is a combination of four questions 3p, 3q, 3r, and 3s. Each of these choices is improper as they would decriminalize the incident and attempt to minimize the facts of Scenario 3. The “count” rows show how many study participants in each setting properly responded “never” to the various questions, thereby refusing to improperly classify the criminal offense of this scenario. The highest response rate was to “never document incident as unfounded” at 94% (N=396). The response “never document as gone on arrival” also received a very high response rate of 93% (N=395). The other two responses enjoyed a greater usage and as such an improper selection as a classification for documenting scenario 3. The response “never document incident as a family problem” was used to define the facts of Scenario 3 in 87% (N=369) by study participants. The response “never document incident as a verbal dispute” was used by 74% (N= 312) of study participants who would not attempt to diminish the severity of the offenses actions in Scenario 3 by misidentification of the incident.

These numbers again closely reflect those produced in Table 4.18 where study participants who “always” documented this incident with an Investigation Report 70.3% (N=298). They also closely reflect the study participants who “always arrested the offender under the Domestic Violence laws” at 70.7% (N=299). The fact that a considerable number of study participants on a regular basis, would not classify Scenario 3 as a crime or an act of domestic violence, is one of serious concern. Despite the fact that the victim does not wish to pursue the issue or file a criminal complaint, that both parties are from out of state, and that the court order is also from an out of state jurisdiction, a police officer must uphold the domestic violence laws without exception. In reality, a prosecution under the circumstances of Scenario 3 may be an exercise in futility. There is little chance of a successfully prosecute for such a violation, where both parties reside out of state and there is a reluctant victim.

The second question asked after scenario 3 will allow for a more detailed exploration of the justification as to why study participants chose the particular course of action. The responses were order ranked to allow both the most important and least important justifications to be examined. Table 4.20 displays the most important justification for officers in this study of their actions in Scenario 3.

Of the seven possible responses that participants were given to select from, the justification “Mandated under Law” had the highest response rate of 50% (N=343). This was also the highest response in Scenarios 1 and 2. Three other possible responses had moderate response rates in Scenario 3, they are: “Based on my experience as a police

officer” 12% (N=84), “Based on my departmental policy” 11% (N=73), and “Based on my training as a police officer” 11% (N=72).

Table 4.20

Scenario 3 Most Important Justification of Officer’s Actions by Setting

	Urban 96 Participant s	Urban Suburb 58 Participant s	Large Suburban 192 Participant s	Small Suburban 76 Participant s	Total 422 Participant s
Mandated under law	78	46	164	55	343
Discretionary under the law	17	8	11	9	45
Comply with the wishes of the victim	9	3	6	4	22
Based on training as a police officer	30	12	21	9	72
Based on experience as a police officer	26	14	26	18	84
Based on departmental policy	30	12	20	11	73
Based on supervisor’s preferences	16	8	10	5	39
Total	206	103	258	111	678

*Although participants were asked to rank and select each action only once, many officers decided to give multiple responses to this question. This resulted in more than 422 responses being recorded.

Again, these same categories were the second tier of responses in Scenarios 1 and

2. The final three responses, which were the lowest response rates in Scenario 3 are:

“Discretionary under law” 7% (N=45), “Based on my supervisor’s preference” at 6% (N=39) and “Comply with the wishes of the victim 3% (N=22). If multiple responses

were eliminated, then the 343 responses of “Mandated under law” would represent the

“most important” justification of 81% of all respondents in this study. This is a slightly

higher statistic than found in the results of Scenario 2 (80%) and lower than in Scenario 1 (84%) by this measure.

Study participants listed their least important justification for their actions within Scenario 3 in Table 4.21. The response “comply with the wishes of the victim” which had the smallest “most important” justification, had the largest “least important” justification at 21% (N=104). If measured on the scale of possible study participants, the 104 would represent 25% of the 422 police officers who responded to this question.

Table 4.21

Scenario 3 Least Important Justification of Officer’s Actions by Setting

	Urban 96 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 76 Participants	Total 422 Participants
Mandated under law	7	1	7	3	18
Discretionary under the law	17	8	22	13	60
Comply with the wishes of the victim	35	10	40	19	104
Based on training as a police officer	10	5	30	10	55
Based on experience as a police officer	16	18	36	17	87
Based on departmental policy	18	15	42	11	86
Based on supervisor’s preferences	25	10	37	11	83
Total	128	67	214	84	493*

*Although participants were asked to rank and select each action only once, many officers decided to give multiple responses to this question. This resulted in more than 422 responses being recorded.

Research subjects considered the response “based on my experience as a police officer” next least important at 18% (N=87), followed by “based on my departmental policy” at 17% (N=86) and “based on my supervisor’s preferences” at 17% (N=83). The final three responses recorded the following tallies for least important justifications: “discretionary under the law” at 12% (N=60), “based on my training as a police officer” with 11% (N=55), and “mandated under law” which had the largest “most important” response reported the smallest with only 4% (N=18) of all responses.

It would appear that from the responses to Tables 4.20 and 4.21 the police officers in this study were inclined to disregard the wishes of the victim and to rely on the mandatory requirements of the law in determining the correct course of action to take, given the facts of Scenario 3. Yet, only 70.7% of police officers would “always” make the arrest under the circumstances (Table 4.16). While 81% of study participants list the justification “mandated under law” as their primary motivation in this scenario, it is clear many officers in this research either misunderstand or misapply the law.

Where study participants could justify, in some ways, their frequent inaction in Scenarios 1& 2 on a lack of probable cause; Scenario 3 was designed to eliminate this obstacle by having the officer observe the violation of the Domestic Violence laws as it occurred. Yet, the analysis of each of the hypothetical situations on an identical series of questions resulted in very similar outcomes for all the scenarios, which included mandatory arrest situations.

Scenario 4

You respond to a report of a “domestic in progress” where you are met by Mrs. Daniels. The complainant tells you that her husband Jack has violated a court order and she wants him removed and taken either to jail or to the hospital. You enter to find her husband passed out naked on the bedroom floor. He is highly intoxicated. There is a mess on the kitchen floor with milk dripping out of a container and several broken eggs. Mrs. Daniels goes on to say that she is very aware of her rights under domestic violence and insists that you arrest and remove her husband immediately. She tells you that a condition of his probation is that he not return to the household if he has been drinking. She goes on to say that Jack made the mess in the kitchen looking for more beer. There is no history of prior domestic violence between the parties or restraining orders in effect. What actions do you take?

Analysis: Scenario 4

In Scenario 4, the responding police officer is confronted by several issues that have a direct bearing on his handling of the situation. First, despite both the dispatch call and Mrs. Daniels assertion that this is an act of domestic violence; it is, in reality, a first aid call. There is no history of domestic violence between the parties. Nothing in the fact pattern can be construed as an act of domestic violence. The fact pattern in this scenario tells the officer that there are no restraining orders in effect. There are no violations of the Domestic Violence laws that would warrant a mandatory arrest. However, a highly intoxicated and unconscious Mr. Daniels is in need of medical assistance. Mr. Daniels

should be taken to the nearest hospital for the appropriate medical treatment, not under arrest, but for his own safety.

As to Mrs. Daniels assertions that her husband is on probation and forbidden to return to the household if drinking may be true, but without actual proof that this is in fact the case, the responding police officer would be irresponsible to arrest Mr. Daniels on the basis solely of the statements of Mrs. Daniels. She is in no imminent danger as her husband will be under medical care and supervision. The officer should document the incident and advise Mrs. Daniels of her right to obtain a Temporary Restraining Order tomorrow. There is no need for a Domestic Violence Offense report as no crime has been committed. A Victim Witness Notification form may be completed as Mrs. Daniels will be advised of her rights, more as a courtesy than a necessity, in this situation. Some form of documentation for the incident is appropriate, both for the medical treatment of Mr. Daniels, and to memorialize why this was not an act of domestic violence.

The actions that an officer would take in a situation such as this is considerably different for the reasons previously explained. As such, several questions not previously examined will be explored in Scenario 4. This incident was included in this research, both as a control to see how officers would respond to a non-arrest situation, and to explore officer's reactions when a complainant insists that an arrest be made, but no probable cause exists to take such action.

Table 4.22 examines who the study participants consider the offender in Scenario 4. 70.1% (N=298) of the research subjects consider the male to be the offender, while 24.7% of the officers in the study found neither party to be considered an offender

in Scenario 4. Meanwhile 4.2% (N=18) of respondents considered Mrs. Daniels to the offender under the circumstances.

Table 4 .22

Scenario 4 Identify the Offender

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Male	Count	67	49	133	49	298
	% within Setting	68.4%	84.5%	69.3%	63.6%	70.1%
Female	Count	6	2	7	3	18
	% within Setting	6.1%	3.4%	3.6%	3.9%	4.2%
Both	Count	0	1	2	1	4
	% within Setting	.0%	1.7%	1.0%	1.3%	.9%
Neither	Count	25	6	50	24	105
	% within Setting	25.5%	10.3%	26.0%	31.2%	24.7%
Total	Count	98	58	192	77	425

Table 4.23 shows the research participant's responses to the statement "take no police action, not an offense or crime." While no crime or offense has taken place upon which the officer must or can make an arrest, he is still required to render first aid to the intoxicated and unconscious Mr. Daniels in this situation. It was surprising that 41.8% of officers surveyed stated that "some of the time" or more, that they would take no police action under the circumstances of Scenario 4. Only in the setting **Urban Suburb** was there any relative variation in the percentage of officers who would "never take no police action" compared to the other three settings.

Table 4.23

Scenario 4 A: Take No Police Action

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	14	4	12	9	39
	% within Setting	14.3%	6.9%	6.3%	11.7%	9.2%
Most of the time	Count	15	2	21	10	48
	% within Setting	15.3%	3.4%	11.1%	13.0%	11.3%
About half the time	Count	4	4	16	8	32
	% within Setting	4.1%	6.9%	8.4%	10.4%	7.6%
Some of the time	Count	12	7	33	6	58
	% within Setting	12.2%	12.1%	17.4%	7.8%	13.7%
Never	Count	53	41	108	44	246
	% within Setting	54.1%	70.7%	56.8%	57.1%	58.2%
Total	Count	98	58	190	77	423

Table 4.24 shows the research subjects ability to use the art of persuasion to attempt to diffuse the issues in Scenario 4. Mrs. Daniels is under the misimpression that the police are going to arrest her husband. The responding police officer is not able to accommodate the wishes of Mr. Daniels. They can remove and get him the medical assistance he requires. There is a need for the officer to show concern for the desire of Mrs. Daniels to see her husband incarcerated, but to convince her that his medical condition takes priority. In Scenario 4, 35.5% (N=151) of study participants would “always” try to ‘deescalate, mediate and resolve the situation,’ 52% (N=221) would

“some of the time” to “most of the time” try to deescalate this situation. Only 12.5% of officers surveyed would not attempt to diffuse this situation through mediation.

Table 4.24

Scenario 4 B: Deescalate, Mediate, Resolve the Situation

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	34	22	70	25	151
	% within Setting	34.7%	37.9%	36.5%	32.5%	35.5%
Most of the time	Count	17	9	40	18	84
	% within Setting	17.3%	15.5%	20.8%	23.4%	19.8%
About half the time	Count	14	12	34	6	66
	% within Setting	14.3%	20.7%	17.7%	7.8%	15.5%
Some of the time	Count	16	9	29	17	71
	% within Setting	16.3%	15.5%	15.1%	22.1%	16.7%
Never	Count	17	6	19	11	53
	% within Setting	17.3%	10.3%	9.9%	14.3%	12.5%
Total	Count	98	58	192	77	425

Table 4.25 displays study participants who would take the action of removing the offender in order to obtain medical treatment for detoxification and/ or counseling. Only 12.2% (N=51) of officers surveyed would “never” take this action under the circumstances of Scenario 4. Of the 295 study participants who identified the male as the offender only 47.5% (N=140) would “always” remove the individual for detoxification and/or counseling. Another 43% (N=127) of respondents who identified Mr. Daniels as the offender would “some of the time” to “most of time” seek treatment for him.

Table 4.25

Scenario 4 F: Remove Offender for Detoxification/Counseling

		Remove offender detox/counseling					Total
		Always	Most of the time	About half the time	Some of the time	Never	
Male as offender	Count	140	67	20	40	28	295
	% within row	47.5%	22.7%	6.8%	13.6%	9.5%	100.0%
Female as offender	Count	8	4	2	0	4	18
	% within row	44.4%	22.2%	11.1%	.0%	22.2%	100.0%
Both as offenders	Count	2	0	0	1	1	4
	% within row	50.0%	.0%	.0%	25.0%	25.0%	100.0%
Neither as offender	Count	35	22	12	13	18	100
	% within row	35.0%	22.0%	12.0%	13.0%	18.0%	100.0%
Total	Count	185	93	34	54	51	417

Table 4.26 displays the frequency with which study participants would arrest the individual, if any, whom they identified as the offender in Scenario 4. Of those study participants who identified the **male** as the offender (N=298,) over half 56% (N=167) would arrest Mr. Daniels for a violation of the Domestic Violence laws. Of the 102 officers in the study who identified neither party as the offender, 32 would arrest someone, who it is not clear, at “least some of the time” or more often in this scenario. Just under half, 49.2% (N=207) of all survey participants would “never” make an arrest.

Table 4.26

Scenario 4 G: Arrest Offender Under Domestic Violence Laws

		Arrest offender under Domestic Violence laws					Total
		Always	Most of the time	About half the time	Some of the time	Never	
Male as offender	Count	49	25	27	66	131	298
	% within row	16.4%	8.4%	9.1%	22.1%	44.0%	100.0%
Female as offender	Count	4	3	2	4	4	17
	% within row	23.5%	17.6%	11.8%	23.5%	23.5%	100.0%
Both as offenders	Count	0	0	0	2	2	4
	% within row	.0%	.0%	.0%	50.0%	50.0%	100.0%
Neither as offender	Count	7	8	2	15	70	102
	% within row	6.9%	7.8%	2.0%	14.7%	68.6%	100.0%
Total	Count	60	36	31	87	207	421

Appendix Table 4.48 displays the frequency with which officers participating in this research would arrest the individual whom they identify as the offender for an offense not under the Domestic Violence laws. For this to occur the police officer would have made the determination, that, no act of domestic violence has transpired, but a criminal offense has taken place. In this scenario, it would be difficult for an officer to make an arrest for a disorderly person's offense as it would have had to occur in the presence of the officers, especially as the male in this scenario is unconscious.

It is somewhat surprising and disappointing that of the research subjects in this study who identify Mr. Daniels as the offender 55.9% (N=166) would arrest him “some of the time” or more in Scenario 4 for an offense not under the Domestic Violence laws of New Jersey . There is no basis for a mandatory or even a discretionary arrest given the fact pattern of this scenario. It is also dismaying that over fifty percent (215 of 420) of police officers surveyed would find it necessary to arrest someone in this situation at least “some of the time.” Perhaps the silver lining in the data of Appendix Table 4.48 is that only 8% (N=32) of the police officers in this study would “always” make an arrest, under an offense other than the Domestic Violence laws given the facts of Scenario 4. Still, it is of some consolation that the arrest rates for Scenario 4 indicate that a sizable minority 49% (N=205) of police officers participating in this research would not arrest for a violation of the law not under the domestic violence laws and identical and similar number (N=207) would not arrest under the domestic violence laws.

Appendix Table 4.49 is another indication that study subjects are not as likely to resolve Scenario 4 by making an arrest as in the other situations of this research. Only 11% (N=46) of police officers in this research would “always” sign a complaint against an individual given the facts of Scenario 4. Conversely, 53.6% (N=224) of all research subjects would “never” personally sign a complaint in this situation. Of those officers who determined Mr. Daniels to be the offender (N=295) in this scenario, almost half or 47.5% (N=140) would “never” sign a complaint against him. Of the officers who found neither party to be the offender (N=102,) still 26.5% (N=27) would personally sign a complaint in this situation. This table demonstrates the fact that many officers in this

study are justifiably uneasy with making an arrest or personally signing a complaint given the circumstances in the fact pattern of this situation.

Appendix Table 4.50 examines the responses of police officers in this study as to the issue of advising the victim to seek counseling. This is an appropriate response as this is not an incident of domestic violence and there is a need for some form of intervention on what would appear to be an ongoing and growing problem between the parties. Only 7.8% (N=23) of all study participants who identified the male as the offender would not advise Mrs. Daniels to seek counseling. Over half 52.7% of officers who identified Mr. Daniels as the offender would “always” offer this advice to his wife in the circumstances of Scenario 4. Where officers identified neither party as the offender, 83% still offered advice to the parties to seek counseling. As from the fact pattern, Mr. Daniels is unconscious and highly intoxicated in Scenario 4, it is safe to assume that this advice would be given to his wife under the circumstances. The same will hold true for the advice that results in Appendix Table 4.51.

Appendix Table 4.51 displays how often research participants would advise Mrs. Daniels to obtain a restraining order under the circumstances of Scenario 4. Regardless of who was identified as the offender 60.6% (N=255) of officers in this study would “always” give the advise to one of the parties to seek a restraining order. Only 13.1% (N=55) would never make this suggestion under these circumstances. Mrs. Daniels would still have the option of seeking a restraining order in front of a judge if she so desired. It will be up to the judge to establish probable cause and issue a restraining order as they may deem necessary.

In scenario 4, as the fact pattern is not an incident, which involves an act of domestic violence, it is less important as to what type of report is generated to memorialize the incident just as long as some form of documentation to be produced so that the officer's actions are memorialized. Appendix Table 4.52 examines study participants responses to the frequency with which they would not document Scenario 4 and generate a report on the incident. This need for documentation is evidenced by 80.5% (N=339) of study participants declining to make "no written report" in this scenario. While the original call of a "domestic in progress" may be unfounded, Mrs. Daniels allegations of her husband violated a court order and the reason for taking no action warrant some paperwork and the justifications for the police not taking the requested action. The scenario states that a check was conducted and no record of a domestic violence restraining order could be found. This may be an important point if Mrs. Daniels makes a complaint in the future over the perceived inaction in this situation. The responding officer in Scenario 4 made a good faith effort to verify Mrs. Daniels allegations. He cannot act solely on her allegations. They must be verified before taking any police action. There is also a need to render first aid and provide transportation for her husband to a medical facility if deemed appropriate.

Appendix Table 4.53 displays study participant's response to the frequency with which they would document Scenario 4 with a Domestic Violence Offense report. Generating this report would mean that the officer would have to enumerate which of the fourteen crimes under the Domestic Violence Act that the offender has committed. Given the facts of Scenario 4, it would be difficult to find any criminal act that has

occurred. It is most curious that despite 103 officers in the study finding “neither” as an offender 40.8% (N=42) of those officers chose to complete the Domestic Violence Offense Report. Most surprising in Table 4.53 is the fact that of the majority of police officers in the study would not “always” complete the required Domestic Violence Offense Report. Of the study participants who identified Mr. Daniels as the offender 71% (N=298), over one-fourth 26.2% (N=78) would “never” document the offense with a Domestic Violence Offense report. 33.6% (N=100) of officers in this category would complete this required paperwork “some of the time” to “most of the time” in this scenario. In fact, only 40.3% (N=120) of police officers who determined (erroneously in this case) that an act of domestic violence had occurred would “always” file this mandatory paperwork.

Appendix Table 4.54 displays how often research participants in this study would have the victim sign the “Victim Witness Notification” form by whom they identified as the “offender” in Scenario 4. It is difficult to justify how those officers participating in this study who identified Mr. Daniels as the “offender” (N=297) failed to have his wife sign the “Victim Witness Notification” form. Only 56.9% (N=169) of this group would have “always” completed this form while 17.2% (N=51) would “never” do so.

In Scenario 4, there was a considerable shift in the rationalization given by the research participants as their “most important” justification for their actions. This is displayed in the results of Table 4.27. Of the 666 responses only 37% (N=245) of police officers in this study considered the option of “mandated by law” as one of their most important responses to this question. If duplicate responses are eliminated the percentage

rises to 48%. This is still well below the Scenario 1 response rate to this question of (84%), the Scenario 2 response rate of (80%), and the Scenario 3 response rate of 81%.

Table 4.27

Scenario 4 Most Important Justification of Officer's Actions by Setting

	Urban 96 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 76 Participants	Total 422 Participants
Mandated under law	64	29	108	44	245
Discretionary under the law	31	17	40	19	107
Comply with the wishes of the victim	8	2	10	2	22
Training as a police officer	27	16	30	13	86
Experience as a police officer	31	13	37	17	98
Departmental policy	25	14	19	8	66
Supervisor's preferences	15	11	10	6	42
Total	201	102	254	109	666*

* Although participants were asked to rank and select each action only once, some officers decided to give multiple responses to this question. This resulted in more than 422 responses being recorded.

This shift is to be expected as Scenario 4 was not a mandatory arrest situation or one in which a criminal offense occurred. The response with the largest increase in Scenario 4 was the rationale “discretionary under law. Where this response had previously received “most important” justification in Scenario 1 of 4%, Scenario 2 of 8% and Scenario 3 of 7% in Scenario 4 this response rose to 16%. The attempts in the wording of Scenario 4 by Mrs. Daniels to influence the actions of responding officer had no influence on their justification in this situation. The justification to “comply with the

wishes of the victim” received only 3% (N=22) of all responses. This was similar to Scenario 1 at 2% (N=16), Scenario 2 at 3% (N=19), and Scenario 3 at 3% (N=22).

In a similar fashion, survey respondents were not influenced by the words of Mrs. Daniels in determining their “least important” justification in Scenario 4 as seen in Table 4.28. As in the three previous scenarios the justification to “comply with the wishes of the victim” was ranked first at 19% (N=95). This is similar to Scenario 1 at 23% (N=115), Scenario 2 at 21% (N=105), and Scenario 3 at 21% (N=104). The other six options for “least important justification were also all similar to the other three scenarios in their response rates with minor variations.

Table 4.28

Scenario 4 Least Important Justification of Officer’s Actions by Setting

	Urban 96 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 76 Participants	Total 422 Participants
Mandated under law	15	3	12	3	33
Discretionary under the law	14	7	20	7	48
Comply with the wishes of the victim	29	12	33	21	95
Training as a police officer	17	8	31	7	63
Experience as a police officer	16	16	40	15	87
Departmental policy	19	12	40	9	80
Supervisor’s preferences	23	7	36	16	82
Total	133	65	212	78	488

* Although participants were asked to rank and select each action only once, some officers decided to give multiple responses to this question. This resulted in more than 422 responses being recorded.

Scenario 5

You respond to the Delta apartment complex at 11PM having received numerous complaints from neighbors, of a domestic dispute in progress. Upon your arrival, angry neighbors swarm you. They tell you that action must be taken to arrest someone. The door to the apartment is wide open. Mrs. Coors is punching and kicking away at her husband. He is holding her off but he has a bloody lip and a minor laceration from a kitchen knife wound inflicted by his wife. She has deep bruises on both arms that are already turning black, apparently from her husband trying to restrain her. Mr. Coors is somewhat intoxicated and belligerent towards you. Your supervisor is yelling over the radio that there is a serious accident on the other side of town that you needed to assist at. What actions do you take?

Analysis: Scenario 5

Scenario 5 involves an altercation between a husband and wife where the female is the aggressor having used a weapon, a knife, to superficially cut her husband. While Mrs. Coors has also sustained bruises, the scenario makes clear that her husband inflicted these bruises in self-defense trying to restrain his wife from inflicting further injury. The New Jersey Criminal Code makes it clear that the investigating officer must insure that “no victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self-defense against domestic violence by an attacker” *N.J.S.A. 2C:25-21c(3)*. In this situation, the officers also witnessed Mrs. Coors assaulting her husband as they approached the residence. Study participants have more than enough probable cause to establish that an act of domestic violence has occurred.

This scenario is a **mandatory arrest** situation as a weapon was used to inflict an injury. Mrs. Coors should be arrested for the aggravated assault on her husband. First aid should be provided to both parties. Inquiries should be made if there are any weapons in the residence that may pose a threat to Mr. Coors. Obviously, the police would not confiscate every kitchen knife in the residence, but if there were firearms that belonged to Mrs. Coors or any other weapons, the police are obligated to seize them. Mr. Coors intoxication and belligerence is noted in the fact pattern, but as no criminal actions were placed in the scenario, this should not have been a factor in deciding to arrest him.

The police officer also **must** sign the criminal complaint. The appropriate paperwork would include: t) an Investigation Report, v) a Domestic Violence Offense form, and x) a Victim Witness Notification form. Among the list of possible courses of action the following would be inappropriate: a) Take no police action, not a reportable offense, e) Remove offender from household for night, h) Arrest the offender for an offense not under the domestic violence laws, n) Advise victim to sign a complaint tomorrow, o) Make no written report of incident, p) Document incident as “unfounded”, q) Document incident as “Gone on Arrival”, r) Document incident as “verbal dispute”, s) Document incident as “family problem”, and t) Document the incident with an “Operations report.”

The other external factors that the neighbors are demanding that someone be arrested or that your supervisor is requesting your assistance at another call on the other side of town are irrelevant. The police officer responding to a violent domestic dispute is obligated to handle the situation and make the arrest and process the crime scene.

As can be seen from Table 4.29 75.5% (N=321) police officers who participated in this study correctly identified Mrs. Coors as the offender in Scenario 5. Only 5.9% identified Mr. Coors as the offender. Surprisingly, 18.4% of study participants determined that both parties were offenders in this scenario. By combining the ‘female and “both” categories, Mrs. Coors would have been correctly arrested by 93.9% of the officers in this study. Conversely, Mr. Coors would have been improperly arrested by 24.3% of the officers in this study for the facts as they were presented.

Table 4.29

Scenario 5: Identify Offender

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Male	Count	12	6	6	1	25
	% within Setting	12.2%	10.3%	3.1%	1.3%	5.9%
Female	Count	69	43	159	50	321
	% within Setting	70.4%	74.1%	82.8%	64.9%	75.5%
Both	Count	17	8	27	26	78
	% within Setting	17.3%	13.8%	14.1%	33.8%	18.4%
Neither	Count	0	1	0	0	1
	% within Setting	.0%	1.7%	.0%	.0%	.2%
Total	Count	98	58	192	77	425

It is interesting to note that Mr. Coors was much more likely to be identified as the sole offender in the **Urban** and **Urban Suburb** settings while both parties were much

more likely to be identified as the offender in the **Small Suburban** setting. The **Large Suburban** setting was more likely to correctly identify only Mrs. Coors as the offender.

Table 4.30 shows that the police officers in this study consider the facts of Scenario 5 to warrant an “always” arrest with a rate of 89.2% (N=379). If this statistic is combined with the officers who selected “most of the time” the arrest rate jumps to 96% (N=408). It is clear that either the level of mutual violence or the fact that a weapon was used in this scenario caused the officers in the study to consider the need to make an arrest imperative under the circumstances presented.

Table 4.30

Scenario 5 G: Arrest Offender Under Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	84	53	169	73	379
	% within Setting	85.7%	91.4%	88.0%	94.8%	89.2%
Most of the time	Count	9	2	16	2	29
	% within Setting	9.2%	3.4%	8.3%	2.6%	6.8%
About half the time	Count	4	1	3	0	8
	% within Setting	4.1%	1.7%	1.6%	.0%	1.9%
Some of the time	Count	1	1	1	2	5
	% within Setting	1.0%	1.7%	.5%	2.6%	1.2%
Never	Count	0	1	3	0	4
	% within Setting	.0%	1.7%	1.6%	.0%	.9%
Total	Count	98	58	192	77	425

The data from Scenario 5 G will also be examined, by the identity of the offender, as there were such a large number of research subjects who elected to arrest both offenders in this circumstance. Table 4.31 would indicate that of those officers who determined that Mrs. Coors was the aggressor in this situation that 91% (N=292) would “always” arrest her in this situation. Of those officers who determined that “both” parties in Scenario 5 were the offenders 88.5% (N=69) would “always” make the arrest. Only .9% (N=4) of all study participants would never make an arrest in this scenario. This is an opportunity to examine the concept of dual arrest within the concept of domestic violence offenses. The male victim was incorrectly arrested by 24% of the study participants under the circumstances of this scenario.

Table 4.31

Scenario 5 G: Identify and Arrest Offender Under the Domestic Violence Laws

Identified as the offender		Arrest offender under DV laws					Total
		Always	Most of the time	About half the time	Some of the time	Never	
Male	Count	18	1	4	1	1	25
	% within row	72.0%	4.0%	16.0%	4.0%	4.0%	100.0%
Female	Count	292	22	2	3	2	321
	% within row	91.0%	6.9%	.6%	.9%	.6%	100.0%
Both	Count	69	6	2	0	1	78
	% within row	88.5%	7.7%	2.6%	.0%	1.3%	100.0%
Neither	Count	0	0	0	1	0	1
	% within row	.0%	.0%	.0%	100.0%	.0%	100.0%
Total	Count	379	29	8	5	4	425

Appendix Table 4.55 examines the frequency with which study subjects would make an arrest for an offense not under the Domestic Violence laws. This table reveals more than one-half of all study participants 56.2.5% (N=237) would select this option. This is less than in Scenarios 1 (N=223) & 3 (N=209) and the same as in Scenario 2 (N=185). Most surprising in Appendix Table 4.28 is that 54.4% (N=173) of study participants who correctly identified Mrs. Coors as the primary offender in Scenario 5 would “some of the time” or more arrest her not under the Domestic Violence laws but for another offense. The number of police officers in the study who would “always” arrest the offender, but not for an offense under the Domestic Violence laws was also much higher for Scenario 5 (N=94) than in the other scenarios which were also mandatory arrest situations.

Since a large portion of the survey participants determined that both parties were offenders, the data in Scenario 5 G is presented in two forms. Appendix Table 4.56 displays how often study participants would arrest the individuals they deemed to be the offender in Scenario 5 under laws other than the Domestic Violence laws. The results of Appendix Table 5.57 show that almost all police officers in this study 95.5% (N=405) would take some form of police action in the conditions of Scenario 5. Only 1.6% (N=7) of all respondents reported that they would “always” take no police action. This is a good indication that most study subjects were able to comprehend the severity of the parties’ actions in this scenario and take some action to intervene.

Table 4.32 displays the frequency with which officers would undertake the mandatory action of personally signing a criminal complaint against the offender in Scenario 5. Study participants were much more likely to sign the criminal complaint 73.8% (N=313) “always” than in the other three mandatory arrest scenarios examined. This was consistent across all four settings in this scenario. Only 4.5% (N=19) of officers in this study would “never” personally sign the criminal complaint, a requirement under the Attorney General Guidelines and the Domestic Violence laws.

Table 4.32

Scenario 5 J: Officer to Sign Complaint

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	72	43	144	54	313
	% within Setting	73.5%	74.1%	75.4%	70.1%	73.8%
Most of the time	Count	16	4	19	9	48
	% within Setting	16.3%	6.9%	9.9%	11.7%	11.3%
About half the time	Count	5	1	8	5	19
	% within Setting	5.1%	1.7%	4.2%	6.5%	4.5%
Some of the time	Count	4	4	12	5	25
	% within Setting	4.1%	6.9%	6.3%	6.5%	5.9%
Never	Count	1	6	8	4	19
	% within Setting	1.0%	10.3%	4.2%	5.2%	4.5%
Total	Count	98	58	191	77	424

Table 4.33 shows the frequency that police officers in the study were only willing to “always” document this incident with an “Investigation Report” at 82.8% (N=351).

The crime described in Scenario 5 was the most serious offense committed in this study. It is proper for this incident to receive an Investigation Report as documentation of the incident, as it would be recorded for the Uniform Crime Report Statistics, for follow-up investigative services, and for potential court proceedings. The data for Scenario 5 support this supposition, as the documentation rates from the other scenarios were somewhat lower than in this situation: Scenario 2, 76.9% (N=326); Scenario 3, 70.3% Scenario 1, 69.1% (N=293).

Table 4.33

Scenario 5 U: Document with "Investigation Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	76	51	153	71	351
	% within Setting	78.4%	87.9%	79.7%	92.2%	82.8%
Most of the time	Count	7	3	13	2	25
	% within Setting	7.2%	5.2%	6.8%	2.6%	5.9%
About half the time	Count	3	0	1	0	4
	% within Setting	3.1%	.0%	.5%	.0%	.9%
Some of the time	Count	2	1	7	0	10
	% within Setting	2.1%	1.7%	3.6%	.0%	2.4%
Never	Count	9	3	18	4	34
	% within Setting	9.3%	5.2%	9.4%	5.2%	8.0%
Total	Count	97	58	192	77	424

Appendix Table 4.58 shows the frequency with which officers in this study 90.7% (N=382) would “always” comply with the mandatory provisions of the Domestic

Violence laws to advise the victim of his/her rights to obtain a Temporary Restraining Order. As Scenario 5 is the most serious of all the situations presented in this research, it was anticipated that a larger number of study subjects would take this action compared to the other situations. This was not substantiated by the data of Appendix Table 4.58, as the percentages for the other mandatory scenarios were Scenario 1, 89.9%; Scenario 2, 90.4%; Scenario 3, 52.7%. Perhaps the perception of mutual combat and the effect of dual arrests reduced the number of officers who would take this mandatory action under these circumstances.

Appendix Table 4.59 examines the frequency with which study participants would “always” have the victim of Scenario 5 sign the Victim Witness Notification form 93.9% (N=399) as required under the Domestic Violence laws. The result for this scenario is the highest percentage of officers complying with this mandatory requirement, in this study, so far examined. This is an indication that the officers in this study found the fact pattern of this situation serious enough for reporting to the State Police for inclusion in the Uniform Crime Reports. The findings for the other scenarios are: Scenario 1, 85.9% (N=365); Scenario 2, 90.6% (N=385); and Scenario 3, 80.1% (N=338).

For Scenario 5, the mandatory requirement for each domestic violence offense that occurs in New Jersey must be documented with a Domestic Violence Offense report is examined in Table 4.34. Study subjects consistently recognized this fact across all settings for the serious nature of Scenario 5. Police officers in the study reported “always” documenting the incident with a Domestic Violence Offense report 91.1%

(N=387) of the time. This was higher than any other scenario with a mandatory arrest requirement: Scenario 1 (72.5%), Scenario 2 (83.8%), and Scenario 3 (76.9%) so far examined. This willingness to properly document an act of domestic violence is a good indicator that police officers know the requirements of the law and will comply with the its provisions when the incident is sufficiently serious and action must be taken.

Table 4.34

Scenario 5 V: Document with "Domestic Violence Offense Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	84	54	177	72	387
	% within Setting	85.7%	93.1%	92.2%	93.5%	91.1%
Most of the time	Count	5	2	6	5	18
	% within Setting	5.1%	3.4%	3.1%	6.5%	4.2%
About half the time	Count	4	1	2	0	7
	% within Setting	4.1%	1.7%	1.0%	.0%	1.6%
Some of the time	Count	3	1	4	0	8
	% within Setting	3.1%	1.7%	2.1%	.0%	1.9%
Never	Count	2	0	3	0	5
	% within Setting	2.0%	.0%	1.6%	.0%	1.2%
Total	Count	98	58	192	77	425

Scenario 5 is the one situation, in this research, where a typical weapon, in particular a knife, was used in the commission of an act of domestic violence. In Scenario 5, the weapon also caused an injury. Under the Attorney General Guidelines of New Jersey, it would trigger the need for further investigation by the responding police

officer to determine if there were other weapons present, that may pose a threat to the victim and require the need for seizure. As seen in Appendix Table 4.60 a high percentage of police officers in this study 88.4% (N=375) had knowledge of and would take the appropriate actions required to seize any additional weapons, present in the household, that may pose an ongoing threat to the victim.

In Scenario 5, the fact pattern left little doubt that an act of domestic violence had occurred and the vast majority of police officers in this study concurred with this assessment and would take appropriate action to resolve this incident. Still a few of the inappropriate responses to the questions of Scenario 5 are worth examining individually. One of these actions 5H “arrest the offender for an offense not under the domestic violence laws,” has already been examined. Question 5A “take no police action, not a reportable offense” demonstrates that the police officers in this study are aware of the proper response and under sufficiently serious conditions will enforce the laws of New Jersey to their fullest extent. Question 5N, “advise the victim to sign a complaint tomorrow” is more ambivalent as to strict enforcement. Finally, a table that combines questions 5P, 5Q, 5R, and 5S and possible classifications of this incident as events other than a crime will be examined.

Appendix Table 4.61 stands as an example of the correct actions by the overwhelming majority of police officers studied in response to the facts of Scenario 5. It examines the frequency with which officers would take no police action under the described circumstances. 95.5% (N=406) of study participants classified this situation as requiring some form of police action as a crime had been committed. Only 1.6% (N=7)

of all research subjects were found to have elected to “always” fail to take any action under the circumstances of this scenario. The majority of police officers in this category (N=6) were from the **Urban** setting. The **Small Suburban** setting had the highest correct response rate of “never” at 98.7%, followed by the **Urban Suburb** at 98.3%, **Large Suburban** at 96.9, and **Urban** at 88.8%.

Appendix Table 4.62 displays the frequency with which police officers in this study would “advise the victim to sign a complaint tomorrow” in contravention of the New Jersey Attorney General Guidelines. The Guidelines require police officers to sign the criminal complaint when a mandatory arrest is required as by the fact pattern of the scenario. In Scenario 5, 61.2% (N=259) of study subjects would properly “never” give the advice to the victim to wait until the next day to file a criminal complaint. This is only slightly better than the 60% (N=252) response rate of Scenario 3, and somewhat better than the 50.6% (N=215) response rate of Scenario 2 or the 48.3% (N=205) of Scenario 1. In Scenario 5 study participants reported a slightly higher percentage of officers who would “always” advise the victim to wait till the next day of sign a complaint 15.6% (N=66) compared to the other mandatory arrest scenarios of Scenario 3 at 14.5% (N=61), Scenario 2 at 12.2% (N=52), and Scenario 1 at 11.3% (N=48). This is difficult to explain as more officers in this scenario selected to both arrest the offender under the Domestic Violence laws and to personally sign the criminal complaint against the offender than in any other situation in this research.

Appendix Table 4.62 shows how often participants would properly classify Scenario 5. This table is a combination of four questions 5p, 5q, 5r, and 5s. Each of

these choices is improper as they would decriminalize the incident and attempt to minimize the facts of Scenario 5. The “count” rows show how many study participants in each setting properly responded “never” to the various questions, thereby refusing to improperly classify the criminal offense of this scenario.

Study participants were extremely adamant in their nearly universal rejection of misclassifying this incident especially as “unfounded” at 96.9% (N=410), “gone on arrival” at 96.7% (N=409), and “verbal dispute” at 93.4% (N=395). Only the response to classify the incident as “family problem” gained any limited traction with study participants as 87% (N=368) rejected this option. This is an indication that the severity of the domestic violence incident portrayed in Scenario 5, including the use of a weapon and the injury sustained in this altercation.

These conclusions are in many ways confirmed by the results of Table 4.35, which examines the most important justification for the study participants’ actions in the scenario. Consistent with the results of this question in the other scenarios, the response “mandated under law” was the most frequently given with 54% (N=372) of police officers in this study justifying their actions in Scenario 5. This was once again the highest of the seven possible selections and the highest percentage of responses to this question in the study. Excluding multiple responses of the 424 study participants 88% of police officers in this research made this selection their top choice. This scenario produced the least number of officers that misunderstood or misapplied the prevailing criminal statutes.

Table 4.35

Scenario 5 Most Important Justification of Officer's Actions by Setting

	Urban 97 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 77 Participants	Total 424 Participants
Mandated under law	83	46	174	69	372
Discretionary under the law	10	8	6	7	31
Comply with the wishes of the victim	11	2	6	2	21
Based on training as a police officer	28	13	24	12	77
Based on experience as a police officer	29	13	22	14	78
Based on departmental policy	32	14	19	10	75
Based on supervisor's preferences	14	6	10	3	33
Total	207	102	261	117	687*

* Although participants were asked to rank and select each action only once, many officers decided to give multiple responses to this question. This resulted in more than 424 responses being recorded.

The second tier of responses to the most important justification of the police officer's actions were "based on my experience" at 11% (N=78), "based on my training" at 11% (N=77), and "based on departmental policy" 11% (N=75). The results for this category in Scenario 5 are consistent with the other mandatory arrest situations in scenarios 1, 2, and 3, both in the responses selected and the percentages of those responses. The three least popular categorical responses "based on my supervisor's preference" was at 5% (N=33), "discretionary under law" at 5% (N=31), and "comply with the wishes of the victim" at 3% (N=21).

In this scenario, the study participants were not given any facts or indication as to the wishes of either of the individual involved in the altercation in regards to pursuing criminal complaints against the other. Table 4.36 explores study subjects least important justification of officer's actions. This was, in part, due to the need to explore which party the police officer would identify as the victim and to preclude the fact pattern from giving any indication of who this may be. Still the response rate for "comply with the wishes of the victim" was as low here as when there was a clear indication that the victim did not wish to file charges against their attacker in Scenarios 1 and 3.

Table 4.36

Scenario 5 Least Important Justification of Officer's Actions by Setting

	Urban 97 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 77 Participants	Total 424 Participants
Mandated under law	9	3	5	1	18
Discretionary under the law	21	7	21	9	58
Comply with the victim wishes	26	15	29	12	82
Based on training as a police officer	20	7	31	10	68
Based on experience as a police officer	13	20	37	22	92
Based on departmental policy	21	11	55	11	98
Based on supervisor's preferences	19	10	35	16	80
Total	129	73	213	81	496*

*Although participants were asked to rank and select each action only once, some officers decided to give multiple responses to this question. This resulted in more than 424 responses being recorded.

Four responses were found in the upper tier of answers to this question “based on my departmental policy” at 20% (N=98), “based on my experience as a police officer” 18% (N=92), “comply with the wishes of the victim” 16% (N=82) and “based on my supervisor’s preferences” at 16% (N=80). Police officers in the study considered the following responses in the second tier of “least important” justifications: “based on my training as a police officer” at 14% (N=68), and “discretionary under the law” at 12% (N=58). The response with the lowest response to this question was again “mandated by law” at 4% (N=18).

Scenario 6

You respond to a 911 call for help at the Cleaver residence. They are “frequent flyers” in that this is at least the fourth time in the last year that your department has responded to domestic disturbances at this residence. On one prior occasion, Mr. Cleaver was arrested for simple assault. You arrive to witness Mrs. Cleaver again being assaulted in your presence by her husband, there are signs of physical injury, but she is refusing to press charges and begs you not to arrest him, since after his previous arrest Mr. Cleaver only became more violent. She just wants you to take her and their child to her mother’s house in the next town. What action do you take?

Scenario 6: Analysis

This scenario involves a situation all too familiar to the members of law enforcement; the recidivist abuser, and the victim who cannot break the bonds with their abuser. Based on the fact pattern of this situation, an act of domestic violence has occurred in the presence of the responding police officer, who has witnessed the assault upon Mrs. Cleaver, by her husband. There is also a history of prior domestic disturbances between the parties, and at one incidence of domestic violence with Mr. Cleaver being arrested. Despite Mrs. Cleaver’s pleas to be allowed to leave with the children and that no criminal charges be filed, the police officer responding to this situation has some very clear directives and standards that he must enforce.

As the police officer witnessed the act of domestic violence, which involved an assault with physical injuries, the responding officer **must** make an arrest of Mr. Cleaver and **must** sign a criminal complaint under the Domestic Violence laws. The offense

should be documented with an “Investigation Report” as a criminal offense has occurred, the “Domestic Violence Offense Report” to document the act of domestic violence, and a “Victim Witness Notification Form,” so the appropriate notifications to the victim can be made in a timely manner. Medical assistance should be dispatched for the victim, for her physical injuries. The victim must be advised of her right to obtain a Temporary Restraining Order. If there are any weapons that remain in the residence, (those either new since the last offense or which were not confiscated at that time) that pose a threat to the victim or the children, the police officers should arrange to seize them at this time.

Inappropriate actions in Scenario 6 would include taking no police action or not considering this incident to be an offense or a crime, to mislabel this incident as “unfounded”, “gone on arrival,” a verbal dispute, or as a “family problem.” Other improper actions would include to advise the victim to sign a complaint the next day, arrest the offender for an offense not under the Domestic Violence laws, and to make no written report on the incident.

Police officers responding to a situation such as described in Scenario 6 must be keenly aware that victims of domestic violence are at their greatest risk when they attempt to leave their abuser. Every precaution should be taken to ensure that if the victim does wish to make a clean break from her abuser that her location remains confidential from her attacker. The fact pattern of Scenario 6 left little doubt as to the aggressor and attacker in the situation. With probable cause firmly established by observations of the officer and visible injuries to the victim, this situation was the clearest of all the scenarios. Scenario 6 was presented as a situation that the police officers would

have little or no difficulty in distinguishing between the victim and the attacker. This question was intentionally included to give a gold standard against which the responses to the other scenarios could be measured. This is illustrated by Table 4.37 with 99.1% (N=421) of study participants correctly identifying Mr. Cleaver as the offender in this scenario.

Table 4.37

Scenario 6: Identification of Offender

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Male	Count	97	58	192	74	421
	% within Setting	99.0%	100.0%	100.0%	96.1%	99.1%
Female	Count	0	0	0	2	2
	% within Setting	.0%	.0%	.0%	2.6%	.5%
Both	Count	0	0	0	1	1
	% within Setting	.0%	.0%	.0%	1.3%	.2%
Neither	Count	1	0	0	0	1
	% within Setting	1.0%	.0%	.0%	.0%	.2%
Total	Count	98	58	192	77	425

The results of Table 4.38 show that under the facts given in Scenario 6 that 91% (N=386) of the police officers in the study would “always” arrest the offender. It is difficult to explain how the remaining 8.1% of officers who in the previous Table 4.100, identified Mr. Cleaver as the offender would not make the required arrest given the circumstances as explained in the scenario. The percentage of police officers who would

“always” make the required arrest was consistent across all four settings. Of the respondents who would make the arrest “most of the time” the **Large Suburban** and **Urban** settings exhibited considerably larger percentages compared to other locations.

Table 4.38

Scenario 6 G: Arrest Offender Under the Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	89	55	171	71	386
	% within Setting	90.8%	94.8%	89.5%	92.2%	91.0%
Most of the time	Count	7	1	15	3	26
	% within Setting	7.1%	1.7%	7.9%	3.9%	6.1%
About half the time	Count	1	0	0	2	3
	% within Setting	1.0%	.0%	.0%	2.6%	.7%
Some of the time	Count	1	1	3	0	5
	% within Setting	1.0%	1.7%	1.6%	.0%	1.2%
Never	Count	0	1	2	1	4
	% within Setting	.0%	1.7%	1.0%	1.3%	.9%
Total	Count	98	58	191	77	424

One plausible explanation for why so many police officers in this study did not make the required arrest of the domestic violence offender is that considerable portions of the study participants (24%) were in positions where they did not regularly respond to domestic violence calls as part of their regular duties. These officers might have been

less inclined to take the direct action required by the facts of Scenario 6. This, however, did not turn out to be the situation, as the data from Table 4.39 displays.

Table 4.39

Scenario 6: Regularly Respond to DV by Arrest Offender DV laws

Regularly Respond to Domestic Violence	Scenario 6 Arrest Offender under Domestic Violence laws		Setting				
			Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Yes	Always	Count	57	50	132	46	285
		% within Setting	90.5%	94.3%	88.6%	92.0%	90.5%
	Most of the time	Count	5	1	12	1	19
		% within Setting	7.9%	1.9%	8.1%	2.0%	6.0%
	About half the time	Count	1	0	0	2	3
		% within Setting	1.6%	.0%	.0%	4.0%	1.0%
	Some of the time	Count	0	1	3	0	4
% within Setting		.0%	1.9%	2.0%	.0%	1.3%	
Never	Count	0	1	2	1	4	
	% within Setting	.0%	1.9%	1.3%	2.0%	1.3%	
Total	Count	63	53	149	50	315	
No	Always	Count	32	5	39	25	101
		% within Setting	91.4%	100.0%	92.9%	92.6%	92.7%
	Most of the time	Count	2	0	3	2	7
		% within Setting	5.7%	.0%	7.1%	7.4%	6.4%
	Some of the time	Count	1	0	0	0	1
% within Setting		2.9%	.0%	.0%	.0%	.9%	
Total	Count	35	5	42	27	109	

For **Urban** police officers only 7% (N=9) of study participants would not “always” make an arrest in the facts of Scenario 6. The percentage of officers who regularly respond to domestic violence calls and would “always arrest” the offender in this scenario was 90.5% compared to 91.4% for those officers who do not respond to domestic violence calls on a regular basis. In the **Urban Suburb** setting of those study participants who would “always” arrest the offender, police officers with primary responsibility to domestic violence calls made the arrest in 94.3% of the time compared to 100% of officers who did not regularly answer domestic violence calls as part of their duties. For the **Large Suburban** setting in Scenario 6, officers who regularly responded to domestic calls would “always” make the arrest 88.6% of the time, while officers not assigned to do so would arrest the offender in 92.9% of such incidents. In the **Small Suburban** setting the officers in the study, who regularly respond to domestic calls, would “always” make the arrest 92% of the time while officers assigned to other responsibilities would make the arrest in 92.6% of such instances. This pattern was repeated in the category of arresting the offender “most of the time” with the exception of the **Small Suburban** setting where the numbers were so small as to be irrelevant. It is a reasonable assumption, from these findings, that assignment is not a factor in the determination to arrest the offender in this situation. It would also suggest that officer training of departmental attitudes should be examined more closely as a factor in determining the variations between settings found in Table 4.102.

In Appendix Table 4.64 one of the improper actions that a study participant could take in Scenario 6 is examined. Of survey participants 49.2% (N=209) reported that they

would “never” make an arrest of the offender that was not under the Domestic Violence laws. Police officers in the study reported that 22.3% (N=94) of the time that they would “always” arrest the offender for an offense other than under the Domestic Violence laws. This is improper as the only offense committed in the fact pattern of Scenario 6 is that of an assault which meets the criteria of a domestic violence offense.

Table 4.40 displays the frequency with which officers would undertake the mandatory action of personally signing a criminal complaint against the offender in Scenario 6. Study participants were most likely to sign the criminal complaint 81.2% (N=345) “always” than in the other four mandatory arrest scenarios in this survey.

Table 4.40

Scenario 6 J: Officer to Sign Complaint

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	78	49	159	59	345
	% within Setting	79.6%	84.5%	82.8%	76.6%	81.2%
Most of the time	Count	9	1	11	8	29
	% within Setting	9.2%	1.7%	5.7%	10.4%	6.8%
About half the time	Count	3	2	6	2	13
	% within Setting	3.1%	3.4%	3.1%	2.6%	3.1%
Some of the time	Count	7	4	11	1	23
	% within Setting	7.1%	6.9%	5.7%	1.3%	5.4%
Never	Count	1	2	5	7	15
	% within Setting	1.0%	3.4%	2.6%	9.1%	3.5%
Total	Count	98	58	192	77	425

When combined with the category “most of the time” 88% of police officers in the study would personally sign the criminal complaint given the fact pattern of this scenario. This is a further indication of the willingness of police officers to take the appropriate action when offenses under the domestic violence laws occur in their presence and are of a serious nature that requires immediate action.

Appendix Table 4.65 displays the frequency with which officers would dispatch medical assistance to the victim as found in scenario 6. This is a mandatory provision of the Domestic Violence laws component that officers are required to comply with. While more police officers would dispatch medical assistance for the victim in Scenario 6 at 81.6% (N=345,) it was not that much greater than in Scenario 1 where the victim was intoxicated and uncooperative 75.4% (N=318).

Still, there is considerable room for improvement at the other end of the spectrum of responses in Appendix Table 4.65. The fact that 7.8% (N=33) police officers would “never” document this incident with an Investigation Report and that additionally 1.2% (N=12) would “some of the time” or “about half the time” fail to properly document an incident with the fact pattern of Scenario 6 is disheartening. It shows that there is room for improvement in officers response in situations similar to the one described.

In Appendix Table 4.66 are found the frequencies with which officers in this study 96% (N=408) would “always” comply with the mandatory provisions of the Domestic Violence laws to advise the victim of his/her rights to obtain a Temporary Restraining Order. As Scenario 6 is the most obvious domestic violence scenario presented in this research, it was anticipated that a larger number of study subjects would

take this action and advise the victim to seek a temporary restraining order compared to the other situations. In addition, the fact that there is a history of domestic violence between the parties would make the responding police officers more likely to view this as a pattern of domestic violence and encourage the victim to go forward and seek the protection of the court. This was substantiated, as the percentages for the other mandatory scenarios were: Scenario 5 90.7% (N=382); Scenario 1, 89.9%; Scenario 2, 90.4%; Scenario 3, 52.7%.

Table 4.41 shows the frequency that police officers in the study were inclined to memorialize this incident with an “Investigation Report.” The study found 84.2% (N=356) of study participants would “always” correctly document this scenario. This crime was the most obvious offense committed in this study. The officers witnessed the assault as it occurred in their presence. It is logical for this incident to receive the appropriate documentation by a high percentage of study participants.

The statistics support this claim, as the data for officer compliance was even marginally higher than the more serious Scenario 5 which involved an aggravated assault with a weapon 82.8% (N=351). This was considerably higher than the other scenarios where the fact patterns were less explicit although still violations of the Domestic Violence Laws: Scenario 2, simple assault with a fearful victim 76.9% (N=326); Scenario 3, violation of a restraining order 70.3%; and Scenario 1, simple assault with an uncooperative victim and a missing offender 69.1% (N=293).

Table 4.41

Scenario 6 U: Document with "Investigation Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	78	53	153	72	356
	% within Setting	80.4%	91.4%	79.7%	94.7%	84.2%
Most of the time	Count	6	1	14	1	22
	% within Setting	6.2%	1.7%	7.3%	1.3%	5.2%
About half the time	Count	4	0	2	0	6
	% within Setting	4.1%	.0%	1.0%	.0%	1.4%
Some of the time	Count	1	0	5	0	6
	% within Setting	1.0%	.0%	2.6%	.0%	1.4%
Never	Count	8	4	18	3	33
	% within Setting	8.2%	6.9%	9.4%	3.9%	7.8%
Total	Count	97	58	192	76	423

For Scenario 6, the mandatory requirement for each domestic violence offense to be documented with a Domestic Violence Offense report is examined in Table 4.42. Consistent with the previous results of this scenario, police officers in this study reported they would “always” document the incident with a Domestic Violence Offense report 92.7% (N=394) of the time. This was the highest rate of all the scenarios with a mandatory arrest requirement. This finding further supports the concept that police officers can and will comply with the statutory requirements in domestic violence situations when the facts clearly establish probable cause to take mandatory arrest actions.

Table 4.42

Scenario 6 U: Document with "Domestic Violence Offense Report"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	89	56	174	75	394
	% within Setting	90.8%	96.6%	90.6%	97.4%	92.7%
Most of the time	Count	4	1	10	0	15
	% within Setting	4.1%	1.7%	5.2%	.0%	3.5%
About half the time	Count	4	0	3	0	7
	% within Setting	4.1%	.0%	1.6%	.0%	1.6%
Some of the time	Count	0	1	5	1	7
	% within Setting	.0%	1.7%	2.6%	1.3%	1.6%
Never	Count	1	0	0	1	2
	% within Setting	1.0%	.0%	.0%	1.3%	.5%
Total	Count	98	58	192	77	425

Appendix Table 4.67 examines how often study participants in Scenario 6 would have the victim sign the "Victim Witness Notification form." It was found that police officers who would "always" meet this requirement comprised 94.3% (N=400) of the study, as required under the Domestic Violence laws. This result is the highest percentage of officers complying with this mandatory requirement in this study. The findings for the other mandatory arrest scenarios are: Scenario 1, 85.9% (N=365); Scenario 2, 90.6% (N=385); Scenario 3, 80.1% (N=338) and Scenario 5, 93.9% (N=399). The compliance ratio on this question was consistently above 90% across all four settings.

Appendix Table 4.68 shows how often participants would properly classify Scenario 6. This table is a combination of four questions 6p, 6q, 6r, and 6s. Each of these choices is improper as they would decriminalize the incident and attempt to minimize the facts of Scenario 6. By examining the response “never” to this question, we obtain a good indication of the frequency with which officers in the study would not misclassify or misidentify the incident in an attempt to remove this scenario from the requirements of the Domestic Violence laws. It is clear, from this, that the only alternative classification that would gain any traction with study participants is the category “document as a family problem” which 13% (N=56) police officers would use to explain this incident “some of the time” or more.

Table 4.43 examines the “most important” justification for the study participants’ actions in Scenario 6. Consistent with the results of this question in the other scenarios, the response, “mandated under law,” was the most frequently given with 54% (N=372) of police officers in this study justifying their actions in this scenario. This was, once again, the highest of the seven possible selections and the exact same percentage of responses to this question in the study as in Scenario 5. Excluding multiple responses of the 424 study participants, 88% of police officers in this research made this selection their “most important” choice. It is reassuring to observe that the overwhelming majority of police officers in this study not only would initiate the proper course of action, but cite the mandatory obligations of the law, as their primary motivation for their actions.

The second tier of responses to the “most important” justification of the police officer’s actions were “based on my experience” at 12% (N=82), “based on my training” at 11% (N=77), and ‘based on departmental policy’ 10% (N=71).

Table 4.43

Scenario 6 Most Important Justification of Officer’s Actions

	Urban 97 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 77 Participants	Total 424 Participants
Mandated under law	85	47	169	71	372
Discretionary under the law	15	7	9	7	38
Comply with the wishes of the victim	6	4	5	1	16
Based on my training as a police officer	31	14	21	11	77
Based on my experience as a police officer	31	14	26	11	82
Based on my departmental policy	30	13	19	9	71
Based on my supervisor’s preferences	16	8	8	6	38
Total	214	107	257	116	694*

*Although participants were asked to rank and select each action only once, many officers decided to give multiple responses to this question. This resulted in more than 424 responses being recorded.

The results for this category in Scenario 6 are consistent with the other mandatory arrest situations in scenarios 1, 2, and 3 both in the responses selected and the percentages of those responses. The three least popular categorical responses ‘based on

my supervisor's preference" was at 5.5% (N=38), "discretionary under law" at 5.5% (N=38), and "comply with the wishes of the victim" at 2% (N=16).

In this scenario, the study participants were not given any indication as to the wishes of either of the participants in regards to pursuing criminal complaints against the other. This was, in part, due to the need to explore which party the police officer would identify as the victim and to preclude the fact pattern from giving any indication of who this may be. The study participant's low response rate for the justification "comply with the wishes of the victim" was a clear indication that this reasoning is not an important factor in determining the police officers actions in domestic violence situations under the mandatory arrest situations of New Jersey law.

By setting, the study participants in **Small Suburban** were most likely to justify their actions in Scenario 6 by "mandated by law" at 92% (N=71) of the time, followed by the **Urban** participants at 89% (N=85) and **Large Suburban** at 88% (N=169). The category in which police officers in the study with the least percentage justifying their actions in Scenario 6 as "mandated under law was the **Urban Suburb** setting.

In Table 4.44, study participants listed their least important justification for their actions within Scenario 6. Two responses were found in the upper tier of most frequent answers to this question "comply with the wishes of the victim" 21% (N=106), and "based on my departmental policy" at 19% (N=92). The next tier of responses included "based on my experience as a police officer" at 17% (N=85), based on my supervisor's preferences" at 16% (N=79), "discretionary under the law" at 12% (N=59), and "based on my training as a police officer" at 11% (N=53). The final response which has

consistently had the fewest justifications in mandatory arrest situations is “mandated by law at 4% (N=20).

Table 4.44

Scenario 6 Least Important Justification of Officer’s Actions

	Urban 97 Participants	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 77 Participants	Total 424 Participants
Mandated under law	9	4	6	1	20
Discretionary under the law	18	7	21	13	59
Comply with the wishes of the victim	36	14	37	19	106
Based on training as a police officer	12	5	27	9	53
Based on experience as a police officer	14	19	34	18	85
Based on departmental policy	19	11	54	8	92
Based on supervisor’s preferences	22	7	36	14	79
Total	130	67	215	82	494

* Although participants were asked to rank and select each action only once, some officers decided to give multiple responses to this question. This resulted in more than 424 responses being recorded.

Responses to officer’s least important justification in Table 4.44 show considerable variation as to study participants reasoning. **Urban** (37%) and **Small Suburban** (25%) respondents chose “comply with the wishes of the victim” as their most

popular “least important” justification. **Urban Suburb** police officers (33%) in the study chose “based on my experience as a police officer” while **Large Suburban** participants chose “based on my departmental policy” as their most frequent response for least important justification.

Chapter Five: Discussion and Conclusions

Major Findings

- Despite mandates for annual in-service training on domestic violence for all police officers, many officers do not receive this training as prescribed by law.
- Increased frequency of in-service training enhances enforcement of domestic violence laws even when that training is not directly related to domestic violence enforcement.
- Police officers in a mandatory arrest jurisdiction for the enforcement of domestic violence laws rely heavily on their perception of the law to justify their enforcement activities.
- There are significant correlations between a police officer's personal and professional positive opinions toward the enforcement of domestic violence legislation and his actions in mandatory arrest domestic violence situations.
- When police officers observe a domestic violence offense in a mandatory arrest jurisdiction, they are more likely to make an arrest, then when they must rely on victim statements or physical evidence.
- Victim's wishes and opinions on the enforcement of domestic violence laws have little effect on the arrest outcome in mandatory arrest jurisdictions according to both officer's opinions and reactions to hypothetical situations.

Research Questions and Hypotheses Addressed

H 1 There are geographic determinants, which will influence and effect the enforcement of domestic violence laws by police officers.

Research Question 1. Does the size and type of municipality where a police officer is employed affect his/hers enforcement of domestic violence laws? Do **Urban** and **Urban Suburb** police agencies take their responsibilities for the enforcement of domestic violence laws as seriously as **Suburban** departments? Are there differences in the enforcement of domestic violence laws by the Civil Service status of a police agency?

Table 5.1

Arrest Mean Scores by Geographic Work Setting

Statistics	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Mean	25.37	25.55	24.34	23.56	24.61
Std. Deviation	4.599	4.650	4.414	4.467	4.538
N	97	58	188	75	418

Table 5.1 displays the analysis of variance across the four setting groups for the combined scores of the five mandatory arrest scenarios (1, 2, 3, 5, & 6). The ratio of mean squares, the F statistic is 3.358 with observed significance level of .019. It is unlikely that the means of the arrest summary scores for the four setting in this study are the same. The **Urban Suburb** setting had the highest mean arrest summary score at 25.55, followed by the **Urban** setting at 25.37. The next highest score was for the **Large**

Urban setting at 24.34 with the **Small Suburban** ranking last in mean arrest summary score at 24.61.

Using the Bonferroni procedure for multiple comparisons of the four settings in the study produces Appendix Table 5.1. While none of the results are significant at the .05 level the table does show that the greatest variance differences are between the **Small Suburban** and the **Urban** (.055) and **Urban Suburb** (.07) settings.

A geographic determinant beyond the control of the police officer is the Civil Service status of the police department. This factor is determined at the municipal level and controls many factors of police agencies' operations from hiring, promotions, and discipline. Table 5.2 displays the arrest mean for police departments participating in this study by Civil Service status. The ANOVA findings for this table are an F statistic of 5.529 and a significance of 0.019. This observed significance level is small, so it is possible to reject the null hypothesis that the means of the two groups based on their department's participation in Civil Service are unequal. The arrest mean is lower for the Civil Service police agencies in this study.

Table 5.2

Arrest Mean Scores by Civil Service Status

Civil Service Agency	N	Mean	Std. Deviation
Yes	263	24.21	4.601
No	155	25.28	4.362
Total	418	24.61	4.538

Research Question 2. Do police officers in urban settings focus more on violent felony domestic violence offenses than on misdemeanor domestic violence crimes? Do higher crime rates and the need to deal with more serious crimes than misdemeanor domestic violence offenses translate into attitudes, which foster less enforcement?

Scenario 5 is the only scenario that involves a violent felony crime, an aggravated assault with a weapon, resulting in injury. Scenario 6 is the most serious misdemeanor domestic violence assault observed by the participants in the study. Scenario 1 is the situation with the lowest mandatory arrest response rate involving an assault in this study.

Table 5.3 examines the research question that police officers in urban settings are more likely to focus on violent felony domestic violence offenses than on misdemeanor domestic violence crimes. All of these scenarios are mandatory arrest situations under the Domestic Violence laws of New Jersey with a maximum score of six. While there would appear to be a minor variance in Scenario 5 for the **Urban** setting, the

Table 5.3

Arrest Mean Scores by Felony vs. Misdemeanor Domestic Violence Crimes

	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Scenario 5 Arrest Mean	5.65	5.81	5.76	5.84	5.76
N	98	58	192	77	425
Scenario 6 Arrest Mean	5.79	5.81	5.73	5.78	5.76
N	98	58	191	77	424
Scenario 1 Arrest Mean	5.16	5.25	4.91	4.81	5.00
N	98	58	190	75	421

Analysis of Variance produces an F ratio of 1.056 and a significance of .368. It is not possible to reject the null hypothesis that the arrest means are the same for all four settings.

In Scenario 6, the **Urban** setting displays the second highest arrest mean in the study. The Analysis of Variance examination produces an F ratio of .214 and a significance of .887. It is not possible to reject the null hypothesis that the arrest means are the same for all four settings. In Scenario 1, the **Urban** setting again produces the second highest arrest mean. The ANOVA analysis results in an F ratio of 1.65 and a significance of .176, failing to reject the null hypothesis that the means of the four settings are the same. From these results, it is clear that the **Urban** setting police officers in this study cannot be found to vary from police officers in the three other settings when dealing with felony domestic violence offenses, as compared to misdemeanor domestic violence offenses.

Research Question 3. Do a larger number of police officers assigned to a shift or squad have a positive effect on a police officer's enforcement of domestic violence laws within a specific geographical setting?

Crank and Wells (1991) and Weiseheit, Wells & Falcone (1999) found that officers from larger more urban police departments spend more time on the crime control than officers in smaller agencies. Conversely, it was found that officers in smaller police agencies expended significantly more resources providing services than did larger agencies. Meager (1985) found significant variation in police activities by city size in a

national study of 249 municipal agencies. How does this translate into the actions of the police in domestic violence situations involving mandatory arrest?

Does the working environment of the individual police officer have a direct effect on the enforcement of mandatory arrest domestic violence situations?

Table 5.4 displays the ANOVA results across the four groups for the size of the shift that a police officer is assigned to by the combined scores of the five mandatory arrest scenarios (1, 2, 3, 5, & 6). The ratio of mean squares, the F statistic is 5.51 with observed significance level of .001. It is unlikely that the means of the arrest summary scores for the four shift size categories in this study are the same. The 1-3 officer shift size (N=30) had the highest mean arrest summary score at 27.03, followed by the more than 9 officer shift size (N=77) at 25.47. The next highest score was for the 3-6 officer shift size (N=209) at 24.39 with the 7-9 officer shift size (N=102) recorded the smallest mean arrest rate of 23.69.

Table 5.4

Arrest Mean Scores by Shift Size in Mandatory Arrest Scenarios

	1-3 Officers	3-6 Officers	7-9 Officers	More than 9 Officers	Total
Mean	27.03	24.39	23.69	25.47	24.61
Std. Deviation	4.038	4.598	4.383	4.364	4.538
N	30	209	102	77	418

From the data in Tables 5.3 and 5.4, there do appear to be significant differences in the handling of domestic violence incidents when the working environment of police officer is measured by the number of officers assigned to a specific shift in mandatory arrest domestic violence situations. Shifts with a small number of police officers (N=1-3) and large number of officers (N = more than 9) display higher mean arrest scores.

Using paired comparisons of the Bonferroni procedure, this study found significant differences ($p < .05$) in the mean scores for several of the pairwise comparisons. These are displayed in Appendix Table 5.2. The arrest mean of the smallest shift size of 1-3 police officers was found to be significantly different from the means for both the groups of 4-6 officers (.016) and with the 7-9 officers (.002) categories. The more than 9 officers per shift group failed to achieve significance with any of the other three shift compliments although; it did come close with the 7-9 officers per shift group at .051.

Research Question 4. Do police officers working in urban areas display an adverse desire to the strict enforcement of misdemeanor domestic violence crimes compared to officers in either urban suburb or suburban municipalities?

This question will be examined by combing the arrest mean scores for the four misdemeanor crimes (disorderly person offenses in New Jersey criminal code language) from Scenarios 1 (assault), Scenario 2 (assault), Scenario 3 (violation of a restraining

order), and Scenario 6 (assault) and comparing study participants by the geographical setting where they work. The results will be examined by the use of ANOVA and the Bonferroni test procedure for significance.

Table 5.5

Misdemeanor DV Crimes Arrest Mean Scores by Geographic Setting

	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Mean	20.91	21.14	20.35	19.58	20.45
Std. Deviation	3.231	3.332	3.293	3.515	3.351
N	97	58	187	74	416

Table 5.5 displays the Analysis of Variance across the four geographic groups of the study, by the study participants combined arrest scores of the four disorderly persons mandatory arrest scenarios (1, 2, 3, & 6). The ratio of mean squares, the F statistic is 3.184 with observed significance level of .024. It is unlikely that the means of the arrest summary scores for the four shift size categories in this study are the same. The **Urban** setting recorded the second highest mean arrest score and the smallest standard deviation of all four settings. Using paired comparisons of the Bonferroni test procedure, this study did not find any significant differences ($p < .05$) in the mean scores of the pairwise comparisons for the **Urban** setting against the other three settings. The results are displayed in Appendix Table 5.3. The only statistical significant pairwise arrest mean by setting was between the **Urban Suburb** and the **Small Suburban** settings at 0.047.

From this analysis, it would appear that police officers in **Urban** settings take their responsibilities concerning domestic violence enforcement of disorderly person offenses just as serious as those in the other geographic settings of this research. If there is any indication by the arrest mean of study participants, **Urban** police officers are above the average of two of the other settings in this study.

H 2 There are variances in the enforcement of domestic violence laws by police officers based on the level of in-service training and self-motivated learning that officers are exposed to.

Research Question 5. Does the frequency of in-service training positively affect an officer's attitude toward the enforcement of domestic violence laws?

(Brecci, 1989), conducted studies in four police agencies, two in the southeast and two in the Midwest where 242 respondents completed questionnaires that measured police training and attitudes regarding domestic disturbances. The findings of this research concluded that trained officers were more likely to have a service-oriented perspective on their role in handling domestic disputes. Officers with little training on the other hand were more likely to view their role in terms of enforcing the law. This research concluded that the more training the officers received, the more likely they were to resent guidelines and policies that limit their ability to use alternative interventions to resolve domestic disputes. This research runs counter to the express intent of the State of New Jersey mandating four hours of annual training in domestic violence. The current

research study hypothesizes that training will have a positive effect on an officer's attitudes and actions toward adherence to and enforcement of domestic violence laws.

Table 5.6 examines the research question if and how training affects an officer's performance under domestic violence mandatory arrest situations. Police officers were asked how often within the past four years had they received their mandatory domestic violence training. Responses could range from no in-service training (none) to training in all four years (4). This information was then compared to the first three scenarios in the study.

Table 5.6

Arrest Mean Scores of Scenarios 1, 2, & 3 by Years of DV Training

Years of Domestic Violence Training in Past Four Years						
	None	1	2	3	4	Total
Mean	14.00	14.28	13.89	14.43	15.14	14.65
Std. Deviation	3.448	3.295	3.675	3.165	2.997	3.212
N	19	130	38	35	196	418

These situations were selected because in the first two scenarios the officers had to rely on the statements of the victims and the fact present upon their arrival to make a determination if the facts warranted a mandatory arrest situation. The third scenario tested officer's knowledge of seldom-used clause of the Attorney General Guidelines,

which concerns the full faith and credit requirement of out of state restraining orders. The scores on the arrest factor received a maximum score of 18 and a minimum of 3.

The analysis of variance examination produces an F ratio of 2.366 and a significance of .052. An analysis using the Bonferroni test procedure found no significant differences in the pairwise comparisons of the five levels of training in domestic violence by the arrest means for officers in this research. However, it is worth noting that those officers who had received the most training with three or all four years did score above the mean of arrest scores, while those officers who reported no training or just one or two years within the past four all scored below the arrest mean in this table. The two groups receiving the most training also displayed the smallest standard deviation within their respective groups of all those found in this study. While the differences are not significantly different at the .05 level, they do merit discussion. Furthermore, it is beyond the limits of this study to determine the effectiveness of the present in-service training that is provided at the local police agency level.

Research Question 6. Do police officers who have recently studied for a promotional exam with a formal study group show an increased arrest mean scores in his/hers enforcement of domestic violence laws?

Table 5.7 displays the analysis of variance for officers who have studied for a promotional exam within the last three years against the officer's responses to the five mandatory arrest scenarios (1, 2, 3, 5, & 6). Three years was selected as a period to examine this question, as this is the standard cycle for promotional exams on Civil

Service police agencies. Non-Civil Service police agencies are free to hold promotional exams as needed on no particular cycle. The promotional exams process is one of the best examples of self-motivated learning directly related to the law enforcement profession and the advancement of a police officer's career that is available to most police officers. Civil Service police agencies exam notices are usually posted about six months prior to the test date. Usually, a suggested reading list of books, along with the criminal code and the Attorney General Guidelines are used to form the basis for many of the test questions.

Table 5.7

Arrest Mean Scores by Promotional Exam Studying

Study for Promotional Exam	N	Mean	Std. Deviation	Std. Error
Yes	201	25.18	4.36	.308
No	217	24.07	4.64	.315
Total	418	24.61	4.53	.222

The promotional exam testing process is a brief, and if done properly for success, an intense learning procedure, that exposes the student/police officer to a broad range of subjects that he must master for promotion. There are a percentage of officers, at all ranks that are simply content with their present position in law enforcement and do not either study for or even take promotional exams. Other officers may miss eligibility due to lack of time in a current position to qualify for promotional exams and have to wait for

the next exam cycle. This may explain why such a high number of police officers (N=217) in this study have not taken a promotional exam within the last three years.

The ratio of mean squares, the F statistic is 6.327 with observed significance level of .012 for Table 5.7. It is unlikely that the means of the arrest summary scores for those officers who did study for a promotional exam within the past three years is the same as for those officers who did not study for promotion. Police officers who studied for a promotional exam were found to achieve a statistically significantly higher arrest mean score than officers who had not. It should also be noted that the standard deviation for officers participating in study groups is also smaller.

Table 5.8 displays the ANOVA results for officers who have studied for a promotional exam within the last three years with a study group against the officer's responses to the five mandatory arrest scenarios (1, 2, 3, 5, & 6). The ratio of mean squares, the F statistic is 2.536 with observed significance level of 0.112. From the results of this research question, it is not possible to reject the hypothesis that the two population variances are equal. This is surprising based on the results of Table 5.9, where studying for a promotional exam was found to be significant. Therefore, while studying for a promotional exam is significant when measured by the mean arrest score, participation in a study group is not a significant factor in predicting how police officers would react given the domestic violence scenarios of this study.

Table 5.8

Arrest Mean Scores by Study Group Participation

Study for Promotional Exam with Study Group	N	Mean	Std. Deviation
Yes	127	25.14	4.182
No	291	24.37	4.673
Total	418	24.61	4.538

Research Question 7. Does an increased level of formal education that a police officer possesses correlate to positive effect his/hers enforcement of domestic violence laws?

Table 5.9 displays the results of the level of a police officer's education by the arrest mean of the five mandatory arrest scenarios (1, 2, 3, 5, & 6) in this study. Several of the levels of education have been merged for this table from those previously displayed in this study. The Analysis of Variance examination produces an F ratio of .520 and a significance of .669. It is not possible to reject the null hypothesis that the arrest means are the same for all four levels of education. No conclusions can be reached by this research regarding concerning the effect of higher education on a police officer's enforcement of domestic violence laws.

Table 5.9
Arrest Mean Scores by Educational Level

	N	Mean	Std. Deviation
High School	71	24.04	4.686
Up to 60 College Credits or Associates Degree	173	24.69	4.632
More than 60 College Credits up to College Degree	153	24.69	4.456
Some Masters Credits up to a Ph.D.	21	25.19	3.932
Total	418	24.61	4.538

H 3 There are social determinants, which influence and effect the enforcement of domestic violence laws by police officers.

Research Question 8. Does the impression given by a police agency on strict adherence to the letter of the law correlate with a positive effect an officer's attitude toward the enforcement of domestic violence laws?

Department leadership, attitudes of direct supervisors, and the work environment of the various police agencies will all effect and influence how police officers perform

their duties in domestic violence situations. Herbert (1998) found that formal and informal regulations commingle in ways that merit investigation. Legal and bureaucratic rules partially determine police activity; however, officers have the ability to interpret these rules in different ways. There is a need to examine how formal rules become real in daily practice. Table 5.10 displays study participants self-report compliance with the Attorney General Guidelines for the enforcement of the domestic violence laws by the arrest mean for the five mandatory arrest scenarios in this research. While four responses were available to study participants, no police officer in the study selected the “never” response and was therefore not reported in this table. There is a clear linear relationship between the arrest mean and the positive support for Attorney General Guidelines.

Table 5.10

Arrest Mean Scores by Self-Report Compliance with AG Guidelines

	Sometimes	Often	Always	Total
Mean	18.82	22.86	25.29	24.61
Std. Deviation	2.714	4.032	4.456	4.538

It is also clear that domestic violence enforcement has widespread support among officers in this study as over 75% of participants responded that they ‘always’ try to comply with the Guidelines. The ANOVA f statistic of 20.852 and a significance of .000 further support and confirm this conclusion. Using paired comparisons of the Bonferroni procedure, as shown in Appendix Table 5.4, this study found significant differences ($p < .05$) in the mean scores for all of the pairwise comparisons for arrest means by

compliance with the Attorney General Guidelines for Domestic Violence. There is a positive correlation between study participant's self-report compliance with the Attorney General Guidelines and their arrest means in mandatory arrest scenarios of this study.

While police officers in this study attempt to comply with the Attorney General Guidelines for the most part there is considerably less support on officer's opinions concerning the practicality of enforcing the Domestic Violence Laws of New Jersey. This may be because much of the discretionary powers usually reserved to allow law enforcement to informally handle situations have been removed from the arsenal of options available police officers. It could also be a reaction to the very specific and complicated nature of the New Jersey domestic violence laws. It may also indicate a level of frustration with the eventual adjudication of the vast majority of domestic violence offenses, namely dismissal of the charges, and the dropping of restraining orders, especially in cases involving misdemeanor assaults (simple assaults in New Jersey). It was not unusual to hear officers speaking of incidents where victims of domestic violence want to post bail for their attacker, even before the paperwork and processing are completed.

Table 5.11 displays study participants arrest mean by the practicality of enforcing domestic violence laws. The ANOVA procedure produced an f statistic of 8.313 and a significance of .000 resulting in a significant difference between the groups at the .01 confidence level. There is a clear linear correlation between officer's perception of how practical the domestic violence laws are to enforce and their willingness to arrest domestic violence offenders in the five mandatory arrest scenarios of this research.

Table 5.11

Arrest Mean Scores by Practicality of DV Enforcement

	Never	Sometimes	Often	Always	Total
Mean	21.67	23.42	24.74	26.25	24.61
Std. Deviation	7.638	4.389	4.214	4.749	4.538
N	3	144	176	95	418

Appendix Table 5.5 examines the pairwise comparison of the four responses using the Bonferroni procedure that were examined in Table 5.11. There were significant differences in the means of the groups between the response “always” and both the “sometimes” (.000) and the “often” (.045) groups. The only pairwise comparison that did not achieve significance was between the “always” and the “never” responses, this was in large part due to the extremely small size of the “never” category which had only 3 responses in the survey. These results only reinforce the conclusions of the previous table.

Does the overall discipline of a police agency have an effect on police officers actions in domestic violence situations? Study participants were asked their opinion and given a choice of four options. This response was then compared to the arrest mean of the five mandatory arrest situations to examine if any relationship could be found. The results were displayed in Table 5.12. The ANOVA procedure found an f statistic of 1.807 and a significance of .145. It is not possible to reject the null hypothesis that the arrest means are the same for all four levels of departmental discipline. No conclusions can be reached by this research concerning the effect of departmental discipline on a

police officer's enforcement of domestic violence laws. This was further confirmed by the pairwise comparisons using the Bonferroni test procedure, which produced no significant mean differences at the .05 level.

Table 5.12

Arrest Mean Scores by Officer's Opinion of Departmental Discipline

	Very Strict	Somewhat Strict	Somewhat Loose	Very Loose	Total
Mean	25.77	24.32	24.39	24.97	24.61
Std. Deviation	4.870	4.400	4.385	5.096	4.538
N	62	207	116	33	418

Another measure of departmental support for the enforcement of domestic violence enforcement is displayed in Table 5.13. To arrive at a statistic for the overall departmental support, responses to several questions including frequency of domestic violence in-service training, administrative support for strict enforcement of domestic violence laws, immediate supervisor's support for strict enforcement of domestic violence laws and overall departmental discipline were combined into a single variable. The ANOVA statistical procedure across all four levels of support produced an f statistic of 2.804 and a significance of .040 resulting in a significant difference between the groups at the .05 confidence level. Using the Bonferroni test procedure for paired comparisons, statistically significant difference were found between the "strong support" and the "weak support" groups at the $p < .05$ on the mean arrest scores.

Table 5.13

Arrest Mean Scores by Departmental Support of DV Enforcement

	Very weak support	Weak support	Support	Strong support	Total
Mean	23.50	23.98	24.65	25.76	24.61
Std. Deviation	5.757	4.526	4.451	4.487	4.538
N	8	142	189	79	418

The data presented supports the hypothesis that the impression given by a police agency on strict adherence to the letter of the law does have a positive effect on an officer's attitude toward the enforcement of domestic violence laws when measured by the arrest mean scores in mandatory arrest situations.

Research Question 9. Does a police officer's years of service have a negative effect on his/hers attitudes toward the enforcement of domestic violence laws?

Police cynicism is a concept, which has been examined by several authors (Niederhoffer, 1969, Wilt & Bannon, 1976, Crank, 2004). In the context of this research, it is applied to both officer's attitudes and actions regarding domestic violence enforcement. Do police officers become less likely to enforce domestic violence laws as their years of service increase? Table 5.14 examines this question by exploring the study participant's self-report compliance with the Attorney General Guidelines on Domestic Violence by their years of service. The years of service were compressed from previous

tables in this study. The greater the mean for the years of service the greater the reported compliance with the AG Guidelines.

Table 5.14

Mean Scores for Compliance with DV Laws by Years of Police Service

	N	Mean	Std. Deviation
6 years or less	100	3.62	.546
More than 6 years, but 12 or less	123	3.80	.418
More than 12 years, but 18 or less	75	3.76	.489
More than 18 years, but 24 or less	87	3.71	.569
More than 24 years, but 30 or less	32	3.84	.369
More than 30 years	8	4.00	.000
Total	425	3.74	.494

The ANOVA statistical procedure across all four levels of compliance produced an *f* statistic of 2.447 and a significance of .033 resulting in a significant difference between the groups at the .05 confidence level. The categories of “more than 24 years, but 30 or less” and “more than 30 years” recorded the highest mean self-reported compliance scores of the six categories. Where Table 5.14 examined officers attitudes Appendix Table 5.6 and Appendix Table 5.7 examine officers actions by their arrest means in the scenarios of this research to also measure if police cynicism affects the outcome of acts of domestic violence. For Appendix Table 5.6 the ANOVA procedure across all four levels of arrest mean produced an *f* statistic of 2.968 and a significance of

.012. This result indicates a significant difference between the years of service groups at the .05 confidence level.

The lowest mean arrest score was recorded by study participants with the group “6 years or less” of service which is surprising as these officers are the most recent graduates from the police academy and would have been expected to exhibit the “romantic cynicism” of Neiderhoffer’s (1968) typology, and greater compliance and a higher arrest mean. Meanwhile, the “more than 24 years, but 30 or less” group recorded the second highest arrest mean in the study. The “more than 30 years” group recorded the fourth highest ahead of the “more than 12 years, but 18 years or less” and the “6 years or less” groups. Using the Bonferroni test procedure for paired comparisons, found statistically significant difference between the years of service of “6 years or less” (sig .010) and the “more than 6 years, but 12 or less” and the “more than 18, but 24 or less” (sig .034) groups at the $p < .05$ on the mean arrest scores.

H 4 There are variances in the enforcement of domestic violence laws based primarily on a police officer’s justification for initiating and sustaining a specific course of action.

The subculture of normative orders as described by Herbert ((1998) based on the works of Parsons (1951) attempts to capture the importance of internalized values for structuring individual behavior will be examined for police officers participating in this study. This hypothesis will be tested by officer’s actual responses in a given scenario and his rationalization to justify his actions in the second question for each scenario. Here the officer must give some insight as to his/her reasoning for his chosen course of action. It

is one thing for an officer to say that he abides by the law and another to do so in practice and be able to justify and articulate it. This examination will allow an investigation to examine police officer training and the participant's attitudes against his/her actions and justifications.

Research Question 10. Do the justifications given by a police officer for the actions he/she takes to resolve domestic violence situations, explain their enforcement actions under State and Federal law?

To explore the question that represents various aspects of acts involving domestic violence three of the scenarios will be examined. First, Scenario 1 will be analyzed since this had the lowest arrest rate of the mandatory arrest scenarios in this study. Scenario 4 will be the second situation examined. This was the only non-mandatory arrest scenario of the study. In fact, no criminal offense was committed in this situation. Yet over twenty percent of all study participants identified and arrested the male participant either "always" or "most of the time." The last incident to be examined will be Scenario 6, the situation that recorded the highest arrest percentage of all the scenarios in the study.

Table 5.15 displays the arrest mean for Scenario 1 by the most popular justification given by study participants which was "mandated by law" for their actions given the facts of this situation. Eighty-four percent of study participants justified their actions as mandatory under the law. The arrest mean of officers who cited this justification as "most important" was understandably the highest of the five possible responses (5.19).

Table 5.15

Arrest Mean Scores for Scenario 1 by Most Popular Justification: Mandated by Law

Justification: Mandated by law	N	Mean	Std. Deviation
Most Important	353	5.19	1.344
Important	13	4.85	1.405
Somewhat Important	12	3.92	1.564
Least Important	22	4.27	1.778
Not Ranked	19	3.21	1.357
Total	419	5.00	1.455

The ANOVA procedure across all five levels of importance produced an f statistic of 13.067 and a significance of 0.000. This result indicates a significant difference between the groups at the .001 confidence level. For the most important justification in Scenario 1 it would appear that officer's justifications for their arrest of the defendant do explain and in fact cite the mandatory provisions of the law as the reason for their actions.

Table 5.16 displays the arrest mean for Scenario 1 by the least popular justification given by study participants which was "comply with the wishes of the victim" for their actions given the facts of this scenario. Twenty-seven percent of study participants considered the need to comply with the victims wishes as their least important justification for their actions.

Table 5.16

Arrest Mean Scores for Scenario 1 by Least Popular Justification:

Comply with Wishes of Victim

Justification: Comply with wishes of victim	N	Mean	Std. Deviation
Most Important	16	4.69	1.662
Important	20	3.85	1.387
Somewhat Important	31	5.00	1.592
Least Important	113	4.88	1.568
Not Ranked	239	5.18	1.326
Total	419	5.00	1.455

The arrest mean of officers who cited this justification as “least important” was the second lowest of the five possible responses at (4.88). The ANOVA procedure across all five levels of importance produced an f statistic of 4.501 and a significance of 0.001. This result indicates a significant difference between the groups at the .001 confidence level. For the least important justification in Scenario 1, it would appear that officer’s justifications for the arrest the defendant in part explained by their decision not to abide by the victim’s wishes and to make an arrest under the circumstances presented despite the wishes and actions of the victim. Conversely, those study participants who responded that they considered the victims wishes “important” or “most important” under the scenario circumstances were found to have statistically significant lower arrest mean scores.

Table 5.17 displays the arrest mean for Scenario 4 by the most popular justification given by study participants which was “mandated by law” for their actions given the facts of this situation. Fifty-eight percent of study participants justified their actions as mandatory under the law.

Table 5.17

Arrest Mean Scores for Scenario 4 by Most Popular Justification: Mandated by Law

Justification: Mandated by law	N	Mean	Std. Deviation
Most Important	245	3.86	2.010
Important	18	3.89	1.875
Somewhat Important	10	5.30	1.160
Least Important	33	4.88	1.746
Not Ranked	113	5.13	1.313
Total	419	4.32	1.894

The arrest mean of officers who cited this justification as “most important” was understandably the lowest of the five possible responses (3.86) as this scenario was not a mandatory arrest situation. In fact in this situation, no arrest was warranted or justifiable. The ANOVA procedure across all five levels of importance produced an f statistic of 11.543 and a significance of 0.000. This result indicates a significant difference between the groups at the .001 confidence level. For the most important justification in Scenario 4 it would appear that officer’s justifications for not arresting the defendant explain and in

fact cite the mandatory provisions of the law as the reason for their not effecting an arrest as frequently as officers who cited this justification as less than “most important .”

Table 5.18 displays the arrest mean for Scenario 4 by the least popular justification given by study participants which was “comply with the wishes of the victim” for their actions given the facts of this scenario. Twenty-two percent of study participants considered the need to comply with the victims wishes as their least important justification for their actions.

Table 5.18

Arrest Mean Scores for Scenario 4 by Least Popular Justification:

Comply with Wishes of Victim

	N	Mean	Std. Deviation
Justification: Comply with wishes of victim			
Most Important	22	3.77	2.245
Important	22	3.91	2.068
Somewhat Important	35	3.71	1.808
Least Important	92	4.43	1.900
Not Ranked	248	4.44	1.839
Total	419	4.32	1.894

The arrest mean of officers who cited this justification as “least important” was the highest of the five possible responses at (4.44). This is somewhat a surprise, as the “complainant” Mrs. Coors wanted her husband arrested in this incident although no violation of the Domestic Violence laws had occurred in the fact pattern. The ANOVA

procedure across all five levels of importance produced an f statistic of 1.980 and a significance of 0.097. It is not possible to reject the null hypothesis that the arrest means are the same for all five levels of least important justification in Scenario 4. No conclusions can be reached regarding officer's actions for their least important justification by the arrest means of this scenario.

Table 5.19 displays the arrest mean for Scenario 6 by the most popular justification given by study participants which was "mandated by law" for their actions given the facts of this situation. Eighty-eight percent of study participants (N=371) justified their actions as mandatory under the law in this scenario. The arrest mean of officers who cited this justification as "most important" was understandably the highest of the five possible responses (5.84). The ANOVA procedure across all five levels of importance produced an f statistic of 12.798 and a significance of 0.000. This result indicates a significant difference between the groups at the .001 confidence level. For the most important justification in Scenario 6, it would appear that officer's justifications for their arrest of the defendant explain and cite the mandatory provisions of the law as the reason for their actions. Scenario 6 is the clearest example in this survey of an incident where the police officer can rely on his own observations to establish the requisite probable cause to make an arrest and take the case forward for prosecution without relying on statements of the victim or third parties. From both study participant's selection of the most important justification in Scenario 6 and the statistical analysis of their actions it would appear, that based on the mean arrest scores that police officers justifications do explain their enforcement actions under the law.

Table 5.19

Arrest Mean Scores for Scenario 6 by Most Popular Justification: Mandated by Law

Justification: Mandated by law	N	Mean	Std. Deviation
Most Important	371	5.84	.680
Important	9	5.11	1.453
Somewhat Important	12	5.67	.778
Least Important	20	5.35	1.309
Not Ranked	11	4.36	1.690
Total	423	5.76	.825

Table 5.20 displays the arrest mean for Scenario 6 by the least popular justification given by study participants which was “comply with the wishes of the victim” for their actions given the facts of this scenario. Twenty-five percent of study participants (N=105) considered the need to comply with the victims wishes as their least important justification for their actions in this situation. The arrest mean of officers who cited this justification as “least important” was the squarely in the middle of the five possible responses at 5.70. The ANOVA procedure across all five levels of importance produced an *f* statistic of 4.015 and a significance of 0.003. This result indicates a significant difference between the responses at the $p < .05$ confidence level. Still as the arrest mean for the least important justification fell directly in the middle of the five responses and just below the overall mean, it would be difficult to draw any significant conclusions from these results.

Table 5.20

Arrest Mean Scores for Scenario 6 by Least Popular Justification:

Comply with Wishes of Victim

Justification: Comply with wishes of victim	N	Mean	Std. Deviation
Most Important	16	5.50	.894
Important	13	5.00	1.732
Somewhat Important	22	5.82	.853
Least Important	105	5.70	.982
Not Ranked	267	5.84	.651
Total	423	5.76	.825

The most significant relationships between study participant's compliance with the mandatory arrest provisions of New Jersey's Domestic Violence laws and the social and legal determinates which influence their decisions are found in Table 5.21. The most significant positive relationship was found between those officers who self-reported that they "always try to enforce" the domestic violence laws. It is only logical that officers that make a conscious effort to properly enforce domestic violence laws would be able to correctly identify and take the necessary appropriate actions when confronted with various domestic violence scenarios. The converse of this result is an important factor that must also be stressed. Police officers who do not have a positive attitude toward the enforcement of domestic violence laws have been found to be less likely to correctly

apply the law when confronted by incidents of domestic violence. This conclusion is of special importance to front line supervisors and police administrators who must oversee officer and departmental adherence with the provisions of domestic violence laws.

Personal attitudes cannot be allowed to interfere or obstruct the professional responsibilities of law enforcement personnel in the performance of their sworn duties.

The next most significant finding was the factor of departmental participation in the Civil Service process. As earlier discussed in Table 5.21 non-Civil Service police agencies in this study exhibited higher Arrest Mean Scores than Civil Service agencies. The fact that this was found to be such a significant factor in the multiple regression analysis was not anticipated.

Positive support for the Attorney General Guidelines by study participants translated into officer compliance with the law when measured by the summary arrest score. This is different but consistent with the earlier findings of this table. Police supervisors and administrators could utilize this conclusion to assess departmental needs and increase compliance with the mandatory provisions of the domestic violence laws could also utilize this finding.

Another surprising factor uncovered by this research is that officers who work in agencies that reported a higher violent crime rate per 1,000 residents displayed a more positive mean arrest summary score than officers who were employed by agencies with lower violent crime rates. This research only involved one scenario in which the actions of the offending party could be construed as a felony (scenario 5, an assault with a knife). It is also somewhat counterintuitive that officers in the busiest jurisdictions with the most

serious crime would also adhere to the provisions of the domestic violence laws more stringently. This is another indication that high incidence of serious crime did not detract from domestic violence enforcement by officers in this study.

Table 5.21
Summary Arrest Score as a Function of
Social and Legal Determinants of Domestic Violence Enforcement
By a Sample of New Jersey Police Officers

<u>Predictor variables</u>	Regression Coefficient	Significance
Police Officer Support for the Enforcement of Domestic Violence Laws	1.899	.000
Civil Service Agency	1.817	.000
Police Officer Support of Attorney General Guidelines	1.043	.009
Municipal Violent Crime Rate per 1,000 (2008)	.463	.000
Domestic Violence Training last 4 years	.388	.009
In-Service Training Days within last year	.230	.003
Constant	7.822	
		$R^2 = .197$ ($F = 16.843$) ($n = 417$)

The final two significant factors in the multiple regression analysis of Table 5.21 involve training. Greater adherence with the mandatory provisions the Attorney General Guidelines for annual domestic violence training over the past four years was a significant factor in better mean arrest scores in the mandatory arrest scenarios of the

research study subjects. This is again a compelling justification for annual training, something that over half of all study participants did not receive on an annual basis over the past four years. The last significant relationship is that of the total number of training days a study participant received over the last year excluding firearms training. It is apparent that officers who are placed in a positive training environment just not for domestic violence training, but other programs as well, performed better when measured by the mean arrest scores of the mandatory arrest scenarios of this research than officers who received less training. This further supports the positive influence of enhanced training program on the overall performance of police officers.

Conclusion

A wealth of information was learned from the compilation and analysis of this research, but much was also learned in the impromptu and informal discussions with many of the police officers who participated in this project. Many police officers were surprised by the fact that the primary focus of this research was to learn their honest opinions' on the enforcement of the domestic violence laws in New Jersey. One incident stood out above all else and needs to be retold. Two superior officers of a police agency were both participating in the study. I have know both officers for many years from when we were patrol officer with different agencies. After the completion of the surveys in general conversation I commented that their department had over the course of the past few years experienced a sharp decline in the number of reported domestic violence cases. The higher-ranking officer made a logical explanation that a large family had accounted for an unusually high number of domestic violence incidents had relocated to another municipality and hence the drop in reported domestic violence incidents. It was a logical and on the surface a completely plausible explanation. It would have ended my inquiry, but then the subordinate, also a high-ranking officer in charge of the road patrol officers decided to add this comment. "Well you know the guys on the road, they do what they have to do, but all that paperwork, sometimes it's just too much." While doing my best not to show too much reaction, I looked over at the superior officer, whose face registered shock. The subordinate left the room a moment later, while the superior officer, still in shock at the admission of his subordinate, just looked at me and said, "Do you believe it? What to I do now?" My only response was "Training, training, more

training, and then more accountability.” Somewhere along the way, the train had slipped off the tracks and no one seemed to have told the man at the controls.

This ties in directly to the first conclusion of my findings: Police officers are not receiving the training they need or are required to have under the law. Table 4.13 was something of a shock as it will be for any police chief, administrator, County Prosecutor, or member of the New Jersey Attorney General’s office who may learn of its surprising statistic. Less than half of all officers, 197 of 425 in the study had received all four years of mandatory domestic violence training. One hundred and fifty-four of this same population of police officers had received either none or only 1 year of training over the past four years. Who is to blame? Certainly, there is responsibility to be shared by many individuals.

While there are mandates under the law, there is very little enforcement and it all relies on voluntary compliance with minimal accountability. This research has shown that officers who are exposed to a greater number of training days on an annual basis translate into stricter enforcement of domestic violence laws. It would also be logical to assume that additional training would improve performance in other areas of law enforcement both directly and indirectly.

It is apparent that a severe disconnect has occurred between the desired goals of domestic violence training and the reality of its application. It is clear that for whatever reason local police agencies are often unable or unwilling to make the scheduling allowances that are required to comply with mandatory domestic violence training. Almost every county in New Jersey has or is in association with a police-training

academy. To ensure consistent training not just within a police agency, but also over a wider jurisdictional area such as a county would be beneficial from several aspects for regional training to become the standard for all mandatory training. If the County Prosecutor, the chief law enforcement officer in his jurisdiction, were responsible to oversee all training within his geographical area a clear chain of command and responsibility would be established. A typical county in this study had approximately 1,500 police officers. Discounting July and August, the two months of heaviest vacations, domestic violence training 150 officers per month over the course of a year could easily be accomplished in groups of 40-50 officers a week. Training could be undertaken by a designated representative of the Prosecutor to ensure consistent standards of training and proficiency in learning the material.

The third major finding which was also somewhat of a surprise to the principal investigator was the reluctance of police officers to make arrest for disorderly person offenses when they do not personally observe the act of domestic violence. Only 156 of 418 valid respondents (37.3%) correctly arrested the defendant in all five of the mandatory arrest scenarios in this study. Many officers who informally talked with the principal investigator after the questionnaire was completed cited, as their primary reasoning for not making a mandatory arrest was a perception of a lack of probable cause to make the arrest. This is even more disturbing when it considering the fact that the overwhelming majority of study participants believed they were complying with the mandates of the law, even when failing to make a mandatory arrest. This is ironic as part of the primary reason for the domestic violence legislation was to empower the police to

stop incidents of assaults and other offenses that resulted from domestic situations, which they did not witness. This remains the primary rationale why the New Jersey legislature granted limited immunity to police officers who act in good faith and upon probable cause to enforce the domestic violence laws. Each of the scenarios in this research demonstrate how the New Jersey Legislature and the Attorney General's Guidelines would appear to define bright line, black and white, rules for the enforcement of domestic violence laws. Yet, much of the definition of just when an incident falls into a mandatory arrest situation lies within the purview of the responding officer. His perception, attitude, understanding of the law, and what he reports of the incident will be the primary determination of how the event is handled by the criminal justice system. This is of course monitored with limited oversight by his supervisors, who for the most part only see what the officer files in his report of the incident.

Take Scenario 1 as a hypothetical example. If after being apprised of the consequences of her allegations, including the arrest of her husband, the probable seizure of any weapons that pose a threat to her, and the loss of the planned hunting trip planned for the morning, the victim decides to recant her original statement. She now says that the gash on her forehead was the result of her falling while trying to grab the remote from her husband with no intent by her husband to injure her or cause her harm. She agrees to allow the EMS to dress her wound and evaluate her for a concussion. Upon medical clearance, she returns to her home to sleep off her intoxication. Based on her revised version of events, there is no longer any probable cause to believe that an act of domestic violence has occurred. There is no longer any need to conduct an investigation report,

file the domestic violence paperwork, wake up the on-call judge to have him approve an arrest warrant, or for the police to track down the offender and conduct a search of the couple's residence for weapons under a domestic violence search warrant. The incident is written up as a first aid call of an intoxicated female and the officer resumes patrol. The officer's report will reflect the victim's revised statement; the EMS report will show that an intoxicated female sustained a minor laceration, showed no sign of a concussion, and refused further medical treatment. Provided no one is shot on the hunting trip the next day, the entire incident becomes a non-event and a non-issue. Of course, this is all a hypothetical example of how a domestic violence situation could turn into a few lines on a nondescript form suitable only for filing, at least until the next more serious domestic violence incident occurs a few months later between the same parties, and the police took "no action" on a previous domestic violence situation.

The simple fact is that better and more consistent training will allow police officers to have a better understanding of what is expected and required of them when responding to domestic violence situations. It will remove or at least diminish the "probable cause gap" as a justification for failing to act when action is what is needed to protect victims of domestic violence.

The fourth major conclusion, which comes as no surprise, is the finding of significant correlations between a police officer's personal and professional positive opinions toward the enforcement of domestic violence legislation and his actions in mandatory arrest domestic violence situations. When police officers stop seeing the enforcement of domestic violence laws as an extraneous burden and perceive of domestic

violence laws as a core value to protect the physically and psychologically abused from further attacks then domestic violence laws will be enforced with the same motivation as drug law violations or other serious criminal activity. The day is near, but law enforcement is not there yet. I hope that it will come sooner rather than later.

Scope and Limitations

This research is based a non-probability sample. During 2008, there were just under 26,000 municipal police officers employed in the State of New Jersey. There are 21 counties, within the State, of which two were selected to participate in this study. Over 3,000 police officers from a two countywide area were eligible for inclusion in this research. Fourteen Chiefs of Police agreed to allow the principal investigator to solicit volunteers for participation in the study. These departments represented 1,061 of the potential universe of participants. From this 425 police officers agreed and participated.

All New Jersey police officers operate under the same State laws and Attorney General Guidelines for the handling of domestic violence laws. While there is possibility that a County Prosecutor could impose even more restrictive guidelines if he chose to do, neither of the counties in this study do so at the current time. Likewise, none of the police agencies participating in this research had more restrictive policies than those of the Attorney General Guidelines for Domestic Violence. This eliminated the possibility of conflicting and confounding policies.

Self-administered questionnaires are found to have higher rates of return when a researcher delivers and picks up the completed questionnaires. Since the principle investigator was present at all sessions at which the questionnaires were distributed it allowed for a consistent response to any questions or contingencies that may arise in the course of this research. This will also enhance the security and confidentiality as only the principle investigator had access to the raw data and was able to monitor all the security protocols of this research.

As a precondition of the research design, completed anonymity was a primary consideration of this research at the county, municipal, and individual police officer levels. This component was an essential factor in gaining the confidence of so many police agencies and their officers to participate and give their honest responses. No one, at any level, was eager to participate, if there was going to be any comparing and contrasting of identifiable entities.

Another factor was trust. Could the principal investigator be relied upon to keep my word and keep all responses and identities confidential? In this regard, I was able to exploit both my 26 years of law enforcement background, and a family full of police officers. They were able to help gain my access to those in law enforcement that could make this study happen, and literally open doors not usually available to researchers.

Yet the need for confidentiality has imposed some restrictions and on this research including limiting analysis to geographical settings used in this research. It would have been fascinating to perform analysis of factors such as crime rates and actual domestic violence offenses with the results collected in this research. However, the wealth of information collected outweighs the limited possibilities, if confidentiality was not such an integral component of this research.

Some of the implications of this research could give one a reason to cheer and cry at the same time. Should we cheer that the vast majority of police officers in this study believe that their primary motivation in mandatory arrest domestic violence situations is to enforce the law? Alternatively, should we cry that so many officers with good intentions do not perform up to some very high standards society has set for them?

Should we cheer that the official statistics for domestic violence in New Jersey show a steady decline for the last decade? On the other hand, should we cry that perhaps police officers are only completing the mandated domestic violence forms “most” or “some” of the time, as in this research and “doing what they have to do” the rest of the time? Do we condemn those administrators who do not provide the required training for the officers under their command? What of those officials who have the power to insure proper training programs are established and maintained but instead just allow the status quo of poor or no training to be perpetuated with a wink and a nod? There is no doubt that the enforcement of the domestic violence laws has taken tremendous steps toward providing protection for many of the victims of domestic violence. It is the hope that this research can in some way advance the cause for the enforcement of domestic violence legislation for all victims of domestic violence.

Contributions to the Literature

Few studies of police response to domestic violence have included either characteristics or attitudes of responding officers as potential predictors of arrest decisions (Breci, 1989; Robinson & Chandek, 2000; Hall, 2005). One study that was conducted (Robinson & Chandek, 2000) found no correlation between those attitudes and the decision to arrest. This study examines arrests for domestic violence in a state, which imposes uniform mandatory arrest policies on all police officers. One of the primary dependent variables examined is the type of municipality in which the officer works.

The enforcement of domestic violence laws has been estimated to consume as much as one-third of police activity yet little is known if the pro and mandatory arrest policies implemented over the last quarter century are actually working as designed. While official statistics from New Jersey would tend to suggest a steady slight decline in simple assaults in domestic violence situations over the last ten years, the data shows no such decline in homicide or other serious offenses over the same time in domestic violence offenses. This research has explored and expands the knowledge of which social and legal factors are important in the enforcement of domestic violence laws in a mandatory arrest environment. It has examined this issue from the perspective of the police officer who is the gatekeeper and enforcer of these policies.

It is hoped that this research will lead to a better understanding of the dynamics of the decision making process that is involved when police officers respond to domestic violence situations. This research is designed to bridge the gap between the theory of mandatory arrest for crimes of domestic violence and the realities of the interrelated

practical dynamics of enforcement by the police in the real world. It is not easy to ask anyone, even the police, to intrude into the private and personal lives of individuals often in the heat of emotional and physical assaults, betrayals, or worse. The least we as a society can do is to give law enforcement the training and every legal tool possible so they can protect the victims of domestic abuse.

Future Research

Some of the findings of this research project have led to more questions and areas of examination that should be further examined by future research. An area of potential future research includes the need to examine the effect of officer's justification for inaction in domestic violence crimes based on a lack of probable cause. Where police officers are often criticized for exceeding constitutional limitations and making unwarranted arrests. However, when it comes to domestic violence enforcement police officers at times err on the side on the caution and do not make an arrest even in mandatory arrest situations where they are required to do so.

Another area of potential future research would be to examine those factors that formulate and reinforce the attitudes and determinants that police officers hold prior to and during their career concerning domestic violence enforcement. It would be interesting to examine if officers' attitudes change over the life course of their careers or are consistent with those held before socialization into police culture and training. This would be best carried through a longitudinal study of perhaps a large cohort of recruits at intervals of their law enforcement careers.

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Appendices

Appendix A

Consent Form

My name is John Waldron and I am a doctoral student in the Criminal Justice Dept. at the Graduate School and University Center at the City University of New York (CUNY) located at John Jay College of Criminal Justice, and principal investigator of this project, entitled “Social and Legal Determinants on the Enforcement of Domestic Violence Laws by the Police: A Study of New Jersey Police Officers.” This is a research study of police officers’ attitudes and actions regarding hypothetical incidents of domestic violence. It will investigate how police officers respond to acts of domestic violence under current New Jersey laws and Attorney General Guidelines. I would like you to complete a 10 page questionnaire.

You are invited to participate in this research by completing a questionnaire. This should take approximately 45 minutes to one hour to finish. We plan to enroll between 400 and 600 participants into this study. Your participation in this study is strictly voluntary. You have the right to refuse to participate without consequences. If you decide not to participate, your decision will not affect your relationship with your department or with John Jay College.

The potential harm to subjects in this research project is minimal. It is a routine activity for police officers to respond to domestic disputes and violations of the domestic violence laws of the State of New Jersey. The questions focus on either hypothetical situations, questions about the officers opinions toward domestic violence, or general questions regarding the police agency by which the officer is employed.

At any time, you can refuse to answer any question or to terminate your participation in the questionnaire without penalty. The questionnaire is completely anonymous,. I do not want your name, badge number, department or any personalized identifying information on the survey. Only information directly related to the research will be asked. This is for your protection and privacy and to ensure your anonymity. This will also help to ensure that no individual can be
(OVER)

identified by their responses. No one besides the principal investigator will see the original questionnaires. They will be kept under lock and shredded and destroyed after 5 years.

I plan to publish the results of the study as my Doctoral dissertation, but the names of participants or any individual identifying characteristics will not be used in any form for the publications. If you would like

a copy of the study, please provide your name and address on the list at the front of the room, and I will ensure that it is made available to you upon completion of the project.

If you have any questions about this research, you can contact me at home at (303-642-1155) or by email at jfwaldron79@aol.com. or my advisor Dr. Maria Haberkfeld, Law and Police Science Department John Jay College of Criminal Justice/ City University of New York, 899 Tenth Avenue, #422. T Building/ New York, New York (212) 237- 8381 or at mhaberkfeld@jjay.cuny.edu. If you have any questions about your rights as a research participant please feel free to contact the John Jay Institutional Review Board at jj-irb@jjay.cuny.edu, or (212) 237-8961

Your signature below means that you have read this consent form, that you fully understand the nature and consequences of participation and that you have had all questions regarding participation in this study answered satisfactorily.

If you agree to participate and complete the questionnaire, please sign below.

Participant's Name (PLEASE PRINT)

Participant Signature

Principal Investigator's signature

Date _____

Thank you for your participation in the study. I will give you a copy of this form to take with you.

Appendix B

Data Collection Instrument:
The Waldron Domestic Violence Questionnaire 08

This survey was distributed on legal size 8.5 x 14 papers in New Roman Times 10 font to study participants. It has been reformatted to conform to APA requirements and fit on 8.5 x 11 paper in 8 font.

17. How many times in the six months have you arrested both parties in a domestic violence incident?
- a) never
 - b) one time
 - c) two times
 - d) three times
 - e) four times
 - f) five times or more
18. Police officers should be empowered by law to make warrantless arrests on probable cause for disorderly persons domestic assaults which the police do not witness.
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree
19. Police officers should have more discretion in the handling of domestic violence incidents involving a disorderly person's assault rather than a mandatory arrest policy.
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree
20. On the replacement of mandatory arrest for domestic violence offenses involving disorderly persons simple assaults with an option to allow the victim to decide if an immediate arrest is necessary. I would
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree
21. Once an arrest is made in a domestic violence incident there should be a no-drop policy and a mandatory prosecution even if the victim refuses to testify.
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree
22. I am regularly kept abreast of changes in the law by my department.
- a) never
 - b) sometimes
 - c) often
 - d) always
23. How many days a year do you have programs of in-service training excluding firearms?
- a) None
 - b) 1
 - c) 2
 - d) 3
 - e) 4
 - f) 5
 - g) 6
 - h) 7
 - i) 8
 - j) 9
 - k) 10
 - l) more than 10

24. In which years have you received in-service training on domestic violence?
(Please circle all that apply)
- a) 2005
 - b) 2006
 - c) 2007
 - d) 2008
25. I feel that the administration of my department supports the strict enforcement of the Domestic Violence laws.
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree
26. I feel that my immediate supervisors support the strict enforcement of the Domestic Violence laws
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree
27. I would consider the overall discipline of my department to be
- a) very strict
 - b) somewhat strict
 - c) somewhat loose
 - d) very loose
28. I feel that the municipal judge(s) in my jurisdiction are strict in their application of domestic violence laws for the offense of simple assault.
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree
29. I feel that the municipal prosecutor in my jurisdiction aggressively prosecutes domestic violence cases for simple assault.
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree
30. I feel that overall, incidents of domestic violence simple assault are treated with the same seriousness as incidents of simple assault between strangers by the court system in my jurisdiction.
- a) strongly disagree
 - b) disagree
 - c) agree
 - d) strongly agree

On the following pages will be a series of hypothetical domestic dispute scenarios. The object is to find out how you would handle these incidents as if they were happening to you on your next tour of duty. This project is not looking for anything more than your honest and forthright answers to the situations presented to you. Thank you.

31. You respond to a call of a “noise complaint.” Upon arriving, you find Billy Jean, standing in front of her home with a bleeding cut on her forehead. She is quite intoxicated and staggering around. She tells you that her husband Bob hit her during a fight over the remote control for the television. He left in his pickup truck to go out with the boys for the night. She does not want to make a complaint, since they are to go hunting in the morning. She only wants to go back inside and get some sleep. She states that her “nosey neighbors” called because of an ongoing dispute. What actions would you take? Identify the Female as the offender? Male as the offender?

Beside each of the statements presented below, please indicate how often you would take the action under the circumstances presented.

Always (A), Most of the time (M), About half the time (H), Some of the time (S), Never (N).

	A	M	H	S	N
a) Take no police action, not an offense or crime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Deescalate, mediate and resolve situation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Issue verbal warning to offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Issue verbal warning to both parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Remove offender from household for night.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Remove offender for detox/ counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Arrest the offender for an offense under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Arrest the offender for an offense not under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Obtain a warrant for the arrest of the offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Personally sign criminal complaint against defendant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Dispatch medical assistance for victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Advise victim to seek counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Advise victim of right to obtain TRO.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Advise victim to sign a complaint tomorrow.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Make no written report of incident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p) Document incident as “unfounded.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q) Document incident as “Gone on Arrival.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r) Document incident as “verbal dispute.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) Document incident as “family problem.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t) Document the incident with an “Operations report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
u) Document the incident with an “Investigation report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Document the incident with a “Domestic Violence Offense Report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
w) Seize any weapons that might pose a threat to victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
x) Have victim sign “Victim witness notification form.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

32. Please rank in order of importance from 1 to 4 why you took the actions you listed in this situation with 1 being the most important and 4 being the least important. **You must rank at least four responses. Each number can only be used only one time.**

- a) Mandated under law.
- b) Discretionary under the law.
- c) Comply with the wishes of the victim.
- d) Based on my training as a police officer.
- e) Based on my experience as a police officer.
- f) Based on my departmental policies.
- g) Based on my supervisor’s preferences.

33. You respond to the Jones residence where you find the Mrs. Jones in a disheveled state. She invites you in and you see an interior door smashed. She does not display any signs of injury but she complains she had “the wind knocked out of her” and she is holding her ribs. She stated that her husband “just lost it” and threw her into the door. She doesn’t know what to do. She states that she is in fear for the safety of her four children and herself. At this time, Mr. Smith comes back from Home Depot with a new door. What actions do you take? Identify the Female as the offender Male as the offender
Beside each of the statements presented below, please indicate how often you would take the action under the circumstances presented.

Always (A), Most of the time (M), About half the time (H), Some of the time (S), Never (N).

	A	M	H	S	N
a) Take no police action, not an offense or crime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Deescalate, mediate and resolve situation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Issue verbal warning to offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Issue verbal warning to both parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Remove offender from household for night.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Remove offender for detox/ counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Arrest the offender for an offense under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Arrest the offender for an offense not under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Obtain a warrant for the arrest of the offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Personally sign criminal complaint against defendant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Dispatch medical assistance for victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Advise victim to seek counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Advise victim of right to obtain TRO.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Advise victim to sign a complaint tomorrow.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Make no written report of incident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p) Document incident as “unfounded.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q) Document incident as “Gone on Arrival.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r) Document incident as “verbal dispute.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) Document incident as “family problem.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t) Document the incident with an “Operations report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
u) Document the incident with an “Investigation report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Document the incident with a “Domestic Violence Offense Report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
w) Seize any weapons that might pose a threat to victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
x) Have victim sign “Victim witness notification form.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

34. Please rank in order of importance from 1 to 4 why you took the actions you listed in this situation with 1 being the most important and 4 being the least important. **You must rank at least four responses. Each number can only be used only one time.**

- | | |
|--|-----|
| a) Mandated under law. | ___ |
| b) Discretionary under the law. | ___ |
| c) Comply with the wishes of the victim. | ___ |
| d) Based on my training as a police officer. | ___ |
| e) Based on my experience as a police officer. | ___ |
| f) Based on my departmental policies. | ___ |
| g) Based on my supervisor’s preferences. | ___ |

35. You are cruising the parking lot of a popular night club just before closing time. You observe a female pulling away from her male companion. She is visibly upset. Upon investigation, you find that the two had been engaged, but that she broke it off. She just wants to be left alone, she has an hour ride back to the "City," to get home. While the ex-fiancé is telling you his sob story of female troubles, the female interrupts and states "Officer, I got a copy of my restraining order here from New York, he in not suppose to come within 100 feet of me. Can't you tell him just to leave me alone?" What actions do you take?

Identify the Female as the offender? Male as the offender?

Beside each of the statements presented below, please indicate how often you would take the action under the circumstances presented.

Always (A), Most of the time (M), About half the time (H), Some of the time (S), Never (N).

	A	M	H	S	N
a) Take no police action, not an offense or crime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Deescalate, mediate and resolve situation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Issue verbal warning to offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Issue verbal warning to both parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Remove offender from household for night.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Remove offender for detox/ counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Arrest the offender for an offense under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Arrest the offender for an offense not under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Obtain a warrant for the arrest of the offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Personally sign criminal complaint against defendant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Dispatch medical assistance for victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Advise victim to seek counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Advise victim of right to obtain TRO.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Advise victim to sign a complaint tomorrow.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Make no written report of incident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p) Document incident as "unfounded."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q) Document incident as "Gone on Arrival."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r) Document incident as "verbal dispute."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) Document incident as "family problem."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t) Document the incident with an "Operations report."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
u) Document the incident with an "Investigation report."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Document the incident with a "Domestic Violence Offense Report."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
w) Seize any weapons that might pose a threat to victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
x) Have victim sign "Victim witness notification form."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

36. Please rank in order of importance from 1 to 4 why you took the actions you listed in this situation with 1 being the most important and 4 being the least important. **You must rank at least four responses. Each number can only be used only one time.**

- | | |
|--|-----|
| a) Mandated under law. | ___ |
| b) Discretionary under the law. | ___ |
| c) Comply with the wishes of the victim. | ___ |
| d) Based on my training as a police officer. | ___ |
| e) Based on my experience as a police officer. | ___ |
| f) Based on my departmental policies. | ___ |
| g) Based on my supervisor's preferences. | ___ |

37. You respond to a report of a “domestic in progress” where you are met by Mrs. Daniels. The complainant tells you that her husband Jack has violated a court order and she wants him removed and taken either to jail or to the hospital. You enter to find her husband passed out naked on the bedroom floor. He is highly intoxicated. There is a mess on the kitchen floor with milk dripping out of a container and several broken eggs. Mrs. Daniels goes on to say that she is very aware of her rights under domestic violence and insists that you arrest and remove her husband immediately. She tells you that a condition of his probation is that he not return to the household if he has been drinking. She goes on to say that Jack made the mess in the kitchen looking for more beer. There is no history of prior domestic violence between the parties or restraining orders in effect. What actions do you take? Identify the Female as the offender? Male as the offender?

Beside each of the statements presented below, please indicate how often you would take the action under the circumstances presented. Always (A), Most of the time (M), About half the time (H), Some of the time (S), Never (N).

	A	M	H	S	N
a) Take no police action, not an offense or crime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Deescalate, mediate and resolve situation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Issue verbal warning to offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Issue verbal warning to both parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Remove offender from household for night.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Remove offender for detox/ counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Arrest the offender for an offense under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Arrest the offender for an offense not under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Obtain a warrant for the arrest of the offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Personally sign criminal complaint against defendant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Dispatch medical assistance for victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Advise victim to seek counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Advise victim of right to obtain TRO.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Advise victim to sign a complaint tomorrow.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Make no written report of incident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p) Document incident as “unfounded.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q) Document incident as “Gone on Arrival.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r) Document incident as “verbal dispute.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) Document incident as “family problem.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t) Document the incident with an “Operations report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
u) Document the incident with an “Investigation report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Document the incident with a “Domestic Violence Offense Report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
w) Seize any weapons that might pose a threat to victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
x) Have victim sign “Victim witness notification form.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

38. Please rank in order of importance from 1 to 4 why you took the actions you listed in this situation with 1 being the most important and 4 being the least important. **You must rank at least four responses. Each number can only be used only one time.**

- a) Mandated under law. _____
- b) Discretionary under the law. _____
- c) Comply with the wishes of the victim. _____
- d) Based on my training as a police officer. _____
- e) Based on my experience as a police officer. _____
- f) Based on my departmental policies. _____
- g) Based on my supervisor’s preferences. _____

39. You respond to the Delta apartment complex at 11PM having received on numerous complaints from neighbors, of a domestic dispute in progress. Upon your arrival, angry neighbors swarm you. They tell you that action must be taken to arrest someone. The door to the apartment is wide open. Mrs. Coors is punching and kicking away at her husband. He is holding her off but he has a bloody lip and a minor laceration from a kitchen knife wound inflicted by his wife. She has deep bruises on both arms that are already turning black, apparently from her husband trying to restrain her. Mr. Coors is somewhat intoxicated and belligerent towards you. Your supervisor is yelling over the radio that there is a serious accident on the other side of town that you needed to assist at. What actions do you take? Identify the Female as the offender? Male as the offender?

Beside each of the statements presented below, please indicate how often you would take the action under the circumstances presented.

	Always (A), Most of the time (M), About half the time (H), Some of the time (S), Never (N).				
	A	M	H	S	N
a) Take no police action, not an offense or crime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Deescalate, mediate and resolve situation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Issue verbal warning to offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Issue verbal warning to both parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Remove offender from household for night.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Remove offender for detox/ counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Arrest the offender for an offense under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Arrest the offender for an offense not under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Obtain a warrant for the arrest of the offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Personally sign criminal complaint against defendant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Dispatch medical assistance for victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Advise victim to seek counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Advise victim of right to obtain TRO.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Advise victim to sign a complaint tomorrow.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Make no written report of incident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p) Document incident as "unfounded."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q) Document incident as "Gone on Arrival."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r) Document incident as "verbal dispute."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) Document incident as "family problem."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t) Document the incident with an "Operations report."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
u) Document the incident with an "Investigation report."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Document the incident with a "Domestic Violence Offense Report."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
w) Seize any weapons that might pose a threat to victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
x) Have victim sign "Victim witness notification form."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

40. Please rank in order of importance from 1 to 4 why you took the actions you listed in this situation with 1 being the most important and 4 being the least important. **You must rank at least four responses. Each number can only be used only one time.**

- a) Mandated under law. _____
- b) Discretionary under the law. _____
- c) Comply with the wishes of the victim. _____
- d) Based on my training as a police officer. _____
- e) Based on my experience as a police officer. _____
- f) Based on my departmental policies. _____
- g) Based on my supervisor's preferences. _____

41. You respond to a 911 call for help at the Cleaver residence. They are “frequent flyers” in that this is at least the fourth time in the last year that your department has responded to domestic disturbances at this residence. On one prior occasion Mr. Cleaver was arrested for simple assault. You arrive to witness Mrs. Cleaver again being assaulted in your presence by her husband, there are signs of physical injury, but she is refusing to press charges and begs you not to arrest him, since after his previous arrest Mr. Cleaver only became more violent. She just wants you to take her and their child to her mother’s house in the next town. What action do you take? Identify the Female as the offender? Male as the offender?

Beside each of the statements presented below, please indicate how often you would take the action under the circumstances presented.

	Always (A),	Most of the time (M),	About half the time (H),	Some of the time (S),	Never (N).
	A	M	H	S	N
a) Take no police action, not an offense or crime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Deescalate, mediate and resolve situation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Issue verbal warning to offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Issue verbal warning to both parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Remove offender from household for night.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Remove offender for detox/ counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Arrest the offender for an offense under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Arrest the offender for an offense not under the domestic violence laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Obtain a warrant for the arrest of the offender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Personally sign criminal complaint against defendant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Dispatch medical assistance for victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Advise victim to seek counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Advise victim of right to obtain TRO.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Advise victim to sign a complaint tomorrow.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Make no written report of incident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p) Document incident as “unfounded.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q) Document incident as “Gone on Arrival.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r) Document incident as “verbal dispute.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) Document incident as “family problem.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t) Document the incident with an “Operations report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
u) Document the incident with an “Investigation report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Document the incident with a “Domestic Violence Offense Report.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
w) Seize any weapons that might pose a threat to victim.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
x) Have victim sign “Victim witness notification form.”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

42. Please rank in order of importance from 1 to 4 why you took the actions you listed in this situation with 1 being the most important and 4 being the least important. **You must rank at least four responses. Each number can only be used only one time.**

- | | |
|--|-----|
| a) Mandated under law. | ___ |
| b) Discretionary under the law. | ___ |
| c) Comply with the wishes of the victim. | ___ |
| d) Based on my training as a police officer. | ___ |
| e) Based on my experience as a police officer. | ___ |
| f) Based on my departmental policies. | ___ |
| g) Based on my supervisor’s preferences. | ___ |

Appendix C Supplemental Tables Chapter 4

Appendix C Table 4.1

Police Officer's Rank

	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Police Officer	57	42	142	50	291
Detective	11	0	3	1	15
Corporal	0	1	0	3	4
Sergeant	20	12	30	11	73
Lieutenant	6	3	15	9	33
Captain/ Chief	4	0	2	3	9
Total	98	58	192	77	425

Appendix C Table 4.2

Officer's Current Assignment

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Patrol	59	49	153	64	325
Detective	20	4	20	4	48
Administration	7	2	10	8	27
Traffic	1	3	5	1	10
Juvenile	2	0	2	0	4
Narcotics	6	0	0	0	6
Internal Affairs	2	0	0	0	2
Domestic Violence	1	0	0	0	1
Community Policing	0	0	2	0	2
Total	98	58	192	77	425

Appendix C Table 4.3

Number of Officers Assigned to Shift

	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
1	1	0	3	2	6
2	1	0	3	0	4
3	5	9	3	3	20
4	8	26	12	29	75
5	2	7	20	16	45
6	12	1	67	14	94
7	18	3	19	2	42
8	12	3	17	4	36
9	11	3	9	2	25
10	12	1	15	4	32
More than 10	16	5	24	1	46
Total	98	58	192	77	425

Appendix C Table 4.4

Number of Domestic Calls Officer Responded to in Past Six Months

Respond to Domestic Disturbances Calls as part of routine duties			Setting				
			Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Yes	# of Domestic calls responded to past 6 months	less than 10	14	11	38	38	101
		10 -19	16	15	44	8	83
		20-29	16	12	31	2	61
		30 or more	17	15	37	2	71
		Total	63	53	150	50	316
No	# of Domestic calls responded to past 6 months	less than 10	34	5	40	27	106
		10 -19	0	0	1	0	1
		20-29	0	0	1	0	1
		30 or more	1	0	0	0	1
		Total	35	5	42	27	109

Appendix C Table 4.5

Officer's Years of Police Service

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
3 years or less	3	12	23	9	47
More than 3, but 6 or less	6	8	29	10	53
More than 6, but 9 or less	18	5	22	7	52
More than 9, but 12 or less	12	9	34	16	71
More than 12, but 15 or less	4	5	23	9	41
More than 15, but 18 or less	16	4	10	4	34
More than 18, but 21 or less	13	9	16	5	43
More than 21, but 24 or less	14	5	18	7	44
More than 24, but 27 or less	6	1	6	5	18
More than 27, but 30 or less	4	0	8	2	14
More than 30 years	2	0	3	3	8
Total	98	58	192	77	425

Appendix C Table 4.6

Police Officer's Level of Education

	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
High School	22	6	24	19	71
Some College	44	24	45	19	132
Associates Degree	11	6	19	8	44
More than 60 credits, but less than 120	10	5	27	3	45
College Degree	10	15	60	27	112
Masters Degree	0	2	12	1	15
Masters Degree plus 30	1	0	2	0	3
Doctoral Degree	0	0	3	0	3
Total	98	58	192	77	425

Appendix C Table 4.7

Officer's Covered by Civil Service Regulations

Civil Service Agency	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Yes	98	20	99	49	266
No	0	38	93	28	159
Total	98	58	192	77	425

Appendix C Table 4.8

Civil Service Status and Studying for Promotional Exam

by Group Study Participation

Civil Service Agency			Study Promotional Exam		
			Yes	No	Total
Yes	Study Group Participation	Yes	87	11	98
		No	63	105	168
		Total	150	116	266
No	Study Group Participation	Yes	24	7	31
		No	30	98	128
		Total	54	105	159

Appendix C Table 4.9

Officer's Opinion of Departmental Policing Style

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Traditional Policing	65	34	109	28	236
Community Policing	33	24	83	49	189
Total	98	58	192	77	425

Appendix C Table 4.10

Police Department Discipline

Department Discipline	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Very Strict	13	13	29	9	64
Somewhat Strict	48	36	82	43	209
Somewhat Loose	25	9	65	20	119
Very Loose	12	0	16	5	33
Total	98	58	192	77	425

Appendix C Table 4.11

Officers Kept Abreast of Changes in the Law

Changes in Law	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Never	4	1	9	1	15
Sometimes	32	7	70	17	126
Often	39	19	65	32	155
Always	23	31	48	27	129
Total	98	58	192	77	425

Appendix C Table 4-12

In-Service Training Days

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
In-Service Training Days per year	0	12	1	6	3	22
	1	10	0	7	5	22
	2	49	8	52	11	120
	3	13	9	17	33	72
	4	7	9	13	12	41
	5	1	2	11	3	17
	6	3	1	49	2	55
	7	1	5	6	2	14
	8	1	6	18	0	25
	9	0	5	1	0	6
	10	1	12	4	0	17
	11 or more	0	0	8	6	14
	Total	98	58	192	77	425

Appendix C Table 4.13

Domestic Violence Training in Last 4 years

Years of Training	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
None	14	0	2	3	19
1	51	12	35	37	135
2	8	3	12	15	38
3	7	5	20	4	36
4	18	38	123	18	197
Total	98	58	192	77	425

Appendix C Table 4.14

Supervisor's Support of Strict Enforcement of Domestic Violence Laws

	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Strongly Disagree	3	1	7	1	12
Disagree	1	2	9	0	12
Agree	65	26	127	54	272
Strongly Agree	29	29	49	22	129
Total	98	58	192	77	425

Appendix C Table 4.15

Departmental Support for Strict Enforcement of Domestic Violence Laws

	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Strongly Disagree	1	2	7	1	11
Disagree	3	2	6	0	11
Agree	65	22	134	57	278
Strongly Agree	29	32	45	19	125
Total	98	58	192	77	425

Scenario 1: Domestic Assault with Uncooperative Victim and Abuser Gone

Appendix C Table 4.16

Scale of Departmental Support for Domestic Violence Enforcement

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Very weak support	1	0	0	1	2
Weak support	17	3	12	2	34
Support	59	11	63	49	182
Strong support	21	44	117	25	207
Total	98	58	192	77	425

Appendix C Table 4.17

Motivation in Handling Domestic Violence Calls

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
My individual characteristics	3	2	11	7	23
Situational Characteristics	48	32	92	37	209
Organizational characteristics	4	2	3	7	16
Community characteristics	5	4	10	1	20
Legal Constraints	38	18	76	25	157
Total	98	58	192	77	425

Appendix C Table 4-18

Compliance with the Enforcement of Attorney General Guidelines

Domestic Violence Enforcement	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Never	0	0	0	1	1
Sometimes	0	3	4	3	10
Often	19	11	45	13	88
Always	79	44	143	60	326
Total	98	58	192	77	425

Appendix C Table 4.19

Practicality of Domestic Violence Enforcement

Practicality of Domestic Violence Enforcement	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Never	1	0	1	1	3
Sometimes	21	18	75	33	147
Often	46	24	86	23	179
Always	30	16	30	20	96
Total	98	58	192	77	425

Appendix C Table 4.20

Dual Arrest for Domestic Violence within Last Six Months

Dual arrest in last 6 months	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
0	62	44	152	59	317
1	13	7	23	11	54
2	13	3	15	4	35
3	4	1	1	2	8
4	0	2	0	1	3
5 or more	6	1	1	0	8
Total	98	58	192	77	425

Appendix C Table 4.21

Officer Support of Warrantless Arrest for Disorderly Persons Assaults

Warrantless Arrest	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Strongly Disagree	10	3	13	3	29
Disagree	26	14	37	12	89
Agree	44	34	122	46	246
Strongly Agree	18	7	20	16	61
Total	98	58	192	77	425

Appendix C Table 4.22

Officer Support for More Discretion in Handling Domestic Violence

More Discretion Handling Domestic Violence	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Strongly Disagree	9	3	9	4	25
Disagree	25	19	56	16	116
Agree	43	27	99	40	209
Strongly Agree	21	9	28	17	75
Total	98	58	192	77	425

Appendix C Table 4.23

Victim Empowerment in Simple Assault Domestic Violence Offenses

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Strongly Disagree	20	7	40	12	79
Disagree	38	27	72	34	171
Agree	34	21	75	30	160
Strongly Agree	6	3	5	1	15
Total	98	58	192	77	425

Appendix C Table 4.24

Opinions on Mandatory Prosecution

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Strongly Disagree	7	4	9	4	24
Disagree	21	17	41	25	104
Agree	49	29	93	41	212
Strongly Agree	21	8	49	7	85
Total	98	58	192	77	425

Appendix C Table 4.25

Municipal Judges Strict Application of Domestic Violence Laws

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Strongly Disagree	11	2	6	2	21
Disagree	17	9	44	8	78
Agree	64	35	128	59	286
Strongly Agree	5	12	13	7	37
Total	97	58	191	76	422

Appendix C Table 4.26

Aggressive Prosecution of Domestic Violence Simple Assault Cases

	Setting				
	Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Strongly Disagree	11	3	15	5	34
Disagree	21	16	77	17	131
Agree	59	38	94	47	238
Strongly Agree	6	1	2	7	16
Total	97	58	188	76	419

Appendix C Table 4.27

Municipal Court System Treatment of Domestic Violence Assaults

Domestic Violence Assault Treatment	Setting				Total
	Urban	Urban Suburb	Large Suburban	Small Suburban	
Strongly Disagree	7	5	14	5	31
Disagree	31	22	86	29	168
Agree	52	28	85	40	205
Strongly Agree	8	3	5	3	19
Total	98	58	190	77	423

Appendix C Table 4.28

Scenario 1 K: Dispatch Medical Assistance for Victim

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	74	51	139	54	318
	% within Setting	77.1%	87.9%	72.8%	70.1%	75.4%
Most of the time	Count	16	5	27	16	64
	% within Setting	16.7%	8.6%	14.1%	20.8%	15.2%
About half the time	Count	1	0	8	3	12
	% within Setting	1.0%	.0%	4.2%	3.9%	2.8%
Some of the time	Count	4	2	16	4	26
	% within Setting	4.2%	3.4%	8.4%	5.2%	6.2%
Never	Count	1	0	1	0	2
	% within Setting	1.0%	.0%	.5%	.0%	.5%
Total	Count	96	58	191	77	422

Appendix C Table 4.29

Scenario 1 M: Advise Victim of Right to Obtain Temporary Restraining Order

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	87	54	169	72	382
	% within Setting	88.8%	93.1%	88.0%	93.5%	89.9%
Most of the time	Count	10	0	12	4	26
	% within Setting	10.2%	.0%	6.2%	5.2%	6.1%
About half the time	Count	0	2	5	1	8
	% within Setting	.0%	3.4%	2.6%	1.3%	1.9%
Some of the time	Count	0	2	5	0	7
	% within Setting	.0%	3.4%	2.6%	.0%	1.6%
Never	Count	1	0	1	0	2
	% within Setting	1.0%	.0%	.5%	.0%	.5%
Total	Count	98	58	192	77	425

Appendix C Table 4.30

Scenario 1 X: Victim to Sign "Victim Witness Notification Form"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	84	56	159	66	365
	% within Setting	85.7%	96.6%	82.8%	85.7%	85.9%
Most of the time	Count	12	1	21	7	41
	% within Setting	12.2%	1.7%	10.9%	9.1%	9.6%
About half the time	Count	1	0	7	2	10
	% within Setting	1.0%	.0%	3.6%	2.6%	2.4%
Some of the time	Count	1	1	4	2	8
	% within Setting	1.0%	1.7%	2.1%	2.6%	1.9%
Never	Count	0	0	1	0	1
	% within Setting	.0%	.0%	.5%	.0%	.2%
Total	Count	98	58	192	77	425

Appendix C Table 4.31

Scenario 1 A: Take No Police Action No Offense or Crime Committed

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	6	4	6	5	21
	% within Setting	6.1%	6.9%	3.1%	6.5%	4.9%
Most of the time	Count	7	0	6	9	22
	% within Setting	7.1%	.0%	3.1%	11.7%	5.2%
About half the time	Count	2	1	13	2	18
	% within Setting	2.0%	1.7%	6.8%	2.6%	4.2%
Some of the time	Count	20	5	35	11	71
	% within Setting	20.4%	8.6%	18.2%	14.3%	16.7%
Never	Count	63	48	132	50	293
	% within Setting	64.3%	82.8%	68.8%	64.9%	68.9%
Total	Count	98	58	192	77	425

Appendix C Table 4.32

Scenario 1 N: Advise Victim to Sign Complaint Tomorrow

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	5	7	19	17	48
	% within Setting	5.1%	12.1%	9.9%	22.1%	11.3%
Most of the time	Count	17	4	19	8	48
	% within Setting	17.3%	6.9%	9.9%	10.4%	11.3%
About half the time	Count	3	4	22	5	34
	% within Setting	3.1%	6.9%	11.5%	6.5%	8.0%
Some of the time	Count	21	11	40	17	89
	% within Setting	21.4%	19.0%	20.9%	22.1%	21.0%
Never	Count	52	32	91	30	205
	% within Setting	53.1%	55.2%	47.6%	39.0%	48.3%
Total	Count	98	58	191	77	424

Appendix C Table 4.33

Scenario 1: Proper Classification to Document Incident

		Setting				
		Urban 98 Participant s	Urban Suburb 58 Participants	Large Suburban 192 Participants	Small Suburban 77 Participants	Total 423 Participant s
Never document as "family problem"	Count % of participants	72 73%	45 78%	134 70%	52 68%	303 71%
Never document as "Verbal Dispute"	Count % of participants	69 70%	40 69%	126 66%	50 65%	285 67%
Never document as "Gone on Arrival"	Count % of participants	81 83%	50 86%	176 92%	68 88%	375 88%
Never document as "Unfounded"	Count % of participants	85 87%	51 88%	178 93%	67 87%	381 90%

Appendix C Table 4.34

Scenario 1 H: Arrest offender not Under Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	4	4	3	3	14
	% within Setting	4.1%	6.9%	1.6%	3.9%	3.3%
Most of the time	Count	2	2	8	4	16
	% within Setting	2.0%	3.4%	4.2%	5.3%	3.8%
About half the time	Count	6	5	13	9	33
	% within Setting	6.1%	8.6%	6.8%	11.8%	7.8%
Some of he time	Count	21	18	90	31	160
	% within Setting	21.4%	31.0%	46.9%	40.8%	37.7%
Never	Count	65	29	78	29	201
	% within Setting	66.3%	50.0%	40.6%	38.2%	47.4%
Total	Count	98	58	192	76	424

Scenario 2 Domestic Assault with Injury and Physical Evidence

Appendix C Table 4.35

Scenario 2 K: Dispatch Medical Assistance for Victim

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	76	50	144	60	330
	% within Setting	77.6%	86.2%	75.0%	77.9%	77.6%
Most of the time	Count	14	5	24	10	53
	% within Setting	14.3%	8.6%	12.5%	13.0%	12.5%
About half the time	Count	3	1	10	3	17
	% within Setting	3.1%	1.7%	5.2%	3.9%	4.0%
Some of the time	Count	4	2	12	3	21
	% within Setting	4.1%	3.4%	6.2%	3.9%	4.9%
Never	Count	1	0	2	1	4
	% within Setting	1.0%	.0%	1.0%	1.3%	.9%
Total	Count	98	58	192	77	425
	% within Setting	100.0%	100.0%	100.0%	100.0%	100.0%

Appendix C Table 4.36

Scenario 2 M: Advise Victim to Obtain Temporary Restraining Order

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	86	55	169	74	384
	% within Setting	87.8%	94.8%	88.0%	96.1%	90.4%
Most of the time	Count	9	1	15	2	27
	% within Setting	9.2%	1.7%	7.8%	2.6%	6.4%
About half the time	Count	1	0	3	1	5
	% within Setting	1.0%	.0%	1.6%	1.3%	1.2%
Some of the time	Count	1	2	4	0	7
	% within Setting	1.0%	3.4%	2.1%	.0%	1.6%
Never	Count	1	0	1	0	2
	% within Setting	1.0%	.0%	.5%	.0%	.5%
Total	Count	98	58	192	77	425

Appendix C Table 4.37

Scenario 2 X: Victim to Sign "Victim Witness Notification Form"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	86	55	172	72	385
	% within Setting	87.8%	94.8%	89.6%	93.5%	90.6%
Most of the time	Count	9	2	12	0	23
	% within Setting	9.2%	3.4%	6.2%	.0%	5.4%
About half the time	Count	1	0	6	0	7
	% within Setting	1.0%	.0%	3.1%	.0%	1.6%
Some of the time	Count	0	1	1	3	5
	% within Setting	.0%	1.7%	.5%	3.9%	1.2%
Never	Count	2	0	1	2	5
	% within Setting	2.0%	.0%	.5%	2.6%	1.2%
Total	Count	98	58	192	77	425
	% within Setting	100.0%	100.0%	100.0%	100.0%	100.0%

Appendix C Table 4.38

Scenario 2 A: Take No Police Action, Not an Offense or Crime

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	3	0	1	0	4
	% within Setting	3.1%	.0%	.5%	.0%	.9%
Most of the time	Count	2	1	0	1	4
	% within Setting	2.0%	1.7%	.0%	1.3%	.9%
About half the time	Count	2	0	5	0	7
	% within Setting	2.0%	.0%	2.6%	.0%	1.6%
Some of the time	Count	6	2	11	2	21
	% within Setting	6.1%	3.4%	5.7%	2.6%	4.9%
Never	Count	85	55	175	74	389
	% within Setting	86.7%	94.8%	91.1%	96.1%	91.5%
Total	Count	98	58	192	77	425

Appendix C Table 4.39

Scenario 2 N: Advise Victim to Sign Complaint Tomorrow

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	7	8	20	17	52
	% within Setting	7.1%	13.8%	10.4%	22.1%	12.2%
Most of the time	Count	13	5	13	4	35
	% within Setting	13.3%	8.6%	6.8%	5.2%	8.2%
About half the time	Count	4	5	23	9	41
	% within Setting	4.1%	8.6%	12.0%	11.7%	9.6%
Some of the time	Count	14	9	49	10	82
	% within Setting	14.3%	15.5%	25.5%	13.0%	19.3%
Never	Count	60	31	87	37	215
	% within Setting	61.2%	53.4%	45.3%	48.1%	50.6%
Total	Count	98	58	192	77	425

Appendix C Table 4.40

Scenario 2: Proper Classification to Document Incident

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Never document as "family problem"	Count	79	50	153	60	342
	% of participants	81%	86%	80%	78%	81%
Never document as "Verbal Dispute"	Count	79	45	150	65	339
	% of participants	70%	78%	78%	84%	80%
Never document as "Gone on Arrival"	Count	94	54	183	77	408
	% of participants	96%	93%	95%	100%	96%
Never document as "Unfounded"	Count	96	56	186	75	413
	% of participants	98%	97%	97%	97%	98%

Appendix C Table 4.41

Scenario 2: Arrest Offender not Under Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	12	7	13	8	40
	% within Setting	12.2%	12.1%	6.8%	10.5%	9.5%
Most of the time	Count	3	5	13	8	29
	% within Setting	3.1%	8.6%	6.8%	10.5%	6.9%
About half the time	Count	9	8	14	7	38
	% within Setting	9.2%	13.8%	7.3%	9.2%	9.0%
Some of the time	Count	26	18	66	21	131
	% within Setting	26.5%	31.0%	34.6%	27.6%	31.0%
Never	Count	48	20	85	32	185
	% within Setting	49.0%	34.5%	44.5%	42.1%	43.7%
Total	Count	98	58	191	76	423

Scenario 3 Violation of Out of State Domestic Violence Restraining
Order with Uncooperative Victim Witnessed by the Police

Appendix C Table 4.42

Scenario 3 H: Arrest Offender not Under Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	12	7	21	10	50
	% within Setting	12.4%	12.1%	11.1%	13.0%	11.8%
Most of the time	Count	4	2	9	7	22
	% within Setting	4.1%	3.4%	4.7%	9.1%	5.2%
About half the time	Count	5	7	15	6	33
	% within Setting	5.2%	12.1%	7.9%	7.8%	7.8%
Some of the time	Count	23	17	46	18	104
	% within Setting	23.7%	29.3%	24.2%	23.4%	24.6%
Never	Count	53	25	99	36	213
	% within Setting	54.6%	43.1%	52.1%	46.8%	50.5%
Total	Count	97	58	190	77	422

Appendix C Table 4.43

Scenario 3 A: No Police Action, Not an Offense or Crime

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	2	1	2	6	11
	% within Setting	2.0%	1.7%	1.0%	7.8%	2.6%
Most of the time	Count	3	0	6	2	11
	% within Setting	3.1%	.0%	3.1%	2.6%	2.6%
About half the time	Count	2	0	2	2	6
	% within Setting	2.0%	.0%	1.0%	2.6%	1.4%
Some of the time	Count	4	6	14	10	34
	% within Setting	4.1%	10.3%	7.3%	13.0%	8.0%
Never	Count	87	51	168	57	363
	% within Setting	88.8%	87.9%	87.5%	74.0%	85.4%
Total	Count	98	58	192	77	425

Appendix C Table 4.44

Scenario 3 M: Advise Victim to Obtain Temporary Restraining Order

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	56	30	91	39	216
	% within Setting	59.6%	51.7%	48.9%	54.2%	52.7%
Most of the time	Count	5	1	16	6	28
	% within Setting	5.3%	1.7%	8.6%	8.3%	6.8%
About half the time	Count	0	3	4	4	11
	% within Setting	.0%	5.2%	2.2%	5.6%	2.7%
Some of the time	Count	6	4	10	4	24
	% within Setting	6.4%	6.9%	5.4%	5.6%	5.9%
Never	Count	27	20	65	19	131
	% within Setting	28.7%	34.5%	34.9%	26.4%	32.0%
Total	Count	94	58	186	72	410

Appendix C Table 4.45

Scenario 3 X: Victim to Sign "Victim Witness Notification Form"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	81	50	151	56	338
	% within Setting	83.5%	86.2%	79.5%	72.7%	80.1%
Most of the time	Count	7	1	15	1	24
	% within Setting	7.2%	1.7%	7.9%	1.3%	5.7%
About half the time	Count	2	0	6	2	10
	% within Setting	2.1%	.0%	3.2%	2.6%	2.4%
Some of the time	Count	6	4	8	7	25
	% within Setting	6.2%	6.9%	4.2%	9.1%	5.9%
Never	Count	1	3	10	11	25
	% within Setting	1.0%	5.2%	5.3%	14.3%	5.9%
Total	Count	97	58	190	77	422

Appendix C Table 4.46

Scenario 3 N: Advise Victim to Sign Complaint Tomorrow

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	8	10	23	20	61
	% within Setting	8.2%	17.2%	12.1%	26.7%	14.5%
Most of the time	Count	4	3	9	5	21
	% within Setting	4.1%	5.2%	4.7%	6.7%	5.0%
About half the time	Count	6	2	15	7	30
	% within Setting	6.2%	3.4%	7.9%	9.3%	7.1%
Some of the time	Count	17	4	29	6	56
	% within Setting	17.5%	6.9%	15.3%	8.0%	13.3%
Never	Count	62	39	114	37	252
	% within Setting	63.9%	67.2%	60.0%	49.3%	60.0%
Total	Count	97	58	190	75	420

Appendix C Table 4.47

Scenario 3: Proper Classification to Document Incident

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Never document as "family problem"	Count	84	51	165	69	369
	% of participants	87%	88%	86%	90%	87%
Never document as "Verbal Dispute"	Count	76	41	147	48	312
	% of participants	78%	71%	77%	62%	74%
Never document as "Gone on Arrival"	Count	90	55	181	69	395
	% of participants	93%	95%	95%	90%	93%
Never document as "Unfounded"	Count	91	54	179	72	396
	% of participants	94%	95%	94%	94%	94%

Scenario 4 No Domestic Violence Although the Complainant Disagrees

Appendix C Table 4.48

Scenario 4 H: Arrest Offender not under Domestic Violence Laws

		Arrest offender not under DV laws					Total
		Always	Most of the time	About half the time	Some of the time	Never	
Male as offender	Count	26	17	28	95	131	297
	% within row	8.8%	5.7%	9.4%	32.0%	44.1%	100.0%
Female as offender	Count	2	2	1	4	8	17
	% within row	11.8%	11.8%	5.9%	23.5%	47.1%	100.0%
Both as offenders	Count	0	0	0	2	2	4
	% within row	.0%	.0%	.0%	50.0%	50.0%	100.0%
Neither as offender	Count	4	8	6	20	64	102
	% within row	3.9%	7.8%	5.9%	19.6%	62.7%	100.0%
Total	Count	32	27	35	121	205	420

Appendix C Table 4.48

Scenario 4 J: Officer to Sign Complaint

		Sign complaint against offender					Total
		Always	Most of the time	About half the time	Some of the time	Never	
Male as offender	Count	38	21	15	81	140	295
	% within row	12.9%	7.1%	5.1%	27.5%	47.5%	100.0%
Female as offender	Count	1	3	1	5	7	17
	% within row	5.9%	17.6%	5.9%	29.4%	41.2%	100.0%
Both as offenders	Count	0	0	0	2	2	4
	% within row	.0%	.0%	.0%	50.0%	50.0%	100.0%
Neither as offender	Count	7	6	2	12	75	102
	% within row	6.9%	5.9%	2.0%	11.8%	73.5%	100.0%
Total	Count	46	30	18	100	224	418

Appendix C Table 4.50

Scenario 4 L: Advise Victim to Seek Counseling

		Advise victim to seek counseling					Total
		Always	Most of the time	About half the time	Some of the time	Never	
Male as offender	Count	156	50	25	42	23	296
	% within row	52.7%	16.9%	8.4%	14.2%	7.8%	100.0%
Female as offender	Count	7	6	2	2	1	18
	% within row	38.9%	33.3%	11.1%	11.1%	5.6%	100.0%
Both as offenders	Count	2	2	0	0	0	4
	% within row	50.0%	50.0%	.0%	.0%	.0%	100.0%
Neither as offender	Count	45	17	15	6	17	100
	% within row	45.0%	17.0%	15.0%	6.0%	17.0%	100.0%
Total	Count	210	75	42	50	41	418

Appendix C Table 4.51

Scenario 4 M: Advise Victim to Obtain Temporary Restraining Order

		Advise victim to obtain TRO					
		Always	Most of the time	About half the time	Some of the time	Never	Total
Male as offender	Count	188	33	15	26	34	296
	% within row	63.5%	11.1%	5.1%	8.8%	11.5%	100.0%
Female as offender	Count	10	3	3	1	1	18
	% within row	55.6%	16.7%	16.7%	5.6%	5.6%	100.0%
Both as offenders	Count	3	0	1	0	0	4
	% within row	75.0%	.0%	25.0%	.0%	.0%	100.0%
Neither as offender	Count	54	12	9	8	20	103
	% within row	52.4%	11.7%	8.7%	7.8%	19.4%	100.0%
Total	Count	255	48	28	35	55	421

Appendix C Table 4.52

Scenario 4 O: Make No Written Report of Incident

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	6	2	5	3	16
	% within Setting	6.1%	3.4%	2.7%	3.9%	3.8%
Most of the time	Count	4	2	5	0	11
	% within Setting	4.1%	3.4%	2.7%	.0%	2.6%
About half the time	Count	9	2	7	3	21
	% within Setting	9.2%	3.4%	3.7%	3.9%	5.0%
Some of the time	Count	12	7	13	2	34
	% within Setting	12.2%	12.1%	6.9%	2.6%	8.1%
Never	Count	67	45	158	69	339
	% within Setting	68.4%	77.6%	84.0%	89.6%	80.5%
Total	Count	98	58	188	77	421

Appendix C Table 4.53

Scenario 4 V: Document with "Domestic Violence Offense Report"

		Document with "Domestic Violence Offense Report"					
		Always	Most of the time	About half the time	Some of the time	Never	Total
Male as offender	Count	120	19	27	54	78	298
	% within row	40.3%	6.4%	9.1%	18.1%	26.2%	100.0%
Female as offender	Count	6	1	5	2	3	17
	% within row	35.3%	5.9%	29.4%	11.8%	17.6%	100.0%
Both as offenders	Count	2	0	1	0	1	4
	% within row	50.0%	.0%	25.0%	.0%	25.0%	100.0%
Neither as offender	Count	18	5	6	13	61	103
	% within row	17.5%	4.9%	5.8%	12.6%	59.2%	100.0%
Total	Count	146	25	39	69	143	422

Appendix C Table 4.54

Scenario 4 X: Victim to Sign "Victim Witness Notification Form"

		Victim to sign "Victim Witness Notification form"					
		Always	Most of the time	About half the time	Some of the time	Never	Total
Male as offender	Count	169	19	16	42	51	297
	% within row	56.9%	6.4%	5.4%	14.1%	17.2%	100.0%
Female as offender	Count	11	1	2	1	3	18
	% within row	61.1%	5.6%	11.1%	5.6%	16.7%	100.0%
Both as offender	Count	3	0	1	0	0	4
	% within row	75.0%	.0%	25.0%	.0%	.0%	100.0%
Neither as offender	Count	37	8	2	4	52	103
	% within row	35.9%	7.8%	1.9%	3.9%	50.5%	100.0%
Total	Count	220	28	21	47	106	422

Scenario 5 Domestic Assault with a Knife and Both Parties
Sustain Injuries

Appendix C Table 4.55

Scenario 5 H: Arrest Offender not Under Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	21	17	31	25	94
	% within Setting	21.4%	29.8%	16.3%	32.5%	22.3%
Most of the time	Count	8	4	13	6	31
	% within Setting	8.2%	7.0%	6.8%	7.8%	7.3%
About half the time	Count	4	7	13	2	26
	% within Setting	4.1%	12.3%	6.8%	2.6%	6.2%
Some of the time	Count	20	6	45	15	86
	% within Setting	20.4%	10.5%	23.7%	19.5%	20.4%
Never	Count	45	23	88	29	185
	% within Setting	45.9%	40.4%	46.3%	37.7%	43.8%
Total	Count	98	57	190	77	422

Appendix C Table 4.56

Scenario 5 H: Identify and Arrest Offender not

Under Domestic Violence Laws

		Arrest offender not Under DV laws					
		Always	Most of the time	About half the time	Some of the time	Never	Total
Male	Count	6	2	2	6	9	25
	% within row	24.0%	8.0%	8.0%	24.0%	36.0%	100.0%
Female	Count	61	20	20	72	145	318
	% within row	19.2%	6.3%	6.3%	22.6%	45.6%	100.0%
Both	Count	27	9	4	8	30	78
	% within row	34.6%	11.5%	5.1%	10.3%	38.5%	100.0%
Neither	Count	0	0	0	0	1	1
	% within row	22.3%	7.3%	6.2%	20.4%	43.8%	100.0%
Total	Count	94	31	26	86	185	422

Appendix C Table 4.57

Scenario 5 A: Take No Police Action

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	6	0	0	1	7
	% within Setting	6.1%	.0%	.0%	1.3%	1.6%
Most of the time	Count	1	0	0	0	1
	% within Setting	1.0%	.0%	.0%	.0%	.2%
About half the time	Count	1	0	3	0	4
	% within Setting	1.0%	.0%	1.6%	.0%	.9%
Some of the time	Count	3	1	3	0	7
	% within Setting	3.1%	1.7%	1.6%	.0%	1.6%
Never	Count	87	57	186	76	406
	% within Setting	88.8%	98.3%	96.9%	98.7%	95.5%
Total	Count	98	58	192	77	425

Appendix C Table 4.58

Scenario 5 M: Advise Victim to Obtain a Temporary Restraining Order

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	86	52	172	72	382
	% within Setting	89.6%	89.7%	90.5%	93.5%	90.7%
Most of the time	Count	4	1	6	4	15
	% within Setting	4.2%	1.7%	3.2%	5.2%	3.6%
About half the time	Count	3	1	4	1	9
	% within Setting	3.1%	1.7%	2.1%	1.3%	2.1%
Some of the time	Count	2	3	4	0	9
	% within Setting	2.1%	5.2%	2.1%	.0%	2.1%
Never	Count	1	1	4	0	6
	% within Setting	1.0%	1.7%	2.1%	.0%	1.4%
Total	Count	96	58	190	77	421

Appendix C Table 4.59

Scenario 5 X: Victim to Sign "Victim Witness Notification Form"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	90	56	180	73	399
	% within Setting	91.8%	96.6%	93.8%	94.8%	93.9%
Most of the time	Count	3	1	5	2	11
	% within Setting	3.1%	1.7%	2.6%	2.6%	2.6%
About half the time	Count	2	1	3	0	6
	% within Setting	2.0%	1.7%	1.6%	.0%	1.4%
Some of the time	Count	3	0	3	2	8
	% within Setting	3.1%	.0%	1.6%	2.6%	1.9%
Never	Count	0	0	1	0	1
	% within Setting	.0%	.0%	.5%	.0%	.2%
Total	Count	98	58	192	77	425

Appendix C Table 4.60

Scenario 5 W: Seize Any Weapon that Poses a Threat to Victim

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	82	54	168	71	375
	% within Setting	83.7%	93.1%	88.0%	92.2%	88.4%
Most of the time	Count	7	0	8	1	16
	% within Setting	7.1%	.0%	4.2%	1.3%	3.8%
About half the time	Count	3	3	4	0	10
	% within Setting	3.1%	5.2%	2.1%	.0%	2.4%
Some of the time	Count	4	1	7	3	15
	% within Setting	4.1%	1.7%	3.7%	3.9%	3.5%
Never	Count	2	0	4	2	8
	% within Setting	2.0%	.0%	2.1%	2.6%	1.9%
Total	Count	98	58	191	77	424

Appendix C Table 5.61

Scenario 5 A: Take No Police Action

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	6	0	0	1	7
	% within Setting	6.1%	.0%	.0%	1.3%	1.6%
Most of the time	Count	1	0	0	0	1
	% within Setting	1.0%	.0%	.0%	.0%	.2%
About half the time	Count	1	0	3	0	4
	% within Setting	1.0%	.0%	1.6%	.0%	.9%
Some of the time	Count	3	1	3	0	7
	% within Setting	3.1%	1.7%	1.6%	.0%	1.6%
Never	Count	87	57	186	76	406
	% within Setting	88.8%	98.3%	96.9%	98.7%	95.5%
Total	Count	98	58	192	77	425

Appendix C Table 4.62

Scenario 5 N: Advise Victim to Sign Complaint Tomorrow

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	9	12	28	17	66
	% within Setting	9.2%	20.7%	14.7%	22.1%	15.6%
Most of the time	Count	7	6	5	5	23
	% within Setting	7.1%	10.3%	2.6%	6.5%	5.4%
About half the time	Count	3	5	9	4	21
	% within Setting	3.1%	8.6%	4.7%	5.2%	5.0%
Some of the time	Count	13	4	29	8	54
	% within Setting	13.3%	6.9%	15.3%	10.4%	12.8%
Never	Count	66	31	119	43	259
	% within Setting	67.3%	53.4%	62.6%	55.8%	61.2%
Total	Count	98	58	190	77	423

Appendix C Table 4.63

Scenario 5: Proper Classification to Document Incident

		Setting				
		Urban 98 Participant s	Urban Suburb 57 Participants	Large Suburban 191 Participants	Small Suburban 77 Participants	Total 423 Participant s
“family problem”	Count	80	51	171	66	368
	% of participants	82.5%	87.9%	89.5%	85.7%	87.0%
“Verbal Dispute”	Count	86	53	181	75	395
	% of participants	87.8%	93.0%	94.8%	97.4%	93.4%
“Gone on Arrival”	Count	89	55	188	77	409
	% of participants	90.8%	96.5%	98.4%	100.0%	96.7%
“Unfounded”	Count	92	55	186	77	410
	% of participants	93.9%	96.5%	97.4%	100.0%	96.9%

Scenario 6 Domestic Assault Witnessed by the Police with a
History of Domestic Violence

Appendix C Table 4.64

Scenario 6 H: Arrest not Under the Domestic Violence Laws

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	15	11	29	27	82
	% within Setting	15.3%	19.0%	15.1%	35.1%	19.3%
Most of the time	Count	6	5	12	5	28
	% within Setting	6.1%	8.6%	6.2%	6.5%	6.6%
About half the time	Count	4	5	11	3	23
	% within Setting	4.1%	8.6%	5.7%	3.9%	5.4%
Some of the time	Count	19	11	43	10	83
	% within Setting	19.4%	19.0%	22.4%	13.0%	19.5%
Never	Count	54	26	97	32	209
	% within Setting	55.1%	44.8%	50.5%	41.6%	49.2%
Total	Count	98	58	192	77	425

Appendix C Table 4.65

Scenario 6 K: Dispatch Medical Assistance for Victim

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	79	54	147	65	345
	% within Setting	80.6%	93.1%	77.4%	84.4%	81.6%
Most of the time	Count	9	1	21	4	35
	% within Setting	9.2%	1.7%	11.1%	5.2%	8.3%
About half the time	Count	3	0	11	5	19
	% within Setting	3.1%	.0%	5.8%	6.5%	4.5%
Some of the time	Count	6	3	10	1	20
	% within Setting	6.1%	5.2%	5.3%	1.3%	4.7%
Never	Count	1	0	1	2	4
	% within Setting	1.0%	.0%	.5%	2.6%	.9%
Total	Count	98	58	190	77	423

Appendix C Table 4.66

Scenario 6: Advise Victim to Obtain Temporary Restraining Order

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	93	56	184	75	408
	% within Setting	94.9%	96.6%	95.8%	97.4%	96.0%
Most of the time	Count	3	2	4	2	11
	% within Setting	3.1%	3.4%	2.1%	2.6%	2.6%
About half the time	Count	1	0	3	0	4
	% within Setting	1.0%	.0%	1.6%	.0%	.9%
Some of the time	Count	0	0	1	0	1
	% within Setting	.0%	.0%	.5%	.0%	.2%
Never	Count	1	0	0	0	1
	% within Setting	1.0%	.0%	.0%	.0%	.2%
Total	Count	98	58	192	77	425

Appendix C Table 4.67

Scenario 6 X: Victim to Sign "Victim Witness Notification Form"

		Setting				
		Urban	Urban Suburb	Large Suburban	Small Suburban	Total
Always	Count	90	57	178	75	400
	% within Setting	92.8%	98.3%	92.7%	97.4%	94.3%
Most of the time	Count	5	1	9	0	15
	% within Setting	5.2%	1.7%	4.7%	.0%	3.5%
About half the time	Count	0	0	3	2	5
	% within Setting	.0%	.0%	1.6%	2.6%	1.2%
Some of the time	Count	2	0	2	0	4
	% within Setting	2.1%	.0%	1.0%	.0%	.9%
Total	Count	97	58	192	77	424

Appendix C Table 4.68

Scenario 6: Proper Classification to Document Incident

Never document as		Setting				
		Urban 98 Participants	Urban Suburb 55 Participants	Large Suburban 192 Participants	Small Suburban 77 Participants	Total 423 Participants
Family problem	Count	81	53	168	65	367
	% of participants	84.4%	91.4%	88.0%	84.4%	87.0%
Verbal dispute	Count	84	52	176	73	385
	% of participants	86.6%	89.7%	92.1%	96.1%	91.2%
Gone on Arrival	Count	90	55	188	76	409
	% of participants	91.8%	96.5%	98.4%	98.7%	96.7%
Unfounded	Count	93	55	186	75	409
	% of participants	94.9%	96.5%	97.4%	97.4%	96.7%

Appendix D Supplemental Tables Chapter

Appendix D Table 5.1

Multiple Comparisons of Arrest Mean Scores by Work Setting

(I) Setting	(J) Setting	Mean Difference (I-J)	Std. Error	Sig.
Urban	Urban Suburb	-.181	.747	1.000
	Large Suburban	1.031	.563	.406
	Small Suburban	1.811	.692	.055
Urban Suburb	Urban	.181	.747	1.000
	Large Suburban	1.211	.676	.443
	Small Suburban	1.992	.787	.070
Large Suburban	Urban	-1.031	.563	.406
	Urban Suburb	-1.211	.676	.443
	Small Suburban	.780	.615	1.000
Small Suburban	Urban	-1.811	.692	.055
	Urban Suburb	-1.992	.787	.070
	Large Suburban	-.780	.615	1.000

Appendix D Table 5.2

Multiple Comparisons of Disorderly Persons Arrest Means By Shift Size

(I) PO shift	(J) PO shift	Mean Difference (I-J)	Std. Error	Sig.
1-3 Officers	4-6 Officers	2.641 [*]	.872	.016
	7-9 Officers	3.347 [*]	.928	.002
	More than 9 Officers	1.566	.961	.624
* The mean difference is significant at the 0.05 level.				

Appendix D Table 5.3

Multiple Comparisons of Disorderly Persons Arrest Means by Geographical Setting

(I) Setting	(J) Setting	Mean Difference (I-J)	Std. Error	Sig.
Urban Suburb	Urban	.231	.552	1.000
	Large Suburban	.790	.500	.687
	Small Suburban	1.557*	.583	.047

Appendix D Table 5.4

Multiple Comparisons by Arrest Mean Scores

Of Self-Report Compliance with AG Guidelines on Domestic Violence

(I) Enforcement of Domestic Violence	(J) Enforcement of Domestic Violence	Mean Difference (I-J)	Std. Error	Sig.
Sometimes	Often	-4.045*	1.387	.011
	Always	-6.470*	1.330	.000
Often	Sometimes	4.045*	1.387	.011
	Always	-2.425*	.522	.000
Always	Sometimes	6.470*	1.330	.000
	Often	2.425*	.522	.000
*. The mean difference is significant at the 0.05 level.				

Appendix D Table 5.5

Multiple Comparisons of Arrest Mean Scores by Officers Self-Report on the
Practicality of Enforcement of AG Guidelines on Domestic Violence

(I) Practicality of Domestic Violence Enforcement	(J) Practicality of Domestic Violence Enforcement	Mean Difference (I-J)	Std. Error	Sig.
Always	Never	4.586	2.594	.467
	Sometimes	2.829*	.585	.000
	Often	1.514*	.563	.045
* The mean difference is significant at the 0.05 level.				

Appendix D Table 5.6

Arrest Mean Scores by Years of Police Service

Years of Police Service	N	Mean	Std. Deviation
6 years or less	99	23.20	4.477
More than 6 years, but 12 or less	120	25.28	4.629
More than 12 years, but 18 or less	74	24.42	4.338
More than 18 years, but 24 or less	86	25.23	4.487
More than 24 years, but 30 or less	31	25.23	4.485
More than 30 years	8	24.50	3.505
Total	418	24.61	4.538