The Negative Impact of Dual Arrest and Intimate Partner Violence

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Paper presented at the Association for Women in Psychology
March 8-11, 2007
San Francisco, CA
History of Intimate Partner Violence (IPV)

- **Prior to 1960’s**: IPV condoned
  (Bacham & Coker, 1995; Mills, 1999)

- **1960’s**: Advocates for battered women speak out
  (Dasgupta, 2003; Fagan, 1996)

- **1970’s**: Hands-off policy (Fagan, 1996)

- **1980’s**: Minneapolis Domestic Violence Experiment
  (Sherman & Berk, 1984)
  - Law Suits (Bohmer et al., 2002)

- **1990’s**: - VAWA (Dasgupta, 2003)
  - Family Protection and Domestic Violence Act
    (Haviland et al., 2001)
  - Mandatory Arrest Laws (Goodmark, 2004)
  - Mandatory Prosecution (Carlson & Nidey, 1995)
# Backlash of Policies: Increase in Dual Arrests

Table 1. Increased Arrest Rates of Battered Women Since the Advent of Mandatory/Preferred Arrest Laws

<table>
<thead>
<tr>
<th>Authors</th>
<th>Single Arrests</th>
<th>Increase?</th>
<th>Dual Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesney-Lind (2002)</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Hamberger &amp; Potente (1994)</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Henning &amp; Feder (2004)</td>
<td>--</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Klein (2004)*</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Martin (1997)</td>
<td>--</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Miller (2001)</td>
<td>Yes</td>
<td></td>
<td>--</td>
</tr>
<tr>
<td>Swan &amp; Snow (2002)</td>
<td>Yes</td>
<td></td>
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</tr>
</tbody>
</table>

*Klein (2004) estimates that the overall increase in erroneous arrests of battered women averages 25-35% nationwide since the advent of mandatory/preferred arrest laws.

*Note. Dashes indicate the arrest rate was not estimated.*
Table 2. For Every IPV Arrest, How Many Are Female Primary Perpetrators?*

<table>
<thead>
<tr>
<th>Author(s)</th>
<th>Number of Women Out of All IPV arrests</th>
<th>Number of Women Arrest Actually Primary Perpetrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henning &amp; Feder (2004)</td>
<td>17 out of 100</td>
<td>--</td>
</tr>
<tr>
<td>Henning, Renauer, &amp; Holdford (2006)</td>
<td>13 out of 100</td>
<td>range of 1-5 out of 100 (using classification scheme)</td>
</tr>
<tr>
<td>Henning &amp; Renauer (2005)</td>
<td>17.5 out of 100</td>
<td>7 out of 100 (successfully prosecuted)</td>
</tr>
<tr>
<td>O’Dell (in press)</td>
<td>--</td>
<td>Average 3 out of 100 (informal observations)</td>
</tr>
<tr>
<td>Swan &amp; Snow (2002)</td>
<td>20 out of 100</td>
<td>Range 2-5 out of 100 (using classification scheme)</td>
</tr>
</tbody>
</table>

*Best-estimate averages from findings above: 3-5% of all IPV arrests are of actual female primary perpetrators. One-half to three-quarters of female IPV arrests are erroneous.


Dashes indicate that arrest rate was not estimated.
Why the Increase in Dual Arrests?

- **Manipulative Behavior of Batterers**  
  (Bohmer et al., 2002; Miller, 2001)

- **Criminal Justice System Response**
  - Profile of ‘domestic violence victim’  
    (Haviland et al., 2001; Martin, 1997)
  - Profile of ‘dual arrest victim’  
    (Finn et al., 2004; Martin, 1997)
  - Police views of IPV and IPV policies  
    (Finn et al., 2004; Hartman & Belknap, 2003; O’Dell, in press)
  - Lack of proper education and training on IPV  
    (Finn et al., 2004; Martin, 1997; Miller, 2001)
Consequence of Dual Arrests

- Batterers Maintain Control (Humphries, 2002)
- Employment (Humphries, 2002)
- Financial (Humphries, 2002)
- Mental Health (Hamberger & Potente, 1994)
- Family (Dutton & Goodman, 2005; Goodmark, 2004)
- Legal (Abraham, 2001; Goodmark, 2004)
Implications

- Guidelines on proper protocol during IPV scenes
- Impact of research on legislation
- Proper education
- Batter treatment programs for victims of IPV
References

References