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## MANDATORY ARREST AND DOMESTIC VIOLENCE IN MASSACHUSETTS

### EXECUTIVE SUMMARY

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## MANDATORY ARREST AND DOMESTIC VIOLENCE IN MASSACHUSETTS

An evaluation of a domestic violence arrest statute was undertaken by the Massachusetts SAC. It collected information on domestic violence calls for service for a representative sample of 24 police departments from December, 1991 to March, 1992. The study focussed on the extent to which the statute was implemented and on arrests that resulted.

### IMPLEMENTATION

Training, information, and policies for changes in the domestic violence statute have been widely implemented. There has also been a significant increase in the arrest of perpetrators, especially for those who violate 209A court protection orders. There is, however, still variation among departments in the extent of arrests. Further analysis of these data are needed to identify why this is the case.

### POLICE RESPONSE

Arrests have increased significantly. The arrest rates for domestic violence has increased five-fold, from 7 to 38 percent. It is now the most frequent response (see Figure 1). Arrest for violating a 209A court protection order has doubled, from 25 to 50 percent. The absence of the offender when the police arrive is a factor that has inhibited higher arrest rates.

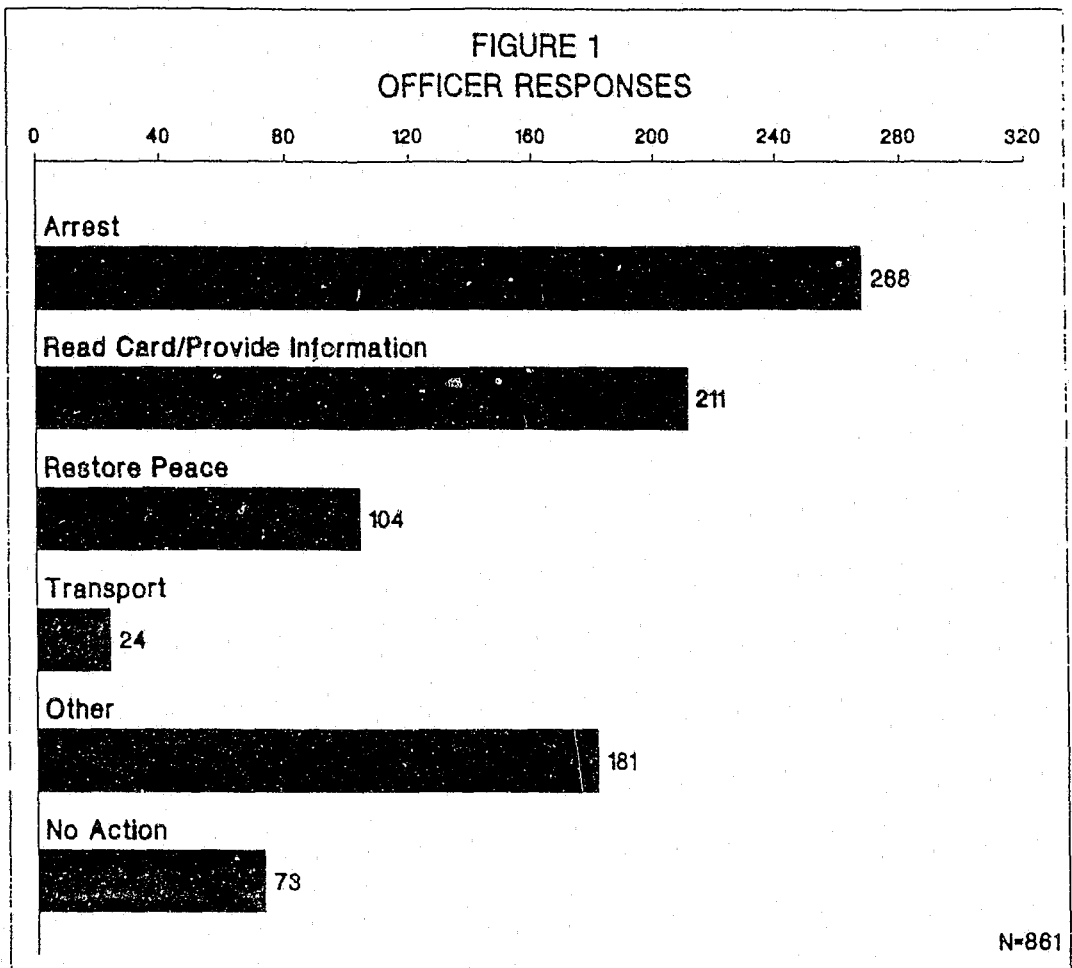
Arrest charges have more often been for assault, rather than for violating 209A orders, per se (see Figure 2). Two-thirds of the arrests were for assault. Fifteen percent of the arrests were for 209A violations. This is substantially greater than in the 1986 SAC study.

### ARREST CORRELATES

Several factors increased the likelihood that officers would arrest the offenders. Injury to the victim, use of a weapon, presence of a 209A order or a witness, and use of alcohol by the offender all increased the likelihood of arrest (see Figure 3). Offenders were also likely to be arrested if they were injured or living with the victim. In addition, officer training in the new legal requirements and fewer years of policing experience increased the chance of arrest.

### STATUTORY ISSUES

Police liability for false arrest or failure to arrest was not dealt with explicitly by the Tucker Bill. Officers report, however, that the greater clarity of arrest requirements makes them feel less at risk for liability suits in these cases. They also feel more comfortable making arrests in these cases, given the statutory mandate.



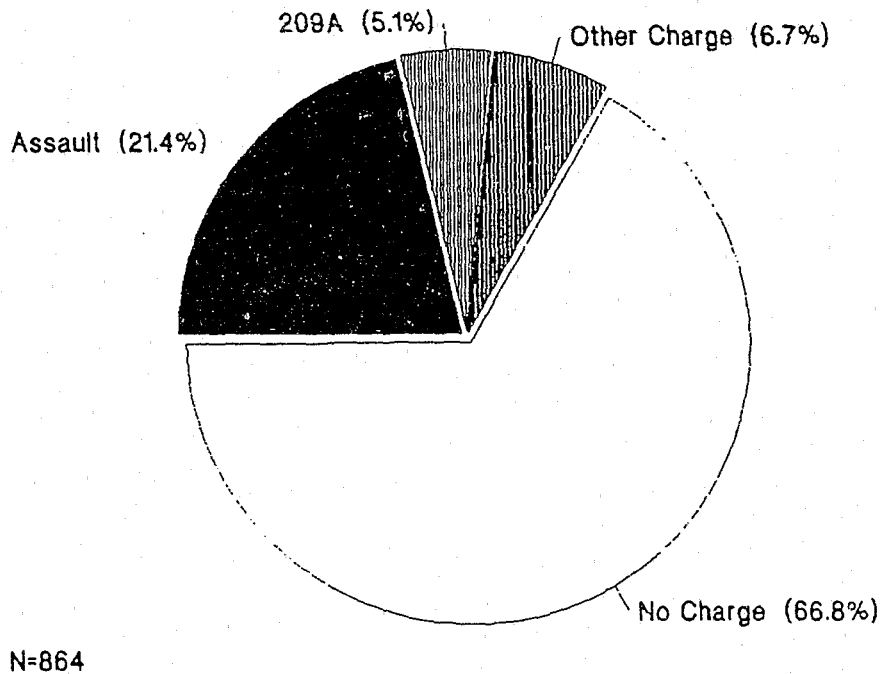
**TRAINING**

Training has been widespread. Arrest patterns vary significantly by the training officers receive. It is curious that officers receiving the most training (3.5 hours or more) arrest less frequently. Whether this represents officers acquiring skills that reduce the need for arrest or whether this represents older training curricula that did not emphasize arrest for 209A violations needs further investigation.

**DEPARTMENTAL POLICIES**

All of the departments in the study have implemented new, approved policies regarding responses to domestic violence. All included the recommended content of the state Executive Office of Public Safety. Some added language to include elder and child abuse.

FIGURE 2  
OFFENSE CHARGES



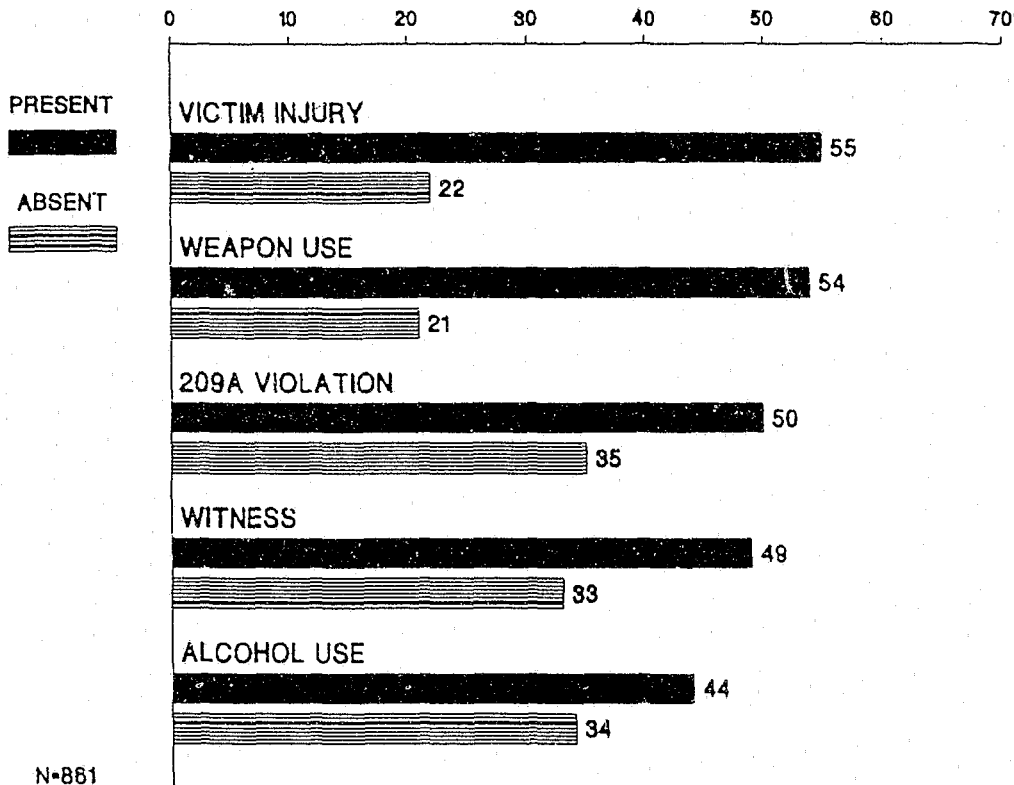
### STATISTICAL ISSUES

The arrest process and reasons for arrest seem more clear to the officers. By increasing the consistency and clarity of when arrest should occur and by requiring written explanations of exceptions to arrest, this is likely to increase the validity and reliability of arrest as a measure of police intervention. It will also clarify the meaning of non-arrest.

### FUTURE EFFORTS

Even though the arrest rates for 209A violations has increased substantially, there still are many cases in which arrest does not occur. Some of these represent offenders who fled before arrival of the police. Research and training will both need to address this issue further. For example, information is needed on the extent to which warrants are sought for 209A violators who have fled before the officers arrived. Training in this may also be needed.

**FIGURE 3**  
**ARREST RATES FOR SELECTED CHARACTERISTICS\***



\*Percent of group arrested.

### APPLICABILITY TO OTHER STATES

Given the tremendous variation among states in the extent to which arrest is mandated, it raises questions regarding how applicable the findings are to other states. However, more than half the states do have mandatory arrest statutes, especially for violation of court protection orders. This increases the relevance of the findings to other states. Even in other states that do not have a mandatory arrest statute, individual departments may have such a policy.