Police Arrest Decision in IPV Cases with Previous Stalking

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Introduction

Intimate partner violence (IPV) and stalking occur with frequency and produce negative outcomes for survivors. Findings from the National Intimate Partner and Sexual Violence Survey (NISVS; Smith et al., 2018) demonstrated more than one-third of women experienced multiple forms of lifetime violence perpetrated by a current or former partner. Nearly one-sixth of US women in the reported lifetime stalking victimization (Smith et al., 2018). Stalking has been defined as a deliberate course of conduct characterized by unwanted pursuit behavior that escalates in duration and intensity by an offender and elicits fear in a victim (NCVC, n.d.; Spitzberg & Cupach, 2007). The current report presents abbreviated findings from a study forthcoming in *Criminal Justice and Behavior,* focusing on the role of previous stalking behavior in IPV calls for service and the way this may impact the arrest decision.

Women are most often stalked by someone they know. Perpetrators are typically a current or former intimate partner (Logan, 2010). More than half (61.5%) of female stalking victims reported being targeted by partners, compared to strangers, acquaintances, or other perpetrator types (Smith et al., 2017). Some scholars argued that stalking victimization can only occur when the perpetrator and victim are strangers (Douglas & Dutton, 2001). Others have noted the importance of recognizing the nexus between IPV and stalking (Logan & Walker, 2009), given the escalation of violence, potential harm, and lethality that an intimate partner perpetrator may inflict. Partner-perpetrated stalking has been identified as more dangerous, consisting of longer duration, and producing more harm than stranger-perpetrated stalking (Brady & Hayes, 2018; Logan et al., 2007; Logan & Walker, 2010).

Estimates have demonstrated that both of these offenses remain largely underreported (Brady & Nobles, 2017; Morgan & Kena, 2017; Reyns & Englebrecht, 2010). Low formal reporting has also been documented among intimate partner stalking. Augustyn et al.'s (2019) study using a college sample noted approximately 6% of intimate partner-perpetrated stalking incidents were reported to police, though higher rates have been reported among community samples (Brewster, 2001; Logan et al., 2006). Still, whenever IPV and stalking offenses do come to police attention, responses have been lacking. Much remains unknown about the processing of IPV incidents involving stalking behaviors.

Police Response to IPV and Stalking

Intimate Partner Violence

Police response to IPV has evolved to better meet the needs of survivors. Traditionally, IPV was perceived by law enforcement as a "private family matter" (Berk & Loseke, 1980). The second wave of the women's movement brought needed attention in urging police effectiveness with policy and response (Dicker, 2008). Presently, jurisdictions have moved toward primary aggressor laws or pro-arrest laws (Messing et al., 2015). Despite these changes, the majority of IPV incidents do not result in arrest (Durfee & Fetzer, 2016).

Existing research has identified some of the legal and extra-legal, incident-level factors associated with arrest in IPV incidents. The most consistent predictors of arrest in IPV incidents have included a weapon (Dichter et al., 2011); victim injury (; Durfee & Fetzer, 2016; Etatum & Pence, 2015); witnesses (Hamilton & Worthen, 2011); and victim preference (Eigenberg et al., 1996). Extra-legal factors, such as alcohol involvement, have also predicted arrest (Roark, 2016). In terms of race/ethnicity, some studies have demonstrated that arrest has increased in IPV incidents involving white victims when compared to other racial/ethnic groups (McCormack & Hirschel, 2018).

Stalking

Only recently have police been tasked with handling stalking offenses in the context of stranger- and partner-perpetrated behavior. The first stalking statute was created in California in 1990 and by 1995, fifty states, the District of Columbia, and the federal government had laws to guide the justice processing of stalking offenses (National Center for Victims of Crime [NCVC], n.d.; Spitzberg & Cupach, 2007). Each jurisdiction has varied in terms of the law, but there are several consistent components: stalking must involve repeated attempts at unwanted contact and the victim must acknowledge a sense of "reasonable person" fear from the behavior (Fox et al., 2011). Advances in technology have created additional avenues for perpetrators to maintain contact with victims through electronic communication or internet-capable devices (Reyns et al., 2011). Stalking is complicated because the police and victim are working in concert during the investigative process. Victims are often relied upon to save and/or maintain evidence (e.g., letters, text messages, voice mail and other electronic or technological communication) to display a pattern of contact (Lynch & Logan, 2015). This translates to multiple interactions with police, which may frustrate police and inhibit victim cooperation. Limited studies have examined police response to stalking (Brady & Nobles, 2017; Jasinski & Mustaine, 2001; Jordan et al., 2003) and have noted shortcomings. Police may not recognize stalking or may not fully understand the statute guiding their jurisdiction in terms of applying the law (Lynch & Logan, 2015). Officers may use alternative offense codes to produce case dispositions that can be applied to a single incident, like harassment or terroristic threat, rather than statutes that capture unwanted pursuit behavior over time (Brady & Nobles, 2017). Additionally, police may not recognize the gravity of a stalking situation or see the need for justice or social service intervention (Logan et al., 2006). Finally, taken alone, some of these contact behaviors are typically not criminal and must be evaluated in the context of a relationship (Logan, 2010). Consequently, officers are tasked with delineating events in the current incident from the broader context of pursuit behavior. This may be difficult for police who have not had extensive experience in responding to stalking incidents and they may be unwilling or unable to devote time, energy, and resources (Lynch & Logan, 2015).

Compared to the literature on arrest in IPV incidents, to the best of our knowledge, one study has examined police decision making in stalking incidents. Ngo (2018) examined data from the 2006 Stalking Victimization Supplement (SVS) of the National Crime Victimization Survey (NCVS) where 1,599 respondents met the criteria for stalking victimization. Overall, 348 respondents reported they or someone they knew had contacted police

about the stalking incident. Officers were significantly more likely to arrest the suspect if the victim sustained a physical injury.

The Nexus Between IPV and Stalking

The important connection between IPV and stalking cannot be understated. A meta-analysis representing nearly 69,000 participants identified about half of stalking incidents involved perpetrators that had a romantic history with the victim, and approximately 18% of incidents involved stranger perpetrators (Spitzberg, 2002). Research demonstrates the dangerousness involved when the perpetrator is a former or current intimate partner (Logan, 2010; Spitzberg & Cupach, 2007). Victims of partner-perpetrated stalking have been more likely than counterparts to report protection order violations and faced increased risk of physical, sexual, and psychological abuse (Logan et al., 2007). Partner-perpetrated stalking behavior escalates in frequency and duration (Mohandie et al., 2006), and draws on the prior relationship to elicit fear. Partner-perpetrators are privy to personal information about the victim's weaknesses and can exploit this information to punish and humiliate a victim. These perpetrators have knowledge surrounding a victim's routine activities, friends, schedules, and details about their occupations, hobbies, and family members (Logan et al., 2006). This can be used by partner-perpetrators to intimidate, coerce, and threaten victims. Despite the severity of stalking offenses, limited analyses have examined police response to stalking behaviors within IPV incidents.

Tjaden and Thoennes (2000) were among the first to examine police response to stalking in the context of IPV. Using a sample of 1,785 incident reports from the Colorado Springs Police Department, they found 16.5% of incidents mentioned stalking behaviors but only a single case was disposed through formal stalking charges. Stalking reports were less likely to involve physical abuse or victim injury, alcohol consumption, or the presence of children compared to reports with no stalking behaviors. Stalking incidents were significantly more likely to involve cooperative victims, victims who showed behavioral signs of emotional upset, and had an active restraining order in place. Despite these differences conditions, police outcomes did not differ across cases with and without stalking behaviors, including tagging evidence, suspect arrest, or felony charge. More recently, Melton (2012) used 1,140 police-classified heterosexual IPV incident reports to assess the extent of stalking and predictors of arrest. Overall, 27.9% of incidents had evidence of at least one stalking behavior. Additionally, police were significantly more likely to make an arrest in IPV cases if stalking behaviors were existent, the suspect was on-scene, either party used drugs or alcohol, and there was evidence of prior relationship violence.

Purpose of the Present Study

Literature has focused on identifying correlates of arrest within IPV incidents and attention to the formal processing of stalking offenses is growing. Presently, only two studies have focused on police response to stalking within the context of IPV despite the nexus between IPV and stalking. Much remains unknown in terms of identifying factors associated with the arrest decision for case clearance. The present study used a stratified random sample of 332 redacted case files from a sizeable, urban police department located in one of the five largest and most diverse U.S. cities to examine the effect of previous stalking behavior on arrest in IPV incidents. The study addressed the following research questions:

RQ1: Among IPV case files, what is the extent of previous stalking behavior?

RQ2: What is the effect of previous stalking behavior on police officer arrest decisions in IPV cases, while considering extra-legal and legal factors?

Methodology

Data were derived from a larger federally-funded study by the Office on Violence Against Women that involved a stratified random sample of redacted family violence case files collected from a sizeable municipal police agency located in one of the five largest and most diverse U.S. cities. A population of 52,058 family violence cases was generated from January 1, 2014 through August 31, 2016 by the police agency and provided to the principal investigator (PI), who created a stratified random sample of 619 cases. This included 125 cases in each category by disposition: 1) cleared—arrest, 2) cleared—other, 3) open, and 4) inactive. The population of 119 unfounded cases were added to the sample. A total of 619 family violence incident numbers were provided to the police agency and personnel collected, printed, and redacted each case file so that victim, suspect, and officer information were de-identified. Case files were coded and entered into a statistical spreadsheet. From the 619 cases, 428 cases were selected as current or former intimate partners. Incidents involving adult female complainants and male suspects were selected for a final sample of 332 cases.

Dependent Variable

Arrest was captured from information contained in the case file and measured as a binary variable for the presenting IPV incident (No = 0, Yes = 1).

Independent Variables

Previous stalking behavior

This variable was based on behavioral descriptions of repeated, unwanted pursuit conduct identified in the case file. Nine items captured stalking and included whether the suspect had previously: "telephoned," "waited outside or inside places," "watched from afar," "followed," "sent letters," "emailed," "sent gifts," or "showed up uninvited." An additional option captured "other" unique pursuit behaviors. Nine items were collapsed into one binary measure (No = 0, Yes = 1).

Extra-Legal Factors

Seven variables were coded to represent extra-legal factors in police arrest decisions. Victim race, victim age History of IPV, alcohol involvement, presence of children on scene during the altercation, Threats to kill the victim and/or children, and victim preference for formal intervention were included in the study.

Legal Factors

Four variables were coded to represent legal factors on police arrest decisions and included physical evidence ("biological evidence," "photographs," "weapons," "complainant sworn statement," "witness sworn statement," "electronic text messages/voice mails/calls," "destroyed personal property" and "other"), physical injury ("bruises," "cuts," "scratches," "redness," "swelling," "broken bones," "bleeding," "head injury," "strangulation," and "other"), weapon use, and presence of witnesses were included in the study.

Results

Data were screened for multicollinearity and results demonstrated this was not a problem. Next a single multivariate binary logistic regression model was estimated to predict the arrest decision and all variables were entered simultaneously. Table 1 the descriptive statistics for the variables addressing research question 1.

As displayed in Table 1, approximately one-third of IPV incidents resulted in arrest and 19.3% of IPV cases involved previous stalking behavior. Weapon use was limited and approximately one-fourth of IPV incidents involved a witness. In 15% of cases, alcohol consumption was part of the presenting incident Just under half of victims had an affirmative preference for formal intervention and 40% of suspects had a history of IPV. Children were present in 27% of these IPV incidents and more than one-quarter of the incidents, the suspect threatened to kill the victim, children, or both. Finally, Victims of color made up approximately 54% of cases and victims were an average of 31 years old.

Table 1. Descriptive Statistics of Variables Predicting Arrest

Variables	n	%	M	Range
An arrest was made	110	33.1		
Previous stalking behavior	64	19.3		
Evidence was captured			0.57	0-8
Victim was physically injured			1.16	0-10
A weapon was used	56	16.9		
There were witnesses	82	24.7		
Alcohol was involved	50	15.1		
Victim preference for intervention	153	46.1		
History of IPV	136	41.0		
Children were present	90	27.1		
Suspect threatened to kill	89	26.8		
Victim of Color	179	53.9		
Victim age			30.77	18-77

Table 2 presents the results of the multivariate binary logistic regression model predicting arrest with previous stalking behavior, legal, and extra-legal factors included in the model to answer research question 2. The table is an abbreviated version in that it only presents those relations that were significant for parsimony.

Table 2. Multivariate Logistic Regression Predicting Arrest

Variables	β	Exp(B)
History of IPV	-0,04	1.99*
Alcohol involvement	1.11	3.02*
Evidence	0.94	2.57
Physical Injury	0.23	1.26
Presence of Witnesses	0.68	1.98
Nagelkerke R^2		0.37

First, findings revealed that previous stalking behavior was not a statistically significant predictor of arrest. Physical evidence was positive and significantly related to arrest where a one-unit increase in the evidence index increased the odds of arrest by 2.57 times. Physical injury was also a significant, positive predictor of arrest, where a one-unit increase in the physical injury index produced an increase in the odds of arrest by 1.26 times. Presence of witnesses emerged as a significant predictor of arrest, where cases involving witnesses were 1.98 times more likely to result in arrest. Alcohol involvement also emerged as significant, such that incidents involving alcohol were 3.02 times more likely to produce an arrest disposition. Finally, history of IPV was a significant, positive predictor of arrest, where IPV cases in this sample involving previous partner violence were nearly 2 times more likely to produce arrest. The remaining variables were not significant predictors of the arrest disposition.

Discussion

This study used a stratified random sample of 332 case files from a police department located in one of the five largest and most diverse U.S. cities to address: 1) the extent of previous stalking behavior among IPV cases, and 2) the effect of previous stalking behavior on police arrest decisions in IPV cases, while considering extra-legal and legal factors. Concerning Research Question 1, results demonstrated that 19.3% of the total IPV incidents included previous stalking behaviors. This replicates existing research from other police agencies (Tjaden & Thoennes, 2000; Melton, 2012). The case file data used for this study did not have a formal indicator for stalking behaviors. From a policy standpoint, the police partner would benefit from including a stalking assessment for use when responding to IPV cases to document the life course of relationships and highlight the serious-

ness of partner-perpetrated stalking as a risk factor for future justice involvement.

Research Question 2 was concerned with the effect of previous stalking behavior on arrest, while considering extralegal and legal factors. First, previous stalking behavior did not predict arrest. This finding contradicts Melton's (2012) findings. Perhaps this is the result of a difference in measures used to capture stalking behavior. There is a need for general consensus on how to best capture stalking victimization (Fox et al., 2011). It could be that these officers had difficulty identifying stalking behaviors, particularly within the context of IPV, as potentially dangerous for victim safety. As a result, this is not taken into consideration when deciding to make an arrest. Research has demonstrated similar limitations, including the under identification of stalking and the confounding of stalking with other misdemeanor offenses (Brady & Nobles, 2017; Lynch & Logan, 2015).

Implications for Texas Victims

The finding presented here suggest the utility of augmenting existing training with specific attention to the potential lethality of stalking behaviors and enhanced ways to identify stalking. This may better equip officers in addressing stalking in IPV incidents. (The Stalking Prevention, Awareness, and Resource Center [SPARC], n.d.). Recent years have seen the implementation of specialized police training for best practices concerning gender violence (Franklin et al., 2019; Oehme et al., 2016; Renzetti et al., 2015). Stalking may be among those offenses in which specialized training enhances police response and successful case processing. The use of IPV-specific lethality assessments to capture escalating violence and other factors related to increased harm, like stalking, would also enhance law enforcement response and arrest among those cases with previous stalking behavior.

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