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Police Charging Practices for Incidents of Intimate Partner Violence in Canada

Myrna Dawson¹ and Tina Hotton¹

Abstract

Objectives: To examine police charging practices in case of intimate partner violence (IPV) in Canada. *Methods:* In this national level study, we explore police charging in cases of IPV using data from the 2008 Uniform Crime Reporting (UCR) survey. Using logistic regression, we examine the impact of several key legal and extralegal factors on the police charging decisions. *Results:* Analysis shows that, while the majority of cases were cleared by charge, the proportion of cases in which police recommended a charge varied across the country. Further, the majority of legal and extralegal variables examined were significantly associated with the police decision to lay a charge across the jurisdictions examined, including the presence of victim injury, multiple victims, offence type as well as gender of the victim and the victim–accused relationship. *Conclusion:* Study findings indicate that future research on police charging in cases of IPV require more precise examinations of the role played by gender and the

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type of relationship as well as an investigation of the community context in which police decisions are made.

Keywords

criminal justice, domestic violence, policing, quantitative research, research methods, violence

Introduction

There is no official national charging policy on intimate partner violence (IPV) in Canada; however, all jurisdictions have officially supported a pro-charging policy since the mid-1980s (Johnson and Dawson 2011). In North America, the move to charge and prosecute all incidents of intimate partner or spousal violence was a critical shift from its historical treatment as a private matter not often seen as appropriate for legal and public intervention. For some, including many women's advocates, the shift has been viewed as an achievement because several decades ago police were typically instructed against charging unless accused were found hitting the, primarily female, victims or the victims had suffered injuries that were "severe enough to require a certain number of stitches" (Ad Hoc Federal-Provincial-Territorial Working Group 2003:9). In contrast, some feminist researchers and others have argued that, because such policies have evolved through gendered (i.e., male-dominated) institutions, their ultimate efficacy has been undermined (Lutze and Symons 2003; Snider 1995). For example, in some jurisdictions, mandatory or pro-charging policies have led to increases in countercharges being laid by the primary accused against the victim (Chesney-Lind 2002; Comack, Chopyk, and Wood 2000; Finn et al. 2004). Finally, it has been argued that victims of IPV are further victimized by police when their partners are charged against their wishes (Belknap and Potter 2005).

Despite this significant policy shift, some U.S. research has demonstrated that even in pro- or mandatory arrest jurisdictions, compliance with the policy has been low (Jones and Belknap 1999). Police officers still have the discretion to decide whether "reasonable and probable grounds" exist to lay a charge and various legal and nonlegal factors may be considered in the decision. Beyond some early work that showed the policy's impact on charging rates (Jaffe et al. 1986, 1991), recent Canadian research on police charging in cases of IPV has been minimal. With the rise of specialized domestic violence courts, recent studies have tended to focus on the role

of the prosecution or on treatment programs for abusers (Johnson and Dawson 2011). Little is currently known, then, about the number and types of cases that result in charges. This is a significant gap in research because many argue that police continue to act as gatekeepers when deciding what cases result in charges, regardless of changing policy contexts (Simpson et al. 2006). In fact, it is argued that “the patrol officer, the most numerous and lowest-ranking of officers, has the greatest amount of discretion” (Cole and Gertz 1998:81).

To begin to address this gap, we examine the following research questions: (1) what legal or extralegal factors increase or decrease the likelihood of police charging in cases of IPV in Canada? (2) Do these factors vary across the provinces? This study represents the first multivariate, national level study of police charging practices in cases of IPV in Canada. It responds to identified research priorities that call for more detailed examinations of the factors that lead to arrest in these cases and whether there are variations across jurisdictions (Hirschel et al. 2008; Chesney-Lind 2002). Much of the early and more recent research on police charging in cases of IPV has been conducted in the United States. However, few studies have conducted multivariate analysis using national data to determine what factors determine arrest in IPV cases. Given that parallel trends have occurred in Canada and other Westernized countries with respect to legislative changes regarding police and court responses to IPV, the knowledge gained from the analysis subsequently can contribute to knowledge about national patterns in policing, contribute to international research in this area, and serve as the basis for future cross-national and comparative research.

Background and Current Context

In Canada, IPV which encompasses both spousal and dating violence represents one out of every four police-reported violent crimes and the vast majority of these victims (80 percent) are women (Sinha 2013a:38). While historical trends are not available, similar to recent patterns in other developed countries (e.g., Catalano 2013), Canadian data show a small decline in police-reported IPV between 2009 and 2011 (Sinha 2013a). According to the Canadian General Social Survey, self-reported spousal violence, which excludes dating violence, has been relatively stable over the past five years with a small decline from 8 percent in 1999 to 6 percent in 2009 (Sinha 2013a). This decline has been attributed to a drop in spousal violence involving former spouses (Sinha, 2013a). In recent years, common assault which is the most frequent type of offence against intimate partners has

been decreasing, largely due to a drop in assaults against female partners (Sinha 2013:47). It is unclear whether the decrease stems from an actual change in the number of common assaults against women or in the willingness of these victims to report to police. Intimate partner homicide (IPH) rates have decreased significantly over the past several decades (Hotton Mahony 2011; Sinha 2012; Sinha, 2013). For example, the female rate of IPH, which accounts for the majority of all IPHs, dropped from 10.5 per million in 1991 to 4.4 per million in 2010 (Sinha, 2012).

Early North American research on the police response to what was then referred to as “wife abuse” and later “domestic violence” highlighted the consistently low rates of arrest in these cases (Berk and Loseke 1980–1981; Jaffe et al. 1986, 1991; Smith and Klein 1984; Worden and Pollitz 1984). Nearly three decades ago, the federal Solicitor General of Canada (so named at the time) issued a directive that police were to lay charges in all cases of domestic violence where “facts and circumstances warrant this action” (Jaffe et al. 1986:38). Alongside work by feminists and women’s advocates, this directive would begin to change society’s view of wife abuse, the main focus of the directive at the time, from that of a private matter to one of public concern. Paralleling initial research findings in the United States that drew attention to the deterrent potential of arrest (Sherman and Berk 1984), the Canadian directive also acted as a harbinger of change for how the criminal justice system responded to this type of violence which up to that point had been minimal intervention, if any at all. By 1985, some form of spousal assault pro-charging policy was in place in most Canadian jurisdictions.

Early research by Jaffe and his colleagues in London, Ontario, showed that this policy shift resulted in a significant increase in police-laid charges (from about 3 percent in 1979 to 67 percent in 1983 and 89 percent in 1989; Jaffe et al. 1986:46; Jaffe et al. 1991). They also showed that accompanying the increase in charges was greater victim satisfaction with police. The attitudes of the police themselves toward the new policy were slower to change, however, in part, because of the limits that were placed on their discretion and their skepticism that other criminal justice professionals would follow through on the charges they laid (Jaffe et al. 1986). Police gradually became more supportive of the policy and its effectiveness, indicating that they felt it sent an important message to the community about the seriousness of this type of violence (Jaffe et al. 1991). Their skepticism about the lack of follow through by other court actors on the charges laid was found to be justified, however. As a result, research in recent years has tended to focus on the prosecution and punishment of offenders almost to the exclusion of what happens at the earlier police charging stage.

A brief snapshot of police charging in cases of IPV in an annual family violence publication in Canada brought attention back to patterns at this stage (Bressan 2008). Focusing on spousal violence incidents, the bivariate analyses reported that 77 percent of incidents reported to police were cleared by police laying a charge. Another 17 percent were cleared otherwise: In 8 percent of these incidents, the complainant declined to lay charges and, in 9 percent, a variety of other reasons were given as to why charges were not laid. This study also described differences in police charging rates by province with Ontario, Manitoba, and the Yukon having higher charge rates compared to other Canadian provinces and territories. To examine these and other patterns further, however, requires a multivariate research design that controls for offence type or other differences in case characteristics that may increase or decrease the likelihood that charges will be laid. Such an examination can contribute to our understanding about why police lay charges in some cases and not others and why some jurisdictions have higher charge rates than other jurisdictions. Before turning to such an analysis, we briefly summarize findings from multivariate analyses that examine determinants of the arrest decision in IPV cases.

Determinants of Arrest in Cases of IPV

While there is a dearth of recent systematic research on police charging practices in Canada, the general findings from studies conducted in the United States find that legally relevant factors appear to be more consistently related to arrest or charge decisions than extralegal factors. Because comparisons are difficult due to differences in samples (e.g., IPV only, all domestic violence cases, violence generally), level of analysis (e.g., bivariate or multivariate), and time period examined, we limit our discussion to multivariate studies published since 2000 with a scope similar to our study. Table 1 provides a description of the studies reviewed and their findings. Briefly, among research examining legal factors, offense seriousness (including weapon use and victim injury), prior criminal history, and presence of witnesses are the most frequently examined. For example, serious assaults (e.g., aggravated assaults) or incidents involving weapons have been found to increase the likelihood of arrest (Durfee 2012; Hall 2005; Hamilton and Worthen 2011; Hirschel et al. 2008; Hirschel, Hutchison, and Shaw 2010; Lee, Zhang, and Hoover 2013). The majority of research has demonstrated that victim injury also increases the likelihood of arrest (Durfee 2012; Eitle 2005; Hall 2005; Hamilton and Worthen 2011; Ho 2003) as well as a prior criminal history (e.g., Hamilton and

Table 1. Select Empirical Analyses^a of Factors Associated with Police Response to Intimate Partner Violence.

Authors	Sample/Population, Primary Data Source and Coverage	Method and Outcome Measure	Variables Associated with Arrest Decision
Durfee (2012)	14,728 incidents of IPV (assault and intimidation); 28 states and the District of Columbia.	Multinomial logistic regression; arrest outcome (male partner arrested; female partner arrested; both arrested; no arrest—reference category)	<i>Male-arrest only:</i> Mandatory arrest policy (+); aggravated assault (+); weapons used (+); major/minor injury (+); substance use (+); pro-arrest policy (–); equivalent offences (–). <i>Female arrest only:</i> Mandatory arrest policy (+); aggravated assault (+); major/minor injury (+); public incident (+); substance use (+); female victim not White or Black (+); male victim is Black (–). <i>Dual arrests:</i> Mandatory arrest policy (+); aggravated assault (+); female minor injury (+); male major/minor injury (+); public location (+); substance use (+); male race other (+); male victim is Black (–); pro-arrest policies (–); equivalent offences (–)

(continued)

Table 1. (continued)

Authors	Sample/Population, Primary Data Source and Coverage	Method and Outcome Measure	Variables Associated with Arrest Decision
Etile (2005)	53,176 IPV offenders (both physical and sexual violence); NIBRS, 2000; 115 U.S. cities across 17 States	Hierarchical generalized linear modeling; arrest outcome (1/0)	<p><i>Level 1: Individual/situational:</i> victim injury (+); weapon use (+); location indoor (+); victim Black (-); victim age (+); offender age (+); substance use involved (+). <i>Level 2: Community/organization:</i> formalization (+); crime rate (-). <i>Cross-level interactions:</i> Black victim × mandatory arrest policy (+); victim age × mandatory arrest policy (+); victim age × crime rate (+); victim age × spatial differentiation (+); Black victim × Crime rate (-)</p> <p><i>All sites:</i> threats to kill (+). <i>Two sites:</i> victim injury (+); seriousness of attack (+); level of charge (+); suspect at scene (+). <i>One site:</i> prior domestic offense within 60 days (+); child in common (-); event at home (-); daytime event (-)</p>
Hall (2005)	1,722 calls for service (IPV—physical attack); Domestic Violence Incident Report (DIR; 1996-1997); 3 cities in New York State	Logistic regression; arrest outcome (1/0)	

(continued)

Table 1. (continued)

Authors	Sample/Population, Primary Data Source and Coverage	Method and Outcome Measure	Variables Associated with Arrest Decision
Hamilton and Worthen (2011)	17,380 IPV cases; Rhode Island Supreme Court Domestic Violence Training and Monitoring Unit (DVU); 2002–2004	Logistic regression (1/0). Incidents coded 1 include arrests made and warrants issued	Arrest: Witnesses present (+); visible injury (+); presence/threat of weapon (+); prior protective order (+); hostile suspect (+); prior assault (+); suspect used alcohol (+) or drugs (+); female suspects (-); White couples (-); victims used alcohol (-). <i>Males arrested:</i> Witnesses present (+); visible injury (+); presence/threat of weapon (+); prior protective order (+); hostile suspect (+); prior assault (+); suspect used alcohol (+) or drugs (+); White couple (-); suspect contacted police (-); victim used alcohol (-) or drugs (-). <i>Females arrested:</i> Witnesses present (+); visible injury (+); presence/threat of weapon (+); prior protective order (+); suspect contacted police (+); hostile suspect (+); prior assault (+); hostile suspect (+); suspect used alcohol (+)

(continued)

Table 1. (continued)

Authors	Sample/Population, Primary Data Source and Coverage	Method and Outcome Measure	Variables Associated with Arrest Decision
Hirschel et al. (2008)	412,065 incidents of assault and intimidation; NIBRS, 2000; 2,819 U.S. police departments in 19 states	Hierarchical generalized linear modeling; arrest outcome (1/0)	Level 1— <i>Individual/Situational</i> : aggravated assault (+); age (+); location-residences (+); minority offender (-); intimidation cases (-). Level 2— <i>Community/Organization</i> : Mandatory/preferred arrest agencies (+); caseload (-); rate of officers (-) Seriousness of offense (+); offender remained at scene (+); intimidation (-)
Hirschel et al. (2010)	1,123 male-on-female IPV intimidation and assault incidents; NIBRS, 2000; 19 U.S. police jurisdictions in Connecticut, Idaho and Virginia	Logistic regression; arrest outcome (1/0)	
Ho (2003)	428 aggravated assault incidents; Columbia Police Department records; Columbia, South Carolina, 1993–1997	Logistic regression; arrest outcome (1/0)	<i>Female suspects</i> : Suspect located (+); injury resulted in hospital (+); victim preferred arrest (+); victim did not want arrest (-). <i>Male suspects</i> : Knife/gun (+), witness present (+); suspect located (+); injury resulted in hospital (+); victim preferred arrest (+); victim did not want arrest (-)

(continued)

Table 1. (continued)

Authors	Sample/Population, Primary Data Source and Coverage	Method and Outcome Measure	Variables Associated with Arrest Decision
Lee et al (2013)	9,181 domestic assaults reported to Houston Police Department; Texas, 2005	Hierarchical generalized Linear modeling; arrest outcome (1/0)	Level 1— <i>Individual/situational</i> : Time of day (night) (+); weekend (+); public area (-); age gap (-); female suspect/female complainant (-); female suspect/male complainant (-); male suspect/male complainant (-); White on White (-); Latino on Latino (-); interracial (-); aggravated assault (+); weapon used (-). Level 2— <i>Community</i> : concentrated disadvantage (+); immigration concentration (+)
Robinson and Chandek (2000)	229 IPV incidents; Community Oriented Policing Services (COPS) data; Midwest U.S. police department; 1997–1998	Binomial logit analysis; arrest outcome (1/0)	Witnesses present (+); victim/suspect cohabitating (+); officer male (+); victim injured (-); suspect left the scene (-); incident in last hour of shift (-)

(continued)

Table 1. (continued)

Authors	Sample/Population, Primary Data Source and Coverage	Method and Outcome Measure	Variables Associated with Arrest Decision
Simpson et al. (2006)	147,712 cases of IPV reported to police; Battered Spouse Report (BSR); Maryland; 1991–1997	Interrupted time-series analysis (ARIMA); Arrest outcome (1/0)	Legislative change (+); males suspects (+); changes in effect of race, cohabitation status, and weapon use post-legislative change, but no significant differences across groups

Note: IPV = Intimate Partner Violence. NIBRS = National Incident Based Reporting System.

^aThis table includes 10 articles employing multivariate statistical methods published since 2000 using comparable samples to the current study. This is not an exhaustive list of prior research, and many of the studies presented were based on other important pioneering studies (e.g., Berk and Loseke 1980–1981; Eigenberg, Scarborough, and Kappeler 1996; Feder 1997; Kane, 1999). The authors selected articles that focus exclusively on incidents of IPV, the focus of the current study. Other related studies based on broader samples may be discussed in the article but are not presented in this table.

Worthen 2011), prior protective orders (e.g., Hamilton and Worthen 2011), and presence of witnesses (e.g., Hamilton and Worthen 2011; Robinson and Chandek 2000).

Various extralegal variables were also found to increase the odds of arrest, but with more contradictory findings. With respect to gender, some studies showed a reduced likelihood of females being arrested compared to males (e.g., Hamilton and Worthen 2011; Simpson et al. 2006) and others did not (Hirschel et al. 2008; Robinson and Chandek 2000). Findings from studies examining race were also mixed; for example, Eitle (2005) and Lee et al. (2013) found lower odds of charges for Black victims of IPV, but the opposite was reported by Hamilton and Worthen (2011) and Hirschel et al. (2008). Similarly, studies that examined the public nature of the incident also produced inconsistent findings. For example, some evidence suggests higher odds of charges for IPV that occurs in public locations (Hall 2005), others found this to be the case only for female suspects or dual arrests (Durfee 2012) whereas other studies showed that indoor incidents were more likely to lead to arrest (Eitle 2005; Hirschel et al. 2008; Lee et al. 2013). The role of substance use by the suspect was consistently found to increase the odds of arrest (Durfee 2012; Eitle 2005; Hamilton and Worthen 2011). Some less studied, but potentially key variables also examined were whether the incident occurred in the last hour of the officers' shift (Robinson and Chandek 2000) and whether the suspect was still at the scene when police arrived (Hall 2005; Hirschel et al. 2010).

The Present Study

Data Source

This analysis uses data from the 2008 Uniform Crime Reporting (UCR2) Survey. The UCR2 survey is a census of individual criminal incidents reported to police in Canada and includes characteristics of victims, accused persons, and incidents. Coverage for the UCR2 has improved tremendously over the past decade. In 1998, there were six contributing provinces, representing an estimated 46 percent of the national volume of crime (Tremblay 1998). By 2008, almost all police jurisdictions had UCR2 compatible information systems covering 99 percent of the population. These data are used to examine factors associated with police charging in incidents of IPV in Canada and to document any variation in these determinants across provinces.¹ In this study, IPV includes incidents of violence² reported to police that were allegedly perpetrated by a current or former legal or common-law

spouse, dating partner, or other intimate. The total sample comprised 81,482 incidents in 2008.

Variables, Measures, and Analytic Procedures

Dependent variable. The dependent variable in this analysis is whether or not an incident was “cleared by charge.”³ Cases were coded “1” if incidents were cleared by charge and “0” if incidents were “not cleared” or “cleared otherwise.”⁴ According to the UCR, an incident is “cleared by charge” when the suspect is formally charged or when police recommend that charges be laid against the accused (CCJS Policing Services Program 2010). Alternatively, an incident is “cleared otherwise” when a suspect has been identified, a record is created, and there is evidence to lay a charge but the police chose to proceed another way (e.g., the accused has been referred to a diversion program, departmental discretion, or the victim was not interested in laying a charge). Finally, there are incidents that are “not cleared” which means there is a documented offence, one or more victims, but no charges were laid and no suspect record was created for UCR reporting. In some instances, a suspect has not been identified while, for other occurrences, the victim has identified the perpetrator but he or she was not apprehended or no charges were laid or recommended by police. By definition, all cases involving intimate partners have an identifiable suspect. However, approximately 1 in 10 incidents of violence perpetrated by intimate partners in the 2008 UCR2 do not have a suspect record. Consequently, to rely on those cases for which a suspect record is present would underestimate the number of incidents that are not cleared by police. Without knowing more about the administrative differences in reporting incidents that are “not cleared” versus “cleared otherwise” for reasons such as police discretion, local policy, and victim willingness to press charges between police jurisdictions, we chose to collapse them into one category labeled “no charges recommended by police.” This does not necessarily mean that there is no evidence to support a charge. There is also a category “unfounded” used to code incidents for which it was concluded after “investigation that no violations of the law took place at that time or location” (CCJS Policing Services Program 2010:42).

Independent variables. Seven independent variables were available in this data set. In our study, the three legal variables available for analysis were victim injury, multiple victims, and type of violation or offence.⁵ Victim injury was coded “0” if there were no injuries and “1” if there were

injuries.⁶ Incidents in which it was unknown whether or not the victim suffered injuries were coded “2” and retained in the analysis to maintain the sample size. A second legal variable captured whether the case involved multiple victims coded “1” or a single victim coded “0.” Finally, type of offence was captured by selecting the most serious offence recorded in the incident and comparing five broad offence categories: assault level 1 (reference category); attempted murder, assault with a weapon, and assault causing bodily harm; sexual violations; forcible confinement and related offences; criminal harassment, harassing phone calls,⁷ or uttering threats.

Four extralegal variables were available for analysis: gender and age of the victim, the victim–accused relationship, and the location of the incident. The gender of the victim was coded “1” for females and “0” for males. This analysis included both same-sex and opposite-sex intimate partner relationships; therefore, one cannot presume that all incidents involving female victims were perpetrated by male intimate partners and vice versa. Victim age entered into the model as a continuous variable, but only included victims between the ages of 15 and 90 for data quality reasons.⁸ The relationship between the victim and the accused was captured by distinguishing between victims and accused still in a relationship at the time of the offence coded “1” and those who were estranged coded “0.” Finally, to capture the effects of the incident location on the decision to arrest, incidents that occurred in a private residence coded as “1” were compared to incidents that occurred at another location coded “0.” Incidents in which the location of the incident was unknown were included in the analysis and coded as “2.”

The current analysis uses binary logistic regression models to estimate the effect of legal and extralegal factors on the police decision to charge in incidents of IPV. Logistic regression models were fitted for Canada as a whole and then separately for each province. Incidents containing missing values for one or more of the independent variables were generally included in the models to preserve the sample size. Exceptions included records in which the age of the victim was not reported because these incidents were excluded from the sample.

Results

Table 2 shows that about three quarters (74 percent) of the cases were cleared by charge whereas about 16 percent were cleared otherwise and approximately 10 percent were not cleared. The proportion of cases cleared by charge was shown to vary across the country with a high of 88 percent cleared by charge in Manitoba and a low of 56 percent in New Brunswick.

Table 2. Dependent Variable and Independent Variables, by Province, UCR2 2008.

	Total		Newfoundland/ Labrador		New Brunswick		Nova Scotia		Quebec		Ontario		Manitoba		Saskatchewan		Alberta		British Columbia		
	N	(Percent- age)	N	(Percent- age)	N	(Percent- age)	N	(Percent- age)	N	(Percent- age)	N	(Percent- age)	N	(Percent- age)	N	(Percent- age)	N	(Percent- age)	N	(Percent- age)	
Cleared by charge	60,468	74.2	855	61.7	997	55.9	2,473	78.7	10,404	63.8	21,419	86.3	4,262	88.2	3,346	60.7	8,172	75.5	8,540	66.5	
Not cleared	8,028	9.9	275	19.8	156	8.7	400	12.7	1,422	8.7	1,697	6.8	165	3.4	475	8.6	636	5.9	2,802	21.8	
Cleared otherwise	12,986	15.9	256	18.5	632	35.4	271	8.6	4,485	27.5	1,716	6.9	408	8.4	1,689	30.7	2,023	18.7	1,506	11.7	
<i>Legal factors</i>																					
Victim sustained injury																					
Yes	40,700	50.0	642	46.3	763	42.8	1,397	44.4	6,538	40.1	12,220	49.2	3,165	65.5	3,472	63.0	6,149	56.8	6,354	49.5	
No	36,738	45.1	623	45.0	932	52.2	1,639	52.1	9,235	56.6	11,201	45.1	1,484	30.7	1,577	28.6	4,278	39.5	5,769	44.9	
Unknown	4,044	5.0	121	8.7	90	5.0	108	3.4	538	3.3	1,411	5.7	186	3.9	461	8.4	404	3.7	725	5.6	
Multiple victims involved																					
Yes	8,146	10.0	154	11.1	246	13.8	340	10.8	1,388	8.5	2,326	9.4	709	14.7	674	12.2	1,605	14.8	704	5.5	
No	73,336	90.0	1,232	88.9	1,539	86.2	2,804	89.2	14,923	91.5	22,506	90.6	4,126	85.3	4,836	87.8	9,226	85.2	12,144	94.5	
Most serious violation																					
Assault level 1	50,242	61.7	901	65.0	1,117	62.6	2,009	63.9	9,073	55.7	14,301	57.6	3,269	67.6	3,823	69.4	7,432	68.6	8,317	64.7	
Attempted murder, assault level 2 or 3	10,755	13.2	166	12.0	174	9.8	327	10.4	2,150	13.2	3,455	13.9	954	19.7	873	15.8	1,362	12.6	1,294	10.1	
Sexual violations against the person	1,631	2.0	37	2.7	37	2.1	64	2.0	336	2.1	624	2.5	79	1.6	76	1.4	195	1.8	183	1.4	
Kidnapping and related offences	2,152	2.6	32	2.3	18	1.0	91	2.9	399	2.5	939	3.8	130	2.7	76	1.4	315	2.9	152	1.2	
Criminal harassment/ harassing phone calls/ threats	16,683	20.5	250	18.0	439	24.6	653	20.8	4,337	26.6	5,511	22.2	403	8.3	662	12.0	1,526	14.1	2,902	22.6	
<i>Extralegal factors</i>																					
Victim gender																					
Male	14,785	18.2	261	18.8	366	20.5	726	23.1	2,944	18.1	4,217	17.0	758	15.7	907	16.5	1,996	18.4	2,610	20.3	
Female	66,697	81.9	1,125	81.2	1,419	79.5	2,418	76.9	13,367	82.0	20,615	83.0	4,077	84.3	4,603	83.5	8,835	81.6	10,238	79.7	

(continued)

Roughly half the cases in our sample resulted in victim injury with a low of 43 percent in New Brunswick and a high of 66 percent in Manitoba. The proportion of cases that involved multiple victims varied from about 9 percent in Quebec and Ontario to 15 percent in Manitoba. With respect to offense type, the majority of offenses were assault level 1 (62 percent) followed by criminal harassment-related offenses (21 percent) and assault level 2 and 3 (13 percent) with some variation noted in Quebec, Ontario, Manitoba, and Saskatchewan. Consistent with other research, female victims comprised the majority of the sample (82 percent), remaining fairly consistent across the provinces. The majority of victims were between 25 and 34 years of age and two-thirds of the cases were in intact relationships at the time of the incident, ranging from a low of 52 percent in Quebec to a high of 79 percent in Manitoba. Finally, the majority of incidents occurred in a private residence and this was also consistent across jurisdictions.

Table 3 provides the results of 10 logistic regression models to assess the impact of legal and extralegal factors on the odds that police will recommend charges. The first column shows the results for all of the provinces combined followed by a breakdown for each province. The model χ^2 test for all models indicates they are statistically significant ($p < .000$).

The results for the total sample show that all of the legal factors are statistically significant.⁹ Consistent with the majority of previous research, police are more likely to recommend that charges be laid in incidents that involve injury to the victim (log odds of 2.1) and when there are multiple victims (log odds of 1.7). Relative to the other measures included in the model, type of offence has the strongest association with the odds that police will follow through with charges. Using common assault (assault level 1) as the reference category, the odds of charges being recommended by police are more than two times higher for incidents of serious assault (assault level 2 or 3) and attempted murder. The odds also increased by a factor of 4.5 for kidnapping and related offences compared to common assault, holding all other factors constant. In contrast, sexual violations against the person and criminal harassment related offences had lower odds of being cleared by charge compared to assault level 1 (log odds of .4 and .6, respectively). Among the extralegal factors, gender of the victim demonstrates the greatest impact with the likelihood of charges increasing by a factor of 2.4 for female as opposed to male victims. The odds also increased by a factor of 1.5 for victims in intact relationships compared to those in estranged relationships. Neither the age of the victim nor the location of the incident had any effect on the odds that police recommended charges being laid.

Table 3. Logistic Regression Results Predicting Likelihood of Charges Being Laid or Recommended by Police, by Province, UCR2 2008.

	Total	Nfld/ Labrador	New Brunswick	Nova Scotia	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
	N = 81,278	N = 1,384	N = 1,785	N = 3,144	N = 16,295	N = 24,661	N = 4,835	N = 5,507	N = 10,828	N = 12,839
	Exp (B)	Exp (B)	Exp (B)	Exp (B)	Exp (B)	Exp (B)	Exp (B)	Exp (B)	Exp (B)	Exp (B)
<i>Legal factors</i>										
Victim Injury (no injury = RC)										
Victim sustained injury (1)	2.1**	3.0**	1.9**	1.5*	1.3**	2.0**	1.9**	2.4**	3.4**	3.8**
Unknown if victim sustained injury (9)	0.7**	0.5*	0.9	0.5*	0.6**	0.6**	0.5**	0.6**	0.7*	1.0
Multiple victims involved (1)	1.7**	2.2**	1.5*	1.6*	2.0**	1.5**	1.6**	1.9**	1.2*	4.1**
Most serious offence (assault level 1 = RC)										
Attempted murder, assault level 2 or 3 against the person	2.2**	2.6**	2.7**	2.1*	2.2**	2.2**	1.6**	2.5**	2.9**	1.8**
Sexual violations	0.4**	0.6	0.7	0.2**	0.4**	0.2**	0.3**	0.8	0.5**	0.6*
Kidnapping and related offences	4.5**	13.7*	5.6	1.5	2.4**	5.7**	15.1*	13.7**	7.2**	4.9**
Criminal harassment/harassing phone calls/threats	0.6**	0.7	0.9	0.2**	1.2*	0.2**	0.6*	0.7**	0.9	0.4**
<i>Extralegal factors</i>										
Victim gender (female = 1)	2.4**	3.0**	2.9**	1.9**	2.7**	2.3**	1.8**	2.1**	2.9**	3.4**
Victim's age (age 15 to 24 = RC)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0*	1.0

(continued)

Table 3. (continued)

	Total	Nfld/ Labrador	New Brunswick	Nova Scotia	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
	N = 81,278 Exp (B)	N = 1,384 Exp (B)	N = 1,785 Exp (B)	N = 3,144 Exp (B)	N = 16,295 Exp (B)	N = 24,661 Exp (B)	N = 4,835 Exp (B)	N = 5,507 Exp (B)	N = 10,828 Exp (B)	N = 12,839 Exp (B)
Victim-accused relationship state (intact = 1)	1.5**	1.7**	1.1	1.5**	1.2**	2.0**	1.4*	1.1	1.5**	1.7**
Location of the incident (other location = RC)	1.0	1.0	1.1	1.2	1.0	0.9	1.0	0.9	1.1	1.0
Incident occurred in a private residence (1)	1.1	0.5	1.1	1.8*	0.9	1.0	0.7	0.7	0.6**	0.7
Constant -2 LL	92,865.45	1,842.07	2,450.00	3,260.05	21,341.41	19,781.37	3,519.37	7,379.08	12,066.83	1,638.67
Model -2 LL	83,185.36	1,544.39	2,267.56	2,755.11	20,224.52	15,846.83	3,277.12	6,655.34	10,433.64	1,292.65
Rescaled R ²	.17	.26	.13	.23	.09	.27	.10	.17	.21	.33

Note: UCR = Uniform Crime Reporting.
*p < .01. **p < .001.

There were only a few differences observed across the provinces in terms of the legal and extralegal factors found to be associated with the police decision to proceed with charges. First, criminal harassment and related offences had significantly lower odds of charges being recommended in some, but not all provinces. Quebec was distinct from other jurisdictions in that it was the only province to have significantly higher odds of charges being recommended for these offenses (odds of 1.2). Police are less likely to recommend charges for victims of criminal harassment and related offences than victims of common assault in Nova Scotia and Ontario (log odds of .2), British Columbia (at .4), Manitoba (at .6), and Saskatchewan (at .7). Although differences are minimal, one possible explanation for this variation is that one of the violations included in the harassment category—threatening and harassing phone calls—is a new *Criminal Code* offence introduced in 2008. When a new offence category is added to the UCR, it takes some jurisdictions longer than others to introduce the change in practice. If police services in certain provinces were faster to start recommending charges in incidents that involved harassing phone calls by an intimate partner, their charge rates for this broader category may be lower. A study using 2010 UCR data found that threatening and harassing phone calls had some of the lowest charge rates among violent crimes (Hotton Mahony and Turner 2012). While research has yet to examine the reasons why this may be the case, one possible explanation is the greater difficulty in collecting corroborating evidence for these offences and, in turn, prosecuting such cases.

Another difference across the provinces was found for sexual offences which had significantly lower odds of arrest than assault level 1 in some provinces but not others. This finding is similar to Simon, Ellwanger, and Haggerty (2010) who found that sexual offenses against intimate partners on their own were unlikely to result in arrest; although the probability of arrest increased from 222 percent to 467 percent if the sexual violation was accompanied by assault or kidnapping. A forthcoming analysis will further explore these differences in offence categories using a sample of single victims and single offenders. This will allow the authors to examine the actual charges against the suspect as recommended by police (up to four charges per incident).

Finally, results showed that incidents involving intimate partners who were still in an intact relationship had higher odds of charges with the exception of two provinces. Despite the weakness of interpreting statistical significance when using administrative data (Hirschel and Faggiani, 2012), this observation is contrary to our expectation that incidents involving estranged partners may be viewed more seriously given growing evidence

and subsequent training about the elevated risk of lethal violence in estranged relationships (Hotton 2001; Johnson and Hotton 2003). To fully understand the differences between provinces, however, we need to better understand the implementation of policy directives at the local level, a subject we discuss further subsequently.

Discussion and Conclusion

This study examined, first, what factors affect the arrest decision in cases of IPV in Canada and, second, whether or not the relevance of these factors varied by province. The results demonstrated that both legal and extralegal variables do play a role in the decision to lay a charge in these cases. Specifically, at the national level, three legal factors and three of the four extralegal variables were significantly associated with the arrest decision. Subsequent analyses, however, showed that the role played by these factors varied only minimally across the provinces. After discussing study limitations, we discuss some of these patterns in more detail, highlighting some future research directions.

Study Limitations

The UCR is an administrative data source whose primary purpose is to measure the incidence of crime in Canada. Data are extracted from the Record Management System (RMS) of police services across Canada. Many police services have more detailed data collection programs than what is available in the UCR, including call for service information and narratives pertaining to the incident. However, to ensure standardization, the incident-based UCR microdata file is limited to information that is collected in all jurisdictions—and only reflects incidents substantiated by police and formally recorded. Due in part to the above limitations of our data source, a second limitation of this study is that there are many important legal and extralegal factors that could not be examined because they were not available for analysis. More fully specified models would allow for a more rigorous examination of these factors and related theories that explain police arrest decisions.

Despite the limitations mentioned previously, this study represents the first national, multivariate analysis of the police decision to recommend charges in cases of IPV in Canada. As such, it represents the necessary first step in understanding the way society responds to these incidents as well as the role played by police as potential gatekeepers for preventing or allowing

such incidents to enter the criminal justice system. It also highlights a number of avenues for future research.

Gender and Charging Decisions

A national examination of varying arrest rates for male and female suspects as well as potential differences in predictors of arrest by gender is a necessary next step given ongoing debates about gender, IPV, and criminal justice responses. Consistent with the majority of international research, our analysis found that cases of IPV were more likely to result in charges if the victims were female rather than male. Given the controversial topic of gender symmetry/asymmetry in IPV and subsequent criminal justice responses, surprisingly little research has focused specifically on the role played by gender in police arrest decisions and findings have not been consistent (Hamilton and Worthen 2011). It has been argued that the policy context of the jurisdiction under study may have an impact and there is some support for the impact of policy contexts on gender and arrest (e.g., Durfee 2012) whereas others have found that, regardless of the jurisdiction's policy context, males are still arrested at higher rates than females (e.g., Hirschel et al. 2008). We were not able to control for policy context in this article but, as already noted, Canada has adopted a national pro-arrest strategy, suggesting that this may not be the best or only explanation of differential arrest rates by gender in our study.

Similar to Hamilton and Worthen (2011) and (Ho 2003), more specific examinations of the role played by gender and, more importantly, factors that may be linked to both gender, IPV, and the arrest decision may help explain differential arrest rates for males and females found in some, but not all studies. For example, it may be that various characteristics of male-on-female IPV are associated with more punitive criminal justice responses that are not present in female-on-male IPV. For example, research has shown that male accused of IPV are more likely to have a prior criminal record than female accused (Feder and Henning, 2005; Poon, Dawson, and Morton In press) and this may impact arrest decisions as noted previously. It may also be that police still adhere to traditional gender stereotypes that see women as nonviolent and more in need of protection, particularly in the context of intimacy, compared to men (Felson and Ackerman 2001; Felson and Paré 2007) and such beliefs impact their arrest decisions (Russell 2013). Without a more specific focus on gender as a determinant of arrest using these data, however, this remains speculation.

Relationship State and Charging Decisions

Our results showed that incidents involving victims and suspects in intact relationships had higher odds of charges being recommended than victims who were estranged from their partner. Given the attention over the past decade concerning the risks of IPV both during and following separation, higher rates of arrest for estranged partners was anticipated. Similarly, given recent work by Lally and DeMaris (2012) on the role played by relational distance in the decision to arrest, if “intimacy repels law” as they demonstrated, then arrest in cases involving intact relationships should be less likely than in cases involving estranged partners. One explanation may be that current partners have a higher probability of remaining at the scene when the police arrive. Research in the United States has shown that police are more likely to proceed with charges when the suspect is still at the scene when they arrive (Hall 2005; Hirschel et al. 2010; Robinson and Chandek 2000).

Further, estranged partners may be more likely to perpetrate offences from a distance than intact partners such as harassing telephone calls and threats that may also be more difficult to prosecute. Finally, despite training to the contrary, police may continue to see danger as more imminent for couples who are in intact relationships and possibly living together with children, than for estranged partners. Arrest is one way to reduce this imminent danger and perceived to more adequately protect the victim. Our data did not allow for an examination of the role played by these factors; therefore, the role of relationship state in the decision to charge must remain speculative until future research is able to examine this question. While there has been much emphasis in the literature on the concept of relational distance (e.g., Felson and Ackerman 2001; Felson and Paré 2007), this work has largely focused on how intimate partner relationships compared to more distant relationships (e.g., other domestic relationships, acquaintances, and strangers) in terms of their likelihood of arrest. However, our finding that cases involving intact couples are more likely to lead to charges than those involving estranged partners suggests that more finely grained distinctions should be examined within the intimate partner relationship category itself (e.g., Dawson 2003).

Provincial Variation in Charging Decisions

It has long been recognized that the impact of policies implemented on the ground will vary at the provincial/state and, largely, local levels (Myers and Talarico 1987; Ulmer and Johnson 2004). This is due, in part, to the fact that

local actors perform their jobs in settings that differ in sociopolitical contexts, resources, and types of victims, perpetrators, and crimes that come before them. While our study demonstrated consistency in the role played by the legal and extralegal factors examined, there was variation across the provinces in charging rates, ranging from a low of 56 percent in New Brunswick to a high of 86 percent and 88 percent, respectively, in Ontario and Manitoba. Police do not work in isolation and, as argued previously, remain influenced by policies at provincial and local levels. For example, in most provinces, the assessment of whether reasonable grounds exist to lay a charge is made independently by police. However, provincial policies in New Brunswick, Quebec, and British Columbia require pre-charge screening by the Crown Attorney's Office before laying charges. While police services are instructed to record the recommendations of police before Crown screening, it is possible that the higher evidentiary requirements used by public prosecutors may be taken into account (Hotton Mahony and Turner 2012 citing McCormick et al 2012). Such policies may, in turn, also affect the relative importance of various factors in the decision to arrest. Therefore, future analysis should incorporate measures at the provincial and police jurisdiction level that capture community context and police organizational variables including, but not limited to police caseload (Eitle 2005; Hirschel et al. 2008) and local initiatives (such as specialized domestic violence police units and domestic violence court programs) which may impact the local police organizational culture.

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Notes

1. The three territories and Prince Edward Island were not analyzed separately due to the small numbers of incidents.
2. Following the Uniform Crime Reporting (UCR2) offence hierarchy, this analysis is based on the most serious offence against the victim. These include most "crimes against the person" or "1000 series offences." This does not include property offences or administration of justice violations.

3. This should be distinguished from studies of police “clearance” which typically measure incidents *solved* by police. Most Canadian statistics report a “clearance rate.” An incident is defined as cleared when a suspect is identified against whom a charge *could be laid* (CCJS Policing Services Program 2010). Of interest in this study is the decision to proceed with charges when evidence suggests that a violation has taken place.
4. Incidents that were “cleared otherwise” were subdivided into 13 justification codes. These included suicide (D) or death of suspect (E), death of complainant/witness (F), reason beyond control of department (policy) (G), diplomatic immunity (H), suspect is less than 12 years old (I), committal of the suspect to a mental hospital (J), suspect is in a foreign country and cannot be returned (K), complainant declines to lay charges (L), suspect involved in other incidents (M), suspect already sentenced (N), departmental discretion (O), and diversionary program (R). A small number of incidents were cleared otherwise for reasons D, E, H, I, J, and K were removed from the analysis, as one may interpret these as being beyond the control of the police agency.
5. A fourth legal variable, weapon use, was also available on the UCR microdata file, but was not included in the present analysis due to collinearity with other variables including type of offence.
6. Injury captures the police assessment of physical injury against the victim and does not capture the emotional or psychological impact of the violence.
7. The offence category “indecent and harassing phone calls” reflects changes to the *Criminal Code of Canada* that came into effect in April 2008.
8. Table 2 presents the victim’s age using a series of categories in order to meet the requirement of preliminary confidentiality screening guidelines used for releasing UCR2 descriptive output.
9. Given the large sample available in the incident based UCR data, the authors selected a more conservative significance level of 1 percent (.01) rather than the common convention of 5 percent (.05) to assess the significance level α , that the null hypothesis is rejected.

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