

A Comparison of the Police Response to Heterosexual Versus Same-Sex Intimate Partner Violence

April Pattavina

David Hirschel

Eve Buzawa

Don Faggiani

Helen Bentley

University of Massachusetts Lowell

It has been argued that the police do not respond to domestic calls involving same-sex couples in the same manner as they respond to calls involving heterosexual couples. A major problem facing researchers examining the police response to cases involving same-sex couples has been the lack of adequately sized samples. In this article, the authors utilize the 2000 National Incident Based Reporting System database, which contains 176,488 intimate partner assaults and intimidation incidents reported to 2,819 police departments in 19 states. The key issue examined is whether similar cases involving same-sex and heterosexual couples result in the same police response.

Keywords: *intimate partner assault; police response; same-sex couples*

During the past few decades, criminal justice practitioners, academics, and policy makers have devoted considerable resources to the study of domestic violence. Of particular importance to this topic has been the discussion about the role of law enforcement in dealing with incidents of domestic violence among intimate partners. Much of the research on the police response to intimate partner violence, however, has focused on heterosexual intimate partners. The Violence Against Women Act (VAWA), passed in 1994 and its reauthorization approved in 2000, has required examining rates of violence in marginalized groups, including gay and lesbian partners, racial and cultural minority groups, Native Americans, and immigrants. However, we still lack considerable empirical research on the law enforcement response to domestic violence

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incidents specific to marginalized populations. This research seeks to address this gap by examining the law enforcement response to same-sex partners.

The police response to cases of domestic violence involving same-sex partners is important because the research on the prevalence of violence among same-sex couples reveals that intimate partner violence among this group is at least as frequent and severe as violence among heterosexual couples (Brand & Kidd, 1986; Cruz & Firestone, 1998; Island & Letellier, 1991; Knauer, 1998; National Coalition of Anti-Violence Programs [NCAVP], 1998; Potocziak, Mourot, Crosbie-Burnett, & Potocziak, 2003; Renzetti, 1992; Tjaden & Thoennes, 2000). This lack of specific knowledge is of particular significance to efforts at improving police training as research to date suggests that the needs of same-sex intimate partner victims may vary and be even greater than those of heterosexual victims.

Researchers examining same-sex domestic violence have voiced concerns about viewing this phenomenon solely from a heterosexual perspective (Knauer, 2001; Lilith, 2001; Ristock, 2002). Although there are similarities between same-sex and opposite-sex victims of domestic violence—for example, the professed cyclical nature of abuse (Coleman, 1994), its eventual escalation over time (Island & Letellier, 1991; Renzetti, 1992), and the behavioral characteristics of batterers (Coleman, 1994)—there are many factors that distinguish incidents of same-sex domestic violence. Furthermore, police literature has long addressed the role of victim, offender, and situational characteristics of interactions on police decisions. For these reasons, we believe a separate study of these cases is warranted.

The inability to accurately identify incidents of same-sex intimate partner occurrences has historically presented significant barriers to the examination of this issue. However, significant advances in official reporting of intimate partner violence have presented opportunities to investigate the police response to same-sex intimate partner violence. Although the Uniform Crime Reporting system essentially only gathers aggregate data, the National Incident Based Reporting System (NIBRS) collects detailed information on all incidents reported to the police in NIBRS participating jurisdictions. In addition, NIBRS provides information on the relationship of the victim to the offender and more detailed information on both the victim and offender. From this information, it can be determined if the couple in an intimate partner assault incident were intimate partners of the same sex or heterosexual. The police response to the incident and other important factors that may affect the arrest decision are also available.

The purpose of this study is to compare the role of selected key factors in predicting arrest for same-sex intimate partner and heterosexual intimate partner violence incidents. Using recent assault and intimidation data from the NIBRS system for the 2000 calendar year, this study examines the influence of legal, situational, and individual factors on the decision to arrest for both groups. We first summarize the available research on the prevalence of domestic violence among same-sex intimate partner

couples and factors that may affect disclosure of victimization to the police. Second, we discuss what is known about the potential variation in police intervention between these groups. Third, we present findings from a multivariate analysis comparing the police response to heterosexual and same-sex couples. We then conclude with a discussion of the major findings and their implications for practitioners, researchers, and policy makers and suggestions for future research in this area.

Literature Review

Prevalence of Domestic Violence in Same-Sex Relationships

Much of what is known about the occurrence of domestic violence in same-sex relationships was historically based on small, nonrandom samples of gay or lesbian respondents (Lilith, 2001; Renzetti, 1992) or was inferred from studies of heterosexual victims of abuse (Hamberger, 1996; Lilith, 2001). Despite these methodological limitations, research tended to gravitate toward the assumption that same-sex domestic violence occurs at a comparable rate to that of heterosexual violence (Brand & Kidd, 1986; Coleman, 1994; Cruz & Firestone, 1998; Island & Letellier, 1991; Potocziak et al., 2003; Renzetti, 1992).¹ The oft-cited study by Claire Renzetti (1992) has been used as the basis for this comparison, despite that fact that Renzetti's study was based on *patterns* of violence in lesbian relationships rather than *prevalence* (Lilith, 2001).

The NVAWS reported similar rates of lifetime violence between same-sex and heterosexual couples, with the exception of lesbian physical violence (Tjaden & Thoennes, 2000). Women in these relationships not only experienced greater physical violence from female partners than did comparable women in heterosexual relationships, but they were also more likely to have experienced violence in heterosexual relationships as well. However, their sample only included 79 same-sex female partners and 65 same-sex male partners in their sample of 8,000 males and 8,000 females. Greenwood et al. (2002) reported on a sample of 2,881 male cohabitants during the past 5 years and also found a higher rate of violence than in cases of heterosexual relationships.

What is clear from the few studies investigating domestic violence in same-sex relationships is that the issue presents a significant problem for the gay and lesbian community. According to Island and Letellier (1991), domestic violence is currently the third largest health problem facing gay men, after substance abuse and AIDS. Interestingly, Knauer (2001) reports that gay and lesbian individuals are more likely to experience domestic abuse at the hands of their partners than to be exposed to antigay violence perpetrated by strangers.

Turrell (2000) found similar rates of physical violence for lesbians, with rates varying from 8% to 60% and from 11% to 44% for gay men. In Turrell's (2000) own study of lifetime percentages for 499 gay, lesbian, and bisexual respondents living in the

Houston area, current physical violence was reported in 9% and past physical violence was indicated in 32% of relationships. According to the most recent report by the NCAVP, composed of data from 11 regions across the United States, domestic violence seems to occur at a rate of 2 in 5 in gay and bisexual men (NCAVP, 2003).

Of concern is the fact that the number of *reported* cases of same-sex domestic violence seems to be increasing each year. A survey published in 1998 indicated a 41% increase nationwide from the previous year, whereas in San Francisco there was a 67% increase in reported cases (Knauer, 2001). The most recent NCAVP survey, using data collected in 2002, found that during that year 5,092 cases of lesbian, gay, bisexual, and transgender domestic violence were reported (NCAVP, 2003). However, this figure has the potential to be much higher given the geographical range that remains unaccounted for within the survey sample (Lilith, 2001). The reasons for variation in victim reporting and criminal justice response to same-sex violence may be because of a number of factors that reflect possible cultural, legal, and institutional biases.

Cultural Attitudes Toward Same-Sex Violence

Batterers not only use physical, economic, and psychological threats and injury as strategies to control victims but may also use tactics unique to same-sex couples (Giorgio, 2002; Knauer, 2001; Letellier, 1996). These include efforts to convince victims that they are mutual batterers rather than acting in self-defense, threats of exposure to family, friends, and/or employers, and threats to infect them with HIV. Even without any prompting from the offender, people in general, and the police in particular, may be inclined to believe that what is occurring in the relationship is “common couple violence” as opposed to “patriarchal terrorism” (Johnson, 1995; Johnson & Ferraro, 2000). Fear of exposure and possible rejection from family and friends often prevent victims from reporting violence to police. This also means that they are less likely to gain access to two major sources of support: family and friends.

The ensuing experience of isolation encountered by gay and lesbian victims is likely to be further heightened by the lack of recognition by the gay and lesbian community of the occurrence of same-sex domestic violence (Island & Letellier, 1991), with feelings of isolation likely to be particularly strong for victims who are also members of other minority groups (Elliott, 1996; Peterman & Dixon, 2003). This lack of support for same-sex violence victims has partly been a consequence of a political campaign by the gay and lesbian community to promote gay rights and the “alternative lifestyle” (Knauer, 2001) and to create the false image of a “lesbian utopia” (Coleman, 1994; Girshick, 2002), which thrives on the assumption that domestic violence is a problem associated only with men. The very existence of domestic violence between two women acts as a direct contradiction to the popular feminist theories concerning abuse and its relationship to male domination in a patriarchal society (Knauer, 1998; Lilith, 2001).

The Law and Same-Sex Domestic Violence

Perhaps the most obvious indicators of bias toward same-sex partners are those reflected in the legal structure currently in place for handling intimate partner violence. In some states, laws clearly give heterosexual intimate partners protection against interpersonal violence but are vague as to whether those rights extend to same-sex intimate partners. In other states, same-sex partners are explicitly excluded from specific types of legal protection. Since the 1970s, every state has passed domestic violence legislation in an effort to strengthen the response of the criminal justice system to cases of domestic assault. Such legislation has addressed almost all components of the criminal justice system, including police, prosecution, victim services, and the courts, and has provided additional sources of protection for victims. However, although legislative reforms have increased victim reporting and police rates of arrest and improved the overall response to domestic violence victims (Maxwell & Post, 2002), the failure of these reforms to specifically address victims of same-sex violence limits their utility for same-sex victims and may decrease their willingness to report an incident or to identify the assailant as an intimate partner.

Specifically, legal initiatives to aid heterosexual victims of domestic violence have neglected to provide similar protections to victims of same-sex abuse. For example, although the VAWA of 1994 created special provisions for immigrant, Native American, elderly, and disabled victims of domestic abuse, it failed to acknowledge victims of same-sex violence (NCAVP, 1998). For many state legislators, acknowledging the occurrence of domestic abuse between same-sex partners involves recognition of the relationships themselves (Knauer, 2001), something that many Americans are still not ready to do, as indicated by opinion polls surrounding same-sex marriage (Vaid, 1995).

Currently, five states (Delaware, South Carolina, Montana, New York, and Virginia) specifically exclude victims of same-sex domestic violence from statutes governing the issuance of protective orders (Aulivola, 2004) by limiting their protection to family members or individuals of the opposite sex who are current or former partners (Girshick, 2002; Potocniak et al., 2003). However, in New York, as a consequence of *People v. Hadley* (1997), any protection order granted in another state must be upheld (Aulivola, 2004).

Only six states (Hawaii, Ohio, Illinois, Kentucky, New Jersey, and Pennsylvania) specifically offer protection against domestic violence for same-sex couples (Aulivola, 2004). The remaining states have "gender-neutral" laws that are open to interpretation (Aulivola, 2004; Burke, Jordan, & Owen, 2002; Hodges, 2000; Knauer, 2001; Potocniak et al., 2003). For instance, many domestic violence statutes in these states refer to "partners," "cohabitants," or "household members" but fail to clearly express the inclusion of same-sex couples (Hodges, 2000; Knauer, 2001). Consequently, the application of these laws may rely on the discretion of the individual judge who may or may not be affected by personal bias (Burke et al., 2002; Hodges, 2000; Potocniak et al., 2003).

Furthermore, three of these states also have antisodomy laws, forcing victims of same-sex domestic violence to admit to illegal sexual behavior before they can qualify for protection (Knauer, 2001). However, the U.S. Supreme Court decision in *Lawrence and Garner v. Texas* (2003) found the Texas criminal sodomy statute to be unconstitutional on the grounds that it infringed vital interests in liberty and privacy. This effectively nullifies similar legislation in the remaining two antisodomy states. The Massachusetts Supreme Judicial Court decision in *Goodridge v. Department of Public Health* (2003) to legally recognize gay and lesbian marriages, despite rushed attempts by other states to block similar rulings elsewhere in the United States, has provided a new impetus to future same-sex domestic violence legislation.

The Criminal Justice System Response to Same-Sex Domestic Violence

Several studies have concluded that gender and lifestyle of the involved parties have a significant effect on the police response to incidents (Bittner, 1970; Black, 1980; Manning, 1997). Specifically, it has been reported that police are more lenient to women committing "traditional" female offenses and harsher to those committing offenses similar to men (Chesney-Lind, 1999; Chesney-Lind & Pasko, 2004). Furthermore, the "leniency hypothesis" suggests that police are less likely to use their arrest authority in cases where there are female victims (Fyfe, Klinger, & Flavin, 1997). Early research considered same-sex violence as part of a broader category encompassing a variety of "deviant" behaviors (Bittner, 1970; Manning, 1977). Research focusing specifically on the police response to cases of same-sex domestic violence has been described as "misguided at best, and homophobic at worst" (Jablow, 2000, p. 1110). Not surprisingly, a study comparing reporting practices of gay and lesbian victims of bias crimes and domestic violence revealed that only 48% of the domestic violence incidents were reported to the police, compared to more than 60% of the bias-related incidents (Kuehnle & Sullivan, 2003). In addition, gay victims were less likely than lesbian victims to report domestic violence incidents. This failure to report has been seen as an indication that the gay and lesbian communities generally distrust the police (Comstock, 1991; Letellier, 1994). An alternative hypothesis, however, is that, like their heterosexual counterparts, gay and lesbian victims of domestic violence fear the legal, financial, and emotional ramifications that police involvement inevitably produces (Peterman & Dixon, 2003). This is further exacerbated by the heightened concerns of gay and lesbian victims regarding the potential consequences of public disclosure.

To date, research has provided a discouraging account of the police response to same-sex domestic violence. This research has noted that police have minimized the potential seriousness of the incident (Comstock, 1991; Vickers, 1996), failed to arrest the perpetrators or even intervene (Comstock, 1991), and ignored standard domestic violence procedures concerning the identification and arrest of the "primary aggressor"

regardless of physicality (Peterman & Dixon, 2003). The recent adoption of mandatory-arrest policies by police departments nationwide has further added to the ambiguity surrounding incidents of same-sex domestic violence where who is arrested rather than whether to arrest is still dependent on the individual officer's determination of probable cause. This, in turn, can be affected by other factors such as sexism or homophobia (Lilith, 2001). Allegedly, to resolve this ambiguity, situations involving same-sex violence are classified as "mutual fights" by police officers (Hodges, 2000; Knauer, 2001; Lilith, 2001; Vickers, 1996) who are not adequately trained to recognize the special circumstances that exist in same-sex violence cases (NCAVP, 2002). Labeling both partners as "mutual combatants" engaging in "common couple violence" (Johnson, 1995; Johnson & Ferraro, 2000) effectively establishes both individuals as equally responsible, and therefore accountable, for the abuse (Letellier, 1994). Most disconcertingly, Letellier (1994) reported that in some cases, both parties were arrested and subsequently held in the same jail cell where the "real" victim was reassaulted.

Factors that may affect an officer's decision in cases of same-sex domestic violence have been addressed by several surveys of police attitudes toward gay and lesbian individuals. In a sample of police officers, Bernstein and Kostelac (2002) found that officers held more negative attitudes toward gay men than toward lesbians. Furthermore, 25% of the police admitted to participating in 1 of 5 forms of antigay or antilesbian behavior.² These behaviors may result in the reluctance of same-sex victims to report violence to 911 out of fear that police will not respond or that their complaints will be dismissed (Knauer, 2001).

A further study by Younglove, Kerr, and Vitello (2002) attempted to assess participant response by presenting a sample of police officers with scenarios depicting heterosexual, same-sex, and "unidentified" domestic violence incidents. Researchers found no difference in how the sample perceived each scenario when the sexual orientations of the victim and the perpetrator were varied. However, as noted by the authors, this lack of differentiation regarding theoretical responses may not be replicated during an actual domestic violence call (Younglove et al., 2002).

The influence of bias against same-sex victims of domestic violence has also been investigated within the court setting, where traditional heterosexist assumptions concerning victims and perpetrators have been seen to greatly dictate the direction an individual case may take (Ristock, 2002). Cases involving same-sex domestic violence have been noted to result in judges often issuing mutual restraining orders (Hodges, 2000), further punishing the victims and making it less likely that they will report similar incidents in the future. Similarly, perpetrators are given less severe penalties and are seldom required by the court to attend counseling (Peterman & Dixon, 2003).

A study by Seelau, Seelau, and Poorman (2003) investigated the attitudes of 252 undergraduate volunteers enrolled at a regional university toward domestic violence scenarios in which the sexual orientations of the victim and the perpetrator were varied. Data indicated that the participants found, regardless of sexual orientation, the incidents were more serious if the victim was female: They were more likely to recommend

greater outside intervention and to recommend that the police issue a citation or arrest the perpetrator. When participants were asked to assume the role of a juror in a fictional court case involving each incident, guilty verdicts were more common when the victim was female than when the victim was male.

Similar findings were cited in a study by Hill (2000), which investigated the juristic attitudes of a sample of 72 undergraduate volunteers in hypothetical cases of stranger sexual assault in which the sexual orientation of both the defendant and the victim was varied. Hill found that cases with a homosexual defendant and heterosexual victim were most likely to result in a guilty verdict, and cases involving a homosexual victim were least likely to result in a guilty verdict. Knowledge of sexual orientation was also rated by participants as being more important in cases involving a homosexual defendant than in cases in which a heterosexual individual stood as the accused.

Availability of Formal Services for Same-Sex Violence Victims

Heightening the reluctance of victims of same-sex domestic violence to involve the authorities, alternative options consisting of formal services are seen by many as inaccessible and unhelpful (Poorman, 2001). Pamphlets distributed by domestic violence shelters and counseling groups, for instance, rarely mention services specific for lesbians or bisexuals (Girshick, 2002), and training for staff members often ignores issues concerning same-sex violence (Girshick, 2002). The gay and lesbian community itself has few provisions for victims of same-sex domestic violence (McLaughlin & Rozee, 2001). For example, very few shelters exist for gay men, particularly in more rural areas (Ristock, 2002), although a small minority may obtain hotel vouchers for the night (Friess, 1997). Similarly, many domestic violence services will not provide shelter to any man "regardless of his status as victim" (Letellier, 1996, p. 75). For gay perpetrators of abuse, seeking help from formal services is actively discouraged by support groups who anticipate potentially volatile situations among groups of men already susceptible to violent behavior (Friess, 1997).

A number of studies have found that lesbian respondents are more likely to consult a therapist or friend than the police (Renzetti, 1992; Ristock, 2002). Similarly, a survey of gay men conducted by Merrill and Wolfe (2000) found that the lowest percentage of respondents (65%) reported seeking help from the police, whereas the majority (85%) preferred to consult friends. In Renzetti's (1992) survey of lesbian women, the most frequently cited sources not perceived as helpful were the police, attorneys, and medical professionals.

In sum, the preceding review of the research literature indicates that the criminal justice system as a whole is ill equipped to deal with incidents involving violence between members of the same sex. Existing biases against gay and lesbian lifestyles and the dominance of heterosexual attitudes within the police department and the courtroom have not created the same atmosphere of legal support and resolution that

is offered to heterosexual victims of violence. Although research focused exclusively on same-sex domestic violence is sadly lacking in methodological rigor, it is clear that this is a significant problem for the gay and lesbian community, and an appropriate police response is clearly crucial for official recognition of this issue.

In this article, we expand on previous research investigating factors affecting the police decision to arrest and how these factors differ according to the sexual orientations of those involved. In contrast to previous research that has produced conclusions generally on the basis of responses to hypothetical scenarios, this study employs data from officially reported incidents, capturing the law enforcement response to same-sex violence within its natural environment.

Data

The data used in the following analyses were taken from the NIBRS. The units of analysis for the study are intimate partner assault and intimidation incidents reported to the police in 19 reporting states in 2000. All domestic violence cases with aggravated assault, simple assault, or intimidation as the most serious offense (Codes 13A, 13B, and 13C, respectively, in the NIBRS classification system) were included in the study. The offense code is determined by the responding officer or officers at the scene and does not necessarily reflect the offense with which the offender may have been charged or of which he or she may have been ultimately convicted. The responding officer likewise notes under the mandatory NIBRS victim-offender relationship category whether the incident involved a "homosexual relationship" (e.g., Federal Bureau of Investigation, 2000). A total of 176,488 intimate partner assault and intimidation incidents involving a single victim and a single offender were reported to the police during 2000.

The purpose of the study was to examine factors that predict arrest for intimate partner violence. Specifically, we were interested in exploring the possibility that predictors of arrest may differ for incidents involving same-sex couples versus heterosexual couples. The factors considered in the analysis reflect the individual, situational, and legal context of intimate partner assault and intimidation incidents. Individual factors include race and sex of the victim and sexual orientation. Situational factors involve where the offense occurred and seriousness of the incident. The legal context is provided by state statutes delineating the requirements for arrest by police when responding to cases of domestic violence.³

Of the 176,488 intimate partner incidents included in the analysis, 50% resulted in an arrest. The majority (99%) of incidents involved heterosexual couples ($n = 175,411$). Less than 1% involved same-sex couples ($n = 1,077$). Incidents involving same-sex couples were equally likely to result in an arrest (50%) as those involving heterosexual couples (50%). Arrests were much more likely in cases involving a White victim (53%) compared to those involving a minority victim (42%). Incidents involving male victims were more likely to result in arrests than those involving females (53% vs. 49%).⁴

As expected, the greater the seriousness of the offense, the greater the likelihood of arrest. A total of 59% of the aggravated assaults resulted in arrest, followed by 53% of simple assaults and 17% of intimidation cases. Incidents occurring in a home or residence were more likely to result in an arrest (51%) than those occurring in public (44%).

The legal context considered in this article focuses on the warrantless arrest law in effect in the state in which the incident occurred. To investigate the impact of arrest law on the police response to intimate partner violence incidents, we added statutory information to the NIBRS database indicating whether the state where the incident occurred had a mandatory, discretionary, or preferred warrantless arrest statute. Although states with mandatory laws require that police make arrests in the stated circumstances, states with preferred laws indicate a preference for arrest, and states with discretionary laws leave the decision making to the individual police officer.⁵ Using Lexis-Nexis, we obtained copies of the state laws governing police arrest powers in intimate partner violence cases in 2000 and coded the laws into one of the three categories.⁶

A listing of the states included in the reporting period for this study and the type of legislation are listed in Table 1. Eight states are identified as mandatory states, seven as discretionary states, and four as preferred-arrest states. A total of 46% of the incidents in the data set came from states where there was a mandatory-arrest policy in cases involving intimate partner violence, followed by 30% in discretionary states and 24% in preferred states. Arrests were most likely to occur in mandatory states (53%), followed by discretionary (47%) and preferred (45%) states.

Multivariate Analysis

A multivariate logistic regression analysis was used to determine the impact of selected independent variables on the likelihood of arrest. The independent variables chosen were intended to reflect legal context as indicated in state arrest policies with respect to domestic violence, situational circumstances, and demographic factors. To measure the effect of arrest policy, a variable was created indicating whether or not the incident occurred in a state with a mandatory-arrest law in intimate partner violence incidents (coded 1) or in a state with a preferred- or discretionary-arrest law (coded 0).

Situational measures include offense seriousness measured as aggravated assault and intimidation offense dummy variables, with simple assault serving as the reference category. These offenses are identified by the officers who responded to the incident. Two other indicators of seriousness, use of weapon (coded as weapon, personal weapon, and no weapon) and injury (coded as serious physical injury, apparent minor injury, and no injury) were also initially considered for the multivariate analysis but were found to significantly covary with the most serious offense.⁷ The location of incident was also included, indicating whether the offense occurred in a home or residence (coded as 1) or in a public or other place (coded as 0). The logic

Table 1
NIBRS Reporting States by Domestic Violence Arrest Policy

	Discretionary	Preferred	Mandatory	Mandatory (Inclusive)
Arkansas		X		
Colorado			X	X
Connecticut			X	X
Idaho	X			
Iowa			X	X
Kentucky	X			
Massachusetts		X		
Michigan	X			
Nebraska	X			
North Dakota		X		
Ohio			X	X
South Carolina			X	
South Dakota			X	X
Tennessee		X		
Texas	X			
Utah			X	X
Vermont	X			
Virginia			X	
West Virginia	X			

for including a location variable is that offenses occurring in public may be significantly different from those occurring in a residence in terms of police response. Incidents occurring in public places may have more witnesses and may make arrest more likely. This is a proxy measure of potential for witnesses because NIBRS does not include information on whether witnesses were present. Demographic measures include sex (coded 1 for males and 0 for females) and victim race (coded 1 for minority and 0 for White).⁸ Information on alcohol or drug use was likewise not included because both the reliability and validity of the information on alcohol or drug use are suspect (e.g., Thompson, Saltzman, & Bibel, 1999, p. 177).⁹

The NIBRS database presented a unique challenge to our analysis. Given the large number of cases included in the analysis, estimated coefficients were likely to reach significance. Thus, tests of significance should be interpreted with caution, especially for the heterosexual groups. Although we do present significance levels in our results, our analytic approach will focus more on the comparison of marginal effects of independent variables on the probability of arrest across groups based on sexual orientation (same sex vs. heterosexual). We also present separate models for male and female same-sex groups to determine if the patterns of relationships differ across gender. This comparison based on sex is informed by the literature discussed

Table 2
Logistic Model Predicting Arrest for Intimate Partner
Violence Among Heterosexual Couples

	All Victims ^a		Male Victims ^b		Female Victims ^c	
	<i>B</i>	Prob.	<i>B</i>	Prob.	<i>B</i>	Prob.
Mandatory legislation	0.386**	0.10	0.401**	0.10	0.383**	0.10
Aggravated assault	0.328**	0.08	0.256**	0.06	0.333**	0.08
Intimidation	-1.762**	-0.37	-2.240**	-0.44	-1.700**	-0.36
Victim race	-0.602**	-0.15	-0.364**	-0.09	-0.646**	-0.16
Victim sex	0.079**	0.02	—	—	—	—
Location	0.238**	0.06	0.282**	0.07	0.230**	0.06
Model χ^2	14490**		2417**		12104**	

a. $n = 175,411$.

b. $n = 29,134$.

c. $n = 146,055$.

* $p < .05$. ** $p < .01$.

earlier that suggests male and female same-sex couples may have different experiences with the law enforcement response to intimate partner violence.

In Table 2, we compare the results for intimate partner assault and intimidation cases for heterosexual couples and by sex of the victim. Logistic regression coefficients were converted to marginal probabilities for interpretive purposes. The results for heterosexual couples in the first column show that when offense seriousness, location, race, and sex are controlled, incidents occurring in mandatory states had higher probability of arrest (.10) over the combined discretionary and preferred states. The offense-seriousness variables reveal that aggravated assaults had a higher probability of arrest than did simple assault (.08) and that intimidation cases had lower probability of arrest than did simple assault cases (-.37). Cases involving minority victims were less likely to result in arrest than were those involving White victims (-.15). Location and victim sex had smaller effects, .06 and .02, respectively, on probability of arrest.

When incidents involving male and female victims were separately analyzed, mandatory legislation again emerged as a positive predictor of arrest for both groups ($p = .10$). Incidents classified as intimidation offenses had a lower probability of arrest for male victims (-.44) compared to female (-.36). In cases in which the victim was female, being a minority reduced the probability of arrest more than in cases in which the victim was male (-.16 vs. -.09). Aggravated assault varied little in predictive capacity across groups (.06 for male and .08 for female). Location also had similar effects on the probability of arrest for males and females (.07 vs. .06).

Table 3
Logistic Model Predicting Arrest for Intimate Partner
Violence Among Same-Sex Couples

	Same Sex ^a		Same-Sex Male ^b		Same-Sex Female ^c	
	<i>B</i>	Prob.	<i>B</i>	Prob.	<i>B</i>	Prob.
Mandatory legislation	0.403**	0.10	0.289	0.07	0.495**	0.12
Aggravated assault	0.360*	0.09	0.461*	0.11	0.239	0.06
Intimidation	-1.500**	-0.33	-1.650**	-0.35	-1.400**	-0.31
Victim race	-0.544**	-0.13	-0.681**	-0.17	-0.452*	-0.11
Victim sex	-0.077	-0.02	—	—	—	—
Location	0.256	0.06	0.312	0.08	0.207	0.05
Model χ^2	69.77**		37.20**		34.95**	

a. $n = 1,077$.

b. $n = 487$.

c. $n = 561$.

* $p < .05$. ** $p < .01$.

Table 3 presents the effects of the independent variables on arrest for all same-sex couples and also by sex of couple. In a comparison with all heterosexual couples, the effects of mandatory legislation on the probability of arrest for all same-sex couples were similar (.10) and significant. Offense-seriousness measures were also significant for the same-sex group. Aggravated assaults had higher probabilities of arrest ($p = .09$) for same-sex and ($p = .08$) for heterosexual couples when other factors were controlled. As expected, intimidation incidents had a lower probability of arrest compared to simple assaults for both same-sex (-.33) and heterosexual couples (-.37). Incidents involving minority victims had a significantly lower probability of arrest for both heterosexual and same-sex groups (-.15 vs. -.13).

The sex of the victim shows that the probability of arrest is slightly higher (.02) for male victims in heterosexual relationships but slightly lower (-.02) for males in same-sex relationships. Victim sex, however, was not significant in the same-sex model. For both heterosexual and same-sex groups, incidents occurring in homes had higher probabilities of arrest, but again the effect was not significant in the same-sex model.

When male and female same-sex couples were separately examined in Table 3, two divergent patterns emerged. First, when other factors were controlled, mandatory legislation was a significant positive predictor of arrest for female same-sex couples (.12) but an insignificant and weaker effect for male same-sex couples (.07). For the offense-seriousness variables, aggravated assaults provided significant predictive power for arrest in cases involving males (.11) but not females (.06), and intimidation cases showed lower probabilities of arrest for both males (-.35) and

Table 4
Logistic Model Predicting Arrest for Intimate
Partner Violence in Mandatory States

	Same Sex ^a		Same-Sex Male ^b		Same-Sex Female ^c	
	<i>B</i>	Prob.	<i>B</i>	Prob.	<i>B</i>	Prob.
Inclusive legislation	0.602*	0.15	1.172**	0.28	0.157	0.04
Aggravated assault	1.112**	0.26	0.973	0.24	1.348**	0.30
Intimidation	-0.812	-0.19	-0.417	-0.10	-1.161	-0.27
Victim race	-0.053	-0.01	0.298	0.07	-0.287	-0.07
Victim sex	-0.240	-0.06	—	—	—	—
Location	-0.074	-0.02	0.007	0.00	-0.192	-0.05
Model χ^2	22.74**		12.82*		14.45*	

a. $n = 388$.

b. $n = 163$.

c. $n = 225$.

* $p < .05$. ** $p < .01$.

females ($-.31$). Incidents involving minority victims had lower probability of arrest for both groups, with a slightly larger effect for males ($-.11$ vs. $-.17$). Incident location had a marginal and insignificant effect on both groups.

As previously discussed, states vary in the manner in which they cover same-sex couples in domestic violence legislation. Some states specifically include same-sex couples under their mandatory-arrest laws. Five out the seven mandatory states in our data set were identified as having language that specifically included same-sex couples (see Table 1). Of interest to us was whether inclusive statutory language in mandatory states affected the decision to arrest in same-sex couple cases. Our results indicated that when the entire same-sex population was examined, inclusive statutory language (coded 0 for no and 1 for yes) did increase the probability (.15) of arrest (see Table 4).

When female and male same-sex couples were separately considered, again several distinctions emerged. Inclusive language significantly increased the probability of arrest for males (.28) but had no effect for females (.04). Aggravated assaults significantly increased the probability of arrest over simple assaults, but the effect was significant for females but not males (.30 vs. .24). Intimidation cases involving female couples had a lower probability of arrest than cases with male couples ($-.27$ vs. $-.10$), but the effect was not significant for either group. For females, incidents involving minority victims had a lower probability of arrest than those involving White victims ($-.07$). For males, however, the effect of race was the opposite, where incidents involving minority victims had a higher probability of arrest. The effect of victim race, however, was not significant for either group. Finally, incident location had an insignificant impact on arrest for both female couples ($-.05$) and males (.00).

Discussion

Our findings suggest that mandatory-arrest policies for domestic violence and offense seriousness are important factors in predicting the likelihood of arrest for both heterosexual and same-sex couples when selected situational and individual factors are controlled. Although there appears to be small differences in the police response to same-sex violence compared to heterosexual violence when female and male same-sex violence is considered as a homogeneous entity, there are more evident differences when male and female same-sex couples are separately considered. Analysis of the police response to female and male same-sex couples indicates that several factors operate differently for female and male same-sex couples.

The existence of a mandatory-arrest law is the factor that most increases the likelihood of the police making arrests in situations involving female same-sex couples. The offense need not be very serious for an arrest to be made in cases of female same-sex violence. Although simple assault cases were more likely than intimidation cases to result in arrest, there was little difference between simple and aggravated assault cases in their predictive capacity. It may be that it simply takes the passage of a mandatory-arrest law to convince officers that women can be the victims of other women in domestic situations.

For male same-sex couples, mandatory legislation has a minor role in predicting arrest. For this group, it appears that offense seriousness is the more influential predictor. Although simple assaults are much more likely than intimidation offenses to result in arrest, aggravated assaults are more likely than simple assaults to result in arrest. Here, it appears that the commission of a serious offense is needed to make some police officers treat an incident involving a male same-sex couple as a serious criminal matter.

When the content of mandatory-arrest legislation was considered, additional patterns were observed. As shown in Table 4, in mandatory states, inclusive language became the most important predictor of arrest of male offenders in same-sex intimate partner violence cases but did not help at all in predicting the arrest of female offenders. So although mandatory legislation in general increases the probability of arrest for females, it appears that the addition of specific inclusive language in mandatory-arrest states is a helpful ingredient for the promotion of arrest of male offenders in same-sex intimate partner violence cases.

Within the eight mandatory-arrest states, offense seriousness was a stronger predictor of arrest in female same-sex than in male same-sex cases. For females, aggravated assaults were much more likely to result in arrest than simple assaults, and simple assaults were more likely than intimidation to result in arrest. For males, these associations were far less pronounced. Thus, in mandatory-arrest states, inclusive language was the strongest predictor of arrest for males, whereas for females, it was offense seriousness. This finding diverges from the earlier finding that when same-sex cases from all 19 states were examined, seriousness of offense was a stronger predictor of arrest for male same-sex cases as opposed to female same-sex cases.

These differences compel us to ask questions about possible explanations for observed variations in the factors that affect the police response to same-sex male and female violence. Differential response, because of indifference or perhaps discrimination, is a possibility and has been suggested by prior research. The research discussed earlier in this article suggests that biases may occur at the cultural, institutional, and/or societal levels. Although it may be sufficient for female same-sex couples to be implicitly included in domestic violence legislation, it may take the specific inclusion of male same-sex couples for them to be afforded the same rights and protection. Perhaps because violence between females is not perceived as part of the natural order, the existence of a law allowing for the arrest of a female in a same-sex relationship is sufficient to promote arrest. For the same result to occur in a similar situation involving males, where some level of interpersonal violence between males is tolerated, and perhaps even expected, the message has to be more direct. This hypothesis is supported by the fact that seriousness of the offense is a far stronger predictor of arrest in cases involving male as opposed to female same-sex couples. Thus, though a certain minor level of violence between male same-sex intimates may be tolerated, arrest will be more likely to ensue once a certain threshold of violence has been crossed.

As discussed earlier, the general research on police arrest practices suggests that police are likely to reflect the impact of criminal justice policies attempting to increase the use of criminal sanctions (Chesney-Lind & Pasko, 2004). Female arrests for a variety of offenses other than assault have dramatically increased in recent years as well. However, there are few additional data to support the notion that girls and women are becoming more violent, including self-report data that do not show major changes (Chesney-Lind & Pasko, 2004). In addition, low-level violence is more likely to be seen as "normal" behavior for males than for females, given that arrest rates in cases of simple assault between males generally are low (Black, 1980). Conversely, any type of violent behavior has been considerably less likely to be viewed as acceptable behavior for "respectable" females.

Another consideration that may shed light on the differential impact of mandatory legislation on the probability of arrest for incidents involving male and female same-sex couples may stem from the historical context in which the law enforcement response to domestic violence has evolved. Our understanding of the seriousness of domestic violence in contemporary society and the need for a criminal justice system response was grounded in a framework that largely focused on situations where females were the victims of violence. The focus on females as victims may translate into police practices that favor arrest in incidents involving female victims.

The concept that police arrest practices may be reflective of general societal attitudes and preferences is substantiated by a recent survey of university students regarding the relative seriousness of heterosexual, male-against-male, and female-against-female domestic assault (Poorman, Seelau, & Seelau, 2003). The researchers reported that male victims were least likely to be seen as serious, regardless of

whether the violence occurred in heterosexual or same-sex relationships. Assaults involving females in any relationship were seen as more serious than males, regardless of sexual orientation.

Although our findings do not support differential arrest treatment based on victim sex in heterosexual couples (see Table 2), they do show that mandatory-arrest policies increase the likelihood of arrest more for female same-sex couples than for male couples. A possible explanation for this difference is that there is greater advocacy concerning domestic violence awareness on behalf of female same-sex couples than male same-sex couples. This advocacy may work to promote the application of mandatory legislation in making arrests in cases of female same-sex violence, even in less-serious cases.

Issues associated with examining official police reports should also be considered as possible factors influencing our study findings. It could be that these findings are artifacts of victim reporting practices, where only more-serious cases involving same-sex intimate partners, in particular male same-sex partners, are brought to the attention of police. This could be the result of prior negative contacts with the police experienced or known by same-sex couples, as reutilization of police is affected by this knowledge (Hickman & Simpson, 2003). The police may also be more likely to only report offenses involving same-sex intimate partners that are most serious. Furthermore, police arrest decisions in cases involving same-sex intimate partners may be affected by perceptions of the prosecutorial response.

Specification error in the form of excluded independent variables may also exist. More direct measures of witnesses, the presence of children, and history of intimate partner violence are a few of the factors that may differentially affect arrest for each group, but, unfortunately, these were not available for this study. Future research should focus on these issues.

Conclusion

This study has shown that there are only minor differences in the police response to heterosexual and same-sex couples when legal, situational, and individual factors are controlled and when male and female couples are considered as homogenous entities. There are, however, significant differences in the factors that predict the police response to female versus male same-sex couples. These findings underscore the importance of considering the gender of same-sex couples as a separate category in studies of intimate partner violence and bolster the need to advance research in this area to identify other political, cultural, situational, and individual characteristics that may account for the differences among groups observed in this study. The development of large data sets such as NIBRS that offer great detail about officially reported incidents presents new opportunities for research in previously understudied areas.

Notes

1. The few studies that have exclusively investigated same-sex domestic violence actually measured rates of emotional, psychological, and verbal abuse (Elliott, 1996; Potoczniak, Mourot, Crosbie-Burnett, & Potoczniak, 2003). This variation in how intimate partner violence is measured could substantially affect subsequent conclusions regarding prevalence.

2. These were: "Avoided contact with a homosexual man or woman"; "Objected to working with a homosexual man or woman"; "Called a homosexual man or woman an insulting name"; "Made negative comments or asked insulting questions about their sexuality or personal life"; and "Left notes, letters, pictures, posters or objects of a sexual nature to call attention to their sexual orientation" (Bernstein & Kostelac, 2002, p. 314).

3. It is acknowledged that departments within states may have policies that are more restrictive than legislative requirements.

4. We restricted our analysis to cases involving one victim and offender.

5. State law provides the outside parameters for the police response. Department policy may augment the law and, for example, in a state with a discretionary- or preferred-arrest law, mandate that the police make an arrest. Detailed discussion of the interrelationship between state law and departmental policy is, however, outside the ambit of this article.

6. It is acknowledged that some subjectivity is involved in classifying states as having mandatory-, preferred-, or discretionary-arrest provisions. The states themselves do not in general explicitly designate the classification of their arrest provisions but indicate through their terminology the nature of the provisions. Thus, in general, terms such as *shall*, *will*, and *must* signify a mandatory provision, whereas terms such as *may* and *can* signify a discretionary provision. For a more complete discussion of this issue, see Hirschel, Buzawa, Faggiani, Reuland, and Pattavina (2003).

7. A cross-tabulation analysis revealed that all of the incidents in which a weapon was used were categorized as aggravated assaults. Similarly, no weapons, personal or otherwise, were reported in any intimidation incidents. Injuries (serious and minor) were reported in two thirds of the aggravated assault incidents and more than half of the simple assault incidents. No injuries were reported in close to 100% of the intimidation cases. Given the covariation in the measures of offense seriousness and our specific interest in looking at official handling of intimate partner violence cases, we used offense seriousness as reported by the responding police officer for the multivariate analysis.

8. Ethnicity was not included because so few (5.7%) of the involved parties were Hispanic.

9. The National Incident Based Reporting System category is "offender(s) suspected of using" (e.g., Federal Bureau of Investigation, 2000, p. 73).

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April Pattavina, PhD, is assistant professor in the Department of Criminal Justice at the University of Massachusetts Lowell. She is the editor and contributing author of the recent book *Information Technology and the Criminal Justice System*. She has also published several articles on the impact of information technology in the criminal justice system and the application of spatial analytic techniques to the study of crime. She also works extensively with criminal justice agencies in the development of information technology. She is principal investigator on a Department of Justice-funded grant to integrate criminal justice information related to incidents of domestic violence in a local police department.

David Hirschel, PhD, is professor of criminal justice at the University of Massachusetts Lowell and professor emeritus of criminal justice at the University of North Carolina at Charlotte. He is the author of three books and more than 30 refereed articles and book chapters on a wide variety of criminal justice topics. He has been involved in many funded research projects, both as a principal investigator and as a consultant, and has provided assistance to a wide variety of criminal justice agencies and social service organizations. He was principal investigator of the NIJ-funded Charlotte spouse abuse experiment and is currently principal investigator of the NIJ-funded project Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases.

Eve Buzawa, PhD, is professor and chairperson of the Department of Criminal Justice at the University of Massachusetts Lowell. She received her bachelor of arts degree from the University of Rochester and her master's and doctoral degrees from the School of Criminal Justice, Michigan State University. Her research interests and publications encompass a wide range of issues pertaining to policing, domestic violence, and violence against women. She has authored and edited numerous books and monographs. Her most recently published book, *Domestic Violence: The Criminal Justice Response*, is now in its third edition. She has also served as a principal investigator on several federally funded research projects and directed numerous state-funded research and training projects.

Don Faggiani, PhD, is at the University of Massachusetts Lowell. He has also served as the executive director of the Wyoming Statistical Analysis Center at the University of Wyoming and is a former director of the Virginia Statistical Analysis Center. He is the project director for PERF's NIJ-funded project titled Protecting America's Ports: Assessing Coordination between Law Enforcement and Industrial Security, and he also is part of the PERF team examining the link between community policing and terrorism. He has been appointed to the FBI's Policy Advisory Council overseeing the development of a National Data Exchange program for aiding law enforcement in their fight against terrorism. He has worked extensively with law enforcement data systems and is recognized as one of the national leaders in research using incident-based police data systems. He has published extensively on his research findings and has made numerous presentations and conducted several seminars focusing on policy analysis.

Helen Bentley completed her bachelor of science degree in psychology at the University of Birmingham (United Kingdom). After graduating in 2001, she worked for the West Yorkshire Police before enrolling in a criminal justice master's program at the University of Massachusetts Lowell.