

Running head: POLICE CATEGORIZATION AND DISPOSITION OF WOMEN  
OFFENDERS

Police Categorization and Disposition of Non-lethal Partner Violence Incidents  
Involving Women Offenders in a Statewide Rural Jurisdiction  
with a Presumptive Arrest Policy

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### Abstract

Most studies have found that one type of pro-arrest policy, mandatory arrest, has led to the arbitrary disposition of dual arrest, which has unfairly punished women. This study examines the other pro-arrest policy, presumptive arrest, and more carefully specifies disposition and evaluates it in the context of police categorization of offender and victim roles. When distinguishing between arrest and citation dispositions and when evaluating disposition in terms of two types of police categorization, offenders and victim/offenders, women offenders were found consistently to be treated more leniently than males in the same roles. While there is almost no difference between males and females in these two roles in regard to official or no official action, women are much more likely than men to be issued citations than to be arrested.

Key Words: intimate partner violence, dual arrest policy, pro-arrest policy, presumptive arrest policy, citation

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In the study of partner violence, there has been very little, if any, research on how police simultaneously interpret female offending and male victimization or on how they respond to cases when there is ambiguity about victim and offender roles. Most empirical research has examined police response to non-lethal partner violence incidents with female offenders and male victims in the context of the phenomenon of “dual arrest” when mandatory arrest policies are implemented. Moreover, these studies have focused on the use and misuse of dual arrest where there is some uncertainty on the part of police officers about who started and who was most responsible for violence presumably engaged in by both parties.

In a review of the efficacy of mandatory arrest as a policy for decreasing violence against women, Zorza and Woods (1994) found that dual arrest was common and that there were a disproportionate number of arrests of women. Another empirical study on dual arrest conducted by the Connecticut Department of Public Safety (1991) found that between the years 1987-1989, after the implementation of a mandatory arrest policy, dual arrests in Connecticut accounted for 20% of all arrest incidents for domestic violence. The study also found that while victim-offender incidents were more likely to involve an arrest for assault, cases in which dual arrests were made were more likely to be less serious in nature, with 88% of incidents being either minor or involving no physical injuries. The most frequent charges were disorderly conduct, third-degree assault, and breach of peace, while 5% of the incidents involved verbal abuse, interference, or assault against the arresting police officer. Another study published by Martin (1997) six years later found that 33% of cases in Connecticut were disposed of by dual arrest.

Martin interpreted her findings as indicating that dual arrests may reflect both the differential use of violence in domestic relations and the excessive enforcement of arrest policies by some police agencies.

Another study, which used hypothetical scripts and experimental manipulation instead of police reports, more directly focused on police decision making than on the arrested female. In this study, Finn and Stalans (1997) examined how disputant gender and mental state affected inferences of 130 Georgia police officers about danger, responsibility, credibility, control, and ultimately officers' decisions to arrest or refer for involuntary civil commitment in domestic violence cases. They found that gender influenced the arrest decision through police officers' assessments of disputant credibility and responsibility, and that the police officers inferred that male victims were more responsible for their violence than female victims.

When dual arrest has been evaluated, it has often focused on the unanticipated consequences of mandatory arrest policies that, while designed to protect women, have actually led unjustifiably to arresting women as well as men. Susan Miller (2001) states that police arrest practices may be expedient and seemingly "gender neutral," but that unreflective enforcement of pro- and mandatory arrest statutes result in inappropriate arrests of women. Likewise, Chesney-Lind (2002), remarking on the unanticipated consequences of mandatory arrest in domestic violence cases, notes that many women are arrested for acts of violence in self-defense. This assessment has been supported by Martin's (1997) study in Connecticut, which found that 40% of the women arrested were previously victimized in a domestic assault incident and were essentially using self-defensive or protective violence. In the most recent literature review summing up research on dual arrest, Hirschel and Buzawa (2002) argue that dual arrest itself should not be examined in a vacuum, but should be placed in a broader context, taking into

account both the full range of police options and comparisons of police action in intimate partner violence cases to the responses to other domestic and non-domestic incidents. They conclude that the potential for negative consequences of statutes and policies that limit or remove police discretion and mandate arrest are inadequately addressed at present by researchers. Miller (2001) also has called for a contextual understanding of the violent relationship that would greatly assist in clarifying the proper role of arrest. Even more pointedly, both Miller (2001) and Das Dasgupta (1999) have recommended implementation of primary aggressor laws that would reduce the number of arrests by identifying the “predominant aggressor;” that is, by distinguishing between who was engaging in preemptive and who in self-defensive violence.

Notwithstanding the unanticipated negative consequences of mandatory arrest policies on women, there have been very few studies on how police actually make decisions about and respond to non-lethal partner violence when the offender is a woman and the victim a male, and whether police in fact treat incidents with male and female offenders the same way. This is especially true in terms of presumptive arrest policies that allow more officer discretion (Hirschel & Hutchinson, 1991) and that are more common than mandatory policies in jurisdictions throughout the United States (Hirschel, Hutchison, Dean, & Mills, 1992). While mandatory arrest requires arrest, telling officers they “shall/ must” arrest, presumptive or preferred arrest policies suggests officers “should” arrest under certain circumstances. As Steinman (1988) has observed, adopting new pro-arrest policies does not guarantee officer compliance. In fact, he found that 77% of police officers surveyed reported that they usually do what they think is necessary even if they expect supervisors to disagree, and 43% felt they should use their own standards of police work even when department procedures prohibit them from doing so. In her study of presumptive arrest policy in Phoenix, Ferraro (1989) learned

officers were confused about what “presumptive” actually means, that there was a wide gap between the ideological use of policy and its actual practice by officers, and that only 18% of offenders were arrested when there was a presumptive arrest policy.

Given the greater degree of discretion in presumptive as contrasted to mandatory arrest policy, and given that police believe male victims more responsible than female victims for their violence, it would seem that when a presumptive pro-arrest policy was in effect that police would not necessarily tend to engage in the gratuitous arrest of women in ambiguous or seemingly mutual physical conflict situations. Insofar as presumptive arrest policy allows for officer discretion, it provides a framework for disposing of cases. Within this framework, if police are to follow agency policy and favor arrest over other dispositions when violence appears to have occurred according to probable cause criteria, they may not necessarily arrest fewer women than men, but instead interpret arrest broadly. In cases where they feel an offender or one of two offenders is less guilty because of extenuating circumstances, they can show leniency by issuing citations rather than making arrests. At the same time, given that the incident reporting system counts citations as arrests, it would appear for statistical purposes that arrests were made, despite their meaningful difference from citations.

By examining differences in police categorizations, and especially their relationship to dispositions, this study focuses on the police decision-making process in partner violence cases with male victims and female offenders in a jurisdiction with a presumptive arrest policy. More specifically, it not only examines differences in police disposition by sex, but also compares dispositions for three different types of categorized cases: (a) where there is an officially designated female victim and male offender; (b) where there is a officially designated male

victim and female offender, and (c) where there is an officially designated male victim-offender and female victim-offender.

## Methods

### *Data Source and Sample*

This study involves the analysis of incident report forms and accompanying narratives and affidavits (when substantively different from narratives) from Vermont Incident-Based Reporting System (VIBRS) of all 288 cases of domestic violence involving intimate adult partners that have been identified as coming to the attention of the Vermont State Police (VSP) during the 2000 calendar year. Despite some criticisms, for the most part, these narratives/affidavits describe incidents in detail and include valuable victim, offender, and witness testimony as well as providing more accurate and elaborated descriptions of variables and often additional information than recorded on incident forms completed by police (Buzawa, Hotaling, Klein, & Byrne, 1999). By reading these reports, it was learned that state police categorizations on incident report forms, such as cleared adult arrests, were inaccurate insofar as they did not include specification of citations, which involve charges but not arrest. They also are more realistic sources of data than surveys of responses to hypothetical situations or responses to simulations by role-play group subjects in experiments.

Since the cases studied came from reports by the VSP, which cover rural areas throughout the state of Vermont and a few small towns that have contracted for police services with the VSP, this sample is exclusively rural unlike most studies of domestic violence (Logan, Walker, Cole, Ratliff, & Leukefeld, 2003). There are four State Police Troops in Vermont, each with three stations or barracks. Cases come from all of these barracks. If, in fact, the section of the VSP policy on domestic violence procedures (Vermont State Police, 1998, p. 4.1 (A)(5))

regarding “documenting every domestic violence call regardless of whether a crime has been committed or an arrest has been made” is followed, we can be confident that we had access to all cases coming to the attention of the state police for 2000 calendar year.

### *Definitions of Critical Concepts in the Study*

In this study, intimate partner violence is defined as involving physical assault against one of the parties in current or past intimate relationships, which include a marriage, non-marriage cohabiting, ex-marriage, and ex-boyfriend-girlfriend relationships. Intimate partners for this study of female offenders and male victims will be defined as heterosexual partners that have been involved in a relationship, such as that of spouses, unmarried cohabiting couples, lovers, ex-spouses, and ex-boyfriends and ex-girlfriends. While verbal and psychological forms of violence are usually associated with physical assault and part of a syndrome of domestic abuse, the study is limited to examining physical assaults. The study includes both felony and misdemeanor violence. Only cases where violence occurred in the incident were analyzed, thus excluding Temporary Restraining Order (TRO) violations that did not involve violence at the time of the incident.

### *Variables Examined*

Although using secondary data that existed prior to this study was used, a coding form was initially constructed from information gained through an extensive review of the theoretical and empirical literature on police response to domestic violence. This form, similar to a questionnaire, provided organizationally useful categories for identifying dependent and independent variables that might appear in the police narratives and affidavits that would be examined. Then, the form was modified after reviewing and analyzing a considerable number of the police narratives and affidavits of VIBRS. Consequently, some variables were excluded and

other new variables identified and included. Thus, using this inductive process, variables eventually included were essentially extrapolated from reviewing the narratives and affidavits. Since the variables selected were not attitudinal variables or other variables requiring interpretation and verification, no measures inter-coder reliability were used.

*Categorization of parties in conflict.* It might be assumed that the initial police officer categorization of cases is directly related to their disposition. However, in reviewing the cases, the categorizations or definition of the cases did not automatically presuppose disposition. Therefore, this study treats categorization of cases separately and then examines how categorizations are related to dispositions. On the incident report forms, categorizations of the parties in the conflict were not merely dichotomized as victims and offenders. When no official action occurs, the victim was often categorized as just a complainant or a POI (person of interest). Besides often categorizing the offender as a suspect or accused, when no official action is taken, the offender was often labeled on the incident report form as POI but the officer implied that this person is an offender by stating explicitly in the narrative/affidavit that the victim was uncooperative. Besides categorizing cases on the incident report form as COMs (completed cases) when there are no offenders, officers state explicitly in the narratives/affidavits that the incident was a verbal argument when they do not believe there were any offenders. Furthermore, what is especially significant for this study, victims and offenders are often categorized as victim/offenders when both parties are seen as assuming both possible roles in the incident. Sometimes when no official action was taken, the two parties were described in the narrative/affidavit as “mutual combatants” or as parties involved in a “mutual affray,” but categorized on the incident report form as POIs. This study divides incidents into three different types of categories: (a) when there is a male offender and female victim; (b) when there is a

female offender and male victim; and (c) when both male and female are categorized as victim-offenders. For the sake of comparison, two different estimations of the number of cases in each category were employed: (a) a restricted one based on the explicit classification on the incident report form of the party as an offender (or suspect or accused); and (b) a more inclusive one based on identification of the parties from information in the narratives/affidavits, in addition to the explicit classification on the incident report form.

*Disposition.* Most studies on the police response to domestic violence have dichotomized police disposition into the categories of arrest and non-arrest. Had the VIBRS categories on the incident report forms only been used, police disposition also necessarily would have been dichotomized into arrest and non-arrest categories. However, while cases were categorized on the incident report forms as cleared adult arrest (one incident), cleared adult arrest (count arrestee), and cleared adult arrest (multi-clearing), it was clarified in the narratives/affidavits that many of these arrests were really not arrests. Instead they were citations or flash citations, in which offenders were charged and required to go to court the next day or at a later date rather than taken into custody and lodged at a correctional facility. It was also noted in these reports when sometimes one party was arrested and the other cited. The distinction between arrest and citation is critical to the specification of the disposition as a dependent variable in this study. Although Hoyle and Sanders (2000) note that a pro-charge policy is not a necessary condition of pro-arrest policy and that relatively few domestic violence offenses result in custodial sentences (jail time), only in a study by Steinman (1991) is there a recognition and distinction made between arrest and citation. However, the distinction is clear in the VSP policy on domestic violence. After having affirmed that arrest offers the greatest potential for ending the violence, the VSP policy (Vermont State Police, 1998, p. 4.2 (A)(B)(7)) states explicitly that flash

citations should be used only when there is no risk of further violence. It goes on to state that flash citations are not the recommended course of action and should be used sparingly. This means essentially that the offender is charged but not really arrested. This is an important difference for a couple of reasons. First of all, issuing a citation might deter the offender from engaging in future domestic violence because he/she is embarrassed or shamed to be brought before the court, similar to the function performed by a restraining order, the offender is not prevented, as he/she would be in an arrest, from further threatening or harming the victim. So while citation might deter further violence by embarrassing the offender, arrest and lodging is specifically intended to prevent further violence at the present time. Secondly, the decision by police not to detain the offender may influence the subsequent court decision. So, instead of dichotomizing disposition in the study into just arrest and no official action categories, the study also includes a third primary disposition, citation, as well as three secondary dispositional categories: (a) detoxification, (b) TRO, and (c) sent to States Attorney, for each offender in each incident. In incidents with two offenders, dual arrest was treated as an additional dispositional alternative.

## Results

Table 1 displays information regarding gender differences in offender categorizations and arrest dispositions. As can be seen, the table includes the aforementioned two measures (estimations) of the number of offenders: (a) the restricted one based on the explicit classification on the incident reporting form of the party as an offender (or suspect or accused); and (b) the more inclusive one based on identification of the parties from information in the narratives/affidavits, in addition to the explicit classification on the incident reporting form. However, as can be seen from Table 1, only when examining the percentage of male offenders in

all incidents (second comparison between two measures), is there a real difference between the two measures of categorizing offenders. Table 1 indicates that there are 3.5 to 3.8 times more male than female offenders identified by police in terms of all *incidents* in which police responded (first and second comparisons), considering incidents with both single and dual offenders. Likewise, males comprised 3.2 to 3.5 times more of all *offenders* than did females (third and fourth comparisons). In all incidents where offenders were identified, only 13.7-14.6% were incidents in which both parties were categorized as offenders (fifth comparison).

In regard to arrests (as distinguished from citations), males were arrested over nine times more often than females. This is especially interesting insofar as males were categorized as offenders 3.2 to 3.5 times more often than females. Table 1 clearly indicates that while females comprise between 19.7-23.6% of all offenders who are identified, they comprise less than 10% of offenders arrested; and that while men comprise between 76-77% of all offenders, they comprise almost 91% of offenders arrested. Thus, over 2.6 to 2.9 times more males than females who are identified by police as offenders are arrested. Dual arrests also comprise very few of all arrests--only 3.5%. Finally, only about 15% of cases where both parties are identified or perceived by police as offenders end in an arrest.

Table 2 describes the breakdown of dispositions of incidents when offenders are specifically labeled in incident report forms or when offenders are specifically labeled in incident report forms and inferred from narrative/affidavit descriptions. Using either measure of categorization, it can be seen that in the partner violence incidents studied where there are single offenders (first and second comparisons between two measures) that the major difference in the dispositions of men and women is not a difference between the two genders in terms of arrest and no official action. Instead the major difference in disposition is the greater proportion of

arrests than citations for males contrasted to the greater proportion of citations than arrests for females. While males are more likely to be arrested 4.6 times more than cited, females are more likely to be cited 1.5 times more than arrested. This very important and great difference is also found in cases where both male and female are categorized as victim/offenders (third comparison). Females are 2.5 to 3 times more likely to be cited than to be arrested, whereas males are 1.3 times more likely to be arrested than cited. Finally, when both types of incidents (with single offenders and victim/offenders) are combined (fourth and fifth comparisons), females are about two times more likely to be cited than arrested, whereas males are about 3.7 times more likely to be arrested than cited. However, when adding arrests and citations together, the percentage of these cases in terms of total dispositions for offenders is almost exactly the same for men and women when considering incidents with single offenders, incidents with dual offenders, and, to a little lesser extent, all incidents with identified offenders, using either measure of categorization.

In the last comparison in Table 2, there is about a 10 point greater percentage of “no official action” disposition for females than for males when offenders are categorized by specific labels on the incident report forms. This, however, is the only situation where females are apparently treated more leniently in terms of this particular type of disposition.

### Discussion

The initial categorization of the data into victim and offender roles allows for a more careful and precise analysis of the difference in police treatment of male and female offenders. Not only can we compare the percentage of women versus men who are arrested, but, moreover, analyze disposition in terms of who police see as offenders by virtue of their categorizations on the incident report forms. Furthermore, the special categorization of victim/offender allows even

a more precise basis for evaluating the differential processing of male and female offenders. The very designation “victim/offender” in possible dual arrest situations indicates that officers consider the victim role as well as the offender role of women in these situations, and therefore may not automatically arrest because they assume both parties are only offenders. Since less than half of the women identified as offenders get arrested but 15% more males are arrested than identified as offenders, there is a definite under-representation of women arrestees, indicating greater leniency toward women by police. Also, we find, unlike the Connecticut Department of Public Safety (1991), Zorza and Woods (1994), and Martin (1997), that both the percentage of cases with dual offenders to all offenders and the percentage of cases of dual arrests to all arrests are relatively low; comprising only about 14% of all offenders and about 15% of all arrests respectively.

What is found from Table 2 is that in all cases (a) when there are single offenders, (b) when there are dual offenders, and (c) when single and dual offenders are treated together, the findings are consistent. Females are much more likely than males to be cited instead of arrested and males are much more likely to be arrested than cited. Given the distinction between arrests and citations, this finding would dispute Miller’s (2001) and Zorza and Woods’ (1994) findings that there are inappropriate and disproportionate arrests of women, but would certainly support Finn and Stalans (1997) finding that police in their study believe male victims are more responsible for their violence than female victims.

Our findings have important implications for differential police processing of cases by gender. First of all, the presumptive arrest policy provides an important framework for police dispositional decision making, discouraging no official action where there is some indication of violence occurring. However, the policy also limits leniency by encouraging official action; it

does not eliminate it. Leniency, when working within a presumptive arrest policy, can be exercised by issuing citations rather than making arrests. This would seem to address what Hirschel and Buzawa (2002) called for when they stated that arrest should be placed in a broader context, and that it is necessary to take into account the full range of police options. By issuing citations, it certainly would appear that law enforcement officers may signal to the court that the offender is less guilty and threatening, and thus deserving of less restrictive sanctions.

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Table 1  
*Gender Differences in Offender Categorizations and Arrest Dispositions*

Type of Proportion of Categorization/Disposition	No. of Specific Cases	No. of Total Incidents	% of Total Incidents
Percentage of female offenders in all incidents			
when woman specifically categorized as offender *	57	288	19.72%
when woman characterized as offender **	68	288	23.61%
Percentage of male offenders in all incidents			
when man specifically categorized as offender *	199	288	69.10%
when man characterized as offender **	256	288	88.89%
Percentage of female offenders of all offenders identified			
when parties specifically categorized as offenders *	57	256***	22.27%
when parties characterized as offenders **	68	288***	23.61%
Percentage of male offenders of all offenders identified			
when parties specifically categorized as offenders *	199	256***	77.39%
when parties characterized as offenders **	220	288***	76.39%
Percentage of incidents where both parties are offenders to all incidents where offender identified			
when parties specifically categorized as offenders *	32	220	14.55%
when parties characterized as offenders **	35	256	13.67%
Percentage of female arrests to all arrests ****	14	141	9.92%
Percentage of male arrests to all arrests	128	141	90.78%
Percentage of dual arrests to all arrests	5	141	3.52%
Percentage of dual arrests to incidents where both parties offenders			
when parties specifically categorized as offenders *	5	32	15.63%
when parties characterized as offenders **	5	35	14.28%

\* Specific categorization as offender (whether as only an offender or as victim/offender), as “suspect” or as “accused” on incident report form.

\*\* Besides specific categorization as offender, suspect, or accused, also when characterized in narrative/affidavit as an offender (such as when victim labeled uncooperative or when conflict not labeled verbal) or as a POI (“person of interest”) when a victim or victim complainant is identified on incident report form

\*\*\* Because of incidents where there are two offenders, the number of offenders is not equal to the number of incidents.

\*\*\*\* Arrests do not include citations, but instead taking offender into custody and lodging him/her.

Table 2  
Offender Disposition by Victim/Offender Categorization

VICTIM/OFFENDER CATEGORY	DISPOSITION							TOTAL
	ARRESTED	CITED	ARRESTED AND CITED TOGETHER	DETOXED	TEMPORARY RESTRAINING ORDER	SENT TO STATES ATTORNEY	NO OFFICIAL ACTION	
<b>male victim/female offender</b>								
<b>when offender labeled*</b>	8 (32.00%)	12 (48.00%)	[20] [80.00%]		1 (4.00%)		4 (16.00%)	25
<b>when offender labeled/   inferred**</b>	8 (24.24%)	12 (36.36%)	[20] [60.60%]		2 (6.06%)		11 (33.33%)	33
<b>female victim/male offender</b>								
<b>when offender labeled*</b>	110*** (65.87%)	24 (14.37%)	[134] [80.23%]	3 (1.80%)	4 (2.40%)	3 (1.80%)	23 (13.77%)	167
<b>when offender labeled/   inferred**</b>	115*** (52.27%)	25 (11.36%)	[140] [63.64%]	4 (1.84%)	11 (5.00%)	3 (1.36%)	62 (28.18%)	220
<b>both male and female victim/offender**</b>								
<b>female labeled offender*</b>	5 (15.63%)	15 (46.88%)	[20] [62.50%]			1 (3.13%)	11 (34.38%)	32
<b>female labeled/inferred   as offender**</b>	6 (17.14%)	15 (42.85%)	[21] [60.00%]			1 (2.86%)	13 (37.14%)	35
<b>male labeled offender*</b>	12 (37.50%)	9 (28.13)	[21] [65.60%]			1 (3.13%)	10 (31.25%)	32
<b>male labeled/ inferred   offender**</b>	12 (34.29%)	9 (25.71%)	[21] [60.00%]			1 (2.86%)	13 (37.14%)	35
<b>total no. of female offenders</b>								
<b>when offender labeled*</b>	13 (22.81%)	27 (46.88%)	[40] [70.17%]		1 (1.75%)	1 (1.75%)	15 (26.31%)	57
<b>when offender labeled   inferred**</b>	14 (20.59%)	27 (39.70%)	[41] [60.29%]		2 (2.94%)	1 (1.47%)	24 (35.29%)	68

<b>total no. of male offenders when offender labeled*</b>	122*** (61.30%)	33 (16.58%)	[155] [77.89%]	3 (1.51%)	4 (2.01%)	4 (2.01%)	33 (16.58%)	199
<b>when offender labeled/ inferred**</b>	127*** (49.80%)	34 (13.33%)	[161] [63.13%]	4 (1.57%)	11 (4.31%)	4 (1.57%)	75 (29.41%)	255

\*Also includes those labeled “accused” and “suspected” on incident report form.

\*\*Also includes those labeled “accused” and “suspected” on incident report form and “POIs” (persons of interest) described as offenders in narrative/affidavit.

\*\*\*Includes 4 arrests for crimes other than domestic violence.

