



**When the Batterer Is a Law Enforcement Officer:
A Guide for Advocates**

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With Contributions from Jane M. Sadusky

For the Battered Women's Justice Project Criminal Justice Center

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Acknowledgements

Mission

The mission of the Battered Women's Justice Project is to promote systemic change within community organizations and government agencies engaged in the civil and criminal justice response to domestic violence that creates true institutional accountability to the goal of ensuring safety for battered women and their families. To this end, BWJP undertakes projects on the local, state, national and international levels.

About the Author

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Table of Contents

When the Batterer Is a Law Enforcement Officer: A Guide for Advocates	1
Acknowledgements.....	2
Introduction.....	4
How to Use This Manual.....	7
When the Batterer Is an Officer: 10 Things Advocates Must Know.....	8
When the Batterer Is an Officer: 10 Things Advocates Should Discuss with the Victim	9
When the Victim Is an Officer: 10 Things Advocates Must Know	10
Challenges to Advocacy and Collaboration	11
Misuse of Police Power.....	14
Supporting Victims to Tell Their Stories.....	18
Going to the Department	19
Shelter: An Uncertain Option	28
Civil Orders of Protection.....	32
Calling 911: The Patrol Response.....	35
Prosecution	41
Batterer Intervention	45
Suicide and Lethality.....	48
When the Victim Is an Officer	51
Conclusion	56
Advocacy Tools.....	58
Appendix A: Police Officer Batterers - Tactics of Power and Control.....	59
Appendix B: An Annotated Safety Plan for Victims of Police Officer DV	60
Appendix C: Safety in the Electronic World	65
Appendix D: Law Enforcement Officers' Bill of Rights	66
Appendix E: Recommended Resources	67
Appendix F: Law Enforcement Response to Officer-Involved Domestic Violence	69
Appendix G: IACP Model Policy.....	73
Appendix H: IACP Discussion Paper	83
Appendix I: Law Enforcement Code of Ethics	97

Introduction

Since 1983, as an advocate for battered women, I have listened to women's stories and tried to appreciate the uniqueness of every woman's life. I have learned that to be of any support, we must be sensitive to each woman's individual and cultural perspective on herself, the world, and her place in the world.

As I listened to victims of police officer batterers, I recognized that they were describing their lives within a particular culture—the police culture. Women referred to the “police family” or “the brotherhood.” They explained that being the wife or girlfriend of a police officer means abiding by that culture's rules: “What happens in the family stays in the family, and what happens in the police family stays in the police family.” Every victim told of being warned by the abuser that if she interfered with his career she would pay dearly. Victims knew that they put themselves and everything they had in danger by talking to anyone about what was happening to them. As their situations grew more intolerable, they were willing to take the risk of reaching out for help, but only to someone whom they felt would keep their confidence.

The most important thing to police officer victims was the assurance that we were *independent advocates* who were not required to share information with the police. It was common for a woman to tell me that the abuser seemed to find out everything she did, everywhere she went, and every word she said on the telephone. Not surprisingly, she was reluctant to trust anyone, including a well-intentioned advocate.

In my early experience working with victims of officer batterers, I would launch into my standard explanation of the Illinois Domestic Violence Act and its provisions for police response, shelter, and protection. One day a woman looked at me, dumbfounded, as if I hadn't heard a word she'd said. She asked what it was that I didn't understand about her husband being a police officer. She said, “He'd beat me within an inch of my life if he even suspected I was here talking to *you*. What do you think he'd do if I called the police, signed a complaint, or walked into a courtroom to get a protective order against him?” And she asked, who did I think was going to enforce the law against a police officer?

After hearing variations of this response from other women, I began to realize how naïve I was. Each woman reacted with frustration that the information I was giving her about “options” and “safety planning” might work for other women, but would not work for her. Most options were based on the cooperation of the police and the courts, systems on which these women could not rely.

Women repeatedly showed me how police abusers' institutional power makes safety planning very complicated. Remedies such as safe houses, shelters, address confidentiality, or identity change are undermined by a police officer's knowledge of investigative techniques and his access to all types of personal information through private and government databases searches. Victims had all been warned: “There is nowhere you can hide that I won't be able to find you.”

Women were very patient in educating me to understand what they were up against. They explained the risks and potential consequences involved with each remedy on our menu of options. We would eliminate one option after another because the risks to her safety and well-being were too great.

Some victims called me regularly or came into the office to talk, and several wanted to meet other women in their situation. They requested that we form a support group where they could talk openly. They wanted to be with other women who would understand their inability to use the legal system, call the police, or to file for a protective order. They were hoping to gain information about what to be aware of, how they could best protect themselves and their children, and to give each other validation and emotional support.

In 1995, a few women began meeting weekly. At the beginning of every group we talked about what to do if an abuser was to show up or was waiting outside when we left. Most of the group members were opposed to calling the police under any circumstances, but conceded that we would have no choice. This experience was eye-opening for me, and reinforced that we were all in danger if we could not rely on the police for protection.

Women promoted the group by word of mouth and distributed brochures to other shelters and intervention services. By July 1996, ten women attended the group in a typical week and we received support from the Illinois Criminal Justice Information Authority to advocate on behalf of victims who were battered by an officer.

1996 also brought passage of the Lautenberg Amendment, prohibiting or restricting gun possession in the event of a misdemeanor domestic violence conviction or protective order. Because it was retroactive, police departments had to comb through their records to verify that they did not have any officers in illegal possession of a firearm. The gun law was soon followed by a model policy developed by the International Association of Chiefs of Police (IACP), with a clear message of zero tolerance.

Many victims were alarmed by the Lautenberg Amendment and by the prospect of departments adopting a “zero tolerance” position on domestic violence. On the surface it sounds contradictory. How could anyone, especially a battered woman, not be in favor of zero tolerance of domestic violence? For many victims of police batterers, however, their greatest fear is that he will lose his job and hold her responsible. They anticipated that the amendment and the policies would have a chilling effect on victims of police officers and that they would be more reluctant than ever to report the abuse. They could foresee that an abuser would use the written law and policies to prove to a victim that if she reached out for help, it would cost him his job. I was reminded again that *well-intended attempts to improve safety can have unintended consequences*.

As an advocate, you may be the only source of support and information for the victim of an officer batterer. It is your responsibility to learn about police culture, address the issue of police domestic violence with local departments, and search for creative remedies that decrease the victim’s vulnerability and risk. This is a challenging task. Even police departments and advocates who have a history of enjoying a respectful and cooperative relationship can become adversaries when advocates work to protect the victim of an officer perpetrator.

Over the past nine years, through the experiences of hundreds of victims of police officer batterers, I have learned that domestic violence within police ranks is a litmus test of law enforcement’s commitment to public safety. If it looks the other way when violence against a woman is perpetrated by one of their own, no woman in that community, or our wider society, can count on police protection.

Introduction

Advocates are rethinking many of our strategies on many different levels. Police perpetrated domestic violence brings us face to face with the challenges inherent in institutional reform work. This holds true whether we are talking about the criminal justice system, child protective services, the mental health system, the welfare system, government housing, or child custody and visitation. The issue of police perpetrated domestic violence puts us on notice that we need to reclaim and hold our ground as independent advocates who monitor systems from outside, while attempting to build meaningful partnerships to change the response from within.

This manual is intended for advocates who work with victims whose abusers are members of law enforcement. It explores the reasons why familiar remedies are often inadequate against an officer batterer's power and control over the victim and his influence within the criminal justice system. It challenges us to find alternatives, and to hold both police officer batterers and policing accountable for violence against women and their children.

Diane Wetendorf
Arlington Heights, IL

How to Use This Manual

As an advocate for battered women, you are used to supporting their efforts to survive, escape, and stay safe. The purpose of this manual is to prepare you for the complexities victims face when the batterer is a police officer. Since most advocates do not encounter police officer domestic violence every day, the realities of a victim's experience can take you by surprise. As Diane notes in her introduction, you will find that much of your usual safety planning advice does not work very well. [In this manual, "police officer" has the same meaning as "law enforcement officer," and encompasses municipal, county, state, and federal law enforcement officers.]

The manual is built around three "top ten" lists that provide essential cues for advocates: 1) *Ten Things Advocates Must Know*, 2) *Ten Things Advocates Should Discuss with the Victim*, and 3) *When the Victim Is an Officer*. They are meant to flag your attention: be aware, be alert, and read further. The lists are meant to be available at the crisis line desk and in the legal advocate's handbook. In the pages behind them you will find detailed information about the characteristics of police officer domestic violence, challenges to systems' advocacy and collaboration with law enforcement, and the numerous safety planning considerations to keep in mind when working with victims.

The manual assumes that as an advocate you have a good understanding of the dynamics and tactics of battering, safety planning strategies, and advocacy. If you are a new advocate, or want to boost your skills and understanding of domestic violence, the Battered Women's Justice Project has resources and links available via its Web site: www.bwjp.org. Many of the issues discussed in this manual are similar to those experienced by military victims of domestic violence. You will also find *the Military Response to Victims of Domestic Violence: Tools for Civilian Advocates*, by Judith E. Beals, on the BWJP Web site.

Policing remains an overwhelmingly male profession, and most victims of police officer batterers are women. Therefore, throughout this manual we refer to the batterer as "he" and the victim as "she." This in no way diminishes the manual's application, however, to those situations where the batterer is a woman or when the victim is a man, including same-sex relationships.

You will find the words of many survivors in this manual. Unless attributed by citation to a public source, such as a newspaper article, they are based on Diane's personal contacts. To guard their safety and confidentiality, they are not identified by name or initials. During the writing and editing of this manual, the murder of Crystal Brame in Tacoma, Washington, by her police chief ex-husband, provided a tragic and all too timely example of every point and caution contained in its pages. We respectfully dedicate the manual to the memory of all women who have not survived, and to those who are working hard every day to stay safe and alive.

Jane Sadusky
Madison, WI

When the Batterer Is an Officer: 10 Things Advocates Must Know

1. **Use your most experienced advocate.** Providing support and advocacy for a police victim requires an advocate who has worked with a wide range of women, understands the complexities of battering, has solid knowledge of available criminal and civil interventions, and understands the practices and politics of local law enforcement agencies.
2. **Never underestimate the danger.** Safety planning is even more complicated for police victims than it is for other victims. Police training, access to information, use of firearms, knowledge of the criminal justice system process, and fear of losing employment heighten the complexity and potential danger. There is a high risk for murder, suicide, or both.
3. **Police have unique access to information.** An officer/abuser knows the locations of local shelters and can readily discover the address of any shelter. By training and profession, police have investigative skills and access to many types of information, making it possible for the abuser to track the victim or obtain and use personal information against the victim and her family or friends.
4. **Police training can reinforce the tactics of battering.** Specialized training in investigation, surveillance, and use of force reinforce dominance and control and make police officer abusers among the most dangerous.
5. **Police culture and officer-to-officer relationships can limit the department's response and victim support.** Responding officers may be reluctant to believe that a working partner or friend is a batterer. They may be less believing of and less sympathetic to the victim, or feel conflicted between upholding the law and protecting their fellow officer's job.
6. **A victim's help-seeking may threaten employment.** The victim of a police officer may believe that any step she takes to protect herself will jeopardize her abuser's career. The victim will be reluctant to call 911, obtain an Order of Protection, or report the abuse to a supervisor because she fears retaliation from the abuser for tarnishing his reputation and/or interfering with his career.
7. **Linkages between police and other agencies can limit intervention.** Similar to the effect of working relationships between officers, the dispatcher or the prosecutor or the judge may be reluctant to believe that an officer is a batterer. The prosecutor's decision whether to proceed against a police batterer relies heavily on police cooperation, reports, investigation, and evidence collection.
8. **Knowledge of the criminal justice system can be used to manipulate it.** Police officer abusers know where the line is between criminal and non-criminal behavior. They have detailed knowledge about how the criminal justice system works, know the people who work in the system, and know how to use the system against the victim.
9. **The abuser's profession confers credibility.** An officer's professional standing brings with it a high degree of credibility. At the same time, he will do everything in his power to destroy the victim's credibility. Victims who fight back, who use drugs or alcohol, or who are mentally ill will be particularly vulnerable in comparison to his credibility and position within the criminal justice system.
10. **When both the victim and the perpetrator are law enforcement officers, complications multiply.** A female officer's victimization at home may be used as an indication that she is incompetent to perform her official duties. Other officers may ostracize her as a whistle blower. Her career and life are at stake and typical safety remedies will most likely not be viable options. Risks for the victim and others are magnified and the situation requires thoughtfulness and caution.

When the Batterer Is an Officer: 10 Things Advocates Should Discuss with the Victim

1. **Police officer abusers are among the most dangerous abusers.** Explore whether the abuser is using his police training, tactics and equipment to intimidate and terrorize the victim.
2. **There are long-term implications with every crisis safety measure.** Examine crisis options with a careful eye to the long-term implications.
3. **The response to her 911 call may differ from usual policies and procedures.** Inform the victim how the police should respond and warn her about how they might respond. Know the department's domestic violence policy and protocol.
4. **An internal investigation is extremely threatening to the officer and is a dangerous period for the victim.** Review the process, implications, and safety concerns in an internal (departmental) investigation. It is up to the woman whether to cooperate. She needs to know that interviews with the Internal Affairs Division, as it is often known, or other designated investigators are not confidential. The abuser will know what she disclosed to the investigator.
5. **Though it is unlikely that the officer will lose his job, it is always a possibility.** Talk about what the victim thinks the abuser would do if he were to lose his job. Consider the potential for retaliation, the threat to her and her family's safety, and the financial consequences she will face if the abuser is suspended or terminated.
6. **Getting an Order of Protection may be difficult.** Consider the impact and long-term repercussions of obtaining and losing a protective order. Obtaining an emergency Order of Protection will be relatively easy compared to getting a final order. Assess whether local police could be relied upon to enforce the order.
7. **Prosecuting a police officer involves many obstacles.** Give the victim information about the criminal justice system and the players in the system—their roles, their objectives, and their priorities. Talk about the complexities of pursuing charges when the abuser is an officer.
8. **Saving her own documentation and evidence is important.** Advise the victim to save evidence of everything and to store it in a safe place. It is not uncommon for reports, photographs, and other evidence to disappear when the batterer is an officer.
9. **Hiding from a law enforcement officer is practically impossible in the long run.** Articulate the realities and difficulties of hiding, as well as strategies. He knows the locations of local shelters and can find those in other areas. He can track her down using her license plates or tracing credit card usage. He can find her even if she gets a new Social Security number.
10. **Suicide/homicide is a way abusers exert their ultimate control over the victim.** Emphasize the danger of suicide threats. There is a high risk of homicide/suicide in officer-involved cases.

When the Victim Is an Officer: 10 Things Advocates Must Know

1. **She may have little control over how or whether to disclose the abuse.** The department's policy may require her to report the abuse, require co-workers who are aware of the abuse to report it, require her and other officers to cooperate with an investigation, and/or require her to inform the department if she obtains a protective order.
2. **Police officer victims avoid calling 911.** A female officer is typically embarrassed to admit that she is a victim of domestic violence. She knows that calling 911 will open her private life to the scrutiny of the department and to questions about her abilities as an officer.
3. **Police officer victims cannot count on support from other officers.** Other officers may take the abuser's word over hers. If there is a 911 call, they may directly or indirectly support the abuser and minimize or distort any investigation. Other officers may retaliate against her for making a complaint. Responding officers may be reluctant to identify one officer as an abuser and will apply the "mutual combat" label, without making a predominant aggressor determination. She can find her work under more scrutiny. Police officer victims often face isolation and may not receive back-up on the street.
4. **The department may order her to cooperate with the internal investigation.** She will be required to disclose personal information about her life and her intimate relationship with the abuser to the department.
5. **The abuser may attempt to use her position and training as an officer against her.** He may force the victim to defend herself and then report her for use of force, or use her reaction as the basis for a protective order. If she is the subject of a protective order, access to her weapon may be denied or restricted, thereby limiting her assignments or future as an officer.
6. **She is unlikely to seek help from the local shelter and advocacy services.** Female officers may fear being recognized by other residents or shelter staff. The shelter may be reluctant to house a police officer victim because of risks to the safety of other women and children. If the abuser is another police officer, the shelter location will be well known. An abuser who is another female officer may have already approached those services as a strategy to be seen as the victim.
7. **Her profession is a barrier to others believing her experience.** The prosecutor, for example, may doubt that an armed police officer can be a victim in her own home. She faces considerable victim-blaming because she is a police officer and "should know better" than to be in an abusive relationship.
8. **If the victim is in a same-sex relationship, disclosing the abuse may also mean coming out to her department.** If the department has been unaware of the victim's sexual orientation, disclosing the abuse also means disclosing her relationship. If the abuser is another female officer, the complaint may have "outed" both the victim and the abuser. Determining the predominant aggressor in same-sex cases is usually done poorly, if at all.
9. **Disclosing the abuse may jeopardize her career as a police officer.** The department may order the victim to take a psychological examination to determine whether she is fit-for-duty. She may be suspended or placed on medical leave pending the investigation.
10. **The risk is heightened if the victim and abuser are both officers.** In this circumstance, they have weapons and training to both defend against and perpetrate violence. Responding officers may be reluctant to identify one officer as the abuser and may mislabel the abuse "mutual combat" and decline to intervene.

Challenges to Advocacy and Collaboration

For twenty-five years, battered women's advocates have pursued a variety of criminal and civil justice reforms in an attempt to change public denial of the pervasiveness of battering and to increase protection for victims and decrease batterers' power over them.

Inter-agency partnerships, coordinated community response projects, coordinating councils, and task forces are now widespread. Among local police departments, nine in ten have a specific policy regarding domestic assaults and 57% meet regularly with domestic violence advocacy groups.¹ Since the mid-1990s, grants made under the Violence Against Women Act and Community Oriented Policing Services Office have required advocates, police, and prosecutors to form collaborative relationships. Some of these relationships have built on connections already in place. Others have appeared almost overnight, more funding-driven than community-driven.

Community collaboration can be particularly challenging for advocates as we attempt to maintain our distinct, independent role of supporting the needs of battered women, individually and collectively. As advocates work more closely with police, it is easy to understand how a victim may think of her advocate as a part of the criminal justice system. For example, in some communities she sees the advocate arrive at the scene alongside the police. Or, she hears the advocate sharing information and strategizing with police officers and the prosecutor. Where police departments employ victim support specialists to provide information and services (sometimes to both victims and perpetrators), and call them advocates, victims may be even more confused about who has what role.²

Now, imagine how this blurring of roles looks to the victim whose abuser is a police officer. The advocate should be the one person who is there solely for the victim, open to exploring any and all options. The advocate's role is to provide information and support so that the victim can decide how to best protect her own interests and safety. If the advocate even *appears* to be a part of the criminal justice system, the victim of an officer batterer will not trust her. When the batterer is a police officer, the advocate's independence can be compromised-or appear compromised-by the close working relationships that accompany efforts to build coordinated community response and inter-agency collaboration. Victims are left more alone, more isolated, and more at risk.

¹ U.S. Department of Justice Office of Justice Programs, Bureau of Justice Statistics, Law Enforcement Management and Administrative Statistics: Local Police Departments, 2000.

² For a more detailed discussion of the distinction between advocacy and victim services, see Stephanie Avalon, *Advocacy and the Battered Women's Movement*, October 1999, at www.bwjp.org.

Standard Remedies Are Limited

I feel like I'm in this thing alone and the prosecutors, advocates, and the rest of that special domestic violence unit just don't get it. — A Survivor

When the batterer is a police officer, the advocate must recognize that the standard remedies and responses are limited, ineffectual, or even dangerous. When a victim responds to an advocate by saying, “You don’t understand, he’s a police officer; but this is different, he’s a police officer; I can’t DO that, he’s a police officer,” she is expressing her frustration that no one understands the many ways in which she is cornered. When even domestic violence advocates do not understand her experience, we exacerbate her sense of isolation and hopelessness.

Safety planning is seriously challenged when the abuser is a police officer. Since the police are usually our first line of defense, their actions set the tone for subsequent criminal justice system action. We expect the police to intervene, arrest the abuser, sign a criminal complaint, collect evidence, and enforce an Order of Protection. We count on the competent performance of police officers to make victim safety and offender accountability central to the system’s response. When an officer of the law breaks the law, the system is turned upside down. So, too, are advocates’ and victims’ usual safety plans.

Advocates get frustrated because they feel they cannot *do* anything to help police victims. In many ways, we have to go back twenty-five years to the days when all we could do was listen to women’s stories and offer support and understanding. Because we have made so much progress with domestic violence laws and community response, we want to do more than just be there, listen, and understand, but victims of police officers report that even this is much more than they get anywhere else. Remedies available to other victims, such as going to the police and prosecutor, are often not possible.

- Advocates can provide critical support to a victim when the batterer is an officer. They might be her only or primary source of support. We can:
- Validate the woman’s experience and feelings.
- Provide a “reality check” when she doubts herself.
- Help her articulate her fears and needs.
- Help her focus and assess her situation.
- Help her explore her options and their possible consequences.
- Support her safety plan.
- Advocate for her within the legal and other community systems.
- Attempt to hold batterers accountable.
- Attempt to hold police departments accountable.
- Provide information and insight about how the criminal justice system works.
- Help her plan for the police department and prosecutor’s responses if she utilizes the criminal justice system.
- Provide resources, books, and Web sites for information.
- Provide referrals.
- Assure her that she is not alone.
- Assure her that she is not “going crazy.”

When the batterer is an officer, you must **use your most experienced advocate**. Providing support and advocacy for a police victim requires someone who has worked with a wide range of women, understands the complexities of battering, has solid knowledge of available criminal and civil interventions, and understands the practices and politics of local law enforcement agencies.

An experienced advocate is less likely to let her personal views dominate her work with victims. Many advocates have strong feelings about police officers who abuse their intimate partners. They cannot accept that some of those responsible for enforcing domestic violence laws often get away with breaking those laws. It undermines their trust in the entire system that is supposed to help all victims of domestic violence. Advocates may believe that these perpetrators have no right to be police officers, and want the victims to cooperate with attempts to hold the officers accountable.

It is important to remember that many victims of police officer batterers have the same ambivalence toward their partners as other victims have. The victim may be angry that her batterer is using his professional status to manipulate the system, but still want to protect his career. An advocate's desire to get an abusive officer off the streets can make it hard to remember that it is not the victim's responsibility to see that the law is enforced or to reform the police department or the entire criminal justice system. As always, our first commitment is to support her wishes and decisions.

Misuse of Police Power³

Every abuser frequently reminds his victim that it is within his power to deprive her of her physical safety, security, privacy, freedom, and life, if and when he chooses. Most abusers, however, are not able to enlist the help of the criminal justice system to carry out their threats. Batterers within law enforcement do this routinely: “Call the police,” their victims hear. “Who are they going to believe?”

Victims of police officer batterers typically report that advocates do not appreciate how different their situation is because of his profession. It is disappointing and frustrating for a victim to have to educate the very people whom she had hoped would be able to inform her. Advocates can help alleviate this by familiarizing themselves with the aspects of police perpetrated abuse that place police victims in a category of their own.

Central to the dangerous nature of police perpetrated domestic violence is abuse of the training, access to information, discretion, and authority that distinguish policing from other professions. There are many ways in which officer batterers abuse police powers, and advocates should be familiar with them in order to provide the best support to victims, both to validate their experiences and to help them obtain meaningful, safe intervention.

Police Presence

PROFESSIONAL: Officers are taught to develop a “command presence.” Many police trainers acknowledge that men and women change once they don the uniform and equipment of an officer. The uniform, body armor, badge, gun belt, and squad car are powerful symbols of their authority.

PERSONAL: An officer intimidates his victim by:

- His mere presence in uniform while standing with his hand on his gun.
- Giving her “the look” and making it clear without a word that he knows everything she is up to and with whom.
- Letting her know that he is capable of watching her at all times, by showing up at unpredictable times and/or locations.

Surveillance

PROFESSIONAL: When the police identify a suspect, they begin surveillance of the person in order to gain information and attempt to catch the suspect in criminal behavior. Once the suspect realizes he is being watched, he will alter his behavior.

PERSONAL: An officer batterer often makes it clear that his partner is under surveillance, in his attempt to control her behavior. Whether the surveillance is physical, telephonic, or electronic (or all three), he robs the victim of her sense of privacy and control over her life. She alters her behavior based upon the possibility that he is watching. The abuser gets information about where she goes,

³ Adapted from *The Misuse of Police Powers in Officer-Involved Domestic Violence* by Diane Wetendorf and Captain Dottie L. Davis, 2003. Complete article available at www.abuseofpower.info.

with whom she spends time and what she does. This gives him the ability to intrude upon her life whenever and wherever he pleases.

Stalking is a perverted form of surveillance. A police officer who is stalking his victim might:

- Sit outside her residence, workplace, gym, or friends' homes in his personal vehicle, squad car, or unmarked police car.
- Gain access to her apartment or house and leave evidence that he has been inside her personal living space, such as turning on a light or moving a picture.
- Install devices and software that enable him to record telephone calls, read her e-mail, track her automobile, or see the interior of her home.
- Use contacts within the telephone company to check on whom she calls and who calls her.
- Use his squad car camera to videotape her as she walks to and from her residence.
- Use vehicle license plates and registrations to track down visitors to her residence.

Information

PROFESSIONAL: Police officers have access to many sources of confidential and personal information, such as local, state, and national law enforcement databases (i.e., National Crime Information Center and Federal Bureau of Investigation); motor vehicle records in all states; and, telephone and utility records. A police officer can discover an individual's current and former names, aliases, date of birth, Social Security number, current and former addresses, vehicles and driving record, criminal history, and credit reports.

PERSONAL: Although officers can legitimately access such records for official investigations, some officers use them for personal reasons. "Running a plate for a date" is one example, where an officer uses vehicle registration information to learn a woman's name, address, and possibly her marital status. An officer batterer can use the same tactic to discover the identity of someone visiting his ex-wife or girlfriend. Through access to these and other records, the police officer batterer can hunt down a victim who has left him.

Interview and Interrogation

PROFESSIONAL: Police officers are taught how to interview people. Eye contact, how and where to stand, non-verbal body language, and detecting signs of deception are techniques that officers learn to practice and to observe. They also learn how to interrogate a suspect. This includes tactics such as holding the suspect in a small room until the investigator declares the questioning is complete, and controlling whether and when the suspect gets something to drink, permission to use the restroom facilities, access to make a telephone call, or contact with family and friends.

PERSONAL: The battered intimate partner of a police officer is a "suspect" in her own home. He interrogates her and the children about any suspicions he may have concerning finances, infidelity, or friendships. He might use any or all of the following tactics:

- Stand over her while in uniform, using his command presence and asking where she has been.
- Demand that she look at him while he is talking.
- Block the doorway so she cannot exit the room without physically touching him.
- Barrage her with questions.
- Raise his voice in disbelief at her responses.
- Slam his fist on the wall to intimidate her.

- Rip the telephone from the wall, so she cannot summon anyone for help.
- Refuse to let her to leave until he is done with his questioning.

Manipulation and Deception

PROFESSIONAL: Within many scenarios in policing, lying to a suspect is legal. Police officers must be convincing to prostitutes, pimps, drug dealers, drug couriers, and delivery personnel to facilitate the arrest of someone involved in illegal activity.

PERSONAL: An officer who is a batterer can use his experience manipulating and deceiving suspects against his intimate partner. He can lie to the victim and appear sincere and truthful. If he is adept at fabricating an identity and demeanor, he can distort or lie about events, and be convincing to the courts and other interveners. He can get access to information from unsuspecting officers, neighbors, and co-workers. A batterer can:

- Convince other officers to drive by the victim's residence and report any activities including license plate numbers and vehicle descriptions of anyone present.
- Convince her neighbors that he is a "knight in shining armor," and a protector of their city. Neighbors may then be more than happy to answer any questions about strangers coming and going from the residence next door.
- Manipulate her co-workers into believing that the victim and the officer share a healthy, loving relationship by sending cards and flowers to her office. They unwittingly provide information about where she is and with whom.

Professional Authority

PROFESSIONAL: An officer gives directions or orders to a person with the expectation of compliance. Depending upon the circumstances, failure to comply can be cause for a citation or a physical arrest. Society grants police enormous power, with the expectation that they will use their authority and discretion wisely, without abusing it.

PERSONAL: An officer batterer sees conflict in his personal life as a challenge to his dominance, authority, power, and control of his partner and his surroundings. Everything is wrong or right as he defines it, and there is no room for the victim to voice her opinion or position. She will face some form of punishment if she questions him or disagrees with his opinion.

Continuum of Force

PROFESSIONAL: Law enforcement officers are trained to use only the amount of force necessary to control the situation and the suspect. In the "use of force continuum," officers are taught to use techniques to incapacitate someone without causing death or serious bodily injury. The continuum begins with officer presence, verbal direction or commands and "soft" empty-hand techniques (no nightstick, pepper spray, or gun), which include applying various holds and pressure points that encourage compliance, but within a relatively low threshold of pain. If resistance continues, the officer may escalate to "hard" empty-hand techniques, chemical agents, and finally toward lethal force with a firearm.

PERSONAL: The same techniques can be used in an abusive officer's home. A continuum of abuse often involves verbal, emotional, psychological, sexual, and physical violence. Physical violence, however, is not always necessary to control the victim. Many officer batterers maintain control through intimidation and threats, their "command presence," or a gentle reminder of the "last time."

His victim knows what he is capable of and his expertise with a variety of weapons, including his hands and legs. Most injuries caused by these techniques are not easily seen. Victims may complain of pain, and be very frightened, but may not have an obvious injury.

Power Within the Criminal Justice System

PROFESSIONAL: Police officers work within the system that answers 911 calls, dispatches police, fire, and emergency medical services, advocates for victims of crime, houses prisoners, prosecutes defendants, sentences those found guilty by the court, and monitors individuals on home detention.

Officers are trained on how to present themselves not only at the scene of an investigation, but also in the courtroom, where they appear in uniform to testify and swear to tell the truth. In court they recall the crime scene and evidence to support their written report. With the assistance of the prosecuting attorney, they testify about what the victim, witnesses and suspect said at the crime scene, and the emotional and physical states of all present. Photographs, damaged property, injuries, bloodstains, food splatters, and covering children and animals are explained through the officer's testimony.

PERSONAL: An officer batterer has established working relationships with dispatchers, victim advocates, officers from his agency and other jurisdictions, prosecuting and defense attorneys, judges, and corrections personnel. In many cases, they know each other on a first name basis. A batterer will use these relationships and knowledge about the criminal justice system to manipulate it.

A victim in a rural area is particularly vulnerable to the batterer's abuse of his police powers. Many in the community, including other officers, may be aware that he batters her, but are afraid to confront him or to help her. She may fear that the batterer will find a way to fabricate charges against her or her friends and family, such as planting drugs or stolen property, and use his authority to arrest and jail them. She may know that he is capable of rigging her car to cause an auto "accident" or running her off the road. She knows that he has close working and personal relationships, and the resulting credibility, with prosecutors, judges, and others in the criminal justice system.

Supporting Victims to Tell Their Stories⁴

When the batterer is an officer, the **linkages between law enforcement and other criminal justice system agencies can limit intervention.** The working relationships within and across the system reinforce a reluctance to believe that an officer is a batterer. Victims must also overcome the widespread resistance that exists against disciplining or prosecuting an officer. A victim will have to present an extremely compelling account of her experience to the investigating law enforcement agency and the prosecutor. She will need to convey that, in addition to common types of abuse, the officer abuser exploits his professional status and power to control and terrorize her.

Victims often understate the severity of violence and abuse, even when talking to a non-threatening party, such as an advocate. Understatements are even more likely when speaking to an intimidating authority figure, such as a police chief, investigator, or prosecutor. As an advocate, you can encourage a victim to describe the incident accurately, in detail, and in her own words. It is to her benefit to be able to tell her story clearly and graphically.

Consider the following contrasting descriptions of the same event:

“He yelled at me for a while.” versus “He stood over me and yelled at me for five hours, but wouldn’t let me answer him. He wouldn’t let me leave the room to go to the bathroom, or even to take care of the baby. Every time I tried to leave, he screamed, ‘You can leave when I tell you to leave.’”

“He scared me by the way he was driving.” versus “He was driving 70 miles an hour on city streets, weaving in and out of traffic, threatening to kill us both. He had the light on the car roof so the cops wouldn’t stop him. He always talks about how he won’t get stopped, and that it’s no problem if he does.”

“He makes me account for all my time, who I’m with or who I’m talking to on the phone.” versus “He keeps watch over me day and night. He checks the odometer on my car. He follows me, has other cops follow me, and drives by the house. He tape records my phone conversations.”

“He tells me he can find out anything about anyone.” versus “He runs my friends’ plates and finds out all kinds of stuff about them. He called a man I was seeing and warned him to stay away from me or he’d get hurt.”

“He threatened to kill me.” versus “He held his gun to my head and talked about how he would splatter my brains all over the room.”

Supporting a victim to provide the details of her experience can help her recall additional evidence and witnesses. It may also increase her understanding of the danger she is in, and lead to stronger safety planning. It can also help ease the traumatic impact of retelling her story and bring the reality of officer perpetrated domestic violence into the light.

⁴ Adapted from Wetendorf and Davis, *The Misuse of Police Powers*.

Going to the Department

It took me three or four years to call his Captain. I told him what was happening and that he was getting worse... I didn't want him to lose his job, I wanted him to get help. Something had to be done. They didn't do anything but talk to him, which made him crazy mad at me that I'd had the gall to call his Captain. He threatened to kill me.

— A Survivor

I went to LAD [Internal Affairs Division] and gave a statement two months ago. They still have not called him in to give his statement. Two months! He has been contacting me. What am I supposed to do? Trust our system? I don't think so. — A Survivor

Policing can be an isolating profession, for officers and for their intimate partners. “The long hours and rotating shifts kill most prospects for a normal (wider) social life; thus, the majority of an officer’s social life is confined to his or her own professional circle.”⁵ For many officers, the extended “police family” is the primary source of support and social connections. To report a batterer’s threatening or violent behavior to the department means disrupting this family. When the officer is a batterer, the victim’s isolation is magnified by the limits of this closed social circle. She cannot confide in anyone without the risk of other members of the department and the batterer knowing about it.

Some departments emphasize that spouses are part of the police family. Many urge spouses and family members to come forward when they see warning signs of trouble, such as excessive drinking and gambling, to address the problem early and avoid serious damage to the officer’s marriage and career. Many departments encourage spouses to report “marital problems” and “job-related stress”—and domestic violence. The International Association of Chiefs of Police (IACP) model policy on police officer domestic violence advises departments to “reach out to [officers’] intimate partners/family members... [and] engage in periodic outreach to officers and their intimate partners/family members with information on [the domestic violence] policy, the point of contact within the department and referrals for local support services ... The purpose of providing this information to families is to underscore the department’s zero-tolerance stance and to provide victims with avenues to address potentially problematic behavior or report acts of domestic violence.”⁶

Small departments may offer to have someone “talk to him” about problematic behavior. Large departments may offer victims an avenue to report violence and abuse to Internal Affairs or to seek help from an Employee Assistance Program. Despite the department’s encouragement to come forward, however, a victim will have many concerns about the department’s response, the batterer’s reaction, and the impact on her safety, financial security, and support from the wider “police family.” Many victims of police officer domestic abuse report being treated with skepticism or

⁵ Malcolm K. Sparrow, “Implementing Community Policing,” John F. Kennedy School of Government’s *Perspectives on Policing*, Cambridge, MA: Harvard University Press, No. 9 (November 1988) 2.

⁶ International Association of Chiefs of Police, *Police Officer Domestic Violence: Concepts and Issues Paper*, April 1999, revised July 2003 as *Discussion Paper on IACP’s Policy on Domestic Violence by Police Officers*.

hostility when they have complained to the department. **Police culture and officer-to-officer relationships can limit the department's response and victim support.**

Meeting with the officer batterer's chief or supervisor is intimidating to most victims. It may help if an advocate accompanies her. The presence of someone from outside the department may ensure that the chief or supervisor treats the victim respectfully. As an advocate, you can support her, take notes, and witness the meeting, in case any discrepancies emerge later about the content of the discussion.

As a victim of police abuse, the last place I would have gone to report it was to an advocate who worked in the same building as my husband. — A Survivor

Meeting at the police station is threatening because other officers will see her and may tell the abuser. An advocate can recommend that she ask the chief to meet in a location other than the police station. It will be less obvious to others and thus keep the meeting more private. Consider meeting at the domestic violence agency, or a local hospital or church. In some circumstances the advocate may be in a position to make such suggestions directly to the chief or supervisor.

Advocates must **be aware of the general public complaint procedure within the department**—often known as the “citizen complaint” procedure. Each law enforcement agency is an independent entity. Each receives and responds to complaints differently. Factors that influence the response include the size of the department, its attitude toward officer misconduct, its position and policy on domestic violence, and resources available in the community. Advocates must **be familiar with departmental domestic violence policies**, including any that address officer-involved domestic violence. It is also important to understand the department's internal investigation process and supervisory structure.

It is wise for advocates to talk to the chief or sheriff about officer-involved domestic violence *before* they work with a victim, in order to get a feel for the chief or sheriff's attitude, beyond the official policy. Would he want to be informed if one of his officers is involved? Is there any formal arrangement with neighboring jurisdictions to report if they respond to a call involving one of his officers? How would he deal with a complaint? Who would investigate? Would he allow the domestic violence advocate to be a liaison? Would he refer for criminal prosecution?

When the batterer is the chief or the sheriff, the advocacy challenges are even greater. The agency providing victim advocacy and support should consult with other domestic violence service agencies, its state coalition, and other resources, such as the Battered Women's Justice Project Criminal Justice Center.⁷ Advocates must also understand the political landscape and the role of the police and fire commission, the mayor, the county executive, or other entities that may have some oversight of law enforcement agencies.

⁷ Battered Women's Justice Project: (800) 903-0111, Ext. 1; www.bwjp.org.

What a Victim Hopes to Accomplish

There are many reasons why a victim may eventually tell the department about her abuser's behavior. She may want a specific response, or a combination of actions. She may want a graduated response, without endangering her partner's job. She may want the department to mandate the abuser into counseling or substance abuse treatment. She may want the batterer to know that the department is aware of his problem and will protect *her* if he hurts or threatens her again. She may want the administrators to know that she will hold the agency liable if they do not intervene.

She wants the abuse to stop

The victim may see the department as the only authority that the officer batterer will listen to. She probably does *not* want to damage his career, and may want to save the relationship. She wants the department to pay attention to the warning signs that she brings to their attention. She wants someone to talk to him and make him stop his threatening and abusive behavior. She may know or believe that the department holds its officers to a certain standard of conduct. She would like to avoid legal action.

She wants the abuser to get help

By going to the department, she might be hoping that it can influence the abuser to get counseling for his behavior. The department may be willing to make such demands on its employee, but will need proof that the officer has been abusive, and that the conduct interferes with his ability to perform his job and violates departmental policy. It may have specific personnel guidelines it must follow. If there is a union contract, it will have provisions to protect the officer's rights in any type of mandated counseling or treatment. The union may advise the officer against voluntary participation that could later be used as an admission of domestic violence.

She wants the department to protect her

She fears that she will not receive police protection when she needs it, and wants the chief to be on notice and to enforce the department's policy (if one exists) and its responsibility to protect victims of domestic violence. She knows that **police culture and officer-to-officer relationships can limit their response and willingness to protect her**. She believes that the police will respond differently to her call than the way they would to a call from anyone else. She knows that they may be reluctant to believe that a coworker is a batterer. They may be less believing of and less sympathetic to her, or feel conflicted between upholding the law and protecting their fellow officer's job.

She wants the department to discipline or fire the abuser

The victim may be seeking justice for herself or believe that the community should not be subjected to an abusive police officer. She may be outraged that the abuser continues to enjoy the status and privileges of an officer while he flagrantly breaks the law. She may be ready to go to the media or to sue the department.

Cautions and Challenges

Types of behavior to report

Departments hold to different degrees of professional conduct. Some departments adhere to strict rules of conduct, both on and off duty while others do not. As an advocate, you can help a victim identify behaviors that reflect the officer's misuse of police powers, illegal activity, or violations of departmental policy. Most departments pay attention to behaviors that affect liability. These include actions that violate the law, violate departmental policy, misuse police power or equipment, or tarnish the department's public image.

Reporting might put her at further risk: always focus on the woman's safety

An internal investigation is extremely threatening to an officer and is a dangerous period for the victim. She needs to know that her conversations with the department will *not* be confidential. Once notified of officer misconduct, the chief or supervisor cannot keep the disclosure confidential and run the risk of becoming personally liable by failing to initiate an investigation and follow reporting procedures. While those with access to her complaint may be small in number—i.e., the chief, immediate supervisor, and internal affairs investigators—confidentiality cannot be guaranteed and rumors can easily travel back to the abuser.

Before going to the department, the victim and her advocate should consider whether there is someone trustworthy who could provide a sense of the likely response to a “hypothetical” report of officer-involved domestic violence. Find out what the department can do to prevent retaliation by the abuser and other officers. Can the chief issue an Administrative Order of Protection?⁸ Are there penalties for officers who fail to protect the victim, or who support the abuser's harassing and stalking behavior? Are officers aware of those penalties? Ideally, as an advocate you will have made these inquiries in advance, as part of your broader systems advocacy work, and have a good understanding of the department's approach to officer domestic violence.

Use your most experienced advocate and **never underestimate the danger.** Ask the victim if she thinks she will be in more danger if and when: the abuser learns that she reported the abuse to the department; the department opens an investigation, suspends the abuser during the investigation, or disciplines or fires him. Design a safety plan that addresses each of these possibilities.

The abuser's reaction if she goes to the department

Involving the department is a serious step. The abuser will perceive it as a threat to his job and the victim's assertion of independence and a sign that she may leave him. He will

⁸ “This is a directive from a supervisor ordering an officer to refrain from particular conduct toward a particular person as a condition of continued employment. The use of Administrative Orders of Protection are helpful in that they may enhance victim safety, and punishment for violations of an order can proceed quickly reducing department liability and eliminating the time a department may need to continue to pay an officer on administrative leave or suspension for the duration of a lengthy criminal case.” IACP *Discussion Paper*, Section II-C6.

develop a strategy to protect himself. From his law enforcement training, he knows that the credibility of victims and witnesses is the most important element of a complaint. When the victim is the sole witness, which is most likely, it will be easy for the abuser to cast doubt by characterizing it as a “he said, she said” situation. The abuser will campaign to discredit his victim’s standing in the department, in their families, and in the community. He’ll attempt to make sure that no one believes her now or in the future.

Linkages between police and other agencies can limit intervention and support for the victim. The officer batterer’s status gives him credibility that influences other professionals in the community. These professionals include police, prosecutors, judges, and psychologists who may have power over the victim’s life. Family and community members are also influenced by their perception that police officers are good judges of human character and human situations. **If the victim has alcohol, drug, or mental health problems, she will be particularly vulnerable to his attempts to discredit her.**

The abuser will do his best to discredit her by telling coworkers, family and others that she is crazy, jealous, vindictive, suicidal, alcoholic, or on drugs. He will attempt to convince people that she is lying to hurt him and say that she is trying to destroy his relationship with his children. He will accuse her of lying about him to get custody of the children in a divorce. He will attempt to manipulate the police to respond to his 911 calls as if he is the victim or to support his efforts at involuntary commitment. He will attempt to manipulate the court to grant him an Order of Protection, grant him possession of the house and custody of the children, order supervised visitation with him, and mandate the victim into counseling or treatment.

She grabbed and scratched my left shoulder and neck, leaving scratches and bruises. I went directly to the Gig Harbor police station. My intent was to report the incident in order to protect myself from potential false claims by Mrs. Brame. I did not want Mrs. Brame arrested because that would assure that the marriage would be over. In this conversation, I expressed the fear that Mrs. Brame would fabricate allegations. — Chief David Brame⁹

The impact of reporting the abuse on his career

This, too, depends on the department. A large department may conduct an internal investigation and suspend the officer during the investigation. A complaint could affect consideration for promotion or a desirable assignment. If the abuser has a history of complaints alleging use of excessive force, domestic battery, or reckless conduct, the victim’s complaint could tip the scale. Termination is most likely if there has been a criminal conviction for a domestic violence related crime, primarily because that activates the gun prohibition features of federal law under the Domestic Violence Offender Gun Ban.

⁹ From divorce filing, as reported in Maureen O’Hagan and Cheryl Phillips, “The Brame Case: When a Wife’s Abuser Is a Cop, Who Can Help?” *The Seattle Times*, May 9, 2003. Following the murder of Crystal Brame, *The Seattle Times* and *The Seattle Post-Intelligencer* published many articles about police officers and domestic violence. For example: see “Badge of Dishonor Special Report” at <http://seattlepi.nwsourc.com/police/>.

The Department's Response

In many jurisdictions, the commanding officer's response is limited by the labor (union) contract. The chief may want to discipline or fire an officer, but the union contract may limit the options. Officers have a right to due process, which means that specific procedures have to be followed and the officer will have every opportunity to defend himself. In states that have passed some variation of the law enforcement officer's "bill of rights," those provisions may influence how the department responds (see Appendix D).

The administration and the victim may have very different ideas of what constitutes adequate discipline. To the victim, a five-day suspension seems exceedingly light punishment, whereas within the department it may be considered adequate or even harsh discipline.

The victim and her advocate can use what she knows about the department to help her anticipate how her complaint is likely to be received. The supervisor or investigator may be dismissive of her, refuse to take her complaint, or insinuate that she is exaggerating or fabricating a story. They may patronize her and give the appearance that they take her complaint seriously, but take little further action. They may take her complaint seriously and react more aggressively than she anticipated. Or, they may take her complaint seriously and consult with her about the department's options in responding to the abuser's behavior. The victim should be prepared for any of these responses.

The Advocate's Role

Reporting an officer batterer to the department, or finding the department involved because of a 911 call, is an intimidating experience for a victim. Advocates can also be intimidated by the authority and procedures of police agencies, just at the time when they must be least intimidated in order to be of maximum support to the victim. It is important, therefore, to **use your most experienced advocate** when working with victims of officer domestic violence.

Advocates should be familiar with the department's complaint and disciplinary procedures, or where to safely obtain reliable information about those procedures. You can provide important support to the victim by relaying sound information about how to approach the department and what to expect in its response.

Does a victim have the right to bring an advocate with her at any and all points of contact with the department?

Generally, a victim can bring someone with her when she has contact with the department, but there may be collective bargaining agreements or other procedures that limit who can accompany her, and when. Departmental response to a woman's request for an advocate to accompany her varies. Some will be very accommodating to the victim. According to one advocate who has accompanied women to different departments, chiefs who express a commitment to community policing may see it as an opportunity to show that they are responsive to women's issues. Other chiefs agree to talk to the advocate without the victim present, which does not work well. As this advocate described it, "These were cases where the chief wanted to tell me what a 'nut' or liar the woman was and that he knew 'things he'd bet I didn't know about her.'" Others will talk to the victim alone because they see advocates

as troublemakers, or feel that they can more easily control the woman without an advocate present.

How can the advocate help prepare a woman for reporting the abuse to the department?

As an advocate you can discuss possible reactions to her complaint, so that she is prepared for them. If you have previous experience with the department's response to officer batterers, tell her what she might expect. Is the department likely to be supportive or dismissive? When the response has been dismissive, or is unknown, you can assist her in anticipating the less supportive responses.

Let her know that some police administrators may not understand the coercion and control dynamics of domestic violence. They may respond to her complaint as a problem of "mutual combat" or "marital discord." The chief or supervisor may suggest that she is equally responsible for what has occurred.

Let her know that the chief or sheriff or other supervisor might defend the officer and insinuate that she is exaggerating or lying. Unless she has some independent proof of serious physical violence (such as police reports, medical records, or witnesses), the agency may not take her complaint seriously.

Provide information about disciplinary options. If the department is likely to fire an officer, the victim should know that. If one of her fears is her partner losing his job, she should be aware of that possibility in making her decision about reporting the abuse to the department. Help her prepare a clear statement of what she would like to have happen as a result of her complaint, and wherever possible link it to the department's standards of conduct for officers.

What should the advocate do when accompanying a victim to a meeting with the department?

Your role when the victim meets with agency supervisors depends on the level of participation the victim wants you to have, and any restrictions that the department places on your participation. You must discuss the role the victim wants you to play before the meeting.

For example, does she want you to ask questions about certain things, such as departmental policy or disciplinary action? As an advocate, take care to never volunteer information that the victim does not want the department to know. If the victim does not want to report that her abuser held a gun to her head because she is afraid he will lose his job, you must not disclose that information.

Generally, an advocate who accompanies a woman is a *witness*, not a participant in the proceedings. As such, you are there to provide silent support, to review the event afterwards and to provide a "reality check" for the victim about what occurred. You can assist her in making notes of what was said and promised.

Can or should an advocate tape a meeting on the victim's behalf?

The victim can request to tape any meetings with the department. This can mean a less candid response, however, on the part of whoever is being taped. You should carefully consider your strategy in doing so, and be aware of any possible unintended consequences for the victim. A sounder approach might be to sit down with a tape recorder *after* a meeting with the department and have the victim recount what happened: who was present, what was said, the questions she was asked, and anything promised or threatened by those present.

When the department records a meeting, which is a common procedure in internal investigations, the victim should ask for a copy. State laws and employee rules or bargaining agreements may affect what kind of information will be released to the victim.

What kind of notes should the victim and the advocate keep?

After the meeting, the victim and advocate should write down (or tape record) everything they remember about the meeting and those present. Record what was said, the tone of voice, and impressions about the supervisors' attitudes. Write down what the chief or other supervisor promised to do in response to the victim's complaint or information. For example, if the chief tells the victim: "I want you to call me if...", write it down.

Note any commitment from the department, such as a supervisor's statement promising to monitor the situation. They might instruct officers to inform a designated supervisor of any police contact with the victim, such as calls to her residence or any traffic tickets issued to the victim.

What kind of hazards, benefits, and strategies are involved in the victim going to the media or considering a lawsuit?

As an advocate, you should be prepared for victims' questions about taking their stories to the media or filing a lawsuit against the department.

Media Exposure

Some women may think media exposure will make them safer, by holding the department publicly accountable for responding to the batterer. Others may be persuaded by reporters that they can "help the cause" by telling their stories. This can be a victim's experience, but she must also be aware that once she opens her life to media attention, there is no going back. What gets into the story may be only the most sensational or bizarre aspects of her experience. Advocates must advise victims to be cautious about what they disclose to a reporter.

Media attention can be very perilous ground. Women are not necessarily safer if they are in the public eye, particularly in cases involving police, public officials, or other high-profile abusers. It may raise the stakes for the batterer to silence the victim through threats, intimidation, or violence. He may also work harder to discredit the victim and turn any initial public sympathy against her. Media attention can also be humiliating, stigmatizing, and frightening for children.

If a woman wants to use the media to tell her story and increase her safety, **use your most experienced advocate** in talking through the possible risks and benefits, **never underestimate the danger**, and have a **safety plan** in place.

Legal Action

Victims need to know that lawsuits against law enforcement agencies are very difficult, lengthy, and expensive. What can seem to be a solid claim of “failure to protect” or “denial of civil rights” can be difficult to prove and exhaust a victim’s financial and emotional resources. Filing a lawsuit can also put the victim in danger of retaliation by the department.

When the police department hears the threat of a lawsuit, it may feel it is backed into a corner and respond by shutting down further communication. A better strategy, particularly early on in a victim’s efforts to seek help from the department, is for her to make it clear that she does not want to put herself or anyone else through the expense or embarrassment of a lawsuit. She is simply asking the department to protect her and to enforce the law. Threatening to sue should be a last resort that a woman considers with guidance from an attorney. She might also consult with others who are familiar with designing strategy for civil actions against police agencies. As an advocate you can help the victim locate this expertise, via state and national battered women’s and civil rights organizations.

Shelter: An Uncertain Option

I went to a friend's home to begin making calls to find a shelter where we could go. Friends made calls as well... of the 17 shelters in our county alone, three would not allow us to come because of the teenage boys and the rest just about slammed the phone down on me when they heard the perpetrator was a police officer. We then tried three other counties – again we were turned away because [he] is a police officer. — A Survivor

The established domestic violence shelter system may not work for the victim when the batterer is an officer. If she succeeds in getting away, he is likely to become obsessed with tracking her down. **Police officers have unique access to information**, including the locations of local shelters and the ability to discover the location of any shelter. While going to a battered women's shelter can be a life-saving option for many victims, when the batterer is a law enforcement officer, there may be serious limitations to what any shelter can offer.

Examine Your Shelter's Policies and Practices

A shelter's own policies may create barriers to victims of officer batterers. For example, many shelters only accept women who are in immediate danger or have been very recently physically abused. Since many police officer batterers rarely physically abuse their victims, but terrorize and threaten them psychologically, their victims may not be eligible for shelter. Shelter staff may require personal information for their files that a police officer's victim is unwilling to give and should not provide in order to maximize her safety. Requirements that residents must file a police report or get an Order of Protection are even more dangerous for the victim of a police officer. Applying for financial assistance or food stamps, moving to transitional housing, finding employment, or enrolling children in school all require identifying information. Advocates must understand why police victims cannot do this, and provide alternatives.

Advocates for battered women shudder when the wife of an abusive cop seeks help. "We just aren't equipped for it," said Olsen, of the Eastside program. "It's a frightening feeling, even for the domestic violence advocates. That's because officers know the locations of confidential shelters, or can easily find out, posing a risk to everyone," Olsen said.¹⁰

Understand Her Fears

Victims of officer batterers have well-grounded fears about using any established system, and advocates must understand their reluctance to see shelter as an option. They fear or know that:

- The abuser can discover the location of any shelter.
- Advocates work closely with the criminal justice system and can inadvertently or intentionally share information that will get back to the batterer.
- The batterer may have been inside the shelter.
- Other women in the shelter may see the batterer as the police officer who rescued them.

¹⁰ Ruth Teichroeb, "Clean Up Your Act, Police Told," *Seattle Post-Intelligencer*, July 25, 2003.

- The abuser may retaliate when she lets others in the community know that he is a batterer.
- The shelter staff and other residents may be put in danger.
- The staff may resent her because her presence poses a danger to everyone else.
- The shelter is too remote and too isolated to feel safe.
- The shelter's only source of protection is the police, and the police may not be of any help to her.
- Shelter staff may blame her for hurting their good relationship with the police.

A police victim may be very reluctant to confide in any advocate. She may see the advocates as part of the criminal justice system, and the batterer makes it a point to remind her that he works closely with the local advocates. His message is clear: "Don't bother going to them, they know me; they won't believe you."

Review Options and Alternatives to Shelter

If the victim decides to use a battered women's shelter, she will probably feel safer, and be safer, a good distance from the abuser and his department. Though a large city affords more shelters and anonymity, a woman from a small town or rural area may find a large city overwhelming. As an advocate, you can research shelters and domestic violence agencies in surrounding areas to see if they have experience with police cases, and whether they are willing and able to assist a police victim. As always, it is wise to set up such referrals *before* a crisis.

She will need transportation to the shelter. It is not safe for a police victim to take her car because it is so easy to track her vehicle. If her hometown department usually assists in transporting victims to shelter, she will not want other officers to be aware of her plans and location.

When she reaches the shelter, she and the advocates must review the pros and cons of notifying local police. If there is reason to believe that they will extend "professional courtesy" to another officer and respond to his inquiries about her whereabouts, then the police should not be notified. However, if the victim and the shelter staff think that they may need police protection, *and trust the local department to respond appropriately*, then they should alert the police about the batterer's likely attempts to locate and harm the victim. **Never underestimate the danger.**

If shelter is not the best option, work with the victim to figure out alternatives. These should be places the abuser is unlikely to look for her. "He wouldn't think of looking there," should be her response to any alternatives. Consider any and all options. For example:

- Do you or any agencies in the surrounding areas have an arrangement with a motel to provide shelter for victims? **Caution:** This should not be a hotel that you customarily use or would be identified as accepting vouchers. Law enforcement officers are likely to be familiar with these hotels. Plan on paying for the room in cash and using a hotel that you do not customarily use for shelter.
- Does she have any old or new friends whom the abuser does not know?
- Do relatives or friends or co-workers know anyone with whom she can stay?
- Is there a church, hospital or other institution that might shelter her?

Though it is hopeful and comforting to think that a victim can go “underground” and successfully avoid detection by her batterer, this is not a reality in today’s high-tech society (see Appendix C, *Safety in the Electronic World*). This illusion of safety leaves a victim more vulnerable than does dealing with the reality of danger.

For example, a false sense of security surrounds the options of changing a name and Social Security number. Even if a woman changes her name and obtains a new number, in itself a challenge, this information is available to many other agencies, including law enforcement. The officer abuser may have access to her new number and can find her if and when she uses it. Advise the woman to carefully weigh the pros and cons of the long-term effects of this option. She will not be able to use any previous medical, school, or employment records. She will not have a birth certificate or be able to get a passport. For a woman with children, going underground and changing her identity is nearly impossible.

If a victim decides to change her Social Security number, she will be asked to produce documentation that she is battered, such as police reports, Orders of Protection, or letters from shelters where she has stayed. A police victim is unlikely to have this documentation, so her request for a new number will probably be denied. It will be doubly important for an advocate to intervene on her behalf.

If the victim predicts that the abuser will be obsessed with finding her if she flees, and she determines that staying visible is her safest option, work on a safety plan based on her remaining in her home.

Anticipate Problems and Plan Ahead

Shelter staff must anticipate problems if they are sheltering a police officer’s wife or girlfriend. A police abuser has the power to set the entire criminal justice system in motion against the victim and anyone who helps her. **Knowledge of the criminal justice system can be used to manipulate it.** He may succeed in engineering an arrest or other action by claiming that she battered him, that she is a danger to herself or her children, that she is on drugs, that she is mentally unstable, or that she intends to abduct the children. She is particularly vulnerable to this manipulation if she actually does use drugs, is alcoholic, or is mentally ill.

If the police arrive at the shelter with an arrest warrant or a subpoena, the staff needs to know what to do. It is wise to get legal advice about these issues *before* this situation occurs. When advocates protect the victim’s confidentiality in defiance of a court order or police authority, they may be threatened with legal action for obstruction of justice, contempt of court, or harboring a criminal. This can occur in spite of a friendly and cooperative working relationship between advocates and police. Police and prosecutors may see their actions as necessary to uphold the integrity of the judicial process, while advocates remain committed to protecting the victim’s confidentiality and safety. Again, obtain legal advice from your agency’s legal counsel before a crisis occurs.

Where advocates and police do not have a history of cooperation, local police may harass staff members who refuse to cooperate with requests for information or attempts to serve a subpoena. For example, an abuser might allege that the victim has endangered or abducted the children, or that she is a danger to herself. This is an effective way to get the local police to assist him in tracking her

down. If the advocates refuse to cooperate by withholding information as to the victim's whereabouts, the police may threaten them with arrest for obstruction of justice.

The same tactics abusers use to intimidate their intimate partners can be used against advocates. Staff members should discuss possible strategies to protect themselves if this occurs. For example, advocates working with police domestic violence victims have experienced the batterer or sympathetic coworkers following them, making repeated traffic stops, and making harassing and intimidating phone calls to the agency or advocates' homes. A batterer may also be subtle but still threatening. An advocate in a rural Midwestern community describes helping a victim file an Order of Protection, then finding the officer husband in her office later that day, saying "I'm aware of the fact that you were in court today helping my wife."

Advocates may feel professionally threatened if the department tells the public that their agency is protecting a suspect or violating the law by defying a court order. The department may be able to apply political and financial pressure on the agency via its board of directors. It is critical to discuss these possibilities with the board and the staff and have a procedure in place before this situation occurs. If the board and staff cannot agree on how to handle a conflict with law enforcement, or if local political realities require avoiding conflicts with the police, the shelter would be wise to refer victims of police officers to another agency for service.

Civil Orders of Protection

[The police] said, “Do you understand now with the Order of Protection - if you call us, he’ll get fired? You’d better really understand that.” — A Survivor

The advocate recommended that I get a protection order. I couldn’t see myself getting one because I knew that when all was said and done, if I pursued that order then he would have reason to come after me ... [Other] officers knowing about it would mean he was “losing face” and that would put him over the edge. So I didn’t do it, even though it was highly recommended. — A Survivor

“I was very afraid of his reaction in the event I did obtain a personal restraining order,” Crystal Brame wrote in a March 25 declaration as part of the divorce. “In fact, I went to great lengths to try to not upset my husband initially because I was so afraid of his reaction.”¹¹

A Civil Order of Protection (OP)¹² is a valuable tool for many victims of domestic violence, but it is not a practical or safe option for every victim. An Order of Protection is effective only when the abuser recognizes that he is legally bound to obey it. He must also know that police, prosecutors, and the court will enforce the order.

When the batterer is a law enforcement officer, the victim’s decision whether or not to obtain an Order of Protection is complex. Depending upon the state in which it is issued, an OP can prohibit further threats and violence, grant her exclusive possession of the home and temporary custody of the children, order the abuser to stay away, prohibit disposal or destruction of property, and provide other supports for her safety. In some circumstances, a police department, child protection agency, employer, shelter or welfare worker might require her to obtain an order to prove that she has taken legal action to protect herself and her children. This requirement ignores the victim’s assessment of the OP on her safety, or of the potential negative consequences of relying on an OP to control the batterer.

In a rural community, seeking a protective order against a police officer or sheriff may be an even more daunting experience. Everyone in the court knows and works with the abuser: the prosecutor, the attorneys, and the judges. A rural judge may feel compelled to uphold the traditional values of the community. This may result in a denial of the protective order and the granting of child custody to the batterer if the judge believes that the victim does “not come up to the standards of traditional femininity or the ideal of motherhood.”¹³ If the victim receives a protective order, local law enforcement may delay or withhold service of the order.

¹¹ Karen Hucks, “Crystal Kept Divorce Case Quiet Matter,” *The News Tribune*, [Tacoma, WA], June 8, 2003.

¹² Different states call civil domestic violence protective orders by different names: Order of Protection, Order for Protection, Restraining Order, Emergency Orders. Throughout this manual, Order of Protection, Order, and OP will be used interchangeably. This section pertains to civil orders initiated by an individual “petitioner” (the victim). Criminal courts may also issue Orders of Protection, often known as “no-contact” orders, in conjunction with an arrest and conditions of release or probation. State laws vary as to the availability and extent of criminal Orders for Protection.

¹³ Neil Websdale, *Rural Woman Battering and the Justice System: An Ethnography*, Sage Publications, 1997, 146.

Advocates working with victims of officer-involved domestic violence must be fully aware of the possible negative consequences of civil protective orders. Take care to address the following questions as you work with a victim who is considering a protection order.

- Will the batterer view her action to obtain an order as an act of hostility and aggression?
- What does she think the abuser will do to her in retaliation?
- Will the batterer view her action to obtain an order a loss of control in the relationship?
- Will the OP be a catalyst for stalking behavior or a more serious attempt on her life?
- What might the abuser do to pressure her to drop the order?
- Will the local police enforce an OP against another officer?
- Will the court accuse the victim of using the threat to the officer's job as "leverage" in a divorce or custody battle?
- What would the batterer's reaction be if the news media discloses the protection order (as a matter of public record)?

Orders of Protection and Gun Laws

There is much confusion and misinformation about gun laws as they relate to police officers. Federal law prohibits anyone subject to an Order of Protection from possessing a firearm. The law gives police officers an **"official use exemption,"** however, meaning that a police officer is *allowed* to carry his service weapon *on duty*, even while subject to an Order of Protection unless one of two conditions applies: 1) either the Order of Protection specifically states that the respondent cannot carry a weapon at any time; or, 2) departmental policy prohibits him from carrying a weapon while subject to an order. Advocates must be familiar with their state's laws and the employing department's policies for possible gun restrictions related to Orders of Protection.

Because of potential consequences for his career, a police officer is likely to fiercely resist the victim's efforts to obtain an OP. Whether or not she has sought help from the department, civil orders are public record and will come to the department's attention. Possible professional consequences for the officer batterer include: loss of his assigned firearm and assignment to administrative duties; removal from specialty teams (e.g., Special Weapons and Tactics); and suspension or dismissal from the force. Advocates must be aware that protection orders are an action where **a victim's help-seeking may threaten the officer batterer's employment. Never underestimate the potential danger** in seeking an OP or other safety measures.

By policy, some departments require an officer to report any Order of Protection issued against him. Though mandatory reporting of an OP alerts the department that an officer may be a batterer, it may not result in any intervention. Regardless of the details of the abuse and basis for the order, administrators may see it as a marital dispute or a "he said, she said" situation that does not warrant any reassignment or disciplinary action for the officer.

Civil Court Procedures

Advocates must be clear with victims about the civil court process and the necessity of multiple appearances before obtaining a long-term order. A victim must understand that an initial or emergency OP is temporary. When it expires, she must return to court, with the abuser present, to request an extended order. The abuser will have the opportunity to appear before the judge and tell

his side of the story, and he will be prepared. The victim must be aware that he will likely deny all of the allegations and swear that he is not a threat to her. The abuser may use any of the following tactics:

- Promise again that he will change his behavior.
- Ask the judge to vacate the victim's temporary or emergency Order of Protection, claiming there is no basis for it.
- Request a "mutual" Order of Protection, claiming that the victim poses a threat to him.
- Attempt to coerce the victim to drop the OP by offering to pay child support and expenses.
- Intimidate the victim into dropping the order by threatening her, her children, or her friends and family.
- Subpoena her for a deposition with his attorney as a legal maneuver in fighting the Order of Protection, and any criminal charges pending against the abuser.

Though judges are accustomed to hearing respondents deny allegations, judges are not used to the respondents being law enforcement officers. When the respondent is an officer, the judge may be more reluctant to grant a long-term OP. Victims and advocates need to consider this when planning a strategy. If the judge denies the permanent order, it will reinforce the batterer's sense of immunity and entitlement. He may also use it later to show that the victim "has a history" of attempting to ruin his career through unfounded allegations. **Linkages between police and other agencies can limit intervention and getting a protection order may be difficult.** The judge may be reluctant to believe that an officer is a batterer, and the department may be ready to believe that the victim is exaggerating or falsifying their employee's violent and abusive behavior. Advocates and victims must discuss the impact and repercussions of obtaining and losing a civil protective order.

Administrative Orders of Protection

Law enforcement agencies have a degree of authority over officers, within the bounds of collective bargaining agreements and state law, which may provide a type of Order of Protection outside the civil or criminal court system. An Administrative Order of Protection "is a directive from a supervisor ordering an officer to refrain from particular conduct toward a particular person as a condition of continued employment."¹⁴ An Administrative Order of Protection is a direct order from the command level to refrain from specific conduct, such as going to the victim's home and workplace, or contacting the victim via phone, email, or a third party. It is enforceable by the department and if the officer violates the order, the department can discipline him for insubordination. Advocates should explore this option with victims, in place of or in addition to any civil order.

¹⁴ International Association of Chiefs of Police, *Police Officer Domestic Violence Concepts and Issues Paper*, July 2003, Section II-C, "Incident Response Protocols."

Calling 911: The Patrol Response

Soon after my call a Lieutenant and Sergeant came to my home. They helped [him] move all of his belongings back into the house. He showed them our home, all the remodeling we'd done. They stood around and talked about the power of the boat in our garage. Then they talked to me—they told me I had no recourse but to file for divorce
—A Survivor

When I called the police, he refused to leave...He waited until the police came, greeted them, showed his badge... The way they wrote it on the report isn't the way it happened. They said it was a verbal dispute, nothing about his coming in unwanted, knocking me around. — A Survivor

[Now] I don't even call. He always whips out his badge. It's a set-up. They protect their own — A Survivor

When a battered woman dials 911—or a frightened child, neighbor, or passerby—it sets in motion action by police, and perhaps prosecutors, that often goes far beyond her immediate need for protection. Beyond stopping the violence at that particular moment, a call to 911 draws the complexity of the criminal justice system into her life.

Consequently, many victims of domestic violence avoid involving the police. They have concerns about the impact of police intervention on their privacy, and the batterer's response. For example: a woman may not want to be embarrassed by having her neighbors know that she is a victim of domestic violence or tarnish the abuser's reputation in the community; a woman of color may be unwilling to turn to police if they have a reputation of racism and brutality; a woman living in an affluent neighborhood may find calling the police unthinkable because of the public nature of police response. When the batterer is a law enforcement officer, calling 911 means calling his fellow officers, **and the response to her 911 call may differ from usual policies and procedures.**

Police officers who batter make it clear to their victims that they are never to involve the department in their “personal problems.” Departmental policies and federal gun laws that could potentially end an officer's career increase the pressure on these victims to remain silent. Some victims eventually do call 911, however, because they fear for their lives. In other cases it is a household member, friend, or neighbor who calls the police.

Departmental Jurisdiction

Part of developing a safety plan with a victim of police domestic violence is listing places where the victim routinely goes and then identifying which department would respond to a call for help. For example, if she works in town A, her child's day care provider is in town B, her home is in town C, and her parents and friends live in town D, four different jurisdictions are involved in her safety. The victim and advocate can identify the four law enforcement agencies and become familiar with their domestic violence policies.

Ideally, advocates should have on hand the policies of all departments within the wider community, such as the immediate and surrounding counties, before being involved with a particular woman's case. Depending upon the size of the department and the batterer's rank or prominence, requesting a policy in the midst of working with a specific victim can draw unwanted attention. A better

strategy would be, as a matter of general operation, to contact all law enforcement agencies that have not provided policies, in the context of understanding the range of policies covering police response to domestic violence in your area.

Police response can differ depending on whether the responding officers are from the abuser's department or from another jurisdiction. It is important for the victim to know the responding department's policy and expectations. When officers fail to follow stated policy and protocol, the victim and/or advocate can follow up with the department and the victim may have grounds for a complaint.

If an incident occurs where the batterer's employing agency would answer the call, his coworkers will be the responding officers. Their personal relationship to the abuser, his rank, the policies of the department, and many other factors will influence how they handle the situation. If another police department responds to the call, there is still a possibility that the officers will know the abuser. Even if they do not know him, once he identifies himself as an officer they are likely to treat him differently than they would treat a civilian abuser. **Police culture and officer-to-officer relationships can limit the department's response and victim support.** Responding officers may be reluctant to believe that a coworker or friend is a batterer. They may be less likely to believe the victim and less sympathetic toward her, or they may feel conflicted between upholding the law and protecting another officer's job.

I don't worry about going to prison. I'm in prison all the time. He's the county sheriff. — A Survivor

Susan also noted it was common knowledge that the constable beat his own wife and that confronting domestic violence was not part of his "calling" as a law enforcement officer.¹⁵

For a victim in a rural community, reporting to the police may be out of the question because of her isolation and because of the officer's power in the community. There is also the possibility that many people know about the abuse and ignore or justify the officer's violence by shifting the blame to her. ("She runs around." or "She drinks too much." or "She's just out to get him.") While it is unlikely, an advocate can inquire whether an agency with statewide jurisdiction, such as the attorney general or state police (in some states), would investigate if the victim made a complaint and the abuser's department refused to take any action.

Victim Support

Advocates should discuss with victims the potential problems she might encounter with responding officers:

- They may be the abuser's friends or colleagues.
- They may focus on the "officer in trouble" rather than the victim in danger.
- They don't want to be there; it is an embarrassing and awkward situation.

¹⁵ Websdale, 103.

- They may resent being involved in an officer's personal life.
- They may try to talk the victim out of pressing charges.
- They may write the police report based on the abuser's account of the incident.
- They may threaten to or arrest the victim.
- The large number of officers who tend to respond to an officer-involved call can be very intimidating and overwhelming to the victim.

An advocate working with a police victim can also help prepare her by reviewing what she can do if the police have been called. This kind of information will help her deal with the ways in which police culture can interfere with law enforcement intervention. Key points and strategies include:

- Try to get the police report number, the names, and badge numbers of responding officers.
- Insist that the responding officers call a supervisor to the scene. Many departments require this by policy. The presence of a supervisor can help counter any conflicted feelings between upholding the law and protecting a fellow officer's job.
- Provide an accurate account of what happened, including if she had been drinking or used physical force against the abuser in reaction to his behavior or because she felt threatened. If she does not provide a complete account of events at this point, any inconsistencies that emerge later will hurt her credibility or could lead to her arrest.
- As soon as possible after the incident, write down everything she can remember about the incident, in the event that police reports are incomplete or cannot be located at a later date. Her account should include who was present (including children and other witnesses); what all parties present said and did; any threats, physical attacks, and property damage; the cause and extent of any injuries; and what the police said and did when they were there.
- If possible, photograph the scene and ask someone to photograph any bruises and other injuries, if photographs have not been taken by responding officers and/or by the emergency room or her physician. Keep the following factors in mind when compiling a photographic record of the incident.
 - Photographs of bruises should also be taken two to five days following the incident because bruises darken with time.
 - The photographer should not be a family member or friend that the defense could portray as biased.
 - The person who takes the pictures should process them with a date and time stamp and sign them.
 - Photograph any damaged furniture, holes in walls, damage to her car, or other property damage.
- Keep notes, photos, and other documentation somewhere other than her home, car, or where the abuser can get access. Alternatives include a locked cabinet in the advocate's office, a safe deposit box, or with her attorney.
- If the abuser is the highest-ranking officer in the department, determine whether responding officers have informed whomever he reports to, such as the mayor. Unlike a chief of police, an elected sheriff does not report to a mayor, city council, or police commission.

A victim of domestic violence should not have to collect her own evidence and provide her own documentation, but when the batterer is an officer, **saving her own documentation is important**. While it may not be necessary in some jurisdictions, in many it will help counterbalance the strong influence of police culture, officer-to-officer relationships, and relationships between the police and

other agencies that can influence the breadth and quality of intervention. Once the immediate opportunity has been lost to assemble this kind of documentation, it is difficult to reconstruct.

It is unrealistic to expect that the victim of a police officer batterer will be in a position to take these steps without strong advocacy support. **Use your most experienced advocate.** It is critical that the advocate understand the pressures both she and the victim face and the practices and politics of local law enforcement agencies.

Notifying Supervisors or Command Staff

Responding officers may or may not notify command staff that there was an incident. This depends partially on the policy. Since most departments do not have a policy specific to officer-involved domestic violence, officers use their discretion on how to handle the call. They may extend “professional courtesy” by not filing an official report, by not collecting evidence at the scene, by not making an arrest, or by not notifying their supervisors or the abuser’s supervisor of the incident.

If the responding department has a policy regarding officer-involved domestic calls, the policy relieves the responding officers of the peer pressure to handle the case informally. The policy dictates what the officers must do if they do not want to risk being disciplined for failing to respond or for covering up for the abuser. Policies usually require that responding officers call a supervisor to the scene. The supervisor takes charge of the investigation and notifies the chain of command and directs officers to make an arrest if there is probable cause.

Arrest

Whether or not the police make an arrest depends on numerous factors, such as state and local laws; the department’s official policy; the severity of the incident; the evidence supporting probable cause; the historical response to officer-involved domestic violence; and the unofficial policy.

The victim of a non-police or “civilian” batterer often receives encouragement and support from the police and the prosecutor to cooperate in pursuing charges. The victim of a police officer is more likely to receive pressure not to pursue charges. There may be a blatant or a subtle threat to her safety if she chooses to cooperate with the investigation and the prosecution. Many, if not most, victims of police officers are intimidated and terrified into recanting their statements. **Linkages between police and other agencies can limit intervention.** The prosecutor may be reluctant to believe that an officer is a batterer. The prosecutor who files charges may be stymied by resistance and a lack of police cooperation, reports, investigation, and evidence collection.

Advocates must be constantly aware that **knowledge of the criminal justice system can be used to manipulate it.** Officer batterers have detailed knowledge about how the criminal justice system works, know the people who work in the system, and know how to use the system against the victim.

The Police Report

The police report is a key factor in the prosecutor’s decision to pursue charges. A well-prepared report clearly identifies all parties present at the time of the incident (including children and other

witnesses); provides an account of events from each party present; includes the officer's observations of the scene; and summarizes the officer's actions, i.e., arrest, no arrest, or an attempt to locate the suspect, and reason for the action. It is important that the victim reads the police report to verify that it is an accurate representation of her experience. This guards against any discrepancies between the batterer's account of events and hers, plus any tendency the responding officers may have had to cast the incident in a way that is favorable to their colleague. If the report is inaccurate, the victim should request that the department amend the report to include her account of the incident.

Access to the police report will vary across jurisdictions. Some police agencies or prosecutors readily provide a copy of the report to victims. Other departments and prosecutors may provide a copy of the criminal complaint, but not the report, because of concerns about the ways in which defense attorneys may use familiarity with the report to discredit the victim.

Batterer Retaliation and Manipulation

Of about a dozen domestic-violence incidents involving Tacoma officers that were detailed in court documents in the past decade, seven involved male police officers filing for protective orders against their wives or girlfriends. None of the women were convicted of abuse.¹⁶

A police officer batterer can be adept at turning the tables and persuading coworkers and the courts that he is really the victim. A battered woman who fights back or otherwise resists his control is particularly vulnerable to being arrested or finding herself the object of a protection order. **The abuser's profession confers credibility and knowledge of the criminal justice system can be used to manipulate it.** Even if the prosecutor declines to prosecute an arrest, the batterer has gained considerable advantage by demonstrating to the victim how easily he can set the system in motion against her by claiming that *he* is the victim.

Just as with victims of non-police batterers, the charging and arrest of a victim puts her at increased risk and poses a myriad of other serious problems. She may not be eligible for services at her local domestic violence agency because the program may be prohibited from providing services to a defendant in a criminal case. Since she may not be able to afford to retain legal counsel or be unable to find an attorney who will accept a case in which the plaintiff is a police officer, she is extremely vulnerable. The lack of adequate legal counsel and desire to end the ordeal quickly may lead her to plead guilty or accept a plea bargain, even when the charge would be dismissed under closer scrutiny.

If you are working with a victim of police domestic violence where the batterer has threatened to have her arrested or has succeeded in engineering her arrest, you must explain to her that having a criminal record may have serious long-range consequences. If she is charged with a crime, she needs to know the ramifications of pleading guilty or negotiating a plea. A criminal record could affect the outcome of a custody case, limit future employment options, make her ineligible for public benefits

¹⁶ Maureen O'Hagen and Cheryl Phillips, "The Brame Case: When a Wife's Abuser Is a Cop, Who Can Help?," The Seattle Times, May 9, 2003.

and public housing, and revoke her right to vote or hold public office. The National Clearinghouse for the Defense of Battered Women (800-903-0111, Ext. 3) has expertise in the issues facing victims of domestic violence who are charged with crimes and/or incarcerated. Advocates, victims, and attorneys can obtain technical assistance and advice from The Clearinghouse

Another strategy to consider is asking that an outside agency help with or conduct any investigation involving a police officer. For example, a city police department may investigate cases involving a deputy on the sheriff's department, or vice versa. It is common for law enforcement agencies to request that kind of review in other crimes or allegations of misconduct against officers. Or, a state-level agency, such as an attorney general's office, may be an option, particularly in a high-profile case involving a police chief or sheriff. Assessing whether this is an appropriate strategy will require a good understanding of the local political landscape.

Prosecution

My husband continued his court date again for the fourth time and did not take diversion. Which means I guess, he will go to trial in April and it looks like I will have to testify ... on my own behalf ... and I'm scared to death of this man. — A Survivor

I feel like I'm in this thing alone and the prosecutors, advocates, and the rest of that special domestic violence unit just don't get it. — A Survivor

Every state has laws that make it possible to prosecute those who assault their intimate partners, and prosecutors have wide discretion in deciding whether or not to proceed with charges after an arrest. Criminal justice reform efforts in many jurisdictions have encouraged evidence-based prosecution as an approach that stresses the state's role in holding the offender accountable, rather than expecting the victim to take on the responsibility of deciding to “press charges.” In its best form, in the context of strong victim support and advocacy, evidence-based prosecution means coordinated efforts between police and prosecutors to conduct thorough investigations that maximize pre-trial guilty pleas and minimize the need for victims to testify. In its worst form, prosecutors coerce victims into testifying via subpoenas and threats of jail for refusing to cooperate, with little regard for their safety and well being.

As with police response, victims have mixed feelings about the degree of intervention that occurs—or does not occur—with prosecution in general. Some are eager to see the prosecutor step in and feel discounted and betrayed if the prosecutor does *not* pursue charges. Others know that prosecution will not improve their safety, and it might put them more at risk, particularly when pursued in isolation from adequate victim support and offender monitoring. Even when a victim sees prosecution as helpful, under the best circumstances it can be an intimidating and time-consuming process. When the officer is a batterer, the uncertainty and complexity involved for victims and the safety considerations multiply.

In working with police domestic violence victims, advocates must be clear that **prosecuting a police officer involves many obstacles**. They must provide accurate, accessible information about what is likely to happen and the complexities of pursuing charges when the officer is a batterer. Advocates must be aware that **linkages between police and prosecutors can limit intervention, the officer batterer's knowledge of the criminal justice system can be used to manipulate it, and his profession confers credibility**.

Victims have reported the following experiences when their case was prosecuted:

- The abuser's attorney attacked her credibility (i.e., she was lying or she attacked him), particularly in comparison to his standing as a law enforcement professional.
- Other officers allowed their loyalty to the batterer to distort their testimony about the incident.
- The officer/abuser presented himself well in court because he was in familiar and comfortable surroundings and had experience testifying in other cases.
- The judge or jury responded more favorably to the abuser's testimony because of his professional standing and experience.

When the victim is engaged in the prosecution and willing to testify, it is the advocate's role to explain what the process involves and the possible outcomes. The victim needs as much information as possible to prepare for what is likely to be a long, disruptive, and emotionally difficult experience.

The victim should anticipate that the abuser, and possibly his friends in the department, will try to intimidate her into recanting her statement or refusing to testify in court. She should immediately report this conduct to the prosecutor, document it, and report it to the police. The prosecutor may decide to file additional charges of harassment or intimidation of a witness.

My ex was allowed to be there in police uniform, claiming he had to work, also wearing his duty weapon until finally the bailiff had to tell him to remove it ... [He] and his supporters were allowed to laugh at me throughout the whole ordeal. — A Survivor

In the courtroom, an officer batterer can have extensive support that a victim is likely to find intimidating. In addition to his defense attorney, this might include an entourage of officers to show their solidarity and to put pressure on the prosecutor, judge, jury, and victim. There may also be representatives from the union and the department who may or may not actively support the defendant, but whose presence adds to the victim's sense of being overwhelmed. An advocate can help the victim prepare for this kind of courtroom atmosphere.

Part of the advocate's role is to provide a counterweight to the advantage that an officer defendant has because of his profession. While many prosecutors provide excellent support to victims, some do not. In addition, the prosecutor's role is to represent the state, not the individual victim. A community-based advocate may be the only "official" person in the courtroom who is there solely to protect the victim's interests. The advocate is there to make the victim's wishes and concerns known to the prosecutor, provide emotional support, and interpret the legal jargon that prevents those outside of the legal system from understanding what is happening. In addition, the advocate can assist the victim in bringing friends, family members, and other allies into the courtroom.

We have recanting victims, victims who are easy to impeach... There are threats, and we can't promise victim safety... There's that brotherhood of cops thing going on... [Victims'] fear that the system can be co-opted by the perpetrator is pretty real. There's a chilling effect.¹⁷ — Barbara Flemming, King County (WA) Deputy Prosecutor

When the victim is reluctant to be involved, but the prosecutor chooses to pursue charges, an advocate's support is critical. Because of the characteristics of officer-involved domestic violence, a prosecutor might proceed against the victim's wishes, even when she refuses to testify. It might be a severe incident with strong evidence and high risk to the victim and the community. The prosecutor may also be responding to public pressure to hold police officers accountable for criminal conduct, particularly in a domestic violence case that has received media attention. The employing law enforcement agency may also want to see the officer tried and convicted.

¹⁷ Teichroeb, "Clean Up Your Act."

The victim, on the other hand, may have compelling reasons for wanting to avoid criminal prosecution. Uppermost, she may fear further violence and retaliation against herself, her children, or her friends and family. She may know that the strongest deterrence to future violence is the abuser's fear of losing his job, which will be jeopardized by prosecution and conviction. Or, her reluctance may rest on the complexity of everyday life, including the need for financial support and health insurance, the desire to save her marriage, his relationship with his children, and reluctance to harm his career.

When a prosecutor does not respect a victim's wishes in a dangerous situation, it will be very difficult for an advocate to be effective, particularly if she lacks allies in the wider community. A veteran prosecutor provided the following advice when asked what an advocate could do when a prosecutor was bent on proceeding without consideration of the victim's fears and the impact of prosecution.

My first response is "good luck" ...I think in every situation you have to look to the politics of the community. Where is the power and who or which agency has the most influence? An advocate without allies in a CCR [coordinated community response] will have less effect with a "determined prosecutor." If it is a community with assistant prosecutors, I would work my way up the supervisor scale before going to an ally in the CCR. As with all [domestic violence] cases, people who are in power have a difficult time understanding people without power. I believe that it is only when they are asked (and pushed on) how they will guarantee the safety of the victim for the rest of her life, that they can begin to understand how "even they" cannot protect her. I think that training and political pressure to understand the dynamics of the issue are our only tools. Every interaction that an advocate has with law enforcement, prosecutors, judges, probation officers, etc. should be seen as a training opportunity.¹⁸ — Judith Munaker, a Wisconsin Prosecutor

When the State is reluctant or refuses to press charges, the advocate's role is to explain the realities of prosecutorial discretion in officer-involved domestic violence. The credibility of the officer's profession, plus the ongoing working relationships between police and prosecutors can limit intervention. Prosecutors and police officers often have close friendships and socialize together or may be related, particularly in rural communities. In addition, prosecutors are reluctant to commit their time and resources to a case they anticipate losing, and officer-involved cases present many challenges for successful prosecution.

It can be difficult for the prosecutor to meet the criminal court burden of proof in a case involving a police officer. Even with strong evidence, such as medical documentation of injuries, photographs of bruises, 911 tapes, and police reports, judges and juries can resist finding police officers guilty of domestic violence.

In cases where the responding and investigating officers are reluctant to actively help the prosecution – or may be deliberately obstructing it – the prosecutor will have difficulty succeeding.

¹⁸ E-mail correspondence with author.

Prosecution

Prosecutors need the cooperation of the police to investigate, collect evidence, and prepare reports that establish proof of any crime. Officer-involved domestic violence often means officer silence.

The victim of a police officer batterer is often too scared to cooperate with the prosecution, and may withdraw or recant her account of the incident, adding to the difficulty of proving the case. When she *is* willing to testify, the prosecutor must try to counteract the officer's professional credibility and knowledge of court processes and procedures. The officer may have a sterling reputation in the department and the community, and it is likely to be the officer's word against the victim's.

The prosecutor may also be under political pressure to avoid the case, particularly if there appears to be little public support for prosecuting the officer, risk of losing campaign endorsements, or a clash with the mayor.

Batterer Intervention

Sadly, however, what he said in public differed significantly from what he said behind closed doors at our couples therapist; there he cried, apologized and wailed about his shortcomings. Still, he couldn't seem to accept his responsibility for the abuse, claiming that I had "made" him do it. — A Survivor

When a police officer batterer enters a batterer intervention program, it is usually involuntary, either ordered by the department as a condition of continued employment or as a condition of sentencing or pre-trial diversion.

The IACP recommends that departments make it easy (and acceptable) for an officer who suspects or knows he has a potential problem with violence toward his intimate partner to voluntarily seek help. Unfortunately, it is rare that a batterer sees himself as having a problem. There is also a widespread stigma against counseling among law enforcement officers, reinforced by a police culture that values self-discipline, toughness, and invulnerability.

Officers often resist seeking help for fear of losing their jobs, being demoted, or having their personal problems exposed for public ridicule. These common systemic reactions must be overcome before any successful intervention can take place. Many officers feel that referral to a mental health professional would mean the loss of their jobs. Police supervisors have a similar value system and because of this belief, they often fail to take the appropriate action.¹⁹

Law enforcement officers do not trust that Employee Assistance Programs are confidential. They know that information about counseling or treatment in personnel records could ruin their chances for promotion or special assignments. Seeking help raises fears of being placed on administrative or medical leave or being found unfit for duty, and losing their careers. Many officers also have a general lack of respect for psychologists, psychiatrists, and counselors.

When an officer batterer is mandated to counseling, it is likely to be framed as a problem of stress, temper, anger management, or poor impulse control, rather than battering.²⁰ If he goes to a general counselor or therapist without expertise in domestic violence, the violent behavior and patterns of coercion, control, and entitlement may not even be acknowledged.

Police officers who batter their intimate partners typically excuse their behavior by blaming the stress and danger of the job, the impact of rotating shifts, and the desensitization and callousness caused by the demands of police work. Other work-related excuses include frustration with the administration, frustration with the legal system, and the tendency to bring home a sense of entitlement to authority, to "being obeyed."

¹⁹ Dell P. Hackett and James T. Reese, "Law Enforcement Suicide: The Supervisor's Guide to Prevention and Intervention," *Suicide and Law Enforcement*, eds., Donald C. Sheehan and Janet L. Warren, FBI Academy, (Washington, DC, 2001) 99.

²⁰ Battering is a pattern of coercive control over an intimate partner, reinforced by physical and sexual abuse, intimidation, and threats. It is graphically represented by the *Power & Control Wheel* familiar to advocates, adapted in Appendix A for officer-involved battering: *Tactics of Power & Control When the Abuser Is in Law Enforcement*.

Because police work *is* often demanding and stressful, and officers are expected to maintain control of the situations they encounter, anyone working with an officer batterer must be particularly skilled at batterer intervention and have a sound understanding of the dynamics and tactics of battering. It is very easy to sympathize with an officer who has been working overtime, working nights, cleaning up after car wrecks, and having people curse, spit, and throw up in the backseat of his patrol car. It is even easier to sympathize with that officer when he says, “I didn’t mean to do it, but I’m so stressed out. And, my wife’s been sleeping around (or) drinking too much (or) she’s kind of crazy.”

Batterer Intervention Groups

It is widely accepted among those who respond to battering that a well-facilitated education group with other batterers is the most appropriate type of intervention with abusers. When the batterer is a police officer, there is debate about whether he should attend a group exclusively with other police officers, or a public group.

Proponents of “police-only” groups emphasize that police officers will resist attending a group with the public and will not actively participate. A police-only group also makes it more possible to challenge job-related excuses for their violence at home. It is also necessary because a police officer’s authority would be undermined if he were in a group that includes individuals whom he has arrested. Supporters of police-only groups contend that educational material used in general groups can be tailored to address the police culture and include the power and control dynamics of policing.

Critics of restricted groups emphasize that they only reinforce a sense of elite status and entitlement and suggest that police officers are different than “ordinary” abusers. There is also the risk of collusion among group members, rather than accountability, and reinforcing of battering tactics, if not learning new ones. Voluntary all-officer groups can also diminish an emphasis on domestic violence as a criminal offense.

Whether or not an officer batterer is in a mixed or police-only group is usually a moot point, however. In most areas of the country, and in most departments, there would not be enough officers at any given time to run a group exclusively for police officers. In addition, most officer batterers do not voluntarily attend counseling, and union contracts may prevent a department from mandating an officer to attend a group. Finally, if counseling is ordered by the court after a conviction, the officer will have already lost his ability to carry a weapon, and will most likely no longer be employed as an officer.

Advocates should stress that even though her partner is in counseling, genuine change, if it occurs at all, takes time and effort, and that she must not let her guard down too early in the process. It is not safe to base her decision to continue living with the abuser on whether he attends a batterer intervention group. A police officer batterer whose job is at risk, may become more violent, or simply change his methods of abuse and use more subtle tactics. He may use the group or other intervention as evidence to the department that he is addressing his problem.

As an advocate you can inform the victim that there is limited research or information about the long-term results of abuser counseling.²¹ Linda Rowlett, MA, who has worked with abusers for fifteen years, recommends that the victim of a police officer ask herself the following questions when trying to determine whether her partner is sincerely committed to stopping his abusive behavior:

- Does he regret what he did because he hurt you, betrayed you, and caused you to fear him, or because of the consequences to his career and his reputation?
- Does he accept full responsibility for his actions or does he blame you, others, or the stress of the job?
- Is he seductive in terms of trying to elicit sympathy because he feels so badly?
- Does he complain that you, the department, the judge, the attorneys, or his counsel is holding him to a “higher standard” because he is a police officer?
- Does he believe that he is “different” from the batterers he arrests?
- What is his attitude toward responding to domestic violence calls on the job?
- Is he more aware of other men’s disrespectful and abusive behavior toward women and is he willing to confront it?
- Is he willing to keep all his weapons outside the home?
- Does he demonstrate a willingness to do whatever it takes to change his behavior, including attending a counseling group for civilian batterers?
- Would he respect your decision to terminate the relationship?

²¹ For additional information about batterer intervention programs, go to Violence Against Women Online Resources: www.vaw.umn.edu/library.

Suicide and Lethality

Advocates must always consider officer-involved domestic violence a high lethality risk for the victim and the abuser. Several studies show that twice as many officers die by their own hands as are killed in the line of duty.²² Others suggest that marital problems, internal investigations, and job suspensions are significant predictors of officer suicide. An officer experiencing marital problems was 4.8 times more likely to have attempted suicide. If job suspension was reported, the rate of attempted suicide was 6.7 times that of officers who were not suspended.²³

When an intimate relationship is ending and the victim (or someone else) reports the abuse to the department, these risk factors – relationship problems, internal investigation, and job suspension – coalesce. Though no statistics exist on the number of officers who commit suicide or homicide/suicide while under investigation for allegations of domestic abuse, **advocates must not underestimate the danger**. In a domestic violence investigation, the officer is simultaneously losing control of his career and of his intimate partner.

In writing about police suicide, police psychologist Daniel Goldfarb has developed a checklist to help in assessing an officer for suicidal tendencies.²⁴

Problems at work related to police officer suicide:

- Is the officer on suspension?
- Have the officer's weapons been removed?
- Is the officer's job in jeopardy?
- Has the officer recently been transferred?
- Has the officer suffered a recent loss of prestige?
- Has there been a change in work performance?
- Is the officer getting a poor reputation among peers?
- Does the officer fear humiliation and or being ostracized?

Problems in relationship with intimate partner and family related to police officer suicide:

- Is the officer experiencing marriage or relationship problems?
- Is the officer having an extramarital affair?
- Is the officer separated, or is the separation process starting?
- Is the officer divorced or has the relationship recently ended, and was it initiated by the intimate partner?
- Has the officer limited or decreased quality time with children (where applicable)?

The more *yes* answers, the more alert the assessor (and the department) should be to suicide risk. Many of these features describe the situation of an officer batterer whose behavior has been

22 National Police Suicide Foundation, www.psf.org and Policestress.com, www.policestress.com/wsn3AAE.html.

23 Daniel A. Goldfarb, "Themes of Police Suicide: An Analysis of Forensic Data, Media Coverage, and Case Studies Leading to a Protocol of Assessment and Treatment," *Suicide and Law Enforcement*, eds., Donald C. Sheehan and Janet L. Warren, (FBI Academy: Washington, DC, 2001), 213.

24 Goldfarb, 211 – 221.

reported to the department, or whose partner is making moves to end the relationship. A batterer's suicide threats, along with gun ownership or access and the victim's plan to leave, are also among the risk factors associated with domestic violence homicide.²⁵ An officer batterer has ready access to firearms, and an internal investigation threatens his employment and identity as an officer.

Advocates must take care with victims to explore whether the abuser is using his police training, tactics, and equipment to intimidate and terrorize her and review the process, implications, and safety concerns associated with an internal investigation. Advocates must ask about suicide threats, as well as threats to kill, and emphasize the danger of suicide threats.

Removing Weapons

Whether and when to remove an officer batterer's service weapon, and other firearms owned by or accessible to him, is a more complicated decision than it appears at first glance. Removing guns from a batterer seems to be common sense, but some research by police psychologists concludes that removing the officer's weapon may only exacerbate the risk of suicide, because of its association with loss of career and identity as an officer.²⁶ Whether this extends to domestic violence homicide, however, is unknown. Police domestic violence homicides and homicide/suicides always raise questions about the department's failure to remove the officer's access to guns.

The IACP Model Policy recommends that in the event of an arrest, the on-scene supervisor "relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding department" [Section C4(h)]. It also recommends that "where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be seized for safety reasons." Where an arrest is not made, the commanding officer is to "inquire whether the victim wants any firearms removed from the home for safekeeping by the department" [Section C4(j)].

The difficulty in determining whether or not removing the weapon enhances or diminishes safety speaks to the importance of grounding any response in the victim's experience and a thorough consideration of the homicide/suicide risks.

Investigation, Discipline, and Termination

A department responds to a complaint of domestic violence by opening an internal investigation and, if warranted, a criminal investigation. **An internal investigation is extremely threatening to the officer and is a dangerous period for the victim.** The threat of being investigated and found guilty (administratively or criminally) may be enough to escalate the abusive officer to the point of homicide and suicide. As the IACP *Concepts and Issues Paper* notes, "as the consequences of being held responsible for his/her behavior (the potential loss of employment coupled with the loss of

²⁵ See, for example, the Danger Assessment instrument developed by Jacquelyn C. Campbell, available at www.son.jhmi.edu/newsevents/news/newsarchive.aspx?id=126. Other information about lethality assessment can be found at Violence Against Women Online Resources: www.vaw.umn.edu.

²⁶ Mary E. Myers, "The Suicide Funnel: A Training Aid for Law Enforcement Instructors," Sheehan and Warren, *Suicide and Law Enforcement*, 268.

control over the intimate partner) become apparent, an abusive officer may escalate behavior to extreme acts of violence such as abducting the victim, taking hostages, and committing homicide and/or suicide.”²⁷

The potential volatility of an officer faced with investigation and termination is the reason some advocates question the advisability of a broad zero tolerance policy that requires dismissal for any act of domestic abuse. While this makes sense – police agencies *should not* tolerate domestic violence in their ranks – it can also have negative consequences for victim safety for some victims, and advocates must be alert to that possibility. Faced with dismissal for any act of domestic violence, regardless of the degree or context, an officer batterer may decide that he has nothing more to lose. Contrary to its intentions, a policy of zero tolerance might in some circumstances further increase the risk to the victim and the batterer.

²⁷ IACP *Discussion Paper*, July 2003, Section D3.

When the Victim Is an Officer

My supervisor said, "You two are police officers. You guys should try to work this out and stop arguing. Why don't you two just knock it off?" — An officer victim of domestic violence

"I'm afraid of the police," she says. "And I'm a cop."²⁸

*"We are afraid of the police department. We are afraid of retribution. I want to speak out, but I can't."
— An officer victim²⁹*

Little did I know then that my Academy training would become a target and his method of operation for all of the future attacks on my body and mind. "Show me what they taught you," he would say as he would shove me in the chest. "You work in a man's world. You wear a man's uniform. You do a man's job. Show me what they taught you," he would taunt. — An officer victim

Female police officers face an ongoing struggle for acceptance and respect in the male dominated profession of policing. In most jurisdictions, women are few in number and may be the only female officer. Only 12.7% of the officers in larger police agencies (100 or more officers) are women.³⁰ To win acceptance and respect, they are continually required to demonstrate that they can handle a "man's job." In this environment, a female officer who is being abused by her intimate partner feels a great deal of pressure to hide what is happening. She knows that disclosure of the abuse will prompt an investigation that may damage her reputation and her career.

Besides fear of retaliation from the abuser, an officer victim fears that others will not believe that a woman who is armed with the institutional power of the police is a victim in her own home. The stereotypes of the police officer and that of the battered woman are contradictory: the officer is aggressive and in control; the battered woman is submissive and passive. The battered police officer defies both stereotypes.

The abuser, whether a civilian or an officer, is likely to see the victim's career in policing as a threat to his power and control over her. The job provides her with status, financial independence, security, and authority. The abuser may be heavily invested in destroying her career, and one of the most effective ways is to attack her credibility by claiming that she is lying about the abuse, or that she is "crazy."

The far-reaching effects of abuse may serve to make the abuser's claims feasible to some in the department. Besides physical injuries caused by the violence, the emotional, psychological, and sexual abuse all wreak havoc with her physical, psychological, and emotional health. She may take excessive leave time or frequently be late for work. She is forced to make excuses for her time off or her tardiness or her physical injuries. She is likely to have little hope that she can escape the situation

²⁸ Kathy Braidhill, "A Deadly Force," *Los Angeles Magazine*, October 1997, 132.

²⁹ Braidhill, 68.

³⁰ *Equality Denied: the Status of Women in Policing, 2001*, at www.womenandpolicing.org/statusreports.html.

on her own, yet she knows that telling anyone at work about the abuse means repercussions on the job.

Advocates must be sensitive to the many reasons it is difficult for a female officer to seek help from family, friends, and/or local service providers. In addition, advocates must understand the potential negative consequences the victim may face if she reports the abuse to her superior officers.

Departments that have a policy addressing officer-involved domestic violence vary in their consideration of officers who are victims. While intended to protect the victim from harm and the department from liability, some policies have unintended negative consequences for officer victims. Policies that mandate the victim to report the abuse she experiences, mandate her colleagues to report knowledge of her situation, and mandate the petitioner of an Order of Protection to report the action may prevent some victims from seeking help.³¹ Advocates should be alert to this possibility.

Limited Options and Multiple Barriers

If an officer victim wants counseling or shelter, she will probably seek help in another community where she can maintain anonymity. There are many barriers to using services in her home community:

- The abuser, if also an officer, knows the shelter location, and may know the advocates and other staff.
- She does not want to put staff or other victims and their children at risk by staying in the shelter.
- She may not trust that her identity and experience will be kept confidential.
- She is professionally embarrassed to be seen as personally vulnerable. She fears that people will lose confidence in her professional ability to protect them.
- She remains protective of the abuser and the police department's reputations.
- She fears that zealous advocates will pressure her to make a complaint against the abuser because he is a police officer.
- She fears that the relationship between the police department and the domestic violence agency will bias the advocates.

The victim may not want to open her life to scrutiny by her employer. She may not intend to terminate the relationship with her intimate partner. By failing to report previous incidents, she may have violated the department's mandate to report the abuse and fear that her job is now jeopardized if she seeks help. She may not want to put her colleagues in the position of having to report the abuse. She might fear that superiors and other officers will doubt her ability to function as an

³¹ The April 1, 1999, version of the IACP Model Policy, for example, required that "Officers with definitive knowledge of abuse and/or violence involving fellow officers must report such information... failure to do so will subject the officer to investigation, disciplinary action, and possible sanction and/or criminal charges" [(6)(b)] and "officers who fail to cooperate with the investigation of a police officer domestic violence case will be subject to investigation, and possible sanction and/or criminal charges [(6)(e)]."

officer, particularly if the department is likely to order a fitness-for-duty evaluation that also becomes part of her permanent personnel file. She may be ordered to attend counseling, which has a similar stigma and consequence for her employment record. Supervisors may place her on administrative or medical leave. She may be ordered to cooperate with an investigation that is likely to be more focused on shielding the department from liability than supporting her and holding the abuser accountable.

When the abuser is a “civilian,” others may doubt that he can dominate, coerce, or batter a police officer. He may be particularly adept at using the victim’s professional status to convince interveners, such as advocates or responding officers or a prosecutor, that the officer is really the abuser. He might threaten the victim, then accuse her of aggression when she responds with professional methods of self-defense. He knows that accusations of use of force can threaten her job. When the victim is an officer, the abuser knows that if he can get an Order of Protection, he can threaten her career.

There are additional complications and barriers to intervention when the victim and the batterer are both law enforcement officers. If they are employed by the same agency, reporting the abuse exposes the victim’s private life to intense scrutiny. She is very aware that she is likely to damage both of their careers by proceeding with a complaint. The abuser is likely to apply relentless pressure and threats to make her recant or to reconcile and withdraw her complaint. When the victim and abuser are both officers, risk factors multiply. Both have been trained to use weapons and tactics that can be used to attack another and defend oneself.

If she goes to the department for help, she will most likely be shunned by colleagues for breaking the “code of silence” against informing on another officer. If there is little independent information, such as corroboration from witnesses or family members, her report will be treated as “she said, he said,” her word against his. By being a female officer she is already the *other* in the organization and is unlikely to have the same credibility as a male officer. Some officers may directly condone the abuser’s behavior and collude with the abuser to interfere with the investigation or intimidate and harass her. She may become increasingly isolated and not be able to count on other officers to back her up on the street.

She may be ordered to cooperate with any internal investigation. If she tells the investigator everything, she risks disciplinary action for both herself and the abuser. If she withholds information that investigators discover later, she loses credibility and may face discipline or termination. If she refuses to cooperate, she can lose her job. If she cooperates, she can lose her job.

If the abuser is another female officer in a lesbian relationship, the victim faces another layer of barriers to seeking help. Most communities have few or any resources for lesbian victims of battering. Where they exist, the abuser may contact the advocacy organization and convince staff that *she* is the victim. Responding officers and others may label the situation “mutual combat,” assuming both parties have equal power in the relationship, as lesbians and as officers. If she is not already open with her coworkers and others, she may fear that the abuser will disclose their relationship and her sexual orientation. This can be a powerful tactic of control by the abuser. Being “outed” may impact a divorce or custody action. Supervisors, colleagues, family, and friends may reject the victim, or feel betrayed or let down because she was not open with them about her sexual orientation.

Safety Planning and Advocacy

The officer victim and her advocate can request that the police department develop a safety plan for her, both on and off duty. This should include a thorough risk and lethality assessment. It might also include allowing the victim to take a leave of absence without loss of pay or seniority. Every effort must be made to ensure that the safety plan does not punish the victim with loss of status, loss of pay, or unnecessary inconvenience or hardship.

Where the abuser is also a law enforcement officer in the same agency as the victim, the safety plan should include measures to separate the victim and abuser on the job. It might include an Administrative Order of Protection against the abuser and/or transferring the abuser to a different shift or assignment, or reassigning the victim (without a loss of pay or seniority). The safety plan might include assigning another officer to ride with the victim and/or the abuser while on duty to prevent intimidation or stalking. Off duty, the department can place the officer victim on a drive-by watch, with her permission.

The information throughout this manual will be useful to many victims who are police officers. There are additional considerations that advocates must be aware of, however, particularly regarding counseling, calling the police, and pressing charges as well as separation violence and stalking.

If the department mandates the victim to get counseling, the advocate can support her request to receive counseling at the local domestic violence agency instead of through an Employee Assistance Program, department counselor, or department chaplain. A counselor who has expertise in domestic violence issues will help keep the victim's safety and well being as the focus and first priority. In addition, the victim's confidentiality is protected as the counselor does not report to the department.

A Civil Order of Protection can be an effective method of warning an officer who is abusive to restrain from further violence. If an officer victim is considering this option, however, she needs to know whether her department's policy mandates the *petitioner* to inform the department of the Order of Protection. Some policies require only the respondent to report; others require either party to report. This requirement may deter some victims from obtaining an Order of Protection as part of their safety plan because they do not want to involve the department.

A police officer victim will avoid calling 911. She is typically embarrassed to admit that she is being battered, and knows that it will open her life to scrutiny by her employer. She also knows that officers are loathe to respond to a call from another officer's home, and do not want to be in situations where they may have to arrest a coworker or colleague from another department. If police are called – whether by the victim or her child or a neighbor – responding officers may be conflicted about whom to believe. They may be confused in determining the predominant aggressor, particularly if both parties are police officers and no policy or protocol guides arrest decisions in those circumstances.

When the victim is a police officer, the prosecutor may be reluctant to pursue charges. Prosecutors and other interveners may not believe that an armed police officer can be a victim in her own home. The victim's employing agency may pressure the victim not to pursue criminal charges, particularly if the abuser is also an officer. If there was a 911 call and arrest, responding officers are drawn into testifying in a case that affects their own department, colleagues, and friends. The victim herself may

be reluctant to participate in any prosecution, particularly if she has to disclose intimate details of her life in front of her colleagues.

If the victim experiences increasing violence and stalking, which is likely if she has separated from the abuser and/or has reported the abuse, she can apply her investigative skills to her own situation, in addition to enlisting the department's help in developing a safety plan. In addition to reporting every incident of violence or stalking to police, she should document it and collect and keep any evidence of the abuser's attempts to contact her, such as phone messages, caller-ID numbers, e-mails, letters, and cards.

Systemic Advocacy with the Department

The IACP recommends that police departments collaborate with domestic violence advocates to develop training curricula on this issue, and provide local advocates with “copies of all domestic violence training curricula, protocols, and policies for review and possible revision.”³² Advocates can make a point of seeing that topics related to victimized officers are included in the training material. They can raise the command staff's awareness about domestic violence against female officers.

The advocate must stress the importance of victim safety at the time the victim makes a report or complaint, and at all stages of the investigation. It is imperative that the victim be informed of any and all disciplinary action taken against the abuser, including service of an Administrative Order of Protection. This information allows the victim to anticipate possible retaliation from the abuser or co-workers. The advocate must also stress the importance of the department keeping information as confidential as possible, and sharing information within the ranks strictly on a “need to know” basis. Every effort must be made to prevent the abuser or anyone who may collude with him from having access to documentation, evidence, or investigative reports. **No one in the department should know where the victim is staying.** This may conflict with departmental policy and will need to be addressed.

³² IACP Model Policy, *Police Officer Domestic Violence*, July 2003, Rev., section IV-A1.

Conclusion

LACP efforts within this project have clearly identified victims of police officers as especially vulnerable. Police officers are usually well known within the criminal justice community and may be well respected in law enforcement circles. Victims in these circumstances may feel powerless. They face formidable obstacles in seeking police assistance.³³

Advocates working with victims of police officer domestic violence must be prepared for anything, from a department that willingly provides victims with meaningful support and holds the battering officer accountable, to a department that looks aside while fellow officers harass or intimidate the victim. All too often, the latter response has been the experience of victims. Advocates must be prepared for those “formidable obstacles.”

With this manual, we hope to help advocates recognize those obstacles and maximize the support they provide to individual victims, as well as to explore how they might influence law enforcement policy and practice within their communities.

When a victim reports that no one is able to help her because the batterer is an officer, it reminds us of those years when no one was able to help a woman whose assailant was her husband because of his power and privilege within the institution of marriage. The battered women’s movement emerged from outrage toward and challenge of this injustice. To assist individual women, battered women and their allies implemented crisis lines, emergency shelters, counseling, and advocacy services. To confront the institutional underpinnings that perpetuated abuse, they exposed the reality and impact of battering, and placed ending violence against women on the political agenda. Over the past thirty years this work has led to an increase in awareness, public funding, and services. Similar to the time when it seemed impossible to hold individual men who battered accountable, today it often seems impossible to hold individual police officers who batter accountable. Their power and privilege within the criminal justice system is one of those “formidable obstacles,” that has ramifications beyond any one victim. Law enforcement accountability for officer-perpetrated domestic violence is a litmus test of its broader public safety commitment to all women.

When the batterer is an officer, advocates are in a position to bear witness to a victim’s experience. We must be willing to listen to her story, believe her, validate her experience, and respect that each woman is the authority on her life. Sometimes we must be willing to hear the painful and discouraging truth that our established ways and means of “helping” victims of domestic violence won’t help *her*. Our role is to support each woman as she reaches deep within herself to discover her own strength and strategies to resist the violence against her and her children.

Along with our progress over the last thirty years, there remains much to challenge in the social and cultural underpinnings of violence against women. Confronting police-perpetrated domestic violence is not ancillary to our advocacy work, but at the heart of it. Ignoring it undermines our efforts as change agents. Law enforcement must also address this issue or its response to domestic

³³ IACP, Discussion Paper on IACP’s Policy on Domestic Violence by Police Officers, July 2003, 9.

Conclusion

violence in the wider community becomes a sham. Collaboration between advocates and law enforcement is essential, but it must be built on understanding and respect for each other's roles and boundaries. Our goal should be to build egalitarian relationships with law enforcement while maintaining our independence and integrity as advocates.

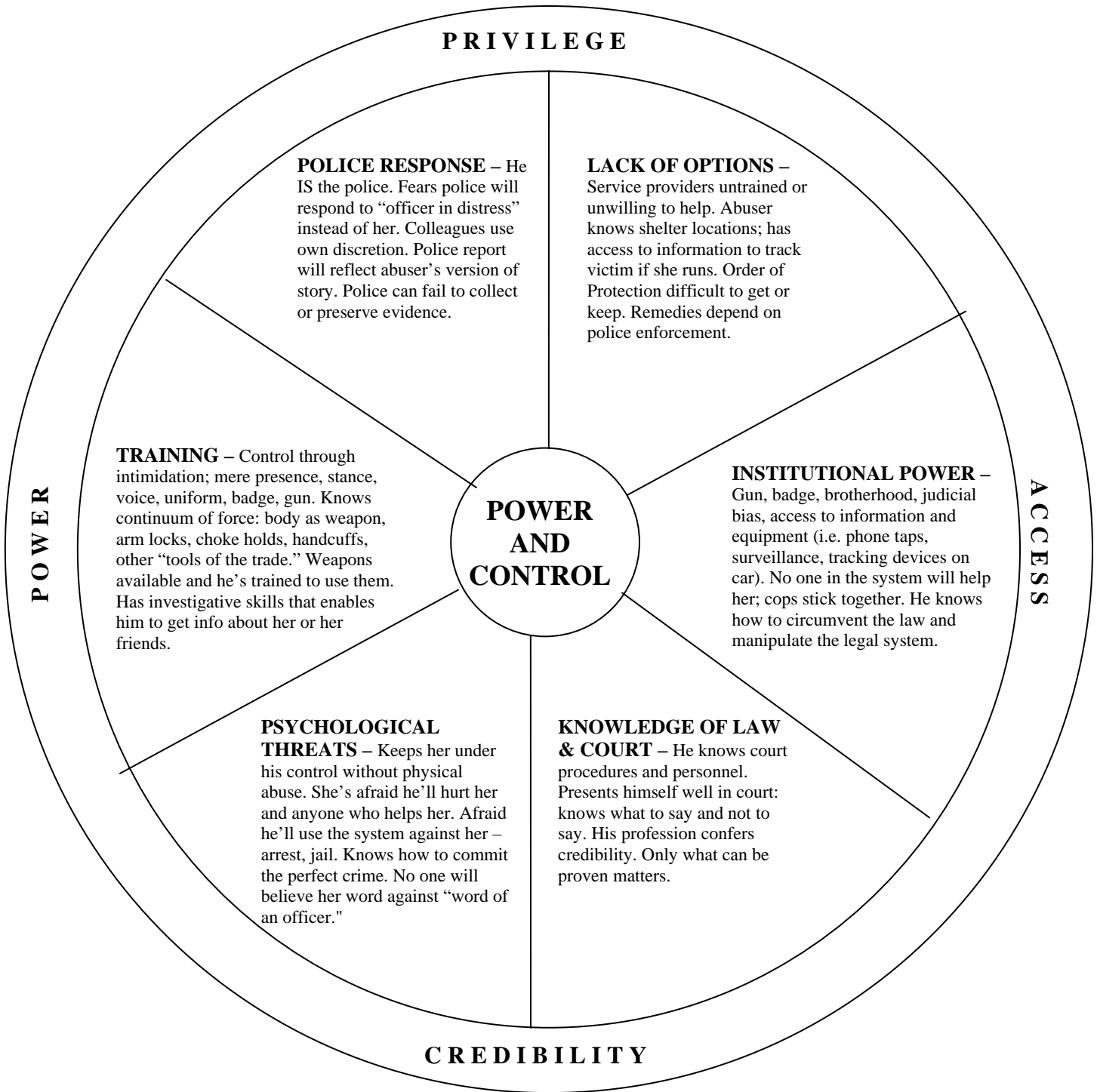
Advocacy Tools

The following tools will assist you in your work with victims of police officer domestic violence: the *Police Power and Control Wheel*, an annotated safety plan, safety cautions specific to the use and abuse of technology, a list of provisions typically included in an “Officer’s Bill of Rights,” and recommended resources.

We have also included several tools to support systemic advocacy with local law enforcement agencies: an overview of law enforcement response to officer-involved domestic violence, the IACP Model Policy and its accompanying Concepts and Issues Paper, and the IACP “Code of Ethics” for law enforcement officers.

The Battered Women’s Justice Project is available to provide technical assistance, consultation, and training on officer-involved domestic violence to grantees. To reach the BWJP Criminal Justice Office, call 800-903-0111, Extension 1. Or, visit BWJP on the Web at www.bwjp.org.

Appendix A: Police Officer BATTERERS - Tactics of Power and Control



Copyright 1998 (revised 2004), Diane Wetendorf
Adapted from Domestic Abuse Intervention Project, Duluth MN

Appendix B: An Annotated Safety Plan for Victims of Police Officer DV

As an advocate, you are used to working with battered women to develop a safety plan. When the batterer is an officer, however, standard features in a safety plan may be problematic, and may put her in further danger. Here is a typical example, annotated to illustrate the additional safety considerations for a victim of police officer domestic violence.³⁴ It reinforces the importance of centering any safety plan in the circumstances and complexities of each individual woman's life.

Safety during an explosive incident

- Try to avoid being trapped in a bathroom or the kitchen because there are objects that can be used as weapons.
While this is good advice, your abuser may wear his service weapon all the time as well as having other weapons in the home. He is also trained to use his hands to subdue someone and may use them as a weapon against you.
- Try to stay in a room with a phone so you can call 911, the police, a friend or a neighbor.
He may make it impossible for you to get to the phone or he will disconnect the phone from the wall, so try to keep your cell phone on your person. Again, his training may make him particularly effective at physically controlling you and preventing you from making a call.
- Call 911.
You may not consider calling 911, except as a last resort. You know that he has a close working relationship with the 911 operators and may also socialize with them. Or, he may taunt you to "go ahead and call the police," because he is confident that his coworkers or colleagues will accept his version of the incident.
- Practice how to get out of your home safely. Visualize your escape route. Identify the best doors, windows, elevator, or stairwell.
Your abuser is also aware of escape routes and may make sure you cannot get to them. Again, he has been trained in a variety of techniques to apprehend someone who is trying to escape.
- Have a packed bag ready with any medications and other important items. Keep it hidden in a handy place in order to leave quickly. Consider leaving the bag elsewhere if your abuser searches your home.
Your abuser may be hyper-vigilant in watching for signs that you are preparing to leave him. He may notice if important items that you would need are missing from their usual places. Consider buying duplicate items so that things remain as "normal" as possible. As a law enforcement officer, he has been trained to notice details and observe when things are out of their usual place.
- Ask a neighbor to call the police if they hear a disturbance coming from your home.
You may not want neighbors to call the police. Is there anything else you would want them to do to intervene or create a distraction?

³⁴ This safety plan was adapted from one available via the Wisconsin Coalition Against Domestic Violence: www.wcadv.org.

- Devise a code word to use with your children, grandchildren and others to communicate that you need the police.
Again, you might use a code word to signal that you need help, but may not want them to call the police. Is there anything else you would want them to do to intervene or create a distraction? Give them specific instructions on when to notify the police.
- Decide and plan for where you will go if you have to leave home (even if you don't think you will need to).
This must be somewhere the abuser would not think to look. Do not take your car if at all possible, since as a police officer he will have access to methods of tracking it down.
- Memorize all important phone numbers.

Safety when preparing to leave

- Open a savings account in your own name to start to establish or increase your independence. Consider direct deposit of your paycheck or benefit check. Think of other ways to increase your independence.
Have the bank place a password (that your abuser will not be able to figure out) on your account. Officer abusers know how to track financial information or may have informants at your local financial centers. If at all possible, set aside cash rather than use savings accounts.
- Leave money, an extra set of keys, copies of important documents and extra clothes with someone you trust so you can leave quickly.
This should be someone whom the abuser does not know or would not think of contacting. Ideally, this person would be someone whose phone number will not appear on your phone bill, in your phone book, speed dial, etc.
- Bring any medications, prescriptions, and glasses, hearing aids or other assistive devices you may need.
Your abuser may be hyper-vigilant in watching for signs that you are preparing to leave him. He may notice if items that you would take with you are missing from their normal place. Keep things as "normal" as possible. Again, his professional training makes him tuned in to details.
- Determine who would be able to let you stay with them or lend you some money. ***Make sure this is someone the abuser would not think of.***
- Keep the domestic abuse program number close at hand and keep some change or a telephone calling card with you at all times for emergency phone calls.
Purchase a phone card with pre-paid minutes rather than using your personal calling card or cell phone. Law enforcement officers have access to individual and electronic databases that can help them track telephone numbers.
- Consider getting a cellular phone if possible.
Rather than getting your own cell phone, see if you can get a pre-programmed cell phone from your local domestic violence agency so that the phone cannot be traced to you.
- If you are 60 years old or older, contact your county or tribal aging elderly services agency to learn about eligibility for public and private benefits and services such as Social Security, pensions, housing, transportation and medical insurance.

If you are hiding, remember that accessing or even asking about public benefits will blaze a trail by which the abuser can find you.

- Review your safety plan as often as possible in order to plan the safest way to leave your abuser. REMEMBER - LEAVING CAN BE THE MOST DANGEROUS TIME.

Do you think that your abuser will become obsessed with tracking you down if you “disappear?” If so, consider other options. Will you be safer if you stay more visible, either in the relationship or in your community?

Safety in your own home (if the abuser does not live with you)

- Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows.

Replace wooden doors with steel or metal doors. Consider installing or increasing outside lighting with motion detectors. Consider cameras inside and outside the house.

- ***Install smoke detectors and purchase fire extinguishers.***
- If you have young children, grandchildren, or other dependants living with you, discuss a safety plan for when you are not with them and inform their school, day care, etc., about who has permission to pick them up.
- Inform neighbors and your landlord that your abuser no longer lives with you and that they should call the police if they see your abuser near your home.

Will the local police take action against your abuser? Consider what else people might do if they see your abuser near your home.

Safety with a restraining order/Order of Protection

- Keep your protective order with you at all times. (When you change your purse, this should be the first thing that goes into it.) If it is lost or destroyed, you can get another copy from the County Clerk of Courts office.

Will the local police enforce an order against your abuser?

- Call the police if your abuser violates the conditions of the restraining order. Learn what violations of the order require officers to arrest the abuser.

You may have to demand that the responding officers call a supervisor.

- Think of alternative ways to keep safe in case the police do not respond right away.

Think of what you will do if police refuse to take any action.

- Inform family, friends, teachers, and neighbors that you have a restraining order in effect.

Safety in public (at school, on the job or at social, recreational or volunteer activities)

- Decide whom you will inform of your situation. This could include your school, office or building security (provide a picture of your abuser if possible).

Let these people know that he is a police officer and may appear in uniform to intimidate them.

- Arrange to have someone screen your telephone calls, if possible.
- Devise a safety plan for when you are out in public. Have someone escort you to your car, bus, or taxi. If possible, use a variety of routes to go home. Think about what you would do

if something happened while going home.

Civilian escorts may not feel that they can protect you from an armed police officer.

Your safety and emotional health

- If you are thinking of returning to a potentially abusive situation, discuss an alternative plan with someone you trust.
- If you have to communicate with your abuser, arrange to do so in a way that makes you feel safest, whether by phone, mail, e-mail, in the company of another person, through an attorney, etc.

Be very aware of what you say to the abuser as he may record and save any communication with you.

- Decide who you can call to talk to freely and openly, and who can give you the support you need.

Consider calling your local battered women's program; the Battered Women's Justice Project at 1-800-903-0111, Ext. 1; or the National Domestic Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY), from a public phone and using a pre-paid phone card.

- Plan to attend a women's or victims' support group for at least two weeks to gain support from others and learn more about yourself and the relationship.

It might be safer to attend a group that meets away from your immediate area. Remember that not all advocates are familiar with police perpetrated domestic violence, so you may want to encourage them to get information.

- Change your phone number.

This remedy may be ineffective because police officers can easily get phone numbers.

- Screen calls.

Since others may be afraid to intervene, consider using an answering machine, voice mail, or virtual voice mail.

- Save and document all contacts, messages, injuries or other incidents involving the batterer. ***Your abuser is probably smart enough not to leave this type of evidence, or will word messages ambiguously or vaguely to create confusion or doubt as to intent, but save and document them anyway. Taken together, they may provide useful evidence of stalking behavior or other abusive tactics.***

- Change locks, if the batterer has a key.

Your abuser may know how to pick the locks. Consider installing locks that are especially difficult to open. Place obstructions in front of doors (but make sure you can easily escape in case of a fire).

- Avoid staying alone.

- Plan how to get away if confronted by an abusive partner.

This may be more difficult with a police officer abuser since he is trained to prevent people from getting away from him in a confrontation.

- If you have to meet your partner, do it in a public place.

- Vary your routine.

- Notify school and work contacts.

Alert them that he is a police officer and may use his professional status or other police officers to gain access to you or your children.

- Call a shelter for battered women.
It may be somewhat difficult for you to find a shelter that is equipped to shelter the victim of a police officer. Consider alternatives to shelter.
- If you leave the relationship or are thinking of leaving, you should take important papers and documents with you to enable you to apply for benefits or take legal action. Important papers you should take include Social Security cards and birth certificates for you and your children, documentation of legal residency (i.e., your “green card”), your marriage license, leases or deeds in your name or both yours and your partner’s names, your checkbook, your charge cards, bank statements and charge account statements, insurance policies, proof of income for you and your spouse (pay stubs or W-2’s), and any documentation of past incidents of abuse (photos, police reports, medical records, etc.).
You may not have access to any of these documents because your abuser knows you will need them if you ever try to build a new life. Copies of these documents may not be legally accepted, but may help you with any authorities or advocates you contact.

Appendix C: Safety in the Electronic World

In looking for a job, I found positions open, yet I had no way to prove my qualifications and experience. I could not draw on any personal references because of my circumstances ... [I was unable] to use any of my past experience or personal references because my husband would find out. There has to be some way other women start a new life, but how? — A Victim

Police officers have access to an immense amount of “private” information about individuals and the range of information becomes wider every day. This includes information from telephone companies, utility companies, credit bureaus, banks, lenders, landlords, mortgage companies, school personnel, hospital personnel, vehicle registration, professional registrations, insurance companies, welfare offices, and other sources.

Communication, banking and transportation operate via interconnected networks and databases. A batterer who is a law enforcement officer can use these systems and related technologies to track and stalk his victim. By training and profession, he has the investigative skills and knowledge to obtain and use personal information against the victim and her family and friends.

Advocates must be aware that police stalkers have access to sophisticated and affordable surveillance products and technologies. Victims must be aware of the risks involved in using standard telephones, cellular phones, computers, email, credit cards, ATM's, automobiles, public transportation, and other computer-based technologies. Each of these devices and modes of transportation leaves a trail of information about where she is and what she is doing.

This section contains information about some of the technology and data bases that abusers use to stalk their victims. Some of the “*safeguards*” suggested are useful if the victim has left the abuser and he is attempting to track her down. If the victim is still in the relationship with the abuser, however, some of the “*safeguards*” (such as changing her passwords on accounts or voice mail) could increase the abuser’s suspicion and vigilance. **As always, the usefulness of any possible remedy should be carefully considered in the full context of her situation.**

Advocates at local domestic violence programs can obtain assistance with technology safety issues from the National Safe & Strategic Technology Project, National Network to End Domestic Violence. Contact Cindy Southworth via e-mail (preferred) at SafetyNet@nnedv.org, or (202) 543-5566, Extension 222. Much of the information in this section has been adapted from material developed by Ms. Southworth. Additional information about “cyber stalking” is available from the Stalking Resource Center at the National Center for Victims of Crime: www.ncvc.org.

Appendix D: Law Enforcement Officers' Bill of Rights³⁵

Many states have instituted a Law Enforcement Officers' Bill of Rights that statutorily guarantees certain protections for officers whom the department investigates concerning allegations of misconduct. Each LEOBR is written differently, but most include similar provisions, including:

- Interrogation occurs during reasonable hours;
- Interrogations are preferably held during the officer's shift;
- Compensation is given if the interrogation occurs during off-duty hours;
- A recording is made of the interrogation;
- The officer is given a transcript of the interrogation;
- Interrogation is at a location designated for that purpose;
- Only an investigator conducts the interrogation;
- The officer is told the name, rank, and authority of all people present during the interrogation;
- Interrogation lasts for a reasonable amount of time and allows for breaks;
- Complainant signs or swears to the complaint;
- Department notifies the accused officer of allegations in writing;
- Department gives the officer certain documents from the internal affairs file;
- Officer is allowed representation;
- Department must tell the officer his or her rights if an arrest is possible; and
- Department can't threaten the officer or promise a reward during the interrogation.

³⁵ This excerpt from an article by Attorney Joanne L. Belasco is reprinted with permission from Quinlan Publishing Group's Police Department Disciplinary Bulletin. Quinlan published several law enforcement publications, including Police Officer Grievances, Search and Seizure Law Bulletin, Arrest Law Bulletin, and Domestic Violence Prevention Newsletter. Information about subscribing to these monthly newsletters can be obtained from Quinlan at (800) 229-0284 or www.quinlan.com.

Appendix E: Recommended Resources

National Coalition Against Domestic Violence

www.ncadv.org

Battered Women's Justice Project

www.bwjp.org 800-903-0111 ext 1

Violence Against Women Office

www.ovw.usdoj.gov

Minnesota Center Against Violence and Abuse

www.mincava.umn.edu

Violence Against Women Online Resources

www.vaw.umn.edu

The National Center for Women and Policing

www.womenandpolicing.org

Safety Net: the National Safe & Strategic Technology Project at the National Network to End Domestic Violence

www.nnedv.org

Stalking Resource Center at the National Center for victims of Crime

www.ncvc.org

Police Domestic Violence: A Handbook for Victims

http://www.dwetendorf.com/Wetendorf_VictimHandbook.pdf or

http://www.dwetendorf.com/Book_Index.htm

The Misuse of Police Powers in Officer-Involved Domestic Violence by Diane Wetendorf and Captain Dottie L. Davis, 2003. Complete article available at

http://www.dwetendorf.com/Article_MisusePower.htm

Police Power and Control Wheel

http://www.dwetendorf.com/Wetendorf_PolicePowerWheel.pdf or

http://www.dwetendorf.com/Tool_Wheel.htm

International Association of Chiefs of Police

Model Policy on Police Officer-Involved Domestic Violence

www.theiacp.org/LinkClick.aspx?fileticket=NIUbhXpGgss%3D&tabid=372

Model Policy on Police Officer-Involved Domestic Violence: Concepts and Issues Paper

www.theiacp.org/LinkClick.aspx?fileticket=LcyoV9askbI%3D&tabid=372

Recommended Resources

International Association of Chiefs of Police Code of Ethics

www.theiacp.org/documents/index.cfm?fuseaction=document&document_id=95

Federal Firearms Law

www.bwlap.org/TAPs/fedfirearm.PDF

The National Clearinghouse for the Defense of Battered Women

www.ncdbw.org

Women's Rural Advocacy Programs

www.letswrap.com

Police Officer Grievances, Search & Seizure Law Bulletin, Arrest Law Bulletin, and a Domestic Violence Prevention Newsletter are published by Quinlan Publishing

www.quinlan.com

Appendix F: Law Enforcement Response to Officer-Involved Domestic Violence

The Lautenberg Act and the IACP Model Policy

In 1996, the Lautenberg Act amended the Gun Control Act of 1968 by prohibiting anyone convicted of a qualifying misdemeanor domestic violence offense from possessing firearms or ammunition. In an attempt to defeat the bill, opponents omitted the “official use” exemption for police and military employees, but the bill passed in spite of this strategy. The gun prohibition applied retroactively, to convictions that occurred prior to its passage. While many police organizations preferred to see an official use exemption, it was difficult to argue against it because “doing so might suggest police officers and the military should be treated more leniently than the general public.”³⁶

The bill created new liability for law enforcement agencies and highlighted the issue of officer-involved domestic violence. In a joint effort by the International Association of Chiefs of Police (IACP), the Office of Community Oriented Policing Services, and the Office on Violence Against Women, law enforcement officers, victims, and victim advocates gathered in five national summit meetings to discuss the problem. The result of this effort was the IACP Model Policy, *Police Officer Domestic Violence*, released in 1999 (and revised in 2003). In following the practice and approach reflected in the IACP National Law Enforcement Policy Center, the model policy was released with a “concepts and issues paper.” The policy and accompanying paper set a framework for law enforcement agencies to examine their own policies and practices.

... documentation of such incidents by departments varies dramatically, with some incidents reported in great detail, others handled through informal actions, and still others undocumented in any way. Departmental positions on police officer domestic violence also significantly differ: some departments have clear “zero tolerance” positions, other departments have less defined positions, and still others have no articulated position at all. The variations in departmental policies underscore the need for the IACP’s model policy initiative.³⁷

The IACP encourages law enforcement agencies to adopt the policy, with the caution that “no ‘model’ policy can meet the needs of any given law enforcement agency” and “each agency needs to tailor its policies to ensure compliance with all laws, regulations, and [collective bargaining] agreements.”³⁸

³⁶ Victor Kappeler, “Kentucky’s Response to the Lautenberg Act: Curbing Domestic Violence Among Police,” Eastern Kentucky University, February 1999, www.justice.eku.edu/about/grants_KJSRBfeb1999.asp.

³⁷ International Association of Chiefs of Police, *Police Officer Domestic Violence: Concepts and Issues Paper*, April 1999, section IC. The revised (July 2003) paper and model policy are available at www.theiacp.org.

³⁸ IACP, *Domestic Violence by Police Officers Model Policy*, July 2003, p.8.

Collaboration

The IACP model policy emphasizes “prevention through collaboration” and recommends that agencies “establish ongoing and meaningful relationships with victim advocates and domestic violence program professionals in their community.”³⁹ It recommends that law enforcement agencies to work with local domestic violence advocates to develop policy and training curriculum, cross-train officers and advocates, and address victim safety issues.

Given this opportunity to collaborate, advocates should be familiar with the provisions of the IACP model policy and the variety of approaches that law enforcement agencies might take. Local police chiefs and sheriffs may welcome or resist collaboration. Their agencies may adopt all, part, or none of the IACP recommendations. In applying provisions of the model policy to the complex experiences of individual victims, it is to everyone’s advantage if advocates carefully think through each element considered for inclusion in a department’s policy and training curriculum with an eye to the implications for victim safety.

Victim/Witness Liaisons

Some departments employ in-house victim/witness specialists, often called advocates,⁴⁰ to work with domestic violence victims, sometimes at the scene of an incident and more commonly within the police station. In an officer-involved case, the victim/witness specialist meets with the victim just as she would meet with any other victim and acts as a liaison between the department and the victim. A large police agency may employ an in-house liaison specifically for victims of officer-involved domestic violence.

This can have several advantages. The specialist can provide information about the victim’s rights and options. The position may also reflect the department’s concern about victim safety and support for her coming forward. The victim/witness specialist may have standing and influence within the department and will be familiar with departmental policies, rules, and protocols. Without special training about officer-involved cases, however, her general knowledge of how the department works may be insufficient to provide sound information to the victim.

At the same time, officer-involved domestic violence presents distinct challenges to the effectiveness and role of a victim/witness specialist. Personal relationships within the agency and departmental friendships and politics may present a conflict of interest in working the victim. Victims of police officer batterers may not trust a liaison employed by their partner’s employer. Where their needs and wishes conflict with departmental policies, the liaison has limited ability to disagree, monitor, confront, or defy her employer. As an employee of the law enforcement agency, the victim/witness liaison can be ordered to proceed with an action that she believes may compromise of victim

³⁹ IACP, Discussion Paper on IACP’s Policy on Domestic Violence by Police Officers, p.3.

⁴⁰ This makes a distinction in roles between victim support within a criminal justice system agency and independent, community-based advocates. For further discussion of this distinction, see Stephanie Avalon, *Advocacy and the Battered Women’s Movement*, October 1999, at www.bwjp.org.

confidentiality or safety. In addition, her files may be accessible to others in the department, presenting the risk of the batterer or others obtaining information about safety plans or strategies.

Common Approaches

Departments take different approaches to officer-involved domestic violence, depending on their location, size, philosophy and policy. Some large city police departments have set up special domestic violence units to investigate problem officers and may also employ a victim/witness liaison specifically for victims of police officers. Many agencies have a formal or informal process for referring a victim to a community advocacy program. Depending on the circumstances or the victim's preference, agencies might use a combination of in-house resources and external referral services. Small departments have limited resources to conduct internal investigations and victims may have no immediate access to advocacy organizations or shelter.

Some agencies emphasize improved pre-hire screenings and background investigations, in an effort to avoid hiring individuals with a history of or potential for abusive behavior.

Law enforcement agencies have adopted all or part of the IACP model policy, or addressed officer-involved domestic violence via general policy and guidelines governing officer-involved crimes and misconduct. Among the more common policy approaches are several that promise increased accountability, but can also have unintended negative consequences for some victims.

- Zero tolerance provisions mean that officers who are found guilty in administrative or criminal proceedings will probably be terminated. This may also reflect overall departmental policy regarding officers who violate the law or certain policies, whether related to domestic violence, theft, or drug use. For some victims, however, the perception that the abuser will lose his job prevents her from seeking help.
- Requiring officers to report knowledge of domestic violence in another officer's home may provide an opportunity for the department to provide early intervention. It may also prevent a victim from confiding in the abuser's coworkers, who might be able to intervene more informally.
- Requiring an officer to self-report if he is the subject of a protection order alerts the department to a problem. Knowing this, however, a victim may be reluctant to obtain a protection order.
- Internal investigations require statements from the victim, but the abuser will have access to them and that access may pose a serious danger to the victim.
- Confiscating weapons pending the investigation protects the department from liability, and may protect the victim, her children, and the public from a shooting. Stripping the officer of his police powers, however, may actually escalate the violence. The abuser's hands can be lethal weapons.

Advocates should be aware of these various approaches and the ways in which they might backfire on victims, as well as their potential benefits. Their role alongside law enforcement is to identify and articulate the possible consequences of policy decisions, and to encourage and provide the best possible advocacy for individual victims within the realities of agency policy.

Conclusion

Law enforcement identification of and attention to officer-involved domestic violence is recent and still developing. Some agencies attempt to craft a careful response, in consultation with advocates, while most continue in a haphazard way when the circumstances of a specific case force them to respond. Where policies exist, they vary widely. An analysis of 19 policies from large agencies, for example, found that “all but one of the policies fell far short of the standards outlined by the IACP.”⁴¹ While some advocates have reservations about the zero-tolerance approach and other provisions within the IACP model, it remains the strongest statement within law enforcement of the need to address officer-involved domestic violence and the importance of collaborating with and using advocates to “provide training, work on-scene with victims, offer confidential counseling services and/or referrals, and assist with policy development.”⁴²

Among the contributions that advocates can make to “prevention through collaboration” is to remind law enforcement agencies and other partners that it is risky to promise victim safety and/or abuser accountability that they cannot, in reality, provide. When any intervention fails the victim of police-perpetrated domestic violence, the abuser has the ability to retaliate both personally and institutionally, and the victim’s willingness to seek help in the future is diminished. Among the challenges to law enforcement and advocates is to understand their respective roles and “generate thoughtful consideration among police administrators and victim advocates on various elements that may be considered for inclusion in a policy.”⁴³

⁴¹ Kimberly A. Lonsway, *The Prevalence and Specific Provisions of Policies on Police Officer Domestic Violence*, 2003, unpublished manuscript submitted for publication; used with permission. Kimberly Lonsway Ph.D., is past research director for the National Center for Women and Policing. She is co-author of two articles in the October 2003 issue of *Law & Order*: “Officer Domestic Violence,” with P. Conis, and “Model Policy for Officer Domestic Violence,” with P.E. Harrington. See www.kimlonsway.com.

⁴² *Supra*, at ix.

⁴³ Diane Wetendorf and Dottie L. Davis, *Developing Policy on Officer-Involved Domestic Violence*, 2003, unpublished manuscript submitted for publication; used with permission.

Appendix G: IACP Model Policy

International Association of Chiefs of Police

DOMESTIC VIOLENCE BY POLICE OFFICERS **A Policy of the IACP Police Response to Violence Against Women Project**

Effective Date: July 2003

I. PURPOSE

This policy recognizes that the profession of law enforcement is not immune from members committing domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by police officers and for implementing prevention strategies. This policy will provide police executives, officers, and all department employees guidance in addressing incidents where one (or more) party to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank in the department.

II. POLICY STATEMENT

This policy offers a comprehensive, pro-active approach to domestic violence by police department employees with an emphasis on victim safety. It delineates a position of zero tolerance by the department. It is imperative to the integrity of the profession of policing and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated. In the process of implementing this policy, the department should review the records of all employees to determine whether convictions for qualifying misdemeanor crimes of domestic violence *(MCDV) or valid protection orders exist. If an employee is found to have a MCDV or is the subject of a qualifying protection order, department legal counsel and/or city/county attorney shall be consulted immediately regarding continued employment or duty assignment.

Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms.

Officers found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated.

**For the definitions of qualifying misdemeanor crime of domestic violence and qualifying order of protection that trigger federal firearm provisions, see the Concepts and Issues Paper, page 1, section B, Definitions.*

III. DEFINITIONS

“Domestic violence” refers to an act or pattern of violence perpetrated by a police officer upon his or her intimate partner not done in defense of self or others, including but not limited to the following:

- Bodily injury or threat of imminent bodily injury
- Sexual battery
- Physical restraint
- Property crime directed at the victim

- Stalking
- Violation of a court order of protection or similar injunction
- Death threats or death

An “intimate partner” of a police officer is any person who meets one or more of the following criteria:

- Is or was legally married to the police officer
- Has a child in common with the police officer
- Has or had a dating relationship with the police officer
- Is specified as an intimate partner by state law
- Is cohabitating or has cohabitated romantically with the police officer

“Protection order” refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

- Violent or threatening acts against another person
- Stalking or harassment of another person
- Contact or communication with another person
- Physical proximity to another person

IV. PROCEDURES

While prioritizing the safety of victims, this policy is designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving officers, and offer direction for conducting the subsequent administrative and criminal investigations. Components of the policy include: A) Prevention and Training B) Early Warning and Intervention C) Incident Response Protocols D) Victim Safety and Protection E) Post-Incident Administrative and Criminal Decisions.

A. PREVENTION AND TRAINING

The department will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations of the policy. The department will provide ongoing training to every officer on domestic violence and the zero-tolerance policy throughout all phases of the police officer’s career.

1. Prevention Through Collaboration

- a) Through ongoing partnerships with local victim advocacy organizations the department shall develop domestic violence curricula and train officers in order to enhance the officers’/agency’s response to victims.
- b) The department shall provide local domestic violence victim advocacy organizations copies of all domestic violence training curricula, protocols and policies for review and possible revision.

2. Training Topics

- Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:
- a) Understanding Domestic Violence

- b) Departmental Domestic Violence
- c) Response Protocol
- d) Warning Signs of Domestic Violence by Officers
- e) Victim Safety
- f) Federal Domestic Violence Laws

(For details on these training topics, see Concepts and Issues Paper, section A) Prevention and Training, #2)

3. Ongoing Training

Departments shall use a variety of training techniques including in-service, roll-call, FTO, ride-alongs, and training bulletins to regularly reinforce standards of effective response protocol.

4. Program Evaluation

To enhance the effectiveness of the training, departments should work with internal or external research resources to evaluate the training and its impact.

B. EARLY WARNING AND INTERVENTION

1. Pre-Hire Screening and Investigation

- a) Certification agencies and/or departments shall conduct thorough background investigations of all potential new employees using address history, driver's record, protection order database and a search on IADLEST.
- b) All candidates shall be asked if they have engaged in or been investigated for domestic violence and asked about any past arrests, suspended sentences, diversion programs, convictions, and protection orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence.
- c) Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) should be screened out at this point in the hiring process.
- d) Candidates shall be clearly informed of the department's position of zero tolerance concerning domestic violence by officers.

2. Post Conditional Offer of Employment

- a) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
- b) Departments should strongly consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior.

3. Post-Hire Intervention

- a) When new officers are hired, the department shall reach out to their intimate partners/family members to introduce this policy and other relevant department policies.
- b) Departments should engage in periodic outreach to officers and their intimate partners/family members with information on this policy, the point of contact within the department and referrals for local support services.

4. Department Responsibilities

- a) The department shall develop cross-jurisdictional MOUs to ensure timely notification of an incident involving an officer.
- b) The department shall, either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence occurs.

- c) The department shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
- d) A disclosure on the part of any officer, intimate partner or family member to any member of the department that an officer has personally engaged in domestic violence will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.

5. Supervisor Responsibilities

- a) Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
 - (i) Aggressiveness
 - (a) Excessive and/or increased use of force on the job
 - (b) Stalking and inappropriate surveillance activities
 - (c) Unusually high incidences of physical altercations and verbal disputes
 - (d) Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
 - (e) Inappropriate treatment of animals
 - (f) On- or off-duty officer injuries
 - (ii) Domestic violence-related issues
 - (a) Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
 - (b) Stalking any intimate partner or family member
 - (c) Discrediting and/or disparaging an intimate partner
 - (iii) Deteriorating work performance
 - (a) Tardiness
 - (b) Excessive absences
 - (c) Alcohol and drug abuse
- b) When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
 - (i) Address the behaviors through a review or other contact with the officer and document all contacts
 - (ii) Forward written reports capturing the behaviors to the chief through the chain of command in a timely manner to determine discipline as warranted
 - (iii) Prepare and submit to the chief a written request for a psychological exam/ counseling by a psychologist/psychiatrist who is knowledgeable about domestic violence.
 - (iv) When warranted, request the chief order an officer to seek assistance from a certified program for batterers, and if such a program is not available, a counselor knowledgeable about domestic violence.

6. Police Officer Responsibilities

- a) Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- b) Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:
 - (i) Failure to report knowledge of abuse or violence involving a fellow officer
 - (ii) Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim)
 - (iii) Interference with cases involving themselves or fellow officers

- (iv) Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)
- c) Officers who learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in severe discipline up to and including dismissal.
- d) Officers who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor and provide a copy of the order, if issued. If subject to a qualifying protection order, the officer shall surrender all firearms unless department policy allows for possession of the primary service weapon. Failure to do so may result in severe discipline up to and including dismissal.

C. INCIDENT RESPONSE PROTOCOLS

1. Department-wide Response

- a) The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information.
- b) All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.
- c) The on-scene supervisor shall forward a copy of the report alleging domestic violence by the officer to the chief through the chain of command.
- d) All such incident reports shall be made available by the department to the victim without cost.

2. Communications Response

- a) Communications officers/dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.
- b) Communications officers/dispatchers shall immediately notify the supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, a police officer, regardless of the involved officer's jurisdiction.
- c) Communications officers/dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential administrative or criminal investigations.
- d) Communications officers/dispatchers shall have available current contact information of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victims.

3. Patrol Response

- a) Upon arrival on the scene of a domestic violence call or incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.
- b) The responding officers shall perform the following actions:
 - (i) Obtain needed medical assistance
 - (ii) Address the immediate safety of all parties involved
 - (iii) Secure the scene and preserve evidence
 - (iv) Note all excited utterances, admissions and/or incriminating statements
 - (v) Make an arrest if probable cause exists

4. On-Scene Supervisor Response

- a) A supervisor of higher rank shall report to the scene of all police officer domestic violence incidents including a police officer, regardless of the involved officer's jurisdiction.
- b) The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is collected. Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.
- c) The supervisor shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed separately from other parties.
- d) In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.
- e) If the alleged offender has left the scene and probable cause exists, the supervisor shall perform the following actions:
 - (i) Exhaust all reasonable means to locate the alleged offender
 - (ii) Ensure that an arrest warrant is sought, if unable to locate the alleged offender
 - (iii) Document all subsequent actions in a timely manner
- f) In the event that the victim has left the scene, the supervisor shall make every effort to follow through on the investigation and attempt to locate the victim.
- g) Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with state law.
- h) Whenever an officer is arrested, the supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding department.
- i) Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be seized for safety reasons.
- j) The command staff officer shall inquire whether the victim wants any firearms removed from the home for safekeeping by the department and make arrangements as necessary.
- k) The on-scene supervisor shall ensure the victim is informed of the following:
 - (i) The judicial process and victim rights
 - (ii) The department's policy on police officer domestic violence, procedures and cross-jurisdictional responsibilities as they apply
 - (iii) The standard of probable cause for arrest
 - (iv) Procedures for obtaining protective orders
 - (v) Victim compensation
 - (vi) The availability of an on-scene advocate
 - (vii) The availability of confidential transportation to a location that can provide improved victim safety
 - (viii) Community resources and local domestic violence victim service
 - (ix) The option to remove firearms for safekeeping
- l) Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor shall explain in a written report.
- m) The on-scene supervisor shall notify the chief and the accused officer's immediate supervisor as soon as possible. In the event that the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's chief is notified. All notifications, and attempts to notify, shall be fully documented.

5. Additional Critical Considerations

- a) When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, and supervisors shall follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from their own department.
- b) In the event that the reported incident involves the chief of police or commissioner, the supervisor shall immediately notify the district/state's attorney and the individual in government who has direct oversight for the chief, for example, the mayor.
- c) In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
- d) In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of the accused officer confiscated.

If a protective order is issued against an officer, additional firearm seizure may be required under state law.

6. Department Follow-Up

- a) In a timely manner, the chief shall ensure that all officers who responded to a police officer domestic violence call are debriefed. The debriefing shall include the following:
 - (i) A review of department confidentiality guidelines
 - (ii) A direct order prohibiting discussion of the incident outside of the official inquiry
 - (iii) A clear delineation of assignments
- b) Follow-up investigators shall proactively seek out information on existing protective orders and, if found, shall enforce them and any applicable state and federal firearms laws and determine whether the officer violated department policy by failing to report the protective order.
- c) Arrest warrants charging police officers with domestic violence and protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms shall be seized if allowed by the department and decisions about service weapons will be made.
- d) In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.
- e) Following the reported incident, the department shall designate a member of the command staff to perform the following duties:
 - (i) Conduct a danger assessment of the accused officer to determine the potential for further violence and inform the victim of the possibility of danger regardless of the outcome of the assessment
 - (ii) Act as a principal point of contact to keep the victim apprised of all developments
 - (iii) Ensure that safety planning and danger assessment is made available to the victim
 - (iv) Report the findings of the danger assessment to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer

D. VICTIM SAFETY AND PROTECTION

1. Departments shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.
2. The command staff designated as principal contact for the victim, shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

3. All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.
4. If an officer suspects intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report to be delivered immediately to the investigator in charge of the case through the chain of command.
 - a) In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information.
 - b) Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

E. POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

Departments shall conduct separate parallel administrative and criminal investigations of alleged incidents of police officer domestic violence in a manner that maintains the integrity of both investigations and promotes zero tolerance. Regardless of the outcome of the criminal case, the department shall uphold all administrative decisions. If the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable.

The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.

1. Administrative Investigations and Decisions

The responsibility to complete the administrative investigation of a police officer domestic violence incident shall rest with the Internal Affairs Division of the department, or in the event that no such unit exists, the chief shall appoint an experienced investigator. The chief may ask an outside law enforcement agency to conduct the administrative investigation.

- a) Regardless of whether an arrest was made on scene, the investigating official shall conduct an independent, comprehensive administrative investigation using standard elements of criminal investigations. Victims and witnesses shall be re-interviewed and their statements recorded; crime scene evidence, photographs, and medical records accessed; and 911 tapes requested.
- b) Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination.
- c) When an investigation of an incident uncovers officers who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.
- d) The chief shall determine whether and when the accused officer should be issued an administrative order of protection. *(See Concepts and Issues paper, section C Incident Response Protocols, #6 department follow-up)*
- e) If administrative policies and/or administrative orders of protection are violated or sufficient concern exists regarding a violation, the department shall initiate an independent administrative investigation, seize firearms as allowed under department policy as soon as practicable, and take disciplinary action up to and including dismissal.
- f) In determining the proper course of administrative action, a department shall consider factors including the level of danger an officer poses as indicated by the outcome of the

danger assessment of the officer, the officer's history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.

- g) If the accused officer is assigned enforcement duties while the administrative and/or criminal investigations are under way, those duties should not include response to domestic violence calls.
- h) If the department determines through an administrative investigation that the officer violated department policy, regardless of whether the officer plead *nolo contendere* in response to criminal charges, the department may employ the full range of administrative sanctions. Any officer determined through an administrative investigation to have committed domestic violence shall be terminated from the department.

2. **Criminal Investigations and Decisions**

The responsibility to complete a criminal investigation of an incident of police officer domestic violence shall rest with the domestic violence unit of the department, or in the event that no such unit exists, the criminal investigations unit or detective division. The chief may ask an outside law enforcement agency to conduct the criminal investigation.

- a) The investigating official shall conduct criminal investigations as would be the case for any other criminal violation.
- b) In accordance with the officer's and victim's privacy rights, the investigating official or agency shall conduct sufficient interviews (taped) of family members, friends, neighbors, colleagues, and others who may have information regarding criminal charges.
- c) Even though an initial report may already exist concerning a police officer, reports of any subsequent or additional criminal or non-criminal incidents, which may include fellow officers engaging in surveillance or intimidation of the victim, shall be documented in separate incident reports, assigned a case number, cross-referenced with the original case number and investigated thoroughly.
- d) The department shall completely investigate the charges and where warranted seek prosecution even in cases where the victim recants.
- e) The department shall establish a liaison to work with the prosecuting attorney for each case. This officer shall present all the information to the prosecuting attorney for action and ask that decisions about the adjudication of the case be made in a timely manner.
- f) As with any other case for criminal prosecution, the investigating officer shall request filing of court papers/complaints.
- g) Any officer convicted through criminal proceedings of a domestic violence crime shall be terminated from the department.

3. **Termination Procedures**

- a) Upon the decision to terminate an officer, the chief shall do the following in accordance with department policy and state law:
 - (i) Notify the officer, in writing, of the effective date of termination
 - (ii) Inform the officer of available support services, to include counseling
 - (iii) Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning.
 - (iv) Notify the state licensing body within 30 days and inform them of the reason for termination
- b) Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.

Every effort has been made by the LACP Research Center Directorate and the Police Response to Violence Against Women Advisory Group to ensure that this policy incorporates the most current information and contemporary professional judgment on the issue. However, law enforcement administrators should be cautioned that no "model" policy can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements, and each agency needs to tailor its policies to ensure compliance with all laws, regulations, and agreements.

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Appendix H: IACP Discussion Paper

International Association of Chiefs of Police

Discussion Paper on IACP's Policy on Domestic Violence by Police Officers

A product of the IACP Police Response to Violence Against Women Project

Effective Date: July 2003

I. INTRODUCTION

A. Purpose of Document

This paper supports the policy on Domestic Violence by Police Officers established by the IACP. This document conveys the philosophy and development of the policy along with implementation requirements. As law enforcement executives tailor this policy to their specific agencies, the policy will need to be redrafted in the context of existing local ordinances, provisions of union contracts and all other state and federal laws. Departments must ensure that all other related policies are updated to be consistent with the provisions of this new policy and that other forms of family violence, including elder and child abuse, are addressed in a parallel manner. Although the policy speaks to police officers, it is strongly recommended that departments apply the principles to all employees whether sworn or civilian whenever appropriate.

B. Definitions

“Police Officer Domestic Violence” refers to any reported, founded, and/or prosecuted incident of domestic violence wherein a sworn police officer is the suspected offender. For the purposes of this policy, “domestic violence” refers to an act or pattern of violence (threatened or actual) perpetrated by a police officer or any police department employee upon his or her intimate partner. “Intimate Partner” refers to any individual (opposite or same sex) the officer has dated, cohabitated with, married, and/or has a child in common. These definitions may be limited to the definitions in the laws of each state. “Protection Order” is defined as any injunction or other order issued by a court for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to, another person. This applies to both criminal and civil orders of protection and may differ in form, content, length, layout and names (i.e. stay away, restraining, consent, criminal and emergency or temporary protection orders or injunctions).

A “qualifying” order of protection is a standard necessary under federal law to enforce certain federal firearms provisions; however, it is **not** required for enforcing full faith and credit. A qualifying order of protection is an order of the court that:

- 1) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; and

- 2) Restrains a person from harassing, stalking, or threatening his or her intimate partner, or child of such intimate partner, or, from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- 3) Includes a finding that the person represents a credible threat to the physical safety of such intimate partner or child; or, by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

A “qualifying” misdemeanor crime of domestic violence must include:

- 1) A state or federal misdemeanor crime that has as an element of use or attempted use of physical force or threatened use of a deadly weapon
- 2) Right to counsel or knowing and intelligent waiver
- 3) Applies to convictions occurring prior to and after September 30, 1996
- 4) Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored

C. Background and Philosophy

LACP/COPS/OVW Collaboration: The policy and this concepts and issues paper are the culmination of an effort by the IACP, with the support of the Office of Community Oriented Policing Services (COPS) and the Office on Violence Against Women (OVW). Together these agencies accomplished a series of tasks to develop the policy. The IACP designed and developed the project, working closely with advisors and using grant funds from COPS and OVW to support the completion of project tasks. The underpinning of the project was the strong agreement among IACP, OVW, and COPS that the problem of police officer perpetrated domestic violence is of paramount importance and requires a definitive policy response. An effective, pro-active plan and consistent enforcement of a zero tolerance position by an agency’s leaders goes to the core credibility of a department. The integrity of the law enforcement profession and the community’s trust are at stake.

Nature and Extent of the Problem: We recognize that the law enforcement profession is not immune from having members commit domestic violence against their intimate partners. The rate of domestic violence is estimated to be at least as common as that of the general population and limited research to date indicates the possibility of higher incidence of domestic violence among law enforcement professionals. The IACP, while concerned with variations in assessed levels, takes the position that the problem exists at some serious level and deserves careful attention regardless of estimated occurrences.

Research has indicated that documentation of such incidents by departments varies dramatically, with some incidents reported in great detail, others handled through informal actions, and still others undocumented in any way. Departmental positions on police officer domestic violence also differ significantly: some departments have a clear “zero-tolerance” position, other departments have less defined positions, and still others have no articulated position at all. The variations in departmental policies underscore the need for IACP’s policy.

Policy Development Approach: To develop this policy, the IACP held four national summits in 1997 on “Police Officer Domestic Violence” and a final policy review summit in April 1998. This

final summit focused on review, reaction, and revision of a draft policy crafted from information gained from the four prior summits. The policy was originally released in spring 1999. In 2002, previous summit participants and experts were gathered to explore how this topic has been addressed in the field since the IACP's policy was released and to begin the process of updating it. The revised policy was released in July 2003.

Potential Challenges to the Policy. The IACP believes that the presence of a clearly delineated policy and adequate training positions a department to reduce risk for charges of liability. As departments attempt to set a standard of zero-tolerance for domestic violence through implementation of a policy to address past, present, and future incidents of police officer domestic violence, challenges may arise. Even though departments are directed to observe and adhere to all necessary protocols to ensure that administrative and criminal investigations of an accused officer are conducted such that the officer's departmental and legal rights are upheld, departments may face legal challenges to the policy from individual officers or the unions that represent them.

II. POLICY COMPONENTS

This policy is based upon the principles of community-oriented policing and addresses the problem of domestic violence in a proactive, multifaceted way that reflects a continuum of action:

- A. Prevention and Training
- B. Early Warning and Intervention
- C. Incident Response Protocols
- D. Victim Safety and Protection
- E. Post-Incident Administrative and Criminal Decisions

Federal law prohibits any individual, including a police officer, who has been convicted of a misdemeanor domestic violence crime, from possessing a firearm. Therefore, departments must periodically review the records of all officers to ensure they are free of domestic violence convictions.

A. Prevention and Training

Prevention is a law enforcement executive's best tool to save the department valuable time and resources that would otherwise be lost on an officer who must be terminated at a later point. Effective preventative measures may protect victims and save an officer's career. A tone of zero-tolerance to police officer domestic violence must permeate the entire police department, as it may be the most crucial prevention strategy available. Zero-tolerance is accomplished through comprehensive baseline education and training for all department employees upon implementation of the policy, and consistent policy enforcement.

1. Prevention Through Collaboration. As a means of prevention, departments should establish ongoing and meaningful relationships with victim advocates and domestic violence program professionals in their community. These may include shelter staff, hotline crisis workers, social service providers, coordinating councils/coalitions, or

others who are knowledgeable about the challenges facing domestic violence victims and can serve as essential partners in effective community policing.

The policy strongly urges departments to collaborate with and utilize the expertise of local domestic violence victim advocates to:

- a. Provide training
- b. Work on-scene with victims
- c. Offer confidential counseling services and/or referrals
- d. Assist with policy development

In addition, the advocate community should receive information and training on department policies so they can work effectively with police to respond to victim needs. Training should focus on the respective concerns and needs of both organizations.

Departments should also look to neighboring departments and state and national law enforcement agencies for information on existing domestic violence curricula that can be used to train officers or serve as a guideline for the development of training.

2. Policy Implementation Training. Once adapted from the IACP policy, the formal policy of the department should be distributed to all employees of the department. It should also become part of the department's written policies and procedures, as well as a core component of the training curriculum at the academy. Adopting a comprehensive training and implementation strategy ensures all department employees have a working knowledge of the dynamics and issues involved in domestic violence and their responsibilities under department policy. The training should be inclusive of volunteers as appropriate.
 - a. Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:
 - i. Understanding Domestic Violence
 - a. *General domestic violence training*
 - b. *Domestic violence and stalking dynamics, tactics, and behavior patterns*
 - c. *Common victim responses to domestic violence (to include withdrawn or aggressive behavior, denial or recantation)*
 - d. *Common offender responses (to include denial, minimization, blaming or justifying)*
 - e. *Cultural dynamics (to include racial, gender, and same-sex issues)*
 - f. *Legal rights of victims*
 - g. *Role of victim advocates and available services*
 - ii. Departmental Domestic Violence Response Protocol
 - a. *Command notification and reporting procedures*
 - b. *Cross-jurisdictional policies and protocol*
 - c. *General domestic violence investigation and evidence collection*
 - d. *Appropriate criminal charges*
 - e. *Strangulation investigation*
 - f. *Working with victim advocates*
 - g. *Dominant aggressor/self defense determination*
 - h. *Use and limitation of danger assessment tools*

department legal considerations, criminal and civil liability, and media and public relations as well as criminal versus administrative investigations.

4. Ongoing Training. Roll-call and in-service opportunities should be utilized for on-going education along with other training techniques such as FTO instruction and ride-alongs.

Information (new research, training bulletins, advocate program brochures, etc.) should be regularly disseminated to department employees in order to reinforce the existing policy and provide additional resources. Training on police officer domestic violence should also be integrated into a wide array of training topics such as use of force, ethics, evidence, and community policing. Departments should consider using experienced trainers from neighboring departments and draw on local, state and federal resources such as prosecutors, advocates and other law enforcement trainers, in order to provide the most comprehensive training possible.

- a. *In-Service Training*. Academy and FTO training on domestic violence and stalking must be reinforced regularly through periodic in-service training. Departments shall select a series of effective and concise instructional materials for routine dissemination to all personnel. The training should ensure that officers comprehend the complexities of domestic violence and responsibilities under department policy in order to be most effective on scene.
- b. *Roll-Call Training*. The most intense and shortest in duration, ongoing roll-call training is an extremely effective way to keep a department's domestic violence policies at the forefront. To be innovative and informative, roll-call training should use video, news clips, advocate presentations, or senior/command officer presentations. Roll-call training should be designed to refresh officers on the broader policy information they learned through academy and in-service training initiatives.
- c. *Program Evaluation*. In order to create the most effective training program possible, departments should look to measure the effectiveness of the training provided. By using tools such as pre and post-tests and training evaluation forms, instructors can gain valuable feedback and direction for future training. Information gained from this testing will indicate whether additional training is needed.

B. Early Warning and Intervention

Of critical concern to departments is how to screen candidates to minimize the risk of hiring officers who may engage in domestic violence. The process of investigating recruits must be handled in two stages: pre-hire screening and investigation, and post-conditional offer of employment activities. In addition, the department must establish a system for detecting indicators of abusive tendencies and train supervisors to intervene. Under a zero-tolerance policy, it is ultimately the responsibility of the officer to refrain from domestic violence. (See IACP Early Warning System Model Policy)

1. Pre-Hire Screening and Investigation. The department should specifically ask all candidates during the interview process about any past arrests, investigation or convictions for child abuse, domestic violence, elder abuse, sexual assault or stalking crimes. As part of the background investigation, the department should seek to determine whether a candidate has any history that indicates a pattern of violence to include a thorough search for protective orders issued against the candidate in jurisdictions where the candidate previously worked or lived. Any candidate who is

- found through the interview and investigation process to have a history of perpetrating violence should be deemed ineligible for employment.
2. Post-Conditional Offer of Employment. If the candidate's background investigation does not indicate a history of perpetrating violence, the department should proceed with a psychological examination, which should address indicators of abusive tendencies, to be conducted by a psychologist or psychiatrist who is knowledgeable about these risk factors.
 3. Post-Hire Intervention. Departments must clearly explain the zero tolerance policy to all officers and regularly create opportunities to share this information with their families. For example, a department can hold a family orientation day prior to graduation where family members are provided with a copy of this policy together with other relevant policies for new hires and instructions on who to contact within the department if any problems arise. The purpose of providing this information to families is to underscore the department's zero-tolerance stance and to provide victims with avenues to address potentially problematic behavior or report acts of domestic violence. It must be noted that in families where there is a controlling partner, it will be more difficult to reach family members with this information. This underscores the need to develop an ongoing multi-faceted outreach campaign. Such a campaign can help ensure that a department communicates this information to new intimate partners and families throughout an officer's career. In addition, officers need information about positive strategies for managing job-related stress. It is critical that officers understand that problems such as drug and alcohol abuse are not excuses for domestic violence.
 4. Department Responsibilities. An intimate partner or family member of an officer may recognize early indicators of a police officer's potential for violence, such as issues of power and control. The power and control may take the form of: restricting contact with others, requiring the partner to turn over paychecks, limiting activities outside the home, etc. Victims may communicate their concerns "informally" at first, such as a call to an officer's supervisor. Informal contacts must be treated carefully, since this is a critical opportunity for a department to provide referrals and/or intervene using early intervention/prevention strategies. The policy calls for a formal system of documenting, sharing and responding to information from concerned partners and family members.

Departments need to provide officers and their families with non-punitive avenues of support and assistance before an incident of domestic violence is reported. However, once there is a disclosure that the officer has engaged in an act of domestic violence, this must be treated as a report of a crime and will be investigated both criminally and administratively. As a matter of safety, it is essential that to the degree possible, confidentiality be extended to any intimate partners or family member who contacts the department. Departments must establish procedures for making confidential referrals to internal or external counseling services with expertise in domestic violence. Collaboration with local domestic violence victim advocacy organizations is recommended. These referrals can be made upon the request of an officer or family members, or by a supervisor through the chief in response to observed warning signs.

Departments should develop specific non punitive protocols for incidents where the victim is a police officer and make a range of services available, to include: employee assistance program, internal professional counseling (police psychologist), external

professional counseling (contract/referral), advocacy support from local agencies, and peer support programs (with clear reporting and confidentiality guidelines).

Departments must watch for officers who interfere with domestic violence cases brought against fellow officers by stalking, intimidating, harassing or putting under surveillance victims, witnesses and/or family members of victims or witnesses. If this occurs, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.

5. Supervisor Responsibilities. An officer may reveal a pattern of abusive behavior potentially indicative of domestic violence while on the job; the supervisor is in the unique position to detect these warning signs. Therefore it is critical that supervisors receive specific training on indicators of violent and controlling behaviors and strategies for effective management of these behaviors. Warning signs that indicate a likelihood of violent behavior such as aggressiveness, domestic violence-related issues and deteriorating work performance are detailed in the policy (see this policy, section 5a, Early Warning and Intervention, Supervisor Responsibilities).

As a supervisor becomes aware of an officer exhibiting these behaviors, the information shall be documented and the chief shall be notified in accordance with the department's chain of command. After making proper notification, the supervisor should inform the officer that the behaviors have been documented and must cease immediately. At the discretion of the chief, the officer should be ordered to seek counseling or to participate in a batterer program to address the issues and behaviors.

6. Police Officer Responsibilities. All officers need to understand the zero-tolerance policy of their department and their responsibility to report knowledge they have concerning domestic violence on the part of an officer, except in the case where that officer is the victim. Departments must be prepared to investigate and severely discipline, up to and including dismissal, any officer who fails to report such knowledge or cooperate with an investigation. When an officer becomes the subject of a criminal investigation and/or protective order, regardless of the jurisdiction, the officer is responsible for immediately informing the supervisor, providing copies of the order and giving timely notice of court dates. In addition, all officers need to know that they will be investigated and severely disciplined, up to and including dismissal, if they attempt to interfere with an investigation of another officer accused of domestic violence.

C. Incident Response Protocols

A department's response to 911 calls where officers are involved immediately sets the tone for how a situation will be handled throughout the remainder of the continuum. A range of trained personnel is critical to the effective management of an incident.

1. Department-Wide Response. When handling a report of domestic violence involving a police officer, all actions must be documented and forwarded to the chief through the chain of command.

2. Communications Officer/ Dispatcher Documentation. When a call or report of domestic violence involves a police officer, the dispatcher should have a standing directive to document the call and immediately notify both the supervisor on-duty and the dispatch supervisor. This directive ensures that command personnel receive the information and prevents the call from being handled informally.
 3. Patrol Response. In a domestic violence situation involving an officer, the dynamics between the responding patrol officer and the accused officer (i.e. collegiality, rank differential) have the potential for making on-scene decisions additionally difficult. Therefore, the responding patrol officer shall immediately request that a supervisor on-duty who is of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.
 4. On-Scene Supervisor Response. The on-scene supervisor must respond to the call and assume responsibility for all on-scene decision making to include:
 - Securing the scene and collecting evidence
 - Ensuring an arrest is made where probable cause exists
 - Attempting to locate the alleged offender if he/she has fled
 - Removing firearms
 - Addressing issues of victim safety
 - Notifying the chief in the accused officer's jurisdiction
- a. *Crime Scene Documentation*. Understanding the dynamics of domestic violence, as well as the high incidence of threats and intimidation by offenders, recanting or reluctant victims/witnesses are not uncommon. Police on the scene of a domestic violence incident must record excited utterances and threats by the perpetrator, interview witnesses and use cameras and/or videotapes to document all evidence including injuries, damaged property and the crime scene. Thorough documentation is essential for the successful prosecution of the case whether or not the victim participates in court proceedings.
 - b. *Arrest Decisions*. Policies on arrest for domestic violence incidents vary among state, county, and local jurisdictions. In all cases, responding officers should base arrest decisions on probable cause. The responding officers and/or on-scene supervisor is responsible for determining whether probable cause exists, ensuring an arrest is made if probable cause does exist, or submitting written documentation to explain why an arrest was not made. When the dominant aggressor is not arrested, the victim feels that the police will not help, and the abuser understands that police involvement can be used as an additional tool to hurt and control the victim. Officers must make every effort to determine which party is the dominant aggressor in order to avoid the arrest of victims.
 - c. *Weapon Removal*. When an arrest is made, the on-scene supervisor shall relieve the accused officer of all service weapons. Where multiple firearms are present (officers may own recreational firearms that they keep at home), removing only the service weapons may leave the victim vulnerable to further violence. While federal, state, and local laws vary on how and when firearms can be removed, police have broad powers to remove them in certain circumstances, particularly if an arrest is being made. The on-scene supervisor may suggest that the accused officer voluntarily relinquish all firearms. The supervisor can also ask the victim about the removal of firearms from the home for safekeeping by the department. In situations where an

arrest is not made, the on-scene supervisor may consider removing the accused officer's firearm(s) as a safety consideration and to reduce department liability.

After firearms are removed, decisions need to be made about how long they will or can be held. Where court orders of protection are in place, these orders may affect decisions on the return or seizure of firearms. Federal law prohibits any person subject to a qualifying order of protection from possessing firearms and ammunition (18 U.S.C. 922(g)(8)). (For determination of qualifying orders of protection, see this document, page 1, section B Definitions.) Under ATF's interpretation of the Gun Control Act's Official Use Exception, this provision does not apply to persons "performing official duties on behalf of a Federal, State or local law enforcement agency." This exception applies "as long as the officer is authorized or required to receive or possess that firearm in his/her official duties." ATF has clarified that "the authorization must be by statute, regulation, or official department policy" and applies to both department-issued firearms and those purchased by the officer if authorized or required by the department. A department may want to limit the scope of the exception to apply only to the primary service weapon instead of the full range of firearms with which the officer has qualified in order to further minimize liability. A department may choose to be more restrictive than federal law by prohibiting officers from possessing service weapons when subject to protective orders or under criminal and/or administrative investigations.

A 1996 federal law prohibits any person convicted of a qualifying misdemeanor crime of domestic violence from possessing firearms and ammunition, (18 U.S.C. 922(g)(9)); no exceptions are allowed under this law, and it is retroactive to convictions prior to 1996. (For determination of qualifying MCDV, see this document, page 1, section B. Definitions.)

5. Additional Critical Considerations. Although a domestic violence incident involving an officer from another jurisdiction could present a department with compounding complications, a policy that addresses such circumstances can minimize confusion and liability. Of equal importance is the need for department policy to address employees involved in domestic violence who live outside the department's jurisdiction. It is recommended that neighboring jurisdictions prepare written Memoranda of Understanding so that departments can be assured that they will receive mutually agreed upon, timely notification of an incident's occurrence.

It is important that the department's policy addresses the possibility that the accused officer is the chief/director/supervisor of the department in order to affirm the department's commitment to zero-tolerance. In such a situation, notification would be made to the individual with direct oversight.

Departments may be faced with a domestic violence incident where the victim is a police officer or both victim and offender are police officers. If this occurs, standard domestic violence response and investigative procedures should be followed. Safety of the victim should be the paramount concern. The department should take steps to protect the privacy of the officer who has been abused, and make referrals to confidential domestic violence services. The department should not allow the reported incident to impact

negatively upon the assignments and evaluation of the victimized officer. In the event that an order of protection has been issued, a department will need to make careful decisions concerning work assignments for accused officers pending administrative and criminal investigations. Firearm removal in this situation becomes additionally complex. In the development of the policy, individual departments should seek legal guidance to protect the rights of all concerned.

6. Department Follow Up. The policy requires officers to report to their supervisor if they become the subject of a criminal investigation or protective order proceeding, however departments should not rely on self-reporting. It is recommended that departments establish a mechanism such as annual/periodic checks of protective order databases for names of officers.

The chief should require a debriefing of all officers including communications officers/dispatch involved in response to a police officer domestic violence case and should use the opportunity to review with personnel the department's confidentiality guidelines. In addition, a command-level critical incident management review of every domestic violence case involving an officer should be conducted.

The department must select a danger assessment tool to be used to determine the potential for further violence on the part of an accused officer and provide training on the use of the tool to a designated member of the command staff. In addition, the assessment should be supplemented by interviews with the victim, witnesses, and family members. Information gathered should be used to settle on appropriate sanctions, administrative actions, and referrals. Danger assessment findings may be shared with the judge, while the officer is in custody, prior to arraignment. The command officer assigned as the victim's principal contact should discuss the findings with the victim as part of safety planning. All victims shall be informed of the possibility of danger regardless of the outcome of the assessment.

Another tool which supervisors and chiefs are encouraged to use when a pattern of abusive behavior is detected is an administrative order of protection. This is a directive from a supervisor ordering an officer to refrain from particular conduct toward a particular person as a condition of continued employment. The use of administrative orders of protection are helpful in that they may enhance victim safety, and punishment for violations of an order can proceed quickly reducing department liability and eliminating the time a department may need to continue to pay an officer on administrative leave or suspension for the duration of a lengthy criminal case.

D. Victim Safety and Protection

IACP efforts within this project have clearly identified victims of police officers as especially vulnerable. Police officers are usually well known within the criminal justice community and may be well respected in law enforcement circles. Victims in these circumstances may feel powerless. They face formidable obstacles in seeking police assistance. Therefore, the department must be actively engaged in outreach to families of officers and connected to the range of services within the community.

1. Advocacy Resources. The support of a domestic violence victim advocate can help the victim proactively enhance personal safety. While at the scene, the supervisor must ensure that the victim receives written information about community resources and local domestic violence organizations. It is the responsibility of the on-scene supervisor to share information on victim rights and the procedures for obtaining a protective order. Providing information on applicable state laws in a timely manner will enable victims to make informed decisions.
2. Designated Principal Contact. Promptly following the report of the incident, the department shall assign a member of the command staff as the victim's principal contact for case information. This connection is essential for addressing safety and informing victims about all aspects of department protocols and policies and applicable laws. As a matter of safety, the victim's whereabouts and any communication with victims must be kept confidential. The principal contact must inform the victim of department confidentiality policies and their limitations.
3. Victim Safety. Departments must recognize that as the consequences of being held responsible for his/her behavior (the potential loss of employment coupled with the loss of control over the intimate partner) become apparent, an abusive officer may escalate behavior to extreme acts of violence such as abducting the victim, taking hostages, and committing homicide and/or suicide. The victim's principal contact must ensure that the victim is offered the opportunity to create a safety plan and discuss stalking. Information learned through the danger assessment should be incorporated into the development of a safety plan created by the victim and officer together or with the assistance of an experienced domestic violence victim advocate. Both the safety planning and danger assessment tools are critical for alerting the department and victim to the potential for additional violence and for developing strategies in an attempt to cope with the situation.

E. Post-Incident Administrative and Criminal Decisions

Once an arrest has been made or an incident has otherwise been documented, careful attention must be devoted to the proper handling of the case. The department should conduct two separate but parallel investigations. The chief may ask an outside law enforcement agency to handle the administrative or criminal investigation for reasons of limited resources or to avoid the appearance of a conflict of interest. Simultaneous investigations will prevent a department from continuing to employ an officer who has violated department policy while the outcome of a criminal investigation and prosecution may take considerably longer to conclude. In order to ensure that an accused officer's departmental and legal rights are upheld during the administrative and criminal investigations, the department should seek legal guidance.

1. Administrative Investigations and Decisions. The chief shall appoint an investigator within the internal affairs division of the department to conduct the administrative investigation. If a department does not have an internal affairs division, the chief should appoint an investigator. Based on the report of an incident the department must undertake a comprehensive administrative investigation of the accused officer and take steps to reduce the potential for further violence by seizing firearms and using administrative orders of protection. The investigating body/officer must have the authority to make decisions about arrest, access to all pertinent case information, and experience conducting case analysis. Decisions on administrative actions should not be contingent on anticipated outcomes of the criminal procedure. Departments have a

broad range of administrative options; employing these options in a timely manner is crucial to victim and community safety as well as the well being of the officer and the efficient operation of the department. With respect to seized firearms, departments need to establish policy governing the length of time firearms can be held and the protocol used for their return. Departments need to take responsibility for notifying victims prior to the return of firearms. Court orders of protection may affect the terms of firearm seizure and return. The department may employ the full range of administrative sanctions against an officer who has violated department policy.

Any officer determined through an administrative investigation to have committed domestic violence shall be terminated from the department. (See IACP Model Policy on Investigation of Employee Misconduct)

2. Criminal Investigations and Decisions. The chief shall appoint an investigator within the domestic violence unit to conduct the criminal investigation. If a department does not have a domestic violence unit, the criminal investigations unit or the detective division should handle the criminal investigation. The role the police play in gathering evidence and conducting a thorough criminal investigation has fostered the development of the successful strategy of evidence-based prosecution. Where the victim recants or chooses not to participate in court proceedings, the prosecutor as allowed under state law may determine that, based on the quality of evidence, the case should proceed with the state as the complainant. The department should establish a liaison to work closely with the prosecuting attorney's office on each case to support the department's interest in having the case processed in a timely manner.

Upon the conclusion of a criminal investigation, all information pertaining to the incident and all necessary charging paperwork must be forwarded directly to the prosecutor's office. The quality and quantity of information transferred should be thorough, including documentation of earlier calls to the agency, photo documentation of on-scene damage and injuries, previous concerns about officer behavior, danger assessment findings, etc.

Any officer convicted through criminal proceedings of domestic violence shall be terminated from the department. Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms or ammunition. The chief shall ensure the department seizes all firearms owned by the department or possessed by the convicted officer as allowable under state law.

3. Termination Procedures. Once the administrative and/or criminal investigations conclude with the decision to terminate an officer, the chief is responsible for notifying the officer in person and in writing. Because of the heightened risk for violence at the point of termination, it is critical that the officer be given information on available support services and that the victim be notified immediately of the department's intended course of action and offered all available assistance, to include safety planning. The department should take extra precautions to protect against violence in the workplace. The chief is responsible for notifying the state licensing body about the decision to terminate the officer.

Every effort has been made by the LACP Research Center Directorate and the Police Response to Violence Against Women Advisory Group to ensure that this policy incorporates the most current information and contemporary professional judgment on the issue. However, law enforcement administrators should be cautioned that no “model” policy can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements, and each agency needs to tailor its policies to ensure compliance with all laws, regulations, and agreements.

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Appendix I: Law Enforcement Code of Ethics⁴⁴

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

⁴⁴ Source: International Association of Chiefs of Police: www.theiacp.org