

DOMESTIC VIOLENCE REPORT™

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Confronting Gender Bias in Policing

by Diane Wetendorf

In the mid 1990s, I developed the nation's first advocacy program working specifically with victims of police-perpetrated domestic violence. The program's informational brochure identified the unique barriers confronting police victims:

- Call the police: *he is the police.*
- Go to a shelter: *he knows where the shelters are located.*
- Have him arrested: *responding officers may invoke the code of silence.*
- Take him to court: *it's your word against that of an officer.*
- Recant: *lose future credibility and protection.*
- Cooperate with law enforcement: *he may lose his job and retaliate against you.*

Despite the passage of two decades, the above barriers remain the same. I would not change a single word if I were writing an informational brochure today.

ACLU and DOJ Actions

Considerable national attention recently has focused on the issue of improving gender bias in the police response to domestic violence. First, the American Civil Liberties Union (together with the City University of New York Law School, the University of Miami, and the ABA Commission on Domestic and Sexual Violence) issued a report in December 2015 stressing the need to address gender bias in

See *GENDER BIAS*, page 60

Domestic Violence in the Law Enforcement Family: Past, Present and Future

by Mark Wynn and Valerie Wynn

In 2015, the International Association of Chiefs of Police (IACP), declared that "[i]n the delivery of police services, the authority to take a human life and to take away a person's freedom while maintaining his or her constitutional rights is delegated to the lowest level in the organization," and recognizing the importance of "the character of the organization and its members in the ethical delivery of police services, . . . [offered] the following Oath of Honor as a foundational principle for establishing clear ethical guidelines within a police department":

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve.

Over 600 police executives from 50 states have sworn to be faithful to this

oath of honor as participants in the National Leadership Institute on Violence Against Women sponsored by the International Associations of Chiefs of Police. This Leadership Institute was designed to address the realities of the violent crimes against women in the United States. It has five core objectives:

1. Recognize the interconnected nature of violence against women crimes.
2. Understand the importance of leadership in enhancing officer response to violence against women crimes.
3. Assess the role of organizational culture in shaping attitudes and actions.
4. Identify a range of tools to strengthen agency efforts to address these crimes.
5. Highlight the value of collaboration in addressing violence against women.

Unfortunately, not every police department can honestly say that its

See *LAW ENFORCEMENT*, next page

About This Issue . . .

We are pleased to present our second special issue on Police and Domestic Violence, as part of our effort to move the public discourse to achieve safety and ensure justice for victims, by understanding the importance of holding all abusers accountable, especially those who are charged with the duty to protect.

D. Kelly Weisberg, Editor, *Domestic Violence Report*

ALSO IN THIS ISSUE

Policing Partner Abuse and the New Crime of Coercive Control in the United Kingdom	55
Case Summaries on Police Liability	57
Innovative Intervention by Police Reduces Intimate Partner Revictimization.	59

LAW ENFORCEMENT, from page 53

officers have adhered to the sworn oath. Tragically, each time one of the tenets of the principles is ignored, a crime goes unpunished and a victim remains endangered. In dealing with domestic violence crimes committed by fellow officers, we have urgent, pressing work to do. The past is littered with loss, destruction, and death inside the police family due, at least in part, to the double standard that has been applied to the law, which was ultimately created to protect victims and hold offenders accountable.

Even the most well intended police officers overlook violent crimes against women (e.g., sexual assault, stalking, domestic violence) in their communities. Further, as conceded by law enforcement leaders at the Leadership Institute on Violence Against Women, these crimes are also tragically and far too frequently missed *within* the police family. The most significant barrier to holding offenders within their own ranks accountable, they determined, was the unofficial code of silence. This damaging code prevents meaningful and equal application of the law. Certainly, it is not the only barrier; however, it is the most consequential.

In 1994, the passage of the Violence Against Women Act (VAWA) gave law enforcement a definitive road map from which it could develop and refine poli-

cies and procedures to address and combat violence against women. Prior to this, many departments did not have any written policies. However, this law provided clear direction for replacing outdated, dismissive, and frequently lethal practices that put victims at even greater risk. These practices include: minimization, mediation, temporary separation, counseling, cooling off, and even threatening victims with arrest. Since the passage of VAWA, police departments' responses to violent crimes against women have been transformed. Today, most departments in the U.S. have written policies on exactly how to respond to and investigate domestic violence cases. This is a critical first step; unfortunately, very few have cohesive, comprehensive policies and procedure on officer perpetrated acts of domestic and/or sexual violence.

Although data are limited on the prevalence and severity of officer perpetrated violence against women, some findings on the magnitude of the problem exist. Three of these studies are cited in a report by Kim Lonsway, Diane Wetendorf and Pete Conis (2003), that describes the events that led to the murder of Crystal Brame by her police-chief husband, David Brame, in Tacoma, Washington, and includes suggestions for reform of police practices. Each cited study used rigorous social scientific methodology to estimate the number of police families that experience domestic violence.

The first study, conducted by Dr. Leonor Boulton Johnson of Arizona State University, based on 728 police officers and 479 of their spouses in two East coast police departments, asked officers whether they had gotten out of control and behaved violently toward their spouse or children in the last six months. Forty percent of them stated that they indeed had. Regrettably, the study did not identify the specific violent acts, and therefore it is impossible to know exactly what the officers were admitting.

The second study improved upon this methodology by asking 385 male officers from several Southwestern agencies whether they had engaged in a number of specific violent behaviors during the past year. These behaviors included: pushing, grabbing, shoving, slapping, kicking, biting, hitting, throwing things, choking, strangling, beating up your spouse, threatening your spouse with a knife or gun, and actually using a knife or gun on your spouse. The findings of this study, conducted by Dr. Peter Neidig and members of the Tucson Police Department, indicated that over one-quarter of the officers (28%) had personally engaged in at least one of these violent behaviors during the past year.

The results of the third study were similar, using the same questions

See LAW ENFORCEMENT, page 63

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LAW ENFORCEMENT, from page 54

about specific violent behaviors. The third study was conducted by the same researchers as the second study, but with 891 male officers surveyed at the Fraternal Order of Police (FOP) Biennial Conference. Again, approximately one-quarter (24%) of the officers reported having engaged in at least one of the specific violent behaviors against their spouse. Even if the rates of domestic violence were the same in police families as the general population, Dr. Ellen Kirschman (1997) has estimated that this would affect 60,000 to 180,000 law enforcement families.

The results of each of these studies demonstrate volumes about the specific dynamics and the sophistication of the officer/offender. They also reveal the unique vulnerabilities of victims. To avoid mishandling these crimes, informed leaders agree it is imperative to have strong and specific case management. While never denying the accused officers their rights, the responding officer must consider the immediate dangers and the victim's fear of reporting a law enforcement officer's commission of a crime.

New data on the problem of officer involved domestic violence are beginning to appear. The most up-to-date data come from the Peace Officers Standards and Training Commissions (POST), a state-by-state regulatory program responsible for licensing police officers, ensuring compliance with officers' continuing education requirements, conducting investigations for officers accountability, and de-certifying licenses for officers convicted of criminal offenses. In 2015, a POST commission from a large Southwestern state reported that the arrest of officers for domestic violence has surpassed those arrested for driving while under the influence.

Finally, there is greater transparency as some law enforcement agencies are reporting on the number of officers who are arrested for domestic violence. These arrests indicate a culture shift and a change in professional standards related to the response to domestic violence crimes committed by police. Historically, officer involved domestic violence cases have been treated as opaque internal affairs investigations. Thankfully, many agencies have now

adopted immediate and simultaneous administrative and criminal investigations in the event of a reported incident. No longer are these crimes treated only as internal affairs, but also as the external, public safety affairs that they are.

Furthermore, several important innovative approaches now exist to aid police departments to reform their policies and practices, and ultimately to help end the problem of officer involved domestic violence. The Domestic Violence by Police Officer Agency Self-Assessment, from the International Association of Chiefs of Police (IACP), is one of these new innovative approaches. It was created to help leaders take a look at their agency operations with respect to firearms surrender, notification, early warning signs, and memoranda of understanding with neighboring jurisdictions. Other assessment tools evaluate sexual assault case management, stalking, strangulation, firearms, and domestic violence and protective order enforcement. Participants in the Leadership Institute discussed previously, receive these organizational self-assessments before coming to the institute. This process allows them to focus on violent crimes against women through a new and effective lens, even before beginning their training.

Possibly the greatest challenge that the police profession faces is a direct product of the very qualities that police departments instill in training their officers. Modern policing teaches officers how to survive on the streets in the 21st century. For some officers, however, the police academy also becomes the perfect university for schooling them on how to become a more sophisticated and undetected abuser.

During police officer basic training, young recruits are taught to control their emotions and discipline their minds. They learn to remain focused in any dynamic situation and are then given the psychological skills needed to effectively interrogate suspicious situations and individuals. Above all else, they learn to prevail in the face of adversity; when confrontation arises, a police officer is taught over and over again that the way to survive is to intimidate or match aggression with the controlled use of force (e.g., training on control through pain without

visible injury, such as pressure point tactics, wristlocks, and arm holds).

To help address this challenge, in 1997, the Office on Violence Against Women in the U.S. Department of Justice asked the IACP to study the issue of police officer perpetrated domestic violence. Jointly funded by the Office of Community Oriented Policing Services (COPS) and OVW, the Research Center of the IACP established an advisory group and organized five summits around the country to explore the problem in detail. The New York City, Charleston, Indianapolis, Evansville, Duke University, and Oakland police departments hosted the summits where victims, victim advocates, and law enforcement representatives met to discuss what was happening in their communities. These discussions highlighted the need for protocols on issues of intervention and investigation as well as strategies for prevention and education (Prabhu & Turner, 2000).

One of the major findings of this advisory group was that it is imperative that police departments develop independent, detailed, comprehensive policy and procedures for officer involved domestic/sexual violence that contain specific steps to address this complex crime. When contemplating the adoption of new policies and procedures, departments need to consider community trust, leadership, liability, and dangerousness. Such policies enable departments to actively prevent and address domestic violence in the ranks, beginning with a zero-tolerance attitude, continuing through to include community collaboration and victim safety, and concluding with simultaneous administrative and criminal investigations in the event of a reported incident. To help facilitate this process, the National Law Enforcement Policy Center of the IACP released a Model Policy on Police Officer Domestic Violence. The policy offers direction to departments for establishing a comprehensive approach that can save lives and preserve careers.

Once a department develops a collaborative and comprehensive policy, it can establish a plan to avoid incidents and liability while communicating to all employees the philosophy and expectations of the department. To ensure

See LAW ENFORCEMENT, next page

LAW ENFORCEMENT, from page 63

public confidence and the confidence of victims, agencies should create plans for careful hiring practices, investment in education and training, positive relationships with community agencies serving victims, and priorities for victim safety. Combined, these plans demonstrate that a department can proactively manage the risk of domestic violence by officers.

The model policy and procedures promote prevention, as well as collaboration with local domestic-violence advocacy organizations. Cross-training between advocacy agencies and departments will serve to strengthen what are

program is a project of the Law Enforcement Families Partnership (LEFP) at the Institute for Family Violence Studies within Florida State University's College of Social Work. The Toolkit is part of a broad-based effort to prevent violence in the homes of criminal justice families and to support healthy families, agencies, and communities. It is not a batterer intervention program and is not intended for use when violence has already occurred.

The goals of the toolkit are to educate officers about the dynamics and impact of officer-involved domestic violence; to support a law enforcement culture that prioritizes prevention efforts and officer/family wellness and

The Toolkit is part of an effort to prevent violence from occurring in the homes of criminal justice families and to support healthy families, agencies, and communities.

often tense relationships. In fact, it is recommended that advocates from the community be involved in the development of the department's policy. Under education, the policy details topics for basic domestic violence training and adds additional topics specific to police officer-involved incidents, including criminal and civil liability, cross-jurisdictional policies and protocols, and criminal versus administrative investigations. Departments should plan to routinely instruct officers and review policies using in-service and roll-call training opportunities.

To say most agencies nationally have not adopted and are not practicing the policy is justified criticism. Allied professionals such as domestic and sexual violence advocacy programs, prosecutors, Community Coordinated Response Teams, and others are encouraged to approach their law enforcement leaders to recommend that they adopt the policy and enforce it.

Yet another innovative approach that aids police departments to reform their policies and practices, and also to address the problem of officer involved domestic violence is the training opportunity afforded by the National Prevention Toolkit on Officer Involved Domestic Violence. This one-of-a-kind and interactive online training pro-

also disapproves of officer-committed domestic violence; to encourage officers to ask for help when they need it, before violence occurs; and to disseminate a multimedia campaign reinforcing the message: Preventing Violence Begins at Home. The program invites all criminal justice agencies and officers to participate in this free project, and provides them with training and resources. This Toolkit, along with the other innovative approaches discussed, is critical for reforming officer involved domestic violence. The approaches are evolving and urgently important.

Confronting the tragic dilemma of officer involved domestic/sexual violence may be law enforcement's greatest ethics test to date. Transparency is essential. In order for departments to build and maintain the trust of the public and most especially of victims, they must set a higher standard for care and pledge a deeper commitment to protect and preserve the safety and dignity of victims of violence from both within their communities and within their own police families. Ultimately, leadership must begin to transform culture within their departments, enabling them to save both the lives of victims and the careers of many officers. There is no margin for error when lives are in the balance. As one graduate of the lead-

ership institute said: "There is no logical reason why we cannot protect the law enforcement family from domestic and sexual violence. Doing so honors our fallen killed by domestic violence offenders since the beginning of policing in the United States of America."

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