
Dealing with Domestic Violence in Law Enforcement Relationships

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Domestic violence remains a prevalent social and law enforcement problem in the United States, and the public demands that law enforcement agencies work aggressively to prevent it. Sadly, several studies show that too many law enforcement officers themselves commit acts of domestic abuse,¹ which is not only devastating to the families of these officers but also damaging to the agencies and communities that they serve. This unlawful behavior undermines the credibility and effectiveness of the officer and diminishes the standards of the department and the profession.²

As law enforcement responds to the demands of the community for stronger enforcement of domestic violence laws, it cannot ignore those within its own ranks who commit the same offenses. Law enforcement managers must respond when domestic violence occurs within the ranks—to enforce the law, to protect the integrity and reputation of the agency, and to reflect the ethical standard of

stewardship expected of law enforcement leaders.

Responding appropriately and adequately when domestic violence hits “home” often is not as easy as it may sound. The problem comprises many issues and requires a comprehensive approach, involving leadership, recruitment screening, policies and procedures, training, and violation investigation and response. As always, because state and local laws may vary, readers should consult their legal advisors before embarking on a new

departmental policy and response plan. Be forewarned, however, law enforcement administrators should not delay in implementing such a plan. The next family tragedy could fall squarely on anyone's doorstep.

Step One: Leadership

Effective law enforcement executives lead both by example and by setting clear expectations for the behavior of those who serve under them. The first step in establishing an effective intradepartmental response to domestic violence involves the leader demonstrating intolerance for such behavior, speaking out against it, and standing as an advocate for those who are harmed by it. Leaders' public policies, established for enforcement by the officers in their communities, must remain consistent with those that they establish for their law enforcement personnel.

Domestic violence has many faces and harms many victims. It

proves critical that administrators' messages address all of the forms of prohibited conduct to place all personnel fairly on notice and to deter all family violence. To have an effective message, managers must have a good understanding of the dynamics of domestic violence.

Domestic violence is defined, in part, by the nature of the relationship between two individuals and, in part, by the conduct of the offender. It includes abuse inflicted on spouses; children; older or otherwise vulnerable adults, including parents; and any other persons similarly situated to a spouse, child, or parent. The abusive conduct may be physical, sexual, emotional, or financial.

The behaviors identified as domestic violence are varied, but have several common unique characteristics.³ First, it occurs within an intimate relationship. Officers may commit physical violence against a family member that they never

would consider inflicting on a criminal suspect, in part, because of the perceived "safety" of the intimate relationship. Second, domestic violence is a learned behavior; it cannot be attributed to genetics, illness, use of alcohol or other drugs, or stress, although these elements may increase the likelihood that violence will occur. Behavior is learned and reinforced as an acceptable, or even expected, way of behaving toward family members. Finally, domestic violence is recurrent and generally follows a cycle and involves various abusive behaviors.

Keeping all of this in mind, law enforcement administrators must explore ways of helping their employees avoid violence in their personal relationships. To have an effective approach to officer-involved domestic violence, managers must begin with—

- a good understanding of the dynamics of domestic violence and the magnitude of the problem;
- a commitment to addressing the problem and the support of other top members in doing so;
- an ability to create a culture of disapproval of abusive behavior and the means to communicate that position; and
- the resources to follow through on the commitment.

Step Two: Recruitment Screening and Background Investigations

Ironically, individuals who make good law enforcement officers often share some personality



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traits with those who batter or abuse their family members, such as the inclination to maintain control in emotional and tense circumstances, the tendency to establish a position of power and authority, and the physical presence to use weapons and other methods of physical control when needed.⁴ However, every police recruit also must demonstrate the ability to recognize and curtail inappropriate, aggressive behavior. Those who cannot must be screened out during the recruitment process.

Because domestic abuse is a learned behavior, effective background investigations, including a polygraph examination and a medical/psychological screening, can help identify potential or current batterers. The background investigation must include a thorough interview with all immediate family members to determine the existence of any domestic violence during the potential recruit officer's formative years. The applicant investigator must probe this extremely delicate and private matter with sensitivity and understanding. Because of the learned behavior aspect of domestic violence, this line of questioning proves absolutely essential because it represents one of the best predictors of possible future domestic violence.⁵ Investigators should question each family member in a limited but direct manner, using appropriate follow-up questions as necessary. Some pertinent questions include the following:

- Have you ever been the victim of domestic violence?
- Have you ever witnessed an act of domestic violence

against a member of your immediate family?

- Are you aware of an act of domestic violence committed by a member of your immediate family against anyone?

An affirmative answer to any of these questions may not suffice as the sole basis for disqualifying an applicant. However, it provides another avenue for the applicant investigator to explore and certainly is an area that the investigator should share with the mental health professional conducting the psychological evaluation of the applicant.

Step Three: Policies and Regulations

To institutionalize an agency's "zero tolerance" for domestic violence, administrators must have legally based policies and regulations (e.g., "General Orders") in place to articulate their agency's position. Additionally, the policy should state clearly and succinctly the potential punishment and other repercussions for any violation associated with domestic abuse matters, including the agency's intended administrative response,

how it will deal with court orders, and the necessity of psychological follow-up.

In general, agencies can and should have simple and straightforward policies. Two standard regulations will apply to most of these situations: conduct unbecoming and failure to conform to law. Agencies also should promulgate regulations that are specific to domestic abuse, in part, to underscore its significance and to serve as a deterrent.⁶

Agencies should require officers to immediately report any instances in which they are the respondent to any ex parte protective and peace order, and the supervisor should make appropriate command notification. At the command level, managers should determine investigative responsibility: first-line supervisor or internal affairs, depending on the seriousness of the alleged conduct. Investigators should begin with in-person visits to the victims to ensure their safety and to promptly collect any evidence related to officer misconduct. Administrators also must make a decision concerning the seizure of any department-issued equipment, especially firearms, from a liability standpoint. At this point, involved officers should receive a psychological referral prior to returning to duty. Agencies also should consider reciprocal agreements with surrounding jurisdictions to ensure timely, official notification of officer-involved domestic violence.

Step Four: Training

The key to any long-term strategy in preventing domestic violence

is based on training. To institutionalize an agency's zero tolerance for domestic violence, the department initially should train recruit officers in all aspects of domestic violence. Recruit officers should learn not only about the dynamics of domestic violence as it pertains to citizens but also, more specifically, about the silent problem of officer-involved domestic violence. As officers progress in their careers, they should have the lessons they learned in basic training reinforced through periodic in-services.

This emerging phenomenon of officer-involved domestic violence has placed on-duty officers in confrontation with other police officers who are overwhelmed by a personal crisis situation. The calm professional demeanor usually displayed by the participant officer now may be replaced with the emotionally distraught bearing of an individual who may not be thinking in a rational manner.

To better prepare officers for this phenomenon, training must cover a broad spectrum of activities, including response, tactics, and officer safety. Classroom instruction should encompass the origin and history of domestic violence and should include a history of officer-involved domestic violence, perhaps using adjudicated departmental cases generically to ensure confidentiality. The field strategies and techniques in which the officers are trained should be aimed at officer and participant safety. The use of role-playing and group forums represent excellent training models that interactively involve officers in diffusing and mediating domestic

violence. In addition, some law enforcement executives, who would say that they "think outside the box," should assign new police officers to work several hours taking hotline calls at their local domestic violence crisis center.

Employing trained practitioners (whether in-house employee assistance personnel or private mental health providers) as instructors and facilitators brings resources and experience, in a theoretical sense, that range from general to specific relevance of domestic violence. The use of these

same practitioners in family and group orientations constitutes an excellent, nonthreatening outreach model to educate the families of recruit officers, as well as veteran officers, in intervention, resolution, and prevention strategies.

In-service and roll-call training should reinforce the initial instruction that all officers receive, with updates that focus on contemporary issues and trends in domestic violence. Once again, trained

practitioners should present the information because of their unique insight into personal crisis situations. The incorporation of a "practitioner" approach gives the officers significantly more tools in their arsenal and could create a new foundation of how they, as law enforcement professionals, can handle domestic calls more effectively.

The practitioner also can prove invaluable in the area of supervisory and command in-service training, providing an overview of how to conduct basic crisis assessment that can lead to a more appropriate avenue of referral. This important step, in the initial stages of domestic violence situations, could represent the most effective vehicle, short of physical arrest, at an agency's disposal by which it can mitigate, and actually prevent, officer-involved domestic violence. Supervisors also must learn to recognize the risk factors and behavioral clues that people who are abused or are committing abuse commonly exhibit. It is, in the first instance, the supervisor's responsibility to monitor such factors and to refer employees for appropriate counseling, education, and support as an early intervention technique.

Step Five: Violation Investigations

The passage of new laws and the increased media attention on the number of officer-involved domestic violence cases has prompted police administrators to critically assess their agencies' responses to this emerging crisis. Every agency should respond with a comprehensive approach to the underlying

problems and not merely with a superficial quick fix.

Depending upon the unique circumstances of each case, agencies should have their internal affairs personnel immediately conduct an inquiry into the facts of the case. The results of this inquiry will dictate the need for a formal internal investigation. This investigation should follow established agency protocol for criminal misconduct cases. If criminal charges are pending, the prosecutor's office should screen the case; if the prosecutor declines to prosecute, the investigator should obtain a written declination.

If and when criminal or administrative charges are imposed, agencies must suspend involved officers' police powers and reclaim their weapons and departmental vehicles. Administrators should order that these officers be placed in an off-duty status and that they receive psychological evaluations to determine their fitness for any type of duty.

If the psychologist determines that the officers are fit for duty, agencies may transfer them from leave to noncontact assignments until the criminal charges are adjudicated. Internal affairs investigators should attend all hearings related to the cases to ensure that the agencies remain aware of all case developments. If agencies contemplate restoring the officers to full duty prior to the adjudication of administrative charges, if any, they should undertake such a decision cautiously and in concert with their psychological examiners, internal affairs personnel, the officers' commanders, and legal advisors.



Officers are trained to separate the domestic complainants to hear both sides of the story. The officers position themselves so they can see each other during the encounter and will later compare notes to determine a fair and safe outcome.

If officers return to full duty during the course of a criminal or internal investigation, their supervisors should conduct periodic follow-ups to ensure that the officers fully comply with any applicable court orders. Administrators may find it prudent to issue a personnel order that concurs with, or even exceeds, the terms of a court order or stands in the place of such orders. If officers violate these standing orders, agencies immediately should suspend these officers from duty and initiate an investigation into charges of insubordination, if appropriate.

Step Six: Violation Responses

If a deliberate, proactive investigation establishes evidence that an officer has committed acts of domestic abuse, agencies must take prompt and effective disciplinary action. In many jurisdictions, agencies can impose disciplinary action only after they have prescribed an administrative, evidentiary hearing. To be effective,

agencies must consider certain details to ensure a successful administrative prosecution.

If the suspect officer has been charged criminally, the administrator and legal advisor may determine that it is wise to defer an administrative investigation until the criminal prosecution is completed. However, even in the interim, the agency must take steps to both protect its administrative investigation and guard against liability while the criminal charges are pending. If the administrator decides not to delay the administrative investigation, the agency must keep it separate from the criminal case.⁷

While either the criminal or the administrative investigation remains pending, the agency must consider whether the facts indicate that it should revoke the officer's police powers or suspend the officer from duty, pending resolution. Generally, an agency should suspend the police powers of any officer who is under investigation for credible or substantial allegations of

domestic violence. Multiple reasons underlie this recommendation.

First, applicable court orders in a given case may prohibit a respondent officer from possessing a firearm as long as the order is in effect, thereby prohibiting the officer from performing some essential job functions. Second, officers embroiled in domestic problems may be tempted to misuse their police powers and equipment in a misguided—or even criminal—effort to manage those problems. Such inappropriate actions could create civil liability for agencies. Third, the public may suspect the integrity, impartiality, and effectiveness of an officer under investigation for domestic abuse. It particularly would be inappropriate for such officers to respond to domestic calls.

Agencies also should prepare the administrative prosecution under the assumption that the victim of the domestic abuse will be unable or unwilling to testify against the abuser.⁸ It is all too common a feature of domestic abuse situations that once an acute episode is over, a “honeymoon phase” occurs in the relationship, causing the victim to rethink punishing the abuser.⁹ However, if the internal affairs investigators have followed the same steps as criminal investigators would have under the circumstances and obtained the necessary evidence, such as reporting to the scene on the initial call, securing the 911 audio tape, taking crime scene and follow-up photographs, obtaining statements, and collecting documents and court transcripts, an administrative prosecutor can prepare and present a successful case.

Following adjudication of the misconduct charges, administrators must determine the appropriate punishment. If the officer suffered a criminal conviction from the underlying domestic events, termination of employment is appropriate in nearly every case.¹⁰ Moreover, a zero tolerance policy would seem to dictate that dismissal constitutes the expected punishment absent some compelling mitigating circumstances. In other words, it is the unusual case in which the officer should not be fired.

Step Seven: Related Problems and Concerns

Responses to officer-involved domestic violence/disturbance cases pose a variety of problems for the law enforcement administrator. How the responding officers handle the unique situation in which a fellow officer is a suspect represents one of the most significant. The response to these calls is far from routine and, in fact, should trigger a higher level of caution in responding officers.

However, many officers feel that they can reason with their fellow officer who is involved in a domestic dispute. Responding officers seem to fail to realize that they are not dealing with a rational, level-headed law enforcement officer, but, rather, a police officer, man or woman, engaged in a fight with a “significant other” and overwhelmed with heated emotion. The involved officer knows every tactic and ploy and may have received the same, if not more, specialized training than the responding officers and may outrank them. The involved officer has ready access to a service weapon, as well as other defensive weapons, such as pepper spray, that the officer could use offensively. And, the involved officer invariably knows that the domestic events could result in dismissal from the agency. Often, the victim is aware of this probability as well.

Administrators have an obligation to institutionalize agency response to officer-involved domestic violence/disturbance cases and support the officers who attend to these calls. In addition to the basic reports, appropriate supervisory and command notification, whether the officer is employed with the responding agency or not, should occur. Agencies should mandate this notification, with variations to the reporting procedures by supervisory approval only.

If an agency allows its officers to treat officer-involved domestic violence/disturbance cases differently from those involving other citizens, the agency could face serious liability issues—specifically, allegations of deliberate

indifference with regard to the victim's well-being. If officer-involved domestic violence becomes more prevalent, the agency needs to enhance proactive strategies in handling and reporting protocols.

Citizens, as well as law enforcement employees, demand the best from those who direct public safety activities. Promoting effective policies and contingencies to personal crises within law enforcement's ranks is the least that the profession can do to better serve everyone.

Conclusion

While domestic violence creates a repugnant reaction in every civilized human being, the thought that those who protect and serve the public also may participate in such offenses goes beyond most people's comprehension. Unfortunately, this proves true in all too many cases. The law enforcement community must unite in an effort to eradicate such behavior from its ranks not only to restore the public's faith and trust in the profession but, more important, to show that it will not tolerate such actions by any individual, regardless of position or authority.

Law enforcement agencies can implement several strategies to combat domestic violence in their ranks. Most require a comprehensive approach that includes effective leadership, recruitment screening, straightforward policies and procedures, appropriate training, and efficient violation investigation and response. By incorporating such actions into their daily efforts, agencies can safeguard its members and their families from the toll that

domestic violence takes on the law enforcement community and the citizens it serves.

Endnotes

¹ Darrell L. Sanders, "Responding to Domestic Violence," *Police Chief*, June 1997, 6.

² For a comprehensive overview, see U.S. Department of Justice, Federal Bureau of Investigation, *Domestic Violence By Police Officers* (Washington, DC, 2000).

³ Lenore Walder, *The Battered Woman* (New York, NY: Harper-Row, 1979), 43.

⁴ *Supra* note 2, 15.

⁵ Stephen F. Curran, Ph.D., "Law Enforcement Response to Domestic Violence Committed by Police Officers: Pre-Employment Selection," lecture at annual conference of the International Association of Chiefs of Police, November 2000; Patricia Tjaden and Nancy Thomas, U.S. Department of Justice, Office of Justice Programs, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey* (Washington, DC, July 2000); Douglas R. Marvin, "The Dynamics of Domestic Abuse," *FBI Law Enforcement Bulletin*, July 1997, 13-18.

⁶ See a model policy endorsed by the International Association of Chiefs of Police, "Officer-Involved Domestic Violence Model Policy," *IACP National Law Enforcement: A Compilation of Model Policies*, Volume IV, Section 77, April 1, 1999; and as a state model, see the "Model Regulation for Law Enforcement Agencies Relating to Domestic Violence Committed by Law Enforcement Officers" issued in 1997 by the Legal Advisors Committee to the Maryland Chiefs of Police Association.

⁷ *Supra* note 6 (IACP).

⁸ George Wattendorf, "Prosecuting Cases Without Victim Cooperation," *FBI Law Enforcement Bulletin*, April 1996, 18-20.

⁹ Douglas R. Marvin, "The Dynamics of Domestic Abuse," *FBI Law Enforcement Bulletin*, July 1997, 13-18.

¹⁰ Under 18 U.S.C. 922 (g) (9), a person who is convicted of a misdemeanor crime of domestic violence is prohibited from possessing a firearm or ammunition.

The opinions expressed in this article are the authors and not those of the Maryland attorney general or his staff.

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