


International Association of
 Chiefs of Police


Law Enforcement Officers Involved Intimate Partner Violence

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Program Manager II

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My calling


- Dr. Martin L. King Jr.
- Women's Studies
- Violence Against Women



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how come, how long




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DV/IPV Overview

- Clarifying **what domestic violence/intimate partner violence is:**
- And **what domestic violence/intimate partner violence is not:**

It is exerted through physical, psychological and/or economic means.



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Why a workplace issue?

If a domestic violence victim leaves their abuser, where do you think the abuser would have more difficulty locating them, at a **new residence** or at **work**?

- What additional issues do you see if the an officer is involved?



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Predictability

Violence doesn't usually just happen,
like the weather, **it's predictable.**

80% of workplace violence is domestic violence related.




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IPV by Law Enforcement

- Does it happen?
- How is it responded to?
- Are there checks and balances in place?



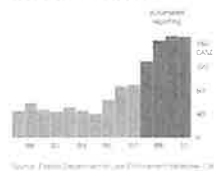
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Officer Involved Domestic Violence

Cases reported to Florida state officials

Shawn Flanagan reported the arrest of a police officer involved in a domestic violence incident to the state's attorney. It has received the number of domestic violence complaints reported from...



How often officers keep their jobs

Between 2009 and 2012, more than a quarter of Florida law enforcement officers involved in domestic violence were still working and working at the same agency one year after the complaint.

PERCENTAGE OF OFFICERS KEPT THEIR JOBS AFTER INCIDENTS

D.U.I.	29%
Domestic violence	23%
Assault	26%
False statements	22%
Theft	7%
Drug test	1%

Source: Florida Department of Law Enforcement, "Officer Involved Domestic Violence: 2009-2012" in a sampling of Florida's law enforcement agencies. For a complete report on the state of law enforcement, visit <http://www.floridapolicenews.com>. © 2013 The New York Times. All rights reserved. CP

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Officer Involved Domestic Violence

- One study showed DV rates among law enforcement families to be at 24%
- Studies among the general population show DV rates at about 10%


P.H. Ketting, A.P. Sang, and H. E. Ravel, "Interspousal Aggression in Law Enforcement Personnel Attending the FOP Biennial Conference," *National FOP Journal*, Fall/Winter 1993:29-35.
 Simon, M. & Keller, R. (1996). *Physical violence in American families: risk factors and consequences to violence in 8,142 families*. New Brunswick, NJ: Transaction Publishers.

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Officer Involved Domestic and Sexual Violence

- Unique dangers
- Threatens agency mission and morale
- High liability risk
- Impacts public confidence
- Questions integrity of the agency
- There must be a swift, sure, and effective intervention
- Lack of information and training about OI/DV/SA can result in potential bias in law enforcement's response
- Is there a culture?



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From the Line

In 2000 survey of 210 law enforcement officers:


- 54% of officers admitted they knew of officers involved in domestic violence
- 16% knew of incidents of unreported OI/DV
- 31% knew of members in their department who had been disciplined for OI/DV
- 55% claimed intervention and prevention programs would be helpful Ryan 2000
- Data obtained from 299 officers in 27 states, found more than half (51.3%) reported they had been called to respond to a domestic violence incident which involved another law enforcement officer. Hunter and Tenenbaum (2016)

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The Profile

- We are taught to:
 - control our emotions
 - discipline our minds to remain focused in dynamic situations
 - prevail in the face of adversity
 - interrogate when suspicious
 - intimidate or match aggression when challenged



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The Profile


- We are taught to:
 - dominate when threatened
 - command presence, surveillance
 - control through pain without visible injury
 - carotid restraint, wristlocks, arm holds, use of handcuffs
 - be an authority figure within the community
 - use firearms, trained in confrontation
- Add to this.....
 - exceptional pressures of police work
 - being prone to alcoholism and divorce
 - Shift work and court time
 - Unfair publicity
 - Consistent exposure to pain and suffering
- Add to this.....
 - **violent behavior learned as a child**

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The Effective Officer

- Controls emotions
- Has a disciplined mind to remain focused in dynamic situations
- Prevails in the face of adversity
- Interrogates when suspicious
- Possesses a command presence
- Can physically control another through pain without visible injury
- Trained to use firearms and surveillance




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Add in these factors...

- Exceptional pressures of police work
 - 40% suffer from some type of sleep disorder
 - 20% admit to "problem drinking"
 - High divorce rates
 - High suicide rates
- Unfair publicity
- Consistent exposure to pain and suffering



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The Blue Curtain?

- Is there a Code of Silence?
 - we are good at keeping secrets
 - we are fraternalistic
 - we build bonds stemming from life and death situations on the street
 - It is not my problem
- Do we break this code?



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Physical VIOLENCE Sexual
USING

Will the offender/officer use power and control against the responding officer?

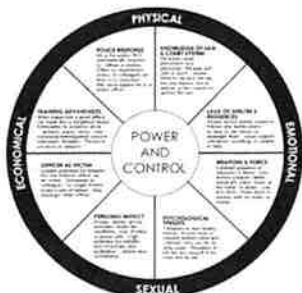
Physical VIOLENCE Sexual

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POLICE PERPETRATED DOMESTIC VIOLENCE



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Officer Involved Power & Control

- Knowledge of the Criminal Justice System
- Lack of Shelter & Resources
- Weapons and Force
- Psychological Threats
- Personal Impact
- Officer as Victim
- Training Advantages
- Police Response

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Clackamas County sheriff's Sgt. shooting goes on rampage 02/15/10



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Detroit Homicide Detective kills his wife and commits suicide

- Wrongful death suit
- Statewide law enforcement alert issued 09/20/09
- Detroit PD 2nd Deputy Chief John Roach 09/20/09
- Alert canceled 09/20/09
- Murder/Suicide 09/23/09



Ed Williams

Patricia Williams

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Sheriff's Deputy kills ex-wife, shoots Virginia State Trooper 05/30/11



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Sgt. Brannock shot as he approaches Agee's Cruiser



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Drawing the Line

- Criminal activity!
- Wearing the badge!
- Look the other way?



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The Brame Tragedy

- Tacoma, Washington
- Pierce County Sheriffs Office
- 400 Sworn
- 1981 Psyche Exam
- 1982 David Brame hired
- 1988 Brame accused of rape
- Office of Internal Affairs



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The Brame Tragedy

- Dedicated Cop
- Details
- Full time mom
- Controlling husband
- \$100/2 weeks
- "It says David Brame on the check!"



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The Brame Tragedy

- Brame rises through the ranks
- 1998 Insurance Fraud Investigation
- "Homeboy done good"
- City Manager System
- Due Diligence
- Brame appointed Chief
- Friends promoted
- Top candidates passed over
- Enemies Crushed



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The Brame Tragedy

- February 2002 Crystal Assaulted
- Valentines Day 2002
- April 23, 2002; June 9, 2002, further attacks
- November-December 2002, Sexual Harassment
- January-February 2003
- February 15, 2003, "Accidents can happen!"
- February 24, 2003



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The Brame Tragedy

- Inattention to duties
- Inaction by City Manager
- March 2003 Secrets revealed
- Crystal calls Woodward
- Mid March 2003 Pressure to reconcile
- Contentious conversation
- March 31, 2003 Death Threats



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The Brame Tragedy 4/15/03

- Mushrooming Scandal
- Anonymous Complaint
- Widespread knowledge
- Outside Investigation
- Leak to Press
- Concerned Officers of TPD
- Asst. Chief's McCrea and Woodward



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The Brame Tragedy 4/15/03

OFFICIAL CITY RESPONSE:

"There would be no investigation per the city manager. This was due to the fact that the complaint was anonymous."

Memo from Lt. Sheehan OIA

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The Brame Tragedy 4/26/03

- Harbor Plaza Mall
- Last phone call
- *"I gotta go, I gotta go."*
- They parked
- *"I see your mother, stay in the car."*
- Brame goes to Crystal's car
- Shots ring out



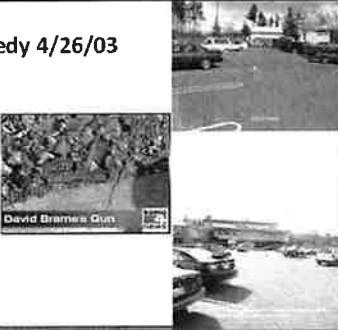
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The Brame Tragedy 4/26/03

- The children
- *"My daddy's hurt my mom, help her."*
- Paramedic Ray Lanier
- Grave condition
- *"My daddy is a policeman and he's very mean to Mommy. I think my daddy killed her. Please help my Mommy."*



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Tacoma, Washington & The Brame Tragedy

- \$910,000.00 Detective Watson
- \$2,000,000.00 Reported Rape Victim
- \$2,000,000.00 Deputy Chief Roberts
- \$5,000,000.00 Human Resources Director
- \$12,000,000.00 Crystal Brame's Family
- Funding for Crystal Brame Act
- December 2005 Crystal Judson Brame Domestic Violence Protocol: **\$200,000,000** in Federal Funds
- **Department of Justice Oversight**



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Predictability

- In hindsight; Was it Predictable?
- Could effective policies, procedures, etc. have been instrumental in the Brame case?



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Management's Role

Part of management's role is to create a safe work environment.

This duty is dictated by the Occupational Safety and Health Act

(OSHA) "general duty clause"
 Respondent Superior dictates that principals (employers) are liable for the actions of their agents (employees).



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OSHA General Duty Clause

1. 'Significant risk'
2. Known to employer
3. Ones reasonably preventable



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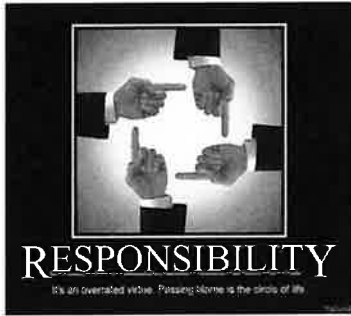
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Management's Role

To put it simply: *employer is responsible for any violent acts that that person commits.*

"If the employer knows – or should have known – of information indicating that a person is a risk for committing violence, the

What does that mean to employers?



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Liability

- Failure to act after proper notice
- Failure to warn an identifiable victim
- Premise Liability
 - General duty
 - Reasonable steps



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Management's Role

At what point should a manager/supervisor become involved without over stepping his/her bounds?

The bottom line is:
 If it **affects the workplace**, a manager/supervisor needs to address it.



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Agency/Supervisors Held Liable

- 1. **Actual participation** by the supervisor *in the violation or failure to prevent a violation occurring in the supervisor's presence.*
- 2. **Direction or command** to subordinates *causing a violation.*
- 3. **Policy as a cause of violation.**
- 4. **Inaction/Failure to supervise or control.**
- 5. **Failure to train adequately.**
- 6. **Negligent retention**—federal gun laws.

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A Policy is Key to:

Prioritizing
 Communicating
 and Reinforcing
an agency's commitment
 to end police officer
 perpetrated domestic
 violence



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POLICE + COMMUNITY



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Continuum Approach

- ◆ Establish a zero-tolerance policy
- ◆ Educate at all phases of an officer's career
- ◆ Adopt comprehensive victim safety strategies
- ◆ Conduct thorough administrative **and** criminal investigations
- ◆ Terminate officers found guilty of domestic violence

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Responsibilities

- Supervisory
- Accused Officer
- Bystander Officer



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Administrative

- ✓ Investigated by Internal Affairs Division
- ✓ Following an investigation, necessary action shall be taken independent of any criminal proceedings
- ✓ Immediate interventions when warranted Include removal of badge and weapon, reassignment, leave without pay or termination
- ✓ Accused officer should not be assigned duties requiring response to domestic violence
- ✓ Where an arrest is not

made, but sufficient concern exists, departments shall conduct an independent administrative investigation

Criminal

- ✓ Investigated by Domestic Violence/Criminal/Detective Units
- ✓ Department shall thoroughly investigate charges and seek prosecution when warranted, even when victim recants
- ✓ Any reports by the victim of subsequent criminal activity shall be documented separately, assigned a case number and Investigated
- ✓ Department shall

request that the prosecuting attorney make timely decisions about the adjudication of the case

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Criminal Conviction

Any law enforcement officer convicted of a domestic violence crime shall be terminated from the department.

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**Gun Control Act
18 U.S.C. 922 (g) (9)
(1996 Lautenberg Amendment)**

Prohibits possession, shipment or transportation of a firearm or ammunition by a person convicted of a *qualifying* misdemeanor crime of domestic violence.

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**Gun Control Act
18 U.S.C. 922 (g) (9)
(1996 Lautenberg Amendment)**

- ◆ Became law on September 30, 1996 and applies to convictions both before and after that date
- ◆ No official-use exemption for law enforcement or military personnel

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"Qualifying" Misdemeanor Crime of Domestic Violence

Must include:

- 1. 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

Excludes convictions that have been expunged, set aside, or persons who have been pardoned or had their civil rights restored

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MCDV Inflicted by:

- A current or former spouse; or
- Parent or guardian of the victim; or
- A person with whom the victim shares a child in common; or
- A person who is cohabitating or has cohabited with the victim as a spouse

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Officer Involved Policy

- Washington, Oregon, Florida, North Dakota, Vermont and Tennessee
- Many policies address
 - Prevention
 - Education and Training
 - Early Warning and Intervention
 - Incident Response Protocol
 - Victim Safety
 - Post-Incident Administrative and Criminal Decisions



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Officer as the Victim

- A female officer who lives with domestic violence fears people will question how she can protect others if she can't protect herself. She has to choose between jeopardizing her safety by reporting, or possibly violating department policy by remaining silent.
- Making a complaint against a police officer is a dangerous act, especially when the complainant is herself an officer. Her abuser can call on his personal and professional network for support and defense against any allegations.
- Cooperation between advocates and police can be beneficial to both parties and to many civilian victims, but it presents complex problems when the alleged perpetrator or victim is a police officer.

Debra Swenson, PG

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Victim Safety and Protection

- ♦ Connect victims and their children with needed services
- ♦ Conduct lethality assessment with victim and incorporate into the safety plan
- ♦ Inquire whether victim wants weapons removed from the home
- ♦ Be cognizant of victim/witness intimidation and document

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Solutions

- Firm, written policies with sanctions for all levels of the department
- Better screening for recruits
- "One step up" investigations of DV incidents
- Speed the investigations
- EARLY INTERVENTION

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The Bottom Line

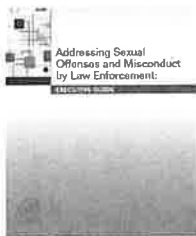
- Domestic violence is a crime not a crisis
- To hold the public trust we must hold ourselves responsible for crime in the police family
- No one is above the law and no one is below it

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Resources



Addressing Sexual Offenses and Misconduct by Law Enforcement

"It is imperative to the protection of citizens' civil rights and the trust communities place in law enforcement that policies be adopted as part of a clear statement that sexual misconduct will not be tolerated."

Chief David Nye
Fredericksburg Police Department, VA

http://www.theiacp.org/Portals/0/Addressing_Sexual_Offenses_and_Misconduct_by_LE.pdf

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Resources

<http://www.aequitasresource.org/Strategies-The-Highly-Trained-Batterer-14.pdf>



1100 H Street NW
Suite 310
Washington, DC 20005
www.aequitasresources.org
202-558-0040



STRATEGIES FOR POLICE

THE HIGHER TRAINED BATTERERS: PREVENTION, INTERVENTION AND PROSECUTION OF DOMESTIC VIOLENCE

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Questions



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