

Batterers with Badges: Officer-Involved Domestic Violence

Introduction

In many ways, the story of Crystal Brame, wife of Tacoma Police Chief David Brame, resembles that of many women abused by the men they love. Chief Brame checked the odometer on her car frequently, timed how long she took running errands, and weighed her every morning.¹ She had to obtain his permission to use their credit card,² and he gave her a stipend every two weeks, checking the receipts to see how she spent it.³ Chief Brame verbally abused his wife, telling her she was “fat and . . . ugly” and “no man would ever want her.”⁴ He threatened her life, “put a loaded gun to her head,” and even tried to choke her several times, but each time he sent flowers afterward.⁵ When she eventually left him, he killed her.⁶

But in one critical way, Crystal Brame differed from other abused women: her husband was the Chief of Police in Tacoma, Washington.⁷ Because he was a high-ranking law enforcement officer, Crystal found it difficult to get the help she needed to escape the abuse. When she told him the violence needed to stop, he challenged her, asking, “Who are you going to call? One of my buddies?” When she did report him to the police, her fears were dismissed, and the City Manager prevented an investigation by internal affairs.⁸ In fact, the Assistant Police

¹ Mike Carter, *Portrait of a Marriage: Crystal Brame Feared Her Angry, Controlling Husband; Friends Speak of a Violent Union, Her Attempt to End It and Get Her Life Back*, SEATTLE TIMES, May 4, 2003, at A30.

² Associated Press, *Police Chief Had Sought Help for Stress* (Apr. 28, 2003), at <http://www.cnn.com/2003/US/West/04/27/police.shooting.ap>; Ruth Teichroeb, *Tacoma Police Chief's Wife Says He Pointed a Gun at Her; David Brame Denies Allegations, Says It Was She who Abused Him*, SEATTLE POST-INTELLIGENCER, Apr. 25, 2003, at A1.

³ Bill Lagatutta, *Tacoma Confidential*, CBS NEWS.COM, June 9, 2003, available at <http://www.cbsnews.com/stories/2003/09/25/48hours/main575070.shtml>.

⁴ *Id.*

⁵ Associated Press, *supra* note 2; Teichroeb, *supra* note 2.

⁶ *E.g.*, Carter, *supra* note 1.

⁷ *E.g.*, *id.*

⁸ Ray Rivera, *Corpus May have Squelched Inquiry; Documents Say He Told Police to Ignore Brame Allegations*, SEATTLE TIMES, May 23, 2003, at B1.

Chief began harassing Crystal and her family.⁹ When a journalist reported her allegations, the president of the Tacoma police union threatened the writer.¹⁰ After Crystal filed for divorce, Chief Brame made his own allegations, “blam[ing] his wife’s ‘ferocious temper’ and emotional instability for the abuse,” and claiming that his 5-foot-tall, 105-lb. wife “ha[d] physically abused [him] for a number of years.”¹¹ Ultimately, Chief Brame used his service revolver to fatally shoot her and himself.¹²

The Brame tragedy is not unique. Instead, it merely illustrates many of the particular difficulties faced by victims of police batterers. Because of the specialized training law enforcement officers receive and their access to resources ranging from a firearm to computerized information databases, officers are extraordinarily well prepared to become abusive at home. Furthermore, the close-knit, male-oriented police culture and ability of police to track people down make it extremely difficult for victims of abusers in law enforcement to escape the situation or get help.

This subclass of domestic violence (DV), known as officer-involved domestic violence (OIDV), is easy to define, but particularly difficult to craft effective interventions for.

Researchers have struggled to even determine the extent of the problem with any accuracy.

However, the stories of women¹³ murdered by their law enforcement partners continue to appear

⁹ Michael Ko, *Brame Inquiry: Poor Judgment But No Charges; Investigators Criticize Tacoma’s ‘Troubled Management Culture’*, SEATTLE TIMES, Nov. 18, 2003, at B1; Mike Carter, *Crystal Brame Told Assistant Chief of Threats, Notes Show*, SEATTLE TIMES, June 28, 2003, at A1; Robert L. Jamieson Jr., *Plenty of Blame in Crystal’s Sad Story*, SEATTLE POST-INTELLIGENCER, May 5, 2003, at B1.

¹⁰ Charles Mudede, *City of Destiny*, THE STRANGER, May 8, 2003, available at <http://www.thestranger.com/2003-05-08/feature2.html>.

¹¹ Teichroeb, *supra* note 2 (quoting from David Brame’s court papers).

¹² Carter, *supra* note 1.

¹³ Domestic violence is perpetrated by both men and women, and both men and women are victims, as well. However, the overwhelming majority of domestic violence is committed by men against women. In addition, the law enforcement field is still dominated by men. Therefore, this article, while not denying the existence of other types of domestic violence, will refer to abusers as males and victims as females. The article also, therefore, only addresses the cases in which law enforcement officers abuse their partners, leaving the cases in which officers are the victims of abuse for another day.

in the news,¹⁴ indicating that current laws and policies designed to stop the violence have not succeeded.

This article looks at OIDV, examining why it seems particularly resistant to reduction, and recommending ways in which policies can more effectively target it. Part I gives a brief overview of DV in general, while Part II describes the problem of OIDV, including its prevalence and particular difficulties associated with it. Part III looks at the current law and policies designed to address DV generally and OIDV in particular, and part IV discusses why they have failed to make the strides expected. Finally, Part V suggests changes necessary in order to make the current law and policies effective in reducing OIDV.

I. Domestic Violence: A National Epidemic

Every nine seconds a woman is beaten.¹⁵ Each year there are nearly 700,000 documented incidents of DV that threaten the well being of children and families across the nation.¹⁶ The sheer volume and widespread nature of DV in the United States led U.S. Health and Human Services Secretary Donna Shalala to declare in 1994, “Domestic violence is an unacknowledged epidemic in our society.”¹⁷ About \$44 million is spent annually to treat injuries caused by domestic violence,¹⁸ while another estimated \$4 billion is lost each year in “lower productivity,

¹⁴ For example, in addition to Crystal Brame, Sandra Maseda was killed by her police-officer husband in a 2004 murder-suicide in Florida, and Laurie Barnicoat was killed by her police-officer ex-husband in 2003 in Florida. Women to Arms!, No Longer Afraid . . . No Longer Alive!, at http://womentoarms.net/no_longer.html (last updated June 23, 2004). In addition, Sandra Maloney was killed in 1999 by her Green Bay, Wisconsin, estranged husband, who was a police detective; Maria Martinez was shot to death by her husband, a Border Patrol officer in El Paso, Texas; Lori Stanley was killed by her police-officer ex-boyfriend in a 2004 Nashville, Tennessee, murder-suicide; and Kerry Repp was killed by her husband, an Oregon State Trooper. Jenny Miller’s Photos, at http://flickr.com/photos/police_dv/page3/ (last updated Mar. 22, 2005). These are only a few of the victims of OIDV in the last five years.

¹⁵ Assembly Select Committee on Domestic Violence, *The Judicial Process for Victims of Domestic Violence* (2001).

¹⁶ *Id.*

¹⁷ Jill Smolowe, When Violence Hits Home, *TIME*, July 4, 1994, at 18.

¹⁸ Assembly Select Committee, *supra* note 15.

staff turnover, absenteeism, and excessive use of medical benefits,” due to domestic violence.¹⁹

These amounts are so high both because DV is widespread and because it is a pattern. Rarely does DV occur as a single isolated incident; rather it occurs in a cycle, escalating over time.²⁰ As described by Lenore Walker, the “cycle of violence” consists of three identifiable phases: “the tension-building phase; the acute battering incident; and the tranquil, loving . . . phase that follows,” also known as the “honeymoon phase”.²¹

The honeymoon phase is just one of many reasons women stay in abusive relationships. Many are financially dependent on their abuser, isolated from friends and family, and without anywhere to go if they leave.²² They are threatened with increased violence or violence against friends or family if they leave.²³ In fact, most women killed by their partners are killed when they try to leave.²⁴ Men continue to batter, according to the U.S. Department of Justice, because “violence is a highly effective means of control” and “because they can”.²⁵

II. Officer-Involved Domestic Violence

“Police abusers differ from civilian abusers only in that they have the advantages of their training, their badge, their gun, and the weight of their tight-knit culture behind them.”²⁶ This is no small difference, however; these advantages make them better batterers and more likely to batter. Studies over the past two decades have found the rate of DV among police families to be

¹⁹ ANN JONES, *NEXT TIME, SHE’LL BE DEAD: BATTERING AND HOW TO STOP IT* (1994).

²⁰ GAIL A. GOOLKASIAN, U.S. DEP’T OF JUSTICE, *CONFRONTING DOMESTIC VIOLENCE: THE ROLE OF CRIMINAL COURT JUDGES* 2 (1986).

²¹ LENORE WALKER, *TERRIFYING LOVE: WHY BATTERED WOMEN KILL AND HOW SOCIETY RESPONDS*, *reprinted in part in* CLARE DALTON & ELIZABETH M. SCHNEIDER, *BATTERED WOMEN AND THE LAW* 65 (2001).

²² GOOLKASIAN, *supra* note 20, at 2-3.

²³ *Id.*

²⁴ *See, e.g.*, Karla Fischer, et al., *The Culture of Battering and the Role of Mediation in Domestic Violence Cases*, 146 SOUTHERN METHODIST UNIV. L. REV. 2117, 2141, *reprinted in part in* DALTON & SCHNEIDER, *supra* note 21, at 10, 14 (2001)

²⁵ GOOLKASIAN, *supra* note 20, at 2.

²⁶ DIANE WETENDORF, *THE IMPACT OF POLICE-PERPETRATED DOMESTIC VIOLENCE* (2000) [hereinafter WETENDORF, *IMPACT OF PPDV*].

somewhere between 22 percent and 41 percent, 2-4 times that of the general population.²⁷

Number of years on the job was not correlated with spousal abuse.²⁸ However, factors correlated with a higher rate of OIDV include working odd shifts or long hours, taking little time off, sleep deprivation, “[p]oor coping strategies,” job dissatisfaction, and being a patrol or narcotics officer.²⁹ Most notably, couples that were divorced, separated, or living apart had three times more “severe violence” as couples that were living together.³⁰

The true rates of OIDV may actually be much higher than studies indicate, due to limitations on these studies. “[U]nder reporting is a problem in the general population,” points out one researcher, and it is likely to be an even greater problem among victims of OIDV.³¹

A. Shrouded in Secrecy

Most of the studies done to date use self-reporting. Because police officers are employed in the field of law enforcement, they are much less likely to be willing to self-report commission of a crime, regardless of assurances of confidentiality; they are very afraid for their jobs.³² Studies finding higher numbers may, in fact, be more accurate, because their wording of questions was easier for batterers to accept and take responsibility for. For example, one of the earliest studies asked whether officers “had gotten out of control and behaved violently against their spouse and children” in the last six months, rather than asking if they had “hit” or “abused” their family.³³ The study found that 40 percent of officers were willing to admit to this.³⁴

²⁷ National Center for Women & Policing, *Police Family Violence Fact Sheet*, at <http://www.womenandpolicing.org/violenceFS.asp> (last visited Apr. 8, 2005) [hereinafter *Family Violence Fact Sheet*]; Andrew H. Ryan, Jr., *The Prevalence of Domestic Violence in Police Families*, in DOMESTIC VIOLENCE BY POLICE OFFICERS 297, 298 (Donald C. Sheehan ed., 2000).

²⁸ *On the Front Lines: Police Stress and Family Well-Being: Hearing Before the House Select Comm. on Children, Youth, and Families*, 102nd Cong. 32-48, 42 (1991) (statement of Leonor Boulton Johnson, Ph.D., Associate Professor of Family Studies, Arizona State University) [hereinafter Johnson statement].

²⁹ ELLEN KIRSCHMAN, I LOVE A COP: WHAT POLICE FAMILIES NEED TO KNOW 144 (1997).

³⁰ *Id.* at 143.

³¹ *Id.* at 43.

³² See Ryan, *supra* note 27.

³³ Johnson statement, *supra* note 28.

Furthermore, victims of OIDV are less likely to report abuse. Because the abuser *is* the police, victims are hesitant to call the police. “I knew they’d cover up for him like they did for each other. Just look the other way,” said one victim.³⁵ Others have been told by their husbands *they* would be arrested, not the batterer.³⁶ Still others fear the retribution that may occur if their abuser finds out about the report.³⁷ Even average citizens that are harmed by partners fear an ineffective response, which could actually escalate the situation, especially when the abuser has access to a gun.”³⁸ This is even truer for victims of OIDV. Such responses from law enforcement actually expand abusers’ power, because they decrease the likelihood that a victim will call for help in the future.³⁹

Others are also less likely to notice the results of attacks by police officers. Police have experience with assault and battery, having seen it many times on the job, and they know where to hit to avoid leaving marks entirely or limit marks to concealed areas.⁴⁰ Because the signs of abuse are not as obvious, victims and abusers can more easily fool others into thinking everything is normal.

B. Uniquely Positioned & Trained: What Makes Police Good Batterers

This knowledge of where to hit is just one of the advantages police have over average batterers. Law enforcement officers also have the advantage of specialized training in how to subdue or incapacitate suspects, through intimidation, the use of the “command presence” or, if

³⁴ *Id.*

³⁵ KIRSCHMAN, *supra* note 29, at 140.

³⁶ Maureen O’Hagan & Cheryl Phillips, *When a Wife’s Abuser is a Cop, Who Can Help? Women Battered by Police Officers Say They Face Disbelief, Retaliation if They Tell*, SEATTLE TIMES, at A1.

³⁷ “If he had been fired, I would have paid for that in some manner,” explains one woman. “That’s their identity, being an officer. . . . If you take that away from them, they’re nothing.” *Id.*

³⁸ MARGARET HOBART ET AL., TELL THE WORLD WHAT HAPPENED TO ME: FINDINGS AND RECOMMENDATIONS OF THE WASHINGTON STATE DOMESTIC VIOLENCE FATALITY REVIEW 46-47 (2002).

³⁹ *Id.* at 47-48.

⁴⁰ WETENDORF, IMPACT OF PPDV, *supra* note 26.

necessary, physical techniques that leave no marks.⁴¹ When police are on the job, the ability to control volatile situations can mean the difference between life and death, so officers take their training very seriously.⁴² It is no surprise, then that many abusive cops have letters of commendation in their files, praising their ability to defuse difficult situations.⁴³ David Brame was even made out to be “a champion for domestic abuse victims.”⁴⁴

The problem comes when officers take those techniques home. For example, Chief Brame “used tactics he learned and perfected as a police officer, such as constant surveillance, interrogations, and threats to control his wife.”⁴⁵ Physical intimidation, emotional control, and raising their voices come naturally and are probably not considered a use of force by most cops.⁴⁶ Officers may perceive refusal to comply with requests or orders as a threat, rather than a mere difference of opinion.⁴⁷ They also take their gun home with them, making them even more dangerous. “Guns,” notes one review of DV fatalities, “are the most common weapon used in domestic violence homicides.”⁴⁸

Furthermore, police are positioned perfectly to get away with DV. If their victim reports the abuse, it is her word against his – not a good position for the victim to be in. As a society, we tend to have some degree of inherent respect for police.⁴⁹ Officers have an even greater respect and deference for their peers and co-workers. Some women have had their complaints “brushed

⁴¹ DIANE WETENDORF, WHEN THE BATTERER IS A LAW ENFORCEMENT OFFICER: A GUIDE FOR ADVOCATES 14, 17 (2004) [hereinafter WETENDORF, GUIDE FOR ADVOCATES].

⁴² Lonald D. Lott, *Deadly Secrets in the Police Family*, FBI LAW ENFORCEMENT BULL., Nov. 1995, at 13.

⁴³ See KIRSCHMAN, *supra* note 29, at 141; Lagatutta, *supra* note 3.

⁴⁴ Ruth Teichroeb & Jeffrey Barker, *Tacoma Police Say Chief was a Champion for Domestic Abuse Victims; No Signs Brame was About to Explode*, SEATTLE POST-INTELLIGENCER, Apr. 29, 2003, at B1.

⁴⁵ Alisa Bierria, *Police Violence in Our Private Lives*, Real Change News, May 15, 2003, available at http://www.realchangenews.org/pastissuesupgrade/2003_05_15/opinion/police_violence.html.

⁴⁶ KIRSCHMAN, *supra* note 29, at 144-45.

⁴⁷ *Id.* at 145.

⁴⁸ HOBART ET AL., *supra* note 38, at 49.

⁴⁹ See, e.g., WETENDORF, GUIDE FOR ADVOCATES, *supra* note 41. “I knew no one would believe he hit me, because he’s the kind of guy who’s always stopping to help someone, and he has the letters of commendation to prove it,” said one victim. *Id.* at 141.

aside”, partially due to a police policy of keeping such allegations in-house.⁵⁰ According to a former police officer, traditionally investigations of DV complaints against officers were conducted privately, with a focus on not embarrassing the officer.⁵¹

With this policy supporting them, abusive officers can use their knowledge of the criminal justice system to their advantage, as well. Many threaten to have their wife or girlfriend arrested if she reports.⁵² In addition, “it’s a well-known tactic among batterers to pre-empt allegations against them by filing their own complaints first.”⁵³ Some officers even “use[] their knowledge to set up wives or girlfriends, making it appear as if the woman was stalking them, attacking them or mentally unstable.”⁵⁴ This manipulation of the law enforcement system further diminishes the victim’s credibility if and when she decides to report the abuse.

C. No Escape

Perhaps the biggest factor differentiating OIDV from other cases of DV is the near impossibility of escape for the victims. Across all DV, the most dangerous time for a victim is when she tries to leave.⁵⁵ Compounding this, victims of OIDV essentially have nowhere to go, no way to escape, and very few people to protect them.

Although police are supposed to enforce restraining orders and arrest for their violation or for probable cause of a crime occurring, this is less likely to happen when a fellow officer is involved. Officers are more likely to take their fellow cop’s word over the victim’s, and may handle the situation ineffectively.⁵⁶ This is assuming the call gets to an officer at all. Some

⁵⁰ O’Hagan & Phillips, *supra* note 36.

⁵¹ *Id.*

⁵² For example, one officer informed his girlfriend after a “scuffle”, “I know the law and you’re the one that’s going to get arrested.” *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Fischer et al., *supra* note 24, at 10, 14.

⁵⁶ WETENDORF, GUIDE FOR ADVOCATES, *supra* note 41, at 8; *see also* O’Hagan & Phillips, *supra* note 36.

dispatchers hesitate to send officers in response to such a call.⁵⁷ Furthermore, judges may be unwilling to issue a protective order against a police officer, and even if an order is issued, other police officers often delay serving the order on the officer.⁵⁸

Victims that attempt to leave often have nowhere to go, because the shelters available to other victims of DV are unsafe when there is a police officer involved. Police officers “know[] the locations of local shelters and can readily discover the address of any shelter.”⁵⁹

If victims of police-abusers try to go elsewhere and start a new life, police officers have access to resources necessary to track her down. They can trace license plates and credit card usage.⁶⁰ They can track her movements using records from telephone companies, utilities, schools, hospitals, insurance companies, and welfare.⁶¹ They can even track a victim that changes her Social Security Number.⁶² This essentially traps victims in their current life. “In looking for a job, I found positions open, yet I had no way to prove my qualifications and experience,” says one victim, describing her difficulty starting a new life.⁶³ “I could not . . . use any of my past experience or personal references because my husband would find out.”⁶⁴ Some women “have re-located more than once, to get away.”⁶⁵ One victim says it got so bad that she “no longer ha[s] an address.” She says her life is like being in prison:

Even though my Stalker was arrested and [confessed], the Judge didn't put him in jail. The Judge didn't take away his freedom. He took away mine. My batterer went back to being a police officer. Like nothing had ever happened. But

⁵⁷ WETENDORF, GUIDE FOR ADVOCATES, *supra* note 41, at 8.

⁵⁸ *Id.* at 33-34.

⁵⁹ *Id.* at 8

⁶⁰ *Id.* at 9.

⁶¹ *Id.* at 67.

⁶² *Id.* at 9

⁶³ *Id.* at 67.

⁶⁴ *Id.*

⁶⁵ Hide and Seek, at http://www.abuseofpower.info/Story_Hide.htm (last visited Apr. 7, 2005).

I will never go back to a normal life again. I will forever be looking over my shoulder.⁶⁶

D. Not Just About Their Direct Victims

While OIDV devastates the victims themselves, its impact extends outside those relationships. What happens when a law enforcement officer that is himself an abuser is called upon to respond to DV incidents, enforce restraining orders, or testify in a DV case? Diane Wetendorf, a national expert on OIDV, warns that the officer's "attitude may be less than appropriate in dealing with either party," and he "may not adequately protect a victim."⁶⁷ Others share these concerns.⁶⁸

If not brought to the attention of the proper authorities or if not dealt with appropriately by those authorities, OIDV can also result in civil liability. In 1984, a Connecticut district court held that police departments were liable for damages resulting from policies of responding differently to abuse of women by an intimate partner than to other cases of abuse or assault.⁶⁹ A 2000 case set a similar precedent in the Ninth Circuit.⁷⁰ Further liability may occur if police departments do not take care to remove guns from officers with convictions for DV or restraining orders against them.⁷¹

III. Laws & Policies: The Attempt to Legislate Change

Much of the law's responsibility for causing change has been left to the courts, which have provided some small degree of relief. In 1996, however, Congress passed a series of laws⁷²

⁶⁶ Shelter Life, at http://www.abuseofpower.info/Story_Shelter.htm (last visited Apr. 7, 2005).

⁶⁷ WETENDORF, IMPACT OF PPDV, *supra* note 26.

⁶⁸ Lott, *supra* note 42, at 13 (based on an informal survey he conducted at the FBI National Academy in Quantico, VA); John Feltgen, *Domestic Violence: When the Abuser is a Police Officer*, POLICE CHIEF, Oct. 1996, at 42.

⁶⁹ Thurman v. City of Torrington, 595 F. Supp. 1521 (Dist. Conn. 1984).

⁷⁰ Estate of Macias v. Ihde, 219 F.3d 1018 (9th Cir. 2000).

⁷¹ Margaret H. Culp, *Officer-Involved Orders for Protection: A Management Challenge*, POLICE CHIEF, Mar. 2000, at 10.

⁷² 18 U.S.C. § 922, et seq. (2005).

known as the Lautenberg Amendment⁷³ or Domestic Violence Offender Gun Ban.⁷⁴ Section 922(g) of the U.S. Code provides that it is unlawful for one to possess a firearm if he or she is subject to a DV restraining order or has been convicted of a DV misdemeanor.⁷⁵ The statute is retroactive, including convictions and restraining orders issued before its passage, and contrary to the belief of some, it provides no “exception for law enforcement or military personnel.”⁷⁶

States have also enacted statutes directing law enforcement agencies to develop policies for responding to DV calls.⁷⁷ These statutes set out a variety of guidelines for the policies, including requirements that they encourage or mandate arrests where there is probable cause that a DV offense has been committed and that written records be made and kept for all DV reports.⁷⁸ Many states, including California, do not specifically require that these policies address OIDV. However, Washington, in the wake of the Brame tragedy, added a new section to its laws, requiring that law enforcement agencies adopt policies for responding to complaints of OIDV.⁷⁹

⁷³ Ed Meyer et al., *Few Lose Jobs: Cops Avoid Domestic Violence Law*, AKRON BEACON J., Dec. 5, 1999, at A1.

⁷⁴ National Center for Women & Policing, *Domestic Violence Offender Gun Ban Fact Sheet*, at <http://www.pennyharrington.com/gunbanfacts.htm> (last visited Feb. 6, 2005) [hereinafter *Gun Ban Fact Sheet*].

⁷⁵ 18 U.S.C. 922(g) specifically provides:

It shall be unlawful for any person—

...

(8) who is subject to a court order that--

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) 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; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

⁷⁶ *Gun Ban Fact Sheet*, *supra* note 74.

⁷⁷ *See, e.g.*, Cal. Penal Code § 13701 (West 2005); WASH. REV. CODE ANN. § 10.99.030 (West 2005).

⁷⁸ *See, e.g.*, Cal. Penal Code § 13701; WASH. REV. CODE ANN. § 10.99.030.

⁷⁹ *See* WASH. REV. CODE ANN. § 10.99.090 (West 2005) (effective June 10, 2004).

In doing so, the legislature stated that it was “addressing the need for improved coordination and accountability . . . when reports of domestic violence are made and the alleged perpetrator is a . . . Washington peace officer.”⁸⁰ The remainder of policy development has been left to the agencies themselves.

IV. The Abuse Goes On: The Spectacular Failure of Regulation

The few laws promulgated by Congress and state legislatures have failed to effectively address the problem of OIDV to this point. There are a number of reasons for this. First, policy development has been mostly left in the hands of individual law enforcement agencies, which are not subject to any accountability measures. Second, the police culture still reflects outdated notions about DV, leading officers to protect their own. Third, the Lautenberg Amendment puts agencies in a bind, forced to choose between enforcing federal law and keeping much-needed officers on the streets. Finally, law enforcement agencies may try to cover up an officer’s DV to avoid bad publicity.

A. A Fox in the Henhouse: Problems with Having Agencies Self-Regulate

State statutes directing law enforcement agencies to develop and follow policies for responding to OIDV make the critical mistake of leaving the agencies “on their honor” to do so. Although state-legislated, the laws explicitly state that they are to be administered and implemented by individual law enforcement agencies, without any particular oversight.⁸¹

History has shown this to be most ineffective. Based on an informal survey conducted at the FBI National Academy in Quantico, VA, one researcher states, “While most law enforcement administrators claim to comply with domestic violence statutes when dealing with their own

⁸⁰ 2004 Wash. Legis. Serv. 18 (West).

⁸¹ California does provide, however, for the state Attorney General’s annual collection and report of the number of domestic violence calls received, “by agency, city, and county.” Cal. Penal Code § 13730(b) (West 2005).

officers, they also admit to slippage.”⁸² One survey in 1994 found that almost half of police departments across the nation “had no specific policy for dealing with officer-involved domestic violence.”⁸³ Another found that *most* agencies do not have such a policy, even though they have policies “requir[ing] the notification of Internal Affairs when an employee is the subject of a criminal investigation.”⁸⁴

The International Association of Chiefs of Police prepared a model policy in 1993 for responding to OIDV.⁸⁵ Some police departments have adopted the policy, but most do nothing more than “simply including the policy in their manuals.”⁸⁶

Because so few agencies have policies, they remain free to respond to OIDV in whatever way was traditionally used. In response to OIDV allegations that are sustained, most agencies send the offending officer to counseling.⁸⁷ In fact, “[o]nly 19% of the departments [surveyed] indicated that officers would be terminated after a *second* sustained allegation of domestic violence.”⁸⁸ Of the 91 cases of alleged OIDV investigated by the Los Angeles Police Department and sustained between 1990 and 1997, “only 4 resulted in a criminal conviction.”⁸⁹ One of those four officers “was suspended for only 15 days” and the conviction of another was expunged.⁹⁰ On the other hand, 26 of the 91 officers “were promoted, including 6 employees who promoted

⁸² Lott, *supra* note 42, at 13-14.

⁸³ *Family Violence Fact Sheet*, *supra* note 27 (citing ARLINGTON, TEXAS POLICE DEPARTMENT & SOUTHWESTERN LAW ENFORCEMENT INSTITUTE, DOMESTIC ASSAULTS AMONG POLICE: A SURVEY OF INTERNAL AFFAIRS POLICIES (1995)).

⁸⁴ Feltgen, *supra* note 68, at 42, 45.

⁸⁵ INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, DOMESTIC VIOLENCE BY POLICE OFFICERS (2003).

⁸⁶ *Family Violence Fact Sheet*, *supra* note 27.

⁸⁷ *Id.* (citing ARLINGTON, TEXAS POLICE DEPARTMENT & SOUTHWESTERN LAW ENFORCEMENT INSTITUTE, *supra* note 83).

⁸⁸ *Id.*

⁸⁹ KATHERINE MADER ET AL., DOMESTIC VIOLENCE IN THE LOS ANGELES POLICE DEPARTMENT: HOW WELL DOES THE LOS ANGELES POLICE DEPARTMENT POLICE ITS OWN?: THE REPORT OF THE DOMESTIC VIOLENCE TASK FORCE I (1997).

⁹⁰ *Id.*

within 2 years of the ... incident.”⁹¹ In San Diego, 42% of OIDV cases referred to the City Attorney are prosecuted, compared to 92% of DV cases as a whole.⁹²

Even where there are policies in place governing the response to OIDV, though, lack of accountability allows officers to blatantly disregard them. One researcher noted that “when officers were dispatched to suspected calls of domestic violence involving one of their co-workers, any policy or law...was quickly abandoned. Responding officers would often speak only briefly with the ‘off-duty officer’ and...dismiss the call without any further investigation [or] written report,” regardless of what the policy directed.⁹³ Officers continue to respond in this manner, because “there are no repercussions . . . for failing to take the action mandated by law.”⁹⁴

B. Birds of a Feather: Internal Cover-ups & Police Culture

The pervasive police culture and steadfast adherence to outdated conceptualizations of DV also contribute to the failure of current laws and policies in attacking OIDV. Historically, women were considered to belong to their husband and be completely dependent on him.⁹⁵ Therefore, men were given the freedom to discipline their wives as they saw fit, provided they did not inflict severe harm.⁹⁶ Until recently, society, as a whole, considered DV to be a private matter, rather than a criminal issue or a social problem.⁹⁷ Accordingly, police developed an

⁹¹ *Id.*, at ii-iii.

⁹² *Family Violence Fact Sheet*, *supra* note 27 (citing K. Thornton, *Police and Domestic Violence*, SAN DIEGO UNION-TRIB., May 11, 1998).

⁹³ Feltgen, *supra* note 68, at 42.

⁹⁴ *Id.*

⁹⁵ PATRICIA G. BARNES, *DOMESTIC VIOLENCE: FROM A PRIVATE MATTER TO A FEDERAL OFFENSE* (1998); GWENDOLYN MINK, *WHOSE WELFARE?* (1998).

⁹⁶ KRISTIN A. KELLY, *DOMESTIC VIOLENCE AND THE POLITICS OF PRIVACY* (2003); ELIZABETH PLECK, *DOMESTIC TYRANNY: THE MAKING OF SOCIAL POLICY AGAINST FAMILY VIOLENCE FROM COLONIAL TIMES TO THE PRESENT* (1987), *reprinted in part in* DALTON & SCHNEIDER, *supra* note 21, at 10, 14 (2001).

⁹⁷ KELLY, *supra* note 96; MINK, *supra* note 95; PLECK, *supra* note 96.

unofficial policy of not interfering in cases of DV, considering it people's private business.⁹⁸

A psychologist that has worked with police says that it is "still a man's world" in law enforcement agencies.⁹⁹ A law professor completing a study of police response to DV calls in British Columbia in the 1990s said that even that recently, "[p]olice typically judged battered women in unflattering terms and were often unlikely to be sympathetic or helpful unless the abused woman was a Betty Crocker type who kept the house clean and had an apron on when she came to the door."¹⁰⁰

In addition to this attitude, there is a strong unspoken rule that police protect their own. Law enforcement officers that break the code of silence fear retaliation such as "[s]hun[ing] violators, revealing their inadequacies, or withholding assistance in emergencies."¹⁰¹ This can lead officers to fear "that they literally risk their lives when they turn in their peers."¹⁰² Because of this, many officers fail to report DV incidents of which they are directly aware.¹⁰³

C. Removing Guns Takes Cops Off the Street

The Lautenberg Amendment has not only proved ineffective, but it has actually undermined other laws and policies. It puts police departments in a tough position when their officers are the subjects of restraining orders. Removing the officer's gun forces them to place him on suspension or find "non-law enforcement duties" for him, which "can cause severe staffing shortages."¹⁰⁴ On the other hand, failing to comply with the statute can open a

⁹⁸ KELLY, *supra* note 96; CAROLYN HOYLE, *NEGOTIATING DOMESTIC VIOLENCE: POLICE, CRIMINAL JUSTICE AND VICTIMS* (1998).

⁹⁹ KIRSCHMAN, *supra* note 29, at 145.

¹⁰⁰ Alex Roslin, *Batterer in Blue: U.S. Evidence Shows that Wives and Girlfriends of Male Cops Are Frequent Victims of Domestic Violence*, GEORGIA STRAIGHT, July 24, 2003, at <http://www.kersplebedeb.com/mystuff/police/batterers.html>.

¹⁰¹ Peter H. Neidig, Harold E. Russell, & Albert F. Seng, *Interspousal Aggression in Law Enforcement Families: A Preliminary Investigation*, 15 *POLICE STUDIES* 30 (1992).

¹⁰² *Id.*

¹⁰³ Lott, *supra* note 42, at 13-14.

¹⁰⁴ Culp, *supra* note 71, at 10.

department to civil liability.¹⁰⁵

Because of this, the Lautenberg Amendment is not uniformly enforced among law enforcement agencies. A 1999 survey by the Akron Beacon Journal in Ohio found that among 68 of “the country’s 100 largest police departments,” only “a total of 11 officers” in 6 cities were “fired or reassigned to administrative duties” due to losing their gun for a DV conviction.¹⁰⁶ A former police chief explains that police can and do get around the Lautenberg Amendment “by routinely getting domestic violence convictions expunged from their record¹⁰⁷ or by pleading to lesser crimes than domestic violence....”¹⁰⁸ Furthermore, judges tend to enable this trick.¹⁰⁹

The results can be devastating. In one state, “[s]ince 1997, at least twelve domestic violence homicides have been committed . . . by abusers using guns they were federally prohibited from possessing because they had a prior domestic violence conviction.”¹¹⁰

D. Avoiding Bad Publicity

A final reason laws and policies are not always followed is a tendency for law enforcement agencies to cover up an officer’s DV to avoid bad publicity. In a world of proliferating litigation, departments fear civil liability, as well as a lack of respect for officers, if the public becomes aware of OI DV. Unfortunately, by covering up the abuse, they run a greater risk of experiencing bad publicity and liability, in the event the abuse does not stop – and DV tends to escalate, rather than end after one or two incidents. Batterers tend to continue their

¹⁰⁵ *Id.*

¹⁰⁶ Meyer et al., *supra* note 73.

¹⁰⁷ For example, “in May 1997, three Los Angeles County sheriff’s deputies who lost their guns because they had been convicted of domestic violence charges won their jobs back. They simply went to court and had their convictions expunged.” *Id.*; see also H. Tobar, *3 Deputies Go to Court, Regain Right to Carry Guns*, LOS ANGELES TIMES, May 9, 1997, at B1.

¹⁰⁸ Meyer et al., *supra* note 73.

¹⁰⁹ *Id.*

¹¹⁰ HOBART ET AL., *supra* note 38, at 49.

abusive behavior unless interrupted by a successful intervention.¹¹¹ Again, the Brame story presents an example: Crystal Brame's family has "filed a \$75 million wrongful-death civil suit against the city" of Tacoma,¹¹² alleging that the city should have been aware of the danger Chief Brame posed and protected her.¹¹³ The case is currently pending.¹¹⁴

V. Adding Accountability and Changing the Culture

Two key changes are necessary to give teeth to the policies promulgated by various departments and associations across the country: the police culture must change and agencies must become accountable. The first step, though, is developing policies to be followed at all.

A. Police Protocols

Since most police value their job and identity as a cop above all else, a "department's policy and attitude may be the most influential factors in deterring police domestic violence."¹¹⁵ Therefore, every law enforcement agency needs to adopt a policy directing the steps to be taken when an allegation of OIDV is made. The core tenet of such a policy must be that police officers "should be treated no differently than any other citizen."¹¹⁶

In order to avoid an officer's improper influence over the investigation of his own case, a supervisor should be dispatched to the scene of the incident,¹¹⁷ and the Internal Affairs Division or Department should be placed in charge of the investigation.¹¹⁸ The entire investigation should

¹¹¹ See, e.g., GOOLKASIAN, *supra* note 20; R. EMERSON DOBASH ET AL., CHANGING VIOLENT MEN (2000).

¹¹² Ko, *supra* note 9.

¹¹³ Briefly; *Brame Lawsuit Moved from Pierce to King County*, King County Journal Online, Feb. 12, 2004, at <http://www.kingcountyjournal.com/sited/story/html/156040> [hereinafter *Brame Lawsuit Moved*]; Carter, *supra* note 9.

¹¹⁴ *Brame Lawsuit Moved*, *supra* note 113.

¹¹⁵ WETENDORF, IMPACT OF PPDV, *supra* note 26.

¹¹⁶ MADER ET AL., *supra* note 89, at iii. The San Diego Domestic Violence Law Enforcement Protocol states, "No person, because of his or her occupation, should be exempt from the application of the laws concerning domestic violence." SAN DIEGO DOMESTIC VIOLENCE COUNCIL, SAN DIEGO DOMESTIC VIOLENCE LAW ENFORCEMENT PROTOCOL (1998).

¹¹⁷ Feltgen, *supra* note 68, at 45; INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 4.

¹¹⁸ Feltgen, *supra* note 68, at 45; INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 6; MADER ET AL., *supra* note 89, at iii.

be well documented, beginning with the initial report to the authorities.¹¹⁹

While the investigation is proceeding, department-issued equipment, including any weapons, should be removed from the suspect officer.¹²⁰ Because of this, and in order to protect the victim, reporting party, and third parties from retaliation, the officer should be placed on administrative leave or suspension while being investigated.¹²¹ If an investigation reveals that the officer did commit the alleged act, consequences must be provided, as discussed below.

However, the policy for addressing OIDV need not start when an incident is reported. Several commentators suggest that a preventative approach can be taken instead or in addition to the policies offered above. One helpful modification to current practices would be a screening process.¹²² One study looking at agencies that actually do this found that a surprisingly high number of applicants actually disclosed past DV, enabling the agencies to which they were applying to screen them out before becoming involved in the violence.¹²³ In addition, “provid[ing] resource information to employees and families, and coaching and counseling for employees,” could prevent or stop DV.¹²⁴ By stopping the violence before it starts, law enforcement agencies could help both the officers and themselves, in addition to the potential victims, by avoiding the need for issuance of restraining orders that would trigger the Lautenberg Act. As the old maxim states, “an ounce of prevention is worth a pound of cure.”

Agencies also need to develop a system for “monitor[ing] the existence and status of

¹¹⁹ INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 4.

¹²⁰ Feltgen, *supra* note 68, at 45; INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 5; Culp, *supra* note 71, at 10. In fact, the IACP recommends that weapons be removed immediately upon arrest. INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 5.

¹²¹ Feltgen, *supra* note 68, at 45; *see also* Commentary, *Another view...*, The Spokesman-Review.com, May 5, 2004, at <http://www.spokesmanreview.com/pf.asp?date=050504&ID=s1516435>; INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 7.

¹²² INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 2; *see also* Commentary, *supra* note 121.

¹²³ Ryan, *supra* note 27, at 301.

¹²⁴ Culp, *supra* note 71, at 10.

OFPs [orders for protection],” to protect themselves from liability.¹²⁵ Waiting for officers to report their own restraining orders to superiors has not proved effective and is unlikely to ever prove effective. It is counterintuitive to expect a law enforcement officer to report his own violation of law, which is likely to lead to a desk job, suspension, or even termination from his job. Although one commentator feels that “[e]mployees can be required to notify the agency of the existence and status of OFPs against them,”¹²⁶ she does not state how such a requirement would be enforced. If the problem is that officers are not currently disclosing the existence of such orders, why would they start doing so just because words were added to an employee handbook or “policy and procedure manual”?

B. Establishing Consequences

If the officer is found to have committed the act of DV, in either a criminal or administrative investigation, there must be consequences. Beginning with Sherman and Berk’s groundbreaking study in 1984 on the effects of arrest on DV recidivism rates,¹²⁷ we have found that concrete, real, and societally sanctioned consequences are more effective in reducing DV than merely talking to the offender or leaving the problem to be resolved within the family.¹²⁸

Some evidence suggests that DV will continue when batterers are not held accountable for their actions and there are no negative consequences for the violence.¹²⁹ Nationwide, women abused by a partner are at “high risk of being victimized again.”¹³⁰ The less serious the

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ Lawrence W. Sherman & Richard A. Berk, *The Specific Deterrent Effects of Arrest for Domestic Assault*, 49 AM. SOC. REV., 261 (1984).

¹²⁸ See *id.*; GOOLKASIAN, *supra* note 20; DOBASH ET AL., *supra* note 111; Michael Steinman, *Arrest and Recidivism Among Woman Batterers*, 16 CRIMINAL JUSTICE REVIEW 183-197 (1991). But see Robert C. Davis et al., *The Deterrent Effect of Prosecuting Domestic Violence Misdemeanors*, 44 CRIME AND DELINQUENCY 434-442 (1998); RICHARD R. PETERSON ET AL., COMBATING DOMESTIC VIOLENCE IN NEW YORK CITY: A STUDY OF DV CASES IN THE CRIMINAL COURTS (2003).

¹²⁹ GOOLKASIAN, *supra* note 20.

¹³⁰ *Id.* at 2.

consequences for family violence, the greater the likelihood of recidivism will be.¹³¹ On the other hand, “[w]hen justice agencies deliver a clear message that domestic violence is unacceptable behavior that will not be tolerated, this view is encouraged throughout society.”¹³²

Consequences suggested for OIDV range from counseling to suspension, demotion, or even termination.¹³³ The International Association of Chiefs of Police recommends immediate termination upon even a finding in an administrative proceeding that the officer has in fact abused a significant other.¹³⁴ Others feel termination should only occur after a pattern of DV.¹³⁵ Establishing consequences for actions will provide accountability to individuals; officers that “do the crime” have to “do the time” in some form.

To provide a less punitive and more rehabilitative consequence, it has also been suggested that law enforcement agencies develop their own batterers’ programs.¹³⁶ Group treatment programs for batterers have met with some success, but studies evaluating these programs tend to suffer from small sample sizes and/or reliance on unconfirmed self-reporting.¹³⁷ Furthermore, studies have not looked at the efficacy of batterers’ programs with law enforcement officers.¹³⁸

C. Departmental Accountability

In addition to personal accountability, though, departments need to be held accountable for their policies and patterns of behavior. Accountability is one of the criteria for evaluating

¹³¹ DOBASH ET AL., *supra* note 111.

¹³² GOOLKASIAN, *supra* note 20, at 3; *see also* DOBASH ET AL., *supra* note 111; JEFFREY L. EDLESON & RICHARD M. TOLMAN, *INTERVENTION FOR MEN WHO BATTER: AN ECOLOGICAL APPROACH* (1992).

¹³³ Feltgen, *supra* note 68, at 46; INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 7; MADER ET AL., *supra* note 89, at iv.

¹³⁴ INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 85, at 7.

¹³⁵ MADER ET AL., *supra* note 89, at iv.

¹³⁶ *Id.*

¹³⁷ *See* DOBASH ET AL., *supra* note 111; DONALD G. DUTTON, *THE BATTERER: A PSYCHOLOGICAL PROFILE* (1995); EDLESON & TOLMAN, *supra* note 132.

¹³⁸ *See* DOBASH ET AL., *supra* note 111; DUTTON, *supra* note 137; EDLESON & TOLMAN, *supra* note 132.

service delivery.¹³⁹ To be considered effective in delivering services, an organization, including a law enforcement agency, must be “accountable for its actions and decisions,” and the benefits it provides must be “integrated and continuous” and “accessible to clients and beneficiaries.”¹⁴⁰

Unfortunately, judging by these criteria, law enforcement agencies are remarkably poor at providing protective services to victims of OI DV. While the law requires such agencies to develop a policy for providing continuous service to victims of DV, reality departs from the scene imagined under the law. Unfortunately, because some victims are afraid to call the police, as a practical matter, services are not accessible to them, and services are anything but constant. Studies have found that the beliefs of individual officers and “personal factors” in their lives, such as their approval of family violence, affect how they respond to any call reporting DV.¹⁴¹ In some cases, entire departments have been found to have a pattern of failing to take DV cases seriously.¹⁴² This failure is at least partially because there is no accountability for their actions. There are no checks and balances provided in the law to ensure that law enforcement agencies are not merely developing policies, but actually implementing them as well.

There are at least three possible ways to establish such checks on agencies’ behavior. First, an oversight committee could be appointed or the duty of oversight delegated to a particular office. This solution seems simple, but there are several problems with it. Creating an oversight committee takes money and manpower, both in short supply, while assigning the duty to pre-existing office further overburdens a heavily laden government office. This solution also would deteriorate relations between the oversight body and law enforcement agencies, who

¹³⁹ DONALD E. CHAMBERS, SOCIAL POLICY AND SOCIAL PROGRAMS: A METHOD FOR THE PRACTICAL PUBLIC POLICY ANALYST 182 (2000).

¹⁴⁰ *Id.*

would feel they were being treated as children and micromanaged (notwithstanding the fact that many agencies have shown this is approximately their level of ability to get such policies implemented). The solution also still lacks teeth. Even if an agency were appointed or created to police the police, what would be the consequences they could issue?

A second possible solution ties compliance with laws directing the establishment of such procedures to funding. Under the Violence Against Women Act (VAWA),¹⁴³ federal funds are available for, *inter alia*, “training law enforcement officers . . . to more effectively identify and respond to violent crimes against women, including . . . domestic violence, and dating violence” and “developing and implementing more effective police . . . policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including . . . domestic violence.”¹⁴⁴ In return for those grant funds, the grantee has to report to the U.S. Attorney General “the activities carried out” and “an assessment of the effectiveness of those activities in achieving the purposes of the VAWA.”¹⁴⁵ Unfortunately, utilization of this solution would require either the federal government to expand the program, making it easier for law enforcement agencies to gain access to these grants, or the states to fund their own mandates. Again, funding becomes an issue.

Alternatively, rather than offering incentives for complying with the law, the legislature could create punishments for not doing so, by creating a new civil cause of action against departments that do not establish and implement a procedure for responding to OIDV. For this

¹⁴¹ Lynette Feder, *Police Handling of Domestic Violence Calls: An Overview and Further Investigation*, in *WOMEN AND DOMESTIC VIOLENCE: AN INTERDISCIPLINARY APPROACH* 49 (Lynette Feder ed., 1999); Kathleen J. Ferraro, *Policing Woman Battering*, 36 *SOCIAL PROBLEMS* 61 (1989); Sandra M. Stith, *Police Response to Domestic Violence: The Influence of Individual and Familial Factors*, 5 *VIOLENCE & VICTIMS* 37 (1990).

¹⁴² See, e.g., *Thurman*, 595 F. Supp. 1521.

¹⁴³ Violence Against Women Act of 1994, Pub. L. No. 103-322, 108 Stat. 1902 (codified in scattered sections of 16 U.S.C., 18 U.S.C., & 42 U.S.C.).

¹⁴⁴ 42 U.S.C. § 3796gg (2005).

¹⁴⁵ 42 U.S.C. § 3796gg-1 (2005).

cause of action, plaintiff victims of OIDV (or of DV as a whole) would not have to prove a discriminatory “pattern or practice” by a law enforcement agency, as under VAWA,¹⁴⁶ but only that the agency had failed to establish a policy for responding to allegations of OIDV by the stated deadline, or alternatively, that the agency did not follow its own established policy. This solution also offers potential financial difficulties, since awards against the agency are paid out of taxpayer dollars. However, the costs associated with this solution are not precedent to its effectiveness; that is, the costs can be avoided if law enforcement agencies simply comply with the law. By comparison, the other two solutions offered above require that money be expended *before* agency compliance can be increased.

D. Changing the Culture

Most importantly, though, those that hope to eliminate OIDV must attack the shroud of secrecy surrounding the tight-knit police community. For change to occur, one member of this community believes that “members of the law enforcement profession first must acknowledge the existence of the problem. Then, they must work together to assist coworkers through intervention. In short, they must not keep it a secret.”¹⁴⁷

Because the attitude of much of the department depends on how superiors respond to DV, the change must start with these individuals. When supervisors in an organization buy into a new program or set of values, those they supervise tend to follow. On the other hand, when managers indicate their disapproval of a policy promulgated by a governing body, others are unlikely to follow it. Therefore, police supervisors must be trained, adopt new policies and views as their own, and then “educate all employees about the nature of police violence,

¹⁴⁶ 42 U.S.C. § 14141 (2005).

¹⁴⁷ Lott, *supra* note 42, at 15.

emphasizing detection and encouraging intervention.”¹⁴⁸

Conclusion

Although recent decades have seen an explosion of attention focused on and scholarly discourse on the problem of DV, very little time and very few words have been spent on the particular issue of OIDV. Despite the lack of awareness of this sub-category of DV, it differs in a number of ways from “ordinary” DV – ways that make the plight of its victims far more dire and hopeless. Furthermore, the prevalence of DV among officers themselves leads one to question how we could ever hope for effective law enforcement response to DV.

In recent years, various legislatures have begun to catch a whiff of the problem and have attempted legislation to attack it. Unfortunately, these attempts have ignored the need for accountability, leaving agencies to self-regulate. As a result, many laws and policies have been considered mere suggestions. In order to turn the tide of OIDV, every law enforcement agency needs to have a clear policy on response to OIDV, which is supported by management personnel. In addition, legislatures need to provide a clear directive to law enforcement agencies that is backed up by consequences.

The pastor officiating at Crystal Brame’s funeral hoped that her casket would become a “wake-up call.”¹⁴⁹ For the state of Washington, it did. In 2004, legislation passed requiring “that each law enforcement agency in Washington develop an officer-involved DV policy by [June 1,] 2005.”¹⁵⁰ Tacoma itself implemented a “tough new domestic violence policy” in

¹⁴⁸ *Id.*

¹⁴⁹ In his remarks at Crystal Brame’s funeral, Pastor Mark Toone said. “I suspect there are people here who are locked in a destructive relationship.’ . . . ‘Let this casket be a wake-up call.’” Julia Sommerfeld, *Crystal Brame is honored, laid to rest; Pastor: Let ‘casket be a wake-up call’*, Seattle Times, May 11, 2003, at B1.

¹⁵⁰ OFFICER-INVOLVED DOMESTIC VIOLENCE TRAINING PILOT, EXECUTIVE SUMMARY (2004), at <http://www.atg.wa.gov/domesticviolence/ExecutiveSummary.htm> (last visited Feb. 5, 2005); WASH. REV. CODE ANN. § 10.99.090 (West 2005).

2004.¹⁵¹ Let the many caskets already lowered all across the country be a wake-up call to us all:
officer-involved domestic violence is intolerable.

¹⁵¹ Commentary, *supra* note 121.