

**POLICIES ON POLICE OFFICER DOMESTIC VIOLENCE:
PREVALENCE AND SPECIFIC PROVISIONS WITHIN LARGE POLICE AGENCIES**

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Research was conducted to determine the prevalence and specific provisions of policies regarding officer-involved domestic violence. First, a national sample of 78 large police agencies were surveyed, and 23 (29%) indicated that they had such a specific policy. However, a number of factors suggest that this estimate might be artificially high. Second, a total of 22 policies were analyzed with a coding structure based on the IACP Model Policy. The policies varied widely in their scope, focus, and specific provisions. The most common elements were that a supervisor be immediately notified and that officers have a duty to report knowledge of domestic violence involving themselves or other employees. Most policies included very few of the provisions from the model developed by the IACP.

THE PREVALENCE AND SPECIFIC PROVISIONS OF POLICIES ON POLICE OFFICER DOMESTIC VIOLENCE

On April 26, 2003, Chief David Brame of the Tacoma Police Department shot himself and his wife Crystal in front of their two children. This highly publicized tragedy briefly focused media attention on the problem of police officer domestic violence and highlighted the need for better response by law enforcement agencies when the perpetrator is one of their own. The present research is designed to further the goal of improved response by reviewing the existing literature on the problem of police officer domestic violence and presenting the results of original research documenting the nationwide prevalence and specific provisions of policies within large police agencies.

To date, relatively little research has focused on the problem of police officer domestic violence and most is lacking in methodological rigor. For example, several studies have been conducted to estimate the prevalence of police officer domestic violence by asking police chiefs, victim advocates, or others how frequently it occurs or by analyzing responses to the questionnaires used as part of the selection process for hiring new recruits (Bergen, Bourne-Lindamood & Brecknock, 2000; Campion, 2000; Inwald, Traynor & Favuzza, 2000, Ryan, 2000). These are rather limited means of gathering information on such a hidden social problem. Another study surveyed a large number of officers, but asked the ambiguous questions of: "Have you ever felt that you were physically out of control?" and "Have you ever felt that you were responsible for domestic violence?" (Klein & Klein 2000, p. 227). Estimates for the prevalence of police officer domestic violence provided by these studies ranged from a low of 1% to a high of 10%.

In contrast, four studies have used more rigorous social scientific methodology to estimate the number of police families that experience domestic violence. The first was conducted by Leonor Boulton Johnson (1991) with a sample of 728 police officers and 479 of their spouses from two East Coast departments. Officers were asked whether they had gotten out of control and behaved violently toward their spouse or children in the last 6 months, and as many as 40% of the officers themselves stated that they had. It is impossible to determine the exact nature of their behavior from this type of ambiguously worded question, but it is worth noting that the number coincides almost exactly with another study that asked about specific types of domestic violence using behavioral definitions.

In this second study, a sample of 385 male officers and 115 wives were surveyed while voluntarily attending "in-service training and law enforcement conferences in a southwestern state" (Neidig, Russell & Seng, 1992). Officers and wives were asked about a number of specific violent behaviors, using a modified version of the Conflict Tactics Scale – perhaps the most widely used instrument to measure aggression in intimate relationships (Straus, 1979; modified for use with police by Neidig, 1984). Officers and their wives were asked about a number of specific types of violent behavior, including: pushing, grabbing, shoving, slapping, kicking, biting, hitting, throwing things, choking, strangling, or beating up your spouse, threatening your spouse with a knife or gun, and actually using a knife or gun on your spouse. Both officers and wives stated that 37-41% of the relationships involved some level of physical violence (Neidig, Russell & Seng, 1992). This figure is considerably higher than comparable

studies performed with military families (32%), and it is four times the 10% figure for the more general population (Straus & Gelles, 1990). Over one-quarter of the officers (28%) reported that they had personally engaged in at least one of these violent behaviors during the past year.

This third study was conducted using the same methodology as the second one described above, but with 891 male officers and 119 wives surveyed at the Biennial Conference for the Fraternal Order of Police (Neidig, Seng & Russell, 1992). Almost one-quarter (24%) of the officers reported having used some form of violence against their spouse, roughly the same as the 28% provided by the wives. These two studies also revealed that officers who were currently separated or divorced from their spouse were also more likely to engage in domestic violence.

All of this research was conducted before the Lautenberg Amendment was enacted in 1996 which stated that officers with a misdemeanor domestic violence conviction would be barred for owning or using a firearm. Only one study has been conducted since this legislation dramatically altered the landscape for officers admitting to acts of physical violence against a spouse or partner. Specifically, Dr. Robin Gershon surveyed 1,106 officers on the Baltimore Police Department. Of those, 9% answered “yes” to the following question: “Have you ever gotten out of control and been physical (e.g., pushing, shoving, grabbing) with your spouse/significant other” (NIJ Journal, 1999). Obviously, this figure is considerably lower than those found in previous research, and it unclear whether this is due to the effect of the Lautenberg Amendment, the methodology used or department surveyed, or other factor(s).

Of course, all of this research is limited by its reliance on self-report methodology, but one would typically assume that this would skew the results toward being more conservative. That is, one would expect that officers would be more likely to under-report their actual level of violent behavior, rather than over-report it. In the two studies using the Conflict Tactics Scale, moreover, there was remarkable correspondence between the figures provided by officers and their wives. These figures are also considerably higher than similar self-report data provided by members of the military and families in the general population. They are also supported by findings of another survey of 210 officers from 7 law enforcement agencies, where “54 percent indicated that they knew of an officer in their department involved in domestic violence” (Ryan, 2000, p. 300). In sum, it is impossible to know the exact percentage of police officers who engage in domestic violence, but the existing evidence suggests that the rate is at least as high as the general population, and possibly considerably higher.

Regardless of the exact prevalence of domestic violence perpetrated by a police officer, it is clear that these victims are uniquely vulnerable. As many have described, police officer perpetrators are not only armed with a service weapon but also possess all of the authority and resources of a position within law enforcement (Feltgen, 1996; Kirschman, 1997; Levinson, 1997; Lott, 1995; Wetendorf, 2000). If the victim tries to escape or seek help, the officer typically knows the location of battered women's shelters and many of the people involved in the system. The officer also likely knows how to manipulate the system to avoid detection and accountability, and abusive officers are often masters at shifting blame to the victim and creating the impression that the victim is the one who is crazy and/or perpetrating the abuse (Wetendorf, 2000). Victims often fear calling the police, because they know the case will be handled by officers who are colleagues and friends of their abuser. They typically fear that the responding

officers will side with their abuser and fail to properly investigate or document the crime (Feltgen, 1996; Levinson, 1997; Wetendorf, 2000). For all of these reasons, the problem of police officer domestic violence is extremely serious regardless of its exact prevalence.

THE LAUTENBERG AMENDMENT

In 1996, the Lautenberg Amendment was enacted to prohibit individuals -- including police officers -- from owning or using a firearm if they have been convicted of a misdemeanor domestic violence offense.¹ This bill was designed to expand the federal law which only barred gun ownership from those convicted of a felony offense (Kime, 1996). Individuals with a felony or misdemeanor conviction for domestic violence are ineligible to own firearms or ammunition even if the offense occurred before the law was enacted. However, the ban can be removed if an individual can get the conviction expunged or pardoned (Kappeler, 1999; Kime, 1996).

Research on the effects of the Lautenberg Amendment consistently shows that the use of the law has been rather limited and police officers have often been able to circumvent the ban and retain their weapons. For example, the Bureau of Alcohol, Tobacco, and Firearms (ATF) – the federal agency with sole authority to enforce the Lautenberg Amendment – recommends only a small number of cases for prosecution each year and an even smaller number ultimately result in conviction. According to the Public Affairs Office of the ATF, the number of cases forwarded for prosecution under the Lautenberg Amendment during the last few years was 168 in 2000, 169 in 2001, and 201 in 2002. Yet the number of cases that resulted in conviction either in state or federal court was 41 in 2000, 44 in 2001, and 71 in 2002.² Given the research documenting the extent of the problem, these numbers likely represent only the tip of the iceberg.

Other research also indicates that law enforcement officers have rarely been required to surrender their weapons and/or their job for engaging in domestic violence. For example, a 1999 survey of the nation's largest 100 police departments revealed that only six cities acted against officers because of the Lautenberg Amendment and eleven officers were affected (Meyer, Hone-McMahan & McKnight, 1999). Similarly, a statewide study in Kentucky demonstrated that “relatively few officers and only a small percentage of departments have found police officers with domestic violence convictions” (Kappeler, 1999, p. 1). Part of the reason for the lack of enforcement is that police officers often plead to a charge other than domestic violence. However, there are also other problems with the enforcement of the Lautenberg Amendment.

First, there is typically no procedure in place to ensure that the courts notify police departments when a court order is enacted against an officer. Most police departments rely on the officers themselves to personally inform the department of the order, thereby limiting their effectiveness (Culp, 2000). Clearly, the threat of losing their gun and job could motivate officers to work harder to insure that their victims tell no one about the abuse. This could make victims of police family violence even more reluctant to report the crime than they would otherwise be (Law Enforcement News, 1998; Levinson, 1997). Finally, there is evidence that some officers convicted of domestic violence have their records expunged and remain on the department (Mader, 1997; Kappeler, 1999; Louisville Courier Journal, 2001; Meyer et al., 1999; Tobar, 1997). All of these factors combine to suggest that the Lautenberg Amendment has been rather limited in its impact nationwide. As Kappeler (1999) concluded:

“The lackluster police response to this legislation renders the law largely symbolic, but subjects department to civil liability risks and charges that law enforcement is not being responsive to either the legislation or the issues surrounding family violence” (p. 8).

PREVALENCE OF POLICIES

Given the documented prevalence of police officer domestic violence and the recent legislative efforts to address it, research is needed to determine exactly how law enforcement agencies are responding to the problem. For example, the IACP concluded on the basis of their research that:

“Departmental positions on police officer domestic violence ... differ significantly: some departments have a clear ‘zero-tolerance’ position, other departments have less defined positions, and still others have no articulated position at all” (IACP, 2003, p.2).

In 1994, a nationwide survey of 123 police agencies documented that almost half (45%) had no specific policy for dealing with officer-involved domestic violence, and none had conducted any formal analysis of these incidents (Southwestern Law Enforcement Institute, 1995). Similarly, a statewide study of Kentucky agencies reported in 1999 that 56% had no specific policy for dealing with domestic violence perpetrated by a police officer. Yet policies were more likely to be implemented by agencies with a community policing philosophy (Kappeler, 1999).

However, both of these studies were conducted before 1999 when the IACP released their Model Policy and supporting Concepts and Issues Paper on police officer domestic violence. The IACP Model Policy is comprehensive, and carefully outlines the responsibilities of officers, supervisors, and managers in preventing and responding to problems of officer-involved domestic violence (Prabhu & Turner, 2000). The IACP Model Policy has since been disseminated widely and was recently updated in May of 2003.

Nonetheless, there is no evidence that the IACP Model Policy is being widely adopted or implemented across the country. For example, Conis and Petrzelka conducted a study in 1999 with 282 police agencies in a single midwestern state, and found that only 21% of the respondents had even heard of the IACP model policy, and fewer than half of those had adopted it within their agency. In fact, only 11% of the agencies in that state had any written policy at all addressing the investigation of domestic violence perpetrated by an officer (Conis & Petrzelka, 1999). The present study was conducted to replicate this research on a national level, by surveying a random sample of large police agencies across the U.S. and documenting the prevalence of policies and the specific provisions for responding to domestic violence perpetrated by an officer.

IMPLEMENTATION OF POLICIES

Of course, just because a police agency has a written policy on the books does not necessarily mean that it is responding effectively to the complex problem of officer-involved domestic violence. Yet little is known about the specific actions being taken by police agencies to implement their policies for responding to domestic violence perpetrated by one of their own. For example, a recent study by the D.C. Metropolitan Police Department found that inconsistent

practices had been used with officers accused of domestic violence, regarding arrests, seizure of firearms, and Employee Assistance treatment (Cassidy, Nicholl & Ross, 2001). There is little reason to believe that this particular agency is unique in this inconsistency.

However, only one study appears to have systematically investigated this question of policy implementation -- the statewide survey of 217 Kentucky police agencies conducted by Dr. Victor Kappeler. His survey revealed that the vast majority of agencies in the state were running criminal background checks and checking misdemeanor convictions to screen applicants for prior domestic violence, and most had a good working knowledge of the provisions of the recently enacted Lautenberg Amendment (Kappeler, 1999). Only a minority of the agencies surveyed, however, took the following actions: (1) including a specific question on their application for employment that was designed to screen for prior domestic violence convictions (27%); (2) requesting notification by prosecutors or other court officials regarding domestic violence charges against their officers (36%), and; (3) running annual checks of veteran officers for domestic violence convictions (17%). Implementation of such screening measures therefore appears to be the exception rather than the rule, at least in Kentucky police agencies.

In that same study, a slight majority (54%) of Kentucky agencies had disseminated a memo to notify officers about the specific provisions of the Lautenberg Amendment, but fewer had modified their domestic violence policies (46%) or their personnel policies (39%) in light of the new legislation. Finally, "only 18 percent of the departments reported that they have instituted counseling programs or other preventive measures to assist officers who may have problems with domestic violence" (Kappeler, 1999, p. 6). The present study was conducted to further investigate the problem of police officer domestic violence and document: (1) how many large police agencies nationwide have adopted a policy on officer-involved domestic violence, and; (2) what the specific provisions of those policies are.

METHOD

SURVEY OF RANDOM NATIONAL SAMPLE

First, a random sample of 100 large police agencies was selected from the pool of 700 police agencies with more than 100 sworn personnel that was identified in the 1999 *Law Enforcement Management and Administrative Statistics* published by the Bureau of Justice Statistics.³ This initial sample was reviewed, and then an additional 25 large police agencies were included to ensure that all states were represented with at least two agencies. For each state that did not have two agencies included in the sample, the largest remaining agencies in the state were added. A team of undergraduate research assistants then contacted these agencies by phone to ask them whether they had a specific policy addressing domestic violence perpetrated by employees. If the agency representative indicated that such a policy existed, the research assistant requested a copy.

To get an answer to these questions, members of the research team often had to talk with several different members of the agency, including representatives from the domestic violence unit, internal affairs, personnel, and the agency director's office. Repeated efforts were often made to each agency, either until an answer was given or when it became clear that no amount of

persistence was likely to yield cooperation. A total of 78 agencies eventually provided an answer to our inquiry, for a reasonably high response rate of 62.4%. This random sample was then used to develop an estimate for the percentage of large law enforcement agencies (i.e., those with at least 100 sworn personnel) nationwide with a policy specifically addressing domestic violence perpetrated by employees.

CONTENT ANALYSIS OF EXISTING POLICIES

A second purpose of the study was to document the provisions that are typical in existing policies for officer-involved domestic violence. Toward that end, the random national sample described above was supplemented with a number of agencies that were known to have a policy in existence. First, the IACP was contacted to identify any agencies that had implemented some version of their model policy. Second, the National Center for Women & Policing assisted with identifying additional agencies through its extensive network of members and other professional contacts. This process of identifying additional agencies was not designed to be exhaustive or representative, but simply to generate as many policies as possible to conduct a content analysis. The effort yielded an additional eight agencies that had implemented a specific policy on officer-involved domestic violence; these policies were content analyzed along with 18 provided by agencies in the random national sample. A total of 22 specific policies were thus included in this content analytic effort, from 22 municipal police departments, four county sheriff's offices, and one state police agency.⁴ One policy was actually implemented jointly by one county sheriff's office and five municipal police departments, so the 22 policies actually represent a total of 27 police agencies.

The coding structure for the content analysis was based on the model policy developed by the IACP. Using a collaborative process, the research team developed an outline with coding themes based on the IACP Model Policy. Next, two or three members of the research team coded each policy independently to document the number of specific provisions. Final coding decisions were then made by the author, who reviewed each of the policies. This process also resulted in the revision of the coding structure and the identification of new provisions. The final coding structure and the tally of specific provisions are provided in Table 1.

TABLE 1
Outline of Provisions in Policies on Officer-Involved Domestic Violence (N = 22)

NUMBER	SPECIFIC PROVISION
	I. General Introduction
7	A. Statement of purpose
13	B. General philosophy of policy
6	C. Definitions
	II. Prevention
1	A. Collaboration with domestic violence advocacy organizations when developing training curriculum
1	B. Copies of departmental protocol available to advocacy organizations
1	C. Work with prosecutors to track victims and cases
2	D. Work with victim advocacy organizations to coordinate victim services
4	III. Training Provided to Employees
	IV. Pre-Screening and Investigation
2	A. Candidates with a history of perpetrating any abuse screened out
0	B. Candidates clearly informed of department's zero tolerance policy
	V. Post-Conditional Offer of Employment
2	A. Psychological exam will focus on indicators of violent/abusive tendencies
0	B. Strongly consider no-hire decision with indicators of abusive behavior
	VI. Post-Hire Intervention
1	A. Initial training includes families of recruit
0	B. Periodic outreach to families
	VII. Department Responsibilities
0	A. Develop cross-jurisdictional agreements for notification of officers involved in domestic violence
10	B. Referrals to confidential counseling or other employee assistance
2	D. Admission of domestic violence results in loss of confidentiality
3	E. Check for other arrests or protective orders against officers
	VIII. Supervisor Responsibilities
3	A. Monitor officers for warning signs of abusive behavior
3	B. Make ranking supervisor aware of the behavior
1	C. Prepare and submit written requests for evaluation of mental and physical health
0	D. When warranted, request assistance from certified program for batterers or counselor
	IX. Police Officer Responsibilities
8	A. Must report to supervisor any involvement in a criminal investigation or arrest
12	B. Must report to supervisor if named in a restraining or protective order, and provide copy
10	C. Report knowledge of domestic violence involving an employee
3	D. Must not intimidate or threaten witnesses to an investigation
2	E. Must report any efforts by others to intimidate or threaten witnesses to an investigation
2	F. Failure to cooperate with an investigation is grounds for an investigation
2	G. False report of domestic violence victimization is grounds for an investigation
	X. Department-Wide Response
7	A. Accept all calls/reports involving possible domestic violence by officer "on the record"
11	B. Domestic violence investigation procedure for officers will be the same as for citizens
12	C. Superiors notified of officer involvement in domestic violence
1	D. Notification of licensing authority for firearms
0	E. All reports made available to victim at no cost

NUMBER	SPECIFIC PROVISION
	XI. Communications Response
2	A. Preserve all evidence, including 911 tape
0	B. Assign top priority to domestic violence cases, especially those involving an officer
1	C. Have current lists of local domestic violence advocacy organizations
	XII. Patrol and Supervisor Response
18	A. Supervisor is immediately sent to the scene
0	B. Inquire as to safety of any children present
6	C. Make arrest, where probable cause exists
8	D. Relieve accused officer of service weapon
6	E. Remove other firearms, where allowable by law
2	F. Inquire if victim wants weapons removed for safety
3	G. Explain reasons or clear with supervisor if no arrest
2	H. Avoid dual arrest, determine primary aggressor
3	I. If offender has left scene, conduct search and seek arrest warrant
	XIII. Department Follow-Up
1	A. Debrief officers involved in responding to incident
1	B. Arrest warrants served with at least two officers, one of senior rank
1	C. Member of Domestic Violence unit is principle contact for victim
0	D. Command staff conducts lethality assessment
8	E. Notify other jurisdiction if one of their officers is involved in incident
0	F. Investigator should seek out secondary sources of information
5	G. Evaluate of fitness for duty
	XIV. Victim Safety and Protection
5	A. Respond to immediate safety and medical needs of victim
6	B. Make available necessary and appropriate services
2	C. Keep information confidential
	XV. Administrative Investigation Procedures
10	A. Independent administrative investigation conducted by Internal Affairs
7	B. Officer placed on administrative leave and/or light duty
2	C. Immediate action where sufficient information exists
1	D. Investigate and charge officers who interfered with an investigation or failed to report abuse
2	E. Uphold employee's departmental and legal rights
	XVI. Criminal Investigation and Conviction
8	A. Criminal investigation conducted
3	B. Conviction results in weapons seizure
3	C. Conviction results in revoking police powers
	XVII. Data Collection and Evaluation
2	A. Statistics will be compiled on these cases
1	B. Policy will be reviewed to determine whether it has met objectives
	XVIII. Police Officer Victims
3	A. Same protocol followed if officer is victim versus perpetrator
1	B. Police officer victims are entitled to services for themselves and their families
1	C. Department can take measures to arrange victim's schedule, location, and contact information

RESULTS AND DISCUSSION

SURVEY OF RANDOM NATIONAL SAMPLE

Of the 78 agencies responding to the telephone survey, 23 (29%) indicated that they had any specific policy on officer-involved domestic violence. However, of these 23 agencies nine did not provide a copy of the policy or otherwise describe any of the specific provisions. This means that the highest possible estimate is that 29% of agencies have a policy specifically addressing officer-involved domestic violence. However, a number of findings from the research suggest that this estimate is likely to be artificially high.

First, some of the 23 agencies indicating that they have a policy addressing officer-involved domestic violence may in fact be referring to their general policies on domestic violence investigation and/or employee misconduct, as discussed above. For example, several of the agencies in our original sample indicated that they had a specific policy on officer-involved domestic violence, yet the copy they sent was actually a general domestic violence response protocol that did not contain any specific provisions regarding employee involvement. Two agencies in the original sample also said that they had a policy on officer-involved domestic violence, but they sent a copy of the state guidelines which were not written as actual policy directives but rather as the issues to consider when constructing a policy. In fact, the state guidelines were obviously written to encourage these agencies (and others) to create their own policy directives, and not to serve as the agency's policy itself. Based on these findings, it is likely that several of the nine agencies that said they had a specific policy in effect but did not send a copy may actually have been referring to their more general protocol for domestic violence response.

Other factors also suggest that the prevalence estimate of 29% may be artificially inflated. Almost 40% of the agencies never responded to the simple one-question survey, and it is reasonable to assume that these non-respondents did not have a specific policy. A number of these non-respondents told the research assistants in their telephone interview that they didn't understand what kind of policy they were describing, and several even laughed at the question. If a larger number of these non-respondents had been included in the results, it is likely that they would have lowered the estimate of the percentage of agencies with a specific policy on officer-involved domestic violence. Many of the agencies that had a policy were proud of it and provided a copy as evidence of their agency's progressive orientation. The final sample is therefore likely to be skewed toward those agencies with a written policy in this area.

Finally, it is worth noting that many of the agencies provided inconsistent information from different contact people, suggesting that some didn't really know whether such a policy existed and/or that the policy existed but the people responsible for implementation weren't familiar with it. It often took several attempts to find a contact person within the agency who could answer the question, which undermines confidence that agency personnel are familiar with the policy and know how to use it in these complex and sensitive cases.

CONTENT ANALYSIS OF EXISTING POLICIES

Content analysis of the 22 policies indicated that they were widely varying in their focus, scope, and specific provisions. Policies were sometimes included as a section in the more general protocol on domestic violence investigation, whereas others constituted separate policy directives. A few focused on narrow issues such as supervisor notification or weapons seizure, and one dealt almost exclusively with the issue of court-ordered treatment programs. Some consisted of a single statement that officers would be held to the same standard as any other citizen accused of committing domestic violence. Many explicitly referred to other provisions regarding domestic violence investigation, duty status, assignment, and/or suspension. To get a clearer sense of the range and frequency of specific provisions in these policies, the results of the detailed content analysis are presented in Table 1.

As Table 1 reveals, the single most common provision was that a supervisor must be notified and respond to the scene (18), but there was actually some variation in the details of this protocol. The only other provision included in a majority of the 22 policies was the duty of police officers to report being named in a protective or restraining order (12). Additional provisions that appeared in more than a handful of policies included those addressing the issues of weapons seizure, available assistance for officers and their families, and the duty of officers to any criminal investigation of themselves for domestic violence and any knowledge of domestic violence involving another officer. These provisions are discussed in detail below.

Philosophy, Prevention, Training, and Early Identification

Several of the policies contained either a general statement of purpose (7), philosophy of the policy (13), or definitions of key terms (6). For example, two policies consisted of identical statements that officers who commit domestic violence will be held to the same standard as citizens, and that any officer not holding another officer to these statutory provisions would be subject to discipline. Another policy stated that any officer found to be in noncompliance with the policy or failing to provide equal protection of the law to any victim of domestic violence would be subject to discipline. Two of these policies stated that every allegation of domestic violence against an officer would be investigated. One outlined a general philosophy of zero tolerance, while others commonly began with a stated recognition of the seriousness of the problem and the need for holding officers accountable just like citizens.

A small number of policies included provisions for training or community collaboration. For example, one policy described working with prosecutors and other law enforcement agencies to track cases, and two described coordination with social service organizations to address victim needs. One policy mentioned that the victim's needs would be addressed by working with a domestic violence advocate. Another described cross-training, with local advocates used to train sworn personnel and sworn personnel providing training to the local advocacy organizations. None of the other policies mentioned efforts at collaboration with other organizations for prevention, cross-training, tracking, coordinated services, or evaluation.

Four policies discussed training efforts. Two stated that such training was conducted annually, one mentioned that it constituted a 4-hour block, and one mentioned that the training

was provided to “all employees.” One specifically stated that training may include both in-service and roll call programs, which may be evaluated to determine its effectiveness. Another specified that an individual could be sent for additional training at the request of their supervisor. None of the policies spelled out the content or format of such training, regarding who would be involved, what they would learn, and exactly how the training effectiveness would be evaluated.

Responsibilities of the Department, Supervisor, and Police Officer

Few policies spelled out the department’s responsibility for early identification of domestic violence through background investigations, psychological screening, and criminal records searches. Two stated that candidates with a history of perpetrating abuse would be screened out of the selection process and that the psychological examination would focus on indicators of abusive tendencies. Another two described checks to determine whether any of their officers have been arrested or named in a protective order for domestic violence. One policy stated that the department must check for protective orders against an officer who is involved in such a situation, but another set the standard by detailing that the department would conduct an annual check of records for any arrests, convictions, and restraining orders against any of their members. According to this policy, the information would then be immediately forwarded to the supervisor, personnel department, and internal affairs unit.

Ten policies addressed the department’s responsibilities regarding the various forms of assistance for employees and their families. Approximately half of the policies appeared to describe services that were available at the request of the officer and about half were based on referrals by a supervisor or member of the command staff. Provisions included simply stating that such assistance was available or that employees and their families were “encouraged” or “entitled” to make use of the services. Other policies included provisions that the supervisor would explain the employee assistance program or coordinate voluntary care through the program. One stated that a supervisor could offer or even recommend assistance to employees and their families. Provisions regarding mandatory referral were initiated by “the department,” a supervisor, Chief, Deputy Chief, or as part of a disciplinary hearing. Two policies explicitly stated that an admission of domestic violence results in the loss of confidentiality that an officer would otherwise enjoy when seeking such assistance.

Three of the 22 policies addressed the responsibilities of supervisors, stating that they should monitor officers for warning signs, make their ranking supervisor aware of the behavior, and/or prepare and submit written requests for the evaluation of fitness for duty. One of these specified that the supervisor must notify the Chief within 24 hours of identifying the behavior.

More policies addressed the specific responsibilities of police officer, in reporting to their supervisor if they are involved in a criminal investigation for domestic violence (8) or named in a protective or restraining order (12). Two policies stated that the officer must inform their supervisor only if they are actually arrested for the crime. A few policies went on to outline the procedure for surrendering firearms or being placed on some type of restricted duty. Several stated that the officer must voluntarily surrender both department-issued and personal weapons if named in a protective/restraining order, and some discussed the exemptions to this order and the process of appeal. One stated that the officer must surrender firearms only if the restraining

order has specific provisions regarding weapons seizure. One policy explicitly stated that failure to report such a restraining or protective order would result in discipline.

Ten policies described the responsibility of police officers to report domestic violence involving an employee. A few specified that it must be reported to either a supervisor or a member of the internal affairs unit. Some of these policies made distinctions between reporting domestic violence perpetrated by oneself versus against another employee. For example, a few stated that officers have the responsibility to report domestic violence involving a “fellow officer” or “another employee,” excluding victimization they may be experiencing personally.

A small number of policies addressed issues of false reporting (2), failure to cooperate with an investigation (2), tampering with a witness to an investigation (3), and failure to report tampering with a witness to an investigation (2). Some elaborated that failure to comply with these provisions would result in an investigation, sanctions, and/or criminal charges where appropriate. Of course, these issues may also be addressed more generally in departmental policies regarding officer misconduct and internal affairs investigation.

Department and Communications Response

Some policies had specific provisions pertaining to the department-wide and communications response, most common being the statement that the investigation of domestic violence perpetrated by an officer will be the same as for any other citizen (11) and that superiors will be notified and/or sent a copy of the report (12). These superiors were sometimes specified, including their supervisor, the Chief/Sheriff, Deputy/Assistant/Bureau Chief, Undersheriff, Commander, Captain, Lieutenant, the supervisor of the domestic violence unit or investigations unit, and even Media Relations. Some of these specified that the superior(s) would be updated as the case progressed. Several policies also mentioned that internal affairs would be notified, although this may be part of an administrative rather than criminal investigation process. The notification was sometimes specified to occur through chain of command, and was otherwise not specified. One policy also stated that the licensing authority for firearms would be notified.

Regarding Communications response, two policies explicitly stated that evidence must be preserved, including the 911 tape. One mentioned that Communications staff should maintain a current list of local domestic violence advocacy organizations. However, none discussed prioritizing domestic violence calls, including those involving a police officer. It is possible that these details are included in the more general protocol for domestic violence investigation.

Patrol and Supervisor Response

As previously stated, the single most common provision was that a supervisor would be notified immediately to respond to the scene (18). Actually, the details varied regarding who would be notified, whether the supervisor would have to respond to the scene, and what the responsibilities for that supervisor would be. Some policies included considerable detail regarding the supervisor notification and responsibilities, including specific procedures for the investigation. For example, one policy stated that the supervisor would only need to respond if weapons are seized or an arrest is made. One policy mentioned only that the investigation would be conducted “under the direction of the supervisor,” and another stated that the responding

officer would need to keep in contact with a supervisor either by phone or in person. A few policies specified that the supervisor should be at least one rank higher than the accused employee, and some specified that the supervisor would be from the domestic violence units.

Specific responsibilities of the supervisor were then outlined in a small number of policies, including making an arrest where probable cause exists (6) and relieving the officer of service weapons (8) and/or personal weapons where legally allowed (6). The issue of weapons seizure was clearly the most complicated in many of these policies, so a few simply deferred to state and federal laws without explicitly stating what those obligations were. One stated only that the supervisor should “request” the surrender of firearms and “attempt to obtain consent to search” for them. Another stated that the safety of all parties “may necessitate the securing of any and all weapons in the residence.” This policy went on to describe that weapons should be seized if there was a threat to use them, regardless of whether the threat was “express or implied.” Similarly, another policy stated that weapons should be seized when the “responding officer reasonably believes that the presence of weapons would expose the victim to a risk of serious bodily injury” or when there is a relevant protective order, search warrant, or bail condition. Some of the policies addressed the issue of weapons seizure in conjunction with administrative leave or assignment to light duty status. Two policies explicitly stated that the victim should be consulted in the decision regarding whether or not firearms constituted a safety threat and should be removed.

Three policies stated that a specific protocol must be followed in situations where no arrest was made. Two specified that a report must be written to explain the reasons, and one went on to describe that this report should be submitted to the domestic violence unit which could then review the decision and make an arrest if appropriate. Another policy stated that the responding officer must clear with the commander of the domestic violence unit before clearing if it was determined that “no violence” occurred.

Three policies discussed the procedures to follow when the offender has left the scene, and two explicitly discouraged dual arrest with a determination of who is the primary aggressor in the situation. None addressed the issues of safety of any children present. These critically important issues may have been addressed in more general policies on domestic violence.

Department Follow-Up and Victim Safety

Eight policies explicitly stated that they had the responsibility to notify another police department if one of their officers was involved in a domestic violence incident. One outlined this duty regardless of whether the officer from the outside jurisdiction was the perpetrator or victim in the situation. However, one qualified this provision somewhat by stating that a supervisor from the outside jurisdiction would need to be notified only if the responding supervisor determines that “the officer from the outside jurisdiction displays, or is alleged to have displayed behavior that might affect his [sic] ability to perform as a police officer, or is alleged or has committed a crime during a domestic violence incident.” Some policies specified exactly who would be notified in the other jurisdiction, including the Chief/Sheriff or designee.

Other aspects of department follow-up were less commonly described. One of the policies explicitly stated that the department would designate a member of the Domestic Violence Unit to act as a principle contact for the victim. The same policy addressed other issues of departmental follow-up, such as debriefing the responding officers (particularly with respect to confidentiality issues), serving arrest warrants with at least two officers, and one with rank, or seeking out secondary sources of information in case the victim recants.

Five policies mentioned that the officer would be evaluated in some way to determine fitness for duty. One stated that this would take place immediately, by having the supervisor “evaluate the circumstances surrounding the event and determine if there are any problems regarding the employee’s fitness for duty.” If so, an “appropriate investigation” would then be conducted. Two stated that the fitness for duty evaluation would be conducted by medical personnel whenever a temporary restraining order was extended into a permanent restraining order, and one stated that it would take place within 14 days of being charged with an offense. One policy stated that any officer who is arrested would be immediately placed on leave and could not return to work until they were cleared by a psychological threat assessment. One policy also explicitly addressed the possibility that the incident may involve the chief of police, commissioner, or department head in which case the individual in government with direct oversight over that person is to be notified.

Five policies addressed the immediate medical and safety needs of victims, and six described efforts to make victims aware of necessary and appropriate services. Most of these policy statements did not include detail, but one mentioned that the department could assist the victim in conducting a safety plan. Two policies explicitly stated the need to keep information confidential in the interest of protecting victim safety, and only one explicitly stated that the victim should be consulted in the decision regarding whether or not to secure firearms. One particularly comprehensive policy stated that “all department personnel shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated Domestic Violence Unit officer shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning.”

Administrative and Criminal Investigation

Ten policies stated that an administrative investigation would be conducted, and most specified that this process would be independent of the criminal investigation procedures or that it could even occur when there was no arrest made or charges filed. However, several of these policies placed conditions on whether and how such an independent administrative investigation would proceed. For example, one of these stated only that the departments “may initiate internal investigation,” and others stated that administrative charges would be filed only in the event of an arrest or conviction. Perhaps the clearest policy directive stated that the administrative investigation would be conducted “independent of, and in advance of criminal proceedings to ensure that, regardless of the outcome of the criminal case, the department adheres to all positions and policies.” The same policy was only one of two to explicitly state that an officer’s legal and departmental rights must be protected during this process.

A few policies explicitly detailed that the administrative investigation would be conducted after the criminal process had concluded, which is inconsistent with the IACP Model Policy. Several policies also mentioned an administrative investigation but did not specify whether this would be conducted independent of the criminal investigation and whether or not they would proceed simultaneously.

Seven policies mentioned the possibility of placing an officer on administrative leave or light duty during the investigation. For example, some specified that the officer would be immediately placed on leave or administrative duty, and he/she could not return to work until cleared by a psychological threat assessment. Others stated that officers would be placed on administrative duty only if arrested. Still others noted only that an officer “may be” temporarily reassigned to duties that do not include responding to domestic violence calls, placed on administrative duty, and/or disarmed. Some policies deferred these complex and difficult questions to contractual agreements regarding duty status.

Several policies mentioned a criminal investigation and/or specified the individual with the responsibility for conducting the criminal investigation (8). For example, a few policies stated that the criminal investigation would be conducted by Internal Affairs or the domestic violence unit. Furthermore, three policies stated that a conviction would result in the removal of the officer’s weapon(s), revoking his/her police powers, and administering discipline “up to and including termination.”

Data Collection and Evaluation

Two policies stated that data should be collected on these cases, and one mentioned that the policy and statistics would be reviewed to determine whether the department has met various specified objectives. This provision is ideal as it allows for the kind of data collection and ongoing evaluation that is needed to determine whether a department is responding effectively.

Police Officer Victims

Throughout, some of the policies stated that provisions were applicable regardless of whether the officer was the alleged perpetrator versus victim. However, some policies contained specific provisions regarding the protocol for responding to police officer victims of domestic violence. For example, three policies stated explicitly that the protocol would be followed regardless of whether the officer was the alleged perpetrator or victim. One stated that police officer victims were entitled to services for themselves and their families, and another set the standard for protecting police officer victims by stating:

“Since domestic violence perpetrators are likely to know when and where the victim works, they commonly continue the harassing and victimizing behavior while the victim is at their place of work. When appropriate, managers may offer to adjust such things as work hours, work stations, and telephone contact numbers of domestic violence victims to prevent further victimization.”

No other policy stated any specific measures that could be taken to protect the safety of victims in the workplace.

Police departments – like other employers -- have traditionally been very reluctant to acknowledge that their employees can be the victims of domestic violence, even when those employees are sworn officers. Such a policy directive goes a long way toward acknowledging that the problem exists, providing ideas to use as a starting point for police managers seeking to protect the safety of officer victims, and communicating to victims that reporting the abuse to the department can result in ameliorating the situation rather than punishing them for their victimization.

SUMMARY AND CONCLUSION

Based on a random national sample of large police agencies, the present findings suggest that 29% currently have some specific policy addressing the response to officer-involved domestic violence. However, there are a number of factors that suggest this estimate may be artificially high. Therefore, the analysis of 22 specific policies may be seen as somewhat more informative. These policies reveal a wide range of provisions, and only two provisions that were seen in a majority of policies. Specifically, most of the policies contained some provision stating that a supervisor must be immediately notified to respond to any incident of officer-involved domestic violence and that officers have a duty to report being named in any protective order. Clearly, these two provisions constitute the bare minimum for any policy on officer-involved domestic violence, and they fall far short of the recommended standards provided by the International Association of Chiefs of Police.

RECOMMENDED POLICY ELEMENTS

The research revealed a number of critical gaps in the existing policies, and police executives would be well advised to address this problem by developing comprehensive policies based on the IACP model. Of particular concern was the neglect of critical issues surrounding: the reporting of police officer domestic violence, weapons seizure, administrative leave, the investigative process, and officers as victims.

For example, only seven of the 22 policies stated that all calls or reports of possible domestic violence perpetrated by an officer would be “on the record” -- specifying that a report must be made to document the investigation. The importance of making these reports “on the record” is critical in these cases, to avoid handling these incidents informally without an arrest or even a formal police report. This is one example of a provision that is recommended for police agency policies on officer-involved domestic violence. Another recommendation is to develop specific provisions to address victim safety and provide appropriate referrals, which were not included in the vast majority of policies.

Policies should also clearly outline the procedures for placing an officer on administrative leave and seizing service weapons or other firearms. Most of the policies in this content analysis did not explicitly address these thorny questions, which is surprising given the complexity of the legal issues involved and guidance needed for the responding officer and his/her supervisor. For example, only one policy stated that any officer who is arrested would be immediately placed on leave and could not return to work until they were cleared by a psychological threat assessment. None of the policies addressed the need for a lethality assessment, although the recent murder-

suicide of Chief David Brame in Tacoma highlights the need for such assessments in any situation where an officer is accused of perpetrating domestic violence. These issues pertaining to administrative leave and weapons seizure are unlikely to be covered sufficiently in other sections of the policy manual, so agencies should include them in a specific policy on officer-involved domestic violence.

Similarly, very few policies outlined the process for conducting an administrative investigation, yet the danger in these situations is ongoing and departments need to respond quickly and flexibly. While these issues are likely covered in more general policies regarding criminal misconduct of officers, there is a need to address them more specifically in a policy on officer-involved domestic violence because the department needs clear guidance in how to protect victim safety and hold perpetrators accountable. For example, none of the policies described how administrative orders of protection can be used as part of the departmental response in spelling out behaviors that are proscribed and the potential sanctions for violating the terms of the order. Such administrative orders of protection can be an extremely useful tool for law enforcement agencies to use in this context (Valle, 2000). Few also specified the person responsible for conducting such an investigation, yet this is critical so that person can become educated in the complexity and sensitivity of the issues involved.

Finally, serious concern was warranted by those policies that required officers to report any domestic violence that they were personally experiencing. For example, one policy stated that officers had the responsibility of reporting domestic violence against any employee “including him/herself.” Such provisions can be extremely harmful, because they can be used to discipline an officer who is victimized by domestic violence for not reporting the abuse. Worse, one of these policies explicitly stated that the officer must report their own victimization prior to their next shift and they must keep their supervisor apprised of the investigation of their case. This is a troubling burden to place on those victimized by domestic violence.

In the present research, the most comprehensive policies were those provided by Omaha (Nebraska) Police Department and Clark County (Washington) Sheriff’s Office. These policies matched most closely with the IACP Model Policy, and included the most detailed and wide-ranging provisions. Such policies go a long way to explicitly acknowledge the seriousness of the problem of officer-involved domestic violence and provide concrete guidelines for officers and supervisors seeking to respond effectively. Police executives seeking guidance in this area are therefore encouraged to contact these departments for information and assistance.

NEED FOR A SPECIFIC POLICY

While advocating for a specific policy on officer-involved domestic violence, many police executives may ask whether there is a need for such a specific policy or whether sufficient guidance is provided in more general directives regarding domestic violence response. On the one hand, it is true that many provisions in the IACP Model Policy may be included elsewhere in the agency’s manual, in sections pertaining to general domestic violence response protocol, officer misconduct, duty status, fitness for duty, etc. However, there are a number of arguments for why the provisions should be included in a policy specifically focused on the question of officer-involved domestic violence. Perhaps most importantly, such specific policy directives

provide the law enforcement agency with the opportunity to meaningfully address this problem through progressive reform and innovative practices for prevention, early identification, training and assistance for officers and their families.

In addition, there are a number of policy issues that are not likely to be addressed sufficiently in general domestic violence response protocols or elsewhere -- such as early identification of abusive tendencies, available assistance to officers and their families, and the incredibly complex and difficult safety needs of victims who are being abused by a member of the department. For example, policies on officer misconduct may address general questions of criminal and administrative investigation protocols, but they are not likely to sufficiently articulate the links with issues of victim safety, weapons seizure, lethality assessment, fitness for duty, and other unique aspects of the domestic violence context. Law enforcement agencies are therefore well advised to craft specific provisions on responding to officer-involved domestic violence by adapting the IACP Model Policy for their organization.

Policy provisions that are sprinkled throughout the policy manual are not likely to be as helpful for officers and supervisors who are seeking guidance on how to respond in a crisis situation. Even if the provisions are simply repeated from other sections of the policy manual, it is best to have them coordinated in a single section so officers and supervisors can easily gather the information they need to respond appropriately. As the recent tragedy in Tacoma illustrates, the imperative for agencies to respond effectively is crucial, and the stakes can be as high as life and death. Specific policy directives help law enforcement agencies to respond appropriately to officer-involved domestic violence and therefore provide some measure of protection from litigation – assuming the policy is actually followed. The risk of civil litigation is increasing in this area, as victims of officer-involved domestic violence seek redress from the courts in situations where the police department has failed to respond appropriately (e.g., Baker, 2003).

The development of specific policies also allows for innovative response to the kinds of problems that are faced by officers in their personal and professional lives. In the process of reviewing the policies for this research, a number of interesting provisions were identified that were not included in the IACP Model Policy. For example, one policy explicitly mentioned that it applied to same sex relationships. By stating this fact outright, the policy provides guidance to officers and supervisors responding to such cases and also serves to communicate a powerful message of inclusion to gay and lesbian officers on the department. Similarly, another policy addressed in detail some behaviors that do not rise to the level of domestic violence but nonetheless cause concern. By triggering a departmental response, the policy gave the department some latitude to address behaviors that may not be criminal but still can create problems for employees who need assistance.

It is hoped that this research provides new information to researchers and criminal justice professionals alike. By reviewing the prevalence and specific provisions of policies on officer-involved domestic violence, it is hoped that police agencies are able to craft their directives to respond more effectively and prevent another terrible tragedy like the one in Tacoma.

NOTES

1. *Omnibus Appropriations Bill H.R. 4278, Section 658, 18 U.S.C. § 925.*
2. Information provided by the Public Affairs Office of the Bureau of Alcohol, Tobacco, and Firearms (5/29/2003).
3. The (1999) Bureau of Justice Statistics publication entitled *Law Enforcement Management and Administrative Statistics* is available at <http://www.ojp.usdoj.gov/bjs/abstract/lemas99.htm>.
4. One agency provided a policy that actually appeared to be a partial draft, missing a page and with incorrect numbering to the items. However, repeated requests did not yield new or clarified information, so the policy (draft) was coded in the format provided.

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BIOGRAPHICAL SKETCH

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