

**Domestic Assault Among Police:
A Survey of Internal Affairs Policies**

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In addition, this report is dedicated to the many officers who work in the sensitive area of internal affairs, often doing a thankless job that results in building the public trust necessary to police a democratic society. It is hoped that this report will provide helpful information that will allow them to accomplish their critical mission.

The points of view, opinions and findings of this study do not necessarily reflect the positions and policies of the Arlington Police Department or The Southwestern Legal Foundation.

Domestic Assault Among Police: A Survey of Internal Affairs Policies

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Introduction and Problem Statement

One of the most sensitive areas in policing involves incidents where police officers are investigated for administrative and criminal misconduct. Such incidents are even more sensitive when personal matters surface and complaints of domestic assault within police families become public knowledge. How widespread this problem is and whether it is changing over time has not been extensively explored. This study attempts to gain some knowledge about the frequency and trends related to this form of police misconduct.

Over the years, domestic problems among police were often handled informally, sometimes by senior administrators counseling with officers and their families (Walker, 1990). On other occasions, officers on the street would handle such "problems" among themselves both to protect the officer as well as the department from alleged damaging publicity. What is not clear is how often these actions

resolved problems or whether in protecting the officers, the victims' needs were taken into account. Given these practices, it has been difficult to get an accurate picture to determine if this was a problem and what kind of actions departments took in response.

Policing by its nature puts stress on officers and their families. Shift work, unexpected overtime, anxiety about safety, and lost holidays make police work more than just a job; such factors constitute formidable stressors in the private lives of officers. In addition, public expectations regarding ethical conduct have been prominently played out in the media. Given the visibility of policing, many writers and commentators suggest that there should be a higher standard commensurate with the level of authority entrusted to officers (DeLattre, 1989). In short, police face many heightened job-related demands while at the same time public expectations regarding personal and professional conduct appear to be rising.

The issue of domestic violence among police is much more visible than at any time in recent memory (Walker, 1990). One possible reason is that public attitudes regarding domestic violence are undergoing significant change. Historically, domestic violence was regarded as a "private matter" and went largely undetected as a national problem (see, Hutchison and Hirschel, 1994 for an excellent review of the literature). Recently, advocates of change have succeeded in convincing a growing number that such incidents should be "criminalized," i.e., treated as criminal conduct by police and the courts.

The change to mandatory or presumptive arrest statutes in many states is another indicator of this trend toward criminalization of domestic abuse. It was perhaps inevitable, given this shift, that concern over police involvement in domestic abuse situations should emerge as an issue. Since public attitudes have grown more intolerant of this kind of conduct, changes in police policy will reflect this new awareness.

Methods of the Study

Sometimes the impetus to research can be found in informal discussions and related anecdotal experiences. Such was the beginning of this project in the Arlington Police Department. An informal discussion among current and former Internal Affairs staff led to the realization that a very definite *paradigm shift* within Arlington's police culture was taking place with respect to domestic assaults among personnel.

Specifically, when the current IAD commander described the number and intensity of the domestic violence cases under investigation, the former IAD investigator commented that in all his years in the unit, he could not remember handling one such case. The ensuing discussion revealed that there had been a steady, though incremental, increase in these cases over the past five years for which the department was largely unprepared from a policy standpoint.

Initially informal contacts with area departments confirmed similar problems. Their responses ranged from:

- a) *"I don't think we're experiencing an increase."*
- b) *"I don't know if we are experiencing an increase."*
- c) *"I think we are experiencing an increase, but I'm not sure."*

Based upon this limited, informal response in January 1994, the Southwestern Law Enforcement Institute of The Southwestern Legal Foundation was asked to participate in a nationwide study of the occurrences of, and responses to, domestic assault within the police profession. In partnership with the Arlington, Texas Police Department, a survey instrument was developed to measure experiences and perceptions on this topic.

This study was undertaken to find out the dimensions of domestic assault among police officers, what agencies were doing in response and what policies were being employed. Police administrators and internal affairs investigators face a unique set of problems in handling such cases and there are a number of difficult issues that surface when this problem is addressed. For example:

- Where does an officer's right to privacy end?
- Should a police department's right to know override concerns for an officer's privacy?
- To what extent should a police department become involved in volatile and sensitive domestic assault cases, beyond conducting a criminal investigation?
- What is a department's responsibility toward the well-being of the abused person in the relationship?
- Should a department mandate, or even suggest, counseling as a disciplinary measure?
- What *public trust* issues should be considered in these cases?
- Should police officers be held to a higher or different standard of conduct than others in the community?

It must be stated from the outset that police agencies can neither excuse or condone domestic assault either within, or outside of, the police profession. It is a reprehensible act without justification. Ignoring it in the face of changing community perceptions regarding domestic assault is not an option.

Of 151 survey questionnaires mailed, 123 were completed and returned. This **82% response rate** is extremely high for surveys of this type. The following sections of this report provide an analysis of the results. This report will establish a basis for understanding domestic violence *within* policing by reporting the results of a survey mailed to 151 police agencies serving populations of 100,000 or more (see Appendix A for a copy of the questionnaire). The survey asked questions concerning police officials' perceptions on:

- a) the scope of domestic assault problems within their respective departments;
- b) policy responses, and
- c) disciplinary actions.

Policy implications based upon the preliminary findings are included at the end of this report in Appendix B. Although opinions about acceptable levels of discipline will vary from agency to agency, the sample policy does provide a starting point for agencies as they begin formulating a response to this changing problem.

Survey Results

Commissioned strength: Departments responding to the survey fell into the following categories of commissioned strength.

Increases in domestic violence: Of the departments responding, 28.4% reported increases in domestic violence cases involving on-duty or off-duty officers during the past 24 months. However, none of the departments reported conducting any formal research or analysis of this trend.

Department responses: Responses varied, with 45.3% indicating they have no specific policy for dealing with officer-involved domestic violence. Consequently, these incidents are handled on a "**case-by-case**" basis. Slightly more than 23% stated that they make no distinction between cases involving police officers as compared to non-commissioned employees or the general public, and handle them the **same as any other domestic dispute**. Over 9% indicated they had higher, or **different, standards** for officer-involved domestics.

Confidential counseling programs: Confidential counseling programs--the preferred method of response--are offered at 96.7% of the responding departments. Of these, 82.4% have the ability to refer officers to such programs on a mandatory basis.

Reasons for increases: 78.4% of the respondents felt **society is becoming far less tolerant** of domestic violence cases. Changing social attitudes and values regarding this problem were recognized by an overwhelming number. Along these same lines, 41.2% of the respondents believed that while domestic violence cases involving police officers "may" have increased, this is a result of **increased reporting rates** as opposed to an actual increase in the number of cases. Interestingly, only 14.4% believed that domestic violence cases have increased because "**...the job of being a police officer has become more difficult.**"

Tenure of officers involved: 67.9% of the respondents could detect no discernible relationship between years of service and involvement in domestic violence cases.

Discipline normally imposed: Approximately 52% of the respondents stated that *Counseling* would be the discipline normally imposed after the **first, sustained** complaint and 31% stated that *Suspension - days off without pay* is the normal form of discipline in this case. Less than 6% indicated *Termination* would be the normal form of discipline in this situation. After the **second, sustained** complaint, slightly over 48% responded *Suspension - days off without pay* would be the normal course of discipline. *Termination* was listed by 19% of the respondents as the normal course of discipline in this case.

Cross-tabular analysis: Other relevant facts can be drawn from a cross-tabular analysis of the data (see Chart #8):

Increases in domestic violence are not restricted to departments of a particular size.

Departments with less than 300 officers are more likely to handle domestic violence complaints on a "case by case" basis rather than by specific, written policy.

Of the departments attributing increases in domestic violence to increased reporting, 35% were in the 300 to 500 commissioned strength range. Only 7% were in the 501 to 1,000 range.

Of the departments offering voluntary, no-cost, confidential counseling services to officers, 64% were below 500 in commissioned strength; 16% were in the 501 to 1,000 range; and 20% were in the over 1,000 range.

Preliminary Findings

This initial step in looking at domestic assault among police is more suggestive and provocative than definitive in establishing answers to this troubling issue. Hopefully, police administrators and internal affairs managers will be better informed and be able to design policy responses in light of these findings.

One interesting discovery was that less than a majority of the departments were experiencing increases in officer-involved assaults, almost 29%. Whether this is significant or not cannot be answered since no previous study provides a benchmark. Without additional data, it cannot be said whether this is high, increasing or the beginning of a trend. The consensus among the research team is that this is likely to be trend setting and a small number of departments have experienced a major increase (of those reporting an increase, 25% believed it to be significant).

This finding is reinforced by the fact that 78.4% of the respondents saw a decrease in public tolerance for domestic assault being the most important reason for observed increases in this problem. One implication is that internal affairs managers believe that public attitudes are changing and that the public regards this behavior as serious and criminal. There seems to be clear pressure for policy clarification, if not fundamental change, in how departments treat this issue.

It is also apparent from the data that at least 45% of the departments have no specific policy guidelines for dealing with this issue. Handling such incidents on a case by case basis over time will inevitably lead to a lack of consistency depending on factors such as the personnel in internal affairs units, recent publicity and the political pressure from relevant interest groups. If this is either a growing problem, or there is growing public awareness that it should be treated more seriously, policy guidelines should be drafted to assist in this most troublesome area.

Two other general findings are noteworthy. First, a large majority of the respondents could discern no pattern with regard to the age (tenure) of the officer. The variation among officers did not seem to be a function of age. Second, most departments did not identify some form of a *police stress syndrome* as a factor explaining domestic assault among police. This finding was interesting in light of the emphasis on stress in policing and the near universal presumption that this stress leads to different forms of deviant behavior or social pathologies.

The data also reveals a widespread reliance on counseling (96.7% make it available to officers with 82.4% making it mandatory) as part of the disciplinary response. Perhaps this reflects an enlightened management philosophy focused on employee

assistance. On the other hand, it could also be interpreted as a "soft" rather than a "hard" line more consistent with the public attitudes that define domestic assault as criminal. The data on disciplinary responses in CHART #8 suggests that the "soft" explanation may have some merit.

One of the most important findings in the study is found in CHART #7. This questionnaire item involved the likely disciplinary responses to the first and second sustained complaints in internal affairs. It is apparent that counseling is the preferred response in a majority of cases for the first offense, while suspension (days off) is the preferred penalty on the second offense. Only 5.6% saw termination as the normal disciplinary response for the first offense and only 19% saw termination as a likely response on the second offense. Although the results are weakened by the lower response rate (only 57.7% of the respondents chose to answer both of these questions), it is still evident that the punishment response associated with criminal conduct is muted. In short, internal affairs units and the disciplinary actions meted out tend to regard domestic assault as more a private than a criminal matter. This finding clearly creates a picture of policing lagging behind public perceptions of domestic assault as a criminal offense. Whether the gap is closing is impossible to say given the data in this study.

Conclusion

The survey results provide interesting and useful insight into the problem of domestic assault within the police community. First, as a profession, there is a need to realize this issue is an important one requiring attention. While the survey does not show an overwhelming increase in reported incidents of domestic violence involving police officers, any moderate level of increase cannot be ignored, and may in fact be the beginning of a trend.

Also, since very little is known about the causes of, and effective responses to, domestic assault within the police profession, there is a need to develop policy with respect to this issue. A fair, well articulated, and comprehensive written policy developed before a department faces controversial domestic assault cases is a wise course of action. Police are not immune from the social problems that are endemic to a changing society, but since they are given the authority to use force, higher standards in both personal and official conduct are essential. To do otherwise would violate the trust necessary to police in a democratic society.

Finally, as with most research results, this study shows the need for more research on domestic assault within the police profession. The public's concern about the issue is changing and the police community will ultimately mirror the newer attitudes. The law enforcement community is not, nor should it be, immune from public scrutiny in the way these cases are handled. On behalf of the public interest, the interest of the victims, and the interest of police officers, this issue should not be kept submerged as a family secret, but confronted in a way that permits preventative measures to work.

Bibliography

Balos, B., & Trotzky, K. (1988). Enforcement of the Domestic Abuse Act in Minnesota: A preliminary study. *Law & Inequality*, 6, 38-125.

- Belknap, J. (1990). Police training in domestic violence: Perceptions of training and knowledge of the law. *American Criminal Justice Society*, XIV, (2), 248-267.
- Bell, D. (1985). Domestic Violence: Victimization, police intervention, and disposition. *Journal of Criminal Justice*, 13, 525-534.
- Berk, S., & Loseke, D. R. (1981). Handling family violence: Situational determinants of police arrest in domestic disturbances. *Law and Society Review*, 15, 317-346.
- Buda, M., & Butler, T. (1984). The battered wife syndrome: A backdoor assault on domestic violence. *Journal of Family Law*, 23, 359-390.
- Burris, C. A., Jaffe, P. (1983). Wife abuse as a crime: The impact of police laying charges. *Canadian Journal of Criminology*, 25, 309-318.
- Buzawa, E. S., & Austin, T. (1993). Determining police response to domestic violence victims. *American Behavioral Scientist*, 36, 610-623.
- Buzawa, E. S., & Buzawa, C. G. (1990). *Domestic violence: The criminal justice response*. Newbury Park: Sage.
- Ferguson, H. (1987). Mandating arrests for domestic violence. *FBI Law Enforcement Bulletin*, 56, 6-11.
- Fyfe, J. J., & Flavin, J. (1991). *Differential police processing of domestic assault complaints*. Paper presented at the annual meeting of the Academy of Criminal Justice Sciences.
- Hirschel, J. D., & Hutchison, I. W. (1991). Police-preferred arrest policies. In M. Steinman (Ed.), *Wife Battering: Police Responses* (pp. 49-72). Cincinnati: Anderson.
- Hirschel, J. D., & Hutchison, I. W. (1992). Female spouse abuse and the police response: The Charlotte, North Carolina Experiment. *The Journal of Criminal Law and Criminology*, 83, 73-119.
- Hirschel, J. D., Hutchison, I. W., & Dean, C. W. (1992). The failure of arrest to deter spouse abuse. *Journal of Research in Crime and Delinquency*, 29, 7-33.
- Pate, A. M., Hamilton, E. E., & Annan, S. (1992). *Metro-Dade Spouse Abuse Replication Project technical report*. Washington, D. C.: Police Foundation.
- Sherman, L. W., & Berk, R. A. (1984a). *The Minneapolis Domestic Violence Experiment*. Washington, D.C.: Police Foundation.
- Sherman, L. W., & Berk, R. A. (1984b). The specific deterrent effects of arrest for domestic assault. *American Sociological Review*, 49, 261-272.
- Stark, E. (1993). Mandatory arrest of batterers. *American Behavioral Scientist*, 36, 651-680.
- Walker, G. (1990). *Family violence and the Women's Movement: The conceptual politics of struggle*. Toronto: University of Toronto Press.

Arlington, Texas Police Department - Southwestern Law Enforcement Institute

**Survey: Domestic Violence Involving Police Officers
January, 1994**

Background Information

Domestic violence involving police officers is a particularly troublesome issue for police departments. There are a multitude of ethical, legal, practical and personnel issues confronting the police executive whenever one of his/her officers is involved in what is commonly referred to as a domestic dispute.

From a humanistic standpoint, research supports the fact that police officers face more work related stress than other groups in the general population. This level of stress manifests itself in a higher than average rate of dysfunctional relationships among the police officer population when compared with other work groups. However, it is not our intention to prove a "cause/effect relationship" between work stress and dysfunctional relationships.

What we are interested in exploring is the extent of these occurrences and the responses employed by police departments in reacting to the incidents.

For example, the Arlington, Texas Police Department has noticed a significant increase in the number of domestic violence complaints involving police officers over the past twelve to eighteen months. One former Internal Affairs investigator noted that in all his years in IAD he never worked a domestic violence case involving a police officer. But, the current IAD staff has been involved in more than six cases since the beginning of this year. While this data may be interpreted as being merely anecdotal and not worthy of serious inquiry, we regard it in exactly the opposite perspective. Specifically, there is a dynamic phenomenon occurring literally before our eyes and it deserves considerably more attention than it is currently receiving.

Further, in informal conversations with other IAD officers, we feel certain this increase is not specific to the Arlington Police Department. Rather, it seems to be occurring at an increasing degree in most of the departments we have contacted.

This being the case, we are asking your responses to the following series of questions. Please feel free to make any additional comments on the space provided on the last page.

Arlington, Texas Police Department - Southwestern Law Enforcement Institute

**Survey: Domestic Violence Involving Police Officers
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Please place an "X" in the space beside the best response using the choices provided. Include additional comments if desired.

1. What is the authorized commissioned strength of your department?

() 300

- 301-500
- 501-1000
- more than 1000

2. Has your department experienced an increase in the number of domestic violence cases involving police officers in either an on-duty or off-duty status in the past 24 months?

- Yes
- No

3. If yes, to what degree would you characterize this increase?

- Less than 5%
- Around 10% to 20%
- More than 25%
- Not applicable

4. Has your department conducted any formal research study of this trend?

- Yes
- No

If yes, would you please include that material with your survey.

5. Which of the following phrases best describes your department's response to domestic violence cases involving your officers?

- We handle each incident on a "case by case" basis and have no specific, standing policy.
- We handle these incidents exactly the same as any other domestic dispute. There are no specific guidelines since none are needed.
- We have developed a specific policy for officers involved in domestic disputes that subjects them to a higher standard of conduct than non-commissioned employees.
- We have developed a specific policy for officers involved in domestic disputes that subjects them to a different standard of conduct than non-commissioned employees.
- None of the above accurately describes our current response, we are doing the following:

6. Our department has confidential counseling programs available for officers experiencing difficulties in personal relationships.

Yes

No

7. If "yes" does your department have the ability to refer officers to the counseling program on mandatory basis?

Yes

No

8. Which of the following statements reflects your department's position on domestic violence cases involving police officers? **Check all that apply**

While the number of domestic violence cases involving police officers may have increased, this is a result of more cases being reported rather than more cases actually occurring.

If the number of domestic violence cases involving police officers has increased, it is because the job of being a police officer has become more difficult.

Society has become far less tolerant of violence and this has resulted in more domestic violence cases, including those involving police officers, being reported.

9. The officers in your department involved in domestic violence cases seem to fall into which category?

"Rookie" officers with less than 3 years experience.

"Seasoned" officers with 4 to 10 years experience.

Veteran officers with 10 to 20 years experience.

Senior officers with more than 20 years of experience.

Impossible to make this generalization since no discernible pattern exists.

10. The best possible approach to reduce the number of domestic violence cases involving police officers is to: **Check all that apply**

- Issue a "zero tolerance" policy and maintain strict adherence to that policy in terms of discipline.
 - Conduct mandatory training classes for officers on relationship building skills.
 - Offer voluntary, no-cost, confidential counselling services to officers and their families.
 - Institute a mandatory referral policy whereby all officers involved in domestic violence will be ordered to attend counselling sessions.
 - Other
-
-
-

11. In considering most sustained cases of domestic violence involving police officers, the discipline normally imposed for the first offense is:

- Counseling
- Written reprimand
- Suspension (days off without pay)
- Termination

12. In considering most sustained cases of domestic violence involving police officers, the discipline normally imposed for the second offense is:

- Counseling
- Written reprimand
- Suspension (days off without pay)
- Termination

Please use the remainder of this page or additional pages to list comments, findings or other helpful information.

Thank you for your assistance.

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If you would like a copy of the results of this survey, please write and make your request separately to assure anonymity.