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Bad Cops at Home: An Exploratory Study of Officer-Involved Domestic Violence

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Abstract

- Officer-involved domestic violence is a problem that should concern researchers, policymakers, the policing community, and the general public. Yet there is very little research in the area and no official data is available to discern the nature and prevalence of domestic violence in police families. Victims are reluctant to report officer-involved domestic violence and often feel helpless in the criminal justice system where the abuser is employed. This is complicated by provisions of the Lautenberg Amendment of 1996 which prohibit anyone convicted of a misdemeanor crime of domestic violence from possessing a firearm. This study explores 324 cases of 281 nonfederal law enforcement officers from agencies across the United States arrested during 2005-2007 for crimes involving family violence. The analysis includes an examination of preferential charging decisions in cases of officer-involved domestic violence, as well as other factors including case and employment outcomes.

OIDV: Framing the Problem

- Boulin-Johnson (1991) testimony before Congress
- Violence Against Women Act (1994)
- Lautenberg Amendment (1996)
- LAPD OIG Report on OIDV (1997)
- FBI OIDV Conference (1998)
- IACP Model Policy (1999)
- David Brame murder/suicide (2003)
- Crystal Judson Brame Domestic Violence Protocol – VAWA funding (2005)
- US v. Hayes (2009)

Prior OI DV Research

- Scholars and policymakers have long bemoaned the scarcity of research studying OI DV (e.g., Lonsway, 2006; Sheehan, 1990).
- Existing studies rely on self-report data.
- Several studies found a range of 24% to 41% of officers surveyed admitted to at least one episode of violent aggression against their spouse within the prior year (Johnson, 1991; Neidig, Russell & Seng, 1992).

Post-Lautenberg Amendment OIDV Research

- 7% of officers surveyed admitted to sometimes “getting physical” with their spouse (pushing, shoving, grabbing, and/or hitting) and 15% admitted that they “smashed things” sometimes to relieve stress (Gershon, et al., 2009).
- Other studies have explored potential causes of OIDV.

Methods

- Data were collected as part of a larger study on police crime.
- Content analysis of published news articles located with Google News™ search engine & Google Alerts™ email update service.
- Uses American Academy of Family Physicians' definition of “family violence.”
- PACER searches to explore a correlate of police misconduct.

Table 1. OIDV Officer & Agency Characteristics (N = 324)

	<i>n</i>	(%)		<i>n</i>	(%)
OIDV Offender:			Employing Agency:		
Sex			Agency Type		
Male Officer	311	(96.0)	Municipal Police Dept.	249	(76.9)
Female Officer	13	(4.0)	Sheriff's Dept.	42	(13.0)
			County Police Dept.	12	(3.7)
Function			State Police Dept.	11	(3.4)
Patrol & Street-Level	281	(86.7)	Special Police Dept.	9	(2.8)
Line/Field Supervisor	35	(10.8)	Tribal Police Dept.	1	(0.3)
Management	8	(2.5)			
			Full-Time Sworn Officers		
Age			1	2	(0.6)
20-27	23	(7.1)	2-4	11	(3.5)
28-35	97	(29.9)	5-9	17	(5.4)
36-43	105	(32.4)	10-24	26	(8.2)
44-51	36	(11.1)	25-49	32	(10.1)
52 or older	17	(5.3)	50-99	39	(12.3)
missing	46	(14.2)	100-249	42	(13.2)
			250-499	38	(12.0)
Years of Service			500-999	31	(9.8)
0-5	77	(23.8)	1,000 or more	79	(24.9)
6-11	59	(18.2)			
12-17	57	(17.6)	Region		
18 or more years	49	(15.1)	South	115	(35.5)
missing	82	(25.3)	Midwest	81	(25.0)
			Northeast	80	(24.7)
Duty Status			West	48	(14.8)
Off-Duty	320	(98.8)			
On-Duty	4	(1.2)			

Table 2. OIV Victims (*N*=312)

	<i>n</i>	%		<i>n</i>	%
Relationship to Offender			Age		
Current Spouse	104	✓ (33.3)	Birth to 11	37	✓ (11.9)
Child	71	✓ (22.8)	25-41	36	✓ (11.5)
Current Boyfriend/Girlfriend	41	✓ (13.1)	12-17	32	✓ (10.3)
Former Boyfriend/Girlfriend	38	✓ (12.2)	18-24	15	✓ (4.8)
Former Spouse	23	✓ (7.4)	42 and Older	12	✓ (3.9)
Other Relative	21	✓ (6.7)	Missing	180	✓ (57.7)
Stranger/Acquaintances	14	✓ (4.5)			
Location			Injuries		
Victim's House/Apt.	196	✓ (62.8)	No Injury Reported	188	✓ (60.3)
Other House/Apt.	51	✓ (16.4)	Minor Injuries	63	✓ (20.2)
Near Victim's House/Apt.	18	✓ (5.8)	Serious Injuries	45	✓ (14.4)
Other Public Place	18	✓ (5.8)	Fatal Injuries	16	✓ (5.1)
Highway/Road/Auto	16	✓ (5.1)			
Bar/Nightclub/Restaurant	8	✓ (2.6)	Gender		
Other Commercial Place	5	✓ (1.6)	Female	273	✓ (87.5)
			Male	39	✓ (12.5)
Occupation					
Victim is Police Officer	16	✓ (5.1)			
Victim is Not a Police Officer	296	✓ (94.9)			

Table 3. OIDV Most Serious Offense Charged (*N* = 324)

	<i>n</i>	%
Simple assault	132	(40.7)
Aggravated assault	65	(20.1)
Forcible rape	32	(9.9)
Intimidation	23	(7.1)
Murder / Nonnegligent Manslaughter	15	(4.6)
Forcible fondling	12	(3.7)
Restraining order / Protection order violation	9	(2.8)
Burglary	7	(2.2)
Forcible sodomy	4	(1.2)
Vandalism / Property Destruction	3	(0.9)
Weapons law violation	3	(0.9)
Disorderly conduct	3	(0.9)
Kidnapping / Abduction / False Imprisonment	2	(0.6)
Pornography / Obscene material	2	(0.6)
Driving under the influence	2	(0.6)
Obstructing justice	2	(0.6)
Child endangerment	2	(0.6)
Impersonation	1	(0.3)
Negligent manslaughter	1	(0.3)
Statutory rape	1	(0.3)
Indecent exposure	1	(0.3)
Drunkenness	1	(0.3)
Conspiracy to commit murder	1	(0.3)

Table 4. OIV Criminal Case Dispositions: Bivariate Associations (N = 164)

Offense Charged	Not Convicted		Convicted		Total	χ^2	df	p	V
	n (%)	n (%)	n (%)	n (%)					
Simple Assault	32 [▲] (56.1)	25 [▲] (43.9)	57	17.618	1	<.001	.328		
Any Sex-Related Offense	6 [▲] (13.6)	38 [▲] (86.4)	44	11.828	1	.001	.269		
Forcible Rape	3 [▲] (12.5)	21 [▲] (87.5)	24	6.141	1	.013	.194		
Vandalism/ Destruction of Property	0 [▲] (0.0)	10 [▲] (100.0)	10	5.673	1	.017	.186		
Forcible Fondling	5 [▲] (18.5)	22 [▲] (81.5)	27	3.758	1	.053	.151		
Murder & Nonnegligent Manslaughter	2 [▲] (13.3)	13 [▲] (86.7)	15	3.341	1	.068	.143		
Weapon Used									
Hands / Fist	26 [▲] (54.2)	22 [▲] (45.8)	48	11.275	1	.001	.262		
Other Body Parts	3 [▲] (13.0)	20 [▲] (87.0)	23	5.562	1	.018	.184		
Personally Owned Gun	2 [▲] (12.5)	14 [▲] (87.5)	16	3.873	1	.049	.154		
Victim Characteristics									
Minor Injuries	16 [▲] (64.0)	9 [▲] (36.0)	25	11.125	1	.001	.260		
Serious Injuries	6 [▲] (17.1)	29 [▲] (82.9)	35	6.087	1	.014	.193		
Fatal Injuries	2 [▲] (12.5)	14 [▲] (87.5)	16	3.873	1	.049	.154		
Child	12 [▲] (24.5)	37 [▲] (75.5)	49	3.430	1	.064	.146		

Table 5. OIDV Criminal Case Dispositions: Logistic Regression Model Predicting Conviction ($N = 164$)

	<i>B</i>	<i>SE</i>	Wald	<i>p</i>	Exp(B)	95% CI for Exp(B)	
						<i>LL</i>	<i>UL</i>
Sex-Related Offenses	1.873	.486	14.846	<.001	6.509	2.510	16.877
Use of Personally-Owned Gun	1.730	.792	4.769	.029	5.639	1.194	26.634
Fatal Injuries	1.807	.790	5.237	.022	6.091	1.296	28.628
- 2 Log Likelihood	184.477						
Model Chi-Square	27.386						
Cox & Snell R^2	.154						
Nagelkerke R^2	.212						

Defendants in Section 1983 Litigation as a Correlate of Police Misconduct

- 20.99% ($n = 59$) of the OIDV-arrested officers were named in their official capacity as a party-defendant in at least one federal 42 U.S.C. §1983 civil action at some point during their career.
- 4.6% ($n = 15$) of the cases were removed from a state court pursuant to 28 U.S.C. §1441
- One of the OIDV-arrested officers (0.3%) had been charged under 18 U.S.C. §242 with criminal deprivation of rights under the color of law at some point in an arrest unrelated to the OIDV arrest case.

Discussion

- Officers appear to benefit from preferential charging decisions and professional courtesies extended in the disposition of OJDV-arrest cases.
- OJDV-arrested officers under an active order of protection are often allowed to carry gun while on-duty pursuant to 18 U.S.C. §925(a)(1).
- We hypothesize that there are many officers who have been convicted of a misdemeanor crime of domestic violence continuing to work in law enforcement and carrying firearms in violation of the prohibitions of 18 U.S.C. §925(g)(9).

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