

2013

## **Fox in the Henhouse: A Study of Police Officers Arrested for Crimes Associated with Domestic and/or Family Violence**

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### **Repository Citation**

Stinson, Philip M. and Liederbach, John, "Fox in the Henhouse: A Study of Police Officers Arrested for Crimes Associated with Domestic and/or Family Violence" (2013). *Criminal Justice Faculty Publications*. 6.

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## Abstract

The problem of violence within police families has been increasingly recognized as an important socio-legal issue, but there is a lack of empirical data on what has commonly been referred to as officer-involved domestic violence (OIDV). There are no comprehensive statistics available on OIDV and no government entity collects data on the criminal conviction of police officers for crimes associated with domestic and/or family violence. Prior self-report officer surveys are limited by the tendency to conceal instances of family violence and the interests of officers to maintain a "code of silence" to protect their careers. The purpose of the current study is to provide empirical data on OIDV cases. The study identifies and describes cases in which police were arrested for criminal offenses associated with an incident of family and/or domestic violence through a content analysis of published newspaper articles. Data on these cases is presented in terms of the arrested officer, employing agency, victim, charged offense(s), and criminal case dispositions. The paper includes a discussion regarding OIDV police crime and policy implications.

*Keywords:* domestic violence, family violence, officer-involved domestic violence, police crime, police misconduct

Fox in the Henhouse: A Study of Police Officers Arrested for  
Crimes Associated with Domestic and/or Family Violence

On the afternoon of April 26, 2003 Tacoma (WA) Police Chief David Brame shot and killed his estranged wife Crystal and then himself in front of their two young children in the parking lot of a local strip-mall. The police chief had been accused of repeatedly strangling and threatening his wife during the months preceding the horrific murder-suicide, and the subsequent investigation revealed further details of a marriage marred by long-term domestic abuse by the chief of police.<sup>1</sup> The "flamboyantly grotesque" character of the crime—perpetrated in a public space in broad daylight by the police chief of a major metropolitan police department—initiated a firestorm of criticism and public demands for accountability (LaRosa, 2006, p. 261; Lonsway, Wetendorf, & Conis, 2003). The shooting exposed the issue of domestic violence in a manner similar to celebrated cases that attract attention because they are unusual or newsworthy; but, the murder of Crystal Brame and the accompanying media spotlight also galvanized a more general movement to increase public awareness concerning domestic and family violence *within police families*, a form of crime also commonly referred to as officer-involved domestic violence (OIDV).

The movement to recognize OIDV gained momentum through the last two decades. Johnson (1991) conducted the first large scale studies on the link between police stress, family discord, and family violence, and her Congressional testimony preceded the enactment of legislation associated with the trend to identify and sanction OIDV. The Violence Against Women Act (1994) defined domestic violence as a "national crime problem," and included amendments to federal law that expanded protections for victims and created grant programs to states to increase enforcement and prosecution of domestic violence crimes (Stolz, 1999, p. 401).

In 1996, Congress enacted the Lautenberg Amendment to the federal Gun Control Act that prohibits individuals—including police officers—from owning or using a firearm if they have been convicted of a misdemeanor crime of domestic violence (Lautenberg Amendment, 1996). In 1997, the Office of the Inspector General of the Los Angeles Police Department (LAPD) released a report critical of the handling of OIDV investigations involving LAPD personnel (Mader, 1997). One year later, the FBI hosted a conference on Domestic Violence by Police Officers (1998) that included the presentation of exploratory studies on the topic (Sheehan, 2000). In 1999, the International Association of Police Chiefs (IACP) promulgated a model policy that outlined procedures for handling cases of domestic violence perpetrated by police officers. The IACP characterized OIDV as a problem that "exists at some serious level and deserves careful attention" (International Association of Chiefs of Police, 2003a, p. 2). The IACP released a revised model policy three months after the Brame murder-suicide (International Association of Chiefs of Police, 2003b). The federal government specifically addressed the issue in 2005 with passage of the law that provides funding for the Crystal Judson Brame Domestic Violence Protocol Program designed to promote the development of training and strategies to more effectively respond to OIDV cases (see 42 USC § 3796gg (b) (14)).

The notorious Brame shooting and initiatives to address the problem have clearly worked to increase public awareness and establish OIDV as an issue of importance for criminal justice scholars and practitioners; however, the movement to recognize and mitigate violence within police families has thus far failed to produce much in the way of specific empirical data on the phenomenon. There are no comprehensive statistics available on OIDV, and no government entity collects data on the criminal conviction of police officers for crimes associated with domestic and/or family violence. Some police agencies presumably maintain information on

incident reports of domestic violence within the families of police employees, but these data are usually the property of internal affairs units and thus difficult or impossible to access (Gershon, 2000). There have been a small number of studies based on data derived from self-administered officer surveys that estimate the prevalence of OIDV; but, the self-report method is limited by the tendency to provide socially desirable responses, as well as the interests of officers to maintain a "code of silence" to both protect their careers and keep episodes of violence within their families hidden from scrutiny.

The purpose of the current study is to provide empirical data on OIDV cases. Our research identifies and describes incidents in which police were arrested for criminal offenses associated with an incident of family and/or domestic violence through a content analysis of published newspaper articles. We present data on these cases in terms of the: a) arrested officer, b) employing agency, c) victim(s), d) charged offense(s), and e) criminal case dispositions. Our research contrasts with previous studies based on self-administered officer surveys because the methodology provides an opportunity to explore incidents wherein an OIDV arrest has already occurred—these are cases that cannot be hidden through a code of silence or any incentives to preserve a job and/or family. More broadly, our aim is to provide information on actual OIDV cases to inform policies and further initiatives designed to mitigate the problem. The next section provides an overview of the relevant literature. The first part of the review outlines factors present within the context of police culture and work that may promote violence within police families and contribute to the unique vulnerability of OIDV victims and their reluctance to officially report these crimes. The second part of the review covers the limited number of previous studies designed to estimate the prevalence of OIDV based on officer surveys.

### **Prior Literature on OIDV**

Research on OIDV often describes these crimes within the context of certain on-the-job realities and elements of police culture that may promote violence within police families (Blumenstein, 2009; Gershon, 2000; Johnson, 1991; Johnson, Todd, & Subramanian, 2005; Sgambelluri, 2000; Wetendorf, 2000). Johnson et al. (2005, p. 4) explain that many of the risk factors associated with the perpetration of domestic violence in the general population are also "conspicuously present" within the context of police culture and everyday police work, including violence exposure, alcohol abuse, and authoritarianism. The constellation of risk factors suggests a link between the conditions of police work and violence within police families, or what Johnson et al. (2005) refer to as "work-family spillover." This line of research suggests that domestic violence may be more prevalent among police officers, especially those who are unable to "leave the job at work" (p. 6).

Police work involves exposure to an assortment of violent episodes. Researchers suspect higher rates of domestic violence among police most exposed to work related violence based on studies that document a relationship between violence exposure and the personal well-being of police officers; and, the research literature on the relationship between work and family and the possibility of "spillover" effects (Johnson et al., 2005; Mullins & McMains, 2000). Officer surveys identify violence exposure as one of the most significant work related stressors for police (Gershon, 2000), and studies based on clinical trials describe links between police stress and poor family functioning (Neidig, Russell, & Seng, 1992). Mullins and McMains (2000) hypothesize a relationship between domestic violence and Post Traumatic Stress Disorder (PTSD) and suspect higher rates of domestic violence among police who suffer from PTSD, although empirical data on the relationship is lacking.

Problem drinking is another aspect of the work-family spillover that may contribute to the incidence of violence in police families. Police scholars identified the problem of off-duty alcohol abuse as early as the 70s, and estimated that as many as one in four officers had serious alcohol problems (Dishlacoff, 1976; Nordlicht, 1979). Three of four respondents to Johnson, Nieva, and Wilson's (1985) survey of police and their spouses believed that departments should offer alcohol rehabilitation programs. More recent research on the misconduct of off-duty police provides both descriptions of intoxicated officers engaged in bar fights, drunk driving, and personal disputes and evidence to suggest links between alcohol abuse and a wide variety of crimes perpetrated by police including domestic assaults (Kane & White, 2009; Stinson, Liederbach, & Freiburger, 2011). While these data show that alcohol abuse is a significant problem among some officers, the question of whether such abuse significantly influences rates of OIDV remains an unsettled empirical question (Johnson et al., 2005).

This line of research also describes how police training in authoritarian styles and the regular exercise of coercive force may influence marital interactions and promote domestic and/or family violence (Greene-Forsythe, 2000; Johnson, 1991; Johnson et al., 2005; Sgambelluri, 2000). Police are trained to exert power and use coercive force to accomplish their goals and gain compliance from citizens (Bittner, 1978; Skolnick, 1994). Coercive force includes acts of physical violence—punches, kicks, and the use of weapons; but also an assortment of verbal commands and other behaviors designed to gain compliance and control people. The regular exercise of coercion and authoritarianism may "spillover" to the home in cases where police treat family members as criminal suspects. Johnson (1991) identified a link between authoritarian spillover and high levels of strain in police families; and, Johnson et al.'s

(2005) survey of police indicates that authoritarian spillover mediates the relationship between exposure to violence on the job and domestic violence among police.

Other factors associated with police culture and the job contributes to the particular vulnerability of victims and their reluctance to officially report OIDV crimes. Guns and other types of lethal weapons comprise a key element of police culture, and police scholars emphasize how guns contribute to the occupational identity of officers (Chevigny, 1995; Crank, 2004, pp. 130–132; Rubinstein, 1973, p. 290). OIDV victims must consider the fact that perpetrators possess and are trained to use lethal weapons in decisions on whether to report these crimes. Police also have knowledge of the location of domestic violence shelters and experience that can be used to manipulate the system and shift blame to the victim (Gershon, 2000; National Center for Women & Policing, 2005). Decisions on whether to report are also likely influenced by the cultural values of secrecy and loyalty, wherein police (and their families) are expected to "never blow the whistle" and expose police perpetrators (Johnson et al., 2005; Shernock, 1995, p. 623). Victims also presumably worry about consequences associated with provisions of the Lautenberg Amendment (1996) that prohibit police from owning or using a gun if they are convicted of a misdemeanor crime of domestic violence, and the possibility of future violence in cases where the decision to report an OIDV crime results in the termination of the perpetrator's law enforcement career.<sup>2</sup> Taken together, the elements of police culture and the job conspire to discourage exposure of these crimes and contribute to the "hidden" nature of the problem.

The literature on OIDV is replete with anecdotes that underscore the occupationally-derived etiology of violence within police families, but there have been very few empirical studies designed to estimate the prevalence of OIDV—all of them based on self-administered surveys of police and/or their spouses. Johnson (1991) reported that 40% of responding officers

admitted that they had behaved violently toward their spouse at least once during the previous six months, and 20% of the spouses in a concurrent survey reported that their spouse had abused either them or their children in the previous six months. Neidig, Russell, and Seng (1992) and Neidig, Seng, and Russell (1992) reported that 41% of responding male officers admitted that at least one incident of physical aggression occurred in their marital relationship during the previous year, and 8% of those reported the occurrence of "severe" physical aggression including choking, strangling, and/or the use or threatened use of a knife or gun (Neidig, Russell, et al., 1992, p. 32). These studies reported significantly higher rates of domestic violence among officers who were currently divorced or separated from their spouses. Gershon (2000; 2009) reports much lower rates of self-reported physical abuse (less than 10%) among officers in the only study that utilizes police surveys to estimate the prevalence of OIDV since enactment of the Lautenberg Amendment (1996). Lonsway (2006) suggests that enactment of the amendment and associated penalties that would presumably end the career of any officer convicted of a domestic violence crime may exacerbate the tendency to under-report OIDV in self-report questionnaires.

### **Method**

Data for the present study were collected as part of a larger study on police crime. The larger study was designed to locate cases in which sworn law enforcement officers had been arrested for any type of criminal offense(s). Data were derived from published news articles using the Google News<sup>TM</sup> search engine and its Google Alerts<sup>TM</sup> email update service. Automated daily queries of the Google News search engine can be performed with user-defined search terms previously entered into the Google Alerts application. The Google Alerts tool sends an automated email message that notifies the user whenever the daily search identifies news articles that match the designated search terms. The automated alert contains a link to the

URL for the news article. The larger study on police crime identified 2,119 criminal cases that involved the arrest of 1,746 sworn officers during the period of January 1, 2005 through December 31, 2007. The arrested officers were employed by 1,047 nonfederal law enforcement agencies representing all 50 states and the District of Columbia.

The present study focuses on the identification and description of the subset of cases in which police were arrested for criminal offenses associated with an incident of family and/or domestic violence. The identification of OIDV arrests within the larger dataset on police crime involves three primary issues. The first issue involves what Gelles (1990, p. 51) refers to as the "quagmire of conceptual dilemmas" or definitional issues within the broader line of research on family and/or domestic violence. Studies often use the terms *abuse*, *violence*, *domestic violence*, *intimate violence*, and *family violence* interchangeably because of the absence of any common conceptual definition and the need for expansive terminology that encompasses the range of acts subsumed within the phenomenon (E. S. Buzawa, Buzawa, & Stark, 2012; Gelles, 1990; Hines & Malley-Morrison, 2005). The second issue relates to a lack of common definitions in criminal statutes that refer to acts of domestic and/or family violence. The *family* and/or *domestic* relationships covered by these laws vary from state to state resulting in "inexplicable gaps in coverage" and discrepancies as to what acts constitute a domestic and/or family violence offense (E. S. Buzawa & Buzawa, 2003, p. 6). The third issue involves the occurrence of preferential initial charging decisions. The criminal charge(s) in some cases of family and/or domestic violence identified in the larger study clearly did not correspond to the underlying nature of the criminal act(s) described in the news articles—a situation that suggests preferential charging decisions were made either as a professional courtesy and/or to protect the arrested officer from

penalties associated with the Lautenberg Amendment (1996) that bars any person convicted of misdemeanor domestic violence from possessing a gun.

These issues negate the use of straightforward coding schemes based on legal definitions and criminal statutes because the strategy would fail to recognize both variations in nomenclature across jurisdictions and the more expansive (albeit inconsistent) definitions of domestic and/or family violence common in this line of research. The American Academy of Family Physicians (AAFP) (2000) defined family violence as:

...the intentional intimidation or abuse of children, adults, or elders by a family member, intimate partner, or caretaker to gain power and control over the victim. Abuse can take many forms, including physical and sexual assault, emotional or psychological mistreatment, threats, intimidation, economic abuse, and violation of individual rights.

The AAFP definition is indicative of the expansive definitions used in this line of research and addresses problems associated with variations in legal nomenclature and the potential for preferential charges that would otherwise "mask" the phenomenon. For these reasons, the AAFP's definition of family violence was used to identify OIDV arrests within the larger dataset on police crime.

### **Data Collection and Coding**

The research team located and printed news articles after the Google Alerts tool sent an automated email message indicating that the daily news searches had identified an article(s) that matched one of 48 search terms. These articles were examined for relevancy and archived for subsequent coding and analyses. Each of the 2,119 criminal cases identified in the larger study were coded in terms of the: (a) arrested officer, (b) each of the charged offenses, (c) employing agency, (d) victim characteristics and (e) organizational outcomes and criminal dispositions. Additional content analyses were conducted to identify cases that corresponded to the AAFP definition of family violence. The research team developed a supplemental coding sheet for the

OIDV cases. The coding sheets were developed to explore issues pertinent to the study of OIDV including (f) victim injuries, (g) location of the event, (h) type of weapon, (i) items to indicate whether an order of protection was filed against the arrested officer and/or whether the arrested officer violated an existing order of protection, and (j) three gun-specific items to explore factors associated with enforcement of the Lautenberg Amendment (1996).

The supplemental coding also involved a cross-check of the names of each of the officers arrested in OIDV cases against the federal courts' Public Access to Court Electronic Records (PACER) system. The cross-check was used to explore whether officers arrested in OIDV cases had ever been named in their official capacity as a party defendant in one or more federal civil actions at any time during their law enforcement career. These data fields included (k) causes of action arising under 42 U.S.C. §1981 – equal rights under the law, (l) causes of action arising under 42 U.S.C. §1983 asserting a civil rights deprivation under color of law, (m) causes of action arising under 42 U.S.C. §1985 asserting a conspiracy to interfere with civil rights, (n) causes of action filed pursuant to 42 U.S.C. §1997 where a plaintiff is a prisoner or institutionalized person, (o) whether the civil action was removed to a federal district court from a state court pursuant to 28 U.S.C. §1441, and (p) an aggregate variable of having been named as a party defendant in any federal civil action pursuant to 42 U.S.C. §1981, §1983, and/or §1985. We also coded whether the officer had ever been prosecuted in a federal court for criminal deprivation of civil rights pursuant to 18 U.S.C. §242.

Additional procedures were undertaken to ensure the reliability of the data. One of the most widely accepted tests of inter-coder reliability for content analyses is the percentage of agreement test, wherein the percentage of agreement among two or more coders is calculated (Riffe, Lacy, & Fico, 2005). We employed additional coders to independently code a random

sample of five percent of the total number of cases. The overall level of simple agreement between two coders across the variables included in the present study (97.7%) established a degree of reliability well above what is generally considered "acceptable" (p. 147).

### **Strengths & Limitations of the Data**

Our research is within the “newsmaking criminology” paradigm (Barak, 1988, 1995). Newsmaking criminology “refers to the conscious efforts and activities of criminologists to interpret, influence or shape the representations of ‘newsworthy’ items about crime and justice” (Barak, 2007, p. 191). Studies in newsmaking criminology most commonly involve the analysis of news content to gain knowledge about the nature of crime-related media coverage, but news content can also provide valuable information on the nature of the criminal behavior that underlies the media coverage (see, e.g., Denton, 2010; LaFree, Yang, & Crenshaw, 2009; Morris, 2010). For our purposes, Google News provided an unparalleled amount of information on OVID crimes committed by police officers employed by law enforcement agencies across the United States.

Google News is fast becoming the preferred method to conduct news-based content analyses (Carlson, 2007). Since its inception in 2002, Google News has been used to conduct content analyses of news coverage on a wide range of topics including TASER<sup>®</sup> lawsuits (Adams & Jennison, 2007), human trafficking (Denton, 2010), and a variety of medical and public health-related topics (e.g., Anema et al., 2010; e.g., Freifeld, Mandl, Reis, & Brownstein, 2008; Lee, Barr, Catherine, & Wicks, 2007; Seifter, Schwartzwalder, Geis, & Aucott, 2010). Google News offers some clear advantages over other aggregated news databases (e.g., Dialog<sup>®</sup>, Factiva<sup>®</sup>, LexisNexis<sup>®</sup>) (Cunningham, 2005; Ferguson, 2005; Galbraith, 2007; Ojala, 2002). The Google News search engine culls content from over 50,000 internet-based news sources (Bharat

& Beckmann, 2010). Google News incorporates Google's automated search algorithms that are the current industry standard. The application offers more up-to-date stories because Google News search engine algorithms are continually crawling the content of thousands of on-line news sources, and appears to be more likely to locate stories that have not been picked up by news wire stories. The search engine also provides multiple links to related news content, so if a particular story provides insufficient information it is relatively easy to locate more relevant news sources.

There are three primary limitations of these data. First, our research is limited by the content and quality of information provided on each case. The amount of information on each case varied, and data for some of the variables of interest were missing for some of the cases. Second, the data are limited to cases that involved an official arrest. We do not have any data on OIDV cases that did not come to the attention of police, nor do we have information on cases that did not result in an arrest. Finally, it should be recognized that these data are the result of a filtering process that includes the exercise of discretion by media sources in terms of both the types of stories covered and the nature of the content devoted to particular stories (Carlson, 2007).

## **Results**

The news searches identified 324 cases in which police were arrested for a criminal offense associated with an incident of OIDV. The cases involved the arrest of 281 officers employed by 226 law enforcement agencies. Some of the officers had multiple criminal cases ( $n = 43$ ) and/or multiple victims ( $n = 24$ ). There were 70 OIDV cases during 2005, 116 cases in 2006, and 138 cases in 2007. The percentage of total police crimes that were OIDV cases remained relatively stable from 2005 (17.2%) to 2007 (16%). The remainder of this section is

organized in four parts. The first part of the results presents data on the arrested officers and their employing agency. The second part provides information on OIDV victims. The third part describes the nature of the official response to OIDV cases including: (a) criminal offense(s) charged, (b) organizational outcomes (if any), and (c) criminal case dispositions. The final part of the section presents the results of the PACER records search.

### **OIDV Officer and Agency Characteristics**

Table 1 presents descriptive statistics on the officers arrested and the employing police agencies. Most of the OIDV cases involved the arrest of a male officer (96%) who was employed in a non-supervisory patrol or other street-level function (86.7%). There were however 43 supervisory officers arrested for an OIDV offense including field/line supervisors ( $n = 35$ ) and police managers ( $n = 8$ ) including four captains and four police chiefs. The modal category for known officer age was 36 to 43 years ( $n = 105$ , 32.4%). The age of the arrested officers ranged from 20 to 63 years, and the mean age at the time of arrest was 37.4 years. The modal category for known years of experience was zero to five years ( $n = 77$ , 23.8%). Mean years of service for the arrested officers was 10.5 years. Almost all of the arrests (98.8%) stemmed from an OIDV incident in which the officer was off-duty at the time of the crime.

<<<<< Insert Table 1 about here >>>>>

### **OIDV Victims**

Table 2 presents descriptive statistics on 312 OIDV victims. One-third of the victims ( $n = 104$ ) were the current spouse of the arrested officer. Close to one-fourth of the victims ( $n = 71$ ) were children, including a child or step-child of the officer ( $n = 50$ ) or children who were unrelated to the arrested officer ( $n = 21$ ). Current and former boyfriend/girlfriends comprised one-fourth of the victims ( $n = 41$  and  $n = 38$  respectively). The remainder of victims were a

former spouse ( $n = 23$ ), other relative ( $n = 21$ ), or a strangers or acquaintances ( $n = 14$ ).<sup>3</sup> The location of close to two-thirds of the cases was the victim's house or apartment ( $n = 196$ , 62.8%). The second most common location was another house or apartment ( $n = 51$ , 16.4%). The remainder of locations included highway/road/automobile ( $n = 16$ ), other public places ( $n = 18$ ), bar/nightclub/restaurant ( $n = 8$ ), and other commercial locations ( $n = 5$ ). There were 16 victims (5.1%) who were also police officers. There were 37 victims (11.9%) who were age 11 years or younger; however, data on the age of victims was also commonly not available ( $n = 180$ , 57.7%). The majority of victims ( $n = 188$ , 60.3%) were involved in cases where no injury was reported but other victims had minor injuries (19.4%), serious injuries (13.9%), or died as a result of their injuries (4.9%).<sup>4</sup> Most of the OIDV victims were female ( $n = 273$ , 87.5%). Male victims were more prevalent among child victims (23.4% of child victims) than adult victims (9% of adult victims).

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### **The Official Response to OIDV**

An examination of the criminal offenses charged provides general information on the constellation of criminal behaviors associated with the act of OIDV; but more substantively, the manner in which the system defines and initially responds to the phenomenon. The examination is complicated by the fact that OIDV cases commonly involved multiple charged offenses. Cases were initially coded to record all offenses charged in each case. The most common charged offenses in these cases were simple assault ( $n = 146$ ) and aggravated assault ( $n = 73$ ); however, offenders were also commonly charged with other offenses including intimidation/harassment (including stalking) ( $n = 44$ ), forcible rape ( $n = 32$ ), and forcible fondling ( $n = 30$ ). Some officers were charged with both simple and aggravated assault in

connection to a single OIDV case ( $n = 9$ ). Other offenses charged in more than three percent of the cases included: weapons law violations ( $n = 10$ ), disorderly conduct ( $n = 15$ ), murder or non-negligent manslaughter ( $n = 15$ ), vandalism ( $n = 15$ ), kidnapping, abduction, or false imprisonment ( $n = 13$ ), protection order violations ( $n = 13$ ), burglary ( $n = 11$ ), forcible sodomy ( $n = 10$ ), and child endangerment ( $n = 10$ ).

Table 3 presents the most serious offense charged in each of the 324 OIDV cases.<sup>5</sup> Simple assault was the most serious offense charged in 132 of the cases (40.7%), followed by aggravated assault ( $n = 65$ , 20.1%), forcible rape ( $n = 32$ , 9.9%), intimidation ( $n = 23$ , 7.1%), murder/non-negligent manslaughter ( $n = 15$ , 4.6%), and forcible fondling ( $n = 12$ , 3.7%). There were 20 cases (6.2%) in which the most serious offenses charged was *not* an assault related offenses. The most serious offense charged in these cases was vandalism ( $n = 3$ ), weapons law violation ( $n = 3$ ), pornography ( $n = 2$ ), driving under the influence ( $n = 2$ ), obstruction of justice ( $n = 2$ ), child endangerment ( $n = 2$ ), impersonation ( $n = 1$ ), negligent manslaughter ( $n = 1$ ), statutory rape ( $n = 1$ ), indecent exposure ( $n = 1$ ), drunkenness ( $n = 1$ ), and conspiracy to commit murder ( $n = 1$ ). Each of the seven cases in which burglary was the most serious charge involved the specific intent to commit an assault as an element of the crime.

<<<<< Insert Table 3 about here >>>>>

Data on final organizational outcomes were available for 233 of the cases (71.9%). About one-third of those cases (34.7%) involved officers who were separated from their job either through resignation ( $n = 43$ ) or termination ( $n = 38$ ). The majority of cases in which the final employment outcome was known resulted in a suspension *without* job separation ( $n = 152$ ). Final employment outcomes could not be discerned in 91 cases; however, news items associated with many of those cases included specific refusals to provide information on case outcomes by

police executives who characterized OIDV arrests as "confidential" and/or "personnel matters" that could not be divulged.

Data on criminal case dispositions were available for 164 of the OIDV cases (50.6%). The majority of those cases ( $n = 107$ , 65.2%) involved a criminal conviction on one or more of the offenses charged. Conviction on one or more of the offenses charged varied in terms of the *most serious* offense charged. For example, some type of conviction occurred in 42% of the cases in which simple assault was the most serious charge, whereas a conviction on any charge was more likely in cases where the most serious offense charged was murder/non-negligent manslaughter (86.7% convicted), forcible rape (87.5% convicted), or aggravated assault (60.6% convicted).

Bivariate associations between final employment outcome and criminal case disposition were also examined. Of those cases where there was a conviction ( $n = 107$ ) on at least one offense charged, officers are known to have lost their job through either termination or resignation in less than half of those cases ( $n = 52$ ). The subset of cases where an officer was charged with misdemeanor assault ( $n = 57$ ) was also examined to assess applicability of the Lautenberg Amendment. Criminal convictions were obtained in less than one-half of these cases ( $n = 25$ , 43.9%). There are five simple assault cases where the arrested officer was terminated from their employment as a police officer and also convicted of at least one crime, and three cases where an officer charged with misdemeanor assault resigned from their job and were also convicted of at least one crime. In 20 other misdemeanor cases an officer was convicted of at least one criminal offense; but, the most severe known adverse employment outcome was a suspension from their job for a period of time. Thus, officers are known to have lost their jobs in

only 32% of the OIDV cases where the officer was convicted of some offense after being charged with misdemeanor domestic assault.

Tables 4 and 5 present the results of further analyses to determine the association between criminal case dispositions and other variables including (a) *all* offense(s) charged, (b) weapons(s) used, and (c) victim characteristics. Offenses were also coded in terms of five general categories of police crime designed to describe the underlying nature of the charges including those related to violence, sex, drugs, alcohol, and/or profit motive. Table 4 presents bivariate chi-square associations and corresponding Cramer's V calculations. Criminal case disposition is dichotomized into a binary variable where 0 = *officer was not convicted of any offense* and 1 = *officer was convicted of some offense*. In cases where an officer was charged with simple assault, a conviction was obtained on at least one offense charged in less than half the cases (43.9% convicted). Criminal convictions on at least one offense charged were more common in cases where an arrested officer was charged with forcible fondling (81.5% convicted), any sex-related crime (86.4% convicted), murder or non-negligent manslaughter (86.7% convicted), forcible rape (87.5% convicted), and vandalism (100% convicted).

The type of weapon used and the extent of victim injuries influenced criminal case outcomes. Officers were seldom convicted on any offense in cases where they had used their hands/fists as a weapon (45.8% convicted). Criminal convictions were more likely when the arrested officer used other body parts as a weapon (87.0% convicted) or a personally-owned gun (87.5% convicted). Table 4 also demonstrates that there is an association between conviction on at least one offense charged and the seriousness of a victim's injuries. Officers were rarely convicted when their victim experienced minor injuries (36.0% convicted), but convictions were more common when there were serious injuries (82.9% convicted) or fatal injury (87.5%

convicted). Overall, these cases were similar to other criminal cases in regard to the observation that offense seriousness and the extent of victim injuries appeared to influence dispositions.

<<<<< Insert Table 4 about here >>>>>

Forward binary logistic regression was conducted to determine the variables that predict OIDV criminal case dispositions (see Table 5). Data screening led to the elimination of several outliers. Bivariate correlations computed for each of the independent variables revealed that none of the variables were highly correlated with each other. Variance inflation factors and tolerance statistics were also examined. None of the variance inflation factors exceeded 4 and none of the tolerance statistics were below .1, indicating that multicollinearity is not a problem in the model (see Mertler & Vannatta, 2010). Regression results indicate that the overall model of three predictors—sex-related offenses, use of a personally-owned gun, and fatal victim injuries—is statistically reliable in distinguishing between officers who were convicted and those who were not convicted. The model, however, correctly classified only 65.2% of the cases. Wald statistics indicate that all of the independent variables in the model significantly predict OIDV criminal case outcome. The odds ratios for these variables indicate that the simple odds of an officer being convicted of a criminal offense following an OIDV arrest are approximately six times greater if their crime is sex-related, or if their crime involved a personally-owned gun, or if their victim died as a result of injuries incurred as a result of an OIDV crime. Each serves as aggravating factors that are rarely excused by a court.<sup>6</sup>

<<<<< Insert Table 5 about here >>>>>

### **OIDV and Other Forms of Police Misconduct**

The final part of the section presents the results of our search of OIDV offenders in the PACER system. The PACER records determine whether officers arrested in OIDV cases had

been named as a party defendant in one or more federal civil actions at any time during their law enforcement career. More than one fifth of the OIDV cases ( $n = 70$ , 21.6%) involved an officer who had also been named individually as a party defendant in at least one federal court civil action for deprivation of civil rights under color of law pursuant to 42 U.S.C. §1983 at some point during their law enforcement career. A few of these federal civil actions also included causes of action against the officer pursuant to 42 U.S.C. §1981 relating to equal rights under the law ( $n = 4$ , 1.2%) and/or 42 U.S.C. §1985 alleging a conspiracy to interfere with civil rights ( $n = 3$ , 0.9%). Some of the federal civil rights cases were filed pursuant to 42 U.S.C. §1997 ( $n = 10$ , 3.1%) by a plaintiff who was—at the time the civil case was filed in court—residing at an institution owned, managed, or operated by the government (e.g., jails, prisons, pretrial detention facilities, juvenile detention facilities, as well as facilities for persons who are mentally ill, disabled, retarded, or chronically ill). Some of the civil rights lawsuits were removed to a federal district court from a state trial court ( $n = 15$ , 4.6%) pursuant to the provisions of 28 U.S.C. §1441. When the unit of analysis is changed from “OIDV officer arrest *case*” to “OIDV-related arrested *officer*,” 59 of the officers arrested for OIDV-related crimes (20.99%) were also named individually as a party defendant in a federal civil rights lawsuit at some point during their law enforcement career.

### **Discussion**

Officer involved domestic violence (OIDV) has emerged as an important issue for criminal justice scholars, practitioners, and citizens in the wake of the high-profile murder of police spouse Crystal Brame and the enactment of laws and policies designed to identify and punish violence in police families. Police officers perform the lead role in the fight against domestic and family violence, but the occurrence of OIDV—cases wherein police themselves are

the perpetrators of domestic assault, murder, rape, and other forms of abuse and intimidation—has the potential to significantly undermine public trust and confidence in both the profession and the system of justice that relies on police to enforce domestic violence laws against one of their own. Our research identifies hundreds of actual OIDV cases and describes the nature and character of these events. Some points of discussion as well as implications for policy and research arise from the data in terms of the: a) victims, b) official response, and c) association between OIDV crimes and other forms of police misconduct.

The findings in regard to victims reflects some of the definitional issues that occupy this line of research, in particular the trend toward expansive definitions that encompass both the variety of persons involved in abusive interpersonal relationships and the range of acts subsumed within the context of the phenomenon. Scholars increasingly recognize broadened definitions of domestic violence to include non-marital and parental relationships "to be more inclusive of the variety of ways in which families and living arrangements are constructed in modern society" (Flowers, 2000; Kurst-Swanger & Petcosky, 2003, p. 5). 208 of the 312 victims identified in our research were *not* the current spouse of the arrested officer including 71 children, 79 current and former boyfriends/girlfriends, and 23 former spouses. The identification of victims representing a wide variety of interpersonal roles clearly relates to the use of the AAFP's definition of family violence that incorporates the abuse of adults, children, and non-married intimate partners (American Academy of Family Physicians, 2000). More restrictive definitions of the phenomenon would have failed to uncover at least two-thirds of the cases of police-perpetrated domestic and/or family violence in our sample. Police scholars and policymakers should be cognizant of both the trend toward more expansive definitions in the research on family violence

and the need to identify and help OIDV victims who experience abuse outside the boundaries of traditional spousal roles.

OIDV victims are distinguished from other domestic violence victims because the abuser is among those expected to enforce domestic violence statutes; a "fox in the henhouse" problem described by Ammons (2005) in her essay on the topic and utilized in our title phrase to underscore the unique vulnerabilities of OIDV victims who have "nowhere to go, no way to escape, and very few people to protect them" (p. 30). The problem defies easy solutions, but Florida's innovative Law Enforcement Families Partnership (LEFP) offers practical strategies to address some of the problems encountered by OIDV victims in their Model Policy on Officer-Involved Domestic Violence (2010) (Oehme & Martin, 2011; Oehme et al., 2011). The policy advocates prevention through collaboration between police agencies and domestic violence advocacy organizations. A number of these strategies are specifically designed to ensure the safety and protection of victims including: (a) the designation of a principle contact person for the victim by the police agency, whose responsibility should be to inform the victim of agency confidentiality policies and their limitations, and ensure that victim confidentiality is maintained including the victim's physical location, (b) policies that provide for the relief of agency-issued firearms and other weapons, as well as victim inquiries as to whether he or she would like any other weapons removed from the home for safekeeping by the agency during the investigation, and (c) follow-up contact to the victim to provide information on safety planning and local victim services.

Our research also provides an opportunity to explore the application of law in cases of domestic and/or family violence that occur within police families, or what we have referred to as the official response to these crimes. Criminologists often demonstrate that "criminal" violence

is not merely an objective event but also a socially constructed reality. Definitions of crime and official reactions to it change over time and are in part dependent upon the typifications of criminal justice actors including police and prosecutors (Becker, 1997; LaFree, 1989; Lilly, Cullen, & Ball, 2007). Objective harms such as domestic and/or family violence can exist for years without being defined and treated as crimes—especially in cases where police themselves perpetrate harms. Certainly, there are many instances of domestic violence that do not get reported to police or result in an arrest; and, the current study captures only cases where there has been an official arrest reported to the media. Still, the identified OIDV cases and data on initial charges and the criminal case dispositions of these events do provide information on official reactions to these crimes and the discretionary decisions of criminal justice actors as the cases progressed in the system.

Some of the behavior described in the news articles did not result in either an official charge that corresponded to the nature of the underlying act perpetrated by the arrested officer or any type of criminal conviction. There were 20 cases in which the most serious offense charged was not even an assault-related offense, although the news article(s) described behavior that clearly constituted domestic and/or family violence under the AAFP definition. Simple assault was the most serious offense charged in over 40% of the cases ( $n = 132$ ); however, these officers were also commonly charged with lesser offenses (*e.g.* intimidation/harassment, disorderly conduct, obstruction of justice) that could be used during subsequent plea negotiations as a means to avoid an assault-related conviction and associated penalties under the Lautenberg Amendment.

Persons convicted of a qualifying misdemeanor crime of domestic violence are prohibited from possessing any firearm or ammunition pursuant to the Lautenberg Amendment (1996). The

law however does not provide any workable process to record, track, or verify domestic violence convictions. In *United States v. Hayes* (2009) the U.S. Supreme Court clarified that a qualifying misdemeanor crime of domestic violence includes “an offense committed by a person who had a specified domestic relationship with the victim, whether or not the misdemeanor statute itself designates the domestic relationship an element of the crime” (p. 426). In this study only 32% of *convicted* officers who had been charged with misdemeanor domestic assault are known to have lost their jobs as police officers. Of course, it is possible that news sources did not report other instances where officers were terminated or quit; but, many of the police convicted of misdemeanor domestic assault are known to be still employed as sworn law enforcement officers who routinely carry firearms daily even though doing so is a violation of the Lautenberg Amendment prohibition punishable by up to ten years in federal prison. Equally troubling is the fact that many of the officers identified in our study committed assault-related offenses but were never charged with a specific Lautenberg-qualifying offense. In numerous instances, officers received professional courtesies of very favorable plea bargains where they readily agreed to plead guilty to *any* offense that did not trigger the firearm prohibitions of the Lautenberg Amendment.

Problems associated with failures to apply appropriate penalties under the Lautenberg Amendment are aggravated by the absence of any central registry or database of persons convicted of misdemeanor crimes of domestic violence. The U.S. Department of Justice (2011) promulgates guidelines to help federal agents and prosecutors determine whether a person’s prior misdemeanor conviction involved an offense qualifying as a misdemeanor crime of domestic violence. Most often the information is needed to complete required background checks as part of the National Instant Criminal Background Check System (NICS) when a person is attempting

to purchase a firearm. The guidelines ask that local law enforcement officials, prosecutors, and judges “ensure that information demonstrating the use or attempted use of physical force or threatened use of a deadly weapon is reflected in the charging document, any plea agreement or plea colloquy, and any other final court records of the proceedings, such as judgments of conviction or sentencing orders” (U.S. Department of Justice, 2011). Our data on police arrested for crimes associated with domestic and/or family violence demonstrates how some officers escape appropriate penalties due to loopholes and the impact of the discretionary decisions of actors in the system.

A final point of discussion involves the results of our search of arrested officers in the PACER system that determined whether officers arrested in OIDV cases had been named as a party defendant in one or more federal civil rights lawsuits at any time during their law enforcement career. We found that more than one-fifth of these officers ( $n = 59$ , 20.99%) had been previously named as a party defendant in such lawsuits. The finding suggests that misconduct associated with the perpetration of domestic and/or family violence may not be isolated; but rather, indicative of officers with performance problems in other areas. Walker (2005) outlined the role of early intervention (EI) systems that have been recommended as a "best practice" with regard to police accountability. EI systems arose from the recognition that a few so-called "problem officers" are responsible for a disproportionate number of misconduct problems. One advantage of EI systems is their capacity to identify patterns of misconduct among multiple performance categories or indicators (Walker, 2005, pp. 100–134). Our finding in regard to the association between OIDV arrests and federal civil rights litigation is exploratory; however, the fact that roughly one in five of the officers identified in our research were also named as defendants in civil rights lawsuits may indicate the need to include

information on OIDV arrests among other performance indicators presently used in these systems, or at least the need for further scrutiny of the relationship between the perpetration of family violence and other forms of police misconduct.

## Notes

<sup>1</sup> For more details and a summary of the Brame case including specific allegations, investigatory findings, and legal and organizational dispositions see Robinson (2005).

<sup>2</sup> The federal Gun Control Act (1968) has long prohibited possession of a firearm by any person convicted of a felony. The Lautenberg Amendment extended the prohibition against possession of a firearm to anyone convicted to a misdemeanor crime of domestic violence. In *United States v. Hayes* (2009) the Supreme Court held that the Lautenberg Amendment term “misdemeanor crime of domestic violence” is a misdemeanor offense that (a) has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon, and (b) is committed by a person who has a specified domestic relationship with the victim. The Court further held that to obtain a conviction under the Lautenberg Amendment the existence of a domestic relationship must be proved beyond a reasonable doubt; but, the relationship need not be denominated as an element of the predicate offense (p. 426). There is no exemption under the statute for military or law enforcement personnel. There is, however, an “official use” exemption to the firearms prohibition relating to criminal and civil domestic orders of protection. Persons subject to an order of protection are prohibited, while the protection order is in effect, from possessing any firearm or ammunition (see 18 U.S.C. §922(g)(8)) but the prohibition does not apply to official use of firearms by federal, state, and local government employees—including military and law enforcement personnel—while on duty (see 18 U.S.C. §925(a)(1)).

<sup>3</sup> The stranger and non-stranger acquaintance victims of the OIDV crimes include five individuals who were the new boyfriend/girlfriend of the arrested officer’s ex-intimate partner (either ex-spouse or ex-girlfriend/boyfriend); three individuals who were then having a sexual affair with the arrested officer’s current spouse; three police officers who were assaulted when they responded to the domestic violence call for service; two bystanders who intervened to help a victim; and one person who was the arrested officer’s paramour.

<sup>4</sup> The degree of injury was coded using the protocol of the National Crime Victimization Survey (U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2002). Minor injuries were bruises, black eyes, cuts, scratches, swelling and/or undetermined injuries requiring less than two days of hospitalization. Serious injuries were knife and gunshot wounds, broken bones, loss of teeth, internal injuries, loss of consciousness, completed rape and/or any injury that required two or more days of hospitalization. Emotional and psychological trauma is not included in the coding protocol for degree of injury.

<sup>5</sup> Offenses were ranked on seriousness according to the hierarchical rule utilized in the FBI’s Uniform Crime Reports (U.S. Department of Justice, Federal Bureau of Investigation, 2004).

<sup>6</sup> Criminal courts seem more inclined to sanction police arrested in OIDV cases when their bad behavior includes a sex-related allegation and in cases that result in the victim’s death. Likewise, judges and juries may be reluctant to confer occupationally-derived status and the usual presumptions in favor of police defendants in cases that involve personally-owned rather than department-issued guns.

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

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

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

	<i>n</i>	<i>%</i>		<i>n</i>	<i>%</i>
<b>Relationship to Offender</b>			<b>Age</b>		
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)			
<b>Location</b>			<b>Injuries</b>		
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)	<b>Gender</b>		
Other Commercial Place	5	(1.6)	Female	273	(87.5)
			Male	39	(12.5)
<b>Occupation</b>					
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)

<b>Table 4. OVID Criminal Case Dispositions: Bivariate Associations (N = 164)</b>									
	Not Convicted		Convicted		Total	$\chi^2$	df	p	V
	n	(%)	n	(%)					
<b>Offense Charged</b>									
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
<b>Weapon Used</b>									
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
<b>Victim Characteristics</b>									
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			<.001			
Cox & Snell <i>R</i> <sup>2</sup>	.154						
Nagelkerke <i>R</i> <sup>2</sup>	.212						