

Departments Slow to Police Their Own Abusers

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2013 Cops Domestic Violence



John McGauley for The New York Times Dottie Davis, a former deputy police chief of Fort Wayne, Ind., said she was battered by her domestic partner, also an officer.

When the police chief in Tacoma, Wash., shot and killed his wife in a parking lot after years of abusing her, the shock from that event 10 years ago mobilized national support for a more aggressive response to domestic violence in police households.

While police officers today are more aware of the problem, the following is also true: In many departments, an officer will automatically be fired for a positive marijuana test, but can stay on the job after abusing or battering a spouse.

In the wake of the Tacoma killing, the International Association of Chiefs of

Police strengthened its efforts to persuade departments to adopt a set of model rules on domestic violence in their own ranks. Responding to concerns that domestic violence had long been treated more leniently than other forms of misconduct, the organization called for zero tolerance for abusers, tougher pre-employment screening and a separate set of procedures to ensure rigorous investigation of every accusation.

But police departments have been slow to adopt the rules. And while most officials say they treat domestic abuse by officers as they would any other form of misconduct, interviews and disciplinary records indicate that, in fact, punishment is often light and job loss uncommon.

Only a quarter of the 56 largest city and county police departments that responded to a recent survey have a distinct policy for domestic violence involving officers. And only one, Nashville, has adopted the entire model policy, according to the survey, conducted by The New York Times and the PBS investigative news program "Frontline." Three others — Charlotte, N.C.; Chicago; and Columbus, Ohio — follow most of its provisions.

"Why is it that we've taken violence against women and separated that from other crimes?" said Mark Wynn, a former Nashville police lieutenant who advises departments worldwide on the model rules. "Whenever you are aware of a crime and you don't hold someone accountable, then you are colluding with a criminal. Is that what we want in the ranks of law enforcement?"

Experts believe domestic abuse to be the most commonly unreported crime. Police officers can be particularly dangerous because of their access to guns and special training in fighting and controlling those who challenge them. Yet their victims often do not report abuse because they fear retaliation and they believe that their abuser's colleagues, as well as prosecutors, will not take their complaints seriously.

"It's been covered up since the beginning of time," said Penny Harrington, a former police chief in

Portland, Ore. Ms. Harrington said that even when accusations are reported, prosecutors may be reluctant to pursue them because they need officers to testify in other cases and do not wish to create ill will.

What's more, it is not always clear what happened. One example is the case of Michelle O'Connell, a young woman killed with a gun belonging to her boyfriend, a deputy sheriff in St. Johns County, Fla. After the local authorities ruled that she had shot herself, a state investigative agency disagreed, suggesting that her death was a result of domestic violence. Ultimately, a special prosecutor closed the case without bringing charges.

With no central reporting system and little definitive research, there is no accurate way to measure the problem — how often officers abuse their domestic partners and how severely abusers are punished. In some instances, researchers have resorted to asking officers to confess how often they had committed abuse. One such study, published in 2000, said one in 10 officers at seven police agencies admitted that they had “slapped, punched or otherwise injured” a spouse or domestic partner.

A broader view emerges in Florida, which has one of the nation's most robust open records laws. An analysis by The Times of more than 29,000 credible complaints of misconduct against police and corrections officers there strongly suggests that domestic abuse had been underreported to the state for years.

After reporting requirements were tightened in 2007, requiring fingerprints of arrested officers to be automatically reported to the agency that licenses them, the number of domestic abuse cases more than doubled — from 293 in the previous five years to 775 over the next five.

The analysis also found that complaints of domestic violence lead to job loss less often than most other accusations of misconduct.

The cases reported to the state are the most serious ones — usually resulting in arrests. Even so, nearly 30 percent of the officers accused of domestic violence were still working in the same agency a year later, compared with 1 percent of those who failed drug tests and 7 percent of those accused of theft. Among major offenses tracked by the state, only driving under the influence was less likely to lead to a job loss.

Dottie Davis, a former police officer in Indiana, had an insider's view of why stopping domestic violence in police households can be so difficult.

When Ms. Davis reported that her domestic partner, also a police officer, had violently attacked her, she said she realized quickly that the responding officers would do little or nothing to protect her.

“They worked with him, and he stood up and shook both their hands and began to apologize immediately, and so I knew right then that not much was going to be done,” said Ms. Davis, who retired recently as deputy police chief in Fort Wayne after 32 years on the force. Once her abuser assured the officers that he would take care of her injuries, she said, they agreed not to report the incident and said they would “swear the dispatchers to secrecy.”

Ms. Davis said that when she admitted being battered, “I was ostracized by my co-workers

because you don't rat on another cop." She added, "Even though his behavior was criminal and we were arresting other people for it, because he was a police officer, he was exempted."

Staying silent in the hope that the abuse stops is rarely a good option because the attacks, without some type of intervention, will usually continue, experts say. But the alternative carries its own set of risks.

"A victim calls 911 — well, guess what? Their statement is right on the screen for every fellow officer and every friend of that officer to read and to make a call and let him know what she just told the dispatcher," said Ms. Davis, now the head of security for the Fort Wayne schools. In addition, abusive officers can use police computer systems to track their victims.

Because domestic violence victims might fear calling 911 to report an officer, the model rules urge police departments to designate a contact person so families can bypass officers who may work with the offending officer. But most of the largest police agencies in the country offer no such help on their website or through outreach programs, the Times/"Frontline" survey has found.

In fact, most respondents were puzzled by the survey question about family services. Tim Curran, a commander for the San Diego County sheriff, said he doubted that spouses would be fearful about calling 911 and that no special program was needed. "There are women's groups they can call, hotlines, shelters," he said.

The Chicago Police Department rejected the zero-tolerance provision of the model rules because officials there believed that if abusers were punished too harshly, victims might not report the crime.

"Most victims don't want abusers to lose their job," said Jan Russell, a lawyer who helped develop Chicago's approach and used to run its victim-advocacy program for police families. "They just want to be safe."

Chicago's approach can lead to a striking dichotomy. Consider the cases of Edward Feliciano and Duane A. Bennett. Both were decorated veterans with dozens of awards and complimentary letters.

Mr. Feliciano remains employed by the department, working in a desk job after two domestic violence offenses and a violation of a court order to stay away from his wife. Even after the department recommended firing him, the city's Police Board, which makes the final decision, ruled that termination was "not warranted."

Mr. Bennett, a sergeant with 22 years of service and no violations, was fired after a test detected a small level of marijuana metabolites in his urine.