

## **Lessons Learned from Tacoma: The Problem of Police Officer Domestic Violence**

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On April 26<sup>th</sup> of this year, Tacoma Police Chief David Brame shot his wife Crystal and himself in front of their two children. Media attention both in Tacoma and elsewhere focused on this terrible tragedy and briefly raised the issues of domestic violence in police families for public scrutiny. However, now that the media spotlight has moved on to other issues, police executives everywhere must continue to struggle with this problem. We simply must do a better job of identifying domestic violence perpetrated by members of the law enforcement community, and protect the safety and well-being of victims while holding perpetrators accountable. As the Tacoma tragedy reminded us yet again, the problem of police officer domestic violence is a matter of life and death. The purpose of this article is to review the dimensions of the problem, the all-too-common failure of departments to respond appropriately, and the lessons we can all learn from Tacoma.

Domestic violence is always a terrible crime, but victims of a police officer are uniquely vulnerable because the officer who is abusing them “holds all the cards.” Perhaps most obvious, the officer who is perpetrating the violence has a gun and all the authority of a position within law enforcement to use against his victim. If the victim tries to escape or seek help, the officer knows the location of battered women's shelters and many of the people involved in the system. Of course, the officer also knows how to manipulate the system to avoid detection and accountability, and abusive officers are often masters at shifting blame to the victim and creating the impression that the victim is the one who is crazy and/or perpetrating the abuse.

For example, Chief Brame reportedly described himself as the victim of his wife Crystal’s “ferocious temper.” It is not unusual for abusive officers to create the impression that they are the “real victims” in the situation. Some even race to the courthouse to get a Protective Order before the victim is able to obtain one. This is an effective strategy that undermines the victim’s credibility and puts the victim on the defensive. For example, most people – including judges – believe that an armed male police officer who is willing to endure the humiliation and embarrassment of admitting to the court that he lives in fear of his female partner must truly be the victim. This belief often prevents judges from considering the obvious. It fails to recognize the relative size and strength of the two parties, who is more reasonably and likely to be afraid of whom, and the imbalance of the personal, financial, social, and institutional power of the officer versus the victim.

Victims of domestic violence by a police officer understandably fear calling the police, because they know the case will be handled by officers who are colleagues and friends of their abuser. They typically fear that the responding officers will side with their abuser and fail to properly investigate or document the crime. Historically, these fears have been well founded, because many police agencies handle cases of domestic violence by their own members informally, often without an official report, or investigation. In other words, many victims fear that officers will extend the traditional “professional courtesy” to other members of law enforcement by not reporting any allegation of domestic violence made against them. This informal method and/or “professional courtesy” is often used despite legislative mandates and departmental policies dictating a more formal response to domestic violence crimes, including mandatory arrest if probable cause exists.

Victims also fear reporting because any risk to the officer’s job can pose a terrible financial burden on the victim and any children. If the officer loses a job with the police department, this means that the victim loses not only the family income from that job, but also any health insurance, pension, and other benefits. This can be devastating to the family, and often serves to keep victims in an abusive relationship that they would otherwise leave.

### ***How often does it happen?***

To date, most of the estimates of police officer domestic violence have been developed by simply asking police chiefs, victim advocates, or others how frequently it occurs. This is obviously a very limited means of gathering information on such a hidden social problem. Only three studies have used more rigorous social scientific methodology to estimate the number of police families that experience domestic violence. All of these studies were conducted before the Lautenberg Amendment was enacted, which will be discussed later but which makes it more difficult to ask officers about domestic violence out of fear of losing their guns and/or jobs.

The first study was conducted by Dr. Leonor Boulin Johnson of Arizona State University with 728 police officers and 479 of their spouses in two East Coast police departments. Dr. Boulin Johnson asked the officers whether they had gotten out of control and behaved violently toward their spouse or children in the last 6 months, and as many as 40% of the officers themselves stated that they had. Of course, a primary flaw of this study is that it didn’t ask about specific behaviors, so it is impossible to know exactly what the officers were admitting.

The second study therefore improved upon this methodology, by asking 385 male officers from several southwestern agencies whether they had engaged in a number of specific violent behaviors during the past year. These behaviors included: pushing, grabbing, shoving, slapping, kicking, biting, hitting, throwing things, choking, strangling, beating up your spouse, threatening your spouse with a knife or gun, and actually using a knife or gun on your spouse. The study was conducted by Dr. Peter Neidig and members of the Tucson Police Department, and results indicated that over one-quarter of the officers (28%) had personally engaged in at least one of these violent behaviors during the past year.

The results of the third study were very similar, using the same questions about specific violent behaviors. The third study was conducted by the same researchers as the second study, but with 891 male officers surveyed at the FOP Biennial Conference. Again, approximately one-quarter (24%) of the officers reported having engaged in at least one of the specific violent behaviors against their spouse.

Of course, there are problems with this kind of self-report data, but one would typically assume that this would bias the results toward being more conservative. That is, one would expect that officers would be more likely to under-report their actual level of violent behavior, rather than over-report it. However, there was remarkable correspondence in the results of the second and third studies which asked about very specific violent behaviors, and both were considerably higher than responses to the same survey by members of the military and families in the general population.

Thus, although the research evidence suggests that the incidence of domestic violence may be two to four times higher in police families than the general population, one doesn't have to accept this to understand that police officer domestic violence is a widespread and serious problem. Even if the rates of domestic violence were the same in police families as the general population, Dr. Ellen Kirschman (1997) has estimated that this would affect 60,000 to 180,000 families with a police officer.

### ***What if the victim is also a police officer?***

When the victim is a police officer, the situation can get even more complicated, especially when the victim and abuser both work for the same department. (The dynamics of these crimes are described in detail at [www.abuseofpower.info](http://www.abuseofpower.info).) Officer victims often feel very isolated and fear the reactions of colleagues and supervisors if they report the abuse. Too often, co-workers side with the abuser and officer victims feel betrayed. Department policies are even used against officer victims, rather than helping them. For example, many officer victims are disciplined for not reporting prior abuse or suspended during the investigation (though the abuser is not suspended). Officer victims typically fear the effect of reporting their abuse -- both on their personal and professional lives -- and they often feel that there is no one to understand or turn to for help. Clearly, police agencies have a long way to go to more appropriately address the problem of police officer domestic violence, when the abuser, victim, or both, are members of the department.

The first step for police departments might therefore be to better identify officers who might be the victims of violence at home. While police officers who are abusing a family member are often particularly good at projecting a totally different image at work, there will frequently be signs of a problem with officers who are being victimized at home. For example, a police officer victim may frequently call in sick or be late to work, be distracted, anxious or keep to herself. When such warning signs are evident, a supervisor can approach the officer in a nonthreatening way to check on her well-being without damaging her reputation or professional standing.

### ***How many agencies have a policy?***

Given the frightening dimensions of the problem, it is a serious concern that most departments currently have no policy at all specifically addressing domestic violence perpetrated by one of their own employees. In 1999, the International Association of Chiefs of Police (IACP) released a Model Policy and supporting Concepts and Issues Paper for agencies to adapt and implement. The IACP Model Policy is comprehensive, and carefully outlines the responsibilities of officers, supervisors, and managers in preventing and responding to problems of officer-involved domestic violence. The Model Policy has been disseminated widely since its release in 1999, and was recently updated in 2003.

Unfortunately, there is no evidence that the policy is being widely implemented across the country. Shortly after its release in 1999, Dr. Pete Conis conducted a study with 282 police agencies in a single midwestern state representing approximately 3,800 officers. Results indicated that only 21% of the respondents had even heard of the IACP Model Policy, and fewer than half of those had adopted it within their agency. In fact, only 11% of the agencies had any written policy at all addressing the investigation of domestic violence perpetrated by an officer.

When the same type of survey was conducted this year on a national level, the same pattern was seen. As part of the research conducted for this article, a random sample of 125 large police agencies was contacted by a team of undergraduate research interns.<sup>1</sup> Of these, 78 agencies responded and only 23 (29%) indicated that they had any specific policy on officer-involved domestic violence. However, of these 23 agencies five did not provide a copy of the policy or otherwise describe any of the specific provisions. This means that the highest possible estimate is that 29% of agencies have a policy specifically addressing officer-involved domestic violence. However, a number of findings from the research suggest that this estimate is likely to be artificially high.

First, some of the 23 agencies who indicate that they have a policy addressing officer-involved domestic violence may in fact be referring to their general policies on domestic violence investigation and/or employee misconduct, as discussed above. For example, nine of the agencies in our sample initially indicated that they had a specific policy on officer-involved domestic violence, but when they sent a copy of the policy this was not confirmed. Seven of these policies were actually general domestic violence response protocols that did not contain any specific provisions regarding employee involvement, and two agencies sent a copy of the state guidelines which were not written as actual policy directives but rather guidelines and issues to consider when constructing a policy. In fact, the state guidelines were obviously written to encourage these agencies (and others) to create their own policy directives, and not to serve as the agency's default policy.

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Second, an alarming number of respondents indicated to the researchers that they didn't understand or know what kind of policy the researchers were talking about. Many even laughed at the question. Third, almost 40% of the agencies never responded to the simple one-question survey, and it is reasonable to assume that these non-respondents did not have a specific policy. Many of those agencies with such a policy were proud of it and provided the information and copy of the policy as evidence of their agency's progressive orientation. Finally, it was concerning to note that many of the agencies responded with inconsistent information from different contact people, suggesting that they didn't really know whether such a policy existed and/or that the policy existed yet the people responsible for implementation weren't familiar with it. It often took several attempts to find a contact person within the agency who could answer the question, which undermines confidence that agency personnel are familiar with the policy and know how to use it in these difficult cases.

### ***How effective is the Lautenberg Amendment?***

In 1996, the Lautenberg Amendment expanded the federal law barring gun ownership from those convicted of a felony domestic violence offense to include those who have been convicted of any (qualifying) misdemeanor domestic violence offense. However, the ban is removed if an individual gets the conviction expunged or pardoned.

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

Other research has documented the same phenomenon. In 1999, the Akron Beacon surveyed the 100 largest police departments in the U.S. and found that only six cities acted against officers because of the Lautenberg Amendment and only 11 officers were affected. Similarly, a statewide study conducted by Dr. Kappeler with 217 Kentucky agencies demonstrated that “relatively few officers and only a small percentage of departments have found police officers with domestic violence convictions.”

One typical way that officers circumvent the gun ban is by pleading to a charge other than domestic violence, such as reckless conduct or criminal damage to property. Part of the reason for the lack of enforcement is that police officers often plead to a charge other than domestic violence. However, there are also other problems. Clearly, the threat of losing their

gun and job can also motivate abusive police officers to work harder to insure that their victims tell no one about the abuse. This can make victims of police violence even more reluctant to report the crime. If these strategies fail and the officer is convicted, there is considerable evidence that officers convicted of domestic violence officers routinely have their records expunged and consequently are allowed to remain on the department.

A section of the 1994 Crime Bill also prohibits individuals from possessing a firearm while a protective order, restraining order, or harassment order is in effect. Although police and military personnel are only allowed to retain their government-issued firearm while on duty, some departments consider their officers to be on duty at all times and they would therefore not be required to relinquish their service weapon at the end of their shift.

However, there is typically no procedure in place to ensure that the courts notify police departments that a court order is in effect against an officer. Most police departments rely on officers themselves to personally inform the department of any such order, thereby limiting their effectiveness. For example, Dr. Conis found that only 52% of the agencies in his study required officers to notify the department when a protective or no-contact order was issued. Only six agencies had actually received notification from an officer that such an order was in effect. Clearly, police executives can do a better job of proactively seeking out the information to identify officers who are named in protective and restraining orders for domestic violence. There is also some confusion regarding which types of protective and restraining orders are included. To clarify the issue, the following description of “qualifying” orders is provided in the recently updated version of the IACP Model Policy.

### ***What should we learn from the tragedy in Tacoma?***

Although we may know a great deal about the problem of police officer domestic violence and the responsibilities of employing departments, it often takes a tragic wake-up call such as the murder-suicide by Chief Brame to create real change. Therefore, as we mourn for the Brame family we should also take this opportunity to reflect upon the lessons to be learned so law enforcement can prevent similar future tragedies.

First and foremost, we must acknowledge that it can happen here. The research clearly indicates that domestic violence is at least as common in police families as the general public, and possibly 2-4 times more likely. Therefore, it is simply inexcusable to claim as the spokesman for neighboring King County Sheriff’s Office did in the *Seattle Post-Intelligencer* that “I am 110 percent sure it wouldn’t happen here.”

Rather than denying the potential for such a tragedy, police officers, supervisors, and managers must take this issue seriously as a matter of life and death. According to the Bureau of Justice Statistics, most women who are murdered will die at the hands of their intimate partner and this dire possibility must remain at the forefront of our thinking when we address any type of domestic violence. It should not take another tragedy like the one in Tacoma to convince us that “it can happen here.”

Second, departments must have a policy on officer-involved domestic violence and they must take proactive and persistent steps to implement it. The policy must be clear and detailed, and it must be disseminated regularly to employees and taught in ongoing training programs. Officers, supervisors, and managers must all be aware of their responsibilities for identifying, investigating, and responding to these crimes. For any law enforcement executive seeking to respond appropriately to this problem, the IACP Model Policy is a terrific place to start. The policy is comprehensive, and it can be adapted for use in virtually any type of law enforcement agency. As the IACP stated in the Concepts and Issues Paper released with their Model Policy, “the absence of a clearly delineated policy and the training needed for implementation leaves a department at risk for charges of liability if violence occurs.”

Policies can be a very positive force to the extent that they acknowledge the reality of the problem of officer involved domestic violence and the potentially lethal consequences. The adaptation of a policy specific to this issue begins to break through the traditional wall of denial and minimization of the problem and signals a change in the culture. A policy can put officers on notice that the department will not look the other way when an officer engages in domestic violence or assists a fellow officer in covering up his abusive behavior.

Some police executives argue that the problem is not prevalent enough to warrant a policy. The research reviewed here and the tragedy in Tacoma belies this argument. Others argue that there is no need for a specific policy because the general policy on domestic violence investigation covers everyone, and victims of police officers should be “treated the same as everyone else.” Again, this argument fails to take into account the many unique dynamics of domestic violence crimes that are perpetrated by police officers, especially when the victim is another police officer. Finally, some police executives argue that there is less leeway and more liability once a policy is enacted. However, the “leeway” that police agencies have traditionally used to handle cases of police officer domestic violence has typically failed to protect the safety and rights of victims. Furthermore, the release and dissemination of the IACP policy as well as the increasing proliferation of policies in this area create a new standard of care that departments breach at the risk of their own liability and the potential peril of victims.

The third lesson is one that is repeated so often it sounds cliché, but it simply is true – leadership begins at the top. The best policy on the books is meaningless if it is not followed by supervisors and managers who create the impression that domestic violence is a “personal problem” or a “private family matter” that is none of the department’s business. In Tacoma, for example, City Manager Ray Corpuz was quoted on April 25<sup>th</sup> as saying that the allegations of domestic violence made by Crystal Brame were not proven and remained a “private matter.” “I’m not interested in exploring David’s personal life at this time,” Corpuz told the *Seattle Post-Intelligencer*. The next day, Chief Brame shot himself and his wife. Clearly, domestic violence allegations against a police officer are the department’s business, and agencies have a legal and moral responsibility to handle them appropriately. There is no doubt that this responsibility will be increasingly clear, as departments continue to face civil lawsuits for failing to respond appropriately.

To respond effectively, management must state in no uncertain terms that domestic violence committed by anyone within the organization is serious business, and a potentially criminal matter that requires thorough investigation and appropriate discipline, including potential prosecution. This message must be stated clearly, repeated often, and supported with policies and on-going training. Training should be provided to everyone on prevention, warning signs, policies and practices for investigation, potential discipline, and the responsibility to report any direct knowledge of abuse perpetrated by a member of the department. Supervisors and managers must also receive regular training in their responsibility for investigating potential allegations, including those that are reported either formally or informally. Specific responsibilities must be discussed in detail, so supervisors and managers know how to respond when an allegation is made or an incident otherwise comes to their attention.

Perhaps most obvious, the death of Crystal Brame in Tacoma should teach the law enforcement community the seriousness of the threat posed by domestic violence. Police agencies simply cannot afford to minimize or downplay allegations of domestic violence by anyone, least of all members of their own department. The evidence seems to suggest that the Tacoma Police Department was well aware of the allegations made by Crystal Brame against her husband David, through both formal and informal means. She had called 911 to report threats and intimidation, and the allegations were well known throughout the department and the city administration. Yet no criminal or administrative investigation ensued, thereby failing to take even minimal efforts to protect the safety of Crystal Brame and her two children, or to hold Chief Brame accountable for his violent and threatening behavior. When a woman reaches out to the department with information about potential domestic violence, this information must be taken seriously and considered a valuable opportunity to intervene before the situation becomes critical. It is simply outrageous for the police to tell a victim to “call us if something happens,” or “there is a limit to how much we can interfere in an officer’s personal life,” or “there are two sides to every story.”

Finally, the tragedy in Tacoma illustrates the importance of effective screening practices for law enforcement candidates. Brame had apparently failed a psychological examination in 1981 when he applied for his position with the Tacoma Police Department. At that time, the psychologist conducting the evaluation recommended against hiring Brame for a position in law enforcement. Although it is not clear what the basis was for that judgment, or its relevance to the later allegations of domestic violence, it is clear that the department breached standard law enforcement practice by hiring Brame in the first place. Moreover, there was reportedly an allegation that Brame had raped a woman while on the department. This allegation was investigated by the department’s internal affairs unit, and although the investigators reportedly believed it to be true the charge was not sustained by the chief at the time. The reason given was that there was insufficient evidence – only the word of the victim. Clearly, the allegation of the rape was ignored when Brame was considered and hired for the position of chief. Another lesson to be learned is therefore that departments would do well to listen to women who come forward with complaints against officers rather than dismissing them as not credible complainants.



### ***What are the benefits of success?***

Fortunately, the potential benefits to departments that proactively address this problem are enormous. Obviously, departments can take a leading role in protecting the safety of victims, whether the perpetrator is a member of the community or one of their own. A clear policy can serve to protect officers, whose violent behavior may be prevented with a clear message from management that it will not be tolerated and may result in serious penalties. A good policy can provide a mandate for officers, supervisors, and other co-workers who are put on notice that they must notify the department of any direct knowledge of potential abuse.

The benefits of effectively addressing violence among police officers also extend well beyond their families into the department and community. Clearly, officers who engage in domestic violence are less likely to respond effectively to such calls from community members, by failing to protect the safety of victims and failing to arrest perpetrators when probable cause exists. A good policy and practice of responding effectively to cases of domestic violence – regardless of who the perpetrator might be -- will also protect a department from civil liability which is an increasingly likely outcome. Given that the IACP model policy has “raised the bar” on expectations for police agencies responding to this problem, those that fail to implement or follow specified policies face the potential of civil liability. The recent Ninth Circuit decision in the case of *Macias v. Sheriff Mark Ihde* stated clearly that women have a constitutional right to hold police departments liable for their failure to respond to cases of domestic violence. It is therefore up to law enforcement executives to respond proactively to the problem and prevent any future tragedies like the one we saw in Tacoma in April. The costs of failure in this area can be devastating, but the benefits of success are considerable and far-reaching.

### ***Where to go for further information***

- Abuseofpower.info

This is a unique web site devoted to providing resources for victims of domestic violence whose abusers are police officers and firefighters. Content on the web site addresses both the tactics of abuse and the impact upon victims and their families and friends. The site also addresses the impact on the career of the police officer who is a victim of domestic violence. The web site is published by Diane Wetendorf, a longtime advocate for victims of police-perpetrated domestic violence. A handbook for victims is also available to download for free.

- Officers as Victims

Information and resources are also available to officer victims at Abuseofpower.info. There is a group organized specifically around the issue of police officer domestic violence, called COAP (Confronting Official Abuse of Power). For more information, go to: [www.dwetendorf.com/CopVictim.htm](http://www.dwetendorf.com/CopVictim.htm). To join the mailing list for COAP, send an email to [dwetendorf@dwetendorf.com](mailto:dwetendorf@dwetendorf.com)

- Technical Assistance for VAWO Grantees

Technical assistance, advocacy and training on the topic of police officer domestic violence are available to any police agencies that receive funding through the Violence Against Women Office. For information or assistance, VAWO grantees can contact the Battered Women's Justice Project at 1-800-903-0111, ext. 1.

- Anne O'Dell, STOP Domestic Violence

Anne O'Dell worked for the San Diego Police Department for 20 years, specializing for 6 years in domestic violence and stalking issues and pioneering methods for investigating these crimes. Currently, Ms. O'Dell is the Training Director for STOPDV, and can be contacted through her website at [www.stopdv.com](http://www.stopdv.com) or by calling (858) 679-2913. O'Dell can also be emailed at [anne2215@aol.com](mailto:anne2215@aol.com).

- IACP Model Policy

The International Association of Chiefs of Police (IACP) has developed a model policy for police agencies on how to handle cases of domestic violence perpetrated by a police officer, which can be obtained by contacting the IACP at [www.theiacp.org](http://www.theiacp.org) or 1-800-the-iacp (843-4227).

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