

If Your Batterer Is a Cop

Even more than other battered women, when you decide to leave or to report the violence against you, you need to move strategically and get good advice from the outset. Only you can assess the danger any specific strategy involves for you, and we urge you to consider each step carefully. But to help you plan, here are some options you might consider.

If You're Not Yet Ready to Leave . . .

- **Open a safe deposit box** and begin to fill it with the papers you'll need to get out; i.e., passport, children's birth certificates, car registration and insurance papers, and whatever money you can set aside. Don't count on using credit cards – they may be cancelled once you leave.
- **Open a bank account in your name only** in a bank other than the one where you have any joint accounts. If you do not live in a community property state, any new purchases (cars, appliances, etc.) should be put in your name, not joint.
- **Make a safety plan** in case you have to flee. Where would you go where the abuser wouldn't look for you? How would you get there? Who would be a contact person you can trust who would know how to reach you? How would you handle your employer? Your children's schools?
- **Carry photos of the abuser and your children with you** in case he flees and you need to give identifying photos.
- **Take, or have a friend take, pictures of your injuries** from any incidents of abuse starting now. Having the front page of that day's newspaper along with your face and at least one of the injuries in the photo will confirm the date they were taken. Otherwise, date the photos, and put with them a written statement, signed by the photographer under penalty of perjury, stating the date and circumstances under which the photos were taken. Put them in your safe deposit box, along with your written account of the incident – date, time, place, witnesses, what happened, injuries, anyone you told, etc.
- **Keep any communication from the abuser** – notes, cards from flowers sent to win you back after beatings, tapes of phone messages containing threats or rageful behavior. Put them in your safe deposit box.



- **Keep a log of all incidents of abuse, whether or not you were injured**, including date, what happened, injuries, witnesses, names of those you told about the beating (if anyone), whether police were called and, if so, what officer responded and how they handled the call.
- **If you're seeing a therapist**, tell them the abuser is an officer and discuss the violence. This will help to document the abuse.
- **If you need medical care after a beating, get a copy of the doctor's or hospital report** and put it in your safe deposit box. Even if you lied to the medical person about how you were injured, this can be important

evidence. Put your account of the incident with the medical report.

WARNING: Some states require medical practitioners to report domestic violence. You should check your state's law on this as it's possible your visit may launch a criminal investigation into the violence before you're ready to report.

- **Start making friends and contacts outside the law enforcement community.** Many partners of police officers aren't "allowed" to have friends who aren't cop-related, which means you have no support system if you decide to leave. You're going to need that support system, so start now cultivating friendships with co-workers, parents of your children's friends, etc.

Once You Decide to Get Out . . .

If you don't already know it, your danger is greatest when you leave the relationship. That may be even more true when your abuser is a police officer because they have so many means of retaliation at their disposal. That doesn't mean you should sit back and take it. It just means you need to prepare as much as possible, think things through, and move carefully once you decide to leave.

While the tendency is to do as little as possible hoping not to further enrage the abuser, in our experience you may be better off to do everything in your power to put a leash on the abuser, and do it all at once.

- **Find an advocate who is independent from police agencies**, preferably one experienced in working with police officer



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domestic violence. Your women's shelter may have an advocate especially trained in police DV. If not, check with your state's coalition against domestic violence. Also the National Center for Women and Policing (213-651-2532) may be able to provide contacts in your area.

• **Report the violence to the district attorney** (if your state has DAs). Some will accept reports of crimes where police are involved; some won't. If you can't get the district attorney to handle the investigation, report to a police department that has jurisdiction, but *not* the same agency where the abuser works. Alternately, ask your state attorney general to handle the investigation.

- Make an appointment to meet with the prosecutor in charge of the domestic violence unit; if there is no DV unit in your DA's office, meet with an experienced felony prosecutor. Tell them your abuser is a police officer and that you want to report domestic violence. Tell them you fear for your safety, and that the investigation will be biased if conducted by a police agency.

- Have your advocate present at all interviews with district attorneys or police. Never meet with any law enforcement people alone. Not only do you want a witness present so your words aren't later misrepresented, you also want someone who can help you ask pertinent questions and remember what was said and done.

- Talk with the prosecutor about how best to report

without having everything you report be "discoverable." (Note that the district attorney has a duty to provide tangible evidence to the defense.)

- Give the district attorney copies of any documentation you have of past violence (photographs, logs, statements, notes or tapes of phone messages from the abuser). Never give *anyone* your only copy of anything, especially not police or prosecutors.

- Ask to be advised when the officer will be interviewed or arrested so you can make safety plans. As soon as the abuser is advised, get ready for pressure to drop the charges or not to testify.

- **Avoid making multiple statements to police or the prosecution.** The more interviews and statements you submit, the more chances for a defense attorney to turn slight differences in wording into "contradictory" statements. Tell law enforcement this in your initial interview, and ask that the interview be all-inclusive and that it be taped.

- **Get a restraining order or order of protection.** While a restraining order is truly just a piece of paper, it can at least give you a way of getting immediate temporary custody orders for your children. And because your abuser is a police officer who wants to stay on the job, a violation of a court order can be especially costly. If you decide to get a protective order, here are some things to consider:

- Contact your state's Legal Services Department, as they may have a program that provides for free lawyers experienced in arguing domestic restraining orders. Otherwise, you would be well-advised to hire a lawyer to handle your evidentiary hearing.

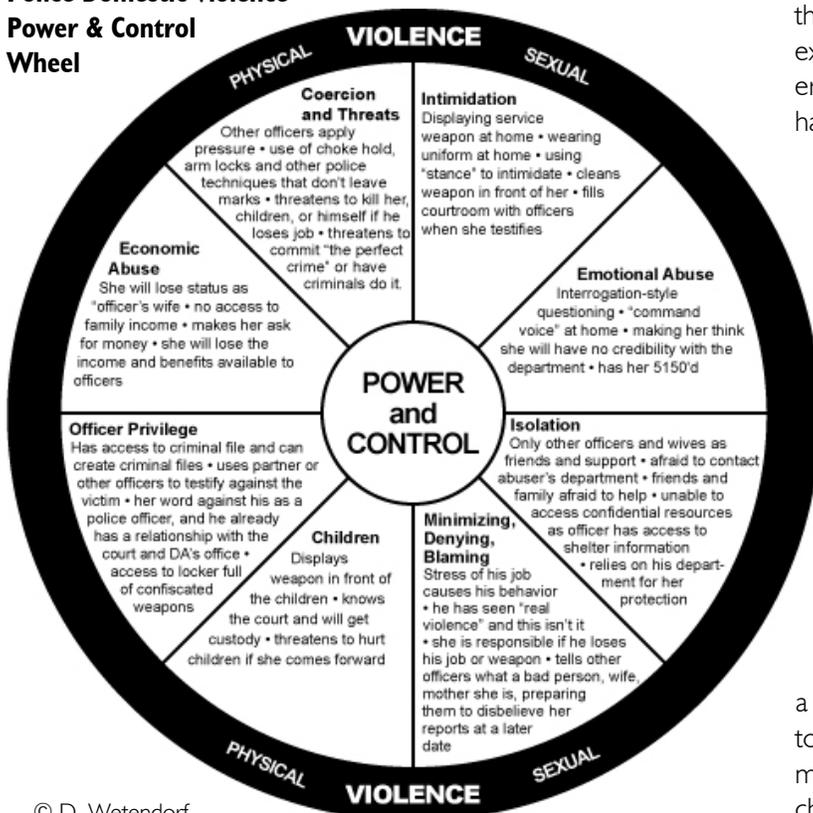
- When you're in court, tell court security your abuser is a cop and likely to be armed.

- Fight against "mutual" restraining orders. Some judges will want to protect the officer by equally restraining you from contacting or harassing him. An order against you makes it look like you also did something wrong, which can be damaging to you further down the road.

- Fight against "special" protective orders if you fear retaliation. Orders that are not specifically domestic violence orders, or orders with special, negotiated provisions may allow the abuser to keep his guns, putting you at great risk.

- If you feel you can safely stay in your home, ask for a kick-out order (a judicial directive ordering the abuser to leave the house), a police stand-by while the abuser moves out, and temporary custody orders if there are children.

Police Domestic Violence Power & Control Wheel

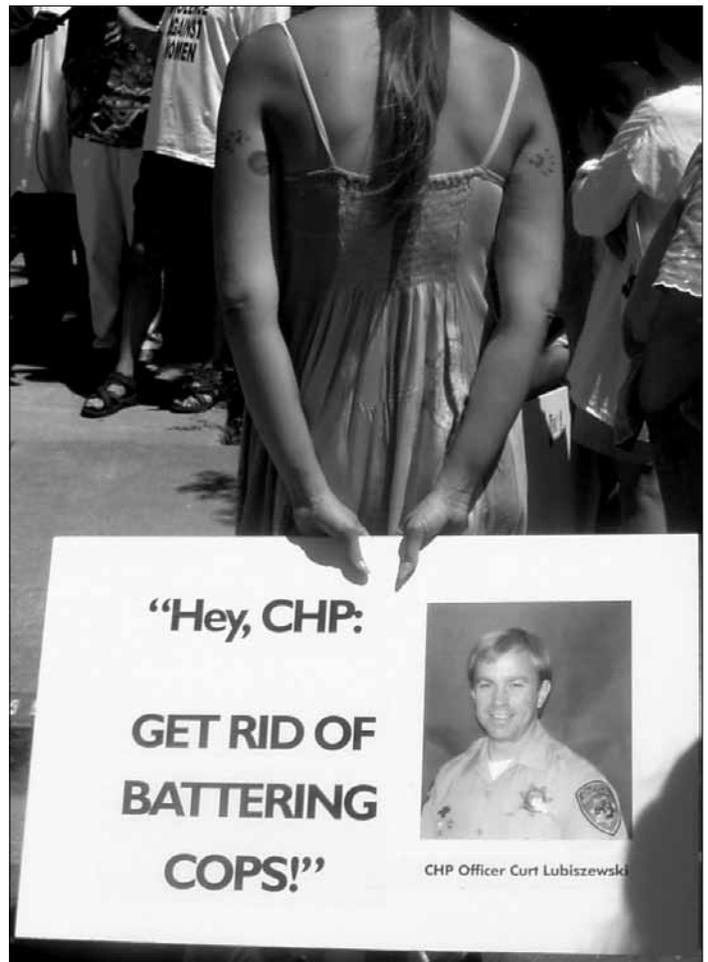


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- If you can't stay in your home safely, get out and get a restraining order for protection. Request that your current address be confidential, and get temporary custody orders in place.
- Include in your restraining order declaration a list of all the guns you're aware the abuser owns. Follow up to make sure all those guns are confiscated when the order is served. (NOTE: Restraining order documents are public record in most states; thus the abuser will be able to see your declaration.)
- Report every violation of the protective order and get a copy of the report generated by your complaint. Keep a log of all the violations, name and badge number of who you reported to, what action was taken, etc.
- **Report the violence to Internal Affairs (IA)** at the police agency where your abuser works. The question here is whether to cooperate in their investigation. If you've made a criminal report, you don't want to give any new statement to IA until the criminal case is over. If you've provided a written statement to the district attorney or investigating police agency, you may want to provide IA with a copy. Tell them you want to cooperate fully with their investigation but will not make any further statements until the criminal case is over. Again, this is to avoid putting multiple statements on the record that will be used to undermine you on the witness stand.
 - Don't go alone. Take an advocate or a support person as a witness. Have them take good notes.
 - If you've decided not to make a criminal report, you will need to give a statement to IA if you want them to investigate. Take the same precautions you would use in reporting to police, and it's best to give them a written statement that covers everything. Tape record the interview. Otherwise their version of what you did or did not say will be the only version.
 - You should be aware that Internal Affairs is there to protect *the police department*, not you. Unless they already want the perpetrator for some reason, a first complaint is unlikely to result in significant discipline. Even numerous and egregious complaints often won't result in dismissal. But a report to IA may help to keep the abuser in check, and it creates a record that will pop up with the next complaint. The more complaints, the more likely the discipline.
- **Find a good family law attorney** who has extensive experience with domestic violence if you and your abuser are married, in a domestic partnership or have children together. Family court can be a minefield for women, especially for women whose partners are law enforcement officers. Officers most likely know the process, know the judges and other court personnel, and may be out to retaliate because they blame *you* for the consequences of the violence.
 - You should refuse joint mediation to keep from being

pressured into things you don't want to concede. In most states, the court has to accommodate your request if you're in a potentially violent situation. Women have been murdered as they left court-ordered mediation. Don't do it!

- If there are children, ask the court for a "cooling-off period" with no visitation or supervised visitation. This is for your safety and peace of mind as well as for the children's. You may have trouble getting this because of judicial preferences for 50-50 custody and visitation but, depending on the level of violence, you might be successful.
- Beware of court-ordered psychological evaluations! If you demand one from the abuser, the court will likely order you to submit to one as well. If that happens, make sure the psychologist evaluating you has no law enforcement connections.
- Don't make child abuse allegations you cannot prove unequivocally! Judges often see these allegations as only being made to strengthen your position in family court. This can weaken your credibility.



Going Public

Chances are that, no matter what you do, at some point you will feel like you've hit a wall and want to jump your case outside the local law enforcement stranglehold. Again, this is a

step you should take only after thorough consideration. Here are suggestions for moving your case into the broader world:

- Go to your local city or county governing body.
- File a complaint with the Grand Jury.
- Ask the state Attorney General to oversee the criminal investigation or to investigate how the case was handled by the local agency.
- Ask for an investigation by U.S. Department of Justice or FBI.
- Go to the press. *Before you do*, get good advice, be well-

prepared, be ready for retaliation.

- File a civil rights lawsuit.
- Organize (or get a local women's group to organize) a march or picket at the officer's department.
- Write an opinion piece or an online blog.
- Speak about your case at local women's groups and special events.
- Contact your state or federal legislators.

Selected Resources

Abuse of Power: www.abuseofpower.info, authored by Diane Wetendorf, one of the primary resources on police domestic violence.

Diane Wetendorf, Inc.: (847) 749-2560, www.dwetendorf.com

Jan Russell: (773) 582-3735, jrussellJD@aol.com. Jan works with the Chicago PD, specifically with women abused by police officers.

National Center for Women and Policing: (213) 651-2532, www.womenandpolicing.org

Battered Women's Justice Project: (800) 903-0111

Behind the Blue Wall: behindthebluewall.blogspot.com. The most comprehensive collection of incidents of police DV around the country.

Purple Berets: www.purpleberets.org, Cases, fact sheets, advocacy tools.

National Organization on Officer-Involved Domestic Violence: www.nooidv.org

Danger Assessment: www.dangerassessment.org, authored by Jacquelyn Campbell

Stalking: www.ojp.usdoj.gov/nij/topics/crime/stalking/welcome.htm

Institute for Law Enforcement Administration: www.cailaw.org. Read their survey of internal affairs policies on police domestic violence.

Officers Against Law Enforcement DV: www.myspace.com/foreoaledv

Seattle Post-Intelligencer's Exposé on Police DV: www.seattlepi.com/police/ Amazing series of articles in the wake of the Brame murder-suicide. "Outs" a number of battering cops in Washington state.

Model Policies on Police DV:

International Association of Chiefs of Police: www.theiacp.org

North Dakota Model Policy: www.ag.state.nd.us/bci/ND%20Model%20Officer%20Involved%20Domestic%20Violence%20Policy.pdf

Help Purple Berets Focus National Attention on Police Domestic Violence



Photo: Miriam Gaon

Purple Berets have launched a national media project gathering the voices of women who have been abused by law enforcement officers. Help us break the issue into the mainstream, forcing an end to police impunity and improving all domestic violence law enforcement in the process.

If you or women you know would be interviewed for this project, please contact Tanya Brannan through the Purple Berets office or directly at:

(707) 546-0235; tanya@purpleberets.org

You can also help by feeding us information on police DV cases in your area, how they're being handled, are internal affairs investigations public record in your state, etc.