

POLICE DOMESTIC VIOLENCE

A HANDBOOK FOR VICTIMS

Diane Wetendorf

IF YOUR ABUSER IS AN OFFICER OF THE LAW, YOU MAY BE AFRAID TO:

- **CALL THE POLICE** - He is the police.
- **GO TO A SHELTER** - He knows where the shelters are located.
- **HAVE HIM ARRESTED** - Responding officers may invoke the code of silence.
- **TAKE HIM TO COURT** - It's your word against that of an officer, and he knows the system.
- **DROP THE CHARGES** - You could lose any future credibility and protection.
- **SEEK A CONVICTION** - He will probably lose his job and retaliate against you.

As the victim of a police officer, your situation is very different than that of other victims of domestic violence. If you have ever tried to get help, you may have become discouraged because no one seemed to understand your plight.

This Handbook was made possible by many women and children who had the courage to share their stories. We are committed to sharing this information with other police victims and advocates.

The information provided in this booklet is for informational purposes only. The Author cannot guarantee results or predict outcomes of decisions made based upon the information provided.

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First published by Life Span, Inc. 2000

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INTRODUCTION

Thirty years ago, there was no such thing as a battered woman's shelter, a domestic violence agency, or an Order of Protection. Battered women and their advocates have worked hard to raise public awareness and lower society's tolerance of this crime. As a result of their work, today there are hundreds of shelters and domestic violence agencies across the country and every state has laws against domestic violence. The federal government spends millions of dollars annually to combat this crime against women.

There is a wealth of information and resources available to help victims of domestic violence recognize and escape the violence in their lives, ***except if your batterer happens to be a police officer.***

IF YOUR BATTERER IS A POLICE OFFICER, most of the progress that has been made in developing resources and assistance for battered women is of little benefit to you. Victims of police officers are still as isolated and invisible as all the victims of this crime were thirty years ago. Work now needs to be done to raise the public's awareness of domestic violence in the **police** home. Society must hold police officers accountable to not only enforce the law, but to live by it.

As the victim of a police officer, your situation is very different than that of other victims. If you have ever tried to get help you may have become discouraged because no one seemed to understand your plight. Even domestic violence counselors probably offered you the same options they offer other battered women, such as calling the police for intervention, seeking refuge in a shelter, or obtaining an Order of Protection. Few people fully realize how extremely complex these common remedies become when the perpetrator is a police officer. Because of the extraordinary obstacles you face on your journey to safety, you will need to make extraordinarily creative plans to overcome those obstacles.

At the present moment, you may or may not be thinking about ending your relationship. But the fact that you are reading this booklet probably means that you're at the point of wanting to change your life. You may still be in love with your partner and desperately want things to work out between you. You and your kids may be financially dependent on him. You may be terrified of what he'll do to you if you ever try to leave him. You will probably do everything you can think of to make him change his behavior. Most women

try several avenues to change. The most common attempts include asking the abuser's colleagues or supervisors to talk to him, persuading him to go to counseling, offering to go to counseling with him, getting an Order of Protection, separating from him, even filing for divorce. Though it is possible that any of these strategies could work, often no matter what you or others do, the abuser continues to be manipulating, controlling, and/or violent. After you have exhausted all of your options to get him to change, you may be left with no choice but to focus on your own emotional and/or physical survival.

Focusing on your own survival means that you have decided to take back control of your own life. To do that, you must regain trust in your own thought processes, intuition, and your own gut feelings. It is very hard to rebuild confidence in yourself after your abuser has destroyed it, so you might want to talk to a domestic violence counselor or therapist who can give you support and encouragement. It helps to have someone with whom you can discuss all of your options for safety and learn how to minimize the involved risks. You will want to thoroughly consider the personal, financial, and legal ramifications of every option available to you as you make your decisions. This may seem overwhelming at times, especially if you are in the middle of a crisis while having to make important decisions. This booklet highlights some of the most significant advantages and disadvantages of each option, keeping in mind first and foremost that your batterer is a police officer.

There are no easy answers. The fact that many, many women have survived domestic violence at the hands of a police officer attests to the fact that ***YOUR ESCAPE AND YOUR SURVIVAL ARE POSSIBLE.***

TOPICS

The booklet discusses some of the following topics:

- staying with or leaving your abuser
- going to his department for help
- calling 911
- going to a shelter
- obtaining an Order of Protection
- batterer's counseling
- couple's counseling
- choosing an attorney
- filing for divorce
- custody and visitation issues

The definition of domestic violence is "a pattern of behaviors used to gain or maintain control of an intimate partner or family member." Learning about the tactics of control that most batterers use can help you to identify that your partner is an abuser even though he has never given you a black eye or broken your bones. ***Not all abuse is physical violence.*** Tactics such as setting you up in no-win situations, torturing you emotionally and psychologically, using your kids as weapons against you are typical tactics of control. Your partner being loving and gentle to you one moment, and then hateful and violent the next, keeps you confused and emotionally off balance. His erratic moods and behavior may make you question if he is mentally ill. He might try to convince you that you are the one who is "sick." You may find yourself emotionally hanging on by a thread, numbing your pain with drugs or alcohol. You may even at times contemplate suicide as the only way to escape.

As you read, remember that there is a very wide spectrum of abusive behaviors. Depending on where you're at, you may read about certain tactics and feel certain that your abuser would never use them against you. Or you may be very familiar with the tactics because you have already lived through most of them being used against you. Because the level of abuse tends to escalate over time, it may help to anticipate what your abuser might do in the future. One way to know what to expect is to study your batterer's past behavior. This can help you to identify patterns and cycles that help you realize what he's capable of and also to predict what he's likely to do next. Then you can work on figuring out how you can protect yourself. It is never to your advantage to be caught off guard.

A police officer's training and professional status add extra levels of sophistication to his style of psychological and physical battering. It may be helpful for you to step back and see how his training and status intensify his abusive behavior in your relationship.

The following section describes some of the professional tactics that abusive police officers use to control their intimate partners. Your abuser may use some or all of them at different levels of the abuse spectrum. Reframing your experience with this perspective may help you resist his control and maintain control of your own life.

TYPES OF ABUSE

If your police officer partner is smart, he does not hit, slap, kick, choke, or otherwise physically abuse you in order to control you. He knows a physical assault can cost him his job while psychological, verbal, and emotional abuse (all effective means of control) are much more difficult to charge and prove. He exercises his power and control over you by isolating, intimidating, and terrifying you. In addition to his personal power, he has institutional power - the badge, the gun, and the support of the police department - and he constantly threatens to use them all against you.

Police officers are professionally trained to establish who's in charge using their mere presence, voice, and stance. They gather information in order to gain and maintain control of a situation. They use the techniques of interviewing, interrogation, surveillance, and eavesdropping to get whatever information is not given voluntarily by those involved. The use of these techniques requires the ability to be highly manipulative and deceptive. Officers know how to get others to comply and give them what they want - control. If all else fails, they are expected to apply increasing levels of force to accomplish their task. They have mastered these skills because their survival on the job depends on them. When a cop uses his tactics and his weapons, he is intentional and his use is calculated; he is fully aware of their impact.

The techniques that enable him to establish his authority and get control on the street are the same techniques that, when used in your intimate relationship, make him extremely intimidating and dangerous. If he walks through the front door of your home with the same mind-set he has at work, his sense of entitlement to authority and control

carries over to you. ***He takes it for granted that he's in charge and he assumes that you do too.*** He is likely to interpret even a minor disagreement as a challenge to his authority and a sign of disrespect. He probably believes that he alone understands the way the world works and how people operate, and so disregards whatever you say with, "You don't have any idea what the real world is all about." He dismisses you with, "I'm not going to argue with you. I'm telling you, that's the way it is."

Lying

Some types of police work, such as undercover investigations, require him to tell people that things are not as they seem, but the way he says they are. To accomplish this, it is essential that officers be adept at twisting the truth, being deceptive, or lying. On the job, their personal safety may depend on their ability to look others in the eye and lie convincingly. They have to make others see things the way they want them to see things. To do this they must develop the ability to hide their own reactions, thoughts and feelings. It is likely that a police officer experiences a real sense of power in being able to get people to believe and trust him even as he's lying through his teeth.

If you ever confront your abuser with "twisting the truth" or lying to you in your relationship, he may justify having had to make things appear differently than they really were. He may claim to have lied because he knew that you "just wouldn't understand," or that the truth would only have hurt you and he wanted to protect your feelings. He may get angry that you don't trust him to know what's best for you. He may demand to know where you got the information that contradicted what he told you, and be outraged that anyone dared to "interfere" with your personal lives.

Isolation

Your interactions with others are very threatening to his power over you because other people may provide a reality check that exposes his manipulation and control. He will try to keep you from seeing your family and friends so that he is your only source of information and support. If he cannot get you to stay away from others, he will somehow undermine your relationships with them. He may scare your friends away through intimidation so that if you do go to them for help, they will be too afraid to get involved. Or he may do the opposite and charm them into believing he's "a really nice guy." He convinces them that he's wonderful so that if you ever do tell the truth about him, no one

will believe you. He may do all of this very gradually and subtly so that you're not aware of what's happening.

Some police officers develop an "us against them" mentality and associate only with other officers. He may warn you that "outsiders" don't understand a police family's lifestyle and values and that he expects you to keep your private lives private. He may frequently remind you that you are a police officer's wife and therefore whom you associate with reflects on both him and his department. He may tell you that since you too are a member of the police family, you have an obligation to uphold an untarnished image of that family to the community.

Though he does not want you to socialize with outsiders, he does not want you to become too chummy with other officers' wives, either. You may be expected to attend work related functions occasionally but, of course, he will be there with you. He will probably let you know that he expects you to portray the image of a perfectly happy wife and mother (even though he feels free to jokingly make derogatory or humiliating remarks about you and/or your marriage).

Once he controls your social interactions, he has more liberty to regulate your experience and to define your reality. He can choose what information he wants you to have and present it to you as being objective, logical, and reliable. He may slowly convince you that your own perceptions, thoughts, and intuitions are purely subjective, emotional, and unreliable. He may insist that things didn't happen the way you remember, that he didn't say nor do what you claim he did. He confuses you with his lies and manipulations until you no longer trust your own sense of what's real. He tells you that you're stupid or crazy when you argue to defend your own thoughts and feelings. Your isolation deprives you of anyone else's reflection of who you are, and so you may begin to believe that what he says about you is true.

Interrogation

Some police officers become distrustful of everyone and everything because many of the people they deal with are deceitful. Your abuser may frequently imagine that you are hiding something from him, typically an affair (often with another police officer). He may become obsessed with finding out what you're doing behind his back. In police style, he may interrogate you. He might confine you in the bathroom or bedroom so that you can't

leave and accuse you of whatever it is he has imagined that you are doing, then go on and on firing questions at you. When you try to answer, he'll refuse to listen to what you have to say and insist that you are lying to him. While civilian victims talk about their abusers giving them "The Look" to let them know he's "had it," police victims talk about "The Voice." This is the "command voice" that cops are trained to use when stopping people on the streets. Your abuser might use "the voice" when he gets in your face and screams degrading names at you to humiliate you. He may say that "you're just like the rest of them" and, "you act like that, I'll treat you the way I treat the _____ on the street." He may keep this up for hours, until out of sheer exhaustion or frustration you end up "confessing" to something that you didn't do just to put an end to the grueling ordeal.

Sexual Abuse

The accusation that you are betraying him by having an affair is a psychological and emotional form of sexual abuse. So is encouraging you to dress in a seductive manner when you go out with him, and then insinuating that you dress that way to attract other men. Sexual abuse also includes criticizing you to make you feel sexually inadequate, or forcing you to do sexual things that you don't want to do. He may imply that if you do not perform sexually as he wants you to, he will be forced to go other women for sexual satisfaction. If he sees women as sex objects that exist solely for men's gratification, he is probably into pornography. After viewing a pornographic movie, he might demand that you reenact things that he's seen. He may believe that he has a right to your body whenever he wants it, however he wants it. If you do not willingly cooperate, he may force you. He may rape you to confirm that you belong to him.

Surveillance

If your batterer is convinced that you are having an affair or doing anything else he doesn't know about, he might use his police training and equipment to keep you under surveillance. If he's a patrol officer or a detective he has a lot of freedom, mobility and flexibility while he's on duty. He may randomly stop by your home or workplace just to say hello. He or his buddies might follow you or frequently drive past your house. They can run the license plates of your visitors to find out whom you're with and to get information about them. They can follow you in their squad cars, sit in their unmarked

cars outside your home for hours, or use binoculars to watch you from a distance. If your abuser has access to more sophisticated equipment he can put a tracking device on your car. He can tap your phone or use his police scanner to eavesdrop on your conversations. Eventually you may begin to believe that he is everywhere and knows everything that you do. You may wonder if you're getting paranoid. You become afraid that you will never be able to escape his vigilant watch.

Physical Abuse

If these methods fail to achieve the level of control and "respect" that he craves, he may resort to physical violence. His police training taught him how to use his body - his hands, elbows, legs and knees - as weapons. He knows techniques that inflict great pain yet leave no bruises or broken bones. He might use the "tools of the trade": devices such as handcuffs, his boots or his gun.

Weapons

A lot of cops wear their service weapons all the time. The constant presence of weapons scares women who have never been battered. If you have been battered, you know the gun is a constant reminder that he could end your life at any moment. He might brag that he could easily shoot you and make it look like a stranger did it, or like you committed suicide. He might taunt you to use the gun to kill yourself or him. He may play Russian roulette, holding a partially loaded gun to your head and pulling the trigger. He might toy with his weapon to intimidate you during or after an argument or episode of violence.

Death threats

He might tell you that the only way you can survive is if you stay with him – your life is in his hands. Batterers frequently warn, "If I can't have you no one will" or, "If I ever find you with another man, you're both dead." He may remind you that you took marriage vows to be together "until death do us part."

Your batterer may swear to kill himself if you ever leave him. Or he may threaten to kill anyone who helps you leave. He'll say that if anybody else gets hurt it will be your fault. He might graphically describe his plans to kill your children, your parents, or friends. Or, he might describe how he'd set them up by implicating them in a crime or by planting drugs on them. He may warn you that "accidents happen" – people get hit by cars,

houses burn down, cars explode. He assures you that he will never be caught because he knows just how to do it, or he'll have someone else do it for him. Fearing that he is capable of carrying out his fiendish plans may stop you from going to anyone you know for help.

Denials

Your abuser knows it is never smart to admit to brutality. His police training taught him to hold the suspect responsible for the level of force he used in any altercation, and that he is expected to use whatever level of force is necessary to gain compliance. Not knowing this, you may be stunned when, after he hits you or beats you he asks, "Why did you make me do this to you?" According to him, it wasn't his choice to hit you; you made the choice when you pushed him too far.

After he has bruised and otherwise injured you, he may tell you that he didn't hit you that hard, you bruise too easily. (You're too sensitive.) He may simply deny that he hit you at all and say, "I didn't hit you. I don't know what you're talking about." (You're crazy.) Or he may minimize the abuse saying, "You don't know what abuse is. I'll take you to the morgue and show you what abuse is." (You're lucky.)

Your abuser may go to the other extreme. He may break down sobbing after he's beaten you. He'll say he can't believe what he's done and beg you to forgive him. He'll plead with you not to tell anyone that he did this to you, if you tell, it could cost him his career. He may cry, and plead, and beg, and promise that he'll never, ever, raise his hand to you again. He'll promise to do whatever it takes to get his temper under control – he'll go to counseling, stop drinking, go to church, stay off drugs. He'll say that he just "lost it" – it wasn't the real him who did this to you, he was beside himself.

Most of the help and safety options available to "civilians" may not be available to you. The next section discusses several of these options and their advantages and disadvantages.

BREAKING THE ISOLATION

Involving the Police

When you marry a police officer you marry into the police family. Intimate partners of police officers are to the department like in-laws in marriages. Members of the family initially welcome you and assume that you accept and respect their way of doing things. They assure you that they'll be there if you ever need them. This family-type relationship might make you first seek help for your partner from the "father figures" of the police family: his supervisors or his chief. There are a number of possible responses you could get; it depends on the integrity of the individuals you have to deal with.

The supervisors or chief may encourage you to tell them what's going on, but then react defensively when you do. They may tell you that their hands are tied as to what they can do unless you file a formal complaint. They may explain that they really cannot interfere in the officer's private life. They might remind you that "police officers are human just like everybody else; everyone makes mistakes," encourage you to "forgive and forget," and strongly suggest that "the two of you try and work things out." (This "two of you" implies that you are just as much at fault for his behavior as he is.)

Or the chief or supervisor of his department may believe your account and truly have no tolerance for his officers being abusive on the street or in the home. In this case, the chief or supervisor can have a tremendous influence in stopping your abuser from harming you further. Many police officers value their job above all else, and the department can make it very clear that he will keep his job only if the violence ceases. The chief can strongly suggest that the officer move out of the house and stay away from you if he is serious about his career.

His superiors may simply presume that you are hysterical, exaggerating or lying. You are calling a family member's character into question and by doing so you have made yourself an outsider. The family stands together against you, even if individuals are personally sympathetic to you. Members of the police family can pose a real threat to

you because they are able to assist the abuser in intimidating, harassing and frightening you into silence.

How his supervisors or chief react to you depends on many factors such as the size of the department, the attitude of the chief, the abuser's rank and length of time he's been with the department. Some police departments are comparatively progressive; others are still "good old boys" networks. But in either case, remember that your abuser's status as a police officer does not negate your constitutional right to "equal protection of the law."

Your abuser may not work in the same jurisdiction where you live. His employing department is liable for his actions; the police department where you reside is liable for your protection. ***You are entitled to the same police response as any other victim despite the fact that your batterer is a police officer.***

Calling 911

No matter how hard you may have tried to avoid it, the time may come when you are forced to call 911 during or after an incident. The abuser might see it coming and taunt you with, "Go ahead and call the police – you'll see what happens." He'll say no one will believe you because it's your word against his, and cops stick together. And besides that, he says, he's already told them that you're nuts.

When the police arrive at the scene and learn that the perpetrator is a police officer, they may respond to their fellow "officer in distress" rather than to you, the victim. He might go outside to greet them. Don't be surprised if they then stand in front of the house and commiserate with your batterer for a while before they even check to see if you're okay. Many police departments have no policy regarding officer-involved domestic violence, so the responding officers are free to use their discretion in handling the call. This is a real problem since some cops still believe that what a man does with his wife is a private matter, especially if that man is another cop. They may blame you for crossing the line by having called the police to get him into trouble. They see you as a traitor to the police family; as vindictive and just trying to make trouble for him. They assume that you provoked him and therefore deserved what you got. They might even accuse you of making a false police report and threaten to arrest you if you ever call again.

Should they believe you or see evidence of a battery, they may advise you not to sign a criminal complaint. They might urge you to think about his career and the welfare of your family. They might tell you that he's really a good guy, it's just that he's been under a lot of stress on the job. They may try to convince you that the best way to deal with him is to handle the situation "in-house" and to get him some help.

They'll talk to him, and listen to his side of the story. He'll most likely justify what he did. He may explain that he had to hit you to calm you down because you were hysterical. He might say he had to restrain you from hurting yourself or him and display scratches, bruises, or bite marks as evidence of your attack. He might say that you left him no choice because of something you said or did.

The police "code of silence" dictates that no matter what, cops protect and defend other cops. As a matter of "honor," they are to lie and cover up for other officers, and present a united front under any threat of an investigation. If there is a discrepancy between what he told them and what they observed at the scene, they might come to a consensus on some version of the story and then stick to it. Their official report (if there is one) will reflect the agreed upon version. His supervisors may or may not be informed that the police were there. To ensure that they do write a report (which is required by law), request a copy of the report. Make certain that you get the names and badge numbers of the responding officers, you may need them later.

Official Investigations

If your police department does have a policy that addresses police-involved domestic violence, it probably requires that the responding officers call a supervisor to the scene. In this case, there is probably written protocol that, when followed, requires that his commander or chief is notified of the call. The policy and protocol may work to your advantage or disadvantage. It may be to your advantage if you want to be sure that the incident is not swept under the rug and you want the department to take action against your abuser. The policy can work against you if you only wanted intervention for that specific incident, because once the process is set in motion by the 911 call, you have no choice about what happens from then on. Your call may initiate a full-blown investigation by the department's internal investigator or review board. In Chicago, these are the Internal Affairs Division (IAD) and the Office of Professional Standards (OPS).

The investigator from IAD will probably ask you to come in and give a statement about the incident that triggered the investigation as well as any history of abuse in your relationship. **What you tell the investigator is not necessarily confidential.** Should the case go to a formal hearing or trial, the abuser has the legal right to know the specific allegations against him. The investigator may also interview family members or friends. They also should know that the abuser may eventually find out what information they gave to the department. Some people refuse to talk to the department because they are afraid of the abuser's retaliation. Everyone, including you, has the right to refuse. Remember that IAD or OPS is investigating in order to determine if your complaint is valid and to make a recommendation to the department regarding discipline of the officer. They may recommend that the abuser be suspended or terminated based on the grounds that he is a liability to the department. Either one of these actions may increase your level of danger because the abuser may retaliate against you.

Your notice to his department increases the department's liability for his actions, but it doesn't necessarily increase their protective response to you. Unfortunately, only the threat of a lawsuit gets the attention of some departments. If the members of your abuser's employing department or the members of the department where the crime occurred do not respond appropriately, you might want to talk to an attorney about possible legal action against the department. If the officials of the department are unresponsive to your complaints, you might have to go to their employer. This may be the mayor, the village board, the county sheriff, etc. These people are typically elected officials and accountable to the public. If you do have to take this route to be heard, however, you're probably dealing with local police who will retaliate against you for making a complaint. It would be wise to consider the possibilities ahead of time and make a contingent safety plan.

Some victims become so distraught with the lack of response they receive from the departments and other local officials that they make their stories public through the media. There are drawbacks to this approach. While the media exposure may evoke public outrage, it will also anger the police department(s) involved. Depending upon where you live, this could jeopardize your future safety. You must be cautious regarding the media because the individual reporter or editor can distort and misrepresent your information. After your story is publicized you may be contacted by talk shows or news magazines for a personal interview. Again, be careful. Many producers take a

sensationalistic approach. Also keep in mind that they cannot guarantee that your identity can be kept secret. Even if the producers camouflage your facial features and your voice, you still take the risk that your abuser or someone close to him will recognize you.

Shelter

No matter what response you get from the department, you may decide that the safest thing you can do is to go into hiding. Civilian women who are battered can usually hide in domestic violence shelters, but since the police know where the shelters are located, this may not be a safe option for you. However, if you do decide to go to a shelter, choosing a city with several shelters is safer because it will be more difficult to find you. If you live in a small town or rural area, you might have to travel to a shelter outside your area. Though it presents other problems, it is much safer not to take your car to the shelter because your abuser can alert police to look for your vehicle.

There is a rumor that an “underground” exists for victims of police officers. There is no such underground. It **is** possible to obtain a new social security number, but there are many other ways your batterer can track you including bank records, credit reports, medical or school records, proof of licensing or accreditation, and phone records of family and friends. Police officers can easily access these records. Computerized records make it almost impossible to hide every link to your former identity. If you are planning to flee, you need to consider how you would get credit, secure a loan, find employment, register in school, with no personal history or references. It is just as important to ask yourself how well you would cope day-to-day without any support from your family, friends, familiar surroundings, and all that you know.

If you have children and you are even contemplating leaving the state with them, it is absolutely imperative that you discuss this with an attorney. Child abduction is a serious offense, and if you take the children from their father without notifying him within a specific length of time as to where they are, you can be charged with a crime. State laws vary on this issue, so you need to get specific information on your state’s law. Should you decide to flee despite the risk of being charged with abduction, you could end up in jail and/or lose custody of your children to the abuser.

The following information is specific to Illinois law and procedure. While other states have similar provisions, keep in mind that there may be significant differences in both law and procedure if you live in another state. Remember, the legal system does not function in a rational manner, so don't try to figure out what might happen yourself. Contact a domestic violence advocate, counselor, or attorney to get expert advice on your situation.

The information in the following sections is intended to alert you to possible difficulties and dangers for victims of police domestic violence. You must be fully aware of these possible pitfalls in order to make decisions about your safety that are best for you.

USING THE JUSTICE SYSTEM

Orders of Protection

In order to avoid the upheaval of your life and your children's lives that fleeing would cause, you might instead choose to obtain an Order of Protection. This is an order issued by the court that acknowledges that you need the state's protection against your abuser. Though some people minimize the value of an Order of Protection as being "just a piece of paper," it is the only legal way to remove the abuser from your home and for you to be awarded temporary physical custody of your children. Police routinely advise civilian women who are in danger to obtain an Order of Protection. It authorizes the police to arrest the batterer for abusing you by doing things that would not ordinarily be against the law, such as going to the victim's home or workplace, or calling her on the phone. But once again, police advice to you may be very different because your batterer is a police officer. When you seek an Order of Protection, the police may view it as an act of aggression.

It is important to seriously weigh the advantages and disadvantages of seeking an Order of Protection in either civil or criminal court. This is a complex process because there are many factors to consider and many risks involved. The number one factor is **YOUR SAFETY**. If you believe that getting an Order of Protection will only make the abuser more violent, do not get one even if others advise you to do so. Always remember that you know your abuser better than anyone else does, and this makes you the most qualified to predict his reactions. **Remember that you have a right to make decisions**

about your safety. No matter how well intentioned others are, you are the one who has to live with the consequences of your actions.

Obtaining an Order of Protection against a police officer does **not** by law automatically result in the confiscation of his weapons or the loss of his job. There are qualifying conditions under which that **may** happen, so it is important that you get information from **your own** attorney or domestic violence advocate. Also have your attorney or advocate contact your abuser's department (if they can do so without jeopardizing your safety) and find out the department's policy.

Orders of Protection in Civil Court

If you decide to get an Emergency Order of Protection, you can do this in either civil or criminal court. In **civil** court, you can represent yourself (pro-se), retain an attorney to represent you, or be accompanied by a legal advocate from your local domestic violence agency. Proceeding in civil court allows you to maintain some control over the action in the case, as it is an action brought by you. Many victims of police officers choose to get an Order of Protection in civil court as a first step. A civil Order of Protection is less threatening to the abuser's job because it does not involve criminal charges against him. If he chooses to violate the Order, however, he will be charged with the violation which may be a criminal offense.

To obtain a civil order of protection you and your advocate or attorney will prepare court documents explaining the history of abuse and what help you are seeking from the court. You will swear before the judge that you fear for your safety. The judge will grant an Emergency Order of Protection which can last up to three weeks, and you will be given a date to return to court for a hearing. In the meantime, the abuser will be served with the court documents you prepared for the judge. The abuser will be fully aware of the allegations you have made against him. At the hearing, the abuser will have the opportunity to tell the judge his side of the story. He may hire an attorney and will deny your allegations. His attorney may argue that the abuser does not present a danger to you and so you do not need an extended (plenary) Order of Protection.

If his attorney thinks that the judge is leaning toward granting you a plenary Order of Protection, his attorney may request that the abuser be issued one, too. Abusers' attorneys use these "Mutual" Orders of Protection as a strategy to dilute your allegations.

In essence these mutual Orders claim that you are as guilty as your abuser is of harassment, intimidation or physical abuse. It implies that the two of you have equal physical and institutional power to harm each other. A “Mutual” Order of Protection takes the responsibility for the violence away from the abuser and places it equally on both of you. This can backfire on you in several ways, so be extremely reluctant to accept such a “deal” in court even if your attorney encourages you to accept it.

The abuser’s attorney may suggest that you settle for a restraining order rather than an Order of Protection. Using the restraining order as an alternative to an Order of Protection avoids recognition that the parties share a domestic relationship, which is the specific factor that jeopardizes a police officer's job. A violation of a restraining order is merely a contempt of court charge, whereas a violation of an Order of Protection can be a misdemeanor or a felony.

Orders of Protection and Prosecution in Criminal Court

If you seek assistance from the police, your abuser may be arrested for a number of crimes. Domestic battery (which involves most acts of physical abuse) or assault (which refers to threatening to harm) are the most common. If the abuser was arrested on the criminal charges and bonds out, a condition of bond is that the abuser stays away from you for 72 hours. This time period allows you time to get an Order of Protection. Your ability to get an Order of Protection in ***criminal*** court is linked to the prosecution of the crime your abuser committed against you. You are required to sign a criminal complaint at the State's Attorney's office.

You cannot retain an attorney to represent you as a victim of crime in the criminal court. The State's Attorney will handle the criminal case in court, and he or she represents the interests of the State, not you. This means you have less control of the proceedings than in civil court, because the prosecutor is in charge of the criminal case. Sometimes what you want to have happen in the case, and what the State's Attorney wants to have happen, are not the same. However, the State's Attorney will present your petition and your signed complaint to the judge who will grant you an Emergency Order of Protection. In circumstances where it is difficult to find help in civil court, it may be easier and faster in an emergency for you to proceed through criminal court.

If your local domestic violence agency has a legal advocate, ask the advocate to accompany you to court. The advocate's role is to inform you of your options, explain what is happening in court (which can be very confusing), and communicate with the State's Attorney on your behalf. The advocate will help you decide what your goals for the criminal case are, and then help ensure that the prosecutor follows your wishes. Sometimes this is a difficult task, as your desires for the outcome of the case conflict with those of the State's Attorney. For example, the State may insist on pursuing charges even if you want the charges dropped. Or the State may be reluctant to pursue the charges because it is your word against that of a police officer. The burden of proof rests with the State. Because of the police officer's role as part of the criminal justice system, he may have more credibility with the court, and it may seem that an inordinate amount of evidence is needed to win a case against a cop. Photographs and medical records that would ordinarily be sufficient evidence in a civilian case may not be considered sufficient in a case involving a police officer.

The period before the trial date can be a very dangerous time in which the abuser might try to regain control over you. He may threaten you or try to persuade you to drop the charges. Remember that it may not be within your power to drop the charges because it is the State that is prosecuting the case. Your role is that of a witness for the State. If the State has evidence, it can proceed with the prosecution with or without your testimony. Proponents of "victimless prosecution" believe that this is a way the State can hold the batterer accountable, and the batterer will blame the State's Attorney, not the victim, for forging ahead with the prosecution. If you do not want the State to proceed because you believe that the abuser will retaliate against you, explain this to the State's Attorney. Under certain circumstance the State's Attorney may heed your wishes. Ask for information about the state's witness protection plan.

The abuser has the right to hire a defense attorney for the criminal trial. Should he appear at the first court date without an attorney, the judge will postpone the hearing (grant a continuance) to allow him time to retain an attorney. It is to the abuser's advantage to do this, because it buys him time to pressure you not to testify. Even after his attorney makes an appearance there may be several continuances. The abuser and his attorney know that you are intimidated and frightened by having to go to court, while your abuser goes to court all the time in the course of his work. The abuser may be personally acquainted with the bailiffs, the clerks, the State's Attorney, and the judge. It

is not unusual for an abuser to appear in court with an entourage of fellow officers to reinforce that he is a member of law enforcement. If at all possible, bring an advocate, friend, or family member to court with you for emotional support.

Defense attorneys use continuances as a strategy to wear you down. They know that every time you appear in court you incur expenses and inconveniences related to having to return. But as much a hardship as it is, **it is important that you go to all court dates** so that you know what is happening in your case and so that your Order of Protection remains in force until the next court date.

Cops on trial are given every benefit of the doubt because their career is at stake. The court may assume that you are motivated to fabricate the allegations by jealousy, a bitter divorce, or a custody battle. If there is any suspicion that this is a case of a "vindictive woman" out to destroy this man's livelihood, the forces gather to protect his career. The very idea of a police officer being unjustly punished so alarms the System that they do all they can to prevent this "tragedy." Despite all the obstacles you have to overcome to bring your case to trial, ironically you are seen as the one wielding power over the abuser – the power to destroy his career.

The standard of proof in criminal court is "guilty beyond a reasonable doubt." This means that all that is required for an acquittal is even a small doubt that the defendant is guilty. There are countless ways to create reasonable doubt. Just like he told the arresting officers, your abuser may testify that you self-inflicted your injuries and then accused him of injuring you. He may say that he had to slap you to "calm you down" because you were hysterical. He had to restrain you to prevent you from hurting yourself or him. He may claim that you attacked him so he had to defend himself, or that you reached for his weapon and he had to stop you. He knows just what to say and what to leave out as he tells his story. Police officers are accustomed to testifying in court, and are used to their word being considered reliable, objective and truthful. You and the State's Attorney must be prepared to counter his defense arguments and his professional image.

Some judges have become even more lenient with police officers than they were before 1996 when an amendment to the federal laws governing firearm possession was passed. This change prohibits anyone convicted of a domestic battery from possessing

a firearm. This law does not exempt police officers even though the performance of their official duties requires possession of a firearm. To avoid the risk of a domestic battery conviction, abusers typically plea-bargain down to a lesser charge such as simple battery because only a domestic battery conviction deprives the officer of his weapon.

The new gun law can work against you if you do not want your abuser to lose his job. If he is convicted of domestic battery, he will lose his service weapon. The department will fire him if the department is too small to support officers who cannot perform the full range of duties, or if it assesses that the officer poses a serious liability. Confiscating the abuser's service weapon or firing him may protect the department from liability, but it does little to protect you. ***For many police officers, being a cop is much more than a career, it is the foundation of their identity.*** The loss of his job may put you at higher risk because the abuser may feel that he has nothing left to lose if he's lost his career.

If the abuser is found not guilty (acquitted), the verdict will only increase his confidence that he can keep right on harassing, abusing, or stalking you without consequence. He's proven that he can beat the system. Thus, whether he is convicted or acquitted, you may be in even greater danger than you were before you sought the assistance of the criminal justice system.

You must weigh carefully whether using the criminal justice system will increase your safety. Although this is a difficult and dangerous undertaking, you can make the system work for you. Be sure to seek the advice and counsel of domestic violence advocates, State's Attorneys, and a civil attorney.

Counseling

If convicted, your batterer's sentence will probably be mandated counseling, not jail time. Illinois has certified counseling programs for batterers. Judges routinely order convicted batterers into one of these programs, but exceptions are often made for the offender who is a police officer. He may be allowed to see a therapist of his choice rather than be subjected to counseling in a group for common batterers. Abusers' attorneys will often argue that a police officer's reasons for battering are different than those of the common abuser. They argue that a police officer abuses his intimate partner because of the stress of police work, rotating shifts, alcohol or drug use, and so on.

There are issues to be aware of regarding counseling for batterers. Though counseling can help those who truly desire to change their behavior, most batterers deny that their behavior is problematic, wrong or inappropriate. They endlessly justify, blame and rationalize. Therapists who lack training in the dynamics of domestic violence often unwittingly collude with the batterer. They do not recognize or challenge the batterer's rationalizations for his behavior. The therapist may buy into the "stress of the job" hypothesis, or diagnose him with poor impulse control, or intermittent explosive disorder. They do not recognize that he is able to refrain from using violence when in the presence of his colleagues, his commanding officer, or the judge.

If the therapist does manage to frame the violence in terms of power and control over you, the abuser flips it around. ***He tells the therapist that you're the abuser; you're the one who wants to control him.*** He says you're just as bad as he is, everything has to be your way. He points out that you are the one with all the power – even over his career. He says that he is the victim and a mere accusation from you could cost him his job. The therapist may also see his violence as only a symptom of other serious "marital problems" and suggest that you participate in counseling with him. The therapist may even hold you responsible for his violence because you "push his buttons" by doing things that you know upset him, or because you threaten his livelihood.

Due to the extreme danger to the woman, domestic violence counselors advise against couple's counseling. The imbalance of power in the relationship makes it impossible for you to safely express your thoughts or emotions. The abuser will later use against you what you disclose in the sessions – he is likely to be furious that you talked about such personal things, or that you made him sound like a monster while you presented yourself like an angel. Remember that the therapist will not be there to defend or to protect you after the counseling session is over.

If you want counseling for yourself, you might want to contact a local domestic violence agency. Counselors and advocates are experts on the dynamics of domestic violence and can help you understand what's going on. They can help you draft a safety plan and sort through your options. Your confidentiality is safeguarded. If it is impossible for you to physically go the agency, arrange to have counseling sessions over the telephone. (Use a friend's phone or a public phone as a precaution.) You can always decide to go to

couple's counseling later if you feel stronger and are convinced that his attitude has genuinely changed.

All children who witness their father batter their mother share a world of conflicted emotions. Children of police officers suffer the same as other kids and often more. They know that they are different because their father is a police officer

CHILDREN

Your husband may demand that you and the kids project the image of the perfect family to the community. He might expect the kids to be a reflection of their upstanding father. He may make it clear daily that they had better live up to his expectations. If they do, their reward is enjoying all the perks of being a cop's kids, plus the security of knowing that anyone who messes with them answers to their dad. Some kids go along with the program. They idolize their father, imitate him, and constantly seek his approval.

Other kids rebel against their father's image and the authority it represents. He may not tolerate their rebellion and "disciplines" them physically. He may believe that it is his role as a father to make the rules and to enforce them. He may warn you not to undermine his authority because, if he left raising the kids up to you, they'd end up just like the drug addicts and gang members he deals with everyday.

Kids of some police officers learn from a young age that they can use their father's profession and reputation to help them out when they're in trouble. They develop an attitude that they are superior to other kids in that they, like their dads, are above the law. These kids' magic words are "my dad's a cop." Whether they get stopped for breaking curfew, pulled over for speeding, or busted at a party for drinking, they know to tell the police, "My dad's a police officer." They reap the benefits of "professional courtesy" when the officer lets them go with a warning.

But kids also learn about the flip side of "professional courtesy" when they see how the police respond to a 911 call from their mother. If they witness the police siding with their dad, they learn that calling the police is not the smartest thing to do when they need protection for their mom or for themselves. They get the message that their dad can do whatever he wants to anyone - including them - and that no one will ever stop him. These kids know that they can't call the police because their dad ***is*** the police. These children believe that no one in the world can protect them from their dad - not their mom, not the neighbors, and definitely not the police.

This section discusses how domestic violence in the police family impacts family law cases such as divorce, child custody and visitation. The information in this section is based on Illinois law and procedure. While other states have similar provisions, keep in mind there may be significant differences if you live in another state.

DIVORCE COURT AND THE FAMILY LAW SYSTEM

Divorce

When you are contemplating separation or divorce, your abuser probably senses it. He may try to intimidate you by telling you that he knows "the law," he knows what happens in "these cases," he knows how the system works. You may be accustomed to taking his word for things and not question what he tells you about "the law." You need to be aware that what he's telling you is most likely his version of "the law." The abuser may warn you that if you pursue a divorce, he'll take the assets of the marriage. According to him, what's his is his, and what's yours is his. He may swear to you that he will get custody of HIS kids, possession of HIS house, HIS entire pension, and all of HIS money. He'll promise, "You won't see a dime of my money, you'll live on the streets, you won't survive."

To counteract the possibly paralyzing effect of the misinformation he gives you, it is extremely important that you independently seek accurate legal information from a domestic violence agency or a private attorney. Although every court decision is made on a case by case basis, you have the right to receive a fair portion of the marital property in a divorce. You have the right to receive child support if you have minor children. The amount of child support you will receive is based on a percentage (set by law) of the abuser's net income.

If you are ready to proceed with a divorce, you will need to retain an attorney who has an expertise in family law, and preferably one who is familiar with laws pertaining to domestic violence. Your attorney has to be knowledgeable about legislation that affects police officers subject to Orders of Protection, the laws related to domestic violence and the ability to possess firearms, and police pension rules. It is important that the attorney you hire is not intimidated that your abuser is a police officer. Many attorneys claim they

are not afraid of taking on a cop only to back down later when they realize who and what they are up against.

Your abuser is likely to interpret your wanting to separate or divorce not as an end of the relationship, but as a declaration of war. He may enlist the kids as his allies. He might work to instill fear, loyalty, sympathy, or anger - whatever he needs to get the kids on his side. He knows that the kids are his most powerful weapons against you. You may be willing to let the money, the house, and your lifestyle go in order to be free of him, but he'd bet his life you won't let go of the kids. He'll figure that the surest way to make you stay, or to destroy you if you leave, is through the kids. He'll tell you that it's your choice.

Child Custody

The decision whether to settle for joint custody or to fight for sole custody is often a very difficult one. Joint custody gives both of you an equal voice in making major decisions regarding medical care, religious upbringing and education. This arrangement can work in situations where there is a balance of power in the relationship and both parents are willing to make the concessions and compromises necessary to make decisions cooperatively. In joint custody arrangements, both parents are assumed to hold the best interest of the child as the number one priority. But your abuser probably has no interest in compromising or cooperating. He will use joint custody to maintain control over you and the children after the divorce is final. Many judges are coming to understand that control is the abuser's motivation for wanting joint custody and so will grant sole custody to the mother.

The standard the court uses to determine who is awarded custody is "the best interest of the children." It is considered an absolute that it is always within the children's best interest to maintain a close relationship with both parents. Being awarded or retaining physical custody of the children depends greatly on your willingness and ability to foster a close relationship between your batterer and your children. You will be required to demonstrate this by doing everything possible to accommodate the batterer's needs regarding visitation.

Visitation

Visitation can be used as a powerful control mechanism. By law, visitation is the father's right, not a privilege. The father can choose whether or not to exercise his right to visitation based on his convenience. If he wants to see the kids at his court appointed times, you are obligated to see that the kids are available to him. In many police departments, officers' days off are on a rotational basis. Judges make sure that the visitation schedule accommodates the officer's schedule. Thus the visitation schedule is not consistent. He may see the kids Saturday and Sunday one week, Monday and Tuesday the next week, and so on. The fact that this is extremely disruptive of the kids' routine (not to mention yours) whether they're in day care or in school is not often a consideration of the court. If the abuser chooses not to see the kids at his court appointed time, you are left having to make last-minute alternate arrangements for childcare. Thus, he can use visitation to interfere with your work schedule or your social life. He can use it to sabotage your efforts to rebuild your life independent of him.

Another way that the abuser can use visitation as a control mechanism is as an opportunity to tell the kids "his side of the story." He might tell them what horrible things you have done to him. He may refer to you as the "bitch," "whore," etc. He might tell them that you cheated on him. He'll say that you took away everything he had, and now you're even taking them away from him. He'll try to get the kids to feel sorry for him and angry with you. He might appeal to the kids' sense of fairness, asking them to listen to him and to understand that there are two sides to every story.

When this kind of manipulation is going on during visitation, the kids are horribly conflicted by feeling that loving one parent is betraying the other. They often come home on a mission to avenge their dad by making you pay for hurting him. Young children act out in an endless variety of ways: They may call you names, they may be aggressive or violent. Your child may hurt himself by pulling out his hair, banging his head against the wall, holding his breath until he turns blue. Older children might spy on you for their dad, listen to your phone conversations, monitor your comings and goings, or read your mail and report back to him. They may feel obligated to assume the batterer's role, that of keeping you in your place by humiliating and ridiculing you, ordering you around, demanding that you wait on them like you did on their dad. ***The abuser has lost direct***

access to you, so now may try to maintain control of your life through your children.

Some kids don't want to go on visitation because they are afraid of the man who hurt their mother. The child may hide, cry, get sick, or run away to avoid going on visitation. You will still be obligated by the court to force your child to go with him. If you do not force the child, you can be held in contempt of court for interfering with visitation. Your children may come home from visitation and act out for days. Some kids are angry and violent; others are sad and quiet. Some are afraid and have nightmares. Others regress to bed-wetting, sucking their thumbs, or wanting a baby bottle. Adolescents exhibit self-destructive behaviors such as self-mutilation, drinking, drugs, running away from home. Some even threaten or attempt suicide.

In these extreme circumstances, your attorney can ask the judge to order that the abuser cannot be alone with the children. This is called "**supervised visitation.**" The court might instruct you and the abuser to agree on a person to do the supervision, or the court might appoint a supervisor. Some domestic violence agencies provide this service. The supervised visits will last as long as the judge feels that the abuser is a threat to the children. You can ask your attorney to request that the judge order psychological evaluation if you have reason to believe that the abuser is mentally or emotionally unstable and therefore a danger to your children when they are in his care.

Child Abuse Allegations

If you ever suspect or even know that your child is being sexually or physically abused by the man who abused you, you might feel that you are in a no-win situation. Your attorney will most likely warn you not to make any allegations unless you have strong evidence of the abuse. Such evidence could include statements from a third party not involved with the family, such as a teacher, childcare worker, or doctor. This type of evidence, and the willingness of these witnesses to testify in court, may be difficult to obtain.

You may be afraid to use the courts because of the possible ramifications and decide to seek help for your child from a psychologist or social worker. Be aware that you may end up in court anyway. Professionals who work with children are mandated to report disclosures of abuse to child protective services. Protective services will then launch an

investigation and question the abuser. This gives the abuser the opportunity to manipulate the investigators and try to convince them that you are falsely accusing him. He may also tell your child that if s/he doesn't recant, the court will never let him see the child again. He may try and make your child feel responsible for sending him to jail.

In court, the abuser's attorney may allege that you are projecting your own fears of the abuser onto your child, or that out of revenge you seek to destroy the relationship between your child and her/his father. The abuser's attorney will attack your motives and the child's credibility and refute any evidence that exists. The attorney will try to discredit any professional who is willing to testify on your child's behalf. The attorney can claim that the therapist is not qualified to make an assessment or suggest that the therapist is biased against the abuser. If there is medical evidence that a sexual violation or physical abuse did occur, the abuser will deny that he is the perpetrator. His attorney may implicate any other man who has been with the child, maybe your father, brother, or boyfriend. You could be accused of child endangerment for allowing contact with men other than the father.

CONCLUSION

Police officers abuse their intimate partners because of their sense of entitlement to control. In both their personal and professional roles, an abuser is obsessed with maintaining control until he voluntarily relinquishes it, and not a moment sooner. The chase, the struggle, the fight is over *when he says it's over*. He has to prove that he can outlast anyone who takes him on; he has to prove that he's the toughest. *"Whatever it takes."* He doesn't care what he loses, as long as you lose as much or more. Victims usually have a hard time grasping the abuser's callousness and his willingness to destroy anything and anyone that he can no longer control.

The one thing your batterer dreads above all is your discovery that you can make it on your own. He knows that once you really believe that you can make it without him, he will lose his power over you. Every step you take to protect your life, safety and freedom, takes some of the power away from him and gives it back to you. He may continue to struggle to regain control, especially if you have children in common, but the stronger you get, the weaker he will get.

Thousands upon thousands of women have survived leaving abusive relationships. There is no way to know how many of those women were victims of police officer batterers. Until just a few years ago, nearly everyone except the victims themselves denied that it ever happens. Today, victims and their advocates are bringing the problem to light. We hope that increasing public awareness will both prompt reform of the police culture and intensify police accountability.

If you are a victim of a police officer, we hope that you will contact your local domestic violence agency for support and information. If the staff at your local domestic violence agency is not familiar with the dynamics of police-perpetrated domestic violence, please encourage them to get the information so that they can help you and other women. Remember that though the dynamics are the same, the laws in different states vary, so you need to seek legal advice in your state.

Probably the hardest thing for you to do right now is to decide whom you can trust, but it is vitally important that you let someone know what is happening to you. To all of you who are victims and happen upon this book, know that **YOU ARE NOT ALONE, YOU ARE NOT EXAGGERATING, AND YOU ARE CERTAINLY NOT CRAZY.**

IF YOU KNOW OR SUSPECT SOMEONE IS BEING ABUSED...

- **Be supportive, accepting, and understanding.**
- **Let her know that you are concerned for her safety and that of her children.**
- **Believe her. Listen without judgment and respect her choices.**
- **If she asks for your advice, tell her about national and local domestic violence services.**
- **Never underestimate the danger she is in.**

BATTERED WOMEN'S JUSTICE PROJECT

1.800.903.0111 EXT 1

NATIONAL DOMESTIC VIOLENCE CRISIS LINE

1.800.799.7233