How the NFL Fumbles its Handling of Domestic Violence

1. **Introduction**

Many American heroes are professional sports players, but not all sports players are heroes. Domestic violence is an issue running rampant in the USA, where almost twenty-five percent of women will experience physical abuse from their husbands or boyfriends throughout their lifetime[[1]](#footnote-1). It is one of the biggest threats women face, since injuries stemming from domestic violence are more common than those from robberies, car accidents, and rapes combined1. In the USA across four major sports leagues—the MLB, NBA, NHL, and NFL—violence is at the heart of the game. To succeed in their careers, players must be strong, aggressive, and unrelenting. These qualities are paramount to an athlete at the top of their game, but research shows that these traits don’t always translate well outside of the sport. Violence among athletes, particularly in the context of gendered violence, has landed many players in the spotlight in recent years. For example, Trevor Bauer of the LA Dodgers was recently suspended for two seasons after violating the MLB’s domestic abuse policy when he was accused by a woman of assault in San Diego[[2]](#footnote-2). Miles Bridges, restricted free agent for the Charlotte Hornets pleaded guilty in November 2022 to felony charges after he assaulted his girlfriend in front of their children[[3]](#footnote-3). Perhaps most notoriously, a video of Ray Rice, former running back for the Baltimore Ravens, went viral when he was caught assaulting his fiancée in an elevator[[4]](#footnote-4).

While domestic violence is rife across the four major leagues, the NFL in particular has received hefty backlash for its historically poor handling of the issue. Forty-eight percent of arrests pertaining to violent crimes in the NFL are made up of domestic violence incidents[[5]](#footnote-5). After the Ray Rice incident in 2014, there were many conversations taking place among league officials over how players’ incidents of domestic violence should be handled[[6]](#footnote-6). The situation prompted NFL Commissioner Roger Goodell to create the 2014 Personal Conduct Policy intended to address conduct that the league would not tolerate[[7]](#footnote-7). In particular, the new policy provided that any violation involving “assault, battery, domestic violence, dating violence, child abuse and other forms of family violence, or sexual assault involving physical force or committed against someone incapable of giving consent” would result in an automatic six-game suspension, without pay7. Goodell and other officials consulted with numerous experts in updating the policy: lawyers, domestic violence and sexual assault advocates, law enforcement, and more in order to ensure an airtight guideline for handling such violations7.Even though in the eyes of the public and many domestic violence experts the NFL was making important strides in the right direction, there are still blind spots the league must address to handle domestic violence among players more narrowly. In this paper, I will discuss the contributing psychosocial factors and how the topic of head injuries play a role in the prevalence of domestic violence in the NFL. In addition, I will examine the differences in the ways this problem is handled in the league versus the American criminal system. Finally, I will make a policy recommendation to improve how the NFL handles this critical issue.

1. **Research**

The NFL has certainly taken important steps toward changing its handling of domestic violence and other violent crimes. When Goodell succeeded Paul Tagliabue and fortified the Personal Conduct Policy, the new version provided greater discretion to the commissioner’s power, allowing the league to take its own actions to reduce patterns of inconsistent disciplinary actions[[8]](#footnote-8). However, domestic violence in the league remains an ongoing issue, which necessitates a discussion of the root causes and what else may be done to reduce occurrences. The league must understand contributing psychosocial factors and how the general discussion surrounding head injuries may be acting as a patsy for abuser behaviors.

1. Psychosocial Factors

One of the major draws of American football is that it’s the apotheosis of peak male performance. The players are cardinal examples of masculinity, and the game itself is the ultimate expression of machismo energy. While there is nothing wrong with this, the culture of hypermasculinity in sports has been linked as one of the major contributing factors to domestic violence. Hypermasculinity is an exaggerated form of strength and aggression, necessitating certain traits that translate to greater success: physical size requirements, an ability to brutalize, and an “us vs. them” mentality7. Derek McCoy, former wide receiver for the Colorado Buffaloes, believes that one of the main problems is what football players are taught about masculinity[[9]](#footnote-9). He suggests players are conditioned to isolate their emotions and generate a high level of dominance geared toward other people, which results in pushing down their feelings until they explode9. Most of these players have been in sports since they were children, so the conditioning began at a young age, and the mindset of wielding dominance over others is not something that can simply be turned off once the game is over9.McCoy believes the NFL should consider implementing rehabilitative resources for players to learn how to better process their emotions and communicate9. He works with a non-profit that works to end the cycle of domestic violence, and that has partnered with the Denver Broncos in a program called “True Man,” which encourages men to work toward preventing gendered violence through a team mentality9.

Another psychological phenomenon that may be at play is the role of celebrity. Psychologist Stanley Teitelbaum proffered that athletes develop views of themselves as special because they are revered as American heroes6. Even former Center for the 49ers, Randy Cross, believes players are affected by this phenomenon because they have achieved such levels of stardom and wealth that they believe the rules don’t apply to them6.The attitudes that develop from a lack of accountability are bred young—oftentimes if players in high school or college athletics find themselves in hot water, their coaches or athletic departments help them get off scot-free6.Once the players reach the professional level, they have grown used to preferential treatment that insulates them from responsibility for their actions. Even if a player is actually arrested, research shows the effect on their career is inconsequential[[10]](#footnote-10). Growing into early adulthood with the belief you can get away with anything, combined with aggression and dominance conditioning, can lay the foundation for a domestic violence situation to appear.

In addition, the discussion surrounding head injuries in the NFL may potentially be contributing to the issue. From 2015-2019, there were an average of ~247 concussions per year[[11]](#footnote-11). Concussions can cause serious effects, one of which is chronic traumatic encephalopathy (CTE). Some common resulting symptoms from CTE are a lack of impulse control and aggression[[12]](#footnote-12). Although there is not yet an established direct cause between concussions and domestic violence in the NFL, many believe it is a plausible explanation for player behavior[[13]](#footnote-13). The mere discussion of whether head injuries are responsible for violent behaviors can potentially serve as a scapegoat for players taking responsibility for their actions. As of now, the consensus among doctors is that there is no real relationship between head injuries and a propensity to become violent. One doctor who worked for the Pittsburgh Steelers said out of all of his patients with CTE, only one former NFL player—Justin Strzelcyk—seemed more violent after receiving a head injury13. People have pointed to these injures as a plausible explanation for high domestic violence incidence rates among NFL players, which can be dangerous because it exculpates them from accountability. More awareness that correlation does not equal causation would be helpful in this situation to make players more answerable for their violence.

1. NFL Policies and Criminal System

In the American legal system, the process for domestic violence victims differs based on whether they go the civil or criminal route. If a victim chooses the former, they will file for a Domestic Violence Protection Order (DVPO) and engage in an ex parte hearing with a judge or commissioners if they are in danger of irreparable harm and meet the definition of domestic violence under the relevant statute7. Then, the court can temporarily issue the DVPO against the abuser which lasts fourteen days—after which the abuser receives a notice to appear at a return hearing, where both parties present evidence or lack thereof of domestic violence7.If the victim can successfully demonstrate domestic violence, a permanent DVPO (lasting one year) will be issued7. If a survivor chooses the criminal route, they will either go to the state prosecutor immediately and it will be determined whether prosecution is declined or mandatory, or they involve the police and if they find probable cause, will mandatorily arrest the abuser and a trial may ensue7.

In the NFL, the Commissioner is granted authority by the League Constitution and collective bargaining agreement to impose disciplinary measures against players who violate its policies. The Commissioner can also establish policy and procedure regarding the enforcement of the Constitution and its bylaws6. The Personal Conduct Policy sets forth the guideline for what constitutes acceptable player conduct, on and off the field6.Before its introduction, player conduct went largely unchecked in the league. Between January 1989 and November 1994, 56 players were reported for violence conduct against women and not one of them received a disciplinary action from a Commissioner7. In 1997, Commissioner Tagliabue created the “Violent Crime Policy” addressing any offense, including domestic violence7. It was the first policy in any sport to specifically mention offenses like domestic violence that would be punishable if there was a conviction7.When Goodell became Commissioner in 2006, he updated the policy, but the NFL still largely ignored domestic violence7. Out of 50 domestic violence cases against NFL players from 2006-2014, the players who violated the updated policy were suspended for no more than two games, received no pause on pay, and finished the remainder of their seasons7. It wasn’t until the Ray Rice scandal that Goodell updated the Personal Conduct Policy to its current version.

Criminal convictions are not required for players to be disciplined by the League, which is an important feature since many times in domestic violence cases victims withdraw the complaint or refuse to testify6. If a player is accused of domestic violence, they receive a mandatory six-game suspension6. In addition, the policy permits discipline before a court has ruled if the Commissioner believes there is an “immediate and substantial risk to the integrity and reputation of the NFL.”6 In these ways, the NFL’s procedure for handling cases is a useful method by which victims can still receive justice even if they choose not to pursue criminal charges. Despite these valuable procedures, the League is still inconsistent in its handling of domestic violence. While the League doles out the disciplinary actions, the onus lies with the teams to actually report the incidents first. Teams don’t know if they will all defer to the same terms, and they aren’t sure whether they should allow an accused player to keep playing while the situation unfolds6. The incongruency among teams is also due to their wanting to maintain control over their players—Jerry Angelo, NFL Executive and former manager of the Chicago Bears, stated that he didn’t report domestic violence cases with players to the League because any disciplinary action would have put the team at a “competitive disadvantage.”6

1. **Recommendation**

In order to address the complexity of this pervasive issue in the NFL, there are a few things that can be done. First, regarding the culture of aggression, the League can work to normalize mental health wellness and implement rehabilitative resources to help players better process their emotions. Next, there must be a more unified method of handling domestic violence in the NFL. The League should make a policy narrowly tailored to domestic violence given its complexity and the victim considerations that must be made. Further, by allowing cases to be handled first among the teams with no consistent guidelines, it results in conflicting disciplinary outcomes and messages for how the League generally manages domestic violence. If total responsibility and discretion is allocated to the League and team agency is reduced in making disciplinary actions for off-field conduct, it would lead to more regular and dependable disciplinary actions. In addition, it would reduce discrepancies among how individual players and their scandals are handled across the thirty-two teams. As a result, it would actually bolster feelings of fairness and unity. Finally, by implementing a plan that produces consistent punitive measures for player violations, it addresses the issue of holding players accountable and permeates through the veneer of invincibility afforded by celebrity.

1. Brant Webb, Unsportsmanlike Conduct: Curbing the Trend of Domestic Violence in the National Football League and Major League Baseball, 20 Am. U.J. Gender Soc. Pol’y & L. 741 (2012). [↑](#footnote-ref-1)
2. Gabe Lacques, *Trevor Bauer Suspended Two Full Seasons for Violating MLB’s Domestic Violence Policy* (April 29, 2022), https://www.usatoday.com/story/sports/mlb/2022/04/29/trevor-bauer-suspended-mlb-dodgers-domestic-violence-policy/7394199001/ [↑](#footnote-ref-2)
3. Tim Reynolds, *Miles Bridges Pleads No Contest to Domestic Violence Charge* (November 3, 2022), https://www.nba.com/news/miles-bridges-pleads-no-contest-to-domestic-violence-charge [↑](#footnote-ref-3)
4. A.R. Chase, “The Rhetoric of Domestic Violence in Professional Sports: Gender, Race, and White Hegemonic Masculinity,” Ph.D. dissertation, Dept. Comm. Studies, Univ. Kansas, KS, 2019. http://hdl.handle.net/1808/29875 [↑](#footnote-ref-4)
5. Spencer Jackson, A Ding to the Head: How Concussions and Domestic Violence Impact the NNFL in the Next CBA, 42 S. Ill. U.L.J. 325 (2018). [↑](#footnote-ref-5)
6. Jerri Kay-Phillips, Unnecessary Roughness: The NFL’s History of Domestic Violence and the Need for Immediate Change, 5 Berkeley J. Ent. & Sports L. 65 (2016). [↑](#footnote-ref-6)
7. D. Kelly Weisberg, *Domestic Violence: Legal and Social Reality* (2nd ed. 2019). [↑](#footnote-ref-7)
8. Bethany P. Withers, The Integrity of the Game: Professional Athletes and Domestic Violence, 1 Harv. J. Sports & Ent. L. 145 (2010). [↑](#footnote-ref-8)
9. Chelsea Augelli & Tamara L. Kuennen, Domestic Violence & Men’s Professional Sports: Advancing the Ball, 21 U. Den. Sports & Ent. L.J. 27 (2018). [↑](#footnote-ref-9)
10. Daniel Sailofsky, “More Talent, More Leeway: Do Violence Against Women Arrests Really Hurt NFL Player Careers?” 2022. https://doi.org/10.1177/10778012221092477 [↑](#footnote-ref-10)
11. Peter King, *Peter King’s Football Morning in America,* https://profootballtalk.nbcsports.com/2022/03/28/nfl-overtime-rule-tyreek-hill-trade-fmia-peter-king/ [↑](#footnote-ref-11)
12. Sean Gregory, *Are NFL Head Injuries Causing Domestic Violence?* (September 30, 2014) https://time.com/3450441/nfl-head-injuries-domestic-violence-jovan-belcher/ [↑](#footnote-ref-12)
13. Dan Diamond, *Are NFL Concussions Linked to NFL Domestic Violence? More Are Asking, As League’s Problems Mount* (September 18, 2014), https://www.forbes.com/sites/dandiamond/2014/09/18/nfl-possible-concussions-domestic-violence-link-getting-more-scrutiny/?sh=477801b31d2d [↑](#footnote-ref-13)