

When Pros Become Cons: Ending the NFL's History of Domestic Violence Leniency

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I. Introduction

On February 15, 2014, Baltimore Raven's Ray Rice delivered a horrifying punch to his then fiancée (now-wife), Janay Palmer, leaving her unconscious in the elevator of the Revel Hotel and Casino in Atlantic City, New Jersey.¹ Rice proceeded to drag Palmer's incapacitated body out of the elevator by her shoulders while the hotel surveillance camera recorded it all on video.² Upon obtaining and viewing the disturbing video, a grand jury increased Rice's simple assault charges to aggravated assault in the third degree.³ However, Rice was subsequently granted entry into a one-year pretrial intervention program (PTI),⁴ in which he is spared jail time, probation, and a criminal record if he does not commit another offense.⁵

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1. Darren Heitner, *Will the NFL's Indefinite Suspension of Ray Rice Survive Scrutiny?*, (Sept. 8, 2014), <http://www.forbes.com/sites/darrenheitner/2014/09/08/will-nfls-indefinite-suspension-of-ray-rice-survive-scrutiny/>.

2. Jill Martin & Steve Almasy, *Ray Rice Terminated by Team, Suspended by NFL after New Violent Video*, CNN U.S. (Sept. 16, 2014), <http://www.cnn.com/2014/09/08/us/ray-rice-new-video/>.

3. Louis Bien, *A Complete Timeline of the Ray Rice Assault Case*, SBINATION (Sept. 15, 2014), <http://www.sbnation.com/nfl/2014/5/23/5744964/ray-rice-arrest-assault-statement-apology-ravens>.

4. Don Van Natta Jr. & Kevin Van Valkenburg, *Rice Case: Purposeful Misdirection by Team, Scant Investigation by NFL*, ESPN OUTSIDE THE LINES (Sept. 19, 2014), http://espn.go.com/espn/otl/story/_/id/11551518/how-ray-rice-scandal-unfolded-baltimore-ravens-roger-goodell-nfl.

5. Bari Zell Weinberger, *Professional Sports and Domestic Violence: Celebrity Favoritism*

A two-game suspension as Rice's punishment satisfied the National Football League's (NFL) Commissioner Robert Goodell before the NFL made any effort to obtain the full video of Rice's assault on Palmer.⁶ With five days until Ray Rice could return to the field, the full video of his assault on Janay Palmer was released to the media.⁷ Almost immediately, the Ravens unanimously voted to terminate Rice's contract, and the NFL suspended Rice indefinitely.⁸ Though the NFL eventually punished Rice more severely, the sad truth is that Rice's initial, lenient punishment by the NFL and the criminal justice system is not uncommon.

As a testament to their desire to protect victims of domestic violence, New Jersey legislators and the NFL began taking measures to toughen domestic violence policies.⁹ While these are steps in the right direction, they come after decades of the NFL and the legal system failing to respond appropriately to domestic violence. Unfortunately, both fall short of providing a long-term remedy to domestic violence. However, New Jersey and the NFL can learn how to focus on the survivor of domestic violence from the Department of Defense (DoD). Consistent with the armed forces, the NFL should provide transitional compensation to survivors of domestic violence by NFL players. Further, states should allocate a percentage of their federal crime-victim-compensation funds specifically to domestic violence survivors.

This article examines the NFL's new domestic violence policies and proposes that the NFL should adopt a transitional compensation policy. Also, this comment recommends that federal funds should be apportioned directly to domestic violence survivors. Part II discusses the discretionary power granted to the NFL Commissioner, allowing for the enforcement of the Personal Conduct Policy (PCP), and the Commissioner's use of the power since the NFL's inception. Part III dissects the NFL's updated PCP and domestic violence awareness platform, as well as the changes made to New Jersey's domestic violence laws. Lastly, Part IV examines 10 U.S.C. § 1059 and suggests that the NFL and state lawmakers can learn from the DoD in constructing an effective domestic violence law or policy.

or *Weak Domestic Violence Laws?*, HUFFPOST IMPACT (Oct. 07, 2014), http://www.huffingtonpost.com/bari-zell-weinberger-esq/professional-sports-domes_b_5945958.html.

6. Van Natta Jr. & Van Valkenburg, *supra* note 4.

7. Bien, *supra* note 3.

8. Van Natta Jr. & Van Valkenburg, *supra* note 4.

9. Weinberger, *supra* note 5. Assoc. Press, *Domestic Violence Experts Added as NFL Advisers*, THE BIG STORY (Sept. 15, 2014), <http://bigstory.ap.org/article/nfl-domestic-violence-experts-added-advisers>.

II. The Commissioner's History of Responding to Domestic Violence

While Ray Rice unintentionally brought domestic violence to the attention of NFL executives, violent acts by players against women have plagued the NFL for decades.¹⁰ Between 2006 and 2015 alone, Commissioner Roger Goodell saw more than fifty domestic violence incidents with at least sixteen concluding without discipline from the NFL.¹¹

The NFL Commissioner has unilateral authority to discipline players for acts of domestic violence, which is justified in contract and property law. The Commissioner's authority is established through the NFL's Constitution and Bylaws; the Collective Bargaining Agreement (CBA) with the National Football League Players Association (NFLPA); the NFL's Uniform Player Contract; and the NFL's property rights in reputation, goodwill, and sales.¹² The NFL's foundational documents utilize expansive language that affords the Commissioner broad discretion¹³ by granting the Commissioner disciplinary authority whenever a player's conduct is "detrimental to the integrity of, or public confidence in, the game of professional football."¹⁴ Further, the Constitution and Bylaws grant the Commissioner "complete authority" to determine whether a player is "guilty of conduct detrimental to the welfare of the NFL or professional football."¹⁵ Additionally, through the Uniform Player Contract, each player contractually agrees to the Commissioner's "sole authority to discipline" and "sole discretion to determine whether their conduct is detrimental to the NFL."¹⁶

Since the 1990s, NFL Commissioners progressively exercised their disciplinary power under the NFL's Constitution and Bylaws and the

10. Thomas Barrabi, *NFL Domestic Violence Timeline: A Look at Major Incidents and Arrests Since 1994* (Sept. 17, 2014), <http://www.ibtimes.com/nfl-domestic-violence-timeline-look-major-incidents-arrests-1994-1690807>. (Note: See B.B. Rule 18.1 for sources also available in print—same as corrections below).

11. Brent Schrottenboer, *History of Leniency: NFL Domestic Cases Under Goodell*, USA TODAY SPORTS (Oct. 2, 2014), <http://www.usatoday.com/story/sports/nfl/2014/10/01/nfl-domestic-abuse-history-under-roger-goodell/16566615/>.

12. Suzanne Janusz, Comment, *The NFL's Strict Enforcement of Its Personal Conduct Policy for Crimes Against Women: A Useful Tool for Combating Violence or an Attempt to Punish Morality?* 22 SETON HALL J. SPORTS & ENT. L. 93, 112 (2012).

13. See generally Nat'l Football League Mgmt. Council & Nat'l Football League Players Ass'n, Collective Bargaining Agreement 2011–20, NFL COMMUNICATIONS (Aug. 4, 2011), <https://nflabor.files.wordpress.com/2010/01/collective-bargaining-agreement-2011-2020.pdf> [hereinafter NFL CBA]; Nat'l Football League, Const. and Bylaws of the Nat'l Football League, NFL (rev. 2006), available at http://www.nfl.com/static/content/public/static/html/careers/pdf/co_.pdf [hereinafter NFL Const.].

14. NFL CBA, *supra* note 13, appx. A § 15.

15. NFL Const., *supra* note 13, art. VIII, § 8.13(A).

16. NFL CBA, *supra* note 13, app. A § 15.

CBA with the NFLPA, in response to the increasing number of players involved in domestic violence. The NFL Commissioners progressed from not disciplining domestic abusers, to punishing “crimes of violence,”¹⁷ to specifically outlining domestic violence as “conduct detrimental to the integrity of and public confidence in” the NFL.¹⁸ Now, the NFL imposes discipline for “actual or threatened physical violence against another person,” including dating violence and domestic violence.¹⁹ Although to some it seems that Roger Goodell “just doesn’t get it,”²⁰ the NFL and Goodell have a history of progressively addressing domestic violence.²¹

A. *The Violent Crime Policy (VCP) Era*

Before the NFL adopted its the first conduct policy, the NFL’s former Commissioners did not exercise their disciplinary powers frequently.²² Actually, no NFL Commissioner disciplined a convicted domestic abuser prior to 1997, even though fifty-six players were reported to the police for domestic violence between 1989 and 1994.²³ In response to the pervasive issue, Commissioner Tagliabue brought in a domestic violence expert, psychologist Lem Burnham, during the early 1990s.²⁴ Burnham advised the NFL to adopt a zero-tolerance policy that would ban any player convicted of a domestic violence offense, and he also crafted an educational program that included presentations for players and NFL employees. However, some still viewed domestic violence as a problem the NFL should leave for the criminal justice system to address, which resulted in the NFL overlooking ample opportunities to address the increasing domestic violence problem.²⁵

17. Janusz, *supra* note 12, at 118–19.

18. Nat’l Football League, Personal Conduct Policy, NFL (2008), http://www.prostaronline.com/draftee/personal_conduct_policy.pdf [hereinafter PCP].

19. Nat’l Football League, Personal Conduct Policy, NFL (Dec. 2014), <http://Static.Nfl.Com/Static/Content/Public/Photo/2014/12/10/0ap3000000441637.Pdf> [hereinafter Updated PCP].

20. Assoc. Press, *supra* note 9.

21. See Brant Webb, *Unsportsmanlike Conduct: Curbing the Trend of Domestic Violence in the National Football NFL and Major NFL Baseball*, 20 AM. U. J. GENDER SOC. POL’Y & L. 741, 752 (2012) (stating that the NFL’s Violent Crime Policy was the “only one of its kind among major U.S. sports”).

22. Janusz, *supra* note 12, at 118.

23. Bethany P. Withers, *The Integrity of the Game: Professional Athletes and Domestic Violence*, 1 HARV. J. SPORTS & ENT. L. 146, 171 (2010).

24. Mark Fainaru-Wada & Steve Fainaru, *NFL Didn’t Enforce Own Policies*, ESPN OUTSIDE THE LINES (Nov. 12, 2014), http://espn.go.com/espn/otl/story/_/id/11849798/outside-lines-most-nfl-players-domestic-violence-cases-never-missed-down.

25. *Id.*

Until the late 1990s, the only criminal offense that barred an athlete from playing in the NFL was murder.²⁶ In 1997, former NFL Commissioner Paul Tagliabue adopted the NFL's VCP in response to the increasing number of NFL players associated with domestic violence.²⁷ The NFL was the only professional sports league at the time to have a written formal policy regarding discipline of athletes who were accused or convicted of domestic violence.²⁸ The VCP allowed the Commissioner to suspend or fine a player charged with any "crime of violence" as the Commissioner deemed fit and ordered mandatory clinical evaluations and counseling.²⁹ Any admission of guilt could mean a fine or suspension without pay for the player, including players entering into a PTI such as seen in the Ray Rice situation.³⁰

However, the VCP precluded immediate action by the Commissioner until the criminal justice system concluded its process of imposing a punishment.³¹ In the first two years of the VCP's implementation, the number of players arrested for violent crimes dropped from thirty-eight players in 1997 to twenty-six players in 1999.³² Yet, the Commissioner did not actually order a suspension after a domestic violence conviction until 2000.³³ Thus, the VCP proved insufficient due to the lack of enforcement of the policy and the resulting, nonexistent discipline for players' misconduct.³⁴

B. The PCP Era

In 2000, the NFL expanded the VCP to include other criminal conduct along with violent crimes and accordingly renamed it the Personal Conduct Policy.³⁵ However, between 2000 and 2007, the newly established PCP had the same downfalls as its predecessor regarding NFL sanctions in the absence of criminal charges. On April 10, 2007, Commissioner Goodell further expanded the PCP to authorize the imposition of discipline even in the absence of criminal charges. Additionally, Goodell expanded the PCP to include "coaches, other team employees, owners, and all others that work in the NFL" because the NFL expects all NFL-related employees to

26. Robert Ambrose, Note, *The NFL Makes It Rain: Through Strict Enforcement of Its Conduct Policy, the NFL Protects its Integrity, Wealth, and Popularity*, 34 WM. MITCHELL L. REV. 1069, 1071 (2008).

27. Webb, *supra* note 21, at 752.

28. Janusz, *supra* note 12, at 106.

29. *Id.* at 119.

30. Fainaru-Wada & Fainaru, *supra* note 24.

31. Withers, *supra* note 23, at 168.

32. *Id.* at 169.

33. Fainaru-Wada & Fainaru, *supra* note 24.

34. Ambrose, *supra* note 26, at 1100.

35. Webb, *supra* note 21, at 753.

conduct themselves in a responsible, lawful way that promotes the values of the NFL.³⁶ Lastly, without drastically changing the policy's language by specifying the amount of time or money, Goddell warned violators that they would face longer suspensions and larger fines."³⁷

Commissioner Goodell's unprecedented discipline under the strengthened PCP initially seemed to resolve the NFL's domestic violence problem because the number of reported domestic violence incidents decreased by twenty percent.³⁸ Also, individual teams punished many more players for domestic violence with fines and suspensions up to three games.³⁹ However, out of the forty-eight players punished under the NFL's PCP between 2000 and 2014, the NFL only suspended players for one game or not at all in eighty-eight percent of the cases. Only fifteen players were forced to sit out one game without pay, while twenty-seven players received no suspension at all.⁴⁰

But that perceived change was due to change once the video emerged of Ray Rice punching Janay Palmer unconscious in an elevator. On February 15, 2014, both Rice and Palmer were arrested at the Revel Hotel and Casino in Atlantic City, New Jersey, and charged with simple assault. Palmer's charges were later dropped,⁴¹ but Rice still faced the simple assault charge, which carried a maximum penalty of restitution or a fine not to exceed \$1,000.⁴² By February 19, 2014, Rice's lawyer worked out a plea deal with a local prosecutor in Atlantic City municipal court, which required Rice to enter into counseling and not be involved in any other incidents for ninety days in exchange for dismissal of the case. Before the plea deal was finalized, the Atlantic City prosecutor decided to take the case to a grand jury and present the full video as evidence.⁴³

On March 27, 2014, the grand jury indicted Ray Rice, increasing the charge of simple assault to felony third-degree aggravated assault for "attempting to cause significant bodily injury, and/or purposely or knowingly causing such injury, and/or recklessly causing such injury under extreme indifference to the value of human life."⁴⁴ As a result, Rice faced a maximum five-year prison sentence under the new charge, but his lawyer

36. *Id.*

37. *Id.*

38. Withers, *supra* note 23, at 170, 173.

39. *Id.* at 173.

40. Fainaru-Wada & Fainaru, *supra* note 24.

41. Van Natta Jr. & Van Valkenburg, *supra* note 4.

42. N.J. STAT. ANN. § 2C:43-3(c) (West 2015).

43. Van Natta Jr. & Van Valkenburg, *supra* note 4.

44. *Id.*; *see also* N.J. STAT. ANN. § 2C:12-1 (West 2015) (defining simple and aggravated assault).

was persistent in convincing the prosecutors to place Rice in a PTI.⁴⁵ The prosecutors initially rejected PTI as an option; however, they were persuaded to sign off on a PTI program after Rice's lawyer presented them with nearly thirty letters of support from Rice's coaches, friends, and teammates.

Rice was placed in a one-year PTI program, and upon completion Rice's felony aggravated assault charge will be dismissed. The arrest will remain on his record, but without a conviction.⁴⁶ Under the terms of the PTI, Rice was required to pay a \$125 enrollment fee; attend and complete anger management counseling; and be supervised for compliance with the program by a representative of the probation division for twelve months.⁴⁷ Although New Jersey prosecutors contended that Rice received the same treatment as any other first-time offender in similar circumstances, the New Jersey Senate president, Stephen Sweeney, commented, "If everything was done right and [the punishment] was acceptable, then [New Jersey has] to change [the] laws."⁴⁸

Rice's lenient punishment was an unusual result for defendants charged with felony aggravated assault because PTI is intended for "victimless crimes" in criminal cases that do not involve violence.⁴⁹ Less than one percent of all assault and aggravated assault cases in New Jersey were resolved by PTI.⁵⁰ Conversely, courts tend to steer domestic violence cases toward counseling programs instead of incarceration when the cases involve first-time offenders, survivors who decline prosecution, or survivors who stay in a relationship with the abuser.⁵¹ All three are present with Ray Rice and Janay Palmer, who married the day after the indictment.⁵²

On July 24, 2014, Commissioner Goodell announced that Ray Rice would receive a two-game suspension without pay based on the portion of the video that had been released to the media, which showed Ray Rice kicking and dragging Janay Palmer's limp body halfway out of the elevator.⁵³ Amid heavy criticism, Commissioner Goodell later defended his decision with the fact that Rice was not disciplined by the criminal

45. Van Natta Jr. & Van Valkenburg, *supra* note 4.

46. *Id.*

47. ESPN NEWS SERVS., *Prosecutor's Office: Correct Decision*, (Sept. 9, 2014), http://espn.go.com/nfl/story/_fid/11495795/prosecutor-office-defends-ray-rice-decision.

48. Brent Johnson, *Sweeney Says Ray Rice Case May Examine Domestic Violence Laws* (Sept. 11, 2014), http://www.nj.com/politics/index.ssf/2014/09/sweeney_says_ray_rice_case_may_prompt_nj_to_re-examine_domestic_violence_laws.html.

49. ESPN NEWS SERVS., *supra* note 47.

50. *Id.*

51. Weinberger, *supra* note 5.

52. Bien, *supra* note 3.

53. Martin & Almasy, *supra* note 2.

justice system, but rather put in a PTI program.⁵⁴ Consequently, Ray Rice lost \$235,000 per game during his two-game suspension, resulting in a total loss of \$470,000.⁵⁵

On August 28, 2014, Roger Goodell again recognized the shortcomings of the PCP and its application that led to Ray Rice's initial lenient punishment.⁵⁶ Based on personal regret and the mounting public pressure from other players, women's rights advocates, and domestic violence experts, Commissioner Goodell believed that the NFL fell short in its treatment of the Rice case and admitted in a letter to the NFL's thirty-two owners that he just "didn't get it right." Goodell continued, "simply put, we have to do better. And we will."⁵⁷ He concluded that the NFL's approach to domestic violence called for sweeping changes in education, evaluation, and support, as well as enhanced discipline.⁵⁸

Accordingly, Goodell dissolved the Commissioner's original discretion to fine, suspend, or banish players, and mandated a six-game suspension without pay for the first domestic violence offense and a lifetime ban for a second,⁵⁹ with the opportunity to apply for reinstatement after one year. A six-game suspension was four times what the average suspension had been for domestic violence and an unprecedented consequence for a first offense of any kind in the NFL; a lifetime ban from the NFL after a repeat offense was the harshest punishment for all second-time offenders.⁶⁰ The provision applied prospectively because nearly two months had passed since Goodell announced the new policy and Rice was still expected to return to the field for the Ravens' third game.⁶¹

When the full video of the elevator incident was released to the public, the societal reaction was yet again powerful.⁶² The Ravens responded by terminating Ray Rice's five-year, \$35 million contract, in which he was expected to earn \$9.53 million for his last three years.⁶³ Within an hour of the Ravens' release, the NFL suspended Rice indefinitely.⁶⁴ Additionally, Rice lost all of his endorsement deals, including Nike. Stores, such as Dick's Sporting Goods and Modell's, pulled Rice's jerseys from their

54. Van Natta Jr. & Van Valkenburg, *supra* note 4.

55. Heitner, *supra* note 1.

56. Bien, *supra* note 3.

57. Van Natta Jr. & Van Valkenburg, *supra* note 4.

58. Fainaru-Wada & Fainaru, *supra* note 24.

59. Bien, *supra* note 3.

60. Allison McCann, *The NFL's Uneven History of Punishing Domestic Violence*, FIVETHIRTYEIGHT (Aug. 28, 2014), <http://fivethirtyeight.com/features/nfl-domestic-violence-policy-suspensions/>.

61. Van Natta Jr. & Van Valkenburg, *supra* note 4.

62. Bien, *supra* note 3.

63. Heitner, *supra* note 1.

64. Van Natta Jr. & Van Valkenburg, *supra* note 4.

racks, and EA Sports said that it would delete Rice from the popular Madden NFL 2015 video game.⁶⁵ While Goodell and the NFL have continually acknowledged and attempted to correct deficiencies in the NFL's conduct policy regarding domestic violence, the Ray Rice incident was proof that the NFL had not gotten it right just yet.

III. The Aftermath of the Ray Rice Incident

Ray Rice's lenient punishments from the criminal justice system and the NFL sparked an intense, societal outcry.⁶⁶ Not only was society disgusted by the NFL's failure to take domestic violence seriously, but people also began to realize that our legal system fails at responding appropriately to domestic violence. Seemingly, the NFL would not be criticized for its leniency in domestic violence punishments if the legal system had adequately policed the violent behavior.⁶⁷ Although New Jersey is frequently praised as having some of the most stringent domestic violence laws in the nation, the Ray Rice incident was an example of how far these laws still have to go in order to properly protect survivors and punish offenders.⁶⁸

A. New Jersey Legislation

On September 15, 2014, New Jersey lawmakers used the vile images of Ray Rice and Janay Palmer in the elevator to combat domestic violence.⁶⁹ The New Jersey Assembly approved a six-bill package, designed to expand protections for survivors and provide law enforcement with better tools to deal with offenders. The bill includes proposals to create a fifteen-member task force to review current law and practices in New Jersey dealing with domestic violence. The bill also develops a self-defense justification for survivors of domestic abuse who are pushed to use force against an attacker who they have a restraining order against; requires defendants of domestic violence cases, who are on probation or have their sentence suspended, to attend domestic violence counseling; and mandates law enforcement officers to search domestic violence restraining order registries upon each

65. Daniel Roberts & Benjamin Snyder, *Ray Rice and 11 Other Athletes Who Lost Their Endorsements*, FORTUNE (Sept. 20, 2014), <http://fortune.com/2014/09/20/ray-rice-adrian-eterson-tiger-woods-athletes-dropped-endorsements/>.

66. Weinberger, *supra* note 5.

67. Shawn E Klein, *NFL, Domestic Violence, and the Law*, THE SPORTS ETHICIST (Sept. 12, 2014), <http://sportsethicist.com/2014/09/12/nfl-domestic-violence-and-the-law/>.

68. Weinberger, *supra* note 5.

69. S. Jersey Times Editorial Bd., *New Jersey Takes Important Steps in Aiding Domestic Violence Victims: Editorial*, NJ.COM (Sept. 16, 2014), http://www.nj.com/opinion/index.ssf/2014/09/new_jersey_takes_important_step_in_aiding_domestic_violence_victims_editorial.html.

arrest.⁷⁰ Lastly, the six-bill package permits an underage witness or survivor of any age to testify by closed circuit television in prosecutions for offenses involving domestic violence, which attempts to remedy the amount of dropped cases due to fear of testifying in person.⁷¹ Next, it is expected that the New Jersey Senate President Sweeney will push the bills through the Senate to New Jersey's Governor Chris Christie. Proponents of the bill hope of a fast process so that lives can be saved and perpetrators of domestic violence can finally get the punishment they deserve.⁷²

B. The NFL's Updated PCP

In response to the Ray Rice domestic violence incident, the NFL enacted an updated PCP in early December 2014, with what Commissioner Goodell believed to be the appropriate balance of all competing interests.⁷³ Three domestic violence experts were appointed as senior advisors, in order to counsel the NFL on how to shape the policies and programs relating to domestic violence.⁷⁴ Lisa Friel was the head of the Sex Crimes Prosecution Unit in the New York County District Attorney's Office for over a decade. Jane Randel is the co-founder of No More, a campaign against domestic violence and sexual assault. Rita Smith was the executive director of the National Coalition Against Domestic Violence (NCADV).⁷⁵ Commissioner Goodell stated, "Each brings special knowledge and experience in these issues and will ensure that our efforts reflect the professionalism that should characterize everything the NFL does."⁷⁶ In addition to the senior advisors, many others contributed to the updated PCP, including NFL club presidents, current and former players, police, and prosecutorial and military organizations.⁷⁷

In a memorandum to NFL chief executives and club presidents regarding the new policy, Goodell outlined principles that guided the work of the NFL. The NFL is guided by the responsibility of occupying a position in American society that requires leadership and accountability; the necessity that the educational and other services that the NFL provides and the disciplinary procedures that the NFL uses supports its standards of conduct;

70. S. 2480, 216th Leg. Reg. Sess. (N.J. 2014).

71. S. 553, 216th Leg. Reg. Sess. (N.J. 2014).

72. S. Jersey Times Editorial Bd., *supra* note 69.

73. Memorandum from Roger Goodell, NFL Comm'r, for NFL Chief Execs. and Club Presidents (Dec. 9, 2014), <http://a.espn.com/pdf/2014/1210/PersonalConductPolicy.pdf>.

74. Assoc. Press, *supra* note 9.

75. *Id.*

76. Michael O'Keefe & Corky Siemaszko, *NFL Hires 3 Domestic Violence Experts in Wake of Ray Rice, Other Scandals*, NY DAILY NEWS (Sept. 15, 2014), <http://www.nydailynews.com/sports/football/nfl-hires-3-domestic-violence-experts-wake-abuse-scandals-article-1.1940304>.

77. Memorandum from Roger Goodell, *supra* note 73.

and the understanding that the standards and policies will only be meaningful if they are continuously reviewed and everyone in the NFL understands that the standards and policies reflect the core of what the NFL stands for. Also, Goodell acknowledged that domestic violence is a complex and difficult subject; therefore, it is impossible to create a “perfect policy,” but the NFL will seek to continuously refine and improve the “living policy.” Lastly, Goodell mentioned that the vast majority of individuals associated with the NFL conduct themselves according to the highest personal standards and the NFL’s policies have always been intended to ensure that their reputation was not tainted by the misconduct of a few.⁷⁸

The updated PCP’s new measures to combat domestic violence begin by expanding NFL-funded assistance to victims and families, and not only violators. A Critical Response Team will provide the resources to assist violators, survivors, and families, including counseling, social services, clergy, medical professionals, and specialists in dealing with children and youth.⁷⁹ Clinical evaluations and appropriate counseling, education, or other treatment for violators are no longer mandatory but are still offered.⁸⁰ However, the NFL employees’ decision to make use of these clinical services is considered a positive factor when determining discipline.⁸¹ The updated PCP also obligates NFL clubs to promptly report any matter that comes to their attention that may constitute a policy violation. Clubs are required to educate their employees on the obligation to report, and employees have a similar obligation to report possible violations. The policy outlines the human resources or legal staff who should be contacted, states that failure to report an incident will be grounds for disciplinary action, and assures that all reports will be addressed promptly and confidentially.⁸²

The updated PCP then allows for the NFL Special Counsel for Investigations to initiate an independent investigation, consisting of interviews and information gathered from law enforcement agencies, court records, and independent investigations.⁸³ The Commissioner appointed Lisa Friel, one of the senior advisers to the position of Special Counsel for

78. *Id.*

79. Updated PCP, *supra* note 19.

80. *Compare id.* (“Anyone arrested or charged with conduct that would violate this policy *will be offered* a formal clinical evaluation. . . .”) (emphasis added), *with* PCP, *supra* note 18 (“[P]ersons arrested, charged or otherwise appearing to have engaged in conduct prohibited under this policy generally *will be required* to undergo a formal clinical evaluation.”) (emphasis added).

81. Updated PCP, *supra* note 19.

82. *Id.*

83. *Id.*

Investigations.⁸⁴ NFL employees are required to cooperate and be fully responsive and truthful with the Special Counsel for Investigations and a failure to cooperate or be truthful will result in separate grounds for disciplinary action.⁸⁵ Additionally, the NFL prohibits any retaliation or threat of retaliation against a survivor or witness, which will also result in a separate disciplinary action.⁸⁶

Next, the updated PCP allows the Special Counsel for Conduct to impose initial discipline rather than the Commissioner.⁸⁷ The Commissioner appointed Todd Jones, former director of the Bureau of Alcohol, Tobacco, and Firearms, to the position of Special Counsel for Conduct.⁸⁸ Others with expertise in appropriate backgrounds, such as law enforcement, academia, judicial and public service, and mental health may also assist the disciplinary officer.⁸⁹ The NFL employee may appeal the decision of the Special Counsel for Conduct, as appropriate under the CBA.⁹⁰ Although the Commissioner's role in disciplinary proceedings has been reduced due to the input of chief executives, the Commissioner's disciplinary decision-making is preserved in the context of appeals.⁹¹ The Commissioner may also consult a panel of independent experts to recommend a decision on the appeal.⁹²

Further, the updated PCP allows for paid administrative leave for an individual: formally charged with a crime of violence, believed to have violated the policy after independent investigation, or suspected of committing a crime of violence but requires further investigation. Paid leave will generally last until the NFL makes a disciplinary decision and any appeal of that decision is resolved in full. The updated PCP also creates a baseline suspension of six games without pay for first-time violations involving domestic violence, dating violence, and other forms of family violence, with considerations being given to any aggravating or mitigating factors. The presence of possible aggravating factors—including similar misconduct before joining the NFL or having committed an act against a

84. James Brady, *NFL Reportedly Set to Hire 2 Conduct Czars*, SBNATION (Mar. 23, 2015), <http://www.sbnation.com/nfl/2015/3/23/8278163/nfl-todd-jones-lisa-friel-personal-conduct-policy>.

85. Updated PCP, *supra* note 19.

86. *Id.*

87. *Compare id.* (“Initial decisions regarding discipline will be made by a disciplinary officer, a member of the league office staff who will be a highly-qualified individual with a criminal justice background.”), *with* PCP, *supra* note 18 (“Upon conclusion of the investigation, the Commissioner will have full authority to impose discipline as warranted.”).

88. Brady, *supra* note 84.

89. Updated PCP, *supra* note 19.

90. Memorandum from Roger Goodell, *supra* note 73.

91. *Id.*

92. Updated PCP, *supra* note 19.

particularly vulnerable person—may warrant a longer suspension. A second offense of this nature will result in permanent banishment from the NFL, in which the NFL employee may petition for reinstatement after one year. Also, the updated PCP notes that a violation of the policy can be found regardless of whether the NFL employee is charged with, or convicted of, a crime. The Commissioner's goal underlying the revised discipline policy was to have a layered process with clear steps, defined procedures, and substantive expertise.⁹³

Lastly, the updated PCP includes the addition of a Conduct Committee, made up of NFL owners, to ensure that the policy remains current and consistent with the best practices and evolving legal and social standards.⁹⁴ The members of the Conduct Committee are Michael Bidwill, owner of the Cardinals' and the Committee Chair; Arthur Blank, the Falcons' owner; Clark Hunt, the Chiefs' owner; Dee Haslam, wife of the Browns' owner; Charlotte Jones Anderson, the Cowboys' Executive Vice-President and chair of The NFL Foundation; George McCaskey, the Bears' owner; Robert McNair, the Texans' owner; and Warrick Dunn and John Stallworth, former NFL players who are part of NFL ownership.⁹⁵ The Conduct Committee will meet annually and recommend any appropriate changes in the policy, "including investigatory practices, disciplinary levels or procedures, or service components."⁹⁶ Consistent with the purpose of including substantive expertise into the updated PCP, the Conduct Committee may seek advice from a broad and diverse group of outside experts regarding the best practices in academic, business, and public sector settings. The Conduct Committee will review the developments in other settings and receive regular reports from the Special Counsel for Investigation and Conduct in order to recommend the appropriate changes to the PCP.⁹⁷ Based on the downfalls of the past policies, Commissioner Goodell addressed major flaws in constructing the updated PCP.

C. NFL's Educational and Philanthropic Support

In addition to the updated PCP, the NFL named Anna Isaacson, the NFL's former Vice President of Community Affairs and Philanthropy, as the Vice President of Social Responsibility.⁹⁸ In her previous position,

93. Memorandum from Roger Goodell, *supra* note 73.

94. Updated PCP, *supra* note 19.

95. NFL.com, *The NFL's Response to Domestic Violence and Sexual Assault*, NFL.COM (Dec. 30, 2014), <http://www.nfl.com/news/story/0ap3000000439286/article/the-nfls-response-to-domestic-violence-and-sexual-assault>.

96. Updated PCP, *supra* note 19.

97. *Id.*

98. Assoc. Press, *supra* note 9.

Isaacson led the NFL's internal work relating to how the NFL addressed issues of domestic violence and related social issues. As Vice President of Social Responsibility, Isaacson oversees the development of the full range of education, training, and support programs in relation to domestic violence.⁹⁹

On December 19, 2014, before the updated PCP was enacted, the NFL conducted mandatory education sessions for all league and club office personnel, owners, cheerleaders, coaches, and players in order to raise awareness of and work to end domestic violence.¹⁰⁰ The goal of the forty-five-minute education sessions is to create baseline knowledge about domestic violence and an understanding that NFL employees and players must hold each other accountable to prevent future family violence.¹⁰¹ The sessions build on the basics with blunt definitions of domestic violence; establish that silence is no longer a solution; and clarify the signs of an unhealthy relationship, from control issues and jealousy that escalates into verbal and physical abuse. Additionally, the presentations include a video segment of current and past NFL players' testimonies of growing up in a household where domestic violence was commonplace, which seem to be the most impactful part of the presentation.¹⁰²

The presentation is available and highly encouraged for the families and friends of players and staff, including anyone living in a player or NFL employee's house, and significant others. The idea to extend the program beyond the players and staff was a recommendation of the official players' wives organization, Off the Field, and was the first time that their opinions have been included in policy decisions. Off the Field also suggested a formal system designed to provide a nonpunitive approach that significant others can take when red flags arise within their families because the members believed that it is vital and critical to create opportunities to resolve domestic violence issues before they escalate and potentially ruin the lives of the players' family and the players' careers.¹⁰³

Moreover, the NFL, in collaboration with the NO MORE campaign and the Joyful Heart Foundation, aired a series of public service announcements featuring current and former NFL stars during every game broadcast during the 2014–15 season (including the Super Bowl), in order to urge a national

99. *Id.*

100. Hilary Lewis, *NFL to Announce New Domestic-Violence and Sexual-Assault Policy Next Month*, THE HOLLYWOOD REPORTER (Oct. 22, 2014), <http://www.hollywoodreporter.com/news/nfl-announce-new-domestic-violence-742868>.

101. Lindsay H. Jones, *NFL Educates Teams on Basics of Domestic Violence, Sexual Assault*, USA TODAY (Nov. 12, 2014), <http://www.usatoday.com/story/sports/nfl/players/2014/11/12/nfl-begins-educating-teams-employees-on-basics-of-domestic-violence-sexual-assault/18921855/>.

102. *Id.*

103. *Id.*

conversation on domestic violence.¹⁰⁴ Although subtle, the discussion of these issues during such high-profile sporting events is the first of its kind, which disrupted the norm and sparked dialogue among fans and others.¹⁰⁵ The NFL also expanded its educational efforts by providing age-appropriate character development and healthy relationship education, including dating/domestic violence programming, to those who play, coach, or manage college, high school, and youth football programs.¹⁰⁶ According to the new executive director of the NCADV, it appears that the NFL has gotten most of the education program right.¹⁰⁷

On the philanthropic side, the NFL extended its support to domestic violence awareness and prevention groups.¹⁰⁸ As a result of the intense scrutiny of the NFL's domestic violence issues, there was a dramatic increase in calls to national and local domestic violence organizations, which consequently led to an increase in unanswered calls and texts. To help rectify a situation that the NFL felt responsible for, the NFL entered into a multiyear partnership with the National Domestic Violence Hotline and the NFL's financial support of five million dollars annually helped to immediately add staff to assist with call volume.¹⁰⁹ Yet, the feedback and criticism of the NFL's actions are ample and include both positive and negative aspects.

IV. Finding the Appropriate Balance

Although Roger Goodell attempted to remedy the long-standing issue of domestic violence in the NFL, questions regarding whether Goodell truly is committed to solving the problem still linger. While the additions to the PCP were commendable and substantial, the Commissioner did not appropriately balance all of the competing interests because the updated PCP fails to focus on survivors. Survivors of domestic violence are only an afterthought in the updated PCP because the NFL does provide direct financial assistance, but rather punishes the abuser and supports service providers. Since many survivors of domestic violence remain in the abusive relationship because of their financial dependence on the abusers,¹¹⁰ it is necessary to financially support survivors in addition to assisting the service

104. NFL.com, *supra* note 95. See also Jane McManus, *When It Comes to Domestic Violence, Heat Is Still on for Roger Goodell*, ESPNW (Jan. 30, 2015), <http://espn.go.com/espnw/news-commentary/article/12253583/when-comes-domestic-violence-heat-for-roger-goodell>.

105. NFL.com, *supra* note 95. See also McManus, *supra* note 104.

106. NFL.com, *supra* note 95.

107. Lindsay H. Jones, *supra* note 101.

108. NFL.com, *supra* note 95.

109. *Id.*

110. Laurie S. Kohn, *The Justice System and Domestic Violence: Engaging the Case but Divorcing the Victim*, 32 N.Y.U. REV. L. & SOC. CHANGE 191, 246 (2008).

providers and punishing the abusers. In an effort to comprise the most beneficial and comprehensive domestic violence prevention policy, the NFL should add a provision to its constitution and bylaws that is similar to 10 U.S.C. § 1059, which provides dependents of military service members with financial compensation when separated for dependent abuse.¹¹¹ Furthermore, state lawmakers should also mimic the efforts of the military by allocating a portion of the federally provided crime victim compensation funds directly to domestic violence survivors in order to provide more immediate help.

A. Section 1059 of Title 10 of the United States Code

In 1999, the Department of Defense (DoD) realized that domestic violence was a pervasive problem throughout every branch of the military and decided to take action in response to the problem.¹¹² Similar to the NFL's view that domestic violence by NFL employees is detrimental to the integrity of, or public confidence in, the game of professional football, the DoD deemed domestic violence as "an offense against the institutional values of the Military Services of the United States of America."¹¹³ In response to the domestic violence problem, the DoD established various policies and procedures,¹¹⁴ which included transitional compensation for abused dependents.¹¹⁵

Section 1059 of Title 10, United States Code, establishes transitional compensation to present or former spouses of service members when the servicemember has been administratively separated from the military, sentenced to forfeiture of pay and allowances by a court martial, or separated from active duty pursuant to a courtmartial due to a dependent-abuse offense.¹¹⁶ In any domestic violence incident that culminates in punitive action, the servicemember does not have the ability to provide support to a spouse or dependents through military pay. The United States is authorized under 10 U.S.C. § 1059 to pay interim financial compensation to spouses and former spouses of abusive servicemembers in order to encourage survivors of domestic violence to come forward and also to

111. 10 U.S.C.S. § 1059 (2015).

112. Kathlene J. Somerville, *The Military Report Card Concerning Domestic Violence and Sexual Assault, Including Compliance with the Lautenberg Amendment*, 43 FAM. L.Q. 301 (Sum. 2009).

113. Memorandum from Paul Wolfowitz, Deputy Def. Sec'y, to the Secretaries of the Military Dep'ts (Nov. 19, 2001), <http://www.ncdsv.org/images/DVLetterWolfowitz.pdf>.

114. Somerville, *supra* note 112.

115. 10 U.S.C.S. § 1059 (2015).

116. 10 U.S.C.S. §§ 1059(a)-(b) (2015). *See also* Amy L. Snyder, *Military Benefits and Divorce*, 47 APR MD. B.J. 30, 35 (Mar./Apr. 2014).

provide survivors with continuing support.¹¹⁷ The transitional compensation benefits also include all of the privileges available to a dependent of a servicemember, such as medical benefits and relocation expenses.¹¹⁸

The transitional compensation payments are made monthly,¹¹⁹ and the duration of the compensation is dependent upon the remaining service obligation of the abusive servicemember.¹²⁰ The compensation will last for the lesser of thirty-six months or the unserved portion of the servicemember's military enlistment contract. However, the duration of benefits will not be less than twelve months.¹²¹ The monthly amount of the transitional compensation is equal to that awarded to dependents after a service-related death, under 38 U.S.C. § 1311(a)(1), and the monthly rate will increase for each dependent child that the spouse or former spouse has custody of and resides in the same household.¹²² The transitional compensation statute provides that payment commences on the date that the separation action is initiated or when the court-martial sentence is announced, if the sentence includes a punitive discharge or forfeiture of all pay.¹²³ The transitional compensation can last for up to thirty-six months, but will cease once the survivor remarries or cohabitates with the abuser. The payments will not resume in the event of a subsequent divorce or after cohabitation with the abusive servicemember.¹²⁴

By allocating transitional funding, the DoD intended to address one of the main reasons that survivors choose not to report abuse.¹²⁵ Thus, transitional compensation attempts to remedy the threat of financial retribution and provide survivors with financial assistance to support their transition out of the abusive relationship.¹²⁶

117. 10 U.S.C.S. § 1059 (2015). *See also* Michael S. Archer, *Domestic Violence; Military Response and Regulations* (rev. Feb. 2010) (unpublished article), http://www.nclamp.gov/2010%20CLE/Domestic_Violence_Military_Response_and_Regulations%201.pdf (explaining military regulations concerning domestic violence).

118. Instruction No. 1342.24 from U.S. Dep't of Def. (Jan. 16, 1997), <http://www.dtic.mil/whs/directives/corres/pdf/134224p.pdf>.

119. 10 U.S.C.S. § 1059 (a) (2015).

120. Instruction No. 1342.24 from U.S. Dep't of Def., *supra* note 118.

121. 10 U.S.C.S. § 1059 (e)(2) (2015).

122. 10 U.S.C.S. §§ 1059 (f)(1)-(2) (2015). *See also* 38 U.S.C.A. §§ 1311 (a)(1)-(2) (stating that the monthly payment is \$1,154, with an additional \$246 per dependent child).

123. 10 U.S.C.S. §§ 1059 (e)(1)(A)(i)-(B) (2015).

124. 10 U.S.C.S. §§ 1059 (g)(1)-(2) (2015).

125. Margaret Rose Kuzma, *Taking Care of Its Own: Comparing the United States Military's Transitional Compensation Program with State Victim Compensation Programs*, 1 DEPAUL J. WOMEN, GENDER & THE L. 77 (2011).

126. *Id.* at 82.

B. States' Use of Crime Victim Compensation for Domestic Violence

The DoD codified the transitional compensation statute in 1994,¹²⁷ but state victim compensation programs were first enacted in 1964.¹²⁸ Congress addressed the needs of victims of violent crimes twenty years after the first state victim compensation program by enacting the Victims of Crime Act of 1984 (VOCA), which provides federal funding to eligible state crime victim compensation programs.¹²⁹ Additionally, the federal statute expressly prohibits the denial of compensation to a victim due to the victim's familial relationship to the offender or the sharing of a residency by the victim and the offender.¹³⁰

Duty states are federally funded to directly reimburse survivors of domestic violence through crime victim compensation programs. While VOCA does not set aside a certain amount of funds for domestic violence crimes, many of the financial needs of domestic violence survivors are addressed through the various crime victim compensation programs, such as medical and hospital expenses, mental health counseling, attorney's fees, and relocation expenses.¹³¹ The funding provided by the federal government accomplishes a unique goal by making domestic violence survivors financially whole, which is not achieved through other domestic violence services or legislation.¹³²

In pursuit of the most survivor-centered domestic violence prevention program, the federal government should explicitly state in VOCA that a certain percentage of the funds that the state receives should be apportioned to domestic violence survivors. Moreover, VOCA should provide a comprehensive list of the expenses that are continually necessary for domestic violence survivors so that states have an understanding of the unique needs and services of domestic abuse survivors. States will then be compelled to change their crime victim compensation programs to satisfy the requirements of the federal statute. Once states adhere to the uniform guidelines

127. *Id.* at 78.

128. *Id.* at 88 (“In 1964, California enacted the first state victim compensation program.”).

129. 42 U.S.C. § 10602 (2012). See Njeri Mathis Rutledge, *Looking a Gift Horse in the Mouth – The Underutilization of Crime Victim Compensation Funds by Domestic Violence Victims*, 19 DUKE J. GENDER L. & POL’Y 223, 223 (Fall 2011).

130. 42 U.S.C. § 10602(b)(7) (2012).

131. See generally CAL. GOV’T CODE § 13957.2 (West 2015) (mental health counseling); N.J. STAT. ANN. § 52:4B-8 (West 2015) (attorney’s fees and costs); OR. REV. STAT. § 147.035 (2015) (medical and hospital expenses); S.D. CODIFIED LAWS § 23A-28B-19 (2015) (any economic loss, to include loss of earning and future earnings, security devices, and loss of economic benefits or support to dependents); VERNON’S ANN. TEXAS C.C.P. ART. 56.42 (West 2015) (relocation expenses, including rental deposit, utility connections, expenses related to the moving of belongings, motor vehicle mileage expenses, and meals, transportation, and lodging for out-of-state moves).

132. Rutledge, *supra* note 129, at 249.

for VOCA, private entities will have a thorough program to emulate.

C. NFL Recommendations

When the NFL updated the PCP, the drafters were able to research and incorporate state, federal, and private domestic violence prevention policies. The NFL failed to do justice to the survivors of domestic violence because the policy drafters did not incorporate a transitional compensation policy, which has been used throughout the country for over fifty years.¹³³

As Roger Goodell and the NFL quickly found out, domestic violence is a very complicated issue that cannot be easily solved. Power and control are the underlining motives behind the cycle of domestic abuse,¹³⁴ and leaving the abusive relationship becomes extremely dangerous for survivors because of the related physical and financial risks.¹³⁵ The NFL failed to consider that the survivors of domestic violence could encounter more abuse, even after leaving the relationship, caused by the lack of funding towards the care of survivors.¹³⁶ As such, financial dependence is a significant factor in domestic violence survivors' decision to remain in the abusive relationship.

The cycle of domestic violence can cease, for some, if survivors are able to become economically independent from their abusers.¹³⁷ The NFL can support survivors in their attempt to lead economically independent lives, similar to the DoD, by providing direct financial support to domestic violence survivors in order to assist with relocation, medical bills, and any other financial needs.¹³⁸ The NFL should incorporate a provision into its Constitution and Bylaws and Uniform Player Contracts that require payments to the transitional compensation fund from a player's lost wages if found to be in violation of the updated PCP.

The NFL certainly has enough revenue to adequately provide transitional compensation to domestic violence victims of NFL employees. In 2013, NFL revenues were more than nine billion dollars, and Commissioner Goodell intends to increase that amount to twenty-five billion dollars by 2027.¹³⁹ Although the five million dollars donation to the National Domestic Violence Hotline was substantial and necessary, the NFL can easily do more. The five million dollars contribution should be taken in context given

133. Kuzma, *supra* note 125, at 78.

134. Kohn, *supra* note 110, at 246.

135. Tara Culp-Ressler, *You Shouldn't Ask Why Janay Rice Stayed*, THINKPROGRESS (Sept. 9, 2014), available at <http://thinkprogress.org/health/2014/09/09/3564896/janay-rice-cycle-abuse/>.

136. Jonathan Cohn, *The NFL Owes Domestic Violence Victims a Big, Fat Check*, NEW REPUBLIC (Sept. 15, 2014), <http://www.newrepublic.com/article/119455/nfl-domestic-violence-league-should-fund-research-help-victims>.

137. *Id.*

138. Kohn, *supra* note 110, at 246–47.

139. Cohn, *supra* note 136.

the almost ten billion dollars that the NFL brings in yearly and the ten million dollars per year that is spent on the Super Bowl halftime show.¹⁴⁰

As Connecticut Senator Richard Blumenthal stated: “If the NFL is serious about its commitment to combatting domestic violence, it could contribute many times more.”¹⁴¹ In order to focus on the care and support of survivors of domestic violence, the NFL should use a portion of its revenue annually to finance the transitional compensation program. Rather than setting up a foundation to fund domestic violence services or contributing to existing organizations,¹⁴² the NFL should mimic the efforts of the DoD by providing transitional compensation to dependent survivors of domestic violence in order to mitigate the financial hardships that typically occur.

While the NFL should use 10 U.S.C. § 1059 as a guideline, the NFL should consider making one significant change to its policy. Section 1059 of Title 10 requires that the survivors of domestic violence be married to the abuser at the time of the abusive incident in order to receive transitional compensation.¹⁴³ However, victims of domestic violence by NFL members are not always married to the abuser at the time of the abuse, like Janay Palmer and Ray Rice. When the Conduct Committee meets to discuss possible additions and revisions to the updated PCP, they should consider providing transitional compensation to any victim of domestic violence, regardless of her marital status to the NFL employee. Then the NFL will be able to support a wider range of survivors and encourage those that are financially dependent on their abuser to leave the relationship.

V. Conclusion

Despite the intense criticism that the NFL has received over the years regarding its inaction in responding to the domestic violence problem, Commissioner Goodell and his predecessors consistently took progressive steps in combatting the issue. The progression hasn’t always been viewed as momentous because the actions were not typically expansive or thorough. The updated PCP allowed Goodell to set the example for other professional sport leagues and private companies. In order to provide a comprehensive domestic violence prevention program, states and the NFL must focus on the survivors and provide direct, transitional compensation to survivors of domestic violence.

140. Diana Moskovitz, *Do The NFL's Anti-Domestic Violence Initiatives Actually Even Exist*, DEADSPIN (Feb. 1, 2015), <http://deadspin.com/do-the-nfls-anti-domestic-violence-initiatives-actually-1682681513>.

141. *Id.*

142. Rutledge, *supra* note 129, at 249 (“Many other programs that benefit domestic violence victims provide funding for services but not direct financial assistance for victims.”).

143. 10 U.S.C.S. § 1059 (d)(1) (2015).