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September 5, 2019

Mr. Roger Goodell
Commissioner
National Football League
345 Park Avenue
New York, New York 10154

Dear Mr. Goodell,

Thank you for your letter dated February 7, 2019 responding to my concerns about reports of the deeply disturbing acts of domestic violence committed by players in the National Football League (NFL or the League) and the League's response to these incidents. I appreciate the efforts the NFL has made to address this problem, as outlined in your letter. Requiring players to attend mandatory educational programming, offering counseling services, and consulting with experts to update your domestic violence policy are all important first steps to adequately and comprehensively address this issue.

Since receiving your letter, my office has consulted with domestic violence experts to evaluate your responses to the concerns I originally outlined in my letter dated December 6, 2018. Unfortunately, I remain deeply concerned that the NFL is continuing its failure to take the incidents of domestic violence and sexual assault among players seriously. Your letter lacks important details and only raises additional questions, including the League's rationale for providing a mere six-game suspension for players found to have committed domestic violence or sexual assault offenses, the evidentiary standard used to determine whether an offense has been committed, whether the League screens potential players to ensure that individuals with a history of domestic violence are not recruited, what assurances victims are provided to ensure anonymous reporting and protection from retaliation, and details about the League's "separate" investigative process for potential violations of your Personal Conduct Policy (PCP).

Additionally, I continue to have concerns about the NFL's handling of the high-profile domestic violence incidents I raised in my original letter, including those of Kareem Hunt, Reuben Foster, and Tyreek Hill. Former Kansas City Chiefs (Chiefs) player Kareem Hunt was released by the Chiefs after video footage depicting him shoving and kicking a woman during a dispute in a hotel hallway became public. Your letter declined to discuss Hunt's case because it was still ongoing. However, it has been reported that Mr. Hunt was given a mere eight-game

suspension, and in March, Mr. Hunt was signed on by the Cleveland Browns as a free agent.¹ Moreover, Mr. Hunt was involved in at least two other violent altercations in 2018: assaulting a man at a nightclub in January, and punching a man in the face at a resort in June.² In your letter, you indicated that a first offense of domestic violence results in a six-game suspension without pay and a second offense of domestic violence would result in removal from the League. While these are not all domestic violence incidents, it seems clear that a sustained pattern of general violence is sufficient to warrant removal. Yet Mr. Hunt remains a player in the League.

In April, the NFL decided not to suspend Reuben Foster following an investigation after his second arrest for domestic violence in 2018.³ The NFL released a two-paragraph statement about its decision not to suspend Mr. Foster, stating that Mr. Foster had “acknowledged that he is responsible for his actions.”⁴ Does the NFL take that to mean that Mr. Foster has taken responsibility for having committed domestic violence? If so, why does that not warrant a six-game, unpaid suspension, as outlined in your letter?

In July, the New York Times reported that the NFL chose not to discipline Tyreek Hill after allegations of potential domestic violence and child abuse, including a disturbing audiotape in which Mr. Hill told the mother of his 3-year-old son, Crystal Espinal, that she “need[ed] to be terrified of me.”⁵ While prosecutors ultimately declined to move forward with the charges against Mr. Hill, they stated that they remained “deeply troubled” and were “concerned about the health and welfare of the child.”⁶ This is also Mr. Hill’s second incident of domestic violence; in 2014, Mr. Hill pleaded guilty to assaulting Ms. Espinal, who was his then-pregnant girlfriend, for which he was kicked off his college team.⁷

These reports do not inspire confidence in the NFL. Further information on the NFL’s mandatory educational programming, counseling services, employer accountability, PCP investigations and consultation with nationally recognized experts is necessary in order to adequately assess the quality and effectiveness of the initiatives the NFL is touting. I write to seek additional answers to these questions and to express concern over the NFL’s handling of various high-profile incidents I outlined in my original letter.

A. Mandatory Educational Programming

In the section of your letter entitled “Employee Education and Training,” you state that the NFL consulted with “nationally recognized experts” to develop a mandatory training program related to domestic violence and sexual assault for all NFL personnel. You stated that new players take part in education sessions relating to domestic violence and sexual assault during Rookie Transition, after which mandatory educational programming on these topics is provided

¹ <https://www.usatoday.com/story/sports/nfl/browns/2019/08/28/kareem-hunt-cannot-be-with-browns-during-suspension/2147338001/>

² <https://www.cnn.com/2018/12/04/sport/kareem-hunt-previous-incidents/index.html>

³ <https://www.nbcsports.com/washington/redskins/domestic-violence-charges-against-reuben-foster-dropped-tmz>

⁴ <https://nflcommunications.com/Pages/NFL-STATEMENT-----.aspx>

⁵ https://www.wsj.com/articles/chiefs-tyreek-hill-wont-be-suspended-following-abuse-inquiry-11563549451?mod=article_inline

⁶ *Id.*

⁷ *Id.*

to all NFL personnel on an annual basis. Educating players, staff, and coaches on this issue is a positive first step, but your letter raises several additional questions:

1. Which nationally recognized experts did you consult with to develop this training program?
2. How long is the training, and in what format – is it provided in live, interactive form? Is it a power point or video presentation that personnel are required to view? What evidence have you reviewed demonstrating that the training provided will in fact reduce the likelihood of future violence?
3. What are the differences between your initial training program for new recruits and the annual mandatory educational programming? Are you providing specially targeted programs for those players who have a known history of perpetrating violence?
4. How are you measuring whether trainees are absorbing and internalizing the material presented in the training programs, and have you consulted with any nationally recognized experts on how to do so?

I request that you provide my office with the content of and all materials used in conducting this training program, as well as the research studies supporting its effectiveness, at your earliest convenience.

B. Counseling Services

Your letter goes on to explain that all NFL personnel are provided information about and access to resources, including confidential counseling services and support for families. This includes Critical Response Teams (CRTs) to provide intervention to anyone in the NFL “family” who may have experienced violence.

1. What are the specific counseling services and support for families that the NFL offers personnel? What specific services are available to victims?
2. What is the process for victims who wish to report violence? How does the NFL work to provide confidentiality and safety to victims during and after the reporting process? Does the NFL provide victims of such assaults with a victim advocate to navigate the process of reporting an assault? Are victims of assault offered free medical treatment? Are victims provided free mental health treatment from providers with specific expertise in domestic violence? Are victims of assault offered free and confidential shelter to ensure their safety during the investigative process?
3. Are players who are accused of such violence assessed for mental health and substance abuse issues? Has the NFL consulted with any outside experts on how best to work with perpetrators of abuse to ensure that they are not repeat offenders? Given the known link between perpetrators of violence and substance abuse issues, the League should actively screen players for substance-related concerns and directly provide or refer employees to appropriate treatment. Players who exhibit a pattern of such behavior should be removed from the League altogether.
4. What training and qualifications do counselors who work with victims and perpetrators have? Specifically, what training and experience do these counselors have in the specialized area of intimate partner violence? Do counselors use a trauma-informed approach to working with victims? How many counselors exist to support perpetrators? How many counselors support victims?

5. Are non-family members able to access these services; if not, why not?
6. You stated that the NFL brought in a group of outside experts to review your CRT protocols, and that these experts “provided written recommendations and best practices that were then shared with all NFL clubs.” Who are those experts and what changes did they recommend to your existing protocols? Which changes were implemented and for those which were not, why not?

I request that you provide my office with any written recommendations from experts with whom you consulted, the names and qualifications of the counselors who provide services to victims and/or perpetrators, and details about the services offered.

C. Accountability

In the section entitled “Employer Accountability” you stated that all NFL clubs are required to promptly report to the League any incident that may be a violation of the PCP, and that you encourage victims and witnesses to report such incidents as well. However, your letter fails to address what the NFL has done to prevent and protect against retaliation for speaking out about such assaults, and whether the NFL imposes a cost on clubs for covering up such incidents. Clubs that assist in covering up the bad acts of their players must face real consequences for doing so.

1. What guidance has the NFL provided to clubs on consequences for failing to report or covering up incidents of domestic violence and sexual assault within their ranks?
2. What procedures and policies has the NFL implemented to ensure that victims and witnesses who report these incidents are protected from retaliation?

D. PCP Investigations/Discipline

Your letter also states that the League engages in a separate investigative process for potential violations of the PCP. As in any organization addressing misconduct within its own ranks, the NFL may have a conflict of interest in this matter; disciplining or removing valuable players who provide tremendous financial value to the League should not take priority over addressing the rights and interests of victims who are assaulted by those players. Any investigation conducted to determine the veracity of an accusation of domestic violence or sexual assault should be conducted by an entity independent of the League itself.

1. What are the details of the “separate investigative process” referenced in your letter?
2. How does this process protect against potential conflicts of interest?
3. What level of evidence triggers a finding of a PCP violation? The PCP states that players will be subject to discipline “even if the conduct does not result in a criminal conviction.” The PCP fails to define, however, what kind of evidence will result in discipline. Is the League imposing a civil legal standard of a preponderance of the evidence? If not, what standard is used, and why? In addition, who decides whether the evidence indicates a PCP violation, and what is the League’s rationale for this choice?

Your letter explains that the NFL’s PCP includes a “rigorous and transparent process for disciplinary proceedings.” Will the NFL commit to publishing statistics on complaints of

domestic violence and assault against specific players, the status of investigations into those complaints, and the discipline imposed in each case?

E. Office on Violence Against Women

Your letter does not indicate whether the NFL consulted with the Department of Justice (DOJ) Office on Violence Against Women (OVW) or its affiliates in reforming the PCP or the League's domestic violence training program. OVW-supported resources include Workplaces Respond to Domestic & Sexual Violence, which provides model trainings and other tools to help develop workplace programs to prevent domestic and sexual violence.

1. Did the NFL consult the Workplaces Respond to Domestic & Sexual Violence resources? If not, why not?
2. Did the NFL consult with any other OVW-supported resources or organizations? If not, why not?
3. Will the NFL commit to working with Workplaces Respond to Domestic & Sexual Violence to ensure that the NFL domestic violence program meets the national standards for best practices?

Finally, what is the NFL doing to ensure that its recruiting process screens out players who either have a history of domestic abuse and sexual assault or are at risk of committing such abuse? The League must institute a zero-tolerance policy in its recruitment efforts and send a message to all potential players that any track record of gender-based violence is disqualifying for purposes of playing for the NFL.

I request that you provide the information requested along with a detailed timeline of how the NFL plans to meet the commitments outlined in your previous response, and any other policy changes the NFL has instituted in this area.

Sincerely,



Richard Blumenthal
United States Senate