

How some cops use the badge to commit sex crimes

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By Andrea J. RitchieAndrea J. Ritchie is the author of "Invisible No More: Police Violence Against Black Women and Women of Color," a co-author of "Say Her Name: Resisting Police Brutality Violence Against Black Women," and a researcher in residence on race, gender, sexuality and criminalization at the Barnard Center for Research on Women.

January 12, 2018

She was driving in a park with two male friends when a pair of plainclothes New York City police detectives drove up in an unmarked van. The officers, from the Brooklyn South precinct, stopped the trio for being in a public park after dark. The officers searched the car and found marijuana and the anti-anxiety medication Klonopin. They arrested her, put her in the back of the van in handcuffs and ordered her friends not to follow.

According to prosecutors, the detectives proceeded to force the 18-year-old woman to perform oral sex on one of them, who then raped her. The other officer then allegedly forced her into oral sex, as well. The 50-count indictment also alleges that the officers, who are facing charges of rape, kidnapping and official misconduct, threatened her with criminal charges if she didn't cooperate. The defendants have since quit the force, though their attorneys have sought to undermine the young woman's account.

This story broke in October to shock and outrage. While I share the outrage, as someone who has studied police sexual violence for more than a decade — and as a survivor — this young woman's experience didn't surprise me. In fact, it is representative of national patterns of sexual violence by officers during traffic stops and handling of minor offenses, drug arrests and police interactions with teenagers.

Research on "police sexual misconduct" — a term used to describe actions from sexual harassment and extortion to forcible rape by officers — overwhelmingly concludes that it is a systemic problem. A 2015 investigation by the Buffalo News, based on a national review of media reports and court records over a 10-year period, concluded that an officer is accused of an act of sexual misconduct at least every five days. The vast majority of incidents, the report found, involve motorists, young people in job-shadowing programs, students, victims of violence and informants. In more than 60 percent of the cases reviewed, an officer was convicted of a crime or faced other consequences.

Former police officer turned professor Phil Stinson conducted a national analysis of more than 500 officer arrests for sexual misconduct over a three-year period. He found that half involved on-duty misconduct and noted that off-duty misconduct is often facilitated by the power of the badge or the presence of an official service weapon. A fifth of arrests involved forcible rape, another fifth forcible fondling.

In a second study, funded by the National Institute of Justice and analyzing more than 6,700 officer arrests nationwide during a seven-year period, Stinson found that half of arrests for sexual misconduct were for incidents involving minors. According to a 2010 Cato Institute review, sexual misconduct is the second-most-frequently reported form of police misconduct, after excessive force.

"Over the years I would see it all," former Seattle police chief Norm Stamper wrote in his book, "Breaking Rank." He described cases in which cops fondled prisoners, made false traffic stops of attractive women, traded sexual favors for freedom, had sex with teenagers and raped children. "Sexual predation by police officers happens far more often than people in the business are willing to admit."

Research consistently shows that police officers target young women like the Brooklyn teenager. A 2000 survey of nearly 1,000 New York City youth found that 2 in 5 young women — almost half of whom were black, Latina or Asian — reported sexual harassment by officers. A 2003 national study of cases reported in the media over more than a decade, conducted by the Police Professionalism Initiative at the University of Nebraska at Omaha, found that 40 percent of reported cases of police sexual misconduct involved teens, often young women involved in youth engagement and job-shadowing programs. One young woman, Diana Guerrero, filed a lawsuit against the city of Las Cruces, N.M., after she was assaulted during a "ride along" with an officer in 2011. The officer said in a taped confession: "The badge gets you the p---y and the p---y gets your badge, you know?"

Officers also prey on domestic-violence survivors, who are particularly vulnerable to abuses by people they call on for protection. One officer quoted in an investigative report by the Philadelphia Inquirer said, "I would see women that were vulnerable where I could appear as a knight in shining armor." He explained, "I'm going to help this woman who's being abused by her boyfriend, and then I'll ask for sexual favors." Another bragged that getting dates with such victims was like "shooting fish in a barrel."

Police also target women they don't think would be believed if they came forward, including women of color, transgender women, women who use drugs or alcohol, and women involved in the sex trade. The 2016 Justice Department investigation of the Baltimore Police Department found that officers extorted sex from women under the threat of prostitution charges. Two Los Angeles Police Department officers are currently on trial for extorting sex from women facing drug charges. Former Oklahoma City police officer Daniel Holtzclaw, who is serving a 263-year sentence after being accused of sexual assault by 13 black women and girls, targeted young women, women who used drugs and women he believed to be "working girls."

These cases are unique only in that the officers faced consequences for their actions. Accountability is rare. One study found that in 41 percent of cases, officers charged with sexual violence had been previously accused of sexual misconduct — between two and 21 prior allegations — but had remained on the force. Even when officers are terminated or allowed to resign, many are able to simply move on to another department, in what researchers dub the "officer shuffle."

Why aren't departments doing more to stop sexual violence by officers? Despite materials such as "Addressing Sexual Offenses and Misconduct by Law Enforcement," a guide published by the International Association of Chiefs of Police (IACP) in 2011, most police departments have no policies or training making it clear that on-duty sexual misconduct against civilians is prohibited. The Obama-era President's Task Force on 21st Century Policing, the Justice Department's guidance on gender bias in policing, the National Prison Rape Elimination Commission and various researchers have all taken the position that departments need to, at a minimum, enact and enforce policies prohibiting sexual violence by officers. When asked why more departments haven't taken up the charge, an IACP spokesman simply said, "We don't see a groundswell from people who are protesting their police departments for this kind of activity."

While that needs to change, departments shouldn't have to be asked twice to explicitly tell officers that sexually harassing and assaulting members of the public is unacceptable and will result in termination.

We should also know by now that we can't depend on the police to police themselves. Yet there is often nowhere that a woman who has been sexually assaulted by an officer can go to report it — except the police. If she goes to the district attorney or a civilian oversight agency, the case is usually referred to a police department for investigation. Intimidation is common. The Brooklyn teenager said at least nine police officers came to her hospital room, discouraging her from going through with a rape kit. In a Chicago case, Tiawanda Moore was prosecuted for recording investigating officers as they tried to discourage her from filing a sexual misconduct complaint. (She was acquitted after a year-long trial.) In Eugene, Ore., an officer who was later convicted of sexually abusing a dozen women put his service weapon to one victim's genitals and threatened to blow her up "from the inside out" if she told anyone.

Municipalities could make it easier for victims to come forward by enabling civilian oversight agencies to investigate complaints of sexual violence by police. Indeed, the Justice Department investigation of the Chicago Police Department recommended that civilian investigators be empowered and trained to receive such complaints. City legislators and advocates tried to transfer jurisdiction over sexual misconduct complaints to the new Civilian Office of Police Accountability — only to be stymied by the police union.

But we shouldn't just rely on victims of police sexual assault to come forward. A range of measures, from small steps to structural changes, can be taken to prevent and detect police sexual violence. Departments can monitor data from individual officers' traffic or pedestrian stops to determine whether they are stopping a disproportionate number of women. They can use GPS to track patrol car movements, a strategy that corroborated the testimony of Holtzclaw's victims. Supervisors can show up unexpectedly to check on officers on late-night patrol. Many departments already require officers to report mileage when they transport arrestees, in part to prevent detours to secluded areas to force or extort sex. Investigators can also conduct stings to catch officers in the act, something the New York and Los Angeles departments have done successfully on occasion but not nearly often enough.

Research and investigations conclude that police sexual assault is facilitated by the structure of policing itself. As Stinson put it: "Police routinely operate alone and largely free from any direct supervision, either from administrators or fellow officers. Police commonly encounter citizens who are vulnerable, usually because they are victims, criminal suspects, or perceived as 'suspicious' and subject to the power and coercive authority granted to police. Police-citizen interactions often occur in the late-night hours that provide low public visibility and ample opportunities to those officers who are able and willing to take advantage of citizens to commit acts of sexual deviance and to perpetrate sex crimes." Police officers wield significant power and discretion, and are protected by a blue wall of silence when they abuse them.

In light of these realities, the goal should be to reduce the number of police encounters and the power officers use to extort or force sex. That would mean not flooding communities with officers, and not giving those officers the ability to hold mandatory-minimum drug sentences over women's heads, contrary to Attorney General Jeff Sessions's current priorities. It would mean taking a public

health approach to drug and prostitution offenses, and taking police officers — who use the serious consequences of such charges to extort sex and rape women — out of the equation, either by decriminalizing those offenses or eliminating arrests through pre-arrest diversion programs.

Survivors of sexual assault by police deserve solutions that strike at the root of the problem, instead of mere outrage at each crime that happens to make the news. No survivor of sexual violence should be ignored simply because her perpetrator was a police officer.

outlook@washpost.com