

Shrouded *in Silence*

**POLICE SEXUAL VIOLENCE:
WHAT WE KNOW & WHAT
WE CAN DO ABOUT IT**

Introduction

In the midst of a national reckoning around the violence of policing, and a national conversation about sexual assault prompted by #MeToo and the ‘me, too.’ movement launched by Tarana Burke, sexual violence by law enforcement officers - including local and state police, ICE agents and Border Patrol, school “resource” officers, federal law enforcement agents, probation and parole officers - remains shrouded in silence. Survivors of police sexual violence are rarely heard from or discussed in either conversation, and their experiences generally do not drive organizing and advocacy in either context.

This report, in conjunction with an accompanying curriculum for sexual assault service providers, is intended to contribute to breaking this silence, to summarize what we know about sexual violence by law enforcement officers, and to offer concrete steps toward prevention of police sexual violence and increased safety, support, and opportunities for healing for survivors. For more information and a more detailed analysis of police sexual violence, see *Invisible No More: Police Violence Against Black Women and Women of Color* (excerpts available at invisiblenomorebook.com).

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Table of Contents

<u>WHAT IS POLICE SEXUAL VIOLENCE?</u>	4
<u>HOW PREVALENT IS IT?</u>	7
<u>HOW DO WE KNOW ABOUT IT?</u>	9
- How Can We Learn More About Police Sexual Violence?	
- Shining a Light on Police Sexual Violence	
- Cover-ups	
- Swept Under the Rug	
<u>WHAT LAW ENFORCEMENT ACTIVITIES ARE MOST COMMONLY ASSOCIATED WITH POLICE SEXUAL VIOLENCE?</u>	23
<u>WHERE DOES IT HAPPEN?</u>	28
<u>WHO IS TARGETED?</u>	30
<u>WHO IS ENGAGING IN POLICE SEXUAL VIOLENCE?</u>	33
<u>HOW DOES IT HAPPEN?</u>	34
<u>WHAT ARE STRUCTURAL CONTRIBUTING FACTORS?</u>	35
<u>BARRIERS TO ACCOUNTABILITY</u>	36
<u>THE RESPONSE</u>	39
- The Problem with Focusing on the Consent Defense	
<u>WHAT COULD WE BE DOING INSTEAD?</u>	42
<u>APPENDIX – CASE STUDIES</u>	45
- A Call for Help	
- A Sexual Assault Investigation	
- A Youth Explorer Program	
- A Traffic Stop	
- Public Intoxication	
- On the Stroll	
- A Street Stop	
- Preying on Vulnerable People	

What is Police Sexual Violence?

Police sexual violence is any act taking advantage of police authority and power to engage in sexually harassing, degrading, discriminatory, violative or violent acts.

It includes any sexual harassment, extortion, assault or violence perpetrated by law enforcement officers - whether on-duty or “off-duty” - facilitated by the power of the badge, police equipment (including service weapons and patrol cars), or access to information obtained by law enforcement.

Police sexual violence is a pervasive and systemic practice, a structural tool of law enforcement, and a corollary of criminalization.

It is a gendered manifestation of race-based policing disproportionately affecting Black women, girls, trans and gender non-conforming people and women, girls, trans and gender non-conforming people of color, and a state-perpetrated and sanctioned form of sexual violence. Indeed, sexual violence by police and security forces is designated as a form of torture by the United Nations Committee Against Torture.¹

Commonly referred to as police sexual “misconduct” in public and scholarly discourse, police sexual violence² includes:

SEXUAL HARASSMENT – “cat calling,” questions or comments about a person’s body, sexual practices, or anatomy, comments of a sexual nature, requests for phone numbers, unwanted callbacks, asking members of the public for dates.

Examples:³

- “Give me a smile!” “Can I get your number?”
- “Are those real?” “Have you had the operation?”
- “What do you girls do together?” “You just haven’t been with the right guy – once you try me you won’t be a lesbian.”
- “Checking in on” survivors at home late at night.

1 See, e.g., V.L. v. Switzerland, Communication No. 262/2005, 20 November 2006, UN Doc. CAT/C/37/D/262/2005 (2007).

2 The term police sexual violence is used here because the acts referred to in this report extend far beyond the term “misconduct” which suggests a rule violation (such as lying on overtime sheets or disobeying a supervisor) rather than a violation of the right to be free of sexual harassment, extortion and assault, and to bodily integrity.

3 Each of the examples used to illustrate definitions and concepts in this report is based on an actual reported case(s) of police sexual violence.

PHOTOS, VIDEOS, OR TEXTS OF A SEXUAL NATURE

Examples:

- Taking video of girls in the school locker room.
 - Taking pictures of survivors reporting sexual assault on a personal cell phone while telling them how “pretty” they are.
 - Taking a young woman’s phone during a stop, getting her number, and sending her increasingly sexually suggestive texts.
-

FORCIBLE TOUCHING

Examples:

- Grabbing or groping the chest, buttocks, crotch or groin during frisks or searches.
 - Forcing someone to touch an officer’s genitals.
-

(UNLAWFUL)⁴ STRIP SEARCHES, VISUAL AND PHYSICAL CAVITY SEARCHES

Examples:

- “Lift up your shirt and bra” “drop your pants and bend over.”
 - Strip searches and groping performed to assign gender based on anatomy.
 - Forced consumption of laxatives or emetics followed by close monitoring without any privacy.
-

SEXUAL EXTORTION – demanding sexual acts in exchange for not taking enforcement action

Examples:

- “I can make this go away, but you gotta do something for me.”
 - “This is the price of not going to jail.”
-

RAPE AND SEXUAL ASSAULT

CONSENSUAL ON-DUTY SEXUAL CONDUCT – Any time an officer engages in sexual conduct while acting “under color of law” – using the power of the badge or the implicit threat of force, arrest, or the threat of calling ICE, child welfare, public housing, welfare office, etc.

⁴ Both legally sanctioned and unlawful searches are routinely experienced by survivors as sexual violence.

Researchers emphasize the importance of viewing police sexual violence as a “continuum,” countering “the tendency to view the more extreme forms of sexual violence as aberrations, which severs them from their common structural and cultural bases.”⁵

State-sanctioned sexual violence has historically functioned as a tool of colonialism, imperialism, and racial capital. Sexual violence is tied to establishing racialized and gendered hierarchies of humanity that historically have not only propelled the domestic and transnational labor exploitation necessary for industrialization, but also reinforced the militarized borders that function to regulate the mobility of various populations, and safeguard the international wage differentials that create conditions of severe global inequality. Foundational forms of state-sponsored rape aided in building the settler state itself, as male domination preceded and paved the way for racial capitalism. As a result, the rape of women of color can be traced back to early forms of organized state control such as genocide and slavery.

As [Andrea] Smith illuminates, rape aided processes of colonization, as the goal of colonialism was to not only kill colonized peoples, but also annihilate their sense of humanity. To do so, Native genocide was always accompanied by the sexual mutilation and rape of Native women —a systemic practice of sexual violence that would justify the taking of bodies for the taking of lands thereafter. Moreover, as the settler state developed and profited from race-based slavery, female slaves came to be seen as both producers and reproducers. Black women were often raped as a means of increasing the number of plantation-born slaves and sustaining a system of slavery upon which the global economy of racial capitalism could continue to be built. Routine sexual violence against Black women also served as an effective tool of systemic repression that reified the notion of Black bodies as mere property. These early forms of state-sponsored rape functioned as an integral part of solidifying a system of racial capitalism, and fortifying racialized and gendered ideologies of women of color as sexually open, promiscuous, and animal-like.

Priscilla Bustamante, doctoral candidate, CUNY Graduate Center⁶

5 Philip Matthew Stinson, Sr., J.D, Ph.D., John Liederbach, Ph.D., Steven P. Lab, Ph.D., Steven L. Brewer, Jr., Ph.D., *Police Integrity Lost: A Study of Law Enforcement Officers Arrested*, National Institutes of Justice (June 2016).

6 Priscilla Bustamante, “Sexual Misconduct in Everyday Policing: Structural, Institutional, and Psychosocial Antecedents of State-Sanctioned Racialized Sexual Violence, (2020), Manuscript in Preparation.

How Prevalent Is It?

POLICE SEXUAL VIOLENCE IS:

- » According to the Cato Institute, the second most frequently reported form of police violence after excessive force.⁷
- » According to a review of cases over a ten-year period conducted by the Buffalo News, on average, an officer is caught in an act of sexual misconduct every 5 days.⁸
- » Pervasive: on-duty police officers are reported to engage in sexual assault at more than twice the rate of the general population.⁹
- » Described by former Seattle police chief Norm Stamper as law enforcement's "nasty little secret."¹⁰
- » Central to the culture and practice of law enforcement.
- » A consequence and corollary to criminalization.

"There is this culture in law enforcement . . . you don't tell on your buddies. . . . You get so bought into this police culture . . . you don't see anything wrong with it. It's like as a badge of honor, how many women in the community you can have sex with, and the younger the better."

Former Portland Police Chief Penny Harrington¹¹

"The badge gets you the pussy, the pussy gets your badge, you know?"

Michael Garcia, 15-year veteran of the Las Cruces, NM police department previously assigned to the child abuse and sex crimes investigation units, who was convicted of sexually assaulting an intern in a police-youth engagement program during a ride-along.¹²

7 Cato Institute, National Police Misconduct Reporting Project Annual Report, Washington, D.C.: Cato Institute, 2010, <http://www.policemisconduct.net/statistics/2010-annual-report>.

8 Matthew Spina, "When a Protector Becomes a Predator," Buffalo News, November 22, 2015.

9 Mac, J., & Smith, M. (2018). Revolting prostitutes: The fight for sex workers' rights. London, UK: Verso Books.

10 Norm Stamper, Breaking Rank: A Top Cop's Exposé of the Dark Side of American Policing (New York, NY: Nation Books, 2005), 123.

11 Steven Yoder, "Officers who Rape: The Police Brutality Chiefs Ignore," Al-Jazeera America, January 19, 2016.

12 Yanan Wang, "Behind \$3M settlement, the story of a police intern's dreams shattered by sexual assault," Washington Post, March 24, 2016, available at: <https://www.washingtonpost.com/news/morning-mix/wp/2016/03/24/behind-3m-settlement-the-story-of-a-police-interns-dreams-shattered-by-sexual-assault/>.

“Criminalization extends beyond laws and policies to more symbolic - and more deeply entrenched- processes of creating categories of people deemed “criminals.” This process is fueled by widespread and commonly accepted stereotypes. These highly racialized and gendered narratives - whether they are about “thugs,” “crack mothers,” “welfare queen,” or “bad hombres” - are used to fuel a generalized state of anxiety and fear, and to brand people labeled “criminal” as threatening, dangerous, and inhuman. In this context, violence, banishment and exile, denial of protection, and restrictions on freedom, expression, movement, and ultimately existence of people deemed “criminal” within our communities becomes a “natural” response.”

Beth Richie and Andrea J. Ritchie, [The Crisis of Criminalization: A Call for a Comprehensive Response](#)

“Sexual violence perpetrated by carceral actors can thus be understood as an extension and reinforcement of the carceral state’s gendered and racialized punitive logics.”

Priscilla Bustamante, [doctoral candidate, CUNY Graduate Center](#)



How Do We Know About It?

There is no official data collected about police sexual violence. What limited data is gathered by federal and state governments on the use of force by law enforcement officers does not include information on the number of allegations, complaints, or incidents of rape, sexual assault or coerced sexual conduct. Similarly, data gathered by the federal government on overall prevalence of rape and sexual assault does not include information concerning the number of perpetrators who are police officers and other law enforcement agents. Researchers emphasize that **given the invisibility and low reporting rates of police sexual violence, the information we have access to represents just the “tip of the iceberg.”**

WHAT WE DO KNOW IS BASED ON:

- Survivor complaints and lawsuits
- Media stories
- Arrests of officers involved
- Research

THESE SOURCES DEPEND ON:

- » A survivor being willing to come forward – national data indicates that only a third of survivors of sexual violence ever report their sexual assault to police.¹³ It would stand to reason that a much smaller percentage of people would report sexual violence by police to police, particularly given that cops target criminalized and vulnerable populations for sexual violence.
- » What the media decides to cover and the information they disclose about the survivor – generally, media focuses on more egregious and sensational cases, rather than every day acts of sexual harassment, sexually violative searches, or cases where the survivor does not come forward or is not willing to speak directly to reporters. Additionally, because conventional understandings of police violence involve police killings or use of force, and understandings of sexual violence do not include police as perpetrators, instances of police sexual violence often fall outside of media narratives and coverage of these issues.

¹³ Rachel E. Morgan, Ph.D., and Jennifer L. Truman, Ph.D., *Criminal Victimization*, 2019 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, September 2020, NCJ 255113.

- » Whether a legal complaint or court opinion is made public – while lawsuits and court records about police sexual violence are generally of public record, they are not routinely publicly reported unless publicized by a survivor, organization, or the media. Additionally, courts do not write opinions in all cases, leaving some legal decisions about police sexual violence hidden.
- » Whether an officer is arrested - while more frequent in the context of police sexual violence than cases involving police killings or use of force, arrests of officers are extremely rare compared to the prevalence of police violence.
- » Whether researchers, organizers, or service providers focus on or ask questions relating to police sexual violence – much of the research on police sexual violence has been conducted by current or former cops, or is hidden in public health literature. Often research on police violence, sexual violence, or criminalization does not focus explicitly on sexual violence by police.

Much of the available information about police sexual violence is based on cases in which criminal charges were brought, creating the false impression that the issue is effectively handled through the criminal justice system. Yet in most cases, even officers who are eventually indicted operate with impunity for years.

How Can We Learn More About Police Sexual Violence?

WE CAN GATHER MORE INFORMATION BY:

- » Incorporating questions about police sexual violence into social service intake procedures, community-based research, and organizing and advocacy around police violence and gender-based violence. **Caution:** before raising or asking questions about police sexual violence, ensure that any survivors who come forward will have immediate access appropriate emotional and legal support that does not involve calling the police.

- » Demanding that civilian oversight agencies, police departments, and city, state, and federal agencies reallocate existing funds and resources to analyze and disclose aggregate data about complaints of police sexual violence annually, including information about the demographics of survivors and the contexts in which the assaults took place.
- » Advocating for transparency of data regarding complaints, lawsuits, and outcomes relating to police sexual violence.
- » Developing safe and supportive mechanisms for survivors of police sexual violence to come forward, including public awareness campaigns and dedicated hotlines.

It is critical that no additional funding, resources, or personnel be given to police departments to gather, analyze and make public information about police sexual violence. Any resources needed to increase publicly available information about police sexual violence should come from reallocation of existing funds and resources within departments.

More information alone will not stop police sexual violence – it is only one step toward increased awareness, support and safety for survivors.

OUR GOALS IN GATHERING AND SHARING INFORMATION ABOUT POLICE SEXUAL VIOLENCE ARE TO:

- » Increase access to healing and financial support for survivors of police sexual violence.
- » Document where and how police sexual violence takes place to inform measures to prevent it from happening again by: firing the officers involved; and reducing police contact and power.

It is important to recognize that police sexual violence is a systemic problem that will not be solved simply by identifying and terminating individual officers.

Shining a Light on Police Sexual Violence

The New York State Legal Aid Society is shining a light on complaints of police sexual violence through its CAPStat database, gathering information lawsuits filed against New York City Police officers since 2015. A search of the database using the term “sexual” revealed the following cases, which were not otherwise made public:

- » “Officers approached Plaintiff on the street, made sexually explicit comments, and frisked her. When Plaintiff objected Defendant Officer Hook began to choke her. Defendant Officers did not arrest or charge Plaintiff with anything.”¹⁴
- » “Plaintiff was walking down the street were he was stopped, accused of hiding some thing, punched, choked, and sexually assaulted. He was then taken to hospital were he was again assaulted by the defendant.”¹⁵
- » “On several occasions the plaintiff was arrested on false accusations and had these charges dismissed multiple times. The defendant officer, Detective Terrell, involved in these occasions did so because the plaintiff’s mother would not engage in sexual activity with him.”¹⁶
- » “The plaintiffs were residing in their home not engaging in any criminal activity when the defendant officers broke down the door, pointed their guns at the plaintiffs, handcuffed the plaintiffs, searched the home, and took the plaintiffs to Kings County Central Booking. Specifically Officer Browne aggressively searched one of the plaintiffs in a sexually inappropriate manner. The charges were not specified and the DA declined to prosecute.”¹⁷
- » “Defendant Officers grabbed two Plaintiffs off a public bus and then pushed them against a wall and sexually assaulted them. Defendant Officers claimed that one Plaintiff had marijuana on her, tightly handcuffed her, and took her to the 33rd Precinct. Defendant Officers illegally strip searched her and thoroughly inspected her genital areas. The Plaintiff was wrongfully charged with Tampering with Physical Evidence, which was later dismissed.”¹⁸

14 Allen v. The City of New York et al., 10CV02673 (S.D.N.Y., 2010), <https://www.capstat.nyc/lawsuit/SDNY10cv2673>.

15 Jenkins v. City of New York, et al., 15CV05889 (E.D.N.Y., 2015), <https://www.capstat.nyc/lawsuit/EDNY15cv5889>.

16 Cotto v. City of New York, et al., 16CV08651 (S.D.N.Y. 2016); <https://www.capstat.nyc/lawsuit/SDNY16cv8651>.

17 Browne et al v. City of New York, 16CV04224 (S.D.N.Y. 2016), <https://www.capstat.nyc/lawsuit/EDNY16cv4224>.

18 Sosa et al. v. City of New York, 17CV09753 (S.D.N.Y. 2017), <https://www.capstat.nyc/lawsuit/SDNY17cv9753>.

California and New York both recently passed legislation that requires disclosure of complaints of police sexual violence.¹⁹

Pursuant to the recently passed New York State legislation repealing provisions prohibiting public disclosure of police officers' complaint and disciplinary records, New York City Civilian Complaint Review Board (CCRB) complaints spanning the period since the CCRB's founding in 1955 are now available on the CCRB's site²⁰ and in a searchable database created by the New York Civil Liberties Union (NYCLU).

A search of the NYCLU database reveals 123 complaints of police sexual violence since 2017²¹ - very few of which resulted in a finding that the complaint was "substantiated" or in discipline for the officer(s) involved. This is common due to the fact that complainants often decide not to pursue complaints for a variety of reasons unrelated to their veracity, or the fact that there is often no evidence beyond the complainant's word against the officer's. Complaints included:

- » 12 complaints of sexual harassment by gesture (1 substantiated);
- » 47 complaints of verbal sexual harassment (8 substantiated, 1 instance of discipline) and 97 complaints of sexist remarks (8 substantiated);
- » 32 complaints of "sexual/romantic proposition" (5 substantiated);
- » 3 complaints of "sexually motivated strip search" and 1 complaint of "sexually motivated frisk;"
- » 29 complaints of sexual humiliation (15 substantiated);
- » 493 entries concerned sexual orientation (20 substantiated).²²

19 ACLU of Southern California, Access to CA Public Records, <https://www.aclusocal.org/en/know-your-rights/access-ca-police-records>; Communities United for Police Reform, Safer NY Act, <https://www.changethenypd.org/safer-ny>.

20 CCRB Data Transparency Initiative, <https://www1.nyc.gov/site/ccrb/policy/data-transparency-initiative.page> (note that information displayed cannot be searched for allegations relating to police sexual violence, but full dataset available for download can be).

21 While these numbers may seem relatively small compared to the over 300,000 complaints in the database, the vast majority were filed in the past 3 years since the CCRB explicitly asserted jurisdiction over sexual misconduct complaints following pressure from experts and community-based organizations. See Communities United for Police Reform, "Statement: Advocates Push To Uphold Ccrb Rules To Investigate Sexual Misconduct And Lies By The NYPD, Following PBA's Attempts To Obstruct (January 14, 2021) <https://www.changethenypd.org/releases/statement-advocates-push-uphold-ccrb-rules-investigate-sexual-misconduct-and-lies-nypd>; Steven Lepore, "CCRB adopt rules to allow investigations into NYPD sexual misconduct," Pix 11 News, February 10, 2021 (citing new regulations at https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/CCRB_Final%20Proposed%20Rules%20and%20Law%20Dept%20Certification_02042021.pdf). Pro Publica conducted an analysis of closed cases for each officer with at least one substantiated complaint, providing demographic information about complainants who were disproportionately Black and Latinx. See <https://projects.propublica.org/nypd-ccrb>.

22 The CCRB analyzed complaints based on sexual orientation in a report entitled "PRIDE, PREJUDICE AND POLICING: An Evaluation of LGBTQ-Related Complaints from January 2010 through December 2015," available at: https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/20160630_lgbtq-report.pdf.

The New York City Commission to Combat Police Corruption began reporting on police sexual violence in 2013, including the following cases:

- » A police officer was assigned two arrest two underage girls for marijuana and a firearm. While in the holding cell, he touched one girl's buttocks and made sexually suggestive comments. The officer proceeded to suggest that the girls meet up with him later on, including contacting them through his phone and suggesting they get drinks and meet him at a hotel room. The officer knew they were both underage.²³
- » A police officer arrested the complainant's neighbor - who was violating an order of protection obtained by the complainant. Hours later the officer returned to the complainant's house, where he sexually abused her.²⁴

The database created in conjunction with the launch of *Invisible No More: Police Violence Against Black Women and Women of Color* documents cases that were uncovered in the course of research for the book.²⁵ The database contains 611 cases through 2018 (which certainly does not represent the totality of cases of police violence against Black women and women of color). Of these, 20% were cases involving police sexual violence, including:

- » In 2015 a 25 year-old Black woman called police when she suspected her car was stolen. An officer arrived at her apartment, and after asking her several sexually inappropriate questions, forced her to perform oral sex.
- » In 2014, an NYPD officer was charged with sex abuse, harassment and endangering the welfare of a child for sending sexual texts to and kissing a 15 year-old who had volunteered with the force.
- » In 2018 two police officers were arrested for luring and detaining women in their cars and sexually assaulting them for over a year.
- » In 2012 an NYPD officer met a woman on a domestic violence call. He pursued her for multiple months, and then raped her after taking her to a bar, where she became intoxicated. The survivor believes the officer drugged her. He then threatened to expose sexual photos he had secretly taken and threatened to kill her family if she reported him.

23 New York City Commission to Combat Police Corruption, 18th Annual Report, available at: <http://www1.nyc.gov/assets/ccpc/downloads/pdf/18th-Annual-Report.pdf>.

24 New York City Commission to Combat Police Corruption, 17th Annual Report, available at: <http://www1.nyc.gov/assets/ccpc/downloads/pdf/Seventeenth-Annual.pdf>.

25 See invisiblenomorebook.com/database.

» In 2008, after a police raid, an NYPD officer forced the mother of three children to take off her clothes in her bedroom. He then took her on a ride before taking her to a police station, where he forced her to perform oral sex in exchange for “ripping up her papers” and threatened to take her children away from her if she did not do it. He was also accused of forcing a woman in the drug trade to have sex with him under similar circumstances and inappropriately touching a female court officer.

Cover-ups

Police departments and civilian investigators, many of whom are former law enforcement officers, have strong incentives to cover up or hide complaints of police sexual violence. Unlike use of force or searches, there is no legitimate law enforcement justification for engaging in sexual harassment, extortion, or assault (although strip searches and cavity searches are legally permitted in specific circumstances), making public outrage more likely if a complaint becomes public. There is evidence to suggest that, as a result, complaints of police sexual violence are actively discouraged²⁶ or swept under the rug by investigators. Cities also go to great lengths to keep records relating to police sexual violence from becoming public – for instance, authorities in Louisville, KY were recently forced to release 738,000 records in connection with complaints of police sexual violence against teens involved in the Louisville Metropolitan Police Department Explorer Program that they had previously denied were in their possession.²⁷

Preliminary research conducted by the Invisible Institute²⁸ explores how police sexual violence complaints are often miscategorized as “conduct unbecoming an officer,” “official misconduct,” “improper search” and “fraternizing with a known felon.” Bewlo is a report drafted by Asha Futterman and the Invisible Institute on misclassification of complaints of police sexual violence against the Chicago Police Department. Research on complaint misclassification is ongoing under the direction of Trina Reynolds-Tyler, Director of Data at the Invisible Institute.

26 For instance, in the case of Tiawanda Moore, described in greater detail in Appendix A, Moore recorded officers actively discouraged her from filing a complaint of police sexual violence.

27 Andrew Wolfson, “Louisville police, county attorney’s office hide 738,000 records in Explorer sex abuse case,” Louisville Courier Journal, November 11, 2020, available at: <https://www.courier-journal.com/story/news/crime/2020/11/11/lmpd-explorer-scandal-lawyers-say-police-lied-conceal-records/6224382002>.

28 Interrupting Criminalization researcher Andrea J. Ritchie serves as a Senior Fellow at the Invisible Institute, and former Interrupting Criminalization research assistant Asha Futterman served as an intern at the Institute during the period she drafted the report included herein.

Swept Under the Rug

This report reflects research done in the summer of 2018, supported by the Invisible Institute's ongoing gender violence investigation, *Beneath the Surface*. For developments about the project, visit @invinst_bts.

FINDINGS REPORT: SEXUAL ASSAULT ALLEGATIONS HIDDEN IN POLICE OFFICER COMPLAINT RECORDS

By Asha Futterman

When almost 250,00 allegations against Chicago police officers became accessible to the public in 2018, I was surprised to discover that only around 300 of those allegations were categorized as Criminal Sexual Assault or Sex Offense. Extensive evidence that shows that police officers commit acts of sexual violence at an alarmingly high rate.

Police work is conducive to sexual misconduct because officers are often in contact with the populations most vulnerable to abuse and work in conditions that are often free from direct supervision. Uneven power dynamics between officers and the people they police, combined with the pervasive belief that police are above the law because they enforce it, are potential risk factors for police sexual abuse. Sexual misconduct by police officers or public officials is the second most prevalent form of police misconduct, according to a 2010 annual report by the CATO Institute.

I decided to investigate sexual misconduct complaints against Chicago Police Department officers. Although I reviewed complaints from women of all races, I focused on complaints filed by Black women because of the rise in police interaction with Black women. More than two million women were arrested in 2018 in the U.S., and the incarceration rate among Black women is increasing at a disproportionate rate. The Women's Prison Association reported that 93 out of every 100,000 white women were incarcerated in 2008, while the number for Black women is 349 out of every 100,000. Afterlives of slavery have sustained cultural imaginings of Black women as sexually available and promiscuous.

There is also a long history of Black women being sexually abused by the state. Knowing this history, I focused the bulk of my investigation on the complaints specifically by Black women against male officers.

When the Chicago Police Department and its oversight agency the Civilian Office of Police Accountability intake and investigate a complaint, they enter that investigation into a database. Each complaint is sorted into a category, and then coded with a specific label. For example, within “*Improper Search*,” code 03B is an allegation “*Search of a Person Without a Warrant*,” and code 03G is “*Improper Search of a Vehicle Without a Warrant*.” Within the category “*Operations/Personnel Violation*,” code 10D is an allegation of “*Slow/No Response*.” For each complaint identified in the dataset, there are underlying complaint records that document the narrative allegations and the ensuing investigations.

The data released by the Chicago Police Department, published by the Invisible Institute in the Citizens Police Data Project, included the IDs of complaint registers and their category codes, but not the underlying investigation reports. After identifying specific complaint categories that interested me, I requested the underlying investigation documents from the city using the Freedom of Information Act. I then read each complaint record while comparing the coded categories to the actual language of alleged violations, looking for discrepancies.

The first category of police misconduct complaints I probed to find hidden sexual misconduct was *Improper Search*, code 03B “*Search of a Person Without a Warrant*.” This category seemed like a natural starting place because many of these complaints include a male officer touching a woman’s body, despite the Chicago Police Department’s policies about same gender body searches. Additionally, many scholars have documented misconduct involving unwarranted strip searches.

After reading many code 03B complaints, I read more *Improper Search* categories like code 03G *Improper Search of a Vehicle Without a Warrant* and code 03C *Search of a Premise Without Warrant*. Many of these complaints also included bodily touch, even though they were not primarily categorized as such.

Beyond these *Improper Search* complaints, I also reviewed *Use of Force*, *Operation/Personnel Violations*, *Conduct Unbecoming*, *Proper Care*, and *Arrest/Lockup Procedures* complaints.

After reading more than a thousand complaints, I found I was most likely to discover sexual assault in *Improper Search* complaints though every category I explored included a number of hidden sexual violence complaints, especially *Conduct Unbecoming* and *Operation/Personnel Violations*.

Frequently, accusations of sexual misconduct are not categorized correctly. Because complaints with sexual abuse are not properly designated as such, the public and police oversight organizations can look at the data of an officer's complaint history and have no knowledge of the accusations of sexual violence against them. The hidden nature of sexual misconduct complaints enables officers to harm people with impunity.

In the following five complaints, I provide the category code, and then I summarize the narrative allegations from the investigation documents. These complaints illustrate how sexual misconduct is hidden in miscategorized complaint records.

Complaint Register Identification 300914
Conduct Unbecoming - 09J Association with Felon

The victim alleged that Chicago Police Officer Darren Wright drove her to a hotel in South Holland while off duty. At the hotel, he asked her to have sex with him, the victim reported. When she replied no, Wright took a semi-automatic weapon out of his belt, held it to her head, and said, "Take off all your clothes...I'm the police and I'm going to do this," according to the complaint. Then Officer Wright allegedly penetrated her vaginally for about an hour and kept his gun at the headboard. After this incident, Wright reportedly drove the victim home, threatened to get her baby's father arrested and told her, "If you call the police, I'll call DCFS on you." When the victim went inside, she told the father of her youngest child what had happened, and he convinced her to go to the hospital and call the police.

CPD found this case unfounded because the alleged incident happened outside of Chicago's city limits. Wright was placed on leave while the South Holland Police Department continued investigating. He was reinstated when SHPD found the victim's complaint unfounded because the victim wouldn't sign an affidavit.

The complaint is labeled as "association with a felon" because the victim's child's father may have been a felon. This labeling hides the substance of the complaint— criminal sexual misconduct — which grossly misleads oversight agencies and the public.

Complaint Register Identification 299900
Operation/Personnel Violation - 10D Slow/No Response

The victim was walking home from a friend's house when Police Officer Felician Victa allegedly stopped her on the street. Victa asked where she lived then pinned her against his squad car, according to the complaint. He then reportedly told the victim to get into

the squad car and drove to the alley behind her house. When they arrived in the alley, Victa pulled her from the car and began to touch her breasts and vagina and kiss her neck and mouth, the victim alleged. Victa also reportedly pressed his exposed penis to the victim's clothed vaginal area.

After the victim's buccal swab results indicated that she had male DNA on her neck, an investigator repeatedly attempted to have Victa take a buccal swab test to confirm that his DNA matched. Victa reportedly refused to take the test, stating that he picked up the victim after she flagged him down, dropped her off at her house and did not have any physical contact with her.

When Victa picked up the victim, he did not notify the dispatcher that he needed to be taken out of service due to his "citizen assist." This failure to notify the dispatcher was the part of the complaint that was sustained, meaning there was sufficient evidence to support the allegation and to justify disciplinary action. However, the accusation of criminal sexual assault was found not sustained because the investigators determined there was not enough information. Even though criminal sexual assault was the victim's sole allegation, the complaint's primary category did not indicate a sexual assault investigation.

Complaint Register Identification 299900 Improper Search - 03B Search of a Person Without a Warrant

The victim was at a friend's house when Police Officer Israel Gamez allegedly came in searching for guns and drugs. He approached the victim and reportedly stated, "If you tell me where the guns and merch are, I will let you go." The victim did not know of guns or drugs in the house and told him that she didn't live there and was just visiting, according to the complaint, after which Gamez ordered her to step into the bathroom so he could search her body. She didn't understand why she was being searched, but followed him into the bathroom.

In the bathroom, Gamez allegedly asked, "Do you have any padding in your bra?" and said, "Lift your shirt up, pull and shake your bra, now turn all the way around." The victim began to cry uncontrollably when she exposed her breasts to Gamez, according to the complaint.

The officer then allegedly said "pull your pants down, now pull your panties down, now turn all the way around, now pull your shirt and bra down, now pull your clothes up, I'm going to let you go, go out the back door, call me in six months."

The victim's allegations were found unfounded because she did not sign an affidavit. Even though this complaint involved a search, as described by the category, the victim's primary allegations were that Gamez sexually coerced and violated her. CPD's categorization of the complaint as Improper Search instead of sexual misconduct obfuscates the victim's allegation of sexual violence, allowing the alleged abuse to continue.

Complaint Register Identification 1056545
Operation/Personnel Violation - 10Z Miscellaneous

Police Officer Brian Treacy was on a prostitution mission when he allegedly asked the victim if she wanted a ride and how much she charged to "hang out." The victim stated that she charged \$100 per hour. The victim, worried that he was a police officer, stated "If you're not the police, then why don't you touch me?" After she said this, the victim alleged that Treacy put his hand under her shirt and touched her left bare breast and put his hand into her pants onto her vagina. After he allegedly touched her, she was placed under arrest and asked to give information about a dope house, which she did. She was then taken into custody. While in a cell, she asked the supervisor if she could make a complaint about her interactions with Treacy.

CPD found her complaints unfounded. The investigators concluded that she lied about what happened because she cooperated in telling the officers about the dope house and told another officer she was raped by Treacy, which the investigators decided was an inaccurate description of what happened, based on Treacy's denials and the fact that the victim didn't bring the assault up in court or during her interviews.

While the investigation was clearly an inquiry into whether sexual violence had happened, there is no indication in the labeling of this complaint that criminal sexual misconduct was investigated at all.

Complaint Register Identification 1019178
Improper Search - 03B Improper Search of Person

The victim alleged that when she was arrested in August 2008, Police Officer Christopher Griggs pointed at her vagina and said, "Show me this and then I'll let you out the back door." She further alleged that Officer Christoph Griggs pushed his hand up against her vagina and said, "I'm still giving you possession."

When Griggs was interviewed about this incident, he reportedly responded “no” to every direct question about these allegations. The investigators found his denial was enough information to not sustain the allegations against him.

The category Improper Search of Person does not reflect the true nature of this complaint, as the victim alleged Griggs sexually extorted and groped her. Moreover, the officer was not actually conducting a search when the incident reportedly occurred.

Conclusion

These five complaints involving accusations of sexual violence are a handful of many more reports that are consistently incorrectly categorized by CPD. This misidentification misleads the public and oversight agencies about the actual allegations made against officers, contributing to abuses of power and shallow investigations of sexual violence complaints.

Without accessible information about these sexual violence allegations, Officer Israel Gamez continues to be the subject of similar accusations of Improper Search, Officer Darren Wright works with minors at Hyde Park Academy, and Officer Felician Victa continues to receive personnel violation complaints and has been accused of sexually harassing women on the force.

Until accusations of sexual abuse are properly identified, oversight agencies and the public will not be able to investigate these complaints and hold police officers accountable for crimes against citizens.

To view more miscategorized complaint records that include allegations of sexual misconduct, please visit: <http://bit.ly/miscategorizedcomplaintrecords>

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What Law Enforcement Activities Are Most Commonly Associated With Police Sexual Violence?

According to a Buffalo News investigation, “[i]n more than 70 percent of the cases, officers wielded their authority over motorists, crime victims, informants, students and young people in job-shadowing programs.”²⁹

TRAFFIC STOPS

- » 34% of cases of police sexual violence reported in the media in single year involved traffic stops.³⁰
- » In a study of over 8,300 incidents of police sexual violence, the most common was sexually motivated traffic stops.³¹

“During the years 2005–13 there were 211 arrest cases involving 142 individual police officers, each of whom was arrested for criminal offenses arising out of “driving while female” traffic stops. The arrested officers were employed by 123 state and local law enforcement agencies located in 105 counties and independent cities across the United States. The most serious offenses charged against the arrested police officer in these “driving while female” cases include forcible fondling (19.4%), forcible rape (17.1%), forcible sodomy (8.1%), simple assault (5.7%), intimidation and harassment (5.7%), criminal deprivation of civil rights (5.7%), bribery (5.2%), kidnapping and abduction (3.8%), official misconduct (3.8%), extortion or blackmail (2.8%), and aggravated assault (2.8%), among others.”³²

Phil Stinson, Criminology Explains Police Violence

²⁹ Matthew Spina, “When a Protector Becomes a Predator,” Buffalo News, November 22, 2015.

³⁰ Samuel Walker and Dawn Irlbeck, *Driving While Female: A National Problem in Police Misconduct*, Police Professionalism Initiative, University of Nebraska at Omaha, (March 2002).

³¹ Cottler, L. B., O’Leary, C. C., Nickel, K. B., Reingle, J. M., & Isom, D. (2014). Breaking the blue wall of silence: Risk factors for experiencing police sexual misconduct among female offenders. *American Journal of Public Health*, 104(2), 338–344. <https://doi.org/10.2105/AJPH.2013.301513>.

³² Phil Stinson, *Criminology Explains Police Violence*, University of North Carolina Press, January 2020.

“Former Oklahoma City police officer Daniel Holtzclaw’s pattern of sexual violence came to light when Jannie Ligons, a 57-year old Black grandmother who ran a daycare center in Oklahoma City, was driving home from a late night domino game at a friend’s house through the Eastside – a low income Black neighborhood. Holtzclaw pulled her over and ordered to step out of her car, put her hands on the hood of his car while he patted her “all over,” and then sit in the back seat of his patrol car. Eventually, he forced her to lift her shirt and expose her breasts, and later her genitals, then perform oral sex on him. Jannie described the scene, “I was out there alone and helpless, didn’t know what to do.”³³ She later said, “I was looking at that gun in his holster and I’m saying to myself...he’s going to shoot me in the head. I was really afraid.”³⁴

Andrea J. Ritchie, Invisible No More: Police Violence Against Black Women and Women of Color

YOUTH ENGAGEMENT PROGRAMS

- » 40% of cases of police sexual violence reported in the media in single year involved teenagers and police youth engagement programs.³⁵

POLICE PRESENCE IN SCHOOLS

- » Youth and youth advocates routinely report sexual harassment and police efforts to date young women. For example,
 - The New York City Commission to Combat Police Corruption reported a case in which a school safety agent engaged in improper sexual relations with a 17 year old student. The same school officer had other allegations of inappropriately touching a student and having sexual relations with multiple students, including impregnating one of them.³⁶

33 Sarah Larimer, “I was so afraid’: Ex-Oklahoma City cop’s victims speak out after rape convictions,” The Washington Post, December 11th, 2015, <https://www.washingtonpost.com/news/morning-mix/wp/2015/12/11/i-was-so-afraid-ex-oklahoma-city-cops-victims-speak-out-after-rape-convictions>.

34 Jessica Testa, “The 13 Women Who Accused A Cop Of Sexual Assault, In Their Own Words,” BuzzFeed, December 9, 2015; see also Richard Eldredge, “Jennie Ligons, who helped bring former police officer Daniel Holtzclaw to justice, is honored in Atlanta this weekend,” Atlanta Magazine, April 1st, 2016, <http://www.atlantamagazine.com/news-culture-articles/jannie-ligons-helped-bring-former-police-officer-daniel-holtzclaw-justice-honored-atlanta-weekend/>.

35 Samuel Walker and Dawn Irlbeck, Police Sexual Abuse of Teenage Girls: A 2003 Update on “Driving While Female,” Police Professionalism Initiative, University of Nebraska at Omaha, 3 (June 2003).

36 New York City Commission to Combat Police Corruption, 15th Annual Report, available at: http://www1.nyc.gov/assets/ccpc/downloads/pdf/15th_annual_report.pdf.

» Young women and trans youth report that searches by officers stationed at metal detectors, and searches conducted by police and school officials for the purposes of finding drugs are experienced as sexually degrading, humiliating, and assaultive.

POLICING OF PROSTITUTION

» People in the sex trades routinely report that police extort sex, engage in sexual humiliation, and sexually assault them.

» In several states it is legal for officers to engage in sexual conduct with people in the sex trade before arresting them, in spite of the fact that only a verbal agreement to engage in sexual conduct in exchange for something of value is required to establish a prostitution-related offense. For instance, one service provider working with survivors of trafficking into the sex trade said of the local vice squad:

- *the typical stuff that I hear is that they are having sex [with women who have been trafficked] they are getting blow jobs or hand jobs, then they turn around and arrest people. They are not letting them use the bathrooms afterward, and girls have pissed themselves. Then they steal from them. I have heard that from a lot of people.*³⁷

DRUG LAW ENFORCEMENT

» A study published in the American Journal of Public Health Found that 25% of women enrolled in drug courts in St. Louis, MO (70% of whom were Black) experienced police sexual extortion and violence. Among this group, 96% reported sexual extortion by on-duty officer and 30% described the officers' actions as rape.³⁸

» Strip searches and body cavity searches are routine forms of policing in the context of the “war on drugs,” and are regularly experienced by survivors as sexual assault.

- *“The officers’ modus operandi in each case was the same: find a vulnerable victim (usually a drug user), earn her trust, and then threaten her with arrest. Then, using the LAPD’s vehicle and acting under color of authority, drive her to a secluded place and force her to perform a sexual act on one of the officers.”*³⁹ - Matt Reynolds, Courthouse News

37 Sex Workers Project, Kicking Down the Door: The Use of Raids to Fight Trafficking in Persons, 3 (2009).

38 Linda B. Cottler, et al., “Breaking the Blue Wall of Silence: Risk Factors for Experiencing Police Sexual Misconduct Among Female Offenders,” American Journal of Public Health 104(2): 338 (February 2014).

39 Matt Reynolds, “LA Settles Civil Case Against Officers Accused of Rape,” Courthouse News, April 20, 2016, <https://www.courthousenews.com/la-settles-civil-case-against-officers-accused-of-rape/>.

“BROKEN WINDOWS” POLICING

- » The NYPD officers Anna Chambers reported for raping her initially stopped her and her companions for “being in a park after dark,” a broken windows offense.⁴⁰
 - » Former Oklahoma police officer Daniel Holtzclaw routinely stopped women on the pretext of enforcing minor offenses before sexually assaulting them.
 - » Stop and frisk is a common site of police sexual violence, often referred to by young women, queer and trans people in New York City as “stop and grope.”
-

CALLS FOR HELP

- » One North Carolina sheriff’s domestic violence investigator bragged that “finding dates working with victims of domestic violence is like shooting fish in a barrel.”⁴¹
 - » A Pennsylvania state trooper convicted of multiple sexual assaults in 2000 said “I would see women that were vulnerable where I could appear as a knight in shining armor...I’m going to help this woman who’s being abused by her boyfriend, and then I’ll ask for sexual favors.”⁴²
-

GENDER AND SEXUALITY POLICING

- » *Amnesty International’s 2005 report Stonewalled: Police Misconduct and Abuse of LGBT People in the United States* documented the case of a Black lesbian raped by a Georgia officer who said the world needed “one less dyke.”⁴³

40 Andrea J. Ritchie, “How Some Cops Use the Badge To Commit Sex Crimes, Washington Post, January 12, 2018, available at: https://www.washingtonpost.com/outlook/how-some-cops-use-the-badge-to-commit-sex-crimes/2018/01/11/5606fb26-eff3-11e7-b390-a36dc3fa2842_story.html.

41 Joe Merusak, “Iredell sheriff, former officer settle sexual harassment suit,” Charlotte Observer, August 28, 2014.

42 Craig R. McCoy and Nancy Phillips, “Extorting Sex With a Badge,” Philadelphia Inquirer, August 13, 2006 A01.

43 See Amnesty International, *Stonewalled, Police Abuse and Misconduct Against Lesbian, gay, Bisexual and Transgender People in the U.S.*, 2005, 41.

» In October 2012 in El Monte, California, just outside of Los Angeles, a Mexican trans woman was crossing the street on the way home from a friend's house when a patrol car pulled up and asked what she was doing. According to her complaint, the officer then groped her breasts and "asked (her) if she was 'a nasty she-male.' (She) responded that she was transsexual." He then ordered her through an alley into a deserted parking lot where he forced her to perform oral sex and raped her over the trunk of his car. He threw away the condom he used and told her to leave. The woman later went back to get it and turned it over to police as evidence, prompting an investigation which led to the officer being placed on unpaid administrative leave.⁴⁴

PROBATION/PAROLE ENFORCEMENT⁴⁵

» "As long as you fulfill my needs, you stay on the street."⁴⁶

44 Brandon Lowry, "El Monte Police Officer Accused of Raping Transgender Woman," NBCNews4 Los Angeles, October 25, 2013, <http://www.nbclosangeles.com/news/local/El-Monte-Police-Officer-Accused-of-Raping-Transgender-Woman-229229431.html>; Richard Winton, "El Monte police officer suspected in sexual assault of transsexual," LA Times, October 25th, 2013, <http://articles.latimes.com/2013/oct/25/local/la-me-1025-sex-assault-20131025>; "Transgender Woman Claims She Was Raped By Police Officer," Huffington Post, October 29th, 2013, http://www.huffingtonpost.com/2013/10/29/transgender-woman-rape-police_n_4174379.html.

45 Jason Rohrlich, "US parole system fraught with allegations of sexual abuse," Quartz, February 21, 2020, <https://qz.com/1805184/us-parole-system-fraught-with-allegations-of-sexual-abuse>.

46 Kathleen Hopkins, "Have sex or go to jail: Wall probation officer admits extortion, fake cancer story," Asbury Park Press, February 24, 2020.

Where Does It Happen?

ON THE STREETS

- » Charnesia Corley, a 21-year-old Black woman, was subjected to a strip search and visual cavity search at a gas station in full view of passers-by,⁴⁷ while two other Black women, Brandi Hamilton and Alexandria Randle, were subjected to a roadside cavity search by officers during a traffic stop as they drove home from the beach.
- » Chicago police forced three people to drop their pants in full public view on a Chicago street and then pulled one of them, a Black woman, into an alley where they pulled down her pants, ordered her to squat, forced her to remove her tampon in spite of her protests, and ridiculed her. The incident was videotaped by a neighbor.⁴⁸

OUTSIDE BARS

- » Brett Hankinson, the officer who murdered Breonna Taylor, had previously been the subject of complaints of police sexual violence by two women he picked up at or on their way home from bars.⁴⁹

IN POLICE CRUISERS

- » In a case that gained national notoriety, a young woman who uses the name Anna Chambers accused two officers of raping her in the back of their patrol car.

47 David Lohr, "Woman Says Gas Station Strip Search Was Like Sexual Assault," Huffington Post, August 10, 2015, http://www.huffingtonpost.com/entry/texas-strip-search-public_us_55c8f940e4b0923c12bdb903.

48 Sasha Goldstein, "Chicago cops illegally strip-searched trio, forced woman to 'squat and remove tampon': suit," New York Daily News, January 30, 2014.

49 Janelle Griffith and Doha Madani, "Louisville police investigating sexual assault accusations against officer in Breonna Taylor shooting," NBC News, June 10, 2020, <https://www.nbcnews.com/news/nbcblk/louisville-police-investigating-sexual-assault-accusations-against-officer-breonna-taylor-n1228896>.

IN HOMES

» Diane Bond, a 50-year old Black former public housing resident, was forced her into her apartment at gunpoint by Chicago police officers who then ordered her to undress, bend over, expose her genitalia to the male officers and reach inside her own vagina under threat of having her teeth removed with needle nosed pliers unless she complied. Although she successfully sued them, none of the officers have been disciplined.⁵⁰

IN POLICE LOCK-UPS

IN SCHOOLS

AT THE BORDER

» According to Freedom for Immigrants, between 2010 and 2016, the DHS Office of the Inspector General received over 1,000 complaints of sexual abuse, and an additional 1,000 complaints of sexual harassment and coerced sexual contact, by ICE and Border Patrol agents —more than a complaint a day on average. Only 2.4% were investigated.⁵¹

» In March 2014, Border Patrol agent Esteban Manzanares picked up a Honduran woman and her two girls and near the Rio Grande, raped the woman and slashed her wrists, and sexually assaulted her 14 year-old daughter and then tried to break her neck until she lost consciousness. While the mother and one daughter escaped, Manzanares took the other daughter back to his house, where he raped her. He killed himself when police summoned by her mother closed in; the woman and both daughters survived the incident. Juanita Valdez Cox of La Union del Pueblo Entero later said, “[w]hile some may say it is an isolated case, there are too many of these isolated cases of abuse by Border Patrol agents...”⁵²

50 Bonds v. Utreas, 04 C 2617 (N.D. Ill. Judge Joan Lefkow).

51 Freedom for Immigrants, Widespread sexual assault, <https://www.freedomforimmigrants.org/sexual-assault>.

52 Mark Karlin, “US Border Patrol Agent Sexually Assaults Undocumented Mother and Two Daughters: Who Are the Criminals?” TruthOUT, March 19, 2014.

Who is Targeted?

BLACK, NATIVE, ASIAN, DISABLED AND MIGRANT WOMEN

YOUTH

- » Half to three quarters of arrests of officers for sexual misconduct nationally involved minors, with half of these cases involving on-duty conduct;⁵³
- » 2 in 5 young women in NYC report sexual harassment by police. They are overwhelmingly young women of color: 38% Black, 39% Latinx and 13% Asian/Pacific Islander;⁵⁴
- » According to the Public Science Project, LGBTQ youth in New York City are twice as likely to report a negative sexual encounter with police than heterosexual youth.⁵⁵

SURVIVORS, WITNESSES, INFORMANTS

- » 70% of 700 cases over a 10-year period involved motorists, youth, victims, witnesses and informants.⁵⁶

TRANS WOMEN

- » 25% of Latinx immigrant trans women in Los Angeles report being sexually assaulted by law enforcement.⁵⁷

53 Phil Stinson, et al., *Police Integrity Lost: A Study Of Law Enforcement Officers Arrested*, January 2016, available at: <https://www.ojp.gov/pdffiles1/nij/grants/249850.pdf>; Philip M. Stinson, et al., "Police Sexual Misconduct: A National Scale Study of Arrested Police Officers," *Criminal Justice Faculty Publications*. Paper 30. (2014), available at: https://scholarworks.bgsu.edu/cgi/viewcontent.cgi?article=1029&context=crim_just_pub.

54 Fine, M., N. Freudenberg, Y. Payne, T. Perkins, K. Smith, and K. Wanzer, "Anything can happen with police around": Urban youth evaluate strategies of surveillance in public places. *Journal of Social Issues* 59:141- 58 (2003).

55 Brett G. Stoudt, Michelle Fine, and Madeline Fox, *Growing Up Policed in the Age of Aggressive Policing Policies*, 56 *N.Y.L. Sch. L. Rev.* 1331 (2011).

56 Matthew Spina, "When a Protector Becomes a Predator," *Buffalo News*, November 22, 2015.

57 Frank H. Galvan and Mohsen Bazargan, *Interactions of Latina Transgender Women with Law Enforcement* (Los Angeles: Bienestar, 2012), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Galvan-Bazargan-Interactions-April-2012.pdf>.

WOMEN WHO ARE OR ARE PROFILED AS BEING INVOLVED IN THE DRUG OR SEX TRADES

- » 11% of all incidents of violence reported by young people in the sex trades in Chicago involved police sexual violence, and police sexual violence made up 15% of all complaints of police violence.⁵⁸
- » 1 in 5 people in the sex trades in D.C. had been approached for sex by an officer.⁵⁹
- » 17% of indoor and outdoor sex workers in New York City report sexual harassment or violence by law enforcement.⁶⁰
- » In an analysis of three studies in a mid-western city, 15.4% of women reported being forced to have sex with a police officer, almost half (45.5%) had engaged in paid sex with police, and 18% reported being extorted for free sex.⁶¹
- » More than 25% of respondents to the 2015 US Transgender Survey who were or were perceived to be involved in the sex trades were sexually assaulted by police, and an additional 14% reported extortion of sex in order to avoid arrest.⁶²

“We heard complaints from the community that some officers target members of a vulnerable population—people involved in the sex trade—to coerce sexual favors from them in exchange for avoiding arrest, or for cash or narcotics.”

Department of Justice Investigation of Baltimore Police Department

58 Young Women’s Empowerment Project, *Girls Do What They Need to Do To Survive: Illuminating Methods Used by Girls in the Sex Trades and Street Economy to Fight Back and Heal*. 30, 32 (2009).

59 *Different Avenues, Move Along: Policing Sex Work in Washington, D.C.*, 2008, 53.

60 Sex Workers Project, *Behind Closed Doors* (New York City: 2005); Sex Workers Project, *Revolving Door: An Analysis of Street-Based Prostitution in New York City*, (New York City: 2003).

61 Celia Williamson, et al., “Police-Prostitute Interactions,” *J. of Progressive Human Services*; Celia Williamson, et al., “Police-Prostitute Interactions,” *J. of Progressive Human Services* 18:2, 15-37, 16-17 (2007).

62 James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality.

HOMELESS & LOW-INCOME WOMEN

Lorraine (not her real name) was repeatedly being coerced to have sex with an on duty, uniformed police officer, in exchange the officer would give her food and money for drugs. She was homeless, lived in an abandoned house, and was drug addicted at the time.

Interviewer: “If you weren’t homeless or you weren’t addicted, would you have had sex with him [the police officer]?”

Lorraine: “No, I know I wouldn’t do it. I feel as though he was an officer of the law, he should’ve gotten me help. Instead of giving me help, he participated in my addiction and kept me strung out longer. I don’t appreciate that.”⁶³

Testimony of Power Inside to Department of Justice Investigation into the Baltimore Police Department

MEN OF COLOR also report police sexual violence, including officers grabbing their crotch and genitals during searches, homophobic/transphobic comments, strip searches, sexual assault, rape.

Police sexual violence is heavily influenced by racialized and gendered hierarchies of humanity, as well as the internalization of intersecting racist, sexist, and misogynist ideologies shaping social structures.

*Priscilla Bustamante, PhD Candidate, CUNY Graduate Center*⁶⁴

63 Testimony of Power Inside to the Department of Justice investigation of the Baltimore Police Department.

64 Priscilla Bustamante, “Sexual Misconduct in Everyday Policing: Structural, Institutional, and Psychosocial Antecedents of State-Sanctioned Racialized Sexual Violence, (2020), Manuscript in Preparation.

Who is Engaging in Police Sexual Violence?

While police officials are quick to argue that sexual violence by law enforcement is rare and the product of a few “bad apples” or “rogue officers” rather than a systemic problem, one study conducted by a former police officer found that more than 36% of officers engage in some form of sexual misconduct, most commonly flirting on duty and sexually-motivated traffic stops.⁶⁵

While all types of officers are involved, research⁶⁶ has shown that officers who engage in police sexual violence tend to be:

“PATTERN PRONE”

A decade long study of newspaper reports of police sexual violence in the Midwest found that 41.5% of cases of police sexual violence involved officers who had repeatedly engaged in similar conduct, who on average had targeted four people, and had between two and twenty-one prior allegations of police sexual violence.⁶⁷ For example, before Ernest Marsalis was ultimately terminated from the Chicago Police Department for kidnapping and raping a 19 year-old Black woman he arrested, he had been accused of violent or threatening behavior, in most cases against women, in more than 20 cases, without any consequence.⁶⁸

ACTING ALONE OR WITH ONE OTHER OFFICER

Almost a quarter of women involved in drug courts who reported police sexual violence indicated that it took place in the presence of another officer.⁶⁹

65 Timothy Maher, “Police sexual misconduct: Officers’ perceptions of its extent and causality,” *Criminal Justice Review* 28(2): 355-381 (2003). A sexually motivated traffic stop can include an officer stopping someone to get a closer look at them for sexual gratification, make sexual comments, and/or commit acts of sexual violence.

66 Phil Stinson, et al., *Police Integrity Lost: A Study Of Law Enforcement Officers Arrested*, January 2016, available at: <https://www.ojp.gov/pdffiles1/nij/grants/249850.pdf>; Philip M. Stinson, et al., “Police Sexual Misconduct: A National Scale Study of Arrested Police Officers,” *Criminal Justice Faculty Publications*. Paper 30. (2014), available at: https://scholarworks.bgsu.edu/cgi/viewcontent.cgi?article=1029&context=crim_just_pub.

67 Cara E. Rabe-Hemp & Jeremy Braithwaite, “An Exploration of Recidivism and the Officer Shuffle in Police Sexual Violence,” *Police Quarterly* 16, no. 2 (2012): 127-147, 136.

68 Ibid. 127-147, 142; Tori Marlan, “Armed and Dangerous,” *Chicago Reader*, August 31st, 2001.

69 Linda B. Cottler, et al., “Breaking the Blue Wall of Silence: Risk Factors for Experiencing Police Sexual Misconduct Among Female Offenders,” *American Journal of Public Health* Linda B. Cottler, et al., “Breaking the Blue Wall of Silence: Risk Factors for Experiencing Police Sexual Misconduct Among Female Offenders,” *American Journal of Public Health* 104(2): 338 (February 2014).

LINE OFFICERS

PREDOMINANTLY MALE

NEW TO THE FORCE

EMPLOYED BY METROPOLITAN, MUNICIPAL AGENCIES

How Does It Happen?

Cops use police powers, equipment, force, and threats to invoke the power of the state to perpetrate sexual violence, including:

- » Guns and force
- » Threat of arrest, ticketing, immigration enforcement, child welfare involvement, eviction from public housing, termination of public benefits
- » Patrol cars
- » Police databases
- » The power to complete an investigation or render assistance
- » Threats of retaliation against family, friends, neighbors, community
- » Blue wall of silence
- » Intimidation during reporting and investigation

What are Structural Contributing Factors?

- » Cops work alone or in pairs, often late at night, in locations with little public visibility.
- » Cops have access to a broad range of people.
- » Cops are given broad discretion and subject to very little direct supervision.
- » Cops have significant power over the people they interact with whether they are survivors or in need of assistance, at risk of criminal charges, or youth.
- » “Organizational culture” enforcing hegemonic masculinity, domination, militarization, a “blue code of silence” and impunity.

While these structural factors contribute to and enable sexual violence, ultimately, sexual violence is structurally embedded in policing practices such as stop and frisk strip searches, cavity searches, and policing of prostitution, enabled in all contexts by the process of criminalization, and facilitated by the vast power exercised by police.

While addressing some of these factors may have the effect of reducing instances of police sexual violence, in order to eliminate police sexual violence we must eliminate policing altogether.

Barriers to Accountability

Virtually every mechanism currently used to detect and hold officers accountable for police sexual violence depends on survivors coming forward. There are many barriers to reporting, some of which are common for all survivors of sexual assault, and some of which are unique to survivors of police sexual violence, including:

Shame and humiliation

Fear of retaliation

Fear that they will not be believed, or that complaint will not go anywhere

Other priorities – police often target people who are struggling to survive and don't have capacity to file complaints or participate in long investigation processes

Barriers to filing complaints:

- » **There is often nowhere to report sexual violence by police other than to police.**
- » The vast majority of civilian oversight agencies do not explicitly accept complaints of police sexual violence, even though they clearly fall within their purview of investigating incidents involving discourtesy, abuse of authority, and use of force.
- » When complaints of police sexual violence are accepted, they are routinely referred to the internal affairs departments of police departments, where survivors of police sexual violence often receive the same treatment as people suspected of engaging in criminalized activity.

Complaints dismissed by investigators:

- » Police deliberately target people who will not be deemed credible if they come forward.
 - For example, police files indicate that at least half a dozen officers and supervisors heard complaints about former Eugene, OR police officer Roger Magaña's sexual violence over the years, but dismissed them as the "grumbings of junkies and prostitutes."⁷⁰

70 "Eugene, Oregon Settles Two Suits With Women Abused by Cops," Associated Press, August 12, 2005; C. Stephens, "Magana Verdict," KVAL 13 News, June 30, 2004; "Trial Begins For Perverted Eugene Cop Roger Magana: Media is Shut Out," Portland Independent Media Center, June 4, 2004, <http://www.publish.portland.indymedia.org/en/2004/06/290053.shtml> (last visited August 25, 2005); C. Stephens, "Victim Speaks Out About Perverted Eugene Cop," KVAL 13 News, March 13, 2004; C. Stephens, "Magana Records Revealed," KVAL 13 News, March 4, 2004; "Four More Women Accuse Eugene Officer of Abuse," KATU 2 News, December 11, 2003.

» There is often no evidence beyond the word of the survivor – there are rarely witnesses, video evidence, and often no physical evidence because cops can use the threat of state power.

Lack of attention or support from police accountability groups

Lack of attention or support from anti-violence groups

As discussed above, there is also considerable incentive for investigators to dismiss or sweep complaints under the rug if survivors do come forward.

Additionally, “police can engage legally in many behaviors that would be considered criminal if performed in a different context.”⁷¹ Strip searches and cavity searches are normalized policing practices, permitted by law under a range of circumstances.

For these reasons, accountability for police sexual violence is rare, and officers are frequently able to resign without consequence, and move on to another jurisdiction in what researchers call the “police officer shuffle,” enabling them to continue patterns of abuse⁷²

For every Black woman who reports her rape, at least fifteen do not. Many cite a fear that they will not be believed by authorities, or, worse yet, subjected to further violence and criminalization.

National Black Women’s Justice Institute, “Expanding Our Frame, Deepening our Demands for (2019)

“Who are they going to believe? It’s my word against his because I’m a woman and, you know, like I said, he’s a police officer.”

C.J., survivor of sexual assault by former Oklahoma City Police Officer Daniel Holtzclaw⁷³

⁷¹ Peter B. Kraska and Victor E. Kappeler, “To Serve and Pursue: Exploring Police Sexual Violence Against Women,” *Justice Quarterly* 12 (1):85 (1995), 92, 99.

⁷² Rabe-Hemp and Braithwaite, 127–147, 128, 129, 138, 140; “Betrayed by the Badge,” *Newsweek*, June 17, 2001.

⁷³ Jessica Testa, “The 13 Women Who Accused A Cop Of Sexual Assault, In Their Own Words,” *Buzzfeed*, December 9, 2015.

“The women are terrified. Who are they going to call? It’s the police who are abusing them.”

Former Portland, OR Police Chief Penny Harrington⁷⁴

“Even if a woman takes the risk to come forward to lodge a complaint, there is the question of whether it will be recorded, taken seriously, and covered by the media, particularly given that officers are known to target individuals whose credibility will be challenged. By its very nature, sexual violence is hidden⁷⁵ away from public view, witnesses, and copwatching cameras, making it more likely that complaints will be deemed unsubstantiated. Because officers can often rely on threats of force or arrest, and trade on quid pro quo, there are often no injuries requiring immediate medical attention,⁷⁶ and therefore no “evidence” beyond a woman’s word.”

Andrea J. Ritchie, Invisible No More: Police Violence Against Black Women and Women of Color

“Not too much is done in those cases. You first have to have a person willing to come forward, then a law enforcement entity willing to investigate, and last, a state’s attorney who is willing to prosecute.”

Sarah Layden, Resilience

74 Craig R. McCoy and Nancy Phillips, “Extorting Sex With a Badge,” Philadelphia Inquirer, August 13, 2006 A01, http://www.philly.com/philly/news/special_packages/inquirer/Extorting_sex_with_a_badge.html.

75 Cara E. Rabe-Hemp & Jeremy Braithwaite, “An Exploration of Recidivism and the Officer Shuffle in Police Sexual Violence,” Police Quarterly 16, no. 2 (2012): 127–147, 129.

76 See Rabe-Hemp & Braithwaite, 127–147, 132.

The Response

- » Calls for data collection
- » A focus on prosecutions
- » Calls to eliminate the consent defense for officers accused of sexual violence while an individual is in “actual custody” of law enforcement
- » Calling for enforcement of Prison Rape Elimination Act regulations governing sexual violence in police “lockups”
- » Calling for police departments to adopt and enforce policies explicitly prohibiting police sexual violence

While calls for data collection can give us more information about how police sexual violence is happening, almost none of these responses do anything in and of themselves to prevent police sexual violence from happening in the first place. Almost all of them depend on survivors coming forward and taking the risk of retaliation, criminalization, public exposure and victim blaming, protracted investigations and criminal and civil proceedings.

Ultimately, our focus needs to be on prevention, not policies that will go unheeded and unenforced, or prosecutions that rarely result in accountability and do not address the ways sexual violence is structurally embedded in policing.

“Most on-duty police officers who prey on vulnerable girls and women are never disciplined by their employing law enforcement agency and are rarely arrested.”

Phil Stinson, Criminology Explains Police Violence⁷⁷

⁷⁷ Phil Stinson, Criminology Explains Police Violence, University of North Carolina Press, January 2020.

THE PROBLEM WITH FOCUSING ON THE CONSENT DEFENSE

The “consent loophole” was sensationalized in coverage of the case of Anna Chambers, a young woman who reported being stopped by two NYPD officers for being in a park after dark with two friends, strip searched, arrested, and then forced to engage in oral sex in a police cruiser before being released. The officers later claimed the sexual assault (proven by the existence of DNA evidence) was consensual during their prosecution.

There is no “loophole.” Sexual assault is illegal in all 50 states, no matter who perpetrates it. The consent defense is available to and regularly asserted by people accused of sexual assault – be they fraternity brothers or cops - and can be overcome by evidence that sexual contact was not consensual. Assertion of the defense often relies on familiar narratives of rape culture – “she asked for it,” notions that people involved in the sex trades can’t be raped, intoxication equals consent – and cases of police sexual violence are no exception. While there is no question that a person who is sexually assaulted by someone wielding the power of the state should not have to overcome a defense that the conduct was consensual, particularly when it takes place in cuffs, a cruiser, or a cell, or in any instance where an officer is acting “under color of law,” a singular focus on eliminating the consent defense as the solution to police sexual violence is misplaced.

“From the moment she alleged that two New York City detectives raped her after arresting her in a Brooklyn park, Anna Chambers has been the one on trial. Throughout the twists and turns of the case, focus has squarely remained on Chambers’ credibility, rather than on the two officers whose DNA was found on a teenager under arrest — or the policies and practices of the department that employed them....

Prosecutions are not a panacea to the persistent problem of police sexual violence. For one, cases deemed worthy of criminal prosecution are few and far between, those brought to trial even fewer, and those in which elimination of the consent defense would change the outcome even rarer. Prosecutions rely on survivors to come forward. Most never do — especially when sexually assaulted by those we are told to report it to. Officers deliberately target people they know will not be believed. Often, there is no corroborating evidence — it is a survivor’s word against an officer’s. Sexual violence takes place out of public view, and threats of force, arrest, prosecution, deportation or child welfare investigations secure compliance without leaving marks. The message to survivors Chambers’ treatment in the media and courts sends is clear: If you come

forward, you will be the one under the microscope, not the officers who violated you. Your every prior call to police will be scrutinized, every statement dissected for inconsistencies, every Facebook picture held up as evidence of promiscuity.

These realities make it clear that the focus should be on prevention, not after-the-fact prosecutions.”

Andrea J. Ritchie, “The Trials of Anna Chambers”⁷⁸

“As police officers are largely perceived to uphold rather than break laws, an accused officer generally does not fit the stereotypical portrayal of a sexual predator, and is therefore less likely to be prosecuted. If serious charges are brought to bear, officers also often have relationships with prosecutors and judges that make their chances of conviction unlikely.”

Priscilla Bustamante, PhD Candidate, CUNY Graduate Center⁷⁹

Barring cops from asserting the consent defense in a prosecution relating to sexual conduct with someone in their “actual custody” – now included in the proposed language reauthorizing the Violence Against Women Act – does little to address police sexual violence. Elimination of the consent defense would have made a difference in just over two dozen police sexual violence prosecutions over a ten-year period – in part because such a tiny proportion of cases get that far for all the reasons outlined above. And, as the data summarized in this report demonstrates, the vast majority of survivors are not in “actual custody” at the time they were assaulted by police – for instance, many are survivors seeking help, or young people interning with police or policed in their schools.

Ultimately, sexual violence is a central part of policing and punishment – and is unlikely to be redressed by the same institutions that facilitate, perpetrate and condone it.

**THE BEST WAY TO PREVENT AND END POLICE
SEXUAL VIOLENCE IS TO REDUCE POLICE CONTACT
AND POLICE POWER – AND ULTIMATELY, POLICING.**

⁷⁸ Andrea J. Ritchie, “The Trials of Anna Chambers”, New York Daily News, May 14, 2019.

⁷⁹ Priscilla Bustamante, “Sexual Misconduct in Everyday Policing: Structural, Institutional, and Psychosocial Antecedents of State-Sanctioned Racialized Sexual Violence, (2020), Manuscript in Preparation.

What Could We Be Doing Instead?

Instead of investing energy tinkering with defenses available to cops in infrequent criminal prosecutions for police sexual violence, we could be devoting our energy and resources to preventing it from happening in the first place, building public awareness, and providing support, compensation and reparations to survivors.

Ultimately, the most effective way to prevent police sexual violence is to reduce opportunities for law enforcement officers to engage and hold power over women of color, including:

- » Ending “stop and frisk” practices;
- » Ending the “war on drugs,” “broken windows” policing, and decriminalizing prostitution and poverty-related offenses. Law enforcement officers particularly leverage their power to demand sexual acts in exchange for avoiding charges carrying long sentences and multiple collateral consequences, including the possibility of losing housing or children if convicted and sentenced of a drug or prostitution-related offense.⁸⁰
- » Defunding police and resourcing and supporting community-based safety strategies and reparations for survivors of police sexual violence.

⁸⁰ See, e.g., M. Weiss, Crooked-Cop Cases Surge, New York Post, October 22, 2007.

COMMON RESPONSE	RESPONSE INFORMED BY STRUCTURAL UNDERSTANDING OF POLICE SEXUAL VIOLENCE
Narrowly focuses on individual, isolated incidents of police sexual violence.	Recognizes police sexual violence as a systemic form of racialized gender-based violence that facilitates other forms of interpersonal, community and state violence.
Constructs narrow image of “innocence” that excludes criminalized survivors, including people in the sex and drug trades, migrant, disabled, queer and trans survivors.	Affirms and publicly supports criminalized survivors and survivors who are young, low-income, queer, trans, disabled, use drugs or alcohol, migrants, or living in vulnerable circumstances.
Relies on and expands policing, law enforcement, and criminal legal system.	Develops community responses for support, intervention, healing, and accountability that do not rely on the state.
Call for prosecutions, elimination of consent defense, police misconduct registries, increased oversight, new laws and increased policing, arrest, and criminalization.	Committed to prevention and interruption of police sexual violence, healing, support and reparations for survivors, decriminalization and reduction of police power, contact, and impunity, moving toward police and prison abolition.

This table draws and builds on the *Comparison of Carceral Feminist and Transformative Justice Feminist Approaches to Violence* based on Beth Richie’s book, *Arrested Justice: Black Women, Violence, and America’s Prison Nation* (NYU Press, 2012) exercise developed by Anne Russo and Deana Lewis for their “Transformative Justice Workshop: From Arrested Justice to Transformative Justice” at the *From Carceral Feminisms to Transformative Justice* conference held on March 8, 2014, at DePaul University.

“This not only an issue of police accountability and transparency. We do need to increase access to information about investigations of complaints of sexual violence by police officers through reform of the Maryland Public Information Act. And we need to pierce the shroud of silence and lack of accountability for police misconduct fostered by the Law Enforcement Officers’ Bill of Rights. But we also need to reduce the power police officers have to engage in sexual violence and extortion through decriminalization of drug, prostitution and minor offenses. We need tackle the police culture that allows sexual violence to take place with impunity. It’s all a piece of the puzzle.”

Jacqueline Robarge, Power Inside

Additionally, we need to increase access to healing and support for survivors through:

- » Public awareness campaigns focused on police sexual violence;
- » Dedicated hotlines and anonymous, supportive reporting mechanisms;
- » Dedicated and specific services that do not automatically refer survivors to police or prosecutors and do support survivors in pursuing other avenues for healing and accountability such as termination;
- » Access to victim compensation funds and reparations.

**IT’S TIME TO LIFT THE SHROUD OF SILENCE AND
STOP LEAVING SURVIVORS OF SEXUAL VIOLENCE BY
POLICE OUT OF THE CONVERSATION AND OF OUR VISION FOR
ENDING ALL FORMS OF POLICE AND SEXUAL VIOLENCE.**

Appendix

A CALL FOR HELP

Ms. Moore lived with her boyfriend at the time of the incident and theirs was a stormy relationship, filled with fights and visits by the police, Mr. Johnson said. Last July, the boyfriend called the police and said he wanted Ms. Moore out of his house. But by the time the police arrived, Mr. Johnson said, the couple had calmed down. Still, one of the officers talked to Ms. Moore upstairs while his partner interviewed the boyfriend.

On Aug. 18, Ms. Moore and her boyfriend went to Police Headquarters to file a complaint with Internal Affairs about the officer who had talked to her alone. Ms. Moore said the officer had fondled her and left his personal telephone number, which she handed over to the investigators.

Ms. Moore said the investigators tried to talk her out of filing a complaint, saying the officer had a good record and that they could “guarantee” that he would not bother her again.

“They keep giving her the run-around, basically trying to discourage her from making a report,” Mr. Johnson said. “Finally, she decides to record them on her cellphone to show how they’re not helping her.”

The investigators discovered that she was recording them and she was arrested and charged with two counts of eavesdropping, Mr. Johnson said. But he added that the law contains a crucial exception. If citizens have “reasonable suspicion” that a crime is about to be committed against them, they may obtain evidence by recording it.

“I contend that the Internal Affairs investigators were committing the crime of official misconduct in preventing her from filing a complaint,” Mr. Johnson said. “She’s young. She had no idea what she was getting into when she went in there to make a simple complaint. It’s just a shame when the people watching the cops aren’t up to it.”

A SEXUAL ASSAULT INVESTIGATION

It didn't take long for the lead investigator in M.B.'s rape case to get back to her, but it wasn't the response she expected. The case looked weak, Detective Michel Toro of the Miami Police Department warned M.B. in a pair of text messages on Feb. 4, 2016, five days after he'd taken her statement accusing her ex-fiancé of sexual assault.

Then, his tone shifted.

"Well I can't lie, your such a beautiful and attractive woman," he wrote on Feb. 5. "I just wanted to let u know that I'm someone u could trust."

"One kiss, on those beautiful lips," he texted later that day, the first of many that saw increasingly suggestive messages sent from Toro to M.B., who asked that her name not be used. The 43-year-old former radio DJ demurred at one point, telling him that some of his messages "did not sit well with me." At some stage, he seemed to get the hint: "I guess you dont feel the same way :("

But he kept up his pursuit. "I bite soft, kiss, and lick at the same time," Toro, 38 at the time, texted her on Feb. 9. "From head to toes." He sent her a picture of himself shirtless and said he wanted to "lift up your skirt and kiss you all over."

"I was just desperate. I didn't know what to do."

Three days later, shortly after midnight, Toro showed up outside M.B.'s apartment after texting that he wanted to see her, according to a police internal affairs report obtained by BuzzFeed News. M.B. went outside to sit in his unmarked squad car, and, she said, that's when Toro made his move, leaning over to kiss her and eventually putting his finger inside of her. She was shaking in fear, so much so that Toro stopped and asked if he'd done anything wrong, M.B. said, but she was afraid to tell him to stop. If she didn't go along with what Toro wanted, she feared he would drop the case against her ex-fiancé. "I was just desperate," she told me. "I didn't know what to do."

They had two more sexual encounters over the next nine days, the detective arriving at her apartment during his shift in the middle of the night wearing a suit, with his radio, gun, and badge still on his belt, she said. M.B. couldn't ignore him, given his role in investigating her case, but she felt increasingly stuck in a situation of having to have sex with Toro whenever he wanted it.

A YOUTH EXPLORER PROGRAM

She was 17 years old, an aspiring law enforcement officer interning at the Las Cruces Police Department in New Mexico.

He was 35, a veteran detective with a troubled history.

In 2011, Guerrero accompanied Michael Garcia to a crime scene. But instead of driving her back to the police department afterwards, he took her to a secluded neighborhood that was still under construction.

It was there inside his patrol car that Garcia, an officer of 15 years assigned to the child abuse and sex crimes investigations unit, reached inside Guerrero's panties and fondled her. Then he unzipped his own pants and forced the high school student to touch his genitals.

A TRAFFIC STOP

Watch an excerpt from Wyatt Cenac's "Problem Areas: Sexual Misconduct Problems" from 6:33-9:45 at https://www.youtube.com/watch?v=0LJq_jPQOkA.

***Warning – the segment contains a graphic description of a sexual assault

PUBLIC INTOXICATION

Read this excerpt of coverage of Brett Hankison, one of the officers who killed Breonna Taylor:

A woman identified as Margo Borders, said in a June 4 Facebook post that on one occasion in April 2018, she went out to a bar with friends. When she went to call an Uber to get home, she said an officer she had interacted with on many occasions at bars in St. Matthews, a city in the Louisville metropolitan area, offered her a ride home.

“He drove me home in uniform, in his marked car, invited himself into my apartment and sexually assaulted me while I was unconscious,” she wrote.

She said it took her months to process what had happened and to realize that it wasn’t her fault.

She said she did not go to police because she feared retaliation.

“I had no proof of what happened and he had the upper hand because he was a police officer,” she wrote. “Who do you call when the person who assaulted you is a police officer? Who were they going to believe? I knew it wouldn’t be me.”

Borders referenced Taylor’s shooting in her post, suggesting that it was Hankison’s involvement in that which prompted her to come forward.

A second woman, Emily Terry, also gave her account on Facebook on June 4, writing that in early fall 2019, she was walking home from a bar intoxicated. She said a police officer pulled up next to her and offered her a ride home.

“I thought to myself, ‘Wow. That is so nice of him,’” she wrote, adding that she willingly got into his car.

“He began making sexual advances towards me; rubbing my thigh, kissing my forehead, and calling me ‘baby,’” she wrote. “Mortified, I did not move. I continued to talk about my grad school experiences and ignored him.”

As soon as he pulled up to her apartment building, she said, she got out of the car and ran to the back.

ON THE STROLL

On the night of March 5, she was out on Fifth Avenue near a viaduct a couple blocks east of Cicero Avenue, an area of the Lawndale neighborhood she called the “Stroll” that is known by police for prostitution. The woman did not admit she was working as a prostitute that night. But at the time, she said, she was with a man — whom she referred to as her boyfriend — who was “watching out for her” and “acting as her security” when a marked Chicago police vehicle pulled up.

The transgender woman gave a detailed description of the white officer who wore a sergeant’s uniform. She said she had never spoken with him before but had seen him in the past and believed he patrolled the area.

“What are you doing out here?” she quoted the sergeant as asking her.

She told him she was going home.

If she didn’t want to go jail, the sergeant told her, she would perform a sex act on him because “that’s what you do,” the alleged victim told detectives.

The sergeant directed her to get into the front passenger seat of the police vehicle, and as her boyfriend looked on, the sergeant drove off, ultimately ending up in an alley near Kostner and Lexington avenues — with the Eisenhower Expressway visible in the distance.

At some point, the sergeant closed the cover on a computer mounted between the driver and passenger seats, the alleged victim told detectives.

On the night of the alleged assault, the woman later told detectives, she had given staffers at Rush four numbers that had been written on the computer with what appeared to be magic marker.

The transgender woman told detectives that the sergeant exposed himself and ordered her to perform a sex act. She said she complied out of fear.

The woman went to Rush hospital about 11:40 p.m. March 5 and told its staff she had been sexually assaulted little more than an hour earlier near Fifth and Cicero avenues, according to the police reports. The woman also gave the hospital DNA evidence she said she had been able to save from the suspect, the reports said.

But she left Rush without talking to police or being tested with a rape kit, telling staffers that the presence of officers at the hospital made her fearful of retaliation.

A STREET STOP

Read the following excerpt from BuzzFeed’s coverage of the Daniel Holtzclaw case:

S.B., 48, was out walking when Holtzclaw stopped her, pulling his patrol car alongside her. He stayed in the car while asking her where she was coming from and where she was going.

There is a house on the corner, and he asked me did I come from that house. And I was telling him, ‘No.’ And he was saying that it was a drug house. And I didn’t know why he was asking me that because that’s not where I was coming from.

He asked me did I have anything on me or, you know, the usual questions.

Any drug paraphernalia, drugs, whatever, weapons, whatever.

S.B. said she didn’t have anything on her. Holtzclaw got out of his car, putting her in the backseat, and ran her name for outstanding warrants. She didn’t have any.

He said, ‘Well, you got two choices. I can take you to detox or to jail.’

I had been drinking earlier and I guess I had alcohol smell on me or something.

She told the officer she’d rather go home.

Well, he sat there for a minute and he said, ‘Okay, I’m going to take you home.’

[He said] that he was really trying to get me off the streets and he was going to take me home, you know.

Instead Holtzclaw took her to place the neighborhood calls Dead Man’s Curve. He slowed down and told her she had two choices — oral sodomy and rape or jail.

I was like, ‘Really?’ ... And he said, ‘No, really, I’m serious. You’re going to give me head, sex, or you’re going to jail.’

S.B. said “Okay.” She was forced into oral sodomy and raped.

[Afterward] I sat back in the backseat, closed the door.

He said, ‘Do you know where you are?’ And I said, ‘Yes, I do.’ He said, ‘Well, it’s about time for me to get off duty.’ He said, ‘Can you make it from here?’ I said, ‘Yes, I can.’ He got out the car, he opened the back door and he let me out and he said, ‘I’ll see you again.’

PREYING ON VULNERABLE PEOPLE

Read this excerpt from Power Inside's testimony in the Department of Justice investigation of the Baltimore Police Department:

Lorraine (not her real name) was repeatedly being coerced to have sex with an on duty, uniformed police officer, in exchange the officer would give her food and money for drugs. She was homeless, lived in an abandoned house, and was drug addicted at the time.

Interviewer: "If you weren't homeless or you weren't addicted, would you have had sex with him [the police officer]?"

Lorraine: "No, I know I wouldn't do it. I feel as though he was an officer of the law, he should've gotten me help. Instead of giving me help, he participated in my addiction and kept me strung out longer. I don't appreciate that.- testimony of Power Inside to Department of Justice Investigation into the Baltimore Police Department.

