Cops Gone Wild

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2013 COPS OUT OF CONTROL

When 20-year-old Sarah Smith got into an accident with a motorcyclist in 2008, it was nothing but bad news—she was driving with a suspended license. It got worse. When police showed up, officer Adam Skweres took Smith aside and implied that he could either make it look like the accident was her fault or give the other party a ticket. It depended on whether she'd agree to perform unspecified sexual favors. Skweres also threatened that if she told anyone, he'd "make sure you never walk, talk, or speak again," and looked at his gun. That scared her enough that she immediately reported what he'd done to the police, according to the *Pittsburgh Post-Gazette.*

Another four years passed before the department arrested Skweres and suspended him without pay, and then only because he tried to rape a woman while on duty. By that time, Smith had moved out of the city for fear of running into him again. Three other women told stories similar to Smith's, and on March 11 Skewers pleaded guilty to bribery, indecent assault, and other charges.

Stories of cops propositioning, harassing, and sexually assaulting women turn up every week around the country. February 18 saw the arrest of Houston officer Victor Chris for allegedly telling two women he would tear up their traffic tickets in exchange for sexual favors, according to the *Houston Chronicle*. Police charged Sergio Alvarez, an officer from West Sacramento, California, on February 25 with allegedly kidnapping and raping six women while on duty. On March 1, Denver cop Hector Paez got eight years in prison for driving a woman he'd arrested to a secluded spot and forcing her to perform oral sex.

"Police sexual misconduct is common, and anyone who maintains it isn't doesn't get it," says retired Seattle police chief Norm Stamper, author of the book *Breaking Rank*.

Since no one is investing resources in learning how many victims are out there, we're left with estimates and news accounts. As part of a 2008 study, former police officer Tim Maher, a criminologist at the University of Missouri-St. Louis, asked 20 police chiefs whether police sexual misconduct was a problem; 18 responded in the affirmative. The 13 chiefs willing to offer estimates thought an average of 19 percent of cops were involved—if correct, that translates to more than 150,000 police officers nationwide. An informal effort by the Cato Institute in 2010 to track the number of police sexual-misconduct cases just in news stories counted 618 complaints nationwide that year, 354 of which involved forcible nonconsensual sexual activity like sexual assault or sexual battery.

The news steadily filtering in from around the country has forced police leaders nationally to take notice. The U.S. Department of Justice's Office on Violence Against Women funded the International Association of Chiefs of Police (IACP) to develop a guide for police chiefs, issued in 2011, that encourages them to adopt specific policies in their departments to prevent police

sexual misconduct. The DOJ funded the report after noting “recurring accusations of sexual offenses implicating law enforcement officers.”

Two years later, the IACP can’t tell whether its recommendations are making any difference.

No one keeps data on the number of victims of police sexual abuse, and the IACP says it can’t track the number of police departments that have adopted its recommendations. “We think there’s a good-faith effort by police departments out there to be more accountable,” says the IACP’s John Firman. But how would the IACP know, given that there’s no data on the number of victims or departments with such policies? Replies Firman, “Well, we could say the opposite—we don’t see a groundswell from people who are protesting their police departments for this kind of activity.”

If there’s no pushback, one reason may be that the victims fear retaliation. “Women are terrified and won’t come forward,” says Diane Wetendorf, an author and advocate who has worked with victims for many years. Even in cases that don’t involve cops, only about a third of rapes and less than half of sexual assaults are ever reported, according to a 2004 DOJ study. The number of women reporting sex crimes involving cops likely is far lower. “Can you imagine how much harder it is to report abuse by a police officer?” asks New York City civil-rights attorney Andrea Ritchie, co-coordinator of Streetwise and Safe, a program trying to change the city’s policing practices toward LGBTQ youth of color. One tactic of abusive cops makes that especially true—extorting sexual favors from women who fear they could be charged with a crime, in exchange for leniency. Victims think that if they report what happened, their favorable treatment will disappear.

Advocates say only a radical shift—stronger federal laws that force better oversight of local police departments—will prevent more cases like Sarah Smith’s. Ritchie, for example, wants to see the federal 2003 Prison Rape Elimination Act—which established “zero tolerance” for sexual abuse and sexual misconduct by prison and jail staff—expanded to apply to anyone in police custody, not just those in lockups.

States also need to communicate with each other about cops who have been fired or allowed to resign for sexual misconduct. That’s not happening now—only 34 states contribute to the National Decertification Index, first implemented in 2000. That database holds the names of officers who have lost their certification for any type of misbehavior, including sexual misconduct, which allows police departments that are hiring to screen out bad-apple candidates. But without a national database to which all states contribute, the decertification system nationally will never work as it should. “It’s just nuts that we haven’t come together as a society on this,” says Roger Goldman, a law professor at the Saint Louis School University School of Law who’s an expert on police-licensing laws and has worked for 30 years to convince states to contribute to the database.

Maher thinks it’s time to create a mandatory federal database. In 1996, in fact, Senator Ben Nelson and Representative Harry Johnston, both Democrats, introduced bills to create a national registry of officers whose certification had been revoked. Both bills died in committee, in part

because opponents said there was a lack of evidence that unfit officers were moving between states, notes Goldman in a 2001 paper in the *St. Louis University Law Journal.* That was the last attempt of its kind.

Advocates like Wetendorf think the only way to change the boys-will-be-boys police culture is to hire more women cops. Today women represent about 13 percent of the force, and that figure is growing at less than half a percent per year, according to the IACP. A report last year from the Rand Corporation said police departments appear to be doing too little to recruit women into the force. It also found that police hiring tests may be biased against women and that police culture may be marginalizing and discriminating against woman officers. Meanwhile, female officers continue to file discrimination and sexual-harassment lawsuits and are winning the majority of them, according to the IACP.

Activists have tried to draw attention to the issue in international forums, says Ritchie. In December 2007, 38 organizations submitted a report to the U.N. Committee on the Elimination of Racial Discrimination documenting ongoing incidents of police sexual assault and harassment. They made the case that the federal government's failure to address the issue violates its obligations under the International Convention on the Elimination of Racial Discrimination. The groups submitted similar reports to two other U.N. committees.

Local grassroots groups also continue to organize. After a woman accused two Chicago officers of sexually assaulting her in March 2011, the group Campaign Against Police Sexual Assault held demonstrations in support of her during the subsequent court hearings. In Oregon, the group Portland Copwatch monitors and documents incidents of local cops involved in sexual harassment and assault. And Ritchie says that after years of talking to New York City's police department about the issue, the department has finally told her it's open to a conversation about developing a specific sexual misconduct policy—which is particularly important in a city where young women are summarily stopped and frisked by male cops.

Without those efforts and more, what Stamper says is needed—"a profound, radical change in policing"—isn't likely. And thousands of abusive cops will continue to intimidate and take advantage of women they're supposed to protect.