

Police Departments Ignore Rampant Sexual Assault by Officers

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By Candice Bernd (/author/itemlist/user/47429), Truthout (<http://truth-out.org>) | News Analysis



(Image: Traumatized women (http://www.shutterstock.com/pic-145891352/stock-photo-traumatized-women-sit-on-a-bed-in-a-bedroom-concept-photo-of-sexual-assault.html?src=pp-same_model-145891355-wYVJqfxOOZPCDrA3yyjo9w-1) via Shutterstock)

Nicole Smith is terrified that her rapist, a former police officer, is up for parole soon and could be released from prison, possibly as early as September 2015. Smith's name has been changed due to potential retribution from her attacker, should he be released.

Smith said that, upon first meeting this man, she trusted him because he was a police officer, and felt more comfortable and safe around him after seeing him in uniform and in his patrol car. When they started dating for a short time, she went to visit him in an undisclosed city one weekend.

She could never have predicted he would viciously attack her during their stay in a hotel room.

"He just, out of nowhere, like, it wasn't like he tried to have sex with me. It wasn't anything like that at all. It just, was not like that. He just started beating the shit out of me. It was crazy. He just started beating the shit out of me, and he had a gun," said Smith about that night, which was more than 20 years ago now. "I remember him telling me, 'You're never going home,' . . . I could feel the gun on my face."

Smith escaped from the hotel room after her attacker brutalized and raped her and fell asleep with the gun sitting on his lap. "I thought, this is it, this is my only chance," she recalled.

Smith got on the first short flight back to her own city in the same state, and when she arrived, a close friend took her to the hospital where authorities arrived shortly after to ask her questions about her ordeal. She remembers being terrified talking to the police - almost as much, she says, as she was during her attack. Smith didn't trust they would believe her over the word of her badge-wearing attacker. "My paranoia was beyond belief when I was talking to the police," she said.

If her friend hadn't taken her to the hospital, Smith isn't sure whether she would have talked to the police at all about her attack, and she's far from the only survivor of police sexual violence who feels that way.

When the police caught up with Smith's attacker a couple weeks later, they discovered he was already standing trial for the rape and sexual assault of another woman. That case was dropped, and Smith's case was picked up soon after, resulting in a plea bargain of life sentence, with Smith's attacker eligible for parole after an initial five years and then again every three years. Smith said she has been writing letters to a prison psychosocial review board to revoke his parole eligibility every three years and has always been successful. Now, she said, he has more of a chance of getting out than ever because of recent rule changes to how the state's parole board operates.

"One thing about the police-thing, it always felt like that was put under the rug," Smith said about the follow-up by officials who handled her case.

In the 20 years that Smith's rapist has been in prison, news accounts of sexual violence at the hands of police officers have only multiplied. This year has already seen a steady trickle of news stories detailing police-perpetrated domestic violence, propositions, harassment, sexual assault, molestation and rape.

Just last month, a county sheriff's deputy in Georgia (<http://www.11alive.com/story/news/local/downtown/2014/06/04/nakia-dorsey-indicted/9947251/>) has been charged with fondling women involved in court cases; a deputy in Colorado (<http://www.9news.com/story/news/local/2014/06/05/adams-county-deputy-arrested/9996377/>) was arrested on a domestic violence-related sex assault charge; a police deputy chief in Utah (<http://www.deseretnews.com/article/865604722/Salt-Lake-deputy-police-chief-accused-of-sexual-harassment-resigns.html>) resigned after allegations of sexual harassment; a woman in New York City (<http://www.nydailynews.com/new-york/alleged-false-arrest-leads-150m-lawsuit-city-article-1.1819114#ixzz34FLl3fJp>) filed a lawsuit accusing an officer of rape, assault and battery after the officer allegedly pressured her into a date by promising to clear up her case; a former Georgia officer (http://www.northwestgeorgianews.com/rome/news/local/former-cave-spring-police-officer-sentenced-to-years-on-child/article_805e4ccc-efb-11e3-8e9b-001a4bcf6878.html) was sentenced to 35 years on child molestation charges after he forced sex acts from two girls and a woman while on duty; an officer in Texas was arrested (<http://www.nbcdfw.com/news/local/Fort-Worth-Officer-Arrested-in-Domestic-Violence-Case-262419431.html>) on domestic violence charges, saying in a recording that his wife needed to be "cut by a razor, set on fire, beat half to death and left to die"; several sexual assault charges were filed against a former California officer (<http://www.pasadenastarnews.com/general-news/20140612/former-irwindale-police-officer-charged-for-allegedly-sexually-molesting-explorer-scout>) who allegedly molested a 14-year-old Explorer Scout; an officer in North Carolina (<http://www.wwaytv3.com/2014/06/13/fair-bluff-cop-faces-secret-peeping-charges>) faces peeping charges; a former Arkansas officer (<http://www.4029tv.com/news/former-police-officer-pleads-guilty-to-sexual-assault/26592458?tru=3QMoQ#ixzz35UnJuDAg>) plead guilty to five counts of sexual assault of a 16-year-old girl; a former DC officer (http://www.washingtonpost.com/local/crime/plea-hearing-set-for-dc-police-officer-accused-of-running-underage-prostitution-ring/2014/06/19/d7dae1ea-f79e-11e3-8aa9-dad2ec039789_story.html) admitted in federal court recently he forced underage teenagers to work as escorts out of his apartment; and a former Wisconsin police officer (<http://www.thedailybeast.com/articles/2014/06/30/how-mrhandcuffs-ended-up-with-two-corpses-in-suitcases.html>), Steven Zelich, was arrested for allegedly murdering two women and stuffing their bodies into suitcases.

And that's only just a few of the news accounts from last month - accounts that were made public due to a survivor reporting the attack, or due to the officer being caught by some other means. In reality, there are likely dozens more cases from the month that will go unreported. (Reporting a police attack, of course, means recounting that attack to other police officers.)

No institutional or nongovernmental organization keeps comprehensive, quantitative data about the number of victims of police-perpetrated sexual violence, but some organizations do track news accounts like the incidents listed above.

An unofficial study by an arm of the Cato Institute, the National Police Misconduct Reporting Project (<http://www.policemisconduct.net/2010-npmsrp-police-misconduct-statistical-report/>), recorded the number of cases (<http://www.policemisconduct.net/2010-q3-national-police-misconduct-statistical-report/>) involving sexual misconduct by cops. It found that 9.3 percent of all civilian complaints on police involved sexual misconduct, the second most common form of misconduct behind only excessive use of force. The organization counted 354 of the 618 officers under investigation for sexual offenses involved nonconsensual sexual acts, and 51 percent, or 180, of these 354 acts involved minors.

A Bowling Green State University study analyzed 548 arrest cases (http://scholarworks.bgsu.edu/cgi/viewcontent.cgi?article=1029&context=crim_just_pub) from 2005 through 2007 involving 398 officers employed by 328 nonfederal law enforcement agencies in 265 counties and cities in 43 states. Researchers counted 66, or about 16.6 percent, of the arrested officers had more than one victim and/or were arrested more than once for sex crimes. The study also found that a little more than half of the sex crimes counted were committed while the officer was on duty and that most of the victims were minors.

The report also notes that police work is particularly conducive to sexual misconduct because officers perform many of their duties largely absent of supervision, regularly encounter vulnerable civilians, and are susceptible to abusing their power.

These informal and academic studies form the closest estimates of any data collected on police-perpetrated sexual violence - even the Bureau of Justice Statistics doesn't track these cases. But the numbers we do have hint at an omnipresent problem that is only the tip of an iceberg. The rest of the iceberg is underwater, awash in unreported cases.

Jen Marsh, who is vice president of victims services at the Rape, Abuse and Incest National Network (RAINN), said the organization encounters cases of police-perpetrated sexual violence more often than one might expect, with its anonymous hotline receiving calls from survivors of police sexual violence several times every month.

But Marsh said police misconduct is not the only form of sexual violence that goes under-reported by both victims and institutional organizations. Even in cases where police are not involved, 60 percent of sexual assaults will go unreported, according to a DOJ survey of victims (<https://www.rainn.org/get-information/statistics/reporting-rates>) conducted from 2008 to 2012. The obstacles for survivors of police sexual violence are greater, so the number of survivors who report this kind of abuse is surely far lower, even still.

"Unfortunately this is more the norm than the exception. It's hard to do research and find reliable statistics on a topic that nobody wants to speak about," Marsh told Truthout.

No one knows how many cases result in the officer being believed over the victim.

"[Officers] tend to choose victims that would lack so-called credibility in the eyes of other law enforcement, whether it was somebody who was engaged in sex work or whether it is somebody who was intoxicated or who was using drugs, and then they use that justification for why that person cannot be believed," Marsh told Truthout.

Law enforcement leaders haven't exactly dodged the issue, amid the rising numbers of officers who become fired and/or prosecuted for sexual crimes. The issue came to a head nationally when the US Department of Justice's Office on Violence Against Women bankrolled the International Association of Chiefs of Police (IACP) to develop a 2011 executive guide

(<http://www.theiacp.org/portals/o/pdfs/AddressingSexualOffensesandMisconductbyLawEnfor>) police chiefs promoting the adoption of certain policies and training standards for municipal departments to prevent police-perpetrated sexual crimes.

But the IACP doesn't know how many police departments have actually utilized its guideline, and does not track any progress being made by local departments, according to the *American Prospect* (<http://prospect.org/article/cops-gone-wild>). As news accounts of police sexual violence continue to climb, it seems clear that little to no difference is being made.

Some advocates believe that some sections of the 2003 Prison Rape Elimination Act (PREA), should be applied to those held in police custody or detained on the street or in patrol vehicles. PREA mandates that prisons that receive federal money adopt a zero-tolerance policy toward sexual violence. PREA established some requirements for independent investigation of prisoners' accusations of rape and sexual assault, which could benefit those who come forward to report sexual assault by a police officer.

"I think a lot of the recommendations of the PREA standards would make sense in being translated to sexual abuse that occurs in police custody," said Christine Kregg, who is program director at Just Detention International. "The PREA standards came out of an eight-year collaborative process that involved corrections officials and advocates and survivors, and I think part of what's happening in the community with police abuse is that we don't have the kind of information and research that's needed, frankly."

Kregg points out that there are key areas of overlap and similarities in the sexual abuse of people both in police custody on the street as well as those in brick-and-mortar detention facilities, including abuse of power by officers; the vulnerability of those who come in contact with law enforcement, such as women, LGBT people and people of color; and the impunity of the officials who commit this abuse. But PREA independent investigation standards may only result in the police department's own inspector general's, or similar office handling the investigation, which may not be removed enough from the department for some.

Another potential step forward is for more states to participate in the National Decertification Index (NDI) which came online in 2000. The US Department of Justice and the International Association of Directors of Law Enforcement Standards and Training (IADLEST) developed the NDI to serve as a national database of decertified officers to prevent these officers from becoming rehired from department to department after losing their certification due to misconduct, including sexual misconduct. The latest version of the index contains 17,841 decertification actions reported by 37 states (<https://www.iadlest.org/Projects/NDI20.aspx>). But unless every state contributes to the database, it will never truly be comprehensive, and violent cops will continue to be rehired at departments in other communities, where they are likely to become reoffenders, as the Bowling Green study indicates.

Until better data on the issue is accumulated and stronger training, guidelines, laws and structural shifts take effect, survivors of police-perpetrated sexual violence will continue to be distrustful of the police.

"This is a crime about power and control, and when you have people who are in a position of power who perpetrate that crime, it can really undermine a victim's belief in systems or structures," Marsh said.

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