Memorandum

To: Prof. Katherine Franke  
From: Shelby Schwartz; Brian Ward  
Re: Police Sexual Misconduct Policies and Training Research  
Date: November 2, 2008

Overall, our research leads us to conclude that few, if any, police departments are doing any kind of targeted training or have specific written policies dealing with external police sexual misconduct.

We have run multiple searches on LexisNexis and Westlaw in their secondary source literature, as well as on Google, searching for information on “police sexual misconduct” and “coercive sexual conduct.” We have found very few responsive articles. They are summarized below:

- Samuel Walker and Dawn Irlbeck, “Driving While Female: A National Problem in Police Misconduct, A Special Report by the Police Professionalism Institute,” University of Nebraska at Omaha (2002) available at http://www.unomaha.edu/criminaljustice/PDF/dwf2002.pdf – This article details incidents of coercive sexual conduct by police officers during traffic stops from around the nation. It notes that police departments often fail to investigate claims of sexual misconduct during traffic stops and that they fail to implement written policies or training regarding this behavior. The article suggests that there be greater data collection surrounding sexual coercion during traffic stops, that there be a proliferation of written policies and explicit training, and that departments offer better supervision of these stops.

- Timothy M. Maher, “Police Sexual Misconduct: Officers’ Perceptions of Its Extent and Causality,” Criminal Justice Review (Autumn 2003) – This article surveys police officers at 14 different police agencies in the St. Louis metropolitan area. Despite an agreement among the police officers surveyed that such behavior routinely occurs, none of the departments had a formal policy proscribing sexual misconduct and supervisors were found to do little to help control the problem.
- Timothy M. Maher, “Police Chief’s Views on Police Sexual Misconduct,” *Police Practice and Research* (July 2008) – Examines twenty metropolitan police chiefs’ views on the nature, extent, and causes of police sexual misconduct. The author concludes that lack of knowledge about such misconduct, poor police department complaint systems, prevalent opportunities for such misconduct, and police attitudes contribute to the problem. No chiefs in this study had instituted a formal sexual misconduct policy; 30% reported that officers received some training on misconduct from their department, 60% reported no training whatsoever, and 10% reported that officers received some training from police academies but none from their departments. Most believed that implementing formal policies would decrease sexual misconduct.

- Timothy M. Maher, “Cops on the Make: Police Officers Using Their Job, Power, and Authority to Pursue Their Personal Sexual Interests,” *Journal of the Institute of Justice and International Studies* (February 2007) – This article summarizes Maher’s research on police chiefs and St. Louis police agencies and again concludes that police sexual misconduct is a common problem that is highly underreported. Maher also notes that officers that do not engage in sexual misconduct indicated they would not report officers that do unless the conduct amounted to rape or sexual assault. In a survey of police departments outside of St. Louis, only one agency mentioned police misconduct in their code of conduct and even this policy did not specifically mention sexual misconduct.

- Lou Reiter, “Sexual Misconduct by Public Safety Officers is a Job for Us, Not the Courts” available at http://www.patc.com/weeklyarticles/job-for-us.shtml - This article recounts recent cases of sexual misconduct by police officers and the reluctance of supervisors and courts to intervene. The article suggests that most police departments have policies that can be read to prohibit sexual impropriety but that very few have a policy specifically addressing police sexual misconduct. The article recommends that every police agency adopt a policy prohibiting all forms of police sexual misconduct and offers a sample policy.

We have found a variety of news articles detailing allegations of police sexual misconduct during traffic stops. These stories are always brief and never mention any
policies or training programs, nor do they detail supervision of such stops. Some examples of these stories can be found at

- Dick Hogan, “Cedar Rapids Police Officer Sued Over Stop,” The Gazette (Nov. 27, 2001) at B2. Describing an incident where a police officer fondled a woman’s buttocks during a traffic stop and followed her home.

We contacted the Police Executive Research Forum multiple times. They have no relevant information on their website. We have been directed to speak with Craig Fisher, who has not yet returned our multiple calls.

We contacted the International Association of Chiefs of Police. John Markovic of the Protecting Citizens’ Civil Rights Project told us that his project does not track or know of any research on such kinds of conduct. His project focuses on use of force and abuse of authority. Nancy Turner, in their Violence Against Women division, is actually just starting a project on police sexual misconduct. A recent Maryland case, where a training class of officers was engaged in a competition to get photos of women’s breasts in exchange for not writing traffic tickets, alerted them to the growing issue. In response, they held a closed roundtable conference of police chiefs to discuss the prevalence of officer sexual misconduct. The conference resulted in a sense of an emerging acknowledgment of the problem on a national level and spurred the IACP to create a project to address it. The Office of Violence Against Women has recently given the IACP a grant for a project on officer sexual misconduct. The IACP will be starting to conduct roundtables this December and are hopeful that their research will result in the drafting of a model policy.
The U.S. Department of Justice Civil Rights Division does handle litigation of this kind through its Special Litigation Section. Thus far, no complaints filed by the DOJ have alleged “coercive sexual conduct.”

The Idaho Peace Officers Standards and Training (POST) Academy certifies Idaho-state police officers; each year they decertify a number of officers for coercive sexual conduct of the kind we are interested in. They have a Code of Conduct and do offer training to officers on sexual harassment and abuse of authority generally, but they do not have any specific references to sexual misconduct during traffic stops. They detail decertifications in a generalized format in their *Integrity Bulletin*, including descriptions of decertifications for sexual misconduct. The most relevant decertification description was in the July 2005 *Bulletin* (available at http://www.idaho-post.org/OPR/documents/Integrity_Jul2005.pdf). A male officer resigned after being found telling a known female drug user that if she agreed to have sex with him that he would shield her from arrest.

*The Law and Best Practices of Successful Police Operations*, by Jack Ryan, is a training manual for police departments that has a chapter on “Sexual Harassment/External Sexual Misconduct” that may provide model policies and training regarding police sexual misconduct. This book is not publically available but can be purchased through the Police Agency Training Council Bookstore online, at http://www.patc.com/miva/merchant.mvc?Screen=PROD&Store_Code=PB&Product_Code=lbp-spo.

We contacted the Brigitt Keller at the National Police Accountability Project. The only research she was aware of on police sexual misconduct was Samuel Walker’s work in “Driving While Female,” cited above. She also suggested that consent decrees from cases where police were found to engage in a pattern or practice of violating citizens’ constitutional rights might include information on sexual misconduct by officers.

The Police Assessment Resource Center (PARC) had a number of consent decrees and monitoring reports on their website at http://www.parc.info/consent_decrees_-_memoranda_of_agreement_-_monitor_reports.shtml. Only one consent decree required officers to receive training on sexual misconduct:
• Wallkill, NY – The New York Attorney General sued the town of Wallkill after multiple complaints of a pattern of abuse of authority by the town’s police force including repeatedly subjecting women motorists to illegal stops and sexually harassment. The town entered into a consent decree which required Wallkill officers receive at least 24 hours a year of in-service training on a variety of areas including vehicle stops and sexual harassment. New officers are also required to receive training on ethics and integrity. No further details were available on what these trainings included or what policies the department adopted to deal with sexual harassment.

• The Wallkill consent decree also required documentation of officer stops through daily logs, stop reports, and installation of video cameras and microphones in all patrol cars. The department also adopted an improved psychological screening process for hiring new officers and implemented new guidelines for processing complaints against officers.