



Oklahoma City rape trial: How common is sexual assault by police?

Former police officer Daniel Holtzclaw is accused of 36 counts of rape, sexual battery and other charges that carry a possible sentence of life in prison.

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December 7, 2015

OKLAHOMA CITY — Lawyers are preparing to present closing arguments in the case of a former police officer in Oklahoma City accused of raping or sexually victimizing 13 women.

Daniel Holtzclaw is accused of 36 counts of rape, sexual battery and other charges that carry a possible sentence of life in prison. A jury could begin deliberating Monday.

During a monthlong trial, jurors heard from 13 women who alleged Holtzclaw preyed on them during traffic stops or in other instances while wearing his uniform and badge. The 28-year-old Holtzclaw was fired after his arrest last year.

Holtzclaw's attorney attacked the credibility of the women and questioned why most didn't come forward until police identified them as possible victims. Several have drug addictions or criminal records.

Holtzclaw didn't take the stand.

In a yearlong investigation of sexual misconduct by U.S. law enforcement, The Associated Press reported last month that it had uncovered about 1,000 officers who lost their badges in a six-year period for rape, sodomy and other sexual assault; sex crimes that included possession of child pornography; or sexual misconduct such as propositioning citizens or having consensual but prohibited on-duty intercourse.

The number is unquestionably an undercount because it represents only those officers whose licenses to work in law enforcement were revoked, and not all states take such action. California and New York — with several of the nation's largest law enforcement agencies — offered no records because they have no statewide system to decertify officers for misconduct. And even among states that provided records, some reported no officers

removed for sexual misdeeds even though cases were identified via news stories or court records.

"It's happening probably in every law enforcement agency across the country," said Chief Bernadette DiPino of the Sarasota Police Department in Florida, who helped study the problem for the International Association of Chiefs of Police. "It's so underreported and people are scared that if they call and complain about a police officer, they think every other police officer is going to be then out to get them."

Even as cases around the country have sparked a national conversation about excessive force by police, sexual misconduct by officers has largely escaped widespread notice due to a patchwork of laws, piecemeal reporting and victims frequently reluctant to come forward because of their vulnerabilities — they often are young, poor, struggling with addiction or plagued by their own checkered pasts.

In interviews, lawyers and even police chiefs told the AP that some departments also stay quiet about improprieties to limit liability, allowing bad officers to quietly resign, keep their certification and sometimes jump to other jobs.

The officers involved in such wrongdoing represent a tiny fraction of the hundreds of thousands whose jobs are to serve and protect. But their actions have an outsized impact — miring departments in litigation that leads to costly settlements, crippling relationships with an already wary public and scarring victims with a special brand of fear.

"My God," J.L. said she thought as she eyed the officer's holstered gun, "he's going to kill me."

The AP does not name alleged victims of sexual assault without their consent, and J.L. declined to be interviewed. She was let go after the traffic stop without any charges. She reported her accusations immediately, but it was months before the investigation was done and the breadth of the allegations known.

She is one of 13 women who say they were victimized by the officer, a former college football standout named Daniel Holtzclaw. The fired cop, 28, has pleaded not guilty to a host of charges, and his family posted online that "the truth of his innocence will be shown in court." Each of his accusers is expected to testify in the trial that begins Monday, including one who was 17 when she said the officer pulled down her pink cotton shorts and raped her on her mother's front porch.

But on a June night last year, it was J.L.'s story that unleashed a larger search for clues.

A nurse swabbed her mouth. A captain made a report. And a detective got to work.

On a checkerboard of sessions on everything from electronic surveillance to speed enforcement, police chiefs who gathered for an annual meeting in 2007 saw a discussion on sex offenses by officers added to the agenda. More than 70 chiefs packed into a room, and when asked if they had dealt with an officer accused of sexual misdeeds, nearly every attendee raised a hand. A task force was formed and federal dollars were pumped into training.

Eight years later, a simple question — how many law enforcement officers are accused of sexual misconduct — has no definitive answer. The federal Bureau of Justice Statistics, which collects police data from around the country, doesn't track officer arrests, and states aren't required to collect or share that information.

To measure the problem, the AP obtained records from 41 states on police decertification, an administrative process in which an officer's law enforcement license is revoked. Cases from 2009 through 2014 were then reviewed to determine whether they stemmed from misconduct meeting the Department of Justice standard for sexual assault — sexual contact that happens without consent, including intercourse, sodomy, child molestation, incest, fondling and attempted rape.

Nine states and the District of Columbia said they either did not decertify officers for misconduct or declined to provide information.

Of those that did release records, the AP determined that some 550 officers were decertified for sexual assault, including rape and sodomy, sexual shakedowns in which citizens were extorted into performing favors to avoid arrest, or gratuitous pat-downs. Some 440 officers lost their badges for other sex offenses, such as possessing child pornography, or for sexual misconduct that included being a peeping Tom, sexting juveniles or having on-duty intercourse.

The law enforcement officials in these records included state and local police, sheriff's deputies, prison guards and school resource officers; no federal officers were included because the records reviewed came from state police standards commissions. About one-third of the officers decertified were accused of incidents involving juveniles. Because of gaps in the information provided by the states, it was impossible to discern any other distinct patterns, other than a propensity for officers to use the power of their badge to prey on the vulnerable. Some but not all of the decertified officers faced criminal charges; some offenders were able to avoid prosecution by agreeing to surrender their certifications.

Victims included unsuspecting motorists, schoolchildren ordered to raise their shirts in a supposed search for drugs, police interns taken advantage of, women with legal troubles who succumbed to performing sex acts for promised help, and prison inmates forced to have sex with guards.

The AP's findings, coupled with other research and interviews with experts, suggest that sexual misconduct is among the most prevalent type of complaint against law officers. Phil Stinson, a researcher at Bowling Green State University, analyzed news articles between 2005 and 2011 and found 6,724 arrests involving more than 5,500 officers. Sex-related cases were the third-most common, behind violence and profit-motivated crimes. Cato Institute reports released in 2009 and 2010 found sex misconduct the No. 2 complaint against officers, behind excessive force.

Cases from across the country in just the past year demonstrate how such incidents can occur, and the devastation they leave behind.

In Connecticut, William Ruscoe of the Trumbull Police began a 30-month prison term in January after pleading guilty to the sexual assault of a 17-year-old girl he met through a program for teens interested in law enforcement. Case records detailed advances that began with explicit texts and attempts to kiss and grope the girl. Then one night Ruscoe brought her back to his home, put his gun on the kitchen counter and asked her to go upstairs to his bedroom. The victim told investigators that despite telling him no "what felt like 1,000 times," he removed her clothes, fondled her and forced her to touch him — at one point cuffing her hands.

In Florida, Jonathan Bleiweiss of the Broward Sheriff's Office was sentenced to a five-year prison term in February for bullying about 20 immigrant men into sex acts. Because the victims wouldn't testify, Bleiweiss' plea deal revolved around false imprisonment charges, allowing him to escape sex offender status. Prosecutors said he used implied threats of deportation to intimidate the men.

And in New Mexico, Michael Garcia of the Las Cruces Police was sentenced last November to nine years in federal prison for sexually assaulting a high school police intern. At the time, he was in a unit investigating child abuse and sex crimes. The victim, Diana Guerrero, said in court that the assault left her feeling "like a piece of trash," dashed her dreams of becoming an officer, and triggered depression, nightmares and flashbacks.

"It had never occurred to me that a person who had earned a badge would do this to me or anybody else," said Guerrero, who is now 21 and agreed to her name being published. "I lost my faith in everything, everyone, even in myself."

A 2011 International Association of Chiefs of Police report on sex misconduct questioned whether some conditions of the job may create opportunities for such incidents. Officers'

power, independence, off-hours and engagement with those perceived as less credible combine to give cover to predators, it said, and otherwise admirable bonds of loyalty can lead colleagues to shield offenders.

"You see officers throughout your career that deal with that power really well, and you see officers over your career that don't," said Oklahoma City Police Chief Bill Citty, who fired Holtzclaw just months after the allegations surfaced and called the case a troubling reminder that police chiefs need to be careful about how they hire and train officers.

The best chance at preventing such incidents is to robustly screen applicants, said Sheriff Russell Martin in Delaware County, Ohio, who served on an IACP committee on sex misconduct. Those seeking to join Martin's agency are questioned about everything from pornography use to public sex acts. Investigators run background checks, administer polygraph exams and interview former employers and neighbors. Social media activity is reviewed for clues about what a candidate deems appropriate, or red flags such as objectification of women.

Still, screening procedures vary among departments, and even the most stringent standards only go so far.

"We're hiring from the human race," Martin said, "and once in a while, the human race is going to let us down."

In the predawn hours of June 18, 2014, J.L.'s report made its way to Oklahoma City sex crimes detective Kim Davis. By that afternoon, Miranda rights were being read to the suspect, an officer who had arrived out of the academy nearly three years earlier, a seemingly natural move for the son of a career policeman but one borne of deep disappointment.

Holtzclaw was a high school football star in Enid, Oklahoma, and a standout on a middling squad at Eastern Michigan University. He was a 6-foot-1, 246-pound leader to teammates who called him "Claw," and constantly focused on his ultimate goal of the NFL.

"He trained that way. He talked that way," said fellow linebacker Cortland Selman.

But the collegiate record for tackles Holtzclaw chased went unbroken, and the draft came and went.

He found traces of life on the field in his life on the beat, telling a reporter for his hometown paper that he enjoyed high-speed chases and once charged through two fences while pursuing a suspect on foot on a snow-slicked winter day. He hoped to eventually join the police gang squad.

The Oklahoma City Police Department said Holtzclaw had not received any prior discipline that resulted in a demotion or docked paycheck, but both the department and the state declined to release his full personnel record, citing state law making it confidential.

J.L.'s accusations made Davis and a fellow detective curious about an unsolved report filed five weeks earlier in which an unidentified officer was accused of stopping a woman and coercing her into oral sex.

According to pretrial testimony, the detectives reviewed the names of women Holtzclaw had come into contact with on his 4 p.m. to 2 a.m. shift and interviewed each one, saying they had a tip she may have been assaulted by an officer. Most said they had not been victimized but, among those who said they were, other links to Holtzclaw were found, Davis said in court. The GPS device on his patrol car put him at the scene of the alleged incidents, and department records showed he called in to check all but one of the women for warrants, the detective testified.

By the time the investigation concluded, the detectives had assembled a six-month narrative of alleged sex crimes they said started Dec. 20, 2013, with a woman taken into custody and hospitalized while high on angel dust. Dressed in a hospital gown, her right wrist handcuffed to the bedrail, the woman said Holtzclaw coerced her into performing oral sex, suggesting her cooperation would lead to dropped charges.

"I didn't think that no one would believe me," she testified at a pretrial hearing. "I feel like all police will work together."

All told, Holtzclaw faces 36 counts including rape, sexual battery and forcible oral sodomy.

One additional accuser who came forward after Holtzclaw's arrest later was charged with making a false report. Supporters of the former officer who congregate on social media express hope that others' claims will be proven false, too, and friends wear T-shirts that say "Free the Claw."

Earlier this year, while out on bond, Holtzclaw answered the door of his parents' Enid home, saying of the allegations: "I'm not going to make any comment about it." His attorney, Scott Adams, canceled an interview and did not respond to calls, emails and a letter.

Adams' line of questioning at the pretrial hearing suggests he will raise doubts about the accusers' credibility and portray investigators as having coaxed the women into saying they were attacked. Many of the women had struggled with drugs. Some had been prostitutes or have criminal records. Most lived in the same rundown swath of the city in sight of the state Capitol dome, and they all are women of color.

Many of their allegations are similar, with the women saying they were accused of hiding drugs, then told to lift their shirts or pull down their pants. Some claim to have been groped; others said they were forced into intercourse or oral sex.

The youngest accuser said Holtzclaw first approached her when she was with two friends who were arguing and he learned she had an outstanding warrant for trespassing. He let her go but found her again later that day, walking to her mother's house. She said he offered her a ride and then followed her to the front porch, reminding her of her warrant, accusing her of hiding drugs and warning her not to make things more difficult than they needed to be. She claims he touched her breasts and slid his hand into her panties before pulling off her shorts and raping her.

When it was over, the teen said he told her he might be back to see her again.

"I didn't know what to do," she testified at the pretrial hearing. "Like, what am I going to do? Call the cops? He was a cop."

Victims of sexual violence at the hands of officers know the power their attackers have, and so the trauma can carry an especially crippling fear.

Jackie Simmons said she found it too daunting to bring her accusation to another police officer after being raped by a cop in 1998 while visiting Kansas for a wedding. So, like most victims of rape, she never filed a report. Her notions of good and evil challenged, she became enraged whenever she saw patrol cars marked "Protect and Serve."

"You feel really powerless," said Simmons, an elementary school principal in Bridgeport, Connecticut, who works with Pandora's Project, a support group for rape survivors.

Diane Wetendorf, a retired counselor who started a support group in Chicago for victims of officers, said most of the women she counseled never reported their crimes — and many who did regretted it. She saw women whose homes came under surveillance and whose children were intimidated by police. Fellow officers, she said, refused to turn on one another when questioned.

"It starts with the officer denying the allegations — 'she's crazy,' 'she's lying,'" Wetendorf said. "And the other officers say they didn't see anything, they didn't hear anything."

In its 2011 report, the IACP recommended that agencies institute policies specifically addressing sexual misconduct, saying "tolerance at any level will invite more of the same conduct." The report also urged stringent screening of hires. But the agency does not know how widely such recommendations have been implemented.

John Firman, the IACP's research director, said the organization also is encouraging its chiefs to hire more women and minorities as a way to improve the environment inside departments.

"What you want is a culture that's dominated by a bunch of people that reflect the community," he said.

Experts said it isn't just threats of retaliation that deter victims from reporting the crimes, but also skepticism about the ability of officers and prosecutors to investigate their colleagues.

Milwaukee Police Officer Ladmarald Cates was sentenced to 24 years in prison in 2012 for raping a woman he was dispatched to help. Despite screaming "He raped me!" repeatedly to other officers present, she was accused of assaulting an officer and jailed for four days, her lawyer said. The district attorney, citing a lack of evidence, declined to prosecute Cates. Only after a federal investigation was he tried and convicted.

It's a story that doesn't surprise Penny Harrington, a former police chief in Portland, Oregon, who co-founded the National Center for Women in Policing and has served as an expert witness in officer misconduct cases. She said officers sometimes avoid charges or can beat a conviction because they are so steeped in the system.

"They knew the DAs. They knew the judges. They knew the safe houses. They knew how to testify in court. They knew how to make her look like a nut," she said. "How are you going to get anything to happen when he's part of the system and when he threatens you and when you know he has a gun and ... you know he can find you wherever you go?"

Though initially out on bond, Holtzclaw has been jailed since July after letting the battery in his ankle monitor go dead.

While he and his attorneys have remained mostly silent on the accusations, he has offered glimpses of his life in online postings. A photo montage he shared showed him flexing his muscles, Eminem playing in the background. He wrote of God's blessings and copied Bible verses, and offered photos of him cuddling his dog. He wrote that he had maintained faith, that winners overcome and cowards run. He portrayed himself as David fighting Goliath.

"Behind these eyes and this big heart is pain," he wrote.

Most of Holtzclaw's accusers also have stayed silent outside of court. Most did not respond to requests from the AP to speak or cited fear or a desire for privacy, but two did agree to interviews.

One woman alleges Holtzclaw coerced her into giving him oral sex. She cried as she spoke, sitting on a dirty couch in a rundown apartment where a blanket attached to the wall with thumbtacks blocked the sunlight. She talked of how afraid she was to go to police, of how images of her alleged attack haunt her. Enveloped in fear, she said she slipped further into drugs.

"I was getting high, but I wasn't feeling," she said. "I was too upset to feel anything."

In the Oklahoma City neighborhood that prosecutors say served as Holtzclaw's hunting ground, a narrow ribbon of road twists through a canyon of untended growth littered with black bags of stinking trash. Locals call the spot Dead Man's Curve.

It's here that Syrita Bowen contends Holtzclaw took her on May 21, 2014, and told her she could submit to oral sex and intercourse or go to jail. In an interview, she said she was convinced it was the cruel joke of some hidden-camera show until he insisted he was serious. She had been jailed many times before, and knew the math: a 15-minute ride downtown, two hours to be booked, up to a day of waiting to move to a cell, hearings drawn out over weeks or months.

She figured she could give him what he wanted in six minutes.

"God forgive me," she said, "that was the easiest thing for me to do."

Bowen agreed to have her name published, and initially she offered a steely front, contending no fear or sadness lingered from her alleged encounter with Holtzclaw. But, before long, tears flowed.

She has known poverty and addiction and imprisonment, and said she was repeatedly raped by a relative as a little girl. The violation she alleges now doesn't even rank as the worst

thing to ever happen to her. But she said she thinks about it daily. There are no nightmares, she said, but reminders come in other ways.

Patrol cars seem to pass more often than they did before. Sirens are more jarring. And when a man in uniform goes by, she wonders what might happen.