

THE BUFFALO NEWS

When a Protector Becomes a Predator

Every five days, a police officer in America is caught engaging in sexual abuse or misconduct. Others are never caught.

Matthew Spina

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A **Louisiana police chief** ushers a drunken woman to his office and forces her into sex.

A **Utah officer takes advantage** of a suicidal woman before escorting her into a hospital.

A **Buffalo cop insists** a vulnerable mother give in to him whenever he pounds on her door.

In the past decade, a law enforcement official was caught in a case of sexual abuse or misconduct at least every five days. Nearly all were men. Nearly all victims were women, and a surprising number were adolescents.

No federal agency tracks job-related sexual misconduct by police officers. So The Buffalo News combed through news reports and court records to **compile a database**. More than 700 credible cases from the past 10 years are now detailed, county by county and state by state.

The violators pulled over drivers to fish for dates, had sex on duty with willing or reluctant partners, extorted favors by threatening arrest and committed rapes.

In more than 70 percent of the cases, officers wielded their authority over motorists, crime victims, informants, students and young people in job-shadowing programs. Then there were covert acts. **One officer on patrol** would hunt for WiFi signals and use them to collect child pornography. Another **secretly photographed** girls' underwear.

The numbers are almost certainly higher. Sex offenses go widely unreported even when cops are not suspects. Victims may be even less likely to report offenses when they fear it will be their word versus an officer's. Police often prey on accusers with weak credibility, such as prostitutes, addicts or parolees.

“This is just the tip of the iceberg,” said former police officer Timothy M. Maher, now a criminal justice professor in St. Louis, whose research shows that police sexual

misconduct is under-reported. Maher says most officers do not commit felony sex crimes. But he believes many offenses never come to light or are swept under the rug.

Detailed in The News data are some 160 offenses against young people. An **Alabama officer raped a 13-year-old girl** attending the school where he served as a crossing guard. **A cop in North Carolina** told a 14-year-old crime victim that having sex with him would prove she was telling the truth. **A school resource officer in Arkansas** climbed into a student's bedroom window. He was 48. She was 16.

Sex-related misconduct generates more citizen complaints **than any factor except excessive force**, the Cato Institute, a libertarian think-tank tracking police wrongdoing, found in a 2010 study.

A Niagara Falls patrolman completed a pat-down then let his hands roam over a woman's breasts, buttocks and between her legs. **A California officer sent to quiet a loud party** stripped down and splashed into a pool of women. **A Texas officer told a motorist** she could drive off without a ticket if she let him lick her feet or take her underwear.

Norm Stamper hit the streets as a San Diego patrolman in 1966 and ended his career 34 years later as police chief in Seattle. During those decades, Stamper said he saw racism, sexism and misogyny in the ranks. He saw cops come to believe that no one may defy them.

In 2005, he published **a book** that included a chapter called "sexual predators in uniform."

"You won't find a major law enforcement agency that has been around for more than five minutes that has not had a chapter in its history of sexual abuse by a police officer on duty," Stamper said.

"We've got too many rapists in uniform."

A picture emerges

The News data includes only cases in which an officer's bad acts were linked to police work. That doesn't mean all were on duty. **Jeffrey Pelo**, a sergeant in Bloomington, Ill., stalked and raped women in his private time but used police resources to find his victims, so the data includes his case. Minneapolis Officer **Bradley Schnickel** used no police resources as he sought adolescent girls for sex. The data omits his name, and the names of hundreds more officers convicted of serious sex crimes unconnected to their jobs.

All but five of the officers named in the data are men, though women make up 13 percent of sworn officers nationwide. Among the five women: **A Texas probation officer struck up a sexual relationship** with a 16-year-old boy she supervised, and went to prison; and a **Georgia sheriff's deputy who failed** to provide backup to a colleague because she was off having sex. She resigned.

Most of the offenders had enough time on the job to learn to evade varying levels of supervision. The officers averaged 38 years of age, with nine years of service to their departments, when those factors could be determined.

Just 6 percent were department rookies who started to strike soon after hitting the streets. A **25-year-old in Charlotte-Mecklenburg, N.C.**, for example, pressured a half-dozen women for sex during traffic stops. He went to prison. So did a rookie in Houston, Texas, **who took his victims to a remote area and forced them to strip.**

Road cops are most likely to offend. About 72 percent were patrol deputies, troopers, officers, constables. Others were detectives, officers with rank, or federal agents, federal security workers, or parole or probation officers.

About 3 percent held high-level posts: chiefs, deputy chiefs and sheriffs, such as **the sheriff in Custer County, Okla.**, who forced female drug defendants into sex with him in exchange for better treatment. Some 28 percent were suspected of engaging with more than one person.

Many of those named faced only departmental charges and were fired or resigned. Some have been indicted and their cases are still playing out. But most officers in the data, 63 percent, were convicted of a crime after being accused of various acts of abuse, assault or misconduct.

A case in Buffalo years ago looks typical.

A knock on the door

At around 9 on a November night in 2004, a single mother gassed up her Honda as she headed out to return a book to a fellow University at Buffalo student. Joyce Pecky was 42, a slender 5 feet, 5 inches tall, with reddish brown hair falling to her shoulders. She was determined to write a new chapter in her life, and it would go like this: Bid farewell to a drug habit, earn a master's degree in nutrition and provide solid support to the 6-year-old daughter riding in the back seat.

The Buffalo News does not identify the victims of sex-related crimes, but Pecky says the problem of police sexual misconduct has been in the shadows for too long. She wants to speak publicly about her ordeal. Her account:

Standing at the pump in jeans and a heavy sweatshirt, Pecky was unaware of a police car nearby. But soon after she returned the nozzle and angled toward Bailey Avenue, a squad car threw streaks of light across the road, and Pecky slowed to a stop on a dark East Side street.

Pecky handed over her license, and the officer left her for a few minutes. Then he reappeared with an odd request, she said. Would she walk with him to the rear of her car?

Once there, the cop moaned things in her ear, crude things, she said. He implied that she was out searching for drugs and questioned whether she was a good mother for having her little girl out so late, Pecky recalled.

Pecky said she was stunned — and bending backward over the trunk of her car to get some space.

Can I please leave? Pecky asked again and again, she said.

Finally, Officer Greg O'Shei told her she could drive home. He would not arrest her.

O'Shei, as he described himself for a deposition years later, was a large man, about 6 feet 3 and 215 pounds. When he stopped Pecky he was 41, with a family at home. He first donned a Buffalo police badge nine years before the traffic stop, but a brain injury suffered in an on-duty crash had idled him for years and played games with his memory and temperament. If he acted oddly at times, the Buffalo Police Department wasn't one in which an officer questioned another about such things, he said.

O'Shei would also say he had seen Pecky in the past trying to score drugs and wanted to know who was selling them. She insists she had never seen him before. Regardless, Pecky realized the officer never called in her information from the traffic stop. If he had, he would have learned she was driving with a suspended license.

Pecky returned to her flat on Mineral Springs Road, put her daughter to bed, then went to bed herself.

At 2 a.m., someone pounded on the door.

"I just wanted to make sure you are OK," O'Shei explained, according to Pecky.

O'Shei was still on duty but miles outside his Ferry-Fillmore district. Pecky cracked open the door, and seconds later he was roaming the apartment. He complained it was messy, questioned her mothering skills and mentioned the child could be taken away with one arrest, Pecky said.

With the girl waking up, Pecky persuaded O'Shei to leave. But he came back the next day, when he was off duty and the girl was at school, and got the sexual favor he wanted from Joyce Pecky.

O'Shei came by again and again for months while on duty, Pecky said. Sometimes she and her daughter would hide, pretending no one was home as he banged on the door and the windows and shined his flashlight inside. But when they hid, she said, O'Shei returned the very next night.

Looking the other way

One author called sexual abuse by law enforcement authorities **“the police violence we aren't talking about.”**

When people die at the hands of police, reports are filed and the public responds. Not so with sex acts.

Some researchers say the problem is more widespread than many administrators realize.

Just two years before Officer O'Shei first banged on Joyce Pecky's door, Criminal Justice Professor Samuel Walker of the University of Nebraska at Omaha used the term “driving while female” after seeing that cases of police sexual abuse tend to begin with traffic stops. Among his examples: A Suffolk County officer on New Year's Day 2001 forced a woman to strip and walk home wearing only her underpants. A California Highway Patrol trooper in 1986 strangled a 20-year-old college student, Cara Knott, and threw her body off a bridge.

Walker's **report**, written with Dawn Irlbeck, said sex offenses can multiply when departments allow sexist cultures, tolerate wrongdoing, ignore citizen complaints and fail to supervise. They suggested departments collect data on the types of drivers their officers pull over — do they tend to be young women? — and hire more women because female officers generate few sexual misconduct complaints.

Timothy Maher began as a police officer in 1985.

“When I went through the academy 30 years ago, it was never brought up,” he said. “Yet working the road ... I was seeing all kinds of at least minor stuff. But it was enough to get some guys fired if they had been caught.”

As a criminal justice professor at the University of Missouri at St. Louis, Maher presented male police chiefs in the St. Louis metropolitan area with a questionnaire asking about the prevalence of sexual misconduct. Maher compiled the answers and learned that the chiefs, on average, suspected nearly one in five officers were committing

at least low-level acts that would nonetheless violate department rules, like pulling over women drivers to fish for dates.

Maher surveyed road cops in and around St. Louis. On average, they suspected it was about one in every three officers violating the rules. Then he surveyed just female officers around St. Louis. On average, they suspected that even more cops – better than two out of every five – were probably committing at least noncriminal offenses.

Maher says too many police officers fail to report bad conduct they know about.

“It’s that tolerance level,” he said. “Even when some of them hear about it or know about it, they tolerate it and don’t report on it.”

Young victims

A **school resource officer in Atlanta** molested a 12-year-old developmentally disabled girl as he drove her around town after school one day. He was sentenced to 20 years in prison.

A **New Mexico officer who investigated** cases of child abuse and sex crimes sexually assaulted a high school intern trying to learn about police work. He was sentenced to nine years in prison.

An **officer in Cleveland, Ohio, videotaped himself** having sex, in uniform, with a 15-year-old he met while working security at a recreation center. He was sentenced to nearly 20 years in prison.

More than 160 people — 23 percent of those in the data — are included because authorities alleged they trafficked in child pornography or engaged inappropriately with young people under the age of 18. They were students, young motorists, runaways, teen prostitutes.

About 5 percent of the offenders – 34 cops – had been assigned to work with young people, typically as school resource officers, DARE officers or leaders in their department’s Explorer programs, which acquaint young people with law enforcement careers.

Some were caught grooming young people for physical relationships that never began.

A **Kentucky officer sent suggestive texts** to a student and was fired. **A school resource officer in North Carolina** sent suggestive pictures and was stripped of his law-enforcement certification and placed on probation. **A police chief**, also in North Carolina, engaged in sexually graphic computer chats, sometimes from his office, with people he

thought were underage females. In reality, they were criminal investigators. He was sent to a federal prison for more than 12 years.

The power imbalance

In Buffalo, Joyce Pecky agonized about her situation with Officer O'Shei. He would park his patrol car outside her home and bang at her door with his expectations.

If she reported him, would the department take her seriously?

She had a record.

If O'Shei found out, would it only get worse for her?

A woman in Jacksonville, Texas, accused an officer of rape. When he later spotted her on the street, he wrapped a belt around her neck and dragged her toward his van. She escaped, and **he was sentenced to 12 years in prison.**

In many cases in The News' database, officers preyed on women with weak credibility: prostitutes, ex-convicts, women named in arrest warrants, drug informants, drug abusers, women on probation or parole.

Who would believe their word over a police officer's?

But to prove her claim, a parolee in Broward County, Fla., **set up a hidden camera to record her parole officer** forcing her into sex in her home under the threat of imprisonment. The parole officer was fired and now faces charges.

When confronting overwhelming evidence against them, accused officers often argue that the sex was consensual – forbidden by department rules, but not sexual assault and certainly not rape.

In his December 2010 deposition, Officer O'Shei said he believed the sex with Pecky and others was consensual.

O'Shei admitted he knocked on windows and peered into Pecky's apartment with his flashlight. He agreed he said things that could be taken as threats. He admitted she told him she wasn't interested.

Yes, he mentioned to her what could happen if a Child Protective Services worker ever showed up. Yes, his gun remained on him at all times. And yes, Pecky was vulnerable to his police powers.

But O'Shei did not think Pecky or any of the other women would report him – “because I didn't feel we were involved in a situation where one felt compelled to do something,” he explained.

“As you look back now you realize otherwise?” a lawyer asked.

“Yes,” he said.

Day in court

The chances for criminal convictions and stiff sentences depend on the strength of the case, a victim's willingness to testify, the skill of prosecutors, a jury's attitudes toward police and the accuser.

An **officer in Indianapolis threatened to arrest** a 19-year-old woman on a warrant if she did not have sex with him. He was charged with seven felonies, including rape, but was allowed to plead guilty to sexual misconduct and official misconduct. Instead of jail time, he received two years of home confinement, a year of probation and an order to register as a sex offender while on probation.

A **cop in Edgewater, Fla.,** had a woman perform a sex act on him or be arrested for marijuana possession. He was sentenced to a year of probation but had to surrender his certification as a law enforcement officer.

In Flagstaff, Ariz., **a state officer out for a night** of drinking and entertainment flashed his badge to get into a music venue for free and later threatened to have the bouncers who evicted him arrested. He had walked up to a friend of a friend and rubbed his hand up her skirt and across her genitals. Convicted of sexual abuse, the officer was placed on probation for two years and fired.

With a few fellow cops in court to support their colleague, the judge lectured the victim: “If you hadn't been there that night, none of this would have happened to you,” Judge Jacqueline Hatch said, according to the Arizona Daily Sun. The **judge later apologized.**

Some officers go to prison for decades.

In New Orleans, **an officer who took a woman in his custody to a warehouse and sexually assaulted** her was given 45 years.

An **officer in Anchorage, Alaska, received 87 years** for sexually assaulting several women.

A **deputy in Cobb County, Ga.** grew angry at a waitress as he drank in a bar. He accused the woman, who spoke little English, of stealing his cell phone. He flashed his badge, took her to the apartment complex where they both lived and raped her and beat her at gunpoint. A judge sentenced him to 25 years to life.

Victims can sue police officers or other law enforcement officials accused of such wrongdoing. They can go after the officers themselves or their supervisors who fail to address known wrongdoing or are grossly negligent in their supervision.

To reach the deeper pockets of government, plaintiffs must link the municipality to the crime by some fact other than the officer's mere employment. Was the misconduct part of a policy or pattern? Was it so consistent and widespread that officials should have known about it? Did a failure to monitor, supervise or train amount to deliberate indifference to the rights of victims? Was the supervisor grossly negligent?

Houston Officer Abraham Joseph used his patrol car to pull over female motorists and would rape them. But the victims lost their civil rights claims against the city after a judge ruled Houston's practices for hiring, training and supervising officers were not so poor that they were unconstitutional.

Civil outcomes are all over the board. **The City of San Diego paid \$1.3 million** to settle a lawsuit filed by two women who had been groped by a San Diego officer.

In their lawsuits against the City of Buffalo, Joyce Pecky and two other plaintiffs have so far collected nothing.

‘Grave abuse’

Early this year, **dozens of organizations advocating for women of color** told the President's Task Force on 21st Century Policing that police sexual misconduct is “by no means an isolated phenomenon” and requires “a policy response by law enforcement agencies.”

The wheels for a policy response were already in motion. Four years earlier, the International Association of Chiefs of Police, in Alexandria, Va., created a “working group on sexual offenses by police officers.” Named to the group were professors Walker and Maher.

The international association, widely respected by police administrators, stated in 2011 that sexual misconduct by police represents a “grave abuse of authority” and warrants “the full attention of law-enforcement leadership.” **The IACP presented a guide** to help administrators recognize and deal with cases and prevent new episodes.

No one at the organization can say how many of the nation's 18,000 police agencies follow the guidelines. But the volume of incidents coming to light has not abated. In 2014, newspapers and television stations around the country reported 105 new and credible cases of job-related sexual misconduct by police.

It was the highest annual total in the 10 years' of data, and an average of two cases every week.

He is 'the cops'

Joyce Pecky never called the police about Officer O'Shei. But Susan Phister did.

Like Pecky, Phister wanted to talk publicly about her experience. Ten years ago, Phister's life was a dangerous mix of drug abuse and sex for money, she said, and O'Shei would show up expecting her to give in to avoid arrest.

Phister would agree with O'Shei when he says he never worried about being caught. She recalled looking out the window after one encounter. As O'Shei slept, his squad car remained as he left it — the emergency lights swirling, the driver's door open and the dome light shining. "It was lit up like a firecracker," Phister said in an interview.

O'Shei became enraged, she said, if she ever tried to say no or could not be found. She was afraid of him and went to the police department when she couldn't take it anymore. Phister produced text messages from O'Shei to back up her story.

O'Shei in 2006 admitted using his police powers to coerce sexual favors. He pleaded guilty to two misdemeanors — linked to his conduct with Pecky and Phister. Neither was a sex charge. O'Shei was sentenced to probation, not jail. While he had already resigned, the conviction ensured he would not be a police officer in New York.

Pecky today spends hours with her battered laptop computer, searching for cases of police sexual misconduct from around the country. She studies policy statements and research on the problem of predators in uniform. She read the reports by Samuel Walker in Omaha and Timothy Maher in St. Louis and read former Seattle Chief Norm Stamper's chapter on the subject. She plans to write a book of her own.

She is angry. Why don't police departments accept responsibility for their offenders when facing lawsuits? she wonders. Why does the FBI take on so few "color of law" violations involving sexual abuse? Federal authorities were active in less than 10 percent of the cases in The News' data.

Pecky never got her master's degree. During the months that O'Shei hounded her she started using drugs again.

No one took her daughter away.

Now 16, the girl is studious, pleasant and poised. She still remembers a night when she was about 7.

As the officer pounded on the door and peered inside, the girl and her mother crouched near the floor to hide.

“I remember telling my mother ‘I’m scared.’ ”

She said she suggested to her mother that they “call the cops” then immediately thought better of it.

He is “the cops,” she realized.

“It was actually terrifying,” she said.

Luis Edward Hermosillo

U.S. Border Patrol Agent Luis Hermosillo in June 2009 allowed a woman, with her two children in the car, to pass into the country through his checkpoint near Mecca, Calif. Then he hurried to his vehicle and pulled her over, on the pretext that he had forgotten to search her luggage.

Hermosillo ordered her out of her car and, in the course of a pat down, penetrated her with his fingers, according to her civil lawsuit. Then he pulled her into his car, started kissing her buttocks over her skirt and penetrated her again with his fingers, her court complaint said. In time, she was allowed to drive off,

It was easy for her to identify the agent who had assaulted her. Hermosillo had given her his phone number, in case she would like to go out on a date, according to a statement from the Office of Inspector General for the Department of Homeland Security. Hermosillo in 2012 pleaded guilty to charges of sexual assault and kidnapping and was sentenced to eight years in a California prison.

— Matthew Spina

Hamilton Riley

State police in Arkansas were waiting for him.

They were told by the parents of a 16-year-old girl that something was wrong with the attention that Neil Hamilton Riley, a 48-year-old school resource officer, was lavishing on their daughter. So the state investigators had some advance notice and were in the family's home when Riley clambered into the girl's bedroom window around 1 on a February morning in 2010.

Later that day, Riley resigned from the police department in Searcy, Ark., which had employed him for almost eight years. He had met the girl through his work at Ahlf Junior High, a prosecutor on the case told the Associated Press.

Some parents and students interviewed by a local television station reacted with disgust at Riley's conduct. One person told the station that Riley and his wife had split about five months earlier.

As incredible as the circumstances are, The News found that it was hardly a unique event. Over a 10-year span, more than 30 officers assigned to work with young people as school resource officers, DARE officers or as leaders of Explorer programs were accused of crossing the line.

Riley's lawyer had sought probation for his client. But Riley said little as a judge in 2011 ordered him to spend 15 years in prison.

— Matthew Spina

Ryan G. Warme

This is the sexual misconduct that Ryan Warme admitted: In July 2007 he encountered a woman parked in a high-crime area of Niagara Falls. He ordered her out of the car for a pat down. "Instead of stopping once the 'pat down' was finished," prosecutors wrote,

Warne touched the woman's "breasts, buttocks and genital area" without her consent. As a result, Warne deprived the woman of her civil rights.

A federal grand jury in 2008 had accused the officer of much more: rape and sodomy while on duty and receiving sexual favors from a prostitute while on duty. In one case, according to court records, Warne showed up unannounced at the apartment of a female acquaintance, stripped off his police gear and forced himself on her. When she protested he told her, "Shut up, you know you want this," according to an FBI affidavit.

Meanwhile, Warne was suspected of selling and using cocaine, and prosecutors wanted a conviction on that conduct as well. As part of his plea agreement, Warne admitted to drug-related wrongdoing and a charge related to his possession of a firearm.

"I have shamed my family and humiliated myself," Warne wrote in a letter to U.S. District Court Judge Richard J. Arcara before he was sentenced in 2010 to almost 14 years in prison. "There are no excuses.

I crossed the line and used drugs. I knew better.

When Warne stood before him in an orange jumpsuit, Arcara wondered what had gone wrong with him. He'd been a talented athlete from a solid family.

"It's my fault," Warne said, "and now I have to pay for it."

— Matthew Spina

Earl Theriot

Earl Theriot was the police chief in Sorrento, La. – population 1,500 – when he received a call in November 2013 about an unresponsive woman in a gas station's parking lot.

Theriot drove her back to his office and, taking advantage of her drunken state, had her perform sex acts. When FBI agents investigated her complaint weeks later, Theriot told them he only drove the woman straight home, he did not know she had been in his office, that he was never alone with her there, and they had no sexual contact.

Theriot admitted to the lies and the sexual misconduct in federal court. But he never went to jail. His age, 66, his health problems and his willingness to immediately resign worked in his favor when sentenced.

The judge gave him a lecture. “You believed yourself to be above the law,” he told Theriot, according to television station WAFB. But Theriot was sentenced to just two years’ probation and fined \$2,500.

The News was unable to contact Theriot. But the former police chief told a local TV station that he had been sufficiently punished because the matter “cost me my law enforcement career and brought embarrassment to my family and the town of Sorrento.”

— Matthew Spina

Nelson Tuatagaloa

Nelson Tuatagaloa and another officer in West Jordan, Utah, responded in September 2008 to a call about a woman sitting in her car and contemplating suicide over family and personal problems. The woman had been drinking and had a gun, according to the Deseret News.

In time, Tuatagaloa offered to drive the woman to the Jordan Valley Hospital and placed her, handcuffed, in the front seat of his squad car. But he later removed the cuffs, drove her to a dark part of the hospital parking lot and engaged with her in sex acts without her consent.

Tuatagaloa later resigned from the department and, with his trial about to begin, pleaded guilty in February 2010 to two felony counts of custodial sexual relations.

He was sentenced to a year in jail and three years of probation, and his police officer certification was revoked.

— Matthew Spina