



Who Do You Call When Your Rapist Is a Cop?

The Department of Justice's report on the Baltimore Police Department reveals a pattern of cops abusing their communities' most vulnerable members.

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Last week, the Department of Justice released its most expansive investigation of a troubled police department to date. It is the first of its kind to probe an issue that some academics and advocates have been researching and talking about for over a decade with little traction: sexual predators within the ranks of police officers.

In two pages of their scathing 163-page report on the Baltimore Police Department, federal investigators recount complaints from civilians that officers coerce sexual favors in exchange for avoiding arrest, or for cash or narcotics. The most frequent targets were sex workers, a population vulnerable for arrest if they did not comply. "This conduct is not only criminal, it is an abuse of power," the investigators wrote. "Unfortunately, we not only found evidence of this conduct in BPD's internal affairs files, it appeared that the Department failed to adequately investigate allegations of such conduct, allowing it to recur."

Reports of sexual misconduct were filed against one BPD officer on three separate occasions between 2012 and 2015. One victim told investigators that she met with him every other week to engage in sexual activities in exchange for cash as well as immunity from arrest. Ultimately, with three open investigations on him, the officer was allowed to resign quietly. "It is unclear from BPD's files whether any state authorities were notified of the officer's sexual misconduct," the investigators wrote.

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In other cases, too, investigators found that allegations of officers coercing sex in exchange for immunity from arrest had not been properly investigated.

"I feel like I've been talking about this underwater for 20 years," says Andrea Ritchie, a Soros Justice Fellow and police misconduct attorney. "And now I feel like my head is popping above the water and people are starting to hear or talk about it," she says. "It's been this undercurrent of policing that communities of color, women of color, and LGBT people of color have been well

aware of,” she says. “Every time I do a workshop on these issues, someone comes up to me and says, ‘A cop did this to me, I never told anyone,’” she says.

“It needs to be placed squarely in the center of the national conversation on police violence, and it needs to be addressed with the same seriousness as everything else that we’re being asked to confront in terms of policing in America, use of force, and racial profiling, broken windows policing, and all the other issues,” Ritchie says.

Though the issue of sexual abuse was not a central focus of the Department of Justice’s investigation, Ritchie celebrates its inclusion in the report as a meaningful step. Her hope is that the Baltimore report will propel other police departments to create a policy around it if they don’t have one already—an action item laid out in the final report of the President’s Task Force on 21st Century Policing released last year.

There is no official database of statistics on sexual misconduct by officers. Journalists and academics who have tracked the issue have to rely on media reports. Still, the research available suggests that the problem is widespread. A 2010 report from the Cato Institute found that, following excessive force, sexual misconduct was the second most common allegation against police officers. An Associated Press investigation last year uncovered about 1,000 cases over six years where officers lost their badges for rape, sodomy, and other sexual assault. This spring a nationwide study of crime by police officers out of Bowling Green State University—thought to be the first of its kind—compiled 6,724 cases over seven years where an officer was arrested. Of these, about 1,500 are sex-related, the third most common, following incidents of violence and profit-motivated crime.

Philip Stinson, lead author of the Bowling Green study—and also a former officer—acknowledges that the cases that they uncovered were only the tip of the iceberg. “It’s a very difficult area to study, it’s a hidden crime,” Stinson says. The difficulties are two-pronged, he explains. First, departments are reluctant to “air their dirty laundry,” he says, and so often resolve the cases internally, which makes them nearly impossible for an outsider to track. And second, victims are often reluctant to come forward. “There is a lot of fear when you’re dealing with people who are powerful and carry guns,” he says. “This is not the kind of stuff you’re going to get answers on in survey research.”

Given the barriers to civilian research, federal probes such as the one in Baltimore offer a unique opportunity for transparency. Under the Obama administration, this type of investigation has become much more frequent—during his first term 15 were conducted, nearly double the number in George W. Bush’s final term. These investigations expanded not just in number, but also scope. Until recent years, reports focused almost exclusively on excessive force and racial profiling. The Baltimore report was the broadest in ambit—in addition to sexual misconduct, it also documented patterns of gender-biased policing and excessive force against people with mental illness.

Whether or not this level of oversight continues will soon be in the hands of the next administration. “Historically, conservatives have been less supportive of expansive federal oversight of local police departments than liberals,” Stephen Rushin, a professor at the University of Alabama School of Law, writes in an email. (Rushin’s forthcoming book addresses federal oversight of local law enforcement agencies.) “Given Trump’s adamant support for police officers and police unions’ general opposition to federal intervention I think there is little doubt that a Trump presidency would usher in a period of limited federal interventions in American police departments,” he wrote.

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Another reason this crime has not been central in national discussions of police brutality is that national media has largely ignored it. Often the victims are women on the fringes of society, Stinson explained, and don’t fit easy narratives for a sympathetic victim, or a credible source.

The case of Daniel Holtzclaw is an example of a man who preyed upon marginalized women and nearly had the case swept under the rug. The former Oklahoma City Police officer was convicted last year of sexually abusing eight women while on duty. All of his victims were black, and, aside from the last victim, whose allegations had prompted the investigation, all were poor and had reasons to fear law enforcement, either because they had a criminal record or were holding drug paraphernalia at the time.

The prosecutor on the case would later say that Holtzclaw’s fatal error was incorrectly profiling his last victim, a middle-class grandmother with a clean record, whose allegations ended up being taken seriously. Otherwise, his crimes might have never been exposed.

Grace Franklin, co-founder of OKC Artists for Justice, an advocacy organization working to address injustices committed against black women, was appalled at the lack of coverage of the Holtzclaw case in its early months.

“We felt like if the survivors were different, if they were white, or if they were black and upper-middle class, people would have paid attention,” Franklin says. This was less than a month after the death of Michael Brown in Ferguson, Missouri. “We talk about deaths, and even physical violence against black women by police officers—not as much as men—but we never talk about sexual assault against black women.”

When his bail was reduced tenfold, from \$5 million to \$500,000 in September 2014, about three months after he was arrested, and still the national media was deaf to the case, Franklin and other community members took to the streets in hopes of getting national attention.

The rallies grew—the largest drew about 250 people—and activists with larger platforms across the country became invested in the case. The Holtzclaw case became a rare instance where

sexual violence perpetrated by a police officer caught national attention. Last December, he was charged with 18 counts, mostly of on-duty sexual violence, against eight women (13 had filed accusations); Holtzclaw was sentenced to 263 years in prison. His charges included first-degree rape, forcible oral sodomy, sexual battery, indecent exposure, burglary, and stalking.

“The victims are not what you would call a perfect victim,” Franklin says of the women Holtzclaw preyed upon, which could be said for the victims in Baltimore, too, and of the ones Ritchie has spoken to, and whom Stinson has studied. “Some of them had charges of prostitution, some of them had drug charges, and they all lived in the lowest-income part of Oklahoma City.”