

# INVISIBLE BETRAYAL: POLICE VIOLENCE AND THE RAPES OF BLACK WOMEN IN THE UNITED STATES

22 September 2014

Submitted by

**Black Women's Blueprint**

**Yolande M. S. Tomlinson, Ph.D.**

With a special report compiled by

**Women's All Points Bulletin**

## II. Reporting Organization(s)

1. ***Black Women's Blueprint*** is a national Black feminist organization using civil and human rights approaches to organize and develop a culture where women of African descent are fully empowered and where gender, race and other disparities are erased. It engages in progressive research, historical documentation, and policy advocacy and organizes on social justice issues steeped in the struggles of Black/African American women within their communities and the dominant culture. Black Women's Blueprint is the convener of the first ever *Truth and Reconciliation Commission* to focus on Black women in the U.S. and their historical and contemporary experiences with rape/sexual assault. The organization is the national technical assistance provider engaging 105 *Historically Black Colleges and Universities* (HBCUs) across the country, providing training and capacity building to address gender-violence on their campuses.

2. ***Women's All Points Bulletin (WAPB)*** is a human rights and community policing nonprofit that seeks to eradicate violence against women during policing encounters.

3. ***Yolande M. S. Tomlinson, Ph.D.*** holds a doctorate in American Studies and certificate in Women's Studies from Emory University and a Bachelor's of Arts from the University of Pennsylvania. Her research and work focuses on race, gender, class, sexuality, violence, and culture and their points of intersection. Dr. Tomlinson works as a human rights educator, organizer and researcher.

## III. Issue Summary

4. Rape in the United States is a systemic crisis, even as 60 to 80 percent of rapes go unreported according a survey by the U.S. Department of Justice.<sup>1</sup> Furthermore, when victims do report, those incidents are systematically undercounted by at least one million cases by police

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<sup>1</sup> Fenton, Justin. "FBI Seeks to update definition of Rape." 19 September 2011, available at [http://articles.baltimoresun.com/2011-09-29/news/bs-md-ci-fbi-rape-definition-20110929\\_1\\_sexual-assaults-definition-fbi-plans](http://articles.baltimoresun.com/2011-09-29/news/bs-md-ci-fbi-rape-definition-20110929_1_sexual-assaults-definition-fbi-plans). See also the following report from the Department of Justice's Bureau of Justice Statistics, available at <http://www.bjs.gov/content/pub/pdf/cv11.pdf>; and also similar information from the Rape, Abuse, and Incest National Network (RAINN): <https://www.rainn.org/get-information/statistics/reporting-rates>.

departments.<sup>2</sup> As scholars and advocates have pointed out, rape and sexual assault are systemic practices that continue because of the pervasive acceptance of misogyny and violence against women within which we live and state officials operate.<sup>3</sup>

5. Sexual misconduct by police officers, or public officials, is the second most prevalent form of police crimes as noted by a 2010 annual report conducted by the CATO Institute.<sup>4</sup> The number is likely higher as victims tend to underreport in general, police officials tend to use a more limited definition to assess incidents of rape,<sup>5</sup> officers tend to profile victims whose credibility will likely be doubted, and victims of police crimes are, understandably, reluctant to report the crime to their perpetrators, the police. For Black women in the United States specifically, fully accounting for the ways in which their experiences of sexual assault, or rape more specifically, constitute an act of torture requires understanding the historical context and institutional legacy of slavery and the contemporary burden placed on victims of police sexual assaults.

6. As the Committee on the Elimination of All Forms of Racial Discrimination asserts in its General Comment No. 25, it is important to consider how issues of gender are interlinked with race to “only or primarily affect women, affect women in different ways, or to a different degree.”<sup>6</sup> With that fact, Black women in the United States face a peculiar form of rape-based torture that has its origins in American slavery and the state apparatuses that evolve to protect the interest of the economic elites, white men, and public officials.

7. As women, Black women were subjected to sex-specific violations such as rape, forced pregnancies, and other gender-based violations. As Blacks they were subjected to chattel slavery, as was true for Black men and children, and were therefore reduced to being viewed, treated, and consumed as property, and not as human beings.<sup>7</sup> As bodies to produce other enslaved bodies, as flesh to satisfy their slave master’s desires, as slaves to be worked as needed, and as property to be sold at will, Black women were deemed not able to be raped. Slave owners and

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<sup>2</sup> Chemaly, Soraya. “How Did the FBI Miss Over 1 Million Rapes?” *The Nation*. N.p., 27 June 2014. 22 Sept. 2014: <http://www.thenation.com/article/180441/how-did-fbi-miss-over-1-million-rapes>.

<sup>3</sup> See “Ten Things to End Rape Culture.” *The Nation* 4 February 2013, available at <http://www.thenation.com/article/172643/ten-things-end-rape-culture#>.

<sup>4</sup> This submission is accompanied by an addendum, “Special Report – Invisible Betrayal Police Rapists in America: Criminal Offenders,” which compiles a variety of reports and data on police rapes. This addendum provides statistical insight into the impact of police rape on all women, including Black women.

<sup>5</sup> Note that as of 2012, the FBI’s Criminal Justice Information Services (CJIS) Advisory Policy Board with approval by the U.S. Attorney General Eric Holder has approved a new definition of rape as “the penetration, no matter how slight, of the vagina or anus with anybody part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (pg. 5). This is a change that law enforcement officials note will cause a “big increase” in reported (which is not the same as recorded) cases of rape (pg. 31). For more information, see [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf).

<sup>6</sup> “General recommendation XXV on gender-related dimensions of racial discrimination.” Annex V. GENERAL RECOMMENDATIONS. At its fifty-sixth session the Committee on the Elimination of All Forms of Racial Discrimination.

<sup>7</sup> There is a plethora of literature on this dual burden placed on enslaved women. One example is Jennifer F. Morgan’s *Laboring Women: Reproduction and Gender in the New World*. University of Pennsylvania Press: Philadelphia, 2004.

other white colonialists justified this torture and inhuman treatment of Black women through stereotypes and pseudo-scientific justifications of their degraded moral capacity, lascivious behavior, and animal-like capacity for sex.<sup>8</sup> Under this logic, Black women were thought to not only lack the capacity to make morally sound decisions but they are made to bear the blame for their own abuse. This racist logic further implies that this deficient capacity and animalistic quality function to entice their perpetrators, which means Black women seek out their own rape and sexual exploitation, and therefore cannot be raped because they wanted it—it's in their nature. Furthermore, Black women could not be raped because they were not legally people (but property).

8. While legal slavery has ended, the rape and sexual torture of Black women and the justification for this torture still continue. Contemporary gender and racial profiling of Black women are rooted in the enforcement of Slave Codes, Black Codes, and Jim Crow segregation laws, which were state sanctioned practices that were a combination of *de jure* and *de facto* forms of social, legal, and economic laws, policies, and other constraints placed on Black people in the U.S. For example, “We Charge Genocide,” a petition submitted to the UN by the Civil Rights Congress in 1951, documented thousands of incidents of police violence against Black Americans. While the modern Black civil rights movement ushered in a formal end to Jim Crow era policies and practices, it has taken decades to gain mainstream acknowledgement of the multiple and covert ways that racial apartheid functions in the United States.<sup>9</sup> And it is still not widely accepted or acknowledged. Michelle Alexander and a number of other scholars and advocates, for example, have documented the ways the criminal justice system still functions as a form of *new Jim Crow*.<sup>10</sup> Yet, for all the acknowledgement of this new-era racial apartheid and the terrorism of the police and criminal systems officials, it has mainly functioned to raise the profile of the torture and deprivation of life of Black men.<sup>11</sup>

**9. Black Women and the Police:** Nationwide, there is a rise in police interaction with Black women, as over 2 million women were arrested in 2010 in the U.S.<sup>12</sup> An increase in arrests means increased contact between police and women in Black communities, which are over-policed.<sup>13</sup> The Women’s Prison Association (WPA) states that nationwide, the number of female arrests has increased by over 800 percent from 1977-2007 while the male prison population

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<sup>8</sup> A key text to articulate this inhuman definition of people and Black women in particular is Thomas Jefferson’s Notes on the State of Virginia (1787). In this text, Jefferson postulates that Black people are related to the Orangutans and that Black women are the most unattractive.

<sup>9</sup> “Apartheid is Flourishing’ in the US, says UN High Commissioner for Human Rights,” Available at <http://www.presstv.com/detail/2014/08/20/375957/un-apartheid-is-flourishing-across-us/>.

<sup>10</sup> Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Era of Colorblindness*. The New Press: New York, 2010.

<sup>11</sup> *Ibid.* In the book’s introduction, Alexander admits that this is mainly an examination of Black and Latino men, and more needs to be done to assess the treatment of Black women.

<sup>12</sup> See the Federal Bureau of Investigations’ “Crime in the United States 2012,” available at <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/persons-arrested/persons-arrested>

<sup>13</sup> The New York Civil Liberties’ report on New York City’s stop-and-frisk data provides a chilling picture of what is in fact national phenomenon, which is that police officers overwhelmingly target Black and Latino communities. As is the case in New York, the overwhelming majority of the people stopped are innocent. <http://www.nyclu.org/content/stop-and-frisk-data>. Ferguson, Missouri is just the latest example of the devastating impact of this practice on Black and Latino communities: [http://www.stltoday.com/news/local/crime-and-courts/police-stops-in-ferguson-what-are-the-numbers/article\\_012cf751-9cec-5733-8025-09e03abb9d86.html](http://www.stltoday.com/news/local/crime-and-courts/police-stops-in-ferguson-what-are-the-numbers/article_012cf751-9cec-5733-8025-09e03abb9d86.html).

grew by 416 percent during this same time period.<sup>14</sup> WPA cites that 93 out of every 100,000 white women were incarcerated in 2008 while the number for Black women is 349 out of every 100,000. Although the Black population is 13 percent of the entire population of the United States, meaning around half of Black women make up 6.5 percent, Black women comprised 32.6 percent of the female prison population.

**10. Officer Daniel Holtzclaw & Oklahoma City:** A white Oklahoma City<sup>15</sup> police officer by the name of Daniel Ken Holtzclaw was charged in August 2014 on sexually assaulting, raping, stalking, fondling and exposing himself to at least eight Black women, who are between the ages of 34 and 58, during traffic stops while on duty.<sup>16</sup> According to reports, Holtzclaw targeted these women because he profiled them as drug users, prostitutes and sex workers, women whose credibility will be called into question. Given that all these women are Black and at least one is not in fact a sex worker or drug user, and none fit the typical age profile, Holtzclaw profiled these women precisely because of their Black female identity. Despite the admission of investigating officers that there might be more victims, Holtzclaw was released on a mere \$500,000 bond after having an initial \$5,000,000 bond.<sup>17</sup><sup>18</sup>The reduction of the bond and the attempts of Holtzclaw's family to discredit these women as legitimate victims signal a disturbing but likely outcome to this case.<sup>19</sup> As well, Holtzclaw's celebrity as a former college football player, his status as an officer, and the race and presumed social standing of the victims collude to contribute to the minimization of the incident in any news outlet, including social media. Instead, the few places that do raise the incident are opinion blogs and other lower-profiled news outlets, which only serve to cast further doubt on the actual violations. Despite the facts that 22 percent of Black women and 50 percent of racially mixed Black women experience rape in higher amounts when compared to white women,<sup>20</sup> the long-standing legacy and continued

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<sup>14</sup> See [http://www.wpaonline.org/wpaassets/Quick\\_Facts\\_Women\\_and\\_CJ\\_Sept09.pdf](http://www.wpaonline.org/wpaassets/Quick_Facts_Women_and_CJ_Sept09.pdf)

<sup>15</sup> The state of Oklahoma incarcerates more women per capita than any other state with 127 out of every 100,000 women in prison. The national average is 63 per 100,000 women. See "Fact Sheet: Trends in U.S. Corrections". *The Sentencing Project* (2013), available at [http://sentencingproject.org/doc/publications/inc\\_trends\\_in\\_corrections\\_fact\\_sheet.pdf](http://sentencingproject.org/doc/publications/inc_trends_in_corrections_fact_sheet.pdf). In 2013, the state of Oklahoma was fourth in the nation for in overall imprisonment rates, see Shaun Hittle's "Latest Report: Oklahoma's Rate of Imprisonment Keeps Rising". *Oklahoma Watch*. (2013), available at <http://oklahomawatch.org/2013/07/25/oklahomas-incarceration-rate-remains-among-highest-in-nation/>

<sup>16</sup> See the accompanying addendum that discusses the phenomenon of "driving while female", where a study in Philadelphia, entitled [Driving While Female](#) (2002) found more than 400 examples of police using their badge to exploit women.

<sup>17</sup> Miller, Ken. "Oklahoma City Police Officer Daniel Holtzclaw, Accused of Assaulting Women, Gets Released." 5 September 2014, available at [http://www.huffingtonpost.com/2014/09/06/daniel-holtzclaw-police\\_n\\_5774738.html](http://www.huffingtonpost.com/2014/09/06/daniel-holtzclaw-police_n_5774738.html)

<sup>18</sup> Tessa, Jessica. "How Police Caught The Cop Who Allegedly Sexually Abused 8 Black Women." Buzzfeed 14 September 2014, <http://www.buzzfeed.com/jtes/daniel-holtzclaw-alleged-sexual-assault-oklahoma-city#rds7xn>.

<sup>19</sup> Bernd, Candice. "Police Departments Ignore Rampant Sexual Assault by Officers." *Truthout*, 02 July 2014: <http://www.truth-out.org/opinion/item/24677>. As Bernd quotes Jen Marsh, vice president of victims services at the Rape, Abuse and Incest National Network (RAINN), "[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."

<sup>20</sup> According to the National Intimate Partner and Sexual Violence Survey, 2010 Summary Report, Centers for Disease Control and Prevention (CDC), in the US, nearly 1 in 5 women have been raped at some time in their lives, including completed forced penetration, attempted forced penetration, or

devaluing of Black women as legitimate victims of rape and assault generally compound Black women's continued victimization and likelihood to get a conviction against a police officer no less.

11. Silence prevails and the invisibility is almost complete within Black communities and in greater society about Black women's lives, about the level of sexual victimization, the systematic exclusion of our specific gendered experiences in the broader agenda for civil and human rights. There is a dearth in resources allocated for the collection of data and consequently a lack of information and statistical data specific to the incidences of rape and sexual assault on Black women in the United States. The experiences of NGOs such as Black Women's Blueprint reveal that the number of sexual assaults and those that go unreported are considerably higher in Black communities than in other communities. It is for these reasons and more that we ask the committee to follow on the Special Rapporteur on Torture to not only designate rape as a torture, but to break the silence around the rape of Black women by calling for the Department of Justice to open an independent federal investigation into the Daniel Holtzclaw cases specifically and other incidences of police rape of black women nationally.

#### **IV: Concluding Observations**

12. While the Committee did not make any recommendations in its 2006 Concluding Observations specific to the issues raised here, it does request information from the Government related to the issues here. The relevant paragraphs from the list of issues are itemized below.

13. **Paragraph 37:** "The Committee is concerned about reports of brutality and use of excessive force by the State party's law-enforcement personnel, and the numerous allegations of their ill-treatment of vulnerable groups, in particular racial minorities, migrants and persons of different sexual orientation which have not been adequately investigated (art. 16 and 12). The State party should ensure that reports of brutality and ill-treatment of members of vulnerable groups by its law-enforcement personnel are independently, promptly and thoroughly investigated and that perpetrators are prosecuted and appropriately punished.

14. **Paragraph 41:** (a) Prevent and punish violence and abuse of women, in particular women belonging to racial, ethnic and national minorities. Do these measures include providing specific training for those working within the criminal justice system and raising awareness about the mechanisms and procedures provided for in national legislation on racism and discrimination?

(b) Address the report of an increase in incidences of domestic violence, rape and sexual assault (National Crime Victimization Survey, December 2008).

(c) Ensure that reports of violence against women are independently, promptly and thoroughly investigated, and that perpetrators are prosecuted and appropriately punished. Please include statistical data on the number of complaints concerning violence against women and the related

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alcohol/drug facilitated completed penetration. Further, 47,220 women reported experiencing rape in 2013. Black women experience rape at a rate of 22 percent higher than white women in New York City, for example, and women who were half Black (or racially mixed with Black) experienced sexual assault at a rate 50 percent higher than white women.

investigations, prosecutions, convictions and sanctions, as well as on compensation provided to victims.

**15. Paragraph 42:** The Committee requests the State party to provide detailed statistical data, disaggregated by sex, ethnicity and conduct, on complaints related to torture and ill-treatment allegedly committed by law-enforcement officials, investigations, prosecutions, penalties and disciplinary action relating to such complaints.

## **V: U.S. Government Report**

16. The following list provides a summary of relevant statements made by the United States Government in its most recent periodic report to the Committee Against Torture.

17. **Paragraph 8-10:** The U.S. Government has no intention of enacting separate torture statute as it believes U.S. Constitutional rights bring it within full scope of its treaty obligations.

18. **Paragraph: 147-148 & 182-185:** The response that victims of “official torture” can seek redress through a number of civil and criminal procedures does not apply to this issue, as it is unclear that police sexual violence prior to being taken into custody currently counts as “official torture.” The examples cited are also only of victims who are in detention.

19. **Paragraphs 230-241:** Although the government says that it would ensure investigation and ‘appropriate punishment’ and that the U.S. Department of Justice under its Civil Rights Division has addressed sexual assault as police misconduct, we still do not see the implementation of this statement being done seriously. Further, the use of misconduct is ambiguous at best and does not amount to an acknowledgement of police rape as torture. In its response the Government asserts that cases of rape and sexual assault have gone down, but it ignores the facts that it is not using the new or expansive definition of rape to make this assessment.

## **VI: Legal Framework**

20. The following articles of the Convention are called into question under this report: 1, 2, 4, 10, 12, 13, and 14

## **VII: Other UN Bodies Recommendations**

**21. ICCPR Article 7:** Right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.

**22. ICERD: Articles 1:** Black women are disproportionately impacted in nearly all categories of analysis with respect to rape and sexual torture; **Article 2** calls for effective measures to remedy discrimination; **Article 5** puts responsibility on government to address racial discrimination with respect to health outcomes. **Article 6** calls for government to ensure access to competent tribunals.

**23. CERD General Comment No. 25** also calls for the recognition of the interlinked, and therefore unique, nature of discrimination when race is considered along with other factors such as gender.

**24. Special Rapporteur on Torture:** “It is widely recognized, including by former Special Rapporteurs on torture and by regional jurisprudence, that rape constitutes torture when it is carried out by, or at the instigation of, or with the consent or acquiescence of public officials.”<sup>21</sup>

#### **VII: Recommended Questions:**

1. What immediate and sustainable measures does the U.S. Government plan to take to eliminate incidences of police rape, sexual assault and sexual misconduct, and what will the timeline for implementation look like? What resources will be allocated for the training of officers and other public officials and for the collection of information and statistical data that is inclusive of Black/African American women and other interlinked identities that make women vulnerable to police crimes?
2. Given the June 2011 report by the International Association of Chiefs of Police which acknowledges the own and others’ awareness and documentation of police sexual misconduct, what steps is the government willing to take to reform police behaviors, enact strict disciplinary policies and procedures.
3. Why has the Department of Justice not open an investigation into the rapes and sexual assault cases involving Officer Daniel Holtzclaw in Oklahoma City, Oklahoma?

#### **VIII: Recommendations:**

1. We respectfully ask the Committee to continue the work of the special rapporteurs on Torture and other regional jurisprudence to acknowledge that police rape, and the rape of Black women, is torture.
2. Open a federal investigation into the Oklahoma cases involving Daniel Holtzclaw, similar to other civil rights investigations undertaken by the Department of Justice.
3. Amend the Prison Rape Elimination Act to say Prisoners instead of Prison and redefine “in custody” to include the moment a person comes in contact with an police officer or relevant public officials.

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<sup>21</sup> Manfred Nowak, Special Rapporteur on Torture report before the Human Rights Council, 15 Jan 2008, A/HRC/7/3, para 36

## SPECIAL REPORT

### INVISIBLE BETRAYAL

#### POLICE RAPIST IN AMERICA: CRIMINAL OFFENDERS

##### Reports and data compiled by Women's All Points Bulletin

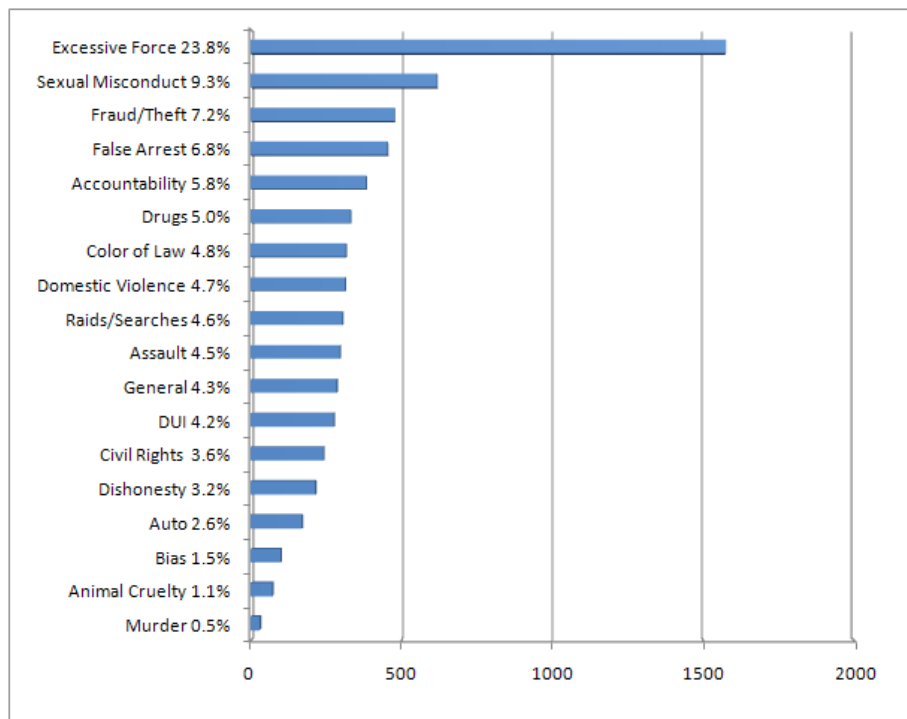
*“It is widely recognized, including by former Special Rapporteurs on torture and by regional jurisprudence, that rape constitutes torture when it is carried out by, or at the instigation of, or with the consent or acquiescence of public officials.”*

Manfred Nowak, Special Rapporteur on Torture report before the Human Rights Council, 15 Jan 2008, A/HRC/7/3, para 36

***“It was killing my soul.”***

Police rape victim who call 911 and was raped by one of the responding officers, then arrested and charged with assault by the offender.

Per the CATO Institute's National Police Misconduct Statistics and Reporting Project's 2010 Annual Report, of the 6,613 law enforcement officers involved in reported allegations of misconduct that met NPMSRP criteria for tracking purposes 9.3%, or 615 officers, have sexual misconduct complaints filed against them, accounting for the second highest category of complaints against law enforcement officers. <http://www.policemisconduct.net/statistics/2010-annual-report/>



In the week before this report CATO's National Police Misconduct Newsfeed reported between September 14<sup>th</sup> and September 19, 2014, that there were at least 29 cases of violence against



women, including battery, intimate partner violence and death, and at least 11 of those cases were of sexual abuse, harassment, rape and assault charges many involving teenage girls.

<http://www.policemisconduct.net/>

## **THEY KNOW AND YET IT PERSISTS**

Rape, sexual abuse and harassment among law enforcement personnel, more specifically sworn officers on the streets, is an inexcusable betrayal of trust and is well known among the ranks. The International Association of Chiefs of Police (IACP) published a 20 page report in June 2011 titled “Addressing Sexual Offenses and Misconduct by Law Enforcement.” A review of the IACP’s report by Philip M. Stinson JD, PhD and John Liederback, PhD, published on The Police Chief, The Professional Voice of Law Enforcement, “The problem of sex-related police misconduct has been widely recognized and documented by scholars and the International Association of Chiefs of Police. The IACP recently described sex-related police misconduct as a “reality” facing police executives and a problem that “warrants the full attention of law enforcement.”<sup>2</sup> Opportunities for sex-related misconduct are plentiful within the context of police work and are the product of several factors including (1) low visibility decision-making, (2) low supervision, (3) police power and authority, and (4) encounters involving vulnerable victims. Scholars have defined the problem in terms of a continuum that includes both less serious forms of police sexual misconduct and more serious types of police sexual violence.<sup>3</sup>

***“This study provides empirical data on an unprecedented number of cases involving police sexual misconduct and violence, as well as unique findings regarding the victims of these crimes and exploratory analyses designed to identify the factors that influence organizational and criminal case outcomes.”***

## **Findings**

Per Stinson and Liederback’s review, “Within the larger data set, the study identified 548 cases that involved the arrest of 398 police officers for crimes involving sex-related misconduct. The most serious offense charged in 21.4 percent of these cases was forcible rape. Other commonly charged serious offenses included forcible fondling (19.5 percent), statutory rape (10.8 percent), forcible sodomy (9.9 percent), pornography (7.1 percent), intimidation (4.6 percent), and online solicitation of a child (4 percent).

Data on victims’ ages were available for 323 of the cases (58.9 percent). The victims were less than 18 years of age in roughly three-fourths of these cases (n = 236 or 73 percent). Victims’ relationships to the arrested officer were identified in 521 of the cases (95 percent). Victims were most commonly identified as stranger/acquaintance (n = 237 or 43.2 percent) or an unrelated child (n = 223 or 40.7 percent). A very small number of cases were identified as involving victims who were a current spouse (n = 3), current girlfriend or boyfriend (n = 7), or former girlfriend or boyfriend (n= 4).

Findings in regard to certain victim characteristics run counter to popular conceptions about the nature of these types of cases. The identified sex-related misconduct cases most often involved victims who were minors and/or victims who were strangers or children who were not related to the perpetrating officer. The victims in the identified cases were rarely the officers’ spouse or girlfriend. Cases involving victims who are children and/or unrelated to the arrested officer may be prevalent in this sample because they are more likely to result in an arrest than other types of

cases involving sex-related misconduct; however, the sheer number of cases involving victims who were children under the age of 13 (n = 81) or minor teens (n = 155) should raise awareness among police executives of the nature of sex-related misconduct and the potential for cases involving children and minor victims.

[http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=3022&issue\\_id=82013](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=3022&issue_id=82013)

Professor Samuel Walker and Dawn Irlbeck wrote in their 2003 update on Driving While Female, "Police Sexual Abuse of Teenage Girls" that "Police sexual abuse of women includes a disturbing pattern of police officer exploitation of teenage girls." And per their work, "The majority of cases, moreover, involve girls who are enrolled in police-department sponsored Explorers programs designed to give teens an understanding of police work."

<http://samuelwalker.net/wp-content/uploads/2010/06/dwf2003.pdf>

| <b>Cases</b>       | <b>2002 Report</b> | <b>2003 Report</b> | <b>Totals</b> |
|--------------------|--------------------|--------------------|---------------|
| Teenage (total)    | 6                  | 66                 | 72            |
| -Explorers Program | 0                  | 31                 | 31            |
| Traffic            | 44                 | 19                 | 63            |
| Prostitute         | 2                  | 7                  | 9             |
| Miscellaneous      | 8                  | 31                 | 39            |
| <b>Totals</b>      | <b>60</b>          | <b>123</b>         | <b>183</b>    |

In essence, young women in school, or in programs, where they come in contact with police officers are more at risk.

### **STATISTICS AND OTHER VULNERABLE POPULATIONS**

The Bureau of Justice Statistics states in their 1994-2010 report of Female Victims of Sexual Violence Highlights that;

- In 2005-10, females who were age 34 or younger, who lived in lower income households, and who lived in rural areas experienced some of the highest rates of sexual violence.
- In 2005-10, 78% of sexual violence involved an offender who was a family member, intimate partner, friend, or acquaintance.
- In 2005-10, the offender was armed with a gun, knife, or other weapon in 11% of rape or sexual assault victimizations.
- The percentage of rape or sexual assault victimizations reported to police increased to a high of 56% in 2003 before declining to 35% in 2010, a level last seen in 1995.

<http://www.bjs.gov/content/pub/pdf/fvsv9410.pdf>

Rape, Abuse and Incest National Network (RAINN) statistics report;

**1 out of every 6** American women has been a victim of an attempted or completed rape in her lifetime

-14.8% completed rape; 2.8% attempted rape

**17.7 million American** women have been victims of attempted or completed rape

**9 out of every 10 rape victims were female in 2003**

**44% of victims are under the age of 18 -- 80% are under the age of 30**

**60% of sexual assaults are not reported to the police**

**97% of rapists will never spend a day in jail**

**LIFETIME RATE OF RAPE/ ATTEMPTED RAPE FOR WOMEN BY RACE**

|                          |       |
|--------------------------|-------|
| Africana                 | 18.8% |
| American Indian/ Alaskan | 34.1% |
| Anglo                    | 17.7% |
| Asian Pacific Islander   | 6.8%  |
| Mixed race               | 24.4% |
| All women                | 17.6% |

<https://www.rainn.org/statistics>

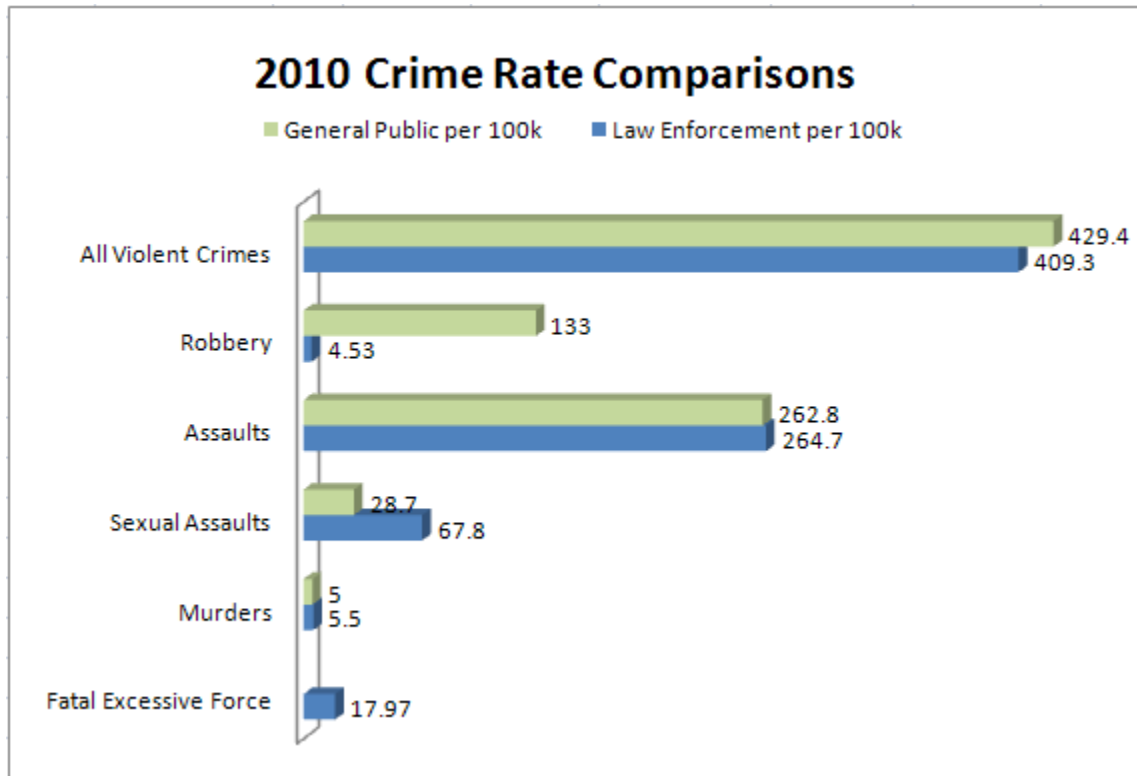
The Pennsylvania Coalition Against Rape reported in “Serving Transgender Survivors of Sexual Violence” that “more than 50% of trans individuals have experienced sexual violence at some point in their lives.’ (Kenegy, 2005; Kenagy & Bostwick, 2005).

*“Sexual assault by a member of the police was reported by 2% of the individuals self-identifying as trans. The rate almost quadruples to 7% for African-American transgender people. [Note: Other research indicates higher rates of police misconduct, such as in FORGE surveys (5%), as well as in data from the National Coalition of Anti-Violence Programs (2.88%).]”*

Per the Florida Council Against Sexual Violence Fact Sheet: False Reporting of Rape “A comprehensive analysis of the research studies on false allegations of sexual assault conducted with adequate methodology indicates that the prevalence of false reporting is between 2% and 10%. Meaning over 90 to 98% of reports of rape, abuse and harassment are true.

[http://www.fcasv.org/sites/default/files/False\\_Report\\_FS.pdf](http://www.fcasv.org/sites/default/files/False_Report_FS.pdf)

Per CATO’s NPMSRP the rate per 100,000 for police sexual assault is 67.8 compared to 28.7 in the general population. This is the largest gap, (other than fatal excessive force), in all the Crime Rate Comparisons.



In Conclusion, based on the above statistics police rape is at endemic proportions. The officers who rape are more likely to prey on young, vulnerable minority populations of women, and will almost invariably have a gun to use as intimidation, even if it is never unholstered. They are always taking women to secondary locations, so there is no way for an arrested female to tell if she is being preyed upon or is safe from sexual harm. Police officers are easily believed and move with impunity through the criminal justice system therefore arrests of the victims is a given if they do not cooperate or keep silent. Women who complain, even though it is documented fact that 90% plus will be telling the truth, in the male dominated culture of the police, she will be seen as a liar and her complaint will be dismissed. This culture allows for some officers to become serial rapist and predators.

### **CASES**

Two Oklahoma City law enforcement officers were arrested and charged with rape. In one case the officer is alleged to have raped 8 African women and the other officer is alleged to have raped 3 women.

A former Georgia deputy from Cobb County was found guilty of seven counts including kidnapping, two counts of aggravated assault, aggravated sodomy, rape and false imprisonment of a 23 year old undocumented woman.

A US Border patrol agent committed suicide after kidnapping and raping a 32 year old woman and sexually assaulting her daughter. The agent slashed the mother's wrist and tried to break the neck of the 14 year old. The 14 year old passed out as a result of the attempt to kill her.

A federal law suit filed in El Monte California alleges that a uniformed police officer detained and raped a transgender woman in his patrol car in a dark empty parking lot.

Former officer awaiting sentencing on a conviction of sexually battering a woman was found dead in his cell at Pinellas County Jail. The 38 year old was convicted of putting handcuffs on his victim, taking her to his house and raping her.

Former Memphis police officer found guilty of raping a college student. After exchanging her cellphone number with the officer, he used his cellphone to gain access to county law enforcement database and web resources to find the woman's home address. He arrived at the victim's home that same night, was allowed entry by her roommate, and the woman stated she woke up with the offender on top of her, raping her.

Ex-NYPD officer points 9-mm handgun in female teacher's face, threatens to kill her and sexually assaults her. The offender's DNA is found on the victim's undergarments but he is not convicted of rape. Although he was convicted of rape in several other cases involving different women. New York does not define forced sodomy and oral sex as rape. Lydia Cuomo is speaking out and lending her support to the "Rape is Rape" bill. In 2012 the bill was rejected by the Assembly.

Police Sergeant doubles as serial rapist gets 440 years in prison after being convicted of 35 counts of rape, kidnapping and stalking; one of the longest sentences in Illinois history.

Two Chicago police officers charged with sexually assaulting 1 woman although 5 came forward, had the sexual assault charges dropped against them as a part of a plea bargain in which each one plead guilty to felony official misconduct and was sentenced to two years probation. They will not spend any time in prison.

Former Boise officer confessed to gruesome case of sexual abuse. Officers state that he may have raped up to 20 infants or toddlers. Investigators state at least 5 of the 20 victims were infants. Details indicating the offender purposely worked at elementary schools with young children emerged. The offender spent 11 years with children who were most likely taught to "trust" police officers.

One of two Women, who was an intimate partner violence victim who sought help of officers, settles sexual harassment suit against Iredell County, North Carolina Sheriff and deputies.

Utah police officer kills wife, two children, mother-in-law, and himself after receiving threatening text from wife saying she would leave him and take the kids after confronting him for repeatedly raping her. The murderer's therapist told authorities he drugged his wife on several occasions and videotaped the assault.

East St Louis chief of police on unpaid 5 day suspension after young woman filed 4 page complaint after her first day of work at City Hall in a summer youth program.

### **Additional Recommendations**

- 1) Create a Police Rape Commission to investigate, document, prosecute officers found to have sexually abuse, assaulted, and harassed women and girls.
- 2) Create special independent units to address police sexual violence that are not within or beholden to police departments or their internal affairs units.

- 3) Require separate monthly and yearly data collection, compilation, reporting and transparency of the number of sexual complaints against officers, by gender, ethnicity and identity.
- 4) Provide immediate emergency care and psychological and physical therapy to all victims of police rape.