TO SERVE AND PURSUE: EXPLORING
POLICE SEXUAL VIOLENCE
AGAINST WOMEN*

PETER B. KRASKA
VICTOR E. KAPPELER
Eastern Kentucky University

This study identifies and examines an unexplored criminological phe-
nomenon, termed here police sexual violence. Analysis and interpretation
of quantitative data and case studies are used to explore the subject. Two
data sets, one from federal litigation cases and the other from a media
source, provide the material for examining the known incidence, distribu-
tion, and nature of this form of police crime and sexual violence against
women. The data include 124 cases of police sexual violence; 37 of these are
sexual assault and rape cases committed by on-duty police officers against
female citizens. The analysis of case studies draws on and integrates femi-
nist and police studies literature, allowing for the development of a police
sexual violence continuum and the exploration of theoretical, conceptual,
and practical issues. The conclusion explores the cultural and structural
context within which police sexual violence against women occurs.

Criminologist's study of crime has yielded two critical realiza-
tions. First, crime crosses all economic, social, and occupational
strata. The traditional criminological focus on lower-class, "preda-
tory" street criminals is shifting to offenders within professions and
institutions often held in high esteem by the public, such as reli-
gious leaders, physicians, corporate executives, government offi-
cials, and family members. One of the most persuasive examples of
the ubiquitous nature of wrongdoing comes from the study of law-
breaking within the societal institution mandated with enforcing
the criminal law. Interest in police crime has risen since the Rod-
ney King episode and the Mollen Commission's rediscovery of cor-
rup tion in the New York City Police Department.

Preoccupation with street crime has also, in the past, inhibited
our attention to persons victimized by crime. This is especially true
for those who suffer violence occurring in the family, in interpersonal
relationships, and in the workplace. Years of research and

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scholarship have been required to reconceptualize these offenses as serious crime rather than private or personal matters. This reconceptualization has led to a second critical realization: these offenses are often committed against women not at random, but systematically, because of their status as women (Bart and Moran 1993; Caufield and Wonders 1994; Dobash and Dobash 1992; Kelly 1988; Russell 1982; Stanko 1985). Feminist scholarship is significantly affecting how the academic community views crime, particularly violence against women; yet the undertaking to legitimate the study of gender as a crucial component in the crime dynamic continues (Caufield and Wonders 1994; Daly and Chesney-Lind 1988; Simpson 1989).

Incorporating these realizations allows exploration of an important instance of neglecting the “female” component in police crime. From the research and literature on excessive use of force, one would assume that police commit unjustifiable acts of violence only against men, and that women suffer no direct and systematic mistreatment at the hands of police officers (Alpert and Fridell 1992; Friedrich 1980; Fye 1978; Geller and Karales 1981; Geller and Scott 1991). This neglect, a result of research orientation as well as oversight, is inconsistent with the international literature, in which police mistreatment of women (particularly sexual violence) is receiving widespread attention (Amnesty International 1991; Chapman 1991; Women’s Rights Project 1992). Noting this omission, our research identifies and examines what we will call “police sexual violence” (PSV) against women. PSV not only identifies a unique and potentially important criminological phenomenon; in addition, it is significant because it theoretically informs both feminist and police studies. Balancing these two often incompatible sources of literature creates difficulties, even in appropriately labeling the phenomenon under study. Although we are examining males’ behavior, we also recognize PSV as a form of women’s victimization (Reinharz 1992).

**WOMEN AND THE POLICE: REVIEWING THE LITERATURE**

Historically the police have viewed women as marginal to the police role and function. Early in the twentieth century, women were first allowed to perform police functions associated with social work, but even as late as 1971, only 10 or 11 women in the entire United States were patrol officers (Garmire 1978). Although the number of women on patrol has increased (Carter, Sapp, and Stephens 1989; Reaves 1992a) and several studies affirm their competence (Hale and Wyland 1993), the integration of women into
paramilitary police organizations still meets with opposition (Christopher Commission 1992; Hale and Wyland 1993; Martin 1990; Radford 1989). Public policing continues to be a predominantly male institution, not only in who it employs but also in the ideology and culture from which it operates (Hunt 1990; Radford 1989; Robert and Kuykendall 1993; Young 1991).

Male exclusivity in policing often clashes with the interests of women as 1) victims of crime, 2) coworkers, and 3) law-breakers (Moyer 1992; Radford 1989; Stanko 1989). Our purpose here is to examine the literature from feminist and police studies that explores the relationship between women and police, especially as it pertains to PSV against women.

Police Deviance Literature

In the past three decades, research on police corruption, deviance, and misconduct has proliferated. This research has taken the form of government reports (Christopher Commission 1992; Knapp Commission 1972) as well as independent research (Barker 1977; Carter 1990; Sherman 1974; Stoddard 1968; Westley 1970). Historically, however, most of the literature focused on police corruption as opposed to police deviance. Only recently has deviance not associated with corruption received scholarly consideration (Barker 1978; Carter 1990; Hunt 1990; Kraska and Kappeler 1988; Sapp 1986). These studies reveal a consistent pattern of misconduct that contradicts traditional conceptualizations of police corruption.

The police literature that alludes to PSV addresses the phenomenon as “police sexual misconduct,” emphasizing the on-duty “consensual sex” activities of a male officer with a female citizen (Barker 1978; Lagrange 1993). One study surveyed 43 officers in a southern city and found that the proportion of officers in that department perceived as having sex on duty was almost 32 percent (Barker 1978). That study makes clear why many researchers and most police organizations emphasize consensual sex rather than instances of PSV.

The police officer comes into contact with a number of females during his routine patrol duties. These contacts occur under conditions which provide numerous opportunities for illicit sex. . . . The officer also has the opportunity to stop a number of women coming home after a night of drinking. An intoxicated female may decide that her sexual favors are a small price to pay in order to avoid arrest for driving while intoxicated. . . . The woman may also be coerced into the act by a “rogue” officer, but on numerous occasions the women is more than a willing partner. . . . There are also a number of women who are
attracted to the uniform or the aura of the occupation (Barker 1978:266; emphasis added).

Similarly, an author of a recent police textbook writes that "police officers are subjected to incredible temptation to deviate. . . . the opportunities for easy money, drugs, and sex are seemingly endless. . . ." (Lagrange 1993:235).

The opportunity structure that facilitates police deviance is certainly an element in understanding police crime. Yet much of the policing literature assumes implicitly that police are a desired sexual commodity who are routinely tempted by women willing to trade "sexual favors" for leniency (see, for example, Sapp 1986). This "consensual sex" assumption inhibits alternative, more victim-based conceptualizations of police sexual violence. The view of this phenomenon as a problem of sexual favors assumes tacitly that deviant police are passive actors who are "corrupted," rather than active "corruptors." More important, it undermines the recognition of "police sexual deviance" as violent crime committed against women by relegating it to "sexual favors;" as a result, the coercive nature of these encounters is masked. This assumption of consensual sex also reinforces the untested notion that only the rogue, aberrant officer would use direct coercion, force, or the authority of the badge in such encounters. The "rogue" argument has been dispelled in the best of the police literature (Sherman 1974, 1978; Stoddard 1968; Westley 1953, 1970). Collectively, this thinking, promotes a lack of serious attention to the phenomenon, promotes a conceptualization of police sexual deviance that denies the violence associated with sexual victimization, and negates the possibility of a systematic or occupationally generated form of police victimization of women.

A close reading of Sapp’s (1986) study raises questions about the assumption that PSV is an occasional act committed by rogue officers. This is perhaps the only research in either the policing literature or women’s studies which directly addresses several types of PSV against women. Sapp collected interview data from "several hundred" (the actual number not specified) law enforcement officers in seven states. Although the study suffers from the usual limitations associated with informal interviewing, the findings reveal a clear pattern of what Sapp termed "police sexual harassment" of female citizens. One interviewee describes the phenomenon.

You bet I got (sex) once in a while by some broad who I arrest. Lots of times you can just hint that if you are taken care of, you could forget about what they did. One of the department stores here doesn’t like to prosecute. . . . If it’s a decent looking woman, sometimes I’ll offer to take her home and make my pitch. Some of the snooty, high class
broads turn on real quick if they think their friends and
the old man doesn't have to find out about their shoplifting
(Sapp 1986:88; emphasis added).

Drawing from traditional policing literature, Sapp contends
that the combination of unique opportunity, police power and au-
 thority, and the relative isolation of police-citizen encounters all fa-
cilitate sexual harassment of female citizens by police (Kappeler,
Sluder, and Alpert 1994). Sapp traces the lack of recognition of this
phenomenon, and the lack of institutional will to control it, to
agency apathy, which he characterizes as a dangerously unenlight-
 ened “boys will be boys” attitude among police administrators and
supervisors. His research, however, does not explore the possibility
that within this environment of willing women (“high class broads
turn on real quick”), male police officers may use even more overt
forms of coercion through the use or threat of physical force, along
with the authority of the uniform and the badge, to sexually harass,
assault, or even rape female citizens. In addition, in some instances
of sexual violation, the officer may not be pursuing a consensual
sexual encounter, but may use police authority solely for sexual
degradation or humiliation.

Feminist and Women's Studies Literature

The questionable assumptions found in the policing literature
are not evident in the international human rights literature (Chap-
man 1991). Amnesty International and the division of Human
Rights Watch have both recognized PSV against women as a seri-
ous human rights problem (Amnesty International 1991; Women’s
Rights Project 1992). The report by Human Rights Watch on the
Pakistani police found that “more than 70 percent of women in po-
lice custody are subjected to physical and sexual abuse by law en-
forcement agents, yet not a single police official has been subjected
to criminal penalties for such abuse” (Women’s Rights Project,
1992:2). A 1991 Amnesty report notes the systematic police abuse
of women in countries around the world, including acts such as
rape, sexual humiliation through frequent and unnecessary strip-
searches, the use of police power and privilege to gain sexual advan-
tage, and degrading verbal abuse.

The human rights literature on violence against women con-
stitutes the only definite examination of PSV against female citizens.
Historically, feminist literature has focused on how legal institu-
tions, specifically the police, have mistreated women as victims of
men’s violence (Daly and Chesney-Lind 1988; Lafree 1981; Radrod
1989; Simpson 1989). Although we will not review this expansive
literature here, we will consider a more direct form of PSV—occupational sexual harassment—for two reasons. First, it provides a well-documented instance of male police officers sexually harassing women. Second, it furnishes an instructional theoretical account of sexual harassment in police agencies that might be applicable to the police harassment of female citizens not working in policing organizations.

Since women's entry into policing in the mid-1970s, researchers have examined the problem of sexual harassment of female police employees (Hale and Wyland 1993; Martin 1980, 1990). Sexual harassment constitutes the most conspicuous warning to women that they do not belong in any substantive way to this male-dominated occupation (Hale and Wyland 1993; Martin 1992). Susan Martin (1990:290) found that "most women officers have experienced both sex discrimination and sexual harassment." Her most recent research finds that of 70 female officers interviewed,

two-thirds of the women identified at least one instance of sex discrimination and 75 percent reported instances of sexual harassment on the job.

Descriptions of the harassment faced by the first group on women on patrol indicated that frequently it was blatant, malicious, widespread, organized, and involved supervisors; occasionally it was life-threatening (Martin 1992:290).

Those who attempt to explain what underlies this harassment reach the same conclusion as those who scrutinize police-biased handling of violence against women in general: the cause is a sexist, highly masculine organizational ideology. Some observers have made note of the ideology (Christopher Commission 1992, Harris 1973), but researching this aspect of police culture is a relatively new undertaking. Probably the two most revealing works are those by Hunt (1990) and Young (1991). Using qualitative data collected from 18 months of fieldwork, Hunt (1990) examined the underlying logic of sexist ideology in a large urban police department. She excavates the components of a sexist police culture, highlighting (among other things) how the constructed image of the "moral woman" threatens the secret immoral world of male policing, and how policemen use degradation and humiliation to neutralize the perceived power that policewomen have or might obtain in the organization. Her conclusion has important implications for PSV against women:

[I]t is important to acknowledge that sexism is not simply a product of sex role learning but it has a deep structure which is articulated in every aspect of the police world. As
such, it is organizationally crucial to the practice of policing as well as the occupational identity of individual police (Hunt 1990:26).

Young (1991) reaches similar conclusions when examining anthropologically his 30 years of law enforcement experience in England. He likens police culture to that found in other all-male organizations, where shared values combine to form a "cult of masculinity" used as a legitimating ideology to denigrate and deny the value of women. His work exposes the consequences for women within the organizations: "My own observations suggest that policemen are overtly and consistently hostile towards women in 'the job,' and that the social control of these women is inevitably a burning issue" (Young 1991:193). Thus, the link between the institutionalized sexist ideology of the police and occupational sexual harassment is well established. Our research asks whether this cultural environment also operates outside the police organization, affecting some police officers' willingness to sexually harass, humiliate, and violate female citizens.

The policing literature assumes that "police sexual misconduct" most often involves "consensual sex," sexual favors, and rogue officers; the feminist literature makes clear that the traditional police culture, along with the occupational role and structural position of the police, may provide the appropriate organizational and cultural context for PSV against women. Thus instances of this phenomenon, if discovered, would be consistent with both the policing and the feminist literature reviewed here. In exploratory fashion, our research addresses two preliminary points. First, by using two incidence-based data sets, one from federal litigation cases and the other from media accounts, we inquire into the known scope and distribution of PSV. Second, to understand the nature of this phenomenon and how it informs and is informed by the existing feminist and policing literature, we develop a PSV continuum using illustrative case examples.

METHODOLOGY: THE DOUBLE BIND OF SECRECY

The difficulty of acquiring knowledge on this sensitive topic cannot be overstated. The wall of secrecy in policing, which conceals these crimes ("the blue wall of silence"), forms a difficult barrier for the researcher (Manning 1978; Skolnick 1966; Westley 1953). Even in the infrequent cases where some sort of wrongdoing becomes departmental knowledge, it is almost impossible to obtain information without a court order or a covert and perhaps ethically problematic research design. (Even the Christopher Commission
could not access the personnel files of the officers involved in the Rodney King beating).

The secrecy bind only magnifies when one looks to the other potential source of data—those victimized by PSV. Victims of sexual violence in general have few incentives to pursue a formal complaint, as well as many disincentives including the fear of being blamed for the incident and the fear of not being believed. Not being believed and "the fear of depersonalizing and humiliating institutional procedures and interpersonal hassles to which victims of sexual violence are frequently subject" may be intensified when the offender is a police officer (Schneider 1993:57). In short, the "blue wall of silence" and the barriers to reporting combine to form a double bind of secrecy that makes data virtually unavailable to researchers.

Therefore we relied on cases in which victims overcame these obstacles and made public their victimization. Three avenues of public disclosure are possible: a formal complaint filed with the police department, the filing of a criminal complaint or a lawsuit against the officer and the department, and the disclosure of the incident to the press. We first collected data for this study using media accounts of PSV found in a national newspaper between 1991 and the first six months of 1993. Second, we examined all published cases decided by the Federal District Courts between 1978 and 1992 in which the police were sued under 42 U.S.C. Section 1983, alleging some form of sexual violence. These data are limited in that they include only reported incidents of PSV that reached the media, or cases pursued by a plaintiff in the federal courts. Thus our data provide only an indication of how often someone goes public with a complaint; they can tell us little about the upper range of the frequency of PSV. Finally, we use relevant comments derived from interviews with key criminal justice personnel, police officers, lawyers, and rape crisis workers to illuminate the nature of PSV against women.

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1 The newspaper source in the "Across the Nation" section of USA Today, supplemented, when practical, by the collection of local newspaper accounts of these incidents. We realize the limitations in using newspaper accounts, but, as Marx observes, "media accounts are too often ignored by academic analysts. I have found them an invaluable source of cases, ideas, and questions" (1988:xxi).

2 These data were extracted from a larger data set of published cases decided by the Federal District Courts and associated with police liability. Only about 12 percent of civil rights cases decided by the courts are actually published (Olson 1992).

3 We conducted formal and informal interviews during a two-year period. These included interviews with victims of PSV (n=6), members of the media reporting on PSV (n=3), police officials (n=15), police officers who have engaged or currently are engaging in PSV (n=6), and lawyers involved in litigating PSV (n=6). We conducted these interviews to educate ourselves about this phenomenon, not as the empirical foundation for this research.
To establish a coding system for these cases, we examined the existing literature on violence against women and on police deviance, and made an initial coding of randomly selected cases. We coded the manifest content of each case in a stratified random sequence to distribute any coder bias. We developed a data classification system to enable the content analysis to determine the variety of PSV, geographic and demographic descriptors, political subdivision and employing agency, and the organizational position of the offending law enforcement officer.

We use illustrative cases in the second part of this study to examine the range of behaviors and the nature of PSV incidents. As Reinharz (1991) notes, case studies are an important tool for exploring relevant issues, examining relationships between factors, developing potential theories and concepts, and understanding the nuances of an unexplored, difficult-to-research phenomenon. This method highlights these dimensions inductively, following a longstanding epistemological tradition of developing “grounded theory” (Glaser and Strauss 1965).

We found a diverse range of incidents constituting “police sexual violence,” which required a definition that could encompass different police behaviors. Drawing heavily on the work of Kelly (1988), our definition includes those situations in which a female citizen experiences a sexually degrading, humiliating, violating, damaging, or threatening act committed by a police officer through the use of force or police authority. As Kelley (1988:40) points out, this definition of sexual violence makes no direct reference to the “imputed intentions of the violator.” This point is important because an officer ordering a body-cavity search in the back of a patrol cruiser may not overtly intend sexual humiliation, but that may be the effect nonetheless.\(^4\)

**FINDINGS AND ANALYSIS**

**A Continuum of Police Sexual Violence**

Instances of PSV examined ranged from invasions of privacy of a sexual nature to forcible rape. Consequently we conceptualized PSV on a continuum to avoid focusing only on extreme incidents. The continuum also allows us to explore the sociostructural links between these different forms of violence (Ahluwalia 1992; Kelly 1988). It is based on the “obtrusiveness” of the police behavior, and

\(^4\) One shortcoming of this definition is that it may not include those instances of PSV which were degrading and exploitative, but were not perceived as such by the victim. One such case occurred in Florida, where several deputy sheriffs exchanged sex for extra security with a mentally disturbed late-night clerk at a Circle K store (“Florida Deputies” 1990).
ranges from unobtrusive to obtrusive to criminal (see Table 1). "Unobtrusive" behavior includes behaviors such as voyeurism, viewing sexually explicit photographs or videos of crime victims, and other invasions of privacy. Obtrusive sexual behavior includes unnecessary, illegal, or punitive pat-down searches, strip searches, body-cavity searches, the provision of police services or leniency for sexual advantage, the use of deception to gain sexual advantage from citizens, and some instances of sexual harassment. Criminal behavior involves certain instances of sexual harassment, sexual assault, and rape.

Table 1. A Continuum of Police Sexual Violence

<table>
<thead>
<tr>
<th>Continuum Category</th>
<th>Range of Behaviors</th>
<th>Institutional or Cultural Support</th>
<th>Operational Justification</th>
<th>Range of Legal Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unobtrusive Behavior</td>
<td>Viewing victims, photographs, and sexually explicit videos, invasions of privacy, secondary victimization</td>
<td>Possible institutional and cultural</td>
<td>Crime control investigation, examine evidence, review evidence for case preparation</td>
<td>Civil lawsuit</td>
</tr>
<tr>
<td>Obtrusive Behavior</td>
<td>Custodial strip searches, body cavity searches, warrant-based searches, illegal detentions, deception to gain sexual favors, provision of services for sexual favors, sexual harassment</td>
<td>Possible institutional and cultural</td>
<td>Preservation of evidence, ensure security, control contraband, law enforcement, hampers enforcement efforts, necessary for covert investigations</td>
<td>Civil lawsuit to possibly criminal</td>
</tr>
<tr>
<td>Criminal Behavior</td>
<td>Sexual harassment, sexual contact, sexual assault, rape</td>
<td>Linked to institutionalized police characteristics</td>
<td>None</td>
<td>Civil lawsuit to criminal</td>
</tr>
</tbody>
</table>

Known Incidence and Distribution

We found a total of 124 cases of police sexual violence (see Tables 2 and 3). Thirty-three of these came from a single national news source between January 1991 and June 1993; 91 came from the legal database mentioned above (there is no overlap between...
cases reported from each source). Although the federal litigation data begin in 1978, almost 51 percent of the cases have been filed since 1988. Among these federal cases, 10 percent (n=9) involved unobtrusive PSV incidents, 74 percent (n=67) obtrusive incidents, and 16.5 percent (n=15) criminal behavior. About 9 percent (n=8) were rapes, 9 percent (n=8) were sexual assaults, and 9 percent (n=8) were violations of privacy (n=8). The remaining cases, 74 percent (n=97), involved the use of strip or body-cavity searches by the police. Most cases involved only one officer; however, 11 percent of the incidents involved two or more officers. Eighty-seven percent of the violations were committed by line officers; administrative personnel were involved in 12 percent of the cases.

Table 2. Frequencies of Police Sexual Violence, by Continuum Categories

<table>
<thead>
<tr>
<th>Continuum Category</th>
<th>News Source (f)</th>
<th>Federal Litigation Cases (f)</th>
<th>Total (f)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>9, 9.9</td>
<td>74, 59.7</td>
</tr>
<tr>
<td>Unobtrusive</td>
<td>4, 12.1</td>
<td>67, 73.6</td>
<td>13, 10.5</td>
</tr>
<tr>
<td>Obtrusive</td>
<td>7, 21.2</td>
<td>15, 16.5</td>
<td>37, 29.8</td>
</tr>
<tr>
<td>Criminal</td>
<td>22, 66.7</td>
<td>91, 100</td>
<td>124, 100</td>
</tr>
<tr>
<td>Total</td>
<td>33, 100</td>
<td></td>
<td>124, 100</td>
</tr>
</tbody>
</table>

The 67 victims of strip and body-cavity searches had been charged with relatively minor legal infractions; in fact, 78 percent (n=45) had been charged with either misdemeanor crimes or mere

Table 3. Frequencies of Police Sexual Violence, by Offense Type

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>News Source (f)</th>
<th>Federal Litigation Cases (f)</th>
<th>Total (f)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>8, 8.8</td>
<td>18, 14.6</td>
</tr>
<tr>
<td>Violation of Privacy</td>
<td>10, 30.3</td>
<td>67, 73.6</td>
<td>69, 55.6</td>
</tr>
<tr>
<td>Strip Search</td>
<td>2, 6</td>
<td>8, 8.8</td>
<td>20, 18.1</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>12, 36.4</td>
<td>8, 8.8</td>
<td>17, 13.7</td>
</tr>
<tr>
<td>Rape</td>
<td>9, 27.3</td>
<td>91, 100</td>
<td>124, 100</td>
</tr>
<tr>
<td>Total</td>
<td>33, 100</td>
<td></td>
<td>124, 100</td>
</tr>
</tbody>
</table>

traffic violations. Only 22 percent (n=13) of the women subjected to this police practice had been charged with a felony violation; most of these cases did not involve violations that would justify the use of an intrusive search. Police lost 69 percent of the claims brought against them, an extremely high percentage compared with all other areas of civil litigation: the police generally lose fewer than 10 percent of such actions (Kappeler 1993; Kappeler, Kappeler, and del Carmen 1993). A civil judgment against the police was not a
sufficient deterrent: many of the cases were brought against recidivist police organizations that refused to change their practices. Indeed, the legal system provided little incentive to curb the unlawful use of strip and body-cavity searches—the average damage award against a police organization was only $27,182. This figure is more than $100,000 below the average damage award level against the police for the use of excessive force (Kappeler et al. 1993).

In the data from the national news source, only 2 cases, or 6 percent of all the cases, involved strip searches. The relative absence of reports of illegal strip searches probably reflects what the media deem newsworthy. The bulk of these cases were sexual assaults (n=12) and rape (n=9), constituting almost 64 percent of all the instances of PSV. In contrast to the federal cases, the media tended to focus on the extreme instances of PSV: 12 percent (n=4) of these cases involved PSV incidents that fell within the “unobtrusive” segment of the continuum, 21 percent (n=7) were obtrusive, and 67 percent (n=22) were criminal. About 16 percent of these cases involved two or more officers; 84 percent involved a single officer. Nearly 30 percent (n=10) of the violations were committed by administrative personnel (chief, captain, sergeant, and sheriff), and the remaining 70 percent by line officers.

When we combined the two data sets, we found 37 cases of either rape or sexual assault by a police officer, or 30 percent of the incidents. Administrative and supervisory personnel were involved in 16 percent (n=20) of all cases; 12 percent (n=15) involved two or more officers. Therefore the notion of the “rogue” line officer is challenged. Moreover, several cases involved law enforcement personnel from agencies in different political jurisdictions, acting in concert (see illustrative case below under “secondary victimization”).

How were these incidents of PSV distributed geographically and by political jurisdiction? Both data sets revealed that defendants from municipal law enforcement were involved in 64.5 percent of the cases (n=80), officers from sheriff’s departments in 21 percent (n=26), officers from different political jurisdictions in 6.5 percent (n=8), and state and federal officers in 8 percent (n=10) (see Table 4). The proportions of cases coming from different agency levels are similar to the proportions of officers employed at these levels (see Reaves 1992a, 1992b). Geographically, instances of PSV were reported in 31 of the 50 states and were dispersed throughout all regions.
Table 4. Frequencies of Police Sexual Violence, by Political Jurisdiction

<table>
<thead>
<tr>
<th>Political Jurisdiction</th>
<th>News Source (f)</th>
<th>%</th>
<th>Federal Litigation Cases (f)</th>
<th>%</th>
<th>Total (f)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal</td>
<td>24</td>
<td>72.8</td>
<td>59</td>
<td>64.8</td>
<td>83</td>
<td>66.9</td>
</tr>
<tr>
<td>County</td>
<td>6</td>
<td>18.2</td>
<td>21</td>
<td>23.1</td>
<td>17</td>
<td>21.8</td>
</tr>
<tr>
<td>State</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>.8</td>
</tr>
<tr>
<td>Federal</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>2.2</td>
<td>3</td>
<td>2.4</td>
</tr>
<tr>
<td>Multijurisdictional</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>8.8</td>
<td>9</td>
<td>7.3</td>
</tr>
<tr>
<td>Other</td>
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<td>0</td>
<td>1</td>
<td>1.1</td>
<td>1</td>
<td>.8</td>
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<tr>
<td>Total</td>
<td>33</td>
<td>100</td>
<td>91</td>
<td>100</td>
<td>124</td>
<td>100</td>
</tr>
</tbody>
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Interpreting Exploratory Data

These data must be interpreted cautiously because of their exploratory nature and the double bind of secrecy. Either to reject their significance or to claim that PSV is a pervasive problem is to overstep the exploratory nature of this research. Because of the methodology employed, however, these 124 cases may represent only the tip of the iceberg. Two factors support our claim. First, the policing and feminist literature reviewed earlier identify not only a clear precedent for police sexual violence against women, but also an organizational, structural, and cultural environment favoring this form of victimization. Second, even if one considers only the most extreme form of PSV (rape), the research suggests a pattern in several geographical areas whereby the reporting of police rape by a single victim brought forth three to five additional victims, usually raped by different officers. This pattern was found in Dallas, in several areas in southern California, in Houston, and in Maryland (Boyer 1992; Ford 1992; Makeig 1993; O’Connor 1993; Platte 1991; Shen 1990). In 1992 alone, for example, four alleged victims of police rape surfaced in Dallas; each victim accused a different officer. The clinical supervisor of a Dallas rape crisis center subsequently reported that their organization assists two or three women a year who have been raped by on-duty Dallas police officers. These women have not reported the incident to the police because “they’re afraid of retaliation” (O’Connor 1993:274). Again, the data presented here include only those incidents in which victims overcame reporting obstacles and made a formal complaint; most likely, these constitute only a small percentage of the actual cases.

Illustrative Cases, Issues, and Interpretations

We identify an entire range of behaviors (unobtrusive to obtrusive to criminal) as police sexual violence. A continuum counters the tendency to view the more extreme forms of sexual violence as
aberrations, which severs them from their common structural and cultural bases. In examining actual cases of PSV along the continuum, the objective is to analyze, in exploratory fashion, the relevant theoretical, conceptual, and practical issues. In this way the phenomenon can inform feminist and policing studies, while the literatures in those areas can aid in understanding this form of violence against women and police crime.

**Unobtrusive: Secondary victimization.** The cases in this section include instances of PSV that fall on the least obtrusive end of the continuum. In these cases, the police violate a victim's privacy rights—a type of “secondary victimization.” In *DiPalma v. Phelan* (1992), for instance, a 16-year-old female reported to the police that she had been sexually abused by her father. The police department assured her that if she signed a supporting deposition, her wish to remain anonymous to anyone unconnected with the criminal investigation would be honored. Her father pleaded guilty to the charges. Because he was employed by the municipality, the Town Board requested all documentation about the case. Despite the promise of confidentiality and the highly sensitive information in the police file, the police cooperated with the Town Board and released the information. The State Supreme Court dismissed the young woman’s cause of action because “neither case law nor statute clearly establishes that a sex crime victim’s constitutional right to privacy is violated by the disclosure of her identity.”

Although this case does not involve violent physical contact, it demonstrates deception by police and a lack of sensitivity, which resulted in “official” victimization. The judiciary sanctioned this form of secondary police victimization, an indication of possible institutionalization of this practice. It is also significant that the violation occurred in the administrative setting of both the police institution and municipal government; it was not the act of a rogue officer.

*James v. City of Douglas* (1991) demonstrates a more direct form of police victimization in which deception was used to gain a crime victim’s confidence and then to violate her privacy. Celeste James went to the police with allegations that her business partner was attempting to extort insurance money by threatening to show her family a videotape of herself and her business partner engaged in sexual activity. The tape was made without her knowledge or

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6 We selected cases that illustrated the upper and lower bounds of the continuum categories, and that provided detailed descriptions of the facts and circumstances in the cases. Several other cases in the litigation database would have served equally well.
consent. She expressed her reluctance to cooperate with the investigation because of the embarrassing nature of the tape. The police assured James repeatedly that if she cooperated, they would handle the tape discreetly. The tape, once confiscated by the police, was handled otherwise: several police officers at the scene of the search viewed it in its entirety; no one ever logged it in as evidence; and copies were made and circulated throughout much of the department. During one of the “viewings,” the chief of police, the assistant chief, the sheriff of the county, and a sheriff’s deputy were all present. The court ruled that the showing of the videotape violated a “clearly established constitutional right to privacy.”

This case, in which officers engaged collectively in a contemporary form of voyeurism, points to the cultural acceptance, throughout the rank structure of these particular agencies, of violating a female crime victim’s trust. Sapp (1986) lists voyeurism as one way in which some “sexually deviant” officers entertain themselves while on duty. This case illustrates the unique access of the police to such private material, and how responsibly they handle female victims of sexual violence. Men’s “sexual access” to women (Kelly 1988) and the police handling of male violence against women (Dobash and Dobash 1992) are both important issues in feminist scholarship.

Oblusive: Strip and body-cavity searches. In moving along the PSV continuum to the “obtrusive” category, it is important to note again that the human rights literature recognizes the police abuse of strip and body-cavity searches as a serious and prevalent form of PSV. Almost 74 percent of the federal litigation cases examined here involved the alleged illegal use of strip body-cavity searches; the police lost nearly 70 percent of these cases.

The police examination of a female’s body and body cavities is extremely intrusive and violating. Because of “operational necessities,” however, the police can engage legally in many behaviors that would be considered criminal if performed in a different context (Brodeur 1981). For the recipients of a body-cavity search, however, context and pretenses of operational justification mean little. The plaintiffs in the following cases likened the experience to “rape” and “being violated in the most extreme way.” Technically, the legality of a search depends not on its effect on the recipient but on whether the police conducted the search out of “necessity,” based it on reasonable suspicion, and conducted it within constitutional guidelines. The following cases illustrate how the police sometimes employ this tactic for their own pleasure or to sexually degrade, humiliate, or intimidate women.
In Rodriguez v. Fuentes (1991), the police were clearly more interested in degradation and intimidation than in collecting incriminating evidence. They suspected Rodriguez of trafficking in illegal drugs and sought a warrant, which a judge approved, to search her vagina for narcotics. The police appeared at her residence late at night, forced the door open, and found her and her husband sleeping in bed (an unlikely occasion for harboring drugs in a body cavity). The police told Rodriguez that they had a warrant to search her vagina, and repeatedly demanded that she reach in and “take out the stuff.” When she refused to cooperate, the police drove her to the local hospital.

Rodriguez still protested the search; under duress and coercion, the physician on duty put on rubber gloves and proceeded to insert a probe into the plaintiff’s vagina. He then removed the probe, placed one hand on the plaintiff’s stomach, and inserted his fingers or some other instrument far into her vagina.

No drugs were found.

The courts ruled against the plaintiff, but did claim that they were “deeply troubled” by the search.

The fact that the plaintiff was taken to the hospital by the police in the middle of the night to have her vagina searched raises, at the very least, the possibility that the police were more interested in intimidating the plaintiff than they were in finding narcotics. It is difficult to imagine a more intrusive, humiliating, and demeaning search.

Interestingly, the court did not mention the propriety of the judge’s actions in issuing a warrant for this invasive search, or in failing to limit the fashion in which it was conducted.

More controversial are cases in which the police conduct “investigatory strip searches” in the field. The court ruled only partially against the police in Timberlake v. Benton (1992). In this case, two teenage females were driving a truck owned by a relative suspected of drug trafficking. Even though the police had no information linking the two women to the illegal distribution of drugs, the “drug task force” supervisor (a male) ordered a female officer to conduct a complete strip and body-cavity search in the back seat of a patrol cruiser. The females suspects stripped; they were ordered onto their hands and knees with their posteriors facing the open doorway and highway in plain sight of male officers at the scene. The drug enforcement officer hinted at his motive for the search when he threatened the women with future strip searches unless they provided information about their relative. The court ruled that the women were not entitled to punitive damages but that the police
might be liable for injuries resulting from the search. The court also noted that this police department had a history of conducting illegal "non-custodial investigatory strip searches."

These cases raise several important issues. Illegal strip and body-cavity searches have remained civil rights violations rather than crimes, even though the law allows excessive force by police to be conceptualized as both a civil and a criminal act. One could argue that the differential treatment of these cases by the judiciary serves to condone these practices. One lawyer who specializes in suing the police sheds light on the difficulty of such cases: "We don't like strip search cases. . . What you have to remember is that there are no damages when cops search suspects and the courts are unwilling to allow punitive awards in these situations . . ."

These police practices cannot be explained away as the rogue cop circumventing the law for personal gain. Brodeur's (1981:135) insight about other forms of police organizational deviance applies here: "It is a mistake to hold that it is for the most part informal practices that circumvent the law. These practices are to a significant extent grounded in the law." The judiciary in Rodriguez not only failed to rule against the police department, but also approved of the search by issuing the warrant. Because the police are in a unique position to conduct searches of a person's most private physical self, one would think that stringent constitutional constraints would be in place. In practice, however, our data suggest that police organizations routinely disregard the rule of law, opting to absorb the token damage awards that juries are likely to impose.

That component of the masculine belief system in policing which supports unnecessary strip and body-cavity searches may also exist in the judiciary and the bar. The legal and media cases used here demonstrate a sexist, culturally based belief held by some police, judges, and lawyers that women are capable of carrying drugs and weapons inside their body cavities, and do so regularly. As one Ohio Supreme Court justice wrote: "Even if Fricker had been concealing contraband . . . it would require a quantum leap in logic to conclude that such contraband would be routinely carried within a body cavity" (Fricker v. Stokes, 1986:206). Unlike forms of "deviance," therefore, this form of police wrongdoing leads us to ask to what degree this type of PSV is linked to legal, organizational, and cultural elements of the police and justice system.

**Obtrusive/Criminal: Police Sexual Harassment.** Police sexual harassment falls into the gray area between the "obtrusive" and the "criminal" categories. Such harassment of female citizens in itself,
Tempt.

The sexual harassment could be defined as behavior that is unwanted and that creates an hostile or offensive work environment. It occurs when an individual is subjected to unwanted sexual advances, is requested to perform sexual favors, or is subjected to unwelcome sexual comments. This type of behavior can be highly distressing and can create a hostile work environment that is demeaning and humiliating. It is important to recognize and address sexual harassment in the workplace in order to create a safe and respectful work environment for all employees.

In conclusion, sexual harassment is a serious issue that must be addressed and taken seriously by all organizations. Employers have a responsibility to create a safe and respectful work environment for all employees, and employees have a right to expect that. By implementing policies and procedures to prevent and address sexual harassment, organizations can help to create a workplace that is free from discrimination and harassment.

References:


The same behavior—exploiting a gender-based power difference to make sexually demeaning or suggestive remarks under the threat of a sanction—certainly would constitute sexual harassment or extortion in the workplace (MacKinnon 1979). Feminist scholars are exploring contexts beyond the workplace in which sexual harassment takes place, such as doctor/patient or professor/student (Belknap and Erez forthcoming). The sexual harassment of women by male police officers is particularly significant: the often-discussed power differential exists not only because the harasser is male, but also because he has the state-sanctioned power to detain, arrest, and use physical force if the female does not cooperate. Unlike the college professor, the physician, or even the employer, the police officer can invoke operational necessity, sometimes with institutional support, to engage in a range of potentially abusive behaviors, most significantly the legitimate use of violence. This extreme difference in power helps us understand police rape, the most extreme form of PSV.

Criminal: Police rape. Rape falls at the extreme end of the PSV continuum. In several cities and states (discussed earlier), the discovery that police officers have raped female citizens while on duty causes outrage among some, disbelief among others, and shock among nearly all people. This type of crime raises many important theoretical and legal issues.

We found an obvious pattern when reviewing the rape cases cited here. The incidents resemble the sexual harassment case cited above, in that they involve a police officer who pulls over a female citizen for some traffic violation (generally driving under the influence), threatens her with arrest, and takes her to a secluded location for some outwardly legitimate reason. The difference here is that the police officer then rapes his victim.

A 33-year-old veteran officer in southern California, for example, used to lie in wait for women outside bars and restaurants, pull them over on false charges, convince them that they were about to be arrested, follow them to a secluded spot (a remote lake), and then rape them in the back seat of his patrol car. The police suspected that over the years, this may have happened to numerous women with no serious departmental inquiry. Only three women of the 30 interviewed eventually came forward with charges (Ford 1992).

In Houston in 1992, several women made claims against a Houston police officer; only one resulted in prosecution. This case involved a 23-year-old woman who worked for an attorney. Earlier
on the evening of the arrest, she had been at a nightclub. The officer pulled her over, said he smelled alcohol on her breath, and took her driver’s license and insurance card “[Officer] Potter told her to follow him to a nearby parking garage that he called his ‘sleeping spot.’” In the victim’s words, “I was real apprehensive and frightened, but he just started asking about my background and family. I thought he was just going to write out the ticket in the car and let me go.” (Zuniga 1992:15A). Instead the officer made sexually degrading comments and ignored her pleas for freedom. He then ordered her out of the patrol car and told her: “You could go to jail and get raped by the (blacks) or would you rather bend over or lay down?” (Zuniga 1992:15A). The police officer then raped her over the hood of the patrol car. Afterward he apologized for having to leave because he was 30 minutes late to his last call. The woman returned home, called a rape crisis hotline, and then went to the hospital for a rape examination.

The real significance for this study is that these particular officers, as members of the select group of persons empowered to enforce the state’s laws and protect the citizens, exploited their unique access to female citizens, and their power and authority as police, to engage in sexually violent behavior.

Also important is the pattern of raping women who are out late at night and suspected of being intoxicated. As one officer told the first author during the data collection stage, he and five other officers in his department routinely go out “bimbo-hunting”: they wait outside the bars, pull over women who “should be home with their boyfriends,” and sexually harass them. Part of the logic of sexism is that women are expected to abide by certain norms of feminine sexuality and to remain in their “proper place” (Hatty 1989; Scully 1990). A police officer told Hatty (1989:79), “I see a lot of women who are drunk all the time. They’re just sluts. They should be looking after their kids.” The predatory dynamic here might include the sexist belief among some police that women who go drinking and who frequent bars have a lower status, possibly so low as to be “police property,” and therefore are subject to victimization and/or open to sexual extortion (Lee 1981).7

Another important concern here is that the difficulties faced by women in reporting sexual violence in general may only be intensified when the offender is a police officer. In 1991 the California Supreme Court awarded $150,000 to a woman raped by an on-duty

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7 Although in this research we could not account for the race of the officers and the victims, the Dallas anecdote near the end of this section illustrates the possibility that the dynamic of lowering the victim’s status may include the victim’s race as well as “a female drinking late at night.” See Sims (1976) for an instance of sexual abuse, by the justice system, of black females in a southern jail.
police officer 10 years earlier. (The officer served 18 months in prison.) The woman hoped the ruling would encourage other victims of police rape to overcome their fear of reporting. As she stated, “I was afraid at the time that no one would believe me”. Several cases demonstrate that this fear may not be unfounded.

In *Parrish v. Lukie* (1992), Officer Lukie drove a female detainee to an isolated portion of North Little Rock and forced her to perform oral sex. The police were aware of Lukie’s history of sexually assaulting women on the job, but no action was ever taken. The court ruled:

> [W]e find overwhelming evidence to support the jury’s finding that North Little Rock police officers operated in a system where reports of physical or sexual assault by officers were discouraged, ignored, or covered up.

As with sexual violence against women in general, the difficulty for several victims of police rape was presented by the courts, even when the police took the complaint seriously. In a period of only 11 months, four different Dallas police officers were accused of raping female citizens. Three of the cases went to the grand jury, with the Dallas police department asking for an indictment of rape; all of these cases were reduced to the misdemeanor offense of “official oppression.” The jury, guided by the prosecutor, determined that the cases lacked the legal requirement of “use of force.” In each case, police officers pulled over women on false traffic violations and sexually assaulted them. The juries did not find evidence of coercion because the women did not attempt to leave the scene of the incident, or did not “fight back.”

One victim’s account reveals the reason. After an evening at a nightclub with her two daughters, she was pulled over by a Dallas police officer for driving while intoxicated.

He said, “I want you to step out . . .” He grabbed me by the elbow and led me between the two cars . . . The whole time I was intimidated. I was really scared of this man; there was just something about him. He made me feel like I was going to comply no matter what. He had the authority. At that point, I lost it. I was in this man’s control. For me to holler, to try to run away on foot, wouldn’t have done any good. We were out in an empty parking lot at two in the morning. What was I going to do? Run to the police station? . . . He unzipped my pants and pulled them down to my hips. Then he grabbed me by my arm again and flung me around. I thought, “My God, this man is going to sodomize me.” I’ve never been sexual that way. I’m Hispanic and we don’t do this . . . Nothing was being said by this man. Nothing was talked about . . . (O’Conner 1993:231).
Some feminist scholars place the male ability to use force and coercion at the center of their analysis of crimes against women and their oppression (see Kelly 1988). The above account illustrates how the assaulting police officer’s possession of state-sanctioned power, along with the power of being male, rendered overt force unnecessary. As Hannah Ardent states, “[F]orce is only used when power is in jeopardy” (Kelly 1988:22). Because the criminal and the civil law have failed to extend their conceptualization of coercion or force to women’s victimization at the hands of the police, several women’s groups are advocating a new law in Texas which would classify a police officer’s uniform and badge as an instrument of force. As in the ruling in *Miranda v. Arizona* (1966), this law would assume that the authority of the police when detaining a suspect inherently creates the threat of force.

**CONCLUSION: BUILDING LINKS ALONG THE CONTINUUM**

The extreme power differential between policemen and female citizens comprises only one of several links connecting the various forms of PSV against women. Others are a sexist organizational ideology, judicial and legal support or tolerance for some types of PSV, and the structural position of the police.

In this paper we examine a unique form of police crime and violence against women. Two literatures—police studies and feminist studies—are most appropriate for contextualizing theoretically the range of behaviors defined here as PSV against women. The policing literature focuses mainly on on-duty consensual sex; feminist studies primarily examine “secondary victimization” of women by the police. The only direct examination of PSV is found in the descriptive international human rights literature. The feminist and the policing literature overlap in their examination of male police officers sexually harassing female police and citizens; they also expose a cultural and structural setting conducive to PSV. The policing literature allows for the conceptualization of power, authority, and opportunity, but generally masks the gender bias of the police occupation and the law with discussions of aberrant officers, sexual favors, and consenting females. The feminist literature illuminates the bias and the systemic differential treatment of citizens based on gender; but fails to fully recognize the nuances of police power, authority, and opportunity as they influence police crime.

The dual elements of police secrecy and reporting obstacles for victims inhibit the type of data available on this sensitive topic. Our research has provided an exploratory examination of the
known incidence and nature of the many forms of PSV through a database of federal litigation, media cases, and interviews.

A critical element throughout the PSV continuum is the sexist nature of the conventional police culture. Feminist studies have discussed at length how a sexist organizational ideology in a police department can harm female victims of crime, coworkers, and lawbreakers. As Hunt (1990) found, sexism is a deep structure within policing, manifested in the "occupational identity of individual police." Other feminist studies have discovered that a sexist culture in any organization which has access to women can constitute a governing structural factor in sexual violence. Martin and Hummer (1989) examined the conditions and processes in college fraternities which facilitate sexual violence against women. Copenhaver and Grauerholz's statement about their research succinctly highlights the parallel between fraternities and police organizations:

Martin and Hummer's research provides insight into how social institutions such as fraternities encourage sexual violence against women. Fraternities norms and practices, especially the preoccupation with loyalty, group protection and secrecy, use of alcohol, involvement in violence and physical force... create an atmosphere conducive to sexual violence against women (1991:31).

Our research exposes a darker consequence of this ideological environment. It supplements a growing realization in police studies, largely due to feminist scholarship, that police studies should involve another significant "ism"—beside racism, cynicism, and isolationism—necessary for an understanding of police crime and culture (Hunt 1991, Young 1991; Roberg and Kuykendall 1993). Police academics and some police agencies are beginning to recognize the importance of addressing this aspect of policing.

Departments must attempt to accelerate change with respect to the traditional sexist police culture. Although some significant strides have been made with respect to de-emphasizing the highly militaristic/masculine approach to police organization and management over the past decade, such traditions are firmly entrenched and difficult to overcome (Roberg and Kuykendall 1993:405).

Another common element on the PSV continuum is the structural position and situational opportunity of the police to commit acts of PSV. The police possess exceptional access to women, often in situations with little or no direct accountability. Each form of PSV examined here—invasion of privacy, strip and body-cavity searches, sexual harassment, and rape—involves exploitation of this privileged position by both patrol officers and administrative personnel. Strip and body-cavity searches are especially relevant because they have organizational and institutional support.
The structural position of police in society includes their occupational role as trusted “citizen protectors.” Because women’s personal safety and their fear of sexual violence are fundamental issues in feminist studies (Ahluwalia 1992; Stanko 1991), PSV adds a critical dimension to the ambivalence in the literature about relying on the police and criminal justice system to “protect” women (Caufield and Wonders 1993; Edwards 1990; Klein and Kress 1976; Radford 1989; Thorton 1991). As several authors point out, violence against women is committed most often by those to whom women turn for protection (Stanko 1993). Each instance of PSV in this study adds credibility to this feminist insight.

These sociocultural links demonstrate the importance of conceptualizing PSV on a continuum. In this way we can avoid viewing police crime as simply an aberration committed by a rogue officer; we can place it within an entire range of less obtrusive behaviors, all of which have common structural and cultural roots. The concept of the continuum also allows for the recognition that PSV in some forms may be institutionally supported, and in other forms may be connected to institutionalized characteristics of the police (see Table 1). The intellectual environment in crime and justice studies is ripe for scrutinizing more closely the crime committed by the institution ostensibly designed to control it, and the critical role gender bias plays.

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