

RAPE, SEXUAL ASSAULT, & SEXUAL HARASSMENT

Women and transgender people of color's experiences of rape, sexual assault and sexual harassment by law enforcement agents are largely invisible in discussions of police brutality, which focus primarily on experiences of racial profiling and physical abuse. They also don't usually factor into our general understandings of sexual assault. As a result, women of color and transgender people of color who experience sexual violence at the hands of law enforcement officers are often particularly isolated and made invisible.

No official data is currently available regarding the number of rapes and sexual assaults committed by law enforcement officers in the U.S. Statistics regarding racial profiling and physical brutality by

law enforcement officers do not include information on the number of allegations, complaints, or incidents of rape, sexual assault, sexual harassment or coerced sexual conduct by police officers. Similarly, information gathered by the federal government on rape and sexual assault does not include information about rapes committed by police officers and other law enforcement agents. In the absence of such information, law enforcement authorities often claim that sexual misconduct by their officers is rare — the product of a few “bad apples” — and is dealt with swiftly and decisively. Yet reports from across the U.S. suggest that rape, sexual assault, and sexual harassment of women and transgender people by law enforcement officers is far more prevalent than we know, and often goes unreported and unaddressed. What little research is available indicates that it is a silent yet systemic problem. For instance:

- Two studies of law enforcement license revocations in Missouri and Florida found that sexual misconduct was the basis for revocations in almost 25% of cases.²
- A survey of law enforcement officials in the St. Louis, Missouri metropolitan area concluded that officers report sexual misconduct to be common, yet criminal justice officials have done little to control the problem.³

It is not surprising that there is very little information regarding sexual assaults and rapes by women and transgender people of color by law enforcement officers given that it is estimated that overall, only 1/3 of rapes and sexual assaults are reported to law enforcement authorities.⁴ One can only imagine that this rate is far lower among women who are raped or sexually assaulted by the very law enforcement agents who are charged with protecting them from violence. As Penny Harrington, former Portland Chief of Police and founder of the National Center for Women and Policing, has pointed out “The women are terrified. Who are they going to call? It's the police who are abusing them.”⁵

On November 24, 2002, Denise Almodovar, Sarah Adams, Candace Ramirez, Becki Taylor and Lindsey Valsamaki were picked up for alleged public intoxication by officers of the Balcones Heights, Texas police department. They were taken to the police station, booked, and placed in a holding cell. The officers then removed the five women from the cell and brought them into the patrol workroom -- a room where there is no video surveillance -- and ordered them to dance to music from a radio.

They then sexually assaulted the five women, forcibly kissing them, forcing their hands down the women's pants and touching their genitals, and exposing their penises and masturbating in front of the women. One of the women later testified that she felt unable to resist or run away because “he had his gun and I was singled out. I was by myself. I didn't know what door led out. I couldn't go anywhere.” A month after this incident, one of the officers involved raped a woman he believed to be a domestic violence survivor in his patrol car.¹



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Many survivors of police rape and sexual assault say they never reported the incidents to the authorities out of shame, fear that they would not be believed, would be subject to exposure of their sexual orientation or gender identity, would suffer retaliation by police officers, or that they would be deported because they were undocumented. Or they feared — because they were involved in sex work or use of controlled substances — that they would be charged with a crime if they lodged a complaint against the police. Indeed, law enforcement officers tend to target women who are criminalized, marginalized or otherwise vulnerable for sexual abuse, thereby further reducing the likelihood that their conduct will be reported.⁶

In some cases where women and trans people of color attempted to report sexual abuse by law enforcement officers, they were literally laughed off the phone or out of the precinct.

In 2001, two young Latina transgender women reported that they were approached and questioned by police officers in a patrol car, and then threatened with arrest unless they had sex with the officers. The women performed oral sex on the officers before being allowed to go free. They did not report the incident to authorities because of their undocumented immigration status and the officers' threats of retaliation.⁷

Roger Magaña, a Eugene, Oregon police officer who was convicted in 2004 of sexually abusing more than a dozen women over a period of eight years, many of whom were poor, used controlled substances, were involved in the sex trade, or were domestic violence survivors, put his service weapon up against one of his victim's genitals and threatened to "blow her insides out" if she told anyone.

In the absence of systemic data collection, much of the publicly available information about rape and sexual assault of women by law enforcement agents concerns cases in which criminal charges were brought against the abusers — creating the false impression that what cases exist are effectively handled through the criminal justice system. Yet these cases appear to represent merely the tip of the iceberg. Even in cases where they are reported, officers are rarely prosecuted, and if they are, they are often acquitted or plead to charges of "official misconduct."

Ernest Marsalis had a record of abusing women while serving as a Chicago police officer. Prior to kidnapping and raping a 19 year-old African American woman he arrested, which led to his termination from the force, he had been accused of violent or threatening behavior in more than 20 cases, with most of the charges lodged by women. He was never prosecuted.⁸

In 2006 Officer Jemini Jones was accused of raping a 23 year-old woman in a Baltimore police station, demanding sex in exchange for leniency on a drug charge. Although Jones was ultimately acquitted of the crime, the survivor maintains that the rape took place, and Jones was subsequently accused of raping another woman during execution of a search warrant at her home later that year. Another Baltimore officer has also since been accused of having sex with a 16 year-old he interviewed at a station house in July 2006.⁹



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Officers are often acquitted because of the private nature of sexual abuse — unlike incidents of excessive force, where there are more likely to be witnesses and, if the survivor is lucky, a video camera, frequently in cases of sexual abuse it's a woman's or trans person's word against an officer's. Such cases turn on credibility determinations pitting the victim, who may also be charged with a crime, against a police officer trained in providing expert testimony.¹⁰ It is also important to remember that, the criminal justice system does not change its colors when it is turned against police officers who rape and sexually abuse women and trans people — many of those prosecuted are men of color, and criminal charges do little to address systemic problems.

As hard as it may be to believe, many jurisdictions have no written policy explicitly prohibiting sexual harassment or abuse of members of the public by law enforcement officers -- or even any training on the subject. For instance, NYPD officials confirm that one of the largest police departments in the country does not provide any specific training on sexual harassment or abuse of individuals in police custody, relying on its generic "courtesy, professionalism and respect" training and officers' "common sense."¹¹

Sista II Sista, a collective of young and adult Black and Latina women in Bushwick, New York, created a video documentary about sexual harassment and violence by police in their neighborhood called You Have a Right to Break the Silence. For a copy, contact incite-national@yahoo.com

Women and trans people of color who are seen as defying racialized gender norms - including lesbians, sex workers, and women who use controlled substances are highly sexualized by police and therefore particularly vulnerable to sexual abuse by law enforcement agents. Sex workers report being forced to strip or engage in other sexual conduct while in police detention, and offers of leniency in exchange for sexual favors by police officers are reportedly endemic. Lesbians have reported being forced to describe or engage in sexual acts with other women while in police custody, and threatened with rape by other detainees or law enforcement officers to "cure" or punish their sexual orientation. As is the case in other contexts, access to the bodies of women of color is presumed, based on historical and current stereotypes. Gender non-conformity is particularly seen as evidence of sexual availability where transgender women are concerned.

A transgender woman reported to the Sylvia Rivera Law Project that a Bronx, New York court officer coerced her into performing oral sex on him in a court lock-up.

⇒ SEXUAL HARASSMENT & ASSAULT DURING TRAFFIC STOPS

Women and trans people of color's experiences of racial profiling are often uniquely gendered. Sexual harassment, sexual assault, and rape of women and trans people during traffic stops is reported with alarming regularity. For instance:

A 2002 report, Driving While Female, documented over 400 cases of sexual harassment and abuse by law enforcement officers in the context of traffic stops across the U.S. Only 100 of these cases resulted in any kind of sanction. The authors of the report concluded "there is good reason to believe that these cases represent only the tip of the iceberg. Many victims do not come forward because of humiliation and fear of reprisal. And...some police departments do not accept and investigate complaints from many victims who do come forward."¹²



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In 2001, a rash of traffic stops of Latina women in a low-income community in Suffolk County, Long Island, during which women were forced to perform sexual acts and/or strip in public, came to light.¹³ In one case, instead of being issued a traffic citation, a woman was forced to walk home in her underwear.¹⁴ In two others, officers were alleged to have forced women to have sex with them after pulling them over for traffic infractions.¹⁵

In 2005, two New York City police officers followed a 35 year-old Latina woman home after stopping her for a traffic offense, and subsequently forced her to perform oral sex on them in her apartment while her three children slept nearby.¹⁶

⇒ SEXUAL ASSAULT OF SURVIVORS OF VIOLENCE

Indeed, the experience of [B]lack women has been that the very same white policeman who would supposedly protect them from rape, will sometimes go as far as to rape [B]lack women in their custody.

- *Angela Y. Davis*¹⁷

‘I would see women that were vulnerable where I could appear as a knight in shining armor...I’m going to help this woman who’s being abused by her boyfriend, and then I’ll ask for sexual favors.’

- *Michael Evans, former Pennsylvania State Trooper*¹⁸

As discussed in greater detail in the fact sheet on law enforcement violence and domestic violence in this toolkit, racialized notions of gender also inform who will be seen as inherently rapeable and therefore undeserving of police protection and subject to police predation and punishment:

- ⇒ A Chicago rape crisis center reports that an African American homeless woman called the police because she has been the victim of group rape, and was arrested for prostitution.¹⁹
- ⇒ A police officer working in a Chicago suburb was charged with “official misconduct” for making women strip naked when he responded to domestic violence calls.¹⁹
- ⇒ In her essay “Violence Against Women and the Ongoing Challenge to Racism,” Angela Davis talks about finding a young Black woman, beaten and bloody, by the side of a freeway in San Diego. The woman had been raped by several white men, dropped by the side of the road, and found by police, only to be raped again by the officers and left by the side of the freeway, barely conscious.²⁰

‘He had his police uniform on, his gun, his nightstick,’ the woman said. ‘I did exactly what he asked me to do.’

- *Woman raped by a police officer responding to a domestic violence call*²¹



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⇒ ABUSIVE SEARCHES — STATE SANCTIONED SEXUAL ASSAULT

Abusive and overly intrusive searches are subjectively experienced as - and objectively constitute - a form systemic state-sanctioned sexual assault. Visual body cavity searches – often performed on women and trans people of color profiled or perceived to be concealing drugs on their person – have been described by a federal court of appeals as “demeaning, dehumanizing, undignified, humiliating, terrifying, unpleasant, embarrassing, repulsive, signifying degradation and submission.”²²

Diane Bond, a 50 year old African American woman was repeatedly attacked by several Chicago police officers at her public housing unit in Chicago, Illinois in 2003 and 2004. On April 13, 2003, the officers pointed a loaded gun to her head, forced her into her apartment, and then engaged in an unnecessary and abusive strip search and destructive search of her apartment, during which they broke precious religious belongings while calling her a “cunt” and “bitch.” Two weeks later, as she was standing in the stairway outside her apartment, Chicago police officers grabbed Ms. Bonds and smacked her in the face, causing her to urinate on herself. She was then forced into her bedroom where she was forced to undress, bend over, expose her genitalia to the male officers and reach inside her own vagina under the threat of having her teeth removed with needle nosed pliers unless she complied with the officers’ demands.

None of the officers involved have been disciplined or prosecuted.²³

Violent, abusive, and often repeated searches of transgender and gender non-conforming women, as well as transgender men – on the streets, in police detention facilities, jails, and court lock-ups — for the purpose of determining genital status, to humiliate, or to satisfy officers’ curiosity are routinely conducted across the country. Such searches, as well as unnecessary and abusive strip searches - are often accompanied by ridicule, sexualized verbal abuse, and physical violence.²⁴

An African American transgender woman reports that after being arrested in December 2004, she was repeatedly subjected to police officers gathering and staring at her, making comments such as “Do you know what that is?” She reported being searched three times, including at the processing center, where one of the arresting officers searched her vaginally. She believed that the search was to find out about her sex and for the benefit of curious officers, rather than for a legitimate purpose.²⁵

A Native American transgender woman reported that she was standing near a tree in Los Angeles at 2:30 a.m., smoking a cigarette, when an officer pulled up, got out of the patrol car, hit her and shoved her up against a tree, pulling her hair back roughly. He reportedly told her, “I’m going to have to ask you to remove your underwear,” claiming that she had concealed something on her person, and pulled down her miniskirt and underwear, spreading her legs. The officer demanded to know “where the drugs were,” and when she responded that she didn’t have any, took off her shirt and made her take off her bra, leaving her standing naked in the middle of the street. She commented, “People were driving by. I was so embarrassed.”²⁶

Three transgender women in New York City have filed lawsuits against the New York City Police Department claiming that abusive searches they were subjected to are part of a widespread pattern and practice, and demanding systemic change.



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⇒ ENDNOTES

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- ² R. L. Goldman and S. Puro, *Revocation of Police Officer Certification*, 45 St. Louis L. J. 541, 563, n.142 (2001).
- ³ Timothy Maher, *Police Sexual Misconduct: Officers' Perceptions of its Extent and Causality*, Crim. Just. Rev. 28(2):355 (2003).
- ⁴ See Bureau of Justice Statistics, *Criminal Victimization, 2004*, US Department of Justice, Office of Justice Programs, NCJ 210674, September 2005; Bureau of Justice Statistics, *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000*, US Department of Justice, Office of Justice Programs, NCJ 194530, August 2002 (74% of completed and attempted sexual assaults against women were not reported to the police).
- ⁵ Craig R. McCoy and Nancy Phillips, *Extorting Sex With a Badge*, Philadelphia Inquirer, August 13, 2006 A01.
- ⁶ Craig R. McCoy and Nancy Phillips, *Extorting Sex With A Badge*, Philadelphia Inquirer, August 13, 2006 A01.
- ⁷ Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 40, AMR 51/122/2005 (2005).
- ⁸ Tori Marlan, *Armed and Dangerous*, Chicago Reader, 8/31/2001.
- ⁹ Julie Bykowicz, *Officer Accused Again of Rape*, Baltimore Sun, May 6, 2006; Julie Bykowicz, *Officer Takes Stand, Denies Rape Charge*, Baltimore Sun, January 20, 2007.
- ¹⁰ See, e.g., U.S. Commission on Civil Rights, *Revisiting Who is Guarding the Guardians?: A Report on Police Practices and Civil Rights in America*, November 2000; Human Rights Watch, *Shielded from Justice: Police Brutality and Accountability in the United States*, HRW Index No.: 1-56432-183-5, July 1, 1998; *United States of America: Rights for All* 43, Amnesty International, AMR 51/035/1998, 1998.
- ¹¹ See also Craig R. McCoy and Nancy Phillips, *Extorting Sex With A Badge*. Philadelphia Inquirer, August 14, 2006 A01; T. Maher, *Police Sexual Misconduct: Officers' Perceptions of Extent and Causality* (finding that none of 14 different police agencies in four counties in the St. Louis, MO area had a formal policy specifically prohibiting sexual misconduct).
- ¹² Samuel Walker and Dawn Irlbeck, *Driving While Female: A National Problem in Police Misconduct*, Police Professionalism Initiative, Department of Criminal Justice, University of Nebraska at Omaha, 2002, available at <http://www.policaccountability.org/drivingfemale.htm>; Press Release, *Driving While Female Report Launches UNO Police Professionalism Program*, available at: <http://www.unomaha.edu/uac/releases/2002may29ppi.html>
- ¹³ Shelly Feuer Domash "A Few Bad Cops, or a Problem with the System?" *New York Times*, February 11, 2001, Section 14LI, Page 1.
- ¹⁴ Andy Newman, "Suffolk County Officer Is Charged in Abuse of Female Drivers," *New York Times*, March 29, 2002, B5.
- ¹⁵ Shelly Feuer Domash "A Few Bad Cops, or a Problem with the System?" *New York Times*, February 11, 2001, Section 14LI, Page 1.
- ¹⁶ Al Baker, *Two Officers Are Charged in Sex Attack*, New York Times, November 22, 2005; *Woman Says Officers Sexually Abused Her*, New York Times, November 21, 2005.
- ¹⁷ Angela Davis, *Violence Against Women and the Ongoing Challenge to Racism*, in THE ANGELA Y. DAVIS READER, Joy James, ed. 148 (1998).
- ¹⁸ *Police Turned Predators*, a series by the Philadelphia Inquirer, August 2006, available at: http://www.philly.com/inquirer/special/Police_Turned_Predators.html
- ¹⁹ *Ex-officer Accused Again of Telling a Woman to Disrobe*, Chicago Sun Times, July 23, 2005.
- ²⁰ *Id.* at 146.
- ²¹ *Police Turned Predators*, a series by the Philadelphia Inquirer, August 2006, available at: http://www.philly.com/inquirer/special/Police_Turned_Predators.html
- ²² *Mary Beth G. v. City of Chicago*, 723 F. 2d 1263, 1272 (7th Cir. 1983). The opinion also cites language from dissenting opinions in the U.S. Supreme Court's decision in *Bell v. Wolfish*, in which Justice Marshall described body cavity searches as "one of the most grievous offenses against personal dignity and common decency," and Justice Stevens stated "[t]he body cavity search – clearly the greatest personal indignity – may be the least justifiable measure of all." *Id.*
- ²³ *Bonds v. Utreas*, 04 C 2617 (N.D. Ill. Judge Joan Lefkow).
- ²⁴ Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.*, AMR 51/122/2005 (2005).
- ²⁵ Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 57, AMR 51/122/2005 (2005).
- ²⁶ Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 57, AMR 51/122/2005 (2005).

