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## The Situational Context of Police Sexual Violence: Data and Policy Implications

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### Abstract

The horrors of sexual crimes perpetrated by law enforcement officers are laid bare in this study of 669 cases of police sexual violence. Here, authors Philip Matthew Stinson, Robert W. Taylor, and John Liederbach identify three scenarios in which law enforcement officers inflict sexual violence upon their mostly-female victims: 1) “driving while female,” 2) child predation, and 3) involvement in the sex worker industry. Especially sobering is the fact that, as opposed to law enforcement doing its solemn duty to report criminality on the part of fellow police officers, “citizens rather than police initiated the detection of the crimes in almost all the cases, whether the context involved child predation (94.8%), driving while female (94.7%), or the sex worker industry (90.8%).” Rather than an anomaly, sexual predation on the part of police, along with the routine cover-ups that perpetuate these crimes, appears to be just one component of the “rotten barrel” that depicts a culture of police corruption.

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Scholars have defined police sexual violence as situations in which “a citizen experiences a sexually degrading, humiliating, violating, damaging, or threatening act committed by a police officer through the use of force or police authority” (Kraska and Kappeler 1995, 93). This type of criminal activity by police officers has been a historical phenomenon; however, we believe more recent—and increasingly abundant—evidence amplifies police sexual violence as an important socio-legal concern that has become impossible to downplay or ignore. The recent and well-publicized case of former San Diego police officer Anthony Arevalos demonstrates both the scope of the problem of police sexual violence and anemic organizational efforts to identify, mitigate, and punish these kinds of egregious crimes (*Jane Doe v. Anthony Arevalos*, S.D. Cal. Case No. 3:12:cv:00689).

The Arevalos case details the victimization of over a dozen young females. Almost all of them were intoxicated and/or alone when they encountered him while he performed on-duty patrols. He stalked, harassed, and/or sexually assaulted them. Their stories—and the manner in which they were either summarily dismissed, ignored, or patronized as police groupies—sadly reflects what we have suspected for decades about both the nature of police sexual misconduct and the manner in which rogue police agencies recklessly and needlessly neglect the problem. The most disturbing aspects of this case not only focus on Arevalos' individual crimes; but also, the persistent organizational actions designed to hide and cover them up, the fumbling of the internal affairs investigation process, and the outright protection of officers by the command staff of the organization. Officer Arevalos, who was an 18-year police veteran, was not silent about his criminal activities. Indeed, like many sexual predators, he took photographs and tokens such as panties and bras from his victims. He reportedly kept a scrapbook of his exploits and boasted about his “conquests” during roll call. Several officers (including supervisors and command staff) knew of his criminal behavior, yet they maintained a code of silence in order to protect their brother officer. More astoundingly, Arevalos—who was convicted on eight felonies and four misdemeanors, sentenced to more than eight years in prison, and ordered to register as a sex offender for life—served less than half of his prison sentence and never registered as a sex offender. He was released from prison early, without knowledge of his victims and in violation of the California Megan's Law. Partial justice was served in 2014 when victim Jane Doe settled her federal lawsuit against the city for \$5.9 million. This case epitomizes the failure of individual police officers as well as police organizations to act; hence providing an environment in which police officers who are sexual predators thrive.

The purpose of the current study is to examine cases of police sexual violence more broadly and systematically. Specifically, our goal is to identify and describe what we refer to as the most common contexts of victimization, or situations in which cases of police sexual violence occur. These contexts locate victims within distinct situations based on either demographics or other situational variables. The contexts are important in advancing knowledge on police sexual violence because they define how predatory police officers target victims and take advantage of opportunities provided to them through both the structure of their work and the vulnerabilities of their eventual victims. Cases of police sexual violence do not occur by chance; they arise from situational contexts and opportunities that promote them. We aim to mitigate rather than sensationalize these cases through data and analyses intended to both understand the phenomenon and cultivate more effective strategies to prevent police sexual violence.

## METHODOLOGY

Data for this study were collected as part of a larger study on police crime designed to identify cases in which law enforcement officers had been arrested for *any* type of criminal offense(s). Our internal database currently includes information on more than 16,500 arrest cases of police crime (2005–2019) involving over 13,800 individual nonfederal sworn law enforcement officers. Data were derived from published news articles using the Google News search engine and its Google Alerts email update service. Searches were conducted using 48 search terms developed by Stinson (2009).

Coding initially involved the identification of sex-related cases within the larger data set that includes police officers arrested for any type of crime. The sex-related arrest cases were then coded for the absence or presence of crimes involving police sexual violence using the definition described earlier that was conceptualized by Kraska and Kappeler (1995). We ultimately sought to identify groups of victims who appeared to be similar in terms of demographic characteristics and/or other factors that comprised the situational context within which these crimes occurred. The news search methodology provided an unparalleled amount of information on police sexual misconduct. No governmental entity collects aggregate level data on crimes committed by police officers. American police departments typically do not collect and distribute data on coercive police practices, much less crimes committed by police officers (Kane 2007).

Readers should be aware of the primary limitations of these data. The data are limited to cases that involved an official arrest based on probable cause. We do not have data on police officers who engaged in police sexual violence in instances where they were not arrested, although we believe that this number may be significant. Also, these data result from a filtering process that includes the exercise of discretion by media sources. Our data are limited by the content and quality of information provided for each case by available news reports and/or court records. The amount of information available on each case varied, and data for some variables were missing for some of the cases. This limitation comes into play, for example, in cases where news sources report a criminal conviction absent any information on whether the officer was also terminated or suspended by the police agency.

## THE CONTEXTS OF POLICE SEXUAL VIOLENCE

We identified 669 cases of police sexual violence from 2005 through 2012. Males were the perpetrator in all but six of these cases. The perpetrator was a patrol officer in the vast majority of cases (87.1%). The remainder of cases involved perpetrators who were police supervisors (9.1%) or managers (3.7%). Over one-third of the cases (34.5%) involved police with five or less years of experience on the job; however, close to 10 percent of the cases (9.2%) involved police with 18 years or more of experience. Most of the cases of police sexual violence involved police who were on-duty at the time of the offense (81.4% of the cases). We found that cases of police sexual violence are perpetrated by police employed within all types of law enforcement agencies including agencies considered to be quite small in terms of the number of sworn personnel, as well as police agencies serving the largest jurisdictions in the nation.

Three distinct contexts of victimization were identified including: 1) driving while female, 2) child predation, and 3) the sex worker industry.

The first and most common context of police sexual violence involved cases we identified as *driving while female*. Walker and Irlbeck (2002) described situations in which police use their traffic enforcement powers to stop and sexually abuse women wherein they coerced sexual favors as the price for avoiding a traffic ticket. They provided several anecdotes involving officers who harassed, stalked, fondled, assaulted, and even murdered female motorists within the context of a traffic stop. We identified 171 cases of police sexual

violence within our dataset that occurred within the context of driving while female. This was the most common context of victimization and comprised over one-quarter (25.5%) of all the cases identified in our study. All of the victims in these cases were obviously female. Victim age could not be identified in the majority of these cases (57.8%), but a majority of the victims among the cases in which age was identified were between the ages of 18–29. Police who perpetrated sexual violence within the context of driving while female almost always targeted victims who were strangers to them. A majority of cases that occurred within this context ( $n = 116$ ; 67.8%) resulted in serious injuries to the victim. Cases involving serious injuries were defined as those involving a completed rape, knife and/or gunshot wounds, broken bones, loss of teeth, internal injuries, a loss of consciousness and/or any injury that required two or more days of hospitalization. These crimes most often occurred on public highways/roads (74.2%) within large metropolitan areas (71.3%).

The crimes were detected by citizen complaints (as opposed to police-initiated internal affairs investigations) in almost all of these cases (94.7%). The officer's employing agency made the arrest in less than two-thirds (59%) of the driving while female cases. The most serious offense charged was most commonly forcible fondling (22.2%) and forcible rape (21%). Arrested officers were known to have been convicted in 70.8% of these cases, with a majority of those being a felony conviction. Arrested officers were known to have been terminated from their job in less than one-half of the driving while female cases (48%). Arrested officers were known to have been suspended in 57.3% of driving while female cases.

The second most common context of victimization involved cases we identified as *child predation*. These were cases of police sexual violence in which the victim was a minor less than 18 years of age. We identified 135 cases of police sexual violence that occurred within the context of child predation. These cases comprised just over 20 percent of all the identified in our study. Roughly one-fifth of all victims of child predation were age 13 or less ( $n = 26$ ). Cases of child predation commonly resulted in serious injuries to the victim ( $n = 95$ , or 70% of all cases of child predation). A comparatively large percentage of child predation cases occurred while the officer was off-duty ( $n = 56$ ; 41.5%).

The crimes were detected by citizen complaints in almost all of these cases (94.8%). The officer's employing agency made the arrest in less than one-third (31.1%) of the child predation cases. The most serious offense charged in these cases was most commonly forcible fondling (42.2%), forcible rape (20%), forcible sodomy (11.9%), and statutory rape (10.4%). Arrested officers were known to have been convicted in 70.4% of these cases, with a majority of those being a felony conviction. Arrested officers were known to have been terminated from their job in less than one-half of the child predation cases (48.9%). Arrested officers were known to have been suspended in 62.2% of the child predation cases.

The third most common context involved cases that occurred within the structure of the sex worker industry. Overs (2002, 2) defines the commercial sex industry as “the combined phenomenon of individuals, establishments, customs and messages—explicit, implicit, desired and undesired—involved in commercial sex.” Victims of police sexual violence within this context were those defined by police as prostitutes and/or exotic dancers. We

identified 65 cases of police sexual violence in which the victim was perceived by police to be a sex worker. All but one of these victims were female, and all but two of these victims were previously strangers to the police who victimized them. Cases that occurred within this context commonly resulted in serious injuries to the victim ( $n = 49$ , or 75.4% of all sex worker industry cases). These cases were much more likely to occur when the police perpetrator was on-duty rather than off-duty (86.2%).

Again, citizen complaints—rather than police-initiated detection of the crime—resulted in officers being arrested in almost all of these cases (90.8%). The officer's employing agency made the arrest (as opposed to an officer being arrested by an outside law enforcement agency) in just over one-half (52.3%) of the sex worker industry cases. The most serious offense charged in these cases was most commonly forcible rape (46.1%) and forcible fondling (12.3%). Arrested officers were known to have been convicted in 69.2% of these cases, with a majority of those being a felony conviction. Arrested officers were known to have been terminated from their job in less than one-half of the sex worker industry cases (49.2%). Arrested officers were known to have been suspended in 61.5% of these cases.

Another way to examine the cases of police sexual violence involves comparisons across the three most common contexts of victimization. The cases are in some ways similar across the different contexts. For example, citizens rather than police initiated the detection of the crimes in almost all the cases, whether the context involved child predation (94.8%), driving while female (94.7%), or the sex worker industry (90.8%). Likewise, the cases tended to result in serious injuries to the majority of victims across the three contexts including the sex worker industry (75.4%), child predation (70.3%), and driving while female (75.4%). Finally, the rates at which officers arrested for crimes of sexual violence were convicted was strikingly similar across the contexts (range 69.2% to 70.8%).

The cases differed across the contexts of victimization in terms of whether the arrested officer was on- or off-duty at the time of these crimes. Cases of police sexual violence involving both driving while female and the sex worker industry tend to occur while the officer is on-duty (97.6% and 86.2% respectively). However, cases of police sexual violence involving child predation are more balanced in terms of whether they occur while the officer is on-duty (58.5%) or off-duty (41.4%).

## POLICE SEXUAL VIOLENCE AS A SUBCULTURAL NORM

The current study demonstrates that cases of police sexual violence routinely occur within at least three contexts that are fundamentally different in terms of the situation of victims and the opportunities provided to police officers who victimize them. Officers who are sexual predators take advantage of the opportunities provided through situational contexts, most often those they encounter through their traffic enforcement authority or the enforcement of laws designed to control the sex worker industry or situations in which they encounter minors who are vulnerable and easy to sexually manipulate. These particular findings however prompt some larger and obviously disturbing questions about how these sexual predators—who happen to be employed as police officers—managed to avoid detection and serious punishment *before* they sexually degraded, humiliated, violated, damaged,

threatened and/or violently assaulted citizens that they were otherwise sworn to protect and serve.

The authors have published two previous studies focused on sex-related police misconduct (Stinson, Liederbach, et al. 2014; Stinson, Brewer, et al. 2014). Perhaps the most important finding from these previous studies was that the most egregious forms of sex-related police crime involving the perpetration of sexual violence are *not* isolated events. Indeed, we believe the phenomenon of police sexual violence has existed for decades as an aspect within police subculture that has only now more clearly emerged as an obvious and persistent problem because technology allows researchers and others to identify many more cases of police sexual violence occurring both nationwide and longitudinally across time.

Scholars have long suspected that police work is conducive to various forms of sexual misconduct. This view demonstrates how occupational culture, sexism, and the highly masculine organizational hierarchy of the police organization promotes sex discrimination, harassment, and violence against women (Kraska and Kappeler 1995, 90; see also Christopher Commission 1991; Harris 1973). The job provides easy opportunities for the perpetration of sex crimes. Police routinely work alone and free of direct supervision. They interact with citizens who are vulnerable. Police also encounter citizens during late night hours that provide low public visibility and clear opportunities for the perpetration of sexual violence.

Historically, police administrators have portrayed cases of police sexual violence as rather isolated encounters between consenting participants that involved females who were attracted to the uniform and the badge. The scenario provided plausible deniability to officers who were sexual predators and administrators who lacked the empathy to acknowledge these crimes and, more importantly, the courage to punish them. Victims of police sexual violence resulting from driving while female cases are particularly easy to discredit because they are often women who are vulnerable, alone, drunk, or otherwise compromised when they are pulled over. This is the exact strategy that police agencies have used in their defense for failing to address such problems during civil litigation brought by victims who are survivors of police sexual violence.

The underlying theme is that police sexual violence is not a new phenomenon; but rather, one that has existed for many decades and continues to flourish within the police subculture. A *blue wall* or *code of silence*—most commonly associated with police brutality—has long been identified as a subcultural mechanism that shields fellow police officers who engage in crime or other forms of misconduct (Chin and Wells 1998; Crank 2004; Skolnick and Fyfe 1993; Taylor 1983). It stands to reason that an informal, yet powerful subculture that is characterized by closed, conservative, masculine, authoritarian, and loyal behavior within socially-isolated and bonded police circles would create an environment in which sexual aggressiveness, power dominance, and sadistic violence many not only be tolerated but also purposively hidden from outside inquiry.

## TOWARD MITIGATION AND THE REFORMATION OF ORGANIZATIONAL “ROTTEN BARRELS”

Our research suggests that cases of police sexual violence may not be aberrations from the norm within an otherwise honorable profession, but a much more common issue in policing heretofore intentionally hidden. In her description of the problem of police misconduct, Armacost (2004) distinguishes between the traditional focus on cases of misconduct by individual *rotten apples* and more wide-scale organizational failures and department-wide problems of discipline that indicate instead a *rotten barrel*, or an organization in need of more fundamental reform. We likewise believe that cases of police sexual violence demonstrate more often than not wide-scale organizational failure that is most appropriately mitigated through organizational and even system-wide reforms that go beyond particular cases and individual offenders consistent with the “rotten barrel” analogy.

First, we advocate that state legislatures consider passing new legislation that specifically addresses the issue of police sexual violence. These laws could prescribe enhancement penalties upon conviction that include forever barring from service anyone convicted of police sexual violence. Many states have already passed laws addressing the victimization of individuals within a specific setting involving sexual misconduct or violence, such as between medical caregivers and patients, correctional workers and inmates, and teachers and students. The passage of such legislation on the issue of police sexual violence would raise awareness within communities; but also, among influential professional organizations such as the International Association of Chiefs of Police (IACP), Police Executive Research Forum (PERF) and National Organization of Black Law Enforcement Executives (NOBLE). Such legislation may also proscribe punishments including termination of supervisory and/or other officers who were aware of sexual predation within the ranks but failed to report, investigate, and/or adequately supervise and punish such behavior. The clear message across professional law enforcement circles must be that these types of incidents will never again be “over-looked” or swept under the carpet.

Second, police agencies should develop and enact strong policies on sexual misconduct and sexual violence that are separate and distinct from other types of misconduct policies. Policies on sexual misconduct and sexual violence must convey a clear and unambiguous message of zero tolerance within the organization. Officers must realize that if they engage in acts of sexual misconduct and/or violence that they will face harsh penalties including termination and potential criminal charges.

Third, a significant amount of time and organizational resources must be allocated towards officer and first-line supervisory training that relates directly to the problems of sexual misconduct and sexual violence. This training needs to be required in recruit academies, as well as reinforced through periodic in-service training seminars. It is especially important for new supervisory officers to be instructed on the issues surrounding police sexual misconduct and violence so that they are able to recognize and more effectively mitigate the problem. We are aware for example of cases in which supervisors ignored obvious evidence of sexual misconduct and/or violence, including instances where officers who were sexual predators openly bragged about their behavior and displayed signs of their

crimes such as photographs, articles of clothing, or “trophy” associated with their victims. Quite sadly, female officers are often the first victims of police sexual violence, and several cases document the traditional “quid-pro-quo” of male field training officers (FTOs) sexually harassing their female rookies. Such cases often get investigated as sexual harassment; however, we believe that these complaints are often indicators of other forms of sexual predation that occur within the context of police-citizen encounters. Perhaps most importantly, *any* complaint given to police by a victim regarding sexual misconduct or violence must be investigated. Too many documented cases that we are aware of were ultimately exposed only after numerous complaints involving multiple victims over a period of *several years*. These types of complaints were traditionally dismissed or never really investigated because the victim was a sex worker, or non-documented, or under the influence of alcohol or drugs at the time of the assault. As in traditional rape investigations, *every* allegation needs to be seriously investigated.

Finally, we recommend the expanded use of automated vehicle locators (AVL) and body-worn cameras (BWC) that provide mechanisms for increased police monitoring as well as increased officer safety and assistance in reducing liability. We stop short of recommending proactive investigative activities such as routine surveillance of officers while on patrol and the use of decoy undercover officers attempting to elicit sexual activity with officers. However, these traditional techniques should be used when criminal predation is suspected on the part of those officers that conduct such violent crimes. Once again, the criminal actions of some officers require supervisory action that impacts the whole of policing. Our recommendations more broadly could be viewed as somewhat “draconian,” however, penalties associated with the intentional victimization and exploitation of citizens by the very people hired to protect them from such violence needs to be severe in order to satisfy the demands of justice and strengthen police integrity and legitimacy within communities.

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