Public Trust: Confronting Law Enforcement Sexual Misconduct in the #MeToo Era

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End Violence Against Women International 2019 Conference

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AP: Hundreds of officers lose licenses over sex misconduct

...In a yearlong investigation of sexual misconduct by U.S. law enforcement, The Associated Press uncovered about 1000 officers who lost their badges in a six year period for rape, sodomy and other sexual assault; sex crimes that included possession of child pornography; or sexual misconduct such as propositioning citizens or having consensual but prohibited on-duty intercourse...

https://apnews.com/c0f64d9859d374482a90d080e7e603ac

Google Recent Headlines

Police Officer Arrested for Sexual Assault During Traffic Stop
Cap Sentenced to 20 Years for On-Duty Rapes
Predator Cop Stalked Women He Met Through Traffic Stops
Department Settles Notorious Police Sexual Misconduct Lawsuit for $1 Million
Officer Fired For Texting Photos of His Penis Says Other Officers Did Similar Acts
Former Sheriff’s Deputy Found Guilty of Sexual Assault

Ex-Police Chief Pleads Guilty to Rape of Teacher
Second Cop Admits to Preying on Youth in Explorer Program
State Trooper Sentenced for Rape of 81-Year-Old Woman

Cops Abused Confidential Databases to Get Dates, Enable Stalking
Sgt. Demoted for Sexual Harassment: Three Women Report Inappropriate Comments

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How some cops use the badge to commit sex crimes

By Andrea J. Ritchie January 30

Sexual misconduct persists during traffic stops, ridealongs and mentorship programs...

Why aren’t departments doing more to stop sexual violence by officers? ...most police department have no policies or training making it clear that on-duty sexual misconduct against civilians is prohibited...


Law Enforcement is Clearly on Notice...

* A problem in our profession for DECADES...
* New national standards and expectations for response and investigation of sexual assault crimes (trauma informed approaches: Policy, Training, Supervision)
* 2011 International Association of Chiefs of Police Executive Guide: Addressing Law Enforcement Sexual Misconduct

Law Enforcement Sexual Misconduct

“The problem of sexual misconduct by officers warrants the full attention of law enforcement leadership. It represents a grave abuse of authority and violation of the civil rights of those victimized”

IACP Executive Guide: July 6, 2011
Law Enforcement Sexual Misconduct Defined:

"...Any behavior by an officer that takes advantage of the officer’s position to misuse authority and power in order to commit a sexual act, initiate sexual contact with another person, or respond to perceived sexually motivated cue from another person..."

Addressing Sexual Offenses and misconduct by Law Enforcement
IACP Executive Guide, published June 2011

Law Enforcement Sexual Misconduct Defined:

"...It also includes any communication or behavior that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming an officer and violates general principles of acceptable conduct common to law enforcement"

Addressing Sexual Offenses and misconduct by Law Enforcement
IACP Executive Guide, published June 2011

Law Enforcement is on Notice...

- 2015 U.S. Department of Justice Guidance: Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic violence
  - 8 Core Principles including: "Hold Officers Who Commit Sexual Assault or Domestic Violence Accountable" - "agencies should develop policies and practices aimed at preventing and addressing on-duty sexual harassment and assault of members of the public"
Questions for Consideration

- Is the conduct being reported a violation of policy and / or code of conduct?
- Is the conduct being reported a violation of state law?
- Is the conduct being reported a violation of civil rights?

Accountability: Federal Law

"Under the Color of Law"

18 U.S.C. § 242: it is a federal crime for anyone acting under "color of law" willfully to deprive or conspire to deprive a person of a right protected by the Constitution or U.S. law.

42 U.S.C. § 14141: (Police Misconduct Statute) it is unlawful for state or local law enforcement agencies to allow officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or U.S. laws.

Prevention: Early Warning System

"Supervisors shall be cognizant of any pattern of abusive behavior indicative of domestic violence / sexual misconduct..."

- Aggressiveness
- Abuse of Power
- Suspicious behaviors common to sexual misconduct (training)
Prevention: Early Warning Signs

- Excessive and/or increased use of force
- Unusually high incidences of physical altercations and verbal disputes
- Citizen and officer complaints of aggression, verbal abuse, inappropriate comments
- Excessive/unnecessary call-backs or visits to victims

Prevention: Early Warning Signs

- Stalking / inappropriate surveillance activities, use of police technology
- Stalking any family members or intimate partners –
- Monitoring and controlling any family members or intimate partner by excessive calls, contact, or other means
- Requesting other officers to monitor or check on family members or intimate partners

Prevention: Early Warning Signs

- Patterns related to use of sick leave or leave requests
- Not answering radio calls, time unaccounted for, out of assigned area
- Patterns regarding enforcement activity: traffic stops, ticketing, detentions, arrests,
- Patterns regarding race, gender, age, locations (“lovers lane patrol,” sex workers, vulnerable populations)
Prevention: Early Warning Signs

- Patterns regarding use of in-car / body worn camera
- Citizen or employee complaints specific to suspected harassment, stalking, domestic violence, sexual misconduct
- Rumors – reputation (“skirt chaser,” “child predator,” “peeper,” “bully”)
Accountability: Policy Notice

- NO sexual harassment of citizens, or co-workers...
- NO on duty sexual activity or behavior of any kind, even when initiated by a citizen
- NO sexual activity in or on government/department property or vehicles, even when initiated by a citizen

Accountability: Policy Notice

- NO attempt to initiate or engage in sexual activity or behavior with anyone that you have come into contact with in the context of your duties
- All employees are responsible for reporting suspected violations of this policy

Accountability: Policy Definitions

- Defining/prohibiting law enforcement sexual misconduct and must be outlined in policy to cover the wide range of behaviors and conduct
- Involve community partners, HR / legal counsel, union / employee representatives in policy development
- Use the IACP Executive Guide and other national resources
Accountability: Policy

Prohibited forms of sexual misconduct defined:
- Sexual Contact by force, threats or coercion
- Sexual shakedowns (e.g. extorting sexual favors in exchange for not ticketing, arresting)
- Gratuitous physical contact with suspects (inappropriate or unnecessary searches, frisks or pat-downs)
- Officer initiated sexual contacts while on duty

Accountability: Policy

Prohibited forms of sexual misconduct defined:
- Citizen initiated sexual contact while on duty
- Sexual harassment of colleagues, co-workers or citizens
- Sexual behavior while on duty (masturbation, viewing/distributing pornography, sexting)
- Voyeuristic actions that are sexually motivated, or non-law enforcement purposes (unnecessary)

Accountability: Policy

Prohibited forms of sexual misconduct defined:
- Unnecessary contacts / actions taken by officers for personally and/or sexually motivated reasons (unnecessary callbacks to victims, traffic stops to get a closer look at the driver)
- Inappropriate or unauthorized use of department resources and/or information systems for other than legitimate law enforcement purposes
Accountability: Department Code of Conduct

Code of Conduct: Employee Sexual Misconduct
Employees who engage in sexual misconduct as defined by the department's sexual misconduct prevention policy will be subject to disciplinary action up to and including termination. Criminal violations will be referred for prosecution.
Employees who do not report suspected violations of the department policy will be subject to disciplinary action up to and including termination.

Accountability: Promising Practices

* Develop and Implement Police Sexual Misconduct Policy and Code of Conduct Standards
* Training on policy and standards – Supervision
* Responsibility to victims, the community, and all department members
* Offender Accountability = Public Safety = Public Trust!

Accountability: Promising Practices

* Start by encouraging non-punitive employee assistance for prevention... (counseling & support for employee)
* Explore department climate and culture (male dominated cultures)
* After action case review – lessons learned...
* Hiring and Promotional screening, background for intimate partner violence, sexual assault, gender bias
Accountability: Promising Practices

- Early warning systems and audits
- Quality control audits, random call backs
- Investigate all reports of suspected sexual misconduct
- Look beyond the initial complaint for additional violations (offender course of conduct – interconnected and co-occurring behaviors and crimes)

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Q & A

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