

DRAFT REPORT OF THE POLICE FUNCTION WORKING GROUP

BACKGROUND

The modern police force has experienced a massive expansion of the scope and intensity of its interactions with community members. Numerous social problems, particularly those caused or exacerbated by poverty, have been criminalized and delegated to the police to manage. Substance abuse, addiction, and drug overdoses, especially among the poor and communities of color, have been treated not as public health crises but as criminal behavior. Individuals suffering from mental illness or experiencing homelessness are too often met with violence, disdain or incarceration rather than compassion, treatment, assistance and affordable housing.

Many police officers do not have the educational background and training necessary to address this range of social issues. FOOTNOTE: The minimum requirement for an Albany police officer is a high school diploma or its equivalency. Many of the officers have at least some college credits and some have obtained academic degrees but this data is not available. It is inappropriate and can be dangerous to have an armed police response to deal with social issues that can be more effectively addressed by social workers, street outreach teams and mental health professionals. School districts in many communities of color are the door to the “school to prison pipeline.” The presence of armed police officers is intimidating to students who have had negative experiences with law enforcement and their placement in schools detracts from a supportive school environment while serving no valid educational objective.

Police have become more militarized both in rhetoric and in weaponry. Homeland security grants from the federal government channeled billions of dollars in military hardware into local police departments to fight the “war on drugs” launched in the 1980’s. Police departments use the command structure of the military and many see themselves as “warriors” on the front lines in an

armed conflict and view members of the community as the enemy who must be controlled or incarcerated.

The involvement of armed officers in public health issues coupled with the systemic racism in our society has led to grave distrust between the police department and the community they are responsible for serving. Many members of the communities of color view the police department not as a group dedicated to their safety and well being, but rather as an occupying force to be distrusted and feared. Law enforcement actions such as “stop and frisk” polices and unauthorized searches of Black and Brown men and women reinforces this view.

The distrust is further reinforced by political rhetoric that insists that those who believe Black Lives Matter are anti-police and that “Blue Lives Matter” is an equivalent and mutually exclusive response. It is a false equivalency, as having a career as a police officer is a matter of choice while being Black is an immutable characteristic. Additionally, the reality is that the lives of police officers have always mattered – in fact, many laws provide for enhanced punishment if the alleged victim is a member of law enforcement. FOOTNOTE Conversely, the Black Lives Matter movement was fueled by the belief and the reality in far too many cases that Black men and women are being assaulted, shot or killed by the police with no accountability or repercussions.

The existence of systemic racism within every institution in our country is a result of centuries of both the explicit and implicit biased treatment of persons of color. It is evident in our schools, housing, job opportunities, transportation and medical care as well as in our police departments. Significantly, acknowledging this reality does not equate to labeling every member of law enforcement a racist, any more than assigning that label to every teacher, loan officer or medical professional. It does make it imperative that the reality is acknowledged in devising solutions.

Expecting police officers to be on the front lines of virtually every societal problem is a grave disservice to both the community and the police. Community members experiencing homelessness or suffering from drug addiction, domestic violence or mental illness deserve services and treatment to address their needs.

Young people who have seen or experienced violence in their homes or in their neighborhoods need caring professionals at their schools. None of these groups is helped by force, coercion, arrest or incarceration. Depending on the police to respond to these problems has not ameliorated them but has exacerbated the tension and distrust of the community.

Members of our community who came as refugees or immigrants often have an experience of police as dangerous and some have witnessed family members killed by military police in their country of origin. No one who has had to flee their country as a refugee due to war or a well-founded fear of persecution views police officers as their “friends.”

A several-hour or even multiple day module on de-escalation or mental illness at the police academy, interspersed with training on riot control, firearm practice, report writing and the myriad other topics necessary to become an officer is not a panacea. Such training is beneficial and should be continued and enhanced, but it does not transform a police recruit into a social worker, psychologist, substance abuse counselor, psychiatrist or medical professional. Requiring the police to respond to these types of social issues also has a negative impact on areas in which the police action is vital. When the community harbors fear and distrust of the police, it makes police work more difficult as community members become unwilling or reluctant to cooperate in crime response and investigation.

In order to address these dual problems, the Police Function Working Group has studied those areas in which qualified civilians, existing agencies and/or trained professionals can more appropriately respond and replace members of the police department.

Although we propose recommendations and strategies to effectuate the desired reallocation of responsibility, an overarching concern of the Working Group is the effect of poverty and the lack of resources on the existing problems and any potential solutions. The problems are long standing and the pandemic has only exacerbated them. Without affordable housing, adequate shelter beds, financial support for families, drug treatment, mental health counseling,

affordable day care, an adequate number of school counselors and psychologists and well-paying job opportunities, and adequate existence and utilization of interpreter services, we cannot hope to meet our goals. Even so, we are confident that identifying the issues and proposing solutions is a vital first step.

OUR VISION AND MISSION STATEMENT

Our vision is of a community where individual residents, businesses, social service organizations and government agencies work together as trusted partners. Each community member feels respected, safe, understood and supported. Police officers are well trained, competent and trustworthy, are sensitive to the needs of the community they serve and ideally live in the communities that they are charged with protecting. Appropriate resources and professionals are available to be deployed to support, guide and assist community members who are the victims of crimes as well as those who are experiencing social or economic crises as a result of trauma, mental illness, substance abuse, truancy, domestic violence and homelessness. Resources are allocated to support all members of the community, including those from different cultures and those who speak different languages, so that each member can have a fruitful, satisfying and productive life. Our policy recommendations speak to the scope of services needed by our community and identify those agencies and service providers that could limit the footprint of the Albany Police Department while furthering that vision.

POLICE INTERACTIONS WITH CITY YOUTH

School Suspensions, Truancy, School Resource Officers And Encounters in the Community

INTRODUCTION

We want to have a community in which every child from birth through adulthood is cherished, supported, encouraged and cared for and who feels safe and secure in their home, their school, their neighborhood and their city. We want them to see the police, the school staff, teachers, and administrators as well as social services agencies as composed of adults who care about them and are able and willing to help them.

Too many of our children deal with violence in their homes and in their neighborhoods and have traumatic interactions with CPS and the police. Those suffering from abuse, neglect, addiction and mental illness may be unable to attend or be successful in a traditional school environment. This in turns leads to the potential of truancy or Family Court involvement that may exacerbate rather than ameliorate the problems.

Truancy is defined as an intentional, unjustified, unauthorized and unexcused absence from school (Art. 65 of the Education Law). FOOTNOTE Truancy can result in a child being declared a PINS (person in need of supervision) and the child and his/her family may become involved with Family Court.

Many of the young people in our community fear the police based on their own interactions with law enforcement or those of their family, friends and neighbors. Black and Brown teenagers are given “the talk” by family members hoping to keep them safe by teaching them to be non-confrontational, polite, and non-threatening. Our young people see violence and killings of Black men and women by law enforcement on television and social media and many view the police not as protectors but as a hostile force.

Everyone in the community is understandably concerned about violence in our schools, particularly the risk of a school shooting with mass casualties.

Although it seems logical that a police presence in schools would be an appropriate and necessary response to the threat, both in terms of deterrence and in actually confronting a shooter, the limited research that has been done does not support this position. **FOOTNOTE** School shootings, while horrific, are rare, and there is no evidence that an armed police officer makes the school safer for students, teachers or staff. In reality, shootings are not the focus of the vast majority of School Resource Officers. **FOOTNOTE** Rather, police officers are expected to serve as disciplinarians, counselors and social workers – tasks more appropriate for administrators, school counselors, social workers and school psychologists.

We want to expand and encourage police involvement with the youth of our City in supportive, non-coercive ways. We want to provide assistance and services to children and their families and to have role models both within and outside of the police force. We want our schools to be safe environments in which every child is able to achieve his or her potential.

CHALLENGES

It is not a new phenomenon that children misbehave in class, talk back to teachers, skip school, arrive late, play pranks or get into verbal and physical fights with one another. What is a fairly recent development is that such behavior has become criminalized and even young children can be suspended. Even more concerning, with the institution of “zero tolerance” policies and the presence of armed police officers stationed in schools, children and adolescents risk arrest and involvement in the criminal justice system.

The Covid-19 epidemic has dramatically exacerbated the problem. Children are expected to learn largely on their own. They may not have adequate Internet access, appropriate tools or a quiet place to study. Parents may be working away from home and/or may not have adequate technological expertise or English proficiency to assist. Families who rely on free breakfast and lunch may have difficulty accessing the distribution system and become further

food insecure. The threat or reality of eviction can cause further disruption to the children's education.

The "school-to-prison pipeline" describes the drastic consequences of interrupting the schooling of primarily low-income Black and Brown children by suspending and arresting them. Research has demonstrated that for these students a suspension can be life altering. Suspensions all too often lead to a child dropping out of school and starting down a path that leads to unemployment, reliance on social-welfare programs and imprisonment. Although there has been an emphasis on the implicit bias against Black boys, research has demonstrated that Black girls also suffer disproportionately from unfair treatment in schools.

Truancy and excessive absences from school are often seen as a problem primarily associated with adolescents, but often children begin missing substantial amounts of school at far younger ages. Truancy has been identified as one of the early warning signs that a child is potentially headed for delinquent activity, social isolation and educational failure. Truancy is also related to substance abuse, suicidal thoughts and attempts and early sexual activity.

Too often "truants" are apprehended by the police or a school officer, brought back to school and then suspended for missing an excessive number of school days! Parents are blamed for not insuring that their child is in school even when they had no knowledge that the student was not attending class.

ASSETS

Everyone in the community wants to ensure that our children are safe at school and that the school environment is conducive to learning. We want all of our children to live up to their potential and we want to ensure that there are appropriate professionals in our schools to support children who have experienced abuse, trauma, eviction or any other factor that disrupts their ability to learn.

We want to eliminate or decrease the number of suspensions when children are in an in-person learning environment and to provide support to insure that distanced learning is as constructive and effective as possible. We

have dedicated teachers, administrators and staff that strive every day to ensure an excellent learning environment. We want to utilize these professions and add others who are uniquely qualified to support our children.

The Albany County Probation Department has programs designed to avoid instituting PINS petitions and Family Court involvement in potential truancy cases. Included are structured supervision, counseling services, respite services and crisis intervention. Unfortunately, many community members view the Probation Department as a component of the criminal justice system and one that is coercive rather than supportive.

GOALS AND STRATEGIES

GOAL 1: Eliminate school suspensions

RECOMMENDATIONS TO MEET GOAL 1: Albany should mandate teacher training on cultural awareness and diversity. Teachers must be able to build relationships with students who might not be like them. Teachers, staff and administrators should receive training on “restorative practices” that help educators get to the root of disciplinary issues.

GOAL 2: Provide students with the support they need to meet their potential

RECOMMENDATIONS TO MEET GOAL 2: Hire more school counselors and mental health professionals to assist students experiencing abuse, neglect or trauma. Hire additional nurses to assist students who are experiencing mental health or substance abuse issues. Hire social workers to help students’ families access food stamps, medical care, housing assistance and other social services.

GOAL 3: Make the school ground a safe, secure environment where students do not risk fraught interactions with police.

RECOMMENDATIONS TO MEET GOAL 3: Eliminate School Resource Officers. The presence of uniformed, armed officers in schools is intimidating and stressful for students who have had negative interactions with the police themselves or have experienced or been told about such interactions by family or community members. Although those officers who volunteer to be a SRO may have the best of intentions, the reaction of the students is formed by their experiences both at school and in their neighborhoods.

GOAL 4: Provide for a transitional period for School Resource Officers

RECOMMENDATIONS TO MEET GOAL 4: In the event that it is not possible to immediately replace SROs with other professionals, schools should implement policies that give greater power to students to make formal complaints while holding the officers accountable if complaints of biased enforcement or excessive use of force allegations are confirmed.

GOAL 5: Mandate the Know Your Rights curriculum for high school students.

RECOMMENDATIONS TO MEET GOAL 5: The Know Your Rights program developed and administered by the Center for Law and Justice brings together a police officer and an attorney to talk to young adults about their rights when they have an interaction with law enforcement in school, on the street or when driving.

GOAL 6: Expand the curriculum in the middle school and high school on drug and alcohol use.

RECOMMENDATIONS TO MEET GOAL 6: Currently much of the information on drug and alcohol use is provided by law enforcement with an emphasis on criminal justice consequences. While such information may be helpful, it should be coupled with information from medical professionals. “Just say no” programs have been shown to be ineffective. **FOOTNOTE** Students need accurate information and encouragement to reach out for assistance if they are experiencing substance abuse issues or trauma that may cause them to become addicted. They must feel that it is safe for them to do so and they should be provided with any assistance that they require.

GOAL 7: Encourage and expand the positive interactions between the police and the children and young adults in the community.

RECOMMENDATIONS TO MEET GOAL 7: There are several programs already in place that provide for positive interactions between the police and young people in the community. These should be supported and expanded and new programs should be initiated. Included are the Know Your Rights program run in conjunction with the Center for Law and Justice, the Summer Cadet Program, the Police Explorers, and the TRaC (To Reach and Connect) mentoring program. Police officers attend teen nights at various locations and participate in coaching

sports teams. While the Covid-19 pandemic has eliminated many of these activities, they should be reinstated and enlarged once it is safe to do so.

GOAL 8: Prevent truancy and ensure all children are attending school

RECOMMENDATIONS TO MEET GOAL 8: Starting with the youngest children, there must be a system to identify any child who is missing more than a few days of school in any given school year. Social workers should be hired to find the children and determine why they are not attending class. A recent 60 Minutes episode featured a social worker in Florida charged with finding “lost children.”

FOOTNOTE She discovered students whose parents had lost their jobs and were living in shelters, students with no Internet access or computers, a child who needed glasses, families with inadequate food, and ten-year-olds in charge of younger children while their parents worked. We need to determine why each child is failing to attend school and identify and resolve the barriers to their education. Schools must work with the parents in a supportive fashion. The services presently provided by the Probation Department should come from social workers and school counselors hired directly by the City to avoid the association with the criminal justice system.

GOAL 9: Insure that families have the necessary support so that all children can be in a safe learning environment.

RECOMMENDATIONS TO MEET GOAL 9: Insure that every family has access to safe and affordable quality day care for infants and pre-school aged children so that their parents can go to work and older siblings can attend in-person or remote learning and concentrate on their studies without the distraction of child care obligations. Set up satellite learning centers that school-aged children can attend if in-person schooling is suspended during the pandemic. Staff them with teaching assistants who can assist the students with their work. Insure that there is adequate Internet access and that each child has a laptop and appropriate school supplies. Provide breakfast and lunch to all students. Provide extra help to students and families for whom English is not their first language. For refugee families, often the only phone number listed is the resettlement agency because the family did not have a phone when they first arrived and the children were

registered for school. In these cases, the school may be leaving multiple messages about a student missing class without the information getting to the parents. Have social workers and school counselors available to assist families in accessing social services and to reach out and obtain current contact information for every family.

GOAL 10: Encourage positive police interaction with youth in the community.

RECOMMENDATIONS TO MEET GOAL 10: Hire police officers that live in the area they are assigned to police. Hire police officers that reflect the racial and ethnic diversity of the areas they are assigned to police. Encourage community policing that engages the young people in the community. Eliminate random stops and prohibit frisking or searching unless there is a credible report of weapon possession.

POLICE INTERACTION WITH COMMUNITY MEMBERS SUFFERING FROM MENTAL ILLNESS

INTRODUCTION

Individuals experiencing emotional disturbance and/or living with mental health challenges are disproportionately incarcerated and involved unnecessarily in the criminal justice system. These individuals are also disproportionately involved in adverse and sometimes fatal encounters with law enforcement. Persons of color experiencing emotional disturbance and/or living with mental health challenges are especially vulnerable to experiencing adverse and sometimes fatal outcomes in their encounters with law enforcement.

Young adults experiencing emotional disturbance and/or living with mental health challenges are also disproportionately involved in the criminal justice system. They are at an increased risk for suicidal behavior and are frequently suffering from trauma, drug abuse and addiction and physical or sexual abuse.

CHALLENGES

Individuals experiencing emotional disturbance and/or living with mental health challenges are frequently challenged by addiction, poverty and housing instability as well. Currently, the City of Albany Police Department (APD) handles

a high volume of calls annually involving “emotionally disturbed persons” (EDP). Many requests for service are identified as involving EDPs at the outset while other requests for service evolve into situations involving EDPs. These individuals may also be experiencing addiction or withdrawal. It may be impossible for the responding officer to determine the underlying cause or causes and provide the appropriate treatment or response. As a consequence, law enforcement responses have the potential of escalating into potentially dangerous or fatal encounters.

The young adults who are involved in the criminal justice system may view efforts to screen and treat them for mental health or substance abuse issues as punitive or coercive in nature and may resist such efforts provided as part of a criminal or family court proceeding.

ASSETS

The Albany Police Department (APD) has, since at least 2012, increasingly recognized the value of specialized training to better manage service calls involving EDPs and has devoted increasing resources towards this end. Currently, all police recruits receive Crisis Intervention Team (CIT)* FOOTNOTE BELOW training in the academy and all officers are encouraged to enroll in twice annual CIT training offered jointly by APD and by the Albany County Department of Mental Health (ACDMH). FOOTNOTE (Steve – is there a syllabus for the CIT training that we could make a part of the Appendix?)

Additionally, APD has a long-standing working collaboration with ACDMH’s Mobile Crisis Team **FOOTNOTE BELOW in responding to requests for service involving EDPs. Although a countywide service, the majority of requests for service come from within the confines of the City of Albany (see attached 2019 zip code analysis). FOOTNOTE Of the approximately 1200 annual MCT crisis responses in the community, almost 40% occur without police involvement. Nevertheless, it is not uncommon for either police to request MCT assistance on a scene or for MCT to request police assistance prior to or during a crisis response. Although the GOAL is always for MCT to resolve the crisis in

the community, police are typically involved during involuntary hospitalizations and when violent behavior is threatened or encountered.

The Albany County Probation Department works in collaboration with community service providers and county agencies to develop plans and services to assist young adults in the criminal justice system who are suffering from mental health and substance abuse issues. The Probation Department uses screening tools to identify those individuals in need of specialized services.

FOOTNOTE*CIT is an internationally recognized evidence-based 40-hour training curriculum designed to increase law-enforcement knowledge and understanding of mental health matters, improve interactions between police and community, reduce unnecessary incarcerations when possible, increase referrals to treatment, and improve overall safety during police/community interactions.

FOOTNOTE** ACDMH's MCT has been operational for 30+ years, is the first mobile crisis team in NYS, and was created in the aftermath of a high-profile, police-involved fatal shooting in 1984 of an unarmed, Black male living with mental health challenges.

GOALS and STRATEGIES

GOAL 1: Develop alternative crisis response capability within the City of Albany in order to reduce the frequency of police first response.

RECOMMENDATIONS TO MEET GOAL 1. The City should implement a 911-triage and diversion program with access to interpretation for non-English speakers. 911 dispatchers will be trained to identify and refer non-emergency mental health related calls to mental health professionals for immediate response. This will reduce the frequency of police first response to calls involving emotionally disturbed persons, allow law enforcement to remain available for priority assignments, reduce the likelihood of adverse encounters between law enforcement and individuals living with mental health challenges, and increase the likelihood of positive outcomes. **FOOTNOTE** Related new expenditures would include increased training costs for dispatchers and staffing costs associated with development of dedicated mental health response teams and/or

enhancement of existing mobile crisis services accordingly. (Example: 911 Distressed Caller Diversion Program - Broome County, NY)

GOAL 2: Create an enhanced Mobile Crisis Response (Medical/Behavioral Health)

RECOMMENDATIONS TO MEET GOAL 2: Create a new first responder service to include mobile response teams comprised of medical professionals (i.e., medics, EMTs, nurses, etc.) and mental health professionals (i.e., peers, counselors, social workers, etc.) in order to jointly respond to “crisis” calls involving mental health, addiction and homelessness as an alternative to police response. This will reduce hospital emergency department use, reduce the likelihood of adverse encounters between law enforcement and the community, and increase the likelihood of positive outcomes. Additionally, these professionals will be able to assist not only the community member in crisis but also his/her family members to access social services to help alleviate subsequent calls. FOOTNOTE Related new expenditures would include staffing costs associated with development of medic/counselor response teams and/or enhancement of existing mobile crisis services accordingly. (Example: CAHOOTS [Crisis Assistance Helping Out on the Streets] - Eugene, Oregon).

GOAL 3: Develop specialty units within the Albany Police Department dedicated to responding to mental health related crisis calls.

RECOMMENDATIONS TO MEET GOAL 3: Expand specialty training (e.g., CIT) to insure that these specialty response units are well versed and well equipped to manage and de-escalate crises encountered in the community. These units could be comprised solely of police officers or preferably, a team of law enforcement and mental health professionals. FOOTNOTE: Dedicated response units (police officers): Example: San Antonio Police Department (see award-winning documentary “Ernie & Joe”) Example: Pima County Sheriff’s Department/Tucson Police Department MH Support Team

Dedicated response units (police officers and mental health professionals:

Example: Los Angeles Police Department and Los Angeles County Department of Mental Health “SMART” Unit comprised of plain-clothes officers and mental health clinicians.

GOAL 4: Assist young people with mental health or substance abuse issues outside of the criminal justice system.

RECOMMENDATIONS TO MEET GOAL 4: Develop a medical based model for treatment of juveniles that does not rely on law enforcement or the probation department to address and treat mental health or substance abuse. Uniformed officers and a metal detector control entrance to the Albany County Probation Department. The set up is can be perceived as coercive and intimidating. It has the potential to deter those who are already fearful of law enforcement from getting the services they need.

GOAL 5: Decrease and decriminalize opioid use, addiction and overdoses.

RECOMMENDATIONS TO MEET GOAL 5: An opioid overdose does not require an armed police response. EMTs and/or civilians can administer Narcan nasal spray quickly and effectively and the person can then be transported to the hospital if additional medical care is required. Drug treatment professionals should be available to provide referrals for follow up. FOOTNOTE: NARCAN INSTRUCTION SHEET

LANGUAGE ACCESS & CULTURAL COMPETENCE

INTRODUCTION

Albany is a diverse community; there are many different languages and cultures, including over 4500 refugees who were resettled in Albany since 2005. By definition, refugees are individuals who have fled war and persecution and have had their basic human rights taken away. Many have run for their lives from military police states and do not have any understanding of a “friendly” police officer. Some have been tortured or watched their family members be killed. Few would have an understanding of mental health like the current perspective in the U.S.

CHALLENGES

Given the many issues facing the APD, including issues of life and death, learning about refugees' backgrounds may seem complicated and impossible. Ignoring the complexity does not resolve the issues. There are ethnic community gangs, serious mental health and PTSD issues, etc. that may cause a threat to their own and the larger Albany community and the police may not possess the proper tools to address them. There are instances of domestic violence, child abuse, forced marriage and human trafficking that continue in part because refugee community members do not understand the role of the police in the U.S. and do not have trusting relationships with the police. Depending on one's immigration status, there can be long-term negative consequences for immigrants who are arrested, including not being able to gain citizenship. The terror of being deported can prevent crime victims or witnesses from cooperating with the police.

ASSETS

Albany has a long history of welcoming the newcomer (e.g. Dutch, Irish, Italians, Polish, Russians, etc.) and many immigrants have made Albany their home over the past century and more. The community has continued to embrace and support our diverse refugee and immigrant population in recent years. The community support is reflected in the outpouring of donations, both monetary and in-kind household goods; and through English as a New Language services in the schools. Mayor Sheehan has been a strong supporter, recognizing and publicly stating how important our refugee populations are to the local economy, as well as attending and speaking at various cultural events.

GOALS

GOAL 1: Educate the refugee communities about the role of the APD, and create ongoing trusting relationships between the refugee communities and the APD.

RECOMMENDATIONS TO MEET GOAL 1:

- a. Re-establish the Community Liaisons (CL) program, which provided six liaisons who served as important bridges to six key language and cultural

groups in our community. Consider expanding to include a female and male for each group. Solicit input from the CL's on the best way to train officers about their cultures, and to establish relationships with the communities.

- a. Utilizing the CL's will also be helpful in identifying situations that require mental health or other services.
- b. Find ways for police officers to interact with individual refugees in a positive light (e.g. attend annual cultural events; volunteer to assist with "sweat equity" for Habitat for Humanity houses for refugee and immigrant homeowners; do a "pop-up barbecue" aimed at refugee and immigrant populations; lead info sessions on how to become police officers or other city jobs.

GOAL 2: Increase cultural competence of APD officers.

RECOMMENDATIONS TO MEET GOAL 2:

- a. Ensure all APD officers attend a locally focused cultural competence training session. Invite CL's to lead or be panel members, to provide a two-way conversation, not only with new recruits, but also with seasoned officers.

GOAL 3: Improve access and use of appropriate, professional interpretation.

RECOMMENDATIONS TO MEET GOAL 3:

- a. Provide training to all APD officers, not only new recruits but also experienced officers, on the legal (both federal and New York state) mandates for using appropriate and professional interpretation. [Cultural Competence Relevant Regulations and Laws \(ny.gov\)](#)
- b. Review and analyze the current use of the Language Line interpreter phone services. Break down and analyze use by station, officer, etc., including information on which languages were accessed. Determine where there are gaps in knowledge and usage across the APD. Build in review of interpretation use at regular intervals.

- c. Utilize the Community Liaisons as in-person interpreters. Consider doubling the number of community liaisons to ensure having both female and male in-person interpreters for each key language and culture.
- d. Re-consider the use of in-person interpretation overall. Consider adding local video interpreting service, such as Akula [Services – AKULA \(akulainterpreting.com\)](#) or Lexikeet [Lexikeet Language Services](#).
- e. Discourage inappropriate use of non-professional interpreters (e.g. using family members, children, neighbors, Google Translate, etc.) Hold trainings for all officers about how to effectively use any interpreting services, both at the station and in the field. (For example, teach officers that over 60-90% of communication is nonverbal; to speak in the first person when speaking to someone who speaks another language, not third person; norms around eye contact in various cultures, etc.) Hold APD officers accountable for consistently using what they are taught at the Police Academy in real life situations.
- f. Consider what additional forms may need to be translated into additional languages, to provide support for all community members to file complaints, ensure their rights are being met, etc.

POLICE INTERACTIONS WITH COMMUNITY MEMBERS EXPERIENCING HOMELESSNESS

INTRODUCTION

Individuals experiencing street homelessness will invariably come into contact and interact with police more often than those who are housed or those who are housing unstable. Concerned citizens may call police for support, business owners may call in police to enforce loitering laws, or police may simply encounter homeless individuals in routine stops and inquiries. For some individuals, these contacts can lead to positive outcomes and connections to essential supports and resources. Particularly for those who are experiencing emotional crisis or disturbance, or who are under the influence of narcotics or

abusing pharmaceuticals, these interactions can escalate to conflicts, arrest, and violence. FOOTNOTE NEEDED

CHALLENGES

Laws which are designed to manage presumably problematic behaviors of street homeless individuals (e.g. panhandling, loitering, etc.) as well as disproportionate enforcement of laws for those with increased incidences with police (e.g. drug possession, etc.) will inevitably lead to an increase in arrests, charges, and penalties for street homeless individuals. In turn, these interactions, which carry the threat of criminal action, can contribute to a distrust of police or even to other first responders by homeless individuals in crisis situations.

(support with evidence)

Street Homelessness, Encampments, and Squatting

When residing “on the street”, individuals are vulnerable to the elements and to encounters with other individuals who may have malintent. Crimes against the street homeless include assaults, robbery, and other crimes made more readily possible due to the vulnerability of unsheltered living. Homeless individuals are ____ more likely to be the victim of ____ than sheltered individuals [working on getting through some articles on this this weekend...] Additionally, the activities inherent to living on the street are often criminalized, leading to arrests and other police interactions with homeless individuals for violations of vagrancy, loitering, panhandling, public urination, and other so-called “nuisance” laws. Alternatives to conventional temporary and emergency housing models exist in the form of unsanctioned structures and communities, and can mitigate some of the vulnerabilities inherent to street homelessness. “Squatting” in abandoned buildings and grouping together for resources and community in “encampments” may serve to satisfy some housing needs at least temporarily (some shelter from the elements, some security of community, etc.). However, those who engage in these alternative housing models reside in unregulated, often unsafe environments, condemned and dilapidated buildings, and areas of the city not zoned or prepared for safe habitation. For good cause, emergency

responses to these areas are often made, and often those are made by, or with the presence of police officials. An estimated _____ individuals in encampments in 20__ had interactions with police, resulting in ____ arrests and ____ emergency shelter placements (working on these numbers). [Sent a request to Tina at Joseph's house for this info and additional context she might find useful]

Economy, Resources, and Societal Factors

If we understand homeless populations to have increased incidents of interactions with police (positive and negative) it should be also understood that environmental factors that contribute to increases in homelessness in a population are factors that will result in increases in total negative outcomes with police. Changes to structures that reduce or eliminate homelessness (decreased economic inequality, improvements in treatment of mental health and substance use disorders, programs that provide reductions in total street homeless population in favor of structured housing programs, etc.) should be considered and encouraged. However, as these items are not directly related to policing reform, they will not be addressed in depth in this report, but are in principle encouraged. Increased study and support for agencies that are addressing these underlying factors are also strongly encouraged.

Mental Health and Homelessness

An estimated ____ percent of homeless individuals suffer from a serious mental illness, an estimated ____ percent untreated. Homelessness is often the result of the underfunding of other systems needed to address their particular needs. The significant percentage of street homeless with mental health issues is partly a result of the failure of the deinstitutionalization of the mentally ill which occurred decades ago; policies and resources to help maintain these patients in the community were not provided. They are now often left to their own as they have difficulty navigating traditional systems of care and service and may be "non-compliant" and dropped out of existing services. As mental health services

are primarily voluntary, the elimination of mental health Intensive Case Managers by NYS a few years ago has also exacerbated the problem of the mentally ill “falling through the cracks”. An Intensive Case Manager could follow up with the individual to help them access whatever services - health, mental health, substance abuse, and housing - that they may need. It can take multiple contacts to build trust and different models of service delivery are necessary to make a change for the homeless with mental health or substance abuse problems. In addition, there are times when the individual requires psychiatric hospitalization but that is difficult to obtain or the person is not hospitalized for long enough to stabilize them and they end up back on the streets. This problem is magnified for those who have been barred from accessing community shelters and regular services, but do not meet the threshold for incarceration or institutionalization. An estimated ___ individuals in Albany meet this definition, accounting for ____ APD and emergency service calls annually.

ASSETS

Community Connections/Community Policing

In a small city or neighborhood, community awareness and connections often serve as a mediator between vulnerable populations and the potential consequences of destructive behaviors or of a police interaction. Long-standing connections are most essential and valuable to community cohesion, and efforts should be made to maintain a base of residents, community organizations, and leaders. The city of Albany has adopted and advocated for a community policing model since ____, in that time _____. While police training on the challenges of handling vulnerable populations is essential, it cannot replace the working relationships police have in a community, and those connections should be fostered and seen as essential assets in community policing.

Jail Diversion

Models of policing that provide avenues to treatment and supports, and divert from criminal prosecution, fines, and incarceration have become an essential component of community policing in Albany and should continue to be embraced and developed. The LEAD program (Law Enforcement Assisted

Diversion) in Albany will be addressed in depth in other areas of this report and is a critical component to diverting homeless individuals away from arrest and incarceration and towards essential supports. Oftentimes the traditional path to prosecution for nuisance crimes such as panhandling, loitering and public intoxication can exacerbate a problem and push individuals away from treatment, compounding a cycle of mistrust and abuse. LEAD and programs like it should be encouraged and expanded.

Alternative Crisis Response Models

Albany has existing alternative crisis response models that can be built upon and encouraged. The primary existing model is the ACDMH Mobile Crisis Team, which is addressed in more depth in the “Police Interaction With Community Members Suffering from Mental Illness” section of this report. As there is significant overlap in the populations experiencing mental health crisis and emotional disturbance, and those who are experiencing homelessness, in particular street homelessness), this community response resource is inextricably tied to and an essential resource for the homeless population in Albany. However, mobile crisis has a limited role; they respond to persons where the threat of bodily harm to themselves or others is evident. Many individuals living on the street may be experiencing a more sustained crisis, where symptoms that do not present as explicit as threats to self or others – these calls cannot be addressed by Mobile Crisis. Often, these more sustained crises may leave individuals unable to address for their daily needs or to care for chronic physical and mental health conditions, elevating significantly the risk in the community.

Homeless Supports/Housing

Albany has an existing network of community service providers that serves as the base for many chronically homeless in Albany, as well as those experiencing episodes of homelessness for the first time.

Publicly funded: There are four year round emergency shelters for individuals with capacity for up to 79 individuals. There are two year round emergency shelters for families housing up to 84 families. There is also one

Domestic Violence shelter with 30 beds. DSS also regularly uses motels to fill in the gaps. There are two seasonal Code Blue Shelters housing up to 65 individuals.

Privately funded: The City Mission serves the Capital Region and the State and houses up to 200 men per night and operates a Code Blue shelter which houses 8 women. Also, Joseph's House also provides food, blankets, and sleeping bags to street homeless in addition to resources.

While incidences of crime and police interactions exist within these facilities, maintaining a system of supports that keep individuals off the streets is one of the most essential components to decreasing negative outcomes for homeless individuals in general and negative police interactions more specifically.

Emergency Shelter Placement: Other essential components of that system include emergency shelter placement services through HATAS and Albany County DSS, connecting _____ individuals and _____ families annually to shelter placement. Access to these services should be promoted and made easily accessible, as particularly for individuals experiencing homelessness for the first time, or experiencing homelessness in Albany for the first time, connections to supports are an essential first step to a safe outcome.

Community Connections: Community resource centers like IPH Community Connections and street outreach such as Joseph's House Albany Outreach Van connect _____ homeless individuals, and those at risk of homelessness, to essential resources and supports in Albany, including temporary and permanent housing, and essentials such as food, clothing, toiletries, blankets and sleeping bags. This is a particularly important resource for those individuals who distrust the shelter system or are barred from entering shelters in Albany.

Temporary and Permanent housing agencies: At least _____ agencies are housing _____ formerly homeless individuals and _____ families in Albany. Every

year, ____ individuals and families enter this system and ____ individuals graduate supported housing and obtain independent housing. One of the most essential things we can do to protect those experiencing homelessness from the negative outcomes of it is proper housing, and these services are essential.

Mental Health Community Treatment: A statewide program “ACT” is an evidenced-based practice that offers treatment, rehabilitation, and support services, using a person-centered, recovery-based approach, to individuals that have been diagnosed with serious mental illness¹. Albany County Assertive Community Treatment team consists of a team of clinical social workers, psychiatrists, and case managers who provide for active clinical connections for up to ____ individuals in Albany County. ACT and other intensive community supports aim to meet the needs of those in the community who have been unable to be successful with traditional mental health supports, and have had a history of emergency service and crisis hospitalizations. However, many who are identified as having increased need remain unhoused. Without viable solutions for housing, these individuals have significant challenges meeting their basic needs and maintaining their safety and treatment in the community.

GOALS

GOAL 1: Housing for All

Strategies to meet Goal 1: All additional strategies should be explored to reduce overall homelessness for all those who desire housing. Negative social, criminal, and health outcomes are far more commonplace for those experiencing homelessness. Many of the strategies to address homelessness are beyond the scope of this report, but are essential for addressing this need. These strategies may include increase in funding for homeless outreach programs, expansion of alternative housing models, changes to eviction laws, or other novel ideas to address the changing needs of communities addressing homelessness.

¹ <https://omh.ny.gov/omhweb/act/>

GOAL 2: Decrease total emergency service calls for homeless in the community
Strategies for GOAL 2: Increase supports for community service agencies that serve to lower the risk for homelessness and at risk populations. Establish a plan to maintain connections and supports for those in the community who demonstrate a pattern of greatest need. Provide avenues for care for those who have been barred from accessing community shelters, but do not meet the threshold for incarceration or institutionalization.

GOAL 3: Increase rate of emergency service interactions resulting in positive outcomes, connections to established services and supports

Strategies for Goal 3: Expand existing alternative crisis response models. Expand training/connections/funding for community service providers meeting the needs of vulnerable and at risk populations, this includes mental health crisis response, supports in substance use rehabilitation and in preventing loss of housing. Expand and train emergency dispatch to utilize alternative crisis response teams, providing for alternative response to APD involvement when possible, providing supplement for APD calls when social service response may be dangerous for responders or individuals in crisis. When officers are involved, improve training for officers on use of strategies to connect those in crises to essential services.

GOAL 4: Reduce the rate of police interactions resulting in use of force and arrest and/or prosecution

Strategies to meet Goal 4: Expand the LEAD diversion program and develop alternatives to conviction and incarceration. Establish a social worker or clinician with mental health and substance abuse experience in the APD who can support in continued training and policy assessment on dealing with the homeless.

GOAL 5: Continually assess and improve strategies of police interactions with homeless and at risk populations

Strategies to meet Goal 5: Track and assess interactions and outcomes with homeless individuals and other vulnerable populations. Make officers accountable to tracking information on community contacts, and that information publically available. Implement programs for regular community feedback and assessment of figures and policies, focusing on at risk communities, including mental health, substance abuse, and homeless communities, Hire housing advocates as employees of the Civilian Public Safety to develop City wide strategies to assist the homeless and provide for safe living environments.

POLICE INTERACTION WITH VICTIMS OF DOMESTIC VIOLENCE

INTRODUCTION

While Domestic Violence calls are among the most frequent and at times, the most dangerous, calls police respond to, the complex issues involved in Domestic Violence cases are an area needing further support, training, coordination with community providers and an enhancement of resources. Community based DV providers report that there are officers who do a great job for victims as well as officers who appear uncaring. Officers may experience “burn-out” when they are called multiple times to the same house and the victim does not take action to remove themselves from the situation. While most officers do ask if the victim needs a place to stay, victims of domestic violence may be reluctant to leave for a variety of reasons and even those who wish to may take a long time before they are ready or able to leave their home or go to a shelter. Additionally, there are many non-shelter based DV services that can be provided at an initial call, referrals are not always provided. In some instances, victims have to take action on their own by filing a complaint at the police department because the officer on scene does not believe the victim will take action.

CHALLENGES

It may be challenging or dangerous for officers to communicate with victims and perpetrators at the same time/location. There is a fear on the part of some advocates and victims that bail reform may lead to the release of an alleged abuser who would previously have been incarcerated prior to a hearing or trial. It is felt that the incarceration allowed for a “cooling down” period and an opportunity for the victim to leave the home and go to a shelter. While there are provisions in the bail reform provisions specifically designed to protect victims of domestic violence as well as new laws related to victim’s rights recently passed in state legislation, there is little education to the police about them. Special attention should be paid when police are the perpetrators of Domestic Violence; these cases require an investigation separate from internal review. Victims must have an avenue for making a DV complaint against an officer. Attention should be paid to enhancing training on Police Sexual Misconduct and preventing officers with inappropriate views on Domestic Violence and Sexual assault from becoming officers.

FOOTNOTE In addition, there may not be awareness on the part of the police officer that victims of domestic violence are at the highest level of risk when they attempt to leave their abuser. This can lead to frustration on the part of the officer who wants to know “why does she stay?”

ASSETS

APD can be commended for their DV specialist unit dedicated to DV with a victim’s specialist. Providers report that APD does a great job working with Equinox, the primary DV provider for Albany. There is a continuum of services provided by APD Officers in dealing with victims of domestic violence.

GOALS and STRATEGIES

GOAL 1: APD should do a “deeper dive” into community resources and the practical realities of DV. APD can better connect victims with community resources for follow-up and prevention.

RECOMMENDATIONS TO MEET GOAL 1: There should be an ongoing collaboration with community providers including an Albany City based Task Force to establish a community wide response to Domestic Violence. Additionally, APD should have a supervisor/policy recommending position participate in the countywide Coordinated Community response Task Force,

ACCADA (Albany County Coalition against Domestic Abuse). APD officer representatives should meet regularly with providers to discuss officer challenges and needs, develop systems of responses for different situations, and receive updates on new or changing community services.

GOAL 2: APD should significantly increase the training.

RECOMMENDATIONS TO MEET GOAL 2:

- The trainings should include, but not be limited to, Implicit Bias, Trauma Informed Response, Understanding how DV Trauma impacts victim memory and reporting, DV dynamics in LGBTQ+ relationships, Elder Abuse, cultural considerations for victims and practical skills in dealing with DV victims and perpetrators to help stop the cycle of violence. Provide officers with real case examples and allow them to ask, “How do I handle ___?” provide guidance around crisis safety planning and avoiding unintended consequences and safety issues.

- Strategies should be developed to support and assist victims who are known to have contacted police multiple times and are not ready or able to leave or pursue further legal action.
- Police officers should receive training related to understanding how and why victims of domestic violence may respond or make choices that seem contradictory to their safety. Police officers should be trained and informed of the full range of resources available for domestic victims via APD and community providers.
- Officers should become more familiar with all the services providers such as Equinox, Albany County Crime Victims and Sexual Assault Center and In Our Own Voices offer beyond shelter. Officers may not know that they can call the 24-hour DV hotline while they are at a home or on scene and connect the victim directly with an Equinox counselor at that moment.
- DV providers need to connect with the victim to provide services and increase the opportunities for follow up.
- Develop an updated “Bank sheet” which is a laminated sheet that APD Officers have with phone numbers for various resources; the card should be widely available including in all patrol cars and checked to make sure resources are up to date.
- Strengthen and remind police officers about how to manage implicit bias on the job. We accept that it is the ability to use discretion wisely that is the mark of an excellent police officer. Reminders about how to interrupt bias while on the job are urgently needed by all of us. Encouraging police officers to reflect on decisions they have made about someone’s truthfulness, intelligence, available resources is essential. Check on Implicit Bias through data: reviewing the race and dispositions of cases or calls by domestic violence victims that an officer handles for patterns, trends, and trouble. How GOs and Orders of Protection are written can impact DV cases. Adding primary physical aggressor language and analysis to the relevant GO.

GOAL 3: Provide non-police follow up in all cases of domestic violence.

RECOMMENDATIONS TO MEET GOAL 3: Many victims of domestic violence have had negative interactions with the police. Many are fearful that if they report abuse they risk the intervention of CPS and the resultant loss of their children or that they themselves will be forced into the criminal justice system. Those from different cultures or who speak different languages may not trust the police. Those who are undocumented may fear they or their family members will be deported. Victims who rely on the abuser for economic support may not see any practical way to live if the abuser is incarcerated. LGBTQ+ identified victims, particularly Transgender identified victims, have experienced insensitivity to discrimination related to their gender identify and/or sexual orientation. In order to address these issues, trained civilians who are not employed by the police department and who are experts in domestic violence should accompany the police initially and provide the follow up to assist the victim. The cohort of professionals should include both men and women and reflect the diversity, cultures and languages of our community.

GOAL 4: Assure all Domestic Violence Victims are able to make a complaint even when the perpetrator is an Officer.

RECOMMENDATIONS TO MEET GOAL 4: Establish a Civilian Review Board to investigate cases of Domestic Violence or sexual assault by a police officer to assure a full and independent review is completed. Make such behaviors a violation of the Code of Conduct. Establish an Outreach Coordinator to follow-up on cases of sexual assault and domestic violence.

TRAFFIC ENFORCEMENT

INTRODUCTION

Seeing flashing lights in the rearview mirror and being pulled over by a police officer provokes anxiety in every driver. For community members who are already fearful and distrust the police the anxiety is heightened. It is also a fraught situation for the officer as the stops may be at night and the officer may not be able to clearly see the occupants in the vehicle. The encounter can lead to a disaster. It was a traffic stop for a broken taillight that escalated and ended with the police shooting of Philando Castile in 2016 and the subsequent manslaughter charges against the officer who shot him.

Collisions that occur without serious physical injury generally require only that the parties exchange contact and insurance information. A police report may be necessary to provide to the insurance company.

CHALLENGES

Everyone is protected if the vehicles on the road are in safe and proper working order. However, not everyone has the financial ability to fix each problem as quickly as it occurs. Given the limited public transportation and job opportunities in Albany, it is imperative to have a private vehicle to get to and from work, day care, shopping, etc. In addition to the stress of a traffic stop, low-income community members given a citation for a vehicle infraction may also miss work to go to court and may have to choose between getting the vehicle repaired and providing food for their family or paying rent and utilities. As a result, they will have even less money to make needed repairs.

A majority of vehicle accidents are “fender benders” involving only property damage. While a report may need to be made for insurance purposes, there is no need for a uniformed and armed officer to respond.

ASSETS

Everyone in the community wants to be able to drive safely in our city. No one wants to risk their own life or that of others by driving a vehicle that needs repairs. When car accidents happen, the parties involved want to quickly exchange needed information. The police want to be able to devote their time to investigating and solving serious crimes and not be tied up on tasks that can be done by others.

OVERVIEW OF GOALS

1. Insure safe, well-maintained cars on the road
2. Provide an efficient non-police response to non—injury car accidents

GOALS and STRATEGIES

GOAL 1: Insure safe, well-maintained cars on our roads

RECOMMENDATIONS TO MEET GOAL 1: Albany should adopt the Lights On program used successfully in other states. Instead of giving out a citation for a vehicle repair, the driver would receive a voucher to have the repair done at a reputable shop. The vehicle would be safe and in proper working order and the encounter between the officer and the community member would be positive rather than confrontational.

GOAL 2: Provide an efficient non-police response to non-injury car accidents

RECOMMENDATIONS TO MEET GOAL 2: Hire and assign civilians to respond to traffic accidents that do not involve serious physical injury. Equip the responders with iPads that contain the software necessary to generate a report that can be provided to all involved parties and their insurance companies.

OVERALL POLICY RECOMMENDATIONS TO ACHIEVE OUR GOALS

1. Create a Civilian Public Safety Commission
 - a. Many of our recommendations call for non-sworn individuals to respond – all of which could be housed under a civilian public safety commission that is independent from APD but has “teeth” that allow them to do meaningful work. This idea is also a part of the restorative justice model. Ex: <https://mncivilianpublicsafety.org/> (In Minnesota the Public Safety Commission also functions as a CPRB of sorts but they could be separate in Albany). Another Working Group is addressing the issue of police oversight.
2. Hire civilian case managers to staff the Civilian Public Safety Commission) - <https://www.columnit.com/case-management-a-progression-in-investigation-case-handling.html>
 - a. Identify the professionals needed in the areas discussed above and determine the appropriate staffing necessary. For example, to address the issue of truancy, it might be necessary to hire professions trained as school counselors, psychologists and social workers. An accident investigator could be hired to answer any questions or assist the civilians called to the scene of non-injury accidents. Social workers and counselors could provide the follow up to assist victims of domestic violence. Substance abuse counselors could respond to drug overdoses and housing advocates would assist community members facing homelessness or housing insecurity. Immigration specialists who understand a variety of different cultures and speak different languages would be on call to assist members of our community needed such support.
<https://aspe.hhs.gov/report/case-management-and-victim-human-trafficking-critical-service-client-success/benefits-case-management-victims-law-enforcement-and-prosecutors-0>
3. In addition to the case managers, victims’ advocates should also be on the staff of the Civilian Public Safety Commission. It is important that both the case managers and the victims’ advocates are as diverse as possible. Having persons of color and non-police advocates will encourage victims to follow through in the criminal justice system and in accessing social services. This is particularly true for those community members who are

victims of crimes but have had negative interactions with the police department.

4. Increase the number of civilian workers in the police department to include additional social workers, psychologists and counselors to address mental health concerns of police officers as well as community members.
<https://msw.usc.edu/mswusc-blog/police-community-relations-social-work/>

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Appendix

Police Have a Much Bigger Domestic-Abuse Problem Than the NFL Does

Research suggests that family violence is two to four times higher in the law-enforcement community than in the general population. So where's the public outrage?

CONOR FRIEDERSDORF

SEPTEMBER 19, 2014

Should the National Football League suspend or ban any player caught assaulting a wife or girlfriend? That seems to be the conventional wisdom since video emerged of running back Ray Rice knocking his wife unconscious in an elevator, even as reports surface that many more NFL players have domestic-abuse records.

While I have no particular objection to a suspension of any length for such players, the public focus on NFL policy seems strange and misplaced to me. Despite my general preference for reducing the prison population, an extremely strong person rendering a much smaller, weaker person unconscious with his fists, as Rice did, is a situation where prison is particularly appropriate. More generally, clear evidence of domestic abuse is something that ought to result in *legal* sanction. Employers aren't a good stand in for prosecutors, juries, and judges.

Should ex-convicts who abused their partners be denied employment forever? I think not. Our notion should be that they've paid their debt to society in prison. Pressure on the NFL to take a harder line against domestic abuse comes in the context of a society where the crime isn't adequately punished, so I totally understand it. Observing anti-NFL rhetoric, you'd nevertheless get the impression that other employers monitor and sanction domestic abuse incidents by employees. While I have nothing against pressuring the NFL to go beyond what the typical employer does, I fear that vilifying the league has the effect of misleading the public into a belief that it is out of step with general norms on this

issue. Domestic violence is less common among NFL players than the general population.

And there is another American profession that has a significantly more alarming problem with domestic abuse. I'd urge everyone who believes in zero tolerance for NFL employees caught beating their wives or girlfriends to direct as much attention—or ideally, even more attention—at police officers who assault their partners. Several studies have found that the romantic partners of police officers suffer domestic abuse at rates significantly higher than the general population. And while all partner abuse is unacceptable, it is especially problematic when domestic abusers are literally the people that battered and abused women are supposed to call for help.

If there's any job that domestic abuse should disqualify a person from holding, isn't it the one job that gives you a lethal weapon, trains you to stalk people without their noticing, and relies on your judgment and discretion to protect the abused against domestic abusers?

The opprobrium heaped on the NFL for failing to suspend or terminate domestic abusers, and the virtual absence of similar pressure directed at police departments, leads me to believe that many people don't know the extent of domestic abuse among officers. This is somewhat surprising, since a country shocked by Ray Rice's actions ought to be even more horrified by the most egregious examples of domestic abuse among police officers. Their stories end in death.

There's the recently retired 30-year veteran police officer who shot his wife and then himself in Colorado Springs earlier this summer. There's Tacoma Police Chief David Brame, who perpetrated another murder-suicide in April. (Update: it's in fact the tenth anniversary of this crime, which I missed in the ABC story.) Also in April, an Indiana news station reported on "Sgt. Ryan Anders, a narcotics officer," who "broke into his ex-wife's home and fatally shot her. He then turned the gun on himself." In February, "Dallas police confirmed ... that a Crandall police officer shot and killed his wife before killing himself." Last year, a Nevada police officer killed his wife, his son, and then himself. And Joshua Boren, a Utah police officer, "killed his wife, their two children, his mother-in-law and then himself" after receiving "text messages ... hours earlier threatening to leave him and take their kids and confronting him for

raping her." That isn't an exhaustive survey, just a quick roundup of recent stories gleaned from the first couple pages of Google results. And statistics about "blue" domestic abuse are shocking in their own way.

As the National Center for Women and Policing noted in [a heavily footnoted information sheet](#), "Two studies have found that *at least 40 percent* of police officer families experience domestic violence, in contrast to 10 percent of families in the general population. A third study of older and more experienced officers found a rate of 24 percent, indicating that domestic violence is two to four times more common among police families than American families in general." Cops "typically handle cases of police family violence informally, often without an official report, investigation, or even check of the victim's safety," the summary continues. "This 'informal' method is often in direct contradiction to legislative mandates and departmental policies regarding the appropriate response to domestic violence crimes." Finally, "even officers who are found guilty of domestic violence are unlikely to be fired, arrested, or referred for prosecution."

What struck me as I read through the information sheet's footnotes is how many of the relevant studies were conducted in the 1990s or even before. Research is so scant and inadequate that a precise accounting of the problem's scope is impossible, as *The New York Times* concluded in [a 2013 investigation](#) that was nevertheless alarming. "In many departments, an officer will automatically be fired for a positive marijuana test, but can stay on the job after abusing or battering a spouse," the newspaper reported. Then it tried to settle on some hard numbers:

In some instances, researchers have resorted to asking officers to confess how often they had committed abuse. One such study, published in 2000, said one in 10 officers at seven police agencies admitted that they had "slapped, punched or otherwise injured" a spouse or domestic partner. A broader view emerges in Florida, which has one of the nation's most robust open records laws. An analysis by *The Times* of more than 29,000 credible complaints of misconduct against police and corrections officers there strongly suggests that domestic abuse had been underreported to the state for years.

After reporting requirements were tightened in 2007, requiring fingerprints of arrested officers to be automatically reported to the agency

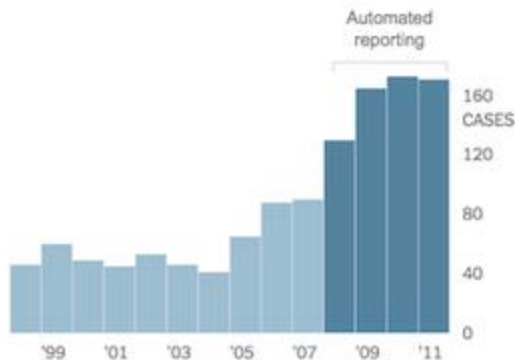
that licenses them, the number of domestic abuse cases more than doubled—from 293 in the previous five years to 775 over the next five. The analysis also found that complaints of domestic violence lead to job loss less often than most other accusations of misconduct.

A chart that followed crystallized the lax punishments meted out to domestic abusers. Said the text, "Cases reported to the state are the most serious ones—usually resulting in arrests. Even so, nearly 30 percent of the officers accused of domestic violence were still working in the same agency a year later, compared with 1 percent of those who failed drug tests and 7 percent of those accused of theft."

The visualization conveys how likely it is that domestic abuse by police officers is underreported in states without mandatory reporting requirements—and also the degree to which domestic abuse is taken less seriously than other officer misconduct:

Cases reported to Florida state officials

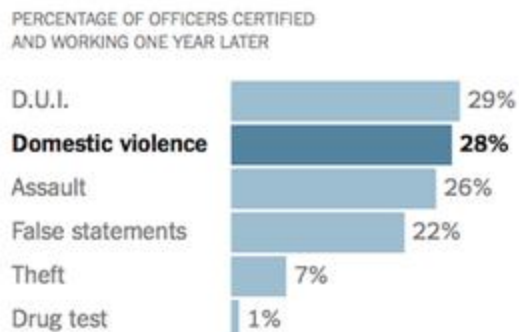
Since Florida required the arrest of a police or corrections officer to be reported to the state automatically, it has received twice the number of domestic abuse complaints against them.



Source: Florida Department of Law Enforcement database. Data for 2012 is incomplete. Notations in the database sometimes indicate that a domestic violence offense may not be domestic; others note that assaults or other offenses are domestic. An analysis by The New York Times shows these data inaccuracies do not affect the overall trends.

How often officers keep their jobs

Between 2008 and 2012, more than a quarter of Florida law enforcement officers accused of domestic violence were still certified and working at the same agency one year after the complaint.



THE NEW YORK TIMES

For a detailed case study in how a police officer suspected of perpetrating domestic abuse was treated with inappropriate deference by colleagues whose job it was to investigate him, this typically well-done *Frontline* story is worthwhile.

It would be wonderful if domestic violence by police officers was tracked in a way that permitted me to link something more comprehensive and precise than the National Center for Women and Policing fact sheet, the studies on which it is based, the *New York Times* analysis, or other press reports from particular police departments. But the law enforcement community hasn't seen fit to track these cases consistently or rigorously. Says the International Association of Chiefs of Police in a 2003 white paper on the subject, "the rate of domestic violence is estimated to be at least as common as that of the general population and limited research to date indicates the possibility of higher incidence of domestic violence among law enforcement professionals." Their position on the evidence: "The problem exists at some serious level and deserves careful attention regardless of estimated occurrences."

An academic study highlighted by *Police Chief Magazine* relied on newspaper reports for its universe of 324 cases of officer involved domestic violence, or OIV, in their report.

Here's what they found:

The cases involved the arrest of 281 officers employed by 226 police agencies. Most of the cases involved a male officer (96 percent) employed in a patrol or other street-level function (86.7 percent). There were 43 supervisory officers arrested for an OIV-related offense. One-third of the OIV victims were the current spouse of the arrested officer. Close to one-fourth of the victims were children, including a child or a stepchild of the officer or children who were unrelated to the arrested officer. There were 16 victims who also were police officers. Simple assault was the most serious offense charged in roughly 40 percent of the cases, followed by aggravated assault (20.1 percent), forcible rape (9.9 percent), intimidation (7.1 percent), murder/non-negligent manslaughter (4.6 percent), and forcible fondling (3.7 percent).

Data on final organizational outcomes were available for 233 of the cases. About one-third of those cases involved officers who were separated from their jobs either through resignation or termination. The majority of cases in which the final employment outcome was known resulted in a suspension without job separation (n = 152). Of those cases where there was a conviction on at least one offense charged, officers are known to have lost their jobs through either termination or resignation in less than

half of those cases (n = 52). More than one-fifth of the OVID cases involved an officer who had also been named individually as a party defendant in at least one federal court civil action for deprivation of civil rights under color of law pursuant to 42 U.S.C. §1983 at some point during their law enforcement careers.

Think about that. Domestic abuse is underreported. Police officers are given the benefit of the doubt by colleagues in borderline cases. Yet even among police officers who were charged, arrested, and convicted of abuse, more than half kept their jobs.

In the absence of comprehensive stats, specific incidents can provide at least some additional insights. Take Southern California, where I keep up with the local news. Recent stories hint at an ongoing problem. Take the 18-year LAPD veteran arrested "on suspicion of domestic violence and illegal discharging of a firearm," and the officer "who allegedly choked his estranged wife until she passed out" and was later charged with attempted murder. There's also the lawsuit alleging that the LAPD "attempted to bury a case of sexual assault involving two of its officers, even telling the victim not to seek legal counsel after she came forward."

The context for these incidents is a police department with a long history of police officers who beat their partners. *Los Angeles Magazine* covered the story in 1997. A whistleblower went to jail in 2003 when he leaked personnel files showing the scope of abuse in the department. "Kids were being beaten. Women were being beaten and raped. Their organs were ruptured. Bones were broken," he told L.A. Weekly. "It was hard cold-fisted brutality by police officers, and nothing was being done to protect their family members. And I couldn't stand by and do nothing." Subsequently, *Ms. Magazine* reported, a "review of 227 domestic violence cases involving LAPD officers confirmed that these cases were being severely mishandled, according to the LAPD Inspector-General. In more than 75 percent of confirmed cases, the personnel file omitted or downplayed the domestic abuse. Of those accused of domestic violence, 29 percent were later promoted and 30 percent were repeat offenders. The review and the revelation led to significant reforms in the LAPD's handling on police officer-involved domestic violence."

Will these incidents galvanize long overdue action if they're all assembled in one place? Perhaps fence-sitters will be persuaded by a case in which a

police officer abused his daughter by sitting on her, pummeling her, and zip-tying her hands and forcing her to eat hot sauce derived from ghost chili peppers. Here's what happened when that police officer's ex-girlfriend sent video evidence of the abuse to his boss:

Here's another recent case from Hawaii where, despite seeing the video below, police officers didn't initially arrest their colleague:

There have been plenty of other reports published this year of police officers perpetrating domestic abuse, and then there's another horrifying, perhaps related phenomenon: multiple allegations this year of police officers responding to domestic-violence emergency calls and raping the victim. Here's the *Detroit Free Press* [in March](#):

The woman called 911, seeking help from police after reportedly being assaulted by her boyfriend. But while police responded to the domestic violence call, one of the officers allegedly took the woman into an upstairs bedroom and sexually assaulted her, authorities said.

Here is [a case](#) that *The San Jose Mercury News* reported the same month:

Officer [Geoffrey Graves](#), 38, who has been with the Police Department for six years, was charged by Santa Clara County prosecutors with forcible rape in connection with a Sept. 22 incident. The incident began when Graves and three other San Jose officers responded to a family disturbance involving a married couple about 2 a.m., prosecutors said. The officers determined that both spouses had been drinking and had argued, but that no crime had occurred, authorities said.

The woman, who works as a hotel maid, told officers that she wanted to spend the night at a hotel where she had previously worked. About 2:30 a.m., Graves drove the woman to the hotel, where she went to her room alone and fell asleep, authorities said. Fifteen minutes later, the woman heard knocking and opened the door.

Then he allegedly raped her.

There is no more damaging perpetrator of domestic violence than a police officer, who harms his partner as profoundly as any abuser, and is then particularly ill-suited to helping victims of abuse in a culture where they are often afraid of coming forward. The evidence of a domestic-abuse

problem in police departments around the United States is overwhelming. The situation is significantly bigger than what the NFL faces, orders of magnitude more damaging to society, and yet far less known to the public, which hasn't demanded changes. What do police in your city or town do when a colleague is caught abusing their partner? That's a question citizens everywhere should investigate.

We want to hear what you think about this article. [Submit a letter](#) to the editor or write to letters@theatlantic.com.

CONOR FRIEDERSDORF is a California-based staff writer at The Atlantic, where he focuses on politics and national affairs. He is the founding editor of *The Best of Journalism*, a newsletter devoted to exceptional nonfiction.

Predators Behind the Badge: Confronting Police Sexual Misconduct

By **Isidoro Rodriguez** | March 12, 2020

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As more efforts to stem sexual abuse by powerful men come to light, there still remains a marginalized group that continues to suffer at the hands of the people who should be protecting them.

They are the victims of police sexual misconduct.

Interviews with police and other experts and a review of available data by *The Crime Report* indicated that police sexual misconduct (PSM) most affects young people and others who are the most vulnerable in society— amounting to a betrayal of trust of those who look to them the most for guidance, protection and safety.

“Police sexual misconduct is an issue that’s hidden in the shadows,” said Andrea Ritchie, author of “[Invisible No More: Police Violence Against Black Women and Women of Color](#),” in an interview with *The Crime Report*.

“Police have so much power, and they use that power in the same way that other people with power, such as [Harvey] Weinstein, politicians, and priests do.”

The problem has long been recognized—but it’s only beginning to receive attention from police training academies and state legislatures.

A 2003 [national study by the Police Professionalism Initiative](#) written by Prof. Samuel Walker at the University of Nebraska at Omaha found that 40 percent of reported cases of police sexual misconduct involved teens, often young women involved in youth engagement and job-shadowing programs.

Seven years later, a [2010 study by the Cato Institute](#), a libertarian think-tank that tracks police wrongdoing, found that sexual misconduct by law enforcement generates more citizen complaints than any other factor except for excessive force.

A 2015 [investigation](#) by the Associated Press found that roughly 1,000 officers 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.

And a [database](#) compiled by *The Buffalo News* reports that from 2005-2015 a law enforcement official was caught in a case of sexual abuse or misconduct at least every five days.

Ritchie, a Researcher-in-Residence focusing on race, gender, sexuality, and criminalization at the Barnard Center for Research on Women, believes that these numbers represent just the tip of the iceberg.

She observes that victims of PSM have less motivation than most to report abuse, and thus often rarely come forward at all.

“The people we tell people to report sexual assaults to are the police,” said Ritchie.

“Survivors of sexual assault by police are the only survivors of sexual assault who have to report the assault to the people that committed it. That’s a huge reason they’re not reported.”

Moreover, Ritchie explains, police agencies are reluctant to take reports or complaints of this kind of conduct—often trying to dissuade people from making them, and even wrongly categorizing reports of abuse as discourtesy, improper search, or unprofessional conduct in an attempt to diminish their severity and impact.

If that fails, police departments and their officers have been known to actively pursue a victim’s silence through direct threats and intimidation, she added.

In 2010, *The Washington Post* [reported](#) that when teenager Tiawanda Moore attempted to report her sexual assault at the hands of a Chicago police officer she was allegedly “given the run around” by internal affairs officers, who intimidated and discouraged her from making the report, and instead instructed her to contact them if the incident happened again.

When she used her phone to record their attempts at dissuasion, she was charged with two counts of eavesdropping.

In 2017, according to an [article](#) by *The Huffington Post*, the mother of a teenage girl accusing two New York police officers of rape claimed that roughly 13 officers from two different precincts approached them while they were awaiting a forensic examination at a local hospital and attempted to dissuade them from reporting the crime, going so far as to try and push them to say that the perpetrators were not police officers at all.

And in Seattle, Wa., King County Sheriff John Urquhart was accused of directing investigators not to document rape allegations against him from 2016, of actively intimidating the victims supporters, and of attempting to discredit the victim by publicly releasing her medical records, according to a 2017 report [by kiro7.com](#).

‘The blue wall of silence conceals this particular form of police violence’

“The culture of the blue wall of silence is what conceals this particular form of police violence, same as it does for others forms of police violence,” said Ritchie.

“A significant percentage of officers know it’s happening, but they’re looking the other way and not reporting it. It’s just considered part of the culture.”

And it is a culture that repeatedly discounts reports of rape and sexual assault in general. A 2016 [investigation](#) by *Buzzfeed News* found that the Scottsdale, Ariz., Police Department had one of the highest rates of unfounded rape cases in the country (46 percent between 2009 and 2014). *The Phoenix New Times* [reports](#) that FBI data from 2014 to 2017 shows that the department is still designating rapes as unfounded at a much higher rate than the national average, indicating a severe problem with the way officers there respond to rape victims and investigate rape cases.

In Baltimore, a 2016 [investigation](#) of the Baltimore Police Department by the Department of Justice found that the department seriously and systematically under-investigates reports of sexual assault, flagging failures such as victim blaming, ignoring reports from sex workers, letting reports languish as “open cases,” not testing rape kits, and not investigating suspects as standard practice.

Around the country, reports [The Appeal](#), sexual assault victims have filed lawsuits against local governments and police departments for failing to investigate their cases, failing to submit rape kits, and disproportionately dismissing cases or refusing to prosecute when the victim is female.

In many instances, victims were instead met with judgmental questions about their clothing, their number of sexual partners, how much they had to drink, and why they were in a certain neighborhood when the assault occurred.

According to Philip Stinson, a professor of criminal justice at Bowling Green State University in Ohio, a police culture of silence, dissuasion, negligence and misogyny not only protects officers accused of PSM, but also enables them to better target their victims. “The police subculture is a sexualized environment,” Stinson said in an interview with TCR.

“It’s a very masculine culture. It’s terrifying to go forward as a victim when your attacker is a police officer.”

Stinson, a former police officer for departments in Arlington, Va., and Dover, N.H., was exposed during his career to many officers getting away with crimes that others wouldn’t. In response, he developed a database tracking thousands of incidents in which officers were arrested since 2005.

Analyzing more than 500 officer arrests for sexual misconduct over a three-year period, the [data](#) he collected reveals a predatory pattern of on-duty misconduct, as well as off-duty misconduct that he notes is often facilitated by the power of the badge or the presence of an official service weapon, and that purposefully targets the most disenfranchised.

“PSM specifically targets victims whose calculated risk is based on their vulnerability, the likelihood that they wouldn’t be believed if they did come forward,” said Stinson.

“We have sex workers who are constantly harassed by a subgroup of officers who exploit them. Think nothing of a quid pro quo in lieu of getting a ticket or arrested. You also have the driving- while-female scenarios, where an officer stops someone to flirt with them, gets their phone number, gets their name, all the way up to violence and rape.

“You have officers who exploit the teenagers who are in the law enforcement explorer’s programs and go on ride-alongs with officers. There are many dozens of cases where officers are arrested for those kinds of things.”

A 2016 [investigation](#) of the Baltimore Police Department by the Department of Justice found that officers habitually extorted sex from women by threatening prostitution charges if they did not cooperate.

The [Los Angeles Daily News reported](#) in 2019 that two LAPD narcotics officers received 25- year prison terms and were ordered to register as sex offenders for sexually assaulting four female informants facing drug charges.

In another case, former Oklahoma City police officer Daniel Holtzclaw is serving a 263- year sentence for sexually assaulting 13 black women and girls, repeatedly targeting young women, women who used drugs, and women he believed to be sex workers, according to a [report](#) by the Associated Press.

Such cases make clear that police are “picking people who are going to be discounted,” said Ritchie.

“That girl was ‘just trying to get attention’, she ‘brought it on herself’, she ‘trades sex for a living so what does she expect’” Ritchie said, quoting excuses she’s heard from officers.

“I’ve seen reports from police officers or investigations where they described people coming forward as the grumblings of prostitutes and junkies. And people tend to trust them and tend to believe them.”

In some cases, the abuse happens inside an agency.

In 2019, a [Denver police officer was fired](#) for making pervasive, graphic, and sexually oriented comments towards an intern during a ride-along: referring to her as a whore, suggesting she get hair removal procedures for her genitalia, and offering to teach her CPR by performing mouth to mouth on her.

Hiding Behind Authority

But often a predator in uniform can hide behind the cloak of authority.

“People let their guard down if they’re newly friends or in a relationship with a police officer, and let their guard down with their young teenagers and giving more access to them than they would otherwise,” said Stinson.

Domestic violence survivors are particularly vulnerable.

An investigative [report](#) by the *Philadelphia Enquirer* found that officers use their perceived “savior status” to elicit sexual favors from women already traumatized by spousal abuse.

In 2014, according to an [article](#) by *The Charlotte Observer*, an Iredell County Sheriff’s patrol officer was fired and the county forced to pay a \$475,000 settlement to two women, both victims of domestic abuse and seeking help, who accused the officer of continually propositioning and stalking them.

The officer claimed that dating domestic violence victims was “like shooting fish in a barrel.”

“Police deliberately target victims of sexual violence or domestic abuse because they’re vulnerable and they’re people in need of help,” said Ritchie.

“After 25 years of research on this, it’s still shocking to me.”

Lack of Training

And while police departments around the country are publicly revamping their training programs and promoting de-escalation, conflict resolution, and more empathetic policing tactics in order to stem the flow of violent encounters between officers and civilians, training and policy on PSM is almost nonexistent.

According to [The Washington Post](#), a majority of U.S. police agencies have no official policies or training programs making it clear that on-duty sexual misconduct against civilians is prohibited.

Stan Mason, host of the radio program [Behind the Blue Curtain](#), says that lack of training at the academy and official guidance from the departments can have dangerous consequences when considering the myriad of potentially traumatizing and corruptive environments that newly inducted male officers will encounter on a daily basis.

“The biggest part of policing, that the profession is not realizing, is that you have to be mentally prepared,” said Mason in an interview with TCR.

A 25-year veteran of the Waco, Tx., police department, Mason was part of the training process in his agency for nearly 15 years. He insists that, despite recent changes and advancements in training, departments only teach recruits a rough overview of the job—one that focuses mostly on physical and tactical skills and fails to prepare them for what they’re actually going to see once they’re on patrol.

“Every police department has a physical agility test,” said Mason.

“But where are new officers minds going to be at when they have that six year old who has been sexually molested or they’re taking nude pictures of victims because they have to document evidence? Are they prepared to handle that?”

According to [DiscoverPolicing.org](#), while most policing agencies require recruit to be 21 by academy graduation date, some take cadets as young as 18. A majority of these young officers have very little life experience to fall back on when they enter a world that deals with violent crime, sex trafficking, domestic violence, child abuse, and death on a daily basis.

The Roots of Misconduct

A [profile](#) of two newly graduated LAPD officers by the *Los Angeles Times* revealed that both officers felt their academy only prepared them for the job up to a point, and failed to tackle real-life issues such as how to handle the adrenaline resulting from dangerous situations, or how to cope with the trauma of witnessing the often bloody results of violent crime.

“Over time, in order to protect themselves and do the job, many officers have to detach themselves from that world,” said Mason.

“But some people don’t have that shut off valve.”

A 2015 [study](#) for the Walden University College of Social and Behavioral Sciences examining the effects of frequent exposure to violence and trauma on police officers found that the constant exposure to these elements can result in hyper-aggressive behavior, impulsivity, and overconfidence.

A 2018 [report](#) by the Office of Community Oriented Policing Services states that police officers work comes with a heightened risk of PTSD which, when left untreated, can impair their mental well-being and lead to behavioral dysfunction such as substance abuse and aggression.

For officers already walking the ethical and moral line, environmental effects such as these may only serve to push them even closer to the edge, especially when experienced with no official guidance, support, or restraint.

“Officers operate on the razor’s edge. You have to know about wrong to catch wrong people,” said Mason.

“So, when you walk that line, and your moral fabric and values aren’t solid, it’s easy to cross it.”

A 2017 [survey](#) of roughly 8,000 police officers conducted by the Pew Research Center found that more than half (56 percent) said the job of policing made them more callous. Meanwhile, seven in ten officers (72 percent) said that poorly performing officers are not held accountable.

And while many departments have tried to meet this problem from developing in recruits with a [Field Training Officer](#) (FTO) program, which assigns newly sworn in officers to a veteran who ideally steers them away from habits that violate the tenants of the profession, Mason warns that too often the veteran officers who are supposed to be their mentors can also turn out to be new officers’ enablers.

“When you come out of the academy, and you’re with training officers, you have two types,” said Mason.

“You have those that are really committed to training people to survive and prepare and you have those who want to be worshipped as gods.”

Those officers who want to be worshipped are the first ones to tell new officers to forget everything they learned at the academy and do the job their way, effectively creating more opportunities for misconduct and criminality.

In fact, an [analysis](#) of police corruption by the Federal Bureau of Investigation Law Enforcement Training Bulletin reports that, if left unchecked, the “this is the way we do it in this unit” mentality can lead to a feeling of being untouchable, especially when coupled with a lack of strong leadership.

The analysis added that the greater the length of time an officer is exposed to this socialization process, the greater its impact.

A [study](#) of the link between field training officers, their trainees, and allegations of misconduct found that FTOs seem to have a statistically significant effect on their trainees’ allegations of misconduct.

In Washington D.C., according to [wusa9.com](#), a Metro Police Department Officer appealed his firing for aggressive searching practices that violated MPD rules and regulations on the grounds that the tactics used are common practice among officers on the street, and that veteran officers directly instructed him to perform them despite knowing they went against both academy training and department general orders.

“The profession is so ego-driven,” said Mason.

“They get with young officers and tell them they don’t have to do this, don’t have to do that, that’s too much extra stuff, don’t worry about it. They instill these things in them and then send them out with other young officers without bothering to check how they are feeling and whether or not their heads are together.”

As a result, misconduct only spreads further.

According to [new research](#) published in the journal *Nature Human Behavior*, for every 10 percent increase in the proportion of a police officer’s peers with a history of misconduct (for instance, adding one allegedly misbehaving member to a group of 10), that officer’s chances of engaging in misdeeds in the next three months rose by nearly 8 percent.

This is exemplified by cities such as [Chicago](#) and [Baltimore](#), where both police departments have displayed a pension for violence and corruption that has spread like a disease from officer to officer with little successful efforts in place for containment or prevention.

Why Sexual Misconduct Remains Hidden

While public attention is drawn to the more popularized and visible police crimes of violence and corruption, police sexual misconduct remains hidden in the ambiguities of the job.

“The majority of police officer authority and discretion is unsupervised: they are working alone, late at night, away from the public eye,” said Tom Tremblay, founder and CEO of [Tom Tremblay Consulting & Training](#).

“We need to be willing to have courageous conversations in our profession on how to address and prevent PSM from happening.”

A retired chief of police from Burlington, Vt., and the former Commissioner of the Vermont Department of Public Safety, Tremblay now works as a national and international advisor and trainer, specializing in prevention of sexual assault, domestic violence, and dating violence, for police, prosecutors, advocates, higher education, the military, and the private sector.

And while he agrees that the concepts of officer self-care, wellness and resilience are important to consider, especially in relation to the more corruptive aspects of the profession, Tremblay stresses that this is not enough to stop misconduct from occurring and could, in fact, distract attention from the real issue: an officer’s choice.

“We have to recognize that while the conditions of the job can be concerning these are choices that offenders make,” said Tremblay.

“Offenders choose to abuse or take advantage of someone they see as less powerful. We don’t want to lose sight of that.”

According to a [report](#) on violence and health by the World Health Organization, power, anger, dominance and control are the main motivating factors for rape.

An [article](#) for *Psychology Today* states that people with criminal personalities are attracted to “high voltage” occupations like policing because the job provides a cover for them to do as they choose and misuse their position of authority to suit their own ends.

“It’s like a drug,” said Mason.

“They need a challenge; they need something different, they have to go to the next level.”

For Tremblay, one of the first steps to ending PSM is making sure these kinds of men don’t make it into the academy at all.

“We need to create hiring practices that address this issue. Background checks, polygraph tests, psych exams are all a routine part of police hiring,” said Tremblay.

“But ensuring that we directly ask applicants about their behavior and beliefs on gender, race, sexual assault, domestic violence, as well as speaking to current dating partners, spouses, and asking specifically about domestic violence and sexual assault, have to be a critical part of that testing also.”

In fact, a 2011 [executive guide](#) from the International Association of Chiefs of Police on addressing sexual offences and misconduct by law enforcement states that to recruit and hire individuals with the highest standards of integrity departments must combine

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- - medical, psychiatric, psychological, polygraph and integrity testing;
 - detailed personal interviews; and

- thorough background investigations that include a review of social networking websites.

The guide stresses further that the professionals conducting the examinations and interviews should be knowledgeable about and specifically screen for patterns of inappropriate behavior or attitude as well as prior sexual offenses.

Ideally, any candidate found through these processes to have a history of sexual misconduct or unacceptable sexual activities would be deemed ineligible for employment.

“We have to really work hard to not hire that individual who is going to use the power and authority of the police in an abusive way,” said Tremblay.

“The second thing we need to do is make sure our code of conduct and standards are very clear and that new hires know that any behavior of this nature is completely out of line with the ethics of this profession and will not be tolerated.”

Addressing the Problem

Some states are doing just that.

In 2018, Illinois passed [House Bill 5597](#) stating that a police officer having sexual intercourse or conduct with anyone in their custody is committing sexual misconduct and, if convicted, will be required to immediately forfeit their employment.

In Maryland, [House Bill 1292](#) declares that law enforcement officers are prohibited from engaging in sexual contact, intercourse, or any sexual act with a person in their custody and, on conviction, would be subject to 3 years imprisonment, a fine, or both.

In New York, [legislation](#) was passed that officially eliminated the option for a police officer charged with sexual misconduct to claim the defense of consent if the victim was in their custody at the time.

Tremblay admits that some police leaders may feel that a policy on sexual harassment or assault against civilians is unnecessary, and that officers can rely on the common sense and understanding that these acts are abhorrent and prohibited. But he considers this dangerously faulty logic that has already failed in the past.

“The policies and procedures and codes of conduct in law enforcement come from our failures,” said Tremblay.

“Why do we recognize that we have to have policies on issues like drinking on duty, operating a vehicle under the influence, or telling the truth, but we don’t see a need to have policies around sexual abuse and misconduct?”

Yet despite the small changes of some, as well as a push from the [International Association of Chiefs of Police](#), the Obama administration’s [Task Force on 21st Century Policing](#), the [U.S. Department of Justice](#), and the [New York City Commission to Combat Police Corruption](#), most police departments still fail to tackle this issue.

‘Police departments aren’t good at looking at things that make them look bad.’

“I don’t think police departments are very good at looking at things that make them look bad,” said Christopher Herrmann, assistant professor of law and police science at John Jay College of Criminal Justice.

“Of course they will tell you that they have addressed the issue, but they really think they’re untouchable to an extent, so, why are they going to do that?”

Meanwhile, those states that appear to be turning towards change may only be taking the smallest of conciliatory steps.

An [article](#) by *ThinkProgress.org* points out that the bills passed in Maryland, and New York are only applicable if the officer is charged with a crime. The Illinois bill mandating the removal of officers only applies if they are convicted, and legislation that changed criminal codes in states like Louisiana and Delaware only works if the victim is under arrest or in custody.

In states like [Alabama](#) and [Wisconsin](#), similar bills attempting to establish a policy against police sexual misconduct failed to pass entirely.

And according to [Buzzfeed News](#), there are still roughly 35 states where armed law enforcement officers can evade sexual assault charges by claiming that such an encounter — from groping to intercourse — was consensual.

“PSM is considered a low-volume crime [by states and police] that does not occur often and it makes the police look bad,” said Herrmann.

“Neither of those things makes this a likely issue to be addressed.”

Herrmann points to New York as an example, where a 2018 [report](#) on discipline in the NYPD shows that only one percent of officers pleaded guilty or were convicted of disciplinary charges in relation to sexual misconduct—a number he believes is far too small to merit the departments attention for reform, especially when compared with the significantly higher rates for things like rule violations, domestic violence, and use of force.

“If we teach cops to use their guns less and use non-lethal force more often than we have fewer innocent deaths and fewer lawsuits. Cops can wrap their heads around that,” said Herrmann.

“But in the case of sexual assault, I don’t see the perk for them.”

Police Unions Fight Back

In fact, instead of addressing the issue of PSM, some police organizations have seemingly gone out of their way to actually blunt efforts for greater change and accountability.

In Chicago, according to an [article](#) by *InTheseTimes.com*, The Fraternal Order of Police, one of the largest police unions in the country, used its political clout to adjust a bill stipulating that an independent agency must have jurisdiction over police involved sexual assault cases to, instead, exclude both Chicago and State Police Departments on the grounds that it negatively affected officer morale.

In New York, the city’s largest police union, the Patrolmen’s Benevolent Association (PBA), issued a [legal challenge](#) to a resolution granting the city’s Civilian Complaint Review Board (CCRB) jurisdiction over civilian complaints of police sexual misconduct and insisting that allegations of sexual abuse by NYPD officers remain under the authority of the NYPD and out of the public eye, arguing that police sexual misconduct is not an abuse of authority and, therefore, not under the CCRB mandate.

Efforts like these not only serve to further damage the trust between police agencies and the communities they are supposed to serve, but also guarantee that fewer and fewer victims of PSM will ever come forward.

“It’s incumbent upon law enforcement agencies to do outreach and create a policy that recognizes this as a problem of the profession for decades,” said Tremblay.

“But if they don’t have a policy, if they never engage in this conversation, reports are likely to never occur.”

Can More Female Officers Make a Difference?

For Penny Harrington, former Chief of the Portland Police Bureau, that conversation can't begin, and effective policies and practices can't be created, until more women are among the ranks and involved in the decisions of police departments around the country. "The culture changes when you get a higher percentage of women in it," said Harrington. "Because women don't do this kind of stuff."

Co-founder of the National Center for Women in Policing (NCWP), Harrington was the first woman to ever head a major U.S. city police department and spent over twenty years fighting to change the male dominated culture therein. She insists that, while women today aren't tolerating as much as they used to, among the ranks of policing they still have a long way to go before they can make a difference.

"There's a field of study called the critical mass theory, that you have to get a certain percentage of any minority group into a majority group before they can make changes," said Harrington.

"You had to have roughly 20 percent of women in politics and on legislatures until they really started having power and were able to pass meaningful legislation. And because law enforcement is such a militaristic organization, that percentage is more like 30%." By reaching that ratio, Harrington believes departments can achieve better results overall. A 2019 [report](#) by the National Institute of Justice states that women officers have been found to have proportionately fewer use-of-force and citizen complaints, potentially saving departments from costly lawsuits, while also proving to be more capable in their interactions with diverse communities.

A nationwide [survey](#) by the Pew Research Center found that female officers are much less likely than male officers to report that they have ever fired their weapon while on duty (11 percent vs. 30 percent), are less likely to use aggressive tactics over civil tactics (48 percent vs. 58 percent), and are less likely than men to say they have physically struggled with a suspect who was resisting arrest in the past month (22 percent vs. 35 percent).

And [research](#) on the retaining and hiring of more women in law enforcement conducted by the the National Center for Women in Policing found that female victims of domestic violence are more likely to report the crime to a female officer, who are also more likely to take such reports seriously, follow up on them to prevent repeated acts of violence, and respond more effectively to any calls concerning violence against women.

Yet despite the proven need and benefit of having more female officers, Harrington explains that most police departments don't hire women unless they are forced to. And once the pressure wears off, whatever numbers they've managed to build quickly disappear.

"When I was running the NCWP the percentage of women in policing was up to 14 and then, after 9/11, the numbers went down real fast," said Harrington.

"I had one chief of police who I called to talk to about hiring more women say we don't need to do that shit anymore. That is the response."

An example of this is Pittsburgh, where, according to [wesa.fm](#), a federal consent decree in 1975 required that for every white male hired the police department also had to hire a black female, a white female, and a black male. Though their minority numbers grew as a result, the decree was deemed unconstitutional in 1991, and their recruitment has lagged ever since. The force is currently only 15 percent female.

As of 2018, according to [statista.com](https://www.statista.com), the ratio of full time female law enforcement officers in the United States is only 12.6 percent.

“There is a built in animosity towards women in policing that is adopted all the way up to the top ranks,” said Harrington.

“That’s what we’re up against.”

That animosity often begins on the academy floor.

A [report](#) published in *The Crime Report* last year found that after New Jersey instituted a new fitness test requiring aspiring officers to prove they can meet fitness requirements within an abbreviated period of time the rate of women failing female police academy tests almost tripled.

In Massachusetts, according to [USA Today](#), the state requires women to complete the same arduous obstacle course as men, resulting in a fail rate for women of 20 percent compared to 2 percent for men.

Despite promising to revise the test in 2015, reforms have yet to be announced.

And in Colorado Springs, a 2018 story by [The Gazette](#) reported that the city approved a settlement of \$2.5 million for 12 female police officers who said their careers were harmed by a physical aptitude test that discriminated against women.

“Women want to help,” said Harrington.

“And, yes, they have to be physically fit, but they don’t have to be iron man.”

By making it harder for women to become police officers for reasons like this, departments continue to confine female officers to a voiceless minority population among the ranks and perpetuate a stereotype of inferiority and vulnerability that can actually put them in the crosshairs of the same empowered and protected predators who choose to sexually assault female civilians every day.

A 2019 [special report](#) by the *Philadelphia Enquirer* revealed that multiple high ranking veteran male officers in the Philadelphia Police Department had assaulted and harassed their fellow female officers for more than a decade without consequence.

In New York, the *Daily News* [reports](#) that a former NYPD domestic violence officer, a 14- year veteran, spent four years in an environment where she was repeatedly raped and sexually abused by her partner and another officer, purposefully strung out on drugs, and blackmailed, all while her superiors turned a blind eye.

In [New Jersey](#), a 17-year female veteran officer of the Branchburg Police Department filed a lawsuit against her department, the township, and several fellow officers, saying she was groped, kissed against her will and propositioned repeatedly throughout her career. Though the assaults were reported to her fellow officers, nothing was done.

Without the numbers, female officers working in departments like these don’t have the support and protection they need to fight back against not only their attackers but also the outdated and prejudicial police culture that protects and allows those attackers to stay in uniform and continue to prey upon both officers and civilians alike.

“We have to be a culture that is accepting, that respects and views women as equal,” said Tremblay.

“Because when you look at that dynamic of sexual assault, it’s an offender who looks at women as not equal and vulnerable.”

Setting an Example

Some departments are setting the example.

In Wisconsin, the [Madison Police Department](#) (MPD) more than doubles the national average of women in policing (28 percent). In a [story](#) by Channel3000.com, female officers report full support from their fellow male officers and take pride in being able to provide different communication skills for different situations.

In Louisiana, a state with one of the highest rates of female officers in the country (22 percent), [Captain Treone Larvadain](#), a 14-year veteran, was recently promoted to lead the Louisiana State Police's (LSP) Protective Services unit, the first African-American female captain in the department's history.

Danielle Outlaw, Portland's first African-American female police chief, recently became Philadelphia's first female Commissioner, according to [CNN.com](#).

By employing more women among the ranks, departments like these provide a safer and more secure environment for female officers, one that allows them to affect change on a larger scale, better supports victims of PSM, and forces male officers to either get in line or get out.

"You have to have enough women to have a critical mass and feel that when they speak out they're going to be heard and paid attention to," said Harrington.

"I asked one of the top women from the Madison Police Department, with this high a percentage of women what do you do about sexual harassment? She looked at me and laughed and said there isn't any, men wouldn't dare, because they had women all the way up the ranks and they were a large enough group that they could see what was going on all over."

However, while integrating more female officers in police departments is a large step towards tackling police sexual misconduct, it is far from a cure.

Despite being examples of greater female representation, in the last year alone departments in [Madison](#), [Louisiana](#), and [Philadelphia](#) have still all faced accusations of officer sexual misconduct.

"Women have great value in our profession," said Tremblay. "But I don't think hiring more women necessarily solves our problem."

Instead, hiring more female officers, increasing awareness and engagement with officer wellness, revamping hiring and training practices, and establishing concrete policies on sexual misconduct and harassment must all be part of a concerted and cohesive effort by states and departments to defeat this issue and better protect and defend its victims.

But this kind of change can only really occur when people are paying attention.

And while the recent conviction of men like Harvey Weinstein has garnered international praise, and represents a victory against sexual assault for some, the issue of police sexual misconduct has [failed](#) to generate the same kinds of responses and actions that helped bring him down, leaving victims to fight an uphill battle alone.

Isidoro Rodriguez

"Under international law, being sexually assaulted by a state actor is viewed as torture," said Andrea Ritchie.

"We need to think about how we're going to make space for and support the people experiencing this, because right now they are shut out of every conversation, every solution, every #MeToo debate, and every opportunity we're thinking about when it comes to tackling sexual violence."

Isidoro Rodriguez is a contributing writer to The Crime Report.

