
"DRIVING WHILE FEMALE":

A NATIONAL PROBLEM IN POLICE MISCONDUCT

A Special Report by the
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I. THE STORIES

On New Year's Day 2001, a Suffolk County (Long Island, N.Y.) police officer stopped a female driver for an alleged traffic violation and instead of issuing her a traffic ticket forced her to strip and walk home wearing only her underpants.

The report of this incident brought forth similar allegations of sexual abuse arising from traffic stops conducted by Long Island police by 13 women and one man. Several of the cases involved allegations that officers coerced sexual favors as the price of avoiding a traffic ticket.¹ The publicity also brought forward a spate of nearly identical allegations against officers with the neighboring Nassau County police department.

The Suffolk and Nassau County cases highlighted a national problem of police abuse: "driving while female," or DWF. Across the country, police officers sexually harass or abuse female drivers, using the pretext of alleged (and often baseless) traffic violations.²

Reports of "driving while female" abuses are found in every part of the country, and the level of abuse runs the gamut from harassment to sexual assault and even murder:

¹ Michael Luo, "Officers May Face Federal Charges," Newsday (March 9, 2001).

² "Betrayed by a Badge," Newsweek (June 18, 2001): 38-41.

** In 2000, a Houston, Tex., police officer was convicted and sentenced to 20 years in prison for the sexual assault of a female driver.

** Also in 2000, a San Francisco police officer pleaded no contest to charges of fondling teenage girls during traffic stops.

** In 1998, a Washington, DC, police officer was convicted of sexually assaulting a 14-year-old girl and an adult woman.

** A Milwaukee police officer was sentenced to eight years in prison in 1998 for sexually assaulting a female driver.

** In 1996, a Chicago police officer was sentenced to four years in prison for fondling women during traffic stops.

** A suburban Chicago police officer was convicted in 1996 for stalking several women between the years 1990 and 1994.

** And in perhaps the most grotesque case of all, Cara Knott was murdered in 1986 by a predatory California Highway Patrol officer who stopped her for a traffic violation.

These are not isolated incidents. A review of media reports reveals an average of nearly 20 media-covered cases per year in each of the last six years.³ And, as this report explains, these cases are clearly only the tip of the iceberg. Many victims do not come forward because of humiliation and fear of reprisal. Also, departments do not accept and investigate complaints from many victims who do come forward.

II. THE PATTERNS

Several patterns emerge from these stories:

First, there is a pattern of police officers using their traffic enforcement powers to abuse women.⁴ The problem of "driving while female" parallels the national problem of racial profiling or "driving while black" (DWB). Substantial evidence indicates that police officers stop African American drivers because of their race and not because of any evidence of illegal activity. In other

³ See appendix.

⁴ Sexual abuse of individuals by police officers is not confined to female drivers. There are also a number of stories of officers entering private homes on the pretext of a search and then assaulting women who live there. In addition, there are a number of stories of male officers harassing or assaulting male drivers whom they have stopped for an alleged traffic violation.

parts of the country, police officers stop Hispanic/Latino drivers solely because of their ethnicity, a practice that has been labeled “driving while brown.”⁵

On Interstate 95 in Maryland, for example, white and African American drivers were independently observed to violate traffic laws at the same rate. Yet, 73 percent of the drivers stopped by Maryland State Troopers were African American. Moreover, of those drivers who were stopped, 80 percent were either African American or Hispanic.

In the case of driving while black or brown, police officers engage in an illegal form of discrimination based on race or ethnicity. Racial and ethnic stereotypes about minority involvement in crime are part of anti-crime crackdowns, most notably in the war on drugs. In the case of driving while female, innocent drivers are similarly stopped based on an immutable characteristic: sex. Just as they abuse their law enforcement power to stop drivers of color, police officers abuse their power to stop and harass women drivers.

An important difference between the DWB and DWF problems, however, is that officers engaged in racial profiling are usually acting in accord with department crime-fighting policies, while officers targeting female drivers represent the classic “rogue” officers who are violating the law and department policy.

Second, a major part of the DWF problem is the failure of police departments to investigate allegations that come to their attention. In a number of cases, supervisors disregarded citizen complaints filed by female victims. In one of the Nassau County cases, the female victim filed a formal complaint with the department in a timely fashion, but the department did not investigate it for almost nine months.⁶

This aspect of the DWF problem is very similar to the DWB problem, where police departments do not take seriously and investigate allegations of discrimination on the basis of race or ethnicity and deny that their officers are doing anything wrong.

Similarly, “rogue” officers are able to continue their sexual predatory activity because the department looks the other way. An Indianapolis, Ind., officer who was finally caught in 1996 made 224 traffic stops in a four month period in 1995, with 199 of those stops (89 percent!) involving female drivers.⁷

Third, as in the case of DWB, DWF abuses continue because police departments tolerate them by failing to act on citizen complaints, failing to adopt necessary policies and training, and failing to supervise their officers in a professional manner.

⁵ ACLU, Driving While Black (New York: ACLU, 1999).

⁶ Oscar Corral, "Failure to Go by the Book," Newsday (February 1, 2001).

⁷ R. Joseph Gelarden, "Ex-Police Officer Faces New Misconduct Charges," The Indianapolis Star (August 22, 1996).

DWF abuses are symptomatic of a pervasive sexist culture within a police department.⁸ This sexist culture manifests itself in several ways:

(1) employment discrimination against women, including the failure to promote women to supervisory positions;⁹

(2) tolerance of sexual harassment within the department;¹⁰

(3) a systematic failure to investigate domestic violence incidents where the alleged perpetrator is an officer in the department;¹¹

(4) inadequate policies regarding pregnancy and parental leave.¹²

III. THE REMEDIES

There are several remedies that can and should be taken immediately to curb DWF abuses. These are steps that law enforcement chief executives can take without requiring additional statutory authority.

Step One: Data Collection

Law enforcement agencies need to begin collecting data to determine whether there is a pattern of DWF abuses by their officers. At present we don't know exactly how extensive the

⁸ This is again similar to racist environments in many police departments that have records of DWB abuses. [See reports of suit by officers of color against NJ State Police, alleging racism and forced use of DWB practices.]

⁹ National Center for Women & Policing, Equality Denied: The Status of Women in Policing (Los Angeles: NCWP, 1998).

¹⁰ Susan Martin, On the Move: The Status of Women in Policing (Washington, DC: The Police Foundation, 1990), pp. 139-164.

¹¹ See the pioneering effort by Katherine Mader, then-Inspector General of the Los Angeles Police Department: Inspector General, Domestic Violence in the Los Angeles Police Department: How Well Does the Los Angeles Police Department Police its Own? (Los Angeles: Office of the Inspector General, 1997).

¹² National Center for Women and Policing, Recruiting and Retaining Women: A Self-Assessment Guide for Law Enforcement (Los Angeles: NCWP, 2000), Ch. 9., "Implementing Family-Friendly Policies," pp, 111-115.

DWF problem is. The anecdotal evidence, particularly the many cases of officers who have been convicted of some form of sexual abuse, suggests that the problem is serious and widespread.

Fortunately, many police departments are already collecting traffic stop data to investigate possible racial profiling. Virtually all of the data collection instruments record the gender of the driver. Where the identity of the officer is also indicated, it is a very simple matter of analyzing the data to determine if certain officers are stopping a suspiciously high number of female drivers. In those departments where the identity of officers is not part of the data collection process it needs to be added.¹³

Step Two: Official Policies and Training

Every law enforcement agency should immediately issue a formal policy prohibiting "driving while female" abuse.¹⁴ The policy should define DWF as the use of law enforcement powers for the purpose of stopping female drivers where there is no suspected criminal activity or traffic law violation. The policy should clearly state that any form of sexual harassment or assault of an individual, regardless of gender, is impermissible conduct that will result in termination proceedings.

Every law enforcement agency should immediately incorporate the new "driving while female" policy into both pre-service and in-service training programs. Pre-service training or police academy training is provided to all new recruits. In-service training is provided to officers who are already on the force. The in-service training is especially important because experienced officers who may have engaged in some form of DWF in the past need to be instructed that such activity violates department policy.

Step Three: Better Supervision

Law enforcement chief executives need to take immediate steps to ensure proper supervision of officers on the street. They need to ensure that supervisory officers are alert to the potential problem of DWF and take the necessary steps to curb it.

Supervisors need to be advised that all allegations and rumors of possible DWF abuses are taken seriously and promptly investigated. In cases where alleged abuse is suspected but cannot be proven, supervisors should counsel strongly the suspected officer that any such abuse will not be tolerated by the department.

¹³ Deborah Ramirez, Jack McDevitt, and Amy Farrell CHECK, [A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned](#) (Washington, DC: Government Printing Office, 2000).

¹⁴ See the similar recommendations related to racial profiling in Police Executive Research Forum, [Bias-Based Profiling](#) (2001).

How should departments respond to allegations? The chief of the Homewood, Ill., police department adopted a vigilant policy, announcing in 1996: "We'll take anonymous complaints, thirdhand complaints, we'll take anything."¹⁵

The chief executive needs to make it clear that any attempt to cover up alleged abuse by a police officer is a serious violation of department rules.

Step Four: An Open and Accessible Citizen Complaint System

Law enforcement chief executives should take immediate steps to ensure that the department's citizen complaint system is open and accessible to all members of the community.¹⁶ Where an independent citizen oversight agency does not exist, local communities need to create one that is open and accessible.¹⁷

The minimum conditions of an open and accessible citizen complaint system include: (1) publication and dissemination of materials explaining the complaint system; (2) publication and dissemination of such materials in all languages appropriate to the local community; multiple and convenient locations for filing complaints, including locations separate from police facilities; (3) procedures to ensure the proper receipt, classification, and investigation of all complaints; and (4) annual publication of complaint data.

Special steps need to be taken to ensure that female citizens who allege abuse are guaranteed confidentiality. If a complainant expresses a desire to discuss the incident with a female officer, the department should promptly make a female investigator available.

Step Five: Hire More Female Officers

Studies have shown that male officers are much more likely to use excessive force and engage in misconduct than female officers. One solution to this problem is simply to hire more women.

The Feminist Majority Foundation and The National Center for Women & Policing conducted a study on the costs of police misconduct and abuse in the Los Angeles police

¹⁵ Pamela Cytrynbaum, "Police Sex Abuse Tears at Code of Silence," The Chicago Tribune (February 29, 1996).

¹⁶ U.S. Department of Justice, Principles for Promoting Police Integrity (Washington, DC: Government Printing Office, 2001).

¹⁷ Walker, Police Accountability: The Role of Citizen Oversight.

department as a result of civil liability lawsuits between 1990-1999.¹⁸ The study only analyzed cases involving excessive force allegations, police officers involved in sexual assaults, and police officers involved in domestic violence incidents that had judgments or out-of-court settlements exceeding \$100,000. Between 1990-1999, there were 80 such lawsuits, which cost a total of \$67.8 million. Of the 80 lawsuits, the gender of the officers could be determined in 78, which cost a total of \$66.3 million.

The study found that female officers were involved in excessive force lawsuits at much lower rates than male officers. No cases of sexual assault or domestic violence listed a female officer as a defendant. Of the total \$66.3 million in payouts, male officers were responsible for \$63.4 million, or 95.8 percent. Female officers accounted for \$2.8 million, or 4.2 percent. Sexual assault and domestic violence cases, involving only male officers, resulted in \$10.4 million in judgments and settlements. The overall ratio of male to female officers and sergeants from 1990-1999 was 4:1. Male officers were also involved in or at the scene of an incident compared to women by a ratio of 9:1. Of the 27 female officers at the scene of an excessive force incident, only 15 were alleged to be “directly involved in the use of excessive force.” The ratio of payouts for killings by male and female officers was 43:1, and the ratio of payouts for assault and battery was 32:1. “Moreover, not one female police officer was named in more than one lawsuit, while some male officers were defendants in more than one case, evidencing a pattern of use of excessive force among these male officers.”

The National Center for Women & Policing has recommended that departments hire more women not only to change from an aggressive style of policing to one that emphasizes communication, but also to stem the use of excessive force and misconduct.

IV. CONCLUSION

DWF is a real problem -- spread nationwide – not just isolated incidents here and there. Police departments need to address it as such. Without proper training, supervision, and punishment of offending officers, the problem will continue; and without a commitment to protecting victims of DWF, police departments will force them to remain silent. Departments must implement complaint systems that allow victims to come forward, and they must take these complaints seriously.

¹⁸ National Center for Women & Policing, Gender Differences in the Cost of Police Brutality and Misconduct: A Content Analysis of LAPD Civil Liability Cases 1990-1999 (September 5, 2000) available at www.feminist.org/police.