

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Sexual Harassment in Law Enforcement**



**An Administrative Research Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
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## **ABSTRACT**

Sexual harassment is relevant to contemporary law enforcement because it adversely affects the overall morale of those dedicated men and women in the profession. It further more places blight on the honorable profession of law enforcement and affects all of those in the field from the sworn personnel down to the civilian personnel, and places an already scrutinized profession further into the cross hairs of the media and public.

The purpose of this research is to clearly define what sexual harassment is according to the law and identify all types of sexual harassment which can affect the law enforcement workplace. Furthermore, the purpose of this research is to try and quantify whether or not sexual harassment is truly the pandemic many associate it to be, or whether it is an isolated blight which affects a few out of the many. Finally, to identify some of the measures a law enforcement agency can take in order to prevent sexual harassment from becoming a problem within one's organization.

The method of inquiry used by the researcher includes: various documents, papers, and statistics from the internet as well as other researchers and even some police agencies and individual surveys of local departments. The researcher discovered that even given the documented cases of statistics regarding sexual harassment in the law enforcement workplace, it is uncertain just how affected the law enforcement profession is by sexual harassment. That is to say it is unknown if sexual harassment in the law enforcement field is a wide spread pandemic, or if it is a problem which affects a few. This is a direct result of the lack of knowledge on many in regards to the full and correct definition of what sexual harassment is, as well as the lack of consideration regarding the inherent differences between men and women. Regardless of its scope, sexual harassment in the law enforcement field is a problem which needs to be addressed

in order to keep it from spreading like wildfire and diminishing the honorable profession of law enforcement.

# TABLE OF CONTENTS

	Page
Abstract	
Introduction. ....	1
Review of Literature . . . . .	2
Methodology . . . . .	4
Findings . . . . .	7
Discussions/Conclusions . . . . .	12
References . . . . .	15
Appendix	

## **INTRODUCTION**

The problem or issue to be examined considers whether or not sexual harassment in law enforcement is truly a growing pandemic as perceived by the media and public, or if it only affects a few out of the many within the field of law enforcement. The relevance of sexual harassment to law enforcement is of up most concern. Given the already high stressfulness within the field of law enforcement, an added stressor such as sexual harassment combined with the inherent duties of the job will only demean the morale of those fine men and women in the profession.

The purpose of this research is to define by use of legal definition, examine the growth or lack thereof, and propose solutions to the situation of sexual harassment in law enforcement. The research question to be examined focuses on whether or not sexual harassment in the field of law enforcement is truly a growing concern of epic proportions, or whether it effects a small category of those in the profession (men as well as women). During this the term sexual harassment will be fully explored and defined as to better understand its current situation in the field of law enforcement, as well as the inherent difference between men and women in one of the most, if not the most, stressful profession in the world.

The intended method of inquiry includes various articles and previous research papers, as well as documents from the internet and documents from police agencies and federal agencies such as the FBI (Federal Bureau of Investigation) and the EEOC (Equal Employment Opportunity Commission).

The intended outcome or anticipated findings of the research is to quantifiably define sexual harassment in all its meaning, as well as decipher the inherent differences between men

and women within the stressful field of law enforcement in attempt to quell speculation that this honored profession of both men and women is plagued by sexual harassment.

The field of law enforcement will benefit from the research or at least be influenced by the conclusions because such a highly publicized and scrutinized field that law enforcement is, it is consistently in the cross hairs of the media and public. While these “checks and balances” does serve a purpose, it has become almost laughable in the extent that certain people will stoop to in order to sully this profession’s honored men and women. Therefore, given its inherent placement in the lime light by those who most likely have no conceivable notion of what it is to serve as a law enforcement officer, it is not beneficial, but rather a necessity that the light of sexual harassment within law enforcement be shed in order to quell those wishing to drag this profession through the mud.

## **REVIEW OF LITERATURE**

As mention in the introduction, the term and concept of sexual harassment will be explored in extent in order to sufficiently understand its placement and current situation with the law enforcement profession including definitions, reviews of studies regarding reported sexual harassment, even police agency policies.

First, in order to understand sexual harassment in any setting or profession, one must first know what sexual harassment is according to the law. Since 1976 Sexual Harassment has been covered under Title VII of the Civil Rights Act. The basic definition of sexual harassment comes from the United States Equal Employment Opportunity Commission (EEOC), and is stated as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. (p. 1)

Sexual harassment is further broken down into two legally recognized types; quid pro quo and hostile Environment. Quid pro quo sexual harassment occurs when one is subjugated to sexual advancement, favors, etc in exchange for something else, such as a raise or better station of employment. This type of sexual harassment is also often referred to as "Tit for Tat".

Hostile environment sexual harassment on the other hand refers to unwelcome contact, conduct and other activities sexual in nature which adversely affect one's work performance and create an intimidating or offensive work environment.

Within both types of sexual harassment, there is what is known as "third party sexual harassment". With hostile environment sexual harassment, it typically involves an incident in which an individual, whom of which is not the direct recipient of said alleged sexual harassment, finds the alleged sexual harassment of another offensive or detrimental to their employment, regardless if that person does or not. This can include quid pro quo harassment when individuals who lose potential benefits and promotions to persons less qualified due to the lesser qualified party submitting to harassment to gain advancement.

With sexual harassment fully defined according to the United States Equal Employment Opportunity Commission, focus must now be placed on the inherent differences between men and women. As mentioned earlier, sexual harassment has been covered by Title VII of the Civil

Rights Act since 1976; however while this has been interpreted as supporting a cause of action on the part of the individuals and employees against their employers and supervisors for harm, either economical or mental caused by unwanted sexual conduct, advances, etc., it adversely presents employers with a perplexing dilemma which they must navigate with both male, and female employees. While sexual harassment should be swiftly and effectively dealt with, if legitimate, “Title VII does not mandate a workplace that is gender neutral” (Baker, 2006, p. 1). The United States Supreme Court itself has recognized that the anti-discrimination provisions set within Title VII do not condemn or prohibit the “genuine but innocuous differences in the ways men and women routinely interact with members of the opposite sex...simple teasing, offhand comments, and isolated incidents (unless extremely serious) will not amount to [discrimination]” (Baker, 2006, p. 1). Which brings us to the topic at hand, sexual harassment within law enforcement?

## **METHODOLOGY**

The question to be examined is whether or not sexual harassment in the law enforcement workplace is a growing pandemic, or an isolated case to case issue. This will be addressed through varying documents of studies concerning sexual harassment and even some departmental police policies and individual surveys of local departments.

The constant theory in law enforcement has been that, “once on the job women are frequently intimidated, harassed, and maliciously thwarted, especially as they move up the ranks” (Harrington, 1997, p. 2). However, as stated by Nicholas Irons in his 1993 paper on Sexual Harassment in the Law Enforcement Workplace, “The law enforcement workplace is by definition a hostile environment. Police are under incredible stress to perform their duties in the

fishbowl of public scrutiny” (p. 4). The inherent differences in men and women coupled with the incredible natural stressfulness of the law enforcement profession makes it increasingly difficult to navigate one’s way to sexual harassment, true allegations of sexual harassment with the field of law enforcement. As one study review revealed, “the Equal Employment Opportunity Commission and state agencies reported 5,693 complaints of sexual harassment in 1990 and 10,900 during the first eight months of 1993” (Irons, 1993, p. 4).

While these numbers might indicate a trend of more women feeling comfortable with reporting sexual harassment, it might also indicate an increase of false allegations as stated, “...judges find it difficult separating oafish behavior from sexual harassment, and so do many workers” (Irons, 1993, p. 4). This inconsistency given the differences between men and women, gives rise to concern regarding the actual number of validated cases of sexual harassment within law enforcement.

Within the Harris County Constable Pct 4 Office in Harris County Texas, there have been eight documented cases of sexual harassment with four involving women, and four involving men since 2000 out of an office of nearly 400 sworn personnel (HCCO 4) (fig2). This is in direct contrast with a study performed in the mid eighties in which, “...a national study by the Police Foundation in 1985 found that 67 percent of female officers were victims of sexual harassment” (Polisar, 1998, p. 4) (fig2). Again another study, “...in 1995..female officers in a medium-sized department, 68 percent responded ‘yes’ to the question, ‘have you been sexually harassed while on the job by a member of your agency?’” (Polisar, 1998, p. 4) (fig2). While there are some timeframe differences in these studies, there is a massive difference in the “so-called” percentage of sexually harassed officers. This could be attributed to many factors, such

as the female officers in question hold a different understanding of what sexual harassment is, and could quite possibly be referring to the inherent differences between men and women. The regional area could also be affecting the percentages of women reporting sexual harassment due to cultural differences. Going back to the 8 cases of sexual harassment reported within the Harris County Constable Pct 4 Office, 3 resulted in action against the alleged violator, but none resulted in further action or additional complaints (HCCO4).

Regardless of the studies showing percentages or lack thereof regarding sexual harassments increase or decrease, police agencies around the nation need to take note and prepare themselves for the inevitable backlash of sexual harassment. As noted, “managers in law enforcement organizations face two competing legal issues when analyzing their ability to regulate or restrict relations between the sexes in their department. On one hand, the Supreme Court and lower courts have recognized a constitutional right to privacy...[which] limits a manager’s authority to restrict certain personal relationships. On the other hand, emerging theories of sexual harassment and the need to implement prudent policies to prevent sexually hostile and abusive work environments counsel in favor of restricting certain co-worker relationships..” (McCormick, 1995, p. 1). Indeed many police agencies have taken such measures, by sending supervisors and regular patrol deputies to special classes geared strictly toward the issue and concern of sexual harassment in the law enforcement workplace. This itself is somewhat counter productive given the inherent stressful nature of law enforcement in that “cops will be cops”; however, as mentioned earlier some agencies have issued so-called “zero tolerance” policies regarding sexual harassment by sending a strong top down message through the ranks. Case in point, the Harris County Constable Pct 4 Office in Harris County Texas has

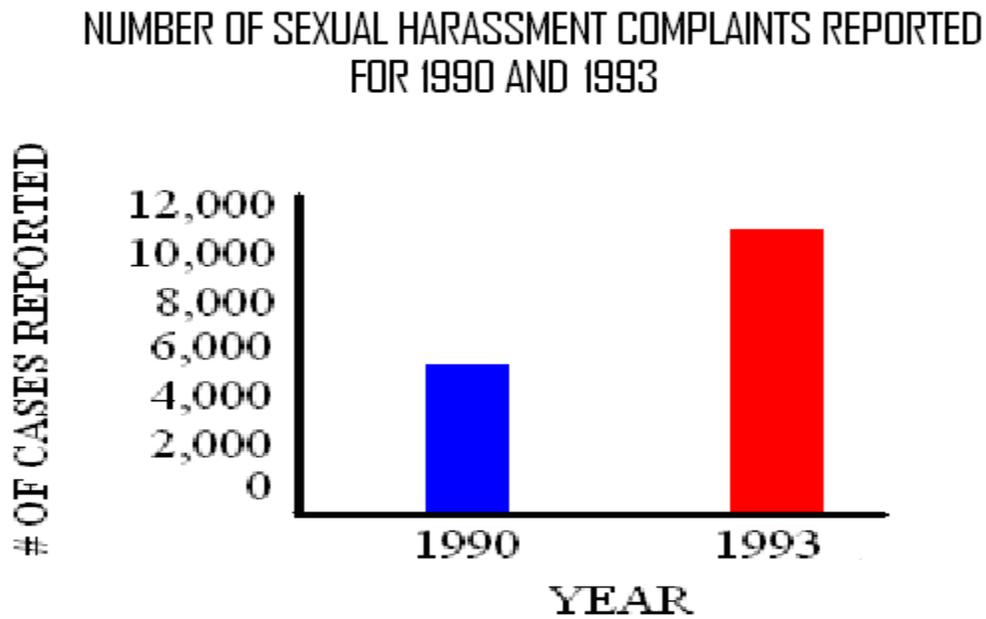
even set forth a policy strongly deterring “intimate relationships between officers” (HCCO4) to help eliminate any further complaints from one officer to another.

## **FINDINGS**

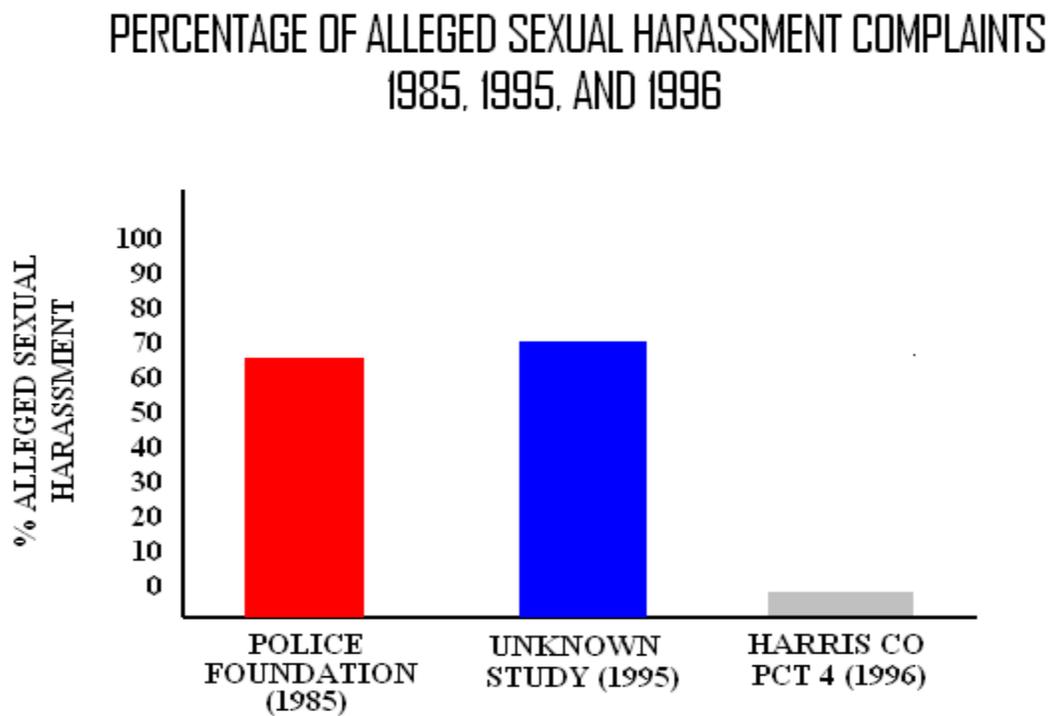
With all the data presented and the studies concluded, one absolute fact can be drawn regarding the issue of sexual harassment in the field of law enforcement, “nothing is certain”. No one knows to what extent sexual harassment is a problem within the field of law enforcement, given data can lean both ways. Make no mistake that sexual harassment is a problem, not just in law enforcement, but in every field; however, with the mitigating circumstances regarding the definition of sexual harassment, compared to people’s common perception of what sexual harassment is to them, couple with the inherent differences between a man and a woman, it is literally unknown to what extent the problem of sexual harassment is within law enforcement.

To show the differences visually regarding the increase of reported alleged sexual harassment claims from 1990 to 1993 (see fig 1), compared to percentage of sexual harassment claims in separate studies from 1985, 1995 and one department’s sexual harassment history since 1996 (see fig 2).

(Fig 1)

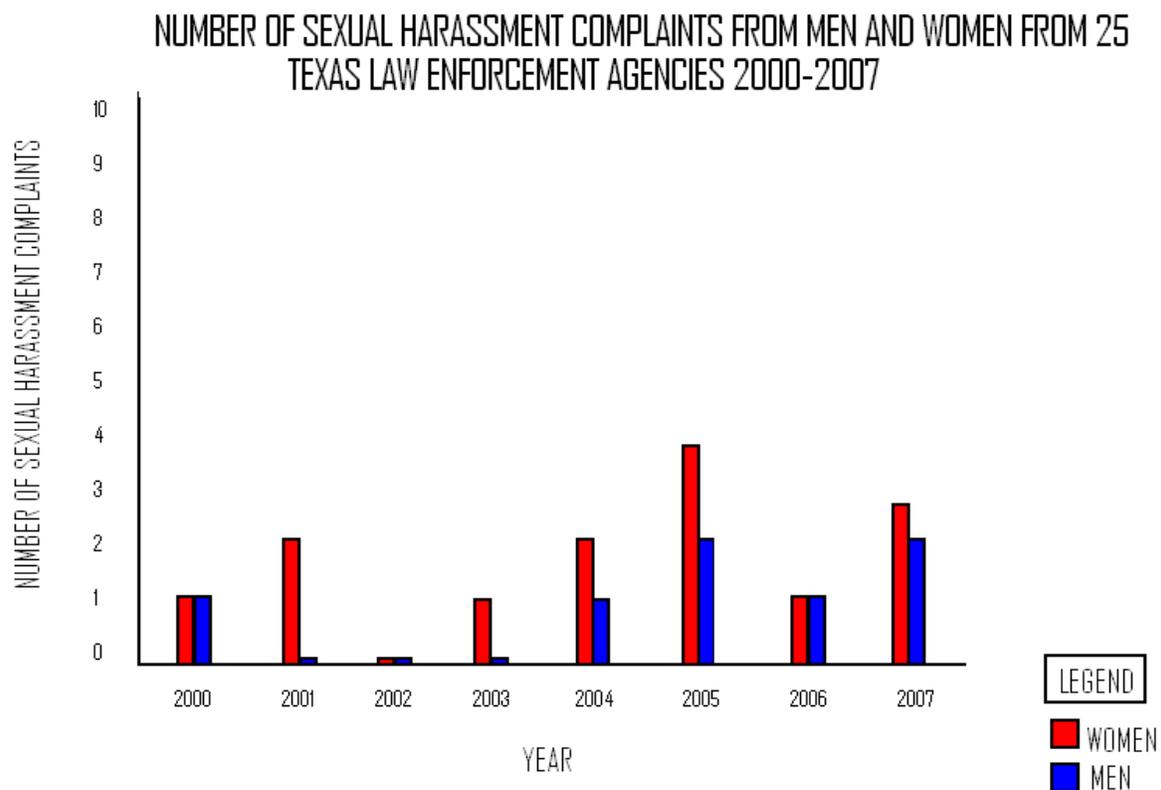


(FIG 2)



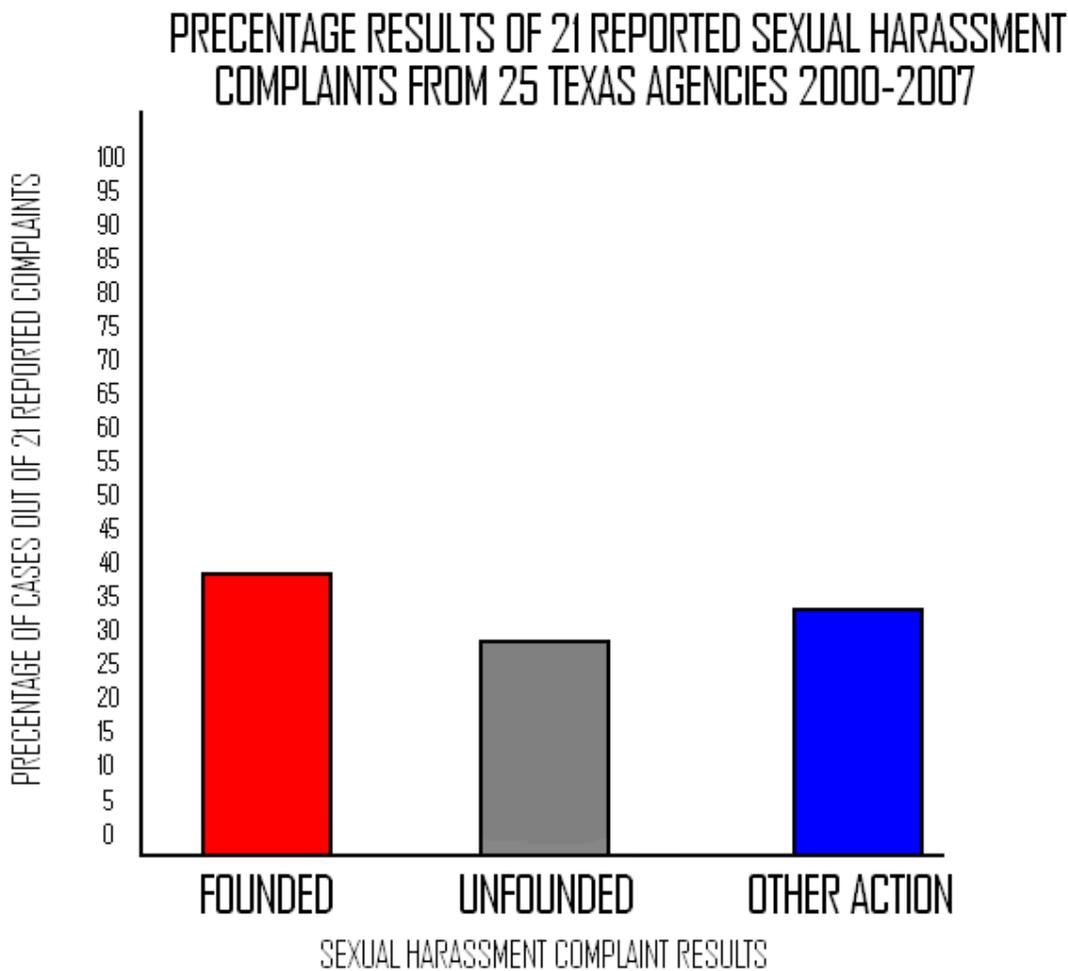
Continued studies are just bound to determine the same, in differential numbers of reported cases among those with their own perception of what sexual harassment is. This is evident in the correlation of independent surveys conducted among 25 local law enforcement agencies in Texas.

The surveys ranged from small departments numbering in only 6 officers to larger departments numbering 600 officers with a total of 2561 officers, 79% (2012) male and 21% (549) female, covering 7 years from 2000 to 2007. The surveys included the reported number of sexual harassment complaints from both men and women as well as the number of cases which were founded / unfounded and the number of cases in which other action was taken (action in accordance with a policy violation, not sexual harassment) (see fig 3).



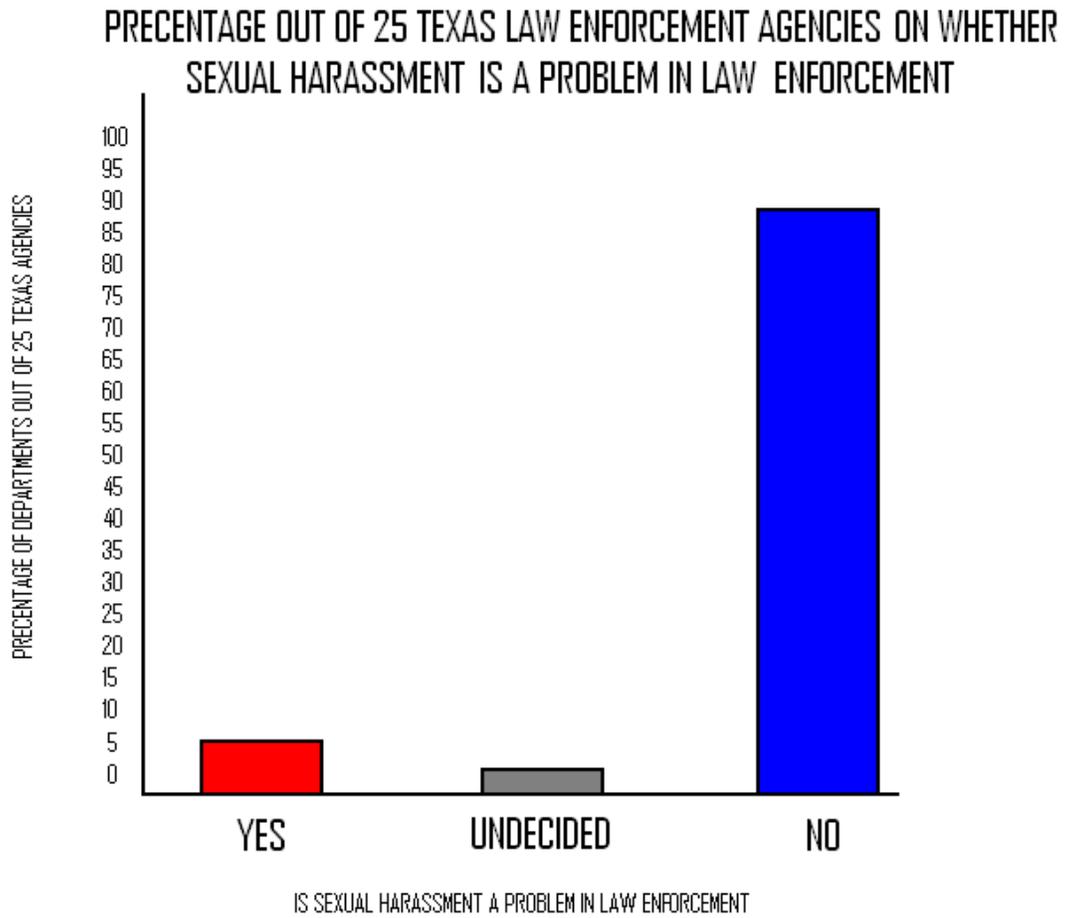
(Fig 3)

During the seven year period of 2000-2007, there were 21 reported complaints combined of men and women regarding sexual harassment within the 25 Texas law enforcement agencies surveyed. Out of the 21 sexual harassment complaints, 8 (38%) were founded cases of sexual harassment which resulted in internal agency action without further onset such as civil action, 6 (29%) cases were unfounded and led to no other actions, and 7 (33%) cases led to other disciplinary actions within said departments for some other policy violation; however, were not founded cases of sexual harassment (see fig 4).



(Fig 4)

Along with listing the number of reported sexual harassment complaints from both men and women, and whether each case was founded or unfounded, these departments also provided whether or not they feel that sexual harassment is a problem within the field of law enforcement (see fig 5).



(Fig 5)

## CONCLUSION

The problem or issue examined by the researcher considered whether or not sexual harassment was a wide spread problem within the field of law enforcement today as is it has been described in the past by providing an in depth look at the definition of sexual harassment and the field of law enforcement itself concerning men and women.

The purpose of this research was to examine and determine whether or not sexual harassment in the field of law enforcement is a major concern, or identify if the problem had subsided and was mainly a case on case incident of a few.

The research question that was examined focused on the legal definition of sexual harassment as well as the different types of sexual harassment. Furthermore, the research touched on the questions of inherent differences between men and women concerning sexual harassment in law enforcement, and consisted of various stats regarding the number of reported sexual harassment cases in law enforcement. The researcher hypothesizes that, while sexual harassment is a major concern in any profession, it is not as wide spread within law enforcement as was once perceived.

The researcher concluded from the findings that while the subject of sexual harassment is definitely an issue which needs addressing in every field of profession, there is no way to absolutely quantify indefinitely whether or not it is a pandemic within the field of law enforcement given a person's willingness or unwillingness to truthfully report on the subject of sexual harassment.

The findings of this research leaned both ways in supporting the hypothesis that sexual harassment is not a major problem in law enforcement as once perceived, as well as supporting

the idea that sexual harassment is a major problem. The reasons the findings differed in the aspect toward the side that sexual harassment is a problem is probably due to the fact that many of those asked about sexual harassment don't know the legal definition and are more likely to include something as trivial as common banter as sexual harassment. Another reason the findings leaned towards supporting sexual harassment as a problem at times is that people in general can be vindictive and it is not beyond an individual to report something as sexual harassment in order to gain something either by revenge or even monetary means. However, on the other hand, some of the stat findings indicate that the problem of sexual harassment in the field of law enforcement is not as big a problem as that departments and agencies themselves have a much more inclusive view of sexual harassment within in their organization compared to the media and other independent studies.

The study of sexual harassment is relevant to contemporary law enforcement is that while law enforcement has been primarily a male dominated profession, mainly due to its duties in nature which are required of the officer, the female ranks within law enforcement have been ever-growing, and have shown to be effective some aspects of the profession. Yet while the government acknowledges that there are inherent differences between men and women, the topic of sexual harassment continues to grow with in law enforcement.

The profession itself holds an extremely high level of stress which cannot be described effectively to those who do not, or have not lived the life of a law enforcement officer. And while this does not excuse any actions which may be considered sexual harassment, one must take in consideration that in order to maintain one's mental wellbeing in a profession plagued with alcoholism, divorce and even suicides, sexual harassment seems almost miniscule. That's

not to say that it is not important, quite the contrary, it's to say that both men and women of this profession are affected by the stress associated with the job and each handle the issue in their own way.

Many agencies have begun to introduce outside employee programs for officers facing such stress and have implemented policies against sexual harassment at all its levels to try and either eliminate or deter the issue from growing.

In a profession already plagued by the media and public scrutiny, all those in the law enforcement field must take note to prevent any tarnishing of the badge they so proudly wear. In the tradition that is law enforcement, whether sexual harassment is an ever-growing pandemic or just a case to case isolation, those in the field of law enforcement will see that it is handled and subdued, for it is the job, "To Protect and Serve" by reaction and prevention.

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## **APPENDIX 1**

### **HARRIS COUNTY PRECINCT 4 CONSTABLE DEPARTMENT POLICY AND ETHICS MANUAL**

#### **NO HARASSMENT POLICY**

#### **22.00 Employee Harassment**

The office of Harris County Constable, Precinct 4 does not and will not tolerate harassment of our employees. The term “harassment” includes but is not limited to, slurs, jokes and other verbal, graphic or physical conduct relating to an individual’s race, color, sex, religion, national origin, citizenship, age or disability. “Harassment” also includes sexual advances, request for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature.

**VIOLATION OF THIS POLICY WILL SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION, UP TO AND INCLUDING IMMEDIATE DISCHARGE.**

If you feel that you are being subjected to offensive remarks or slurs or being harassed in any other way by another employee, you should make your feelings known to your supervisor immediately. The matter will be thoroughly investigated and where appropriate, disciplinary action taken. If you do not feel that you can discuss the matter with your supervisor or if you are not satisfied with the way your complaint has been handled, please contact the Chief Deputy. You will not be penalized in any way for reporting such conduct.

Do not assume that Precinct 4 is aware of your problem. It is your responsibility to bring your complaints and concerns to our attention so that we can help resolve them.

## APPENDIX 2

### RESEARCH QUESTIONNAIRE Sexual Harassment in Law Enforcement

Date of Interview:

Time of Interview:

Person Interviewed:

Present Position:

Name of Department:

Size of Department:

Total personnel:

Men:

Women:

Tenure in Present Position:                      years

Years in Law Enforcement:                      years

Questions:

- 1.) How many internal complaints or allegations of "Sexual Harassment" has your department received for the past seven years?
- 2.) How many of the complainants were women?
- 3.) How many of the cases were founded?
- 4.) How many resulted in some type of corrective action due to other violations?
- 5.) How many of the complainants were men?
- 6.) How many of the cases were founded?
- 7.) How many resulted in some type of corrective action due to other violations?
- 8.) Do you believe sexual harassment to be a problem within the law enforcement community and/or your agency and why?
- 9.) Does your agency offer Sexual Harassment training?

YEAR	WOMEN COMPL.	ACTION REQ.	O/A REQ.	MEN COMP.	ACTION REQ.	O/A REQ.	TOTAL COMPL.	TOTAL ACTION	TOTAL O/A
2000									
2001									
2002									
2003									
2004									
2005									
2006									
2007									
TOTALS									

Answer to question #8: