

# POLICE, HEROES, AND CHILD TRAFFICKING: WHO CRIES WHEN HER ATTACKER WEARS BLUE?

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*“I feel that I have been given a life sentence . . . I frequently have intrusive memories of the assault . . . I cringe every time I see . . . a male officer in uniform, or a law enforcement vehicle. I am not the same person I was before the assault and I might never be that person again.”*

*—Survivor of Police Officer Sexual Assault†*

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† INT’L ASS’N OF CHIEFS OF POLICE, ADDRESSING SEXUAL OFFENSES AND MISCONDUCT BY LAW ENFORCEMENT: EXECUTIVE GUIDE 13 (2010), <http://www.theiACP.org/portals/0/pdfs/addressingsexualoffensesandmisconductbylawenforcementexecutiveguide.pdf> [https://perma.cc/79D5-KB9U].

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INTRODUCTION

Befittingly, most Americans trust today’s police officer.<sup>1</sup> Our nation’s perennial allegiance to the idea of police officers as national heroes appeals so strongly to the personal ethos of American culture that U.S. presidents often honor them.<sup>2</sup> Political candidates compete for their endorsements.<sup>3</sup> Public officials and the media portray them as our most courageous citizens.<sup>4</sup> Consequently, approval ratings for today’s police officers continue to surge.<sup>5</sup>

<sup>1</sup> Robin G. Steinberg, *Police Power and the Scaring of America: A Personal Journey*, 34 YALE L. & POL’Y REV. 131, 133 (2016) (recognizing that since 9/11 there has been an “unprecedented focus” on police as “national heroes”); CHUCK WHITLOCK, TRUE STORIES OF COURAGE: POLICE HEROES, xviii (2002) (stating that “[m]any would argue that every police officer is a hero”).

<sup>2</sup> Juliet Eilperin, *Obama Honors 13 Police Officers with Medal of Valor*, WASH. POST (May 16, 2016), [https://www.washingtonpost.com/news/post-politics/wp/2016/05/16/obama-honors-11-police-offices-with-medal-of-valor/?utm\\_term=.5b521ffcc561](https://www.washingtonpost.com/news/post-politics/wp/2016/05/16/obama-honors-11-police-offices-with-medal-of-valor/?utm_term=.5b521ffcc561) [<https://perma.cc/JK5U-PENN>]; Erin Lindsay, *President Obama & Vice President Biden Honor the Nation’s TOP COPS*, WHITE HOUSE (May 12, 2012), <https://obamawhitehouse.archives.gov/blog/2012/05/12/president-obama-vice-president-biden-honor-nations-top-cops> [<https://perma.cc/X5KP-DJWP>]; David Nakamura, *Trump to Light White House Blue to Support Police Who Face ‘Unfair Defamation and Vilification.’* WASH. POST (May 15, 2017), [https://www.washingtonpost.com/news/post-politics/wp/2017/05/15/trump-to-light-white-house-blue-to-support-police-who-face-unfair-defamation-and-vilification/?utm\\_term=.4890dbad986cu](https://www.washingtonpost.com/news/post-politics/wp/2017/05/15/trump-to-light-white-house-blue-to-support-police-who-face-unfair-defamation-and-vilification/?utm_term=.4890dbad986cu) [<https://perma.cc/LSQ2-UYEK>] (President Donald Trump noting, “Because you don’t hear it nearly enough, I want you to know that patriotic Americans of all backgrounds truly support and love our police.”).

<sup>3</sup> Tom Jackman, *Fraternal Order of Police Union Endorses Trump*, WASH. POST (Sept. 16, 2016), [https://www.washingtonpost.com/news/true-crime/wp/2016/09/16/fraternal-order-of-police-union-endorses-trump/?utm\\_term=.adb8d1058ffe](https://www.washingtonpost.com/news/true-crime/wp/2016/09/16/fraternal-order-of-police-union-endorses-trump/?utm_term=.adb8d1058ffe) [<https://perma.cc/M4H6-3FT2>].

<sup>4</sup> Office of the Press Secretary, *Remarks by the President at the 122nd Annual IACP Conference*, WHITE HOUSE (Oct. 27, 2015), <https://obamawhitehouse.archives.gov/the-press-office/2015/10/27/remarks-president-122nd-annual-iACP-conference> [<https://perma.cc/2R8J-KDMG>] (President Obama stating, “every day [police officers] risk [their] lives so that the rest of us don’t have to. [They] serve and protect to provide the security so many Americans take for granted. And as [they] serve, America places very high expectations on [them]—expectations that cops across America work every day to meet.”); *Mayor and Chief of Police Recognize Outstanding Officers at May 28th Awards Night*, TOWN OF EAST HARTFORD (June 1, 2015), <http://www.easthartfordct.gov/police-department/news/mayor-and-chief-of-police-recognize-outstanding-officers-at-may-28th-awards-n> [<https://perma.cc/RSV5-HU3H>] (Mayor touts law enforcement work as courageous and notes America’s deep-rooted tradition of honoring police officers); Lia Eustachewich, *Hero Cop Saves Woman from Burning Car*, N.Y. POST (Jan. 23, 2017), <http://nypost.com/2017/01/23/hero-cop-saves-woman-from-burning-car> [<https://perma.cc/U8GA-MPM9>]; Sarah Larimer, *A Police Officer Rushed to Save a Suicidal Woman from a River. She Survived, but He Did Not.*, WASH. POST (Feb. 2,

The nation, however, abhors any form, manifestation, or impression of sexual violence against children.<sup>6</sup> Without question, today's women and girls have bravely defended their right to sexual autonomy<sup>7</sup> and facilitated robust improvements in the way legislatures and courts treat sexual violence.<sup>8</sup> When Congress warned that efforts to curtail sex traffickers are hindered by "official indifference," "corruption," and "official participation in trafficking,"<sup>9</sup> many assumed the malfeasance did not pertain to police officers within the United States.

Indeed, the notion that a significant number of our nation's children are victims of sex trafficking<sup>10</sup> or related offenses, at the hands of police officers

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2017), [https://www.washingtonpost.com/news/post-nation/wp/2017/02/02/a-police-officer-rushed-to-save-a-suicidal-woman-from-a-river-she-survived-but-he-did-not/?utm\\_term=.fe19d5d9877a](https://www.washingtonpost.com/news/post-nation/wp/2017/02/02/a-police-officer-rushed-to-save-a-suicidal-woman-from-a-river-she-survived-but-he-did-not/?utm_term=.fe19d5d9877a) [<https://perma.cc/UT7K-24FG>].

<sup>5</sup> Justin McCarthy, *Americans' Respect for Police Surges*, GALLUP (Oct. 24, 2016), <http://www.gallup.com/poll/196610/americans-respect-police-surges.aspx> [<https://perma.cc/G9DP-SS4N>].

<sup>6</sup> Michele Booth Cole, *Child Sexual Abuse: Four Steps America Must Take*, WASH. POST (Nov. 28, 2011), [https://www.washingtonpost.com/blogs/therootdc/post/child-sexual-abuse-four-steps-america-must-take/2011/11/27/gIQAk5op4N\\_blog.html?utm\\_term=.a609499aa9f](https://www.washingtonpost.com/blogs/therootdc/post/child-sexual-abuse-four-steps-america-must-take/2011/11/27/gIQAk5op4N_blog.html?utm_term=.a609499aa9f) [<https://perma.cc/W5WR-Z34U>] (recognizing child abuse as a national threat requiring a proactive response).

<sup>7</sup> Keri Blakinger & Reuven Blau, *Woman Sues After Upstate N.Y. Cop Avoids Rape Charges*, N.Y. DAILY NEWS (May 16, 2016), <http://www.nydailynews.com/new-york/woman-sues-upstate-n-y-avoids-rape-charges-article-1.2637913> [<https://perma.cc/4826-MF8H>] (reporting that an alleged rape survivor filed suit against the city, the police department, and police chief, after they purportedly failed to investigate the history of sexual misconduct attributed to a police officer that reportedly sexually assaulted her when responding to her 911 call); Associated Press, *Ex-cop Sentenced to Year in Jail for Pulling over a Woman and Asking to Lick Her Feet*, FOX59 (Oct. 25, 2015), <http://fox59.com/2015/10/25/ex-cop-sentenced-to-year-in-jail-for-pulling-over-a-woman-and-asking-to-lick-her-feet> [<https://perma.cc/8AQ2-4BGT>] (When noting the courage of a survivor of sexual assault, Assistant District Attorney Allison Buess stated, "The reality is many victims of this kind of conduct don't come forward, but because of the courage of the victims who spoke up, Mr. Quinn will never again be able to use a badge to prey on the people he should have been protecting.")).

<sup>8</sup> Cheryl Nelson Butler, *Kids for Sale: Does America Recognize Its Own Sexually Exploited Minors as Victims of Human Trafficking?*, 44 SETON HALL L. REV. 833, 837-38 (2014); Amanda Peters, *Disparate Protections for American Human Trafficking Victims*, 61 CLEV. ST. L. REV. 1, 2 (2013); Laura L. Shoaps, *Room for Improvement: Palermo Protocol and the Trafficking Victims Protection Act*, 17 LEWIS & CLARK L. REV. 931, 935 (2013); Melynda H. Barnhart, *Sex and Slavery: An Analysis of Three Models of State Human Trafficking Legislation*, 16 WM. & MARY J. WOMEN & L. 83, 90 (2009) (noting that "[s]ex trafficking involves forced sex, i.e. rape, and thus constitutes one of the most egregious crimes that humans can inflict upon one another").

<sup>9</sup> 22 U.S.C. § 7101(b)(16) (2017) (providing, "In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.").

<sup>10</sup> Although "sex trafficking" is a subset or form of human trafficking, they are often used interchangeably and, therefore, will be used interchangeably for purposes of this essay. See Mark Guarino, *In Growing US Sex-Trafficking Business, Majority of Victims Are American-Born*, CHRISTIAN SCI. MONITOR (June 24, 2014), <http://www.csmonitor.com/USA/Just>

conflicts with our most patriotic inclinations and strikes some as preposterous.<sup>11</sup> The recent convictions of former police officers, and serial sex offenders, Noah Winchester<sup>12</sup> and Daniel Holtzclaw,<sup>13</sup> coupled with the dismissal of several police officers in Oakland, California for allegedly purchasing sex from a teen prostitute,<sup>14</sup> naturally seem like prime indicators that any pillar of unfettered control police officers may have exercised over the physical sovereignty of women and children in yesteryears has since unraveled.

Today's conventional wisdom is that police sexual misconduct,<sup>15</sup> including child sex trafficking, is so condemned within the United States, such offenses

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ice/2014/0624/In-growing-US-sex-trafficking-business-majority-of-victims-are-American-born [https://perma.cc/YYX8-NHHD] (stating, “[s]ex trafficking is a subset of the human trafficking crisis in the US, which also includes labor trafficking”).

<sup>11</sup> Jennifer M. Chacón, *Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking*, 74 FORDHAM L. REV. 2977, 3021 (2006) (noting that “sex traffickers” are typically depicted as “foreign” men or men of color who seek to exploit innocent victims); Jennifer M. Chacón, *Tensions and Trade-offs: Protecting Trafficking Victims in the Era of Immigration Enforcement*, 158 U. PA. L. REV. 1609, 1616 (2010) (acknowledging that “traffickers [are] almost always identified as noncitizen men or men of color”).

<sup>12</sup> Sam Levin, *Ex-California Police Officer Charged with On-Duty Sexual Assault of Five Women*, GUARDIAN (July 21, 2016), <https://www.theguardian.com/us-news/2016/jul/21/san-mateo-police-officer-noah-winchester-sexual-assault> [https://perma.cc/24CR-3XC7] (reporting that the patrol officer was convicted for sexually assaulting at least five women while on duty).

<sup>13</sup> Joseph Diaz et al., *Ex-Oklahoma City Cop Spending 263 Years in Prison for Rape and His Accusers Share Their Stories*, ABC NEWS (Apr. 21, 2016), <http://abcnews.go.com/US/oklahoma-city-cop-spending-263-years-prison-rape/story?id=38517467> [https://perma.cc/83Y4-H8Q4]; Sarah Larimer, *Disgraced Ex-Cop Daniel Holtzclaw Sentenced to 263 Years for On-Duty Rapes, Sexual Assaults*, WASH. POST (Jan. 22, 2016), [https://www.washingtonpost.com/news/post-nation/wp/2016/01/21/disgraced-ex-officer-daniel-holtzclaw-to-be-sentenced-after-sex-crimes-conviction/?utm\\_term=.d614ca7c7903](https://www.washingtonpost.com/news/post-nation/wp/2016/01/21/disgraced-ex-officer-daniel-holtzclaw-to-be-sentenced-after-sex-crimes-conviction/?utm_term=.d614ca7c7903) [https://perma.cc/775F-P685] (reporting on the crimes and conviction of Daniel Holtzclaw); Jessica Lussenhop, *Daniel Holtzclaw Trial: Standing with ‘Imperfect’ Accusers*, BBC NEWS MAGAZINE (Nov. 13, 2015), <http://www.bbc.com/news/magazine-34791191> [https://perma.cc/5QKF-EM8C] (stating that Holtzclaw mostly targeted women with criminal records he believed would be afraid to come forward because they would not appear credible or trustworthy).

<sup>14</sup> Malaika Fraley & David DeBolt, *Oakland Police Sex Scandal: Retired Sergeant Takes Plea Deal for Not Reporting Teen’s Sex with Cops*, CAL. NEWS (Feb. 24, 2017), <http://www.mercurynews.com/2017/02/03/police-sex-scandal-retired-oakland-sergeant-takes-plea-deal-for-not-reporting-teens-sex-with-cops> [https://perma.cc/2MNZ-ML3N] (at least six officers were charged, and numerous other officers resigned, after a former child prostitute revealed she had sex “with around 30 Bay Area law enforcement officers, some while [she was] underage and others in exchange for confidential police information”); Jennifer Smith, *Teenage Prostitute Who ‘Slept with Dozens of Oakland Police Officers’ When She Was Underage Wins \$1 Million After Suing the City*, DAILY MAIL (May 31, 2017), <http://www.dailymail.co.uk/news/article-4559646/Oakland-teen-prostitute-cop-sex-scandal-wins-1million.html> [https://perma.cc/328U-27MS] (reporting that the City of Oakland has agreed to pay former child prostitute, Jasmine Abuslin, nearly \$1 million to settle claims stemming from revelations she had sex with dozens of Bay area police officers). The term, “child” or “minor,” as used herein, refers to people under eighteen years of age.

<sup>15</sup> “Police sexual misconduct” includes

are virtually extinct and pose no significant threat to public safety.<sup>16</sup> Consequently, police-involved sexual violence has played little or no role in historical or contemporary narratives regarding anti-trafficking measures or criminal jurisprudence, in general.<sup>17</sup> Neither the Violence Against Women Act (“VAWA”),<sup>18</sup> Trafficking Victims Protection Act (“TVPA”),<sup>19</sup> nor the Model Penal Code (“MPC”),<sup>20</sup> though rightfully perceived as monumental judicial achievements, specifically address police-involved sexual violence.

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any behavior by an officer that takes advantage of the officer’s position in law enforcement to misuse authority and power (including force) in order to commit a sexual act, initiate sexual contact with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person.

See INT’L ASS’N OF CHIEFS OF POLICE, ADDRESSING SEXUAL OFFENSES AND MISCONDUCT BY LAW ENFORCEMENT: EXECUTIVE GUIDE 13 (2010), <http://www.theiacp.org/portals/0/pdfs/addressingsexualoffensesandmisconductbylawenforcementexecutiveguide.pdf> [hereinafter, “IACP EXECUTIVE GUIDE”] [<https://perma.cc/79D5-KB9U>]. Police sexual misconduct, thus, may include, “sexual assault [or] rape,” “extorting sexual favors in exchange for not ticketing or arresting a citizen,” “inappropriate or unnecessary searches, frisks or pat-downs,” “officer-initiated sexual contacts while on duty,” “engaging in citizen-initiated sexual contact while on duty,” “masturbation, viewing and/or distributing pornographic images, sexting,” “looking in windows of residences for sexually motivated reasons,” “unwarranted call backs to crime victims, making a traffic stop to get a closer look at the driver for non-professional reasons,” or “inappropriate and unauthorized use of department resources and/or information systems for other than legitimate law enforcement purposes.” *See id.*

<sup>16</sup> David Young, *Top Cops: A Few Bad Apples Don’t Spoil the Whole Bunch, Officials Say*, GREELEY TRIBUNE (Jan. 18, 2008), <http://www.greeleytribune.com/news/local/top-cops-a-few-bad-apples-dont-spoil-the-whole-bunch-officials-say> [<https://perma.cc/PN5D-RSFG>]; Richard Fossey & Todd A. DeMitchell, “*Let the Master Answer*”:  *Holding School Vicariously Liable when Employees Sexually Abuse Children*, 25 J.L. & EDUC. 575, 582 (1996) (describing police sexual misconduct as, “uncommon”).

<sup>17</sup> *Dyson v. Szarzynski*, No. 13-CV-3248, 2014 WL 7205591, at \*2 (N.D. Ill. Dec. 18, 2014) (recognizing that “heroizing” the deeds of police officers potentially hinders the capacity to ascertain the truth); Ray Jurado, *The Harm to Public Service Standard in Police Misconduct Cases*, 28 L.A. LAW. 24, 24, 26 (July-Aug., 2005) (recognizing that media narratives regarding law enforcement have virtually ignored the law enforcement sexual violence phenomenon).

<sup>18</sup> Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54, 85 (enacted, in part, to protect child victims of “sexual assault, stalking, and sex trafficking, and to properly refer such children, youth, and their families to appropriate services.”).

<sup>19</sup> Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1466 (“TVPA”).

<sup>20</sup> MODEL PENAL CODE (AM. LAW INST. 1985). While the current Model Penal Code does not specifically address law enforcement sexual violence, MODEL PENAL CODE: SEXUAL ASSAULT AND RELATED OFFENSES § 213.2 (AM. LAW INST., Tentative Draft No. 1, 2014) appears sufficiently broad enough to encompass police officer sexual violence because it makes sexual offenses a felony of a third degree if an actor obtains another’s “consent by threatening” to “accuse” them of a “criminal offense” or “take or withhold action in an official capacity[.]” Additionally, MODEL PENAL CODE: SEXUAL ASSAULT AND RELATED OFFENSES § 213.4 (AM. LAW INST., Tentative Draft No. 2, 2016) includes individuals who “knowingly or recklessly obtain[] that person’s consent by threatening” to “accuse anyone of a criminal offense.”

This essay challenges the conventional wisdom regarding police sexual misconduct by advancing what some observers may consider a bold claim. It asserts that police-involved child sex trafficking, and related police-involved sex offenses against children, represent a continuous and constitutive threat to child safety. It confronts contemporary assumptions about the severity of police-involved child sex trafficking and the law enforcement community's capacity to regulate itself. In so doing, it examines an existing dichotomy by which highly dedicated police officers risk their lives to protect children coexist alongside an equally determined brand of police officer resolute on sexually exploiting members of this highly vulnerable group.

Relying on qualitative studies, investigative and journalistic reports from law enforcement executives, human rights advocates, and survivor testimonials, this essay rests on a theoretical presupposition that our nation's "heroification" of law enforcement, while overwhelmingly deserving in most respects, has contributed to: (1) its inability to identify, quantify, and deter police officers from sexually exploiting children; and (2) the formation of a system of adjudicating police-involved child sexual abuse cases that ignores the long struggle of women and children to escape the calamitous effects of sexual violence or remnants of patriarchal aggression that once plagued criminal law.<sup>21</sup>

This essay is not intended to expound on all historical accounts nor prove a normative thesis regarding police-involved child sexual abuse. Rather, its goal is to: (1) reduce the information gap relative to police-involved child sexual abuse that remains extant in criminal jurisprudence; and (2) pave the way for critical dialogue regarding one descriptive point: the falsity of our conventional wisdom that police-involved child sexual abuse is insignificant and poses no major threat to public safety in the United States.

## I. POLICE, PEOPLE, AND HEROISM

For many Americans, the heroic exploits of police officers depicted in cinema, newspapers, and television, invoke fantastical notions of patriotism and cultural identity.<sup>22</sup> It comes as no surprise our courts recognize that the public has vested very few professionals with the trust, discretion, and authority bestowed upon police officers.<sup>23</sup> Our nation's laws require us to obey police of-

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<sup>21</sup> Paula Mejia, *Why Cops Get Away with Rape*, NEWSWEEK (July 9, 2014), <http://www.newsweek.com/police-sexual-assault-rape-justice-258130> [<https://perma.cc/9L-EC-7NCD>] (stating that sex offenders are exceptionally difficult to prosecute and convict under current legal paradigms); Erica Schwiegershausen, *Police-Perpetrated Rape, Your New Horrifying Nightmare to Worry About*, CUT (July 8, 2014), <https://www.thecut.com/2014/07/police-rape-your-new-nightmare-to-worry-about.html> [<https://perma.cc/TY2P-LEYT>].

<sup>22</sup> SCOTT T. ALLISON & GEORGE R. GOETHALS, HEROES: WHAT THEY DO & WHY WE NEED THEM 38 (2011) (explaining that Americans find it gratifying to see people behave heroically, and noting that the "media crave heroes more than anyone" because it increases circulation, viewership and internet site visits).

<sup>23</sup> *Mary M. v. City of Los Angeles*, 814 P.2d 1341, 1349 (Cal. 1991).

ficers while empowering them to arrest, carry deadly weapons, use deadly force, and wear body armor under the imprimatur of near limitless government power.<sup>24</sup>

Although a great weight of research confirms that immense power tends to facilitate impulsive conduct and poor accountability,<sup>25</sup> the power afforded to police officers does not trigger mass concern. A police officer's perceived willingness to sacrifice his or her safety to protect the public, make split-second decisions under dire circumstances,<sup>26</sup> and act as the public's first line of defense against crime,<sup>27</sup> engenders gratitude and loyalty, and affords police officers great discretion and protection under the law.<sup>28</sup> Some states have, indeed, enacted Blue Lives Matter laws that make certain offenses against police officers, "hate crimes."<sup>29</sup> At least thirty-seven states have reportedly adopted enhanced penalties for assaulting a police officer.<sup>30</sup> The federal Back the Blue Act of 2017 bill has been proposed to "shield police officers from virtually any civil liability, even in cases of egregious misconduct."<sup>31</sup>

So culturally entrenched is our adulation for police officers, we often excuse their misconduct, limit the rights of victims of police misconduct,<sup>32</sup> and

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<sup>24</sup> *Id.*

<sup>25</sup> ALLISON & GOETHALS, *supra* note 22, at 147.

<sup>26</sup> *Graham v. Connor*, 490 U.S. 386, 397 (1989) (stating that "police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation."); *Tennessee v. Garner*, 471 U.S. 1, 20 (1985) (recognizing that police officers have a responsibility to make a split-second evaluation of whether a person is a danger to himself or others before using deadly force).

<sup>27</sup> Edna Erez, *Domestic Violence and the Criminal Justice System: An Overview*, 7 ONLINE J. ISSUES NURSING (Jan. 31, 2002), <http://www.nursingworld.org/MainMenuCategories/ANAMarketplace/ANAPeriodicals/OJIN/TableofContents/Volume72002/No1Jan2002/DomesticViolenceandCriminalJustice.html> [https://perma.cc/S28X-C727] (recognizing that police officers are widely perceived as the "first line of defense for victims" of crime).

<sup>28</sup> *Plumhoff v. Rickard*, 134 S. Ct. 2012, 2022 (2014).

<sup>29</sup> Elahe Izadi, *Louisiana Is the First State to Offer Hate Crime Protections to Police Officers*, WASH. POST (May 26, 2016), [https://www.washingtonpost.com/news/post-nation/wp/2016/05/26/louisianas-blue-lives-matter-bill-just-became-law/?utm\\_term=.8a364249c6ee](https://www.washingtonpost.com/news/post-nation/wp/2016/05/26/louisianas-blue-lives-matter-bill-just-became-law/?utm_term=.8a364249c6ee) [https://perma.cc/38MA-ZA77].

<sup>30</sup> *Id.*

<sup>31</sup> Back the Blue Act of 2017, H.R. 2437, 115th Cong. (2017) (proposing to protect law enforcement officers by limiting liability in situations where victims of illegal and unjustified police conduct receive compensation); Radley Balko, *A New GOP Bill Would Make It Virtually Impossible to Sue the Police*, WASH. POST (May 24, 2017), [https://www.washingtonpost.com/news/the-watch/wp/2017/05/24/a-new-gop-bill-would-make-it-virtually-impossible-to-sue-the-police/?utm\\_term=.b9d1e468d714](https://www.washingtonpost.com/news/the-watch/wp/2017/05/24/a-new-gop-bill-would-make-it-virtually-impossible-to-sue-the-police/?utm_term=.b9d1e468d714) [https://perma.cc/PM6V-Q69Z]; see also *U.S. Congress Should Reject 'Back the Blue Act'*, HUMAN RIGHTS WATCH (May 23, 2017, 9:51 AM), <https://www.hrw.org/news/2017/05/23/us-congress-should-reject-back-blue-act> [https://perma.cc/2969-RNHN].

<sup>32</sup> See Back the Blue Act of 2017, H.R. 2437.

choose to laud only their most awe-inspiring deeds.<sup>33</sup> Almost instinctively, juries ascribe noble intentions to virtually all police officer behavior even when reprehensible misconduct is readily apparent.<sup>34</sup>

Popular discourse has become so suffused with the “heroification” of law enforcement<sup>35</sup> that victims of police sexual misconduct often struggle against the seemingly impregnable “hero cop narrative,”<sup>36</sup> and are sometimes branded untrustworthy, unruly, unpatriotic, radical, or even criminally minded, for attempting to seek justice.<sup>37</sup> The consequence of this social disposition, however, is not without sacrifice.<sup>38</sup> As the next section illustrates, cultural allegiance to the “hero cop” narrative has contributed to the construction and preservation of a schema that enables and protects sexually deviant police officers. The circumstance enables exceptionally dangerous officers to shroud themselves under the cloak of law enforcement’s reputation for trustworthiness to commit unspeakable offenses against our nation’s most vulnerable group: our children.

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<sup>33</sup> Associated Press, *Off-duty Cop Who Killed Daughter’s Boyfriend Faces 3rd Trial*, STATESMAN (July 2, 2017), <http://www.statesman.com/news/national/off-duty-cop-who-killed-daughter-boyfriend-faces-3rd-trial/YeEdutMTMyORrYETkafD6K> [https://perma.cc/CSF2-PFGH] (civil rights activists describing the belief that “[p]olice officers are viewed in America as they can do no wrong, black or white,” as an “American perception problem,” and contending the “inherent, powerful bias to back the badge is instilled at an early age and almost impossible to undo[.]”).

<sup>34</sup> Associated Press, *supra* note 33; Marc Fisher et al., *Uneven Justice*, WASH. POST (Nov. 4, 2015), <http://www.washingtonpost.com/sf/investigative/2015/11/03/uneven-justice> [https://perma.cc/NL6T-6HNM] (recognizing that American society is “reluctant to send police officers to prison for killing people”); Catherine E. Shoichet et al., *Police Accidentally Shot Man in North Miami, Union Says*, CNN (July 22, 2016, 8:22 AM), <http://www.cnn.com/2016/07/21/us/miami-officer-involved-shooting> [https://perma.cc/BRK4-ZGL6] (describing the shooting of an unarmed man with his hands in the air as he tried to help his disabled patient, as an “accident”); Timothy Williams & Mitch Smith, *Cleveland Officer Will Not Face Charges in Tamir Rice Shooting Death*, N.Y. TIMES (Dec. 28, 2015), <http://www.nytimes.com/2015/12/29/us/tamir-rice-police-shooting-cleveland.html> [https://perma.cc/3J8D-KBG4].

<sup>35</sup> JAMES W. LOEWEN, LIES MY TEACHER TOLD ME: EVERYTHING YOUR AMERICAN HISTORY TEXTBOOK GOT WRONG 11 (2008) (noting, “heroification” as “a degenerative process . . . that makes people over into heroes. Through this process, our educational media turn flesh-and-blood individuals into pious, perfect creatures without conflicts, pain, credibility, or human interest.”).

<sup>36</sup> Steinberg, *supra* note 1, at 133–35.

<sup>37</sup> Steinberg, *supra* note 1, at 135 (noting that victims of police misconduct are vulnerable to being branded criminals).

<sup>38</sup> *Jones v. City of Chicago*, No. 14-CV-4023, 2017 WL 413613, at \*7–8 (N.D. Ill. Jan. 31, 2017) (U.S. District Court bars “[a]ny general arguments or mentions of police officers risking their lives or their heroism” because of its prejudicial effect on the jury); Michelle Alexander, Opinion, *Why Police Lie Under Oath*, N.Y. TIMES (Feb. 3, 2013) at § SR, 4 (arguing that the perception that police officers are more trustworthy than civilians ignores the reality of police deceit); Steve Mills & Todd Lighty, *False Witness Bears Little Consequence; Cops Rarely Punished When Judges Find Their Testimony Is False or Questionable*, CHI. TRIB. (May 8, 2016) at zone C, 1 (reporting on an investigation showing that police officers rarely face sanctions for lying).



## II. POLICE-INVOLVED CHILD SEX TRAFFICKING, AND RELATED OFFENSES

A. *The Child Sex Trafficking Phenomenon*

Child sex trafficking is a modern day form of sex slavery, involving the commercial sexual exploitation of a person under the age of 18, regardless of the presence of coercion, force, or fraud.<sup>39</sup> Despite the nation's robust economy, and advanced law enforcement intelligence network, the United States is the third largest destination country for sex trafficking victims.<sup>40</sup> There is near-universal consensus among scholars that current anti-trafficking measures have fallen short of their intended objectives and may be inaptly situated to protect children from the lingering threat of sex trafficking.<sup>41</sup>

Unlike survivors of other forms of sexual violence, victims of sex trafficking are subjected to repeated episodes of forced isolation, abuse, and other forms of physical and psychological torture because the "trafficker's foremost purpose is to profit from continued exploitation" of the victim.<sup>42</sup> Fear, post-traumatic stress disorder, anxiety, depression, disorientation, and physical disabilities, such as headaches and eating disorders, often saturate the daily lives of victims.<sup>43</sup> For child victims of sex trafficking, the injuries can be even more ar-

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<sup>39</sup> Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386; U.S. DEP'T OF STATE, *TRAFFICKING IN PERSONS REPORT* (2016).

<sup>40</sup> See Samuel Vincent Jones, *The Invisible Man: The Conscious Neglect of Men and Boys in the War on Human Trafficking*, 2010 UTAH L. REV. 1143, 1148 (2010); see also Ellen L. Buckwalter et al., *Modern Day Slavery in Our Own Backyard*, 12 WM. & MARY J. WOMEN & L. 403, 407 (2006); Jennifer A.L. Sheldon-Sherman, *The Missing "P": Prosecution, Prevention, Protection, and Partnership in the Trafficking Victims Protection Act*, 117 PENN. ST. L. REV. 443, 444-45 (2012).

<sup>41</sup> Cheryl Nelson Butler, *Sex Slavery in the Lone Star State: Does the Texas Human Trafficking Legislation of 2011 Protect Minors?*, 45 AKRON L. REV. 843, 852 (2012) (recognizing that anti-trafficking efforts are wrangled by an over emphasis on federal, instead of, state legislation); Samuel Vincent Jones, *The Invisible Women: Have Conceptions About Femininity Led to the Global Dominance of the Female Human Trafficker?*, 7 ALB. GOV'T L. REV. 143, 144-45 (2014) (noting that there has been a "marked increase in the number of persons trafficked worldwide" despite the vast number of anti-trafficking laws); Kathleen Kim, *The Coercion of Trafficked Workers*, 96 IOWA L. REV. 409, 472-74 (2011) (stating that anti-trafficking efforts have suffered because of our failure to fully comprehend "situational coercion"); Britta S. Loftus, *Coordinating U.S. Law on Immigration and Human Trafficking: Lifting the Lamp to Victims*, 43 COLUM. HUM. RTS. L. REV. 143, 144 (2011) (recognizing that anti-trafficking laws have developed in isolation, resulting in glaring inconsistencies within the law); Amanda Peters, *Disparate Protections for American Human Trafficking Victims*, 61 CLEV. ST. L. REV. 1, 3-4 (2013) (expressing concern that anti-trafficking efforts are too oriented towards foreign rather than domestic victims).

<sup>42</sup> Samuel Vincent Jones, *Human Trafficking Victim Identification: Should Consent Matter?*, 45 IND. L. REV. 483, 488 (2012); Jones, *supra* note 40, at 1148-49; Tanya Mir, *Trick or Treat: Why Minors Engaged in Prostitution Should Be Treated as Victims, Not Criminals*, 51 FAM. CT. REV. 163, 164 (2013) ("Sex trafficking is the only violent crime where the abuser's desire to make money depends on the rape and sexual violence perpetuated against others.").

<sup>43</sup> Jones, *supra* note 40, at 1151.

restive,<sup>44</sup> often leading to oppositional behavior, somatization, aggression, substance abuse and suicide.<sup>45</sup>

The typical victim of child sex trafficking is a runaway child, child victim of physical or sexual abuse, child drug user, homeless child, or child entering the United States alone.<sup>46</sup> Runaways and homeless children comprise the largest population of child victims of sex trafficking.<sup>47</sup> Some studies indicate there are between “1.3 and 2.8 million runaway and homeless children” living on U.S. streets that are “extremely susceptible to domestic commercial sex trafficking.”<sup>48</sup> Approximately 450,000 children, often the victim of abuse or abandonment,<sup>49</sup> run away from or are thrown out of their homes each year.<sup>50</sup> One in three of these children will be “lured toward prostitution within 48 hours of leaving home.”<sup>51</sup> Consequently, “runaways” and homeless children account for an estimated 75 percent of all child prostitutes,<sup>52</sup> adding increased clarity to studies that indicate roughly 80 percent of all adult prostitutes entered the commercial sex industry as children,<sup>53</sup> most probably between the ages of twelve and fourteen years old.<sup>54</sup>

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<sup>44</sup> Butler, *supra* note 8, at 858 (noting that child victims of prostitution may perceive their sexual exploitation as “normal and expected”).

<sup>45</sup> Jones, *supra* note 40, at 1151; Jordan Greenbaum & James E. Crawford-Jakubiak, *Child Sex Trafficking and Commercial Sexual Exploitation: Health Care Needs of Victims*, 135 AMERICAN ACAD. PEDIATRICS CLINICAL REP. 566, 568 (2015) <http://pediatrics.aappublications.org/content/pediatrics/135/3/566.full.pdf> [<https://perma.cc/EJ2X-KHTX>].

<sup>46</sup> Tamar R. Birkhead, *The “Youngest Profession”: Consent, Autonomy, and Prostituted Children*, 88 WASH. U. L. REV. 1055, 1060–61 (2011); Mary Graw Leary, *Fighting Fire with Fire: Technology in Child Sex Trafficking*, 21 DUKE J. GENDER L. & POL’Y 289, 310 (2014) (stating that traffickers typically target particularly vulnerable children, such as the “disfranchised, economically vulnerable, runaway or thrown away children as well as those living in unsafe situations.”).

<sup>47</sup> Amanda Walker-Rodriguez & Rodney Hill, *Human Sex Trafficking*, 80 FBI L. ENFORCEMENT BULL. 1, 2 (2011).

<sup>48</sup> Bridgette Carr, *Examining the Reality of Foreign National Child Victims of Human Trafficking in the United States*, 37 WASH. U. J.L. & POL’Y 183, 184 n.3 (2011).

<sup>49</sup> Walker-Rodriguez & Hill, *supra* note 47, at 2.

<sup>50</sup> Birkhead, *supra* note 46, at 1061 (stating one third of the 450,000 teens “will be ‘lured toward prostitution within 48 hours of leaving home’”); Janelle Zabresky, *Creating a Safe Harbor for Florida’s Children: An Overview of Florida’s Legislative Evolution in Domestic Minor Sex Trafficking*, 40 FLA. ST. U. L. REV. 415, 422 (2013) (stating that “within the first forty-eight hours, one-third [of those 450,000 runaways] are recruited into prostitution”).

<sup>51</sup> Birkhead, *supra* note 46, at 1061; *see also* Norma Hotaling et al., *The Commercial Sexual Exploitation of Women and Girls: A Survivor Service Provider’s Perspective*, 18 YALE J.L. & FEMINISM 181, 182, 184 (2006); Kate Price & Keith Gunnar Bentele, *Voting to End Vulnerability: Understanding the Recent Proliferation of State-Level Child Sex Trafficking Legislation*, 23 WM. & MARY J. WOMEN & L. 1, 1 (2016) (stating that approximately 300,000 children are particularly vulnerable to being trafficked on an annual basis).

<sup>52</sup> Linda Smith & Samantha Healy Vardaman, *A Legislative Framework for Combating Domestic Minor Sex Trafficking*, 23 REGENT U. L. REV. 265, 292 (2011) (stating that “runaways and throwaways constitute 75% of all juvenile prostitutes”).

<sup>53</sup> Birkhead, *supra* note 46, at 1061.

<sup>54</sup> Walker-Rodriguez & Hill, *supra* note 47, at 2–3.

Because of a child's emotional and economic dependence on adults for survival and social direction, they are particularly vulnerable to abuse.<sup>55</sup> Too often, children place their faith in sex traffickers because they have not learned to discern right from wrong or recognize when they're being exploited or placed in grave danger.<sup>56</sup> The trafficker will often use force, drugs, and emotional tactics to exploit a child's psychological and emotional vulnerabilities, particularly when a child's emotional injuries are caused by the child's lack of a father figure.<sup>57</sup> The traffickers' range of manipulative tactics and indifference to the likelihood the harm they cause a child will persist a lifetime make traffickers of children exceptionally dangerous.<sup>58</sup>

Some child traffickers will even promise to love the child, serve as the child's trusting protector, or guarantee a lifestyle the child has long desired.<sup>59</sup> In some cases, child traffickers will promise marriage or convince the child that her or his sex acts are only a temporary investment in the future between the child and the trafficker.<sup>60</sup> The manipulation of the child's emotions facilitates what some observers describe as "trauma bonding" between the child and trafficker, a syndrome by which the child becomes so emotionally dedicated to satisfying the trafficker,<sup>61</sup> the child becomes virtually incapable of perceiving herself or himself as a commodity used solely for the trafficker's continued profit.<sup>62</sup>

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<sup>55</sup> *Miller v. Alabama*, 132 S. Ct. 2455, 2464 (2012).

<sup>56</sup> See Megan Annitto, *Consent, Coercion, and Compassion: Emerging Legal Responses to the Commercial Sexual Exploitation of Minors*, 30 *YALE L. & POL'Y REV.* 1, 5–8 (2011).

<sup>57</sup> Michael J. Frank & G. Zachary Terwilliger, *Gang-Controlled Sex Trafficking*, 3 *VA. J. CRIM. L.* 342, 366–67 (2015) (recognizing that victims of child sex trafficking typically "crave attention from strong male figures" because they were "[d]eprived of any meaningful relationship with their fathers" and that "it is well known among law enforcement personnel that women and girls from father-absent households are more likely to become victims of sex trafficking and other crimes"); *In Re B.W.*, 313 S.W.3d 818, 824 (Tex. 2010) (reasoning that "[m]ost [child prostitutes] are controlled by their pimps through a combination of emotional and financial security mixed with violence and drugs, and are unaware that the treatment they are receiving is against the law").

<sup>58</sup> *Stogner v. California*, 539 U.S. 607, 651–52 (2003).

<sup>59</sup> See Annitto, *supra* note 56.

<sup>60</sup> LEONARD TERRITO & GEORGE KIRKHAM, *INTERNATIONAL SEX TRAFFICKING OF WOMEN & CHILDREN: UNDERSTANDING THE GLOBAL EPIDEMIC* 133–34 (2010); Neha A. Deshpande & Nawal M. Nour, *Sex Trafficking of Women and Girls*, 6 *REVS. OBSTETRICS & GYNECOLOGY*, e22, e23–e24 (2013); Walker-Rodriguez & Hill, *supra* note 47, at 3.

<sup>61</sup> National Center for Missing & Exploited Children, *Commercial Sexual Exploitation of Children: A Fact Sheet* (2010), [http://www.missingkids.com/content/dam/ncmec/en\\_us/archive/documents/ccsefactsheet.pdf](http://www.missingkids.com/content/dam/ncmec/en_us/archive/documents/ccsefactsheet.pdf) [<https://perma.cc/KP57-4ELJ>].

<sup>62</sup> Smith & Vardaman, *supra* note 52, at 286; compare with Brendan M. Conner, *In Loco Aquitatis: The Dangers of "Safe Harbor" Laws for Youth in the Sex Trades*, 12 *STAN. J. C.R. & C.L.* 43, 60 (2016) (reasoning that "[c]ontrary to claims of youth being brainwashed by trauma bonds, 86.8% of youth . . . reported that they would like to exit the sex trade").

Because of the prospect of unbounded profit, child victims of sex trafficking are often used for the production of child pornography,<sup>63</sup> which, in turn, routinely operates as a vehicle for enticing viewers to engage in child sex trafficking.<sup>64</sup> The linkage between child sex trafficking and child pornography is so irrefutable that the Domestic Minor Sex Trafficking Deterrence and Victims Support Act was introduced in 2011 to establish mandatory sentences for the possession of child pornography.<sup>65</sup> Simply put, a person that feeds the demand for child pornography fuels the burgeoning child sex trafficking industry and the associated bondage, molestation, and torture of children.<sup>66</sup>

*B. Sexually Deviant Police Officers and Child Victims*

One day a strange car pulled up next to a sixteen-year-old girl as she walked down the street.<sup>67</sup> The driver, who the child believed to be in his fifties, asked her if she wanted to take a ride with him and “‘his partner.’”<sup>68</sup> She complied.<sup>69</sup> As they rode around the neighborhood, one of the men paid her approximately sixty-five dollars for sex.<sup>70</sup> After that exchange, the man became one of the girl’s primary commercial sex customers, routinely paying her approximately sixty-five dollars for oral sex.<sup>71</sup> When she and other “young runaways” attended parties where they had sex with older men for money, the same man was there engaging with other young runaways.<sup>72</sup> According to one fourteen-year-old child, who also reportedly had sex with the same man—and posed for sexually explicit photos at his request in exchange for money—he “kept a handgun under the pillow of his bed,”<sup>73</sup> and “bragged about being a police officer.”<sup>74</sup>

<sup>63</sup> United States v. O’Connor, 650 F.3d 839, 843 (2d Cir. 2011).

<sup>64</sup> News Release, Dept. of Justice, Fed. Bureau of Investigation, Jury Convicts Modesto Man for Production of Child Pornography and Attempted Sex Trafficking of a Minor (Mar. 26, 2015) (revealing that a man allegedly took sexually explicit photos of a thirteen-year-old girl and posted them online to invite viewers to purchase sex with the child).

<sup>65</sup> Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2011, S. 596, 112th Cong. (1st Sess.) (The bill died in Congress, but certain provisions that were aimed at increasing penalties for the possession of child pornography were incorporated in the Child Protection Act of 2012).

<sup>66</sup> Jones, *supra* note 40, at 1149.

<sup>67</sup> The following factual description is drawn from *Complaint vs. Chicago Cop William Whitley*, CHI. TRIB. (Nov. 2, 2016) at 14, <http://www.chicagotribune.com/news/local/breaking/ct-william-whitley-complaint-20161102-htmlstory.html> [<https://perma.cc/MHU5-YK9K>].

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 14–15.

<sup>71</sup> *Id.* at 15.

<sup>72</sup> *Id.* at 14.

<sup>73</sup> *Id.* at 8.

<sup>74</sup> *Id.*

The aforementioned account is not drawn from “anti-police” fiction, but from the sworn testimony of a Special Agent of the Federal Bureau of Investigation,<sup>75</sup> in the criminal case against William Whitley, a former Chicago police officer charged with child sex trafficking.<sup>76</sup> Admittedly, for such detestable conduct to be attributed to a police officer is difficult to fathom. Outside of homicidal acts, a police officer’s sexual abuse of a child simply has no experiential or conceptual equal. Indeed, courts and commentators, alike, have reasoned that due to the hero-like characteristics most children ascribe to police officers, and the wide authority bestowed upon police officers, the harm caused by a police officer’s sexual exploitation of a child is exponentially greater than that associated with a civilian abuser.<sup>77</sup> Still, since 2016, at least ten law enforcement officers have allegedly attempted to, or have reportedly engaged in, some form of child sex trafficking,<sup>78</sup> with at least another thirty law enforce-

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<sup>75</sup> *Id.* at 1.

<sup>76</sup> Jason Meisner & Jeremy Gerner, *Chicago Cop Arrested on Charges He Sex Trafficked Underage Girl*, CHI. TRIB. (Nov. 2, 2016), <http://www.chicagotribune.com/news/local/breaking/ct-chicago-cop-arrested-sex-trafficking-met-20161102-story.html> [<https://perma.cc/KE N9-PTUL>]; see also Sun-Times Staff, *Chicago Cops Investigated in Sex-trafficking Case*, CHI. SUN-TIMES (June 24, 2016), <http://chicago.suntimes.com/news/chicago-cops-investigated-in-sex-trafficking-case> [<https://perma.cc/ZNY5-G6YY>]; *Complaint vs. Chicago Cop William Whitley*, *supra* note 67 (twenty-six-year veteran Chicago Police officer, William Whitley, paid for sex with minors and was also charged with production of child pornography).

<sup>77</sup> *Stogner v. California*, 539 U.S. 607, 651–52 (2003); *United States v. Sierra*, 188 F.3d 798, 802 (7th Cir. 1999) (stating that a person’s misuse of his or her status as a police officer “greatly facilitated his offense and the concealment of his criminal deeds.”); *United States v. Innamorati*, 996 F.2d 456, 490 (1st Cir. 1993) (stating that the officer had “clearly” abused a “‘position of public . . . trust’”); *Kafatia v. Adams*, CV 09-7119-CJC, 2013 U.S. Dist. LEXIS 17663 (C.D. Cal. Jan. 3, 2013) (former officer convicted of forcible rape and false imprisonment); *State v. Burke*, 522 A.2d 725, 734–36 (R.I. 1987) (Burke “used his position of authority” as “a uniformed police officer” to intimidate and on one occasion handcuffing and forcing a “young woman into performing oral sex upon him”); Gina Barton, *Fired Milwaukee Officer Sentenced to 24 Years in Rape*, J. SENTINEL (July 30, 2012), <http://archive.jsonline.com/news/crime/fired-milwaukee-officer-sentenced-to-24-years-in-prison-em69nfg-164270266.html> [<https://perma.cc/M4F5-9CLH>] (when sentencing a fired police officer to twenty-four years after he was convicted of raping a woman after responding to her 911 call for help, the court acknowledged the resulting harm was exacerbated by the offender being a police officer).

<sup>78</sup> See APPENDIX A; see also Laura Dimon & Rocco Parascandola, *NYPD Cop Busted for Allegedly Having Sex with Underage Girl*, N.Y. DAILY NEWS (Oct. 11, 2017), [www.nydailynews.com/new-york/nyc-crime/bronx-busted-allegedly-sex-underage-hooker-article-1.3553832](http://www.nydailynews.com/new-york/nyc-crime/bronx-busted-allegedly-sex-underage-hooker-article-1.3553832) [<https://perma.cc/S8W4-TX73>] (Olmeda paid the minor for sex five times between January and April. He is charged for multiple offenses “including use of a child in sexual performance, rape and patronizing a minor for prostitution.” He urged the minor not to talk to police. “It wasn’t clear how Olmeda met the teen, said to be younger than 16, but police found out about them while conducting a sex trafficking investigation, a police source said.”); Rick Rojas & Al Baker, *New York Officer Ran Prostitution Ring at Motels, Authorities Say*, N.Y. TIMES (Feb. 2, 2016), [http://www.nytimes.com/2016/02/03/nyregion/fired-new-york-officer-is-accused-of-running-prostitution-ring.html?\\_r=0](http://www.nytimes.com/2016/02/03/nyregion/fired-new-york-officer-is-accused-of-running-prostitution-ring.html?_r=0) [<https://perma.cc/2C>

ment officers arrested or charged for their alleged possession, production, or marketing of child pornography; and another sixty law enforcement officers reportedly arrested, charged or convicted for conduct linked to child sexual abuse.<sup>79</sup>

The severity of police-involved child sex trafficking, and related offenses like child pornography, appears linked to the broader problem of police sexual misconduct involving children that has remained largely hidden from the general public because of the lack of government tracking of police-involved sexual violence cases.<sup>80</sup> Nonetheless, social theorists, journalists, and law enforcement executives have compiled data from alternative methodologies, such as academic surveys, interviews, published court opinions, and journalistic reports, to gauge the nature and severity of police-involved sexual violence against children.<sup>81</sup> As set forth below, the results reveal that “‘sexual assault rates are significantly higher for police when compared to the general population,’”<sup>82</sup> with majority of victims of police sexual misconduct being children.

In a detailed academic study of 2005–2007 arrests for sexual misconduct involving 398 law enforcement officers employed by 328 state, local, and special law enforcement agencies from 265 counties and independent cities in forty-three states and the District of Columbia,<sup>83</sup> criminologists discovered that out of a total of 548 cases involving law enforcement sex-related offenses, 21.4 percent of officer arrests were for “forcible rape,” 19.5 percent for “forcible fondling,” 9.9 percent for “forcible sodomy,” 7.1 percent for “child pornogra-

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ZY-Q8HF] (Eduardo Cornejo, formerly of the New York Police Department, was charged with “transporting women in interstate commerce to engage in prostitution”).

<sup>79</sup> See APPENDIX B; APPENDIX C.

<sup>80</sup> Candice Bernd, *Police Departments Ignore Rampant Sexual Assault by Officers*, TRUTHOUT (July 2, 2014), <http://www.truth-out.org/news/item/24677-police-departments-ignore-rampant-sexual-assault-by-officers> [<https://perma.cc/PZ2B-4R6K>] (reporting on numerous incidents of police sexual misconduct and the efforts to address the problem); ANDREA J. RITCHIE & JOEY L. MOGUL, IN THE SHADOWS OF THE WAR ON TERROR: PERSISTENT POLICE BRUTALITY AND ABUSE OF PEOPLE OF COLOR IN THE UNITED STATES 26 (Dec. 2007) [hereinafter, “UN Filing,”]; Matt Sedensky, *AP: Hundreds of Officers Lose Licenses over Sex Misconduct*, AP NEWS (Nov. 1, 2015), <http://bigstory.ap.org/article/fd1d4d05e561462a85abe50e7eaed4ec/ap-hundreds-officers-lose-licenses-over-sex-misconduct> [<https://perma.cc/2J6D-DVLS>] (stating that the Federal Bureau of Justice Statistics does not report data on police sexual misconduct relative to arrests, charges or complaints).

<sup>81</sup> See APPENDIX B.

<sup>82</sup> Zoë Carpenter, *The Police Violence We Aren’t Talking About*, NATION (Aug. 27, 2014), <http://www.thenation.com/article/police-violence-we-arent-talking-about> [<https://perma.cc/KPQ6-LD2D>]; DAVID PACKMAN, 2010 NPMSRP POLICE MISCONDUCT STATISTICAL REPORT -DRAFT- at 11 (2011), <https://www.policemisconduct.net/2010-npmsrp-police-misconduct-statistical-report> [<https://perma.cc/Q9TE-TJ9V>] [hereinafter, “NATIONAL POLICE MISCONDUCT REPORT”].

<sup>83</sup> Philip M. Stinson et al., *Police Sexual Misconduct: A National Scale Study of Arrested Officers*, Criminal Justice Faculty Publications at 1 (2014) [https://scholarworks.bgsu.edu/crim\\_just\\_pub/30](https://scholarworks.bgsu.edu/crim_just_pub/30) [<https://perma.cc/B5LG-N2V5>].

phy.”<sup>84</sup> Of these cases, the majority of the victims were children.<sup>85</sup> Years later, the Cato Institute’s National Police Misconduct Reporting Project (“NPMRP”), which maintains a working database of law enforcement misconduct, concluded that sexual misconduct was the second most common form of law enforcement misconduct reported throughout 2010.<sup>86</sup> Out of the 618 police officers reportedly engaged in sexual misconduct,<sup>87</sup> in cases involving the most serious sexual offenses the majority of the victims were children.<sup>88</sup>

Concerned about disturbing findings regarding law enforcement officers engaged in the sexual exploitation of children, the International Association of Chief of Police (“IACP”), in 2010, issued a surprising, but telling, advisory report to the law enforcement community, reminding officers that children cannot “consent” to sex with a police officer.<sup>89</sup> After examining the problem itself, IACP officials found that law enforcement sexual misconduct likely occurs “‘in every law enforcement agency across the country’”<sup>90</sup> and that sexually deviant police officers frequently target children.<sup>91</sup>

Five years later, a Buffalo News study revealed that, out of approximately “700 credible cases” of law enforcement sexual misconduct during a ten year period, a law enforcement officer engaged in some form of sexual misconduct, typically involving “students and young people in job-shadowing programs” “at least every five days.”<sup>92</sup> Finally, an Associated Press study that examined data from thirty-two states involving charges of law enforcement sexual mis-

<sup>84</sup> *Id.* at 16.

<sup>85</sup> *Id.* at 16–17.

<sup>86</sup> NATIONAL POLICE MISCONDUCT REPORT, *supra* note 82 at 7.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.* at 8 (stating that its 2010 study reveals, “minors are victims of alleged [law enforcement] serial offenders slightly more often than adults”).

<sup>89</sup> IACP EXECUTIVE GUIDE, *supra* note 15, at 13.

<sup>90</sup> Sedensky, *supra* note 80 (quoting Chief Bernadette DiPino of the Sarasota Police Department in Florida, who contributed to the IACP’s examination of the law enforcement sexual misconduct).

<sup>91</sup> IACP EXECUTIVE GUIDE, *supra* note 15, at 13; *see also* Sedensky, *supra* note 80 (pointing to a 2007 annual meeting of police chiefs wherein virtually all of them acknowledged dealing with sexual misconduct problems within their departments).

<sup>92</sup> Todd Hill, *Callicoa Loses Peace Officer Status*, TELEGRAPH-FORUM (Feb. 16, 2016), <http://www.bucyrustelegraphforum.com/story/news/local/2016/02/16/callicoa-loses-peace-officer-status/80453192> [<https://perma.cc/DM9E-RDSL>] (former officer Mark Callicoa pleads guilty to allegations he dismissed traffic tickets in exchange for sexual favors); Matthew Spina, *When a Protector Becomes a Predator*, BUFFALO NEWS (Nov. 22, 2015), <http://projects.buffalonews.com/abusing-the-law/index.html> [<https://perma.cc/QTN9-FDYM>]; *see also* Primeaux v. United States, 102 F.3d 1458, 1460 (8th Cir. 1996) (police officer on limited duty sexually assaulted stranded motorist); Mary M. v. Los Angeles, 814 P.2d 1341, 1342–43 (Cal. 1991) (police officer raped motorist after placing her under arrest); *Two Former Ohio Police Officers Resign After Allegedly Trying to Rape Woman*, WISHTV (Apr. 22, 2016), <http://wishtv.com/2016/04/22/two-former-ohio-police-officers-resign-after-allegedly-trying-to-rape-woman> [<https://perma.cc/2AJF-L3FL>] (Two police officers resigned after allegedly trying to rape a woman that called the police to report having been beaten up by her boyfriend).

conduct between 2009 and 2014 determined that approximately 1,000 law enforcement officers were decertified because of sexual misconduct<sup>93</sup> with many of the offenses being rape, extortion of sex in lieu of arrests, and purportedly “nonviolent” sexual offenses such as possession of child pornography or “sexting” with children.<sup>94</sup>

Equally alarming is that there appears to be no abatement in the number of children harmed by sexually deviant police officers.<sup>95</sup> As stated, since 2016, in addition to the ten officers linked to child sex trafficking, and forty officers connected to child pornography, at least sixty police officers have reportedly been arrested, charged, or convicted, albeit quietly, for conduct linked to child sexual abuse.<sup>96</sup> It cannot be reasonably denied that if the one hundred plus cases involving police officers connected to child sexual abuse, child sex trafficking, or child pornography offenses, since 2016, is an indication of the number of children harmed by sexually deviant police officers, the number of child victims of police sexual misconduct exceeds the number of children harmed by domestic or international terrorists in the United States.

Despite revelations regarding the disquieting reported number of police officers involved in the sexual abuse of children, there is comparatively scant na-

<sup>93</sup> Sedensky, *supra* note 80.

<sup>94</sup> *Id.*

<sup>95</sup> Erin Alberty, *Police Group Revokes Licenses of 6 Utah Law Enforcement Employees*, SALT LAKE TRIB. (Sept. 22, 2016), <http://www.sltrib.com/home/4382697-155/police-group-revokes-licenses-of-6> [<https://perma.cc/AX7P-WA2K>]; *Chicago Police Officer Charged with Sexual Assault of Minor*, ABC13 (Jan. 16, 2017), <http://abc13.com/news/chicago-police-officer-charged-with-sexual-assault-of-minor/1705620> [<https://perma.cc/K4NN-74KH>]; Tony Briscoe, *Bond Set at \$75K for Chicago Police Officer Charged with Sex Assault*, CHI. TRIB. (Jan. 15, 2017), <http://www.chicagotribune.com/news/local/breaking/ct-chicago-police-officer-charged-sexual-assault-20170115-story.html> [<https://perma.cc/CLR7-CBBC>]; Alyssa Choiniere, *Rape Charges Filed Against Former Connellsville Officer*, HERALD-STANDARD (Mar. 1, 2016), [http://www.heraldstandard.com/news/hsnewsnow/rape-charges-filed-against-former-connellsville-officer/article\\_f82360da-5517-57dd-acf9-972fc4e3577a.html](http://www.heraldstandard.com/news/hsnewsnow/rape-charges-filed-against-former-connellsville-officer/article_f82360da-5517-57dd-acf9-972fc4e3577a.html) [<https://perma.cc/ZPS2-X67R>]; *Columbia Police Officer Charged with Sexual Assault*, WLTX (Nov. 22, 2016), <http://www.wltx.com/news/crime/columbia-police-officer-charged-with-sexual-assault/354897715> [<https://perma.cc/YKP3-3X77>]; Matt Hamilton, *LAPD Officer Convicted of Sending ‘Harmful’ Texts to Teen, Acquitted of Child Annoyance Charges*, L.A. TIMES (Jan. 18, 2017), <http://www.latimes.com/local/lanow/la-me-ln-lapd-officer-convicted-20170117-story.html> [<https://perma.cc/4WEV-AZTN>]; Dana Rieck, *Ex-Berthoud Cop Found Guilty of Child Sex Abuse, Faces 8 Years to Life in Prison*, DENV. POST (Dec. 16, 2016), <http://www.denverpost.com/2016/12/16/ex-berthoud-cop-jeremy-yachik-guilty-child-sex-abuse> [<https://perma.cc/PLD6-EJQ4>]; Matt Stevens, *San Bernardino County Deputy Accused of Having Sex with Teen in Explorer Program*, L.A. TIMES (Dec. 31, 2016), <http://www.latimes.com/local/lanow/la-me-ln-deputy-sex-arrest-20161231-story.html> [<https://perma.cc/SD57-WTSP>]; Katrina Webber & Josh Skurnik, *SAPD Officer Arrested in Alleged Sexual Assault of Girl, 15*, KSAT (May 3, 2016), <http://www.ksat.com/news/southside-man-arrested-in-sexual-assault-of-girl-15> [<https://perma.cc/6F7M-JXGL>]; Christina Carrega-Woodby, *NYPD Cop Convicted of Molesting Young Girl*, NY DAILY NEWS (June 23, 2016), <http://www.nydailynews.com/new-york/nyc-crime/nypd-convicted-molesting-young-girl-article-1.2684179> [<https://perma.cc/UH3T-ZARP>].

<sup>96</sup> See APPENDIX C.



tional media coverage surrounding the problem, which is likely more severe than reports indicate because many, if not most, incidents are not reported, as discussed below.<sup>97</sup>

### III. SYSTEMIC BARRIERS TO PROTECTING CHILDREN FROM SEXUALLY DEVIANT POLICE OFFICERS

#### A. *The Blue Wall of Silence*

The majority of police officers in the United States behave in a professional manner.<sup>98</sup> Still, far too many police officers do not report the sexual misconduct of their fellow officers because of a culture within law enforcement that highly discourages officers from reporting one another's misconduct, commonly referred to as the "Blue Wall of Silence."<sup>99</sup> As one former police chief recognizes, despite law enforcement's "very often sexualized," or male dominated culture, police officers are repeatedly warned, "you don't tell on your buddies."<sup>100</sup> Highly engrained, the Blue Wall of Silence correlates with a plethora of counterproductive and hazardous results.

<sup>97</sup> See *infra* Part III.

<sup>98</sup> Samuel Vincent Jones, *Law Enforcement and White Power: An FBI Report Unraveled*, 41 T. MARSHALL L. REV. 103, 108 (2015) (stating that most law enforcement officers are "professional").

<sup>99</sup> T.D. v. Borough of Tinton Falls, 2015 WL 7199733 at \*4 (N.J. Super. Ct. App. Div. Nov. 17, 2015) (stating, "we cannot ignore the facts presented in this matter relate to allegations of illegal activities by police officers, and implicate what is commonly referred to as the 'blue wall' of police silence"); Barry v. N.Y.C. Police Dep't, 1-CV-10627, 2004 WL 758299 at \*13 (S.D.N.Y. Apr. 7, 2004) (recognizing that a plaintiff established a genuine issue of fact regarding whether the "Blue Wall of Silence" constitutes municipal policy or custom); Keli Goff, *Racist Cops, Abused Women and the Blue Wall of Silence*, THE DAILY BEAST (July 25, 2016), <http://www.thedailybeast.com/racist-cops-abused-women-and-the-blue-wall-of-silence> [https://perma.cc/R6VN-ZN46] (stating that the Blue Wall of Silence "does nothing to encourage the good apples from policing the bad ones. In fact, it does the opposite and thus leaves all of us—particularly those from disempowered and disenfranchised populations—vulnerable to any bad apples with violent tendencies, badges, and firearms."); Nester Ramos, *Behind the Blue Wall: Claims of Bias in the State Police Force*, BOSTON GLOBE (Mar. 12, 2017), <https://www.bostonglobe.com/metro/2017/03/12/behind-blue-wall-women-and-minority-troopers-clash-with-state-police-culture/Q2bs8R8142mSuftfnJL6eK/story.html> [https://perma.cc/WVP8-ZPYD] (Boston Civil Rights Attorney, Howard Friedman, stating, "[t]he culture in the State Police is that they protect one another," and pointing "to a pending criminal case against Trooper Robert Sundberg, who is charged with rape and several other felonies stemming from an allegedly abusive relationship with a woman who is also a trooper" and noting "Sundberg drew support from a half-dozen fellow troopers—one of whom acknowledged on the stand that he'd seen Sundberg punch through the woman's car window but did not report it because 'we were all pretty intoxicated.' Sundberg is on unpaid leave from the department while the case is adjudicated. 'If the troopers can fill a courtroom for a trooper charged with rape, that tells you quite a lot.'").

<sup>100</sup> Steven Yoder, *Officers Who Rape: The Police Brutality Chiefs Ignore*, AL JAZEERA AM. (Jan. 19, 2016), <http://america.aljazeera.com/articles/2016/1/19/sexual-violence-the-brutality-that-police-chiefs-ignore.html> [https://perma.cc/94CF-UZPD].

First, it has a chilling effect on victim reporting. Victims often choose not to report having been sexually victimized by police officers because: (1) no one will believe their uncorroborated account;<sup>101</sup> (2) they fear other police officers will harm them;<sup>102</sup> (3) they believe the offender's colleagues will not protect them from retaliatory harassment;<sup>103</sup> or (4) they believe they will be subjected to extremely harsh interrogations.<sup>104</sup> More alarmingly, some victims have reported being sexually assaulted by the same police officer that responded to their call for help,<sup>105</sup> being arrested after reporting a sexually abusive police officer,<sup>106</sup> or being threatened at the police station by the very same police officer they reported<sup>107</sup>

<sup>101</sup> Lussenhop, *supra* note 13 (discussing how ex-cop targeted African American women with criminal records, women who were afraid to come forward because “no one would believe them.”); Amanda Milkovits, *Fighting for Her Soul: A Sex-Trafficking Victim's Story*, PROVIDENCE J. (Mar. 17, 2015), <http://www.providencejournal.com/news/police-fire/20141115-fighting-for-her-soul-a-sex-trafficking-victim-s-story.ece> [<https://perma.cc/9A88-LBPG>] (stating that sex trafficking victims are reluctant to report their experiences to law enforcement out of fear of retribution and that they will not be believed).

<sup>102</sup> Sedensky, *supra* note 80 (Chief Bernadette DiPino of the Sarasota Police Department stating that police sexual misconduct is “underreported and people are scared that if they call and complain about a police officer, they think every other police officer is going to be then out to get them.”).

<sup>103</sup> See Corey Rayburn Yung, *Rape Law Fundamentals*, 27 YALE J.L. & FEMINISM 1, 42 (2015).

<sup>104</sup> Melissa Jeltsen, *A Cop Faces Charges of Serial Rape, yet His 13 Black Accusers Are on Trial*, HUFFINGTON POST (Jan. 11, 2017), [http://www.huffingtonpost.com/entry/daniel-holtzclaw-accused-rape\\_us\\_5661d020e4b08e945fef3ef4](http://www.huffingtonpost.com/entry/daniel-holtzclaw-accused-rape_us_5661d020e4b08e945fef3ef4) [<https://perma.cc/Z64R-MV38>] (survivor of sexual assault describes paralyzing fear and anxiety associated with reporting police involved sexual misconduct); Darnell L. Moore, *While We Focus on Shootings, We Ignore Victims of Police Sexual Assault*, MIC.COM (Apr. 23, 2015), <https://mic.com/articles/116216/the-type-of-police-brutality-no-one-is-talking-about#.WxvOOJx2D> [<https://perma.cc/HMP3-MR4L>] (reporting that “women too often find themselves at the mercy of police agencies that neglect women's safety, whether by ignoring women's allegations of abuse by an officer or making light of crimes reported by women”); *Reporting Sexual Assault to the Police*, BREAKTHECYCLE.ORG, <https://www.breakthecycle.org/blog/reporting-sexual-assault-police> [<https://perma.cc/5GUS-QC86>] (last visited Apr. 19, 2018) (discussing that police officers investigating police sexual misconduct make the atmosphere extremely difficult for victims of police-involved sexual assault).

<sup>105</sup> Michael Daly, *She Dialed 911. The Cop Who Came to Help Raped Her*, DAILY BEAST (Jan. 29, 2012), <http://www.thedailybeast.com/articles/2012/01/29/she-dialed-911-the-cop-who-came-to-help-raped-her> [<https://perma.cc/TQB7-KM7L>]; see also Keri Balkinger & Reuven Blau, *Woman Sues After Upstate N.Y. Cop Avoids Charges*, N.Y. DAILY NEWS (May 16, 2016), <http://www.nydailynews.com/new-york/woman-sues-upstate-n-y-avoids-rape-charges-article-1.2637913> [<https://perma.cc/X5UG-5Q2W>] (Ms. Maleatra Montanez sued police department after allegedly being raped by an officer who responded to her 911 call for help); *Update: The APD Terminates Officer for Sexual Relations While on Duty*, NEWSCHANNEL10 (June 16, 2015), <http://www.newschannel10.com/story/29325877/apd-investigating-sexual-assault-claim> [<https://perma.cc/PX4B-XLSP>] (woman alleges former Amarillo police officer Micah Meurer sexually assaulted her after responding to her 911 call for help).

<sup>106</sup> Chris Randolph, *Milwaukee Must Defend Claim Over Rape by Cop*, COURTHOUSE NEWS (July 14, 2016), <http://www.courthousenews.com/milwaukee-must-defend-claim-over-rape->

Second, the Blue Wall of Silence ensnares the moral character of police officers that witness police sexual misconduct, which increases the risk they will duplicate it.<sup>108</sup> Without enforcement of basic moral standards, such as a zero-tolerance policy regarding sexual misconduct, it is easy for a police officer, particularly a less experienced officer, to conclude that sexual immorality is an acceptable feature of law enforcement.<sup>109</sup>

Third, the Blue Wall of Silence inhibits public awareness of the true nature and identity of sexually deviant officers, and severity of the public safety threat they pose to children. Fourth, it denies law enforcement executives the opportunity to implement training, policy, and supervisory measures that may interrupt the sexually deviant officer's abuse of children.<sup>110</sup>

Fifth, the public may wrongly interpret the sexually deviant officer's conduct as representative of all police behavior, which potentially subjects all police officers to risks of public condemnation, which weakens police morale, and undermines public confidence in law enforcement. Finally, the Blue Wall of Silence permits sexually deviant police officers to continue to harm children,<sup>111</sup> by allowing them to quietly resign and use their law enforcement certification to join another department,<sup>112</sup> or admit to a lesser charge and avoid public cen-

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by-cop [<https://perma.cc/W5VF-SAMG>] (describing incident in which Ms. Iema Lemon was arrested after complaining she was raped by a Milwaukee police officer Lamarald Cates, an officer with a history of sexual misconduct allegations against him).

<sup>107</sup> See Complaint and Jury Demand at 9, *Iema Lemons v. City of Milwaukee*, No. 13-CV-331 (Mar. 21, 2013) (“After [Officer] Toeller left, [Officer] Cates threatened Iema that other police officers would attack her if she continued to claim she had been raped. He also told her that, if she withdrew her claim, she would only get a ticket for her alleged criminal conduct.”).

<sup>108</sup> ALLISON & GOETHALS, *supra* note 22 at 146 (pointing to well-known Stanford University study by Phil Zimbardo that indicated “[e]vil acts are not necessarily committed by evil people,” and that “ordinary law abiding citizens” will commit harmful acts because of their sensitivity to “social forces” or pressures within the organization or group to perform behavior that serves the group’s cause).

<sup>109</sup> *Doe ex rel. Doe v. Gay*, 719 F.3d 679, 683 (8th Cir. 2013), *reh’g en banc granted, vacated, aff’d by an equally divided court*, No. 12-2052 (8th Cir. 2013) (en banc) (A police officer that sexual assaulted a 14-year old girl in his patrol car while on duty testified that “[b]ased on his observations of other officers’ on-duty behavior and the lack of discipline for misconduct . . . he did not believe he would be disciplined for picking up a girl and driving around with her.”).

<sup>110</sup> See *Romero v. City of Clanton*, 220 F. Supp. 2d 1313, 1318, 1320 (M.D. Ala. 2002) (recognizing that a failure to train may amount to deliberate indifference to the rights of a victim of police sexual misconduct); *Doe 1 v. City of Murrieta*, 102 Cal. App. 4th 899, 919 (Cal. Ct. App. 2002) (observing that police supervisors may have had duty to implement policies that would have prevented a police officer’s contact with children when it had notice of potential sexual misconduct); *Doe v. Forrest*, 853 A.2d 48, 62–63 (Vt. 2004) (suggesting that better training and supervision might work in the preventing police officer sexual assault against children).

<sup>111</sup> See Levin, *supra* note 12 (Former California Noah Winchester is believed to have sexually assaulted at least five women while on duty over several years).

<sup>112</sup> Ann Domeck, *Cleveland Police Officer Resigns After Conviction on Sexual Imposition Charges*, FOX8 (Jan. 4, 2016), <http://fox8.com/2016/01/04/cleveland-police-officer-resigns->

sure. Consequently, this outcome likely results in more children being sexually abused.<sup>113</sup> Current studies indicate that approximately 40 percent of police-involved sexual violence cases involve officers that averaged four victims a year over the span of three years.<sup>114</sup>

*B. Sexually Deviant Police Officers Go Unpunished or Under-Punished.*

Far too many legal institutions fail to respond appropriately to the long struggle of children to live free of police-involved sexual abuse, and state attorneys general (“AGs”) are no exception.<sup>115</sup> Despite their designation as the chief law enforcement officers in their respective states, state AGs have not generally used the full range of their discretion and power to curtail police-involved child sex trafficking and related offenses as they have with similar threats to child safety in the United States. For example, amid mounting evidence that Backpage.com, a major supplier of online advertising, was facilitating child sex trafficking via its website, forty-six state attorneys general sent a scathing letter to Backpage.com, identifying it as a “hub” for child sex trafficking, stating that as

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after-conviction-on-sexual-imposition-charges [https://perma.cc/X4QM-THRT] (reporting that a Cleveland police officer resigned after being indicted and suspended for sexual misconduct); David Hodges, *Suspended Cape Cop Resigns After Past Rape Allegations Revealed*, NBC2 (June 29, 2016), <http://www.nbc-2.com/story/32337906/suspended-cape-cop-resigns-after-past-rape-allegations-revealed#.V3zqIGrJEY?platform=hootsuite> [https://perma.cc/GX7T-P382] (reporting that an officer resigned after admitting in federal court that he left a previous police department while under investigation for rape allegations); Kelsey Ott, *MPD Officer Resigns After Sexual Assault Allegation*, WREG MEMPHIS (Apr. 19, 2016), <http://wreg.com/2016/04/19/mpd-officer-resigns-after-sexual-assault-allegation> [https://perma.cc/5QDV-GCRT] (reporting that a Memphis police officer resigned among sexual misconduct allegations); Rebecca Woolington, *Sheriff's Sergeant Resigns After Being Named in Unsigned Letter Alleging Misconduct*, OREGONLIVE (May 7, 2015), [http://www.oregonlive.com/hillsboro/index.ssf/2015/05/sheriffs\\_sergeant\\_named\\_in\\_letter.html](http://www.oregonlive.com/hillsboro/index.ssf/2015/05/sheriffs_sergeant_named_in_letter.html) [https://perma.cc/QK6T-TRL5] (reporting that an officer already on administrative leave after sexual abuse allegations had resigned).

<sup>113</sup> Tom McKee & Jordan Burgess, *Ex-Officer Found Guilty of Lesser Sexual Imposition, Not Guilty of Assault*, WCPO (Sept. 2, 2016), <https://www.wcpo.com/news/local-news/clermont-county/miami-township-clermont/jury-to-continue-deliberating-on-case-of-ex-officer-accused-of-groping-woman> [https://perma.cc/4ELB-TDT3] (reporting that an officer charged with sexual imposition and assault of a woman that accompanied him on a ride-along, was found guilty of a lesser charge of sexual imposition); see generally Sedensky, *supra* note 80 (reporting that an officer accused of raping a woman while on duty escaped prosecution due to a lack of evidence).

<sup>114</sup> See Cara E. Rabe-Hemp & Jeremy Braithwaite, *An Exploration of Recidivism and the Officer Shuffle in Police Sexual Violence*, 16 POLICE Q. 127, 127 (2012) (examining recidivist police sexual violence by reviewing a decade of accounts in Midwest newspapers); see also Oliver Laughland & Jon Swaine, *The County: Sexual Assault and the Price of Silence*, GUARDIAN (Dec. 8, 2015) (pointing to findings in one county where multiple victims of police sexual misconduct were covered up by settlement payments); Yung, *supra* note 103, at 43 (stating that serial rapists comprise an estimated 91–95 percent of all rapists according to multiple findings).

<sup>115</sup> Mejia, *supra* note 21 (stating that sex offenders are exceptionally difficult to prosecute and convict under current legal paradigms).

their “state’s chief law enforcement officers,” they were “increasingly concerned about human trafficking, especially the trafficking of minors” and urged the company to cease such activity.<sup>116</sup> In contrast, despite mounting data, and warnings from the IACP that too many police officers are engaged in the sexual abuse of children, research has failed to uncover a similar showing of concern by state AGs regarding police sexual abuse of children.

There is also some indication that prosecutors are reluctant to charge most sexually deviant police officers for their misdeeds. As one observer notes, in one county “several hundred cases of police sexual misconduct alone were sent to a [Los Angeles] prosecutor’s office over a series of three or four years and only about 20 of them were prosecuted.”<sup>117</sup> Indeed, the close working relationship between police officers and prosecutors raises serious questions regarding whether prosecutors are aptly situated to oversee police sexual misconduct cases or if special prosecutors would be better suited for the task.<sup>118</sup>

Additionally, some courts appear markedly more deferential to police officers during sentencing police officers for child sexual violence.<sup>119</sup> For example, in *U.S. vs. Barnhill*,<sup>120</sup> Officer Linwood Barnhill admitted to forcing underage girls and young adults to perform sex acts with others for his financial gain.<sup>121</sup> Compelling evidence indicated that Barnhill’s conduct amounted to one of the most concrete examples of police involved child sex trafficking, which should have garnered no less than a ten-year sentence.<sup>122</sup> Barnhill, however,

<sup>116</sup> Brief of Covenant House et al. as Amici Curiae in Support of Plaintiff-Appellants and Reversal of the Ruling Below, at 20, *Jane Doe No. 2 v. Backpage.com LLC*, No. 15-1724, 2015 WL 8031473 (1st Cir. 2015).

<sup>117</sup> Timothy Maher, *Cops on the Make: Police Officers Using Their Job, Power, and Authority to Pursue Their Personal Sexual Interests*, 7 J. INSTITUTE JUST. & INT’L STUD. 32, 38 (2007).

<sup>118</sup> Jason Meisner & Dan Hinkel, *Ex-Prosecutor: Chicago Police, Prosecutors Colluded in Englewood 4 Wrongful Conviction*, CHI. TRIB. (July 20, 2017, 8:12 PM), <http://www.chicagotribune.com/news/local/breaking/ct-englewood-four-misconduct-police-prosecutors-met-20170719-story.html> [https://perma.cc/SAR7-T53T] (former prosecutor noting that culture in law enforcement “in which the prosecutors who are supposed to be taking a critical look at the evidence before approving charges instead bend over backward to keep detectives happy.”).

<sup>119</sup> David Packman, *What Can We Learn from Criminal Complaints Against Cops?*, POLICEMISCONDUCT.NET (Jan. 22, 2010), <http://www.policemisconduct.net/what-can-criminal-charges-against-cops-tell-us> [https://perma.cc/YZ3C-EZHL].

<sup>120</sup> Linwood Barnhill Stmt. Of Offense, WASH. POST, <http://apps.washingtonpost.com/g/documents/local/linwood-barnhill-statement-of-offense/1042> [https://perma.cc/F2YC-8H4R] (last visited Apr. 19, 2018) (publishing Barnhill’s Statement of the Offense, *United States v. Barnhill* (D.C. Cir. 2014)).

<sup>121</sup> Peter Hermann, *D.C. Police Officer Admits Prostituting Girls*, WASH. POST (June 20, 2014), [https://www.washingtonpost.com/local/crime/plea-hearing-set-for-dc-police-officer-accused-of-running-underage-prostitution-ring/2014/06/19/d7dae1ea-f79e-11e3-8aa9-dad2ec039789\\_story.html?tid=a\\_inl&utm\\_term=.aacea2f6e336](https://www.washingtonpost.com/local/crime/plea-hearing-set-for-dc-police-officer-accused-of-running-underage-prostitution-ring/2014/06/19/d7dae1ea-f79e-11e3-8aa9-dad2ec039789_story.html?tid=a_inl&utm_term=.aacea2f6e336) [https://perma.cc/HF34-TKM7].

<sup>122</sup> Trafficking Victims Protection Act, 22 U.S.C. § 7102 (2015) (defining, “severe forms of trafficking in persons” as “(A) . . . a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age”);

was charged with, and plead guilty to, two counts of pandering a minor for prostitution and one count of child pornography, and sentenced to merely seven years in prison.<sup>123</sup>

The result in Barnhill is alarmingly consistent with outcomes in other recent police sexual misconduct cases involving children. For instance, a former state trooper plead guilty to five charges of sexual abuse of minors but received just thirty days in prison without sex offender registration.<sup>124</sup> A former sheriff's lieutenant was sentenced to twelve months of probation, an anger management program, and fifty hours of community service upon adjudication of child molestation charges.<sup>125</sup> A retired Harris County sheriff's deputy was sentenced to ten years deferred adjudication for aggravated sexual assault upon a child.<sup>126</sup> And finally, a former police officer received just two years of probation without compulsory sex offender registration after being tried for having sex with a teenager.<sup>127</sup> Such light sentences pale in comparison to sentences levied against

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Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22, 129 Stat. 227 (Section 108 “provides for the prosecution of individuals who patronize or solicit persons for a commercial sex act, thus making traffickers and buyers equally culpable for sex trafficking offenses”); Sex Trafficking of Children or by Force, Fraud, or Coercion, 18 U.S.C. § 1591 (a)(1), (2) (declaring that any person that “recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits” or “benefits, financially” from a child engaging in a “commercial sex act” shall be imprisoned for “not less than 15 [years] or for life”).

<sup>123</sup> Hermann, *supra* note 121.

<sup>124</sup> Dominic Kelly, *Police Officer Who Sexually Abused Child Gets Light Sentencing*, SOCIETY (Jan. 14, 2015) <https://www.opposingviews.com/i/society/crime/police-officer-who-sexually-abused-child-gets-light-sentencing> [<https://perma.cc/Z6H7-324B>] (stating that Virginia state trooper, Christopher Allen Carson, plead guilty to five charges of sexual abuse of children, but only has to serve thirty days in prison, serve two years of probation, does not have to register as a sex offender, and two charges are dropped as part of a plea agreement).

<sup>125</sup> Jessica De Leon, *Former Manatee Sheriff's Lieutenant Charged with Child Molestation Pleads to Lesser Charge*, BRADENTON HERALD (Feb. 11, 2015, 12:00 AM), <http://www.bradenton.com/news/local/crime/article34793628.html> [<https://perma.cc/W9BN-FFXN>] (reporting that Dale Couch, a former Manatee Sheriff's Lieutenant, will only serve twelve months probation, complete an anger management program, fifty hours of community service, and a psychological evaluation for child molestation charges).

<sup>126</sup> Mike Glenn, *Retired Officer Avoids Prison in Little Girl's Sex Assault*, HOUS. CHRON. (June 17, 2015, 7:48 PM), <http://www.chron.com/news/houston-texas/houston/article/No-prison-time-in-sexual-assault-case-6333949.php> [<https://perma.cc/X4GX-JPTA>] (reporting that a retired Harris County sheriff's deputy received ten years deferred adjudication for aggravated sexual assault of a child).

<sup>127</sup> Gene Webster, *Judge Sentences Former Police Officer*, WVIH (May 12, 2016), <http://www.wvih.com/wp1/index.php/2016/05/12/5110> [<https://perma.cc/6D4K-9DBC>] (reporting that former Brandenburg Police Officer Todd Matti, accused of having sex with a teenager, was ordered to two years of probation and will not serve any jail time or be placed on the sex offender registry).

civilians that sexually victimize children, which, routinely, are longer than one hundred years imprisonment.<sup>128</sup>

The most plausible explanation for the prevalence of light sentences amid seemingly irrefutable evidence of police-involved child sexual abuse appears remarkably under-studied, but unmistakably clear. American culture is so instinctively oriented towards reimagining empirical observations into narratives of “heroes vs. villains,” and dedicated to perceiving police officers as heroes,<sup>129</sup> courts often engage in a brand of strategic legalism that is highly deferential to law enforcement.<sup>130</sup>

Perhaps the most striking example of this brand of strategic legalism is illustrated in *State v. Mole*.<sup>131</sup> In *Mole*, a thirty-five-year-old police officer was convicted of having unlawful sexual relations with a fourteen-year-old girl under a statute that made it unlawful for a “peace officer” to engage in sexual relationship with a child more than two years his junior, which Ohio legislators enacted after discovering the need to specifically ban “peace officers from engaging in sex with children.”<sup>132</sup> The Ohio Supreme Court reversed the police officer’s conviction on grounds the Ohio legislature lacked a rational basis for holding police officers to a higher standard of conduct in order to protect children than it held for “coaches, teachers, clerics, employees of detention facilities, and scout leaders.”<sup>133</sup>

There are a number of obvious problems with the *Mole* court’s reasoning. Perhaps the most serious being the *Mole* court’s insistence that police officers are analogous to “coaches, teachers, clerics, employees of detention facilities,

<sup>128</sup> E.g., Kevin Cole, *Omaha Man Sentenced to at Least 115 Years in Prison for Rape of Girl, and Sex Trafficking*, OMAHA WORLD HERALD (July 19, 2017), [http://www.omaha.com/news/crime/omaha-man-sentenced-to-at-least-years-in-prison-for/article\\_995c434c-6b26-11e7-8a0e-47ddb70b99e.html](http://www.omaha.com/news/crime/omaha-man-sentenced-to-at-least-years-in-prison-for/article_995c434c-6b26-11e7-8a0e-47ddb70b99e.html) [https://perma.cc/EA3Y-GVA3]; Taylor Coleman & Priscilla Kaiser, *Man, Woman Sentenced to More Than 100 Years for Child Abuse*, ABC13WSET (June 7, 2017), <http://wset.com/news/local/man-woman-sentenced-to-100-years-for-child-abuse> [https://perma.cc/Z9P5-6FXG] (man and woman were sentenced to sixty-five years and forty-three years, respectively, for repeated sexual abuse and endangerment of children); Pablo Lopez, *Father Sentenced to 1,503 years for Repeatedly Raping Daughter*, FRESNO BEE (Oct. 21, 2016, 3:14 PM), <http://www.fresnobee.com/news/local/crime/article109736002.html> [https://perma.cc/PHX7-LA7L]; Jim Newton, *120 Years for Chicago Man in Mundelein Child Rape*, CHIC. TRIB. (Apr. 26, 2017, 5:45 PM), <http://www.chicagotribune.com/suburbs/lake-county-news-sun/news/ct-Ins-reyes-kidnap-sentencing-st-0427-20170426-story.html> [https://perma.cc/QQ4K-PCRK].

<sup>129</sup> Victor Fleischer, *Job Creationism*, 84 FORDHAM L. REV. 2477, 2485 (2016).

<sup>130</sup> “Strategic Legalism,” as used here refers to the process by which legal institutions or judicial officers manipulate, consciously or not, “legal forms to conceal unpleasant realities deemed necessary for the national interest.” See Tom Farer, Book Review, 96 AM. J. INT’L L. 489, 493, 495 (Richard B. Bilder ed., 2002) (reviewing PETER H. MAGUIRE, LAW AND WAR: AN AMERICAN STORY (2000)).

<sup>131</sup> *State v. Mole*, 74 N.E.3d 368 (Ohio 2016).

<sup>132</sup> *Id.* at 372–73, 385.

<sup>133</sup> *Id.* at 387.

and scout leaders.” As discussed earlier, for the vast majority of Americans, police officer stature doesn’t parallel that of coaches, teachers, clerics, employees of detention facilities, scout leaders, or other public servants.<sup>134</sup> The latter groups are not the first lines of defense against unlawful harm to self or property.<sup>135</sup> They are not legally armed or militarized.<sup>136</sup> They generally do not swear an oath to uphold the law.<sup>137</sup> They are not legally empowered to detain, arrest, kill, invade homes, or divest citizens of their property.<sup>138</sup> Their conduct has not triggered protest on a national scale.<sup>139</sup> Indeed, large segments of the American population fear police officers.<sup>140</sup> Nor does American culture elevate, honor or “hero-ize” coaches, teachers, clerics, employees of detention facilities, and scout leaders, to the same extent it does police officers. Simply put, our most common experiences and generally shared understanding of police officers do not support the Mole court’s reasoning. Moreover, there are other problems with this brand of strategic legalism beyond its descriptive features.

First, it undervalues, or, perhaps, neglects the societal need to deter police officers from sexually abusing children. Second, it fails to account for the unalterable reality that police officers who sexually abuse children, or fail to report officers that do, represent a serious threat to public safety. Third, it undermines

<sup>134</sup> See *Twp. of Moorestown v. Armstrong*, 215 A.2d 775, 778 (N.J. Super. Ct. App. Div. 1965) (“[A] police officer is a special kind of public employee. . . . He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public[.]”).

<sup>135</sup> *Carter v. City of Milwaukee*, 743 F.3d 540, 544 (7th Cir. 2014) (recognizing that police officers “are part of a ‘paramilitary organization that must maintain the highest degree of discipline, confidentiality, efficiency, and [esprit] de corps among its officers, who are the first line of defense against lawlessness.’”).

<sup>136</sup> See *id.* at 544.

<sup>137</sup> See *T.D. v. Borough of Tinton Falls*, 2015 WL 7199733, at \*5 (N.J. Super. Ct. App. Div. Nov. 17, 2015) (noting that “[p]olice officers take an oath to uphold the law and their position ‘require[s] a high level of honesty, integrity, sensitivity, and fairness in dealing with members of the public, knowledge of the law, and a pattern and exhibition of law-abiding conduct.’”) (quoting *State v. Gismondi*, 801 A.2d 1178, 1182 (N.J. Super. Ct. App. Div. 2002)).

<sup>138</sup> See *Swedlund v. Foster*, 657 N.W.2d 39, 55–57 (S.D. 2003) (discussing the broad privileges afforded to police officers).

<sup>139</sup> See *Seattle Affiliate Coal. to Stop Police Brutality v. City of Seattle*, 550 F.3d 788, 791 (9th Cir. 2008) (noting that since 1996, October 22nd has served as “‘National Day of Protest to Stop Police Brutality’”); Ashley Southall, *Across Country, Demonstrators Fill the Streets*, N.Y. TIMES (Dec. 5, 2014) at A28 (noting that thousands of demonstrators across the country are protesting police shootings); Diantha Parker, *Protests Around the Country Mark the Moment of Ferguson Shooting*, N.Y. TIMES (Dec. 1, 2014), <https://www.nytimes.com/2014/12/02/us/protests-around-the-country-mark-the-moment-of-ferguson-shooting.html> [<https://perma.cc/7Q8S-JPMH>] (noting that a police officer’s shooting of Mike Brown triggered mass protest around the nation).

<sup>140</sup> Brief of the Major Cities Chiefs Ass’n et al. as Amici Curiae, at 21, *United States v. Texas*, 136 S. Ct. 2271 (2016) (No. 15-674) (recognizing that “undocumented immigrants as well as their families fear interactions with police and are reluctant to report crimes” and “[n]o one knows this better than the predators who seek to take advantage of their vulnerabilities.”).



well-established legal opinions that criminalize a police officer's abuse of power because of element of fear and intimidation in police-involved sexual assault cases.<sup>141</sup> For example, in *Cates v. U.S.*, a victim of police officer sexual assault testified that when the now convicted police officer "ordered her to perform oral sex on him and to have vaginal sex with him . . . she complied out of fear, because he was a police officer, was much larger than her, and had a gun."<sup>142</sup> During sentencing, the court acknowledged that the severity of the crime was made "more serious" by the offender's "role as a police officer" and recognized the need to deter other police officers from engaging in similar conduct.<sup>143</sup>

Despite its obvious flaws, police-deference-based strategic legalism invites us to consider, at least minimally, the jurisprudential harms associated with the "hero-cop" narrative and whether American society should, in fact, attempt to treat police officers like "coaches, teachers, clerics, employees of detention facilities and scout leaders." A significant question, of course, becomes what would be the consequences of doing so beyond the cost such reform would require. Unfortunately, such a discussion goes beyond the scope of this essay.

Finally, as many courts continue to exhibit an apparent unwillingness to appropriately charge or prosecute sexually deviant police officers for victimizing children,<sup>144</sup> some state legislatures and courts have begun to enact or en-

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<sup>141</sup> *West v. Waymire*, 114 F.3d 646, 649 (7th Cir. 1997) (recognizing the particular power "a male police officer" is vested with to "deal in private with troubled teenage girls" as an "intimidating authority" police officers may take advantage of to "extract sexual favors"); *Red Elk v. United States*, 62 F.3d 1102, 1107 (8th Cir. 1995) (recognizing that it is "foreseeable that a male officer with authority to pick up a teenage girl out alone at night in violation of the curfew might be tempted to violate his trust" because of "opportunity" and the "trappings of his office"); *State v. Burke*, 522 A.2d 725, 728, 734-35 (R.I. 1987) (recognizing that a uniformed police officer armed with handcuffs and gun who used his position of authority to intimidate young woman into performing oral sex upon him by overcoming her will because "she was afraid of the officer and afraid of his gun" was properly convicted of "first-degree sexual assault").

<sup>142</sup> *Cates v. United States*, No. 14-CV-1092-JPS, 2015 WL 4204025, at \*3 (E.D. Wis. July 10, 2015).

<sup>143</sup> *Id.* at \*15; but see Maggie O'Brien, *Victim in Sex Assault Case Wanted 2 Things: To Avoid Re-Living Ordeal at Trial and to See Ex-Deputy Do Jail Time*, OMAHA WORLD-HERALD (Apr. 15, 2015), [http://www.omaha.com/news/crime/victim-in-sex-assault-case-wanted-things-to-avoid-re/article\\_99e96702-e380-11e4-95e7-3f269259ef8c.html](http://www.omaha.com/news/crime/victim-in-sex-assault-case-wanted-things-to-avoid-re/article_99e96702-e380-11e4-95e7-3f269259ef8c.html) [<https://perma.cc/8VUA-3LT3>].

<sup>144</sup> Susan S. Kuo, *Official Indiscretions: Considering Sex Bargains with Government Informants*, 38 U.C. DAVIS L. REV. 1643, 1675 (2005) (recognizing that courts are not inclined to convict police officer and will often tolerate the problematic, but non-physical forms of coercion officers often use); Jamie Satterfield, *Judge: Veteran Knox Deputy Knew His Right to Refuse Search in Child Rape Case*, KNOXVILLE NEWS SENTINEL (July 12, 2016), <http://archive.knoxnews.com/news/crime-courts/judge-veteran-knox-deputy-knew-his-right-to-refuse-search-in-child-rape-case-37744312-28e2-0c50-e053-386542191.html?platform=hootsuite%20%28cops%20know%20legal> [<https://perma.cc/ZMW8-KNGH>] (judge reasoned that a police officer knew his legal rights more so than most civilians, and thus, would not have the search of his home excluded from evidence); Sedensky, *supra* note 80 (reporting the difficulty of prosecuting police officers accused of sexual misconduct); Spina, *supra*

force laws aimed at protecting child victims of sex trafficking from law enforcement's seemingly hostile approach towards them.<sup>145</sup>

*C. Child Victims of Sex Trafficking are Often Branded Criminals*

Few would reasonably deny that once a person is branded with the stigma of being a criminal, there is virtually no limit to the constraints law enforcement can impose upon them without triggering public censure. In recognition of undeniable evidence demonstrating that child victims of sex trafficking are exceptionally vulnerable to arrest and prosecution, legislatures, when enacting the TVPA, made it clear that trafficked people are victims, not prostitutes under the law, and should not be treated as criminals.<sup>146</sup> Still, there is no shortage of commentary from legal scholars that highlight law enforcement's continued treatment of child victims of sex trafficking as criminals.

For example, Michelle Dempsey notes that police continue to wrongfully treat child victims of sex trafficking as "criminals," sometimes subjecting them to the harshness of the "adult criminal justice system."<sup>147</sup> Tessa Dysart asserts, "'victims of trafficking for sexual exploitation have been dismissed by the law enforcement community," and "[c]hild victims are dealt with as juvenile delinquents."<sup>148</sup> Tanya Mir notes that police officers have a general impression of child victims of sex trafficking as "bad girls" with "less than pristine histories and lots of attitude" or label them "sluts" or "Lolitas."<sup>149</sup> Finally, Cheryl Butler reasons that upwards of 1,500 children have been arrested for sex trafficking, despite federal guidance prohibiting child victims from being prosecuted.<sup>150</sup>

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note 92 (detailing the frequency of sexual misconduct among police officers and the rarity of punishment).

<sup>145</sup> Sedensky, *supra* note 80 (reporting that the high levels of deception and discrediting of victims make prosecution of police sexual misconduct cases very difficult); *see also* Michal Buchhandler-Raphael, *Sexual Abuse of Power*, 21 U. FLA. J.L. & PUB. POL'Y 77, 144 (2010) (arguing that current prosecutorial regimes allow for little recourse against police sexual abuses of power).

<sup>146</sup> 22 U.S.C. § 7101(b)(19) (2012) ("Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked[.]").

<sup>147</sup> Michelle Madden Dempsey, *Decriminalizing Victims of Sex Trafficking*, 52 AM. CRIM. L. REV. 207, 211–12 (2015); *but see* Robert David Sanborn & Dawn Lew, *Fighting Human Trafficking in Texas*, 75 TEX. B.J. 778, 780 (2012) (noting that although there is a need to recognize children engaged in prostitution as victims and not as criminals, some police officers disagree).

<sup>148</sup> Tessa L. Dysart, *The Protected Innocence Initiative: Building Protective State Law Regimes for America's Sex-Trafficked Children*, 44 COLUM. HUM. RTS. L. REV. 619, 620 (2013).

<sup>149</sup> Mir, *supra* note 42, at 163 n.12.

<sup>150</sup> Cheryl Nelson Butler, *Bridge over Troubled Water: Safe Harbor Laws for Sexually Exploited Minors*, 93 N.C. L. REV. 1281, 1308, 1315 (2015); *but see* Sheldon-Sherman, *supra* note 40, at 492 (reasoning that "the primary role of law enforcement is not that of victim advocate. When officers begin to advocate for victims' rights, they risk losing their own neutrality or at least the perception of it.").

Indeed, in far too many cases, law enforcement has wasted critical public resources targeting child victims of sex trafficking only for a presiding judge to remind police officers of their legal duties regarding child victims of sex trafficking. For example, in *In re B.W.*, a thirteen-year-old girl “waved over an undercover police officer who was driving by in an unmarked car and offered to engage in oral sex with him for twenty dollars.”<sup>151</sup> When the child entered the officer’s car, he arrested her for violating laws prohibiting prostitution.<sup>152</sup> She was formally charged, and ultimately found guilty of engaging in delinquent behavior, and sentenced to probation.<sup>153</sup> The Supreme Court of Texas, however, reversed the decision, and reminded law enforcement that the “Legislature has passed laws recognizing the vulnerability of children to sexual exploitation, including an absolute prohibition of legal consent for children under fourteen.”<sup>154</sup> “In the absence of a clear indication that the Legislature intended to subject children under fourteen to prosecution for prostitution when they lack the capacity to consent to sex as a matter of law,” the court held “that a child under the age of fourteen may not be charged with that offense.”<sup>155</sup>

Similarly, in *People v. Samatha R.*, a police officer arrested a sixteen-year-old child “with no criminal history” for “loitering for the purpose of prostitution,” after noticing her repeatedly beckon people walking by in an apparent effort to offer sexual services.<sup>156</sup> When the child was presented before the court, the judge lamented,

[a]rresting, prosecuting and incarcerating victimized youth serves to re-traumatize them and to increase their feelings of low self-esteem. This only makes the process of recovery more difficult. Appropriate services for sexually exploited youth do not exist in the juvenile justice system and both federal and international law recognize that sexually exploited youth are the victims of crime and should be treated as such. Therefore, sexually exploited youth should not be prosecuted under the Penal Law for acts of prostitution.<sup>157</sup>

The degree to which law enforcement has attempted, and continues to attempt, to subject child victims of sexual trafficking and related offenses to the unforgivingly harsh nature of the criminal justice system is perplexing. Indeed, it adds to growing speculation as to why the United States remains the only country in the world that has not ratified the United Nations *Convention on the Rights of the Child*, which is universally recognized as the most exhaustive and

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<sup>151</sup> *In re B.W.*, 313 S.W.3d 818, 819 (Tex. 2010).

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.* at 826.

<sup>155</sup> *Id.* (emphasis added).

<sup>156</sup> *People v. Samantha R.*, No. 2011KN092555, 2011 WL 6303402 at \*1 (N.Y. Crim Ct. Dec. 16, 2011).

<sup>157</sup> *Id.* at \*1-\*2; *see also* *People v. L.G.*, 972 N.Y.S.2d 418 (N.Y. Crim. Ct. 2013) (court vacated the convictions of a child for prostitution who was the victim of child sex trafficking since age twelve and forced into a life of prostitution).

widely accepted human rights treaty regarding a child's right to live free from exploitation and abuse.<sup>158</sup>

Nonetheless, because of the degree law enforcement continues to arrest, interrogate, and prosecute child victims of sex trafficking despite federal guidance, at least sixteen states, including Connecticut,<sup>159</sup> Illinois,<sup>160</sup> California,<sup>161</sup> Kentucky,<sup>162</sup> Mississippi,<sup>163</sup> Minnesota,<sup>164</sup> Montana,<sup>165</sup> Nebraska,<sup>166</sup> North Carolina,<sup>167</sup> North Dakota,<sup>168</sup> Rhode Island,<sup>169</sup> South Carolina<sup>170</sup> Alabama,<sup>171</sup> Georgia,<sup>172</sup> New Hampshire,<sup>173</sup> and Tennessee,<sup>174</sup> along with the District of Columbia<sup>175</sup>, have enacted legislation specifically banning state and local law enforcement from prosecuting child victims of sex trafficking. Additionally, five other states, including, Michigan,<sup>176</sup> South Dakota,<sup>177</sup> Vermont,<sup>178</sup> West

<sup>158</sup> G.A. Res. 44/25, Convention on the Rights of the Child (Nov. 20, 1989); *see also* Sarah Mehta, *There's Only One Country That Hasn't Ratified the Convention on Children's Rights: US*, ACLU (Nov. 20, 2015), <https://www.aclu.org/blog/speak-freely/theres-only-one-country-hasnt-ratified-convention-childrens-rights-us> [<https://perma.cc/24EZ-Q3ZQ>] (suggesting that because law enforcement in the US disregards the human rights of children, the US will not ratify the *Convention on the Rights of Children* treaty).

<sup>159</sup> CONN. GEN. STAT. §§ 53a-82, 53a-192a (2017).

<sup>160</sup> 720 ILL. COMP. STAT. 5/11-14 (2018).

<sup>161</sup> CAL. PENAL CODE § 236.23 (2017) (affirmative defense if juvenile court finds a result of human trafficking and a "reasonable fear of harm"); *id.* § 647 (2017).

<sup>162</sup> KY. REV. STAT. § 529.120 (West 2017).

<sup>163</sup> MISS. CODE ANN. §§ 97-29-51(3), 97-3-54.4 (2017) ("If it is determined that a person suspected of or charged with promoting prostitution is under eighteen [] years of age who meets the definition of a trafficked person . . . , the minor is immune from prosecution" and must be identified as a victim of sex-trafficking).

<sup>164</sup> MINN. STAT. § 260B.007 (2017).

<sup>165</sup> MONT. CODE ANN. § 45-5-709 (2017).

<sup>166</sup> NEB. REV. STAT. § 28-801 (2017).

<sup>167</sup> N.C. GEN. STAT. § 14-204 (2017).

<sup>168</sup> N.D. CENT. CODE § 12.1-41-12 (2017).

<sup>169</sup> 11 R.I. GEN. LAWS § 11-67.1-15 (2017).

<sup>170</sup> S.C. CODE ANN. § 16-3-2020 (2018).

<sup>171</sup> ALA. CODE § 12-15-701 (2018).

<sup>172</sup> GA. CODE ANN. § 16-3-6 (2017).

<sup>173</sup> N.H. REV. STAT. ANN. § 633:7 (2018) (A victim under eighteen years of age at the time of the commercial sex offense shall not be subject to juvenile delinquency proceeding or prosecuted for indecent exposure, lewdness or prostitution where the conduct is a direct result of being trafficked).

<sup>174</sup> TENN. CODE ANN. § 39-13-513 (2017).

<sup>175</sup> D.C. CODE § 22-2701 (2018).

<sup>176</sup> MICH. COMP. LAWS § 750.448 (2018) (Children that are fifteen years and younger are protected from prosecution).

<sup>177</sup> S.D. CODIFIED LAWS § 22-23-1 (2018) (15 and under).

<sup>178</sup> VT. STAT. ANN. tit. 13, § 2652 (2018) (may be treated as a juvenile delinquent); *see also In re K.A.*, 147 A.3d 81, 88 (Vt. 2016).

Virginia,<sup>179</sup> and Wyoming,<sup>180</sup> limit the prosecution of some children, but have not adopted a complete ban on prosecuting child victims of sex trafficking.

#### CONCLUSION

The United States must do a better job of protecting its children from the threat of police-involved child sex trafficking and related offenses against children. While there is no question that increased training in identifying child victims of police-involved sexual abuse,<sup>181</sup> zero-tolerance policies for police sexual misconduct, and improved screening of police officers, would be helpful, recognition of the perils of “hero-cop” narrative seems imperative if the United States is to confront the festering sore of police-involved child sexual abuse. Admittedly, such a task is likely to be very difficult, and may strike some as insurmountable. The nation’s impulse towards “hero-izing” all police officers has seldom needed to be examined or checked, especially considering how American society prioritizes police safety. Moreover, the impulse is not without justification.

First, most police officers are staunch professionals, deserving of gratitude and loyalty. Second, the horrifying deaths of some police officers in recent times have left an indelible mark upon the psyche of many Americans regarding the perplexity of law enforcement.<sup>182</sup> A great weight of commentary insinuates that police officers are increasingly falling victim to dangers intrinsic to their profession. Every citizen ought to be concerned, vigilant, and ever mindful of the threats to police officers. Indeed, the safety of America’s law enforcement officer is, and should remain, a priority of government.

Prioritizing police officer safety, however, should not come at the cost of putting America’s children at grave risk. The nation cannot deny or reject reality. There is nothing about police officer safety or the vagaries of crime

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<sup>179</sup> W. VA. CODE § 61-14-8 (2017).

<sup>180</sup> WYO. STAT. ANN. § 6-2-708 (2017) (a court may vacate a conviction if the person is found to have been a victim of sex trafficking).

<sup>181</sup> Butler, *supra* note 150, at 1309–10 (stating that “[s]ometimes the failure of lawyers and law enforcement officials to identify prostituted minors as victims stems not from disdain, but from ignorance and lack of training”); Melanie Franco, *Human Sex Trafficking: An International Problem with an International Solution Requiring National Implementation*, 27 FLA. J. INT’L L. 421, 433 (2015) (reasoning that only twenty-nine states require law enforcement training in identifying trafficking victims of sex trafficking and that the lack of training leads police officers to arrest victims and treat them like criminals); Sanborn & Lew, *supra* note 148, at 779 (reasoning that appropriate training for police officers “significantly increases victims’ chances to be rescued”); Walker-Rodriguez & Hill, *supra* note 47, at 7 (The FBI recommends patrol officers receive enhanced training in identifying trafficked children).

<sup>182</sup> Manny Fernandez et al., *Five Dallas Officers Were Killed as Payback, Police Chief Says*, N.Y. TIMES (July 8, 2016), [http://www.nytimes.com/2016/07/09/us/dallas-police-shooting.html?\\_r=0](http://www.nytimes.com/2016/07/09/us/dallas-police-shooting.html?_r=0) [<https://perma.cc/5JZP-7QNV>]; Steve Visser, *Baton Rouge Shooting: 3 Officers Dead; Shooter Was Missouri Man, Sources Say*, CNN (July 18, 2016, 7:15 PM), <http://www.cnn.com/2016/07/17/us/baton-route-police-shooting> [<https://perma.cc/RL38-M6H8>].

fighting that precludes any police officer, law enforcement executive, or prosecutor from honoring moral and legal norms against the sexual abuse of children. Yet far too many police officers have slipped irrevocably into the sloth of child sexual abuse, harmed children, and now represent a constitutive threat to public safety—a circumstance for which nearly every American must bear some blame.

We do not have the right or privilege to ignore the venerable relationship between immense power and abuse of power,<sup>183</sup> or more narrowly, between the near limitless power afforded police officers and police-involved child sexual abuse. It is now past the time to correct cultural and jurisprudential mistakes, and commence much-needed dialogue regarding the perils of the “hero-cop” narrative in order to protect our nation’s most vulnerable and cherished asset, our children.

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<sup>183</sup> LOEWEN, *supra* note 35, at 21.

## APPENDIX A

List of ten law enforcement officers that have allegedly attempted to, or have been reportedly engaged in, some form of child sex trafficking within the last two years.

- (1) Gabriella Iannetta & Matt Austin, *Waterbury Police Officer Linked to Sex Trafficking Operation Fired: Police*, NBC CONN. (Mar. 10, 2016, 5:21 AM), <http://www.nbcconnecticut.com/news/local/Waterbury-Police-Officer-Fired-for-Improper-Associations-Misconduct-371577221.html> [https://perma.cc/Z7WL-4KP7] (Officer Jermaine Dunbar of the Waterbury police department was fired after an investigation revealed reported links to a sex trafficking operation involving two sixteen-year-old girls).
- (2) Jim Scott, *Muncie Reserve Officer Arrested on Rape, Human Trafficking, Battery Charges*, FOX59 (Nov. 14, 2015, 7:16 PM), <http://fox59.com/2015/11/14/muncie-reserve-officer-arrested-on-rape-human-trafficking-battery-charges> [https://perma.cc/2EDX-UHVA] (Officer Lonny Hatland of the Muncie police department was arrested on charges of rape and human trafficking of a child or teenager); *see also* Associated Press, *Former Alabama Sheriff Arrested on Drug, Human Trafficking Charges*, AL.COM (Aug. 31, 2016), [http://www.al.com/news/tuscaloosa/index.ssf/2016/08/former\\_alabama\\_sheriff\\_arreste.html](http://www.al.com/news/tuscaloosa/index.ssf/2016/08/former_alabama_sheriff_arreste.html) [https://perma.cc/R24J-88PD].
- (3) James Queally, *LAUSD Police Officer Charged with Attempted Sex Trafficking of a Child*, L.A. TIMES (Apr. 27, 2016, 11:27 AM), <http://www.latimes.com/local/lanow/la-me-ln-school-police-officer-sex-trafficking-charge-20160427-story.html> [https://perma.cc/W5VX-RPB6] (Officer Mauricio Estrada, a law enforcement officer with the Los Angeles Unified School District was charged with “attempted sex trafficking” after arranging a meeting and agreeing to pay for sex with an undercover agent whom he believed to be a fifteen-year-old girl).
- (4) Karen Campbell, *City Officer Who Pimped Wife Sentenced for Prostitution*, WBALTV 11 (Nov. 21, 2014, 9:13 AM), <http://www.wbaltv.com/article/city-officer-who-pimped-wife-sentenced-for-prostitution/7090404> [https://perma.cc/V3C6-LSCH] (Officer Lamin Manneh, formerly of the Baltimore Police Department, was convicted of “running a prostitution ring across state lines,” with

more than “300 customers” involving teenage victims, one of which was his wife).

- (5) Malaika Fraley & David DeBolt, *Oakland Police Sex Scandal: Retired Sergeant Takes Plea Deal for Not Reporting Teen’s Sex with Cops*, MERCURY NEWS (Feb. 24, 2017, 4:05 PM), <http://www.mercurynews.com/2017/02/03/police-sex-scandal-retired-oakland-sergeant-takes-plea-deal-for-not-reporting-teens-sex-with-cops> [https://perma.cc/67V5-FDDV] (at least six officers have been charged and numerous other officers resigned after a former child prostitute testified she had sex “with around 30 Bay Area law enforcement officers, some while underage and others in exchange for confidential police information”).
- (6) Michael Bratton, *Toledo’s Police Chief Reacts to Indictment of Officer Michael E. Moore*, 13ABC ACTION NEWS (Dec. 2, 2016, 10:15 PM), <http://www.13abc.com/content/news/Toledos-police-chief-reacts-to-indictment-of-Officer-Michael-E-Moore-404173276.html> [https://perma.cc/5ZSL-FKZR] (Toledo, Ohio officer Michael E. Moore, charged with soliciting sex from a child fourteen-years old or younger and two counts of compelling prostitution).
- (7) Colbert I. King, *Multiple D.C. Police Officers Have Abused Underage Girls. Where’s the Accountability?*, WASH. POST (Apr. 14, 2017), [https://www.washingtonpost.com/opinions/multiple-dc-police-officers-have-abused-underage-girls-wheres-the-accountability/2017/04/14/4589957a-2081-11e7-ad74-3a742a6e93a7\\_story.html?utm\\_term=.7a528262e8f8](https://www.washingtonpost.com/opinions/multiple-dc-police-officers-have-abused-underage-girls-wheres-the-accountability/2017/04/14/4589957a-2081-11e7-ad74-3a742a6e93a7_story.html?utm_term=.7a528262e8f8) [https://perma.cc/7DNV-4EQN] (D.C. police officer, Chukwuemeka Ekwonna, purchased sexual activity from a fifteen-year-old girl for eighty dollars and reportedly drew his handgun, pointed it at her head and demanded the money back after he completed the sex act).
- (8) *Ex-Yarmouth Officer Facing Sex Trafficking Charge*, U.S. NEWS (Mar. 15, 2017, 8:13 AM), <https://www.usnews.com/news/best-states/massachusetts/articles/2017-03-15/ex-yarmouth-officer-facing-sex-trafficking-charge> [https://perma.cc/69WB-ZSMS] (Yarmouth, Massachusetts police officer Richard Morrison is charged with sex trafficking and child enticement after allegedly trafficking a person under twenty-one, providing “liquor to a person under 21”, and “enticing a child under 16”).



- (9) Jesse Garza, *Former Police Officer Accused of Child Enticement Gets Prison*, J. SENTINEL (Oct. 6, 2017, 6:54 PM), [www.jsonline.com/story/news/2017/10/06/former-police-officer-accused-child-enticement-gets-prison/738347001](http://www.jsonline.com/story/news/2017/10/06/former-police-officer-accused-child-enticement-gets-prison/738347001) [<https://perma.cc/GW5B-2ANC>] (Former Milwaukee, Wisconsin police officer, Sonthana M. Rajaphoumi, “convicted of two counts of causing mental harm to a child” was “sentenced to four years in prison.” Rajaphoumi had been “charged with soliciting a child for prostitution and two counts of child enticement” after texting “a sexually suggestive comment to a 15-year-old girl and implied sexual solicitation to 16-year-old girl, both of whom he met while on duty.”).
- (10) Al Baker & Benjamin Mueller, *City Police Officer Paid 15-Year-Old for Sex and Taped It, Prosecutors Say*, N.Y. TIMES (Oct. 10, 2017), <https://mobile.nytimes.com/2017/10/10/nyregion/raul-olmeda-police-sex-charges.html> [<https://perma.cc/J6LP-5HMS>] (New York City Police officer, Raul Olmeda, was “indicted on charges that he patronized a 15-year-old girl for prostitution and made videos of her performing sex acts[.]” He “was indicted on 15 counts of sexually motivated felony, the top charge, five counts of third-degree rape and other charges[.]” Investigators had “recovered images of the officer engaging in sexual acts with the girl” and continued to see her “after his home was searched.”).

## APPENDIX B

List of thirty officers arrested or charged for their alleged possession, production, or marketing of child pornography.

- (1) Tom Steele, *Ex-Parole Officer in South Texas Admits Making Child Pornography with Boyfriend She Met Online*, DALLAS NEWS (June 2016), <http://www.dallasnews.com/news/news/2016/06/08/ex-parole-officer-in-south-texas-admits-making-child-pornography-with-boyfriend-she-met-online> [https://perma.cc/BXM4-HU8F] (Texas officer Saralyn Ann Proschko sentenced to federal prison after admitting to photographing herself penetrating a toddler with various objects); *see also Former Victoria Parole Officer Sentenced for Exploiting Child*, WL NEWSROOM (Dec. 27, 2016), 2016 WLNR 39639782.
- (2) Krystal Frasier, *Officer Charged with Possessing Child Pornography*, WBNG.COM, (Dec. 19, 2016, 1:32 PM), <http://www.wbng.com/story/33916333/officer-charged-with-possessing-child-pornography> [https://perma.cc/NYJ6-FHA9]; *Leech Lake Tribal Officer Charged with Possessing Child Pornography*, FOX21 (Dec. 5, 2016), <http://www.fox21online.com/2016/12/05/leech-lake-tribal-officer-charged-with-possessing-child-pornography> [https://perma.cc/86P8-A8FZ] (Minnesota Leech Lake Tribal Police Officer, Shannon Larry Northbird, was charged with felony possession and gross public employee misdemeanor conduct after reported to viewing child pornography while on-duty).
- (3) Sarah Tisinger & Tribune Media, *Cop Who Saved Woman's Life in Viral Video Now Arrested for Internet Crimes Against Child*, WQAD8 (Dec. 30, 2016, 9:21 PM), <http://wqad.com/2016/12/30/cop-who-saved-womans-life-in-viral-video-now-arrested-for-internet-crimes-against-child> [https://perma.cc/R7Q7-Z4CM] (life-saving, highly decorated police officer, Jordan Jones, was arrested for both solicitation of a child and receipt of child pornography).
- (4) Kathleen Hopkins, *Ex-Special Cop From Seaside Hts. Admits Distributing Child Porn*, APP. (May 24, 2017, 1:24 PM), [www.app.com/story/news/local/courts/2017/05/24/ex-special-cop-seaside-admits-distributing-child-porn-faces-5-years-prison/342656001](http://www.app.com/story/news/local/courts/2017/05/24/ex-special-cop-seaside-admits-distributing-child-porn-faces-5-years-prison/342656001) [https://perma.cc/H897-6UKN] (Former Seaside Heights special police officer and former candidate for school board, Kevin Meier, admitted in court to distributing child pornography as

part of accepting a plea deal dismissal of his charges for possession of child pornography).

- (5) Brittny Mejia, *Veteran CHP Officer Arrested in Child Pornography Case*, L.A. TIMES (Sept. 14, 2016, 3:20 PM), <http://www.latimes.com/local/lanow/la-me-ln-chp-child-20160914-snap-story.html> [<https://perma.cc/8GHX-563D>] (California Highway Patrol officer, Patrick Francis Cooney Jr., arrested for transmission of child pornography).
- (6) Justin Wm. Moyer, *Charles County Sheriff's Officer Charged with Possession of Child Pornography*, WASH. POST (Nov. 22, 2016), [https://www.washingtonpost.com/local/public-safety/charles-county-sheriffs-officer-charged-with-possession-of-child-pornography/2016/11/22/5e65ced8-b0e2-11e6-8616-52b15787add0\\_story.html?utm\\_term=.d425bca5075f](https://www.washingtonpost.com/local/public-safety/charles-county-sheriffs-officer-charged-with-possession-of-child-pornography/2016/11/22/5e65ced8-b0e2-11e6-8616-52b15787add0_story.html?utm_term=.d425bca5075f) [<https://perma.cc/C956-8UVF>] (Ten-year member of Maryland/Charles County Sheriff's Office Alexander C. Sullivan charged with possession of child pornography).
- (7) Robert Stein, *Police Officer Arrested on Child Pornography Charges Fired from APD*, AMARILLO GLOBE-NEWS (Oct. 20, 2016), <http://amarillo.com/news/crime-and-courts/2016-09-19/officer-arrested-child-pornography-charges-fired-apd> [<https://perma.cc/N46P-LB5E>] (Texas police officer Earnest Tillman McDonald III charged with possession of child pornography, admitted to uploading child pornography to Twitter).
- (8) James David Dickson, *Farmington Hills Cop Accused of Downloading Child Porn*, DETROIT NEWS (May 31, 2016), <http://www.detroitnews.com/story/news/local/oakland-county/2016/05/29/farmington-hill-officer-child-porn/85132444> [<https://perma.cc/Y228-6DY4>] (Farmington Hills, Michigan police officer Matthew Charles Parsons was charged with possession of child sexually abusive material).
- (9) *ICE Arrests PRPD Police Officer for Production of Child Pornography*, ICE NEWSROOM (last updated June 3, 2015), <https://www.ice.gov/news/releases/ice-arrests-prpd-police-officer-production-child-pornography> [<https://perma.cc/GG8U-2CHG>] (former Puerto Rico police officer, Misael Medero-Garcia, charged with production of child pornography allegedly engaged in criminal sexual conduct with a child).

- (10) *Delaware Police Officer Arrested for Allegedly Dealing in Child Pornography*, CBS PHILLY (Sept. 13, 2016, 4:25 PM), <http://philadelphia.cbslocal.com/2016/09/13/delaware-officer-child-pornography> [<https://perma.cc/D93X-R42F>] (New Castle County officer Robert Vasecka arrested for twenty-five counts of dealing child pornography).
- (11) Bay City News, *Novato Police Officer Pleads No Contest to Stalking and Sending Obscene Material to Minor Charges*, KRON 4 (Aug. 25, 2016, 5:26 PM), <http://kron4.com/2016/08/25/novato-police-officer-pleads-no-contest-to-stalking-and-sending-obscene-material-to-minor-charges> [<https://perma.cc/483H-WGFZ>] (Novato officer, Michael Manuel Ramirez, arrested for charges of possession of child pornography and plead to felony stalking and a misdemeanor for sending obscene material sent to a child).
- (12) Adam Lawson, *Former Corrections Officer Facing Child Porn Charges Calls Images 'Beyond Disgusting'*, SHELBY STAR (Sept. 22, 2016, 1:32 PM), <http://www.shelbystar.com/news/20160922/former-corrections-officer-facing-child-porn-charges-calls-images-beyond-disgusting> [<https://perma.cc/B544-7KST>] (Cleveland County Sheriff's officer Cody Alexander Fleming, charged with possession of images of children from three to eleven years of age).
- (13) WTLV, *Former JSO Officer Charged with Obtaining Child Pornography of a 3-Year-Old Girl from Texas*, FIRST COAST NEWS (Oct. 24, 2016, 5:35 PM), <http://www.firstcoastnews.com/news/crime/former-jso-officer-charged-with-obtaining-child-pornography-of-a-3-year-old-girl-from-texas/340782850> [<https://perma.cc/WK67-5QBN>] (Former Jacksonville officer, Michael Eugene Williams, arrested for receipt and possession of child pornography he sought of a three-year old).
- (14) U.S. Attorney's Office, *Former Oak Harbor Police Officer Sentenced to 42 Months in Prison for Possession of Child Pornography*, DOJ (June 22, 2017), <https://www.justice.gov/usao-wdwa/pr/former-oak-harbor-police-officer-sentenced-42-months-prison-possession-child> [<https://perma.cc/6G6G-6LBS>] (twenty-seven year veteran Oak Harbor, Washington Police Officer, John Little, plead guilty to possession of child pornography and was identified after exchanging sexual messages with a thirteen-year old girl, and distributing sexual videos and images of minors).

- (15) U.S. Attorney's Office, *Former Fair Bluff Police Officer Charged with the Manufacturing of Child Pornography Pleads Guilty*, DOJ (Jan. 27, 2016), <https://www.justice.gov/usao-ednc/pr/former-fair-bluff-police-officer-charged-manufacturing-child-pornography-pleads-guilty> [https://perma.cc/G6MS-FM5P] (Former Fair Bluff police officer, Donald Brian Beauchaine, plead guilty to manufacturing child pornography and was found to have 12,000 images of child pornography).
- (16) Carol Robinson, *Former Police Officer Arrested on Child Porn Charges*, AL.COM (Dec. 20, 2016), [http://www.al.com/news/birmingham/index.ssf/2016/12/former\\_police\\_officer\\_arrested.html](http://www.al.com/news/birmingham/index.ssf/2016/12/former_police_officer_arrested.html) [https://perma.cc/4SAE-QU4X] (Former St. Clair County, Alabama officer Adam Lee Anderson multiple charges for possession of child pornography).
- (17) Harrison Grimwood, *Former Oilton Police Officer Sentenced to Year in Prison for Possession of Child Pornography*, TULSA WORLD (Jan. 20, 2017), [http://www.tulsaworld.com/news/crimewatch/former-oilton-police-officer-sentenced-to-year-in-prison-for/article\\_1a34ecc6-013d-5057-8e84-71076984e865.html](http://www.tulsaworld.com/news/crimewatch/former-oilton-police-officer-sentenced-to-year-in-prison-for/article_1a34ecc6-013d-5057-8e84-71076984e865.html) [https://perma.cc/4TVP-6WJR] (former Oilton police officer Archie Ledon Cole Jr., plead guilty to possession of child pornography that featured girls between the ages of seven and fifteen).
- (18) CNN Wire, *Former Missouri Law Officer Charged with Child Pornography Possession*, FOX4KC.COM (Oct. 25, 2016), <http://fox4kc.com/2016/10/25/former-missouri-law-officer-charged-with-child-pornography-possession> [https://perma.cc/78XJ-WHL2] (former Missouri officer Thomas Joseph Mueller previously charged with sexual exploitation of a young girl, found with several hundred child pornographic pictures, including children as young as five or six).
- (19) *Former Northwestern University Officer Charged in Second Child Porn Case*, ABC CHI. (May 11, 2016), <http://abc7chicago.com/news/former-nu-officer-charged-in-second-child-porn-case/1333660> [https://perma.cc/L6D3-3BT8] (former Lt. Ronald Godby charged with manufacturing child pornography and possession of child pornography).
- (20) Alix Bryan, *Richmond Officer Charged with Juvenile Rape in Court for Child Porn*, CBS6 (June 24, 2016, 7:40 PM), <http://wtvr.com/2016/06/24/richmond-officer-charged-with-juvenile->

rape-in-court-for-child-porn [<https://perma.cc/QM2L-BA3E>] (former Richmond Police officer, Charles Church, accused of possession of child pornography).

- (21) *Arrested Secret Service Officer Who Tried to Solicit Sex from DE Agent Faces Child Porn Charges*, CBS PHILLY (Sept. 7, 2016, 2:27 PM), <http://philadelphia.cbslocal.com/2016/09/07/arrested-secret-service-officer-who-tried-to-solicit-sex-from-de-agent-faces-child-porn-charges> [<https://perma.cc/Q27F-WZLT>].
- (22) Sharman Sacchetti, *Veteran Attleboro Police Officer Arrested on Child Pornography Charges*, 7NEWS BOSTON (Apr. 6, 2017), <http://whdh.com/news/veteran-attleboro-police-officer-arrested-on-child-pornography-charges> [<https://perma.cc/PW8L-SW5W>] (Massachusetts police officer, Sergeant Richard Woodhead, charged with attempting to engage in sex with a child, possessing child pornography, and receiving child pornography).
- (23) Mark Roper, *York County Police Officer Charged with 50 Counts of Child Pornography*, FOX43 (Feb. 24, 2017, 5:38 PM), <http://fox43.com/2017/02/24/york-county-police-officer-charged-with-possession-of-child-pornography-2> [<https://perma.cc/QJB8-SX6M>] (West Manchester Township/York County, Pennsylvania police officer, Chad Howell was charged with fifty felony counts of child pornography stemming from photos posted online of girls as young as eight-years old, when asked by investigators if they would find child porn on his phone, he replied “I would like to say no, but I really don’t know” — fifty images of child pornography were found).
- (24) *Retired Newington Police Officer Accused of Possessing Child Porn*, NBC CONN. (Sept. 13, 2016, 5:24 PM), [www.nbcconnecticut.com/news/local/Retired-Newington-Police-Officer-Accused-of-Possessing-Child-Porn-393292951.html](http://www.nbcconnecticut.com/news/local/Retired-Newington-Police-Officer-Accused-of-Possessing-Child-Porn-393292951.html) [<https://perma.cc/NE9N-Y3PU>] (Newington, Connecticut police officer, Mark Diciara, arrested on child pornography charges of possession and distribution).
- (25) Gary Detman, *PBSO Deputy Facing Child Pornography Charges*, CBS12 (June 30, 2017), <http://cbs12.com/news/local/pbso-deputy-charged-with-child-pornography> [<https://perma.cc/6TTZ-MHM8>] (Palm Beach, Florida Deputy Adam Godbey, charged with thirty counts of obscene material-possession, control, view, or depiction of child sex conduct).

- (26) Dean Seal, *Former Madison Deputy to Remain Behind Bars Until Trial*, DAILY PROGRESS (June 24, 2017), [www.dailyprogress.com/news/local/former-madison-deputy-to-remain-behind-bars-until-trial/article\\_88a96fa4-5940-11e7-8bbd-bbbfaa48802f.html](http://www.dailyprogress.com/news/local/former-madison-deputy-to-remain-behind-bars-until-trial/article_88a96fa4-5940-11e7-8bbd-bbbfaa48802f.html) [<https://perma.cc/A73M-4G28>] (Former Madison County, Charlotte sheriff's deputy charged with exploitation of two teenagers after authorities found a video of a man—believed to be Harvey—receiving fellatio from one of the children).
- (27) *Detroit Police Officer Accused of Possessing and Distributing Child Pornography*, FOX2 DET. (Feb. 22, 2017, 5:20 PM), [www.fox2detroit.com/news/local-news/237371998-story](http://www.fox2detroit.com/news/local-news/237371998-story) [<https://perma.cc/S5NP-E5R9>] (Detroit police officer, Miguel Martinez was charged with child pornography after downloading files of minor children engaged in sexual conduct).
- (28) Phillip M. Bailey, *Kenneth Betts, Indicted in Police Sex Abuse Scandal, Working for Suburban East End City*, COURIER J. (Apr. 14, 2017, 8:09 PM), <http://www.courier-journal.com/story/news/local/2017/04/14/kenneth-betts-indicted-police-sex-abuse-scandal-working-suburban-city-east-end/100443722> [<https://perma.cc/633Y-VCRW>] (Former Louisville, Kentucky police Officer Kenneth Betts, “was indicted this week in a sex abuse scandal involving the department’s Youth Explorer program.” Kenneth “Betts was indicted on two counts of sodomy[.]” Betts was accused of raping minor-aged members of the Explorer program “in their homes and police cruisers—starting when the Scout was 17 years old and continuing until he was 19—and recording it to make pornography.”).
- (29) Lindsay Nielsen, *Saratoga County Sheriff's Deputy Arrested on Child Porn Charges*, NEWS10 (July 26, 2017, 4:27 PM), <http://news10.com/2017/07/26/saratoga-county-sheriffs-deputy-arrested-on-child-porn-charges> [<https://perma.cc/5DJL-LF94>] (deputy Peter Farnum faced charges after investigators found more than “14,000 files of child pornography” including “as young as 7 or 8”).
- (30) S. P. Sullivan, & Kevin Shea, *Trenton Cop Charged with Possessing Child Porn*, NJ.COM (Sept. 7, 2017), [http://www.nj.com/mercer/index.ssf/2017/09/trenton\\_cop\\_charged\\_with\\_possessing\\_child\\_porn.html](http://www.nj.com/mercer/index.ssf/2017/09/trenton_cop_charged_with_possessing_child_porn.html) [<https://perma.cc/WZK6-ZA3L>] (Veteran police officer Paul Marinelli arrested for possessing child pornography).

## APPENDIX C

List of at least sixty police officers, not including the forty officers previously mentioned, that have reportedly been arrested, charged, or convicted, for conduct linked to child sexual abuse, since 2016.

- (1) Staff Reports, *Hearing Rescheduled for Ex-Blount Deputy Charged with Soliciting Minor*, DAILY TIMES (Apr. 30, 2017), [http://www.thedailytimes.com/news/hearing-rescheduled-for-ex-blount-deputy-charged-with-soliciting-minor/article\\_d2206201-2b82-5698-aca1-6d58132a5073.html](http://www.thedailytimes.com/news/hearing-rescheduled-for-ex-blount-deputy-charged-with-soliciting-minor/article_d2206201-2b82-5698-aca1-6d58132a5073.html) [https://perma.cc/D93U-8XLQ] (re-hired police officer with a reported history of misconduct charged with soliciting a child for sex).
- (2) Jaclyn Bevis, *Ex-Cape Officer Ortiz Gets 15 Years for Sex Assault*, NBC2 (July 11, 2016, 3:51 PM), <http://www.nbc2.com/story/32418540/ex-cape-officer-ortiz-gets-15-years-for-sex-assault> [https://perma.cc/N3B3-APN5] (Cape Coral, Florida officer Casey Ortiz convicted and sentenced for two counts of sexual assault with a sixteen-year-old taking her to his home for sex while on a ride-along).
- (3) Sharon Roznik, *Former Sheriff's Deputy Gets Jail Time*, FON DU LAC REP. (Oct. 25, 2016), <http://www.fdlreporter.com/story/news/crime/2016/10/25/former-sheriffs-deputy-gets-jail-time/92720496> [https://perma.cc/U9NP-T9HL] (Green Lake County, Wisconsin Sheriff's deputy and former pool supervisor Ryan Ronayne was found guilty of having sex with a sixteen-year-old child).
- (4) Jim Ryan, *Hood River County Sheriff's Deputy Facing Sex Abuse, Luring a Minor Allegations*, OR. LIVE (Nov. 23, 2016), [http://www.oregonlive.com/pacific-northwest-news/index.ssf/2016/09/hood\\_river\\_county\\_sheriffs\\_dep.html](http://www.oregonlive.com/pacific-northwest-news/index.ssf/2016/09/hood_river_county_sheriffs_dep.html) [https://perma.cc/4SBW-AA7P] (Hood River County, Oregon Sheriff's deputy Marc Smith arrested for sex abuse, public indecency, and luring a minor).
- (5) Howard Sheppard, *State Trooper Charged with Indecent Assault of Child, Suspended Without Pay*, FOX43 (Feb. 3, 2017, 8:11 AM), <http://fox43.com/2017/02/02/state-trooper-charged-with-indecent-assault-of-child-suspended-without-pay> [https://perma.cc/JJ9Z-F4WV]



(A Pennsylvania State Trooper for over twenty years, Patrick J. Finn, was charged with indecent assault of a child, indecent assault without consent, and indecent assault of a person less than thirteen-years-old, after he allegedly got into bed with a nine-year-old victim, fondled her and told her he wanted to have sex with her).

- (6) Thomas Tracy et al., *NYPD Mounted Unit Cop Busted for Having Phone Sex with Girl, 16*, N.Y. DAILY NEWS (Jan. 25, 2017, 4:00 AM), <http://www.nydailynews.com/new-york/nyc-crime/nypd-mounted-unit-busted-phone-sex-girl-16-article-1.2954868> [<https://perma.cc/9WJL-MKWA>] (NYPD officer, David P. Stagliano charged with disseminating indecent material to a minor and inducing her to participate in phone-sex).
- (7) Marie Schurk, *Pasco Child Porn Task Force Officer Charged with Raping Teen Girl*, KOMONEWS.COM (May 31, 2017), <http://komonews.com/news/local/pasco-child-porn-task-force-officer-charged-with-raping-teen-girl> [<https://perma.cc/E7KK-7KYH>] (Pasco, Washington police officer, Anthony James Haworth, and member of a task force assigned to sex crimes against children was charged with raping and sexually assaulting a teenager on multiple occasions from ages fourteen to nineteen, and allegedly taking nude photos during the assaults which were found by investigators).
- (8) Amber Stegall, *Fmr. Lubbock Officer Convicted of Harassment Charged with Criminal Sexual Penetration of a Child*, WALB (Feb. 3, 2017, 12:36 PM), <http://www.walb.com/story/34422192/fmr-lubbock-officer-convicted-of-harassment-charged-with-criminal-sexual-penetration-of-a-child> [<https://perma.cc/R624-CCG8>] (Former Lubbock, Texas police officer, Blake Littlejohn, charged with criminal sexual penetration of a child and criminal sexual contact of a minor under thirteen years of age).
- (9) Matt Walsh, *Officer Charged with Sexual Conduct with Teen in Police Car*, STATE (Aug. 08, 2016, 5:12 PM), <http://www.thestate.com/news/local/article94434837.html> [<https://perma.cc/UHQ9-RZUU>] (A Fountain Inn, South Carolina Police officer, Adam Kyle Snelgrove, charged with sexual conduct with a fifteen-year-old in his patrol car).
- (10) Eric Horng, *Chicago Police Officer Charged with Sexual Assault of Minor*, ABC7 CHI. (Jan. 15, 2017), <http://abc7chicago.com/news/chicago-police-officer-charged-with->

sexual-assault-of-minor/1703574 [https://perma.cc/7KAD-5B9A] (A twenty-one year Chicago police officer, Eugene Ciardullo, charged with felony criminal sexual assault of a child victim between thirteen and seventeen years old).

- (11) News Staff, *UPDATE: Former Big Stone Gap Officer Denied Bond for Second Time*, WCYB NEWS 5 (Feb. 06, 2017, 2:21 PM), <http://www.wcyb.com/news/virginia/wise-county/update-former-big-stone-gap-officer-denied-bond-for-second-time/314428034> [https://perma.cc/UL67-5JJU] (Big Stone Gap, Virginia police officer, Oliver Mullins, charged with fifty counts of rape, incest, and sexual battery of a child).
- (12) *Columbia Police Officer Charged with Sexual Assault*, WLTX19 (Nov. 22, 2016, 9:42 AM), <http://www.wltx.com/news/crime/columbia-police-officer-charged-with-sexual-assault/354897715> [https://perma.cc/5X9V-NF7U] (Columbia, South Carolina police officer Jamie Lee Rogers Sr. charged with first-degree sexual assault on child under eleven years of age).
- (13) Jessica Anderson, *Baltimore Police Officer Charged with Exchanging Sexually Explicit Texts with a 15-Year-Old Boy*, BALT. SUN (Nov. 18, 2016, 6:08 PM), <http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-officer-charged-20161118-story.html> [https://perma.cc/FQS2-UV8J] (Baltimore, Maryland police officer, Timothy Rae George III, was charged with dissemination of explicit materials to a minor, sexual abuse of a child, and unlawful contact with a minor).
- (14) Adrian Mojica, *Rutherford County Corrections Officer Charged with Soliciting Sexual Exploitation of Minor*, FOX17 NEWS NASHVILLE (Dec. 2, 2016), <http://fox17.com/news/local/rutherford-county-corrections-officer-charged-with-soliciting-sexual-exploitation-of-minor> [https://perma.cc/QNV8-FNSC] (Rutherford County corrections officer and former Wilson County Sheriff's Officer, Daniel Fanning, arrested for solicitation of a minor and soliciting the sexual exploitation of a minor).
- (15) Shelly Schultz, *Former Officer Charged with Sexual Pandering*, TIMES RECORDER (Oct. 31, 2016, 5:52 PM), <http://www.zanesvilletimesrecorder.com/story/news/2016/10/31/former-officer-charged-voyeurism-sexual-pandering/93060308>

- [<https://perma.cc/W635-N9FL>] (A former auxiliary police officer, Matthew T. Prince, charged with sexual pandering to a minor).
- (16) Fox 4 Newsroom & Robert Townsend, *Independence Police Officer, 37, Charged with Raping Teenage Girl*, FOX4 KAN. CITY (Sept. 29, 2016, 12:09 PM), <http://fox4kc.com/2016/09/29/independence-police-officer-37-charged-with-having-sex-with-teenage-girl> [<https://perma.cc/L3GW-X9WD>] (A decorated police officer, James Combs, who received the “Silver Award” for dangerous and distinguished acts in 2015 was charged with second-degree statutory rape of a teenager amid evidence he had sex with the child between 2014 and 2016 when she was possibly as young as fourteen years old); *see also* KMZU Staff, *Independence Police Officers Awarded at Annual Valor Award Ceremony*, KMZU 100.7 FM (Nov. 26, 2015), <http://www.kmzu.com/independence-police-officers-awarded-at-annual-valor-award-ceremony> [<https://perma.cc/5A4N-LE54>].
- (17) Web Staff, *Police Officer Charged with Sexually Assaulting Juvenile*, KHON2 (June 16, 2016, 3:35 PM), <http://khon2.com/2016/06/08/officer-wanted-in-first-degree-sexual-assault-investigation> [<https://perma.cc/6JD6-J9TY>] (Honolulu police officer, Jessie Laconsay, charged with sexual assault of a minor).
- (18) Jaymie Baxley, *Moore County Schools Police Officer Charged with Sex Crimes*, PILOT (Feb. 20, 2017), [http://www.thepilot.com/news/moore-county-schools-police-officer-charged-with-sex-crimes/article\\_79290128-f7bd-11e6-8e4e-6beaac269bff.html](http://www.thepilot.com/news/moore-county-schools-police-officer-charged-with-sex-crimes/article_79290128-f7bd-11e6-8e4e-6beaac269bff.html) [<https://perma.cc/VG5P-DTNP>] (Moore County School Police Officer Joshua Matthew Evans, arrested and charged with engaging in sexual acts with a sixteen-year-old student).
- (19) Matt Byrne, *A Respected Maine Deputy, or a Predator of Minors?*, PORTLAND PRESS HERALD (Nov. 13, 2016), <http://www.pressherald.com/2016/11/13/a-respected-deputy-or-a-predator-of-minors> [<https://perma.cc/6CV3-FNPG>] (Former “Deputy of the Year,” Deputy Kenneth L. Hatch III, was charged with sexual abuse of a child, and unlawful sexual contact with a child. One alleged victim said he “used his power as a police officer to sexually abuse her over a period of years. She was afraid to speak up, she said, because it would be her word against his. ‘He’s a cop,’ she said. ‘Who’s going to believe me?’”).

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- (20) KHOU, *Former Galveston ISD Officer Charged with Sexual Assault of a Child*, KHOU.COM (Nov. 9, 2016, 5:05 PM), <http://www.khou.com/news/crime/former-galveston-pd-officer-charged-with-sexual-assault-of-a-child/350536515> [https://perma.cc/7LCL-NZ9N] (A former Galveston, Texas ISD officer, Victor Cervantes, charged with sexual assault of a child and online solicitation of a minor).
- (21) Ariana Maia Sawyer, *Officer Assigned to High School Arrested for Sexual Battery*, TENNESSEAN (Dec. 2, 2016, 10:56 PM), <http://www.tennessean.com/story/news/crime/2016/12/02/officer-assigned-high-school-arrested-sexual-battery/94859078> [https://perma.cc/ZQ5B-T94Z] (Robertson County school resource officer, and Cross Plains police officer, Charles Logan Abernathy, charged with sexual battery by an authority figure, was allegedly on-duty when sexually battering a minor victim for whom he was the victim's school resource officer).
- (22) Rosemary Regina Sobol, *Chicago Police Officer Charged with Inappropriately Touching Girl*, 15, CHI. TRIB. (Oct. 5, 2016, 4:14 PM), <http://www.chicagotribune.com/news/local/breaking/ct-chicago-police-officer-charged-with-inappropriately-touching-girl-15-20161005-story.html> [https://perma.cc/KZ6E-NAZ2] (A twenty-two year Chicago Police Officer, Sgt. Jose Garcia, charged with sexual assault of a minor younger than sixteen years old).
- (23) Matt Dellinger, *Musselman High School Resource Officer Charged with Sex Crime*, JOURNAL (Dec. 14, 2016), <http://www.journal-news.net/news/local-news/2016/12/musselman-high-school-resource-officer-charged-with-sex-crime> [https://perma.cc/8B35-DNPG] (A Martinsburg, West Virginia Musselman High School resource officer, Thomas Wade Carroll charged with attempting to have the child produce and return sexually explicit images in an attempt to seduce her).
- (24) Andrew Colegrove, *Former Greenup Police Officer Charged with Sexual Abuse, Incest*, WSAZ (Apr. 1, 2016, 10:57 PM), <http://www.wsaz.com/content/news/Former-Greenup-police-officer-charged-with-sexual-abuse-incest-374344951.html> [https://perma.cc/G22Z-CYT8] (Former Greenup, Kentucky police officer, Lowell Steven Waddell, was charged with sexual abuse upon a relative under sixteen years of age and possessing materials of children engaged in sexual acts).

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- (25) Kevin S. Held, *Troy Police Officer Charged with Sex Crimes*, FOX2 NOW ST. LOUIS (Oct. 21, 2016, 3:21 PM), <http://fox2now.com/2016/10/21/troy-police-officer-charged-with-sex-crimes> [https://perma.cc/FE9N-JQ6P] (A Troy, Missouri police officer Marc Dody admitted to having sex with a teenager at a park, in a parking lot, and at his residence).
- (26) Alan Riquelmy, *Former Cave Spring Police Officer Sentenced to 35 Years on Child Molestation Charges*, NORTHWEST GA. NEWS (June 10, 2014), [http://www.northwestgeorgianews.com/rome/news/local/former-cave-spring-police-officer-sentenced-to-years-on-child/article\\_805e4ccc-efb-11e3-8e9b-001a4bcf6878.html](http://www.northwestgeorgianews.com/rome/news/local/former-cave-spring-police-officer-sentenced-to-years-on-child/article_805e4ccc-efb-11e3-8e9b-001a4bcf6878.html) [https://perma.cc/7GGB-RJA6] (Former Cave Spring, Georgia police officer Patrick Earwood, convicted of aggravated sodomy, child cruelty, and aggravated child molestation, for acts he committed against two girls).
- (27) Andrew Colegrove, *UPDATE: Former West Virginia Police Officer Pleads Guilty to Sexual Assault*, WSAZ (May 17, 2016, 10:00 PM), <http://www.wsaz.com/content/news/Former-Mingo-County-police-officer-pleads-guilty-to-sexual-assault-379825371.html> [https://perma.cc/L5WZ-KASF] (A former Delbarton, West Virginia police officer, Jonathan New, plead guilty to sexual assault of a girl after “three victims came forward” with reports of Officer New having sexually abused them).
- (28) *Former Georgia Police Officer Convicted of Child Molestation*, CBS46 (May 6, 2016, 3:45 AM), <http://www.cbs46.com/story/31674425/former-georgia-police-officer-convicted-of-child-molestation> [https://perma.cc/U848-92MB] (A former Chamblee, Georgia police officer, Kelless Lory, was convicted of child molestation of a relative reportedly nine years old when he started abusing the child).
- (29) WCPO Staff, *Former Police Chief Sentenced to Life in Clinton County Child Rape Case*, WCPO (Jan. 21, 2016, 2:54 PM), <http://www.wcpo.com/news/crime/former-police-chief-sentenced-to-life-in-clinton-county-child-rape-case> (Former Clinton County, Ohio Police Chief, Larry Casey, was convicted of rape of a child under thirteen years old, after having been previously convicted of sexual abuse of a different child years prior).

- (30) *Prosecutors Want 22-Year Sentence for Officer Guilty of Rape*, 13ABC.COM (Mar. 13, 2016, 1:29 PM), <http://www.13abc.com/home/headlines/Prosecutors-want-22-year-sentence-for-officer-guilty-of-rape-371919232.html> [https://perma.cc/ZHC3-A6EC] (Former Lima, Ohio officer, Justin Bentz was convicted of rape, kidnapping and sexual battery of a child).
- (31) Claire Metz, *Former Deputy Accused of Raping Child Set to Take Plea Deal*, WESH2 (Apr. 20, 2016, 4:55 PM), <http://www.wesh.com/news/former-deputy-accused-of-raping-child-set-to-take-plea-deal/39129738> [https://perma.cc/B7JB-QRJD] (A former Volusia County sheriff's deputy, Edward Lueck, charged with possessing child pornography and plead guilty after evidence revealed that he molested a five-year-old girl and watched child pornography with her over the course of several months).
- (32) Richard Winton, *Fugitive Ex-Cop Convicted of Child Molestation to Face New Charges After Capture in Mexico*, L.A. TIMES (Apr. 21, 2016, 6:29 PM), <http://www.latimes.com/local/lanow/la-me-ln-fugitive-ex-cop-child-molester-20160421-story.html> [https://perma.cc/2MCU-XVC7] (Arthur George Crabtree, a former fifteen-year veteran Glendale, California police officer and convicted sex offender for child pornography, was captured by federal authorities after having fled to Mexico after being charged with attempted child molestation).
- (33) Jerry Mitchell, *Officer Commits Suicide After Admitting Molestation*, USA TODAY (Apr. 2, 2017, 6:04 PM), <https://www.usatoday.com/story/news/nation-now/2017/04/02/officer-commits-suicide-after-admitting-molestation/99960156> [https://perma.cc/NS8N-6742] (Tishomingo, Mississippi police officer Russ Robinson committed suicide after admitting to authorities that he had molested a seventeen-year-old child).
- (34) Jason Ruitter, *Astatula Police Sergeant Arrested for Sexually Molesting Child, Deputies Say*, ORLANDO SENTINEL (Apr. 13, 2017, 10:40 AM), <http://www.orlandosentinel.com/news/lake/os-astatula-police-sergeant-child-molestation-20170413-story.html> [https://perma.cc/4522-M3YN] (An Astatula, Florida sergeant, Timothy Alan Palinski, accused of molesting a child and charged with capital sexual battery of a minor under twelve).

- (35) Elyssa Cherney, *Former Oakland Police Officer Pleads No Contest to Child-Sex Charges*, ORLANDO SENTINEL (Apr. 6, 2016, 3:32 PM), <http://www.orlandosentinel.com/news/breaking-news/os-joshua-smith-oakland-child-porn-20160406-story.html> [https://perma.cc/NFF8-KW2W] (Former Oakland, California police officer, David Smith, sentenced after pleading no contest to child molestation charges related to a two-year-old girl, after he disclosed graphic photos and details of his sexual assaults of the child to an undercover federal agent).
- (36) Jacey Fortin, *Former N.Y.P.D. Sergeant Sentenced to 3 Years for Raping Girl*, N.Y. TIMES (Mar. 13, 2017), [https://www.nytimes.com/2017/03/13/nyregion/vladimir-krull-sentencing-nypd.html?\\_r=1](https://www.nytimes.com/2017/03/13/nyregion/vladimir-krull-sentencing-nypd.html?_r=1) [https://perma.cc/DMM7-AHT4]; see also Crimesider Staff, *Vladimir Krull, Ex-NYPD Sergeant, Gets 3 Years for Raping Girl, 13*, CBS NEWS (Mar. 15, 2017, 11:45 AM), <http://www.cbsnews.com/news/vladimir-krull-ex-nypd-sergeant-gets-3-years-for-raping-girl-13> [https://perma.cc/FN6P-6MAJ] (Former NYPD sergeant Vladimir Krull was sentenced to three years for raping his girlfriend's thirteen-year-old daughter, received three counts with three years for each count, but concurrently serving).
- (37) *Philadelphia Police Officer Arrested on Child Porn Charges*, 6ABC (Apr. 26, 2017), <http://6abc.com/news/philadelphia-officer-arrested-on-child-porn-charges/1917314> [https://perma.cc/NH2B-JEJJ] (Philadelphia police officer charged with possession of child pornography and child sexual abuse).
- (38) Associated Press, *Former Kansas Police Officer Charged with Child Sex Crime*, U.S. NEWS (May 26, 2017, 5:42 PM), <https://www.usnews.com/news/best-states/kansas/articles/2017-05-26/former-kansas-police-officer-charged-with-child-sex-crime> (former Valley Center, Kansas police sergeant, Thomas Delgado, reportedly resigned after being charged with sexual exploitation of a child).
- (39) CBS North Carolina, *Ex-Durham School Resource Officer Charged with Sex Crime Involving Student*, CBS N.C. (June 27, 2017, 11:45 AM), <http://wncn.com/2017/06/26/durham-school-resource-officer-charged-with-sex-crime-offense-involving-student> [https://perma.cc/J68N-A5QL] (Deputy Christopher L. Kelly charged with sexual exploitation of a child and indecent liberties with a child).
- (40) Associated Press, *LaMoure Police Chief Charged with Sex Crimes in 3 Counties*, U.S. NEWS (June 30, 2017, 4:56 PM),

<https://www.usnews.com/news/best-states/north-dakota/articles/2017-06-30/lamoure-police-chief-charged-with-sex-crimes-in-3-counties> (Police Chief James Watson, fifty-two, charged in three counties in North Dakota for allegedly having sex with a child under the age of fifteen).

- (41) Melissa Pettitt, *Oak Grove Man, Ex-HPD Officer Receives 10 Years for Sex Assault*, KY. NEW ERA (July 11, 2017), [http://www.kentuckynewera.com/ep/news/article\\_f0281ace-66a4-11e7-9bd3-13a269ccaeb3.html](http://www.kentuckynewera.com/ep/news/article_f0281ace-66a4-11e7-9bd3-13a269ccaeb3.html) [https://perma.cc/HE7R-BLMD] (Former officer of Hopkinsville, Kentucky, Ian L. Damber, reportedly “admitted to touching a minor’s private areas on five separate occasions.”).
- (42) Dana Rieck, *He Was Supposed to Mentor Her to Become a Cop. Instead, He Sexually Assaulted Her, Police Say.*, BELLEVILLE NEWS-DEMOCRAT (June 23, 2017, 6:46 PM), <http://www.bnd.com/news/local/article157866644.html> [https://perma.cc/8D3S-LBZT] (Granite City, IL Police Officer, Michael Weis, charged with aggravated sexual abuse of a thirteen-year-old girl).
- (43) HNN Staff, *Former HPD Officer Pleads Guilty to Sexually Assaulting Minor*, HAW. NEWS NOW (July 6, 2017, 5:45 PM), <http://www.hawaiinewsnow.com/story/35829721/former-hpd-officer-pleads-guilty-to-sexually-assaulting-minor> [https://perma.cc/RF72-JPP5] (A former Honolulu police officer and City Liquor Inspector, James Rodenhurst, pled guilty to sexual assault of a child under fourteen years old).
- (44) Dana Burke, *Former Friendswood Police Officer Charged with Indecency with a Child*, HOUS. CHRON. (June 27, 2017, 5:27 PM), <http://www.chron.com/neighborhood/friendswood/news/article/Former-Friendswood-police-officer-indecency-child-11249777.php> [https://perma.cc/LR7S-X488] (Former Friendswood, Texas police officer, Jeffery Miles Kimball is charged with indecency with a child).
- (45) James Queally & Richard Winton, *Weapons Cache Seized at Home of LAPD Officer Accused of Having Sex with Teenage Cadet, Sources Say*, L.A. TIMES (June 23, 2017, 6:40 PM), <http://www.latimes.com/local/lanow/la-me-ln-lapd-cadet-officer-weapons-cache-20170623-story.html> [https://perma.cc/2M3L-E54N] (LAPD veteran, Robert Cain, accused of having an unlawful sexual re-



lationship with a fifteen-year-old cadet who had apparently been linked to a cadet theft-ring of LAPD cruisers and law-enforcement utilities).

- (46) KOMO Staff, *Veteran Seattle Police Officer Charged with Child Molestation, Child Rape*, KOMO NEWS (Apr. 18, 2016), <http://komonews.com/news/local/veteran-seattle-police-officer-charged-with-child-molestation-child-rape> [https://perma.cc/DJ6R-YTXD] (Seattle, Washington Police Sergeant Daniel S. Amador Jr. is charged with two counts of child molestation, incest, and two counts of child rape. He is accused of repeatedly molesting and raping two family members from 2002 until 2014. One victim said the abuse began at four or five and continued until twenty, and the second victim said it began at approximately ten years old).
- (47) Associated Press, *Idaho Police Officer Accused of Sexually Abusing Minors*, SPOKESMAN-REV. (Apr. 11, 2017, 10:57 AM), <http://www.spokesman.com/stories/2017/apr/11/idaho-police-officer-accused-of-sexually-abusing-m> [https://perma.cc/BVG6-9WGS] (Twin Falls, Idaho Police Officer, “William Jansen was charged with four felony counts of lewd conduct with a minor under 16” years old).
- (48) Jessica Remer, *Ex-Tulsa Co. Deputy Charged with Child Sex Abuse Surrenders on Child Pornography Warrant*, 8ABC TULSA (Mar. 14, 2017), <http://ktul.com/news/local/ex-tulsa-co-deputy-charged-with-child-sex-abuse-surrenders-on-child-pornography-warrant> [https://perma.cc/S3ND-BVZ2] (Former Tulsa County, Oklahoma Deputy, Josh Wood, faces charges for child sexual abuse).
- (49) Rob Jennings, *Ex-Newton Cop Accused of Sexually Assaulting Teen to Stay in Jail*, NJ.COM (Dec. 21, 2016), [http://www.nj.com/sussex-county/index.ssf/2016/12/ex-newton-cop-stays-in-jail-as-judge-declines\\_to\\_1.html](http://www.nj.com/sussex-county/index.ssf/2016/12/ex-newton-cop-stays-in-jail-as-judge-declines_to_1.html) [https://perma.cc/XD46-GFJX] (Newton, New Jersey police officer, Jason R. Miller, accused of sexually assaulting a sixteen-year-old child).
- (50) Jacob Beltran, *Law Enforcement Officer Accused of Sexually Abusing 13-Year-Old Girl*, SAN ANTONIO EXPRESS-NEWS (Dec. 29, 2016, 8:02 AM), <http://www.mysanantonio.com/news/local/article/Lenforcement-officer-accused-of-sexually-10824087.php> [https://perma.cc/NRS4-F5PL] (Elmendorf, Texas police officer, Jesus Gonzalez, charged with continuous sexual abuse of his girlfriend’s thirteen-year-old daughter).

- (51) Jason Ruiter, *FHP Trooper Arrested on Child-Sex Charges, Lake Deputy on Leave*, ORLANDO SENTINEL (Sept. 25, 2017, 1:00 PM), <http://www.orlandosentinel.com/news/lake/os-fhp-trooper-sexual-battery-lake-deputy-on-leave-20170925-story.html> [<https://perma.cc/27PV-M8MM>] (Florida Highway Patrol trooper, Chad Corriveau, is charged with sexually abusing a female teenager and showing obscene material to a minor. Corriveau “used sex toys to restrain the girl and, in one case, kept her for four hours.” Additionally, a Lake County deputy sheriff, who “possibly knew of the abuse and failed to immediately report it as required by state statute” “has been placed on administrative leave”).
- (52) Andrew Keshner, *Ex-NYPD Sergeant Gets 28 Years for Sexual Abuse of Children*, N.Y. DAILY NEWS (Apr. 19, 2017, 4:02 PM), <http://www.nydailynews.com/new-york/ex-nypd-sergeant-28-years-sexual-abuse-children-article-1.3075612> [<https://perma.cc/BZ4B-3UXS>] (Ex-NYPD Sergeant Alberto Randazzo “was sentenced to 28 years in prison” after pleading guilty to receiving child pornography and conspiring to exploit victims ranging one to eight years old. “Assistant U.S. Attorney Tyler Smith called Randazzo among the worst child sex offenders to come through the Brooklyn federal system”); *see also* John Marzulli, *EXCLUSIVE: 2nd Abuse Case Linked to NYPD Sergeant*, N.Y. DAILY NEWS (July 12, 2015, 2:30 AM), [www.nydailynews.com/news/crime/exclusive-2nd-child-abuse-case-linked-nypd-sergeant-article-1.2289406](http://www.nydailynews.com/news/crime/exclusive-2nd-child-abuse-case-linked-nypd-sergeant-article-1.2289406) [<https://perma.cc/EZ6H-5D3Y>] (While out on bail Randazzo allegedly downloaded approximately thirty videos of child pornography); U.S. Immigration and Customs Enforcement, *Former NYPD Sergeant Sentenced to 28 Years for Child Exploitation*, ICE NEWSROOM (Apr. 20, 2017), <https://www.ice.gov/news/releases/former-nypd-sergeant-sentenced-28-years-child-exploitation#wcm-survey-target-id> [<https://perma.cc/Q66E-JK3C>].
- (53) Phillip M. Bailey, *Chief Fires Officer Brandon Wood, Indicted in Sex Abuse Case*, COURIER J. (Apr. 13, 2017, 5:07 PM), <http://www.courier-journal.com/story/news/crime/2017/04/13/chief-fires-indicted-officer-sex-abuse-case/100430078> [<https://perma.cc/5NV8-VJLU>] (Louisville, Kentucky Metro Police Officer Brandon Wood, an advisor to the “Explorer program,” a police program which partners with the police “for youths ages 14–19 interested in careers as police officers.” Wood is an “eight-year veteran” who was indicted on “seven counts of sexual abuse.” He was “accused of engaging in sexual contact with an individual . . . less than 18 years

of age and while Wood was in a position of authority or special trust” over the minor in the Explorer program).

- (54) Stephanie Taylor, *Sulligent Police Officer Accused of Child Sexual Abuse*, TUSCALOOSA NEWS (Sept. 6, 2017, 5:16 PM), <http://www.tuscaloosaneews.com/news/20170906/sulligent-police-officer-accused-of-child-sexual-abuse> [https://perma.cc/2S8L-PURE] (Sulligent, Alabama police officer Gary Farrior, charged for twelve counts: ten counts of sexual abuse of a child under twelve years of age, first-degree sexual abuse, and attempted sexual abuse. He allegedly victimized three female victims, two of which are under twelve years old).
- (55) Crimesider Staff, *Officer Charged with Sex Assault After Girl, 15, Gives Birth to His Child*, CBS NEWS (Sept. 22, 2017, 4:31 PM), <https://www.cbsnews.com/news/officer-charged-with-sex-assault-after-girl-15-gives-birth-to-his-child> [https://perma.cc/WWY6-J6P3] (Camden County, New Jersey Detective Rafael Martinez Jr. is charged with sexual assault of a fifteen-year-old with which he engaged in sexual activity in September 2016. The minor gave birth, DNA tests show the Martinez is the father of the girl’s child, and Martinez signed the child’s birth certificate).
- (56) Larry Celona & Natalie Musumeci, *Cop Arrested for Exposing Himself to Girls*, N.Y. POST (Oct. 17, 2017, 12:53 PM), <https://nypost.com/2017/10/17/cop-arrested-for-exposing-himself-to-girls> [https://perma.cc/T7WU-QHBA] (twelve-year veteran New York Police Department housing police officer Adam Fridson was charged “with acting in a manner injurious to a child, lewdness and exposure of a person.” The alleged offense is “exposing himself to two school-aged sisters as they walked to church” as he asked them “for directions to a McDonald’s.” The victims were twelve and seven years old).
- (57) Oralia Ortega, *BSO Deputy Faces Sex Charges Involving Underage Teen*, CBS MIAMI (Oct. 20, 2017, 11:31 PM), <http://miami.cbslocal.com/2017/10/20/sheriffs-deputy-face-sex-charges-involving-minor> [https://perma.cc/P8GG-6TER] (Broward County, Florida Sheriff’s Deputy, Leon Campbell “turned himself in . . . after a warrant was issued for his arrest following a 5-month investigation” of Campbell for sex with a minor); *see also* Erika Pesantes, *Broward Sheriff’s Deputy Accused of Using Whip and Collar During Sex with Girl*, SUN SENTINEL (Oct. 20, 2017, 5:30 PM), <http://www.sun-sentinel.com/local/broward/fl-sb-bso-deputy-sex-crime-lauderhill-20171020-story.html> [https://perma.cc/PV4P-DCM4].

- (58) Patrick Kernan, *Ex-Dupont Police Officer Sentenced to Prison for Corruption of Minors*, TIMES LEADER (Oct. 10, 2017, 10:05 PM), <http://www.timesleader.com/news/678405/ex-dupont-police-officer-sentenced-to-prison-for-corruption-of-minors> [https://perma.cc/NGX8-J4JA] (Former Dupont, Pennsylvania police officer David Turkos, “pleaded guilty to having inappropriate conduct with two minor children.” He “was charged in 2015 with three counts of involuntary deviate sexual intercourse with a child, two counts of indecent assault and a count of simple assault.”).
- (59) Heather Yakin, *Local Ex-Cop Pleads Not Guilty to Sex Abuse Charges*, TIMES HERALD-RECORD (Oct. 25, 2017, 5:25 PM), <http://www.recordonline.com/news/20171025/local-ex-cop-pleads-not-guilty-to-sex-abuse-charges> [https://perma.cc/N3XL-2MTA] (Former NYPD Lieutenant Nicholas McAteer is accused of incest and charged with both sexually assaulting and abusing “two girls over the course of several years”); *see also Retired NYPD Lieutenant from Orange County Accused of Child Sex Abuse*, NEWS12 (Nov. 12, 2017, 2:23 PM), <http://westchester.news12.com/story/36662894/retired-nypd-lieutenant-from-orange-county-accused-of-child-sex-abuse> [https://perma.cc/NT7X-38M6].
- (60) *Newark Police Officer Accused of Sexually Assaulting 4-Year-Old Girl*, ABC7 (Sept. 14, 2016), <http://abc7ny.com/news/newark-officer-accused-of-sexually-assaulting-4-year-old/1511509> [https://perma.cc/B8U5-KQDB] (Fourteen-year veteran Newark, New Jersey police officer Manny Marques, “was arrested and charged with first degree sexual assault and endangering the welfare of a child,” for accusations of “sexually assaulting a 4-year-old girl.”).
- (61) Dan Billow, *Former Brevard Deputy Sheriff Guilty in Child Sex Case*, WESH2 (Oct. 11, 2017, 7:57 AM), <http://www.wesh.com/article/trial-underway-for-man-accused-of-having-sex-with-child/12820177> [https://perma.cc/CYJ3-YUKS] (Former Brevard County, Florida deputy sheriff Joseph Pallante, “was found guilty on all major counts against him,” including “forcing a young girl under 10 into sex acts giving her vodka to drink and showing her pornography and then forcing her to do what was shown in the pornography.”).