

Sexual Harassment in Florida Law Enforcement: Panacea or Pandora's Box?

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Abstract

The major purpose of this project was to determine the existence and/or extent of sexual harassment in Florida law enforcement agencies. A survey was sent to each of the 3,790 female police officers listed by the Florida Criminal Justice Standards and Training Commission as actively employed by a Florida law enforcement agency as of February 18, 1993. The survey found that sexual harassment is a common experience among women in law enforcement. The results parallel studies in both the public and private sectors. In addition, this study found a widespread perception that enduring sexual harassment is a price females must pay if they desire careers in law enforcement. Other issues identified include the lack of understanding of the subject by Florida law enforcement professionals and the adverse effect of sexual harassment on the work environment. The study calls for law enforcement agencies to take action to eliminate sexual harassment and promote a more positive work environment.

Introduction

Historically, the relatively few years between 1985 and today have had a dramatic impact on the relationships between men and women in the workplace. Changes in the relationships have been forced by the record number of women leaving the confines of the home and entering the workforce. In 1985, just eight years ago, women comprised 44% of the American workforce. Between 1985 and the millennium, 65% of all new entrants to the workforce will be women (Johnston and Packer, 1987). By the turn of the century, it is anticipated that women will replace men as the majority of the American workforce with 85.7% of all working-age women holding jobs outside the home. (Jamison and O'Mara, 1991). With such an influx, it is only natural that positions once thought to be "men's jobs" are actively sought and accepted by women. There is no evidence to indicate any reversal of this trend. The dynamics of these new working relationships have, in many cases, created chaotic situations.

Some actions that were once common in the male-dominated work place are now considered offensive to a growing portion of the workforce. Off-color jokes, language, and activities that were once acceptable, or at least accepted, can be cause for legal suits.

American public opinion on such actions seemed to crystalize with the 1991 Senate confirmation hearings on the Supreme Court nomination of Clarence Thomas. During the hearings, the public came face-to-face with the type of activity that could be considered sexual harassment. The public chose sides based on whether they believed Clarence Thomas or Anita Hill. Even when unable to decide definitively wherein lay the truth, most agreed that the alleged behaviors were totally unacceptable in the workplace. The Senate chose to believe Thomas' denials but, for the first time, America had a public definition of what could constitute sexual harassment.

Still reeling from the Thomas-Hill controversy, America was again shocked by the

Navy "Tailhook" convention scandal. Reports surfaced that the behavior of many of the Naval and Marine aviators, officers and other men at the September 1991 convention was being investigated. Allegations of sexual harassment were being levied by some of the female aviators. Could it be possible that those charged with the responsibility of protecting and defending America, its people, and its Constitution had behaved in a reprehensible manner? Or was this just a case of "boys will be boys?"

As the Navy continued to sort through the charges and allegations, the Secretary of the Navy was replaced and several admirals were retired or reassigned for failure to attach proper significance to the complaints and the subsequent investigation. The probe put other high-level careers in jeopardy and prompted the military to review its policies on sexual harassment.

Since law enforcement agencies are often termed "para-military" organizations, the Tailhook investigation prompted law enforcement officials to question the existence of sexual harassment in their agencies. After all, as in the military, the female role in law enforcement has expanded rapidly only in recent years. Although the first record of a female full-time sworn police officer in the United States dates back to 1910 (Schrader, 1990), it was not until the 1960s that women began entering the ranks of sworn police officers in significant numbers. In fact, it was only 25 years ago that the Indianapolis Police Department became the first agency in this country to assign a woman officer to full-time patrol duty (McDowell, 1992).

The latest statistics show women hold between 8% and 13% of the sworn police positions in the United States (McDowell, 1991). Figures published in 1993 by the Federal Bureau of Investigation show that women comprise 9.1% of the 544,309 police positions. There are, therefore, approximately 49,530 female police officers in this country (Department of Justice, 1993). One-thirteenth, or 7.65% of them, are certified in Florida.

On September 23, 1993, a broadcast by the syndicated television program, *A Current Affair*, reported allegations of sexual harassment in several police departments in Orange County, California. The program showed video tape of the "delivery" of a hired "strip-o-gram" at the Orange County Law Enforcement training facility. The facility staff and coordinator were present. The video showed an assembled formation of trainees watching a scantily clad stripper as she dressed in a doorway at the completion of her appearance. Some people alleged a relationship between the acceptance of such activities and what they claimed was a high incidence of sexual harassment in area police agencies. According to the broadcast, the chief and a captain of one of those agencies were terminated earlier in 1993 when several female employees filed sexual harassment complaints.

Sexual Harassment Defined

Before any problem can be accurately assessed, the problem first must be defined. But defining sexual harassment is not an easy task. The term is ambiguous, at best. One of the great debates of our time will be the answer to the question: "What is sexual harassment?" In fact, there are almost as many definitions of what constitutes sexual harassment as there are authors who have written on the topic. In many instances, sexual harassment is mistakenly considered an issue of sex, just as rape or sexual battery often are incorrectly identified as a crime motivated by sex. The real

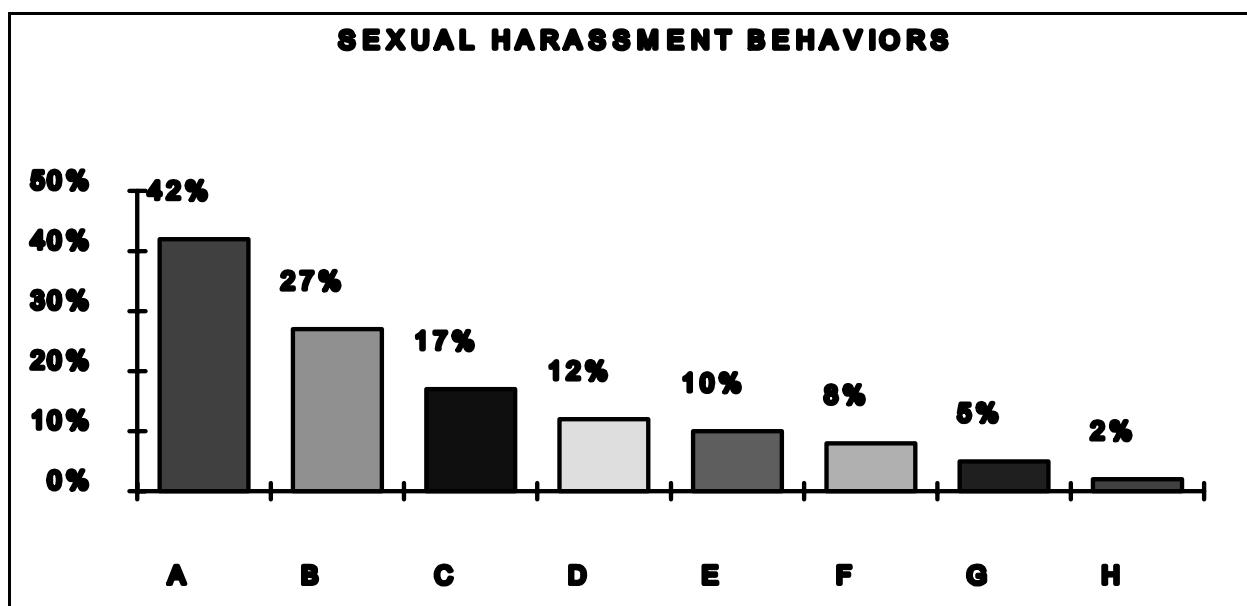
motivation in both is power, not sex or gender. That power may be real or perceived (Harrison, 1993). Sexual harassment is an abuse of power. Under Title VII of the 1964 Civil Rights Act, it is a form of discrimination based on gender -- a form of sexual discrimination.

In simple terms, the two broad classifications of sexual harassment are "quid pro quo," and "hostile environment." The quid pro quo case is, in essence, the proverbial casting couch scenario. The hostile environment theory is that the conditions in the workplace make the worker feel cheapened, demeaned, or uncomfortable. Factors that contribute to the creation of a hostile work environment include:

- Unwanted touching or hugging
- Persistently asking for dates
- Pin-up photographs
- Sexually oriented jokes or comments
- Whistles or cat calls
- Asking personal or intimate questions
- Bosses' personal relationships with workers (Harrison, 1993).

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as: "Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment." (Friedman, Boumil, & Taylor, 1992).



The operative word in the EEOC guidelines is "unwanted." Many males in the workplace have been heard to say that they are afraid to compliment any female co-worker for fear of being accused of sexual harassment. There is no provision in the EEOC doctrine designed to prohibit common courtesy or the offering of genuine compliments.

Some commonly reported examples of sexual harassment are: (A) inappropriate or offensive gender comments; (B) sexual comments; (C) looks or gestures; (D) touching or cornering; (E) continued pressure for dates; (F) unwanted/unsolicited letters or phone calls; (G) pressure for sexual favors; (H) sexual assault. The frequencies of the reports of these behaviors are depicted in Figure 1. The total number of reported incidents exceeds the normally expected 100 percent because some of the victims reported multiple behaviors.

One of the first cases deliberated during the 1993-94 session of the United States Supreme Court concerned the issue of sexual harassment. The case involved a female factory employee who reported that her boss "among other things, had asked her to retrieve coins from his front pants pocket, suggested they go to a local motel to negotiate her pay raise ..." The unanimous ruling on November 9, 1993, enhanced protection against sexual harassment. The opinion alerted employers that they may now face payment of monetary damages even when the victim does not claim psychological harm. The opinion followed precedent in similar rulings and legislation (Appendix A) toward more sensitivity to women in the workplace.

Literature Review

Much research has been published on sexual harassment, but relatively little relates directly to law enforcement. In a multi-state survey of 541 female police officers in 1988, 24% of the respondents reported a "constant atmosphere of crude or subtle and snide jokes and comments toward police women" as a problem they faced on a daily basis (Timmis & Hainsworth, 1989). This survey was conducted prior to the increased national attention, concern, and focus on the issue.

In research on the general population in 1992, Klein found that 15% of the women and 5% of the men in the workforce reported some type of sexual harassment during the previous year. Other researchers have published reports indicating that as many as 88% of the women in the workforce have experienced some form of sexual harassment on the job (Kaplan, 1991).

Methodology

To assess the existence and/or extent of sexual harassment in Florida law enforcement agencies, a survey of female officers was undertaken with assistance from the Florida Statistical Analysis Center. Given the relatively small number of female law enforcement officers in the state, the survey was sent to all 3,874 women listed as certified on February 18, 1993, in the Automated Training Management System of the Florida Department of Law Enforcement. These women listed as actively employed law enforcement officers were with a municipal, county, or state agency. While acknowledging that a victim of sexual harassment may be of either sex, researchers believed that a more focused and manageable study group would yield more useful

data.

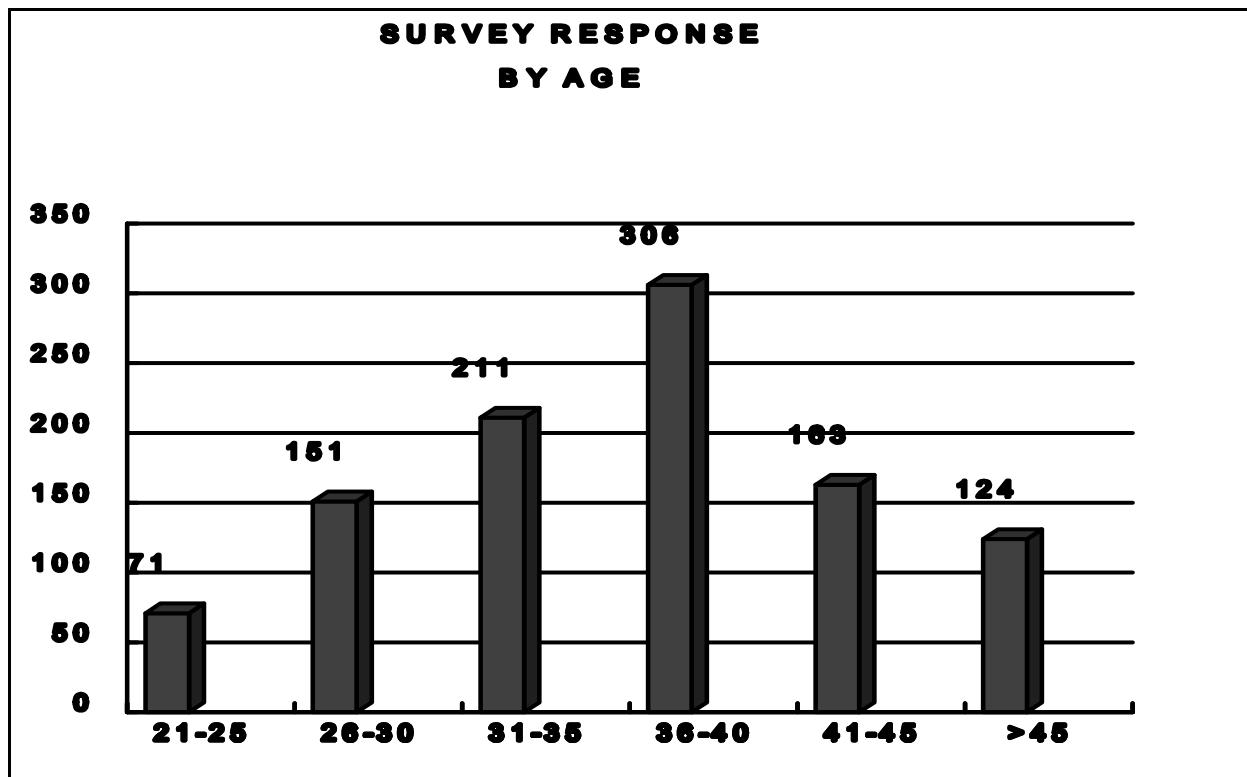
The survey examined three areas related to sexual harassment: 1) agency activities, 2) individual experience and reactions and 3) attitudes about the issue of sexual harassment. The respondents were asked to provide some basic demographic information, but the survey did not ask them to identify themselves or their agencies. To gather the most reliable information, total anonymity was guaranteed by preprinting the survey forms with the same return and receiving mailing addresses. Even so, some refused to enter their ranks, for fear they could still be identified during analysis.

The original mailing included a questionnaire and a cover letter; a reminder postcard was mailed two weeks later. Some envelopes were returned as undeliverable, i.e., the officer had changed law enforcement agencies, found other employment or retired, but these surveys were forwarded if possible.

Data Analysis

In the end, 3,790 officers were contacted for the sexual harassment study and 1,269 officers returned a survey form for a return rate of 33%. Some respondents did not answer every question on the survey, so the total replies do not equal 100% of the survey base. A comment section was included at the end of the questionnaire. While these comments were visually scanned for information, they were not coded or formally analyzed in any way.

The returns represented a broad spectrum of Florida law enforcement agencies. Replies came from women in some of the largest agencies in the state and some with only a few officers. Officers from state, county, and municipal agencies responded. About one-half described their jurisdictions as "metropolitan," and fewer than 20% said they came from "rural" jurisdictions. The others, about 30%, reported they came from



"suburban" jurisdictions.

Returns were received from all levels of the law enforcement hierarchy, from police-certified clerks and dispatchers to beat officers and from first-line supervisors to watch commanders and upper management, including at least one chief of police. Responses came from women in their first year of law enforcement to women in the field for 35 years. The average level of experience was 10.3 years in law enforcement and nine years with their present agencies.

A question on rank was open-ended, but knowledge of equivalent law enforcement ranks makes it possible to collapse more than 30 categories into more generic ranks. The researcher determined that more than three-quarters (76.4%) gave a rank equivalent to patrol officer, with the remaining respondents categorized as sergeant (15.5%), manager (7.2%), or commander (0.9%). The respondents ranged from 21 to 62 years of age (Figure 2), with a mean age of 35.8 years.

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Findings

Many respondents wrote that they did not care to be anonymous and willingly offered their names, addresses, and telephone numbers for future contact. But immediately after the survey forms were mailed, a protectionist attitude manifested itself in follow-up telephone calls. There was a certain reluctance to admit that law enforcement might have a problem.

Such an attitude was exemplified by a telephone call from a high ranking member of an agency in Northwest Florida who called to voice his concern. "Some of **my girls** just got this survey of yours and they were wondering if it's legitimate," he said. "Do we have a problem with this?" Another colleague, a high ranking officer in a very large department, looked at the researcher and said, "Boy, are you opening Pandora's Box!" An associate in the law enforcement field retired from a large metropolitan police force in South Florida shortly after she received the questionnaire. As she discussed the survey, she recalled her initial assignment when she became one of the first female sworn officers in her South Florida agency. She said the women's patrol uniform included a skirt, stockings, and high heels. When she first got into the patrol car, her male partner told her, "Just sit there, and look good. Don't touch anything!" Perhaps those old attitudes, products of the socialization process, die hard...and slowly.

Of the 1,269 officers who returned the survey, 775 or 61.1% said they had been sexually harassed in the workplace. Twenty-one respondents did not answer the question: "Have you ever been the victim of sexual harassment?" The survey then listed some commonly reported examples of sexual harassment and asked the respondents to indicate whether they had experienced any of these a) in the last six months; b) six months to a year ago; or c) more than one year ago, as shown in Table 1.

Table 1
Sexual Harassment (SH) Experiences of Female Law Enforcement Officers

Experience		Last 6 Months		6 Months to Year		1 More Year	Than 1 Year	Total
		SH ¹ Victim	Not SH Victim	SH Victim	Not SH Victim	SH Victim	Not SH Victim	
Inappropriate Comments	Gender	368	14	75	2	194	5	658
Inappropriate Comments	Sexual	342	10	60	1	228	5	646
Inappropriate Touching		78	1	36	0	209	2	326
Letters/Phone Calls		32	1	20	0	135	3	191
Pressure for Dates		47	0	20	0	193	3	263
Pressure for Sexual Favors	Sexual	34	1	14	0	142	3	194
Hostile Environment	Work	174	2	60	1	245	4	486
TOTALS		1,075	29	285	4	1,346	25	2,764

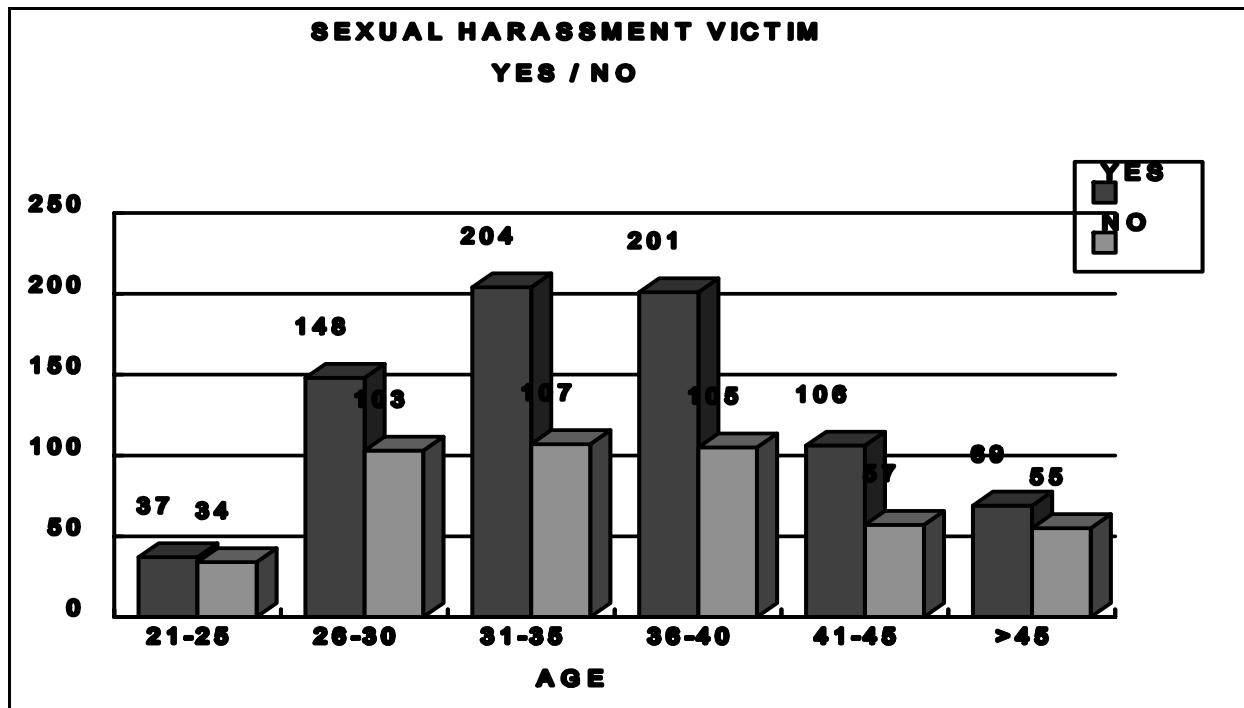
¹ SH victim includes all officers who answered "Yes" on the previous question, *Have you ever been the victim of Sexual Harassment?*

Table 1 shows the respondents had, on more than 1,000 occasions in the six months prior to the survey, endured an experience that others would define as "sexual harassment." More than 40% of the officers surveyed indicated that sexually oriented materials or sexually oriented jokes are a daily occurrence. One in five said "yes" they work in a "hostile" environment.

The total number of "yes" answers seems staggering (Figure 3). Disregarding the implications if the survey is representative of women in law enforcement throughout the nation, even the best case scenario is that 785 or 20.7 percent of all women law enforcement officers in the State of Florida perceive themselves as having been victims of sexual harassment. Additionally, several of those who said they had not been victims of sexual harassment indicated by answers to related questions that they, too, have been victims. For example, they said they had experienced inappropriate sexual comments and/or pressure for sexual favors.

Many of those responding said they believe it is their plight to endure otherwise unacceptable working conditions if they want to maintain a career in law enforcement. "I tolerate a great deal of inappropriate behavior and comments," one woman wrote. "I have come to accept my colleagues' behavior as something I must live with being a woman in what is still believed to be a man's profession."

Another officer reported: "I was called at home, paged on my pager, invited on all-expense trips and was told that I would not regret it if I accepted but I may regret it if I



didn't take the offer." Was she alone? No, 106 respondents indicated they had been offered a position, promotion, or other special consideration by a man in return for sexual favors. A few respondents said they had complained about such behavior, either to someone in the agency (22.9%) or to someone outside the agency (14.7%). The survey did not ask about the outcomes of the complaints.

Accepting the theory that ones' perception is ones' reality, these numbers indicate that a significant proportion of the workforce in law enforcement is dissatisfied to some degree. Dissatisfaction caused by being a victim of sexual harassment often translates to reduced morale, diminished performance, increased absenteeism, and a high rate of turnover (Cohen, 1991). Some research indicates that up to 75 percent of the victims of sexual harassment simply and quietly quit their jobs (Kaplan, 1991).

The results of this survey and the related comments convey a wide-reaching lack of understanding about what constitutes sexual harassment. This information gives rise to great concern. If the stereotypical victim, the female in the workplace, does not have a clear understanding of the concept, does it naturally follow that the stereotypical perpetrator, the male, would be equally ignorant?

This lack of understanding was demonstrated in the responses to a question regarding the frequency of sexually oriented materials or jokes in the workplace. Of those answering the question, 43% reported that such activity is a daily occurrence, and 48% said that it seldom occurs. Yet, only 19% reported experiencing a hostile environment within the last year. Perhaps many of the respondents do not take offense at such jokes or materials. But the important question may be whether they are aware they do not have to tolerate such activity if they are offended by it.

Another common mistake was the confusion between what constituted sexual harassment and what would be considered gender bias or sexual discrimination (e.g.

not being considered for a promotion or assignment simply because of being female). Although by definition all sexual harassment is sexual discrimination, not all sexual discrimination is sexual harassment.

There was evidence of skepticism in some of the replies. Several comments asked "Why is a male doing this?" or "Typical, a man doing the study about men's attitudes." One caller said that it was quite coincidental that, immediately on returning home from filing a sexual harassment suit against her department, she should find this survey in her mail.

The most bewildering finding of the survey is that there are still law enforcement agencies that have no policy regarding sexual harassment. Respondents who said their agencies had no such policy numbered 196. In some cases, the respondent said she did not even know if the agency had a policy. The majority of the respondents (81.7%) said their agencies had adopted a written policy, and 61.5% said they believed the policy was being enforced as written.

However, how can a policy be enforced and inappropriate behavior eliminated without training on what is appropriate and what is not? More than one-half of the respondents said their agencies provide no formal training on sexual harassment. Of the 40.7% who said their agencies do provide some training on sexual harassment, most training sessions were one-half day (4 hours) or less (75.1%). Another 21.1% indicated that sexual harassment training lasted an entire day (8 hours). Almost one-half (49.1%) did not know when the training was last offered, but 42.3% said training had been offered since 1991.

When asked about the public attention given to sexual harassment, one half (49.9%) of the respondents indicated that sexual harassment was being given an appropriate level of attention. They did not equate this with an improvement in the work environment, however. Many (499) said that the attention being given to sexual harassment has increased tension in the workplace. A slightly larger group (563) said there had been no effect on working relationships.

Recommendations

On October 14, 1993, during the television program *Eye to Eye*, CBS anchorwoman Connie Chung reported that 40 percent of the women who file sexual harassment lawsuits win. The potential for the awarding of damages is great; and the number of cases being filed is increasing.

In the nine months following the Clarence Thomas hearings, Florida saw a 51% increase in the number of sexual harassment complaints filed.

Any agency that has not yet done so should implement a policy and provide training on sexual harassment. It has been suggested that to have no policy prohibiting sexual harassment is to, by default, have a policy that allows it (Mechling, E.W., & Mechling, J., 1985). The policy should be clearly understandable to the worker, not just a verbatim quote of the previously mentioned EEOC guidelines and definitions.

Training is a must. To forestall potential problems, a progressive law enforcement agency must implement a proactive training program to educate all personnel on sexual harassment. The benefits of such training are multi-faceted. First, at least in the eyes of the governing bodies, such training lessens the potential of liability and culpability. More importantly, however, such training has a positive effect on the

workforce. Most studies show that there is a direct relationship between job satisfaction and job performance. Training on the topic of sexual harassment correlates with the current emphasis on diversity awareness.

A well-conceived training program explains the nature, effect, and ramifications of sexually harassing behavior. How can the agency expect employees to modify their behaviors without explaining how the behaviors are offensive?

An example of training is the Navy's action following the Tailhook incident. The Navy sent a single-page handout to all personnel, officers and enlisted men, defining and explaining sexual harassment. The 1993 handout uses traditional traffic signal colors to give examples of behaviors that are allowed (green light), potentially sexual harassing behaviors (yellow), and behaviors that are unquestionably sexual harassment (red). The document discusses intent and perception, clearly states that sexual harassment will not be tolerated, and provides a toll free telephone number for a Sexual Harassment Advice and Counseling service. Perhaps it is a simple tool and it is too soon to evaluate its effect, but sometimes the best solutions are often the simplest.

Once an organization has issued a policy and completed the training, the policy must be clearly enforced. An often-voiced complaint in the survey was that agencies failed to uniformly enforce their sexual harassment policies.

In this enlightened era of respect for individuals, empowerment, and total quality management, it is no longer acceptable that substantial numbers of ranking officers do not believe they have the respect of the members of their organizations. As professionals, we have a responsibility to ourselves, our associates, and our organizations to provide and maintain a workplace where employees can enjoy high levels of self-esteem and job satisfaction.

This survey, then, is a call to action for law enforcement and other criminal justice agencies. Given the reported pervasiveness of the sexual harassment problem, it is time for change.

In 1971, after serving in the United States Marine Corps as a First Lieutenant, George joined the Miramar, Florida, Police Department. While there, he attained the rank of sergeant, and commanded the detective bureau.

Captain Robinson joined the Ocala Police Department in 1981 and was promoted to captain in September of 1991. He previously served as a patrol sergeant and as a sergeant with the Ocala/Marion County Narcotics and Vice Task Force.

George received a Bachelor of Science degree in criminal justice from Florida International University and was a member of the Second Class of the Senior Leadership Program. He teaches several topics in the recruit training academy, instructs in narcotics identification and investigation courses, and teaches Interpersonal Skills I in the associate's degree program at Central Florida Community College.

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Appendix A

Legislation and Court Decisions

1964 Civil Rights Act

- prohibited *discrimination* in employment based on color, national origin, race, religion, or sex
- harassment is not even mentioned, but 1980 Equal Employment Opportunity Commission guidelines recognize sexual harassment as discrimination based on sex

1983 *Katz v. Dole*, 709 F.2d 251, 31 FEP Cases 1521 (4th Cir)

- allows that sexist names create hostile work environment
- rules company can be liable for failure to follow own policy

1985 *McKinney v. Dole*, 765 F.2d 1129, 38 FEP Cases 364 (D.C. Cir)

- rules that conduct does not have to be *sexual*, merely based solely on gender

1986 *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 40 FEP Cases 1822

- 1st sexual harassment case to *Supreme Court*
- places emphasis on bosses unwelcome conduct not employee voluntary compliance or submission
- establishes the employer *knew or should have known* theory

1988 *Hall v. Gus Construction Co.*, 842 F.2d 1010, 46 FEP Cases 57 (8th Cir.)

- reaffirms that conduct need not be sexual, only based on gender 1990 EEOC Policy Statement
- establishes sexual favoritism as form of sexual harassment

1991 *Robinson v. Jacksonville Shipyards*, 740 F.Supp. 1486, 57 FEP Cases 971 (M.D. Fla)

- company allowed pin-ups, sexual graffiti, and crude language constitute hostile work environment

1991 *Ellison v. Brady*, 924 F.2d 872, 54 FEP Cases 1346 (9th Cir.)

- replaces "reasonable person" standard with "reasonable woman" recognizing differences in the perceptions of men and women

1991 Civil Rights Act

- amends CRA of 1964 Sexual harassment victim allowed jury trial allows for damages due to emotional stress allows for *punitive* damages