

Sexual Harassment in the Law Enforcement Workplace

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Understanding sexual harassment in the law enforcement workplace requires deeper insight into the culture and psychology of law enforcement officials.

The law enforcement industry differs from typical workplace environments in several ways. First, law enforcement is a paramilitary organization where a clear chain of command exists, and generally that chain must be followed. Second, as public employees, law enforcement officers have property interest in their job. *Board of Regents v. Roth*, 408 U.S. 564 (1972). Therefore, they are entitled to certain procedural due process rights before that property interest can be taken away, e.g., before they can be terminated or suspended. Finally, the identity of law enforcement officers is inextricably tied to their gun and badge. When that identity is questioned, or worse — taken away, the psychological trauma is real and damaging.

The paramilitary structure of law enforcement organizations has important safety implications, particularly in life-or-death situations. Rank, such as chief, deputy chief, commander, captain, etc., is respected. Orders from higher ranks are followed. When an officer breaks the chain of command, which is rare, that officer can gain a reputation of being untrustworthy. In the law enforcement setting, trusting your fellow officers may literally mean the difference between life and death. Being perceived as untrustworthy can also lead to other officers not wanting to work with that person, or otherwise ostracizing him or her.

In the context of sexual harassment, however, the paramilitary structure may inhibit reporting. Assume male sergeant “H” makes inappropriate sexual remarks and gestures to his subordinate female officer, “O.” Normally, O would report such misconduct to her supervisor, but since O’s harasser is also her supervisor, O is in a quandary. In larger organizations like the Los Angeles Police Department or the Los Angeles County Sheriff’s Department, O might report the misconduct to another sergeant on duty. At smaller departments, however, sometimes only one sergeant is on duty. In this context, O may have to break the chain of command to report the harassment, or suffer in silence.

Now assume that a female police officer shows a male police officer a pornographic video on her cellphone, and makes improper commentary comparing the officer to the video. The female officer could actually believe that because she and the male are of the same rank, showing him the video is not inappropriate. These examples illustrate how chain of command can affect sexual harassment in the law enforcement environment.

Just as reporting sexual harassment can make the work environment difficult for the victim, reporting sexual harassment can make it difficult for the reporter. Going back to the first scenario, assume another sergeant, “R,” observes the inappropriate conduct of H, the harassing sergeant. Sergeant R reports what he observes to his superiors. But since harasser H is a favorite of the commanding officers, and if the allegations were substantiated, H’s job could be at risk, the harassment is swept under the rug and R is retaliated against.

Because of the officers’ property interest, and accompanying procedural due process rights, the retaliation against R takes a more subtle form. Sergeant R cannot simply be terminated or demoted; instead, he is ostracized, no one talks to him unless absolutely necessary; rumors are

spread about him; his work is subjected to increased scrutiny; procedures he once followed are changed without notice; and he is pressured to leave the unit. This is often the norm in law enforcement, whereas termination and demotion are the exceptions.

Finally, many law enforcement officers strongly identify not only as police or sheriff's deputies, but also as officers of a particular agency. Officers at the LAPD, for example, go through the LAPD Academy as a class of recruits. They grow and learn together. The camaraderie of the academy experience binds them, and their status as an officer becomes their identity.

The risks of losing that identity are often so great that sexual harassment will go unreported. Officers do not want to risk being ostracized, or retaliated against for reporting sexual harassment. For those who do report it, any retaliatory attacks on their identity can be devastating. Law enforcement officers are charged with enforcing the law. When enforcing the law becomes a risk, due to fears of retaliation or otherwise, the officer's worldview can change. Suddenly, everything the officer has been taught about justice flies out the window. Justice is no longer sacrosanct. And for those officers, the ensuing identity crisis is traumatic.

Sexual harassment is sexual harassment no matter what the workplace may be. But sexual harassment in the law enforcement workplace can present unique challenges to those who suffer from it, as well as to those who report it.

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