

MEN, WOMEN, AND POLICE EXCESSIVE FORCE: A Tale of Two Genders

*A Content Analysis of Civil Liability Cases,
SUSTAINED ALLEGATIONS & CITIZEN
COMPLAINTS*

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EXECUTIVE SUMMARY

Research from seven major U.S. police agencies has documented what many police and community leaders have known for a long time: women officers are substantially less likely than their male counterparts to be involved in problems of excessive force. Whether citizen complaints, sustained allegations, or civil liability payouts are used as the measure, women officers are dramatically under-represented in excessive force incidents.

Given that women currently comprise 12.7% of sworn personnel in big city police agencies, we would expect that female officers in these agencies should be involved in approximately 12.7% of the citizen complaints, sustained allegations, or payouts for excessive force. Yet the data indicate that only 5% of the citizen complaints for excessive force and 2% of the sustained allegations of excessive force in large agencies involve female officers. Women also account for only 6% of the dollars that are paid out in court judgments and settlements for excessive force among these large agencies.

- **Civil Liability Payouts:** The average male officer costs somewhere between two and a half and five and a half times more than the average female officer in excessive force liability lawsuit payouts.
- **Sustained Allegations:** The average male officer is over eight and a half times more likely than his female counterpart to have an allegation of excessive force sustained against him.
- **Citizen Complaints:** The average male officer is two to three times more likely than the average female officer to have a citizen name him in a complaint of excessive force.

These data are simply too striking for police executives and community leaders to ignore. They illuminate the differences in the way in which men and women perform their policing duties, and highlight the importance of hiring more women as a strategy to reduce problems with excessive force. The costs of police brutality are high, both in financial and in human terms. By better understanding the gender dimensions of excessive force, police executives and community leaders can strive toward hiring more women officers who will be less likely to engage in brutality.

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Police executives should want to hire more women officers for many reasons. Here are a few more. Women officers cost substantially less than their male counterparts in terms of civil liability payouts for excessive force lawsuits. Women officers are also significantly under-represented compared to male officers in both citizen complaints and sustained allegations of excessive force. These conclusions are drawn from data regarding seven major U.S. police agencies.

This under-representation of women among the ranks of violent officers takes into account the fact that women currently comprise only 12.7% of sworn law enforcement personnel in large agencies across the country.¹ Given this, we would expect -- statistically speaking -- that female officers in large agencies would also constitute 12.7% of the citizen complaints, sustained allegations, and payouts for excessive force. Yet the data indicate that female officers in large agencies are named in only 5% of citizen complaints for excessive force and an even smaller 2% of the sustained allegations of excessive force. Moreover, women officers in large agencies account for only 6% of the dollars paid out in court judgments and settlements in complaints for excessive force.

In other words, the average male officer on a big city police agency costs taxpayers somewhere between two-and-a-half and five-and-a-half times more than the average woman officer in excessive force liability lawsuit payouts. He is over eight and a half times more likely to have an allegation of excessive force sustained against him, and he is two to three times more likely to have a citizen name him in a complaint of excessive force. These data are simply too striking for police executives to ignore.

Excessive Force Payouts

To determine the gender ratio of payouts in civil litigation for excessive force, data were analyzed from two major law enforcement agencies: Los Angeles Police Department and Cincinnati Police Department. Documents obtained from the city of Los Angeles² reveal that \$63.4 million was paid out during the ten-year period from 1990 to 1999 for judgments or settlements in civil liability lawsuits involving excessive force by a male officer on the LAPD.³ In contrast, only \$2.8 million was paid out for excessive force cases involving female LAPD officers. At a time when male officers outnumbered female officers on patrol by a ratio of 4:1,⁴ the payouts involving excessive use of force by male officers exceeded those for female officers by a significantly larger ratio of 23:1. In other words, the average male officer cost over five and a half times more than the average female officer in terms of excessive force payouts. When payouts for assault and battery are examined, the ratio further increases to 32:1. If only fatalities are considered, it skyrockets to 43:1. Data on the specific breakdown of payouts by the city of Los Angeles are provided in Figure 1.

Figure 1
LAPD Brutality and Misconduct Civil Liability Cases: 1990-1999

| Allegation | # Male Officer(s) Involved | # Female Officer(s) Involved | Male Payout | Female Payout | Total Payout |
|------------------------------------|-----------------------------------|-------------------------------------|---------------------|----------------------|---------------------|
| Assault and battery | 100 | 11 | \$10,792,843 | \$334,945 | \$11,127,788 |
| Shooting | 38 | 6 | \$24,856,333 | \$2,232,667 | \$27,089,000 |
| Killing | 56 | 4 | \$9,045,544 | \$210,714 | \$9,256,258 |
| Other excessive force/misconduct | 53 | 6 | \$8,323,287 | \$23,077 | \$8,346,364 |
| Sexual assault and molestation | 7 | 0 | \$8,281,000 | \$0 | \$8,281,000 |
| Officer involved domestic violence | 1 | 0 | \$2,150,000 | \$0 | \$2,150,000 |
| Total | 255 | 27 | \$63,449,007 | \$2,801,403 | \$66,250,410 |

Source: *Gender Differences in the Cost of Police Brutality and Misconduct: A Content Analysis of LAPD Civil Liability Cases: 1990-1999*. Feminist Majority Foundation and the National Center for Women & Policing, 2000. Data obtained from the Los Angeles City Attorney's Office, Los Angeles City Council, and court pleadings.

A similar analysis was conducted by the Cincinnati Enquirer with the civil liability payouts for excessive force by the Cincinnati Police Department.⁵ Figure 2 presents the gender breakdown of the officers involved in excessive force and wrongful death cases that were settled out of court between 1990 and 2000.⁶

Figure 2
Excessive Force Cases Settled Out of Court by Cincinnati Police Department: 1990-2000

| Allegation | # Settled Lawsuits | # Male Officer(s) Involved | # Female Officer(s) Involved | Male Payout | Female Payout | Total Payout |
|-------------------|---------------------------|-----------------------------------|-------------------------------------|--------------------|----------------------|---------------------|
| Excessive Force | 30 | 63 | 9 | \$1,263,403 | \$114,326 | \$1,377,729 |
| Wrongful Death | 4 | 22 | 2 | \$339,429 | \$18,571 | \$358,000 |
| Total | 34 | 85 | 11 | \$1,602,832 | \$132,897 | \$1,735,729 |

Source: Data obtained by the *Cincinnati Enquirer*. These four wrongful death cases also involved excessive force. Other wrongful death cases not involving excessive force were excluded from this analysis.

Between 1990 and 2000, the average representation of female officers on patrol for the Cincinnati Police Department was 17.1%⁷. During the same period of time, female officers accounted for only 7.7% of the dollars paid in out-of-court settlements for excessive force and wrongful death. The ratio of male to female officers on patrol was thus 4.8:1 whereas the ratio for excessive force payouts was 12:1. In other words, male officers cost two and a half times more than female officers in terms of excessive force payouts, accounting for 92.3% of the dollars spent. When payouts for wrongful death are examined as a sub-category of excessive

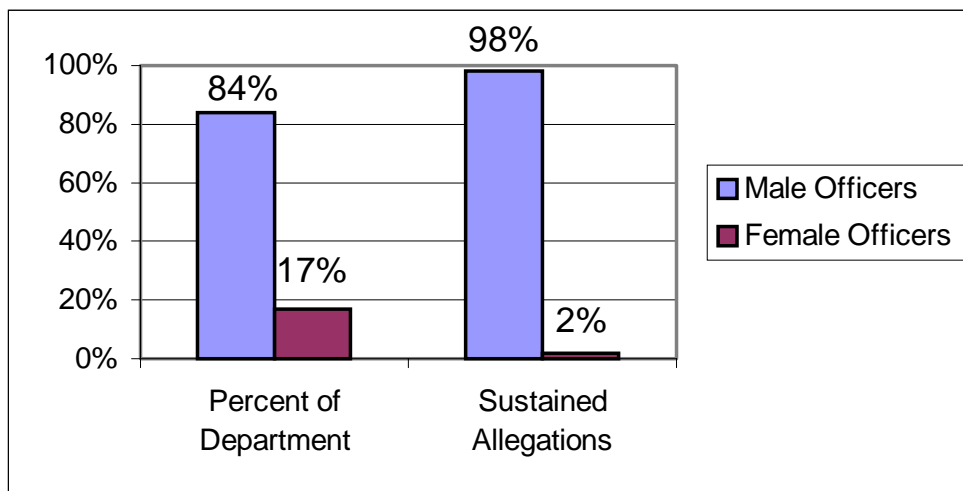
force, male officers account for a full 94.8% of the dollars paid in out-of-court settlements, increasing the ratio of male to female payouts to over 18:1 or almost four times higher than that of their female colleagues.

Sustained Allegations

Lawsuit payouts may not be the best measure of the prevalence of excessive force used by officers, since most excessive force incidents do not result in a lawsuit. Additionally, judgments are likely made only in the most egregious cases and settlements do not necessarily indicate guilt of the officer(s) involved. To further explore this question, research was conducted to determine whether women officers are also under-represented among allegations of excessive force that are sustained by their departments. Nine major U.S. police departments were contacted and asked to provide data on the breakdown of sustained allegations by officer gender. Of these, three departments voluntarily provided the information and they deserve special recognition for their contribution to this important research. Because they requested anonymity, however, data for the three departments will be considered together.

Figure 3 presents the breakdown of sustained allegations by officer gender, for the three police departments providing data. To protect the confidentiality of information provided by these departments, the data are collapsed for presentation. However, it is important to note that the pattern was identical for all three police agencies. When data from the three departments are considered together, only 2.0% of the sustained allegations of excessive force involved female officers. Yet these three departments have an average of 17.4% female representation among their sworn personnel. In contrast, male officers account for 98.0% of the sustained allegations for excessive force, far in excess of their representation of 82.6% among sworn personnel.⁸ This pattern thus mirrors that for payouts, suggesting that male officers are over eight and a half times more likely than their female counterparts to have an allegation of excessive force sustained against them.

Figure 3
Sustained Allegations of Excessive Force and Percent of Department by Officer Gender



Source: Original data provided by three major U.S. police departments. Because information was provided for differing periods of time, the figures for all three departments were simply averaged.

Citizen Complaints

Data was also collected on citizen complaints of excessive force, in addition to sustained allegations and payouts in civil liability lawsuits. Three organizations that provide civilian oversight to a major U.S. police department contributed data. Of these, two were able to break down the excessive force complaints by officer gender. Consistent with the sustained allegations and civil liability payouts, these data indicate that male officers are two to three times more likely than their female peers to be named in a citizen complaint for excessive force.

Specifically, the Independent Police Auditor received a total of 664 complaints of excessive force against officers on the San Jose Police Department between 1996 and 2001. Of these, only 2.9% named female officers, although 8.7% of their sworn personnel are women.⁹ Male officers accounted for 97.1% of citizen complaints; thus males are over three times more likely to be named in a complaint of excessive force than their female counterparts.

Similarly, the Office of Citizen Complaints received a total of 5,889 complaints against officers on the San Francisco Police Department between 1986 and 2001. Of these, only 6.8% named a female officer, although 16% of sworn personnel are women.¹⁰ In other words, male officers are over two-and-a-half times more likely than female officers to have a citizen name him in a complaint of excessive force. Data are provided in Figure 4.

Figure 4
Citizen Complaints for Excessive Force and Representation of Sworn Personnel by Gender

| Department | Years | Citizen Complaints for Excessive Force | | | Percent Sworn Women |
|------------------|-----------|--|-------------------|----------------|---------------------|
| | | # Male Officers | # Female Officers | Percent Female | |
| San Jose PD | 1996-2001 | 645 | 19 | 2.9% | 8.7% |
| San Francisco PD | 1986-2001 | 5,488 | 401 | 6.8% | 16% |

Source: Original data provided by Office of the Independent Police Auditor for the City of San Jose and the San Francisco Office of Citizen Complaints.

Although the focus of this article is on excessive force, it is interesting to note that women are also under-represented -- although less dramatically -- among citizen complaints overall (see Figure 5). For example, the Office of Citizen Complaints received a total of 46,486 complaints against San Francisco police officers between 1986 and 2001. Of these, 9.8% named female officers, which is just over half their representation (16%) among sworn personnel.¹⁰ Similarly, the Citizen Complaint Review Board received a total of 370 complaints against officers on the D.C. Metropolitan Police Department (DCMPD) during fiscal year 2001. Of these, 13.2% named female officers, although women comprise 25% of sworn personnel on the DCMPD. Again, this figure for citizen complaints is just under half that of women's representation on the department.¹¹ In contrast, male officers represent 75% of DCMPD sworn personnel but account for 86.8% of the citizen complaints and are over two times more likely to have a citizen name him in a complaint of excessive force. According to data in Figure 5, male

officers are about twice as likely as their female counterparts to be the subject of a citizen complaint of any kind.

Figure 5

All Citizen Complaints and Representation of Sworn Personnel by Gender

| Department | Years | All Citizen Complaints | | | Percent Sworn Women |
|------------------|-----------|------------------------|-------------------|----------------|---------------------|
| | | # Male Officers | # Female Officers | Percent Female | |
| San Francisco PD | 1986-2001 | 41,938 | 4,548 | 9.8% | 16% |
| D.C. Metro PD | 2001 | 321 | 49 | 13.2% | 25% |

Source: Original data provided by the San Francisco Office of Citizen Complaints and the Office of Citizen Complaint Review for the District of Columbia.

Conclusions

Whether citizen complaints, sustained allegations, or civil liability payouts are examined, the pattern is the same -- the average woman on patrol is significantly less likely to use excessive force than the average man, and as a consequence she exposes the citizens to less abuse and the department to less civil liability. While each of these measures individually could be seen as flawed, the fact that all three measures document exactly the same pattern instills confidence that the findings are consistent. That is, results from all three sources uniformly support the conclusion that female officers are significantly less likely to use excessive force in comparison with their male colleagues.

These findings illuminate the gender differences in policing and the adverse consequences to police departments of the under-representation of women but cannot begin to eliminate the real costs of police brutality. Excessive use of force takes a serious toll on the individuals involved. Both police and community members can be injured or killed when incidents escalate into unnecessary violence. Every year, members of the police and public sustain injury or lose their lives when officers resort to brutality. This is reason enough for police executives to seriously consider any strategy for reducing the excessive use of force.

Yet there are also wider implications. Excessive force incidents severely erode the trust between the police and the public. Every single sustained allegation undermines the confidence that the community places in their police department, and therefore limits the effectiveness of the police to successfully fight crime and serve the public. When the community comes to mistrust the police, they withdraw the cooperation that is essential for police to perform their job safely and effectively. For all of these reasons it is imperative that police executives understand the dynamics of excessive force and the role officer gender plays. Thus, it is important to view this information in light of past research on police use-of-force more generally.

Understanding Gender and Use-of-Force Research

At least five major studies have been conducted in the last few decades to examine the use of force and gender. Three of these studies reported a gender difference and two did not. The different findings can be explained by variations in the methodology used for the research. When the results are interpreted in the context of these different methodologies, they suggest that there is no difference in use of *routine force* by male versus female officers during the course of their daily patrol duties. However, when more serious instances of force -- including *excessive force* -- are examined, *a clear gender difference emerges*.

For example, the National Institute of Justice funded two studies in the 1990's which were designed to analyze the full extent of force used in the course of routine patrol duties. Both of these studies examined multiple departments and used a similar and very rigorous scientific methodology.¹² Researchers collected data on the use of force involved in every single arrest made by officers during a set period of time. Not surprisingly, the results indicated no difference in the extent of *routine use of force* by male and female officers.

However, other studies that examine instances of force that are higher on the "use of force continuum" do find a gender difference. The first of these was conducted by Sean Grennan in 1987, and it documented that female officers were less likely than their male colleagues on the New York Police Department to discharge a firearm.¹³ A second study in 1991 examined the use of excessive force by male and female officers. The Christopher Commission -- appointed in the wake of the Rodney King beating in Los Angeles -- analyzed all of the use of force reports, citizen complaints, and lawsuits involving excessive force against the Los Angeles Police Department.¹⁴ They concluded that "virtually every indicator examined by the Commission establishes that female LAPD officers are involved in excessive use of force at rates substantially below those of male officers."

The most recent example of research in this area is the ongoing data collection conducted by the International Association of Chiefs of Police (IACP). These data are provided voluntarily by a large number of law enforcement agencies, and they can reasonably be considered to include more serious instances of force than those analyzed in the NIJ research. In the period of 1995 to 2000, a total of 129,963 instances of force were reported in the IACP database. Of these, 7.8% involved a female officer.¹⁵ Although the percentage of women on these reporting departments is unknown, this figure can be compared to the estimate of 11.2% for both large and small police agencies nationwide.¹⁶ On this basis, it is reasonable to conclude that female officers are under-represented in more serious use of force, relative to their proportion among sworn law enforcement.

Furthermore, assuming this representation of 11.2% among both large and small U.S. police agencies, female officers are also under-represented in *every single category of force* examined by the IACP. The proportion of incidents involving female officers ranged from a low of 0% for electronic weapons and 1.9% for firearms to 8.3% for chemical weapons. Statistically, we would expect female officers to represent 11.2% of each category if they used force at a similar rate as their male counterparts.

The pattern of the research is therefore clear, and perhaps best summed up by the Christopher Commission in their 1991 report: "Female officers are not reluctant to use force but

they are not nearly as likely to be involved in use of excessive force" (emphasis added). This is likely because female officers tend to utilize a style of policing that relies more on communication skills than physical force. By using tactics and techniques that de-escalate potentially violent situations, female officers often successfully resolve situations that might otherwise lead to allegations of excessive force.

Of course, critics may argue that women are less likely to be named in excessive force incidents because they avoid potentially dangerous situations that might require use of force and thus the potential for an allegation of excessive force. However, this argument is not consistent with research conducted both in the U.S. and internationally. For example, the research already reviewed demonstrates that female officers use force as often as their male counterparts during the course of routine patrol duties. Additional research documents that male and female officers are equally effective when measured with a wide variety of indicators,¹⁷ and that there is no meaningful difference between male and female officers in: their activities or productivity on patrol, their commitment to law enforcement organizations, and their performance evaluations received both at the academy and on the job.¹⁸

In sum, women and men are equally effective at policing, yet female officers tend to perform their job with greater emphasis on communication, less reliance on physical force, and substantially less likelihood of becoming involved in excessive force problems. Yet there are even more advantages that women bring to the field of law enforcement. For example, female officers are less cynical in their view of citizens, and they report greater support for the principles of community policing in comparison with their male colleagues. Female officers also respond more effectively to cases of domestic violence, which represent up to half of all violent crime calls to police agencies.¹⁹ These are all important advantages that police executives would be remiss to ignore, especially in an era where agencies are seeking a greater number of qualified personnel to recruit.

Why So Few Women Officers?

Despite the clear advantages to law enforcement agencies and communities of hiring women police, the number of women in law enforcement remains small and the pace of increase very slow. As previously stated, women comprise only 12.7% of sworn law enforcement positions in large agencies nationwide – a figure that is a paltry four percentage points higher than in 1990, when women comprised 9% of sworn officers (see Note 1). Given that women account for 46.5% of employed persons over the age of 16, their under-representation within the field of sworn law enforcement is particularly striking.²⁰ Moreover, the most recent data indicate that the progress women have made over the last few decades has stalled or even reversed. Although sworn women gained approximately half a percentage point per year in their representation within large police agencies from 1972 to 1999, the figure has actually declined from 14.3% in 1999 to 13.0% in 2000 and 12.7% in 2001. The message is clear: at the present rate, women will not achieve equality in sworn law enforcement for several generations if at all.

Despite overwhelming evidence that women and men are equally capable of police work, widespread bias in police hiring, selection practices and recruitment policies keeps the numbers

of women in law enforcement artificially low. Entry exams, with their over-emphasis on upper body strength, wash out many qualified women – despite studies showing that physical prowess is less related to job performance than communication skills.²¹ While discriminatory height requirements were finally discarded in the early 1970's, today's tests continue to bar highly qualified women from entering policing. Once on the job, women often face discrimination, harassment, and intimidation, especially as they move up the ranks.

Clearly, the grave disparity between the numbers of men and women involved in policing adversely impacts the culture, operations, and efficacy of law enforcement agencies throughout the country. Given the many difficult challenges facing modern police agencies, the imperative to hire more women has never been more urgent.

The National Center for Women & Policing (NCWP), a division of the Feminist Majority Foundation, promotes increasing the numbers of women at all ranks of law enforcement as a strategy to improve police response to violence against women, reduce police brutality and excessive force, and strengthen community policing reforms. For more information on the NCWP, see www.womenandpolicing.org. To contribute data on the gender of officers involved in citizen complaints, sustained allegations, or payouts for excessive force, please contact the NCWP at 8105 W. Third Street, Los Angeles, CA 90048, (323) 651-2532, womencops@feminist.org.

¹ Based on a random sample of 247 city, state, and county police agencies with 100 or more sworn personnel. Source: National Center for Women & Policing (2002). *Equality Denied: The Status of Women in Policing: 2001*. Conducted by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Available from www.womenandpolicing.org.

² Data were obtained from the Los Angeles City Attorney's report on police litigation (1990-1999), files from the Los Angeles City Council, reports from the Los Angeles City Council Committee on Budget and Finance, and court pleadings including the plaintiff's complaint and the defendant's answer.

³ Analysis was conducted with all payouts and settlements of more than \$100,000 for: assault and battery, shooting, killing, other excessive force/misconduct, sexual assault and molestation, and officer-involved domestic violence. The category of "other excessive force/misconduct" includes seven cases: two false arrest/imprisonment, one illegal search, two vehicular assaults, and two police canine attacks. An additional \$1.5 million was paid out in two cases where the gender of the officer(s) involved could not be determined. Source: *Gender Differences in the Cost of Police Brutality and Misconduct: A Content Analysis of LAPD Civil Liability Cases 1990-1999*. Conducted by the Feminist Majority Foundation & The National Center for Women & Policing, 2000. Available at www.womenandpolicing.org.

⁴ Based on the percentage of women and men in the ranks of: Police Officer I, II, III, and Sergeants I, II. Personnel among these ranks are most likely to serve in a patrol capacity. Source: Equal Employment Opportunities Division of the Los Angeles Police Department.

⁵ Many thanks to the staff of the Cincinnati Enquirer for generously providing this information on the civil liability payouts of the Cincinnati Police Department. See: Sheila McLaughlin (2001, December 16). "Cincinnati taxpayers pay hefty price for police lawsuits." *Cincinnati Enquirer*.

⁶ Calculations were based on the total payout for each case, divided by the number of female versus male officers involved in the situation. Excluded from the analysis were named defendants who were not actively involved in the situation (e.g., the Chief, City Manager, other members of the command staff, and individuals not employed by the Cincinnati Police Department). Also excluded were unnamed defendants.

⁷ Data for the representation of female officers and sergeants provided by the Cincinnati Police Department.

⁸ For each department, the number of sustained allegations is provided for a range of several years, and the specific time frame varied. Yet the representation of female officers is provided only for 2001, a fact that may slightly decrease the difference between the percentage of men and women named in sustained allegations. This is offset by fact that supervisory and management positions are included in the overall representation of female personnel. If only line operations were considered, the representation of women would be significantly higher and the difference between men and women in sustained allegations would increase.

⁹ Source: Office of the Independent Police Auditor, City of San Jose, www.ci.sj.ca.us/ipa/home.html.

¹⁰ Data are only provided for complaints in which the gender of officer(s) could be determined. Source: Office of Citizen Complaints, City of San Francisco, www.ci.sf.ca.us/occ.

¹¹ Source: Citizen Complaint Review Board and the Office of Citizen Complaint Review. *Fiscal Year 2001 Annual Report*. Contact information at www.occr.dc.gov.

¹² Kenneth Adams et al. (1999). *Use of Force by Police: Overview of National and Local Data*. National Institute of Justice: Washington, DC. NCJ #176330. Available at www.ncjrs.org.

¹³ Sean A. Grennan (1987). Findings on the Role of Officer Gender in Violent Encounters with Citizens. *Journal of Police Science and Administration*. Vol. 15, No. 1, p. 78-85

¹⁴ Independent Commission on the Los Angeles Police Department (1991). *Report of the Independent Commission on the Los Angeles Police Department: Summary*.

¹⁵ For the purposes of this analysis, data are only included for those instances involving use of force in which officer gender could be determined. Source: International Association of Chiefs of Police (2001). *Police Use of Force in America*. Available from www.theiacp.org.

¹⁶ Based on a random sample of 247 city, county, and state police agencies with 100 or more sworn personnel (see Note 1) and 235 city and county police agencies with fewer than 100 sworn personnel in counties with a population of less than 50,000. Source: National Center for Women & Policing (2002). *Equality Denied: The Status of Women in Policing: 2001*. Conducted by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Available from www.womenandpolicing.org.

¹⁷ For a review of the extensive U.S. research, please see Susan Ehrlich Martin and Nancy C. Jurik (1996). *Doing Justice, Doing Gender: Women in Law and Criminal Justice Occupations*. Sage: Thousand Oaks, CA. For a review of research conducted internationally, please see Joseph Balkin (1988). Why policemen don't like policewomen. *Journal of Police Science and Administration*, Vol. 16, No. 1, p. 29-38.

¹⁸ For a review of this research, please see: National Center for Women & Policing (2000). *Hiring & retaining more women: The advantages to law enforcement agencies*. National Center for Women & Policing, a division of the Feminist Majority Foundation. Available at www.womenandpolicing.org.

¹⁹ See Note 18. Also: M. Cassidy, C.G. Nicholl, & C.R. Ross (2001). *Results of a Survey Conducted by the Metropolitan Police Department of Victims who Reported Violence Against Women*. Executive Summary published by the DC Metropolitan Police Department.

²⁰ For 2000 Bureau of Labor Statistics on Americans in the labor force, broken down by gender and racial/ethnic identification, please see <http://www.bls.gov/pdf/cpsaat11.pdf>.

²¹ For a review of the research on physical ability testing and police performance, see: *Tearing Down the Wall: Problems with Consistency, Validity, and Adverse Impact of Physical Agility Testing in Police Selection*. Report prepared by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Available from www.womenandpolicing.org.