

IDENTIFYING AND PREVENTING GENDER BIAS IN LAW ENFORCEMENT RESPONSE TO SEXUAL ASSAULT AND DOMESTIC VIOLENCE

The Department of Justice announced new guidance in December 2015 designed to help law enforcement agencies (LEAs) prevent gender bias in their response to sexual assault and domestic violence, focusing on the need for clear policies, robust training and responsive accountability systems.

The guidance, “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence,” reflects lessons learned from investigations and incorporated into consent decrees with police departments in Missoula, Montana; New Orleans and Puerto Rico. Following each of these cases, law enforcement leaders, civil rights advocates and other stakeholders sought additional guidance to address gender bias in policing.

How Gender Bias Can Impact Policing

A form of discrimination, gender bias may result in LEAs providing less protection to certain victims on the basis of gender, failing to respond to crimes that disproportionately harm a particular gender or offering less robust services due to a reliance on gender stereotypes.

Purpose of the Guidance

- Examine how gender bias can undermine the response of LEAs to sexual assault and domestic violence.
- Provide a set of basic principles that – if integrated into LEAs’ policies, trainings and practices – will help ensure that gender bias, either intentionally or unintentionally, does not undermine efforts to keep victims safe and hold offenders accountable.

Key Principles in the Guidance

The guidance, utilizing a series of case examples, advises law enforcement agencies to incorporate the following principles into clear policies, comprehensive training and effective supervision protocols:

- Recognize and address biases, assumptions and stereotypes about victims.
- Treat all victims with respect, and employ interviewing tactics that encourage a victim to participate and provide facts about the incident.
- Investigate sexual assault or domestic violence complaints thoroughly and effectively.
- Appropriately classify reports of sexual assault or domestic violence.
- Refer victims to appropriate services.
- Properly identify the assailant in domestic violence incidents.
- Hold officers who commit sexual assault or domestic violence accountable.
- Maintain, review and act upon data regarding sexual assault and domestic violence.