

UNDER SCRUTINY:

THE EFFECT OF CONSENT DECREES ON THE REPRESENTATION OF WOMEN IN SWORN LAW ENFORCEMENT

National Center for Women & Policing
a division of the Feminist Majority Foundation

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In 1972, the Supreme Court first applied Title VII of the Civil Rights Act to the public sector, and law enforcement agencies could – for the first time -- be held liable for discriminating against qualified women in hiring and promotion. Since then, women have made slow but steady progress in sworn law enforcement, gaining an average of about one-half of a percentage point a year.¹ These gains were often made against all odds, as qualified women were routinely screened out of the selection process first with height and weight standards and later with physical agility tests lacking both in consistency and validity. Height and weight standards were widely used by police agencies as part of their selection criteria until the late 1970's when they were struck down by the Supreme Court in *Dothard v. Rawlinson* (1977). More recently, women often wash out during the physical agility testing process, with protocols and cutoff scores that demonstrate stunning variation in their specific test events and cutoff scores. The physical agility tests lack validity in predicting successful job performance, yet their adverse impact is often so severe that some commentators have speculated that their very purpose is to screen out qualified female applicants.²

Research also documents that the biggest gains for women in sworn law enforcement are often seen in agencies that are subject to a consent decree or other court order that mandates the hiring and/or promotion of qualified women. Most of these decrees were imposed after women brought sex discrimination lawsuits against their departments. For example, Pittsburgh Police Department was under a court order from 1975 to 1991, mandating that for every white male they hired they were to hire one white female, one African-American male, and one African-American female. At the time the court order was imposed, Pittsburgh had only 1% women at the rank of police officer. By 1990, the department had the highest representation of women police officers in a major U.S. metropolitan city at 27.2%.

Unfortunately, there is evidence to suggest that progress in these agencies often erodes as soon as the consent decree expires or is otherwise lifted by the courts. Once the court order against Pittsburgh Police Department was lifted, for example, the number of women hired dropped dramatically from the 50% ratio mandated under the court order to 8.5%. As of 2001, the percentage of women serving in the rank of police officer was down to 22% and continuing to decline.³ The example of Pittsburgh Police Department is particularly disturbing given the declining number of active consent decrees (see note 1) and the decreased willingness of the Civil Rights Division to bring lawsuits and negotiate such decrees. Without consent decrees imposed to remedy discriminatory hiring and employment practices by law enforcement agencies, it is clear that the marginal gains women have made in policing would not have been possible.

¹ *Equality Denied: Status of Women in Policing 2001*, report prepared by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Available at www.womenandpolicing.org.

² For a review of this research, see: Kimberly A. Lonsway (2003). *Tearing down the wall: Problems with consistency, validity, and adverse impact of physical agility testing in police selection*. Article to appear in *Police Quarterly*, Issue #3.

³ Thanks to Laura Zaspel of the Pittsburgh Police Department for providing these figures. Although Pittsburgh Police Department did not respond to the 2001 survey, it has provided data for surveys in previous years.

EXECUTIVE SUMMARY

To examine the impact of court scrutiny on the representation of women within sworn law enforcement, the National Center for Women & Policing contacted 31 police agencies who were known to have had a consent decree⁴ or other court order at some point regarding the hiring and/or promotion of women. These agencies were identified primarily through past studies of the *Status of Women in Policing*.⁵ Several additional agencies were identified through a Freedom of Information Act (FOIA) request to the Employment Litigation Section of the U.S. Department of Justice, Civil Rights Division. These were agencies whose consent decree was enacted in the past 10 years. This list is not intended to be exhaustive, but comprehensive enough to fairly represent the population of police agencies that have been under a consent decree or other court order for the hiring and/or promotion of women. These data from the participating 18 agencies revealed the following:

- **Consent decrees have a dramatic and positive effect on increasing the number of women in sworn law enforcement.** For each type of law enforcement agency -- city, county, and state -- the pattern of results was identical. In 2001, the representation of sworn women in agencies with a consent decree was substantially higher than the percentage in agencies without a consent decree -- and higher than the national average for that type of agency.
- Among **municipal police departments**, those with a consent decree had 17.8% sworn women, which is 77% higher than those without a consent decree (10.1%) and 25% higher than the national average for municipal police departments (14.2%).
- For **county agencies** with a consent decree, the percentage of sworn women was 14.9%, which is 25% higher than county agencies without a consent decree (12.0%) and 9% higher than the national average for county agencies (13.9%).
- **State police agencies** with a consent decree reported 7.2% sworn women, which is 43% higher than the figure for state police agencies without a consent decree (5.1%) and 23% higher than the national average for state police agencies (5.9%).
- **Once a consent decree ends, however, the pace of progress for women slows -- in some cases quite dramatically.** Responding police agencies increased women's representation by an average of 0.47% per year when they were under a consent decree. After the decree expired or was lifted by the court, responding agencies continued to make progress in women's representation but the average annual increase slowed to only 0.22%.

In sum, consent decrees remain one of the most effective tools for increasing the representation of women in sworn law enforcement. Consent decrees are also associated with a pace of progress that is double that for agencies without such a decree. Clearly, court-ordered plans for increasing diversity remain necessary until police agencies can implement effective policies to successfully recruit and retain women.

⁴ The term "consent decree" is used throughout this document to describe any agreement that binds the agency to a specified course of action regarding the hiring and/or promotion of women within sworn law enforcement.

⁵ The National Center for Women & Policing conducts regular, nationwide studies of the *Status of Women in Policing*. Reports are available at www.womenandpolicing.org.

AGENCIES WITH CONSENT DECREES FOR HIRING OR PROMOTING SWORN WOMEN

Of the 31 agencies contacted to participate in this study, 18 provided information regarding their consent decree and the representation of sworn women both while the consent decree was in effect and, if applicable, after it expired. Of these 18 responding police agencies, 8 were state agencies, 5 were municipal departments, and 5 were county agencies. These agencies deserve special recognition for providing data to better understand the impact of consent decrees on diverse agencies across the country. Summary information on these participating police agencies is provided in the table below.

| Agency | Consent Decree Enacted | Consent Decree Expired | Years of Data Provided on Women's Representation | Representation of Sworn Women in 2002 |
|--|------------------------|------------------------|--|---------------------------------------|
| Municipal Police Departments | | | | |
| Cincinnati (OH) Police | 1981 | -- | 1981 – 2002 | 20.89% |
| Columbus (OH) Police | 1978 | 1985 | 1982 – 2002 ^b | 13.54% |
| Los Angeles (CA) Police | 1980 | -- | 1980 – 2002 | 18.85% |
| New Haven (CT) Police | 1984 | 1994 | 1984 – 2002 | 18.65% |
| County Law Enforcement Agencies | | | | |
| Los Angeles (CA) County Sheriff | 1988 | -- | 1991 – 2002 | 14.87% |
| McHenry (IL) County Sheriff | 1995 | -- | 1995 – 2002 | 21.88% |
| Montgomery (MD) County Police | 1991 | 2000 | 1991 – 2002 | 18.59% |
| Nassau (NY) County Sheriff | 1982 | -- | 1995 – 2002 ⁷ | 9.97% |
| San Diego (CA) County Sheriff | 1977 | 1993 | 1984 – 2002 ⁸ | 17.90% |
| Suffolk County (NY) Sheriff | 1986 | -- | 1990 – 2002 | 10.87% |
| State Police Agencies | | | | |
| Arkansas State Police | 1978 | -- | 1979 – 2002 | 4.62% |
| Florida Highway Patrol | 1979 | -- | 1979 – 2002 | 11.06% |
| Michigan State Police | 1977 | 1996 | 1990 – 2002 | 12.42% |
| New Jersey State Police | 1975 | 1991 | 1975 – 2002 | 3.52% |
| New York State Police | 1979 | 1990 | 1979 – 2002 | 7.67% |
| Rhode Island State Police | 1982 | 1990 | 1994 – 2002 | 8.92% |
| Virginia State Police | 1982 | 1987 | 1989 – 2002 | 4.01% |
| Vermont State Police | 1982 | 1986 | 1994 – 2002 | 6.31% |

Source: National Center for Women & Policing, 2003.

⁶ Data not provided for the year 1992.

⁷ Data not provided for the years 1996 and 1997.

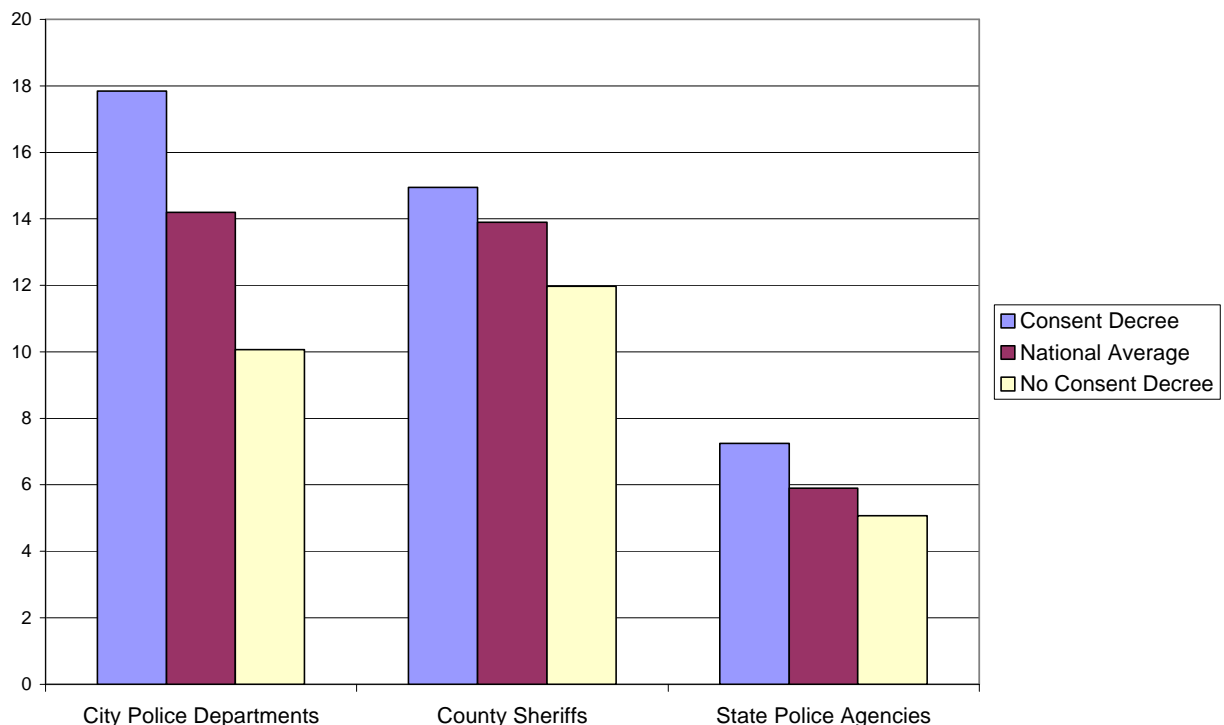
⁸ Data not provided for the years 1985 and 1992.

CONSENT DECREES INCREASE THE REPRESENTATION OF SWORN WOMEN

The data indicate that consent decrees have a dramatic and positive effect on increasing the number of women in sworn law enforcement. For each type of law enforcement agency (city, county, state), the pattern of results was identical. The representation of sworn women in agencies with a consent decree was substantially higher than the percentage in agencies without a consent decree -- and higher than the national average for that type of agency.⁹ This data is presented visually in the graph below.

Among municipal police departments, for example, those with a consent decree had 17.8% sworn women in 2001. This is 77% higher than municipal police departments without a consent decree whose representation of sworn women was 10.1%, and it is 25% higher than the national average for municipal departments that year (14.2%). For county agencies with a consent decree, the percentage of sworn women was 14.9%. This is 25% higher than the percentage of sworn women in county agencies without a consent decree (12.0%) and 9% higher than the national average for county agencies in 2001. State police agencies with a consent decree reported 7.2% sworn women in 2001, which is 43% higher than the figure for agencies without a consent decree (5.1%) and 23% higher than the national average (5.9%).

Consent Decrees and the Representation of Women in Sworn Law Enforcement



Source: National Center for Women & Policing, 2003.

⁹ National averages are based on 247 responses to a survey of 360 state, county, and municipal law enforcement agencies with 100 or more sworn personnel. See: *Equality Denied: The Status of Women in Policing 2001*, report prepared by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Available at www.womenandpolicing.org.

CONSENT DECREES DOUBLE THE PACE OF PROGRESS FOR SWORN WOMEN

Consent decrees also double the pace of increase for sworn women within a police agency. In this study, police agencies increased the representation of sworn women by an average of 0.47% per year when they were under a consent decree. After the decree expired, responding agencies continued to make progress but the average annual increase in women's representation stalled to only 0.22%.

Of the 15 agencies providing data, all but two made some significant progress in women's representation while the consent decree was in effect. Seven of these agencies also provided data after the consent decree expired. Five of these seven agencies saw the pace of increase in women's representation slow or even reverse into a downward trend after the consent decree expired. Thus, 87% of the agencies with a consent decree made significant progress in the representation of sworn women, while 71% of the agencies saw this progress stall or reverse after the consent decree expired. Summary data from the responding police agencies are provided in the table below.

| Agency | Total Increase in Women's Representation | Data Provided | Average Annual Progress During Consent Decree | Average Annual Progress After Consent Decree |
|--|--|-------------------|---|--|
| Municipal Police Departments | | | | |
| Cincinnati (OH) Police | 16.2% | 1981 – 2002 | 0.77% | -- |
| Columbus (OH) Police | 4.3% | 1982 – 2002 | 0.41% | 0.19% |
| Los Angeles (CA) Police | 16.2% | 1980 – 2002 | 0.74% | -- |
| New Haven (CT) Police | 14.3% | 1984 – 2002 | 0.54% | 1.11% |
| County Law Enforcement Agencies | | | | |
| Los Angeles (CA) County Sheriff | 2.2% | 1991 – 2002 | 0.22% | -- |
| McHenry (IL) County Sheriff | 12.7% | 1995 – 2002 | 1.81% | -- |
| Montgomery (MD) County Police | 4.0% | 1991 – 2002 | 0.52% | -0.36% |
| Nassau (NY) County Sheriff | -0.1% | 1995 – 2002 | -0.02% | -- |
| San Diego (CA) County Sheriff | 2.1% | 1984 – 2002 | 0.01% | 0.22% |
| Suffolk County (NY) Sheriff | 4.1% | 1990 – 2002 | 0.34% | -- |
| State Police Agencies | | | | |
| Arkansas State Police | 2.7% | 1979 – 2002 | 0.12% | -- |
| Florida Highway Patrol | 10.9% | 1979 – 2002 | 0.47% | -- |
| Michigan State Police | 4.2% | 1990 – 2002 | 0.59% | 0.12% |
| New Jersey State Police | 3.5% | 1975 – 2002 | 0.15% | 0.06% |
| New York State Police | 6.5% | 1979 – 2002 | 0.45% | 0.13% |
| Rhode Island State Police | 1.1% | 1994 – 2002 | -- | 0.14% |
| Virginia State Police | 1.3% | 1989 - 2002 | -- | 0.10% |
| Vermont State Police | 2.4% | 1994 – 2002 | -- | 0.30% |
| AVERAGE | 6.0% | 16.4 YEARS | 0.47% | 0.22% |

Source: National Center for Women & Policing, 2003.

DISCUSSION

This study documents the clear positive effect that consent decrees have on the representation of women within sworn law enforcement. The findings are therefore consistent with existing research indicating that affirmative action programs have significantly increased the representation of sworn women. For example, Susan Martin conducted a survey in 1986 with 446 police agencies. Her results confirmed that affirmative action programs substantially increased the number of sworn women, and this was particularly pronounced for those programs that were court-ordered rather than voluntary. Specifically, agencies with consent decrees had 10.1% female officers, compared with 8.3% in departments with voluntary affirmative action programs and 6.1% in departments without any affirmative action policy. Affirmative action programs also significantly increased the percentage of female applicants and the proportion of female applicants who were selected to be recruits. Although affirmative action programs therefore had a very positive effect on the number of women police officers, no statistically significant effect was seen on their promotion to higher levels within the organization.¹⁰

Another study was conducted around the same time to determine the effect of the consent decree in place at the Los Angeles Police Department as a result of *Blake v. City of Los Angeles* (1979). That inquiry revealed that the department had significantly increased the number of women officers and decreased the female attrition rate at the academy from 59% to 29%. However, no progress was again seen in promotion with women's representation not increasing at higher levels within the organization.¹¹ A third study found that previous anti-discrimination litigation predicted higher representation of women within a large, national sample of police organizations.¹²

While the research therefore demonstrates the positive impact of consent decrees on increasing women's representation within sworn law enforcement, it is equally clear that a number of factors determine their potential effect. For example, the specific language and provisions of the consent decree will obviously affect its potential effectiveness. Some of the decrees in this study contained specific language describing the long-term goals of women's representation on the agency to be proportional to their representation in the workforce. Some even included interim goals, and a few had specific timetables for achieving those hiring levels. However, many of the consent decrees resembled those in a study sponsored by the National Institute of Justice which found that most affirmative action policies were unclear with respect to their plans and goals and that most were passive rather than active. Such clear language and specific hiring goals were found to be necessary to successfully bring more women and minorities into sworn law enforcement.¹³

¹⁰ Susan E. Martin (1991). The effectiveness of affirmative action: The case of women in policing. *Justice Quarterly*, 8(4), 489-504.

¹¹ M. Hooper (1992). Case study of a departmental response to affirmative action mandates: The Los Angeles Police Department. In G.T. Felkenes & P.C. Unsinger (Eds), *Diversity, Affirmative Action and Law Enforcement* (pp. 115-136). Springfield, IL: Charles C. Thomas.

¹² Tim R. Sass & Jennifer L. Troyer (1999). Affirmative action, political representation, unions, and female police employment. *Journal of Labor Research*, 20 (4), 571-587.

¹³ E. Hochstedler, E. (1982). *Impediments to hiring minorities in criminal justice agencies*. Washington, DC: National Institute of Justice.

Another factor determining the effectiveness of consent decrees is agency leadership for improving women's representation. Several studies have demonstrated the importance of management commitment to achieving affirmative action goals.¹⁴ A consent decree is therefore unlikely to succeed when it is undermined by management within the organization, and it is most likely to succeed when buttressed with the unwavering support of police managers. For example, New Haven Police Department experienced such remarkable progress in women's representation – even after the consent decree expired – because the leadership in that organization made a serious commitment to increasing its diversity. In contrast, other agencies have had a consent decree in place for decades without any significant progress, presumably due in part because the organization has not made any serious commitment to hiring more women.

Perhaps most important, however, is the issue of enforcement. A consent decree is only likely to be effective if it is supported by careful court monitoring, with the threat of meaningful sanctions for non-compliance. The example of the Pittsburgh Police Department combined with the outcome of this research points strongly to the need for consent decrees to increase the number of police officers. Unfortunately, the lawsuits that result in this type of consent decree can be expensive and time consuming, making it difficult for individual women plaintiffs to bring successful actions. The Civil Rights Division of the U.S. Department of Justice is the primary institution within the federal government responsible for enforcing the federal statutes that prohibit sex discrimination. Although with increasingly conservative federal judges, and an Administration less willing than others to bring sex discrimination lawsuits and negotiate hiring agreements, the use of consent decrees to raise the number of women in law enforcement will likely decrease.

In sum, consent decrees and other court orders remain one of the most effective tools for increasing the representation of women in sworn law enforcement. Although women have made considerable progress in sworn law enforcement over the last few decades, consent decrees are associated with a pace of progress that is double that for agencies without such a decree. Clearly, court-ordered plans for increasing diversity remain necessary until police agencies can implement effective policies to successfully recruit and retain women. For guidance in this area, police executives should consult the recently published *Self Assessment Guide for Law Enforcement* that was developed by the National Center for Women & Policing and funded in part by the Bureau of Justice Assistance.¹⁵

¹⁴ See Susan E. Martin (1991) for a review of these studies.

¹⁵ National Center for Women & Policing (2000). *Recruiting and Retaining Women: A Self Assessment Guide for Law Enforcement*. Report prepared by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Washington, DC: Bureau of Justice Assistance (NCJ #185235). Available at www.ncjrs.org.

AGENCIES ORIGINALLY CONTACTED TO PARTICIPATE IN THE STUDY

| | |
|-------------------------------------|--|
| Anne Arundel County (MD) Sheriff | Nassau (NY) County Police |
| Arkansas State Police | New Haven (CT) Police |
| Cincinnati (OH) Police | New Jersey State Police |
| Columbus (OH) Police | New York State Police |
| DeKalb (IL) County Sheriff | Newark (NJ) Police |
| Florida Highway Patrol | Pinellas County (FL) Sheriff |
| Fort Lauderdale (FL) Police | Rhode Island State Police |
| Framingham (MA) Police | San Diego County Sheriff |
| Indianapolis (IN) Police Department | Shreveport (LA) Police |
| Jefferson County (AL) Sheriff | South Carolina Department of Public Safety |
| Los Angeles (CA) Police | Suffolk County (NY) Police |
| Los Angeles (CA) County Sheriff | Toledo (OH) Police |
| McHenry County (IL) Sheriff | Vermont State Police |
| Michigan State Police | Virginia State Police |
| Monroe (LA) Police | Yonkers (NY) Police |
| Montgomery County (MD) Police | |

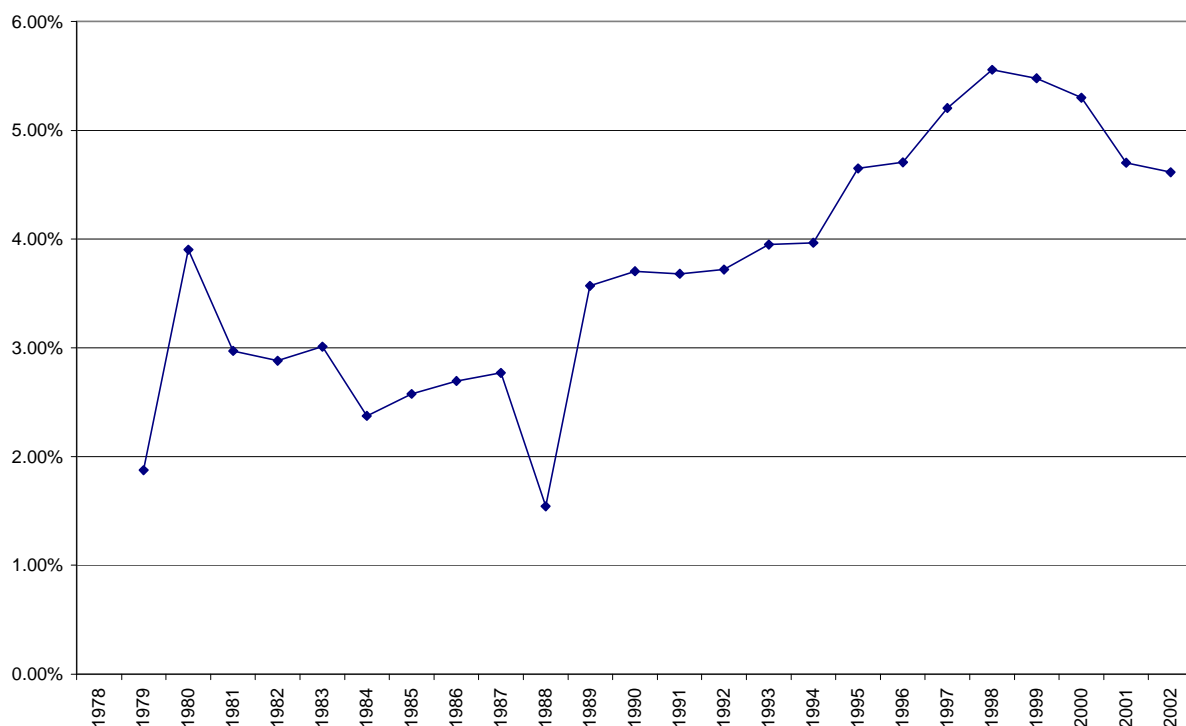
INDIVIDUAL RESPONDING AGENCIES

Although interesting patterns are seen at the aggregate level, it is also important to examine the individual agencies to better understand their unique dynamics. Information is therefore presented for each of the 18 police agencies providing data.

Arkansas State Police

Since 1978, the Arkansas State Police have been under a consent decree prohibiting discrimination on the basis of race and gender in hiring, promotion, assignment, training, compensation, discipline, discharge, and other employment practices. Long-term goals include proportional representation of African-Americans and women in comparison with the work force of individuals 20-34 years of age. Interim goals include 20% female representation among new troopers. After the consent decree was enacted in 1978, women's representation on the Arkansas State Police increased inconsistently from 1.9% in 1979 to a high of 5.6% in 1998, before backtracking to 4.6% in 2002. This roughly parallels the pattern of overall agency size, which grew from 1979 to a peak in 2000 and a recent downturn to 2002. This means that over the 24-year period of the consent decree, the agency increased women's representation by an average of 0.12% per year for a total gain of only 2.7%. Despite their longstanding consent decree, women represented only 4.7% of sworn personnel on the Arkansas State Police in 2001, well below the national average of 5.9% for state police agencies.¹⁶

Arkansas State Police: Representation of Sworn Women



Source: National Center for Women & Policing, 2003.

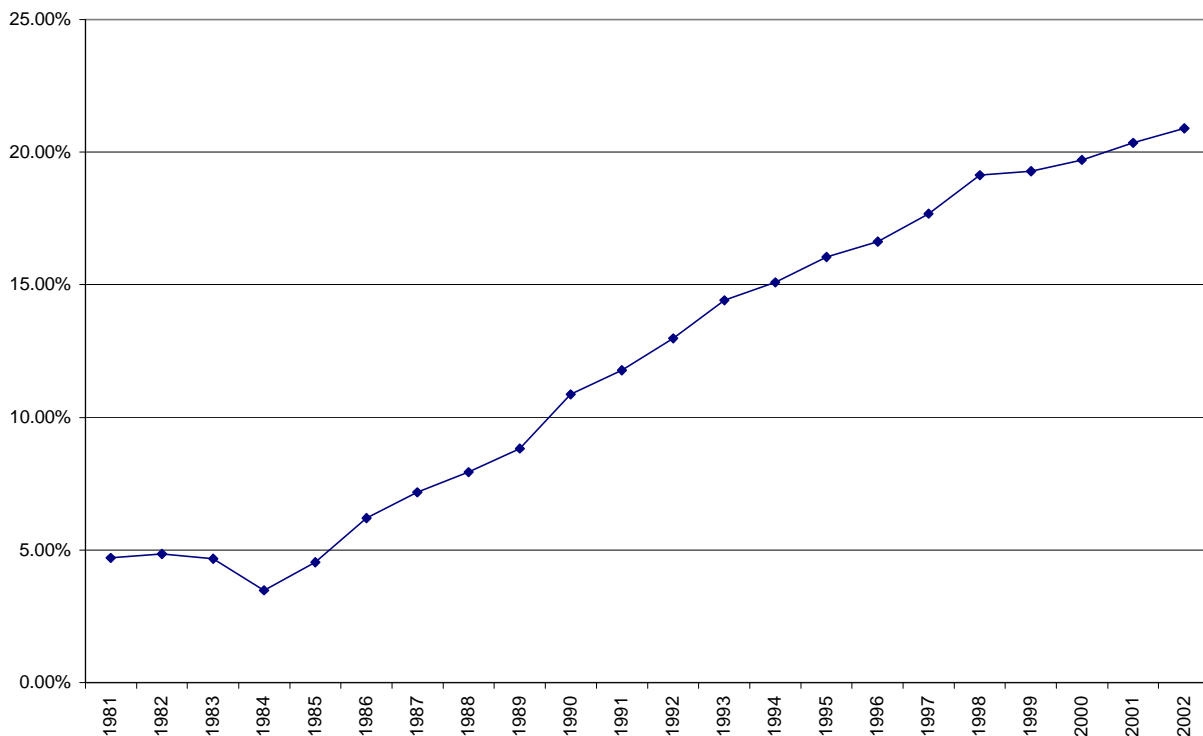
¹⁶ All national averages for the representation of sworn women are drawn from *Equality Denied: Status of Women in Policing 2001*, report prepared by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Available at www.womenandpolicing.org.

Cincinnati Police Department

In 1981, Cincinnati Police Department was permanently enjoined from discriminating against African-Americans and women in hiring and other employment practices. Long-term goals include representing African-Americans and women on the Cincinnati Police Department proportional to their representation in the city workforce. Interim goals include 23% representation of women among entry-level police officers. The decree remains in effect, and will be eliminated only when the parties petition the court with evidence of compliance.

Despite the implementation of this consent decree, Cincinnati Police Department did not make any immediate gains in the first four years when the representation of women remained under 5%. Since that time, however, steady progress was seen from 4.5% women in 1985 to 20.9% in 2002 -- a substantial gain of 16.2% over 17 years. The 20.4% representation of sworn women in 2001 was substantially higher than the national average of 14.2% for city police departments. It is also the highest for any city agency included in the study. The size of the agency has only increased slightly in the 21 years of the consent decree, and the increase is explained almost entirely by an addition of women. The agency added an average of 7.8 women per year since 1981 while the number of men has declined.

Cincinnati Police Department: Representation of Sworn Women



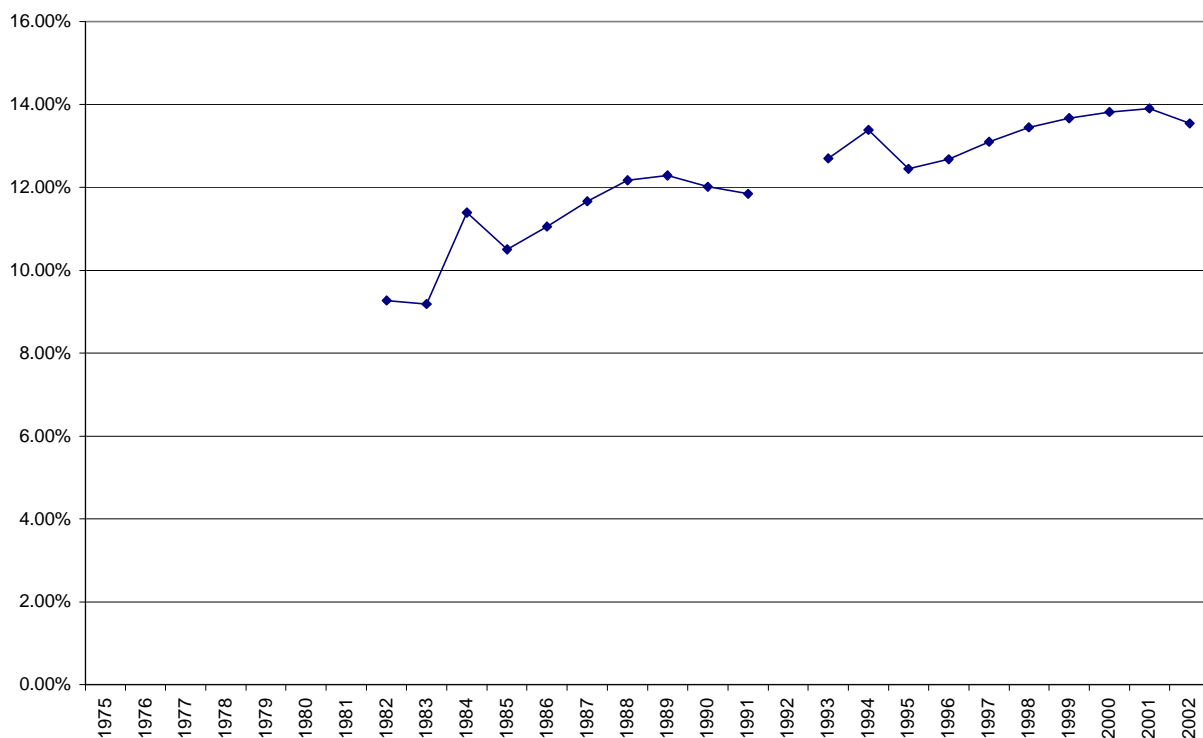
Source: National Center for Women & Policing, 2003.

Columbus Police Department

In 1978, Columbus Police Department was enjoined from using specific events on their physical agility test due to a "significant disparate impact on women."¹⁷ The court order did not provide specific quotas for hiring, but required monitoring hiring practices. Although the order was in effect from 1978 to 1985, data are not available for the first four years so it is unclear what the representation of sworn women was at the time it was enacted. Since 1982, the agency has made only slow and inconsistent progress in the representation of sworn women.

The overall gain since 1982 was 4.3%, with a small downturn in 2002 to a level previously seen in 1998. The rate of increase during the consent decree was 0.41% per year, over twice as much as the annual increase after it expired in 1985 (0.19%). During that same period of time, Columbus Police Department increased in overall size from 1982 to 1998, and then plateaued before declining slightly in 2002. The pattern of women's representation is thus explained by the average addition of 7.8 women per year from 1982 to 1998, then a net loss of 5 women from 1999 to 2002. In 2001, the representation of sworn women was 13.5%, which is slightly lower than the national average for municipal police departments (14.2%). This percentage is also the lowest for all city agencies included in the study.

Columbus Police Department: Representation of Sworn Women



Source: National Center for Women & Policing, 2003.

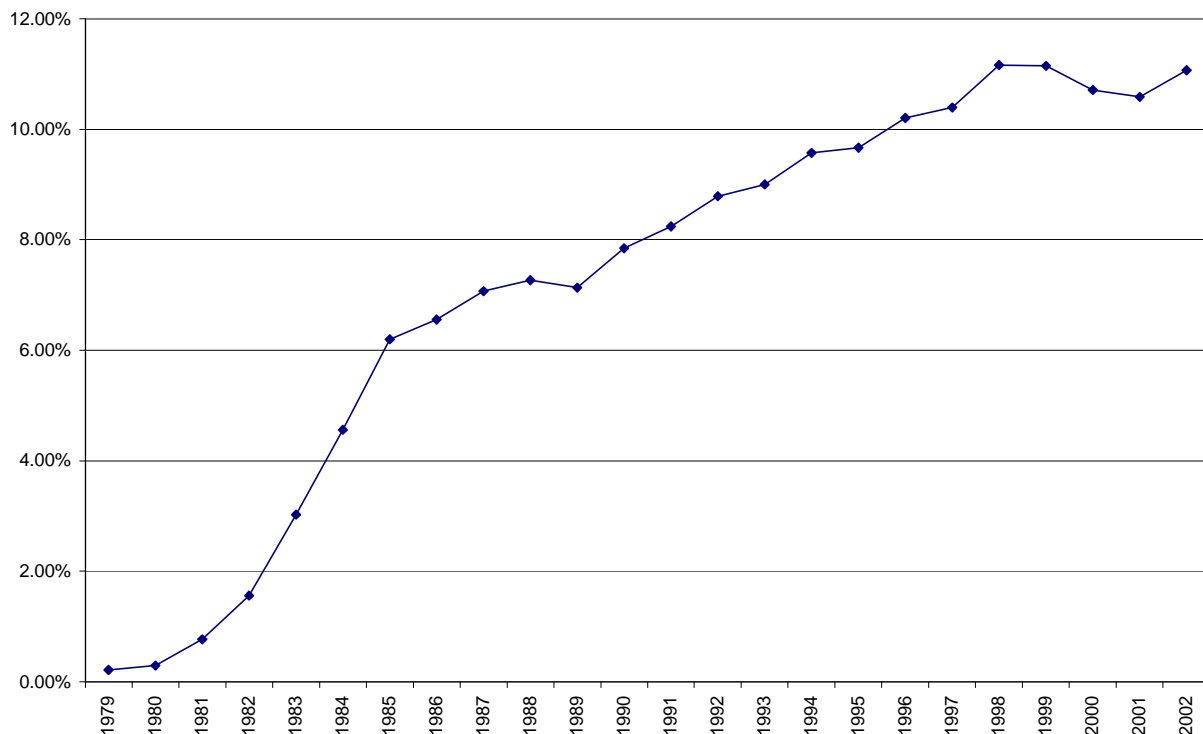
¹⁷ *Youla Brant, et al. v. City of Columbus, et al.* No. C-2-75-425, 1978 U.S. Dist LEXIS 15109, (S.D. Ohio Oct. 5, 1978), p. 7.

Florida Highway Patrol

Florida Highway Patrol has been under a consent decree since 1979, to prohibit discrimination by gender and race in hiring and other employment practices. The long-term goal is proportional representation of African-Americans, Latinos, and women in the department as compared to the statewide labor force. Interim goals include 15% representation of women in entry-level sworn positions within two years and 20% representation in the years following.

Since 1979, the agency has made generally steady progress in the representation of sworn women from 0.2% to 11.2% in 1998. After 1998, however, women's representation stalled. This pattern generally parallels that of agency size, which increased from 1979 and then plateaued so the agency was essentially the same size in 2002 as it was in 1992. The pattern of women's representation is therefore explained by an average annual increase of 10.8 women from 1979 to 1992 and 3.4 women from 1992 to 2001. A final increase was seen with the addition of 8 women between 2001 and 2002 which raised women's representation among sworn personnel by 0.48%. The representation of sworn women was 10.6% in 2001, considerably higher than the national average for state police agencies that year (5.9%).

Florida Highway Patrol: Representation of Sworn Women

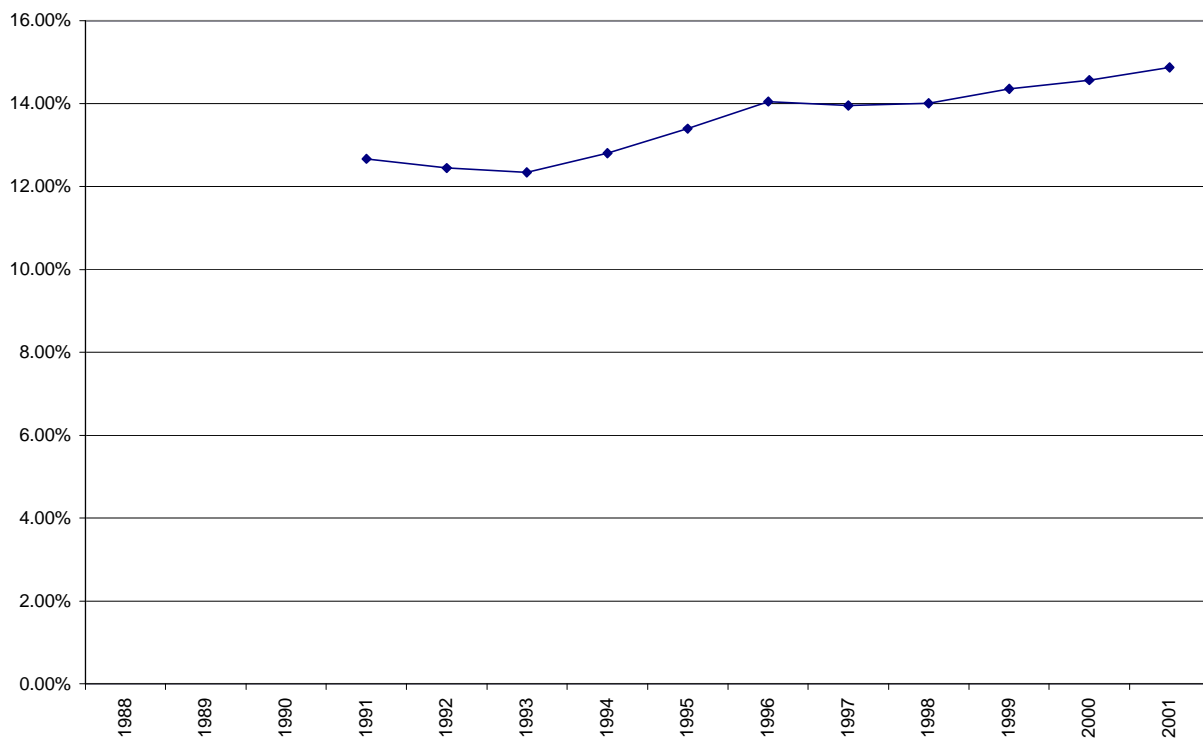


Source: National Center for Women & Policing, 2003.

Los Angeles County Sheriff

Los Angeles County Sheriff has been under a consent decree since 1988, prohibiting sex discrimination in hiring, promotion, assignment, and other employment practices. Although data are not available for the first three years of the consent decree, an increase of 2.2% was seen in women's representation from 1991 to 2002. This translates to an average annual increase of 0.22%. Because there was very little growth in size agency size during that time, the increase in women's representation is explained by the addition of 28.8 women per year compared with 44.1 men. In other words, 39.5% of the personnel added between 1992 and 2002 were women. The agency is therefore adding a considerable percentage of women, but the extremely large size of the agency has limited its effect on the overall representation of sworn women. The 14.6% representation of sworn women in 2001 is slightly higher than the national average for county agencies (13.9%).

Los Angeles County Sheriff: Representation of Sworn Women



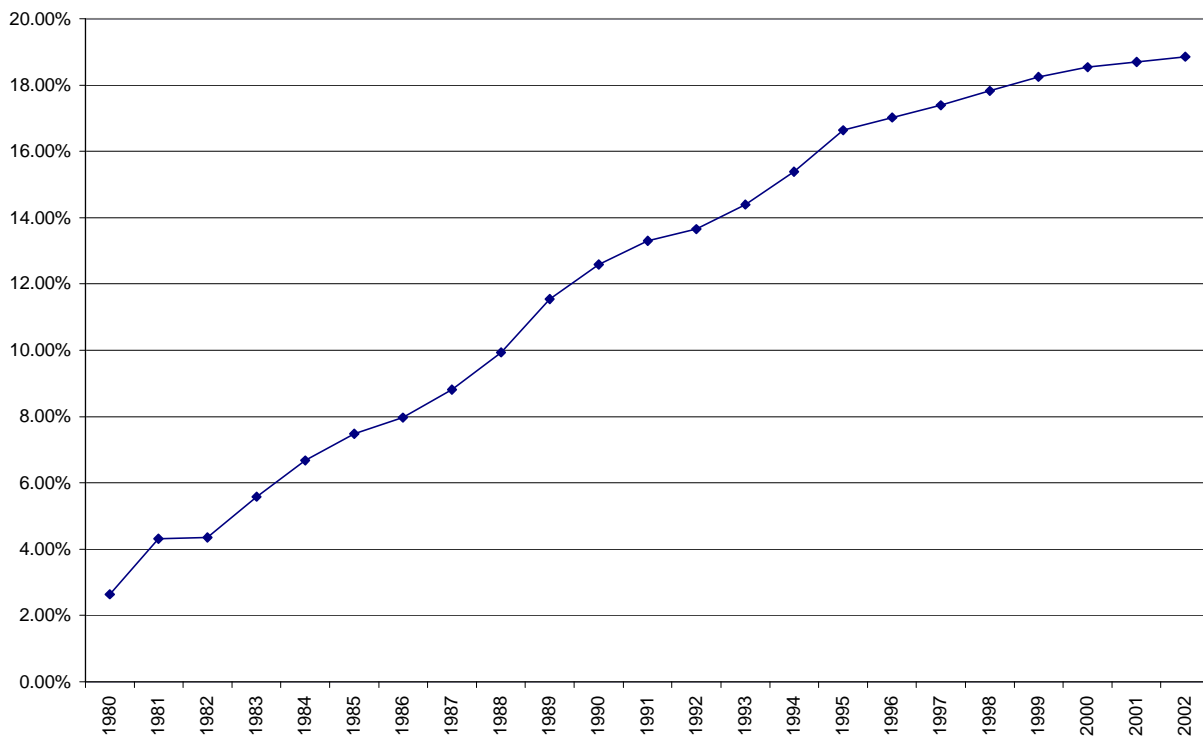
Source: National Center for Women & Policing, 2003.

Los Angeles Police Department

Los Angeles Police Department has been under a consent decree since 1980 as a result of *Blake v. City of Los Angeles* (1979).¹⁸ The decree ordered the immediate hiring and promotion of women and minorities, with a goal of 20% female representation. Since that time, the agency has increased the representation of sworn women every year. However, the pace of increase has slowed considerably since 1995. From 1980 to 1995, the agency increased the representation of sworn women by an average of 0.93% per year. This increase generally coincided with a period of agency growth from 1980 to 1998, during which the agency added an average of 86.4 women and 79.1 men per year. In other words, women comprised 52.2% of the personnel added from 1980 to 1998.

After that point, the representation of women continued to increase but at a slower pace. From 1996 to 2002, the average annual increase was only 0.32%, generally coinciding with a decrease in agency size from 1998 to the present. During that time, there was a net loss of 61 women and 571 men from the agency. The representation of women in 2001 was 18.7%, which is considerably higher than the national average for municipal agencies (14.2%).

Los Angeles Police Department: Representation of Sworn Women



Source: National Center for Women & Policing, 2003.

¹⁸ For a discussion of the *Blake* consent decree, see www.geocities.com/capitolhill/8512/impl.html

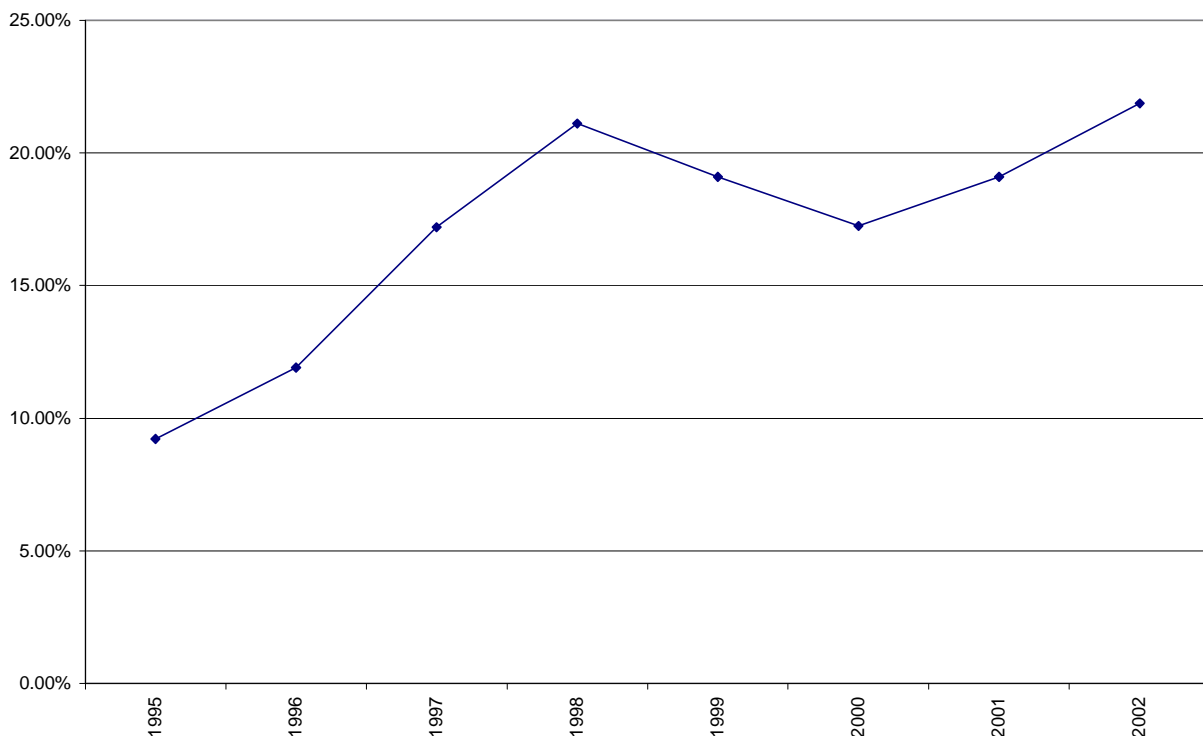
McHenry County Sheriff

The consent decree enacted in 1995 prohibits the McHenry County Sheriff from discriminating against women in recruitment, hiring, promotion, assignment, and other employment practices. The long-term goal of the decree is recruitment of women proportional to their representation in the relevant labor market – approximately 34.1%. Interim goals include 18% female patrol officers within 5 years and 26% female patrol officers within 10 years. These hiring goals will expire once they are attained.

From 1995 to 1998, the agency saw a steep increase in the representation of sworn women and then a downturn from 1998 to 2000. This coincides with an increase in agency size from 1995 to 1997, which then stalled so the agency has remained essentially the same size since 1997. From 2000 to 2002, there was a rebound in progress, bringing the representation of women to the same level as 1998. In other words, although the average annual rate of increase in women's representation was 1.81% over seven years for a total increase of 12.7%, there has been no progress since 1998. Hopefully the recent upsurge suggests that the current trend might be positive.

The representation of women was 19.1% in 2001, which is considerably higher than the national average for county agencies that year (13.9%). It is also the highest representation of any agency included in the sample, and suggests that the McHenry County Sheriff is on track to meet the goal of 26% female representation by 2005.

McHenry County Sheriff: Representation of Sworn Women

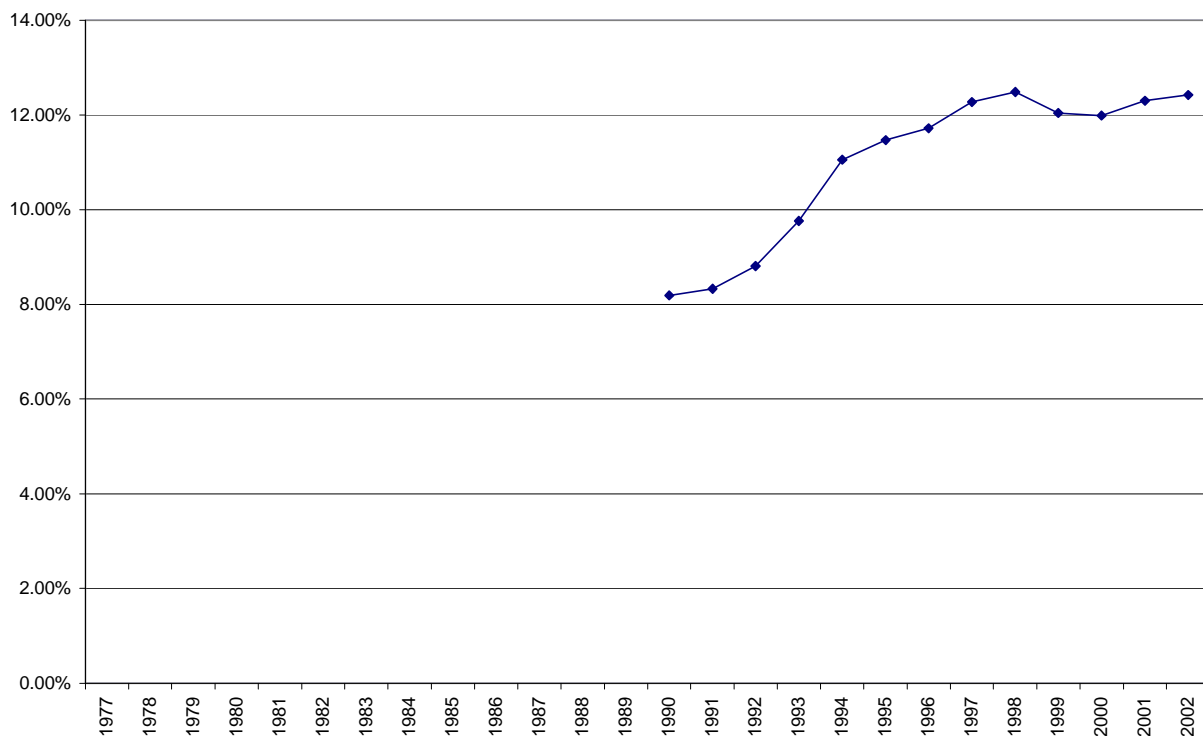


Source: National Center for Women & Policing, 2003.

Michigan State Police

Since the consent decree was enacted in 1977, Michigan State Police has experienced a steady gain in the representation of sworn women which then stalled after its expiration in 1996. Women made progress with an average gain of 0.59% per year under the consent decree, and very little progress (0.12% per year) after it expired. Specifically, the agency gained 65 women from 1990 to 1996, compared to a net loss of 189 men. Then only 2 women were added from 1997 to 2002, compared to a net loss of 11 men. In other words, agency size has declined from 1990 to 2001, so the progress of sworn women during that period of time was mostly due to a net loss of men. Nonetheless, the representation of sworn women was 12.3% in 2001, which is considerably higher than the national average of 5.9% for state agencies. It is also the highest figure for state agencies included in the study.

Michigan State Police: Representation of Sworn Women



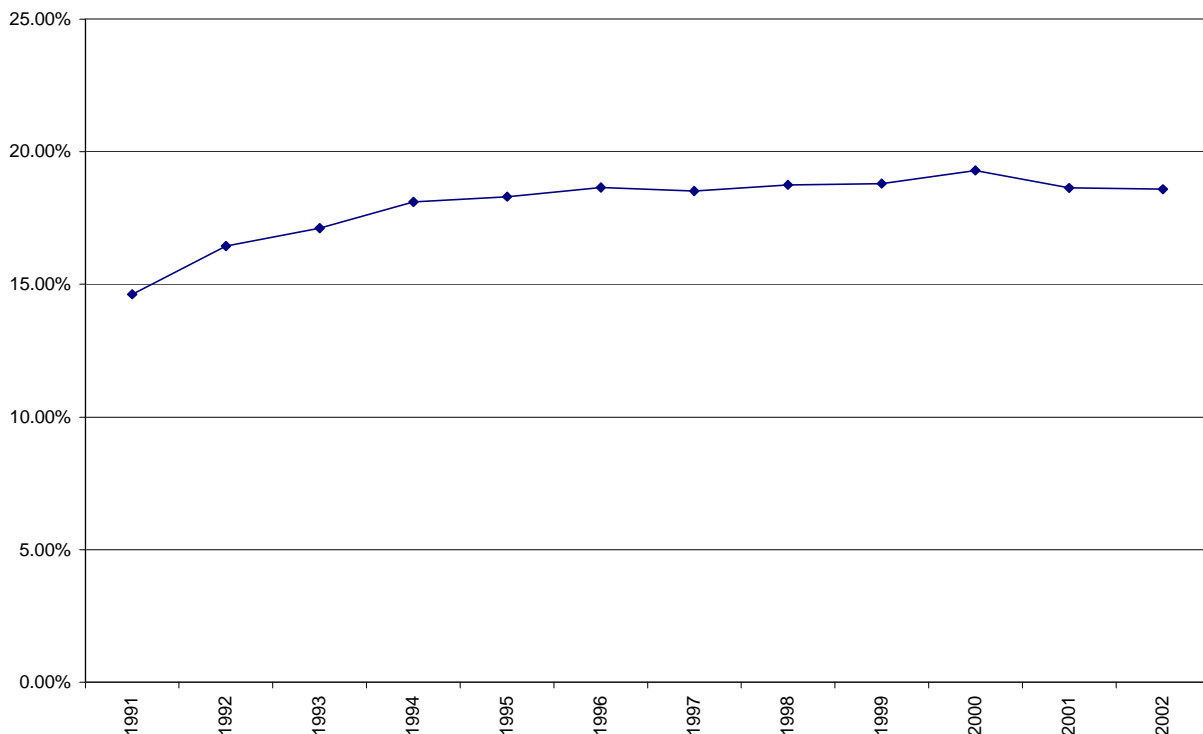
Source: National Center for Women & Policing, 2003.

Montgomery County Police

Although Montgomery County Police was under a consent decree from 1991 to 2000, data are only available since 1991 for the last nine years of the consent decree and the two years after it expired. While the consent decree was in effect, the representation of sworn women made slow but steady progress with an average gain of 0.52% per year. Once the consent decree expired, however, progress reversed and women lost an average of 0.36% for each of the two subsequent years. It is the only agency included in the study to see an actual decrease in women's representation after the expiration of a consent decree.

The pattern of agency growth was also slow but steady from 1991 to 2002, with only small sporadic dips. Because the pattern of agency growth continued from 2000 to 2002 after the consent decree expired, this means that the decrease in sworn women's representation is explained by a substantial decrease in the number of female personnel added. When the consent decree was in effect, women accounted for 39.3% of the additional personnel, whereas this percentage shrunk to 4.5% after the consent decree expired. Nonetheless, the representation of women was 18.6% in 2001, considerably higher than the national average for county agencies (13.9%). This representation of sworn women is higher than any other county agency included in the study.

Montgomery County Police: Representation of Sworn Women



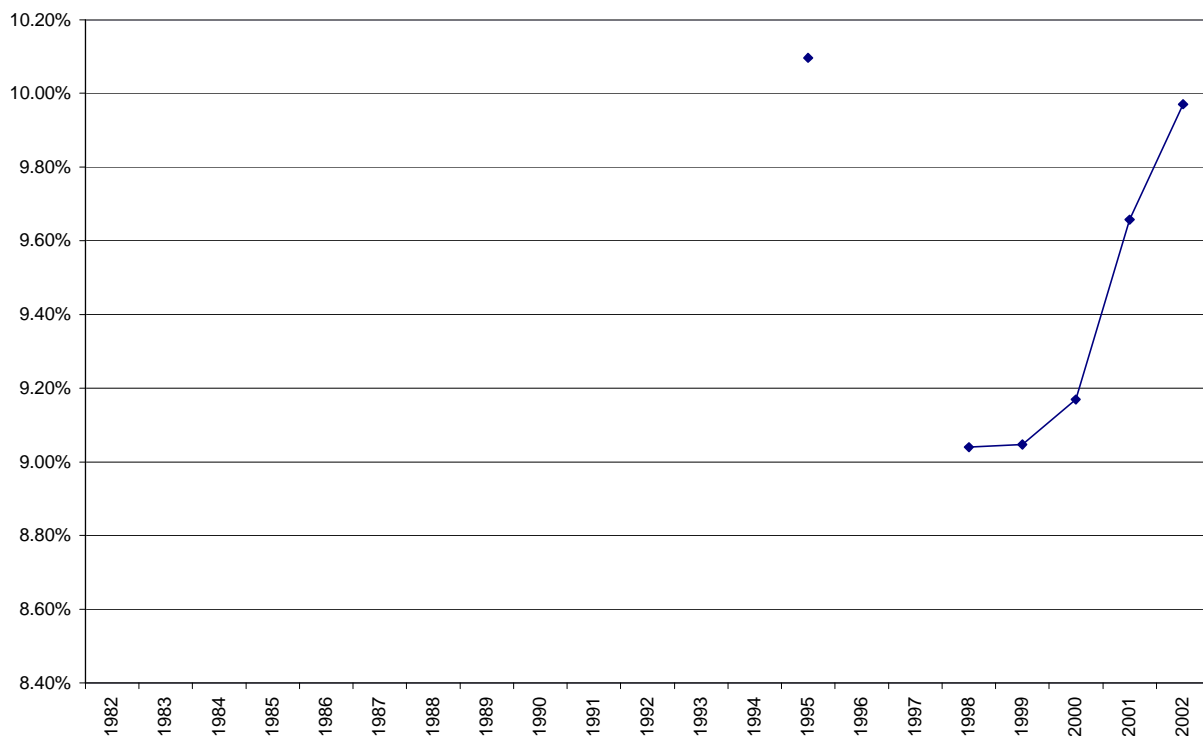
Source: National Center for Women & Policing, 2003.

Nassau County Police

In 1982, Nassau County Police entered into a consent decree to ensure that hiring was conducted without discrimination by race or gender. Unfortunately, data on women's representation are only available beginning in 1995. During this time the representation of sworn women remained essentially unchanged. The agency saw a decline of just over 1% in women's representation from 1995 to 1998, despite the sharp increase in agency size from 1995 to 1999. Then women's representation increased almost 1% between 1998 and 2002, despite a decline in overall agency size. This small increase in women's representation was thus due primarily to a net loss of men.

Because data are only available beginning 13 years after the implementation of the consent decree, it is impossible to assess the broader impact of the consent decree over its entire duration. However, the representation of sworn women was 9.7% in 2001, which is considerably lower than the national average for county agencies (13.9%). The figure is also the lowest of any county agencies included in the study.

Nassau County Police: Representation of Sworn Women



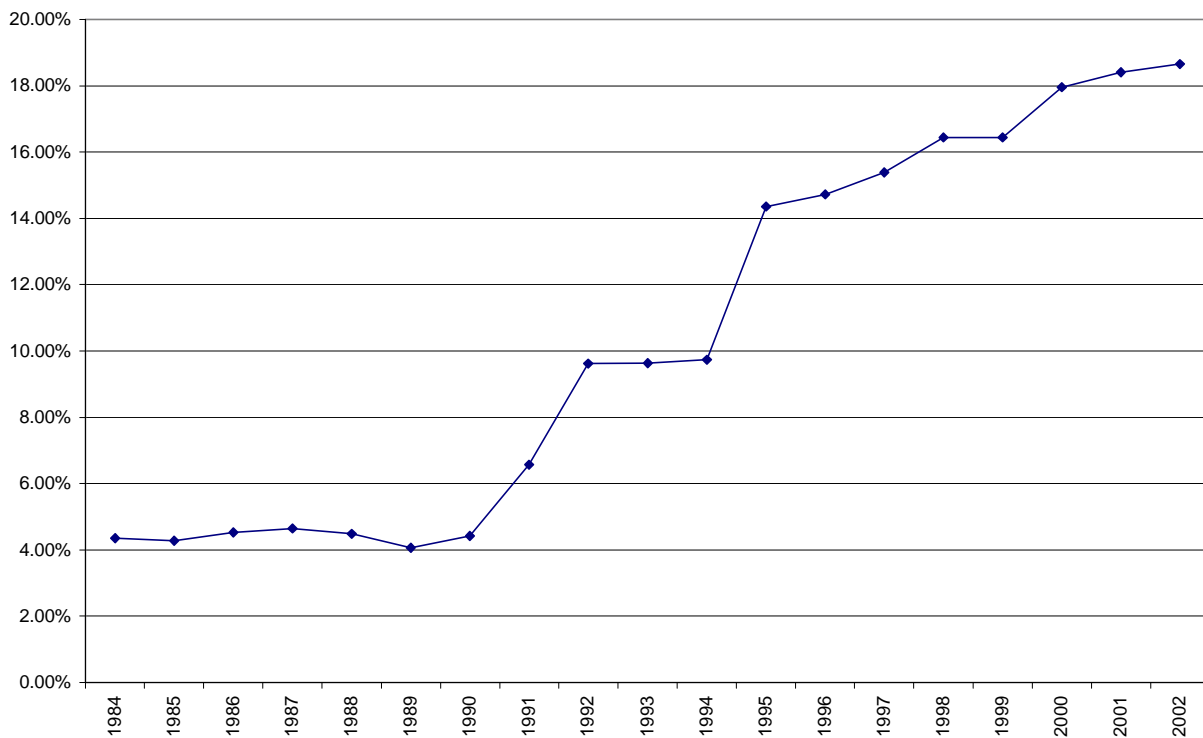
Source: National Center for Women & Policing, 2003.

New Haven Police Department

New Haven Police Department was not provided any specific quotas in their 1984 court order, but they were prohibited from engaging in discrimination in recruiting, hiring, promotion and other employment practices. Since 1984, the department has consistently increased the representation of sworn women with the pace actually increasing after the consent decree expired in 1994. The overall increase in the representation of sworn women during the 18-year period was 14.3%, with an average gain of 0.54% during the consent decree and 1.11% after it expired. The 4.6% jump in 1995 is the single largest of any agency without a consent decree in effect, and it represents the addition of 24 women and 24 men to the department that year.

The agency has increased somewhat in size from 1984 to the present. However, most of this growth has been due to additional female personnel. The agency has increased the representation of women by adding an average of 3.6 women per year from 1984 to 2002 while the number of men basically held steady. The representation of women in 2001 was 18.4%, which was considerably higher than the national average for city police agencies (14.2%).

New Haven Police: Representation of Sworn Women

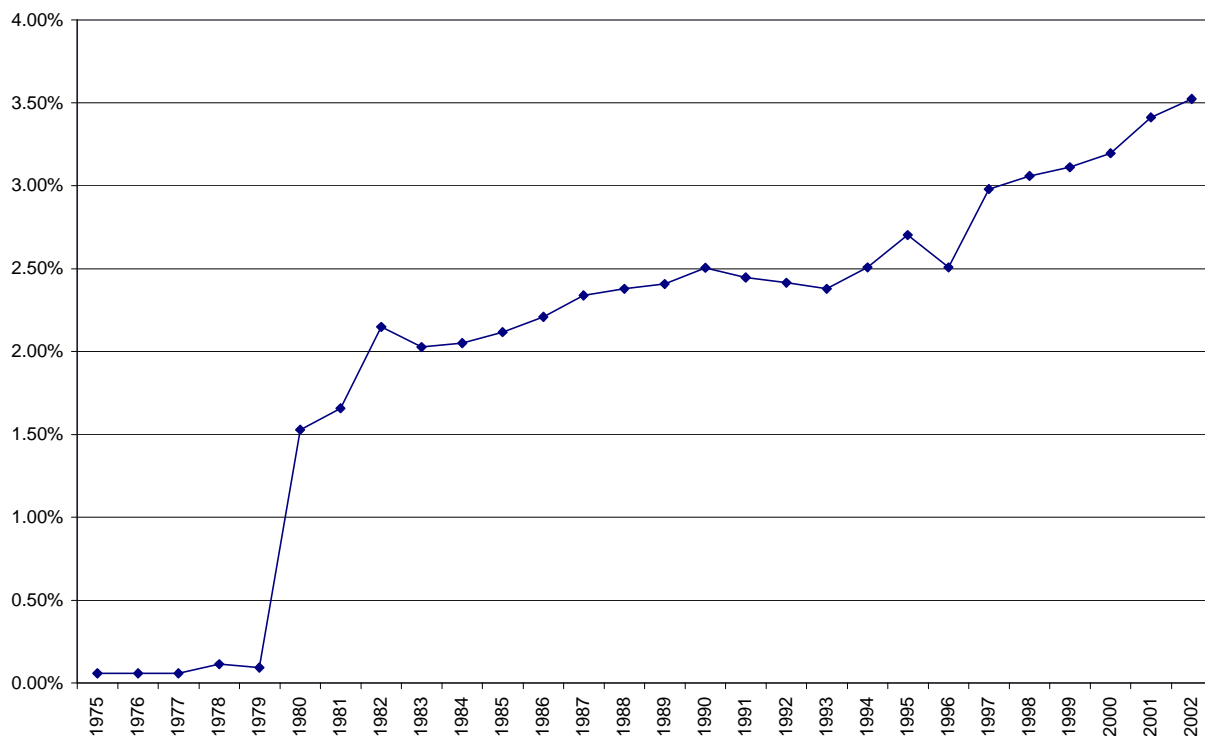


Source: National Center for Women & Policing, 2003.

New Jersey State Police

Although a consent decree was enacted with the New Jersey State Police in 1975 to prohibit discrimination against women and ethnic minorities, there was essentially no change in the representation of sworn women for the first five years. In 1980, the agency added a total of 30 women in an unprecedented class of all female recruits. During the remaining 12 years of the consent decree, however, the agency continued to make only marginal progress of 0.15% annually. After the consent decree expired in 1991, even this small amount of progress slowed to an average gain of .06% per year from 1992 to 2002. Women accounted for only 9.5% of the additional personnel during this 27-year period. The representation of women in 2001 was 3.4%, which is substantially lower than the national average for state police agencies (5.9%). It is also the lowest figure of any law enforcement agency in this study.

New Jersey State Police: Representation of Sworn Women

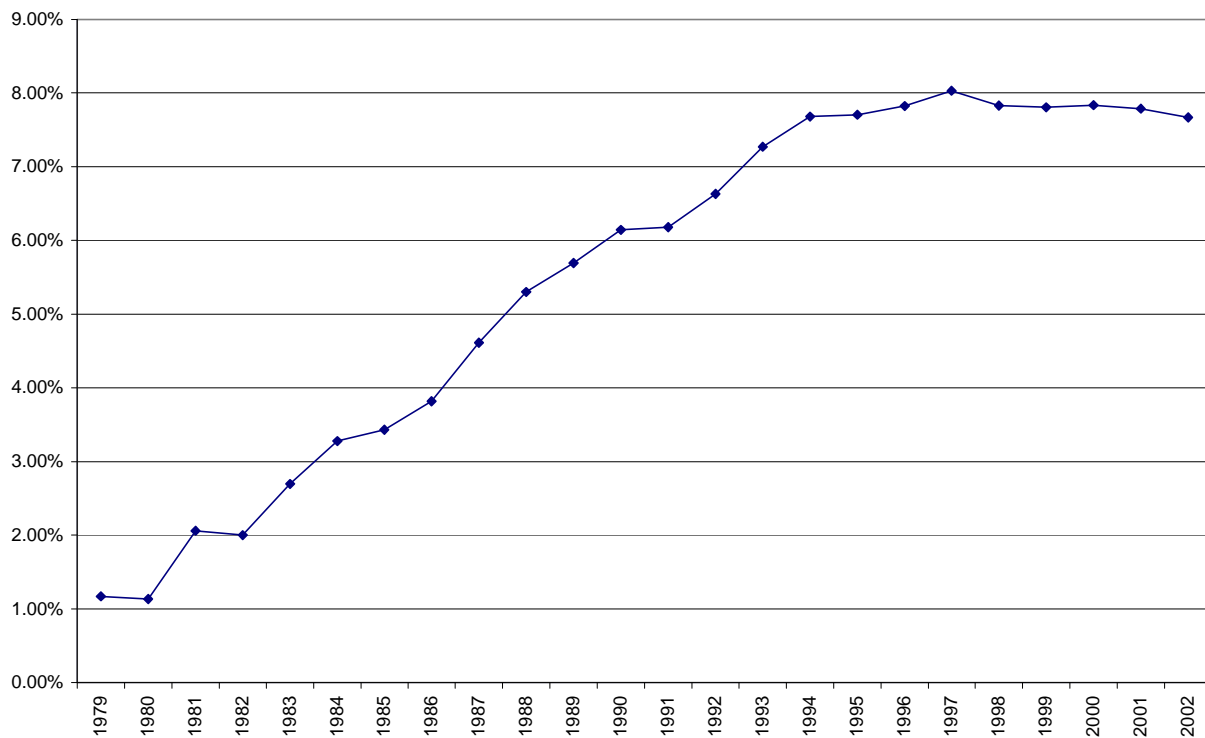


Source: National Center for Women & Policing, 2003.

New York State Police

After a consent decree was enacted with the New York State Police in 1979, the representation of sworn women increased sharply from 1.2% to 8.0% in 1997. During this time, women accounted for 46.5% of the agency growth. Progress then reversed, however, so the figure for women's representation declined slightly to 7.7% in 2002. Between 1997 and 2002, women accounted for only 3.5% of agency growth. Thus, although the average annual gain was 0.45% during the consent decree and 0.13% after it expired, all of this progress was made before 1997. Since 1997, women's representation has actually decreased an average of 0.07% per year. The average representation of women in 2001 was 7.8%, which is somewhat higher than the national average for state police agencies (5.9%).

New York State Police: Representation of Sworn Women



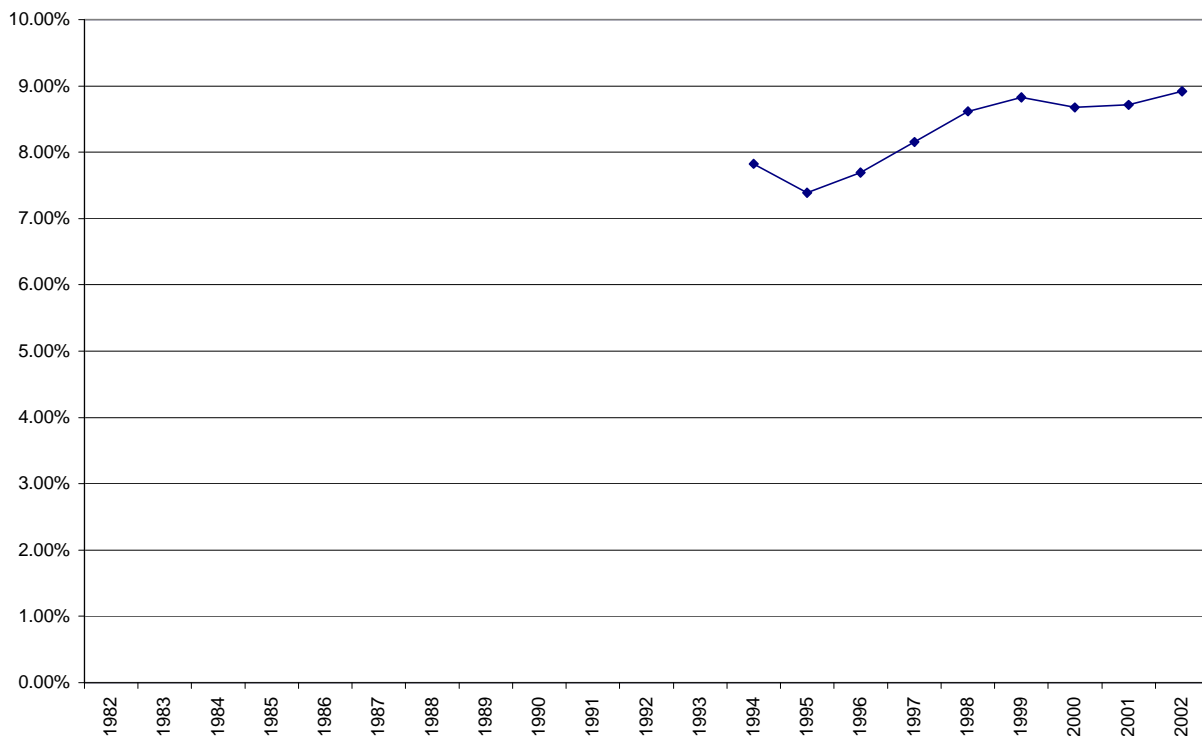
Source: National Center for Women & Policing, 2003.

Rhode Island State Police

Rhode Island State Police was under a consent decree from 1982 to 1990, but data are only available beginning in 1994. The decree prohibited discrimination against women in recruitment, training, assignments, and other employment practices. The long-term goal was to increase the representation of women to reflect their interest and ability to qualify for entry-level sworn positions. Interim goals were 15% women in the first training class following the decree and 20% women for each training class thereafter.

Since 1994, there has been virtually no change in the representation of sworn women and very little agency growth. Women's representation increased a total of 1.1% over these eight years, for an average annual gain of 0.14%. Women accounted for only 15.2% of the total personnel added to the agency during that time. The representation of sworn women in 2001 was 8.7%, somewhat higher than the national average for state police agencies (5.9%).

Rhode Island State Police: Representation of Sworn Women



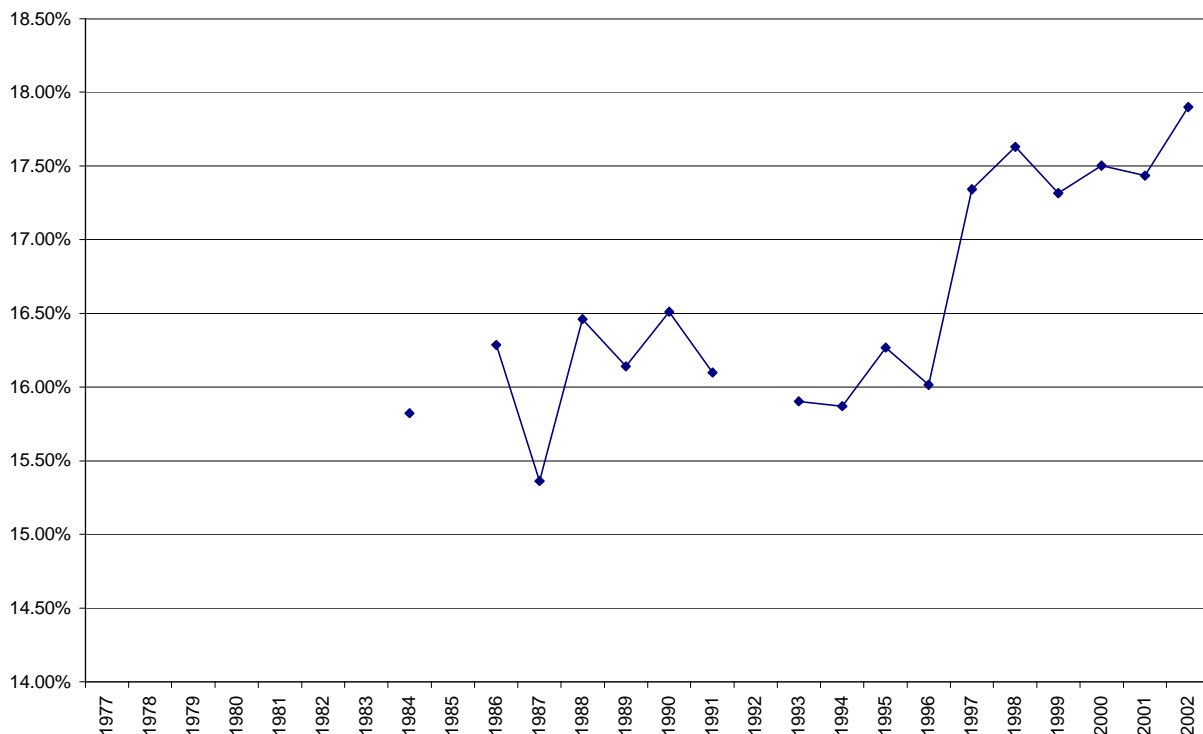
Source: National Center for Women & Policing, 2003.

San Diego County Sheriff

San Diego County Sheriff was under a consent decree from 1977 to 1993, although data are only available beginning nine years after its implementation. The decree stated that affirmative steps must be taken to improve the recruitment and hiring of women until women's representation within the department reflected 80% of their representation in the city work force. Hiring goals were provided, but in the last nine years of the consent decree (1984 to 1993), there was essentially no change in the representation of sworn women despite a steady increase in overall agency size.

Women's representation was 15.8% in 1984 and 15.9% in 1993 when the consent decree expired, and women constituted only 16.1% of the total personnel added during those nine years. After consent decree's expiration, the representation of sworn women increased to 17.9% in 2002. Between 1993 and 2002 sworn women made an average annual gain of 0.22% and accounted for 23.1% of the total personnel added. Overall, women gained only 2.1% over the 18 years for which data are available. Yet the average of 17.4% women in 2001 was considerably higher than the national average for county agencies (13.9%).

San Diego County Sheriff: Representation of Sworn Women

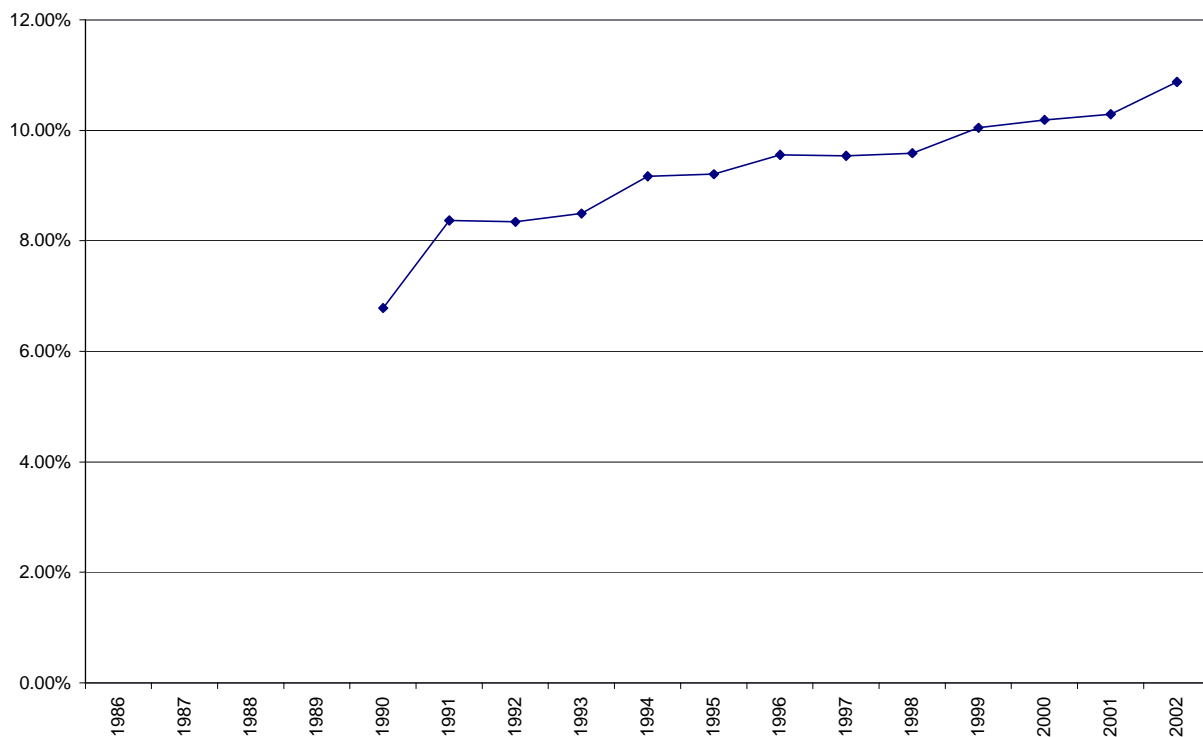


Source: National Center for Women & Policing, 2003.

Suffolk County Sheriff

Since 1986, Suffolk County Sheriff has been under a consent decree prohibiting discrimination on the basis of race or sex in: recruitment, hiring, promotion, assignment, discipline, compensation, and other employment practices. No specific hiring goals were proposed, and the agency has made slow but steady progress in the representation of sworn women. However, data are only available from 1990, so it is unclear what the representation of sworn women was at the time the consent decree was enacted. Between 1990 and 2002, women's representation increased by 0.34% annually for a total of 4.1%, despite the fact that the agency experienced virtually no growth in overall size. The gain in women's representation was therefore explained by the average addition of 9.7 women per year as compared with an average loss of 1.3 men per year. In 2001, women constituted 10.3% of the sworn workforce, which is somewhat lower than the national average for county agencies (13.9%).

Suffolk County Police: Representation of Sworn Women



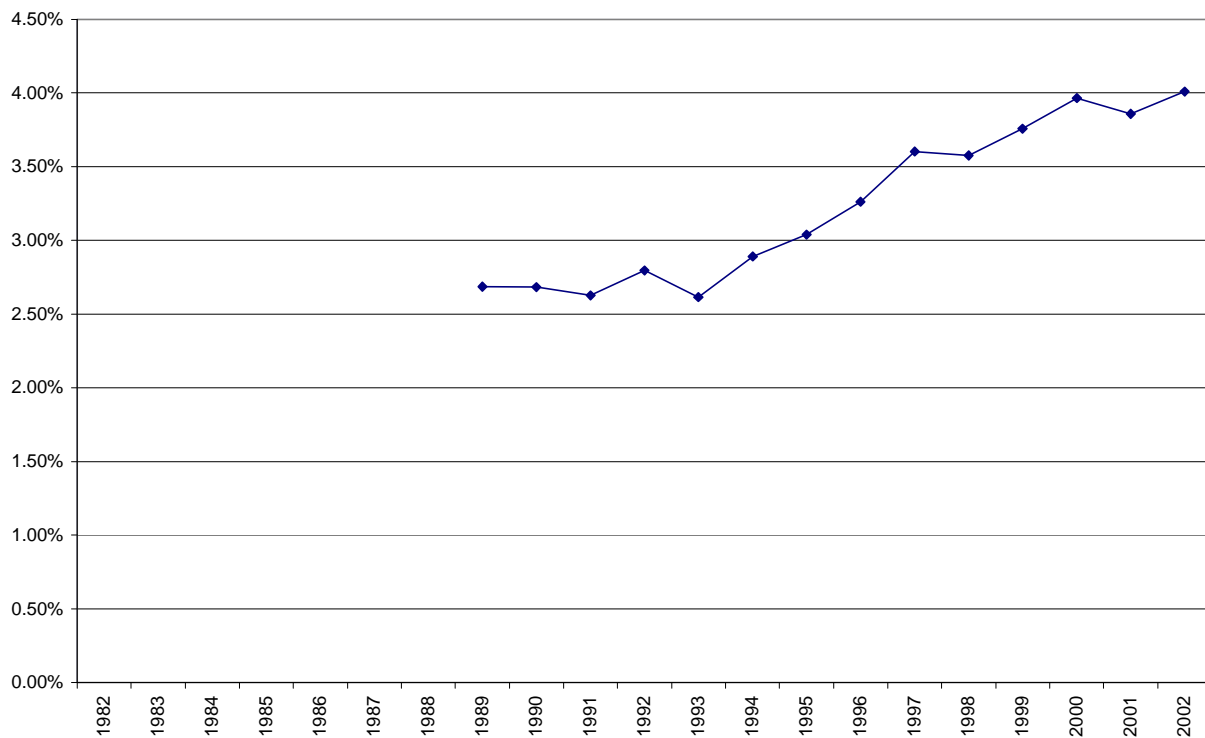
Source: National Center for Women & Policing, 2003.

Virginia State Police

A consent decree was enacted in 1982 with the Virginia State Police, prohibiting discrimination on the basis of race or sex in recruitment, selection, testing, hiring, training, and other employment practices. Long-term goals include 25% female representation among applicants for trooper positions. The consent decree expired in 1987, although data are only available beginning two years after the consent decree expired (from 1989 to 2002). During those 13 years, the representation of sworn women increased by only 0.10% per year for a total of 1.3%.

The lack of progress for women is largely explained by the fact that the agency experienced virtually no growth in the last two decades. Between 1989 and 2002, the agency added an average of only 2.1 women and 7.2 men per year. In other words, women accounted for 29.2% of the additional personnel from 1987 to 2002, but the 4.0% representation of women in 2001 remains well below the national average of 5.9% for state police agencies. It is also the second lowest percentage of sworn women of the agencies included in the study.

Virginia State Police: Representation of Sworn Women

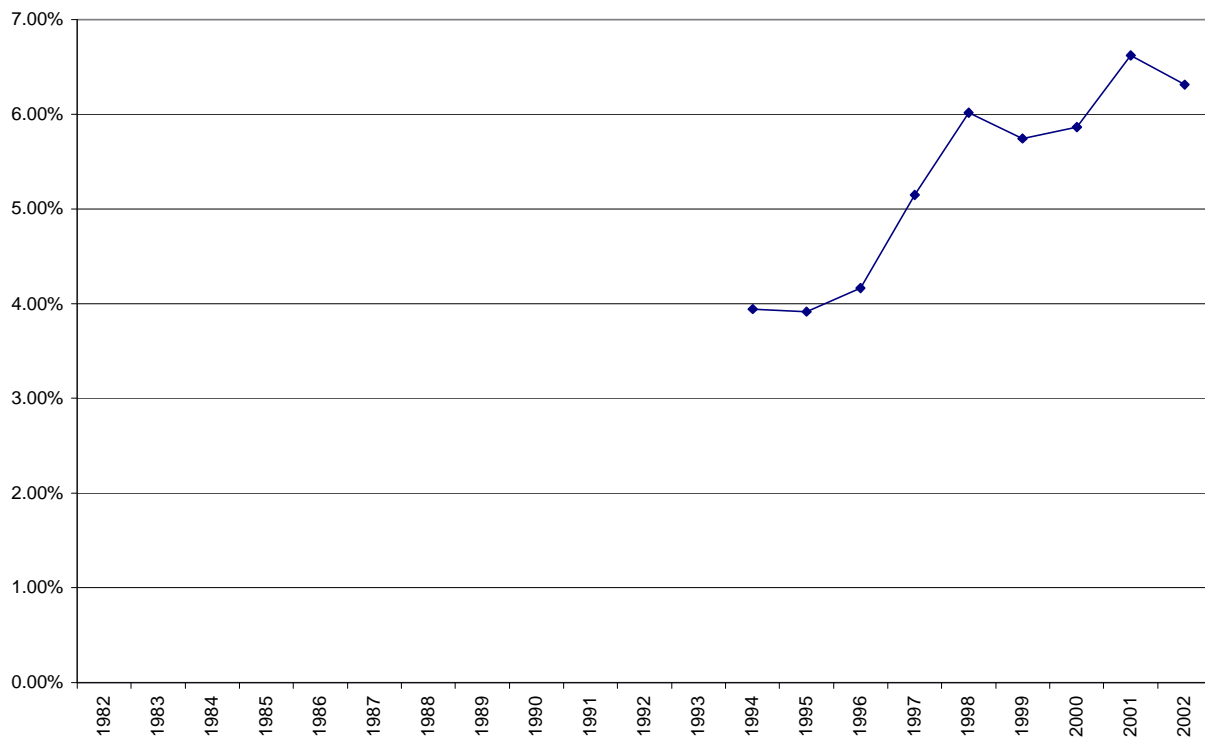


Source: National Center for Women & Policing, 2003.

Vermont State Police

The consent decree for the Vermont State Police was enacted to increase the number of women applicants and it was only in effect from 1982 to 1986. Unfortunately, data are only available beginning eight years after the consent decree's expiration in 1994. Since that time, the agency has seen a small increase of 0.30% per year in the representation of sworn women for a total increase of 2.4% over eight years. The small increase is due in large part to extremely limited agency growth, because women made up a substantial 36.4% of the personnel added from 1994 to 2002. The representation of women in 2001 was 6.6%, slightly higher than the national average for state police agencies (5.9%).

Vermont State Police: Representation of Sworn Women



Source: National Center for Women & Policing, 2003.