

Do ask, Do tell

Gays and Lesbians in Today's Law Enforcement

by

Lt. Eric V. Winchell

Claremont Police Department

September 2008

COMMAND COLLEGE CLASS 43

The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).

© Copyright 2008

California Commission on Peace Officer Standards and Training

Do Ask, Do Tell

Gays and Lesbians in Today's Law Enforcement

Fear. Anxiety. Pressure. Stress. These are just some of the emotions gays and lesbians encounter when they face the choice of whether to “come out of the closet,” or to keep their sexual preference undercover. If they make the decision to “come out,” they risk the potential of encountering discrimination in every area of their lives. Prejudice and harassment can occur anywhere—from interactions with relatives and friends to participation in schools and churches. One of the most difficult places to experience sexual discrimination, though, is in the workplace. Bosses, coworkers and community members who are biased against gays and lesbians can create a miserable atmosphere of embarrassment and frustration for the gays and lesbians working with them. Gays and lesbians who choose to come out around “straight” people they work with will probably face at least some (if not much) discrimination.

The potential for intolerance and harassment only increases when a “straight” stereotype surrounds the job description. For example, while gays and lesbians are fairly accepted as waitstaff in restaurants, or performers in the entertainment industry, far more public controversy would likely occur if a gay man or lesbian were selected as a candidate for President of the United States. This discrimination would not be due to gays or lesbians having any less capability or qualifications; rather, the controversy would arise primarily because the situation is unprecedented. United States Presidents have a stereotype of being white, male, and fully heterosexual. Likewise, many other positions in government seem to have “strictly straight” as an underlying requirement. People who work in law enforcement understand this well.

As gays and lesbians have battled to become more accepted in society, they have experienced their fair share of ridicule and discrimination. An article in *Frontiers Magazine* in

2005 displays a letter dated in the 1970s in which then LAPD Chief of Police Edward Davis rejects an invitation to “Gay Pride Week” with shocking discrimination. He writes, “I would much rather celebrate ‘Gay Conversion Week’ which I will gladly sponsor when the medical practitioners in this country find a way to convert gays to heterosexuals.”¹ While a modern police chief would likely be raked over the coals or even fired for such a comment today, events and attitudes such as these still persist.

Many strides are, however, being made to overcome the sexual prejudice in law enforcement. Gay and lesbian police officers are starting to see a light at the end of the tunnel. The police departments that have made significant progress in bridging the gap between officers and gays and lesbians are witnessing remarkable benefits. If police departments and the community desire the best law enforcement service possible, these benefits should be recognized and additional effort should be put forth to eliminate harassment and discrimination issues against gays and lesbians in their ranks altogether. Greater social tolerance must be established, anti-discrimination training needs to become more readily available and enforced, police departments need to hire and accept homosexual employees, and former racial issues should be examined to apply the same methods of overcoming homosexual discrimination in law enforcement. This article will highlight some of the progress that has been made and the steps that still need to be taken to change America’s police force into an accepting, tolerant community

Making the Strides

Tolerance of homosexuality has come a long way in America over the last twenty years.² Great advances have been made to integrate gays and lesbians into what were previously “closed” communities. Gays and lesbians are beginning to receive open support in the media; in

¹ “A Work in Progress.” *Frontiers Magazine*. Vol. 24, No. 1. May 2005.

² Barrack, Audrey. “Gay Tolerance in U.S. Reaching Record Marks.” *The Christian Post*. 29 May 2007. <<http://www.christianpost.com/article/20070529/gay-tolerance-in-u-s-reaching-record-marks.htm>>.

turn, this portrayal of open-minded reception toward gays and lesbians is influencing the views of many in the United States and shaping a new culture. Television and films that integrate gay characters into mainstream entertainment are becoming more common, helping to remove negative stereotypes and baseless fears that are ingrained in some segments of the population. One of the best examples of this is the popularity of the television comedy series *Will and Grace*, which featured openly gay characters. Several popular reality shows have also had gays at the forefront, including recent episodes of *Big Brother*, *Real World*, *Survivor*, and *Project Runway*.

As individuals become more accustomed to gays and lesbians in the media and in everyday life, communities are starting to tolerate and support them as well. Churches, organizations and businesses are gradually coming to the realization that gays and lesbians are people, too, and should be treated as such. Led by open-minded communities, the government is steadily being persuaded to protect and support homosexuality as an acceptable American lifestyle. In fact, some states are beginning to allow same-sex marriages or civil unions.

As of 2008, California and Massachusetts openly permit same-sex marriages; eight other states freely offer either civil unions or domestic partnerships for homosexual couples.³ As a whole, America is growing more tolerant of homosexuals. The institution of gay and lesbian marriage has been a significant turning point in their acceptance, and the changes that are developing in the area of law enforcement are equally profound.

Don't ask, don't tell

A major change affecting law enforcement's tolerance toward homosexuality is the waning of the military's "Don't Ask, Don't Tell" policy. A recent poll conducted by ABC News reveals that 75% of Americans now believe that gays and lesbians should be able to serve openly

³ "State policies on same-sex marriages." [Stateline.org](http://www.stateline.org/live/details/story?contentId=310206). <<http://www.stateline.org/live/details/story?contentId=310206>>.

in the armed forces.⁴ With increasing pressure from gay rights groups, the policy that keeps gays and lesbians in the military bound in secrecy may not hold up much longer. In a recent *60 Minutes* episode, it was revealed that the military has significantly reduced its discharges for being gay in the military.⁵ Down from 1200 in 2001 to only 600 this year, there seems to be a shift in the way the policy is being applied. In an interview on the same program, four soldiers who were open about their sexuality with their comrades while in the military discussed the policy. One of the soldiers interviewed, Brian Friky, a former Marine Corp Avionics Technician, stated that many people knew he was gay, but did not care. Friky mentioned the younger Marines “are more comfortable around gay people and don’t care about gays or lesbians serving openly in the military” and referred to them as the “*Will and Grace* generation.”

In the same interview, Army Sergeant Darren Manzella, who has served two tours in Iraq as a medic, discussed his experience being investigated by the Army after disclosing to his commanding officer that he was gay. “They read me my rights,” said Manzella. He was open about his sexuality during the investigation, even providing a videotape of affectionate exchanges between himself and his male lover. Following the investigation, he was told there was no solid evidence that he was a homosexual and that he should return to work. Manzella has since been discharged from the service, purportedly because of his public disclosure of his homosexuality during the *60 Minutes* interview.

Charlene Espinoza, a former Navy pilot and a lesbian, was also interviewed. She now works as a commercial airline pilot and for the Service Members Legal Defense Network, a gay and lesbian advocacy group working to have the “Don’t Ask, Don’t Tell” policy abolished. “Why do we want to lose someone like Darren [Manzella]?” asks Espinoza, citing Manzella’s

⁴ “Don’t Ask, Don’t Tell.” *60 Minutes*. KCBS. 13 July 2008.

⁵ “Don’t Ask, Don’t Tell.” *60 Minutes*. KCBS. 13 July 2008.

outstanding service record. “He is providing a critical service in the military as a medic. Why not allow openly gay and lesbian people to serve if they want to?” She adds, “You can believe that black people aren’t as smart as whites, or that women belong barefoot and pregnant in the kitchen, but you can’t bring those beliefs to the workplace.” Espinoza says that she is aware of 500 such cases, where the military has looked the other way in order to maintain enlistment numbers in Iraq. While there is still a great deal of opposition among higher ranking military members, Espinoza believes that the “Don’t Ask, Don’t Tell” policy is on its way out and that many up-and-coming military commanders are changing their views on gays and lesbians serving openly in the military.

While law enforcement is not the U.S. military, there is a correlation between the two. Traditionally, many soldiers seek employment as police officers after their discharge. Due to this military-police integration, the tolerance level toward gays and lesbians in law enforcement is similarly affected by how they are treated in the military. Since the “Don’t Ask, Don’t Tell” policy is wavering in strength, homosexual police officers are obtaining more recognition and less oppression. Certainly, gay and lesbian officers are no longer tolerant of ridicule and harassment in the workplace.

GOAL

Another major response to the prejudice gays and lesbians are facing in law enforcement is the development of organizations such as New York’s GOAL (Gay Officers’ Action League) and California’s GPOA (Gay Peace Officers’ Association, formerly known as the Golden State Peace Officers’ Association). One of their most important objectives is to protect gay and lesbian officers from being mistreated in the workplace. They have also helped establish a spirit of

camaraderie among homosexual and heterosexual officers, altering the previous trends of homophobia and prejudice engulfing many agencies. Organizations like GOAL and GPOA have been forging the first significant integrations between openly homosexual officers and the law enforcement agencies they work for. These associations have also helped bring officers who were “closeted” out into the open. Gay and lesbian officers are growing bolder as a result of the support they are receiving.

An openly gay officer bravely testified before the United States Congress in 2007, attempting to have the Employment Non-Discrimination Act passed.⁶ As organizations and the individuals influenced by them rise up and take a stand for homosexual rights to equality, progress is being made toward a more tolerant workplace for gay and lesbian officers. In the recent Los Angeles Gay Pride parade held in June 2008, as many as fifty officers, both gay and straight, from a wide variety of local police agencies including LAPD, LASD, and CHP proudly marched alongside LAPD Chief William Bratton and Los Angeles County Sheriff Lee Baca as a symbol of acceptance and unity.⁷

Organizations like GOAL have also started paving the way for harassment and discrimination training to be made more available to law enforcement agencies. According to GOAL’s website, they offer “academy and in-service training programs to peace officers on cultural diversity subjects.”⁸ Other programs, such as those provided by the GPOA, provide “seminars and programs that benefit the membership through education and support.”⁹ Programs and training classes such as these are helping persuade the homophobic attitudes of law

⁶ Cramer, Maria. “Gay Officer to Speak Out for Job Rights Bill.” Boston.com Local News. 5 September 2007. <http://www.boston.com/news/local/massachusetts/articles/2007/09/05/gay_officer_to_speak_out_for_job_rights_bill/>.

⁷ LA Pride. Christopher Street West Association. 2007. <<http://www.lapride.org>>.

⁸ Gay Officers Action League. <<http://www.goalny.org>>.

⁹ Golden State Peace Officers Association. <<http://www.GPOA.com>>.

enforcement agencies to disappear. As straight officers begin to realize that sexual discrimination is in the same category as racial discrimination, they are making greater efforts to create an atmosphere of equality and fair treatment for their gay and lesbian coworkers. This has led to an openness within agencies that has not been present in the past.

One significant reason for this change is that the California Commission on Peace Officer Standards and Training (POST) now requires all police officers to attend cultural diversity and anti-sexual harassment training.¹⁰ As a result, officers are being taught that harassment and discrimination of gays and lesbians is no different than that of blacks, other minorities and women. A no-tolerance approach to any type of workplace harassment is the standard that is being set in today's law enforcement agencies. These and similar efforts have provided gays and lesbians with the opportunity to serve as police officers with far less fear of persecution and prejudice. However, there are still advances to be made in order to establish a truly tolerant law enforcement community. Will the results really be worth the effort it will take to get there? The remarkable benefits that have already come from strides toward sexual tolerance let out a resounding "Yes."

Experiencing the Benefits

More and more progress is being made toward gay and lesbian friendly police forces. As this occurs, the benefits of having "out" employees rather than "closeted" ones are rapidly appearing. One of the most noticeable benefits is that gay and lesbian officers are feeling more accepted in the workplace. "Coming out" on the job and being open about who they are is getting easier to do. As this occurs, gay and lesbian officers are able to build closer relationships with their coworkers and focus better on the job at hand.

¹⁰ California Commission on Peace Officer Standards and Training, 2008. <<http://www.post.ca.gov>>.

Recently, West Hollywood City Councilman Jeffrey Prang praised Suisun City, California, Police Chief Ron Forsythe on his retirement after thirty years of service.¹¹ Forsythe was the county's first openly gay police chief, having come out in 2002. Although there was much controversy and resistance in the Suisun community at the time, Chief Forsythe was able to navigate through it all and serve as Chief with distinction. According to Prang, "Chief Forsythe has been an outstanding law enforcement professional who rose to the highest ranks of his profession. He demonstrated incredible courage and leadership in coming out in a profession in which LGBT inclusion and acceptance has lagged. He has been a terrific role model for the LGBT community." During his fourteen-year tenure as chief, according to Prang, Chief Forsythe created innovative community policing programs, encouraging Suisun City police to partner with residents to solve crime problems and identify community priorities. This earned Forsythe the James Q. Wilson award in 2002 for leadership in community policing. He also organized a successful Neighborhood Watch program as well as other volunteer programs, including a Citizen's Academy and Teen Academy, to help foster closer relationships between the police department and residents. Councilman Prang is a strong advocate for the LGBT community in law enforcement and also serves as a Special Assistant to Los Angeles County Sheriff Lee Baca. He is not alone, though, in his belief that gay and lesbian police officers are an asset to their agencies. Many of those who work in law enforcement echo that belief.

Deputy Trent Miles of the Los Angeles County Sheriff's Department, who works at the West Hollywood station, puts it this way: "If they [homosexual cops] don't have to hide and live in constant fear of ridicule or the possibility of being fired, they are much more comfortable and productive at work."¹² Miles adds that homosexual officers are then "able to use whatever

¹¹ City of West Hollywood. 19 March 2007. <<http://www.weho.org>>.

¹² Interview with Deputy Trent Miles. 8 July 2008.

talents, education, and experience they bring to the table without being discriminated against.” Through acceptance and fair treatment, gay and lesbian officers and their abilities are truly starting to shine in the workplace.

Corporal Eric Huizar, of the Claremont Police Department, echoes Miles’ sentiments.¹³ As a fifteen-year veteran who recently disclosed his homosexuality to his co-workers, Corporal Huizar says he has experienced no bias or harassment as a result of coming out. “I didn’t want to hide anymore,” states Huizar. “Now that I have been honest with people, they seem to have more respect for me. They do not treat me any differently at work because I’m openly gay. I feel better about myself and as a result I think I do a better job at work and can concentrate on that, rather than worrying about hiding my sexuality.”

Corporal Aaron Fate of the Claremont Police Department, a straight colleague of Corporal Huizar and a representative of the Claremont Police Officers’ Association, reaffirms that straight officers, especially the younger ones, are seeing benefits arise from accepting gays and lesbians in the workplace.¹⁴ “I think that it’s great that we have some openly gay officers. It makes the department much more well-rounded, and enables us to better communicate with the community.” Corporal Fate adds, “It is imperative that we [the police department] accurately reflect the demographics of the people we serve and that includes the gay community.” As Prang, Miles and Fate have witnessed, tolerating openly gay and lesbian cops continues to benefit police organizations by creating more satisfied employees, more unified departments, and higher quality law enforcement services since everyone can leave discrimination issues at the door and focus on the job at hand.

¹³ Interview with Corporal Eric Huizar. 20 July 2008.

¹⁴ Interview with Corporal Aaron Fate. 31 July 2008.

Gay and lesbian officers are not the only ones benefiting from more tolerant law enforcement organizations. Police departments as well as communities continue to reap rewards from the equal treatment of homosexual and heterosexual officers. Police departments profit the most; however, from greater community support and cooperation due to the organizations' increased diversity and the fact that they better mirror the communities they serve.

One such benefit has been evidenced in the Claremont community. In recent years the City has hosted an annual Gay and Lesbian Pride event that has been well received by community members. The Claremont Police Department has participated in the event by staffing it with officers, both gay and straight, and providing event security as well as an making it an outreach opportunity. Claremont resident Michael Womack has participated in the event each year, and said "I think it's a step in the right direction for the Claremont City employees and community members to recognize the local gay community in such a positive way. It helps to bridge the gap and shows people that we can all live and work in the same community with mutual respect and equality."¹⁵

Outreach and outcomes

Law enforcement agencies have always made it a priority to reach out and relate to the communities they serve, however, the LGBT (Lesbian Gay Bi-sexual Transgender) community members have many times been left out in the past. To gain the trust of the community and its cooperation, departments do well to represent a broad spectrum of the people they serve, including gays and lesbians. Outreach and community policing efforts yield a higher rate of community support toward police departments and diversity in the workforce. In turn, this creates mutual understanding and a sense of respect within the community. Increased respect leads to greater cooperation, encouraging the development of law-abiding citizens and a more

¹⁵ Interview with Michael Womack. 22 July 2008.

harmonious environment. In relation to gays and lesbians, law enforcement agencies benefit remarkably from incorporating them into their departments, especially in cities with a large gay and lesbian contingency. Communities support them more and, as Deputy Miles suggests, bringing police officers and gays and lesbians together “builds cooperation and trust between the two entities.”¹⁶ By providing a diverse workforce, agencies can truly reach out to all aspects of the community and receive the support and trust they need in return. Deputy Miles suggests that having gay officers in the department has helped to reduce and solve crime. “LGBT Community members are now more willing to communicate and cooperate with us [the police]. They are more forthcoming with information and are willing to be witnesses in many cases. This is a huge change from the past when many were afraid to talk to the police because they didn’t trust us.”

These benefits are only the beginning of the rewards to be garnered by welcoming gays and lesbians openly into the police force. Many more are yet to be seen. Progress, nevertheless, still needs to be made in order to fully include them in law enforcement. “There is still a long way to go,” Miles says. If police departments want to profit the most from having a diversified organization, they need to close the remaining gap between themselves and the gay community.

Bridging the Gap

Many strides have been made to increase the acceptance of gay and lesbian officers within the police community. Despite the amount of effort that has been made, there is still a great measure of tolerance needed to defeat the bitter prejudice against gays and lesbians. Unfortunately, incidents of discrimination and harassment against gays and lesbians in law enforcement are still appearing in the workplace. In one such incident, notes were found in the locker of a lesbian NYPD state trooper in 2006, derogatorily bashing her sexual orientation. She

¹⁶ Interview with Deputy Trent Miles. 8 July 2008.

later discovered her locker; car and uniforms were damaged, presumably by the same person or persons that had left the offensive notes.¹⁷ In another incident, a gay LAPD officer was harassed by his coworkers for months on end. They reportedly had “pictures of women with male genitalia and [his] name on them placed in public settings” and taped a paper license plate on his truck that read, “GAY 4 U.”¹⁸

These and other incidents like them drive the point home that, while strides have been made, there is still more that needs to be done to bridge the gap between homosexuals and police. Former LAPD Sergeant Mitch Grobeson agrees. He comments that while the LAPD recruits in the gay community, they do not accept them readily into their ranks.¹⁹ According to Grobeson, the fact that the LAPD is reaching out to the gay community “is more politically motivated fluff than genuine effort.”

While some law enforcement agencies have made remarkable strides eliminating discrimination against gays and lesbians, there are still long-held prejudices remaining to be flushed from all police departments. Discrimination based upon sexual orientation must be abolished completely. Continuing the efforts that individuals, departments and organizations have started is the best way to achieve this goal.

The time has come

Individuals need to persist in the area of developing more social tolerance within communities and the United States in general. Attitudes toward sexual orientation will continue to change as actions such as the legalization of same-sex marriage and the elimination of the “Don’t Ask, Don’t Tell” policy are put forth. As the military, schools, churches, organizations

¹⁷ “Briefs: Law Enforcement; Criticisms of State Police.” *The New York Times*. 30 April 2006.

¹⁸ Meers, Erik. “Good Cop, Gay Cop: From the Beat Patrol to the Precinct House, Gay and Lesbian Police Officers are Shattering the Blue Wall of Silence.” *The Advocate*. 3 March 1998.

¹⁹ Interview with Sergeant Mitch Grobeson. 18 July 2008.

and businesses grow more accepting toward the homosexual community, law enforcement agencies will likely follow the trend.

Claremont Assistant City Manager Tony Ramos puts it this way: “The time has come for cities to recognize that they have gay and lesbian community members and employees. It is our responsibility in city government to represent and respect all people in the community and our own employees for who they are. This includes gay employees in all city departments, including the police.”²⁰ Ramos contends that while acceptance of gays and lesbians has been slow, cities and departments that do not recognize and represent the LGBT community they serve are becoming fewer and fewer, at least locally. These more-tolerant communities will influence and encourage equality in police departments, and law enforcement agencies will be forced to change to embrace and accurately represent their communities. Building greater social tolerance as a nation will have a powerful and positive impact on the acceptance of gay and lesbian officers.

Within the law enforcement community, the addition of even more anti-discrimination training and diversity education will help strengthen the progress that has already been made. The more educated officers are about harassment and discrimination issues, the less likely they will be to form rash judgments about others. They will learn to focus on the character and quality of the individuals they work with rather than on their sexual orientation. Organizations like GOAL and GPOA need to continue promoting diversity training seminars that focus on the benefits of embracing people with different sexual preferences. While some of this training has already been made available, it also needs to become mandatory in all police departments nationwide in order to reach every person in the workforce.

Police departments need to start recognizing gays and lesbians as humans with equal rights to serve their country and communities. Openly gay officer Michael Robison, of the San

²⁰ Interview with Assistant City Manager Tony Ramos. 11 December 2007.

Francisco Police Department, encourages law enforcement agencies to adopt the motto: “When you're at work, you're all wearing blue.”²¹ Instituting this attitude of equality in the workplace will encourage departments to not only support the gays and lesbians on staff, but also to hire more. Michael Jolicoeur, a Senior Lead Officer with the Los Angeles Police Department and an “out” gay man, is concerned with the resistance many departments still have toward hiring homosexual officers. In a recent article featured in *Blade Magazine*, he comments that while the LAPD does recruit in the gay community, they refuse to actually hire them.²² Some law enforcement agencies even have written policies against hiring officers that are known to be homosexual. These policies and the prejudicial attitudes surrounding them must be replaced with positions of acceptance and tolerance if police departments truly desire to serve their communities.

Ultimately, to achieve the goal of diversity and tolerance toward gays and lesbians in law enforcement, police departments need to examine how racial issues were overcome in the past and apply the same principles toward overcoming sexual discrimination issues. Prejudice against gays and lesbians is similar in many regards to the intolerance toward minorities or people of a non-Caucasian background. Most of this racial bias has been overcome in the last few decades. Minorities are now playing a huge role inside law enforcement agencies, thanks to the strong push for racial equality. Now, another push needs to be made—this time for sexual equality.

²¹ Meers, Erik. “Good Cop, Gay Cop: From the Beat Patrol to the Precinct House, Gay and Lesbian Police Officers are Shattering the Blue Wall of Silence.” *The Advocate*. 3 March 1998.

²² Muirhead, Barbara. “LAPD Reaches Out to the LGBT Community—Fact or Fiction? You Be the Judge.” *Blade Magazine*. 94. February 2006.

Envisioning the Future

Significant work has yet to be accomplished, but the amount of progress that has been made toward integrating openly gay and lesbian officers into law enforcement is encouraging. Strides have been made, victories have been won, and gays and lesbians are growing more vocal and courageous as the battle wages on. They need to continue working hard toward their goals, but they should also take heart that acceptance for who they are is finally within grasp.

Through perseverance and the placement of forward-thinking and open-minded police executives in today's law enforcement agencies, and by continuing the hard work that many have started, discrimination against gays and lesbians and harassment in the workplace will soon be left in the pages of history. To ensure this result, organizations must continue to provide diversity training and cultural awareness education to their employees on an ongoing basis. Discrimination based upon sexual orientation must not be tolerated in any form in modern law enforcement. Instead of prejudice and intolerance, police departments and chief executives should embrace a "Do Ask, Do Tell" attitude toward gays and lesbians. As a result of the increase and quality of professional training, today's law enforcement professionals are more sophisticated and better educated. It is becoming easier to judge others on the quality of their work and the strength of their character and not on issues of the past. As all of this takes place, police officers will be able to provide their communities and citizens with even higher quality and professional law enforcement services.