

**STATEMENT OF INSPECTOR MICHAEL W. KING  
COMMANDING OFFICER, SPECIAL VICTIMS DIVISION  
NEW YORK CITY POLICE DEPARTMENT  
BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEES ON PUBLIC SAFETY AND WOMEN AND GENDER EQUITY  
REMOTE HEARING  
OCTOBER 18, 2021**

Good Morning, Chair Adams, Chair Diaz, and members of the Council. I am Inspector Michael King, Commanding Officer of the Special Victims Division for the New York City Police Department (NYPD). I am joined by Assistant Deputy Commissioner of Legal Matters, Oleg Chernyavsky, Director of Policy and Planning for the Facilities Management Division, Krista Ashbery, and Director of Legislative Affairs, Michael Clarke. On behalf of Police Commissioner Dermot Shea, I would like to thank you for this opportunity to discuss the New York City Police Department's investigative strategies, facilities, and division structure concerning sex crimes and to provide an update on our Special Victims Division to the Council.

While it is indeed traumatizing to be a victim of any crime, survivors of sexual assault face a unique trauma that requires a specialized investigative process be conducted by those who investigate and prosecute these assaults. The investigators who decide to enter this field must possess unique qualities and a heightened sense of empathy that will allow them to interact with those who have suffered the indignity of a sexual assault. It is our responsibility to ensure that every survivor is treated with respect and compassion. I have been the commanding officer of the Special Victims Division for 13 months, and it is my specialized background as a Forensic Nurse, coupled with my diverse investigative background that led to my appointment to this position by Commissioner Shea and Chief of Department Rodney Harrison.

The Special Victims Division is responsible for investigating sex crimes and cases of child abuse. The Division works in partnership with victim advocates, the five District Attorneys' Offices citywide, non-profits, and other city agencies to carry out its mission. Four of the City's five boroughs have a separate squad devoted solely to the investigation of sex crimes against adult victims and a separate squad dedicated to the investigation of abuse against children. In our Staten Island squad, investigators are trained to do both. In addition, the Division has separate units to investigate cases that occur in the transit system, investigate cold cases, monitor registered sex offenders, and also has an analytical team dedicated to investigating drug and alcohol facilitated sexual assaults.

There are currently 250 investigators assigned to the Special Victims Division, including 122 investigators assigned to the adult squads in the Bronx, Brooklyn, Queens, Manhattan and the squad located in Staten Island that investigates both child abuse and adult crimes. An additional 77 investigators are assigned to our dedicated Child Abuse Section in the Bronx, Brooklyn, Queens, and Manhattan. Moreover, 18 investigators are assigned to solely investigate sex crimes that occur in the transit system. The remainder of the personnel are assigned to investigate cold cases, monitor registered sex offenders and analytical teams. In March of 2018, the New York City Department of Investigation reported that the Department had 67 investigators assigned to the adult squads, meaning that we have increased staffing by 82% since that report was published.

Investigators in the Special Victims Division are typically assigned approximately 46 cases per year, as opposed to investigators in precinct-based detective squads, who are assigned upwards of 180 cases per investigator annually. This is a 50% decrease from the levels reported in 2017 by DOI (approximately 93 cases per investigator, per year). On average, investigators in a Special Victims Squad may carry approximately 6-8 active cases. No other police department in the country has a sex crimes unit that is comparable to the NYPD Special Victims Division in terms of size, scope and most importantly expertise.

Since 2017, the Department initiated repairs and renovations within Special Victims Division facilities in all five boroughs to make the environments more welcoming and survivor-focused. In addition, members of our facilities team met with advocates and toured facilities in other jurisdictions to determine the correct model for what a Special Victims Division office should look like, including co-location of the district attorney's office staff and victims' advocates. It was determined that the Staten Island office could immediately be converted to fit this model, and a location was found at 137 Centre Street to relocate the Manhattan Adult squad, with work ongoing to expand and enhance that new space. However, these types of renovations were not possible at the existing locations in the Bronx, Queens and Brooklyn. I am pleased to report that new locations have been identified in those boroughs and our Facilities Management Division is working to ensure we can relocate as quickly as possible. These facilities will be carefully designed to align with the Department's mission to uphold and strengthen the NYPD's commitment to survivors of sexual assault. In the meantime, each of the existing facilities in these three boroughs have been upgraded to the extent possible to comport with these principles.

The NYPD is committed to ensuring that every detective in the Special Victims Division has the best training to support survivors of sexual assault. We had contracted with a company called Certified FETI to provide trauma informed training to all of our Special Victims investigators, however, an agreement could not be reached with this vendor to renew their contract so the Department was forced to seek a new provider. I am pleased to report that we have obtained a new provider and we will be resuming our in-person Trauma-Informed training next month. In addition, as promised during the Police Reform and Reinvention Collaborative, we will begin conducting an annual Trauma-Informed refresher course for all members of the Special Victims Division. This course will begin in the Spring and will ensure that Special Victims investigators continually improve their trauma informed interviewing technique.

In addition to this training, all members of the Special Victims Division are required to complete an advanced two-week Criminal Investigation Course which provides investigators with comprehensive, high-quality instruction regarding the fundamental investigative process, tactics, and the importance of both physical and digital forensics. Furthermore, all new members of the Special Victims Division must complete a one-week course specifically tailored to skills that will be required for a Special Victims Division investigator. The tremendous value derived from the use of trauma informed techniques has now led to it being incorporated into the training of *all* NYPD recruits and in-service training has been and will continue to be provided to existing police officers on patrol. I am currently working with the Training Bureau on the next round of in-service training that must be provided biennially.

While I know many improvements have been made to the division over the past few years, our work is not done. I have successfully increased communication between supervisors in the Special Victims Division subunits and borough units. Special Victims Division executives now

hold daily case management meetings with the supervisors of all Special Victims Division investigative squads to discuss cases and keep everyone informed of the great work being done throughout the Division. This helps prevent information silos within the Special Victims Division and improves our ability to collaborate more effectively and share information more efficiently. Moreover, squads now learn from each other and benefit from successful case resolutions conducted by other members of the Division.

During my 21 years of service in the Police Department and to the people of this City, I have heard distressing accounts from sexual assault survivors who felt they were failed by the criminal justice system. Many of these complaints centered on criticism that Police Officers, Assistant District Attorneys and others did not make them feel like they were believed, which unfortunately discouraged them from continuing with their case. It is our shared and collective goal to ensure that no survivor feels that way moving forward. These stories stand to highlight that no matter how much work we have done, there is much more work that needs to be done.

To that end, we continue to improve our symbiotic relationship with advocates who are currently, or will be, embedded in our investigative squads. Prior to the onset of the COVID-19 pandemic, we worked with advocates to review Special Victims cases as they were able to provide valuable feedback on how we can improve our service to and relationships with survivors of sexual assault. We look forward to not only continuing, but also extending this extremely valuable partnership in the near future. Even in the absence of this review, communication with the advocates is key.

One of the biggest complaints that we have received is that survivors go too long without getting an update on the status of their case. That is why I have enforced the Division's policy that requires investigators to reach out to survivors every 21 days. Even if there is no substantive update, it is important to make sure survivors understand what is going on and be given the opportunity to be an active participant in their investigation.

We have dedicated significant resources to support survivors so that they feel believed, empowered and encouraged to move forward with their investigation. However, we recognize there are many reasons a survivor may wish to not participate given the level of trauma involved. We now mandate that a supervisor speak to a survivor who has made the complicated decision to not continue pursuit of a criminal prosecution. This additional oversight serves to ensure that cases are not prematurely closed, that survivors do not feel pressured to make a decision to discontinue an investigation and are aware they may come back and restart the case in the future should their feelings and circumstances change. In addition, we provide survivors with access to an advocate to discuss their options prior to making the decision to no longer move forward with a case. There are also other notable improvements that we have made to the Division which I look forward to discussing today.

While I am confident that we put many changes in place that have vastly improved the Special Victims Division, I know that there is more to do. To that end, as promised during the Police Reform and Reinvention Collaborative, the Department has commissioned the RTI Group to conduct a gap analysis of the Special Victims Division and to make recommendations for improvement. When that report is completed, the Department will make it public.

Thank you for this opportunity to speak with you today and I look forward to answering any questions that you have may.

**Retired Deputy Chief Michael J Osgood, former Commanding Officer of the NYPD's Special Victims Division, submitted written testimony to the New York City Council's oversight hearing on the NYPD's Special Victims Division – October 18, 2021**

**(Submitted online October 17, 2021)**

I am retired NYPD Deputy Chief Michael Osgood. I am the former Commanding Officer of the NYPD's Special Victims Division. I submit this document as written testimony to the New York City Council Committee on Gender Equity and Women's Right and its Public Safety Committee's oversight hearing on the NYPD's Special Victims Division, Monday October 18, 2021, at 10 AM.

I am a thirty-five veteran of the NYPD with the last sixteen years as a Detective Bureau Commander. During that time frame I had commanded both the Hate Crime Task Force and the Special Victims Division. I have the distinction of managing and leading over one hundred thousands Special Victims investigations and over four thousand hate crime investigations, solving over seven hundred stranger rapes, solving every hate crime homicide (stranger) directly assigned to me, solving every hate crime gang assault (stranger) directly assigned to me, solving hundreds of complex hate crimes, being investigatively operational in every precinct detective squad in New York City and being investigatively operational in over one hundred municipalities outside of New York City.

I also have the distinction of responding to close to a thousand rape crime scenes, being in every New York City emergency room and many other emergency rooms in the tri-state area on sexual assault investigations, interacting with hundreds of rape victims and investigatively working on the street, shoulder to shoulder, with hundreds of detectives.

In addition to the above distinctions, I also implemented quality management, data science and sex crime classification groups and a stranger rape predictive model that assisted in decreasing the investigative defective level and its variation of Special Victims investigations. I also implemented defined investigative processes and their continuous improvement, trauma informed questioning, a DFSA team and advanced sexual assault policies. I believe no other police department in the country has come close to these implementations. In the past three years, since my departure, almost all of the above implementations have been dismantled. The dismantling effort was led by then Chief of Detectives Dermot Shea and Assistant Chief James Essig.

Large scale organizations, like the NYPD are composed of hundreds/thousands of internal operations. The performance of those internal operations are dependent on both the operations internal systems and their external systems. In the eight years I commanded Special Victims I made vast improvements to Special Victims internal systems. I believe I made more improvement to Special Victims internal systems than over 95% of my fellow Captains and

above made to their internal systems with many of my colleagues making no improvement to their internal systems.

Sexual Assault, particularly the penetrative crimes cause lifetime damage to their victims. Damage that is gut wrenching and debilitating to describe. All gender identities can be victim of sexual assault but ninety-three percent of sexual assault victims that report to the NYPD are female with a substantial majority of them being nonwhite. Sex crime investigations are one of the most difficult criminal events to investigate. (Child Abuse investigations are even more difficult.) As stated above I have solved every homicide assigned to me but I haven't solved every rape assigned to me. Sexual assault has two distinct complexities homicides do not have. They are the complexity of the victimization and the complicity of consent. Legal human sexuality is complex. Illegal human sex is more complex. Thus, rape investigations are more complex than homicide investigations. The few of us that have investigated both homicide and rape will state they would rather investigate a homicide, any day, than a rape. Thus, the Special Victims investigator must have greater investigative skill set than the homicide investigator.

Here we are again with another City Council hearing on the NYPD's handling of sex crimes. The Special Victims Division has been an NYPD multi-decade management folly. It is a never-ending stream of critical reports, complaints, newspaper articles and hearings. The failure is not the front-line Special Victims detective. They are just the implementation of what is failing to occur upstream in the NYPD. The root cause of the never-ending Special Victims folly is the top floors of One Police Plaza.

You will hear testimony today about staffing and training. That testimony is right, but the root causes of the problems are greater than just staffing and training. The root causes are a dozen plus external systemic factors, factors that are outside the control of the Commanding Officer of Special Victims, that are driving the Division's inordinate investigative defect rate and its associated variation on the Special Victims six distinct investigative processes.

As you may know, over the eight years I commanded the Special Victims Division, I issued dozens of internal communications to One Police Plaza and forced over a dozen multi-hour each meeting with senior NYPD executives asking for the external systemic factors to be resolved. Not a single external factor was ever address let alone resolved. It must be noted two of those multi-hours each senior executive meetings were with the then Chief of Crime Control Strategies Dermot Shea. In addition, when Shea was the Chief of Detectives, I issued key emails to him detailing the systemic problems within Special Victims. Mr. Shea was in countless prep meetings for the April 9, 2018 City Council hearings on the OIG-NYPD report on Special Victims were the OIG-NYPD report was discussed in depth. In fact, for the seven months I directly reported to him Shea didn't ask me a single question on Special Victims operational issues. Mr. Shea did not address let alone resolve a single Special Victims external system issue.

The failure to fix the NYPD delivery of Special Victims Investigative Services is a result of executive managerial ineptitude, lack of intellectual depth, the 175-year-old, "we do what that

F\*\*\* we want” NYPD culture, an organization that is not accountable to anyone and sexism. I will demonstrate such by detailing a few events to proof such out. The examples I offer are just the tip of the iceberg.

- a. On April 26, 1994 a young black lesbian female was brutally raped inside Prospect Park. The rape was never solved. In May of 2017, I reopened the case after coming across an April 2, 2013 New Times Op Ed titled, “The Damage Done by a “Lucky Guy””, determined the case was solvable and solved it. The rapist was determined to be a career stranger rapist named James Webb. During the initial phases of the 1994 investigation the then Deputy Commissioner of Public Information John Miller, who is now the Deputy Commissioner of Counter Terrorism, on an off the record basis leaked false information to New York Daily News Columnist Mike McAlary stating there were doubts about the victim’s story, implying she was lying. (It was also determined in 2018 investigation the then Chief of Department John Timoney was the second leaker to McAlary.) Hours before Miller spoke to McAlary he had ordered the lead detective on the case to his office and asked her, “did this happen?” The lead detective stated to Miller, “There is nothing to say it didn’t happen. I believe the victim.” The lead detective had no doubts.

McAlary ran three headline stories in the NY Daily News stating the victim was a liar. The victim, on January 8, 2018 (twenty-three years later) when I told her in person, that we solved the case and identified the rapist, broke down into visceral uncontrollable crying and barely able speak and while crying stated to me, “Every day for weeks after the NY Daily News stories ran I would collapse on the floor behind my cash register at work, curl into a ball and while crying would scream, Why is the NYPD doing this to me? Why are they saying I am lying? “ The dishonestly leaked false information to McAlary destroyed the victim and caused her a lifetime of damage. In January of 2018 the sexual assault advocacy corps asked then Police Commissioner O’Neill to fire John Miller for what he did to the 1994 Prospect Park victim. He declined to do so even though he had full knowledge of the case and its aftermath. The famed first amendment attorney Martin Garbus, who represents the Prospect Park victim, in his testimony today will again ask for Mr. Miller to be fired.

- b. On March 27, 2015 to April 10, 2015 a Special Victims Division investigative team investigated the sexual assault of one Ambra Gutierrez by one Harvey Weinstein. The thirteen person NYPD investigative team was able to obtain a positive controlled phone call, a positive controlled meet, eight outcry witnesses and video of the victim fleeing in distress right after the assault. During the course of the investigation SVD hid the victim from the Manhattan DA’s office, because we could not trust them, placed an NYPD attorney on the investigative team and placed several Weinstein properties under surveillance in an attempt to prevent Weinstein from fleeing among other investigative actions. The Special Victims Division built a beyond a reasonable doubt case on Mr. Weinstein.

In March/April 2018 time frame Special Victims detectives, during the 2017/2108 Harvey Weinstein investigation discovered that on Monday, March 30, 2015, the third day of the 2015 Weinstein investigation, Weinstein's lead defense attorney, Mr. Rudolph Giuliani called then Police Commissioner William Bratton from Weinstein's office at 375 Greenwich Street. We reasonably concluded in Weinstein's office with Mr. Giuliani was former Manhattan DA Sex Crime Unit Chief Linda Fairstein and calling into the Weinstein office meeting was famous Clinton attorney David Boies. Mr. Bratton, after speaking to Giuliani directed the then Chief of Detectives Robert Boyce to call Giuliani. Bratton's direction to Boyce and Boyce's subsequent phone call to Giuliani had no investigative legitimacy. This was done in secret and without the knowledge of the 2015 Special Victims investigative team.

- c. In March 2017 the Office of Inspector General -NYPD opened an investigation on the Special Victims Division Adult Squad operations. The initial investigation had a duration of twelve months and concluded in March 2018. During those twelve months I was compelled to be a witness several times and officially mandated by the OIG-NYPD to produced data and internal communications. Over that twelve-month period I witnessed senior executives of the NYPD criminally obstruct the OIG-NYPD investigation. I personally had my career threatened, leaned on to shave testimony, ordered to slow walk OIG official requests and a host of other wrongful acts. I was ostracized, vilified, and retaliated against for cooperating with the OIG-NYPD investigation of Special Victims. My cooperation was mandated by the New York City Administration Code, NYPD Department Policy, sworn oath and the simple fact I was an employee of the City of New York. Why would any honest modern police department obstruct an investigation of their sex crime operations? Based on information and belief coupled with my organizational experience I conclude former Police Commissioners James O'Neill was complicit in the obstruction of the OIG-NYPD.

What is disturbing from the recent OIG-NYPD investigation on the Mayor's Security Detail and the recent Pro Publica Article on the NYPD titled, "Inspecting the Puzzle Palace" the NYPD has appears to have obstructed almost every OIG-NYPD investigation the last several years. This speaks to the fact the City Council must modify the City Charter and establish a fully independent, non-mayoral robust with penetrative authority OIG-NYPD. In my OP-ED to the New York Times that is attached to this written testimony I describe how that should be.

The Department of Justice Office of the Inspector General recently investigated the FBI's handling of Allegation of Sexual Abuse the FBI received by Former USA Gymnastics Physician Larry Nassar. ( <https://oig.justice.gov/sites/default/files/reports/21-093.pdf>). In contrast to the NYPD Police Commissioners the Director of the FBI did not obstruct the DOJ-OIG and in fact allowed them full access to all agents, personnel, online files and paper files. In a recent Senate hearing FBI Director Christopher Wray accepted the DOJ-OIG findings and thank the DOJ-OIG for their work. Once again this is in direct contrast to the way both the current and previous police commissioners have behaved. Director Wray acted with honor and integrity and was searching for the truth. Director's Wray testimony can be viewed at the following link. (<https://www.youtube.com/watch?v=mtCw4iwuot8>)

What is important here is the citizens of our city have the right for a full accounting of any aspect of its police department. It appears such can only happen with a fully independent, non-mayoral and robust OIG-NYPD that can deliver creative destructionism on the NYPD organizational subprocesses.

- d. In March of 2018 when the OIG-NYPD Special Victims report was made public the then Police Commissioner James O'Neill publicly stated the OIG-NYPD report was "an investigation in name only." Mr. O'Neill was fully aware of the OIG's twelve-month long process and the vast amount of information they processed. His public statement was false.
- e. In April of 2018 during one of the Police Commissioner prep meetings for the upcoming April 9, 2018, City Council public hearing on the OIG-NYPD report I stated to Police Commissioner O'Neill I recently did a survey of senior SVD Detectives asking them what percentage of victims come to Special Victims angered by uniformed patrol personnel. The results were on average between 40% to 60% of victims came into the Special Victims Squads angered in which the first task of the Special Victims detective was to calm the victim down. Present in the meeting was the then Chief of Patrol Rodney Harrison (Who is now the Chief of Department.) Later on that day I received a threatening email from Harrison for reporting to the Police Commissioner my survey. What is important here is not the threat it's the fact the a senior NYPD executive, Harrison, lacked the management skill and acumen that instead of threatening me he should have said, Mike lets meet later in my office and let's see if we can come up with a solution to what you believe is happening.
- f. On April 9, 2018, the New York City Council held a public hearing on the OIG-NYPD investigation of Special Victims. During the hearing the NYPD senior executives testifying rejected almost every finding of the OIG-NYPD, an illogical position. On several occasions during the hearing NYPD Executives acted with, that can only be described as, thug-like cognition. There was no reflection, let me think about this, maybe you are right or let me do some research and I will get back to you by any of the NYPD executives testifying.

The OIG-NYPD Report on Special Victims was professional, cogent, and correct.

- g. In May of 2018 the OIG-NYPD initiated a second investigation of the Special Victims Division. Their goal was to follow-up on aspects of the Adult Squad investigation that they were obstructed from discovering during their initial investigation and conduct an initial investigation on SVD's Child Abuse Squads and SVD's Register Sexual Offender Squad. Over the next six months the Special Victims Division produced several hundred pages of documents and data to the OIG-NYPD. In November 2018, after I was transferred to Staten Island the second OIG-NYPD investigation into Special Victims was stopped. My organizational experience tells me the termination had to come from O'Neill, Shea and City Hall. There can be no greater act of sexism than terminating an outside investigation of Special Victims.



- h. In June of 2018, the NYPD issued its response to the OIG-NYPD report on Special Victims. The NYPD report was labeled, "NYPD Response to Office of the Inspector General (OIG) Report on Special Victims Division. The NYPD response was thirty pages. I was blocked from participating in the writing of the response. The NYPD response did not address the external systemic factors that are the root cause of the chronic substandard investigative work that is occurring in Special Victims investigations. The NYPD official response was in simple terms, garbage.
- i. In the past three years, that is from November 2018 to now, Special Victims investigative operational management has collapsed. The collapse has come from the actions of O'Neill, Shea, Monahan and Essig. They have flooded Special Victims with "white shields" (White shields are police officers directly from patrol with no investigative experience.) and assigned supervisors in which the majority of them have no real investigative experience at the complexity level of special victimization. All internal training that was in place prior to November 2018 has been abandoned and there exist very little real executive investigative mentoring of SVD subordinates.

Almost all the pre-November 2018 Divisional improvements have been dismantled including the quality management constructs. The most disturbing action, that has been reported to me from several persons with intimate knowledge of the SVD personnel process is close to seventy percent of the "white shields" transferred in to SVD are political favors and hooks in which many of them are unqualified to do investigative work. These white shields from hooks and phone calls will cause a decade of substandard investigative work. On top of that the current command climate is so bad it has demoralized the vast amount of the SVD work force in which many would transfer out if they could.

- j. In the past several weeks a video segment of a CompStat meeting has gone viral. It shows the Commanding Officer of Special Victims at the podium and Chief of Detective James Essig and Chief of Department Rodney Harrison questioning King. The video segment tells it all. The questioning centers around a SVD case in which the victim has decided not to participate and the case detective incorrectly records that investigative transaction onto a detective report. What is disturbing is Essig states, "Every time we are down here is the same thing." Well Mr. Essig, then why don't you fix it. Also telling, why is Essig allowing a detective into SVD that is not trained to do the basic fundamental task of properly recording a victim interview. Later you hear Chief of Department Rodney Harrison asking what discipline has King done to correct the incorrect work, Harrison states, "I can speak for weeks on discipline." How about Mr. Harrison you first say you can speak for weeks about detective development and investigative quality management. The video segment is empty and void of any real solutions. Mr. Harrison was previously the Chief of Detectives for eighteen months. What substantive improvements did he implement in Special Victims to decrease its investigative defect level and its associated variation. It appears none.

The question is what can the City Council do to fix the multi-decade NYPD Special Victim's management folly. The only one is to request the Department of Justice Civil Rights Division to open a civil rights investigation into the NYPD's delivery of Special Victims investigative services and for them to implement an external, independent monitor, everything else has failed.

A bigger question is what are we doing back on these issues again. Why can't this operational management problem be solved? The answer comes down to there are severe structural inadequacies in the external management of the Department. The NYPD as an organization is not accountable to anyone and is not capable of sustained measured and disciplined decisions. They do what they want. To correct and prevent this and other NYPD failures three external reforms must be enacted. Only the City Council can make these reforms. The three reforms are 1. The creation of a fully independent, non-mayoral Inspector General-NYPD that is robust and has penetrative authority; 2. A Board of Director that manages the Police Commissioner and ensures measured and disciplined decisions and 3. The appointment of the Police Commissioner can no longer be solely by the mayor.

Thank you for allowing me to submit this testimony.

I have enclosed two attachments one is an unpublished OP/ED titled, "An Independent Non-Mayoral NYPD IG and Identity Equity Policing" and other one titled, " Official Statement to the NYCC Woman's Caucus by former Commanding Officer of the Special Victims Division, retired Deputy Chief Michael Osgood, May 10, 2021."

CC: Mayoral Candidate Eric Adams

Department of Justice, Civil Rights Division

Director, Federal Bureau of Investigations

## **Attachment # 1 - New York Times OP/ED Submission – May 2020**

### **An Independent Non-Mayoral NYPD IG and Identity Equity Policing**

In 2013 the City Council enacted Local Law 70 creating an NYPD Inspector General (IG) to perform systemic examinations of the NYPD. Its original codification was a good beginning, but the City Charter must be enhanced. In the last seven years the IG has become neutered by structural inadequacies, City Hall corruption and NYPD obstruction. The IG has not issued a substantial report in three years.

In January 2017, predicated by the public statements of Captain Peter Rose who stated stranger rape is the only real rape, the IG opened an investigation into the NYPD's Special Victims Division, in which I commanded at the time. Over the eighteen months of the IG investigation, in cooperating with the IG as mandated by the NYC Administrative Code, Department Policy and sworn oath, I witnessed and fought off prolonged and protracted acts of NYPD criminal obstruction of the IG. I was ordered to slow walk IG requests, give one word answers, not bring documents to IG meetings, say I was not available, not criticize certain Department programs, rebuked for telling too much, and to not offer recommendations. I was "spoken to", leaned on to shave testimony, was threatened, incurred acts of intimidation, vilified, retaliation, ostracized, accused of betrayal and going "outside the family." What family was the NYPD referring to, the "Gambino."

The NYPD had attorneys present in IG interviews to chill testimony, limited the time of interviews, restricted the IG access to cases, detectives and victims, lied to the IG and invoked petty legal tactics. The NYPD relentlessly used every trick to subvert the IG. I believed other IG investigations have been obstructed, the operational truth stunted, change hindered and most importantly critical improvements to citizen police service blocked.

In eight years as head of SVD I submitted over forty-five internal communications and forced over a dozen executive meetings to correct numerous external systemic flaws that damage sexual assault investigations, impede the delivery of gender safety and equity and place front line detectives in liability. Not a single external systemic flaw was ever addressed let alone corrected and as of today still not corrected.

Over the past two years SVD's internal systems have been either decommissioned, allowed to degrade or be corrupted damaging investigative defect reduction, investigated process discipline, investigated process improvement plus, more than likely, rape crime classifications being misclassified.

NYPD deploys a six billion dollar budget, fifty thousand employees, thousands of organizational subprocesses and one hundred million public interactions a year. New Yorkers have an absolute right to a public accounting and correction of any structural problems that place either citizens or frontline police officers in jeopardy.

To remedy this a completely independent non-mayoral IG must be established that is not connected to any mayor and their political orientation or policing view. The following statutory modifications are needed: an independent IG; IG budget proportionally linked to the NYPD budget; robust staffing levels; an advanced analytical group; a NYPD knowledge equity group; compelled testimony; full subpoena power; direct and unfettered access to all NYPD data, personnel and customers; lying, obstructing or retaliating a felony; capability to discipline, external independent monitor placement authority and all reports public.

The advanced analytical group stated above will be the engine that will drive discovery. The statute must mandate it be comprised of experts in complex systems, six sigma, operations research, systems engineering, data science and any other discipline needed.

Modern organizations are creations of human cognition and it takes advanced evidenced based cognition to improve them. The independent IG must perform root causal determination of system-based variation and to engineer solutions to drive such variation towards zero.

A properly codified and structured independent IG will establish a creative tension and market competition that will assist the NYPD in delivering such. It will help produce creative destructionism which will benefit citizens and frontline officers alike.

The NYPD, in a stunning but not surprising epic collapse in policing the George Floyd protests, placed both in unnecessary jeopardy, when the Department failed to deploy proper disorder control staffing, discipline, and structure.

The past several week's chain of events mandates an independent IG. Identity Equity Policing requires independent truth-seeking analytical analyses to create organizational reform and innovation. The City Council must enact the statutory enhancements now.

## Attachment # 2

### **Official Statement to the NYCC Woman's Caucus by former Commanding Officer of the Special Victims Division, retired Deputy Chief Michael Osgood, May 10, 2021**

Over the eight years I was the Commanding Officer of the NYPD Special Victims Division I issued close to 45 internal communications and forced at least a dozen, multi-hour each, senior executive meetings complaining about a set of external systemic factors that were the root cause of 90% of the defective work occurring in Special Victims cases. During that time frame not, a single external systemic factor was addressed let alone resolved. They remain unresolved.

Two of the multi-hours long meetings were with Chief of Crime Control Dermot Shea, four were with Deputy Commissioner Collaborative Policing Susan Herman. The topics discussed in those meetings are listed as Appendix O (Shea) and N and P (Herman) respectively in the IG SVD report.

The failure to fix the Special Victims external systemic factors, that are detailed in my internal communications, has resulted in thousands of cases diluted, thousands of victims not participating in their investigation, an array of catastrophic events and they were a significant factor in the homicides of four abuse victims. Its pure systemic sexism.

In March of 2017, the Inspector General NYPD initiated an investigation of the operational systemic issues of Special Victims Adult Squads (rape investigations.) During the eighteen months of the IG's investigative work high level senior executives of the NYPD obstructed, at every step, the IG's investigation. I witnessed and fought off, prolonged and protracted criminal obstruction of the IG's investigation by NYPD Senior Executives. I fought off every act of obstruction in order to fully cooperate with the IG. The IG lacked the statutory authority to stop the obstruction. The City Council in the months ahead must address this by considering creating a fully independent, non-mayoral, robust IG with full authority to find the operational truth for the people of our City.

The NYPD withheld documents from the IG, delayed handing over documents to the IG, lied to the IG, restricted the IG access to information, attempted to lean on sworn members of SVD to participate in their scheme of obstruction, had NYPD attorneys present in the IG interviews to chill testimony, and invoked constant petty legal tactics.

I was ordered multiple times to slow walk official IG requests, ordered to give one word answers to IG questions, leaned on to shave testimony, negatively "spoken" to for being truthful, my career threatened, incurred acts of intimidation, retaliation and vilification. The word betrayal was attached to my name. The only betrayal was done by the high-ranking members of the NYPD who ignored my internal communications, executive meetings and willfully obstructed the IG. They betrayed rape survivors.

There cannot be any greater demonstration by the NYPD of sexism and gender hate than to willfully obstruct an investigation into the Department's sex crime operations. O'Neill and Shea were fully complicit in the obstruction of the IG.

The IG's report on Special Victims, issued in March of 2018, is correct, but it fell short because of the obstructive tactics of the NYPD. The report has been dismissed by both O'Neill and Shea. In May of 2018, the IG initiated a follow-up investigation of Special Victims that included a deeper dive into the Adult Squads (to discover what they were blocked from finding out in the initial investigation) and a full examination of the Child Squads and the Registered Sex Offender Unit. That critical second investigation was stopped in November of 2018 and has never been restarted. The best way to obstruct an investigation is to stop it.

In the 16 years I commanded the Hate Crime Task Force and subsequently Special Victims, I championed Identity Equity. Identity Equity is the right of person not to have their equality in life impeded because of their identity. Sexual Assault, in many cases causes lifetime damage to the survivor and thus damages their equality in life. It damages their Identity Equity.

In the past two and half years the Special Victims Division has operationally declined caused by ineptitude. Special Victims has been flooded with white shields (non-investigative experience police officers), supervisors with very little real investigative experience, commanders that are unqualified and the intentional collapse of its internal systems. The most disgusting and corrupt action has been dozens of white shields were assigned to Special Victims, these past two years, from high-ranking phone calls and hooks. Those unqualified persons will cause investigative damage for the next decade.

I am asking the Woman's Caucus to rally and stop the two decades management folly of the NYPD's delivery of Special Victims Investigative Services. I am asking the Caucus to champion an external independent monitor for Special Victims and/or champion the requesting of the Department of Justice, Civil Rights Division to open a civil rights investigation on the NYPD's delivery of Special Victims Investigative Services. Thank you.



**Testimony of the National Organization for Women–New York City and  
Women’s Justice NOW before the  
New York City Council’s  
Committee on Women and Gender Equity and the Committee on Public Safety  
Regarding the Oversight of the NYPD Special Victims Division.**

**Submitted by Sonia Ossorio, Executive Director on October 18, 2021**

The National Organization of Women and our partner organization, Women’s Justice NOW, are glad for the opportunity to provide this testimony today and to be able to highlight our on-the-ground understanding of the challenges and hurdles that sexual assault and rape survivors face when reporting their crimes to the NYPD’s Special Victims Division (SVD). We are grateful to the Committee on Women and Gender Equity for making it a priority to learn from the authentic experiences of survivors and advocates with the purpose of transforming SVD, the NYPD, and the many institutions of our city to provide a trauma-informed, empathetic and effective response to every survivor of sexual.

Gender-based violence is rooted in the entrenched sexism, racism, bigotry and stereotypes of everyday life. These serve to demean and devalue women, girls, gender-nonconforming people, and LGBTQ people, increasing their vulnerability to sexual violence. This is why the approach to preventing and reducing these forms of violence demands investments that go beyond law enforcement. Yet even for the minority of victims who do seek help by calling the police, the results in New York City are mixed at best.

Representing two organizations that work together to advocate for women’s rights and connect women with resources and education, we represent thousands of supporters across the

five boroughs and we work directly with dozens of survivors of sexual assault each year. This past summer, we released our annual survey results that seek to understand the current state of how our local criminal justice system is responding to survivors. Our full report will be submitted in the written testimony, but I will run through the highlights here. We [surveyed](#) 20 major rape and sexual assault service providers, anti-violence organizations, and rape crisis programs that work directly with an estimated 5,000 diverse survivors of sexual assault annually across all five boroughs. All 20 organizations responded that the quality of investigations conducted by the NYPD's Special Victims Division (SVD) varies widely or that SVD handles these cases poorly most of the time. Not one organization said that SVD handles cases of sexual assault or rape well most of the time.

In fact, only a quarter of organizations reported that survivors feel the police are essentially doing what is the crux of their job: investigating cases in a timely and thorough manner. Five out of 20 organizations somewhat or strongly agree that "survivors feel like their cases are investigated quickly and thoroughly."

These results support a 2018 Department of Investigations (DOI) [report](#) in which the central finding was that the "NYPD has routinely understaffed and neglected its Special Victims Division." Even though it has been three years since the report, survivors still cannot be confident that SVD will have a clear and consistent response to their report of sexual violence.

Last year, a [story](#) published in *the New York Times* highlighted a case in which police mishandled the response to a rape victim, leading to the suspect being released and attacking three more women. In 2019, a number of rape victims brought a [class-action lawsuit](#) against the NYPD for failing "countless female victims of sexual assault." Our recent survey bears out the persistence of these problems. Eighteen out of 20 organizations agreed that "survivors feel ignored by the police." In fact, not one organization disagreed with this statement. One respondent summarized this sentiment, "Survivors are often talked down to, not believed, questioned rudely about any delay in report, and reports are not taken in a trauma-informed way." These attitudes aren't just harmful to survivors, but they are counterproductive to conducting an effective investigation. Investigators with this approach aren't winning the trust of their most vital witness



- the survivor. Time and again, a failure to respond appropriately to one survivor becomes a failure to prevent more violence.

For the past five years, we have brought anti-violence organizations and the leadership at the NYPD's Special Victims Division together in a good faith effort to improve the police response to survivors. We have made our case for reform numerous times alongside advocates and survivors and have done this with at least two different Police Commissioners and three different SVD Chiefs. We continue to call for common sense improvements: more training, more experience, and more investigators to ensure manageable caseloads. We call for trauma-informed best practices to be implemented systematically. It's clear that although some changes have been made, victims with negative experiences continue to come forward.

As the survey results show, inconsistency is a paramount problem. Nineteen out of 20 organizations said that the quality of SVD investigations varies widely. Not one organization said that SVD handles cases of sexual assault or rape well most of the time. It's clear that here are instances in which investigations are being done well. How can this become the rule and not the exception?

It starts with changing SVD so that it:

- (1) centers survivors and ensures a trauma-informed response at every stage of the process;
- (2) increases the levels of experience and substantive training required for SVD officers and embeds the treatment of survivors into their accountability model;
- (3) establishes and champions a culture that respects and supports survivors, without bias; and
- (4) improves coordination and communication with prosecutors to build the strongest cases possible.

It's long overdue to take further action to make gender-based violence a top priority in our city. We have a strong start on solutions. We just need leaders with the will, tenacity, and vision to implement them.

*It is the **National Organization for Women – New York City’s** mission to ignite change for the women and girls of New York. We advance laws, promote women in politics, fight for reproductive justice, and challenge discrimination and violence against women. Our partner organization, **Women’s Justice NOW**, aims to connect and empower women to be effective advocates and leaders in their communities.*

OTHER NOTES:

It’s clear that crime and public safety were major factors in shaping the outcome of New York City’s mayoral election, but there remains one area of crime that never receives enough attention: gender-based violence. To date this year, over 2,885 sex crimes, including rape, have been reported. Yet with sex crimes being one of the most underreported crimes, we know the real numbers are much higher.



# Law Enforcement Response to Survivors Survey 2020

CONDUCTED BY WOMEN'S JUSTICE NOW & NOW-NYC | RELEASED AUGUST 2021

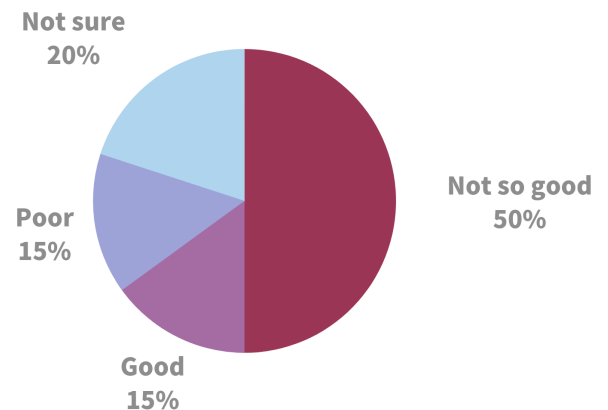
Twenty anti-violence organizations and rape crisis programs that work directly with an estimated 5,000 diverse survivors of sexual assault and rape annually across all five boroughs responded to this survey for the 2020 calendar year. Organizations were told that all questions on police response were specifically referring to the NYPD's Special Victims Division (SVD).

## Overall Quality of SVD Response

When asked how providers would rate the job SVD is doing in responding to survivors of sexual assault or rape, 13 out of 20 organizations (65%) said "Not so good" or "Poor."

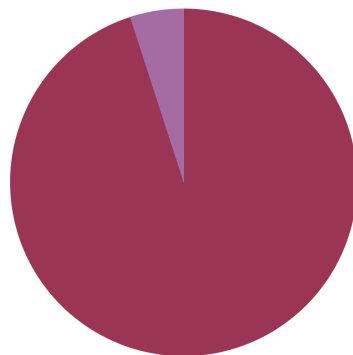
Only 3 out of 20 organizations (15%) said "Good," and 0 organizations said "Excellent."

How would you rate the job SVD is doing in responding to survivors of sexual assault and/or rape?



SVD handles these cases poorly most of the time  
5%

How consistently does SVD handle cases of sexual assault and/or rape?



The quality of the SVD varies widely  
95%

## Consistency of SVD Response

All 20 organizations responded that the quality of SVD investigations varies widely (19) or that SVD handles these cases poorly most of the time (1).

Not one organization said that SVD handles cases of sexual assault or rape well most of the time.

These results are worse than those from a prior survey. A similar question asked in 2019 found 14 out of 17 organizations said the “quality of police response varies widely” or that “most reports were not treated seriously or investigated vigorously.” Three out of 17 organizations said that “most reports were treated seriously and investigated vigorously.”

### KEY FEEDBACK

#### Why did you give SVD the rating you did?

*"Survivors are often talked down to, not believed, questioned rudely about any delay in report, and reports are not taken in a trauma-informed way."*

*"Of my therapy clients who choose to report to the police, not one of them has had a positive experience doing so."*

*"There have been too many times that I and my colleagues have witnessed insensitive and sometimes aggressive interview techniques, which have been re-traumatizing for survivors. It seems that investigative practices lack a degree of standardization that would ensure all cases are equitably assessed, resulting in too many survivors who do not have the opportunity to seek justice."*

*"...many of my clients have reported feeling rushed, misunderstood, belittled, or not taken seriously by the law enforcement officers with whom they [interact]."*

*"While the care and efforts of some individual detectives have been positive, generally I hear more negative experiences and stories of re-traumatization from survivors as a whole in their experience with reporting to law enforcement and going through the criminal justice process."*

*"Our interactions with SVD detectives on behalf of survivors has been overall effective and productive. Specifically for the cases in which we are involved, the majority of the time detectives are diligent and do their best to investigate and treat the survivor fairly and well. There are enough instances where this is not the case or that I have heard about anecdotally in the community that I am not comfortable giving them any rating above Good - there is always more work and training to be done."*

## What’s the first word or phrase that comes to mind when you think about the SVD’s record on sexual assault and/or rape?

Lack of empathy	Needs improvement	Inadequate	Mixed	Inconsistent investigative practices
Concern	Atrocious	Not always trauma informed	Under-resourced	Disgraceful
Under-resourced	Uninformed	Judgemental	Partnership	So-so

### Treatment of Survivors by SVD

Here’s how organizations responded\* when asked to report how survivors feel about their interactions with the police:

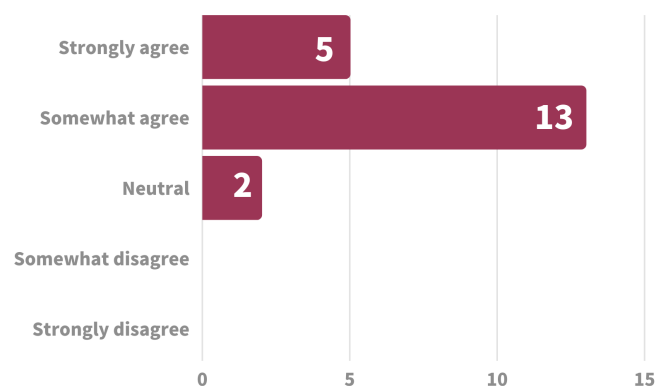
#### Survivors feel ignored by the police

(they are never contacted or only given brief, dismissive interviews)

18 out of 20 organizations strongly or somewhat agree that “survivors feel ignored by the police,” and not one organization disagreed with this statement.

This is **worse** than results from a prior survey. In 2019, 12 out of 17 organizations agreed that “survivors felt disrespected, ignored, or not taken seriously by the police.”

Survivors feel ignored by the police

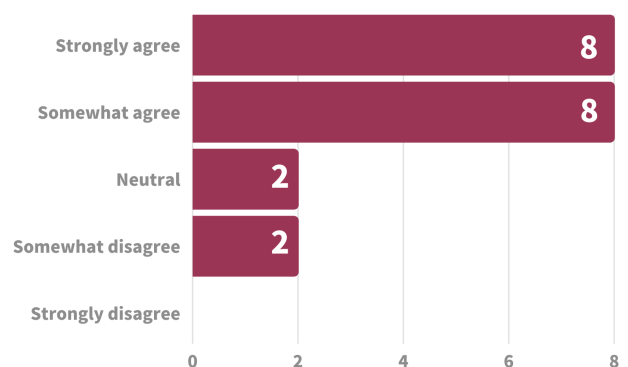


#### Survivors feel disrespected or judged by the police

(interview tone is hostile, questions focus on victim’s behavior, the police try to discourage victim from filing a report or proceeding with an investigation, threats of false reporting charges are mentioned)

16 out of 20 organizations strongly or somewhat agree that “survivors feel disrespected or judged by the police.”

Survivors feel disrespected or judged by the police

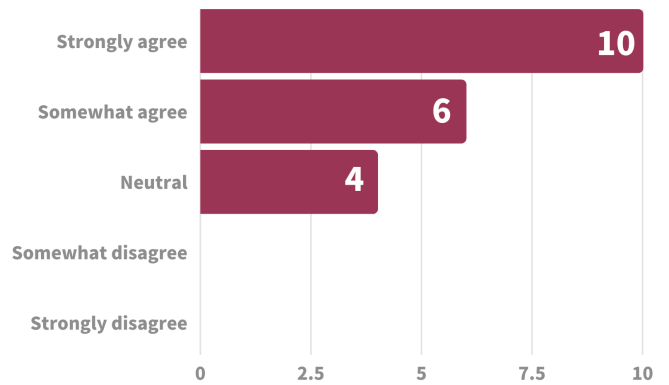


## Survivors say it is difficult to get updates about their case (calls or emails are unreturned)

16 out of 20 organizations strongly or somewhat agree that “survivors indicate that it is difficult to get updates about their case” and not one organization disagreed with this statement.

This is **worse** than results from a prior survey. In 2019, 9 out of 17 organizations agreed “survivors indicated that it was difficult to get updates about their case.”

Survivors say It is difficult to get updates about their case

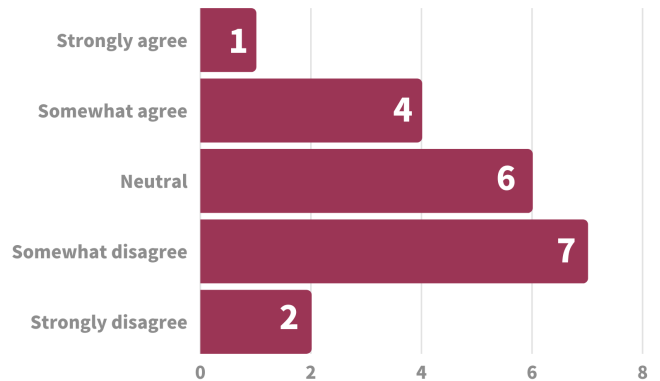


## Survivors believe police handle cases to the best of their ability

5 out of 20 organizations strongly or somewhat agree “survivors believe the police handle cases to the best of their ability,” and 9 organizations disagreed with this statement.

This is **similar** to results from a prior survey. In 2019, 4 out of 17 organizations agreed, “survivors believed their case was handled to the best ability of the officers.”

Survivors believe police handle cases to the best of their ability



*\*The survey question asked for this series of questions: “The following are some statements about how survivors feel about their interactions with the police. For each one, please say if you strongly agree, somewhat agree, are neutral, somewhat disagree, or strongly disagree, based on your work with survivors at your organization.”*

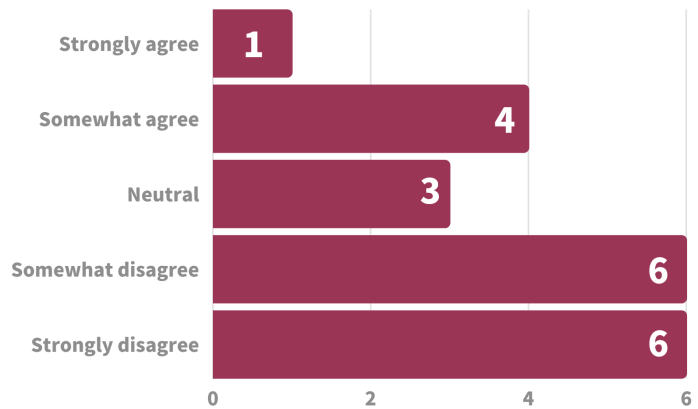
## Survivor Support from SVD

Over the course of the past three years, a coalition of organizations serving survivors has worked in open communication with the NYPD’s Special Victims Division to co-create key improvements to protocols and written resources to better support and inform survivors who have reported a sexual assault to SVD. Despite these shared efforts, it’s clear that there is much room for improvement in the delivery of these resources.

**Survivors are informed about their right to an advocate and provided one if requested.**

Only 5 out of 20 organizations strongly or somewhat agree that “survivors are informed about their right to an advocate and provided one if requested,” and 12 organizations disagreed with this statement.

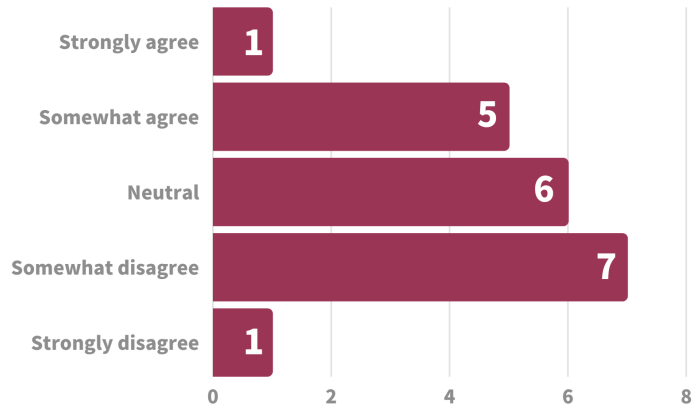
**Survivors are informed about their right to an advocate**



**Survivors are provided or directed to the appropriate resources by the police** (medical, transportation, housing, counseling, translators, victim’s compensation fund, etc.)

6 out of 20 organizations strongly or somewhat agree that “survivors are provided or directed to the appropriate resources by the police.” Eight organizations disagreed.

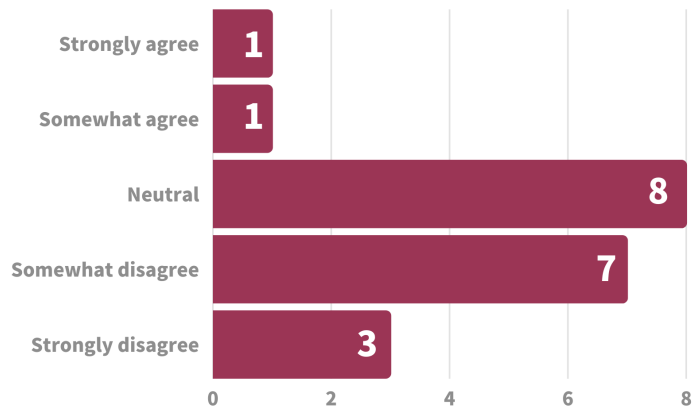
**Survivors are provided or directed to the appropriate resources by the police**



**Survivors are provided with a “Survivor’s Bill of Rights,” documentation on “What to Expect” in an investigation, and a clear point of contact for their case**

Only 2 out of 20 organizations strongly or somewhat agree that “survivors are provided with a Survivor’s Bill of Rights, documentation on ‘what to expect’ in an investigation, and a clear point of contact for their case. Ten organizations disagreed with this statement.

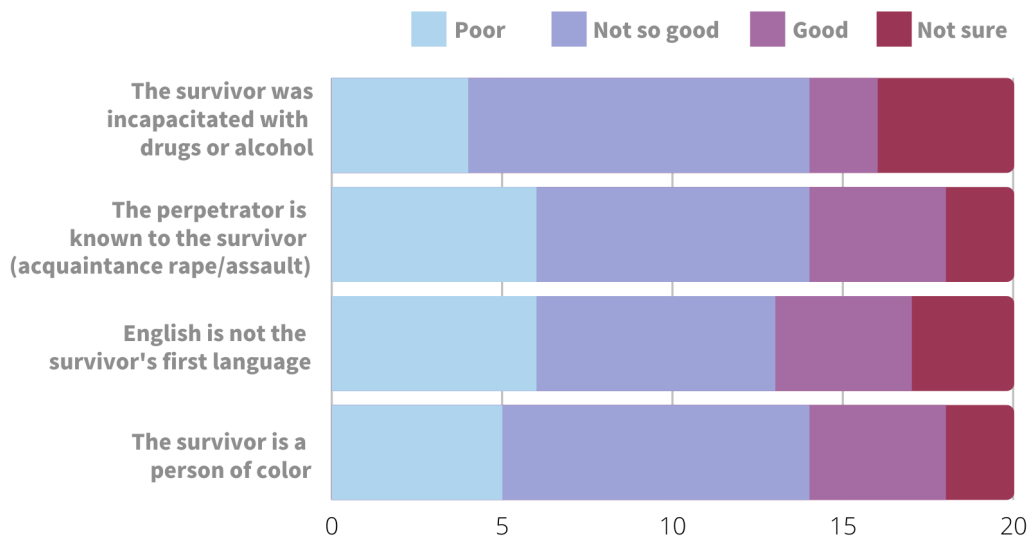
**Survivors get a point of contact and the “Survivor’s Bill of Rights”**



## SVD Response to Specific Survivor Groups

14 out of 20 organizations believed that SVD was doing a “poor” or “not so good” job when responding\*\* to: survivors who were incapacitated with drugs or alcohol; in cases of acquaintance rape; or when a survivor was a person of color. 13 out of 20 organizations said SVD was doing a “poor” or “not so good” job when working with survivors for whom English is a second language.

### Quality of SVD Response When Considering Survivor Identity or Characteristics

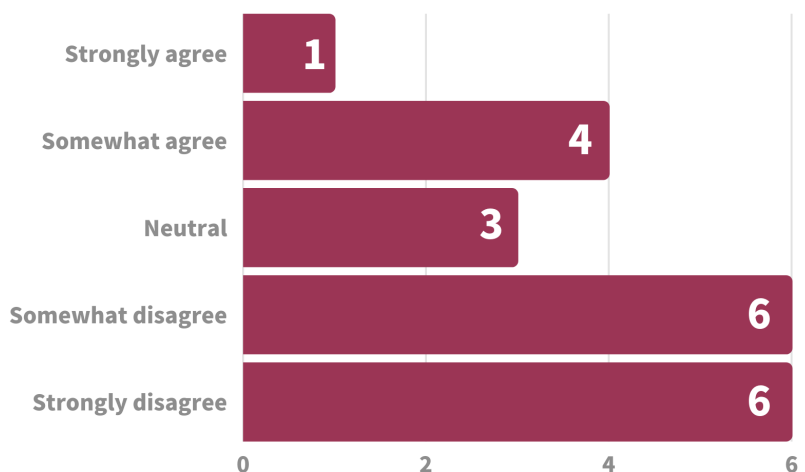


\*\*The full survey question: The following are a list of characteristics that may apply to the perpetrator or survivor in sexual assault and/or rape cases. For each one, please say how you think SVD is doing when responding to a case with that characteristic. Are they doing an excellent job, a good job, a not so good job, or a poor job? If you don't deal with these kinds of cases enough, just say so.

## The Takeaway on SVD

Only a quarter of organizations reported that survivors feel the police are essentially doing what is the crux of their job: investigating cases in a timely and thorough manner. Five out of 20 organizations somewhat or strongly agree that “survivors feel like their cases are investigated quickly and thoroughly.”

### Survivors believe their cases are investigated thoroughly



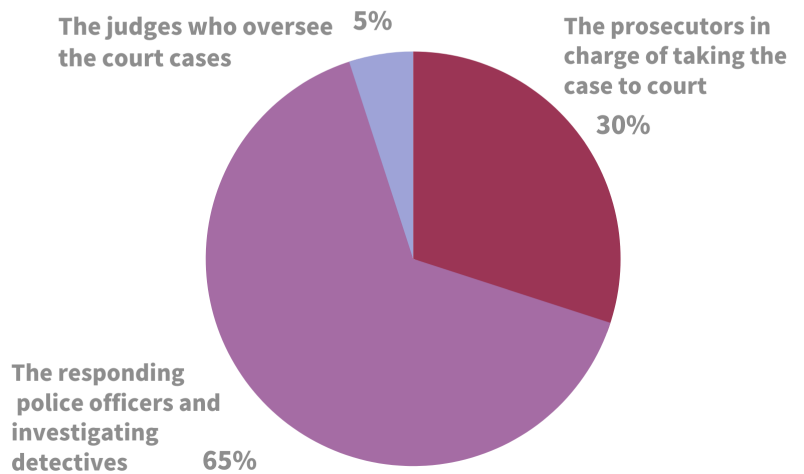


## Obstacles for Survivors When Reporting

Police can play a critical role as first responders and have a tremendous opportunity to change outcomes for every survivor who chooses to report to them.

When considering the impact of police, prosecutors, and judges on outcomes for survivors in the criminal justice system, a majority of organizations (13 out of 20) believe that the “responding police officers and investigating detectives” pose the bigger obstacle for survivors. Six organizations believed that the bigger obstacle was “prosecutors in charge of taking the case to court.”

**In general, who do you think poses the bigger obstacle for survivors seeking justice in the criminal justice system?**



### KEY TAKEAWAY

#### On Obstacles for Survivors

*“The criminal justice process is not set up with healing in mind. It does not take into consideration what ‘justice’ might mean for individual survivors and can very often hinder or add to the trauma of the survivor. The process inherently takes a sense of power and choice away from survivors, when that is very often the very thing they are trying to get back after being assaulted.”*

## A Roadmap for Reform: Recommendations for SVD

The major takeaway is that SVD’s response to survivors is inadequate and inconsistent. The treatment of survivors varies widely, and survivors who report are at the mercy of getting the “right” detective assigned to their case. These collective results\*\*\* show **four** main areas in which SVD can take immediate action to improve and systematize an effective response to survivors.

\*\*\* Two open-ended survey questions were evaluated in coordination with all the prior survey responses to inform these recommendations. These include the following two questions: “What do you think is the biggest obstacle for survivors in getting justice and healing?” and “If you could improve one thing about law enforcement response to sexual assault and/or rape what would it be?”

## **SVD should take further action to improve its approach by:**

### **1. Centering survivors and ensuring a trauma-informed response at every stage of the process.**

10 out of 20 organizations ranked “more victim-centered, trauma-informed training for the police,” as number one in a list of the most important reforms they would like to see.

Organizations responded that trauma-informed care was lacking throughout the process:

*“Non trauma-informed care in so many parts of the process which just creates more trauma. And our systems focus on the survivor, instead of focusing on the perpetrator.”*

*“Lack of involvement and/or communication through the process, start to finish. The process does not feel trauma-informed to most survivors.”*

*“Getting justice takes a long time, and it is a retraumatizing experience having to retell their stories multiple times without having an advocate or a support either in the court or when being interviewed. Justice is not something they feel when they are being repeatedly interviewed, judged for the delay in reporting, or not being a ‘perfect victim.’”*

*“The initial process is weak and healing/supportive services are lacking on the front [end].”*

### **2. Increasing the experience and training required for SVD officers and build-in accountability measures.**

11 out of 20 organizations ranked “Holding detectives accountable not just for clearance rates but for thorough investigations and treatment of survivors” as number one or number two in a list of the most important reforms they would like to see.

When asked to name the one thing that could be improved about law enforcement’s response to sexual assault or rape, training and experience were two of the three key areas cited (culture was 3rd):

*“Training”*

*“Law enforcement should get trauma and cultural sensitivity training”*

*“Better and frequent training is VERY needed”*

*“Additional education and resources being devoted to law enforcement”*

*“Have all survivors who report a sexual assault working with an SVD officer from the get go and never work with a uniform/precinct cop with no training or experience in sex crimes.”*

*“Involve social workers/advocates in the initial phase”*

*“Better investigations, including better interviews of witnesses and better collection of evidence.”*

### 3. Establishing and championing a culture that respects and supports survivors, without bias.

When asked to name the one thing that could be improved about law enforcement's response to sexual assault or rape, culture change was one of the three main areas cited for improvement.

Organizations said that “building a culture of trust and support,” survivors “being believed,” and providing “resources and social support,” are essential to serving survivors on a path to healing and justice. One respondent said, “Sexual assault cases are not a high enough priority for police agencies or prosecutors’ offices.”

Here’s how organizations responded when asked what one thing they believed could be improved in how law enforcement responds to survivors:

*“To start with, changing the culture of NYPD, to be more trauma-informed and victim-centered in their approach to investigations.”*

*“Officers taking reports from victims without giving impressions of doubt or disbelief.”*

*“Integrating trauma-informed care!”*

*“Spending more time and slowing down to match the pace of the survivor when interacting with them, but speeding up and shortening the time in between updates and follow-up communications with survivors regarding their case or any questions they may have had come up.”*

*“Believe survivors and take their reports...many survivors I work with state that their reports were not even taken at a precinct.”*

*“That victims feel more empowered and heard. It would be meaningful for victim’s to hear from law enforcement why cases are not going to be pursued in a way that is not victim blaming.”*

*“Increased empathy and validation toward survivors on the part of police officers. Knowing that just because a rape kit doesn’t turn up with evidence doesn’t mean the survivor wasn’t sexually assaulted, it just means there wasn’t evidence on the survivor’s body.”*

*“I would improve how they interact with survivors. They treat all parties as suspect....and this approach provides a barrier to trust anyone involved in the client’s case. Law enforcement does not provide any relief or resources when they first interact with a client.*

#### 4. Improving coordination and communication with prosecutors to build the strongest cases possible.

This is one of three key areas noted by organizations when asked to consider the biggest obstacle for survivors in getting justice and healing.

It's clear that there is still a need to dismantle the misconceptions about survivors that persist and change the approach to how and which cases the criminal justice system will pursue. Organizations said:

*"The resistance to taking cases to trial is a primary obstacle. The police investigate cases to the extent they feel it will end up being accepted by the DA's Office."*

*"Getting SVD to pass cases onto the DA's office for review. The ADA taking on only cases that have a good chance of successful prosecution, not giving enough weight to the survivors' wishes."*

*"NYPD's frustration that potentially no matter how well they investigate, the likelihood a case is going to be prosecuted is very narrow."*

*"That the justice system may not know how sexual abuse can actually hurt a person in so many ways. They always need expert witnesses to help inform."*

## Conclusion

The organizations surveyed in this report constitute the major rape and sexual assault response providers and first responders to thousands of survivors across our city. They represent diverse communities and serve survivors in every borough, and they collectively have decades of trauma-informed experience and knowledge. Their feedback and on-the-ground experiences with survivors must be taken into serious consideration.

These survey results only bolster what advocates and survivors have known for years and have learned time and again through first-hand experience. The data goes hand-in-hand with the findings of a Department of Investigations [report](#) from over three years ago, which found a persistent lack of investment in SVD and in the training and experience levels of its investigators. As a result, SVD as a whole is not:

- adequately and consistently meeting the needs of survivors;
- following-through on best practices to stop perpetrators in all cases; and
- fully and effectively implementing the clear and consistent input that advocates, survivors, and anti-violence experts have been advising them to adopt.

**The changes the NYPD has initiated are a starting point, but the data demonstrate that more work is necessary to achieve systemic and measurable improvement.**

# Law Enforcement Response to Survivors Survey 2020

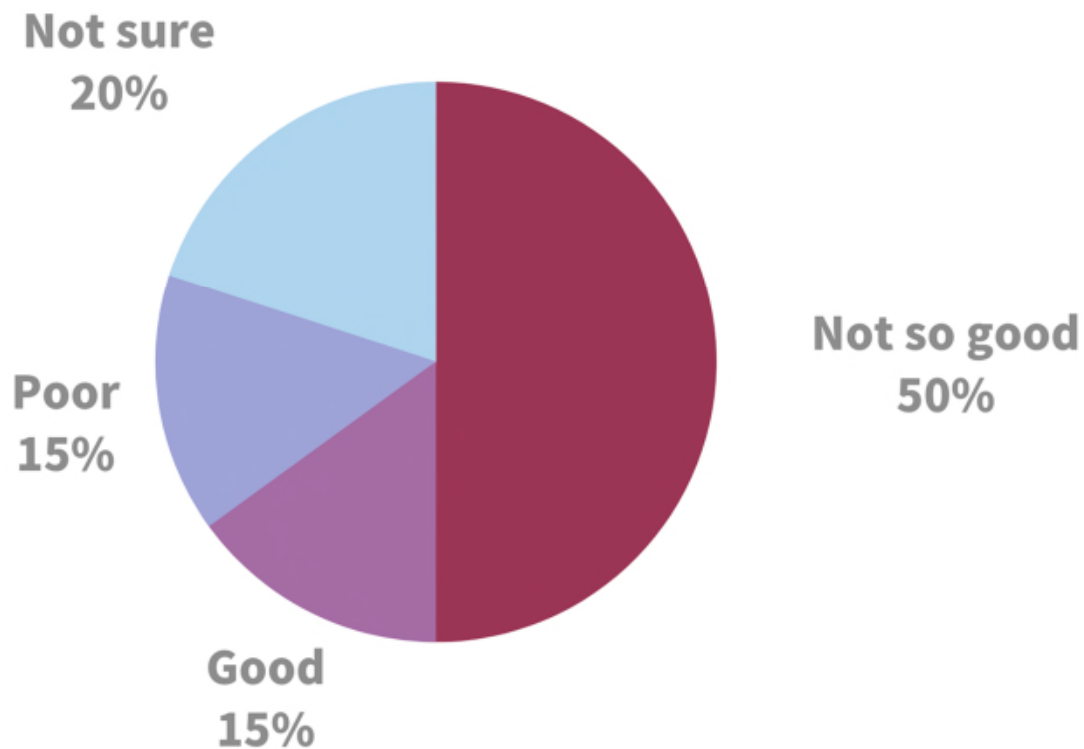
## RESPONDENTS INCLUDED:

- Twenty rape and sexual assault service providers, anti-violence organizations, and rape crisis programs.
- These organizations serve an estimated 5,000 diverse survivors annually across all five boroughs.
- Organizations responded to questions specifically considering the actions of the NYPD's Special Victims Division (SVD).



# Overall Quality of Response

How would you rate the job SVD is doing in responding to survivors of sexual assault and/or rape?



13 out of 20 organizations (65%) said “Not so good” or “Poor.”

Only 3 out of 20 organizations (15%) said “Good.”

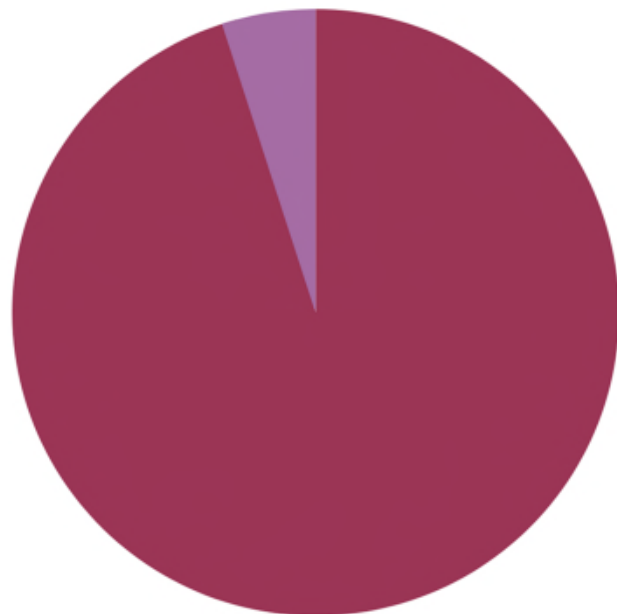
Not one organization said “Excellent.”

# Consistency of Response

**How consistently does SVD handle cases of sexual assault and/or rape?**

SVD handles these cases poorly most of the time

5%



The quality of the SVD varies widely

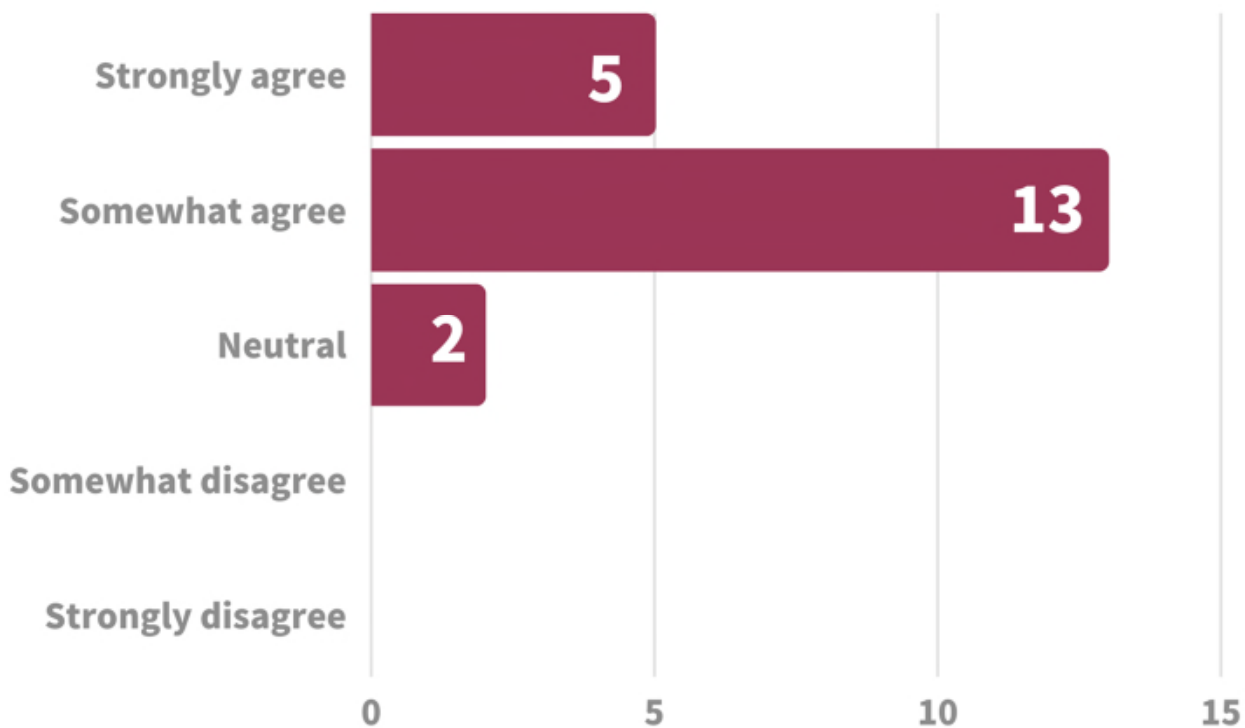
95%

All organizations responded that quality varies widely (19) or that SVD handles cases poorly (1) most of the time.

Not one organization said SVD handles cases of sexual assault or rape well most of the time.

# Treatment of Survivors

## Survivors feel ignored by the police



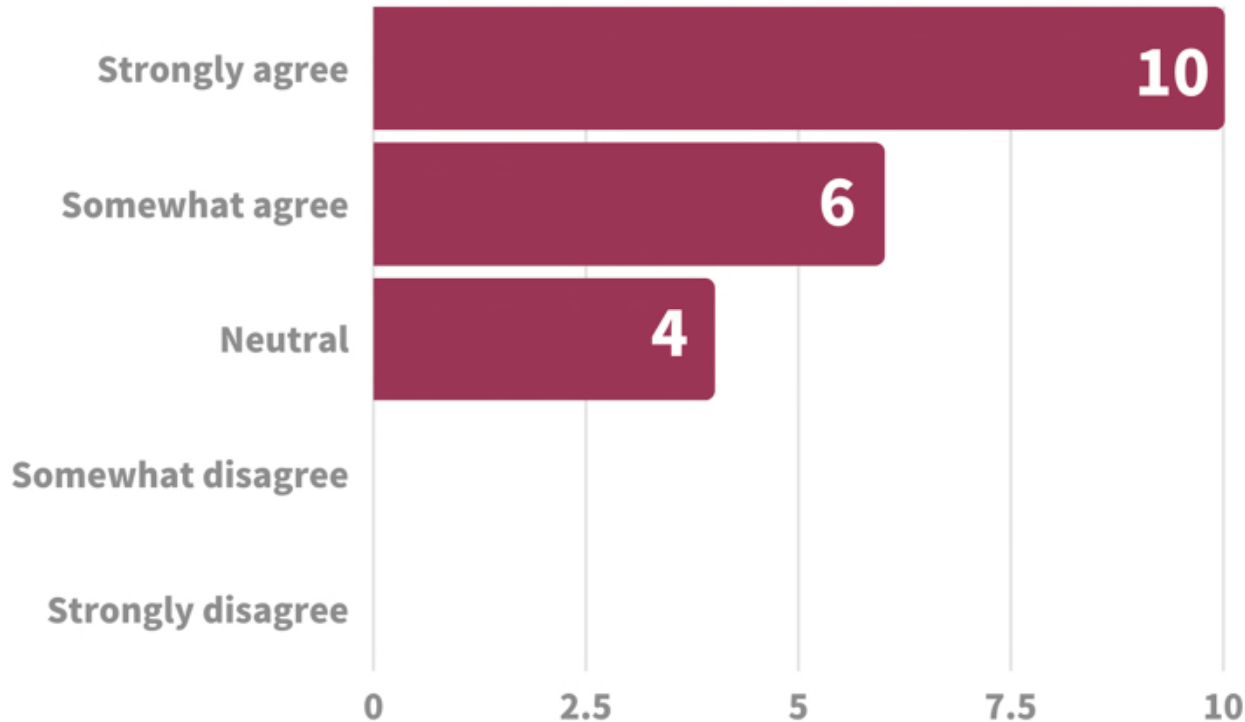
**18 out of 20 organizations strongly or somewhat agree that “survivors feel ignored by the police.”**

**Not one organization disagreed with this statement.**



# Communication with Survivors

**Survivors say it is difficult to get updates about their case**

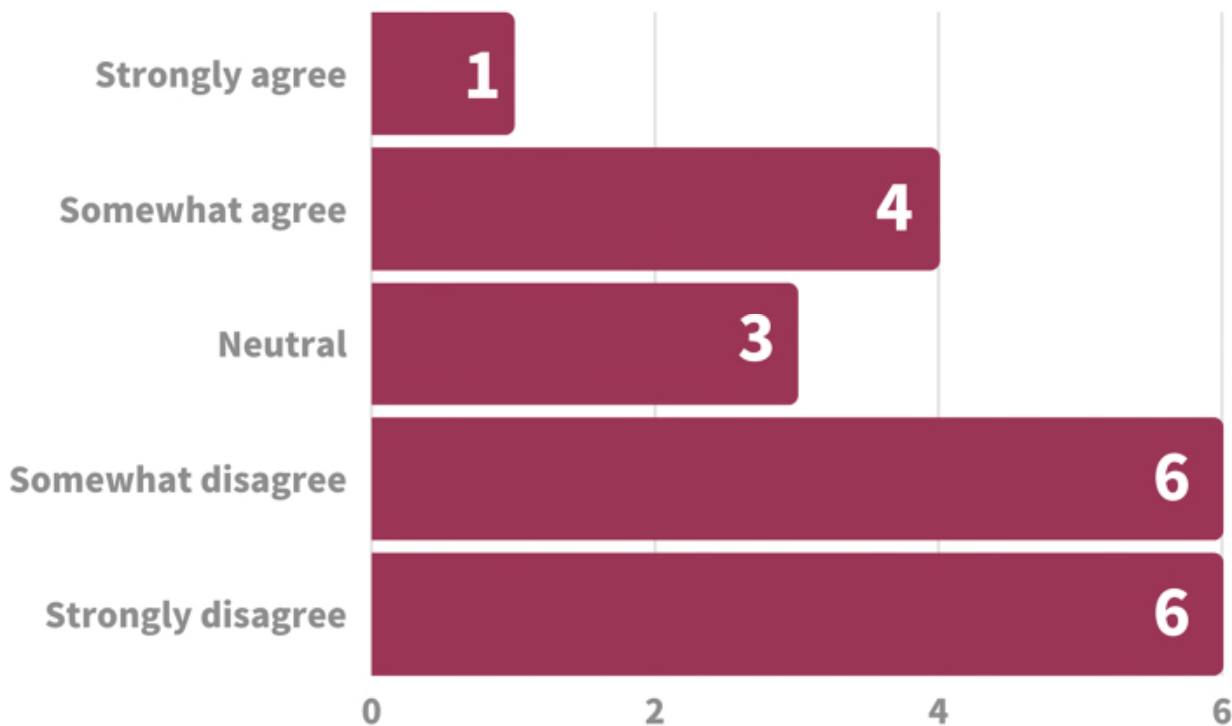


**16 out of 20 organizations agree that “survivors indicate that it is difficult to get updates about their case.”**

**Not one organization disagreed.**

# The Takeaway on SVD

**Survivors believe their cases are investigated thoroughly**



Only 5 out of 20 organizations reported that “survivors feel like their cases are investigated cases quickly and thoroughly.”

12 out of 20 organizations disagreed.

***“Survivors are often talked down to, not believed, questioned rudely about any delay in report, and reports are not taken in a trauma-informed way.”***

**Organizations said that *“building a culture of trust and support,”* survivors *“being believed,”* and providing *“resources and social support,”* are essential to serving survivors on a path to healing and justice.**

# Roadmap for Reform

1. **Center survivors and ensure a trauma-informed response at every stage of the process.**
2. **Increase the levels of experience and training required for SVD officers and build-in accountability measures.**
3. **Establish and champion a culture that respects and supports survivors, without bias.**
4. **Improve coordination and communication with prosecutors to build the strongest cases possible.**



# NYPD SVU Reconstruction

My name is Chiffon Abney, I am a Sexual Assault Advocate and the CEO of HERUNIVERCITY INC. I work with a coalition of Advocates and my primary concern is that the NYPD must change its culture on handling gender based crimes of the sexual persuasion. Please include my email in this fight to end gender based violence and the mishandling of victims of sexual assault here in NYC.

Chiffon Abney

[WWW.HERUNIVERCITY.com](http://WWW.HERUNIVERCITY.com)

646.932.9496 direct



Kelly Grace Price ● co-creator, Close Rosie's ● 534 w 187<sup>th</sup> st #7 New York, NY 10033  
● E-Mail: [gorgeous212@gmail.com](mailto:gorgeous212@gmail.com)  
Web: <http://www.CloseRosies.org>

October 18, 2021

**NYC Council Committees on Public Safety Women's Issues; via email**

**To: Councilwoman Darma Diaz, Chair, Committee on Women's' Issues; Councilman Daniel Dromm, Councilwoman Adrienne Adams, Chair, Committee on Public Safety, Councilwoman Rose, Chair, Committee on Education; Councilman Keith Powers Chair Committee on Criminal Justice; Councilman Levin, Chair NYC Committee on General Welfare; Councilwoman Helen Rosenthal; Councilwoman Laurie Cumbo; Councilwoman Farah Louis; Councilwoman Carlina Rodriguez et al.**

**cc: Speaker Corey Johnson, Legislative Director Jeff Baker; Committee Council Agatha Mavropoulos; Committee Council Brenda McKinney, Committee Policy Analyst Chloe Rivera; Councilwoman Alicka Ampry-Samuel;**

**Ref: Intros 1488; Reporting on Sexual Violence Case Outcome Data from NYPD and Borough District Attorneys**

Dear Chair Chairs Diaz; Adams, Rosenthal; Dromm; Powers; Levin; Committee Members and; Committee Counsel:

I thank you for holding this hearing and also the other members of the council and staff for allowing me to submit testimony. I am Kelly Grace Price founder of Close Rosie's and I present testimony in support of Councilwoman Debi Rose's Intro 1488 which has been languishing since 2019.:

It is time that NYC answered the calls of #Metoo by mandating reporting from Borough District Attorneys and not just the NYPD and Mayor's Office to End Gender Based Violence.

We need:

- data regarding cases prosecuted, dismissed, diverted, deferred or under investigation by gender, age, sexual identification and geographic location of offender and victim/survivor for certain categories sex offenses as well as
- number of charges dropped against police and against confidential informants.

Until more expansive data reporting legislation is debated in Albany: the aim of this local law is specifically to respond to the #Metoo movement by collecting data relevant sexual violence, sexual abuse and sex crime arrests investigations and prosecutions by NYPD Precincts and Borough District Attorney's Offices.. New York City needs to be a national leader in providing an example in how government may begin to respond to the calls of thousands of survivors defined by the #Metoo movement who have been eschewed justice by the criminal legal system.

I. **Overview of current national Police and District Attorney sexual violence data sharing practices and assessment of need:**

Currently only a handful of the ~2300 national district attorney's offices have made data on their prosecutorial practices public (including recently a seedling new initiative here in NYC.<sup>1</sup>) But many of the data transparency measures instituted (either by law or by individual efforts undertaken by progressive district attorneys) are not actual transparency. Instead, often-limited information is shared and only data the police and prosecutors want the public to see is presented under the veil of transparency, which falls short; especially when viewed through the lens of survivors of sexual violence, trafficking, coercion, and crimes against children. Independent efforts to gather data from prosecutor's offices by advocacy groups has reaped mixed reporting<sup>2</sup> and the only national effort to standardize data reporting is led by prosecutors<sup>3</sup> themselves and not by communities and government bodies who need complete data to provide oversight and accountability in the wake of the #Metoo movement to survivors of sexual violence, their families and community members.

A. **Previous State and National Legislation Mandating Transparent Criminal Justice/District Attorney Data:**

There currently is not a compelling model in New York State or nationwide that satisfies the data requirements sought by advocates to shed light on case closing rates of sex crimes but recent data by the Bureau of Justice Statistics estimates that New York City is under-reporting and closing out sex crimes at rates sometimes three times higher than other metropolitan centers.<sup>4</sup>

1. **New York:**

a. **S.1830-C/A.10609: Police Statistics and Transparency Act: Enacted June 15, 2020;<sup>5</sup> (first data report due June 10, 2021.)**

Known as the Police Statistics and Transparency Act (or STATS Act), S.1830-C/A.10609 is aimed at reforming criminal justice and policing systems in the state of New York. As such, this bill **requires courts to compile and publish data ONLY on misdemeanor and violation offenses** in all courts, disaggregated by county. These data sets include, but are not limited to, compiling information on misdemeanor and violations charges, by indictment or complaint, race, age, sex of individual charges, demographic information, disposition, etc. Pursuant to this bill,

<sup>1</sup> MDAO launched a "Data Dashboard only weeks ago on March 24, 2021 that was revised to include further data on April 1, 2021: <https://data.manhattanda.org/>; linked March 31, 2021

<sup>2</sup> <https://www.measuresforjustice.org/>; linked April 2, 2021.

<sup>3</sup> <https://prosecutorialperformanceindicators.org/>; linked April 5, 2021.

<sup>4</sup> "In New York City, according to FBI data, nearly 19% (nineteen percent) of the 2,767 total reported rapes were considered unfounded, defined by the FBI as "false" or "baseless." Research shows only 2 to 10 percent of reported rapes are actually false. Some boroughs have an especially high percentage: 27 percent of rapes reported in Queens were deemed unfounded in 2015. "Is The NYPD's Special Victims Division Prematurely Closing Sexual Assault Cases?" Meg O'Connor: [The Appeal](https://theappeal.org/is-the-nypds-special-victims-division-prematurely-closing-sexual-assault-cases/); December 17, 2018; <https://theappeal.org/is-the-nypds-special-victims-division-prematurely-closing-sexual-assault-cases/>; linked April 5, 2021.

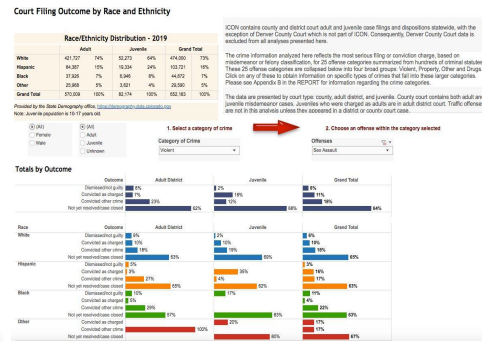
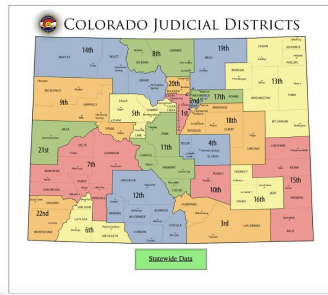
<sup>5</sup>[https://assembly.state.ny.us/leg/?default\\_fld=&bn=A10609&term=2019&Summary=Y&Actions=Y&Text=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y](https://assembly.state.ny.us/leg/?default_fld=&bn=A10609&term=2019&Summary=Y&Actions=Y&Text=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y); linked April 2, 2021.

data collected are to be made publicly accessible via online and updated on a monthly basis.

2. **Colorado: The Community Law Enforcement Action Reporting ("CLEAR") Act; 2015.** The CLEAR Act mandates that the Colorado Division of Criminal Justice (DCJ) annually analyze and report data provided by law enforcement agencies, the Judicial Department, and the adult Parole Board, to reflect decisions made at multiple points in the justice system process.<sup>6</sup> The data presented by the DCJ is one of the best portals presenting interactive data that can be downloaded and compared year by year (but not interactively in the tool).

- One of the main drawbacks of the Colorado DCJ data tool is that “cases dismissed” are lumped in with “cases still open under prosecution /investigation” so it is impossible to ascertain the rates that cases are dismissed vs. prosecuted which is problematic at best especially for survivors seeking data on case closure rates.

Race/Ethnicity at Criminal Justice Decision Points - 2019 Map



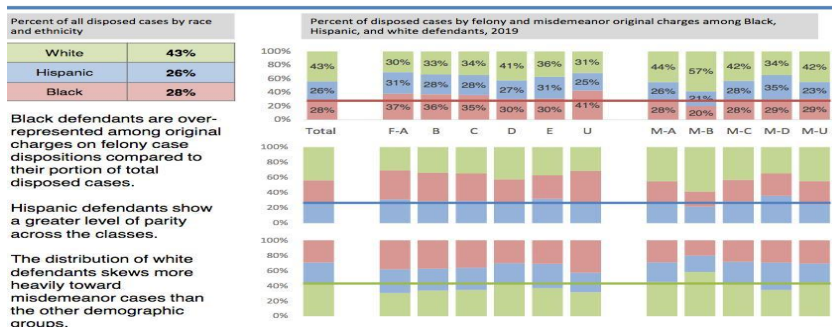
<sup>6</sup> <https://ors.colorado.gov/ors-sb185>; linked April 2, 2021.



### 3. Arizona

- 2018: Pinal and Yavapai county DA's were required to publish monthly data on misdemeanor and felony prosecutions through 2019.
  - 2021: Current Legislation (HB2156)<sup>7</sup> is pending<sup>8</sup> modeled after the ACLU's "Prosecutorial Transparency Act."<sup>9</sup>
4. **Florida: Senate Bill 1392** "Criminal Justice Act" was passed in Florida in 2018<sup>10</sup> in lieu of CS/HB 7071, the "Criminal Justice Data Transparency Act" which died/was indefinitely postponed.<sup>11</sup> Overall data provided is scant.
  5. The ACLU's Smart Justice Project proposed the **Prosecutorial Transparency Act** in 2018 as a model for states to implement nationwide.<sup>12</sup>
  6. **Connecticut: Senate Bill 880**<sup>13</sup> was met with much fanfare when it was passed as the first act of its kind in the country aimed at "increasing fairness and transparency in the Criminal Justice System, was signed into law by Governor Ned Lamont in the Summer of 2019 making Connecticut one of the first states with a wide-ranging law requiring transparency about trends in prosecutors' decisions.
    - The first report was presented to the CT Senate Judiciary Committee in July of 2020<sup>14</sup> but the data and reports are not interactive, downloadable or broken down by charge classification or type, nor by ethnic or gender categories. The only indication of data that addresses racial disparities is a graphic alleging to describe the ethnic breakdown of dismissed/disposed cases nor is data offered on charging, sentencing, bail, diversion, or by demographic qualifiers.

**Patterns in original charges on disposed cases among Black, Hispanic, and white defendants.**



<sup>7</sup> <https://www.azleg.gov/legtext/54leg/2R/bills/HB2156P.pdf>; linked April 2, 2021.

<sup>8</sup> <https://apps.azleg.gov/BillStatus/BillOverview/72769>; linked April 2, 2021

<sup>9</sup> "Unlocking the Black Box: How the Prosecutorial Transparency Act Will Empower Communities and Help End Mass Incarceration;" The ACLU's Smart Justice Project; Nicole Zayas Fortier; 2018;

[https://www.aclu.org/sites/default/files/field\\_document/aclu\\_smart\\_justice\\_prosecutor\\_transparency\\_report.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_smart_justice_prosecutor_transparency_report.pdf); linked April 2, 2021.

<sup>10</sup> "Requiring the Department of Corrections to include information in its annual report on inmate admission based on offense type and recidivism rate; encouraging local communities and public or private educational institutions to implement pre-arrest diversion programs for certain offenders; requiring each pretrial release program to include in its annual report the types of criminal charges of defendants accepted into a pretrial release program, the number of defendants accepted into a pretrial release program who paid a bail or bond, the number of defendants accepted into a pretrial release program with no prior criminal conviction, and the number of defendants for whom a pretrial risk assessment tool was used or was not, etc." <https://www.flsenate.gov/Session/Bill/2018/01392/?Tab=RelatedBills>; linked April 1, 2021.

<sup>11</sup> "Requires collection of specific data; requires FDLE to compile, maintain, & make publicly accessible data; provides requirements to make data comparable, transferable, & readily usable; requires digitized score sheets to be prepared for all criminal defendants; requires DOC to develop & submit revised digitized score sheets to Supreme Court for approval; creates pilot project to improve criminal justice data transparency & compliance with standards." <https://www.flsenate.gov/Session/Bill/2018/7071>; linked April 2, 2021

<sup>12</sup> "Unlocking the Black Box: How the Prosecutorial Transparency Act Will Empower Communities and Help End Mass Incarceration;" The ACLU's Smart Justice Project; Nicole Zayas Fortier; 2018;

[https://www.aclu.org/sites/default/files/field\\_document/aclu\\_smart\\_justice\\_prosecutor\\_transparency\\_report.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_smart_justice_prosecutor_transparency_report.pdf); linked April 2, 2021.

<sup>13</sup> <https://portal.ct.gov/OPM/CJ-About/Homepage/CJPPD>; linked April 2, 2021.

<sup>14</sup> <https://portal.ct.gov/-/media/OPM/CJPPD/CJAbout/PA-19-59-presentation-as-presented-7-14-20.pdf>; linked April 2, 2021.

**B. Progressive Prosecutors who Share Data without Legislative Mandates:**

**1. The Philadelphia DA's Office<sup>15</sup>:**

a. The Philly DA, Lee Krasner, notably includes case outcomes by incident type comparatively over time but doesn't offer demographic (age, ethnicity, gender) or geographic detail of either alleged offender or victim/survivor.<sup>16</sup>

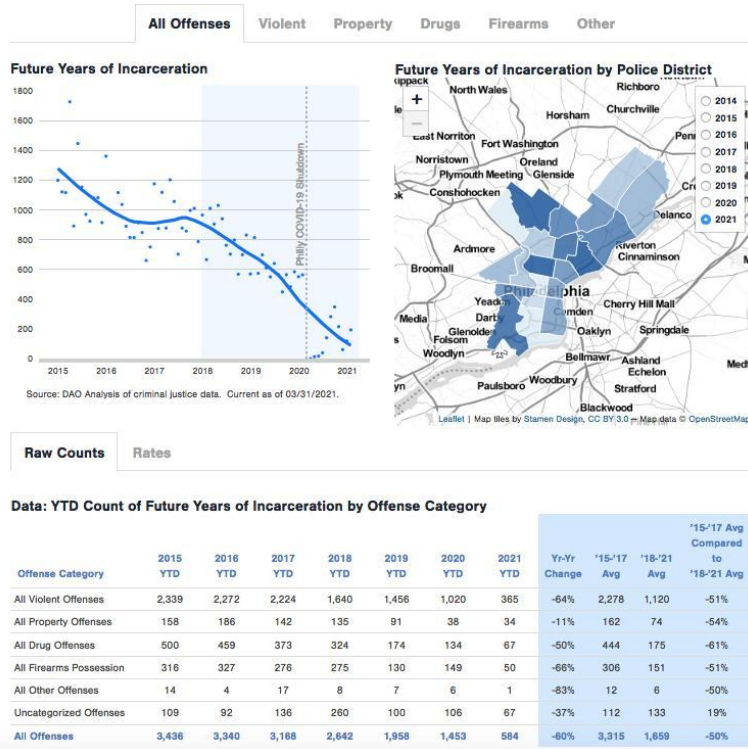
**Data: YTD Case Outcomes by Offense Category**

Offense Category	Disposition Type	2015 YTD	2016 YTD	2017 YTD	2018 YTD	2019 YTD	2020 YTD	2021 YTD	Yr-Yr Change	'15-'17 Avg	'18-'21 Avg	'15-'17 Avg Compared to '18-'21 Avg
⊖ Homicide	Total	55	63	52	46	51	44	25	-43%	57	42	-26%
⊖ Non-Fatal Shooting**	Total	0	17	60	63	51	52	48	-8%	26	54	108%
⊖ Rape	Total	75	61	79	99	79	65	51	-22%	72	74	3%
	Dismissed/Withdrawn/Etc	21	17	23	30	21	13	35	169%	20	25	25%
	Diversion	0	0	0	0	0	0	0	0%	0	0	0%
	Guilty Plea/Noie	23	31	33	42	29	24	14	-42%	29	27	-7%
	Guilty	28	9	16	20	21	19	1	-95%	18	15	-17%
	Not Guilty/Acquittal	3	4	7	7	8	9	1	-89%	5	6	20%
	Exonerated/Won on Appeal	0	0	0	0	0	0	0	0%	0	0	0%
⊖ Robbery/Gun	Total	254	222	176	249	153	116	85	-27%	217	151	-30%
⊖ Robbery/Other	Total	296	349	289	310	227	238	123	-48%	311	224	-28%
⊖ Aggravated Assault/Gun	Total	250	253	218	210	183	144	131	-9%	240	167	-30%
⊖ Aggravated Assault/Other	Total	746	728	707	711	624	596	353	-41%	727	571	-21%
⊖ Other Assaults	Total	846	757	648	646	571	571	283	-50%	750	518	-31%
⊖ Sexual Assault and Other Sex Offenses	Total	52	54	54	65	50	48	41	-15%	53	51	-4%
	Dismissed/Withdrawn/Etc	12	18	15	25	11	15	24	60%	15	19	27%
	Diversion	0	1	2	1	1	2	0	-100%	1	1	0%
	Guilty Plea/Noie	22	26	20	25	22	21	14	-33%	23	20	-13%
	Guilty	13	2	10	10	6	9	2	-78%	8	7	-12%
	Not Guilty/Acquittal	5	5	5	4	9	1	1	0%	5	4	-20%
	Exonerated/Won on Appeal	0	2	2	0	1	0	0	0%	1	0	-100%
⊖ All Violent Offenses	Total	2,574	2,504	2,283	2,399	1,989	1,874	1,140	-39%	2,454	1,850	-25%

b. The Philadelphia District Attorney's Office includes comprehensive data on future years of incarceration by offense type and by geographic community within Philadelphia that no other DA's office in the country offers publically:

<sup>15</sup> <https://data.philadao.com/>; linked March 31, 2021

<sup>16</sup> [https://data.philadao.com/Case\\_Outcomes\\_Report.html](https://data.philadao.com/Case_Outcomes_Report.html); linked March 31, 2021



**2. The Maricopa County District Attorney: Phoenix, Arizona; August, 2020:**

After intense litigation from the ACLU published a “Data Dashboard<sup>17</sup>” that falls short of offering data that provides a broad perspective into the prosecutor’s practices.<sup>18</sup> Specifically regarding data ref ethnicity and gender the Maricopa DA, Adel, states on her data portal that: “*The Maricopa County Attorney’s Office does not collect this information.*” However there is data on the ethnicity and gender of defendants presented by clicking-through the pie charts presented on the portal. The data is not downloadable and many crimes are clumped together in general categories:

**About the Data** [Back to top](#)

This dashboard of criminal cases is another aspect of Maricopa County’s commitment to sharing information more efficiently and effectively. The data contained in the dashboard is based on the annual Referrals and will change throughout time to match the life cycle of the case. Other visuals are page-specific (see “Table of Contents”).

**When will this data be updated**

The dashboard currently updates weekly. Therefore, the information is never more than 7 days old.

**Ethnicity and Gender**

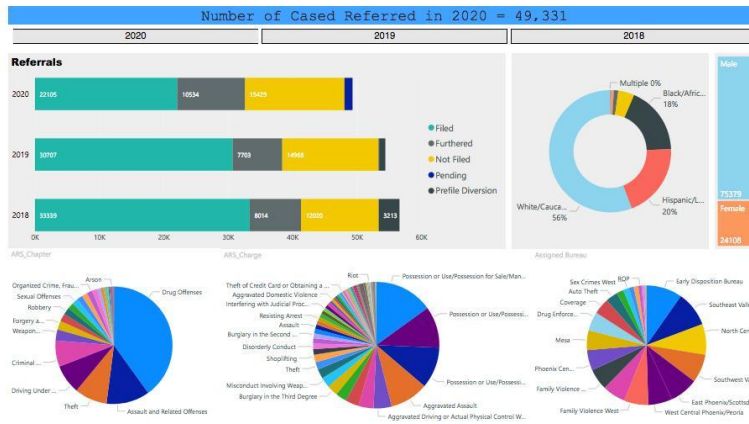
Ethnicity and gender data is collected and submitted by law enforcement. The Maricopa County Attorney’s Office does not collect this information.

- The Maricopa DA’s (Phoenix) Data Dashboard offers a general matrix on overall arrests:

<sup>17</sup> <https://www.maricopacountyattorney.org/419/Data-Dashboard>; linked April 2, 2021

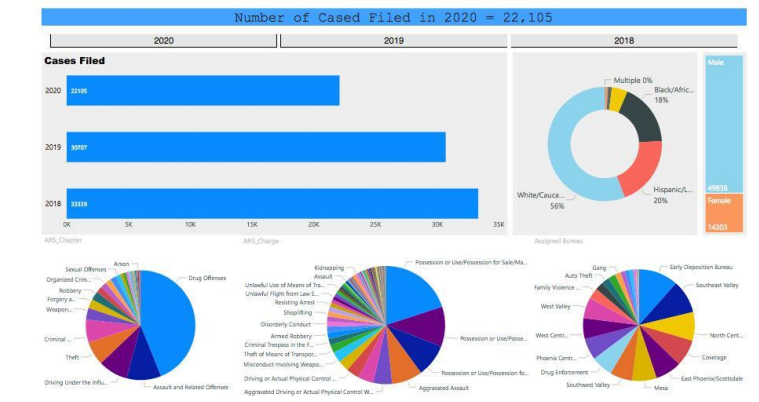
<sup>18</sup> “Adel’s Hidden Agenda: ACLU Reveals Maricopa County Prosecutor’s Hypocrisy: Somil Trivedi; Jared Keenan; ACLU, August 26, 2020; <https://www.aclu.org/news/criminal-law-reform/adels-hidden-agenda-aclu-exposes-maricopa-prosecutors-hypocrisy/>; linked April 2, 2021.

Data Dashboard



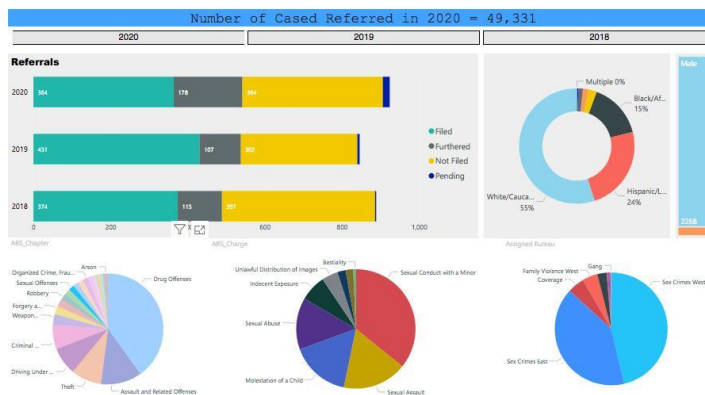
- and prosecutions. General gender and ethnicity categories are offered at the top-level for both the cases referred to the Maricopa DA's office and the cases prosecuted by the office:

Data Dashboard



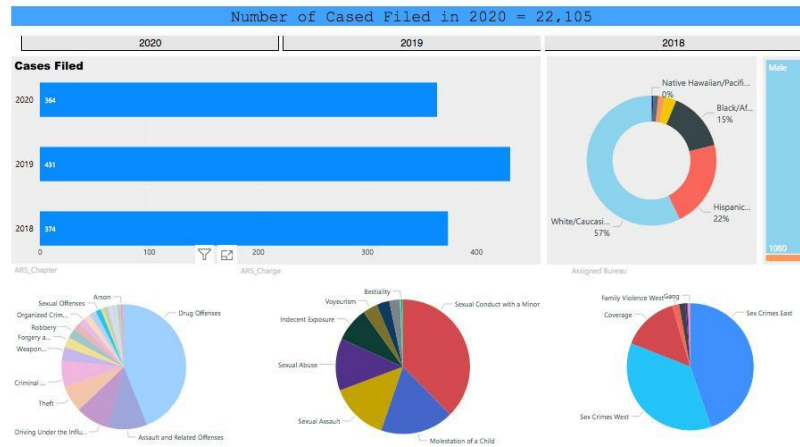
- Data on Sexual Assaults/Sex Crimes arrests is offered chronologically over the past three years by the Maricopa County Prosecutor's Office, by crime category and type and by gender and ethnicity of the person who is the alleged offender but not by the demographic of victim/survivor. In 2020 there were 373 referrals to the Maricopa prosecutor's office for crimes that fall into the category of "Sex Abuse."

Data Dashboard



- Data on sexual assaults/sex crime prosecutions is available chronologically by crime category, type, gender and ethnicity of defendant but not victim. In 2020 only 146 of the 373 arrests referred to that office by the police for crimes that fall under the category of “sexual abuse” were prosecuted:

**Data Dashboard**

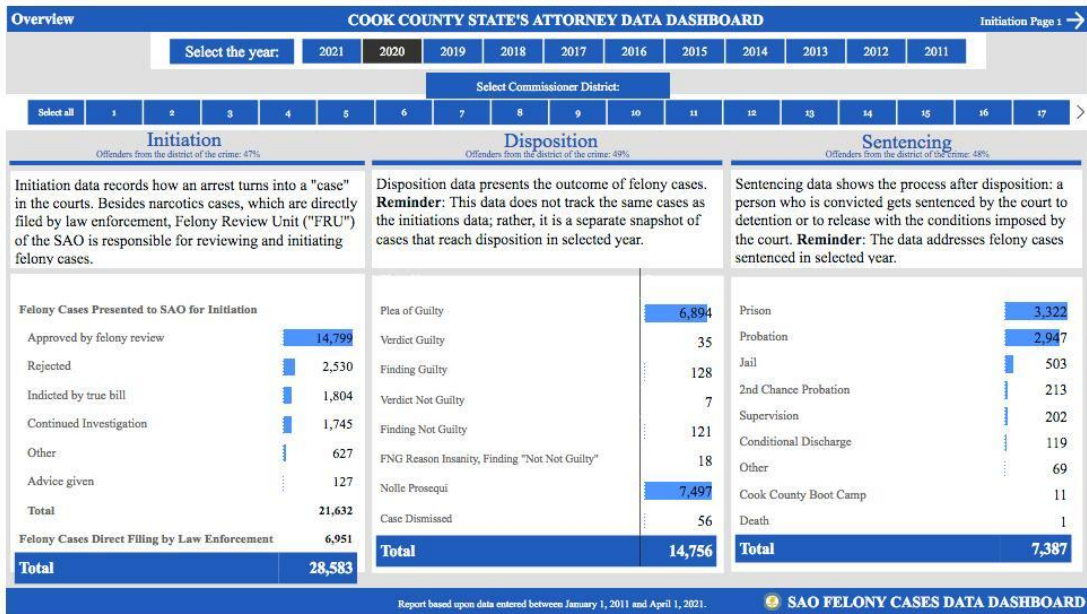


3. **The 9<sup>th</sup> Circuit Solicitor’s Office in Charleston, South Carolina** purports to have a data collection program available to the public “Through the Solicitor’s website, the public has access to the prosecutor data. Data also allows the prosecutor to analyze case outcomes” established in 2019. However, no links or public access are provided via the website<sup>19</sup> of the Solicitor’s office and a Google Search reaped nary any results.
4. **The Cook County District Attorney’s Office in Illinois** has a: “dedicated data team in the prosecutor’s office that provides case-level data, data reports, and data analysis training for the public.”<sup>20</sup> The data portal includes separate portals for examining:
  - A. Felony-level data<sup>21</sup>

<sup>19</sup> <https://www.scsolicitor9.org/> linked April 1, 2021.

<sup>20</sup> <https://www.cookcountystatesattorney.org/data> linked April 1, 2021

<sup>21</sup> <https://www.cookcountystatesattorney.org/about/data-reports>; linked April 1, 2021.



and;

B. Sexual assault/domestic violence incident data:

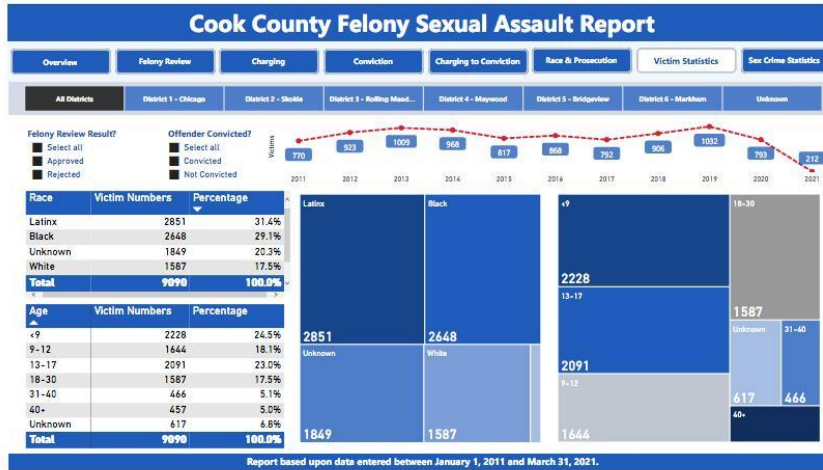
Detail-level data on sex crimes is not available for any of the categories listed except for "All Offenders Charged."

Victim Statistics

Distributions of victims by age, race, and the arrest year of the defendants, giving a picture of which race groups/age groups are impacted by sex crimes.

Sex Crime Statistics

State statutes are the basis of charging decisions and describe different aspects of sex crimes including; Relationship between defendant and victim, disability of the victims, weapons, controlled substances, etc.

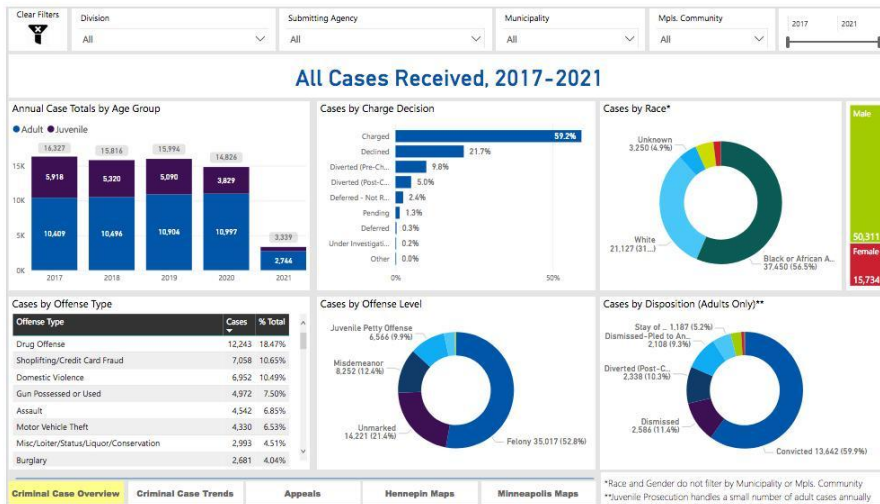


- Data for Criminal Sexual Assault, Aggravated Criminal Sexual Assault, Predatory Criminal Sexual Assault of a Child, Criminal Sexual Abuse, Aggravated Criminal Sexual Abuse and; Attempt Sex Crimes all reap the "Can't display the visual" result:



5. **The Hennepin County District Attorney's Office in Minnesota** shares a public "Data Dashboard"<sup>22</sup> that provides:
  - A. A general overview by certain crime types but does not post chronologically comparative data, data on gender of people charged or the victim of crimes age, race, sexual orientation, geography, or outcomes by any of the later categories:

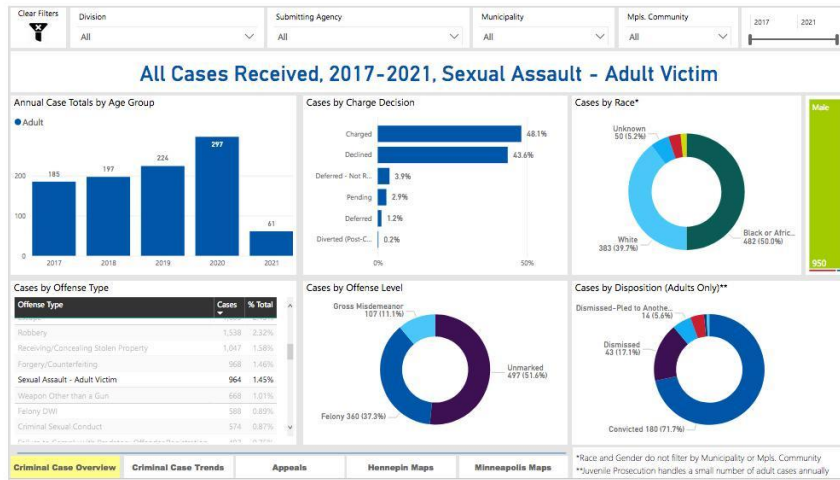
### Data dashboard



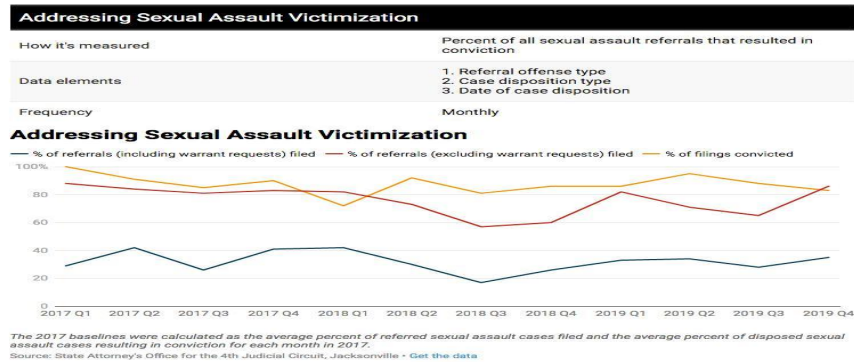
- B. Hennepin provides overviews of "Sexual Assault," "Domestic Violence," "Sex Trafficking," "Criminal Sexual Conduct," and "Child Pornography" categories but does not further break down stats by crime type (e.g. rape v assault:) or by geographic location or demographic(s) of survivors/victims.

<sup>22</sup> <https://www.hennepinattorney.org/about/dashboard/data-dashboard/>; linked April 1, 2021.

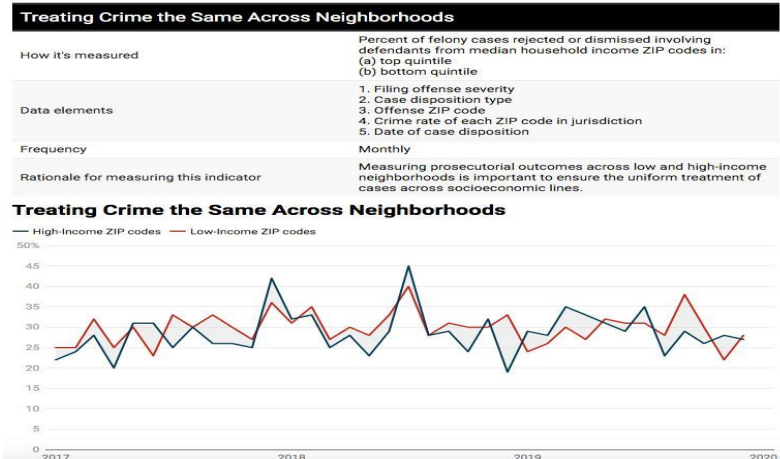
## Data dashboard



C. Hennepin County DA's Reporting on Sexual Assault/Abuse is chronologically charted but scant and does not offer data on alleged offender or victim, nor the type of crime prosecuted:



D. Hennepin offers a few useful summaries offered that are novel and helpful such as this graphic that displays the percentage of cases dismissed by low vs. high-income neighborhoods over time:

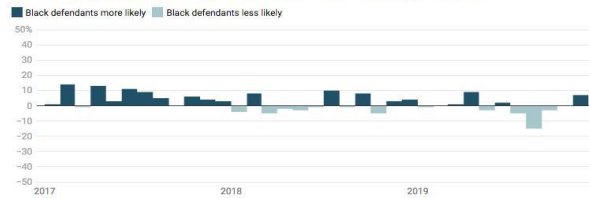




6. **The State Attorney’s Office of Florida’s Fourth Judicial Circuit (serving Duvall and Nassau Counties)** has published a public Data Dashboard since 2017 with limited interactive data:<sup>23</sup>

A. There are useful general charts that allege to show defendants by “ethnicity” but numbers aren’t offered: just a scale displaying “Black/Hispanic defendants more/less likely to be prosecuted by percentage:

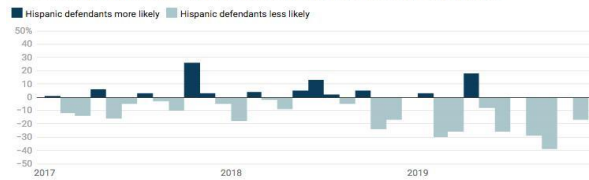
**Case Filing Differences by Defendant Race/Ethnicity - Black**



The bar chart represents the filing rate for Black defendants minus the filing rate for White defendants. The 2017 baseline was calculated as the average percentage difference in filing rates between cases with White and Black defendants each month in 2017.

Source: State Attorney’s Office for the 4th Judicial Circuit, Jacksonville • [Get the data](#)

**Case Filing Differences by Defendant Race/Ethnicity - Hispanic**

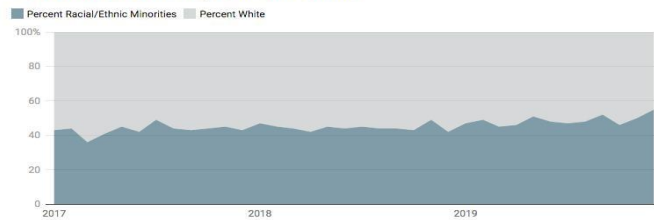


The bar chart represents the filing rate for Hispanic defendants minus the filing rate for White defendants. The 2017 baseline was calculated as the average percentage difference in filing rates between cases with White and Black defendants each month in 2017.

Source: State Attorney’s Office for the 4th Judicial Circuit, Jacksonville • [Get the data](#)

B. There is limited information available ref survivors/victims of crime:

**Victimization of Racial/Ethnic Minorities**



The 2017 baseline was calculated as the average percent of referred cases in which a victim was a racial/ethnic minority each month in 2017.

Source: State Attorney’s Office for the 4th Judicial Circuit, Jacksonville • [Get the data](#)

7. **The Milwaukee County District Attorney’s Office in Wisconsin:**<sup>24</sup>

A. Milwaukee’s DA’s Office Data Dashboard was released in October of 2020 and displays and updates limited chronological data on overall case referrals, charging, dispositions and sentencing broken down by age, gender and ethnicity but this data is not offered broken down by type of offense category

<sup>23</sup> <https://sao4thdatadashboard.com/>; linked April 1, 2021.

<sup>24</sup> <https://data.mkedao.com/>; linked April 1, 2021.

(misdemeanor, violation, felony) or by type of allegation/crime:<sup>25</sup>

### Demographic Breakdown

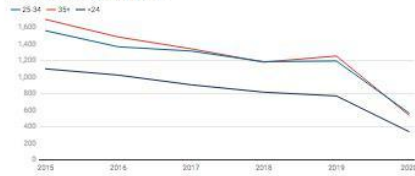
#### Yearly Sentencing by Gender



Gender data is derived from the court record. Data aggregated by sentence date. Sentences with time served dispositions excluded.

Source: WCCA REST Interface - Get the data

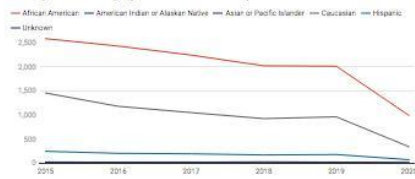
#### Yearly Sentencing by Age



Age is calculated at the time of filing. Data aggregated by sentence date. Sentences with time served dispositions excluded.

Source: WCCA REST Interface - Get the data

#### Yearly Sentencing by Race and Ethnicity



Race and ethnicity data is derived from the court record. Data aggregated by sentence date. Sentences with time served dispositions excluded.

Source: WCCA REST Interface - Get the data

### Demographic Breakdown

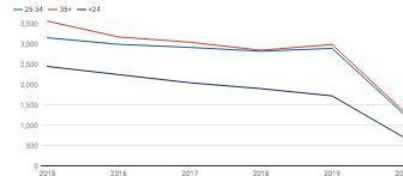
#### Yearly Convictions by Gender



Gender data is derived from the court record. Data aggregated by judgement date.

Source: WCCA REST Interface - Get the data

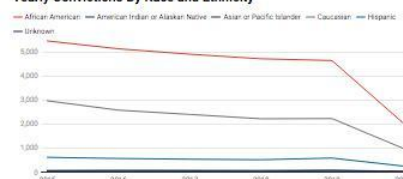
#### Yearly Convictions By Age at Filing



Age is calculated at the time of filing. Data aggregated by judgement date.

Source: WCCA REST Interface - Get the data

#### Yearly Convictions By Race and Ethnicity



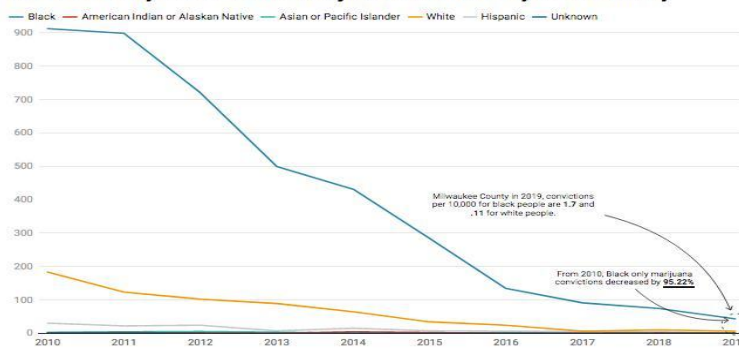
Race and ethnicity data is derived from the court record. Data aggregated by judgement date.

Source: WCCA REST Interface - Get the data

nor is the data broken down by geography, sortable, interactive or downloadable.

B. The Milwaukee DA's office published a March 2021 report "10 Years of Wisconsin Possession of Marijuana Convictions"<sup>26</sup> detailing that: "Milwaukee County's Marijuana arrest disparity is lower than Wisconsin, but Black people are 3.2 times more likely than White people to be arrested<sup>27</sup>" and "Milwaukee County in 2019, [Marijuana] convictions per 10,000 for black people are at 1.7 and .11 for White people:<sup>28</sup>"

#### Milwaukee Only Possession of Marijuana Convictions by Race-Ethnicity



Milwaukee County in 2019, convictions per 10,000 for black people are 1.7 and .11 for white people.

From 2010, Black only marijuana convictions decreased by 86.22%

When a case only has convictions for only felony or misdemeanor possession of marijuana -- 961.41(3g)(e) -- and synthetic cannabinoids -- 961.41(2g)(em).

Chart: Branden DuPont, MCW - Source: WCCA REST Interface - Get the data

<sup>25</sup> <https://data.mkedao.com/dispo>; <https://data.mkedao.com/referral>; <https://data.mkedao.com/charge>; <https://data.mkedao.com/sentencing>; all linked April 1, 2021.

<sup>26</sup> "10 Years of Wisconsin Possession of Marijuana Convictions; By Milwaukee DA John Chisholm and Branden DuPont; March 22, 2021; <https://data.mkedao.com/marijuana-convictions/>; Linked April 1, 2021.

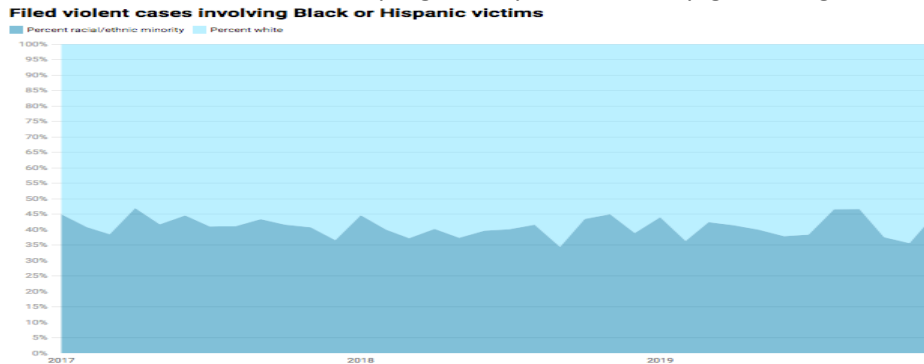
<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

C. The Milwaukee DA’s office notes that “This is an ongoing commitment, the data reflected here is just the first of many data points that we intend to release to allow the public to see how we measure the work we do in a values based organization. Milwaukee County has made a strong commitment to addressing systemic problems through a lens of racial equity.” Hopefully more data will be available in the future.

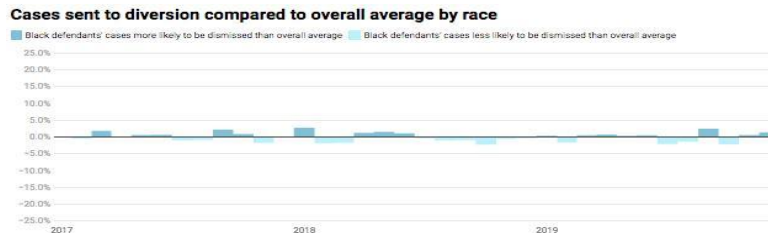
8. **Office of the Florida State Attorney for the 14<sup>th</sup> Judicial Circuit (serving Hillsborough County including the cities of Tampa, Temple Terrace, and Plant City)** launched a Data Dashboard in December of 2020.<sup>29</sup>

A. The data is not interactive and is very limited in scope. No information is offered on types of crimes, categories of crimes, or geographic and demographic data on alleged offenders and victims. There are a few graphs meant to illustrate “racial disparities” in the prosecutor’s office but the data provided is only on “filed cases involving Black or Hispanic victims;” there is nary any data presented on sentencing, arrests, convictions or alternative to incarceration programs by race/ethnicity/gender/age/etc.:

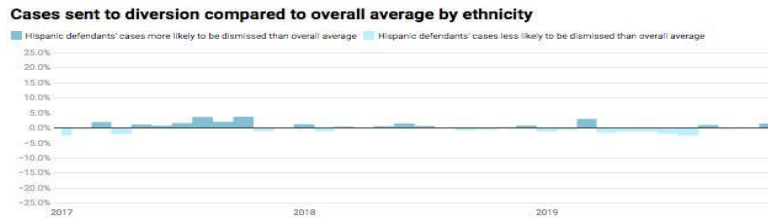


and:

B. a useless graphic depicting the percentage of black people’s prosecutions/cases sent to diversion vs. the overall average of cases sent to diversion:



Source: SA013 - Get the data - Created with Datawrapper



9. **The Manhattan District Attorney’s Office (New York):**

A. The only data made available by Cy Vance’s famous “data-driven prosecutor’s office” is by crime classification (ref felony, misdemeanor, violation or "other" crimes.) You can

<sup>29</sup> <https://www.sao13th.com/data>; Linked April 1, 2021.

sort by race, and by age and as of April 1, 2021 by gender. Also nary data provided on types of crimes people were arrested for, arraigned and taken to trial, plead out or dismissed nor demographic or geographic data for defendants/victims:



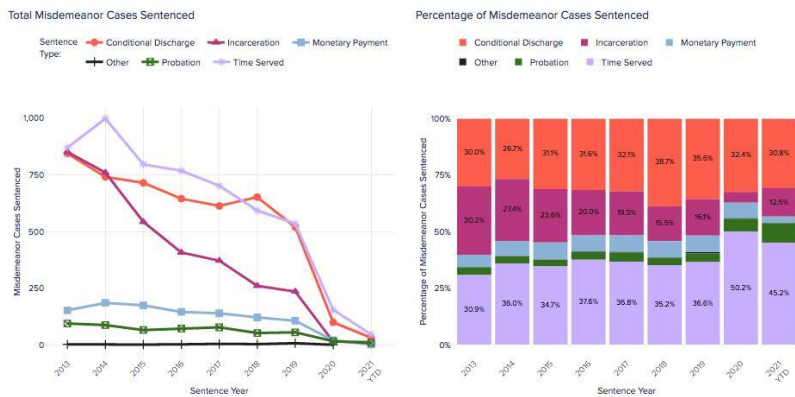
B. There is a chronology of crime categories charged presented by the MDAO Data Dashboard: in 2012 @manhattanda's office was declining to prosecute approx 60k out of 100k annual cases at arraignment vs now, 2021 looks like ~10k cases/yr are being tossed at arraignment:



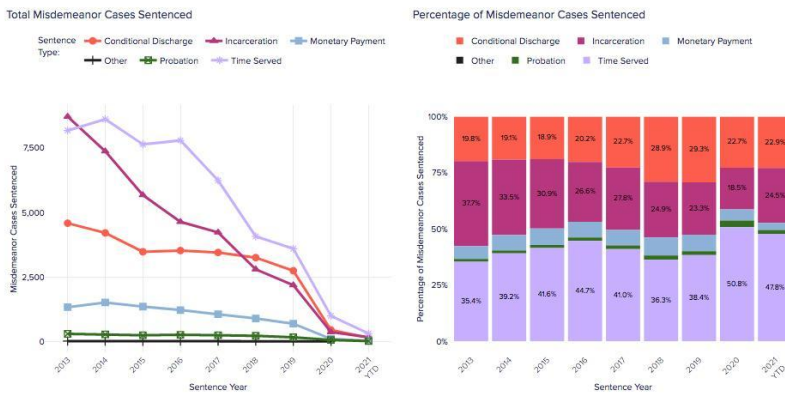
C. Sentences by gender: In 2013 @ManhattanDA sentenced ~8k women/girls: So far in 2021 #manhattanda has sentenced ~300 women/girls:



D. Since 2013 [@Manhattanda](#)'s office has reduced sentencing women/girls serving jail time for MISDEMEANORS by approximately 18%: from 30.2% in 2013 to 12.8% in 2021:



And for men misdemeanor jail time sentencing has dropped from 37.7% in 2013 to 24.5% in 2021:

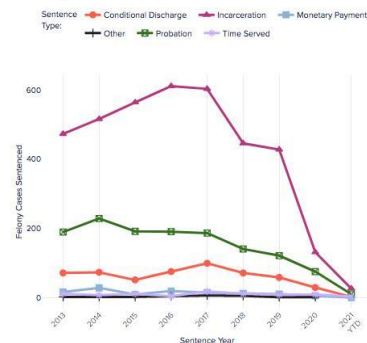


E. Felony sentences of women/girls by [@manhattanda](#)'s office has remained the same % of convictions but the # has dropped from ~600 women sentenced on felonies in 2013 to about 40 in 2021. For men [#ByeCy](#) sentenced ~4k men on felonies in 2013 but only ~200 so far in 2021.

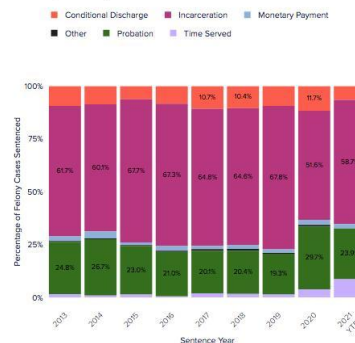
### Cases Sentenced by Conviction Offense Category

DOWNLOAD DATA

Total Felony Cases Sentenced



Percentage of Felony Cases Sentenced



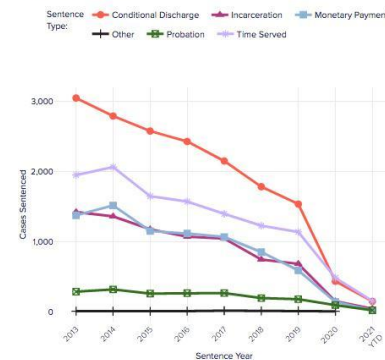
F. Since 2013 Manhattan DA's Office has sentenced ~8k women/girls vs ~700 in 2021. The % rates of women sentenced to time-served, incarceration, monetary payments, conditional discharge and % probation have remained steady but monetary payments have been reduced by 2/3rds & time served has doubled:

### Cases Sentenced by Sentence Type

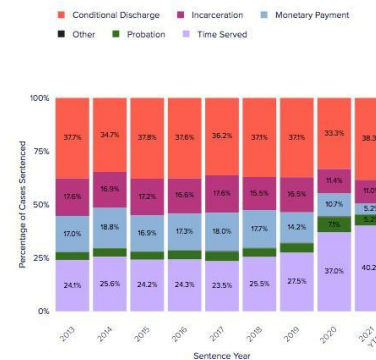
\*"Monetary Payment" refers to payments in the form of fines, restitution, or asset forfeiture, and does not include mandatory, court-imposed surcharges and fees that are assessed following a conviction. For more information on monetary payments, please see the "Monetary Sentences" subgroup of this dashboard.

DOWNLOAD DATA

Total Cases Sentenced



Percentage of Total Cases Sentenced



**F. Prosecutorial Data Performance Indicators Made Public:**

	<u>By Crime Type</u>	<u>By Defendant Demographics</u>	<u>By Victim Demographics</u>	<u>Downloadable data?</u>	<u>By Geography</u>	<u>By Property Seized</u>	<u>Comparative Chronological Data?</u>	<u>Sexual Offense Data?</u>	<u>By Informant Dismissals/reductions</u>	<u>By Police Defendant Dismissal/reduction</u>
<u>Cook County, IL District Attorney</u>	√	√		√			√	√Spacial holder but no data		
<u>Philadelphia, PA</u>	√	√	√	√	√For future yrs. of		√	√		

<u>District</u> <u>Attorney</u>					incarcera tion					
<u>Hennepin</u> <u>County</u> <u>Minnesota</u> <u>DA</u>	√	√	√				√			
<u>New York</u> <u>County</u>		√					For case categor ies			
<u>Florida 14<sup>th</sup></u> <u>Judicial</u> <u>Circuit</u>							√			
<u>The State</u> <u>Attorney/Fl</u> <u>orida's 4th</u> <u>Judicial</u> <u>Circuit</u>							√			
<u>The 9<sup>th</sup></u> <u>Circuit</u> <u>Solicitor's</u> <u>Office in</u> <u>Charleston,</u> <u>South</u> <u>Carolina</u>							√			
<u>Milwaukee</u> <u>, WI</u>	√	√	√				√			



<u>District Attorney</u>										
<u>Maricopa County, AZ</u>	√	√	√				√			
<u>Connecticut Office of Policy &amp; Management</u>										

**II. Draft of Intro 1488 Legislation**

Section X. Chapter X of title X of the administrative code of the city of New York is amended by adding a new section 9-155 to read as follows:

A. § Definitions. For purposes of this section, the following terms have the following meanings:

1. Borough District Attorney’s Office. The term “Borough District Attorney” means the entity responsible for prosecuting arrests made by the NYPD in each of New York City’s five Boroughs of Brooklyn, the Bronx, Manhattan, Staten Island and Queens.

2. Special Narcotics Prosecutor. The term “Special Prosecutor” means the entity responsible for prosecuting narcotics cases.

3. Sexual Harassment. The term “sexual harassment” has the same meaning as set forth in section 115.6 of title 38 of the code of federal regulations, or any successor regulation.

4. Rape. The term “Rape” has the same meaning as set forth in section 115.6 of title 38 of the code of federal regulations, or any successor regulation.

5. Staff: the term "staff" shall include employees, consultants and persons who are paid and/or who volunteer with [any of] the Borough DA's offices.

6. "Sexual intercourse" ... occurs upon any penetration, however slight."

7.. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim [or] the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed."

8. "Physically helpless" means ... unconscious or for any other reason ... physically unable to communicate unwillingness to an act."

9. "Forcible compulsion" means to compel by either: (a) use of physical force; or (b) a threat, express or implied, which places a person in fear of immediate death or physical injury to ...self or another ..., or in fear that he, she or another ... will immediately be kidnapped."

10. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury."

11. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact."

12. "Sex offense" shall mean a felony defined in article 130), sexual misconduct, (§130.20), sexual abuse in the 3rd degree (§130.55) or sexual abuse in the 2nd (§130.60).

13. "Immediate family" means "spouse, former spouse, parent, child, sibling, or any other person who regularly resides or has regularly resided in the household of a person."

14. "Specified predicate crime" includes many crimes, including most felony sex crimes. See §120.40(5).

15. ....

B. Sixty days after the end of the quarter beginning July 1, 2021, and no later than the sixtieth day after the end of each subsequent bi-annual reporting period, the Borough DA's shall post on their website and provide to the New York City Council a bi-annual report reflecting the below: THIS DATA SHALL BE REPORTED in a machine readable format that permits automatic processing. Such report shall compile and publish data on the following charges:

- a. §70.02 violent sex crimes
- b. §70.04 second offense violent sex crimes
- c. §120.00 Assault in the 3rd degree (Class A misdemeanor.)
- d. §120.05 Assault in the 2nd degree (Class D felony.)
- e. §120.10 Assault in the 1st degree (Class B felony.)
- f. §120.45 Stalking in the 4th degree (Class B misdemeanor.)
- g. §120.50 Stalking in the 3rd (Class A misdemeanor)
- h. §120.55 Stalking in the 2nd degree (Class E felony)
- i. §120.60 Stalking in the 1st degree (Class D felony)
- j. §130.25 Rape in the 3rd degree (Class E felony)
- b. §130.30 Rape in the 2nd degree (Class D felony)
- k. §130.35 Rape in the 1st degree (Class B felony)
- l. §130.20 Sexual misconduct (Class A misdemeanor)
- m. § 130.05 Sex offenses; lack of consent
- n. §130.40 Criminal sexual act in the 3rd degree (Class E felony)
- o. §130.45 Criminal sexual act in 2<sup>nd</sup> the degree (Class D felony)
- p. §130.50 Criminal sexual act in the 1st degree (Class B felony)
- q. §130.52 Forcible touching (Class A misdemeanor)
- r. §130.53 Persistent sexual abuse (Class E Felony)
- s. §130.55 Sexual abuse in the 3rd degree (Class B misdemeanor)
- t. §130.60 Sexual abuse in the 2nd (Class A misdemeanor)
- u. §130.65 Sexual abuse in the 1st (Class D felony)
- v. §130.65-a Aggravated sexual abuse in the 4th degree (Class E felony)
- w. §130.66 Aggravated sexual abuse in the 3rd degree (Class D felony)
- x. §130.67 Aggravated sexual abuse in the 2nd (Class C felony)
- y. §130.70 Aggravated sexual abuse in the 1st (Class B felony)
- z. §130.65-a Aggravated sexual abuse in the 4th degree (Class E felony)
- aa. §130.66 Aggravated sexual abuse in the 3rd degree (Class D felony)
- bb. §130.67 Aggravated sexual abuse in the 2nd degree (Class C felony)
- cc. §130.70 Aggravated sexual abuse in the 1st degree (Class B felony)
- dd. §130.75 Course of sexual conduct against a child in the 1st degree. (Class B felony)
- ee. §130.80 Course of sexual conduct against a child in the 2nd degree. (Class D felony)
- ff. §130.85 Female genital mutilation. (Class E felony)
- gg. §130.90 Facilitating a sex offense with a controlled substance (Class D felony)
- hh. §130.91 Sexually motivated felony
- ii. §130.95 Predatory sexual assault (Class A-II felony)
- jj. §130.96 Predatory sexual assault against a child (Class A-II felony)
- kk. § 135.35: Labor trafficking

- ll. § 135.65 Coercion in the First Degree
- mm. § 135.60 Coercion in the Second Degree
- nn. § 230.00 Prostitution (B Misdemeanor)
- oo. § 230.04 Patronizing a person for prostitution in the 3<sup>rd</sup> degree (Class A misdemeanor.)
- pp. § 230.05 Patronizing a person for prostitution in the 2<sup>nd</sup> degree (Class E felony.)
- qq. § 230.06 Patronizing a person for prostitution in the 1<sup>st</sup> degree (Class D felony.)
- rr. § 230.11 Aggravated patronizing a minor for prostitution in 3<sup>rd</sup> degree (Class E felony.)
- ss. § 230.12 Aggravated patronizing a minor for prostitution in 2<sup>nd</sup> degree (Class D felony.)
- tt. § 230.13 Aggravated patronizing a minor for prostitution in 1<sup>st</sup> degree (Class B felony.)
- uu. § 230.19 Promoting prostitution in a school zone.(Class E felony.)
- vv. § 230.20 Promoting prostitution in the 4<sup>th</sup> degree. (Class A misdemeanor.)
- ww. § 230.25 Promoting prostitution in the 3<sup>rd</sup> degree. (Class D felony.)
- xx. § 230.30 Promoting prostitution in the 2<sup>nd</sup> degree. (Class C felony.)
- yy. § 230.32 Promoting prostitution in the 1<sup>st</sup> degree. (Class B felony.)
- zz. § 230.33 Compelling prostitution. (Class B felony.)
- aaa. § 230.34 Sex trafficking (Class B felony.)
- bbb. § 230.34a Sex trafficking of a child (Class B felony.)
- ccc. § 230.40 Permitting prostitution (Class B misdemeanor.)
- ddd. § 230.03 Prostitution in a school zone (Class A misdemeanor.)
- eee. § 240.25 Harassment in the 1<sup>st</sup> degree (Class B misdemeanor).
- fff. § 240.30 Harassment in the 2<sup>nd</sup> degree (Class A misdemeanor).
- ggg. § 240.31 Aggravated Harassment in the 1<sup>st</sup> degree (Class E felony).
- hhh. § 240.75 Aggravated family offense(s) (Class E Felony).
- iii. § 250.45 Unlawful surveillance in the 2<sup>nd</sup> degree. (Class E Felony).
- jjj. § 250.50 Unlawful surveillance in the 1<sup>st</sup> degree. (Class D Felony).
- kkk. § 250.55 Dissemination of an Unlawful surveillance image in the 2<sup>nd</sup> degree. (Class A misdemeanor.)
- lll. § 250.60 Dissemination of an Unlawful surveillance image in the 1<sup>st</sup> degree. (Class E felony.)
- mmm. § 255.25 Incest in the third degree (Class E felony.)
- nnn. § 255.26 Incest in the second degree (Class D felony.)
- ooo. § 255.27 Incest in the first (Class B felony.)
- ppp. §485.05 Hate crimes
- qqq. §30.11 Family Offenses

11. to the greatest extent practicable, disaggregated by precinct/district, including the following information:
- (i) the aggregate number of charges by the filing of the above charge-category information;
  - (ii) the violation/misdemeanor/felony charged;
  - (iii) if there are ancillary charges the violation/misdemeanor/felony charged;
  - (iv) whether the individual was issued a summons or appearance ticket, was subject to custodial arrest, and/or was held prior to arraignment as a result of the alleged crime;
  - (v) the disposition, including, dismissal, acquittal, conviction, or other disposition;

- (vi) in the case of dismissal, the reasons therefor; and
  - (viii) the sentence imposed, if any, including fines, fees, and surcharges.
  - ix. The gender of the person charged with the penal code violation;
  - x. The age of the person charged with the penal code violation;
  - xi. Whether the person charged with the penal code violation is known to be transgender, intersex or gender non-conforming.
  - xii. Whether the person charged with the penal code violation identifies as lesbian, gay, non-conforming, or bi-sexual;
  - xiii. Whether the person charged with the penal code violation is known to be in a class protected from Hate Crimes;
  - xiv. Whether the person charged with the penal code violation is known to have any mental, physical or developmental disabilities;
  - xv. The gender of alleged victim;
  - xvi. The age of alleged victim;
  - xvii. Whether the alleged victim is known to be transgender, intersex or gender non-conforming.
  - xviii. Whether the alleged victim identifies as lesbian, gay, intersex, gender non-conforming, or bi-sexual;
  - xix. Whether the alleged victim is known to be in a class protected from Hate Crimes;
  - xx. Whether the alleged victim is known to have any mental, physical or developmental disabilities;
  - xxi. the borough district attorneys offices will provide the data to the City Council and post on its website downloadable .csv files in the following format;
  - xxii. the number of charges dropped against members of the NYPD
  - xxiii. the number of charges reduced against members of the NYPD
  - xxiv. the number of charges dropped against confidential informants or select witnesses.
  - xxv. the number of charges reduced against confidential informants or select witnesses
- a. Unless otherwise precluded by law, the City Council will assist the borough District Attorneys in collecting the data enumerated in subdivisions (B.10 and B.11) of this section and the data shall be presented in the following machine-readable format in either .csv or .xls format as follows:


d. The Borough DA's shall review this incident data in order to assess and improve the effectiveness of their sexual abuse and sexual harassment investigation, prosecution and response policies, practices, and training by identifying problem areas and trends, taking corrective action on an ongoing basis, and including in a bi-annual assessment report its findings and corrective actions for each bureau, as well as the Borough DA's office(s) as a whole.

e. Such bi-annual assessment report shall also include a comparison of the current six months' data and corrective actions with those from the prior six months and shall provide an assessment of the Borough DA's progress in addressing sexual abuse and sexual harassment.

f. The Borough DA's shall ensure that all data collected pursuant to this section is securely retained.

g. Before making data collected pursuant to this section publicly available, the Borough DA's shall remove all personal identifiers.

h. The Borough DA's Offices shall maintain all data collected pursuant to this section for at least 20 years after the date of the initial collection unless federal, state, or local law requires otherwise.

§ 2. This local law takes effect immediately.

THank you for taking the time to read my analysis and for allowing us to participate in this process, as always.

Kelly Grace Price

Close Rosie's

www.CloseRosies.org

Ft. George, Manhattan

October 18, 2021



**TESTIMONY OF LISA ALEXANDER, SUPERVISING ATTORNEY, DAY ONE  
NEW YORK CITY COUNCIL, COMMITTEES ON PUBLIC SAFETY AND ON  
WOMEN AND GENDER EQUALITY, REMOTE HEARING ON NYPD AND SVD  
OVERSIGHT**

October 18, 2021

Thank you, Council Members, for holding this virtual hearing on the important topic of NYPD and SVD oversight, and for your consideration of 1488-2019 and T2021-8050. We greatly appreciate the Council's efforts to host a forum dedicated to addressing how to improve the police department's response to survivors of intimate partner violence.

Every year Day One educates and assists more than 25,000 youth aged 24 and under through a combination of educational, social, and legal services. We are the only nonprofit in New York that commits its full resources to addressing intimate partner abuse among this vulnerable population.

Our legal department routinely assists young clients with obtaining civil orders of protection, petitioning for custody, visitation, and child support, and criminal justice advocacy. Many young people turn to the police for protection from violence and for enforcing both civil and criminal protective orders. While some of those interactions are positive, too many clients report feeling dismissed or even further victimized by the NYPD.

For example, one client called 911 after their abusive partner broke into their home. The police, who arrived on scene after the abuser fled, failed to perform basic registry checks and wrote the incident report incorrectly. As a result their abuser was given a Desk Appearance Ticket and no order of protection was issued. Another client called the police multiple times on an abusive ex-boyfriend who was stalking and threatening them. The police did not take all of the reports, instead telling them that aggravated harassment was hard to prove and suggesting that they go to Family Court for assistance.



As all of you are aware, victims of domestic and dating violence face challenges seeking assistance even under the best of circumstances. We have seen Covid-19 exacerbate existing difficulties and create new ones. Several service-seekers have reported being quarantined in a home with an abusive partner. Some of our teen clients also don't feel safe speaking around their parents or other family members. It is therefore even more critical that responding officers understand the complex dynamics at play to ensure the safety of survivors and their children.

Day One supports the reporting requirements of 1488-2019. While we also support mandatory training on domestic and sexual violence and sex trafficking, we have suggestions to improve T2021-8050 and to ensure that survivors of dating abuse also receive adequate assistance.

**1. Include Unlawful Dissemination or Publication of an Intimate Image (Penal Law §245.15) in the definition of “Family Offense Matter.”** Family Court Act § 812 includes unlawful dissemination or publication of an intimate image as a civil family offense. Many of the clients we serve have reported that their abusive partner shared, or threatened to share, intimate images and/or videos without their consent. Nationally, as many as 1 in 12 Americans has been targeted by revenge porn.<sup>1</sup> Young people ages 15-29 are more likely to be victims of nonconsensual nude image sharing than other age groups, with young women especially at risk.<sup>2</sup> It is crucial that all officers understand the law regarding unlawful dissemination, including its relation to child pornography laws. It is equally important that officers are trained to conduct interviews without victim-blaming. No survivor should ever be told they should not have shared an intimate photo or video with a partner when reporting a violation of law---and of trust.

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<sup>1</sup> Ruvalcaba, Y. & Eaton, A. (2019). Nonconsensual Pornography Among US Adults: A Sexual Scripts Framework on Victimization, Perpetration, and Health Correlates for Women & Men. Psychology of Violence, American Psychological Association. Retrieved from <https://www.cybercivilrights.org/2019-publication/>.

<sup>2</sup> Data and Society. (2016). Nonconsensual Image Sharing [PDF file]. Retrieved from [https://datasociety.net/pubs/oh/Nonconsensual\\_Image\\_Sharing\\_2016.pdf](https://datasociety.net/pubs/oh/Nonconsensual_Image_Sharing_2016.pdf)

- 2. Include a definition of, and training on, dating violence.** The proposed legislation’s current definition of domestic violence is limited to incidents “committed by a family or household member against another family or household member.” This definition excludes people who are not related to one another by blood or marriage, who do not or who have not previously lived together, and who do not have children in common. A number of our service-seekers, including those between the ages of 18 and 24, do not fall under the legislation’s definition of domestic violence. However, they all have experienced intimate partner violence. We therefore propose adding a separate definition of dating abuse and including training on the similarities and distinctions between domestic and dating violence.
- 3. Increase the total minimum number of initial training hours.** Given the breadth and importance of subject matter we do not believe that a minimum of three hours is sufficient, especially for officers with no prior training on these topics. This comprehensive training should be given annually, as new developments in the field regularly arise. Additionally, supplemental trainings should take place outside of, or at least in addition to, trainings during roll-call meetings. Roll-call trainings are typically no more than 20 minutes which is not sufficient to cover the topics included in this legislation with any depth.
- 4. Include implicit bias in the “training requirement” section.** Throughout their years of practice our attorneys have seen firsthand how NYPD bias (explicit and implicit) relating to race, immigration status, gender, gender identity and expression, sexual orientation, age, class, and disability impacts the treatment of victims. Every training should include a discussion of how bias may impact an officer’s assessment of a situation and their response to it.
- 5. Include a training evaluation requirement.** Training NYPD on domestic violence, dating violence, sexual violence, and sex trafficking is essential. It is also essential

that a mechanism for evaluating the training's effectiveness is in place. As any attorney who attends continuing legal education classes can tell you, it is easy to sit in a training, fill out a simple program evaluation, and obtain credit without actually understanding (or even listening to) the material. Having a method of evaluation will help assess the effectiveness of each training, pinpoint areas where more instruction is needed, and identify individuals who may need additional instruction or resources.

- 6. Expand membership of the interdisciplinary committee to include those with other expertise.** While it is crucial to include a domestic violence agency specializing in serving immigrant survivors, we believe that other organizations with specific expertise must also be included to ensure the most comprehensive training program possible. Organizations that work with youth, LGBTQ survivors, survivors of color, incarcerated and/or criminalized survivors, and survivors who are differently abled will offer expertise and insight for groups that are not always highlighted in trainings.

Thank you for allowing us to speak to these issues. We would be honored to partner further with those of you who would like to discuss the issue of NYPD training in greater detail. Thank you for prioritizing these issues and for your continued support of young survivors and Day One.

**Testimony of Dorchen A. Leidholdt**  
**Director, Center for Battered Women's Legal Services**  
**Sanctuary for Families**  
**New York City Council Committee on Public Safety and**  
**Committee on Women and Gender Equity**  
**October 17, 2021**

My name is Dorchen Leidholdt. Since 1994 I have served as the Director of Sanctuary for Families Center for Battered Women's Legal Services. With 70 attorneys and support staff, and partnering each year with approximately 1,000 pro bono attorneys, CBWLS is the largest legal services program in the country dedicated to representing gender violence survivors and advocating for systemic change to advance their safety and rights.

Like many of you, I was blown away by the story on the front of yesterday's Metropolitan section of the New York Times, "Fighting Back With Her Own Badge." As a young pregnant mother of two small children living in Long Island, in 1993 Katrina Brown was repeatedly denied police protection from her violent boyfriend, a Corrections Officer at Rikers Island who beat, raped, tortured, and imprisoned her. She fled the home with her young children but when she returned for their clothing, he twice emptied his revolver into her body. She was grievously wounded—ten bullets pierced her flesh--but emerged from a coma, endured multiple surgeries, and in 2001 entered the Police Academy. Katrina Brown went on to have a 20-year, successful career, rising to the rank of First-Grade Detective.

One troubling facet of the story is that Detective Brown had to conceal her history of victimization from her supervisors and fellow officers at NYPD. She knew that she would be divested of her credibility and worse if she revealed it: "Maybe you're crazy. Let me strip you of your gun. Maybe you're a head case." I shared Detective Brown's story with a young NYPD Officer who survived domestic violence and its aftermath as a child and this was his response: "She's right. If her story came out while she was still on the job, her gun and shield would have been taken away and she would have been put on restricted duty."

NYPD proudly reports on its webpage that it is the most diverse police department in the country. It is crucially important that NYPD recognize that part of that commitment to diversity entails recruiting, promoting, and honoring officers like Detective Katrina Brown. Officers who have survived domestic violence, sexual assault, or other forms of gender violence must be welcomed into the force and regarded and treated as the experts and role models they are.

The article takes us back to a time when police officers responding to a domestic violence 911 call would tell the abuser to take a walk around the block or the victim to go to family court. Minimizing the the seriousness of the abuse, the failed police response left victims in greater danger. Not infrequently responding officers would validate the abuser. "There's nothing wrong with a husband hitting his wife if he doesn't use a weapon" and "Maybe if I beat my wife she's act right too" are actual statements of police officers memorialized in a decision in a 1978 lawsuit against New York City, Bruno v. Codd. This is what I saw over and over again when I started at Sanctuary for Families.

Fortunately, as a result of laws and policies passed in response to such law suits and highly publicized tragedies as well as concerted advocacy, NYPD's response to domestic violence began to improve. Dedicated domestic violence police officers were placed in every precinct—there are now 400 DVPOs, investigators, and supervisors throughout the City. New recruits received training about domestic violence at the police academy. “Take a walk around the block” became ancient history.

But NYPD's response to domestic violence still falls short of what it should be. Its response is inconsistent and too often officers responding to 911 calls do not understand their obligations under the law, fail to interact with victims in ways that are trauma-informed, and fail to accurately assess the level of danger. These failures have led to victim injury and victims' deaths.

Let me give you an example. On May 21<sup>st</sup> of this year, NYPD officers from Manhattan's 25<sup>th</sup> Precinct showed up at the Harlem apartment of Hunter College nursing student, Alayna Hardy. She had called the police six times before this seventh call reporting crimes of violence by her abusive boyfriend. Instead of trying to find him or taking steps to protect Alyana, the officers simply took another report and left. Less than an hour later Alyana's batterer broke into her apartment through the fire escape and stabbed her to death.

If the responding officers had been trained to conduct a lethality assessment, which Sanctuary for Families staff do every time we conduct an intake of a victim, they would have recognized the plethora of indicators that Alayna was at grave risk of an intimate partner homicide. Her abuser was isolating and controlling her, was abusing drugs and alcohol, was stalking her, his violence was escalating, and she was trying to separate from him.

What is needed to ensure that there are no more victims who report domestic violence only to be left to die at the hands of clearly homicidal intimate partner abusers? Clearly it is training, supervision, and accountability. While domestic violence prevention officers are intensively trained, they are not patrol officers like those who responded to Alayna's seven 911 calls. The NYPD responds to approximately 230,000 domestic incidents annually, or nearly six-hundred calls a day, but the officers responding directly to these incidents too often are not trained to recognize their seriousness and too often fail to understand the complex provisions of the penal code they need to enforce.

What is urgently needed is mandatory annual training of at least three hours duration on domestic violence, sexual assault, and human trafficking for all officers responding to 911 calls and their supervisors. The training should cover a range of relevant topics including but not limited to the dynamics of domestic violence, including abuser tactics of power and control; danger and lethality factors in domestic violence cases; the criminal provisions of the Family Protection Domestic Violence Intervention Act of 1994; how to determine the Primary Aggressor; the elements of Family Offenses; investigating domestic violence, sexual assault, human trafficking and related cases; techniques of trauma-informed policing; and resources, including shelter and nonresidential services, available to victims of domestic violence, sexual assault and human trafficking. This training should be supplemented by trainings conducted at least monthly at roll call on topics that will enhance police response to domestic violence, sexual assault, and human trafficking.

The training should be overseen by an interdisciplinary, interagency committee that meets at least quarterly and includes in addition to representatives from key City agencies, representatives of domestic violence service providers, including at least one that serves immigrant victims; representatives of sexual assault providers; and representatives of human trafficking service providers. Agencies and service providers should be encouraged to select representatives who are survivors of domestic violence, sexual assault, and/or human trafficking.

NYPD should provide to this committee annual data on the number of police officers trained, the dates of the training, and the curriculum used for each training session. An annual report on the status of the trainings should be sent to the Mayor, the Speaker of New York City Council, and the chairs of the Council's Public Safety Committee and Committee on Women's Issues.

In addition, the Mayor's Commission to End Domestic and Gender-Based Violence should be charged with the responsibility not only of gathering, reviewing, analyzing, and reporting on data on intimate partner homicides in New York City but of conducting an intensive investigation of each domestic violence fatality and evaluating the response of public and private entities to the homicide, including NYPD, and whether it could have been prevented.

Domestic violence policing is demanding, dangerous work that requires officers with state-of-the-art training and supervision. When NYPD officers are fully equipped to protect victims and prevent future violence against them, New York City will finally realize—through injuries prevented and lives saved—the full potential of almost three decades of criminal laws strengthening the protection of domestic violence victims.

## **Testimony of Mr. Martin Garbus, Attorney - October 18, 2018 NYC Council Oversight Hearing on the NYPD's Special Victims Division**

Good morning. I am Martin Garbus. I am an attorney for the law firm Offit Kurman.

I thank you for allowing me to submit testimony.

On April 26, 1994 a young vibrant African American gay woman was brutally raped in Prospect Park. On January 8, 2018, 23 years later, the NYPD Special Victims Division solved the case they reopened on a self-initiated basis. The rapist, James Webb, was a career stranger rapist.

The day after the rape was reported, April 27, 1994, the NYPD's Deputy Commissioner of Public Information John Miller lied to New York Daily News columnist Mike McAlary by saying the victim who is referred to as Jane Doe lied about being raped. McAlary wrote three front page stories stating Jane Doe was a liar and a hoax.

These stories destroyed Jane Doe by causing lifetime damage. She reports each day for weeks after the stories ran she would collapse on the floor behind her cash register at work and cry uncontrollably and state out loud why is the NYPD saying I'm a liar. She was afraid to leave her house because McAlary wrote she was going to be arrested or people would notice her as the liar.

John Miller is currently employed by the NYPD as Deputy Commissioner Counter Terrorism.

I write this letter to insist, when Eric Adams becomes Mayor that he fire John Miller. The NYPD records proved he lied, in 1994 and he remained silent for weeks afterwards, having many opportunities to say the truth. Instead, he allowed the false representations to persist that Jane Doe lied when she said in April 1994 that she was raped. He said there were doubts about her story when there were none.

Miller apologized halfheartedly in 2018. He knew the lead Detective Andrea Sorrentino, the very respected Detective in charge of the investigation concluded that Jane Doe was raped after conducting a full in person interview of Jane Doe and doing a walkthrough of the rape crime scene with the victim on the morning of April 27, 1994. That afternoon, the day before McAlary's first article appeared, Detective Sorrentino brought Jane Doe to the Detective Bureau sketch artist on the 5<sup>th</sup> floor of One Police Plaza. Mr. Miller ordered Detective Sorrentino to report to his office on the 13<sup>th</sup> floor.

Mr. Miller asked Detective Sorrentino "Did this happen?" Detective Sorrentino answered "There is nothing to say it didn't. I believe her." Sorrentino had no doubts.

Four other women in the same vicinity at that time reported they were raped by the same man. He went to prison for those rapes. The police confirmed the other four women were raped.

Jane Doe was a 27-year-old black woman, a lesbian and that was enough reason for John Miller to repeatedly tell the press that he had doubts about Jane Doe story even though he knew the police department and Detective Andrea Sorrentino had concluded she was truthful.

Jane Doe sued Mike McAlary and the Daily News for running the false story, based on the John Miller statement that allegations were of false rape. I represented her. I was her attorney. She lost. John Miller's testimony that the police department had "Doubts" about the rape were enough to defeat her libel claim.

Mr Adams, you as a former NYPD Captain and the soon to be next MAYOR has a chance to show your concern and make an important statement for victim's rights and on behalf of women whose truthful claims of rape and transgression have been rejected by the previous and present Police Department.

You should also ask why the white heterosexual women were believed and Jane Doe was not.

The problems within the Police Department go beyond John Miller. His history of protection by the Police Department serves as a model for others who want to lie about black women who truthfully said they were raped.

William Bratton, the Police Commissioner at time, at some point in time learned Miller was the leaker to McAlary and did not publicly disclose it. He protected John Miller. Bratton successors O'Neill and Shea all knew the role John Miller played in seriously damaging a woman brutally raped. They all protected Miller.

Years after the rape DNA tests confirmed every bit of Jane Doe's story, yet John Miller, for the last eight years, continues to play an important role within the police department despite everyone within the department knowing he lied and was protected.

You have articulated your desire to reform the Department. This is where you start. Please acknowledge Miller's awful conduct. You cannot erase the damage done to this young woman who, for decades, was branded a liar.

I watched her pain.

I saw her, repeatedly, for years be immobilized. John Miller hurt her more than the rapist. The Police Department hurt her more than the rapist.

In the past several years numerous persons have been held accountable for the past wrongful acts. Statues of Robert E Lee are being torn down for fighting for the unconscionable institution of slavery. Coach Joe Paterno was separated from Penn State for failing to report child sexual abuse and Coach John Gruden, just recently, fired as the coach of the Las Vegas Raiders for racist and sexist emails. John Miller cannot be exempted from accountability.

I am publicly requested Eric Adams when he becomes Mayor the first task he does is to fire John Miller.



# Law Enforcement Response to Survivors Survey 2020

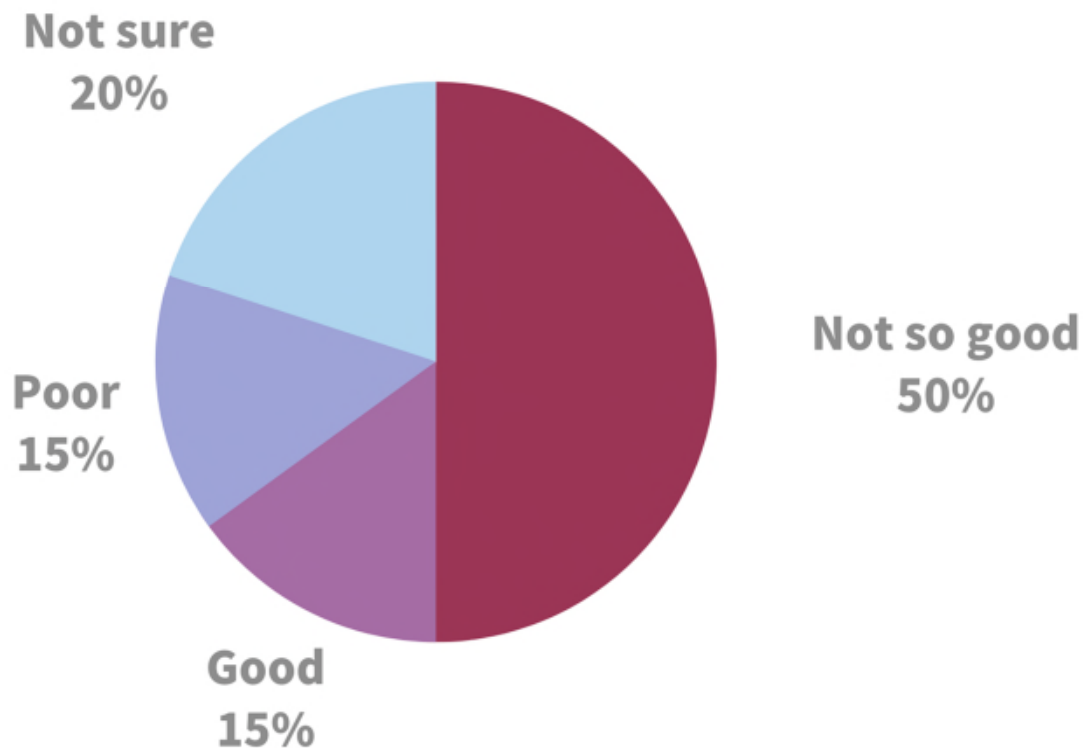
## RESPONDENTS INCLUDED:

- Twenty rape and sexual assault service providers, anti-violence organizations, and rape crisis programs.
- These organizations serve an estimated 5,000 diverse survivors annually across all five boroughs.
- Organizations responded to questions specifically considering the actions of the NYPD's Special Victims Division (SVD).



# Overall Quality of Response

How would you rate the job SVD is doing in responding to survivors of sexual assault and/or rape?



13 out of 20 organizations (65%) said “Not so good” or “Poor.”

Only 3 out of 20 organizations (15%) said “Good.”

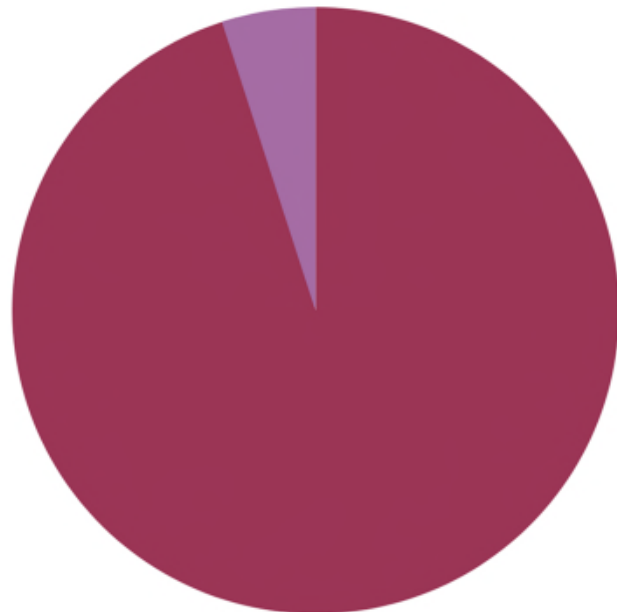
Not one organization said “Excellent.”

# Consistency of Response

**How consistently does SVD handle cases of sexual assault and/or rape?**

SVD handles these cases poorly most of the time

5%



The quality of the SVD varies widely

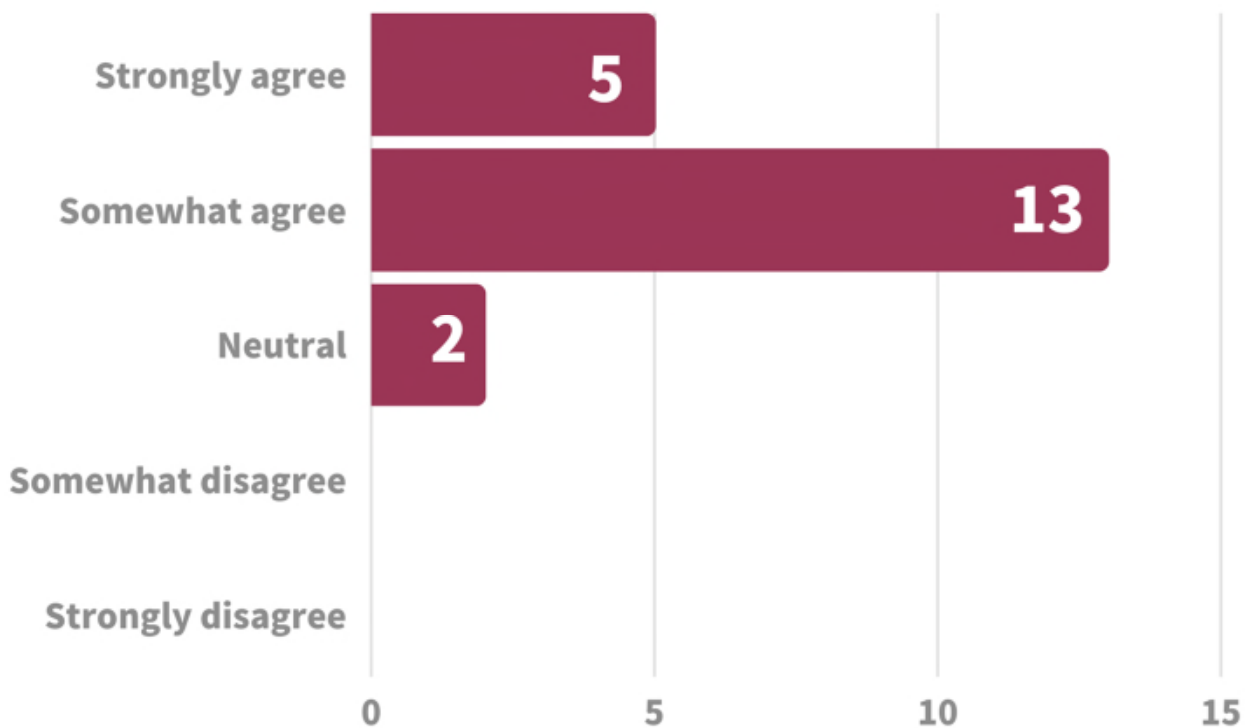
95%

All organizations responded that quality varies widely (19) or that SVD handles cases poorly (1) most of the time.

Not one organization said SVD handles cases of sexual assault or rape well most of the time.

# Treatment of Survivors

## Survivors feel ignored by the police

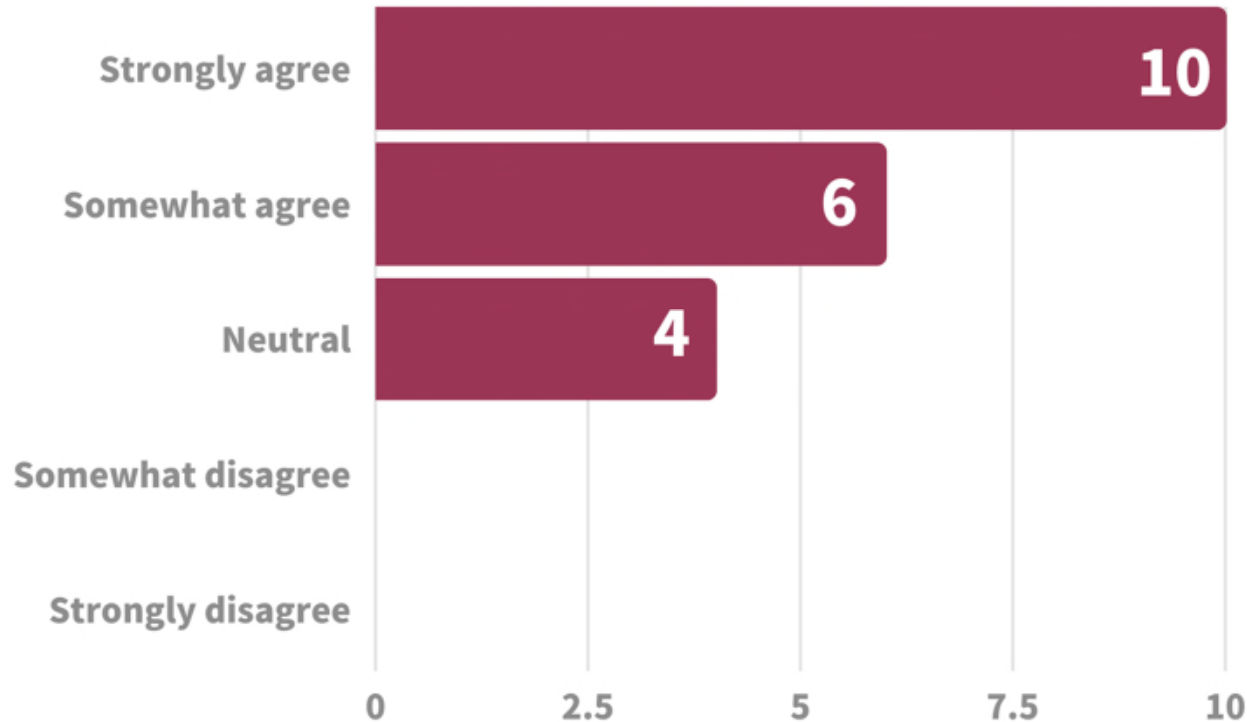


**18 out of 20 organizations strongly or somewhat agree that “survivors feel ignored by the police.”**

**Not one organization disagreed with this statement.**

# Communication with Survivors

**Survivors say it is difficult to get updates about their case**

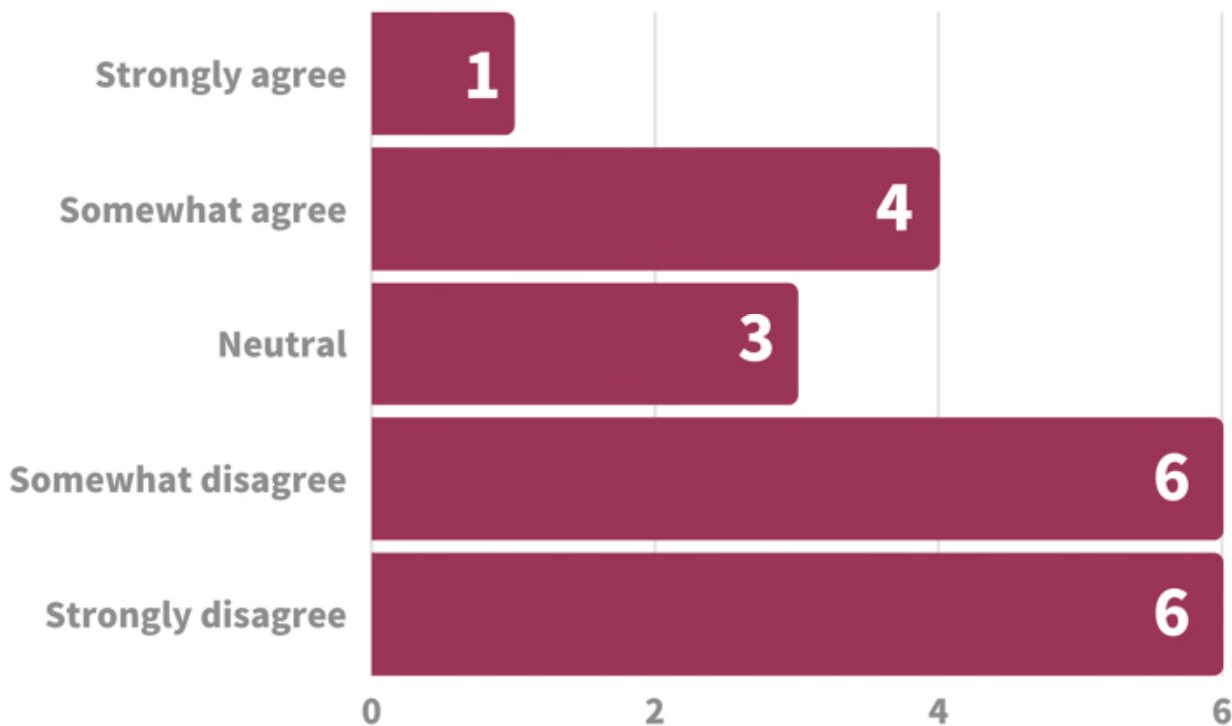


**16 out of 20 organizations agree that “survivors indicate that it is difficult to get updates about their case.”**

**Not one organization disagreed.**

# The Takeaway on SVD

**Survivors believe their cases are investigated thoroughly**



Only 5 out of 20 organizations reported that “survivors feel like their cases are investigated cases quickly and thoroughly.”

12 out of 20 organizations disagreed.

***“Survivors are often talked down to, not believed, questioned rudely about any delay in report, and reports are not taken in a trauma-informed way.”***

**Organizations said that *“building a culture of trust and support,”* survivors *“being believed,”* and providing *“resources and social support,”* are essential to serving survivors on a path to healing and justice.**

# Roadmap for Reform

1. **Center survivors and ensure a trauma-informed response at every stage of the process.**
2. **Increase the levels of experience and training required for SVD officers and build-in accountability measures.**
3. **Establish and champion a culture that respects and supports survivors, without bias.**
4. **Improve coordination and communication with prosecutors to build the strongest cases possible.**





## TESTIMONY FOR COMMITTEE OVERSIGHT HEARING ON THE NYPD SPECIAL VICTIMS DIVISION

Good morning. My name is Lee Friedman and I am on the MaleSurvivor Board of Directors. What brings our organization to this hearing are recent concerns about the NYPD Special Victims Division with respect to both process and sensitivity. In particular, the words of NYPD spokeswoman Detective Denise Moroney that the NYPD “is committed to ensuring that all sexual assault survivors feel the safety and support needed” resonates with the core of our mission and what we try to provide.

MaleSurvivor is an online community for male sexual assault victims, providing a safe, moderated space for victims – as well as their family and friends – to both share experience and experience support. The registrant base is over 15,000 people. Of our registrants who identified their status, 86% are male survivors and 14% are family or friends. The registrant base itself matches the population of towns and cities in New York State such as Westbury, Floral Park Village, Batavia, Glens Falls, or Rye. That alone speaks to the immensity of a problem that remains largely hidden from the public arena. There are reasons for that, including cultural expectations that a man should be able to protect his personal boundaries from sexual assault. Falling short of that cultural expectation helps drive the secrecy. Other reasons that male sexual assault victims do not report their abuse is often due to the insidious nature of grooming that many victims – especially children – experience, leaving them feeling shame and confusion.

As a survivor, a board member, and a forum moderator, it is difficult to overstate the importance of support along the lines of trained and engrained sensitivity on the part of those who would provide it. Common themes I encounter in the discussion forums include a reluctance to take that first step in the process of finding justice. And some who have done so become cautionary tales for others. Here are just a few quotes from the public forum that speak to the issue:

*My guess is that the men here, including me, either didn't remember the sexual trauma, or didn't feel safe enough to tell anyone... hence, we carry the trauma and our perpetrators got away with it.*

*Because of the way I was treated as a teenage street kid by police I would not be likely to pursue any justice though them.*

*I believe most survivors have not gotten justice in any form-from the abuser, the institution and many times those around them who deny the abuse.*

*Police said the statute of limitations was passed on my story. They said I should try to forget. I'm sure they meant well.*

*I made the trip to the city where I was abused and filed police reports. Originally, the detective didn't believe my story, he said all the words where there but the emotion wasn't (he told me after the investigation). Maybe I took too many anxiety pills prior to walking in the door.*

*I tried to go the local police department and have a report made. I had all the paperwork of my research back then. The cop threw up his hands and said that "there were too many people involved" and that he couldn't make out a report.*

*So for those of us from an earlier generation, there is little to no justice. There are years of therapy, broken lives, fractured relationships, broken sexuality, a lifetime of memories, startle*

*responses, fugue episodes, secrets - there were always secrets and a deep pain that only we survivors understand.*

*When I was raped @ 13 by a stranger the policeman said I should have tried harder to escape. He then made some cracks about AIDS that terrified me... [and in response]... This too happened about 30 years ago. When the police showed up they said he should of fought harder and did he nut*

*Female sexual assault victims have struggled for decades against a system that revictimizes them in numerous unintentional ways. As some of the narratives here show, male victims face the same kind of "did you like it" attitudes from police and prosecutors. I think it's probably better than it used to be, but it's probably still not good.*

The video testimony at the hearing on October 18 indicates an organization which has operated with a checkbox approach to its mission, but in many instances without the essential emotional core that should define how it meets the needs of those it purports to serve. The heartbreaking testimony of victims reveals a Special Victims Division that has room to improve its approach to those victims with properly selected, trained and committed professionals.

Perhaps if SVD teamed up with therapists, counselors, or even social workers who could conduct mandated interviews with victims as early as practical in the first responder process, those professionals could in turn inform the police on the best way to navigate the rest of the process with more effective victim support. Please understand, too, that MaleSurvivor stands ready to assist as a free resource for both SVD officers as well as victims.

Respectfully,

Lee Friedman  
MaleSurvivor Board Vice President  
leef@malesurvivor.org  
(215) 962-3153

Written Testimony to the New York City Council Hearings  
Oversight of Special Victims Division, NYPD  
October 18, 2021

Respectfully submitted by: Mary Haviland, Esq. Former Executive Director of the New York City Alliance Against Sexual Assault

Despite promises of changes by several NYPD Commissioners and other leaders, the policies and practices of NYPD leadership have systemically deprived the SVD of the following: adequate staff, skilled investigators, training as well as evaluation and oversight tailored to sex crimes. About 90% of those who report sex offenses are women. As importantly, the Crime Enforcement Activity Report for January 1-December 31, 2020 reports that 75% of rape victims and 74% of victims of other felony sex crimes are black or Hispanic. In addition, experts in the field have noted an extremely low reporting rate from the LGB, Transgendered and Gender Non-Conforming Community in comparison to the size of this community in NYC.

I served as the Executive Director of the New York City Alliance Against Sexual Assault from 2001-2020 and saw first-hand the trauma and injustice that was inflicted on survivors of sexual violence as well as the public safety threat that was posed by the inadequacy of the Special Victim Division's response to reports of sexual violence. This is the subject of this written testimony.

### **A Summary Overview**

The NYPD created the Special Victims Division in New York City in 2003 to handle felony sex offenses. In 2010, sexual assault experts raised concerns with the work of this division with the then NYPD Commissioner and a Working Group was created to develop recommendations for improvement. The issues identified then are similar to the issues raised by survivors and sexual violence experts in the October 18, 2021 hearings by the New York City Council. They were:

- Insensitivity displayed towards survivors by investigators both inside and outside of SVD; Response by non-specialized precinct detectives to misdemeanor sex crimes was cited as particularly inadequate;
- Responding officers refusing to take reports and a pattern of misclassification (often undercharging) of sex offense crimes;
- Failure to recognize the complexity of investigating sex crimes including the need to interact with survivors and collect significant corroborating evidence necessary to persuade skeptical prosecutors and juries;
- Pattern of lack of qualified staff in SVD to investigate reported cases and failure to investigate some serious allegations of sexual assault;

- Lack of collaboration between the NYPD, prosecutor’s offices and programs serving survivors, resulted in compromised investigative outcomes and less training for SVD staff;<sup>1</sup>

The effects of these failings are both traumatic for survivors and endanger other members of the public. In February of 2020, [The New York Times](#) detailed the case of a New York University student, a daughter of immigrants from the Middle East, who woke up in her apartment to find a masked man standing over her bed. He held her down and raped her. Two months after the assault, the police matched fingerprints found on a condom in her room to a suspect who was being held in jail on unrelated charges. Yet, instead of building the case and effecting an arrest, the suspect was released from jail four months later without the prosecutor’s office or the judge knowing he was the suspect on a rape charge.

He attacked 3 more women in 3 weeks after he was released before he was apprehended.<sup>2</sup> The victim’s mother, a first-generation immigrant, who was with her daughter during the police questioning, said that the senior detective in charge of the case doubted her daughter’s story from the beginning. According to her mother, the investigator asked questions such as, “You sure you don’t know him? And you sure you didn’t bring him in and maybe open the door and didn’t remember?” The detective told the mother and daughter that he could not prevent the daughter’s name from becoming public and told her that the only way of avoiding publicity was to “close the case”<sup>3</sup> despite the fact that the identity of sexual assault victims is protected from release by statute in New York State.<sup>4</sup>

Deterred by the detective’s warnings about her identity being made public and by the detective’s open expressions of disbelief, the survivor declined to participate in the investigation once the accused was arrested following the three subsequent sexual assaults. The suspect was never charged with her rape.

Compounding the egregious nature of these events, the same detective had been the subject of previous complaints by rape crisis professionals to NYPD’s then-Chief of Detectives, three months prior to the detective’s mishandling of the NYU student’s rape. The complaints stemmed from the detective’s efforts to persuade another victim in an unrelated rape case not to proceed with her case, and for his extremely inappropriate and insensitive comments to that previous victim.

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<sup>1</sup> N.Y. POLICE DEP’T., SEX CRIMES WORKING GROUP FINAL REPORT (Dec. 2010) as contained in the New York City Department of Investigation, Inspector General for the NYPD report entitled, *An Investigation of NYPD’s Special Victims Division-Adult Sex Crime* (March 2018) Retrieved from:

[https://www1.nyc.gov/assets/doi/reports/pdf/2018/Mar/SVDReport\\_32718.pdf](https://www1.nyc.gov/assets/doi/reports/pdf/2018/Mar/SVDReport_32718.pdf)

<sup>2</sup> A Rape Suspect Was Released. 3 More Women Were Attacked. *New York Times*, February 17, 2020, appeared in print on Section A, Page 1 with headline: Trail of Errors Freed Suspect in Rape Case. Retrieved at:

<https://www.nytimes.com/2020/02/17/nyregion/nypd-rape-victims-division.html?smid=em-share>

<sup>3</sup> Id.

<sup>4</sup> N.Y. Civil Rights Law §50-b (Consol. 2021) retrieved at <https://codes.findlaw.com/ny/civil-rights-law/cvr-sect-50-b.html>

No action was taken to correct the detective's conduct or to remove him from rape investigations.

In March of 2018, the New York City Department of Investigation issued a report in response to numerous complaints of abusive and discriminatory treatment of sexual assault victims. The report found that chronic shortage of skilled staff and training had deprived NYC survivors of competent and thorough investigation of crimes committed against them.

Unfortunately, the problems identified by the 2010 Working Group and 2018 DOI report persist, despite years of advocacy on the part of sexual violence survivors and experts. Indeed, actions taken by the NYPD since the issuance of the Department of Investigation (DOI) report have only further deteriorated the capacity of this Division to provide sensitive, quality investigations of sex crimes or to help bring their cases to justice so as to protect members of the public from repeat acts of violence.

### **Low Reporting Rates of Sexual Assault**

Sexual violence is among the least reported of crimes; one factor in low reporting rates is poor treatment of victims by investigating officers and the justice system. According to the Centers for Disease Control National Intimate Partner and Sexual Violence Survey Data Brief for 2015, 1.2% of women in the U.S. experienced rape or attempted rape in the previous 12 months.<sup>5</sup> Applying that rate to the 2015 adult female population in New York City, there should have been 43,006 rapes or attempted rapes in NYC that year. According to the Mayor's Management Report, however, only 1,551 rapes were reported to the NYPD in 2015 (the City does not issue statistics on attempted rapes.)

In the LGB, trans and gender non-conforming community, the disparity between the occurrence of sexual violence and its reporting is even more stark. A 2015 Gallup poll reported that there were about 756,000 who identify as gay, lesbian, bisexual or transgender in New York City, the largest community in the U.S.<sup>6</sup> The 2010 National Intimate Partner and Sexual Violence Survey found that 1 in 8 lesbian women (13%) and nearly half of bi-sexual women (46%) experienced rape in their lifetimes (as compared to 17% of heterosexual women). And 40% of gay men and nearly half of bi-sexual men (47%) had experienced sexual violence in their lifetime (as compared to 21% of heterosexual men).<sup>7</sup> According to the 2015 U.S. Transgender Survey, transgendered individuals experience very high level of sexual violence with nearly half (47%) reporting being sexually assaulted in their lifetime and 10% were sexually assaulted in the past year.<sup>8</sup> Yet, retired

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<sup>5</sup> <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf> [https](https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf)

<sup>6</sup> [https://www.nytimes.com/2015/03/24/upshot/new-york-still-has-more-gay-residents-than-anywhere-else-in-us.html?\\_r=1&abt=0002&abg=0](https://www.nytimes.com/2015/03/24/upshot/new-york-still-has-more-gay-residents-than-anywhere-else-in-us.html?_r=1&abt=0002&abg=0)

<sup>7</sup> [https://www.cdc.gov/violenceprevention/pdf/cdc\\_nisvs\\_victimization\\_final-a.pdf](https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf)

<sup>8</sup> <https://vawnet.org/sc/serving-trans-and-non-binary-survivors-domestic-and-sexual-violence/violence-against-trans-and> See also that Human Rights Watch reports that 28 transgender or gender non-conforming individuals have been killed in the U.S. so far this year, putting it on track to be one of the deadliest years on record with the

investigators from SVD estimate that there were only about 10 cases from this community each year.

These extreme disparities between estimated and reported sexual assaults indicated a profound lack of trust by victims in the NYPD to sensitively or adequately respond to violence against them.

### **A Ten-Year History of Inadequate Performance**

What follows is a description of the major events that have led to a deterioration of the performance of the Special Victims Division over the last 10 years.

The NYC Special Victims Division is a five-borough, unified Division that handles New York State Penal Law sex offenses against both adults and children. The Division is comprised of five Special Victim Squads in each of the New York City boroughs with designated investigators for child sexual abuse and adult sex crimes. The Division also supervises several city-wide units including: the Sex Offender Monitoring Unit (SOMU), Hate Crimes (as of 2018, this unit is no longer under the purview of SVD), DNA/Cold Case Unit, a Transit Unit, an Instant Response Tracking Unit (IRTU) which is a cross-agency collaboration in child abuse cases required by state law, and a Night watch team that responds to victims seen in hospital Emergency Departments.

In 2011, the Working Group made the following recommendations:

1. Assign misdemeanor sex crimes to SVD;
2. Require SVD (rather than Patrol officers) to respond to victims in hospital emergency departments;
3. Increase cooperation with prosecutors;
4. Increase staffing by 40% and only consider hiring “highly experienced and knowledgeable” detectives;
5. Enhance training;
6. Meet with stakeholders on a regular basis.

**High Caseloads.** The NYPD agreed to recommendations 1 & 2, increasing the workload of SVD investigators significantly. Yet, leadership at NYPD refused to allocate the staff necessary to perform this increased workload. These decisions underpin the conditions for a decade of under-staffing of SVD. The March, 2018 NYC Department of Investigation Report (hereafter the DOI report) carefully documented the staff of SVD from 2009 through 2017. Caseloads increased from 3,657 in 2010 to over 5,661 in 2017: an increase of 55%. However, adult investigators increased from 72 in 2009, before these additional duties were assigned to SVD, to an average of 73.5 during the years 2012-17 – an increase of only 2%. The result of this under-staffing was

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victims being overwhelmingly Black and Hispanic trans women. <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-non-conforming-community-in-2021>

increased individual investigator caseloads from 51 cases per investigator in 2010 to an average of 77 cases per investigator during these years.<sup>9</sup>

**Staff Time needed to investigate a Sex Crimes Case.** There is little research or literature on the amount of investigative time needed in sex offense cases. However, comparisons to the complexity of homicide cases are appropriate, since often sex crimes often have no third-party witnesses and rely heavily on circumstantial evidence as well as credibility of the victim and accused. Given the seriousness of the charges, jurors in rape cases -- like jurors in homicide cases -- expect exhaustive investigations with detailed presentation of all possible corroborating evidence. Furthermore, there is the additional burden of engaging a crime victim who may be an ambivalent reporter, suffering from Post-Traumatic Stress Syndrome or pre-occupied by fallout from the incident. The NYPD Homicide Squad had an investigator caseload of 2.8 cases in 2018, compared with 77 for Special Victims investigators.

The following provides some sex crimes caseload guidance. In 2007 and then in 2014, the Office of the City Auditor in Portland, Oregon gathered information from the police departments of nine Oregon cities. The 2007 analysis found a median annual caseload for sexual assault cases of 54 cases per detective.<sup>10</sup> Despite such a caseload, the report found declining clearance rates and that “detectives sometimes closed cases without making concerted efforts to contact victims or suspects” and finally, that “detectives did not appear to be focused on the needs of the victims”.<sup>11</sup>

Another staffing model was developed by Sheriff William Prummel of Charlotte County in Florida. The DOI report used this model in calculating the time needed to investigate a sex crime in NYC. The DOI report found that “application of the model demonstrates that from 2009-2017, the adult sex crimes units were consistently understaffed, sometimes by almost 30 detectives” or about 41%.<sup>12</sup> In fact, the Department of Investigation found that some of the adult squads had less than half of the minimum number of investigative hours recommended per case (15.6 hours) by this model.<sup>13</sup> And finally, two federal investigations by the Department of Justice, Civil Rights

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<sup>9</sup> New York City Department of Investigation, Inspector General for the NYPD report entitled, *An Investigation of NYPD’s Special Victims Division-Adult Sex Crime* (March 2018) page 8. Retrieved from: [https://www1.nyc.gov/assets/doi/reports/pdf/2018/Mar/SVDReport\\_32718.pdf](https://www1.nyc.gov/assets/doi/reports/pdf/2018/Mar/SVDReport_32718.pdf) The DOI report and retired SVD personnel maintain that the number of investigators assigned to the Staten Island Squad who handle both child abuse and adult sex crimes makes the case load figures look better than they actually are. In a meeting with the NYPD Commissioner in the Spring of 2018, the then Chief of Detectives acknowledged that the caseload was 93 per investigator and defended that caseload as sufficient.

<sup>10</sup> Office of the City Auditor, Portland, Oregon (June 2007). *Sexual Assault Response and Investigation: Portland efforts fall short of a victim-centered approach*. Retrieved from: <http://www.portlandoregon.gov/auditor/index.cfm?c=44209&a=158873> Office of the City Auditor, Portland, Oregon (June 2014). *Sexual Assault Response: Progress Made Toward a Victim-Centered Approach*. Retrieved from: <https://www.portlandoregon.gov/auditservices/article/481817>

<sup>11</sup> Office of the City Auditor, Portland, Oregon (June 2014), pages 2 & 5.

<sup>12</sup> New York City Department of Investigation, (March 2018). page 23. Retrieved from: [https://www1.nyc.gov/assets/doi/reports/pdf/2018/Mar/SVDReport\\_32718.pdf](https://www1.nyc.gov/assets/doi/reports/pdf/2018/Mar/SVDReport_32718.pdf)

<sup>13</sup> Id. Page 22

Division, documented the harm of high caseloads in two jurisdictions: the Cleveland Police Department where the investigation revealed a case load of an average of 101 cases per investigator per year and the New Orleans Police Department where detectives averaged 81 cases each per year from 2011-2013.<sup>14</sup>

This staffing deficit at NYPD did not go unnoticed. The Commanding Officer of SVD, who was moved into that position in 2010 and served for 8 subsequent years, was well aware of the repercussions of the understaffing. Beginning in 2014, the Commander outlined the serious systemic deficiencies it caused in case investigations in some 60 internal communications and a dozen multi-hour meetings with senior NYPD executives.<sup>15</sup> For those who reported sexual violence, understaffing was devastating. The rape crisis programs reported the following complaints from those who were coming to them for assistance:

- Inexpert interviewing of victims that included insensitive comments and questions that assigned fault to the victim or discouraged the victim from moving forward on their case;
- Weeks and sometimes months between contact with victims on the development in their cases;
- Failure to secure evidence such as surveillance tapes, witness statements, restaurant receipts, phone records or taxi/transport tracking in a timely fashion, irreparably damaging victims' cases;
- Inexpert cold calls to a suspect, or cognitive reenactments that reintroduced damaging trauma to survivors and often yielded little additional evidence;
- Case outcomes that included high numbers of "unfounded" or what NYPD termed "uncooperative complaining witnesses".

**Inexperienced Investigators.** In addition to lack of staff, a second issue that has plagued the Division since its inception in 2003 is the failure by NYPD leadership to create a structure that would result in staffing the unit with experienced detectives. The NYPD has "graded" several specialized units at NYPD in order to ensure adequate investigative skills are brought to specific cases including the Homicide and Major Case Squads. "Graded" units establish targets for the level of experience of their investigators, with Detective 1 being the highest grade and Detective 3 the lowest. The NYC DOI report contrasted the skill level of SVD investigators with the Homicide Squad as of March, 2018 noting that retired personnel from SVD recommended grading goals of 20%, detective 1<sup>st</sup> grade, 40% detective 2<sup>nd</sup> grade and 40% detective 3<sup>rd</sup> grade.<sup>16</sup>

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<sup>14</sup> Id. Page 16 footnote 47.

<sup>15</sup> See the Appendix of the New York City Department of Investigation, (March 2018)

<sup>16</sup> New York City Department of Investigation, (March 2018) page 17-18.



Table 1: Staffing, Detective Grade, Cases, Case allocation as of March, 2018 & December, 2020

Investigators	SVD 2018	%	SVD 2020	%	Homicide Squad-2018	%
Detective 1	5	8%	3	3%	37	37%
Detective 2	6	9%	5	4%	44	43%
Detective 3	47	70%	80	71%	20	20%
Police Officers	9	13%	26	22%	0	0
TOTAL	67	100%	114	100%	101	100%
# OF CASES OPENED	5,661		5,239		282	
INVESTIGATOR ANNUAL CASELOAD	84 cases		46 cases		2.79 cases	

Table 1 illustrates the stark contrast in level of experience between the Homicide Squad and SVD with 80% of detectives in homicide ranking in the top two tiers of detectives and only 17% of SVD detectives ranking in these tiers. It also reveals the stark contrast in annual caseloads of each detective, with SVD caseloads being 30 times higher than homicide detective caseloads in 2018. Despite sharp criticism from the expert community and City Council members, this practice has not been altered by NYPD leadership and the number of 1<sup>st</sup> & 2<sup>nd</sup> grade detectives have actually decreased since 2018.

The NYC DOI report points out that requiring a certain level of investigative skill has the additional benefit of making SVD a place of possible promotion, thus attracting ambitious and motivated investigators who are interested in advancement of their skills and position.<sup>17</sup> Finally, this chart introduces another management decision by NYPD leadership that disadvantages victims of sex offenses. This is the practice of assigning police officers who do not have any investigative credentials or training to the SVD. When questioned as to how NYPD could justify assigning police officers, who are not trained in investigation, to sexual assault cases, the Chief of Detectives, has responded that what is needed is “to have it in your heart” to do the work, not investigative skills. I, other sexual violence experts and survivors profoundly disagree.

This failure by the highest ranks of the NYPD to recognize the problem with assigning untrained police officers to sex crime investigations is evidenced by a sharp increase in the number of police officers assigned to SVD. They almost doubled between 2018-2020 (see Table 1).

**Poor Training.** A third systemic deficit that disadvantages victims of sex offenses is the lack of sufficient high-quality training for investigators. In the NYC DOI report, it was noted by prosecutors, retired SVD personnel as well as sexual violence experts, that many SVD investigators want to do a good job, but just do not have sufficient training. This deficit was noted by the SVD Commander in internal memos to NYPD leadership and reported by rape crisis

<sup>17</sup>New York City Department of Investigation, (March 2018) page 17.

counselors who both observed and heard a retelling by victims of inappropriate questioning and behavior by SVD investigators. The Anti-Violence Project of New York City brought up repeatedly the lack of understanding of the gender non-conforming, the transgender and lesbian and gay communities that was evidenced by investigator' insensitive interactions with members of these communities. And retired SVD personnel have noted how some officers dismissed training on the LBG, trans and gender non-conforming communities when offered.

In 2016, the SVD Commander engaged the Forensic Experiential Training Institute (FETI) to train all of the SVD investigators. This important training initiative which consists of 7 days of didactic and skills building training sessions was an important step forward in improving investigator competency with victims of sex offenses. It taught non-linear methods of questioning that recognized the effects of trauma on memory, resulting in more sensitive questioning and the resurrection of lost memory. The training was discontinued in 2019 and replaced with a 4-hour training on the effects of trauma on the brain.<sup>18</sup>

**Official Investigation by NYC Inspector General.** These conditions led the NYC Department of Investigation's Inspector General for the NYPD to embark on a year-long investigation of the Special Victims Division in 2017. Six months after publication of the NYC DOI report, in November 2018, the Commander of eight years of the city-wide SVD, was transferred to a much lesser post in Staten Island. The Commander, Deputy Chief Osgood, had cooperated with the DOI investigation of the SVD. He had also earned the respect of sexual assault experts in NYC by introducing the following major innovations to SVD:

- Penal Law 130 scrubbing unit that looked for mischarged and under-charged sex offenses. Out of the more than 5,000 cases examined by this unit in the years 2012-2017, an average of 227 cases per year were reclassified to a higher charge and an average of 53 annually were reclassified as rape.
- A Drug Facilitated Sexual Assault Unit equipped to employ special investigative techniques on cases where victims were drugged.
- Brought in FETI trainers who trained all serving investigators as well as key players from the Administration for Children's Services, Sexual Violence Experts, and Sex Crimes Prosecutors.
- A stranger rape cold case squad for cases with and without DNA.
- Staff that analyzed cases for patterns of offending.
- Quality Assurance mechanisms that included a team that looked at outcome data from cases and a Data Science Team.
- Created a review team of sexual violence experts who read randomly selected, redacted, closed cases 2 times a year and shared concerns with borough commanders.
- Introduced policies such as sign-off from supervisors on all unfounded rape cases, clear & convincing evidence required for closing of unfounded cases, clear direction to

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<sup>18</sup> See NYPD required reporting on SVD training for 2019 and 2020: <https://www1.nyc.gov/site/nypd/stats/reports-analysis/svd.page>

investigators on language used with survivors and quick investigation of complaints against investigators.

When the Deputy Chief (DC) was transferred, each and every innovation was ended by NYPD leadership except the cold case squad (only for cases with DNA samples) and the closed case review team. A smaller and less trained drug facilitated crimes squad was reintroduced after multiple complaints from sexual violence experts.

**NYPD refuses to accept DOI, City Council, Sexual Violence Expert and Survivor Recommendations.** The NYC DOI report carefully documented efforts by NYPD leadership to mislead the public on the staffing shortages. After SVD took on misdemeanor crimes without the requisite staff and NYPD leadership was informed that SVD investigators were unable to keep up with incoming cases, the leadership directed SVD internally to simply not investigate all reported misdemeanor sexual assault crimes. DOI investigators obtained an internal NYPD memo that confirmed this directive. They also confirmed that the Commander of the SVD declined to follow this directive.<sup>19</sup> A second example was provided in the DOI report. At a December 2017 press conference, then Commissioner O’Neill acknowledged an increased number of rapes and announced that the Department had “put more people into Special Victims” especially more “seasoned investigators”. When DOI investigators requested substantiation of this claim, they found that four police officers, serving as provisional detectives, had been transferred to one squad and were assigned to child abuse cases. The DOI report concluded that “total staffing level in adult sex crimes units at the end of 2017 was unchanged from the 2016 average of 74 detectives”.

These attempts to obfuscate conditions at SVD continue. In April, 2018, the New York City Council held hearings on the content of the NYC DOI report where under questioning by Council Members the NYPD leadership defended their actions over the prior 8 years. Then, in June 2018, the NYPD issued a rebuttal to the DOI report that refused to acknowledge any of the major systemic issues, arguing that the staff models did not apply to the NYPD; that every commander of a unit asks for more staff; and that since patrol officers interact with the public and have to develop basic investigative skills, they are an “entirely appropriate population from which to select...SVD investigators”.<sup>20</sup> Rather than acknowledge past mistakes and set out to address them in 2018, the NYPD refused to recognize the increasing volume of complaints about treatment of sexual violence survivors from multiple sources.<sup>21</sup>

A recent article by ProPublica, an investigative journalism outlet, detailed the many ways in which the NYPD has thwarted probes of problems by the Department of Investigation’s

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<sup>19</sup> New York City Department of Investigation, (March 2018) page 13.

<sup>20</sup> NYPD Response to Office of the Inspector General (OIG) Report on Special Victims Division (June 2018). Retrieved from: [https://www1.nyc.gov/assets/doi/oignypd/response/OIGReport\\_on\\_SVD\\_Response\\_62618.pdf](https://www1.nyc.gov/assets/doi/oignypd/response/OIGReport_on_SVD_Response_62618.pdf)

<sup>21</sup> As the Number of Reported Rapes Climb, Mayor Points to #MeToo, New York Times, January 7, 2019, Section A, page 19 appeared in print version with the headline: Rape Reports Are Up Sharply, And Mayor Points to #MeToo <https://www.nytimes.com/2019/01/06/nyregion/rape-reports-nyc-me-too.html?smid=em-share>

Inspector General, specifically mentioning the investigation of SVD as one example.<sup>22</sup> And at the beginning of June, a female FBI agent who was groped in 2018 by the commander of the elite New York Joint Terrorism Task Force, complained that the investigation of her case by SVD had been so poorly handled that it ended without charges filed against the alleged perpetrator.<sup>23</sup> Yet, in January 2021, the U.S. Department of Justice, Office of the Inspector substantiated that the Assistant Special Agent in Charge had in fact “engaged in engaged in unwanted physical sexual contact with the FBI employee”. The OIG investigation also found that the “FBI ASAC had previously engaged in unwanted physical sexual contact with two other FBI employees, created a hostile work environment by engaging in that unwanted physical sexual contact and making offensive sexual comments to FBI employees, and consumed alcohol and provided alcohol to subordinates and visitors in a federal building while on duty”.<sup>24</sup>

**Intervention by the New York City Council.** In October 2018, The New York City Council passed 3 pieces of legislation requiring:

- Comprehensive “victim-centric” training program for every SVD investigator and an annual report of this training;
- Use of a secure case management system and performance of routine audits to ensure the privacy of crime victims;
- A report on staff allocation, caseloads and factors used by the commissioner to determine staffing levels.<sup>25</sup>

The training report reveals for 2019 and 2020 reveals that the FETI training has been paused since 2019 and without that 7-day training, SVD detectives receive only 15 days of training to prepare for investigative work in sex crimes. This total training includes courses on child sexual abuse, trafficking, crime scene investigation and a whole host of other topics each covered in short 1-2 hour sessions. The training includes topics that are not relevant to sex crimes investigations such as “techniques used by criminals to steal autos” and financial crimes. Only 5 hours of training total focuses on interaction with victims traumatized by sexual violence. There is no training on working with survivors of violence from the transgender, lesbian, gay or gender-conforming communities. This wholly inadequate preparation for the complexity of sex crimes investigation demonstrates the continuing refusal by NYPD to invest the resources in SVD that are necessary to treat victims of these crimes sensitively, fairly and with the goal of providing access to the criminal justice system. This disregard was pointedly expressed in hearings in March, 2020 by Council Member Rosenthal.<sup>26</sup>

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<sup>22</sup> <https://www.propublica.org/article/inspecting-the-nypd-puzzle-palace>

<sup>23</sup> <https://nypost.com/2021/05/31/fbi-big-wig-sexually-harassed-his-juniors-drank-on-the-job/>  
<https://nypost.com/2021/06/06/nypd-botched-grope-probe-of-fbi-agent-accuser/>

<sup>24</sup> <https://oig.justice.gov/reports/findings-misconduct-fbi-assistant-special-agent-charge-engaging-unwanted-sexual-contact-and>

<sup>25</sup> These reports can be found at: <https://www1.nyc.gov/site/nypd/stats/reports-analysis/svd.page>

<sup>26</sup> *Manhattan councilwoman bashes NYPD’s handling of sex crime investigators as halfhearted*, Daily News, March 4, 2020. Retrieved at <https://www.nydailynews.com/news/politics/ny-nypd-sex-crimes-dermot-shea-helen-rosenthal-20200305-bccbxctbczc7vja4zigumwsucy-story.html>

The staffing, case allocation and skill level of investigators reports reveal that NYPD has increased staff levels from an average of 73.5 detectives between the years 2012-2017 to an average of 115 Adult sex crimes investigators. Two issues hide behind these increases. First, the 2018 statistics on investigators assigned to adult investigations (109) and those assigned to child abuse investigations (67) suggest that shifting investigators to the adult investigations took place to the detriment of the child abuse squads. That year child abuse investigators had an unconscionable caseload of 90 cases while adult investigators were assigned 48 cases per year (see below Table 2). The child abuse caseload remained 32% higher than the adult case load in 2019 and 15% higher in 2020 despite the drop in cases that year.

Secondly, Table 1 (above) reveals an unprecedented draining of investigative skills from SVD. The NYC DOI investigators reported that the average investigator experience decreased from 6 years in 2010 to 3.5 in 2016 with approximately one third of new recruits to SVD coming from patrol.<sup>27</sup> Between 2018-2020, nearly all of the increase in staff has been inexperienced police officers from the patrol force. This combined with the appointment of two Commanders of SVD without investigative experience has led to even further decline of the Division despite the newly assigned staff.

Table 2: Staffing, & Case allocation 2018-2020 as reported in City Council required reports<sup>28</sup>

	2018 Adult	2018 Child Abuse	2019 Adult	2019 Child Abuse	2020 Adult	2020 Child Abuse
TOTAL INVESTIGATORS	109	67	128	86	114	85
TOTAL # OF CASES	5,239	6,020	6,699	5,636	5,239	4,533
INVESTIGATOR ANNUAL CASELOAD	48	90	50	66	46	53

This drain in investigative skills is shockingly demonstrated by the declining clearance rates in rape and expanded rape crimes as reported by the NYPD Quarterly reports from 2017 through 2020 shown below in Table 3.

<sup>27</sup> New York City Department of Investigation, (March 2018) page 19.

<sup>28</sup> <https://www1.nyc.gov/site/nypd/stats/reports-analysis/svd.page>

Table 3: Clearance Rates on 4 crimes as reported in NYPD clearance rate reports for the 4<sup>th</sup> quarter of each year<sup>29</sup>

crime	2017	2018	2019	2020
Murder	77.2%	75.4%	86.2%	46.0%
Forcible Rape	54.3%	38.7%	46.8%	35.0%
Expanded Rape (first reported in 2019)			37.7%	25.9%
Robbery	46.6%	49.7%	47.2%	46.8%

## Conclusion

In sum, the systemic issues that have plagued the Special Victims Division of the NYPD have persisted over the last 10 years, despite the efforts of sexual violence experts, of the independent Office of Inspector General, of the New York City Council and of an experienced Commander of the Division over an 8-year period.

Failure to remedy poor performance of this Division have had a devastating impact on NYC's victims of sex crimes. These victims -- 90% women, 80% people of color and a significant subset of victims from the LGBT and gender non-conforming community -- have had their trauma compounded by over-worked, inexperienced, poorly trained investigators at best; and at worst, by investigators who simply do not care to understand the trauma of sex crimes. These conditions are the result of consistent decision-making by the NYPD leadership to deprive the SVD of the resources it needs to competently serve NYC's victims of sexual violence.

## Recommendations

- Double the current staffing of the adult and child abuse squads;
- Execute a national search for a qualified leader of the Special Victims Division with experience in gender-based crimes, investigation and current management techniques;
- Grade the Division as follows: 20%, 1<sup>st</sup> grade detectives, 40% 2<sup>nd</sup> grade detectives and 40% 3<sup>rd</sup> grade detectives;
- Institute high-quality training on executing trauma informed interviews, engaging complaining witness cooperation, proper use of controlled communication with a suspect which provides guidance & support to the complaining witness, investigating sex crimes, the science of forensics, accurate and non-judgmental of recording cases, etc.;
- Institute a culture at SVD requiring: complaining witness engagement that encourages participation, thorough & timely gathering of evidence and arrests based on probable cause.
  - Institute supervisory practices and data collection that support these goals

<sup>29</sup> <https://www1.nyc.gov/site/nypd/stats/reports-analysis/clearance.page>

- Cultivate management techniques that encourage training, improvement of skills, communication with the community and accountability when investigative goals are not met.
- Active collaboration with District Attorney's Offices, social service organizations, campuses and communities

My visit to the NYPD's Special Victim's Unit in 2015 is almost as hard to revisit as the sexual assault that brought me there. Some days, it's harder.

I walked in that day hopeful that justice was within reach. I left feeling re-traumatized, violated, and demeaned. My goal had been to prevent the stranger who plucked me off a street corner and drugged, raped, and robbed me at knifepoint from doing it again. If I'd known that the detective there would spend his time prying into my sexual history and suggesting that maybe I'd simply "made a bad decision" or "had a weird night," I would have run in the other direction.

I'll be forever haunted by the memory of Detective Josh Ulan questioning me in that small room. I'll never forget when he introduced himself, after I arrived from a lower precinct, by announcing proudly then that he'd "researched" me and discovered that I was a journalist. In retrospect, I wish I hadn't shrugged off his statement. It was a clear indicator of what I'd soon learn: That the only person under investigation that day would be me.

Here I was, a 27-year-old girl who had narrowly escaped from a sexual predator with her life and now two years later was taking the impossibly brave step of recounting it all to police. Instead of meeting a trauma-informed, understanding detective who was grateful I had come forward with information about a rapist, I was faced with a callous, ignorant man who wanted to know little about that rapist and a lot about the kind of sex I'd had in the past.

"Are you sexually active?" Ulan asked at one point, then, "How often do you perform oral sex?" Later, "could you describe the penis?" then inexplicably, "Did he look like me?" He asked where I'd been before the attack; and whether I said hi to the man when I first passed him on the street. He criticized me for not remembering how I made it into my rapist's black sedan and shrugged when I said that trauma creates intentional holes in the memory that can't be filled.

But questions like these, I soon realized, were merely the tip of the iceberg.

Beyond his inability to grasp how excruciating this line of questioning was, Ulan made it clear early on that he did not know that lack of consent constitutes rape. He repeatedly asked me if I remembered "saying the word 'no' loudly" or if I remembered yelling it. When I told him I had been drugged beyond comprehension, that I could hardly move much less consent, and that when I escaped, it took hours to make it to my apartment, a block away, he was unmoved.

Let that sink in. One of the lead detectives of the NYPD Special Victim's Unit suggested he didn't believe it is rape unless you are "yelling the word 'no.'" That means that as recently as 2016, one of the top detectives of the NYPD Special Victim's Unit could not accurately define rape.

I captured the incomprehensibility of this in a [piece](#) I wrote for *Glamour* in 2016:

*A year and a half ago, I attempted to pursue a case against the stranger who sexually assaulted me. That day, in a small room painted blue, the detective asked how much I*



*had to drink and questioned my character. "Look, I can't prove a crime was committed," he repeated again and again, until—finally, at a point I can no longer remember—I convinced myself that's actually what he meant.*

*He knows something is broken, I thought with relief, he just can't fix it. As a perfectionist, I understand that abandoning a problem doesn't always mean there isn't one. As a victim, I needed to hear it. So, eyes swollen and hands shaking, I asked. "You can't prove a crime was committed. But human to human; you believe one was. Right?" I can't remember the sentence that came next, I imagine it like the part in a movie where the sound disappears but the mouths keep moving. The only word I remember from his answer is "no." Which is enough. Rape culture is ugly in print, but it's uglier in 3-D.*

I've left out the crucial fact that Ulan knew throughout this entire humiliating, degrading interview that my rape kit had been destroyed. I had not turned it over to police when it was obtained, and no one informed me there was only a 30-day retention of rape kits in New York at the time (something I [helped change in 2018](#)). No one had contacted me to tell me it was gone. Had I know at the outset that no DNA evidence existed linking my assailant to me, I likely wouldn't have gone through the unbearable ordeal of recounting it.

I still wonder to this day why Ulan made me do it. Why, if he knew there was no case, he made me spend hours trying to convince him there was.

But worse than all of that, was the feeling I had at the time — confirmed today — that I was just one in a long line of survivors being treated this way. That the deep sighs Ulan took at times, the subtle smiles I saw him form, were a way of communicating how he'd classified me: Another slutty woman trying to blame her bad decisions on an innocent man.

To say that recalling this is painful would be an understatement. There's not a word in the English language for this pain. It brings back the memories of that meeting with terrifying force. I have chosen to do so with the hope that something will change. Survivors should never have to educate detectives on the meaning of rape. Survivors should not have to relive their trauma only to be told what happened "wasn't a crime." Most of all, survivors should not have to endure being re-traumatized and ridiculed by the very people who claim to defend them.

Please know how grateful I am to you for reading this and for investigating this issue. You know something is broken. Human-to-human, please fix it.

Respectfully,  
Abby Haglage

## CHRISTINE'S TESTIMONY

Hello, my name is Christine. Last September, 2020, I was sexually assaulted. In this short time, I cannot detail the extent of my experience with multiple levels of the NYPD and Special Victims Unit's investigative and procedural callousness, incompetence, and negligence. I plan to submit a detailed, comprehensive written testimony within seventy-two hours of this meeting's adjournment.

Beginning with my botched rape investigation, it has been difficult to experience first-hand the systemic incompetency and lack of investigative effort. Despite personally preparing a comprehensive 13-page document detailing the incident with supplementary documents including related images, screenshots, phone numbers, and a blueprint I designed myself of the perpetrator's home, the first detective failed to conduct a basic investigation, let alone a thorough one. The detective did not interview viable witnesses or retrieve now lost video footage from the bar I was last seen publicly. Instead, he insisted I partake in a traumatizing controlled phone call with the man who raped me. After no updates in the month following my report, I called the detective myself only to find out my case had been closed. Had I not called, I never would have found out.

Seeking to understand how my case could have been closed, I was met with the NYPD and Special Victims Unit's lack of transparency. My experience aggressively self-advocating for basic information about my rape case, an endeavor that took nearly six months after my case was closed, reflects badly on the NYPD and Special Victims' Unit. To see the values of Courtesy, Professionalism, and Respect on every NYPD police car is an insult to my experience.

I am proud to say that I successfully reopened my rape case via Zoom in late March 2021. Unfortunately, the second detective, considered one of the best in the field, proved just as unhelpful; she not only lacked follow through to complete a thorough investigation but also failed to advocate for GHB hair testing after Special Victims Unit collected hair samples. I would have needed to pay over \$1,000 out-of-pocket for this procedure. As I speak, my hair samples remain untested in a lab. Why am I paying for a crime committed against me?

Less than a month ago, my case was closed for a second time without a thorough investigation and without the courtesy of even letting me know. The problems within the NYPD and Special Victims' Unit have not been addressed, identified, or remedied. One of the glaring issues is the quality, not solely quantity, of detectives within Special Victims Unit. Detectives must exhibit exemplary critical thinking and strategizing skills, trauma-conscious care, and psychological and sociological awareness of and on-going, updated training on the complexities of rape and rape culture. Despite my initial faith in the NYPD's ability to arrest the man who raped me, the only arrest that has been made is on my ability to move on with my life as the burden of this case continues to fall on me. As the survivor, I have advocated, investigated, and strategized for my case all while managing the emotional, psychological, and physiological impact of my traumatic experience. Meanwhile, the detectives receiving salaries to investigate my case fail to do the minimum.

My name is Gina Tron and I really appreciate the time to be heard. I was kidnapped in Park Slope by a serial rapist in 2010 and then transported to a second location in Sunset Park where I was raped. I hesitated going to the police because I was using drugs at the time. I assumed they would treat me poorly for that reason and I was already being very, very hard on myself.

Within a few days though I decided to report it because I knew in my heart that this man had done this before and I couldn't live with myself if I did nothing to stop him from hurting others. He was a predator, this wasn't a crime of opportunity. He was brazen and violent in his attack and I truly feared that he was going to murder me.

When I walked into a police station in Brooklyn, I was beyond relieved when the officer I talked to, a man at that, was respectful and sensitive about my situation. While at the hospital I was told that SVU detectives would be coming in to interview me. My initial reaction was that these guys would be even easier to talk to, that they would at least pretend to care like the SVU detectives on television.

But as we all know, life is not a tv show. Two men walked in and did the good cop, bad cop routine I've long heard of, like I was a suspect. The "Bad cop" made it clear through his body language and demeanour that he didn't want to be there and thought it was a waste of time. One of the first questions he asked me was "what makes you think you got raped?" He asked if I was a party girl, focused on what I was wearing and my intoxication. He told me that this case probably wouldn't go anywhere because I was on drugs. He criticized me for not running away sooner; for the record I did literally run away and into the streets. He tried to discourage me from going forward but I was determined to keep going.

Later, at the SVU office, this same officer continued to discourage me as I looked through mugshots, telling me I was wasting his time. He also kept commenting to another officer about how I looked one of their colleagues. They were eyeing me and looking me up and down as if we were at a bar. I told him to please stop talking about my appearance and that I'd feel more comfortable if I had a friend stop by to be with me. I did not have a victim's advocate with me nor did I understand that I could. He told me they were doing me a favor by humoring my iffy rape case. He threatened to drop my case completely if I kept giving him attitude.

After that interaction, I got a call from a new SVU detective I had never talked to before. He said they tracked down my rapist and linked him to two other reports of sexual assault, by two other women who reported him independently of each other and months apart. I was reassigned to this officer, who treated me with the basic respect that any human being should receive, maybe because my claims had been substantiated.

While the rapist was indicted on multiple counts of rape, he is still out on the street to this day, because apparently, the da's office made mistakes prosecuting him. It haunts me to this day that they, like some at SVU, didn't find me and others to have much worth as a person. I had to testify twice in front of the grand jury and the treatment I received from the DA's office was horrific. They showed me pictures of me from the internet that my rapist's private investigator gathered as they prepared for trial, of me in bathing suits and costumes and weird doodles I made online, telling me that some of this was damning evidence that hurt my cred. Even though I testified for them twice, they told me not to contact their office anymore. Very recently a fourth woman contacted me to let me know that this man also attacked her in ways that were even more violent and shocking than I thought he was capable of. I have reason to believe he has attacked more than a dozen women; not only was this injustice for me but for the safety of women of Brooklyn as a whole.

And yet, I was encouraged to not even try to get him off the streets by the Special Victims Unit. I can only imagine how many other reports of violent rapists were discouraged over the years by the Special Victims Unit. I've held many jobs in my life and if I treated any of the customers or clients with the disdain and disrespect that I was treated with in this situation, I would have been fired or reprimanded severely. And I was not a customer, I was the victim of a horrific crime.

The way I was treated by the NYPD was more traumatic in many ways than the rape because I didn't expect the rapist to have any moral compass. But I expected this department to. Please do better. I wouldn't wish how I was treated on my worst enemy.

Thank you for the opportunity to speak.

## Cyberstalking and NYPD Response

Karen Withem

In 2017 I met a man through the internet. After one date, he broke into the site where we met, changed the password to lock me out, and deleted messages from my mailbox. After doing this a dozen times he fanned out and hacked into my email and social media accounts, internet provider account, and bank accounts. There were hang-up calls and harassing texts -- always disguised. There was a key logger and other malware planted on my computer.

I spent months on my own trying to stop this. Finally, after a financial crime, I reported the harassment to NYPD. My first shock was when a civilian employee at the station said: "You're lucky someone loves you so much." The case was assigned to a detective who said he didn't really understand computers or the Internet. He later said, "We don't investigate cyberstalking because it's only a misdemeanor." He ignored the computer tampering which I believe is a felony. He then told me it was my job to uncover forensic PROOF of the perpetrator's identity, and bring it to him to make an arrest.

In fact, I hired a cyber security investigator and an attorney to gather evidence that I gave to NYPD. I gave them a 2" thick notebook full of documentation, including a log of incidents, screen shots, and emails from social media companies confirming that my accounts were hacked. But this man was never arrested.

Desperate for help stopping this, I contacted the Special Victims Division through the sex crime hotline, the NYPD Cyber Crime Squad, and a domestic violence officer. They all echoed the detective's words – they would not investigate because they didn't have the resources, or getting subpoenas approved by legal was "too hard," or because cyberstalking wasn't part of their "mission."

There's more to my story, but it's hard to understand what it's like to be cyberstalked, so I'll briefly tell you the impact this had on me.

- I lost three years of my life, because trying to regain my privacy became a part-time and sometimes a full-time job. When I sat down at the computer I never knew if it would take a few extra minutes to navigate the labyrinthine safeguards I'd established trying to keep this man out of my personal data -- or a few hours to regain access to my own accounts or get a crippled application to work again. I had moved here to work in the media, but my career stalled.

- I spent about \$15,000 repairing and replacing my devices, hiring legal and investigative experts to do NYPD's job for them, and moving my household to try and stop it. But nothing worked.

- In the initial phase of the cyberstalking, I didn't know if this man was going to physically hurt me or someone I was close to, so I suffered panic attacks for the first time in my

life. In the second year, I knew he was unlikely to assault me -- but neither would NYPD stop the harassment. This nightmare was my new normal, and I sank into depression. In the third year of being cyberstalked, I got angry and decided to speak out to change the landscape for other victims.

What haunts me still is knowing that, because this predator was never held accountable by the NYPD, he is now at liberty to stalk and harass women with impunity. He's free to turn their lives inside out as he did mine.

And I think that's a crime.

Thank you for listening to my story.

Karen

Thank you for allowing me to tell my story today. My name is Leslie McFadden

What I'm going to tell you isn't about some minor injustice done to me or the failure of one man at the NYPD. It's about the failure of the NYPD SVU as a system. A system that goes out of its way to dismiss victims of sexual assault and rob them of their justice. And then, worst of all, to deny they did anything wrong.

On Oct. 20, 2015, I was drugged and raped by a colleague. I had gone out for happy hour drinks and after a third glass of wine over several hours, I blacked out suddenly. I woke up in an ER in Brooklyn nearly nine hours later. I had no memory of what had happened next, except for a few horrible flashbacks of the perpetrator. Hospital doctors and a toxicologist told me that the extreme symptoms I was suffering from on arrival at the hospital could not be explained by three glasses of wine.

My memory was hazy but eventually I realized I might have been sexually assaulted and reported it to the NYPD. A special victims detective from Brooklyn named Scott Granai was assigned to my case.

The very first question he asked me at the start of his interview was whether this was really a case of sexual assault or just a case of regret. I had to start our conversation by explaining why I was wasting his time with my rape.

I relayed what I could remember and gave him the name of my attacker as well as another coworker who witnessed part of the night. He then told me the case depended on getting a confession or positive drug test. At his recommendation, I went to the precinct and made a taped phone call to the perpetrator, even though I was terrified to do so and poorly coached on what to say.

During the call, my worst fears were confirmed--the man told me we'd had sex. After we hung up, I started sobbing and the detective took that moment to tell me there wasn't much to go on and presented me with a form that he said would put the case on hold, pending a drug test. It didn't seem like there was another choice, and I was crying so hard I could barely see the form let alone read it, so I trusted the detective's explanation and signed it.

Once he had my signature on that form, Granai did nothing. Literally nothing. He did not pursue proper forensic testing to look for a drug. He never went to any of the locations I mentioned to retrieve the surveillance tapes. He never interviewed or even contacted the perpetrator, though I followed up multiple times and asked him to. He never spoke to the witness I named or any other potential witnesses. He ignored my phone calls and emails. Had he followed these leads, my case could have been a solvable, viable case. Instead, he secretly closed the case just days later without ever doing anything at all. Except lie to me.



I want to stress to you this isn't about the negligence of one man who didn't believe a victim or who felt unmotivated to pursue a case. This is about current SVU leadership that doesn't care.

I've made multiple superiors aware of his willful negligence in my case, to little effect. In 2018, I met in person with then-Chief of Detectives Dermot Shea and then-Deputy Chief Judith Harrison and told them both about Granai's mishandling of my case. After that meeting, I later learned, Granai was selected for a newly created drug-facilitated sexual assault unit.

In 2020, I finally decided to file a formal complaint against Granai with the NYC Civilian Complaint Review Board. The complaint was instead routed back to the NYPD and went directly to his boss, Sgt Biscardi.

Instead of taking my complaint seriously, this man said that I had signed a form stating I didn't wish to cooperate with the investigation.

I was floored. I let Biscardi know I had never wanted my case to be closed and that I had only signed a form Granai had told me would put my investigation on hold. He never said it would close the case.

I told him I hadn't read the form because I was distraught at the time. Instead of being understanding, Sgt. Biscardi berated me about the fact that I'd signed a form asking for my case to be closed. He was incredulous that I hadn't read the form and refused to believe I had been pressured to sign it.

Thanks to Jane Manning's help and the threat of an internal affairs investigation, we were finally able to get a copy of the form. The form was a case closure form. On it, was a statement in the detective's handwriting that said that the case was on hold pending further evidence. In other words, an NYPD detective had altered an official NYPD form to trick me into signing it.

Eventually, Sgt. Biscardi told me Granai was transferred to another unit, but refused to give me any proof of this whatsoever. In fact, the NYPD never responded to a FOIL request requesting proof of this transfer. Granai was never punished for ruining my case.

Because of Granai, I barely have any evidence for an assault that should have had plenty because there were witnesses and potential surveillance footage.

What I know is his superior didn't care until I proved to him I wasn't lying.

What I know is that SVU leadership didn't care, either. Or they couldn't have listened to my story in 2018 and then continued to let that very detective work on drug-facilitated sexual assault cases.

What I know is that the NYPD can't hold rapists and abusers accountable until they can hold themselves accountable to victims.

What I know is that it's time for a change.

I concur with the following as per Councilman Holder:

- more females in Special Victims unit, no more "I'm working on another case.."
- don't say certain things to victims, have a level of care with them victims
- document everything and complete a check list
- call victims and assure proper follow-up with them

My son and I have and been failed and are currently being failed by this same system. We are victims of domestic violence (as I as still dealing with shame and guilt about coming forward). Most importantly, he is a 5 year-old victim of domestic violence and abuse!

I, we demand oversight, accountability, and independent investigations for cases such as mine so that manipulation and control

As Councilman Miller stated, is it a question of "disproportionately, underreported in communities of color..?". I believe so. In fact, other impacted parents such as myself believe so. There is a notion of broken family dynamics that causes us NOT to receive the proper attention deserved in cases of domestic violence. In fact, my son, due to the NYPD not acting in their own professional duty to protect and serve, is forced into an abusive environment. I have complained, with proof, to the CCRB. They responded with a blanket receipt of complaint letter. No follow-up. I was also personally contacted from the Sergeant of the 71st Precinct, who attempted to apologize and agreed that his officers did not act according. Again, No follow-up.

To Chair Darma V. Diaz, my family has contacted Safe Horizon's Child Advocacy Center (specifically the Brooklyn CAC) since 2019, and they neglected to provide my them three year old with a forensic interviewed, who was properly trained to interview reluctant children of abuse. At this very Center, is where I picked up a pamphlet that detailed "Signs of Abuse": burned with a household object. My son was burned with an iron in December of 2018 with an iron while in the care of his father and wife. My son also made a disclosure of "who" actually burned him. Since this incident, and throughout this whole ordeal, there has been clinically diagnosis made for my son, including PTSD.

The NYPD, nor Safe Horizon has properly assisted us. We demand accountability, justice, and change!

Pleading mom,  
Naashia Bettis

To the Members of City Council:

In 2014, I was the victim of a violent hours-long sexual assault that left me with a severe concussion, swollen neck, broken rib, and sprained hip.

When I reported my assault to the NYPD, the detective scoffed and tossed my papers aside, saying, "He's not going to jail for this." He then told me we had to do a controlled call. Terrified of reopening communication with my rapist, I began to hyperventilate. The detective used this as a "gotcha" moment, sneering, "What are you afraid of?" I eventually agreed to do the call, and successfully extracted a full confession from my assailant.

Despite the confession and the violent nature of the crime, my detective refused to pursue my case. He rarely answered my calls and never once responded to my emails. He would lie about making arrest attempts, which was later confirmed once I obtained my case documents (which the NYPD tried to block on several occasions).

During the one attempt the detective made (after I called his supervisor), my rapist wasn't home. The detective left behind his SVU business card, tipping off my rapist, which led to a barrage of threatening phone calls and texts. The detective still didn't take my case seriously.

Nearly a month after the assault, my rapist showed up at my door, demanding to be let in. He was at my door for 20 minutes. The police eventually arrived—half an hour after I called 911. I begged them to go down the street to where my rapist lived and arrest him. They declined. The next morning, I found out my assailant was finally in police custody—for assaulting another woman after leaving my home that night. Using the information I previously provided, they were immediately able to identify, locate, and apprehend my rapist on behalf of another victim.

A year later, I googled "NYPD corruption." The very first article was about my detective, who had apparently earned the nickname "Cuddle Cop" for groping a rape victim after getting her drunk. He had already admitted to this heinous act BEFORE being assigned to my case.

There is a huge difference between fighting against police corruption vs fighting the police itself. It's wildly concerning how the NYPD fails to make this distinction, rejecting the life-saving solutions survivors and advocates have proposed that are designed to help—not persecute—police.

No survivor should ever have to be re-traumatized, gaslit, and treated like a criminal when reporting their assault. We won't stop until meaningful change exists.

Thank you for hearing us out.

Racheal Stirling

My name is Rachel Izzo, and I am 31 years old. My story has been shared multiple times in news media, but I have never been able to share my story in my own words. This is that time, and I hope that by writing this piece, I can urge members of the committee to put efforts towards changing how the NYPD handles sexual assault cases.

In 2013, I was sexually assaulted by a friend in his apartment in Manhattan, while I was visiting New York City after graduating college in Seattle, WA. He is a writer for a popular crime drama, and the aftermath for me left me in emotional shambles. I didn't tell anyone except for a few close friends for many months, for fear of retaliation and retribution. It took many months of therapy, but I finally worked up the courage to report my assault. Knowing him and his personality, I had a feeling that he had done this before, and, despite knowing the odds were stacked against me to build a case against him, I reported my sexual assault to the NYPD, thinking that by using my voice, I would at least begin to heal and take my power back.

I will never forget sitting in a park in Seattle, making the phone call. I was terrified, but knew I was doing something important. And when the NYPD answered, I was relieved. Detective Lukasz Skorzewski, was exactly what I was hoping for. He sounded kind, compassionate, and empathetic. I breathed a sigh of relief, and thought to myself, "Maybe it IS like TV."

Because my case had the potential to be a high profile investigation, I was told that the NYPD would interview me in person, in Seattle, since I was living there at the time. The date was set: July 5th, 2013;; they would arrive in Seattle to interview me, one day shy of the 6 month anniversary of my sexual assault.

I had no idea what to expect. Like many other young women, I loved watching crime dramas on TV. The way that that police are portrayed on TV was what I expected of the NYPD, especially the Special Victims Division: knights in shining armor who come in and rescue victims. Now, as an adult, I understand the reality of police in America, but at the time I was blinded by hope that the reality would be just like TV and my investigation would unfold in a simple, easy way, regardless of the outcome. I knew justice wasn't necessarily going to be served, but if I could at least go through a report and try, I knew that was enough. It was a silly image to have in my head, but it was the image that gave me hope at the time.

On July 5th, I met Det. Lukasz Skorzewski and Lt. Adam Lamboy for the first time. We met at my university in a small lactation room, upstairs from the security office. My advocate was present. They were dressed in business attire and carried their guns holstered on their hips. They looked professional; *just like TV* I thought.

In the small, cramped room, I started telling them about the worst thing that has ever happened to me. I told them every painful detail, even parts I was ashamed of and blame myself for. They listened, seemingly empathetic.

After approximately 2 hours of explaining what happened, the first words out of Lt. Lamboy's mouth were, "are you sure you really said no?" As soon as he said that, I immediately shut down. I don't remember any exchange that happened after that; it was like I had completely dissociated. *How could that be the first thing they asked me?* I thought.

I took a breath after we were done, and left. As soon as I came back to myself, I had dozens of questions I realized I hadn't asked. What happens now? What is supposed to happen between now and the controlled call I am supposed to do, scheduled for October? I had to return to New York for the

controlled phone call, as they are not legal in Washington state. What happens between now and then? Questions were spinning in my head that I realized I had no answers to.

I texted Lamboy and said I had more questions. They agreed to meet me tomorrow after I got off shift at Starbucks.

The next day, I met up with them at my work. They were in casual clothes, no more suits and “Men in black” type outfits. Lamboy told Skorzewski to take me out to lunch in downtown Seattle, which he did. I didn’t think anything of it; it was still professional, we still talked only about my case. I was able to ask my questions and felt some closure in the process, and confidence they would take the utmost care when handling my investigation. Once we were done, I offered to walk Skorzewski to where he was meeting Lamboy and Lamboy’s girlfriend, who happened to be a sexual assault nurse examiner (which was what I aspired to be).

I walked him to the Seattle waterfront, which is littered with cute shops, artisan stalls, and restaurants and bars. Lamboy walked out of a bar to meet Skorzewski, and I waved a “thank you” and said I was going to leave. Lamboy then said to me, “Why don’t you stay?” I hesitated and said, “Well aren’t you guys drinking?” Lamboy shrugged and said, “So what? Come on.”

I had no idea how much this decision would forever change my life.

In my gut, I was a little surprised and unsettled. They were out drinking, in public, and invited me to stay. Now, as a rational adult, I would know better than to engage in behavior like this. However, what you, and anyone reading this, *must* understand, is that I had just told these people the most personal, intricate details of the worst thing that happened in my life. They were the secret keepers of this trauma, enlisted and entrusted with my truth to hopefully bring some justice to light. I completely entrusted my deepest, darkest trauma to them, so I thought, “OK, if they say this is ok, then it must be ok.” I ignored my gut, and I went with them.

Lamboy ordered multiple rounds of drinks, made multiple bar hops, flashed his badge to get in front of long lines. They treated me like a person, not like a victim. For a few brief hours, I forgot about what had happened to me. It was the most bizarre feeling — these were professionals investigating my case, yet they were “clubbing” with me like I was one of them. I felt honored and special, and most importantly, *normal*, which is one of the most cherished feelings in the aftermath of a sexual assault. Deep down I felt unsettled, but I ignored my gut feeling and pushed it away. Because for the first time in 6 months, I was actually having fun and enjoying myself. I pushed the fact that these were professionals investigating my case. I pushed away the fact they told me to lie to my work the next day, and lie to my parents about where I was. I pushed away how uncomfortable I was when they told me to sleep with them at their hotel in Bellevue, across the water from Seattle. I ignored all of that, because in the forefront of my mind, I kept telling myself, “They’re investigating my case, they have my best interests at heart.”

Skorzewski got thrown out of one of the bars for being too drunk. Red-eyed and stumbling, Lamboy drove us up to Capitol Hill, the known “party area” of Seattle. While we were walking back to Lamboy’s car, Skorzewski turned to me and said, “you’re my favorite victim,” slurring his words. I didn’t know whether to laugh or not, but I laughed, somewhat uneasily, as Lamboy and his girlfriend did.

In the last bar of the night, Lamboy and his girlfriend got into a fight in which they grabbed each others collars, knocked over a stack of plates and bowls, and his girlfriend stormed out. Once Lamboy collected himself, and convinced me to stay with them for the night at the hotel, Lamboy piled us in his car and drove full speed to Bellevue. Tearing 90mph over the freeway, after about 10 hours of drinking, was a

little nerve wracking for me. My entire gut feeling about the night was coming to the surface but I pushed it down. I kept telling myself, "They have my best interests at heart."

When we got to the hotel, Lamboy told me to sleep in Skorzewski's room, which was a suite. Skorzewski gave me his bed and some of his old clothes, while he took the sofa. Before closing the door, he said to me, "Rachel, you're pretty cool. No, you're awesome." "Thanks," I said, still unsure how to feel, but smiling. I climbed in bed, ignoring the feeling in the pit of my stomach this was all *so wrong*, and tried to go to sleep.

The next morning, it was my sister's birthday. July 7. Despite the feeling that something was wrong that was lingering over me, I was ready to start the day and move on.

I was watching TV when Skorzewski sat on the bed with me. I called my sister to wish her happy birthday, and in that time frame, Skorzewski had somehow made his way into the bed and was laying in bed with me. I froze. He asked me if it was ok if he laid down. I nodded, frozen. This was my pattern. I freeze. I was in it again. I still thought to myself, "No, he's kind of like a big brother now. That's what it's like. He's just comforting me." That's what I told myself, while I was lying there, frozen, my heart in my throat.

Skorzewski starting touching me. The "big brother" image immediately evaporated. I didn't know what to do. It was like I was frozen in time, like my nervous system had been placed on pause.. He rubbed my legs and said, "You drive me crazy." All I could say was, "I need to keep my clothes on." It was the exact thing I had said to the person who sexually assaulted me. Skorzewski chuckled when I said this. He *chuckled*.

I turned over but he kept feeling me up. My heart was pounding and I couldn't move. He pressed up against my back and I could feel he had an erection.

The "pause" button was still pushed, Skorzewski was in control. He could speed it up or slow it down but I was completely out of the process.

Now, having been a nurse for 5 years, and knowing more about trauma, I think I dissociated for much of the experience; I honestly don't remember how the entire thing ended, but he eventually stopped, turned away and went to shower. As he was in the bathroom, I got up from the bed, went on to the balcony and burst into tears. The first thing I felt was guilt. *He is married*. My first thought was about him, not me.

I texted Lamboy and asked him if he was awake. The first thing he said to me was, "Are you ok?" I now wonder if he expected this to happen? I lied and said I was. I never even told Lamboy this happened, to this day I am not sure what he knew about the time in the hotel room with Skorzewski.

When Skorzewski came out of the shower, he told me, "What happened in here has to stay between us. I have never cheated on my wife before." At that moment, I made the decision to just pretend. Pretend it never happened. I wouldn't tell anyone. I would just keep going.

I don't remember much of that day, but I went home, feeling dirty, disgusted with myself, and ashamed.

The next day, they met up with me one more time prior to their return to New York. Lamboy said to me, "What happened this weekend needs to stay between us, or else your credibility will be shot." It took me a while to comprehend what he said. *If this gets out your credibility will be shot*. So, I couldn't tell anyone. It was on me.

It took me weeks before I was even able to tell my therapist. I didn't even tell her about the hotel room for another month or so. I communicated with Skorzewski professionally and pretended like nothing had happened. I had no idea what else to do.

After repeated phone calls about the investigative process, questions about my controlled phone call, I was done on my end for quite some time, so I figured that I would cease communication with the NYPD until I had to return to New York. So I was surprised when Skorzewski said, "I'll give you a call tomorrow."

And thus began a month long ritual. Skorzewski began calling me on his way to and from work, every day. About 1-2h each day. Somehow I had convinced myself the hotel incident didn't happen, and that he cared about me. He was worried about me. He was working my case and would do the best for me. It felt good to not be alone. Despite that feeling of despair in my gut, which I so consciously ignored, I felt supported. I thought, "Maybe the hotel room didn't happen. Maybe he really cares about my well being." It's honestly surprisingly easy to convince your mind that something didn't happen; but the body knows, and it will eventually remind you, in one way or another.

One day, his calls stopped coming through and I was crashed back into reality. Immediately I understood on a deep level that absolute gravity of the situation I was in. *The detective on my case had formed a relationship with me.* And the hotel room came flooding back to me; *that really did happen.*

For the first time in this process, I was actually mad. I hadn't been mad yet; I had been ashamed, guilty, and disgusted with myself, but never mad at the NYPD. Now I was. So I called Skorzewski out. I told him none of this was ok. It was his job to maintain a boundary, and he didn't. I called him out on the hotel room. I wasn't ok. None of this was ok. He confessed he had feelings for me, this entire time. He also said the boundary wasn't his duty, it was also mine, and that had been my fault. (Again, as an adult, I know how absolutely ridiculous this prospect is).

He said he was going to re-assign the case. I begged him not to. I was terrified about going through the entire process again. I was so close to being done, despite the trauma and anxiety of what our "secret" had caused me, I wanted to just get the case over. We were a month away from the controlled phone call, so close to being done. *What if this whole scenario happened again?* I couldn't go through that.

I was forced to deal with the confusion of Skorzewski, the hotel room, and his feelings that had formed for me on my own. I didn't tell anyone except my therapist and one friend. I couldn't sleep, I was anxious all the time and had angry outbursts. Fear kept creeping in about what Lamboy had said: "If this gets out your credibility will be shot."

The day of my trip to New York finally came and went. I pretended that nothing had happened between Skorzewski and I. I had friends with me; to control my feelings of unease at the precinct, I laughed and joked with them. The SVD didn't think I was respecting them or their precinct; *well I don't*, I thought to myself. But it was my way of coping.

I did my controlled phone call, which I was very poorly prepared for, and the man who assaulted me walked free.

In a last ditch effort, the SVD said they would talk to my attacker. It was now November, 10 months after I was assaulted. I had had enough of the NYPD and did not feel confident they were going to get anything out of my rapist. So I decided to confront my rapist myself, which went terribly, to no one's surprise.



Skorzewski said he would call when they spoke to him, which was going to be today, a particular day in November. I waited. And waited. And no phone call ever came. I called the precinct, to which a female detective, who had made it clear she didn't like me when I had been there in person, answered, "Rachel your case is closed. Don't call here anymore." I said, "What?" I said that Skorzewski was supposed to talk to the person who did this to me, today. She repeated, "Your case is closed, don't call here anymore." I again repeated what he had told me. She continued, "We don't play games here. I'm sorry he gave you an STD but that doesn't mean anything criminal happened. Don't call here anymore." And then she hung up on me.

I was completely hysterical, feeling like my whole world collapsed. My mother stepped in at this point, called her back and she got the same response. I tried to call Lamboy, who ignored me. I blocked my phone number and then called him and he picked up (interesting). He told me the same thing as the female detective.

I never got a response. I never got closure. Weeks later Skorzewski finally contacted me. He said he was mad that I had confronted my attacker myself. They never talked to him. In December, Skorzewski said he was out with an eye injury and he would follow up when he came back. But I never heard from him again.

I sank into a deep depression. I was angry all the time. I stayed in bed a lot. I didn't know how I would ever heal from the double trauma of my assault and what the NYPD put me through.

In January 2014, I slowly began to rebuild and come out of the dark time. "Fuck this," I said to myself. I decided they wouldn't control me or my life anymore. It was time to heal, so I picked up the pieces and began to move on with my life.

I moved to New York, to start Nursing school at NYU. My life was healing. But it was not the end for me.

In April of 2014, I filed an internal affairs complaint against the NYPD. 8 months later, after finishing my first semester of nursing school at NYU, that case closed. Skorzewski was transferred out of the SVD but still kept his badge, and Lamboy retired with his full pension. I received an email from IAB before walking into a final exam. I cried, but knew that it was *finally* time to move on. It was closed. I can heal now.

In January of 2015, a source leaked my story to the New York Daily News, and my story blew up. Suddenly, without my permission, it was everywhere. Something that I had put behind me was plastered on every subway station, on the ground, online, everywhere I turned in the city, and I was completely unprepared to deal with this.

After the story broke, a few things happened, and this is where my story leads me back to the NYPD.

My case was reopened by the Brooklyn SVD, by detective Maria Quinones. They offered to re-examine my case, and give it a fresh set of eyes. I had an advocate working with me at NYU, who was the most influential and amazing person that helped me navigate this tumultuous time. I really owe her my life. But because of her, my case was brought forth again to be reexamined, "by the books" so to speak. I had little confidence, but thought that an investigation by the books would bring me some peace.

Det. Quinones, and her Lt., were going to interview me again. So I prepared again. They fought me when I wanted to have my advocate with me, but I told them absolutely no way am I doing it without her. I knew better now.

With Skorzewski and Lamboy, the interview had taken a few hours. I was prepared for that. I had an exam the next day. I knew a few hours of hard trauma I could handle. It couldn't be worse than anything they had already put me through.

What ensued was 8 hours — *yes eight hours* — of interrogation. Every word out of my mouth was torn apart to shreds, as if I was the one that was guilty. Every sentence out of my mouth was cross-examined, warped and thrown back at me. The tactic was supposedly to “see what would hold up on the stand” but instead I felt like I was being accused of lying. Every detail that came out of my mouth was met with a question: “Are you sure that happened? Are you sure you didn't say no? Did you really want it?” Every. Single. Sentence. About 4 hours in, I had had enough. I walked out for a break and collapsed in a stall the bathroom, in absolute hysterics. My advocate came in to soothe me. She gave me some strength to continue.

Ultimately, my case was closed. Quinones and her lieutenant did talk to my attacker, but nothing would hold up in court. I knew that would be the outcome, no surprise there. I was thankful to have at least some sort of closure. I tried.

But was it worth it?

I sat in my room, asking myself this one day, and I thought: *why is rape the only crime where you are attacked for what you did as a victim?*

It is enormously difficult to tackle and unpack everything that happened to me with the NYPD. But I am sharing my story with you in the hopes that you can realize that this is not an isolated incident. Hopefully the extreme nature of the abuse of power I experienced was an isolated incident, but I know it isn't. I know I am one of many women who were used, abused and screwed out of justice by the NYPD.

I know my case was hard to prove. It was what we call a “he-said-she said.” I knew that. I knew, even with my limited knowledge of the criminal justice system, that the odds were stacked against me; but I had thought that reporting and at least trying would bring me some peace and closure. What I did not know was the amount of trauma and pain I would have to go through in order to at least attempt to seek justice.

This is not ok. *None* of this is ok. What I went through with Skorzewski and Lamboy is NOT ok. How I was treated by the female detective in the Manhattan SVU precinct is NOT ok. How the lieutenant of the Brooklyn SVU interrogated me for *eight hours* is NOT OK.

Victims of sexual assault deserve to be treated like any other victim of a crime.

Why is it that we are questioned for what we did, said, or wore?

Why was Skorzewski re-assigned, and Lamboy able to retire with a full pension?

To put it in perspective, I am a nurse. If I had absolutely one shred of the interaction that Skorzewski and Lamboy had had with me, as a nurse, I would've been fired and had my license revoked, in *minutes*. Skorzewski was transferred, had a demotion and lost some vacation time. Lamboy retired with his full pension. These punishments are unacceptable, given that in *any* other profession, the consequences of these actions would have been far more severe.

I am proud of who I am today. I am an emergency room nurse and a SANE — sexual assault nurse examiner. In my training, I was specifically told that SANEs need to keep the police in line — to stop them from judging whether something did or didn't happen. Why do we need to do that? We shouldn't have to, not as SANEs nor as victims.

What I went through with the NYPD had an enormous effect on every aspect of my life. I say this with complete honest and transparency — what they put me through was worse than my actual assault. I will say it again: *what the NYPD put me through was worse than my sexual assault*. Let that sink in.

I write this today and urge you to consider investigating the NYPD's tactics to investigate sexual assaults. I am just one of many women who has been hurt, abused, and neglected by the NYPD. Fighting for justice for ourselves should not cause this much pain and trauma.

What I experienced with the NYPD was both unnecessary and disgusting. I should not have been subjected to sexual advances by the detective investigating my case. I should not have been so blatantly discarded as a victim of a sexual assault. I should not have been interrogated for eight hours in the second attempt at my case, as if I was the criminal. None of this should have happened.

There *must* be change within the NYPD as an entire system, not just with individuals.

I urge you to listen to my story, and the countless others who have shared theirs, in the hopes you will hear our voices and take action.

Thank you very much.

Sincerely,

Rachel Izzo  
RN, BSN, CEN

Time is of essence .Good afternoon, my name is shamara kelly thriver/survivor DV advocate community organizer at voices of women .During the pandemic the news and many government official empathized how much dv was increasing ,when in reality to dv advocates like myself and others this was normal the pandemic just uncovered the truth domestic violence is an pandemic in itself!all city and government offices were closed safe horizon advocates were rude victims reached out to GRASSROOT ORGS and cbos like the one i work for so we can navigate them through systems .systems at the same time we found issues as well with.domestic incident reports weren't filled out correct ,victims worried about order of protections being renewed advocates on the ground had to relay the message that they were automatically renewed .order of protections aren't protection they actually are a tool that abusers use to keep track of a victim, we need crucial solutions to provide victims safety when victims come into the precinct they should be talking to a officer from the dv unit or even that sometime isn't effective dv advocates need to be implemented in structure of the ways the police support victims it's important ,when victims fill any police report it should not lead to an automatically acs investigation reach out to DV community led orgs to assist with that victim and its families needs so that families can stay together .reality is that their is so much more work to be done if we listen to one another and understand that their are solutions we can help victims and survivors get the things they need !we must shift the narrative because you don't see bruises doesn't mean that the victim isn't telling the truth we must build an care informed system that cares for the victim as a whole!we got work to do!while training is great but if it's not effective what good is training !survivors and DV advocate are the experts of their experience and should be implemented in any policy and safety of victims of dv.As a survivor that went through these systems my abuser wasn't caught until after 13 months after i reported him instead i received an order of protection for just two years and he was released because the nypd couldn't find him.I gave every known address the nypd repeatedly did wellness checks and asked if i knew where he was not releasing that was re victimizing in itself why would i know that ? it had been a year after i got away from him i'm here as an advocate but also a thriver and a survivor saying that nypd has to start handling dv cases with care and compassion and start understanding that victims and survivors aren't gonna fully trust systems because we already are dealing with being in prison so have the ones that know how to identify dv .and though nypd has acknowledge their faults we need more accountability than words my heart goes out to every victim ,survivor that testified today but reality as a black women injustice throughout systems is normal for myself and being victimized by nypd is nothing new so today i speak for survivors that lost their lives to dv and victims and survivors that are still struggling through these systems NYPD overworked isn't a excuse we have to do better !

**Jane Manning, victim advocate**

**Testimony before NYC Council Committee on Public Safety & Committee on Women and Gender Equity**

October 18, 2021

Good afternoon. My name is Jane Manning, and I'm Director of the Women's Equal Justice Project. Through my work as an advocate for survivors of sexual assault, I witness the performance of NYPD's Special Victims Unit on a nearly daily basis.

Thank you, Chair Adrienne Adams, Chair Darma Diaz, Councilmember Helen Rosenthal, and members of the City Council, for your spot-on questions today. And thank you to City Council staff, who have done an outstanding job organizing this hearing and who went above and beyond to accommodate survivors and make it possible for them to be here.

Most of all, I'm grateful to the survivors who are testifying today. This is not easy to do, and they are summoning the strength to do it in the hope that it will lead to change.

What I can offer as an advocate is that the stories you are hearing today are not isolated; they are systemic. In case after case, I see the effects of the lack of proper staffing, proper training, properly experienced detectives, and desperately needed culture change.

To touch on a few of the themes raised in survivors' testimony:

**Drug-facilitated sexual assault:** Christine's story raised the issue of drug-facilitated sexual assault. This is an epidemic in our city, and an epidemic that the NYPD is not on top of and is totally unprepared to deal with. SVU detectives don't know how to investigate it or what kinds of evidence to look for. NYPD doesn't understand the importance of hair testing; that's like a burglary unit that doesn't understand the importance of fingerprints.

**Understaffing:** Survivors shared stories about detectives looking at the clock, or saying, "well, I have another case to work on so I can't work on your case." I heard that same thing from Inspector Paul Saraceno, then the Executive Officer of SVU, who said to me, we have two stranger rapes right now, so we can't investigate your case where the victim is being stalked by her rapist. CM Holder was right, that should never be said, but let's look at why that's being said. It's because it's true. 255 investigators in a force of 35,000 police officers: that equates to less than 1% of the police force assigned to investigate all cases of SA and all cases of child abuse in NYC, though they are some of the most complex and labor-intensive cases. The Special Victims Unit needs to be doubled in size to even approach adequate staffing levels.

**Experienced detectives:** Christine was right. We don't just need the right quantity of detectives; we need the right quality. And right now Special Victims is being flooded with

white shields. These are officers who are not even detectives and who have no investigative experience. The problems with this are obvious. They are not trauma trained; they don't know how to investigate a simple case, let alone a rape case. The failure to retrieve video footage promptly, discussed earlier today, is one example of that.

**Controlled phone calls:** These calls can be a valuable investigative tool if done properly, by a detective who has been trained in how to prepare the survivor, how to defer to the survivor's wishes (whether or not the survivor wants to participate in this call), how to plan the call around the facts and the evidentiary needs of that case, and how to support the survivor through an experience that can be intensely stressful. But SVU detectives are not given this training. The advocates and the survivors have been crying out for years about this, and nothing has been done to fix it.

**If NYPD leadership cared,** we'd see a Special Victims Unit with top-notch investigators, in sufficient numbers, trained in trauma-informed interviews and expert investigations to a person. What we are seeing in reality is the opposite.

**For our next Mayor:** I beg those of you on the City Council who have access to our two Mayoral candidates to tell them: **the next police commissioner needs to be someone with a mandate to take sexual assault seriously in NYC.**

Thank you.