

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH  
COMMITTEE ON WOMEN

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April 9, 2018  
Start: 10:12 a.m.  
Recess: 2:53 p.m.

HELD AT: Council Chamber - City Hall

B E F O R E: DONOVAN J. RICHARDS  
Chairperson

HELEN K. ROSENTHAL  
Chairperson

COUNCIL MEMBERS: Justin L. Brannan  
Fernando Cabrera  
Andrew Cohen  
Chaim M. Deutsch  
Vanessa L. Gibson  
Rory I. Lancman  
Carlos Menchaca  
I. Daneek Miller  
Keith Powers  
Ydanis A. Rodriguez  
Jumaane D. Williams  
Diana Ayala  
Laurie A. Cumbo  
Ben Kallos  
Brad S. Lander

## A P P E A R A N C E S (CONTINUED)

Terence Monahan, Chief of Department  
New York City Police Department, NYPD

Chief Robert Boyce, Chief of Detectives  
New York City Police Department, NYPD

Susan Herman, Deputy Commissioner for Collaborative  
Policing, New York City Police Department, NYPD

Oleg Chernyavsky, Director for Legislative Affairs  
New York City Police Department, NYPD

Deputy Chief Osgood, Special Victims Division  
New York City Police Department, NYPD

Lawrence Byrne, Deputy Commissioner, Legal Matters  
New York City Police Department, NYPD

Mary Haviland, Executive Director  
New York City Alliance Against Sexual Assault

Jane Manning, Director of Advocacy  
Women's Justice Now & Form Sex Crimes Prosecutor

Desdemona Meck, Sexual Assault Survivor

Michael Bach, Retired from NYC Police Department

Amy Gonglu, Intern, National Organization for Women  
New York City

Angela Fernandez, Assistant Director  
Mount Sinai Sexual Assault and Violence Intervention  
Program a/k/a SAVI

Kylynn Grier, Girls for Gender Equity  
Appearing for Leah Jean Francois

Christopher Bromson, Executive Director  
Crime Victims Treatment Center

1 COMMITTEE ON PUBLIC SAFETY JOINTLY WITH  
2 COMMITTEE ON WOMEN

3 [sound check] [background comments]

4 [pause] [gavel]

5 CHAIRPERSON RICHARDS: Good morning. I'm  
6 Council Member Donovan Richards of the 31<sup>st</sup> District  
7 in Queens, and I am proud to chair the Committee on  
8 Public Safety. Thank you for joining us today. I  
9 want to thank Council Member Rosenthal for co-  
10 chairing this important hearing. I also want to  
11 thank the members of both committees who are here,  
12 and we'll start to rattle them off. Council Members  
13 Lander, Ayala, Gibson, Rose, Deutsch, Lancman,  
14 Vallone, Cohen, Rivera. Is that everybody? Okay, I  
15 think that what. With high profile accusations like  
16 those against Harvey Weinstein and the Me, Too  
17 Movement encouraging victims to come forward-forward,  
18 we are in the midst of a moment of reckoning for  
19 perpetrators of sexual assault. We have an  
20 opportunity to address the destructive ideas and  
21 practices that have far too long contributed to the  
22 culture that encourages covering up these incidents.  
23 We know that unlike other crimes, survivors of sexual  
24 assault—assault suffer psychological, emotional and  
25 physical trauma and acts of sexual assault  
overwhelmingly go unreported, which allows

1 perpetrators to reoffend. I commend the Police  
2 Department for their recent efforts to further  
3 encourage victims to come forward and report  
4 incidents to the Police Department. Unfortunately,  
5 that's where my commending of NYPD leadership stops  
6 on this issue. According to a recent report by the  
7 Department of Investigation, the Police Department  
8 has been knowingly neglecting victims of sexual  
9 assault since 2010 and undoubtedly before that. For  
10 years, internal requests for staffing and other  
11 resources that are necessary to adequately address  
12 these high intensive investigations have gone  
13 ignored. Stranger rapes have been prioritized over  
14 acquaintance rapes, but nearly 90% of sexual assaults  
15 in New York City are committed by an acquaintance.  
16 Investigators are not being properly trained,  
17 facilities are not suitable, and wait times are  
18 extensive. It is no wonder that victims don't report  
19 more often, and it seems that the NYPD leadership is  
20 just fine with victims of sex crimes being ignored. I  
21 want to acknowledge that it does seem as though there  
22 are those within the NYPD that are working to get it  
23 right. But again, NYPD leadership has been  
24 unresponsive to the needs that are lacking in order  
25

1  
2 to properly serve justice to these victims and  
3 prevent future offenses. To that end the Public  
4 Safety Committee will be hearing four bills today,  
5 Intro 444 sponsored by Council Member Cumbo would  
6 require all NYPD officers to receive sensitivity  
7 training to assist them in responding to victims of  
8 gender based street harassment and sexual assault. A  
9 preconsidered introduction sponsored by Council  
10 Member Rivera would require the NYPD to utilize a  
11 modern case management system. A preconsidered  
12 introduction sponsored by Council Member Rose would  
13 require NYPD to use evidence based staffing to for  
14 the Department's Special Victims Division, and a  
15 preconsidered introduction sponsored by Council  
16 Member Rosenthal would require NYPD to provide  
17 training on investigating sexual crimes. Thank you  
18 to all of our bill sponsors for promoting these  
19 issues. I want to thank the investigators at the  
20 Department of Investigations for their great work,  
21 and in particular I would—I want to thank Philip Eure  
22 the Inspector General for the NYPD, and Commission  
23 Mark Peters for his leadership. The work you do  
24 provides an invaluable insight into our city's  
25 operations. It is imperative that this work remain

1  
2 independent and not be politicized or tainted by  
3 suspicions of undue influence. Before we begin, I'd  
4 like to thank our Public Safety Committee staff Beth  
5 Golub, Casey Addison and Steve Wrestra and my  
6 Legislative Director Jordan Gibbons for all of the  
7 work they have done leading up to this hearing. We  
8 have a lot to get to today. So, I will now turn it  
9 over to my co-chair Council Member Rosenthal. Thank  
10 you Council Member Rosenthal. [off mic] Go ahead.  
11 [on mic] Go ahead. You can go ahead. Go ahead.  
12 Now, within your City Council role. (sic)

13 CHAIRPERSON ROSENTHAL: I don't think I'm  
14 a little bit there. (sic) I'm so sorry. Thank you  
15 so much, Council Member Richards, and I just need to  
16 get this off my chest before we start the hearing  
17 Council Member. Happy birthday.

18 CHAIRPERSON RICHARDS: Thank you.  
19 [background comments] Thank you.

20 CHAIRPERSON ROSENTHAL: 29?

21 CHAIRPERSON RICHARDS: Yes, that is—that  
22 is 25 actually.

23 CHAIRPERSON ROSENTHAL: 25. Alright, and  
24 you're looking great. Good morning. I'm Helen  
25 Rosenthal. I chair the committee on Women. I want

1  
2 to thank Chair Richards of the Committee on Public  
3 Safety for holding this hearing with us today. On  
4 Friday the Police Department launched a new campaign  
5 to encourage victims of sexual assault to report to  
6 the police. The call is yours, the campaign says as  
7 it promises resources, services and ultimately  
8 justice to those victims who come forward. The  
9 under-reporting of sexual assault is a crisis, but in  
10 light of the Department of Investigation's Report on  
11 the NYPD's handling of sexual assault investigations,  
12 I'm afraid that unless we address the root causes of  
13 that under-reporting a campaign like this simply  
14 won't matter to survivors. It won't matter if  
15 investigators continue to be overworked and  
16 undertrained. It won't matter if facilities continue  
17 to be unwelcoming and substandard. It won't matter  
18 if investigators' case management system can't  
19 guarantee victims privacy or the integrity of  
20 information collected. It won't matter unless  
21 victims can be certain that coming to the police  
22 won't lead to re-traumatization. In short, it won't  
23 matter unless the NYPD finally makes investigating  
24 sexual assault a priority not just in principle but  
25 in practice. Because as the Department of

1  
2 Investigations Report documents and as survivors and  
3 advocates have confirmed, in its allocation of  
4 resources, the NYPD has not made investigating sexual  
5 assault a priority. The Special Victims Division is  
6 in desperate need of resources. Most fundamentally  
7 it's severely understaffed. In March 2018, the DOI  
8 report shows the Division's Adult Sex Crime Units had  
9 just 67 detectives to handle what in 2017 was a  
10 caseload of 5,661 crimes. This level of staffing is  
11 far below national standards. The Prummell model is  
12 one that such standard—is one such standard used to  
13 calculate the staffing level needed to investigate  
14 sex crimes used in Austin, Texas and imposed as part  
15 of consent decrees in Cleveland and New Orleans. As  
16 calculated—calculated by DOI, the Prummell model  
17 suggests that in order to devote adequate time to  
18 each case in 2017, SVD would have needed an  
19 additional 73 detectives effectively double the  
20 number they actually had. Even by NYPD's old--own  
21 standards, this deficiency should be obvious. In  
22 2010, the department convened a Sex Crimes Working  
23 Group to review its handling of sex crimes  
24 investigations. It recommended significant increases  
25 in staffing. In the year since the leadership of SVD

1 has consistently made the case for more detectives,  
2 and yet these resources have not come. The NYPD did  
3 not meet the 2010 Working Group staffing  
4 recommendations, and since then the number of  
5 detectives has not significantly changed in spite of  
6 a 65% increase in SVD's caseload. This understaffing  
7 matters. At its core, it has meant that detectives  
8 are stretched even thinner with less time available  
9 to develop victims' trust and see cases through. It  
10 has meant long wait times for victims at hospitals  
11 including incidences in which no investigator showed  
12 up at all, and the victim left without giving a  
13 report. It has meant that in spite of public  
14 assurances, not every sexual assault case is treated  
15 as the same priority nor are all cases even handled  
16 by the SVD. The DOI report includes claims that the  
17 NYPD's leadership pushes SVD to devote more resources  
18 to "stranger rapes and cases with higher media  
19 profiles leaving less available for others." The  
20 department's Internal Investigation-Investigative and  
21 Enhancement Rubric distinguishes between rape  
22 committed by a stranger and rape committed by an  
23 acquaint-acquaintance or domestic partner. With the  
24 latter cases enhanced only at the precinct level. As  
25

1 with staffing levels, other aspects of SVD's  
2 operations have been critically hamstrung by a lack  
3 of resources. Trainings have not been instituted to  
4 the level called for the division's leadership.  
5 While it takes passing a rigorous six to eight-week  
6 school to become a mounted police officer, for SVD  
7 it's 10 days of training with no test to pass. The  
8 facilities in which adult sex crime squads operate  
9 are inappropriate and poorly maintained lacking  
10 appropriate waiting rooms, or even enough space to  
11 conduct private interviews. The promotion structure  
12 within SVD makes it very difficult to award and to  
13 retain talent. As a result, fewer than 20% of SVD's  
14 detectives are of the first or second grade compared  
15 to 80% in the Homicide Unit. This is not to disparage  
16 the work of the men and women of the Special Victims  
17 Division. On the contrary, SVD is full of dedicated  
18 detectives who have made helping survivors find  
19 justice their mission in life. Under the leadership  
20 of Deputy Chief Michael Osgood, extraordinary  
21 progress has been made toward the creation of a  
22 victim centered approach to investigating sex crimes.  
23 To take one example, SVD's embrace of both Forensic  
24 Experiential Trauma Interview represents a real  
25

1 breakthrough. FETI comprehensively trains  
2 investigators on the impact that trauma can have on a  
3 victim's mental state giving them the tools to act  
4 with empathy and patience when interacting with  
5 victims whose memories and emotional state have been  
6 affected. In doing so, investigators are able to  
7 avoid the pitfalls of traditional methods that  
8 treated sexual assault as just another crime, far to  
9 often derailing investigations and re-traumatizing  
10 victims. The use of FETI is emblematic of the  
11 dramatic changes seen in SVD under the leadership of  
12 Deputy Chief Osgood. His emphasis on the importance  
13 of procedural justice and collaboration with the You  
14 Have Options program is another. We will hear from  
15 survivors' advocates today about the partnership that  
16 Deputy Chief Osgood has forged with them. But no  
17 leadership style can overcome the type of resource  
18 constraints that SVD has been faced with. For even  
19 the most experienced detective there are only so  
20 more—so many hours in a day. For the last decade at  
21 SVD there have not been enough of them. Having read  
22 the DOI report, having spoken with advocates, it is  
23 clear to me that the problem is not SVD but the  
24 environment in which SVD is forced to operate without  
25

1 proper resources, training and tools. That's—that  
2 this state of affairs has been allowed to continue  
3 for so long is incomprehensible to me. Given all  
4 that we know about the effects sexual assault has on  
5 its victims, given that perpetrators tend to operate  
6 serially making each investigation that much more  
7 important to public safety. Given that reporting of  
8 rape and sex crimes have continue to rise even as  
9 overall crime has fallen, given the calls for  
10 increased resources that the SVD's Commanding Officer  
11 submitted in his reports time and time again, I  
12 cannot understand why those calls were ignored, and  
13 so, we must make up for lost time now. To this end  
14 there is progress in light of the DOI Report and  
15 advance—and in advance of this hearing, Commission  
16 O'Neill called last week for a full review of SVD and  
17 committed new resources to the division including 20  
18 new investigators for the Adult Sex Crimes Squad.  
19 This commitment and the new resources are a welcome  
20 start and just as importantly an admission that the  
21 status quo is unacceptable. But let me state  
22 clearly, the changes announced last week are not  
23 nearly enough. The 20 additional investigators for  
24 incidents—for instance, just fill a fraction of the  
25

1  
2 staffing deficit identified by the DOI Report, and  
3 the vast majority of them are rookie officers. The  
4 legislation under consideration today is aimed at  
5 ensuring that a more comprehensive shift in  
6 priorities is implemented. Council Member Richards  
7 described these pieces of legislation and enactment  
8 of these bills would mean concrete steps toward  
9 treating sexual assault as the priority that it is.  
10 In addition to the physical resources, the department  
11 must condense—must consider additional means of  
12 prioritizing the investigation of sex crimes. This  
13 includes making SVD a graded division, and changing  
14 the way that it's overseen through CompStat. It  
15 must continue to collaborate with advocates and work  
16 more closely with the communities that are  
17 disproportionately affected by this crime especially  
18 the LGBT community, and especially trans women of  
19 color. I look forward to hearing the NYPD's—to  
20 hearing about the NYPD's plans to take steps like  
21 these and their full commitment of resources to the  
22 Special Victims Division. The new call—the Call is  
23 Yours Campaign reflects a topline understanding that  
24 sexual assault need to be made a priority, but as of  
25 today, it's a hollow promise to survivors. It's not

1  
2 enough to ask victims to come forward to tell them  
3 that they have the city's support. We must have the  
4 resources available to mean it. I, too, want to  
5 thank the entire team that put this hearing together  
6 including the Committee on Women's staff, committee  
7 counsel Brenda McKinney; Senior Policy Analyst, Joan  
8 Polvony; Policy Analyst Chloe Rivera; Financial  
9 Analyst Daniel Kroop; and Legal Fellow Rabia Kazan.  
10 I also would like to thank Brian Crow and Beth Golub,  
11 and Casey Addison from the Committee on Public  
12 Safety. Finally, thank you to my Legislative  
13 Director, Sean Fitzpatrick, and with that, are we  
14 turning it over? I'd like to turn it back to Council  
15 Member Richards.

16 CHAIRPERSON RICHARDS: Thank you, Chair  
17 Rosenthal. I'm going to give an opportunity for our  
18 bill sponsors to speak on their particular bills.  
19 Council Member Cumbo followed by Rivera-Rivera and  
20 rose.

21 COUNCIL MEMBER CUMBO: Thank you. Good  
22 morning Chair Richards. Good morning Chair  
23 Rosenthal. Thank you so much for organizing today's  
24 hearing. It's very timely, very important and your  
25 opening remarks really shed light on a critical issue

1 and I applaud your efforts to bring real support and  
2 change that is required in order for victims to come  
3 forward. The month April marks our annual nationwide  
4 campaign on sexual assault awareness, a time when  
5 survivors and advocacy groups work to raise awareness  
6 surrounding the pervasive issue of sexual violence  
7 and to educate the public about ways to prevent it.

8 I want to applaud Speaker Corey Johnson and the  
9 Women's Chair Helen Rosenthal for tackling sexual  
10 harassment on the heels of the millions of survivors  
11 who dare to speak up and speak out sharing their  
12 stories of sexual harassment and sexual assault.

13 Their voices resonated through #Me Too and #Times Up  
14 Movements, which struck a cord in all of us. Stop  
15 the Sexual Harassment in New York City Act marks only  
16 the beginning of our efforts to strengthen anti-  
17 sexual harassment training and expand sexual  
18 harassment protections for all employees. The Stop  
19 Sexual Harassment in New York City Act is an  
20 opportunity to refine and introduce new practices  
21 that will foster a safer work environment for all New  
22 Yorkers in order to protect the workforce by  
23 enforcing Human Rights laws. As an advocate for  
24 women's right and gender equality, I am proud to have  
25

1 worked closely on two of the seven bills within the  
2 Stop Sexual Harassment in New York City Act, which we  
3 are voting on today. The package of legislation will  
4 help transform the culture and work places across the  
5 city of New York. My bill, Proposed Intro No. 632-A  
6 and joined by Public Advocate Letitia James and the  
7 incredible Council Members, this law would mandate  
8 that all private employers with 15 or more employees  
9 conduct annual anti-sexual harassment training for  
10 all employees including supervisors and managerial  
11 employees of such employer. The New York City  
12 Commission on Human Rights in order to help employers  
13 meet this mandate will be responsible for creating an  
14 online interactive training module to be posted on  
15 their website for access by employers. I proudly co-  
16 signed-co-primed Intro 630-A alongside Council Member  
17 Cornegy. This law would require the New York City  
18 Commission on Human Rights to design an anti-sexual  
19 harassment rights and responsibilities poster. All  
20 employers in New York City would be required to  
21 display such poster in a conspicuous location where  
22 employees gather. The poster would be made available  
23 online for employer reproduction. The bill would  
24 also require an information sheet on sexual  
25

1 harassment to be distributed to employees at time of  
2 hire. No longer will people be able to say they  
3 simply did not know. Stats: About 1 in 5 Americans  
4 have experienced sexual harassment in the workplace.  
5 About half of American women are sexually harassed at  
6 least once after joining the workforce. One in three  
7 women ages 18 to 34 have been sexually harassed at  
8 work. Seventy-one percent of those women said they  
9 did not report it, and 8% of rapes occurred while the  
10 victim is at work. If you can imagine the work  
11 environment that so many individuals are working  
12 under and the conditions that they are working under,  
13 we know that today's hearing is not only timely, but  
14 also long overdue. I'm not going to turn it back  
15 over to my colleagues for the continuation of the  
16 hearing. Thank you.

18 CHAIRPERSON RICHARDS: Thank you. We're  
19 going to go to Council Member Rivera and following by  
20 Rivera, Rose.

21 COUNCIL MEMBER RIVERA: Thank you. Good  
22 morning. Thank you to Chairs Rosenthal and Richards.  
23 Of course, the Committee staff and Speaker Johnson,  
24 and for the opportunity to provide brief remarks on  
25 Preconsidered Intro 2018-1709. Thank you to the NYPD

1 and all of its detectives on the force for your  
2 efforts to protect New Yorkers. I know as a city we  
3 try to be the best, but I am sure we can do better  
4 for victims' families and survivors. I introduced  
5 this legislation to require that the New York City  
6 Police Department's Special Victims Division, SVD,  
7 upgrade to a modern case management system so that  
8 our city may increase its capacity to investigate  
9 sexual assault while better—while better protecting  
10 the privacy of victims through more secure software.  
11 The New York City Department of Investigation, DOI,  
12 recently published a report detailing the findings of  
13 its year long investigation into how SVD investigates  
14 cases involving sexual assaults. This report, as my  
15 colleagues mentioned, appropriately prompted some of  
16 the legislative proposals before you today. It found  
17 that the Division is understaffed and under-resourced  
18 despite recommendations from a 2010 working group,  
19 and warnings from SVD staff and the years since. The  
20 DOI investigation based on internal NYPD documents  
21 interviews with current and form SVD staff, and  
22 publicly available data clearly shows that sexual  
23 assault cases are not being properly investigated due  
24 to the shortfalls in personnel, department facilities  
25

1 and software. The current case management system  
2 used by the division does not meet contemporary  
3 standards of efficiency and privacy protections.  
4 This legislation would provide the NYPD with an  
5 important tool that could increase capacity and  
6 improve the specialized service level to the victims  
7 of these crimes. A modern system would allow SVD to  
8 better monitor cases and provide appropriate follow  
9 up. It could also help create more accurate reports  
10 providing the data needed for NYPD to gauge  
11 performance more quickly, and so that its partners in  
12 government can ensure New York City is adequately  
13 working to protect those that we serve. Furthermore,  
14 I disagree with the point that this system would  
15 place a clock that dictates the timeliness of its  
16 investigations, and I am confident that it would not  
17 affect the partnerships we worked so hard to  
18 cultivate. After a record leaving the Sex Crimes  
19 Department as an afterthought compared to others,  
20 this system would create a state-of-the-art addition  
21 to your work. This is a resource issue and we know  
22 it can prove to be a benefit. I, therefore, urge my  
23 colleagues to support this legislation along with the  
24 other bills before you that would advance the NYPD's  
25

1  
2 ability to solve and help curb cases of sexual  
3 assault. Thank you.

4 CHAIRPERSON RICHARDS: Thank you, Council  
5 Member. We'll now go to Council Member Rose. Before  
6 we hear from her, we've been joined by Council  
7 Members Cabrera, Menchaca, Powers and Adams.

8 COUNCIL MEMBER ROSE: Thank you. Good  
9 morning and thank you, Chairs Rosenthal and Richards  
10 for holding this important hearing on the handling of  
11 NYPD Sex Crimes investigations. In the advent of Me  
12 Too, women and me are coming forward to share stories  
13 of past incidents of sexual abuse. They often  
14 encounter questions of their veracity, and find  
15 themselves being questioned as to why it took so long  
16 to report these crimes against their person. There  
17 are many reasons why this happens, one of which is  
18 that once reported, they often see no results. Cases  
19 languish without resolution because Special Victims  
20 Divisions are grossly understaffed, as verified by  
21 the recently released report of the Department of  
22 Investigations, DOI, on adult sex crimes. The March  
23 27<sup>th</sup> report contains a good deal of concerning  
24 statistics not least of which is that while most  
25 crimes in New York City are reported to the police,

1  
2 over 70 of the time sexual assault are reported 5% to  
3 20% and it believed that the true rate of reporting  
4 is significantly lower, and why? Because of  
5 intimate-intimate nature of these crimes,  
6 investigating them can be particularly time  
7 intensive. Recognizing this, in 2010, the NYPD  
8 convened a task force to study and make  
9 recommendations on how NYPD handles the  
10 investigations of sex crimes. The task force  
11 recommended amongst other things that the size of  
12 Special Victims Divisions or SVDS, SVDs be  
13 significantly enhanced with experienced officers.  
14 Unfortunately, these recommendations of a task force  
15 it convened itself were not implemented by NYPD. Now  
16 eight years later, the NYPD is still understaffing  
17 its SVDs, and further, it is not using current and  
18 respective models to determine appropriate staffing  
19 levels for complicated cases such as sex crimes.  
20 This is particularly concerning given that the NYPD  
21 has launched a media campaign: The Call is Yours,  
22 urging people to call the NYPD to report sexual  
23 assaults. With the anticipated increase in reporting  
24 will there be enough personnel to handle these cases?  
25 Some of which can date many years, 20 or 30 years.

1  
2 It is imperative that they have enough staff to  
3 investigate these cases, to avoid the re-  
4 victimization of the people who stepped forward. In  
5 an examination of best practices, the DOI Report  
6 examines the most advanced model, which was developed  
7 by Sheriff William Prummell of Charlotte County  
8 Sheriff-Sheriff's Office in Florida. The Prummell  
9 model relies on the average required time to  
10 investigate certain categories of cases and the  
11 portion of work shifts available to be spent on  
12 investigative casework. Combined with the shift  
13 schedule, leave usage and administrative duties that  
14 govern staff availability, using this calculation DOI  
15 estimates that from 2009 through 2017 the NYPD's SVDs  
16 were consistently understaff sometimes by almost 30  
17 detectives. Understaffing combined with  
18 inexperienced personnel and SVDs creates a lack of  
19 faith in the public, and the ability of NYPD to bring  
20 justice to victims. Hence, the low reporting rate of  
21 these crimes. My preconsidered being heard today  
22 will require beginning in January 2019 that the NYPD  
23 used evidence base staffing for its SVDs and report  
24 SVD staffing levels to the Council and the Mayor with  
25 the number of cases officers and investigative hours

1  
2 disaggregated by borough and unit and where  
3 applicable disaggregated by the charged office and  
4 the severity of offense and rank of officers. It is  
5 my hope that implementing an evidence based model of  
6 staffing such as the Prummell model will help address  
7 the critical staffing deficit of our city's SVDs,  
8 which will engender more confidence in the units, and  
9 more importantly keep the women of our city safe from  
10 intimate violence. I look forward to hearing your  
11 testimony regarding this and other bills in this  
12 package of legislation today. Thank you.

13 CHAIRPERSON RICHARDS: Alrighty. Thank  
14 you to all the bill sponsors, and with that being  
15 said, I'll ask our Committee Counsel to administer  
16 the oath to the NYPD.

17 LEGAL COUNSEL: Please raise your right  
18 hand. Anyone who is going to be testifying. Thank  
19 you. [laughter] Do you swear to tell the truth, the  
20 whole truth and nothing but the truth in your  
21 testimony today and to respond honestly to Council  
22 Member questions?

23 CHIEF MONAHAN: I do.

24 CHIEF BOYCE: I do.

25 LEGAL COUNSEL: You may begin.

1  
2 CHAIRPERSON RICHARDS: That's a sign  
3 we're going to tell the truth today. Alrighty.

4 CHIEF MONAHAN: Always, always, always.

5 CHAIRPERSON RICHARDS: Chief Boyce you  
6 may begin.

7 CHIEF MONAHAN: I got it. I got it,  
8 Chief Monahan. Good Morning Chair Rosenthal, Chair  
9 Richards. Happy Birthday also from us, and members  
10 of the Council. I am Chief Terrence Monahan, the  
11 Chief of Department for the New York City Police  
12 Department. I am joined here today with my NYPD  
13 colleagues, Chief Robert Boyce, the Chief of  
14 Detectives, Susan Herman our Deputy Commissioner for  
15 Collaborative Policing and Oleg Chernyavsky, our  
16 Director for Legislative Affairs. On behalf of  
17 Police Commissioner James O'Neill, I am pleased to  
18 testify before your committees today to discuss the  
19 NYPD's response to sex crimes. I have served in the  
20 NYPD for over 36 years. I have seen many changes to  
21 the city and the department over that time. When I  
22 began my career in January or 1982, the city was  
23 engaged in what many considered an unwinnable battle  
24 against crime and disorder. Gun fire erupted on our  
25 streets with unfortunate regularity. Homicides and

1  
2 other index crimes were all-time highs, and patrol  
3 officers were relegated to their radios running as  
4 fast as possible to an unending litany of 911 jobs.  
5 It was a much different city at that time. In  
6 looking at where the city is today, crime levels at  
7 their lowest since the 1950s and the implementation  
8 of a comprehensive neighborhood policing philosophy  
9 it is truly remarkable. What I have also learned  
10 during my career is that out of the many different  
11 roles our police officers and investigators are asked  
12 to fulfill each day, the most important is to be that  
13 of an advocate for victims of crime. This is  
14 especially rue for survivors of sexual assault. The  
15 complexities of such crimes warrant the full  
16 attention and empathy of law enforcement and the  
17 Criminal Justice System. If there is one message  
18 that I want to convey at today's hearing, it is this:  
19 The NYPD stands ready each and every day to support  
20 the survivors of these crimes to hold offenders  
21 accountable and prevent future acts of violence.  
22 Every case we receive is not a number. It is a  
23 person, a victim, a survivor. I want to assure every  
24 New Yorkers that the NYPD takes rape and sexual  
25 assault seriously, and the department investigates

1 every report thoroughly. It is hard enough for  
2 victims of heinous crimes to come forward to report  
3 these traumatic incidents. I want them to know that  
4 the NYPD is here to support them in every way  
5 possible. I want to spend the bulk of my testimony  
6 on today discussing the hard work of the men and  
7 women who serve in the NYPD Special Victims Division,  
8 SVD, but I believe it is important to acknowledge the  
9 backdrop of this hearing and the amount of public  
10 attention this topic has received as a result of a  
11 recent Office of the NYPD Inspector General, OIG  
12 Report. While the NYPD will issue a formal response  
13 to this report over the next 90 days, the time  
14 allotted by Local Law, I want to address some of the  
15 criticisms that have been raised, and also know that  
16 we are internally evaluating OIG's recommendations.  
17 At the beginning of my testimony I mentioned that I  
18 have seen many changes in policing over my career. I  
19 believe this is certainly the case when it comes to  
20 the investigation of sex crimes by the NYPD. Much of  
21 the report focuses on events, policies and decisions  
22 that were made prior to 2014. I want to talk about  
23 the NY—I want to talk about what the NYPD has done  
24 under the de Blasio Administration and the leadership  
25

1 of Police Commission Bratton and Police Commissioner  
2 O'Neill. Over the last several years, the NYPD has  
3 streamlined its policies to make reporting easier to  
4 train our officers in victim sensitive response,  
5 promote transparency about the work of our  
6 investigators and provide precinct based victim  
7 assistance. The NYPD's Special Victims Division's  
8 responsibilities include the investigation of sex  
9 crimes. Penal Law Article 130 Crimes and cases of  
10 alleged child abuse. The division works in  
11 partnership with victim advocates and other city  
12 agencies to carry out its message-mission. Deputy  
13 Commission Herman will speak next about the depth and  
14 scope of our collaborative work. SVD comprises 18  
15 specialized subunits. Each of the city's five  
16 boroughs have a separate Special Victim Squad devoted  
17 solely to the investigation of sex crimes against  
18 adult victims. In addition, the division has  
19 separate investigative units to address DNA cold  
20 cases, transit system cases, child abuse, monitoring  
21 of registered sex offenders and stranger cold cases  
22 among others. No other large municipal police  
23 department's sex crime unit compares to that of the  
24 NYPD's in terms of size, investigative scope and most  
25

1  
2 importantly, expertise across most multiple  
3 specialized fields. Since 2010, the department has  
4 increased the uniformed headcount of the Special  
5 Victims Division by approximately 47% from 149 to  
6 218. Notably three-quarters of that increase  
7 occurred over the last four years. Furthermore, as  
8 of this morning an additional 20 uniformed members  
9 have been transferred into the division bringing its  
10 overall headcount to 238. Like each one of their  
11 counterparts, these newly assigned investigators will  
12 undergo comprehensive specialized SVD training in the  
13 coming weeks--which I will discuss in a moment--before  
14 being individually assigned any cases. We have also  
15 been careful to recruit the right individuals for  
16 this highly complex and sensitive work. We accept  
17 only 20% of those applying to SVD. We are looking  
18 for detail-oriented proactive individuals that have  
19 the temperament to communicate with and empower  
20 survivors. Recognizing that there are always  
21 individuals getting promoted, transferred or  
22 retiring, SVD has done a reputable job retaining  
23 their talent, which is demonstrated by the fact in  
24 2017 twice as many uniformed members were transferred  
25 into the division than those leaving. Furthermore,

1 supervisors and investigators assigned to SVD Adult  
2 Sex Crime squads have an average 8.1 and 6.6 years of  
3 investigative experience respectively. The Special  
4 Victims Division investigates both misdemeanor and  
5 felony sex crimes. The Division has adopted a  
6 survivor centered model of investigation of adult sex  
7 crimes. In this regard investigators work to honor  
8 decisions and preferences of sexual assault survivors  
9 at each stage of an investigation allowing survivors  
10 to choose how far to pursue a case, electing to  
11 report information only, to have the investigators  
12 conduct a partial investigation or to pursue a  
13 complete investigation of the crime. Investigators  
14 provide clear explanations of the reporting process  
15 and investigative procedures and encourage survivors  
16 to consult a sexual assault advocate who counsels the  
17 survivor, and can accompany the survivor during the  
18 investigative process. Investigations are conducted  
19 at a pace set by the victim not the investigating  
20 officer. These and other methods are designed to  
21 treat survivors with dignity and sensitivity while  
22 providing them with a sense of control that having  
23 been sexually assaulted has compromised. Much of the  
24 OIG's attention is fixated on the focused work of the  
25

1  
2 investigators in the division's Special Victims  
3 squads. In 2017, these squads handled a caseload of  
4 approximately 5,650 cases. During this period,  
5 investigators assigned to these squads managed  
6 approximately 8 to 10 active cases per month.  
7 Comparatively, this case load is nearly half of that  
8 of a typical detective assigned to a local precinct  
9 detective squad. Moreover, it is a lower monthly  
10 caseload than that of sex crime detectives who work  
11 in much smaller population cities. The majority of  
12 sex crimes that the NYPD Special Victims Division  
13 receives are misdemeanor cases. Approximately one-  
14 third are felony cases. The NYPD remains committed  
15 to ensuring that these investigators are able to  
16 comprehensively perform these complex investigations.  
17 In 2018, and additional eight investigators began  
18 regularly being assigned new cases. And as I  
19 mentioned before, another invest—another 24  
20 investigators will be supplementing these ranks as of  
21 today. The addition of these investigators will  
22 bring the number of active cases being handled by any  
23 one investigator at any given time to approximately  
24 five to 6 cases. There are also an average of 14  
25 supervisors who are intimately involved in the

1  
2 investigators' cases. The supervisors in the  
3 division play a vital role by ensuring accurate,  
4 thorough and comprehensive work by the investigators  
5 they supervise. For example, in taking a rap  
6 complaint, the complaint cannot be designated as  
7 unfounded without the approval of a special victims  
8 captain. I also want to highlight the vital role of  
9 SVD's Sex Crime Complaint Review Unit, which reviews  
10 every sex crime report received citywide within 24  
11 hours of receipt to ensure proper classification. It  
12 is also important to mention that particularly  
13 complex, long-term investigations can be assigned to  
14 the Division's DNA Cold Case Squad, which possesses  
15 additional investigators. SVD's Cold Case Unit  
16 created in the fall of 2015 has reviewed and closed  
17 approximately 1,400 cases since its—since its  
18 inception. Additionally, Commissioner O'Neill has  
19 overseen the creation of the Stranger Rape Cold Case  
20 Unit earlier this year to review unsolved sex crimes  
21 dating back decades in some cases. We know that  
22 responding properly to sexual assault requires  
23 special skills. Simply put, special victims  
24 investigators are the best trained sex crimes  
25 investigators in the country. Beginning in January

1 2017, every member of the division who handles adult  
2 sex crimes has received Forensic Experiential Trauma  
3 Interview, FETI training. While Deputy Commission  
4 Herman will further elaborate on this training in  
5 testimony, FETI imparts ground breaking interviewing  
6 techniques to law enforcement officers based on the  
7 neuro biology of trauma and how it affects survivor's  
8 recollection of the crime. In addition, all members  
9 of the Special Victims Division complete a two-week  
10 criminal investigation course, which provides  
11 investigators with comprehensive high quality  
12 instruction in investigative fundamentals, techniques  
13 and current detection trends. The Division also  
14 undertakes a five-day special victims investigative  
15 course and provides selected detectives with  
16 additional training on topics such as the science of  
17 DNA, drug facilitated sexual assault and the  
18 investigation of complex cases. Other SVD training  
19 includes peer based investigative process scenario  
20 training, cross-investigative process training,  
21 cohort based learning, neurobiology of sexual  
22 assault, instant response tracking process training,  
23 experiential learning, abusive head trauma training,  
24 zone capping training, district attorney based  
25

1 training and the New York State Police sex crimes and  
2 child abuse course. Five local hospitals have also  
3 partnered with the Special Victims Division to offer  
4 their rap crisis counsel training to our  
5 investigators as well as the victim advocates.  
6 Furthermore, SVD investigators cycle through the  
7 various SVD sub units enable them to learn new  
8 techniques and apply them to their specialized field.  
9 This is not to say that an SVD investigator's  
10 training will end here. The department not only  
11 provides refresher training as needed, but is also  
12 constantly keeping up to date on new investigative  
13 tools, techniques and disciplines and evaluating  
14 their benefit to the work we are doing. If we  
15 identify methods that will improve our ability to  
16 interact with survivors or solve these despicable  
17 crimes as well as—as was the case with FETI, we will  
18 provide additional training to our officers. It is  
19 important for me to stress the training that patrol  
20 personnel receive regarding sex crimes. Both  
21 recruits and in-service uniformed members receive  
22 significant training on responding to sex crimes and  
23 interacting with sex crime survivors. At the Police  
24 Academy, recruits are trained on complaint and report  
25

1 taking for sex crimes with instructions given on the  
2 effect of trauma, how to conduct an interview with  
3 the victim, collect evidence and provide information  
4 on reliable—on available resources and services.  
5 Moreover, recruits also receive training on crisis  
6 management and interaction concerning victims of sex  
7 crimes. Through promotional classes, patrol  
8 supervisors are also trained by investigators from  
9 the Special Victims Division on how to properly  
10 interact with survivors of sex crimes. I would be  
11 remiss if I did not touch upon how we leverage  
12 technology to help the Detective Bureau including the  
13 Special Victims Division more efficiently track and  
14 manage their cases. Over the last four years, the  
15 department has expanded the use of its Enterprise  
16 Case Management System, ECMS. The system permits  
17 investigators to document investigative steps and  
18 organize electronic evidence and communications. We  
19 have seen first hand the benefits of collaboration  
20 between law enforcement agencies, and the detriment  
21 of working in silos. Having an integrated case  
22 management system and providing the highest levels of  
23 security for information within that system are not  
24 mutually exclusive concepts. For example, anyone who  
25

1 accesses a case in the ECMS system leaves a foot  
2 print. In documenting sex crime cases, the system  
3 will automatically restrict and will limit access to  
4 such files. As Police Commissioner O'Neill recently  
5 stated, In most areas of policing the NYPD is very  
6 good. In some areas we are the best, but in all  
7 areas we can get better. We have been working and  
8 will continue to work with sexual assault victims'  
9 advocates and national experts to improve out  
10 practices to enable us to better respond to victims  
11 of sexual assault, make every victim feel safe to  
12 come forward, and reduce the overall instances of  
13 these assaults over time. There is always more to  
14 do, and the department remains committed to  
15 constantly improving how we respond to sex crimes.  
16 Over the next 90 days the department will continue to  
17 examine the findings and recommendations of OIG that  
18 may help improve the sexual--Special Victims  
19 Division. I will now turn it over to Deputy  
20 Commission Susan Herman who will discuss the  
21 department's outreach to the victim advocacy  
22 community as well as improvements that have been made  
23 with respect to the way we interact with survivors.  
24  
25

1  
2 DEPUTY COMMISSIONER HERMAN: Good morning  
3 everyone. We know from national research that only a  
4 fraction of rape and sexual assault victims report to  
5 the police. In fact, according to the most recent  
6 U.S. Department of Justice's National Crime  
7 Victimization Survey, only 23% of rapes and sexual  
8 assaults were reported to the police. This figure  
9 pales in comparison to the reporting rates of other  
10 violent crimes such as robbery and aggravated assault  
11 and is, in fact, a decrease in reporting of nearly  
12 10% from the previous survey. I'd like to note for  
13 the record that the Department of Justice cautions  
14 against using comparisons to years prior to 2016  
15 because the methodology has changed. The research  
16 tells us that we all have more work to do in brining  
17 survivors of sexual assault forward, and to encourage  
18 reporting. Part of the mission of the Office of  
19 Collaborative Policing is to enhance the department's  
20 repose to all victims of crime including victims of  
21 sexual assault. During the last four years, the NYPD  
22 has made a focused and concerted effort to increase  
23 the reporting of sexual assaults, promote  
24 transparency about our work, build stronger cases and  
25 improve the experience of survivors when they engage

1 with our personnel. While I will explain these  
2 efforts in more detail, I will note that some of our  
3 work is already yielding results. For example, in  
4 the first quarter of this year, out of the 382 rape  
5 complaints, the department received, 130 of the  
6 complaints are about incidents that occurred before  
7 2018. In fact, approximately 35 of those complaints  
8 are of rapes that occurred more than five years ago.  
9 This is a significantly higher proportion of older  
10 cases being reported than we've seen in the past.  
11 Based on the increased number of these types of  
12 complaints, and the greater complexity in  
13 investigating and solving them, Police Commissioner  
14 O'Neill has decided to increase the staffing levels  
15 of the Special Victims Division, and Chief Monahan  
16 just mentioned. Over the last four years the  
17 Department has gone to great lengths to encourage  
18 survivors to come forward. We have collaborated with  
19 victim advocates, and prosecutors in all five  
20 boroughs to create new outreach material, which  
21 explains what sexual assault it, how to report it and  
22 where to get assistance. The department has  
23 distributed 36,000 copies of this material in eight  
24 languages to hospitals, family justice centers,  
25

1 borough presidents' offices and to colleges  
2 throughout the city. We have—we have also leafleted  
3 6,000 subway riders with subway specific information  
4 explaining how they can report any level of sexual  
5 misconduct. Additionally auxiliary officers  
6 distributed another flyer at 20 major subway hubs  
7 around the city emphasizing resources for victims of  
8 crime. A total of 76,000 of these flyers went out to  
9 the public in English and Spanish. Moreover, in  
10 2017, the department for the first time launched a  
11 Victims of Crime Section on the department website.  
12 It helps the public become more familiar with  
13 reporting a crime, the criminal justice process  
14 information about various types of courts, resources  
15 and services available to victims, the U Visa  
16 Certification process, frequently asked questions and  
17 a glossary of terms. This way it was developed in  
18 conjunction with the victim advocacy community. To  
19 reach college students, the department first  
20 conducted focus groups with students to understand  
21 their perspectives on the issue. It was clear that  
22 students wanted to hear from other students. No  
23 surprise. So, for three years we have partnered with  
24 the New York City Police Foundation to sponsor annual  
25

1 poster contests for students to encourage their peers  
2 to report sexual assaults to the NYPD. Each of the  
3 winning posters have been distributed to over a 100  
4 colleges and universities in the city. Perhaps most  
5 importantly in this regard, we have also created new  
6 agreements with local colleges to reinforce their  
7 legal obligation to report a campus rape to the  
8 police within 24 hours unless the victim does not  
9 want to report to the police, and to make it less  
10 burdensome to report, school officials are encouraged  
11 to call our Rape Hotline so that victims of rape or  
12 sexual assault can speak directly to the Special  
13 Victims Division. To improve interactions between  
14 our investigators and victims, the department now  
15 provides the Forensic Experiential Trauma Interview  
16 training. This 7-day comprehensive training  
17 specifically tailored to the NYPD's needs is taught  
18 by nationally recognized experts. It covers a range  
19 of topics including the neurobiology of trauma,  
20 common misperceptions about sexual assault and  
21 survivor behaviors, key principles of memory and  
22 coding, storage and retrieval and how to more  
23 effectively communicate with sexual assault  
24 survivors. Essentially, we are training our  
25

1  
2 investigators to recognize the limitations of  
3 traditional who, what, when and where, just the facts  
4 questions, and instead ask more open-ended questions  
5 about what victims experienced. It emphasizes  
6 survivor control of the interview, and give  
7 investigators skills to help victims retrieve more  
8 details about the assault. In addition to training  
9 every member of our Special Victims Division, the  
10 department has also trained 14 prosecutors and 21  
11 Sexual Assault Response Team Examiners, and victim  
12 advocates. According to FETI training experts, the  
13 NYPD is the only police department that has trained  
14 its entire Special Victims Division. We believe it  
15 is a critical addition to training SVD detectives.  
16 Patrol officers are trained in how to study behaviors  
17 and patterns of offenders and are taught to emphasize  
18 patience and respect when inter-interacting with  
19 crime victims. We have partnered with Holovac to  
20 train transit officers twice a year on sexual  
21 harassment in the subway system. Additionally, the  
22 NYPD Transit Bureau has created a curriculum to train  
23 officers in identifying and reducing the incidents of  
24 sex crimes in the subway. In order to improve  
25 outcomes, and hold offenders accountable, the Transit

1 Bureau in conjunction with the Manhattan District  
2 Attorney's Office developed a supporting deposition  
3 form for victims of sex crimes committed in the  
4 subways. It captures an accurate description of  
5 events as well as the contemporaneous victim  
6 statement. Victims can now report the exact details  
7 of the crime in their own words and native language.  
8 Previously, victims were directed to report to the  
9 station house for a further interview, which could  
10 take place days or week later—weeks later, and  
11 frequently led to victims declining to participate.  
12 This form can be completed by a victim at the scene  
13 of the incident providing a more convenient way for  
14 victims to quickly and accurately report crimes and  
15 proceed to their intended destination. Because so  
16 many people riding the subway are commuting or  
17 visiting from other states or countries, this form  
18 allows victims to participate even if they will be  
19 unavailable for further involvement in the Criminal  
20 Justice System. In addition, we have created a new  
21 level of transparency regarding incidents or sexual  
22 assault in New York City. In 2016, we launched  
23 CompStat 2.0. For the first time, the public can  
24 conveniently access information about when major  
25

1 crimes including rape are reported and then nearest  
2 intersection to where it occurred, all while  
3 protecting the identity of the victims. The  
4 department is also committed to transparency  
5 regarding our investigation of sexual assaults. In  
6 2017, the department instituted a Semi-Annual Sex  
7 Crimes Case Review in which victim service agencies  
8 review closed SVD cases. The goal of this review is  
9 twofold: To receive constructive feedback in order  
10 to improve the department's handling of sexual  
11 assault cases and to provide participation  
12 organizations with a greater understanding of about  
13 how the NYPD conducts sexual assault investigations.  
14 We believe we are the second department in the  
15 country to undertake such a review. At the core of  
16 the department's neighborhood policing strategy is  
17 the principle that the NYPD will do everything it can  
18 to help victims of crime rebuild their lives. In  
19 2016, the department launched the Crime Victim  
20 Assistance Program or CVAP. Working with Safe  
21 Horizon, the department has placed two advocates in  
22 our precincts to assist crime victims. The advocates  
23 help to mitigate trauma in the aftermath of crime,  
24 provide information to victims about the criminal  
25

1 justice process, and help victims develop safety  
2 plans to prevent repeat victimization. They are also  
3 advocates for needed services such as safe affordable  
4 housing, emergency NYCHA transfers, victim  
5 compensation, medical care or public benefits, and  
6 link victims to other local service providers for  
7 additional and more specialized assistance. CVAP is  
8 currently operating in over two-thirds of our  
9 precincts, and will be in every precinct and PSA by  
10 the end of this summer. Given the national research  
11 about persistent under-reporting, the department has  
12 also launched now a multi-media campaign entitled The  
13 Call is Yours, emphasizing that reporting is the  
14 victim's choice to make and that doing so can stop a  
15 perpetrator, and connect the victim to important  
16 resources and services. A week ago, we launched the  
17 social media portion of this campaign, and soon you  
18 will see posters on subways, buses, and today-as of  
19 today a motion graphic in our taxis. This is a time  
20 of great challenge when it comes to investigating sex  
21 crimes, but it is also one of great opportunity. Our  
22 goal is simple: Support victims, hold offenders  
23 accountable, and prevent further crime. The  
24 initiatives I have discussed are only a few of the  
25

1  
2 many changes we have made over the last four years to  
3 benefit all victims of crime including sexual assault  
4 victims. The department welcomes an open dialogue  
5 with the Council on how to further improve. External  
6 assessments of the department's work such as the OIG  
7 report or hearings such as this present opportunities  
8 for improvement. Any such external assessment,  
9 however, must be done in a comprehensive, accurate  
10 and responsible manner. The worst consequence of not  
11 doing so is that victim confidence in the police,  
12 which has steadily increased over recent years, could  
13 be eroded. I will now turn it over to Director Oleg  
14 Chernyavsky who will discuss the legislation being  
15 considered today.

16 OLEG CHERNYAVSKY: Good morning Council  
17 Members. Good morning. I'd also like to echo your  
18 colleagues and Chief Monahan in wishing you a happy  
19 birthday to Chair Richards. I'd like to-

20 DEPUTY COMMISSIONER HERMAN:  
21 [interposing] Did I forget to say happy birthday?  
22 Happy Birthday.

23 CHAIRPERSON RICHARDS: What better way to  
24 spend your birthday than getting justice.

DEPUTY COMMISSIONER HERMAN: I agree. No better way.

CHAIRPERSON RICHARDS: Thank you.

OLEG CHERNYAVSKY: I'd like to first note that that pursuant to Local Law 70 of 2013, which created the Office of the NYPD Inspector General, the Police Department was provided with 90 days within which to review and formally respond to allegations, findings and recommendations contained in a report issued by the OIG. We were disheartened that the OIG omitted necessary information in exploring the topic of sex crime investigations by our department before coming to their conclusion and recommendations. For example, had OIG spoken with our Deputy Commissioner for Information Technology, they may have gained a better understanding of the capabilities of our case management system. Had the OIG contacted our Chief of Strategic Initiatives, they may have received greater clarity with respect to department staffing decisions. If the Chief of Detectives was approached by OIG, he—he would have informed them about relevant investigative methods, or had the Deputy Commissioner of Collaborative Policing been interviewed, she would have spoken about the great work this department has

1 done to improve our response to the victims of crime.  
2  
3 Unfortunately, these and other necessary  
4 investigative steps as well as the myriad positive  
5 steps undertaken by this department in this area were  
6 absent from the report. We are likewise concerned  
7 that the Council chose to pre-introduce some of OIG's  
8 recommendations as legislative proposals on 48 hours  
9 after the report was published without allowing the  
10 department to avail itself of the statutory 90-day  
11 review period enacted by this body. We intend on  
12 using this review period to study the data and—and  
13 data analysis and methodology employed by OIG. For  
14 reasons we intend to more thorough—thoroughly set out  
15 in our formal response due at the end of May, we  
16 respectfully oppose the legislation being heard today  
17 for the following reasons:

18 Preconsidered Intro 28-T2018-1709

19 requires a case management system be created with  
20 specific criteria as well as policy that limits  
21 access. Such policies are required to be published  
22 on our website. The bill requires that the system be  
23 able to search and track investigations of the  
24 Special Victims Division, and be able to conduct  
25 automated analysis of the performance of SVD as a

1 whole as well as the performance of personnel  
2 assigned to SVD and the timeliness of investigations.  
3 The department's current case management system  
4 called the Enterprise Case Management System or ECMS  
5 provides assigned case investigators with the ability  
6 to conduct such searches and track cases.  
7 Furthermore, access to the most sensitive cases  
8 including those being investigated by SVD and  
9 homicide squads are restricted and can only be viewed  
10 by a limited number of personnel. The department  
11 places a great deal of emphasis on the ensuring a  
12 high level of performance in its ranks. Over the  
13 last four years, we've revamped our performance  
14 evaluations by removing quantitative standards and  
15 replaced them with qualitative standards. These  
16 quality—this quality driven approach has enabled us  
17 to reduce crime to levels not seen in 70 years  
18 bucking national trends while at the same time  
19 reducing the number of arrests and summonses.  
20 Although personnel evaluations occur on a daily  
21 basis, legislative integration of this responsibility  
22 into an investigative case management system is  
23 inappropriate. Furthermore, placing the clock that  
24 dictates the timeliness of investigations is  
25

1 antithetical to this quality driven model, and more  
2 importantly, ignores the great work we have done with  
3 our advocate partners for the benefit of survivors of  
4 sex crimes. Our investigations follow a survivor  
5 centered approach where a survivor controls the pace  
6 of our investigation through their level of  
7 participation without pressure and on their timeline  
8 not that of a mandated countdown in a computer.

10 Preconsidered Intro T2018-1710 presumably  
11 requires SVD investigators to complete at least 10  
12 weeks of specialized training such as FETI before  
13 interacting with victims. In fact, the bill  
14 prohibits any engagement with victims prior to  
15 completion of this 10-week course. As Deputy  
16 Commission Herman has indicated in her testimony, not  
17 only does the department employ the FETI training  
18 method and has trained all SVD investigators and  
19 supervisors in this discipline, there is also  
20 significant demands of general investigative training  
21 and special victim specific training that takes  
22 places. We believe in FETI, but FETI builds on many  
23 weeks of relevant training that all of our officers  
24 receive, and the enhanced level of training that our  
25 special victims investigators undergo. It is unclear

1 why the bill chooses to dilute the Police  
2 Commissioner's authority by dictating a particular  
3 method and duration of training. This type of day-  
4 to-day oversight must remain in the discretion of the  
5 agency head so that he or she can ensure the most  
6 current and accepted methods are employed especially  
7 in the most sensitive of cases. Likewise, although  
8 the department should, in fact, continue to have  
9 every special victims investigator trained in the  
10 most advanced disciplines, it is inconceivable that a  
11 survivor--[coughs] that a survivor should languish  
12 because the only investigators available at the  
13 moment are ones that have not been trained pursuant  
14 to a Local Law.

16 Preconsidered Intro T1018-1711 requires  
17 the department use an evidence based staffing model  
18 to determine staffing in SVD and specifies factors  
19 that must go into this model. The bill further  
20 requires that the department prepare an annual report  
21 that requires among other things disclosures of  
22 staffing and caseload broken by--broken down by hours  
23 spent on a case. The investigative time spent  
24 tracking models employed in this bill and T-2018-1709  
25 are troubling give the survivor centered approach

1 both we and advocates have worked so hard to embed  
2 within department policy and practices. The  
3 department appreciates our partnership with the  
4 Council thus far in ensuring adequate funding for our  
5 growing staffing needs. The requirements of this  
6 bill, however, erode and encroach upon the most basic  
7 responsibilities of the Police Commissioner to manage  
8 this agency and its personnel. SVD cases are complex,  
9 and each have unique variables that cannot be easily  
10 quantified. Therefore, the determination of proper  
11 staffing levels must be based on an ongoing  
12 assessment of such unique and case specific factors,  
13 not models employed in less than a handful of smaller  
14 jurisdictions with significantly fewer supplemental  
15 resources that can be called upon. As the head of  
16 the largest police department in the nation tasked  
17 with protecting the millions that live, work and  
18 visit the city, it is the Police Commissioner's duty  
19 to determine the proper staffing levels of the  
20 various regular and specialized investigative units  
21 that compromise this agency. This—this  
22 responsibility cannot and should not be legislated  
23 and any agency head cannot be so constrained.  
24  
25

1  
2                   Finally, Intro 444 requires the  
3 department to provide new recruits with sensitivity  
4 training when responding to survivors of gender-based  
5 street harassment and sexual assault. Additionally,  
6 the legislation calls for the provision of biannual  
7 training for all police officers on responding to  
8 survivors of gender-based street harassment and  
9 sexual assault. Chief Monahan and Deputy  
10 Commissioner Herman have both provided detailed  
11 descriptions of the type of sex crimes training of  
12 uniformed members of this department receive. I  
13 would also like to supplement that by adding the—by  
14 adding that our recruit curriculum at the Police  
15 Academy includes a lecture and scenario-based  
16 instruction on LGBTQ issues, which ensure  
17 participants recognize and appreciate the diversity  
18 and concerns of this community and how to provide  
19 culture—culturally competent service with courtesy,  
20 professionalism and respect. Fair and impartial  
21 policing is also covered and recruits are educated on  
22 the efforts of bias and prejudice—on the effects of  
23 bias and prejudice in the police profession.  
24 Moreover, other relevant sections in the Academy  
25 cover investigative report writing, sex offenses, and

1 other crimes against persons. These sections teach  
2 recruits interview techniques and report preparation  
3 including for sex crimes, the elements of penal law  
4 sex crimes and harassment as well as the proper  
5 response to crime victims with a significant—with a  
6 significant focus on responding to sex crimes. As  
7 for our existing officers, in 2017, our Training  
8 Bureau created a training module that addresses  
9 survivors of sex assault. This video based lesson  
10 presented by the Police Commissioner was developed in  
11 conjunction with victim advocates emphasizing the  
12 importance of building strong cases, but more  
13 importantly, treating sexual assault victims with  
14 compassion and respect. It is—it also emphasizes in  
15 no uncertain terms that rape is rape whether it is  
16 committed by a stranger or non-stranger. Given the  
17 sheer importance of this topic the Police  
18 Commissioner directed that the viewing of this video  
19 is mandatory for all uniformed officers. We are  
20 ready to engage with the Council as we have done in  
21 the past, and as we have already done with advocates  
22 to elicit input and recommendations with respect to  
23 the content and frequency of our existing training.  
24 We do, however, have concerns about the mandates in  
25

1  
2 this legislation. The law also seems to redefine the  
3 definition of what is a state law charge, and  
4 requires training on how to detect such behavior. We  
5 recognize the importance of gender based harassment  
6 wherever it occurs, and currently accept complaints  
7 from victims and conduct investigations in regard to  
8 allegations of this illegal behavior. Although we do  
9 not agree with the approach take in the four bills  
10 being heard today, we look forward to continued  
11 dialogue with members and advocates in regard to this  
12 vitally important topic. There remains much work to  
13 be done, and we are seeking the Council's partnership  
14 on ideas for more programming to further encourage  
15 survivors to report and on making our facilities more  
16 survivor centered. I'd also like to invite members  
17 of the Council to meet with us after this hearing is  
18 concluded to learn more about the type of systems.  
19 For example, our Case Management System that were not  
20 covered in the DOI report so we can further this  
21 discussion. Thank you and we look forward to  
22 answering any questions you may have.

23 CHAIRPERSON RICHARDS: Thank you, Oleg,  
24 and we are joined by Council Member Brannan now. So,  
25 let me start off by one, thanking you all and

1  
2 certainly thanking the SVD detectives for the work  
3 that they're doing day in and day out, and I want to  
4 recognize—I know Deputy Chief Osgood is here who's  
5 done a lot of good work in this unit, and I'm starting  
6 to take just a little bit of—I'm a little concerned  
7 about your testimony, and—and I—you know, I—we've  
8 looked at your [off mic] own internal memo. [on mic]  
9 So, is it safe to say DOI has internal memos that  
10 were produced by Osgood and others requesting more  
11 staff perhaps and more resources in their unit? So,  
12 are they pulling staffing issues out of the air if  
13 your own internal memos reflect the need for more  
14 staffing? These are all your memos.

15 OLEG CHERNYAVSKY: Correct. Council  
16 Members, as—as I started and I think as—as the—the  
17 Chief and the Commissioner mentioned in their  
18 testimony that statutorily we have 90 days to respond  
19 to DOI's testimony. Clearly, they've attached  
20 exhibits to their report, which certainly paint a  
21 partial picture of the department and its operations,  
22 but there were serious omissions that took place as  
23 well, and we believe--

24 CHAIRPERSON RICHARDS: [interposing] But,  
25 I—I hear that, but victims don't have 90 days, and is

1  
2 it safe to say--so, you haven't reviewed any of your  
3 own internal memos on this issue as it--

4 OLEG CHERNYAVSKY: [interposing] But  
5 Council Member, we're currently reviewing the report  
6 and the recommendations and accusations and  
7 allegations made in the report. As to victims and--

8 CHAIRPERSON RICHARDS: [interposing]  
9 Allegations--

10 OLEG CHERNYAVSKY: [interposing] As to--

11 CHAIRPERSON RICHARDS: --but memos coming  
12 from your internal department?

13 OLEG CHERNYAVSKY: Correct and that  
14 paints certainly a partial picture, but these  
15 decisions--

16 CHAIRPERSON RICHARDS: [interposing] I'm--  
17 I'm confused. So, it--

18 OLEG CHERNYAVSKY: [interposing] If I can  
19 finish.

20 CHAIRPERSON RICHARDS: Okay.

21 OLEG CHERNYAVSKY: What these--what the  
22 memos show is certainly a request. What it doesn't  
23 show is the balancing of incoming request and needs  
24 of the entire department.

1  
2 CHAIRPERSON RICHARDS: [interposing]  
3 Right.

4 OLEG CHERNYAVSKY: And that's what the  
5 executive staff is tasked with doing is collecting  
6 the needs and the requests from the various units and  
7 bureaus that make up the department and addressing  
8 those requests and need in-in a balanced approach,  
9 but that is-I do want to highlight a couple of  
10 points. One-one main point is that the training that  
11 the department has done and I think all three has--

12 CHAIRPERSON RICHARDS: [interposing] I  
13 don't want to get into the training because it's--

14 OLEG CHERNYAVSKY: [interposing] Well, I  
15 think that's-that's--

16 CHAIRPERSON RICHARDS: --but speaks to  
17 the staffing is where I'll be concerned.

18 OLEG CHERNYAVSKY: Well, I understand. I  
19 understand. So,

20 CHAIRPERSON RICHARDS: [interposing] The  
21 training as well, but staffing.

22 OLEG CHERNYAVSKY: [interposing] The  
23 depart-what the department is doing on a regular  
24 basis is evaluating its staffing, its training and-  
25 and all of the needs of every bureau. So, when you

1 talk about staffing, there's a quarterly assessment  
2 that's done with respect to staffing. That--

3  
4 CHAIRPERSON RICHARDS: [interposing] And  
5 it's done by OMAP?

6 OLEG CHERNYAVSKY: Well, no.

7 CHAIRPERSON RICHARDS: No?

8 OLEG CHERNYAVSKY: That's--it's done by  
9 the entire hierarchy of the department--

10 CHAIRPERSON RICHARDS: Okay.

11 OLEG CHERNYAVSKY: --to include the Chief  
12 of Detectives, OMAP, the Police Commissioner as well  
13 and the entire executive staff, and what those  
14 quarterly assessments have led us to do is increase  
15 the staffing at least under this administration by  
16 roughly 47-49% including today's influx of attorney-  
17 of-of investigators of the-of SVD. What the-what the  
18 Quarterly Assessment enabled us to do is view in the  
19 first quarter of this year, view the cases and the  
20 workload of SVD and determine that a Cold Case Unit  
21 needed to be created and staffing needed to be  
22 allocated for that Cold Case Unit. What our second  
23 quarterly assessment showed us was that one-third of  
24 cases-of rape cases being reported there is an  
25 increase in reporting, but the important piece here

1  
2 is one-third of that increase is out of period  
3 complaints. A third of those complaints are more  
4 than five years old. These are particularly  
5 challenging--

6 CHAIRPERSON RICHARDS: [interposing]  
7 Okay, okay.

8 OLEG CHERNYAVSKY: --complaints to  
9 investigate--

10 CHAIRPERSON RICHARDS: [interposing]  
11 Okay.

12 OLEG CHERNYAVSKY: --and the Commissioner  
13 again increased staffing by another 20 investigators  
14 that are being allocated as--

15 CHAIRPERSON RICHARDS: [interposing] So,  
16 the working group in 2010 obviously came up with some  
17 recommendations, and--and one of those recommendations  
18 was increasing staff. So, speak to your staff  
19 levels. I don't know if you can go back to 2010 to  
20 now. In the SVD Unit, I want to know about  
21 retention. I want to know about how many white  
22 shields were in that department. How long did  
23 individuals stay? So, can you speak to the number of  
24 people, and is it safe to say that there was 65%

1  
2 increase in caseload while staff numbers stayed  
3 stagnant?

4 OLEG CHERNYAVSKY: [coughs] What I can  
5 give you is the number of investigators that we had.  
6 Back in 2010, there was 149 investigators assigned to  
7 Special Victims Division. By 2000 and-

8 CHAIRPERSON RICHARDS: [interposing] Can  
9 you break down, and okay, so we hear 149--

10 OLEG CHERNYAVSKY: [interposing] Well  
11 again, this is something that we're still working on  
12 as we look at the report. So, we can get that for  
13 you.

14 CHAIRPERSON RICHARDS: So, we can't have--  
15 so, you came unprepared to this hearing when you know  
16 we were going to raise these questions?

17 OLEG CHERNYAVSKY: Well, Council Member  
18 respectfully--

19 CHAIRPERSON RICHARDS: [interposing] So,  
20 I want to--so what I'm looking for is--

21 OLEG CHERNYAVSKY: [interposing] -  
22 respectfully, I mean that--

23 CHAIRPERSON RICHARDS: [interposing] Hold  
24 on one second. What I'm looking for are not just  
25 numbers of 149 people. We want to know what are

1 those--what levels of rank these officers or  
2 detectives were at that were in this particular unit,  
3 and--and you were given advance notice that we were  
4 going to raise this question. So, this--

5  
6 OLEG CHERNYAVSKY: [interposing]

7 Understood and what--what the over--oversight topic  
8 here is--is the makeup of SVD, and what we're doing.  
9 Going back to 2010, which is certainly the--what the  
10 OIG Report does and does a comprehensive analysis,  
11 and that is something we have 90 days to respond to  
12 going back to 2010. What we're prepared to talk  
13 about is what SVD is doing today, what the staffing  
14 levels are today. We have 2017 staffing levels as  
15 well, but if you want a comprehensive 8-year analysis  
16 that is fed by the OIG reports, that is something  
17 that we're going to be taking 90 days to respond to.

18 CHAIRPERSON RICHARDS: So, once again,  
19 you came unprepared with the numbers.

20 OLEG CHERNYAVSKY: No, we did not.

21 CHAIRPERSON RICHARDS: And I--and it's  
22 fair, we're going to go through 2017 numbers because  
23 conveniently just on Friday there was some new  
24 announcements on staffing, but can you break down how  
25 many were in the Adults Unit, Adult Victims Unit?

1  
2 Can you break down how many were in the Hate Crimes  
3 Unit? So, can you give us a breakdown of where these  
4 numbers come from?

5 OLEG CHERNYAVSKY: Alright I can give you  
6 the--the Adult--Adult Crime Unit. Last year an  
7 aggregate number for 2017 we had 72 detectives  
8 assigned--invest--white shield and gold shield total.  
9 In the beginning--

10 CHAIRPERSON RICHARDS: [interposing]  
11 That's including who?

12 OLEG CHERNYAVSKY: That's white shield  
13 and gold shield.

14 CHAIRPERSON RICHARDS: How many were  
15 white shield?

16 OLEG CHERNYAVSKY: The exact breakdown  
17 because it changes on a monthly basis. We'll have to  
18 work on that to get it to you.

19 CHAIRPERSON RICHARDS: Is there any way  
20 we can get that--

21 OLEG CHERNYAVSKY: That's part of what  
22 we're doing on a 90-day basis.

23 CHAIRPERSON RICHARDS: --while we're  
24 sitting here?

25 OLEG CHERNYAVSKY: Excuse me.

1  
2 CHAIRPERSON RICHARDS: Is there any way  
3 to get that information? I mean it's only 72  
4 officers in this unit. So, is it—can someone get  
5 that information while we're here.

6 CHIEF MONAHAN: What is he asking for?

7 OLEG CHERNYAVSKY: How many white shield  
8 and gold shields we have.

9 CHIEF MONAHAN: Oh, we could pull that  
10 out by the end of the meeting today, sir.

11 CHAIRPERSON RICHARDS: Okay, thank you.  
12 You may continue.

13 OLEG CHERNYAVSKY: Alright. In the  
14 beginning of 2018, that number went up to 80 doing  
15 the investigations, and as of today, it goes up to  
16 100 in the adult squads.

17 CHAIRPERSON RICHARDS: And what's the  
18 factual basis for your—your staffing levels? So, how  
19 do you determine—so I heard you say, you know,  
20 obviously the department there—there are a lot of  
21 request that—that come in. It still seems to me that  
22 72 investigators, investigating close to 50—over—a  
23 little bit over 5,600 complaints is—is—is not enough  
24 staffing. What would you say to that?

1  
2 CHIEF BOYCE: Well, I—let me start by  
3 saying that a lot of this is done—if you look at the  
4 Detective Bureau, we've changed radically in the last  
5 four years, during my tenure there as Chief of  
6 Detectives. So we added a lot of units, but there's  
7 nothing more important than a crime against a woman,  
8 the sex crimes that we see. So, we've added  
9 specialty squads as well to the Special Victims  
10 Division, and I didn't see that come out in this  
11 report. We added the Transit Squad, the DNA Squad,  
12 the Cold Case Squad, and we did changes, dramatic  
13 changes to how we close cases as well. We also  
14 brought in FETI, and we also started the Crime  
15 Victims Assistance Program with our partners in the  
16 same. So, a lot has been done. Now, we've purposely  
17 always made at least half the catching cases of a  
18 precinct numeric detective squad because we believe  
19 the cases are so advanced, and it's important to do  
20 that. We looked back and we saw this big increase  
21 the last two quarters of the year mostly built on  
22 cases out of that year. So, right now I think it's  
23 35% is cases out of the catching year when they have  
24 it. So, the message is getting out. People are  
25 coming forward. So, we have to add more people to

1 that, and that's what we're doing now. Would I like  
2 more detectives? I sure would, but I also know that  
3 when we have a request for additional personnel, we  
4 have other issues in the city as well, and that has  
5 to be weighed with that. It's only fair to do that.  
6 Am I comfortable with what my detectives are doing  
7 right now in Special Victims? I am. I think they're  
8 doing amazing work. Can I get them more? We are.  
9 We're here to tell you that, but that's been going on  
10 for quite some time now in this past year when we see  
11 this change that's happening. Throughout the country  
12 not just in New York. So, we also do opioids. We  
13 also do gangs. We do a lot of things in the  
14 Detective Bureau, but this is particularly important,  
15 and I think it--the information I see especially  
16 training. These are the most highly trained  
17 detectives I have in my Detective Bureau by far and  
18 no one is even close.

19  
20 CHAIRPERSON RICHARDS: So, white shields  
21 you would consider--?

22 CHIEF BOYCE:

23 CHAIRPERSON RICHARDS:

24 CHIEF BOYCE:

25 CHAIRPERSON RICHARDS:

1  
2 CHIEF BOYCE: White shields get the same  
3 training, sir. White shields get CIC. Let me  
4 explain it to you. They get CIC as soon as they come  
5 in, Criminal and the Investigator's Course, which  
6 everybody gets. They then go onto get FETI training.  
7 They also get sex crimes training. It's Special  
8 Victims training specifically towards that that not  
9 everybody gets. They also get intact training that  
10 goes along biannually throughout the year.

11 CHAIRPERSON RICHARDS: Can you explain  
12 what white shield officers are? So, these are  
13 officers who are--

14 CHIEF BOYCE: [interposing] Correct.

15 CHAIRPERSON RICHARDS: --beginning?

16 CHIEF BOYCE: Some of these officers it  
17 came out that they're rookies. They're not rookies  
18 at all. Alright, Chief Monahan spoke that the  
19 process to get into is harder than any other process  
20 we have. So, two out of ten, 20% only make it who  
21 are acceptable to be brought in. Normally speaking,  
22 it's about 50% of the rest of the squads. Chief  
23 Osgood and make myself, and I make Chief Osgood  
24 interview and all my chiefs. Have 18 chiefs working  
25 for me.

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CHAIRPERSON RICHARDS: And--and you--

CHIEF BOYCE: [interposing] Everybody  
that comes into the squad.

CHAIRPERSON RICHARDS: And can you go  
through other units that take white shields.

CHIEF BOYCE: Sure, I--I can give Osgood as  
a major--

CHAIRPERSON RICHARDS: [interposing] So,  
does a major case take while--white shields then?

CHIEF BOYCE: No, they do not, and I'll  
explain that as well.

CHAIRPERSON RICHARDS: [interposing] Does  
the Bank Robbery task force take--

CHIEF BOYCE: Let me explain, sir. You  
have to frame that because that's not fair.

CHAIRPERSON RICHARDS: Okay.

CHIEF BOYCE: Alright. You have to frame  
that properly. Those are specialty squads. What  
we're talking about here today is those--those are  
catching squads. There is a big difference. There  
is specialty squads within the Special Victims  
Division such as the DNA Squad and the Cold Case  
Squad. That's a career path towards those units.

1 So, you can't compare a specialty unit and a--and a  
2 catching unit.  
3

4 CHAIRPERSON RICHARDS: Does Homicide take  
5 white shields?

6 CHIEF BOYCE: No, it does not.

7 CHAIRPERSON RICHARDS: So, we are putting  
8 perhaps inexperience, I'll give it to you they get  
9 some training, but you're putting inexperienced  
10 officers who are dealing with the most delicate  
11 situation when--when it comes to sex assault,  
12 violence. We find and I--I believe that this is one  
13 of the recommendations from the working group going  
14 back to 2010 with their concern about unexperienced  
15 officers and particular starting to do work in this  
16 particular crew. So, I'm just a little taken aback  
17 that we would put white shields into a position (1)  
18 where this is delicate. You know, we are dealing with  
19 people who are in their most vulnerable state, people  
20 who have been taken advantage of, and it seems to me  
21 that we're victimizing victims all over again.

22 CHIEF BOYCE: I would disagree with that.

23 CHAIRPERSON RICHARDS: So, why are--so I  
24 would like to--  
25

1  
2 CHIEF BOYCE: [interposing] I disagree  
3 with you on that.

4 CHAIRPERSON RICHARDS: I don't believe  
5 they're okay in this particular squad and not okay in  
6 homicide--on the homicide side and other particular  
7 task force that the NYPD has.

8 CHIEF BOYCE: Again, you're going with  
9 catching squads that have the same detectives who go  
10 into specialized numeric units throughout the city  
11 who learn the same.

12 CHAIRPERSON RICHARDS: Right, but you're  
13 saying that--

14 CHIEF BOYCE: [interposing] Let me--let me  
15 just frame this a little more broadly. It--at one  
16 time Special Victims squads were assigned to borough  
17 detective commands. We found that that was a problem  
18 many years ago, and changed it and made it a  
19 freestanding division by itself under one Chief so we  
20 can work--bring back more of an experienced and more  
21 of a technical ability and develop our own people  
22 there. So that's what we wanted to do. When we  
23 found out that the old model when it was not  
24 centrally located, it was in the borough commands  
25 that they were given people that they shouldn't have

1  
2 been given because of the sensitivity of the  
3 assignment. So, we want to train our own people, and  
4 I will say I think Chief Monahan said it, our  
5 supervisors have over 8 years experience and most of  
6 our detectives the average is over 6 years. 6.6. So,  
7 there is a lot of experience there to teach young  
8 officers or young detectives or supervisors--  
9 investigators I should say coming in and that's not--  
10 and the level of 20% acceptance is the highest in the  
11 Detective Bureau.

12 CHAIRPERSON RICHARDS: Right.

13 CHIEF BOYCE: That's why it is--

14 CHAIRPERSON RICHARDS: [interposing] But  
15 there's still an issue with that. You're putting new  
16 officers in and I understand you're doing the 40  
17 hours of training--

18 CHIEF BOYCE: [interposing] The new  
19 investigators--the new investigators. Not all of  
20 them.

21 CHAIRPERSON RICHARDS: The new  
22 investigators. Okay, we'll call them new  
23 investigators, but why should they be in a unit where  
24 you are dealing with people who have experienced  
25 trauma at different levels. Obviously, very high

1 levels in some case. Why would we be put--be putting--  
2 it's similar to the--to the argument of impact where  
3 you're putting rookie officer in some of the most  
4 dangerous neighborhoods--  
5

6 CHIEF BOYCE: [interposing] I would  
7 disagree with that.

8 CHAIRPERSON RICHARDS: --without that  
9 experience

10 CHIEF BOYCE: I disagree with that. I  
11 reject that, sir. It's not impact at all. There--  
12 there are mixed group.

13 CHAIRPERSON RICHARDS: [interposing] It's  
14 very similar, though.

15 CHIEF BOYCE: [interposing] I don't think  
16 so.

17 CHAIRPERSON RICHARDS: If you're putting  
18 new officers--

19 CHIEF BOYCE: [interposing] Stop with the  
20 script.

21 CHAIRPERSON RICHARDS: --where people  
22 have experienced high levels of trauma without the  
23 experience of knowing how to raise a question, and--  
24 and we're not pulling this out of air. We've heard  
25 from advocates. We've heard from individuals who

1  
2 have had to go through particular interviews with  
3 this unit where there have been inappropriate  
4 comments made. So, it seems to me that if you're  
5 going to put people in SVD, they need to be the most  
6 experienced who are capable of dealing with people at  
7 a high level, and I don't think that's too much to  
8 ask for.

9 CHIEF BOYCE: I would disagree with you.  
10 This impact of killing. That wouldn't go, sir. That  
11 has nothing to do with impact. We are selecting--

12 CHAIRPERSON RICHARDS: [interposing] I'm  
13 not—I'm just making--

14 CHIEF BOYCE: [interposing] Well, you  
15 said it and I'm going to reject it.

16 CHAIRPERSON RICHARDS: Yeah.

17 CHIEF BOYCE: It's as simple as that. So,  
18 if you look at the people we put in there with  
19 quality people, we are building this unit we believe  
20 with the best people we have. So, we don't want  
21 people from other units. We want to—specifically  
22 selected people to grow on, and we've done that, and  
23 we've given them a career path to go before that. It  
24 is not all white shields who come in. We have  
25 detectives coming from other units as well, and we—

1  
2 and we mixed them in it as well. So, we believe this  
3 is the best path we have right now. It is to bring  
4 units in and have their careers spent in the Special  
5 Victims Division.

6 CHAIRPERSON RICHARDS: So, let's--let's  
7 stay on the subject for a second. So, the homicide  
8 is a great division, correct?

9 CHIEF BOYCE: It's a specialty squad,  
10 sir. It's not a catching division.

11 CHAIRPERSON RICHARDS: Sorry, I didn't  
12 hear you.

13 CHIEF BOYCE: It's a specialty squad.  
14 It's smaller than Special Victims.

15 CHAIRPERSON RICHARDS: Okay. So, why  
16 isn't SVD a graded unit? So, it seems to me--

17 CHIEF BOYCE: [interposing] And when you  
18 say graded, what does that mean?

19 CHAIRPERSON RICHARDS: Different ranks.  
20 So, people having the opportunity to move up in the  
21 ranks, right. So--

22 CHIEF BOYCE: They do in Special Victims.

23 CHAIRPERSON RICHARDS: They do at SVD?  
24  
25

1  
2 CHIEF BOYCE: Yes. They can--they--they go--  
3 can go to the DNA Squad or the Cold Case Squad.  
4 Those are two career paths for them.

5 CHAIRPERSON RICHARDS: That's not the  
6 information that we have.

7 CHIEF BOYCE: I'm telling you. This is  
8 my--this is my bureau, and this is--they can go to as  
9 far as it is a grade. That's where they're taken  
10 from. They're usually not taken from anywhere else  
11 but that.

12 CHAIRPERSON RICHARDS: Right, but there's  
13 still an issue here. In other units you are able to  
14 move up to a graded--you're able to be graded.

15 CHIEF BOYCE: The Homicide squads or a  
16 specialty squad.

17 CHAIRPERSON RICHARDS: Right.

18 CHIEF BOYCE: --pulled from--in--in each  
19 borough.

20 CHAIRPERSON RICHARDS: [interposing]  
21 Well, why these be given that same priority?

22 CHIEF BOYCE: I think they are. I think  
23 they're give the opportunity to--to go to a graded  
24 squad. To--I'm sorry, to a--to a promotional spot and  
25 that's where they are in those units.

1  
2 CHAIRPERSON RICHARDS: [interposing] So,  
3 can you name some of the promotional spots that some  
4 of the individuals who went through SVD have moved  
5 to?

6 CHIEF BOYCE: Sure, I-I mean I won't-I  
7 won't embarrass the detectives by giving you their  
8 names.

9 CHAIRPERSON RICHARDS: And if you can  
10 give a breakdown of it.

11 CHIEF BOYCE: But I do. It's-it's-it's  
12 easily for anybody else, but I'll give it to you  
13 again here. It's we had four detectives last year go  
14 into second grade. That's two-two-one lieutenant,  
15 and I believe two went two who went to first grade,  
16 but I-I'll have to look. I know four went to second  
17 grade.

18 CHAIRPERSON RICHARDS: [interposing] And  
19 can you use percentages based on--

20 CHIEF BOYCE: [interposing] Okay.

21 CHAIRPERSON RICHARDS: --those who have  
22 gone from homicide, those, you know, who have moved  
23 up there compared to those in the SVD Unit as well?

24 CHIEF BOYCE: I would have to get back to  
25 you on that because I don't have percentages on-

1  
2 across the city, but again that's a--those are--they  
3 aspire to specialty squads. They usually get a grade  
4 once they get there.

5 CHAIRPERSON RICHARDS: So, you said there  
6 were four. So, four--

7 CHIEF BOYCE: [interposing] Four last  
8 year in 2017--

9 CHAIRPERSON RICHARDS: [interposing] Four  
10 last year.

11 CHIEF BOYCE: --that made the second  
12 grade.

13 CHAIRPERSON RICHARDS: That made the  
14 second grade and out of how many?

15 CHIEF BOYCE: I'd have to look at the  
16 number. Out of the whole unit.

17 CHAIRPERSON RICHARDS: So, four out of  
18 the whole unit.

19 CHIEF BOYCE: Right.

20 CHAIRPERSON RICHARDS: So, it doesn't  
21 seem like we've shown or they're showing that there's  
22 a real path for that.

23 CHIEF BOYCE: Four to second grade--

24 CHAIRPERSON RICHARDS: Right.  
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CHIEF BOYCE: --and one-one lieutenant.

So, you have to have go across the whole city for that, and I-I have 10 -I have 8 detective boroughs in 10 divisions. So, we have only a finite number of promotions. I-I think it's fair to be honest with you. I wish it was more to be honest. I would--

CHAIRPERSON RICHARDS: Right.

CHIEF BOYCE: --but, and it right now.

CHAIRPERSON RICHARDS: [interposing] But it may be hard for you, and if we looked at retention numbers it may be hard for you to retain--

CHIEF BOYCE: Retain? What do you mean by retain

CHAIRPERSON RICHARDS: --people with the SVD Unit. So, so can you speak to how long particular people in this unit have served for or we can ask Deputy Chief Osgood to come up. I have no--

CHIEF BOYCE: Sure he can come up, but I just told you before we have an average 6.6 years of experience right now and catching adults squads. The sergeants have 8.1 years experience in those squads.

DEPUTY CHIEF OSGOOD: So, I can add just with the adult squads. You have seven second grade

1  
2 detectives assigned just to the Adult Squad. Six  
3 first graders at the--

4 CHAIRPERSON RICHARDS: [interposing]  
5 Wait, slow down, slow down. Say that again.

6 DEPUTY CHIEF OSGOOD: Seven second grade  
7 detective assigned to the Adult squads, six first  
8 grade detectives assigned to the Adult Squads. The  
9 current breakdown of the detectives to--to white  
10 shields this is going back to the end of 2017 with 63  
11 detectives, 13 white shields in the adult squads.

12 CHAIRPERSON RICHARDS: And that's a  
13 total--so 63 last year.

14 DEPUTY CHIEF OSGOOD: That was--that was a  
15 total of 76 at the point at the end, right at the end  
16 of 2017.

17 CHAIRPERSON RICHARDS: So, 63 detectives,  
18 13 white shields. How many second grade?

19 DEPUTY CHIEF OSGOOD: Six--seven second  
20 grades, six first grades. So, 13 out of the--out of  
21 the 76 at grade 11.

22 CHAIRPERSON RICHARDS: Alright, let's  
23 speak through caseloads a little bit. So, obviously  
24 there's been a lot of concern around the staffing  
25

1 levels in the department 72? Am I safe to say 72  
2 people in the SVD unit?  
3

4 DEPUTY CHIEF OSGOOD: That was the  
5 headcount at the end of 2017.

6 CHIEF BOYCE: That was the end of 2017.  
7 Currently that's up to—it was up to 80 as of last  
8 week. Today it's up to 90 or up to 100.

9 CHAIRPERSON RICHARDS: Up to 100 based on  
10 the announcement Friday?

11 CHIEF BOYCE: Right. That's correct.

12 CHAIRPERSON RICHARDS: And can you speak  
13 to where you—where those 20 officers are being  
14 relocated from as well?

15 DEPUTY CHIEF OSGOOD: Fifteen came from  
16 patrol, various areas of patrol, five came from the  
17 Detective Squad.

18 CHAIRPERSON RICHARDS: So, 15 patrol—15  
19 from patrol, they consider—

20 CHIEF BOYCE: White shields.

21 CHAIRPERSON RICHARDS: So, more white  
22 shields then.

23 DEPUTY CHIEF OSGOOD: And five—five came  
24 from the precinct detective squads. They're told  
25 shields.

1  
2 CHAIRPERSON RICHARDS: so, we're moving  
3 back. So, now, what's the total of white shields  
4 here? So, we're once again throwing in the least  
5 experienced into this particular department.

6 DEPUTY CHIEF OSGOOD: Well, I mean  
7 Council Member, let me correct that narrative. You  
8 keep saying that they're the least experienced and I  
9 understand that--

10 CHAIRPERSON RICHARDS: [interposing] Yes,  
11 when you're dealing with people who have gone through  
12 sexual trauma--

13 DEPUTY CHIEF OSGOOD: [interposing] And I  
14 understand that--I I'd like to say that--

15 CHAIRPERSON RICHARDS: --we need  
16 individuals--

17 DEPUTY CHIEF OSGOOD: [interposing] Right  
18 and I'd like to--I'd like to again repeat that we  
19 understand that the DOI Report is now feeding the  
20 entire line of questioning, and that we were not  
21 called upon--

22 CHAIRPERSON RICHARDS: [interposing] It's  
23 not DOI. This hearing was--

24 DEPUTY CHIEF OSGOOD: [interposing] But--  
25 but--

1  
2 CHAIRPERSON RICHARDS: [interposing] this  
3 hearing was being schedule way before DOI did their  
4 report.

5 DEPUTY CHIEF OSGOOD: [interposing] Well,  
6 I understand, but I mean I think—I think it's true to  
7 say that given—given the opening statements and the  
8 questions we've heard so far they're primarily based  
9 on—on the report that—that omitted vital information  
10 from it, right? So, to call these—these  
11 investigators as inexperienced is very misleading.  
12 Both chiefs have said that the average experience of  
13 an investigator coming into SVD is 6.6 years, 20% of  
14 which are only approved, right out of the total—out  
15 of the total applicants only 20% of the applicants  
16 are accepted. The applicants that are in there are—  
17 are—have an average of 6.6 years. The supervisors  
18 have an average of eight 8.1 years, right. On top of  
19 this experience that they've gained throughout the  
20 department, they also undergo some of the most  
21 intensive training nationally, right, to include FETI  
22 training. So, to keep repeating that these  
23 individuals are somehow ineffective or deficient I  
24 believe is wrong.  
25

CHAIRPERSON RICHARDS: We can disagree to disagree, but we believe that--

CHIEF BOYCE: Just--just--just--if I can just add onto that. [laughter] You can't necessarily say a great robbery detective investigator or burglary is going to be a great Special Victim crime investigator. You can't make that assumption because it's entirely up to the supervisors in the Special Victims Division to--to identify persons who are going to be sympathetic and most ability to get information from people, and understand the business itself. So, to automatically say just because they're experienced in one area, they're going to do great, if they're a narcotics investigator they're going to do very well in Special Victims, I don't think that that's an accurate statement.

CHAIRPERSON RICHARDS: And according to the DOI Report, the department believes that a caseload of 93 cases per year is appropriate. Do you agree?

DEPUTY CHIEF OSGOOD: [off mic] Well, we added more investigators.

1  
2 CHIEF BOYCE: Well, we added more  
3 investigators. We saw there was an uptick and we  
4 countered that uptick with more people coming in.

5 CHAIRPERSON RICHARDS: [interposing] Can  
6 you speak a little higher.

7 CHIEF BOYCE: Higher? Oh, speak a little  
8 louder.

9 CHAIRPERSON RICHARDS: Louder, louder.  
10 Sorry. [laughs] Higher, louder into the mic.

11 CHIEF BOYCE: So, I can tell you that 93  
12 is not an optimal number--

13 CHAIRPERSON RICHARDS: So, that has been  
14 a flash back to that marijuana hearing, but go ahead.  
15 [laughs] We love it.

16 CHIEF BOYCE: So, I will tell you now the  
17 projection right now is 58 cases a year, and it  
18 doesn't mean they all carry 58 at once. So, 91 they  
19 didn't carry ones. They averaged 8 to 10 cases a  
20 year at any given time. So, '91 was the course of  
21 the year. So, most detectives this is just a  
22 projection or anticipated that they carry 8 to 10  
23 cases at any given time. With the new influx or  
24 influx of investigators, that will come down between  
25 5 and 6 a month. So, we will see less and less.

1  
2 CHAIRPERSON RICHARDS: So on average?

3 CHIEF BOYCE: More time to work with  
4 them.

5 CHAIRPERSON RICHARDS: From that 93  
6 number you'll see five or six?

7 CHIEF BOYCE: We think it's going to be  
8 58, the average now, our projections.

9 CHAIRPERSON RICHARDS: Okay, and let's—  
10 let's just go back through—so let's look at obviously  
11 domestic rapes and acquaintance rapes for a second.  
12 Do these take the same priority within your division?

13 CHIEF BOYCE: Most certainly, and here's  
14 the thing with that. When you have a rape is a rape,  
15 and it's a violent sexual assault on someone. So,  
16 it's a different investigation. The starting points  
17 are different. With a domestic rape, just about  
18 99.9% they're identified perpetrators. The  
19 investigation is accelerated at that point. So,  
20 you're starting from a different starting point, and  
21 that has to be under—understood that now we're  
22 building—we're working the case to solidify the  
23 prosecution against this individual. So, you start  
24 at a different area in the investigation, and I could  
25 give you a whole—we have 12 investigative step that

1 we—that we require. So, that brings you to a  
2 different starting point. It's not that we take them  
3 any less seriously. Of course we do. It's taken  
4 quite seriously and at the same level. A stranger  
5 puts us—put us at a different part of the  
6 investigation. The starting point is quite  
7 different.  
8

9 CHAIRPERSON RICHARDS: And how many  
10 precinct level adult sex crime investigations  
11 occurred in local precincts rather than in the SVD?

12 CHIEF BOYCE: [interposing] Okay, let me  
13 make that very clear. So, when a patrol makes a  
14 summary arrest, arrests someone at the scene of the  
15 crime where it's directly thereafter, that is the  
16 only that a precinct detective squad will enhance  
17 that arrest. There are guy who really do the same  
18 thing that the Special Victims Division does. They  
19 will interview the victim. They will interview the  
20 perpetrator. They will get corroborating evidence as  
21 they can. They will go out there and assist patrol  
22 in getting evidence, any forensics they might have.  
23 And a litany of other things as well. So, that is—  
24 and they do that everyday any time patrol makes an  
25 arrest on a felony arrest it's enhanced by the

1  
2 Detective Squad. So that's something they do. So,  
3 any time it's--unless it's a stranger rape. If it's a  
4 stranger rape, Special Victims comes and goes and  
5 does the investigation immediately, they're  
6 immediately on the job.

7 CHAIRPERSON RICHARDS: But you can see  
8 what our concern is with that.

9 CHIEF BOYCE: I do and I want to explain  
10 it to you and I see the concern--

11 CHAIRPERSON RICHARDS: Okay.

12 CHIEF BOYCE: --and I think it's a fine  
13 point.

14 CHAIRPERSON RICHARDS: [interposing] So,  
15 we're getting back to like the white shield patrol  
16 officers sort of conversation again--

17 CHIEF BOYCE: I disagree.

18 CHAIRPERSON RICHARDS: --as opposed to  
19 SVD taking on these particular cases. So, is this a  
20 question of staffing levels again? Does this go back  
21 to we need more staff?

22 CHIEF BOYCE: Again, this is summary  
23 arrest only where we make an arrest at the scene.  
24 Everything else is handled by the Special Victims  
25 Division. So, it has to be a point that you--you take

1  
2 your finite resources and use them mostly--most  
3 efficiently and most intelligently, and that's what's  
4 worked for us. So, the sector squads are very good  
5 at doing--at doing exactly that. FETI training if  
6 your question goes there--

7 CHAIRPERSON RICHARDS: [interposing] Yes.

8 CHIEF BOYCE: --can only begin after the  
9 first sleep cycle of the victim. So, it's really  
10 very--it's not relevant initially--

11 CHAIRPERSON RICHARDS: Right.

12 CHIEF BOYCE: --at the time of the thing.  
13 So that's--that's have to be there. So, FETI training  
14 they don't have to be FETI trained when you--  
15 initially. Someone else will get that. We'll  
16 develop the case from there.

17 CHAIRPERSON RICHARDS: But a patrol  
18 officer would not have received that particular  
19 training?

20 CHIEF BOYCE: No.

21 CHAIRPERSON RICHARDS: Right, and what  
22 can lead--what issues can arise from SVD not dealing  
23 with these issues opposed to having a patrol officer  
24 deal with these particular issues?

1  
2 CHIEF BOYCE: I don't understand your  
3 question?

4 CHAIRPERSON RICHARDS: So, a patrol  
5 officer responding, somebody is going through  
6 intensive trauma and SVD not responding, but the  
7 local precinct responding.

8 CHIEF BOYCE: Right.

9 CHAIRPERSON RICHARDS: Have you heard of  
10 any issues that have arisen?

11 CHIEF BOYCE: So, we would as the nurses  
12 in there to call Special Victims direct and they do.  
13 At the time I can't tell you how many time they  
14 didn't, but we asked them to do that to get us  
15 involved almost immediately in the case. So, we  
16 don't—we prefer our best person there at the scene  
17 for any—for any incident or sexual assault.  
18 Uniformed officers are trained for sensitivity and  
19 respect, but I need some detective there to  
20 understand the Rules of Evidence, and so we can see  
21 immediately because evidence is sometimes late (sic).  
22 So, I need a detective there who understands that who  
23 can get those statements from them. So, we have—

24 CHAIRPERSON RICHARDS: [interposing] And—  
25 and I--

1  
2 CHIEF BOYCE: --and I'll respond to the  
3 hospital as best--as best can. We have a Late Tour  
4 Unit which we never had before. We added that as  
5 well.

6 CHAIRPERSON RICHARDS: But what I'm going  
7 to get back at again is once again complaints from  
8 victims on individuals who are dealing with them that  
9 are not SVD who have complaints or certainly heard  
10 inappropriate things from local precincts when  
11 they're taken in. So, this gets hack to the  
12 conversation if this is a priority to the NYPD, we  
13 need to ensure that those who have the highest levels  
14 of training and standards are dealing with sexual  
15 assault victims and those who have endured sexual  
16 violence and throughout your testimony, I have not  
17 heard a real acknowledgement of that I've just heard  
18 we're okay with using white shields. I have not  
19 heard that that you are serious and yes we added 20  
20 Friday, but once again, we're going back to the white  
21 shield conversation, and it doesn't say that this  
22 particular department is taking this issue seriously.

23 DEPUTY CHIEF OSGOOD: Again, obviously  
24 patrol can always get better. We always as an agency  
25 can get better in the way we treat these survivors.

1  
2 But to just kind of make some distinctions. What  
3 you're talking about, the only time Special Victims  
4 does not come out is if the arrest is made right  
5 away. We respond to the scene, and the perpetrator  
6 is pointed out directly. That case is enhanced by  
7 the precinct detective squad to get the information  
8 like they do with every other arrest that walks  
9 through the doors of a precinct. If the survivor goes  
10 to the hospital, and it's an ongoing case, Special  
11 Victims is notified. Patrol will not be called to  
12 the hospital. This is the only incident that patrol  
13 does not come and take the initial report. So, for a  
14 sex crime victim at a hospital notification is made  
15 to sex crimes to take the report. If sex crimes is  
16 unavailable due to another investigation that they  
17 may be on, then a detective from the local squad  
18 and/or night watch will respond. So, we'll have an  
19 experienced investigator takin that initial  
20 statement. We will not have a patrol car going to  
21 that hospital to take the initial statement.

22 CHAIRPERSON RICHARDS: But this goes back  
23 to the question of staffing again and SVD should  
24 really be dealing with all of this, and we don't  
25 believe here at the Council that and this is why

1 we're entertaining these bills that you perhaps  
2 oppose, but we don't oppose ensure that victims with  
3 who are dealing with sexual assault and sexual  
4 violence are receiving the services that they so  
5 deserver and anything less of that is a failure on  
6 the department. So, SVD and we want to hear from  
7 Deputy Chief Osgood today because his memos certainly  
8 reflect the need and the seriousness of this  
9 situation, and unfortunately I'm still hearing today  
10 that it's not a priority. That we are taking minimal  
11

12 CHIEF BOYCE: [interposing] I disagree  
13 with that.

14 CHAIRPERSON RICHARDS: I won't say it's  
15 not a priority, but we're taking minimal steps to  
16 fill gaps with, I'm sorry, from my opinion  
17 inexperienced individuals who should not really be  
18 dealing with people who have experienced this level  
19 of trauma. So, I'm going to pass the mic over  
20 Council Member Rosenthal and come back for a second  
21 round because we have colleagues that want to hear  
22 questions—that have questions, but once again, I'm  
23 not hearing how we're certainly making this a  
24 priority and how we're really prioritizing victims in  
25 a way that they just so—so deserve.

1  
2 CHIEF BOYCE: I have to completely object  
3 to that—that line or state. I think as an NYPD we  
4 have done more than any other agency in this country  
5 in how we deal, how we've trained our investigators,  
6 how we've dealt with FETI training, the advocacy work  
7 that we're doing with those survivors, how we work  
8 with the victims advocates each and every day. How  
9 the Commissioner just met on March 5<sup>th</sup> with all the  
10 advocates to see what we can do better. There is a  
11 ton of work being done. I take umbrage to the-to the  
12 fact that you believe that we don't take this serious  
13 as it is. The NYPD we can always get better in  
14 everything that we do, but we are at the top level in  
15 everything and in dealing with survivors this is  
16 extremely important to us. That's why we've made  
17 changes, that's why we've gone from a Special Victims  
18 Unit from 149 in 2010 to 238 today. This is  
19 something we take extremely serious, and we will  
20 continue to.

21 CHAIRPERSON RICHARDS: I certain  
22 appreciate those comments, Chief, but if we were  
23 really taking this serious, the six recommendations  
24 that the working group came up with in 2010, we  
25 wouldn't be talking about doing things in 2018. So,

1 I'm just a little confused at how we now in 2018  
2 having a conversation about 2010 recommendations,  
3 which were—which if were implemented we wouldn't be  
4 here today, and once again, we can say we don't want  
5 to look back to 20—before 2016 or 2017, but your own  
6 internal memos show that there's a serious gap and a  
7 serious need not only for new training or enhanced  
8 training, but also more staffing, and you're  
9 facilities need to be upgraded because unfortunately  
10 victims are sitting in locations that if I were them  
11 are not suitable or comfortable enough for them to—to  
12 really be interviewed in the right way when they're  
13 already facing some levels of—traumatization. So,  
14 I'm not making these things up. Your own internal  
15 memo say that--

17 CHIEF MONAHAN: I will speak to the  
18 Facilities --

19 CHAIRPERSON RICHARDS: --we have not  
20 taken this seriously.

21 CHIEF MONAHAN: This is the first time  
22 that I've heard this. (sic)

23 CHAIRPERSON RICHARDS: And it's good that  
24 we've arrived on last Friday before the hearing to  
25 start to really address these things, but, you know,

1  
2 I—you know, I just want to say as the Chair here, I  
3 read through the report. I read through the internal  
4 memos, and it's very disappointing that victims are  
5 out there and—and while you spoke of more people  
6 coming forward and reporting, that's not certainly  
7 something you're internal memos show. It showed only  
8 five percent at least according to Deputy Chief  
9 Osgood that only 5% of individuals in this city are  
10 really coming forward to report—

11 DEPUTY COMMISSIONER HERMAN:  
12 [interposing] So, can I comment on that?

13 CHAIRPERSON RICHARDS: --these particular  
14 issues. Listen, I-I don't want to go back and forth  
15 on this.

16 CHIEF BOYCE: Just on certain a memo.

17 MALE SPEAKER: Okay, bye.

18 CHIEF BOYCE: What can't she answer that.

19 (sic)

20 CHAIRPERSON RICHARDS: Because I already  
21 knew what she's going to give me. She's going to  
22 give that Oleg lawyer answer.

23 DEPUTY COMMISSIONER HERMAN: No, what I'm  
24 going to give you is about the five percent is that  
25 we can all make a gut estimate about how many people

1  
2 report. We can all say it's based on my experience,  
3 it's my gut, it's 5. I'd rather go by the Justice  
4 Department that has methodically surveyed victims  
5 every year for decades and go by their percentage,  
6 and I gave you that percentage. It's 23% last year  
7 and before that, it was 30%.

8 CHAIRPERSON RICHARDS: I understand that,  
9 but your own internal memos show that—

10 DEPUTY COMMISSIONER HERMAN:

11 [interposing] The one memo.

12 CHAIRPERSON RICHARDS: --their belief  
13 system that there's only five. So, we can go by the  
14 Department of Justice or we can go by—

15 OLEG CHERNYAVSKY: Council Member—Council  
16 Member I'm going to—

17 CHAIRPERSON RICHARDS: --what you say  
18 when no one is in public.

19 OLEG CHERNYAVSKY: --this is the fourth  
20 time already that you—you are waving around a report  
21 that has not been fully investigated.

22 CHAIRPERSON RICHARDS: This is not the  
23 report. These are your internal memos, right here.

1  
2 CHIEF MONAHAN: Yes, right. I understand,  
3 but it's entirely—it doesn't—it's part of the report.  
4 It doesn't give full context to the information.

5 CHAIRPERSON RICHARDS: Okay.

6 OLEG CHERNYAVSKY: You're nullifying our  
7 statutory period to—to respond in this hearing.

8 DEPUTY COMMISSIONER HERMAN:

9 [interposing] Created by you.

10 OLEG CHERNYAVSKY: You're telling—you're  
11 telling us during the hearing I don't want to hear  
12 your answer to baseless allegations, right. That is  
13 what's happening here.

14 CHAIRPERSON RICHARDS: I don't think  
15 they're baseless when you wrote them. [laughs]

16 OLEG CHERNYAVSKY: No, they are baseless  
17 because they're not put into context because they're  
18 relative to the—

19 CHAIRPERSON RICHARDS: [interposing] So  
20 do you believe Chief Osgood's memos?

21 OLEG CHERNYAVSKY: Because most of them  
22 are in—

23 CHAIRPERSON RICHARDS: [interposing] So,  
24 can you say—so, can you respond on the record are  
25

1 your internal memos that Chief Osgood wrote and sent  
2 to you Chief--

4 CHIEF BOYCE: That's right.

5 CHAIRPERSON RICHARDS: --and to many  
6 others. Are they baseless?

7 CHIEF BOYCE: Well, I will tell you on a  
8 couple of things that you just threw out--

9 CHAIRPERSON RICHARDS: [interposing] No.  
10 Yes or no? I want a yes or no answer.

11 CHIEF BOYCE: No, no, no. I will say on  
12 the training it's baseless on the training.

13 CHAIRPERSON RICHARDS: [interposing] Are  
14 these memos baseless?

15 CHIEF BOYCE: It's baseless on the  
16 training. I just went through a whole group of film.

17 CHAIRPERSON RICHARDS: I don't want film.  
18 These are saying [overlapping] it's happening now.  
19 Basing on staff. It's based on staffing--

20 CHIEF MONAHAN: [interposing] Staffing  
21 is--

22 CHAIRPERSON RICHARDS: --levels. Are  
23 these memos baseless?

24 CHIEF MONAHAN: I'd have--I'd have to go  
25 through each one, but let me--let me introduce one on

1 training. You said something about facilities and we  
2 actually agree with you on the facilities. Alright,  
3 they are below standards.  
4

5 CHAIRPERSON RICHARDS: Progress.

6 CHIEF MONAHAN: So--?

7 CHAIRPERSON RICHARDS: We agree on one  
8 thing.

9 CHIEF MONAHAN: I think so, but here's  
10 the thing--

11 CHAIRPERSON RICHARDS: Alright.

12 CHIEF MONAHAN: --we've been looking to  
13 change those facilities for the last six-six months  
14 to a year. So, we agree in some part. We disagree  
15 vehemently on others.

16 CHAIRPERSON RICHARDS: Okay. We're going  
17 to go Chair Rosenthal.

18 CHAIRPERSON HELEN ROSENTHAL: Thank you,  
19 everyone. Chair Richards, I actually am going to  
20 follow up on the points that you were just making and  
21 just word it a little differently. You know, in my  
22 mind's eye, there is no question that SVD is doing  
23 amazing work, and quite possibly better work than any  
24 other city in the country. I think that is true, but  
25 that's not the question today. The question today is

1 we're in New York City and we should have and we know  
2 what the component parts are, but we should have a  
3 world class system. We should have a world class  
4 Special Victims Division. We shouldn't have better  
5 than anyone else that—that doesn't mean a lot today,  
6 and we're better than that. So, what disturbs me  
7 and—and you're right, I am getting in front of what  
8 your response will be but I need to say that if your  
9 response is going to be with all the staffing needs  
10 and all the complicated issues in New York City SVD  
11 just couldn't get these resources that the Division  
12 Chief is asking for, that will not be satisfactory,  
13 and it will fall far short from what this Council has  
14 done adding 1,200 new officers at the beginning of  
15 last term. So, if you're telling me that in 2014,  
16 when you created a brand new Grand Larceny Unit with  
17 300 officers, and you're telling me that's more  
18 important than the SVD, I'm going to have a lot of  
19 problems with that. And excuse me if I get  
20 emotional, but I'll tell you when I'm sitting here  
21 listening today, I'm wondering whether or not you  
22 have recently any of you investigated a rape case.  
23 So, let's start with you, Chief Boyce. Have you  
24 ever-

1  
2 CHIEF BOYCE: [interposing] Respectfully--

3 CHAIRPERSON HELEN ROSENTHAL: --done it  
4 recently? In other words, within the last 10 years,  
5 within the last 5 years, last year? Have you ever  
6 investigated--have you investigated a rape case since  
7 the 2010 Report, and Chief Monahan I'm asking you the  
8 same question.

9 CHIEF BOYCE: The answer is yes.

10 CHAIRPERSON HELEN ROSENTHAL: In the last  
11 20 years?

12 CHIEF BOYCE: Yes.

13 CHAIRPERSON HELEN ROSENTHAL: Last year?

14 CHIEF BOYCE: I worked on cases. I go  
15 out to scenes. I work cases personally. I  
16 supervise--

17 CHAIRPERSON HELEN ROSENTHAL:  
18 [interposing] How many have you worked--

19 CHIEF BOYCE: [interposing] Well, I take  
20 what I can get.

21 CHAIRPERSON HELEN ROSENTHAL: --in the  
22 last--since 2010?

23 CHIEF BOYCE: I don't like to use--I don't  
24 like to use a person's name, but he has personally

25

1 worked several days on the case in the 106<sup>th</sup> Precinct  
2 where Jarga (sic) was put.  
3

4 CHAIRPERSON HELEN ROSENTHAL: Several  
5 day.

6 CHIEF BOYCE: Several days.

7 CHAIRPERSON HELEN ROSENTHAL: Case that  
8 require weeks of investigation, you worked several  
9 days. Okay.

10 CHIEF BOYCE: [interposing] I was there  
11 for--

12 CHAIRPERSON HELEN ROSENTHAL: Okay.

13 CHIEF BOYCE: And can I--can I finish?  
14 Alright. Will you stop interrupting me? Alright. I  
15 worked there not only at the scene, but also in my  
16 office as well, alright, and as well as every other  
17 case that happens in this city, I make phone calls to  
18 each person. So, the answer is yes. I can't give  
19 you a definite number right now--

20 CHAIRPERSON HELEN ROSENTHAL: Hmm.

21 CHIEF BOYCE: --but I can tell that I am  
22 intimately involved with every case. Major rape cases  
23 that comes into the city is reported to me each  
24 morning. So, the answer is yes.  
25

1  
2 CHAIRPERSON HELEN ROSENTHAL: Have you  
3 ever investigated a domestic partner rape case?

4 CHIEF BOYCE: Again, each day I'm told  
5 these things. I personally make recommendations and  
6 call the squad commander or the same--

7 CHAIRPERSON HELEN ROSENTHAL: Sure.

8 CHIEF BOYCE: --and do the same thing. So,  
9 yes. So, the answer is yes.

10 CHAIRPERSON HELEN ROSENTHAL:  
11 [interposing] No, that's your job, but I asked you  
12 whether or not you dig into your job and you  
13 personally have ever met with a victim of domestic  
14 rape.

15 CHIEF BOYCE: I can't tell you right now  
16 exactly who I've meet with them, but I work in the  
17 investigative steps with my detectives. Yes.

18 CHAIRPERSON HELEN ROSENTHAL: Got you.  
19 Chief Monahan.

20 CHIEF MONAHAN: No, it's not my role.  
21 It's Chief of Detectives and it's investigative. My  
22 role as Chief of the Department is overseeing and I  
23 will review cases, but no, I don't personally meet--

24 CHAIRPERSON HELEN ROSENTHAL:  
25 [interposing] Okay. So, yet, I just want to clarify

1  
2 for the record you feel confident in your yes a peer  
3 role making decisions about priorities for NYPD and  
4 how staffing is? That's a question.

5 CHIEF MONAHAN: Yes, I-I-I believe that  
6 my detectives what you just said with the Special  
7 Victims, the squad are the best in the country. Now,  
8 you-you went onto say other-can we get better? Of  
9 course, we can. We're not saying we're the-we're  
10 invaluable and there is nothing that we did wrong,  
11 but I believe they're doing a great job every day out  
12 there, and we support them. The question now is case  
13 load. So, when you make your-the comparison with the  
14 Grand Larceny agent, that's supporting detectives to  
15 bring their caseload to the right amount to have  
16 there. There's a totally different issue there.  
17 Alright. This is something very important, but  
18 they're about the same size with less caseload. So,  
19 yes, it's important to us.

20 CHAIRPERSON HELEN ROSENTHAL:

21 [interposing] Sir.

22 CHIEF MONAHAN: We look at it-we made  
23 that per--  
24  
25

1

CHAIRPERSON HELEN ROSENTHAL:

2

[interposing] I mean if you were ranking, which is  
3 more of a ruination--

4

CHIEF MONAHAN: [interposing] I didn't  
5 say- I didn't important to that--

6

CHAIRPERSON HELEN ROSENTHAL: --of  
7 somebody's life.

8

CHIEF MONAHAN: I didn't say important. I  
9 said we'd talk about caseload. You're right, a  
10 special victim is much more important. There's no  
11 question to that, but right now we have to take  
12 finite resources and import them to where we need  
13 them the most.

14

CHAIRPERSON HELEN ROSENTHAL:

15

[interposing] Your finite resources. This is the  
16 largest you--the NYPD has been staffed, and the City  
17 Council added 1,200 and I'm going to move off this  
18 point. Don't worry.

19

CHIEF MONAHAN: But I'm not worried.

20

CHAIRPERSON HELEN ROSENTHAL: But the  
21 largest that you've been at and you're telling me  
22 that you have constrained resources, and the number  
23 of cases here has gone up by 65%, and there's really  
24 been no change in the number of officers here, and  
25

1  
2 you're telling me you have constrained? Your \$10  
3 billion—you're a \$10 billion agency. Am I wrong?

4 CHIEF BOYCE: [interposing] I think  
5 that's--

6 CHAIRPERSON HELEN ROSENTHAL:  
7 [interposing] You don't have resources?

8 CHIEF BOYCE: I can jump on this. First  
9 off, we're not at the largest level we've ever been.  
10 We've been larger years back in the '90s over 40,000.  
11 It's 36,000 headcount right now, and we take a look.

12 CHAIRPERSON HELEN ROSENTHAL:  
13 [interposing] Then why is it that it's--

14 CHIEF BOYCE: Could I finish please?

15 CHAIRPERSON HELEN ROSENTHAL:  
16 [interposing] And I have congratulated you--

17 CHIEF BOYCE: [interposing] Councilwoman.

18 CHAIRPERSON HELEN ROSENTHAL: --repeatedly  
19 for that. Crime is at its lowest.

20 DEPUTY COMMISSIONER HERMAN: It's just  
21 good to correct the facts, Council Member. We are  
22 not at the largest level we've been at--

23 CHAIRPERSON HELEN ROSENTHAL:  
24 [interposing] Oh, sorry.

1  
2 DEPUTY COMMISSIONER HERMAN: We have  
3 never built up--

4 CHAIRPERSON HELEN ROSENTHAL: Okay.

5 DEPUTY COMMISSIONER HERMAN: That's just  
6 correcting the record. We are not that far--

7 CHIEF MONAHAN: And we looked up--

8 CHAIRPERSON HELEN ROSENTHAL:  
9 [interposing] Do you feel that you haven't correctly  
10 built up this unit?

11 CHIEF MONAHAN: We looked up and yes  
12 since January of last year we've increased it by 62  
13 investigator, and we are going to constantly monitor  
14 its progress. If they need more help we will grab  
15 more. The original mandated number we are looking at  
16 the number.

17 CHAIRPERSON HELEN ROSENTHAL:  
18 [interposing] If they need more help according to  
19 your belief?

20 CHIEF MONAHAN: And we just put in 62.  
21 We looked at the increases over the last two quarters  
22 and the number of cases coming in, the number of rape  
23 cases coming in, the number of rape cases coming in.  
24 We've increase 62 investigators since last year. We  
25 will constantly monitor it. We'll have a new Chief

1 of detectives coming in next week. He's going to do  
2 a complete overview of the assignments within Special  
3 Victims, the assignments within the Bureau, and yes,  
4 part of the 90-day scrub that we're doing over the  
5 DOI Report is going to make sure that we are dealing  
6 properly with survivor so sexual crime.  
7

8 CHAIRPERSON HELEN ROSENTHAL: Thank you.  
9 Again, I don't think the problem is in the scrub of  
10 the unit. I think, you know, I haven't heard nor  
11 from you nor from DOI that the unit is a problem.  
12 What we're hearing is that it's the staffing, the  
13 training, the facilities, known things for the last  
14 eight years and certainly--

15 CHIEF MONAHAN: [interposing] Well, I  
16 think we'd be seeing then what explained with my  
17 testimony.

18 CHAIRPERSON HELEN ROSENTHAL: --within  
19 this administration, which I respect greatly.

20 CHIEF MONAHAN: What I said in my  
21 testimony the way we sophisticated the unit as well.  
22 Alright, that we came up with all these other units  
23 within the Special Victims Division because we think  
24 it's necessary. We think it's--you do need to be  
25 specialized investigator to forward in intense--labor

1  
2 intensive cases. I-I testified that earlier all the  
3 units we added to this as well, and the consistent  
4 upgrade. Now, what we're concerned about going  
5 forward is the amount of cases coming in right now,  
6 which are quite a few. We have a large-large  
7 increase and we see it's from outside the years,  
8 which we think purposely we're getting our message  
9 out. We're doing the best job possibly under  
10 terrible circumstance of sexual assault no doubt, but  
11 that word has gotten out and we've seen the increases  
12 time and time again, and we've reported more-more  
13 resources, more detectives to that to answer your  
14 question today.

15                   CHAIRPERSON HELEN ROSENTHAL: Okay, can  
16 we go back to-I'm going to go back to my prepared  
17 questions. Can we go back to what the analytic basis  
18 is for the caseload limits of SVD? You know, when I  
19 hear from you that it's lower than some other  
20 precinct quad, that just doesn't sound to me like a  
21 like a sound basis when there are national standards.

22                   CHIEF BOYCE: Okay. I could tell you  
23 that detective normally, we have a number of squads  
24 catch between 175 to 200 cases. Something-let me

1 find my place, ma'am. Alright, before—and so we  
2 wanted to half that if not better.  
3

4 CHAIRPERSON HELEN ROSENTHAL: Why half?  
5 What not a quarter? Why not two-thirds? Why not  
6 10%? Why not 90%? Wouldn't you want to look at a  
7 national standard?

8 CHIEF BOYCE: We do look at a national  
9 standard and we believe we're in line with national  
10 standards. So, last year--

11 CHAIRPERSON HELEN ROSENTHAL: But wait,  
12 wait, wait, wait.

13 CHIEF BOYCE: But let me finish my  
14 thought. Let me finish my--now--

15 CHAIRPERSON HELEN ROSENTHAL: You're in  
16 line with national standards today, a year ago?

17 CHIEF BOYCE: Well, let us finish our  
18 sentence.

19 DEPUTY COMMISSIONER BYRNE: Let me  
20 address this at this point because I've sat--this is  
21 Lawrence Byrne, Deputy Commissioner for Legal  
22 Matters. I've sat through four years of hearings  
23 with this Council, and we've worked with you on a  
24 number of issues, and I've worked with you  
25 personally. I have never sat through a hearing where

1 so many questions have been answered and asked and  
2 the witnesses are interrupted and not allowed to give  
3 an answers. So, I'm going to object at this point  
4 and say that after you or anyone else states your  
5 question I want the witness to give a complete answer  
6 without interruption. That's called common courtesy.  
7

8 CHAIRPERSON HELEN ROSENTHAL: I  
9 appreciate that. Continue.

10 CHIEF MONAHAN: So when we looked at the  
11 influx in the last quarter of Calendar 2017, we saw  
12 the first quarter of this year. We looked to  
13 deployment quarterly. We see a tremendous increase.  
14 So, we wanted bring-bring that back down. We believe  
15 the mode that we've just done over these last several  
16 months are brining these new detectives in. We'll  
17 bring that to 58 cases about that a year. That's our  
18 projection. We believe that's an acceptable amount  
19 of casework for each detective. So, that's between  
20 five and six cases a month. I will tell you that  
21 normally it's about 20% of those cases are felony,  
22 and 80% are misdemeanor. So, we believe that's an  
23 acceptable amount, and that's how we are going  
24 forward with this new influx that we helped people to  
25 come forward I believe. We put the word out to come

1 forward and—and we'll investigate your case, and  
2 we've done that for several months now, if not over a  
3 year. So, we're—we believe we're now—we're wired to  
4 handle the new amount of cases coming in.  
5

6 CHAIRPERSON HELEN ROSENTHAL: I agree  
7 with you. I think that 58 is huge progress from 93.  
8 I do.

9 CHIEF MONAHAN: Thank you.

10 CHAIRPERSON HELEN ROSENTHAL: I think—  
11 okay. I want to move on. Let's see. I'd like to  
12 actually focus on my bill for a second and clear up  
13 any—the mischaracterization of my bill. I heard you  
14 say that it dilutes the Commissioner authority or it  
15 specifies the given method to implement. I—what we  
16 intended and we're certainly happy to work with you  
17 on the language, but what we intend is that it  
18 explicit—that the bill put the determination into the  
19 Commissioner's hands. Yeah.

20 DEPUTY COMMISSIONER BYRNE: The  
21 determination is in the Commissioner's hands.

22 CHAIRPERSON HELEN ROSENTHAL: Yes.

23 DEPUTY COMMISSIONER BYRNE: He has 36  
24 year of experience working in a number of different  
25 parts of the department, and I think what the last

1  
2 four year shows is he knows what he's doing in terms  
3 of resource allocation. All you have to do is look  
4 at the record drop in crime across the board to  
5 historic lows. It's the Police Commissioner's job to  
6 run the Police Department on a day-to-day basis in  
7 consultation with the Council, the Mayor, the  
8 advocates groups, but ultimately it's his  
9 responsibility to run the day-to-day operations of  
10 the department to allocate resources as conditions  
11 change, and in this city conditions change every  
12 single day. We're a city larger than we've ever been  
13 before, 8.6 residents here, over 62 million tourists  
14 last year, another record, and that's the job of the  
15 Police Commissioner. We oppose your bill. We think  
16 it's well intentioned, but counterproductive.

17 CHAIRPERSON HELEN ROSENTHAL: Wow, okay.  
18 Well, we're happy to work with you on it—with you.

19 DEPUTY COMMISSIONER BYRNE: We're happy  
20 to have a dialogue with you about it.

21 CHAIRPERSON HELEN ROSENTHAL: I heard you  
22 say that it is inconceivable that a survivor should  
23 languish because there is no one who has been  
24 trained, right. In my mind's eye, it's also  
25 inconceivable that a survivor should be re-

1 traumatized because of an untrained investigator, and  
2 given these two inconceivable notions, isn't the  
3 answer to ensure that there are always enough trained  
4 investigators available?  
5

6 CHIEF BOYCE: Absolutely.

7 CHAIRPERSON HELEN ROSENTHAL: Okay.

8 CHIEF BOYCE: We—we believe that and  
9 that's where we're moving forward. So, that's why we  
10 added—added the people and that's why we have our—our  
11 extensive training programs in the Special Victims  
12 Division that no one else in the Detective Bureau  
13 gets.

14 CHAIRPERSON HELEN ROSENTHAL: Sure.

15 CHIEF BOYCE: So, yes.

16 CHAIRPERSON HELEN ROSENTHAL: It's  
17 unique.

18 CHIEF BOYCE: So, that's where—that's  
19 where we're doing this and where we would be going,  
20 ma'am.

21 CHAIRPERSON HELEN ROSENTHAL: You  
22 described the two-week training course that members  
23 of the SVD get. Why do—it's my understanding that  
24 the member—I mean correct me. You're the experts of  
25 the Motorcycle and the Mounted Police Divisions get

1 six weeks of specialized training. So, I understand  
2 they have to learn to take care of the horses or the  
3 motorcycle, but there seems like too big of a  
4 discrepancy between two weeks and six weeks.  
5

6 [background comments]

7 DEPUTY COMMISSIONER HERMAN: So, I'd like  
8 to be clear that there is training that every member  
9 of the Police Department gets that is relevant to  
10 sexual assault as well as all victims of crime. That  
11 amounts to weeks of training in the Academy. There  
12 is two weeks of CIC training for SVD detectives plus  
13 seven days of FETI training plus training in  
14 specialized areas that they take plus 40 hours.  
15 They're now going through training with victim  
16 advocates. The training adds up-

17 CHAIRPERSON HELEN ROSENTHAL:

18 [interposing] Uh-hm.

19 DEPUTY COMMISSIONER HERMAN: --and it's  
20 cumulative. It's not quite accurate to say they get  
21 two weeks of training. That's one part of a multi-  
22 layered training experience that they get. Going  
23 into 40 hours of training with victim advocates  
24 around the city shouldn't be overlooked. That's not  
25 something that most police departments do. Having

1 every single member of the SVD trained in FETI for  
2 seven days shouldn't be overlooked. That's in  
3 addition to the two weeks of training.  
4

5 CHAIRPERSON HELEN ROSENTHAL: Uh-hm.

6 CHIEF BOYCE: I just want to add on a  
7 couple things if I might. Once these are department  
8 trainings, CICs, what we talked about the two weeks  
9 when they first get in, but they're also—the  
10 division—within the division they're given extensive  
11 training, and I'll read them to you right now so they  
12 go on the record: Peer Based Investigative Process  
13 Scenario Training; Cross-Investigative Process  
14 Training; Cohort Based Learning; Detective Bureau  
15 Guide Training; Forensic, which you said FETI. We'll  
16 just call it that; Neurobiology of Sexual Assault;  
17 Instant Response Tracking Process Training; Science  
18 of DNA Training; Complex Investigative Training;  
19 Experiential Training just for supervisors only; Drug  
20 Facilitated Sex Assault Training; Abusive Head Trauma  
21 Training; Zone Captain Training for our Executive  
22 Core; and District Attorney Based training. We have  
23 DAs come in and speak to our—our officers as well.  
24 That goes above and beyond special victims, homicide  
25

1  
2 courses that just about everybody has been to from  
3 the specialized units.

4 CHAIRPERSON HELEN ROSENTHAL: Uh-hm.

5 CHIEF BOYCE: So, to say what the DOI  
6 Report said, I reject wholly based on the—the  
7 investment, the training program that we put forward  
8 for members of the Special Victims Division.

9 CHAIRPERSON HELEN ROSENTHAL: Does every  
10 investigator receive the FETI training in SVD?

11 CHIEF BOYCE: Everyone in the Adult  
12 squads have received, each and every detective and

13 DEPUTY COMMISSIONER HERMAN: [off mic]  
14 Except for the 20 investigators.

15 CHIEF BOYCE: Now, the 20 are just  
16 getting it. They haven't gotten it, of course.

17 DEPUTY COMMISSIONER HERMAN: They'll get  
18 it by the end of the month.

19 CHIEF BOYCE: We'll have them in at the  
20 first opportunity.

21 CHAIRPERSON HELEN ROSENTHAL: What?

22 CHIEF BOYCE: We'll have them in by the  
23 end of the month. The first opportunity for the next  
24 training is at the end of the month. So, we'll hold  
25 a special class for them.

1  
2 DEPUTY COMMISSIONER HERMAN: Everybody  
3 has it except for the 20 that started today--

4 CHAIRPERSON HELEN ROSENTHAL:  
5 [interposing] Yeah.

6 DEPUTY COMMISSIONER HERMAN: --and  
7 they'll get it by the end of the month.

8 CHAIRPERSON HELEN ROSENTHAL: And how--?

9 DEPUTY CHIEF OSGOOD: They wont go out  
10 and to do survivor by themselves. They'll be with  
11 someone prior to receiving that training. So, by the  
12 end of the month they'll have it.

13 CHAIRPERSON HELEN ROSENTHAL: How is the  
14 mastery of the FETI technique measured? Is there a  
15 test at the end? [pause]

16 DEPUTY COMMISSIONER HERMAN: The FETI  
17 trainers provide a certificate of whether they think  
18 someone has mastered it sufficiently.

19 CHAIRPERSON HELEN ROSENTHAL: And all the  
20 people who are there now have received certificates?

21 CHIEF BOYCE: That's correct.

22 DEPUTY COMMISSIONER HERMAN: Yes.

23 CHIEF BOYCE: That's correct or they  
24 wouldn't be--we would have moved them out of there. I  
25 haven't seen a failure yet, but again, the proof is

1 in the pudding going out and getting that  
2 information. Because not only do you have the  
3 certificate but putting it to good use, and I think  
4 it's going on now.

6 CHAIRPERSON HELEN ROSENTHAL: How many  
7 people have applied to the—applied to the SVD last  
8 year from the precincts?

9 CHIEF BOYCE: As I said before, we take  
10 20% of let's say 100 people come in, only 20 make the  
11 grade.

12 CHAIRPERSON HELEN ROSENTHAL: Uh-hm.

13 CHIEF BOYCE: And that's a much lower  
14 number than other detective squads as well.

15 CHAIRPERSON HELEN ROSENTHAL: So, how  
16 many applied?

17 CHIEF BOYCE: I have to tell you I don't  
18 have that number that how many applied. We do have a  
19 lot—we're saying 20% make it, but I have to get you  
20 an accurate number. I don't know.

21 CHAIRPERSON HELEN ROSENTHAL: Okay, off  
22 the top of your head is it 100?

23 CHIEF BOYCE: I don't know. It's—I'm  
24 saying on 100 about 20 make it. I'm just giving you  
25 that as—as we—

1  
2 DEPUTY COMMISSIONER BYRNE: We can get  
3 that number for you after the hearing.

4 CHAIRPERSON HELEN ROSENTHAL: Yeah.  
5 Okay. Thank you very much.

6 CHIEF BOYCE: Thank you, Madam Chair.

7 CHAIRPERSON HELEN ROSENTHAL: Let's see.

8 In your rattling off of the trainings, I just want to  
9 make sure. Physical evidence plays a large role in  
10 the early handling and prosecuting of sex crime  
11 cases. What training do the SVD officers receive on  
12 evidence procedures, and do you think there are any  
13 gaps?

14 CHIEF BOYCE: I don't believe--every--  
15 first of all, every detective understands the Rules  
16 of Evidence and getting evidence and understand the  
17 importance of quickly attaining it. Special Victims  
18 officers are even more so trained of this is  
19 forensics. They go into and speak with nurses at the  
20 hospital and doctors attending, understand the sole  
21 (sic) record that we have, the sex evidence kit that  
22 we use, the collection kit that we use now. He sees  
23 it as--two kits. This is much more advanced. So,  
24 each one is trained in that, in understanding and  
25

1  
2 telling us what the victim tells us and what we have  
3 to do to go get to that investigation.

4 CHAIRPERSON HELEN ROSENTHAL: They've all  
5 had that training?

6 CHIEF BOYCE: They all do. For instance,  
7 if we have a video of a sexual assault my-my special  
8 victims detective will sit with the crime scene to  
9 see if the perpetrator put something else, a hand  
10 print or whatever the case may be. He'll-he'll do  
11 that or she'll do that to-to make sure that that the  
12 crime scene collects that evidence. So, they're well  
13 trained in that, and they're very highly skilled.

14 CHAIRPERSON HELEN ROSENTHAL: Could you  
15 describe where or how many of the SVD trainings  
16 specifically relate to LGBT, the LGBTQ population.

17 CHIEF BOYCE: I-I would have to- Chief  
18 Osgood, do you have any evidence here?

19 DEPUTY CHIEF OSGOOD: [off mic] Let me  
20 look.

21 CHIEF BOYCE: It's an inclusive in our  
22 training from what I understand. So I-

23 CHAIRPERSON HELEN ROSENTHAL: And trans  
24 women?

25 CHIEF BOYCE: Correct.

1  
2                   CHAIRPERSON HELEN ROSENTHAL: How many—I—  
3 it's my understanding that you've begun collaborating  
4 with an advocacy group called Hollaback, which is a  
5 great group and I'm wondering how many trainings do  
6 you've done with them, and whether or not you have a  
7 contract to pay them for their work or if they do it  
8 pro bono?

9                   DEPUTY COMMISSIONER HERMAN: We've been  
10 working with Hollaback for the last several years.  
11 We have a contract. We pay them, and they train—have  
12 been training our transit officers for the last  
13 several years.

14                   CHAIRPERSON HELEN ROSENTHAL: Okay, any  
15 thought of using them to train other officers?

16                   DEPUTY COMMISSIONER HERMAN: We haven't  
17 talked about it. We can.

18                   CHAIRPERSON HELEN ROSENTHAL: Okay.

19                   DEPUTY COMMISSIONER HERMAN: We use  
20 outside agencies frequently in the Academy, and  
21 regularly in in-service training. They're not the  
22 only ones. I mentioned them for their training of  
23 transit officers, but we work with outside groups  
24 regularly. I—I think it's important to note that  
25 with the contract with Safe Horizon and the CVAP

1  
2 program, we have victim advocates training at roll  
3 call regularly once a month.

4 CHAIRPERSON HELEN ROSENTHAL: Contract  
5 with--

6 DEPUTY COMMISSIONER HERMAN: They're  
7 training on a variety of different topics.

8 CHAIRPERSON HELEN ROSENTHAL: And that's  
9 a contract where they're paid?

10 DEPUTY COMMISSIONER HERMAN: Safe  
11 Horizon? Yes, that's a contract where they're paid.

12 CHAIRPERSON HELEN ROSENTHAL: Okay, and--  
13 okay. I'd like to talk a little bit about the  
14 support for victims. In 2015, the CO of SVD called  
15 for the creation of a Special Victims Division,  
16 Victim Restoration Assistance Group, which would have  
17 involved hiring social workers to offer initial  
18 counseling and guidance and follow-up and later time  
19 intervals to assist in helping victims restore  
20 themselves as close to a normal state as possible.  
21 What came of this request?

22 DEPUTY COMMISSIONER HERMAN: So, we have  
23 worked with the Council and with the Mayor's office  
24 to create the Crime Victim Assistance program, which  
25 is the largest victim assistance program of any

1  
2 police department in the country. If you look at all  
3 of the victim advocates who were working in that  
4 program, that our precinct and PSA based, they're  
5 probably the second largest victim agency by  
6 themselves in the country. So, we have placed and  
7 are continuing to place, and by the end of the summer  
8 we'll be in every precinct and PSA with two victim  
9 advocates from Safe Horizon who also counsel victims  
10 of sexual assault.

11 CHAIRPERSON HELEN ROSENTHAL: So, could  
12 you say that. I'm sorry. Could you say that one  
13 more time going forward or we have been doing this?

14 DEPUTY COMMISSIONER HERMAN: We are in  
15 two-thirds of the precincts in the city. By the end  
16 of the summer we'll be in every precinct and PSA in  
17 the city--

18 CHAIRPERSON HELEN ROSENTHAL: Okay.

19 DEPUTY COMMISSIONER HERMAN: --with two  
20 victim advocates. One that specialize in domestic  
21 violence, one who handles all other categories of  
22 crime. They're both cross-trained and they have  
23 helped and will continue to help victims of sexual  
24 assault. So, I think we took that recommendation,  
25 which was already in progress, and went beyond it to

1 help all victims of crime including victims of sexual  
2 assault. Those victim advocates are well trained,  
3 well supervised, and they're employees of Safe  
4 Horizon intentionally.  
5

6 CHAIRPERSON HELEN ROSENTHAL: Got it.

7 I'd like to move onto acquaintance versus stranger  
8 rape. When then Captain now Deputy Inspector Peter  
9 Rose publicly downplayed acquaintance rapes, the  
10 Commissioner was very quick to dispel the notion that  
11 the NYPD as a whole views these crimes differently.  
12 That was an exceptional op-ed. What am I to make  
13 then of the fact that the investigative and  
14 enhancement rubric differentiates between stranger  
15 rapes and raped committed by an acquaintance or  
16 domestic partner? Why does patrol make sense to  
17 enhance acquaintance rape but not stranger rapes?

18 CHIEF BOYCE: I think I explained  
19 earlier, ma'am, that exactly what that question was.  
20 So, council member, we only use it in on particular  
21 thing where a summary arrest is made by patrol. He  
22 is then taken to the Numeric Precinct Squad and  
23 enhanced by them, and that is the only time.  
24 Domestic violence and non-stranger, alright, they are  
25 excellent detectives. They are able to enhance that

1 case properly. However, if it is a stranger rape,  
2 then we believe there's a possibility of a pattern or  
3 some other case. So, we bring detectives who have a  
4 broader idea of what's going on as far as special  
5 victims—as far as sexual assault around the city.  
6 That is the reason we do it with using our—our  
7 resources as appropriately as we can.

9 CHAIRPERSON HELEN ROSENTHAL: Am I to  
10 understand that the answer to the last question about  
11 taking care of victims in those cases is that two-  
12 thirds of the precincts now have sexual assault  
13 victim advocates?

14 DEPUTY COMMISSIONER HERMAN: You're  
15 asking if we've developed a capacity to help victims  
16 of crime, and let me just say historically officers  
17 are very good at referring victims to victim advocacy  
18 and victim service organizations. What we've done  
19 over the last couple of years is create a system that  
20 expands what we have tried to do over many, many  
21 years and provide precinct based services for victims  
22 including victims of sexual assault. So, yes we have  
23 developed an in-house capacity, precinct based  
24 capacity.

1  
2 CHAIRPERSON HELEN ROSENTHAL: Okay.  
3 Could it be possible that acquaintance rape is part  
4 of a pattern, someone's pattern?

5 CHIEF BOYCE: Of course, and that's  
6 looked at--looked at by an analytical team with  
7 Special Victims Division. Just because they don't  
8 respond on it that--that day doesn't mean they don't  
9 look at the crime. They do, and they do an  
10 assessment of that person's prior history.

11 CHAIRPERSON HELEN ROSENTHAL: Okay. In-I  
12 want to shift to CompStat for a second. CompStat as  
13 I understand it is a tool used to measure the  
14 different index crimes and, of course, the goal--and  
15 you been so successful in this goal--has been to look  
16 at the numbers and bring them down, and you've done  
17 that successfully. Why not pull sexual assault cases  
18 out of CompStat and use a more complex nuanced system  
19 to measure the success of your work in that area?

20 DEPUTY CHIEF OSGOOD: Again, CompStat  
21 isn't about numbers. It's not just about driving  
22 down--driving down the numbers. It's to look at all  
23 crimes that take place, and how we're investigating  
24 them, what--what steps we could do to be better in the  
25 course of an investigation to see what patterns may--

1  
2 may arise, what recidivists are out there that the  
3 everyone needs to know about. So, when we do talk  
4 about. So, when we do talk about a sex crime at  
5 CompStat, we're looking at how well the investigation  
6 was done, what-what personnel-what-what actual  
7 resources may have to go in to help-help the  
8 detective squad solve it, help special victims solve  
9 the case if it's unsolved. So and it's part of the  
10 process that we do with every single case just to see  
11 that we're doing the best we possibly can to  
12 investigate and have the right resources into any  
13 particular case.

14 CHAIRPERSON HELEN ROSENTHAL: Okay. I'm  
15 going to-

16 DEPUTY COMMISSIONER BYRNE: Let me just  
17 add to that because there's an incorrect assumption  
18 in your question, which I want to correct now. There  
19 is no more sophisticated measure of looking at crime,  
20 crime patterns and crime prevention that the current  
21 version of CompStat used in the NYPD today, and that  
22 is recognized by every law enforcement professional  
23 in this country, and every other industry that's  
24 tried to adapt CompStat to their industry including  
25 the Comptroller who annually now publishes and he

1 credits us with publishing his Annual ClaimStat  
2 Report. So, with CompStat 2, and CompStat was  
3 created in this department 24 years ago, that is the  
4 most sophisticated analysis of crime patterns, of how  
5 to address crime patterns, of recidivist issues, of  
6 emerging issues, and so for you to say that it's not  
7 a nuanced complex analysis of-of crime shows a  
8 complete lack of understanding of what CompStat has  
9 been and is today, and it's something everyone else  
10 in the country recognizes.  
11

12 CHAIRPERSON HELEN ROSENTHAL: Well, I'm  
13 happy to be educated on this. My point was  
14 misconstrued.

15 DEPUTY COMMISSIONER BYRNE: [interposing]  
16 And we're happy to educate you.

17 CHAIRPERSON HELEN ROSENTHAL: Sorry?

18 DEPUTY COMMISSIONER BYRNE: We're happy  
19 to educate you. It's clear that you need a lot of  
20 education on this topic.

21 CHAIRPERSON RICHARDS: Excuse me, excuse  
22 me, sir. We're not going to allow your disrespect in  
23 our house. Okay, you're here to answer questions.  
24 We respect the work that the NYPD does, but we're not  
25 going to allow you to disrespect members. You're in

1 our house. We come to your house, you have a right  
2 to do that, but not here.

3  
4 DEPUTY COMMISSIONER BYRNE: It wasn't  
5 intended as any disrespect.

6 CHAIRPERSON RICHARDS: It was very  
7 disrespectful. Thank you.

8 CHAIRPERSON HELEN ROSENTHAL: So, I think  
9 my question was misunderstood. I don't have any  
10 doubts about CompStat. So, let's set that aside. My  
11 question is if we look at the nature of sex crimes  
12 that are so very, very different than any other  
13 crime, would it make sense, and perhaps let's not  
14 pull it out of CompStat. Perhaps you keep it in  
15 there. The question is would it make sense in  
16 looking at how you're doing in sexual assault crimes  
17 to use a different nuanced tool?

18 CHAIRPERSON RICHARDS: [interposing] I  
19 think the point she's making is about the---

20 DEPUTY CHIEF OSGOOD: [interposing] And--  
21 and can I--I got it--I--I understand your question  
22 completely. Alright, what CompStat does we're going  
23 to look at the overview. So, you're looking at if  
24 there's a--a sexual assault case, we are going to look  
25 at it in the CompStat view. We may identify

1  
2 different issues. We're not taking that deeper-  
3 deeper dive, then that goes to Bob and the Chief of  
4 Detectives Office. Now, you could bring in your  
5 investigators, who are working a case and sit down  
6 and head-to-head with the investigators, which he  
7 does on a regular basis to take the deep dive into  
8 the case. CompStat is going to give the overview.  
9 We may identify an issue at which point it goes back  
10 to the Bureau Chief to bring down those personnel  
11 involved in that issue to see them work it out. So,  
12 yes, 100% agree with you we need a deeper dive.  
13 That's not the CompStat model we identify, and then  
14 the Bureau Chief takes it over from there.

15 CHAIRPERSON HELEN ROSENTHAL: I  
16 appreciate--

17 CHIEF MONAHAN: One thing with CompStat,  
18 ma'am, is that it's awareness that everybody knows  
19 about this crime in that room in that borough. That's  
20 what--that's why you can never be taking out of  
21 CompStat. Everybody--

22 CHAIRPERSON HELEN ROSENTHAL: That's--I--

23 CHIEF MONAHAN: So, that's--so, therefore,  
24 the argument that is should be out of separate  
25 CompStat is--is not--is not relevant as I--that I can

1 see. Everybody in that room has to understand there  
2 are sexual assaults going on in certain precincts in  
3 the city within that borough.  
4

5 CHAIRPERSON HELEN ROSENTHAL: So, again,  
6 what I--what was misunderstood is that the focus is  
7 not on CompStat. The focus is--is there another  
8 analytic tool to measure success that we should be  
9 considering--

10 CHIEF MONAHAN: Sure.

11 CHAIRPERSON HELEN ROSENTHAL: --and what  
12 I'd like is not to go back and forth today, but  
13 rather to see what you're thoughts are in the reply  
14 to the DOI Report because it strikes me that it would  
15 be part of the response to say that we need a  
16 tracking tool that makes sense for sexual assault  
17 crimes.

18 CHIEF MONAHAN: We do. We do that in my  
19 office as well. We look at all cases. We develop  
20 patterns and the Special Victims Division has been  
21 enormously successful in ending patterns with us  
22 before they get too big time and time throughout the  
23 city. It's done in my office daily and weekly. We  
24 go through each case to see if there's anything we  
25 should get, which we missed, as well as finding

1  
2 persons who are wanted fugitives before they do it  
3 again. So, it is analyzed greatly, and it's what  
4 we're wired to do to ensure that we don't miss  
5 anything like that, and that's the best way I can  
6 explain it to you.

7 CHAIRPERSON HELEN ROSENTHAL:

8 [interposing] Okay, so that's--

9 CHIEF MONAHAN: [interposing] but it's  
10 after CompStat as well. CompStat usually begets a  
11 whole bunch of other readings. It has been since  
12 the--the whole 20 plus years I've been doing CompStat  
13 in my 35-year career.

14 CHAIRPERSON HELEN ROSENTHAL: [off mic]

15 When I saw a nod yes and then I heard--[on mic] And I  
16 saw a nod yes, and then I heard a no from you, and I  
17 just want to--

18 CHIEF MONAHAN: A no for what, ma'am?

19 CHAIRPERSON HELEN ROSENTHAL: For

20 contemplating a unique tool.

21 DEPUTY CHIEF OSGOOD: I got it. Yeah.

22 Listen, obviously we said from the beginning we're  
23 going to go through the 143-page DOI Report, all  
24 their recommendations. We have 90 days by law set by  
25 the Council to review it, and we're going to take a

1  
2 good look at their recommendations, and we will have  
3 a response added at that time.

4 CHAIRPERSON HELEN ROSENTHAL: Thank you  
5 very much.

6 CHAIRPERSON RICHARDS: And I just want to  
7 say I think one of the things she's getting at is,  
8 you know, CompStat obviously does some great work in  
9 showing where our successes are, but we know that the  
10 vast majority of rapes and other sexual crimes aren't  
11 reported. So, if we're looking at it as a measuring  
12 tool, the numbers are going down, it may not show a  
13 true variation or reflection of what is happening  
14 across the city. So, that's—that's we could talk  
15 about his offline, but—but just wanted to put that  
16 out there. We've been joined by Council Members  
17 Rodriguez, Williams, Kallos and Levin, and we'll go  
18 to Council Member Deutsch for questions. They've  
19 been so patient, Cohen, followed by Cohen, Kallos and  
20 then Levin. Council Member Deutsch.

21 COUNCIL MEMBER DEUTSCH: Thank you. I  
22 was hoping I'd get called before your birthday ends.  
23 Thank you. [laughter] So, anyway, I want to welcome  
24 everyone here this afternoon. So, first of all, I  
25 just want to say, I've been in the Public Safety

1  
2 Committee. This is my fifth year in a row being in  
3 the Public Safety Committee, and I'm not going to go  
4 Commissioner Kelly. Sometimes it was his way or no  
5 way, but with Commissioner O'Neill, I have known that  
6 since has been appointed as the New York—as the  
7 Police Commissioner, any time we had issues, we had  
8 discussions at hearings, he took seriously, and—and  
9 just to point out that just the hearing we—I  
10 mentioned about the auxiliary officers not having  
11 bulletproof vests, expired vests, and over the last  
12 few weeks all the auxiliary coordinators already are  
13 in training to size and fit and size all auxiliary—  
14 4,500 auxiliary officers throughout the city. So, I  
15 commend him for listening to us and taking things  
16 seriously, and that's just one example of many. So,  
17 being here and I'm—I'm looking at my pen here, and it  
18 just happens to say "Working together to make a  
19 difference" and this hearing is important because  
20 we're all venting. We all, you know, have—this is  
21 like a live discussion, and I think it's important  
22 because that the Police Commissioner will take a look  
23 at the numbers and take a look to revamp some of  
24 these departments, which is important because they're  
25 all there for public safety. You're jobs as

1 uniformed officers and chiefs and detectives your job  
2 is there and the reason why you took the job is to  
3 protect us, to protect the public safety of the city,  
4 the resident of the city. So, one issue that I have  
5 is—one question that I have is back in 2001, we had  
6 7,100 detectives. Currently, the headcount for the  
7 Detective squad throughout the city is 5,600. So,  
8 that is like really those numbers are like really  
9 different from 2001 to—from 7,100 to 5,600 that we  
10 have now. So, I know that people are retiring.  
11 People are retiring, leaving the department. That's  
12 why one of the things I'm going to be pushing is for  
13 a detective grade pension enhancement home rule,  
14 which I—I'm going to ask my colleagues for their  
15 support. So this way we get those detectives, those  
16 people with experience, those people with the  
17 knowledge, and that we need here in the city. So,  
18 I'm going to ask my colleagues to support this so  
19 that this way we know that these detectives will stay  
20 here for a lot longer than the 20 years and out. So,  
21 my question is firstly is that why—why is the  
22 headcount so different from 2001?  
23

24 DEPUTY CHIEF OSGOOD: That's back when we  
25 had a uniform headcount of 41,000. We have 36,000

1 now. So, we are down in-in headcount from where we  
2 were back then.  
3

4 COUNCIL MEMBER DEUTSCH: So, if the  
5 Police Commissioner you are listening to this please  
6 take a look at the detective headcount and see how we  
7 could make the headcounts-if-if you could bring that  
8 headcount back up, and this way we could properly  
9 take a look at the SVD and the Sex Crimes Unit, and-  
10 and to over-to-to do an over-overall on all these  
11 departments.

12 DEPUTY CHIEF OSGOOD: Obviously, we-we  
13 look at the headcount throughout the department.  
14 Neighborhood policing obviously pushed out throughout  
15 the entire city. You know, we-we filled up our  
16 precinct commands, tried to get a lot more cops out  
17 there in the neighborhoods. Get to know the  
18 neighborhoods. It's part of our philosophy, but  
19 obviously we evaluate on a regular basis. So, again,  
20 we look forward to working with the Council on this  
21 issue, and really getting to a resolution.

22 DEPUTY CHIEF OSGOOD: Appreciate it Chief  
23 because I know that you did-you did mention that some  
24 of the people that the squads, some of the detective  
25 squad personnel you do take from-from the 77

1  
2 precincts throughout the city for SVD. So, you know,  
3 we need to make sure that the detective squads have  
4 that headcount, the proper headcount especially with  
5 all the cyber crimes and identity thefts and  
6 detectives are busy so many other things that usually  
7 end up with zero arrests.

8 DEPUTY CHIEF OSGOOD: And that's—that's  
9 why we have neighborhood policing.

10 COUNCIL MEMBER DEUTSCH: Yeah.

11 DEPUTY CHIEF OSGOOD: Now NCOs that the  
12 cops working hand-in-hand with our detectives as a  
13 force multiplier for them.

14 COUNCIL MEMBER DEUTSCH: Great. Thank you  
15 very much, and I just want to say keep up the great  
16 work you're doing and once again I'm got to say this  
17 again to Chief Boyce, I hope you do come back in  
18 plain clothes because you have been really very  
19 responsive over the years that I've known, and I  
20 think it's been probably like two decades, and it's  
21 been a long time and—and you really have been a great  
22 asset to the New York City Police Department. So  
23 congratulations.

24 CHIEF BOYCE: I appreciate that very  
25 much. Thank you.

1  
2 COUNCIL MEMBER DEUTSCH: Yeah.

3 CHIEF BOYCE: Thank you.

4 COUNCIL MEMBER DEUTSCH: Thank you very  
5 much.

6 CHAIRPERSON RICHARDS: Council Member  
7 Cohen.

8 COUNCIL MEMBER COHEN: Thank you, Chair  
9 Richards. Thank you for your testimony this morning.  
10 I guess the thing that I'm most interested in is, you  
11 know, we have 5,600 reported sex crimes last year.  
12 One, do you know, how many of those complaints  
13 ultimately resulted in a conviction?

14 CHIEF BOYCE: I will tell you last year  
15 we had 43% closing with arrests, right, that's either  
16 on par or better than the national average right now.  
17 So, that's the best way I can—I could tell you. I  
18 have to look into this to find that number for you.

19 COUNCIL MEMBER COHEN: And I'm just  
20 wondering--

21 DEPUTY COMMISSIONER BYRNE: [interposing]  
22 We don't have at the department always their  
23 conviction numbers. That's within the purview of the  
24 district attorneys. So when Chief Boyce says there's  
25 a 43% closing rate in arrests, those are arrests

1 we've made. Then it's up to the DAs to prosecute  
2 those cases.  
3

4 COUNCIL MEMBER COHEN: So, of the 5,600  
5 arrests were made and 43% and then we ultimately  
6 don't know how many of those cases get convictions or  
7 pleas?

8 DEPUTY COMMISSIONER BYRNE: That would be  
9 reporting we'd need from the five district attorneys.

10 COUNCIL MEMBER COHEN: And—and you don't—  
11 you don't get that?

12 DEPUTY COMMISSIONER BYRNE: We don't get  
13 that currently.

14 COUNCIL MEMBER COHEN: Thank you. You  
15 know, because that really I think is a—I wonder, you  
16 know as I've been listening to all the testimony and  
17 the questions, I think ultimately what we want to do  
18 is create an environment where victims feel  
19 comfortable coming forward, and they're not coming  
20 forward—they're coming forward because they  
21 ultimately want to see the perpetrator convicted of  
22 whatever crime they—they committed, and it's—I guess  
23 there's that, you know, you're a part of the equation  
24 but the other side of the equation is what's going on  
25 at the DA's office in terms of supporting these

1  
2 victims and-and getting them to a place where there's  
3 a conviction and I would imagine that if we're only-  
4 if we're arresting 43%, you know, I recall in my own  
5 experience in-in the court particularly like in  
6 domestic violence cases where victims ultimately  
7 decided not to cooperate. I would imagine we have a  
8 very poor conviction rate in these crimes and I get  
9 that may very well lead to why victims don't forward  
10 in the first place. I-I think that that's really  
11 sort of at the heart of this if we can come up with  
12 an environment that would- You know, I don't know if  
13 it's procedure, expediting procedure, if there's  
14 something we can do to try to move these cases along  
15 from-from complaints to ultimate conclusion and  
16 again, it's you're only part of the equation. So, I  
17 don't think you know how long these cases stay open,  
18 how long it takes to get to the finish line in these  
19 cases.

20 CHIEF BOYCE: It's difficult to say. I  
21 have some arrest data if you want to hear it.

22 COUNCIL MEMBER COHEN: I'd appreciate  
23 that.

24 CHIEF BOYCE: Okay. So, citywide sex  
25 crimes excluding rape, and I'll get to rape next,

1  
2 3,500-3,502, the number of arrest felonies were 606  
3 and total number of misdemeanors were 2,896. Patrol  
4 made 2,400 of that 3,500, 245 felonies and 2,165 in  
5 misdemeanors. The Special Victims Division made 710  
6 arrests last year, 309 were felonies and 401 were  
7 misdemeanor arrests by Special Victims. Arrests for  
8 rape in 2017, acquaintance rape was just 56% of  
9 total. It was 794; family and DV rapes were 229.  
10 That's 15%; stranger rapes were 237 arrests, 16% of  
11 the total. There's were--

12 COUNCIL MEMBER COHEN: Sixteen percent of  
13 the total?

14 CHIEF BOYCE: These are stranger rapes,  
15 strangers only. So, this--it goes 54, 15, 16 and then  
16 13 are unclassified the arrests we made. We don't  
17 have proper data to tell you what they were. The  
18 total reporting rape complaints, rapes reported in  
19 2018 presently at this writing is 251. Years prior  
20 as I gave before it's 35% outside the year, a  
21 dramatic change, and that's why we instituted these  
22 changes, these increase in--in staffing.

23 COUNCIL MEMBER COHEN: Yeah,  
24 Commissioner, I don't know if you know if there's  
25 variation among--you probably talked about the

1 Department of Justice 23% reporting, but I don't know  
2 if it varies by category of crime. Do you have any  
3 feeling?  
4

5 DEPUTY COMMISSIONER HERMAN: It does vary  
6 by category of crime, and that's the lowest reporting  
7 rate of any violent crime. Sexual assault has always  
8 been the lowest, but one thing that's really  
9 interesting to note is that when the Department of  
10 Justice does this survey every year, and they ask  
11 people have you been—have you experienced this crime  
12 and have you reported this crime? So, we know what  
13 the reporting rate is versus the victimization rate.  
14 They also ask victims why they haven't reported.  
15 What's the reason, and the reason—one of the options  
16 is because I didn't think the police would take it  
17 seriously. That category has gone steadily down over  
18 the last several years, down, down, down. So, if  
19 victims don't report this is a societal problem.  
20 This is much more than a police department or a  
21 prosecutor or a court problem. It has to do with the  
22 stigma, the fear. It has to do with people wanting  
23 or not wanting their family and friends to know about  
24 it. So, I'd be careful even though, of course, we  
25 want to look at our clearance rate, and how many

1 arrests we make. I'd be careful about using that as a  
2 the only indication of success because we are  
3 stressing to survivors of sexual assault that we want  
4 you to report even if you don't want an investigation  
5 to take place. We want you to report even if it's  
6 for information only, and at any point if you decide  
7 you want to not participate any more that's fine or  
8 not participate at this time, right. So, we are the  
9 first police department in the country to change that  
10 language from victims not cooperating to victims  
11 deciding not to participate at this time. Just to  
12 make that distinction. So, these are--these are  
13 important issues, and yes our clearance rate is on  
14 par with others, but let's be really careful not to  
15 use that as the sole barometer or success.

17 COUNCIL MEMBER COHEN: I appreciate that,  
18 but I mean I guess from--you know, from a public  
19 safety perspective obviously if they could prosecute  
20 perpetrators that's a--

21 DEPUTY COMMISSIONER HERMAN: That's true.  
22 It's also true that knowing about incidents helps us  
23 deploy resources and helps us identify patterns and  
24 that also contributes to public safety.

1  
2 COUNCIL MEMBER COHEN: Do you know or  
3 does anyone know how NYPD compares or how New Yorkers  
4 I guess compare in terms of reporting rates versus  
5 the national average?

6 DEPUTY COMMISSIONER HERMAN: Well, if we  
7 had a local crime victimization survey we would know  
8 that, but we don't. We are able to look at aggregate  
9 data every five years to look at New York City, but  
10 it's very difficult. I would, you know, strongly  
11 encourage a local victimization survey.

12 COUNCIL MEMBER COHEN: Okay. I just have  
13 one more question, Chair about--about the training  
14 end. You know, there's been a litany of alphabet  
15 soup of--of training protocols. How do we know which  
16 trainings are effective, which are not effective,  
17 which are more effective. I think I've tried to get  
18 to this at other hearings, but, you know--I wonder how  
19 we evaluate the efficacy of the training--of these  
20 trainings that we--that we were subjecting the--the  
21 force to.

22 DEPUTY COMMISSIONER HERMAN: One--one way  
23 for instance let's just talk about FETI. FETI is a  
24 relatively new model. It hasn't been significantly  
25 researched yet scientifically or rigorously

1 researched. So, we're looking at anecdotal evidence.  
2 We're looking at feedback from victim advocates who  
3 have told us that things are going better since FETI  
4 was instituted, but we're also looking at the  
5 experience of detectives who are seeing before their  
6 eyes that when they ask questions a certain way  
7 versus another way, they're getting a whole different  
8 kind of interview, more helpful, more accurate  
9 details. The victim is more likely to participate  
10 in the investigation as it moves forward. These  
11 interviews take usually, not always, but usually take  
12 much longer than a standard interview, and are more  
13 effective.  
14

15 COUNCIL MEMBER COHEN: Are you currently  
16 evaluating the effectiveness of FETI as an example?

17 DEPUTY COMMISSIONER HERMAN: We haven't--  
18 we haven't launched a--an evaluation of it more than  
19 just seeing how we are interacting with victims and  
20 asking victim advocates to talk to us about the  
21 experience of their victims.

22 COUNCIL MEMBER COHEN: [interposing] But  
23 that's--

24 DEPUTY COMMISSIONER HERMAN: I think a  
25 lot of the stories--

1  
2 COUNCIL MEMBER COHEN: --in that ad hoc  
3 on a anecdotal basis, you're saying?

4 DEPUTY COMMISSIONER HERMAN: I'm sorry?

5 COUNCIL MEMBER COHEN: Is that--that's  
6 done in an ad hoc basis you're saying?

7 DEPUTY COMMISSIONER HERMAN: Well, it's  
8 done on an ad hoc basis. You can--I--I would say we  
9 get very regular input from victim advocates at every  
10 level. I meet with advocates, Deputy Chief Osgood  
11 meets with advocates separately, the Police  
12 Commissioner has a regular meeting with advocates.  
13 We hear from advocates on a regular basis not only  
14 meetings that we convene, but we go out to their  
15 meetings. We participate in sexual assault task  
16 forces in every borough in the city, and they meet  
17 regularly. So, we're--we're in constant  
18 communication. I think a lot of the stories that  
19 you're hearing are old stories. Some of them are not  
20 and we can--as we've been saying we can always get  
21 better, but a lot of these stories are old stories.

22 DEPUTY COMMISSIONER BYRNE: But I think  
23 it's important to note this is an ongoing dialogue. I  
24 t's not a static conversation. So, as Commissioner  
25 Herman said, Commission O'Neill most recently met

1 with a large group of sex crime survivor advocates on  
2 March 5<sup>th</sup>. Out of that meeting we had a bunch of  
3 feedback and agreed to meet in the near future. The  
4 feedback we've gotten from that advocate community so  
5 far, although it's not empirical evidence has been  
6 generally positive about FETI. One of the things  
7 we've started to do in the department in the last  
8 four years, and I'm not saying we've done it with  
9 FETI, but with training generally before we roll out  
10 a largescale training program we do it in small focus  
11 groups, and we get feedback first from the officers.  
12 Did they understand the training? Did they find it  
13 useful? Did they find it helpful? How could it be  
14 improved? And that's an ongoing process in the  
15 department as well. It's something relatively new.  
16 Not something the NYPD has done historically.

18 CHIEF MONAHAN: Just to add onto that, we  
19 critique each part of training pieces in the bureau,  
20 and we—we're—we're driven by that. Is it effective  
21 and we ask the questions: Does this help you? Is  
22 this something you learned new today? And we get  
23 that feedback and we use it. The Training Bureau and  
24 the Detective Bureau has increased exponentially over  
25

1 the last four years. I believe in it, and I think  
2 it's working.

3  
4 COUNCIL MEMBER COHEN: Well, I would—I  
5 mean just as a—as an aside, encourage maybe, you  
6 know, empirical testing on this training as it—it  
7 seems, you know, the subject matter is vitally  
8 important and we want to make sure we're doing the  
9 best job we can, and that the training is  
10 appropriate, and achieving the goals we want it to  
11 achieve. I appreciate that. That's my last  
12 question. Thank you, Chair.

13 CHAIRPERSON RICHARDS: Just some—just  
14 some follow up on it. Are you familiar with the  
15 Prummell model?

16 CHIEF MONAHAN: [off mic] I am.

17 CHAIRPERSON RICHARDS: So—so do you have  
18 any thoughts on that particular model utilized by  
19 SVD?

20 CHIEF MONAHAN: [background comments] You  
21 know 90 days—

22 CHAIRPERSON RICHARDS: [interposing]  
23 These—these will be out, you know, and I think the  
24 other, and sorry to interrupt you. How many hours on  
25

1  
2 average are your particular detectives spending on  
3 it?

4 CHIEF BOYCE: [interposing] So, here,  
5 sir, I had never heard of the Prummell model prior-  
6 prior to that-to-to the report. In my 35 years never  
7 heard of it.

8 CHAIRPERSON RICHARDS: Okay.

9 CHIEF MONAHAN: And I have some issues  
10 with it just, but I-I don't want to-I haven't fully  
11 studied it, and I know we have the 90 days to  
12 respond, but when you see something when we make an  
13 immediate arrest and then it takes you seven months  
14 to solve a crime. I had a homicide that took me  
15 seven months of bombing of a fellow out in Southeast  
16 Queens. It took me seven months to solve the case.

17 CHAIRPERSON RICHARDS: Uh-hm. It's in my  
18 district.

19 CHIEF MONAHAN: Yeah I know. I make-I  
20 make those arrests, you know, we make those-my  
21 detectives make those arrests, make homicide arrests  
22 the next day sometimes. So, I don't see how you can  
23 do it, but I'm not going to say anything about  
24 something I don't really-didn't know much about it.

1  
2 CHAIRPERSON RICHARDS: So, you're open to  
3 at least looking at it?

4 CHIEF MONAHAN: Of course, of course. I  
5 mean it's getting better if we look at some like  
6 that.

7 CHAIRPERSON RICHARDS: Right, because I  
8 think it's about, you know, not necessarily. It's--  
9 it's as I think Susan alluded to, it's about the  
10 quality of the investigation as well.

11 CHIEF MONAHAN: Right.

12 CHAIRPERSON RICHARDS: So, we want to  
13 make sure that we're spending an adequate enough with  
14 victims, you know, to build that trust and to ensure  
15 that they're comfortable so that we can get higher  
16 conviction rates as we move forward. Otherwise we  
17 lose trust, and--and one of the things I think you  
18 spoke of as is building that trust, word of mouth,  
19 right. So, more people feel--

20 CHIEF MONAHAN: Right.

21 CHAIRPERSON RICHARDS: --comfortable  
22 coming forward to--to report when incidents occur.  
23 So, we still have a lot of work to build that trust--

24 DEPUTY COMMISSIONER BYRNE: [interposing]  
25 Yeah, let me just add to that another--

1  
2 CHAIRPERSON RICHARDS: --and others, too,  
3 we can look at.

4 DEPUTY COMMISSIONER BYRNE: Let me add to  
5 that, Chairperson Richards, because I think Chief  
6 Monahan said this, but I want to stress this because  
7 we know it's the view of the Police Commissioner.  
8 While we've made some preliminary responses publicly  
9 and today to the DOI report, we are studying it  
10 carefully. We intend to examine everyone of their  
11 recommendations as well as all of their observations  
12 thoroughly, and we're going to respond in writing  
13 thoroughly. It may be at the end of the day that we  
14 agree with some of their observations. We disagree  
15 with some. Some of them might have been appropriate  
16 in 2014 or 2016, and may not be applicable today, but  
17 like we do with all information and feedback we get  
18 whether it's from the Council from the Inspector  
19 General, from the advocates groups we're going to  
20 study all of that carefully, and as Chief Monahan  
21 said, see what we can do to take a good system and  
22 vastly improve it.

23 CHAIRPERSON RICHARDS: Right.

24 DEPUTY COMMISSIONER BYRNE: And this will  
25 be part of that process.

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CHAIRPERSON RICHARDS: And I think, you know, just getting back because I know that it's—we've a hit a sore spot with the DOI Report and other things, but it shouldn't really be about political favor. It should really be about the focus being on victims, and I think if we can all work together whether you agree with DOI, whether you agree with us or not, I think if we keep our focus on these victims we'll come up with a successful solution. I'm go to Council Member Kallos.

COUNCIL MEMBER KALLOS: Thank you, Chair Richards for leading this joint hearing of Public Safety and Women's Issues. I must apologize for missing the 9:30 meeting of the Women's Issues Committee. I have not missed a doctor's appointment with my daughter since before she was born--

CHAIRPERSON RICHARDS: [interposing]  
Congratulations.

COUNCIL MEMBER KALLOS: --and I wasn't going to start now. I want to follow a lot of Council Member Cohen's questions. In terms of the misdemeanor and felonies that you've recorded, how many of the individuals involved had prior 911 calls,

1  
2 prior complaints or prior arrests or prior  
3 convictions on similar or related crimes.

4 DEPUTY CHIEF OSGOOD: That's something we  
5 don't have here right now. We'd have to get back to  
6 you on it.

7 CHIEF MONAHAN: If I could just--on the  
8 transit related recidivism, it's quite high. The  
9 crimes we see committed in transit, mostly  
10 misdemeanors are still repugnant nonetheless, and  
11 they're forcible touching is the main body of it. We  
12 see a high level of recidivism there. So, without  
13 having that--that database, sir, the best way I can  
14 answer this because I do know that, that that's a  
15 pretty good illustration of some of the recidivism  
16 within transit sex crimes.

17 COUNCIL MEMBER KALLOS: And I'm looking  
18 less at recidivism as in precursor crimes on whether  
19 or not when you see sex crimes that are specifically  
20 relating to rapes whether or not it's pre--whether  
21 precursors of harassment, assault, other violence or  
22 domestic violence that [background comments] often  
23 happens before there's ultimately a different  
24 complaint about it.

1  
2 CHIEF MONAHAN: And actually we spoke  
3 about CompStat and that's what CompStat does when we  
4 take a deep dive into an individual case, we will  
5 look to what precursors may or may not have been  
6 missed. So, it's something that we do on a review on  
7 a case-by-case basis.

8 COUNCIL MEMBER KALLOS: In terms of the  
9 sex crimes, how many of them are just—they only get  
10 charged, they're only guilty or found to have  
11 violated the sex crime. How often is it also  
12 accompanied by assault or harassment, stalking?

13 CHIEF MONAHAN: Again, these are—these  
14 are stuff that we would have to get our Strategic  
15 Initiative Unit to get you numbers on. It takes a  
16 little deep dive to get that deep number. So, we can  
17 work on it if you need it.

18 COUNCIL MEMBER KALLOS: And where are the  
19 sex crimes happening? So, some are happening on the  
20 transit. Are other locations where they tend to  
21 happen more than not? Are you keeping track of the  
22 origin locations?

23 CHIEF MONAHAN: We do, but I don't have  
24 that if you ask me about parks or on the street or  
25

1 things of that nature, and I'd have to get that for  
2 you. I just don't have it with me today.

3  
4 COUNCIL MEMBER KALLOS: So, I think—I  
5 think Transit. I think we've got in the home in  
6 terms of when you're deal with in the family  
7 situation. Are there other places, hotels, places  
8 operating liquor licenses? I mean I'm must curious?

9 CHIEF MONAHAN: Well, it would be about—  
10 obviously, we have instances in parks. We have  
11 instances coming out of clubs. It's—it runs the  
12 whole gamut.

13 COUNCIL MEMBER KALLOS: I—I would be  
14 interested in learning whether or not they're—in  
15 order to help with the under-reporting that is  
16 acknowledged whether or not creating mandatory  
17 reporting by places where these crimes are happening  
18 might be helpful.

19 DEPUTY COMMISSIONER HERMAN: A tremendous  
20 amount of sexual assault happens in the home.

21 COUNCIL MEMBER KALLOS: Uh-hm.

22 DEPUTY COMMISSIONER HERMAN: Just—that  
23 would complicate that.

24 COUNCIL MEMBER KALLOS: So, if you can  
25 tell—take me through some—some of what happens. So,

1 somebody is a victim of a sexual crime, and they-is  
2 that-is that-what happens next if they're trying to  
3 do something about it? Is it a 911 call? Is it an  
4 intake at a hospital? Are they going to a precinct?

5  
6 CHIEF BOYCE: Again, it's all the above.  
7 Every incident-every incident is individual. So, we  
8 respond wherever it is. If they come in, we'll have  
9 them go up into detectives, that Sex Crimes Division.  
10 If it's a hospital, we have a detective respond,  
11 hopefully a sex crimes detective. Sometimes we go-  
12 come on the scene of a house and we make a summary  
13 arrest. So, it's-it can run the full gamut there,  
14 too.

15 DEPUTY COMMISSIONER HERMAN: I'll just  
16 add to that. I think you may have missed the  
17 beginning testimony where we talked about a larger  
18 percentage than usual of cases happening at a period  
19 not just-not this year, but a large portion of them  
20 happening three, four and five over five years ago.  
21 So, we're usually not talking about a 911. In those  
22 cases, we're not talking about a 911 call. There's  
23 an urgent need of someone who's thought about it, and  
24 decided to report, and then they'll talk to an SVD  
25 detective.

1  
2 COUNCIL MEMBER KALLOS: And so, is—and  
3 then there's the person is arrested at that—after  
4 that they get arraigned. Is there an order or  
5 protection issued? What is—what measures are taken  
6 to keep the victim safe?

7 CHIEF BOYCE: Again, if it's an  
8 acquaintance or known person, the courts can issue an  
9 order of protection. That will be done through the  
10 DA's Office.

11 COUNCIL MEMBER KALLOS: Okay, and then  
12 after that, often time what we see especially  
13 relating to sex crimes, sex harassment is  
14 retaliation. What—where is the PDA when the  
15 retaliation starts?

16 CHIEF MONAHAN: We stay in close contact  
17 with our complainants or victims. If there's any  
18 kind of a call to them or in any fashion, we—we will  
19 immediately respond. Generally speaking, a domestic  
20 cases if there's order of protection, we—we can  
21 arrest them immediately. Every domestic violence  
22 case that's a felony, which that would fall into--is  
23 a mandatory arrest by the NYPD we make them.

24 COUNCIL MEMBER KALLOS: So, there's  
25 retaliation and then what—what happens—what is the

1  
2 crime that a person is charged with on retaliation  
3 and—and how likely are we as a city, as an NYPD to  
4 keep those people safe after the report?

5 CHIEF MONAHAN: So, you would—we would  
6 immediately arrest that person, and tell the judge  
7 they violated the order or protection after being  
8 told not to. We make a bail application to the—I  
9 don't want to speak for a DA, but that's what they  
10 would do. So, we go through everything, but we  
11 relocate that person, if we have to, to a different  
12 residence to a different location. That's happened.  
13 That's commonplace in this city when you have an  
14 instance of that—of that nature.

15 DEPUTY COMMISSIONER HERMAN: They also—we  
16 also would encourage the survivor of sexual assault  
17 as well as any other crime to talk to a victim  
18 advocate and engage in safety planning. So that if  
19 another—a different stipulations in the order of  
20 protection are appropriate that that happens. If  
21 they want to relocate that we can advocate—advocate  
22 for emergency transfer of NYCHA housing or if they  
23 want to relocate out of New York City or to another  
24 borough, that can be facilitated.

1  
2                   COUNCIL MEMBER KALLOS: And forgive me.  
3 A lot of these questions I'm going to turn it. I  
4 tend not to ask questions that I don't already know  
5 the answer to, but part of this process is just  
6 getting things out into the public, and for those  
7 watching at home and the audience just so that they  
8 can become familiar. So, in response to a lot of the  
9 questions from Council Member Cohen and some of my  
10 questions, you see to be talking about your  
11 partnership with the district attorney. Will they be  
12 involved in responding to the Inspector General's  
13 Report since it seems that half—you're on the arrest  
14 side, but in terms of on the trial side and—and  
15 whatnot that that side of the puzzle seems to be  
16 missing from this hearing.

17                   DEPUTY COMMISSIONER BYRNE: The—the  
18 Inspector General is specific to the NYPD. So, the  
19 obligation to respond is to us. One of the claims  
20 the IG Report makes is that they've spoken with  
21 unnamed district attorney's offices personnel. We  
22 would welcome any input from the district attorneys  
23 both on the report and on the larger issue of how we  
24 all work together to do a better job of treating sex  
25 crimes survivors respectfully and handling these

1 cases with the highest degree of success, but the DAs  
2 have not obligation or formal role under the law that  
3 the Council passed in responding to the IG Report.  
4

5 COUNCIL MEMBER KALLOS: So, I guess given  
6 the questions that Council Member Cohen and I would  
7 like to echo about conviction and settlement rates  
8 and cases that are dropped, would it be possible for  
9 NYPD to start doing what I have been able to work  
10 with the Law Department doing, which is vertical case  
11 handling, which is keeping track of it from initial  
12 complaint all the way to resolution and work with the  
13 DA's office to stay on top of what ends up happening  
14 because ultimately, it has a bearing on public safety  
15 and people's likelihood to report.

16 CHIEF MONAHAN: That's something we can  
17 work on. That's what our Crime Control Strategists  
18 works on with the DAs on a regular basis. So, we can  
19 get that.

20 COUNCIL MEMBER KALLOS: So, I guess one  
21 of the concerns is so either it settles or it gets  
22 dismissed or God forbid, it ends up in trial, and in  
23 trial you have a witness, often the victim, and in  
24 that situation the way that attorneys, defense  
25 attorneys deal with that is they undermine the

1  
2 credibility of the victim. That's where we see some  
3 of the slut shaming and other situations out there  
4 saying that because a person has engaged in prior  
5 sexual acts, whether with that person or another  
6 person, that somehow their credibility can be  
7 impugned, which is horribly inappropriate, and may  
8 lead victims to not want to go forward. What can we  
9 do around that situation?

10 CHIEF MONAHAN: Well, that's the-the  
11 original investigation that we do. We want to gather  
12 as much evidence of we can beyond just the victim's  
13 statement. That's why we do such an intensive  
14 investigation in these cases.

15 COUNCIL MEMBER KALLOS: Is there a way to  
16 get these convictions without doing the victim's  
17 statements so you can just do it on the evidence  
18 itself?

19 CHIEF MONAHAN: Yes, it. If you-  
20 sometimes people cannot make an identification. We  
21 have a forensic case. We make the arrest. Of course  
22 it is, but it's an evidence-based investigation at  
23 that point. So, we have to collect what forensics we  
24 have and other eyewitness testimony to help with  
25 that.

1  
2 COUNCIL MEMBER KALLOS: And if the chair  
3 would indulge me in my last question. So, a person  
4 has made the complaint. They've successfully taken  
5 it through or settlement. The person has been  
6 convicted. What is--what is the outcome? Are the  
7 people facing jail time? Are they getting orders of  
8 protection that are long term? What is the maximum  
9 length of one of those protections, and what happens  
10 to--hopefully the--the victim has become a survivor,  
11 but what happens to a survivor when they have this  
12 person who has harmed them before, and how long will--  
13 can they--will they be protected for that person? Is  
14 it for the rest of their life?

15 DEPUTY COMMISSIONER HERMAN: Again, we  
16 work with victims post-complaint, post-arrest, post-  
17 conviction. In terms of conviction data and  
18 sentencing data, that's not data we get on a regular  
19 basis from the district attorneys either on  
20 individual cases or in a summary format. It's data  
21 that certainly would be useful to us and useful to  
22 the Council, but I don't know that it's currently  
23 collected or disseminated in any kind of organized  
24 fashion.

1  
2 COUNCIL MEMBER KALLOS: I-I would just  
3 say that as a victim of harassment that's currently  
4 going through this process, it is actually worse  
5 going through the process than--than dealing with some  
6 of their harassment, and I'm not sure it's all in the  
7 NYPD, but we as a city, whether it's the Mayor, the  
8 DAs, the NYPD and also the Council we need to get  
9 together so that victims know that they are safe  
10 starting from the outset through conclusion because  
11 what we're looking at in many of these cases is six  
12 month or two-year order of protection, and then good  
13 luck.

14 DEPUTY COMMISSIONER BYRNE: I agree with  
15 you, and, you know, in my prior life I spent seven  
16 years as a federal criminal prosecutor. I made sure  
17 in every case that I prosecuted that both the  
18 victims, the witnesses, the case agents and the case  
19 detectives, and I did quite a number of cases with  
20 the NYPD, knew the outcome in terms of conviction and  
21 sentence. That doesn't happen by every DA in every  
22 case, unfortunately, but it's a goal that I think we  
23 should all work towards.

24 CHAIRPERSON RICHARDS: Thank you, Council  
25 Member Kallos. Just a few more questions before we

1 close out. So, one, I'm just going to—well,  
2 questions and requests. So, I'm going to request  
3 officially if we can information on the names, ranks  
4 and transfer dates and length of service and adults  
5 in the Sex Crimes Squad Unit that would be helpful  
6 following this hearing. So, we want to see the  
7 lengths of service, transfer dates. Also, I know we  
8 announced some new detectives and—and—and patrol,  
9 white shields into the SVD Unit Friday. One of the  
10 questions I have is there were some outstanding  
11 transfer requests at least according to DOI that were  
12 never honored. Are we—are these part of those  
13 transfer requests, or are they new—totally new hires  
14 or new transfers?  
15

16 CHIEF MONAHAN: These are transfers on  
17 Chief Osgood's list of people that's he interviewed  
18 and found appropriate to go into SVD.

19 CHIEF MONAHAN: So, these—these were  
20 approved. These were the approval going back to—

21 CHIEF MONAHAN: [interposing] These were  
22 the lists when we told—when we told Chief Osgood that  
23 he could pick up additions, and this is the list that  
24 he produced.  
25

1  
2 CHAIRPERSON RICHARDS: Okay. Alrighty on  
3 that, and hen I know you—you mentioned meeting with  
4 the advocates, and I think one of the things that was  
5 spoken of is there's a request in for more funding  
6 for FETI training through OMB. If so, if this is  
7 true, where are we at with that funding? Has it been  
8 approved or--?

9 DEPUTY COMMISSIONER HERMAN: FETI—FETI  
10 has a line item that's in the budget that's secure,  
11 that's always been there.

12 CHAIRPERSON RICHARDS: And how much?

13 DEPUTY COMMISSIONER HERMAN: \$250,000.

14 CHAIRPERSON RICHARDS: \$250,000 and  
15 that's—and what will that \$250 go towards, and how  
16 many--

17 DEPUTY COMMISSIONER HERMAN:

18 [interposing] It will go towards I believe two  
19 trainings a year in FETI, and that number was never  
20 in jeopardy.

21 CHAIRPERSON RICHARDS: That number was  
22 never in jeopardy?

23 DEPUTY COMMISSIONER HERMAN: Nope.

24 CHAIRPERSON RICHARDS: Okay. Alrighty, I  
25 just want to thank you all for coming. I know, and

1 before I pass it back over I'll let you close out  
2 Council Member Rosenthal. A lot of mansplaining  
3 (sic) going on this meeting. Women need to leave,  
4 but I want to thank you for—for certainly coming in,  
5 and I want to thank you for the work that you do. I  
6 don't want to take away from the work that people in  
7 the SVD Unit do every day. In particular, I want to  
8 recognize the work that Deputy Chief Osgood does day  
9 in and say out. Happy that his requests are finally  
10 being heard. I also want to mention there is stills  
11 some outstanding things that the working group has  
12 spoken of. So, hoping we can follow up on a lot of  
13 these things. I will once again disagree on the use  
14 of white shields going into this unit. So, I'm  
15 hoping we can have more conversation moving forward  
16 on that. Certainly the facilities that victims are  
17 going to we need to continue our conversation on,  
18 ensuring that this unit is a graded division, and I  
19 know there's debates on that. We can continue that  
20 conversation. Safe Horizons that two—we're at two-  
21 thirds of the particular counselors at precincts now.  
22 We hope to really see that finished by the—by the end  
23 of the summer because I think we're a little past due  
24 where we need to be at on that. And I will say  
25

1  
2 thank you today for finally admitting that we can do  
3 a better job. Forgive our passion, but I think the  
4 victims deserve better. We are going to push to  
5 ensure in any areas that we believe you can do better  
6 it's a—we should all be open to being critiqued. I  
7 don't mind personally being critiqued. So, I'm  
8 hoping that the department as we move forward and  
9 especially as the new chair I'm not sure what you  
10 were used to before, but we are certainly going to  
11 critique you in areas that we think you can do  
12 better. You've done a lot of great work to drive  
13 crime down. I just did an interview in here speaking  
14 very highly of the work you've done in community  
15 policing although I do think there are things we can  
16 do better there. So, we will continuously speak out  
17 about the things that you are doing correct, and—and—  
18 and certainly I would hope that the department will  
19 continue to work with us to make sure that in areas  
20 that more resources and—and policy changes should be  
21 made that we can do that in a constructive manner  
22 without getting into, you know, yelling matches or  
23 disrespectfulness. So, I apologize if I certainly  
24 cut people off today, but forgive my passion. We  
25 want to ensure that the victims are getting the best

1  
2 quality and quantity because guess what? It does  
3 jeopardize public safety when you're dealing with  
4 victims who have been victimized. There are children  
5 in the homes. That 3-year-old who was murdered in  
6 the Rockaways I am a friend of the grandmother. I  
7 know the family very well. Forgive my passions  
8 today, but we want to ensure that our communities and  
9 women and men alike in the LGBTQ community are  
10 getting the services that they deserve. So, forgive  
11 our passions for today. I'm hoping that we can move  
12 forward in a constructive manner and really look at  
13 these recommendations this time seriously. I do have  
14 a lot of faith in Commission O'Neill and I'm hopeful  
15 that we will continue on this path to ensuring that  
16 we can correct the past wrongs that we've seen in  
17 this DOI Report, and we don't have to agree on all of  
18 the thins. Maybe there's good and bad in-

19 CHIEF MONAHAN: [interposing] We're  
20 always looking to do good. We thank you.

21 CHAIRPERSON RICHARDS: --but correct the--  
22 the bad and it's certainly. So, thank you for coming  
23 today. I'm going to allow Council Member Rosenthal  
24 to-

25

1  
2                   DEPUTY COMMISSIONER BYRNE: [interposing]  
3 Can I just add, Chairperson Richards on your follow-  
4 up in the spirit of working together. I want to  
5 reiterate what Oleg said at the beginning to you and  
6 to Chairperson Rosenthal for that matter any member  
7 of the Council to invite you to come over and look at  
8 the capabilities of our current ECMS system, which  
9 we've talked about. So, that you can see for  
10 yourselves rather through a description in a report  
11 exactly how it works, how the detectives use it, and  
12 how it fits into the overall strategy and resources  
13 here to fight these terrible crimes.

14                   CHAIRPERSON RICHARDS: We will take you  
15 up on that offer.

16                   CHAIRPERSON ROSENTHAL: Thank you so  
17 much. Can we--can that invitation--I'll certainly  
18 take up any offer. Thank you.--be extended to the  
19 workings, the current workings of the SVD?

20                   DEPUTY COMMISSIONER BYRNE: Sure.

21                   CHAIRPERSON ROSENTHAL: Thank you. I-I  
22 just want to wrap up by, of course, thanking you as  
23 well for coming today. I would--there's no question  
24 that the investments that were announced are  
25 terrific. That's great. I encourage--I'm hopeful

1  
2 that there will be more as—as you pull together your  
3 response to the DOI Report, and I would also like to  
4 say at this juncture with—whit this group of people  
5 that I look forward to hearing next from the  
6 advocates who work with these victims day in and day  
7 out. I think their testimony will be—will shine a  
8 light on what's needed, and I hope that people will  
9 stay that NYPD will stay to hear from them today on  
10 this topic now. Thank you very much.

11 DEPUTY COMMISSIONER BYRNE: Chairperson  
12 Rosenthal, I think you had stepped out of the room  
13 with Commissioner Herman and I addressed it. We are  
14 going to leave people behind to hear the advocates,  
15 but we have a regular ongoing, it's not a static,  
16 it's a continuing dialogue with the advocates.  
17 Commissioner Herman does that, Chief Osgood does  
18 that, Chief Boyce does that. Commissioner O'Neill has  
19 regular meetings with the advocates. Most recently,  
20 we met with a group of the advocates on March 5<sup>th</sup> and  
21 we plan to continue to meet with them and, of course,  
22 what they have to say today will be important to us  
23 as well.

24 CHAIRPERSON ROSENTHAL: I'm going to take  
25 the high road here, and not take the bait.

1  
2 CHIEF MONAHAN: Thank you. Thank you  
3 very much. [laughs]

4 CHIEF MONAHAN: Sure.

5 CHAIRPERSON ROSENTHAL: Thank you for  
6 coming.

7 CHAIRPERSON RICHARDS: Thank you. We're  
8 going to call—I will ask someone to stay behind to  
9 hear from the advocates as well. I will let you make  
10 that decision. Alright, we're going to call the next  
11 panel. Michael Bach, a retired NYPD from SVD; Mary  
12 Haviland, New York City Alliance Against Sexual  
13 Assault; Jane Manning, Women's Justice now and also D  
14 Neck (sp?). Hopefully, I've said that correct.

15 [background comments] Jane Manning, Woman's Justice  
16 Now; Mary Haviland, New York City Alliance Against  
17 Sexual Assault; Michael Bach, retired NYPD SVD; and  
18 Desdemona Meck.

19 CHAIRPERSON ROSENTHAL: I would just like  
20 to announce that I just saw 14 members of the NYPD  
21 leave the room. Could anyone who works for the NYPD  
22 raise their hand. One, two. Wait a minute. I want  
23 to see again. Are you guys staying or leaving  
24 because you're standing up? [background comments]

1 Leaving. Who is staying in this room? I see one,  
2 two hands. Okay, thank you very much. [pause]

3  
4 CHAIRPERSON RICHARDS: You may begin.

5 MARY HAVILAND: My name is Mary Haviland.  
6 I'm the Executive Director of the New York City  
7 Alliance Against Sexual Assault. I'm going to do my  
8 best to read this as quickly and as succinctly as I  
9 can. I want to thank the Chairs of these committees  
10 for being here and the Council Member who remains for  
11 staying to listen to this testimony. We have an  
12 excellent well researched report by the Inspector  
13 General's Office exposing a serious lack of staffing  
14 resources for the Special Victims Division at the New  
15 York City Police Department. This is a serious issue  
16 for survivors of sexual violence in New York City.  
17 Before I start, I do want to acknowledge that we have  
18 a dedicated leader in SVD, Deputy Chief Osgood, who's  
19 trying very hard to improve the performance of his  
20 division. I also want to recognize Deputy Commission  
21 Susan Herman of Collaborative precinct-Policing whose  
22 a serious reformer and who is making significant  
23 advances in the treatment of crime victims. These  
24 are positive steps forward in the transformation of  
25 the culture surround sexual assault and its

1 investigation by the NYPD. You've heard some of  
2 their initiatives this morning. I did want to  
3 comment on a couple of things maybe at the end of my  
4 testimony about things that I think were not quite  
5 accurate about this morning's presentations, but  
6 first, I want to just launch into my recommendations.  
7 First, I recommend the doubling of the SVD detectives  
8 in--in Special Victims. There are currently 67  
9 detectives handling adult sexual assault cases for  
10 5,661 cases. Sexual assault crime reports have  
11 increased by over 65% since 2009. Yet, there have  
12 been no comparable increases in staff. I want to  
13 unpack this a bit. There are some major events that  
14 have taken place over the last eight years that  
15 greatly increase the caseload [coughs] at SVD. First,  
16 a working group created by Commission Kelly in part  
17 as a response from pressure--[coughs] Excuse me. I'm  
18 sorry--from this advocacy organization and others  
19 imposed the following additional tasks on SVD:  
20 Creation of a data analysis group that scrubs all  
21 income complaints to check for proper charges on  
22 cases. In 2016, this group found 63 rape crease--rape  
23 cases that were not charged as such. A transfer of  
24 all misdemeanor sex offenses from the precinct  
25

1 detective squads to SVD representing 2,000 cases a  
2 year; and the creation of an SVD night watch team  
3 that responds to calls from hospital emergency  
4 departments when they're conducting a forensic exam.  
5 In 2016, there were 500 hospital responses. These  
6 are all very positive initiatives that improve the  
7 investigations of sex crimes. However, previous NYPD  
8 commissioners and top NYPD leaders did not make  
9 commensurate staff increases as it—as it has very  
10 carefully demonstrated by the DOI report. In  
11 addition, there have been four other major events  
12 that have led to increase in case load. In 2012—in  
13 2012, the New York State Legislature passed the DNA  
14 Recovery Law that requires samples from most of those  
15 convicted of misdemeanor and felony crimes. This has  
16 increased DNA hits that necessitate investigation.  
17 In 2014, transit sex crimes were transferred to SVD,  
18 and an almost fourfold increase in sexual assault  
19 offenders monitored by the Offender Unit since 1997.  
20 Finally, with the passage of Campus Sexual Assault  
21 Law in 2015, more students are reporting sexual  
22 assault. Incredibly, after all of this, the  
23 Inspector General's Report states that there were  
24 more adult SVD detectives in 1979 than there were as  
25

1 of March 2018. In the—in a recent meeting with the  
2 NYPD, which was alluded to here earlier, which was  
3 requested by the advocates, not by the Commissioner—  
4 the Police Commissioner, leadership at that meeting  
5 indicated that there was an average of 93 cases per  
6 year per SVD detective. This caseload is nearly  
7 double that of other police departments according to  
8 research conducted in this country. SVD detective  
9 caseloads are 31 times higher than that of homicide  
10 detectives. Granted, the public has a strong—granted  
11 the public has a strong interest in quality homicide  
12 investigations, but this difference is unacceptable.  
13 Sexual assault investigations involve time consuming  
14 [bell] interviewing, remain in contact with victims,  
15 pulling video camera footage, text and social media  
16 communications, photos, forensic evidence, and I'm  
17 going to move forward to say that the feedback [bell]  
18 that we've received from survivors collaborates—  
19 corroborates the conclusions of the Inspector  
20 General's Report. Our most common complaint is that  
21 the Survivor has not heard from and SVD detective in  
22 weeks, and that repeated attempts to contact them are  
23 not successful. We also hear of evidence that's not  
24 pursued, cases that are dropped without explanation,  
25

1 and inexperienced detectives asking insensitive  
2 questions. So, I'm going to just summarize my  
3 recommendations. You can read the rest of my  
4 testimony. My second recommendation is to transform  
5 the Special Victims Division into a first class  
6 trained investigative body. I think this takes an  
7 increase in the number of seasoned trained  
8 investigative detectives in SVD. I think it requires  
9 significant increase of training in the unit. My  
10 third recommendation is to improve the physical plant  
11 of the borough SVD commands and finally, I think we  
12 need more collaboration with rape crisis center  
13 providers and more transparency on the part of NYPD  
14 leadership around resources that are going into SVD,  
15 and on that note, I would recommend that the  
16 Commissioner create a separate budget for SVD that he  
17 oversees, and that he reports periodically back to  
18 the City Council on that budget. In New York City  
19 the city owes the following to survivors of sexual  
20 violence: To be believed when they report a crime of  
21 sexual violence; for the investigation to be carried  
22 out in a way that understands the biological effects  
23 of trauma; for investigations to be completed  
24 thoroughly, and competently showing probable cause in  
25

1 every case past the DA's office and detective skills  
2 that keep survivors updated, engaged and willing to  
3 cooperate in the investigation of their case. Thank  
4 you.

5  
6 CHAIRPERSON RICHARDS: Thank you. Thank  
7 you for your testimony. You may begin.

8 JANE MANNING: [off mic] Thank you,  
9 Council Member Richards.

10 CHAIRPERSON RICHARDS: Just press your  
11 mic in the front. There you go.

12 JANE MANNING: [on mic] Thank you,  
13 Council Member Richards. My name is Jane Manning, and  
14 I'm the Director of Advocacy for Women's Justice Now.  
15 My day to day work is that I provide direct services  
16 to survivors of sexual assault in cooperation with  
17 our partner organization The National organ-National  
18 Organization for Women. I, myself am also a former  
19 sex crimes prosecutor. Council Member Rosenthal, I  
20 want to thank you. It is clear that you have done  
21 your research into the challenges and also the  
22 strength of the current Special Victims Division.  
23 Council Member Donovan Richards, I want to thank you  
24 for your questions about the impact of inexperience  
25 on investigations. I want to speak to that a little

1 bit because it's something that I witness on a day to  
2 day basis. The investigators spent—sent to special  
3 victims are often not experienced investigators. In  
4 one of my cases, the investigators failed to show a  
5 photoray to three key eyewitness who saw the suspect  
6 shortly before the victim was attacked, and could  
7 probably have led investigators to him. In another  
8 case—that photoray was never shown and the suspect  
9 was never identified. That opportunity was lost.  
10 That cases was not prosecuted. In another case  
11 crucial video footage was not secured that could have  
12 corroborated the victim's testimony about lack of  
13 consent. In another case, the detective failed to  
14 spot classic signs of a drug facilitated sexual  
15 assault, which is a grown scourge in our city, and  
16 greed the victim in that case with these words: Was  
17 this a case of rape, or was this a case of buyer's  
18 remorse. In all of those cases, the investigators  
19 were sent to Special Victims without adequate  
20 experience and training. Council Member Richards,  
21 you asked about the impact of having acquaintance  
22 rape cases not enhanced by Special Victims detectives  
23 after arrest. I can give you a classic example of  
24 the harmful effects of that process. It was the case  
25

1 of Bijan Williams, which was publicly reported in New  
2 York papers. This was a prominent choreographer who  
3 was arrested for taking a minor, a young dancer who  
4 was only 17 years old to a bar by copious amounts of  
5 alcohol for her, and according to the victim's  
6 account raping her while she passed in and out of  
7 consciousness. That case—in that case, Patrol did  
8 what they should have done. They summarily arrested  
9 the suspect, but the case was not enhanced by Special  
10 Victims. The outcome of that case is that the victim  
11 lost heart, her participation. She did not continue  
12 her participation with the case. The charges were  
13 eventually reduced to misdemeanors and that defendant  
14 ultimately was not prosecuted on the charges for  
15 which he was arrested. Could it have made a  
16 difference if Special Victims detectives had  
17 interviewed the victim themselves and enhanced the  
18 case themselves? We'll never know. My guess is that  
19 it would depend on whether it was one of the  
20 inexperienced Special Victims detectives who too  
21 often are assigned there or one of the consummately  
22 trained and experienced Special Victims detectives,  
23 but I have also—I'm also happy to say I've dealt with  
24 on my occasions. These problems are fixable, and the  
25

1 good news is the makings of that solution are already  
2 there. The Department of Investigation Report makes  
3 this crucial point that the sources interviewed by  
4 the Department of Investigation "Spoke highly of the  
5 personal dedication and work ethic of Special Victims  
6 Division officials, detectives, and investigators."  
7 The sources also added that "Special Victims Division  
8 leadership is doing it's utmost in the face of  
9 unrealistic demands." Innovations like FETI, the DNA  
10 Cold Case Unit, the Complaint Classification Review  
11 Process and many others demonstrate true commitment  
12 to sexual assault victims from the leadership of the  
13 Special Victims Division. The community outreach  
14 described by Deputy Commissioner Herman demonstrates  
15 commitment to partnering with advocates. I will tell  
16 you that in one of my cases the survivor had had a  
17 bruising experience with an inexperienced Special  
18 Victims detective, who asked very inappropriate  
19 questions of her, but when we brought that case to  
20 the attention of Special Victims Division leadership,  
21 it was promptly reassigned to a 12-year veteran  
22 detective who has done outstanding work on the case,  
23 who interviewed the victim using FETI training [bell]  
24 and after that experience, the victim said to me, No  
25

1 matter how my case turns out, I wish every victim  
2 could have the experience that I just had with this  
3 detective. So, this good news about the Special  
4 Victims Division leadership, which was correctly  
5 described by Council Member Rosenthal, and which will  
6 be verified by any advocate in New York City who has  
7 had contact with Special Victims Division leadership  
8 means that the potential for vast improvement is  
9 already there right in the division if the division  
10 gets the influx of support and resources it needs,  
11 more detectives, more experienced detectives, more  
12 training and internal grade promotion opportunities  
13 that enhance the prestige of the bureau. I do want  
14 to thank Council Members Rosenthal and Richards, and  
15 Cumbo as well as the NYPD officials who testified  
16 here today for these four words: We can do better.  
17 Those are the words that the community needs to hear.  
18 If the NYPD is prepared to put resources where its  
19 words are, we the advocate community stand ready to  
20 work together to build a special victims division  
21 that can become a model for the world. Thank you.

23 CHAIRPERSON RICHARDS: Thank you so much  
24 for your testimony.

25 DESDEMONA MECK: Good afternoon.

1  
2 CHAIRPERSON RICHARDS: Good afternoon.

3 DESDEMONA MECK: My name is Desdemona  
4 Meck. I'm a survivor and-of sexual assault and an  
5 advocate for victims. The following is an account of  
6 my experience with the NYPD in the handling of my  
7 case of sexual assault: In the summer of 2010 three  
8 months after moving to New York City, two men  
9 attempted to rape me in the Bronx. At the time, I  
10 was 22 years old. A few hours after the sexual-after  
11 the assault, I received a rape kit and went to the  
12 Harlem Precinct to report the crime. The detective  
13 at the precinct asked me a number of routine  
14 questions and wrote down my statement. She told me  
15 that I'd have to learn to be smarter in New York City  
16 that I should toughen up, and in the future not be so  
17 nice to strangers. She went onto ask me if I was  
18 positive I hadn't somehow made it seem as though the  
19 sex was something I had wanted. From the beginning,  
20 the detective's reaction made me feel shameful. She  
21 treated this violent crime as though it was simply a  
22 consequence of a young woman living in a dangerous  
23 city. Her view of the case also affected the  
24 perception of my close friends-also affect the  
25 perception my close friends had on the incident. They

1 began to believe the violence I endured must have  
2 somehow been of my own creation. A few days after my  
3 initial statement, she called me into her office.  
4 There I identified both assaulters from a number of  
5 mu shots. Over speaker phone while the detective  
6 listened in on a control call, I talked to the men  
7 who had attempted to rape me. After hearing the two  
8 phone conversations, the detective deterred me from  
9 bringing them into court. She explained to me that  
10 without hard evidence from cameras or otherwise and  
11 no clear confession, it would be a challenging case.  
12 She seemed confident in her belief that spending more  
13 time on the case would be a waste. At the time—at  
14 the time the detective told me this, I was in no  
15 position to fight for myself. I was young,  
16 traumatized and exhausted. I was tired of talking  
17 about what had happened to me knowing there was no  
18 one standing on my side. The detective's response to  
19 my case left me feeling alone and without a sense  
20 that there was anyone who would help bring justice to  
21 this violence. Shortly after my experience with the  
22 NYPD, I left New York, and tried to forget everything  
23 that had happened. For years I never talked to  
24 anyone about the assault. I kept silent holding onto  
25

1 the shame the detective had instilled in me from the  
2 beginning. As time went by, I felt more and more  
3 curious about the case. I began wondering why the  
4 detective had seen my case this way. I wanted to  
5 know if something more could have been done. In  
6 April of 2016, I returned to New York and visited the  
7 NYPD, the-the office and requested my records. They  
8 denied me access and told me I would need a lawyer.  
9 About a month later, I found a lawyer who agreed to  
10 work with me. He sent the NYPD office a letter  
11 requesting the records. Their response stated that  
12 under Section 50-b of the New York Civil Rights Law,  
13 there would be no third-parties given access to these  
14 documents. I went on to write my own letter to the  
15 NYPD, which received-received the same response. In  
16 July of 2017, I submitted a FOIL application. The  
17 response to this application stated that I would  
18 receive my files within 90 days. However, I still  
19 have seen nothing. I would like clarity around my  
20 case. I would like to know if the detective was  
21 correct in her assumptions, and if not, I'm curious  
22 what else could have been done. Until I can access  
23 my own case file, I will never know. I will never  
24 understand why she made the decision she did and if  
25

1 she was justified in her actions. In 2010 and over  
2 the past two years, my interactions with the NYPD  
3 have been triggering and re-traumatizing. The lack  
4 of training sensitivity and the underlying assumption  
5 that these cases are in some way the fault of the  
6 victim results in devastating consequences for  
7 survivors. It shouldn't be the role of traumatized  
8 victims to ask the NYPD to do their job correctly,  
9 but here I am telling my story again. I hope my  
10 statements today will save others from the emotional  
11 trauma I experienced while working with the NYPD.  
12 Thank you.

14 CHAIRPERSON ROSENTHAL: Ms. Meck, thank  
15 you for sharing your story. Your doing so is going  
16 to change the lives of so many people, and just  
17 wanted to express my deep empathy with you and  
18 appreciation of you and want you to know we've heard  
19 you.

20 DESDEMONA MECK: Thank you.

21 CHAIRPERSON RICHARDS: Thank you and we  
22 do have NYPD here. So, I would hope that someone  
23 would speak to you after your testimony, after you  
24 finish your testimony. Thank you. After we finish  
25 this panel. Thank you. Thank you for your bravery.

1  
2           MICHAEL BACH: Good afternoon. My name  
3 is Michael Bach. I retired from the New York City  
4 Police Department last year on July 31, 2017. I had  
5 25 years in with the New York City Police Department.  
6 I'm going to shorten the document I needed. My last  
7 10 years I was sergeant in Special Victims. I worked  
8 in Manhattan Special Victims from 2008 until 2015  
9 when I was assigned to DNA Cold Case Squad. Nothing—  
10 nothing that I've done in my prior career prepared me  
11 for what I was going to experience investigating  
12 sexual assaults. So, I was just thinking Special  
13 Victims was going to be like any other investigation.  
14 I quickly realized I was wrong. My thinking and  
15 perception of sexual assault investigations was not  
16 much different than how members assigned to the NYPD  
17 think today. It's part of a culture that believes  
18 the assault is either very serious or nonsense. Part  
19 of the reason for this belief can come from the  
20 disbelief of a survivor's accounts of what occurred.  
21 To a logical person, most of the actions or inactions  
22 may not seem like reasonable reactions to the  
23 situation. Thus, forging the culture of thinking.  
24 Additionally, the training for the entire department  
25 lacks explaining why this defies logic. Accusatory

1 questions, insensitive words used while taking  
2 preliminary reports is not because the officer is  
3 intentionally being disrespectful, but just part of  
4 how officers logically think and extract facts during  
5 taking crime reports quickly and efficiently. Any  
6 case that an officer is taking a report and cannot  
7 see tangible evidence that a crime has occurred, is  
8 treated with some skepticism regardless of the crime.  
9 Most sexual assaults do not involve a weapon, no  
10 visible injuries or witnesses. Therefore, uniformed  
11 training is so essential. I do not know how much  
12 training is enough to get them started, but it needs  
13 to be a continuing process to refresh and reinforce  
14 them and keep them grounded. While assigned to  
15 Manhattan's Special Victims squads, my duties at  
16 times included citywide supervisory coverage for all  
17 five boroughs, which means I have physically worked  
18 in each office. During my tenure, I have supervised  
19 in excess well over 15,000 cases most of which have  
20 been Adult Sex Crimes Squad cases. By the mere fact  
21 that I was assigned to Manhattan's Special Victims, I  
22 also had the privilege of supervising some of the  
23 most sensitive high profile cases in Special Victims.  
24 Make no mistake about it, all investigations are  
25

1 important, and involved highly dedicated, motivated  
2 detectives and supervisors. Cases are resolved as  
3 part of a team effort with an investigative process.  
4 The dedication of the members assigned to Special  
5 Victims in my opinion is unmatched through the NYPD.  
6 The example has been set with Chief Osgood, and had  
7 been followed by his personnel. I personally  
8 witnessed the dedication in various forms. Examples  
9 are members continue investigating even while off the  
10 clock. Many times I would have investigators at  
11 their--on their own time sitting at their desks still  
12 working on their cases. I also have witnessed  
13 investigators typing reports while off duty in their  
14 homes so as not to fall behind in their  
15 investigations. Any time I needed to speak with  
16 anybody, a supervisor or a detective regarding cases,  
17 they've always answered their phones regardless of  
18 where they were and what they were doing? All  
19 investigators and supervisors have two to three days'  
20 worth of clothing and personnel necessities in the  
21 event they catch a case that requires absolute  
22 dedication and time. I recall times where I've had  
23 to force people to go home, get rest, see their  
24 families and recharge their batteries. All of the  
25

1 personnel assigned to Special Victims understands the  
2 dedication level needed to investigate these cases.  
3 The New York City Police Department attempt--attempts  
4 to make strides in improving on a consistent basis.  
5 In fact, I applaud some of the recent comments that's  
6 encouraging victim reporting, and the acknowledgement  
7 sexual assault are vastly under-reported. However, I  
8 do feel the NYPD can do tremendously better in this  
9 work of sexual assaults. I have included for you,  
10 the three of you a copy of consent decrees against  
11 Baltimore Police Department, University of Montana  
12 Public Safety, with changes that have been mandated  
13 by the Department of Justice, the policy with victim  
14 sent management (sic) considerations. Also, included  
15 are some reforms that have recently comet to light in  
16 Chicago regarding sexual assaults. The progressive  
17 approach to investigating sexual assaults is not a  
18 new phenomenon, but it's been thrust into the  
19 spotlight by recent hard profile cases and advocacy  
20 groups. I had worked under the commanding officer  
21 Chief--Chief Michael Osgood for seven years, and I  
22 personally observed his positive, progressive  
23 thinking on change [bell] towards management--  
24  
25

CHAIRPERSON RICHARDS: [interposing] Keep going.

MICHAEL BACH: --approach and stressing a discipline of investigative process. Numerous recommendations have been requested during his tenure to improve the overall investigative process, and the survivor participation. Chief Osgood has done what he can do with the tools he has control over.

However, a large portion of his requested improvements are beyond his control. Some of the improvements were implement--some of the improvements were implemented by Chief Osgood are noted in the DOI report. Also, noted are numerous requests for additional improvements that were not met, which were beyond his control to obtain. One of the current ongoing improvements is FETI training. I along with Chief Osgood attended FETI training originally, and evaluated its validity. We both agreed that this training was necessary to enhance interviews and the overall experience of sexual assault survivors. Until this training, there was no other training given for interviewing victims of traumatic crimes. This technique can also be used for other traumatic victims or witnesses related to other crimes, and

1 I'll give you an example. We had a shooting in Bronx  
2 Lebanon Hospital that involved a doctor. I don't  
3 know if you all can recall that incident. After the  
4 incident, I had a homicide detective who attended our  
5 course approach me, and explain during a witness  
6 statement he was unable to get an account of what had  
7 happened, and he realized the person experienced a  
8 high level of trauma, and he successfully was able to  
9 extract detailed information using FETI. Under the  
10 direction of Chief Osgood, he has required working  
11 relationships between the squads, district attorneys,  
12 advocacy groups, safe examiners regarding  
13 cooperatively working together to solve cases. All  
14 of the parties have a vested interest in Special  
15 Victims cases, and they are part of the multi-  
16 discipline approach to case correctness and  
17 proactively seeking the best possible outcome. All of  
18 the groups do not always agree with certain aspects  
19 of an investigation, [bell] but need to cooperatively  
20 work together for it to be successful. Chief Osgood  
21 has always reinforced this. It should be noted that  
22 the DOI Report was not critical of the Internal  
23 Special Victims Management Team. They were critical  
24 of the countless requests from Chief Osgood to  
25

1 correct external problems beyond his control.

2 However, one of the other vested interest areas we—we

3 lack greatly in is the survivors' interest. We can

4 improve the survivors' experience by implementing all

5 of the recommendations. I can sit here for hours and

6 talk to you about the operational aspect of what goes

7 on inside Special Victims, but unless you do this

8 work, you will never fully understand it. I think

9 the DOI Report has a very good understanding of the

10 issues after a one-year investigation. Our cases are

11 gray and complex. They are not black and white in

12 comparison to other crimes such as robberies and

13 homicides. A complete investigation is often needed

14 to determine even if it fits the definition of penal

15 crime. Sadly, a portion of our investigations either

16 do not or are hard pressed to reach probable cause.

17 I have fully read the DOI Report, and the

18 recommendations—and the Recommendations requested. I

19 believe the recommendations are very good, and will

20 vastly improve the operational aspects of survivors

21 experience and case correctness. The survivor

22 experience should be a victim sentiment management

23 model. This should improve the victim participation

24 rate in special victims cases while also meeting case

1  
2 correctness meaning: Investigations are thoroughly  
3 and properly conducted without shortcuts. Although  
4 the work gets done, it can be done much better if the  
5 recommendations are implemented. There will always  
6 be cases that are not viable for an arrest or  
7 prosecution, but implementing the changes will help  
8 survivors come forward and report with higher  
9 continued participation rates. I had a case many  
10 years ago that involved a woman. She was bipolar and  
11 schizophrenic. She believed she was raped and  
12 described the encounter in detail as she sobbed.  
13 Video of the residence was able to prove it did not  
14 occur, but it did not lessen the traumatic  
15 experience. After rationalizing with her,  
16 experience—her experience, and grounding her, she was  
17 able to understand since she was off her medicine  
18 that the event didn't occur. But it was just as real  
19 as if it happened to her. The woman felt as if the  
20 investigators still invested the time and that she  
21 mattered. This can be said for other cases that  
22 cannot go forward if these recommendations are  
23 implemented. All the recommendations relate to one  
24 another. That means implementing one without the  
25 other will not give you the full benefit of that

1 recommendation. I don't understand how any one could  
2 argue wit these recommendations. None will be  
3 detrimental to investigations. What are afraid of?  
4 The Police Department has a chance and an obligation  
5 as the largest Police Department in the country to be  
6 an example. A choice to lead or play catch up is in  
7 the city's hands. Although I'm no longer employed by  
8 the NYPD, I do miss the work. I think sexual  
9 assaults are the most important and challenging  
10 investigations the NYPD handles. My only interest  
11 now is to ensure the NYPD is the leader and the model  
12 for all other agencies in sexual assault  
13 investigations. Here's something to think about. If  
14 money is the issue to correct—correct special  
15 victims, maybe consider a five cent tax on all  
16 alcoholic beverages sold inside New York City, and  
17 there's a reason for this. A large proportion of  
18 cases are alcohol related involved. So, that means  
19 tax a bodega for selling a beer. Tax a bar for  
20 selling a beer. Tax a restaurant for a glass of  
21 wine. How many millions and millions of glasses of  
22 alcohol do we sell in the city. I see far too many  
23 cases that are alcohol related. We tax cigarettes  
24 because there's a consequence to the medical  
25

1  
2 expenses. Why not tax alcohol with five cents. This  
3 will pay for everything that's in the recommendations  
4 and then some, and then we can use the money to also  
5 help survivors and get them some help. Then we could  
6 have programs. This should be implemented in a  
7 three-year business plan. If you—if you decide to do  
8 this all at once, you're going to run into a log jam,  
9 and I can tell you now hearing that they're sending  
10 20 more people, there's no room for them in the  
11 facilities. There's none. Making facilities and  
12 adding qualified investigators is a top priority in  
13 order to accommodate and successfully implement all  
14 of these recommendations. One thing regarding rapes,  
15 the Police Department seems to struggle when  
16 describing stranger rapes versus acquaintance rapes,  
17 and I'm going to tell you everybody in Special  
18 Victims both are serious, both are highly traumatic,  
19 both are extremely complicated, both are equally  
20 important to the members that work there. The  
21 importance of solving both types of cases are the  
22 same to the unit and the investigator. I'm not going  
23 to read what I have on the additional pages, but  
24 you'll see there's recommendations. I have some  
25 notes under it. The one thing I—I would like to read

1 if—if you allow me the time is about the facilities.  
2 I think that's kind of an important one, and you'll  
3 understand maybe from going in there the—the type of  
4 facilities that our survivors are going into. I want  
5 you to think about this from a survivor's  
6 perspective. You were just sexually assaulted,  
7 experienced a high level of trauma. First, you many  
8 end up in a precinct. None of those are welcoming.  
9 More—more stress is already added to the survivor.  
10 Now, you are brought to an adult sex crimes squad,  
11 and I'm going to give you an example of Manhattan  
12 because I spent many years there, and it was never a  
13 vast improvement whatsoever. You're brought up a  
14 cold, dark stairwell at PSA5, which is a housing  
15 precinct, if anybody doesn't know. The waiting area  
16 is on the second floor in a dark narrow hallway just  
17 outside the men's room. Typically, it's not—it's not  
18 a pleasant smell coming out of the men's room. It's  
19 not written in here, but it's noted in—in the DOI  
20 Report. You're in a waiting area on the second  
21 floor. It's dark, it's narrow, just outside the  
22 men's room. The chairs consist of hard plastic.  
23 They're extremely uncomfortable. Every time an  
24 officer passes you in the hallway, you must pull your  
25

1 feet back to allow them to pass. On occasion, a  
2 prisoner or a suspect is walked past your into-into  
3 the Special Victims office. The survivor thinks that  
4 every passing person knows I was sexually assault.  
5 More stress. Then you're greeted by your  
6 investigator that brings you to your interview room.  
7 On the way up to the room you pass through a very  
8 busy open squad room that you can see all the  
9 investigators in the room, you hear various  
10 conversations. The phones are ringing, the work is  
11 being conducted. It's chaotic. It's dirty, it's  
12 cramped. You see mouse traps in the corner of the  
13 room and under the investigators' desks. The  
14 survivor glances across the squad room and observes a  
15 holding cell. Sometimes it has prisoner. Often the  
16 video interrogation room doubles as an interview room  
17 because Manhattan only has one interview room, and  
18 it's not much better than the-the interrogation room.  
19 In the summer the room are not air conditioned and  
20 are sweltering. Sometimes all the rooms are in use  
21 for interviews and controlled calls. The lunch room  
22 is then utilized. This room is just as bad as the  
23 others. Investigators rarely eat in the room, and  
24 usually eat at their desks while typing. There have  
25

1 also been times when we needed to utilize the  
2 supervisor's office as an interview room as well to  
3 do the interview. The survivor may need to go online  
4 and view photos, and that's done at the  
5 investigators' desks. You think maybe the survivors'  
6 stress level is a 10? All of you should visit Adult  
7 Squad accompanied by survivors, and see for yourself  
8 what these facilities look like. None of the other  
9 adult squads are any better. So, if you want to  
10 visit the Bronx, Brooklyn, Queens, you'll get a full  
11 understanding. Some key points about the facilities,  
12 they need to be off Police Department property. The  
13 NYPD is in the business of crime not building  
14 maintenance, and it's evident. [laughter] No matter  
15 how new the facility is, it's never maintained  
16 properly. Child CAC Centers are a good starting  
17 blueprint. You need to have facilities with  
18 welcoming waiting areas that are not accessible to  
19 the general public. You need a minimum of five  
20 interview rooms with another room equipped with a  
21 computer station. It should have a full-time staff.  
22 NYPD should consider hiring advocates just for this  
23 specific role with their staff full time in the  
24 facility. They should have a medical facility with a  
25

1 doctor assigned to the building. They should have an  
2 on-call ADA assigned to the building. They should  
3 have a conference room for major case pattern  
4 investigations, and most importantly, they should  
5 listen to the investigator when constructing the  
6 facility. Let me add to that. They should also  
7 listen to the survivor. That should be in there.  
8 They know what is best not someone at headquarters.  
9 I'll be glad to help to try to answer some of your  
10 questions. I won't go into detail with the other  
11 stuff. You'll—you'll see I have notes on it. I  
12 don't want to occupy all of your time. I allow you—  
13 for allowing me to—to vent, and say my piece, but I  
14 truly believe what I've said to you needs to happen.  
15 All of the recommendations need to be implemented.  
16 Somehow, some way they've got to get implemented.

18 CHAIRPERSON RICHARDS: Thank you, Michael  
19 for coming today. A few questions. I had questions  
20 around white shields. Can you speak to—is there a  
21 concern with having white shields staffing up?

22 MICHAEL BACH: The reason—the reason why  
23 we get a large pool of white shield applicants is—is  
24 complicated. Special Victims is the division. It's  
25 a stand-alone on it's own. Even though we fall under

1 the Detective Bureau, Manhattan Special Victims does  
2 not answer to the Detective Borough Commander that's  
3 in the Detective Bureau. So, there's a chief  
4 assigned to Manhattan that does all the precinct  
5 detective squads.  
6

7 CHAIRPERSON RICHARDS: uniforms

8 MICHAEL BACH: We're a stand-alone unit.

9 We report to Chief Osgood. Chief Osgood reports  
10 direct to Chief Boyce. So, recruitment is hard.

11 What happens is if you're a detective borough  
12 commander, you're not looking to lose your greatest  
13 people to my unit, and there's a reason for that.

14 They have no vested interest in what-what they do.

15 If I say we, please forgive me. I'm still in shock

16 that I retired. [laughter] They-they have no vested  
17 interest in-in what goes on there. It doesn't affect

18 them in any form. Part of the other problem is the  
19 grade issue. That-that is tremendous, and-and I

20 commend you for identifying from the report. You

21 know, I'm listening and I'm hearing today they're

22 comparing it to a catching squad because we catch

23 live cases. Homicide catches live cases. So, he's

24 not telling me they're a catching squad. The

25 disparity for the grade is tremendous. I-I-I know

1 that there's much more work goes into our cases than  
2 a robbery, a larceny and even most homicides. A lot  
3 of time we don't know what we have.  
4

5 CHAIRPERSON RICHARDS: And you have to  
6 love what you're doing to be where you're at to stay  
7 there for such a long period of time.

8 MICHAEL BACH: And--and I'll be honest  
9 with you. I think a lot of people remain there  
10 because of Chief Osgood.

11 CHAIRPERSON RICHARDS: Say that again.  
12 Sorry.

13 MICHAEL BACH: I think a lot of people, a  
14 lot of the investigators remain there because of  
15 Chief Osgood.

16 CHAIRPERSON RICHARDS: Okay.

17 MICHAEL BACH: They believe in his  
18 philosophy.

19 CHAIRPERSON RICHARDS: In Chief Osgood.  
20 Uh-hm.

21 MICHAEL BACH: You know, he--but he's done  
22 all he can do--

23 CHAIRPERSON RICHARDS: Uh-hm.

24 MICHAEL BACH: --and now it's thrust  
25 into a different spotlight, and the ball is in

1  
2 somebody else's court, but when it comes to the  
3 grade, homicide doesn't have a problem with  
4 applicants, and the same way that we picked up 20 out  
5 100 applicants, I bet they only pick up 2 out of 100  
6 or 3 out of 100. They're not—they—what the odds on  
7 you being transferred there and getting grade are  
8 extremely high.

9 CHAIRPERSON RICHARDS: Uh-hm.

10 MICHAEL BACH: I think detectives through  
11 the city when you're promoted the order are come down  
12 on the computer system, and every single detective  
13 looks at on a daily basis to see is there any  
14 changes? Who got promoted? You know, who went  
15 where? They know that there's—there's not a lot of  
16 grade opportunities inside Special Victims, and it's  
17 sad. It really is sad because I think it would  
18 attract the best and the brightest. Maybe they don't  
19 want to do homicides.

20 CHAIRPERSON RICHARDS: Uh-hm.

21 MICHAEL BACH: When you come across a  
22 homicide scene, typically it's not a question of  
23 whether or not a crime has been committed. Sexual  
24 assaults, there's a lot that goes into it, but each  
25 case still needs to be investigated completely and

1  
2 concisely, but I think that you can probably have a  
3 better recruiting effort if there's more grade and it  
4 will definitely help with retention.

5 CHAIRPERSON RICHARDS: Uh-hm.

6 MICHAEL BACH: But that's beyond me, and  
7 hopefully you guys can get some progress in that  
8 area.

9 CHAIRPERSON RICHARDS: Uh-hm, and  
10 anything out of the scope of recommendations that  
11 were made that you would suggest or-or are you keened  
12 in on exactly what the recommendations were and-and  
13 they're fine. Is there anything that we missed that  
14 perhaps we--?

15 MICHAEL BACH: I tell you I really  
16 believe that that the DOI Report nailed it.

17 CHAIRPERSON RICHARDS: Yes.

18 MICHAEL BACH: They nailed it.

19 CHAIRPERSON RICHARDS: Uh-hm.

20 MICHAEL BACH: And, you know, part of the  
21 reason why I'm here today was to hear the initial  
22 denial about it, and it's a little upsetting and, you  
23 know, what, those people that-that work in Special  
24 Victims, are extremely dedicated. You don't have a  
25 lot of transfers-they're not transferring up to

1 Homicide. They're not transferring up to Intel.  
2 They love the work they do. Could you imagine how  
3 much better it would be if you gave them these 12  
4 tools.

5  
6 CHAIRPERSON RICHARDS: Uh-hm.

7 MICHAEL BACH: It would be—it would be  
8 earth shattering. You know, I've traveled the  
9 country when I did Cold Case DNA and even in  
10 Manhattan. I've had the occasion to go to a lot of  
11 different Special Victims. Now, I'm not an expert on  
12 that, the whole Prummell theory.

13 CHAIRPERSON RICHARDS: Uh-hm.

14 MICHAEL BACH: That's not what I do. What  
15 I do—what I did do, though, was manage cases, and for  
16 a long time the running joke in the office was can I  
17 have another cinder block as I'm swimming in the pool  
18 because that's what it feels like to some of these  
19 investigators, and, you know, I don't think have 20  
20 open cases on your screen is a good thing. You know,  
21 help—help has to be on the way for these guys, but  
22 they're never discouraged. They may take their  
23 shortcuts unfortunately and—hopefully by  
24 implementing more personnel, you know, we can  
25 eliminate those shortcuts, but it was just a matter f

1 survival. They do the job. They get it done.  
2 They're soldiers. Wherever you put them they're  
3 going to work, but, you know, help is needed. Help  
4 is needed.  
5

6 CHAIRPERSON RICHARDS: Thank you. I'm  
7 going to go to Council Member Rosenthal for  
8 questions, Chair Rosenthal.

9 CHAIRPERSON ROSENTHAL: Thank you so  
10 much, Chair Richards. I want to thank all of you, of  
11 course, for coming here and—and helping to frankly  
12 validate the questions that we were asking, and help  
13 us. You know, you've helped to prepare us and—and  
14 your work I mean you guys are doing God's work  
15 everyday. So, thank you very much for that. I  
16 guess, and really this is a question for all of you.  
17 In thinking about next steps, and I think our job is  
18 to hold the Administration's feet to the fire for  
19 implementing these recommendations and what I would  
20 hope as a next step to—to actually get from all is if  
21 you think it's a three-year time line, which you  
22 mentioned that, you know, it's likely to take three  
23 years, for them to implement this properly, what does  
24 that timeline look like? What—what is the sequencing  
25 of work and—and how much time should each of that—

1 each of those steps take for implementation because  
2 if we could set out a roadmap together that we're  
3 confident makes sense, that would I think allow us to  
4 meaningfully hold the Administration's feet to the  
5 fire, and not be caught up in their obfuscation of  
6 the facts in my mind that the Chief couldn't answer  
7 Council Member Richards' questions about the  
8 percentage of, you know, ranked detectives in SVD,  
9 and couldn't answer the question or, of course didn't  
10 want to answer the question about why SVD couldn't be  
11 set up with the same ranking-grading system as  
12 homicide. I don't—I would love to be very confident  
13 about our roadmap. Have it be explicit and there be  
14 no room for obfuscation. Is that possible?

16           MICHAEL BACH: I think a three-year plan  
17 is reasonable with the Police Department. You just  
18 need to prioritize what we feel is the most important  
19 and start implementing, but if you're going to start  
20 loading it with personnel, you're going to need a  
21 facility. Just putting them there, is only going to  
22 make the facilities more deplorable. I'm sure they  
23 could use the 20 that hey have right now. I wouldn't  
24 say send them back. They're going to appreciate the  
25 help, but facilities has to be number one. It has to

1 be number one. The training is ongoing. The FETI  
2 training is actually very good, and I heard you ask  
3 the question earlier, which I'll answer for you, how  
4 do they evaluate the FETI training? Is there a  
5 score? Is there a course? What happens is the  
6 course—the director of the course along with her  
7 personnel go around and actually physically listen.  
8 Do you participate in a practical exercise of the  
9 FETI? That's—that is how I knew this was good. When  
10 Chief Osgood and I went out, we went our to  
11 California we went to Portland, Oregon and Boise,  
12 Idaho. There's a 2-segment portion in the training,  
13 and when I participated in the practical part of it,  
14 it was like a light bulb went off. I got it. I—I  
15 understood what all of this training was now about.  
16 They actually paired us up, which was nice, with  
17 people that you'll probably never see again because  
18 we're from outside New York State, and you—you  
19 participated by actually telling them about a  
20 traumatic experience that you had, and during this,  
21 there were things that I never thought of before that  
22 happened to me during this experience that I found  
23 myself telling this person that I didn't even realize  
24 that it happened. So, I realized there was light  
25

1 bulb that went off that I see how the brain starts to  
2 map things off in different islands, and by allowing  
3 them to talk they go to one island, but it may relate  
4 them to another island. I strongly suggest if you  
5 have an opportunity to attend the FETI training, I  
6 highly recommend that you do it, and you'll see the  
7 the value that's in it, but definitely you need to  
8 prioritize the list to the order of facilities and  
9 personnel and then training and I could take a better  
10 look at it and get back to you on what I think the  
11 order should be. But I'll tell who would know the  
12 order if you need it, it's Chief Osgood. He's been  
13 there for eight years, and he's been asking for this  
14 stuff for eight years. I think he'd probably be the  
15 person that's suited best to give you the roadmap.

17 MARY HAVILAND: [off mic] Could I just  
18 add to that as part of the-- [on mic] Could I just  
19 add to that I would love to see a timeline worked  
20 out. I have a lot of respect for the sergeant over  
21 here who knows the insides of what's going on. I  
22 would want even on the physical improvement of the  
23 physical plant, I would want some sort of  
24 collaborative working group set up so that advocates  
25 could have serious input into what that facility

1 would look like. We see a new emergency department  
2 at Healthplex at the Northwell Healthplex that  
3 totally took into consideration survivors' needs in  
4 revamping the emergency department and set up a  
5 separate entrance for survivors, a waiting room, a  
6 shower, a special interview room. I-I think that  
7 with collaborative effort we could come up with  
8 something that would really improve the circumstances  
9 for-for survivors. But I also think the staffing-the  
10 staffing is just super important because we're just  
11 hearing too many-the-the facts that Chief Boyce could  
12 sit with the-with-without a smile on his face and say  
13 that the SVD was able to follow up with victims is  
14 just not the reality. They are not able to follow up  
15 with a lot of victims that are coming in, and victims  
16 often don't get explanations for dropped cases or  
17 what's happening in their case, or what the results  
18 of the-of the kit-the sexual assault forensic kit was  
19 or any of those kinds of things. They just do not  
20 have the time to follow up. So, I think the-the  
21 staff is important, too.

22  
23 JANE MANNING: And this issue of  
24 inadequate staff and inadequate experience is  
25 something that the advocates have been bringing to

1 the attention of the NYPD for years. So, at the  
2 March 5<sup>th</sup> Advocates Meeting that the Deputy  
3 Commissioner referred to, I was one of the advocates  
4 at that meeting, and it's true that we had positive  
5 feedback on FETI, but it was also said at that  
6 meeting that to a person the advocates were pleading  
7 for more resources, better training and more  
8 experienced detectives, and we have been pleading for  
9 those things for years.  
10

11 CHAIRPERSON ROSENTHAL: Okay. I'm sorry,  
12 may I--just a little bit more. Do you think that--  
13 what--for all of you or actually I guess for Mr. Bach,  
14 do--is there any--? What do you think the reason is on  
15 your--with your professional experience that they  
16 haven't moved toward the grade system for SVD, which  
17 I believe was one of the recommendations from 2010,  
18 and why they think they're--they would need more re--  
19 why they clearly under-prioritized this division, and  
20 if you feel you're not in a position to answer those  
21 questions that's fine, but I'm curious to know your  
22 take on it. And actually, a third question before I  
23 forget. The chief said that the average experience of  
24 any one in SVD was 6-1/2 years. How can be accurate?  
25

1  
2           MICHAEL BACH: I think he was—he might  
3 have been speaking about 6-1/2 years of experience  
4 within the NYPD.

5           CHAIRPERSON ROSENTHAL: Uh-hm.

6           MICHAEL BACH: Were you thinking that it  
7 was 6-1/2 years experience inside Special Victims  
8 itself? I don't—I don't know. I can't—unfortunately  
9 I'm not there any more. I can't attest to the  
10 accuracy or inaccuracy of that answer, but I think  
11 that's a little high. Even if and the number that  
12 you—you had received I believe he said that the  
13 majority were detectives and there was white shields  
14 if I'm correct that are currently in there prior to  
15 the move. Is that right? Is that what I had right  
16 or how many of those now detectives are recently  
17 promoted? You know, what I mean? Dive in a little  
18 deeper like they talk about CompStat. We're going to  
19 dive in a little deeper. Well, I think you guys did  
20 a pretty good job diving in a little deeper. Yes,  
21 and, you know, getting back to the—to the beginning  
22 of why I think and everybody else feels that there  
23 probably should be detectives, experienced detectives  
24 because white shields don't have the initial skillset  
25 of intuition, of just common investigative knowledge.

1 You know, even going to do a video canvass and  
2 downloading a video is something that's taught. You  
3 just don't know it. You know that sequences of how  
4 to go and conduct that procedure. So, even by  
5 getting, you know, somebody that's been in the squad  
6 for a little while, I think what you're doing is  
7 you're getting at least somebody that's a little bit  
8 more rounded. When you're getting the white shields  
9 coming in, they don't have that—for the most part  
10 don't have any investigative experience at all. Some  
11 are coming from domestic violence units. So, they  
12 have a little bit of experience in that area, but it  
13 still doesn't qualify them to go out and do  
14 investigations. So, the theory has been three to  
15 five years is the mature rate for a white shield to  
16 become a seasoned investigator, and I say three to  
17 five because it depend on the skill level that you  
18 had initially when you came in. Some people  
19 accelerate at different levels than others. So,  
20 people are a little bit slower at learning, but I  
21 would say probably four—four to five years is when  
22 you become somebody that should be experienced enough  
23 to conduct these investigations without so much  
24 oversight, but it's hard because even if you have a  
25

1 seasoned investigator that's in there, they do—they  
2 work with these young people coming in, but how much  
3 can you do when you have your own cases to handle.  
4 You know, the supervisor has cases to review. So, and  
5 he's trying to get some oversight in there, but you  
6 hope that the younger white shields that are coming  
7 in pick up on the good experience and investigators  
8 while they're there, and they just latch on to them.  
9 It's extremely important.  
10

11 CHAIRPERSON ROSENTHAL: Okay, and any  
12 reason not to have a graded system in SVD?

13 MICHAEL BACH: It should be a graded  
14 system, absolutely.

15 CHAIRPERSON ROSENTHAL: Okay, the last  
16 question for all of you. Do you think that white  
17 victims are treated differently than victims of  
18 color?

19 MICHAEL BACH: In my experience in  
20 Manhattan, I have had no issue with that. Manhattan  
21 is a very diverse borough. We get cases from north  
22 to south. I have not had an issue with that that I'm  
23 aware of in Manhattan during my tenure from 2008 to  
24 2015.  
25

1  
2 MARY HAVILAND: [off mic] I don't-I  
3 don't-

4 CHAIRPERSON RICHARDS: It's okay. You  
5 can-

6 MARY HAVILAND: I'm not sure that I  
7 comment on that. I'd have to and actually we-we do  
8 have a direct service program at the Alliance, and  
9 our supervisor of that program would have a better  
10 idea than I would. My instinct would be that we see  
11 young people, younger people having a harder time on  
12 their cases, and ones that involve alcohol, ones that  
13 involve online dating. There seems to be a lot of  
14 skepticism about those cases. That would be my off-  
15 the-cuff kind of remark, but-but I could ask about it  
16 and get back to you.

17 CHAIRPERSON ROSENTHAL: Thank you.

18 JANE MANNING: My understanding is that  
19 victims from communities of color face additional  
20 reporting-additional obstacles to reporting, and  
21 certainly are also at higher risk for victimization.  
22 It is my experience as well that LGBT victims also  
23 face additional barriers to reporting and  
24 participation, and I do believe that for people in  
25 the most marginalized communities who face the

1  
2 highest risk of victimization, I do believe that  
3 affirmative outreach and these community police  
4 partnerships become more important than ever. I-I  
5 will say this that the--that the most--that the common  
6 theme in so many of the cases that I handle is--is  
7 gender. It can't be--it can't be emphasized enough  
8 that I have seen survivors of every race and class  
9 encounter intolerable bad experiences in their  
10 dealings with law enforcement. It has also been the  
11 case that survivors of every race and class if they  
12 get matched with the right investigator, who is  
13 experienced, trained and compassionate, and  
14 committed, I have also seen survivors of every race  
15 and class have very good experiences. That's the  
16 standard that we should be aspiring to for every  
17 survivor.

18 CHAIRPERSON ROSENTHAL: Thank you all  
19 very much.

20 CHAIRPERSON RICHARDS: Thank you all for  
21 your testimony. Thank you for much. Thank you for  
22 your story.

23 JANE MANNING: Thank you so much, Council  
24 Members.

25

1  
2 CHAIRPERSON RICHARDS: Thank you,  
3 sergeant. Alright, our next panel, Angela Fernandez  
4 from Mount Sinai Sexual Assault and Violence  
5 Intervention program; Amy Gonglu (sp?). I think I'm  
6 saying this right, Advocate for Survivor, and she's  
7 representing now New York City. Hopefully, I'm going  
8 to say this right Kylynn, Kylynn Grier, Girls for  
9 Gender Equity; Christopher Bromson, Executive  
10 Director, Crime Victims Treatment Center. And it's  
11 Christopher Bromson, Executive Director, Crime  
12 Victims Treatment Center; Kylynn Grier, Girls For  
13 Gender Equity; Amy Gonglu, Now NYC; Angela Fernandez,  
14 Mount Sinai Sexual Assault and Violence Intervention  
15 Program. Thank you all for being here. I'll let you  
16 begin.

17 AMY GONGLU: Hi. Good afternoon. My  
18 name is my Gonglu and I've been interning with the  
19 National Organization for Women New York City since  
20 Mayo of 2017. I'm here today to represent a woman  
21 named Rachel who is a survivor of sexual assault who  
22 Now NYC and their partner organization Women's  
23 Justice Now has partner with on our advocacy efforts  
24 to push for reform in the New York City Criminal  
25 Justice System, and even thought Rachel wanted to

1 maintain her confidentiality today, she felt very,  
2 very strongly about sharing her story with everybody  
3 here, and this is her story. In 2014, I was sexually  
4 assaulted by a man I was casually seeing. The night  
5 I broke things off, he became extremely violent. For  
6 eight hours I was held captive in my own room  
7 surrounded by shards of broken glass. For five of  
8 those hours I was repeatedly beaten and sexually  
9 assaulted. By the time he relented, I had sprained  
10 hip, a broken rib, and severe concussion. When I met  
11 the detective at the SVU he was immediately skeptical  
12 even after I extracted a full confession from my  
13 rapist. That should have been enough to make an  
14 arrest, but I wasn't. Instead, the police scoffed  
15 and told me he's not going to jail for this. I  
16 assured them that if he hurt me, there's nothing  
17 stopping him from hurting somebody else later. They  
18 put out a warrant, but never arrested him. That is  
19 until one month later when he attacks another woman.  
20 Throughout that month, the police told me that my  
21 rapist was a hard guy to catch, but when he attacked  
22 another woman, a stranger, they were miraculously  
23 able to identify, locate and apprehend him the very  
24 next day. In the following months I learned that my  
25

1  
2 detective was being investigated for and had admitted  
3 to molesting another rape victim. The NYPD was aware  
4 of this and still this sexual deviant to work on  
5 sexual assault cases. After requesting my case  
6 files, I saw that despite telling me he had made  
7 several arrest attempts, the detective had only made  
8 one, and this attempted wouldn't have happened had I  
9 not called the supervisor asking why rapist was still  
10 freely roaming the streets three weeks after my  
11 assault. Also, in my case files the detective left  
12 our crucial information from my statement. Because  
13 of this, the sentencing followed a similar lack of  
14 urgency. By the time I faced my rapist in court, my  
15 trauma had been watered down to the same legal  
16 classification an unwanted groping. This matters  
17 because my rapist isn't serving additional time in  
18 prison for what he did to me, and he left that  
19 courtroom believing that what he did to me was not  
20 wrong. The justice system proved him right. When I  
21 voiced my concerns to the NYPD they told me this is  
22 just how things work. In other words, this was  
23 normal to them. That's not okay. The point here  
24 isn't to shame the NYPD. We are all on the same  
25 side. Our point to provide purposeful feedback so

1 that we can effect meaningful reform. After meeting  
2 with Commissioner O'Neill last January, I'm confident  
3 that he does want to bring positive change to the  
4 force, but as seen in the recent DOI Report and from  
5 the accounts of countless victims whose cases have  
6 been botched, there is still so much to be done.  
7 Together, we can make sure that no other survivor has  
8 to go through this mess. This is the only outcome  
9 that we can accept. Thank you for your time, Council  
10 Members.  
11

12 CHAIRPERSON RICHARDS: Thank you, Rachel,  
13 for such a powerful testimony. Thank you for being  
14 here today.

15 ANGELA FERNANDEZ: So, far, right. Good  
16 afternoon. My name is Angela Fernandez, and I am the  
17 Assistant Director of Mount Sinai Sexual Assault and  
18 Violence intervention program, also known as SAVI and  
19 SAVI has been providing support to survivors of  
20 sexual assault, intimate partner violence, and  
21 trafficking in New York City for more than 30 years,  
22 and we do this by providing free and confidential  
23 trauma informed therapy, emergency room advocacy, and  
24 community outreach and training throughout the city.  
25 I want to first thank you both the Chairs [coughs]

1  
2 Excuse me. Chairs Rosenthal and Richardson as well  
3 as committee members for-for providing today's  
4 opportunity to share our thoughts regarding the  
5 recent OIG Reports and those being raised today  
6 specifically around criminal justice response for  
7 sexual assault victims in the city. So, I first want  
8 to just kind of reflect on the issue that keeps  
9 coming up as far as under-reporting and, you know,  
10 I'm going to read a little bit about this, but, you  
11 know, I think that at the foundation and I really  
12 appreciated what you said earlier Council Member  
13 Rosenthal about really getting to the root causes,  
14 right, and really trying to figure out what it is  
15 that keeps people from reporting, and I think it  
16 comes down to trust, and that was really what kept  
17 coming to my mind when I was trying to write, you  
18 know, what-what-what do I want to focus on here? And  
19 I think that, you know, those of us who have been in  
20 the-in the advocacy work for a long time we  
21 understand how the complexities of trauma can impact  
22 a person over a life span, and that is really why  
23 very often a person does not necessarily seek out  
24 services, file a police report or present in an  
25 emergency department right after an assault, right.

1  
2 And when you also consider the infinite number of  
3 other life circumstances that influence the decisions  
4 any of us make on a daily basis or really get to make  
5 on a daily basis, and I think that also speaks to the  
6 issue of underserved communities and why some of us  
7 are able to even be here and speak on this issue  
8 today, and who is not represented in the room today.  
9 [coughs] It also becomes even more complex and  
10 confusing of an issue not just for survivors, but for  
11 all of use who are trying to improve upon the systems  
12 that directly impact survivor's experiences and  
13 outcomes. So, even with all of the variables that  
14 make each person's experience unique, we know that  
15 trust is a key component when helping someone on the  
16 path to healing. That's trust with oneself that a  
17 survivor really needs to rebuild trust with others,  
18 trust in those aforementioned systems. Under the  
19 Special Victims Division leadership, I also just want  
20 to kind of echo what everyone else has been saying  
21 that we really have also seen vast improvements under  
22 the leadership of Chief Michael Osgood, and I think  
23 that the big piece of that is that he has been able  
24 to really foster trust among the advocacy groups and  
25 law enforcement in his tenure, and he has really done

1 that by helping to bridge the historical gaps that  
2 have existed between advocacy programs and law  
3 enforcement, and really helping to build  
4 collaborative relationships among the systems that  
5 normally have worked in silos. A few examples, but  
6 not an exhaustive list of those improvements has been  
7 the implementation of the FETI training, and before I  
8 was the Assistant Director I spent many years as the  
9 outreach and training person. I am a professional  
10 trainer by trade, and training and I—and I want to  
11 just speak to why FETI is so effective, and it is  
12 because it is built upon adult learning theory  
13 principles as well, right? So, you're not just  
14 watching a video. You're not just sitting there  
15 listening to a lecture, but you are putting into  
16 practice the techniques that you are there to learn.  
17 So, you are working, you know, you're doing role  
18 plays and you're also practicing the FETI techniques.  
19 So, the trainers in the room get to see you model  
20 those—those techniques, and it's over a long period  
21 of time. It's many, many hours of training. Chief  
22 Osgood has also helped to invite various advocacy  
23 group members to participate in a closed case sex  
24 crimes review basically opening up, you know, those—  
25

1 the—the secret doors of NYPD that we really had never  
2 been able to see before, a review process to ensure  
3 correct complaint classification, embedded protocols  
4 to ensure all unfounded cases are accurately  
5 classified, and then allowing SVD detectives to  
6 participate in many our programs [bell] 40-hour  
7 Department of Health Certified Volunteer Advocate  
8 training programs. In less formal ways, Chief Osgood  
9 has changed the culture in which detectives have  
10 interacted with members of outside organizations in  
11 the past by being able to support—by being available.  
12 I'm sorry to survivor support organizations 24/7 with  
13 any concerns, questions or issues that arise. This  
14 has been an example from which other SVD detectives  
15 have taken. So, there's now an ongoing communication  
16 across the various disciplines serving survivors that  
17 transpires organically benefitting all involved. We  
18 are very grateful to the many dedicated men and women  
19 in the Special Victims Division who work tirelessly  
20 sometimes for days on end for an issue they deeply  
21 believe in. But with all of this said, we are here  
22 today because there is much more work to be done for  
23 survivors of sexual assault in New York City. And  
24 so, SAVI respectfully makes the following  
25

1  
2 recommendations to improve upon the Criminal Justice  
3 response that correctly-currently exists, and, you  
4 know, we are also not here to just criticize NYPD  
5 leadership, but we want to also help to shed light on  
6 the reality of what most survivors' experiences are,  
7 and often times in a very large organization the  
8 leadership is a little disconnected from what's  
9 happening in the day-to-day operations for survivors.  
10 So, we fully support the recommendation made in the  
11 OIG Report regarding the need for an increase in  
12 staffing in all SVD adult squads, and want to  
13 emphasize the necessity that cases receive the  
14 investigatory experience, expertise and trauma-  
15 informed approach that SVD detectives provide as  
16 opposed to precinct officers. And going back to that  
17 idea of trust, I will say that as an advocate who has  
18 responded to cases and as a person who has worked  
19 very closely with many-not just detectives, but I've  
20 done the rollcall trainings in many precincts over  
21 the years, and the difference between working with  
22 someone who has experience and who has been doing the  
23 SVD cases for a long time in that division versus  
24 somebody who is not specialized is exactly this. The  
25 most common question that I've been asked by somebody

1 who is not and SVD detective is when I say I work for  
2 a sexual assault and violence intervention program,  
3 the most common question is: Out of 100 cases that  
4 you see, how many of them end up not being true, and  
5 I think that that is just the difference of the-the  
6 viewpoint, and that is really because of not  
7 understanding what trauma actually is. Not  
8 understanding that when somebody has a traumatic  
9 event that they might not remember certain aspects of  
10 the experience or the way that they tell their story  
11 doesn't always come to them in the same order, or  
12 that there is a reason why someone may omit a  
13 certain, you know, detail, but it doesn't mean it  
14 didn't happen, and I will say that that just happened  
15 on Saturday. I was at the Police Academy for  
16 actually part of the FETI training and observing.  
17 Everyone in the FETI training was doing a wonderful  
18 job. I actually got to see them practice the  
19 techniques they're there for, but I was talking to  
20 very police officers who were at the front, you know,  
21 the front desk for security, and it's not SVD  
22 detectives, not a part of FETI training, waiting for  
23 my Uber to pick me up, and that's what they asked me,  
24 and so we had a very interesting discussion. I don't  
25

1 think that they meant any harm, but that is what you  
2 get if you're a survivor and you're not getting an  
3 SVD detective. Yeah. So, you have my documentation.  
4 I've taken up a lot of time, but I do just want to  
5 say that, you know, thank you for this opportunity,  
6 and I do just want to reiterate that I do believe  
7 that the leadership of SVD is the right leadership,  
8 and I really do hope that we get the resources needed  
9 to, you know, to move forward. Thank you.  
10

11 CHAIRPERSON RICHARDS: Thank you so much  
12 for your testimony.

13 KYLYNN GRIER: Good afternoon. My name  
14 is Kylynn Grier. I'm here to testify on behalf of  
15 the young person at Girls for Gender Equity. Before  
16 I do that, I just want to ground really quickly.  
17 When we talk about adult sex crimes, we're talking  
18 about young people including young people 13 years or  
19 older. So, good afternoon Committee Chair Rosenthal  
20 and Richards, and members of the Committee on Women  
21 and Public Safety. My name is Leah Jean Francois. I  
22 am 18 years old and a first year at Barnard College—  
23 Barnard College of Columbia University. Today, I  
24 represent the Young Woman's Advisory Council at Girls  
25 for Gender Equity. Girls for Gender Equity is a

1  
2 Brooklyn Based Coalition building and youth  
3 development organization that acts as a catalyst for  
4 change to improve gender and race relations and  
5 socio-economic conditions for our most vulnerable  
6 youth in communities of color. The challenging  
7 structural forces that work to obstruct the freedom  
8 for expression and right of cis and trans women of  
9 color and gender non-conforming youth of color we are  
10 committed to ensuring the rights of sexual assault  
11 and gender-based violence survivors while also  
12 ensuring police accountability. Women of color  
13 experience higher rates of sexual violence than their  
14 white counterparts, and it is well documented that  
15 trans and cis black women grows and gender non-  
16 conforming people are disproportionately criminalized  
17 for self-defense. After experiencing sexual abuse  
18 for multiple years, I decided to the NYPD when I was  
19 14. I walked up to an officer on the sidewalk in  
20 Midtown and asked where should I go to report this?  
21 I was told by one officer that I did not share any  
22 details with him, everything that happened there's no  
23 point in going to the NYPD. He did not help me.  
24 Then, later during the school year when I was at  
25 Curtis High School, which is a highly policed

1  
2 intercity public school, I gained enough confidence  
3 to reach out to one of the NYPD officers that was in  
4 the school. I was told to figure something out or  
5 talk to my parents and the officer told me to go to  
6 class. I moved to expand the number of sexual-  
7 special victims-Special Victims Division detectives  
8 must be couched in a broader commitment from the New  
9 York Police Department to prioritize sexual and  
10 gender based violence. There is also a bill (sic) to  
11 transparency or accountability for NYPD Officers who  
12 commit sex crimes. Who are survivors supposed to go  
13 to when the person who has hurt them is an NYPD  
14 Officer? The rapid responsiveness from patrol  
15 officers and the downgrading of cases or refusal to  
16 send cases to the Special Victims Division is an  
17 opportunity to call for greater NYPD transparency and  
18 accountability for officers who harm people in  
19 communities. Funding for proposed training should  
20 come from reallocating funds already from the New  
21 York Police Department not by securing more funds for  
22 the agency. Increasing resourcing to an agency with  
23 a budget of \$5.57 billion has not demonstrated  
24 evidence or increased safety for women and people of  
25 agency experience and/or communities of color. The

1 report from the Office of the Inspector General  
2 demonstrates that there is a lack of leadership and  
3 commitment to taking sexual assault seriously in the  
4 New York Police Department, and we ask you to please  
5 help change that so we can up safe in our  
6 communities.  
7

8 CHAIRPERSON RICHARDS: Thank you so much  
9 for reading on behalf of her. Thank you.

10 CHRISTOPHER BROMSON: Good afternoon. My  
11 name is Christopher Bromson. I'm the Executive  
12 Director of the Crime Victims Treatment Center, and I  
13 just want to thank the two of you, and both of your  
14 committees for hosting this committee meeting, but  
15 also doing one heck of a job in asking the right  
16 questions and having all the right information. My  
17 colleagues have done a rally fantastic job of  
18 highlighting most of our priorities and what we hope  
19 for. So, I won't reiterate too much of it. I echo  
20 everyone's demands for more. At the Crime Victims  
21 Treatment Center we serve about 1,000 survivors of  
22 sexual assault every year, and we do a lot of in-  
23 depth trauma focused therapy, and so with all of the  
24 survivors that choose to make a report during their  
25 course of treatment with us, we get a very in-depth

1 look at what that experience is like. You know, and  
2 the number 93 cases has been thrown around, the  
3 number 58 cases has been thrown around, the number 20  
4 new detectives has been thrown around, and hopefully,  
5 they're going to be well trained seasoned detectives,  
6 but as I think to our own work we limit our  
7 therapist's caseloads to 25. They do 25 sessions a  
8 week for 45 minutes incredibly in-depth trauma  
9 focused therapy, but we limit those caseloads because  
10 we know that to effectively do this work to fully be  
11 present to do each step of the healing that needs to  
12 happen, 25 is the right number for our clinicians,  
13 and so it's hard for me to imagine that 58 or 93 is  
14 the right number for people who are round the clock  
15 doing very in-depth investigations. The other thing  
16 I just want to talk a little bit about is the idea of  
17 collaboration. The New York City Police Department  
18 has a very long way to go in making sure that every  
19 survivor of sexual assault has a consistent and  
20 supportive experience when they make a report, and we  
21 still face challenges every day. We hear horrible  
22 stories from survivors, and we also hear really good  
23 ones, and over the past eight years I think thanks  
24 very much in part to Deputy Chief Michael Osgood's  
25

1 leadership, we hear less and less of those, which is  
2 great. Chief Osgood has fostered a very strong and  
3 mutual respect between advocates and the Police  
4 Department, and I think that that should be fairly  
5 obvious to you today based on the number of advocate  
6 who are kind of mentioning this idea. He's  
7 instituted regular meetings with advocates. Deputy  
8 Commissioner Susan Herman has done the same, and  
9 they've really worked to improve our working  
10 relationship. Over the past three years CVTC has  
11 hosted 12 Special Victims detectives at our Annual  
12 Rape Crisis and Domestic Violence Advocate Training.  
13 So, it's been four detectives a year for the past  
14 three years. So, three years ago when Chief Osgood  
15 called asking if his detectives would be allowed to  
16 attend, this was a really unprecedented gesture of a  
17 leader in the Special Victims Division. It was a  
18 very big deal. So, we agreed. We said that, of  
19 course, they could participate as long as they made a  
20 commitment to participate fully with all the training  
21 advocates, which they did, and it's hard for me to  
22 overstate the power of that move. Having four  
23 detectives in with 40 trainees was an amazing  
24 experience. It gave the trainees a look into what  
25

1 the work is for a Special Victims detective. It  
2 helped them understand why certain questions are  
3 asked and why certain processes are adhered to, and  
4 it gave those detectives a very deep understanding of  
5 the importance of a rape crisis advocate. The  
6 importance that that person is there, and that they  
7 work together. It was a really simple idea, but it  
8 had really profound effects, and it really shows that  
9 survivors of sexual assault benefit from  
10 collaboration. The benefit when the systems that  
11 they have no choice but to interact with—know how to  
12 interact with each other, and when that happens, the  
13 journey from the hospital to the precinct to the Rape  
14 Crisis Program to the district attorney's office. It  
15 can become one that's focused on allowing a person to  
16 heal when the systems know how to work together. And  
17 so, going forward the Special Victims Division needs  
18 the full support of NYPD leadership. They need the  
19 support of the Commissioner and everybody who has  
20 decision making power, and I really hope to see all  
21 of those recommendations implemented. It's time. I  
22 didn't participate in the 2010 working group, but I  
23 know a lot of people who did, and it would be really  
24 wonderful if this time the recommendations that are  
25

1 on the table get put forward. So, thank you very  
2 much.  
3

4 CHAIRPERSON RICHARDS: So, it's safe to  
5 say all of you support the recommendations at DOI?

6 CHRISTOPHER BROMSON: Yes.

7 CHAIRPERSON RICHARDS: Wholeheartedly?  
8 Is there anything outside of the report that you  
9 believe should be included?

10 ANGELA FERNANDEZ: You know, why not?  
11 I'm here right? One thing I just want to mention  
12 also, and I don't know if this is, you know, we're  
13 talking a lot about, you know, we're talking a lot—  
14 obviously we're talking about survivors and—and the  
15 need, you know, for the right people to sort of—to  
16 support survivors and—and the collaboration and  
17 really a seamless process, right from beginning to  
18 end and warm handoffs, and the importance of all of  
19 that. I also just want to say that not just for the  
20 need for more people as far as staffing because we  
21 have that many people coming forward, right, and we  
22 know that as we get better at our jobs, we are going  
23 to have even more disclosures, right? It's a good  
24 thing that more people are coming forward, and as we  
25 have more campaigns and we create more initiatives,

1 the outcome is that we will have more people who need  
2 the services of more detectives. So, we need to  
3 build that infrastructure, but in addition to that,  
4 we—we need more staffing so that we can get Special  
5 Victims Division out of crisis mode. What's  
6 happening is that SVD is operating exactly in the way  
7 that we say we want to help our survivors out of,  
8 right? And so, if we do not give more staffing, more  
9 support, more resources, the time, what's happening  
10 is we are burning out the detectives that we do have.  
11 They are—they are also taking on the trauma of these  
12 cases, okay, and—and it's not even women in the  
13 culture I know. Dare I say in NYPD to even talk  
14 about the vicarious turnover, which is also why FETI  
15 training is amazing because they do talk about, and  
16 they do allow a safe space for detectives to talk  
17 about that aspect of it. But if we want to keep  
18 great detectives, if we want a detective to be able  
19 to be the best that they can be for our survivors,  
20 then we also need to create the space that, you know,  
21 that they have enough staffing that they don't have  
22 to be working four and five days. It's not healthy,  
23 right, and so I am concerned not just for survivors.  
24 I am concerned for our---for our—our detectives, and—

1 and that is what we try to—that's what we try to  
2 incorporate in our—in our advocacy programs. Not  
3 always the best, right, but we do try to do that, and  
4 we, you know, we talk about best practices and we  
5 try—talk about self-care, but we have not talked  
6 about that, and that is something that's in the DOI  
7 Report.  
8

9 CHAIRPERSON RICHARDS: Thank you. Thank  
10 you and I agree.

11 KYLYNN GRIER: I think something that's  
12 important to me is that is the Special Victims  
13 Division doesn't operate in isolation to the rest of  
14 the NYPD and that the systemic undervaluing of the  
15 division itself has a lot to do with broader culture  
16 of transparency of the N—in the NYPD and the way  
17 lives are valued. So, I will say that that's not in  
18 the report, and there's also not anything about  
19 survivors of sexual violence with the—the harm doers  
20 are actually officers themselves.

21 CHAIRPERSON RICHARDS: Stay tuned on  
22 that. Alrighty, thank you all for your testimony.

23 CHRISTOPHER BROMSON: Thank you

24 ANGELA FERNANDEZ: Thank you so much for  
25 today.

1  
2 CHAIRPERSON RICHARDS: Okay, we're going  
3 to go to our last panel now. Joyce Short. She's the  
4 author of *Cornell Abuse by Deceit and Combatting*  
5 *Romance Scams Why Lying to Get Laid is a Crime*. Lynn  
6 Hecht Schafran, Legal Momentum; and National—I can't  
7 make out your—I think Judicial. Your handwriting  
8 look like mine and Samantha Johnson a Million Hoodies  
9 Movement for Justice. If there's any one else who  
10 wishes to testify you need to fill out a slip and see  
11 the sergeant-at-arms. Alrighty, so I'm going to  
12 back. Lynn Hecht Schafran, Legal Momentum and  
13 National Judicial; Samantha Johnson and Joyce Short.  
14 Okay. Sure. We want you to be able to see what you  
15 want to read. [pause] Now, we have to take two  
16 minutes off your clock. I'm seeing what you're—okay,  
17 you may begin. [pause] You press the button, the  
18 gray—gray button.

19 JOYCE SHORT: Is it on?

20 CHAIRPERSON RICHARDS: The light. There  
21 you go.

22 JOYCE SHORT: There we go. One second.  
23 So, thank you Committee Chairs Richards and Rosenthal  
24 and the members of the committee for all of your  
25 advocacy. I'm Joyce Short, and in addition to being

1 the author of two books, I also maintain website  
2 called Consent Awareness.net. As a sexual assault  
3 survivor, I'm aware of confusion over consent, and  
4 this confusion contributes to rape mentality. There  
5 are several types of agreement, but only consent has  
6 the weight to make sexual conduct legal. Assent is  
7 an agreement under duress. Think. Larry Nassar who  
8 pretended to medically treat victims as he molested  
9 their private parts for his sexual pleasure.  
10 Acquiescence is agreement under duress. Harvey  
11 Weinstein—I'm sorry. Assent is agreement on the face  
12 of it, and acquiescence is agreement under duress.  
13 Harvey Weinstein used the power of his position in  
14 order to coerce sexual favors. Consent, on the other  
15 hand, is freely given knowledgeable and informed  
16 agreement. Donald Ward, a Purdue student tricked a  
17 sleeping woman—a sleeping young woman alone in her  
18 boyfriend's dorm room—into sex. She thought he was  
19 her boyfriend. Ward was arrested for rape and he was  
20 acquitted because rape by fraud or impersonation is  
21 not a crime in Indiana. If the same thing happened  
22 at Cornell, Columbia, or NYU, he would not have been  
23 arrested. As an advocate for a woman who had  
24 experienced similar conduct, I accompanied her to  
25

1 precinct to file her report, in New York—in New York,  
2 the nature of her crime would have been—the crime  
3 that happened to her would have been sexual  
4 misconduct in our Penal Code. The police scoffed and  
5 said: Did he pin you down? Did he force you?  
6 Neither Larry Nassar, Harvey Weinstein or Bill Cosby  
7 pinned their victims down, and one of the man's  
8 victims had committed suicide. Along with today's  
9 proposals, we need to enact the first line of the  
10 It's On Us Pledge into law. Non-consensual sex is  
11 sexual assault and we need to combine it with the  
12 actual definition of consent. Consent is freely  
13 given knowledgeable and informed agreement #FGKIA.  
14 Model Penal Code states: Consent is ineffective if  
15 induced by force, duress, or deception, but  
16 ineffective tells us what consent is not. It really  
17 doesn't tell us what consent is. Freely given,  
18 knowledgeable and informed agreement tells society,  
19 NYPD, prosecutors, judges, and juries exactly what  
20 consent is. Me, Too and Time's Up, have raised  
21 awareness and we a solution. New laws transform  
22 morality. I've written a poem that I'd like read to  
23 you in order to make my point, I hope and it goes  
24 like this: By body is not your—not a token, not your  
25

1 prize. Don't deceive with your deception. I'm  
2 sorry. Don't defile me with coercion, forcer or  
3 lies. I'm sorry. I'm try to—I'm trying to find it.  
4 Let me, let me go back. Okay, here we go. My body's  
5 not a token, not a prize. Don't defile me by  
6 coercion, force or lies. My body is no yours to  
7 take. It's mine to give. My body is not  
8 entitlement. It's where I live. Consent is not an  
9 option. It's a must no matter how intensely you feel  
10 lust, FGKIA, Keep your rape mentality away. FGKIA.  
11 Sign it into law today. Freely given, knowledgeable  
12 and informed agreement. The police made it clear  
13 today that they take pride in handling violent rape  
14 case. We need them to understand [bell] that violent  
15 rape is the most heinous form of sexual assault, but  
16 violent rape is not the only form of sexual assault,  
17 and as indicated in Model Penal Code: Whether by  
18 force, duress or deception, all sexual assault  
19 victims deserve justice. Thank you very much.

21 CHAIRPERSON RICHARDS: Thank you so much  
22 for coming out today and thank you for that beautiful  
23 poem. Thank you. Alrighty. So, this—we're going to  
24 conclude our hearing today. I first want to thank  
25 the staff who worked so hard on this. First, I'll

1 start with the Committee On Public Safety staff.  
2 Beth Golub, Casey Addison, Steve Westra, and the  
3 Committee on Women Issues, Brenda McKinney, Joanne  
4 Povolny, Chloe Rivera, Daniel Kroop, Rabia Kazan. I  
5 also would like to thank all the advocacy groups who  
6 came out today. I'd like to also thank once again  
7 the Department of Investigations and also the  
8 Inspector General. I also want to thank the NYPD for  
9 the work that they do day in and day out on this. I  
10 will just conclude by saying we have—we've made some—  
11 take some minor steps to improve SVD over the last  
12 couple of days. We look forward to continuing to  
13 work with the NYPD to strengthen their plan. We do  
14 hope that they take a serious look at all 12 steps or  
15 recommendations that the DOI did put out, and which  
16 this Council supports and obviously we have our four  
17 pieces of legislation and which we intend to work  
18 with the NYPD on, but we intend to pass to make sure  
19 that we are strengthening SVD and ensuring that we  
20 are creating an atmosphere for victims in which they  
21 will feel safe and proud to work with the NYPD moving  
22 forward as well. So, this is about addressing a much  
23 larger systematic issue. I want to applaud Chief  
24 Osgood because I think—Deputy Chief Osgood because I  
25

1 think from every advocate, which is very aware that  
2 we get advocacy groups that all agree that a person  
3 is doing such a great, but I want to commend him for  
4 the work that he's done without the resources for the  
5 past eight years, and we want to continue to support  
6 his efforts in beefing up that particular unit in  
7 terms of training, in terms of more staffing and  
8 other resources. So, I want to thank everyone for  
9 coming out today. We look forward to continuing this  
10 conversation. It is not done and we will now close  
11 out this hear. I want to also thank Chair Rosenthal  
12 who had to run across the street I believe to vote  
13 and all of these sponsors of the bills and members of  
14 the committee as well. So, thank you for coming out  
15 today. This hearing is now closed. [gavel]

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COMMITTEE ON PUBLIC SAFETY JOINTLY WITH  
COMMITTEE ON WOMEN

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 2, 2018