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**January 13, 2021**

**CCRB**

**Board of Directors: Committee on Rulemaking**

**Via email: [ccrbrules@ccrb.nyc.gov](mailto:ccrbrules@ccrb.nyc.gov).**

**Ref: Proposed Changes to Chapter 18-A § 440 of the New York City Charter, expanding the CCRB's authority to encompass police sexual misconduct.**

I agree to some extent that the CCRB should expand its rules to include investigations to encompass police sexual misconduct but the rules don't go far enough to address the needs of survivors of sexual assault and/or harassment at the hands of NYPD staff and employees. My primary reservations have been offered before on this subject to this body during oral testimony public comment periods. Please accept my written reservations regarding this change in policy:

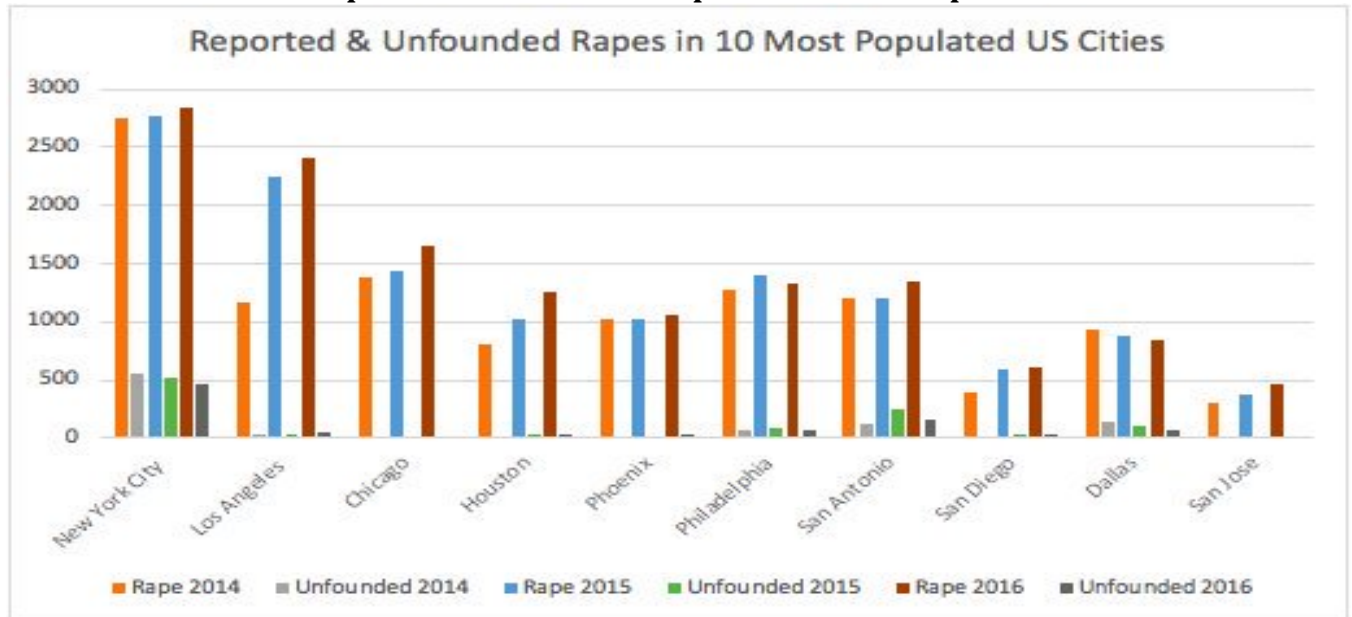
1. The CCRB is only obligated to send a letter via us postal service at the end of its investigation notifying the complainant of the status of their complaint as founded, substantiated or unsubstantiated.

Survivors need more of a follow-up than a letter. What is the plan to manage the flow of information to survivors post-interview?

2. Survivors aren't notified when administrative trials are held IF their complaints are founded so we are unable to watch and/or participate in these events.
3. Victim impact statements aren't allowed at administrative trials—and survivors are not given a role to testify during administrative trials.
4. There is little information about the agreements between borough district attorney's offices to stay criminal prosecutions/investigations until CCRB investigations/administrative trials are complete and; no guarantee that DAs offices will even pursue charges.
5. **The City of NY has failed to respond to the #Metoo movement even though many of the narratives that have fueled the movement have spun out of our own criminal courthouse right here in lower Manhattan at 100 Centre Street. We cannot ignore this moment as an essential one to seize on to respond to the crisis of rape and sexual assault that has swept through our city unaddressed. We need a SEPARATE stand-alone agency to investigate allegations of rape, sexual assault, harassment, trafficking and pimping. We need one oversight agency in NYC to investigate rape/sex assault/sex harassment in city**

agencies AND public at large. What do we know about previous complaints of sexual violence against other NYPD staff and citizens? Very little. In fact we have very little data about sexual violence in NYC at all and what we do have indicates vast under-reporting:

### FBI Data 2014-2016 Reported & Unfounded Rapes In 10 Most Populated US Cities



### FBI Data 2017 Reported & Unfounded Rapes NYPD

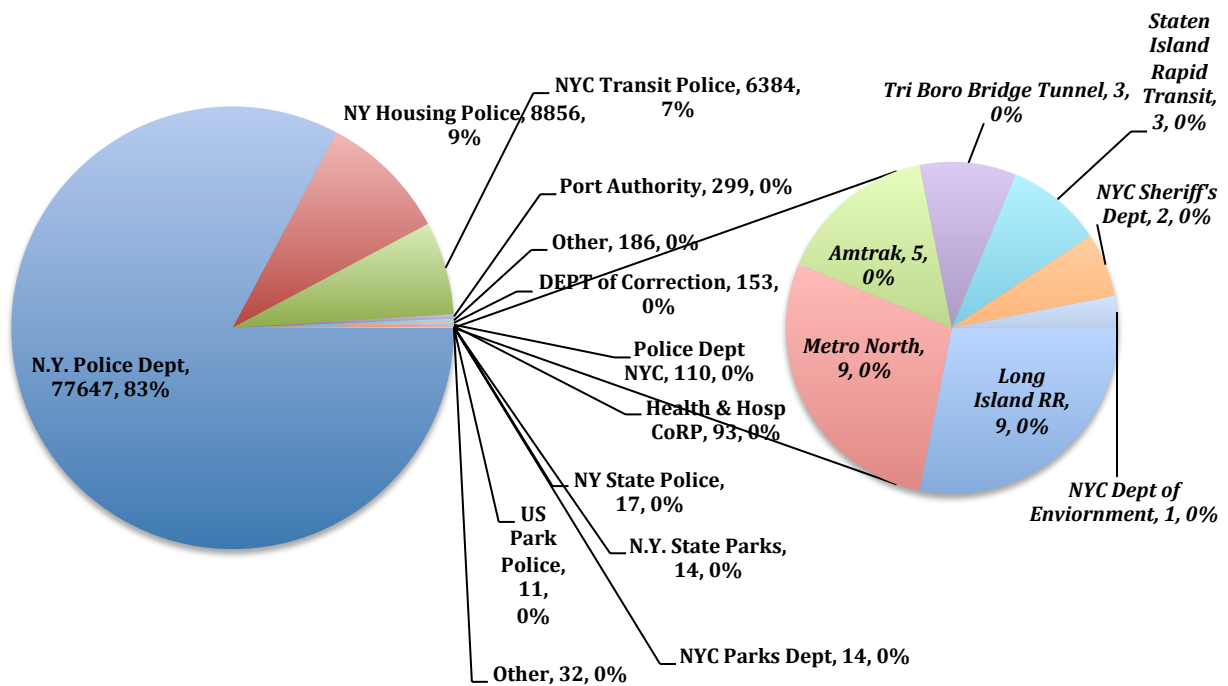
Rape		Robbery	
Actual	Unfounded	Actual	Unfounded
2375	286	13995	143
Assault*		Burglary	
Actual	Unfounded	Actual	Unfounded
29771	127	11104	148

### FBI Data NYPD Unfounded Rapes by Borough

Case Closings for 2018 Rape Complaints	BRONX	BROOKLYN	MANHATTAN	QUEENS	STATEN ISLAND	Total
OPEN	40	46	16	16	6	124
ARREST	140	225	108	194	28	695
C-4 INVESTIGATIVE LEADS EXHAUSTED	63	79	130	68	6	346
COMPLAINANT NOT PARTICIPATING AT THIS TIME	99	150	127	79	28	483
OTHER	44	46	24	30	7	151
<b>All</b>	<b>386</b>	<b>546</b>	<b>405</b>	<b>387</b>	<b>75</b>	<b>1799</b>
B-6 UNFOUNDED	25	32	38	64	7	166

**WHAT PUBLIC DATA IS AVAILABLE ABOUT PRIOR ALLEGATIONS OF SEXUAL VIOLENCE AGAINST MEMBERS OF THE NYPD?** There is a small amount of data about sexual assault/abuse and harassment reporting per NYC agency FROM 2006-2013 ONLY found on NYC Open Data Portal:

**NYC Agency Sex Assault/Abuse/Harassment Reporting to NYPD by Jurisdictional Agency:**



NYC AGENCY	Total Reported to NYPD
N.Y. Police Dept	77647
NY Housing Police	8856
NYC Transit Police	6384
Port Authority	299
Other	186
DEPT of Correction	153
Police Dept NYC	110
Health & Hosp CoRP	93
NY State Police	17

N.Y. State Parks	14
NYC Parks Dept	14
US Park Police	11
Long Island RR	9
Metro North	9
Amtrak	5
Tri Boro Bridge Tunnel	3
Staten Island Rapid Transit	3
NYC Sheriff's Dept	2
NYC Dept of Environment	1
TOTAL	93816

NYPD utilized two separate Agency Codes to report sex crimes from 2006-2013. Beginning in November, 2013 Agency Code category "69" no longer was utilized by the NYPD. This may have been a placeholder category for all sex abuse complaints made AGAINST NYPD employees and investigated by IAB. In late 2013 the NYC DOI began investigating these complaints. Between 2006 and October 2013 there were 110 complaints that fall into this category:

There are a total of 71 NYC Agencies: of those only 20 reported complaints of criminal sex abuse/sexual harassment to the NYPD from 2006 to 2018. As per each Agency's independent Charter code each is responsible for investigating inter-agency crimes. The Charter<sup>1</sup> requires all criminal conduct to be reported to the NYPD but there appears to be nary any oversight structure established in any capacity within NYC government to enforce this reporting. The following agencies reported ZERO complaints of rape/sexual assault or sexual harassment between 2006 and 2018 to the NYPD<sup>2</sup>:

<a href="#">Child Welfare Board</a>
<a href="#">City University of New York</a>
<a href="#">New York City Board of Education</a>
<a href="#">New York City Community Assistance Unit</a>
<a href="#">New York City Economic Development Corporation</a>
<a href="#">New York City School Construction Authority</a>
<a href="#">New York City Soil and Water Conservation District</a>
<a href="#">New York City Voter Assistance Commission</a>

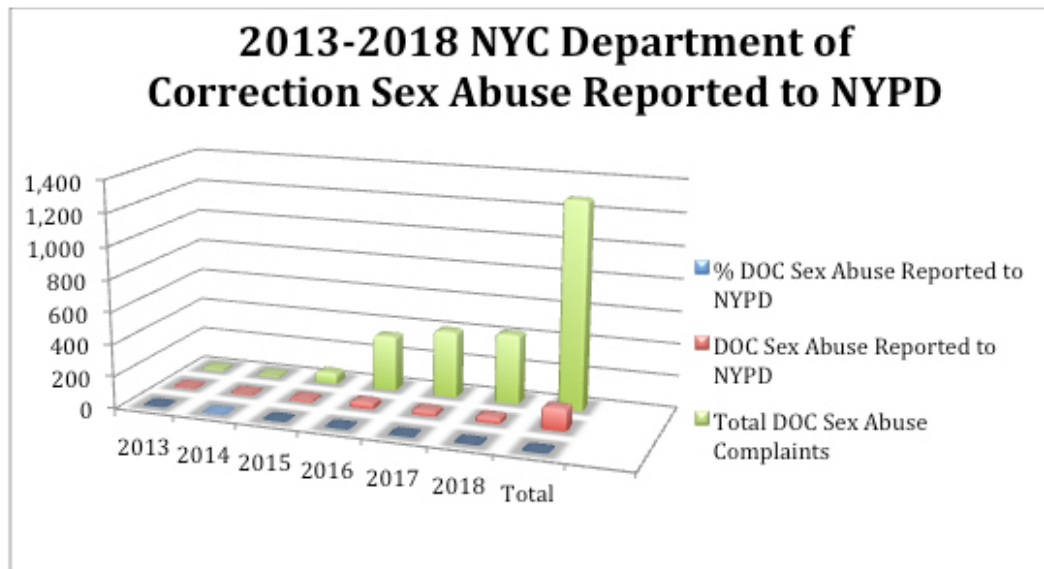
<sup>1</sup> NYC Charter linked June 6, 2019: [https://www.amlegal.com/codes/client/new-york-city\\_ny/](https://www.amlegal.com/codes/client/new-york-city_ny/)

<sup>2</sup> **What this means is complaints are not making it to Bureau of Justice Statistics so literally our voices are being choked by the City Agencies that employ us-our rapes and sexual assaults aren't even being counted in the Nat'l yearly statistics which are mandated to be fed to the Bureau of Justice Statistics.** The Federal Laws mandating crime data that BJS documents fall under: A. The [Justice Systems Improvement Act of 1979](#); B. [Public Law 96-157](#) (the 1979 Amendment to the Omnibus Crime Control and Safe Streets Act of 1968), and; C. [Public Law 90-351](#). **Following, NYC IS IN VIOLATION OF THESE Federal Mandates/ LAWS as multiple agencies have not been accurately providing data to the NYPD to report to BJS.**

<a href="#">NYC Media</a>
<a href="#">Office of Chief Medical Examiner of the City of New York</a>
<a href="#">The Business Integrity Commission (BIC)</a>
<a href="#">The Campaign Finance Board (CFB)</a>
<a href="#">The Department for the Aging (DFTA)</a>
The Department of Buildings (DOB)
The Department of City Planning (DCP)
The Department of Citywide Administrative Services (DCAS)
<a href="#">The Department of Consumer Affairs (DCA)</a>
The Department of Correction (DOC, NYCD)
<a href="#">The Department of Cultural Affairs (DCLA)</a>
The Department of Design & Construction (DDC)
The Department of Education (DOE)
The Department of Finance (DOF).
<a href="#">The Department of Health &amp; Mental Hygiene (DOHMH)</a>
The Department of Homeless Services (DHS) provides services to the homeless.
<a href="#">The Department of Housing Preservation &amp; Development (HPD)</a>
<a href="#">The Department of Information Technology &amp; Telecommunications (DoITT)</a>
<a href="#">The Department of Investigation (DOI)</a>
<a href="#">The Department of Parks &amp; Recreation (Parks)</a>
<a href="#">The Department of Probation (DOP)</a>
<a href="#">The Department of Records &amp; Information Services (DoRIS)</a>
The Department of Sanitation (DSNY)
<a href="#">The Department of Small Business Services (SBS)</a>
<a href="#">The Department of Transportation (DOT)</a>
<a href="#">The Department of Youth &amp; Community Development (DYCD)</a>
The Fire Department (FDNY)
<a href="#">The Human Resources Administration (Department of Social Services; HRA/DSS)</a>
<a href="#">The Independent Budget Office (IBO)</a>
<a href="#">The Latin Media &amp; Entertainment Commission (LMEC)</a>
<a href="#">The Law Department (Law)</a> is responsible for most of the city's legal affairs.
<a href="#">The Mayor's Office of Film, Theatre &amp; Broadcasting (MOFTB)</a>
<a href="#">The Municipal Building,</a>
<a href="#">The New York City Banking Commission</a> administers banking programs.
<a href="#">The New York City Board of Correction (BOC)</a>
<a href="#">The New York City Board of Standards and Appeals (BSA)</a>
<a href="#">The New York City Civil Service Commission (CSC)</a>
The New York City Civilian Complaint Review Board (CCRB)
The New York City Clerk is the city clerk and clerk of the City Council.
The New York City Commission on Human Rights (CCHR)
The New York City Conflicts of Interest Board (COIB)
The New York City Emergency Management (NYCEM)
<a href="#">The New York City Franchise and Concession Review Committee (FCRC)</a>
<a href="#">The New York City In Rem Foreclosure Release Board</a>
The New York City Landmarks Preservation Commission (LPC)

<a href="#">The New York City Loft Board</a>
<a href="#">The New York City Marriage Bureau</a>
<a href="#">The New York City Office of Collective Bargaining (OCB)</a>
<a href="#">The New York City Office of the Actuary</a>
The New York City Office of Workforce Development (WKDEV)
The New York City Procurement Policy Board (PPB)
<a href="#">The New York City Public Design Commission (Art Commission)</a>
The New York City Rent Guidelines Board (RGB) regulates rents in the city.
The New York City Tax Appeals Tribunal
The New York City Tax Commission
The New York City Workforce Development Board (WDB)
The Office of Administrative Trials and Hearings (OATH) .
<a href="#">The Taxi &amp; Limousine Commission (TLC)</a>

This is especially worrisome when data reveals that agencies reporting data are under-cutting the sex abuse crimes that they are reporting! The NYC Department of Correction is a good example of this:



	% DOC Sex Abuse Reported to NYPD	DOC Sex Abuse Reported to NYPD	Total DOC Sex Abuse Complaints
2013	38%	5	13
2014	89%	8	9
2015	23%	16	70
2016	12%	41	347
2017	8%	32	415
2018	8%	36	434
Total	11%	138	1288

We have a lot of work to do before we give the CCRB one more responsibility that enables the NYPD to further have a hold over the lives of women, girls, trans, intersex and gender-non-conforming people in NYC: we cannot allow the NYPD to continue to drop the ball when it comes to sex crimes in NYC. It is precisely these traumas left festering that drive women and girls into situations where contact with the police leads to our behavior (that are a direct result of trauma) being criminalized..

In NYC almost every City agency has processes set up to investigate these complaints of sex abuse, assault, harassment. These processes only serve to protect the institution being investigated and not to deliver justice to the complainant. Only 20 out of 70+ NYC agencies is actually reporting their sex assault and harassment complaints to the NYPD. THE NEEDS OF WOMEN, TRANS, INTERSEX, GENDER NON-CONFORMING AND GIRLS SHOULD NOT COME LAST BUT FIRST IN OUR CITY'S PLANNING PROCESS. New York City has always been a leader when it comes to reforms for women from: the Suffragettes who ate pizza right here on the steps of City Hall in support of a Women's right to vote in 1917; to the birthplace of the equal rights movement and the creation of the first chapter of NOW by Gloria Steinem our city has always enjoyed a special place of leadership championing the rights of women. Liz Holtzman established the first ever SVU unit when she was elected Brooklyn DA and instituted the practice of using rape kits into her workflow for the first time in law enforcement history. To this particular and specifically progressive leadership we owe a debt as a city to continue path finding. We need data on previous investigations into NYPD sex crimes and how these IAB investigations were handled in conjunction with borough DA prosecutions, and other meaningful changes in CCRB workflow to better service survivors before we commit to this facade of rule-changes completely.

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