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**DOI INVESTIGATION FINDS NYPD HAS ROUTINELY UNDERSTAFFED AND NEGLECTED
THE SPECIAL VICTIMS DIVISION, NEGATIVELY IMPACTING SEXUAL ASSAULT INVESTIGATIONS**

*Internal Documents Reveal That "Stranger Rape" and High-Profile Cases Are Given Priority for Limited
Resources Over "Acquaintance Rape" and Other Adult Sex Crimes*

*Senior SVD Officials Reported Concerns that Investigations Have Been Harmed
By Understaffing Dating Back to 2010*

The New York City Department of Investigation ("DOI") issued a Report today detailing the findings of a year-long investigation into how the New York City Police Department's ("NYPD") Special Victims Division ("SVD") investigates cases involving sexual assaults. The investigation found that NYPD has understaffed and under-resourced SVD for at least the last nine years, despite recommendations from an NYPD working group in 2010 and consistent warnings raised by SVD leadership in the years since. Internal NYPD documents, not previously made public and obtained by DOI investigators, acknowledge that many sexual assault cases are not properly investigated due to staffing and resource limitations. Interviews with multiple prosecutors confirmed this concern. A copy of DOI's Report, which includes recommendations on how NYPD can correct the situation, is attached to this release and can be found at the following link: <http://www1.nyc.gov/site/doi/newsroom/public-reports.page>

DOI Commissioner Mark G. Peters said, "Victims of sexual assault deserve justice, with the full weight of law enforcement by their side. The neglect and understaffing of NYPD's Special Victims Division are serious and deeply troubling and the failure to treat acquaintance rape as an equal priority is unacceptable. While DOI's report details the shortcomings currently hindering SVD, it provides a critical roadmap for the future. NYPD must give the Special Victims Division the resources and personnel it needs to carry out its important mission."

DOI interviewed current and former SVD commanders and investigators, sex crime prosecutors, service providers, and victim advocates during its investigation, all while reviewing thousands of pages of internal NYPD memoranda and personnel records. DOI also applied NYPD's own data to a nationally accepted staffing model to evaluate SVD staffing levels and found that while the sex crimes caseload has increased by 65.3% since 2009, staffing levels are nearly unchanged. In March 2018, NYPD's homicide squads had 101 detectives with 282 homicides in 2017; during the same time period, SVD's adult sex crime units had only 67 detectives despite its 2017 caseload of 5,661, more than 20 times larger than the homicide caseload. Given these challenges, NYPD needs to double the size of the adult sex crime units in NYPD in order to properly investigate all adult sex crimes.

As a result of understaffing, DOI's investigation also found that NYPD has prioritized so-called "stranger rapes" and other more high-profile cases, while "acquaintance rape" and other investigations receive less attention and, in some instances, are even sent to local precinct squads for post-arrest investigation, which means the case is not investigated post-arrest by SVD at all. That responsibility instead stays with precinct-level detectives who are not trained in sex crimes investigations. Documents as well as current and former SVD staff, sex crime prosecutors, service providers, and victims' advocates all confirmed to DOI that chronic understaffing and inexperience have "diluted" and "shortened" investigations, jeopardized prosecutions, re-traumatized victims, and negatively impacted the reporting of sex crimes, thereby adversely affecting public safety.

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Internal NYPD documents obtained by DOI also confirm that NYPD has been aware of the understaffing issue for years, yet has failed to act. In 2010, NYPD's own Sex Crimes Working Group recognized the impact of increasing workloads at SVD, and recommended that NYPD both boost the number of sex crimes investigators and take steps to increase their seniority and experience. NYPD leadership, however, did not follow through. Instead, understaffing and inexperience continued and worsened. In 2011, when SVD flagged the impact of understaffing on the ability to investigate all sex crimes, the response from an NYPD deputy commissioner was that SVD "did not have to investigate every misdemeanor [sex crime]." NYPD internal memoranda show that SVD leadership ignored this directive, and continued to warn NYPD of the damaging consequences that understaffing had on sex crime investigations. Furthermore, SVD recruits today are mostly police officers with no prior relevant investigative experience and SVD leadership say it can take up to five years for these officers to gain the requisite experience to properly investigate these crimes.

In addition to severe staff shortages, DOI identified several other issues plaguing the SVD, including squad locations that were found to be cramped, unsanitary, and inappropriate for sex crime victims and investigations; case management software that is inefficient, outdated, and insecure, potentially allowing confidential information to be publicly leaked; and inadequate training for SVD recruits. New SVD recruits get 40 hours of instruction over five days, compared to six to eight weeks for a new motorcycle patrol officer.

The Report makes twelve recommendations to address these systemic problems, including:

- NYPD should immediately increase staffing in SVD units to meet the minimum investigative capacity required by an evidence-backed and nationally-accepted staffing analysis model. To appropriately handle a caseload that existed in 2017, that model would require 73 additional hires, specifically an additional 21 detectives in the Manhattan adult sex crimes squad, 11 detectives in the Bronx squad, 16 detectives in the Queens squad, 21 detectives in the Brooklyn squad, and four detectives in the Staten Island squad.
- NYPD should create more promotional opportunities for SVD detectives in order to improve recruitment, retention, and morale, in keeping with the prestige that an elite detective division should be afforded.
- NYPD should require all adult sex crimes be investigated and/or enhanced by SVD detectives — including "domestic rape" and "acquaintance rape" in which patrol officers have made an arrest. This will require additional staffing beyond that recommended in DOI's Report.
- NYPD should prepare a funding plan to renovate or relocate the physical facilities of all SVD units that handle adult sex crimes. These locations should be easily accessible and welcoming to victims.
- NYPD should, once the SVD is adequately staffed, increase in-house training opportunities for adult sex crimes detectives and detectives-in-training, beyond the basic courses currently offered.
- NYPD should invest in a new case management system for SVD that would replace its current system. The new system should have the highest security protocols, as well as advanced caseload, staff management, and data analysis capabilities.

The investigation was conducted by DOI's Inspector General for the NYPD specifically, Policy Analyst Tyler Gibson, Policy Analyst Adrian Amador, Policy Analyst Sean McMahon, Policy Analyst Leah Nussbaum, and Special Investigator Sarolta Toscano, under the supervision of Director of Investigations Daniel Boylan, Deputy Inspector General Asim Rehman, Inspector General Philip K. Eure, Associate Commissioner Paul Cronin, Deputy Commissioner/Chief of Investigations Susan Lambiase, and First Deputy Commissioner Lesley Brovner.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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**New York City Department of Investigation's
Inspector General for the NYPD**

An Investigation of NYPD's Special Victims Division—Adult Sex Crimes

**MARK G. PETERS
COMMISSIONER**

March 27, 2018

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I. EXECUTIVE SUMMARY

The New York City Department of Investigation (DOI) has conducted a year-long investigation into the way the New York City Police Department (NYPD) investigates cases involving sexual assault. Because of the unique issues presented in such cases, they are primarily handled by the Special Victims Division (SVD) of the NYPD. DOI has found that for at least the past nine years, NYPD has understaffed and under resourced SVD. Internal NYPD documents, not previously made public, acknowledge that many sexual assault cases are not properly investigated due to staffing and resource limitations.

In 2010, the newly formed NYPD Sex Crimes Working Group (Working Group) concluded that SVD should reform its practices to be more victim-focused, increase collaboration with prosecutors, and investigate all misdemeanor sex crimes in addition to felony sex crimes.¹ At the same time, the Working Group recommended that 26 additional adult sex crime detectives be assigned to SVD—bringing the total number of detectives to 96—and that specific changes be made in promotional procedures to increase the experience and seniority of the detectives working at SVD.² NYPD never implemented those staffing recommendations. Moreover, DOI's analysis demonstrates that even these 2010 staffing recommendations were based on flawed assumptions, and consequently were seriously below nationally recognized standards.

Rather than furnish proper staffing, NYPD leadership in 2011 directed SVD to simply not investigate all misdemeanor sexual assaults. Misdemeanor sexual assaults can involve serious criminality, such as “sexual intercourse with another person without such person’s consent.”³ Despite the serious nature of these crimes, DOI obtained an internal NYPD memorandum that confirms this directive.⁴

Understaffing problems have continued since 2011. A review of documents demonstrates that between 2009 and 2016, NYPD repeatedly failed to act on transfer requests that kept even authorized positions at SVD vacant. By March 2018, SVD's adult sex crime units had only 67 detectives (out of the 96 originally recommended) and only five were First Grade detectives. This is despite a 65.3% increase in SVD's adult sex crime caseload since 2009. To place this in perspective, in March 2018, NYPD's homicide squads had 101 detectives with 282 homicides in 2017; during the same time period, SVD's adult sex crime units had only 67 investigators despite its 2017 caseload of 5,661.

¹ N.Y. POLICE DEP'T., SEX CRIMES WORKING GROUP FINAL REPORT [hereinafter *Working Group Report*] (Dec. 2010), available *infra*, Appendix A.

² *Id.* at 17, Attachments A and B.

³ New York State Penal Law §130.20.

⁴ We note that DOI found that SVD declined to follow this directive.

Likewise, SVD has been consistently under resourced, presenting institutional barriers to the reporting of sex crimes, the investigation of sex crimes, and victim participation in the investigative process. Conditions at SVD adult sex crime locations are cramped, unsanitary, and inappropriate. NYPD's formal training for SVD is also subpar. For example, a new SVD recruit receives five days of formal specialized training compared to six to eight weeks for a motorcycle patrol officer.

This chronic neglect of SVD staffing and resources continues to have serious negative effects on the prosecution of sex crimes in New York City. In interviews, multiple prosecutors described improper handling of cases by overloaded or inexperienced investigators that have hindered prosecutions. Further, internal NYPD documents obtained by DOI now confirm the existence of a longstanding NYPD practice that certain cases involving "acquaintance" and "domestic" rape not be "enhanced" (investigated post-arrest) by SVD, but kept at local precinct detective squads instead. The failure to treat acquaintance and domestic rape as crimes on par with stranger rape is unacceptable in modern law enforcement.

While NYPD has recently stated that it has increased both staffing and seniority at SVD, documents provided in the course of this investigation demonstrate that this has not occurred in the adult sex crime units. Moreover, while NYPD appropriately disavowed comments in January 2017 by a precinct captain who publicly stated that acquaintance rape is "not a trend we're too worried about," the captain was nonetheless promoted ten months later.⁵ In sum, the problems noted in this Report continue unabated.

Recent successes, such as the solving of the 1994 Prospect Park rape case, are emblematic of the tireless work and dedication of most SVD investigators. The situation, however, has now reached a point where SVD cannot properly investigate its *entire* caseload with the resources currently allocated by NYPD. Based on this investigation, DOI recommendations include:

- **NYPD should immediately increase staffing in SVD's adult sex crime units to meet the minimum investigative capacity required by an evidence-backed and nationally-accepted staffing analysis model. To appropriately handle the 2017 caseload, that model would require an additional 21 detectives in the Manhattan SVS, 11 detectives in the**

⁵ Amanda Woods, *NYPD Captain: Date Rape is 'Not a Trend We're Too Worried About,'* N.Y. POST (Jan. 6, 2017, 8:10 PM), <https://nypost.com/2017/01/06/police-captain-under-fire-for-dismissive-remarks-on-date-rape/>. The captain in question was subsequently promoted to deputy inspector in November 2017. Tina Moore and Bruce Golding, *Commissioner Defends Promotion of NYPD Captain Who Wrote Off Date Rape*, N.Y. Post (Nov. 21, 2017, 3:56 PM), <https://nypost.com/2017/11/21/commissioner-defends-promotion-of-nypd-captain-who-wrote-off-date-rape/>.

Bronx SVS, 16 detectives in the Queens SVS, 21 detectives in the Brooklyn SVS, and four detectives in the Staten Island SVS.

- **NYPD should enhance promotional opportunities for SVD detectives in order to improve recruitment, retention, and morale in keeping with the prestige that should be afforded to an elite detective division.**
- **NYPD should require all adult sex crimes be “enhanced” by SVD detectives—including “domestic rape” and “acquaintance rape” in which patrol officers have made an arrest. This will require additional staffing beyond that recommended in this Report.**
- **NYPD should prepare a funding plan to renovate or relocate the physical facilities of all SVD units that handle adult sex crimes. These locations should be easily accessible and welcoming to victims.**
- **NYPD should, once the SVD is adequately staffed, increase in-house training opportunities for adult sex crimes detectives and detectives-in-training beyond the basic courses currently offered.**
- **NYPD should invest in a new case-management system for SVD that would replace its current system. The new system should have the highest security protocols, as well as advanced caseload, staff management, and data analysis capabilities.**

Update and Note: Almost two weeks prior to the release of this Report, DOI provided a copy of the Report to NYPD. NYPD did not dispute the accuracy of the number of staff that the Report lists as assigned to SVD or the authenticity of documents cited in the Report. NYPD, however, rejected the staffing calculations used by DOI and the proposed staffing numbers flowing from these calculations, claiming that current SVD caseloads are appropriate.

II. METHODOLOGY

DOI investigators conducted interviews with current and former SVD personnel, the five district attorneys' offices, and numerous victim advocacy organizations and service providers. Investigators also examined the staffing of NYPD's adult sex crimes squads, using both quantitative and qualitative methods to determine the extent of understaffing. Investigators also conducted unannounced site visits at all five of the Special Victims Squads (SVS) in the SVD dedicated to investigating adult sex crimes in the five boroughs. Finally, investigators reviewed hundreds of pages of internal NYPD documents, memoranda, and reports about staffing and SVD operations that revealed the scope, breadth, and causes of the serious challenges currently facing SVD.

III. BACKGROUND

A. Sex Crimes

Sex crimes are particularly difficult to investigate and prosecute. Victims have suffered tremendous trauma and many risk further victimization by the criminal justice process. Survivors of sexual assault often endure invasive and traumatizing evidence collection and are forced to relive and retell their stories while serving as the key witness during investigation and trial. As a result, national best practices call for a victim-centered approach to sex crime investigations. The International Association of Chiefs of Police (IACP) guidelines, first published in 2005, stress the importance of this approach, stating that “validation from authorities may be a more critical element of a successful response and investigation than a criminal prosecution or conviction.”⁶ Victims' perceived procedural justice, or sense that their allegations and experience have been taken seriously and handled appropriately by law enforcement, is paramount to successful sex crime investigations.⁷

Moreover, most sex crimes are nothing like the often imagined “strangers in dark alleys” who violently force themselves on unsuspecting victims. According to IACP's National Law Enforcement Policy Center:

- “Most sexual assault victims are acquainted with the suspect(s) in some way, yet they rarely expected [sexual contact] with the suspect(s).
- Most sexual assaults are not reported to law enforcement authorities.
- Men are even less likely to report their sexual assault to the police than are women.

⁶ HUMAN RIGHTS WATCH, IMPROVING POLICE RESPONSE TO SEXUAL ASSAULT 3-4 (2013), citing INT'L ASS'N OF CHIEFS OF POLICE, INVESTIGATING SEXUAL ASSAULTS MODEL POLICY (2005).

⁷ *Id.* at 3-4.

- Victims rarely report to the police first; usually they go first to a close friend or relative, a health care provider, or a victim advocate.
- Victims often delay reporting a sexual assault for days, weeks, months, or even years, and many never disclose it to anyone, including their closest friends.
- The police are more likely to be notified of sexual assaults that are committed by strangers than by someone the victim knows.
- Sexual assault perpetrators rarely use weapons and may not use physical force, relying instead on verbal threats, intimidation, and a victim's vulnerability.
- Victims' emotional reactions may include confusion, shame, and embarrassment.
- Victims may lie about specifics of the sexual assault because they fear that their actions may have contributed to the sexual assault.
- Individuals who have been previously victimized may be unable to defend themselves due to the past trauma the assault triggers and the fear they experience during the current assault.”⁸

According to internal NYPD documents and DOI interviews, SVD leadership had previously estimated that 5% to 20% of sexual assaults were reported to the police, and now believes that the true rate is 5% or lower. By comparison, reporting rates for most other crimes are well over 70%.

Given the unique nature of sex crimes, investigating them requires a time-intensive approach that focuses on the victim. Investigators must be trained and experienced in trauma-informed interview techniques. The investigations are often non-linear in nature, requiring multiple victim-interviews with frequent pauses in the investigation. Victims are not always available for questioning, and some evidence, such as DNA testing, can take weeks to process. Due to the intensely personal trauma involved, sex crimes are often not reported to the police until well after the fact, and victims may disengage from an investigator, only to re-engage later. Each time that work on a case stops and resumes, investigators must take additional time to reacquaint themselves with the specifics of the case and the victim.

⁸ IACP NAT'L LAW ENFORCEMENT POLICY CTR., INVESTIGATING SEXUAL ASSAULTS 1-2 (July 2005).

B. NYPD Special Victims Division

NYPD was a leader in the creation of specialized squads to investigate sex offenses and child abuse. As early as the 1960s, the Department had detective squads dedicated to the investigation of rape and sexual assault. In 2003, NYPD created the Special Victims Division, which brought together squads formerly housed in the five detective boroughs under one unified command.

The NYPD Special Victims Division has the responsibility for investigating sex crimes, child abuse, and hate crimes. SVD has a Special Victims Squad (SVS) in each of the five boroughs. These squads investigate sex crimes committed against “adult” victims, 13-years-of-age or older. In addition, SVD has separate child abuse squads (CAS) for Manhattan, Queens, Brooklyn and the Bronx.⁹ SVD also includes specialized citywide units consisting of a DNA/Cold Case Unit, a Transit Unit dedicated to investigating sex crimes on public transportation, a Sex Offender Monitoring Unit (SOMU) to monitor registered sex offenders, an Instant Response Tracking Unit (IRTU) for mandatory cross-agency responses required under New York State law, a Data Analysis Group, a Special Victims Division Liaison Unit, a Special Victims Nightwatch, and a Hate Crimes Task Force.

In 2011, NYPD mandated that all adult misdemeanor sex crimes committed in New York City outside of the transit system be handled by adult sex crime squads, significantly increasing SVD's caseload. Prior to this change, SVD was responsible only for felony sexual assaults. Consequently, the overall caseload of the adult squads increased from 3,657 in 2010 to 5,725 in 2012. In 2015, the Bronx SVS was reorganized into two separate squads, the Bronx SVS and the Bronx CAS, slightly reducing the overall caseload of the adult squads to 5,371. The overall upward trend in caseload continued, however, and by 2017 the annual caseload of SVD's adult sex crime squads was 5,661.

NYPD's SVD has, under its current leadership, implemented a number of significant operational improvements. These include partnerships with community advocates, a review of closed cases with service providers and advocates, audits of rape cases deemed “unfounded,” and regular reviews of all sex crimes to ensure that they are properly classified under the penal code.

C. 2010 NYPD Sex Crimes Working Group

In April 2010, then-Police Commissioner Raymond Kelly convened an internal task force to study NYPD's handling of sex crimes and investigations involving sexual offenses. The task force, the Sex Crimes Working Group (Working Group), included senior NYPD commanders, the then-NYPD Deputy Commissioner for the Department's Office of Management Analysis and Planning (OMAP), and prosecutors. NYPD formed the Working Group to address complaints about the

⁹ The Staten Island SVS handles both adult and child sex crime cases. There is no separate CAS.

Department's handling of sex crimes cases and investigations.¹⁰ The Working Group interviewed various stakeholders, including prosecutors, victim advocates, medical providers, and NYPD personnel. In addition, the group reviewed NYPD policies, practices, and procedures that were relevant to sex crimes investigations.

The Working Group issued an internal report to NYPD with a number of significant findings, including the following: 1) officers with little or no experience in sex crimes cases sometimes treat victims in an insensitive manner; 2) the investigation and prosecution of sex crimes cases present particular challenges due to juror skepticism and the critical role of pre-arrest evidence; and 3) incomplete or inadequate investigations of rape or other serious felonies are not uncommon due to the misclassification of cases and premature arrests.¹¹

To address these findings, the Working Group made six recommendations:

1. Assign all misdemeanor sex crimes to SVD.
2. Require SVD to respond to hospital calls.
3. Increase cooperation with prosecutors.
4. Implement staffing changes within SVD.
5. Enhance training.
6. Meet with stakeholders.¹²

Consistent with these recommendations, the Working Group also urged increases in staffing in light of the increase in caseload. Specifically, the Working Group's report proposed that:

- NYPD only consider “highly experienced and knowledgeable detectives” to be assigned to SVD, not officers directly from patrol. To achieve this goal, SVD detectives should be given greater consideration for grade, or promotion, and be offered special assignment promotions.¹³
- Staffing in the adult sex crimes units (SVS) be increased by 26—from 66 to 92 investigators.¹⁴ This figure of 26 was based on an internal staffing analysis performed by NYPD's OMAP for the Working Group.

¹⁰ See *Working Group Report*, *supra* note 1, at 3.

¹¹ *Id.* at 9-11.

¹² *Id.* at 19.

¹³ *Id.* at 17.

¹⁴ *Id.* at 14-15.

Despite accepting the Working Group's recommendation and expanding SVD's caseload, NYPD did not implement the Working Group's recommendation to increase the number of adult sex crimes investigators by 26. NYPD did not take into account the attrition caused by a hiring freeze imposed on SVD during the entirety of 2010, while the Working Group completed its findings. In 2010, there was an average of 66 adult sex crime investigators, as compared to 72 in 2009, prior to the creation of the Working Group, thereby creating an artificially low baseline. By the end of 2017, a total of 74 investigators were assigned to the five adult sex crimes units; this is **only two more investigators than assigned to these units in 2009, despite a caseload increase of 65.3%.**¹⁵

Additionally, the staffing analysis that OMAP performed underestimated SVD's staffing needs because that analysis focused solely on caseloads and did not consider the investigative hours available to individual investigators for the investigation of their cases. While a caseload analysis is suitable for a patrol environment, it is inappropriate for the complexities of sex crime investigations.¹⁶ OMAP also made several erroneous assumptions in its analysis that led it to significantly underestimate the number of additional detectives required to carry out the Working Group's recommendations.

¹⁵ NYPD data produced to DOI. Full caseload data is available *infra*, Appendix B.

¹⁶ ALBUQUERQUE POLICE DEP'T, ALBUQUERQUE POLICE DEPARTMENT STAFFING PLAN, FINAL DRAFT 35-36 (2016); POLICE EXEC. RESEARCH FORUM, AUSTIN POLICE DEPARTMENT PATROL UTILIZATION STUDY, FINAL REPORT 37-44 (2012); CLEVELAND DIVISION OF POLICE, RESOURCE STUDY AND DEPLOYMENT PROPOSAL, June 14, 2016, Pages 45-54, 56-61, *available at* <https://www.clevelandcitycouncil.org/ClevelandCityCouncil/media/CCCMedia/Documents/Ord-No-182-16-presentation-182-16.pdf> (last visited Mar. 22, 2018).

<i>Erroneous Assumption</i>	<i>Reality</i>	<i>Impact</i>
OMAP assumed that SVD was sufficiently staffed from 2001 through 2010, and relied on this assumption when calculating SVD's future staffing requirements.	SVD staffing in 2010 was at its lowest level out of the eight years examined by DOI, primarily due to a hiring freeze implemented by the Chief of Detectives for the entirety of 2010. The historic caseload averages from 2001 through 2009 suggest that staffing was also at or near these historic lows in 2002, 2003, and 2006.	OMAP's acceptance of the 2001-2010 staffing and caseload levels as appropriate, and its attempt to maintain them going forward, locked in SVD's understaffing problems. Any staffing increases that were implemented failed to keep pace with attrition caused by the hiring freeze.
OMAP assumed the additional misdemeanor cases added to SVD's portfolio would be spread across eight squads, by using the entire 2009 SVD caseload as a baseline.	Since the additional misdemeanors were all "adult" matters, they were spread across the five "adult" squads, not all eight SVD squads.	OMAP's error resulted in a disproportionate amount of work being assigned to fewer investigators than OMAP had assumed, further reducing the time investigators could spend on each case.
OMAP failed to account for the impact of the additional duties (aside from Nightwatch) SVD would take on as a result of the 2010 Working Group's recommendations.	SVD investigators were taking on additional responsibilities, such as sending detectives to interview victims in hospital emergency rooms, ultimately reducing the number of detectives available to work the ever-increasing caseload.	OMAP's failure to account for SVD's new responsibilities resulted in SVD investigators having to do more with less, further degrading the quality of SVD's investigations.

D. Historical Caseloads and Staffing at Adult Sex Crimes Units in SVD

Based on NYPD data, the average yearly staffing levels for each of the five borough-based adult sex crimes units for the years 2009 to 2017 are summarized in the table below:

Table 1: Average Number of Investigators in Each Adult Sex Crimes Unit, by Year

Year	Manhattan	Bronx	Queens	Brooklyn	Staten Island	Total
2009	17	14	13	17	11	72
2010	13	15	14	15	9	66
2011	12	17	15	17	9	70
2012	16	18	14	19	10	77
2013	15	18	12	18	9	72
2014	13	19	15	17	8	72
2015	14	15	16	17	10	72
2016	20	14	16	16	8	74
2017 ¹⁷	16	16	14	19	9	74

The staffing levels illustrated in Table 1 would be far lower if not for steps taken by SVD officials. Faced with inadequate staffing over the years, SVD had to transfer staff from other SVD units, such as the Instant Response Tracking Unit, the Sex Offender Monitoring Unit (SOMU), and even the Child Abuse Squads in an attempt to mitigate the harm that high caseloads and understaffing cause to adult sex crime investigations. Had SVD left personnel in the positions formally assigned by NYPD, the total staffing level for 2017 would be approximately 54 instead of 74. These transfers have created or exacerbated understaffing issues in the squads from which investigators were pulled, most notably the four CAS and the SOMU. These stop-gap measures are also insufficient over the long-term. As of March 2018, there were 67 total investigators in the adult sex crime units.

¹⁷ The 2017 figures are a snapshot as of the end of 2017, and not yearly averages as in the other years presented.

IV. FINDINGS: UNDER RESOURCING AND INACTION PRECIPITATED SYSTEMIC PROBLEMS AT THE SPECIAL VICTIMS DIVISION

DOI investigators found compelling evidence that SVD faces significant systemic problems caused by years of flawed analysis and inaction by NYPD leadership. Despite years of repeated warnings from SVD officials about the negative impact caused by understaffing, and continuing requests for additional resources, NYPD leadership failed to act.¹⁸ This understaffing, combined with the Department's inadequate allocation of resources for training, IT needs, and appropriate oversight mechanisms for SVD collectively point to a larger systemic problem in how NYPD manages SVD.

A. Understaffing and Inexperience in Adult Sex Crime Units

DOI's investigation found that the five adult sex crimes units have suffered from chronic understaffing issues for at least the past nine years. This conclusion is based largely on the 2010 Working Group report and OMAP staffing analysis, the assessments of current SVD officials, and DOI's own analysis. Over the past several years, SVD officials submitted numerous requests to NYPD leadership for additional staffing, flagging the issue and informing the Department of the negative consequences for SVD investigations. DOI found that NYPD leadership failed to appropriately respond to these requests. The findings that the five adult sex crimes units have been chronically understaffed are also based on DOI's own analysis. Using NYPD data and a nationally-accepted formula for assessing investigative staffing levels, DOI determined that the adult sex crimes unit staffing levels called for by OMAP and the Working Group in 2010 used flawed baselines and methodologies, and therefore significantly underestimated SVD staffing needs.¹⁹ In

¹⁸ See, e.g., Memorandum from SVD to Detective Bureau titled "REQUEST A STAFFING ASSESSMENT BY THE OFFICE OF MANAGEMENT ANALYSIS AND PLANNING" (November 24, 2014), available *infra*, Appendix G [hereinafter SVD, *Nov. 24, 2014 Memorandum*]; Memorandum from SVD to Detective Bureau titled "SPECIAL VICTIMS DIVISION STAFFING ISSUES" (Sept. 5, 2015), available *infra*, Appendix H [hereinafter SVD, *Sept. 5, 2015 Memorandum*]; Memorandum from SVD to Detective Bureau titled "REQUEST STAFFING ASSESSMENT BY THE OFFICE OF MANAGE ANALYSIS AND PLANNING" (July 29, 2015), available *infra*, Appendix I [hereinafter SVD, *July 25, 2015 Memorandum*]; Memorandum from SVD to Detective Bureau titled "Internal Detective Bureau Staffing Analysis" (Jan. 12, 2017), available *infra*, Appendix J [hereinafter SVD, *Jan. 12, 2017 Memorandum*]; Memorandum from OMAP to Detective Bureau titled "INFORMATION REQUESTED" (Nov. 11, 2015), available *infra*, Appendix K.

¹⁹ DOI's analysis used a quantitative, investigative-hours based staffing model first articulated in a 2014 article published by the Florida Department of Law Enforcement, entitled "Allocation of Personnel: Investigations." (Prummel Staffing Model) Sherriff Prummel based his work on a staffing model originally developed in 1988 by Chief William Liquori of the Altamonte Springs Police Department, in Altamonte Springs, Florida. This staffing model was still in use by the Altamonte Springs Police Department at the time of Prummel's study, and had been taught at the Florida Department of Law Enforcement academy. WILLIAM PRUMMEL, FLORIDA DEPARTMENT OF LAW

other words, even if NYPD had implemented OMAP and the Working Group's staffing proposal—which it did not—SVD would still be severely understaffed.

While chronic understaffing has eroded SVD's ability to fully investigate increasing numbers of sex crime allegations, inexperienced personnel continue to degrade the quality of investigations. The majority of new investigators are so-called “white shields”—police officers who are serving provisionally in a detective capacity in the hopes of earning detective rank. The “grade” opportunities called for by the 2010 Working Group were never implemented. As discussed below, these problems negatively impact public safety and the adequacy of SVD investigations.

1. NYPD Leadership Failed to Act on SVD's Repeated Requests for Additional Investigators

NYPD officials knew about the challenges facing the SVD as early as 2010—even before the Sex Crimes Working Group issued its report. On June 2, 2010, then-NYPD Deputy Commissioner for Strategic Initiatives, Michael J. Farrell, stated publicly that “there are obviously not sufficient personnel for [SVD] to take responsibility for all sex crimes in the city.”²⁰

According to internal NYPD memoranda dating back as far as January 2014, SVD officials repeatedly raised concerns about the negative impact of persistent staffing shortages. Excerpts of these memoranda reveal that NYPD leadership was aware that the “[the OMAP Staffing] model was flawed” and “the negative impact on those four [adult] squads was considerable.”²¹ As a result, “adult sex crime felony investigations were diluted, [efforts by SVD to apprehend suspects when probable cause is established] were stopped, and felony sex crime pattern investigative efforts were shortened.”²² In short, “a full exhaustive work effort [for every sex crime investigation] has not been possible” as a consequence of the understaffing.²³ According to an internal NYPD memorandum, when SVD raised these concerns in

ENFORCEMENT, ALLOCATION OF PERSONNEL: INVESTIGATIONS (2014). ALBUQUERQUE POLICE DEP'T, *supra* note 16, at 35-36; POLICE EXEC. RESEARCH FORUM, *supra* note 16, at 37-44 (2012); CLEVELAND DIVISION OF POLICE, *supra* note 16, Pages 54-61, *supra* note 16, Pages 45-54, 56-61, (last visited Mar. 23, 2018); CLEVELAND POLICE MONITORING TEAM, SECOND SEMIANNUAL REPORT 61 (Jan. 10, 2017) (describing the staffing proposal as “incredibly useful guide” which cannot be implemented at this time only because further implementation of the Consent Decree will impact staffing requirements in unknown ways); END VIOLENCE AGAINST WOMEN INTERNATIONAL, *Best Practices FAQ: Caseloads*, <http://www.evawintl.org/PAGEID31/Best-Practices/FAQs/Caseloads>. (Last visited Mar. 1, 2018).

²⁰ John Eligon, *Panel Seeks More Police Training on Sex Crimes*, N.Y. TIMES, June 3, 2010, at A26, <http://www.nytimes.com/2010/06/03/nyregion/03rape.html?pagewanted=all>. (Michael J. Farrell was then the Deputy Commissioner for OMAP, and was part of the 2010 Working Group.)

²¹ SVD, *Nov. 24, 2014 Memorandum*, *supra* note 18 at 6, available *infra* Appendix G.

²² *Id.*

²³ *Id.*

2011, NYPD replied that the Working Group report was not open for discussion, and *that SVD should simply not investigate every misdemeanor sex crime*:²⁴

In addition, the then Chief of Detectives and the undersigned [the commanding officer of SVD] were told the Police Commissioner already approved the report and it was not open to any form of discussion. Thus, we could not resolve the inaccuracy of the reporting staffing model. **We were also directed by the former Deputy Commissioner, Office of Management Analysis and Planning that we did not have to investigate every misdemeanor case.** This was an unacceptable proposition for sex crime complaints and one in which the undersigned [the commanding officer of SVD] ignored.²⁵

Another memorandum from 2015 asserted that, “[i]t is self-evident [that] sex crime felony investigations have been diluted” due to the assignment of sex crimes within the Transit System to SVD.²⁶ SVD leadership went on to state that SVD “require[s] a substantial increase in staffing to stop additional dilution to the unit’s sex crime felony investigations.”²⁷

In another memorandum, SVD leadership spelled out in precise mathematical detail the level of understaffing at each unit in SVD. These projections are similar to the results of the staffing analysis DOI performed in this Report.²⁸ A more recent, updated, version of this internal SVD staffing analysis uses the same investigative-hours-available-based staffing model used in this Report.

Many of the issues detailed in these memoranda were not limited to adult squads. In fact, many concerns were often interrelated. For instance, SVD wrote to the Chief of Detectives in 2017, in regard to understaffing of child abuse units, “NYPD cannot be the cause of a future Zymere Perkins,” and “the risk associated with these types of cases . . . has forced the undersigned to temporarily assign thirteen (13) [i]nvestigators from the Adult and Transit Squads to Child Abuse

²⁴ Under the New York State Penal Code, misdemeanor sex crimes involve serious criminality. “Forcible touching,” “sex abuse” in the second or third degree, and “sexual misconduct” are class A or B misdemeanors, yet are defined as “engaging in sexual intercourse with another person without such person’s consent,” “subjecting another person to sexual contact without the latter’s consent,” and when a “person intentionally, and for no legitimate purpose . . . forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor’s sexual desire,” respectively. NYS PL §§130.52; 130.55 and 130.60; 130.20.

²⁵ SVD, *Nov. 24, 2014 Memorandum, supra* note 18 at 7, available *infra* Appendix G. (Emphasis added).

²⁶ Memorandum from SVD to Detective Bureau titled “Request the Start-Up of the Special Victims Division Citywide Transit Sex Crime Squad” (May 19, 2016), available *infra*, Appendix L.

²⁷ *Id.*

²⁸ Available *infra*, Appendix C.

Squads.”²⁹ Despite this reallocation, SVD warned that “[t]hese re-assignments are proving insufficient to handle the increased Child Abuse workload” and “it is highly probable [that] the caseload in the Child Abuse Squad will even double, from its current level, in the near future.”³⁰ In the same memorandum, SVD leadership warned that, due to staffing issues, the DNA Cold Case Squad currently has a significant case backlog.³¹

In the same memorandum, SVD wrote “it is estimated several thousand [registered sex offenders] are not in compliance with state law.”³² And, while “the caseload [at SOMU] has increased by a factor of 3.5 [since 1997], the staffing level at [SOMU] has only increase[d] by a factor of 1.6.”³³ Perhaps most significantly, SVD leadership wrote that, “SVD, currently, has **very serious** operational problems that place the Department at substantial risk and those problems are staffing dependent.”³⁴ These problems were so serious that SVD warned the Chief of Detectives that “[e]xpectations of full victim centered management by any internal or external review will be hard to satisfy.”³⁵

Despite these warnings by SVD, NYPD leadership largely failed to act. From March to August 2015, although NYPD increased the authorized headcount at SVD by 31, all additional personnel were allocated to the newly created Bronx Child Abuse Squad, the Sex Offender Monitoring Unit, or the DNA/Cold Case Unit.³⁶ The adult sex crimes squads received no increase in authorized staffing levels.

In late 2015, SVD again raised the issue of understaffing in internal memoranda sent to NYPD leadership. After OMAP instructed SVD that the requested staffing analysis would require “the approval of all overhead commands,”

²⁹ SVD, *Jan. 12, 2017 Memorandum*, *supra* note 18, available *infra* Appendix J. On September 26, 2016, six-year-old Zymere Perkins died from chronic abuse syndrome in the home in which he lived with his mother Geraldine Perkins and her boyfriend Rysheim Smith. His death was ruled a homicide. Smith has been charged with Murder in the Second Degree and Perkins has been charged with Manslaughter in the Second Degree. Both are pending trial. Prior to Zymere’s death, the New York City Administration for Children’s Services (ACS) was frequently and significantly involved with Zymere, Perkins, and Smith. From 2010 until Zymere’s death, ACS completed five investigations in which Perkins was alleged to have abused and/or maltreated Zymere.

³⁰ SVD, *Jan. 12, 2017 Memorandum*, *supra* note 18, available *infra* Appendix J.

³¹ *Id.* at 5.

³² *Id.*

³³ *Id.*

³⁴ *Id.* (Emphasis original)

³⁵ *Id.* SVD leadership was stating that if an external agency such as DOI were to conduct a review of SVD, the external agency would find that SVD is unable to properly serve victims of sex crimes. In fact, SVD warned NYPD specifically in a 2014 PowerPoint presentation that Inspectors General Offices “in other cities have examined sexual assault investigations in their local departments” and an “OIG-NYPD examination of SVD is at some point probable.” NYPD SPECIAL VICTIMS DIVISION, POWERPOINT PRESENTATION TO OFFICE OF COLLABORATIVE POLICING (Jan. 2014), available *infra*, Appendix M.

³⁶ SVD, *July 29, 2015 Memorandum*, *supra* note 18, available *infra* Appendix I; SVD, *Sept. 5, 2015 Memorandum*, *supra* note 18, available *infra* Appendix J.

SVD obtained the approval of the Chief of Department and the Chief of Detectives. The latter stated that “the investigators’ caseloads have increased by almost 100%, incommensurate with staffing levels which have remained static.”³⁷ To perform the staffing analysis, OMAP requested that SVD provide additional data, which would have required SVD to pull staff away from investigations, further harming the division’s already limited capacity to investigate cases. Ultimately, SVD did not accommodate OMAP’s request, citing staffing and resource limitations, OMAP remained unwilling to conduct the staffing analysis without SVD performing the preliminary data compilation and pre-analysis, and therefore the staffing analysis was never completed. DOI’s investigation confirmed that had SVD agreed to OMAP’s request, the negative impacts of understaffing would have been further exacerbated.³⁸

DOI also found that NYPD leadership did not act on specific SVD requests for transfers of new staff to fill vacancies in adult sex crimes units. DOI investigators reviewed every written transfer request between 2010 and 2016 and compared them to a master list of completed SVD transfers. DOI investigators found that NYPD officials had failed to act on dozens of requests.³⁹ For all of the at-issue requests, NYPD officers had applied for vacant positions at SVD and were subsequently interviewed and approved by SVD. Despite the approval of all parties involved, OMAP and NYPD never acted upon these transfer requests.

DOI identified numerous other transfer requests submitted multiple times, over a period of months and even years, before OMAP or other NYPD officials acted upon such requests. OMAP’s failure to promptly act on transfer requests resulted in SVD being unable to quickly replace personnel who transferred out or retired, further eroding SVD’s investigative capacity.

NYPD records obtained by DOI contradict recent public statements made by NYPD officials. On December 4, 2017, at a press conference organized by the Department, Commissioner O’Neill stated in response to a reporter’s question concerning an increased number of reported rapes (96% of all rapes reported were assigned to adult sex crimes units in 2016), that the Chief of Detectives had “put

³⁷ OMAP, *supra* note 18, available *infra* Appendix K; internal memoranda chain included.

³⁸ The data requested by OMAP were also significantly detailed. For this Report, DOI investigators did not require much of the data OMAP insisted upon. To satisfy OMAP’s request, SVD would have had to reassign dozens of detectives from investigating sex crimes to manually tabulating data for a period of at least several weeks, an untenable proposition in light of existing staffing issues. These practical limitations are the result of inadequate IT software, as discussed further below in section IV.B.3 of this Report.

³⁹ DOI investigators identified 28 such requests based on data provided by NYPD. In a subsequent interview with SVD officials, errors were discovered in the data provided to DOI by NYPD. For instance, some transfers confirmed by SVD were not reflected in NYPD data. SVD leadership stated that the number of transfers not acted on was closer to 20.

more people into Special Victims,” especially more “seasoned investigators.”⁴⁰ On December 21, 2017, DOI asked NYPD about this statement, requesting details on the number of detectives added, their transfer dates, ranks, experience, and previous assignments. NYPD’s response, coming almost two months later, indicated that only four new investigators had transferred into adult sex crimes squads in 2017, and all to the Staten Island SVS.⁴¹ All other transfers of personnel into SVD were allocated to the child abuse squads, the IRTU, or the SVD liaison unit.⁴² Of the four transfers to SVD, all were police officers from local patrol precincts on Staten Island serving provisionally in a detective role—not detectives with prior investigative experience.⁴³ Further, despite these four transfers, the Staten Island SVS had only nine investigators assigned at the end of 2017—compared to 11 on May 29, 2017.⁴⁴ In short, contrary to the clear implication of NYPD’s public statements, no new “seasoned” detectives were added to investigate adult sex crimes in 2017.⁴⁵ In fact, the total staffing level in adult sex crimes units at the end of 2017 was unchanged from the 2016 average of 74.⁴⁶

After reviewing a draft copy of this Report, NYPD leadership maintains that a caseload of 93 cases per SVD investigator per year is appropriate. **However, such a caseload is comparable to, or greater than, the caseloads in jurisdictions that have faced significant challenges related to understaffing in special victims units.**⁴⁷

⁴⁰ *Transcript: Mayor de Blasio, Commissioner O’Neil Host Press Conference to Discuss Crime Statistics*, OFFICE OF THE MAYOR (Dec. 4, 2017), <http://www1.nyc.gov/office-of-the-mayor/news/747-17/transcript-mayor-de-blasio-commissioner-o-neill-host-press-conference-discuss-crime-statistics#/0>.

⁴¹ Internal NYPD data provided February 22, 2018.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*, Internal NYPD staffing data provided to DOI.

⁴⁷ In 2015, the Cleveland Police Department (CPD) averaged 101 cases per investigator per year in its Sex Crimes Unit. CPD entered into a consent decree following a federal investigation that revealed unconstitutional policing practices, caused, in part, by staffing deficiencies. CLEVELAND DIVISION OF POLICE, *supra* note 16, Pages 54-61; *see also* UNITED STATES DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION, INVESTIGATION OF THE CLEVELAND DIVISION OF POLICE, pages 54-55 (Dec. 4, 2014). In the New Orleans Police Department, also under a federal consent decree partially due to issues related to understaffing, five Special Victim Section detectives were the subject of a high-profile, downgrading and failure-to-investigate controversy. Those detectives averaged 81 cases each per year from 2011 through 2013. *See, e.g.*, OFFICE OF INSPECTOR GENERAL, CITY OF NEW ORLEANS, DOCUMENTATION OF SEX CRIME INVESTIGATIONS, pages 2-3 (Nov. 12, 2014) *available at* <http://www.nolaog.gov/reports/report-of-inquiry-into-documentation-of-sex-crime-investigations-by-five-detectives-in-the-special-victims-section-of-the-new-orleans-police-department> (last visited Mar. 23, 2018).

2. NYPD Executives Failed to Increase “Grade” within SVD

When NYPD reorganized SVD into its own division in 2003, SVD lost the ability to quickly fill vacancies with experienced detectives. Prior to 2003, the commanders of each Detective Borough could easily reassign an experienced detective from one of their local precinct squads to their borough-wide sex crimes unit. Following the 2003 reorganization, however, this “staffing inflow mechanism” was severed.⁴⁸ As a result, according to internal NYPD memoranda, “[t]he newly formed SVD lost the capability of acquiring skilled detectives and skilled investigative supervisors.”⁴⁹ This means that SVD, as its own division, must advertise vacancies internally within NYPD and await applications from experienced detectives. Without incentives such as increased promotional opportunities, however, SVD is unable to attract a sufficient number of experienced detectives.

The 2010 Working Group recommended that “only highly experienced and knowledgeable detectives, such as high-caliber investigators assigned to precinct detective squads” should be considered for SVD.⁵⁰ To achieve this goal as a stand-alone division, the Working Group proposed that SVD investigators be given greater consideration for grade and special assignment promotions.

SVD officials have repeatedly stressed the need for NYPD leadership to transform SVD into a “graded” division to attract highly-experienced and knowledgeable detectives.⁵¹ The grade structure should be based on the severity of the allegations, the complexity of the investigations, and the long-term negative consequences for society. SVD officials and retirees described a “graded” structure of “20/40/40” as one that would sufficiently entice experienced detectives to apply to fill vacancies. In a “20/40/40” grading structure, SVD would be required to staff its detective ranks according to the following grade distribution: 20% detective First Grade, 40% detective Second Grade, and 40% detective Third Grade. In practice, this distribution ensures that those who join SVD have a guaranteed chance to make grade, which in turn increases SVD’s attractiveness to prospective applicants. NYPD has successfully employed this grading structure for other “elite” units, such as homicide.

However, grade and promotional opportunities at SVD have remained unchanged since 2003. As a result, such opportunities for grade promotion within

⁴⁸ Memorandum titled “Special Victims Division Delivery of Victim Services Issues” at 2 (Feb. 18, 2014), available *infra*, Appendix N.

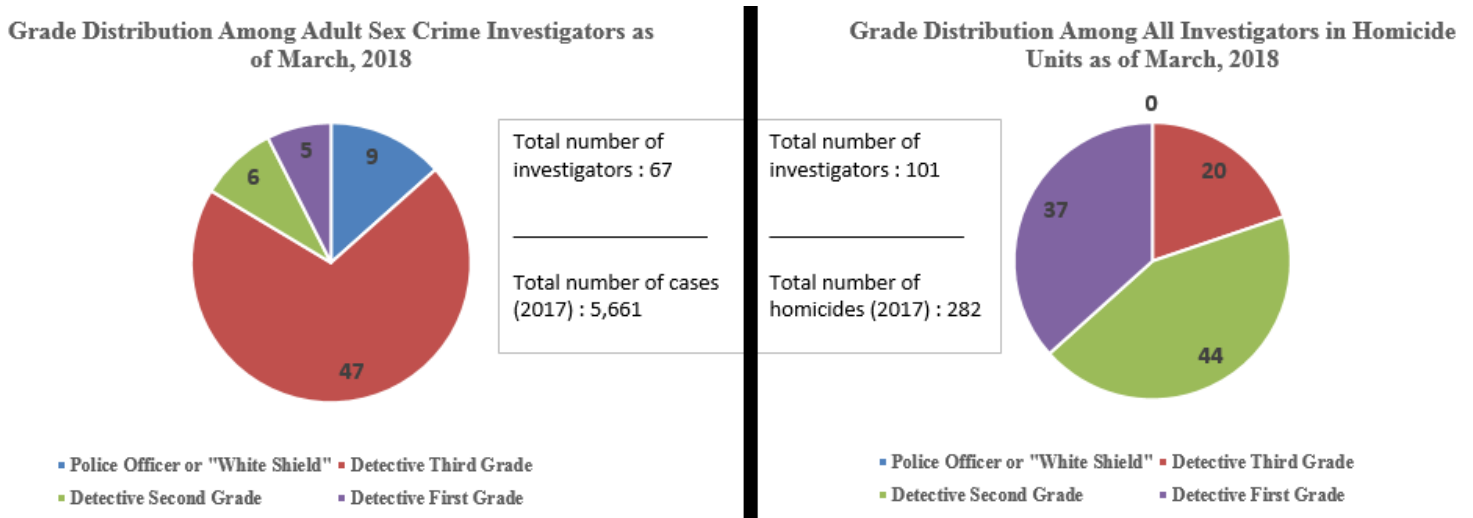
⁴⁹ Memorandum titled “Deputy Commissioner of Operations and SVD Focus Group” at 1 (Sept. 24, 2015), available *infra*, Appendix O.

⁵⁰ See *Working Group Report*, *supra* note 1, at 17.

⁵¹ “Grade” refers to a hierarchy within the detective rank: detectives are either 3rd, 2nd, or 1st Grade, with 1st being the highest. Establishing a large number of mandatory 2nd and 1st Grade positions would create greater opportunities for promotion and make SVD a desirable assignment for detectives. *Working Group Report*, *supra* note 1, at 17.

SVD remain limited when compared to other “elite” NYPD units. This means NYPD has failed to act upon both the Working Group recommendation and the concerns of SVD commanders about the declining investigative experience of the Division. Figure 1 demonstrates the disparity between the grades of SVD investigators and the grades of homicide detectives.

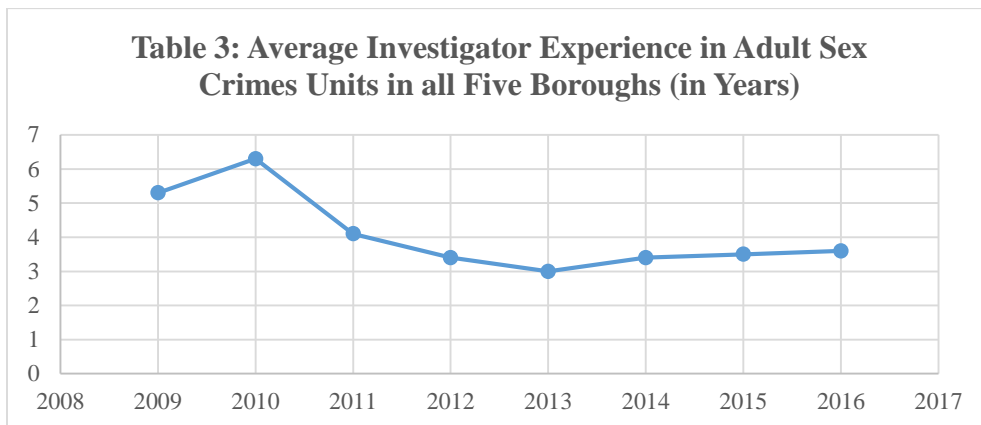
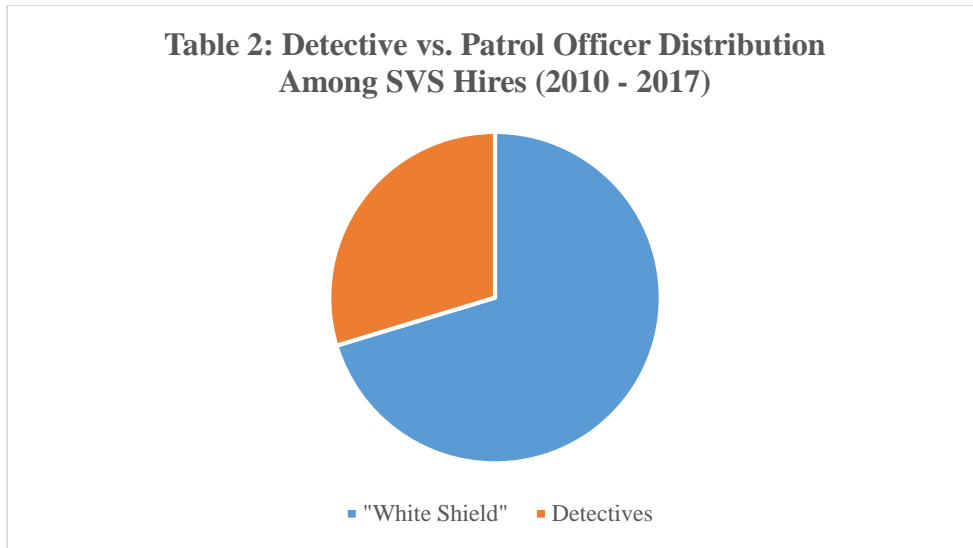
Figure 1: Comparison of Grade Distribution in SVD to Homicide Units



This situation not only contradicts the recommendations of the Working Group, but according to SVD retirees, also discourages experienced detectives from applying for transfer to SVD.

3. SVD is Unable to Recruit or Retain Sufficiently Experienced Investigators

Over the past eight years, SVD has experienced an exodus of highly-trained and experienced detectives. SVD’s lack of an available pool of experienced detectives to hire from, coupled with NYPD’s failure to implement the 2010 Working Group recommendation regarding grading and promotion, have exacerbated this problem. As a result, NYPD replacements for adult sex crimes units in SVD have been far less experienced, with many having never previously served in an investigations division. The tables below illustrate this experience drain:



An officer’s investigative experience prior to being assigned to SVD is also a key metric by which to evaluate the current experience level at any given adult sex crimes unit. By the end of 2016, a large portion of the investigators assigned to adult sex crimes units had little to no prior investigative experience, with approximately one third of all new adult sex crimes recruits coming directly from patrol units. Most other transfers come from warrants, narcotics, or transit. According to SVD officials and retirees, the vast majority of these recruits do not have the investigative experience to prepare them for sex crimes investigations. In fact, these current and former SVD officials stated that it takes approximately five years for a new SVD recruit to become fully competent at sex crime investigations—more than the average experience level of adult sex crimes investigators since 2010.

DOI confirmed these findings and concerns during interviews with service providers, victim advocates, and prosecutors. These interviewees described situations as common where new or inexperienced detectives made inappropriate comments or remarks during interviews. Sex crimes prosecutors expressed great concern over the relative inexperience of most adult sex crimes investigators. Likewise, one service provider recounted how a client was re-traumatized by

aggressive questioning, such as “Why did you go with him?” and “Why did you wear that?” These interactions were not described as an expression of animus towards victims, but as the result of inexperience. Investigators were not sufficiently trained in trauma-informed care or the unique aspects of sex crimes investigations.⁵²

Prosecutors also relayed numerous anecdotes about prosecutions that were hindered—or frustrated entirely—by simple evidentiary, interview, or documentation mistakes that an experienced detective would not make. For instance, one prosecutor described a rape prosecution that was irreparably damaged by the failure of a new SVD recruit to properly document a victim interview. Aptitude in these areas requires extensive exposure to pertinent cases, formal training from NYPD, and support of senior colleagues, all of which can require several years to fully attain. The prosecutors whom DOI interviewed spoke highly of the personal dedication and work ethic of SVD officials, detectives and investigators, adding that SVD leadership was doing its utmost in the face of unrealistic demands.

4. Analyzing Caseloads Using the Prummel Model Demonstrates that Adult Sex Crime Units are Significantly Understaffed and the 2010 Working Group's Staffing Recommendation, Even If Followed, Would Have Been Insufficient

While NYPD did not implement the 2010 Working Group proposal concerning staffing, the scope and breadth of the staffing issues raised by SVD officials, retirees, prosecutors, victim advocates, service providers, and internal NYPD memoranda show that even a full implementation of the Working Group's recommendation would have been insufficient. In an effort to quantify the actual staffing deficit, DOI used the appropriate investigative staffing model for complicated cases like sex crimes investigations.

While models have existed for patrol officer staffing levels for decades, the concept of a quantitative staffing model for investigative squads is relatively new. The most advanced evidence-based staffing analysis model is the formula developed by Sheriff William Prummel of the Charlotte County Sheriff's Office in Florida (the Prummel Model or Prummel Staffing Model).⁵³ Police departments and public interest organizations worldwide, as well as the Cleveland Police Department as

⁵² For example, trauma-informed care, such as the Forensic Experiential Trauma Interview (FETI) method, instructs investigators to avoid accusatory “why” questioning, and instead teaches them to ask “Tell me how the night began” or “Tell me what happened next.”

⁵³ First articulated in a 2014 article published by the Florida Department of Law Enforcement, entitled “Allocation of Personnel: Investigations,” Sheriff Prummel based his work on a staffing model based originally developed in 1988 by Chief William Liquori of the Altamonte Springs Police Department, in Altamonte Springs, Florida. This staffing model was still in use by the Altamonte Springs Police Department at the time of Prummel's study, and had been taught at the Florida Department of Law Enforcement academy. PRUMMEL, *supra* note 19.

part of its staffing report required by federal consent decree, have used the Prummel Model.⁵⁴ In a DOI interview, NYPD officials told DOI investigators that SVD used a similar model in a recent internal analysis, referring to the Prummel Model as “highly credible.”

In short, the Prummel model is a function of caseload and the true investigative hours available. By looking at the volume of cases, the recommended minimum average investigative time required to complete such cases, and the number of hours in a shift, the Prummel Model can provide SVD with a realistic number of how many investigators it needs. Specifically, the Prummel Model relies on the average required time to investigate certain categories of cases and the portion of a work shift available to be spent on investigative casework.⁵⁵ These two factors are then combined with the shift schedule, leave usage, and administrative (non-investigative) duties that govern employee availability.⁵⁶ For this Report, DOI investigators used the Prummel Model to evaluate SVD staffing levels, with a minor variation to account for NYPD's operational practices.⁵⁷

⁵⁴ ALBUQUERQUE POLICE DEP'T, *supra* note 16, at 35-36, 48; POLICE EXEC. RESEARCH FORUM, *supra* note 16, at 37-44; CLEVELAND DIVISION OF POLICE, *supra* note 16, Pages 45-54, 56-61; CLEVELAND POLICE MONITORING TEAM, *supra* note 19, at 61 (describing the staffing proposal as an “incredibly useful guide” that cannot be implemented at this time because of the Consent Decree's potential, unknown effects on staffing requirements); END VIOLENCE AGAINST WOMEN INTERNATIONAL, *supra* note 19.

⁵⁵ See *infra*, Appendix D for a copy of the Prummel Model worksheets.

⁵⁶ Sheriff Prummel notes that the accuracy of the formula relies on decisions made by police department leadership concerning the allocation of non-investigative duties and the accuracy of estimates of the average length of time a case should be worked on prior to closure. In other words, as with any mathematical analysis, the result is only as reliable as the data relied upon, and are subject to potential manipulation. Subsequent peer review by the Florida Department of Law Enforcement, other police agencies, federal consent decree monitors, national law enforcement professional organizations, and non-governmental organizations provides support for the underlying calculations. DOI investigators conducted a full, independent verification of the data relied on for the purposes of this Report, to confirm accuracy. Specifically, the allocation of time and employee availability factors were corroborated by interviews, policy reviews, and a full review of all existing time-keeping records for SVD personnel for 2016. See section IV.A.4.iv, *infra*. Additionally, there is near-universal agreement among current and former SVD personnel, prosecutors, service providers, and victim advocates that SVD is understaffed at the necessary levels.

⁵⁷ Conditions unique to NYPD reduce the amount of investigative time available to investigators, as compared to the Prummel Model's original assumptions. These include, but are not limited to, the policy that detectives travel in the field at all times as partners, the vast geographic areas covered by the SVS in each borough (and the travel time this implies), in-service training, the requirement that SVD detectives make personal visits to victims at hospitals, extensive consultation time with sex crimes prosecutors, and travel time to victims who allege an assault in New York City but live elsewhere. Additionally, the non-linear nature of sex crime investigations results in more downtime relative to other kinds investigative units.

i. Step One: Identifying the Recommended Average Hours for a Sexual Assault Investigation

For sexual assault investigations, the nationally-accepted average of minimum-investigative hours per case is 15.6 hours.⁵⁸ This number has been used by other police departments, established public interest organizations such as End Violence Against Women International, and in a staffing analysis submitted in a federal consent decree jurisdiction.⁵⁹ Understanding that the time to investigate sex crimes cases can vary significantly, 15.6 hours available per case, on average, is seen as a sufficient bare minimum to ensure that each new case can be properly investigated by a detective.⁶⁰

ii. Step Two: Calculating the Historical Average of Investigative Hours Available in Adult Sex Crime Units in SVD, as Compared to the Recommended Average

According to internal NYPD estimates, an SVD investigator has approximately 612 investigative hours available each year, not including overtime.⁶¹ This number is multiplied by the number of available investigators, and the result divided into the total caseload to determine how many investigative hours were available, on average, per case. Any number lower than 15.6 indicates understaffing.

As illustrated below in Table 4, some adult sex crimes squads have had less than half the recommended bare minimum of average investigative hours available, calling into serious question those squads' ability to properly investigate all open

⁵⁸ Prummel, *supra* note 19.

⁵⁹ ALBUQUERQUE POLICE DEP'T, *supra* note 16, at 35-36; POLICE EXEC. RESEARCH FORUM, *supra* note 16, at 37-44; CLEVELAND DIVISION OF POLICE, *supra* note 16, at 45-54, 56-61; CLEVELAND POLICE MONITORING TEAM, *supra* note 19, at 61 (describing the staffing proposal as an "incredibly useful guide" that cannot be implemented at this time because of the Consent Decree's potential, unknown effects on staffing requirements); END VIOLENCE AGAINST WOMEN INTERNATIONAL, *supra* note 19.

⁶⁰ SVD officials use a much higher figure than the bare minimum of 15.6 investigative hours per case: 75 hours per case. This was described as the ideal goal to exhaustively investigate every single case, although currently unrealistic at SVD, given staffing levels. Further, the purpose of the staffing analysis conducted by DOI in this Report was to determine if NYPD could achieve even the bare minimum—not an ideal goal. Nonetheless, NYPD should consider a more thorough examination of the true case-processing time required for a thorough investigation of each sex crimes case, once the immediate crisis is addressed.

⁶¹ This number is taken from internal NYPD estimates that account for leave usage, training, administrative tasks, travel time, etc. Neither the Prummel Model nor staffing proposals based on the Prummel Model and other similar models include overtime in their projections. Overtime is a stop-gap measure that provides the flexibility to meet day to day operational challenges such as spikes in caseload, high profile cases, or unexpected employee turnover. Including overtime in staffing projections merely assumes a longer mandatory tour of duty, while removing all operational flexibility.

sex crimes complaints. The figures in Table 4 represent the average available time investigators in these adult sex crime units had to allocate to each case. While investigators may have spent more time working on particular cases, any increase in hours spent on one case means that less hours are available for other cases.⁶²

Table 4: Historical Average Investigative Hours Available Per Case

Borough	2009	2010	2011	2012	2013	2014	2015	2016	2017
Bronx	7.09	7.26	7.26	6.06	6.53	6.23	8.86	7.73	8.83
Brooklyn	13.09	14.75	10.26	8.73	8.15	7.71	6.9	6.51	7.73
Manhattan	16.94	12.96	8.81	9.34	9.17	7.17	6.81	7.78	6.22
Queens	14.28	14.75	11.9	7.73	6.79	8.77	8.64	8.67	7.58
Staten Island	18.15	13.53	14.09	14.64	14.31	12.62	14.06	15.13	12.3

iii. Step Three: Calculating the Staffing Deficit

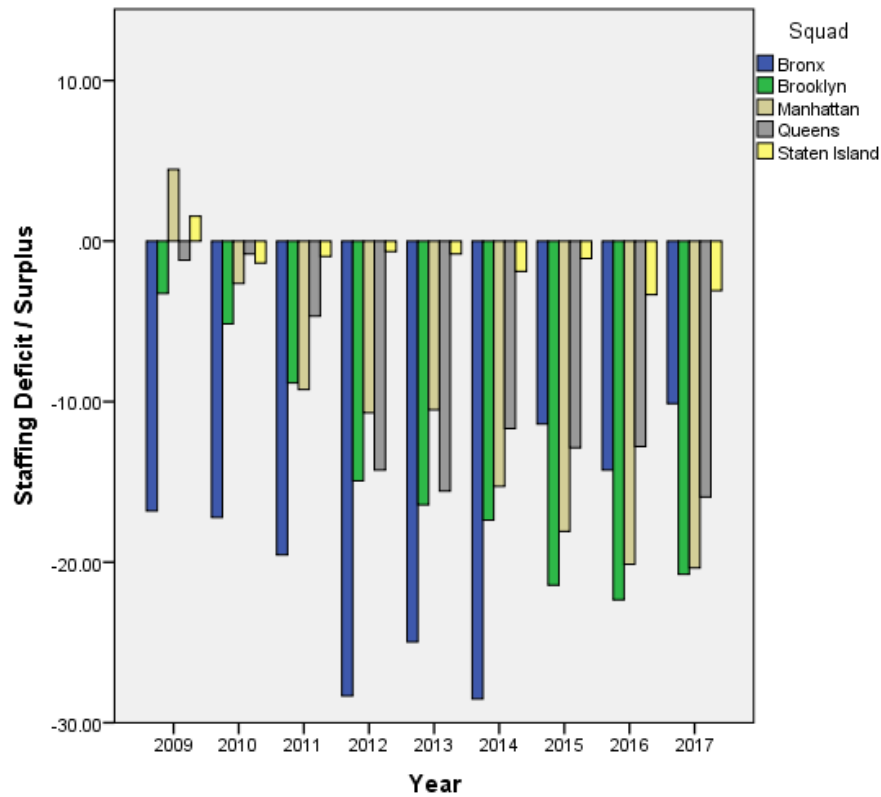
The Prummel Staffing Model next calculates the number of personnel needed to meet the 15.6 average, based on shift schedules, leave usage, administrative tasks, investigative time available, and caseload. Thus, the model can determine how many additional detectives are needed so that NYPD can devote the appropriate amount time to properly investigate these critical cases.

DOI's application of the Prummel Staffing Model demonstrates that from 2009 through 2017, the adult sex crime units were consistently understaffed, sometimes by almost 30 detectives. Figure 2 below illustrates the significant and ongoing understaffing in each adult sex crime unit. The figures for Brooklyn, Queens, and Manhattan reveal significant short staffing in recent years, while the Bronx has been consistently understaffed. Staten Island has historically fared better, but the recent trend is also towards understaffing. These adult sex crime units must significantly increase their staffing level to meet the average of 15.6 investigative hours available per case. As Figure 2 below demonstrates, the staffing deficiencies have only gotten worse over time.⁶³

⁶² These figures only take into account *new* cases assigned that calendar year. Work done on cases from a previous calendar year would reduce these averages even further.

⁶³ A detailed staffing analysis for each of the years 2009 through 2017 is available in Appendix E.

Figure 2: Understaffing Numbers for Adult Sex Crimes Units Based on Prummel Model ⁶⁴



To provide a more granular illustration, Table 5 below breaks out the figures that support the 2016 section in Figure 2. Using the Prummel Model, and assuming that 15.6 hours on average is available for each case, the five adult sex crime units were understaffed by between four (Staten Island) and 23 (Brooklyn) investigators in 2016.

⁶⁴ The discrepancy in the Bronx SVS before and after 2015 is the result of reorganization. The Bronx SVS handled both child and adult sex crimes until 2015, when those respective duties were split into two separate units, Bronx SVS and Bronx CAS.

Table 5: Staffing Analysis for 2016

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1109	1575	1130	1505	445
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	17300.4	15397.2	17628	23478	6942
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	43251	61425	44070	58695	17355
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	118.50	168.288	120.74	160.81	47.55
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	13.94	19.80	14.20	18.92	5.59
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁶⁵	29	41	29	39	12
Employees Available	14	20	16	16	8
Staffing Deficit	-15	-21	-13	-23	-4

iv. Step Four: Verifying the Staffing Deficit Estimates Using Actual Time-Keeping Records

The Prummel Model calculations illustrated in Tables 4, 5, and Figure 2 are estimates based on NYPD's internal data. They do not include overtime, as the Prummel Model does not consider overtime as part of an officer's regular availability.

DOI conducted a manual review of timekeeping records of every investigator who worked in an adult sex crimes unit in SVD in 2016.⁶⁶ This allowed DOI investigators to verify prior estimates, check the integrity of the Prummel Model, and determine the exact staffing availability for 2016 when overtime is included. This review does not rely on estimates, but instead performs the Prummel Model calculations using the actual hours worked, the utilization of approved overtime, and leave used by investigators in the five adult sex crime units in SVD. The results, and the variation from the staffing estimate, are available below in Table 6.

⁶⁵ Fractional employees are rounded to the next highest whole number.

⁶⁶ At the time DOI conducted this manual audit, 2017 data were not available. End-of-year 2017 information was not provided to DOI investigators until February 9, 2018. There was insufficient time to replicate this extensive timekeeping analysis for 2017 prior to the publication of this Report.

Table 6: Staffing Analysis for 2016, based on Timekeeping Data

	Work Units Required	Employee Availability Factor	Required Staffing ⁶⁷	Actual # of Employees Available on Annual Basis ⁶⁸	Estimated Staffing Deficit (from Table 5)	<u>Actual Staffing Deficit</u>	Difference (from Table 5)
Manhattan	19.80	1.56	31	14	-21	<u>-17</u>	+4
Bronx	13.94	1.47	21	12	-15	<u>-9</u>	+6
Brooklyn	18.92	1.58	30	17	-23	<u>-13</u>	+10
Queens	14.20	1.59	23	12	-13	<u>-11</u>	+2
Staten Island	5.59	1.74	10	5	-4	<u>-5</u>	-1

As Table 6 shows, overtime usage alone was insufficient to close the staffing deficit. The recalculated staffing deficits are largely in line, though somewhat reduced, as compared to the staffing deficits from Table 5, further validating the Prummel Model.⁶⁹ The larger variance in Brooklyn from the Table 6 calculations, and the minor variations seen in most other adult sex crime units, is due to two specific factors: overtime and gaps caused by employee turnover.

Overtime naturally means that there are more investigative hours available. This has the mathematical effect of increasing the apparent number of available employees. For instance, if one employee is equivalent to five shifts of eight-and-a-half hours per week, one employee who accumulates eight-and-a-half hours of overtime per week is providing more work than a single employee is expected to provide. In mathematical terms, such an employee is the functional equivalent of 1.2 employees. Hence the reduction in the employee availability factor from Table 5 to Table 6.

For every adult sex crime unit (SVS) except for Brooklyn SVS, these additional investigative hours provided by overtime usage were largely balanced out by hours lost due to gaps caused by employee turnover.⁷⁰ For instance, while NYPD documents claimed that there were an average of 20 investigators assigned to the Manhattan SVS in 2016, timekeeping records show that many of these investigators only worked a few months—or even a few weeks—in the Manhattan SVS. It took time for those personnel to be replaced, if they were replaced at all. Therefore, in terms of 52 weeks of shifts (the equivalent of one full time investigator working year-round) there were functionally only 14 investigators assigned to the

⁶⁷ Partial employees were rounded up to the next whole number.

⁶⁸ Partial employees were rounded up to the next whole number.

⁶⁹ This illustrates why overtime usage cannot be assumed, and is not included in legitimate staffing models, as discussed *supra*, note 61.

⁷⁰ This underscores why the Prummel Model and other staffing models do not use overtime in their calculations. Overtime is necessary to account for gaps caused by employee turnover. When it is assumed to be part of an employee's regular schedule, there is no reserve left to cover gaps.

Manhattan SVS—not 20. This was the case, to various extents, in every adult sex crime unit except for Brooklyn SVS.⁷¹

5. The Negative Consequences of Staffing, Recruitment, and Retention Failures

Adult sex crime understaffing has had a significant impact on public safety and NYPD's ability to appropriately respond to all victims of sexual assault. The understaffing and under resourcing identified through this investigation have significant negative impacts on the effectiveness of investigations, victims' sense of procedural justice, and the morale of adult sex crime investigators. While victim advocates, service providers, and prosecutors had near universal praise of current SVD leadership for its expertise, professionalism, and focus on victim-centered investigations, there was also near-consensus among these stakeholders that the issues described in this Report—understaffing, triaging of cases, and underprepared investigators—are interrelated and aggravated by each other. The results of the Prummel Model analysis, combined with the experience and recruitment issues discussed above, demonstrate the growth of the problem over time.

i. Impacts on Victims and Public Safety

DOI's interviews with prosecutors, retired SVD staff, service providers, and victim advocates all confirmed that understaffing and inexperienced personnel in SVD have degraded the quality of prosecutions and victim services in New York City. The sheer volume of the caseload, combined with inadequate staffing, leads to specific instances where victims must wait hours at hospitals after suffering a sexual assault before they meet with an SVD detective. One service provider described how a client spent the entire night at a hospital waiting for an SVD detective to arrive. When no detective showed up, the victim, thoroughly discouraged, decided against reporting the crime to the police and went home.

When SVD investigators are unavailable due to understaffing, patrol officers or local precinct detectives—as opposed to SVD—sometimes respond to hospitals. In these instances, the outcomes were described as almost universally negative. These NYPD personnel are typically untrained for the unique nature of sex crime investigations.

Understaffing and inexperience also have a negative impact on procedural justice and public safety. Several service providers noted that whether a case ultimately resulted in a criminal conviction often proved to be less of a concern to

⁷¹The Brooklyn SVS had a high overtime usage rate combined with low leave utilization and few gaps caused by employee turnover. As a result, Brooklyn actually had, in mathematical terms, more employees available than NYPD documents claimed. Even so, Brooklyn still had 13 fewer investigators than required, further demonstrating that overtime cannot compensate for staffing deficits of such a large scale.

sex crimes survivors than the personal feelings that NYPD staff were willing to listen, believed the victim, and tried to help—in other words, procedural justice. Service providers and victim advocates described numerous instances in which inexperienced detectives or police officers responded insensitively, dismissively, or incredulously during some victim interviews and infrequently updated victims on the status of their case. SVD retirees, prosecutors, victim advocates, and service providers universally attributed these lapses to understaffing and/or inexperience. Further, service providers, victim advocates, and sex crimes prosecutors identified these kinds of failures as the primary reason victims disengage from the investigative process. Given that victim participation is critical to a successful sex crimes investigation, victim disengagement precipitated by a mistake made by an inexperienced investigator has a direct impact on public safety. Without a successful investigation, sexual predators remain unidentified and at large.

Current and former SVD staff agree with the service providers and victim advocates that successful criminal convictions are not the only measure of success, and a lack of procedural justice directly impacts public safety. For example, while a conviction is not possible in every case, a thorough investigation can assist in obtaining a future conviction. This is especially true when other victims come forward, new evidence develops, or a pattern among unsolved cases is identified. If a victim disengages from the process before the investigation ends, this potentially crucial groundwork is never conducted.

ii. De-prioritization of Certain Kinds of Sex Crime Investigations

Internal documents and interviews reveal that one result of understaffing is potentially improper triaging of cases. SVD retirees confirmed to DOI that NYPD leadership pressures SVD to make all resources available for stranger rapes and cases with high media profiles, diminishing other sexual assault investigations. Many advocates and prosecutors also confirmed to DOI that NYPD prioritizes sex crimes in this way. This prioritization has a deleterious effect on other investigations, especially in light of existing understaffing and under resourcing.

As a result of chronic understaffing, SVD does not have the resources to change a longstanding, but problematic, Detective Bureau policy that “acquaintance” and “domestic” rape cases be enhanced by local precincts—not SVD—if a summary arrest is made by patrol personnel.⁷² This is despite acquaintance and domestic rapes making up almost 90% of the reported rapes each year in New York City. At the December 4, 2017 press conference discussed above, the police commissioner stated that “[y]ou know, each rape that is reported is fully investigated by the seasoned professionals *in Special Victims*” (emphasis added).⁷³

⁷² This investigative and enhancement rubric is available *infra*, Appendix F.

⁷³ Commissioner O’Neill, *Press Conference to Discuss Crime Statistics*, *supra* note 40.

This is contradicted by NYPD's own policy regarding the enhancement of acquaintance and domestic rapes.

This perceived public safety risk posed by different kinds of rapists or sexual predators is based on a flawed assumption that stranger rapists are more dangerous to the public than acquaintance rapists. In reality, both are similar in their behavioral profiles and pose similar safety threats to the public at large.⁷⁴ Public comments made by an NYPD official suggested that acquaintance rape is not a concern among the rank-and-file at NYPD. In January 2017 a then-NYPD captain publicly stated that acquaintance rape is “not a trend that we're too worried about.”⁷⁵ In contrast, an SVD retiree stated to DOI that “rape is rape,” and the almost indescribable trauma, humiliation, personal violation, and lasting damage suffered by rape victims are not lessened because they personally knew their rapist.

B. Structural Deficiencies That Negatively Impact Investigations and Discourage Victim Reporting and Participation

While significant, staffing and experience levels are only some of the challenges currently facing SVD. DOI investigators also found troubling logistical and organizational issues within SVD that have existed for years, including deteriorating physical facilities, inadequate training for personnel, inappropriate oversight mechanisms for SVD, and sub-par computer systems. Structural deficiencies of this breadth and scope are another part NYPD's pattern of neglect and under resourcing of SVD. While other detective squads throughout the Detective Bureau may very well face some of the same challenges, the deep trauma inflicted on sexual assault victims, upon whom the investigation and the ability to interdict sexual predators depends, requires a higher standard.

1. Inadequate Physical Facilities at SVD Locations

In New York City, Children's Advocacy Centers are built, resourced, and maintained in a manner in keeping with the sensitive nature of the crime, the trauma inflicted on victims, and the seriousness of the criminality involved. Furthermore, as many child abuse investigations are victim-centric, much like sex crimes, the Children's Advocacy Centers are designed to encourage reporting and continued participation by victims and their families. Adult victims of sex crimes face many of the same issues, and the same standard for physical facilities should apply.

In October 2017, DOI investigators conducted unannounced site visits to the five adult sex crime units that handle adult sex crime investigations in all five boroughs of New York City. DOI observed firsthand the staffing levels at the time

⁷⁴ See, e.g., DAVID LISAK, UNDERSTANDING THE PREDATORY NATURE OF SEXUAL VIOLENCE, UNIV. OF MASS. BOSTON, available at <http://www.middlebury.edu/media/view/240951/original>

⁷⁵ Woods, *supra* note 5.

of its visits, and whether the physical layout and conditions were appropriate for a unit dedicated to assisting victims of sexual assault.⁷⁶

In all five commands, SVD personnel expressed an urgent need for more staff, resources, and appropriate space for victims—an observation echoed by advocates, service providers, and prosecutors.

DOI investigators made the following specific observations:

- Several squads had inadequate space to conduct victim interviews, resulting in interviews often taking place in the squad “bullpen” area, in view of holding cells and within earshot of other detectives.
- Office space was cramped, often with multiple, sometimes contradictory, functions.
 - ❖ In Brooklyn, the cramped detective sergeant’s office also doubled as the observation room for line ups.
 - ❖ Also in Brooklyn, the suspect interview room was not soundproof. Further, the video control equipment for the interview room was located in an alcove open to the rest of the “bullpen” area and doubled as cot-space for detectives working overtime.
- Staffing levels were inadequate. At the Manhattan, Queens, and Bronx locations DOI investigators found only one or two members of the squad present.
- Victims and suspects must often be brought in through the same entrance in plain view of each other.
- None of the inspected locations had appropriate waiting rooms for victims. Instead, victims often had to sit in a hallway while waiting to meet with a detective.
 - ❖ In Manhattan, victims had to sit in plastic chairs in a cinderblock hallway—in plain view of the police officers from PSA 5 (the NYPD public housing unit in northern Manhattan).

⁷⁶ These locations were inspected previously, in response to complaints of unsafe conditions. However, the current site visits, and the findings, were focused specifically on the suitability of the physical plants for sexual assault investigations, not simply the structural safety of the buildings.

- The buildings were unsanitary and in a poor state of repair. DOI investigators observed broken air conditioning and windows, as well as unhygienic water fountains, and non-functioning and dirty restrooms.
 - ❖ In Manhattan, the men's bathroom urinal was broken and filled with stagnant urine. An empty water bottle functioned as a makeshift container for hand sanitizer.
 - ❖ In Brooklyn, the roof leaked. SVD staff at the location also resorted to repainting the squad room themselves to make it appear more professional. Previously, the walls had been peeling and crumbling.

Service providers and victim advocates described these poor conditions as contributing factors in victims' reluctance to report sex crimes and in disengagement by victims once the investigation has begun. Such conditions also likely contribute to low morale among SVD personnel.

2. Insufficient Training

The personal and intimate nature of the trauma inflicted on sex crimes victims can leave lasting damage that appears in sometimes counterintuitive ways to those who do not have experience interacting with victims of sexual assault. For example, victims may have a flat affect during police interviews or even a joking manner with off-color humor. To the untrained eye, this may be seen as a sign that the victim is not suffering from trauma, or even that the victim is fabricating what happened.

Given the importance of victim cooperation during an investigation, training of dedicated sex crimes detectives is essential. For instance, sex crimes prosecutors told DOI that a recorded controlled call by the victim to the alleged perpetrator is critical evidence in obtaining a conviction in acquaintance rape cases (as the material fact at issue is often consent, not whether or not a sex act occurred). However, controlled calls are far less likely to be successful without seasoned investigators who have the experience and time to prepare victims for the call itself.

While NYPD provides SVD investigators specialized training to develop such skills, the current training is insufficient.⁷⁷ New personnel get only the standard

⁷⁷ NYPD has made a substantial investment in providing FETI training to SVD personnel. During interviews with the service providers, victim advocates, prosecutors, and experts from other jurisdictions, the FETI method was often cited as an effective method for training sex-crime investigators in trauma-informed care. NYPD currently offers FETI training to SVD personnel on a rolling basis. Throughout the training, attendees learn techniques to aid victims in recalling the facts of the assault thereby reducing the potential for inaccurate information; this can greatly enhance the investigative process. Further techniques include tactics to minimize complaint withdrawals and increase victim cooperation and participation in both investigations and prosecutions. During DOI interviews, it was stressed that FETI training is not a panacea. Rather,

two-week Criminal Investigator Course (CIC) and five days of specialized sex crimes-specific investigative training prior to starting work at SVD. According to SVD officials, most new SVD recruits do not receive the standard two-week CIC training or the five-day sex crime-specific training prior to beginning case work. The sex crimes-specific training is only offered twice a year, presenting a practical constraint on the ability of new recruits to take the course before they begin work at SVD. While CIC is offered more regularly, class space is limited, so new recruits are often unable to take the course before the end of their first year with SVD.

The SVD retirees, prosecutors, and service providers interviewed by DOI described the training as insufficient. SVD leadership, in internal NYPD documents authored in 2014, described the specialized training, which was twice as long at that time, as follows:

The current training that exist[s] for Special Victims Detectives is a 10 day, 40 [hour] talking head orientation class of a disparate set of different special victim topics. It does not build the inherent skill set needed to manage the complexity of Special Victim cases.

To be a NYPD Mounted Officer, a member of the Emergency Service Unit, or a NYPD Motorcycle Officer one must pass a rigorous 6 to 8 week school. Passing requires demonstrating the required skill sets necessary to perform the work. To place this [in] contrast Special Victims investigators sit through a 10 day non-rigorous class with no demonstration or proof of knowledge or skill acquisition.⁷⁸

Clearly, NYPD needs to devote more time and resources to the formal training of SVD investigators and must create the conditions for informal training to flourish. In addition, since patrol officers may be the first to respond to sexual assaults in some exigent situations, NYPD should require enhanced training for patrol officers. Improper training can result in a victim disengaging from the investigative process, as well as errors that may jeopardize prosecutions, as discussed in Sections IV.A.3 and IV.A.5 of this Report.

On March 23, 2017, NYPD informed DOI that all NYPD members of service receive training on how to interact with sexual assault victims. This training, which NYPD described as “significant,” consists of:

FETI is just one component of the comprehensive training required to properly train SVD investigators.

⁷⁸ Internal NYPD memorandum entitled: “SPECIAL VICTIMS DIVISION – VICTIMS SERVICES RECOMEMENDATIONS” (Sept. 29, 2014), available *infra*, Appendix P.

- A twelve-and-a-half minute video that was used from 2011-2012 for in-service training.
- A two-and-a-half minute video from the Police Commissioner released in 2017.
- Two modules as part of two chapters of NYPD's "Police Student Guide for Recruits."
 - In the 2015 version of this publication, these two modules consisted of three pages on interacting with sex crime victims and one page instructing recruits that sex crime complaints are to be sent to SVD. The entire 2015 Police Student Guide for Recruits is 1,236 pages long, divided into 40 chapters.
- A module taught by SVD as part of the "Sergeant's Leadership" promotion course.

3. Issues with SVD Electronic Case Management System

Like the rest of the Detective Bureau, SVD relies on the Electronic Case Management System (ECMS) to document investigative steps and organize electronic evidence and communications. The ECMS system, however, has limitations. These constraints hinder productivity and put sensitive victim information at risk of public disclosure.

ECMS is unable to produce meaningful squad performance or data analytics on the millions of reports generated by NYPD detectives. For SVD supervisors to determine how long an individual detective or squad is taking to close their cases would require a manual review of each case and the tabulation of figures, an impractical time investment. Consequently, SVD supervisors rely on paper binders that include each detective's total caseload, active cases, case updates, and specific investigative steps taken. In a police department as large, complex, and well-funded as NYPD, commanders should not have to rely on paper binders to manage investigations.

The millions of reports created in ECMS are not easily searchable, making data analysis quite difficult. As an example of the limitations of the ECMS system, consider a directive SVD received to conduct an analysis of sexual assaults committed in "Vehicles for Hire" in 2014 and 2015.⁷⁹ To complete this analysis, SVD required approximately 25 detectives and supervisors working over a five-week period to review over 14,000 complaint reports. This analysis consumed 2,100 work

⁷⁹ Internal NYPD memorandum entitled: "COMPREHENSIVE ANALYSIS OF VEHICLE FOR HIRE SEXUAL ASSAULTS" (Feb. 15, 2016), available *infra*, Appendix Q.

hours.⁸⁰ According to an NYPD memorandum, this study was only one of four such analyses conducted by SVD that year, each requiring a similar expenditure of labor.⁸¹ These 8,400 hours could have been spent investigating individual sexual assault cases, but instead were needed to conduct these labor-intensive analyses, prolonged by the lack of data analysis capabilities.⁸²

Finally, current and former SVD commanders expressed concern to DOI over the security and access protocols of ECMS. Specifically, these SVD officials said that the security measures that limit access to the system can be breached, pointing out that too many NYPD employees outside of SVD and the chain of command can access interviews, photos, medical records, and other sensitive information collected during rape and sexual assault investigations. Numerous victims have told SVD investigators that they no longer wish to cooperate because of deeply humiliating leaks to the news media of personal information contained in NYPD case files. Furthermore, according to current and former SVD personnel, some victims have even refused to report or cooperate with SVD at all, citing the prior leaks of other victims' personal case information.

C. SVD's Oversight Mechanism Should be Reviewed

NYPD's primary organizational management and accountability tool, CompStat, uses comparative statistics to identify crime trends and query commanders about enforcement tactics. Through CompStat, NYPD works to reduce crime by tracking and mapping specific crimes in a geographic area, identifying patterns, and using this data and evidence to guide the deployment of police resources. NYPD holds weekly CompStat meetings during which precincts or other Department subdivisions are presented with current and historical crime data and held to account for what steps they are taking to combat crime. Direct orders are subsequently issued to the presenting commands regarding deployment, crime interdiction, and investigations.

The use of CompStat for managing sex crimes cases should be reviewed. As discussed earlier, sex crimes are distinct from other crimes—most sex crimes go unreported and many that are reported to police are reported months or years after the incident. As a result, to the extent that CompStat oversight relies on “timely and accurate information or intelligence” of crimes, there is often less reliable data for sex crimes. Given this level of underreporting, discussions of sexual assaults being “up” or “down” are dubious when the true rate of sexual assault is not necessarily correlated to a change in the reported rates. Moreover, while CompStat largely focuses on driving *down* crime, NYPD has publicly encouraged all victims of rape and sexual assault to contact the police, thereby driving *up* the number of reported rapes and sexual assaults. Simply put, when only 5% to 20% of sex crimes

⁸⁰ *Id.* at 2-3.

⁸¹ *Id.*

⁸² This illustrates the unreasonable nature of the OMAP request discussed *supra* Section IV.A.1.

are currently reported to police, many of which are reported long after the fact, there is insufficient “timely and accurate information or intelligence” available for CompStat purposes.

Furthermore, the unique nature of sex crime investigations—including the lengthy nature of investigations that rely on victim participation, the complex issues of human sexual behavior, and the involvement and direction of prosecutors pre- and post-arrest—do not align with the traditional CompStat approach. The second and fourth pillars of CompStat, “rapid deployment of resources” and “relentless follow-up,” contradict the non-linear nature of sex crime investigations and the victim-centered model used by SVD and encouraged by prosecutors and victim advocates. According to current and former SVD officials, victim advocates, service providers, and prosecutors, investigations that are intensely focused on victims cannot be rushed to meet artificial timelines, and attempting to do so often results in the disengagement of victims. SVD’s own “You Have Options” program specifies that: victims have the right to provide “as much, or as little, information as they choose with no time limitations or restrictions,” there should be “no pressure to participate in a criminal investigation after making a report,” investigators must “respect a victim’s right to request certain investigative steps not be conducted,” and investigations should be “conducted at a pace set by the victim, not the law enforcement officer.” All of these can be in conflict with a technical requirement of “rapid deployment of resources” and “relentless follow-up.”

Unlike other criminal investigations, sex crime investigations are similar in their complexity to homicide and major case investigations. Notably, these other elite investigative commands (homicide detective units and Major Case Squad) are not routinely subject to traditional CompStat oversight. Instead, they participate only to the extent that they are occasionally called upon to provide pertinent details during the presentations of other commands.

While the need for oversight of SVD is unquestioned, NYPD should reexamine whether SVD should be included in CompStat and/or whether the CompStat approach to SVD should be modified. There may be other ways, outside of the traditional CompStat model, to evaluate SVD’s performance by focusing on the quality and timeliness of work, caseload and staffing data, and the thoroughness of case completion.

V. RECOMMENDATIONS

1. NYPD should immediately increase the staffing level in SVD's adult sex crime units to meet the minimum investigative capacity required by an evidence-backed and nationally-accepted staffing analysis model. To appropriately handle a caseload as seen in 2017, that model would require an additional 21 detectives in Manhattan SVS, 11 detectives in Bronx SVS, 16 detectives in Queens SVS, 21 detectives in Brooklyn SVS, and four detectives to in Staten Island SVS.
2. In order to prevent a recurrence of understaffing, NYPD should adopt an evidence-based investigative staffing model that relies on actual investigative hours available and projected caseload (not caseload alone) and continuously monitor SVD caseloads and staffing levels to ensure the appropriate number of staff are available for the assigned caseloads.
3. Since staffing deficiencies are not unique to adult sex crime units alone, NYPD should use the staffing model adopted in Recommendation 2 to appropriately staff the other SVD sub-units.
4. NYPD should immediately take steps to improve SVD's ability to recruit and retain experienced detectives by making SVD a "graded" division. Once completed, NYPD should end the practice of transferring officers to SVD without extensive investigative experience.
5. NYPD should increase in-house training opportunities for SVD staff in order to better prepare them for the rigors and unique nature of SVD work. The depth and rigor of this training should be equivalent to the training provided to other specialized units in NYPD.
6. To the extent that it is inevitable that patrol officers may be the first to respond to sexual assaults in exigent circumstances, NYPD should expand existing training, both in-service and at the academy, to include trauma-informed care and best practices regarding sexual assault.
7. NYPD should formally end the "triaging" process for sex crimes—instead, all sex crimes should be investigated and enhanced by SVD detectives, including patrol arrests for "domestic rape" and "acquaintance rape." The implementation of this recommendation will have staffing implications that are not accounted for in Recommendation 1 above, and NYPD should, therefore, include appropriate staffing increases in implementing this recommendation.
8. NYPD should find new physical locations and/or completely renovate all five SVD adult sex crime unit locations. These new physical locations should be

easily accessible from public transportation and built out in the model of the Children's Advocacy Centers now operational in New York City.

9. NYPD should invest in a new case management system for SVD that would replace ECMS. The new system should have the highest security protocols and limit access to the case detective and their immediate supervisors within SVD. In addition, any new system should have advanced caseload, staff management, and data analysis capabilities.
10. NYPD should take steps to safeguard the identifying information of sex crimes victims, including conducting a review of the various reports, forms, and memoranda generated during the course of a sex crimes investigation that unnecessarily require the victim's name, address, or other contact information.
11. NYPD should review the use of CompStat as the oversight mechanism for SVD.
12. NYPD should increase and publicize existing efforts to encourage victims of sex crimes to come forward and report these crimes to law enforcement. At the same time, NYPD should take new steps to advise policy makers and the public that success in this area will result in an apparent rise in the "index crime numbers" for sexual assault cases, even if the "true" rate of sex crimes remains unchanged.

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Sex Crimes Working Group
Final Report

New York City Police Department
December 2010

Appendix A

NYPD 2010 Sex Crimes Working Group Final Report

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Appendix A

NYPD 2010 Sex Crimes Working Group Final Report

EXECUTIVE SUMMARY

In April 2010, the Police Commissioner convened a committee to study the handling of crimes and investigations involving sex offenses by the New York City Police Department ("NYPD" or the "Department"). The committee, the Sex Crimes Working Group (the "Working Group") began meeting shortly thereafter. The Working Group immediately commenced interviewing various stakeholders and other relevant actors, including prosecutors, representatives from victim advocates groups, medical practitioners, and NYPD personnel. As detailed below, the Working Group also reviewed relevant data, as well as rules and practices governing the manner in which sex crimes cases are assigned and investigated within the Department.

The Working Group's findings, discussed more fully below, lead to the following recommendations:

1. Assign all sex crimes to the Special Victims Division.

Assignment of all cases to the Special Victims Division ("SVD") will have multiple benefits, including a decrease in misclassified complaints, and an assurance that serious sex crimes cases requiring particular sensitivity will be handled by an SVD investigator.

2. Require Special Victims Division to respond to hospitals.

Presently, officers assigned to Patrol and, during late-night hours, the Nightwatch Squad, respond to complaints originating from hospitals. These interactions between the NYPD and sex crimes complainants have become a particular flashpoint for the Department, as medical professionals, prosecutors, and victim advocates maintain that these officers often fail to demonstrate adequate sensitivity when interacting with a sex crimes complainant. In addition, these parties assert that responding officers sometimes have refused to take reports from

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complainants. Assigning to SVD the responsibility of responding to calls from hospitals will largely dispel these concerns, and will also enable SVD detectives to work with medical professionals and victim advocates earlier in the investigation to obtain corroborating evidence and witness cooperation.

3. Increase cooperation with prosecutors.

At the inception of SVD in 2003, prosecutors and SVD investigators and supervisors generally enjoyed a more cohesive working relationship than exists at present. Prosecutors and SVD investigators collaborated more frequently in the investigative stage of a case, and prosecutors participated more extensively in trainings with SVD investigators and supervisors. The cooperative nature of these relationships should be restored.

4. Implement staffing changes within the Special Victims Division.

Sex crimes investigations are particularly fraught with technical, legal, and investigatory complications, ranging from reluctant witnesses to legal issues surrounding the collection of DNA. Investigators transferred into SVD therefore should possess advanced investigatory skills and experience.

5. Enhance training.

Training should be enhanced within the Department. First, training should be enhanced for all SVD investigators. Second, all officers assigned to the Patrol, Transit, and Housing Bureaus, as well as non-SVD investigators assigned to the Detective Bureau who are likely to come in contact with sex crimes complainants as first-responders, should receive additional training in dealing with sex crimes complainants.

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6. Meet with stakeholders.

In April 2010, the Police Commissioner met with members of the New York City Alliance Against Sexual Assault to address their concerns. Other stakeholders -- including medical professionals and prosecutors -- have expressed great optimism that the Department will improve its handling of sex crimes cases following that meeting and the inception of the Working Group. Appropriate follow-up with these stakeholders would serve to allay their concerns.

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BACKGROUND

Creation and Methodology of the Sex Crimes Working Group

The Police Commissioner convened a committee in April 2010 to review the Department's handling of crimes and investigations involving sex offenses. The Sex Crimes Working Group began meeting shortly thereafter. The Working Group's methodology consisted of interviews of stakeholders, a review of data relevant to sex crimes investigations, and an examination of rules and practices governing the manner in which sex crimes are assigned and investigated within the Department.

Parties interviewed by the Working Group included (1) the prosecutors who supervise sex crimes cases in each of the five District Attorneys' offices; (2) representatives from victim advocates groups; (3) physicians, social workers, and nurse practitioners who treat sex crimes victims; (4) NYPD personnel, including the Chief of Detectives, and SVD supervisors, (5) members of the Legal Bureau; (6) Susan Morley, the former commanding officer of SVD; and (7) Linda Fairstein, the former Chief of Sex Crimes at the New York County District Attorney's Office.

In addition, the Working Group reviewed data pertinent to the investigation of sex crime offenses, including (1) the nature and classification of sex crimes investigated by the Department during the past decade; (2) staffing trends with SVD; (3) the distribution of sex crimes cases within the Department; (4) specific cases highlighted by prosecutors and hospital staff; and (5) other cases reviewed by the Quality Assurance Division ("QAD") in which sex crime complaints were found to have been misclassified.

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Finally, we examined the rules and practices governing the manner in which sex crime cases are assigned and investigated within the Department, including (1) information gathered during interviews described above; (2) the Patrol Guide; and (3) other Department documents governing the assignment of sex crimes cases.

Background: Special Victims Division

The Special Victims Division (SVD) was created in 2003 as a unit within the Detective Bureau, and served to demonstrate the Department's commitment to the sensitive nature of sexual assaults and child abuse. The chief duties of SVD are to investigate child abuse and major sex crimes. Before the inception of SVD, each borough maintained a Special Victims Squad which handled sex crimes and child abuse cases. After the creation of SVD, these squads fell under the direct command of the newly-created position of Commanding Officer of SVD who, in turn, reported directly to the Chief of Detectives.

In 2005, SVD was reorganized slightly and its duties were expanded. In order to ensure sufficient coverage given this expansion, two captains were assigned as Zone Commanders covering Zone 1 (Manhattan, Brooklyn, and Staten Island), and Zone 2 (Bronx and Queens). The current configuration and staffing of SVD is enclosed as Attachment A.

At present, SVD investigates particular categories of felony sex crimes and all sex crimes against children younger than 13 years old, as well as allegations of child abuse against children younger than 11 years old. In addition, SVD investigators are designated to enhance arrests by precinct detectives or Patrol for stranger rape cases, child abuse against children younger than 11 years old, sex crimes against children younger than 13 years old, and other unusual or high profile cases including sex crime patterns and cases involving multiple perpetrators.

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Requests for SVD involvement are triggered by multiple sources, including patrol officers following responses to 911 calls and walk-in victims, precinct detective squads, hospitals participating in SART programs, and prosecutors.

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FINDINGS

Based on interviews and a review of relevant data, rules, and practices, the Working Group had made multiple findings with respect to the Department's handling of sex crimes cases. These findings are as follows:

Inensitivity of responding officers

Officers with little or no experience in sex crimes cases sometimes treat sex crimes complainants in an insensitive manner. More specifically, the Working Group has learned of instances in which patrol officers are overly confrontational with victims, sometimes challenging their versions of events. In the extreme, officers have refused to take a report, and have threatened to arrest complainants who engaged in illegal conduct, such as prostitution or drug use, prior to or at the time of the sexual assault. By engaging in confrontations, rather than simply taking reports and leaving investigative work to more experienced detectives, officers may be causing complainants to withhold information or even to refuse to cooperate, thereby derailing otherwise meritorious investigations. These negative interactions appear to occur with particular frequency at hospitals, to which officers and detectives assigned to Patrol and Nightwatch, rather than SVD, respond during late-night hours. Hospital staff have also told the Working Group that rape kits from these cases are sometimes left unclaimed at hospitals, rather than transported by the NYPD to the Medical Examiner's Office ("OCME").

These interactions between patrol officers and sex crimes complainants amount to a flashpoint for the Department's handling of sex crimes complaints. Moreover, victim advocates and medical professionals have portrayed these interactions as among their most significant concerns with regard to the Department's investigation of sex crimes cases.

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Redirection of complainants rather than complaints

The Working Group has learned of multiple instances in which a sex crime complainant walks into precinct to report a sex crime, and is redirected to the precinct where the crime occurred. Redirection of complainants is contrary to official Department policy.

Misclassification of sex crimes

Through interviews of prosecutors and QAD reviews of sex crimes complaints, the Working Group has found that sex crimes are sometimes misclassified. Misclassified complaints include those drafted by patrol officers and precinct detective squads in which SVD was notified and consulted. There are likely multiple reasons for the misclassifications, including the fact that Penal Law classifications for sex crimes are particularly complex and therefore susceptible to misinterpretation by officers and supervisors lacking sex crimes expertise.

Misclassification of sex crimes easily can lead to detrimental effects. Felonies erroneously classified as misdemeanors may mean experienced SVD investigators will not be assigned to serious sex crimes cases which require particular attention and sensitivity. Furthermore, sex crimes patterns will be less likely to be identified.

Difficulties particular to investigating and prosecuting sex crimes cases

Investigation and prosecution of sex crimes cases present particular challenges. Jurors are often skeptical of a complainant's version of events in sex crimes, and often fail to convict without corroborating evidence to support the complainant's testimony at trial. The gathering of pre-arrest indictment evidence is therefore critical to the successful prosecution of sex crimes cases. Corroborating evidence may include, for example, video captured by a storefront camera,

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DNA collected from the crime scene, a controlled telephone call between the perpetrator and the complainant, and testimony of eyewitnesses who observed the defendant prior to or immediately following the commission of the crime.

In addition, prosecutors are often faced with proving at trial not only that the defendant committed the charged crime, but that a crime actually occurred. Although there is much focus on stranger rape cases, in actuality the vast majority of all sex crimes occur between parties known to each other. (Available NYPD data for 2010 demonstrates that more than 90% of all rapes involved acquaintances or parties with domestic ties.) These cases are often more difficult to investigate and prosecute. At trial, defense counsel frequently argues at trial that a charged crime is consensual or is a fabrication by a complainant, who has an "ulterior motive" to frame the defendant. Defense counsel often point to any delay by complainants in reporting crimes, not an uncommon occurrence, as support for the claim that no crime occurred. These cases therefore benefit from police and prosecutors reviewing the evidence and making charging decisions together.

Deterioration of relationship between the Special Victims Division and prosecutors

In the earlier part of this past decade, SVD investigators generally experienced a more positive working relationship with sex crimes prosecutors than at present. SVD investigators consulted with more regularity with sex crimes prosecutors regarding investigatory steps to be taken in advance of arrest. In addition, prosecutors often participated in SVD trainings, and frequently met with SVD investigators and supervisors to discuss evolving issues, such as advances in DNA collection and recent developments in the law.

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The overall relationship between SVD and sex crimes prosecutors appears to have deteriorated during recent years. Some prosecutors claim that SVD investigators make arrests more quickly, sometimes under pressure by supervisors before developing sufficient evidence to induce a plea or sustain a conviction at trial. On the other hand, NYPD supervisors have correctly pointed out that the police are the final arbiters to decide whether probable cause exists to arrest a defendant, and that public safety concerns must sometimes outweigh the need for additional evidence.

Regardless of which viewpoint is correct, the Working Group finds nonetheless that the working relationship between SVD and prosecutors should be more collaborative.

Need for clarification in "must arrest" domestic cases

New York State law requires a "must arrest" policy in connection with domestic violence allegations, *i.e.*, officers must effect an arrest in domestic violence cases if probable cause exists, even if the complainant requests that the offender not be arrested. (See NYPD Patrol Guide 208-36.) In 2008, the New York statutory definition of "family offense" was expanded to include "persons who are or have been in an intimate relationship" regardless of whether the parties share, or have shared, the same household. (See C.P.L. § 530.11(1)(e)).

The change in the law has led to some confusion and uncertainty, causing officers and investigators, including those assigned to SVD, to feel constrained to make an arrest in cases in which the parties are known to each other even if evidence against the perpetrator is weak or the veracity of the complainant is questionable. In short, officers, investigators, and their supervisors believe they are required under the "must arrest" policy to arrest offenders in

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domestic cases quickly, sometimes well before sufficient evidence to sustain a conviction at trial is developed.

While tensions will always exist between the competing interests of public safety (speedier arrests) and development of evidence (delayed arrests), officers and investigators should be trained in enforcing the "must arrest" policy while also recognizing the need for development of sufficient evidence. In addition, consultation between NYPD and prosecutors in these cases in particular would be useful and should be encouraged.

Incomplete investigation on serious cases

Through interviews and review of cases, the Working Group has learned of serious sex crimes cases which were not sufficiently investigated. The causes for insufficient investigation are intertwined with several findings already described above. For instance, crimes misclassified as misdemeanors rather than felonies generally will not receive the attention of SVD or even a precinct squad detective. Likewise, arrests effected more quickly as a result of an overbroad application of the NYPD's "must arrest" policy in domestic cases are sometimes based on extremely weak evidence.

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RECOMMENDATIONS

Based on interviews and a review of relevant data, rules, and practices, the Working Group proposes six recommendations: (1) assign all sex crimes to SVD; (2) require SVD to respond to hospitals; (3) increase cooperation with prosecutors; (4) implement staffing changes within SVD; (5) enhance training; and (6) meet with stakeholders. The basis for each recommendation is provided below.

1. Assign all sex crimes to the Special Victims Division.

The Working Group recommends that all sex crimes complaints without an immediate arrest be assigned to SVD for investigation.¹ In addition, closed (post-arrest) misdemeanor and felony sex crimes cases should be routed to SVD for tracking and identification of patterns, and to ensure that crimes have been properly classified. Finally, post-arrest felony sex crimes cases should be routed to SVD immediately to ensure that serious sex crimes cases are enhanced by SVD as soon as possible following the commission of the crime. Under this recommendation, all felony sex crimes cases in need of enhancement would be assigned to SVD, superseding current procedures which assign enhancement of some sex crimes cases to precinct detective squads.

This goal could be accomplished in a threefold manner: (1) assigning additional personnel to SVD squads, (2) increasing citywide SVD coverage during the overnight (0100-0800 hours) by rescheduling investigators' tours, and (3) adding a centralized analytic component to SVD by expanding the responsibilities of the Instant Response Tracking Unit and Sex Crimes

¹ As stated above, current Department policy assigns to SVD particular categories of felony sex crimes and all sex crimes against children younger than 13 years old, in addition to allegations of child abuse against children younger than 11 years old.

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Report Line. As described in the preliminary staffing model provided by OMAP, attached as Attachment B, this proposal would require the assignment of approximately 26 additional investigators to SVD to maintain the current caseload average for SVD investigators.

The benefits of these recommendations are multiple. First, assignment of all sex crimes cases to SVD investigators will ensure that serious sexual assault cases are investigated by specialized and properly-trained investigators, rather than left in the hands of patrol officers and precinct squad detectives who lack specialized training and expertise in sex crimes. Second, there will be a reduced likelihood that cases will be misclassified as less serious crimes, and therefore fail to reach the attention of SVD investigators. Third, through tracking all open and closed sex crimes cases, SVD will be better able to identify and establish sex crimes patterns. Fourth, assigning all sex crimes cases to SVD will ensure greater consistency in charges by eliminating the need for a policy for assignment of sex crimes cases based on complicated penal law provisions.

2. Require Special Victims Division to respond to hospitals.

The Special Victims Division, rather than Patrol or Nightwatch, should respond to calls from hospitals receiving walk-in complainants. Under current practice, if a sex crimes complainant first reports a sexual assault as a walk-in at a hospital emergency room, rather than calling 911, the hospital directly notifies the local precinct station. Precinct patrol officers then respond to the hospital to interview the complainant and take a report.

As set forth in the findings above, hospital personnel and victim advocates complain that patrol officers who respond to calls from hospitals frequently address victims in an insensitive and overly confrontational manner, and sometimes refuse to take a report. Complainants who

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admit to using narcotics or engaging in prostitution have been threatened with arrest. In addition, officers sometimes refuse to take a report and rape kits are left at hospitals rather than delivered to the OCME on a timely basis.

In short, these interactions between officers and complainants have become a flashpoint for the Department's handling of sex crimes cases. The Working Group therefore proposes that all calls from hospitals be routed directly to SVD investigators rather than officers from local precincts where the hospitals are located. Assigning SVD investigators as first-responders will ensure that the victims are treated in a more sensitive manner, and will dispel concerns of victim advocates and medical professionals. In addition, re-routing of hospital calls directly to SVD will enable SVD detectives to work with medical professionals and victim advocates earlier in the investigation to obtain corroborating evidence and witness cooperation.

3. Increase cooperation with prosecutors.

Given the inherent difficulties in investigating sex crimes and obtaining convictions at trial, a collaborative relationship between the NYPD and the District Attorney's Offices in these cases is critical. Sex crimes prosecutors harbor a particular expertise in recognizing potential weaknesses in sex crimes investigations. While resources and other factors may prevent SVD investigators from completing every task on a prosecutor's pre-arrest "wish-list," and the ultimate decision to make an arrest lies with the NYPD, a return to a more collaborative relationship between investigators and prosecutors should be sought.

To further this goal, the Working Group recommends that sex crimes prosecutors systematically participate in SVD trainings, and that SVD supervisors and investigators be directed to participate in more informal trainings with prosecutors. In general, a cooperative

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attitude between prosecutors and SVD investigators should be encouraged at the highest command levels.

4. Implement staffing changes within the Special Victims Division.

Detectives assigned to SVD encounter some of the most challenging cases found within the NYPD. Requiring investigatory experience for all newly-assigned SVD detectives will greatly improve the quality of SVD investigations. As set forth above, the testimony of a sex crimes complainant, standing alone, is often insufficient to obtain a conviction at trial (or induce a plea in advance of trial), as juries often require corroborating evidence to convict. In addition, a broad array of difficult issues often arise with regard to sex crimes investigations, ranging from reluctant victims to evolving legal issues surrounding the collection of DNA evidence.

Given the challenging nature of these cases, only highly experienced and knowledgeable detectives, such as high-caliber investigators assigned to precinct detective squads, should be considered for transfer into SVD. To increase the attractiveness of SVD to these detectives, SVD investigators should be given greater consideration for grade and Special Assignment promotions. At the same time, the heavy emotional toll of SVD sometimes causes even the most talented investigators to burn out, and procedures should be in place to allow transfer to other assignments when warranted.

5. Enhance training.

Training should be directed in multiple areas. First, training should be implemented to address sensitivity issues for first-responder patrol officers. To achieve this goal, the Working Group has directed the production of a training video to be shown during roll call for patrol

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officers. The video reinforces the notion that officers on patrol encountering a sex crimes victim should be sensitive and non-judgmental. In addition, members of the Working Group recently participated in Command-Level Training, directly addressing these same issues to an audience of training sergeants.

Training within SVD should also be enhanced. At this time, a week-long course is available for SVD investigators twice annually. Although the content and length of the course appears to be more than satisfactory, not all SVD investigators are required to attend the course on a regular basis. In addition, the attendance by SVD investigators and their supervisors at less formal trainings, such as those addressing emerging issues in science and law, with sex crimes prosecutors and medical professionals should be mandated.

With regard to domestic sex crimes cases, training should be designed to address the appropriate contours of the NYPD's "must arrest" policy in the context of developing strong evidence in these same cases.

In addition, training should be developed for SVD with regard to cases involving drug- and alcohol-induced sexual assaults. These cases typically involve a complainant who cannot recall details of the sexual assault, but believes he/she was victimized by an assailant while the complainant was intoxicated or under the influence of a "date rape" drug. The quality of investigations in these cases has been criticized by prosecutors, medical professionals, and victim advocates. While, admittedly, an arrest may be impossible in some of these cases, subsequent investigation may lead stronger evidence, such as the identification of an eyewitness or the availability of video footage. Although these cases require particular initiative and experience on the part of investigators, training could also improve the NYPD's response to these allegations.

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6. Meet with stakeholders.

During the past six months, the Working Group has received inquiries from various stakeholders -- including victim advocates, medical professionals, and prosecutors -- regarding the progress of its work. Although stakeholders may already be aware of some progress, other changes based on the recommendations set forth above may become known only after the passage of time. In addition, when the Police Commissioner and members of his executive staff met with representatives from the New York City Alliance against Sexual Assault in April 2010, those representatives were told there would be a follow-up meeting for this purpose. The Working Group therefore recommends that, in addition to a follow-up meeting with representatives from the New York City Alliance against Sexual Assault, follow-up with other stakeholders also occur.

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CONCLUSION

Through implementation of some or all of these recommendations, along with changes underway at this time through new leadership in the Special Victims Division, the Department will be better-equipped to investigate sex crimes while addressing concerns raised by outside stakeholders.

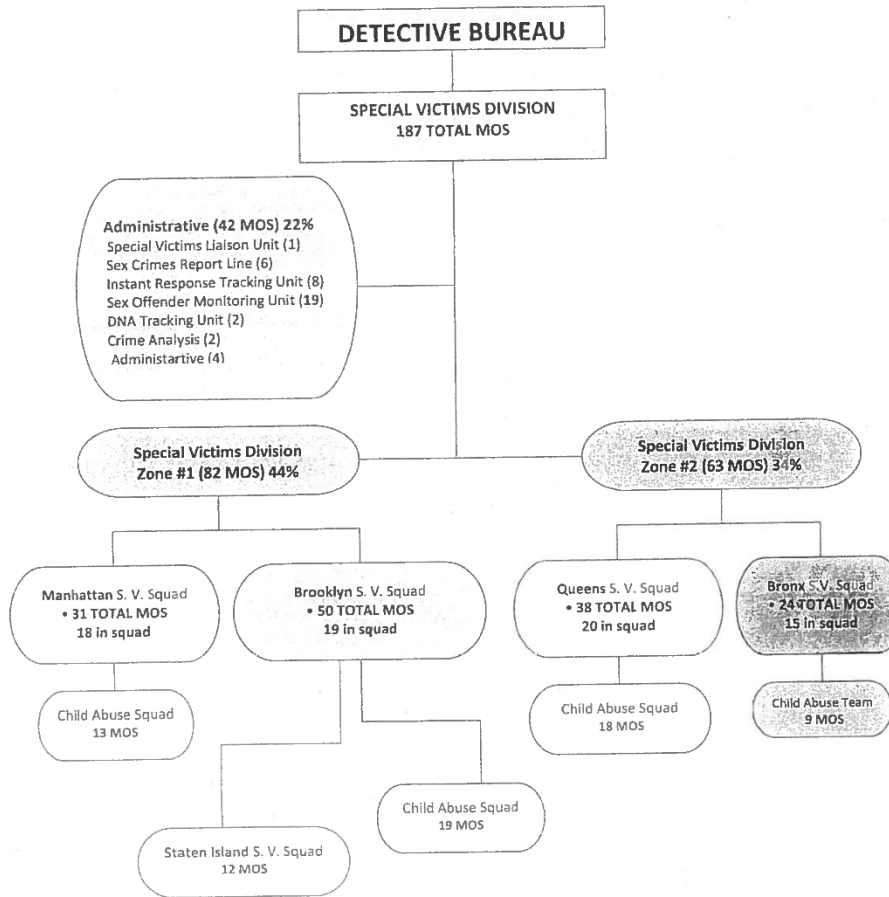
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THE SPECIAL VICTIMS DIVISION



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STAFFING MODEL – SPECIAL VICTIMS DIVISION EXPANSION

APPENDIX

CURRENT SPECIAL VICTIMS DIVISION 2010 STAFFING*

COMMAND	DC	INSP	DI	CPT	LT	SGT	DET	PO	CIV	TOTAL
SVD	1	0	0	1	2	4	13	21	2	44
BRONX	0	0	0	0	1	2	18	0	1	22
BROOKLYN	0	0	0	0	2	6	45	0	1	54
QUEENS	0	0	0	0	2	4	29	1	0	36
MANHATTAN	0	0	0	0	2	4	23	0	1	30
Zone #1	0	0	0	1	0	0	0	0	0	1
Zone #2	0	0	0	1	0	0	0	0	0	1
TOTAL	1	0	0	3	9	20	128	22	5	188

*AS OF 7-30-10

SPECIAL VICTIMS DIVISION AVERAGE STAFFING 2001-2010

COMMAND	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
MAN SPEC VIC SQUAD	25	25	23	28	26	28	28	30	31	30
BX SPEC VIC SQUAD	22	19	21	19	21	22	27	27	27	22
SPECIAL VICTIMS DIV	0	0	32	37	34	40	47	45	44	44
BKLYN SPEC VIC SQUAD	45	35	35	40	38	43	51	52	51	54
QUEENS SPEC VIC SQD.	25	26	26	25	37	39	41	40	39	36
SPEC VIC DIV ZONE#2	0	0	0	0	1	1	1	1	1	1
SPEC VIC DIV ZONE#1	0	0	0	0	1	1	1	1	1	1
TOTAL	117	105	137	149	158	174	196	196	194	188

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STAFFING MODEL – SPECIAL VICTIMS DIVISION EXPANSION

RATIONALE

In order to identify opportunities for enhanced reporting and investigation of complaints of sex crimes, the Office of Management Analysis and Planning (OMAP) evaluated the duties of the Special Victims Division (SVD). This analysis identified an option that SVD investigate all sex crimes and child abuse. Currently, SVD investigates felony sex crimes and all sex crimes against children younger than 13 years of age, as well as allegations of child abuse against children younger than 11.

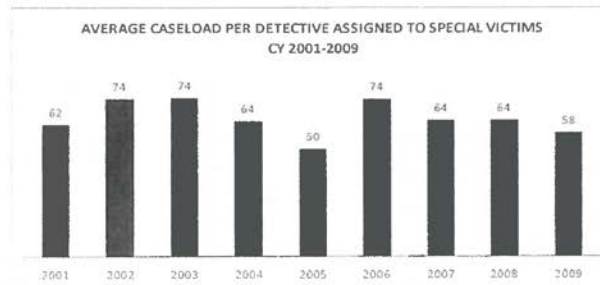
This option will expand the number of cases received by the Division and consequently increase the caseload of the detectives currently assigned to the SVD Borough Squads. To address these projected workload increases, this proposal suggests:

1. Assigning additional personnel to the Borough Squads within the Division
2. Increasing citywide SVD coverage during the hours 0100-0800 by rescheduling investigator's tours
3. Adding a centralized analytic component with regard to sex crimes reporting by expanding the existing responsibilities of the Instant Response Tracking Unit (IRTU) and Sex Crimes Report Line.

Additional Personnel

According to the SVD self-reported caseload report (figure 1), the average number of cases per investigator per year since 2001 has been 64.

Figure 1



The above yearly caseload is calculated by dividing the total number of cases SVD investigates each year by the number of investigators assigned to the Division's Borough Squads.

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OMAP calculated the increased caseload by combining all misdemeanor sex crime complaints (that were not closed through uniform arrest and the victim was 13 or older) with the number of yearly cases reported by SVD (Figure 2). The OMAP model uses the most current year with all available data (2009).

Figure 2

2009	Complaints	Arrest	Victim under 13	Misd Cases
Forcible Touching	1,359	651	285	423
Sex Abuse 2-3	1,349	1,135	171	1,040
Sexual Misconduct	346	445	81	270
Calculated caseload increase				1,733
Reported SVD cases				6,931
Total calculated cases				8,664

Using 2009 data, the inclusion of the calculated misdemeanor sex crimes into the SVD yearly caseload would raise the number of cases from 6,931 to 8,664 (1,733 cases), a 25 percent increase. The average number of cases per 119¹ investigators would increase to 73. To reduce the caseload to its current average of 64, an additional 17 investigators would have to be assigned to the Borough Squads ($8,664 \div (119+17) = 64$). In order to maintain the historic Detective Bureau 1:7 span of supervision, an additional three Sergeants would also have to be assigned to the Borough Squads. Additionally, increased administrative duties related to 17 new Detectives and an average of 1,700 new cases per year may require further staffing allotments.

This model assumes that investigators will devote an equal amount of time to all cases, despite the fact that the increase in caseload will come from misdemeanors. It is acknowledged that an offense's misdemeanor or felony classification may be meaningless to a victim: acts that fall within one designation may be no less traumatic to the victim than those within another, and it is no less important for the Department to bring the individual perpetrators to justice. Furthermore, all of these crimes have common themes and the Department would benefit by having specifically skilled SVD detectives investigate them.

Including all sex crime complaints within SVD's investigative and analytical purview would address a concern that misdemeanor sex crimes are not being investigated by trained sex crime investigators, as well as a concern that felony sex crimes may be downgraded to misdemeanors to ease SVD caseload.

¹ Average number of investigators in SVD for 2009

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STAFFING MODEL – SPECIAL VICTIMS DIVISION EXPANSION

Increased Coverage

To enhance investigative abilities and address a concern that sex crime complaints reported during hours when SVD is not in operation (0100-0800) are not being investigated properly, the OMAP model includes rotating SVD investigators into the midnight tours. Because the number of sex crime complaints during the hours between 0100 and 0800 is extremely low (one or two per night, on average), the number of detectives needed citywide to staff this tour is minimal and can be as low as four investigators per tour. But assuming increased responsibility in responding to complaints at hospitals, including retrieving and processing of Sexual Evidence Collection Kits, the number of detectives working the midnight watch may need to be greater than four per tour.

Current SVD Detective Chart 8 hours, 33 minute tours

Team	1	2	3	4	5	6	7
A	E	E	D	D			E
B	D	D			E	E	D
C	D	D			E	E	D
D			E	E	D	D	
E			E	E	D	D	
F	E	E	D	D			E

*Day Tour 0800 x 1600 Evening Tour 1600 x 0100
 Six tours/month a detective must work an additional 15 minutes
 Day Tour 0800 x 1615 Evening Tour 1545 x 0100

If SVD is allotted an additional 17 investigators, there would be 136 investigators eligible for the daily midnight coverage. That would result in an average of 12 tour changes per year for each investigator (once a month.) Although a seemingly low number, this change takes each investigator out of the investigative chart for an accumulated 2.5 weeks a year, thereby reducing the time available for routine investigative duties. This results in the loss of nearly 14,000 man-hours of investigative time. To compensate for this loss, approximately 9 investigators would need to be added to the Division, bringing the total number of additional investigators to 26.

There is precedent for rescheduling PDU investigators' tours in order to provide backfill for the Borough's respective Night-Watch. Periodically, the Detective Borough notifies precinct squad commanders on a rotating basis that they must provide one or two investigators to backfill the Night-Watch team. The squad commander typically finds a volunteer, or when necessary, selects an investigator to provide such coverage.

According to the Office of the Deputy Commissioner of Labor Relations (DCLR), the DEA contract contains no limits to the number of tour changes that can be mandated per year for Detectives. In order to maintain recuperative time between sets of tours

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however, it is recommended that the Night-Watch coverage not be performed on the first day of an investigator's swing.

The scheduling of tour changes can be performed in one of two ways. The first would utilize the model currently used by the Detective Boroughs in obtaining backfill for their Night-Watch teams. The Division would notify the precinct squad commanders of the dates and number of investigators needed for coverage and the squad commanders would choose the particular investigators at their discretion. The second would incorporate a monthly scheduling model created in advance by the Special Victims Division in which each eligible investigator is scheduled for the midnight tour for one particular day.

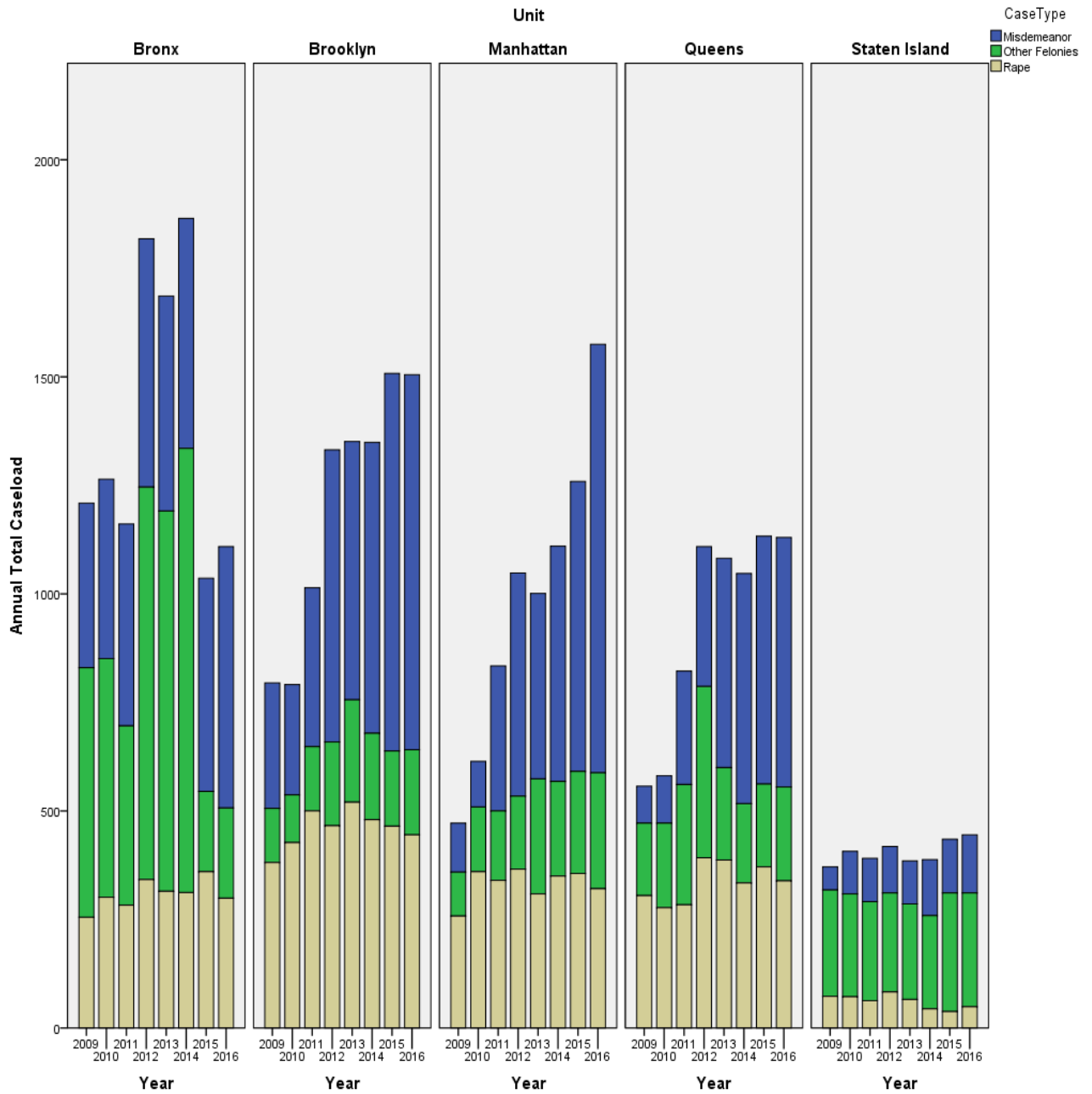
SVD Analysis, Evaluation, and Routing Function

The final element of the OMAP model leverages existing personnel assigned to the Instant Response Tracking Unit (IRTU) and Sex Crimes Report Line in order to create an analytic function with regard to sex crimes reporting. Currently, the IRTU intakes allegations of child abuse from members of the Department and the Administration of Children's Services (ACS) while the Sex Crimes Report Line provides a 24-hour rape hotline that is used by hospitals and victims to report sex crimes. The members assigned to this newly formed analytic component would be identified as intelligence analysts, who would intake the call, determine the crime classification, make note of any possible pattern or special circumstance, and assign the case to the appropriate investigative entity. During the hours when members of the analytical component are not working, the personnel currently assigned to IRTU and/or the sex-crimes hotline would field the call and log it for analysis by the analytical component.

Owing to the analytical nature of the assignment, the OMAP model requires more experienced investigators than a standard intake desk and should be staffed accordingly. The recommendation for staffing would include one Lieutenant, two Sergeants, and two detectives.

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Appendix B Historical Annual Caseloads for Adult Sex Crime Units in SVD



Appendix C

Excerpt from SVD Internal Staffing Analysis Sent to NYPD Leadership in
2015

Special Victims Division Squads' Projected Staff Needed With Misdemeanor Adjustment Factor Applied to 2012 / 2013 / 2014 Misdemeanor Case Load for Adult Squads

UNIT	3 Year Pre-Misd. Average Cases 2008/ 2009/ 2010 or 6 year Average Cases	Felony Case Equivalent – (Misd. Cases with Misd Adjstmnt Factor Applied	Transit (Stranger) Misdemea -nors	Total Felony and Felony Equivalent Case Load	Projected Staffing with 40 Case for Adult Squads or 60 Cases for Child Squads	Current Staffing	Additional Staffing needed	Percent- age Increase
MSVS	546	380	131	1057	26	15	+11	73%
MCAS	757	N/A	N/A	757	13	13	0	0%
BSVS	792	420	61	1273	32	16	+16	100%
BCAS	1904	N/A	N/A	1904	32	19	+13	68%
QSVS	589	354	34	977	24	18	+6	33%
QCAS	893	N/A	N/A	893	15	11	+4	36%
SISVS	394	3	0	397	10	10	0	0%
BXSV S	475	338	27	840	21	19	+2	11%
BxCAS (child)	940	N/A	N/A	940	16	10	+6	60%
Total	7290	1495	253	9038	189	131	+58	44%

1. Six (6) year case average 2008-2014 Child Squads Only
2. Misdemeanor Adjustment Factor is .75 (See base document for explanation)

Appendix D

Prummel Staffing Model – Excerpts from “Allocation of Personnel: Investigations”

Appendix A

Criminal Investigations Staffing Formula

(Explained)

A.	Estimated assigned cases for fiscal year This is the estimated number of assigned cases handled by the detective division during the fiscal year being evaluated. This information comes from Criminal Investigations Division computer systems.		_____
B.	Average time per assigned case (in hours) This is the average time spent investigating an assigned case. This information is identified through the study.		_____
C.	Hours spent on assigned cases (multiply A x B) When value A is multiplied by value B, we get the estimated total time encumbered by the Criminal Investigations Division investigating assigned cases.		_____
D.	Allocation of time factor (62.5% on cases, 37.5% on administrative duties) This factor is determined by management and reflects their desired allocation of man hours. In this case, detectives are expected to be actively working assigned cases 62.5% of their shift. It is estimated that 38.5% of the shift is consumed doing administrative tasks (meal breaks, meetings, roll call, vehicle maintenance, etc.). The allocation of time factor varies depending on the percentages.	X	_____ <u>1.60</u>
E.	Minimum man hours required for staffing (multiply C x D) By multiplying value C by D, we arrive at the minimum man hours required to accomplish our goal.		_____
F.	Number of work days per year This is the number of workdays in the Division per year.		_____
G.	Average Daily workload in hours (E divided by F) By dividing value E by value F, we arrive at the number of man hours required each workday.		_____
H.	Number of work hours per shift This is the number of hours each shift works during each workday.		_____
I.	Number of work units needed per day (G divided by H) By dividing value G by value H, we arrive at the number of work units needed to staff the Detective Division.		_____

William Liquori

Appendix D
Prummel Staffing Model – Excerpts from “Allocation of Personnel: Investigations”

Appendix B

Criminal Investigations Division Availability Worksheet

(Explained)

This worksheet will determine the actual number of days you should expect to receive from an average employee. This figure will help determine the number of employees you need to hire to staff the required work units as determined on the Criminal Investigations Division Workload Computation Worksheet.

- The first thing computed is the number of hours an average employee works during the year.

Total hours per year (365 X hours in workday) _____

This is the total number of hours an employee could work in one year without any time off.

Subtract the following in hours:

Regular days off _____

Paid leave (sick, vacation, etc.) _____

Holidays off _____

Other leave (wellness, military, training, etc.) _____

Total _____

Available hours worked per employee _____

This is the actual number of hours (on average) an employee is available to work.

- Now the “availability factor” is computed by dividing the total number of hours needed to staff the required work units by the available hours worked per employee. The “availability factor” represents how many employees are needed to staff one work unit.

Number of hours required for one work unit _____

Number of available hours worked per employee (from above) _____

Employee availability factor _____

The employee availability factor is computed by dividing the number of hours required for one work unit by the number of available hours worked per employee. Again, this tells us how many employees are needed to staff one work unit.

Appendix D
**Prummel Staffing Model – Excerpts from “Allocation of Personnel:
Investigations”**

- Now we determine the total number of employees needed to staff the Division. Data from the Criminal Investigations Staffing Formula is used for this computation.

Work units needed per day (Value I from CID Staffing Formula) _____

Employee availability factor (from above) _____

Number of employees needed for staffing _____

By multiplying the total number of work units needed each day by the employee availability factor, we determine the total number of employees needed to staff the Division.

William Liquori

Appendix E
Prummel Staffing Model, as Applied to Adult Sex Crime Units, for Years
2009 through 2017

Staffing Analysis for 2009

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1209	492	557	795	371
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	18860.4	7675.2	8689.2	12402	5787.6
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	47151	19188	21723	31005	14469
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	129.18	52.57	59.51	84.95	39.641
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	15.19774	6.18	7.001773	9.99	4.96
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁸³	<u>31</u>	<u>13</u>	<u>15</u>	<u>21</u>	<u>10</u>
Employees Available	<u>14</u>	<u>17</u>	<u>13</u>	<u>17</u>	<u>11</u>
Staffing Deficit/Surplus	<u>-17</u>	<u>+4</u>	<u>-2</u>	<u>-4</u>	<u>+1</u>

Staffing Analysis for 2010

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1264	614	581	791	407
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	19718.4	9578.4	9063.6	12339.6	6349.2
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	49296	23946	22659	30849	15873
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	135.06	65.61	62.08	84.52	43.49
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	15.89	7.72	7.30	20.15	5.11
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁸⁴	<u>33</u>	<u>16</u>	<u>15</u>	<u>21</u>	<u>11</u>
Employees Available	<u>15</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>9</u>
Staffing Deficit	<u>-18</u>	<u>-3</u>	<u>-1</u>	<u>-6</u>	<u>-2</u>

⁸³ Fractional employees are rounded to the next highest whole number.

⁸⁴ Fractional employees are rounded to the next highest whole number.

Appendix E
Prummel Staffing Model, as Applied to Adult Sex Crime Units, for Years
2009 through 2017

Staffing Analysis for 2011

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1434	834	772	1014	391
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	22370	13010	12043	15818	6099.6
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	55926	32526	30108	39546	15249
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	153.22	89.11	82.49	108.35	41.78
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	18.03	10.48	9.70	12.75	4.92
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁸⁵	<u>37</u>	<u>22</u>	<u>20</u>	<u>26</u>	<u>10</u>
Employees Available	<u>17</u>	<u>12</u>	<u>15</u>	<u>17</u>	<u>9</u>
Staffing Deficit	<u>-20</u>	<u>-10</u>	<u>-5</u>	<u>-9</u>	<u>-1</u>

Staffing Analysis for 2012

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1818	1048	1109	1332	418
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	28360.8	16348.8	17300.4	20779.2	6520.8
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	70902	40872	43251	51948	16302
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	193.72	111.98	118.50	142.32	44.66
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	22.79	13.10	13.94	16.74	5.25
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁸⁶	<u>47</u>	<u>27</u>	<u>29</u>	<u>34</u>	<u>11</u>
Employees Available	<u>18</u>	<u>16</u>	<u>14</u>	<u>19</u>	<u>10</u>
Staffing Deficit	<u>-29</u>	<u>-11</u>	<u>-15</u>	<u>-15</u>	<u>-1</u>

⁸⁵ Fractional employees are rounded to the next highest whole number.

⁸⁶ Fractional employees are rounded to the next highest whole number.

Appendix E
Prummel Staffing Model, as Applied to Adult Sex Crime Units, for Years
2009 through 2017

Staffing Analysis for 2013

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1686	1001	1082	1351	385
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	26301.6	15615.6	16879.2	21075.6	6006
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	65754	39039	42198	52689	15015
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	180.15	106.96	115.611	144.35	41.14
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	21.19	12.58	13.60	16.98	4.84
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁸⁷	<u>43</u>	<u>26</u>	<u>28</u>	<u>35</u>	<u>10</u>
Employees Available	<u>18</u>	<u>15</u>	<u>12</u>	<u>18</u>	<u>9</u>
Staffing Deficit	<u>-25</u>	<u>-11</u>	<u>-16</u>	<u>-17</u>	<u>-1</u>

Staffing Analysis for 2014

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1865	1110	1047	1349	388
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	29094	17316	16333.2	21044.4	6052.8
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	72735	43290	40833	52611	15132
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	199.274	118.60	111.87	144.14	41.46
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	23.44	13.95	13.16	16.96	4.88
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁸⁸	<u>48</u>	<u>29</u>	<u>27</u>	<u>35</u>	<u>10</u>
Employees Available	<u>19</u>	<u>13</u>	<u>15</u>	<u>17</u>	<u>8</u>
Staffing Deficit	<u>-29</u>	<u>-16</u>	<u>-12</u>	<u>-18</u>	<u>-2</u>

Staffing Analysis for 2015

⁸⁷ Fractional employees are rounded to the next highest whole number.

⁸⁸ Fractional employees are rounded to the next highest whole number.

Appendix E
Prummel Staffing Model, as Applied to Adult Sex Crime Units, for Years
2009 through 2017

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1036	1259	1133	1508	435
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	16161.6	19640.4	17674.8	23524.8	6786
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	40404	49101	44187	58812	16965
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	110.70	134.52	121.06	161.13	46.48
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	13.02	15.83	14.24	18.96	5.47
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁸⁹	<u>27</u>	<u>33</u>	<u>29</u>	<u>39</u>	<u>12</u>
Employees Available	<u>15</u>	<u>14</u>	<u>16</u>	<u>17</u>	<u>10</u>
Staffing Deficit	<u>-12</u>	<u>-19</u>	<u>-13</u>	<u>-22</u>	<u>-2</u>

Staffing Analysis for 2016

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1109	1575	1130	1505	445
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	17300.4	24570	17628	23478	6942
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	43251	61425	44070	58695	17355
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	118.50	168.29	120.74	160.81	47.55
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	13.94	19.80	14.20	18.92	5.59
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
Employees Required⁹⁰	<u>29</u>	<u>41</u>	<u>29</u>	<u>39</u>	<u>12</u>
Employees Available	<u>14</u>	<u>20</u>	<u>16</u>	<u>16</u>	<u>8</u>
Staffing Deficit	<u>-15</u>	<u>-21</u>	<u>-13</u>	<u>-23</u>	<u>-4</u>

⁸⁹ Fractional employees are rounded to the next highest whole number.

⁹⁰ Fractional employees are rounded to the next highest whole number.

Appendix E
Prummel Staffing Model, as Applied to Adult Sex Crime Units, for Years
2009 through 2017

Staffing Analysis for 2017

	Bronx	Manhattan	Queens	Brooklyn	Staten Island
Cases	1025	1427	1175	1560	474
Average Hours Per Case	15.6	15.6	15.6	15.6	15.6
Hours Spent on Cases	15990	22261.2	18330	24336	7394.4
Allocation of time factor	2.5	2.5	2.5	2.5	2.5
Minimum Work Hours Required	39975	55653	45825	60840	18486
Work Days Per Year	365	365	365	365	365
Average Daily Workload in Hours	109.52	152.47	125.55	166.68	50.65
Work Hours per Shift	8.5	8.5	8.5	8.5	8.5
Work Units Needed per Day	12.88	17.94	14.77	19.61	5.95
Employee Availability Factor	2.027	2.027	2.027	2.027	2.027
<u>Employees Required</u>⁹¹	<u>27</u>	<u>37</u>	<u>30</u>	<u>40</u>	<u>13</u>
<u>Employees Available</u>	<u>16</u>	<u>16</u>	<u>14</u>	<u>19</u>	<u>9</u>
<u>Staffing Deficit</u>	<u>-11</u>	<u>-21</u>	<u>-16</u>	<u>-21</u>	<u>-4</u>

⁹¹ Fractional employees are rounded to the next highest whole number.

Appendix F
Internal NYPD Detective Bureau Investigative and Enhancement Rubric

SEX CRIMES AND CHILD ABUSE REFERRAL CRITERIA

SPECIAL VICTIMS SQUAD CASES

Investigate active felony cases referred for investigation including:

- o Rape or Attempted Rape, all degrees
- o Sodomy or Attempted Sodomy, all degrees
- o Aggravated Sexual Abuse, all degrees
- o Sexual Abuse, 1st degree only (force, less than 11 or physically helpless)
- o All sex crime patterns
- o Unusual and high profile cases as determined by a SVD captain or above

Child Abuse Cases

- o Allegation of child abuse where the victim is less than 11 years of age
- o Cases where the victim is less than 13 years of age and is the victim of any sex crime or attempted sex crime

PRECINCT SQUAD CASES

Preinct Squads will investigate active misdemeanor cases referred for investigation including:

- o Sexual Misconduct
- o Sexual Abuse 2nd and 3rd degrees
- o Forcible Touching

Child Abuse Cases

- o Allegation of child abuse where the victim is 11 years of age or older
- o Endangering the Welfare of a Child

ENHANCEMENTS

Special Victims Squad - enhance arrests by precinct squad or patrol for:

- o Stranger rape
- o Child Abuse - victim less than 11 yoa
- o Sex Crime - victim less than 13 yoa
- o Other unusual or high profile cases including sex crime patterns and cases involving multiple perpetrators

Precinct Squads - enhance arrests affected by patrol for:

- o Acquaintance rape
- o Domestic rape
- o All other sex crimes - victim 13 yoa or older
- o All other child abuse - victim 11 yoa or older

Appendix G
Internal NYPD Memoranda: “Request Staffing Assessment by the Office of Management Analysis and Planning” (November 24, 2014)

**POLICE DEPARTMENT
CITY OF NEW YORK**

November 24, 2014

From: Commanding Officer, Special Victims Division
To: Chief of Detectives
Subject: **REQUEST A STAFFING ASSESSMENT BY THE OFFICE OF MANAGEMENT ANALYSIS AND PLANNING**

1. The undersigned is requesting a staffing assessment to address new and additional operational demands placed upon the Special Victims Division.
2. The operational areas within the Special Victims Division that have had new work demands placed upon them and are thus in need of additional staffing:

A. The opening of a Bronx Child Advocacy Center –

In February 2015, Safe Horizon will open the Bronx Child Advocacy Center (BxCAC). The Child Advocacy Center (CAC) is a joint multi-disciplinary team (MDT) operation that involves five on-site partners. The on-site partners are Safe Horizon, NYPD, ACS, DA's office and a forensic medical provider. As is the case in the other 3 joint MDT CACs in New York City, the NYPD will have to establish and staff a Child Abuse Squad and co-locate them in the newly opened CAC. The Bronx CAC will be located at 1775 Grand Concourse, Bronx.

Currently, child abuse complaints are investigated along with adult sexual assault complaints by the BxSVS. The creation of a BxCAC will, as stated, necessitate the creation of a Bronx Child Abuse Squad (BxCAS). Obviously, some number of personnel could be reassigned from the BxSVS to a newly created BxCAS, but a properly sized investigative complement will need to be maintained in the BxSVS to ensure correct investigative outcomes for Bronx adult sexual assault investigations.

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Internal NYPD Memoranda: “Request Staffing Assessment by the Office of Management Analysis and Planning” (November 24, 2014)

B. SVD Cold Case DNA Hit/Matches – (Creation of a SVD DNA cold case Squad)

In August 2013 SVD was assigned, in one batch, 756 cold case unassigned DNA hit/match cases. Since the initial batch was received, SVD has been receiving approximately 40 DNA cold cases per month. The term unassigned means there is no assigned ECMS case for the OCME's Department of Forensic Biology to automatically link a forensic report. The reason there is no link is that the cases were initiated prior to ECMS becoming operational. They are paper cases. The cases have a date range from 1986 to 2008.

DNA hit/matches are increasing because on August 12, 2012, a new state law expanded DNA submissions. As of 2012, DNA samples are required from convicted offenders for **all felonies in any state law and all Penal Law misdemeanors**. This has resulted in DNA databanks increasing their number of convicted offender profiles and thus increasing the number of DNA profile hits/ matches.

The cases represent crime scene forensic sample to Convicted Offender matches, referred to as “**Hits**” in NYPD terminology. These “Hits” originate from any of the three CODIS data systems (LDIS, SDIS and NDIS). The cases also represent crime scene forensic sample to crime scene forensic sample matches, referred to as “**Matches**” in NYPD terminology. They also originate from any of the three CODIS data systems. (LDIS, SDIS and NDIS)

SVD was given no additional staffing to manage the investigative resolution of these cases. In any event, last September the undersigned established an ad-hoc SVD DNA cold case team that consisted of 1 Sergeant and 5 detectives temporarily pulled from the SVD borough squads. The SVD borough squads, already insufficiently staffed (due to the assignment of an additional 2,000 sex crime misdemeanor cases per year from a 2011 Department Policy change), experienced additional operational problems from the loss of personnel to this newly formed team. The operational impact from the policy change along with the chronic and systemic organizational logistical problem of never being able to effectively maintain the Division's personnel strength at the Department mandated 176 Dets/POs forced the ad-hoc SVD DNA cold case team to be abandoned after 9 months. All personnel were placed back into the catch.

As of this writing there are approximately **1400 DNA cold cases** in backlog. They are sitting dormant. The backlog continues to increase with each new hit/match received from the OCME's office.

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SVD DNA cold cases are sensitive, legally difficult, and time consuming. They require finding the original physical paper case folder, or if one does not exist, retrieving the DD5 documents stored at the Criminal Records Section located in the basement of 1 Police Plaza. There are many occasions when only the original Complaint Report can be found and in some cases the only document that exists is the Property Clerk's Invoice. Thus, the case has to be reinvestigated utilizing the limited information available after a vast time lapse.

Subsequently, the victim has to be located, interviewed in person, and scheduled for an interview with the DA's office. Due to the depth of the trauma and the time lapse of the cases, only an in-person interview of the victim is allowed. **(To demonstrate the depth of trauma and damage done to a victim of rape, it has been a common occurrence for a person who has been raped 20 years ago to instantly yell out, “Did you catch him?”, when SVD detectives introduce themselves and state they are detectives from the NYPD Special Victims Division.)**

The cold case investigation continues by locating witnesses, stored evidence, finding the offender and interviewing him, flying or bringing the victim in for grand jury, getting a take-out order for the perpetrator and invoking an out of state extradition process. All of these investigative steps have extended cycle times.

Over the past twenty years many of these victims have left the city and are residing throughout the country, thus necessitating travel.

The SVD DNA cold cases represent various sexual assault investigative scenarios. These scenarios include unsolved stranger rapes with identified offenders, serial stranger rape patterns, and child sexual assaults. The Division's current investigative production capacity cannot handle the caseload, workload and quality levels these types of cases mandate. This mandate requires a dedicated SVD DNA Cold Case Squad.

The most important point here is the quality level needed. Since SVD DNA cold cases represent hideous crimes that could possibly be solved and also represent unapprehended sexual predators, each and every case must have its investigative pathways fully exhausted. This requires a separate skill set and a dedicated management focus on correctness. This can only be achieved by a dedicated unit.

C. Increase of Registered Sex Offenders –

The Sex Offender Monitoring Unit was established in 1996 as a result of Governor Pataki signing into law the NYS “Sex Offender Registration Act” known also as “SORA”. Most states in the country have passed such

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legislation after the rape and homicide of Megan Kanka, a 7 year old girl in Mercer County, New Jersey by her neighbor, a convicted sex offender.

Over the past 17 years the number of Registered Sex Offenders (RSOs) that are registered in New York City has gone from 2,067 in 1997 to 7,227 in 2014. This is an increase by a factor of 3.5. Each Registered Sex Offender represents a case. These cases are perpetual. They never close. Each RSO, depending upon their registration level, requires a different set of work tasks.

In 1997, SOMU was staffed with 1 Sergeant and 8 Police Officers. Today, they are staffed with 1 Lieutenant, 1 Sergeant and 13 Dets/POs. The caseload has increased by a factor of 3.5, but the staffing level has only increase by a factor of 1.6.

The operation is organized into two groups: 1) the Monitoring Team and 2) the Apprehension Team. The Monitoring Team manages, on average, 50 new or maintaining compliance Registered Sex Offenders daily. The Apprehension Team is tasked with finding and arresting those RSOs that are out of compliance.

Based on visiting every RSO in the precinct where Avonte Oquendo, the autistic child from Queens that was missing this past year and a recent effort to visit every RSO in Staten Island, the SVD estimates that the “Not at the registered location” rate is about 15%. “Not at the registered location” means there was no evidence that the RSO has ever lived there or has lived there in years. With 7,227 RSO in New York City, that equates to **approximately 1,080 Registered Sex Offenders not living at the addresses they report to be**, and are thus in violation of the State’s Sexual Offender Registration Act.

D. Sexual Assault Liaison with 145 University/Colleges –

In recent months there has been a large public focus on sexual assaults on college campuses. There are efforts underway to pass new legislation at both the State and Federal levels to address this concern. The media is reporting that 1 in 5 women on college campus become victims of sexual assault sometime during their 4 years of school.

There are 145 Universities/Colleges in New York City with an estimated 1,000,000 students. Last year, the Special Victims Division received only 12 complaints of sexual assault from those schools. In order to bridge the severe underreporting, the Special Victims Division has been requested by several different entities to reach out to and establish a productive liaison with these schools.

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SVD has a Special Victims Liaison Unit (SVLU) that has been operational since the late 1980's. Their current function is to liaise with the numerous Sex Crime Advocacy Groups in the city; the 5 Sex Crime Bureaus in the District Attorney's offices, the Volunteer Rape Advocate Groups in the city hospitals, Safe Horizon, ACS and to attend the monthly CAC Inter-Agency Operating Committee (IAOC) meetings in each borough. The SVLU is currently staffed with 1 person.

To make contact with and enter into a productive liaison with 145 University/Colleges will require additional personnel.

3. Special Victims Division investigations in the aggregate are unlike that of other Detective Borough/ Division cases or other investigative units in other Bureaus. They are in addition to being cases of very serious criminality that involve deep human trespass, they also have an investigative process demand, complex victim management dynamic, additional unique investigative steps, investigative task skill set requirement, investigative critical path, investigative task cycle time and a case cycle time that are distinct and different from other investigations.

4. Prior to spring of 2011, all sex crime Misdemeanors were investigated by the Precinct Detective Squads. In 2010, then Police Commissioner Raymond Kelly directed the formation of the "Sex Crimes Working Committee." The reason for the "Working Committee's" creation were several (including in many patrol commands) allegations of Rape/Attempted Rape complaints that were being classified as Forcible Touching (A-Misdemeanor); in addition, those victims were also being mistreated by patrol personnel.

Two organizational solutions were created by the "Working Committee" to correct the downgrading of rape complaints. The first solution was the creation of the Sex Crime Analytical Group (SCAG) within the Special Victims Division. The SCAG reviews all Penal Law section 130 sex crime Complaint Reports for the previous 24 hours to see if they were classified correctly. The other organizational solution was the assignment of all Penal Law sex crime misdemeanors (non-Transit Bureau jurisdiction) open Complaint Reports to the Special Victim Squad of the Borough of occurrence. This action would ensure an experienced SVD investigator would conduct a special victim's interview of the victim and an investigation of the case facts in order to properly determine the crime classification.

5. *The policy change of centralizing the sex crime misdemeanors (Penal Law section 130) to the Special Victims Division was necessary to attempt to interdict a citywide epidemic of primitive sexual criminal behavior. The sex crime misdemeanors include Forcible Touching, Sexual Abuse 3, Sexual Abuse 2 and Sexual Misconduct. These crimes cover a series of actions that are unacceptable in a civil municipality. They include grabbing and locking onto the breast, buttocks and vagina of women. They include grabbing a person in the public space, and inserting a finger in that*

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person’s vagina and/or rectum. They include forcing a person’s hand onto the genitals of the offender. They include offenders ejaculating onto a person. These crimes are many times committed by serial offenders. Many of the people the Special Victims Division have arrested for the actions listed above have stated under questioning, without hesitation, that they have committed anywhere from dozens to hundreds of these acts.

6. This business rule change resulted in the assignment of over 2,000 Misdemeanor cases to the Department’s four Special Victims “Adult” squads per year. (The Child Abuse Squads, based on the Department’s definition of child abuse and SISVS were already receiving misdemeanors.) The negative impact on those four squads was considerable. Their caseloads were doubled and because of the non-linear nature of a criminal investigation, it resulted in close to tripling of the case cycle time. It created the condition that felony case investigative processes were constantly being disrupted by the intake of misdemeanors and their associated tasks at the cost of constantly stopping and restarting each felony case multiple times. The consequences were adult sex crime felony investigations were diluted, probable cause I-card searches were stopped, and felony sex crime pattern investigative efforts were shortened along with the 2,000 Misdemeanors, especially the stranger cases, a full exhaustive work effort has not been possible.

7. Part of the 2010 Police Commissioner’s Sex Crime Working Group Report was to determine staffing needs in response to the expansion of the Division. The “Staffing Model” that was created failed to correctly determine the correct staffing size taking into account SVD’s receiving an additional 2,000 sex crime cases.

The Model made several incorrect assumptions. It did not include into its calculations the nonlinear behavior of criminal investigations and the interdependency of tasks within an investigation. The Model also did not include the negative effect on current case work when additional cases are added to the production effort. The Model incorrectly distributed the 2,000 additional cases across all eight of the Division’s investigative squads instead of the 4 squads that actually received them.

The Model also incorrectly assumed the Adult Squad’s **case load** per investigator should be the same as a Child Squad investigator. The Model did not determine the historical case load per investigator of the Adult Squads and assumed the **work load** of an adult case was equaled to that of a child case. The Model failed to factor in the expanded and unique set of investigative steps of Special Victims cases and the long cycle time of those steps. The metric used by OMAP was the actual “case” and there was no attempt to estimate the numbers of hours available for investigative production. Additionally, OMAP failed to consider the number of hours needed for each new case and the additional hours needed for on-going cases being adversely impacted by the new additions. The Model also did not take into account the approximately 600 “stranger” misdemeanors that the Division would receive, which in essence have the same work demand as a “stranger rape.”

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In addition, the then Chief of Detectives and the undersigned were told the Police Commissioner already approved the report and it was not open to any form of discussion. Thus, we could not resolve the inaccuracy of the report's staffing model. We were also directed by the former Deputy Commissioner, Office of Management Analysis and Planning that we did not have to investigate every [misdemeanor] case. This was an unacceptable proposition for sex crime complaints and one in which the undersigned ignored.

8. In summary, SVD received an additional 2,000 misdemeanor cases a year beginning in May 2011; in addition to establishing a 7-days a week Night Watch operation; and being mandated to respond to hospital emergency rooms as first responders. To perform this extra work SVD staffing level was increased by an additional 19 Det/POs and was directed the Det/PO staffing level would now be 176. A review of Det/PO staffing levels for SVD since 2007 shows the following: 2007 – 169; 2008 – 166; 2009 – 162; 2010 – 139*; 2011 – directed to be 176; 2012 – 169; 2013 – 167; 2014 – 166. [The previous data was an actual head count as of December 31st of each year.] [* SVD was directed in 2010 not to pick up any personnel until it was decided what type of personnel would be authorized for SVD.]

9. The undersigned conducted a staffing analysis of the SVD investigative squads utilizing a three year average of Adult squad pre-misdemeanor “Policy Change” of 40 cases per year per Adult investigator coupled with a Misdemeanor adjustment factor of .75. In addition, for the Child Abuse Squads, the undersigned utilized 60 cases per year per Child investigator case load. This case load is recommended by the Child Advocacy Center’s accreditation organization, the National Children Alliance, and supported by the undersigned’s experience. The recalculated analysis showed the 2011 OMAP staffing model was short 50 investigators. In practice, this number can be negotiated because of the nature of the work, but the point is the 2011 Model was flawed.

10. The purpose of the preceding 5 paragraphs is to demonstrate there is no excess staffing in the Division to reallocate to the new operational demands listed in paragraph # 2.

11. The current OMAP authorized SVD, excluding the HCTF, headcount is as follows: Detectives/Police Officers (176), Sergeants (25) and Lieutenants (10).

12. For your information and necessary attention.

DC Michael J. Osgood

Michael J. Osgood
Deputy Chief

Appendix H
Internal NYPD Memoranda: “Special Victim Division Staffing Issues”
(Sept. 8, 2015)

POLICE DEPARTMENT
CITY OF NEW YORK

September 8, 2015

From: Commanding Officer, Special Victims Division
To: Chief of Detectives
Subject: **SPECIAL VICTIMS DIVISION STAFFING ISSUES**

1. As per your direction the undersigned submits the following information regarding Special Victims Division staffing issues.

2. SOMU projected Probable Cause I-Cards:

- a. Current staffing level of 15 UMOS – **165**
- b. Recently OMAP approved staffing level of 22 UMOS (7 additional) – **360**
- c. Recommended staffing level listed below of 29 UMOS - **600**

3. Breakdown of current case load per Investigator:

Attachment A, is the current case load per investigator breakout for each SVD squad. What is important here is Adult squads are different than Child Squads. Since there are 9 of them and SISVS is extremely low volume and the BxSVS recently split, it is best if each squad is listed separately.

4. Recommended case load per investigator:

SVD has two types of investigative squads: Adult and Child, they invoke different investigative processes thus they have different case load per investigators. The Adult Squad were in essence “Rape Investigations Squads” designed over decades to fully exhaust out all complaints, completely manage victims, work fully with the District Attorney’s Office and build complete and optimized prosecutable cases.

That historical design was a case load of 40 cases per investigator. Since rape investigations are equivalent to homicide investigations, a case load of 40 cases per

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(Sept. 8, 2015)

investigator is accurate. Adult Squad historical case load of 40 cases per Investigator is illustrated in Attachment B.

In 2011, all open Patrol Services Bureau sex crime misdemeanor complaints were assigned to Special Victims Division along with mandating SVD squads to be hospital first responders and to backfill night watch. That resulted in 2,100 misdemeanors being assigned to 4 Adult squad; MSVS, BXSVS, QSVS, BSVS. The misdemeanors were assigned with an inadequate staffing increase thus diluting the rape investigations and also resulting in the misdemeanor investigations to be inadequately addressed.

Recently the Organization has implied that sex crime misdemeanors and transit sex crime misdemeanors are equal in importance to rapes. The delivery of that level of investigative service requires a more complex case load per investigator formula. Such would still require 40 felony cases per investigator, 60 cases per stranger misdemeanor (stranger misdemeanors are equal in investigative process to Stranger Rapes) and 80 cases per non-stranger misdemeanor per investigator. Transit sex crime misdemeanors are equal in investigative process to stranger rapes and in addition very time consuming. This spectrum of cases requires a blended case load number.

The new case load per investigator and additional personnel is listed in Appendix C. Also listed are the new personnel for both adult squads and child squads. In Appendix C, misdemeanors were equated to felonies by using an adjustment factor of .75 and Transit sex crime misdemeanors were equated directly to stranger rapes.

The recommended case load of a Child Squad is 60 cases per investigator. This is based on the undersigned's direct knowledge of the Child Abuse investigative process and the Child Advocacy Center dynamic. This caseload is also recommended by the National Children Alliance (the national organization that accredits Child Advocacy Centers).

A. Adult Squad recommended case load – **40/60/80 blend (.75 Adjustment Factor)**

B. Child Squad recommend case load per investigator - **60**

5. New Personnel Breakdown:

As per Attachment C, under a correct staffing model SVD requires, in its 9 investigative squads, 189 Det/POs. That number is calculated by having both sex crime felonies and transit sex crime misdemeanors assigned at a rate of 40 cases per investigator along with misdemeanors being adjusted to a felony count by a factor of .75.

The current OMAP authorization for those 9 squads is 146 Det/POs. Thus SVD requires an additional **43 Det/POs for its 9 investigative squads**. The 9 squads are

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currently staffed at 131 meaning they are 15 persons short. Those 15 have been submitted and are currently in process.

In addition the following SVD units have been incorrectly staffed.

Instant Response Tracking Unit - the IRTU was created after the death of Nixmary Brown in 2007. It acts as both a dispatching and tracking unit for the 4,000 IRTs the NYPD receives. Its historical staffing model determined by OMAP was 13. It is currently at 6. Over time, the unit had to be stripped to staff the Investigative Squads. **New personnel needed is 7 to return it to its original strength.**

Data Analysis Unit – SVD has limited and inadequate data analysis capacity. Currently there are 4 UMOS that track and classify all rapes and also analyze all sex crime complaint reports for proper classification. There is a vast amount of Special Victim information the Department does not collect and analyze. An additional **4 persons** are needed to manage such.

Night Watch – SVD Night watch was establish in 2011. It originally was ordered to be filled nightly on a rotational basis. It currently has only 4 persons assigned and the Division must constantly utilize line squad personnel to staff it. An additional **2 persons** are needed.

Sex Offender Monitoring Unit - Over the past 18 years the number of Registered Sex Offenders (RSOs) that are registered in New York City has gone from 2,067 in 1997 to 7,500 in 2015. This is an increase by a factor of 3.8. Each Registered Sex Offender represents a case. The cases are perpetual. They never close.

In 1997 SOMU was staffed with 1 Sergeant and 8 Police Officers. Today they are staffed with 1 Lieutenant, 1 Sergeant and 15 Dets/POs. The case load has increased by a factor of 3.8 but the staffing level has only increase by a factor of 1.6. To keep pace with the increase in RSO the current staffing level should be 29 Det/POs.

Along with the increase in RSO there are also thousands of offenders not in compliance with state law. Thus placing great demand on SOMUs resources. Currently SOMU is authorized at 22 UMOS. Thus **7 new personnel are needed.**

6. Summary of New Personnel Request:

Investigative Squads - 43

IRTU – 7

DAU – 4

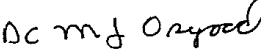
Night Watch – 2

SOMU – 7

Total - 63

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7. For your **CONSIDERATION**.


Michael J. Osgood
Deputy Chief

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Current Case Load for Special Victims Division
Investigators

UNIT	2014 Case Load	Current Staffing Level	Cases per Investigator
MSVS	1111	15	74
MCAS	855	13	66
BSVS	1367	16	85
BCAS	1706	19	90
QSVS	1045	18	58
QCAS	917	11	83
SISVS	388	10	39
BxSVS	925	19	49
BxCAS	940	10	94
Total	9254	131	71

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(Sept. 8, 2015)

Pre-Misdemeanor Special Victims Division Adult Squads 3
Year Average Staffing & Case Load Per Investigator

UNIT	2008	2009	2010	Average Staffing	Average Case Load	Average Case/Inv.
MSVS	17	16	15	16	546	34
BSVS	17	17	18	17	792	47
QSVS	20	17	17	18	589	33
SISVS	11	10	10	10	394	39
BXSVS*	24	25	22	24	1211	50
TOTAL	89	85	82	85	3532	42

* BXSVS received child abuse cases which already included misdemeanors.

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Special Victims Division Squads’ Projected Staff Needed
With Misdemeanor Adjustment Factor Applied to 2012 /
2013 / 2014 Misdemeanor Case Load for Adult Squads

UNIT	3 Year Pre-Misd. Average Cases 2008/ 2009/ 2010 or 6 year Average Cases	Felony Case Equivalent – (Misd. Cases with Misd Adjstmnt Factor Applied	Transit (Stranger) Misdemeanors	Total Felony and Felony Equivalent Case Load	Projected Staffing with 40 Case for Adult Squads or 60 Cases for Child Squads	Current Staffing	Additional Staffing needed	Percentage Increase
MSVS	546	380	131	1057	26	15	+11	73%
MCAS	757	N/A	N/A	757	13	13	0	0%
BSVS	792	420	61	1273	32	16	+16	100%
BCAS	1904	N/A	N/A	1904	32	19	+13	68%
QSVS	589	354	34	977	24	18	+6	33%
QCAS	893	N/A	N/A	893	15	11	+4	36%
SISVS	394	3	0	397	10	10	0	0%
BXSV S	475	338	27	840	21	19	+2	11%
BxCAS (child)	940	N/A	N/A	940	16	10	+6	60%
Total	7290	1495	253	9038	189	131	+58	44%

1. Six (6) year case average 2008-2014 Child Squads Only
2. Misdemeanor Adjustment Factor is .75 (See base document for explanation)

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**POLICE DEPARTMENT
CITY OF NEW YORK**

July 19, 2015

From: Commanding Officer, Special Victims Division
To: Chief of Detectives
Subject: **REQUEST STAFFING ASSESSMENT BY THE OFFICE OF MANAGEMENT ANALYSIS AND PLANNING**

1. The undersigned is requesting a staffing assessment in regards to the below listed operational issues for the Special Victims Division.
2. Special Victims Investigative Services in the NYPD has gone through an evolution over the past 5 decades. In the 1960s, felony Sex Crime Squads were formed that reported to the Detective Boroughs. In 1986, in the Borough of Brooklyn, the first Child Abuse Squad was established along with New York City's first Child Advocacy Center. In 1996, the Sexual Offender Monitoring Unit (SOMU) was created in response to the then newly enacted Sexual Offender Registration Act (SORA). In 1997, the Department's Sex Crime Squads were renamed to Special Victims Squads. In 2003 the Special Victims Division was created. In 2007, the Queens Child Abuse Squad was created along with the Queens Child Advocacy Center. In 2009, the Manhattan Child Abuse Squad was created along with the Manhattan Child Advocacy Center. In 2011 all Patrol Services/Housing Bureau open sex crime Misdemeanor complaints were assigned to the Special Victims Division Squads. In addition, a Special Victims Division Night Watch; Sex Crime Analytical Group and borough based Special Victims Squad detectives were mandated to be first responders in lieu of Patrol personnel to sexual assault victims in hospital emergency rooms. February of 2015, the Bronx Child Abuse Squad was created along with the opening of the Bronx Child Advocacy Center and in May 2015 a SVD DNA Cold Case Squad was authorized
3. Special Victims cases are unique. In New York City there are numerous Special Victim advocacy groups. Hospitals have Sexual Assault Response Teams (SART) that are on standby 24 hours a day. Each hospital SART has both a Licensed Social Worker and a Volunteer Advocate as team members along with a Sexual Assault Forensic Examiner (SAFE) and a Registered Nurse. The advocates and SART personnel network continuously with each other and monitor the NYPD's interaction with victims. In Manhattan, Brooklyn and Queens the advocates and SART personnel meet monthly.

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The leading Advocacy Group in New York City is the New York City Alliance Against Sexual Assault. The Alliance, as it is called, played a key role in 1996 in having the NYPD rename its Sex Crime Squads to Special Victims Squads; creating the Special Victims Division in 2003 and acted as the main catalyst in 2010 for the NYPD to form a Sex Crime Working Committee to address several issues involving New York City sexual assaults which included the NYPD down grading rape complaints and mistreating sexual assault victims. The 2010 Sex Crime Committee’s findings resulted in numerous changes to the Special Victims Division that were implemented in 2011.

Along with the above, each of the 5 New York City District Attorney Offices each has a Sex Crime Bureau and a Child Abuse Bureau. All the Special Victims ADAs in all 5 boroughs stay in constant contact with each other and if necessary will cohesive together to complain.

Sexual Assaults on college campuses and in the United States Military have been a main topic in current American culture portrayed constantly in the main stream media.

The Department of Justice has examined sexual assault investigations in several Police Departments in the country. In every city in which the Police Department has an independent Inspector General they have examined the Police Department’s handling of sexual assaults. Whether it was the Department of Justice or a local Inspector General or even a local Advocacy Group the complaints are always the same; the police downgrade rape complaints; police make too many sexual assault cases unfounded; the police have too many victims who do not cooperate; the police force victims to falsely recant; there are too many sexual assault cases with no arrests; and victims are treated poorly by the police.

No other crime has such a focus, scrutiny and suspicion regarding proper police response.

4. Along with the public focus, scrutiny and suspicions of the handling of Sexual Assaults the investigative work is made even more labor intensive by the inherent nature of such cases. **Legal human sexuality is complex; illegal human sexuality is even more complex.** This results in a percentage of sex crime complaints that are totally false; and a percentage of complaints that are bona fide but the victim offers information that is both factual and false; and a percentage of complaints that sex has occurred but it is not illegal. This phenomenon causes extra investigative work that is not present in most other criminal investigations.

Thus the below listed recommendations are requested for the continuous organizational improvement of the delivery of Special Victims Investigative Services to the citizens of the City of New York.

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A. Establishment of a Special Victims Major Case Squad –

In the Spring of 2011 Department Policy was modified to mandate all open sex crime misdemeanor complaints from Patrol/ Housing be investigated by the Special Victims Division's Adult squads. Previously, they were investigated locally by the Precinct Detective Squads. The assignment of sex crime misdemeanors to the Adult Squads diluted the available investigative production hours the Adult Squads exclusively applied to its sex crime felony investigations. Thus the rigor and depth of very serious sex crime felony cases and their investigative outcomes were negatively impacted. As an example, below is the staffing/caseload ratio for the Manhattan Special Victims Squad for 2010, the last year Special Victims Adult Squads only investigated felonies compared to the most recent year of 2014:

MSVS 2010 caseload vs 2014 caseload:

Year	Staffing	Cases	Caseload per investigator
2010	14	597	42 (2010 last year SVD only caught felonies)
2014	14	1100	79

When one adds in the 2011 policy changes that MSVS detectives are mandated to be the first responder to hospital emergency rooms for Sexual Assault Victims; backfilling SVD night watch and the additional work generated by the recently implemented Video Interrogation Program and then coupled it with the additional misdemeanor caseload it is self-evident the sex crime felony investigations have been diluted.

The Special Victims Division has been averaging approximately 300 **Extreme Trauma Stranger Sexual Assault** cases a year. Extreme Trauma Sexual Assault includes **Rape; Criminal Sex Act; and Aggravated Sexual Assault**. They are equal to or greater in investigative effort than homicide investigations. The Department, fortunately, averages less than 10 stranger homicides a year.

The Special Victims Division averages 15 serial stranger rapists a year. Stranger rape is one of the most severe crimes a person could experience. The Department averages only one serial stranger murderer once every 25 years.

The Special Victims Division also averages about 50 child cases a year in which the victim is under 4 years of age, where the child is either dead or very seriously injured and the case requires an **Advanced Investigation**. An Advanced Investigation is one that requires numerous highly skilled investigators weeks or months to resolve and requires constant application of labor to perform.

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Extreme Trauma Stranger Sexual Assault; Serial Stranger Rapists; Child Advanced Investigations and High Profile cases most times results in a substantial number of both the catching Squad's and Division detectives being taken off the production line for days and many times weeks. It is common to have ten, twenty or thirty Special Victim detectives assigned exclusively on these types of cases. Thus delaying work on numerous other cases.

In addition to the dilution of Special Victims sex crime felony investigations by the assignment of sex crime misdemeanors in 2011 and the soon to be assigned Transit Bureau misdemeanors (see below) coupled with a Division that must resolve 300 Extreme Trauma Sexual Assault stranger cases a year ; 15 stranger rape patterns a year ; 50 plus very complicated child victims under 4 dead or very seriously injured cases and a non-stop stream of High Profile cases in the environment in which Police Departments are **accused** of down grading rapes; falsely unbounding cases; forcing victims not to cooperate; inducing victims to falsely recant and not resolving sexual assault complaints with arrests a **Special Victims Major Case Squad** is being requested to add investigative support to the Division's 9 Special Victims Squads. A Special Victims Major Case Squad would act very similar to a Detective Borough Homicide Squad that supports the Precinct Detective Squad in homicide investigations.

B. Establish a Special Victims Stranger Rape Cold Case Squad –

The most vicious type of sexual assault and one of the most hideous crimes in society is the stranger rape. A stranger rape is the ambush sexual attack of a woman, walking down the street or entering her home, by a male she has never meet before. There is normally a large amount of physical violence, threats, injuries and dehumanization. It causes lifetime damage and strips the victim of all dignity. **Stanger Rape is a scourge.** The depth of the damage incurred by the stranger rape victim is simply demonstrated by the following fact: On numerous occasions when a victim of a stranger rape, that has occurred a decade or more ago, is approached by a Special Victim detective and subsequently introduces themselves by title, name and unit, the first response of the victim is, “Did you catch him!”, the victim often breaks into tears.

The undersigned estimates there are over 6,000 reported stranger rapes, in New York City over the past thirty years. In addition, during that time period, it is estimated there were more than likely 20,000 or more **non-reported stranger rapes**. Even though Department records are difficult to sort through it is estimated only about 20% of reported stranger rapes, during the above time period were solved with an arrest. Thus it is estimated, over the past 30 years, there are more than 4,000 stranger rape cases that are unsolved in New York City. There is a percentage of the 4,000 caes that were misclassified as **Investigate Aided/Unclassified Complaint** during the 1980s, 1990s and the early part of the 2000s and a number of them were incorrectly closed **Unfounded** between 1985 through 2010. **Once a stranger rape investigation is closed as not solved by the Special Victims Squad concerned the case is never looked at again.**

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Approximately, 15% percent of stranger rape cases produce a nucleated celled biological substrate allowing a DNA profile to be developed. The majority of those profiles, within months of case intake are matched to a Convicted Offender's profile that is stored in a DNA data bank. Thus, a vast number of Cold Case Stranger Rape cases' solvability is not dependent on a DNA profile hit to a Convicted Offender. Their solvability is dependent on old fashioned disciplined investigative labor.

The undersigned has categorized the above as **The Stranger Rape Problem**. Simply put it is , **“the failure of government and society to focus sufficient resources on the large number of unresolved stranger rape cases and the subsequent interdiction of the stranger rape offender pool.”** It is one of the most ignored issues in modern policing/criminology. Thus the undersigned requests a **Stranger Rape Cold Case Squad** be established to attempt to bring justice and closure to thousands of victims. Such a squad would be tasked with reopening every unsolved stranger rape; every Investigate Aided and every Unfounded stranger rape from 1985 to present and attempt to resolve them.

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D. Assignment of Transit Borough Manhattan’s Sex Crime Misdemeanors to the Manhattan Special Victims Squad (MSVS) –

The Special Victims Division has been notified that the Manhattan Special Victims Squad will be receiving open sex crime Misdemeanor Complaints that occur in Transit Borough Manhattan. That is, open sex crime Misdemeanor case responsibility will be removed from the Central Robbery Division’s Manhattan Transit Squad and assigned to the Manhattan Special Victims Squad.

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Last year Manhattan Transit Squad received 131 cases involving Sex Abuse 2nd and 3rd, Public Lewdness or Unlawful Surveillance. Transit Bureau complainants can be multi-state complainants. Victims come from all 5 Boroughs plus many other states. All 131 cases are stranger cases. They require long travel times for each investigative task. Including traveling Borough-wide; city-wide and multi-state-wide from everything from victim interviews, showing photo arrays, picking up victims to do a sketch, picking up victims to do a canvass, picking up victims to do a line-up, along with basic local investigative steps like responding to the crime scene, traveling to pull external video, traveling to canvass for witnesses and traveling to hand out flyers. Many times the above steps must be repeated numerous times. To contrast this local Precinct Detective Squad's travel load is minutes per investigative task as Borough-wide/City-wide Squad's travel load is hours per investigative task.

As shown in Paragraph A above the Division's capacity to investigate its sex crime felonies was diluted and negatively impacted in 2011 when it began receiving, with an incorrect staffing allocation, over 2,000 Misdemeanors a year. So for MSVS to subsume responsibility for 131 multi-state victim based transit system stranger cases under the current investigator/ caseload ratio, it will require a substantial increase in staffing to stop additional dilution to the unit's sex crime felony investigations.

E. Establishment of a Special Victims City-Wide Transit Sex Crime Squad –

With the direction that MSVS be assigned Transit Bureau Manhattan open sex crime Misdemeanor complaints, the undersigned recommends the creation of a Special Victim City-Wide Transit Sex Crime Squad in lieu of assigning Transit Misdemeanors to the Special Victims Borough Squads.

The Transit System environment is unique. It requires a special knowledge of commuter behavior; train routes; conductors, token booth clerks, Transit Authority rules; Transit employee's union rules and location of the Transit Authority work locations just to name a few. The Transit System sex crime misdemeanor offenders are also committing Public Lewdness (PL 245.00) and Unlawful Surveillance 2 (PL250.45) crimes. The Transit System sex offenders are a group of recidivists that offend system wide. The Transit sex offender does not offend top-side. **They are a self-contained closed system group.**

The business model offered in Paragraph D of having the borough based Special Victims Squads catching Transit sex crime Misdemeanors is flawed. The borough based Special Victims Squad detective would never acquire the intimate knowledge of the Transit system due to catching order of a squad.

It is well known that sexual assault on commuters of the Transit system occurs in large numbers. The vast majority of them go unreported. They are unreported for many reasons including but limited to the trains are crowded during peak offender hours and the victim is not able to easily find a Police Officer, the victims are traveling and don't have the time to stop and make a formal complaint; many victims just accept that level

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of victimization. The undersigned's experience determines that only 5% to 10 % of victims of sex related Misdemeanors report.

In 2014 Central Robbery Division's Transit Squads received 253 open sex related Misdemeanor complaints system wide. In addition Transit Bureau affected about 336 sex related Misdemeanor arrests system wide.

It is recommended a Special Victims Division City Wide Transit Sex Crime Squad be established. Such squad would gain the necessary expertise of the environment and its offenders. Such a dedicated squad can also be tasked with the enhancement of every Transit Bureaus sex related arrest, particularly since there is the strong possibility such acts will be upgraded to Felonies by the end of the year.

It is also recommended such a unit be authorized to create a sex related offender surveillance/decoy team to enhance the interdiction of this behavior and its victimization. If the unit is approved the undersigned recommend a Captain be allocated to command the unit. A Captain is needed because the unit will have to interact with the Chief of the Transit Bureau and senior executives of both the Transit Authority and the Metropolitan Transportation Authority.

F. Special Victims Division Victim Restoration Assistant Group -

The Special Victims Division receives over 10,000 cases each year of Adult Sexual Assault, Child Physical Abuse and Child Sexual Abuse. The spectrum of trauma runs from minimum to lifetime crippling. Currently Special Victims investigator(s) will interact with the victim at the point of case intake and **maybe** a few more times during the investigation but once the case is closed the NYPD never interacts with the victim again.

There is no initial assistance on any level by the NYPD for the victim's trauma and no follow up of any type after the case is closed. It is requested a SVD Victim's Restoration Group be established. The Group will require the authorization of new hires. It will conceptually consist of a small team of Licensed Social Workers managed by a qualified Psychologist. Their job would be to offer initial counseling and guidance and follow-up in later time intervals to assist in helping victims restore themselves to as close to a normal state as possible.

It is estimated a properly size Group will make close to 10,000 positive victims contacts (community engagements) with New York City citizens a year. Each positive contact will result in that victim informing multiple persons of the NYPD's positive behavior. The total aggregate number of NYPD positive contacts and their propagations would be in the tens of thousands a year and be greater than any one or several Precincts' Neighborhood Policing effort could generate. This will transform the NYPD from being not just a pre-incident organization but also a post-incident organization.

Appendix I
Internal NYPD Memoranda: “Request Staffing Assessment by the Office of Management Analysis and Planning” (July 19, 2015) (All redactions original, by NYPD)

G. Expansion and Renaming of the Special Victims Division’s Sex Crime Analytical Group -

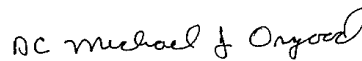
The Special Victims Division has limited data analysis capacity. Three Uniformed Members of the Service, on a full time basis, track and manage all rapes and criminal sex acts to ensure accurate reporting. Two additional Uniformed Members of the Service review all Sex Crime (Penal 130) Complaint Reports for the past 24 hours to ensure they are classified correctly. This is to ensure Rape complaints are not mistakenly or intentionally downgraded anywhere in the city.

As listed in Paragraph 3 above, Police Department’s handling of Sexual Assaults throughout the country are under constant scrutiny. The Special Victims Division does not discover, organize, validate and produce any additional sex crime data than that listed in the paragraph above. Recently the Division has been directed to produce detailed reports on sex crime Misdemeanors and on Child Abuse cases. Each report required line detectives be pulled out of the catch, for several days, in each of the Special Victims Squads to produce those reports.

The Special Victims Division does not have the capacity and thus does not currently track recants, uncooperative victims, IRTS, LERs, DA referrals, sex crime misdemeanors, Transit Bureau sex crimes, Patrol/Housing/Transit sex crime arrests, Extreme Trauma Sexual Assault, sexual crimes in the public space vs private space, sexual crimes stranger vs sexual crimes known to and dozens of other important operational data, necessary to improve the delivery of Special Victims Investigative Services. More importantly, the inability to produce such data makes it infeasible to prevent or correct operational defects - the defects which are under suspicion everywhere in the county .

It is requested that the Special Victims Division Sex Crime Analytical Group be renamed to Special Victims Data Analysis Group and incur an increase in staffing to upgrade its data analysis capacity.

5. For your information and necessary attention.



Michael J. Osgood
Deputy Chief

Appendix J
Internal NYPD Memoranda: “Internal Detective Bureau Staffing Analysis”
(January 12, 2017)

Report Under:
SVD# 17 / 17

POLICE DEPARTMENT
CITY OF NEW YORK

January 12, 2017

From: Commanding Officer, Special Victims Division
To: Commanding Officer, Chief of Detectives
Subject: **INTERNAL DETECTIVE BUREAU STAFFING ANALYSIS**

1. The Special Victims Divisions is charged with the investigation of sexual assaults, child abuse, and the monitoring of Registered Sex Offenders. The Division has a number of different units that do not directly investigate crimes and instead perform functions that are unique in the Detective Bureau. They include the Instant Response Tracking Unit (IRTU), the Data Analysis Group (DAG), the Special Victims Liaison Unit (SVLU) and the Sex Offender Monitoring Unit (SOMU). An explanation of the functions of these units is as follows:

The IRTU was created in June of 2006 as a result of the Nixsmay Brown homicide. It is staffed by ten (10) non-investigative tracked Police Officers. The unit requires a dedicated supervisor, however, that position is currently vacant. The Instant Response Tracking Unit process, assigns and monitors all Instant Response Tracking cases (IRTs) and Law Enforcement Referrals (LERs) it receives from the Administration for Child Services. Both IRTs and LERS originate from the New York State Office of Child Family Services Child Abuse Hotline. The IRTU is the lynch pin to the rest of the Department to over 7,000 very serious and critical child abuse cases the IRTU receives each year. The IRTU also acts as an intake unit for all live cases emanating from the Department’s Hospital Response Protocol, Precinct notifications of sexual assaults and 911 rerouted hospital based call. The IRTU also staffs the Sex Crimes Report Line (Rape Hotline).

The Data Analysis Group was created in May of, 2011, as a direct result of the Police Commissioner’s Working Committee on Sexual Assaults. The Group is slated for a supervisory staff of a Lieutenant and two Sergeants. At this time, they are staffed by one (1) Sergeant and six (6) Investigators. The Data Analysis Group analyzes all Sex Offense Complaint Reports for all New York State Penal Law Section 130, to ensure proper Crime classification. In 2016 they analyze over 6,300 sex crime Complaint Reports for proper classification. They particularly discovered and upgraded 63 rapes that were incorrectly classified as non-rapes. In addition, the unit dynamically tracks and manages all rapes and criminal sex acts. They also analyze other relevant information to identify

Appendix J
Internal NYPD Memoranda: “Internal Detective Bureau Staffing Analysis”
(January 12, 2017)

sex crime related trends, incident clusters and patterns in connections to active Investigations.

The Special Victims Liaison Unit was formerly a part of the Office of Chief of Detectives and its duties included the aforementioned Rape Hotline. The Unit and its duties were transferred to the Special Victims Division upon its creation in 2003. It is currently staffed with one (1) Investigator. The Unit develops and conducts training on sex crimes and child abuse investigations for members of the Department. They provide prevention awareness education to the community. They maintain liaisons with other agencies, public and private hospitals, District Attorney’s Offices and the numerous sexual assault advocacy groups.

The Sex Offender Monitoring Unit was created in 1996 in order to comply with the New York State Sex Offender Registration Act (SORA). SOMU is a SORA Act Compliance Unit and is in essence a Field Office for New York State Department of Criminal Justice Services Sex Offender Registry. The Unit has a recommended staffing level of twenty two (22) Investigators and Police Officers. It is currently staffed with one (1) Lieutenant, one (1) Sergeant, eight (8) Investigators and seven (7) non-tracked Police Officers. The Unit is charged with monitoring in excess of 14,000 Registered Sex Offenders (RSOs) in New York City. The unit conducts over 10,000 in-office sex offender compliance assessments a year, manages over 15,000 DCJS disseminations a year and distributes over 1,000 notifications to the Patrol Boroughs a year. The Unit is also responsible for the investigation and apprehension of Registered Sex Offenders who are non-compliant with the New York State SORA Act.

A review of these entities demonstrates that while they are not directly investigating crimes, they do, to the level their staffing levels permit, perform the business functions that they were established for. The units are necessary and their staffing levels are not amenable to downsizing.

2. The undersigned has reviewed the workload and the staffing levels of the SVD Investigative Squads and states the following:

In 2010, the Police Commissioner’s Working Committee on Sexual Assaults which consisted of representatives from the Mayor’s office, members from various advocacy groups and ranking members of this Department, completed a thorough review of the New York City Police Department’s response to handling sexual assaults. This Committee was formed due to numerous public complaints of downgrading Rape Complaints, not correctly classifying Rape Complaints, the mistreatment of Rape Victims by Patrol and ongoing fighting between SVD detectives and the DA Sex Crime Bureaus ADAs. The Committee made several recommendations that were subsequently implemented including the aforementioned creation of the Sexual Assault Data Analysis Group, the creation of a Special Victims Division Nightwatch and the SVD Hospital Response Protocol (HRP). The HRP mandated SVD detectives be the first and only responders to the Emergency Rooms for a sexual assault victim who is seeking treatment. In 2016 SVD perform over 500 Hospital Responses under this protocol. The recommendation that most impacted the Special Victims Division was the decision to have all sex crime misdemeanors assigned to the Special Victims Division Adult Squads for

Appendix J

Internal NYPD Memoranda: “Internal Detective Bureau Staffing Analysis” (January 12, 2017)

investigation. The purpose of the assignment of sex crime misdemeanors to SVD was in addition to investigating them was to have them properly reviewed by skilled SVD personnel so they would be classified correctly. There were some number of rapes being classified as sex crime misdemeanors. These misdemeanors were previously investigated by Precinct Detective Squads.

In order to provide for implementation of this recommendation, the Office of Management, Analysis and Planning (OMAP) completed an analysis of the Division’s caseload and made the recommendation that the Special Victims Squads, which include the Sex Offender Monitoring Unit and IRTU, but not including the HCTF, should have a mandated staffing level of 176 (Det. & PO) Investigators. Thus establishing SVD as one of the few units in the Department with a mandated headcount.

An analysis of the staffing levels for this Division for the years before and after the assignment of an additional 2,100 (approximately) misdemeanor cases is as follows:

2007 – 169 (Det. & PO) Investigators
2008 – 166 (Det. & PO) Investigators
2009 – 162 (Det. & PO) Investigators
2010 – 139 (Det. & PO) Investigators
2011 – 170 (Det. & PO) Investigators - OMAP directed 176
2012 – 169 (Det. & PO) Investigators
2013 – 167 (Det. & PO) Investigators
2014 – 166 (Det. & PO) Investigators

The undersigned contends that OMAP’s analysis of the Division’s workload was flawed and was based on a staffing level with an artificially low baseline of 139 Detectives and Police Officers, (in 2010, the Division was directed not to pick up any personnel until it was determined what type of personnel would be authorized . The average number of Investigators for the years 2007 thru 2009 was 166.) In addition, the OMAP analysis made two incorrect assumptions: which were the additional 2,100 misdemeanors would be distributed to all 11 of the then SVD units and the work load of a Child Abuse Squad case is equal to the workload of an Adult Squad case. In fact the 2,100 misdemeanors were assigned to just the Division’s 4 Adult Squads and a Child Abuse case is not as labor intensive as an Adult case. Thus the resulting re-sizing of SVD was highly inaccurate. OMAP determined the new staffing level for SVD would be 176 Detectives and Police Officers.

The new 176 staffing level had to not just investigate the 2,100 additional Misdemeanors it also had to staff the new Nightwatch, the new Data Analysis Group and the new Hospital Response Protocol. Thus the recommendation for an additional ten (10) Investigators (176 – the average of 166) was inadequate to address the additional workload. To survive this new operational demand the undersigned had to decrement SOMU, IRT and the Child Abuse Squads.

A staffing analysis performed by the undersigned shows the proper mandated staffing level should have been in the vicinity of 226 Detectives/Police Officers a difference of at least 50.

Appendix J

Internal NYPD Memoranda: “Internal Detective Bureau Staffing Analysis” (January 12, 2017)

In 2015, the Special Victims Division saw the creation of the DNA Cold Case Squad and the Bronx Child Abuse Squad. On March 6, 2015, OMAP recommended that the Division’s headcount of (Det. & PO) Investigators be increased by five (5) in order to allow for the operation of the BxCAS. On March 17, 2015, OMAP recommended the assignment of sixteen (16) additional Investigators to allow for the staffing of the DNA / Cold Case Squad. This same study recommended one (1) additional Investigator for SOMU, thus fixing the staffing level of the DNA Cold Case Squad at (15) fifteen (Det. & PO). In August of 2015, a mandate from the then Police Commissioner directed that SOMU’s headcount be increased by seven (7) Investigators. Thus the Special Victims authorized headcount was increased as follows:

OMAP’s recommendation to address caseload which now included Mids:	176
OMAP’s recommendation to allow for staffing of BxCAS:	5
OMAP’s recommendation to allow for staffing of DNA / Cold Case and one additional Investigator for SOMU:	17
Police Commissioner’s directive for additional personnel for SOMU:	7
Total recommended new staffing level:	205

In 2016, the Division saw the creation of the Transit Special Victims Squad, which handles all sex crime misdemeanors in the New York City Transit system. These misdemeanors were not previously assigned to the Special Victims Division. This squad was recommended to have a staffing level of twenty three (23) (Det & PO) Investigators. Thus the new mandated Division staffing level became 228.

An analysis of the actual staffing levels in December of 2016 was 190, a deficit of 38 (Det. & PO) Investigators from the recommended level. This deficit is a result of having to staff the BxCAS, SOMU and the TSVS in addition to the difficulties of recruiting qualified persons and the cycle time it takes to transact them through the Department’s personnel process. Very shortly SVD will be submitting 18 white shield packages for processing.

3. SVD, currently, has several **very serious** operational problems that place the Department at substantial risk and those problems are staffing dependent. They are:

A. On September 26, 2016, Zymere Perkins, a 6-year-old boy from Harlem died from injuries inflicted by his guardians. Zymere had been the subject of five cases conducted by the Administration of Child Services, one of which was conducted in conjunction with the Manhattan Child Abuse Squad. Two months later a second child (Jordon Jaden) was tortured and murdered in the confines of the 61st Precinct. The Administration of Children Services in a continued panic and fear of incurring any additional liability has taken a position of making as many cases IRTs and LERs as possible. Thus shifting the risk liability to the NYPD. This has resulted, since September 26, in a 100% increase in IRTs and LERs for the NYPD’s Child Abuse Squads. In the past, this surge of ACS cases have always been temporary. It appears the fear inside ACS is not subsiding and the surge has remained constant. (The undersigned has personally notified ACS executives if the surge of IRTs/LERs continues I will begin to reject

Appendix J
Internal NYPD Memoranda: “Internal Detective Bureau Staffing Analysis”
(January 12, 2017)

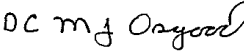
them. This increase of Child Abuse cases and more importantly the risk associated with these type of cases (The NYPD cannot be the cause of a future Zymere Perkins) has forced the undersigned to temporarily assign thirteen (13) Investigators from the Adult and Transit Squads to Child Abuse Squads. These re-assignments are proving insufficient to handle the increased Child Abuse workload. In addition the Department of Investigation (DOI) is pressing the Mayor's Office and ACS to expand the definition of an IRT. Thus it is highly probable the case load in the Child Abuse Squad will even double, from its current level, in the new future.

B. The SVD DNA Cold Case Squad which went operational in December 2015 has received an increase in Cold Case DNA hits/matches this past year. The unit started with a backlog of 1,600 DNA Hits/Matches. (It was this backlog and the unique skill set needed to work these types of cases and the extensive labor required to properly resolve them that the undersigned argued for the creation of a SVD DNA Cold Case Squad.) OMAP authorized 0 and 15 for the squad but due to the complexity of recruiting and transferring white shields into SVD and having to staff a newly created BxCAS; a newly created TSVS; increase the size of SOMU; the Adult Squads investigative demands, and recently assigning 13 detectives to manage the large increase in the cases for the Child Abuse Squads caused by the murder of Zymere Perkins the undersigned has only been able to assign 2 and 6 for a total of 8 to the DNA Cold Case Squad. The 8 are very skilled investigators and they have been able to resolve close to six hundreds (600) cases but it still leaves them with a backlog of 1,400. (They received an additional 400 cases in 2016.)

C. The recent comments by the Commanding Officer of the 94th Precinct in regards to rape has and will continue to bring extra focus on NYPD rape investigations. In 2016 SVD investigated 1800 rape allegations. As stated in paragraph 2 above, the incorrect staffing analysis by OMAP in 2010 has over burden the Adult Squads. Expectations of full victim centered management by any internal or external review will be hard to satisfy. To give one a sense of the workload difference: in 2009 (The last year before sex crime misdemeanors were assigned to SVD.) BSVS had 16 investigators and caught and estimated 700 cases. In 2016 BSVS had 14 investigators and caught 1507 cases. This investigator to case ratio is similar in the other SVD Adult Squads.

4. In order to properly address the increase in work load and risk caused by the assignment of over 2,100 sexual assault misdemeanors, the Hospital Response Protocol, a NightWatch squad and Data Analysis Group (an issue inadequately addressed on the basis of a flawed OMAP study) and the recently vast increase in Child Abuse cases. the undersigned recommends the Division's staffing level be increased significantly. In any event due to the substantial organizational risk that is spelled out in Paragraph 3 above SVD cannot incur a reduction of authorized headcount.

5. For your **INFORMATION**.


Michael J. Osgood
Deputy Chief

Appendix K
Internal NYPD Memoranda: "Information Requested Regarding the Staffing Analysis of the Special Victims Division" (November 11, 2015)

OMAP # 1395-15
MAS # 723-15

**POLICE DEPARTMENT
CITY OF NEW YORK**

November 11, 2015

From: Assistant Commissioner, Management Analysis and Planning
To: Chief of Detectives
Subject: **INFORMATION REQUESTED REGARDING THE STAFFING ANALYSIS OF THE SPECIAL VICTIMS DIVISION**

At your request, the Office of Management Analysis and Planning (OMAP) is performing a staffing analysis of the Special Victims Division (SVD).

To facilitate OMAP's analysis, please have the appropriate member of your staff provide the following information regarding SVD:


- An accounting of the total number "Extreme Trauma Stranger Sexual Assaults" (i.e., Rape, Criminal Sex Act, and Aggravated Sexual Assault); "Serial Stranger Rape Cases;" "Child Advanced Investigations;" "High Profile Sex Crime Cases," annually since 2011;
- The number of cases which were enhanced by data provided by the Hate Crime Task Force's "Predictive Model," and the overall number of cases processed by that Unit, annually since 2011 (if not applicable during that year, please provide as much annual historical data that is available, delineated by year);
- Average staffing level by rank of the Central Robbery Division's Transit Squad (CRDTS), annually since 2011;
- The number of Misdemeanor Sex Crimes that were investigated by CRDTS, and the total number of cases processed by that Unit, annually since 2011
- The quantitative formula and data that was used to determine that SVD's Restoration Assistance Group will conduct approximately 10,000 contacts with victims annually;
- The number of jobs or assignments performed by the three uniformed members of the service assigned to perform SVD crime analysis;
- Average staffing level by rank of all SVD sub-units, annually since 2011;
- An accounting of the workload and assignments completed by each sub-unit, annually since 2011;
- Cumulative operational overtime, annually since 2011;
- Training and specialized skills required by each sub-unit, and whether positions could be filled by civilian members of the service;
- Command rosters for each sub-unit which shows the tours performed for the month of January, since 2011;
- Names and information of points of contact(s) within SVD in order to discuss or gather further information, as needed.

Appendix K
Internal NYPD Memoranda: “Information Requested Regarding the Staffing Analysis of the Special Victims Division” (November 11, 2015)

OMAP # 1395-15
MAS # 723-15

Please have a member of your staff submit the above requested information to my office by November 27, 2015. If you have any questions or concerns, please contact Lieutenant Pamela Jeronimo at 646-610-8218 or pamela.jeronimo@nypd.org for further information.

For your consideration and necessary attention.


Ronald J. Wilhelmy
Assistant Commissioner

Appendix K
Internal NYPD Memoranda: "Information Requested Regarding the Staffing Analysis of the Special Victims Division" (November 11, 2015)

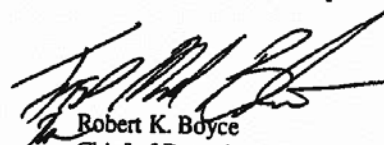
DCM ~~11/13~~ 1395-15

COD # 2196-15

Ref # 1285-15

FIRST ENDORSEMENT

Chief of Detectives to Deputy Commissioner, Management Analysis and Planning. July 21, 2015. Contents noted. I have reviewed the attached report from the Commanding Officer, Special Victims Division, requesting that a staffing analysis of the Special Victims Division, and its subunits, be conducted in an effort to address the operational challenges brought about by new and evolving crime trends, dynamic objectives and expanded policy mandates. Moreover, as demonstrated in the attachment, the investigators' caseloads have increased by almost 100%, incommensurate with staffing levels which have remained static. After examining this report—which includes proposed countermeasures—I have determined that the request for a staffing analysis is reasonable and justified. As such, I recommend **APPROVAL** of this request. Forwarded for your consideration.


Robert K. Boyce
Chief of Detectives

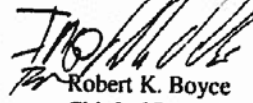
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Appendix K
Internal NYPD Memoranda: "Information Requested Regarding the Staffing Analysis of the Special Victims Division" (November 11, 2015)

COD#IL-3816-1
COD # 2196-15

SECOND ENDORSEMENT

Chief of Detectives to Chief of Department. August 12, 2015. Contents noted. I have reviewed the attached report from the Commanding Officer, Special Victims Division, requesting that a staffing analysis be conducted in an effort to address the operational challenges brought about by new and evolving crime trends, dynamic objectives and expanded policy mandates. Moreover, as demonstrated in the attachment, the investigators' caseloads have increased by almost 100%, incommensurate with staffing levels which have remained static. After examining the report—which includes proposed countermeasures—I have determined that this request is reasonable and justified. As such, I recommend **APPROVAL** of this request. Forwarded for your consideration.


Robert K. Boyce
Chief of Detectives

RKB:md


Appendix K
Internal NYPD Memoranda: "Information Requested Regarding the Staffing Analysis of the Special Victims Division" (November 11, 2015)

DCMB # 240-15-0006

REPORT UNDER
OCD #1L-3816-15
COD #2196-15
MAP #1395

THIRD ENDORSEMENT

Chief of Department to Deputy Commissioner, Management and Budget, October 20, 2015. Contents noted. Regarding the request for a staffing analysis for the Special Victims Division, I have no objection to the suggestion. The Commanding Officer, Special Victims Division is requesting an increase in staffing for current S.V.D. units given a policy change in 2011 that transferred responsibility for misdemeanor sex crimes complaints occurring in Patrol and Housing from Precinct Detective Squads to S.V.D. and the pending upcoming transfer of responsibility for misdemeanor sex crimes complaints occurring in Transit in Manhattan from the Central Robbery Division's Manhattan Transit Squad to Manhattan Special Victims Squad. He also has proposed expanding the Sex Crime Analytical Group and creating several new units: a Special Victims Major Case Squad, a Special Victims Stranger Rape Cold Case Squad, a Stranger Rape Predictive Modeling Group, a Special Victims Citywide Transit Sex Crime Squad, and a Special Victim Division Victim Restoration Assistant Group. I recommend that the Office of Management Analysis and Planning conduct an analysis to determine the feasibility of implementing these suggestions. For your **INFORMATION**.


James P. O'Neill
L **CHIEF OF DEPARTMENT**

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Appendix K
Internal NYPD Memoranda: "Information Requested Regarding the Staffing Analysis of the Special Victims Division" (November 11, 2015)

MAP#1395-15

**POLICE DEPARTMENT
CITY OF NEW YORK**

August 7, 2015


From: Assistant Commissioner, Management Analysis and Planning
To: Chief of Detectives
Subject: **REQUEST FOR A STAFFING ASSESSMENT BY THE OFFICE OF MANAGEMENT ANALYSIS AND PLANNING**

Recently, your office requested a staffing analysis (attached) of the Special Victims Division and its subunits in an effort to address operational challenges and increased caseload. This request was forwarded directly to my office.

Due to the high volume of such analyses, it has been determined that leave of this type must be forwarded through proper channels and approved by all overhead commands.

Accordingly, please re-submit this request through the Chief of Department's Office. Once approved, my staff will begin the analysis.

For your information and necessary attention.



Vincent Grippo
Deputy Commissioner

Appendix L
**Internal NYPD Memoranda: “Request The Start-Up of the Special Victims
Division Citywide Transit Sex Crime Squad” (May 19, 2016)**

**POLICE DEPARTMENT
CITY OF NEW YORK**

May 19, 2016

From: Commanding Officer, Special Victims Division
To: Chief of Detectives
Subject: **REQUEST THE START-UP OF THE SPECIAL VICTIMS DIVISION
CITYWIDE TRANSIT SEX CRIME SQUAD**

Introduction

The Special Victims Division was directed in 2015 to investigate open Transit System sex crime complaints. Previously, such crimes were investigated by the Borough Transit Squads within the Central Robbery Division. In response, the undersigned created a Pilot Project on January 1, 2016 in which Transit Borough Manhattan open sex crime misdemeanor complaints are investigated by the Manhattan Special Victims Squad. (Manhattan Special Victims Squad currently handles all Adult sex crime cases in the Borough of Manhattan other than Transit System misdemeanor sex cases.) In order to handle the increase in Manhattan Special Victims Squad’s workload and to mitigate the dilution effect on Manhattan Special Victims Squad rape investigations caused by the assignment of the Transit System cases, the undersigned transferred 1 Sergeant and 8 detectives from other SVD squads (thus negatively impacting rape investigations in the other 4 Boroughs) and assigned them to the Manhattan Special Victims Squad.

In July 2015, the undersigned submitted a “Request for Staffing Analysis” to OMAP on several proposed Special Victims Division initiatives one being the creation of a **Special Victims Division City-Wide Transit Sex Crime Squad**. In January 2016, the undersigned met with OMAP to discuss the operational and sizing issues of a City-Wide Transit Sex Crime Squad. On February 18, 2016, the Deputy Commissioner, Management and Budget submitted a proposal for a Special Victims Division City-Wide Transit Sex Crime Squad to the Police Commissioner.

Transit System Criminal Sex Investigative Environment

The Transit System criminal sex investigative environment is unique. It requires a special knowledge of Transit System sex offenders, commuter behavior, train routes, conductors, token booth clerks, Transit Authority rules, Transit employee’s union rules and knowledge of the Transit Authority work locations, to name a few. The Transit System sex crime misdemeanors also include Public Lewdness (PL 245.00) and Unlawful Surveillance 2 (PL250.45) crimes. **Transit System sex offenders are a group who offend continuously system wide.** The Transit sex offender very rarely offends sexually top-side. **They are, in**

Appendix L

Internal NYPD Memoranda: “Request The Start-Up of the Special Victims Division Citywide Transit Sex Crime Squad” (May 19, 2016)

general, a closed group of offenders purposely operating in the confined areas of the subways.

In the last 5 years, the NYPD has effected the arrest of 2,114 Transit System Sex Crime Offenders with 253 of them being arrested more than once. It is well known a large number of sexual assaults on commuters in the Transit Subway System go unreported. They are unreported for many reasons. Oftentimes the trains are crowded during peak offender hours and the victim is not able to easily find a Police Officer. Other times the victims are traveling and don't have the time to stop and make a formal complaint. A good number of victims simply just ignore such victimization. The undersigned's experience concludes that between 5% to 10 % of victims of sex crime misdemeanors make a report to the police. **Thus a large number of Transit System sex offenders are not arrested because their actions were never reported.**

Assuming the police reporting rate for Transit Sex Crimes is 10% and the current Transit System sex crime case projection for 2016 is 988 cases that translates into 8,892 Transit sexual assault victims that will not be reported in 2016. This very large percentage of unreported victims is rarely seen in other crimes. The NYPD has an obligation to not just interdict reported Transit sex crimes but also interdict unreported Transit sex crimes.

It is reasonable to assume the 2,114 Transit System sex offenders arrested in the past five years have offended multiple times. It is also reasonable to believe a large number of transit sex crime offenders have not been arrested. An analysis of the 2,114 Transit misdemeanor sex crime offenders reveals that 16 % have committed subway robberies and grand larcenies and an additional 8% have committed other Subway Index Crimes for a total of 25%. Thus the Transit System Sex Crime Offender is a considerable contributor to the overall crime and disorder in the Subway System.

Crime and Disorder Problem

The combination of the incivility of the Transit System sex crime behavior; the thousands of unreported Transit System sex crime victims each year; the likely large number of unapprehended Transit System sex crime offenders and the crime and disorder Transit System sex crime offenders contribute to the Subway System mandates a **focused interdiction strategy** that can only be delivered by a properly staffed City-Wide Transit Sex Crime Squad.

That focused interdiction strategy requires investigating all open Transit sex complaints, enhancing all Transit Bureau sex crime arrests, developing and maintaining a full intelligence function, performing Decoy Operations, and performing Surveillance operations on known offenders.

MSVS Pilot Project

Since January 1, 2016, MSVS has received 140 open Transit System sex crime complaints. MSVS has made 7 arrests, performed 18 arrests enhancements, and established 4 crime patterns.

Appendix L

Internal NYPD Memoranda: “Request The Start-Up of the Special Victims Division Citywide Transit Sex Crime Squad” (May 19, 2016)

MTA/NYCTA Efforts to Increase Reporting

Metropolitan Transportation Authority and the New York City Transit Authority recently initiated two efforts to increase reporting of Transit System sex crimes. An on-line complaint system was put into place. The system allows riders to submit online complaints of sex crimes. The second effort is a public awareness campaign to report Transit System sex crimes.

Proper Sizing and Staffing of a City-Wide Transit Sex Crime Squad

The current 2016 Transit System sex crime case load is projected to be **520 open complaint investigations and 468 arrests enhancements for a total of 998 cases.**

To correctly determine the staffing level of such a squad the sizing effort should be workload dependent not caseload dependent.

Transit System criminal complainants are multi-state complainants. Victims come from all -five Boroughs and the Tri-state area. Transit System sex crimes are “stranger” crimes. Each investigative step requires long travel times (hours) to complete. The investigator must travel interstate, intrastate, intra-city and intra-Borough for everything from victim interviews, showing photo arrays, picking up victims to do a sketch, escorting victims to do videos and suspect canvasses, line-ups, and basic investigative steps like responding to the crime scene, traveling to pull external video, as well as traveling to distribute flyers. Many times the above steps must be repeated numerous times. By contrast, local Precinct Detective Squad’s travel workload is usually minutes per investigative task.

The workload caused by the case facts of a Transit System sex crime case is greater in labor than a street level Stranger Rape investigation. It is not just a stranger sex case, it is a stranger case requiring very long travel times to complete each aspect of the investigation.

A correctly staffed sex crime squad that is tasked with the workload of stranger rape type cases is 40 cases per investigator. If one were to blend in arrest enhancements the correct case load per investigator would increase to 60 cases per investigator. Thus 998 cases divided by a caseload of 60 per investigator results in a staffing demand of 17 detectives. This staffing level is only sufficient to perform open case investigations and arrest enhancements. Proper arrest enhancements require numerous investigative steps, and in the case of Transit System arrest enhancements, they too are subject to long cycle times caused by the travel demands.

The intelligence function of gathering and maintaining information on a minimum of 2,114 known Transit System sex crime offenders listed above will require an additional 2 detectives. To perform decoy and surveillance operations the squad will require at a minimum an additional 4 detectives. This brings the proposed Squad staffing level to 23 detectives.

Appendix L
Internal NYPD Memoranda: “Request The Start-Up of the Special Victims
Division Citywide Transit Sex Crime Squad” (May 19, 2016)

The proposed squad staffing level submitted by the DCMB of ten (10) detectives is inadequate to perform a comprehension system-wide focused interdiction of Transit System sex crimes.

In addition, 3 supervisors will be required to maintain a proper span of control of 23 investigators conducting investigations, effecting arrests; enhancements, intelligence, decoy and surveillance operations.

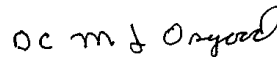
Office Space

The Special Victims Division, working in conjunction with the Metropolitan Transportation Authority and the New York City Transit Authority, has identified office space located within the Transit System in the 6th Avenue Passageway between 34th Street and 42nd Street. The MTA/NYCTA, as of this writing, is willing to build out the location for a NYPD Detective Squad operation. The location will be optimal for both Detective dispatch and victim access.

Request

The transfer of 1 Sergeant and 8 Detectives from other Special Victims Division Squads (which has negatively impacted Special Victims Division investigations in the other Boroughs) to the Manhattan Special Victims Squad to handle the intake of Transit System sex crime cases; the dilution of Manhattan Special Victims Squad non-Transit cases and in light of the 5 month Manhattan Special Victims Squad Transit System Pilot Project the undersigned is requesting the Start-Up of the Special Victims Division City-Wide Transit Sex Crime Squad.

For your **CONSIDERATION**.



Michael J. Osgood
Deputy Chief

Appendix M
**Internal NYPD Memoranda: “PowerPoint Presented by SVD to the Office
of Collaborative Policing, entitled “Special Victims Division Staffing
Issues” (January 12, 2014)**

**Special Victims Division
Staffing Issues**

January 12, 2014

Appendix M
**Internal NYPD Memoranda: “PowerPoint Presented by SVD to the Office
of Collaborative Policing, entitled “Special Victims Division Staffing
Issues” (January 12, 2014)**

Complexity of Special Victims Investigations

- Legal Human Sexuality is complex; Illegal Human Sexuality is very complex
- Rape is significantly underreported
- Most cases are in dispute
- A number of complaints are totally False
- Large number of bona-fide Complainants give a mix of true and false information
- A number of Complainants will not cooperate with the investigation
- A number of Complainants have voluntarily ingested excesses alcohol and have no memory
- A number of Complainants have psychological problems
- DA’s Office is the gatekeeper for arrests

Appendix M
**Internal NYPD Memoranda: “PowerPoint Presented by SVD to the Office
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Uniqueness of Special Victims Investigations

- Very serious criminality
- Involves deep human trespass
- Complex Victim Management
- Additional and unique Investigative steps
- Unique investigative skill set
- Long investigative task cycle times
- Long case cycle times
- District Attorney has full involvement

Appendix M
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Outside Oversight

- Sex Crime ADAs in all 5 boroughs, if necessary, will operate as one cohered group to complain
- SAFE and SART personnel monitor the NYPD behavior
- Advocacy Groups are influential
- Inspect General’s Office in other cities have examined sexual assaults investigations in their local departments
- OIG-NYPD examination of SVD is at some point probable

Appendix M
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Advocate’s Complaints

- Rape complaints are intentionally downgraded
- Too many sexual assault complaints are made unfounded
- To many victims do not cooperate
- Victims are forced to falsely recant
- Too many sexual assault complaints with no arrests
- Victims are treated poorly

Appendix M
**Internal NYPD Memoranda: “PowerPoint Presented by SVD to the Office
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Adult Squad/Division Operational Burdens

- 300 Extreme Trauma Stranger Sexual Assault cases a year
- They are equal to a greater in investigative effort than stranger homicide investigation
- The City averages 5 stranger homicides a year
- 15 to 20 Serial stranger rape patterns a year
- They are in investigative effort a serial murder investigation
- City averages 1 serial murder every 20 years
- Continued increase of DNA Hits/Matches
- Continued stream of high profile cases
- Mandated to be first responders to ER rooms in lieu of Patrol
- The above results in the Division lurching all year long and constantly depleting resources from other tasks
- Requiring SVD Detectives constantly being taken of the production line for days and weeks
- No DB Borough or DB Division has this Operational Burden

Appendix M
**Internal NYPD Memoranda: “PowerPoint Presented by SVD to the Office
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2011 Policy Change of Misdemeanors being assigned to SVD

- Rapes were being misclassified as sex crime misdemeanors
- Several prominent events of misclassification made the press
- DAs complained of misclassification
- The core reason was to have a professional Special Victim interview to ascertain the full facts
- Then have Special Victims make the final classification
- The policy change was for proper classification not interdiction

Appendix M
**Internal NYPD Memoranda: “PowerPoint Presented by SVD to the Office
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False Assumptions and Errors of 2011 OMAP SVD Staffing Model

- Did not determined the historical case load for Felonies
- Incorrectly assumed Adult squad case load should be the same as Child Squad case load
- Distributed the work load over the entire Division not the 4 Adult squads that were impacted
- Failed to determine the 600 stranger misdemeanors are equal to 600 stranger rapes in investigative efforts
- Failed to understand the additional misdemeanors will lengthen the felony investigations

Appendix M
**Internal NYPD Memoranda: “PowerPoint Presented by SVD to the Office
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**Pre-misdemeanor/Post-misdemeanor
Division Det/PO Head Count**

- 2007 – 169
- 2008 – 166
- 2009 – 162
- 2010 – 139* (No transfers were allowed)
- 2011 – 176 (Set by OMAP for 2,100 Misd.)
- 2012 – 169
- 2013 – 167
- 2014 – 166

Appendix M
**Internal NYPD Memoranda: “PowerPoint Presented by SVD to the Office
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Issues” (January 12, 2014)**

**SVD Investigative Operational Impact
of 2,100 Misdemeanors**

- Diluted the Rape investigations
- Stranger Rape pattern investigations were diluted
- Probable Cause I-card searches were stopped
- Victim management damaged
- Felony investigations constantly disrupted
- Misdemeanors investigations are minimal

Appendix N
Internal NYPD Memoranda: “Special Victims Division - Delivery of Victim Services Issues” (February 18, 2014) (All redactions by NYPD)

Special Victims Division
Delivery of Victim Services Issues
2/18/14

A. Goal:

B. Benchmarking Special Victims Cases:

1. Trauma Level
2. Social Consequence Level
3. Complexity of Victim Psychology
4. Complexity of cases
 - a. many are in dispute
 - b. legal human sexually is complex – illegal human sexually more complex
 - c. Approx 18% of rape complaints are not true
 - d. Approx 60% of victims do not give full truthful disclosure

C. Issues:

1. Investigative Squad Staffing –

- a. Dilution effect to felonies cases in Adult Squads from assignment of sex crime Misdemeanors – **doubled the case load – tripled the work load** - only increased staffing 10%
- b. Fixed amount of investigative production hours
- c. 2,100 additional cases
- d. linear analysis to non-linear work
- e. DA bureau chief not in support
- f. misdemeanors must stay centralized
 1. down grade prevention
 2. victimization of the crime
 3. will be given minimal attention if decentralized
 4. substantially underreported

Prepared by: D. C. Michael Osgood, CO SVD

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Appendix N
Internal NYPD Memoranda: “Special Victims Division - Delivery of Victim Services Issues” (February 18, 2014) (All redactions by NYPD)

2. Obtaining qualified and experienced Detective Bureau Detectives –

a. The creation of the Division in 2003 severed the staffing inflow mechanism –prior to 2003 the Special Victims Squads reported to the Detective Borough and the CO of the Borough had a pool of detectives to assign to the SV Squads.

b. DI Morely “Where will I get detectives from”

c. Currently 45% of the Division has less than 3 years experience

d. Would the organization place a detective with less than 3 years’ experience into a homicide squad?

e. takes 5 calendar years to develop a strongly skill criminal investigator

f. the staffing problem is structural caused by the creation of the Division

3. Obtaining qualified experienced Detective Bureau investigative Sergeants –

4. Obtaining qualified experienced Detective Bureau investigative Lieutenants –

5. Enhanced Training –

a. Ineffectiveness of current Sex Crimes “Course”

b. Special Victims School

c. Budgeting for out side trainers

Rape Trauma Syndrome
Victim Centered Management
Child Sexual Abuse
Child Physical Abuse
Critical/Logical Thinking
Science of DNA
Emotional Intelligence
etc...

6. Special Victims Division Victim Restoration Assistant Group –

The Special Victims Division receives over 11,000 cases each year of Adult Sexual Assault, Child Physical Abuse and Child Sexual Abuse. The spectrum of trauma runs from minimum to lifetime crippling.

7. Police Commissioner meet with the “SVD Partnership” –

In 2011 the Commanding Officer, Special Victims Division established the SVD Partnership. The Partnership consists of members from sexual assault advocacy groups, SART team members and volunteer advocates that work through out the city. The Partnership currently has approximately 30 members representing close to 20 organizations. The Partnership meets every 6 to 8 months. The meetings are at the SVD’s Division office. All Partnership members have the CO SVD email address and cell phone number.

Prepared by: D. C. Michael Osgood, CO SVD

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Appendix N

Internal NYPD Memoranda: “Special Victims Division - Delivery of Victim Services Issues” (February 18, 2014) (All redactions by NYPD)

At the meetings the members are brought up to date with current SVD issues and the meetings allow a forum for complaints to be made by participating Partnership members.

8. All Suspected Shaken Baby/Abusive Head Trauma cases to be assigned to Special Victims Division Child Abuse Squads – i.e. not likely to die, likely to die and DOA.

Prior to October 2011 suspected Shaken Baby/Abusive Head Trauma cases in which the victim was not likely to die were investigated by the Special Victim Division Child Abuse Squad. Shaken Baby/Abusive Head Trauma cases in which the victim was likely to die or dead were investigated by the Precinct Detective Squad supported by the Detective Borough Homicide Task Force. Based on complaints, from several of the District Attorney Office’s Child Abuse Bureau Chiefs, of several suspected SB/AHT likely to die or dead investigations being poorly done by the Precinct Detectives Squad the policy of case assignment was modified in October 2011 to if the child is not dead the Child Abuse Squad investigates and if the child is dead the Precinct Detective Squad investigates with the Detective Borough Homicide Task Force in support. If the child is not dead and the child eventually dies the Commanding Officer, Special Victim Division and the Detective Borough Commander concerned negotiates who completes the investigation.

Shaken baby/ abusive head trauma cases are the ultimate victimization. The child victim cannot defend his or herself, cannot flee the attacker and if the child victim recovers cannot report who the offender is. The trauma and damage of the victimization also extends to the child’s non-offending family members. The injuries inflicted many times causes life long disability and sometimes death. Restoration of the victims and their non-offending family members is greatly dependent upon solving the Shaken Baby/Abusive Head Trauma case or just as important determine the child is not the victim of criminality.

Suspected Shaken Baby/Abusive Head Trauma cases are very complex. Their solvability and thus the beginning of the restoration process of the victim are dependent upon a series of complex investigative steps that are completed with minimum errors. Also the child victim may have died from natural causes and the initial belief of a criminal act can be incorrect. Equally important as to finding the offender is not to accuse totally innocent parents. The steps require training and practice. Law Enforcement Sensitive

Law Enforcement Sensitive

Special Victims Division Child Abuse Squad detectives and their supervisors perform the

Law Enforcement Sensitive

As important as finding the offender is not to falsely accuse innocent parents of child abuse; particularly when there child has just died. Child Abuse Squad detectives constantly perform this skill thus becoming practice at it. They work in collaboration with all members of their respective Multi-Disciplinary Team inside the Child Advocacy Center and have the ability not to escalate a case and likewise appropriately de-escalate cases where at first a major child abuse event is suspected however subsequent medical testing including post mortem examination reveals a pre-existing medical condition or virus (i.e. meningitis, encephalitis). When this occurs a seamless transition can be made with appropriate family trauma based agency (Safe Horizon).

Appendix N

Internal NYPD Memoranda: “Special Victims Division - Delivery of Victim Services Issues” (February 18, 2014) (All redactions by NYPD)

It is recommend because of the complexity of SB/AHT cases, the unique skill set of the Child Abuse Squad detectives, the direct collaborative arrangement of Child Abuse Squad detectives with the District Attorneys, Corporation Counsel, Administration of Children Services, Safe Horizon and the Child Abuse Medical doctors who all are co-located in the Child Advocacy Centers and the depth of the victimization of the child and the non-offending family members all suspected SB/AHT investigations be assigned to the Child Abuse Squads with the Borough Homicide Task Force in support.

9. Peak hour SVD Hospital Response team -

One of the recommendations from the Police Commissioner’s Sex Crime Working Committee of 2010 was the creation of the Special Victims Division’s – Hospital Response Protocol. The recommendation came about from complaints the Sexual Assault Forensic Examiners (SAFE) and Sexual Assault Advocates who work in the various emergency rooms through out the city witnessing both uniform patrol personnel and sometimes Special Victim’s detectives mistreating sexual assault victims. The mistreatment spanned the spectrum from discourteously to refusing to take a report to accusing victims of questionable sexual behavior. Since the SAFE and Advocate personnel have access to the NYPD via the Sexual Assault Task Forces that exists in Manhattan and Brooklyn and through direct relationships with the all 5 District Attorney’s Offices Sex Crime Bureau Chiefs, they were able to relay those complaints to the Police Commissioner’s Office.

The solution to the above complaints had three components to it. They were:

1. The creation of a 15 minute training video to show at Precinct Roll Calls;
2. The establishment of a Special Victims Night Watch team. It appeared a good number of the occurrences complained about happened on the 1st Platoon. A dedicated Night Watch team would result in experienced Special Victims detectives responding to the emergency room and interacting with victim.
3. The establishment of the SVD Hospital Response Protocol - The protocol stated if a victim enter an emergency room any where in New York City and there were no previous police interaction the emergency room personnel would call SVD direct or if the emergency room called 911 direct the 911 call would be routed to the Special Victims Division 24 hour wheel. The SVD wheel would then dispatch detectives from the appropriate Borough Special Victims Squad to respond.

The Borough based Special Victims squads have at most just 6 to 8 detectives working at one time and many times they have just 2 detectives working. Those detectives are many times already engaged in a task. Sometimes those tasked are complicated and long term and cannot be disrupted. So in practice many times it takes the responding SVD detective 1 to 4 hours to arrive at the hospital. The arrival time is dependant on the amount of traffic in the city and the availability of 2 detectives to respond. Also the responding detectives acquire the basic facts and then must respond to the crime scene to start the investigation. This protocol results in the victim many times sitting in the emergency room for extended period of time before a police officer makes contact with them.

A second problem that arises is since 90% of sexual assaults the victim know the offender this policy sets the condition for a future catastrophic event of the offender following the victim into the emergency room and either restricting the victim from reporting and getting help all the way to seriously assaulting the victim.

Recommend the creation of a permanent peak hours SVD hospital response team augmented with a License Social Worker to respond to hospital walk ins.

Appendix N
Internal NYPD Memoranda: “Special Victims Division - Delivery of Victim Services Issues” (February 18, 2014) (All redactions by NYPD)

10. DNA hit/match Squad -

- a. over 1500 cases
- b. Assigned in ECMS original case detective no longer assigned to SVD
- c. Serious of victimization – needs centralized Quality Control

11. Establish Outside Sexual Assault Advocate’s Audit Team to review sex crime classifications

THE STRANGER RAPE PROBLEM # 12, #14, #15

12. Removal of the crime Rape from the Compstat numbers –

- a. Very little correlation between rape and the 6 other Compstat Index crimes.
- b. 90 % of rapes occur between person known to each other.
- c. The 6 other Compstat Index crimes strongly correlate to each other.
- d. The creation of the original 7 Major Index Crimes in 1930 by the FBI was done with no scientific basis that the 7 crimes is an accurate metric for crimeogenic disorder.
- e. When NYPD Compstat was formed the 7 major index crimes were used as a benchmark for disorder because UCR mandated the organization tracked them thus they were readily available to use.
- f. Rape comprises of only 1.2% of the Compstat crime.
- g. Rape offenders, in general, are not from the overall population but are from a small sexual assault offender pool.
- h. Compstat creates a force to down grade complex Rape fact patterns to lower crimes.
- i. Removal of Rape from the Compstat numbers would represent a focus on the victim and the damage caused by its victimization.

13. Stranger Rape Cold Case Squad

- well over 800 stranger rapes unsolved the past 10 years
- once a case is closed never looked at again

14. Stranger Rape Advanced Analytical/Predictive Team –

Prepared by: D. C. Michael Osgood, CO SVD

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Appendix N
Internal NYPD Memoranda: “Special Victims Division - Delivery of Victim Services Issues” (February 18, 2014) (All redactions by NYPD)

15. Newly created Sexual Assault Safety Flyer printed in languages other than English and Spanish

16. Relocate MSVS to a Victim center facility

17. Upgrade BSVS to a Victim center facility

18. Relocate QSVS to a Victim center facility

19. Hire LSW and place in Adult Squads

20. Create official Department Policy - MOS are not allowed to access a Special Victims cases in ECMS

a. *Detective Bureau case management system (ECMS) is not a properly secured Enterprise Wide Mission Critical system. It was not developed via the discipline of system engineering. ECMS can be defeated.*

b. *Source of leaks*

c. case solvability is damaged by leaks

d. and victims are re-victimized by leaks

e. Justice is damaged by leaks

f. Only PC office, Chief Department Office, Internal Affairs Bureau, Deputy Commissioner Operations and Chief of Detectives office be permitted to access

21. SVD wheel granted access to OFCS Connections software system.

22. SOMU missing RSOs – It is estimated 1,800 to 3,000 Registered Sex Offenders are not living at their registered address – they are missing. SVD does not know which ones they are.

- NYPD's Sexual Offender Monitoring System (SOMS) computer system poorly designed and built by ITB/MISD thus it is inordinately defective and its count and data are not accurate. SVD is not able to determine the exact number of RSOs the NYPD is responsible for.

23. Stranger Rape Cold Case Squad

24. Sex Crime Interim Order –

- stuck in OMAP for 3 years

Prepared by: D. C. Michael Osgood, CO SVD

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Appendix O
**Internal NYPD Memoranda: “Special Victims Division and Deputy
Commissioner of Operations Focus Group” (September 24, 2015)**

NAME: [REDACTED] DOB: [REDACTED]
"9/24/15" XO DB - Baldasanni

DCO/SVD Focus Group

1. Legal human sexuality is complex. Illegal human sexuality is more complex.
2. Division was created in 2003
 - a. It was formed to increase the correctness of service to victims and case prosecutions. Prior to the Division's creation the "Sex Crime Squads" reported to the Detective Boroughs
 - b. Division's creation severed the **Staffing Inflow Mechanism** that was in place when the "Sex Crime Squads" were Borough based. The newly formed SVD lost the capability of acquiring skilled detectives and skilled investigative supervisors
 - c. The following was left out when the Division was created:
 1. Centralized Quality Control group
 2. Division Training Component
 3. Advanced data analysis capacity
 4. City wide intelligence capacity
 5. **No organizational mechanism to obtain practiced skilled detectives**
 6. **No organizational mechanism to obtain practiced skilled investigative supervisors**
3. Special Victims External Environment
 - a. Ten District Attorney Bureau Chiefs – 5 Adult and 5 Child Abuse
 - b. Extensive Network of professional Advocates
 - c. Professional Sexual Assault Response Teams throughout the city
 - d. Each Borough has an independent Monthly Sexual Assault task force
 - e. **The above 4 entities monitor the Special Victims Division and will individually or cohere together to complain about the NYPD. No other crime has this.**
 - f. In addition the Mayor's Office of Criminal Justice has a Sexual Assault committee and a Forensic Science committee.
4. Operational Impact on SVD felony investigations caused by the 2011 policy change of assigning 2,100 sex crime misdemeanors/year to SVD – **The main reason for the policy change was to stop the misclassification of Rapes.**

Appendix O
**Internal NYPD Memoranda: “Special Victims Division and Deputy
Commissioner of Operations Focus Group” (September 24, 2015)**

- a. **OMAP significantly miscalculated the staffing level for the increase in workload**
 - b. Diluted the felony investigations
 - c. Focused on correct classifications thus increasing stranger rapes and stranger patterns
 - d. Hospital response protocol
 - e. Marginal work on misdemeanors
 - f. Mandated to take White Shields
 - g. Forced to strip SOMU, Child Abuse Squads, Liaison Unit and IRT desk of personnel to staff the Adult Squads.

 - h. On top of 300 extreme trauma stranger cases
 - i. 30 to 40 stranger patterns
 - j. Coupled with an increase in live **DNA hits/matches**
 - k. Non-stop high profile cases
5. Sex crime complaints vs non sex crime complaints
- a. non sex crime complaints are absolute
 - b. sex crime complaints are not absolute
 - c. Examples - GLA - Residential burglary
 - d. many sexual assaults complaints are fuzzy
 - e. many sexual assault complaints are in dispute
 - f. complexity of consent
6. The Division and its personnel are on a Constant Roller Coaster
- a. Constantly Surging
7. Operational Impact on Squad investigative production of:
- a. Stranger Rapes
 - b. Stranger Rape Patterns/Misdemeanor patterns
 - c. High Profile Cases
- * The above can shut down a Squad for days and even weeks**

Appendix O
**Internal NYPD Memoranda: “Special Victims Division and Deputy
 Commissioner of Operations Focus Group” (September 24, 2015)**

8. Current Differential Investigative Response

Tier 1

1. Stranger Rape Patterns
2. Stranger Rapes/CSA/ASA
3. Stranger Misdemeanor Patterns
4. Stranger DNA hits/matches
5. Stranger Enhancements
6. Other Sex Crime Felonies

Tier 2

1. Non stranger DNA hits/matches
2. Stranger Misdemeanors
3. Other Misdemeanors

9. YTD SVD Stranger Rapes (homicide equivalent investigations) to 75 Pct.

Homicides: **(does not include stranger CSA or stranger patterns)**

BSVS - 45

MSVS - 32

BxSVS - 33

QSVS – 28

75 Pct Squad – 15 **(more than likely known to)**

10. Attempted Work Load Comparison

<u>Unit</u>	<u>DD5s/case</u>	<u>Cases caught</u>	<u>Total DD5s</u>
MSVS	15.8	941	14,876
QSVS	14.9	829	12,368
BxSVS	14.7	726	10,729
BSVS	13.2	1083	13,952
MTS	6.8	2881	19,683
75	4.9	4107	19,883

SVD – (more than likely the SVD DD5s are more substantial) all CV interviews in person, multiple CV interviews, Borough wide travel for each investigative step, bringing CVs to DA’s office for interviews, extensive invoicing, controlled phones, extensive video canvassing, etc...

Appendix O
**Internal NYPD Memoranda: “Special Victims Division and Deputy
Commissioner of Operations Focus Group” (September 24, 2015)**

11. What is the measure of correctness of a SVD investigation?
 - a. It's the truth – not an arrest
 - b. Investigative Process Discipline vs. Jump Collar
 - c. Investigative Process Discipline vs NYPD Patrol Paradigm

12. District Attorney's Office controls arrests and to some extent the investigative process.

13. Impact of White Shields on SVD Squad Operations
 - a. Burden on Squad supervisor
 - b. Decreases effectiveness of the squad – **production drag**
 - c. Does Homicide or Major Case take White Shields?
 - d. Long time horizon for skill development
 - e. Is it fair to the victim?
 - f. Run the risk of not detecting a rape in a misdemeanor
 - g. Two White Shields only UMOS on duty sometimes

14. Complexity of Learning
 - a. Effectiveness of CIC
 - b. Effectiveness of Special Victims course

15. Probable Cause I-Cards
 - a. Pull detectives out of catch for Squads to track
 - b. Pull two detectives out of the squads so the Division can track
 - b. Total Number – **421 (not including SOMU)**
 - c. Number with Warrants Companion Cases – **277**

16. SVD YTD Patterns -37 patterns overall
 - a. 129 stranger rape cases
 - b. 58 stranger rape arrests
 - c. 17 Stranger rape patterns
 - d. 11 Stranger rape patterns closed with arrests
 - e. 71 cases left distributed over 9 months and 305 sq miles

Appendix O
**Internal NYPD Memoranda: “Special Victims Division and Deputy
Commissioner of Operations Focus Group” (September 24, 2015)**

17. Live DNA hits/matches YTD – **projected to be close to 400 for the year**

- MSVS – 55 out of 60 resolved
- BSVS – 85 out of 90 resolved
- BxSVS - 58 out of 77 resolved
- QSVS – 54 out of 59 resolved

Total = 252 out of 286 resolved

18. Rape Reporting Rate

- AC Hewitt MPS states 20%
- Dr. Nina Burrowes – 15%
- National Victimization Surveys – 15%

- a. Domestic
- b. Acquaintance
- c. Attempt Stranger Rape
- d. Completed Stanger Rape

19. Incomplete information set caused by the rape reporting rate

One can be a very successful stranger rapist for a long time

20. Can SVD Interdict Rapes?

- a. Domestic
- b. Acquaintance
- c. Stranger

21. Deputy Chief Osgood’s stranger rape indirect interdiction strategy. It’s not just interdicting future reported rapes it’s also must be designed to interdict future unreported rapes.

Is not about the apprehension it’s about the case

Consequences of a declined arrest or an unsuccessful prosecution

Appendix O
**Internal NYPD Memoranda: “Special Victims Division and Deputy
Commissioner of Operations Focus Group” (September 24, 2015)**

Goal # 1 – To interdict the stranger rape offender pool

Goal # 2 – Must build a high quality prosecutable case

Goal # 3 – Must avoid false rape arrests

- a. Find a way to vastly increase victim reporting -
- b. Extensively exhaust out all stranger rapes –
- c. Extensively exhaust out all stranger rape patterns –

- d. Make SVD DNA Cold Case team operational**
- e. Establish a Stanger Rape Cold Case Squad – 4,000 cold cases**
- f. Create a Stanger Rape Predictive Model Group**

22. How does street level stranger sex crime misdemeanors correlate to Stranger Rapes?

- a. Good public policy vs. stranger rape interdiction

23. How does transit sex crime misdemeanors correlate to Stranger Rapes?

- a. Good public policy vs. stranger rape interdiction

24. SVD Transit Bureau Sex Crime Squad

- a. 2 million riders a day
- b. Thousands of unreported sex crimes a year
- c. Functions would be investigate; statistically track; surveillance team; decoy team; enhance patrol arrest
- d. Legislated change – make it a felony with a second conviction a higher felony

25. Problematic victims:

- a. Definition of problematic – lying, mentally ill, intox, multiple complaints, willfully use narcotics, teenage female home late, homeless, teenage pregnancy

- b. Operational effect of problematic victims

- 1. Multiple interviews, multiple hours utilized just to validate

Appendix O
**Internal NYPD Memoranda: “Special Victims Division and Deputy
Commissioner of Operations Focus Group” (September 24, 2015)**

- c. Percentage of victims that is problematic
 - d. Percentage of victims that lie
 - 1. Percentage of complaints that is totally false
 - 2. Percentage of Bona-fide victims that lie
 - e. Percentage of 13/14/15/16 yrs old that lie
26. SVD Data Analysis Capacity –
- a. None
 - b. Any requests detectives must be pulled from the line
 - c. No Intelligence Capacity**
27. Sex Offender Monitoring Unit – SOMU
- a. Thousands of Registered Sex Offenders not in compliance**
28. Tracking misdemeanors
- a. No capacity at all to organize, analyze and track
29. Drug Facilitated Sexual Assault (DFSA) – **voluntary ingestion of excessive alcohol**
- a. Percentage that turns out to be criminal sex
 - b. Outcry, Advocates, TV
 - c. Alcohol is the number 1 date rape drug
 - d. Accuracy of CV’s drink count
 - e. Excessive alcohol acts as an Amnesic
 - f. blacked out vs. passed out
 - g. Incapable of expressing unwillingness
30. Supervisors - been in a chronic negative state for years
- Supervisory Assignment Board – takes close to a year to get a person through
 - No experienced Detective Supervisors apply to SVD
31. Qualified Detectives - no one applies

Appendix O
**Internal NYPD Memoranda: “Special Victims Division and Deputy
Commissioner of Operations Focus Group” (September 24, 2015)**

32. Uncooperative Victims - C3

33. Unfounded - B6

34. False recants

Stranger Rapes 2004 to 2014

2004 - 207

2005 - 151

2006 - 201

2007 - 240

2008 - 247

2009 - 213

2010 - 191

2011 - 281

2012 - 260

2013 - 253

2014 - 179

YTD 2015 - 120 **Projected 2015 - 167**

Pre-misdemeanor/Post-misdemeanor Division Det./P.O. Head Count

2007 - 169

2008 - 166

2009 - 162

2010 - 139* (No transfers were allowed)

2011 - 176 (Set by OMAP for 2,100 Misd.)

2012 - 169

2013 - 167

2014 - 166

Appendix P
Internal NYPD Memoranda: “Special Victims Division – Victim Services
Recommendations” (September 29, 2014)

POLICE DEPARTMENT
CITY OF NEW YORK

September 29, 2014

From: Commanding Officer, Special Victims Division
To: Deputy Commissioner Collaborative Policing
Subject: **SPECIAL VICTIMS DIVISION - VICTIM SERVICES**
RECOMMENDATIONS

As per your request the following is being submitted for Victim Services Recommendations for the Special Victims Division.

Special Victims Investigative Services in the NYPD has gone through an evolution over the past 5 decades. In the 1960s felony Sex Crime squads were formed and placed under the Detective Boroughs.. In 1986 the first Child Abuse Squad was established along with the first Child Advocacy Center was opened in Brooklyn. In 1996 the Sexual Offender Monitoring Unit (SOMU) was created in response to the then newly enacted Sexual Offender Registration Act (SORA). In 1997 the sex crime squads were renamed to Special Victims Squads. In 2003 the Special Victims Division was created. In 2007 the Queens Child Squad was created along with the Queens Child Advocacy Center. In 2009 the Manhattan Child Abuse Squad was created with the Manhattan Child Advocacy Center. In 2011 all sex crime Misdemeanors were assigned to the Special Victims Division. The below listed recommendations is the continuous organizational evolution of the delivery of Special Victims Investigative Services.

The Special Victims Division investigates Adult Sexual Assault, Child Physical Abuse and Child Sexual Assault allegations. The Division has 11 operational units with 8 of them conducting special victim investigations. In 2013 the total number of cases received by the Special Victims Division was 10,671.

Special Victims Division investigations in the aggregate are unlike that of other Detective Borough/ Division cases or other investigative units in other Bureaus. They are in addition to being cases of serious criminality that involve deep human trespass they also have an investigative process demand, complex victim management dynamic, additional unique investigative steps, investigative task skill set requirement, investigative critical path, investigative task cycle time and a case cycle time that are distinct and different from other investigations.

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Internal NYPD Memoranda: “Special Victims Division – Victim Services Recommendations” (September 29, 2014)

It is well known that special victim victims (sexual assault victims and child abuse victims) experience severe trauma. The severe level of trauma causes neuro-biological changes in the victim resulting in a large spectrum of difficult victim behaviors making victim management tasks time consuming. Oftentimes the victim is so traumatized that they cannot participate in the investigative process and multiple time consuming efforts are expended to rehabilitate them. The trauma also at times results in a victim’s memory being out of sequence or parts of the event are completely suppressed and or forgotten.

Sexual Assault and Child Abuse victimization has the highest level of negative social consequences relative to other type of crime victimization. Where would sexual assault/child abuse rank, if one was to rank from 1 to 10 the level of negative social consequence of various crimes. Minor criminal mischief would be ranked 1 and homicide would be rank a 10 then sexual assault/child abuse would be 9.9, 10.0 or even a 10.1. Homicide, in the current American culture, is held to be the most extreme act socially. Common sense would dictate the repeated rape of an 8 year old girl by her uncle over a 6 month period would have a higher negative social consequence than one street drug dealer killing another street drug dealer. In any event the negative social consequences of special victim cases are just as severe or in some cases more severe than homicides.

Legal human sexuality is complex. Illegal human sexuality is very complex. Special Victim investigations thus involve both complex and very complex human behavior. The Special Victims investigators are tasked with understanding and resolving that behavior

SVD cases show approximately twenty percent (20%) of New York City rape victim’s complaints are in fact false. These serious but false complaints require an experience skill set and extended investigative hours. Many of these cases take days and sometimes even weeks to resolve. Non-rape sexual assault false complaints are greater than 20% and as such they also require an experience skill set and a large amount of extra investigative hours to resolve. The root causes of these false complaints vary. These causes include, but are not limited to the HIV medicine offered at no cost to sexual assault victims, hiding infidelity, having an excuse for lateness, a victim mistakenly believing they were sexually assaulted and its been the long term policy of the Department no to arrest for Filing a False Report except in extreme cases. This level for falsity does not exist in other criminal investigations.

SVD cases also show approximately Sixty percent (60%) of victims, who are bona fide sexual assault victims, give partial truthful disclosures interwoven with false disclosures. These cases also require an advanced investigative skill set along with extra investigative hours. This propensity for a complaint to have a mixture of truth and falsity and the expenditure of investigative hours to resolve these cases do not exist in other criminal investigations.

In addition to the veracity of the victims and their allegations a large number of Special Victim’s allegations are in dispute. This is not the case in other types of crimes. A vehicle is either stolen or not; the homicide victim is dead or not; a victim is shot or he is not or an I-phone was taken or it was not. Special Victim’s allegations, since they involve the complexity of

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human sexuality coupled with the possibility of the use of alcohol and the question of being consensual lend to a difference of opinions and ultimately a dispute by the involved parties. This dynamic, of facts that are constantly in dispute, and the burden it creates to resolve requires an experienced skill set and a large amount of additional investigative hours

*The most important aspect of Special Victim victimization is the massive non-reporting by extreme trauma (rape, criminal sex act, aggravated sexual assault) sexual assault victims. In examining the amount of persons that go to emergency rooms and report being sexually assaulted (extreme trauma) and those that then request the police to be called is at best 40%. Then when one factors in the percentage of bonafide sexual assault victims that decide not to go to the emergency room (Information from SVD cases shows it is very difficult for a rape victim to even go to the hospital thus it can be inferred that percentage of rape victims that even go to the emergency room may be as low as 50%) for medical help and just not address the assault at all further decreases the percentage of reported sexual assault to the police. Thus the **Extreme Trauma Sexual Assault Unreported Rate** can be as high as 80%. Thus police resources have to be focused on not just the reported sexual assaults but more so on the sexual assault victimizations that are not reported. No other crime has the same level of under reporting and thus the responsibility of police organizations to interdict future occurrences.*

In summary, the key factors in special victim cases that directly factor into the NYPD delivering correct services to victims are 1. The depth of victimization; 2. The severe negative social consequence; 3. The trauma and its resulting neurobiological damage; 4. The complexity of victim management; 5. The falsity or partial truthful disclosures of complaints; 6. The complexity of human sexuality; 7. Most are in dispute; 8. The added complexity of sexual assault investigations and 9. The very large Unreported Rate that creates the burden to interdict non-reported victimizations. Thus the below listed Victim Services recommendations are based on the above 9 key factors.

Recommendations

1. **Special Victim Squad Investigative Staffing –**
2. **Obtaining qualified and experienced Detective Bureau Detectives -**
3. **Obtaining qualified and experienced Detective Bureau Supervisors -**
4. **Enhanced Training – Creation of a Special Victims School**

The current training that exist for Special Victims detectives is a 10 day, 40 talking head orientation class of a disparate set of different special victim topics. It does not build the inherent skill set needed to manage the complexity of Special Victim cases as demonstrated in the 8 key factors listed above. In fact there is little impact on long term

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learning outcome. The knowledge base and subsequent skill set necessary to manage the different aspects of special victim cases is vast and cannot be acquisitioned in the current 10 day format.

To be a NYPD Mounted Officer, a member of the Emergency Services Unit or a NYPD – Motorcycle Officer one must pass a rigorous 6 to 8 week school. Passing requires demonstrating the required skill sets necessary to perform the work. To place this in contrast Special Victims investigators sit through a 10 day non-rigorous class with no demonstration or proof of knowledge or skill acquisition.

To properly build the necessary investigative skill set a Special Victims school needs to be developed. It would need to be in the magnitude of ten to twelve weeks in length. It would have to be developed by an outside company and then transitioned over to NYPD trainers.

5. Special Victims Division Victim Restoration Assistant Group

The Special Victims Division receives over 10,000 cases each year of Adult Sexual Assault, Child Physical Abuse and Child Sexual Abuse. The spectrum of trauma runs from minimum to lifetime crippling. Currently the investigator(s) will interact with the victim at the point of case intake and several more times during the case but in essence once the case is closed the NYPD never interacts with that victim again. There is no initial assistance by the NYPD for the victim’s trauma and no follow up of any type after the case is closed. A SVD victims restoration group will conceptually consist of a small team of social workers whose job would be to offer initial counseling and guidance and follow-up in later time intervals to assist in helping the victim restore themselves to as close to a normal state as possible. This will transform the NYPD from basically a pre-incident organization to also a post-incident organization.

6. Peak hour SVD Hospital Response team

One of the recommendations from the Police Commissioner’s Sex Crime Working Committee of 2010 was the creation of the Special Victims Division’s – Hospital Response Protocol. The recommendation came about from complaints from Sexual Assault Forensic Examiners (SAFE) and Sexual Assault Advocates who work in the various emergency rooms throughout the city witnessing both uniform patrol personnel and sometimes Special Victim’s detectives mistreating sexual assault victims. The mistreatment spanned the spectrum from being discourteous to refusing to take a report to accusing victims of lying. .

Since the SAFE and Advocate personnel have access to the NYPD via the Sexual Assault Task Forces that exists in Manhattan and Brooklyn and through direct relationships with the all 5 District Attorney’s Offices Sex Crime Bureau Chiefs, they were able to relay those complaints to the Police Commissioner’s Office.

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The solutions developed in 2010 to the above complaints had three components to it. They were:

1. The creation of a 15 minute training video to show at Precinct Roll Calls;
2. The establishment of a Special Victims Night Watch team. It appeared a good number of the occurrences complained about happened on the 1st Platoon. A dedicated SVD Night Watch team would result in experienced Special Victims detectives responding to the emergency room and interacting with victims.
3. The establishment of the SVD Hospital Response Protocol - The protocol stated if a victim enters an emergency room anywhere in New York City and there were no previous police interaction the emergency room personnel would call SVD direct or if the emergency room called 911 direct the 911 call would be routed to the Special Victims Division 24 hour wheel. The SVD wheel would then dispatch detectives from the appropriate Borough Special Victims Squad to respond.

The Borough based Special Victims squads have at best just 6 to 8 detectives working at one time and many times they have just 2 detectives working. Those detectives are many times already engaged in a task. Sometimes those tasks are complicated and long term and cannot be disrupted. These factors results in many times it takes the responding SVD detective 1 to 4 hours to arrive at the hospital. The arrival time is dependent on the amount of traffic in the city and the availability of 2 detectives to respond. The responding detectives after arriving at the hospital acquire the basic facts and then must respond to the crime scene to start the investigation. This protocol results in the victim many times sitting in the emergency room for extended period of time before a police officer makes contact with them. Thus the victim is sitting alone for extended periods of time with no NYC- public safety person making contact with them.

A second problem that arises is since 90% of sexual assaults the victim knows the offender this policy sets the condition for a future catastrophic event of the offender following the victim into the emergency room and either restricting the victim from reporting and getting help all the way to seriously assaulting the victim.

The above policy was created to minimize uniform patrol interaction with sexual assault victims in the city’s emergency rooms. But the SVD squad based First Responder protocol is a weak solution to the patrol/victim mistreatment problem. A better solution, other than fully training the entire patrol force to properly interact with victims, is to implement a dedicated hospital response team augmented with a Licensed Social Worker based out of the SVD Division office to respond directly during peak hospital walk-in hours.

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7. Establishment of a SVD DNA hit/match Squad -

In August 2013 SVD received 760 DNA hits and matches corresponding to cases that spanned back to 1989. Since last August SVD has been receiving about 100 cold case DNA hits/match cases a month. SVD was given no additional staffing to manage the investigation of these cases.

A DNA team that consisted of 1 Sergeant and 5 detectives were pulled from the SVD borough squads to attempt to resolve these cases. The borough squads already incorrectly staffed from the 2000 additional misdemeanors they were getting a year coupled with the systemic organizational problems of never being able to effectively acquire replacements to keep the Division at the OMAP mandated 176 Dets/POs level. The DNA team had to be abandoned after 6 months and every one placed back into the catch. Currently there is over 1200 or more DNA hits/match cases that have not been resolved and the case backlog is growing monthly.

SVD DNA hit/match cases cold cases are sensitive, legally complex and time consuming. They require finding the original physical paper case folder, or if one does not exist retrieving the DD5 documents stored at the Criminal Records Section. There are frequent occasions only the original Complaint Report can be found and in some cases the only document that exists is the Property Clerk’s Invoice. Thus the case has to be rebuilt. Subsequently the victim has to be located, interviewed in person, scheduled and brought into the DA’s office for a joint interview. **(Due to the depth of the trauma and the time lapse of most cases only an in-person interview of the victim is allowed.** Then the investigation continues by locating the offender and interviewing him whether or not there will be an arrest, flying or bringing the victim in for grand jury; getting a take-out order and or invoking an out of state extradition process.

These aged cases represent victims of sexual assault cases. A percentage of these cases are stranger rape cases that match to a convicted offender. There are also a percentage of these cases that represent serial rape patterns. To properly service the Victim in these cases and to properly resolve them with quality requires a dedicated DNA cold case Squad.

8. Establish an external Advocate’s Sexual Assault Audit Team to review sex crime classifications –

The long standing complaint of the Sexual Assault Advocate community has been sexual assault (rape) complaints are incorrectly classified thus rape victims do not get proper service and the offender can continue to offend. To gain the full trust of this community and to have a transparent classification process an external Sexual Assault Audit Team comprised of Sexual Assault Advocates can be formed to audit the classification of sex crime complaints. The team of auditors can be selected to have the proper background to examine the classification and have each team member sign a confidentiality agreement.

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9. Relocate MSVS to a Victim friendly environment –

The Manhattan Special Victims Squad handles approximately 1,000 victims a year. The squad room is currently on the second floor of PSA# 5 on 123rd St in Manhattan. PSA#5 is a cinderblock cold building. The building is filthy and the second floor bathrooms are indescribable. Victims must sit in the second floor cinderblock hallway on plastic seats in view of PSA# 5 personnel. Victims are interviewed in an open room with other detectives/victims in line of sight.

10. Relocate QSVS to a Victim friendly environment

The Queens Special Victims Squad handles approximately 1,000 victims a year. The squad room is currently on the second floor of the 112 Pct in Queens. The 112 Precinct is a cinderblock cold building. Victims must sit in the second floor cinderblock hallway on plastic seats in view of 112 Precinct personnel or in the QSVS lunch room. Victims are interviewed in an open room with other detectives/victims in line of sight.

THE STRANGER RAPE PROBLEM

The most vicious type of sexual assault and one of the most hideous crimes in society is the stranger rape. A stranger rape is the ambush sexual attack of a woman, walking down the street or entering her home, by a male she has never meet before. There is normally a large amount of physical violence, threats, injuries and dehumanization. It causes lifetime damage and strips the victim of all dignity. The depth of the damage incurred by the stranger rape victim is simply demonstrated by the following fact: On numerous occasions when a victim of a stranger rape, that has occurred a decade or more years ago, is approached by a Special Victims detective and subsequently introduces themselves by title, name and unit, the first response of the victim is, “**You caught him!**”

The stranger rape problem is, “the failure of government to focus the full resources on the interdiction of the stranger rape offender pool.” It is the most ignored issue in modern criminology. There were over 3,500 reported stranger rapes in the past twenty years in New York City and an examination of the below table shows vast misclassification from 1995 to 2002 thus the correct number of reports would be over 4,000. In addition, during that time period, there were more than likely 10,000 or more non-reported stranger rapes. The following is being recommended to attempt to reduce the size of the stranger rape offender pool.

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11. Removal of the crime Rape from the Compstat Index Crimes –

In 1930 the FBI assumed responsibility for collecting the original 7 Major Index Crimes, now known as UCR Part 1 crimes and more generally referred to as the Index Crimes. The 7 crimes were established as an Index with no scientific basis that the 7 crimes collectively are an accurate metric for crimeogenic disorder. There was very little knowledge in 1930 of the relationship between disorder and crime. Their decision to collect the 7 crimes was to allow reliable analysis and national comparisons in the context of 1930 understanding of crime.

When NYPD created Compstat the 7 Index Crimes were used as the index the NYPD measured to. The seven crimes were selected mainly because it was the only real crime data the organization collected at that time and thus the only reliable data available.

Rape offenders, in general, are not from the general offender pool but are from a smaller violent sexual assault offender pool. Rape is such a deep trespass it can only be acted upon by a select few persons in the population. Stranger Rape is the most severe form of rape and their offender pool is even smaller.

There is very little correlation between rape and the 6 other Compstat Index Crimes. The other 6 (non-rape) index crimes are strongly correlated to each other. Rape comprises only 1.2% of the Compstat Index Crime. Ninety percent of the offenders are known to each other.

The sexual assault community is very suspicious that rape complaints are not taken or downgraded because rape is a Compstat Index Crime. The complexity of Rape fact patterns are such they are amenable to be misclassified as lower crimes. The removal of rape from the Compstat Index Crimes and replaced with a more strongly correlated felony would remove any possibility of any organizational pressure not to take a rape complaint or misclassify it. A change of this level would represent a focus on the victim and more importantly the damage caused by its victimization.

The NYPD would receive National Acclaim in instituting such a change.

12. Establishment of a Stranger Rape Cold Case Squad

There are approximately over 2500 stranger rape cases that are unsolved over the past 20 years and just as important thousands (could be as high as 10,000) of non-reported stranger rapes. This means there are thousands of unapprehended rapists. Since stranger rape is so severe a rapist just cannot offend once thus many of the non-reported rapes are done by unapprehended rapist from reported cases. There is also some number of stranger rape cases in the 1994 to 2011 time frame that were incorrectly classified and never investigated as rapes.

Once a rape investigation is closed by the Special Victims Squad concerned it is never looked at again. Around 20% percent of stranger rape cases a DNA profile is able to be

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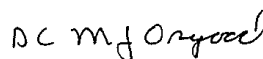
developed thus cold case stranger rapes solvability cannot be dependent on a DNA convicted offender hits. A Stranger Rape Cold Case Squad would reopen every unsolved stranger rape form 1994 to present and attempt to resolve them. They would also be tasked with assessing stranger non-rape sex crime cases to determine if they were misclassified.

13. Creation of a Stranger Rape Advanced Analytical Investigative Predictive Model Team –

The stranger rapist is a unique offender. The depth of the trespass is so great indicates a damaged neurobiological system. The stranger rapist behavior is such that he is many times not a member of the General Purpose Offender pool.

His background can be discovered as a set of dimensions. Those dimensions can then be used as an investigative vector to increase the probability of solving stranger rape cases.

For your consideration.



Michael J Osgood
Deputy Chief

Appendix P

Internal NYPD Memoranda: “Special Victims Division – Victim Services Recommendations” (September 29, 2014)

Removal of the crime Rape from the Compstat Index Crimes –

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The sexual assault community is very suspicious that rape complaints are not taken or downgraded because rape is a Compstat Index Crime. The complexity of Rape fact patterns are such they are amenable to be misclassified as lower crimes. The removal of rape from the Compstat Index Crimes and replaced with a more strongly correlated felony would remove any possibility of any organizational pressure not to take a rape complaint or misclassify it. A change of this magnitude would represent a focus on the victim and more importantly the damage caused by its victimization.

The NYPD would receive National Acclaim in instituting such a change.

ID # 1055 was submitted by DC Osgood to the RMT project -

ID # 1055 - The Department’s Organizational Shared Processes that are involved in increasing the order level in the City’s social system (crime reduction) are utilizing to broad of a crimeogenic metric (CompStat Major 7 - Index Crimes)

The creation of the original 7 Major Index Crimes in 1930 by the FBI was done with no scientific basis that the 7 crimes, as an index, was a precise metric for crimeogenic disorder. There was no understanding at the time, the police could have an effect on crime. When NYPD Compstat was formed the 7 major index crimes was defaulted to as a metric for disorder. One reason for defaulting to it was the UCR mandated that police organizations submit the major 7 and thus the NYPD had them available for use. Over the past twenty years the order level has become very high in New York City. The current technique of directing resources to the major 7 has become inefficient and contributes to community complaints. It also squanders an undetermined number of production hours across all the Bureaus. A more precise metric of disorder needs to be developed and placed into operation to focus NYPD order creation resources in a pinpoint like manner.

Appendix Q
**Internal NYPD Memoranda: “Comprehensive Analysis of Vehicle for Hire
Sexual Assaults” (February 16, 2016)**

**POLICE DEPARTMENT
CITY OF NEW YORK**

February 15, 2016

From: Commanding Officer, Special Victims Division
To: Chief of Department
Chief of Detectives
Subject: **COMPREHENSIVE ANALYSIS OF VEHICLE FOR HIRE SEXUAL
ASSAULTS**

Executive Overview:

The Special Victims Division (SVD), utilizing the definitions, assumptions and methodology described below, has performed a comprehensive analysis of Vehicle for Hire sexual assaults for 2015 and 2014.

In 2015, there were sixty-two (62) reported Vehicle for Hire sexual assault events. Fifty-one (51) were founded and eleven (11) were unfounded. **There were ten (10) founded Stranger Rapes and four (4) unfounded Stranger Rapes.** Fifty-nine percent (59%) of the fifty-one (51) founded sexual assaults were alcohol-related. Sixty-eight percent (68%) of the fifty-one (51) founded sexual assaults occurred on Friday, Saturday or Sunday; with seventy-seven percent (77%) of the Friday, Saturday and Sunday events occurring between 0000 to 0600 hours.

In 2014, there were sixty-two (62) reported Vehicle for Hire sexual assault events. Fifty-three (53) were founded and nine (9) were unfounded. **There were seven (7) founded Stranger Rapes and five (5) unfounded Stranger Rapes.** Fifty-three percent (53%) of the fifty-three (53) founded sexual assaults were alcohol-related. Seventy percent (70%) of the fifty-three (53) founded sexual assaults occurred on Friday, Saturday or Sunday; with sixty-nine percent (69.4%) of the Friday, Saturday and Sunday events occurring between 0000 to 0600 hours.

In 2015, seventy-six percent (76%) of the Vehicles for Hire that had founded sexual assaults associated with them were licensed Taxi and Limousine Commission (TLC) vehicles. In 2014, ninety-two percent (92%) of the Vehicles for Hire that had founded sexual assaults associated with them were licensed TLC vehicles.

In both 2015 and 2014, the type of Vehicle for Hire with the most sexual assaults attributed to it was the TLC Livery vehicle; sixteen (16) and twenty-seven (27) respectively. Yellow Taxis were second for both years with fifteen (15) and seventeen (17) respectively.

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In 2015, eight (8) of the ten (10) founded stranger rapes occurred in a licensed TLC vehicle. In 2014, six (6) of the seven (7) founded stranger rapes occurred in a licensed TLC vehicle.

In both 2015 and 2014 the Borough in which the most sexual assaults occurred involving Vehicles for Hire was Brooklyn; twenty-one (21) and nineteen (19) respectively. Manhattan was second for both years with eighteen (18) and eighteen (18) respectively.

As this report was being finalized the undersigned received a document from the Taxi and Limousine Commission (TLC) of sex-based complaints made directly to the TLC during calendar year 2015. The TLC document contained sixty-six (66) complaints. A preliminary examination of the document yields that twenty-six (26) of the complaints are sex crimes with five (5) of the twenty-six (26) possibly being attempted Stranger Rapes. At this point in time the twenty-six (26) cases appear to be additional cases beyond the sixty-two(62) reported to SVD in 2015. All sixty-six (66) complainants will need to undergo a Special Victims interview in order to discern the extent of criminality.

Definitions and Assumptions:

Vehicles for Hire for the purpose of this report are defined as either a Yellow Taxi, Green Taxi, Uber, Lyft, Black TLC car, bona fide Gypsy cab, Car Service, Dollar Van, Limo or an Imposter Livery. An Imposter Livery is a vehicle driven by a sexual predator who pretends to be a Vehicle for Hire, but the driver instead drives around with the sole purpose of locating intoxicated women.

The assumption made for this report is the victim believes she/he is going to pay money for transportation and the victim believes she/he is getting into a Vehicle for Hire.

Inadequacies and Costs of the Department’s non-Engineered Data Systems:

The underlying reason for the below listed Methodology and the substantial cost of using such a Methodology is that the Department’s computer-based information systems and their underlying data structures are not engineered. Thus most of the Department’s computer-based information systems are not rigorously and robustly defined relative to the organization’s business needs. **Particularly, the business need for exact and detailed data to perform surgical and focused crime interdiction.** The utilization of search engines like COGNOS, ad hoc queries or any other automated technique for data retrieval is inaccurate when attempting to formulate detailed analyses. These queries retrieve information from data sets that are not rigorously discovered, defined and/or attributed.

In order to perform the analysis contained in this report, the following members were mobilized: three to four detectives and two supervisors from each of the Division’s four Adult Squads along with four detectives and one supervisor from the Division’s central office. This group of twenty-five (25) UMOs worked episodically over a five (5) week period utilizing the methodology listed below. **In the aggregate, it required over 2,100 hours of labor to produce this analysis.**

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Internal NYPD Memoranda: “Comprehensive Analysis of Vehicle for Hire Sexual Assaults” (February 16, 2016)

Over the past year, SVD has been requested to complete three additional comparable analytical analyses which consumed an equivalent amount of labor.

Methodology:

The Special Victims Division only receives open Complaint Reports for Penal Law Section 130 (Sex Crimes) complaints. The information housed in the Special Victims Division’s Enterprise Case Management System does not encompass the entire universe of sexual assault crime data. For example, arrests by patrol for a Penal Law Section 130 (Sex Crimes) or cases inadvertently kept by the Precinct Detective Squads will not be included in SVD’s Enterprise Case Management System.

The Department’s main search engine is called COGNOS. COGNOS only retrieves against the Department’s Data Warehouse. Enterprise Case Management System data is not in the Data Warehouse. The OMNI system is the main data source of a COGNOS Select query. OMNI data consists basically of Complaint Reports taken by Patrol. It is a well-known fact that Complaint Reports are not rigorous. Queries retrieved against Complaint Reports are inadequate for detailed (deep-dive) analyses. In addition, OMNI does not reflect the changing state of information that can occur during an investigation. Thus, the Department’s automated search mechanisms are inadequate to conduct robust deep-dive analyses.

The most current and detailed information is stored in the Detective Bureau’s Enterprise Case Management System. The detailed information contained therein many times does not sit within a defined data field. It is contained in text within the Details section of the system’s Complaint Report Follow Up Informational Reports (DD5s).

To perform an accurate analysis of Sexual Assaults associated with Vehicles for Hire requires as a starting point the physical examination by a SVD Uniform Member of the Service all Penal Law Section 130 (Sex Crimes) Complaint Reports to determine which ones may be Vehicle for Hire events. That requires examining all sex crime Complaint Reports for both 2015 and 2014. Then it requires reading either the associated Special Victim’s case inside the Enterprise Case Management System, the arrest in OMNI or reading the Precinct Detective Squad’s case inside the Enterprise Case Management System. Next, it requires transposing the necessary information into a coherent collection document. Finally, that document must be centralized, aggregated and analyzed.

The total number of Penal Law section 130 (Sex Crimes) Complaint Reports that had to be physically examined for 2015 was 6,997 and for 2014 was 7,496. This totals 14,493 Complaint Reports. The Complaint Reports examined by Borough is as follows: (Staten Island did not have any Vehicle for Hire cases.)

	<u>2015</u>	<u>2014</u>
Manhattan	1612	1766
Brooklyn	2583	2486
Queens	1688	1640
Bronx	1114	1604

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**Internal NYPD Memoranda: “Comprehensive Analysis of Vehicle for Hire
Sexual Assaults” (February 16, 2016)**

Overall Analysis:

It was determined that there were sixty-two (62) reported sexual assaults that occurred involving Vehicles for Hire in both 2015 and 2014. Of those sixty-two (62) reported crimes, eleven (11) were unfounded in 2015 and nine (9) were unfounded in 2014; for a total of fifty-one (51) founded sexual assaults in 2015 and fifty-three (53) founded sexual assaults in 2014.

The Patrol Borough area in which the most number of victims entered into the Vehicle for Hire was Patrol Borough Manhattan South with twenty-four (24) in 2015 and twenty (20) in 2014. There were also eleven (11) events in 2015 and nine (9) events in 2014 in which the victim did not know the exact location where they obtained the Vehicle for Hire.

The overwhelming majority of offenders were strangers to the victims; ninety-eight percent (98%) in 2015 and ninety-four (94%) in 2014. Almost all of the criminal attacks were completed events; ninety (90%) in 2015 and ninety-two (92%) in 2014.

The number of victims who became non-participating was substantial. In 2015, it was twelve (12) victims consisting of twenty-four percent (24%) of the total number of cases. In 2014, in it was twenty-three (23) victims consisting of forty-three percent (43%) of the total number of cases.

There were nineteen (19) licensed locations known and identified by the victims in 2015 as being patronized by them prior to entering the Vehicle for Hire. There were twelve (12) licensed locations known and identified by the victims in 2014 as being patronized by them prior to entering the Vehicles for Hire.

One (1) licensed location in 2015 had (2) two cases connected to it - **Club Lavo** located at 39 E 58th Street, Manhattan. One (1) licensed location in 2014 has three (3) cases connected to it - **Output Club**, located at 74 Wythe Ave, Brooklyn.

Alcohol-Related:

In 2015, out of the fifty-one (51) Vehicle for Hire sexual assaults, there were a total of thirty (30) cases (59%) that the victim reported consuming alcohol prior to the crime. In the remaining twenty-one (21), thirteen (13) victims stated they did not consume alcohol and in eight (8) of the cases it is unknown if alcohol was a factor.

In 2014, out of the fifty-three (53) Vehicle for Hire sexual assaults, there were a total of twenty-eight (28) cases (53%) that the victim reported consuming alcohol prior to the crime. In the remaining twenty-five (25), sixteen (16) victims stated they did not consume alcohol and in nine (9) of the cases it is unknown if alcohol was a factor.

Alcohol related crime occurring in Vehicles for Hire went from twenty-eight (28) in 2014 to thirty (30) in 2015 for an eight percent (8%) increase.

Appendix Q

Internal NYPD Memoranda: “Comprehensive Analysis of Vehicle for Hire Sexual Assaults” (February 16, 2016)

Out of the fifty-one (51) sexual assaults in Vehicles for Hire that occurred in 2015, ten (10) were Stranger Rape. Of those ten (10), six (6) or 60% were reported as alcohol-related. In comparison, out of the fifty-three (53) sexual assaults in Vehicles for Hire that occurred 2014, seven (7) were Stranger Rape 1, and of those seven (7), two (2) or 29% were reported as alcohol-related.

RAPE 1 ALCOHOL RELATED TYPE OF VEHICLE FOR HIRE 2015

VICTIM-OFFENDER RELATIONSHIP	TYPE OF VEHICLE	LOCATION OF ACT WITHIN VEHICLE	ALCOHOL INVOLVED (YES/NO)		
			YES	NO	
Stranger	TLC Livery	Back seat	2	2	
		Outside vehicle	1	0	
		Unknown	1	0	
		Total	4	2	
	Yellow Taxi	Back seat	1	1	
		Total	1	1	
	Unknown	Back seat	1	1	
		Total	1	1	
	Stranger Total			6	4
	Grand Total			6	4

RAPE 1 ALCOHOL RELATED TYPE OF VEHICLE FOR HIRE 2014

VICTIM-OFFENDER RELATIONSHIP	TYPE OF VEHICLE	LOCATION OF ACT WITHIN VEHICLE	ALCOHOL INVOLVED (YES/NO)		
			YES	NO	
Stranger	Imposter	Outside Vehicle	0	1	
		Total	0	1	
	TLC Livery	Back seat	1	3	
		Total	1	3	
	Yellow Taxi	Back seat	1	0	
		Back seat & Apartment	1	0	
		Total	2	0	
	Grand Total			3	4

Appendix Q
Internal NYPD Memoranda: “Comprehensive Analysis of Vehicle for Hire Sexual Assaults” (February 16, 2016)

Day of the Week and Hour of the Day:

In the year ending 2015, of the fifty-one (51) Vehicle for Hire sexual assault cases, six (6) occurred on Friday, eighteen (18) on Saturday, and eleven (11) on Sunday, for a total of thirty-five (35) or sixty-percent percent (68.6%). Furthermore, on those three (3) days, twenty-eight (28) crimes out of the thirty-five (35), or eighty percent (80.0%), occurred between the hours of 0000 hours and 0600 hours.

In the year ending 2014, of the fifty-three (53) Vehicle for Hire sexual assault cases, eight (8) occurred on Friday, thirteen (13) on Saturday, and fifteen (15) on Sunday, for a total of thirty-six (36) or seventy percent (70.5%). Furthermore, on those three days, twenty-five (25) crimes out of the thirty-six (36), or sixty-nine percent (69.4%), occurred, between the hours of 0000 hours and 0600 hours.

Type of Vehicle for Hire:

In 2015, thirty-nine (39), or seventy-six percent (76%), of the Vehicles for Hire that had founded sexual assaults associated with them were licensed TLC vehicles. In 2014, forty-nine (49), or ninety-two percent (92%), of the Vehicles for Hire that had founded sexual assaults associated with them were licensed TLC vehicles. TLC Livery and Yellow Taxi were the main Vehicles for Hire in which sexual assaults occurred.

TYPE OF VEHICLE FOR HIRE

	2015	2014	DIFF	% CHG
TLC Livery	16	27	-11	-40.7%
Yellow Taxi	15	17	-2	-11.8%
Uber	6	2	4	200.0%
Unknown	7	1	6	600.0%
Imposter	3	2	1	50.0%
Green Taxi	1	3	-2	-66.7%
Unlicensed Livery	2	0	2	N/A
Lyft	1	0	1	N/A
Gypsy	0	1	-1	-100.0%
TOTAL	51	53	-2	-3.8%

Appendix Q

Internal NYPD Memoranda: “Comprehensive Analysis of Vehicle for Hire Sexual Assaults” (February 16, 2016)

Location of Assault within the Vehicle for Hire:

In 2015, the locations within the Vehicles for Hire where the sexual assault occurred were as follows: **back seat**- twenty-nine (29); **passenger (front) seat** – thirteen (13); **other location** (hood, outside, etc...) –nine (9). In 2014, the locations within the Vehicles for Hire where the sexual assault occurred were as follows: **back seat**- twenty-six (26); **passenger (front) seat** – thirteen (13); **other location** (hood, outside, etc...) –fourteen (14).

LOCATION OF CRIME WITHIN VEHICLE FOR HIRE

LOCATION OF ACT WITHIN VEHICLE	2015	2014	DIFF	% CHG
Back seat	29	26	3	11.5%
Passenger (front) seat	13	13	0	0.0%
Unknown	5	8	-3	-37.5%
Outside Vehicle	4	2	2	100.0%
Apartment	0	2	-2	-100.0%
Back seat & Apartment	0	1	-1	-100.0%
Hotel	0	1	-1	-100.0%
Grand Total	51	53	-2	-3.8%

Borough of Occurrence in which the sexual assault occurred:

The Borough in which the most number of sexual assaults associated with Vehicles for Hire occurred is Brooklyn. Brooklyn had twenty-one (21) cases in 2015 and nineteen (19) cases in 2014.

The Borough of Manhattan had the next highest number of sexual assault cases associated with Vehicles for Hire; eighteen (18) in 2015 and nineteen (19) in 2014.

Appendix Q
Internal NYPD Memoranda: “Comprehensive Analysis of Vehicle for Hire Sexual Assaults” (February 16, 2016)

BOROUGH OF OCCURRENCE, TYPE OF SEX CRIME

BOROUGH	SEX CRIME	2015	2014	DIFF	% CHG
BRONX	Forcible Touching	2	4	-2	-50.0%
	Sex Abuse 3	1	1	0	0.0%
	Agg Sex Abuse	0	1	-1	-100.0%
	Total	3	6	-3	-50.0%
BROOKLYN	Forcible Touching	7	9	-2	-22.2%
	Rape 1	7	4	3	75.0%
	Sex Abuse 3	4	4	0	0.0%
	Sex Abuse 1	2	2	0	0.0%
	Sexual Misconduct	1	0	1	N/A
	Total	21	19	2	10.5%
MANHATTAN	Forcible Touching	6	12	-6	-50.0%
	Sex Abuse 1	5	3	2	66.7%
	Sex Abuse 3	5	3	2	66.7%
	Rape 1	1	1	0	0.0%
	Criminal Sexual Act 1	1	0	1	N/A
	Total	18	19	-1	-5.3%
QUEENS	Rape 1	2	3	-1	-33.3%
	Sex Abuse 3	4	0	4	N/A
	Forcible Touching	2	2	0	0.0%
	Criminal Sexual Act 1	1	1	0	0.0%
	Sex Abuse 1	0	2	-2	-100.0%
	Sexual Misconduct	0	1	-1	-100.0%
	Total	9	9	0	0.0%
Grand Total		51	53	-2	-3.8%

Breakout of Sex Crimes:

In 2015, there were nineteen (19) felonies and thirty-two (32) misdemeanors with Rape 1 and Forcible Touching leading each category. In 2014, there were seventeen (17) felonies and thirty-six (36) misdemeanors with Rape 1 and Forcible Touching leading each category.

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Internal NYPD Memoranda: “Comprehensive Analysis of Vehicle for Hire Sexual Assaults” (February 16, 2016)

SEX CRIME CLASSIFICATION BREAKOUT

SEX CRIME		2015	2014	DIFF	% CHG
FELONY	Rape 1	10	8	2	25.0%
	Sex Abuse 1	7	7	0	0.0%
	Criminal Sexual Act 1	2	1	1	100.0%
	Agg Sex Abuse	0	1	-1	-100.0%
	Total	19	17	2	11.8%
MISD.	Forcible Touching	17	27	-10	-37.0%
	Sex Abuse 3	14	8	6	75.0%
	Sexual Misconduct	1	1	0	0.0%
	Total	32	36	-4	-11.1%
Grand Total		51	53	-2	-3.8%

Summary:

There were fifty-one (51) founded sexual assaults in 2015 and fifty-three (53) founded sexual assaults in 2014 that were associated with Vehicles for Hire. Brooklyn was the Borough with the most Vehicles for Hire sexual assaults.

The Patrol Borough area in which the most number of victims entered into the Vehicle for Hire was Patrol Borough Manhattan South with twenty-four (24) in 2015 and twenty (20) in 2014. There were also eleven (11) events in 2015 and nine (9) events in 2014 in which the victim did not know the exact location where they obtained the Vehicle for Hire.

A substantial number of the assaults occurred on Friday, Saturday or Sunday between the hours of 0000 to 0600 hours. On average, fifty-six percent (56%) of the sexual assaults in both 2014 and 2015 were alcohol-related.

During the 2014 to 2015 timeframe, eighty-four percent (84%) of the Vehicles for Hire were licensed Taxi and Limousine Commission (TLC) vehicles. The TLC Livery vehicle was the most common Vehicle for Hire associated with sexual assaults.

In 2015, ten (10) of the sexual assaults were founded Stranger Rapes. In 2014, seven (7) of the sexual assaults were founded Stranger Rapes yielding a forty-three percent (43%) increase.

Michael Osgood
Deputy Chief