

SEXUAL ASSAULT UNIT ASSESSMENT

NEW YORK CITY POLICE DEPARTMENT



Final Report | November 2021

Prepared by

James Markey, Hannah Feeney, Kevin Strom, Amy Durall



Project Team

James Markey, MEd, RTI International

Hannah Feeney, PhD, RTI International

Amy Durall, Integrity Institute LLC

Kevin J. Strom, PhD, RTI International

Crystal M. Daye, RTI International

John Somerindyke, Lt., Retired, Fayetteville Police Department, NC

Lt. Jordan Satinsky, Montgomery County Police Department, MD

Caroline Huffaker, MEd, Chattanooga Police Department, TN

Tom Scott, PhD, RTI International

Contents

Executive Summary	1
1. Sexual Assault Unit Assessment Overview	1-1
1.1 Introduction	1-1
1.2 RTI Assessment Team.....	1-1
1.3 Scope of the Assessment	1-2
2. Assessment Methods	2-1
2.1 Sexual Assault Policy and Training Assessment	2-1
2.2 Personnel Interviews.....	2-2
2.3 Sexual Assault Case Review	2-2
3. Sexual Assault Policy and Training Assessment	3-1
3.1 Assessment of Agency Sexual Assault Policies and Procedures	3-1
3.2 Identified Guides for Detailed Assessment Review	3-5
3.2.1 Patrol Guide 207-38, Complaints Involving Sex Crimes	3-5
3.2.2 Patrol Guide 212-04, Crime Scene	3-6
3.2.3 Patrol Guide 218-33, Processing Sexual Offense Collection Kits in Sex Offense Cases	3-7
3.2.4 Detective Guide 502-01, Investigative Techniques	3-7
3.2.5 Detective Guide 502-14, Response to Hospital Regarding Possible Sex Crime Victim.....	3-8
3.2.6 Detective Guide 502-30, Electronic Recording of Custodial Interrogations	3-9
3.3 Assessment of Agency Sexual Assault Training.....	3-10
4. Case Review Findings	4-1
5. Case File Review and Personnel Interview Assessment	5-1
5.1 SVD Staffing, Resources, and Workload.....	5-1
5.1.1 SVD Investigator Caseload.....	5-1
5.1.2 Training and Experience of SVD Personnel	5-2
5.1.3 Assignment, Mentorship and Supervision Opportunities	5-3
5.2 Initial Response to Reported Sex Crimes	5-4
5.2.1 Initial Victim Report.....	5-4
5.2.2 Initial Response by Patrol Officers and SVD Investigators	5-5

5.2.3	Investigative Steps Taken at the Initial Response	5-7
5.2.4	Locating and Processing Crime Scenes.....	5-12
5.3	Investigative Response to Reported Sex Crimes.....	5-13
5.3.1	SVD Investigator Assignment	5-13
5.3.2	SVD Investigator Follow-up with Victims	5-14
5.3.3	SVD Investigator Follow-up with Witnesses.....	5-16
5.3.4	Contact and Interview of Suspects.....	5-16
5.3.5	Controlled Communication	5-18
5.3.6	Accessing and Gathering Electronic and Social Media Data	5-19
5.3.7	Case Resolution and Disposition	5-20
5.3.1	Victim Advocacy Follow-up	5-21
5.4	Case File Documentation	5-24
5.4.1	Accuracy and Consistency in Documentation	5-24
5.4.2	Language Employed and Descriptive Content	5-25
5.5	Physical Evidence Processing and Testing.....	5-25
5.6	Case Submission to Prosecution	5-27
5.7	Stakeholder Communication and Collaboration.....	5-30
5.7.1	Sexual Assault Forensic Examiners.....	5-30
5.7.2	Prosecution.....	5-31
5.7.3	Crime Laboratory—OCME.....	5-32
5.7.4	Agency and Community Advocacy	5-33
5.7.5	Multidisciplinary Teams and Task Forces.....	5-34
6.	Recommendations	6-1
References		1
Appendices		
Appendix A: Example Interview Questions		A-1
Appendix B: Example Policy Criteria		B-1

Tables

Number		Page
Table 3-1.	Policies, Procedures, and Guides Reviewed	3-2
Table 4-1.	NYPD Case Review Data.....	4-1
Table 6-1.	Detailed List of Recommendations	6-1

EXECUTIVE SUMMARY

Background & Overview

Law enforcement's response to sexual assault directly impacts the ability to deliver justice for victims through the criminal justice system and prevent future crimes. Creating a comprehensive, sustainable practice for addressing sexual assault can improve an agency's investigative response and case outcomes, which, in turn, can benefit individual victims and their communities. The New York City Police Department (NYPD) is responsible for providing public safety services for 8 million citizens across five boroughs (Bronx, Brooklyn, Manhattan, Queens, and Staten Island), as well as the city's many visitors. The NYPD strives to provide a consistent process that coordinates agency-wide efforts across the boroughs and designated patrol precincts. The NYPD has numerous community and government partners including District Attorney's offices in each borough, as well as medical providers and advocacy agencies.

In 2021, the NYPD contracted with RTI International to assess its response to sexual assault. Through this project, RTI finalized plans to provide NYPD with an independent and comprehensive review of the agency's response and investigation of adult sexual assault cases. All assessment activities took place between April 2021 and September 2021. This report details the observations, findings, and recommendations identified by the RTI International Assessment Team.

The RTI International Assessment Team (hereinafter referred to as the Assessment Team) examined in detail the processes and procedures in place for investigating and prosecuting adult sexual assault cases by NYPD, including the use of victim-centered and trauma-informed practices. As part of the assessment, the team conducted a thorough examination of the sexual assault investigative process, both within and outside the law enforcement domain. This assessment included: 1) review of policies pertaining to sexual assault response and investigation, in-service training, and academy training curriculum; 2) investigative case file analysis; and 3) personnel and stakeholder interviews. These methods were used to develop findings and recommendations, with the intention of promoting organizational transformation to better serve adult victims of sexual assault.

The RTI Assessment Team was comprised of multidisciplinary experts with expert knowledge and experience in law enforcement, including sexual assault investigations, sexual assault nurse examinations, forensic science, prosecution, advocacy, and research. Specifically, the Assessment Team included: (1) current and retired sworn personnel with decades of law enforcement experience, including supervision of sex crimes units; (2) criminologists and community psychologists with extensive experience working with law enforcement agencies on their response to sexual assault and other violent crimes; (3) experienced prosecutors recognized as national leaders in training and education on the prosecution of sexual assault cases; (4) career victim advocates with expertise in organizational advocacy administration and all aspects of response to sexual assault victims; and (5) forensic scientists recognized for their work in sexual assault reform and forensic DNA analysis.

The NYPD's sexual assault response provides a foundation for investigating reported sexual assaults, which includes specialized investigators (i.e., detectives and police officers) who work out of the Special

Victim Division (SVD). Each of the city's five boroughs have a specialized SVD which is responsible for all reports of adult sexual assault. The SVD investigators are supported through various NYPD units and by other external partners. This includes crime and intelligence analysts, crime scene investigators, and the Office of the Chief Medical Examiner (OCME), which serves as the crime laboratory for the NYPD. Reports of sexual assault are initiated to the NYPD through various methods including calls to 911, hospital requests, and the use of a specialized sexual assault hotline, which enables reporting directly to the NYPD.

Observed Strengths

The Assessment Team observed multiple strengths across all areas of the NYPD's sexual assault response. Importantly, the Assessment Team documented high morale and positive internal agency working relationships, particularly within borough-specific SVDs. The NYPD sufficiently staffs their SVD units with detectives, police officers, and other support personnel, who have access to a wide range of investigative resources. SVD investigators are assigned to cases promptly and engage in timely follow-up with all victims. The Assessment Team observed that reports of sexual assault were consistently officially documented through appropriate means. The NYPD has integrated multiple programs to enhance the victim experience of reporting sexual assaults, including the deployment of the NYPD Sexual Assault Hotline. The hotline allows victims to become connected with specialized investigators more efficiently and is used regularly by the community. Additionally, NYPD officers serving as liaisons to the OCME facilitate prompt and consistent communication between investigators and the lab. The NYPD is in the initial stages of imbedding sexual assault advocates within select SVD units, which may serve to further support victims throughout the investigative process. Finally, the Assessment Team observed a significant commitment from SVD leadership to support and improve sexual assault response.

Recommendations for Improvement

The Assessment Team also witnessed challenge areas for the NYPD and offered associated recommendations for organizational and investigative improvement. Generally, investigative strategies and approaches were not consistently tailored to the needs of the case or the victim. For example, some investigative approaches were implemented across most cases, even if the approach may not have been the most strategic or efficient next step (e.g., controlled call, victim photograph). Other investigative practices were found to be underutilized, like dispatch of crime scene response or in-person suspect interviews. Overall, the Assessment Team noted that SVD investigators may benefit from written direction surrounding the timing and general progression of investigative steps, including case closure.

SVD personnel were inconsistently prepared for the investigatory needs of sexual assault cases. While some SVD personnel were exemplary in the ways they interacted with victims and conducted investigations, others still had room for improvement. The Assessment Team observed that not all investigators assigned to the SVD had background that would allow them to be well-prepared for the role. These investigators would benefit from additional preparation and oversight while becoming acclimated to the special needs of SVD victims. The Assessment Team suggests that the NYPD develop a written policy or directive which outlines the requirements for selection, retention, and promotion of detectives within the SVD, inclusive of performance review metrics. Additionally, the NYPD should

develop a written and standardized process for onboarding and continued evaluation of personnel in the SVD.

The Assessment Team documented a notable lack of detailed guidance via policy and guides, regarding the response, direction, and roles and responsibilities of NYPD in sexual assault response. This was true across the organization, including a lack of clear protocols for patrol responding to sex crimes scenes. The Assessment Team recommends that the NYPD create and implement a written agency-wide comprehensive sexual assault policy that provides all personnel with direction, roles and responsibilities, and expectations in order to establish a consistent and standardized response.

The Assessment Team’s review of SVD-related training revealed that beyond initial overview during the Academy, there was inconsistent implementation of and availability to SVD-specific training content. While some SVD-specific trainings are currently mandated by the NYPD, particularly for personnel entering the SVD, interviews revealed that these mandates were inconsistently enforced such that some SVD investigators who were interviewed did not yet receive formal training at the time of the interview. The Assessment Team recommends that the NYPD revisit their policies surrounding requirements for training, to formally and consistently mandate specialized and continuing training for all SVD and other critical NYPD personnel (e.g., patrol, communications) in the critical aspects of sexual assault response. It is recommended that NYPD evaluate this process annually to ensure the curriculum follows best practices and document that all personnel have received and completed mandated training. The NYPD should extend these training requirements to SVD supervisors, such that they receive specialized training on both general management skills and more specifically on leadership and management of an investigative unit as well as managing major cases. This training should outline core sexual assault investigative practices, case management and oversight, and supervision of investigators.

Through the Assessment Team’s exploration of NYPD partnerships with external agencies, we learned that the NYPD leverages the expertise of external partners in varying capacities. First, the NYPD engages with the District Attorney’s (DA) Office of New York regularly regarding individual-level cases. While this in and of itself is not a negative, the Assessment Team recommends the NYPD develop written policy to increase the consistency in practices and manner in which NYPD sexual assault cases are presented to the DA’s offices for review including, what cases are presented, when they are presented in terms of the status of the case, and where and how they are discussed and presented with DA staff.

For non-DA partners (e.g., advocacy services, hospital partners), the Assessment Team learned there is inconsistent communication, collaboration, and engagement, including a lack of cross-training. The implementation of advocacy is a critical factor in successfully supporting victims, mitigating further trauma, and efficiently investigating and closing sexual assault cases. The NYPD currently imbeds sexual assault advocates in two of five NYPD SVD boroughs. The Assessment Team recommends that the NYPD continue to expand this program, such that advocates are available to sexual assault victims in all areas of the city. The Assessment Team recommends that the NYPD seek out further collaboration with and targeted support from other local community partners, including community-based advocacy and sexual assault forensic examiners (SAFEs). Finally, the Assessment Team recommends that the NYPD explore the development of a true agency-based victim services unit model to further integrate advocacy involvement, while comprehensively supporting victims and supplementing current advocacy efforts.

1. SEXUAL ASSAULT UNIT ASSESSMENT OVERVIEW

1.1 Introduction

Law enforcement's response to sexual assault directly impacts the ability to deliver justice for sexual assault victims through the criminal justice system and prevent future crimes. Creating a comprehensive, sustainable practice for addressing sexual assault can improve an agency's investigative response and case outcomes, which, in turn, can benefit individual victims and their communities. Law enforcement agencies are responsible for continually assessing their sexual assault responses to ensure consistent implementation of best practices and current approaches, including victim-centered¹, trauma-informed² methods. A rigorous periodic assessment can ensure that law enforcement agencies provide their communities with the most current approach and response available.

New York City is the largest city in the United States, with a population of more than 8 million residents in 2021. As such, the New York City Police Department (NYPD) is responsible for providing public safety services for 8 million citizens across five boroughs, as well as the plethora of visitors moving through the city each day. Ultimately, the NYPD strives to provide a consistent process that coordinates agency-wide efforts across the boroughs. To accomplish this goal, the NYPD is staffed by approximately 36,000 sworn officers and 19,000 civilian professional staff who work in 77 designated patrol precincts. These precincts are a part of five geographical boroughs: the Bronx, Brooklyn, Manhattan, Queens, and Staten Island. In addition to its staff, the NYPD has multiple community and government partners with whom it coordinates with on a daily basis when responding to sexual assault. Partners include the five borough-based District Attorney's Offices, medical providers, and advocacy agencies.

In 2021, the NYPD contracted with RTI International to assess its response to sexual assault. Through this project, RTI finalized plans to provide NYPD with an independent and comprehensive review of the agency's response and investigation of adult sexual assault cases. All assessment activities took place between April 2021 and September 2021. This report details the observations, findings, and recommendations identified by the RTI Assessment Team.

1.2 RTI Assessment Team

The RTI Assessment Team (referred to henceforth as the Assessment Team) consisted of multidisciplinary experts who have knowledge of and practical expertise in law enforcement, including sexual assault investigations, sexual assault nursing, forensic science, prosecution, advocacy, and research. Specifically, the Assessment Team included: (1) current and retired sworn personnel with collective decades of law enforcement experience, including supervision of sex crimes units; (2)

¹ The National Institute of Justice (2016) defines victim-centered as an approach involving putting the victim "at the center of all decisions regarding recovery and any involvement with the criminal justice system; the victim's choice, safety and well-being is the focus; and the needs of the victim are everyone's — not just victim advocates' — concern," (pg. 2).

² The National Institute of Justice (2016) defines trauma-informed as an approach involving "attending to the victim's emotional and physical safety; using resources, services and support to increase the victim's capacity to recover; and educating victims, service providers and the general community," (pg. 2).

criminologists and community psychologists with extensive experience working with law enforcement agencies on responses to sexual assault and other violent crimes; (3) experienced prosecutors recognized as national leaders in training and education on the prosecution of sexual assault cases; (4) career victim advocates with expertise in organizational advocacy administration and all aspects of response to sexual assault victims; and (5) forensic scientists recognized for their work in sexual assault reform and forensic DNA analysis.

1.3 Scope of the Assessment

The Assessment Team examined in detail NYPD's processes and procedures for responding to adult sexual assault cases from point of initial report through case resolution. In particular, the assessment focused on NYPD's ability to respond to, investigate, and resolve these cases using victim-centered and trauma-informed practices. Recommendations may apply to multiple units within NYPD, including the Special Victims Division (SVD), as well as to external partner agencies and organizations, as their practices pertain to their partnerships with NYPD.

The current assessment is limited to NYPD's response and investigation of cases where the victim was 18 years of age or older and was reporting a crime that aligned with the Federal Bureau of Investigation's (FBI) Uniform Crime Report (UCR) definition of rape³. The Assessment Team did not review the agency's investigation of child sexual assault, including cases of child sexual assault reported as an adult, or child abuse. In addition, the assessment did not review the agency's handling of misdemeanor sexual assaults (e.g., groping), although recommendations provided to the NYPD through the current assessment would likely benefit such cases. Furthermore, the current assessment did not interview or involve survivors of sexual assault who have reported to the NYPD. This was an intentional decision made by the Assessment Team, and multiple steps were taken to ensure that survivor voice was considered throughout the assessment process. For example, expert advocates were engaged at all steps of the assessment process (see Section 1.3). Additionally, most personnel interviews included a version of the following question: "If we interviewed victims, what do you think they would say about their experience of reporting an assault to the NYPD SVD?" (see [Appendix A](#)). While these approaches are not a substitute for survivor perspectives, they do provide additional insight. The Assessment Team encourages the engagement of those with lived experience at all steps in the sexual assault response process, whenever possible.

This final report provides the NYPD with a foundation to recognize its strengths and identify areas for improvement, service gaps, and opportunities to implement policies and practices to refine how the agency handles adult sexual assault cases. All findings and recommendations are provided by the Assessment Team to support NYPD's efforts to implement effective and sustainable practices for (1) responding to, investigating, and prosecuting sexual assault cases; (2) collecting and processing sexual assault evidence; and (3) supporting sexual assault survivors. Findings associated with this assessment were at times limited by the detail and comprehensiveness of the information the NYPD provided. As an

³ Federal Bureau of Investigation's Uniform Crime Report definition of rape is "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim," (FBI, 2014).

example, some investigative case files contained redacted information and other case files were missing key pieces of information. It is unknown what, if any, influence these factors may have had on the final outcome of any specific findings and recommendations.

2. Assessment Methods

The current assessment used a mixed-methods approach⁴ to better understand the NYPD's response to adult sexual assault reports. We conducted the assessment via three methods:

- assessment of relevant NYPD policies, Police Academy trainings and curriculum, and other documented training and procedures related to sexual assault response;
- interviews with NYPD personnel and external partners; and
- systematic review of sexual assault investigative case files.

Personal identifying information (PII) was redacted from all materials provided to the Assessment Team and all team members signed confidentiality and nondisclosure agreements. RTI International's Institutional Review Board, which protects human subjects in research, reviewed and approved the project's methods and data collection processes.

2.1 Sexual Assault Policy and Training Assessment

The sexual assault policy review evaluated policy, training, and organizational structures to assess whether NYPD's policies and trainings (1) guide agency personnel independently through the response and investigation processes; (2) align with recommended practices in adult sexual assault investigations; and (3) are used for agency oversight, accountability, and performance management.

NYPD provided copies of all known policies, memos, trainings, and documented procedures relevant to sexual assault response and investigations. The Assessment Team also requested relevant operational procedures, including organizational charts, case assignment processes, and caseload measures. The Assessment Team is unable to confirm that all relevant materials were submitted for review but received documentation that is consistent with what is expected from the described request. Ultimately, the NYPD provided the Assessment Team with 42 agency policies that were perceived to be associated with sexual assault response. From those, the Assessment Team extracted 17 policies related to adult sexual assault that provided relevant direction for sworn personnel investigating adult sexual assault cases. The Assessment Team was also provided with material on current academy trainings and in-service/ongoing training provided to members of the NYPD.

The Assessment Team conducted a thorough review of all submitted documentation. The Assessment Team looked for data elements including specialization to sexual assault; guidance and direction for

⁴ The Assessment Team engaged in regular meetings with select members of the NYPD, including staff from the Office of Research and Innovation and the Office of the Commissioner, to coordinate data collection activities. These NYPD staff reviewed the final report accuracy in terminology and to ensure no major policies, procedures, trainings, or agency memos were overlooked. No members of the SVD participated in these activities. No findings or recommendations provided by the Assessment Team were altered or updated based on the feedback provided by NYPD. As such, the findings and recommendations included in this report reflect the conclusions of the Assessment team and do not necessarily reflect the views of the NYPD.

sexual assault response; inclusion of victim-centered and trauma-informed practices; and measurable standards for responsibilities and duties within the SVD, including case management and case closure. The Assessment Team employed its collective subject matter expertise and applied generally accepted criteria for policies while it conducted the policy review (see [Appendix B](#)). See Section 3 for detailed findings.

2.2 Personnel Interviews

Personnel interviews provided the Assessment Team the opportunity to speak directly with key individuals who participate in adult sexual assault response and investigations. Interviews regarding current policies, trainings, practices, and personnel perspectives on what is going well and what has room for improvement.

The Assessment Team identified relevant staff positions for the personnel interviews (e.g., patrol officers from each borough). Then, the Assessment Team coordinated with liaisons from the NYPD’s Office of Strategic Initiatives to set up these interviews, all of which were conducted virtually. When relevant, interviews with personnel in particular positions were requested from each of the five boroughs (e.g., SVD leadership, patrol, prosecution). Other positions were citywide (e.g., Office of the Chief Medical Examiner [OCME], crime scene investigator) and thus necessitated only one interview. The Assessment Team coordinated directly with outside organizations (e.g., advocacy groups) to set up and conduct multiple interviews.

Two-person teams completed interviews using semi-structured interview guides (see [Appendix A](#) for example questions). Whenever possible, interview teams included an Assessment Team member with expertise and experience in the discipline of the person being interviewed. For example, interviews with sworn personnel always included at least one current or retired law enforcement interviewer.

Interviewees were provided with an overview of the project and a majority advised they had not been briefed on the project or questions that would be asked during the assessment.

All interviews were conducted via Microsoft Teams and typically lasted 30 to 60 minutes. Interviews were never recorded. Instead, interview teams took thorough notes, which were compiled and reviewed to identify key themes. No individually attributable information was compiled or used during the interview and reporting process.

Overall, 68 individuals were interviewed for this assessment. From NYPD, 51 personnel were interviewed, including SVD detectives, police officers, and supervisors, patrol officers and supervisors, NYPD command staff, and crime scene and property technicians. In addition, 17 external stakeholders were interviewed, including prosecutors from four of the five District Attorney’s Offices, victim advocacy and sexual assault forensic examiner (SAFE) organizations, and crime laboratory personnel.

2.3 Sexual Assault Case Review

Reviewing and coding of sexual assault case files allowed for particular aspects of the agency’s response, investigative procedures, and case outcomes to be evaluated within the context of NYPD policies and procedures. The Assessment Team reviewed cases that met the following criteria:

- initial report was completed in 2018, 2019, or 2020;
- victim was 18 years of age or older at the time of the crime; and
- case narrative meets the Federal Bureau of Investigation’s Uniform Crime Report definition of rape, which is “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim,” (FBI, 2014).

For the case review, the Assessment Team requested a random sample of 150 adult sexual assault case files. RTI also requested that cases selected for review be representative of the different New York City boroughs. A liaison from the NYPD’s Office of Strategic Initiatives identified cases in conjunction with the SVD. The Assessment Team verified that the proportion of sampled cases across the boroughs did match the overall distribution of adult sexual assault cases reported by borough over the 3-year period examined (2018, 2019, 2020). The Assessment Team also requested that case status and disposition of identified cases included those cleared by arrest, cleared by exceptional means, unfounded, and those internally classified by the agency as pending or suspended. Cases of varied status and disposition were represented in the final sample (see [**Table 4-1**](#)).

Case files generally included NYPD incident numbers, dates, offense types, evidence lists, case narratives, and original and supplemental reports. An NYPD representative redacted all PII before information was provided to the Assessment Team. The selected case files were reviewed by five members of the Assessment Team onsite at NYPD headquarters. They extracted key information from the case files and coded data using a set of predetermined metrics that were discussed with the NYPD and agreed upon during the pre-site planning process. Descriptive statistics on the case file data are provided in Section 4 of this report.

3. Sexual Assault Policy and Training Assessment

3.1 Assessment of Agency Sexual Assault Policies and Procedures

Strong and effective policies and procedures serve multiple purposes for a law enforcement agency, including defining agency best practice, encouraging standardized and consistent agency response, and influencing overall agency culture. Policies and procedures can provide clear direction, a sound legal basis and justification for actions taken by agency personnel when investigating reports of sexual assault and may also establish mechanisms for agency and supervisory oversight that ensure standardized and sustainable practices within the agency. Importantly, a well-developed policy provides a framework for sworn personnel to effectively carry out assigned and expected responsibilities, particularly when confronted with complex and challenging scenarios.

A hallmark of effective sexual assault response policies is that they are victim-centered, trauma-informed, and include clear expectations for all agency personnel involved in the comprehensive response for sexual assault investigations. A stand-alone, detailed sexual assault case policy that provides clear guidance and standardized direction to agency personnel is ideal. This policy should encompass an agency response from the first responder's initial response through the final case disposition and offer a comprehensive guide that can clearly direct personnel in a standardized and organized manner. Additionally, policies should address the complexities of sexual assault cases. They should include, at minimum: (1) effective victim-centered, trauma-informed response methods; (2) information on when and how to incorporate victim advocacy; (3) parameters for contact, communication, and interviews with victims, witnesses, and suspects; (4) coordination of medical care to ensure inclusion of the SAFE; (5) patrol response and investigative practices, including witness identification and interviewing, follow-up actions, scene protection, evidence collection, storage, and laboratory submission; and (6) multidisciplinary response actions.

Policies should be current, regularly reviewed and updated, and founded in best practices that can be defended upon inquiry. Written policies that address these expectations are critical to providing internal and external uniformity and overall agency transparency and accountability. Strong policies allow agency transparency to the community and internally define roles, expectations, procedures, and practices ensuring personnel actions are executed in a well-defined and standardized manner.

The Assessment Team was provided with and reviewed the following 17 NYPD policy “guides”, as they are formally referred to by the NYPD, procedures, and statutes (see *Table 3-1*). While not all guides were determined to have a specific nexus with sexual assault response, they were determined to have potential impact on general response and therefore relevant to the current assessment. Policies identified as having significant association with sexual assault response were identified and reviewed in greater detail (n=7).

Table 3-1. Policies, Procedures, and Guides Reviewed

Patrol and Detective Guides	
207-01	Complaint Reporting System
207-07	Preliminary Investigation of Complaints
207-38	Complaints Involving Sex Crimes*
208-66	Felony Case Development
212-04	Crime Scene*
218-33	Processing Sexual Offense Collection Kits*
218-49	Immediate Delivery of DNA Evidence to the Police Lab and OCME
218-51	Suspect Evidence Collection Kits
502-01	Investigative Techniques*
502-14	Response to Hospital Regarding Possible Sex Crime Victim*
502-30	Electronic Recording of Custodial Interrogations*
506-02	Crime Scene Unit Response Protocol*
506-05	Collecting DNA Exemplar Consent and Court Ordered Samples
506-06	Collecting of DNA Exemplar Abandonment Suspect Samples
506-08	DNA Hit
506-09	DNA Match
515-01	Non-Amenable Case Closing Guidelines

*Guide reviewed in detail below.

Overall Observations and Recommendations

The policy documents provided to and reviewed by the Assessment Team address agency-wide and department-specific response to sexual assault, including directives for all sworn personnel (e.g., patrol and detectives). Most of the distinct documents reflect up-to-date information, with a majority of guides updated within the past 2 years. A notable number of policies reviewed for this assessment had the same issue and effective date of December 2020. One document was last updated in 2013 (Guide 2018-33). Consistent internal review and updating of policies is a key factor in ensuring personnel receive current information that supports their response to sexual assault.

Across the policies, procedures, and guides, there was a standard structure that emphasized clear communication channels, basic response expectations, and chain of command responsibilities.

Additional detailed guidance for initial response and follow-up investigation processes for both patrol and detectives were limited.

Although these guides provide important guidance, critical information is scattered across multiple documents, which might make it challenging for responders to identify and locate appropriate direction as needed. Additionally, the documentation provided lacked agency-wide guidance around crime scene management, evidence

Recommendation:

The NYPD should create and implement agency-wide comprehensive sexual assault policy which includes the incorporation of victim advocacy (see Table 6-1).

collection and preservation, access to forensic medical care, and incorporation of victim advocacy. This could allow for unnecessary interpretation of expected actions by officers and detectives. Specific recommendations for supervisors relating to adult sexual assault investigations were also absent.

A key part of a sound sexual assault response is victim advocacy, which includes a focus on the health, wellbeing, and safety of the victim. Notably, there is no mention of or reference to victim advocacy across all the NYPD policies and guides reviewed. Ensuring the critical needs of victims (safety, support, information, access, continuity, voice, justice) are addressed supports any investigative or future criminal justice process⁵. In 2019, the State of New York developed and enacted a Sexual Assault Victim Bill of Rights. Although not discussed or directed in policy or guides, the Assessment Team was informed that SVD investigators are instructed to provide a written copy of these rights to victims. The extent and consistency to which this is occurring was unable to be reviewed by the Assessment Team. We recommend the creation of a written policy related to the incorporation of victim advocacy, including individual advocate roles, responsibilities, appropriate communication, and specific direction for NYPD personnel when providing sexual assault victims information related to their rights.

While containing robust information on expected notifications of responding personnel within the chain of command, guides lacked information on specific response direction and expectations related to personnel interacting with victims and the impact of these interactions. This information was also absent for expected response of patrol officers during initial interactions. Additionally, it is important to ensure clarity of expectations when information is cross-referenced among multiple guides.

Overarching Policy Recommendations

- Develop and implement one (1) agency-wide comprehensive sexual assault response guide. This guide should be directed at all NYPD personnel who, during the course of their assigned responsibilities, respond to sexual crimes. It should address NYPD personnel response starting at initial contact with the victim through the investigative process and case resolution. Inclusion of information around agency-wide crime scene management, evidence collection and preservation, access to forensic medical care, and victim advocacy would support the development and implementation of a multidisciplinary response, which is recognized as best practice. The comprehensive guide could incorporate information from multiple current guides as well as the following recommended additions:
 - Directions for patrol responders about interacting with and acquiring basic victim statements.
 - Guidance for patrol responders around identification of witnesses, potential crime scenes and evidence, and expectations of any follow-up activities, including providing information for sworn personnel on the SAFE process.

⁵ See [Enhancing Law Enforcement Response to Victims](#) (ELERV; IACP, 2021) for more information.

- Information for patrol responders about trauma and associated responses that may be experienced and displayed by victims, trauma-informed approaches to victim interaction, and best practices for questioning victims.
- Direction for patrol responders related to advocacy support, notification, expectations, and practices for incorporating their response.
- Expansion of direction for initial responders on preparing the scene for crime scene response. This should include communicating appropriate information to witnesses/bystanders about the role of officers and the investigation process while promoting trauma-informed interactions on scene. Such approaches can help with victim/witness engagement as cases develop and thus are critical to formalize in agency procedures.
- Policy guidance around specific expectations for response processes and interactions between patrol officers and detectives. This may enhance response clarity, consistency, and support judicious deployment of personnel.
- Enhanced guidance for detectives around when and where to conduct victim interviews to further support victim-centered, trauma-informed practice. Research recommends conducting interviews at least two full sleep cycles (48 hours) after the incidents (Haskell & Randall, 2019).
- Clarified, defined purpose, direction, and expectations for SVD investigative follow-up and applicable strategies and techniques while investigating sexual assaults.
- Guidance for SVD supervisors on their roles during active investigations, periodic case review with each detective for all cases (formal and informal), identification of training needs, and performance evaluation of personnel performance.
- Provide clear direction and information pertaining to application of the State of New York Statute 50.B, including how NYPD personnel can proactively increase advocacy involvement in case follow-up. This should include guidance on advocacy contact, response, and involvement.
- Guidance for 911 communications/dispatch interactions with victims, including examples of victim-centered, trauma-informed responses and suggestions for training opportunities. These personnel are often the first contact that many victims encounter, and this addition would ensure cohesive overall response.
- Guidance for NYPD hotline interactions with victims, including selection requirements, role expectations, standardized call screening questions, examples of victim-centered and trauma-informed responses, and training opportunities. These personnel often represent initial contact between victims and the agency.
- Inclusion of expected actions when NYPD personnel are involved parties (i.e., victims, witnesses, or suspects) in reported incidents.

- Ensure that policy and guidance for all personnel clearly define roles, responsibilities, direction, and response expectations. Increasing clarity will ensure that tasks surrounding sexual assault response are not left for interpretation, the overall agency response is standardized, and there is no confusion as to what steps need to be taken and by whom.
- Expand written expectations for all sworn supervisors related to patrol response, investigative follow-up and case assessment, and supervisory oversight of personnel and processes.
- Agency guidance should include how and when to inform victims of their rights including distribution of the NYS Sexual Assault Victim Bill of Rights. Direction should include highlighting sections related to advocacy and services that can further support and inform victims on their rights.
- Review and address expectations for patrol officer and detective recordings of victim interviews. Describe who should record interviews and how they may communicate the process to interviewees in a victim-centered, trauma-informed manner (see Section 5.2.3).
- Complete a technical review of all guides, including the not-yet-written comprehensive guide recommended in this report, to address current descriptive language related to sexual crimes. Language within the policy should promote understanding of the impact of trauma, victim choice in reporting, and options for providing access and support to victims. Policy language sets a tone for how the crime of sexual assault and victims of these crimes are viewed and regarded. All policy language should reflect a trauma-informed approach.
- Complete a review of all guides, the not-yet-written comprehensive guide recommended in this report, to address current language used to describe employees of NYPD. The NYPD describes itself as “the service” and employees as “members of the service.” Rephrasing to “the agency” could more accurately portray the NYPD and alleviate any image of a military type force.

3.2 Identified Guides for Detailed Assessment Review

Select patrol and detective guides were reviewed in detail (see sections 3.2.1 through 3.2.6). Both series of guides provided limited additional guidance for critical police and victim engagement, interaction, and contact. Regardless of whether a single agency-wide comprehensive sexual assault response guide is developed, as is recommended in 3.1, the following observations and recommendations should be taken into consideration.

3.2.1 *Patrol Guide 207-38, Complaints Involving Sex Crimes*

This **Patrol Guide** provides a basic agency response for when personnel respond to a reported sex crime. This guide outlines basic responsibilities and response notifications for officers, patrol supervisors, detectives, and command staff. Outside of notification of key personnel and the chain of command, there is little detailed direction or guidance to responding personnel roles in particular how interactions with victims should occur.

Specific Observations and Recommendations

- Language is critical in conveying a victim-centered and trauma-informed sexual assault response. Language should be adjusted to better reflect these approaches. For example, given potential public access to patrol guides and agency intentions to make a meaningful shift to a victim-centered approach, consider editing the title to remove the use of the word “complaint.” While typical in criminal justice settings, such phrasing could be interpreted by people without this background knowledge as the person “complaining.”
- Sections 1 and 2 use the term “remove” when speaking of ways to work with victims. To practice victim-centered engagement, consider rewording to state that agency personnel should “arrange transportation” for the victim.
- Include guidance for describing the purpose of transporting the victim to the hospital (e.g., brief description of the SAFE process) and explaining victims in brief about what the medical exam may encompass including options.
- Section 3, which describes establishing a crime scene, should provide additional clarification and direction about determining the location of the crime scene and the activity necessary to protect evidence and process the scene.

3.2.2 Patrol Guide 212-04, Crime Scene

This **Patrol Guide** is not exclusively designed for sexual assault response, however much of the information in the guide is relevant to these investigations. This guide provides criteria prompting response by patrol personnel who respond to all types of crimes. When developing the comprehensive guide, consideration should be given to the incorporation of relevant direction for crime scene response in sexual assault investigations. This would provide first responding personnel a deeper understanding of critical information about sexual assault crime scene. This will provide the opportunity to describe specific and unique concerns that might arise during the course of any sexual assault response (e.g., specific types of evidence, evidence collection from victim). Although patrol officers are not trained to process and collect evidence at the scene, understanding the essential elements regarding evidence identification and collection will assist in scene preservation by identifying evidence and preventing it from being moved, altered, destroyed, or overlooked.

Specific Observations and Recommendations

- Include specific information, criteria, and examples for when a patrol or detective supervisor would request the services of the Forensic Investigations Division (FID) or Crime Scene Unit (CSU).
- For Bullet 5, review language around “detainment” when referring to witnesses. Consider editing to: identification and interview of outcry witnesses and other identified persons.

3.2.3 Patrol Guide 218-33, Processing Sexual Offense Collection Kits in Sex Offense Cases

This **Patrol Guide** provides information on the collection and management of sexual offense evidence and including sexual offense evidence collection kits (SOEKs). Although this guide is directed at patrol personnel, the information provided is applicable to any personnel who respond to and may be responsible for the management of a SOEK. This information is critical to the proper handling of sexual assault evidence. We recommend that this content be included in an agency wide comprehensive sexual assault response policy.

Specific Observations and Recommendations

- Edit the guide’s title to reflect that its contents cover more than SOEK evidence (i.e., “Processing Evidence in Sex Offense Cases”).
- Consider providing guiding information as to where a SOEK should be collected from, who can obtain the item, which medical facilities have SOEK collection available, and who is responsible for providing case communication and information to hospital personnel.
- For cases in which the victim is intoxicated, clarify and describe which drugs would prompt use of a specialized kit and who makes this determination (e.g., illegal drugs, alcohol, prescribed medication, OTC medication).
- Clarify if the responding officer is responsible for transporting the victim in their assigned vehicle. If so, include language about completing this in a trauma-informed manner (see Bullet 1).
- Consider shifting to victim-centered language, signaling a meaningful focus on a victim-centered approach, internally and externally. For example, replace the word “complaint” [sic] with “victim.” (See Bullet 3.) While typical in criminal justice settings, such phrasing could be interpreted by some without this background knowledge as the person “complaining.”
- In “Operational Considerations,” review the current 72-hour restriction on the administering of a SOEK and realign with current national standards of evidence-informed recommendations, which now consider 120 hours as the time frame for which SOEKs may retrieve viable DNA evidence. For victims reporting outside the 120-hour time frame, provide guidance on trauma-informed ways for officers to communicate evidence collection expectations and alternatives.
- Clarify if the responding officer should remain at the hospital while a SOEK is being completed and how a transporting officer should be notified that a SOEK is ready to be retrieved from evidence collection.

3.2.4 Detective Guide 502-01, Investigative Techniques

This **Detective Guide** articulates responsibilities related to the use of investigative techniques and actions taken by detectives. Although this guide is not specifically designed for SVD personnel, it is a fundamental document that can help direct detectives on follow-up procedures. While not all-inclusive for sexual assault investigations, this guide provides a limited list of steps and general techniques that

can be employed by SVD detectives during the course of an investigation. Currently, the guide does not provide specific, detailed guidance around how to accomplish the steps it outlines in a checklist format.

Specific Observations and Recommendations

- Several investigative “techniques” are listed in a nonspecific manner and not in any order of importance. For example, Step 3 indicates there should be “canvasses for vehicles.” This step offers no context as to who may be responsible for a vehicle canvass, how to complete this task, and what it entails. Although we acknowledge that sworn personnel learn these steps throughout their training (e.g., the academy), it is important to ensure tasks are well-defined, information and direction is well-articulated, and processes are explained for those who are expected to complete them. This type of policy direction clarifies expectations, defines personnel roles, and can be used to assess individual and agency response.
- In Bullet 12, include specific recommendations around victim-centered approaches (e.g., victim choice of interview location, option to include support persons chosen by victims) and trauma-informed approaches (e.g., interview after two full sleep cycles, acknowledging to victim that the interview is a process and details recalled may be out of sequence/delayed).
- In Bullet 12, include expectations for the recording of all interviews, including details on who should record interviews (e.g., detectives) and how they can communicate the process to victims in a victim-centered, trauma-informed manner.
- Provide additional guidance for all steps described, particularly for sex crimes. For example, in the current Investigative Techniques detective guide, steps 14 through 16 indicate the searching and processing of various scenes, but no other descriptive details are included. Although these are critical steps in any investigation, there is no supporting information as to who and how one should properly complete these steps or related any agency training to assist in understanding the process. If this information is contained in companion guides, a reference to those guides would be appropriate.
- In Bullet 33, add controlled communication as an investigative tool. Define the purpose, parameters, and utility of employing this tool as a separate investigative technique for sex crimes. Include mandatory training for all personnel who use controlled communication as an investigative means. Include the purpose, process, and potential for advocacy inclusion.

3.2.5 Detective Guide 502-14, Response to Hospital Regarding Possible Sex Crime Victim

This **Detective Guide** provides direction to non-SVD NYPD personnel who might respond to a hospital to interview a sex crime victim when SVD personnel are not available. Although designated as a detective guide, its defined scope appears to be directed toward any responding personnel when SVD investigators cannot respond. As such, it is not specified whether this guide is intended to apply to patrol officers or investigators from units outside SVD. This should be clarified. It is critical that all personnel who have the potential to engage with individuals reporting sex crimes have appropriate training and subsequent guidance via formalized policies and procedures.

Specific Observations and Recommendations

- In keeping with use of trauma-informed language when referring to victims of a sex crime, remove the word “possible” from title of guide.
- Provide clear expectations, roles, and tasks for those who respond to individuals reporting sex crimes while receiving medical care at a hospital.
- Provide information in this guide about area hospitals that have the capability to provide medical forensic examinations, including specialized forensic evidence collection via SOEKs. It was observed that hospital information on NYC locations utilized for the completion of sexual assault examinations is available online and should be included in this guide.
- Include direction and expectations for sworn personnel communication and coordination with medical providers, including SAFEs, doctors, emergency department medical personnel, and other hospital staff.
- Offer information on appropriate victim advocacy response as it relates to the hospital setting. For example, include details on how to ensure advocacy response, how to communicate with an advocate during this initial response, and basic information on the advocate’s role in the investigation. This can ensure adequate initial support is provided to the victim regardless of the investigation status or direction.
- Create guidance on appropriate interview approaches for sexual assault victims, including key responses associated with victim decision points for interviews in the hospital setting, such as:
 - the need for a prompt interview versus delaying the interview
 - who should be present for the interview
 - what and how an officer should attempt to gather information
 - enlisting a victim advocate for response and support
- Provide clear direction for parameters of recording victim interviews, with specific guidance related to recording in hospital settings. This guidance is essential for complying with both the Health Insurance Portability and Accountability Act (HIPAA) and victim choice.

3.2.6 Detective Guide 502-30, Electronic Recording of Custodial Interrogations

This **Detective Guide** provides information for detectives managing the interrogation of an in-custody suspect. Although not exclusively written for SVD detectives, it does describe fundamental aspects of interrogations that are helpful to SVD. The guide content outlines for detectives about how to complete appropriate agency notifications, what equipment is used to record and how to use it, and which designated offenses require recording. Criminal sex act first degree is identified as a designated offense requiring recording. The guide also addresses the administration of Miranda warnings and the management of suspect concerns, including when the suspect has an attorney present. This guide brings together fundamental and technical instruction for completing custodial interrogations yet is disjointed at times. This guide would benefit from further clarity in scope and better organization.

Specific Observations and Recommendations

- Improve organization of the material by including technical information (e.g., instructions on recording) as an (table or in a differently notated format. If intended to be a technical manual only, remove non-technical aspects.
- Extract key information specific to conducting interviews and interrogation of sex crimes suspects and include it in a comprehensive sexual assault policy.
- Address language used in the guide. For example, many agencies now use “suspect interview” instead of “interrogation,” which could conjure images of police using questionable tactics when speaking with a suspect. Using “suspect interview” promotes a more open and less confrontational strategy.
- Review content to address the appearance of conflicting guidance. Under NOTE, the following statement is made, “Interrogating investigator(s) will act in a professional manner when conducting the custodial interrogation. When necessary, offensive and discourteous language may be used during a custodial interrogation for the purpose of facilitating communication or obtaining information.” Providing guidance that permits investigators to use offensive and discourteous language is a direct conflict with the statement directing personnel to act professionally. Additionally, there is no evidence to support the use of offensive or discourteous language in effectively facilitating communication or obtaining information that will contribute to the gathering of germane information from the suspect and positive case resolution. However, if specific interview strategies and language directives are being provided for detectives, these conventions and norms should be included in as part of an overarching Interview Guide for Detectives, as opposed to this guide specific to electronic recordings.

3.3 Assessment of Agency Sexual Assault Training

Police training is a foundation for preparing officers to effectively respond to crime in their community. However, many crimes reported to police are complex and can present various challenges. This is especially true for sexual assault. Victim trauma, offender behavior, and the complexity of investigating sex crimes requires a specialized response by all personnel involved, from first responders to seasoned detectives and agency personnel serving in multiple capacities. One critical aspect is providing the necessary training and tools to allow personnel the ability to respond with a victim-centered and trauma-informed approach. Quality, reinforced training in this area can create a strong and effective agency response to sexual assault and simultaneously influence individual personnel and the overall agency culture. Trainings should provide information on the diverse aspects of sexual assault, allowing responding personnel to make logical connections and identify needed resources. Comprehensive training and accompanying policies and procedures provide transparency and demonstrate to the greater community that sexual assault is a priority for NYPD.

NYPD Police Academy

Currently, the NYPD Police Academy utilizes one 6-month training academy attended by all police recruits which is divided into three trimesters of instruction. Training topics related to sexual assault and

other sexual-related crimes appear to be covered in the curriculum at multiple stages over the 6-month time frame. While we assessed this instruction based only on written content⁶, the courses appear to be taught by trainers who have the required expertise in the specific topic being presented (e.g., forensic psychologist discussing trauma, crime scene personnel discussing the collection and processing of evidence). Reference to and instruction on sexual assault-related topics are found in the following academy curriculum areas:

- “People in Crisis,” Chapter 7, *Police Student’s Guide*, April 2019
- “Sex Offenses (sex crime statutes),” Chapter 8, *Police Student’s Guide*, April 2019
- “Collecting and Processing Evidence,” Chapter 5, *Police Student’s Guide*, April 2019
- “Investigation and Report Writing,” Chapter 16, *Police Student’s Guide*, October 2017
- “Proper Interaction with the Victim of a Sexual Assault,” academy training memo 28-10, July 2010

Although these topics related to sexual assault are critical in recruit training, information and instruction provided in the guides often apply to multiple crime types and circumstances, with the exception of Chapter 8 and memo 28-10. Sections of the training modules associated with sexual assault response are not grouped together in any meaningful order. The result is that academy recruits are not provided with a set of trainings that are linked together to provide a clear picture of the unique aspects of sexual assault. The following provides specific observations regarding the relevant academy training modules.

“People in Crisis,” Chapter 7, addresses valuable and specific response guidance for NYPD officers encountering citizens who may be experiencing or are impacted by a traumatic or crisis event. Much of the training material and instruction aligns with current practices for how to effectively recognize and respond to victims and others in a trauma-informed manner. This chapter also includes a specific section that discusses responses to what are called “complaints” of sexual assault (consider using “reports” of sexual assault as use of the term “complaint” can have a negative connotation towards the victim). This curriculum provides foundational instruction on topics such as the historical perspective and background of sexual violence, aspects of victimization, and how to utilize active listening skills in these situations.

This represents an important component of the overall academy training curriculum, particularly because the first assigned positions of academy trainees will be as patrol officers, who frequently respond to calls involving sexual assault. Providing recruits with the fundamental skills needed for calls involving sexual violence supports improved services and outcomes for victims of sexual assault. It was observed that this academy training may be one of the only formal sexual assault trainings that patrol

Recommendation:

The NYPD should develop and deliver specialized training for SVD supervisors regarding investigative practices, major case management and oversight, and supervision of detectives (see Table 6-1).

⁶ In-person observation was outside the scope of the current assessment, particularly given the rapid nature of the assessment and the challenges of convening during the COVID-19 pandemic.

officers would receive department wide. To bolster this academy training, the NYPD created and delivered short briefing style videos on how to sensitively support victims of sexual assault. The briefings were distributed to all NYPD personnel. The Assessment Team was able to review one such two-minute briefing video from 2017, “A Message from the Police Commissioner: Victims of Sexual Assault.” The NYPD should explore the continued development and expansion of education for all personnel in this topic area.

Academy training memo 28-10 also provides guidance on responding to victims of sexual assault. This memo includes a brief overview on interviewing and questioning victims to obtain crime information and being aware of victims’ responses to traumatic events (similar to content in Chapter 7 of *Police Student’s Guide*). It is unclear at which point in academy training this information is presented, or by whom. As noted, information in this memo detailing the desired response by personnel may not align with what the Assessment Team observed during the case file review. NYPD should assess the extent and use of this training memo and its impact on current expectations for patrol response. As previously mentioned, a comprehensive sexual assault written policy for all personnel would assist in ensuring a single, standardized, and clear agency expectation. Below are recommendations for the NYPD’s overall training curriculum and delivery.

Recommendations

- Develop and deliver a stand-alone academy training module/section exclusively focused on responding to sexual assault. Ensure the training’s curriculum is comprehensive and includes current academy instruction covering this area and teaches the unique aspects associated with the crime of sexual assault. A dedicated training module incorporating all aspects of sexual assault response and victimization will provide academy students with the information needed to make simple and logical connections of all the key aspects of a professional and understanding response. This format will also demonstrate to new and current police personnel that sexual violence is a priority, and that NYPD is committed to ensuring the highest training standards on the topic. Incorporate modules that include co-facilitation with both NYPD and external partners (e.g., OCME, crime scene, advocates, DAs, SAFEs).
- Schedule complementary and associated sexual assault-related training modules (e.g., People in Crisis; Collection and Processing of Evidence) so they are provided to academy students in proximity. Include information about other, relevant modules and resources. This will enhance the overall training experience and allow students to see the direct applications of these associated areas with sexual assault and other crimes.
- Ensure training covers topics that articulate roles, responsibilities, and expectations of personnel in sexual assault response after they graduate from the academy. In addition, these training modules should align with information that complements and supports current NYPD policy and direction.

In-Service/Ongoing Agency Training

The NYPD has expressed a commitment to provide personnel current and critical training on sexual assault response. A training regime with renewed emphasis on trauma-informed and victim-centered practices was presented to the Assessment Team. The training in its current format is intended to provide an agency-wide course for those personnel who respond to reports of sexual assault. All NYPD detectives are also directed to attend a general criminal investigators course (CIC). However, upon review of course topics by the Assessment Team, there appeared to be limited instruction pertaining directly to sexual assault investigations, elements of advocacy, or support for victims of a sex crime. The outline provided showed a total of one (1) hour dedicated to sexual crimes. During personnel interviews, some SVD detectives advised they had attended this course in addition to a 40-hour sex crime specific course. A number of detectives interviewed stated they were familiar with and had received training in trauma-informed victim approaches. Patrol officers reported that the training they had received training on sexual assault and “people in crisis” was limited to their time in the NYPD Academy.

Key Finding:

The Assessment Team identified a significant commitment from SVD leadership to support and improve sexual assault response.

As mentioned, NYPD provides a weeklong specialized sexual assault investigation and “certification” training exclusively intended for detectives in the SVD. The course is titled Annual Special Victims Unit Seminar. The Assessment Team was advised that this training is mandatory, however SVD personnel interviews demonstrated mixed responses on whether they had received such specialized training. Length of tenure in the SVD and available training schedule might have played a role in whether interviewed SVD members had attended this course.

The Assessment Team did not have the opportunity to physically attend this specialized annual training; instead, written materials outlining all training topics and agendas were provided by NYPD. Review of course topics revealed information on both adult and child crime response and appeared specific to sexual assault response and investigation. Days one and two indicated the presentation of information on the neurobiology of trauma and “trauma informed.” Other areas of instruction indicated collaboration with or presentations by community advocates and the representatives from the District Attorney’s offices. Additional descriptive information for these sessions was not provided and therefore could not be evaluated by the Assessment Team. Presentations by SAFE partners were notably absent from the curriculum outline; their inclusion would improve law enforcement understanding of this critical service and has the potential to support improved NYPD-SAFE partnerships.

NYPD provided information and a basic course outline for two post-academy trauma-informed interviewing courses related to sexual assault. This “mandatory” training series included a course on the Forensic Experiential Trauma Interview (FETI) principles and a separate course titled “Trauma-Informed Sexual Assault Interview and Investigations Training.” Both course curriculums appear to cover the fundamentals of trauma-informed response and approaches for interviewing of victims. Various instructors are listed in the outlines. NYPD noted that internal mechanisms track and ensure that all personnel complete the mandatory trainings to which they are assigned. These trainings are not

reflected in agency policy. SVD personnel interviews demonstrated mixed responses on whether they had received the training. Interviews with NYPD leadership suggested that COVID-19 may have caused some delay in training provision, which may account for personnel who had noted they had not had the opportunity to participate. The Assessment Team was unable to review records to verify these statements. Monitoring attendance and evaluating training impact on NYPD response would provide is an important metric of improving investigations and realizing positive case outcomes. Whereas training is an important step, also critical is ensuring personnel are incorporating these trauma informed principles in their day-to-day investigations. Supervisory personnel are encouraged to review and assess victim-detective interactions to confirm training is being applied in practice.

Recommendation—Agency-Wide Training:

- Develop and deliver an in-service/post-academy sexual assault training for first-responding officers. Ensure the training has a comprehensive curriculum that identifies and teaches the critical aspects of sexual violence. This stand-alone module can enhance and complement any current training, which may be contained in the separate modules. This dedicated training will provide personnel with comprehensive guidance and information, allowing first responders to make simple and logical connections and learn how to interact with and support victims.
- Provide trauma-informed response training to all NYPD professional staff who have any interaction with victims of sexual assault. This should include dispatch, hotline, communications, precinct professional staff (e.g., reception), patrol officers and supervisors, and SVD detectives and supervisors.

Recommendations—Detective Training

- Continue to provide a specialized training course for all SVD personnel. Ensure this training is provided to current and prospective SVD members and is incorporated as part of onboarding and assimilation into the SVD. Ensure trauma-informed and victim-centered practices are being delivered and practiced. Continue to periodically review the curriculum to identify new and emerging practices for sexual assault response.
- Incorporate and emphasize the importance of collaboration with advocacy, SAFEs, and prosecution personnel. Include representatives and cross-training from partner disciplines in training opportunities to improve communication and provide enhanced understanding of roles and response practices.

4. CASE REVIEW FINDINGS

The NYPD investigative case file review included a sample of 150 sexual assault cases that were randomly selected from calendar years 2018 through 2020. The Assessment Team collected and extracted case information from NYPD's sexual assault investigative files. Table 4-1 summarizes notable case characteristics of these NYPD sexual assault cases.

During the case file review and data extraction, the Assessment Team noted numerous files for which important and instrumental case information was missing or had not been documented. In addition, material was redacted to protect the identities of all involved parties, including law enforcement, victims, suspected offenders, and witnesses. At times, these redactions impacted case file review by making sought after information unavailable to the Assessment Team (e.g., supervisory actions and feedback, SOEK testing results). As a result, the current assessment is limited to the information contained and documented in the investigative case files, and this final report acknowledges and reflects this limitation.

Table 4-1. NYPD Case Review Data

Measures (N=150)	N (%)	
Case Characteristics		
Incident Location		
Victim residence	58 (38)	
Offender residence or business	36 (24)	
Other residence or business	8 (5)	
Hotel/Motel	14 (9)	
Vehicle	10 (6)	
Outdoors	4 (2)	
Reporting Person		
Victim	122 (81)	
Medical official	17 (11)	
Family or friend	6 (4)	
Other	5 (3)	
Reporting to Law Enforcement		
Less than 2 days	51 (34)	
2–5 days	20 (13)	
More than 5 days	76 (50)	
Victim-Offender Relationship		
Stranger	12 (8)	
Acquaintance/friend	80 (53)	
Current/former intimate partner	45 (30)	
Family member	3 (2)	
Other or unknown	9 (6)	
Alcohol or Drug Use		
Use by victim	64 (42)	
Use by offender	47 (31)	
Type of Force		
Physical, no weapon	91 (60)	
Physical, weapon	5 (3)	
No force used	52 (34)	
Average age of victim	M= 31.3	
Average age of offender	M= 33.2	
Investigation Process		
Case Clearance		
Open/inactive	47 (31)	
Cleared by arrest	10 (6)	
Unfounded	6 (4)	
Cleared by exceptional means	18 (12)	
Suspended or pending	39 (26)	
Closed (NFI)	24 (16)	
Time to Investigation Activity		
Detective assigned within 2 days	143 (95)	
Victim contacted by detective within 2 days	129 (86)	
Victim interviewed by detective within 2 days	109 (72)	
Detective notification by patrol	147 (98)	
Detective responded to scene/location ⁷	123 (82)	
Detective Interviews & Suspect Contact		
Victim interviewed	140 (93)	
Victim interview recorded ⁸	32 (21)	
Suspect identified	123 (82)	
Suspect identified during response	91 (60)	
Suspect arrested	11 (7)	
Suspect interviewed	35 (23)	
Suspect interview recorded	8 (5)	
Witnesses present	55 (36)	
Witness interviewed, all	33 (22)	
Investigation Activities		
Crime scene identified	95 (63)	
Crime scene processed ⁹	15 (10)	
Cell phone involved	46 (30)	
Cell phone investigated	16 (10)	
Social media involved	22 (14)	
Social media investigated	12 (8)	
SOEK collected	59 (39)	
SOEK submitted to laboratory	55 (36)	
SOEK testing completed	48 (32)	
Victim advocate follow-up	4 (2)	
Controlled calls attempted/completed	44 (29)	
Controlled call possible/not attempted	63 (42)	
Case Challenges		
Suspect not identified	19 (12)	
Delayed report	68 (45)	
Victim declined participation	21 (14)	
Lack of evidence	77 (51)	
Consent defense	27 (18)	
Documentation incomplete	33 (22)	

⁷ See [Section 5.2.3](#)⁸ See [Section 5.2.3](#)⁹ See [Section 5.2.4](#)

5. CASE FILE REVIEW AND PERSONNEL INTERVIEW ASSESSMENT

The following section describes the main observations and findings of the assessment, based on information gathered from the investigative case files and completed personnel interviews. These findings are intended to assist in developing or strengthening sustainable practices for the NYPD's sexual assault response. Also included are findings related to the New York City-based multidisciplinary partners that have a role in sexual assault response, with a specific emphasis on how they interact with the NYPD on sexual assault cases.

5.1 SVD Staffing, Resources, and Workload

This assessment examines the current status of SVD personnel, including roles and responsibilities within the agency and the availability and incorporation of other personnel to increase efficiency and effectiveness of the collective sexual assault response. The following information highlights these findings and observations specific to staffing resources and workload.

Organizationally, the NYPD SVD is overseen by an Inspector who is supported by a Deputy Inspector and two Captains who oversee operations within the individual boroughs. Each borough also has a designated SVD. Personnel assigned to these units are designated by NYPD as investigators and carry different levels of internal position grades. They are responsible for conducting investigations related to felony sexual offenses under the State of New York Penal Code 130. SVD investigators are also responsible for investigative follow-up of all other felony sex crimes and many misdemeanor sex offenses.

Key Finding:
NYPD staff were noted as having high morale and positive internal agency working relationships.

5.1.1 SVD Investigator Caseload

At the time of this assessment, NYPD SVD reported that they had 193 investigators to cover all five boroughs. Data pertaining to caseload assignments for individual investigators in the SVD was not available to the Assessment Team, however, information was provided that the number of assigned investigators and sexual assault reports received varies between each borough. To estimate pertinent caseload information per SVD investigator for calendar year 2020, the Assessment Team used information from crimes reported and SVD investigator staffing. Data from NYPD COMPSTAT data indicates a total of 1,427 rapes were reported in 2020

Key Finding:
The NYPD was identified to have sufficient staffing and support personnel.

across the city. Estimates based on reported rapes and investigator staffing show that SVD investigators averaged approximately **seven** new rape cases per month. This was higher than what was reported by SVD investigators during personnel interviews, where they reported that the average number ranged from a yearly assignment of 50 to 60 new cases, or about five new cases per month. While there is limited research to guide what

constitutes an acceptable and manageable number of sexual assault cases for an investigator's caseload, the Police Executive Research Forum (PERF) recommended that detectives investigate seven to nine new sexual

assault cases per month (PERF, 2013). NYPD SVD’s average monthly caseload aligns with this recommendation, which signifies that overall SVD investigator staffing is appropriate based on the current number of reported rape cases. Despite interviews suggesting adequate caseloads, some SVD personnel described the departments feeling understaffed or as though their personal caseloads were too high, even at 5-7 cases per month.

There are several additional factors to consider related to staffing and efficiencies. Sexual assault cases are complex and time-consuming investigations. SVD investigators described being assigned to investigate other types of criminal cases, becoming involved in citywide response events, and also completing daily administrative duties. For example, investigators involved in the personnel interviews described occasionally being assigned to work special details including periodic protests or other large-scale events in the city. These added responsibilities may have occurred more frequently during the interview period (Summer 2021), as investigators had been grappling with the impacts of COVID-19 and large-scale events related to racial justice movements. These events may have created impactful investigative time management hurdles by decreasing the amount of dedicated time that investigators have to focus on sexual assault cases. Although it was indicated this is not a routine concern it can still create challenges with implementing and conducting comprehensive and thorough investigations while completing many of the recommended investigative follow-up activities. Employing a consistent victim-centered response requires devoted time to each case, as well as supervisory oversight ensuring proper and equitable caseloads are maintained. During personnel interviews, several investigators perceived that they had a high caseload, particularly when their units experienced staffing challenges, while others believed the caseload was manageable. Investigator caseload can directly impact many areas of sexual assault response—most significantly the quality of investigations. Consistent supervisory oversight of case assignment, investigative actions, and case status can be used to ensure equitable distribution of responsibilities and support feedback opportunities related to caseloads and quality of work. To continue to ensure manageable caseload levels, the NYPD would benefit from a yearly agency-wide review of investigator workloads, including assigned caseloads across all investigative units. This review would:

- encourage equitable distribution of workloads;
- help balance resources;
- provide a focused response for sexual assault cases;
- benefit the overall quality of adult sexual assault investigations; and
- address investigator health and welfare.

5.1.2 Training and Experience of SVD Personnel

SVD personnel reported that they received some specialized training for their position, with the type and amount of training received varying across investigators. Generally, investigators understand their roles and responsibilities in investigating sexual assaults, but some possess limited investigative experience or have participated in very few formalized sex crimes training courses beyond those provided during basic academy training. Overall, the Assessment Team observed that across SVD investigators full understanding of certain response and investigative processes was adequate, but limited.

SVD investigator onboarding is intended to include both “mandatory” 40-hour comprehensive sexual assault training and on-the-job training with a senior detective. The Assessment Team observed that most skills,

fundamental information, and experience gained by SVD investigators occurred on the job; new investigators who have not yet been able to complete mandatory trainings are assigned to (i.e., mentored by, or more colloquially, “buddy’d up with”) a more experienced SVD detective who could provide oversight and assist with completing designated tasks and responsibilities. New SVD investigators remain assigned to the more senior SVD detectives until they are able to complete their comprehensive sexual assault training. SVD personnel had varied accounts of whether these trainings were mandated and how consistently they were completed within the desired time frames. Some SVD investigators noted that they did not have the time to attend, and others were not familiar with any consistent or formal effort to provide training—including trauma-informed training—to SVD personnel. NYPD Leadership suggested that this confusion may be the result of COVID-19, as the pandemic has resulted in a delay in providing the in-person training at frequent intervals. Instead, it was indicated that training would occur when sufficient personnel were available and needed to fill a class.

Some community partners offer targeted training to SVD personnel (e.g., advocacy organizations), but outside what was described in the 40-hour training, there was no other formal process for offering joint training or onboarding with NYPD. Personnel at all levels expressed a desire to receive additional and ongoing training in sexual assault response and investigations. They believed this training would help improve their response to victims and the quality of their investigations. As a reoccurring theme, personnel also discussed their interest in receiving additional crime scene and evidence collection training.

The Assessment Team recommends creating a formal written policy for onboarding assigned personnel (investigators and supervisors) to SVD, as doing so would help establish a clear understanding for training expectations and ensure investigators are competent in their job requirements. At minimum, onboarding should include several foundational trainings, including the neurobiology of trauma, victim interviewing, and offender-focused investigations. The Assessment Team also recommends considering additional training opportunities that would enhance overall response and completion of comprehensive investigations. Potential training topics include (1) crime scene and evidence collection and management (presented jointly for investigators and FID personnel); (2) completion of effective comprehensive suspect interviews; (3) a multidisciplinary approach to controlled communication that incorporates advocacy; and (4) accurate and complete investigative documentation.

5.1.3 Assignment, Mentorship and Supervision Opportunities

Recruiting, mentoring, and retaining SVD investigators are all important and provide a sound foundation for the creation of a sustainable and consistent sexual assault response. Equally important is supervisory oversight that focuses on personnel performance, growth and support, and unit operations. Although the appropriate assignment and selection of personnel are key starting points for specialized unit operations, NYPD has no documented procedures or standards for identifying, selecting, or promoting SVD investigators and supervisory personnel. Investigators can be assigned to the SVD based on a recommendation and some level of approval of NYPD command staff. This practice can, at times, result in the assignment to SVD of an

Recommendation:
The NYPD should create and implement a standardized process outlining the selection, retention, promotion, and performance review of SVD supervisors and detectives (see Table 6-1).

individual with limited knowledge or experience in investigations, particularly as it relates to sexual assault response. NYPD personnel described how this practice can create the appearance that the SVD is not an agency priority, especially when it results in less qualified personnel gaining a detective position as a favor or reward from command staff. Personnel also mentioned the related issue of the challenge and associated fallout associated with removing underperforming investigators from the SVD. Acquiring and retaining the most qualified investigators, who are both motivated to be a part of the unit and have the skills and tools necessary to succeed is critical to overall unit success and its ability to serve victims. Having clear and measurable performance standards for the SVD can also support a sound review process and help ensure that the most effective investigators will remain in the unit, while also addressing underperformance with improvement plans or transfer to another unit.

Another related topic of concern expressed by personnel was the onboarding and level of direction provided to SVD supervisors. Although some SVD supervisors received clear guidance on their management responsibilities, others had received limited direction in major case and unit management. Experience is one key to ensuring effective employee oversight and the ability to mentor and support unit investigators, but many supervisors had very limited experience managing investigative units or possessed minimal personal investigative experience. Additionally, the Assessment Team observed missed opportunities related to supervisory review of (1) investigative actions for individual cases, (2) performance and management of investigators, and (3) overall SVD operations, with the goal of identifying areas to enhance response.

NYPD would benefit from implementing clear processes and standards for job qualification, transfer, and selection for SVD investigators and supervisors. We also recommend that NYPD incorporate the assessment of victim-centered, trauma-informed concepts into the interview, selection, and promotion process to further institutionalize these practices. These actions would help emphasize—especially to agency leadership and the community—NYPD’s commitment to improving sexual assault response.

5.2 Initial Response to Reported Sex Crimes

5.2.1 Initial Victim Report

The Assessment Team found NYPD’s initial response to reports of sexual assault to be timely and, overall, responsive to victims’ needs. Reports of sexual assault were brought to the attention of NYPD in multiple ways, including contact from a hospital, a victim reporting directly through a 911 call, or a victim walking into a precinct. Victims can also report a sexual assault to the NYPD through the NYPD Sexual Assault Hotline. The NYPD established this telephone number and service to create a more seamless agency response to victims. The NYPD promoted this number through a media campaign and existing victim service organizations. Any victim or individual supporting a victim by making a police report (e.g., hospital employee or family member) can call this number. It was unclear as to whether precinct professional staff (e.g., reception desk staff) use this number. Community partners were aware of the hotline but did not have a firm understanding of how the hotline operates and inconsistently accessed the resource to initiate law enforcement response on behalf of a reporting victim.

The Assessment Team was advised that the hotline is staffed 24/7 by sworn NYPD personnel who were reported to have received training and are experienced in responding to sex crimes, including trauma informed and victim centered responses. Currently, the hotline is staffed exclusively by SVD investigators, primarily by full time

investigators, some of whom were described as being assigned while on “light duty” (e.g., pregnant, preparing to retire). Hotline staff assess information provided by the caller and, if they determine that the report meets the criteria of SVD response, a call is placed to the appropriate borough’s SVD. Hotline personnel speak with an SVD supervisor to briefly relay pertinent information obtained from the reporting individual. An incident number will then be generated and an SVD investigator will be assigned to the new case. Depending on the circumstances of the report, the investigator will either respond directly to the victim’s location or make contact via telephone and arrange for investigative follow-up, including an interview at a time and place identified by the victim.

This unique reporting process has many advantages. In theory, it allows the NYPD to provide victims of sexual assault with an immediate and seamless response from an experienced investigator. The hotline allows victims to avoid calling 911, therefore bypassing patrol response, but if the call involves an acute and ongoing emergency, personnel reroute the call to 911 services so that patrol can provide immediate assistance. This demonstrates that the NYPD Sexual Assault Hotline does not completely eliminate patrol response in all sexual assault reports and reinforces the need to ensure patrol officer have the training and tools to effectively respond.

The hotline process was described by multiple individuals during personnel interviews, however, there are no written policies or directives for appropriate hotline staffing, direction, and call response. The hotline assignment process appears to lack formal, written direction and standards on who and how personnel are assigned; requirements for training for interacting with victims in a trauma-informed manner; or on how incoming calls should be screened, assessed, and forwarded. While the hotline is currently staffed by individuals capable of supporting victims of sex crimes, these approaches should be formalized via policy. The development and application of a clear written policy and direction with appropriate oversight will help ensure greater standardization in how hotline calls are handled and triaged and how reporting victims are treated in a victim-centered manner.

5.2.2 Initial Response by Patrol Officers and SVD Investigators

Initial Response by Patrol Officers

In most case file reports, first-responding patrol officers offered victims a standardized level of service and care. The initial police-victim interviews varied in complexity across patrol officers, but most often and by agency design, patrol was limited in their interaction with victims and deferred additional contact to SVD investigators. Personnel interviews revealed that patrol often did not take additional steps because they did not want to jeopardize a case by doing too much or doing something wrong. Although NYPD policy specifically provides officers clear direction about ensuring appropriate notifications are made in the chain of command and responding patrol regularly notified SVD investigators about sexual assaults and SVD responded when requested. However, there is little direction on how to provide interim support while awaiting SVD response and patrol officers are simply advised to respond to sexual assault reports as they would to any routine call for service.

Key Finding:
The NYPD Sexual Assault Hotline is used to connect victims with a specialized SVD detective efficiently.

NYPD patrol officers are not responsible or directed to coordinate a medical examination for the victim. Officers reported limited knowledge on the SAFE response, including which hospitals are available for exams and how a victim would be transported for an exam. Additionally, they did not have any knowledge on timeline eligibility for the administering of a medical forensic examination. While this information is included in the NYS Bill of Rights, it is recommended that patrol officers have a high-level understanding of timeline eligibility or, at the very least, understand who victims should contact to learn more potential cutoffs for the administration of a SOEK examination. In instances where patrol did respond to a hospital, there appeared to be very limited communication or coordination between them and any other formal service providers, including the attending SAFE or a responding victim advocate or social worker.

Patrol officers are not responsible for coordination with responding or assigned victim advocates. Interviewed officers did not describe advocacy involvement and noted that advocate connections would be under the purview of SVD investigators. The Assessment Team found that responding patrol officers had minimal knowledge of the NYPD sexual assault response policy, which is also void of any direction for patrol that would be helpful in ensuring a victim-centered response.

One concern that personnel amplified during interviews was the quality and type of first interaction that NYPD patrol officers might have with sexual assault victims. For example, the Assessment Team observed that patrol officers often did not consider the immediate or long-term impacts of their interactions with reporting victims. Interviewees described that the level of service can vary when a victim walks into a precinct to report, and it is possible that an untrained, inexperienced officer could be responsible for making initial victim contact. One interviewee described this interaction as, “it may go well, or it may not, but we have to learn somehow and many times it is from mistakes we make.” Such interaction with victims has the potential for a severe and adverse impact, both on the wellbeing of the survivor and the likelihood of their continued involvement with law enforcement on the case.

Overall, officers appeared to have little understanding of how trauma can impact victims, and several interviewed had not heard of trauma-informed response, nor had they received any training in this area. When attempting to describe their qualifications for working sexual assault cases, one officer interviewed described how they are already trained to handle crime scenes and protect evidence. In doing so, the officer equated the victim with crime scene evidence, demonstrating the lack of a victim-centered, trauma-informed approach.

Interviewed personnel understood their basic role in responding to sexual assault reports (e.g., secure the scene when necessary, assess for the need for SVD response, call for SVD response). In many cases, the additional actions associated with the initial patrol response varied across officers. For example, some patrol officers only covered the basics in terms of contacting the victim and completing notifications to SVD investigators. In other cases, patrol officers made limited efforts to locate crime scenes or establish contact with witnesses and suspects who might have helpful information.

On-the-job training appears to be the standard in these areas and others, but the NYPD would benefit from additional training and direction targeted specifically at patrol interactions with sexual assault victims. There was mixed interest from NYPD personnel interviewed in regarding this additional training; although some officers did express a desire to have additional direction and information that would be of assistance in working these calls, others conveyed that they did not feel this was a priority or even necessary.

Our recommendations include mandating regular patrol training on response to reports of sex crimes, as well as training on victim-centered, trauma-informed approaches. Training on SAFEs should be provided to all individuals who might need to support sexual assault survivors. In addition, the NYPD should consider developing a sexual assault liaison officer or similar position based in patrol. These liaisons could provide specialized sexual assault training to officers in the precincts and also be prioritized for responding to sexual assault reports when possible. The sexual assault liaison officer position could also serve as a facilitator for identifying candidates for SVD detective positions.

Initial Response by SVD Investigators

Research into homicide investigations has shown that detectives' timely response to crime scenes is one of the key predictors of case clearance (Wellford & Cronin, 2000). With this in mind, we believe that having sex crimes detectives conduct initial scene responses for sexual assaults can increase the likelihood of successful case outcomes. This practice would be reinforced by providing consistent and clear criteria to prompt detective notification and response to the scene. According to the NYPD case file review, patrol officers notified sex crimes investigators in 98% of cases—with investigators ultimately responding to the scene or location of the victim, including the hospital, 82% of the time. These response rates were determined to be appropriate by the Assessment Team, given the circumstances of the cases. Investigator notification by patrol personnel was routinely documented in case files by officers in the vast majority of cases that were initiated by a hotline notification. This response appears to fall within the guidance and policy provided by NYPD.

Case review revealed that SVD investigators responded to acute sexual assault reports in a timely manner. It is acknowledged that this prompt response can impact investigators' ability to complete day-to-day sexual assault caseload activity. Having sufficient SVD investigator staffing to allow on-scene response to sexual assaults is critical toward building trust and familiarity with victims, expediting case follow-up, and providing comprehensive and high-quality investigative response.

The SVD investigator's role and interactions with the SAFE varied; some indicated that they would speak with the SAFE during acute response while others made no mention of SAFE interactions. NYPD policy related to hospital-based response of a sexual assault victim does not provide direction as to what actions should be taken in regard to contact and communication with other response partners, such as the SAFE or advocates. Assessing the current hospital response and related policy can help identify opportunities to improve this process and support the positive resolution of these cases and seamless service for the victims.

5.2.3 *Investigative Steps Taken at the Initial Response*

Documenting the Initial Response

Documentation of all police and investigative actions is critical to providing a complete and permanent record of the investigation and preparing a case for further criminal justice actions, including prosecutorial involvement. Review of case files showed that patrol officers generally documented limited information and that narratives

Key Finding:
All reports of sexual assault are immediately documented and promptly assigned to specialized detectives.

were focused on their on-scene interactions with victims. Interviews revealed that the current practice for patrol documentation is for patrol officers to handwrite their actions and then submit these notes to a pool of administrative assistants who transcribe and type all notes into an official electronic report. There were several case files reviewed that did not contain any patrol notes or documentation. It is unclear if this is due to patrol not taking notes, patrol not responding to the scene, or a failure in the queue to upload notes into the official report. To expedite case processing and ensure case continuity, we recommend that patrol be allowed to enter case documentation electronically via a field-based record management system reporting, so that they can enter their own preliminary reports.

As described in the case file report, patrol officer interviews and interactions with victims were directed toward obtaining the basic facts and information needed to establish a criminal act, in alignment with the NYPD's limited policy. Overall, reviewers noted minimal occurrences of officers using interviewing strategies that overtly blamed or questioned a victim's actions or the veracity of the report. The level of detail in documented victim statements varied across cases. Sometimes this appeared to be due to poor officer documentation and other times because victims appeared to be unable to provide significant details about the incident. Overall, victim interviews were documented in a "just the facts" manner: who, what, when, and where. Several detectives reported receiving some agency or external training in trauma-informed victim interviewing, including the FETI curriculum. In some cases, investigators reported facilitating cognitive interviews or "FETI interviews," but there was infrequent documentation to support these claims.

Initial Victim Contact and Interviewing

Some of the most important aspects of sexual assault response include initial victim contact, ongoing victim support, and encouraging victim engagement with law enforcement. Delayed or poor interactions may contribute to victims choosing to not participate in or to withdraw from the investigative process and may increase negative psychological effects for the victim. Research has shown that positive interactions with police can improve victims' confidence in their ability to participate in the legal process (Patterson & Campbell, 2010). **A victim-centered, agency-level response should reflect the incorporation of understanding, empathy, and support for victims when gathering narrative statements about the assault.**

In **86%** of reviewed cases, SVD investigators contacted victims and took statements within 48 hours of when an assault was reported. Additionally, in **73%** of the cases SVD investigators were able to complete an initial interview. Taking steps to obtain all relevant information in an investigation is a core standard practice ([Core Standards for Sexual Assault Investigations, rti.org](#)) for any detective or officer involved in an investigation. To accomplish this, the law enforcement officer must conduct thorough, unbiased, and complete interviews with all victims, witnesses, and suspects. When conducting victim interviews, employing a trauma-informed "cognitive style" interview is important and has been shown to retrieve the most accurate and complete information (see Rich, 2019; Memon, Meissner, and Fraser, 2010). For victims, the interview is an opportunity to provide police with an uninterrupted, open-ended narrative of events. This process can also enhance opportunities for investigators and victims to employ additional memory recall strategies.

It is important to note that expectations for a patrol interview is notably different from a comprehensive detective interview. However, it is generally a good practice to ensure patrol officer are trained in trauma informed communications with victims. Although most patrol interviews tend to be cursory in nature and more

in-depth interviews reserved for an SVD investigator, there are instances when a patrol officer may successfully engage a victim and have the opportunity to gather more detailed information (e.g., the victim seeks to disclose their assault narrative immediately and does not wish to wait for their detective to arrive or does not understand the difference between responding patrol and specialized investigators). Anticipating these response scenarios, patrol officers should be provided with the tools to respond when these instances arise.

Overall, we observed that current NYPD policy and practice provides no specialized and direct guidance for personnel in the areas of victim contact, interviewing, and subsequent documentation. Strengthening policy and practice grounded in best practices is recommended to ensure that victims are being treated in a victim-centered and trauma-informed manner¹⁰.

Policy should also support quality assurance and case oversight by ensuring that (1) NYPD supervisors are able to review responses to confirm that trauma-informed cognitive interview strategies, actions, and questions are being utilized and (2) subsequent report documentation outlining how investigator and officer contact and interviews should describe information accurately and in a trauma-informed manner. This can help identify gaps in response, and, if standardized, lead to improvements. This is an opportunity to enhance NYPD personnel skills, improve the quality of information and standardization of reports through clear instruction and direction, and ensure consistent oversight while supporting the victim through all stages of the investigation.

Victim Photographs

A common practice observed through case file review was for NYPD personnel to take a singular photograph of the victim soon after the assault (e.g., upon completion of the victim's medical forensic exam). During the case file review, it was observed by the Assessment Team that investigators frequently included pictures of victims, some of which were taken when victims were in the hospital receiving treatment. There is no documentation as to the purpose of these photos. Despite being observed in the majority of case files, these pictures do not have any clear evidentiary or investigative purpose, such as to document injuries the victim may have suffered. During personnel interviews, SVD investigators were asked about the purpose of these photographs and several explanations were provided, including: 1) if taken the same day as the assault, the photo can help identify the victim by their clothing in potential surveillance video footage; 2) identifying the victim at a later date, particularly if new personnel join the case; and 3) showing the suspect the photo for identification. Personnel described how this practice was rooted in actions taken by the Transit Unit, where video canvassing and review is routine practice.

While well-intentioned, this practice has a potential to be traumatic for victims. For example, the process is not unlike taking a mugshot and some victims may feel like they are being investigated. Other victims simply might not understand the purpose of the photo and feel more vulnerable as a result of this action. If the picture had or retained evidentiary value, it might be a valid practice, but as is, photography of victims should not remain routine and the NYPD should undertake a review of the

Recommendation:
The NYPD should review, evaluate, and provide written direction regarding taking photographs of victims (see [Table 6-1](#)).

¹⁰ See [Successful Trauma Informed Victim Interviewing, sakitta.org](#)

practice. If continued, the agency should develop clear policy that explains the purpose of the photographs, who should take the pictures, where they should be taken, and how the process and investigative value should be described to victims.

Audio/Video Recording of Victim Interviews

As noted, a thorough investigation must include accurate and detailed documentation of statements provided by victims. This information is a crucial element in police reports and contributes to overall completeness and accuracy of investigations. To improve accuracy and align with currently recognized best practice, we recommend that officers and detectives audio or video record statements made by sexual assault victims (Archambault & Lonsway, 2008). This practice can accurately capture the victims' statements for later review, provide information on the physical conditions and emotional states of the victims at the time of the crimes, and be utilized as important tools for supervisory review and performance oversight.

During interviews, personnel stated that they generally believed that recording interviews could support and enhance documentation and overall investigation, but there was some hesitation and various opinions as to the overall benefits of this practice. Based on our case file review and interviews, both patrol officers and investigators do not record initial or follow-up victim interviews. Current NYPD policy (Patrol Guide 212-123) directs patrol personnel not to activate body cameras or otherwise record interactions with victims of a sex crime. NYPD policy, procedure, and practice documents do not provide any additional direction for investigators about recording their interviews with victims.

While the current research on recording victim interviews is mixed, we recommend that NYPD implement a practice of presenting victims with the option to have their interviews recorded (Milne, Shaw, & Bull, 2007; Archambault & Lonsway, 2020). This practice reduces the number of times a victim may need to recount their narrative, better captures the impact of events on the victim, allows the investigator to remain engaged with the victim as they do not need to take as many notes, and allows for supervisory feedback (Canaff, Lonsway & Archambault, 2020; Milne, Shaw, & Bull, 2007). Recording should be offered in a trauma-informed manner and victims' choice to not have their interview recorded, should always be respected. It is critical that this type of direction is accompanied by clear policy surrounding how officers should defer to victims' choice regarding recorded interviews. If this practice is adopted, the NYPD should provide all patrol and investigators with the means, resources, and direction for recording interviews to ensure accurate and consistent documentation.

Initial Victim Interview Location

Making victims feel comfortable and supported during their first interaction with law enforcement is critical to the success of a sexual assault investigation (Maddox, Lee, & Barker, 2011). A patrol officer can facilitate successful preliminary victim contact by choosing a private location to talk. NYPD case files demonstrate that where responding officers interview victims is situationally dependent (e.g., hospital, crime scene location). As previously mentioned, SVD investigators are notified through various means and thus respond to the location where the victim first presents. Interviews are routinely completed at a hospital and may take place in a private, secure room if the hospital is so equipped. Other times, if the interview cannot be completed at the scene of the report, an appointment is made for a follow-up interview and the victim is asked to travel to the SVD offices for their interview with an investigator. Personnel should always consider the status of the victim and their ability to accommodate a request for an office interview. Transportation and other needs should be considered when

asking victims to participate in a follow-up interview. Consideration should always be given to victims who either do not want to or do not have the means to travel to the police station for interviews.

Although the Assessment Team did not have the opportunity to physically observe NYPD or DA work locations, interview rooms, or their physical layouts, as a sound practice when working with a victim, all involved disciplines should continue to use supportive and private interview locations and trauma-informed/victim-centered interview approaches. The NYPD should also create a written policy that establishes clear processes and direction about the time, physical location, and circumstances under which victim interviews will be conducted, including the secondary supplemental interviews by investigators and DAs. Policy should outline and ensure victims are met at a location of their choice and if at a police facility it is reflected as a victim-centered location which can be chosen by the victim and provide the inclusion of support persons chosen by victims. This would also support specific rights for victims per New York statutes¹¹. Additional consideration should be made to ensure any victim interview is completed in a location or specific room that includes avoiding the use of rooms that are also used as suspect interview rooms. Using a suspect room for victim interviews could convey a message to the victim that they are a “suspect,” the focus of the investigation, or being interrogated.

Initial Witness Interviews.

Witnesses can also provide key information to support an investigation and provide context to a case. Patrol officers and SVD investigators varied in how they approached and documented contacting and following up with witnesses. In some cases, witnesses would be mentioned during interviews but not effectively documented in the police report’s structured fields. In other cases, the roles potential witnesses played and the information they could provide was not clearly articulated. Case review data revealed that witnesses were identified in less than half of cases (**38%**), typically early on during the initial response and often while on scene. In cases where witnesses were identified, patrol personnel or SVD investigators were able to complete interviews with at least one witness **78%** of the time. Importantly, our review of case files revealed missed opportunities for follow-up and additional information collection from witnesses, including outcry witnesses and others, during the initial and follow-up actions. For example, in 12 circumstances there were multiple witnesses, but investigators did not pursue all reasonable opportunities to interview those witnesses. Initial investigative actions appeared to focus on victim statements, which offer critical information, but did not consider other investigative steps, such as gaining valuable corroborating information from witnesses and suspects. Focusing on the victim and their actions and statements alone can create a tunnel vision effect; an offender-focused investigation includes interviews of all witnesses, in addition to interviews of all victims.

Ensuring witnesses are properly identified, documented, and interviewed is a core standard practice¹². Having clearly written directions, consistent standards, and oversight review in this aspect of the investigative process supports a comprehensive response in this area and ensures these core steps are being completed.

¹¹ See [Select Victims’ Rights – New York, National Crime Victim Law Institute](#)

¹² See [Core Standards for Sexual Assault Investigations, rti.org](#)

5.2.4 Locating and Processing Crime Scenes

Crime scene examination is an important process that can help investigators identify evidence and develop key investigative information. This core fundamental practice can corroborate victim and witness statements and assist in analyzing suspect statements for validity. Documenting crime scenes through photographs/videos can provide essential reference images for later analysis. Identifying and collecting items of evidentiary value beyond a SOEK are critical components of a thorough and fundamentally sound sexual assault investigation. Potential scene evidence often includes physical, forensic, electronic, or video evidence and can assist detectives with affirming or refuting critical information and statements made by those involved with the case.

Current NYPD procedure specifies that patrol officers or investigators should notify the FID CSU when a sexual assault crime scene has been located. Crime scene personnel are responsible for identifying, collecting, and storing any evidence identified at crime scenes. SVD investigators do not process crime scenes nor collect evidence items, and their responsibilities in this area are limited to requesting forensic support when necessary. Overall, SVD members described FID CSU response as effective and their assistance as an asset to the NYPD.

Our review revealed that, occasionally, patrol officers would attempt to locate the scene described by victims. These efforts were limited in nature and scope because most on-scene patrol follow-up was limited to taking initial steps to secure a scene (if applicable), notifying SVD of a sexual assault victim, and initiating a patrol interview.

Personnel interviews and subsequent case review revealed that there is limited crime scene identification, follow-up, and processing for sexual assault cases. In the 150 case files reviewed, **63%** (n=95) had potential crime scenes that were identified, known, or could have been readily identified through some simple and fundamental follow-up. However, of cases for which potential crime scenes could have been identified (n=95), only **16%** (n=15) were actually processed. The Assessment Team identified numerous cases that may have benefited from additional crime scene support and as a result, important investigative opportunities might have been missed. When crime scenes were located, follow-up by officers or investigators varied from observing the area and “holding the scene” to notifying FID for scene processing.

Importantly, current crime scene response is based on the discretion of officers or investigators who may be present. Individuals from FID shared in interviews that they tend to respond to sexual assault crime scenes that appear to be more violent in nature, noting that they will often document a struggle or collect blood samples from the scene. The Assessment Team observed that investigators seldom revisited crime scenes to follow up on when information was gained from victim, witness, and suspect interviews. There was also a noted disparity with the level of investigative response for cases involving a stranger rape and those involving known offenders; stranger cases appeared to be responded to in a more robust manner with utilization of multiple resources. For example, there was at least one case where SVD investigators responded to the scene of a known offender assault. Despite locating the apartment where the assault occurred and documenting observations of the space in case notes, investigators failed to dispatch crime scene for processing of the space. Although it is possible there were valid reasons for this choice (e.g., not wanting to tip off a known offender), these were not documented in case notes. Processing crime scenes and collecting evidence is critical for all nature of sex crimes cases, not just those committed by strangers, involving an obvious struggle, or resulting in injury.

Patrol officers and SVD investigators indicated they receive minimal training on crime scene investigation and processing and rely on the FID's expertise. Investigators are responsible for all aspects of an investigation and should be knowledgeable and understand the principles of crime scene response and all evidence which may have been collected, as this information is critical in providing further direction and progression of a case. In NYPD policy, there are no specific references to sexual assault crime scene response and the value and type(s) of evidence that may be identified and collected. Having established and consistent direction, policies, and practices in place for identifying and collecting evidence in sexual assault cases ensures that (1) crime scenes are evaluated, assessed, documented, and processed in a timely and appropriate manner, and (2) all personnel involved in sexual assault response are trained to properly understand the investigative value of responding to a scene. These principles establish a foundation for comprehensive sexual assault response and improve investigative outcomes. Based on the limited documentation of crime scene activities in reviewed case files, the Assessment Team recommends providing additional direction, guidance, and policy for all personnel in crime scene response; investing more effort into locating, documenting, and processing all crime scenes; and increased documentation of these activities in case files. Processes for logging, submitting, and testing crime scene evidence are described in Section 5.5.

Recommendation:

The NYPD should review, evaluate, and provide written direction regarding crime scene response (see [Table 6-1](#)).

5.3 Investigative Response to Reported Sex Crimes

5.3.1 SVD Investigator Assignment

Case assignment, combined with a timely investigator response, is an important element supporting successful investigation practices. Patrol officers indicated they respond under minimal policy direction to complete only a cursory initial victim contact, followed by notification and assignment to an SVD investigator. This typically occurs within 24 to 48 hours of victims' first reporting to NYPD.

In other reporting scenarios (e.g., report made via the NYPD Sexual Assault Hotline), the SVD is contacted directly, and investigators are immediately assigned and respond to the location of the victim. This second process appears efficient and effective in ensuring investigators are notified and have the opportunity to respond as soon as they are able. Regardless of whether they are called out after patrol or as the first responding officer, investigators are assigned cases according to a rotating order with minimal supervisory intervention. Supervisors noted that they will only interrupt this procedure when a new investigator is going to be assigned to a high-profile¹³ or particularly challenging case (e.g., stranger case).

NYPD SVD investigators are assigned exclusively to sex crimes cases. This specialized expertise is important and can result in a seamless response and identification of additional investigative opportunities, resulting in more

¹³ NYPD personnel described high-profile cases as those having the potential to garner media attention, such as serial offender assaults, assaults committed in a public park, or assaults involving a celebrity or public figure.

positive case resolutions. NYPD benefits from this practice, which ensures experienced investigators are managing sexual assault cases.

Among reviewed cases, the majority (82%) had an investigator respond directly to the reporting location. In 86% of cases, victims were connected with an assigned investigator within 48 hours of the initial report. Although most cases were assigned to investigators fairly quickly, the Assessment Team recommends additional quality control processes be implemented, including additional supervisory monitoring, review, and report documentation.

5.3.2 SVD Investigator Follow-up with Victims

After cases have been initially assigned to detectives, conducting ongoing and appropriate follow-up with victims provides opportunities to connect them to support services and maintain victim engagement (Campbell, 2006; Laxminarayan, 2012).

During personnel interviews, SVD investigators indicated that they attempt to contact victims “as soon as possible” and respond immediately when notified by the NYPD hotline, patrol, or victim “walk-ins.” We observed that there is no detailed policy that provides clear guidance on roles or investigator assignment.

Interviews revealed investigator requirements for updating an investigative file (every 5 days), which is then reviewed by the unit survivors. This was also the described process for case closure, although there appears to be no written policy addressing these standards. Documenting these expected timelines in written policy, including detailed callout criteria, would help to ensure that responses to reports of sex crimes are handled in the most uniform manner possible. In only a few reviewed cases, investigators could not locate or connect with victims for follow-up (e.g., the victim did not return phone calls), sometimes resulting in cases being immediately suspended or closed. In most instances, the assigned SVD investigator would interview or attempt to interview victims at initial reporting stages when the assaults were acute, and sometimes when initial responders were still on scene. These interviews were not observed to be complete cognitive interviews, but rather an in-depth narrative of the assault with the purpose of informing investigators’ follow-up investigative steps. Although interviewing victims immediately following their report does have investigative benefits, conducting comprehensive interviews with sexual assault victims in the first few minutes or hours following assaults can be problematic. Victims may still be experiencing traumatic responses and struggle with the ability to recall information or provide details and timelines of the assault (Milne, Shaw, & Bull, 2007). NYPD should evaluate the purpose and scope of immediate victim interviews and how to improve these initial interviews in a trauma-informed manner.

When immediate on-scene or responding investigator interviews were not completed, interviews with victims were arranged or scheduled for later dates. In fact, many victims, including those who were interviewed by an investigator at their reporting location, were asked for a follow-up interview. Contacting and interviewing victims again after some time has passed can further enhance cases by providing opportunities for obtaining additional facts and information, clarifying statements, and providing victims with time and space for effective decision-making. This practice also would help facilitate victims’ ability to obtain resources and information, victim advocacy support, and other services.

Key Finding:
Detectives consistently followed up with victims in a timely manner.

Interviews with SVD investigators and case file review highlighted that some investigators are aware of victim-centered, trauma-informed cognitive interviewing practices. For example, some case files described conducting a FETI or FETI-style interview. Some case files also documented approaches designed to make the victim comfortable before the interview including a description of victims' rights, and/or materials provided to connect victims with resources. Other observations indicated that these trauma-informed approaches are not practiced consistently by all SVD personnel. Importantly, case review documentation did not mention the inclusion of victim advocates during initial and follow-up victim contact (see Section 5.3.8). Additionally, as previously noted, follow-up interviews primarily required the victim to appear in person at NYPD SVD offices. While this allows for a safe, controlled environment, interview location should be assessed on a case-by-case basis. For example, accommodations should be made for victims who are unable to visit an NYPD office for an interview in a timely manner or do not feel comfortable in that setting.

Having trained personnel conduct trauma-informed, comprehensive victim interviews is considered a foundational step in a complete investigative plan (Tidmarsh, Sharman, & Hamilton, 2021; Rich & Seffrin, 2012). NYPD currently does not have a documented standard policy that details interview procedure or practice when investigating sexual assault. Providing consistent, evidence-based guidance can help law enforcement build strong relationships which supports victims.

Case file review documented a plethora of instances where victims were interviewed multiple times by varying individuals. At times, an investigator would conduct multiple interviews with a single victim throughout the course of their case follow up. However, and most commonly, cases involved an additional pre-charging victim interview with the prosecution team. At times, an NYPD investigator would arrange and attend the pre-charging interviews, but there was no documentation of defined purpose nor advocacy support and inclusion in these interviews. The timing of these pre-charging interviews varied, with some occurring within days of the initial assault and others taking several months into the investigation. There is no written policy within NYPD or through the DA's office to guide timing, rational, or purpose of these interviews. NYPD describes this practice as being driven by the DA and one in which they have no decision-making authority over. However, it is important to acknowledge the ways in which this practice has had a significant impact on victims, their cases, and the associated investigative and prosecutorial outcomes. Detectives described anticipating prosecutor responses and making investigative decisions based on these preferences, as opposed to assessing the individual needs of the case and victim. To investigate cases more effectively, DA involvement should be incorporated strategically (e.g., case conferral with the prosecutor only after suspect interview attempts are made). Importantly, these decisions are not made solely by NYPD and as such, it is recommended that the NYPD and their associated DAs should openly discuss and establish MOUs surrounding DA involvement, particularly as it relates to allowing law enforcement discretion of probable cause and DA-victim interviews.

Best practice suggests that victims be comprehensively interviewed as few times as possible, with interviewing personnel recording the interview or taking thorough notes to prevent the need for future interviews (Canaff, Lonsway & Archambault, 2020; Milne, Shaw, & Bull, 2007; HRW, 2013). A comprehensive interview is differentiated from when a patrol officer responds and completes an initial "cursory" interview. In circumstances where additional interviews cannot be avoided, victims should be made aware of their options and an advocate should be provided for support. NYPD policy should also include guidance around steps that

can be taken to minimize interviewing victims' multiple times. NYPD can address ineffective or harmful interview practices by providing ongoing training and techniques and creating policy for both NYPD and the DA's office.

5.3.3 SVD Investigator Follow-up with Witnesses

Essential follow-up practices should involve pursuing information that is relevant to the investigation ([Core Standards for Sexual Assault Investigations, rti.org](#)). Case review revealed several missed opportunities that might have benefited investigations and impacted final case outcomes. More commonly missed investigative opportunities included:

- attempting to identify (or locate) witnesses named in the report
- conducting comprehensive witness interviews that effectively yielded additional information and led to subsequent investigative actions

Identifying, locating, and interviewing all witnesses, including outcry witnesses who might have important information about a crime, is an accepted core investigative standard¹⁴. In 37% (n=55) of reviewed case files, the names of potential witnesses or other persons with knowledge about events prior to, during, or after the assault were documented. Officers or detectives

interviewed individuals in 78% (n=43) of these cases. As mentioned, names of potential witnesses were regularly contained in report narratives; adding witness information to formatted pre-narrative data fields in the Electronic Case Management System (ECMS) creates the necessary documentation for effective analysis and promotes case follow-up. Having accurate documentation helps personnel facilitate these interviews early in cases and demonstrates that thorough investigations were conducted. Providing quality control and supervisory review can help identify the prevalence of missing investigative actions, interviews, and documentation. We recommend addressing this by conducting additional training and creating agency policy that includes expectations for complete documentation of witness information and statements.

Key Finding:
NYPD detectives contacted and interviewed identified witnesses 78% of the time.

5.3.4 Contact and Interview of Suspects

Locating and contacting suspects, obtaining suspect statements, and recording suspect interviews is a valuable and recognized standard in sexual assault investigations. Detectives must carefully plan this process—including determining when and how to interview a suspect—while applying sound interview strategies. Contact attempts should follow all legal requirements, and subsequent interviews should be completed in a professional and ethical manner. The NYPD provides limited policy guidance for suspect interviewing (Detective Guide: 502-30, Electronic Recording of Custodial Interrogations, see Section 3.2.6). This guidance focuses on the technical aspects of recording the interview, ensuring proper notification within the agency has been completed, and direction on legal concerns (e.g., issuing of Miranda). It provides limited direction on accepted interview approaches.

¹⁴ See [Core Standards for Sexual Assault Investigations, rti.org](#)

Case review revealed that suspects were known, named, or identified in **82%** of cases (n=123); of these suspects, the majority were identified during initial officer response and reporting. Identified suspects were only interviewed **28%** (n=35) of the time (controlled calls were not considered suspect interviews for the purposes of this assessment). As with any investigation, there are multiple factors that influence personnel decisions or ability to conduct interviews with suspects (e.g., existence or lack of probable cause to arrest, suspect refuses to be interviewed, potential threat to victim when suspect is a current or former partner, suspect location is unknown). These factors may provide rationale for low rates of completed suspect interviews. Ultimately, conducting and recording suspect interviews is a core standard and essential to capturing investigative intelligence and achieving positive case outcomes¹⁵. We recommend that NYPD assess this aspect of sexual assault investigations and attempt to determine whether there are any actions or processes that are deterring or preventing personnel from conducting suspect interviews.

Understanding the dynamics of sexual violence and the suspects who commit these crimes is important for detectives when pursuing legally based and effective interview approaches. Based on the information contained in case files, the Assessment Team was unable to effectively determine the general quality and types of interviews conducted. No clear suspect interviewing strategies emerged while reviewing this documentation, although this could be due to the limited information describing suspect interviews included in the case files. The Assessment Team was not able to review any taped suspect interviews. What was observed is that interviews contained in the report lacked details, key detective questions, and appropriate documentation. NYPD Leadership suggested that the lack of documentation in this area may be related to accompanying suspect interview recordings taking the place of thorough written statements. Additionally, the Assessment Team was advised that the recording of a suspect statement if taken in the field would not be recorded. It was unclear as to why the interviews in the field would not be recorded, and if not recorded, why they would not be otherwise thoroughly documented.

The Assessment Team observed and confirmed through interviews and policy review that NYPD generally supports the recording of suspect interviews (outlined in Detective Guide: 502-30). Recording suspects allows investigators to review interviews, which naturally leads to accurate and complete portrayals of suspect statements. It also provides supervisory oversight opportunities to identify areas in which detectives can improve their skills and investigative actions can be advanced. These recordings ensure compliance with all legal requirements and have also been proven to be beneficial in court to validate or refute statements attributed or not attributed to suspects.

For the small number of suspect interviews conducted (n=35), only **23%** (n=8) were documented as having been recorded. Supervisory personnel should review and determine potential reasons why this number is so low. The Assessment Team was unable to review suspect interview recordings and therefore might not have had a

Recommendation:

*The NYPD should review, evaluate, and provide written direction regarding contact with and interviewing of suspects (see **Table 6-1**).*

¹⁵ See [Core Standards for Sexual Assault Investigations, rti.org](https://www.rti.org/resource/core-standards-sexual-assault-investigations)

complete picture of investigator/suspect interactions or statements and information that may have been provided during interviews.

Suspect statements are also important when assessing the overall effectiveness of interviews and case strategies. Of the 35 suspects interviewed by investigators

- 20 stated contact was consensual
- 5 denied the assault occurred
- 10 invoked their right to an attorney
- none made an admission or a confession

Case file documentation suggests that few additional investigative opportunities or new leads resulted from suspect interviews. Interviewing suspects a second time, even when investigators discovered new investigative information, did not occur. Reasons for this are unclear and may be a result of limited investigative training or lack of experience in interviewing.

NYPD has developed some guidance on suspect interviewing through an SVD operational memo dated October 15, 2017. This memo's stated purpose is "to determine the Criminal Propensity of a Person of Interest in a Special Victim investigation." Currently, this memo is not a part of formal agency policy but appears to provide guidance and basic direction for utilizing various police databases to check the history of any "persons of interest" in a special victim investigation. It also does not address the offenders' actions and behavior, such as how offenders operate as they plan a crime, identify and choose a victim, and complete an assault. Beyond this memo, NYPD has limited documented direction about approaches for initiating sexual assault suspect contact, post-interview follow-up, and report documentation.

5.3.5 Controlled Communication

An investigative tool available to detectives is the controlled communication or confrontation call. This involves recording contact between suspects and victims under the close guidance of trained detectives. Controlled communication is not recommended in all cases, and it requires that victims be willing and able, on both an emotional and psychological level, to participate in these contacts with their perpetrator. Coordination with advocacy is a critical part of the controlled communication process to ensure victim wellbeing before, during, and after the contact. When this strategy is effective, it can provide valuable information to potentially move difficult cases forward. It should be noted that detectives should not forfeit standard investigative strategies and rely solely on controlled communication to further develop cases.

The Assessment Team identified that controlled communication was presented as an option to victims on a regular basis, however, there appeared to be limited "success" when these contacts were completed meaning that the controlled communications rarely resulted in a confession or other acknowledgement of their guilt. We observed that NYPD SVD investigators would use this strategy early in the case follow-up process (e.g., within 48 hours of the report) and they sometimes posed it to victims as an "all or nothing" scenario for case progression.

Recommendation:

The NYPD should review, evaluate, and provide written direction regarding controlled calls (see [Table 6-1](#)).

In other words, investigators presented controlled communication as the only avenue for investigations to proceed. In reality, there were likely multiple other investigative steps that could be used concurrently, or in place of controlled communication, including those that did not place such a high burden on victims' involvement. Case files also detailed that the DA would sometimes request controlled communication be completed prior to probable cause or criminal filing decisions. This was another factor that led to the delay or stalling out of investigations.

Moving forward, the NYPD should present controlled communication as one of many investigative tools that could be used to move cases forward. It is imperative that victims' wellbeing is the first priority and thus, if they do not wish to pursue this route, other approaches should be leveraged (e.g., the investigator contacting the suspect directly). If victims choose to participate in controlled communication, advocacy involvement is critical. In this capacity, advocates can help prepare victims for suspect contact and provide additional support during and after contact. The Assessment Team was advised that there is no specialized training, written protocol, or policy direction for the proper deployment of this tool. We recommend that NYPD review the current use of this tool and develop policy and mandatory training for all SVD investigators. This policy should also include communication and collaboration with victim advocates, as well as advocacy training. The Assessment Team is aware of NYS Statute 50-B and the restriction of sharing information. However, there are opportunities that could be taken which would not conflict with this statute, including increasing communication between law enforcement and advocates to will ensure that controlled communication is used in a victim-centered, professionally driven, legal, and appropriate manner.

5.3.6 Accessing and Gathering Electronic and Social Media Data

In sexual assault cases, video surveillance, social media, and other electronic evidence may provide valuable information. Video surveillance includes closed-circuit television both outside (i.e., on the streets of New York City) and inside private businesses. Social media and electronic evidence can involve smartphone technology and data, text messages, emails, call logs, GPS locations, and information from personal and public accounts (e.g., content or messaging on Instagram, Facebook, TikTok, or dating apps). These types of accounts can provide evidence that can corroborate activities described as taking place before and after the assault and provide intelligence into any relationship (or lack thereof) and communication between victims, witnesses, and suspects. This evidence can also help identify previously undiscovered witnesses or associates, important physical locations, and assist in building an offense timeline.

Case file review demonstrated the diligence of SVD investigators in their attempts to locate appropriate video surveillance evidence and consistent documentation of these efforts. The Assessment Team observed that it was possible to pursue evidence from social media in only **15%** of cases (e.g., the narrative indicated social media involvement). Of those, SVD investigators sought out this information **54%** of the time. The Assessment Team observed that other forms of electronic evidence were possible to pursue in **31%** of cases (e.g., the narrative indicated communication via smartphone). Of those cases, SVD investigators only sought out this information, including cell phone data, **35%** of the time.

It was unclear whether legal or other restrictions inhibited the pursuit of these potential investigative avenues. Overall, in cases that indicated a mobile device had been involved in a victim-suspect interaction, there was not

sufficient documentation on (1) whether mobile device data were accessed by NYPD and (2) if accessed by investigators, what information was collected and used in the investigation.

Interviews and case review suggest that NYPD personnel are effectively utilizing video canvassing as an investigative tool, but there is still room for growth as it relates to other forms of electronic or social media evidence collection. The Assessment Team could not identify established documented policy or protocol for obtaining, documenting, and preserving electronic/smartphone data. There was also no documentation identified regarding engaging with special NYPD social media-focused investigative units. In this information-driven world, the potential for collecting electronic and social media data is expanding and should be a key tool for investigators. The Assessment Team recommends providing additional policy guidelines, coupled with specialized training, to increase the use of electronic/smartphone information and to develop this type of investigative practice for improved case follow-up and outcomes.

Key Finding:
NYPD personnel are effectively utilizing video canvassing as an investigative tool.

5.3.7 Case Resolution and Disposition

How an agency resolves sexual assault cases—including how it categorizes and reports final case dispositions—is important. Sexual assault investigations possess unique and challenging aspects that require individual case follow-up and proper resolution. Ensuring that officers, detectives, and supervisors understand proper case clearance and resolution procedures and employ a standardized and uniform practice to complete and approve case statuses will establish consistency and accuracy across SVD cases. Additionally, following FBI UCR Program case guidelines is a critical aspect of any sexual assault response and provides legitimacy to the investigative process and transparency and accuracy to victims and the community. Currently, there is minimal NYPD policy providing personnel with guidance surrounding (1) appropriate case resolutions for various sexual assault scenarios and (2) relevant information for documenting and supporting these determinations. Detective Guide 515-01 gives limited general instruction on case closure for all investigations across the NYPD (see Section 3.1), but there is no information specifically related to sexual assault cases, including the use of the national standard FBI UCR dispositions.

Case file review documented that the majority of sex crimes reported to the NYPD were closed using a single code: “investigative leads exhausted.” Investigators did provide some justification for case closure in their files, but rationale for using this specific code was not consistent and documentation varied from victims not wanting to pursue cases to a lack of evidence or the DA declining probable cause charges. For many cases closed under this code, the Assessment Team observed that additional follow-up opportunities were, in fact, available but not pursued. For example, known suspects were never pursued beyond an initial control call in numerous cases.

Other missed opportunities identified after a case closure included identifying and photographing/processing crime scenes, following up with witnesses and suspects, pursuing results from collected evidence, requesting testing of additional evidence items, obtaining video evidence, and reviewing social media involvement. Investigators need to be cautious when labeling cases as “investigative leads exhausted” if all investigative avenues have not been pursued. The Assessment Team recommends that NYPD develop or identify additional training to help address investigative gaps and enhance investigators’ follow-up skills in the pursuit of additional

avenues for investigation. SVD supervisors should also closely review and assess a case each time the status is updated.

Another type of observed case closure was the “unfounded” disposition, signifying that no crime occurred. There is no singular national standard definition for “unfounded” cases. Based on the case file review, only a small portion of NYPD cases (4%) were cleared as unfounded, which falls within the nationally appropriate range of 2% to 8% of rape cases (Lonsway, Archambault, & Lisak, 2009; PERF, 2013). The Assessment Team determined that NYPD might underutilize the unfounded disposition, based on case details and documentation in case files. The Assessment Team identified at least two scenarios where cases were closed “investigative leads exhausted” when the “unfounded” closure code would have been more appropriate.

Importantly, several cases appeared stalled and were marked as “pending” as they waited for the completion of a victim interview by the DA, even though additional follow-up steps appeared to sit dormant. While the timing of the interview sits with the DA’s office, NYPD has the opportunity to pursue other investigative steps and continue to communicate with the victim. Additionally, and as previously mentioned (see Section 5.3.2), assessment of the purpose, necessity, and timing of this additional victim interview with the DA should be reviewed.

Recommendation:
The NYPD should review, evaluate, and provide written direction regarding the timing and progression of investigative steps, including case resolution (see [Table 6-1](#)).

The Assessment Team recommends that NYPD (1) establishes a clearly written and documented supervisory review process to monitor opening and resolution of cases; (2) completes case resolutions expeditiously after thorough, offender-focused investigations; (3) reviews the necessity of conducting additional DA-victim interviews; and (4) provides investigators clear instruction on expectations of case resolution and written documentation.

5.3.1 Victim Advocacy Follow-up

Connecting victims with advocacy support—during the initial stages after reporting and throughout the investigation and criminal justice process—augments robust victim-centered, trauma-informed practices. Evaluation of victim advocacy support in NYPD sexual assault cases was impacted by the minimal documentation available within case files and limited information provided during interviews. Additional information regarding victim advocacy can be found in Section 5.7.4.

Agency-integrated Advocacy

NYPD does not employ advocates or have a victim services unit (i.e., agency-based advocacy program). There is

a subset of Safe Horizon advocates funded through a contract with the Mayor’s Office of Criminal Justice, which in turn has an agreement with NYPD, to place advocates within the various borough precincts and SVDs. Through the precinct-based advocacy program, one to two advocates are placed in each of the 86 precincts to support victims of *non-sex crimes*. More specifically, one advocate

Key Finding:
NYPD has initiated an agency-integrated advocacy program in two of five boroughs.

supports domestic violence (DV) victims and the other supports victims of all non-DV and non-sex crimes. Precinct-based advocates have access to relevant police reports.

Interviews revealed that efforts have been underway to establish an adjacent advocacy program; initiated in 2019, these SVD advocates are provided through Safe Horizon and currently available in Manhattan and the Bronx, with hopes to expand programming to all five boroughs in the future. There is no current protocol or policy that outlines this partnership or defines how the SVD advocate and SVD investigator should work together.

Unlike their non-sex crimes counterparts, SVD imbedded advocates do not have access to relevant police reports as a result of Statute 50-b. As such, SVD-imbedded advocates are limited in their ability to receive information about sex crimes cases. Advocates are only brought in to support SVD cases when a victim has 1) been informed of the availability of advocacy by NYPD *and* 2) has approved advocacy involvement. This may present challenges as it puts the burden of advocacy involvement on law enforcement and requires that they effectively communicate the potential benefits of advocacy to all victims.

We recommend that the NYPD assess the availability of Safe Horizon advocates within SVDs and establish clear direction and integration through written policy or defined memorandum of understanding. It was noted the outbreak of COVID-19 has impacted the full integration of this program and current full implementation status is on hold. NYPD investigators and advocates in boroughs without the Safe Horizon advocacy program shared that they look forward to the program being integrated in all boroughs.

Additionally, the Assessment Team recommends creation of a NYPD-led working group to explore access to advocacy at key victim intersection points, as well as the potential for hiring and integrating agency-based advocates within NYPD agency operations through a victim services unit (VSU). Advocates employed by law enforcement often carry different responsibilities than advocates based in community organizations and can add value to the investigative response. We recommend that NYPD conduct discussions with NYC-based advocacy partners regarding the feasibility of NYPD agency-based advocates.

Community-based Advocacy

New York City has several community-based advocacy organizations available to provide services to victims of sexual assault. Each borough has at least one, and often multiple, community-based advocacy organizations to support victims of sexual assault. Theoretically, connections with community-based advocacy occur through referral by NYPD personnel or through other formal partner systems (e.g., medical providers) or through direct survivor contact. However, NYC community-based advocate response activity is generally initiated when victims present to local hospitals following incidents of sexual violence. The responses of these borough-specific volunteer advocates can include discussion of reporting options, offering of exam accompaniment, and providing information for services available to victims of sexual assault. Community-based supervisory staff discuss these interactions with volunteer advocates within 24 to 48 hours of response and provide follow-up information for appropriate services and support for victims who indicated consent for additional contact. Overall, observations indicate that organizations offer different types of victim support. For example, at least

Recommendation:
The NYPD should expand the agency-integrated advocacy to all boroughs (see Table 6-1).

one agency offers forensic medical exams and advocacy, while others only provide advocacy resources and support.

Currently there is no NYPD policy or guidance that addresses expectations related to advocate response, referral, collaboration, or victim support. There are inconsistent response practices and limited coordination and communication both between advocacy organizations and NYPD and between the various advocacy organizations themselves. That is not to say that all practices are negative, but rather that approaches appear to be specific to boroughs and availability of resources. The sheer sizes of borough populations and limits to available resources may impact this type of diversified response by advocate organizations. Increasing communication between organizations and the NYPD through a multidisciplinary team (MDT) approach and providing defined roles, responsibilities, and response practices is highly recommended. Increased communication will provide greater opportunity for victims to be supported and increase positive investigate outcomes.

Documentation of Advocacy Involvement and Follow-up

Case files indicated a victim advocate was notified or engaged with the victim in 4% of cases. Documentation and personnel interviews indicated minimal ongoing communication between investigators and advocates to address victims' needs. The Assessment Team did not have information as to whether there was continued contact and engagement that would ensure that victims were supported in a continual and effective manner. Additionally, there was no information from NYPD or advocates as to response practice or protocol when victims reported at locations other than the hospital. Further exploration of this aspect of collaborative response is important in providing comprehensive support for victims.

Interviews suggest that this finding may not accurately reflect current advocate involvement, but rather indicate a lack of consistent documentation and communication in case files. At least one sworn personnel with experience in SVD indicated this lack of documentation around advocacy involvement was intentional and that law enforcement personnel were directed to withhold documentation of advocacy due to concerns surrounding discovery laws that may make such information available to prosecution. Such concerns appear to be rooted in the idea that a written record of advocate support may come up if a case goes to trial and potentially weaken the victim's credibility. It is unclear where this direction came from or who initially provided it. To date, there is no research to suggest that advocate involvement or documentation of advocate involvement negatively impacts case outcomes, including prosecution.

Tracking all aspects of an investigation is critical in a comprehensive response. This encompasses actions taken by all disciplines and partners. Victims who have the necessary support have a greater opportunity to remain engaged in the criminal justice and investigative process. The NYPD should strive to improve its ability to document advocacy support and determine appropriate solutions for gaps in responding to victim needs. Addressing measures internally to improve the communication and understanding between officers/investigators and advocates would improve victim services, strengthen case outcomes, and provide criminal justice support for victims (see Section 5.7.4). As recommended previously, NYPD needs to ensure that open and clear lines of communication are available and ongoing throughout the MDT approach. Developing and enhancing current policy and defined protocols that guide investigators, supervisors, and directed advocate response will ensure open communication and collaboration are applied throughout investigations.

5.4 Case File Documentation

5.4.1 Accuracy and Consistency in Documentation

Complete, accurate, and consistent documentation of sexual assault cases from initial response through case closure is essential and allows for comprehensive review and oversight of investigations. Documentation includes the language used to describe police actions and victim, suspect, or witness statements. In addition, documentation should include justification for completing (or not completing) investigative activities, updates about victim contact and engagement, process outcomes (e.g., grand jury results), and case status/resolution. NYPD procedure outlines how SVD investigators are required to update and supplement their case files within a designated time frame of 5 days. This practice appeared consistent and standard among all investigations.

In assessing case file documentation, the Assessment Team noted that nearly half of all cases had critical details missing. Current NYPD sexual assault response policy has limited direction and expectations for the content or structure of investigative documentation.

Pre-narrative sections of the report were used inconsistently. More consistent use would support more detailed and accurate documentation. For example, some case files showed that investigators may have completed basic crime analysis, but the level and depth of these analyses were not clearly documented. Having accurate and complete information in pre-narrative report sections would support the possibility of more robust analysis on case data and information.

The Assessment Team observed that officers appropriately documented basic data and case information in report narrative sections, but the level of detail and type of information were inconsistent. For example, some investigators used narrative open-text sections to describe the trauma-informed strategies employed throughout the victim interview (e.g., setting up the room, offering water), while others provided a few brief sentences only regarding the victim’s statement. Investigators consistently failed to document crime scene response, witness lists, and advocacy involvement. The Assessment Team noted that when these types of data are not documented, it was likely that follow-up actions and information (e.g., important witness biographical information) were likely missed and additional investigative avenues potentially not pursued.

Crime analysis and forensic testing results were typically included in case files via automatically generated supplements. The Assessment Team observed that investigators rarely provided additional documentation on these automatically generated findings; therefore, the Assessment Team was unable to determine whether these investigative tools were used to effectively resolve sexual assault cases.

Another documentation concern is the lack of supporting information to justify why case statuses were changed to “closed” or “investigative leads exhausted” (see Section 5.3.7). NYPD policy should be enhanced to provide a clear sample template and written guidelines about proper documentation for investigation and resolution of sexual assault cases. Clear documentation and case disposition standards support an agency’s credibility and transparency to the community.

5.4.2 Language Employed and Descriptive Content

How officers document reported sexual assault incidents directly impacts future processing and success of a case. A highly beneficial practice is for interviewers, both patrol officers and investigators, to approach victims in an empathetic manner with the goal of developing rapport for continued communication. Equally important is how the documentation portrays these conversations.

The language used in documentation can set the tone for the case—positively or negatively—and influence the courses and outcomes of investigations.

Personnel interviews suggested that conversations with victims may at times use language or phrasing that is not trauma-informed. However, with few exceptions, NYPD patrol officers and investigators documented their investigations in an unbiased, objective manner and refrained from including personal opinions about victims or circumstances surrounding the assault.

Victim participation and engagement throughout active investigations are fundamental factors for case resolution and can be influenced by law enforcement interaction. The Assessment Team observed that investigators had classified **42%** of cases as closed, suspended, or inactive. This documentation also revealed that in **14%** of all cases, victims declined to pursue cases or were labeled as “uncooperative.” Although this number is low, investigators seldom properly documented or explained why the victim was “uncooperative.” might have occurred. When there was proper documentation, most information indicated that victims did not return phone calls or missed scheduled interviews. Developing a clear requirement for documenting and providing investigative rationale to support case resolution, including victim declination decisions, is essential (see Section 5.3.7 for further recommendations regarding case closure). Unit supervisors should regularly evaluate this documentation and consider whether victim interactions with officers and investigators may have played a role in victims’ choices to disengage and what action could be taken to remedy this.

Key Finding:

Investigative documentation avoided victim-blaming language and generally implemented trauma-informed practice.

5.5 Physical Evidence Processing and Testing

Collecting and processing forensic evidence can provide critical information and intelligence to establish the elements of a crime, place suspects at crime scenes, and produce other investigative leads. In sexual assault investigations, evidence may include material collected from the crime scene (e.g., bed sheets, condoms, or fingerprints collected through a medical forensic exam’s SOEK). See Section 5.7.1 for more information on the role of SAFEs in collecting forensic evidence. NYPD has established policy (Patrol Guide 218-33) to provide guidance surrounding SOEK possession, transfer, evidence storage, and laboratory submission (see Section 3.2.3 for specific recommendations related to this guide). The NYPD appears to meet New York state requirements for SOEK submission.

The New York OCME serves as the forensic biology crime laboratory and provides a full range of services to law enforcement agencies across the state. The NYPD does not have their own forensic biology crime laboratory (i.e., DNA crime laboratory) and thus any evidence tested as part of an NYPD sexual assault investigation must be submitted to OCME.

In New York City, when a SOEK is collected at a hospital, patrol officers are responsible for taking possession of the SOEK, logging it into the NYPD system, and then transporting it to OCME for analysis. Among reviewed case

files, 39% had documentation indicating that victims received medical forensic examinations and had SOEKs collected. Victims' decisions and examination results were rarely documented in NYPD case files.

All SOEKs associated with a reported crime are submitted to OCME and tested for forensic evidence. The OCME tests all SOEKs submitted to their lab. The average turnaround time for SOEK evidence is estimated to be between 30 and 45 days. The Assessment team was advised there is no backlog of sexual assault cases in the lab.

Given that SOEKs can be tested as they are received by OCME, there is currently no policy to prioritize typical sexual assault cases over other types of crimes against persons cases. In special circumstances, investigators, the DA's office, and/or OCME liaisons can complete a "High Priority Form" to push their cases to the front of the queue. OCME personnel reported that stranger rapes and high-profile cases are the typical circumstances under which expedited testing is pursued.

If the SOEK does not yield viable DNA evidence, the OCME will then pursue testing of secondary evidence collected during the investigation (e.g., bed sheets collected at the crime scene) or review case paperwork, including the case narrative, to determine whether and which additional evidence is available for testing. OCME personnel noted that "sometimes additional evidence is submitted at the same time as the kit, and sometimes it's not." Sometimes this additional evidence has been submitted to a local lab, where trace evidence testing is pursued. If OCME determines that an item is suitable for DNA evidence processing, they will request the item is sent to OCME. It is also possible that investigative personnel will receive notification of a negative DNA result (i.e., DNA was not present in the samples provided) and follow up through the OCME liaison to provide additional insight for these efforts. OCME staff noted that, at times, there is back and forth between a forensic analyst and investigator, facilitated by the OCME liaison, to identify, submit, and process additional evidence beyond the SOEK.

OCME reports there are no circumstances under which it would decline testing of forensic evidence from a sexual assault case. This is at odds with interviews with NYPD personnel, who described testing being held up by things like a lack of consensual partner samples. When asked about this, OCME confirmed again that all SOEKs submitted are tested. OCME personnel clarified that, regardless of consensual partner elimination sample submissions, all forensic evidence samples associated with a SOEK will be tested, and that they are able to upload qualifying samples into CODIS as long as requests to investigators for consensual partner samples have been made. These conflicting accounts highlight the need for increased communication between these entities.

The Assessment Team documented that all communication between the OCME and SVD is facilitated by automatic notifications in the agency's ECMS and/or via OCME liaisons. For example, investigators are notified of forensic testing findings through an automatically generated supplement in the case file. Notifications of CODIS hits are also provided to investigators through automatically generated supplements in case files.

Importantly, if cases had been previously closed, the development of these supplements will cause them to be reopened and reviewed by the assigned investigators. This information is also automatically provided to the DA's office through their DNA liaisons. CODIS hits specifically are also provided to the Mayor's Office.

Key Finding:

NYPD's OCME liaisons facilitate prompt and consistent communication between investigators and the lab.

Should NYPD personnel or OCME staff have additional questions or contributions beyond those supplied by automated ECMS messages, an OCME liaison will facilitate further communication. The OCME Liaison Unit ensures that all evidence processing is completed as smoothly as possible, including confirming that the forensic analysts and investigators are communicating in a shared language. OCME staff described initial skepticism of this unit because the program limited who they could contact and when. However, these same staff now describe that the addition of the unit has been incredibly productive; if there is a question or problem, they can call one person who understands the process and can “straighten it out” quickly. NYPD investigators shared similar insights but noted that there were still times where they did not receive prompt notification of a negative DNA result and had to work through OCME liaisons to get next steps initiated. The only NYPD personnel who do not have to go through the OCME liaisons are cold case detectives, who still have a direct line to OCME cold case liaisons.

Unfortunately, the Assessment Team was unable to review documentation regarding laboratory analysis and CODIS results. Documentation of actions taken by investigators as the result of laboratory findings were limited and inconsistent. The Assessment Team recommends NYPD review their current policy and establish clear direction for acting on and documenting CODIS- and laboratory-related information. Based on reviewed case files, NYPD should explore this area to (1) ensure the transfer and testing process is clear, (2) ensure this information is documented in investigative case files, and (3) identify opportunities to improve this process beyond testing SOEKs.

5.6 Case Submission to Prosecution

The DA’s office plays an integral role in the NYPD SVD’s response to reports of sexual assault. Each DA’s office employs a vertical prosecution approach and has specialized sex crimes prosecutors that work directly with SVD investigators. Prosecutors are generally available and accessible to SVD leadership and/or investigators when the SVD has questions or needs a case reviewed (see Section 5.7.2 for information on the DA partnership). The Assessment Team observed several practices employed by SVD personnel to engage prosecutors during investigations.

General Conferral

SVD investigators regularly confer with the DA’s office on their cases, often very early in the process. No formal protocol or direction guides the case submission process. Instead, this can be very informal, including an investigator making a phone call to a DA and “presenting” the case (e.g., discussing the details of the case with the DA). The timing of when and how a case is presented to the borough DA for review varies. The Assessment Team did not observe any specific indicators noting that cases were ready for conferral with a prosecutor, but rather SVD investigators evaluated this on a case-by-case basis. We observed that during this conferral, DAs may request one or more of the following: (1) state they would not accept the case for prosecution; (2) request specific additional investigative steps; or (3) request an interview with the victim. The Assessment Team observed multiple instances where NYPD personnel would present a case to the DA very early on (e.g., within 48 hours of reports) before they had

Recommendation:
The NYPD should formalize and standardize when, where, and what investigations are presented to the DA for review (see **Table 6-1**).

pursued critical investigative steps. The DA would then reject the case, and the investigator would subsequently close the case as “investigative leads exhausted” and no other follow up conducted. It is possible that if key investigative steps had been pursued (e.g., contacting the suspect, seeking results of forensic testing, conducting witness interviews), the DA’s office may have differential opinions on case outcomes.

Victim Interview

A standard practice across all borough DA’s offices is the request for a pre-charging interview between the DA and victim (referred to by the DA as “witnesses”). DA-victim interviews take place in addition to documented patrol and/or investigator interviews. The interviews include the assigned DA and, on occasion, the assigned SVD investigator or other support persons (e.g., an advocate). The DA described these interviews as being “required” prior to the decision around filing charges, although this was not relayed as a required step by NYPD personnel. The Assessment Team could find no supporting policy or written agreement between NYPD and DA personnel that detailed this additional interview practice.

The Assessment Team could not identify the specific purpose of these interviews in policy, guides, or case file notes. However, interviews with NYPD personnel and DA staff suggest that DA interviews are used to glean case information, assess victim statements, explore additional investigative steps that could be taken, and provide information to victims about the prosecution process before making any formal charging decision. The Assessment Team also concluded that the pre-charging interview be mis-used for the purpose of assessing victim credibility, resulting in cutting an investigation short or not charging the case.

This approach may have problematic implications. First, we observed that the investigation in several cases was stalled (no follow-up activity) while waiting for the DA to conduct their interview, and there was little documentation as to the content and results of these DA interviews when completed.

Next, conducting multiple comprehensive victim interviews can create investigative problems. memories and recall can be impacted by trauma, multiple interviews may produce differential memory recall, resulting in varied statements that can be interpreted as a credibility issue with victims (Howie & Ressler, 2020; Cozolino, 2017).

Finally, these interviews can trigger emotional and traumatic memories and response. Implementing practices that require such high emotional burden from victims may result in disengagement from investigations altogether. Additionally, having a victim recall events to several different people creates an appearance of system disorganization, which might also discourage victims from continuing to participate in the criminal justice process. For example, one case file highlighted a circumstance where a victim had been subjected to multiple interviews by a variety of responders. First, she recounted her rape to an NYPD patrol officer, a SAFE, and SVD investigators, all in separate interviews. Then the DA requested an additional interview. This victim was told that the case would not move forward until this final interview was completed. Ultimately, the victim advised she did not want to continue with the investigation and the case was closed. Limiting the number and timing of such interviews and ensuring advocacy support is a part of a victim-centered, trauma-informed practice.

Recommendation:

*The NYPD should formalize and standardize processes regarding the pre-charging interview of the victim (see **Table 6-1**).*

Determination of Probable Cause

Finally, even when pre-charging interviews were not pursued, case file review indicated cases were typically investigated by SVD investigators only to a certain point before presenting cases to the DA to seek a determination of probable cause for an arrest. Across the nation, the process of probable cause and arrest determination is mainly seen as a law enforcement pre-charging decision. In many jurisdictions, law enforcement can and does engage their respective prosecutor's office to provide guidance in this area, while other law enforcement agencies make a probable cause determination more independently. In some of the NYPD cases we reviewed, investigators would consult with the prosecutor early on in the investigation, in an attempt to get a decision as to the probable cause in that particular case. In some instances, the prosecutor would indicate that they did not believe there was probably cause and the investigator would close the case without further investigative effort, making it appear the investigator was simply seeking a rationale for closing the case. This process was inconsistent, as there were also times when the DA would advise that there was no probable cause, but the investigator would continue to seek additional information in an attempt to further the case and establish probable cause. Rarely was an arrest made by an SVD investigator before the case was reviewed by the DA. In attempting to identify the background and rationale for this case review procedure, the Assessment Team found no supporting documentation that described the basis or need for this process to exist. There was also no formal policy, protocol, or agreement between NYPD and the DA as to why, when, and how these pre-arrest reviews are conducted and how subsequent case decisions are made.

With no written policy in place for this practice, many of those interviewed described this as an investigative step taken to diffuse responsibility for why one of their cases may not be charged or for why no arrest would be made. Based on SVD investigator comments in cases file and/or the Assessment Team's review, many of these cases were still "rejected" by the DA for not meeting prosecutorial standards for the establishment of probable cause, even in instances where it appeared that probable cause existed. In these circumstances, there was limited recourse for the investigators and the cases were closed without further investigation. Information about the review process and supporting rationale for DA declinations were also inconsistently documented in NYPD case files.

Strengthening the relationship between law enforcement and prosecution could form the basis for developing and implementing consistent guidelines for overall case review. The Assessment Team suggests formalizing the purpose and timing of conferrals with the DA, for both general conferrals and specific actions like seeking a determination of probable cause. We recommend that SVD outline specific investigative steps that must be attempted *prior* to conferring with the DA. For example, the DA should not be contacted prior to attempting to contact the suspect. This clarification will support thorough, offender-focused investigations.

The Assessment Team also recommends that the NYPD and the DA's office establish an agreed upon protocol for when and how DA-victim interviews are completed. It is critical to always examine the rationale for conducting these interviews and to consider whether recorded investigator interviews with the victim could serve a similar purpose to the DA's. Additionally, the timing of these interviews should be assessed and

Recommendation:

The NYPD should formalize and standardize interactions with the DA regarding determination of probable cause (see Table 6-1).

formalized, such that DA involvement does not result in investigative inefficiency, case resolution delay, or frustration for victims and investigators.

5.7 Stakeholder Communication and Collaboration

Multiple stakeholders are involved in the response to reports of sex crimes in New York City. The Assessment Team included all key partners in the current evaluation to identify strengths and areas for improvement.

5.7.1 Sexual Assault Forensic Examiners

The use of SAFEs can contribute to enhancing the collective response to sexual assault by ensuring victims are cared for and treated in a victim-centered manner. This response improves medical care for the victims and supports NYPD in the identification and collection of evidence. This may include the treatment of injuries and the collection of forensic evidence from victims. In NYC, the SAFE program is administered and overseen by a variety of organizations generally associated with a specific hospital or hospitals within each borough. There is no central NYC SAFE program manager, and the various programs are supported by the individual and designated hospitals. There are private and government hospitals who support SAFE programs and administer forensic examinations.

Multiple stakeholders play a role in the structure and deployment of the NYC SAFE program, including hospitals and advocacy organizations. In Manhattan, the development and training of SAFEs has historically been overseen by the Crime Victim Treatment Center (CVTC) which partners with six private hospitals in two boroughs. The Sexual Assault and Violence Intervention Program (SAVI) oversees the training and deployment of SAFEs at three Mount Sinai Hospital locations, and also directs volunteer advocacy response to 10 hospital and urgent care locations. In other boroughs, it is understood by the Assessment Team that the city of New York provides SAFEs to support victims in public hospital settings. The Assessment Team reached out to the SAFE community in NYC but was unable to gather additional information detailing the aspects of the SAFE response.

Overall, there appears to be limited and varied interaction and relationships between NYPD and the various SAFE programs. Based on both case review and feedback from personnel interviews, patrol officers and investigators appear to have varied contact and communication with a SAFE before or after a medical forensic examination. The NYPD, local hospitals, and local SAFE programs provide little guidance to personnel on their expectations regarding these interactions. The Assessment Team learned that the limited communication approach is at times intentional; personnel interviews revealed that the separation between police and SAFEs is perceived by those involved to safeguard medical privacy and tend to HIPAA restrictions.

Additionally, members of the SAFE community interviewed by the Assessment Team described various impressions of NYPD's response to sexual assault victims. While some SAFE clinicians perceived NYPD personnel to be professional and understanding, others viewed their interactions with NYPD as difficult, unprofessional, and victim-blaming. Interviewed SAFEs described how NYPD appeared to have a general lack of understanding regarding the SAFE role, the purpose of the examination, and what the SAFE and subsequent examination can and cannot reveal. For example, multiple interviews revealed that law enforcement asked whether the SAFE could tell if the victim was raped, if anything happened, or for the SAFE's opinion of the victim's narrative of events.

Overall, there appeared to be a general lack of communication and subsequent documentation related to the NYPD when interacting with the SAFE, obtaining SAFE information after the examination, information related to victim statements taken during medical forensic exams and the final SAFE findings. For example, investigative documentation of communication with SAFEs about examination results and medical findings was not consistently completed in any case files. Medical information obtained during the course of a sexual assault investigation can be critical in providing a comprehensive assessment of a sexual assault investigation. Understanding that some medical information for sexual assault victims may be protected, establishing a process for victim consent/release of medical forensic examination information could support investigations by providing access to critical examination findings, the collection of forensic evidence, and the corroboration of statements made by victims. The Assessment Team recommends evaluating and assessing options that would enhance this critical component, which might include 1) development of clear policy and practice for SAFE roles, responsibilities, and communication expectations during a criminal investigation; 2) continued interaction and collaboration through the sexual assault task force (SATF); 3) providing cross-training opportunities for SAFE and NYPD; and 4) ensuring relevant medical information and documentation is completed by SVD investigators.

The NYPD's practice for sexual assault response may involve personnel contacting appropriate partners to conduct medical forensic examinations for the collection of evidence. This response presents opportunities for enhanced communication between law enforcement and medical personnel, including designated SAFEs. One NYPD SVD personnel suggested that some investigators may have a conversation or complete an interview with a SAFE, which may include a discussion of the aspects of the examination and the case. However, during additional interviews, law enforcement personnel mentioned that little communication occurs between police (i.e., patrol officers and SVD investigators) and medical providers during acute responses and there was very little documentation about this communication observed in case files. Partnering with SAFEs and increasing cross-communication can provide opportunities to improve the response process by identifying important physical evidence information, which in turn improves case outcomes and enhances support of victims of sexual assault.

5.7.2 Prosecution

To successfully respond to reports of sexual assault, law enforcement must have a strong relationship with the prosecutor's office. This relationship is important to ensuring clear direction and understanding of the investigation and to establishing and following prosecutorial expectations and requirements. In New York City, each of the five boroughs has a DA's office that works closely with borough-level NYPD SVD personnel. Interviewed DA's office personnel expressed their commitment to actively pursuing sexual assault cases, improving the overall system-level response, and facilitating open communication with NYPD SVD investigators. The DA's offices generally expressed that their staff works and communicates well with NYPD and that they have a positive relationship. None of the DA's offices stated specific concerns about the quality of NYPD investigations. This was reinforced by the fact that some borough DAs and SVD investigators train together and participate in monthly SATF meetings (see Section 5.7.5). However, the manner in which a specific DA's office and SVD communicated and collaborated varied from borough to borough. For example, during interviews some the DA personnel indicated they had isolated concerns with the quality and thoroughness of investigations by specific SVD investigators.

The DAs recommended increasing investigator training and making efforts to reduce SVD turnover in order to elevate the quality of investigations and general collaboration between their offices and the NYPD.

NYPD personnel described mixed experiences with the DA's offices. While some expressed excellent collaboration and communication, others described more frustrating experiences (see Section 5.6 for examples). These findings were not borough-specific, as both positive and challenging engagement with the DA was described by NYPD personnel in each borough. Notably, detective-level positions in the SVD were more likely to report challenging experiences, compared to those in leadership positions.

Improving communication, defining roles, and providing clear reasons for requests (e.g., a victim interview) will strengthen the relationship between NYPD and the DA and support positive case outcomes. Formalizing steps via agreements and policy between the NYPD and DA will lead to improved communications and case outcomes. Additional approaches to enhancing communication, building trust, and identifying areas for growth include cross-training and participation in MDTs. NYPD should consider identifying additional opportunities for cross-training in the areas of investigation and prosecution, including lessons on the importance of trauma-informed practices. NYPD should also identify areas for improvement in their participation in the multidisciplinary approach (see Section 5.7.5).

5.7.3 Crime Laboratory—OCME

The New York OCME laboratory plays a significant role in the overall sexual assault response by providing forensic processing services to NYPD, including testing SOEKs and other forensic evidence. The NYPD does not have their own forensic biology crime laboratory, thus any evidence tested as part of NYPD sexual assault investigations is submitted to the OCME.

Current New York state statutes mandate that all newly collected SOEKs in law enforcement possession be submitted to the laboratory within 10 days. By statute, OCME has 90 days to complete analysis on submitted SOEKs. OCME's goal is to have this time reduced to between 30 and 45 days. The current analysis of SOEK turnaround time is on target at the 30- to 45-day range. The timely completion of laboratory analysis of submitted evidence is an important aspect of any investigation and has a direct impact on the ability of an investigator to complete their investigation.

As previously described, an OCME Liaison Unit housed within NYPD facilitates all communication between forensic analysts and sworn personnel. This unit ensures that all evidence processing is completed as smoothly as possible, including confirming that forensic analysts and investigators are communicating in a shared language. Both agencies describe the OCME Liaison Unit's work as a productive component of their process, although interviews revealed that some misinterpretations of procedure still exist. For example, NYPD interviews suggested that the OCME Liaison Unit prioritizes SVD investigators' submissions of consensual partner samples before SOEKs can be tested, but OCME staff refuted this claim and stated that they test all samples submitted to their lab and that consensual partner sample collection only need be *attempted* for upload into CODIS and does not affect testing status. Written policies and direction regarding this specific process should be provided to all involved parties. The communication plan between OCME and investigators for when a SOEK test did not produce any type of investigative information (i.e., DNA profile) was lacking; while OCME noted that all reports are disseminated in the same manner (i.e., both negative and positive reports are uploaded into ECMS), NYPD personnel expressed uncertainty about this process. OCME processes also dictate

that for all negative reports, a formal written request is made for any additional evidence to be submitted to OCME for testing. However, some NYPD personnel expressed a desire for clarity surrounding this process, as well as other ways to alert OCME to additional available evidence. As such, NYPD’s documentation of instructions and expectations for additional evidence submission should be examined.

OCME staff noted they have limited communication with SAFEs. Only if an “unusually presenting SOEK” (e.g., a SOEK with stickering errors) were provided to OCME would the OCME director contact the director of the associated hospital’s SAFE program. OCME noted that the quality of SOEKs have improved significantly in recent years. They also noted that OCME analysts provide training to SAFEs through an official, comprehensive SAFE training curriculum leveraged by several SAFE programs across the city. For their portion of the training, OCME provides a 1.5 to 2-hour session, inclusive of a PowerPoint presentation and opportunity for questions. Review of the curriculum and information presented during these trainings was outside the scope of the current evaluation.

5.7.4 Agency and Community Advocacy

As previously described in Section 5.3.1, the NYPD leverages advocates from Safe Horizon, funded through a contract with the Mayor’s Office of Criminal Justice. SVD advocates are currently placed in the Manhattan and Bronx SVD units, with hopes to expand the programming to Brooklyn, Queens, and Staten Island in the future.

In addition to the NYPD Safe Horizon advocates, the city of New York utilizes multiple community-based advocacy organizations that each respond to and provide various services to sexual assault victims. Each borough has an organization, and at times multiple organizations, that operates similarly in their ability to accept referrals from NYPD personnel. Across the board, services are predicated on the “victims’ choice” approach, which includes victims consenting to accept assistance when offered through volunteer hospital advocates or NYPD personnel.

The Assessment Team observed that sexual assault victims receive a well-intended but too often fragmented advocacy response. At best, the level of advocacy support is unclear. Investigative case files had minimal documentation about referrals to advocates, continued advocate engagement, or integration of advocates into NYPD investigative practices. As previously described, personnel interviews suggested that this approach to minimal documentation was intentional (see Section 5.3.1), but also reflected minimal coordination among available advocacy service providers. For example, during interviews, NYPD personnel rarely described advocacy services without being prompted by the interviewer. When pressed, interviewees described specific circumstances during which advocate involvement would be initiated, but they made it clear that advocates were not a consistent and integrated component of NYPD SVD response.

One positive practice observed was SVD investigators sitting in on one community-based organization’s 40-hour advocacy training. Although not a formal component of NYPD training or onboarding, community partners described this collaboration as a way to improve relationships between NYPD and community-based advocates and provide NYPD with a better understanding on victim-centered, trauma-informed strategies.

Recommendation:

The NYPD should increase advocacy-law enforcement communication via a designated liaison, like the OCME liaison position (see [Table 6-1](#)).

Because of the multiple agencies involved in providing services to victims of sexual assault, it is imperative that the NYPD ensure appropriate services are being provided to and accessed by victims. To maximize ongoing

Recommendation:
The NYPD should explore developing and employing an agency-based victim services unit (see [Table 6-1](#)).

victim engagement with NYPD during sexual assault investigations, we recommended the development of written policy that includes strategic plans and practices for the integration and utilization of sexual assault advocates. These policies should include clear expectations for NYPD personnel (i.e., patrol officers, detectives, supervisors), role clarification and cross-training based on the model of advocacy utilized, supportive handoffs during victim transitions to other personnel and processes, and connection to community- and agency-based advocacy services according to identified victim needs.

As previously noted, we also recommend that NYPD initiate a working group to explore the potential of developing and employing an agency-based VSU; see Section 5.3.1). Community-based advocates also play a role in providing services for victim that the NYPD and agency-based advocates may not be able to. Collaboration with these partners improves and supports all aspects of an investigation and victim wellbeing.

5.7.5 Multidisciplinary Teams and Task Forces

Research has shown that disciplines and allied professional working collaboratively as an MDT in the response to sexual assault is advantageous for local communities (Greeson & Campbell, 2013). An MDT can foster the sharing of resources and expertise, improve identification of successful response strategies, and provide seamless service to sexual assault victims.

Interviews with NYPD personnel and other stakeholders detailed information about monthly task force meetings, referred to by at least one participant as a SATF. Generally, SATF meetings served as a type of MDT or sexual assault response team (SART) meeting, where various disciplines and organizational stakeholders came together. However, these meetings were described as being borough-specific, with each borough's SATF having different organizers, participants, and general purpose and scope. In most boroughs, SATF meetings are overseen by the borough DA's office and include SAFEs, SVD investigators, representatives from advocate organizations, and hospital staff.

Information and understanding about the purpose and process of these meetings varied. While some interviewees described having clear meeting agendas to discuss recent challenges and identify gaps in response, others noted that their SATF meetings were less formal and productive. Many of the NYPD and community stakeholders expressed a desire to continue and expand the functions of the task force to identify and address broader system processes as well as case-specific challenges.

We recommend that NYPD continue collaborating in task force meetings while also working to formalize these relationships, with a focus on (1) increasing collaboration and coordination during sexual assault response; (2)

identifying barriers, challenges, and limitations in and among systems; (3) ensuring appropriate responses to support victims; (4) improving offender accountability; and (5) conducting cross-discipline training sessions¹⁶.

NYPD should use this collaborative MDT as an opportunity to address important and ongoing needs, including:

- addressing challenges in cases that impact positive outcomes and deter progression from investigation through prosecution, including how and why cases may be prematurely suspended or resolved with and without prosecution review or input;
- reviewing internal and external factors that influence cases and result in arrest; and
- continuing to follow case outcomes, including court disposition (e.g., preliminary hearings, grand juries); post-arraignement (e.g., plea, guilty, mistrial, acquittal); and offender sentencing.

¹⁶ [SART Toolkit Section 2.2, National Sexual Violence Resource Center](#)

6. RECOMMENDATIONS

Having a high-functioning, victim-centered, and trauma-informed response to sexual assault is the goal of any law enforcement agency. The NYPD has many well-established components that support a strong response to sexual assault, including a desire to continually improve by addressing gaps and challenges. Table 6-1 highlights the Assessment Team's recommendations for improvement.

Table 6-1. Detailed List of Recommendations

Policies and Procedures
<p>Create and implement a written agency-wide comprehensive sexual assault policy that provides all personnel with direction, roles and responsibilities, and expectations that establish a consistent and standardized response to sexual assault.</p> <ul style="list-style-type: none">▪ This guide should be directed at all NYPD personnel, who engage with victims of sexual crimes during the course of their assigned responsibilities. Inclusion of multiple roles (e.g., crime scene management, evidence collection and preservation, access to forensic medical care, and victim advocacy incorporations) would support the development and implementation of a multidisciplinary response, recognized as best practice.▪ Agency guidance should include how and when to inform victims of their rights and the inclusion of/referral to advocates who can further support and inform victims related to connected processes and available services.▪ NYPD should complete a technical review of all guides, including the newly developed comprehensive guide, to address descriptive language currently being used for sexual crimes.▪ Development and application of a clear NYPD hotline policy providing direction on role responsibilities to ensure greater standardization in how hotline calls are responded to and triaged.▪ For patrol responders:<ul style="list-style-type: none">○ Include direction about interacting with and acquiring basic victim statements.○ Incorporate guidance around identification of witnesses, potential crime scenes and evidence, and expectations of any follow up activities, to include providing information for sworn personnel on the sexual assault medical forensic examination.○ Provide information about trauma responses that may be experienced and displayed by victims, trauma-informed approaches to the victim interaction, and best practices for what and how to ask questions.○ Provide direction related to advocacy support, notification, expectations, and practices for incorporating their response.○ Expand on expectations for initial responders to prepare the scene for crime scene response. Include responsibilities of personnel, such as communicating appropriate information to witnesses/by-standers about the role of officers and the investigation, completing this while promoting trauma-informed practices on-scene. Such approaches may help with victim/witness engagement as cases develop and thus are critical to formalize in agency procedures.○ Incorporate written policy guidance around specific expectations for response processes and interactions between patrol officers and SVD investigators. This may enhance response clarity, consistency, and support judicious deployment of personnel.▪ For SVD detectives:

<ul style="list-style-type: none"> ○ Enhance guidance around when and where to conduct victim interviews to further support victim-centered, trauma-informed practice. Consideration should also be given to conducting interviews at least two full sleep cycles after incidents, as recommended by various research. ○ Clarify and define the purpose, direction, and expectations for investigative follow-up and applicable strategies and techniques while investigating sexual assaults. ○ Provide written guidance and expectations for proper report documentation and consider developing a sample report template. ○ Establish clear processes about the location and circumstances under which victim interviews will be conducted, to include law enforcement and DA interviews, ensuring they are at a victim-centered location and provide for the inclusion of support persons chosen by victims. <p>▪ For SVD supervisors:</p> <ul style="list-style-type: none"> ○ Incorporate guidance for roles during active investigations, periodic case review with each detective for all cases (formal and informal), training needs, and evaluation of personnel performance.
Create and implement a standardized process outlining the selection, retention, promotion, onboarding, and performance review for supervisors and detectives within the SVD.
<ul style="list-style-type: none"> ▪ Creating a formal written process for SVD onboarding assigned personnel (detectives and supervisors) to establish a clear understanding for training expectations and requirements.
Training
Develop and deliver a stand-alone academy training module/section that is exclusively focused on responding to sexual assault.
<ul style="list-style-type: none"> ▪ Ensure the training incorporates a comprehensive curriculum that includes current academy instruction and teaches the unique aspects associated with the crime of sexual assault. ▪ Ensure training covers topics which articulate roles, responsibilities, and expectations personnel will play in sexual assault response when they graduate from the academy. ▪ Align and schedule the complimentary and associated sexual assault related training modules (e.g., People in Crisis; Collection and Processing of Evidence) so they are provided to academy students in close proximity. ▪ Provide additional resources for academy students, so they can learn more if interested and create connections across modules.
Develop and deliver an in service/post academy sexual assault training for first responders and other NYPD personnel who have interactions with victims of sexual assault (e.g., hotline staff, communications, precinct reception personnel).
<ul style="list-style-type: none"> ▪ Ensure the training is a comprehensive curriculum that identifies and teaches the critical aspects of sexual violence. This stand-alone module can enhance and compliment any current curriculum and training which may be contained in the separate modules. ▪ Ensure the training provides comprehensive guidance and information, allowing first responders to make simple and logical connections of all the key aspects of sexual assault response.
Mandate specialized and continuing training for all SVD and other critical NYPD personnel (e.g., patrol, communications) in the aspects of sexual assault response.
<ul style="list-style-type: none"> ▪ Ensure trauma-informed and victim-centered practices are being delivered. ▪ Ensure this training is provided to current and prospective SVD members and incorporated as part of onboarding and assimilation into the SVD. Document that all personnel have completed mandated training.

<ul style="list-style-type: none"> ▪ Continue to periodically review the curriculum to identify new and emerging practices for sexual assault response. Evaluate this process annually to ensure curriculum follows best practice. ▪ Provide additional training opportunities to enhance overall response and completion of comprehensive investigations. For example, train on consistent direction and policies for identifying and collecting evidence in sexual assault ensuring that (1) crime scenes are evaluated, assessed, documented, and processed in a timely and appropriate manner, and (2) all personnel involved in sexual assault response are trained to properly understand the investigative value of response to a scene.
Develop and deliver specialized training for SVD supervisors regarding investigative practices, major case management and oversight, and supervision of detectives.
Incorporate opportunities for cross-training with partner disciplines (e.g., advocacy, SAFE, prosecution) to improve communication and provide enhanced understanding of roles and response practices.
Investigative Response
Ensure consistent supervisory oversight of case assignment, investigative actions, and case status can be used to ensure equitable distribution of responsibilities and support feedback opportunities related to caseloads and quality of work. To continue to ensure manageable caseload levels, the NYPD would benefit from a yearly agency-wide review of detective workload including assigned caseloads across all investigative units.
Review, evaluate, and provide written direction regarding key investigative steps, including detectives photographing victims at the time of their report, utilization of crime scene response, utilization of controlled calls, suspect interviews, and recording of victim interviews.
<ul style="list-style-type: none"> ▪ Clear policy should be developed to explain the purpose of the photographs, who should take the pictures, where they should be taken, and how the process and investigative value should be described to victims. ▪ Identify additional opportunities for patrol officers and detectives to put more effort into locating, documenting, and processing all crime scenes, and ensure increased documentation of these activities within the case files. ▪ Recording is a recommended practice as it allows for the most accurate account of victims' statements and encourages active listening when communicating with victims. Describe who should record interviews and how they may communicate the process in a victim-centered, trauma-informed manner.
Establish a mechanism by which patrol are given the ability to enter case documentation electronically via field-based record management system (RMS) reporting, such that they can enter their preliminary report themselves.
Partnerships
Formalize and standardize interactions with borough DA's offices regarding when, where, and what investigations are presented for review.
Formalize steps via agreements between the NYPD and DA to improve communications and case outcomes. Enhance communication and identify areas for relationship growth which should include cross-training opportunities and continued expansion and participation in MDTs.
Formalize and standardize interactions with borough DA's offices regarding pre-charging interviews with victims.
Formalize an agreed protocol for when and how the DA driven victim interviews are completed.
Formalize and standardize interactions with borough DA's offices regarding determination of probable cause.
Formalize the purpose and timing of conferrals between detective and DA, both general conferrals, and for specific actions like seeking a determination of probable cause. It is recommended that the SVD outline specific investigative steps that must be attempted prior to conferring with the DA.

Develop a standing working group with advocacy partners that includes SVD supervisors and detectives. Use this group to improve communication, define roles, expectations, and practices.

- Discuss integration of sexual assault advocates within SVDs in all boroughs.
- Discuss increasing advocacy-law enforcement communication via a designation liaison (akin to the OCME liaison position).

Discuss the development and employment of an agency-based VSU in the NYPD.

References

- Archambault, J. & Lonsway, K.A. (2020). *Recording Victim Interviews*. End Violence Against Women International.
https://evawintl.org/wp-content/uploads/2012-12_TB-Recording-Victim-Interviews.pdf
- Archambault, J., & Lonsway, K. A. (2008, August). *Incomplete, inconsistent, and untrue statements made by victims: Understanding the causes and overcoming the challenges*. End Violence Against Women International.
https://evawintl.org/wp-content/uploads/2008-08_TB-Victim-Statements-.pdf
- Campbell, R. (2006). Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference? *Violence Against Women*, 12, 30–45. <https://doi.org/10.1177/1077801205277539>
- Canaff, R., Lonsway K., & Archambault, J., (2020). Trauma-informed interviewing and the criminal sexual assault case: Where investigative technique meets evidentiary value. *End Violence Against Women International*.
https://evawintl.org/wp-content/uploads/2020-02_TB-Trauma-Informed-Interviewing-and-the-Criminal-SA-Case-Technique-Meets-Evidentiary-Value.pdf
- Cozolino, L. (2017). The Neuroscience of Psychotherapy: Healing the Social Brain. New York, NY: W.W. Norton & Company.
- Federal Bureau of Investigation. (2014). *Rape addendum. Uniform Crime Report. Crime in the United States, 2013*.
<https://ucr.fbi.gov/crime-in-the-u-s/2013/crime-in-the-u-s-2013/rape-addendum/rape-addendum-final.pdf>
- Fisher, R. P., & Geiselman, R. E. (2010). The cognitive interview method of conducting police interviews: Eliciting extensive information and promoting therapeutic jurisprudence. *International Journal of Law and Psychiatry*, 33, 321–328. <https://doi.org/10.1016/j.ijlp.2010.09.004>
- Greeson, M. R., & Campbell, R. (2013). Sexual assault response teams (SARTs): An empirical review of their effectiveness and challenges to successful implementation. *Trauma, Violence, & Abuse*, 14, 83–95.
<https://doi.org/10.1177/1524838012470035>
- Haskell, L. & Randall, M. (2019). *The impact of trauma on adult sexual assault victims*. Department of Justice Canada. <http://dx.doi.org/10.2139/ssrn.3417763>
- Howie, H., & Ressler, K. J. (2020). The Neurobiology of Trauma Memory Consolidation: Implications for Preventing PTSD. Vermetten E., Frankova I., Carmi L., Chaban O., Zohar J., editors, 148, 33-40.
- Human Rights Watch. (2013). Improving Police Response to Sexual Assault. New York, NY: Author.
https://www.hrw.org/sites/default/files/reports/improvingSAInvest_0.pdf
- IACP (2021). Enhancing Law Enforcement Response to Victims (ELERV).
<https://www.theiacp.org/projects/enhancing-law-enforcement-response-to-victims-elerv>.
- International Association of Chiefs of Police. Successful trauma informed victim interviewing.
<https://sakitta.org/toolkit/docs/Successful-Trauma-Informed-Interviewing.pdf>
- Laxminarayan, M. (2012). Procedural justice and psychological effects of criminal proceedings: The moderating effect of offense type. *Social Justice Research*, 25, 390–405. <https://doi.org/10.1007/s11211-012-0167-6>
- Lonsway, K. A., & Archambault, J. (2012). The “justice gap” for sexual assault cases: Future directions for research and reform. *Violence Against Women*, 18, 145–168. <https://doi.org/10.1177/1077801212440017>

-
- Lonsway, K., Archambault, J., & Lisak, D. (2009). *False reports: Moving beyond the issue to successfully investigate and prosecute non-stranger sexual assault*. National Center for the Prosecution of Violence Against Women. <https://www.nsvrc.org/sites/default/files/publications/2018-10/Lisak-False-Reports-Moving-beyond.pdf>
- Lovell, R., Luminais, M., Flannery, D. J., Overman, L., Huang, D., Walker, T., & Clark, D. R. (2017). Offending patterns for serial sex offenders identified via the DNA testing of previously unsubmitted sexual assault kits. *Journal of Criminal Justice*, 52, 68–78. <https://doi.org/10.1016/j.jcrimjus.2017.08.002>
- Maddox, L., Lee, D., & Barker, C. (2011). Police empathy and victim PTSD as potential factors in rape case attrition. *Journal of police and criminal psychology*, 26(2), 112-117.
- McBride, J. (2016). BYU professor works to help victims of rape through in-depth research and training. Brigham Young University. <https://news.byu.edu/news/byu-professor-works-help-victims-rape-through-depth-research-and-training>
- Memon, A., Meissner, C. A., & Fraser, J. (2010). The cognitive interview: A meta-analytic review and study space analysis of the past 25 years. *Psychology, Public Policy, and Law*, 16, 340–372. <https://doi.org/10.1037/a0020518>
- Milne, B., Shaw, G., & Bull, R. (2007). Investigative interviewing: The role of research. *Applying Psychology to Criminal Justice*, 65-80.
- National Crime Vice Law Institute. *Law enforcement-based victim services: Victims' rights profiles*. https://law.lclark.edu/centers/national_crime_victim_law_institute/professional_resources/ncvli_library/pretrial-working-with-law-enforcement/
- National Institute of Justice. (2016, January). *Notifying sexual assault victims after testing evidence* (NCJ 249153). U.S. Department of Justice, Office of Justice Programs. <https://www.ojp.gov/pdffiles1/nij/249153.pdf>
- National Institute of Justice. (2017, August). *National best practices for sexual assault kits: A multidisciplinary approach* (NCJ 250384). U.S. Department of Justice, Office of Justice Programs. <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>
- National Sexual Violence Resource Center. (2007, June). *Written victim statements for law enforcement*. https://www.nsvrc.org/sites/default/files/file/Projects_SART_LE_Written-Law-Enforcement-Statements.pdf
- National Sexual Violence Research Center. *SART Toolkit Section 2.2*. <https://www.nsvrc.org/sarts/toolkit/2-2>
- National Crime Victim Law Institute. Select victims' rights – New York. <https://law.lclark.edu/live/files/32043-select-victims-rights-guide-new-yorkpdf. Published 2020.>
- Patterson, D., & Campbell, R. (2010). Why rape survivors participate in the criminal justice system. *Journal of Community Psychology*, 38, 191–205. <https://doi.org/10.1002/jcop.20359>
- Police Executive Research Forum. (2013). *Sexual assault investigation: Review and assessment of the Cleveland Division of Police*. <https://enforcerapelaws.org/wp-content/uploads/2015/07/cleveland-perf-report-on-sexual-assault.pdf>
- Rich, K. (2019). Trauma-informed police responses to rape victims. *Journal of Aggression, Maltreatment & Trauma*, 28(4), 463-480. <https://doi.org/10.1080/10926771.2018.1540448>

Rich, K., & Seffrin, P. (2012). Police interviews of sexual assault reporters: Do attitudes matter?. *Violence and Victims*, 27(2), 263-279. <http://dx.doi.org/10.1891/0886-6708.27.2.263>

Roberts, A., & Roberts, J. M. (2016). Crime clearance and temporal variation in police investigative workload: Evidence from the National Incident-Based Reporting System (NIBRS) data. *Journal of Quantitative Criminology*, 32, 651-674. <https://link.springer.com/article/10.1007/s10940-015-9270-9>

Sexual Assault Kit Initiative. *Core standards for sexual assault investigations.*
<https://sakitta.rti.org/toolkit/index.cfm?fuseaction=tool&tool=145>

Tidmarsh, P., Sharman, S., & Hamilton, G. (2021). The Effect of Specialist Training on Sexual Assault Investigators' Questioning and Use of Relationship Evidence. *Journal of Police and Criminal Psychology*, 1-10.
<http://dx.doi.org/10.1007/s11896-021-09446-x>

Wellford, C., & Cronin, J. (2000, April). Clearing up homicide clearance rates. *National Institute of Justice Journal.*
<https://www.ncjrs.gov/pdffiles1/jr000243b.pdf>

Appendix A: Example Interview Questions

Interviewee Position	Example Question
All	Describe your job duties and responsibilities.
All	Describe any training and education you have received in regard to sexual assault cases.
All	We are not interviewing victims of sexual assault for this evaluation, but if we were, what do you think they would say about the experience of reporting a sexual assault and having the crime investigated by the NYPD?
NYPD All	What aspects of sexual assault reporting and investigation processes work well at your agency? In what areas would you like to see improvement?
NYPD Patrol	Do you communicate or interact with detectives in the SVD? If so, when and in what ways?
NYPD Crime Scene	How are you notified of a sexual assault crime scene? Is there a policy you follow when responding to a sexual assault call?
NYPD SVD Detective	What is your role in evidence/crime scene processing?
NYPD SVD Supervisor	Describe your supervisory process for evaluating and assessing your investigators' work product?
NYPD Command Staff	What is your agency selection process for the sexual assault unit?
NY District Attorneys	Are there submission standards or requirements for sexual assault cases? How are these standards communicated to law enforcement?
NY OCME	How are lab results, particularly CODIS hits, communicated to partners?
NY Advocacy	Describe your communication with the SVD and detectives.
NY SAFE	Can you describe the options victims have, if any, for having a forensic exam both with and without law enforcement involvement?

Appendix B: Example Policy Criteria

- Is the policy stand-alone, or is it integrated in other general investigative procedures?
- Is the policy current, i.e., has it been updated within the last 5 years?
- Does the policy align with the agency's mission?
- Does the policy accomplish the following?
 - Addresses a comprehensive approach to sexual assault investigations—including addressing dispatchers, crime scene/evidence personnel, first responders, detectives, and supervisors.
 - Outline specific roles and responsibilities of personnel who respond to or conduct sexual assault investigations.
 - Provides standards for detectives who are assigned to an investigative unit.
 - Offers standards for comprehensive training and continuing education in the area of sexual assault.
 - Supplies supervisors with review and oversight guidelines.
 - Provides information about understanding victimization—including trauma-informed interviewing, victim-centered approaches, and offender characteristics.
 - Offers case management standards for detectives that outline and describe (1) how and when cases will be assigned, (2) when follow-up will be completed, and (3) how cases will be documented and supplemented.
 - Supplies guidance about investigating crime scenes and handling evidence in sexual assault cases, including sexual assault kit submission standards.
 - Provides straightforward guidance about clearing and closing investigations—including a definition of "unfounded."
 - Issues agency guidance about developing and participating in multidisciplinary teams to maintain effective and ongoing communications.