COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING BEFORE COUNCIL COMMITTEE ON PUBLIC SAFETY

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Room 400, City Hall
Philadelphia, Pennsylvania
Monday, December 6, 1999
10:40 a.m.

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RESOLUTION 990775 - Authorizing Committee on Public Safety to hold hearings on the efficacy of the investigation and prosecution of sex crimes in the City, including, but not limited to, the practices and procedures of the Philadelphia Police Department's Special Victims Unit's use of non-offense Code 2701 and Code 2625 in order to keep many rape cases out of the official crime tally; the adequacy of the location of the facilities for servicing rape victims, and any current proposals by the Philadelphia Police Department, the FBI, and other criminal justice experts, advocacy groups, and citizens on how these crimes should be handled in the City of Philadelphia.

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I N D E X

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P R O C E E D I N G S

COUNCILMAN ORTIZ: Good morning, good morning. This is the Committee on Public Safety, a quorum being present. We have Councilman Frank Rizzo, Councilwoman Donna Miller, Councilman Kenney, Councilman Frank DiCicco, Councilman Darryl Clarke, Councilman Thacher Longstreth, and Councilman Michael Nutter.

Will the clerk please read the Resolution No. 990775.

THE CLERK: Authorizing the Committee on Public Safety to hold hearings on the efficacy of the investigation and prosecution of sex crimes in the City, including, but not limited to, the practices and procedures of the Philadelphia Police Department's Special Victims Unit's use of non-offense Code 2701 and Code 2625 in order to keep many rape cases out of the official crime tally; the adequacy of the location of the facilities for servicing rape victims, and any current proposals by the Philadelphia Police Department, the FBI, and other criminal justice experts, advocacy groups, and citizens on how these crimes should be handled in the City of

Philadelphia.

COUNCILMAN ORTIZ: Thank you. I want to thank all of the groups, all of the women's groups that have helped shape these hearings. I want to thank the Inquirer for bringing it to our attention that this was occurring in the City of Philadelphia in 1999. And I'd like to welcome everybody to today's hearing because this is a very important issue, not only for women, but for all of us who are interested in justice and how investigations in our Police Department functions.

The purpose of this hearing is to investigate how we, the City, are prosecuting code sex crimes and other serious acts of violence. These hearings come on the coattails on news reports that brought to light administrative practices within the Police Department that was historically classifying a significant number of serious offenses, such as rape and other assaults in obscure categories, that were dismissed by investigators as unfounded or groundless. Subsequently, they never got to the DA's Office.

The consequences are serious. The most obvious effect is that it meant that a number of

sexual assaults, for example, were not being accurately represented in the statistical crime report. Second, and most important, the so-called dumping of such acts in unfounded and other lesser and nonviolent categories meant that investigations that should have gone forward never happened. This means that there could be criminals on our streets that were never apprehended and victims who today might still be suffering from traumatic emotional experiences that are especially common among victims of sexual violence.

Therefore, it is clear that the manner in which we document incidents and complaints is critical to our ability to effectively investigate criminal acts such as rape and other violent assaults. Further, it is fundamental to the Police Department's role as they seek to enhance the safety of our residents.

Today we will hear from Commissioner Timoney, who is investigating the sex crimes units and is moving with plans to rectify this situation. We will also hear from the experienced experts and advocacy groups, many of whom will be

making recommendations for improvement. In effect, we hope to bring about a better understanding of the problem and seek remedies to this important public-safety issue.

Before we begin, this weekend, we were all awakened by some very sad news of violence in our city, and a good friend was the individual that received that violence, and it ended up in his death. Russell Byers was one of the great, great individuals and characters of the city. And before we begin, for an individual who cared -- and we differed, we differed on the issues, but the intellectual biplay that went on was incredible, and we will miss him, I will miss him. And if we could all stand for a moment of silence for Russell Byers, I would appreciate that.

(Pause.)

COUNCILMAN ORTIZ: Miss Carol Tracy, please, and Frank Cervone.

(Witnesses come forward.)

MS. TRACY: We have copies of our testimony.

COUNCILMAN ORTIZ: We have copies of

your testimony, Frank.

Please identify yourself for the record.

MS. TRACY: Good morning, Councilman Ortiz, members of the Public Safety Committee, and members of Council and staff. My name is Carol Tracy, and I'm the Executive Director of the Women's Law Project in Philadelphia.

The Women's Law Project is a public-interest law center devoted to improving the legal, social, and health status of women. Our work involves high-impact litigation, public-policy development, advocacy, and public education.

The Women's Law Project, along with Women Organized Against Rape, Pennsylvania NOW, and the Penn Women's Center, asked the Public Safety Committee to have these hearings after revelations appeared in the Philadelphia Inquirer about what appeared to be the miscoding of cases involving the Rittenhouse Square murderer and serial rapist and the subsequent investigative reports regarding the Philadelphia Police Department's response to sexual-assault

complaints.

The cornerstone of the Inquirer report is the classification of sexual-assault cases by the Philadelphia Police Department in a noncriminal code instead of in a criminal code which, apparently ends the investigation of the crime. This practice of decriminalizing large numbers of sexual-assault crimes had been in place for a significant number of years, according to the Inquirer. It allegedly began when the FBI questioned a large number of unfounded rape reports in 1983; so instead of unfounding these crimes, the Department moved large numbers of cases to a category called "Investigation of Persons," which is an administrative category only and does not refer to any crime code.

Any downgrading or large-scale unfounding of crime is serious, under any circumstances. It is particularly serious in the context of rape and sexual assault. Rape is a felony, making it a very serious crime, second only to murder. But according to the major criminal justice literature, it is also the most under-reported of crimes. The crime of rape is

fraught with myths and stereotypes and is deeply grounded in bias against women.

Its historic underpinnings are useful in understanding the depth of cultural bias associated with this crime. Rape developed as a crime against property, rather than as a crime against person, under English common laws, from which are our laws have developed. A woman's chastity was essential to establish patriarchal inheritance rights. Thus, a daughter's chastity was viewed as the property of her father. The father essentially sold her virginity to the man who would become her husband and through whom property would pass.

Rape was the theft of this property owned by men. Only virgins and unmarried females could be raped under this theory. The bodily integrity of the woman was irrelevant, so much so that the crime of rape could be cured, from the view of the criminal justice system, if the rapist married his victim. If, on the other hand, he did not marry his victim or was without property, she then became damaged goods, and her father suffered severe economic consequences. Rape laws protected

the male economic interests and permitted extraordinary social control over women.

It's important to point out that historically in this country, this has meant white male economic interests, as research indicates that scores of innocent African-American men were hanged and lynched in the early part of this century as control over white women's sexuality was used as an excuse to terrorize the black community. Likewise, women of color received no meaning redress in the legal system when they were raped.

Although significant changes in definitions have developed over the centuries, the vestiges of this concept are still deeply embedded in our laws, institutions, and society at large. And these will be explored later today by a legal expert, Michelle Anderson.

The centrality of NOW interests continue to dominate public perceptions and reactions to this crime. Its most obvious manifestation is the focus of attention on the victim's behavior rather than the assailant's. Under this view, then, rape occurs not because of

the action of the assailant, but by the victim's response to his action. The treatment of rape has been a marked contrast to other felonies in its emphasis on the character, behavior, and thoughts of the victim, rather than on the actions of the accused.

Suffice it to say that even though significant law reform has taken place, victim-blaming, suspicion, and shame still dominate much of our culture. The most obvious the shift in attitude has occurred when rape is reported to have taken place by a stranger and accompanied with additional physical force or injury. Not more than 30 years ago, even those types of rape were viewed with suspicion, and responsibility for their occurrences was placed on the victim. Why was she out alone? why did she walk down that alley? what was she wearing? were the questions always posed.

Indeed, when I was an undergraduate at the university in 1973, two student nurses were gang-raped in the dead of winter in an alley on campus. The head of security advised us that we could avoid rape by not wearing provocative

clothing.

Today considerably more public sympathy exists when what has become known as "stranger rape" occurs. The reality is that most rape is committed by acquaintances, and in the case of children, by family members. So we find ourselves today in a place today where society is comfortable in recognizing the crime of rape when bad men rape good girls at knifepoint.

When a female, however, knows her assailant or has had prior intimacy with him, she is far less likely to be believed. If she is impaired in any way, such as by alcohol or drugs or by mental-health problems or is a prostitute, the focus shifts back to her behavior. Under these circumstances, she is held responsible not only for her behavior but for her assailant's as well. There is frequently a sense in cases like this that not only did she ask for it but that she also deserved it and that she is the one who should suffer the consequences, not the assailant.

Unfortunately, it appears, from both the reports in the Inquirer and the experienced that Women Organized Against Rape will describe

later, that these are the primary types of cases where the Philadelphia Police Department has let women down.

Since we first called for City Council hearings, we have met with Commissioner Timoney and his senior staff. We have agreed to meet at least on a monthly basis. When we observed that the Philadelphia Police Coding Book that they gave us seemed to be missing changes in the Pennsylvania crime codes with regard to their classification of sex crimes, Chief Inspector Maxwell called and asked us to participate in a process of reclassifying crimes. We've also been invited, and will attend, the COMPSTAT to acquaint ourselves better with current police practices. We know that changes have been underway under Commissioner Timoney's leadership regarding the coding of crimes and we feel that we are on the path to corrective actions.

Though the leadership of the women's community is heartened by these responses, we know that we are not the important players in this. It is the women in Philadelphia who must trust that their experiences of sexual assault will be taken

seriously and that they will not be retraumatized by the police process. It is those women whose cases were not believed or thoroughly investigated, which could number in the thousands over the past 18 years, and the larger community who have read the Inquirer who must be able to trust the police response.

We know, and you will hear, that there are many police officers -- hopefully, the majority -- who do their jobs we well -- patrol officers, Special Victims Unit officers and detectives, as well as the senior command staff, who see themselves as professionals investigating serious crime and who have compassion for the victims of crime.

But there is no question that there are some who would assume dishonesty on the part of victims who make accusations of sexual assault, who have feelings of protection for the alleged perpetrator, who will say, for example, This could ruin his career and family, or who are simply incompetent in their jobs. These officers do not believe or trust the victims, or they talk victims out of filing complaints, resulting in biased or

incomplete investigations. The Police Department must supervise, train or remove these types of officers, and the cultural norms in the department that similarly reinforce these attitudes must be changed.

We are mindful that these are difficult crimes to investigate, particularly when they involve children. My colleague Frank Cervone will describe in detail issues associated with the sex crimes against children, which apparently amount for the majority of sex crimes, and will provide concrete recommendations for change in that regard.

We hope today that we will find out how cases are being investigated and coded, what the impact of coding is on investigation, what corrective actions have taken place and will take place, particularly with regard to the large number of cases categorized as noncriminal in the past five years, which is the statute of limitations period, and most especially, how we can build a system of response to sex crimes that the community at large can trust.

Thank you.

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COUNCILMAN ORTIZ: Thank you.

Mr. Cervone?

MR. CERVONE: Thank you, Councilman. Thank you, members of Council for attending to this most serious problem.

The Support Center for Child Advocates is Philadelphia's lawyer pro bono program for abused and neglected children. We offer the skills and dedication of lawyers, social worker teams, and last year, we represented a record high of 614 child victims in various court proceedings in Philadelphia's courts. For more than 22 years, we've served as a resource to the community and to this Council. We're glad to do so once again.

Children's cases comprise the majority of investigations conducted by the Police Special Victims Unit. In the 2-year period 1997 through 1998, a total of 7,810 cases were investigated. Of these, 5,328, or 68 percent of the cases, involved child victims of physical and sexual abuse, while 2,482 cases involved adult victims of sex crimes. Four in five of the children's cases, or 80 percent, are sexual-abuse cases. So that in the same 2-year period, there were approximately

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4,200 child and adolescent sex-abuse police investigations. Except for stranger assaults, all of the child-abuse cases are also investigated by Philadelphia's DHS.

What problems do we see? There are:

Delays in the assignment of police investigators;

Conflicting schedules of investigations by the police and DHS;

Poor handling of children in the way their stories are heard and accepted or rejected; large caseloads;

Repeated interviews by, at times, unskilled investigators;

The failure to share information about Special Victims at the Frankford Arsenal, a small, common, cramped waiting room for adults and children;

Perpetrators enter that building through the same entrance and use the hallways and same restrooms as the officers and the victims. In general, our city lacks a convenient, child-friendly facility for more than a handful of all cases;

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There are difficulties that the location of the Arsenal and the lack of resources place on workers and officers who want to collaborate;

Also a problem is the freedom of officers and workers to decline to collaborate;

There's a resistance to some --

COUNCILMAN ORTIZ: Excuse me. Can you define that a little bit clearer. Freedom of officers and workers who decline to collaborate?

MR. CERVONE: "Collaboration" is a term of art that we use in a general sense, a sense to give people credit for all the different ways that they connect with each other. But workers -- and the site for collaboration is the Philadelphia Children's Alliance, which is the agency formerly called the Children's Advocacy Center, at 40th and Chestnut. Basically, there's a structured way of doing the case together.

Well, only about 10 to 15 percent of the cases that come through the system are handled together at that facility with that process. So workers and officers can decline to work at the Advocacy Center. They can also work on their own,

they could collaborate without the Advocacy Center, and they are, as well, free to not do that. There's no mandate for collaboration, as I'll suggest to you and give some context to in a minute.

There's a persistent distrust between some workers and some officers distrusting their interview skills, distrusting the goals of the investigation;

There's a continuing -- certainly not widespread but continuing -- attitude of disbelief of child victims' disclosures;

There's a reluctant to videotape. That comes in part because we don't want to create weak cases, bad evidence. Most of us feel that videotaping will indeed raise the bar of the quality of these interviews.

COUNCILMAN ORTIZ: And, you know, that runs across the department. We had Commissioner Neal here, and he -- I can testify to a resistance to videotape investigations of interviews that they had with perpetrators.

MR. CERVONE: To their credit, and, I think, to their reform, the Commissioner and the

Department have recently opened up the possibility of homicides and other serious investigations, captain cases, using videotaping in those.

We're concerned that our system continues to be unable to work together on more than a fraction of the cases where collaboration is warranted and that there's no process for multidisciplinary review, as is now required by law. Too many of these cases are still being handled in ways that enlighten communities have repudiated and have improved.

Too often, one hand doesn't know what the other is doing. With our systems closed to each other and to the public, there's no cross-checking or dialoguing results.

Is there miscoding or downgrading of child crimes, as has been found in the adult cases? Well, because there's been no review of children's cases and because there's little concrete data, we simply cannot know. It should be noted that child-abuse cases produce different evidence and different challenges from adult cases. There almost undoubtedly will be a higher rate of unsubstantiation. But with the high

percentage -- two-thirds -- of Special Victims involving children, we can reasonably speculate that we might see similar problems in children's cases, as the Department itself and the Inquirer are finding in the adult cases.

In short, we must change the way children's cases are handled. We need a mandate on workers and officers to collaborate, we need a facility where they can do so, and we need the resources to allow all of this to happen.

Briefly, there are two pathways, and I've prepared a chart that goes across the page for your reference. I hope you have that.

There are two ways the cases get in the system for children's cases, and these would be different cases on different paths. Each of the two paths connects to the other on occasion.

First, the 9-1-1 calls. If a mother calls the police to report that her daughter, for example, has been sexually abused, the police, 9-1-1, sends a radio car from the district. That district officer transports the child and her mother to the Special Victims Unit at Frankford Arsenal, where the case is assigned on a wheel to

a line-squad officer. There's 24/7 service, and some officer, the next up --

COUNCILMAN ORTIZ: Excuse me, you can't speak in code. When you say 24/7 service --

MR. CERVONE: That's 24 hours a day, 7 days a week, there are officers on staff at the Frankford Arsenal to take so-called live-job cases, Councilman.

COUNCILMAN RIZZO: Excuse me, excuse me. You mentioned the best-case scenario, where the police transport the victim and the mother. What about a victim that doesn't have a mother that can respond; how is that handled?

MR. CERVONE: Again, on the 9-1-1 side, if somebody's calling the police 911 Unit, I assume they make some identification of where the child is, whose care the child is in. Lots of 9-1-1 calls come from strangers and so it's not immediately apparent to the responding officer with whom the child is staying or in care.

COUNCILMAN RIZZO: My point being, if there is not an adult immediately available, does the Police Department provide a person that can cover the child and not just put that child in a

police car and take them away in it?

MR. CERVONE: No, no. Though on occasion -- I think the answer is no. The police do not provide a separate social worker, there's no social work staff in the Police Department.

COUNCILMAN RIZZO: Councilwoman Miller is reaching over and asking, Does DHS provide that person?

MR. CERVONE: That is the answer, that is where I was going. In fact, you'll often see outside DHS late in the day a police car; that police car's typically there because a child has been brought in.

COUNCILMAN RIZZO: Thank you.

COUNCILMAN ORTIZ: Let him finish as he takes us through here, unless he speaks to us in code; then we'll ask for an explanation on that code.

Go ahead, Mr. Cervone.

MR. CERVONE: So we're at the Frankford Arsenal, the district officer turns over the care of the case to the next line-squad officer up for an assignment. This is an assignment on a wheel. There are seven to ten officers present, and the

next one scheduled to take a case gets the case.

That officer -- by the way, that line-squad officer gets whatever the next case is that comes in the door. It might be an adult case, it might be a child case, it might be an infant case. One of the problems of our system is that the line squads do all the cases on 911's.

So the child was interviewed probably by the district officer very briefly at the house, but the significant interview and investigation occurs by the line-squad officer.

Some hours or days or weeks later, the officer may make a report to DHS. They are mandated reporters. We don't have any data on how many of the cases actually result in calls to DHS. Certainly our office has seen lots of cases that have never had a call from the Police Department to DHS.

COUNCILMAN ORTIZ: Excuse me. You mean that this does not happen simultaneously?

MR. CERVONE: That's correct.

COUNCILMAN ORTIZ: DHS may get the case two weeks later?

MR. CERVONE: That's right. This is a

pathway that begins in the Police Department, and it only leaves the Police Department if the Police Department elects to let it leave. We're in the Police Department --

COUNCILMAN ORTIZ: And so there's no one from DHS present when that child is brought in?

MR. CERVONE: That is correct.

COUNCILMAN ORTIZ: All right.

MR. CERVONE: The Police Department, if they inform DHS, they typically will use the hotline, and the hotline process is started up, which we'll begin in a second.

COUNCILWOMAN MILLER: So, excuse me. Who accompanies the child -- back to Councilman Rizzo's question -- to the Frankford Arsenal?

MR. CERVONE: The parent or other caregiver and the police officer from the district.

COUNCILWOMAN MILLER: Okay. And if there's no caregiver. . .? Then what?

MR. CERVONE: Typically, there is because a complaint's been filed -- typically by a family member.

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In the other type of situation where a neighbor, for instance, calls and hears that there's abuse, there's something going on in this house and calls 9-1-1, certainly the police officers in that situation might call DHS from the street, and a worker might be sent out through their emergency process.

COUNCILWOMAN MILLER: Okay, thank you.

MR. CERVONE: Now, consider the same case reported to the DHS hotline. For DHS child-abuse cases, someone makes a call to the hotline, an intake social work on a scheduled emergency day makes a contact with the child or family, quote, immediately -- certainly within an hour or two, if they're able to. And then an actual face-to-face meeting with the child generally occurs within 24 hours.

DHS hotline immediately faxes the referral to the Child-Abuse Unit at Sex Crimes. This is a different unit from the Special Victims, the three Special Victims Line Squads Unit -- they all work under the captain at Special Victims.

Unfortunately because of staffing shortages and the caseloads of the Child-Abuse

Unit, there are delays of one day to several weeks before a child advocacy unit officer is assigned. Meanwhile, the DHS worker may have concluded her investigation and issued findings and closed or transferred the investigation.

Again, in many cases, there's no connection between the two investigations. What we see is cases open and cases closed in their respective spheres without there first being a connection. DHS will open after police are closed; police will open after DHS is closed.

Our law enforcement -- I want to say that most of what we say in this process and certainly today, it sounds like it's a very negative, pessimistic picture. By contrast, our law enforcement and child-welfare personnel have been working together for many years to improve this system.

On the cases that have been investigated collaboratively, there seems to be a level of satisfaction of all the participants. Many of the individuals in both systems participate in joint trainings. Many social workers and police officers work well together on

their shared cases. Interview protocols have been in development for over a year. There's a referral , there's a protocol for joint investigation of 5- to 11-year-old's working reasonably well -- for some cases.

The police and DHS have been committed to working together through the Philadelphia Children's Alliance on this identified group, and the commissioners and the District Attorney have all committed to doing it better. Unfortunately, these many positive efforts and supports have resulted in collaboration in only 10 to 15 percent of all eligible cases. Geographic distance between the several sites, the current structures in assignment, with all of these, even willing personnel can get together only on a limited basis.

Briefly, to many, if not all of these problems, we believe there's an answer -- a co-located facility that brings all the key players under one group. Miss Kirchner and Mr. Birns, from the Philadelphia Children's Alliance, will provide you with more details of this proposal later in the hearings.

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I can report that I've personally visited co-located programs in Dallas, El Paso, Albuquerque, New Mexico, and Commissioner Timoney's own program in Brooklyn. There are, by the way, hundreds of these co-located programs all over the country.

What we find is a tremendously positive interaction of professionals in a dramatically-improved intervention for children and families. We need a co-located program and a collaborative investigative process in Philadelphia.

Lastly, we've attached the recently committed recommendations of the Law Enforcement Child Abuse Project, or LECAP, on the goals of reform. These recommendations reflect the broad community consensus on what our system investigation should contain.

You can restore the integrity of our investigations and the confidence of our community. We hope that this statement of goals will guide you and other policy-makers to build a different kind of building and a new and effective process.

Thank you for your interest in our

children.

COUNCILMAN ORTIZ: Councilman Kenney?

COUNCILMAN KENNEY: Thank you very much. And good morning. Thank you for your testimony.

Miss Tracy, in your testimony, you had indicated -- and I don't mean to paraphrase you, but I think I did get your point, which is that the attitude of male officers towards the complainants and rape or sexual-abuse cases colors -- or their predisposition, their own upbringing perhaps colors or hampers the way in which the case is, first of all, taken seriously, and secondly, investigated.

Could you kind of elaborate on that a little bit.

MS. TRACY: Well, it appears to us that -- and let me, please, remind you that I've said "some" officers.

COUNCILMAN KENNEY: Yes, right.

MS. TRACY: Because we do know, and I do know that many women have had very good experiences with many officers.

But the cases that we have heard about

that and you'll hear about later from Women Organized Against Rape, and also the cases, many of the cases that were reported in the Inquirer, suggest that when women are impaired in some way, particularly if they have had drug or alcohol histories, that their report of a crime is just not taken seriously. I think those attitudes are attitudes are still culturally very common in our society in general, and unfortunately, it appears that that that is true with some members of our police force.

It's not clear to me -- I have looked at the training manual that the police have supplied to Council, and it's not clear to me that there is a significant or an adequate amount of training on those issues. I hope that when the police testify, we can find out more about that.

COUNCILMAN KENNEY: One of the things I was going to ask you as a result of your answer is, how do you believe the training could be changed, both in the academy, prior to the officers coming out onto the street as new officers, and what can be done from a training aspect when it comes to veteran officers who may

be set in their ways and attitudes about things and ways of doing their own job that need to be changed? What types of training could be employed to begin to be able to change that?

MS. TRACY: I believe, for the most part, that training in crimes related to sex crimes shouldn't differ that much from other crimes, in that a professional, objective investigation should occur. I think police officers should have adequate training in investigative techniques.

In addition, though, in dealing particularly with children, which Frank has outlined, but also with adult victims, there is a significant amount of trauma that is associated with it, and this is an extraordinary ordeal that people go through, that can last from the time they have reported a crime to the time they are back home, 10 to 12 hours later. It's grueling, it's intense, and it's sometimes retraumatizing.

So I think that we need to be mindful of that. I think we need to have intensive interactive training. I think that when individuals who have biased attitudes are

confronted with scenarios or cases that could be close to home -- after all, it is frequently the wives and daughters of individuals who are assaulted as well. When it becomes a little more personal, then they have a better understanding of it.

I think that there are adequate training materials that are available. I think there are adequate individuals in the Philadelphia area and nationally who are available to train officers.

But I also want to say that I don't think training should be the scapegoat for poor supervision. When it is obvious -- and it should be obvious, I think, to a supervisory structure -- that investigations are not occurring properly, then the supervisor really has to take over, and I think the supervisory and command structure is every bit as important as any kind of training that goes on outside.

COUNCILMAN KENNEY: Thank you.

The issue of spousal abuse and its relation to the potentiality of children being physically or sexually abused in the home is

apparently clear from all the research that's been done in this that says that when you have an abusive husband, he's also perhaps potentially an abusive father.

On spousal-abuse calls where uniformed personnel respond to a home where the woman has obviously been beaten, is bruised, you know, is crying, upset, and has been beaten up, and there's children in the home, is there any protocol that exists today? And should there be where there are questioning of the children, based on the spousal-abuse call, but a probative type of questioning that would maybe enlist additional information about what is going on in the house?

And is that employed anyplace else in the country? Does it open other types of investigations as it relates to the minor children in the home? And what's your experience in that regard, as far as other cities?

MR. CERVONE: There are -- the connection between domestic violence of and between adults and the experience of children in those hopes is a topic that has, in a sense, only recently come to the fore of professional

attention. It certainly has been present in the lives of families for generations.

What we see is a kind of emerging sensitivity to the connection. Places that are doing it right are including in their risk assessment protocols and instruments the dimensions of child abuse and the experience of children. Places that are doing it right give children and adults a friendly face and a friendly place to share their story. Places that are doing it right have some sense that they need to remove the abuser from the home rather than the victimized child or perhaps to split the child from her mother.

Councilman Kenney, we certainly have appreciated your own interest in this topic, and I know that many of us have talked about the proposals that you've put forward about, in a sense, co-locating or joining the process for adult victims child and victims, and we look forward to that dialogue.

The numbers of domestic-violence cases in the city are also large, and so we've talk a lot about how we might join these two processes.

We think, at a minimum, there should be the kind of sensitivity and connection that's borne of liaisons, protocols, and some shared case-management on those connected cases.

COUNCILMAN KENNEY: Which cities are doing it right, in your opinion?

MR. CERVONE: Well, I'm not an authority on location. There's a great program in Boston that lots of folks are familiar with. We can certainly provide your staff and others of Council with more information.

COUNCILMAN KENNEY: Okay.

MS. TRACY: I would like to add to that one thing, though, that many of these cases wind up in the civil context, and perhaps another form -- although I know Council does not have any authority over the courts, I think you would be shocked to know how often abusers get custody and unsupervised visitation of their children through the civil court system.

This is not something that has police involvement generally, but it is a severe problem, and there is no question that children who simply witness violence, much less experience violence,

suffer severe consequences as a result of it. And we do not have a good, adequate social response to that here -- or most anywhere.

COUNCILMAN KENNEY: And I think also the real sadness, in addition to the children witnessing violence or experiencing it, is the potential of them becoming abusers themselves as they grow into adulthood because of their experiences.

Just finally, on the co-location issue, is there an importance for a co-located facility, in addition to being friendly and conducive to dealing with the serious problem, is there any importance on having it near a children's hospital or, for example, CHOP or St. Chris? Is there any need to integrate the medical side and the psychiatric side of a co-located facility when it comes to the investigation of child abuse?

MR. CERVONE: I think proximity is less important than capacity. The programs that I've seen, all four of them had some medical component on site. Only one that I know of -- I'm sure there are others, and I've not been to it, in San Diego, is actually based in the hospital. There

needs to be the capacity for the rape kit work and that to be administered by a sensitive, appropriately-trained professional. There needs to be a connection to a lab. There needs to be the opportunity for medical exam in the more -- particularly in the more sensitive or severe cases.

COUNCILMAN KENNEY: All right. Thank you.

Thank you, Mr. Chairman.

COUNCILMAN ORTIZ: For the record, Miss Tracy, in your testimony, when you say that the aspect of classification of sexual-assault cases by the Police Department are in a noncriminal code instead of in a criminal code, could you give us more on that and what you mean by that, and which are the types and examples.

COUNCILWOMAN MILLER: And who determines whether it becomes a criminal code or not?

MS. TRACY: Well, I would suggest that I think we need to ask that question of the police. I don't think I can answer that.

But what I do want to do is go through

some of that for you, Councilman Ortiz. I'd also like to describe, as part of that, some of the exhibits that we have provided for you.

The first is just an excerpt of their uniformed crime code, which is the national accounting, and Jane Siegel will testify about that, and then the police description of the Pennsylvania Crimes Code Report as well, as well as the pertinent statute that defines sex crimes.

Next is the Philadelphia Police Coding Book, and I know they've provided you with this information as well. And as you look through the Police Coding Book, as you look through this, you will see on the left side something called "the Philadelphia Code," which, I believe, is something an administrative code. To the right, you will see in parentheses (unintelligible), and that's the crime code.

COUNCILMAN ORTIZ: That's the Pennsylvania Crime Code.

MS. TRACY: The Pennsylvania Crime Code. And rape is listed under the 200 series, sexual assaults are listed under the 700 series, and they have parallel citations to the Crimes

Code.

There are, however, other categories that don't have parallel citations. One of them is called -- is numbered 2701, and that is the Investigation of Person. And, according to the information that was in the Inquirer and that I see that the police have provided for you today, large numbers of cases, until very recently, were put in that code. It doesn't have any parallel citations to (unintelligible), it isn't a crime. These, apparently, were reported as sex crimes. I think we saw a couple of cases related to the Rittenhouse Square rapist and murderer that a couple of reports of assaults were ultimately classified as 2701, Investigation of Person. There has been --

COUNCILMAN ORTIZ: When you speak in numbers --

MS. TRACY: It's on here.

COUNCILMAN ORTIZ: But for the record, I would like you to explain that so that --

MS. TRACY: Councilman Ortiz, I'm not competent to explain that to you; that's something that the police have to explain to you. It's

their material that I'm reading from.

COUNCILMAN ORTIZ: All right.

MS. TRACY: The other code that is currently being used is Philadelphia Code 2625, on Page 8 real, and that's called Investigation Protection Medical Examination.

And I do not know, and I hope that a real point of today will be to find out how those decisions are made, why those decisions have been made. It is quite clear, from the data that has been recently supplied by the Philadelphia police, that fewer and fewer cases are put in those categories. There is a larger concern on our part of all of the cases in the past from, '94 to '97, and it looks like there's several thousand that were put in the category of Investigation of Person, that we hope have been reviewed to see if those cases were improperly classified; and they, indeed should have been classified as crimes and properly investigated.

I think, actually, that is the fundamental question of the day. What is that about, are we clear that it's been corrected, and what are we doing about the cases that were coded

that way in the past?

COUNCILMAN ORTIZ: Councilman Nutter?

COUNCILMAN NUTTER: Thank you, Mr. Chairman.

Hi. Good morning, Ms. Tracy and Mr. Cervone. Mr. Cervone, let me ask you a question, and then I have some other questions for Ms. Trace.

On your testimony, Page 1 into 2, you list under the general heading of what problems do you see in the investigations of children's cases, and there are bullet points, some probably 15 or so of them. Have you had an opportunity to discuss these issues with both the Police Department and the Department of Human Services?

MR. CERVONE: I have not taken the opportunity since I compiled this list, to review the list with them. I daresay, however, that I have --

COUNCILMAN NUTTER: I'm sure you've had some discussions about this.

MR. CERVONE: I daresay that I've had years of dialogue on each of the points with many different members of both leadership and line

staff of both organizations.

COUNCILMAN NUTTER: And can you share with us this morning any of the highlights of any of those discussions? Or is there acknowledgment that you might be right or you're absolutely wrong, or they're willing to make some adjustments? I mean, can you tell us a little bit about this list?

MR. CERVONE: I doubt that persons of integrity would deny any of this. I do believe that the leadership of both organizations generally recognize most of these problems. I think the Department of Human Services would deny that they have excessive caseloads. Their typical response, I understand as recently as last week, was that their caseloads comply with the regulations.

But, no, I don't think there's been any denial --

COUNCILMAN NUTTER: People often testify in a way that comports with the way they've been asked to testify about certain things.

MR. CERVONE: Well, I certainly have

not.

COUNCILMAN NUTTER: Oh, I'm not talking about you; I'm talking about people in the government.

Have you seen any movement in recent times on any of these issues to try to get to a better system?

MR. CERVONE: Yes. I think that both of our systems, the civil child welfare system characterized by DHS or led by DHS and the criminal justice system led by the Police Department and the District Attorney's Office have both been most cooperative in moving forward at all levels -- in everything from training to size of caseloads to this issue of location. And we have heard positive indications on the location question from all three commissioners -- from the two commissioners and the District Attorney.

COUNCILMAN NUTTER: When you're talking about location, are you talking about the location of the Special Victims Unit which, I understand, is at the Frankford Arsenal?

MR. CERVONE: That's correct. We certainly have not heard a commitment from the

Police Department to move that facility.

COUNCILMAN NUTTER: How long has that been there?

MR. CERVONE: That's been there for roughly five years. I'm not a great one for dates. Certainly, in my tenure, the operation previously was in a building affectionately known as "The Stables," down at the Franklin Roosevelt Park, on Pattison Avenue; and before that, at a facility that, apparently, was even worse.

It is, as I understand it, actually, fairly common knowledge among police, wherever they go, that they will be mistreated with the facilities provided them by their public systems, and so there is this shrugging acceptance of bad facilities.

COUNCILMAN NUTTER: Does it -- I mean, I'm not sure if my life depended on it at this moment that I'd be able to direct someone specifically to this particular unit at the --

MR. CERVONE: To the Arsenal facility?

COUNCILMAN NUTTER: Yes. I think I may have seen it.

MR. CERVONE: Ten or twenty people in

this room, tops, could get there.

COUNCILMAN NUTTER: Okay. I mean, does it make some level of sense to have this unit somewhat centrally located in the city? And no one may ever agree about what is central in Philadelphia, but it certainly seems to me, at best, generally accessible to a variety of forms of public transportation, if not car, places generally known by, you know, some significant portion of the citizenry and is a decent facility. I assume it needs, you know, certain rooms interviews and privacy, and you make, I think, reference in your testimony in one of these sections that -- or in someone's testimony that the victims are sitting in a place where the alleged perpetrator comes through the same door or the same area or something like that? Was that in your testimony or was that in someone else's testimony?

MR. CERVONE: Yes, yes.

COUNCILMAN NUTTER: I mean, I guess, if something had happened to a child or to an adult and they've now come to a place they thought was of refuge and the next thing you know, the person

that just did something to you earlier that day or that night, or whenever it was, comes walking through that door, it must have a dramatic impact on that person.

MR. CERVONE: It's terribly upsetting and traumatic to even see the person. Occasionally that person comes through the door with another loved one of that child, and so then there's the added trauma and upset of this mixed facility.

COUNCILMAN NUTTER: Right.

MR. CERVONE: The Brooklyn facility is a good example of a building, an old warehouse rehabbed into a modern facility, with a separate, entirely separate flow, physical flow, of persons, and separate for victims and for perpetrators.

COUNCILMAN NUTTER: Okay. Lastly, just if you know, when the move was made to the current location, do you recall what the explanation was or what any added touted benefits were of this particular facility?

MR. CERVONE: Well, I remember distinctly the response of the community to the move. It was one of surprise and it was one of

being uninformed. None of us, none of us knew it was coming until, tops, a month before it occurred. There was absolutely no dialogue, there was no question as to whether this worked.

This, as I understand, from my perspective, I could only conclude that it was a real-estate question. They had an available facility and they took it. There certainly could be no other justification for locating a space of public accommodation into a space that requires, or might require, transport by other professionals. There can be no other justification or explanation for locating it at the Frankford Arsenal.

COUNCILMAN NUTTER: Mr. Chairman, before I ask Miss Tracy any questions, I'm assuming that the Police Department is going to be here today?

COUNCILMAN ORTIZ: Yes. Commissioner Timoney is here.

COUNCILMAN NUTTER: Oh, okay. Thank you, Mr. Cervone.

Miss Tracy, let me ask you about -- there was some discussion earlier by some of my

colleagues with regard to the general issue of domestic violence and how the victims are treated. And there was some discussion with regard to the police investigation and training and the like.

Can you tell me what, from your perspective, happens after that, in terms of prosecution or non-prosecution? And what's the experience after you get through the police experience?

MS. TRACY: If an arrest is made?

COUNCILMAN NUTTER: Yes.

MS. TRACY: I actually think that Women Organized Rape would be better able to testify about that because they provide advocates.

My sense is that when an arrest is made, when they move through the court proceedings, that it's always a painful experience, but it's not a question anymore of being disbelieved because someone has been charged with a crime. So as soon as the charging of the crime has happened, it is the issue of being disbelieved that -- that is so troubling about these cases.

I don't think that the reporting or the prosecution of rape is ever an easy path for anyone to go through, and I think that's part of the reason it's such an under-reported crime. But I do think that one of the critical issues is, is the system going to believe me? And if the system doesn't believe at the outset, it just is a traumatizing experience.

I would like to mention, when you were talking about the facility, in your packet, there are photographs of the Arsenal.

COUNCILMAN NUTTER: Yeah, I saw them.

MS. TRACY: And you will see that there's barbed wire. And it is difficult to find your way once you get in there, into the building. And there's also a map that suggests its location and, I think, its lack of convenience to the sites, particularly the hospital sites where rape victims are brought, from Children's Hospital, Thomas Jefferson Hospital, and Episcopal Hospital.

COUNCILMAN NUTTER: Well, if you weren't driving, how would you get there from here?

MS. TRACY: Well, the police -- you know, if you were brought to the hospital, transport.

COUNCILMAN NUTTER: Okay.

MS. TRACY: But I think there is also a question to be asked of the police of cases. I think if a victim is not -- if a sex crime is not reported within 72 hours, there's not much point in going to the hospital. So then the question is, if a person reports a sex crimes after the 72 hours, how do they get to the Special Victims Unit? And I hope that you will ask that of the police officers.

We also have, finally, in this packet a description of Directive 107, which the police provided to us. And, again, I really do want to emphasize that they have been most cooperative. And it describes the protocol that is employed by the police in rape and in other sex offenses.

And then we, trying to figure it all out at the Law Project, drew this chart. I don't know that it's adequate; it just helped us understand it and we thought it might help you understand it.

But there are -- I think as we go through this, there are the kinds of questions about what happens if it isn't an immediate crime that's taken to the hospital. And it does appear that quite a few of these crimes are reported after the 72 hours -- particularly, I suspect, in the case of children.

COUNCILMAN NUTTER: All right, thank you.

COUNCILMAN ORTIZ: Thank you, Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Mr. Chairman.

COUNCILMAN ORTIZ: Ms. Miller? And then Mr. Cohen.

COUNCILWOMAN MILLER: Thank you, Councilman Ortiz. I have a couple questions.

Mr. Cervone, you gave us information on how the flow chart is as it exists today. What would you change to make this look like more of a team approach? What type of chart would you design? And maybe we could get a copy of that. ?

MR. CERVONE: I urge you that this is not a fanciful theory nor a gold-plated proposal.

COUNCILMAN MILLER: Right.

MR. CERVONE: But rather, it is the way that many communities have already done it. So we don't have to actually design it using the chemicals.

But what we see is, the case would -- regardless of which door of the system it came in, the case would land, in a sense, at some central assigning person. That staff person would work for a separate nonprofit entity, who would then inform, or somehow be informed, that the case is in the system. The case would be duly assigned and simultaneously assigned to both a police officer and to a social worker.

COUNCILWOMAN MILLER: At the same time?

MR. CERVONE: At the same time.

The family would be contacted by one or the other of the designated persons on that team. The other members of the team would be aware of those contacts. An interview, or interviews, of the victim and any witnesses would be scheduled, and the other members of the team would be informed of that date and time. Because they're

all working in the same buildings, perhaps even in the next desk, they get to know immediately when that event is about to occur.

They then participate in the event, the interviewer. Sometimes those interviews are conducted by a member of the staff of the agency, the nonprofit agency -- in our case, the Philadelphia Children's Alliance. In other cases, they'll be conducted by the police officer or by the social worker. The other persons sit behind the mirror and observe the interview.

The child is -- very often, kids have to be interviewed several times, both to develop a rapport, to recall the events, to understand the questions, and to ensure their credibility. The child would typically meet the same person each time rather than a different person each time asking the same questions. There's a kind of learning curve to the whole team.

And then, all of the team communicate. This would include -- getting back to Councilman Kenney's question -- the medical staff, whether they're on-site or nearby. The child is examined, then the medical staff get to add their input and

their findings to the team process.

Lastly, there's an efficiency that comes when the several people know that somebody else took care of it.

We see lots of inefficiency in our work when we -- we all come to these case with a degree of care that the child be treated well and the child be safe. We're wondering whether the doctor was called or whether DHS was called. And so the police officer ends up making a bunch of extra calls because they're sure if the worker made the call, and so on.

And so with everybody on the team, everybody's more apt to do their own job and less apt to worry about whether the other job was done.

COUNCILWOMAN MILLER: You stated earlier, you and Miss Tracy -- or in Miss Tracy's testimony -- you stated that you've been meeting with the various departments, at least with the Police Commissioner.

Are you also meeting with the Commissioner of DHS and the other departments to really pull this whole flow of arrest from arrest or from point of call to the end together?

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MR. CERVONE: Yes. In fact -- and I haven't been as clear about this. With the Children's Advocacy Center -- now called the Children's Alliance -- is a collaborative venture. It's, in a sense, co-owned, so to speak, by those three lead agencies as well as by a community of representative members of its board, of which I serve as a standing member. And for ten years now, we've been meeting and functioning as a team to try and get this right.

So all of those agencies have leadership. The Director of Intake of the Department of Human Services, the inspector and captain from Sex Crimes, a representative from the District Attorney's Office, have all been at that table throughout.

COUNCILWOMAN MILLER: And, Miss Tracy, I'd like you to comment on, where's the need to -- I asked you earlier about unfounded cases, but if cases are being disposed of as being unfounded, that seems to me to be one place where we really need to start to impact change.

MS. TRACY: Well, there are two different issues. One is an unfounded case where

the police, for one reason or another, don't believe that a crime has been committed. Then there is this other category of cases that seems to be a limbo. It's -- because when they're unfounded, they're still unfounded in the context of a criminal action. When they're put -- in at least as I understand it -- into these categories called Investigation of Person or Transportation Medical Support, they're not -- they're no longer considered a crime. It's not a question of having made a determination that a crime didn't meet -- that the circumstances around the report were not credible.

And that actually is what I hope that the police will be able to explain in ways that we can all understand today. Now, from their reports that they've given you today, they're not putting nearly the number of cases in those kinds of noncriminal categories as they did before.

I think it's also important for us to know what the circumstances are and when cases are unfounded as well.

COUNCILWOMAN MILLER: Right, right. That's what I was wondering.

Okay, thank you.

COUNCILMAN ORTIZ: Councilman Cohen will be the last questioner for this group because we're running behind the times Councilman?

COUNCILMAN COHEN: First to Mr. Cervone. You stated in response to Councilwoman Miller's last question at one point that for ten years, there have been representatives of these group at work together.

Do you mean by that that they have achieved the kind of efficiency that you have in mind? And if they haven't, why haven't they? In your opinion, why hasn't --

MR. CERVONE: If I may, it's kind of like a manufacturing process in which the factory needs more orders for goods; but if it got more orders, it actually couldn't handle them anyway, because it's out of space. We're out of space to take more cases, but we're not getting as many cases as we ought to be getting.

Everybody in this process wants to do it differently. At some level of their being and some level of their experience of cases, they all tell us they want to do it differently, but none

of them have taken the step forward to say, We will do it differently and we are willing to change.

COUNCILMAN COHEN: Well, isn't it a fact that, really, the only one that could bring it about would be the Mayor, or the Mayor's representative in our city government. Doesn't it have to be top executive action bringing this about?

And in that regard, I would ask, what steps are being taken to deal with the transition teams of Mayor Street, Mayor-elect Street, or bringing it to his attention? 'Cause it seems to me that this is a great time to bring about the result that you're advocating. But that the only way that you're going to do it is by having the mayoral action.

Our experience at Council is that different City agencies lack one important position. Each of them needs an ambassador to represent it with others because each agency works by itself, preserves its own rights and places, and that's usually the number-one item on the agenda.

And so you need an authority higher than the commissioners to bring this about, and I think Mayor-elect Street is the person at this point to deal with, and the best time to do it is at the beginning of his tenure and before our first budget that he'll be presenting to us shortly after the new year.

COUNCILMAN ORTIZ: Councilman, hopefully, out of these hearings, we will have serious recommendations for the Mayor-elect coming out of the suggestions that the witnesses will be making to us.

COUNCILMAN COHEN: Well, I think we'll be doing it, but I think we also need the advocacy groups to be doing it.

MR. CERVONE: Well, let me say this, Councilman, that we -- it is indeed the case that -- and we would welcome the support of Mayor Street. His office and former role has been apprised throughout, as was Mayor Rendell. And we agree with you that the commitment from the top makes all the difference in the world in this world of ours.

I'd say as well, though, as we sit in

Council chamber, with all due respect, that Council has a role to play.

COUNCILMAN COHEN: We agree with that.

MR. CERVONE: Council needs to fund this process. The Council, when in the past invited to appropriately fund the District Attorney's Office and the Police Department for investigations, has not been a warm friend; it has been as critical as it has been supportive.

We invite you to that level of leadership as well. We need this Council to say that our system needs to be different. And with that, we'll have an entire community of leadership willing to say it's different.

These hearings are our first and best, including the most present opportunity to make a difference in this city. So we're counting on your leadership to make that happen.

COUNCILMAN COHEN: Well, let me conclude with a touch of reality.

I agree with everything you've said, and I'm very confident that this Council is going to be actively supporting that program. But under the Home Rule Charter that we operate under, even

if Council appropriates money, the Mayor has the power not to use the money for the purpose appropriated. So that what you need is a combination of the appropriation by Council, plus the agreement of the Mayor to carry out the program.

And the easiest first step is to get agreement by the Mayor before the budget comes to City Council. If the fight has to be made at the City Council floor and we appropriate the money, our experiences that we don't get the same kind of result.

And that's the reason what I said has nothing to do with the will of the City Council. I would have to disagree with you. I don't know on any occasion when this Council has been unfriendly. What has happened is that Council faces a reality that if a Mayor is totally in opposition to something, that appropriation of money is often a futile thing. Sometimes we have appropriated, sometimes we don't.

But I'm urging you to put heavy weight on the Mayor as well as on the Council. We'll do our job, because we've tried in many cases to move

the mayors forward, and we need the help in Council, we need the help of outside advocacy groups to be very active at the mayoral level as well as at the Council level. So we take seriously what you say, and I think you'll find that Council will more than meet what you think may be its obligation.

Miss Tracy, you made one remark that I just wanted to touch on for a minute. Are you going to deal further with the civil aspect? You stated that there are aspects that are unattended to in the civil process. Do you have a specific recommendation with respect to that?

MS. TRACY: Well, Councilman Cohen, since so much of that involves Family Court, I think it's difficult to ask Council; although I would love to see Family Court's budget, something that none of us have been able to get our hands on. I don't think you have authority over Family Court. Some of it is the idiosyncracies of our Family Court judges, and I think that we are working through the various Bar Association committees, and we've had a pretty responsive ear with Judge Panepinto.

But I think that we would welcome probably another hearing, because there's nothing more powerful than the bully pulpit, which Council can, and does, provide so effectively.

COUNCILMAN COHEN: I think Council does provide that bully pulpit in both areas, and particularly in the civil area, and I think that it would be very helpful if you prepared that. It probably ought to be a separate hearing, as you're suggesting, but I think it's an area that Council can be very effective in.

MS. TRACY: Yes. We have really focused today primarily on sex crimes and the police response to sex crimes, and have not looked at the entire system, because that seemed to be the most urgent issue at hand. But it's not the beginning and the end of it, either.

Thank you.

COUNCILMAN COHEN: Thank you.

COUNCILMAN ORTIZ: One last comment by Councilman Kenney and then --.

COUNCILMAN KENNEY: Thank you, Mr. Chairman.

The issue, though, we've been talking

about today, I don't think necessarily think at the outset if we were to change the structure and culture, it would necessarily cost more money initially. While I agree that the District Attorney's Office is in need of some additional funding, perhaps DHS and the courts, the coordination and collaboration and co-location issues, the use of domestic-abuse response teams, and the Detectives Division working with at the same location as the Child-Abuse Unit, as the Rape Unit, the Special Victims Unit, all of that can be done initially without any additional costs 'cause the personnel is still there, with the exception of, perhaps, finding a hospitable location for that.

But as far as large amounts of appropriations necessary to do this, while I recognize that there may be need for more money in order to put this in the right direction, I don't think necessary think it's going to cost us any additional money, just a recognition that there needs to be a different organizational aspect of what's going o.

COUNCILMAN ORTIZ: That does require a

response right now. Thank you.

MS. TRACY: Thank you.

COUNCILMAN ORTIZ: Jane Siegel, please.

MR. CERVONE: Thank you, Councilman.

COUNCILMAN ORTIZ: For the record, we have been joined by Councilman Krajewski.

Then Commissioner Timoney is here, right? How are you doing, Commissioner? We're running a little bit late, Commissioner, so. . .

Please identify yourself for the record.

(Jane Siegel comes forward.)

MS. SIEGEL: Councilman Ortiz, members of the Public Safety Committee, members of Council and staff, thank you for inviting me to appear this morning.

Let me begin by introducing myself. My name is Jane Siegel. I'm an assistant professor of criminal justice at Widener University, in Chester. I'm also a research associate at the Stone Center of Wellsley College, in Wellsley, Mass, which houses the National Center for Violence Against Women Prevention Research Center.

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I began conducting research on the consequences of sexual victimization while studying for my Ph.D. at the University of Pennsylvania, and have continued that work for several years. Currently, I am conducting research on risk factors for the violent sexual and physical victimization of women, under a grant from the National Institute of Justice.

The purpose of my appearance here today is simply to provide the committee with some background information on the Uniform Crime Reports, which were referred to throughout the articles about rape statistics that appeared in the Inquirer in October.

I would like to state at the outset that I do not have firsthand knowledge of Philadelphia's arrest records and, therefore, will not be able to discuss the methods used by the Police Department to classify sex crime victimizations.

The Uniform Crime Reporting program -- or the UCR, as it is commonly referred to -- is the oldest of the country's two major sources of crime data. The program began in 1930, when the

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International Association of Chiefs of Police decided that it would be beneficial to provide the country with a regularly published report on the nation's crime rate. The International Association asked the FBI that year to assume responsibility for gathering and compiling the necessary data and for publishing periodic records. Since 1958, the quality of the data has been such that the FBI has been able to estimate national crime rates, which are now published nationally in a report entitled "Crime in the United States."

The data gathered by the FBI for the UCR come from local police departments that voluntarily participate in the reporting program. The departments submit information on crimes reported to them as well as on arrests.

For reporting purposes, the FBI has designated four violent offense categories, which consist of: murder and non-neglect manslaughter, forcible rape, robbery, and aggravated assault. And there are four property offense categories: burglary, theft, motor vehicle theft, and arson. And these are what the FBI refers to as Part I

crime. All other offenses, such as simple assaults, forgery, fraud, sex offenses other than rape, prostitution, and drug offenses are classified as Part II crimes for purposes of the report. The serious crimes that make up Part I have been used by the FBI as a barometer, or index, of the amount of crime in the nation, and thus, are also sometimes referred to as "index crimes."

The Annual UCR Crime Report contains different information for Parts I and II reported for the nation as a whole. Part I contains, first of all, the total number of offenses reported to the police for seven of the eight offense categories. Arson is excluded from the national-level report for technical reasons. Secondly, the rate per 100,000 people for each offense. And third, the percentage of reported offenses that were cleared by arrest or by exceptional means.

Clearing a crime by arrest means that the police have arrested one or more persons who they believe is responsible for the crime, and have referred the person or persons for

prosecution. The ultimate disposition of the case in the courts is not a factor in whether a crime is cleared.

Crimes can also be cleared by so-called exceptional means, which means that the police are satisfied that they know who the perpetrator is but are unable to make an arrest because of some unusual circumstance, such as the flight of the perpetrator to foreign country, with which we have no extradition agreement or the death of the perpetrator.

The UCR report also contains tables that show the number of crimes reported to the police for metropolitan statistical areas -- for example, Philadelphia and the surrounding counties -- as well as for towns and cities of more than 10,000 people. Crime rates for individual cities can be calculated from these tables because the UCR also provides population figures for the cities. Thus, if is a city's population was 200,000 and there were 16 murders there in 1998, the murder rate for that city would be 8 murders per 100,000 residents.

Although not contained in the report

itself, individual police departments also report to the FBI the number of Part I crimes reported to them that they determined were unfounded, which means that the police concluded that what was initially reported as an offense actually did not constitute a crime.

Part II of the UCR, by contrast, reports only the number of arrests made for all other crimes. In other words, it provides no information on the number of offenses reported to the police in the less serious crime categories that make up Part II.

As a measure of the amount of actual crime in the United States, therefore, Part II is far less useful, since we know that many crimes reported to the police do not result in arrest, yet Part II reports only on arrests. Thus Part I of the UCR receives more attention, not only because it presents data on more serious crimes but also because it provides a better measure of how much crime is actually being committed, regardless of whether the police were able to make an arrest or otherwise solve the crime.

That is the basic framework of those

parts of the UCR that are relevant to today's hearings. However, it is important to note some limitations of the UCR and some features of it that may have an impact on the ways in which police report their data.

First, most criminologists agree that the UCR is not the best source of information for determining how much crime occurs either in the country or in a given jurisdiction. The reason for this is a simple one: many crimes are not reported to the police, and the UCR is based entirely on the reports that have been made to the police and recorded by them. Note that not all crimes reported to the police are recorded as crimes.

COUNCILMAN ORTIZ: So in order for it to being correctly reported by the police, the Police Department must have a very stringent and well-defined definition of what constitutes a sex crime.

MS. SIEGEL: For purposes of the UCR, yes. For purposes of the UCR, they have to follow the definitions given by the FBI in its guidelines for the UCR.

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COUNCILMAN ORTIZ: But in the UCR -- and correct me. The UCR's definition about rape is still the one that was used in 1930.

MS. SIEGEL: Yes.

COUNCILMAN ORTIZ: So the definition of the UCR has not changed from 1930 --

MS. SIEGEL: Right.

COUNCILMAN ORTIZ: -- in terms of rape --

MS. SIEGEL: Correct.

COUNCILMAN ORTIZ: -- to 1999.

MS. SIEGEL: Correct.

COUNCILMAN ORTIZ: And we have seen through the process of the issue of rape that that crime in particular has gone from one in which Carol Tracy described the individual as property to one in which the woman was usually blamed for being the victim, as she caused it by her dress or the skirt that she wore of the length of it or whatever it is, so we still have a very unbalanced and really deceiving definition of what rape is.

MS. SIEGEL: Yes. And I was going to discuss that in my testimony.

COUNCILMAN ORTIZ: All right. Well,

keep going.

MS. SIEGEL: Okay. Note that not all crimes reported to the police are recorded as crimes. Police have a good deal of discretion in how they deal with violations of the law that they observe or that are reported to them. This is not always a bad thing. Anyone who has been stopped for speeding and received only a warning instead of a ticket can probably appreciate the notion that the police are able to exercise their discretion. Similarly, many parents would, no doubt, be grateful if a police officer decided not to arrest their 14-year-old child who was caught shoplifting for the first time, but rather, issued warning and speak with the parent about the incident.

Of course, treating a serious crime as a noncriminal event or as a less serious crime are discretionary actions of a different magnitude, and these remarks are not intended to suggest that doing is an appropriate use of police discretion.

Although it is not an especially good measure of the amount of crime in the nation, the UCR historically has been viewed as the report of

record for the nation's crime rate since no other information was available until the 1970s, when a second measure of crime was instituted nationwide based on surveys designed to measure criminal victimization. Thus, a good deal of attention has always been focused on the release of the UCR report in order to monitor crime rates not only nationwide, but also in individual jurisdictions, and the performance of many local police departments comes under scrutiny when the reports are released. Local reporters throughout the country have frequently used the UCR reports to compare the crime rates in their city to those in other cities.

While limited as a crime measure, Part I of the UCR does provide what could be considered an indicator of police performance because it tells us what proportion of the crimes reported to the police were solved. Note that the annual report released by the FBI does not contain clearance rates for individual departments. But the departments themselves do report the number of crimes cleared in the reports they submit to the FBI, and this information often is reported to the

public through local media.

If a department report that 95 percent of the robberies reported to it were cleared by arrest, most people would believe that the police were doing an exemplary job. If, on the other hand, they report that only 25 percent were cleared, many might question the performance of the department.

Higher clearance rates are usually expected for violent crimes because the victim was present at the time crime occurred. Property crimes, such as a burglary or a motor vehicle theft, are usually discovered after they occur. Violent crime victims, thus, are able to provide more useful details that can assist the police in identifying the perpetrator and making an arrest.

Thus, the Part I report, together with the public attention that accompanies the annual release of the UCR report, may create pressure on the police to maximize their clearance rates and to minimize the number of crimes reported to the police. This has led, in some cases, to so-called downgrading of offenses by police departments across the country in order to paint a better

portrait of the crime situation in a city than might otherwise emerge.

And "downgrading" refers to the practice of classifying a crime as a less serious offense. For example, a serious physical attack that should be classified as an aggravated assault is downgraded to a simple assault, which means that it would not be reported in Part I and, thus, will not figure in the calculation of clearance rates.

COUNCILMAN ORTIZ: Philadelphia's suffered one of those embarrassing moments around two years ago.

MS. SIEGEL: Yes. And Commissioner Timoney, as I understand it, took several steps to correct that and address that.

COUNCILMAN ORTIZ: He followed that in place.

MS. SIEGEL: Yes.

COUNCILMAN ORTIZ: And it was very embarrassing for an incoming commissioner to be confronted with that sort of situation.

MS. SIEGEL: Yes, no doubt.

COUNCILMAN ORTIZ: In the national

press.

MS. SIEGEL: Right.

The same can be done for sexual assaults: a rape may be downgraded to a sexual assault and, thus, kept out of Part I. Downgrading of offenses has been known to occur throughout the country. For example, within the past year, such downgrading has been reported in Atlanta and in some localities in Florida, in addition to in Philadelphia.

As Michael Maltz, who is editor of the Journal of Quantitative Criminology, and one of the foremost authorities on the UCR wrote recently in the report issued by the U.S. Department of Justice, and I quote:

"Nowadays, reporters and the public are more sophisticated and recognize that the police have only a limited ability to affect many types of crime. This has eased the pressure on police administrators to keep the crime rate down by reporting less crime than has, although the pressure to falsify crime data still persists."

The second feature of the UCR that bears noting is that of the definitions of crimes,

as you mentioned, Councilman Ortiz. When submitting their data, local police follow FBI guidelines and definitions, which, theoretically, enables the UCR program to receive uniform reports from all localities, regardless of any differences in how crimes are defined in criminal codes from one state to another.

Thus, for purposes of reporting to the UCR program, a sex crime that involves, and I quote from the UCR guidelines: A sex crime that involves "the carnal knowledge of a female forcibly and against her will," will be reported as a forcible rape by all reporting agencies, although other sexual offenses that might meet a state's statute definition of rape (for example, if the victim was a male) will not be.

Failure to report the latter such offenses as forcible rape to the UCR should not, however, be taken as an indication that local police are not treating such reports as bona fide rapes under the laws of their own state. For example, if a police received a report that a man was raped by another male, they should presumably approach the investigation of the case as an

investigation of a rape, even though the report that they submit to the FBI would not include that case in the count of forcible rapes.

Although the UCR reports may have an impact on how police departments classify offenses reported to them, the more important issue here is to consider how the police actually investigate a reported crime. Historically, women who have been sexually assaulted have believed that they may be victimized a second time if they report the crime because of the way that the criminal justice system responds to her report. As a result, rape has been a seriously under-reported crime.

While great strides have been made nationwide to improve the way the reported cases of rape are handled by the criminal justice system since the issue first received significant attention in the 1970s, many women are still very reluctant to come forward to report a victimization.

It is encouraging to know that Commissioner Timoney has instituted a review of the Philadelphia Police Department practices with respect to how sex crimes are handled and it is to

be hoped that improvements will be made if, in fact, the practice, as documented in the Philadelphia Inquirer, are found to be true.

Rape is a crime with potentially serious consequences for victims. Care should be taken to ensure that women who report sexual victimizations are treated with respect and are not made to feel as though they are somehow to blame for their own victimization. Furthermore, treating reports of rape as noncriminal events may mean that potentially dangerous offenders are not being pursued, which is a public-safety issue of concern to the entire community.

And thank you for your attention.

COUNCILMAN ORTIZ: Thank you. So then when we read these reports in the press in terms of crimes, we can make a conclusion that, really, they are not giving us the true picture of what really happens.

MS. SIEGEL: Correct, correct.

COUNCILMAN ORTIZ: And that we really don't have the picture of the incidence and the magnitude of this type of crime as we see it.

MS. SIEGEL: That's correct. And there

is, as I said, now since the early 1970s, there's been a second source of data that allows us to estimate what criminologists refer to as "the dark figure of crime," which has been the figure of unreported crime, because criminologists and police as well have always know that there's a lot of crime that does not get reported to the police, and so the UCR was an imperfect measure at best.

And the second source of data has confirmed for us the fact that there is at least two, possibly three times as much crime committed as is reported in the UCR.

COUNCILMAN ORTIZ: So if we can get you to start working with us and our police department and the State figures and such so that we can get a really true picture of what is happening in this city and what really is the need that we have, then we will call on you in those circumstance.

MS. SIEGEL: Okay.

COUNCILMAN ORTIZ: Any other questions?

Yes, Councilman Kenney?

COUNCILMAN KENNEY: Thank you.

You touched in your testimony on the issue of the UCR definition of rape, forcible rape

and the issue of statutory rape. I'm not an attorney. Could you explain to me what is statutory rape and what it encompasses. And is statutory rape also forcible rape?

MS. SIEGEL: I am not an attorney, either, I should say.

COUNCILMAN KENNEY: Okay, but I thought that perhaps through your --

MS. SIEGEL: But statutory rape involves rape with somebody who hasn't reached the age of consent yet.

COUNCILMAN KENNEY: Okay.

MS. SIEGEL: And so it doesn't have to be forcible. In other words, a 13-year-old girl could have sex with somebody who is 18 years old and she could say, "I wanted to do this," but that would still constitute statutory rape. That's my understanding of how statutory rape works.

COUNCILMAN KENNEY: Issues of rape, as it relates to the inducement of alcohol and/or drugs, which is not in a violent, forcible manner, are they still categorized as forcible rapes?

MS. SIEGEL: That would be up to the discretion of the individual police department.

Based on the circumstances of the crime, they would have to decide whether or not, in fact, there was force used to perpetrate the rape.

COUNCILMAN KENNEY: And is statutory rape ever designated for any incident involving anyone over the age of 18? Of the age of consent is 16 or 18?

MS. SIEGEL: Here in Pennsylvania, I believe it's 14.

COUNCILMAN KENNEY: 14?

MS. SIEGEL: Or 16?

COUNCILMAN KENNEY: 16? Is statutory rape ever used or ever categorized as an incident for anyone over the age of 16?

MS. SIEGEL: Not that I know.

COUNCILMAN KENNEY: Okay. All right, fine. Thank you. Just more for information. Thank you.

COUNCILMAN ORTIZ: Are there any other questions?

(No further questions.)

COUNCILMAN ORTIZ: Thank you.

Commissioner Timoney and his squad.

(Commissioner Timoney and other

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witnesses come forward.)

COUNCILMAN ORTIZ: Commissioner, good morning.

COMMISSIONER TIMONEY: Good morning, sir.

COUNCILMAN ORTIZ: Or I should say "good afternoon." We welcome you, Commissioner to these hearings. It makes -- it seems like over the last few days, you've been in City Council more than you've been out on any street.

COMMISSIONER TIMONEY: And I'm still not running for office.

COUNCILMAN ORTIZ: Yes, indeed.

(Laughter.)

COUNCILMAN ORTIZ: But let me say at the outset that you followed a department in which a -- or embarrassed actually when you came in because we were reporting all sorts of crime and misclassifying them and doing it in not the manner and the procedures that we should have. And that you have undertaken since then to make sure that one of the hallmarks of this administration, your administration, is that we classify the crime as they were.

COMMISSIONER TIMONEY: Mm-hmm.

COUNCILMAN ORTIZ: And I really am delighted that every time something comes up that you have been able to begin the process not of denial but of saying if something is wrong, let's fix it.

COMMISSIONER TIMONEY: Right.

COUNCILMAN ORTIZ: And you have gone on to begin establishing those procedures that go towards correcting the situation.

COMMISSIONER TIMONEY: Right.

COUNCILMAN ORTIZ: Because we do really have to know what is going on. And if criminals are out there, we have to be able to be able to go after them.

COMMISSIONER TIMONEY: Correct.

COUNCILMAN ORTIZ: Again, so please identify yourself for the record and proceed with your testimony.

COMMISSIONER TIMONEY: Good morning, Mr. Chairman, and thank you and other members of the Council for inviting me here. I am Police Commissioner John Timoney, of the City of Philadelphia. Next to me is Captain Joe Mooney.

He's the commanding officer of the Special Victims Unit. And Brad Richmond, who's the Special Assistant to the Police Commissioner, is to my right, and there are others supporting casts behind.

I thought rather -- I came from a series of meetings, and I forgot to bring the testimony. I had prepared a two-page statement, which I'll submit later. But let me take a few minutes, probably about ten or fifteen minutes, to walk you through the process that begun in regards to reorganizing the Philadelphia Police Department upon taking my office in March of 1998.

Within the first week of taking office, I had a series of interviews, and one of those interviews was with then-Chief Inspector Jack Maxwell, who was assigned to -- he was the head of Internal Affairs. And based on my background investigation of various people within the Department, I had an idea of who would eventually be assigned where. And it was clear to me that Jack Maxwell, based on his prior detective experience, experience in Internal Affairs, was going to be my choice as Chief of Detectives.

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So when I interviewed Chief Maxwell for a few hours -- it was actually before even taking office, it was the week before I was sworn in, and I had a tradition office set up in the MSB Building, on the 14t floor. And I tasked Chief Maxwell with going back to the Department and looking at the Detective Bureau and completely reorganizing the Detective Bureau with the view towards not just reorganizing the (unintelligible) of the Detective Bureau, which is a centralized bureau, but also looking at the detective divisions that, when I got here, were under the supervision of a uniformed inspector, because I wanted to take the Detective Division from the uniformed inspectors and give everything to the chief detectives. And within a few months, Jack Maxwell, Chief Maxwell, presented to me a plan for overhauling and reorganizing structurally the Detective Bureau. That's largely what you see in existence today, with one or two changes over the last year and a half.

We then -- and that took probably the first part of 1998, up to the summer. We went through the summer and then began in the fall,

throughout the organization, but here we're talking about the Detective Division, a series of personal transfers and promotions and moving people about. And so by the end of 1998, we had in place a Special Victims Unit.

The man seated next to me, Captain Joe Mooney, who, by all accounts and opinions -- I don't want to embarrass him -- was considered, when I got here, the single best captain in Internal Affairs. So I took the single best captain in Internal Affairs with investigative experience and put him in charge of the Special Victims to make sure we had top-notch people running that unit.

We then began to move in other personnel, sergeants, lieutenants, and then for the first time ever, detectives, 'cause I thought there was a need to get detectives in there. And as you're well aware, we put them in there almost a year ago now, and we have plans, when this class gets through its training -- there are 45 detectives in training now -- we will add more detectives into the Special Victims Squad.

While that was going on, we began,

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throughout the Detective Bureau, to develop in every unit a case management systems, where supervisors would be held strictly accountable for the cases of the detectives they supervised. And that's kind of a long, elaborate process.

But for example, the one of the Special Victims unit, the case management system now in the Special Victims Unit is second to none, I can guarantee you. It's as good, if not better, certainly than the one in New York. And this is largely as a result of the efforts of Captain Mooney.

It doesn't mean that things are perfect now. I'm not at all painting a picture of a perfect police department, but it's a police department that's moving in the right direction, making change wherever we can, taking suggestions from everybody that has good ideas, including people outside the Department.

We did not institute, but I think we've created a much more improved COMSTAT process where we go over not just what patrol does, but also what the detective do, and they get grilled just like patrol commanders regarding how they're

handling cases, whether it's homicide or the special victims or rape cases. That happens every two weeks.

We then -- and while all of this is going on, we institute a whole series of training regiments for the Special Victims Squad. We brought in private trainers, private outside people, Reed Associates, that trained, I believe, upwards of 40 of our investigators in interviewing techniques. We had crime scene training for all of our folks. For our Homicide Square, we created a whole 'nother trained regiment for homicide detectives. And then a whole series of other training schemes.

The new detectives, for example, that get promoted now received the normal training at the academy, and then they would go out for about three to four weeks -- we haven't firmed up as to how many weeks it will be -- in a centralized unit, almost like a field training experience that young kids get that are coming out of the academy. They will go and work in centralized units -- in this case, the Special Victims Squad, but also, some of them will go to the Homicide Squad to get

an idea of how the bureaucracy works, how the Detective Bureau works from a global perspective. And then some will stay in Special Victims, others will go out to the detective divisions.

We've done vast improvements in improving pattern identification and data analysis as part of the COMPSTAT process. We've increased tremendously our extraditions from other states as a result of making where we have known (unintelligible) putting that information into the NCIC -- that's the National Crime Information Center. We put out crime bulletins on a regular basis out to the patrol force.

Just a decade ago, the thinking in policing, you know, especially in the area of sex crimes that, you know, don't let the people know, don't unnecessarily alarm them, you know, you're going to scare people. Well, I think there's been a change, a good change in policing, that people have a right to know, and that the sooner you identify a pattern, you should get that information out there. And so we're trying as often as possible, as soon as you get a pattern, to get it out there as quickly as possible, even

if don't have great information, try and get it out there. And so, for example, you saw last week on a child molester who was working two different neighborhoods in Philadelphia, it led to a quick arrest.

We're attempting to improve the equipment needs, with laptop computers and camera equipment. Those requisitions have been put through on the grant money.

We have formalized, set down formal meetings between Homicide, the Special Victims, and the lab. The lab is -- labs traditionally view themselves as kind of independent of the operational entities. That's not the case here. They should serve the needs of the operational people, and the operational people have to determine what the priorities are, what are the priority cases.

So we formalized that relationship, and they meet at least once a month, going over existing cases. And so something that may have been a priority last month, if something takes priority over it, then the detective commanders will make that determination and be held to it.

But those meetings are very valuable.

Up at the academy now, new recruits all receive four hours of training by the Special Victims Squad.

The physical arrests by investigators are up by 50 percent. Total arrests are up by 55 percent. The investigations are up 24 percent. Search warrants served are up over 100 percent. Just this week, we've --

COUNCILMAN ORTIZ: These percentages are for all crimes?

COMMISSIONER TIMONEY: No, no, I'm just talking about the cases that are handled by Captain Moody's folks, Special Victims.

COUNCILMAN ORTIZ: Okay.

COMMISSIONER TIMONEY: In addition to putting in detective investigators and putting in new sergeants and lieutenants over the last year and a half, this week we've just announced the installation of an executive captain at the Special Victims Unit to assist Captain Mooney in his workload, in breaking down and doing good workload analysis. That's similar to what we have on patrol.

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In patrol right now, we have broken it down to 23 patrol districts into A and B districts. The A are the busiest, the 11 A are the busiest. They all have executive captains working with the regular captains. Now in Homicide, we have an executive captain. In Special Victims, we have a captain and an executive captain.

Again, to highlight not just the importance of the unit, but recognizing the kind of sophisticated nature of the workload analysis of --

COUNCILMAN ORTIZ: Do you have all of these cases broken down by areas of the city, where they come from, where we're getting the most, and so on?

COMMISSIONER TIMONEY: Oh, sure, yeah. We have -- at our COMPSTAT meeting, those maps are displayed readily. And I might add -- and then I'll be open to questions that you have, sir. I don't want to go on and on.

We have, since I've arrived, tried to, as much as possible, open up the Police Department to outside inspection. And so for example, while

the COMPSTAT process goes on in most major cities across America, even in large and small police departments, the Philadelphia COMPSTAT meetings are the only ones that are open to the press, where the press can come in. And they're there every Thursday, members of the local press, and they see what we're doing. The only deal is that you can't go to the paper the next day with some case of a confidential nature that may have been discussed. But by and large, the press is aware of what we're doing. We've opened up as much as possible.

Similarly, when we have questions (unintelligible) in the press, what is information on background, I have made myself available, but also, I have staff people available. We have tried to be as open as possible in discussing any aspects of any investigations, whether it's in this area or in homicides or narcotics, because I firmly believe in the public's right to know, absent exigent circumstances where you need confidentiality or you need secrecy. By and large, you know, the people are victims and they've got kind of a right to know how the Police

Department are performing and how well we're going.

And the Police Department, I think, is performing quite well. You heard the professor address you in regards to UCR and how valuable it is, and that an awful lot of crime goes unreported. But there are -- that goes to varying degrees. We know, for example, the two most accurately reported crimes, for two very obvious reasons, are homicides and stolen cars. Homicides because the body is there, it gets counted, and there is no effort to somehow categorize that as something else. And then stolen cars, because, for nationwide alarm transmission purposes and also for insurance purposes, those cars are often very accurately reported.

If we look at the last two years, in both of the categories, Philadelphia is doing quite well, and I would say, better than most major cities. We are at an 18 decline in homicides last year; this year, a 16 percent decline in homicide. Last year, in stolen cars, it was 14 percent; around 11 or 12 percent will come in this year.

So we know those areas where it's most accurately reported, we're doing very well, and there's no reason to suspect that we're not doing as we well in other areas, although a better reporting system may argue something differently.

The bottom line is, we're constantly trying to improve; we're not settling for what we have now. We know we're not perfect. You know, in the business schools, there's a Japanese term kazon (ph.), which means the effort towards consistent incremental improvement. And that's what we're all about. We are not sitting pat, and we're giving in our best effort to constantly improve how we do police work in the City of Philadelphia.

COUNCILMAN ORTIZ: Thank you, Commissioner.

For the record, and knowing that the practices that you have inherited come from the 1980s, the reasons for these hearings are, in essence, that a huge amount of the caseload of the Special Victims Unit, the Rape Unit, were being dumped or being reclassified --

COMMISSIONER TIMONEY: Yeah.

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COUNCILMAN ORTIZ: -- under Code 2701.

COMMISSIONER TIMONEY: Right.

COUNCILMAN ORTIZ: And under Code 2625.

COMMISSIONER TIMONEY: Mm-hmm.

COUNCILMAN ORTIZ: Could you give us a picture, if you can, of the background on this and what really has transpired and how many cases, if you can estimate, not that you're going back, obviously, because I don't think you can investigate cases going that far back. But if you can, what are we talking about here?

I want to get a picture of what was and what is going to become. What was happening, the nature of it and the extent of it, as you know, and as you can give us a picture so that we can establish a clear record and go forward from here.

COMMISSIONER TIMONEY: Yeah. Well, in addition, one of the confusing parts of this whole exercise is, there are three, if you will, three separate categorizations of crimes. One of them is the official UCR, and often the Local Crimes Code does not match up very well with the UCR, and so you have to make, as you're (unintelligible) up the data to report the FBI, you've got to make

certain adjustments. The laws are different in all 50 states. So you've got the crimes codes on one side and the UCR on the other side.

And Philadelphia has been complicated by a thing called the Philadelphia Police Department's Coding Manual, which has created -- on first blush, it looks like a pretty sophisticated system of categorizing a variety of crime complaints and investigations. Upon second look, though, it seems, at least to me, unnecessarily cumbersome, vague. And when I speak to folks within the Department, there seems to be a good, rational basis for it, but quite literally, it would take weeks and weeks, maybe months, of training on how to utilize this.

Let me just say for the record that I spent 29 years in the New York City Police Department. There's no such coding like that in the New York City Police Department. They kind of batch 'em: rapes are rapes, burglaries are burglaries, stolen cars is stolen cars, and there's no effort to get down to subcategories. If you need to get into subcategories, you actually go in and almost do it manually, although

there are some efforts afoot for computerization.

So this is an extremely difficult task, in my opinion, which leads further to confusion.

COUNCILMAN ORTIZ: If it leads to confusion, what do you recommend we do with that? Do we just get rid of it?

COMMISSIONER TIMONEY: Well, my sense is that we're in the process of looking at it to revise it and we're going to get some outside help, including people in the ivy league community, to look at this whole issue because it, as I say, it causes confusion.

And so my sense is that 2701 is the result -- 2701, for want of a better term, is a category called "Investigation of Person." In New York City, they use the term "Investigate Aided," somebody that needs some kind of assistance or needs some kind of an investigation. And it could go anywhere from somebody that showed up with a gunshot wound so somebody that fell down a flight of stairs and their head is cracked open and is dead, all the way to a missing child. There's a whole host of things that goes into this investigatory category which requires further

investigation by a detective.

And the same here, but some of the things that went into 2701 could have, and more justifiably, gone into other categories based on this crime-reporting system.

As a result of that, in the 2701, my sense is, it was used probably improperly for years and years, as almost a catch basin for those you couldn't make a decision on what they were. So often, they were in there.

The vast majority, my sense is, we're okay. We could have gone through a different category but they're okay. But the problem is, there are actually some crimes in there, some rapes that were in there, and not all of them were rapes, but there were some rapes in there that required an investigation.

It would have been okay to put them in there if there was a correct case-management system in place that would have created a file that would force supervisors to ask, Detective Kenny, what about the this case you have in 2701? Well, that didn't exist, and as a result, there was there was slippage, clearly.

COUNCILMAN ORTIZ: Do we have any idea of the numbers?

COMMISSIONER TIMONEY: Yes.

COUNCILMAN ORTIZ: It says from the information that we gather from the newspaper, it leads to an estimate of a third. Do we have any idea of the numbers and the types of sexual assaults that went into that category 2701?

COMMISSIONER TIMONEY: Yeah. I have --

COUNCILMAN ORTIZ: And for what period of time?

COMMISSIONER TIMONEY: Yeah. Well, to be quite honest with you, we're not going to be able to go back forever.

COUNCILMAN ORTIZ: Right.

COMMISSIONER TIMONEY: We are going back for the last five years 'cause there's a thing called "the statute of limitations." And so we have a Quality Assurance Bureau doing that right now. They will go through it, they will categorize what's in there, and then those things that are, in fact, are crimes where somebody's identified them as a rape, and then there are others -- and then those will be investigated.

And then there are other cases that while they may not be rapes, should have an investigation to determine what happened. They will be investigated.

But let me just -- because I think it's an important question you hit on. Let me just give you some examples of some of the other cases that go in there that -- I don't know why they're in there, and there are lots of them like this.

And so we have here the complainant is an eight-year-old who, you know, complains that he got into a fight with a child, another child patient, and then the patient kissed him on the hand, a seven-year-old kissed an eight-year-old on the hand goes. This goes into this 2701 investigative person.

We have a seven-year-old female complaining about another seven-year-old male, that he pulled his pants down in the rear of an alley.

You'll get a situation where a woman wanted to obtain an order of protection against her boyfriend in New York, and she's referred him to New York to get the order of protection.

But these all wound up in the category 2701.

A woman's walking down the street, and a guy approaches her and is basically trying to pick her up, and she made a complaint to the police, but she admits that he didn't say anything lewd or anything like that, he was just trying to pick her up.

And another similar situation where a guy tries to pick up a woman on the street and tells the woman's son, you know, I like your mother. But there is nothing more than that in there.

We have a situation -- and there's a few like this that come through us through DHS or some outside party. In this case, it's a 16-year-old male. He complains that his father watches him while he takes a shower because he doesn't wash himself well. And so that comes to the attention. So the father's watching the kid on this one and says, You're not cleaning under your arm. So somehow the kid makes this complaint to --

COUNCILMAN ORTIZ: And that's reported

as a criminal act?

COMMISSIONER TIMONEY: It's not a criminal, no. It's in 2701, and it's not a criminal act, but it's in the investigatory category, meaning it requires other investigations.

Again, going up, telling some woman on the street "I love you," that type, you know, someone trying to pick up a woman on the street.

We have a rather sad one here where, in a nursing home, that I won't mention, where a woman of about 80 is having consensual sex with a man of about 70. Both are clearly not in the right mental state, and this is not -- this, apparently is a regular occurrence, and now the nurse is reporting it. But it's consensual on both parties, but it's in a nursing home.

We have one where the investigators go out, the detectives go out, and the woman claims, you know, to be Jesus Christ, and that unknown instruments were used to carve up her body. Clearly, somebody not in the right state of mind.

And, of course, there's another woman -- not of course, but I'm saying here's another

case of a woman claiming to have 10 to 14 children, that they'd been kidnapped.

And so you get a whole variety. And the unfortunate part is when you put cases like this that make room for this category, then you put other cases in there, every case gets lost in this 2701.

So we have, under Captain Mooney, for the last two years, as much as possible forced the investigators, you know, that if it's a rape, make sure that it goes in the rape category. And then if there are further investigation categories, to put cases in other investigatory categories, whether it's a hostile case or some other thing.

The bottom line is, while there are thousands -- going back over the last 15 years, while there are thousands of incidents in that 2701, there are not thousands of rapes. And that has got to be made clear 'cause the impression out there, when I speak to my neighbors, I speak to people that there's an impression that there are thousands of rapes out there.

COUNCILMAN ORTIZ: But do we have -- that's what I --

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COMMISSIONER TIMONEY: I will get the numbers to you, but we're still going back.

COUNCILMAN ORTIZ: I'd like to get the picture of the five-year period.

COMMISSIONER TIMONEY: Yes, and we will get that to you.

COUNCILMAN ORTIZ: And see how that looks.

COMMISSIONER TIMONEY: Yeah.

COUNCILMAN ORTIZ: And does that go for 2625?

COMMISSIONER TIMONEY: 2625 -- you want to jump in, Joe, and explain?

COUNCILMAN ORTIZ: It seems like these two classifications were being used by prior officers just to put sex cases into these kind of areas.

COMMISSIONER TIMONEY: Yeah. You want to explain 2625, Joe?

CAPTAIN MOONEY: Yes, sir. The 2625 code was felt to be more appropriate --

COUNCILMAN ORTIZ: Identify yourself for the record.

MR. MOONEY: I'm sorry, sir. I'm

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Captain Joe Mooney from the Police Department Special Victims Unit.

2625 is a code that states Investigation Medical for Protection, and it was felt to be a more appropriate code than 2701 for these types of cases that aren't clearly delineated as a crime committed, as the Commissioner just read some 2701s.

The 2625s that we receive largely are cases where, for instance, a child may be on a visit with an estranged parent and comes back with an unexplained bruise, and the child doesn't say that anything happened to them, but the custody parent, let's say, wants an investigation conducted to see if abuse occurred. Parents may notice irritation on their children's genitals or something like that nature, again, with no disclosure from the child, but it's felt that there may be something going on there. Cases where a woman victim may be out and taking drugs or drinking in the company of other people, passes out, and wakes up with her clothes in disarray but has no idea if anything happened to her or not, and they want to go to the hospital to get checked

out. Those are the types of cases that we categorize as 2625.

It's not a permanent code, either, I might add. It's evolving. In other words, the numbers are fluid because it may initially be put into that code, and then through our investigation, we determine that indeed a crime has been committed. And in that case, the case is upgraded to the appropriate crime, and the appropriation action is taken.

COUNCILMAN ORTIZ: Captain, what we want to clarify is two things:

One, we want to get a clear picture of what the real situation is in terms of this type of violent activity that is taking place in our city.

Two, we want to be able to help the Commissioner and yourself to go forward in establishing a system that is clear.

We want also to give the citizens of Philadelphia a sense of safety, a sense that we are investigating crimes, as we're supposed to, and that we're not allowing perverts and other individuals to go out there and commit their

crimes, and because of lack of investigatory action or interviewing or whatever it is, we have classified them and then dumped them and then not followed up.

But what I would like to see is a picture coming from these two areas -- 2701, 2625, what is it that we have, and for the last five years, what it looks like. So that we can, we as a City Council, can work with you together to be able to bring a sense of confidence in our department because I think that's --

COMMISSIONER TIMONEY: That sound good.

COUNCILMAN ORTIZ: Because I think that may be the most successful thing, I think, that Commissioner Timoney has done in these last couple of years, is that there's a sense of confident in his integrity and ability to do some things. And I think we have to work together with that to continue that process and opening it up and coming together.

So if you can give us the picture.

COMMISSIONER TIMONEY: When they finish the analysis -- they've almost finished back to 1996, and we have one more year, 1995, and that

will give you a clearer picture, probably within another week or so.

But on the issue of openness, 'cause it really is an issue, and again, as much as humanly possible, without breaching cases, we've tried to open this department up. And in the area of Special Victims, I know there are advocate groups and we have offered the advocate groups to come in and take a look at our coding, and if there's room for improvement, if there's something that we're not doing right, by all means.

We're not looking to do this thing in secrecy, and so people with knowledge in this area, with a vested interest in this area, with a good vested interest in this area, we're looking for them. And Chief Maxwell has set up a committee with monthly meetings, and we will allow them to look at his coding. And if we're doing something wrong, you tell us.

COUNCILMAN ORTIZ: What we want is that the training that takes place makes sense.

COMMISSIONER TIMONEY: Yes.

COUNCILMAN ORTIZ: That it is the right type of training, that we're getting the right

type of individuals to be able teach the sensitivity that is necessary and so on.

And the establishment of facilities, do we need facilities to be able to do this type of investigation in a different type of environment?

And, also, I think, Councilman Kenney addressed it and Carol Tracy, the culture within the department, which is the hardest thing to overcome as we seek change. That has to be really identified very clearly, and see how we can begin changing that culture and establishing a new one.

Before we go on, I'd like -- myself and Councilman Kenney, I know, have some questions.

COUNCILMAN KENNEY: Thank you. Thank you very much.

Good afternoon, gentlemen.

COMMISSIONER TIMONEY: Good afternoon.

COUNCILMAN KENNEY: The Inquirer reported that in 1998, Philadelphia had the highest rate of unfounded rape complaints of the ten largest cities in America. Why don't we put more cases in this category than in any other city or seem to be?

COMMISSIONER TIMONEY: Well, a few

things, I think. One of them is -- I mentioned the COMPSTAT process. When we meet with all our commanders, including the Special Victims commanders and patrol commanders, once a week, when the issue of special victims and rapes came up over the lasts two years, beginning early on, there was encouragement, as much as possible, not to put uniformed officers in the position of having to try and figure it out.

If a rape's alleged, classify it as a rape, don't worry about it. The detectives will do the investigation, and if it's unfounded, it will be unfounded, there's no big deal. So we knew we were opening up a larger catch basin. We knew, number one, that the unfounded cases would be higher than previous.

But I think you also have to look at the charts that were in the Inquirer. For example, based on the statistics that the Inquirer has put in their paper, we're number 3. And that number 1 is San Antonio, with 27 percent; Dallas is number 2, with 21 percent; and we come in number 3, with 17.8 percent.

So when you call those police

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departments to check the numbers, first of all, they denied speaking to any newspaper people. And second of all, they have completely different numbers than appear in the Inquirer. And then when we called the FBI, there was another set numbers. So I don't know what numbers to believe.

I'm not overly concerned about a high unfounded rate so long as a thorough and proper investigation is being done. I'd rather have a higher unfounded rate to make sure that we're capturing as many cause as possible and doing an investigation.

I just thought it was unfortunate that some folks maintained that at least we're the best lying department in the United States. I mean that's -- that's -- that's a serious charge and should not be leveled lightly, especially under my (unintelligible). I wouldn't put up with that nonsense, and I really resented that.

I also resented the tone of the article because we've gone through great efforts -- Chief Maxwell has and Captain Mooney. And the allegations out there that somehow things have been going on since 1983 and that it's still

business as usual, they've stopped using one category and look, they're using another category. And that's just unfair to all the reforms and all of the changes that Chief Maxwell and Captain Mooney have made and continue to make. And I just, you know -- and people -- I think that's a disservice to the public to create that impression that somehow, we would intentionally engage in that type of conduct. And I just think that's unfortunate.

COUNCILMAN ORTIZ: But that's why these hearings are so necessary. To really -- because unless we have this type of hearing, that type of statement you just made would not get heard. And if those things are not true, the only way for the public to really begin to know that they're not true is for you and Captain Mooney and the other individual who came forward and say that they are not true.

COMMISSIONER TIMONEY: Yeah.

COUNCILMAN ORTIZ: And establish in a clear forum what those reforms are.

I'm sorry.

COUNCILMAN KENNEY: That's okay. It's

been testified to and it's somewhat subjective, but I think it's accurate, that there is a sum percentage element in male society in this country that looks at these types of crimes against women in different ways than the normal person would, in that somehow, these forcible rapes and these sexual assaults were something that the woman was deserving of and she asked for and that she put herself in a position to do.

COMMISSIONER TIMONEY: Yeah.

COUNCILMAN KENNEY: I'm sure that an equal percentage of that wrong belief exists in the Police Department as it does in any level of society.

COMMISSIONER TIMONEY: Right.

COUNCILMAN KENNEY: Whether they're truck drivers or teachers or whoever. But there are a certain percentage of our officers that perhaps have this type of attitude.

COMMISSIONER TIMONEY: Right.

COUNCILMAN KENNEY: What are we doing, what can we from a recruit training standpoint? And more importantly, I think, from a training standpoint the officers and the detectives that

have been in the Department ten years or more? How do we change that culture?

COMMISSIONER TIMONEY: That's a great question. And the woman two women ago talked about police officer discretion. And it's good to have police a officer's discretion, but you need, whenever possible, to put in systems that limit that discretion, and that our police officers don't have a right to make a call or to believe or not believe a complainant.

One of the real disturbing things for me in this series of Inquirer articles was a statement made by a police officer in regards to the rape victim, that they didn't believe the victim, and that -- and it was a female police officer, which really made it troubling because they said, Well, usually people don't delay when reporting rape, usually people don't bathe when reporting a rape. I mean, that's exactly what they do. And so for somebody to say that, to me, it's just so wrong that it, you know, demands looking into. And those two officers had been trained personally by Inspector Tiano.

But more importantly, we've got to look

at the training at the academy, that we're not allowing -- if you still have those beliefs, if you're that stupid, but you can't act out on those wrong beliefs. And so what you do is, you put in systems in place. You tell 'em, Listen, you put down whatever the person says, and then make sure the systems are in place by the detectives that forces them to conduct an investigation. It may turn out to be that way have, but at least have the detectives do an investigation, the whole idea of a case-management system with supervisors oversight.

Let me have a final say on the one thing, on the unfounded. A detective now cannot unfound a case. It's got supervisory review, which is three supervisors Joe, that must --

CAPTAIN MOONEY: Two.

COMMISSIONER TIMONEY: Two, two supervisors must approve before a case is unfounded. So as much as possible, we're putting into place a system.

COUNCILMAN KENNEY: There has been some discussion today about the Frankford Arsenal site as the site of the Special Victims Unit.

COMMISSIONER TIMONEY: Right.

COUNCILMAN KENNEY: And its lack of conduciveness to serving the needs of victims. Do you have an opinion? Does the captain or the commissioner have an opinion about that site, its flow of traffic and some of the discussions about perpetrators and victims going through the same door and being in the same area? And is there some discussion or evaluation as to a new site, or there other things going on now?

COMMISSIONER TIMONEY: There are a few things going on now. I've been meeting with, well over the last year, with people from the Child Advocacy Center to set up a stand-alone cohabitated unit of counselors, psychologists, case workers, and detectives. And we've made our commitment to doing that, and so those efforts are afoot to secure a new building for children that become the victims of abuse or sexual abuse or parental abuse or what have you.

The issue of the Arsenal, my only -- my only objection in that whole series in the Inquirer, and I don't know if it was related to me correctly, but the question to me was, Timoney,

the Arsenal is filthy, it's unkempt, it's unsanitary. Do you think you need a new building? And I said, you know, I do not -- I disagree with your characterization of that. The next day in the paper, it says, Timoney thinks the place is fine. I never said that, all right?

I understand -- the officers themselves are pretty clean, they're well kept, and the detectives working there are clean, they are manly and everything else. Could you get a better a site? I think so. I think the Arsenal is an imposing building.

But by the same token, there's disagreement within the advocacy community. There is a person, who will remain nameless, when I had this discussion in regards to, if there is the ability to get a separate, stand-alone, more congenial, better-located facility, they said, No, it should be in a regular police facility. I said, Well, do you mean going in, back and forth with other, you know, robbery victims? Yes, women are now mature enough, they're past all that. I said, Well, I think I disagree with you, but maybe I'm wrong.

And there needs to be, I think, a coalescent around what we're looking for, and we're willing to sit down and meet with folks.

COUNCILMAN KENNEY: Well, I think in addition to the women victims, the children victims, I think, of concern. And I when you go to places like the Child Advocacy Center, there is a conducive, more homey, warming atmosphere.

COMMISSIONER TIMONEY: Absolutely, absolutely.

COUNCILMAN KENNEY: That allows children to open up more and to feel more safe and secure than they would in even a regular Detective Division.

COMMISSIONER TIMONEY: Absolutely.

COUNCILMAN KENNEY: Which can be imposing in itself. I mean, one of the things that always have fascinated me about the way in which the police departments, districts, and detective divisions have been set up is, there is this wall with a glass screen, that we're over here and you're over there.

And one of the things that I've been impressed with some of the mini stations, the

South Street Mini Station, for example, is that people can come in and have immediate contact with our uniformed officers, which makes them more of a public servant as opposed to, You're getting on my nerves, why are you bothering me while I'm doing my paperwork and now I have to open this door and talk to you.

COMMISSIONER TIMONEY: Right. Well, it looks like I'm staying longer, thank God. This year, the effort should be made towards more improvement, but also better service. And so, for example, I made a joke, but it's a serious matter. I have a hard time getting into the districts myself. (Unintelligible), I have to get buzzed in. This is insane.

And so we've got to create an atmosphere where when people walk into a police station, certainly during business hours. You can talk about security late at night, I'll buy that. But you should be able to walk into a police station and talk to a human being and not look over some plexiglass and say, Hello, can I get your attention? That's wrong.

And so that will be the effort afoot

this year. But I can guarantee you that it's not going to go without resistance.

COUNCILMAN KENNEY: But the original question was that you are working with the advocates.

COMMISSIONER TIMONEY: Yes.

COUNCILMAN KENNEY: To try to find either a new location, but if not a new location, then a more conducive --

COMMISSIONER TIMONEY: There are two issues. One is the cohabitation of the Child Advocacy Center. That's on children victims of crimes. Then -- so the Special Victims, which still all work for Captain Mooney, but the number of investigators that we've allotted based on workload will go over with the Child Advocacy Center, and then the rest of them will do the regular Special Victims, i.e., sex-crime investigations. Even with the sex-crime investigations, there's talk about another location other than the Arsenal.

COUNCILMAN KENNEY: Based on information that is available to us as to the relationship between domestic abuse and child

abuse going on in the same household, what collaboration, coordination goes on now and may be planned between our domestic-abuse response teams, our special victims investigators and DHS and all of that continuum of people who deal with this family violence problem?

COMMISSIONER TIMONEY: I mean, there have been -- not just in Philadelphia, but throughout the policing world in the last ten or fifteen years, there really has been a great awakening in this whole issue of domestic violence and child violence and child abuse, and making the connection. If you go on a family fight for domestic violence, you look for signs of child abuse. If go into a child-abuse case, you look for signs of domestic violence. They're interlinked. That's the whole training issue.

The beauty of the COMPSTAT process, when you have the (unintelligible) there, you've got the detectives there, you've got the uniform there, who -- sometimes the domestic violence officer works for the district, you've got a domestic-violence investigator that that works for the detectives, the biggest lie in policing across

this country, both federal, state, and local is that we work well together. We don't work well together, never talk.

And so the COMPSTAT process forces people to look at one another and talk and make sure that the ball isn't being dropped. It doesn't mean -- it won't guarantee, but as much as possible, to force people to work together to force the uniformed to work with the detectives, the detectives to work with narcotics, and thing of that nature.

COUNCILMAN KENNEY: And you believe -- and I know I've talked to you before about this, that you think that is a difficult culture to break down and to get integrated. The detectives don't like the uniforms, the uniforms don't like the detective.

COMMISSIONER TIMONEY: Right.

COUNCILMAN KENNEY: And we have this problem at the federal level, at the --

COMMISSIONER TIMONEY: The worst are the feds because they have no excuse. They all work for the Attorney General and they all hate one another.

COUNCILMAN KENNEY: Right. But how do we move into the future in breaking down that culture? Is that something that goes -- that we're going to have to do from an academy standpoint, and then as people leave the Department, things will change over time? Or is there something that we can do --

COMMISSIONER TIMONEY: Well, I think it really is a constant ongoing process and that if you take your eye off the ball and go back to the old ways, and so I think where COMPSTAT is so valuable is that it forces people, at least once a week, in a formal setting, with the bosses, with myself and the commissioners there asking the right questions and making sure you're touching base and making sure -- I mean, the most important people in the Police Department are the district commanders. Everyone should be servicing the district services 'cause they are the closest to the public, they're the ones that deal with politicians, they deal with me, they deal with the public. And so the detectives really should service them, the narcotics should service them, everything should be servicing the district

commanders.

COUNCILMAN KENNEY: Thank you.

Thank you, Mr. Chairman.

COUNCILMAN ORTIZ: Councilman Cohen and then Councilman Nutter.

COUNCILMAN COHEN: Commissioner Timoney, your testimony as to bringing about change is very encouraging, but I'd like to deal with that a little bit further.

COMMISSIONER TIMONEY: Sure.

COUNCILMAN COHEN: How often have you been meeting, say, with the child advocacy groups?

COMMISSIONER TIMONEY: We -- I have met at least twice. I went to their annual dinner dance, I visited their location up at 43rd and Chestnut. And I was quite open with them. I started the Child Advocacy Center in Brooklyn. And I make a made a commitment to those folks that we are committed to work with them.

The only caveat that I offer up is that I don't want the detectives or the investigators doing counseling or things of that nature, but that we are there to investigate crimes.

And that process is moving along. It's not moving as swiftly as they would like or I would like, but it's moving along. We have given them our commitment.

COUNCILMAN COHEN: Well, I -- let me -- can you tell me the nature -- when you meet with them, what is the nature of the discussion?

The reason I raise this is, we're dealing with very difficult fields in which experts differ, where it's very hard to prove anything objectively. Yet, we know things happen, for good or for worse.

They deal with the situation day in and day out, and while I'm sure they're not perfect -- anymore than anybody else is perfect -- I think they know more than anybody else knows, and I think that the tenor of conversations ought to be kind of like we're partners together, and that a lot of respect should be paid to their attentions. I'm not saying you don't pay respect to them.

COMMISSIONER TIMONEY: Right.

COUNCILMAN COHEN: But I'm saying I think they're the real experts in the field. And

I think unless the Police Department and they really develop a close working relationship, we're always going to have more problems than we ought to have.

COMMISSIONER TIMONEY: Right.

COUNCILMAN COHEN: This is a very difficult field.

COMMISSIONER TIMONEY: Yeah.

COUNCILMAN COHEN: Because these type of crimes involve emotions almost more than any other kind of crimes. And that's the reason I would like you to consider -- and I'd like to do the same thing with the child advocacy people.

COMMISSIONER TIMONEY: Right.

COUNCILMAN COHEN: I think both sides ought to consider how they react to each other. I think there ought to be more meetings together. And in your answer to that, one other thing, the last comment you made concerned me a little bit 'cause I don't understand it.

COMMISSIONER TIMONEY: Go ahead, sir.

COUNCILMAN COHEN: You said you wanted to make clear to them that the detectives don't do counseling.

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COMMISSIONER TIMONEY: Right.

COUNCILMAN COHEN: And I kind of feel that every police officer involved in this kind of charge of a crime or study of an incident, an investigation of an incident, that counseling is almost a part of his job, that he's got to be in a position to make the person he's inquiring from feel comfortable, that he's going to get the right kind of answer.

If you could just include that in our answer.

COMMISSIONER TIMONEY: Well, let me just elaborate 'cause maybe I misled you.

No, by all means, I could not agree with you more. But what I was talking about, the way these cohabitation centers are set up, you have a child psychologist on board, there's a social worker, there may be someone from the board of eduction, child advocates, and you've got detectives.

The role of the detective in that sayings is to conduct the investigation. If the child psychologist doesn't show up or the school's counselor or some social worker doesn't show up, I

don't want the detectives now sitting down. They're not trained or equipped. That's the type of work I'm talking about.

COUNCILMAN COHEN: I think everybody would agree with that.

COMMISSIONER TIMONEY: That's all I meant. I don't want them all of a sudden pinch hitting as the child psychologist. That's not there job. And that's the only thing I offered up.

And I had one bad experience up in New York like that when we did the pilot. And then when I did the Child Advocacy Center in Brooklyn, that was one of the caveats that -- one of the reasons why you set up is, you have to have professionals that are trained in that area. They, by and large, will (unintelligible) the questions. The detectives -- you do it so that they all sit around so that the child is not repeating the same story to three or four different agencies with different approaches on them, 'cause they're all staying together and they're questioning is being guided usually by one individual.

It doesn't mean that the detective can't ask a question, but by and large, you're reducing the trauma involved with going from one agency to the next to the next.

COUNCILMAN COHEN: Well, the reason I asked about the content of the discussions that may take place when you meet with them arises from the testimony about the Frankford Arsenal.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN COHEN: I think they made such an absolutely clear case for the need for a change as quickly as possible.

COMMISSIONER TIMONEY: Yes.

COUNCILMAN COHEN: But I didn't hear from them any complaints about the dirt; I heard from them complaints about the place not being -- on other grounds, not being a good place. It's difficult to get to.

COMMISSIONER TIMONEY: Right.

COUNCILMAN COHEN: You, because you're new to Philadelphia, may not understand that as much as those of us who are lifelong residents, but to go from where I've ever lived, and I'm a native of Philadelphia, to go to Frankford

Arsenal, I wouldn't know how to begin to get there.

COMMISSIONER TIMONEY: Right.

COUNCILMAN COHEN: If I had to advise a constituent as to how to get there.

COMMISSIONER TIMONEY: Right. I understand.

COUNCILMAN COHEN: It seems to me this ought to be a central location, it ought to be a place that somehow comports to the nature of the problem. It ought to be a warm, friendly atmosphere because it's inviting people who have already been severely traumatized by the incident. And it would seem to me that there ought to be very quick activity on this. It's not the kind of situation I think that ought to be long studied.

COMMISSIONER TIMONEY: Yes.

COUNCILMAN COHEN: They're the experts in the field, particularly with reference to the emotional response of people who are victims.

COMMISSIONER TIMONEY: Right.

COUNCILMAN COHEN: And so I'd like to just urge upon you, you know, to consider them as

real allies.

COMMISSIONER TIMONEY: And, again, I may have -- your question to me was, how many times have I met with them? Well, I've met with them at least two or three times, including having gone to their annual dinner dance, and then going to their location.

But Captain Mooney, Joe, jump in. I mean, I don't meet with them on a regular, but certainly he does. And so what are the efforts afoot.

CAPTAIN MOONEY: As I did in my position Special Victims Unit, I'm on the Board of Directors for the Children's Advocacy Center, so I meet with at every board meeting, I think, four times a year, along with myself and my boss Inspector Kirchner (ph.).

In addition to that, I send to representative to LECAP meetings, if you're familiar with that advocacy group, and DHS protocol meetings. And I also send officers every week to the Children's Advocacy Center for protocol interviews.

So we meet regularly. The Commissioner

personally maybe does not, but the Department, in the person of me or a subordinate of mine.

COUNCILMAN COHEN: Could I urge a quick consideration on the Frankford Arsenal. Because I know the first decision has to be yours, and then the red tape really begins. You know, when we begin to get in other departments that don't talk to each other in the City.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN COHEN: And where we've got to finally arrive at a decision.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN COHEN: So I'd just like to finally urge, on that simple thing on physical location, to try to move the decision along on that, to get the kind of environment that I think victims will feel comfortable in. I think that's the main consideration we've got to have. That's why the separation of entryways for the victims from the perpetrators is so important.

All right. Thank you, Mr. Chairman.

COUNCILMAN ORTIZ: Councilman Nutter?

COUNCILMAN NUTTER: Thank you, Mr. Chairman.

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Commissioner, I won't add to the record our discussion over the rail which had to also do with the same issue about location for a new facility. All I would ask is if you could forward to us, through the Chair -- I don't know for the Police Department whether you do your own location searches for the different units or if you work with or through public property, which kind of does it for the entire city. They, from time to time, seem to be able to come up with different facilities. I don't know what the needs are, I don't know what the design issues are. I'm sure you'll talk with the advocates about those kinds of issues.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN NUTTER: From the map that we were shown -- I've never seen the facility, but I don't get the impression that it's a huge place, but I'm sure it needs some special design elements, and if you could just let us know through, the Chair --

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN NUTTER: -- about the progress of this particular, it issue might help

to bring it to some closure. And I'm sure you've had great support from the Council about that.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN NUTTER: What I want to ask very quickly is, one, I'm not sure if you were here at the time at the moment that Mr. Cervone and Miss Tracy were testifying, but Mr. Cervone left us testimony, and there are somewhere -- about 15 or 18 bullet points that he had in his testimony. I won't walk you through them, but I'd like to make sure that you get a copy or I'll give you my copy. There are bullet points of issues, procedural issues, operational issues, and concerns that many of the advocates have.

And what I would ask is, after you've had a chance to look at it and maybe talk to the advocate groups, I'd like to get your response and reaction to these items. Again, if you could communicate that through the Chair, I would really appreciate it.

COMMISSIONER TIMONEY: Okay.

COUNCILMAN NUTTER: Lastly, Commissioner, do you or Captain Mooney have any particular perspective, or can you share some

information with us? I'm told often that groups may be able to testify with more specificity. In the area of domestic violence, it seems to occur from time to time that, as does, unfortunately, often happen, the male attacks the female. The female may, in fact, retaliate or try to defend. The police arrive on the scene, and from time to time the, female is arrested and taken into custody.

In one case I'm very familiar with, the male hit the woman either with a board or a two-by-four. This is a male who had previous domestic-violence issues with this particular female, including one attempt to throw her off of an el platform on a previous occasion. He hit her with a board or a two-by-four, and she responded by stabbing him.

The police arrived on the scene, and she was arrested, taken into custody, charged, and was incarcerated for some period of time until she subsequently made bail. I think three or four court hearings later, the case was finally dismissed. I believe it was a lack of prosecution.

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COMMISSIONER TIMONEY: Mm-hmm.

COUNCILMAN NUTTER: Now, I understand that the lady did stab the guy, and I know that a knife is a weapon. But the question was asked, Well, why wasn't the male arrested since he hit her with a board? And the response was, Well, the board was not a weapon. And I guess it depends on what side of the board you're on, as to whether or not the board is a weapon.

This is a very comfortable chair, but if I pick up it and hit someone with it, they might be a little upset about it.

So, I mean, are women being arrested in these retaliation situations?

COMMISSIONER TIMONEY: Well, first of all, whoever said that a board is not a weapon is wrong; it's clearly a weapon. And so if they said that, they're wrong, they don't know what they're talking about.

There's a whole issue in the area of domestic violence, and as police departments and federal legislation, local legislation, has moved towards a pro-arrest or a mandatory-arrest policies, there has been some confusion as a

result of federal legislation, going back two years ago, where they mistook the issue of mandatory arrest policy to go and arrest both parties.

And so we saw across this country, not just men being arrested but women being arrested. And it was a wake-up call for police departments across the country to train the police officers as much as possible to identify the primary aggressor, lock up the primary aggressor, and then when they go to court, the judge will kind of sort it all out.

Having said that, if you're an officer faced with a situation and you don't know -- all of these situations, by the way, it's one person alleging something against the other. If there was no clearly physical evidence of injuries as a result of the board as there was with a knife, I guess they may have --

COUNCILMAN NUTTER: The woman suffered a black eye, a cut on the face, very visible disfigurement, to the extent that when she was taken to lockup, lockup refused to accept her for fear that they would get in trouble or be charged

with having done something with her, and told the police, We will not take her take her, you take her to the hospital first. We will not accept intake at this point because the woman was beaten so bad. But she was arrested.

COMMISSIONER TIMONEY: Well, that probably shouldn't have happened that way. And my sense is, given this situation, if I was the officer responding and I had a hard time identifying the initial aggressor, if you will, I would run it by the DA. But there should have only been one arrest in that situation. And so I don't -- you know, it's a tough call. If you gave me the specifics, I will have an investigation conducted and then will personally get back to you and find out what happened there.

But absent that case, in the vast majority of cases, the idea for the police officer is to go try and identify, through observation and inquiry, who is the primary aggressor, and then effect an arrest. We don't have a mandatory-arrest police; we have a pro-arrest policy. And so even with where a woman were to say, Listen, just get him away from me, I don't

want him arrested, if she's clearly bruised up, the officer really hasn't got a choice; he's got to lock him up. And that's a pro arrest policy.

COUNCILMAN NUTTER: Mm-hmm, okay. Thank you. I'll get back to you on the details of that.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN NUTTER: Thank you.

COUNCILMAN KENNEY: There's been a request by a couple members of the committee that you take the time to walk us through Directive 107. It's not my request, so I'm not --

COUNCILMAN ORTIZ: Go ahead. It was mine. Yes, I'd like to -- if I'm a rape victim and I go into the Police Department, what happens to me? What is a 107?

CAPTAIN MOONEY: Councilman, Directive 107 is the Police Department's procedural directive entitled "Rape and Other Sex Offenses," and it outlines the investigative policies and the response policies of the Special Victims Unit and certain aspects of uniform patrol in response to a victim of rape.

If a woman reports a rape to the

police, she calls 9-1-1, and a uniformed officer responds. An at that point, depending upon when the incident occurred, she will be taken to the hospital if she's injured, obviously, or if she needs initial or emergency treatment.

COUNCILMAN ORTIZ: Taken to the hospital by whom?

CAPTAIN MOONEY: I'm sorry sir?

COUNCILMAN ORTIZ: By whom?

CAPTAIN MOONEY: By the police officer, by the police officer who responds.

If she does not need medical attention for injuries or whatever, in most cases, she's still taken either to Jefferson Hospital or to Episcopal Hospital, where there's a rape crisis center. And at that point, the Special Victims Unit is notified, and then an investigation is begun.

COUNCILMAN ORTIZ: What does the investigation comprise?

CAPTAIN MOONEY: Well, the investigation would begin with the interview of the complainant. And the medical personnel, if --

COUNCILMAN ORTIZ: Who interviews the

complainant?

CAPTAIN MOONEY: The Special Victims Unit investigator who's assigned. I should, I guess, continue with the continuum here.

After the Special Victims Unit is notified of the victim at the hospital by the uniformed officer, an investigator is assigned immediately by a Special Victims Unit supervisor. At that point, the investigation begins.

We're trying our best to -- one of the things that when I went to Special Victims, one of the things that I've been trying to stress is the prompt response to these complaints so that if an investigator, if we're not overly burdened, will immediately respond to a hospital, and another investigator will go to the crime scene, if any, in an effort to collect evidence and to interview the victim.

But the victim would be interviewed. If there are witnesses available that the uniformed police are aware of, they would also be interviewed. We would -- if there's a crime scene, an investigator will respond to the crime scene along with our Crime Scene Unit and collect

any physical evidence that may be there. We take photographs of the scene. In certain cases, sketches are made.

COUNCILMAN ORTIZ: Is the woman interviewed, and is the interviewer usually a man or a woman? And what -- how do you see that?

CAPTAIN MOONEY: I'm sorry, sir?

COUNCILMAN ORTIZ: Is the woman interviewed? Is she interviewed by a man or a woman? What sort of atmosphere is she interviewed in?

CAPTAIN MOONEY: Well, it depends on where the interview takes place. Like I said, we try to get a prompt response at the hospital so that we're able intelligently assess the crime scene, if there is if any, and to intelligently pursue any witnesses, or possible witnesses, to the crime, so we have to have kind of an idea of what happened in order to do that.

Absent an interview at the hospital, the victim would be interviewed at the Special Victims Unit. We have a couple of interview rooms there that are private. The investigator and the victim would be in those rooms, and that's where

the interview would take place.

COUNCILMAN ORTIZ: Are there women present, social workers, psychologists, individuals? Or is it just the police presence?

CAPTAIN MOONEY: It's, generally speaking, it's just the police. If the victim requests a counselor or a family member or something to be present during the interview, we see to that request. But, generally, the police officer and the victim are together.

COUNCILMAN ORTIZ: Is the interviewer usually a male?

CAPTAIN MOONEY: Depending on who's assigned to the investigation. It could be a male or it could be a female. It's not a protocol to always have a female interviewing.

COUNCILMAN ORTIZ: What happens to that report?

CAPTAIN MOONEY: Well, the interview's taken and reviewed by a supervisor, along with the investigator. And the necessary further steps would be taken as to what the interview would lead us to. You know, for instance, if the complainant states that it happened in a certain area, we

would go back out to that area with other investigators and do neighborhood surveys, knock on doors and ask people if they saw anything and try to get witnesses who may have witnessed some part of this incident. And we have to know what kind of physical evidence there may be.

There may be -- before we interview the complainant, we would not know, for instance, that a certain item that would be in a household was used as a weapon in this case. But to the person who didn't know anything about the case, going into the room, wouldn't think nothing of it. But after he interviewed the complainant, he would know that this water pitcher, for instance, was used to strike the complainant. So we would want that water pitcher as evidence.

COUNCILMAN ORTIZ: Are any DNA samples taken?

CAPTAIN MOONEY: Pardon me, sir?

COUNCILMAN ORTIZ: Are DNA samples taken?

CAPTAIN MOONEY: Yes. When the victim's examined at the table, what's called a rape kit is taken by a physician at the hospital,

and that kit consists of swabs that are taken to try to get DNA evidence from the perpetrator.

COUNCILMAN ORTIZ: Commissioner, because we have a long hearing, I'd like to just give you a series of questions that I have.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN ORTIZ: And for you to then bring it back so that we can make it a part of the record.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN ORTIZ: Because we have a long list of people that want to testify.

But one more thing before you leave. I'm interested in looking at something along the lines as to the Brooklyn Center that you have described.

COMMISSIONER TIMONEY: Yes, sir.

COUNCILMAN ORTIZ: And seeing and working together with your department to see how we can begin trying to establish and implement within the City of Philadelphia a coordinated type center along the lines as what I've gotten to know from talking to the advocates at the Brooklyn Center. And I plan to make a visit to the

Brooklyn Center within the next week or so.

So I'd like to begin and I would like to see coming out of these hearings a recommendation to the Mayor-elect that we begin looking at establishment of a center of this type. I know that you had a lot to do with the one in Brooklyn, and I know that we can work together to begin seeing how we can do that here.

I want to thank you. There are no other questions. I will send you the questions today. And, again, hopefully, we can work on that very quickly.

Thank you very much.

COMMISSIONER TIMONEY: Thank you, sir.

CAPTAIN MOONEY: Thank you.

COUNCILMAN ORTIZ: Richard Birns, Chris Kirchner.

(Witnesses come forward.)

COUNCILMAN ORTIZ: Please sit down and identify yourself for the record.

MR. BIRNS: My name is Richard Birns, President of the Board of Directors of the Philadelphia Children's Alliance. With me is Chris Kirchner, Executive Director of the

alliance.

The Alliance is a public-private partnership formed ten years ago by the Police Department, the Department of Human Services, the District Attorney's Office, and the Philadelphia community of child advocates. In the words of our mission statement, the Alliance was formed in order to bring about permanent change in Philadelphia's response to victims of child abuse, a change that would lessen the trauma and promote the healing of child victims and their families.

Today's hearings were called to examine the operations of the Police Department's Special Victims Unit. As Frank Cervone told you this morning, fully 68 percent of the caseload of that unit consists of the investigation of sexual and physical crimes against children. Each year in the City of Philadelphia, more than 2,000 children are subjected to sexual abuse. More than 500 more children are beaten so badly as to constitute a criminal assault. That's over 2500 children a year, 7 children every day.

Investigation of sexual and physical crimes against these children, as I said, makes up

nearly 70 percent of the work of the SVU. In addition, as described in some detail in our written testimony, reports regarding these same children must be investigated by the City's Department of Human Services.

In the course of these dual investigations, a 7-year-old girl may typically be required to tell the story of her sexual abuse five or more times to as many different investigators, all of whom are strangers to her. She might be typically required to do this in a number of different locations, all of which are at least intimidating and unfamiliar, and some of which, like the Frankford Arsenal, are downright scary. And this whole process might stretch out for weeks, not infrequently five or six weeks, after the abuse is first reported. Obviously, this process can be highly traumatic for child victims. What's more, it is highly inefficient in holding perpetrators accountable.

In cases of child sexual abuse, the key evidence against the perpetrator, sometimes the only evidence, is the testimony of the child victim. Yet discovering and preserving that

testimony is fraught with difficulty. While research on children's memory tells us that even very young children can testify accurately, it also tells us that when children are subjected to multiple, unconnected interviews, the accurate recollection can become hopelessly mixed up with and even indistinguishable from material introduced by the interviews themselves. Moreover, both younger and older children can be subject to strong emotional conflicts in deciding whether to testify against a perpetrator who may be a trusted loved one. Child witnesses may be subjected to pressures from witnesses non-offending caretakers, who may be the mother of the victim, but also the wife or lover of the perpetrator. You can imagine the impact on such a child of a seemingly unending series of interviews, each one asking variations on the same questions. Often she concludes that they must not believe her; often, she just shuts down.

We can do a better job. For ten years, the Police Department and DHS, with the help of the Children's Alliance, have sought to improve the system by finding ways to combine the separate

police and DHS investigations into a single efficient, child-friendly investigation, in which police officers and DHS workers would work together for the benefit of victims. Almost everyone concerned has concluded that these collaborative investigations will be possible only if we reform the system to co-locate the police and DHS investigators in a new, child-friendly, state-of the-art facility.

Chris Kirchner will tell you in a moment a little bit more about what co-location would be like. Our proposal is also detailed in our written testimony.

Our proposal for co-location has the support of virtually everyone concerned. Captain Mooney has recommended it to Commissioner Timoney, and you just heard the Commissioner say that the Department has made its commitment to move forward.

DHS has stated that it is committed to the concept of co-location and will work with all stakeholders in determining the appropriate structure, process, policies, and procedures for a co-located facility in Philadelphia.

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District Attorney Lynn Abraham recently written to Chris Kirchner to renew her commitment to a co-located facility for the investigation of child abuse in Philadelphia.

The victim advocates here today are united in their support for co-location. And we have every reason to believe that the incoming Street administration will be equally supportive.

Mr. Chairman, this committee should act to make sure that the issue of co-location is high on the agenda of the incoming City Council and the incoming administration. City Council should commit itself to reducing the trauma and promoting the healing of child victims who are some of our most vulnerable citizens.

Thank you, Mr. Chairman.

COUNCILMAN ORTIZ: Thank you.

I think the issue is not dirt at the Frankford Center. It's not dirty, it's not about whether about it's dingy or whatever it is. I think the issue is about having a center, one, that is coordinated and also all of the right people are within and accessible to each other.

MR. BIRNS: Exactly. The issue is one

single coordinated investigation versus two separate uncoordinated investigations.

COUNCILMAN ORTIZ: So that we don't have things that wait a couple of months to get to DHS, and by that time, who knows where all of the facts or the individuals are going to be.

MR. BIRNS: That's exactly right. As Frank Cervone explained this morning, under the current system, what happens depends very heavily on whether the person who reports the abuse dials 9-1-1 or dials of DHS hotline. If a reporter calls 9-1-1, they get a police investigation that begins immediately and frequently ends in a day or so, in relatively clear cases. While that report is supposed to be made to DHS again and investigated by DHS, as Frank reported this morning, number one, that doesn't always happen.

COUNCILMAN ORTIZ: And it doesn't get there within a reasonable amount of time.

MR. BIRNS: Right. And, number two, even when it does happen, it happens some days or as much as a week or more later, and a second investigation happens two or three weeks after the police investigation was completed.

On the other side, if a reporter dials the DHS hotline, a DHS investigation begins almost immediately. DHS reports to the police, but the police investigation may not begin for some weeks.

COUNCILMAN ORTIZ: Very good. I mentioned the Brooklyn Center to Commissioner Timoney, and I think we, sort of as an example as something that seems from the reports and my conversation with the advocates, has been one that seems to be one that should be a model for maybe here in Philadelphia.

MR. BIRNS: The Brooklyn Center is certainly one of our models. Other big-city centers that can effectively serve as models for Philadelphia are in Dallas, Texas, and in Houston, Texas, and in a number of other large and museum-sized city.

COUNCILMAN ORTIZ: All right.

COUNCILMAN COHEN: I was not here in the morning at the outset 'cause I had to be at another meeting with senior citizens. But tell me, is there anything in the material we have that clearly outlines what the proposal of the advocates is?

MR. BIRNS: I think the written testimony that we submitted, that was rather too lengthy to plan to give orally, does detail the proposal in three or four pages.

COUNCILMAN COHEN: 'Cause I have the strong feeling that this is the time to strike. The budget sessions -- if there's money needed, there will be budget sessions open shortly. If you miss the beginning of this administration, if you miss that point of time, you might have to wait a long, long time. And when I saw "you wait," I mean the people of Philadelphia wait. And I think this requires such urgent attention that I just think we've got to be ready by budget time to deal with any budget aspects that would be required.

And I think, at the same time, we have to be tackling whatever reorganization of departments might be necessary. Does your plan call for people working together as if they're in one unit?

MR. BIRNS: The plan would call for the division of the present Special Victims Unit into one unit. We estimate consisting of 20 to 30

officers, which would investigate soley crimes against children, sexual and physical crimes against children. A separate unit would investigate sex crimes against adults.

COUNCILMAN COHEN: Now, both of those units are in the Police Department?

MR. BIRNS: Exactly.

COUNCILMAN COHEN: So they would not require any action of changing departments. That could be done internally by the Police Commissioner?

MR. BIRNS: That's correct.

COUNCILMAN ORTIZ: 'Cause they would all be located in one place.

MR. BIRNS: The unit that investigates crimes against children would be located in a new facility where also would be located a portion of DHS's intake services. And those DHS investigators would work the same reports as the police officers worked.

COUNCILMAN COHEN: And who would be in charge administratively?

MR. BIRNS: Each agency would be in charge of its own investigators. There would be

no blurring of lines of authority within the Police Department or within DHS. So DHS investigators, within this facility, would report to DHS supervisors and up the DHS hierarchy. And similarly, police officers within the facility would report to their police superiors and up the police hierarchy.

The facility would also contain staff of the Children's Alliance, which would handle administrative affairs. There may be some expert interviewers employed by the center and so on.

COUNCILMAN COHEN: And who would employ them?

MR. BIRNS: I'm sorry?

COUNCILMAN COHEN: Who would employ these expert interviewers from the advocacy group?

MR. BIRNS: The private nonprofit. The Philadelphia Children's Alliance is a private, nonprofit organization whose Board of Directors consists of DHS administrators, police administrators -- Captain Mooney told you that he's a member of the board -- and private citizens.

COUNCILMAN COHEN: And which City agency would invite them to come and share the physical space? I'm trying to find out if this all can be done without any new legislation.

MR. BIRNS: DHS and the Police Department would invite them to share the space.

COUNCILMAN COHEN: Probably the Police Department, because it would probably be Police Department's space.

MR. BIRNS: Well, it could be Police Department space or it could be DHS space, or it could be owned or leased by the private nonprofit. I'm not sure that who owns or leases the space particularly matters.

I can imagine circumstances in which it would be administratively easier if the Philadelphia Children's Alliance ceased to be a private nonprofit and became a City agency of some sort, but I think that many different models of who owns the space and so on and so forth could work.

But the key is that the police investigators and the DHS investigators --

COUNCILMAN COHEN: May I just suggest

to you that if there are many models floating out that that's the model for delay, we could spend the next ten years deciding, Is this model preferable to this other model? And in government, we can justify long debates.

I would like to suggest that the child advocacy group come to some decision and then recommend that.

MR. BIRNS: I can understand that, and our recommendation is that the Children's Alliance would own or lease the facility and sublease or simply provide space to the police officers and to the DHS investigators.

COUNCILMAN COHEN: And is the Alliance prepared to foot the bill?

MR. BIRNS: Well, not entirely. The Alliance is prepared to be the lead in seeking the necessary funding, and our first donor on our list would be this Council.

COUNCILMAN ORTIZ: We will take our lead, I think, from a model such as the one in Brooklyn and see how that was structured and see how we can adapt that to the Philadelphia realities.

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COUNCILMAN COHEN: So what you're really talking about is not the Child Alliance really taking the property, but that the City of Philadelphia, under some proposal, pay for the property?

MR. BIRNS: That's --

COUNCILMAN COHEN: I'm just trying to get down to the facts 'cause otherwise, these questions are going to be coming up at some later time, each one of which is going to justify six months, a year, two years of debate. And I'm suggesting that you try to analyze, through the process that I'm going through, every conceivable issue, deal with it, and be ready to act. What I'm suggesting is that you ought to be engaged in maybe a three-month intensive period, beginning right now, of trying to bring this together. Otherwise, I'm fearful you may very well have a very long wait.

MR. BIRNS: And that is exactly our plan, Councilman.

COUNCILMAN COHEN: All right, thank you.

MS. KIRCHNER: Thank you for this

opportunity I just have a few --

COUNCILMAN ORTIZ: Identify yourself for the record, please.

MS. KIRCHNER: My name is Chris Kirchner. I've been the Director of the Philadelphia Children's Alliance for the past eight years.

For the past ten years, as you have already heard from our Board President, Mr. Birns, the Children's Alliance has worked with the Police Department, DHS, the District Attorney's Office, Children's Hospital, and various other medical and mental-health agencies to develop policies and protocols for collaborative investigations in cases of child sexual abuse.

Our two main purposes in doing this are to reduce additional trauma to children caused by various interventions that take place when there's an allegation of abuse and to improve the quality of the investigations, thus improving our ability to protect children.

After years of discussing, planning, and implementation of coordinated child-abuse investigations by all involved agencies, we have

come to the conclusion that Philadelphia will never be able to intervene in these cases in a way that will best support children and the investigative process without some structural change. Thus, we bring to you today our plan for a facility that would co-locate representatives from key agencies to conduct coordinated state-of-the-art interventions.

Providing high-quality, state-of-the-art services for abused children first require a central place where children can feel safe and be treated with respect and dignity. Together with City agencies, we plan to build or renovate a facility that puts the child's needs for safety and comfort first. The agencies to be housed at this facility would, of course, participate in all aspects of planning.

The facility should be located in Center City, easily accessible by public transportation. It will include waiting rooms for younger and older children and will be designed with aspects of child development in mind. Interview rooms will be equipped with state-of-the-art audio and viewing systems, with

observation rooms that allow investigators to sit comfortably and watch. Offices for professionals should include rooms to meet privately with families, teen conferencing areas, and individual office areas.

Visitors to the facility will immediately get the message that children in Philadelphia come first. Children will get the message that this is a place where caring adults will take the time to listen to them.

In many cases of child sexual abuse, perpetrators are skilled at making children think that they caused the abuse, that they did something wrong. And, certainly, our current police facilities at the Arsenal do send that message, with a security gate, barbed wire, a freight elevator, and a closet-sized waiting room.

More important than the facility will be the inter-agency coordination and collaboration that take place at the site. We're proposing to co-locate 20 to 30 police officers and administrators 20 to 30 DHS social workers and supervisors, several assistant district attorneys,

and medical professionals. The Children's Alliance staff would move to the facility as well. Co-locating investigators will ensure that all agencies will be present child interviews and at all stages of the investigation.

The first response would consist of a police officer and a DHS social worker. Depending on the case, they might visit the child at home or bring the child to the facility for an interview. Interviews at the Alliance could include forensic interviewers from our staff, medical professionals, child advocates, and/or prosecutors, depending on the case.

If there is a need to bring a child back for a second or third interview, this could be done with the same interview team. Medical exams conducted on site could be done on the same day as the interview or scheduled for a later date, depending on the case. Either way, medical professionals would be on site and would consult with the interview team immediately. Prosecutors would be available to review cases throughout the intervention.

Victim advocates will greet children

upon their arrival to the Children's Alliance Building. This advocate will be a liaison with the family and professionals at the facility. The child and the non-offending caretaker will be introduced to their team, the police officer and DHS social worker assigned to the case. If a medical exam is called for, they will also be introduced to medical staff at the appropriate time.

The Alliance will identify a network of mental-health service-providers to work with the multidisciplinary team at the facility to facilitate timely referrals for mental-health services. Information and support groups will be held for non-offending caretakers. Onsite case review meetings involving the entire team will be implemented to review every single case at set points in the investigation prosecution process to ensure coordinated follow-up and dispositions.

If an arrest is planned, Alliance staff will refer the child to Court School, and an appropriate court advocate will be identified. A case-tracking system will be developed that will track the dispositions and other case-relevant

information and could also be used for program evaluation and ongoing training program-building.

Children's linguistic development and child development will be supplemented by team-building and cross-training opportunities. An onsite library would contain agency-specific policies and procedures and current periodicals related to child abuse.

A management team consisting of the top-level professionals from each agency would meet regularly to review activity at the facility and to develop policies and protocols.

I would like to emphasize that each agency would continue to follow its own mandates and would continue to be supervised by its established chain of command. DHS social workers would not be asked to do police work and vice versa. On the contrary, professionals would be better able to maintain their own role, knowing fully that the other professionals in the facility were taking care of their own jobs.

It is anticipated that cases will be handled in a more timely manner, with less additional trauma to children, more services

available to family, and improved outcomes for abused children.

Child abuse is a community concern. No one agency or profession alone can prevent or treat the problem. We have a legal, ethical, and moral responsibility to assume an active role in responding to the abuse of children. Philadelphia's deserve the best possible response. A co-located facility that includes coordinated interviews, team investigation, state-of-the-art training and equipment, victim support services, and a child-family environment is imperative if we are serious about protecting our children.

COUNCILMAN ORTIZ: I think that the point's been very well made today, even with the agreement of the Commissioner, that we need a place, a co-located place, at which these things can happen.

Councilwoman Miller, go ahead.

COUNCILWOMAN MILLER: Thank you, Mr. Chairman.

I just want to -- I don't know your name.

MS. KIRCHNER: I'm Miss Kirchner.

COUNCILWOMAN MILLER: Okay. You've described -- I asked the question earlier about what would be the design for a good approach.

MS. KIRCHNER: Mm-hmm.

COUNCILWOMAN MILLER: And I keep hearing during these hearings that people have been investigating for years how other states and cities are handling this and have put together a good coordinated team approach.

Can you tell me what values have been presented here in Philadelphia? Because I can't understand why it is not working, people have not had an open ear to change for improvement.

MS. KIRCHNER: Well, you're right. We've been working -- and I think several questions address that. We've been working for ten years to effect a collaborative approach and have been only able to reach 10 to 15 percent of cases the way we would like to.

And we think there are lots of reasons. One reason is that we don't have a mandate. Agency heads were not willing to mandate that cases be handled collaboratively, but to a

certain extent, for a good reason. The perception was that it takes more resources to respond immediately. So resources were certainly an issue and a reason why, I think, folks were reluctant to issue a mandate for collaborative investigations.

I can tell you that the way the protocols at the Advocacy Center, or now the Children's Alliance, are written now, the police have said, We will do our best to be there for joint interviews as often as possible. What we found in the first several years of operation was that we would schedule an appointment for later in the week. You know, DHS would call, and the police officer would get called to court. And the DHS worker would come and the family would come, and the police officer couldn't be there 'cause they got called to court on another case. It took us several years to understand issues like that, which seem very simple.

It did take a year or two to get people to agree that social workers and cops could do interviews together. To be perfectly honest, we had that discussion for a while in Philadelphia where, finally, we brought everybody to the table

and said, What do you ask kids, DHS? What do you ask kids, Police? What does the prosecutor need to know, what do the hospital need to know? And we laid it all out on the table and found out, indeed, their purposes for investigating may be different, but the means of conducting the investigation and in talking to that child were very similar, and we created an interview guideline that met the needs of all agencies, but that was child-friendly.

In the current protocols, the police agreed to do joint interviews on 5- to 12-year-olds. They did not feel like they had the resources to commit to having an officer at the center on every single child. So resources are certainly an issue around, you know, why it's been difficult to do this.

So we haven't has a mandate, we haven't had the resources. It's taken a while to get folks to agree that they should even be at the table together and that being at the table will enhance their investigations.

COUNCILWOMAN MILLER: Right. Thank you. One other question. And maybe this was

asked, I don't know. I tried to get back up here when Commissioner Timoney was here, but I was tied up in another meeting.

How many reports of child abuse or sexual abuse happens per week?

MS. KIRCHNER: Well, in 1998, there were an average of 116 reports per month to DHS. Now, you have to understand that those are the intrafamilial cases, those are the cases that the perpetrator is known to the child.

Not all of those cases rise to the level of a police report. About two-thirds of those do. So DHS makes sure that a police report is filed. One-third of those might involve nebulous sexual acting-out by a child, and there's no disclosure, there's just behavior that is of concern. Those do not usually rise to the level of a police report. So DHS is looking at a group of cases that they just investigate, and then if they get more information, they file a police report. On about 80 cases a month, DHS then files those with the police, and there is a joint police -- or there is -- are two investigations.

Then there's also a category of cases

that I do not have the number for, which are cases investigated by the police that do not, in turn, have DHS investigations. If it's a stranger assault, it would not go to DHS.

So there is a group child sexual-abuse cases that involve both DHS and the police, and then there are some that involve only DHS, and then some that involve only the police. And we haven't always been able to put our hands on those numbers. We do know as a fact that in 1998, there were an average 116 a month reported to DHS; and in 1997, that average was 120 per month.

COUNCILWOMAN MILLER: Okay. But at least for the 5- to 12-year-olds, the whole interviewing process has been streamlined now because of the cooperation between DHS and the Police Department?

MS. KIRCHNER: Well, not completely. The police have agreed to have a police officer available on all cases that originate at DHS, at the center for a joint interview. And it is somewhat complicated.

If it's a 9-1-1 call and it's a 7-year-old, the police are going to investigate

immediately, and DHS is going to be later on in that investigation. If the case goes to DHS first, those are the cases where the police have agreed to have an officer available Tuesdays and Thursdays. If you came to our facility tomorrow morning at 9:30, there would be a police officer, a DHS worker, a family, and one of our forensic interviewers. And that's the way we would want it.

Although even on those cases with the 5- to 12-year-olds, where the police have guaranteed, it's up to the individual DHS worker if they would choose to have a joint interview at the center or not.

COUNCILWOMAN MILLER: Okay. So we really need to get a mandate from the commissioners to deal with this.

And I do want to agree that the center should be centrally located. If I had to go to Frankford right now, I'd have to call SEPTA to try to find out how to get there on the bus and all of that. It's too far out. I mean, it may be good for people that live in that direction, but we're talking citywide.

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Thank you.

COUNCILMAN ORTIZ: Thank you very much.

MS. KIRCHNER: Thank you.

COUNCILMAN ORTIZ: Deb Callahan, Stacey Walsh, Carol Johnson. Women Organized Against Rape.

Please come forward and identify yourself for the record.

It's been very interesting.

(Witnesses come forward.)

MS. JOHNSON: Councilman Ortiz, members of the Public Safety Committee, members of Councilman's staff, my name is Carole Johnson, and I'm the Executive Director of Women Organized Against Rape. And thank you for the opportunity to present testimony about the response of the Philadelphia Police Department to sexual-assault complaints.

With me today are Deborah Callahan, WOAR's Director of Counseling; and Stacey Walsh, our Crisis Intervention Coordinator. These two women have daily contact with sexual-assault survivors and see up close and firsthand the strengths and weaknesses of the police response to

the women and children who are victims of these brutal crimes.

COUNCILMAN ORTIZ: Miss Johnson, put the microphone closer to you, okay. It's a very bad system.

MS. JOHNSON: How's that? Okay.

Since its founding in 1973, Women Organized Against Rape has provided education and training about sexual violence, as well as an array of direct services to survivors of sexual assault in Philadelphia. Our direct services include a 24-hour hotline staffed with trained volunteers and paid staff, accompaniment to hospital emergency rooms, the Criminal Justice Center, and Family Court. We offer advocacy and referral services to aid victims in their encounters with the medical, mental-health, legal and social-service professions.

I am proud to say in 1981, WOAR was instrumental in the establishment of the Sex Crimes Unit, which is now the Special Victims Unit the Philadelphia Police Department. The Special Victims Unit was an important innovation of the victim's sensitive processing and investigation of

sexual-assault complaints. But it has developed serious systemic problems interviewing with its ability to respond appropriately to rape survivors. These problems include:

The unfounding, downgrading, or miscoding of sexual-assault complaints and the failure to investigate viable complaints;

Staffing, supervision, and training problems, which manifest themselves is insulting, skeptical, and judgmental attitudes towards certain survivors; and unduly harsh and inflexible police procedures that retraumatize women and children who are already suffering from great fear and anguish;

And an inaccessible and forbidding physical environment at the at the Special Victims Unit itself.

Make no mistake, in our experience, many Special Victims Unit officers have proven to be highly professional, well-trained, and compassionate. I remember when I was a volunteer, there was an incident where there was a Special Victims Unit officer who worked the phones with me. We were both on an overnight shift and we had

to find a shelter bed for a survivor who had been beaten, raped, and had nowhere to go after she left the hospital. When we finally found an open shelter bed for her, this officer drove her there himself.

Unfortunately, not every officer is so kind and sensitive or understands the nature of sexual violence. We were saddened but not surprised by the revelations in the Inquirer series on the downgrading of rape complaints and the systemic biases against whole classes of complainants. As my staff will testify, just as we did twenty years ago, we still repeatedly see certain classes of women who are disbelieved and unserved by the police when they attempt to report a sexual assault. Young women, children, women who been drinking, who have been using drugs, prostitutes, women who live in neighborhoods considered unsafe, women who are out late at night and are very often the way the women are dressed also.

The other problem that we have is really -- and this is something that everyone has talked about today -- is the ordeal that women and

children go through in being brought to the Special Victims Unit at the Frankford Arsenal. There they sit in a tiny, windowless waiting area. They must listen to the howling and swearing of recently-arrested perpetrators kept in holding cells across the hall from the interview rooms. Sexual-assault survivors are, indeed, special victims. They need a police response that does not retraumatize them.

The Special Victims Unit should be moved to a central and accessible location, a facility that's cheerful, well-served by public transportation, and stocked with toys for kids, where rape victims will be unnecessary interactions with perpetrators.

We do not know how much it currently costs to operate the Special Victims Unit in its current location because the unit does not appear as a line item in the City budget. It may well be that operating the Special Victims Unit from a more appropriate facility would require additional appropriation. We urge Council to investigate and consider this possibility in light of its extreme importance to sexual-assault survivors.

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On behalf of WOAR'S staff, volunteers, board and the people we serve, thank you for holding these hearings, and thank you for caring about the suffering of rape survivors. We urge you not to let your involvement in this issue die when the gavel falls, however, but to implement the improvement recommended by the witnesses you have heard today.

Perhaps, more importantly, we encourage you to monitor closely the Police Department's ongoing of miscoded rape cases, a review that must be thorough and that must go back at least five years, and to watch carefully to ensure that the practice of unfounding or miscoding rape complaints does not occur again. With our continue vigilance, we can have a law enforcement response to sexual assault that is consistently professional, compassionate, and effective. The women and children of Philadelphia deserve no less.

And I do get a little emotional when I talk about sexual assault survivors because they go through so much. So you will be able to hear from two people who work so closely with them.

First is Deborah Callahan, our Director of Counseling.

COUNCILMAN ORTIZ: Thank you, Miss Johnson. We will try to fulfill those needs, if possible.

Yes, ma'am. Identify yourself for the record, please.

MS. CALLAHAN: My name is Deborah Callahan, and I've been the Director of Counseling at Women Organized Against Rape for the past seven years. I supervise a staff of ten counselors who provide counseling to children and adults, from the ages of two on up.

During this time, I've had the opportunity to interact with many dedicated professional and effective Special Victims officers. I've also provided counseling to sexual-assault survivors who were satisfied with both the treatment they received when being interviewed by the Special Victims Unit, as well as the outcome of their cases. This good work has often been conducted without all of the necessary resources and support needed by the unit, and should be recognized and acknowledged.

However, I've also been keenly aware of some problem areas that have been consistently recounted to me from both the survivors themselves, the families, and from the counselors that I supervise. One of the things that I have noticed during my time at WOAR is a pattern of poor, insensitive treatment of victims by some police officers. This has often been displayed through blaming, accusatory, negative statements made to the victim about her or his behavior, actions, or story.

I've often heard of remarks being made to victims such as, "She better not be lying or she will be in big trouble," or, "Why was she drinking in the first place?" Sadly enough for me, some of the most judgmental remarks that I have heard about have been made by female police officers, which, to me, maybe just speaks to the culture that we were talking about that develops within the Police Department and perhaps the internal sexism that can happen.

Adolescent girls -- it's been my experience that complaints of certain groups are taken less seriously than others. Adolescent

girls particularly are questioned in an accusatory and intimidating manner. In addition, adolescents and young women who have been sexually assaulted by an acquaintance, as well as prostitutes and drug addicts, have time and time again stated that they didn't feel that their stories were taken seriously, no one even got back to them, and nothing happened to the perpetrator. Individuals who delay in their reporting even by a few days or change or remember some other aspect of the story later become suspect and often state their case is not investigated or followed through with.

Another problem area is that many of the victims state they never hear back from the Special Victims Officer about the status of their case. Many also claim that if they call the officer, they don't get a clear answer about what, if anything, is being done to follow up. Less often, yet still a concern, are reports of officers losing rape kits or urine samples, which may be the only evidence of a victim being drugged, and a lack of accountability for investigation when an officer on a case retires or is transferred.

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I'd like to give you a few examples of what I mentioned above. One of the adolescents worked with in a counseling support group chose to write the following letter to the police officer that interviewed her instead of about her feelings towards the perpetrator, which was the assignment in group that day. This 13-year-old was pulled into an abandoned building and raped by a stranger on her way home from school. She was a quiet girl who attended school regularly.

COUNCILMAN ORTIZ: Excuse me. I'd like to know when this letter was done.

MS. CALLAHAN: It was approximately three years ago.

COUNCILMAN ORTIZ: Okay.

MS. CALLAHAN: "My name is (blank) and I met you in (blank). And I don't like the way you was talking to me. You didn't have to talk to me like that. You saying I'm lying, and I don't like that. How would you have felt if you were just raped by some man? Would you like it if someone or me was asking questions about what happened, when happened, what time it happened, and what he/they did to you? You wouldn't like

it, would you? I thought not. I think you can be a little or maybe a lot more nicer or calmer."

And she signs it "Truly Yours."

Another example, a judgment towards a teen includes a 15-year-old.

COUNCILMAN ORTIZ: When? Again, when? The time period?

MS. CALLAHAN: Okay, this one -- I'm not exactly sure when this case was. It was from someone I supervised sometime in the last six months.

COUNCILMAN ORTIZ: Six months.

MS. CALLAHAN: Yeah. A 15-year-old, after an alleged rape at a party of a male acquaintance, was treated at the ER, and a police report was taken. She stated that the police officer make blamed her for the assault, making inappropriate comments regarding her short skirt at the time he took her report. The victim was both suicidal and homicidal upon her arrival for counseling at WOAR. The perpetrator in this case was not arrested and was not brought to trial.

COUNCILMAN ORTIZ: Do we know the officer and so on?

MS. CALLAHAN: I don't have that information. I could find it, but I didn't bring it with me today.

I was going to just tell you about one other case. A woman in her 50s was sexually assaulted -- and this case was about a year ago. I saw her about nine months to a year ago. A woman in her 50s was sexually assaulted by a man who she had just begun dating. This woman was extremely ashamed of what happened and felt very stupid and naive. She began questioning her judgment and ability to trust people.

When she reported the assault to the Special Victims Unit, the officer who took the report told her that at her age, she should have known better than to go to a man's apartment alone. The officer also inappropriately told her about another case that was being investigated where the officer didn't believe the victim because he said it was hard to believe that anyone would want to rape a woman that overweight.

As a clinician providing counseling to survivors who have experienced a sexual trauma anywhere from one day to twenty years later, I see

clearly the short- and long-term psychological impact of both the sexual assault and the immediate response that the survivor receives afterwards. When a supervisor shares the painful details of the sexual assault memory with me, most often, she includes the interview with the police officer, the hospital exam, and the immediate reaction or response or lack thereof of family members and friends.

This is all a part of the trauma memory. That's how powerful the immediate experience afterwards is. When a survivor goes through the degrading experience of sexual assault, is able to get up the courage to report the story to the police, and is then met with a negative or a skeptical response, or just silence, this confirms for most survivors what they're already feeling -- that they're powerless, they're unworthy, and not believed. I've often spent months with a survivor trying to help them change a belief like "it's my fault," "I'm a bad person," or "maybe I could have prevented it." These kinds of beliefs contribute to many sexual-assault survivors having low self-esteem, becoming

involved in high-risk, self-destructive behavior, and many others.

I just want to take this opportunity to underscore how difficult and important the work of the Special Victims Unit in the Philadelphia Police Department is. As an advocate for sexual assault victims -- I heard some of these things talked about earlier, but I just wanted to underscore that I would recommend that:

The work of the Special Victims officers needs to be recognized as a specialization that requires intensive training and skill as well as the necessary funding, resources and respect to do the job adequately. Only officers interested in working in that unit should be placed there.

There also needs to be enough officers in the unit to meet the needs of the volume in the City of Philadelphia so that each case gets the attention it deserves.

There also needs to be more accountability in the area of follow-up, regular meetings with victim advocate groups, and an identified liaison who's able to provide case-

related information to survivors and advocates.

There should be specialized ongoing training and support for Special Victims officers to improve responsiveness to sexual-assault survivors and prevent secondary post-traumatic stress disorder or burnout and apathy towards their work.

Again, as everyone has stated, there needs to be a more centrally-located, more victim-friendly Special Victims Unit.

I appreciate the opportunity to testify, and I hope that this process will help to create a better system in the City of Philadelphia.

Thanks.

COUNCILMAN ORTIZ: Please identify yourself for the record.

MS. WALSH: My name is Stacey Walsh and I'm --

COUNCILMAN ORTIZ: Bring the microphone closer to you.

MS. WALSH: Okay. My name is Stacey Walsh, and I'm a Crisis Intervention Coordinator at WOAR. In my role at WOAR, I provide crisis

counseling to survivors of rape in the emergency room and on our 24-hour hotline. We see about 48 to 50 survivors each month in the emergency room.

Rape is a very traumatic experience. During the aftermath of rape, it is imperative that a survivor is treated with the dignity and respect that they deserve. A special sensitivity is necessary for these survivors. Many of the detectives in the Special Victims Unit recognize this, but unfortunately, some do not.

In Philadelphia, most survivors are taken to one of two area departments: at Jefferson Hospital or Episcopal Hospital. The survivor will receive free medical care and will have an extensive forensic exam. During this time, the survivor reports the details of the rape to a triage nurse, a doctor, the rape the advocate, and a uniformed police officer. Rarely are these reports taken at the same time. Each account forces a survivor to relive a very horrifying experience.

After this long process, the survivor is then told to go to the Special Victims Unit, to speak with a detective. Often, survivors feel

very anxious about spending more time talking about the experience, as well as anxious about dealing with the police. One survivor, who was reluctant to go to the Special Victims Unit that night, was told by a Special Victims Unit detective to "Get going, Missy," or she would not be able to press charges if she didn't go that night.

COUNCILMAN ORTIZ: Was that recent?

MS. WALSH: Yes. I've only been with the agency for eight months. That was about -- that was in October.

COUNCILMAN ORTIZ: October. So that this is within the period of time that we began talking about this.

MS. WALSH: Yes, yes.

COUNCILMAN ORTIZ: Okay. And the stories in the Inquirer had already come out.

MS. WALSH: Yes.

This was about 11 p.m., and she was raped at 9 a.m. that day. She had only requested to return home to sleep for a few hours.

Survivors have not only been injured physically, but emotionally by the traumatic

events. Often survivors must leave the clothing they were wearing for evidence collection and they must leave the hospital in scrubs, as well as being unable to shower.

They are then driven in the back seat of a police vehicle --

COUNCILMAN ORTIZ: That's indignant. Isn't it sort of insulting to leave the in scrubs?

MS. WALSH: Hospital scrubs, yeah.

COUNCILMAN ORTIZ: Hospital scrubs? You mean, they don't try to --

MS. WALSH: We try to provide clothing.

COUNCILMAN ORTIZ: Not you, I don't think that would be your responsibility.

MS. WALSH: Yeah.

COUNCILMAN ORTIZ: But at least the police or somebody in an official capacity.

MS. WALSH: Yeah.

MS. JOHNSON: Or the hospital.

MS. WALSH: Or the hospital, absolutely. I agree.

COUNCILMAN ORTIZ: So that's another indignity.

MS. WALSH: Yeah. They are then driven in the back seat of a police vehicle. This drive can take about 20 to 30 minutes. Upon entering the Arsenal Business Complex, which houses the Special Victims Unit, they are met with the scene of a brick wall topped with rolls of barbed wire, a very frightening sight, made even more frightening if you are being driven there in the night.

Once inside, they are taken to the offices of the Special Victims Unit. Many times the elevator is broken; therefore, they must climb three flights of stairs before they reach their destination. And this can be particularly painful if they've had any physical injuries caused by their perpetrator.

They are told to wait in a stark, small waiting area, where they sit knee-to-knee with other survivors and their families. There are no magazines to distract them during their long wait. They may also seen their own perpetrator as the perpetrators are being brought into small holding cells in the office.

COUNCILMAN ORTIZ: They're all

together?

MS. WALSH: Mm-hmm. There's a waiting area for victims on the one side and there's a hallway, and perpetrators are brought down through it, and then there's a holding cell room in the back.

COUNCILMAN ORTIZ: And you can see from the holding cell into that small room?

MS. WALSH: No, 'cause they're kind of turned. But, yeah, as they're passing to get into the holding cells.

When they are taken to the interview room, there are no pictures on the walls and only a table and a few chairs. Children are only one office away from perpetrators. Adult survivors may be interviewed in the same room where the perpetrators are held, only a few feet away. They are not allowed to have any families present during the interview. Therefore, they have no support.

I was delighted to hear Captain Mooney state that the Special Victims Unit would allow family and support present. I think they need to continue to offer that to victims.

COUNCILMAN ORTIZ: Are they doing it now? Or have you seen that change being implemented?

MS. WALSH: No, I have not seen that change implemented. In the hospital, when a uniformed police officer takes the report, everybody is told to step out of the room while the report is being taken.

COUNCILMAN ORTIZ: You heard the police chief and the captain. Have any of those reforms that they talked about, how many of those things have been implemented? What is the nature of those reforms as you see them?

MS. WALSH: I haven't really seen very many. I think they're in the very beginning stages, so I haven't really seen very many happening at the hospital and in the Special Victims Unit. So, unfortunately, I can't answer that.

COUNCILMAN ORTIZ: Okay.

MS. WALSH: If it is in the evening or weekend, the victim assistance officer is not available. And fortunately, there's only one victim assistance officer in this unit to provide

support for the more than 4,000 survivors seen by the Special Victims Unit per year. If they are lucky, they will be assigned one of the caring, sensitive detectives at the Special Victims Unit.

COUNCILMAN ORTIZ: Give me the definition -- what is a victim assistance officer? And you say there's only 1 for 4,000?

MS. WALSH: I don't know her exact job description. What I know is that I work directly with her on cases that may -- we may be experiencing complaints about, or survivors may call us and want to know what the status of their case is and is not feeling like they're getting the results that they need from their officer. So what I would do is call her and then she follows up and gets the information. She also does some work with survivors on getting them connected with clothing and shelter that they might need.

COUNCILMAN ORTIZ: But she's not the one that does the interviewing?

MS. WALSH: No.

COUNCILMAN ORTIZ: 'Cause I asked the captain who does the interviewing and to explain it to me. And he said whatever officer is

assigned. And the problem being, we don't know whether these officers have gotten what type of training in order to be able to interview a rape victim. I mean, you, as a person working for Women Against Rape, you go through a certain type of training.

MS. WALSH: Right.

COUNCILMAN ORTIZ: And my concern is the type of training that the officers are receiving, who is giving it, and what type of direction this training takes.

COUNCILWOMAN MILLER: But doesn't the victim assistance officer come out of the DA's Office? It's not a police officer out of the Philadelphia police, is it?

MS. JOHNSON: If I could answer. It's a police officer from the Philadelphia Police Department. And her role is, she's a liaison between us and the Police Department and other systems. She's also an advocate for the victim. So very often, when we need information, she will provide that information. And if we have a complaint, we will either contact her or the lieutenant with the complaint.

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As far as the training is concerned, historically, Women Organized Against Rape had been involved in training police officers to give the other side that we see and to enhance the sensitivity. That changed in the latter part of last year and is now being soley down by the Police Department. I was looking at the curriculum and I see there are five hours devoted to sexual assault.

And I can tell you, you may do it from the police perspective or from a textbook, but those people who have worked in the area, such as we, you cannot replace the kind of sensitivity that we can be -- and the experience. We're the people who see the survivors for the longest time on an ongoing basis.

COUNCILMAN ORTIZ: Please continue. Sorry to keep interrupting you, but every time you say something, a new question arises. But I promise to let you finish, and then we'll begin asking questions of all three of you.

MS. WALSH: Okay. The Department of Justice reports that 72 percent of women who are raped are raped by someone they know. The number

of women who are raped by a date, an acquaintance, or a partner is astounding. Many survivors in this category reported that they were told by a Special Victims Unit detective that they were lying, shouldn't have gone in that place, trusted that person, or worn those clothes.

This judgmental attitude only deepens the survivor's sense of shame and guilt. Some detectives in this unit have told survivors that they better not be lying or they will suffer consequences, implying that a rape never occurred. Some survivors have indicated that they were told that they were unable to leave the unit until they admitted that it was consensual sex.

In the cases where the survivor may have been under the influence of drugs and alcohol, these attitudes become even more apparent, with statements such as, "You shouldn't have been drinking, "How stupid are you," and being questioned about their own drug use by detectives.

If you are a prostitute, the attitude is that you just didn't get paid for consensual and your angry. This is particularly painful if

you were gang-raped by several men.

Survivors who are able to identify their attacker with a 98 percent certainty have been told that detectives will not question this person without a 100 percent certainty. After the many hours of waiting, repeatedly going over the rape in the most intimate of details, they are able to go home, ending what can be an eight-hour experience from the hospital exam to the end of the detective's questioning.

Some survivors have reported intense anger not only at the perpetrator of the crime, but also at the detective who treated them poorly. In these cases, the system, which was designed to help the victim, ends up retraumatizing the victim again.

It is imperative that the intensive training about the effects of rape and trauma be given to all employees of the Special Victims Unit on an ongoing basis. It is imperative that anyone coming into contact with a rape survivor have specialized training to deal with the very real issues that survivors face.

Survivors of rape would benefit from

more victims advocates within the Special Victims Unit assigned to each shift providing that much needed support, information, and advocacy within the department. The victims advocate needs highly specialized training in order to work with the survivor and to have the advocacy skills needed to assist the survivor. They should attend trainings monthly as well as have monthly contact with the hospitals and area rape crisis center to ensure the survivors are getting the proper follow-up.

The Special Victims Unit needs more intensively-trained staff to attend to these survivors, better equipment, a better environment, and be centrally located, where survivors can be served in the best possible manner.

These few changes would enhance the services which the survivors receive in the Special Victims Unit and would alleviate the continued trauma and stress which they experience.

COUNCILMAN ORTIZ: Miss Walsh, you began working for Women Against Rape since when?

MS. WALSH: April 19th of '99.

COUNCILMAN ORTIZ: Of '99. And I imagine that your testimony is mostly of personal

experiences that you have had?

MS. WALSH: Yes, it is.

COUNCILMAN ORTIZ: Since April of 1999, what you relate here has been occurring?

MS. WALSH: Yes.

COUNCILMAN ORTIZ: And individuals who have gone through this process have felt the degrading manner and insensitive way that they've been treated. You mentioned that 100 -- 150 per month, is it?

MS. WALSH: It's 40 to 50 survivors.

COUNCILMAN ORTIZ: Oh, 40 to 50 per month. And that's during your tenure?

MS. WALSH: Mm-hmm.

COUNCILMAN ORTIZ: And how many counselors do you have at Women Against Rape?

MS. CALLAHAN: There's about 10 who provide ongoing counseling.

COUNCILMAN ORTIZ: Of these 40 to 50 per month, how many of those cases, to your knowledge, have really been investigated and then forwarded to the DA's Office for prosecution. Do you have knowledge of that?

MS. WALSH: Unfortunately, I don't have

those numbers with me, but I could definitely get them to you.

COUNCILMAN ORTIZ: Could you, please?

MS. WALSH: Yes.

COUNCILMAN ORTIZ: I really would be very much interested in seeing what those numbers are. And which one of you, you know, will tell me in essence which ones haven't been and so on.

But I would also like to see what is the reason they have given for not following up and investigating the ones that were not investigated and followed up to prosecution.

MS. WALSH: Okay.

COUNCILMAN ORTIZ: And during that period of time. If you can give me a year, if you can -- I don't know if you have the staff to do it or not, but it's in order to really get a sense of what we're talking about. Because we can talk reform, and the Commissioner can come, and he has -- I believe in this commissioner more than I believed in other commissioners that have come forward across this room, but that culture is very difficult to uproot. And I've been dealing with this problem now, not only in this case, but in

terms of statistics and crime for over the last seven, eight years.

So if you can give me a sense of what it is in numbers, I would really, really appreciate that.

Councilman Rizzo?

COUNCILMAN RIZZO: Thank you.

I'm just going to address this question to the panel, and the three of you can decide who will answer. I want to go back to the officers that are assigned to the Special Victims unit. They are all sworn police officers, no civilians, correct?

MS. JOHNSON: They're all sworn police officers.

COUNCILMAN RIZZO: All sworn police officers.

MS. JOHNSON: Yes.

COUNCILMAN RIZZO: When you identify, and today we've heard about the insensitivity of the police officers, some of these stupid statements that have been made, what do you do about it? Do you go to the superior officer? Do you have a process to complain about this

insensitivity?

Because if things like this are being said, obviously, their supervision, their management, the Commissioner needs to know about it because these officers don't belong there. What do you do when you identify this type of insensitivity?

MS. JOHNSON: What we have done in the past is, we would always go to the captain; or if the captain's not available, to the lieutenant, with the names, the incident, and there would be some follow-up.

And what probably has not happened that could be certainly more tightly than it's been is our follow up in ensuring that some action has been taken. What we have done in the past is, we've reported the situation, and we would get a report back from the captain or the lieutenant and pretty much would take that as it did happen, whatever corrective action had been applied. And we're still doing this.

COUNCILMAN RIZZO: Do you have -- have you kept track of officers that you consider problematic, that have repeatedly created this

kind of an environment? Because, obviously, if this is continuing, just the good cop/bad cop thing, it can't continue. You know, in business, people say, Yeah, I reprimanded, I suspended the person for -- you don't really know if the officer was dealt with other than the faith you have in the captain or the lieutenant saying to you, yes, we dealt with the issue. But if it's repetitive, then obviously, there's more to this one than. . .

MS. JOHNSON: We have copies of the memos that we send. Also, it would be so helpful if we don't -- probably what does not happen is we don't get enough complaints from victims. Some may feel they just want to get it over with and they don't want to deal with it anymore and --

COUNCILMAN RIZZO: Or, in all fairness, there's nothing's happens.

MS. JOHNSON: Right.

COUNCILMAN ORTIZ: Do you know of any officer that has been removed from the Special Victims Unit because of their behavior, because of insensitive behavior?

MS. JOHNSON: Not to my knowledge, no.

COUNCILMAN ORTIZ: In any of your

complaints that you have made about officers being insensitive and rude and degrading, have you ever given to you -- have they ever said to you that the captain or the lieutenant, that such and such disciplinary has been taken or that he has been assigned or she has been assigned to a sensitivity training, and we have established a program, or that the person has been removed and transferred to another unit?

MS. JOHNSON: What did happen is, two years ago, we presented a list, and we were invited to come out and speak to the unit. It was two or three years ago, to do sensitivity training for all of the officers.

COUNCILMAN ORTIZ: So it was a long time ago?

MS. JOHNSON: Yes.

COUNCILMAN ORTIZ: That was it, but you don't know of anything. You know, in all of the memos of complaint that you have put forward, you don't know what disciplinary action, if any, has been taken about those officers?

MS. JOHNSON: No.

COUNCILMAN ORTIZ: Or whether they were

put into training programs to see whether their behavior could be changed?

MS. JOHNSON: No.

COUNCILWOMAN MILLER: Do you know of any officers that don't want to be in the special services unit, that really just don't want to be there?

MS. WALSH: (Shakes head.)

COUNCILWOMAN MILLER: Okay. So the assumption can be that most people that are in there want to be in there?

MS. JOHNSON: No, I wouldn't make that assumption. I think historically, there have been officers who have been transferred to Special Victims, and who have not wanted to be there.

I think I feel confident today that with the new commissioner, that there is an effort to bring in officers who want to do that kind of work. The bottom line is, if a person does not want to do this work, they're not going to do it well. It's not pleasant, it's tough.

COUNCILWOMAN MILLER: I'm sure it is.

MS. JOHNSON: And you have to have the sensitivity and caring. So if you didn't have it

to start with, more than likely, it's going to take you a miracle for you to get it later on.

COUNCILMAN ORTIZ: One simple thing that we could do is not allow them to leave the hospital in scrubs, at least begin with that. You know, that sort of thing -- that can go a long way.

MS. JOHNSON: My understanding is while they leave in scrubs at times -- and that's not all of the time -- is because if there is a suspect, there's the intent to get to that suspect as soon as possible, and it may not always be enough time.

COUNCILMAN ORTIZ: Well, there should be some way in which some clothing, some sort of thing, you know, just a slip of a dress or whatever, or anything.

MS. JOHNSON: Well, I have talked with both hospitals that they should not do that.

MS. WALSH: There is some clothing available. The problem we run into a lot is that sometimes it just didn't fit. We don't have a huge abundance available.

COUNCILMAN ORTIZ: Scrubs even when

you're a patient in the hospital, scrubs are sort of degrading.

MS. WALSH: I agree.

COUNCILMAN ORTIZ: Okay. So could we have that information and could you make that available to us, please so that we can -- when we make -- I want to make a final recommendation to this Council in terms of what initiatives we should be proposing as a body. And that information can be very important to us in terms of the numbers and so on.

COUNCILMAN RIZZO: I just have one quick one.

When a victim is taken to the hospital for treatment, I would hope there's no bureaucracy at the hospital. I broke my foot recently, and it took me longer for the paperwork than it did to get my foot cared for. There's no bureaucracy, I would hope, in a person getting care at a hospital.

MS. WALSH: No. They're prioritized.

COUNCILMAN RIZZO: Good.

MS. WALSH: It's a high priority. So I guess your broken foot wasn't as high of a

priority.

COUNCILMAN RIZZO: My point is that I just wanted to be assured that there was no slowdown in a person being in the intake process.

MS. WALSH: No, absolutely not.

COUNCILMAN RIZZO: Good. Thank you.

COUNCILMAN ORTIZ: Thank you.

MS. WALSH: Thank you.

COUNCILMAN ORTIZ: Mimi Rose?

(Mimi Rose comes forward.)

COUNCILMAN ORTIZ: I appreciate you being here, by the way.

MS. ROSE: My pleasure.

COUNCILMAN ORTIZ: 'Cause I think you know what we're talking about. I think you know it very well, if anybody knows it in this city. And I really would like to see how many cases, you know, if you have. I don't know whether you do or you don't, in terms of the DA's Office, how many cases prosecute per year, how many cases are brought to you. And what is a rape case, really? What have you brought in to this process?

COUNCILWOMAN MILLER: I just want to say, before I leave, I have another meeting that

started at 2. You know, I will do whatever our committee decides to do to come up with the recommendations and implementation of the suggestions toward the goal of really improving the services in this department.

I come from -- I used to work for Planned Parenthood, and I remember when WOAR moved into our building. I forget how long ago it was, I won't say either. So I come from that whole spectrum of women's health and women's health issues and did some education and training of various women groups, so you have my complete and full support. Sorry I have to leave.

COUNCILMAN ORTIZ: Miss Rogers?

MS. ROSE: Yes. It's "Rose," Councilman. Good afternoon. I brought with me Charlie Erlich, who's the Assistant Chief of our unit in the District Attorney's Office. I'm the chief of that unit.

Just very briefly, between Charlie and I, we have 31 years of experience prosecuting child abuse and sex crimes.

COUNCILMAN ORTIZ: You don't look that old.

MS. ROSE: It's all on him -- no. I've been involved in this area for 16 years, and Charlie, for 15. We have a unit in the DA's called the Family Violence and Sexual Assault Unit. We created that unit in 1990. And it's very unique in the City in that we prosecute all cases of child abuse -- that would sexual abuse, physical abuse and neglect, all cases of domestic violence, all cases of adult sexual assault, and all cases of elder abuse. So we're probably the only City-run agency that really puts all of those areas into -- housed in one unit. And for purposes of prosecution, it really works.

Rather than go on and tell you what you probably already know, how can I assist you here in this hearing?

COUNCILMAN ORTIZ: Well, how many cases do you get a year? In classifications, you know, because, obviously, you know, what we've been told is all of these different classifications that we have. And how do these cases get to you? And when they get to you, how are they classified? And that sort of thing. I'd like to find out.

MS. ROSE: The police function is one

of investigating and at the point where their investigation has reached a point where they believe that there's been probable cause to arrest, they refer the case to the District Attorney's Office for charging. We review the facts. As stated by the Police Department, we look to the Crimes Code and we determine what charges lie.

We have nothing at all to do with coding. That is an internal statistical issue that the Police Department deals with. I must tell you, quite frankly, that before the Inquirer article, I didn't know what most of these codes were. They're not something that's share with prosecution or, frankly, are they relevant to prosecution. We are charged with charging, and after an arrest is made, we prosecute those cases.

COUNCILMAN ORTIZ: Well, you heard the Commissioner say that he gets confused by the coding of the Police Department itself. So I don't know -- I don't see why we need it in there, and I asked him to give us something. When they get to you --

MS. ROSE: Right.

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COUNCILMAN ORTIZ: Because we have seen the definition of "rape."

MS. ROSE: Right.

COUNCILMAN ORTIZ: And they have said to us, there's still the 1930 definition of rape but we see that rape, you know, encompasses a whole series of issues and actions.

MS. ROSE: Right.

COUNCILMAN ORTIZ: And I'm intrigued as to how the case comes to you, you know, how that case comes to you after the police report. You know, what does -- in essence, what does the police report say, and what determinations do you then make as to what is going to be the charge on this issue? On this specific case, whatever it is, X-case?

MS. ROSE: Well, cases come to us in two circumstances. Number one, the police officer, and very frequently they do, they'll call Charlie or myself and ask us to review their investigation to determine, in fact, what charges should lie? So in that capacity, we act to assist them during an investigation, and that does happen, and we enjoy a fair amount of

cooperation. If the police elect not to ask for our help at that stage, then we don't know about those cases.

When they have decided that there is probable cause, we have a charging unit that works 24 hours a day, 7 days a week, that decides whether or not the facts bear out the crime of rape, the crime of involuntary deviate sexual intercourse, the crime of statutory sexual assault. It really has to do with what facts the law --

COUNCILMAN ORTIZ: Do you have any numbers along those lines?

MS. ROSE: Pardon me?

COUNCILMAN ORTIZ: Do you have numbers along those lines? Do you have any numbers or do you keep records?

MS. ROSE: You mean, how many cases do we get?

COUNCILMAN ORTIZ: Right.

MS. ROSE: Charlie and I estimate that we have approximately 1,000 case a year that come into our unit, which is comprised of only 15 prosecutors, that are sexual assault in nature.

That includes adult sexual assault and child-abuse cases, felonies and misdemeanors. It's approximately 1,000.

COUNCILMAN ORTIZ: Would you be able to break those down almost by city areas, like Northeast, North Central Philadelphia and so on, along those lines?

MS. ROSE: They can be broken down that way by district control numbers. And those numbers are available, but I don't have them offhand.

COUNCILMAN ORTIZ: Can you make that available to our committee? 'Cause I'd like to see a picture of where crimes of this nature are happening on a yearly basis, if I can.

MS. ROSE: I'm sure, with the captain's help, we could provide some statistical analyses, sure.

COUNCILMAN ORTIZ: Do you see problems in terms of people that may not usually get the attention such as prostitutes or individuals who are homeless and so on, who might get raped, whose cases really -- but they never get to you if they're not investigated as such along those

lines, right?

MS. ROSE: Right.

COUNCILMAN ORTIZ: So even though -- I mean, you wouldn't have any idea about whether those things are happening or not?

MS. ROSE: Well, it's very hard to respond to questions about what I don't see.

COUNCILMAN ORTIZ: Right.

MS. ROSE: I can only tell you what I do see, in fairness. And I have a tremendous amount of respect for Women Organized Against Rape and the work of Deborah Callahan and her staff.

The fact is that there are many victims of sexual assault who are prostitutes, self-defined prostitutes, who we get in the criminal justice system through the arrest process and who do go to trial where there are convictions. Now, I'm sure there may be a whole sea of cases that we don't know about, but I can only tell you what I do know.

COUNCILMAN RIZZO: Are there any statistics on how many cases are brought to the District Attorney's Office? Not knowing the process, does the Police Department send you a

particular case with a recommendation to prosecute?

MS. ROSE: When the police officer believes that there is probable cause to make an arrest, they will refer the case to the District Attorney's Office for prosecution. If, when we read their summary of the facts, we agree that crimes have been committed and we know that because we know the Crimes Code, then those persons are charged with those crimes.

COUNCILMAN RIZZO: Is it suggested that when the Police Department sends that to you for review that that is a recommendation to exactly do that, review it? Or are you -- when it gets to you, is that pretty much -- do you -- is that a feeling that they want this arrest?

MS. ROSE: Again, there are two instances, as a general rule, where we get involved with police. Number one is when the officer feels that, yes, there is probable cause, and submits that information to the District Attorney's Office for a prosecution. The other time is during an investigation where an officer might have some questions like, is this

prosecutable, is this a crime? There are lots of criminal activities that are absolutely clear-cut. There are some that involve shades of gray, and the officer will call us and ask us for our help. We get involved in that way. That might result in an arrest, it might not.

COUNCILMAN RIZZO: Well, in a more clear-cut case, where the Special Victims Unit sends you a report for review, I'm interpreting that that request for review is the Special Victims Unit saying, We want prosecution, we want to arrest this person.

MS. ROSE: That's correct.

COUNCILMAN RIZZO: Do you know of cases that have been brought to you that that request to make an arrest for the District Attorney to prosecute had been denied?

MS. ROSE: Where we have denied that?

COUNCILMAN RIZZO: Where you have not agreed with the investigation? And what do you do? Do you conduct your own investigation?

MS. ROSE: Well, it's really very case-dependent. But the answer is sure, if there is something about a police officer's

recommendation that we disagree with, we're going to do further investigation. It might mean, and often does mean, bringing the complaining witness in to talk with us, it might mean asking the police officer to go out and do additional interviews and gather more corroboration.

So it really depends. It can go either way, sure.

COUNCILMAN RIZZO: So what you're saying is that you could ask for additional information, that information not develop, and the request for arrest could be withdrawn because they realized that the case may flawed and they might not have the information to prosecute?

MS. ROSE: I'm sorry, I'm not --

COUNCILMAN RIZZO: Let me say it over again. You get the case for review.

MS. ROSE: Right.

COUNCILMAN RIZZO: You see some loose ends.

MS. ROSE: Mm-hmm.

COUNCILMAN RIZZO: You say to the investigator, There's some loose ends here.

MS. ROSE: Right.

COUNCILMAN RIZZO: Go get the information we need.

MS. ROSE: Right.

COUNCILMAN RIZZO: They can't come back with the information they you need. Do you, in some cases, hand it back to them and say, What you want us to do, we can't do, we can't arrest this person?

MS. ROSE: At some point, the decision needs to be made. You can't keep a case in limbo forever, but things can be reopened if the additional information comes forward.

COUNCILMAN RIZZO: What I'm asking is, is that frequent? Do you know how often you send something back to the Special Victims Unit when they want someone arrested and you don't agree? Do you keep track of that?

MS. ROSE: Oh, Councilman, we deal with thousands of cases. It would probably be not a frequent occurrence, but it happens.

COUNCILMAN RIZZO: Okay.

MS. ROSE: It's not a frequent occurrence but it happens.

COUNCILMAN ORTIZ: Miss Rogers --

MS. ROSE: It's "Rose," Councilman.

COUNCILMAN ORTIZ: In the year '95, '96, for example, '96, '97, how many rape cases are there that would come under the different definition of rape? I'd like to get a year-to-year sort of how many cases you got referred from the Police Department. For example, do you have the numbers of the rape cases that were referred to your office from the year '98 and '99 or '97-'98? Do you have that?

MS. ROSE: Do we have year-to-year statistics?

COUNCILMAN ORTIZ: Right.

MS. ROSE: Let me explain something to this body. Rape is one kind of sex crime.

COUNCILMAN ORTIZ: Well, I said -- I gave you a description. I said among the descriptions of sex crimes, rape being among them.

MS. ROSE: Right.

COUNCILMAN ORTIZ: This unit investigates a sundry, sundry series of sexual encounters.

MS. ROSE: Right.

COUNCILMAN ORTIZ: And violations.

MS. ROSE: Right.

COUNCILMAN ORTIZ: And I'm wondering if I can get from the DA, within that spectrum that we have been discussing here, the amount of referrals from a 5-year period, '95-'96, how many rape cases, and then whatever the definition -- statutory rape cases, sexual aggravated -- you know, whatever it is classification.

MS. ROSE: I think that --

COUNCILMAN ORTIZ: For the sexually-related cases, do you have statistics of referrals from the Police Department to you. And I want to know if you can see how many of those have been prosecuted either successfully or not successfully.

MS. ROSE: Yeah. Councilman, I think that the Inquirer has gotten all of that information.

COUNCILMAN ORTIZ: But I don't want it from the Inquirer.

MS. ROSE: Well, if it's accessible to the Inquirer, I'm sure it's accessible to you.

COUNCILMAN ORTIZ: I cannot call Jane Eisener and ask her for the information. I'd like

to call one of our departments in this city and ask them for the information.

MS. ROSE: Well, I believe that --

COUNCILMAN ORTIZ: You're referring me to Jane Eisener?

MS. ROSE: Well, no. I think that Mr. McCoy and his colleagues went to the court system, which is where that information was obtained, but if we can be of any help in getting it --

COUNCILMAN ORTIZ: I would love for you to -- you know, we're asking for cooperation so that we can do certain things. All we're asking for is statistics. We want to be able to look at what the police have been doing and what has been the final product at the other end of the line of the judicial system. We want to look at this process of justice from one investigation to the other end in terms of prosecution and successful prosecution or not, and then maybe make an evaluation as to why.

MS. ROSE: I think, Councilman, that according to the Inquirer article, that --

COUNCILMAN ORTIZ: And I'd rather not

call Jane Eisener for the information.

MS. ROSE: Well, Mr. McCoy is right here.

COUNCILMAN ORTIZ: Oh, Mr. McCoy. But I'd rather go to my agencies that is work within the City. I'd rather go to the Commissioner, I'd rather go to the DA and say, Look, we need this information so that we can begin to see how can we help. How much money is needed, how much money do we need to allocate for a special unit for the DA's Office so that we can begin not to have the adversarial arguments that we have because we don't have information. And all we're trying to do is find information, and I'd rather not go to Mr. McCoy.

MS. ROSE: Well, without belaboring this point, Councilman Ortiz, what I'm trying to explain to you is that district control numbers from police paperwork tell you where the crimes occurred, and from -- I'm sure Commissioner Timoney can provide you a statistical breakdown on crimes and where they occur in the city.

COUNCILMAN ORTIZ: He said he's going to do that.

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MS. ROSE: Cases that come into the Criminal Justice Center are computerized in the court system, and the place to get that information is through the courts, and it's readily available. If I can assist you in that, I will do that.

COUNCILMAN ORTIZ: But all I'm asking is for is what goes into the DA's Office? I should be able to find out from the DA what goes into the office.

MS. ROSE: I don't understand your question, sir. What do you mean?

COUNCILMAN ORTIZ: How many cases are referred to --

MS. ROSE: I just told you it was a thousand cases a year that deal with sexual assault. I don't have any particular breakdown in terms of --

COUNCILMAN ORTIZ: What I want to find out is, from '95 to '96, was it a constant thousand? Does it go up or does it down? Is it 1500 in one year and -- you don't have to give me all the details. All I want to know is, what is the number of referrals along these lines, okay?

You know, I'm not asking for case histories, okay? And how they are prosecuted and whether there is -- what amount of success there is and how many have been plea-bargained and so on so that we have a clear picture of what happens within this aspect of sexual-attack crimes that we have in the city, and how big is it, because, you know, if I read the Inquirer, it's a whole lot of cases that haven't been investigated, that have never even gotten to you, all right?

A huge amount of cases don't get to the DA. And all I want to know is, how many do get to the DA? so that we can have a clear picture of how many don't get to you and the few that trickle down over to you.

MS. ROSE: We have -- again, I'll tell you that we have approximately --

COUNCILMAN ORTIZ: And if you need more district attorneys to be able to do certain things, you can come back to me and say, Councilman, you said you guys said that you were going to do something about this. We need more money. Then the case can be made, and then we can help.

MS. ROSE: May I just make a few remarks?

COUNCILMAN ORTIZ: Well, don't say to me that I got to go to Jane Eisener and Mr. McCoy. I like Mr. McCoy and I like Jane Eisener, but I'd rather get my information from the source.

MS. ROSE: Very well, sir.

COUNCILMAN ORTIZ: Go ahead, go ahead.

MS. ROSE: A few things on the Police Department and what I think would be helpful.

You're dealing with a very complicated system, and you're dealing with people who went to the police academy to become police officers. Criminal justice is an offender-accountability system. We look at holding people accountable for crimes.

It's not -- inherent in the system is very little victim sensitivity. We're not the child welfare system, we're the criminal justice system, and that's really why it becomes so imperative that those systems work together. You don't want police officers to be social workers; you want social workers. You don't want police

officers to become victim advocates; you want victim advocates. And they really do need to work together.

The advocate and the ones that are here are really the conscience of the community and they really fuel and drive what needs to happen because, Councilman, we're a very reactive system. Law enforcement is not known for being creative, we're not known for initiating; we're known to respond to the pressures of the community. So it's very good that you're having hearings.

The location issue, it needs to be user-friendly, and I need to say to you that the users of the location are not only the women and the children; it's also the officers themselves. Because if we treat these officers like they don't do a very important job, they're going to give us exactly what we tell them they are. Again, they're going to react to how we look at them.

And, finally, I don't know if any of you have read the New York Times article that talks about. . .

COUNCILMAN ORTIZ: Go ahead.

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MS. ROSE: There is an article in the New York Times, November 24, entitled "Early Sex Abuse Hinders Many Women on welfare." That there are profound, profound sequelae from sexual abuse that fills our Youth Study Center, our kids who have been sexually abused who fill Graterford. These are women who can't get off welfare because they are plagued with depression and other problems. The economic impact of this is catastrophic. The impact on the children of sexual-assault victims is catastrophic.

I think that, you know, we have an opportunity now to make things better for women and children, and I hope this Council and the new mayor see fit to do so.

COUNCILMAN ORTIZ: I hope we can. Can you help us get that information? Because that's a process of trying to make it better.

MS. ROSE: Councilman, if it's available to me, I would be more than happy to make it available. I don't know that I --

COUNCILMAN ORTIZ: I will write to you and Lynn a letter asking for specifically what information I'm looking for, okay?

MS. ROSE: If we can be of assistance, we surely will.

COUNCILMAN ORTIZ: Thank you very much.

MS. ROSE: Thank you.

COUNCILMAN ORTIZ: Michelle Anderson.

(Michelle Anderson comes forward.)

COUNCILMAN ORTIZ: Please identify yourself for the record.

PROFESSOR ANDERSON: Chair of the Philadelphia City Council Committee on Public Safety Ortiz, distinguished members of the committee, and gentlemen and women of the audience, my name is Professor Michelle Anderson. I teach criminal law and criminal procedure at Villanova University School of Law.

And I'm here to testify today about how societal biases and institutional biases face women who are raped. Particularly, I'd like to examine how those biases have influenced the Philadelphia Police Department's practice of placing up to one-third of rape complaints into the bureaucratic black hole known as "Investigation of Persons," and the practice designating up to 18 percent of rape complaints as

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unfounded.

We live in a city and a culture in which the crime of rape --

COUNCILMAN ORTIZ: Excuse me, Professor. That's a statistic that -- do you have substantiation for that number?

PROFESSOR ANDERSON: My substantiation for the number comes simply from the recent statistics actually that were, from my understanding, provided by the Police Department, that, in fact, in 1998,, the unfounded rate for rape complaints was also 18 percent. And the other information that I take from the Philadelphia Inquirer set of articles.

We live in a city and in a culture in which the crime of rape is rampant. As Jane Siegel mentioned, the most accurate statistics on the number of women who are emerge not from police reports, but from random sample surveys of the population. In a recent random sample survey of more than 10,000 women, conducted by the National Centers for Disease Control and Prevention, it was revealed that 20 percent of women have been forced to have sexual enter course against their will,

which is the legal definition of "rape."

Despite the fact that according to the law, these women have been raped, not many of them report their rapes to the police. According to the Department of Justice, no more than one-third of women who are raped actually report having been assaulted to the police. And according to the National Victims Center, the actual number is closer to half that, or 16 percent.

And the question arises, why do so few women report? Women are deterred from reporting the sexual assaults they suffer because they face a panoply of cultural biases that systematically discredit their complaints. The same biases that deter real women from coming forward to report their sexual abuse also cause the extraordinarily high unfounded rate and Investigation of Persons rate in this city. A careful examination of the situation reveals that those biases are the only support for the police practice of dead-ending so many rape complaints.

One major societal bias facing raped women is the myth that women routinely lie about sexual abuse. The high rate of designating

reported rapes as "unfounded" is essentially an official endorsement of this myth. When a police officer designates a rape complaint as "unfounded," that officer has concluded that the woman is lying or that her story is not credible. Of course, there are instances of individuals falsely reporting all kinds of crimes, and an unfounded rate of 5 percent or so is not unusual.

But the fact that rape has a much higher rate, one that, in Philadelphia, has exceeded three times the average for other crimes, is evidence that something other than false reporting is at work. In fact, police believe the myth that women fabricate claims of rape at a very high rate and then designate many complaints as "unfounded."

Placement of the category "Investigation of Persons" functions in much the same way as the designation of "unfounded." When the "unfounded" rate went unexamined, unpopular rape victims cases were deemed "unfounded." But as FBI scrutiny for the unfounded rate increased, those same cases were shunted to the "Investigation of Persons" category. Now we

learn that 5 percent of all reported rapes are currently placed in the "investigation, protection, medical examination" noncriminal category. The excessive uses of each of these administrative assignments is evidence that Philadelphia police have yet to be disabused of the myth that women are prone to lie about sexual abuse.

A second major societal bias facing women is the myth that sexual abuse is the victim's fault. Police often over-scrutinize the victim's behavior in order to blame her and to relieve themselves of the difficult responsibility for investigating what she experienced as a crime. A central avenue of victim-blaming is to focus on whether the victim was drinking or using drugs when the assault occurred and whether or not the victim has a history of drug abuse.

Despite the fact that substance abuse and sexual assault often go hand in hand, especially on college campuses, alcohol or drug use by a rape victim actually functions to discredit the victim's testimony. To dismiss a rape complaint involving alcohol or drugs is

legally misguided because the Pennsylvania Criminal Code declares that when a person administers drugs or intoxicants to the victim, with the purpose of substantially impairing her ability to appraise or control her conduct, and then has sexual intercourse with her, that person is absolutely of guilty of first-degree rape. Additionally and importantly, first-degree rape also includes engaging in sexual intercourse with a person who is unconscious, simply a person who is unconscious, whether or not the assailant administered intoxicants or other drugs.

A third major societal bias facing raped women is the myth that sexual abuse of poor women is not as important as the sexual abuse of wealthy women, and particularly, that the sexual abuse of a prostitute is no crime at all. Women who are poor, especially those who are prostituted, are especially vulnerable to sexual abuse, and yet, they are subjected to heightened prejudice if they do come forward with complaints.

COUNCILMAN ORTIZ: That's why those numbers from the Police Department are very important.

PROFESSOR ANDERSON: They're crucial.

COUNCILMAN ORTIZ: Because if we get them by neighborhood and so on, then we would be able to establish the class distinction that are going into the investigations.

PROFESSOR ANDERSON: Absolutely.

COUNCILMAN ORTIZ: Because if happens that if you get raped in Center City --

PROFESSOR ANDERSON: Yes.

COUNCILMAN ORTIZ: -- it has a different value system than if you get raped at Ninth and Cayuga, or in Hunting Park.

PROFESSOR ANDERSON: And there are scholarly of different studies that suggest that that may be the case, although I don't know of any particular studies of Philadelphia, and it would be have helpful to have the numbers to try to elucidate the class and potential class bias of police officers investigating complaints.

Poor women are often subject to outright hostility and class bias from police officers who do not want to bother with investigating crimes against them. For example -- and this was report in the Philadelphia Inquirer

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-- George Pennington, a supervisor of the Philadelphia Sex Crimes from 1981 to 88, has argued that placing rape complaints into an administrative limbo is necessary in cases where the victims were not "people of substance," he said. Importantly, the Pennsylvania Criminal Code in no way mandates or even encourages the rejection of a rape complaint because the victim is poor or prostituted. In other words, there is no legal justification for dismissing the report of sexual assault by a poor or prostituted woman.

A fourth, and the final one I'm going to discuss this afternoon, a fourth major societal bias facing raped women is the myth by an acquaintance is not a real rape. According to the Department of Justice, 4 out of 5 women who are raped know their attackers, and yet, there's a tendency to place into a greater percentage of acquaintance rapes into the administrative dead zone categories; that is, unfounded or Investigation of Person.

Importantly, the Pennsylvania Criminal Code makes no distinction between rapes by an acquaintance and a rape by a stranger. In other

words, again, there's no legal justification for dismissing the report of sexual assault by a woman who knows her attacker or has had previously sexual relations with her attacker.

Dumping unpopular rape victims' complaints into administrative dead zones is not episodic or anomalous police behavior. Instead, it appears to be widespread and systemic. So far this year, 171 cases have been designated "investigation, protection, medical examination." Police Commissioner John Timoney and Special Victims Unit Commander Captain Joseph Mooney have now said that they now use the investigation, protection, and medical examination category appropriately as a repository for cases that are simply too ambiguous to be clarified criminal. But when asked today what kind of case is appropriately placed in this category, Captain Joe Mooney testified today that sexual assaults where the victim is unconscious, drugged or drunk at the time of the attack. It's clear that these reasons for burying those complaints are not legally valid. As I mentioned, rape in the State of Pennsylvania is defined to include -- this is

first degree rape -- engaging in sexual intercourse with a person who is drugged or unconscious.

To hide rape complaints in administrative dead zones, as the Philadelphia Police Department has done, represents extraordinary cowardice and manipulation. It's obviously a means by which the department seeks to garner an impressive, although entirely fabricated, clearance rate; that is, the rate at which a crime is cleared with an arrest. However, police fail to inform the victim that they deem her complaint a lie, or at least not worthy of pursuing, and thereby, they circumvent a possible avenue of institutional reform. Who knows, for instance, how many of the 2000 women in 1996 or 1997 whose sexual crimes were ignored as "investigation of person" would have called this City Council or lobbied for reform or otherwise attempted to correct the situation earlier had they actually been told that the State did not believe their complaints were true. Instead, police quietly bowed out of those investigation processes and chose not to inform the women of the

actual status of their cases.

I think that although it is important to address a number of institutional reforms regarding the way that the Police Department handles cases involving rape and child sexual abuse, it's perhaps more important to address the underlying reason why we are assembled here today. Philadelphia police have a track record of vastly under-reporting rape. How can we change this problem? I have three policy suggestion that is I humbly submit.

First, police must be better trained in the defining of rape that is in the Pennsylvania Criminal Code. Studies indicates that there's often a mismatch between the legal definition of rape and what police officers believe is rape. Better training of police about the legal definitions of rape may deter them from ignoring certain complaints for reasons that are not mandated by the law.

COUNCILMAN ORTIZ: For that, we have to destroy a lot of the mythology of a male-dominated society, in order to what constitutes the real definition of rape.

PROFESSOR ANDERSON: Yes. And although the legal definition of rape is not perfect, it's perhaps better and broader than what the police officers are at times applying.

Second, we must require police to tell the victim if her complaint has been deemed "unfounded" or shunted into a noncriminal category such as "investigation, protection, medical examination." And this is important. Only an informal victim has any recourse to this administrative sleight of hand. Only an informed victim will call the City Council or the press or women's groups to try to put pressure on the Police Department to clean up its act. Allowing the police to rely on victim ignorance or institutional inertia to evade so many rape complaints must be stopped.

The third proposal is that there should be community oversight of police practices regarding reports of sexual assault. In the past, women have been misled as to the status of their reported cases. If in the future, we are to keep victims informed, we must also keep an organization of community leaders and activists

also informed. If a poor or disadvantaged woman is to be shuffled into an administrative purgatory --

COUNCILMAN ORTIZ: By at least this Council.

PROFESSOR ANDERSON: Yes, at least this Council.

If a poor or a disadvantaged woman is to be shuffled into an administrative purgatory, then not only should she be informed, but people capable of acting in her defense should also be informed. This would prevent who would otherwise submit to the judgment of police that their reports are unfounded from giving up entirely. The police should provide accurate public information so that those people who desire to champion the cause of abused and forgotten women can do so.

Commissioner Timoney today testified that he's not concerned about the unfounded rate of rape complaints as long as there is an investigation. I disagree. The unfounded rate is a rate of institutional disbelief. Preliminary numbers from 1998 indicate that 18 percent of rape

complaints were considered unfounded, and I think that that is an outrageous number.

The question arises, do the police serve the public or do they serve their own statistics? The police have sought to insulate the public from the bad news that rape is frighteningly common in this city today and that the criminal justice system has done an abysmal job of curtailing it.

The police must the -- public must be informed of the widespread sexual abuse of women in Philadelphia, mobilized and ready to face problem head-on. Citizens and police should work in partnership and not in opposition. And the police force of Philadelphia must protect and champion the cause of women who have been sexually assaulted, most especially those women who are the least able to do so for themselves -- the poor and downtrodden. If police exist to protect the citizenry of Philadelphia, then rape and sexual assault must be reported and investigated accurately, zealously, and in an environment that is sensitive to the fact that many women are reluctant to report any sexual assault, no matter

how egregious.

Thank you.

COUNCILMAN ORTIZ: So, we've been going now for a long time.

PROFESSOR ANDERSON: Yeah.

COUNCILMAN ORTIZ: The institute and the cultural aspect of the institution, the behavioral patterns, and we have seen that reporting and statistics the way they have shifted, not only in the rape issue, but in all of the other crimes situation, they have been underplayed over the decades in this city.

Hopefully, what we're trying to do here is to bring forward the recommendations that would prevent an institutional situation from overcoming the reality of what the case should be or what the law is. The culture within that is not only to reform the bureaucratic procedures, but if you don't reform and you don't extirpate and take the cultural behavior patterns out, that bureaucracy will revert sooner or later -- probably very much sooner -- to its old ways of functioning.

PROFESSOR ANDERSON: Yes. And I think that there's also a way in which, at each stage of

the game, the police are trying to anticipate whether or not the prosecution team will move forward on a claim, the prosecution is trying to anticipate whether or not juries will convict and ascribing all of the cultural and societal biases that I talked about to the members working at the at the next stage of the game. And one of the problems with that is that there's no opportunity for systemic reform when at each stage of the game, there is an expectation that societal biases are going to deep this complainant not credible.

COUNCILMAN ORTIZ: I want this committee to bring forward a very comprehensive set of recommendations and your testimony will be a great part of that. I want to be able to look at the testimony and formulate, and I would want to see -- would you be available to the committee to sort of discuss the report as we shape it and bring it before City Council?

PROFESSOR ANDERSON: Yes, sir. Of course.

COUNCILMAN ORTIZ: 'Cause I want to do it before we are through this year. Because this cannot happen and be laid over. I think the

incoming administration has to have this in their hands --

PROFESSOR ANDERSON: Yes.

COUNCILMAN ORTIZ: -- as the feeling and the reporting and the recommendations of this Council, plus all of the individuals that are concerned across the board, all of the advocate groups and so on, so that we can begin to deal with this from the get-go in terms of budgetary reforms, in terms of how the Police Department organizes itself, reforms of the Special Victims Unit, and looking at it as to how that should be organized, and what type of training should take place in that unit, and who should be the individuals that will be the personnel.

So I would appreciate it if you remain available the this Council, to this committee, as we go forward.

This committee of City Council will remain in recess until the 13th of December, at 11 a.m. so that we can then look at the report as coming out in terms of what recommendations. And this committee will look forward to the full body of City Council.

Thank you very much for your testimony. And thanks to everybody for sitting in and waiting with us through this day.

(Adjourned at 3:01 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing proceedings of the Council of the City of Philadelphia of Monday, December 6, 1999, were reported fully and accurately by me, and that this is a correct transcript of same.

RE: COUNCIL COMMITTEE ON PUBLIC SAFETY
RESOLUTION NO. 990775

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter