



New York State Coalition Against Sexual Assault

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30 N. Greenbush Rd., Suite 3, Troy, NY 12180

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www.nyscasa.org

Written Testimony

NYS Senate Committees of Judiciary and Crime Victims, Crime and Corrections

November 29th, 2022

Contact: Max Micallef (*any pronouns*), Public Policy Director: mmicallef@nyscasa.org

The New York State Coalition Against Sexual Assault (NYSCASA) is a private, non-profit coalition providing support to 80+ community-based rape crisis programs located throughout New York State. As an organization focused on ending all forms of sexual violence and exploitation, as well as ending intersectional forms of oppression, NYSCASA asks the Chairs and Members of the stated NYS Senate Committees to support and advance this testimony's legislative bills.

The struggle incarcerated individuals continue to face nationally, but especially in New York State, is one of many systemic roots, and therefore many forms of state and individual violence. One intersectional and pervasive form of violence that occurs within jails and prisons is sexual violence. It has been determined that a police officer is found to have committed sexual assault at least every five days. Over 60% of people incarcerated in women's prisons are survivors of sexual and likewise violence; of which, pre-incarceration, have experienced sexual violence including intimate partner violence and child abuse. This only compounds and worsens trauma while incarcerated. In a 2020 Correctional Association of New York survey conducted at the Bedford Hills Correctional Facility, 74% of 110 respondents indicated that they had witnessed some form of violence or abuse by staff including physical, sexual, and verbal abuse.

In the majority of cases of rape and sexual assault in jails and prisons, the perpetrators are correctional officers who are then repeat offenders due to not being held accountable for their actions; the victim reporting of these incidences directed to the oppressive body these perpetrators work within and are advocated for. Additionally, this applies to the fear of retaliatory violence toward witnesses of these horrors deterring them from reporting as a whole.

Bare minimum, NYSCASA is asking the NYS legislative body to immediately pass the prevention and harm reductive measures referred to as:

- (S7514/A4231A) "Fair and Timely Parole"

Expands pathways to hope, healing, and meaningful accountability that are not accessible within New York's prisons. This is in association to the power abuse of those limiting parole eligibility even though those incarcerated have served their minimum sentences, and have demonstrated that they are almost certain unlikely repeat behaviors. This excludes the majority of the cases that originally brought them



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into already racist, transphobic, xenophobic, and likewise conflict that they faced with consequences of the law.

- (S15A/A8855) "Elder Parole Bill"

Reduces the number of people incarcerated in NYS and reunites families and communities across the state, and additionally provides our elderly members of society with the resources they need to thrive after incarceration. These resources are especially needed in the majority of cases where they served undue sentences long enough to only heighten the difficulty of intergrading back into non-incarcerated life as an already marginalized group of people.

Together, these bills would enable NYS in the most cost-effective way to invest in sexual and intersecting violence prevention, rehabilitation, and re-entry programs, centering local, community-led initiatives. This is an estimated \$522 million in annual cost savings. For additional context and awareness regarding the layered, yet simple addressing of these issues, including the need to pass the stated NYS bills, you will find attached/enclosed additional criminal justice measures NYSCASA supports and advocates for.

We thank you for your time, and we as an organization are here to assist as we continue to give voice to current and formerly incarcerated survivors. Additionally, we continue to stand up for the human rights of incarcerated people that were violated through improper and overall incarceration.



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Memo of Support

October 14th, 2022

Contact: Max Micallef (*any pronouns*), Public Policy Director - mmicallef@nyscasa.org

The New York State Coalition Against Sexual Assault (NYSCASA) is a private, non-profit coalition providing support to 80+ community-based rape crisis programs located throughout New York State. As an organization focused on ending all forms of sexual violence and exploitation, as well as ending intersectional forms of oppression, NYSCASA supports the following federal and New York State pieces of legislation that decriminalizes and eliminates criminal penalties toward an individual's possession of drugs.

- “Drug Policy Reform Act” ([H.R. 4020](#)): “[In addition to] *eliminating criminal penalties for drug possession at the federal level... incentivizes state and local governments to adopt decriminalization policies by otherwise limiting their eligibility to receive funds in the Byrne and COPS grant programs.*”
- “Drug Decriminalization & Task Force Bill” ([A7109/S1284](#)) “*Eliminates criminal and civil penalties for possession of controlled substances; establishes the drug decriminalization task force to develop recommendations for reforming state laws... so that they align with the stated goal of treating substance use disorder...*”

Many research studies have cross-validated the devastating results that substance use disorder is a common reality among individuals who survive rape and sexual assault. Adding insult to injury, the criminalization of survivors in possession of drugs occurs at significantly higher rates than survivors who receive trauma-informed healthcare without receiving criminalization. As the decades long U.S. “Drug War” proceeds, over three times the rate of drug-related arrests is of Black and Brown individuals when compared to White Individuals, though drug usage rates are similar between them. This is in addition to low-income individuals. Every twenty-three seconds, a person in the U.S. is arrested for drug possession. Expanding the criminalization of drugs, a prohibitionist lens, has been proven to not be harm reductive, nor has criminalization ever been a practice within true harm reduction systems and education. The practice is also unpopular, as 66% of U.S. voters support the purpose of the above bills.

The **New York State Coalition Against Sexual Assault (NYSCASA)** is proud to support the stated federal and New York State pieces of legislation in furthering our advocacy of ending undue stigmatization, quality care and recovery, bodily autonomy, and addressing generational injustice. We would like to thank U.S. Representative Cori Bush of Missouri for introducing [H.R. 4020](#) with bill sponsor U.S. Rep. Bonnie Watson-Coleman of New Jersey. NYSCASA thanks New York State Assemblymember Demond Meeks and State Senator Gustavo Rivera for being the sponsors of the stated decriminalization bill. We would also like to extend our gratitude toward our partner organizations including the Drug Policy Alliance and the National Harm Reduction Coalition for the work they do in advocating for the decriminalization of drugs and intertwining causes.



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For Immediate Release: May 25, 2022

Contact: Chel Miller, Communications Director, cmiller@nyscasa.org

Max Micallef, Public Policy Director, mmicallef@nyscasa.org

NYSCASA Statement on the Passage and Signing of the Adult Survivors Act (S66/A648)

The entire team at the New York State Coalition Against Sexual Assault (NYSCASA) is elated to hear that the Adult Survivors Act (S66/A648) was officially signed into law on Tuesday, May 24, 2022, by Governor Kathy Hochul.

Survivors of sexual violence are owed the bodily autonomy that was not honored in the experience(s) they endured. This includes ensuring that laws in our state are trauma-informed. The passage and signing of the Adult Survivors Act acknowledges that many survivors need time to process and heal before they choose to seek justice and hold their perpetrators accountable. The law provides survivors of sexual violence, who were eighteen years or older at the time and are currently time-barred from pursuing civil action, a one-year window to pursue civil action against the person who committed a sexual offense against them or the entity that enabled violence. This window gives survivors the humanity they are not granted by existing statutes of limitations and the often traumatic experience of engaging with the criminal legal system.

"Sexual assault survivors often need time before they are ready to come forward. The adult Survivors Act offers a window of opportunity for survivors to hold their abusers accountable. This can be an important part of survivors' healing." —Joanne Zannoni, Executive Director

"At the signing of this measure, Survivor Advocate Marissa Hoehstetter said what perfectly encapsulates the purpose of this now law: Choice. Survivors of rape and sexual assault need the ability to make their own decisions along their paths of recovery, and if and when they report what happened to them to see their perpetrators in court. This was a survivor-led effort. We celebrate the signing of this bill, and we move forward together." —Max Micallef, Public Policy Director

NYSCASA was honored to work alongside our partner organization Safe Horizon, who was a true champion in the effort to pass this bill, as well as other survivor-led and survivor-supporting organizations, including A Little Piece of Light, the Model Alliance, the New York City Alliance Against Sexual Assault, and the New York State Coalition Against Domestic Violence (NYSCADV). We extend our deepest gratitude to the many survivors and victims of sexual violence who shared their stories—in many cases for the first time—and advocated for the passage of this bill. NYSCASA commends Assembly Sponsor Linda Rosenthal and Senate Sponsor Brad Hoylman in advocating for this legislation since the passage of the Child Victims Act. We also thank Governor Kathy Hochul for her support and immediate signing of the bill.



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For Immediate Release: June 2, 2022

Contact: Chel Miller, Communications Director, cmiller@nyscasa.org

Max Micallef, Public Policy Director, mmicallef@nyscasa.org

NYSCASA Statement in Support of the “Stop Violence in the Sex Trades Act” (A849/S3075)

While the New York State Coalition Against Sexual Assault (NYSCASA) has supported efforts to decriminalize sex work, also known as “Decrim,” for many years, NYSCASA has officially added our support of the “Stop Violence in the Sex Trades Act” (A849/S3075) to our public policy priorities.

Our vision for addressing violence in the sex trades is comprehensive and rooted in a harm reduction framework. We acknowledge that: sex work can involve active consent, choice, and bodily autonomy; sex work can function as “survival income”; and participation in the sex trades can also be imposed on someone by force, fraud, or coercion (i.e. human trafficking). We believe that victims and survivors of human trafficking deserve full protections as victims/survivors of sexual violence. Further, we believe that sex workers deserve full labor protections as workers. We acknowledge that human trafficking survivors and sex workers who experience sexual violence in the workplace must be able to access the resources they need to seek justice, move along their path of recovery, and live a life of true wellbeing. Uplifting the voices and concerns of a wide range of survivors of sexual violence is an integral part of NYSCASA’s mission.

Our values emphasize that we cannot create harm to end harm and that we oppose measures that will criminalize vulnerable communities. “End Demand” practices (including models known as the “Nordic Model” or “Equality Model”) harm all people in the sex trades, including survivors of trafficking. This model relies upon criminalization and shaming of consensual adult behavior, conflating the experiences of trafficking survivors/victims with the experiences of people who engage in consensual sex work. This model promotes the idea that criminalizing clients and third-party individuals would reduce harm in the sex trade, which causes harm by increasing the power that buyers have over people in the sex trades and makes the person trading sex more likely to take on higher-risk situations or avoid reporting abuse out of fear of being arrested.

Additionally, this model puts people in increased contact with law enforcement by increasing policing and criminalization of the sex trade, which increases the risk of harm and/or incarceration for trafficking survivors and sex workers alike and disproportionately impacts Black, Indigenous, and People of Color (BIPOC), immigrant, and LGBTQ+ communities. This model also increases shame, stigma, and misinformation about consensual sex work by denying the agency of all people in the sex trades, invalidating the autonomy of people in the sex trades, and suggesting that all people in the sex trades are being coerced. [This model has proven to be devastating.](#)

[increasing the risk of violence against all people who participate in the sex trades, including trafficking survivors.](#)

NYSCASA holds harm reduction as a core value of our organization. Since it is [well established](#) that the “End Demand” strategy relies on creating harm to end harm, NYSCASA has decided not to support the “Sex Trade Survivors Justice and Equality Act” bill (A7069/S6040A). Instead, we support the “Stop Violence in the Sex Trades Act” (A849/S3075), which would repeal statutes that criminalize consensual sexual behavior between adults while upholding laws relating to exploitation of minors, coercion in the sex trades, and trafficking, and to provide criminal record relief for people convicted of crimes repealed under the bill. [Decriminalizing sex work is evidence-based](#) and informed by a broad range of voices, including trafficking survivors and sex workers who have survived violence.

We thank the sponsors of this bill, State Senator Julia Salazar and Assemblymember Richard Gottfried for their bold leadership and efforts towards this piece of legislation. We also thank legal and advocacy groups, including Decriminalize Sex Work (DSW), for their relentless support of sex workers and survivors of human trafficking and sexual violence.



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For Immediate Release: March 15, 2022

Contact: Chel Miller, Communications Director, cmiller@nyscasa.org

NYSCASA Statement of Support for DNA Collection Limitation Bill (S8408/Hoylman)

As we expressed in a previous statement, the New York State Coalition Against Sexual Assault (NYSCASA) was horrified to hear reports of law enforcement agencies using DNA evidence collected from processed sexual assault forensic kits to prosecute rape victims/survivors for unrelated criminal charges. This is a disturbing example of victim invalidation and abuse of legal procedures by law enforcement agencies.

NYSCASA applauds Senator Brad Hoylman and his office for demonstrating their continued support for sexual violence survivors by introducing bill **S8408**. The proposed legislation would amend New York State executive law to provide that no DNA sample, record, product, or evidence collected or resulting from the collection of DNA of a victim collected in a sexual assault forensic kit shall be included in the state DNA identification index.

When survivors provide this evidence to law enforcement, they consent to law enforcement using this evidence to investigate the crime that they reported. When law enforcement agencies use DNA collected from sexual assault forensic kits to prosecute rape victims/survivors for unrelated criminal charges, they do so without survivors' consent and violate survivors' rights to an unreasonable search and seizure. These protections are guaranteed under the U.S. Constitution and the New York State Constitution.

Survivors do not deserve to be subjected to the additional stress of risking criminalization when they consent to providing sexual assault forensic evidence to law enforcement. NYSCASA supports bill **S8408**, which will codify New York State's commitment to sexual violence survivors by prohibiting a practice that violates survivors' rights. Law enforcement agencies must immediately cease this practice and identify investigative strategies that uphold the law and do not create further harm.



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Memo of Support

A9050 (González-Rojas)/S8428 (Bailey)

September 13th, 2022

Contact: Max Micallef (*any pronouns*), Public Policy Director: mmicallef@nyscasa.org

The New York State Coalition Against Sexual Assault (NYSCASA) is a private, non-profit coalition providing support to 80+ community-based rape crisis programs located throughout New York State. As an organization focused on ending all forms of sexual violence and exploitation, as well as ending intersectional forms of oppression, NYSCASA supports A9050 (González-Rojas)/S8428 (Bailey) which would create further transparency and access in the disclosure of law enforcement, disciplinary records in relation to sexual misconduct and/or sexual violence.

New York State repealed the 1976 statute that allowed law enforcement agencies to shield the disciplinary records of police officers and law enforcement personnel. Since then, there has been a profound lack of accountability in instances of sexual misconduct and/or sexual violence when the alleged are law enforcement officials. This includes police department determined perpetrators who receive consequences with the public unaware of the instance occurring at all.

Concluded in research published by Bowling Green State University, forty-five police officers on average are charged with “forcible rape” annually, with charges of “forcible fondling” much higher. The New York State Coalition Against Sexual Assault (NYSCASA) firmly believes that **A9050 (González-Rojas)/S8428 (Bailey)** is necessary to protect and promote healing for survivors of sexual violence when the alleged perpetrator is a member of a law enforcement organization; an organization committed to protecting the citizens of New York State. While this issue may be addressed through other legislation and governmental regulations, this bill is needed to ensure that law enforcement agencies cannot and shall not withhold relevant disciplinary records.

NYSCASA would like to thank the bill sponsors Assemblymember Jessica González-Rojas and State Senator Jamaal Bailey for their work in standing up for the rights and protections of sexual violence survivors and for their commitment to justice for survivors of sexual violence regardless of who the perpetrator is.