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THE SPECIAL COMMISSIONER OF INVESTIGATION
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Edward F. Stancik
Special Commissioner

NEWS RELEASE
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PRESS CONFERENCE AT 11 A.M. - 25 BROADWAY, 8TH FLOOR

VICTIMS ON TRIAL:
The Treatment of Sex-Abuse Victims and Victims of Other Serious Crimes in Board of Education
Student Suspension Hearings

Edward F. Stancik, Special Commissioner of Investigation for the New York City School District, today released a report about the treatment of victims of sex abuse and other serious crimes in Board of Education school suspension hearings. The report describes in graphic detail a disciplinary hearing in which a 14-year-old victim testifying against another student accused of sexually abusing her, was victimized yet again by a serious invasion of her privacy. The report goes on to examine other cases where victims' rights have been ignored.

Stancik noted that while it is appropriate that there is much recent concern about student-on-student sex abuse, no one has focused on what happens to victims and their families when the Board attempts to suspend the perpetrator.

There are a variety of ways in which the disciplinary hearing procedures neglect the rights of victims:

- Victims can be subjected to humiliating cross-examination about irrelevant prior sexual experience. Such questions have long been banned from criminal trials. For example, a 14-year-old female freshman was asked the following by the attorney for a 19-year-old male student accused of sexually attacking her:

Attorney: Okay. Now, before you supposedly licked [Student B's] penis have you ever licked any other boy's penis?

Student A: No.

Attorney: Okay. And have you ever had sex with a boy?

Student A: No.

- Hearings are held in small offices in which victims must sit facing their alleged attackers across a narrow table with little or no security.

- Victims receive little advance notice of the hearings at which they are to testify, and are often unaware that they will be cross-examined by an attorney for the accused.
- Victims often miss school because their attacker still attends that school. Even when there is an arrest, an accused student cannot be sent to another school until a full-blown disciplinary "trial" is conducted.
- Victims do not have the right to an attorney at the hearings.
- There are no counselors to support the often-traumatized victims when confronting their attackers in the hearing room.
- Foreign language interpreters are not provided for witnesses whose command of the English language may be limited.
- Generally, no one is present to object or to otherwise protect the victim from harsh cross-examination or inadmissible evidence.
- The hearing undermines the prospects for a successful criminal prosecution of the accused. Indeed, schools rarely inform the police or prosecutors about the hearing.

Special Commissioner Stancik calls for a sweeping revision of the disciplinary system to more properly recognize the rights of victims and their families, and to better promote the public's interest in the efficient functioning of the criminal justice system. As part of this revision, he advocates enacting a "sex abuse victim shield" law, preventing cross-examination of the victim regarding her sexual experience.

Susan Herman, Executive Director of the National Center for Victims of Crime, said of Stancik's report:

"All victims of crime should be treated with dignity and respect, in all proceedings related to the offense. Rape shield laws have long been recognized as important protections for adult victims of sexual assault; it is now time to afford the same protections to the youngest victims. We know from our work with victims across the country that safety concerns can affect their recovery as well as their ability to participate in the investigation and adjudication of the offense. We urge the school system to follow the recommendations of the report, particularly assigning each victim an advocate and developing policies for alternate placement of accused violent offenders while charges are pending."

(For more information regarding the National Center for Victims of Crime, contact Reishia Kelsey at: (703) 276 2880 x106).

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