

TESTIMONY OF EDWARD F. STANCIK, SPECIAL COMMISSIONER OF INVESTIGATION FOR THE NEW YORK CITY SCHOOL DISTRICT, BEFORE THE CITY COUNCIL. June 4, 2001.

Let me begin by thanking Speaker Vallone and the City Council for affording me the opportunity to speak before you today. I am here to testify in support of the school crime reporting bill proposed jointly by Mayor Giuliani and Speaker Vallone.

The school crime reporting bill presents this chamber with an extraordinary opportunity to have a powerful impact on the lives of thousands of ordinary New Yorkers. Those who do much of the work of this great city, those who depend on the public schools for the future of their children.

SCI AND ITS INVOLVEMENT IN SCHOOL SEX ABUSE INVESTIGATIONS

Let me begin by briefly reviewing the history of my office's involvement in school sex abuse investigations. Before becoming Special Commissioner, I had spent years focusing on drug related homicides in some of Manhattan's highest crime areas. From there I became Deputy Chief of the Rackets Bureau of the Manhattan DA's office, where I worked on political corruption, labor racketeering and organized crime cases. When I took this job in 1990, I read all there was to

read about the problems in the school system that led up to the creation of my office. Nowhere in that research was there the slightest indication that sexual abuse of students was the significant problem it turned out to be. I brought a good chunk of the Rackets Bureau with me when I started the Special Commissioner's office. There were experienced prosecutors who had worked on some of the most violent and complicated crimes one sees in urban America. We brought in detectives from the PD that we knew to be absolutely top rate. We have arrest and subpoena power. All in all, it was not a group that was easily surprised. But when we started seeing all these sex abuse allegations, we all shook our heads, wondering if these cases were for real. But then we started making the cases, making arrests where the evidence was strong enough and the victims were willing to go through the ordeal of testifying in criminal court. Where there was not enough evidence for a criminal prosecution, we brought disciplinary actions seeking to get the offenders fired and their licenses removed. This is difficult work: it is not as simple as pulling a teacher from a classroom. The case has got to stick. Many school employees have tenure rights or other job protection rights. If an arbitrator does not like a case, the accused will go right back to the classroom.

And yet we have learned that success is possible. We learned a great deal about what goes into the successful making of a sexual abuse case in school.

It is now 11 years later. We have substantiated almost 500 cases of sexual misconduct, and well over 200 educators have been fired for their actions.

We have made 61 arrests. The misconduct we have found covers a wide range of actions: from inappropriate sexual remarks to forcible rape and sodomy. In the year 2000, we successfully proved 57 cases of sexual misconduct by school staff, better than one case per week over the course of the year. There is no way of knowing how many children have been spared the anguish of sexual abuse because we were able to remove these predators from our schools. I feel certain however, that the number reaches into the thousands.

From the moment we knew what we were dealing with, we made sex abuse investigations a top priority. This was a real commitment. In all, I have 7 lawyers and 35 investigators, to investigate a \$12B system, with over 1000 schools, 100,000 employees and 1,000,000 students. We worked on these cases while we did our custodian investigations, our corrupt school board cases, the gangs in school cases and so on.

HOW BAD IS THE PROBLEM OF SEX ABUSE IN THE SCHOOLS?

Statistics in the area on sexual abuse are notoriously unreliable. This is because for very real reasons, it is the most underreported of all major crimes. The abuse of children is particularly hard to track. Many children are confused and terrified, not knowing if they themselves have done something wrong. Then there is the trauma of testifying which many children and their parents understandably see as a second act of victimization.

But the hundreds of cases we have made in the last 11 years, by themselves, prove conclusively that sexual abuse is not an isolated problem.

Because of the difficulties in grasping the full picture of sex abuse, it is not easy to compare New York with other cities. Still, I don't yet have reason to believe that it is worse here than in other cities. In fact, as I will get into in more detail later, we know far more about our problem than other school systems. Many systems are just beginning to learn now what we began learning 11 years ago. Not because abuse hit New York earlier, but because New York focused on the problem sooner. But we can only track the cases we know about.

FAILURE OF SCHOOL OFFICIALS TO REPORT SEXUAL ABUSE TO LAW ENFORCEMENT AUTHORITIES

This brings us to the issue of the failure of school officials to report sex abuse, or other serious crimes, to the police. Let me immediately rebut the cynical argument that this bill is an overreaction to a single tragic case. From our earliest days at the Special Commissioner's office, we saw how often school officials tried to sweep serious crimes, especially those that were sexually related, under the carpet. I have given you a list, summarizing -- cases we have done over the years where we specifically focused on the failure of school officials to report serious crimes to the police. These cases are representative of the reporting problem over the years. (Many of the cases can be viewed in their entirety on our website, www.specialcommissioner.org. All are available through my office.)

In the 1994 report of the Joint Commission on the Prevention of Sexual Abuse in School, sponsored by my office and then Chancellor Cortines, we stated how critical it was that "a child's allegation... immediately be in the hands

of law enforcement professionals.” Further, that “incidents of child sexual abuse are not being reported consistently by school employees.” On May 5, 2000, before my first substantive meeting with Chancellor Levy, I wrote to him to express my concern that the failure of school officials to report serious crimes to the police was a very serious problem. I sent him a package of cases that we had done over the years illustrating the problem. Many of those cases are on the list I gave you. I stated to the Chancellor at that time: “in my judgement, [these cases] also reflect an ongoing problem: that too many administrators are too hesitant to call the police (or my office).” I singled this area out because I felt then, as I do now, that this hesitancy, whether in good faith or for the purposes of avoiding a scandal, presented a major danger to the safety of New York City’s schoolchildren.

As I have said, sometimes a child will simply not come forward to report his abuser. But the most heartbreaking cases are those where the children summon the courage to come forward, only to be failed by the adults they are depending on. And it is those cases and that problem that brings us together here today.

People wonder, “how can it be that school officials can let down a victimized child by not reporting sexual abuse to law enforcement authorities?” After 11 years I now know some of the reasons.

Speaking in the most general terms, some school employees recognize immediately the seriousness of sex abuse allegations, and always put the interests of their students ahead of their own interests. Others put their own

interests first, and seem more worried that a scandal will hurt their own career or their school's reputation. Some even demonstrate an outright hostility to law enforcement. Last year, we reported on a Brooklyn High School that failed to report a number of armed robberies to the Police. One of the guidance counselors who refused to call the Police told us outright: "the Police don't have a right to investigate in the schools."

There are others who are well meaning but overwhelmed when a sex allegation surfaces. They know that parents will be furious, that the media will be bearing down. They wish the whole mess would just go away. Even those who want to do the right thing will often take the easy way out if they can possibly avoid a public relations disaster. Unfortunately, there is no easy way out for a child who is sexually abused. And there will be no easy way out for the next victim, if the abuser is not stopped right then and there.

What this bill says to all school employees is simply this: the children come first. When there is an allegation of a crime affecting the welfare of children, the law requires that you report it to law enforcement authorities immediately. Implicit in this is the promise that we will not let sexual abuse allegations tar the reputation of schools and staff who do the right thing and report the abuse. This can permanently alter the dynamic of a sudden sex abuse allegation. Staff will know that not reporting sex abuse can hurt them far more than reporting it. That not reporting abuse is itself a crime. The point is not to send large numbers of school employees to jail. The beauty of this bill is that it can work without prosecution, if all school employees take heed and understand

that reporting serious crime is not just an option, it is the law. For those who refuse to obey and knowingly violate the law's provisions, they cannot complain that the consequences were not made clear to them. With the passage of this bill, there is no reason why I should ever have to hear a school employee again say that the police do not have a right to investigate in the schools.

FACING SEXUAL ABUSE: NEW YORK'S STRENGTHS

What I have been saying for 11 years is that sex abuse is not a pleasant issue, but it is one that must be dealt with. The joint commission in 1994 stated the position clearly. "The members of this Commission feel strongly that the way to address the problem of sexual abuse is not to hide from it, but to face it head on: to develop a comprehensive approach to attack every facet of the problem. By passing this bill, you are saying as representatives of the people of the city of New York, that we are going to face this problem. Because if we face the problem, we can then use the many assets the city has in fighting it.

First, I assure you that we know more about the problem here than anyplace else in the country. The hundreds of cases we have done successfully in the last eleven years have taught us much about sex abuse in school. We have learned about the types of abuser. The pedophiles who have a pathological desire for sexual gratification with children. Those who seek inappropriate sexual relationships with teenagers. Students abusing students. We have learned that abuse by adults rarely starts with an outright demand for sex. Abusers target vulnerable children, engage them in sexual conversation

and sometimes show them pornography. They watch for children who are troubled, who are having trouble with coming to grips with their own sexuality. With younger children, they prey on their naivete, on their confusion, on misplaced guilt. It is for this reason that it is so important for us to step in before the conduct gets to outright sexual abuse. If we see the warning signs, we can avoid the abuse. This is why it is important to make cases where inappropriate sexual behavior falls short of criminal behavior. A good case can get a potential abuser out of the system before a child is hurt.

Second, we have an electronic database of all the allegations we received in the last 11 yrs. These number in the thousands. This allows us to check, whenever we receive a new allegation, if there were previous complaints against the same individual. The Police often call my office, when they receive a sex abuse allegation, to check if there have been previous accusations against the subject. This database is a tremendous asset in fighting sexual abuse. To my knowledge, there is no similarly extensive database anywhere in the country.

Third, experts have studied the New York experience. The 1994 Joint Commission for the Prevention of Child Sexual Abuse looked closely at the sex abuse problem and made recommendations for positive change. Much of the work was organized by Regina Loughran, my First Deputy Commissioner, who had years of experience as a prosecutor in the sex crime bureau of the Manhattan DA' office. But the commission was not just a law enforcement project: we brought together a wide range of people with experience with schools. Teachers, principals, child advocates, medical authorities, experts from

academia. We reached a consensus on a large number of issues, such as training, screening, reporting and victim support. We agreed on the need to speed up the sometimes interminable disciplinary hearing process. We made nearly two dozen sensible recommendations. Unfortunately, the climate was not yet right. Many were unwilling to accept the extent of the sex abuse problem, and hence unwilling to put the effort and resources necessary to combat it. Most of the recommendations were not implemented. But it is not too late.

We can use the experience of the past 11 years, the database, the sex abuse commission report, as well as the skills of the New York City Police Department, to fight sex abuse. We are not helpless. We do not have to start from square one. But we do have to move, and I can think of no better way to create that momentum than for you to pass the school crime reporting bill.

Thank you again for your invitation to speak here today. I will be happy to take any questions.