

MEMORANDUM OF SUPPORT

INCAPACITY TO CONSENT FOR VICTIMS, WITNESSES, OR SUBJECTS OF LAW ENFORCEMENT INVESTIGATIONS

A.4484 Hunter/S.2153 May

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass this legislation which will deter law enforcement officers from coercing victims, witnesses and subjects of an investigation to engage in sexual acts.

The media has highlighted several incidents where a law enforcement officer either coerced someone they were interviewing into sex, or sexually assaulted the individual and later, to avoid punishment, claimed the sexual contact was consensual.

In 2018, New York State expanded the definition of “lack of consent” – meaning an individual’s inability to give valid, legal consent to sexual activity – to include individuals under arrest, in detention, or custody. However, state law does not prohibit law enforcement officers investigating an incident from such behavior.

This new bill would expand the “lack of consent” definition further to include victims, witnesses, subjects of investigations, suspects, and persons of interest.

NYSCADV urges the New York State Legislature to pass this legislation to protect victims and witnesses from law enforcement officers who coerce them into sexual activities against their will.

ABOUT NYSCADV:

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

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