

## **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 recent 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.

Current New York State law does not contain any mechanism to prevent such behavior.

In 2018, New York State implemented a new law expanding the definition of “lack of consent” – meaning an individual’s inability to give valid, legal consent to an activity such as performance of sexual activity – to include individuals under arrest, in detention, or custody. This new bill would expand the definition even further to include victims, witnesses, subjects of investigations, suspects, persons of interest, and individuals who are detained or in custody.

**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.

**For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465**

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