

Trump's Victory Could Mean End of Inquiry Into N.Y.P.D. Sex Crimes Unit

President-elect Donald J. Trump has vowed to end the sweeping scrutiny of the police that President Biden used to uproot abuse.

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By Ashley Southall

Ashley Southall is a former police bureau chief who covered the New York Police Department for six years, until 2022. She wrote about the problems that prompted the investigation into how the police treat sexual assault.

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For President Biden's administration, fixing the New York Police Department's storied, but scandal-scarred sex crimes unit was a response to the #MeToo movement and part of a broader agenda of improving American policing.

But the outcome of that effort, along with 11 similar efforts in other jurisdictions, may be decided by Donald J. Trump, who was re-elected last week after vowing to end the sweeping scrutiny of the police that Mr. Biden embraced.

The Department of Justice two years ago began investigating whether missteps by the sex crimes division, known as the Special Victims Unit, amounted to discrimination against women. Prosecutors cited more than a decade of public complaints about the unit being understaffed and about investigators mistreating victims and failing to take basic steps to investigate cases.

Mr. Trump's re-election has prompted concern that the decision of whether to pursue reforms could rest with a president who is hostile to the idea. During his first term, the Justice Department launched just one police accountability

investigation — fewer than under any president since such investigations were established in 1994.

And even if the Justice Department and the city agree to a plan for implementing changes, known as a consent decree, they would still need court approval. And time to secure it may be running out.

Ellen Blain, who until recently was one of the federal prosecutors leading the investigation into the sex crimes unit, said Mr. Trump's record in his first term suggested it was "entirely possible" that his administration would block the Justice Department from securing a pact with New York's police.

"I'm not the only one aware that the clock is ticking, but it is a hard fact that these investigations take a while," said Ms. Blain, who stepped down in August after more than seven years as chief of civil rights in the civil division of the U.S. attorney's office in Manhattan.

The New York case is one of 12 investigations of policing practices opened under President Biden that Mr. Trump is poised to inherit, along with 16 settlements reached in previous administrations.

Now, on the cusp of his second term, the president-elect has privately signaled that he will end monitoring of the nation's police, according to The Washington Post. At a rally last month in Charlotte, N.C., Mr. Trump accused Democrats of waging a war against law enforcement, adding, "We will give our police back their power, protection, respect that they deserve."

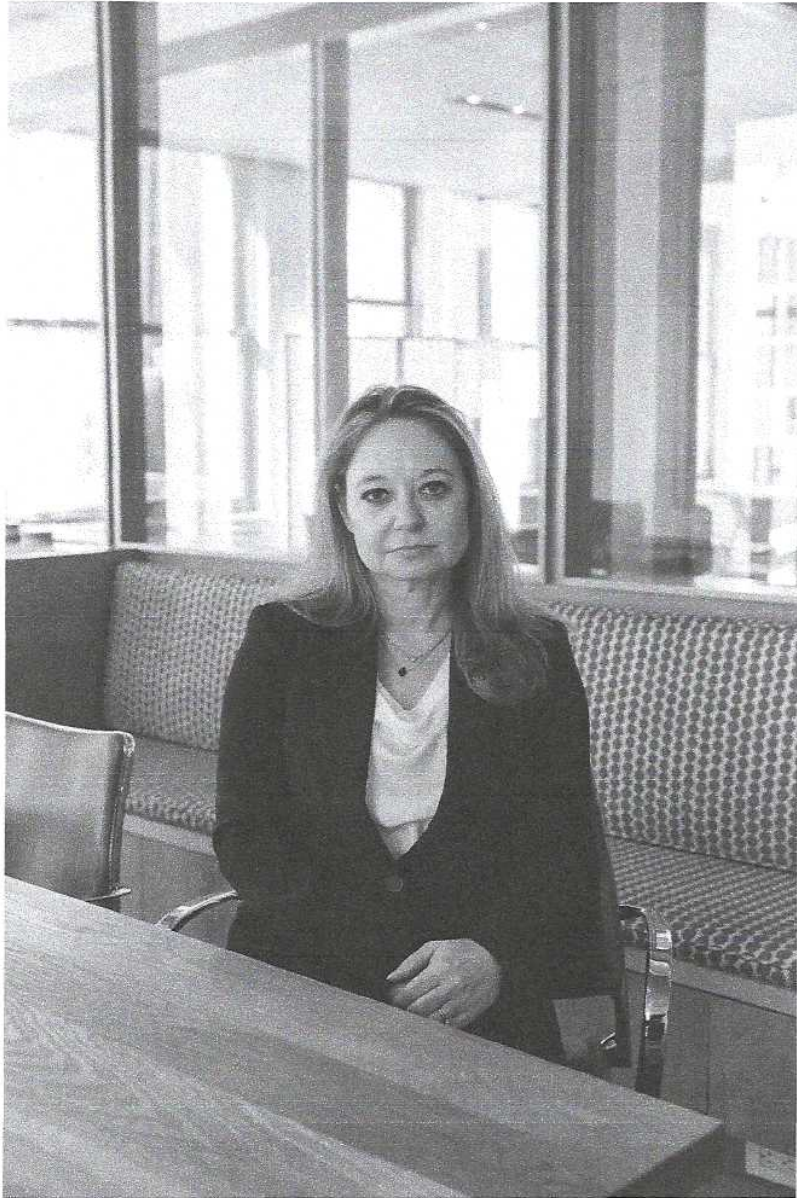
Karoline Leavitt, a spokeswoman for Mr. Trump, declined to comment for this story.

Mr. Trump has a fraught history when it comes to sexual assault. In 2016, The Post published a recording of him boasting about groping women's crotches. And a jury last year found him liable for sexual abuse for forcibly penetrating a woman with his fingers, an act a judge said was functionally rape.

The president-elect's pick for attorney general, Matt Gaetz, a Republican from Florida, was investigated by the Justice Department over allegations that he had recruited women as young as 17 to have sex for money. Despite the cooperation of a friend who pleaded guilty in the case, the department declined to bring charges against Mr. Gaetz, who has denied wrongdoing. Mr. Gaetz resigned from Congress on Wednesday, killing an investigation into the matter by the House Ethics Committee.

In New York, the Special Victims Unit investigates more than 14,000 sex crime complaints each year, according to the Police Department. Most cases examined by its 225 detectives and 45 police officers do not end in an arrest or prosecution, with victims complaining for decades that investigators were insensitive and rushed to close their cases without collecting valuable evidence.

The federal officials investigating the Special Victims Unit used a novel and focused strategy of examining only how the police handled sex crimes cases, rather than conducting a broader inquiry, Ms. Blain said.



Ellen Blain, a former prosecutor, said “the clock is ticking” on a federal assessment of the Special Victims Unit, which investigates rape cases. Jackie Molloy for The New York Times

“It’s a grenade you’re lobbing into the largest police department in the country and you’re dealing with people who have been victimized in the most personal way possible,” Ms. Blain said. “So you really want to make sure that you’re not getting it wrong.”

When it began, the investigation stirred cautious optimism among survivors and advocates for victims who had demanded federal intervention after years of inaction from city and state officials.

Leslie McFadden, 40, who the police believe was drugged and raped by a co-worker in 2015 in Brooklyn, said she hoped the investigation would continue. Days after she was attacked, a Special Victims detective who Ms. McFadden said was brusque and dubious of her claims pressured her to call her attacker on a recorded line.

The co-worker claimed on the call that the sex had been consensual, and Ms. McFadden said the room started spinning. But instead of coaching her, the detective waited until Ms. McFadden had hung up and asked her to sign a form. She later realized the document had authorized the detective to close her case. It was reopened two years later, but evidence like receipts and video footage was gone.

“For years, I carried that guilt that I didn’t do what I needed to do in that call and that I was the reason the case failed,” said Ms. McFadden, who eventually left New York because of the attack. “That is not how any survivor should be treated.”



Leslie McFadden said the collapse of the investigation into her rape left her carrying an unjust burden of guilt. Ariana Drehsler for The New York Times

Deborah Tuerkheimer, a law professor at Northwestern University whose research focuses on domestic and sexual violence, said that many victims never sought justice because they expected the police not to help. Canceling the investigation into the Special Victims Unit would reinforce those fears, she said.

However, she said, the city need not rely on any presidential administration to make changes and create a blueprint for agencies across the country to improve investigations and protect victims.

“This is a cultural problem, this is a systemic problem,” she said. To pull away now “would be a very unfortunate statement about how we protect victims of this kind of crime, or don’t protect victims of this kind of crime.”

Criminal justice reform was a signature issue for Mr. Biden, who was elected three years after the #MeToo movement incited a global backlash against sexual abuse and highlighted failed responses by law enforcement agencies.

As president, Mr. Biden signed bipartisan legislation curbing the use of secret agreements and binding arbitration to hide sexual assault and harassment in the workplace. As a senator, he had shepherded the 1994 crime bill that contributed to mass incarceration. The law, however, also helped to rein in violence against women and authorized the Justice Department to investigate policing.

Attempts to force change in police departments have had mixed results, and federal prosecutors have faced resistance from unions and law enforcement leaders who bristle at being micromanaged.

In Phoenix, for example, city leaders and police unions have vocally resisted the Justice Department’s insistence on a consent decree, saying in a report that the pacts are “overly restrictive, cumbersome, expensive and virtually endless.”

Jason C. Johnson, a former deputy police commissioner in Baltimore who now leads the Law Enforcement Legal Defense Fund, said, “Cities are more and more realizing that it’s a drain on your resources and not a responsible use of tax dollars.”

The Obama and Biden administrations used consent decrees to force broad changes, overlooking cheaper, more effective alternatives, he said, adding that he expects Mr. Trump to take a narrower approach that addresses specific misconduct.

Michael Osgood, who led New York’s Special Victims Unit from 2010 until he was forced out in 2018 amid an overhaul, said that the Justice Department investigations helped officers who “are working at the end of ill-defined processes, they are ill-developed and they are being led by poor police executives.”

Mr. Osgood said he was interviewed for eight hours by federal prosecutors last year and provided them with reams of documents.

Mayor Eric Adams pledged the city's cooperation with the investigation. He has also promised to work with the Trump administration to advance New York's interests.

Kayla Mamelak Altus, a spokeswoman for the mayor, said his administration intended "in all circumstances to continue, meaningful and dramatic reforms to the Special Victims Division." She noted that the administration had installed a new commander a month before the investigation was announced who had implemented a raft of changes.

It is unclear whether those changes have led to more arrests or convictions. And like the case, Mr. Adams, who has been weakened by federal corruption charges and a lawsuit accusing him of a sexual assault he denies, faces an uncertain future.

This is at least the third time the federal government has investigated the Police Department since the 1990s.

In 1999, two years after the torture of a Haitian immigrant at a Brooklyn station house, federal prosecutors uncovered a policing culture that bred brutality. They sought changes to how the department investigated and disciplined officers. However, the mayor at the time, Rudolph W. Giuliani, objected, and the case died after a fellow Republican, George W. Bush, became president.

In another case, federal prosecutors found that the Street Crime Unit, whose members killed an unarmed Guinean immigrant in a hail of bullets in 1999, had engaged in racial profiling. The unit was disbanded in 2002 as the Police Department shrunk.

Ashley Southall writes about cannabis legalization in New York. More about Ashley Southall