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January 12, 2015

Mayor's Office
1300 Perdido St., 2nd Floor
New Orleans, LA 70112
mayor@nola.gov

Via USPS and Electronic Mail

Dear Mayor Landrieu:

Human Rights Watch is writing in response to your announcement that the City of New Orleans would be forming an internal task force to review mishandled rape cases. We urge you to go further. Specifically, we ask that the task force become a permanent mechanism to ensure that investigations are being conducted properly, and that best practices continue to be implemented long after the media coverage has ceased, or, in the alternative, support a city ordinance that codifies best practices that have been proven to work in other cities. At a minimum, we ask that police no longer be allowed to monitor themselves.

History has shown that police departments cannot be trusted to monitor themselves. In 2013, Human Rights Watch released a report documenting the Washington, DC Metropolitan Police Department's (MPD) systemic failure to investigate rape cases.¹ As in New Orleans, DC police often misclassified sexual assault complaints or failed to document or investigate them properly. There, too, it was not the first time these issues had come to light. In 2008, a student sued the MPD after trying to report being drugged and raped and being turned away. The police had refused to let her have a forensic exam (often referred to as a "rape kit") because she could not recall details of the assault, even though short-term memory lapses are a classic symptom of trauma. MPD officers testified in court that it was common practice not to write up incident reports for sexual assault complaints, contrary to official policy. The DC police chief assured Human Rights Watch in 2012 that the issues raised in the 2008 lawsuit had "long since been addressed." Our research proved otherwise.

¹ Human Rights Watch, *Capitol Offense*, January 2013,
<http://www.hrw.org/reports/2013/01/24/capitol-offense-0>.

Fortunately, there is a way forward. Police transparency and accountability have been shown to dramatically improve police practice. Earlier this year, in the District of Columbia, the DC Council unanimously passed legislation that puts in place an independent consultant to ensure implementation of best practices; gives sexual assault victims the right to an advocate during police proceedings; and creates a case review process allowing advocates and nurses to review police files. In Philadelphia, victim advocates regularly review a random sampling of police investigative files. Baltimore police now work closely with advocates and have also opened up their files for review. In both places, police and advocates report dramatic improvements in investigations and treatment of victims. In DC, too, the improved transparency has already led to positive feedback from recent sexual assault victims

We applaud your office's initiative clearing the backlog of over 800 rape kits, but we urge you to remember that significant backlogs are often part of a larger problem: that police simply don't take rape cases seriously enough. Testing the kits, while important, is not enough if cases are not being investigated and victims are being turned away, and *Capitol Offense* indicates that police skepticism about sexual assault complaints persists, despite multiple studies showing that false reporting for rape is only 2 to 8 percent, a rate comparable to other crimes.

Human Rights Watch's report on police response in Washington, DC and our supplemental report on police best practices, which was published in conjunction with our findings, can be found at: <http://www.hrw.org/reports/2013/01/24/capitol-offense-o> and http://www.hrw.org/sites/default/files/reports/improvingSAInvest_o.pdf respectively. We will be sending you hard copies of these reports later in the week. In our supplemental report you will find more information on specific reforms adopted by the sexual assault units of Austin, Philadelphia, Kansas City, and Grand Rapids. Our Southern State Policy Advocate, Natalie Kato, is also available to interface with you, your office, or the task force to help create lasting reforms that protect the victims and restore public confidence in police.

Sincerely,

A handwritten signature in dark ink, appearing to read 'S. Darehshori', with a stylized flourish at the end.

Sara Darehshori
Senior Counsel, US Program
Human Rights Watch