

Hidden in Plain Sight

Sexual Harassment and Assault in the New York City Subway System

July 2007

About Manhattan Borough President Scott M. Stringer

Scott M. Stringer, a native New Yorker, was sworn in as Manhattan's 26th Borough President in January 2006. During his tenure, Borough President Stringer has led the way for addressing and reforming many of Manhattan's most pressing issues, including: Increasing community input and response to development and planning projects across the borough; Introducing comprehensive reform and empowerment measures to Manhattan's Community Boards; Leading the fight to maintain and create new affordable housing units across the borough; Empowering parents to better participate in the public school system; Investigating and recommending policy action on the city's myriad transportation issues; Helping working families and small businesses access needed resources to increase their ability to become and remain self-sufficient.

As Borough President, he has authored the following research reports:

- *Parents Dismissed: An Analysis of Manhattan's Community Education Councils and the New York City Department of Education's Role in Engaging Parent Leaders*, June 2006.
- *The State of Repairs: An Examination of Elevator and Escalator Maintenance and Repairs in New York City's Subway System*, August 2006;
- *Thinking Outside the Box: An Analysis of Manhattan Gridlock and Spillback Enforcement*, July 2006; and
- *Breaking Parole: An Analysis of The New York State Division of Parole's Caseload Management Guidelines*, December 2006;
- *No Way Out: An Analysis of The New York State Department of Health's Role in Preparing Nursing Homes for Emergencies*, December 2006;
- *No Vacancy?: The Role of Underutilized Properties in Meeting Manhattan's Affordable Housing Needs*

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Table of Contents

I.	Executive Summary	5
II.	Introduction	7
III.	Methodology	8
IV.	Survey Results	9
	<i>Perceived Threat of Sexual Harassment and Assault</i>	11
	<i>Experience of Sexual Harassment and Assault</i>	12
	<i>Time of Sexual Harassment and Assault Occurrence</i>	13
	<i>Victim Outreach to the NYPD and/or MTA</i>	14
	<i>Witness to Sexual Harassment and Assault</i>	15
V.	Recommendations	17
VI.	Conclusion	22
VII.	Appendix A	23

I. Executive Summary

Each year, over one billion people ride the New York City subway system. Today, the system boasts an average weekday ridership of over five million people—the highest since ridership statistics were first recorded in 1970. The extent to which these subway users experience a safe ride is a critical measure of success for both the Metropolitan Transportation Authority (MTA) as well as the New York City Police Department (NYPD). Over the past year and a half, the Office of the Manhattan Borough President Scott M. Stringer (MBPO) has received feedback from female subway riders who feel unsafe during their daily commutes and who have too often become victims of sexual harassment or assault on the subway.¹ In an effort to better understand the extent of this harassment and assault in the New York City subway system and to develop a framework for improved rider safety, the MBPO conducted an online survey garnering responses from a large and diverse group of New York City subway riders.

As the MTA and NYPD do not make subway sex harassment or assault data publicly available, this survey presents the first widespread account of straphangers' experiences and impressions of sexual harassment and assault in New York City subways. While the survey results provide anecdotal rather than statistical evidence of subway sexual harassment and assault characteristics, they nonetheless represent the best of our knowledge in this important aspect of public safety. With the understanding that any instance of sexual harassment and assault is one too many, there is indisputably more that the City can do, and should do, to protect New York's subway riders from the threat of sexual harassment and assault.

Key Findings

THREAT OF SEXUAL HARASSMENT AND ASSAULT

- 63 percent of respondents reported having been sexually harassed in the New York City subway system.
- 10 percent of respondents reported having been sexually assaulted in the New York City subway system.
- 69 percent of respondents reported having felt the threat of sexual assault or harassment in the New York City subway system.
- Of those respondents, 51 percent of respondents reported “sometimes” or “frequently” feeling the threat of sexual harassment or assault in the New York City subway system.

¹ For the purposes of this survey and report, sexual harassment was defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including flashing, groping, fondling, and public masturbation.” Sexual assault was defined as “any non-consensual sexual acts, including attempted rape, forced oral/anal intercourse, rape, and aggravated touching.”

TIMING OF SEXUAL HARASSMENT AND ASSAULT OCCURRENCES

- 51 percent of respondents who indicated that they were sexually harassed report that the incident took place during morning or evening rush hours (5:30 a.m. – 9:30 a.m. and 4:30 p.m. – 7:30 p.m.).
- 46 percent of respondents who indicated that they have witnessed an incident of sexual harassment stated that the incident occurred during morning and evening rush hours.
- 69 percent of respondents who indicated that they were sexually assaulted reported that the incident took place during morning or evening rush hours.
- 52 percent of respondents who indicated that they have witnessed an incident of sexual assault stated that the incident occurred during morning and evening rush hours.

REPORTING TO AUTHORITIES

- 96 percent of respondents who indicated that they were sexually harassed did not contact the NYPD and/or the MTA to file a report or seek assistance.
- 96 percent of respondents who indicated that they have witnessed an incident of sexual harassment stated that they did not contact the NYPD and/or the MTA to file a report or seek assistance.
- 86 percent of respondents who indicated that they were sexually assaulted did not contact the NYPD and/or the MTA to file a report or seek assistance.
- 91 percent of respondents who indicated that they have witnessed an incident of sexual assault stated that they did not contact the NYPD and/or the MTA to file a report or seek assistance.

WITNESSES ACCOUNTS

- 44 percent of respondents indicated that they have witnessed an incident of sexual harassment in the New York City subway system.
- Of those respondents, 93 percent indicated that the victim was female, and 98 percent indicated that the perpetrator was male.
- 9 percent of respondents indicated that they have witnessed an incident of sexual assault in the New York City subway system.
- Of those respondents, 92 percent indicated that the victim was female, and 98 percent indicated that the perpetrator was male.

Without a concerted effort to understand the extent of these and related findings for the population at large, sexual harassment and assault will continue to be “invisible” and overlooked by authorities and the riding public alike. To help chart a collaborative approach to a more responsible and secure transit system, and to provide a starting

point for discussion of needed changes, the MBPO offers several recommendations for safety improvements that may limit the risk of sexual harassment and assault in the New York City subway system.

Recommendations

- Increase NYPD presence on subway trains and in subway stations.
- Introduce and upgrade needed safety amenities throughout the transit network.
- Ensure that NYPD tracks subway sexual harassment and assault crimes as stand-alone offenses; tracks the prevalence of these crimes across time, borough, individual subway lines, and stations; and makes all of these statistics publicly available and easily accessible.
- Launch an ongoing public awareness campaign to educate riders about: the risk of sexual harassment and assault in the subway system; preventive measures that riders can take; steps that victims of sexual harassment and assault can take to seek support; and the overall importance of reporting sexual harassment and assault incidents to authorities.

II. Introduction

Subway rider safety is of paramount concern for transit authorities, law enforcement officials, and the riding public. In the New York City context, the MTA spends millions of dollars and countless hours each year to ensure that subway cars operate safely, subway tracks are properly maintained, and that train conductors and station agents are trained and exercising relevant safety protocols. In addition, the NYPD funnels considerable resources into public transit safety, staffing subway lines and stations with police officers who are responsible for protecting riders and monitoring and responding to incidents throughout the system.

While crimes of terrorism and murder claim the primary focus of the media's attention to subway safety, one transportation safety concern that is largely overlooked in the public eye is that of subway sexual harassment and assault. Indeed, the threat of sexual harassment and assault in the subway system is so engrained that it is second-nature for many female riders to remind friends to be careful and exchange wishes for a safe trip home.² Far from urban myth, anecdotal evidence suggests that incidents of sexual harassment and assault in the New York City subway system are commonplace.

In an effort to gain additional insight into this issue, the MBPO partnered with 20 advocacy groups, community-based organizations, hospitals, higher education institutions, and other entities to develop and distribute a web-based survey. The purpose of the survey and this summary report is fourfold:

² Matea Gold, *NEW YORK CITY Fights Gropers, Flashers*, L.A. TIMES, October 6, 2006, at A12.

- (1) To better understand the extent of sexual harassment and assault in the New York City subway system;
- (2) To better understand the factors of commonalities that may be linked to these incidents of sexual harassment and assault- including gender, age, and time of travel;
- (3) To better understand the extent to which victims of sexual harassment and assault contact authorities for assistance, and to examine the response they receive from those authorities; and
- (4) To develop informed and effective best management practices, procedures, and protocols for preventive and responsive action.

III. Methodology

Data Collection

The MBPO created an online survey tool designed to investigate subway riders' experiences and impressions of sexual harassment and assault in the New York City subway system. Throughout the development of the survey tool, the MBPO sought feedback from concerned local organizations to ensure that the line of questioning would reflect the stakeholder community's chief concerns.³

Understanding that many people may have a heightened sensitivity to sexual harassment and assault, the MBPO chose to administer the survey via the internet, allowing for a level of respondent anonymity and privacy that would not be available in face-to-face interviews. The survey was sent to more than 25,000 people via the MBPO's e-mail listserv. In addition, the survey was distributed through the e-mail listserves and weblogs of local advocacy groups, community-based organizations, hospitals, higher education institutions, and other entities. These partner groups include the Straphangers Campaign, the New York Times (City Room weblog), the New York City Alliance Against Sexual Assault, Right Rides, Girls for Gender Equity, Hollaback New York City, CONNECT, Center for Anti-Violence Education, Students Active for Ending Rape, Sexual Assault Prevention and Response Program-Columbia University, Women's Center at Brooklyn College, National Organization for Women- New York City, Brooklyn, and Queens chapters, Red Tent Women's Project, North Central Bronx Hospital Center, Long Island College Hospital Rape Crisis Intervention Program, Crime Treatment Center-St. Luke's-Roosevelt Hospital, Mount Sinai Sexual Assault and Violence Intervention Program, and the Manhattan Borough President's Domestic Violence Task Force. Responses were collected between June 22, 2007 through July 20, 2007.

For the purposes of the survey, sexual harassment was defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including flashing, groping, fondling, and public masturbation." Sexual assault was defined as "any non-consensual sexual acts, including attempted rape, forced

³ A copy of the survey is included as Appendix A of this report.

oral/anal intercourse, rape, and aggravated touching.” Survey respondents were asked to answer a minimum of 14 questions, but were posed as many as 17 additional follow-up questions, depending on their initial responses. (Respondents who answered “yes” to having experienced or witnessed sexual harassment or assault in the subway system were asked to provide details of the incident, including time of occurrence and outreach to relevant authorities.)

Limitations

The survey instrument used for this investigation has inherent limitations. First, it is understood that not everyone in the subway riding population has access to a personal computer, the internet, or email; such individuals did not have an opportunity to participate in the survey. A second, compounding factor in the survey’s coverage bias is that not everyone in the subway riding population is an e-mail listserv member of one of the partner organizations or had access to one of the weblogs where the survey was posted. While the respondents do not constitute a random sample of the subway riding population, they nonetheless provide valuable systematic evidence about the problem of subway sexual harassment and assault incidents from the perspective of a large and demographically diverse group of New York City subway riders. As such, the survey findings and this summary report offers an invaluable “snapshot” of a problem that persists but is inherently difficult to quantify.

The survey defines the terms “sexual harassment” and “sexual assault” differently than the way the New York law defines these crimes. Alternate definitions were adopted because lay-person definitions of sexual harassment and assault are decidedly broader than the narrow definitions adopted by the New York State legislature. This limitation does not mean that incidents of sexual harassment and assault, as defined by the layperson, are not crimes; it simply means that such crimes are rarely prosecuted due to the lack of reporting, evidence, or ability to arrest the perpetrator.

In conducting and analyzing the results of this survey, the goal of the MBPO is to better understand subway riders’ experiences with and impressions of sexual harassment and assault incidents in the New York City subway system with the aim of outlining achievable management solutions to prevent crime, empower and protect subway riders, and create a safer transit system for New Yorkers.

IV. Survey Results

Respondent Profile

The online survey received 1,790 responses from New York City subway riders across the five boroughs. Table I displays the demographic profile and subway travel behaviors of respondents. Majority and plurality response categories are bolded.

Table I. Respondent Demographics and Subway Behavior

AGE					
14-18	19-21	21-29	30-44	45-59	60 or older
0.9%	2.5%	24.7%	33.2%	24.5%	14.4%
GENDER					
Female			Male		
67.2%			32.3%		
BOROUGH OF RESIDENCE					
Brooklyn	Bronx	Manhattan	Queens	Staten Island	
28.7%	4.4%	51.2%	14.7%	1.1%	
TYPICAL SUBWAY TRAVEL FREQUENCY					
Two days a week or less			Two days a week or more		
16.9%			83.1%		
TYPICAL SUBWAY TRAVEL TIME					
Morning and evening rush hours	Between 9:30 to 4:30 p.m.		Between 7:30 to 5:30 a.m.		
69.5%	22.5%		8.0%		

Key Results

Highlights from the survey findings include:

- 69 percent of survey respondents have felt the threat of sexual harassment and/or assault in the New York City subway system; 51 percent of survey respondents “sometimes” or “frequently” feel the threat of sexual harassment and/or assault in the New York City subway system.
- 10 percent of survey respondents have been sexually assaulted in the New York City subway system.
- 63 percent of survey respondents have been sexually harassed in the New York City subway system.
- The majority of sexual harassment and assault incidents on the subway system took place during morning and evening rush hours—52 percent and 69 percent, respectively.
- The majority of respondents who were victims of sexual harassment and assaults on the subway did not contact the NYPD and/or MTA for assistance— 96 and 86 percent, respectively.

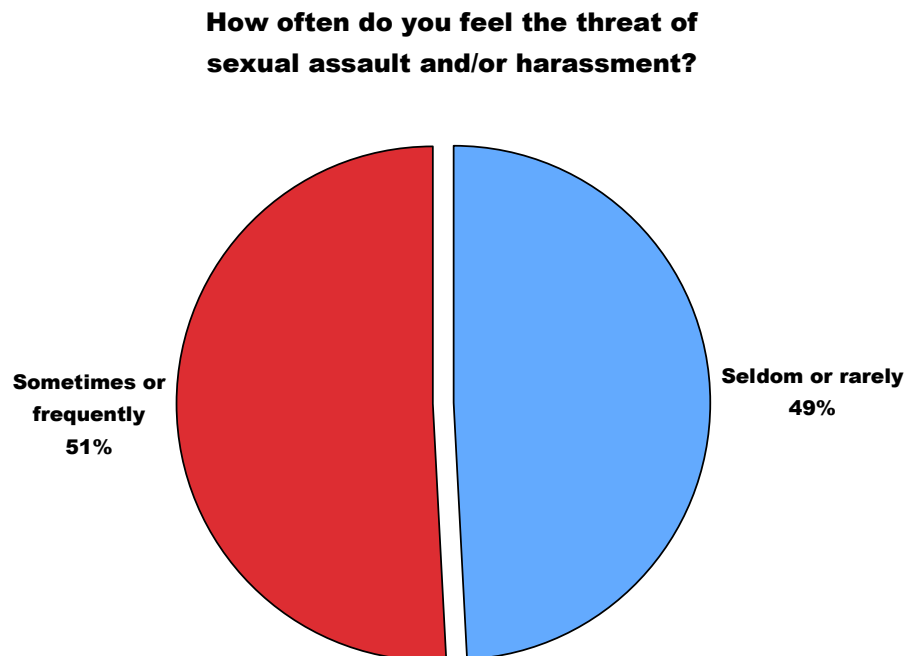
As will be further detailed below, these and other survey results illustrate that sexual harassment and assault are not only realities of the New York City subway system—they are also commonplace, and yet underreported, highlighting the need for targeted prevention and response measures.

Perceived Threat of Sexual Assault and/or Harassment

Most subway riders can undoubtedly recall a time when they have felt unsafe or threatened in the subway system, for any number of reasons. The survey sought to understand the extent to which subway riders feel the distinct threats of sexual harassment and/or assault. The overwhelming majority of respondents, 69 percent, report that they have, at one time or another, felt the threat of sexual harassment and/or assault. It is notable that within that subgroup, 99 percent are female. Individuals may attribute this feeling to any number of reasons, including direct encounters with threatening individuals, lack of safety amenities in subway cars and stations, and overcrowded or empty subway cars and stations. **Anecdotal reports indicate that, depending on these individual sensitivities, some subway riders change their usual subway behaviors in an effort to counter perceived risk (i.e., utilizing popular subway stations farther away from their homes, rather than using the most direct local station).**

A survey follow-up question asked respondents to indicate the *frequency* with which they feel the threat of sexual harassment and/or assault. Figure I illustrates the answers to this question.

Figure I. Frequency of Perceived Threat of Sexual Assault and/or Harassment (2007)



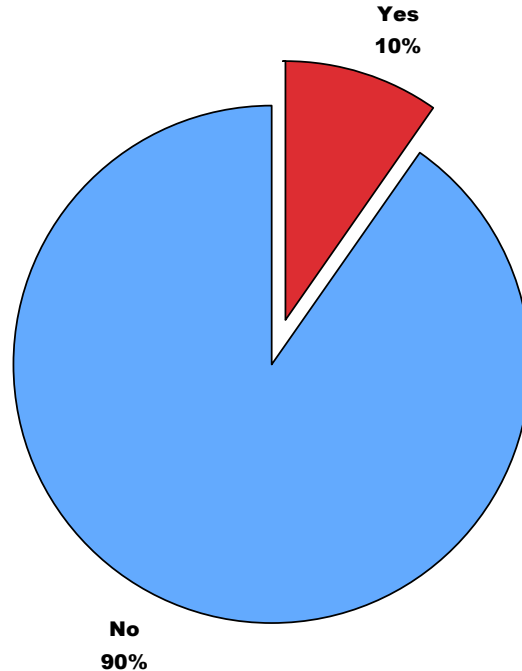
Slightly more than half of those respondents who have ever felt the threat of sexual harassment and/or assault stated that they “sometimes” or “frequently” experienced that feeling – indicating that for many, particularly female, subway riders, fear or anxiety about sexual harassment and/or assault is a regular experience. This fact is borne out by recent developments in the local nonprofit world. Several local community based organizations, such as Right Rides and Hollaback New York City, have been founded in response to the safety concerns of certain subway rider populations – particularly female, gay, lesbian, and transgender populations. These organizations provide support and direct services to enhance the safety and security of these members of the subway riding population.

Experience of Sexual Assault and Harassment

In abstract, sexual assault in the subway system may seem like an “outlier” experience – something that occurs rarely and affects relatively few people. In order to test this assumption, the survey asked respondents to indicate whether they have been sexually assaulted in the New York City subway system. Figure II diagrams responses to this question.

Figure II. Experience of Sexual Assault in the New York City Subway System (2007)

Have you ever been sexually assaulted in the NYC subway system?



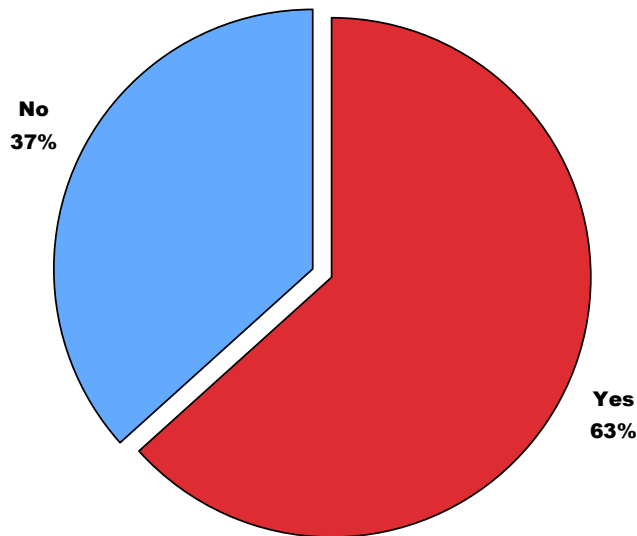
Ten percent of survey respondents have been victims of sexual assault in the New York City subway system. The reality that 1 in 10 subway riders within the survey response group have experienced what they classify as sexual assault is cause for great concern.

This finding provides additional support to anecdotal reports that subway sexual assault affects a significant number of subway riders. Notably, over 99 percent of respondents who said that they have experienced sexual assault on the subway are female.

By comparison to sexual assault, sexual harassment is far more commonplace—both within the subway system and beyond. To better understand the extent to which subway riders experience sexual harassment, the survey asked respondents to indicate whether they have directly experienced sexual harassment in the New York City subway system. Figure III diagrams responses to this question.

Figure III. Experience of Sexual Assault in the New York City Subway System (2007)

Have you ever been sexually harassed in the NYC subway system?



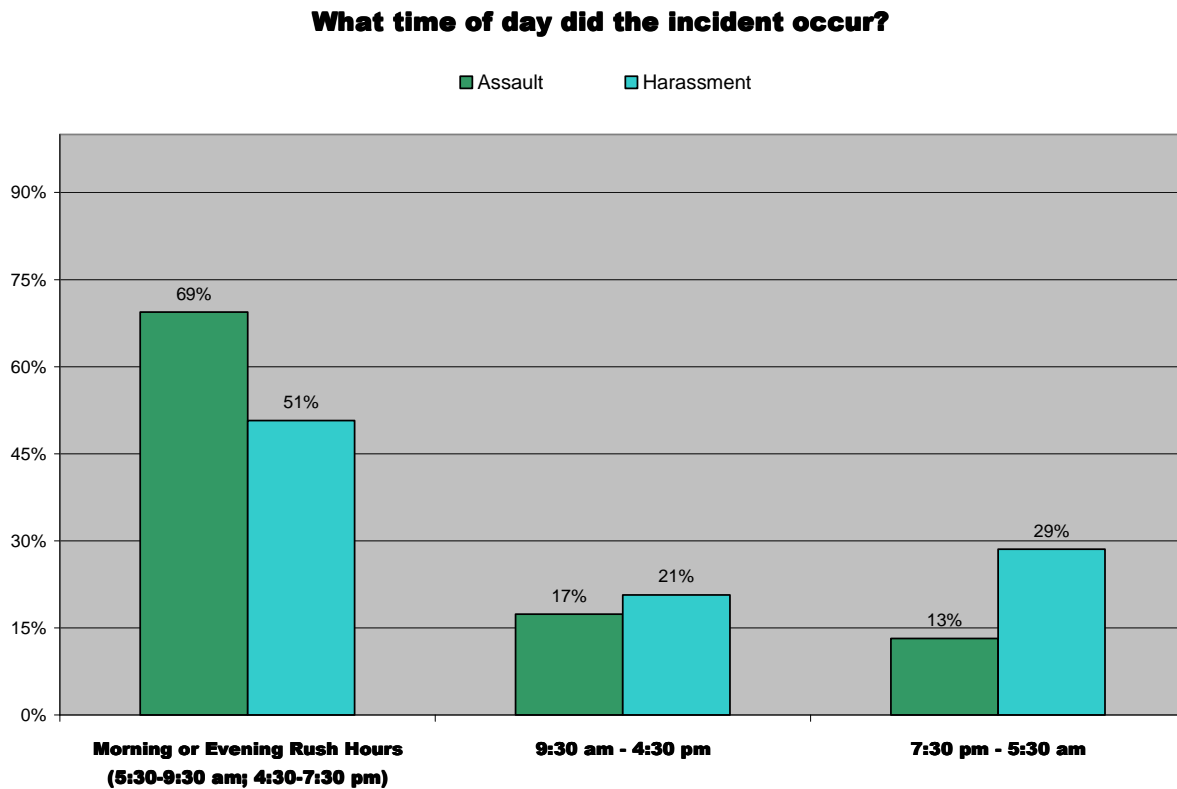
Nearly two-thirds of the respondents have been sexually harassed in the New York City subway system. This data supports anecdotal reports from both community groups and hospitals that sexual harassment is widely experienced in the city’s subway system. Again, of those who have experienced sexual harassment in the subway system, over 99 percent are female.

Time of Sexual Harassment and Assault Occurrence

Any discussion of sexual harassment and assault in the subway system should examine common factors that may be linked to the crime. In order to isolate peak occurrence and assist in the development of effective prevention and response measures, the survey asked respondents who have been victims of sexual harassment and/or assault to

indicate the time of the occurrence. Figure IV shows the time breakdown of these occurrences in the New York City subway system, including harassment and assault.

Figure IV. Time Occurrence of Sexual Harassment and Assault in the New York City Subway System (2007)

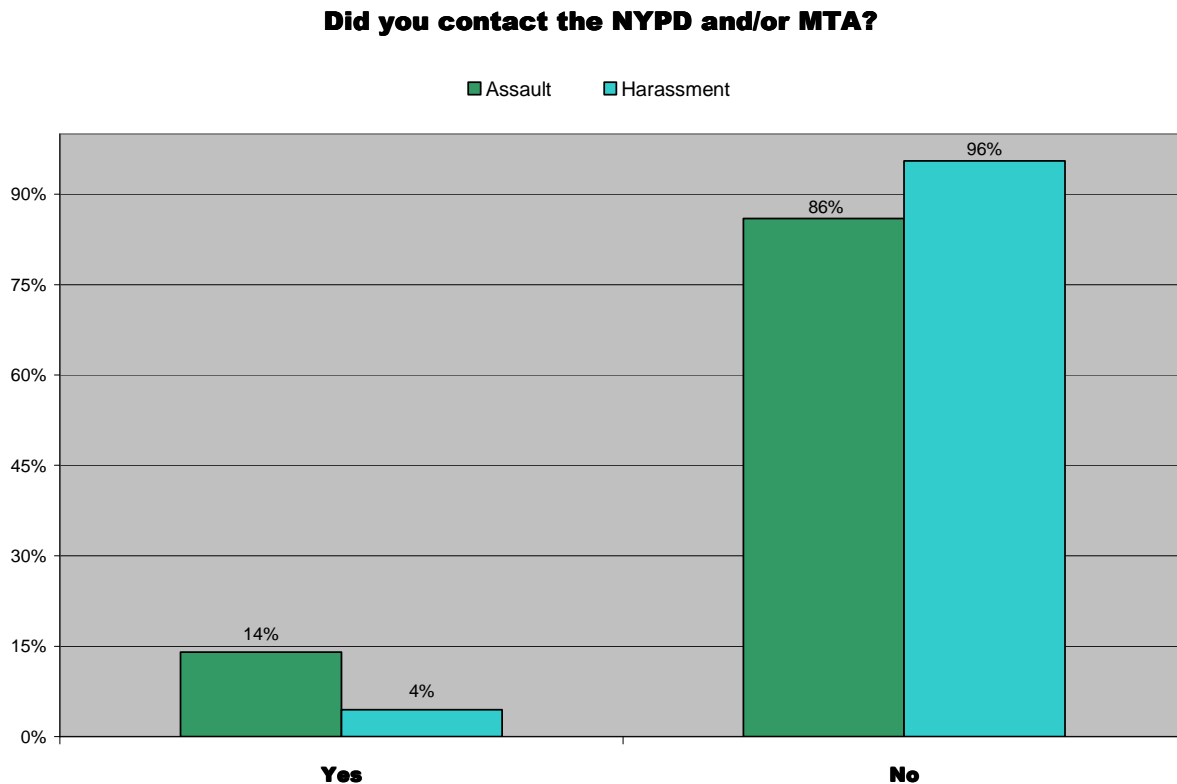


Most sexual harassment and assault incidents occur during morning and/or evening rush hours, defined by the survey as 5:30 a.m. – 9:30 a.m. and 4:30 p.m. – 7:30 p.m. Not surprisingly, this is when trains and subways are most crowded, allowing sex crime perpetrators to act with less notice or consequence. The timing patterns of sexual assault incidents diverge slightly from those of sexual harassment incidents. While sexual assault incidents decreased slightly from daytime off-peak hours to nighttime off-peak hours, sexual harassment incidents increased from daytime to nighttime off-peak hours.

Victim Outreach to the NYPD and/or MTA

Historically, sexual harassment and assault crimes are among the most underreported crimes—regardless of where they occur. To understand the extent of victim reporting, the survey asked sexual harassment and assault victims whether they contacted the NYPD and/or the MTA to file a report or seek assistance. Figure V shows the comparative breakdown by harassment and assault categories.

Figure V. Sexual Harassment and Assault Victims' Contact with NYPD and/or MTA (2007)



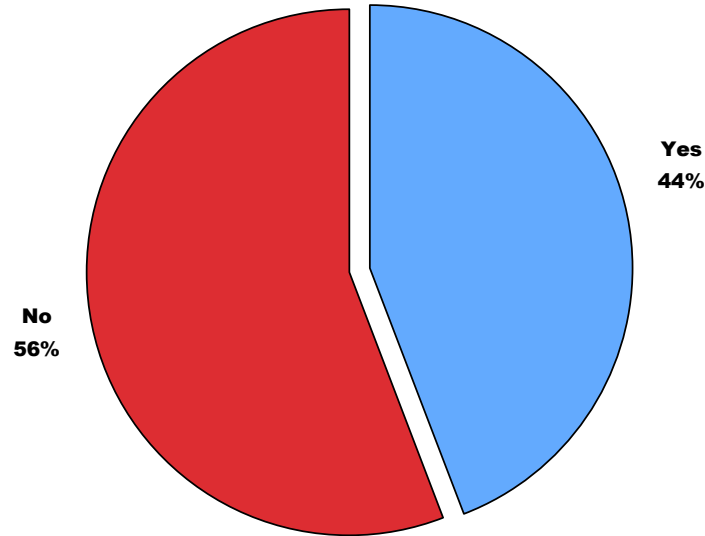
Overwhelmingly, victims of both sexual harassment and assault did not contact the NYPD and/or the MTA to file a report or seek assistance. Proportionally more sexual assault victims contacted the authorities than did sexual harassment victims, which is consistent with expectations given the increased severity of the crime. These findings support the assumption that sexual harassment and assault are grossly underreported. Many respondents' comments in this question category indicated that there were no NYPD or MTA representatives nearby at the time of the incident. Others indicated that authorities were called to the scene after the fact, but that the time delay prevented apprehension of the perpetrator.

Witness to Sexual Harassment and Assault

To test the assumption that subway riders witness sexual harassment crimes in the New York City subway system, the survey asked respondents to indicate whether they have seen a fellow subway rider being sexually harassed in the New York City subway system. Figure VI diagrams respondent observance of sexual harassment.

Figure VI. Witnessing Sexual Harassment in the New York City Subway System (2007)

Have you ever witnessed an incident of sexual harassment?



In total, 44 percent of respondents answered that they have witnessed an incident of sexual harassment in the New York City subway system. While this statistic is not as high as that of direct experience of sexual harassment, it still demonstrates the pervasiveness of sexual harassment incidents in the subway system. As was true with direct experience, witnessing sexual harassment was most common during morning and evening rush hours (46 percent). Also noteworthy is that, nearly all witnesses (96 percent) did not report incidents of sexual harassment to any authorities. Witness reporting hesitancy can be attributed to any number of reasons, including perceived unimportance of the occurrence, witness discomfort in reporting sexual harassment, and a belief that the perpetrator will never be apprehended.

Survey respondents also reported witnessing incidents of sexual assault in the subway system, albeit at a lower rate. In total, 9 percent of respondents indicate that they have witnessed an incident of sexual assault. Of those respondents, 52 percent indicate that the incident occurred during morning and evening rush hours and 91 percent indicate that they did not contact the NYPD and/or the MTA to file a report or seek assistance.

V. Recommendations

The survey findings highlight three critical safety concerns from the survey population: (1)) that the perceived threat of sexual harassment and assault is pervasive, whether riders have been personally victimized or not; (2) that subway sexual harassment and assault are a commonplace experience; and (3) that sexual harassment and assault in the New York City subway system are largely underreported by victims and witnesses due to a combination of factors including the absence of transit authorities at the scene of the incident, the “normalization” of acts of harassment, and the belief that authorities will not be able to apprehend the perpetrator or otherwise provide assistance. There are numerous policies and procedures that could be introduced to address these basic subway safety concerns. While such changes should be discussed broadly by authorities and subway riders alike, the following recommendations -- developed from survey respondent suggestions and best management practices from other major cities -- provide a starting point for a dialogue on a new standard of crime enforcement, monitoring, and awareness for sexual harassment and assault incidents in the New York City subway system:

Data Collection and Availability

1. *The NYPD in conjunction with the MTA should collect, track, and publish subway sexual harassment and assault data.*

The crime statistics that the NYPD generates, tracks, and publishes form the cornerstone of public safety management strategies both for the NYPD and for a host of secondary responders, such as government agencies, community groups, and other organizations providing public safety support services. In the case of sexual harassment and assault in the New York City subway system, inefficiencies in the collection and provision of crime data are a key impediment to better crime and safety management.

Under the current system, the NYPD does not collect or track subway sexual harassment and assault data as a stand-alone crime statistic or category of statistics; instead, only those occurrences which fit within other crime definitions are captured. For example, a sexual assault victim, depending on the egregiousness of the assault, can fall in the COMPSTAT heading of “felony assault.”⁴ Tracking subway sexual harassment and assault in distinct categories (versus embedded in an umbrella category) is essential to understanding the prevalence of such crimes, to analyzing the factors of sexual harassment and assault commonality (such as time of day and transit line), and finally, to determine best practices for prevention and response to these types of occurrences. It is unrealistic to expect the NYPD to craft effective strategies on the basis of inadequate data.

Equally critical is the public availability of subway sexual harassment and assault data. When crime data are not disclosed to the public, outreach and preventive services to

⁴ COMPSTAT, which stands for Computerized Statistics, is a weekly report issued by the New York City Police Department that includes statistical analyses of crime in New York City.

subway riders cannot be provided in a strategic manner. Additionally, subway riders are not empowered to tailor their transit behavior in a way that maximizes their personal safety. Several major metropolitan cities, including Boston and Washington, D.C., publish police reports on transit agency websites clearly denoting crimes that occur in the subway system.⁵ The transparency of crime statistics allows subway riders to be more vigilant, particularly in certain subway stations and trains. Further, the data help the local transit authority and community organizations formulate prevention and response strategies for subway crime.

With an overwhelming number of survey respondents not reporting sexual harassment and assault incidents to the NYPD and/or MTA, these agencies should explore the creation of a hotline to encourage subway riders to report these crimes, and to provide a hassle-free and non-threatening means to do so. The hotline's purpose would be two-fold: (1) to allow the NYPD to collect more accurate data on sexual harassment and/or assault incidents in the New York City subway system; and (2) to create cross-collaboration management opportunities with the MTA in tailoring prevention and response strategies. Through public education campaigns, the hotline could become a critical resource in better understanding the factors of sexual harassment and assault incidents.

Enforcement

2. Increase NYPD presence in the New York City subway system.

Police enforcement is a critical component of any effort to reduce the risk of subway sexual harassment and assault. Indeed, many survey respondents, 35 percent, indicated that enhanced police presence would be the most effective management solution in reducing the risk of sexual harassment and assault in the subway system. Many respondents who were victims or witnesses of sexual harassment and assault did not report the incident, in part due to the absence of NYPD officers at stations and on trains.

As a critical transit safety issue, sexual harassment and assault must be a top priority of the NYPD, particularly within the Transit Bureau—the division responsible for managing subway crimes. Overall, the NYPD's attrition rate has reached new highs and police force recruitment has dropped dramatically.⁶ Station monitoring and oversight by the MTA has diminished as well; the agency's decision to switch from a token-based system to an automated fare collection system has also resulted in fewer toll booth operators and increasingly limited employee presence at stations. To enhance coverage of transit-based public safety issues, police officers not regularly assigned to the Transit Bureau are assigned to subway patrol during peak riding hours. Having more NYPD officers in subway stations and trains, especially during peak and certain off-peak hours, may assist in deterring sexual harassment and assault occurrences and in providing timely and effective responses when incidents occur.

⁵ See Washington, DC Washington Metropolitan Area Transit Authority, http://wmata.com/about/mtpd/weekly_crime_stats.cfm; Boston, MA Massachusetts Bay Transit Authority, <http://transitpolice.us/index.htm>.

⁶ Larry Celona & Bill Sanderson, *Alarm Over NYPD Exodus*, N.Y. POST, January 25, 2007, at 4.

Structural Changes

3. *The MTA should install brighter lights in the subway cars and stations, ensure working emergency phones and pay phones, and expand underground cellular phone service.*

Structural changes to subway cars and stations can be critical in reducing underground crime.⁷ The following are basic safety amenities that may assist in promoting a secure subway environment and enable riders to contact emergency services if necessary. Key safety amenities include:

- Brighter lights in subway cars and stations;
- Emergency phone boxes in subway cars and stations that are in working order;
- Working pay phones in subway stations; and
- Personal cellular phone service in the subway system.

In stations, bright recessed lighting allows subway riders to have a clear view of the people in the station without creating unnecessary shadows. Enhanced lighting should be prioritized for areas that may experience low foot traffic or are visually hidden from open platforms such as stairway corridors (i.e., subway entrances and exits) and subway station hallway connections. Older subway trains should also be retrofitted with brighter lights, as dim lights add to subway riders' fear and uncertainty.

The MTA and NYPD have two types of emergency response technologies installed in the subway system. The first, which exists on newer subway trains, is an emergency button that allows subway riders to converse with the subway train conductor. Older trains, which comprise most of New York City's subway capacity, do not have these safety amenities. The second type of emergency response technology is an intercom system between the caller and MTA command center. These boxes are problematic for a variety of reasons, including: (1) they are not conveniently sited; (2) they are not clearly marked; and (3) they are not always in working order. As with any emergency communication device, these basic factors of operation are critical to success and should be addressed to ensure a more effective emergency response system.

Over the years, the MTA has installed pay phones in certain subway stations across the transit network. However, many pay phones within the system are out of order or work sporadically with the ebb and flow of maintenance activities.⁸ Because these pay phones are one of the few ways that subway riders have to communicate with authorities during emergency situations, the MTA should regularly monitor their status and promptly repair them when necessary.

The MTA can alleviate certain communication gaps by installing underground cellular service reception. This service would enhance communication and provide safer

⁷ Martha J. Smith & Ronald V. Clarke, *Crime and Public Transport*, 27 CRIME AND JUSTICE 169, 207 (2000).

⁸ NYPIRG's Straphangers Campaign, *One in Four Payphones in Subway Stations Does Not Fully Work, Surveys Find*, February 8, 2007, <http://www.straphangers.org/phones07/>.

options to all subway riders. Although the MTA is exploring the feasibility of providing this service and has indicated that it is committed to underground cellular service in concept, it is unclear when the project will be implemented and whether cellular reception will be implemented in all stations city-wide.⁹

4. *The MTA should explore the feasibility of using closed circuit televisions to curb and prevent sexual harassment and assault.*

Closed circuit televisions (CCTV) are commonly used in the New York City subway system. The MTA relies heavily on CCTV to observe station activity and monitor for public safety threats when the platform structure does not allow for direct observation.¹⁰ Currently, the MTA is seeking proposals from subway manufacturers for security cameras to be installed inside subway cars.¹¹ It is unclear whether the MTA has the fiscal means to install security cameras on all subway cars.¹²

The MTA should explore the feasibility of expanding the existing network of visible cameras in subway stations and cars, a public safety tool that has been effective in other world cities like London. From cameras in subway stations, tollbooth operators would monitor activity and serve as a conduit to emergency services. Not only could CCTV imaging help to deter criminal activity, if installed and adopted system-wide, it could also help curtail subway rider fear of sexual harassment and assault.¹³ CCTV images captured on subway trains would be transmitted to the MTA Command Center for monitoring and response.¹⁴ In implementing these changes, cross-collaboration with key agencies, such as the NYPD Transit Bureau, would be critical to executing sound prevention and response measures.

Public Awareness

5. *The MTA should sponsor an ongoing public education campaign to support awareness of sexual harassment and assault incidents as serious, punishable offenses, and to instruct and encourage riders to these incidents.*

Apart from traditional enforcement, a key factor in understanding and deterring specific crimes is full public participation in monitoring and reporting those offenses. The importance of public participation has been particularly clear in the design of municipal management responses to terrorism; enforcement agencies realize that public vigilance at transit sites, such as airports and train stations, is an important element in diverting terrorist attacks and have created public education campaigns designed to train private

⁹ See Joshua Robin, *MTA Committee Recommends Cuts*, NEWSDAY, December 15, 2003, available at <http://www.transalt.org/press/media/2003/031215newsday.html>.

¹⁰ John J. Smith, AIDS FOR CAR SIDE-DOOR OBSERVATIONS 86 (1995), <http://www.trb.org/trbnet/projectdisplay.asp?projectid=982>.

¹¹ William Neuman, *MTA Seeks Designs for Cameras to Be Installed Inside Subway Cars*, N.Y. TIMES, March 27, 2007, at B3.

¹² Independent Budget Office, *A Review of the Metropolitan Transit Authority's Financial Outlook and Options for Closing the Gap*, June 1, 2007, <http://www.ibo.New York City.ny.us/iboreports/mtafiscal20>, at 2.

¹³ Martha J. Smith & Ronald V. Clarke, *Crime and Public Transport*, 27 CRIME AND JUSTICE 169, 222 (2000); Of a surveyed population, 69 percent of respondents reported that at one time or another they have felt the threat of sexual harassment and/or assault in the New York City subway system.

citizens to recognize key indicators of a threat and to notify authorities. The same two-pronged approach of enforcement and public participation is necessary to effectively curb sexual harassment and assault in the New York City subway system.

In order to educate the public and inform both victims and witnesses about these crimes, the MTA, in partnership with other government agencies and community groups, should sponsor an ongoing public education campaign. Ideally, this public education campaign would provide the following:

- Definitions and related legal punishments of sexual harassment and assault;
- Response steps for victims and witnesses to secure assistance; and
- Statements on the importance of reporting sexual harassment and assault.

Like the public service advertisements in the New York City subway system on terrorism, a public campaign that focuses on sexual harassment and assault may help to deter potential criminals by reinforcing the fact that the NYPD and the MTA will take these crimes seriously. It will also help to educate the public on the importance of reaching out to authorities when incidents do occur. Without this basic level of public participation, authorities cannot understand the full scope of the problem and are at a disadvantage in their efforts to design targeted prevention and response measures.

- 6. Develop and issue standard sexual harassment and assault response protocols and provide related training to NYPD and MTA employees.*

Regardless of existing training efforts, MTA employees (particularly tollbooth operators and train conductors) and NYPD police officers should have the benefit of routine, topic-specific trainings on proper response to sexual harassment and assault incidents. MTA and NYPD trainings should include instruction on how to approach sexual harassment and assault crimes in terms of victim support, crime reporting, and follow-up.

VI. Conclusion

This survey and summary report are an important first step in addressing and understanding the prevalence of sexual harassment and assault in the New York City subway system. Without a concerted effort by government agencies, community-based groups, and hospitals in understanding the extent of these and related findings for the subway riding population-at-large, sexual harassment and assault will continue to be “hidden” and overlooked by authorities and the riding public. Further research should address the prevalence of subway sexual harassment and assault occurrences on a population-wide basis, paying careful attention to factors of coincidence (i.e., subway lines and stations and time of day) that may be critical to developing effective prevention and response strategies.

Publicly available data on these occurrences, greater enforcement, simple structural changes, and public education campaigns, can all benefit a public transportation system that is likely to grow considerably in the coming decades. To combat the pervasiveness of sexual harassment and assault in the New York City subway system, the City must immediately and effectively address this critical aspect of subway rider safety.

Appendix A: MTA Sexual Harassment and Assault Survey

Age: 14-18 19-21 21-29 30-44 45-59 60 or older
Gender: Female Male Other
Borough: Brooklyn Bronx Manhattan Queens Staten Island

1) On average, how many days per week do you ride the subway?

- a) Two days a week or less.
- b) Three days a week or more.

2) At what time of day do you usually ride the subway?

- a) Morning and evening rush hours (5:30-9:30A; 4:30-7:30P).
- b) Between 9:30am to 4:30pm.
- c) Between 7:30pm to 5:30am.

3) What subway line do you usually ride? _____

4) What zip code do you live in? _____

Sexual Assault: Any non-consensual sexual acts, including, attempted rape, forced oral/anal intercourse, rape, and aggravated touching.

Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including flashing, groping, fondling, and public masturbation.

5) Have you ever felt the threat of sexual assault or harassment in the New York City subway system?

- a) Yes
- b) No

6) If you answered 'Yes' to Question #5, please indicate how often you feel the threat of sexual assault and/or harassment:

- a) I seldom or rarely feel the threat of sexual assault or harassment.
- b) I sometimes feel the threat of sexual assault or harassment.
- c) I frequently feel the threat of sexual assault or harassment.

7) Have you ever been sexually assaulted in the New York City subway system?

- a) Yes
- b) No

8) If you answered 'Yes' to question #7, please answer the following:

- a) Which train line and/or subway station did the most recent incident occur? _____
- b) What time of day did this incident occur?
 - Morning and evening rush hours (5:30-9:30A; 4:30-7:30P).
 - Between 9:30am to 4:30pm.

-Between 7:30pm to 5:30am.

c) Did you contact the NYPD and/or MTA to file a report or seek assistance?

-Yes Please describe your experience with the NYPD and/or MTA:

-No

9) Have you ever been sexually harassed in the New York City subway system?

a) Yes

b) No

10) If you answered "Yes" to question #9, please answer the following:

a) Which train line and/or subway station did the most recent incident occur? _____

b) What time of day did this incident occur?

-Morning and evening rush hours (5:30-9:30A; 4:30-7:30P).

-Between 9:30am to 4:30pm.

-Between 7:30pm to 5:30am.

c) Did you contact the NYPD and/or MTA to file a report or seek assistance?

-Yes Please describe your experience with the NYPD and/or MTA:

-No

11) Have you witnessed an incident of sexual assault in the New York City subway system?

a) Yes

b) No

12) If you answered "Yes" to question #11, please answer the following:

a) Which train line and/or subway station did the most recent incident occur? _____

b) What time of day did this incident occur?

-Morning and evening rush hours (5:30-9:30A; 4:30-7:30P).

-Between 9:30am to 4:30pm.

-Between 7:30pm to 5:30am.

c) Did you contact the NYPD and/or MTA to file a report or seek assistance?

-Yes Please describe your experience with the NYPD and/or MTA:

-No

d) The victim was:

-Male

-Female

-Other

e) The perpetrator was:

- Male
- Female
- Other

13) Have you witnessed an incident of sexual harassment in the New York City subway system?

- a) Yes
- b) No

14) If you answered "Yes" to question #13, please answer the following:

- a) Which train line and/or subway station did the most recent incident occur? _____
- b) What time of day did this incident occur?
 - Morning and evening rush hours (5:30-9:30A; 4:30-7:30P).
 - Between 9:30am to 4:30pm.
 - Between 7:30pm to 5:30am.
- c) Did you contact the NYPD and/or MTA to file a report or seek assistance?
 - Yes Please describe your experience with the NYPD and/or MTA:

-No

- d) The victim was a:
 - Male
 - Female
 - Other
- e) The perpetrator was:
 - Male
 - Female
 - Other

15) In your opinion, which of the following strategies would be the most effective way of reducing the number of sexual assault and harassment incidents on the New York City subway system? (Please select only one.)

- a) Public education campaigns on personal safety and who to contact if one is sexually assault or harassed in the New York City subway system.
- b) Increased NYPD presence in the New York City subway system.
- c) Better safety amenities: brighter lights in stations and on trains, working pay phones, and more emergency and intercom systems.
- d) More MTA New York City transit station booth operators.
- e) Having more trains during rush hours.
- f) Other: _____

16) Please share any thoughts, comments, and/or suggestions on how New York City can improve the safety of subway riders.
