

'That Nurse Should Be Alive': How Police Delays Left a Suspect at Large

The New York Police Department let a suspect in a Brooklyn rape case slip through its grasp. A month later he was arrested in connection with the murder of a nurse in Queens.



By Ashley Southall

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On the night of June 18, 2018, a hospital in New York City summoned the police to meet a woman who said she had been raped.

When a detective from the Special Victims Division showed up, the 23-year-old woman gave him a picture of a man whom she had met on the dating app Tinder and an alias he had used. She described how he had choked her unconscious and sexually attacked her the night before in Gowanus, Brooklyn. The detective worked on her case overnight as she underwent a medical exam. She also went with him that night to point out the place where the rape had occurred.

But instead of prompting a vigorous investigation, the victim's report was largely set aside for three weeks as the detective juggled other cases, The New York Times has learned. By the time the suspect, Danueal Drayton, was arrested a month after the attack, the police and prosecutors said he had killed a nurse in Queens and raped another woman after fleeing to Los Angeles.

The fresh details, related by officials familiar with the events, help explain how the authorities fumbled chances to stop Mr. Drayton, who had a lengthy history of mental illness and attacking women he dated before the killing of the nurse, Samantha Stewart. They illuminate how understaffing in the Special Victims Division, which is the subject of a federal civil rights investigation, slowed efforts to catch a rape suspect as top police officials were vehemently denying that manpower was a problem.

When Mr. Drayton was arrested 12 days after the rape for jumping a turnstile in Brooklyn, he had still not been identified as a sexual assault suspect. So the police released him to another jurisdiction where he was wanted on charges of assaulting an ex-girlfriend and subsequently freed after an unrelated paperwork foul-up. A total of five weeks passed between the rape in Gowanus and his final arrest on July 24, 2018, in Los Angeles.



Samantha Stewart, 29, was beaten, robbed, strangled and raped.

The details of the delay in the Gowanus rape investigation were described to The Times by the former commander of the Special Victims Division, Michael J. Osgood. A law enforcement official briefed on the case who requested

the Police Department having to accept a court-appointed monitor, like those who already oversee the department's stop-and-frisk and surveillance practices.

Despite the delay in the Gowanus rape investigation, the case detective identified Mr. Drayton as the suspect in the attack six days before the nurse was found dead, according to Mr. Osgood and the law enforcement official. The revelation contradicts police statements at the time that Mr. Drayton became a suspect in the rape after the murder.

The police never publicly revealed that they had been seeking Mr. Drayton in connection with the rape case before Ms. Stewart's death. Instead, officials said that he became a suspect after DNA linked the two crimes to the same perpetrator.

The Police Department declined to answer detailed questions sent by email about the delay. The department "takes sexual assault and rape cases extremely seriously, and urges anyone who has been a victim to file a police report so we can perform a comprehensive investigation, and offer support and services to survivors," the public information office said in a statement, one that it has provided repeatedly in response to questions about the handling of sexual assault cases.

'Running on fumes'

When the Gowanus victim came forward that June 18, her case was assigned to Detective Christopher A. Mastoros, who had earned a reputation among fellow officers and prosecutors for quality work. Detective Mastoros declined to discuss the case, a police spokesman said.

Division detectives have "manageable" caseloads and take on an average of five to seven new assaults per month, according to the department.

Detective Mastoros had 19 open cases besides the Gowanus rape, and pitched in on several more, according to Mr. Osgood, who had compiled a timeline of the detective's work at the request of his supervisor.

Detective Mastoros concentrated on the Gowanus case from the night of the 18th until early the next morning, Mr. Osgood and the law enforcement official said. Later that day, the 19th, the detective was assigned to follow up on another matter, the commander said.

Then, on the 20th, Detective Mastoros was assigned to a rape case in East Flatbush involving an unknown attacker — what the police call a stranger case. He moved on the next day to Greenpoint, where the police said a 37-year-old woman reported that a man she did not know had knocked on her door, then pushed his way inside and attacked her.

That prompted police officials to pull several detectives from other cases to work exclusively on the new one. The department uses this practice, known as "surging," to investigate attacks by strangers because officials believe that these cases are more time sensitive than those involving assaults by acquaintances, and because they believe the strategy can help quell public fear.

But surging leaves detectives' remaining cases largely untended, according to the city watchdog's report and Mr. Osgood. He said surging can be debilitating for a unit already stretched thin.

"If you're running on fumes," he said, "a stranger rape cripples you."

Pushed into action

The Greenpoint suspect was arrested the next day, after his mother turned him in, according to the police. But as lead investigator, Detective Mastoros worked on the case five more days, skipping two regular days off and testifying before a grand jury, according to Mr. Osgood and the law enforcement official.

It wasn't until June 28 that Detective Mastoros returned to the Gowanus rape case and went looking for video at the office of a moving company where the victim said Mr. Drayton stayed in a room to which he had taken her after hours, according to Mr. Osgood and the official. The detective searched again on July 10. Both times, he found

The detective issued an investigation card, a document that police treat like a warrant, that notified the whole department that Mr. Drayton should be arrested on sight. But under Police Department policy, Special Victims detectives do not execute felony arrests, Mr. Osgood and the official said, so six days passed before anyone went looking for Mr. Drayton. The department did not explain the policy.

Through the net

The halting pace of the investigation reflected a common complaint of rape victims. Alison Turkos, the founder of the NYPD Survivor Working Group, said that half of the sexual assault victims who have confided in her experienced delays in their investigations. Several women involved with the group which is not affiliated with the department or the city, have told The Times that they spoke to federal prosecutors about the holdups.

"It's months of survivors not hearing from officers," Ms. Turkos said. "It's months of survivors' emails and phone calls going unanswered. It's months of folks just being neglected."

The warrants squad did not make its first attempt to arrest Mr. Drayton until July 17. By then, the police had already caught him and let him go.



Danueal Drayton was arrested, but no one had connected him to a rape in Brooklyn.

New York Police Department, via Associated Press

Patrol officers had arrested Mr. Drayton for jumping a turnstile in Brooklyn on June 30, the police said. It was 12 days after the rape in Gowanus, but the case detective had not yet identified Mr. Drayton, so the police turned him over to Nassau County, where he was wanted.

On July 1, a judge there ordered him held on \$2,000 bail on charges that he had choked his ex-girlfriend, slashed her tires and broken into her house. But another judge mistakenly released him on July 5 after paperwork went missing that detailed his criminal record in Connecticut, where he had spent time in prison for attacking two women and was on probation for threatening a friend.

On the night of July 17, New York City police officers responded to a 911 call from a man whose 29-year-old daughter, Ms. Stewart, was found dead in her bedroom in Springfield Gardens, Queens. She had been beaten, robbed, strangled and raped posthumously, prosecutors said.

The police figured out that Mr. Drayton was the murder suspect within days by tracking transactions on Ms. Stewart's credit cards after her death. By then, Detective Mastoros had also identified him as the suspect in the Gowanus rape case.

But at that point Mr. Drayton was in Los Angeles, the authorities said. A fugitive task force caught him on July 24 in North Hollywood, where prosecutors said he had raped and tried to strangle his final victim in her apartment.

After Mr. Drayton's arrest, Mr. Osgood said that he sent an email to his supervisor summarizing Detective Mastoros's work between the rape in Gowanus and the murder in Queens. The official Assistant Chief James W. Essig, who was

The city watchdog agency has said the Special Victims Division would need to double in size to give detectives adequate time to investigate their cases.

Lucian Chalfen, the chief spokesman for the state court system, said the Nassau County judge would not have released Mr. Drayton had it been known that he was a suspect in the Gowanus rape.

Mr. Drayton was charged in Los Angeles with attempted murder, rape and false imprisonment. But a mental health court judge this year decided that he was not competent to stand trial, the Los Angeles District Attorney's Office said in a statement.

Mr. Drayton, now 31, was extradited to New York in March to face charges for murder, rape and grand larceny in Queens. He was also indicted on rape charges in Brooklyn.

Margaret Wright Stewart, Ms. Stewart's mother, said in a telephone interview that she did not know the police had been looking for Mr. Drayton before her daughter was killed.

"So many people, before, that man hurt, and then he killed my daughter," Ms. Wright Stewart said. If officials had warned about Mr. Drayton sooner, she said, "maybe Samantha would be alive."

Susan C. Beachy contributed research.