

**NYC Department of Correction
NYC Board of Correction Sexual Abuse and Sexual Harassment Minimum
Standards 5-40 Assessment Report – August 14, 2018**

INTRODUCTION

The Prison Rape Elimination Act of 2003 (PREA Public Law 108-79) established federal mandates to identify and prevent prison rape in correctional facilities within the jurisdictions of federal, state, local, and native territories across the United States. Public Law 108-79 was signed into law on September 4, 2003.

The United States Department of Justice adopted the National Standards to Prevent, Detect, and Respond to Prison Rape (the PREA Standards) effective August 20, 2012. In addition to establishing mandatory standards for prevention, detection and response to prison sexual abuse and sexual harassment, the PREA Standards require all correctional facilities to conduct sexual abuse incident reviews and collect uniform data using standardized definitions. Agencies must ensure that data collection includes allegations of sexual abuse and sexual harassment at facilities under its direct control. This incident-based sexual abuse information must be aggregated and made readily available to the public at least annually.

In 2016, the New York City Board of Correction (“the Board”) implemented Sexual Abuse and Sexual Harassment Minimum Standards that are equivalent to the PREA Standards. Pursuant to the Board’s Minimum Standards §5-40 “Data Collection and Review”, the New York City Department of Correction (“the Department”) shall provide to the Board with a semiannual report. This report, which evaluates sexual abuse and sexual harassment allegations made within the past six months (January 2018 through June 2018), analyzes emerging trends and assesses the corrective action contemplated and/or initiated at the facility level and department-wide. It is important to note that allegations of sexual abuse and sexual harassment are preliminary and subject to change as these cases develop. Data discussed in allegation categories are not final, as they are ongoing or pending resolution. Data used in this report reflects the most current information available at the time of publication.

Allegations of sexual abuse and sexual harassment are based on the definitions provided by the Department of Justice and reporting requirements as specified in the National Standards to Prevent, Detect, and Respond to Prison Rape, under 28 CFR part 115 under the Prison Rape Elimination Act of 2003. (see Appendix A).

Section One

ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

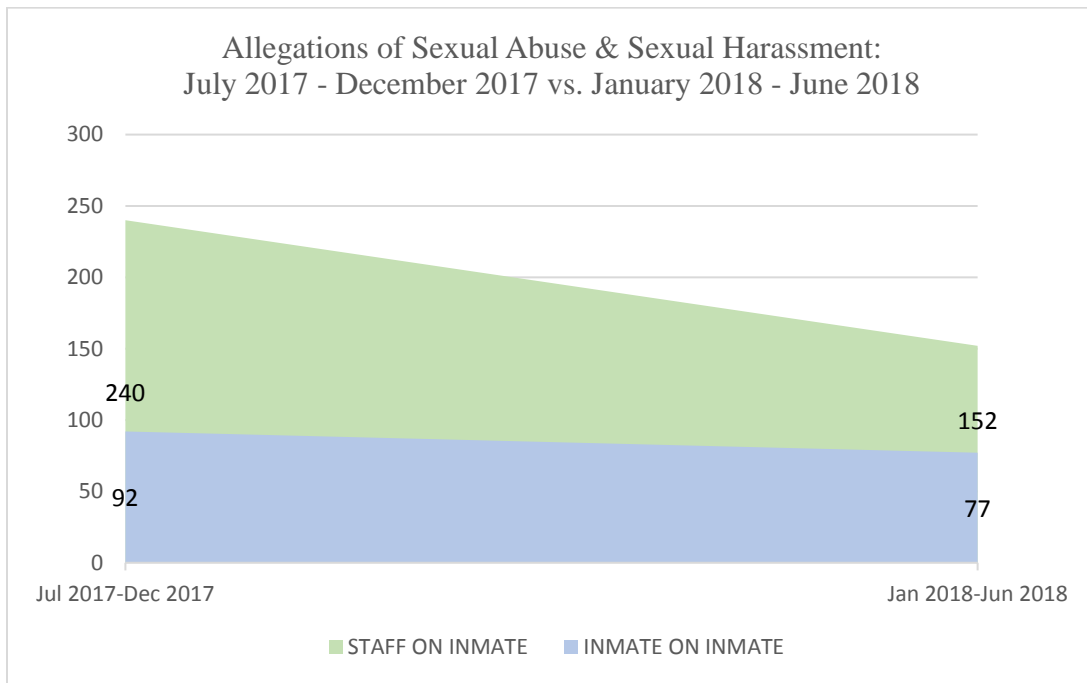
In accordance with the National PREA Standards, the Department reviews data pursuant to §115.87 in order to examine and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training with the ultimate goal of eliminating sexual abuse and sexual harassment within its facilities.

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Type of Allegation

Allegations of sexual abuse and sexual harassment are categorized in accordance with the definitions provided by the Prison Rape Elimination Act of 2003. These categories separate allegations by perpetrator type (staff or inmate) as shown in [Figure 1](#).

Figure 1



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Table 1

<i>Facility Breakdown Comparison</i>				
	July 2017-Dec 2017		Jan 2018-Jun 2018	
	# of Allegations	%	# of Allegations	%
RMSC	77	23.19%	46	20.09%
AMKC	43	12.95%	35	15.28%
BKDC	44	13.25%	30	13.10%
GRVC	42	12.65%	33	14.41%
RNDC	27	8.13%	11	4.80%
WF	25	7.53%	6	2.62%
OBCC	26	7.83%	22	9.61%
EMTC	16	4.82%	13	5.68%
MDC	10	3.01%	12	5.24%
GMDC	6	1.81%	2	0.87%
NIC	3	0.90%	9	3.93%
VCBC	4	1.20%	3	1.31%
BHPW	2	0.60%	1	0.44%
OTHER UNITS	7	2.11%	6	2.62%

Table 2

<i>July 2017-December 2017</i>			
<i>Alleged Victim Age at Incident Date</i>	<i># of Allegations</i>	<i>Staff on Inmate</i>	<i>Inmate on Inmate</i>
18<	7	6	1
19-21	25	15	10
21>	300	219	81

Table 3

<i>January 2018-June 2018</i>			
<i>Alleged Victim Age at Incident Date</i>	<i># of Allegations</i>	<i>Staff on Inmate</i>	<i>Inmate on Inmate</i>
18<	1	1	0
19-21	15	13	2
21>	213	138	75

Approximately 90% of all allegations were reported by inmates ages twenty-one (21) or older.

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Table 4

<i>July 2017-December 2017</i>			
<i>Alleged Subject Age at Report Date</i>	<i># of Allegations</i>	<i>Staff on Inmate</i>	<i>Inmate on Inmate</i>
18<	1	0	1
19-21	4	0	4
21>	300	240	60
Unidentified Alleged Perpetrator	27 (Perpetrator was not identified in the preliminary investigation)		

Table 5

<i>January 2018-June 2018</i>			
<i>Alleged Subject Age at Report Date</i>	<i># of Allegations</i>	<i>Staff on Inmate</i>	<i>Inmate on Inmate</i>
18<	0	0	0
19-21	2	0	2
21>	209	152	57
Unidentified Alleged Perpetrator	18 (Perpetrator was not identified in the preliminary investigation)		

In approximately 90% of all allegations reported, the alleged perpetrator was twenty-one (21) years old or older.

In the July 2017-December 2017 reporting period, there were twenty-seven (27) inmate on inmate allegations where the alleged victim inmate was unable to identify the alleged perpetrator inmate. This accounted for 8.13% of all inmate on inmate PREA-reportable incidents in the July 2017-December 2017 reporting period. In the January 2018-June 2018 reporting period, there were eighteen (18) inmate on inmate allegations where the alleged victim inmate was unable to identify the alleged perpetrator inmate. This accounted for 7.86% of all inmate on inmate PREA-reportable incidents in the January 2018 – June 2018 reporting period.

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Table 6

<i>Reporting Breakdown</i>				
	July 2017-December 2017		January 2018-June 2018	
Staff-Inmate	# of Allegations	%	# of Allegations	%
311	199	59.94%	129	56.33%
DOI	15	4.52%	8	3.49%
Facility	15	4.52%	2	0.87%
ID	9	2.71%	8	3.49%
PREA	2	0.60%	1	0.44%
OTHER	0	0.00%	3	1.31%
Total	240	72%	151	66.38%
Inmate-Inmate				
311	82	24.70%	63	27.51%
DOI	0	0.00%	1	0.44%
Facility	7	2.11%	8	3.49%
ID	1	0.30%	3	1.31%
PREA	2	0.60%	1	0.44%
OTHER	0	0.00%	1	0.44%
Total	92	27.71%	77	33.62%

Overview

The total number of sexual abuse and sexual harassment allegations decreased by 31.02% from the 6 month period of July 2017 - December 2017 to the current reporting period of January 2018 - June 2018 (332 versus 229 allegations, respectively). In the six-month period comparison from 2017 to 2018, there was an overall decrease of allegations in all categories of sexual harassment and sexual abuse, with the exception of a 54.84% increase in alleged inmate on inmate abusive sexual contact, from thirty-one (31) allegations in the latter half of 2017 to forty-eight (48) allegations during the current reporting period. A further analysis of the data reveals that allegations of staff on inmate sexual abuse or harassment is down 36.67%, and allegations of inmate on inmate sexual abuse or harassment is down 16.30%. (See [Table 7](#))

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Table 7

<i>Comparison of Allegations of Sexual Victimization, by type of Incidents</i>			
	Jul 2017-Dec 2017	Jan 2018-Jun 2018	% Increase/Decrease
Total	332	229	-31.02% ↓
STAFF ON INMATE	240	152	-36.67% ↓
Sexual Abuse	174	135	-22.41% ↓
Sexual Harassment	66	17	-74.24% ↓
INMATE ON INMATE	92	77	-16.30% ↓
Abusive Sexual Contact	31	48	54.84% ↑
Non-Consensual Sex Act	14	12	-14.29% ↓
Sexual Harassment	47	17	-63.83% ↓

Staff Sexual Misconduct

Staff sexual misconduct includes a wide-range of behaviors such as attempted or requested sexual acts, indecent exposure, invasion of privacy and staff voyeurism, as well as completed sexual acts and unwanted touching for sexual gratification. This category represents about 55% of all allegations. There were 135 staff sexual misconduct allegations reported during the beginning half of 2018, a 22.41% decrease from the 174 allegations made during the latter half of 2017 (see [Table 7](#)).

Out of all the staff on inmate sexual abuse allegations, approximately 85% fall into the categories of Inappropriate Touch, Crimes under Penal Law 130 and Voyeurism. For the first six month period of 2018 more than 50% (63) of the abuse were alleged to have occurred during a Use of Force (38), Strip Search (10), Pat-frisk (9), Contraband retrieval (5) or Escort (1). For the latter six month period of 2017, about 66% (97) of staff sexual misconduct were alleged to have occurred during a Use of Force (43), Strip Search (22), Pat-frisk (20), Contraband retrieval (3) and Escort (9).

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<i>Staff-Inmate Sexual Abuse Jul 2017-Dec 2017</i>	
Category	# of Allegations
Inappropriate Touch	98
Crimes Under New York State Penal Law 130	26
Voyeurism	24
DOI	16
Undue	6
Other	4

<i>Staff-Inmate Sexual Abuse Jan 2018-Jun 2018</i>	
Category	# of Allegations
Inappropriate Touch	79
Crimes Under New York State Penal Law 130	21
Voyeurism	17
Other	18

UOF	43
Strip Search	22
Pat-frisk	20
Escort	9
Contraband	3
Non Coop	11
Verbal	4
Retaliation	2
Non DOC	1
DOI	1
Other	32

UOF	38
Strip Search	10
Pat-frisk	9
Escort	1
Contraband	5
Non Coop	5
Verbal	9
Retaliation	1
Non DOC	2
DOI	1
Grievance	2
Third Party	1
Other	33

Staff Sexual Harassment

PREA-reportable staff sexual harassment includes repeated verbal statements, and comments or gestures of a sexual nature to an inmate by a staff member. Staff sexual harassment allegations represent approximately 12% of all allegations reported. Total allegations of PREA-reportable staff sexual harassment decreased by 74.24% between the July 2017 - December 2017 reporting period (66 allegations) and the January 2018 - June 2018 reporting period (17 allegations) (see [Table 7](#)).

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Table 8

<i>Staff on Inmate Sexual Harassment</i>					
Sub-Category	# Allegations %		# Allegations %		% Increase/Decrease
	Jul 2017-Dec 2017		Jan 2018-Jun 2018		
SEXUAL THREAT	20	30.30%	2	11.76%	-90.00% ↓
SMD/P	13	19.70%	7	41.18%	-46.15% ↓
INAPPROPRIATE COMMENTS	10	15.15%	3	17.65%	-70.00% ↓
BODY PART VIEW	10	15.15%	3	17.65%	-70.00% ↓
HOMOPHOBIC STATEMENT	5	7.58%	1	5.88%	-80.00% ↓
RETALIATION	4	6.06%	0	0.00%	-100.00% ↓
OTHER	4	6.06%	1	5.88%	-75.00% ↓
Total	66	100%	17	100%	-74.24% ↓

Inmate Nonconsensual Acts

Nonconsensual acts include inmate-on-inmate sexual penetration without consent or of an inmate who is unable to either consent or refuse. This category represents approximately 4.22% of all July 2017-December 2017 allegations, and 5.24% of all January 2018 – June 2018 allegations. (See [Table 9](#)).

During the last reporting period, out of fourteen (14) alleged non-consensual sex acts, 13 (92.86%) of them fell into the category ‘Crimes under New York State Penal Law 130’. Of these 13, two (2) were related to contraband. Similarly, during the current reporting period, out of 12 Non Consensual Sex Act, 11 (91.67%) fell into the category ‘Crimes under New York State Penal Law’. Of these 11, two (2) were related to contraband.

Table 9

<i>Non Consensual Sex Act</i>	# of Allegations		# of Allegations	
	July 2017- December 2017	%	January 2018-June 2018	%
Crimes Under New York State Penal Law	13	92.86%	11	91.67%
Inappropriate Touch	1	7.14%	1	8.33%

Inmate Abusive Acts

Inmate abusive acts are defined as unwanted intentional touching of an inmate without his or her consent, or of an inmate who is unable to consent or refuse, by another inmate. Inmate abusive acts represented approximately 9.34% of all allegations for the period of July-December 2017. During January-June 2018, this category of allegation rose to 20.96% of all allegations. This accounts for a 54.84% increase (from 31 to 48 allegations) (see [Table 10](#)).

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Table 10

<i>Inmate Abusive Acts</i>	<i># of Allegations</i>		<i># of Allegation</i>		<i>% Increase/Decrease</i>
	July 2017- December 2017	%	January 2018-June 2018	%	
Inappropriate Touch	14	45.16%	23	47.92%	64.29% ↑
Consensual Public Display	11	35.48%	0	0.00%	-100.00% ↓
Crimes Under New York State Penal Law	1	3.23%	13	27.08%	1200.00% ↑
Voyeurism	0	0.00%	1	2.08%	100.00% ↑
Other	5	16.13%	11	22.92%	120.00% ↑
Total	31	100.00%	48	100%	54.84% ↑

Inmate Sexual Harassment

In 2013, the Bureau of Justice Statistics added *Inmate Sexual Harassment* to the definitions of sexual victimization. This new definition was included in the data collection and is reflected in this report. Inmate sexual harassment is defined as repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another. The number of such allegations has decreased by 63.83% from forty-seven (47) allegations during July-December 2017 to seventeen (17) for the January-June 2018 time period. (see [Table 11](#)).

Table 11

<i>Total allegations of sexual victimization, by type of incident, 2017 – 2018; rate per 1,000 inmate population</i>						
Category Type	Jul 2017-Dec 2017	Jan 2018-Jun 2018	% (2017)	% (2018)	rate (2017)	rate (2018)
Total	332	229	100.00%	100.00%	12.60	9.91
STAFF ON INMATE	240	152	72.29%	66.38%	9.11	6.58
Sexual Abuse	174	135	52.41%	58.95%	6.61	5.84
Sexual Harassment	66	17	19.88%	7.42%	2.51	0.74
INMATE ON INMATE	92	77	27.71%	33.62%	3.49	3.33
Abusive Sexual Contact	31	48	9.34%	20.96%	1.18	2.08
Non-Consensual Sex Act	14	12	4.22%	5.24%	0.53	0.52
Sexual Harassment	47	17	14.16%	7.42%	1.78	0.74

The rate of reported allegations of sexual victimization decreased from 12.60 per 1,000 inmates during the latter half of 2017 to 9.91 per 1,000 inmates during the first half of 2018. The rate of staff allegations decreased from 9.11 per 1,000 inmates during to 6.58 per 1,000 inmates over that same timeframe. The rate of inmate-on-inmate allegations decreased slightly from 3.49 per 1,000 inmates to 3.33 per 1,000 inmates (see [Table 11](#)).

Section Two

SUBSTANTIATED, UNSUBSTANTIATED & UNFOUNDED ALLEGATIONS

Allegations of sexual abuse or sexual harassment are substantiated after an event is investigated and determined to have occurred based on a preponderance of evidence. This report reflects the number of such determinations at the time of this report.

Of the 332 allegations of sexual abuse and sexual harassment reported during the last reporting period of July 2017 - December 2017, 10 incidents (3.01%) were determined to be unsubstantiated, 3 incidents (0.90%) were unfounded, and 319 are still pending final disposition. During the current reporting period of January 2018 - June 2018, 7 (3.06%) were deemed unsubstantiated, 3 (1.31%) were determined to be unfounded, and 222 are pending final disposition out of the 229 allegations (see [Table 12](#)). In each year, the number and rate of unfounded and unsubstantiated determinations exceeds the number and rate of substantiated determinations. For a full description of resulting determinations, see Section Three.

Table 12

<i>Substantiated, Unsubstantiated, Unfounded, and Pending allegations of sexual victimization Department-wide, 2017 - 2018</i>		
	Jul 2017-Dec 2017	Jan 2018-Jun 2018
Total Allegations	332	229
Unsubstantiated	10	7
Unfounded	3	0
Preliminary Findings-Substantiated	0	3
Preliminary Findings-Unsubstantiated	332	224
Preliminary Findings-Unfounded	0	2
Pending Final Disposition	319	222

Table 13

<i>Additional Allegations that reached Final Disposition during July 2017-June 2018</i>					
<i>Initiated Investigation</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>through 06/30/2017</i>	<i>Total</i>
Substantiated	0	0	16	1	17
Unsubstantiated	1	10	80	6	97
Unfounded	0	4	34	7	45

There were a total of 179 cases closed during the period of July 2017- June 2108, including cases that were reported prior to July 1st, 2017.

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The rate of sexual victimization is the ratio of the number of incidents compared to the average number of inmates in the Department’s custody between January and December of the calendar year. The inmate population includes both detainees and sentenced inmates. *Unsubstantiated allegation* means an allegation that was investigated and the investigation produced insufficient evidence to conclude that the event occurred. *Unfounded allegations* are those that, pursuant to investigation, are proven false. All inmate allegations of sexual abuse and sexual harassment are taken seriously and investigated thoroughly.

TABLE 14

Substantiated, Unsubstantiated and Unfounded allegations of sexual victimization, by facility, rate per 1,000 inmates

<i>Substantiated, Unsubstantiated and Unfounded allegations of sexual victimization, by facility, rate per 1,000 inmates</i>							
Facility Name	Total	Substantiated		Unsubstantiated		Unfounded	
		Number	Rate	Number	Rate	Number	Rate
AMKC	78	0	0	0	0	0	0
BKDC	74	0	0	1	0.04	0	0
EMTC	29	0	0	1	0.04	0	0
GMDC	8	0	0	4	0.16	0	0
GRVC	75	0	0	2	0.08	0	0
MDC	22	0	0	1	0.04	1	0.04
NIC	12	0	0	0	0	0	0
OBCC	48	0	0	0	0	0	0
RMSC	123	0	0	6	0.24	0	0
RNDC	39	0	0	3	0.00	1	0.04
VCBC	7	0	0	0	0	0	0
WF	31	0	0	0	0	0	0

Section Three

RESULTING DETERMINATIONS

Resulting determinations from completed investigations are classified as Substantiated, Unsubstantiated, or Unfounded as defined by the PREA Standards. Resulting determinations are fully defined in Appendix B (p.15).

Of the 332 sexual abuse and sexual harassment allegations reported during July 2017-December 2017, three (3) (0.90%) were determined to be *unfounded*. In these cases, the Investigation Division determined that the event did not occur by, for example, the presence of evidence

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contradictory to the allegation or an inmate's credible self-admission to falsifying the allegation. There were no unfounded determinations in CY 2018.

Among completed investigations between 2017 and 2018, most resulting determinations concluded that evidence was insufficient to conclude that the event occurred. These cases are referred to as *unsubstantiated*.

In total, the PREA team has closed 179 PREA-reportable cases between July 2017 and June 2018.

PENDING ALLEGATIONS

As the NYC Department of Correction moved towards PREA Compliance, the Department has increased Investigation Division staffing and created a Corrective Action Plan, described below, which has resulted in a noted decrease in the backlog.

PREA Standards require interviews of all witnesses, which includes Department of Correction Staff. Therefore, ID has had to complete extensive investigative work including compelled interviews, which are difficult to schedule in a timely fashion because of the low number of attorneys available to the members of service. In the past, the process of completing lengthy closing reports had affected the timeliness of case closures. In April of 2018, the closing report process was streamlined, and the Department expects this will assist in closing cases in a more timely fashion. In fact, between April 15, 2018 and August 8, 2018, the Investigation Division has closed 111 PREA-reportable cases.

In its quest to become PREA Compliant, the Department has taken a zero tolerance policy with regard to sexual abuse and sexual harassment, and has advanced measures to improve the ability for victims to report these type of allegations through the creation of a dedicated hotline and posters placed in facilities listing the hotline number and detailing how to report an incident. The Department has also entered into a Memorandum of Understanding with Safe Horizons to provide victim services, access to assistance, and an additional avenue to report allegations of a sexual nature. Similarly, inmates are informed that they may call 311 to report incidents of sexual abuse and harassment.

Section Four

CORRECTIVE ACTION

Staffing

The Department strives to ensure that inmate awareness of resources, opportunities to report and overall victim services continually expand. Simultaneously, the Department is engaging in a solution-oriented approach geared towards addressing the current staffing shortages and

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associated case backlog. The Division has begun to advance impactful changes. The adoption of new procedures is founded upon staff expansion.

In May 2016, the Investigation Division established a dedicated team of investigators to address allegations of sexual abuse and sexual harassment. The ID PREA Team consisted of one (1) deputy director, one (1) supervisor, and six (6) investigators. As the number of allegations has increased the Department and the Investigation Division has responded by enhancing the staffing levels of the ID PREA Team to its current staffing levels of one (1) deputy director, four (4) supervisors, and twenty-four (24) investigators to ensure thorough and timely investigations.

The Department has PREA Compliance Managers (PCM) at six (6) facilities. In 2017, the facilities assigned uniform staff as PREA Ambassadors to work with each PCM and to assist with PREA implementation. PREA Ambassadors are also in each facility that does not have its own PCM. These staff members are responsible for PREA compliance matters within those facilities.

Corrective Action Plan

In June 2018, the Department devised a Corrective Action Plan to address the backlog of PREA-reportable cases, which were defined as being over 90 days old. The Department acknowledged that although the Investigation Division had already conducted an investigation into all 1,216 backlogged cases, the cases were still lingering without final reviews or dispositions. A targeted plan, published in June 2018, committed to the closure of these particular cases by February 2019.

In order to reach that goal, the Department committed to hiring additional investigators and managers for the ID PREA team. The goal is to have thirty (30) investigators, six (6) supervising investigators and two (2) Deputy Directors by the beginning of 2019. To date, six (6) investigators have been added to the PREA team. A supervisor from the Trials Division has been tasked with reviewing and closing backlogged cases. In addition, new staff joining the PREA team have been specifically assigned with reviewing and preparing the backlogged cases for closure. The six (6) new investigators have been paired up with three (3) existing PREA Team members. Every month, the new investigators must close twenty-one (21) cases (seven (7) from each of the three (3) “original PREA” investigators with whom they are matched). If these monthly objectives are met, these backlogged cases will all be closed within nine (9) months (June to February).

The Investigation Division also developed a more streamlined closing memorandum for case closures. This administrative change allows investigators to close cases more quickly without compromising the integrity of the investigation. With the added staff, a corrective action plan in place, and a streamlined closing process, the Department is on track to meet the goals set forth in the Corrective Action Plan.

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PRELIMINARY TREND OVERVIEW

During CY 2018, the Department experienced a decrease in allegations of sexual abuse and sexual harassment that were PREA reportable. There were 229 PREA reportable sexual abuse and sexual harassment allegations during the period of January 2018-June 2018 compared to 332 PREA reportable allegations during the period of July 2017-December 2017, representing a decrease of 31.02%.

The Department experienced a 22.41% decrease in PREA reportable allegations of staff on inmate sexual abuse during the period of January 2018-June 2018 compared to PREA reportable allegations of staff on inmate sexual abuse during the period of July 2017-December 2017. The majority of the allegations are the result of allegations of inappropriate touching, crimes falling under the New York State Penal Law Code Section 130, and voyeurism. During the period of January 2018 - June 2018, these three (3) categories accounted for 63 allegations of staff on inmate sexual abuse of the total 135 staff on inmate sexual abuse allegations. These 135 staff on inmate sexual abuse allegations are the result of the following types of incidents: Use Of Force – 38, Strip Search – 10, Pat Frisk - 9, Escort - 1, and Contraband – 5.

During the period of July 2017-December 2017, the same three (3) categories accounted for 148 allegations of staff on inmate sexual abuse of the total 174 staff on inmate sexual abuse allegations. These 148 staff on inmate sexual abuse allegations are the result of the following types of incidents: Use Of Force – 43, Strip Search – 22, Pat Frisk 20, Escort -9, and Contraband – 3.

The Department experienced a 74.2% decrease in PREA reportable allegations of staff on inmate sexual harassment during the period of January 2018-June 2018 compared to PREA reportable allegations of staff on inmate sexual harassment during the period of July 2017-December 2017.

The Department is continuously working to prevent sexual victimization. In an attempt to reduce the number of incidents of sexual victimization, the Department has designated specific housing areas for individuals who are potential sexual victims (SV). These housing areas are restricted to SVs and those who do not have a sexual designation. Anyone designated as a potential Sexual Abuser (SA), can not be housed with a SV, unless it is a specialized housing unit. In these instances, the SVs and SAs beds or cells are not in close proximity and are closely watched by staff. In addition, staff conducts thorough physical searches for blind-spots in isolated areas within inmate housing and common areas. These blind-spot checks are in addition to the standard welfare checks conducted several times a day. To date, we have installed approximately 13,000 fixed video surveillance cameras Department wide.

In order to increase protections for both staff and inmates, the Department is continually striving to maintain the appropriate amount of staff to ensure inmates are safe from sexual abuse, sexual harassment and sexual misconduct. In November 2017, the Department graduated the largest academy class in DOC history. This increased our staffing levels and helps ensure the overall security of our facilities.

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We continue to ensure staff are educated with regard to PREA, starting at the academy level with each new recruit class and also inclusive of contractors and volunteers. Everyone receives training relative to recognizing the signs of sexual abuse and what steps to take when an allegation is made. In addition to posters in the facility detailing how to report an incident, the Department has strengthened our inmate grievance system to ensure that inmates have an effective outlet to communicate and resolve issues of concern through a streamlined process.

CONCLUSION

The Department is committed to progressive culture change and continues to implement the requirements of the PREA Standards and make adjustments on an on-going basis. The Department recognizes the importance of education and training for all new and existing staff, the inmate population, contracted services providers and volunteers on the prevention, detecting and reporting of any type of sexual abuse or harassment. Additionally, innovative technological solutions play an important role in the prevention of sexual abuse and sexual harassment and will be utilized as part of our overall plan. The Department strives to institute changes agency-wide that raise the bar in the confidence and integrity of our systems.

APPENDIX A

DEFINITIONS OF SEXUAL VICTIMIZATION

The New York City Department of Correction (DOC) utilizes uniform definitions as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003).

These definitions are used to categorize allegations of sexual abuse within New York State correctional facilities and to separate allegations by perpetrator type (staff or inmate) and type of abuse.

Similar to the Survey on Sexual Victimization (SSV), the following categories of sexual abuse have been disaggregated into five categories as indicated below.

Inmate Nonconsensual Act - sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or
- Contact between the mouth and the penis, vulva or anus; or
- Penetration of the anal or genital opening of another person, however slight by a hand, finger, object, or other instrument.

Inmate Abusive Act - sexual contact with any person without his or her consent, or of a person who is unable to consent or refuse; and

- Intentional touching either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Inmate Sexual Harassment – Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

Staff Sexual Misconduct – any act or behavior of a sexual nature directed toward an inmate by an employee, volunteer, contractor or official visitor or other agency representative. Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual and nonconsensual acts include:

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- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse or gratify sexual desire; or
- Completed, attempted, threatened, or requested sexual acts; or
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment – Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative, including:

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;
- Repeated profane or obscene language or gestures.

APPENDIX B

GENERAL DEFINITIONS

Resulting determinations from completed investigations are classified as outlined in the Code of Federal Regulations Title 28, Chapter 1, subpart A, section 115.5, *General Definitions* (28 C.F.R. § 115.5) as Substantiated, Unsubstantiated, or Unfounded. This standard states that agencies shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Substantiated – An allegation was investigated and determined to have occurred based on a preponderance of the evidence.

Unsubstantiated – An allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Unfounded – An allegation was investigated and determined not to have occurred.