

Office of the District Attorney, Bronx County

**NYC Board of Corrections Special Hearing:
Sexual Abuse and Sexual Harassment in NYC Jails**

April 23, 2019



Pursuing Justice with Integrity

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NYC Board of Corrections Special Hearing
9 a.m. Tuesday April 23, 2019
455 First Avenue NY, NY

Good morning.

Thank you for the opportunity to appear here during Sexual Assault Awareness Month to discuss successes, challenges and recommendations in the area of preventing and responding to sexual abuse and sexual harassment in New York City jails.

Since I became the Bronx DA, with jurisdiction over Rikers Island jails, I have said time and time again that I will not tolerate any type of violence or sexual abuse by detainees and inmates against each other, by staff against inmates, or inmates on staff.

I vowed to prosecute anyone who perpetrates such crimes in the jails, and I carried out that pledge by committing the resources to investigate and bring charges in crimes that we can prove in a court of law.

In March, 2016 I formed the Rikers Island Prosecution Bureau for detainee crime and the Public Integrity Bureau for crimes by staff at Rikers.

Prior to the establishment of these bureaus, various sex crimes prosecutors handled these allegations in the jails.

With the Rikers and Public Integrity bureaus, the handling of these cases is centralized. And the ADAs have more experience prosecuting crimes committed in a correctional facility.

I want to highlight a few of the successful prosecutions by my Office:

-We brought a 100-count indictment against Alexandria James, a female inmate who sexually abused a woman using a makeshift phallic device, in a segregated cell in the Rose M. Singer Center, and also physically assaulted two other women in the facility.

We had received a letter from one of the assaulted women after she was released from jail. It was addressed to me directly. We acted immediately to initiate an investigation.

This investigation took months because it required reviewing extensive video evidence as well as interviewing detainees in a way that provided security and earned their trust.

The defendant pleaded guilty in 2018 to Aggravated Sexual Abuse and other charges and is serving 6 ½ to eight years in prison.

-Jose Cosme, a former Correction Officer, was charged with engaging in sexual conduct with a female detainee in 2015. He pleaded guilty to Criminal Sex Act and was sentenced to ten years of probation and required to register as a Sexual Offender.

-A trial is set for June in the case of Sidney Wilson, a physician's assistant who worked for former DOC contractor Corizon in a clinic in Rikers.

Our office will present evidence that Wilson engaged in 38 counts including third-degree rape, sex abuse and criminal sex act allegedly committed against four female patients spanning 18 months.

It was an intensive investigation for more than a year. Three of the detainees were incarcerated in Albion prison, near the Canadian border.

The case has required a lot of resources. We interviewed the victims upstate during their incarceration. A crime victim advocate works with them now that they are released and preparing for the trial.

-I understand that Legal Aid has brought a case to your attention, questioning my Office's handling of it.

While I cannot specifically address current investigations, I will say that PIB has a very active investigation ongoing concerning that matter.

It started in August 2016, when we were referred the case by DOI. It involves allegations against a DOC officer of misconduct of a sexual nature.

We take all allegations of sex abuse seriously and are acutely aware of the sensitive nature of these allegations in a jail setting. Inmates fear retaliation.

An incarcerated victim suffers another layer of trauma, because he or she cannot leave the place where the assault occurred.

And other detainees live in fear if sexual abuse seemingly goes unchecked.

But these cases are complicated and sometimes very difficult to make.

The burden of proof is lower for DOC's internal investigations. We have to prove beyond a reasonable doubt for a criminal prosecution.

Since 2016 the Rikers bureau handled 30 arrests involving sexual criminal conduct. Two were felonies, including the James case I mentioned earlier and a conviction for another defendant who pleaded guilty to persistent sex abuse, resulting in 3-year prison term.

The other 28 cases were for forcible touching of staff and public lewdness.

Public Integrity has prosecuted eight cases of sexual abuse involving staff against detainees.

We have many challenges in these prosecutions.

Detainee victims are reluctant to come forward while incarcerated.

We are faced with credibility issues of victims/witness.

A detainee will accuse an officer and then through intelligence we find that the primary motivation is a lawsuit. The conduct has been exaggerated to increase a settlement.

The detainee's attorney will tell the media that we did nothing or were unwilling to do anything; in reality they will not fully cooperate. We must have the victim to go forward, especially in a case with no video or other physical evidence.

Even though there are numerous cameras in the jails, the sex abuse happens where there are no cameras: in bathrooms, pantry areas, closets, kitchen areas. I will return to this issue later in my testimony.

If a detainee has been raped, opportunity for evidence is stalled or lost, because a sexual assault forensic exam is not performed immediately.

What it comes down to is this.

The slashings and serious physical assaults are prioritized; we are addressing them more quickly, with more coordination, and with better results.

We need to prioritize sexual assaults.

I have some recommendations for improving investigations to enable us to move forward with a case.

1. It starts with a safe space for a detainee to report abuse. There needs to be an atmosphere of confidentiality, discretion, with privacy from other inmates and staff.
2. Immediate forensic exams. Sexual assault evidence collection experts should be doing the exams on site to speed up the investigation process and preserve vital corroboration. It should be a required procedural step.
3. We need a consistent, fixed protocol to handle allegations.
4. We need faster notification to us.

There have been instances where we did not know of a rape in Rikers for weeks or even months afterwards, only finding out because the staff member in our office responsible for lab results was notified about a positive DNA finding from a rape kit generated at Rikers.

5. More surveillance cameras, everywhere. This is for the protection of the accuser and the accused. Sensitive cameras with limited access can be in bathrooms.

Our burden of proof is beyond a reasonable doubt. And if an inmate is fabricating allegations, we can quickly determine that if we have video.

6. The DOC intelligence gatherers focus on contraband and violence; perhaps with more training they would obtain more information about sexual abuse in the jails during their monitoring of detainees.
7. I encourage attorneys representing victims of sexual abuse in jail to cooperate with us in criminal cases.

I stand ready to work with all those who have a stake in improving safety in our jails.

Please be assured that we believe NO ONE should be subjected to sexual abuse.

A person behind bars is a human being who deserves the same dignity, compassion and vigorous effort by my office as anyone else in the community.

I believe I have answered many of your concerns, but I welcome any other questions you may have for me now.