

5-14 Observations Regarding Person in Custody Education (April 2019)

The Board of Correction's (BOC or the Board) Minimum Standard 5-14 requires educating people in custody about the Department of Correction's (DOC or the Department) zero-tolerance policy. The goal of Minimum Standard 5-14 is to ensure people in custody are informed of their right to be free from sexual abuse and sexual harassment and how to report.

The findings below summarize a week-long period of observations in March 2019. Between March 1 and March 8, BOC staff toured a total of 194 jail areas¹ across eleven facilities and one hospital ward, monitoring compliance with Minimum Standard 5-14.

Staff observed that new admission materials were available at intake in each of the seven admissions facilities. All new admission materials included information on DOC's zero tolerance policy and information on methods for reporting sexual abuse and sexual harassment, with the Department, as well as other City agencies. Staff further reported that four intakes did not have materials available in Spanish.

Staff also monitored and documented the presence of PREA posters, informing people how to report abuse or harassment, throughout the facilities. Most areas visited (82%, n=151) had PREA posters up with information describing ways to report sexual abuse or harassment, and how to make confidential allegations. All posters were available in English and 95% (n=144) of the areas with PREA posters had information available in Spanish.

SUMMARY

New admission materials

Board staff reviewed materials at new admission facilities (AMKC, RMSC, RNDC, BKDC, MDC, EMTC, and VCBC) to determine compliance with 5-14(a).² Staff observed that new admission materials were available at intake in each of the seven admissions facilities. All new admission materials included information on DOC's zero tolerance policy and information on methods for reporting sexual abuse and sexual harassment, with the Department, as well as other City agencies. Staff further reported that four intakes did not have new admission materials available in Spanish (BKDC, EMTC, MDC, and RNDC).

Presence of Prison Rape Elimination Act (PREA) posters

In addition to reviewing new admission material, Board staff monitored facilities for the presence of PREA posters. PREA posters provide methods by which people in custody may report incidents of sexual abuse or harassment. Individuals may inform DOC staff or clergy, file a grievance, or call the Confidential Hotline, the Department of Investigation, the City of New York,³ or Safe Horizon. The numbers provided on the posters are free of charge and confidential. These posters carry out Minimum Standard 5-14(e)'s requirement that Department ensure key information is continuously and readily available or visible to people in custody through posters, handbooks, or other written formats.

¹ Areas surveyed included: housing areas, school areas, visit areas, and clinics.

² The Department's Inmate Handbook was last updated on December 2007. Information required by the Board's Standards, which took effect in 2017, are not yet in the handbook. As such, new admission materials shared at intake on DOC's zero-tolerance policy are provided to people in custody as paper inserts in their new admissions materials.

³ The City of New York number provided directs individuals to 311.

In total, staff monitored 194 jail areas across eleven facilities and one hospital ward, documenting PREA posters throughout the facility to determine compliance with the Board's Standards. Most areas visited (82%, n=151) had PREA posters up with information describing ways to report sexual abuse or harassment, and how to make confidential allegations. On average, each area had two posters with information for staff and individuals in custody. All posters were available in English and 95% (n=144) of the areas with PREA posters had information available in Spanish.⁴

Eighteen percent (18%, n=33) of the areas observed did not have PREA posters present. In two areas without posters, both at RNDC, DOC staff advised they were instructed to remove the posting because it was obstructing their view of the housing area. At the psychiatric ward of Elmhurst Hospital, which did not have PREA posters present, DOC staff reported paper signs are often torn down and the hospital will not allow the Department to install permanent signs.

DETAILS

Of the 194 areas observed, 65% (n=127) were housing areas, 7% (n=13) clinics, 6% (n=11) were intake areas, 5% (n=9) were law libraries, 4% (n=8) were visit areas, 2% (n=3) were school areas, 6% (n=13) were various other programming areas, and 5% (n=10) were DOC administrative office and staff areas.

Housing areas: Board staff monitored 127 housing areas, finding that 6% (n=7) did not have PREA posters present. Of the 120 housing areas with PREA posters present, all posters in English, and 99% (n=119) had posters in Spanish. One housing area in BKDC did not have posters in Spanish. All housing areas with PREA posters present had posters visible to people in custody.

Clinic: Staff monitored thirteen clinics, noting that six clinics, at AMKC, BKDC, MDC, NIC, and OBCC, did not have posters available. Of the seven clinic areas with posters present, staff documented that all were visible to people in custody, as they were located in the waiting areas and near the entrances of the clinics. Each of the seven clinics with posters had posters in English, and six of the seven clinics had posters in Spanish.

Intake: Staff monitored eleven intake areas and observed that two intakes at AMKC and EHPW did not have posters available. Of the nine intake areas with posters present, all had posters available in English, and eight had posters in Spanish. One intake area in OBCC did not have posters in Spanish.

Law Library: Staff monitored nine law libraries, noting that four libraries, at AMKC (South), BKDC, MDC (South), and NIC, did not have PREA posters present. Of the five with posters present, all had posters in English and four had posters in Spanish. The law library at MDC (North) did not have posters in Spanish.

⁴ In addition, there were ten areas that had posters in administrative offices, control bubbles, and an in the pantry area. These were excluded from our analysis as they were not continuously available to all people in custody.

5-14 Observations Regarding Person in Custody Education (April 2019)

Visit: Staff monitored eight visit areas, noting that five, at BKDC (waiting room and search area), EHPW, and MDC (general and council visit area), did not have PREA posters present. In the three visit areas with posters present, staff observed that all posters were visible to people in custody.

School: Staff observed three school areas at NIC, RMSC, and RNDC, noting that two schools, in NIC and RMSC, did not have PREA posters present. The school at RNDC with posters present had posters available in both English and Spanish.

Board staff have shared with the Department the locations where posters were missing and where corrective action is needed to ensure visibility and language access.