

Deputy Commissioner of Operations
Westchester County Department of Correction
Leandro Diaz
Testimony

Good morning. My name is Leandro Diaz. I am the Deputy Commissioner of Operations for the Westchester County DOC and, given the importance of PREA, I also serve as the Department's PREA Coordinator. Thank you for allowing us an opportunity to speak briefly on the importance of PREA and the steps we took to operationalize and achieve PREA Compliance.

We have had policies in place prior to 2003 that addressed sexual assault and that were in line with the 2003 Prison Rape Elimination Act. In 2012 the Department of Justice promulgated best practices also known as the DOJ PREA Jail Standards. At that time the Westchester County DOC began its process to become PREA compliant to ensure that we operated under these best practices to prevent, detect and respond to sexual abuse and sexual assault of our custodial clients.

How did we do this?

First, given the importance of the work that this process required, we knew that it needed to be led by an Executive and/or Senior Uniform member of the Department in the rank of Warden or higher, so that the person could be fully empowered to make operational decisions on implementation, and more importantly ensure accountability. Ultimately the decision was made that the Deputy Commissioner of Operations would lead this work.

In preparation for the audit and to ensure that we would have comprehensive policies and practices, we attended numerous trainings offered by the National PREA Resource Center, and used reference guides issued by the *National Center for Transgender Equality*, *ACLU*, *National Institute of Corrections*, and *Just Detention International*.

We also participated in a week-long DOJ auditor training, so that the Department would have staff that knew how to internally ensure the Department was performing to the intent of the standards.

This engagement with outside parties also ensured that LGBTI, the most at risk group as it relates to PREA, was included in how we operationalized our processes. The Department felt that the LGBTI community was not comprehensively acknowledged within jail standards, so we expanded what was required by using the aforementioned reference guides, specifically the ACLU- End the Abuse in order to create best practices, which ensured that we used preferred pronouns, preferred names, housing preferences, and strip-search officer gender preferences for those identifying themselves as transgender and intersex.

Also, recognizing that transgender and intersex Custodial Clients faced many challenges while in custody we took the additional step of having the client meet with the PREA Coordinator upon admission thereby ensuring that they were aware of PREA, the methods of reporting abuse, identify a point-of-contact, and assess how they were adjusting.

This engagement, like all PREA interviews, is conducted in a private, confidential setting outside of the jail housing units.

Lastly, the Department's mental health provider was tasked with having monthly contact with the self-identified transgender and intersex population, whether or not they have a mental illness, to conduct follow-up health and welfare checks.

It is vital that our Custodial Clients and our Workforce have confidence in our PREA process, so through academy and in-service training, along with supervisory accountability, we have an institutional culture that feels they can make a complaint, confidentially if need be, and all allegations are fully investigated.

Part of this procedural justice process is having a documented coordinated response plan which includes the Westchester County Department of Public Safety, Westchester County District Attorney's Office, our Department of Correction Special Investigations Unit, and community support agencies.

At a minimum, every allegation is reviewed by DOC-SIU with consultation as needed with the on-site Detective from Westchester County Department of Public Safety.

Lastly, on a monthly basis the Department's Sexual Assault Incident Review Board, consisting of the Department's Medical Director, Director of Mental Health, Director of Nursing, Health Services Administrator, PREA Coordinator and DOC SIU Commander review all findings to make sure all allegations were investigated according to policy, identify if additional issues need to be addressed (i.e., staff training, sightlines, etc.), and also determine whether race, gender, gang affiliation, etc., were driving factors.

Every level of accountability collectively ensures that victims and reporters can feel confident that there will be no reprisals for their allegations; but more importantly we make every assurance to protect victims and reporters.

All interviews are conducted in private confidential settings, we do not conduct ourselves in a way that would further victimize the victim. For example, we do not strip search our custodial clients prior to or after an interview. Again, we approach the interview as an information gathering process and do not use interrogation tactics when interviewing victims and/or reporters. All victims are provided with immediate medical and mental health service and when deemed appropriate by our medical director, are taken to our local hospital for follow-up with the Forensic Acute Care Team (one of five certified Sexual Assault hospitals) which also includes victim advocates.

Final Outcome

In 2017 the Department was issued a final report which noted that we were 100 percent compliant with the 43 PREA standards and were found to have exceeded the requirements in 13 of the 43.