

January 8, 2018

The New York City Board of Correction
1 Centre Street
Room 2213
New York, N.Y. 10007

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Dear Members of the Board of Correction:

I appear today to present testimony concerning lack of accurate data being disseminated by the DOC regarding PREA, rape, sexual assault and sexual harassment on Rikers and in our City jails. My topic today is a small musing on how difficult it is to parse BASIC DATA out of the testimony presented by the DOC at various City Council and BOC hearings as well as from its own published reports. I have been following the reporting and data for the better part of a decade and requesting that the BOC ask the DOC reconcile the simple spreadsheets I have emailed dozens of times to board staff and members as well as DOC officials with little or no result. I spend an enormous amount of time pouring over the testimony of DOC members and recording and capturing it.

In September of this year during a NYC Council tri-committee hearing on rape and sexual assault Deputy Commissioner Selena Townsend was asked by Councilman Keith Powers, Chair of the Criminal Justice Committee was asked about substantiation rates. During the discussion Townsend couldn't even recapitulate basic stats from 2015:

DEPUTY COMMISSIONER TOWNSEND: "Those Include cases from past years, exactly. So, if you looked, for example, at the cases that were closed from allegations made in 2015, there were **219 PREA allegations in 2015; 14 of those were closed out as substantiated**, and that is a 6.4 percent substantiation

rate." ([pp. 57 Sept 6 NYC Council tri-committee hearing Transcript](#))

Then literally less than five minutes later Townsend explains that there were NOT 219 allegations of rape and sexual assault on Rikers in 2015 but instead 244:

"DEPUTY COMMISSIONER TOWNSEND: **From 2015, we still, we have 241 PREA-reportable allegations open.**

CHAIRPERSON POWERS: And when do you expect to close those?

DEPUTY COMMISSIONER TOWNSEND: **I'm sorry. I misspoke. Those are the amount of the cases that we received in 2015. The amount of cases that we have open in 2015, from 2015, are 21.**" ([pp. 62 Sept 6 NYC Council tri-committee hearing Transcript](#))

But then CHS reports ENTIRELY DIFFERENT DATA within 30 seconds of Townsend's statement:

ZACHARY ROSNER: "Okay. In Calendar Year 2017, CHS specifically received 775 sexual abuse reports. In 2016, we received 524, **and 2015, 181.**" ([pp. 68 Sept 6 NYC Council tri-committee hearing Transcript](#))

And again ONE MORE TIME for Townsend to get the data points correct within the same testimony session and completely different numbers emerge from her mouth regarding 2015:

“CHAIRPERSON POWERS: **So, 2015, how many cases substantiated?**

DEPUTY COMMISSIONER TOWNSEND: **“We substantiated two allegations.** In 2016, we substantiated eight allegations. In 2017, we substantiated 15 allegations, and this year so far we’ve substantiated 19 allegations.” (pp. 56)

And even MORE disturbing is Townsend’s crafty word-smithery regarding the DOC’s substantiation rates. Listen to what she has to say about the 2016 substantiation rate. Closing out cases is not tantamount to SUBSTANTIATING them: so just because the DOC has CLOSED 22 out of 339 or 399 cases reported in 2016 and marked as “PREA” complaints by the department we still have NO idea if they were founded, unfounded or unsubstantiated (its unclear which number is the true number from her testimony 339 or 399).

DEPUTY COMMISSIONER TOWNSEND:
“...Allegations made in 2016, there were 339. We’ve closed out 22 PREA-reportable cases out of those 399, giving us 6.5 percent substantiation rate.” (pp. 57, IBID).

Again, “closing” cases is NOT equal to “Substantiating” cases and it is not accurate to state that the DOC has a 6.5% “substantiation” rate based on this data.

I have been requesting that simple data be reconciled with my record keeping. I’ve presented spreadsheets in the past to the BOC and DOC and literally NOTHING has come back. I’m attaching my most recent attempts at tracking rape and sexual assault data in its most basic format and I’m hoping that SOMEONE can reconcile this data with DOC data. Stanley please can you run point on this for me? Pretty PLEASE?

As an endnote: I am still puzzled about the BOC’s response to the DOC’s abysmal

performance regarding PREA. Not only have violations NOT been issued, but also, it appears the BOC is working deliberately to obfuscate data and news about the DOC's failures from reaching outside of the star chamber of BOC meetings. Why was the BOC's report on Sex assault investigations NOT discussed at the September 6, 2018 City Council hearing? The report was final and had been sent to the DOC for comments by September 6th, 2018. Still, when asked about the contents of the report by Chair Powers Martha King responded that the report wasn't finalized and that it would be shared the following week. Powers pressed on and asked if the report revealed generalities about DOC PREA investigations such as if they were of good quality or not. Martha responded that in fact the report revealed the investigations were of "good quality." BUT THIS IS NOT AT ALL WHAT THE REPORT STATED UNDER ANY INTERPREATION OF ITS CONTENTS.

Why is the BOC seemingly working in tandem with the DOC to hide data, reports and to obfuscate the realities of PREA implementation? Below is my latest charting of DOC numbers of basic data ref rape, sex assault and sex harassment since 2007. Please can we reconcile this data finally?

Year	Sexual Abus	Sexual Haras	Substantiate	Unsubstanti	Unfounded	Pending	Invstgts Completed	vs Staff	vs other Inca	Total DOC Complaints2
2007	16	22	0	0	0	38	0	28	10	38
2008	22	30	0	0	0	52	0	39	13	52
2009	11	43	0	0	0	45	0	38	7	45
2010	17	37	0	0	0	37	0	35	19	54
2011	13	98	0	0	0	111	0	87	24	111
2012	28	69	0	0	0	97	0	77	20	97
2013	17	131	0	0	0	105	0	88	31	105
2014	9	107	0	0	0	119	0	71	45	119
2015	70	118	0	0	0	188	0	131	57	188
2016	347	480	3	42	39	739	84	681	275	828
2017	510	641	1	20	18	1112	0	806	663	1151
Jan-June2018	194	35	0	7	0	229	7	152	77	229
								2233	1241	3017

Sexual Abuse and Harassment Complaints Reported on Rikers 2007-July 1, 2018

