



December 10, 2018

Derrick Cephas  
NYC Board of Correction  
1 Centre St.  
Room 2213  
New York, NY 10007

Dear Mr. Cephas,

The Department of Correction shares the Board of Correction's focus on compliance with BOC's minimum standards and is aligned with the Board regarding the importance of eliminating sexual abuse and sexual harassment in the Department's Correction facilities ("sexual safety"). The safety and security of those in the Department's custody, and of those who work in Department facilities, are DOC's primary concern. As Commissioner, I take compliance with PREA and the Board's sexual safety standards seriously and the Department thank the Board for rescheduling its previously scheduled discussion of these matters to enable me to participate in this critical conversation. In advance of the January meeting, I would like to highlight the Department's recent efforts to improve sexual assault investigations and its compliance with the Board's minimum standards.

In June 2018 DOC independently issued an Investigations Corrective Action Plan that aimed to end the backlog of 1,295 unresolved sexual assault cases by February 2019. The Plan called for the PREA Investigations Team to nearly double in size, reduce individual investigators' caseload to less than 30, and set ambitious hiring and case closure targets. Since the announcement of the Plan, the PREA Team has hired 4 supervisory staff and an additional Deputy Director. The PREA Team also promoted its existing Deputy Director to a Director role, which created an additional level of supervision for investigative staff. A total of 26 PREA investigators are now in place and the Department expects to hire an additional 4 PREA investigators by January 2019, as outlined in the Corrective Action Plan. To date, the PREA Team has closed 588 backlog cases, in addition to meeting its responsibility of investigating new cases within 72 hours, and remains on track to eliminate the backlog by February 2019.

In September 2018, the Board issued the final version of its audit on 42 of DOC's closing reports on sexual assault allegations. A previous version of this draft had been shared with DOC in August 2018. The Department had already started to address the issues raised in the audit report, including various of the audits' recommendations, ahead of the report's public release. At the time of the report's release, DOC committed to implementing all 8 of the audit's recommendations.

On October 8<sup>th</sup>, 2018, BOC issued a resolution regarding the Department's efforts to improve its sexual assault investigations and integrate key recommendations made by the Board. However, the items highlighted by the resolution have largely, if not entirely, been addressed by DOC in public statements, testimony to the Board and City Council, and through the June 2018 Corrective Action Plan. The Department continues to prioritize PREA investigations and is making significant strides in implementing reform.

To date, all PREA investigators have received additional trainings focused on investigating sexual abuse in confined spaces (additional information about this training can be found on the Department of Justice's website: <https://nicic.gov/specialized-training-investigating-sexual-abuse-confinement-settings>). PREA investigators will put their training into practice when filling out the revised closing report forms which now requires detailed information on the crime scene and evidence, as well as a confirmation that witnesses were interviewed in a private setting. In an effort to ensure PREA compliance and meet the Board's minimum standards, the Department has also identified private areas within each of the facilities for confidential interviewing.

PREA Team supervisors will continue to review cases every 30 days (and thus will review them at the 60 and 90 day mark). These reviews, in conjunction with the overall increase in investigative staff, will largely prevent cases from remaining open beyond 90 days. DOC does not plan to incorporate additional review intervals in order to ensure supervisory staff remain focus on the cases that merit their attention and intervention.

Integrity of reporting and data tracking is a paramount concern for the Department. DOC previously stated its intention to integrate PREA related cases into the case management system (CMS) as phase two of the CMS implementation. The timeline for this system is complicated by city regulations surrounding procurement, but the Department anticipates work to begin on phase two of CMS, which includes PREA integration, in the spring of 2019. DOC hopes to see an integration of PREA into CMS by the summer of 2020. In addition, the Department will continue to issue 5-40 reports every six months. The initial 5-40 report combined two reporting periods (as had previously been signed off upon by the Board), and the subsequent report adhered to the original 6 month reporting schedule. In order to mitigate any confusion and enable meaningful comparative analysis, all future reports will cover a 6 month time period.

As is evident by the procedures laid out above, DOC is taking meaningful steps to ensure compliance with the Board's minimum standards and prioritize investigations of sexual assault allegations. The Department continues to meet its targets for eliminating the PREA case backlog and has equipped investigators with the resources need to conduct timely, accurate, and confidential investigations. The Department remains committed to addressing all incidents of sexual assault within the facilities and will continue to work in partnership with the Board to deter and eliminate sexual violence.

Sincerely,



Cynthia Brann  
Commissioner

CC: Martha King