

**NYC Department of Correction
NYC Board of Correction Sexual Abuse and Sexual Harassment Minimum Standards 5-40 Assessment Report – February 2022**

INTRODUCTION

The Prison Rape Elimination Act of 2003 (PREA Public Law 108-79) established federal mandates to identify and prevent prison rape in correctional facilities within the jurisdictions of federal, state, local, and native territories across the United States. Public Law 108-79 was signed into law on September 4, 2003.

The United States Department of Justice adopted the National Standards to Prevent, Detect, and Respond to Prison Rape (the PREA Standards) effective August 20, 2012. In addition to establishing mandatory standards for prevention, detection and response to prison sexual abuse and sexual harassment, the PREA Standards require all correctional facilities to conduct sexual abuse incident reviews and collect uniform data using standardized definitions. Agencies must ensure that data collection includes allegations of sexual abuse and sexual harassment at facilities under its direct control. This incident-based sexual abuse information must be aggregated and made readily available to the public at least annually.

In 2016, the New York City Board of Correction (“the Board”) implemented Sexual Abuse and Sexual Harassment Minimum Standards that are equivalent to the PREA Standards. Pursuant to the Board’s Minimum Standards §5-40 “Data Collection and Review”, the New York City Department of Correction (“the Department”) shall provide to the Board with a semiannual report. This report, which evaluates sexual abuse and sexual harassment allegations made within the past six months (July 2021 through December 2021), analyzes emerging trends, and assesses the corrective action contemplated and/or initiated at the facility level and department wide. It is important to note that allegations of sexual abuse and sexual harassment are preliminary and subject to change as these cases develop. Data discussed in allegation categories are not final, as they are ongoing or pending resolution. Data used in this report reflects the most current information available at the time of publication.

Allegations of sexual abuse and sexual harassment are based on the definitions provided by the Department of Justice and reporting requirements as specified in the National Standards to Prevent, Detect, and Respond to Prison Rape, under 28 CFR part 115 under the Prison Rape Elimination Act of 2003. (see Appendix A).

Section One

ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

In accordance with the National PREA Standards, the Department reviews data pursuant to §115.87 in order to examine and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training with the ultimate goal of eliminating sexual abuse and sexual harassment within its facilities.

Type of Allegation

Allegations of sexual abuse and sexual harassment are categorized in accordance with the definitions provided by the Prison Rape Elimination Act of 2003. These categories separate allegations by perpetrator type (staff or incarcerated individual) and compare this reporting period data to last period's data, as shown in [Figure 1](#).

Figure 1

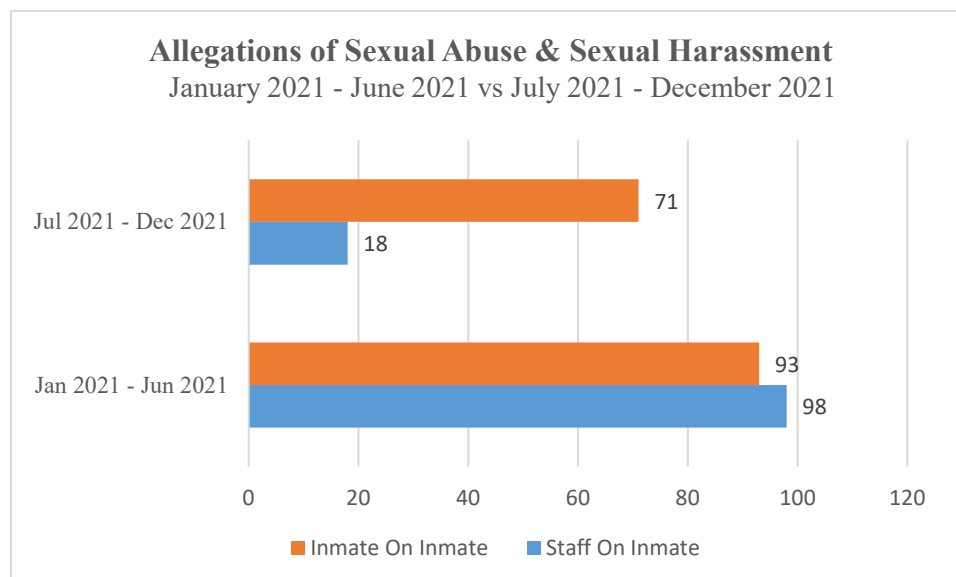


Figure 1 shows the Department is reporting an overall decrease in staff-on-incarcerated individual allegations by 81.6 % and an overall decrease in allegations among incarcerated individuals by 23.6 % during this reporting period compared to last. Overall, the Department saw 18 allegations of staff-on-incarcerated individual sexual abuse and sexual harassment this period versus 98 allegations last period.

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This may be attributable to the decreased number of staff within the facilities, during July 2021 through December 2021, that had contact with incarcerated individuals.

Facility Breakdown

Table 1, below, gives a breakdown of PREA Reportable allegations by facility, comparing last reporting period (January 2021 - June 2021) to the current reporting period (July 2021 - December 2021).

Table 1

<i>Facility Breakdown Comparison</i>					
	January 2021- June 2021		July 2021- Dec. 2021		
	# of Allegations	%	# of Allegations	%	% Change
RMSC	30	15.71	15	16.85%	-50%
AMKC	54	28.27	34	38.2%	-37.03%
GRVC	17	8.9	8	8.99%	-52.94%
OBCC	16	8.38	7	7.87%	-56.25%
EMTC	7	3.67	2	2.25%	-71.42%
MDC	23	12.04	0	0	-100%
NIC	23	12.04	0	0	-100%
RNDC	6	3.14	10	11.24%	+ 66.67%
WF	0	0	0	0	-
VCBC	13	6.81	11	12.36%	-15.38%
BHPW	1	.52	0	0	-100%
OTHER UNITS	1	.52	2	2.25	+ 100%

The Department has experienced a decrease in PREA allegations in 6 facilities. The largest decrease was in OBCC (56.25 %) followed by GRVC (52.94 %). It should be noted that several facilities have closed since the last reporting period and currently have no allegations. The only facilities with an increase are RNDC from six allegations to ten allegations and QDC (Other Units) from zero allegations to one allegation. Additionally, MDC closed during this reporting period.¹

Age of Alleged Victim

Table 2 (previous reporting period) and Table 3 (current reporting period) compare the ages of alleged victims. Approximately 94% of all allegations were reported by incarcerated individuals ages twenty-two (22) or older. Further, it should be noted that incarcerated individual under the age of 18 are no longer housed by the Department of Corrections. The data is further delineated by category of alleged perpetrator (staff or incarcerated individual).

¹ BKDC and HOJC have been removed due to the facility no longer holding incarcerated individuals. HOJC reporting to NYC ACS

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Table 2

<i>January 2021 – June 2021</i>			
<i>Alleged Victim Age at Incident Date</i>	<i># of Allegations</i>	<i>Staff on Incarcerated Individual</i>	<i>Among Incarcerated Individuals</i>
18≤	0	0	0
19-21	12	3	9
22≥	179	95	84
	191	98	93

Table 3

<i>July 2021 – December 2021</i>			
<i>Alleged Victim Age at Incident Date</i>	<i># of Allegations</i>	<i>Staff on Incarcerated Individual</i>	<i>Among Incarcerated Individuals</i>
18≤	0	0	0
19-21	1	0	1
22≥	88	18	70
	89	18	71

Age of Alleged Subject

Table 4 (prior reporting period) and Table 5 (current reporting period) compare the ages of alleged subjects. Approximately 64.9% of the allegations reported, the alleged identified perpetrator was twenty-two (22) years old or older. Again, it should be noted that incarcerated individuals under the age of 18 are no longer housed by the Department of Corrections. The data is further delineated by type of alleged victim (staff or incarcerated individual).

Table 4

<i>January 2021-June 2021</i>			
<i>Alleged Subject Age at Report Date</i>	<i># of Allegations</i>	<i>Staff on Incarcerated Individual</i>	<i>Among Incarcerated Individuals</i>
18≤	0	0	0
19-21	8	0	8
22≥	124	70	54
Unidentified Alleged Subject	59		

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Table 5

<i>July 2021-December 2021</i>			
<i>Alleged Subject Age at Report Date</i>	<i># of Allegations</i>	<i>Staff on Incarcerated Individual</i>	<i>Among Incarcerated Individuals</i>
18≤	0	0	0
19-21	2	0	2
22≥	54	10	44
Unidentified Alleged Subject	33		

In the prior reporting period, there were 59 allegations of which 29 involved staff members and 30 involved incarcerated individuals. In the current reporting period, there were 33 allegations where the alleged incarcerated victim was unable to identify the alleged perpetrator. This reflects a 56% increase in incidents where incarcerated victims were able to identify the alleged perpetrator.

Methods of Reporting

Table 6 assesses the methods used by alleged incarcerated victims to report PREA allegations. 311 continues to be the most utilized method by alleged incarcerated victims for reporting staff-on-incarcerated individual incidents as well as incidents among incarcerated individuals.

Table 6

<i>Reporting Breakdown</i>					
		<i>January 2021-June 2021</i>		<i>July 2021 – December 2021</i>	
<i>Staff-on-Incarcerated Individual</i>		<i># of Allegations</i>	<i>%</i>	<i># of Allegations</i>	<i>%</i>
	311	71	37.17%	9	10.11%
	DOI	0	0%	0	0%
	Facility	26	13.61%	6	6.74%
	ID	0	0%	0	0%
	PREA	1	.52	0	0%
	Other	0	0%	3	3.37%
Total		98	51.31%	18	20.22%
<i>Among Incarcerated Individuals</i>					
	311	36	18.85%	19	21.35%
	DOI	0	0%	0	0%
	Facility	53	27.75%	37	41.57%

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	ID	1	.52%	2	2.25%
	PREA	3	1.57%	10	11.24%
	Legal Aid	0	0%	1	1.12%
	Other	0	0%	2	2.25%
Total		93	48.69%	71	79.78%

The Department saw 26 reported facility allegations in the last reporting period decrease to 6 in the current reporting period. COVID has been linked to staff shortages which led to unmanned posts through out all facilities. This may be one of the factors contributing to the decrease in facility allegations. The other factors include LGBTIQ+ Initiatives Unit and PREA Facility Ambassadors addressing incarcerated individual concerns.

Overall Trends of PREA Allegations

Table 7 compares total reported incidents for the last reporting period (Jan 2021 – Jun 2021) versus the current reporting period (Jul 2021-Dec 2021). The total number of sexual abuse and sexual harassment allegations decreased by 53.4% (191 PREA Reportable versus 89 PREA Reportable allegations, respectively). Overall, there was a decrease of allegations in all staff-on-incarcerated individual categories of sexual harassment and sexual abuse.

Table 7

<i>Comparison of Allegations of Sexual Victimization, by type of Incidents</i>			
	Jan 2021 – Jun 2021	Jul 2021-Dec 2021	% Increase/Decrease
Total	191	89	-53.4%
Staff on Incarcerated Individual	98	18	-81.6%
Sexual Abuse	58	12	-79.3%
Sexual Harassment	40	6	-85%
Among Incarcerated Individuals	93	71	-23.6%
Abusive Sexual Contact	67	51	-23.8%
Non-Consensual Sex Act	4	15	+275%
Sexual Harassment	22	5	-77.2%

Staff Sexual Abuse

All staff on incarcerated individual sexual abuse allegations are investigated as potential violations of NYS Penal Law §130 (i.e., attempted sexual acts, completed sexual acts and unwanted (forcible) touching for sexual gratification and indecent exposure) in addition to staff voyeurism. There were 18 staff on incarcerated individual allegations of sexual abuse and sexual harassment made during the

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second half of 2021, an 81.6% decrease from the 98 allegations made during the first half of 2021. (see Table 7).

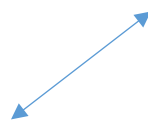
Table 8 shows for the first half of 2021, approximately 10% (6) of staff sexual abuse allegations were related to a use of force (2): strip search (2), verbal (2) escort (0) and pat-frisk (0) For the latter half of 2021, approximately 8% of staff sexual abuse allegations were related to a use of force: strip search (1), pat-frisk (0) and escort (0).

Table 8

Staff - Incarcerated Individual Sexual Abuse January 2021 – June 2021

Category	# of Allegation
Inappropriate Touch	40
Crimes Under New York State Penal Law 130	5
Voyeurism	1
Other	12
Grand Total	58

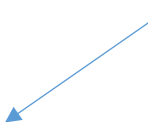
UOF	2
Strip Search	2
Escort	0
Pat Frisk	0
Verbal	2
Recant	6
Other Total	12



Staff - Incarcerated Individual Sexual Abuse Jul 2021 - Dec 2021

Category	# of Allegation
Inappropriate Touch	4
Crimes Under New York State Penal Law 130	6
Voyeurism	1
Other	1
Grand Total	12

UOF	0
Strip Search	1
Escort	0
Pat Frisk	0
Verbal	0
Recant	0
Total Other	1



The staffing shortage caused a decrease in interactions between staff and incarcerated individuals including a decrease in searches, pat frisks, strip searches, and other staff interactions. Additionally, COVID social distancing reduced the amount of escorting incarcerated individuals to congregate settings throughout the facility. These situations may have contributed to the decrease in the reported staff on incarcerated individual sexual abuse.

Staff Sexual Harassment

PREA-reportable staff sexual harassment includes repeated verbal statements, comments or gestures of a sexual nature to an incarcerated individual by a staff member. Total allegations of PREA-reportable staff sexual harassment decreased by 34 between June 2021 and December 2021. As discussed earlier, the staffing shortage continued in the second half of 2021 resulting in fewer interactions between staff and incarcerated individuals. This may have led to the decrease in reported sexual harassment cases.

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The only category of sexual harassment that saw a significant change in allegations was in “inappropriate comments”, where a decrease of 83.7 % was recorded. (see [Table 9](#))

Table 9

<i>Staff on Incarcerated Individual Sexual Harassment</i>					
Sub-Category	# Allegations	%	# Allegations	%	% Increase/Decrease
	Jan 2021 - Jun 2021		Jul 2021 - Dec 2021		
Sexual Threat	2		0	0	-100%
Inappropriate Comments	37		6		-83.7%
Homophobic Statement	1		0		-100%
Total	40		6		-85%

Incarcerated Individual Nonconsensual Acts

Nonconsensual acts include **sexual penetration among incarcerated individuals without consent** or of an incarcerated individual who is unable to either consent or refuses. (See [Table 10](#)). During the prior reporting period, three (3) of the four (4) reported nonconsensual sex acts were deemed ‘Crimes under New York State Penal Law 130’ and one (1) was categorized as an “Inappropriate Touch”. During the current reporting period, ten (10) reported nonconsensual sex acts were deemed ‘Crimes under New York State Penal Law 130’ and three (3) were categorized as “Inappropriate Touch”.

Table 10

<i>Non-Consensual Sex Act</i>	<i># of Allegations</i>	<i># of Allegations</i>
Period	Jan 2021 – Jun 2021	July 2021-Dec 2021
Crimes Under NY State Penal Law 130	3	10
Inappropriate Touch	1	3

Incarcerated Individual Abusive Acts

Incarcerated individual abusive acts are defined as **unwanted intentional touching of an incarcerated individual without consent**, or of an incarcerated individual who is unable to consent or refuse, by another incarcerated individual. **The total number of incarcerated individual abusive act allegations decreased by 28.8% (67 allegations to 51),** ([Table 11](#)).

Table 11

<i>Incarcerated Individual Abusive Acts</i>	<i># of Allegations</i>	<i>%</i>	<i># of Allegations</i>	<i>%</i>	<i>% Change</i>
	Jan 2021 – Jun 2021		Jul 2021 - Dec 2021		

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Inappropriate Touch	41	61.19%	28	54.9%	-31.7%
Crimes Under NY State Penal Law 130	22	32.84%	22	43.14%	0%
Other	4	5.97%	1	1.96%	-75%
Total	67		51		-28.8%

Incarcerated Individual Sexual Harassment

In 2013, the Bureau of Justice Statistics added *Incarcerated Individual Sexual Harassment* to the definitions of sexual victimization. Incarcerated Individual sexual harassment is defined as repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one incarcerated individual directed toward another. The number of such allegations decreased from twenty-two (22) in the last reporting period to five (5) in the current reporting period (see [Table 12](#)).

Table 12

<i>Incarcerated Individual Sexual Harassment</i>				
Jan 2021-Jun 2021		Jul 2021-Dec 2021		% Change
# Allegations		# Allegations		
22	22.66%	5	7.04%	-77.3%

Overview of Rates and Trends

The rate of reported allegations of sexual victimization decreased from 22.98 per 1,000 incarcerated individuals during the first half of 2021 to 15.86 per 1,000 incarcerated individuals during the second half of 2021. The rate of staff allegations decreased from 11.79 per 1,000 incarcerated individuals during January 2021 - June 2021 to 3.21 per 1,000 incarcerated individuals during July 2021 – December 2021. The rate of allegations among incarcerated individuals against other incarcerated individuals increased slightly from 11.79 per 1,000 incarcerated individuals to 12.65 per 1,000 incarcerated individuals (see [Table 13](#)).

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Table 13

<i>Total Allegations of Sexual Victimization, by type of incident Jan 2021-Jun 2021 vs Jul 2021-Dec 2021; rate per 1000 incarcerated individual population</i>						
Category Type	Jan 2021 – Jun 2021	Jul 2021 – Dec 2021	% (Jan 2021 – Jun 2021)	% (Jul 2021 – Dec 2021)	Rate (Jan 2021 – Jun 2021)	Rate (Jul 2021 – Dec 2021)
Total	191	89	100%	100%	22.98	-15.86
Staff on Incarcerated Individual	98	18	51.31%	20.2%	11.79	-3.21
Sexual Abuse	58	12	30.37%	13.4%	6.98	-2.14
Sexual Harassment	40	6	20.94%	6.7%	4.81	-1.07
Among Incarcerated Individuals	93	71	48.69%	79.7%	11.19	+12.65
Abusive Sexual Contact	67	51	35.08%	57.3	8.06	+9.09
Non-Consensual Sex Act	4	15	2.09%	16.8%	0.48	+2.67
Sexual Harassment	22	5	11.52%	5.62%	2.65	-0.89

Section Two

SUBSTANTIATED, UNSUBSTANTIATED & UNFOUNDED ALLEGATIONS

Allegations of sexual abuse or sexual harassment are substantiated after an event is investigated and determined to have occurred based on a preponderance of evidence. Unsubstantiated allegations are those where the investigation produced insufficient evidence to prove that the event occurred. Unfounded allegations are those that, pursuant to investigation, are proven false.

Table 14 compares the case status of allegations that were *reported, investigated and closed* during the last reporting period versus the case status of allegations that were *reported, investigated and closed* during the current reporting period. Any allegation that came in before or after the reporting period in question and/or was closed before or after the relevant reporting period will **not** be reflected in Table 14.

Importantly, the data in Table 14 for the last reporting period (January 2021 - June 2021) reflects the status *as of the time of the last report*, six months ago. Further, additional cases from other reporting periods have been closed. The Department’s progress on investigating and closing cases is discussed in Section Three.

Table 14 illustrates that no case exceeded the 90 day closing requirement deadline with the exception of four cases, which are currently pending criminal investigation with the D.A.’s Office. During the current reporting period (Jul 2021 – Dec 2021), the Department’s PREA Investigation Division (ID) opened 327 cases of which 89 were PREA Reportable and closed 97 PREA Reportable cases.

Table 14

<i>Substantiated, Unsubstantiated, Unfounded and Pending Allegations of Sexual victimization Department-wide, July 2021 - December 2021</i>		
	<i>Case Reporting Period</i>	
	<i>Jan 2021 – Jun 2021</i>	<i>Jul 2021 – Dec 2021</i>
Total Allegations	191	89
Total Closed During Reporting Period	190	97 *
Substantiated	9	3
Unsubstantiated	110	47
Unfounded	71	47
Total Open Still in 90 Day Compliance		
Preliminary Findings-Substantiated	3	4

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Preliminary Findings-Unsubstantiated	188	30
Preliminary Findings- Unfounded	0	0
Pending Final Disposition	5	0

*The 97 cases represent cases closed during the 07/01/2021 to 12/31/21 reporting period, these could have come from other reporting periods.

Table 15 illustrates the cases closed by the PREA Investigation Division regarding allegations reported prior to July 2021 (allegations reported up and until June 30, 2021 but closed during the July 2021-December 2021 reporting period).

Table 15

<i>Initiated Investigation</i>				
	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>Total</i>
Substantiated	0	0	3	3
Unsubstantiated	0	1	46	47
Unfounded	0	0	47	47
Total Closed	0	1	96	97*

*Total includes cases closed from previous reporting periods.

There were a total of 97 PREA cases closed during the current reporting period (July 2021- December 2021) of which 1 case was reported prior to July 1, 2021.

Rate of Sexual Victimization, By Facility

The rate of sexual victimization is the ratio of the number of incidents compared to the average number of individuals in the Department’s custody between July 2021 and December 2021 of the calendar year. The population in custody includes both detainees and sentenced individuals. All allegations of sexual abuse and sexual harassment made by individuals in custody are taken seriously and investigated thoroughly (Table 16).

Table 16

<i>Substantiated, Unsubstantiated and Unfounded Allegations of Sexual Victimization, by facility, rate per 1,000 individuals in custody (Jul 2021 to Dec 2021)</i>							
		Substantiated		Unsubstantiated		Unfounded	
Facility Name	Total	Number	Rate	Number	Rate	Number	Rate

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AMKC	36	1	0.19	20	3.76	15	2.82
BHPW	0	0	0.00	0	0.00	0	0.00
GRVC	8	0	0.00	5	0.94	3	0.56
MDC	1	0	0.00	1	0.19	0	0.00
OBCC	11	0	0.00	5	0.94	6	1.13
RMSC	19	2	0.38	9	1.60	8	1.50
RNDC	8	0	0.00	4	0.75	4	0.75
VCBC	9	0	0.00	5	0.94	4	0.75
WF/NIC	3	0	0.00	3	0.56	0	0.00
EMTC	1	0	0.00	0	0.00	1	0.19
TD	1	0	0.00	1	0.19	0	0.00

Section Three

RESULTING DETERMINATIONS

Resulting determinations from completed investigations are classified as Substantiated, Unsubstantiated, or Unfounded as defined by the PREA Standards (defined in Appendix B, p.17).

Of the 89 PREA Reportable sexual abuse and sexual harassment allegations reported during July 2021 to December 2021, forty-seven 47 were determined to be unfounded. In these cases, the PREA Investigation Division determined that the event did not occur. As a result in the reduction of allegations, the Department saw a similar decrease in substantiated allegations from nine (9) allegations during the last period to three (3) allegations in this period.

Additional factors that may account for this decrease include, but is not limited to: the identification of appropriate housing for the vulnerable population. In the beginning of 2021, the Department modified the process for housing individuals in the Special Considerations Unit. The PREA Standards and Compliance Unit and the LGBTQ+ Initiatives Unit provide support and work closely with the population. Additionally, the PREA Standards and Compliance Unit conduct weekly Retaliation Monitoring of those who submitted sexual abuse and harassment complaints. The Department ensures that all incarcerated individuals are aware of the Zero Tolerance Policy related to sexual abuse and harassment. This information is disseminated on posters, via tablets, through discussion with staff from the PREA Standards and Compliance Unit and the LGBTQ+ Units. The Department began stenciling this information including the telephone numbers for reporting complaints in the jail and court cells, housing areas, and corridors. It is expected that this stenciling will occur in all of the aforementioned locations by the next reporting period.

PENDING ALLEGATIONS

The New York City Department of Correction has a zero tolerance policy with regard to sexual abuse and sexual harassment and has advanced measures to improve the ability for victims to report these allegations, using the Department created dedicated hotline and posters placed in facilities listing the hotline number and detailing how to report an incident. This information is also disseminated on tablets. The Department began stenciling the Zero Tolerance Policy with telephone numbers for reporting allegations in the jail and court cells, housing areas, and in the corridors. It is expected that by the end of this reporting period, stencils will be provided in all of the aforementioned areas. In 2015, the Department entered into a Memorandum of Understanding with Safe Horizons to provide victim services, access to assistance, and an additional avenue to report allegations of a sexual nature. Similarly, individuals in custody are informed that they may call 311 to report incidents of sexual abuse and harassment. The Department also plans to conduct in-person orientation to all new admissions shortly. This allows individuals to ask the PREA Standards and Compliance Unit staff questions during the orientation or privately at its conclusion. The PREA Standards and Compliance Unit, the PREA ID Unit, and the LGBTQ+ Initiatives staff work closely together to provide support to all incarcerated individuals especially those that are most vulnerable.

The Department thoroughly investigates every allegation of sexual misconduct and sexual harassment. The Department's Investigation Division handles all PREA-related allegations, initiating an investigation within the first 72 hours. PREA Investigators interview alleged victims, separates individuals from identified alleged perpetrators, collects relevant evidence, affords alleged victims mental health, ministerial and victim services, and conducts a preliminary investigation.

In this reporting period, PREA Investigators closed 97 cases (47 allegations that arose prior to July 2021, and 50 that arose between July 2021 through December 2021). All cases that were opened in 2020 and 2021 were closed within 90 days, with the exception of those pending with other investigative agencies and/or prosecutorial agencies.

Section Four

CORRECTIVE ACTION

While the division has taken steps to become compliant with PREA Standards, review and refinement of the investigative process continues to be on going. For example, investigators have increased usage of body cameras for interviews, implemented more stringent requirements for the preservation of video evidence, identified areas of improvement in the interview process and has increased the level of detail contained in the preliminary reports.

Staffing

The ID PREA Unit consists of one (1) Director, one (1) Deputy Director, nine (9) Supervising Investigators and twenty-seven (27) Investigators.

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PRELIMINARY TREND OVERVIEW

During this reporting period, the Department experienced an overall decrease in total PREA allegations (sexual abuse and sexual harassment): there were 89 allegations compared to the last reporting period's 191 allegations. This represents a marked decrease of 53.4% of overall allegations. The COVID 19 pandemic contributed to a staffing shortage which decreased the number of encounters with incarcerated individuals. For instance, the number of pat frisks, strip searches, area searches, and escorting individuals to and from congregate programs may have caused a decrease in the number of allegations. Another contributing factor for this decrease can be attributed to the LGBTQ+ Affairs Unit and PREA Standards and Compliance Units providing support to the incarcerated individuals especially those that are most vulnerable in the system. The LGBTQI+ Initiatives program has seen over 200 individuals in custody during this period, resulting in an outlet to request services for individuals in custody. Additionally, the PREA Standards and Compliance Unit Ambassadors routinely interact with the incarcerated population encouraging the reporting of sexual abuse and harassment complaints while stressing the negative role false allegation have on the populations. Additionally, the PREA Ambassadors proactively address other service-related issues. Some of these individuals would have otherwise made a false PREA allegation to gain these services.

A contributing factor in lessening the number of allegations is the identification of vulnerable populations during the intake process as well as the Safety Check conducted 30 days after the individual has been housed. Additionally, communication between ID PREA and the PREA facility teams has increased, making reporting and awareness a more fluid process. ID PREA has been diligent in generating separation orders during each case to better assist in identifying potential abusers and immediately separate them from shared living quarters with vulnerable populations.

With respect to allegations among individuals in custody, there were many fewer instances of unidentified alleged perpetrators in the current period. This, in turn, leads to a higher quality investigation. It allows investigators additional means of evidence collection and interviewing of the alleged perpetrator. During this period, the Investigations Division saw a decrease in substantiated allegations among people in custody from 9 in the last reporting period to 3 during this reporting period, but also saw 53.4% decrease in allegations.

The Department experienced an 81.6% decrease in staff-on-individual in custody allegations during the current period. Some contributing factors include: The Department's roll out of a PREA Refresher Course, mandated for all members of the Department. Furthermore, the Department is requiring all members of service to take a sexual harassment prevention course. The implementation of computer based training has made the completion of required training programs more accessible to staff and greatly increased completion rate of required training for both PREA and sexual harassment. The LMS (Learning Management System) training program also assists with accountability. This program also identifies individuals in need of refresher training which ensures that Commanding Officers send staff for re-training.

Investigations of sexual harassment and abuse have continued to be completed efficiently and fairly. The ID PREA Division again has found itself squarely in compliance, responding to allegations within 72 hours, completing investigations within 90 days, and evaluating cases reasonably.

The Department continues to ensure staff, receive PREA training during recruit training and orientation, and that all contractors and volunteers with contact with incarcerated individuals are trained. Everyone

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receives training on recognizing the signs of sexual abuse and what steps to take when an allegation is made. In addition to posters in the facility detailing how to report an incident, the Department has strengthened our grievance system for individuals in custody to ensure that they have an effective outlet to communicate and resolve issues of concern through a streamlined process.

CONCLUSION

The Department remains committed to progressive culture change and continues to implement the requirements of the PREA Standards and make adjustments on an ongoing basis.

APPENDIX A

DEFINITIONS OF SEXUAL VICTIMIZATION

The New York City Department of Correction (DOC) utilizes uniform definitions as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003).

These definitions are used to categorize allegations of sexual abuse within New York State correctional facilities and to separate allegations by perpetrator type (staff or individual in custody) and type of abuse.

Similar to the Survey on Sexual Victimization (SSV), the following categories of sexual abuse have been disaggregated into five categories as indicated below.

Incarcerated Individual Nonconsensual Act - sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or
- Contact between the mouth and the penis, vulva or anus; or
- Penetration of the anal or genital opening of another person, however slight by a hand, finger, object, or other instrument.

Incarcerated Individual Abusive Act - sexual contact with any person without his or her consent, or of a person who is unable to consent or refuse; and

- Intentional touching either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

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Incarcerated Individual Sexual Harassment – Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one incarcerated individual directed toward another.

Staff Sexual Misconduct – any act or behavior of a sexual nature directed toward an incarcerated individual by an employee, volunteer, contractor or official visitor or other agency representative. Sexual relationships of a romantic nature between staff and incarcerated individuals are included in this definition. Consensual and nonconsensual acts include:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse or gratify sexual desire; or
- Completed, attempted, threatened, or requested sexual acts; or
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment – Repeated verbal statements, comments or gestures of a sexual nature to an incarcerated individual by an employee, volunteer, contractor, official visitor, or other agency representative, including:

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;
- Repeated profane or obscene language or gestures.

APPENDIX B

GENERAL DEFINITIONS

Resulting determinations from completed investigations are classified as outlined in the Code of Federal Regulations Title 28, Chapter 1, subpart A, section 115.5, *General Definitions* (28 C.F.R. § 115.5) as Substantiated, Unsubstantiated, or Unfounded. This standard state that agencies shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Substantiated – An allegation was investigated and determined to have occurred based on a preponderance of the evidence.

Unsubstantiated – An allegation was investigated and the investigation produced insufficient evidence to prove the event occurred.

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Unfounded – An allegation was investigated and determined not to have occurred.