

NYC Department of Correction
City Council Semi-Annual Sexual Abuse & Harassment Report
February 2026

Introduction

Prison Rape Elimination Act & BOC Minimum Standards

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), which became effective on 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.

Pursuant to section 9-156 of the NYC Administrative Code, the Department is required to report on allegations of sexual abuse and sexual harassment for cases that opened within the current six months period, cases that lasted longer than 90 days and for cases that were closed within the preceding six-month period. The following report outlines the aggregate number and percentage of the data required by subdivisions b and c of the law. Data that cannot be aggregated has been provided to the Council but has not been included in this report. 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. To avoid identifying unique incidents which may risk re-identification, certain data is reported as a symbol.

Allegations of sexual abuse and 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).

Zero Tolerance Policy

The New York City Department of Correction has a zero-tolerance policy regarding sexual abuse and sexual harassment. The Department continues to enforce this policy by stenciling a “Break the Silence” message, along with the telephone numbers for reporting allegations in jail housing

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areas, court holding pens, and corridors. There are various measures in place for victims to report allegations of sexual abuse and harassment, including but not limited to the confidential PREA reporting hotline, access to 311, and PREA informational posters strategically placed near the phone banks. These posters list designated points of contact to make reports and detail how to report an incident. In addition, all Department staff are responsible for taking measures to prevent sexual assault and harassment and for reporting incidents. The Department conducts in-person PREA orientation to all newly admitted individuals in custody. This allows individuals to ask the PREA Facility Compliance Unit staff questions during the orientation or privately at its conclusion. The PREA Facility Compliance Unit, the PREA Investigation Unit, and the LGBTQ+ Affairs Unit work closely together to provide support to all PIC, especially those who are most vulnerable.

The Department takes every allegation of sexual misconduct and sexual harassment seriously and investigates each complaint thoroughly. All efforts are made to properly record, evaluate, and fully investigate all allegations made by people in custody. The Department's PREA Investigations Unit handles all PREA-related allegations, initiating an investigation within the first 72 hours. PREA Investigations Unit Investigators interview alleged victims, separate individuals from identified alleged perpetrators, collect relevant evidence, afford alleged victims mental health, ministerial and victim services, and conduct a preliminary investigation.

The Department continues to engage in efforts to address the number of allegations received and concerns of the incarcerated population. These include the identification of appropriate housing for individuals in custody, especially those who may be vulnerable to victimization. The Department houses individuals based on gender identity: transgender, gender non-binary, and intersex individuals. These individuals are afforded a specialized housing process and housing options that take into account heightened levels of vulnerability for this population. The PREA Facility Compliance Unit and the LGBTQ+ Affairs Unit provide support throughout all facilities and coordinate closely to protect individuals identified as particularly vulnerable. The PREA Facility Compliance Unit conducts monthly retaliation monitoring for individuals who have submitted PREA-related complaints. These efforts support the Department's goal of achieving full compliance with all PREA standards while maintaining a safe and secure environment for all staff and persons in custody ("PIC").

PREA Training

The Department provides PREA training for all staff during recruit training at the Academy and orientation on-boarding; contractors and volunteers who will have contact with individuals in custody are also trained during the on-boarding process. Refresher training is mandated every two years. PREA training includes instruction on recognizing the signs of sexual abuse and what steps to take when an allegation is made, as well as effectively communicating the importance of

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PREA compliance. PREA Investigation Unit investigative staff receive additional in-service training, including cross-training with the NYPD Evidence Collection Unit, and instruction from subject matter experts and law enforcement partners that offer training in human trafficking and enhanced interviewing skills.

<i>Case Status Overview</i>			
<i>Case Status</i>	<i>Jan 2025 - Jun 2025</i>	<i>Jul 2025 - Dec 2025</i>	<i>% Change</i>
Total Cases Open During Reporting Period	80	155	94%
Opened During Reporting Period	73	106	45%
Opened Prior to Reporting Period	7	49	600%
Total Closed During Reporting Period	69	93	35%
Opened During Reporting Period	31	54	74%
Opened Prior to Reporting Period	38	39	3%
Total Cases Pending at Close of Reporting Period	49	62	27%
Opened During Reporting Period	42	52	24%
Opened Prior to Reporting Period	7	10	43%

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Section One: Allegations of Sexual Abuse & Sexual Harassment

The data in this section is related to alleged incidents of sexual abuse and harassment for which a case was open during the reporting period, including incidents that occurred during the reporting period and incidents that occurred prior to the reporting period, and including incidents that may have closed during the reporting period.

Open Investigations by Incident Type				
Type of Investigation	Jan 2025 - Jun 2025		Jul 2025 - Dec 2025	
	#	%	#	%
Staff on PIC	16	20%	15	24%
Sexual Abuse	13	16%	12	19%
Sexual Harassment	3	4%	3	5%
Among PIC	64	80%	47	76%
Sexual Abuse	57	71%	39	63%
Sexual Harassment	7	9%	8	13%
Total	80	100%	62	100%

1. The date on which the incident occurred and whether the incident took place between the times 7:00 AM and 3:00 PM, 3:00 PM and 11:00 PM, and 11:00 PM and 7:00 AM.¹

Alleged Incidents by Time of Day				
Time	Jan 2025 - Jun 2025		July 2025 - Dec 2025	
	#	%	#	%
0700x1500	39	49%	59	38%
1500x2300	25	31%	42	27%
2300x0700	13	16%	36	23%
Unknown Time	3	4%	18	12%
Total	80	100%	155	100%

¹ The date of the incident cannot be reported in the aggregate.

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2. Whether the allegation is of sexual abuse or sexual harassment as defined in subdivision b of this section.

Alleged Incidents by Type				
Type	Jan 2025 - Jun 2025		July 2025 - Dec 2025	
	#	%	#	%
Sexual Abuse	70	88%	127	82%
Sexual Harassment	10	12%	28	18%
Total	80	100%	155	100%

3. The date the incident was reported.

This information cannot be reported in the aggregate.

4. The gender identity of the alleged victim.

Alleged Incidents by Gender of Victim				
Reported Gender	Jan 2025 - Jun 2025		July 2025 - Dec 2025	
	#	%	#	%
Male	50	62%	90	58%
Female	12	15%	28	18%
Trans Man	~~	~~	~~	~~
Trans Woman	16	20%	~~	~~
Non-Binary	~~	~~	~~	~~
Intersex	0	0%	0	0%
Unknown	0	0%	0	0%
Total	80	100%	155	100%

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5. Whether the alleged victim at the time of the incident was between the ages of 18-25, 26-35, 36-40, 41-60, or over 60, when such individuals are in department custody.

Alleged Incidents by Age of Victim				
Age	Jan 2025 - Jun 2025		July 2025 - Dec 2025	
	#	%	#	%
18-25	15	19%	~~	~~
26-35	36	45%	77	50%
36-40	14	17%	36	23%
41-60	~~	~~	24	15%
>60	~~	~~	~~	~~
Total	80	100%	155	100%

6. The race of the alleged victim.²

Alleged Incidents by Race of Victim				
Race/Ethnicity	Jan 2025 - Jun 2025		July 2025 - Dec 2025	
	#	%	#	%
Asian	~~	~~	~~	~~
Black	39	55%	95	61%
Hispanic	26	27%	28	18%
Other	8	10%	16	10%
White	~~	~~	~~	~~
Total	80	100%	155	100%

7. Whether the alleged victim had been in custody for more than 24 hours and who, during such confinement, received treatment for a mental illness, not including incarcerated individuals seen by mental health staff on no more than two occasions during their confinement and assessed on the latter of those occasions as having no need for further treatment in any city correctional facility.³

² Race is voluntarily reported to the Department by each individual in custody. The Department makes no representation as to the completeness or accuracy of this data.

³ Correctional Health Services is precluded from sharing the protected health information outlined in New York City LL21 §9-156(b)7 with the Department of Correction by New York State Public Health Law §§ 18 and 27-F, New York State Mental Hygiene Law § 33.13, and section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulations, 42 CHR Part 2.

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Time in Custody	Jan 2025 - Jun 2025	July 2025 - Dec 2025
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	80	155
Total	80	155

8. The gender identity of the alleged perpetrator.

Alleged Incidents by Gender Identity of Perpetrator				
Reported Gender	Jan 2025 - Jun 2025		July 2025 - Dec 2025	
	#	%	#	%
Male	56	70%	104	67%
Female	11	14%	27	17%
Trans Man	~~	~~		~~
Trans Woman	9	11%	21	14%
Non-Binary	~~	~~	0	~~
Intersex	0	0%	~~	~~
Unknown	~~	~~	~~	~~
Total	80	100%	155	100%

9. Whether the alleged perpetrator was an incarcerated individual or staff.

Alleged Incidents by Perpetrator				
Perpetrator	Jan 2025 - Jun 2025		July 2025 - Dec 2025	
	#	%	#	%
Staff	16	20%	30	19
Incarcerated Individuals	64	80%	125	81%
Total	80	100%	155	100%

10. If the alleged perpetrator was staff, the number of previous allegations against such staff that were substantiated and the outcome of each investigation.

There were no instances during this reporting period in which staff identified as alleged perpetrators had prior allegations that were substantiated.

11. If the alleged perpetrator was staff, the number of previous allegations against such staff that were unsubstantiated.

There was one instance in which staff identified as alleged perpetrators had a history of prior unsubstantiated allegations.

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12. If the alleged perpetrator was staff, the number of previous allegations against such staff which are still pending.

Status of Previous Allegations Against Staff Perpetrators				
Perpetrator	Jan 2025 - Jun 2025		Jul 2025 - Dec 2025	
	#	%	#	%
Substantiated	0	0	0	0%
Unsubstantiated	0	0	1	100%
Pending	3	100%	0	0%
Total	3	100%	1	100%

13. The facility in which the incident occurred.

Alleged Incidents by Facility				
Facility	Jan 2025 - Jun 2025		Jul 2025 - Dec 2025	
	#	%	#	%
AMKC	~~	~~	~~	~~
BHPW	0	0%	~~	~~
BKCT	~~	~~	0	0%
BXCT	~~	~~	~~	~~
EMTC	8	10%	17	11%
GRVC	16	20%	22	14%
MNCT	~~	~~	~~	~~
NIC	~~	~~	~~	~~
OBCC	17	21%	43	28%
QCT	~~	~~	~~	~~
RESH	0	0%	~~	~~
RMSC	14	17%	35	23%
RNDC	12	15%	19	12%
TD	~~	~~	~~	~~
VCBC	0	0%	0	0%
WF	~~	~~	7	5%
Other	~~	~~	~~	~~
Total	80	100%	155	100%

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14. Whether the incident occurred in a service area or housing area.

Incidents by Area				
Type of Area	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Service Area	12	15%	19	12%
Housing Area	68	85%	136	88%
Total	80	100%	155	100%

15. If the incident occurred in a housing area, the housing area type.

Incidents by Housing Area Type				
Housing Area Types	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
General Population	42	62%	78	57%
Mental Health ⁴	12	18%	26	19%
New Admission	7	10%	12	9%
Protective Custody	7	10%	17	13%
Restrictive Housing	0	0%	3	2%
Total	68	100%	136	100%

16. Whether video camera surveillance recorded the incident.

Video Evidence				
Type of Area	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Captured	70	87%	128	83%
Not Captured	10	12%	6	4%
Pending Review	0	0%	21	13%
Total	80	100%	155	100%

⁴ Includes all forms of mental health housing, including mental observation, PACE, and CAPS.

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17. The type of sexual abuse or harassment.

Alleged Incidents by Type				
Type	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Staff on PIC	16	20%	30	20%
Sexual Abuse	13	16%	24	16%
Sexual Harassment	3	4%	6	4%
Among PIC	64	80%	125	80%
Abusive Sexual Contact	20	25%	31	20%
Non-Consensual Sex Act	37	46%	72	46%
Sexual Harassment	7	9%	22	14%
Total	80	100%	155	100%

18. Whether the alleged victim is known to identify as lesbian, gay or bisexual, or if the identity is undisclosed.

Alleged Incidents by Sexual Orientation of Victim				
Sexual Orientation	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Lesbian	~~	~~	4	3%
Gay	14	17%	9	6%
Bi-sexual	6	8%	38	24%
Other/Undisclosed	56	70%	104	67%
Total	80	100%	155	100%

19. Whether DNA or any other physical evidence was obtained.

DNA or Any Other Physical Evidence was Obtained				
Evidence Collection	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
DNA	22	28%	23	15%
Other Physical Evidence	1	1%	4	3%
None	57	71%	128	82%
Total	80	100%	155	100%

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20. Whether a sexual assault kit was administered, declined or not applicable.

Sexual Offence Evidence Collection Kit				
Outcome	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Administered	23	29%	23	15%
Declined ⁵	N/A	N/A	N/A	N/A
Not Applicable	57	71%	132	85%
Total	80	100%	155	100%

21. If a sexual assault kit was deemed not applicable, whether that determination was the result of a delay in reporting, due to the type of abuse alleged to have occurred, or any other reason.⁵

A determination as to whether a sexual assault kit is applicable is made by the receiving hospital staff.

22. Whether the case was referred to the Department of Investigation (DOI), the date of such referral, and whether the department of investigation referred it back to the department of correction to investigate.⁶

Department of Investigation Referral				
Referred	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
DOI Clearance Provided	13	16%	27	17%
DOI Clearance Denied	3	4%	3	2%
Not Applicable	64	80%	128	82%
Total	80	100%	155	100%

⁵ This information is not shared with the Department pursuant to New York State Public Health Law §§ 18 and 27-F, New York State Mental Hygiene Law § 33.13, and section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulations, 42 CHR Part 2.

⁶ All allegations involving staff are referred to DOI upon receipt of the complaint for clearance to proceed with an investigation.

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Section Two: Substantiated, Unsubstantiated, & Unfounded Allegations

The data in this section is related to investigations of allegations of sexual abuse and sexual harassment that for which an investigation was closed during the preceding six-month period.

23. The date the investigation was closed.

The date of closing cannot be reported in the aggregate.

24. Whether the Department determined that the incident was substituted, unsubstantiated, or unfounded.

Case Conclusion by Determination				
Determination	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Substantiated	4	6%	8	9%
Unsubstantiated	40	58%	58	62%
Unfounded	25	36%	27	29%
Total	69	100%	93	100%

25. Whether the allegation was referred to a District Attorney's office.

Total Cases Referred to the DA's Office				
Outcome	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Referred	40	58%	76	82%
Not Referred	29	42%	17	18%
Total	69	100%	93	100%

26. Whether the alleged victim was notified regarding the outcome of the investigation.

Total Investigation Outcome Notifications				
Status	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Notified	69	100%	93	100%
Not Notified	0	0	0	
Total	69	100%	93	100%

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27. Whether the alleged victim was referred to trauma or sexual assault crisis services following the incident.

Referrals to trauma or sexual assault crisis services may occur as part of the clinical response or victim support process; in such cases, specific information regarding individual referrals may be considered protected health information and is not shared with the Department.

28. Whether the alleged perpetrator and alleged victim were separated from physical contact during pendency of the investigation.

Separation Outcomes				
Outcome	Jan 2025 - Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Separation	48	70%	77	83%
No Separation ⁷	21	30%	16	17%
Total	69	100%	93	100%

29. For substantiated allegations, if the perpetrator was a staff person, whether during the pendency of the investigation such staff person resigned, was suspended, placed on modified duty, assigned to a post without contact with incarcerated individuals, assigned to a post with restricted contact with incarcerated individuals, placed on administrative leave, or administered any other form of discipline.

Staff Involved Substantiated Cases				
Staff Disciplinary Outcomes	Jan 2025 – Jun 2025		Jul 2025 – Dec 2025	
	#	%	#	%
Resigned	0	0%	0	0%
Suspended	0	0%	2	2%
Modified Duty	0	0%	0	0%
No Contact Post	0	0%	0	0%
Admin Leave	0	0%	0	0%
Other Discipline	1	1%	0	0%
Not Applicable	68	99%	91	98%
Total	69	100%	93	100%

⁷ Individuals may not be separated if either the alleged victim or the alleged perpetrator is unknown or not identified.

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30. For substantiated allegations, whether the allegation was referred for disciplinary action, including whether the Department declined to file disciplinary charges, or if disciplinary or if disciplinary charges were filed, the outcome of such disciplinary proceeding and whether the alleged staff perpetrator resigned or retired in lieu of charges or as part of a negotiated plea.

Staff Involved Substantiated Cases				
Referred Disciplinary Actions	Jan 2025 – Jun 2025		Jul 2025 – Dec2025	
	#	%	#	%
Declined to Discipline	0	0%	0	0%
Charges Filed	1	33%	2	66%
Resigned/Retired in Lieu of Charges	0	0%	0	0%
NPA	0	0%	0	0%
Other	0	0%	0	0%
Total	1	100%	2	100%

31. For substantiated allegations that were not referred to a District Attorney’s office, the reason the allegation was not referred to such an office.

All substantiated allegations were referred to the appropriate District Attorney’s office for review and potential prosecution.

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Section Four: Assessment

During this reporting period, the Department experienced an increase in PREA-reportable incidents. A total of 106 PREA-reportable cases were reported and investigated during this cycle, representing a 45% increase from the 73 cases recorded in the previous six-month period. Among the reported cases, there was an increase (43%) in PIC-on-PIC allegations (from 59 to 84), and increase (57%) in staff-on-PIC allegations (from 14 to 22).

While the Department treats all allegations of sexual misconduct seriously, not every complaint meets the criteria to be classified as a PREA-reportable incident. The Department adheres to the federal definitions under the PREA standards when determining whether an allegation qualifies as a reportable incident. Each complaint is subject to an initial screening process, during which trained PREA Investigation Unit supervisors assess the facts presented to determine whether the case meets reporting criteria. Complaints that do not meet the PREA standards are still logged and addressed through alternate internal mechanisms, such as referrals to Grievance, Health + Hospitals/Correctional Health Services, or the LGBTQ+ Affairs Unit.

During this reporting period, PREA Investigation Unit received and responded to 821 complaints, all of which required in-person interviews. Of the complaints received and addressed, a total of 368 complaints (approximately 45%) originated from the City's 311 system. All complaints, regardless of outcome, are documented internally, and their disposition is determined following a preliminary review.

Following the screening process, 129 complaints were elevated to full investigations by the PREA Investigation Unit. Of these, 106 were determined to fall under the scope of the PREA standards and were subject to the federally mandated 90-day investigative timeline. These investigations result in findings of substantiated, unsubstantiated, or unfounded, as defined by the Federal PREA standards (see Appendix B).

Of the 93 PREA-reportable sexual abuse and sexual harassment investigations closed during this period, which includes cases initiated in prior reporting periods, eight cases (9%) were substantiated, indicating that the allegation was supported by a preponderance of the evidence; 58 cases (62%) were unsubstantiated, meaning there was insufficient evidence to make a determination; and 27 cases (29%) were unfounded, determined through an investigation to be false or baseless. These proportions remain consistent with the previous reporting period, in which a total of 69 cases closed.

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With respect to timeliness, 98% (91 of 93) of closed PREA-reportable cases were resolved within the required 90-day period. The remaining two cases (2%) exceeded the 90-day timeline due to documented extenuating circumstances, such as the processing of sexual assault forensic kits, the unavailability of essential witnesses, or pending review by external oversight bodies such as the District Attorney's Office or the NYC Department of Investigation.

In addition to PREA-reportable investigations, the Department closed 29 non-PREA-reportable cases during the reporting period. These cases did not meet the threshold for classification under PREA standards and included incidents such as one-time verbal harassment or complaints lacking sexual content but requiring review due to perceived misconduct. Of these cases, 23 were unsubstantiated, and six were determined to be unfounded.

As of the close of the reporting period, 12 PREA-reportable cases remain open beyond the 90-day threshold and are on administrative hold. Of these cases 10 remain under active review by external investigative bodies, which may delay closure beyond the Department's control. These figures reflect the Department's continued commitment to responding promptly and thoroughly to all allegations of sexual victimization, maintaining transparency in investigative outcomes, and upholding compliance with both local and federal standards.

Corrective Action

During this reporting period, the Department focused on strengthening how PREA-related cases are investigated, monitored, and supported across facilities.

Staffing within the PREA Investigation Unit was increased to address caseload demands and improve the Department's ability to move cases forward in a timely and consistent manner. These additions support both day-to-day casework and compliance with required investigative timelines. All PREA Facility Compliance Unit, the PREA Investigation Unit staff continue to participate in regular instruction and cross-training with law enforcement partners and subject matter experts, with a focus on maintaining strong investigative standards and handling sensitive cases appropriately. The Department continues to monitor compliance through regular review and direct engagement with facilities. Coordination across the PREA Facility Compliance Unit, LGBTQ+ Affairs Unit, and PREA Investigation Unit remains in place to ensure individuals in custody receive appropriate housing and support.

These steps reflect continued attention to safety, accountability, and the Department's responsibility to protect individuals in custody from sexual abuse and sexual harassment

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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 person 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.

Person in Custody 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.

Person in Custody 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.

Person in Custody 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 person in custody directed toward another.

Staff Sexual Misconduct – any act or behavior of a sexual nature directed toward a person in custody by an employee, volunteer, contractor or official visitor or other agency representative.

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Sexual relationships of a romantic nature between staff and person in custody 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 a person in custody 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.

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