

**NYC Department of Correction  
NYC Board of Correction Sexual Abuse and Sexual Harassment Minimum Standards 5-40 Assessment Report – August 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 (January 2022 through June 2022), 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 & 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.

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**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 individuals) and compare this reporting period’s data to last period’s data, as shown in Figure 1.

**Figure 1**

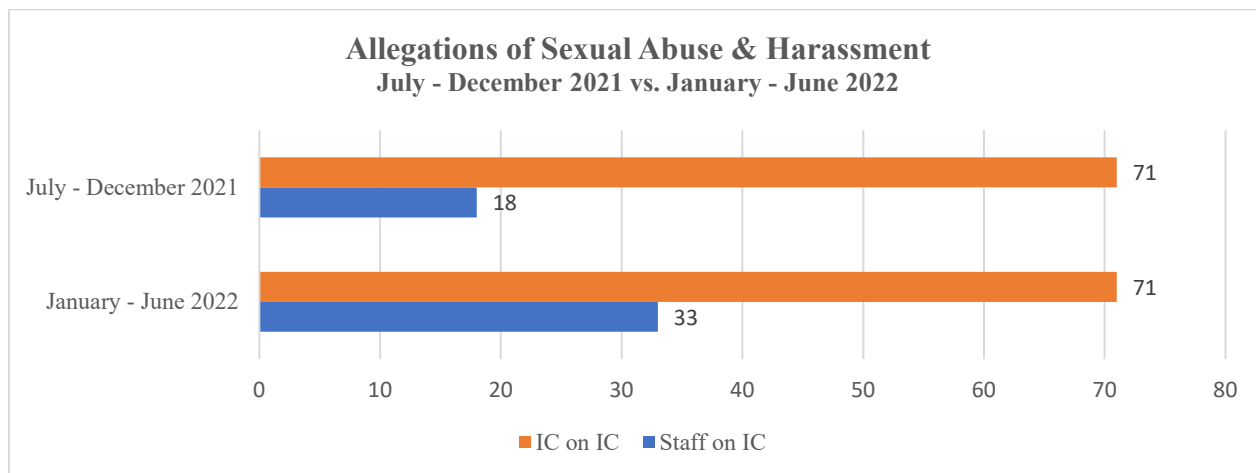


Figure 1 shows the Department is reporting an overall increase in staff-on-incarcerated individual allegations by 83.3% and a stable number of allegations among incarcerated individuals during this reporting period compared to last. Overall, the Department saw 33 allegations of staff-on-incarcerated individual sexual abuse and sexual harassment this period versus 18 allegations last period.

**Facility Breakdown**

Table 1, below, gives a breakdown of PREA Reportable allegations by facility, comparing last reporting period (July 2021 - December 2021) to the current reporting period (January 2022 - June 2022).

**Table 1**

<b>Facility Breakdown Comparison</b>					
<b>Facility</b>	<b>Jul 2021 – Dec 2021</b>		<b>Jan 2022 – Jun 2022</b>		<b>% Change</b>
	<b># of Allegations</b>	<b>%</b>	<b># of Allegations</b>	<b>%</b>	
RMSC	15	16.85%	28	26.92%	+86.6%
AMKC	34	38.2%	42	40.38%	+23.5
GRVC	8	8.99%	8	7.69%	-
OBCC	7	7.87%	1	.96%	-85.7%
EMTC	2	2.25%	11	10.58%	+450%

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**Table 1 (continued)**

MDC	0	0	0	0%	-
NIC	0	0	2	1.92%	+100%
RNDC	10	11.24%	5	4.81%	-50%
WF	0	0	2	1.92%	+100%
VCBC	11	12.36%	4	3.85%	-63.6%
BHPW	0	0	0	0%	-
Other Units	2	2.25	1	.96%	-50%

The Department has experienced a decrease of PREA allegations in 4 facilities. The largest decrease being in OBCC by 85.7% and VCBC by 63.6 %. It should be noted that several facilities have closed since the last reporting period and therefore currently have no allegations. MDC closed during the last reporting period and OBCC closed towards the end of the current reporting period.<sup>1</sup> The facilities experiencing an increase during this reporting period are RMSC, AMKC, EMTC, NIC, WF and MCTS (Other Units). Facilities may have experienced an increase during the reporting period due to an increase in population at the facility as a result of the aforementioned facility closures and overall increases in population.

**Age of Alleged Victim**

Table 2 (previous reporting period) and Table 3 (current reporting period) compare the ages of alleged victims. The data is further sorted by category of alleged perpetrator (staff or incarcerated individual). Of note, approximately 68% of all allegations were reported by persons in custody ages 22 or older. It should be noted that individuals under the age of 18 are no longer housed by the NYC Department of Correction.

**Table 2**

<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
<b>Total</b>	<b>89</b>	<b>18</b>	<b>71</b>

<sup>1</sup> BKDC and HOJC have been removed from the report. BKDC no longer houses incarcerated individuals and HOJC is under the management of the NYC Administration of Children’s Services. Individuals housed in HOJC are not in NYC DOC’s custody and do not fall under NYC DOC reporting requirements.

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Table 3

<i>January 2022 – June 2022</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	7	4	3
22≥	97	29	68
<b>Total</b>	<b>104</b>	<b>33</b>	<b>71</b>

**Age of Alleged Subject**

Tables 4 (prior reporting period) and Table 5 (current reporting period) compare the ages of alleged subjects. The data is further sorted by category of alleged victim (staff or incarcerated individual). Of note, in approximately 64% of the allegations reported, the alleged identified perpetrator was twenty-two (22) years old or older. It should be noted that individuals under the age of 18 are no longer housed by the Department of Correction.

Table 4

<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	0	0

Table 5

<i>January 2022 – June 2022</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	1	0	1
22≥	69	25	44
Unidentified Alleged Subject	34	0	0

In the prior reporting period, there were 33 allegations where the incarcerated victim was unable to identify the alleged perpetrator. In the current reporting period, there were 34 allegations where the

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incarcerated victim was unable to identify the alleged perpetrator. This reflects a 3% increase in incidents where persons in custody were unable to identify the alleged perpetrator.

**Methods of Reporting**

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

**Table 6**

<b>Reporting Breakdown</b>					
<b>Incident Type</b>	<b>Reporting Method</b>	<b>Jul 2021 – Dec 2021</b>		<b>Jan 2022 – Jun 2022</b>	
		<b># of Allegations</b>	<b>%</b>	<b># of Allegations</b>	<b>%</b>
Staff-on-Incarcerated Individual	311	9	10.11%	22	21.15%
	DOI	0	0%	0	0%
	Facility	6	6.74%	8	7.69%
	ID	0	0%	0	0%
	PREA	0	0%	2	1.92%
	Other	3	3.37%	1	.96%
<b>Total</b>		<b>18</b>	<b>20.22%</b>	<b>33</b>	<b>31.73%</b>
Among Incarcerated Individuals	311	19	21.35%	35	33.65%
	DOI	0	0%	0	0%
	Facility	37	41.57%	26	25.0%
	ID	2	2.25%	2	1.92%
	PREA	10	11.24%	4	3.85%
	Legal Aid	1	1.12%	0	0%
Other	2	2.25%	4	3.85%	
<b>Total</b>		<b>71</b>	<b>79.78%</b>	<b>71</b>	<b>68.27%</b>

**Overall Trends of PREA Allegations**

Table 7 compares total reported incidents for the last reporting period of Jul 2021-Dec 2021 versus the current reporting period of January 2022 – June 2022. The total number of sexual abuse and sexual harassment allegations increased by 16.9% (89 PREA Reportable versus 104 PREA Reportable allegations, respectively).

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Table 7

<i>Comparison of Allegations of Sexual Victimization, by type of Incidents</i>			
<i>Incident Type</i>	<i>Jul 2021 – Dec 2021</i>	<i>Jan 2022 – Jun 2022</i>	<i>% Change</i>
<b>Staff on Incarcerated Individual</b>	<b>18</b>	<b>33</b>	<b>+83.3%</b>
Sexual Abuse	12	20	+66.67%
Sexual Harassment	6	13	+116.67%
<b>Among Incarcerated Individuals</b>	<b>71</b>	<b>71</b>	<b>-</b>
Abusive Sexual Contact	51	24	-52.9%
Non-Consensual Sex Act	15	35	+133.3%
Sexual Harassment	5	12	+140%
<b>Total</b>	<b>89</b>	<b>104</b>	<b>+16.85%</b>

**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 second half of 2021, while 33 allegations were made during the first half of 2022. This marks an 83.3% increase in staff on incarcerated individual allegations. (see Table 7).

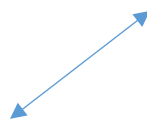
For the first half of 2022, the majority of sexual abuse allegations against staff involved allegations of inappropriate touching or actions defined as potential crimes under NY State Penal Law 130. The remaining 15.1% of sexual abuse allegations fell outside of these two categories. These five (5) allegations involved strip searches (3) and pat-frisks (2). This is in contrast to the second half of 2021, where only one allegation of staff sexual abuse was related to a category outside of inappropriate touching, voyeurism, or acts defined as crimes under NY State Penal Law 130. (see Table 8).

Table 8

**Staff – Incarcerated Individual Sexual Abuse  
 Jul 2021 - Dec 2021**

Category	# of Allegations
Inappropriate Touch	4
Crimes Under New York State Penal Law 130	6
Voyeurism	1
Other	1
<b>Grand Total</b>	<b>12</b>

UOF	0
Strip Search	1
Escort	0
Pat Frisk	0
Verbal	0
Recant	0
<b>Other Total</b>	<b>1</b>



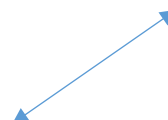
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**Table 8 (continued)**

**Staff – Incarcerated Individual Sexual Abuse  
 Jan 2022 – Jun 2022**

Category	# of Allegations
Inappropriate Touch	9
Crimes Under New York State Penal Law 130	6
Voyeurism	0
Other	5
Grand Total	20

UOF	0
Strip Search	3
Escort	0
Pat Frisk	2
Verbal	0
Recant	0
<b>Total Other</b>	<b>5</b>



**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 increased by 116.7% between January 2022 and June 2022. (see [Table 9](#)).

**Table 9**

<i>Staff on Incarcerated Individual Sexual Harassment</i>			
<i>Sub-Category</i>	<i>Jul 2021 – Dec 2021</i>	<i>Jan 2022 – Jun 2022</i>	<i>% Change</i>
	<i># Allegations</i>	<i># Allegations</i>	
Sexual Threat	0	0	-
Inappropriate Comments	6	13	+116.67%
Homophobic Statement	0	0	-
<b>Total</b>	<b>6</b>	<b>13</b>	<b>-</b>

**Incarcerated Individual Nonconsensual Acts**

Nonconsensual acts include sexual penetration among incarcerated individuals without consent or of a person in custody who is unable to either consent or refuses consent. (see [Table 10](#)). During the last reporting period, 10 reported nonconsensual sex acts were deemed ‘Crimes under New York State Penal Law 130’ and three were categorized as “Inappropriate Touch”. During the current reporting period, 24 reported nonconsensual sex acts were deemed ‘Crimes under New York State Penal Law 130’ and 11 were categorized as “Inappropriate Touch”

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Table 10

<i>Non-Consensual Sex Act</i>	<i>Jul 2021 – Dec 2021</i>	<i>Jan 2022 – Jun 2022</i>
	<i># of Allegations</i>	<i># of Allegations</i>
Crimes Under NY State Penal Law 130	10	24
Inappropriate Touch	3	11

**Incarcerated Individual Abusive Acts**

Incarcerated individual abusive acts are defined as unwanted intentional touching of a person in custody without consent, or of a person in custody who is unable to consent or refuse, by another person in custody. The total number of incarcerated individual abusive act allegations decreased by 53% (51 allegations to 24). (Table 11).

Table 11

<i>Incarcerated Individual Abusive Acts</i>	<i>Jul 2021 – Dec 2021</i>		<i>Jan 2022 – Jun 2022</i>		<i>% Change</i>
	<i># of Allegations</i>	<i>%</i>	<i># of Allegations</i>	<i>%</i>	
Inappropriate Touch	28	54.9%	21	87.5%	-25%
Crimes Under NY State Penal Law 130	22	43.14%	3	12.5%	-86.3%
Other	1	1.96%	0	0%	-100%
<b>Total</b>	<b>51</b>		<b>24</b>		<b>-53%</b>

**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 increased from five allegations in the last reporting period to 12 allegations in the current reporting period (see Table 12).

Table 12

<i>Incarcerated Individual Sexual Harassment</i>				
<i>Jul 2021 – Dec 2021</i>		<i>Jan 2022 – Jun 2022</i>		<i>% Change</i>
<i># Allegations</i>	<i>%</i>	<i># Allegations</i>	<i>%</i>	
5	7.04%	12	16.9%	+140%



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**Overview of Rates & Trends**

The rate of reported allegations of sexual victimization increased from 15.86 per 1,000 incarcerated individuals during the second half of 2021 to 18.8 per 1,000 incarcerated individuals during the first half of 2022. The rate of staff allegations increased from 3.21 per 1,000 incarcerated individuals during July 2021 – December 2021 to 5.9 per 1,000 incarcerated individuals during January 2022 – June 2022. The rate of allegations among incarcerated individuals against other incarcerated individuals increased slightly from 12.65 per 1,000 incarcerated persons to 12.9 per 1,000 incarcerated persons (see [Table 13](#)).

**Table 13**

<i>Total Allegations of Sexual Victimization</i>						
<i>Incident Type</i>	<i>Jul 2021 – Dec 2021</i>			<i>Jan 2022 – Jun 2022</i>		
	<i># of Allegations</i>	<i>%</i>	<i>Rate<sup>2</sup></i>	<i># of Allegations</i>	<i>%</i>	<i>Rate<sup>2</sup></i>
<b>Staff on IC</b>	18	20.2%	3.21	33	31.73%	6
Sexual Abuse	12	13.4%	2.14	20	19.23%	3.63
Sexual Harassment	6	6.7%	1.07	13	12.5%	2.36
<b>IC on IC</b>	71	79.7%	12.65	71	68.27%	12.9
Abusive Sexual Contact	51	57.3	9.09	49	47.12%	8.9
Non-Consensual Sex Act	15	16.8%	2.67	10	9.62%	1.82
Sexual Harassment	5	5.62%	0.89	12	11.54%	2.18
<b>Total</b>	<b>89</b>	<b>100%</b>	<b>15.86</b>	<b>104</b>	<b>100%</b>	<b>18.9</b>

**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.

<sup>2</sup> Rate per 1,000 incarcerated individuals.

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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 11 cases exceeded the 90-day closing requirement deadline during this reporting period. During the current reporting period (January 2022 – June 2022), the Department’s PREA Investigation Division (ID) opened 277 cases of which 104 were PREA Reportable and closed 77 PREA Reportable cases.

**Table 14**

<i>Substantiated, Unsubstantiated, Unfounded and Pending Allegations of Sexual Victimization Department-wide</i>		
<i>Case Status</i>	<i>Case Reporting Period</i>	
	<i>Jul 2021 – Dec 2021</i>	<i>Jan 2022 – Jun 2022</i>
<b>Total Allegations</b>	89	104
<b>Total Closed During Reporting Period<sup>3</sup></b>	<b>97</b>	<b>77</b>
Substantiated	3	3
Unsubstantiated	47	32
Unfounded	47	42
<b>Total Open Still in 90 Day Compliance</b>	<b>34</b>	<b>54</b>
Preliminary Findings-Substantiated	4	0
Preliminary Findings-Unsubstantiated	30	54
Preliminary Findings- Unfounded	0	0
Pending Final Disposition	34	54

Table 15 illustrates the cases closed by the PREA Investigation Division regarding allegations reported *prior* to January 2022 (allegations reported up and until June 30,2022 but closed during the January 2021 – June 2022 reporting period).

There were a total of 77 PREA cases closed during the current reporting period (January 2022 – June 2022) of which 38 cases were reported prior to January 1, 2022.

<sup>3</sup> The cases represent cases closed during the reporting period; these could have come from other reporting periods.

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**Table 15**

<i>Initiated Investigation</i>				
<i>Case Disposition</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Substantiated	0	3	0	3
Unsubstantiated	1	20	11	32
Unfounded	1	13	28	42
<b>Total Closed<sup>4</sup></b>	<b>2</b>	<b>36</b>	<b>39</b>	<b>77</b>

**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 incarcerated individuals in the Department’s custody between January 2022 and June 2022 of the calendar year. The incarcerated population includes both detainees and sentenced individuals. All allegations of sexual abuse and sexual harassment made by incarcerated individuals are taken seriously and investigated thoroughly.

**Table 16**

<i>Substantiated, Unsubstantiated and Unfounded Allegations of Sexual Victimization<sup>2</sup></i>							
<i>Facility Name</i>	<i>Total</i>	<i>Substantiated</i>		<i>Unsubstantiated</i>		<i>Unfounded</i>	
		<i>#</i>	<i>Rate</i>	<i>#</i>	<i>Rate</i>	<i>#</i>	<i>Rate</i>
AMKC	26	0	0	10	4.90	16	7.85
BHPW	0	0	0	0	0	0	0
GRVC	8	0	0	3	4.70	5	7.83
MDC	0	0	0	0	0	0	0
OBCC	0	0	0	0	0	0	0
RMSC	19	2	6.19	10	30.95	7	21.67
RNDC	7	1	1.23	2	0.24	4	4.95
VCBC	9	0	0	3	4.16	6	8.32
WF/NIC	0	0	0	0	0	0	0
EMTC	7	0	0	4	5.78	3	4.33
Other Units	1	0	0	1	3.09	0	0

<sup>4</sup> Total includes cases closed from previous reporting periods.

## **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).

Of the 104 PREA Reportable sexual abuse and sexual harassment allegations reported during January 2022 to June 2022, 42 were determined to be unfounded. In these cases, the PREA Investigation Division determined that the event did not occur. Of the remaining allegations three were determined to be substantiated and 32 were deemed unsubstantiated.

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 at heightened risk of sexual victimization, such as the Special Considerations Unit. The PREA Standards and Compliance Unit and the LGBTQ+ Affairs Unit provide support and work closely with populations at heightened risk for sexual victimization, including transgender, gender non-binary, and intersex individuals in custody. 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, through discussion with staff from the PREA Standards and Compliance Unit and the LGBTQ+ Affairs Unit. The Department began stenciling this information including the telephone numbers for reporting complaints in the jail and court cells, housing areas, and corridors.

### **PENDING ALLEGATIONS**

The New York City Department of Correction has taken 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 a dedicated hotline and posters placed in facilities listing the hotline number and detailing how to report an incident. The Department continues to stencil the Zero Tolerance Policy with telephone numbers for reporting allegations in the jail and court cells, housing areas, and in the corridors. Incarcerated individuals are also informed that they may call 311 to report incidents of sexual abuse and harassment. The Department conducts in-person orientation with new admissions. 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+ Affairs staff work closely together to provide support to all incarcerated individuals especially those that are most vulnerable.

The Department takes every allegation of sexual misconduct and sexual harassment seriously and investigates each complaint thoroughly. The Department's Investigation Division handles all PREA-related allegations, initiating an investigation within the first 72 hours. PREA Investigators interview alleged victims, separate individuals from identified alleged perpetrators, collect relevant evidence,

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afford alleged victims mental health, ministerial and victim services, and conduct a preliminary investigation.

In this reporting period, PREA Investigators closed 77 cases (38 allegations that arose prior to January 2022, and 39 that arose between January 2022 through June 2022).

## **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 worn 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. Additionally, a new Deputy Director of PREA Investigations was appointed during this reporting period. This appointment is one of many changes being made to improve the level of management and accountability within the PREA Unit. Enhanced management and improved efficiency will allow the ID PREA Unit to continue its work towards compliance with all PREA standards.

### **STAFFING**

The ID PREA Unit consists of one Deputy Director, nine Supervising Investigators and 25 Investigators. Candidates are being interviewed to fill the role of executive management for the ID PREA Unit and it is expected that new leadership will be in place by the next reporting period.

### **PRELIMINARY TREND OVERVIEW**

During this reporting period, the Department experienced an overall increase in total PREA allegations (sexual abuse and sexual harassment): there were 104 allegations compared to the last reporting period's 89 allegations. This represents a marked increase of 16.9% of overall allegations. 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 population. Additionally, the PREA Ambassadors proactively address other service-related issues.

Under the Department's new leadership, increased efforts have been made to help address the issues giving rise to these types of allegations. Communication between ID PREA and the PREA facility teams remains a vital part of this effort, 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 individuals.

The Investigation Division saw a stable number of allegations among incarcerated individuals, 71 in the last reporting period and 71 in the current reporting period. There were 34 allegations in the current

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reporting period where the victim was unable to identify the alleged perpetrator, compared to 33 in the prior reporting period. This reflects a 3.03% increase in incidents where the incarcerated individual was unable to identify the alleged perpetrator.

The Department experienced an 83.3% increase in staff-on-incarcerated individual allegations during the current period. The new Departmental leadership which started during this reporting period has prioritized the thorough and timely investigation of PREA incidents and allegations. It is the Department's goal to achieve full compliance with all PREA standards and, as well as provide a safe environment for staff and persons in custody. All efforts are made to properly record, evaluate, and fully investigate all allegations made by our population. These efforts to ensure that all allegations are properly recorded and addressed may account for some of the increase in overall allegations noted during this reporting period.

The ID PREA Unit is taking proactive steps to ensure that investigations of sexual harassment and abuse continue to be completed efficiently and fairly. This reporting period saw 11 cases exceed the 90-day PREA closing standard. However, improvements in the supervisory and management structure of the unit will ensure that all cases moving forward will be completed within prescribed timelines. The ID PREA Unit continues to respond to allegations within 72 hours and to evaluate 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 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 incarcerated individual grievance system to ensure that incarcerated individuals 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).

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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 incarcerated individual) 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.

**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:

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- 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.