

**NYC Department of Correction
NYC Board of Correction Sexual Abuse and Sexual Harassment Minimum Standards 5-40 Assessment Report – August 2023**

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 2022 through December 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 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 person in custody (PIC) – and compare this reporting period data to last period’s data, as shown in [Figure 1](#).

Figure 1

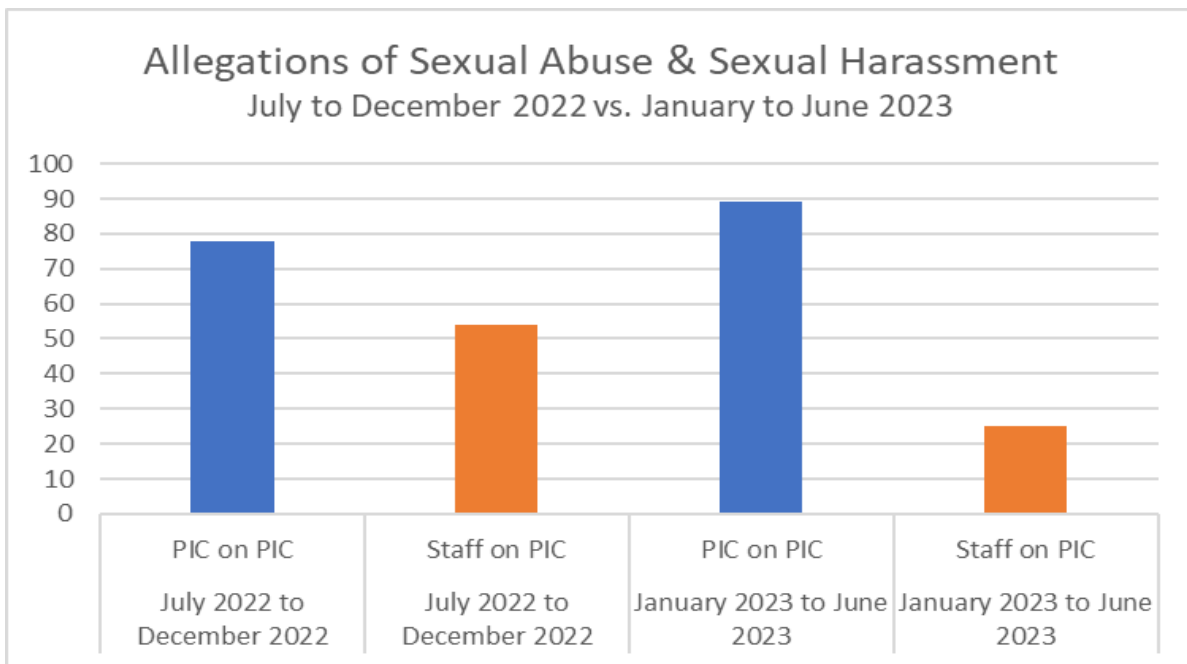


Figure 1 shows the Department is reporting an overall decrease in staff-on-PIC allegations by 13.63% and PIC-on-PIC allegations rose by 14.1% during this reporting period compared to last. Overall, the Department saw 25 allegations of staff-on-PIC sexual abuse and sexual harassment this period versus 54 allegations last period.

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Facility Breakdown

Table 1, below, gives a breakdown of PREA Reportable allegations by facility, comparing last reporting period (July 2022 – December 2022) to the current reporting period (January 2023 – June 2023).

Table 1

Facility Breakdown Comparison					
Facility	July 2022 – December 2022		January 2023 – June 2023		% Change
	# of Allegations	%	# of Allegations	%	
RMSC	34	25.76%	27	23.98%	-20.58%
AMKC	38	28.79%	41	35.96%	7.89%
GRVC	9	6.82%	6	5.26%	-33.33%
OBCC	0	0%	0	0%	-
EMTC	13	9.85%	12	10.53%	-7.69%
NIC	10	7.58%	7	6.14%	-30%
RNDC	16	12.12%	5	4.39%	-68.75%
WF	2	1.52%	2	1.75%	0%
VCBC	7	5.3%	12	10.53%	71.42%
BHPW	0	0%	1	0.88%	-
Other Units	3	2.27%	1	0.88%	-66.67%
Total	132	100%	114	100%	-13.64%

The Department has experienced a decrease of PREA allegations in several facilities, with the largest decrease in Robert N. Davoren Center (RNDC), which houses the Department’s young adult (ages 18-21) male population. Certain facilities closed during the reporting period, resulting in the transfer of the population to various other facilities. This may contribute to incomplete to increased allegations at certain facilities at the population increased due to transfers, and decreased allegations at other facilities as the population was transferred out.

Age of Alleged Victim

Tables 2 compares the ages of alleged victims from the last reporting period (July 2022 – December 2022) to the current reporting period (January 2023 – June 2023). The data is further delineated by category of alleged perpetrator (staff or PIC). Of note, approximately 97% of all allegations were reported by a PIC age 22 or older.

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Table 2

<i>July 2022 – December 2022</i>			
<i>Alleged Victim Age at Incident Date</i>	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>
18 ^{≤1}	0	0	0
19-21	9	5	4
22 [≥]	123	49	74
Total	132	54	78

Table 3

<i>January 2023 – June 2023</i>			
<i>Alleged Victim Age at Incident Date</i>	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>
18 ^{≤1}	0	0	0
19-21	3	0	3
22 [≥]	111	25	86
Total	114	25	89

Age of Alleged Subject

Table 4 and Table 5 compare the ages of alleged subjects from the last reporting period (July 2022 – December 2022) to the current reporting period (January 2023 – June 2023). The data is further disaggregated by type of alleged victim (staff or PIC). In approximately 83% of the allegations reported, the alleged identified perpetrator was 22 years old or older. Allegations of staff on PIC incidents decreased by 66% from the previous reporting period.

Table 4

<i>July 2022 – December 2022</i>			
<i>Alleged Subject Age at Report Date</i>	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>
18 ^{≤1}	0	0	0
19-21	1	0	1
22 [≥]	95	38	57
Unidentified Alleged Subject	36	0	0
Total	132	38	58

¹ The Department does not maintain custody of individuals younger than 18-years-old.

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Table 5

<i>January 2023 – June 2023</i>			
<i>Alleged Subject Age at Report Date</i>	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>
18≤ ¹	0	0	0
19-21	2	0	2
22≥	69	13	56
Unidentified Alleged Subject	43	0	0
Total	114	13	58

Methods of Reporting

Table 6 assesses the methods used by alleged victims to report PREA allegations. 311 continues to be the most utilized method of reporting for alleged victims of both staff-on-PIC and PIC-on-PIC incidents.

Table 6

<i>Reporting Breakdown</i>					
<i>Incident Type</i>	<i>Reporting Method</i>	<i>July 2022 – December 2022</i>		<i>January 2023 – June 2023</i>	
		<i># of Allegations</i>	<i>%</i>	<i># of Allegations</i>	<i>%</i>
Staff-PIC	311	38	28.79%	12	10.53%
	DOI	0	0%	0	0%
	Facility	8	6.06%	6	5.26%
	ID	2	1.52%	2	1.75%
	PREA	5	3.79%	0	0%
	Other	1	0.76%	5	4.39%
Total		54	40.91%	25	21.93%
PIC-PIC	311	30	22.73%	38	33.33%
	DOI	0	0%	0	0%
	Facility	24	18.18%	28	24.56%
	ID	8	6.06%	1	0.88%
	PREA	8	6.06%	7	6.14%
	Legal Aid	1	0.76%	0	0%
	Other	7	5.3%	15	13.16%
Total		78		89	

Overall Trends of PREA Allegations

Table 7 compares total reported incidents for the last reporting period of July 2022 – December 2022 versus the current reporting period of January 2023 – June 2023. The total number of sexual abuse and sexual harassment allegations decreased by 13.63% (132 PREA Reportable versus 114 PREA Reportable

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allegations, respectively). Overall, there was an increase of allegations in all staff-on-PIC categories of sexual harassment and sexual abuse. Allegations that came in and were not a PREA Reportable case were referred to the appropriate unit to follow-up (i.e., grievance, medical, mental health, LGBTQ+ Affairs, etc.).

Table 7

<i>Comparison of Allegations of Sexual Victimization, by type of Incident</i>			
<i>Incident Type</i>	<i>Jul 2022 – Dec 2022</i>	<i>Jan 2023 – Jun 2023</i>	<i>% Change</i>
Staff on PIC	54	25	-53.07%
Sexual Abuse	26	19	-26.92%
Sexual Harassment	28	6	-78.57%
Among PIC	78	89	14.10%
Abusive Sexual Contact	18	31	72.22%
Non-Consensual Sex Act	34	36	5.88%
Sexual Harassment	26	22	-15.38%
Total	132	114	-13.63%

Staff Sexual Abuse

All staff-on-PIC sexual abuse allegations are investigated as potential violations of NYS Penal Law §130 (i.e., attempted sexual acts, completed sexual acts, unwanted (forcible) touching for sexual gratification, and indecent exposure) in addition to staff voyeurism. There were 19 staff-on-PIC allegations of sexual abuse and sexual harassment made during the first half of 2023. This marks a 53.07% decrease in staff-on-PIC allegations, from 54 made during the second half of 2022. (see [Table 7](#)).

For the first half of 2023, 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. This is similar to the second half of 2022 where there were no allegations of sexual abuse related to a category outside of inappropriate touching, voyeurism, and crimes under NY State Penal Law 130 (see [Table 8](#)).

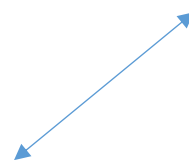
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Table 8

**Staff – PIC Sexual Abuse
 Jul 2022 – Dec 2022**

Category	# of Allegations
Inappropriate Touch	16
Crimes Under New York State Penal Law 130	8
Voyeurism	2
Other	0
Grand Total	26

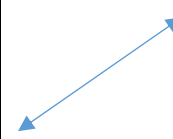
UOF	0
Strip Search	0
Escort	0
Pat Frisk	0
Verbal	0
Recant	0
Total Other	0



**Staff-on-PIC Sexual Abuse
 Jan 2023 – Jun 2023**

Category	# of Allegations
Inappropriate Touch	8
Crimes Under New York State Penal Law 130	11
Voyeurism	0
Other	0
Grand Total	19

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



Staff Sexual Harassment

PREA-reportable staff sexual harassment includes repeated verbal statements, comments, or gestures of a sexual nature made to a PIC by a staff member. Total allegations of PREA-reportable staff sexual harassment decreased by 78.57% between January 2023 to June 2023 (See Table 9).

Table 9

Staff-on-PIC Sexual Harassment			
Sub-Category	July 2022 – December 2022	January 2023 – June 2023	% Change
	# Allegations	# Allegations	
Sexual Threat	4	0	-100%
Inappropriate Comments	22	6	-72.72%
Homophobic Statement	2	0	-100%
Total	28	6	-78.57%

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Person In Custody Nonconsensual Acts

Nonconsensual acts include sexual penetration among PIC without consent or of a PIC who is unable to either consent or refuses consent (See [Table 10](#)). During the last reporting period, 22 reported nonconsensual sex acts were deemed crimes under NY State Penal Law §130 and 12 were categorized as Inappropriate Touch. During the current reporting period, 33 reported nonconsensual sex acts were deemed crimes under NY State Penal Law §130 and three were categorized as Inappropriate Touch.

Table 10

<i>Non-Consensual Sex Act</i>	<i>July 2022 – December 2022</i>	<i>January 2023 – June 2023</i>
	<i># of Allegations</i>	<i># of Allegations</i>
Crimes Under NY State Penal Law 130	22	33
Inappropriate Touch	12	3

Person In Custody Abusive Acts

PIC abusive acts are defined as unwanted intentional touching of a PIC without consent, or of a PIC who is unable to consent or refuse, by another PIC. The total number of PIC abusive act allegations increased by 72% (18 allegations to 31), ([Table 11](#)).

Table 11

<i>PIC Abusive Acts</i>	<i>July 2022 – December 2022</i>		<i>January 2023- June 2023</i>		<i>% Change</i>
	<i># of Allegations</i>	<i>%</i>	<i># of Allegations</i>	<i>%</i>	
Inappropriate Touch	12	66.67%	21	18.42%	75%
Crimes Under NY State Penal Law 130	5	27.78%	9	7.89%	80%
Other	1	5.56%	1	0.88%	-0%
Total	18		31		72.22%

Person In Custody Sexual Harassment

PIC 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 PIC directed toward another. The number of such allegations decreased from 26 allegations in the last reporting period to 22 allegations in the current reporting period (see [Table 12](#)).

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Table 12

<i>PIC Sexual Harassment</i>				
<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</i>		<i>% Change</i>
<i># Allegations</i>		<i># Allegations</i>		
26	33.3%	22	19.3%	-15.38%

Overview of Rates and Trends

The rate of reported allegations of sexual victimization decreased from 22.80 per 1,000 PIC during the second half of 2022 to 19.13 per 1,000 PIC during the first half of 2023. The rate of staff allegations decreased from 54 (9.32) per 1,000 during July 2022 – December 2022 to 25 (4.19) per 1,000 PIC during January 2023 – June 2023. The rate of allegations among PIC against other PIC increased slightly from 78 (13.47) per 1,000 incarcerated persons to 89 (14.94) per 1,000 incarcerated persons (see Table 13).

Table 13

<i>Total Allegations of Sexual Victimization</i>						
<i>Incident Type</i>	<i>July 2022 – December 2022</i>			<i>January 2023 – June 2023</i>		
	<i># of Allegations</i>	<i>%</i>	<i>Rate²</i>	<i># of Allegations</i>	<i>%</i>	<i>Rate²</i>
Staff on PIC	54	40.91%	9.32	25	21.92%	4.19
Sexual Abuse	26	19.7%	4.49	19	16.66%	3.18
Sexual Harassment	28	21.21%	13.47	6	5.26%	1.00
PIC on PIC	78	59.09%	13.47	89	78.07%	14.94
Abusive Sexual Contact	18	13.64%	3.10	31	27.19%	5.20
Non-Consensual Sex Act	34	25.76%	5.87	36	31.57%	6.04
Sexual Harassment	26	19.7%	4.49	22	19.29%	3.69
Total	132	100%		114	100%	

² Rate per 1,000 incarcerated individuals.

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. Importantly, the data in Table 14 for the last reporting period (July 2022 – December 2022) reflects the status as of the time of the publication of last report, six months ago. Further, additional cases from other reporting periods may have been closed. The Department’s progress on investigating and closing cases is discussed in Section Three.

During the current reporting period (January 2023 – June 2023), the Department’s PREA Special Investigations Unit (SIU) opened 160 cases of which 114 were PREA Reportable cases. Of the 114, 53 cases exceeded the 90-day closing requirement, and 41 cases are still within compliance of the required deadline. A total of 143 PREA Reportable cases were closed during the reporting period, including cases originating from this and previous reporting periods. In reference to the fifty 53 cases that were reporting as an allegation during this reporting period and exceeded the 90-day due date, all were closed prior to June 30, 2023. There are zero (0) cases pending closure at this time.

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>July 2022 – December 2022</i>	<i>January 2023 – June 2023</i>
Total Allegations	132	114
Total Closed During Reporting Period³	124	143
Substantiated	1	2
Unsubstantiated	88	100
Unfounded	35	38
Total Open Still in 90 Day Compliance	51	41
Preliminary Findings-Substantiated	0	0
Preliminary Findings-Unsubstantiated	51	41
Preliminary Findings- Unfounded	0	0
Pending Final Disposition	51	41

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

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Table 15 illustrates the cases closed by the PREA Investigation Division regarding allegations reported prior to July 2023 (allegations reported up and until June 30, 2023) but closed during the January 2023 to June 2023 reporting period. There were a total of 143 PREA cases closed during the current reporting period (January 2023 – June 2023) of which 82 cases were reported prior to January 1, 2023.

Table 15

<i>Initiated Investigation</i>					
<i>Case Disposition</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>	<i>Total</i>
Substantiated	0	1	0	1	2
Unsubstantiated	3	7	51	42	103
Unfounded	0	0	21	17	38
Total Closed⁴	3	8	71	58	143

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 PIC in the Department’s custody between January to June 2023 of the calendar year. The incarcerated population includes both detainees and sentenced individuals. All allegations of sexual abuse and sexual harassment made by PIC are taken seriously and investigated thoroughly.

Table 16

<i>Substantiated, Unsubstantiated, and Unfounded Allegations of Sexual Victimization</i>							
<i>Facility Name</i>	<i>Substantiated</i>		<i>Unsubstantiated</i>		<i>Unfounded</i>		<i>Total</i>
	<i>#</i>	<i>Rate</i>	<i>#</i>	<i>Rate</i>	<i>#</i>	<i>Rate</i>	
AMKC	0	0	33	5.53	17	2.85	50
BHPW	0	0	0	0	1		1
GRVC	0	0	2	0.33	6	1.00	8
MDC	0	0	1	0.16	0	0	1
OBCC	0	0	1	0.16	0	0	1
RMSC	2	0.33	28	4.70	6	1.00	36
RNDC	0	0	5	0.83	2	0.33	7
VCBC	0	0	12	2.01	2	0.33	14
WF/NIC	0	0	8	1.34	0	0	8
EMTC	0	0	12	2.01	4	0.67	16
Other Units	0	0	1	0.16	0	0	1

⁴ 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, pg. 17).

Of the 143 PREA Reportable sexual abuse and sexual harassment allegations closed during January 2023 to June 2023, 38 were determined to be unfounded. In these cases, the PREA Investigation Division determined that the event did not occur. Of the remaining allegations, two were determined to be substantiated and 103 were unsubstantiated. In reference to the 53 cases that were reported as an allegation during this reporting period and exceeded the 90-day due date, all have been closed at the time this report is being submitted.

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 vulnerable populations. The PREA Standards and Compliance Unit and the LGBTQ+ Affairs Unit provide support and work closely with the population individuals at heightened risk of victimization, including transgender, gender non-binary, and intersex individuals. Additionally, the PREA Standards and Compliance Unit conducts weekly retaliation monitoring of those who submitted sexual abuse and harassment complaints. The Department ensures that all persons in custody 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 Units. This information is also stenciled through jail and court cells, housing areas, and corridors, including the telephone numbers for reporting complaints.

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. A dedicated confidential hotline, free access to 311, and PREA posters strategically placed near the phone banks (which has a listing of the numbers that take a report and detailing how to report an incident) are way for the persons in custody to report. Additionally, individuals in custody are assigned tablets with phone call capabilities, which allows individuals to make these reports more discretely by making these calls from their tablets, as opposed to the wall phones in the common areas of each housing unit. Allegations are reported via 311 at the highest rate, at 43.86% of total reports (Table 6). The Department conducts in-person orientation with all new admissions. 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 Special Investigation Unit,

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and the LGBTQ+ Affairs staff work closely together to provide support to all people in custody, 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 Special Investigations Unit handles all PREA-related allegations, initiating an investigation within the first 72 hours. PREA ID 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.

Section Four

CORRECTIVE ACTION

While the division has taken steps to become compliant with PREA Standards, review and refinement of the investigative process continues. 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 increased the level of detail contained in the preliminary reports. Additionally, a new Assistant Commissioner and Director of PREA were appointed during this reporting period. These appointments are one of the many changes that have been 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

During this reporting period, the ID PREA Unit consisted of one Assistant Commissioner, one Director (who was transferred during the reporting period), one Deputy Director (who resigned during the reporting period), six Supervising Investigators, and 25 Investigators. Due to the numerous changes with staff, the unit has had to manage the caseload with reassignments and restraints imposed by these many changes. Additionally, there have been some challenges to timely case closure due to the fluctuations in staffing levels.

PRELIMINARY TREND OVERVIEW

During this reporting period, the Department experienced an overall decrease in total PREA allegations (sexual abuse and sexual harassment): there were 114 allegations compared to the last reporting period's 132 allegations. This represents a decrease of 13% of overall allegations.

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Under the Department's new leadership, increased efforts have been made to help address the issues giving rise to these types of allegations. The merger of ID PREA and PREA Facility Compliance, which occurred in September of 2022, has been a vital part of the effort to make reporting and awareness a more fluid process. The Special Investigation Division, which included the PREA Investigation Division, was removed from the Investigation Division on in April 2023 and moved to SIU; SIU now includes the K9 Unit, PREA ID Unit, PREA Facility Compliance Unit, and the Intel Unit. PREA ID has been diligent in generating separation orders to better assist in identifying potential abusers and immediately separate them from shared living quarters with vulnerable individuals. 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 allegations have on the population. Additionally, the PREA Ambassadors proactively address other service-related issues.

The Investigation Division saw an increase in the number of allegations among people in custody, 78 in the last reporting period and 89 in the current reporting period. There were 43 allegations in the current reporting period where the victim was unable to identify the alleged perpetrator, compared to 36 in the prior reporting period. This reflects a 19% increase in incidents where the PIC was unable to identify the alleged perpetrator. The Department experienced an 53.7% decrease in staff-on-PIC allegations during the current period.

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 PREA Special Investigations Unit is taking proactive steps to ensure that investigations of sexual harassment and abuse continue to be completed efficiently and fairly. The PREA ID Unit continues responding to allegations within 72 hours 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 persons in custody are trained. Everyone receives training on recognizing the signs of sexual abuse and what steps to take when an allegation is made. Of note, the Department has recently made changes to general staff training and will be making changes to training offered to Captains, as well. These trainings are being redesigned to be more targeted and effective in communicating the importance of PREA Compliance. The Department continues to ensure staff are educated about PREA, starting at the Academy with each new recruit class, as well as all civilian hires, interns, contractors and volunteers. All new employees receive training during their on-boarding process and receive the mandatory re-training every two years. The training covers recognizing the signs of sexual abuse and what steps to take when an allegation is made (first responder duties). In addition to posters in the facilities detailing how to report an incident, the Department has strengthened our incarcerated individual grievance system to ensure that people in custody 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 to operations 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 PIC) 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 PIC directed toward another.

NYC Department of Correction
NYC Board of Correction Sexual Abuse and Sexual Harassment Minimum Standards 5-40 Assessment Report – August 2023

Staff Sexual Misconduct – any act or behavior of a sexual nature directed toward an Person In Custody by an employee, volunteer, contractor or official visitor or other agency representative. Sexual relationships of a romantic nature between staff and PIC 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 PIC 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.