

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 1, 2023 – December 31, 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.

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 lasted longer than 90 days within the preceding six-month period, 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 and the Board of Correction but has not been included in this report. Throughout both reporting periods, there were incidents involving less than 6 individuals; due to privacy concerns, the Department cannot publicly report any number less than six. This report, which evaluates sexual abuse and sexual harassment allegations made within the past six months (July 2023 to December 2023), 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.

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 stencil the Zero Tolerance Policy with telephone numbers for reporting allegations in jail housing areas, court holding pens, and in corridors. There are various measures in place for victims to report allegations of sexual abuse and harassment, including but not limited to a confidential PREA reporting hotline, access to 311, and PREA posters strategically placed near the phone banks listing points of contact to make reports and detailing how to report an incident. In addition, all Department staff are responsible for taking measures to prevent sexual assault and harassment and for reporting

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incidents. The Department conducts in-person orientation with 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, and the LGBTQ+ Affairs Unit work closely together to provide support to all PIC, especially those that 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 Special Investigations Unit (SIU) handles all PREA-related allegations, initiating an investigation within the first 72 hours. PREA SIU 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 housing individuals by gender identity and transgender, gender non-binary, and intersex individuals are afforded a specialized housing process and housing options that takes 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 work closely with populations identified as particularly vulnerable. The PREA Facility Compliance Unit conducts monthly Retaliation Monitoring for those who have submitted sexual abuse complaints. It is the Department's goal to achieve full compliance with all PREA standards, as well as provide a safe environment for all staff and persons in custody.

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SECTION ONE: SUBDIVISION B

The data in this section is related to alleged incidents of sexual abuse and harassment that occurred during the preceding six-month period for which an investigation lasted longer than 90 days.

- 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**

Incidents occurring during the 0700x1500 continue to be among the highest rate of incident.

| Alleged Incidents by Time of Day | | | | | |
|---|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Time | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| 0700x1500 | 23 | 43.4% | 30 | 57.69% | 30.4% |
| 1500x2300 | 23 | 43.4% | 17 | 32.69% | -26% |
| 2300x0700 | 7 | 13.21% | 5 | 9.62% | -28.57% |
| Unknown Time ² | <6 | - | <6 | - | - |
| Total | 53 | 100% | 52 | 100% | -1.9% |

- 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 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Sexual Abuse | 41 | 77.36% | 36 | 69.23% | -12.19% |
| Sexual Harassment | 12 | 22.64% | 16 | 30.76% | 33.33% |
| Total | 53 | 100% | 52 | 100% | -1.9% |

- 3. The date the incident was reported, and an investigation was opened.**

This information cannot be reported in the aggregate.

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

² The time of an alleged incident is reported as unknown if the complainant did not report a time when making the report.

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4. The gender of the alleged victim.

In the first half of 2023 the number of cases that lasted longer than 90 days increased for males and transgender women.

| Alleged Incidents by Gender of Victim | | | | | |
|--|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Reported Gender³ | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Male | 35 | 66.04% | 32 | 58.7% | -8.57% |
| Female | <6 | - | 7 | 15.2% | - |
| Trans Man | <6 | - | 0 | 0% | - |
| Trans Woman | 14 | 26.42% | 13 | 26% | 7.14% |
| Unknown | 0 | 0% | 0 | 0% | 0% |
| Total | 53 | 100% | 52 | 100% | -1.9% |

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

Individuals between the ages of 26 and 35 represent the highest proportion of the population in custody, and subsequently continue to represent the highest number of cases.

| Alleged Incidents by Age of Victim | | | | | |
|---|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Time | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| <18 ⁴ | <6 | - | <6 | - | - |
| 18-25 | 11 | 20.75% | 7 | 13.46% | -36.36% |
| 26-35 | 20 | 37.74% | 22 | 42.31% | 10% |
| 36-40 | 13 | 24.53% | 8 | 15.38% | -38.45% |
| 41-60 | 9 | 16.98% | 14 | 26.92% | -55.55% |
| >60 | <6 | - | <6 | - | - |
| Total | 53 | 100% | 52 | 100% | -1.9% |

³ Gender identity is self-reported by the person in custody.

⁴ The Department does not maintain custody of individuals younger than 18-years-old.

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6. The race and ethnic origin of the alleged victim.⁵

The number of alleged incidents between reporting periods slightly decreased for those identifying as Black and decreased for those identifying as Hispanic. Amongst all races/ethnicities, is delineated in the chart below.

| Alleged Incidents by Race and Ethnic Origin of Victim | | | | | |
|--|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Race/Ethnicity | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Asian | <6 | - | <6 | - | - |
| Black | 37 | 69.81% | 37 | 71.15% | 0% |
| Hispanic | <6 | - | <6 | - | - |
| Other | <6 | - | <6 | - | - |
| White | 7 | 13.21% | <6 | - | - |
| Total | 53 | 100% | 52 | 100% | -1.9% |

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.⁶

| Time in Custody | Jan 2023 – Jun 2023 | Jul 2023 – Dec 2023 |
|---|----------------------------|----------------------------|
| Alleged Victims in Custody less than 24 hours | 0 | 0 |
| Alleged Victims in Custody more than 24 hours | 53 | 46 |
| Total | 53 | 52 |

8. The gender of the alleged perpetrator.

Within both reporting periods, the majority of alleged perpetrators identified as male.

⁵ Race and ethnicity are voluntarily reported to the Department by each individual in custody. The Department makes no representation as to the completeness or accuracy of this data.

⁶ 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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| Alleged Incidents by Gender of Perpetrator | | | | | |
|--|---------------------|-------------|---------------------|-------------|----------------|
| Reported Gender ⁵ | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Male | 40 | 75.42% | 32 | 69.5% | -20% |
| Female | 7 | 13.21% | 9 | 19.5% | 28.5% |
| Trans Man | 0 | 0 | 0 | 0 | 0% |
| Trans Woman | 6 | 11.32% | <6 | - | - |
| Unknown | <6 | - | <6 | - | - |
| Total | 53 | 100% | 52 | 100% | -1.9% |

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

Perpetration rates are comparable between reporting periods.

| Alleged Incidents by Perpetrator | | | | | |
|----------------------------------|---------------------|-------------|---------------------|-------------|----------------|
| Perpetrator | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Staff | 15 | 28.3% | 14 | 26.92% | 6.67% |
| Incarcerated Individuals | 38 | 71.7% | 38 | 73.08% | 0% |
| Total | 53 | 100% | 52 | 100% | -1.9% |

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 are zero instances of staff members identified as an alleged perpetrator in previous allegations that were substantiated during the reporting period of January to June 2023.

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

There is one instance of staff members identified as an alleged perpetrator in previous allegations that was unsubstantiated during the reporting period of January to June 2023.

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

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Between the reporting periods, the number of allegations still pending against alleged staff remains at one case.

| Status of Previous Allegations Against Staff Perpetrators | | | | | |
|--|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Status | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Substantiated | 0 | - | 0 | 0% | - |
| Unsubstantiated | 0 | - | 1 | 50% | - |
| Pending | 1 | 100% | 1 | 50% | 0% |
| Total | 1 | 100% | 2 | 100% | 100% |

13. The facility in which the incident occurred.

During the reporting period, the Department consolidated operations by closing outdated facilities and reopening or relocating facilities following renovation: Enhanced Supervision Housing was relocated from GRVC to a standalone facility referred to as RESH in June 2023; AMKC was depopulated and no longer used to house individuals in custody in August 2023, though certain essential support operations continue at the facility; OBCC resumed operations and began housing individuals in custody in August 2023; VCBC was depopulated and was no longer used to house individuals in custody in October 2023. These operational changes and subsequent rehousing of the population likely account, at least in part, for the substantial fluctuations in reporting seen across all facilities during the reporting period.

| Alleged Incidents by Facility | | | | | |
|--------------------------------------|----------------------------|----------|----------------------------|----------|-----------------------|
| Facility | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| AMKC | 26 | 49.06% | 11 | 21.15% | -57.69% |
| BHPW | <6 | - | <6 | - | - |
| EMTC | 7 | 13.21% | 12 | 23.07% | 71.42% |
| GRVC | <6 | - | <6 | - | - |
| MDCTS | <6 | - | <6 | - | - |
| NIC | <6 | - | 6 | 11.54% | - |
| OBCC | <6 | - | <6 | - | - |
| RMSC | 7 | 13.21% | 11 | 21.15% | 57.14% |
| RNDC | <6 | - | <6 | - | - |

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| | | | | | |
|----------------|-----------|-------------|-----------|-------------|--------------|
| Transportation | <6 | - | 0 | - | - |
| VCBC | <6 | - | <6 | - | - |
| WF | <6 | - | <6 | - | - |
| Total | 53 | 100% | 52 | 100% | -1.9% |

SECTION TWO: SUBDIVISION C

The data in this section is related to investigations of allegations of sexual abuse and sexual harassment that concluded during the preceding six-month period.

B1. 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

In the second half of 2023, the proportion of alleged incidents occurring between 0700 to 1500 increased by 11.65 percentage points. Incidents in which the time is unknown have remained at zero, as SIU PREA Investigation has improved increased of Genetec footage and explored additional investigatory avenues to determine when incidents may have occurred, which has resulted in an increase in cases where the time was identified.

| Alleged Incidents by Time of Day | | | | | |
|---|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Time | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| 0700x1500 | 70 | 48.95% | 57 | 60.6% | -18.5% |
| 1500x2300 | 58 | 40.56% | 29 | 30.8% | -50% |
| 2300x0700 | 15 | 10.49% | 8 | 8.5% | -46.6% |
| Not Tracked | 0 | 0% | 0 | 0% | - |
| Unknown Time ² | 0 | 0% | 0 | 0% | - |
| Total | 143 | 100% | 94 | 100% | -34.2% |

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B2. Whether the allegation is of sexual abuse or sexual harassment as defined in subdivision b of this section.

| Total Number of Sexual Abuse and Sexual Harassment Allegations | | | | | |
|--|---------------------|-------------|---------------------|-------------|----------------|
| Type | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Sexual Abuse | 100 | 69.93% | 66 | 70.2% | -34% |
| Sexual | 43 | 30.07% | 28 | 29.7% | -34.8% |
| Total | 143 | 100% | 94 | 100% | -34.2% |

B3. The date the incident was reported, and an investigation was opened.

This information cannot be reported in the aggregate.

B4. The gender of the alleged victim.

Male victims remain as the majority represented in these cases.

| Alleged Incidents by Gender of Victim | | | | | |
|---------------------------------------|---------------------|-------------|---------------------|-------------|----------------|
| Reported Gender ³ | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Male | 79 | 55.24% | 51 | 54.2% | -35.4% |
| Female | 30 | 20.98% | 20 | 21.2% | -33.3% |
| Trans Man | 0 | 0% | <6 | - | - |
| Trans Woman | 34 | 23.78% | 23 | 24.4% | -32.3% |
| Unknown | 0 | 0% | <6 | - | - |
| Total | 143 | 100% | 94 | 100% | -34.2% |

B5. Whether the alleged victim at the time of the incident was between the ages of 18-25, 26-35, 36-40, 41-60, over 60, or under 18 when such individuals are in department custody.

Throughout both reporting periods, the majority of alleged victims were between 26 and 35 years old.

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| Alleged Incidents by Age of Victim | | | | | |
|---|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Time | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| <18 ⁴ | 0 | - | 0 | - | |
| 18-25 | 22 | 15.38% | 13 | 13.82% | -40.9% |
| 26-35 | 66 | 46.15% | 37 | 39.36% | -43.9% |
| 36-40 | 33 | 23.08% | 20 | 21.27% | -39.3% |
| 41-60 | 21 | 14.96% | 22 | 23.4% | 4.7% |
| >60 | <6 | - | <6 | - | - |
| Unknown | <6 | - | <6 | - | - |
| Total | 143 | 100% | 94 | 100% | -34.2% |

B6. The race and ethnic origin of the alleged victim.

The race/ethnicity of majority of alleged victims for both reporting periods was Black.

| Alleged Incidents by Race and Ethnic Origin of Victim | | | | | |
|--|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Race/Ethnicity⁵ | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Asian | <6 | - | <6 | - | - |
| Black | 94 | 65.73% | 60 | 63.82% | -36.1% |
| Hispanic | 20 | 13.99% | <6 | - | - |
| Other | 7 | 4.9% | 15 | 15.95% | 114.28% |
| White | 20 | 13.99% | 14 | 14.89% | -30% |
| Unknown | <6 | - | <6 | - | - |
| Not Tracked | <6 | - | <6 | - | - |
| Total | 143 | 100% | 94 | 100% | -34.2% |

B7. Whether the alleged victim had been in custody for more than 24 hours and who, during such confinement, received treatment for a mental illness⁶, 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.

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| Time in Custody | Jan 2023 – Jun 2023 | Jul 2023 – Dec 2023 |
|---|----------------------------|----------------------------|
| Alleged Victims in Custody less than 24 hours | 0 | 0 |
| Alleged Victims in Custody more than 24 hours | 143 | 94 |
| Total | 143 | 94 |

B8. The gender of the alleged perpetrator.

Within both reporting periods, the majority of incidents were alleged to have been committed by a male perpetrator.

| Alleged Incidents by Gender of Perpetrator | | | | | |
|---|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Reported Gender | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Male | 94 | 65.73% | 65 | 69.14% | -30.85% |
| Female | 29 | 20.28% | 21 | 22.34% | -27.58% |
| Transgender Woman | 20 | 13.99% | 8 | 8.51% | -60% |
| Transgender Man | <6 | - | <6 | - | - |
| Unknown | <6 | - | <6 | - | - |
| Total | 143 | 100% | 94 | 100% | -34.2% |

B9. Whether the alleged perpetrator was an incarcerated individual or staff.

Individuals in custody continue to represent the majority of alleged perpetrators.

| Alleged Incidents by Perpetrator | | | | | |
|---|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Perpetrator | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Staff | 40 | 27.97% | 20 | 21.27% | -50% |
| Incarcerated Individual | 103 | 72.03% | 74 | 78.72% | -28.15% |
| Total | 143 | 100% | 94 | 100% | -34.2% |

B10. If the alleged perpetrator was staff, the number of previous allegations against such staff that were substantiated and the outcome of each investigation.

Please see chart below number B12.

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B11. If the alleged perpetrator was staff, the number of previous allegations against such staff that were unsubstantiated.

Please see chart below number B12.

B12. If the alleged perpetrator was staff, the number of previous allegations against such staff which are still pending.

In this period there is one instance where a staff member had pending allegations.

| Status of Previous Allegations Against Staff Perpetrators | | | | | |
|--|----------------------------|-------------|----------------------------|-------------|-----------------------|
| Status | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Substantiated | 0 | 0% | 0 | 0% | 0% |
| Unsubstantiated | 2 | 66.7% | 1 | 50% | -50% |
| Pending | 1 | 33.3% | 1 | 50% | 0% |
| Total | 3 | 100% | 2 | 100% | -34.2% |

B13. The facility in which the incident occurred.

RMSC was the facility with the highest number of alleged incidents during this reporting period.

| Alleged Incidents by Facility | | | | | |
|--------------------------------------|----------------------------|----------|----------------------------|----------|-----------------------|
| Facility | Jan 2023 – Jun 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| AMKC | 50 | 34.97% | 18 | 19.14% | -64% |
| BHPW | <6 | - | <6 | - | -100% |
| BXCTS | <6 | - | <6 | - | - |
| EHPW | <6 | - | <6 | - | - |
| EMTC | 16 | 11.19% | 15 | 15.95% | -6.25% |
| GRVC | 8 | 5.59% | <6 | 5.31% | -37.5% |
| MDC | <6 | - | <6 | - | - |
| MNCT | <6 | - | <6 | - | - |
| NIC | 7 | 4.9% | 11 | 11.7% | -57.1% |

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| | | | | | |
|----------------|------------|-------------|-----------|-------------|---------------|
| OBCC | <6 | - | <6 | 2.12% | -100% |
| QDCT | <6 | - | <6 | - | - |
| RMSC | 36 | 25.17% | 26 | 27.65% | -27.7% |
| RNDC | 7 | 4.9% | <6 | 5.31% | -28.5% |
| SOD | <6 | - | <6 | - | - |
| Transportation | <6 | - | <6 | - | - |
| VCBC | 14 | 9.79% | 9 | 9.57% | -35.71% |
| WF | <6 | - | <6 | - | +50% |
| Total | 143 | 100% | 94 | 100% | -34.2% |

SECTION THREE: SUBDIVISION C

The data in this section is related to investigations of allegations of sexual abuse and sexual harassment that concluded during the preceding six-month period.

C1. The date in which the investigation opened and closed.

This information cannot be provided in the aggregate.

C2. Whether the department determined that the incident was substantiated, unsubstantiated, or unfounded.

The percent of cases that were found to be substantiated, unsubstantiated, and unfounded decreased between reporting periods.

| Total Cases Closed | | | | | |
|--------------------|---------------------|-------------|---------------------|-------------|----------------|
| Case Conclusion | Jan 2023 – Dec 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Substantiated | 2 | 1.4% | 4 | 4.25% | 100% |
| Unsubstantiated | 103 | 72.03% | 66 | 70.21% | -35.9% |
| Unfounded | 38 | 26.57% | 24 | 25.53% | -36.8% |
| Total | 143 | 100% | 94 | 100% | -34.2% |

C3. Whether the allegation was referred to a district attorney’s office and whether that district attorney declined to prosecute, and whether the alleged perpetrator was convicted during the reporting period.

The Department did not refer any cases to the DA’s office in either reporting period.

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| Total Cases Referred to the DA's Office | | | | | |
|---|---------------------|-------------|---------------------|-------------|----------------|
| Referral Conclusion | Jan 2023 – Dec 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Referred | 2 | 1.4% | 2 | 2.13% | 0% |
| Not Referred | 141 | 98.6% | 92 | 97.87% | -34.75% |
| Total | 143 | 100% | 94 | 100% | -34.2% |

C4. Whether the investigation was conducted by the facility or by the investigation division.

Investigations into allegations of sexual abuse or sexual harassment are conducted by the Special Investigations Unit, not the facility.

C5. Where an investigation was referred to the investigation division, the reason for such referral.

Investigations into allegations of sexual abuse or sexual harassment are conducted by the Special Investigations Unit, not the facility.

C6. Whether the investigation was referred back from the investigative division to the department facility and the reason for such referral.

Investigations into allegations of sexual abuse or sexual harassment are conducted by the Special Investigations Unit, not the facility.

C7. Whether the alleged victim was notified regarding the outcome of the investigation.

In both reporting periods, a vast majority of victims were notified of the outcome of the investigation. A victim may not be notified if the Department does not have accurate contact information for that individual.

| Total Investigation Outcome Notifications | | | | | |
|---|---------------------|-------------|---------------------|-------------|----------------|
| Notification Status | Jan 2023 – Dec 2023 | | Jul 2023 – Dec 2023 | | Percent Change |
| | # | % | # | % | |
| Notified | 139 | 97.2% | 89 | 94.7% | -36% |
| Not Notified | 4 | 2.8% | 5 | 5.3% | 25% |
| Total | 143 | 100% | 94 | 100% | -34.2% |

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SECTION FOUR: ASSESSMENT

Preliminary Trend Overview

Resulting determinations from completed full investigations are classified as substantiated, unsubstantiated, or unfounded as defined by the Federal PREA Standards (defined in Appendix B). Of the 94 PREA-reportable sexual abuse and sexual harassment allegations closed from July 2023 to December 2023, 24 allegations (26%) were determined to be unfounded; in these cases, the PREA SIU determined that the event did not occur. In the previous reporting period, 38 (27%) of the 143 PREA-reportable sexual abuse and sexual harassment allegations closed from January 2023 to June 2023 were determined to be unfounded. Of the remaining allegations closed in the current reporting period, four (4%) were determined to be substantiated and 66 (70%) were determined to be unsubstantiated, as compared to the previous reporting period where two (1%) of the remaining cases were determined to be substantiated and 103 (72%) were unsubstantiated. During this reporting period, of the 94 closed cases, 52 were reported as an allegation during the current or previous reporting period and exceeded the 90-day period for issuing a final determination, as compared to 53 cases during the previous reporting period. Of those 52 cases, 12 cases have extenuating circumstances (e.g., sexual assault kit processing, or referral for external investigation such as the District Attorney Department of Investigation) that required them to remain open beyond the 90-day period without a final determination.

The Department is committed to investigating all claims of sexual harassment and abuse in a rigorous and timely manner and will continue to do so moving forward. The Special Investigations Unit, which investigates incidents of sexual abuse and sexual harassment, will continue to combat false reporting by working directly and persistently with the District Attorney's Office in the prosecution of founded allegations and false allegations, as appropriate.

Policy and Training Assessment

During this reporting period, there was an overall decrease in PREA-reportable allegations (sexual abuse and sexual harassment): there were 63 PREA-reportable allegations compared to 114 allegations in the previous reporting period. This represents a marked decrease of 44.7% in overall PREA-reportable full investigations despite an increase in the average daily population. PREA SIU saw a decrease in the number and percentage of allegations attributed to incidents between PIC, with 89 (78%) recorded in the last reporting period and 41 (65%) in the current reporting period, where as the percentage staff-on-PIC allegations increased from 22% (25

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incidents) in the previous reporting period to 35% (22 incidents) in the current reporting period. The downward trend in total PREA-reportable allegations may be attributed, at least in part, to newly instituted processes during the preliminary review of the complaint by the initial responding investigators. Information gathered during the preliminary review of a complaint of sexual assault or sexual harassment informs whether a complaint will be designated as a PREA-reportable allegation and subsequently receive a full investigation by SIU PREA. While all complaints of sexual misconduct are taken seriously and addressed, not all complaints of sexual assault or sexual harassment are PREA-reportable; whether a is PREA-reportable is determined by criteria set forth in the PREA standards.

During the preliminary review of the complaint, PREA Tour commanders, who are supervisors assigned to the SIU PREA unit and are not within facility-based command structures, are tasked with ensuring: substantial statements are recorded in detail and analyzed against recorded telephone statements, available video recordings are reviewed, institutional behavior (e.g., use of force incidents, infractions, etc.) is analyzed, and that all findings are documented and preserved appropriately. These preliminary reviews are now conducted more intensively, so that more information is gathered and documented. In addition, PREA Investigators have increased usage of body cameras for interviews, implemented more stringent requirements for the preservation of video evidence, identified areas of improvement in the interview process and has increased the level of detail contained in the preliminary reports. By conducting a fuller assessment in the preliminary stages for all allegations regardless of alleged persons involved, PREA SIU was able to make better use of limited staffing resources to more efficiently and appropriately assign cases as PREA-reportable and then proceed to full investigations.

The Department continues to ensure staff receive PREA training during new recruit training at the Academy and orientation on-boarding, and that all contractors and volunteers with contact with PIC are trained prior to entering the facilities. 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. The Department has recently made changes to the staff training so that training is more targeted and effective in communicating the importance of PREA compliance. PREA SIU investigative staff have received additional in-service training, including cross-training with the NYPD Evidence Collection Unit.

Corrective Action

Upon noting the substantial decrease in complaints designated as PREA-reportable during the current reporting period, PREA SIU conducted an audit of all sexual assault and harassment

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complaints received via 311 calls from July 2023 to December 2023; calls to 311 represent the most utilized method of making a complaint of sexual misconduct. Through the review, it was found that 14 complaints were not reported to the Central Operations Desk (“COD”), which is the means by which PREA SIU is notified of such complaints. Because these complaints were not reported to COD, they did not receive a preliminary review and therefore were not designated as PREA-reportable allegations, despite that some may have been designated as PREA-reportable allegations if they had received a preliminary review. A preliminary review of all 14 cases was subsequently conducted; as a result of that review, six allegations of the 14 allegations were found to be PREA-reportable and will receive a full investigation. An additional re-review of complaints made during the reporting period was also done, to ensure cases that did receive a preliminary review were classified correctly; as a result, three cases that were previously classified as not being PREA-reportable cases were reclassified as PREA-reportable cases. These three cases had already been treated as PREA-reportable and received a full investigation, but remained labeled as not PREA-reportable as an oversight. All nine PREA-reportable allegations identified through the audit and re-review processes are included in this report. Allegations that were found to meet the threshold of a PREA-reportable case were subsequently assigned a COD number. Because six allegations were delayed in being identified and investigated as PREA-reportable, the subsequent investigations will be closed past the 90-day compliance period for case closure and are reported as such. All identified victims and subjects in the cases that are still in Departmental custody will be interviewed and all documentation will be collected so that a full investigation can proceed, and any necessary separation orders have been executed to protect the victims. The end of tour report is prepared at the end of each tour by the SIU PREA Tour Commander.

To ensure that all future complaints are appropriately reviewed, investigated, and reported, all staff in the PREA unit will be sent for refresher training. The Department has also added additional layers of review to the preliminary investigative process. All complaints are to receive a review and preliminary designation as either PREA-reportable or not PREA-reportable by the SIU PREA Tour Commander by the end of tour, and documented on the End of Tour Report. The End of Tour report will be reviewed by the Deputy Director of PREA Investigation on a daily basis, and the PREA Tour Commander will receive ongoing instruction and supervision from the Deputy Director of PREA Investigation on cases preliminarily designated as PREA-reportable to ensure the preliminary investigation proceeds according to policy and best-practices.

Cases that are not designated as PREA-reportable on the End of Tour Report will be re-reviewed by the Director of SIU PREA Investigations to ensure that a proper preliminary review was

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conducted, that complaints are not misclassified and/or missing. The Director will also review 311 complaints that are routed to SIU PREA Investigations on a daily basis. The review of complaints received through 311 calls will be compared to the End of Tour report to again ensure complaints are not misclassified and/or missing.

This newly implemented process of review will be incorporated into regular investigative protocols, and used for training purposes to ensure PREA Tour Commanders remain educated on allegations warranting full investigations. Additionally, the Department is developing an electronic case management system to enable PREA SIU to better collect, track, and analyze case data. While there is a tracking system currently in place, the manner in which data is collected and stored provides limited ability to analyze allegation and case outcome trends. The new system will support the PREA SIU in better managing case investigations and deadlines. The electronic case management system is expected to go live for SIU PREA Investigations in the summer of 2024. This case management system will also allow for continued auditing of complaints, as needed.

DEFINITIONS

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

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- 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. 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.

Investigation Outcomes

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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.