

INTRODUCTION

Prison Rape Elimination Act & BOC Minimum Standards

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

The United States Department of Justice adopted the National Standards to Prevent, Detect, and Respond to Prison Rape (the PREA Standards) 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” or “BOC”) 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 the Board with a semiannual report. This report, which evaluates sexual abuse and sexual harassment allegations made within the past six months (January 2024 through June 2024), 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).

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

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to report an incident. In addition, all Department staff are responsible for taking measures to prevent sexual assault and harassment and for reporting incidents. The Department conducts in-person 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 (SIU), 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 houses individuals by gender identity: transgender, gender non-binary, and intersex individuals are afforded a specialized housing process and housing options that take into account heightened levels of vulnerability for this population. The PREA Facility Compliance Unit and the LGBTQ+ Affairs Unit provide support throughout all facilities and 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.

PREA Training

The Department provides PREA training for Department staff during new recruit training at the Academy and orientation on-boarding; contractors and volunteers who will have contact with individuals in custody 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, as well as effectively 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, as well as other law enforcement entities and subject matter experts that offer training in human trafficking and enhanced interviewing skills.

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 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

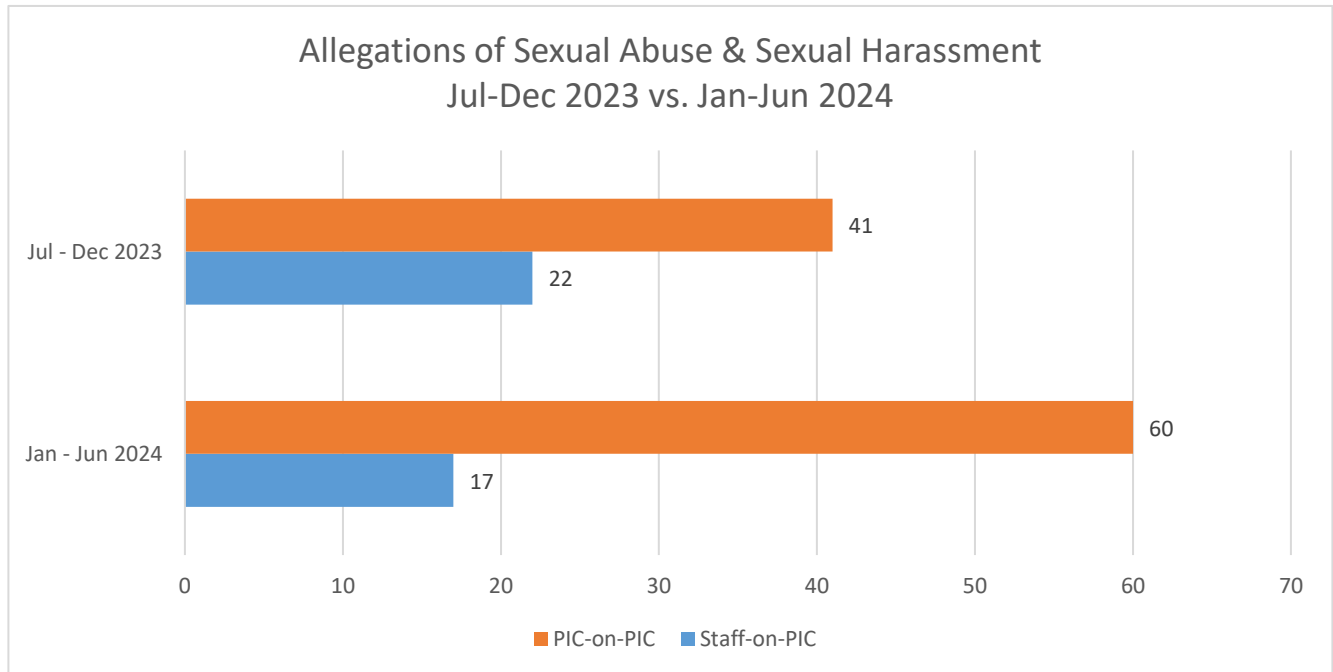


Figure 1 shows the Department is reporting a decrease in staff-on-PIC allegations by 23% (22 to 17) and PIC-on-PIC allegations increased by 46% (41 to 60) during this reporting period compared to last.

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Facility Breakdown

Table 1, below, gives a breakdown of PREA-reportable allegations by facility, comparing the last reporting period (July 2023 - December 2023) to the current reporting period (January 2024 - June 2024).

Table 1

Facility Breakdown Comparison					
Facility	July 2023 - December 2023		January 2024 - June 2024		% Change
	# of Allegations	%	# of Allegations	%	
RMSC	13	20.63%	20	25.97%	53.84%
AMKC	5	7.93%	0	0%	-100%
GRVC	7	11.11%	13	16.88%	85.71%
OBCC	3	4.76%	23	29.87%	666.67%
EMTC	13	20.63%	9	11.69%	-30.76%
NIC	7	11.11%	0	0%	-100%
RNDC	2	3.17%	7	9.09%	250%
WF	5	7.93%	1	1.3%	-80%
VCBC	4	6.34%	1	1.3%	-75%
BHPW	0	0%	1	1.3%	100%
Other	2	3.17%	0	0%	-100%
RESH	2	3.17%	2	2.6%	0%
Total	63	100%	77	100%	22.22%

During the previous 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 is 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 across reporting periods.

Age of Alleged Victim

Table 2 compares the ages of alleged victims from the previous reporting period (July 2023 - December 2023) to the current reporting period (January 2024 - June 2024). The data is further disaggregated by category of alleged perpetrator (staff or PIC). Approximately 97% of all allegations in the current

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reporting period were reported by individuals in custody age 22 or older, which is roughly proportionate to the percentage of the overall population this age group represents.

Table 2

<i>July 2023 – December 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	4	0	4
22≥	59	22	37
Total	63	22	41

Table 3

<i>January 2024 – June 2024</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	1
19-21	1	0	1
22≥	75	17	58
Total	77	17	60

Age of Alleged Subject

Table 4 and Table 5 compare the ages of alleged subjects from the last reporting period (July 2023 - December 2023) to the current reporting period (January 2024 - June 2024). The data is further disaggregated by type of alleged victim (staff or PIC). In approximately 71% of the allegations reported, the alleged identified subject was age 22 or older. Incidents in which the alleged victim was unable to identify the alleged subject increased by 11% between reporting periods.

Table 4

<i>July 2023 – December 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≤	0	0	0
19-21	2	0	2
22≥	42	17	25
Unidentified Alleged Subject	19	5	14
Total	63	22	41

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

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Table 5

<i>January 2024 – June 2024</i>			
<i>Alleged Subject Age at Report Date</i>	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>
18≤	0	0	0
19-21	1	0	1
22≥	55	6	49
Unidentified Alleged Subject	21	10	11
Total	77	16	61

Methods of Reporting

Table 6 assesses the methods used by alleged victims to report PREA allegations. 311 continues to be the most used method of reporting for alleged victims for staff-on-PIC allegations; however, PIC-on-PIC incidents were reported more frequently at the facility level during the current reporting period.

Table 6

<i>Reporting Breakdown</i>					
<i>Incident Type</i>	<i>Reporting Method</i>	<i>July 2023 – December 2023</i>		<i>January 2024 – June 2024</i>	
		<i># of Allegations</i>	<i>%</i>	<i># of Allegations</i>	<i>%</i>
Staff-PIC	311	9	14.28%	9	11.69%
	DOI	1	1.58%	0	0%
	Facility	3	4.76%	5	6.49%
	ID	1	1.58%	1	1.3%
	PREA	1	1.58%	2	2.6%
	Other	7	11.11%	0	0%
Total		22	34.92%	17	22.08%
PIC-PIC	311	13	20.63%	9	11.69%
	DOI	0	0%	0	0%
	Facility	14	22.22%	33	42.86%
	ID	0	0%	6	7.79%
	PREA	4	6.34%	6	7.79%
	Legal Aid	0	0%	0	0%
	Other	10	15.87%	6	7.79%
Total		41	65%	60	77.92%

Overall Trends of PREA Allegations

Table 7 compares total reported incidents for the last reporting period of July 2023 - December 2023 versus the current reporting period of January 2024 - June 2024. The total number of sexual abuse and

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sexual harassment allegations increased by 22% (63 versus 77 PREA-reportable allegations, respectively). Allegations that were reported and were not a PREA-reportable case were referred to the appropriate party for follow-up and response (e.g., Grievance, H+H/Correctional Health Services, LGBTQ+ Affairs).

Table 7

<i>Comparison of Allegations of Sexual Victimization, by type of Incidents</i>			
<i>Incident Type</i>	<i>Jul 2023 – Dec 2023</i>	<i>Jan 2024 – Jun 2024</i>	<i>% Change</i>
Staff on PIC	22	17	-22.72%
Sexual Abuse	8	17	112.5%
Sexual Harassment	14	0	-100%
Among PIC	41	60	46.34%
Abusive Sexual Contact	13	28	115.38%
Non-Consensual Sex Act	19	24	26.31%
Sexual Harassment	9	8	-11.11%
Total	63	77	22.22%

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 and unwanted/forcible touching for sexual gratification, and indecent exposure) in addition to staff voyeurism. There were 17 staff-on-PIC allegations of sexual abuse and sexual harassment made during the first half of calendar year 2024. This marks a 23% decrease in staff-on-PIC allegations, from 22 made during the second half of calendar year 2023 (see [Table 7](#)).

For the second half of 2023, actions defined as potential crimes under NY State Penal Law 130 represented the highest category of sexual abuse allegations against staff. During the first half of 2024, allegations of sexual abuse against staff were spread across various categories, including inappropriate touching, crimes under NY State Penal Law 130, and other (see [Table 8](#)).

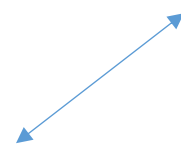
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Table 8

**Staff-on-PIC Sexual Abuse
 July 2023 – December 2023**

Category	# of Allegations
Inappropriate Touch	4
Crimes Under New York State Penal Law 130	4
Voyeurism	0
Other	0
Grand Total	8

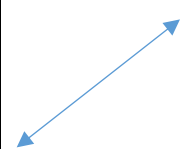
UOF	0
Strip Search	0
Escort	0
Pat Frisk	0
Verbal	0
Recant	0
Total Other	0



**Staff-on-PIC Sexual Abuse
 January 2024 - June 2024**

Category	# of Allegations
Inappropriate Touch	4
Crimes Under New York State Penal Law 130	5
Voyeurism	0
Other	8
Grand Total	17

UOF	3
Strip Search	3
Escort	0
Pat Frisk	0
Verbal	0
Recant	2
Total Other	8



Staff Sexual Harassment

PREA-reportable staff sexual harassment includes repeated verbal statements, comments, or gestures of a sexual nature to a PIC by a staff member. Total allegations of PREA-reportable staff sexual harassment decreased by 100% between reporting periods (see Table 9).

Table 9

Staff-on-PIC Sexual Harassment			
Sub-Category	July 2023 – December 2023	January 2024 – June 2024	% Change
	# Allegations	# Allegations	
Sexual Threat	3	0	-100%
Inappropriate Comments	11	0	-100%
Homophobic Statement	0	0	0%
Total	14	0	-100%

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, 19 reported nonconsensual sex acts were deemed crimes under New York State Penal Law §130 and three were categorized as inappropriate touching. During the current reporting period, 24 reported nonconsensual sex acts were deemed crimes under New York State Penal Law §130 and one was categorized as inappropriate touching.

Table 10

<i>Non-Consensual Sex Act</i>	<i>July 2023 – December 2023</i>	<i>January 2024 – June 2024</i>
	<i># of Allegations</i>	<i># of Allegations</i>
Crimes Under NY State Penal Law 130	18	23
Inappropriate Touch	1	1
Total	19	24

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 115% (13 allegations to 28) (see [Table 11](#)).

Table 11

<i>PIC Abusive Acts</i>	<i>July 2023 – December 2023</i>		<i>January 2024 – June 2024</i>		<i>% Change</i>
	<i># of Allegations</i>	<i>%</i>	<i># of Allegations</i>	<i>%</i>	
Inappropriate Touch	5	7.63%	24	7.94%	380%
Crimes Under NY State Penal Law 130	6	9.52%	0	0	-100%
Other	2	3.17%	4	5.19%	100%
Total	13	20.63%	28	36.36%	115.38%

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

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directed toward another. The number of such allegations decreased from 9 allegations in the last reporting period to 8 allegations in the current reporting period (see [Table 12](#)).

Table 12

<i>Person In Custody Sexual Harassment</i>				
<i>July 2023 – December 2023</i>		<i>January 2024 – June 2024</i>		<i>% Change</i>
<i># Allegations</i>	<i>%</i>	<i># Allegations</i>	<i>%</i>	
9	14.28%	8	10.39%	-11.11%

Overview of Rates and Trends

The rate of allegations against staff decreased from 22 (3.57 per 1,000) during the July 2023 to December 2023 reporting period to 17 persons in custody (2.71 per 1,000) during the January 2024 to June 2024 reporting period. The rate of allegations among PIC against other PIC increased from 41 (6.66 per 1,000) incarcerated persons to 60 (9.56 per 1,000) incarcerated persons (see [Table 13](#)).

Table 13

<i>Total Allegations of Sexual Victimization</i>						
<i>Incident Type</i>	<i>July 2023 – December 2023</i>			<i>January 2024 – June 2024</i>		
	<i># of Allegations</i>	<i>%</i>	<i>Rate²</i>	<i># of Allegations</i>	<i>%</i>	<i>Rate²</i>
Staff on PIC	22	34.9%	3.57	17	22.08%	2.71
Sexual Abuse	8	12.69%	1.30	17	22.08%	2.71
Sexual Harassment	14	22.22%	2.27	0	0%	0
PIC on PIC	41	65%	6.66	60	77.92%	9.56
Abusive Sexual Contact	13	20.63%	2.11	28	36.36%	4.46
Non-Consensual Sex Act	19	30.15%	3.08	24	31.17%	3.82
Sexual Harassment	9	14.28%	1.46	8	10.39%	1.27
Total	63	100%	10.24	77	100%	12.28

Section Two

SUBSTANTIATED, UNSUBSTANTIATED & UNFOUNDED ALLEGATIONS

² Rate per 1,000 incarcerated individuals.

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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 total number of allegations that were reported during the reporting period, as well as the case status of all allegations investigated and closed during the reporting period at the time of publication, regardless of when an allegation was reported. The data in Table 14 for the last reporting period (July 2023 - December 2023) reflects the status as of the time of the publication of the last report. 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 2024 - June 2024), the Department’s PREA Special Investigations Unit (SIU) opened 126 cases of which 77 were determined to be PREA-reportable cases. Of the 77, eight cases exceeded the requirement to make a final determination within 90 days, and 38 cases are still within compliance of the 90-day period. A total of 61 PREA-reportable cases were closed during the reporting period, including cases originating from this and previous reporting periods, of which 14 exceeded the 90-day closing requirement.

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 2023 – December 2023</i>	<i>January 2024 – June 2024</i>
Total Allegations	63	77
Total Closed During Reporting Period³	94	61
Substantiated	4	2
Unsubstantiated	66	36
Unfounded	24	23
Total Open Still in 90 Day Compliance	18	38
Preliminary Findings-Substantiated	0	0
Preliminary Findings-Unsubstantiated	18	38
Preliminary Findings- Unfounded	0	0
Pending Final Disposition	18	41

Table 15 illustrates the cases closed by the PREA Investigation Division regarding allegations reported prior to June 2024 (allegations reported up and until June 30, 2024) but closed during the January 2024

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

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to June 2024 reporting period. There was a total of 61 PREA-reportable cases closed during the current reporting period (January 2024 - June 2024) of which 25 cases were reported prior to January 1, 2024.

Table 15

<i>Initiated Investigation</i>					
<i>Case Disposition</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>	<i>2024</i>	<i>Total</i>
Substantiated	0	0	0	2	2
Unsubstantiated	1	0	16	19	36
Unfounded	0	0	8	15	23
Total Closed⁴	1	0	24	36	61

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 2024 to June 2024 of the calendar year. The incarcerated population includes both detainees and sentenced individuals. All allegations of sexual abuse and sexual harassment made by people in custody 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	2	0.31	0	0	2
BHPW	0	0	0	0	1	0.15	1
GRVC	0	0	4	0.63	5	0.79	9
MHCT	0	0	0	0	0	0	0
OBCC	1	0.15	9	1.43	2	0.31	12
RMSC	0	0	6	0.95	8	1.27	14
RNDC	1	0.15	1	0.15	1	0.15	3
VCBC	0	0	2	0.31	0	0	2
NIC	0	0	1	0.15	1	0.15	2
EMTC	0	0	5	0.79	2	0.31	7
WF	0	0	2	0.31	1	0.15	3
BXCT	0	0	0	0	1	0.15	1
QNCT	0	0	1	0.15	0	0	1
RESH	0	0	2	0.31	1	0.15	3
Transportation	0	0	1	0.15	0	0	1

⁴ Total includes cases closed from previous reporting periods.

Section Three

PRELIMINARY TREND OVERVIEW

During this reporting period, there was an overall increase in PREA-reportable allegations (sexual abuse and sexual harassment): there were 77 PREA-reportable allegations compared to 63 allegations in the previous reporting period. This represents an increase of 22% in overall PREA-reportable full investigations, within the context of a continued increase in the average daily population. PREA SIU saw an increase in the number and percentage of allegations attributed to incidents between people in custody, with 41 (65%) recorded in the last reporting period and 60 (78%) in the current reporting period, whereas the percentage of staff-on-PIC allegations decreased from 35% (22 incidents) in the previous reporting period to 22% (17 incidents) in the current reporting period.

The trend in total PREA-reportable allegations within the previous and current reporting periods 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 case 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 conversations; available video recordings are reviewed (e.g., use of force incidents, infractions, pertinent documentation); 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 implemented more stringent requirements for the preservation of video evidence, identified areas of improvement in the interview process, and have increased the level of detail contained in the preliminary reports. By conducting a fuller assessment in the preliminary stages for all allegations, PREA SIU was able to make better use of limited staffing resources to assign cases more efficiently and appropriately as PREA-reportable and then proceed to full investigations.

Determinations resulting from completed full investigations are classified as substantiated, unsubstantiated, or unfounded as defined by the Federal PREA Standards (defined in Appendix B). Of the 61 PREA-reportable sexual abuse and sexual harassment allegations closed from January 2024 to June 2024, 23 allegations (38%) were determined to be unfounded; in these cases, the PREA SIU determined that the event did not occur. In the previous reporting period, 24 (26%) of the 94 PREA-reportable sexual abuse and sexual harassment allegations closed from July 2023 to December 2023 were determined to be unfounded. Of the remaining allegations closed in the current reporting period,

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two (3%) were determined to be substantiated and 36 (59%) were determined to be unsubstantiated, as compared to the previous reporting period where four (4%) of the remaining cases were determined to be substantiated and 66 (70%) were unsubstantiated. During this reporting period, of the 61 closed cases, 14 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 52 cases during the previous reporting period. Of those 14 cases, 6 cases have extenuating circumstances (e.g., sexual assault kit processing, or referral for external investigation such as the District Attorney's office or the Department of Investigation) that required them to remain open beyond the 90-day period within a final determination. A small number of cases that were closed beyond the 90-day period were minimally delayed due to administrative processes, such as needing a final signature, as opposed to investigative processes. Efforts to reduce administrative delays were implemented at the beginning of the reporting period, resulting in no further cases exceeding 90-days due to such delays during the reporting period.

CORRECTIVE ACTION

PREA Investigations

SIU PREA continues to focus its resources within the preliminary stages of a complaint review to ensure substantial assessments are completed within 72 hours of a complaint's submission. As noted in the previous report, PREA SIU conducted an audit of all sexual assault and harassment complaints received via 311 calls from July 2023 to December 2023, as calls to 311 represent the most utilized method of making a complaint of sexual misconduct. Complaints identified through the audit as being undocumented or improperly documented, or misclassified, were properly documented and classified. Following the audit, PREA SIU put corrective action measures into place to ensure complaints are received and classified appropriately moving forward; internal daily and weekly reviews were implemented to certify that each complaint received is addressed and classified properly. These reviews continue, and a dedicated administrative supervisor continues to provide ongoing instruction and supervision during the preliminary investigation process to ensure complaints are managed according to policy and best practices. In addition, all PREA SIU supervisors and line staff received additional training to ensure complaints are appropriately reviewed, investigated, and reported.

Additionally, the Department is developing an electronic case management system to enable PREA SIU to better collect, track, and analyze case data. It is expected that this system will be rolled out in the Fall of 2024. 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. This case management system will also allow for continued auditing of complaints, as needed.

APPENDIX A

DEFINITIONS OF SEXUAL VICTIMIZATION

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

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

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

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

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

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

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

Person in Custody Sexual Harassment – Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one person in custody directed toward another.

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

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- Completed, attempted, threatened, or requested sexual acts; or
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

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

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

APPENDIX B

GENERAL DEFINITIONS

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

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

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

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