

**New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020**

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 Local Law 21 of 2019, 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 months. 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 six 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 1, 2020 to December 31, 2020), analyzes emerging trends and assesses the corrective action contemplated and/or initiated at the facility level and department-wide. The jail population decreased sharply during the first half of 2020 – from an average daily population of 5,623 individuals in January to 3,947 in June – as a result of collaborative efforts between criminal justice partners to release people in custody to the community due to the COVID-19 pandemic. Due to a number of factors, the jail population steadily increased over the reporting period to an average daily population of 4,855 people in custody in December, which can in part explain the overall increase in alleged incidents in section one of the report. It is important to note that allegations of sexual abuse and sexual harassment are preliminary and subject to change as these cases develop. Data discussed in allegation categories are not final, as they are ongoing or pending resolution. Data used in this report reflects the most current information available at the time of publication.

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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**

During the second half of 2020, the majority (63.64%) of alleged incidents occurred during the 0700 x 1500 hours tour. Reports of alleged incidents during the 0700 x 1500 tour continued to be one of the highest reported categories across reporting periods.

<i>Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
0700 x 1500	<6	.	14	63.64%	.
1500 x 2300	0	0%	<6	.	.
2300 x 0700	<6	.	<6	.	.
Unknown Time ²	<6	.	0	0%	- 100%
Total	6	100%	22	100%	+ 267%

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

For both reporting periods, the majority of incidents reported to the Investigation Division were alleged incidents of sexual harassment, with an increase from zero cases to 13 cases of alleged incidents of sexual harassment between the two reporting periods, and a 50% increase (from six cases to nine cases) of alleged incidents of sexual abuse.

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

² The time of an alleged incident is reported as unknown in instances in which the complainant did not report a time to the Investigation Division.

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

<i>Total Number of Sexual Abuse and Sexual Harassment Allegations</i>					
<i>Type of Allegation</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Sexual Abuse	6	100%	9	40.91%	+ 50%
Sexual Harassment	0	0%	13	59.09%	--
Total	6	100%	22	100%	+ 267%

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

This information cannot be reported in the aggregate.

4. The gender of the alleged victim.

In the first half of 2020, there were six incidents involving the following victim genders: females, transgender women, and transgender men. Due to privacy concerns, the Department cannot publicly report any number less than six. In both reporting periods, the majority of incidents reported involved male victims.

<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Male	<6	.	15	68.18%	.
Female	<6	.	0	0%	.
Transgender Man	0	0%	0	0%	0%
Transgender Woman	0	0%	7	31.82%	--
Total	6	100%	22	100%	+ 267%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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.

For the reporting period of July 2020 to December 2020, the majority of alleged victims were between the ages of 26 and 35 years old. The majority for the January 2020 to June 2020 were between 18 and 25.

<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
<18	0	0%	0	0%	0%
18-25	<6	.	<6	.	.
26-35	<6	.	13	59.09%	.
36-40	<6	.	6	27.27%	.
41-60	<6	.	<6	.	.
>60	0	0%	0	0%	0%
Total	6	100%	22	100%	+ 267%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

6. The race and ethnic origin of the alleged victim.³

In both reporting periods, the majority of alleged victims identified as black.

Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim					
<i>Alleged Victim's Race/Ethnicity</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Asian	0	0%	0	0%	0%
Black	<6	.	16	72.73%	.
Hispanic	0	0%	<6	.	.
Other	0	0%	<6	.	.
White	<6	.	<6	.	.
Total	6	100%	22	100%	+ 267%

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.

<i>Time in Custody</i>	<i>Jan 2020 - Jun 2020</i>	<i>Jul 2020 - Dec 2020</i>
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	6	22
Total	6	22

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.

³ 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.

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

8. The gender of the alleged perpetrator.

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

<i>Total Alleged Incidents by Gender of Alleged Perpetrator</i>					
<i>Alleged Perpetrator's Gender</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Male	<6	.	16	72.73%	.
Female	0	0%	<6	.	.
Transgender Man	0	0%	0	0%	0%
Transgender Woman	0	0%	<6	.	.
Unknown	<6	.	<6	.	.
Total	6	100%	22	100%	+ 267%

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

In both reporting periods, the majority of alleged perpetrators were staff.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Staff	<6	.	20	90.91%	.
Incarcerated Individuals	<6	.	<6	.	.
Total	6	100%	22	100%	+ 267%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

10. 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 12.

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

Please see chart below number 12.

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

Between the reporting periods, there was a higher number of previous substantiated and pending allegations against staff who are alleged to be perpetrators.

Total Number of Pending Allegations Against Alleged Staff Perpetrator					
Status of Previous Staff Allegations	Jan 2020 - Jun 2020		Jul 2020 – Dec 2020		Percent Change
	Number of Previous Staff Allegations	Percent of Previous Staff Allegations	Number of Previous Staff Allegations	Percent of Previous Staff Allegations	
Substantiated	0	0%	0	0%	0%
Unsubstantiated	1	100%	10	83.33%	+ 900%
Still pending	0	0%	2	16.61%	--
Total	1	100%	12	100%	+ 1110%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

13. The facility in which the incident occurred

MDC had the highest number of alleged incidents in this reporting period.

Total Alleged Incidents by Facility					
Facility	Jan 2020 - Jun 2020		Jul 2020 – Dec 2020		Percent Change
	Number of Alleged Incidents	Percent of Alleged Incidents	Number of Alleged Incidents	Percent of Alleged Incidents	
AMKC	0	0%	6	27.27%	--
BHPW	0	0%	0	0%	0%
BKDC	0	0%	0	0%	0%
EMTC	0	0%	0	0%	0%
GRVC	<6	.	<6	.	.
HOJC	0	0%	0	0%	0%
MDC	0	0%	9	40.91%	--
NIC	<6	.	<6	.	.
OBCC	<6	.	<6	.	.
RMSC	<6	.	<6	.	.
RNDC	<6	.	0	0%	.
Transportation Division	0	0%	0	0%	0%
VCBC	0	0%	<6	.	.
WF	0	0%	0	0%	0%
Total	6	100%	22	100%	+ 267%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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 2020, there were significant percentage decrease in each timeframe category. Between July and December 2020, the majority (40.63%) of concluded cases occurred at an unknown time (meaning, the time of incident was not reported to the Investigation Division). Within the most recent reporting period, the highest percentage of alleged incidents occurring where the time of incident was reported (28.13%) occurred between 7:00 AM and 3:00 PM.

<i>Total Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
0700 x 1500	94	35.21%	45	28.13%	- 52.12%
1500 x 2300	52	19.48%	39	24.38%	- 25%
2300 x 0700	34	12.73%	11	6.88%	- 67.64%
Not Tracked	0	0%	0	0%	0%
Unknown Time ²	87	32.58%	65	40.63%	- 25.28%
Total	267	100%	160	100%	- 40.07%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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

For both reporting periods, the majority of incidents concluded by the Investigation Division were alleged incidents of sexual abuse.

<i>Total Number of Sexual Abuse and Sexual Harassment Allegations</i>					
<i>Type of Allegation</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Sexual Abuse	213	79.78%	99	61.88%	- 53.52%
Sexual Harassment	54	20.22%	61	38.13%	+ 12.96%
Total	267	100%	160	100%	- 40.07%

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.

Throughout both reporting periods, the percentage of alleged victims remained relatively stable, with the majority of alleged victims being male.

<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Male	209	78.28%	116	72.5%	- 44.49%
Female	25	9.36%	6	3.75%	- 76%
Transgender Man	0	0%	0	0%	0%
Transgender Woman	33	12.36%	38	23.75%	+ 15.15%
Unknown	0	0%	0	0%	0%
Total	267	100%	160	100%	- 40.07%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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.

<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
<18	<6	.	0	0%	- 100%
18-25	63	23.6%	27	16.88%	- 57.14%
26-35	128	47.94%	70	43.75%	- 43.31%
36-40	34	12.73%	42	26.25%	+ 23.52%
41-60	37	13.86%	21	13.13%	- 16.21%
>60	<6	.	0	0%	- 100%
Unknown	0	0%	0	0%	0%
Total	267	100%	160	100%	- 40.07%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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

The race/ethnicity of majority of alleged victims for both reporting periods was black.³

<i>Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim</i>					
<i>Alleged Victim's Race/Ethnicity</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Asian	<6	.	0	0%	- 100%
Black	192	71.91%	129	80.63%	- 32.81%
Hispanic	17	6.37%	8	5%	- 52.94%
Other	37	13.86%	11	6.88%	- 70.27%
White	20	7.49%	12	7.5%	- 40%
Unknown	0	0%	0	0%	0%
Not Tracked	0	0%	0	0%	0%
Total	267	100%	160	100%	- 40.07%

B7. 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.

<i>Time in Custody</i>	<i>Jan 2020 - Jun 2020</i>	<i>Jul 2020 - Dec 2020</i>
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	267	160
Total	267	160

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

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulations, 42 CHR Part 2.

B8. The gender of the alleged perpetrator.

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

<i>Total Alleged Incidents by Gender of Alleged Perpetrator</i>					
<i>Alleged Perpetrator's Gender</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Male	177	66.29%	123	76.88%	- 30.50%
Female	54	20.22%	23	14.38%	- 57.40%
Unknown	29	10.86%	8	5%	- 72.41%
Transgender Woman	7	2.62%	6	3.75%	- 14.28%
Transgender Man	0	0%	0	0%	0%
Total	267	100%	160	100%	- 40.07%

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

The majority of alleged perpetrators in each reporting period were staff members.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Staff	147	55.06%	127	79.38%	- 13.60%
Incarcerated Individuals	120	44.94%	33	20.63%	- 72.5%
Total	267	100%	160	100%	- 40.07%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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.

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 was one previous claim against a staff member that was substantiated.

<i>Total Previous Allegations Against Alleged Staff Perpetrators</i>					
<i>Status of Previous Staff Allegations</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Previous Staff Allegations</i>	<i>Percent of Previous Staff Allegations</i>	<i>Number of Previous Staff Allegations</i>	<i>Percent of Previous Staff Allegations</i>	
Substantiated	0	0%	1	3.85%	--
Unsubstantiated	5	83.33%	13	50%	+ 160%
Still pending	1	16.67%	12	46.15%	+ 1100%
Total	6	100%	26	100%	+ 333.33%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

B13. The facility in which the incident occurred.

<i>Total Alleged Incidents by Facility</i>					
<i>Facility</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
AMKC	62	23.22%	30	18.75%	- 51.61%
BHPW	<6	.	<6	.	.
BKCTS	<6	.	0	0%	- 100%
BKDC	14	5.24%	0	0%	- 100%
EPHW	0	0%	0	0%	0%
EMTC	13	4.87%	0	0%	- 100%
GMDC	0	0%	0	0%	0%
GRVC	47	17.6%	16	10%	- 65.95%
HOJC	<6	.	0	0%	- 100%
MDC	26	9.74%	61	38.13%	+ 134.61%
MNCT	0	0%	0	0%	0%
NIC	7	2.62%	14	8.75%	+ 100%
OBCC	35	13.11%	<6	.	.
QDC	0	0%	0	0%	0%
QDCT	<6	.	0	0%	- 100%
RMSC	24	8.99%	10	6.25%	- 58.33%
RNDC	13	4.87%	0	0%	- 100%
SOD	0	0%	0	0%	0%
Transportation Div.	<6	.	0	0%	- 100%
VCBC	11	4.12%	22	13.75%	+ 100%
WF	<6	.	<6	.	.
Total	267	100%	160	100%	- 40.07%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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 majority of cases for both reporting periods were unsubstantiated. The Department has substantiated three allegations during this period and 11 in the last period for a total of 14 in calendar year 2020. Additionally, during this reporting period, the Department has 12 cases whose investigation has not yielded findings for this reporting period. These cases are pending information that could lead to substantiation. This increase in substantiation rates over time can be credited to the Department's enhanced training of investigative staff, including training in trauma-informed interviewing.

<i>Total Alleged Incidents</i>					
<i>Case Conclusion</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Substantiated	11	4.12%	3	1.88%	- 72.72%
Unsubstantiated	133	49.81%	85	53.13%	- 36.09%
Unfounded	123	46.07%	72	45%	- 41.46%
Total	267	100%	160	100%	- 40.07%

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

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.

Within both reporting periods, the majority of cases were not referred to a DA’s office, as the majority of cases were unsubstantiated or unfounded.

<i>Total Alleged Incidents Referred to DA’s Office</i>					
<i>Allegations Referred to DA’s Office</i>	<i>Jan 2020 - Jun 2020</i>		<i>Jul 2020 – Dec 2020</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Yes	9	3.37%	0	0%	- 100%
No	258	96.63%	160	100%	- 37.98%
Total	267	100%	160	100%	- 40.07%

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 Investigation Division, 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 Investigation Division, 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 Investigation Division, not the facility.

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

In November 2018, the Department began to notify individuals of the outcome of investigations. Since the implementation of this policy, the Department has significantly increased the number of alleged victims who were notified. Nearly all alleged victims were notified of the outcome of the investigation during this reporting period.

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

Total Alleged Victims Notified of Investigation Outcome					
Notification Status	Jan 2020 - Jun 2020		Jul 2020 – Dec 2020		Percent Change
	Number of Alleged Victims Notified of Investigation Outcome	Percent of Alleged Victims Notified of Investigation Outcome	Number of Alleged Victims Notified of Investigation Outcome	Percent of Alleged Victims Notified of Investigation Outcome	
Notified	267	100%	155	96.88%	- 41.94%
Not Notified	0	0%	5 ⁴	3.12%	--
N/A	0	0%	0	0%	0%
Total	267	100%	160	100%	- 40.07%

SECTION FOUR: ASSESSMENT

Preliminary Trend Overview

During this reporting period, the Department experienced increases in overall allegations of staff-on-person-in-custody sexual abuse, which can generally be explained by the increase in population during the reporting period, several repeat allegations made by the same 10 people in custody, newly defined sexual abuse criteria, and alignment with strict Federal standards on the definition of sexual harassment⁵. Allegations of staff-on-person-in-custody sexual harassment increased as well, due to newly defined harassment criteria, as determined recently by the NYC Board of Correction through collaborative discussions with the Department.

Due to the recent change by the Board of Correction in its interpretation of “repeated” sexual harassment, staff harassment allegation numbers have risen. Under this new interpretation, if a person in custody has ever complained that a certain staff member made an untoward or indecent comment – to any person in custody – then the next time that staff member is alleged to have made a sexually motivated comment, that complaint will be logged as “PREA-reportable”, whether the initial harassment complaint was substantiated, unsubstantiated, or unfounded. Under this rubric, the Department has observed an increase in PREA-reportable staff-related harassment numbers.

There were 295 PREA reportable sexual abuse and sexual harassment allegations during this period compared to 154 PREA reportable allegations during the period of January 1, 2020 to June 30, 2020, representing an increase of 91.6%. The Department experienced a substantial increase (65.8%) in allegations of staff-on-person-in-custody sexual abuse during this reporting period as well as an 134%

⁴ In all five cases, individuals did not provide the Department with a mailing address or contact information and, therefore, the Department was unable to notify these individuals of the outcome of their investigation.

⁵ See PREA Standards §115.6(6)

**New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020**

increase in staff-on-person-in-custody harassment allegations. The Department also saw a considerable decrease (37.5%) in all person-in-custody-on-person-in-custody non-consensual sex acts allegations.

In recent reporting periods Department analysis has found that a small number of people in custody have at times made large numbers of allegations which were upon further investigation determined to be unsubstantiated and/or unfounded. These claims have impacted the Department's overall trends in this area. Regardless of this phenomenon, 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 Department will continue to combat this issue by working with the people in custody directly and by being persistent with District Attorneys Offices in the prosecution of unfounded false allegations, as appropriate.

Investigations of sexual harassment and abuse have continued, consistently, despite higher caseloads and a global pandemic, to be completed efficiently and fairly. The ID PREA Division has found itself squarely in compliance, responding to allegations within 72 hours, completing investigations within 90 days, and evaluating cases reasonably, as the Federal Monitor has noted. During such tumultuous times, compliance is a remarkable achievement.

The Department continues to ensure staff are educated about PREA, starting at the Academy level with each new recruit class and also inclusive of contractors and volunteers. All staff receive training on recognizing the signs of sexual abuse and what steps to take when an allegation is made. In addition to posters in the facility detailing how to report an incident, the Department has strengthened the grievance system for people in custody to ensure that they have an effective outlet to communicate and resolve issues of concern through a streamlined process.

The Department has implemented significant custody management changes over the past few years, and currently houses consistent with a person's self-reported gender identity. The Department continues to operate the Special Consideration Unit (SCU) in the female facility for individuals who come into custody and identify as transgender, intersex, and/or gender non-binary. The Department evaluates each person on a case-by-case basis, as warranted by the PREA Standards and NYC Board of Correction Minimum Standards, and places them based on their self-reported gender identity in a male or female facility, as long as the placement does not present management or security problems. To further promote transparency, the Department has refined its processes by giving additional details as to why an individual may be denied placement in, or removed from, the SCU, as well as explaining the reasons why an individual may be reconsidered for placement in the SCU. More discrete and confidential means of disclosing or discussing gender identity have been established for people in custody.

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 type of allegations through the creation of a dedicated hotline. Posters are placed throughout facilities listing the hotline number and detailing how to report an incident. The Department has also entered into a Memorandum of Understanding with Safe Horizons to provide victim services, access to

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

assistance, and an additional avenue to report allegations of a sexual nature. Similarly, people in custody are informed that they may call 311 to report incidents of sexual abuse and harassment.

The Department takes every allegation of sexual misconduct and sexual harassment seriously and investigates each complaint thoroughly. The Department's Investigation Division handles all PREA-related allegations, initiating an investigation within the first 72 hours. Investigation Division (ID) staff 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, all within the first 72 hours.

In this reporting period alone, the PREA Investigation Division closed 233 cases (77 allegations that arose prior to July 2020, and 156 that arose between January and June 2020). The Department reached a milestone in the last reporting period, having closed all PREA-reportable cases from 2015, 2016, and 2017.⁶ During this reporting period, the Department hit yet another milestone and was able to close all PREA-reportable cases that were initiated in 2018 and 2019.⁷ Additionally, all cases that were opened in 2020 were closed within 90 days, with the exception of 22 cases, which are pending with criminal investigative/prosecutorial agencies.

SECTION FIVE: CORRECTIVE ACTION

In order to become compliant with PREA standards, extensive corrective action has been implemented. Staffing increases, timely case closure, retraining of ID investigators, and refining best practices were priorities during this reporting period, and the results have been remarkable. The steps taken in the last few reporting periods have proven to be worthwhile, sustainable changes to the investigative process; as the world faced a pandemic during this reporting period, the PREA ID team was able to maintain compliance with PREA standards and maintain integrity and efficiency.

Staffing

In May 2016, the Investigation Division established a dedicated team of investigators to address allegations of sexual abuse and sexual harassment. The ID PREA Unit consisted of one a Deputy Director, a Supervising Investigator, and six investigators. Pursuant to its Corrective Action Plan, the Department has increased the ID PREA Unit staffing levels. By the end of this reporting period, the ID PREA Unit had a Director, a Deputy Director, nine Supervising Investigators, 25 Investigators, to ensure thorough and timely investigations. Importantly, the members of this unit, as well as the Trials and Litigation attorneys assigned to prosecute the substantiated PREA cases, have extensive backgrounds in PREA and/or sex crimes investigations and prosecution.

The Department has civilian PREA Compliance Managers (PCM) at three facilities. In 2017, the facilities assigned uniform staff as PREA Ambassadors to work with each PCM and to assist with PREA

⁶ Cases from this time period that are being investigated by external criminal investigative/prosecutorial agencies remain open; the Investigation Division is expected to stand down on such cases.

⁷ As above, cases from this time period that are being investigated by external criminal investigative/prosecutorial agencies remain open; the Investigation Division is expected to stand down on such cases.

New York City Department of Correction
Sexual Abuse & Harassment Report
July 1, 2020 – December 31, 2020

implementation. The Department also has uniform staff that function as PCMs in each facility that does not have a civilian equivalent. These staff members are responsible for the day-to-day PREA compliance matters within the facilities.

Corrective Action Plan

In June 2018, the Department devised a Corrective Action Plan to address a 1,216 case backlog of PREA-reportable cases, which were defined as being over 90 days old. The Department published a targeted plan in June 2018, which included commitments to hire additional investigators and managers for the ID PREA team, timelines for case reviews and closure, and structural changes to fieldwork and home base rotations. This schedule gave investigators opportunity to respond to new allegations, but also time to address the cases that had been awaiting closure. The Investigation Division also developed a more streamlined closing memorandum for case closures. This administrative change allowed investigators to close cases more quickly without compromising the integrity of the investigation. The strategy worked; the Department met its goals under the Corrective Action Plan and has since, even during a worldwide pandemic, maintained a 90-day (or less) closure period for all PREA cases

In fact, the ID PREA Corrective Action Plan was so successful, that when the ID recently restructured its Use of Force investigative teams, the Department mirrored the PREA structure in creating a Use of Force Intake Squad to handle early, hands-on, swift Use of Force investigations while other investigators managed long-term investigations and closure of older matters. Through a year of work, despite the pandemic, the Intake Squad, like the PREA Unit, has maintained compliance without fail.

Additional Steps Taken Towards Compliance

The Department remains under a Federal Monitor, pursuant to the Nunez litigation, for all Use of Force cases. The Federal Monitor also oversees and assesses the Department's compliance with investigations of allegations of sexual assault of inmates under the age of 19. In its Tenth Report, the Monitor evaluated the Department's compliance with PREA-reportable investigations (both sexual assault and sexual harassment). The Monitor applauded the significant, sustained improvements of the Investigation Division. As mentioned on page 161 of the Tenth Report, "The ID Division has made significant strides in investigating PREA cases timely and fully erased the backlog of cases related to this age group. ID has appointed dedicated and highly qualified leadership to oversee the PREA Team, which has brought an increased focus on tracking cases and conducting more efficient, higher quality investigations. The Team has both sufficient resources and staffing. The Monitoring Team has found that generally the investigators' practices were sound, the findings were reasonable, and cases were closed in a reasonable time period. The Department has maintained Substantial Compliance with this provision."⁸ In conclusion, the Monitor gave PREA Investigations a rating of substantial compliance, which is the highest level of achievement possible, and marks the second report in a row they have achieved this level of compliance. Although the Eleventh Monitor's Report has yet to be published, the Department expects similar findings will be contained therein.

⁸ See, <https://www1.nyc.gov/site/doc/media/nunez-reports.page> pg. 161.