

NYC Department of Correction
NYC Board of Correction Minimum Standard 5-40 Assessment Report
February 2026

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), which became effective on 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 which mirror the federal 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 reviews sexual abuse and sexual harassment allegations reported within the past six months (July 2025 through December 2025), analyzes emerging trends, and assesses the corrective action contemplated 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. To avoid identifying unique incidents which may risk re-identification, certain data is reported as a symbol.

Allegations of sexual abuse and 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 enforce this policy by stenciling a “Break the Silence” message, along with the telephone numbers for reporting allegations in jail housing areas,

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court holding pens, and corridors. There are various measures in place for victims to report allegations of sexual abuse and harassment, including but not limited to the confidential PREA reporting hotline, access to 311, and PREA informational posters strategically placed near the phone banks. These posters list designated points of contact to make reports and detail how 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 PREA orientation to all newly admitted individuals in custody. 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 Investigation Unit, and the LGBTQ+ Affairs Unit work closely together to provide support to all PIC, especially those who are most vulnerable.

The Department treats every allegation of sexual misconduct and 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 PREA Investigations Unit handles all PREA-related allegations initiating an investigation within the first 72 hours. PREA Investigations Unit 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 based on gender identity: transgender, gender non-binary, and intersex individuals. These individuals are afforded a specialized housing 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 coordinate closely to protect individuals identified as particularly vulnerable. The PREA Facility Compliance Unit conducts monthly retaliation monitoring for individuals who have submitted PREA-related complaints. the Department's goal of achieving full compliance with all PREA standards while maintaining a safe and secure environment for all staff and persons in custody.

PREA Training

The Department provides PREA training for all staff during recruit training at the Academy and orientation on-boarding; contractors and volunteers who will have contact with individuals in custody are also trained during the on-boarding process. 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 Investigations Unit investigative staff receive additional in-service training, including cross-training with the NYPD Evidence Collection Unit, and instruction from subject matter

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experts and law enforcement partners that offer training in human trafficking and enhanced interviewing skills.

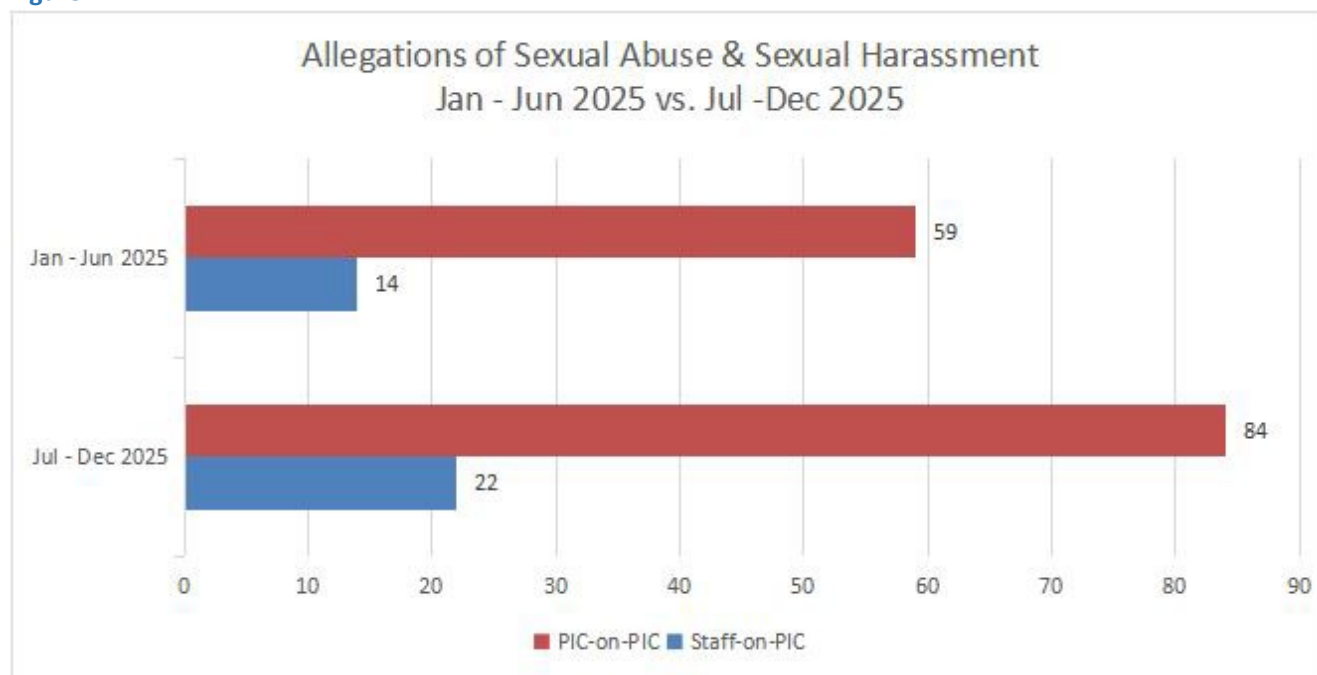
Section One: Allegations of Sexual Abuse & Sexual Harassment

The Department reviews data pursuant to §115.87 of the National PREA Standards to assess and improve the effectiveness of its policies, practices, and training related to the prevention, detection, and response to sexual abuse and sexual harassment. The goal is to eliminate such incidents within Department facilities.

Type of Allegation

Allegations of sexual abuse and sexual harassment are categorized in accordance with the definitions outlined in 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](#) below.

Figure 1



[Figure 1](#) illustrates an increase in the total number of allegations reported during the current period. Specifically, staff-on-person in custody (PIC) allegations increased by 57.14% (from 14 to 22), and PIC-on-PIC allegations increased by 42.37% (from 59 to 84) compared to the previous reporting period.

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Facility Breakdown

Table 1 provides a facility-level comparison of PREA-reportable allegations across the previous reporting period (January 2025 - June 2025) and the current reporting period (July 2025 - December 2025).

Table 1

Facility Breakdown Comparison					
Facility¹	January 2025 - June 2025		July 2025 - December 2025		% Change
	# of Allegations	%	# of Allegations	%	
AMKC ²	~~	~~	~~	~~	~~
BHPW	0	0%	~~	~~	~~
BKCT	~~	~~	~~	~~	~~
BXCT	~~	~~	~~	~~	~~
EMTC	8	11%	9	8%	13%
GRVC	15	21%	13	12%	-13%
MNCT	~~	~~	~~	~~	~~
NIC	~~	~~	~~	~~	~~
OBCC	15	21%	33	31%	120%
QCT	~~	~~	~~	~~	~~
RESH	0	0%	~~	~~	~~
RMSC	12	16%	24	23%	100%
RNDC	11	15%	14	13%	27%
TD	~~	~~	~~	~~	~~
VCBC ³	0	0%	0	0%	0%
WF	~~	~~	~~	~~	~~
Other	~~	~~	~~	~~	~~
Total	73	100%	106	100%	45%

During both reporting periods there were instances of an investigation of an incident that was alleged to have occurred in a currently closed facility when the facility was previously operational.

¹ Certain facilities that are no longer housing individuals in custody and/or are now close may have cases that remain open stemming from incidents that occurred during a previous reporting period when the facility was used to house individuals in custody.

² The Anna M. Kross Center ceased housing individuals in custody in August of 2023, though certain essential support operations continue at the facility.

³ The Vernon C. Bain Center was closed per the State Commission of Correction in October 2023.

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Age of Alleged Victim

Table 2 represents a comparative analysis of the ages of alleged victims from the previous reporting period (January 2025 - June 2025) and the current reporting period (July 2025 - December 2025), disaggregated by alleged perpetrator type (staff or PIC). Approximately 96% of all allegations during the current reporting period were reported by individuals in custody aged 22 or older, consistent with this age group's proportional representation in the overall population.

Table 2

Age of Victim Breakdown						
<i>Alleged Victim Age at Incident Date</i>	<i>January 2025 - June 2025</i>			<i>July 2025 - December 2025</i>		
	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>
18≤	~~	~~	~~	~~	~~	~~
19-21	~~	~~	~~	~~	~~	~~
22≥	70	14	56	102	22	80
Total	73	14	59	106	22	84

Age of Alleged Subject

Table 3 compares the ages of alleged subjects from the previous reporting period (January 2025 - June 2025) to the current reporting period (July 2025 - December 2025). The data is further disaggregated by type of alleged victim (staff or PIC). In 17% of the incidents during the current reporting period, the alleged victim was unable to identify the subject.

Table 3

Age of Subject Breakdown						
<i>Alleged Subject Age at Incident Date</i>	<i>January 2025 - June 2025</i>			<i>July 2025 - December 2025</i>		
	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>	<i># of Allegations</i>	<i>Staff on PIC</i>	<i>PIC on PIC</i>
18≤	0	0	0	~~	~~	~~
19-21	0	0	0	~~	~~	~~
22≥	69	10	59	86	17	69
Unidentified Alleged Subject	4	4	0	18	5	13
Total	73	14	59	106	22	84

Methods of Reporting

Table 4 details the methods by which alleged victims reported PREA-related allegations.

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Table 4

<i>Reporting Method Breakdown</i>					
<i>Incident Type</i>	<i>Reporting Method</i>	<i>January 2025 - June 2025</i>		<i>July 2025 - December 2025</i>	
		<i># of Allegations</i>	<i>%</i>	<i># of Allegations</i>	<i>%</i>
Staff-PIC	311	2	14%	5	23%
	DOI	0	0%	0	0
	Facility	6	43%	13	59%
	ID	3	21%	2	9%
	PREA	3	21%	2	9%
	Other	0	0%	0	0
Total		14	100%	22	100%
PIC-PIC	311	6	10%	13	15%
	DOI	0	0%	0	0
	Facility	41	70%	41	49%
	ID	2	3%	4	5%
	PREA	9	15%	24	29%
	Legal Aid	0	0%	2	2%
	Other	1	2%	0	0
Total		59	100%	84	100%

Overall Trends of PREA Allegations

Table 5 provides a comparative overview of total reported PREA incidents from the previous reporting period (January 2025 - June 2025) to the current period (July 2025 - December 2025). The total number of sexual abuse and sexual harassment allegations increased by 45%, from 73 to 106 PREA-reportable incidents. Allegations that did not meet the threshold for a full investigation were referred to the appropriate entity for follow-up and response (e.g., Grievance, NYC Health + Hospitals/Correctional Health Services, LGBTQ+ Affairs).

Table 5

<i>Comparison of Allegations of Sexual Victimization, by type of Incidents</i>			
<i>Incident Type</i>	<i>Jan 2025 - June 2025</i>	<i>Jul 2025 - Dec 2025</i>	<i>% Change</i>
Staff on PIC	14	22	57%
Sexual Abuse	11	16	46%
Sexual Harassment	3	6	100%
Among PIC	59	84	42%
Abusive Sexual Contact	20	25	25%
Non-Consensual Sex Act	32	42	31%
Sexual Harassment	7	17	143%
Total	73	106	45%

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Staff Sexual Abuse

All Staff-on-PIC sexual abuse allegations are investigated as potential violations of New York State Penal Law §130. Effective September 1st, 2024, three Criminal Sex Act sections in Article 130 were repealed and consolidated into Rape statutes. In accordance with federal guidelines, staff voyeurism is investigated as abuse although no physical contact is alleged.

There were 14 staff-on-PIC allegations of sexual abuse and sexual harassment reported in the previous reporting period, compared to 22 during the current period – reflecting a 57% increase in such allegations. (See above [Table 5](#)).

Allegations involving conduct defined as criminal under NY State Penal Law §130 represented the highest category of sexual abuse allegations against staff. (See below, [Table 6](#))

Table 6

<i>Staff-on-PIC Abuse Categories</i> <i>January 2025 - June 2025</i>	
<i>Category</i>	<i># of Allegations</i>
Inappropriate Touch	15
Crimes Under NY State Penal Law 130	10
Voyeurism	0
Other	2
Total	27

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. Shown in [Table 7](#) are the total number of staff-on-PIC sexual harassment allegations and the type of allegations shifted. (See below, [Table 7](#))

Table 7

<i>Staff-on-PIC Sexual Harassment</i>			
<i>Sub-Category</i>	<i>January 2025 - June 2025</i>	<i>July 2025 - December 2025</i>	<i>% Change</i>
	<i># Allegations</i>	<i># Allegations</i>	
Sexual Threat	0	1	100%
Inappropriate Comments	3	5	67%
Homophobic Statement	0	0	0%
Total	3	6	100%

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Person in Custody Non-Consensual Acts

Non-consensual acts refer to incidents involving sexual penetration between PICs without consent or involving a PIC who is unable to consent or refuses consent (see below, [Table 8](#)). During the previous reporting period, 33 non-consensual sex acts were reported, 32 of which were classified as violations of New York State Penal Law §130, and 1 as inappropriate touching. In the current reporting period, 42 non-consensual sex acts were reported: 35 under New York State Penal Law §130 and 7 as inappropriate touching.

Table 8

Non-Consensual Sex Act	January 2025 – June 2025	July 2025 - December 2025
	# of Allegations	# of Allegations
Crimes Under NY State Penal Law 130	32	35
Inappropriate Touch	1	7
Total	33	42

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. As shown in [Table 9](#), the total number of PIC abusive act allegations increased by approximately 25%, from 20 allegations to 25 (see below, [Table 9](#)). The majority of these incidents involved inappropriate touching.

Table 9

PIC Abusive Acts	January 2025 - June 2025		July 2025 - December 2025		% Change
	# of Allegations	%	# of Allegations	%	
Inappropriate Touch	18	90%	25	100%	39%
Crimes Under NY State Penal Law 130	0	0%	0	0%	0%
Other	2	10%	0	0%	-100%
Total	20	100%	25	100%	25%

Person in Custody Sexual Harassment

Sexual harassment among persons in custody is defined as repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature directed by one PIC toward another (see [Table, 10](#)).

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Table 10

<i>Person In Custody Sexual Harassment</i>				
<i>January 2025 - June 2025</i>		<i>July 2025 - December 2025</i>		<i>% Change</i>
<i># Allegations</i>	<i>%</i>	<i># Allegations</i>	<i>%</i>	
7	10%	17	16%	60%

Overview of Rates and Trends

The overall rate of reported allegations of sexual victimization increased from 7.13 per 1,000 PIC in the first half of 2025 to 7.20 per 1,000 PIC in the current reporting period. The rate of allegations against staff increased from 1.34 per 1,000 PIC (14 allegations) during the first half of 2025 to 2.2 per 1,000 PIC (22 allegations) during the current period. Similarly, the rate of allegations among PIC against other PIC increased from 5.66 per 1,000 PIC (59 allegations) to 8.4 per 1,000 PIC (84 allegations) in the current reporting period. (See below, [Table 11](#))

Table 11

<i>Total Allegations of Sexual Victimization</i>						
<i>Incident Type</i>	<i>January 2025 - June 2025</i>			<i>July 2025 - December 2025</i>		
	<i># of Allegations</i>	<i>%</i>	<i>Rate per 1,000</i>	<i># of Allegations</i>	<i>%</i>	<i>Rate per 1,000</i>
Staff on PIC	14	10%	1	22	21%	2
Sexual Abuse	11	8%	1	16	15%	2
Sexual Harassment	3	2%	0.3	6	6%	1
PIC on PIC	59	43%	6	84	79%	8
Abusive Sexual Contact	20	14%	2	25	24%	3
Non-Consensual Sex Act	32	23%	3	42	40%	4
Sexual Harassment	7	8%	1	17	16%	2
Total	73	100%	11	106	100%	21

Section Two: Substantiated, Unsubstantiated, & Unfounded Allegations

Allegations of sexual abuse or sexual harassment are classified as substantiated, unsubstantiated, or unfounded following an investigation. An allegation is deemed substantiated when the evidence establishes, by a preponderance of the evidence, that the incident did occur. This classification indicates that it is more likely than not that the reported conduct took place. In contrast, an allegation is considered unsubstantiated when the investigation is unable to gather sufficient evidence to determine whether or not the incident occurred. These cases remain inconclusive, as the available information neither confirms nor disproves the allegation. Finally, an allegation is classified as unfounded when the investigation determines that the reported incident did not occur. This determination is based on evidence that directly contradicts the allegation and establishes that the event, as described, could not have taken place.

Table 12 presents a comparison of the total number of allegations reported during each period, along with the status of all cases that were investigated and closed during the reporting period, regardless of when an allegation was reported. The data for the July 2025 to December 2025 reporting period reflects the status at the time of publication. Additional cases from earlier reporting periods may have been closed. The Department’s progress in investigating and closing cases is discussed further in Section Three.

During the current reporting period (Jul 2025 - Dec 2025), the PREA nvestigation Unit opened 129 cases, of which 106 were deemed PREA-reportable cases. Of the 106 PREA-reportable, 56 cases (51%) were closed during this period, inclusive of 2 cases exceeding the 90-day resolution requirement due to extenuating circumstances. The remaining 50 open cases remain within compliance of the 90-day mandate and 9 of these cases are on hold for extenuating circumstances. Overall, a total of 93 PREA-reportable cases were closed between July and Dec 2025, including 39 cases that originated in prior reporting periods but reached final disposition during the current one. A detailed breakdown of case status is provided in the table below.

Table 12

<i>Substantiated, Unsubstantiated, Unfounded and Pending Allegations of Sexual Victimization Department-wide</i>		
<i>Case Status</i>	<i>Case Reporting Period</i>	
	<i>January 2025 - June 2025</i>	<i>July 2025 - December 2025</i>
Total Allegations	73	106

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Total Closed During Reporting Period⁴	69	93
Substantiated	4	8
Unsubstantiated	40	58
Unfounded	25	27
Total Open Still in 90 Day Compliance	37	50
Preliminary Findings-Substantiated	2	2
Preliminary Findings-Unsubstantiated	47	60
Preliminary Findings- Unfounded	0	0
Pending Final Disposition⁵	49	62

Table 13 illustrates the cases closed by the PREA Investigation Unit regarding allegations reported prior to January 2026 (i.e., allegations reported up and including December 31, 2025) but were closed during the current reporting period. There was a total of 93 PREA-reportable cases closed during the current reporting period (July 2025 - December 2025) of which 39 cases were reported prior to July 1, 2025.

Table 13

<i>Initiated Investigation</i>				
<i>Case Disposition</i>	<i>2022-2023</i>	<i>2024</i>	<i>2025</i>	<i>Total</i>
Substantiated	2	0	6	8
Unsubstantiated	0	0	58	58
Unfounded	0	1	26	27
Total Closed	2	1	90	93

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 PICs in the DOC custody between July 2025 to December 2025. The incarcerated population includes both pre-trial detainees and sentenced individuals. All allegations of sexual abuse and sexual harassment made by people in custody are taken seriously and thoroughly investigated. This facility-level analysis helps identify areas requiring targeted intervention, increased oversight, or additional staff training to ensure compliance with PREA standards and the safety of individuals in custody.

⁴ These cases represent cases closed during the reporting period; some cases could have come from previous reporting periods.

⁵ Some cases may have opened during a previous reporting period.

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Table 14

<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 ²	0	0	1	2%	0	0	1
BHPW	0	0	1	2%	1	4%	2
BXCT	0	0	0	0	0	0	0
BKCT	0	0	0	0	0	0	0
EMTC	0	0	7	12%	5	19%	12
GRVC	0	0	12	21%	1	4%	13
MNCT	0	0	1	2%	0	0	1
NIC	0	0	0	0	0	0	0
OBCC	2	25%	8	14%	12	44%	22
QNCT	0	0	0	0	0	0	0
RESH	0	0	1	2%	1	4%	2
RMSC	6	75%	14	24%	2	7%	22
RNDC	0	0	10	17%	5	19%	15
TD	0	0	0	0	0	0	0
VCBC ³	0	0	0	0	0	0	0
WF	0	0	3	5%	0	0	3
Other	0	0	0	0	0	0	0
Total	8	100%	58	100%	27	100%	93

Section Three: Trend Analysis

During this reporting period, the Department experienced an increase in PREA-reportable incidents. A total of 106 PREA-reportable cases were reported and investigated during this cycle, representing a 45% increase from the 73 cases recorded in the previous six-month period. Among the reported cases, there was an increase (43%) in PIC-on-PIC allegations (from 59 to 84), and increase (57%) in staff-on-PIC allegations (from 14 to 22).

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While the Department treats all allegations of sexual misconduct seriously, not every complaint meets the criteria to be classified as a PREA-reportable incident. The Department adheres to the federal definitions under the PREA standards when determining whether an allegation qualifies as a reportable incident. Each complaint is subject to an initial screening process, during which trained PREA Investigation Unit supervisors assess the facts presented to determine whether the case meets reporting criteria. Complaints that do not meet the PREA standard are still logged and addressed through alternate internal mechanisms, such as referrals to Grievance, Health + Hospitals/Correctional Health Services, or the LGBTQ+ Affairs Unit.

During this reporting period, PREA Investigation Unit received and responded to 821 complaints, all of which required in-person interviews. Of the complaints received and addressed, a total of 368 complaints (approximately 45%) originated from the City's 311 system. All complaints, regardless of outcome, are documented internally, and their disposition is determined following a preliminary review.

Following the screening process, 129 complaints were elevated to full investigations by PREA Investigations Unit. Of these, 106 were determined to fall under the scope of the PREA standards and were subject to the federally mandated 90-day investigative timeline. These investigations are result in findings of substantiated, unsubstantiated, or unfounded, as defined by the Federal PREA Standards (see Appendix B).

Of the 93 PREA-reportable sexual abuse and sexual harassment investigations closed during this period, which includes cases initiated in prior reporting periods, eight cases (9%) were substantiated, indicating that the allegation was supported by a preponderance of the evidence; 58 cases (62%) were unsubstantiated, meaning there was insufficient evidence to make a determination; and 27 cases (29%) were unfounded, determined through an investigation to be false or baseless. These proportions remain consistent with the previous reporting period, in which a total of 69 cases closed.

With respect to timeliness, 98% (91 of 93) of closed PREA-reportable cases were resolved within the required 90-day period. The remaining two cases (2%) exceeded the 90-day timeline due to documented extenuating circumstances, such as the processing of sexual assault forensic kits, the unavailability of essential witnesses, or pending review by external oversight bodies such as the District Attorney's Office or the NYC Department of Investigation.

In addition to PREA-reportable investigations, the Department closed 29 non-PREA-reportable cases during the reporting period. These cases did not meet the threshold for classification under PREA and included incidents such as one-time verbal harassment or complaints lacking sexual content but requiring review due to perceived misconduct. Of these cases, 23 were unsubstantiated, and six were determined to be unfounded.

As of the close of the reporting period, 12 PREA-reportable cases remain open beyond the 90-day threshold and are on administrative hold. Of these cases 10 remain under active review by external

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investigative bodies, which may delay closure beyond the Department's control. These figures reflect the Department's continued commitment to responding promptly and thoroughly to all allegations of sexual victimization, maintaining transparency in investigative outcomes, and upholding compliance with both local and federal standards.

Corrective Action

During this reporting period, the Department focused on strengthening how PREA-related cases are investigated, monitored, and supported across facilities.

Staffing within the PREA Investigation Unit was increased to address caseload demands and improve the Department's ability to move cases forward in a timely and consistent manner. These additions support both day-to-day casework and compliance with required investigative timelines. All PREA Facility Compliance Unit and PREA Investigation Unit staff continue to participate in regular instruction and cross-training with law enforcement partners and subject matter experts, with a focus on maintaining strong investigative standards and handling sensitive cases appropriately. The Department continues to monitor compliance through regular review and direct engagement with facilities. Coordination across the PREA Facility Compliance Unit, LGBTQ+ Affairs Unit, and the PREA Investigation Unit remains in place to ensure individuals in custody receive appropriate housing and support.

These steps reflect continued attention to safety, accountability, and the Department's responsibility to protect individuals in custody from sexual abuse and sexual harassment.

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:

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- 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.

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.