

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
January 1, 2023 – June 30, 2023

INTRODUCTION

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

The United States Department of Justice adopted the National Standards to Prevent, Detect, and Respond to Prison Rape (the PREA Standards) effective August 20, 2012. In addition to establishing mandatory standards for prevention, detection and response to prison sexual abuse and sexual harassment, the PREA Standards require all correctional facilities to conduct sexual abuse incident reviews and collect uniform data using standardized definitions. Agencies must ensure that data collection includes allegations of sexual abuse and sexual harassment at facilities under its direct control.

Pursuant to Local Law 21 of 2019, codified by section 9-156 of the NYC Administrative Code, the Department is required to report on allegations of sexual abuse and sexual harassment for cases that lasted longer than 90 days within the preceding six-month period, and for cases that were closed within the preceding six 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 6 individuals; due to privacy concerns, the Department cannot publicly report any number less than six. This report, which evaluates sexual abuse and sexual harassment allegations made within the past six months (January 2023 to June 2023), analyzes emerging trends, and assesses the corrective action contemplated and/or initiated at the facility level and department wide. It is important to note that allegations of sexual abuse and sexual harassment are preliminary and subject to change as these cases develop. Data discussed in allegation categories are not final, as they are ongoing or pending resolution. Data used in this report reflects the most current information available at the time of publication.

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SECTION ONE: SUBDIVISION B

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

- 1. The date on which the incident occurred and whether the incident took place between the times 7:00 AM and 3:00 PM, 3:00 PM and 11:00 PM, and 11:00 PM and 7:00 AM.¹**

Incidents occurring during the 0700x1500 and the 1500x2300 hours tours occurred at approximately the same rate between reporting periods. However, there was an increase in incidents reported during the 2300x0700 hours tour in the first half of 2023.

<i>Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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>	
0700x1500	22	50%	23	43.4%	+4.54%
1500x2300	22	50%	23	43.4%	+4.54%
2300x0700	<6	-	7	13.21%	-
Unknown Time ²	<6	-	<6	-	-
Total	44	100%	53	100%	

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

In this reporting period, there was an increase in cases of alleged incidents of sexual abuse that were not closed within 90 days. However, there was a decrease in the number of sexual harassment cases that remained under investigation longer than 90 days.

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 when making the report.

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<i>Total Number of Sexual Abuse and Sexual Harassment Allegations</i>					
<i>Type of Allegation</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	24	54.5%	41	77.36%	+29.16%
Sexual Harassment	20	45.45%	12	22.64%	-40%
Total	44	100%	53	100%	

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

<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	24	54.55%	35	66.04%	+45.8%
Female	11	25%	<6	-	-
Transgender Man	<6	-	<6	-	-
Transgender Woman	9	20.45%	14	26.42%	+ 55.56%
Total	44	100%	53	100%	

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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.

Alleged victims were between the ages of 26 and 35 years old continue to represent the highest number of cases.

<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	-	<6	-	-
18-25	7	15.91%	11	20.75%	+57.14%
26-35	21	47.73%	20	37.74%	+4.76%
36-40	10	22.73%	13	24.53%	+30%
41-60	6	13.63%	9	16.98%	+50%
>60	<6	-	<6	-	-
Total	44	100%	53	100%	

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

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

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.

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<i>Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim</i>					
<i>Alleged Victim's Race/Ethnicity</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	-	<6	-	-
Black	29	65.91%	37	69.81%	+27.58%
Hispanic	10	22.73%	<6	7.55%	-60%
Other	<6	-	<6	-	-
White	<6	-	7	13.21%	-
Total	44	100%	53	100%	

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.⁴

<i>Time in Custody</i>	<i>Jul 2022 – Dec 2022</i>	<i>Jan 2023 – Jun 2023</i>
Alleged Victims in Custody less than 24 hours	<6	<6
Alleged Victims in Custody more than 24 hours	44	53
Total	44	53

⁴ Correctional Health Services is precluded from sharing the protected health information outlined in New York City LL21 §9-156(b)7 with the Department of Correction by New York State Public Health Law §§ 18 and 27-F, New York State Mental Hygiene Law § 33.13, and section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulations, 42 CHR Part 2.

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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>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	29	22.73%	40	75.42%	+37.93%
Female	13	29.55%	7	13.21%	+46.15%
Transgender Woman	<6	-	6	11.32%	-
Unknown	<6	-	<6	-	-
Total	44	100%	53	100%	

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

In this reporting period, the proportion of incarcerated individuals as alleged subjects increased.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	22	50%	15	28.3%	-31.81%
Incarcerated Individuals	22	50%	38	71.7%	+72.72%
Total	44	100%	53	100%	

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

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

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

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

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

Between the reporting periods, the number of allegations still pending against alleged staff has gone up by one case.

<i>Total Number of Pending Allegations Against Alleged Staff Perpetrator</i>					
<i>Status of Previous Staff Allegations</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	-	-
Unsubstantiated	2	-	0	-	-
Still pending	0	-	1	-	-
Total	2	100%	1	100%	

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13. The facility in which the incident occurred.

AMCK represented the highest percentage of alleged incidents in this reporting period, as opposed to RMSC in the previous reporting period.

<i>Total Alleged Incidents by Facility⁵</i>					
<i>Facility</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	12	27.27%	26	49.06%	+ 116.67%
BHPW	<6	-	<6	-	-
EMTC	<6	-	7	13.21%	-
GRVC	<6	-	<6	-	-
MDCTS	<6	-	<6	-	-
NIC	8	18.18%	<6	-	-
OBCC	<6	-	<6	-	-
RMSC	13	29.55%	7	13.21%	- 46.15%
RNDC	6	13.64%	<6	-	-
Transportation	<6	-	<6	-	-
VCBC	<6	-	<6	-	-
WF	<6	-	<6	-	-
Total	44	100%	53	100%	

⁵ BKDC, MDC, OBCC and HOJC were not open during this reporting period and are therefore not included in this table or will be removed in the next report.

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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.⁶

In the first half of 2023, the percentage of alleged incidents occurring between 1500 to 2300 increased by 61.11%. The Investigation Division improved its methods, applying additional scrutiny to review of Genetec footage and exploring additional investigatory avenues, which resulted in an increase in cases where the time was identified.

<i>Total Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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>	
0700x1500	73	58.87%	70	48.95%	- 4.10%
1500x2300	36	29.03%	58	4.56%	+ 61.11%
2300x0700	15	12.1%	15	10.49%	0%
Not Tracked	<6	-	<6	-	-
Unknown Time ²	<6	-	<6	-	-
Total	124	100%	143	100%	

⁶ The date on which the incident occurred cannot be reported in the aggregate.

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

For both reporting periods, the majority of allegations were alleged incidents of sexual abuse.

<i>Total Number of Sexual Abuse and Sexual Harassment Allegations</i>					
<i>Type of Allegation</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	88	70.97%	100	69.93%	+13.63%
Sexual Harassment	36	29.03%	43	30.07%	+19.44%
Total	124	100%	143	100%	

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 this reporting period, male victims remain as the majority represented in these cases. This is likely because men represent the majority of the Department's population. With a difference of + 25.39% in comparison to the last reporting period.

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<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	63	50.81%	79	55.24%	+25.39%
Female	23	18.55%	30	20.98%	+25%
Transgender Man	<6	-	<6	-	-
Transgender Woman	38	30.65%	34	23.78%	-10.52%
Unknown	<6	-	<6	-	-
Total	124	100%	143	100%	

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

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

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<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	-	<6	-	-
18-25	24	19.35%	22	15.38%	-8.33%
26-35	57	45.97%	66	46.15%	+15.78%
36-40	26	20.97%	33	23.08%	+29.92%
41-60	16	12.9%	21	14.96%	+31.25%
>60	<6	-	<6	-	-
Unknown	<6	-	<6	-	-
Total	124	100%	143	100%	

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

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

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Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim					
<i>Alleged Victim's Race/Ethnicity⁷</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	-	<6	-	-
Black	95	76.61%	94	65.73%	-1.05%
Hispanic	12	9.68%	20	13.99%	+66.67%
Other	<6	-	7	4.9%	-
White	14	11.29 %	20	13.99%	+42.85%
Unknown	<6	-	<6	-	-
Not Tracked	<6	-	<6	-	-
Total	124	100 %	143	100%	

B7. Whether the alleged victim had been in custody for more than 24 hours and who, during such confinement, received treatment for a mental illness⁸, 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>Jul 2022 – Dec 2022</i>	<i>Jan 2023 – Jun 2023</i>
Alleged Victims in Custody less than 24 hours	<6	<6
Alleged Victims in Custody more than 24 hours	124	143
Total	124	143

⁷ 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.

⁸ Correctional Health Services is precluded from sharing the protected health information outlined in New York City LL21 §9-156(b)7 with the Department of Correction by New York State Public Health Law §§ 18 and 27-F, New York State Mental Hygiene Law § 33.13, and section 543 of the Public Health Service Act, 42 U.S.C. 290dd-2, and its implementing regulations, 42 CHR Part 2.

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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>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	88	70.97%	94	65.73%	+6.81%
Female	22	17.74%	29	20.28%	+31.81%
Unknown	<6	-	<6	-	-
Transgender Woman	14	11.29%	20	13.99%	+42.85%
Transgender Man	<6	-	<6	-	-
Total	124	100%	143	100%	

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

In contrast to the previous reporting period, the majority of alleged perpetrators in the January 2023 to June 2023 reporting period were incarcerated individuals.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	54	43.5%	40	27.97%	-25.92%
Incarcerated Individuals	70	56.4%	103	72.03%	+47.14%
Total	124	100%	143	100%	

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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 are no instances where a staff member had pending allegations.

<i>Total Previous Allegations Against Alleged Staff Perpetrators</i>					
<i>Status of Previous Staff Allegations</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	<6	-	<6	-	-
Unsubstantiated	3	100%	2	66.67%	-33.33%
Still pending	<6	-	<6	-	-
Total	3	100%	3	100%	

B13. The facility in which the incident occurred.

AMKC was the facility with the highest number of alleged incidents in both reporting periods.

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<i>Total Alleged Incidents by Facility⁹</i>					
<i>Facility</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	46	37.1%	50	34.97%	+8.69%
BHPW	<6	-	<6	-	-
BXCTS	<6	-	<6	-	-
EHPW	<6	-	<6	-	-
EMTC	10	8.06%	16	11.19%	+60%
GRVC	9	7.26%	8	5.59%	-11.11%
MDC	<6	-	<6	-	-
MNCT	<6	-	<6	-	-
NIC	8	6.45%	7	4.9%	-12.5%
OBCC	<6	-	<6	-	-
QDCT	<6	-	<6	-	-
RMSC	29	23.39%	36	25.17%	+24.13%
RNDC	11	8.87%	7	4.9%	-36.36%
SOD	<6	-	<6	-	-
Transportation	<6	-	<6	-	-
VCBC	<6	-	14	9.79%	-
WF	<6	-	<6	-	-
Total	124	100%	143	100%	

⁹ OBCC was not open during this reporting period and are therefore not included in this table.

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SECTION THREE: SUBDIVISION C

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

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

This information cannot be provided in the aggregate.

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

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

<i>Total Alleged Incidents</i>					
<i>Case Conclusion</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	1	0.81%	2	1.4%	+100%
Unsubstantiated	88	70.97%	103	72.03%	+17.04%
Unfounded	35	28.23%	38	26.57%	+8.57%
Total	124	100%	143	100%	

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

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

<i>Total Alleged Incidents Referred to DA's Office</i>					
<i>Allegations Referred to DA's Office</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</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	<6	-	<6	-	-
No	124	100%	141	98.6%	+13.70%
Total	124	100%	143	100%	

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

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

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

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

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

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

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

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

<i>Total Alleged Incidents Referred to DA's Office</i>					
<i>Allegations Referred to DA's Office</i>	<i>Jul 2022 – Dec 2022</i>		<i>Jan 2023 – Jun 2023</i>		<i>Percent Change</i>
	<i>Number of Alleged Victims Notified of Investigation Outcome</i>	<i>Percent of Alleged Victims Notified of Investigation Outcome</i>	<i>Number of Alleged Victims Notified of Investigation Outcome</i>	<i>Percent of Alleged Victims Notified of Investigation Outcome</i>	
Notified	113	91.13%	139	97.2%	+23%
Not Notified	11	8.87%	4	2.8%	-63.63%
N/A	0	0%	0	0%	-
Total	124	100%	143	100%	

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SECTION FOUR: ASSESSMENT

Preliminary Trend Overview

Overall, the number of PREA reportable allegations decreased during the January 2023 to June 2023 reporting period by 14%. Based on a comparison of previously reported data from July 2022 to December 2022, there was an increase of PREA reportable cases closed within the reporting period of January 2023 to June 2023 that did not close within a 90-day period.

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. Every allegation requires that two investigators respond to the facility to interview, conduct canvasses, and collect pertinent documentation. The Special Investigations Unit, which investigates incidents of sexual abuse and sexual harassment, will continue to combat false reporting by working directly and persistently with the District Attorney's Office in the prosecution of founded allegations and false allegations, as appropriate. The Department experienced a substantial decrease of 53% in allegations of staff-on-incarcerated individual sexual abuse and harassment cases. 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, upon further investigation, were determined to be unsubstantiated and/or unfounded. These claims have impacted the Department's overall trends in this area. These numbers can also fluctuate over various reporting periods due to changes in population numbers and housing strategies.

Policy & Practice Overview

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 types of allegations through the creation of a dedicated hotline and posters placed in facilities listing the hotline number and detailing how to report an incident. The Department maintains a Memorandum of Understanding with Safe Horizons to provide victim services, access to assistance, and an additional avenue to report allegations of a sexual nature. Similarly, incarcerated individuals 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 Special Investigations Unit handles all PREA-related allegations, initiating an investigation within the first 72 hours. Special Investigations Unit PREA ID staff interviews alleged victims, separates individuals from identified alleged perpetrators, collects relevant evidence, affords alleged victims mental health, ministerial and victim services, and conducts a preliminary investigation, all within the first 72 hours.

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With the high volume of allegations received, the investigators continue to carry high caseloads and respond to allegations via immediate dispatch. In this reporting period there were a total of 160 cased investigations; of those 160, 114 were PREA reportable. Their caseload does not reflect the allegations that are immediate response dispatch and are later deemed to not fit the reporting criteria. An immediate response into an allegation consists of full background, review of inmate phone calls, video review, alleged victim interview, alleged involved interview and canvas interviews. Follow-up includes, but is not limited to, staff statements and vouchering evidence. Hence, all allegations that are received and dispatched, receive the same attention to detail to afford them a proper determination.

The Department continues to ensure staff are educated about PREA, starting at the Academy with each new recruit class, as well as all civilian hires, interns, contractors, and volunteers. All new employees receive training during their on-boarding process and receive the mandatory re-training every two years. The training covers recognizing the signs of sexual abuse and what steps to take when an allegation is made (first responder duties). In addition to posters in the facilities detailing how to report an incident, the Department has strengthened our incarcerated individual grievance system to ensure that people in custody have an effective outlet to communicate and resolve issues of concern through a streamlined process.

The Department also provides specialized housing opportunities for particularly vulnerable populations, including transgender, gender non-binary, and intersex individuals (TGNBI), who are at heightened risk of victimization. The Department evaluates each person in custody on a case-by-case basis when making housing determinations, guided by PREA standards. The Department maintains discrete and confidential means for people in custody to disclose their gender identity to promote an environment where individuals feel safe and supported when disclosing and/or discussing gender identity with staff. The PREA Facility Compliance Unit and the LGBTQ+ Affairs Unit provide support and work closely with the TGNBI population to address concerns related to sexual abuse and harassment. Additionally, the PREA Facility Compliance Unit conducts weekly retaliation monitoring of those who have submitted sexual abuse and harassment complaints.

Staffing

The Special Investigation Division was separated from the Investigation Division in April 2023, so that the Investigation Division could focus solely use of force investigations. During the reporting period, the SIU PREA Investigation Unit consisted of one Assistant Commissioner, one Director (who was transferred during the reporting period), one Deputy Director (who resigned during the reporting period), six Supervising Investigators, and 25 Investigators. Due to the numerous changes with staff, the unit has had to manage the caseload with reassignments and restraints

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imposed by these many changes. Additionally, there have been some challenges in timely case closures due to the fluctuating staff levels.

SIU also has a PREA Facility Compliance Unit that is made up of one PREA Facility Compliance Deputy Director, one Uniform Captain as a supervisor, three civilian PREA Compliance Managers (PCM) and nine PREA Facility Compliance Officers to investigate allegations of retaliation in all the facilities. Uniformed staff previously assigned as PREA Ambassadors to work with each PCM has diminished due to necessary redeployment. PREA Ambassadors are responsible for the day-to-day PREA compliance matters within the facilities.

SECTION FIVE: CORRECTIVE ACTION

In reference to the 53 cases that were reported as an allegation during this reporting period and exceeded the 90-day due date, all have been closed prior to the June 30, 2023 due date of this report. There are zero cases pending closure at this time. In order to maintain compliancy with PREA standards, extensive corrective action has been implemented including bi-weekly case reviews. Considering that there have been some changes in staffing, timely case closure continues to be a priority. Retraining of SIU investigators and refining best practices were priorities during this reporting period and have continued to be addressed in the proceeding months. The steps taken in the last few reporting periods have proven to be worthwhile, sustainable changes to the investigative process. The SIU PREA Investigation Unit persistently pushes to maintain compliance with PREA standards and maintain integrity and efficiency.