

**Comments Presented to the New York City Board of Correction
by Kelly Grace Price
Jails Action Coalition/Close Rosie's: April 20, 2018**

We have been discussing protecting our most vulnerable neighbors who are taken from our own warm beds and placed in cages on Rikers Island now for over three years. I have been standing here doing my best on some days to help this process.

Today I am no better off in my advocacy to stave the Rape crisis on Rikers than I was three years ago and neither is the City. There is a sixth borough where our most hopeless and voiceless girls and boys are sent to be conscripted into sexual servitude just like they had been kidnapped off the streets, sold into brothel and pimped. I know this: I was one of these people.

I thank the board for their stern questions and I applaud Ms. King's leadership and the comments of Mr. Cephas and other board members today. I welcome Ms. Townsend: I have respect for anyone who has worked in the Brooklyn DA's SVU. It was the first in the country founded by Liz Holtzman: the first law enforcement office to employ the use of rape kits and Ms. Holtzman fought to remove the requirement that a woman has to prove she fought off her rapist from the statutory language in the NYS penal code. My friend and sister in arms Lauren Hersch resigned from that office and I will ask her about your bona fides Ms. Townsend and ask her to put in a good word for me to you.

To the DOC and Ms. Townsend: thank you for the information you have provided. It is outrageous for you to come to this meeting without the core data we need. Its outrageous you can't share substantiation rates with us.

It is shameful that commissioner Brann you sit silent. In September of 2017 you stated on the record (ref your failure to implement to soggy PREA rule voted in in November of 2016): **"Sometimes we get it and sometimes we don't."** It would be nice to have this statement still not linger as the last word you have presented on this subject as you were the one singular person responsible for PREA implementation and this continues to be your most behemoth failure to date.

Leadership of the DOC said many of the things that were said today by Ms. Townsend last September. We had 12 investigators last Sept. so the additional seven are welcome but why only 7? Are these investigators ONLY dedicated to PREA? Do they have other cases as well or are they PREA dedicated?

Ms. Townsend mentioned that all investigations are complete just not "closed" and she pointed to the cumbersome closing paperwork as the culprit for this chasm in the investigative workflow. So if investigations happen within 72 hours of each complaint being made does this mean that no further investigative work is done on the cases after 72 hours?? Are survivors being re-interviewed or are they being forced to undergo a grueling hardline interview right away? We KNOW that people need at least 72 hours

for their brains to begin functioning normally after a traumatic event. Has anyone been trained on FETI? Survivors can't be expected to recapitulate full account of events until AFTER this window. We have been saying this for years. Again we are ignored. The scientific evidence backs us up.

Why is OATH the issue? If you can only hold 12 Oath hearings a week how many are you actually holding each Wednesday? What about referrals to BX DAs office? What about NYPD investigators? DOC is already collaborating with NYPD on investigations we saw the photo on your webpage commemorating collaborative training with NYPD investigations unit. What is the DOC/DOI seeking from the NYPD?? Are the DOC PREA investigators using FETI? How many complaints have been on-passed to DOI, NYPD or the BX DA? What is the workflow here? Are there MOU's in place?

Why didn't the DOC come prepared today to give us numbers of substantiated complaints? This is OUTRAGEOUS. Every time we have a hearing we always ask the same question and they always tell us they aren't prepared with this essential information. I will personally send reminders to the DOC before every board meeting for the next three years reminding them to bring the latest data to every board meeting.

RESPONSE TO MARCH 14 2018 REPORT

I thank the DOC for producing its March report. It is a start of a conversation. We don't know if any of the cases from previous years (2013-2014-2015) that were still pending have been substantiated, unsubstantiated or unfounded. We need these closing rates. I guarantee you they are higher than 0% which means, statistically speaking, since the new PREA rule has been voted in we have regressed in our ability to help people tortured by rape, sexual assault and harassment in our City jails. Faye in September said she believed the closing rate to be on par w National Averages but 0% is NOT on par with anyone. In fact the DOC has attained the impossible as a department: it has a negative closing rate as it's previous years cases are still lingering.

There are serious inefficiencies in the March 14 DOC Sexual Victimization report. For starters: We don't know the breakdown of sexual assault vs. sexual harassment. --or numbers of substantiations. The department took pains to break down numbers for what it calls "non-PREA" complaints but has not applied this same reporting rigor to the most important we need.

Ms. Townsend had no problem breaking down the number of complaints made by people the department deems to be incredulous and repeat-complainers:

- 2015 14 inmates represented 22% of 2015 caseload
- 2016 17 for 181 allegations
- 2017 16 inmates for 269 allegation 23% of caseload
- 2018 18 inmates of 123 allegation: 34% of 2018 caseload
- 25% of caseload 542 made by same 53 inmates

I want to remind the board that this statement has been repeated again and again from DOC leadership: allegedly unstable patients are making false complaints is the party-line from the DOC. Former Warden Michelle Clifford tried to make this same accusation in December 2015 at a NYC Council hearing and we reminded her that people already deemed unreliable are the ones targeted by predators because they KNOW they can get away with it. I have personal experience with this. I urge the department to first implement its assessment and review team before doing-away wholesale with these 542 complaints made by the “same 53 inmates” (Ms. Townsend’s words.)

I am shocked to learn from the March report that the DOC intends on having some of its floor staff serve as a first line of investigation for some complaints it deems as non-PREA. Counting on captains to be first line investigators is outrageous: no part of the investigatory process should be given to the squad being investigated.

Last Sept the august Chair of this board asked the DOC to do better and specifically addressed the DOC Chief of Investigations to pointedly says the closing rate for sexual assault investigations is not acceptable and that we “MUST DO BETTER.” In the eight months since Chair Cephas commented on the closing rate not one complaint of rape, sexual assault or harassment has been closed. Even after September still nothing was done. Has even ONE case been closed since September?

IMPLEMENTATION:

What about an updated implementation calendar? Many deadlines of the 90+ imposed by the version of the PREA rule approved voted on still are lingering that had their deadlines ignored last year. When will we have a revised implementation calendar? For example (but not limited to):

- 5-38 (“Ongoing Medical and Mental Health Care for Sexual Abuse Victims”) is this happening? Do you have numbers on how many ppl w complaints filed are receiving ongoing care? When people who have made complaints are released to whom are they being referred to for ongoing care? I know my friend and director of the Crime Victim’s Treatment Center
- 5-04(c) Supervision and Monitoring (d) The Department shall provide a written report to the Board of the progress toward developing and implementing facility staffing plans by July 15, 2017. (JJ asked about this)
- § 5-10 Evidence Protocol and Forensic Medical Examinations (h) (1) The services to be provided; (2) The credentials of the qualified victim advocates who will provide these services; (3) Inmates’ access to qualified victim advocates; (4) Privacy and confidentiality of in-person, written, and telephone communications between inmates and qualified victim advocates; and (5) Communication to inmates about these services.
- 5-34 (“Corrective Action for Contractors and Volunteers”) due by Jan 1 2017 □ “DOC shall take remedial action with respect to contractors and volunteers who engage in sexual abuse of inmates or otherwise violate DOC’s sexual abuse or sexual harassment policies in accordance with the provisions of section.” How

many remedial actions for contactors? Dr. Handsey is scheduled to go on trail NEXT week but he is still working. What about Benny Santiago? Is he still working on the island? We hear he is. Why? How many people have resigned? Been asked to resign? Refused to resign? Have the complainants who made complaints about these people been updated about this?

What about reporting information back to the complainants? Do all of the 2200 open complaints that are still open just exist in a vacuum? Is info being filtered back to victims/survivors about the status of their complaints? The number one thing survivors need is access to information to validate that their voices are being heard. Trauma cycles out of control when people feel they have no control I know this well. I probably know this better than any girl in Gotham.

I've heard from people who work in the sexual assault support units at Bellevue and Elmhurst that there has been a decrease in people presented to hospitals for sexual assault kits. As there is a significant uptick in complaints why is there a decrease in people being presented for exams? Are rape kits being given on the island? If so are there SANE or SART investigators present? What are then numbers? We don't know how many rape vs. sex assaults.

Paperwork is the problem? Last Sept. it was the screening tool that was blamed for the department's lack of adherence to compliance. Why didn't the dept. work on a closing tool until now? Why are we only hearing about this now?

Visitors: is DOC tracking these complaints? What are the numbers? Are they still tracking complaints by seeing how many lawsuits are filed? I keep asking these questions and being ignored. As the only formerly detained person on Rikers that attends and participates in these meetings since 2014 with constant regularity and respect I would very much appreciate answers to these questions.

Curbing sexual violence and setting up transparent and streamlined complaint and investigative processes that give survivors a sense that justice is being served is fundamental to creating stability in any population The one thing we all share as humans of New York is our choice in how we express ourselves sexually. In cages this is mitigated. We are most vulnerable to sexual conscription when we are not in our comfort zone—when things aren't familiar—when basic services are not available to us—. If people can't be guaranteed that they won't be violated and touched and maimed and exploited than your population will be at constant unrest. We act differently when under stress and I don't understand why PREA keeps getting shelved to work on punitive seg. You can perhaps quench some of the department's thirst for punitive seg if you give your population a chance to feel safe and allow them to feel that their voices matter.