

**New York City Department of Correction**  
**Semi-Annual Sexual Abuse & Harassment Report**  
**Bi-Annual Comparison Report**  
**January 2024 – June 30, 2024**

**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 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-month period. 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 2024 to June 2024), analyzes emerging trends, and assesses the corrective action contemplated and/or initiated at the facility level and department wide. It is important to note that allegations of sexual abuse and sexual harassment are preliminary and subject to change as these cases develop. Data discussed in allegation categories are not final, as they are ongoing or pending resolution. Data used in this report reflects the most current information available at the time of publication.

In order to prevent disclosure of identifying information, if any category contains between one and five persons, or contains an amount that would allow another category that contains between one and five persons to be deduced, the number has been replaced with a symbol.

***Zero Tolerance Policy***

The New York City Department of Correction has a zero-tolerance policy regarding sexual abuse and sexual harassment. The Department continues to stencil the Zero Tolerance Policy with telephone numbers for reporting allegations in jail housing areas, court holding pens, and in corridors. There are various measures in place for victims to report allegations of sexual abuse

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and harassment, including but not limited to a confidential PREA reporting hotline, access to 311, and PREA posters strategically placed near the phone banks listing points of contact to make reports and detailing how to report an incident. In addition, all Department staff are responsible for taking measures to prevent sexual assault and harassment and for reporting incidents. The Department conducts in-person orientation with new admissions. This allows individuals to ask the PREA Facility Compliance Unit staff questions during the orientation or privately at its conclusion. The PREA Facility Compliance Unit, the PREA Special Investigation Unit, and the LGBTQ+ Affairs Unit work closely together to provide support to all PIC, especially those that are most vulnerable.

The Department takes every allegation of sexual misconduct and sexual harassment seriously and investigates each complaint thoroughly. All efforts are made to properly record, evaluate, and fully investigate all allegations made by people in custody. The Department's Special Investigations Unit (SIU) handles all PREA-related allegations, initiating an investigation within the first 72 hours. PREA SIU Investigators interview alleged victims, separate individuals from identified alleged perpetrators, collect relevant evidence, afford alleged victims mental health, ministerial and victim services, and conduct a preliminary investigation.

The Department continues to engage in efforts to address the number of allegations received and concerns of the incarcerated population. These include the identification of appropriate housing for individuals in custody, especially those who may be vulnerable to victimization. The Department housing individuals by gender identity and transgender, gender non-binary, and intersex individuals are afforded a specialized housing process and housing options that takes into account heightened levels of vulnerability for this population. The PREA Facility Compliance Unit and the LGBTQ+ Affairs Unit provide support throughout all facilities and work closely with populations identified as particularly vulnerable. The PREA Facility Compliance Unit conducts monthly Retaliation Monitoring for those who have submitted sexual abuse complaints. It is the Department's goal to achieve full compliance with all PREA standards, as well as provide a safe environment for all staff and persons in custody.

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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.<sup>1</sup>**

Incidents occurring during the 0700x1500 continue to be among the highest rate of incident in the first half of 2024.

<b>Alleged Incidents by Time of Day</b>					
<b>Time</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
0700x1500	30	57.69%	8	57.1%	-73.3%
1500x2300	17	32.69%	<6	~~	~~
2300x0700	<6	~~	<6	~~	~~
Unknown Time <sup>2</sup>	<6	~~	0	0%	~~
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>-73.1%</b>

- 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 a decrease in cases of alleged incidents of sexual abuse that were not closed within 90 days.

<b>Alleged Incidents by Type</b>					
<b>Type</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
Sexual Abuse	36	69.23%	11	78.5%	-69.4%
Sexual Harassment	16	30.76%	3	21.4%	-81.2%
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>-73.1%</b>

<sup>1</sup> The date of the incident cannot be reported in the aggregate.

<sup>2</sup> The time of an alleged incident is reported as unknown if the complainant did not report a time when making the report.

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**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 2024 the number of cases that lasted longer than 90 days decreased for males and transgender women, in contrast to the increase observed in the previous reporting period.

<b>Alleged Incidents by Gender of Victim</b>					
<b>Reported Gender<sup>3</sup></b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	#	%	#	%	
Male	32	61.53%	14	100%	-56.2%
Female	7	13.46%	0	0%	-100%
Trans Man	0	0%	0	0%	0%
Trans Woman	13	25%	0	0%	-100%
Unknown	0	0%	0	0%	-56.2%
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>-73.1%</b>

**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.**

Individuals between the ages of 26 and 35 represent the highest proportion of the population in custody, and relatedly continue to represent the highest number of cases.

<b>Alleged Incidents by Age of Victim</b>					
<b>Time</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	#	%	#	%	
<18 <sup>4</sup>	0	0%	0	0%	~~
18-25	7	13.46%	<6	~~	~~
26-35	22	42.31%	<6	~~	~~
36-40	8	15.38%	<6	~~	~~
41-60	14	26.92%	6	42.8%	-57.1
>60	<6	~~	0	0%	~~
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>-73.1%</b>

<sup>3</sup> Gender identity is self-reported by the person in custody.

<sup>4</sup> The Department does not maintain custody of individuals younger than 18-years-old.

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**6. The race and ethnic origin of the alleged victim.<sup>5</sup>**

The number of alleged incidents between reporting periods slightly decreased for those identifying as Black and decreased for those identifying as Hispanic.

<b>Alleged Incidents by Race and Ethnic Origin of Victim</b>					
<b>Race/Ethnicity</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
Asian	<6	~~	0	0%	~~
Black	37	71.15%	11	78.5%	-70.2%
Hispanic	<6	~~	<6	~~	~~
Other	<6	~~	<6	~~	~~
White	<6	~~	0	0%	~~
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>-73.1%</b>

**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.<sup>6</sup>**

<b>Time in Custody</b>	<b>Jul 2023 – Dec 2023</b>	<b>Jan 2024 – Jun 2024</b>
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	52	14
<b>Total</b>	<b>52</b>	<b>14</b>

**8. The gender of the alleged perpetrator.**

Within both reporting periods, males represent the highest proportion of the population in custody and, relatedly, the majority of alleged perpetrators identified as male.

<sup>5</sup> 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.

<sup>6</sup> 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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Alleged Incidents by Gender of Perpetrator					
Reported Gender <sup>5</sup>	Jul 2023 – Dec 2023		Jan 2024 – Jun 2024		Percent Change
	#	%	#	%	
Male	37	71.15%	12	85.7%	-67.5%
Female	10	19.23%	<6	~~	~~
Trans Man	<6	~~	0	-	~~
Trans Woman	<6	~~	0	-	~~
Unknown	37	71.15%	<6	~~	~~
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>-73.1%</b>

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

In this reporting period, the proportion of individuals in custody as alleged subjects decreased.

Alleged Incidents by Perpetrator					
Perpetrator	Jul 2023 – Dec 2023		Jan 2024 – Jun 2024		Percent Change
	#	%	#	%	
Staff	14	26.92%	5	35.7%	-64.2%
Incarcerated Individuals	38	73.08%	9	64.2%	-76.3%
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>-73.1%</b>

**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 that were substantiated during the reporting period of January to June 2024.

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

There was one instance of staff members identified as an alleged perpetrator in previous allegations that was unsubstantiated during the reporting period of January to June 2024.

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

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There are zero instances of staff members identified as an alleged perpetrator in previous allegations in a pending case.

<b>Status of Previous Allegations Against Staff Perpetrators</b>					
<b>Status</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
Substantiated	0	0%	0	0	0%
Unsubstantiated	1	50%	1	100%	0%
Pending	1	50%	0	0	-100%
<b>Total</b>	<b>2</b>	<b>100%</b>	<b>1</b>	<b>100%</b>	<b>-100%</b>

**13. The facility in which the incident occurred.**

EMTC and OBCC represented the highest percentage of alleged incident in this reporting period. These facilities also house the highest number of individuals in custody, on average.

<b>Alleged Incidents by Facility</b>					
<b>Facility</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
AMKC	11	21.15%	<6	~~	~~
BHPW	0	0%	0	0%	0%
EMTC	12	23.07%	<6	~~	~~
GRVC	<6	~~	<6	~~	~~
MDCTS	<6	~~	0	0%	~~
NIC	6	11.58%	<6	~~	~~
OBCC	<6	~~	<6	~~	~~
RMSC	11	21.15%	0	0%	-100%
RNDC	<6	~~	0	0%	~~
Transportation	0	0%	0	0%	0%
VCBC	<6	~~	0	0%	~~
WF	<6	~~	0	0%	~~
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>-73.1%</b>

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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.<sup>1</sup>**

In the first half of 2024, the proportion of alleged incidents occurring between 0700 to 1500 increased by 54% percentage points and incidents between 2300 to 0700 decreased by 63%. Incidents in which the time is unknown have remained at zero, as SIU PREA Investigation has improved increased of Genetec footage and explored additional investigatory avenues to determine when incidents may have occurred, which has resulted in an increase in cases where the time was identified.

<b>Alleged Incidents by Time of Day</b>					
<b>Time</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
0700x1500	57	60.6%	26	42.6%	-54.3%
1500x2300	29	30.8%	24	39.3%	-17.2%
2300x0700	8	8.5%	<6	~~	~~
Not Tracked	<6	~~	<6	~~	~~
Unknown Time <sup>2</sup>	<6	~~	8	13.1%	100%
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

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

<b>Total Number of Sexual Abuse and Sexual Harassment Allegations</b>					
<b>Type</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
Sexual Abuse	66	70.2%	46	75.4%	-30.3%
Sexual	28	29.7%	15	24.6%	-46.4%
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

**B3. The date the incident was reported, and an investigation was opened.**

This information cannot be reported in the aggregate.

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**B4. The gender of the alleged victim.**

Male victims remain as the majority represented in these cases and also represent the highest proportion of the overall population.

<b>Alleged Incidents by Gender of Victim</b>					
<b>Reported Gender<sup>3</sup></b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	#	%	#	%	
Male	51	54.2%	41	67.2%	-19.6%
Female	20	21.2%	10	16.3%	-50%
Trans Man	<6	~~	0	0%	~~
Trans Woman	23	24.4%	10	16.3%	-56.5%
Unknown	<6	~~	0	0%	~~
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

**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 victims were between 26 and 35 years old.

<b>Alleged Incidents by Age of Victim</b>					
<b>Time</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	#	%	#	%	
<18 <sup>4</sup>	0	0%	0	0%	0%
18-25	13	13.82%	10	16.3%	-23%
26-35	37	39.36%	28	45.9%	-24.3%
36-40	20	21.27%	9	14.7%	-55%
41-60	22	23.4%	14	22.9%	-36.3%
>60	<6	~~	0	0%	~~
Unknown	<6	~~	0	0%	~~
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

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

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

<b>Alleged Incidents by Race and Ethnic Origin of Victim</b>					
<b>Race/Ethnicity<sup>5</sup></b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
Asian	<6	~~	0	0%	~~
Black	60	63.82%	38	62.2%	-36.6%
Hispanic	<6	~~	17	27.8%	466%
Other	15	15.95%	<6	~~	~~
White	14	14.89%	<6	~~	~~
Unknown	<6	~~	0	0%	~~
Not Tracked	<6	~~	0	0%	~~
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

**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<sup>6</sup>, 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.**

<b>Time in Custody</b>	<b>Jul 2023 – Dec 2023</b>	<b>Jan 2024 – Jun 2024</b>
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	94	61
<b>Total</b>	<b>94</b>	<b>61</b>

**B8. The gender of the alleged perpetrator.**

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

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Alleged Incidents by Gender of Perpetrator					
Reported Gender	Jul 2023 – Dec 2023		Jan 2024 – Jun 2024		Percent Change
	#	%	#	%	
Male	65	69.14%	40	65.6%	7.6%
Female	21	22.34%	8	13.1%	-61.9%
Transgender Woman	<6	~~	<6	~~	~~
Transgender Man	8	8.51%	8	13.1%	0%
Unknown	<6	~~	0	0%	~~
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

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

Individuals in custody continue to represent the majority of alleged perpetrators.

Alleged Incidents by Perpetrator					
Perpetrator	Jul 2023 – Dec 2023		Jan 2024 – Jun 2024		Percent Change
	#	%	#	%	
Staff	20	21.27%	16	29.2%	-20%
Incarcerated Individual	74	78.72%	45	73.7%	-39.1%
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

**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.**

In this period there are two instances where a staff member had unsubstantiated allegations.

**B12. If the alleged perpetrator was staff, the number of previous allegations against such staff which are still pending.**

In this period there are zero instances where a staff member had pending allegations.

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<b>Status of Previous Allegations Against Staff Perpetrators</b>					
<b>Status</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
Substantiated	0	0%	0	0%	0
Unsubstantiated	1	50%	2	100%	100%
Pending	1	50%	0	0%	0
<b>Total</b>	<b>2</b>	<b>100%</b>	<b>2</b>	<b>100%</b>	<b>0%</b>

**B13. The facility in which the incident occurred.**

RMSC was the facility with the highest number of alleged incidents during this reporting period.

<b>Alleged Incidents by Facility</b>					
<b>Facility</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
AMKC	18	19.14%	<6	~~	-88.8%
BHPW	<6	~~	<6	~~	100%
BXCTS	<6	~~	<6	~~	100%
EHPW	<6	~~	0	0%	~~
EMTC	15	15.95%	7	11.4%	-53%
GRVC	<6	~~	9	14.7%	80%
MDC	<6	~~	0	0%	~~
MNCT	<6	~~	<6	~~	-100%
NIC	11	11.7%	<6	~~	-81.8%
OBCC	<6	~~	12	19.6%	~~
QDCT	<6	~~	<6	~~	~~
RMSC	26	27.65%	14	22.9%	-46.1%
RNDC	0	0%	<6	~~	~~
SOD	<6	~~	<6	~~	~~
Transportation	<6	~~	0	0%	~~
VCBC	<6	~~	<6	~~	~~
WF	9	9.57%	<6	~~	~~
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

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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 unsubstantiated and unfounded decreased between reporting periods, whereas the percent of cases found to be substantiated increased.

Total Cases Closed					
Case Conclusion	Jul 2023 – Dec 2023		Jan 2024 – Jun 2024		Percent Change
	#	%	#	%	
Substantiated	4	4.25%	2	3.2%	-50%
Unsubstantiated	66	70.21%	36	59%	-45.4%
Unfounded	24	25.53%	23	37.7%	-4.1%
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

**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 referred seven cases to the DA’s office in the reporting period, up from two during the previous reporting period.

Total Cases Referred to the DA’s Office					
Referral Conclusion	Jul 2023 – Dec 2023		Jan 2024 – Jun 2024		Percent Change
	#	%	#	%	
Referred	2	2.13%	7	11.4%	250%
Not Referred	92	97.87%	54	88.5%	-41.3%
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

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**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.

**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.

<b>Total Investigation Outcome Notifications</b>					
<b>Notification Status</b>	<b>Jul 2023 – Dec 2023</b>		<b>Jan 2024 – Jun 2024</b>		<b>Percent Change</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
Notified	89	94.7%	45	73.7%	-49.4%
Not Notified	5	5.3%	16	26.2%	220%
<b>Total</b>	<b>94</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>-35.1%</b>

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**SECTION FOUR: ASSESSMENT**

***Preliminary Trend Overview***

Resulting determinations from completed full investigations are classified as substantiated, unsubstantiated, or unfounded as defined by the Federal PREA Standards (defined in Appendix B). Of the 77 PREA-reportable sexual abuse and sexual harassment allegations closed from January 2024 to June 2024, 23 allegations (38%) were determined to be unfounded; in these cases, the PREA SIU determined that the event did not occur. In the previous reporting period, 24 (26%) of the 94 PREA-reportable sexual abuse and sexual harassment allegations closed from June 2023 to December 2023 were determined to be unfounded. Of the remaining allegations closed in the current reporting period, two (3%) were determined to be substantiated and 36 (59%) were determined to be unsubstantiated, as compared to the previous reporting period where four (4%) of the remaining cases were determined to be substantiated and 66 (70%) were unsubstantiated. During this reporting period, of the 61 closed cases, 14 were reported as an allegation during the current or previous reporting period and exceeded the 90-day period for issuing a final determination, as compared to 52 cases during the previous reporting period. Of those 14 cases, six cases have extenuating circumstances (e.g., sexual assault kit processing, or referral for external investigation such as the District Attorney Department of Investigation) that required them to remain open beyond the 90-day period without a final determination. A small number of cases that were closed beyond the 90-day period were minimally delayed due to administrative processes, such as needing a final signature, as opposed to investigative processes. Efforts to reduce administrative delays were implemented at the beginning of the reporting period, resulting in no further cases exceeding 90-days due to such delays during the reporting period.

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 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.

***Policy and Training Assessment***

During this reporting period, there was an overall increase in PREA-reportable allegations (sexual abuse and sexual harassment): there were 77 PREA-reportable allegations compared to 63 allegations in the previous reporting period. This represents an increase of 22% in overall

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PREA-reportable full investigations despite, within the context of a continued increase in the average daily population. PREA SIU saw an increase in the number and percentage of allegations attributed to incidents between people in custody, with 41 (65%) recorded in the last reporting period and 60 (78%) in the current reporting period, where as the percentage staff-on-PIC allegations increased from 35% (22 incidents) in the previous reporting period to 22% (17 incidents) in the current reporting period.

The trend in total PREA-reportable allegations within the previous and current reporting periods may be attributed, at least in part, to newly instituted processes during the preliminary review of the complaint by the initial responding investigators. Information gathered during the preliminary review of a complaint of sexual assault or sexual harassment informs whether a complaint will be designated as a PREA-reportable allegation and subsequently receive a full investigation by SIU PREA. While all complaints of sexual misconduct are taken seriously and addressed, not all complaints of sexual assault or sexual harassment are PREA-reportable; whether a case is PREA-reportable is determined by criteria set forth in the PREA standards. During the preliminary review of the complaint, PREA Tour Commanders, who are supervisors assigned to the SIU PREA unit and are not within facility-based command structures, are tasked with ensuring: substantial statements are recorded in detail and analyzed against recorded telephone conversations; available video recordings are reviewed (e.g., use of force incidents, infractions, pertinent documentation); and that all findings are documented and preserved appropriately. These preliminary reviews are now conducted more intensively, so that more information is gathered and documented. In addition, PREA Investigators have implemented more stringent requirements for the preservation of video evidence, identified areas of improvement in the interview process, and have increased the level of detail contained in the preliminary reports. By conducting a fuller assessment in the preliminary stages for all allegations, PREA SIU was able to make better use of limited staffing resources to assign cases more efficiently and appropriately as PREA-reportable and then proceed to full investigations.

***Corrective Action***

SIU PREA continues to focus its resources within the preliminary stages of a complaint review to ensure substantial assessments are completed within 72 hours of a complaint's submission. As noted in the previous report, PREA SIU conducted an audit of all sexual assault and harassment complaints received via 311 calls from July 2023 to December 2023, as calls to 311 represent the most utilized method of making a complaint of sexual misconduct. Complaints identified through the audit as being undocumented or improperly documented, or misclassified, were properly documented and classified. Following the audit, PREA SIU put corrective action measures into

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place to ensure complaints are received and classified appropriately moving forward; internal daily and weekly reviews were implemented to certify that each complaint received is addressed and classified properly. These reviews continue, and a dedicated administrative supervisor continues to provide ongoing instruction and supervision during the preliminary investigation process to ensure complaints are managed according to policy and best practices. In addition, all PREA SIU supervisors and line staff received additional training to ensure complaints are appropriately reviewed, investigated, and reported.

Additionally, the Department is developing an electronic case management system to enable PREA SIU to better collect, track, and analyze case data. It is expected that this system will be rolled out in the Fall of 2024 for PREA SIU. While there is a tracking system currently in place, the manner in which data is collected and stored provides limited ability to analyze allegation and case outcome trends. The new system will support the PREA SIU in better managing case investigations and deadlines. This case management system will also allow for continued auditing of complaints, as needed.

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**DEFINITIONS**

***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.

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Sexual relationships of a romantic nature between staff and person in custody are included in this definition. Consensual and nonconsensual acts include:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse or gratify sexual desire; or
- 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.

***Investigation Outcomes***

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.