

**New York City Department of Correction  
Semi-Annual Sexual Abuse & Harassment Report  
Bi-Annual Comparison Report  
July 1, 2021 – December 31, 2021**

**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 cases that exceeded 90 days within the preceding six-month period and 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. Throughout both reporting periods, there were incidents involving less than 6 individuals.<sup>1</sup> This report presents data demonstrating the sexual abuse and sexual harassment allegations made within the past six months (July 2021 to December 2021). It further 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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<sup>1</sup> Due to privacy concerns, the Department cannot publicly report any number less than six.

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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 dates and times when the incident occurred are listed in the below chart.<sup>2</sup>**

During the first half of 2021, the majority (63.64%) of alleged incidents occurred during the 0700 x 1500 hour tour. Reported incidents made during the 0700 x 1500 hour tour comprise half of the cases reported during the last half of 2021. In instances where the victim was unable to provide the time of an alleged incident, the incident is reported as having occurred at an unknown time.

<i>Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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>	
0700x 1500	<6	-	<6	-	-
1500x2300	<6	-	<6	-	-
2300x0700	<6	-	0	0%	-
Unknown Time	0	0%	0	0%	-
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>-56%</b>

- 2. Number of allegations classified as sexual abuse or sexual harassment, as defined in subdivision a of this section during the previous and current reporting periods.**

The table below shows the number of sexual abuse allegations during the previous and current reporting periods and the of sexual harassment allegations.

<sup>2</sup> The date of the incident cannot be reported in the aggregate.

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<i>Total Number of Sexual Abuse and Sexual Harassment Allegations</i>					
<i>Type of Allegation</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	9	100%	4	100%	56%
Sexual Harassment	0	0%	0	0%	0%
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>-56%</b>

**3. The reporting date of the incident and the opening date of investigation.**

This information cannot be reported in the aggregate.

**4. The gender of the victim.**

In the prior reporting period of 2021, the below chart shows incidents involving the following victim genders: males, females and transgender women. During the current reporting period of 2021, the below chart shows incidents involving the following victim genders: males, females and transgender women.

<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Male	<6	-	<6	-	-
Female	<6	-	<6	-	-
Transgender Man	0	0%	0	0%	-
Transgender Woman	<6	-	<6	-	-
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>-56%</b>

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**5. Age of victims at the time of the incident.**

The below chart categorizes the number of allegations by age group, i.e., 18-25, 26-35, 36-40, 41-60, over 60, or under 18.

For the current reporting period, the chart shows that half of alleged victims were between the ages of 26 and 35 years old.

<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
<18	0	0%	0	0%	-
18-25	<6	-	0	0%	-
26-35	<6	-	<6	-	-
36-40	<6	-	<6	-	-
41-60	<6	-	<6	-	-
>60	0	0%	0	0%	-
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>-56%</b>

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**6. The race and ethnic origin of the victim.<sup>3</sup>**

The number of alleged incidents between reporting periods amongst all races/ethnicities, is delineated in the chart below.

<i>Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim</i>					
<i>Alleged Victim's Race/Ethnicity</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Asian	0	0%	0	0%	-
Black	6	66.67%	<6	-	-
Hispanic	0	0%	0	0%	-
Other	<6	-	<6	-	-
White	<6	-	<6	-	-
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>-56%</b>

**7. Whether the 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>4</sup>**

<i>Time in Custody</i>	<i>Jan 2021 – Jun 2021</i>	<i>Jul 2021 – Dec 2021</i>
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	9	4
<b>Total</b>	<b>9</b>	<b>4</b>

<sup>3</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>4</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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**8. The gender of the alleged perpetrator. See below chart.**

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

<i>Total Alleged Incidents by Gender of Alleged Perpetrator</i>					
<i>Alleged Perpetrator's Gender</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Male	<6	-	<6	-	-
Female	<6	-	<6	-	-
Transgender Woman	<6	-	<6	-	-
Unknown	0	0%	0	0%	-
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>-56%</b>

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

In this reporting period, the majority of alleged perpetrators (100%) were incarcerated individuals.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
Staff	<6	-	0	0%	-
Incarcerated Individuals	8	88.89%	<6	-	-
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>-56%</b>

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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 were no staff members identified as an alleged perpetrator during the current reporting period.

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

There were no staff members identified as an alleged perpetrator during the current reporting period.

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

During both reporting periods, the number of allegations still pending against alleged staff has remained at zero.

<i>Total Number of Pending Allegations Against Alleged Staff Perpetrator</i>					
<i>Status of Previous Staff Allegations</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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%	0	0%	-
Unsubstantiated	0	0%	0	0%	-
Still pending	0	0%	0	0%	-
<b>Total</b>	<b>0</b>	<b>100%</b>	<b>0</b>	<b>100%</b>	<b>-</b>

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

<i>Total Alleged Incidents by Facility<sup>5</sup></i>					
<i>Facility</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	<6	-	0	0%	-
BHPW	0	0%	0	0%	-
EMTC	0	0%	0	0%	-
GRVC	0	0%	0	0%	-
MDC	<6	-	0	0%	-
NIC	0	0%	0	0%	-
OBCC	0	0%	<6	-	-
RMSC	<6	-	<6	-	-
RNDC	0	0%	<6	-	-
Transportation Div.	0	0%	0	0%	-
VCBC	<6	-	<6	-	-
WF	0	0%	0	0%	-
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>-56%</b>

**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.

<sup>5</sup> BKDC and HOJC were not open during this reporting period and are therefore not included in this table.



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**B1. Date and time of incident, i.e., 0700 x 1500, 1500 x 2300, and 2300 x 0700.<sup>6</sup>**

A review of the prior reporting period and current reporting period demonstrates a decrease in each delineated time category. Additionally, during the current reporting period, the majority of concluded cases occurred between 0700 to 1500 hours.

<i>Total Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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>	
0700x 1500	121	63.9%	56	57.7%	-53.7%
1500x2300	49	25.79%	22	22.7%	-55.1%
2300x0700	20	10.53%	19	19.5%	-5%
Not Tracked	0	0%	0	0%	-
Unknown Time	0	0%	0	0%	-
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</b>

<sup>6</sup> The date on which the incident occurred cannot be reported in the aggregate.

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**B2. Number of allegations classified as sexual abuse or sexual harassment, as defined in subdivision a of this section during the previous and current reporting periods.**

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

<i>Total Number of Sexual Abuse and Sexual Harassment Allegations</i>					
<i>Type of Allegation</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	124	65.26%	82	84.54%	-33.8%
Sexual Harassment	66	34.74%	15	15.46%	-77.3%
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</b>

**B3. The reporting date of the incident and the opening date of investigation.**

This information cannot be reported in the aggregate.

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

The current reporting period shows a decrease in female victims from twenty-four to thirteen. However, male victims remain as the majority represented in these cases. There was a decrease of allegations by transgender women in the current reporting period compared to the prior reporting period.

<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	141	74.21%	66	68.04%	-53.19%
Female	24	12.63%	13	13.4%	-45.8%
Transgender Man	0	0%	0	0%	-

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Transgender Woman	25	13.16%	18	18.56%	-28%
Unknown	0	0%	0%	0%	-
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</b>

**B5. Age of victims at the time of the incident.**

The below chart categorizes the number of allegations by age group, i.e., 18-25, 26-35, 36-40, 41-60, over 60, or under 18.

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

<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</i>		<i>Percent Change</i>
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>	
<18	0	0%	0	0%	-
18-25	34	17.89%	11	11.34%	-67.6%
26-35	81	42.93%	43	44.33%	-46.9%
36-40	38	20%	16	16.49%	-57.8%
41-60	37	19.47%	27	27.84%	-27.0%
>60	0	0%	0	0%	-
Unknown	0	0%	0	0%	-
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</b>

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

The majority of victims reported their race/ethnicity as Black in both reporting periods.

<i>Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim</i>					
<i>Alleged Victim's Race/Ethnicity<sup>7</sup></i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	125	65.79%	59	60.8%	-52.8%
Hispanic	22	11.58%	17	17.5%	-22.7%
Other	13	6.84%	9	9.2%	-30.7%
White	29	15.26%	11	11.3%	-62%
Unknown	0	0%	0	0%	-
Not Tracked	0	0%	0	0%	-
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</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>8</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.**

<i>Time in Custody</i>	<i>Jan 2021 – Jun 2021</i>	<i>Jul 2021 – Dec 2021</i>
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	190	97
<b>Total</b>	<b>190</b>	<b>97</b>

<sup>7</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>8</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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**B8. The gender of the alleged perpetrator.**

Males were identified as the alleged perpetrator in the majority of incidents reported during both tracking periods.

<i>Total Alleged Incidents by Gender of Alleged Perpetrator</i>					
<i><b>Alleged Perpetrator's Gender</b></i>	<i><b>Jan 2021 – Jun 2021</b></i>		<i><b>Jul 2021 – Dec 2021</b></i>		<i><b>Percent Change</b></i>
	<i><b>Number of Alleged Incidents</b></i>	<i><b>Percent of Alleged Incidents</b></i>	<i><b>Number of Alleged Incidents</b></i>	<i><b>Percent of Alleged Incidents</b></i>	
Male	146	76.84%	92	94.8%	-36.9%
Female	36	18.95%	<6	-	-
Unknown	0	0%	0	0%	-
Transgender Woman	8	4.21%	<6	-	-
Transgender Man	0	0%	0	0%	-
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</b>

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

The majority of alleged perpetrators in the current reporting period were incarcerated individuals.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i><b>Alleged Perpetrator</b></i>	<i><b>Jan 2021 – Jun 2021</b></i>				<i><b>Percent Change</b></i>
	<i><b>Number of Alleged Incidents</b></i>	<i><b>Percent of Alleged Incidents</b></i>	<i><b>Number of Alleged Incidents</b></i>	<i><b>Percent of Alleged Incidents</b></i>	
Staff	105	55.26%	24	24.74%	-77.1%
Incarcerated Individuals	85	44.74%	73	75.26%	-14.1%
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	

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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 was a decrease in 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>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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%	0	0%	-
Unsubstantiated	22	100%	0	0%	-100%
Still pending	0	0%	0	0%	-
<b>Total</b>	<b>22</b>	<b>100%</b>	<b>0</b>	<b>0%</b>	

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

AMKC had the highest number of alleged incidents in both reporting periods.

<i>Total Alleged Incidents by Facility<sup>9</sup></i>					
<i>Facility</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	53	27.89%	36	37.1%	-32%
BHPW	<6	-	0	0%	-
BKCTS	0	0%	0	0%	-
EPHW	0	0%	0	0%	-
EMTC	6	3.16%	<6	-	-
GRVC	19	10%	8	8.3%	-57.8%
MDC	21	11.05%	1	1%	-95.2%
MNCT	<6	-	0	0%	-
NIC	23	12.11%	3	3.1%	-86.9
OBCC	17	8.95%	11	11.3%	-35.2%
QDCT	0	0%	0	0%	-
RMSC	30	15.79%	19	19.5%	-36.6%
RNDC	6	3.16%	8	8.3%	+33%
SOD	0	0%	0	0%	-
Transportation Div.	0	0%	<6	-	-
VCBC	13	6.84%	9	9.2%	-30.7%
WF	0	0%	0	0%	-
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</b>

<sup>9</sup> BKDC, GMDC, HOJC, and QDC were not open during this reporting period and are therefore not included in this table.

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**SECTION THREE: SUBDIVISION C**

**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.**

Please see below chart.

<i>Total Alleged Incidents</i>					
<i>Case Conclusion</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	9	4.74%	3	3.09%	-66.7%
Unsubstantiated	110	57.89%	47	48.5%	-57.2%
Unfounded	71	37.37%	47	48.5%	-33.8%
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</b>



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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.**

Of the cases that were closed during the current reporting period, none were referred to a DA’s office.

<i>Total Alleged Incidents Referred to DA’s Office</i>					
<i>Allegations Referred to DA’s Office</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	-	0	0%	-
No	189	99.47%	97	100%	-48.6%
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	<b>-49%</b>

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

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

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

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

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

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

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

In the current reporting period, 97.9 % of alleged victims were notified of the outcome of their investigation. A victim may not be notified if the Department does not have accurate contact information for that individual.

<i>Victim Notification of Outcomes</i>					
<i>Allegations Referred to DA's Office</i>	<i>Jan 2021 – Jun 2021</i>		<i>Jul 2021 – Dec 2021</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	185	97.37%	95	97.9%	-48.6%
Not Notified	5	2.63%	2	2.06%	-60%
N/A	0	0%	0	0%	-
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>97</b>	<b>100%</b>	

**SECTION FOUR: ASSESSMENT**

***Preliminary Trend Overview***

During the beginning of 2021, the majority of investigative staff were teleworking due to the ongoing COVID-19 pandemic. Despite the challenges inherent in teleworking, the PREA investigative unit was able to streamline some of its investigative processes while adapting to the ever-evolving dynamic within the facilities resulting from lockdowns, enhanced safety procedures and staffing disruptions. During the July 2021 – December 2021 reporting period, the agency implemented a redeployment requirement for uniformed staff members, where they began to redeploy to the jail facilities one to two times per week. The intention of the redeployment was to assist in the department’s staffing crisis pertaining to staff shortages amongst correction officers. The subsequent surge of the Omicron variant in late 2021 further challenged the unit due to increased sick rates among staff.

Despite the challenges encountered during the July 2021 – December 2021 reporting period, the Department investigated a total of ninety-seven (97) PREA reportable allegations of sexual abuse and sexual harassment compared to one hundred and ninety (190) PREA reportable

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allegations during the period of January 2021 – June 2021. The decreased number of investigations resulted from a marked decrease in overall allegations. The Department expects to continue to see a downward trend in allegations due primarily to the efforts of the Departments PREA unit and continued outreach efforts for incarcerated individuals.

The Department experienced a substantial decrease (-81.6%) in allegations of staff-on-incarcerated individual sexual abuse and harassment cases. While these numbers tend to fluctuate over various reporting periods, possible factors for the noted reduction include a decreased population of incarcerated individuals in addition to a reduction in staff and incarcerated individual interaction.

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. However, these claims negatively impacted reporting trends. As explained in our previous report, the Board of Correction's recently expanded definition of "repeated" sexual harassment helped to alleviate the negative impact of this small subset of the incarcerated population. The previous definition facilitated an increase in staff harassment allegation numbers, however, under the new definition, the number of incidents classified as PREA reportable decreased to better capture a more accurate depiction of overall allegation trends.

While the Department experienced a downward trend in total allegations for this reporting period, the volume of allegations in comparison to available staff remained high. Despite this, investigative response to allegations was not compromised and each allegation received an immediate response as required. 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 vouching evidence. All allegations receive the same level of response and attention.

The Department continues to ensure staff are educated about PREA, starting at the Academy with each new recruit class, as well as all 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.

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Additional steps taken to prevent instances of sexual abuse and harassment include but are not limited to: the identification of appropriate housing for the vulnerable population. In the beginning of 2021, the Department modified the process for housing individuals in the Special Considerations Unit. The PREA Standards and Compliance Unit and the LGBTQ+ Initiatives Unit provide support and work closely with the populations at heightened risk for sexual victimization, including individuals who identify as LGBTQ+. The Department has implemented significant custody management changes, and now houses each individual consistent with their gender identity. The Department continues to operate the Special Consideration Unit (SCU) for individuals who come into custody and are deemed to be part of a vulnerable population. Considered part of the vulnerable population as those who identify, or have been identified, as transgender, intersex and gender non-binary. The Department evaluates each person in custody on a case-by-case basis, as warranted by the PREA Standards and Board of Correction Minimum Standards. To further promote transparency, the Department has refined its processes by giving additional details as to why an individual may be denied placement in, or removed from, the SCU, as well as explaining the reasons why an individual may be reconsidered for placement in the SCU. More discrete and confidential means of disclosing one's identity have also been established to promote an environment where individuals feel safe and supported when disclosing and/or discussing gender identity with staff.

***Pending Allegations***

The New York City Department of Correction has 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 has also entered into 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 Investigation Division handles all PREA-related allegations, initiating an investigation within the first 72 hours. Investigation Division (ID) staff interview alleged victims, separate individuals from identified alleged perpetrators, collect relevant evidence, affords alleged victims mental health, ministerial and victim services, and conducts a preliminary investigation, all within the first 72 hours.

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**SECTION FIVE: CORRECTIVE ACTION**

A review of current operating procedures within the PREA unit helped to identify opportunities for restructuring and augmentation to help improve the overall operations and efficiency of the unit. Bi-weekly case reviews have been implemented as well as a rebalancing of overall case assignment and caseload distribution. These efforts have been undertaken to ensure continued compliance with PREA standards while emphasizing timely case closure. Retraining of ID investigators and refining best practices are also continued priorities for the Division and steps are being taken to develop and implement needed in service training as well as refresher training for the entire PREA unit.

***Staffing***

In May 2016, the Investigation Division established a dedicated team of investigators to address allegations of sexual abuse and sexual harassment. The ID PREA Unit consisted of one (1) Deputy Director, one (1) Supervising Investigator, and six (6) investigators. Pursuant to its Corrective Action Plan, the Department has increased the ID PREA Unit staffing levels. By the end of this reporting period, the ID PREA Unit had (1) Director, one (1) Deputy Director, nine (9) Supervising Investigators, and twenty-six (26) Investigators, to ensure thorough and timely investigations. Importantly, the members of this unit, as well as the Trials and Litigation attorneys assigned to prosecute the substantiated PREA cases, have extensive backgrounds in PREA and/or sex crimes investigations and prosecution. Currently, the Department has one (1) civilian PREA Compliance Managers (PCM) to oversee retaliation in all of the facilities.

***Corrective Action Plan***

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