

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
January 1st, 2019 – June 30th, 2019**

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, (01/01/2019 – 06/30/2019), 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 BOC, but has not been included in this report. To avoid identifying unique instances of incidents which may risk re-identification, certain data is reported as “<6”.

Subdivision b – Data related to alleged incidents of sexual abuse and harassment for which an investigation lasted longer than 90 days that occurred during the preceding six-month period:

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

<i>Time of Alleged Incident</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
0700x1500	24	29.27%
1500x2300	15	18.29%
2300x0700	8	9.76%
Unknown Time ²	35	42.68%
Total	82	100%

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

<i>Type of Allegation</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Sexual Abuse	64	78.05%
Sexual Harassment	18	21.95%
Total	82	100%

² For these 35 instances, the time the alleged incident occurred was not reported to the Investigation Division.

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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.

<i>Alleged Victim's Gender</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Male	71	86.59%
Female	<6	
Transgender Male	<6	
Transgender Female	<6	
Total	82	100%

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.

<i>Alleged Victim's Age Range</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
18<	0	0.00%
18-25	25	30.49%
26-35	40	48.78%
36-40	11	13.41%
41-60	6	7.32%
60>	0	0.00%
Total	82	100%

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

<i>Alleged Victim's Race/Ethnicity</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Asian	<6	
Black	61	74.39%
Hispanic	<6	
Other	13	15.85%
White	5	6.10%
Total	82	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.

<i>Alleged Victims in Custody less than 24 Hrs</i>	<i>Alleged Victims in Custody more than 24 Hrs</i>	<i>Total</i>
2	80	82

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.

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. As of 8/15/19, 53% of incarcerated individuals were Black, 34% were Hispanic, 7.5% were White, 1.6% were Asian, and 3.6% fell into the "Other" category.

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8. The gender of the alleged perpetrator.

<i>Alleged Perpetrator's Gender</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Male	56	68.29%
Female	14	17.07%
Unknown ⁴	12	14.63%
Total	82	100%

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

<i>Alleged Perpetrator</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Staff	47	57.32%
Incarcerated Individuals	35	42.68%
Total	82	100%

10. 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 12.

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

Please see chart below number 12.

⁴ In these 12 incidents, the alleged perpetrator's gender was not reported to the Investigation Division.

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

<i>Status of Previous Staff Allegations</i>	<i>Number of Previous Staff Allegations</i>	<i>Percent of Previous Staff Allegations</i>
Substantiated	0	0%
Unsubstantiated	0	0%
Still pending	14	100%
Total	14⁵	100%

13. The facility in which the incident occurred.

<i>Facility</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
AMKC	18	21.95%
BHPW	<6	
BKDC	<6	
EMTC	<6	
GRVC	27	32.93%
MDC	<6	
OBCC	<6	
RMSC	<6	
RNDC	<6	
Transportation Division	<6	
VCBC	<6	
WF	11	13.41%
Total	82	100%

⁵ This figure represents 14 unique allegations, however there may be more than 1 allegation per staff member.

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Subdivision c – Data related to investigations of allegations of sexual abuse and sexual harassment that concluded during the preceding six-month period:

The Investigation Division created and met a deadline to clear a previously identified backlog of 1,216 unresolved cases of sexual assaults by February 2019, some of which are included in the data referenced in this report. These cases are part of what’s known as the “PREA Backlog”, which is referenced throughout subdivision c. The PREA backlog was created as a result of deprioritizing closing paperwork on cases that had been identified by investigators as unlikely to be substantiated.

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

<i>Time of Alleged Incident</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
0700x1500	9	1.47%
1500x2300	16	2.61%
2300x0700	4	0.65%
Unknown	17	2.78%
Not Tracked	566⁷	92.48%
Total	612	100%

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

<i>Type of Allegation</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Sexual Abuse	434	70.92%
Sexual Harassment	178	29.08%
Total	612	100%

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

⁷ Prior to 2019, the Investigation Division did not track the time of the alleged incident as there was no requirement in place to do so. The Investigation Division began to track the timeframe of an allegation in 2019. Of the 579 allegations that occurred prior to 2019 where the alleged incident date is known, Department records indicate that the time of the alleged incident was noted in 14 cases.

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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.

<i>Alleged Victim's Gender</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Male	422	68.95%
Female	121	19.77%
Transgender Female	69	11.27%
Total	612	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.

<i>Alleged Victim's Age Range</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
<18	11	1.80%
18-25	204	33.33%
26-35	244	39.87%
36-40	59	9.64%
41-60	88	14.38%
60>	<6	
UNKNOWN	<6	
Total	612	100%

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

<i>Alleged Victim's Race/Ethnicity</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Asian	<6	
Black	255	41.67%
Hispanic	61	9.97%
Other	48	7.84%
White	50	8.17%
Unknown	<6	
Not Tracked ⁸	197	32.19%
Total	612	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 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.

<i>Alleged Victims in Custody less than 24 Hrs</i>	<i>Alleged Victims in Custody more than 24 Hrs</i>	<i>Total</i>
0	612	612

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.

⁸ The data from this time period includes cases that were closed as part of an effort to close outstanding cases, some of which date back to 2016. Prior to 2017, the Investigation Division did not track the race and ethnicity of alleged victims.

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B8. The gender of the alleged perpetrator.

<i>Perpetrator's Gender</i>	<i>Total Alleged Incidents</i>	
	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Male	424	69.39%
Female	156	25.53%
Unknown	31	5.07%
Transgender Female	<6	
Transgender Male	<6	
Total	612	100%

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

<i>Alleged Perpetrator Type</i>	<i>Number of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Staff	399	65.20%
Incarcerated Individuals	213	34.80%
Total	612	100%

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.

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

<i>Status of Previous Staff Allegations</i>	<i>Number of Previous Staff Allegations</i>	<i>Percent of Previous Staff Allegations</i>
Substantiated	0	0%
Unsubstantiated	95	98.96%
Still pending	1	1.04%
Total	96⁹	100%

B13. The facility in which the incident occurred.

<i>Facility</i>	<i>Total Alleged Incidents</i>	
	<i>Percent of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
AMKC	99	16.18%
BHPW	6	0.98%
BKDC	65	10.62%
BXCT	<6	
EMTC	35	5.72%
GMDC	14	2.29%
GRVC	61	9.97%
HOJC	21	3.43%
MDC	51	8.33%
MNCT	<6	
NIC	11	1.80%
OBCC	47	7.68%
QDC	<6	
RMSC	120	19.61%
RNDC	25	4.08%
Transportation Division	<6	
VCBC	10	1.63%
WF	40	6.54%
Total	612	100%

⁹ These are 96 unique allegations, but there may be more than 1 allegation per staff member.

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Subdivision c – Data 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.

<i>Case Conclusion</i>	<i>Total Alleged Incidents</i>	
	<i>Percent of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Substantiated ¹⁰	11	1.80%
Unsubstantiated	488	79.74%
Unfounded	113	18.46%
Total	612	100%

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.

<i>Allegations Referred to DA's Office</i>	<i>Total Alleged Incidents</i>	
	<i>Percent of Alleged Incidents</i>	<i>Percent of Alleged Incidents</i>
Yes	6 ¹¹	0.98%
No	606	99.02%
Total	612	100%

None of the alleged perpetrators were convicted during the reporting period.

¹⁰ The PREA backlog was created as a result of deprioritizing closing paperwork on cases that had been identified by investigators as unlikely to be substantiated. The substantiation of only 11 cases demonstrates that Department investigators were largely accurate in their initial assessment of incidents.

¹¹ Every substantiated Sexual Abuse allegation was referred to the appropriate District Attorney’s Office. Only those allegations which did not meet the criteria for criminal prosecution, i.e., cases of harassment, were not referred to the District Attorney.

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

All investigations were conducted by the Investigation Division.

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

Allegations of sexual abuse or sexual harassment are conducted by the Investigations 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.

Allegations of sexual abuse or sexual harassment are conducted by the Investigations Division, not the facility.

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

	<i>Number of Alleged Victims Notified of Investigation Outcome</i>	<i>Percent of Alleged Victims Notified of Investigation Outcome</i>
Notified	168	27.45%
Not Notified¹²	41	6.70%
N/A¹³	403	65.85%
Total	612	100%

¹² Those individuals who were not notified were unreachable due to having no reported address on file.

¹³ Pursuant to an agreement with the Board of Correction, on November 13th, 2018, the Department began to notify all individuals of investigation outcomes of allegations of sexual abuse and sexual harassment.