

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 1st, 2019 – December 31st, 2019

INTRODUCTION

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

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

Pursuant to Local Law 21 of 2019, codified by section 9-156 of the NYC Administrative Code, the Department is required to report on allegations of sexual abuse and sexual harassment for cases that lasted longer than 90 days within the preceding six month period, and for cases that were closed within the preceding six months. The following report outlines the aggregate number and percentage of the data required by subdivisions b and c of the law. Data that cannot be aggregated has been provided to the Council and the Board of Correction, but has not been included in this report. Throughout both reporting periods, there were incidents involving less than 6 individuals; due to privacy concerns, the Department cannot publicly report any number less than six. This report, which evaluates sexual abuse and sexual harassment allegations made within the past six months (July 2019 through December 2019), analyzes emerging trends and assesses the corrective action contemplated and/or initiated at the facility level and department-wide. It is important to note that allegations of sexual abuse and sexual harassment are preliminary and subject to change as these cases develop. Data discussed in allegation categories are not final, as they are ongoing or pending resolution. Data used in this report reflects the most current information available at the time of publication.

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SECTION ONE: SUBDIVISION B

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

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

During the first half of 2019, the majority (42.68%) of alleged incidents occurred at an unknown time. Reports of unknown time continued to be one of the highest reported categories in the second half of 2019. The time of an alleged incident is reported as unknown in instances in which the complainant did not report a time to the Investigation Division.

<i>Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	24	29.27%	31	34.83%	29.2%
1500x2300	15	18.29%	14	15.73%	-6.7%
2300x0700	8	9.76%	18	20.22%	125.0%
Unknown Time	35	42.68%	26	29.21%	-25.7%
Total	82	100%	89	100%	

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

For both reporting periods, the majority of incidents reported to the Investigation Division were alleged incidents of sexual abuse, with a 15.6% increase (from 64 cases to 74 cases) of alleged incidents of sexual abuse between the two reporting periods.

¹ 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 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	64	78.05%	74	83.15%	15.6%
Sexual Harassment	18	21.95%	15	16.85%	-16.7%
Total	82	100%	89	100%	

3. The date the incident was reported and an investigation was opened.

This information cannot be reported in the aggregate.

4. The gender of the alleged victim.

In the first half of 2019, there were less than six incidents involving the following victim genders: females, transgender females, and transgender males. Due to privacy concerns, the Department cannot publicly report any number less than six. In both reporting periods, the majority of incidents reported involved male victims, with a 14.1% decrease in incidents involving male victims between the first and second half of 2019. The number of alleged victims who identified as transgender women increased between the two reporting periods, from less than six between January and June 2019, to 16 between July and December 2019.

<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	71	86.59%	61	68.53%	-14.1%
Female	<6	.	12	13.48%	.
Transgender Male	<6	.	0	0.00%	.
Transgender Female	<6	.	16	17.98%	.
Total	82	100%	89	100%	

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

For both reporting periods, the majority of alleged victims were between the ages of 26 and 35 years old. Alleged incidents involving 18 to 25-year-old victims decreased significantly between the two reporting periods.

<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	0.00%	<6	.	.
18-25	25	30.49%	13	14.61%	-48.0%
26-35	40	48.78%	39	43.82%	-2.5%
36-40	11	13.41%	17	19.10%	54.5%
41-60	6	7.32%	16	17.98%	166.7%
>60	0	0.00%	<6	.	.
Total	82	100%	89	100%	

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6. The race and ethnic origin of the alleged victim. ²

Alleged incidents involving white victims increased the most between the two reporting periods, from 5 between January and June, to 14 between July and December.

<i>Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim</i>					
<i>Alleged Victim's Race/Ethnicity</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	61	74.39%	60	67.42%	-1.6%
Hispanic	<6	.	6	6.74%	.
Other	13	15.85%	8	8.99%	-38.5%
White	5	6.10%	14	15.73%	180%
Total	82	100%	89	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

² 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 12/31/19, 54.4% of incarcerated individuals were African-American, 33.2% were Hispanic, 7.3% were White, 1.5% were Asian, and 3.7% fell into the “Other” category.

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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 2019 - Jun 2019</i>	<i>Jul 2019 - Dec 2019</i>
Alleged Victims in Custody less than 24 hours	2	0
Alleged Victims in Custody more than 24 hours	80	89
Total	82	89

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 gender of the alleged perpetrator.

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

<i>Total Alleged Incidents by Gender of Alleged Perpetrator</i>					
<i>Alleged Perpetrator's Gender</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	56	68.29%	62	69.66%	10.7%
Female	14	17.07%	16	17.98%	14.3%
Transgender Female	0	0.00%	6	6.74%	.
Unknown	12	14.63%	5	5.62%	-58.3%
Total	82	100%	89	100%	

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

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In the first reporting period, the majority of alleged perpetrators (57.32%) were staff members, while in the second reporting period, the majority of alleged perpetrators (68.54%) were incarcerated individuals.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	47	57.32%	28	31.46%	-40.42%
Incarcerated Individuals	35	42.68%	61	68.54%	74.29%
Total	82	100%	89	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.

There were no previous substantiated allegations against identified staff members in both reporting periods.

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

There were no previous unsubstantiated allegations against identified staff members in both reporting periods.

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

Between the first and second reporting periods, there was a significant decrease (85.7%) in the amount of allegations still pending against alleged staff perpetrators.

<i>Total Number of Pending Allegations Against Alleged Staff Perpetrator</i>					
<i>Status of Previous Staff Allegations</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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%	0%
Unsubstantiated	0	0%	0	0%	0%
Still pending	14	100%	2	100%	-85.7%
Total	14	100%	2	100%	-85.7%

13. The facility in which the incident occurred

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AMKC, which houses the highest number of individuals in custody, was among the facilities with the highest number of alleged incidents in both reporting periods.

<i>Total Alleged Incidents by Facility</i>					
<i>Facility</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	18	21.95%	14	15.73%	-22.2%
BHPW	<6	.	<6	.	.
BKDC	<6	.	10	11.24%	.
EMTC	<6	.	7	7.87%	.
GRVC	27	32.93%	<6	.	.
HOJC	0	.	<6	.	.
MDC	<6	.	8	8.99%	.
NIC	0	.	<6	.	.
OBCC	<6	.	21	.	.
RMSC	<6	.	11	12.36%	.
RNDC	<6	.	<6	.	.
Transportation Division	<6	.	<6	.	.
VCBC	<6	.	6	6.74%	.
WF	11	13.41%	0	0.00%	-100.0%
Total	82	100%	89	100%	

SECTION TWO: SUBDIVISION C

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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.³

The Investigation Division began tracking the specific time frames identified in the reporting requirements in the second half of 2019, therefore a majority (95.2%) of cases occurring before tracking began do not indicate a time. In the second half of 2019, there were significant percentage increases in each timeframe category, which was expected. Between July and December 2019, the majority (47.9%) of concluded cases occurred at an unknown time. This is due to the time not being reported to the Investigation Division. Within the most recent reporting period, the highest percentage (16%) of alleged incidents occurred between 7:00 AM and 3:00 PM.

<i>Total Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	9	1.47%	58	15.98%	544.4%
1500x2300	16	2.61%	48	13.22%	200.0%
2300x0700	4	0.65%	30	8.26%	650.0%
Not Tracked	566	92.48%	53	14.60%	923.5%
Unknown Time	17	2.78%	174	47.93%	-90.6%
Total	612	100%	363	100%	

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

³ The date on which the incident occurred cannot be reported in the aggregate.

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For both reporting periods, the majority of incidents concluded by the Investigation Division were alleged incidents of sexual abuse.

<i>Total Number of Sexual Abuse and Sexual Harassment Allegations</i>					
<i>Type of Allegation</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	434	70.92%	303	83.47%	-30.2%
Sexual Harassment	178	29.08%	60	16.53%	-66.3%
Total	612	100%	363	100%	

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

This information cannot be reported in the aggregate.

B4. The gender of the alleged victim.

Throughout both reporting periods, the percentage of alleged victims remained relatively stable, with the majority of alleged victims being male.

<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	422	68.95%	263	72.45%	-37.7%
Female	121	19.77%	49	13.50%	-59.5%
Transgender Male	0	0.00%	<6	.	.
Transgender Female	69	11.27%	49	13.50%	-29.0%
Unknown	0	0.00%	<6	.	.
Total	612	100%	363	100%	

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

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

<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	11	1.80%	10	2.75%	-9.1%
18-25	204	33.33%	71	19.56%	-65.2%
26-35	244	39.87%	173	47.66%	-29.1%
36-40	59	9.64%	56	15.43%	-5.1%
41-60	88	14.38%	51	14.05%	-42.0%
>60	<6	.	<6	.	.
Unknown	<6	.	<6	.	.
Total	612	100%	363	100%	

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

Prior to 2019, the Investigation Division did not track the race/ethnicity of alleged victims, therefore 197 concluded cases within the first reporting period do not indicate a victims race/ethnicity. The race/ethnicity of majority of alleged victims for both reporting periods was black.⁴

<i>Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim</i>					
<i>Alleged Victim's Race/Ethnicity</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	255	41.67%	247	68.04%	-3.1%
Hispanic	61	9.97%	60	16.53%	-1.6%
Other	48	7.84%	17	4.68%	-64.6%
White	50	8.17%	34	9.37%	-32.0%
Unknown	<6	.	<6	.	.
Not Tracked	197	32.19%	0	0%	-100.0%
Total	612	100%	363	100%	

⁴ 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 12/31/19, 54.4% of incarcerated individuals were African-American, 33.2% were Hispanic, 7.3% were White, 1.5% were Asian, and 3.7% fell into the "Other" category.

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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>Time in Custody</i>	<i>Jan 2019 - Jun 2019</i>	<i>Jul 2019 - Dec 2019</i>
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	612	363
Total	612	363

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.

B8. The gender of the alleged perpetrator.

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

<i>Total Alleged Incidents by Gender of Alleged Perpetrator</i>					
<i>Alleged Perpetrator's Gender</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	424	69.39%	228	62.81%	-46.2%
Female	156	25.53%	59	16.25%	-62.2%
Unknown	31	5.07%	71	19.56%	129.0%
Transgender Female	<6	.	<6	.	.
Transgender Male	<6	.	<6	.	.
Total	612	100%	363	100%	

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

The majority of alleged perpetrators in each reporting period were staff members.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	399	65.20%	198	54.55%	-50.4%
Incarcerated Individuals	213	34.80%	165	45.45%	-22.5%
Total	612	100%	363	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.

Within both reporting periods, all alleged staff perpetrators did not have any previous substantiated cases against them. Between the two reporting periods, we've observed a significant decrease (89.5%) in cases where staff has previous unsubstantiated claims against them.

<i>Total Previous Allegations Against Alleged Staff Perpetrators</i>					
<i>Status of Previous Staff Allegations</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	0.00 %	0	0.00%	0.00%
Unsubstantiated	95	98.96%	10	55.56%	-89.5%
Still pending	1	1.04%	8	44.44%	700.0%
Total	96	100%	18	100%	-81.3%

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B13. The facility in which the incident occurred.

AMKC, which houses the highest number of individuals in custody, was among the facilities with the highest number of alleged incidents in both reporting periods.

<i>Total Alleged Incidents by Facility</i>					
<i>Facility</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	99	16.18%	68	18.73%	-31.3%
BHPW	6	0.98%	<6	.	.
BKCTS	<6	.	<6	.	.
BKDC	65	10.62%	51	14.05%	-21.5%
EPHW	0	0%	<6	.	.
EMTC	35	5.72%	19	5.23%	-45.7%
GMDC	14	2.29%	<6	.	.
GRVC	61	9.97%	48	13.22%	-21.3%
HOJC	21	3.43%	10	2.75%	-52.4%
MDC	51	8.33%	28	7.71%	-45.1%
MNCT	<6	.	<6	.	.
NIC	11	1.80%	12	3.31%	9.1%
OBCC	47	7.68%	39	10.74%	-17.0%
QDC	<6	.	0	0%	.
RMSC	120	19.61%	46	12.67%	-61.7%
RNDC	25	4.08%	8	2.20%	-68.0%
SOD	0	0%	<6	.	.
Transportation Division	<6	.	<6	.	.
VCBC	10	1.63%	6	1.65%	-40.0%
WF	40	6.54%	9	2.48%	-77.5%
Total	612	100%	363	100%	

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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 majority of cases for both reporting periods were unsubstantiated. A backlog of PREA cases was created in 2018 as a result of de-prioritizing closing paperwork on cases that had been identified by investigators as unlikely to be substantiated. The backlog was closed in the first half of 2019. The Department believes the relative proportion of unsubstantiated closed cases during both reporting periods can largely be attributed to the process of clearing backlog and demonstrates that Department investigators were largely accurate in their initial assessment of backlog incidents.

<i>Total Alleged Incidents</i>					
<i>Case Conclusion</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	11	1.80%	13	3.58%	18.2%
Unsubstantiated	488	79.74%	231	63.64%	-52.7%
Unfounded	113	18.46%	119	32.78%	5.3%
Total	612	100%	363	100%	

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

Within both reporting periods, the majority of cases were not referred to a DA’s office, which is due to the majority of cases being unsubstantiated or unfounded.

<i>Total Alleged Incidents Referred to DA’s Office</i>					
<i>Allegations Referred to DA’s Office</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	0.98%	18	4.96%	200.0%
No	606	99.02%	345	95.04%	-43.1%
Total	612	100%	363	100%	

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

Investigations into allegations of sexual abuse or sexual harassment are conducted by the 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 alleged victim was notified regarding the outcome of the investigation.

In November 2018, the Department began to notify individuals of the outcome of investigations opened thereafter. Investigations initiated prior to November 2018, which account for a number of investigations closed during the first reporting period, are not subject to notification. Since the implementation of this policy, the Department has since significantly increased the proportion of victims who were notified and will continue to work to improve this metric.

<i>Total Alleged Incidents Referred to DA's Office</i>					
<i>Allegations Referred to DA's Office</i>	<i>Jan 2019 - Jun 2019</i>		<i>Jul 2019 - Dec 2019</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	168	27.45%	324	89.26%	92.9%
Not Notified	41	6.70%	39	10.74%	-4.9%
N/A	403	65.85%	0	0%	-100.0%
Total	612	100%	363	100%	

SECTION FOUR: ASSESSMENT

Preliminary Trend Overview

PREA Investigation Division substantiation rates have vastly improved since the last reporting period. In the first half of 2019, the Investigation Division substantiated 11 PREA cases, for a substantiation rate of 1.80%.⁵ During this reporting period, the Investigation Division substantiated 13 PREA cases, for a substantiation rate of 3.58%.⁶ The Department is continuously working to prevent sexual victimization. In an attempt to reduce the number of incidents of sexual victimization, the Department continues to designate specific housing areas for individuals who are identified as at risk of potential sexual victimization (SV) through the Department's PREA Intake Questionnaire, which is utilized to assess an individual's potential for sexual victimization or abusiveness. These housing areas are restricted to potential sexual victims (SV) and those who

⁵ This calculation is based on Investigation Division's closure of 612 cases during the first half of 2019.

⁶ Because the PREA investigative team was no longer facing an overwhelming number of backlogged cases this reporting period, it closed fewer cases overall (363 versus 612), hence the higher rate of substantiation despite what otherwise appears to be a minor increase of substantiated cases from 11 to 13.

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do not have a Sexual Abuser (SA) designation. Anyone designated as a potential SA cannot be housed with an SV, unless it is a specialized housing unit. In these instances, the SV's and SA's beds or cells are not in close proximity and are closely monitored by staff. In addition, staff conducts thorough physical searches for blind-spots in isolated areas within incarcerated individuals housing and common areas. These blind-spot checks are unannounced and in addition to the standard tours conducted several times per day, audits are conducted to ensure that staff are conducting these unannounced rounds.

The Department continues to ensure staff are educated about PREA, which includes educating new recruits or newly on-boarded employees, contractors and volunteers. Everyone receives training on recognizing the signs of sexual abuse and what steps to take when an allegation is made. The Department has also raised awareness of our zero tolerance policy, victim services, and how to submit a grievance by adding instructive and informative posters throughout each facility. We have also streamlined the incident reporting by strengthening the overall grievance system which is one of multiple options for people in custody to report allegations of sexual harassment or abuse.

The Department has also implemented significant custody management changes with regards to where certain individuals are housed, and currently houses individuals consistent with their gender identity. In addition to relocating the Transgender Housing Unit, now known as the Special Considerations Unit (SCU), to Rose M. Singer Center (RMSC), we have opened up a new admission house in RMSC for individuals who come into custody and identify, or have been identified, as transgender female, intersex, or gender non-binary. Individuals who identify as transgender, gender non-binary, or intersex may apply to be housed in the female facility in the SCU, a housing area designated for the purpose of housing individuals who identify as such and voluntarily apply to be housed there. These individuals can also apply to a general population unit in the female facility, or a general population unit in a male facility. We are evaluating each individual on a case-by-case basis, as warranted by the PREA Standards and Board of Correction Minimum Standards and placing them by their gender identity in a male or female facility, as long as the placement does not present safety or security issues. The Department remains committed to progressive culture change and continues to implement the requirements of the PREA Standards and make adjustments on an ongoing basis.

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 placement of posters in facilities listing the hotline number and detailing how to report an incident. The Department has also entered into a Memorandum of Understanding (MOU) 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.

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The Department takes every allegation of sexual misconduct and sexual harassment seriously, and investigates each complaint thoroughly. To that end, the Department's Investigation Division handles all PREA-related allegations, responding to each one within 72 hours. Within those first 72 hours, Investigation Division ("ID") staff interviews alleged victims, separates said individuals from identified alleged perpetrators, collects relevant evidence, affords alleged victims mental health, ministerial and victim services, and conducts a preliminary investigation. Because of the high number of allegations and the Department's commitment to extensively investigating every allegation, by early 2018, the Investigation Division had developed a backlog⁷ of 1,216 PREA cases. Through strategic hiring, planning and restructuring, the Department was able to eliminate this backlog during the last reporting period, and closed hundreds of cases above and beyond that, while still responding to and investigating new allegations within 72 hours. In this reporting period alone, the PREA Investigation Division closed 363 cases (336 allegations that arose prior to July 2019, and 27 that arose between July through December 2019). The Department reached a milestone in the last reporting period, having closed all PREA-reportable cases from 2015, 2016 and 2017⁸. During this reporting period, the Department was able to close all PREA-reportable cases that were initiated in 2018 that are not still pending with criminal investigative/prosecutorial agencies.

SECTION FIVE: CORRECTIVE ACTION

In order to become compliant with PREA standards, extensive corrective action has been implemented. Staffing increases, timely case closure, retraining of ID investigators, and refining best practices were priorities during this reporting period, and the results have been remarkable.

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 to one (1) Director, one (1) Deputy Director, eight (8) Supervising Investigators, twenty-seven (27) Investigators, and two (2) Data Analysts 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. The Department has PREA Compliance Managers (PCM) at six (6) facilities. In 2017, the facilities assigned uniform staff as PREA Ambassadors to work with each PCM and to assist with PREA implementation. PREA Ambassadors are also in each facility that does not have its own PCM. These staff members are responsible for PREA compliance matters within those facilities.

⁷ "Backlog" was defined as any case open for more than 90 days.

⁸ Cases from this time period that are being investigated by external criminal investigative/prosecutorial agencies remain open; the Investigation Division is expected to stand down on such cases.

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Corrective Action Plan

In June 2018, the Department devised a Corrective Action Plan to address the backlog of PREA reportable cases, which were defined as being over 90 days old. The Department acknowledged that although the Investigation Division had already conducted an investigation into all 1,216 backlogged cases, the cases were still lingering without final reviews or dispositions. A targeted plan, published in June 2018, committed to the closure of these cases by February 2019. In order to reach that goal, the Department hired additional investigators and managers for the ID PREA team, as mentioned above. Investigators were given timelines for case review and closure, and rotated, strategically, in and out of the field. 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 surpassed its goal by closing hundreds more PREA-reportable cases.

Additional Steps Taken Towards Compliance

In January 2019, the Department composed a second Corrective Action Plan in response to a Board of Correction (“Board”) audit of ID’s closing memoranda. The Department has met the primary goals of that Plan, having retrained investigative staff, instituted new policy to make certain alleged victims are interviewed in confidential locations, improved its notification process for complainants who are no longer incarcerated, and mandated earlier supervisory review of open investigations. The Department also intends, as part of this Plan, to implement a computerized case management system for PREA cases by the end of 2020. In the interim, the Department has committed to continue to manually collect, track, and publish its data on PREA allegations and investigations. During this reporting period, an independent auditor reviewed the Investigation Division PREA investigations of alleged incidents occurring in the RMSC facility. The audit concluded that Investigation Division **exceeded** PREA standards; the auditor stated he was very impressed with the investigators’ knowledge and thorough work. In order to further enhance the skills of PREA investigators, the entire PREA Investigative Unit was trained in Trauma-Informed Interviewing Training Standards. This course was developed by the Mayor’s Office to End Domestic and Gender-Based Violence. Before it was published and used as a universal training manual for all city agencies, it was reviewed and edited by several city executives.⁹ During the previous reporting period, the Department’s Deputy Commissioner of Investigation and Trials, along with members of the Investigation Division’s PREA and Training teams, took the course. Subsequently, in November 2019, the Director of Training Programs and

⁹ Including, but not limited to, Bureau Chiefs and Deputies from all five District Attorneys Offices, the Law Department, the Department of Investigation, the New York City Police Department, Health and Hospitals, and the Deputy Commissioner of Investigation and Trials at the Department of Correction.

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Initiatives at the Mayor's Office to End Domestic and Gender-Based Violence came to the Department and trained every PREA investigator.