

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 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 (July 2024 to December 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.

Allegations of sexual abuse and sexual harassment are based on the definitions provided by the Department of Justice and reporting requirements as specified in the National Standards to Prevent, Detect, and Respond to Prison Rape, under 28 CFR part 115 under the Prison Rape Elimination Act of 2003. (see Appendix A).

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

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024

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 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 (SIU), 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 houses individuals by gender identity: transgender, gender non-binary, and intersex individuals. These individuals are afforded a specialized housing process and housing options that take 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.

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

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.¹**

During this reporting period, reported incidents during the 1500x2300 tour were higher compared to the first half of 2024.

Alleged Incidents by Time of Day					
Time	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
0700x1500	8	57.1%	<6	31.25%	~~
1500x2300	<6	~~	8	50%	~~
2300x0700	<6	~~	<6	12.5%	~~
Unknown Time ²	0	0%	<6	6.25%	~~
Total	14	100%	16	100%	14.29%

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

Alleged Incidents by Type					
Type	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Sexual Abuse	11	78.5%	14	87.5%	27.27%
Sexual Harassment	3	21.4%	2	12.5%	-33.33%
Total	14	100%	16	100%	14.29%

¹ The date of the incident cannot be reported in the aggregate.

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

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

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.

Alleged Incidents by Gender of Victim					
Reported Gender³	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Male	14	100%	10	62.5%	-28.57%
Female	0	0%	<6	~~	~~
Trans Man	0	0%	0	0%	0%
Trans Woman	0	0%	<6	~~	~~
Unknown	0	0%	0	0%	0%
Total	14	100%	16	100%	14.29%

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.

Alleged Incidents by Age of Victim					
Time	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
<18 ⁴	0	0%	0	0%	0%
18-25	<6	~~	<6	~~	~~
26-35	<6	~~	<6	~~	~~
36-40	<6	~~	<6	~~	~~
41-60	6	42.85%	<6	~~	~~
>60	0	0%	0	0%	0%
Total	14	100%	16	100%	14.29%

³ Gender identity is self-reported by the person in custody.

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

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

6. The race and ethnic origin of the alleged victim.⁵

Alleged Incidents by Race and Ethnic Origin of Victim					
Race/Ethnicity	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Asian	0	0%	<6	~~	~~
Black	11	78.58%	13	81.25%	+18.18
Hispanic	<6	~~	0	0%	~~
Other	<6	~~	0	0%	~~
White	0	0%	<6	~~	~~
Total	14	100%	16	100%	14.29%

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.⁶

Time in Custody	Jan 2024 – Jun 2024	Jul 2024 – Dec 2024
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	14	16
Total	14	16

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.

⁵ 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.

⁶ 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.

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

Alleged Incidents by Gender of Perpetrator					
Reported Gender ⁵	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Male	12	85.7%	12	75%	0%
Female	<6	~~	<6	~~	~~
Trans Man	0	0%	0	0%	0%
Trans Woman	0	0%	<6	~~	~~
Unknown	0	0%	0	0%	0%
Total	14	100%	16	100%	14.29%

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

Alleged Incidents by Perpetrator					
Perpetrator	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Staff	5	35.7%	5	31.25%	0%
Incarcerated Individuals	9	64.2%	11	68.75%	+22.22%
Total	14	100%	16	100%	+14.29%

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 July to December 2024.

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

There were zero instances of staff members identified as an alleged perpetrator in previous allegations that was unsubstantiated during the reporting period of July to December 2024.

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

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

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

Status of Previous Allegations Against Staff Perpetrators					
Status	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Substantiated	0	0	0	0%	0%
Unsubstantiated	1	100%	3	100%	200%
Pending	0	0	0	0%	0%
Total	1	100%	3	100%	200%

13. The facility in which the incident occurred.

EMTC represented the highest percentage of alleged incident in this reporting period. This facility also houses the highest number of individuals in custody, on average.

Alleged Incidents by Facility					
Facility	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
AMKC	<6	~~	<6	~~	~~
BHPW	0	0%	0	0%	0%
EMTC	<6	~~	<6	~~	~~
GRVC	<6	~~	<6	~~	~~
MNCTS	0	0%	0	0%	0%
NIC	<6	~~	0	0%	~~
OBCC	<6	~~	<6	~~	~~
RMSC	0	0%	<6	~~	~~
RNDC	0	0%	<6	~~	~~
Transportation	0	0%	0	0%	0%
VCBC	<6	~~	0	0%	~~
QNCTS	<6	~~	0	0%	~~
WF	<6	~~	0	0%	~~
Total	14	100%	16	100%	14.29%

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

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.¹

There was an overall increase in the number of cases closed during this period compared to the first half of 2024.

Alleged Incidents by Time of Day					
Time	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
0700x1500	26	42.62%	38	42.2%	46.15%
1500x2300	24	39.34%	33	36.7%	37.5%
2300x0700	<6	~~	6	6.7%	~~
Not Tracked	<6	~~	0	0%	~~
Unknown Time ²	8	13.11%	13	14.5%	62.5%
Total	61	100%	90	100%	47.54%

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

Total Number of Sexual Abuse and Sexual Harassment Allegations					
Type	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Sexual Abuse	46	75.4%	76	84.4%	65.22%
Sexual Harassment	15	24.6%	14	15.6%	-6.66%
Total	61	100%	90	100%	47.54%

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

The date of reporting and investigation commence are the same and can not be disaggregated.

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

B4. The gender of the alleged victim.

Of the cases closed during this period, male victims continue to represent the majority, however, there appears to be an overall twenty-two percent (22%) increase of those identifying as transgender, non-binary, or intersex as victims.

Alleged Incidents by Gender of Victim					
Reported Gender³	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Male	41	67.2%	54	60%	31.71%
Female	10	16.3%	16	17.7%	60%
Trans Man	0	0%	0	0%	0%
Trans Woman	10	16.3%	19	21.2%	90%
Non-Binary	0	0%	<6	~~	~~
Unknown	0	0%	0	0%	0%
Total	61	100%	90	100%	47.54%

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.

Alleged Incidents by Age of Victim					
Time	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
<18 ⁴	0	0%	0	0%	0%
18-25	10	16.3%	8	8.9	-25%
26-35	28	45.9%	43	47.8	53.57%
36-40	9	14.7%	21	23.3	133.33%
41-60	14	22.9%	17	18.9	21.43%
>60	0	0%	<6	~~	~~
Unknown	0	0%	0	0%	0%
Total	61	100%	90	100%	+47.54%

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

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

Alleged Incidents by Race and Ethnic Origin of Victim					
Race/Ethnicity⁵	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Asian	0	0%	<6	~~	~~
Black	38	62.2%	57	63.3%	50%
Hispanic	17	27.8%	18	20%	5.88%
Other	<6	~~	<6	~~	~~
White	<6	~~	9	10%	~~
Unknown	0	0%	0	0%	0%
Not Tracked	0	0%	0	0%	0%
Total	61	100%	90	100%	47.54%

B7. Whether the alleged victim had been in custody for more than 24 hours and who, during such confinement, received treatment for a mental illness⁶, 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.

Time in Custody	Jan 2024 – Jun 2024	Jul 2024 – Dec 2024
Alleged Victims in Custody less than 24 hours	0	0
Alleged Victims in Custody more than 24 hours	61	90
Total	61	90

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

B8. The gender of the alleged perpetrator.

The majority of alleged incidents continue to male perpetrators involved.

Alleged Incidents by Gender of Perpetrator					
Reported Gender	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Male	40	65.57%	61	67.8%	52.50%
Female	8	13.11%	13	14.4%	62.50%
Transgender Woman	8	13.11%	10	11.1%	25
Transgender Man	0	0%	0	0	0%
Unknown	<6	~~	6	6.7%	~~
Total	61	100%	90	100%	47.54%

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

Alleged Incidents by Perpetrator					
Perpetrator	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Staff	16	29.2%	63	70%	293.75%
Incarcerated Individual	45	73.7%	27	30%	-40%
Total	61	100%	90	100%	47.54%

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 three instances where a staff member had unsubstantiated allegations.

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

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.

Status of Previous Allegations Against Staff Perpetrators					
Status	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Substantiated	0	0%	0	0%	0%
Unsubstantiated	2	100%	3	100%	50%
Pending	0	0%	0	0%	0%
Total	2	100%	3	100%	0%

B13. The facility in which the incident occurred. There was a sizable increase of alleged incidents at GRVC. AMKC remained closed, however investigations that took place during previous reporting periods, but were reported in more recent reporting period, are reflected below.

Alleged Incidents by Facility					
Facility	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
AMKC	<6	~~	<6	~~	~~
BHPW	<6	~~	0	0%	~~
BXCTS	<6	~~	0	0%	~~
EHPW	0	0%	0	0%	0%
EMTC	7	11.4%	11	12.22%	57.14%
GRVC	9	14.7%	22	24.44%	144.44%
MDC	0	0%	0	0%	0%
MNCT	0	0%	0	0%	0%
NIC	<6	~~	<6	~~	~~
OBCC	12	19.6%	21	23.33%	75%
QNCT	<6	~~	0	0%	~~
RESH	<6	~~	<6	~~	~~
RMSC	14	22.9%	21	23.33%	50%
RNDC	<6	~~	6	6.70%	~~
SOD	0	0%	0	0%	0%
Transportation	<6	~~	0	0%	~~

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

VCBC	<6	~~	0	0%	~~
WF	<6	~~	<6	~~	~~
Total	61	100%	90	100%	47.54%

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 distribution of case outcomes remained consistent across reporting periods for each case outcome.

Total Cases Closed					
Case Conclusion	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Substantiated	2	3.2%	5	5.5%	150%
Unsubstantiated	36	59%	53	58.8%	47.22%
Unfounded	23	37.7%	32	35.5%	39.13%
Total	61	100%	90	100%	47.54%

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 during this period.

Total Cases Referred to the DA’s Office					
Referral Conclusion	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Referred	7	11.4%	7	7.8%	0%
Not Referred	54	88.5%	83	92.2%	53.7%
Total	61	100%	90	100%	47.54%

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

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

Investigations into allegations of sexual abuse or sexual harassment are always 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 always conducted by the Special Investigations Unit, not the investigation division.

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 always conducted by the Special Investigations Unit, not the facility.

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

In the current reporting, an outcome notification letter was documented for each victim.

Total Investigation Outcome Notifications					
Notification Status	Jan 2024 – Jun 2024		Jul 2024 – Dec 2024		Percent Change
	#	%	#	%	
Notified	45	73.7%	90	100%	100%
Not Notified	16	26.2%	0	0%	-100%
Total	61	100%	90	100%	47.54%

PRELIMINARY TREND OVERVIEW

During this reporting period, there was an overall increase in PREA-reportable incidents (sexual abuse and sexual harassment): there were 87 PREA-reportable investigations compared to 77 in the previous reporting period. This represents an increase of 13% in overall PREA-reportable full investigations following a continued increase in the average daily population, and some changes to the way allegations are classified during the preliminary review stage. There was an increase in the number and percentage of investigations attributed to incidents between people in custody, with 60 recorded in the last reporting period and 63 in the current reporting period. Similarly, the percentage of staff-on-PIC allegations increased from 17 investigations in the

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024

previous reporting period to 24 investigations of alleged staff sexual misconduct in the current reporting period.

The trend in total PREA-reportable allegations may be attributed, at least in part, to a continued increase in the population. In addition, PREA SIU now automatically classifies allegations that warrant review by external entities as PREA-reportable incidents, regardless of preliminary findings. For example, an allegation wherein a PIC alleges that they were sexually assaulted and were referred by medical to the hospital for a sexual assault kit, but no incident was observed upon review of the video monitoring systems, would not have been classified as PREA-reportable during the previous reporting period. However, because of the referral to an external entity, these incidents are now automatically classified as PREA-reportable and receive a full investigation and will not be closed out until the results of evidence testing have been finalized, despite that there is evidence that the incident did not occur based on the preliminary review.

Determinations resulting from completed full investigations are classified as substantiated, unsubstantiated, or unfounded as defined by the Federal PREA Standards (defined in Appendix B). Of the 90 PREA-reportable sexual abuse and sexual harassment investigations closed from July 2024 to December 2024, 32 cases (36%) were determined to be unfounded. Of the remaining allegations closed in the current reporting period, 5 cases (6%) were determined to be substantiated and 54 cases (60%) were determined to be unsubstantiated, as compared to the previous reporting period where 2 cases (3%) were determined to be substantiated and 36 cases (59%) were unsubstantiated. During this reporting period, 74 of the 90 (82%) closed cases reached a final determination within the 90-day mandate. Of the remaining 16 cases (18%) that exceeded the 90-day period for issuing a final determination, 12 of the investigations were initiated in previous reporting periods with the remaining four cases initiated and concluded during the July 2024 - December 2024 reporting period. Of those cases closed beyond the mandate, 13 investigations (14%) had extenuating circumstances (e.g., sexual assault kit processing, or referral for external investigation such as the District Attorney's office or the Department of Investigation) that required them to remain open beyond the 90-day period pending a final determination for those external entities. The remaining three cases (3%) that were closed beyond the mandate were minimally delayed due to administrative processes, such as needing a final signature, as opposed to investigative processes.

CORRECTIVE ACTION

PREA Investigations

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024

SIU PREA continues to focus its resources within the preliminary stages of a complaint review to ensure assessments are completed within 72 hours of a complaint's submission. SIU PREA maintains its practice of review of these complaints at multiple levels, from receipt of complaint to completion of the preliminary review. During the current reporting period, SIU PREA assigned supervisory staff to the sole duty of daily PREA Tour Commander, with additional supervisory staff on a daily rotating basis, including weekly overnight responsibilities for late incoming complaints, to ensure all complaints are reviewed and managed appropriately.

Electronic Case Management System

During the reporting period, an electronic case management system was implemented and a supervisor was tasked with performing secondary review of addressed complaints entered into the system on a daily basis. In addition to streamlining the data collection and tracking process, the electronic case management system also allows due dates to be programmed to support timely closing of cases. In preparation for transition to the electronic case management system, a backlog of sexual misconduct investigations involving cases that were not PREA-reportable – i.e., that did not violate the federal standards or rise to criminality – dating back to calendar years 2020, 2021 and 2022, were identified and prioritized for closing. This encompassed a total of 949 such investigations, the majority of which were one-time harassments that necessitated internal tracking to ensure that repeated harassment could appropriately be classified as PREA-reportable. These cases required no further investigation or other action to make a final determination but had not been administratively closed. During the reporting period, 700 of the backlog cases were closed, and the remaining 249 cases will be closed with the next reporting period.

Training

SIU PREA Investigation continues to explore cross-training opportunities in various topics to strengthen investigative skill sets including interviewing, evidence analysis and processes for data collection.

**New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024**

APPENDIX A

DEFINITIONS OF 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.

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 2024 – December 2024

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.

APPENDIX B

GENERAL DEFINITIONS

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.