

New York City Department of Correction
Semi-Annual Sexual Abuse & Harassment Report
Bi-Annual Comparison Report
July 1, 2022 – December 31, 2022

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 2022 to December 2022), 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 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 2022, the majority (63.64%) of alleged incidents occurred during the 0700x1500 hours tour. Reports referencing the 0700x1500 tour make up half of the cases (50%) reported in that time frame during the second half of 2022. 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 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	7	63.64%	22	50%	+214.2%
1500x2300	<6	-	22	50%	-
2300x0700	<6	-	<6	-	-
Unknown Time	<6	-	<6	-	-
Total	11	100%	44	100%	

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

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- 2. Number of allegations classified as sexual abuse or sexual harassment as defined in subdivision a of this section.**

In this reporting period, the Investigation Division experienced an increase in cases of alleged incidents of sexual abuse or sexual harassment that were not closed within 90 days. The number of open cases of sexual abuse or sexual harassment allegations changed from 10 in the first reporting period to forty-four in the second reporting period.

<i>Total Number of Sexual Abuse and Sexual Harassment Allegations</i>					
<i>Type of Allegation</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	8	72.73%	24	54.5%	+200%
Sexual Harassment	3	27.7%	20	45.45%	+566.7%
Total	11	100%	44	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 second half of 2022, there were 44 incidents involving the following victim genders for which an investigation lasted longer than 90 days: males, females, and transgender women.

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<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	-	24	54.55	-
Female	<6	-	11	25%	-
Transgender Man	<6	-	<6	-	-
Transgender Woman	6	54.55%	9	20.45%	+50%
Total	11	100%	44	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.

For the reporting period of July 2022 to December 2022, the highest number of incidents were alleged by victims between the ages of 23-35 years old (47.73%).

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<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	<6	-	<6	-	-
18-25	<6	-	7	15.91%	-
26-35	<6	-	21	47.73%	-
36-40	<6	-	10	22.73%	-
41-60	<6	-	6	13.63%	-
>60	<6	-	<6	-	-
Total	11	100%	44	100%	

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

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

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.

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<i>Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim</i>					
<i>Alleged Victim's Race/Ethnicity</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jan 2022 – Jun 2022</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	8	72.73%	29	65.91%	+262.5%
Hispanic	<6	-	10	22.73%	-
Other	<6	-	<6	-	-
White	<6	-	<6	-	-
Total	11	100%	44	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.³

<i>Time in Custody</i>	<i>Jan 2022 – Jun 2022</i>	<i>Jul 2022 – Dec 2022</i>
Alleged Victims in Custody less than 24 hours	<6	<6
Alleged Victims in Custody more than 24 hours	11	44
Total	11	44

8. The gender of the alleged perpetrator.

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

³ 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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<i>Total Alleged Incidents by Gender of Alleged Perpetrator</i>					
<i>Alleged Perpetrator's Gender</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	9	81.82%	29	22.73%	+222.2%
Female	<6	-	13	29.55%	-
Transgender Woman	<6	-	<6	-	-
Unknown	<6	-	<6	-	-
Total	11	100%	44	100%	

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

In this reporting period, there was an equal number of alleged subjects on both categories.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	8	72.73%	22	50%	+175%
Incarcerated Individuals	<6	-	22	50%	-
Total	11	100%	44	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.

During the current reporting period of July 2022 to December 2022, there were no previous substantiated allegations.

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

In the current reporting period, there were two previous unsubstantiated allegations where staff members were identified as the alleged perpetrator.

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, 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 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	<6	-	<6	-	-
Unsubstantiated	<6	-	<6	-	-
Still pending	<6	-	<6	-	-
Total	0	100%	2	100%	-

13. The facility in which the incident occurred

In total, Facilities had 44 cases of alleged incidents in the current reporting period.

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<i>Total Alleged Incidents by Facility⁴</i>					
<i>Facility</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	-	12	+140%	-
BHPW	<6	-	<6	-	-
EMTC	<6	-	<6	-	-
GRVC	<6	-	<6	-	-
MDCTS	<6	-	<6	-	-
NIC	<6	-	8	18.18%	-
OBCC	<6	-	<6	-	-
RMSC	<6	-	13	29.55%	-
RNDC	<6	-	6	13.64%	-
Transportation Div.	<6	-	<6	-	-
VCBC	<6	-	<6	-	-
WF	<6	-	<6	-	-
Total	11	100%	44	100%	

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.

⁴ BKDC, MDC, and OBCC were not open during this reporting period and are therefore not included in this table or will be removed in the next report.

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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.⁵

Between July 2022 to December 2022, the majority (58.87%) of concluded cases were alleged to have occurred between 0700 to 1500 hours. In the Second half of 2022, the Investigation Division improved its methods, applying additional scrutiny to review of Genetec footage and exploring additional investigatory avenues, which resulted in an increase in cases where the time was identified.

<i>Total Alleged Incidents by Time of Day</i>					
<i>Time of Alleged Incident</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	44	57.14%	73	58.87%	+65.9%
1500x2300	17	22.08%	36	29.03%	+111.7%
2300x0700	16	20.78%	15	12.1%	-6.25%
Not Tracked	<6	-	<6	-	-
Unknown Time	<6	-	<6	-	-
Total	77	100%	124	100%	

B2. 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 allegations investigated were alleged incidents of sexual abuse.

⁵ The date on which the incident occurred 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 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	83.12%	88	70.97%	+37.5%
Sexual Harassment	13	16.88%	36	29.03%	+176.9%
Total	77	100%	124	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 this reporting period, male victims remain as the majority represented in these cases. This is likely because men represent the majority of the Department’s population. Notably, there was an increase of allegations by transgender women between reporting periods, with a difference of 123.5% in comparison to the last reporting period.

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<i>Total Alleged Incidents by Gender of Alleged Victim</i>					
<i>Alleged Victim's Gender</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	47	61.04%	63	50.81%	+36.04%
Female	13	16.88%	23	18.55%	+76.9%
Transgender Man	<6	-	<6	-	-
Transgender Woman	17	22.08%	38	30.65%	+123.5%
Unknown	<6	-	<6	-	-
Total	77	100%	124	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 - 35 years old.

<i>Total Alleged Incidents by Age of Alleged Victim</i>					
<i>Alleged Victim's Age Range</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	<6	-	<6	-	-
18-25	18	23.38%	24	19.35%	+33.3%
26-35	31	40.26%	57	45.97%	+83.8%
36-40	<6	-	26	20.97%	-
41-60	23	29.87%	16	12.9%	-30.4%
>60	<6	-	<6	-	-
Unknown	<6	-	<6	-	-
Total	77	100%	124	100%	

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

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

<i>Total Alleged Incidents by Race and Ethnic Origin of Alleged Victim</i>					
<i>Alleged Victim's Race/Ethnicity⁶</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	52	67.53%	95	76.61%	+82.6%
Hispanic	12	15.58%	12	9.68%	0%
Other	<6	-	<6	-	
White	6	7.79%	14	11.29 %	+133.3%
Unknown	<6	-	<6	-	-
Not Tracked	<6	-	<6	-	-
Total	77	100%	124	100%	

⁶ 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.

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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 illness⁷, 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 2022 – Jun 2022</i>	<i>Jul 2022 – Dec 2022</i>
Alleged Victims in Custody less than 24 hours	<6	<6
Alleged Victims in Custody more than 24 hours	77	124
Total	77	124

B8. The gender of the alleged perpetrator.

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

<i>Total Alleged Incidents by Gender of Alleged Perpetrator</i>					
<i>Alleged Perpetrator's Gender</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	54	70.13%	88	70.97%	+62.9%
Female	12	15.58%	22	17.74%	+83.3%
Unknown	<6	-	<6	-	-
Transgender Woman	11	14.29%	14	11.29%	+27.2%
Transgender Man	<6	-	<6	-	-
Total	77	100%	124	100%	

⁷ 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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B9. Whether the alleged perpetrator was an incarcerated individual or staff.

The majority of alleged perpetrators in the July 2022 to December 2022 reporting period were incarcerated individuals.

<i>Total Alleged Incidents by Alleged Perpetrator</i>					
<i>Alleged Perpetrator</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	25	32.47%	54	43.5%	+116%
Incarcerated Individuals	52	67.53%	70	56.4%	+34.6%
Total	77	100%	124	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.

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

In this period, there were no instances where a staff member had pending allegations.

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<i>Total Previous Allegations Against Alleged Staff Perpetrators</i>					
<i>Status of Previous Staff Allegations</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	<6	-	<6	-	-
Unsubstantiated	1	100%	3	100%	+200%
Still pending	<6	-	<6	-	-
Total	1	100%	3	100%	

B13. The facility in which the incident occurred.

AMKC, which houses the highest number of people in custody, was the facility with the highest number of alleged incidents in this reporting period and the previous reporting period.

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<i>Total Alleged Incidents by Facility⁸</i>					
<i>Facility</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	26	33.77%	46	37.1%	+76.9%
BHPW	<6	-	<6	-	-
BXCTS	<6	-	<6	-	-
EHPW	<6	-	<6	-	-
EMTC	7	9.09%	10	8.06%	+42.8%
GRVC	8	10.39%	9	7.26%	+12.5%
MDC	<6	-	<6	-	-
MNCT	<6	-	<6	-	-
NIC	<6	-	8	6.45%	-
OBCC	<6	-	<6	-	-
QDCT	<6	-	<6	-	-
RMSC	19	24.68%	29	23.39%	+52.6%
RNDC	7	9.09%	11	8.87%	+57.1%
SOD	<6	-	<6	-	-
Transportation Div.	<6	-	<6	-	-
VCBC	9	11.69%	<6	-	-
WF	<6	-	4	3.23%	-
Total	77	100%	124	100%	

⁸ BKDC, GMDC, HOJC, MDC, OBCC 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

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.

<i>Total Alleged Incidents</i>					
<i>Case Conclusion</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	3	3.9%	1	.81%	-200%
Unsubstantiated	32	41.56%	88	70.97%	+175%
Unfounded	42	54.55%	35	28.23%	-16.6%
Total	77	100%	124	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.

Of the cases that were closed during the July 2022 to December 2022 reporting period, none were referred to a DA’s office.

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<i>Total Alleged Incidents Referred to DA's Office</i>					
<i>Allegations Referred to DA's Office</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	-	<6	-	-
No	77	100%	124	100%	+61%
Total	77	100%	124	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 this reporting period 91.13% 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>Total Alleged Incidents Referred to DA's Office</i>					
<i>Allegations Referred to DA's Office</i>	<i>Jan 2022 – Jun 2022</i>		<i>Jul 2022 – Dec 2022</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	67	87.01%	113	91.13%	+66.6%
Not Notified	10	12.99%	11	8.87%	+10%
N/A	0	0%	0	0%	-
Total	77	100%	124	100%	

SECTION FOUR: ASSESSMENT

Preliminary Trend Overview

Based on a comparison of previously reported data from January 2022 – June 2022, there was an increase of PREA Reportable cases within the reporting period of July 2022 to December 2022 that did not close within a 90-day period. There were instances where cases were submitted and returned as the Investigation was deemed insufficient to close.

Overall, the number of PREA Reportable allegations increased during the July 2022 to December 2022 reporting period by twenty-seven percent (26.92% = one04 to one32). The Department is committed to investigating all claims of sexual harassment and abuse in a rigorous and timely manner and will continue to do so going forward. Every allegation required that two investigators respond to the facility to interview, conduct canvasses and collect pertinent documentation. The Division will continue to combat false reporting by working directly and persistently with the District Attorney's Office in the prosecution of founded allegations and false allegations, as appropriate.

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This reporting period showed an increase of 64% (33 to 54) in allegations of staff-on-incarcerated individual sexual abuse and harassment cases. It is the Department's goal to achieve full compliance with all PREA standards, as well as to provide a safe environment for staff and incarcerated individuals. All efforts are made to properly record, evaluate, and fully investigate all allegations made by staff and individuals in our custody. This renewed focus on ensuring that all allegations are properly recorded and addressed may account for some of the increase in overall allegations noted during this reporting period.

With the high volume of allegations received, the investigators continue to carry high caseloads. Their caseload does not reflect the allegations that are immediate response dispatch and are later deemed to not fit the reporting criteria. An immediate response into an allegation consists of full background, review of person in custody phone calls, video review, alleged victim interview, alleged involved interview and canvas interviews. Follow-ups include, but are not limited to, staff statements and vouchering evidence. Hence, all allegations that are received and dispatched receive the same attention to detail to afford them a proper determination.

Policy & Practice Overview

The Department has taken 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 allegations, using a dedicated hotline and posters placed in facilities listing the hotline number and detailing how to report an incident. The Department continues to stencil the zero-tolerance policy with telephone numbers for reporting allegations in the jail and court cells, housing areas, and in the corridors. Incarcerated individuals are also informed that they may call 3oneone to report incidents of sexual abuse and harassment. The Department conducts in-person orientation with new admissions related to the zero-tolerance policy. This allows individuals to ask the PREA Standards and Compliance Unit staff questions during the orientation or privately at its conclusion. The PREA Standards and Compliance Unit, the PREA ID Unit, and LGBTQ+ Affairs staff work closely together to provide support to all incarcerated individuals, especially those that are most vulnerable to sexual abuse and harassment.

The Department continues to ensure staff are educated about PREA and aware of the zero-tolerance policy related to sexual abuse and harassment, 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 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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The Department also provides specialized housing opportunities for particularly vulnerable populations, including transgender, gender non-binary, and intersex individuals (TGNBI), who are at heightened risk of sexual victimization. The Department evaluates each person in custody on a case-by case basis when making housing determinations, guided by PREA standards. The PREA Standards and Compliance Unit and the LGBTQ+ Affairs Unit provide support and work closely with the TGNBI population to address concerns related to sexual abuse and harassment. Additionally, the PREA Standards and Compliance Unit conducts weekly retaliation monitoring of those who have submitted sexual abuse and harassment complaints.

Staffing

As of the time of this report being published, the ID PREA Unit consists of one Assistant Commissioner, one Director, one Deputy Director, nine Supervising Investigators and 28 Investigators.

SECTION FIVE: CORRECTIVE ACTION

During this reporting period, approximately 44 PREA cases exceeded the 90-day closing time frame. Of those 44, 40 cases have been closed to date. Under the direction of the new PREA Unit leadership, a review of the existing ID PREA process was conducted to identify the inefficiencies that contributed to this lapse. Changes have been made to the way that cases are assigned to existing staff in order to minimize the impact of staff attrition and redeployment. To address the increase in case volume and to address the 90-day overdue cases, seven new investigators were added to the ID PREA Unit.

Additionally, a new Assistant Commissioner and Director of PREA were appointed during this reporting period to improve the level of management and accountability within the PREA Unit. Enhanced management and improved efficiency will allow the ID PREA Unit to continue its work towards compliance with all PREA standards. Retraining of ID investigators and refining effective practices continue to be a priority. The new executive management for ID PREA will continue the Department's efforts towards improving the timeliness and quality of investigations and move the Department closer to full compliance with PREA standards.