



Corrections and Community Supervision

Annual Report on Sexual Victimization

2013 - 2014

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INTRODUCTION

Establishment of the Prison Rape Elimination Act

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

In addition to establishing mandatory standards for prevention, detection and response to prison sexual abuse and sexual harassment, PREA requires 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. These incident-based sexual abuse data must be aggregated and made readily available to the public at least annually.

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. The New York State Department of Corrections and Community Supervision (DOCCS or the Department) publishes this report in compliance with PREA Standards §115.87 Data Collection and § 115.88 Data Review for Corrective Action (see Appendix A).

This report provides a summary of total allegations of sexual abuse and sexual harassment as reported to the Bureau of Justice Statistics (BJS) for calendar years (CYs) 2013 and 2014. This annual report includes allegations of sexual abuse of inmates and incarcerated parolees within correctional facilities under the jurisdiction of the New York State Department of Corrections and Community Supervision. Allegations of sexual abuse and sexual harassment are preliminary and subject to change as these cases develop. The allegation categories have not been finalized where cases are ongoing or still pending resolution.

Allegations of sexual abuse and sexual harassment are based on the most recent definitions provided by BJS and reporting requirements as specified in the National Standards to Prevent, Detect, and Respond to Prison Rape, under 28 CFR part 115 (see Appendix B). While only limited trend data are currently available, future reports will continue to include comparisons of previous years' data where appropriate.

OVERVIEW

• Frequency of Allegations

Sexual victimization is a serious problem that affects a small number of inmates. Less than 1% of the DOCCS inmates reported allegations of sexual victimization during CYs 2013 and 2014. There were 491 sexual abuse and sexual harassment *allegations* reported during CY 2014 compared to a reported 353 in CY 2013. The annual rate of sexual abuse and sexual harassment *allegations* in 2013 was 6.47 allegations per thousand inmates compared to a rate of 9.13 per thousand in 2014 (see Table 1).

There were 491 sexual abuse and sexual harassment allegations reported in calendar year CY 2014 out of an average population of 53,768. In CY 2013, there were 353 allegations out of an average population of 54,589.

Staff sexual misconduct allegations represented 47% of allegations reported in CY 2014, a decrease from 56% of total allegations reported in CY 2013.

Total allegations in CY 2013 included:

199 staff sexual misconduct allegations, 85 staff sexual harassment allegations, 47 inmate nonconsensual acts, 8 inmate abusive acts, and 14 allegations of inmate-on-inmate sexual harassment. In CY 2014, reported allegations included 233 staff sexual misconduct allegations, 165 staff sexual harassment allegations, 47 inmate nonconsensual acts, 18 inmate abusive acts, and 28 allegations of inmate-on-inmate sexual harassment. Staff sexual misconduct allegations represented approximately half of all sexual

abuse allegations reported by correctional facilities between 2013 (56%) and 2014 (47%) (see Table 3).

• Rate of Substantiated Incidents

Of the 353 allegations of sexual abuse and sexual harassment reported in CY 2013, nine (2.5%) were deemed substantiated. In CY 2014, there were 491 sexual abuse and sexual harassment allegations, of which nineteen (3.9%) were substantiated. The annual rate of *substantiated* sexual victimization in CY 2013 was .16 incidents per thousand inmates and .35 per thousand inmates in CY 2014 (see Tables 4A and 4B).

There were 19 substantiated incidents of sexual victimization in CY 2014 compared to 9 incidents in CY 2013.

- **Substantiated Incidents by Facility Security Level**

In CY 2013, two-thirds (6 of 9) of the substantiated sexual victimizations occurred at maximum security correctional facilities. In comparison, of the 19 substantiated sexual victimizations reported in CY 2014, less than half (8 of 19) were reported at maximum security level facilities.

In CYs 2013 and 2014, the rate of substantiated sexual victimization was highest at Bedford Hills Correctional Facility with rates of 3.7 and 2.6 per 1,000, respectively (see Tables 4A & 4B). Bedford Hills is the only maximum security correctional facility designated to house female inmates.

In CY 2013, substantiated victimization occurred most often in facilities designated with maximum security levels (67%).

In CY 2014, medium security prisons had a higher rate of substantiated allegations at .36 per 1,000 compared to .10 per 1,000 in CY 2013. Minimum security facilities had the lowest rate of substantiated incidents annually. There were no *substantiated* sexual abuse incidents occurring at minimum security level facilities in 2013 or 2014.

In CY 2014, substantiated incidents of sexual abuse and sexual harassment occurred most often in facilities designated with medium security levels (58%).

- **Investigations with Unfounded Results**

In CY 2013 there were 29 investigations resulting in unfounded determinations. In these cases, the Office of Special Investigations determined that the event did not occur. In CY 2014, the reported number of unfounded determinations was 70.

- **Review for Corrective Action**

Corrective action reviews of sexual abuse incidents were conducted beginning in May of 2014. In each case, the review team: considers whether the allegation or investigation indicates a need to change policy or practice; examines the area where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assesses the adequacy of staffing levels in the area of the reported incident; assesses whether monitoring technology should be deployed or enhanced in the area of the reported incident; and considers whether race, sexual orientation, gender identity or other group dynamics were a motivating factor for the incident. The results of incident reviews have contributed to policy refinements, enhancements to training, and other action at the facility level.

Section One

ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

Sexual victimization is a serious problem that affects a small number of inmates. There were a total of 353 sexual abuse and sexual harassment investigations conducted as a result of reported allegations in the New York State Department of Corrections and Community Supervision (DOCCS) facilities in CY 2013 and 491 investigations in CY 2014. These allegations represent complaints which became an investigative case during CYs 2013 and 2014. Table 1 shows the numbers and rates of allegations (per 1,000 inmates) by type of allegation.

Uniform definitions provided by the Bureau of Justice Statistics (BJS) and the Prison Rape Elimination Act of 2003 are used in order to categorize allegations of sexual abuse and sexual harassment within the DOCCS correctional facilities. These categories separate allegations by perpetrator type (staff or inmate) and type of allegation (sexual abuse or sexual harassment) (see Appendix B for a list of complete definitions).

TABLE 1
Total allegations of sexual victimization, by type of incident,
2013 - 2014

Incident Type	Number of allegations		Rate per 1,000 inmates	
	2013	2014	2013	2014
Total	353	491	6.47	9.13
Staff sexual misconduct	199	233	3.65	4.33
Staff sexual harassment	85	165	1.56	3.07
Inmate-on-inmate nonconsensual act	47	47	0.86	0.87
Inmate-on-inmate abusive sexual contacts	8	18	0.15	0.33
Inmate-on-inmate sexual harassment	14	28	0.26	0.52

Among the 58 DOCCS correctional facilities in operation between 2013 and 2014, 44 reported some type of sexual abuse allegation in 2013 compared to 2014 when 50 facilities reported at least one allegation. In CYs 2013 and 2014, the highest proportion of *allegations* was reported to have occurred in maximum security facilities (60%), followed by medium security (40%). There were zero allegations reported in minimum security facilities in 2013 and one allegation reported in 2014 (see Table 2).

Staff sexual misconduct allegations represented 47.5% of all allegations reported in 2014 compared to 56.4% of allegations in 2013 (see Table 3). The category of staff sexual misconduct includes a wide-range of behavior such as attempted or requested sexual acts, indecent exposure, invasion of privacy and staff voyeurism, as well as completed sexual acts and unwanted touching for sexual gratification.

TABLE 2**Total allegations of sexual victimization, by security level, 2013 - 2014**

Security level	Number of allegations		Rate per 1,000 inmates	
	2013	2014	2013	2014
Total	353	491	6.47	9.13
Maximum Security	212	295	9.47	13.41
Percent	60.1%	60.1%		
*Medium Security	140	194	4.59	6.28
Percent	39.7%	39.5%		
Minimum Security	0	1	0.0	1.11
Percent	0.0%	0.2%		
Other (Outside Hospital)	1	1	n/a	n/a
Percent	0.3%	0.2%		

Rate of victimization equals the total number of incidents divided by the average population multiplied by 1,000, (see Appendix C for full description of rate calculation method and population description).

Grand total does not sum due to rounding.

*Medium security population includes specialized housing units designated with higher security levels.

The DOCCS facilities experienced an increase in staff sexual harassment allegations between CYs 2013 and 2014 (85 and 165, respectively). Approximately 34% of reported allegations involved staff sexual harassment in 2014 compared to 24% in 2013. Staff sexual harassment includes repeated verbal statements, and comments or gestures of a sexual nature to an inmate by a staff member.

The number allegations of inmate nonconsensual acts (47) remained unchanged between 2013 and 2014. Nonconsensual acts include inmate-on-inmate sexual penetration without his or her consent or of an inmate who is unable to consent or refuse. Remaining inmate-on-inmate allegations were divided among inmate sexual harassment and inmate abusive acts. The proportion of inmate abusive acts increased slightly from 2.3% in 2013 to 3.7% in 2014. Inmate abusive acts are defined as unwanted intentional touching of an inmate without his or her consent, or of an inmate who is unable to consent or refuse, by another inmate. The proportion of inmate sexual harassment increased from 4.0% in 2013 to 5.7% in 2014. Inmate sexual harassment is defined as repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

TABLE 3**Total allegations of sexual victimization, percent by category, 2013 - 2014**

Type of incident	Number of allegations		Percent by category	
	2013	2014	2013	2014
Total	353	491	100.0%	100.0%
Staff sexual misconduct	199	233	56.4%	47.5%
Staff sexual harassment	85	165	24.1%	33.6%
Inmate-on-inmate nonconsensual act	47	47	13.3%	9.6%
Inmate-on-inmate abusive act	8	18	2.3%	3.7%
Inmate-on-inmate sexual harassment	14	28	4.0%	5.7%

Section Two

SUBSTANTIATED SEXUAL ABUSE AND SEXUAL HARASSMENT INCIDENTS

Allegations of sexual abuse and sexual harassment were substantiated at a higher rate in CY 2014 than in CY 2013. A total of 19 reported incidents of sexual victimization in the New York State Department of Corrections and Community Supervision (DOCCS) correctional facilities were substantiated in 2014 (see Table 4A). The DOCCS facilities experienced an increase in the number of substantiated incidents of sexual victimization between 2013 (9) and 2014 (19). The annual rate of substantiated sexual victimization was .16 incidents per thousand inmates in 2013 and .35 incidents per thousand inmates in 2014 (see Tables 4A and 4B).

Of the 353 allegations of sexual abuse and sexual harassment reported to the DOCCS in 2013, 9 incidents (2.5%) were determined to be substantiated. In 2014, 19 of the 491 allegations (3.9%) were deemed substantiated. Allegations of sexual abuse or sexual harassment are substantiated after an event is investigated and determined to have occurred based on a preponderance of the evidence.

Resulting determinations from completed investigations are categorized using definitions provided by the Evidentiary Standard for Administrative Investigations found in the Code of Federal Regulations Title 28, Chapter 1, subpart A, section 115.72 (28 C.F.R. § 115.72) (see Appendix B).

The rate of sexual victimization is the ratio of the number of incidents to the average number of inmates under DOCCS custody between January and December of the calendar year. The inmate population includes both inmates and incarcerated parolees. The rates used in this report represent the number of allegations or substantiated incidents per year per 1,000 inmates and it allows for comparison between facilities with different population levels during the same 12-month period. Although rate information is provided in statistical tables, there are too few substantiated incidents to provide reliable rate comparisons.

Of the 353 allegations of sexual abuse and sexual harassment reported in 2013, 9 substantiated incidents of sexual abuse were found to have occurred at 7 of the 58 DOCCS correctional facilities operational during all or part of that year. Among all facilities, Albion, Bayview, Bedford Hills, and Taconic were designated female correctional facilities. Bayview Correctional facility was closed September 5, 2013. Bedford Hills Correctional Facility had the highest rate of substantiated incidents in both CY 2013 and CY 2014, with rates of 3.7 and 2.6 per 1,000 inmates, respectively (see Tables 4A and 4B). Bedford Hills Correctional Facility is the only maximum security level facility designated to house female inmates.

In 2013, the prisons with the highest rates of substantiated victimization were Bedford Hills (3.7) and Taconic (2.9) Correctional Facilities. Comparatively, prisons with the highest rates of substantiated victimizations in 2014 included Bedford Hills (2.6), Ogdensburg (2.5), and Sullivan (2.1) Correctional Facilities.

During CYs 2013 and 2014, the Department's Office of Special Investigations deemed a number of cases unfounded, meaning that the allegation was investigated and determined not to have occurred. In 2013, there were 29 investigations resulting in unfounded determinations. In 2014, there were 70 investigations deemed unfounded.

TABLE 4A
Sexual Abuse Allegations by Correctional facility
January 1 - December 31, 2014

Correctional Facility	Total Allegations	Substantiated Allegations	Average Population	Rate of Substantiated Allegations Per 1,000 Population
Maximum Security				
Attica	18	1	2,105	0.5
Auburn	15	0	1,659	0.0
Bedford Hills	41	2	769	2.6
Clinton	17	1	2,713	0.4
Coxsackie	2	0	922	0.0
Downstate	14	0	1,183	0.0
Eastern	6	0	907	0.0
Elmira	10	0	1,671	0.0
Five Points	38	1	1,350	0.7
Great Meadow	28	0	1,524	0.0
Green Haven	21	0	1,948	0.0
Shawangunk	9	0	501	0.0
Sing Sing	12	0	1,613	0.0
Southport	7	1	683	1.5
Sullivan	17	1	476	2.1
Upstate	24	1	1,097	0.9
Wende	16	0	876	0.0
Subtotal	295	8	21,997	
Percent	60.1%	42.1%		
Rate Per 1,000 Population				0.36

TABLE 4A
Sexual Abuse Allegations by Correctional facility
January 1 - December 31, 2014

Correctional Facility	Total Allegations	Substantiated Allegations	Average Population	Rate of Substantiated Allegations Per 1,000 Population
Medium Security				
Adirondack	1	0	393	0.0
Albion	36	2	1,101	1.8
Altona	1	0	473	0.0
Bare Hill	1	0	1,663	0.0
Butler FDR**	0	0	15	0.0
Cape Vincent	2	0	863	0.0
Cayuga*	3	0	999	0.0
Chateaugay RPV**	0	0	11	0.0
Collins*	8	0	1,053	0.0
Fishkill*	18	0	1,626	0.0
Franklin	9	3	1,645	1.8
Gouverneur*	5	0	1,037	0.0
Gowanda	9	1	1,535	0.7
Greene*	5	1	1,738	0.6
Groveland	4	0	1,076	0.0
Hale Creek	2	0	288	0.0
Hudson	1	0	381	0.0
Lakeview	3	0	875	0.0
Livingston	2	0	857	0.0
Marcy*	16	1	1,161	0.9
Mid-State*	9	0	1,584	0.0
Mohawk*	7	0	1,399	0.0
Mt. McGregor**	0	0	19	0.0
Ogdensburg	2	1	400	2.5
Orleans*	2	0	971	0.0
Otisville	4	0	577	0.0
Riverview	1	0	853	0.0
Taconic	10	0	354	0.0
Ulster	2	0	798	0.0
Wallkill	5	0	576	0.0
Washington	6	1	825	1.2
Watertown	4	0	532	0.0
Willard DTC	3	1	683	1.5
Woodbourne	10	0	828	0.0
Wyoming	3	0	1,682	0.0
Subtotal	194	11	30,871	
Percent	39.5%	57.9%		
Rate Per 1,000 population				0.36

*Medium security population includes specialized housing units designated with higher security levels (SHU200, RMU, and RMHU).

TABLE 4A
Sexual Abuse Allegations by Correctional facility
January 1 - December 31, 2014

Correctional Facility	Total Allegations	Substantiated Allegations	Population	Rate of Substantiated Allegations Per 1,000 Population
Minimum Security				
Edgecombe	0	0	127	0.0
Lincoln	0	0	103	0.0
Monterey Shock**	0	0	2	0.0
Moriah Shock	0	0	248	0.0
Queensboro	1	0	356	0.0
Rochester	0	0	66	0.0
Subtotal	1	0	902	
Percent	0.2%	0.0%		
Rate Per 1,000 population				0.0
Other (Outside Hospital)	1	0	0	
Percent	0.2%	0.0%		
GRAND TOTAL	491	19		
Percent Substantiated		3.9%		
Average Population			53,768	
Rate Per 1,000 Population	9.13			0.35

Rate of substantiated victimization equals the total number of substantiated incidents divided by the average population multiplied by 1,000. See Appendix C for full description of rate calculation method and population description. **Butler, Chateaugay, Monterey Shock and Mount McGregor Correctional Facilities closed in October 2014.

TABLE 4B
Sexual Abuse Allegations by Correctional facility
January 1 - December 31, 2013

Correctional Facility	Total Allegations	Substantiated Allegations	Average Population	Rate of Substantiated Allegations Per 1,000 Population
Maximum Security				
Attica	21	0	2,101	0.0
Auburn	18	0	1,653	0.0
Bedford Hills	21	3	807	3.7
Clinton	11	0	2,778	0.0
Coxsackie	5	0	937	0.0
Downstate	5	1	1,198	0.8
Eastern	3	0	924	0.0
Elmira	16	1	1,744	0.6
Five Points	19	0	1,402	0.0
Great Meadow	17	1	1,609	0.6
Green Haven	11	0	1,942	0.0
Shawangunk	6	0	505	0.0
Sing Sing	4	0	1,557	0.0
Southport	20	0	751	0.0
Sullivan	10	0	466	0.0
Upstate	15	0	1,130	0.0
Wende	10	0	874	0.0
Subtotal	212	6	22,378	
Percent	60.1%	66.7%		
Rate Per 1,000 Population				0.27

TABLE 4B
Sexual Abuse Allegations by Correctional facility
January 1 - December 31, 2013

Correctional Facility	Total Allegations	Substantiated Allegations	Average Population	Rate of Substantiated Allegations Per 1,000 Population
Medium Security				
Adirondack	1	0	398	0.0
Albion	39	1	1,035	1.0
Altona	1	0	475	0.0
Bare Hill	3	0	1,633	0.0
Bayview	0	0	7	0.0
Butler FDR	0	0	171	0.0
Cape Vincent	4	0	864	0.0
Cayuga*	0	0	979	0.0
Chateaugay RPV	0	0	197	0.0
Collins*	8	0	1,050	0.0
Fishkill*	5	0	1,626	0.0
Franklin	7	0	1,652	0.0
Gouverneur*	2	0	979	0.0
Gowanda	5	1	1,486	0.7
Greene*	1	0	1,778	0.0
Groveland	5	0	1,079	0.0
Hale Creek	0	0	311	0.0
Hudson	0	0	396	0.0
Lakeview	4	0	898	0.0
Livingston	1	0	813	0.0
Marcy*	8	0	1,177	0.0
Mid-State*	13	0	1,549	0.0
Mohawk*	3	0	1,409	0.0
Mt. McGregor	1	0	381	0.0
Ogdensburg	0	0	378	0.0
Orleans*	2	0	929	0.0
Otisville	3	0	582	0.0
Riverview	0	0	809	0.0
Taconic	8	1	347	2.9
Ulster	3	0	811	0.0
Wallkill	0	0	577	0.0
Washington	1	0	741	0.0
Watertown	2	0	545	0.0
Willard DTC	2	0	699	0.0
Woodbourne	4	0	821	0.0
Wyoming	4	0	1,642	0.0
Subtotal	140	3	31,224	
Percent	39.7%	33.3%		
Rate Per 1,000 population				0.10

*Medium security population includes specialized housing units designated with higher security levels (SHU200, RMU, and RMHU) . Bayview Correctional Facility closed in September 5, 2013.

TABLE 4B
Sexual Abuse Allegations by Correctional facility
January 1 - December 31, 2013

Correctional Facility	Total Allegations	Substantiated Allegations	Population	Rate of Substantiated Allegations Per 1,000 Population
Minimum Security				
Beacon	0	0	29	0.0
Edgecombe	0	0	113	0.0
Lincoln	0	0	110	0.0
Monterey Shock	0	0	145	0.0
Moriah Shock	0	0	191	0.0
Queensboro	0	0	345	0.0
Rochester	0	0	57	0.0
Subtotal	0	0	990	
Percent	0.0%	0.0%		
Rate Per 1,000 population				0.0
Other (Outside Hospital)	1	0	0	
Percent	0.3%	0.0%		
GRAND TOTAL	353	9		
Percent Substantiated		2.5%		
Average Population			54,589	
Rate Per 1,000 Population	6.47			0.16

Rate of substantiated victimization equals the total number of substantiated incidents divided by the average population multiplied by 1,000. See Appendix C for full description of rate calculation method and population description. Beacon Correctional Facility closed in September 5, 2013.

Section Three

REVIEW FOR CORRECTIVE ACTION

Starting in 2014, the New York State Department of Corrections and Community Supervision (DOCCS) began implementing a number of enhancements to combat sexual abuse. The Department hired Assistant Deputy Superintendent PREA Compliance Managers at 10 facilities. These staff are responsible for PREA compliance matters at clusters of facilities. Thus, Assistant Deputy Superintendent PREA Compliance Managers coordinate efforts to comply with the PREA standards at 30 facilities. A Captain has been designated as the PREA Point Person in each facility that does not have its own Assistant Deputy Superintendent PREA Compliance Manager.

The Department implemented an Enhanced Victim Services pilot project in March 2014. This grant funded project provides rape crisis hotline and emotional support services to inmates at 27 correctional facilities. The DOCCS currently plans to enter into a partnership with the New York State Coalition Against Sexual Assault (NYSCASA) to improve the program and expand it state-wide.

Another grant-funded program allowed the DOCCS to produce a pair of gender specific Inmate Education Films. These films use a peer education approach to provide valuable information to new and transferring inmates. In a grant-funded partnership with Just Detention International (JDI), the DOCCS will expand the PREA peer education component into the Transitional Services Phase 1 program. The Transitional Services Phase 1 PREA component will build on the Inmate Education Films while addressing education components that were not fully explored in the films.

In addition, the DOCCS has improved its employee training on PREA. A new training is being provided to all 29,000 employees. This training is expected to be completed by April 2016. Enhancements have been made to training for security supervisors as well with an emphasis on improving the initial facility level response to a report of sexual abuse.

As noted in this report, the rate of substantiated sexual victimization was highest at Bedford Hills Correctional Facility during both 2013 and 2014. Facility administrators have worked cooperatively with the Department's Office of Special Investigations and the Westchester County District Attorney's Office to successfully prosecute three employees who engaged in sexual abuse during 2014, and another employee was recently arrested and charged. The three convicted former staff members were each sentenced to terms of local incarceration and 10 years of felony probation. The Department believes that these cases reiterate the agency's Zero Tolerance stance on sexual abuse, and send a strong message to both staff and inmates that incidents of sexual abuse, sexual harassment, or retaliation will be thoroughly investigated and that any perpetrator will be dealt with severely through discipline or prosecution to the fullest extent permitted by law.

In addition to aggressively prosecuting these substantiated cases, the Assistant Deputy Superintendent PREA Compliance Manager has conducted additional training of staff and inmates at Bedford Hills Correctional Facility. The facility administration has conducted reviews of its staffing plans and deployment of video monitoring, and has begun the process of making appropriate adjustments. Supervisory rounds and searches have also been increased. Similar steps are being taken at Taconic Correctional Facility, a medium security correctional facility for female inmates.

The DOCCS continues to review cases and each facility will track recommendations specific to their incident reviews, and implementation of those recommendations. With respect to system-wide efforts to end sexual victimization, the Department has created a Sexual Abuse Prevention & Education Office. This Office supports the agency PREA Coordinator by working to develop, implement, and oversee agency efforts to comply with the PREA standards in all of the agency's facilities. Emphasis has been placed on prevention, education, and victim support initiatives. This Office is also working collaboratively with the agency's Office of Special Investigations and Division of Program, Planning, Research and Evaluation to improve the Department's understanding of the dynamics of sexual abuse within correctional facilities to better target its prevention strategies.

In October 2015, the DOCCS began to conduct PREA Audits at its correctional facilities. The first three audits were scheduled for Bedford Hills Correctional Facility, Taconic Correctional Facility, and Upstate Correctional Facility. Bedford Hills is the Department's maximum security correctional facility and reception center for female inmates. Taconic Correctional Facility is one of the Department's two medium security correctional facilities for female inmates. Upstate is a maximum security correctional facility for male inmates serving primarily as a Special Housing Unit (SHU) facility. The PREA Audits provide an independent evaluation of the policies and procedures that the Department has implemented and an opportunity to identify areas for further improvement at the audited facilities and system-wide.

APPENDIX A

Subpart A - Standards for Adult Prisons and Jails

DATA COLLECTION AND REVIEW

§ 115.87 Data collection.

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

§ 115.88 Data review for corrective action.

- (a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - (1) Identifying problem areas;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- (b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- (c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

APPENDIX B

DEFINITIONS OF SEXUAL VICTIMIZATION

The New York State Department of Corrections and Community Supervision (DOCCS) utilize uniform definitions provided by the Bureau of Justice Statistics (BJS) and the Prison Rape Elimination Act of 2003 to categorize allegations of sexual abuse within New York State correctional facilities. These categories separate allegations by perpetrator type (staff or inmate) and type of abuse. The definitions herein reflect those specified in the National Standards to Prevent, Detect, and Respond to Prison Rape, under 28 CFR part 115.

Similar to the Survey on Sexual Victimization (SSV), the following categories of sexual abuse have been disaggregated into five categories as indicated below.

Inmate Nonconsensual Act (I₁) - 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.

Inmate Abusive Act (I₂) - 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.

Inmate Sexual Harassment (I₃) – Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

Staff Sexual Misconduct (S₁) – any act or behavior of a sexual nature directed toward an inmate by an employee, volunteer, contractor or official visitor or other agency representative. Sexual relationships of a romantic nature between staff and inmates 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 (S₂) – Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative and include –

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;
- Repeated profane or obscene language or gestures.

FEDERAL CODE OF REGULATIONS

Resulting determinations from completed investigations are categorized using definitions provided by the Evidentiary Standard for Administrative Investigations found in the Code of Federal Regulations Title 28, Chapter 1, subpart A, section 115.72 (28 C.F.R. § 115.72) as indicated below. This standard states 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 – The event was investigated and determined to have occurred based on a preponderance of the evidence.

Unsubstantiated – The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Unfounded – The investigation determined that the event did NOT occur.

Investigation ongoing – Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

APPENDIX C

RATE CALCULATION METHOD

Annualized rates are calculated as the number of incidents of sexual abuse per 1,000 inmate population per year. Inmate population includes inmates, incarcerated parolees and those enrolled in parole diversion programs housed within New York State Correctional Facilities. For example, the 19 substantiated incidents which occurred during 2014 are divided by the average inmate population for 2014 (N=53,768), and multiplied by 1,000 to yield 0.35 sexual abuse incidents per thousand inmates. The same method is used to calculate the rate of sexual abuse at particular correctional facilities where the population base is the average inmate population at the facility (see Tables 4A and 4B).

For example, Table 4A shows that Franklin Correctional Facility, with 3 substantiated sexual abuse incidents and an average daily population of 1,645, has a similar victimization rate (1.8) as Albion (1.8) with 2 substantiated sexual abuse incidents and an average population of 1,101.

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