



Corrections and Community Supervision

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ANNUAL REPORT ON SEXUAL VICTIMIZATION

AN ANALYSIS OF 2014 – 2018
SEXUAL ABUSE AND SEXUAL HARASSMENT DATA
PUBLISHED JUNE 2021

DOCCS VISION AND MISSION

The New York State Department of Corrections and Community Supervision, guided by the Departmental Mission, is responsible for the confinement and rehabilitation with approximately 32,000 individuals under custody held at 50 state facilities and supervision of over 34,000 parolees throughout seven regional offices statewide. Our mission is to ensure public safety by operating safe and secure facilities, preparing individuals for release, and then supervising them to be successful when they return home from prison.

DOCCS' vision is to enhance public safety by having incarcerated persons return home under supportive supervision less likely to revert to criminal behavior.

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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 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. This incident-based sexual abuse information must be aggregated and made readily available to the public at least annually.

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

This report provides a comparison of allegations of sexual abuse and sexual harassment as reported to the Bureau of Justice Statistics (BJS) for calendar years 2014 - 2018 as well as corrective actions taken at facilities and the agency as a whole. This annual report includes allegations of sexual abuse of incarcerated individuals and incarcerated parolees within correctional facilities under the jurisdiction of DOCCS. Allegations of sexual abuse and sexual harassment are preliminary and subject to change as these cases develop. The allegation categories are not final for cases that are ongoing or pending resolution. Data used in this report reflects the most current information available at the time of publication.

In accordance with PREA Standard 115.89 (b), the most recently reported aggregated sexual abuse data from facilities under DOCCS direct control and private facilities with which DOCCS contracts, is attached to this report as Appendix B.

Categorization of 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 D). Reports include comparisons of previous years' data where appropriate.

Section One

ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

The following section contains data on sexual abuse and sexual harassment allegations reported over a five-year period. These allegations represent complaints which became investigative cases from January 2014 through December 2018. This section is intended to provide an informed overview of these allegations statewide. In accordance with the National PREA Standards, DOCCS reviews the 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 in an effort to understand and eliminate sexual abuse and sexual harassment within New York State Correctional Facilities.

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 DOCCS correctional facilities. These categories separate allegations by perpetrator type (staff or incarcerated individual) as shown in Table 1.

Table 1
Allegations of Sexual Victimization, 2014 - 2018

Category type by year

2014 - 2018

Category Type	2014	2015	2016	2017	2018
Total Allegations	477	531	452	383	511
STAFF-ON-INMATE					
Staff sexual misconduct	225	250	237	225	295
Staff sexual harassment	158	177	96	71	104
Sub-Total	383	427	333	296	399
INMATE-ON-INMATE					
Non-Consensual Sexual Acts	48	53	71	58	74
Abusive Sexual Contacts	17	16	24	18	17
Sexual Harassment	29	35	24	11	21
Sub-Total	94	104	119	87	112

Overview

The total number of sexual abuse and sexual harassment allegations increased by 33% from 2017 to 2018 (383 and 511, respectively). Increased reporting was expected in light of the implementation of a number of new PREA-based initiatives in 2016 – 2017 (see Section 4 of the previous Annual Report¹), and the impact of implementation efforts.

Staff Sexual Misconduct

Staff Sexual Misconduct includes a wide range of behaviors 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. In 2018, this category represented 58% of all allegations. There were 295 staff sexual misconduct allegations reported in 2018, up 70 (31%) from 225 in 2017 (see Table 1).

Staff Sexual Harassment

Staff sexual harassment includes repeated verbal statements, and comments or gestures of a sexual nature to an incarcerated individual by a staff member. Staff sexual harassment allegations represented 20% of all allegations in 2018, consistent with prior years. Staff sexual harassment allegations increased by 46% between 2017 and 2018 (71 and 104, respectively).

Inmate Nonconsensual Act

Nonconsensual acts include inmate-on-inmate sexual penetration without consent or of an incarcerated individual who is unable to consent or refuse. The number of cases in this category increased by 28% from 2017 to 2018 (58 and 74, respectively) and represented 14% of all allegations reported in 2018.

Inmate Abusive Act

Inmate abusive acts are defined as unwanted intentional touching of an incarcerated individual without his or her consent, or of an incarcerated individual who is unable to consent or refuse, by another incarcerated individual. Inmate abusive acts represented 3% of total allegations reported to DOCCS in 2018. The number of allegations of inmate abusive acts decreased by 1 from 2017 to 2018 (18 and 17, respectively).

Inmate Sexual Harassment

In 2013, the Bureau of Justice Statistics added *Inmate Sexual Harassment* to the definitions of sexual victimization. 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 incarcerated individual directed toward another. There were

¹ New York State Department of Corrections and Community Supervision. (2020, May). *Annual Report on Sexual Victimization: An Analysis of 2013 – 2017 Data*. Author. https://doccs.ny.gov/system/files/documents/2020/06/annual-report-on-sexual-victimization-2013-2017_final.pdf.

21 inmate sexual harassment allegations reported in 2018 compared to 11 in 2017, an increase of 91%.

Rate of Reported Allegations

The rate of reported allegations of sexual victimization increased from 7.5 per 1,000 incarcerated individuals in 2017 to 10.4 per 1,000 incarcerated individuals in 2018. The rate of allegations concerning staff increased from 5.8 per 1,000 incarcerated individuals in 2017 to 8.1 per 1,000 incarcerated individuals in 2018. The rates of inmate-on-inmate allegations increased from 1.7 per 1,000 incarcerated individuals in 2017 to 2.3 per 1,000 incarcerated individuals in 2018. It is generally expected that inmate-on-inmate victimization has been historically under-reported. As a result, strategic measures have been implemented to promote an incarcerated individual's willingness to report. Ongoing implementation efforts have also increased familiarity with sexual victimization prevention and response procedures. Further, overall compliance efforts together with increasingly aggressive investigative responses have increased confidence in the system to address complaints appropriately.

Table 2
Rate of allegations of sexual victimization, 2014 - 2018
Category type by year

2014 - 2018

Category Type	2014	2015	2016	2017	2018
Annual Rate	8.9	10.1	8.7	7.5	10.4
Staff Type					
Staff sexual misconduct	4.2	4.7	4.6	4.4	6.0
Staff sexual harassment	2.9	3.4	1.8	1.4	2.1
Staff Rate	7.1	8.1	6.4	5.8	8.1
Inmate Type					
Non-Consensual Sexual Acts	0.9	1.0	1.4	1.1	1.5
Abusive Sexual Contacts	0.3	0.3	0.5	0.4	0.3
Sexual Harassment	0.5	0.7	0.5	0.2	0.4
Inmate Rate	1.7	2.0	2.3	1.7	2.3

Rate per 1,000 incarcerated individual population

Section Two

RESULTING DETERMINATIONS

Resulting determinations from completed investigations are classified as Substantiated, Unsubstantiated, or Unfounded as defined by the PREA Standards (28 C.F.R. § 115). Resulting determinations are fully defined in Appendix D (p. 17).

Among completed investigations between 2014 and 2018, a number of resulting determinations concluded that there was sufficient evidence to confirm a report of sexual abuse or sexual harassment. These cases are referred to as substantiated. The number of substantiated cases ranged from a low of 14 out of 452 reports in 2016 (3.1% of reported incidents) to 28 out of 477 reports in 2014 (5.9% of reported incidents). In 2018, 5.1% of allegations were substantiated. It is also noted that cases with multiple allegations that are substantiated for non-PREA defined forms of misconduct are reflected as unsubstantiated.

When a report is substantiated for sexual abuse, sexual harassment or another form of misconduct, criminal prosecution and disciplinary action will be pursued commensurate with the nature and circumstances of the acts committed.

Unfounded determinations are reports submitted that are proved to be false. All incarcerated individual allegations of sexual abuse and sexual harassment are taken seriously and investigated thoroughly. Between 2014 and 2018, the number and rate of false reports ranged from 82 (17.2% of reported incidents) in 2014 to 124 (23.4% of reported incidents) in 2015.

Of the sexual abuse and sexual harassment allegations reported in 2018, 119 were determined to be *unfounded* (23.3% of reported incidents). In these cases, the Office of Special Investigations determined that the event did not occur by, for example, the presence of evidence contradictory to the allegation or an incarcerated individual's self-admission to falsifying the allegation.

Among completed investigations between 2014 and 2018, most resulting determinations concluded that evidence was insufficient to determine whether or not the event occurred. These cases are referred to as *unsubstantiated*. In 2018, 69.7% of allegations were determined to be unsubstantiated. This includes 2.7% of allegations (14) which were substantiated for non-PREA defined forms of misconduct.

The number of open cases (classified as “Ongoing”) represent more recent allegations which were still ongoing at the time of data collection. In 2018, 1.8% percent (9 of 511) of the sexual victimization investigations were ongoing at the time of data collection.

Table 3
Distribution of determinations of sexual victimization, 2014 - 2018
Resulting determination by year

	2014		2015		2016		2017		2018	
Completed	476	99.8%	523	98.5%	447	98.9%	378	98.7%	502	98.2%
Unsubstantiated	359	75.3%	373	70.2%	325	71.9%	246	64.2%	356	69.7%
Substantiated	28	5.9%	21	4.0%	14	3.1%	21	5.5%	26	5.1%
Unfounded	82	17.2%	124	23.4%	108	23.9%	110	28.7%	119	23.3%
Other	7	1.5%	5	0.9%	0	0.0%	1	0.3%	1	0.2%
Ongoing	1	0.2%	8	1.5%	5	1.1%	5	1.3%	9	1.8%
Total allegations	477	100.0%	531	100.0%	452	100.0%	383	100.0%	511	100.0%

Resulting determinations classified as "Other" represent cases which may have been administratively closed, or may have resulted in multiple determinations.

Rate per 1,000 incarcerated individual population

Section Three

SUBSTANTIATED ALLEGATIONS

Allegations of sexual abuse or sexual harassment are substantiated after an event is investigated and determined to have occurred based on a preponderance of evidence.

Approximately 5% of cases each year were substantiated. The majority of these allegations were staff related, as shown in Table 4.

Table 4
Substantiated Allegations of Sexual Victimization 2014 - 2018
Category type by year
 2014 - 2018

Category Type	2014	2015	2016	2017	2018
Total Substantiated	28	21	14	21	26
Percent of total cases	5.9%	4.0%	3.1%	5.5%	5.1%
STAFF-ON-INMATE					
Staff sexual misconduct	15	14	8	16	17
Staff sexual harassment	4	0	0	2	2
Sub-Total	19	14	8	18	19
Percent of Staff Cases	5.0%	3.3%	2.4%	6.1%	4.8%
INMATE-ON-INMATE					
Non-Consensual Sexual Acts	3	2	2	1	4
Abusive Sexual Contacts	4	3	3	2	2
Sexual Harassment	2	2	1	0	1
Sub-Total	9	7	6	3	7
Percent of Incarcerated Individual Cases	9.6%	6.7%	5.0%	3.4%	6.3%

Section Four

REVIEW FOR CORRECTIVE ACTION

Pursuant to PREA Standard § 115.88, DOCCS continues to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. This includes (1) identifying problem areas; (2) taking corrective action on an ongoing basis; and (3) preparation of this annual report.

To this end, this report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the agency's progress in addressing sexual abuse. As previously referenced in this report, strategic measures have been implemented to promote an incarcerated individual's willingness to report. DOCCS Office of Special Investigations (OSI) expanded access to the "444" reporting line in October 2019. This telephone reporting line is available to all incarcerated individuals during regular business hours.

Expanding on the existing partnership established with the New York State Coalition Against Sexual Assault (NYSCASA), DOCCS has entered into a partnership with the New York State Office of Victim Services and the Office for the Prevention of Domestic Violence. The Enhanced Victim Services program now provides hotline and victim advocacy services at facilities statewide.

In 2019, DOCCS leveraged funding from a 2017 PREA Reallocation of Byrne-JAG funding to provide a total of fifty (50) Office of Special Investigations (OSI), Sex Crimes Division (SCD) investigative staff, Assistant Deputy Superintendent PREA Compliance Managers and Central Office staff with Forensic Experiential Trauma Interview (FETI) training. "Certified FETI" is a science and practice-based interviewing methodology informed by the latest research on the neurobiology of trauma and memory. It is a "participant-centered" methodology that allows the interviewer to help the participant (a victim, witness or other involved person) remember as many details as they are able about a potentially traumatic event in a sensitive, non-confrontational manner.

By adopting cutting edge investigative techniques into the work of the OSI SCD, DOCCS expects to continue improving on the quality of its investigations and the reliability of investigative determinations. Ensuring appropriate disciplinary action or criminal prosecution of abusers is key to protecting all incarcerated individuals from sexual victimization.

DOCCS implemented a pair of trainings in the 1st quarter of 2020 which included “Ensuring Professional Interactions with LGBTIQ+ People” and an updated version of the biennial PREA Refresher Training. DOCCS is also working with outside partners on a grant project to develop a new staff refresher training for calendar year 2022.

In recent years, DOCCS has been aggressively increasing the use of video surveillance within the Department’s Correctional Facilities. This includes the implementation of fixed video surveillance systems in a growing number of facilities, as well as the use of body-worn cameras to monitor operations in eight facilities. The number of facilities using body-worn camera systems is expected to be more than doubled in FY21-22.

Facility-specific corrective actions taken are reflected in Table 5 (p. 10).

Table 5
Facility Specific Corrective Actions Taken for Calendar Year 2019

ALBION	Body Worn Camera system was implemented in November 2017; made modifications including removal of tables from all laundries, removal of blinds from identified offices, restricted access to keys to basements and instituted a requirement for the mandatory use of Body Worn Cameras at all times when in basements; adopted through instruction to security supervisors a local protocol requiring the completion of a mental health referral for reported incidents of sexual harassment in addition to reported incidents of sexual abuse; trained Guidance staff regarding the importance of quarterly interview questions addressing sexual victimization. Upgrade and expansion of fixed video surveillance system is on the plan for the facility.
ALTONA	Improved process for call-outs for religious services to ensure the Officer is aware an incarcerated individual should be in the area
ATTICA	Identified an area of the facility to be designated as "off limits" to incarcerated individuals.
BARE HILL	Conducted security supervisor training to reinforce unannounced rounds. PREA Point Person to monitor unannounced rounds in SHU. Adjusted dorm mirrors for better view of blind spots. Addressed need for irregular security supervisory rounds.
BEDFORD HILLS	Body Worn Camera system implemented in March 2017; Capital Project to expand fixed video surveillance system underway; additional Housing Sergeant item established November 2016; Increase of Rounds in identified areas of concern; implementation of an ID card system in connection with incarcerated individual shower use. Vision panels installed in storage room doors in the mess hall; Policy implemented regarding incarcerated individual and staff in the freezers. Expanded random review of body-worn and fixed video footage by facility executive team members.
CAPE VINCENT	Guidance issued reminding staff to make OMH referrals upon receipt of a report; Reinforced Post Exposure Profalxis protocols with health services staff; Clarified for Community Hospital ER Manager that incarcerated individual patients have the same right to have a victim advocate present as members of the community.
CLINTON	Conducted training for medical staff addressing documentation requirements and need to utilize appropriate forms when incarcerated individuals refuse medical treatment. Conducted training for security supervisors to improve initial response and documentation of reports, reinforce requirement for submission of an OMH referral when an incarcerated individual disclosed sexual abuse or sexual harassment, and communicating to the Watch Commander any concerns for an incarcerated individual's behavior when transporting so cameras can be utilized if needed. Guidance staff re-trained on the risk screening process to ensure incarcerated individuals potential risk for victimization/abusiveness is communicated in a timely manner.
COLLINS	Training of medical staff regarding properly documenting medical assessment and action taken following a report of sexual abuse.
ELMIRA	Identified an area of the facility for inclusion in a planned camera installation project based upon a reported incident.
GOUVERNEUR	Guidance issued to medical reminding staff to offer Rape Crisis/Emotional Support services during assessment of reported sexual abuse.
GREAT MEADOW	Developed an internal protocol to ensure the PREA Compliance Manager receives the completed Mental Health Referral Form after the victim is seen. Corrective action taken with respect to a reporting delay by a security supervisor.
GREENE	Implemented a Body Worn Camera system in November 2019.
LAKEVIEW SHOCK	Reinforced need to consult with OSI before taking any investigative steps at the facility; Established procedure for obtaining critical documentation necessary for post-incident review at the time of the report
MID-STATE	Reconfigured staffing to better supervise the area of an alleged incident.
OTISVILLE	Reassessed an area of a staff misconduct incident and obtained approval to install vision panels; conducted a staffing review and created a temporary post to cover the area.
SOUTHPORT	Conducted refresher training with medical staff to reinforce need to fully complete medical documentation. Verified that an area of a reported incident is included on the video plan for a current capital project to install a site-wide video surveillance system.
TACONIC	Installed vision panels in doors of various staff offices.
ULSTER	While not related to a specific complaint, installed control gate between showers and toilet facilities; review of proper frisk procedures; reinforce proper search procedures with respect to transgender incarcerated individuals.
WALKILL	While not related to a specific complaint, installed vision panels in the Guidance area.
WYOMING	Conducted security supervisor training to reinforce reporting procedures.

CONCLUSION

Comparison of data from 2014 to 2018 shows a peak in reports of sexual abuse and sexual harassment in 2015, followed by a decline in reports for 2016 and 2017, and another increase in 2018. DOCCS is working to develop new strategies to address all forms of sexual victimization within the agency's facilities, with a focus on staff sexual misconduct and unauthorized relationships.

The Department is continuing its current efforts to educate staff and incarcerated individuals, conduct thorough and reliable investigations into reports of sexual victimization, and pursue prosecution and discipline commensurate with the nature and circumstances of the misconduct. These efforts include specialized trainings for persons in key roles including Assistant Deputy Superintendent PREA Compliance Managers, PREA Point Persons, Medical Staff and Office of Special Investigations (OSI) Sex Crimes Investigators. The Department will also continue on the path of expanding the use of technology to dissuade and detect misconduct, including the installation of fixed video surveillance systems at a number of facilities, and increasing the use of body-worn cameras in growing numbers of facilities.

Such efforts have shifted the culture of the Department and continue to reinforce the message that the Department of Corrections and Community Supervision has zero tolerance for sexual abuse and sexual harassment.

APPENDIX A

Allegations of sexual victimization - facility by resulting determination, rate per 1,000 incarcerated individuals

2016 - 2018

Facility	2016									2017						2018								
	Total		substantiated		unsubstantiated		unfounded		Total		substantiated		unsubstantiated		unfounded		Total		substantiated		unsubstantiated		unfounded	
	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
Adirondack	0	0.0		0.0		0.0		0.0	2	5.2		0.0	2	5.2		0.0	0	0.0		0.0		0.0		0.0
a Albion	37	33.7	7	6.4	27	24.6	3	2.7	22	20.4	2	1.9	13	12.1	7	6.5	19	19.0	3	3.0	13	13.0	3	3.0
Altona	0	0.0		0.0		0.0		0.0	0	0.0		0.0		0.0		0.0	2	4.4		0.0	2	4.4		0.0
Attica	22	11.0	1	0.5	12	6.0	9	4.5	9	4.4		0.0	5	2.5	4	2.0	19	9.4	1	0.5	12	6.0	5	2.5
Auburn	19	12.2		0.0	18	11.5	1	0.6	9	5.7		0.0	4	2.6	5	3.2	20	13.6		0.0	13	8.8	7	4.7
Bare Hill	0	0.0		0.0		0.0		0.0	5	3.5		0.0	5	3.5		0.0	8	6.0		0.0	6	4.5	2	1.5
a Bedford Hills	33	42.9	1	1.3	19	24.7	12	15.6	22	29.4	2	2.7	11	14.7	8	10.7	35	46.0	5	6.6	22	28.9	7	9.2
Cape Vincent	1	1.2		0.0	1	1.2		0.0	3	3.6		0.0	3	3.6		0.0	1	1.2		0.0		0.0	1	1.2
c Cayuga	1	1.0	1	1.0		0.0		0.0	2	2.1		0.0	2	2.1		0.0	2	2.3		0.0	2	2.3		0.0
Clinton	21	7.9		0.0	15	5.7	5	1.9	16	5.9	1	0.4	12	4.4	3	1.1	28	10.8		0.0	23	8.9	5	1.9
c Collins	7	6.8		0.0	4	3.9	3	2.9	4	4.1		0.0	2	2.0	2	2.0	12	12.0		0.0	9	9.0	2	2.0
Coxsackie	10	10.9		0.0	7	7.6	3	3.3	12	13.4		0.0	11	12.2	1	1.1	10	11.7		0.0	8	9.4		0.0
Downstate	5	4.3		0.0	5	4.3		0.0	12	10.4		0.0	8	6.9	4	3.5	13	11.7	1	0.9	9	8.1	3	2.7
Eastern	4	4.4		0.0	3	3.3	1	1.1	9	10.3		0.0	7	8.0	2	2.3	8	8.6	2	2.2	6	6.5		0.0
b Edgecombe	1	7.3		0.0	1	7.3		0.0	1	7.1		0.0	1	7.1		0.0	1	8.3		0.0		0.0	1	8.3
Elmira	9	5.6		0.0	4	2.5	5	3.1	6	3.8		0.0	2	1.3	4	2.5	6	3.8		0.0	6	3.8		0.0
c Fishkill	28	17.2	2	1.2	19	11.7	7	4.3	24	14.6		0.0	16	9.7	7	4.3	22	13.7		0.0	18	11.2	4	2.5
Five Points	11	8.3		0.0	9	6.8	2	1.5	7	5.1		0.0	5	3.6	2	1.5	18	13.7		0.0	11	8.4	7	5.3
Franklin	11	7.7		0.0	8	5.6	3	2.1	13	9.6	1	0.7	10	7.4	1	0.7	11	8.3		0.0	10	7.6	1	0.8

a Female Correctional Facility.

b Includes one or more female housing units.

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

Note: Rate of victimization equals the No. of substantiated, unsubstantiated or unfounded incidents divided by the average population multiplied by 1,000. See appendix C for full description.

Table reflects currently open Correctional Facilities.

APPENDIX A (continued)

Allegations of sexual victimization - facility by resulting determination, rate per 1,000 incarcerated individuals
2016 - 2018

Facility	2016								2017								2018							
	substantiated		unsubstantiated		unfounded		Total		substantiated		unsubstantiated		unfounded		Total		substantiated		unsubstantiated		unfounded		Total	
	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
<i>c</i> Gouverneur	1	1.0	0.0	0.0	1	1.0	8	8.0	0.0	3	3.0	5	5.0	4	4.1	0.0	1	1.0	3	3.1				
Gowanda	10	6.5	0.0	9	5.9	1	0.7	1	0.7	0.0	1	0.7	0.0	5	3.7	0.0	1	0.7	4	2.9				
Great Meadow	24	16.2	0.0	19	12.8	5	3.4	19	13.1	0.0	9	6.2	10	6.9	26	18.1	0.0	23	16.0	3	2.1			
Green Haven	22	11.2	0.0	15	7.7	6	3.1	25	12.8	3	1.5	16	8.2	6	3.1	34	18.1	2	1.1	22	11.7	9	4.8	
<i>c</i> Greene	4	2.4	0.0	4	2.4	0.0	8	4.8	0.0	6	3.6	1	0.6	14	8.5	0.0	11	6.6	2	1.2				
Groveland	5	4.8	0.0	3	2.9	2	1.9	8	8.3	0.0	6	6.2	2	2.1	7	7.3	0.0	5	5.2	2	2.1			
Hale Creek	1	2.7	0.0	1	2.7	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0	2	5.0	0.0	2	5.0	0.0	0.0				
<i>b</i> Hudson	2	8.9	0.0	2	8.9	0.0	3	17.5	1	5.8	2	11.7	0.0	1	6.9	1	6.9	0.0	0.0	0.0				
<i>b, c</i> Lakeview	4	5.2	0.0	2	2.6	2	2.6	3	4.0	1	1.3	2	2.6	0.0	3	4.1	0.0	3	4.1	0.0	0.0			
Lincoln	1	7.3	0.0	1	7.3	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0				
Livingston	2	2.4	0.0	2	2.4	0.0	1	1.2	0.0	1	1.2	0.0	0.0	5	6.2	0.0	4	5.0	1	1.2				
<i>c</i> Marcy	17	15.0	0.0	8	7.1	9	7.9	14	12.2	1	0.9	7	6.1	6	5.2	18	15.9	1	0.9	11	9.7	6	5.3	
<i>c</i> Mid-State	22	14.1	1	0.6	14	9.0	7	4.5	12	8.0	0.0	9	6.0	3	2.0	27	18.7	0.0	17	11.8	10	6.9		
<i>c</i> Mohawk/Walsh	10	7.1	0.0	6	4.3	4	2.9	6	4.3	0.0	3	2.1	3	2.1	6	4.3	1	0.7	4	2.9	1	0.7		
Moriah Shock	0	0.0	0.0	0.0	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0	1	5.4	1	5.4	0.0	0.0	0.0				
Ogdensburg	1	2.4	0.0	1	2.4	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0	1	2.5	0.0	0.0	0.0	1	2.5				
<i>c</i> Orleans	1	1.0	0.0	1	1.0	0.0	3	3.4	0.0	2	2.3	1	1.1	8	9.2	1	1.2	5	5.8	2	2.3			
Other	0	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	0	n/a	n/a	n/a				
Otisville	4	7.0	0.0	4	7.0	0.0	1	1.7	0.0	1	1.7	0.0	0.0	2	3.7	0.0	2	3.7	0.0	0.0				
Outside Hospital	2	n/a	n/a	1	n/a	1	n/a	1	n/a	n/a	1	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a	n/a				
Queensboro	1	3.8	0.0	1	3.8	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0					

a Female Correctional Facility.

b Includes one or more female housing units.

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

Note: Rate of victimization equals the No. of substantiated, unsubstantiated or unfounded incidents divided by the average population multiplied by 1,000. See appendix C for full description.

Table reflects currently open Correctional Facilities.

APPENDIX A (continued)

Allegations of sexual victimization - facility by resulting determination, rate per 1,000 incarcerated individuals
2016 - 2018

Facility	2016								2017								2018							
	Total Rate		substantiated		unsubstantiated		unfounded		Total Rate		substantiated		unsubstantiated		unfounded		Total Rate		substantiated		unsubstantiated		unfounded	
	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
Riverview	1	1.2		0.0		0.0	1	1.2	2	2.4		0.0	1	1.2	1	1.2	4	5.0		0.0	4	5.0		0.0
Rochester	0	0.0		0.0		0.0		0.0	0	0.0		0.0		0.0		0.0	0	0.0		0.0		0.0		0.0
Shawangunk	4	8.0		0.0	4	8.0		0.0	0	0.0		0.0		0.0		0.0	4	8.2		0.0	1	2.1	3	6.2
Sing Sing	11	7.0		0.0	8	5.1	2	1.3	12	7.5	3	1.9	6	3.8	2	1.3	18	11.4	2	1.3	10	6.4	5	3.2
Southport	6	9.9		0.0	5	8.2	1	1.6	2	3.8		0.0	1	1.9	1	1.9	6	16.3		0.0	3	8.1	3	8.1
Sullivan	10	21.0		0.0	7	14.7	3	6.3	15	33.8	1	2.3	7	15.8	7	15.8	10	22.0		0.0	9	19.8	1	2.2
a Taconic	3	8.7		0.0	2	5.8	1	2.9	8	25.0	4	12.5	4	12.5		0.0	4	12.2		0.0	4	12.2		0.0
Ulster	4	5.2		0.0	4	5.2		0.0	6	8.5		0.0	5	7.1	1	1.4	3	4.6	1	1.5	1	1.5	1	1.5
Upstate	17	15.0		0.0	14	12.3	3	2.6	6	5.8		0.0	3	2.9	3	2.9	18	19.2		0.0	13	13.9	5	5.3
Walkkill	2	3.8		0.0	2	3.8		0.0	3	5.4	1	1.8	2	3.6		0.0	1	1.9		0.0	1	1.9		0.0
Washington	6	7.1		0.0	4	4.8	2	2.4	10	11.9		0.0	8	9.5	2	2.4	7	8.4	1	1.2	6	7.2		0.0
Watertown	1	1.9	1	1.9		0.0		0.0	0	0.0		0.0		0.0		0.0	1	2.0		0.0	1	2.0		0.0
Wende	14	16.6		0.0	12	14.2	2	2.4	9	10.9		0.0	5	6.1	3	3.6	14	17.7	1	1.3	8	10.1	3	3.8
b Willard	5	6.5		0.0	5	6.5		0.0	6	7.9		0.0	5	6.6	1	1.3	10	16.8		0.0	6	10.1	4	6.7
Woodbourne	9	11.1		0.0	8	9.9		0.0	8	10.0		0.0	7	8.8	1	1.3	6	7.6	2	2.5	4	5.1		0.0
Wyoming	4	2.5		0.0	3	1.9	1	0.6	5	3.6		0.0	4	2.9	1	0.7	6	4.6		0.0	4	3.0	2	1.5

a Female Correctional Facility.

b Includes one or more female housing units.

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

Note: Rate of victimization equals the No. of substantiated, unsubstantiated or unfounded incidents divided by the average population multiplied by 1,000. See appendix C for full description.

Table reflects currently open Correctional Facilities.

APPENDIX B

Reported Allegations of Sexual Abuse and Sexual Harassment
 Created in compliance with PREA Standard 115.89 (b) for calendar year 2019
 Incident frequency by category type

State-operated confinement facilities

Inmate-on-Inmate	Nonconsensual Acts	Abusive Sexual Contact	Sexual Harassment	Total
Number reported	62	7	40	109
Substantiated	0	2	10	12
Unsubstantiated	38	5	20	63
Unfounded	9	0	3	12
Ongoing	15	0	7	22
Total allegations	62	7	40	109

Staff-on-Inmate	Sexual Misconduct	Sexual Harassment	Total
Number reported	329	152	481
Substantiated	9	2	11
Unsubstantiated	220	112	332
Unfounded	62	23	85
Ongoing	38	15	53
Total allegations	329	152	481

State Operated confinement facilities excludes outside hospital allegations and other non-facility locations.

Community-based residential program sites

Inmate-on-Inmate	Nonconsensual Acts	Abusive Sexual Contact	Sexual Harassment	Total
Number reported	0	0	1	1
Substantiated	0	0	0	0
Unsubstantiated	0	0	1	1
Unfounded	0	0	0	0
Ongoing	0	0	0	0
Total allegations	0	0	1	1

Staff-on-Inmate	Sexual Misconduct	Sexual Harassment	Total
Number reported	1	0	1
Substantiated	0	0	0
Unsubstantiated	0	0	0
Unfounded	1	0	1
Ongoing	0	0	0
Total allegations	1	0	1

Data accurate as of file date 5/3/2021.

Excludes cases closed out to another case# where an investigation already exists for an associated complaint. 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 DOCCS correctional facilities. These categories separate allegations by perpetrator type (staff or incarcerated individual).

APPENDIX C

Title 28 - Judicial Administration

Volume: 2

Date: 2012-07-01

Original Date: 2012-07-01

Title: Subpart A - Standards for Adult Prisons and Jails

Context: Title 28 - Judicial Administration.

CHAPTER I - DEPARTMENT OF JUSTICE (CONTINUED).

PART 115 - PRISON RAPE ELIMINATION ACT NATIONAL STANDARDS.

Subpart A—Standards for Adult Prisons and Jails

§ 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 D

DEFINITIONS OF SEXUAL VICTIMIZATION

The New York State Department of Corrections and Community Supervision (DOCCS) 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 incarcerated individual) 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.

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, including:

- 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 classified as outlined verbatim 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 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 – 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 make a final determination as to whether or not the event occurred.

Unfounded – An allegation was investigated and determined not to have occurred.

DOCCS also recognizes that at the time of reporting, a final resolution may not yet have been determined. Under these circumstances, the matter will be identified as “Investigation Ongoing” indicating that evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.