



Corrections and Community Supervision

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ANNUAL REPORT ON SEXUAL VICTIMIZATION

AN ANALYSIS OF 2015 – 2019
SEXUAL ABUSE AND SEXUAL HARASSMENT DATA
PUBLISHED APRIL 2022

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 incarcerated individuals under custody held at 50 state facilities and supervision of approximately 32,000 releasees 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 2015 - 2019 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 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 2015 through December 2019. 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, 2015 - 2019

Category type by year

2015 - 2019

Category Type	2015	2016	2017	2018	2019
Total Allegations	525	451	383	511	592
Staff					
Staff sexual misconduct	250	237	225	294	331
Staff sexual harassment	171	95	71	105	152
Sub-Total	421	332	296	399	483
Incarcerated Population					
Non-Consensual Sexual Acts	53	71	58	74	62
Abusive Sexual Contacts	16	24	18	17	7
Sexual Harassment	35	24	11	21	40
Sub-Total	104	119	87	112	109

Data accurate as of file date 7/12/2021.

Overview

The New York State Department of Corrections and Community Supervision (DOCCS) utilizes uniform definitions as described in this section 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 titled definitions are used to categorize allegations of sexual abuse and sexual harassment within New York State correctional facilities and to separate allegations by perpetrator type (staff or incarcerated individual) and type of abuse (see Appendix D for complete definitions).

The number of reported allegations includes both completed and attempted misconduct. The total number of sexual abuse and sexual harassment allegations increased by 16% from 2018 to 2019 (511 and 592, respectively). Increased reporting was largely driven by the launch of the PREA Statewide Rape Crisis Hotline in January 2019. The hotline primarily provides crisis counseling services and as requested, referrals to the Department's partner Rape Crisis Programs. If requested by the caller, the Hotline also made reports to DOCCS OSI. This ease of access had an almost immediate impact of increasing reports of sexual abuse and sexual harassment. Other ongoing PREA-based initiatives (see Section 4 of the previous Annual Report¹) and implementation efforts also contributed to this increase. The volume of false allegations has also impacted the number of reports.

Staff Sexual Misconduct

Staff Sexual Misconduct includes a wide range of alleged 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 2019, this category represented 56% of all allegations. There were 331 staff sexual misconduct allegations reported in 2019, up 37 (13%) from 294 in 2018 (see Table 1).

Staff Sexual Harassment

Staff sexual harassment includes allegations of repeated verbal statements, and comments or gestures of a sexual nature to an incarcerated individual by a staff member. Staff sexual harassment allegations represented 26% of all allegations in 2019, higher than in recent years. Staff sexual harassment allegations increased by 45% between 2018 and 2019 (105 and 152, respectively).

¹ New York State Department of Corrections and Community Supervision. (2021, June). *Annual Report on Sexual Victimization: An Analysis of 2014 – 2018 Data*. Author. <https://doccs.ny.gov/system/files/documents/2021/06/annual-report-on-sexual-victimization-2014-2018-with-2019-aggregated-data-final.pdf>.

Inmate Nonconsensual Act²

Nonconsensual acts are defined as allegations of sexual contact or penetration of any incarcerated individual without their consent, or of an incarcerated individual who is unable to consent or refuse by another incarcerated individual. The number of cases in this category decreased by 16% from 2018 to 2019 (74 and 62, respectively) and represented 10% of all allegations reported in 2019.

Inmate Abusive Act

Inmate abusive acts are defined as allegations of unwanted intentional touching of an incarcerated individual without their consent, or of an incarcerated individual who is unable to consent or refuse, by another incarcerated individual. Inmate abusive acts represented 1% of total allegations reported to DOCCS in 2019. The number of allegations of inmate abusive acts decreased by 10 from 2018 to 2019 (17 and 7, respectively).

Inmate Sexual Harassment

Inmate Sexual Harassment is defined as allegations of 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 40 inmate sexual harassment allegations reported in 2019 compared to 21 in 2018, an increase of 90%.

² In 2021, comprehensive legislation was passed in New York State to replace the term “inmate” with “incarcerated individual” (Chapter 322 of the Laws of 2021). For purposes of this report, the term “inmate” only appears when referencing terms from the Prison Rape Elimination Act of 2003 (PREA), the PREA Standards, or similar national sources.

Rate of Reported Allegations

The rate of reported allegations of sexual victimization increased from 10.4 per 1,000 individuals under custody in 2018 to 12.8 per 1,000 individuals under custody in 2019. The rate of allegations concerning staff increased from 8.1 per 1,000 individuals in 2018 to 10.5 per 1,000 individuals in 2019. The rates of allegations among the incarcerated population increased from 2.3 per 1,000 individuals in 2018 to 2.4 per 1,000 individuals in 2019.

It is generally expected that victimization among incarcerated individuals has been historically under-reported. As a result, strategic measures have been implemented to promote their willingness to report. Implementation of the PREA Statewide Rape Crisis Hotline in January 2019 had a direct and significant impact on the number of reports made. The Hotline primarily provides crisis counseling services and as requested, referrals to the Department's partner Rape Crisis Programs. However, many callers used the Hotline as a means of making reports to DOCCS OSI. This ease of access is a significant factor in the increase of reports of sexual abuse and sexual harassment.

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. Conversely, the agency continues to experience significant numbers of false reports (see Section 2). While DOCCS cannot fully explain the driving forces behind the knowing and often malicious false reports, many relate to efforts to avoid responsibility for other behavior or are part of a misguided effort to expedite an investigative response for an incident that may have occurred, but that did not involve any form of sexual victimization.

Table 2
Rate of allegations of sexual victimization, 2015 - 2019

Category type by year

2015 - 2019

Category Type	2015	2016	2017	2018	2019
Annual Rate	9.9	8.7	7.5	10.4	12.8
Staff Type					
Staff sexual misconduct	4.7	4.6	4.4	6.0	7.2
Staff sexual harassment	3.2	1.8	1.4	2.1	3.3
Staff Rate	8.0	6.4	5.8	8.1	10.5
Incarcerated Population					
Non-Consensual Sexual Acts	1.0	1.4	1.1	1.5	1.3
Abusive Sexual Contacts	0.3	0.5	0.4	0.3	0.2
Sexual Harassment	0.7	0.5	0.2	0.4	0.9
Incarcerated Rate	2.0	2.3	1.7	2.3	2.4

Rate per 1,000 custody 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. 19).

Among completed investigations between 2015 and 2019, 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 15 out of 451 reports in 2016 (3.3% of reported incidents) to 26 out of 511 reports in 2018 (5.1% of reported incidents). In 2019, 3.9% of allegations were substantiated. It is also noted that cases with multiple types of 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 2015 and 2019, the number and rate of false reports ranged from 105 (17.7% of reported incidents) in 2019 to 124 (23.6% of reported incidents) in 2015.

Of the sexual abuse and sexual harassment allegations reported in 2019, 105 were determined to be *unfounded* (17.7% 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. Some of these cases result in a determination that a knowingly false complaint was made with malice. In others, incarcerated individuals who have reported experiencing physical violence have admitted making a false sexual violence claim believing that doing so would expedite the investigative response.

Among completed investigations between 2015 and 2019, most resulting determinations concluded that evidence was insufficient to determine whether or not the event occurred. These cases are referred to as *unsubstantiated*. In 2019, 72.3% of allegations were determined to be unsubstantiated. This includes 0.7% of allegations (3) 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 2019, 5.6% percent (33 of 592) of the sexual victimization investigations were ongoing at the time of data collection.

Table 3
Distribution of determinations of sexual victimization, 2015 - 2019

Resulting determination by year

	2015		2016		2017		2018		2019	
Completed	523	99.6%	448	99.3%	380	99.2%	507	99.2%	559	94.4%
Substantiated	20	3.8%	15	3.3%	21	5.5%	26	5.1%	23	3.9%
Unsubstantiated	374	71.2%	325	72.1%	249	65.0%	360	70.5%	428	72.3%
Unfounded	124	23.6%	108	23.9%	109	28.5%	121	23.7%	105	17.7%
Other	5	1.0%	0	0.0%	1	0.3%	0	0.0%	3	0.5%
Ongoing	2	0.4%	3	0.7%	3	0.8%	4	0.8%	33	5.6%
Total allegations	525	100.0%	451	100.0%	383	100.0%	511	100.0%	592	100.0%

Cases with multiple types of allegations that are substantiated for non-PREA defined forms of misconduct are reflected as unsubstantiated.

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

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. In most years, the majority of these allegations were staff related, as shown in Table 4. In 2019, 52% of the substantiated cases were perpetrated by incarcerated individuals.

Table 4
Substantiated Allegations of Sexual Victimization 2015 - 2019

Category type by year

2015 - 2019

Category Type	2015	2016	2017	2018	2019
Total Substantiated	20	15	21	26	23
Percent of total allegations	3.8%	3.3%	5.5%	5.1%	3.9%
Staff Type					
Staff sexual misconduct	13	9	16	17	9
Staff sexual harassment	0	0	2	2	2
Sub-Total	13	9	18	19	11
Percent of total staff allegations	3.1%	2.7%	6.1%	4.8%	2.3%
Incarcerated Individuals					
Non-Consensual Sexual Acts	2	2	1	4	0
Abusive Sexual Contacts	3	3	2	2	2
Sexual Harassment	2	1	0	1	10
Sub-Total	7	6	3	7	12
Percent of total incarcerated individual allegations	6.7%	5.0%	3.4%	6.3%	11.0%

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 focusing on concerns around staff sexual abuse and unauthorized relationships.

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 FY 21-22.

Facility-specific corrective actions taken are reflected in Table 5 (p. 12).

Table 5
Facility Specific Corrective Actions Taken for Calendar Year 2020

ALBION	Timely Office of Mental Health referrals - staff were referred for re-training
	Recommended cameras to be placed in the kitchen area of the mess hall when system upgraded
	Continued to ensure prompt medical assessment per policy
ATTICA	Staff reminded to indicate language on Form 115.33 Report of Inmate Training Participation
AUBURN	Ensured area of complaints has appropriate coverage through ongoing installation of camera system
BARE HILL	Adjusted Dorm mirrors
	Review Coordinated Response Plan with facility medical staff and Watch Commander
	PREA Point Person monitored unannounced rounds
	Increased unannounced rounds in Special Housing Unit
BEDFORD HILLS	Incident review identified various areas in need of additional fixed cameras when the system is upgraded
	Continued education of Office of Mental Health (OMH) and DOCCS staff on safe boundaries
	Implemented increased supervisory rounds
COLLINS	Reviewed protocols with Office of Special Investigations (OSI) to implement safeguards to ensure victims are seen by medical in a timely manner
	Upon determination that an email notification was made when a telephone notification was required, recommended revising statewide policy to simplify instructions to Watch Commanders
EASTERN	Recommended the installation of CCTV
ELMIRA	Elmira Intermediate Care Program (ICP) has started monitoring all individuals at intake to verify they are PREA Risk Screened and are providing the incarcerated population with PREA Orientation on the housing unit
	Elmira CF is undergoing installation of audio/video technology, allegations have been considered to ensure proper placement of cameras
	Implemented additional training for all medical staff to stress the importance of clear documentation of the incident, completed mental health referrals per policy, and ensured that the appropriate provider was notified regardless of the timeframe of the incident and that such notification is recorded in the health record.
	After noting past deficiency that some individuals admitted directly into Special Housing Units (SHU), Residential Care Treatment Program (RCTP) and Intermediate Care Program (ICP) were not being screened, corrective action was taken and new compliance monitoring protocols were implemented
FIVE POINTS	Recommended installation of a camera system in the facility hospital area upon upgrade of the existing system
	Recommended that supervisory staff be present to ensure that frisks are conducted in a proper manner
FRANKLIN	Increased supervisory rounds along with continued staff education
	Implemented watch commander training
GREAT MEADOW	Implemented procedures to improve timely communication
	Reviewed all policies and procedures regarding Coordinated Response Plan - provided update to all security supervisors/staff
	Reinforced proper utilization of Body Worn Cameras to document incidents and appropriate staff conduct
GREEN HAVEN	Increased rounds being made by an officer
	Reinforced current policy that all contractors must fill out form 4071A prior to working around incarcerated individuals
	Improved documentation regarding non-DOCCS staff
	Memo issued to security supervisors and Offender Rehabilitation Coordinators regarding immediate reporting to appropriate facility when an incarcerated individual claims prior abuse at intake to ensure compliance with 28 CFR §115.63. Notification is provided as soon as possible, but no later than 72 hours after receiving the allegation
HALE CREEK	Memo issued to SHU security supervisors reminding them to use the most up to date risk screening form
	Superintendent directed re-training of security staff regarding respectful communication with LGBTIQ population
ORLEANS	Recommended the installation of Video Monitoring to improve security
	Recommended increasing supervisory rounds
	Reinforced the requirement that OMH referrals be submitted in a timely manner
TACONIC	Implemented revised procedures regarding closing of vestibule doors to prevent the creation of a visual barrier; noted that incident occurred before body-worn cameras were implemented and that the use of body worn cameras during pat frisk would document pat frisks conducted by staff
	Conducted re-training for guidance staff on conducting of PREA Reassessment upon a change in circumstance
UPSTATE	Training conducted with Lieutenants and Nursing Staff on Coordinated Response Plan Facility Operation Manual (FOM)
	Reviewed FOM 602 PREA Risk Screening with Guidance Staff
	Encouraged more unannounced security supervisory rounds
	Reviewed Coordinated Response Plan with Medical staff to ensure proper documentation completed, specifically medical evaluations involving the reported perpetrator in this instance.
WASHINGTON	Reviewed FOM 602 PREA Risk Screening with Guidance Staff
	Continued efforts to improve timely communication to the facility when allegations are reported to offices outside the facility
	Ensured procedures were put in place to follow-up with other facilities when incarcerated individual is transferred during an open investigation to ensure all needs are met
WYOMING	Requested, through Central Office, that CCTV and/or Body Worn Cameras be implemented at the facility

CONCLUSION

A comparison of data from 2015 to 2019 shows an increase in reports of sexual abuse and sexual harassment beginning 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 all those under custody, 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 custody population

2017 - 2019^a

Facility	2017								2018								2019							
	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
Adirondack	2	5.2	0	0.0	2	5.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	6	290.3	2	96.8	2	96.8	2	96.8
<i>b</i> Albion	22	20.4	2	1.9	13	12.1	7	6.5	19	19.0	3	3.0	13	13.0	3	3.0	16	17.8	3	3.3	10	11.1	3	3.3
Altona	0	0.0	0	0.0	0	0.0	0	0.0	2	4.4	0	0.0	2	4.4	0	0.0	2	5.0	0	0.0	2	5.0	0	0.0
Attica	8	4.4	0	0.0	5	2.5	4	2.0	19	9.4	1	0.5	12	6.0	5	2.5	22	11.5	0	0.0	13	6.8	8	4.2
Auburn	9	5.7	0	0.0	4	2.6	5	3.2	20	13.6	0	0.0	13	8.8	7	4.7	25	18.6	1	0.7	21	15.7	3	2.2
Bare Hill	5	3.5	0	0.0	5	3.5	0	0.0	8	6.0	0	0.0	6	4.5	2	1.5	8	6.3	1	0.8	7	5.5	0	0.0
<i>b</i> Bedford Hills	22	29.4	1	1.3	12	16.0	8	10.7	35	46.0	5	6.6	23	30.2	7	9.2	40	54.8	0	0.0	29	39.7	6	8.2
Cape Vincent	3	3.6	0	0.0	3	3.6	0	0.0	1	1.2	0	0.0	0	0.0	1	1.2	7	9.0	0	0.0	7	9.0	0	0.0
<i>d</i> Cayuga	2	2.1	0	0.0	2	2.1	0	0.0	2	2.3	0	0.0	2	2.3	0	0.0	7	8.3	0	0.0	6	7.1	1	1.2
Clinton	16	5.9	1	0.4	12	4.4	3	1.1	28	10.8	0	0.0	23	8.9	5	1.9	20	8.5	1	0.4	14	5.9	5	2.1
<i>d</i> Collins	5	4.1	0	0.0	2	2.0	2	2.0	12	12.0	0	0.0	10	10.0	2	2.0	17	17.0	0	0.0	9	9.0	7	7.0
Coxsackie	12	13.4	0	0.0	11	12.2	1	1.1	10	11.7	0	0.0	9	10.5	0	0.0	6	7.8	1	1.3	4	5.2	1	1.3
Downstate	12	10.4	0	0.0	8	6.9	4	3.5	13	11.7	1	0.9	9	8.1	3	2.7	6	5.9	0	0.0	6	5.9	0	0.0
Eastern	9	10.3	0	0.0	7	8.0	2	2.3	8	8.6	2	2.2	6	6.5	0	0.0	6	6.5	0	0.0	6	6.5	0	0.0
<i>c</i> Edgecombe	1	7.1	0	0.0	1	7.1	0	0.0	1	8.3	0	0.0	0	0.0	1	8.3	1	9.1	0	0.0	1	9.1	0	0.0
Elmira	6	3.8	0	0.0	2	1.3	4	2.5	6	3.8	0	0.0	6	3.8	0	0.0	13	8.4	0	0.0	9	5.8	4	2.6
<i>d</i> Fishkill	24	14.6	0	0.0	16	9.7	7	4.3	22	13.7	0	0.0	18	11.2	4	2.5	24	14.8	0	0.0	16	9.9	3	1.9
Five Points	7	5.1	0	0.0	5	3.6	2	1.5	18	13.7	0	0.0	11	8.4	7	5.3	17	14.2	1	0.8	12	10.0	2	1.7
Franklin	13	9.6	1	0.7	10	7.4	1	0.7	11	8.3	0	0.0	10	7.6	1	0.8	3	2.4	0	0.0	3	2.4	0	0.0

a Appendix A excludes any facilities currently closed.

b Female correctional facility.

c Includes one or more female housing units.

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

Note: Rate of victimization equals the number of substantiated, unsubstantiated or unfounded incidents divided by the average custody population multiplied by 1,000. See Appendix C for full description.

APPENDIX A (continued)

Allegations of sexual victimization - facility by resulting determination, rate per 1,000 custody population

2017 - 2019^a

Facility	2017								2018								2019							
	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>d</i> Gouverneur	8	8.0	0	0.0	3	3.0	5	5.0	4	4.1	0	0.0	1	1.0	3	3.1	14	16.2	0	0.0	13	15.0	1	1.2
Great Meadow	19	13.1	0	0.0	9	6.2	10	6.9	26	18.1	0	0.0	23	16.0	3	2.1	40	28.3	1	0.7	35	24.8	3	2.1
Green Haven	25	12.8	4	2.1	16	8.2	5	2.6	34	18.1	2	1.1	22	11.7	10	5.3	26	14.1	0	0.0	17	9.2	5	2.7
<i>d</i> Greene	8	4.8	0	0.0	7	4.2	1	0.6	14	8.5	0	0.0	11	6.6	2	1.2	13	8.4	1	0.6	7	4.5	3	1.9
Groveland	8	8.3	0	0.0	6	6.2	2	2.1	7	7.3	0	0.0	5	5.2	2	2.1	12	12.9	2	2.2	5	5.4	5	5.4
Hale Creek	0	0.0	0	0.0	0	0.0	0	0.0	2	5.0	0	0.0	2	5.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<i>b</i> Hudson	3	17.5	1	5.8	2	11.7	0	0.0	1	6.9	1	6.9	0	0.0	0	0.0	9	89.3	2	19.8	6	59.5	0	0.0
<i>c, d</i> Lakeview	3	4.0	1	1.3	2	2.6	0	0.0	3	4.1	0	0.0	3	4.1	0	0.0	3	4.9	0	0.0	1	1.6	2	3.3
<i>d</i> Marcy	14	12.2	1	0.9	7	6.1	6	5.2	18	15.9	1	0.9	11	9.7	6	5.3	28	25.2	0	0.0	21	18.9	6	5.4
<i>d</i> Mid-State	12	8.0	0	0.0	9	6.0	3	2.0	27	18.7	0	0.0	17	11.8	10	6.9	33	23.3	1	0.7	27	19.1	5	3.5
<i>d</i> Mohawk/Walsh	6	4.3	0	0.0	3	2.1	3	2.1	6	4.3	1	0.7	4	2.9	1	0.7	17	12.4	0	0.0	12	8.8	5	3.7
Moriah Shock	0	0.0	0	0.0	0	0.0	0	0.0	1	5.4	1	5.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Ogdensburg	0	0.0	0	0.0	0	0.0	0	0.0	1	2.5	0	0.0	0	0.0	1	2.5	1	2.7	0	0.0	1	2.7	0	0.0
<i>d</i> Orleans	3	3.4	0	0.0	2	2.3	1	1.1	8	9.2	1	1.2	5	5.8	2	2.3	10	11.7	1	1.2	7	8.2	2	2.3
Other	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	1	n/a	0	n/a	1	n/a	0	n/a
Otisville	1	1.7	0	0.0	1	1.7	0	0.0	2	3.7	0	0.0	2	3.7	0	0.0	6	10.5	1	1.7	4	7.0	1	1.7
Outside Hospital	1	n/a	0	n/a	1	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	1	n/a	0	n/a	1	n/a	0	n/a
Queensboro	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	0.0	0	0.0	0	0.0

a Appendix A excludes any facilities currently closed.

b Female correctional facility.

c Includes one or more female housing units.

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

Note: Rate of victimization equals the number of substantiated, unsubstantiated or unfounded incidents divided by the average custody population multiplied by 1,000. See Appendix C for full description.

APPENDIX A (continued)

Allegations of sexual victimization - facility by resulting determination, rate per 1,000 custody population

2017 - 2019^a

Facility	2017								2018								2019							
	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
Riverview	2	2.4	0	0.0	1	1.2	1	1.2	4	5.0	0	0.0	4	5.0	0	0.0	3	4.3	0	0.0	2	2.8	1	1.4
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	0	0.0	0	0.0	0	0.0
Shawangunk	0	0.0	0	0.0	0	0.0	0	0.0	4	8.2	0	0.0	1	2.1	3	6.2	4	8.3	0	0.0	3	6.2	1	2.1
Sing Sing	12	7.5	3	1.9	6	3.8	2	1.3	18	11.4	2	1.3	10	6.4	5	3.2	22	14.7	2	1.3	9	6.0	3	2.0
Southport	2	3.8	0	0.0	1	1.9	1	1.9	6	16.3	0	0.0	3	8.1	3	8.1	5	12.2	0	0.0	2	4.9	3	7.3
Sullivan	15	33.8	1	2.3	7	15.8	7	15.8	10	22.0	0	0.0	9	19.8	1	2.2	20	43.5	0	0.0	17	37.0	2	4.3
^b Taconic	8	25.0	4	12.5	4	12.5	0	0.0	4	12.2	0	0.0	4	12.2	0	0.0	5	16.4	0	0.0	3	9.8	1	3.3
Ulster	6	8.5	0	0.0	5	7.1	1	1.4	3	4.6	1	1.5	1	1.5	1	1.5	2	3.4	1	1.7	1	1.7	0	0.0
Upstate	6	5.8	0	0.0	3	2.9	3	2.9	18	19.2	0	0.0	13	13.9	5	5.3	12	14.5	0	0.0	11	13.3	1	1.2
Walkill	3	5.4	1	1.8	2	3.6	0	0.0	1	1.9	0	0.0	1	1.9	0	0.0	3	5.4	0	0.0	2	3.6	1	1.8
Washington	10	11.9	0	0.0	8	9.5	2	2.4	7	8.4	1	1.2	6	7.2	0	0.0	5	6.1	0	0.0	5	6.1	0	0.0
Wende	9	10.9	0	0.0	6	7.3	3	3.6	14	17.7	1	1.3	9	11.4	4	5.1	17	22.2	0	0.0	14	18.2	1	1.3
^c Willard	6	7.9	0	0.0	5	6.6	1	1.3	10	16.8	0	0.0	6	10.1	4	6.7	7	11.9	0	0.0	7	11.9	0	0.0
Woodbourne	8	10.0	0	0.0	7	8.8	1	1.3	6	7.6	2	2.5	4	5.1	0	0.0	6	7.6	1	1.3	5	6.3	0	0.0
Wyoming	5	3.6	0	0.0	4	2.9	1	0.7	6	4.6	0	0.0	4	3.0	2	1.5	4	3.2	0	0.0	2	1.6	2	1.6

^a Appendix A excludes any facilities currently closed.

^b Female correctional facility.

^c Includes one or more female housing units.

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

Note: Rate of victimization equals the number of substantiated, unsubstantiated or unfounded incidents divided by the average custody population multiplied by 1,000. See Appendix C for full description.

APPENDIX B

Reported Allegations of Sexual Abuse and Sexual Harassment
 Created in compliance with PREA Standard 115.89 (b) for calendar year 2020
 Incident frequency by category type

State-operated confinement facilities

Incarcerated Population	Nonconsensual Acts	Abusive Sexual Contact	Sexual Harassment	Total
Number reported	84	20	45	149
Substantiated	1	1	1	3
Unsubstantiated	41	8	28	77
Unfounded	8	2	5	15
Ongoing	34	9	11	54
Total allegations	84	20	45	149

Staff	Sexual Misconduct	Sexual Harassment	Total
Number reported	319	160	479
Substantiated	7	5	12
Unsubstantiated	162	85	247
Unfounded	60	25	85
Ongoing	90	45	135
Total allegations	319	160	479

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

Community-based residential program sites

Releasees	Nonconsensual Acts	Abusive Sexual Contact	Sexual Harassment	Total
Number reported	0	1	1	2
Substantiated	0	0	0	0
Unsubstantiated	0	1	1	2
Unfounded	0	0	0	0
Ongoing	0	0	0	0
Total allegations	0	1	1	2

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

Data accurate as of file date 8/2/2021.

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 type, incarcerated individual or releasee).

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 incarcerated individual without their consent, or of an incarcerated individual 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 incarcerated individual, however slight by a hand, finger, object, or other instrument.

Inmate Abusive Act (I₂) - sexual contact with any incarcerated individual without their consent, or of a incarcerated individual 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 incarcerated individual.

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 incarcerated individual 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 incarcerated individual 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.