NEW YORK STATE Department of Corrections and Community Supervision **DIRECTIVE**	TITLE **Sexual Victimization Prevention & Response**		NO. 4027 DATE 02/27/2026
SUPERSEDES DIR #4027 Dtd. 12/01/23	DISTRIBUTION A B	PAGES PAGE 1 OF 14	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section X	APPROVING AUTHORITY		

I. POLICY

Zero Tolerance Statement (Prison Rape Elimination Act [PREA] Standard 115.11/211):

The Department has zero tolerance for sexual abuse, sexual harassment, and unauthorized relationships. No employee shall engage in any sexual abuse, sexual conduct, sexual contact, or an unauthorized relationship with an incarcerated individual or a releasee, whether in a correctional facility or under Community Supervision; engage in sexual harassment of an incarcerated individual or a releasee; or engage in retaliation related to such an incident or investigation. No incarcerated individual or releasee shall engage in sexual abuse or sexual harassment or engage in retaliation related to such an incident or investigation.

Incarcerated individuals and releasees have the right to be free from sexual abuse and sexual harassment. Sexual abuse, sexual harassment, and unauthorized relationships violate Department rules, may violate criminal statutes, and are a serious breach of the public trust. Additionally, they constitute serious threats to safety and security.

All allegations of sexual abuse, sexual harassment, unauthorized relationships, and retaliation against staff, an incarcerated individual, or a releasee for reporting a sexual abuse or sexual harassment incident or for participating in an investigation will be thoroughly investigated. Furthermore, any perpetrator of sexual abuse, sexual harassment, an unauthorized relationship, or retaliation related to such an incident or investigation will be dealt with severely through discipline or prosecution to the fullest extent permitted by law.

II. DEFINITIONS

A. Sexual Abuse: For purposes of the Department's policies and procedures regarding sexual victimization prevention and response, sexual abuse has the same meaning as set forth in the PREA Standards, 28 C.F.R. Section 115.6. In the context of criminal proceedings, "sexual abuse" has the same meaning as set forth in Penal Law Article 130.

1. Sexual abuse of an incarcerated individual by another incarcerated individual (incarcerated individual sexual abuse) includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

   a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.

   b. Contact between the mouth and the penis, vulva, or anus.

   c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

   d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

2. Sexual abuse of an incarcerated individual by a staff member, contractor, or volunteer (staff sexual abuse) includes any of the following acts, with or without consent of the incarcerated individual:
    a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
    b. Contact between the mouth and the penis, vulva, or anus.
    c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
    d. Penetration of the anal or genital opening, however slight, by a hand, finger object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
    e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
    f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above in a-e.
    g. Any display by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks, or breast in the presence of an incarcerated individual.
    h. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an incarcerated individual, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an incarcerated individual who is using a toilet in their cell to perform bodily functions; requiring an incarcerated individual to expose their buttocks, genitals, or breasts; or taking images of all or part of an incarcerated individual's naked body or of an incarcerated individual performing bodily functions.
3. For the purpose of these definitions, the term incarcerated individual includes releasees housed in a community-based residential program (CBRP).
4. In the context of criminal proceedings under Penal Law Article 130, effective September 1, 2024, "penetration" is no longer required to establish sexual contact as an element of rape.

B. Sexual Harassment: For purposes of the Department's policies and procedures regarding sexual victimization prevention and response, sexual harassment has the same meaning as set forth in the PREA Standards and 28 C.F.R. Section 115.6.
1. Incarcerated individual 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.
2. Staff sexual harassment is defined as repeated verbal comments or gestures of a sexual nature to an incarcerated individual by a staff member, contractor, or volunteer including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

3. For the purposes of these definitions, the term incarcerated individual includes releasees housed in a CBRP.

NOTE: Although the National PREA Standards define sexual harassment as repeated instances, the Department of Corrections and Community Supervision (DOCCS) policy prohibits all instances of sexual harassment.

Every instance of sexual harassment of an incarcerated individual is required to be investigated in accordance with established policy and, if substantiated, may result in disciplinary action or other response commensurate with the nature of the misconduct. For data collection purposes, only PREA-defined sexual harassment cases are collected as part of the Department's statistical analysis.

C. Unauthorized relationships (or inappropriate relationship) means any association with criminals or persons engaged in unlawful activities or any conversation, communication, dealing, transaction, association, or relationship with any incarcerated individual, formerly incarcerated individual, releasee, or former releasee, or any visitor, friend, or relative of the same in any manner or form which is not necessary or proper for the discharge of the employee's duties, and that has not been authorized in accordance with applicable policy. This includes fraternization and "grooming" behavior.

III. GOVERNING POLICIES AND RULES: The following Employees' Manual Sections and Standards of Incarcerated Individual Behavior are of particular relevance to the Department's Sexual Victimization Prevention and Response policy. Even if not specifically referenced herein, employees are reminded that other provisions of the Employees' Manual may be applicable to the prevention of sexual abuse, sexual harassment, and unauthorized relationships.

A. Employees' Manual Section 2.15 prohibits unauthorized relationships including, but not limited to, engaging in any conversation, communication, dealing, transaction, association, or relationship with any incarcerated individual, formerly incarcerated individual, releasee, or former releasee, which is not necessary or proper for the discharge of the employee's duties. See, Directive #0702, "Notification and Request to Associate with Incarcerated Individuals and Releasees."

B. Employees' Manual Section 2.19 prohibits an employee from engaging in sexual abuse, sexual harassment, or related retaliation. Every staff person, including any employee, contractor or contract employee, volunteer or intern of the Department, or any employee, contractor or contract employee assigned to work in a Department correctional facility by any other State agency, is prohibited from engaging in any type of sexual conduct or sexual contact with any incarcerated individual or releasee.

C. Employees' Manual Section 2.20 establishes the duty to report sexual abuse and sexual harassment, and retaliation; and provides for confidentiality apart from disclosures that are required by policy and as necessary for treatment, investigation, and other security and management decisions. This directive extends the duty to report to include unauthorized relationships.

D. Employees' Manual Section 2.45 requires employees to report any information concerning corruption, fraud, criminal activity, conflicts of interest, misconduct, or abuse by an employee or supervisory staff.

E. Incarcerated Individual Rule 101.10, "Standards of Incarcerated Individual Behavior," prohibits incarcerated individuals from engaging in, or soliciting others to engage in sexual acts. Other sexual contact and conduct of a sexual nature are also prohibited under the Incarcerated Individual Rule Series 101.

IV. ORGANIZATIONAL STRUCTURE

A. PREA Coordinator (PREA Standard 115.11[b]): The Commissioner has designated the Associate Commissioner for PREA Compliance as the agency-wide PREA Coordinator, who is responsible for the implementation of policies and programs to address sexual victimization of incarcerated individuals and others under the jurisdiction of the Department, unauthorized relationships, and related forms of misconduct.

1. The Associate Commissioner for PREA reports to the Deputy Commissioner and Counsel.
2. The Associate Commissioner for PREA oversees the Sexual Abuse Prevention & Education Office (SAPEO).

B. Director of PREA Compliance: The Director of PREA Compliance reports to the Associate Commissioner for PREA and serves as the assistant agency-wide PREA Coordinator. The Director of PREA Compliance is responsible for administering the PREA Audit program; provides direct oversight of agency-wide PREA implementation activities; and assists in the development and implementation of programs and policies in areas relating to compliance with PREA and the reduction of sexual abuse, sexual harassment, and unauthorized relationships within the Department. In the absence of the PREA Coordinator, the Director shall serve as the acting PREA Coordinator.

C. PREA Compliance Managers (PREA Standard 115.11[c]): Each facility shall have a PREA Compliance Manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards and implementation of policies and programs to address sexual victimization of incarcerated individuals within the facility.

1. Assistant Deputy Superintendent PREA Compliance Managers (ADS PREA) shall be appointed to designated primary correctional facilities and may have PREA compliance oversight duties at one or more facilities as designated by the Associate Commissioner for PREA.

   An ADS PREA is responsible for fulfilling PREA Compliance Manager duties at their primary correctional facility under the supervision of the Associate Commissioner for PREA, Director of PREA Compliance, and the facility Superintendent.

   a. Each ADS PREA shall be responsible for coordinating and providing oversight of PREA Compliance activities and efforts to address sexual victimization at their designated cluster facilities in coordination with the Superintendent and facility Executive Team at each cluster facility.

   b. The ADS PREA is expected to maintain ongoing communication with the Associate Commissioner, Director of PREA Compliance, Superintendent, and the Office of Special Investigations (OSI) to facilitate sexual victimization prevention efforts and investigative matters and shall keep the Associate Commissioner apprised of any issues requiring attention, including but not limited to matters regarding audit and compliance.

2. Each Superintendent shall designate a Security Supervisor, not to fall below the rank of Lieutenant, as the PREA Point Person (PPP) for the correctional facility. Upon designation, the Superintendent shall send an email identifying the designee to the Associate Commissioner for PREA at PREA@doccs.ny.gov, with a copy to the Deputy Commissioner for Correctional Facilities.

The designated PPP will be a liaison along with the facility's designated ADS PREA in a joint effort to implement the PREA Standards within the facility, and during an extended absence or vacancy, shall fulfill the ADS PREA responsibilities.

V. SEXUAL VICTIMIZATION PREVENTION POLICY MANUAL

A. The SVPPM supplements this directive and shall have the same force and effect as a directive in setting forth the Department's policies for the prevention of sexual abuse, sexual harassment, unauthorized relationships, and retaliation related to such incidents or investigations, and provides detailed operating procedures implementing the National PREA Standards.

1. The SVPPM is issued by the Associate Commissioner and electronically maintained and distributed by SAPEO. Relevant sections of the SVPPM shall be distributed by the ADS PREA or designated PPP to staff who have an operational need within their respective disciplines.
2. Requests for interpretation of a SVPPM section or for a variance from the direction or requirements set forth in a section of the SVPPM shall be submitted with appropriate justification, in writing, to the Associate Commissioner.
3. Each SVPPM section shall be coded as either "A B", "A", or "D" (as noted in the "Distribution" box in the printed heading) for distribution and security purposes using the distribution codification established by Directive #0001, "Introduction to the Policy and Procedure Manual."

B. The SVPPM is reviewed on an annual basis. Revisions to the content are made as warranted by SAPEO.

VI. PROCEDURE

A. Implementation

1. The Department uses a continuous improvement model to promote sexual safety for the Department's workforce and the population DOCCS serves. DOCCS strives to ensure a climate that does not tolerate any form of sexual victimization, employs effective prevention strategies, promotes procedures to better detect violations of policy and law, and ensures a comprehensive victim-centered and supportive response to incidents of sexual victimization.
2. In order to ensure that DOCCS policies remain at the forefront, DOCCS uses a multidisciplinary approach that includes collaboration with internal and external stakeholders including, but not limited to:
   a. Development of education and response protocols with the OSI Public Integrity Division (PID).
   b. Coordination at all levels within the agency to implement improvements in policies, practices, and tools provided to our workforce to promote safety and professionalism.
   c. Collaboration with Community-Based Rape Crisis Programs to promote victim-centered responses, emotional support and advocacy services, and develop training for staff.
   d. Using focus group discussions with staff, incarcerated individuals, and releasees to improve policies and practices.
   e. Conducting exit interviews with releasees.

f. Interviewing former employees convicted of charges related to sexual abuse, video recorded when possible.

g. Collaborating with other state prison systems, PREA Coordinators from prisons and jails across the United States, the U.S. Department of Justice PREA Management Office, the PREA Resource Center, and other national experts to identify emerging promising practices.

3. The Department has implemented a number of processes to promote ongoing policy compliance including facility self-assessments, site reviews, site assessments, and PREA Compliance Audits (see SVPPM, Section 115.501).

B. Prevention and Education

1. All employees will receive training on the Department's zero-tolerance policy for sexual abuse and sexual harassment; how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; the right to be free from sexual abuse and sexual harassment; the right to be free from retaliation for reporting sexual abuse and sexual harassment; the dynamics of sexual abuse and sexual harassment in confinement; the common reactions of sexual abuse and sexual harassment victims; how to detect and respond to signs of threatened and actual sexual abuse; avoiding inappropriate relationships with incarcerated individuals and releasees; how to communicate effectively and professionally with incarcerated individuals, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming individuals; and how to comply with mandatory reporting requirements. Training requirements for employees, volunteers, employees in specialized roles, and other staff are outlined in the Training Manual and other pertinent policies, and shall include, at a minimum, initial hire training, refresher training at least every two years, and an annual refresher information.

2. All incarcerated individuals shall be educated on the zero-tolerance policy regarding sexual abuse and sexual harassment, as well as how to report incidents or suspicions of sexual abuse or sexual harassment following reception into the Department and during orientation following transfer (see SVPPM, Section 115.33).

C. Risk Screening

1. All incarcerated individuals will be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other incarcerated individuals or sexually abusive towards other incarcerated individuals (see SVPPM, Section 115.41).

a. The Department shall use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those incarcerated individuals at high risk of being sexually victimized (HRV) from those at high risk of being sexually abusive (HRA) (see SVPPM, Section 115.42).

b. In deciding whether to assign an incarcerated individual who identifies as transgender or gender diverse (TGD) to a facility aligned with their current gender, and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the incarcerated individual's health and safety, and whether the placement would present any management or security problems, or would present an excessive risk to the safety of other incarcerated individuals (see, SVPPM, Section 115.42.1).

VII. REPORTING AND RESPONSE

A. Policies to Ensure Referrals of Allegations for Investigations (PREA Standard 115.22/222): An administrative or criminal investigation shall be completed for all allegations of sexual abuse, sexual harassment, and unauthorized relationships.

1. Pursuant to Directive #0700, "Office of Special Investigations (OSI)," the Commissioner has designated OSI with broad investigative authority. The OSI PID specializes in the investigation of unauthorized relationships, sexual abuse, sexual harassment, and related misconduct.
2. The ADS PREA shall oversee facility administrative investigations into allegations of sexual harassment and non-PREA reportable allegations concerning pat frisks, and forward recommendations to the Superintendent for approval.
   a. Based on the facts and circumstances of any sexual harassment allegation, the ADS PREA, upon consultation with the Superintendent, may refer the matter to OSI for further review.
   b. Additionally, any misconduct shall be referred to either OSI pursuant to Directive #0700 or to the Bureau of Labor Relations pursuant to Directive #2111, "Report of Employee Misconduct," for appropriate action.

B. Reporting

1. Staff Reporting (PREA Standard 115.61/261).
   a. All staff shall report to a supervisor immediately:
      (1) Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility whether or not the facility is part of the Agency, and any unauthorized relationship. This duty to report includes any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment of a releasee whether in a CBRP or while under Community Supervision, and any unauthorized relationship with a releasee.
      (2) Any acts of retaliation against an incarcerated individual, releasee, or staff for reporting such an incident or for participating in an investigation of an incident of sexual abuse, sexual harassment, or an unauthorized relationship.
      (3) Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
      (4) Any report of or substantial risk of imminent sexual abuse. Risk of imminent sexual abuse generally involves a narrow and specific threat made by an identifiable source.

b. For reporting purposes under this directive, "employee" includes any employee, contractor, contract employee, volunteer, or intern of the Department or any employee, contractor, or contract employee assigned to work in a Department correctional facility by any other State agency.

c. The duty to report includes verbal, written, third-party, and anonymous reports, regardless of whether staff personally believe the information to be complete, true, or reliable. Facility staff who receive a report shall immediately notify a security supervisor. Community Supervision staff who receive a report shall immediately notify their supervisor.

All staff who receive a verbal report shall ensure that the details of the report are documented in a signed written memorandum no later than the end of the shift.

d. Staff may privately report suspected sexual abuse, sexual harassment, or an unauthorized relationship by calling DOCCS OSI at 1-844-OSI-4NYS or 518-457-2653, or via the online reporting portal. Staff may also report in accordance with the Department's whistleblower policy.

e. Reports are confidential. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the extent necessary, as specified in Agency policy including, but not limited to, the SVPPM, to make treatment, investigation, and other security and management decisions.

f. **Pursuant to Directive #0700, and Directive #2111, under no circumstances shall a facility or Community Supervision bureau investigation involving sexual abuse or an unauthorized relationship be initiated unless and until OSI has been consulted**. The only exception to this rule is when an initial facility or Community Supervision bureau investigation is authorized pursuant to one of the following:

(1) An approved Coordinated Response to Reports of Sexual Victimization Facility Operations Manual (FOM) (see SVPPM, Section 115.65).

(2) Form #4027RC, "Watch Commander Quick Reference Chart" (see SVPPM, Section 115.65).

(3) Form #4027CS, "Community Supervision Supervisor/Reentry Manager Quick Reference Chart" (see SVPPM, Section 115.65).

2. Incarcerated Individual and Releasee Reporting (PREA Standard 115.51/251): The Department provides multiple internal ways for incarcerated individuals and releasees to privately report sexual abuse and sexual harassment, retaliation by other incarcerated individuals, releasees, or staff for reporting sexual abuse and sexual harassment, unauthorized relationships, and staff neglect or violation of responsibilities that may contribute to such incidents.

a. As set forth in the Employees' Manual, Section 2.20, and this directive, staff are mandated to accept reports of sexual abuse, sexual harassment, and unauthorized relationships made verbally, in writing, anonymously, and from third parties.

b. Incarcerated individuals and releasees may report to OSI. Reports may be made by writing to: DOCCS Office of Special Investigations, 1220 Washington Ave., Building 4, Albany, NY 12226-2050. Incarcerated individuals may also use the OSI Reporting Line by dialing 444 on the incarcerated individual telephone system during regular business hours.

Calls to 444 are not monitored by facility staff. Releasees and family members may also contact the OSI reporting line at 1-844-OSI-4NYS, via email to OSIComplaint@doccs.ny.gov, or by submitting an online complaint at https://doccs.ny.gov/doccs-office-special-investigations-osi.

c. Incarcerated individuals and releasees may also report to the State Commission of Correction (SCOC), a separate State office that is not part of the Department by writing to: State Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12th Floor, Albany, New York 12210. Incarcerated individuals may use privileged correspondence for this purpose. The SCOC will receive and immediately forward reports of sexual abuse, sexual harassment, and unauthorized relationships to OSI. An incarcerated individual or releasee may request that the SCOC allow them to remain anonymous and the SCOC will not include their name in the report.

d. An incarcerated individual or releasee will not be punished for good faith reporting of incidents related to sexual victimization (including unauthorized relationships) or retaliation for reporting such incidents. A person may be charged or disciplined for making a report only after an allegation has been determined to be unfounded (investigated and proven not to have occurred) and where that allegation was made in bad faith (investigated and proven that the person intentionally made a false report knowing it was false or baseless, or the person reported an alleged crime or incident knowing it did not occur).

3. Third-party reporting (PREA Standard 115.54/254): Third-party reports on behalf of anyone under the Department's custody or supervision can be made to any employee. The receiving employee shall immediately forward such report to the facility Superintendent or Bureau Chief. Immediate after-hours reports concerning an incarcerated individual may be made to the facility Watch Commander. Anyone may report an incident of sexual victimization involving an incarcerated individual or a releasee to DOCCS OSI through the OSI reporting line at 1-844-OSI-4NYS, via email to OSIComplaint@doccs.ny.gov, or by submitting an online complaint at https://doccs.ny.gov/doccs-office-special-investigations-osi.

C. Medical and Mental Health Care

1. Access to emergency medical and mental health services (PREA Standard 115.82/282).

a. All reports of sexual abuse must be medically assessed immediately at the facility or by an outside hospital emergency department, regardless of whether or not the allegation has been independently verified prior to the victim's presentation for treatment (see Health Services Policy Manual [HSPM], Section 1.60).

b. If no qualified medical and mental health practitioners are on duty at the time a report of recent abuse is made, the Watch Commander will ensure that security staff first responders take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners pursuant to the facility specific Coordinated Response to Reports of Sexual Victimization FOM and shall document the action taken on Form #4027WC, “Watch Commander’s Sexual Abuse Response Sheet” (see SVPPM, Section 115.65).

c. Incarcerated victims of sexual abuse shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis per the HSPM, Sections 1.12B and 1.60.

d. Treatment services shall be provided to the victim without financial liability and regardless of whether or not the victim cooperates in any investigation arising from the incident as set forth in the HSPM, Section 1.60.

2. Ongoing medical and mental health care for sexual abuse victims and abusers (PREA Standard 115.83/283).

a. The facility shall offer medical and mental health evaluations and, as appropriate, treatment to all incarcerated individuals who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

b. The evaluation and treatment, as appropriate, will include follow-up services, treatment plans, and, when necessary, continuing care upon transfer or release.

c. Incarcerated victims of sexual abuse will be provided with ongoing medical and mental health services consistent with the community standard of care, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

(1) Medical care shall be in accordance with applicable sections of the HSPM.

(2) Mental Health Services shall be in accordance with the current Memorandum of Understanding between DOCCS and the NYS Office of Mental Health (NYS OMH), and in accordance with policy promulgated by NYS OMH.

d. Upon learning that an incarcerated individual has a history of committing an act of sexual abuse against another incarcerated individual, including, but not limited to, a finding of guilt of a Tier disposition per the Incarcerated Individual Rule Series 101 for a sex offense, penal law offense of a sexual nature, or attempt thereof while incarcerated, the Offender Rehabilitation Coordinator (ORC) shall complete a referral to Central Office Guidance for evaluation for the Sex Offender Counseling and Treatment Program (SOCTP) and Form #3150, “DOCCS - Mental Health Referral,” for consideration by NYS OMH for other appropriate mental health treatment to address sexual offending behavior.

D. Agency Protection Duties

1. Upon learning that an incarcerated individual is subject to a substantial risk of imminent sexual abuse, the facility shall take immediate action to protect the incarcerated individual (PREA Standard 115.62/262). Protection measures for an imminent threat of sexual abuse may include, but are not limited to, housing changes or transfers of reported abusers or victims, temporary removal of reported abusers from contact with reported victims, facilitating access to emotional support services, implementation of additional supervision measures, etc. Placement in Involuntary Protective Custody is a last resort and shall only be used in accordance with Directive #4948, "Protective Custody Status."
2. After consulting with the Superintendent, the ADS PREA shall implement steps to protect any incarcerated individual and staff who report sexual abuse or sexual harassment or cooperate with a sexual abuse or sexual harassment investigation from retaliation (see SVPPM, Section 115.67).

E. Duty to Intervene

1. Any staff member present and observing another staff member engaging in conduct that the observer reasonably believes to constitute any act of misconduct including but not limited to, sexual abuse, sexual harassment, unauthorized relationships, or retaliation shall intervene to prevent such misconduct, if and when the staff member has a realistic opportunity to do so safely.
2. A staff member who observes another staff member engaging in any act of misconduct, including but not limited to, conduct that the observer reasonably believes to constitute an act of sexual abuse, sexual harassment, unauthorized relationships or retaliation shall have a duty to document and promptly report these observations to an immediate supervisor or higher ranking authority within their chain of command. Any allegation of sexual abuse, sexual harassment, an unauthorized relationship, or related retaliation shall be reported in accordance with Section VII, Reporting and Response, above.

VIII. FACILITY RECORDS AND REVIEW

A. Reports of Sexual Victimization

1. The Deputy Superintendent for Security of each facility shall be responsible for maintaining a bound and numbered "Report of Sexual Victimization Logbook" that shall be a chronological listing of each report of sexual victimization or related conduct (i.e., sexual abuse, sexual harassment, sexual threat, unauthorized relationship, inappropriate frisk, etc.) that occurs.
2. To preserve confidentiality, the logbook shall be secured and access to it limited to those personnel with an operational need, including the ADS PREA and the designated PPP, and for inspection during approved internal and external audits. The ADS PREA shall conduct regular reviews of the logbook and ensure that details from case updates are properly recorded.

3. Report of Sexual Victimization Logbook entries shall include the following:
   a. Report log number.

      NOTE: Each incident shall be numbered utilizing the facility three-letter code, followed by the four-digit calendar year of the report, and a three-digit number identifying the consecutive order that the report was received during that year (i.e., ADK-2022-001 denotes the first Sexual Victimization Report at Adirondack for calendar year 2022).
   b. Date and time of the report.
   c. Date and time of the incident.
   d. Name, Department Identification Number (DIN), and role of the incarcerated individual(s) involved.
   e. Location of the incident.
   f. Brief description of the incident.

      NOTE: If the incident was also an Unusual Incident (UI), it is sufficient to list only the Communications Control Center (CCC) number in this section.
   g. Name, title, and role of staff and others involved.
   h. Date and time facility health services was contacted.
   i. Date and time that the incarcerated individual was referred to NYS OMH by completion of Form #3150 or other means.
   j. Date, time, and manner ADS PREA and OSI were contacted, noting who was contacted.
   k. Case result (substantiated, unsubstantiated, or unfounded) and date of determination.
   l. Date notification sent via legal mail to the incarcerated individual.

B. Monthly Report of Sexual Victimization Summary: Each correctional facility shall complete Form #4027MR, "Monthly Report of Sexual Victimization Summary," using Form #4027MRC, "Monthly Report of Sexual Victimization Summary Continuation Sheet," as needed, that shall be a chronological listing of each report of sexual victimization that occurs during a given month for review by the Superintendent. Form #4027MR/Form #4027MRC shall be reviewed and approved by the ADS PREA and the Superintendent. The Superintendent shall forward a copy of Form #4027MR/Form #4027MRC to the Associate Commissioner for PREA, at PREA@doccs.ny.gov, with a copy to the Deputy Commissioner for Correctional Facilities by the 15th of each month.

   The original shall be secured for proper storage and a new summary will be started. Form #4027MR/Form #4027MRC entries shall include the following:

   1. Report of Sexual Victimization log number.
   2. Date and time of the report.
   3. Date and time of the incident
   4. Name, DIN, and role of the incarcerated individual(s) involved.
   5. Name, title, and role of staff and others involved.

6. Brief description of the incident noting if the alleged act concerns sexual abuse, PREA-defined sexual harassment, a single incident of sexual harassment (non-PREA), unauthorized relationship, or improper contact during a frisk that does not rise to the level of sexual abuse.

   NOTE: If the incident was also a UI, include the CCC number in this section.

7. Facility subdivision, if applicable.
8. Whether the allegation is being investigated by OSI or through a facility investigation.
9. Whether or not the allegation is PREA-defined.
10. Total number of reports of sexual abuse, PREA and non-PREA sexual harassment, unauthorized relationships, and improper frisk allegations by month and year-to-date (if none, indicate that on the form).

C. Sexual Abuse Incident Reviews (PREA Standard 115.86/286)

1. Each facility is required to conduct a sexual abuse incident review within 30 days of the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. In furtherance of that mandate, OSI will develop the necessary investigative documentation in order to facilitate the completion of those incident reviews.
2. At the conclusion of any PREA reportable substantiated or unsubstantiated investigation, OSI will submit the necessary Sexual Abuse Incident Review Information (SAIRI) to SAPEO.

   SAPEO will forward an incident review packet to the Superintendent, ADS PREA, and the designated PPP with instructions to conduct the incident review and report back to SAPEO with any findings and recommendations.

IX. AUDITS AND COMPLIANCE

A. Audits of Standards Implementation (PREA Standard 115.93/293)

1. Correctional Facility PREA Compliance Audits: During each three-year PREA Audit Cycle (e.g., August 20, 2022 – August 19, 2025), the agency shall ensure that each facility is audited at least once.
   a. One-third of each facility type (i.e., adult prison and community confinement facility) shall be audited during each PREA Audit Year pursuant to a schedule established by the Associate Commissioner for PREA.
   b. Audits shall be conducted by one or more Department of Justice-Certified PREA Auditors.
2. Contract Community-Based Residential Program PREA Compliance Audits: During each three-year PREA Audit Cycle (e.g., August 20, 2022 – August 19, 2025), the agency shall ensure that each contracted CBRP is audited at least once to the extent required under the applicable contract.
   a. CBRP audits are the responsibility of the contractor.
   b. The CBRP audit schedule is established by the Associate Commissioner for PREA Compliance in coordination with the Office of Reentry Services.
   c. The Office of Reentry Services oversees the conduct of CBRP PREA Compliance Audits as part of their contract monitoring responsibilities.

3. Audits shall primarily be the responsibility of the facility and shall be supported by Central Office SAPEO. For each audit, external staff shall be made available for audit interviews and records review including the agency PREA Coordinator or designee, representatives from OSI's PID, and the appropriate Community Supervision Reentry Manger, as required under the audit process established by the U.S. Department of Justice.

B. Determination of Compliance: To ensure ongoing compliance with the Department's policies incorporating the National PREA Standards, to assist facility leadership in early identification of practice gaps and allow for timely corrective action, the Department has adopted protocols for facility self-assessments, site reviews, and assessments (see SVPPM, Section 115.501).

X. REFERENCES

- National PREA Standards 28 CFR, Part 115
- Prison Rape Elimination Act
- Penal Law Article 130
- ACA Expected Practices:
  - 5-ACI-1C-09, 5-ACI-3D-08, 5-ACI-3D-11, 5-ACI-3D-12, 5-ACI-3D-13, 5-ACI-3D-14, 5-ACI-3D-15, 5-ACI-6C-14
- Standards of Incarcerated Individual Behavior
- Directives #0001, #0700, #2111, and #4948
- Sexual Victimization Prevention Policy Manual
- Health Services Policy Manual
- Facility Operations Manual
- Employees' Manual