



New York State Coalition Against Sexual Assault

Working for a World Without Violence.

30 N. Greenbush Rd., Suite 3, Troy, NY 12180

p:(518)482-4222

www.nyscasa.org

February 22, 2022

Re: Testimony by NYSCASA submitted for the Public Hearing on Sexual Assault in the Prison System convened by the Senate Standing Committee on Crime Victims, Crime, and Corrections and the Senate Standing Committee on Ethics and Internal Governance

The New York State Coalition Against Sexual Assault (NYSCASA) respectfully submits this statement as testimony to inform the New York State Senate Standing Committee on Crime Victims, Crime, and Corrections and the Senate Standing Committee on Ethics and Internal Governance of the state of sexual assault in New York State's prison system.

NYSCASA convenes the Prison Rape Elimination Act (PREA) statewide implementation and outreach project. Through this project, we provide training and technical assistance to victim assistance programs that provide direct services to survivors of sexual abuse who are incarcerated in New York's prisons and jails. We also help to facilitate the relationship between these service providers and the NYS Department of Corrections and Community Supervision (DOCCS).

The federal Prison Rape Elimination Act and the PREA standards require detention facilities to ensure that incarcerated survivors of sexual violence have equitable access to the same services that non-incarcerated survivors have. NYSCASA is committed to accomplishing this goal in a way that centers survivors.

Survivors and advocates have raised the following concerns with us regarding violations of survivors' rights that are currently happening in New York's prisons:

- First, survivors do not have adequate access to reporting mechanisms, which is required by PREA. In March 2021, DOCCS made writing letters to the Commission on Corrections the sole external reporting mechanism, which presents several problems for incarcerated survivors:
 - Having the only external reporting mechanism available through a written method makes this reporting option inaccessible to a sizeable population. Many incarcerated adults lack the English-language reading and writing skills to use this reporting mechanism.¹
 - Any mail coming out of the prison cannot be anonymous, because people who are incarcerated are required to write their name and Departmental Identification Number (DIN) on the envelope in order for it to be sent and delivered. This does not allow incarcerated survivors an option to anonymously report sexual abuse, which is required by PREA.

¹ Greenberg, E., Dunleavy, E., and Kutner, M. (2007). *Literacy Behind Bars: Results from the 2003 National Assessment of Adult Literacy Prison Survey* (NCES 2007-473). U.S. Department of Education. Washington, DC: National Center for Education Statistics. <https://nces.ed.gov/pubs2007/2007473.pdf>

- Immediate intervention is often needed. A written PREA complaint can take days or even weeks to arrive at its destination, making it impossible for survivors to receive immediate protection. This delay increases the risk of further victimization.
- Second, DOCCS is recording survivors' calls to the statewide PREA hotline, which is administered by victim assistance program Unity House and helps connect survivors to rape crisis advocates and counselors. While DOCCS will have us believe that recording calls are for the benefit of service providers, this is false. Service providers did not ask for this, and off-topic calls happen whether or not the person calling is incarcerated or free. We would never allow hotline calls from non-incarcerated survivors to be recorded by a third party—why should we allow it in this context? Given that the majority of PREA clients are receiving services due to assaults by corrections officers, it is unconscionable to allow survivors' hotline calls to be recorded by the agency that employs the people they are reporting. To truly ensure the security and safety of incarcerated survivors, we must immediately end this practice.
- Third, retaliation is rampant in New York's prisons. After reporting sexual violence they have experienced, incarcerated survivors often report experiencing the following forms of retaliation: verbal harassment, physical assault, sexual harassment, property damage, intimidation, breaches of confidentiality, having medical and mental health services withheld, having basic human needs such as food and showers withheld, having their mail mishandled, and having privileges such as visits, phone, or tablet use denied. If an incarcerated person reports to DOCCS that they are experiencing retaliation, they are often put in protective custody, which in turn makes them more vulnerable to harassment and retaliation, rather than protecting them. When service providers raise issues with DOCCS and its facilities, they also experience subtle forms of retaliation that impact their ability to provide services to survivors, including emails and phone calls being ignored for long periods of time, and having client appointments cancelled or rescheduled without notice or reason.
- Finally, it must be noted that these problems are not unique to state prisons—we have heard similar reports from survivors in county jails and other detention facilities in New York State.

These are system-wide problems that must be addressed on a systemic level.

We appreciate your urgent attention to these issues and your dedication to protecting the safety and security of survivors.