



**Testimony before the
New York State Senate
Standing Committee on Crime Victims, Crime and Correction
as well as the
Standing Committee on Ethics and Internal Governance**

“The Impact of Sexual Assault in the Prison System”

**By
Louis Molina
Commissioner**

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Good afternoon Chair Biaggi, Chair Salazar and members of the Standing Committee on Crime Victims, Crime and Correction as well as the standing Committee on Ethics and Internal Governance. Thank you for including the New York City Department of Correction (“DOC”) in this important discussion regarding the impact of sexual assault and harassment within our state’s correctional facilities. Although March marks only my third month as Commissioner of this agency, I am no stranger to criminal justice reform and I know that we share an important goal: to ensure that New York City jails are safe and humane for those in the Department’s custody and the staff who work with them. Unquestionably, that means sexual assault and harassment has no place in our jails or anywhere else in this agency. I want to assure you that I strongly believe in reform and am committed to examining long-standing issues within the Department and implementing changes that will move us toward a correctional system that reduces recidivism through a focus on rehabilitation. I see the elimination of sexual assault and harassment as essential to creating, safer, more humane jails and I am committed to this goal.

The Department maintains a zero-tolerance culture for sexual harassment and sexual assault. DOC has well-established policies and procedures, in compliance with the federal Prison Rape Elimination Act (PREA) and the Board of Correction’s PREA Minimum Standards, to help

prevent sexual assault and sexual harassment within our facilities. These include the screening of incarcerated individuals upon admission for risk of sexual victimization or abusiveness, and proper classification and housing of individuals, including progressive policies related to housing by gender identity. Posters in facilities detail how to report an incident, and people in custody have access to a grievance system to ensure they have an effective outlet to communicate and resolve issues of concern through a streamlined process, as well as multiple other confidential methods for reporting incidents of sexual assault or sexual harassment. Staff are educated about PREA and trained on the Department's policies related to the prevention of sexual assault and harassment, starting at the Academy level and throughout their tenure at DOC. All staff receive training on recognizing the signs of sexual assault and what steps to take when an allegation is made, as well as training in trauma-informed interviewing for victims of sexual assault. We and our partners at Correctional Health Services (CHS) also provide a number of options for survivors of sexual assault to receive support to cope with their trauma.

Prevention of Sexual Assault in DOC Facilities

DOC has preventive measures in place at every level of the agency, starting before someone even steps foot in one of our facilities. All employees, contractors, and volunteers entering DOC facilities must submit to 5-year PREA background checks to ensure compliance with the PREA standards. In addition, all individuals in DOC custody are assessed during an intake screening, and again upon transfer to another facility, for their risk of being sexually assaulted by, or being sexually assaultive toward, other individuals in custody. The Department maintains housing policies designed to separate those identified as at risk of sexual victimization from those

identified as potential assailants, and maintains designated housing units intended to provide safe housing options for those particularly at risk of sexual violence in a jail setting.

All individuals in custody are provided with information regarding how they can contact PREA Compliance Managers directly and/or utilize other resources if they feel they are in danger. In recognition that individuals who identify as LGBTQ+ are at higher risk of sexual violence in jail settings, the Department has an LGBTQ+ Initiatives Unit that works closely with individuals in custody and staff who identify as LGBTQ+ to provide support and policy recommendations. This unit also provides specialized staff training on how best to work with and support members of the LGBTQ+ community.

In addition, Sexual Assault Incident Review meetings occur regularly, during which staff discuss what steps DOC can take to further prevent, detect, and respond to issues of sexual violence. Although no system is perfect, with our concentrated efforts to constantly improve our methods, I believe we can achieve safer facilities and endeavor to eliminate the threat of sexual violence within our jails.

Support for Survivors of Sexual Assault

We recognize that prevention and prosecution of sexual violence are not perfect solutions, and that sexual assault does occur, despite our best efforts. We take every allegation of sexual assault and harassment extremely seriously and investigate each incident thoroughly. The Department, in partnership with CHS and outside organizations, is dedicated to assisting survivors of sexual violence, works with individuals impacted by sexual violence to ensure that they are supported throughout the reporting process and as they work toward healing.

When allegations of sexual violence are made, alleged victims are immediately separated from alleged perpetrators in order to prevent further incidents, and the incident is carefully investigated using trauma-informed interview methods. All survivors receive written contact numbers for counselors at the organizations Just Detention International and Safe Horizon; calls to these external partners are completely confidential and free of charge. The LGBTQ+ Initiatives Unit has also been a critical addition to the Department, working closely with numerous outside agencies to support members of the LGBTQ+ community who have experienced sexual violence and provide them with free counseling.

Both the Department and CHS have numerous procedures in place to address, in a sensitive manner, the specific needs of survivors of sexual assault within our facilities. Survivors of sexual assault are provided timely information about sexually transmitted infections and emergency contraception, as well as access to laboratory tests and pregnancy-related services when appropriate. Survivors receive follow-up medical and mental health care and may either request services from or be referred to CHS' Sexual Abuse Advocacy (SAA) Program. SAA began in 2018 and provides confidential, compassionate, and respectful advocacy services to those who have suffered sexual assault. Depending on an individual's specific needs, they may also be referred to Elmhurst or Bellevue Hospital for forensic evaluation.

In addition to the above-mentioned measures, CHS has an intimate-partner violence initiative that includes screening, counseling, and linkages to community-based services. CHS also implemented a healthy lifestyle therapy program for individuals in the Rose M. Singer Center infirmary that includes acupuncture and mindfulness trainings to help patients learn how to better cope with trauma, anxiety, and other stresses. We will continue to work diligently with our partners

to expand the amount and capabilities of the trauma-informed care available to individuals in our custody.

We recognize that in order to maintain safe facilities for everyone, we must also address sexual harassment and assault against staff. With this in mind, DOC has partnered with the Correction Officers Benevolent Association (COBA) and consulted with the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) to provide literature and quick reference cards to DOC staff with both internal and external resources for counseling and therapeutic support for issues of sexual assault and harassment. Understanding that many people feel uneasy about reporting incidents that take place at work, DOC and COBA work to make staff aware of the multiple outlets available for reporting such incidents, and provide clarity and transparency in the investigative process that follows a reported incident to increase confidence in the reporting process and its outcomes. This work is imperative to ensure a safe environment for all who live and work in DOC facilities.

Conclusion

Although we have preventive measures in place, procedures for addressing sexual assault that does occur, trauma-informed care for survivors, and robust staff training, I know we can do more and I am committed to continuing this agency's progressive reform efforts related to sexual assault and harassment. There is always a need to raise awareness and push this issue to ensure progress, so we are grateful for the continued advocacy from elected officials. I am confident that the work we are doing to reduce sexual violence will prove successful and I appreciate your support in this effort. I look forward to working with you on future endeavors to end sexual violence in our jails.