



BOARD OF CORRECTION
CITY OF NEW YORK

BOARD RESOLUTION
October 10, 2017

WHEREFORE, the NYC Department of Correction has failed to comply, and continues to be noncompliant, with Board of Correction Minimum Standards § 5-17 and § 5-18 requiring, among other things, that the Department (1) assess all persons in custody during an intake screening and upon transfer to another facility for their risk of being sexually abused by other persons in custody or sexually abusive toward other incarcerated persons; (2) within a set time period, not to exceed 30 days from the incarcerated person's arrival at the facility, reassessing the person's risk of victimization or abusiveness based upon any additional, relevant information received by the Department since the intake screening; and (3) using information from such risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate from persons at high risk of being sexually victimized those at high risk of being sexually abusive.

WHEREFORE, the assessment of risk, as required by Minimum Standard § 5-17, and the use of such assessments to protect people who the Department has identified at high risk of being sexually victimized, as required by Minimum Standard § 5-18, are a critical component of preventing sexual violence in the City's jails and a critical underpinning of the Minimum Standards regarding Elimination of Sexual Abuse and Sexual Harassment in Correctional Facilities;

THEREFORE, BE IT RESOLVED that the Department is in violation of Minimum Standards § 5-17 and § 5-18; and

BE IT FURTHER RESOLVED that the Department shall take the following remedial action to cure this violation:

- (1) By October 24, 2017, the Department shall submit to the Board, in writing, a corrective action plan detailing how it intends to comply with Minimum Standards § 5-17 and § 5-18 until it develops and implements an electronic screening tool to conduct the required assessments and make housing assignments and other determinations based on such assessments;
- (2) The Department shall provide a written report to the Board commencing October 16, 2017, and every month thereafter, stating, in detail, what progress has been made toward development and implementation of an electronic screening tool including, but not limited to, (a) an updated timeline for implementation; (b) the number of staff trained and the number of staff remaining to be trained on utilizing the tool; and (c) other information the Board determines should be included in the report; and

- (3) The Department shall comply with Minimum Standard § 5-18, including notifying the Board, in writing, of each placement of a transgender or intersex person, all information considered in making such determination, and the reasons for such determination. The Department shall provide such information to the Board commencing on November 1, 2017 for the previous two-week period (i.e., October 15, 2017-October 29, 2017) and within two (2) business days following the end of each two-week period thereafter.
- (4) The Department shall maintain a database of all transgender, gender non-conforming, and intersex people admitted to the City's jail system that shall enable the tracking of their path through intake to housing, their housing changes, and relevant incidents in which they are involved.
- (5) By October 24, 2017, the Department shall provide the Board with the following information:
 - (a) material used to train officers assigned to the Transgender Housing Unit (THU);
 - (b) the number of officers currently assigned to the THU who have received such training; and
 - (c) the number of the officers currently assigned to the THU who have steady posts.In addition, starting the week of October 23, 2017, the Department shall schedule weekly inmate council meetings in the THU and provide the Board with at least 24 hours' notice of such weekly dates and times.