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**THE COUNCIL
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THE CITY OF NEW YORK**

HELEN ROSENTHAL

COUNCIL MEMBER
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COMMITTEES
CIVIL AND HUMAN RIGHTS
CONTRACTS
FINANCE
HOUSING AND BUILDINGS
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April 23, 2019

Dear Chair Cephas and Members of the Board of Corrections,

Thank you for the opportunity to provide testimony on the Department of Corrections (DOC) and Correctional Health Services' (CHS) compliance with the Board of Corrections' (the Board) minimum standards on sexual abuse and harassment in city jails.

Last September, the City Council Committees on Women, Criminal Justice, and the Justice System held a joint oversight hearing of the Department of Corrections' handling of sexual abuse and harassment in city jails¹. The descriptions of sexual abuse and harassment in DOC facilities were horrific, and revealed significant and troubling shortcomings to DOC's compliance.

Testimony and corresponding documentation revealed that, in response to allegations of sexual assault and harassment, DOC neglected to interview witnesses, document evidence, perform credibility assessments of involved parties, provide adequate staff levels to implement manageable caseloads, offer services to victims, perform interviews in confidential locations, implement trauma-informed practices and investigatory techniques, among other investigatory failures. Such deficient investigatory practice denies justice for victims.

The Board's recently released supplementary audit² reveals that, while some notable progress has been made, such as increasing the number of PREA supervisory staff, prominent areas remain in need of significant improvement. Summary data released by the Board shows a shockingly low number of substantiated cases, with just eight of the 554 total cases from 2017-

¹ T2018-2715: Oversight - Sexual Abuse and Harassment in City Jails

²https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/April/2019.04.22%20-%20FINAL_Supplementary%20BOC%20PREA%20Investigations%20Audit.pdf

2018 being substantiated. There continues to be extensive delays in closing alleged cases, and investigations remain subject to the same faulty practices described above³.

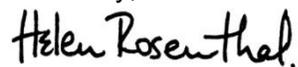
Criminal justice advocates have also provided critical feedback that demonstrates the need for oversight and accountability. Testimony submitted in advance by the Legal Aid Society's Prisoners' Rights Project and the Crime Victims Treatment Center show clear systemic deficiencies within New York City's criminal justice system in providing justice and support for victims of sexual violence. I align myself with their comments and questions, and urge the Department to thoughtfully and forthrightly engage with the concerns these organizations raise.

My colleagues on the City Council and I are acting to address these serious concerns. I have introduced legislation⁴ that would require DOC to develop and implement a victim-centered sexual crimes investigation training program. Next month, the Committee on Criminal Justice will also hear a recently introduced package of legislation to protect transgender and gender nonconforming individuals in New York City jails⁵. For trans and gender nonconforming individuals, the crisis of sexual assault in jails is even more acute, with more than 34% of incarcerated trans individuals reporting sexual victimization⁶.

As Chair of the Committee on Women and Gender Equity, I've made combating sexual harassment and sexual assault a top priority. Too often, in doing so, I have seen institutions shirk their responsibility to prevent sexual violence, choosing to minimize blame rather than accept responsibility. To that end, I commend the Board for calling this special hearing, demonstrating the urgency that is required to address this critical issue, and holding DOC accountable. Such persistent oversight is necessary to provide justice and due process.

In closing, we must do more to keep incarcerated individuals safe from sexual violence. I thank you all for your efforts in doing so.

Sincerely,



Helen Rosenthal
Council Member, District 6, Manhattan
Chair, Committee on Women and Gender Identity

³https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/April/BOC%20Summary%20of%205-40%20Data_4.22.19%20FINAL.pdf

⁴ Introduction 1491-2019

⁵ T2019-4196: Oversight - The experience of transgender and gender non-conforming individuals in New York City jails.

⁶ https://www.bjs.gov/content/pub/pdf/svpjri1112_st.pdf