



## **Public Comment – Board of Corrections Meeting October 9<sup>th</sup>, 2018**

My name is Rachel Herzog, and I am a therapist and the PREA Program Coordinator at the Crime Victims Treatment Center; I am also here as a representative of the Downstate Coalition for Crime Victims. I am here to speak for the victims' services community on the DOC's response to allegations of sexual abuse and sexual harassment.

I and my colleagues are deeply concerned about the lack of transparency and accountability by DOC demonstrated in the Board's recent audit report. As professionals in the field of victims' services, we believe that all individuals who report experiences of sexual violence deserve thorough, transparent, and timely investigations of their complaints, and to be treated in a respectful and trauma-informed manner. We also believe that survivors of sexual violence have a right to meaningful access to confidential victim services. This includes the right to have a victim advocate present during investigative interviews and forensic examinations, as well as to ongoing support through the healing process, rights which for survivors in detention are protected under the federal PREA Standards (115.21 and 115.53).

Unfortunately, the individuals who our agencies serve frequently share with us experiences of reporting to the DOC which are characterized by unresponsiveness, lack of clarity, and disrespect. We are deeply concerned about the department's severe delay in closing investigations and notifying victims, delays which can exacerbate the symptoms of PTSD. We are also troubled by a lack of use of trauma-informed interviewing and investigation practices, demonstrated particularly by the number of interviews held by non-specialized staff or in non-confidential locations, as well as by the number of cases in which the department failed to interview alleged perpetrators and witnesses. The fact that a victim's inability to provide sufficient detail in an initial interview to allow an allegation to be substantiated is used as justification for these failures is deep disturbing to us, as we can expect that, without the use of trauma-informed interviewing practices, few victims will be able to narrate their experiences fully and reliably. We know that survivors frequently experience disruptions in memory and acute symptoms of hypervigilance or dissociation in the aftermath of an assault. In order for an investigation to be both effective and reliable, it is important that survivors are treated with respect and compassion throughout the process and that every aspect of the investigation communicates the message that the survivor will be kept safe from further victimization, and will not experience retaliation for coming forward.

We are also concerned about aspects of the DOC's procedures which limit the transparency and objectivity of the PREA response, and leave undue levels of discretion in the hands of non-specialized staff. The dubiously defined category of "non-PREA allegations" noted in the audit report urgently requires further clarification. We know that sexual violence in detention settings may involve complex dynamics of power and control by staff or inmate perpetrators, meaning

that an initial incident of harassment may be the precursor to a more severe physical assault. Thus, leaving the ability to make a determination of whether an allegation falls within the PREA mandate or warrants further investigation in the hands of staff who have not received specialized training and who may be personally familiar with alleged perpetrators worries us. On behalf of our field and the survivors we serve, we call on the Board to continue holding the department accountable for these concerns to the fullest extent possible.