



**BOARD OF CORRECTION
CITY OF NEW YORK**

WHEREFORE, the audit of the Board of Correction (“Board” or “BOC”) of the investigations conducted by the Department of Correction (“Department” or “DOC”) into sexual abuse and sexual harassment found multiple deficiencies in DOC’s investigations and noncompliance with portions of BOC Minimum Standard § 5-30;

WHEREFORE, these deficiencies are unacceptable because timely and comprehensive investigations are critical to ensuring justice for survivors of sexual violence and sexual harassment, affording a reliable and accountable process for alleged perpetrators, and guaranteeing accountability that will deter sexual violence;

WHEREFORE, Minimum Standard 5-40 requires the Department to collect accurate, uniform data for each alleged incident of sexual abuse at facilities using a standardized instrument and definitions and to review this incident data in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and present this information in public semiannual assessment reports.

WHEREFORE, the 5-40 data reports submitted by the Department are missing data elements required by the Standards and the Board has been unable to reconcile the data provided with the information presented in public semiannual assessment reports prepared by the Department.

THEREFORE, BE IT RESOLVED the Department shall take the following remedial action to cure these violations:

1. By November 8, 2018, submit a written corrective action plan to improve the quality of these investigations and the quality of 5-40 data and assessment reporting. The corrective action plan shall include timelines and steps for implementing the eight (8) recommendations set forth in BOC’s audit report and any other action steps needed to achieve compliance with Minimum Standard § 5-30, and 5-40.¹ The corrective action plan shall also establish a timeline for

¹ The recommendations in BOC’s audit report are:

1. The Department should re-train investigative staff to record complete and comprehensive information in relation to every stage of their investigation, including the reasons why apparently key interviews do not take place and the steps taken to determine the need to secure a crime scene.
2. The Department must ensure that supervisory investigative staff are adequately trained and resourced to appropriately oversee PREA investigations. This should include working with investigators to address omissions in Closing Reports before they are finalized.
3. The Department should amend the Closing Report template to ensure that investigators can clearly follow the requirements and record the comprehensive information required by the Board’s Minimum Standards and the PREA Standards. The form should include sections and guidance for fully explaining the different sources

implementing and using a computerized case management system for sexual abuse and harassment claims within the next twelve (12) months.

2. Submit monthly written progress reports on the corrective action plan beginning December 1, 2018 and on the first day of each month thereafter.
3. By November 8, 2018, provide all information related to training of PREA investigators and supervisors, including: copies of all training modules and materials detailing the content covered in training, the names of all investigations staff required to be trained, and the dates each staff member completed training.
4. By November 8, 2018, ensure that all interviews and requests related to investigations are conducted in private and confidential settings. These interviews and requests must take place outside of the living units and shall not be made within sight or hearing of other people in custody or staff involved in the incident. By December 1, 2018, include details on how the Department is complying with this requirement in its monthly written progress report.
5. Effective immediately, require that all investigations include a review of all available evidence, including the alleged perpetrator's prior history of allegations as well as credibility determinations regarding complainants, alleged perpetrators, and other witnesses.
6. By November 8, 2018, require signed supervisory review of all investigations at 15, 30, 60 and 90 days. If an investigation is not completed within the required 90 days, the supervisor must review the case every 15 days until completed.
7. By December 1st submit a 5-40 assessment report template for review and approval of the Board.

of evidence the investigation has considered or decided not to consider. In addition, the report template should be electronic and require that all elements are populated before the report can be completed.

4. The Department must take steps to address the extended delays in completing PREA investigations as a matter of urgency, including conducting an internal audit of the reason for delays in investigations being concluded. The Department should identify if (and how many) additional staff numbers (both investigative and supervisory) and training are required to complete all investigations thoroughly and within 90 days of allegation. The City should make available additional resources as necessary. In addition, the Department should use the internal audit to identify where revisions to the investigative process can improve the timeliness and quality of the investigations.
5. The Board should conduct an annual audit of the Department's PREA Closing Reports to monitor their quality and timeliness.
6. The Department must ensure that investigative and supervisor staff are aware of, and comply with, the requirements of the Board's Minimum Standard 5-30 (q), including only conducting interviews of people in custody outside of the housing area and in a private and confidential setting. All Closing Reports should include information about the location of interviews conducted as part of the investigation.
7. The Department must ensure that PREA Closing Reports contain comprehensive information about the evidence analysis carried out as part of the investigation. Specifically, reports need to refer to: who is selected for interviews and why; how the investigator established the credibility of the information; and whether there was relevant historical information available about the alleged perpetrator.
8. Investigative staff should attempt to notify victims of the outcome of investigations, regardless of whether they are still in the Department's custody.

