

**NYC Department of Correction: Corrective Action Plan to Comply with
Minimum Standards § 5-17 and § 5-18**

This report is pursuant to the New York City Board of Correction Resolution regarding “Elimination of Sexual Abuse and Sexual Harassment in Correctional Facilities” §5-17 and §5-18 “Screening for Risk of Victimization and Abusiveness” & “Use of Screening Information” which requires, 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.

The Resolution requires that the Department 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.

The Department’s Corrective Action Plan during the interim period, while we implement the enhanced database system as outlined in the recently submitted progress report, is to maintain the current paper format for both initial assessment and reassessment purposes. The current screening tool, PREA questionnaire, is being used to determine whether an individual is designated a potential sexual victim, potential sexual abuser, or neither. To effectively transition from the current system, as the Department advances towards the implementation of the new system, the information captured from the paper-based tool will be uploaded into the enhanced electronic system.

The Department recognizes the critical importance of the screening tool in identifying vulnerable populations within our custody to ensure sexual safety. At this time, the Department is able to assess all persons in custody, during the new admission intake screening and upon transfer to another facility, for their risk of being sexually abused or sexually abusive. In addition, reassessments are conducted for risk of victimization or abusiveness based upon any additional, relevant information received by the Department after the initial screening.

As stated in the six (6) month limited variance request submitted to the Board on September 8, 2017, due to the complexities associated with one of the largest jail systems in the country, using the current paper-based format to make housing assignments for a population averaging over 9,000 has been a challenge. The Department will make best efforts to comply with this requirement, utilizing the paper-based format, by implementing the following processes:

Enhancements to the electronic system will be instituted with the necessary screening criteria and PREA questionnaire by approximately October 31, 2017. Once the enhanced system is in place, the information obtained from the paper-based screening tool will be manually entered into an electronic data system which will then provide the appropriate designation (SA, SV, or ND) for each inmate. Manual inputting will begin on November 6, 2017. The Housing unit designations will be adjusted to reflect those housing units to be utilized as potential Sexual Victim (SV) units. SV units will also include individuals who have a Non-Designation (ND). A daily report will be generated to flag individuals designated as a potential Sexual Abuser (SA) who have been inappropriately housed in units designated for SVs. Once identified, movement staff will be notified to transfer the SA into another housing unit without an SV designation, unless the unit is a specialized housing unit. Under those circumstances, movement staff will alert housing area staff that the individuals with these designations (SA & SV) cannot be in beds or cells that are close in proximity. This system will prohibit someone designated as a potential Sexual Abuser (SA) from being housed in the same unit as an SV, or at a minimum maintain appropriate separation and supervision of these individuals within the housing units. This structure will enable the Department to identify and monitor movement of individuals at risk for sexual victimization.

The Department remains committed to the establishment of the enhanced electronic system that will facilitate compliance with the provisions of the Sexual Abuse and Sexual Harassment Minimum Standards §§5-17 and 5-18.