



Office of Children and Family Services

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Division of Juvenile Justice and Opportunities for Youth (DJJOY) Prison Rape Elimination Act (PREA) Annual Report Findings and Corrective Actions 2020

The New York State Office of Children and Family Services (OCFS), in its continuing effort to provide quality, therapeutic treatment to juveniles entrusted to the agency's care, has fully embraced the federal Prison Rape Elimination Act (PREA) principles. OCFS employs an agency-level PREA coordinator to develop, implement and oversee agency compliance with the U.S. Department of Justice PREA standards. Additionally, each OCFS Division of Juvenile Justice and Opportunity for Youth (DJJOY) facility has a designated and trained PREA compliance manager who oversees individual facility efforts to comply with the PREA standards. All OCFS DJJOY staff, youth, contractors and volunteers receive training and education annually regarding the prevention, detection and response to sexual abuse and sexual harassment.

OCFS has developed and implemented policies and procedures within facilities to further comply with PREA standards. OCFS has created and utilizes a risk assessment tool to identify youth who may be vulnerable to victimization as well as youth who may exhibit predatory behaviors.

In 2020, OCFS operated 11 state juvenile facilities that provided services to more than 530 youth. In a continuing effort to provide a safe and therapeutic environment, OCFS is committed to improvement in the PREA standards, training and compliance. Below is a summary of reported incidents along with our findings and corrective action(s) taken pursuant to section 115.387 of the PREA Act, which shall be considered our annual report and posted for the public on the OCFS/PREA website at <http://ocfs.ny.gov/main/rehab/prea.asp>.

Summary and Findings:

In 2020, OCFS had the following PREA reports within its 11 DJJOY facilities:

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|---|---|--|
| Youth-on-Youth Non-Consensual Sexual Acts | = | 3 Reports - (2 Substantiated 1 Unsubstantiated 0 Unfounded 0 pending) |
| Staff Sexual Misconduct with Youth | = | 9 Reports - (1 Substantiated 4 Unsubstantiated 4 Unfounded 0 pending) |
| Youth-on-Youth Abusive Sexual Contact | = | 4 Reports - (2 Substantiated 2 Unsubstantiated 0 Unfounded 0 pending) |
| Youth-on-Youth Sexual Harassment | = | 11 Reports - (4 Substantiated 7 Unsubstantiated 0 Unfounded 0 pending) |
| Staff Sexual Harassment of Youth | = | 14 Reports - (2 Substantiated 7 Unsubstantiated 5 Unfounded 0 pending) |

Corrective Actions:

The following corrective actions were taken regarding substantiated reports:

Regarding Staff Sexual Misconduct and Staff Sexual Harassment of Youth, appropriate investigations were conducted, resulting in three substantiated reports. In each case, staff members involved were disciplined through the labor relations process.

Administrative disciplinary action was taken, along with education and appropriate counseling provided to each youth involved in the two substantiated reports of Youth-on-Youth Non-Consensual Sexual Acts, two substantiated reports of Youth-on-Youth Abusive Sexual Contact and four substantiated reports of Youth-on-Youth Sexual Harassment.

New York State experienced a significant decrease in the total number of PREA allegations in 2020 as well as a decrease in the total number of substantiated cases from the previous year. New York State will continue to provide education and treatment to youth placed within our facilities as well as staff, contractors and volunteers working in our facilities, to greater emphasize and prevent sexual abuse and sexual harassment as well as all aspects of PREA.

Additionally, each facility maintains and monitors its own individual video surveillance systems. The majority of the above referenced reports were captured on video.

PREA Compliance Audits:

Ten of the 11 OCFS/DJJOY-operated facilities have been successfully audited in previous years. In 2020, OCFS began Year 1 of Cycle 3 of its PREA audits, and four facilities' audits were successfully completed. All four of the facilities audited in 2020 (Columbia Secure Center for Girls, Highland Residential Center, Industry Residential Center and MacCormick Secure Center) were in full compliance. OCFS will continue audits with Year 2 of Cycle 3 in 2021. Additionally, the Harriet Tubman Residential Center, which was opened in October 2018, will be scheduled for its initial PREA audit in Cycle 3. Training for all employees, youth, contractors, and volunteers will continue in 2021.