

Report Sexual Abuse

To report an incident of sexual abuse, notify facility staff or contact:

DOCCS Office of
Special Investigations
1220 Washington Ave
Albany, NY 12226-2050

If you wish to report to an outside agency:

The New York State Commission of
Correction
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, New York 12210



State of New York
Andrew M. Cuomo, Governor

Corrections and Community Supervision
Anthony J. Annucci, Acting Commissioner

Sexual Abuse
Prevention &
Education
Office

PREVENTION
EDUCATION
VICTIM SUPPORT

The Harriman State Campus
1220 Washington Avenue
Albany, New York 12226-2050

www.doccs.ny.gov/prea/preainfo.html
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The Prevention of Sexual Abuse in Prison

What Inmates Need to Know

The Department of
Corrections and
Community
Supervision has
Zero Tolerance
for Sexual Abuse and
Sexual Harassment

Policy

Sexual abuse is unwanted sexual contact with another inmate or any sexual contact with a staff member. Sexual harassment includes repeated sexual comments or gestures.

The Department does not tolerate sexual abuse or sexual harassment.

All reports of sexual abuse, sexual harassment or retaliation because of such a report will be investigated. Anyone who sexually abuses or harasses someone will be disciplined and/or prosecuted.

You have the right to be free from sexual abuse and sexual harassment.

About Your Safety

No one has the right to make you do a sexual act. You do not have to put up with sexual harassment, sexual abuse or being forced to have unwanted sexual contact with anyone. If you are being pushed, threatened or blackmailed into a sex act by another inmate or by staff, you should report it. You should also report if anyone tries to get back at you because you reported such an incident or spoke to an investigator about sexual abuse.

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Unwanted sex with another inmate or any sex with a staff member is sexual abuse. Here are some things you can do to reduce your risk of sexual abuse:

1. Do not believe an inmate who says she will protect or take care of you in exchange for sexual favors.

“There’s nothing in prison that’s free.”

2. Do not gamble or take gifts from others. Sexual abuse is one way people are sometimes forced to pay off a debt.



3. Do not use drugs and alcohol. You are more likely to make poor choices when you are drunk or high.
4. Pay attention to uncomfortable feelings about others. If you think something is dangerous, it probably is. If you think you are not safe, tell staff.
5. Do not flirt or talk to other inmates or staff about having sex. If someone asks you to do something sexual, you have the right to say “no.”
6. Tell a staff member if you are being harassed or threatened for sex.

“If you don’t report it, it’s gonna continue.”

7. **If you are sexually abused by another inmate or staff, report it.** DOCCS will protect you from the abuser and help will be provided whether or not you name your abuser.

Definitions

Inmate-on-Inmate Sexual Abuse is when one or more inmates have sexual contact with another inmate when he or she doesn't want it, or by using coercion, threats or force.

Staff-on-Inmate Sexual Abuse is when an employee, volunteer, intern or outside contractor has any type of sexual contact with an inmate. Staff asking for sex or making sexual threats are also types of sexual abuse.

Sexual Harassment includes:

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, parolee, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

See Directives #4027A and #4028A.

What to do if you are abused: If you are sexually abused, report it immediately to staff. **Staff will protect you from the abuser and take you to Medical.** Help will be provided whether or not you name your abuser, but be as clear as you can when you report the abuse. The more you tell staff, the easier it will be to help you.

In accordance with the Prison Rape Elimination Act (PREA), this pamphlet provides a brief overview of the Department's Zero Tolerance policy regarding sexual abuse and sexual harassment and informs inmates of reporting procedures. This brochure is one part of the comprehensive education provided during reception and facility orientation. Current materials providing up-to-date information will be available in the law library, in medical services waiting areas and at other locations in the facility.

Even though you may want to clean up after the abuse, it is important to go to Medical **BEFORE** you shower, wash, drink, eat, change clothing or use the bathroom. Medical staff will check you for injuries that you may or may not be able to see right away.

They can also check you for sexually transmitted diseases, and help decide if you need to go to the hospital where they can collect evidence of the sexual abuse. Medical staff will also discuss the possibility of pregnancy with a female victim. You will receive contact information for rape crisis services.



Reporting

How do you report sexual abuse if it happens?

It is important to tell staff that you have been sexually abused or harassed. **You can tell your facility's designated PREA Compliance Manager or PREA Point Person, or any S.O.R.C., O.R.C., Chaplain, security staff person, medical staff, or any other employee.** All staff must report the abuse, and they can only talk about the abuse with officials who **must** know about it to do an investigation or provide you with care. You may also talk to Mental Health staff.

If you report the abuse in writing first, you may write to the Superintendent, a member of the facility Executive Team, a S.O.R.C., your O.R.C., a chaplain, a security supervisor, the Inmate Grievance Program Supervisor, Central Office, the PREA Coordinator or the Department's Office of Special Investigations (OSI). If you want to report to an outside agency, you may contact the New York State Commission of Correction. You can report the abuse at any time, but the sooner you report it, the sooner it can be investigated and steps can be taken to protect you.

"It's not snitching."

If you feel that you have been a victim of sexual abuse or harassment, you should report it right away. You can also have someone else report the abuse for you. If you think someone else is being sexually abused or sexually harassed, you should report that too.



What happens with reports of sexual abuse?

All reports of sexual abuse, sexual harassment, or retaliation for reporting or being part of an investigation will be thoroughly investigated. Cases may also be reported to law enforcement officials by the Department's Office of Special Investigations (OSI).

The persons responsible shall be held accountable to the fullest extent of the law.

Confidentiality: All records of reports of sexual abuse are confidential under Civil Rights Law § 50-b. The identity of a victim of sexual abuse, the person reporting sexual abuse, any witnesses and the facts of the report itself are confidential. Information is only shared with the people involved in the reporting, investigation, discipline and treatment process, or as otherwise required by law.

Retaliation is not allowed. An inmate will not be punished for good faith reporting of sexual abuse or sexual harassment. OSI or law enforcement may charge a person with making a false report if, after investigation, it is proven that the person made the statement knowing it was false or baseless, or the person reported an alleged crime or incident knowing it did not occur (e.g., Penal Law §§ 210.45, 240.50). A report made in good faith is not falsely reporting an incident or lying even if the investigation does not substantiate the allegation.