CHECKING IN FOR:
YOUR SAFETY IN
AN OCFS FACILITY
While you are in an Office of Children and Family Service (OCFS) facility, it is important that you remain safe and free from sexual abuse and sexual harassment. We want to help all youth become successful in an environment that is safe.

**Under New York Law:** No youth, regardless of age, can consent to any form of sexual activity.

**WHAT’S INSIDE?**
Read this booklet to learn how to stay safe while at an Office of Children and Family Services facility.

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SO, HOW WILL THIS BOOKLET HELP ME STAY SAFE?

This booklet gives you important information about your safety in OCFS facilities.

It also tells you how to:

♦ Be safe in an OCFS facility.

♦ Get help if you are sexually abused or sexually harassed.

♦ Take the right steps to report if you are sexually abused or sexually harassed.

OCFS has ZERO tolerance for sexual abuse or sexually harassing behaviors.

This means if any youth or staff member is sexually abusive or sexually harassing anyone, OCFS will investigate the allegation and will follow applicable laws and rules to hold the person accountable.
DEFINITIONS

**Sexual abuse** of a youth or resident by another youth includes any of the following acts:

- If the victim is coerced into such act by overt or implied threats of violence or is unable to refuse;
- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and /or
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of a youth by a staff member, contractor, or volunteer includes any of the following acts:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
Contact between the mouth and the penis, vulva, or anus;
Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
Any other intentional contact, either directly or through the clothing, of or with genitalia, anus, groin, breast, inner thigh or buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5.
Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth; and/or,
Voyeurism by a staff member, contractor or volunteer.
Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a youth by staff for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his or her room to perform bodily functions; requiring a youth to expose his or her buttocks, genitals or breasts; or taking images of all or part of a youth’s naked body or of a youth performing bodily functions.

Sexual harassment includes:
- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another; and/or
- Repeated verbal comments or gestures of a sexual nature to a youth 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.
Whether you are living in a juvenile justice facility or the community, the possibility always exists that another person may try to sexually abuse or sexually harass you. It is wrong for anyone to threaten or hurt another person.

Sexual and Romantic Activity: All sexual or romantic activity between youth and staff members, volunteers or contractors is prohibited and is against the law. Also, sexual activity between youth in OCFS facilities is prohibited and in some cases is against the law.

Everyone deserves to be safe. Sexually abusive and sexually harassing behaviors are criminal acts and will be investigated and prosecuted when possible.
Your Rights

- You have the right to be free from sexual abuse and sexual harassment.
- You also have the right to be free from retaliation for reporting incidents of sexual abuse and sexual harassment.
- If you are sexually abused or sexually harassed or know of someone that has been sexually abused at your facility, you need to report it to a staff member, the Office of the Ombudsman (OOTO) or the Justice Center for the Protection of People with Special Needs (855) 373-2122 immediately.

Reporting can be hard to do but it will help to make sure that you and others are safe from harm. It also means that the person who caused the harm may not harm you or others any more. This is a very important way to make sure where you live is safe.
Promoting safety is not only what staff members do, but what you, as a youth must do. Here are some things you can do to remain safe.

Pay attention to:

♦ **Where you are.**
  Avoid being isolated away from the main group where staff members can’t see you. Position yourself in plain view. Sexual abuse and sexual harassment are more likely to happen when you are alone or alone with just one other person.

**Situations that make you feel uncomfortable.**
Trust your gut feeling. If a situation feels wrong, it most likely is. Work to get yourself out of the situation and then report the situation to a staff member.

♦ **Special attention someone may be giving just to you.**
  This may be favors, romantic or sexual advances, gestures or conversation. This includes sharing secrets. You need to report this to a staff member.

♦ **Who you tell private information to.**
  Youth have been known to use this information to get another youth to do something they don't want to do.
WHO DO YOU MEAN BY STAFF MEMBERS?

When we talk about staff members in this booklet, we are talking about any adults who are assigned by the Division of Juvenile Justice and Opportunities for Youth (DJJOY) to work with or help OCFS youth.

OCFS Works Hard to Keep You SAFE

Staff members will do everything they can to prevent sexual abuse and sexual harassment.

The actions they will take include:

♦ Supervising youth closely;
♦ Creating and enforcing rules to keep staff members and youth safe; and
♦ Holding a person accountable (*no matter who they are*) if they sexually abuse or sexually harass someone else. This means staff members will report the sexual abuse or sexual harassment so it can be investigated.
DO NOT:

- **Accept any offer of protection.** Someone offering to protect you from consequences or harm from anyone else will want something in return.
- **Accept a loan or gift.** Do not borrow, gamble or trade anything. Avoid owing anything to anyone.
- **DON’T let manners get in the way of keeping yourself safe.**
- **Do not be afraid to shout “NO” or “STOP IT NOW”** if someone is hurting you.

TAKE ACTION!

- Tell a staff member immediately if someone tries to isolate you, singles you out, gives you anything special, wants to trade or loan an item, or offers you protection.
- It is very important that you report these incidents to a staff member.
- If the staff member doesn’t take you seriously or does not believe you, tell another staff member, or contact the Ombudsman’s Office or Justice Center for the Protection of People with Special Needs.
What should I do if I witness sexual abuse or sexual harassment or even suspect I witnessed sexual abuse or sexual harassment?

You need to report any sexual abuse or sexual harassment or suspected sexual abuse or sexual harassment you witness. An investigation will take place to find out what happened. You will not get into trouble if you make an honest report.

What will happen if I make a false report?

Staff members take reports of sexual abuse and sexual harassment very seriously. If you choose to make a false report of sexual abuse or sexual harassment against anyone, it will be discovered.

Anyone making a false report will be held accountable. This includes loss of incentives/privileges and possible new criminal charges.

Being honest in what you say and do is a big part of staying safe.
What will happen if I sexually abuse or sexually harass someone?

We will investigate the sexual abuse or sexual harassment and will seek criminal charges. If you are found guilty, you could face more time in OCFS custody, or be placed in an adult correctional facility depending on your age and the charges filed. If you have trouble controlling your actions, seek help so that you don't harm anyone.

What are the steps I should take if I’m sexually harassed?

If you are in a OCFS facility and have been sexually harassed while in care, it is important that you do the following:

♦ Report the sexual harassment to a staff member.

♦ The staff member will separate you from the harasser and you will receive the behavioral health services you need.
If Sexual Abuse or Sexual Harassment Happens...

What are the steps I should take if I’m sexually Abused?

If you are in an OCFS facility and have been sexually abused while in care, it is important that you do the following:

♦ Report the sexual abuse to a staff member.
♦ The staff member will separate you from the abuser and get you medical attention immediately.

You will also receive the counseling and behavioral health services you need.

The following steps help preserve evidence so OCFS can take action against the person who is alleged to have abused you. It is important that you avoid the following until you get medical attention:

**DO NOT:**

- Shower or wash
- Eat or drink
- Use the restroom
- Brush your teeth
- Change your clothes
Victim Advocacy - Office of the Ombudsman

Youth have certain basic rights that they do not lose just because they are in an OCFS facility (including those rights discussed earlier on page 8.) The Office of the Ombudsman is there to help protect those rights.

If you believe your right to be free from sexual abuse or sexual harassment, or retaliation for reporting violations, may have been violated, you may contact the Office of the Ombudsman.

You may also contact the Office of the Ombudsman on behalf of another resident if you believe they are being mistreated.

You can contact an Ombudsman:

♦ By phone: (888) 219-9818
♦ By sending a letter to: Office of the Ombudsman 52 Washington Street Rensselaer, NY 12144

Families can also contact the ombudsman, by either of the above methods, or by e-mail:

♦ By e-mail: MyAllies@ocfs.ny.gov
Office of Children and Family Services

Capital View Office Park
52 Washington Street
Rensselaer, New York 12144
Visit our website at: ocfs.ny.gov

RESOURCES

New York State Justice Center for the Protection of People with Special Needs call:
(855) 373-2122
www.justicecenter.ny.gov/

To contact the Office of the Ombudsman
(888) 219-9818

To report child abuse and neglect, call:
(800) 342-3720

For information on the Abandoned Infant Protection Act, call: (866) 505-SAFE (7233)

For child care, foster care, and adoption information, call: (800) 345-KIDS (5437)

For information about services for the blind, call:
(866) 871-3000 or (866) 871-6000 TDD

Pursuant to the Americans with Disabilities Act, the New York State Office of Children and Family Services will make this material available in an appropriate format upon request.

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