



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Acting Commissioner

Division of Juvenile Justice and Opportunities for Youth (DJJOY) Prison Rape Elimination Act (PREA) Annual Report Findings and Corrective Actions 2016

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. Prior to PREA, OCFS has had a long history of proactive policies and procedures, training for employees and youth on measures to keep youth safe, and methods to report sexual misconduct and abuse and harassment. OCFS employs an agency-level PREA Coordinator to develop, implement and oversee agency compliance with 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 PREA standards.

OCFS has implemented several changes within facilities to further compliance with PREA. OCFS created and utilizes a risk assessment tool to identify youth who may be vulnerable to victimization as well as those youth who may exhibit predatory behaviors. OCFS has also enhanced training for all staff, youth and volunteers to promote our goal of optimal safety for youth.

OCFS operates 12 state juvenile facilities which provide services to more than 300 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, 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:

The New York State Office of Children and Family Services (OCFS) had the following Prison Rape Elimination Act (PREA) reports within its 12 facilities operated by the Division of Juvenile Justice and Opportunities for Youth (DJJOY):

| | | |
|---|---|--|
| Youth on Youth Non-Consensual Sexual Acts | = | 3 Reports - (0 Substantiated, 0 Unsubstantiated, 3 Unfounded) |
| Staff Sexual Misconduct with Youth | = | 13 Reports - (1 Substantiated, 2 Unsubstantiated, 9 Unfounded, 1 pending) |
| Youth on Youth Abusive Sexual Contact | = | 9 Reports - (5 Substantiated, 3 Unsubstantiated, 1 Unfounded) |
| Youth on Youth Sexual Harassment | = | 17 Reports - (6 Substantiated, 3 Unsubstantiated, 8 Unfounded) |
| Staff Sexual Harassment of Youth | = | 10 Reports - (0 Substantiated, 4 Unsubstantiated, 6 Unfounded) |

Corrective Actions:

The following corrective actions were taken with regard to substantiated reports:

A criminal investigation was initiated in 2016 due to allegations that were reported in 2016 regarding two staff from incidents in 2015. As a result, one staff was arrested, prosecuted and subsequently convicted of sexual misconduct with youth. That employee was terminated from state employment. The second staff member received administrative disciplinary action and training. Administrative disciplinary action was taken and education and appropriate counseling were provided to the youth involved in five substantiated reports of youth-on-youth abusive sexual contact. Administrative discipline and/or counselling was provided to the youth involved in the six substantiated cases of youth on youth sexual harassment.

New York State continues to see a decrease in the total number of allegations of staff sexual misconduct, due to education and treatment provided to the youth placed within our facilities. We also attribute some of the reduction in the overall numbers of cases to our continued emphasis on PREA education and training with our staff and youth.

Additionally, facilities have continued to receive upgrades to their individual video surveillance systems. All of the above reports of youth on youth abusive sexual contact were captured on video.

PREA Compliance Audits:

All twelve (12) OCFS/DJJOY-operated facilities were successfully audited. Four facilities' audits were completed in 2016 and OCFS will begin the second, three year audit cycle in 2017. All four facilities audited in 2016 (Goshen Secure Center, Ella McQueen Reception Center, Brentwood Residential Center for Girls and Taberg Residential Center for Girls) were in full compliance. In 2017, OCFS will begin the three year audit cycle again with four OCFS/DJJOY facilities scheduled for audits. Training for all employees, youth and volunteers will continue.