



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 2019

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 the PREA standards.

OCFS has implemented several changes within facilities to further comply with PREA standards. 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.

In 2019, OCFS operated 13 state juvenile facilities that provided services to more than 500 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:

In 2019, the New York State Office of Children and Family Services (OCFS) had the following Prison Rape Elimination Act (PREA) reports within its 13 facilities operated by the Division of Juvenile Justice and Opportunities for Youth (DJJOY):

Youth on Youth Non-Consensual Sexual Acts	=	2 Reports - (1 Substantiated, 0 Unsubstantiated, 1 Unfounded 0 pending)
Staff Sexual Misconduct with Youth	=	15 Reports - (0 Substantiated, 6 Unsubstantiated, 9 Unfounded, 0 pending)
Youth on Youth Abusive Sexual Contact	=	16 Reports - (6 Substantiated, 4 Unsubstantiated, 6 Unfounded 0 pending)
Youth on Youth Sexual Harassment	=	15 Reports - (7 Substantiated, 8 Unsubstantiated, 0 Unfounded 0 pending)
Staff Sexual Harassment of Youth	=	12 Reports - (3 Substantiated, 5 Unsubstantiated 4 Unfounded 0 pending)

Corrective Actions:

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

Regarding Staff Sexual Harassment of Youth, appropriate investigations were initiated and as a result of those investigations, there were three (3) substantiated reports, and the 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 one (1) substantiated report of Youth on Youth Non-Consensual Acts, six (6) substantiated reports of Youth on Youth Abusive Sexual Contact and seven (7) substantiated reports of Youth on Youth Sexual Harassment.

New York State observed a slight increase in the total number of PREA allegations for 2019, as well as an increase in the number of substantiated cases from the previous year. This increase primarily involved reports of sexual harassment. New York State will continue providing education and treatment to the youth placed within and staff working in our facilities, to include greater emphasis on sexual harassment as well as all aspects of PREA.

Additionally, facilities continue to receive upgrades to their individual video surveillance systems. The majority of all the above reports were captured on video.

PREA Compliance Audits:

Twelve (12) of the thirteen (13) OCFS/DJJOY-operated facilities have been successfully audited in previous years. In 2019, OCFS began Year 3 of Cycle 2 of its PREA audits and four facilities' audits were successfully completed. All four of the facilities audited in 2019 (Brentwood Girls Residential Center, Taberg Residential Center for Girls, Ella McQueen Reception Center and Goshen Secure Center) were in full compliance. OCFS will continue audits with Year 1 of Cycle 3 in 2020. Additionally, the Harriet Tubman Residential Center, which was opened in October of 2018, will be scheduled for its initial PREA audit in Cycle 3. Training for all employees, youth and volunteers will continue in 2020.