



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 2017

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 already 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 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.

OCFS operates 12 state juvenile facilities that 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 our annual report of incidents along with our findings and corrective action(s) taken pursuant to 28 CFR section 115.387, which shall be posted for the public on the OCFS website at <http://ocfs.ny.gov/main/rehab/prea.asp>.

Summary and Findings:

In 2017, 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	=	0 Reports - (0 Substantiated, 0 Unsubstantiated, 0 Unfounded 0 pending)
Staff Sexual Misconduct with Youth	=	19 Reports - (1 Substantiated, 3 Unsubstantiated, 14 Unfounded, 1 pending)
Youth on Youth Abusive Sexual Contact	=	8 Reports - (4 Substantiated, 2 Unsubstantiated, 2 Unfounded 0 pending)
Youth on Youth Sexual Harassment	=	1 Report - (1 Substantiated, 0 Unsubstantiated, 0 Unfounded 0 pending)
Staff Sexual Harassment of Youth	=	5 Reports - (1 Substantiated, 0 Unsubstantiated 4 Unfounded 0 pending)

Corrective Actions:

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

Regarding staff sexual misconduct with youth, two separate criminal investigations were initiated in 2017 due to allegations involving two staff from two separate incidents in 2017. As a result of the first investigation, the report was substantiated and the staff member involved was arrested and submitted a plea. That employee's state employment was terminated. In the second incident, the staff member's employment was also terminated. This individual was charged with two counts of Rape 3rd degree, however the staff member was subsequently acquitted of those charges. The Justice Center investigation is still pending. Corrective action regarding staff sexual harassment of youth resulted in a third staff member's employment being terminated.

Administrative disciplinary action was taken and education and appropriate counseling were provided to each youth involved in four substantiated reports of Youth on Youth Abusive Sexual Contact. Administrative discipline and/or counseling was provided to the youth involved in the one substantiated case of Youth on Youth Sexual Harassment.

New York State continues to see a decrease in the total number of PREA allegations, due to continued education and treatment provided to the youth and staff placed within our facilities.

Additionally, facilities have continued to receive upgrades to their individual video surveillance systems. All 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 in previous years. In 2017, OCFS began Year 1 of Cycle 2 of its PREA audits and four facilities' audits were successfully completed. All four of the facilities audited in 2017 (Industry Residential Center, MacCormick Secure Center, Columbia Secure Center for Girls and Highland Residential Center) were in full compliance. OCFS will continue audits with Year 2 of Cycle 2 in 2018. Training for all employees, youth and volunteers will continue.