



**NEW YORK CITY COUNCIL  
COMMITTEE ON CRIMINAL JUSTICE**

**TESTIMONY OF JOCELYN E. STRAUBER  
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**CONCERNING PREVENTING AND ADDRESSING SEXUAL ASSAULT  
AND HARASSMENT IN CITY JAILS**

**THURSDAY, OCTOBER 31, 2024**

Good morning. My name is Jocelyn Strauber and I serve as the Commissioner of the Department of Investigation (DOI). Thank you, Chair Nurse and members of the Committee on Criminal Justice for the opportunity to discuss with you DOI's oversight role with respect to sexual abuse and sexual harassment in New York City Department of Correction (DOC) facilities.

The allegations of sexual abuse of women in the custody of DOC's facilities, by DOC Correction Officers, set forth in over 700 lawsuits filed earlier this year, are horrifying. The City has a responsibility to keep safe all persons within DOC custody, and decades-long abuse alleged, if true even in part, reflects that the City has failed to meet that responsibility.

DOI plays an active role in responding to and investigating allegations that DOC or Correctional Health Services (CHS) staff have sexually abused persons in custody. DOI receives and reviews all complaints of such abuse, conducts investigations, and, where there is sufficient evidence of criminality, makes referrals to prosecuting agencies. For reasons that I will describe in a moment, these types of cases can be challenging to investigate, but DOI is committed to assisting DOC in its mission to eradicate sexual abuse in the City's jails. Where DOC or CHS seeks to discipline or terminate an employee as a result of a sexual abuse or misconduct investigation, DOI provides the relevant agency with information from our investigative file and assists their efforts as needed. DOI also has made over thirty recommendations to DOC in the past decade to improve DOC policies and procedures that are designed to prevent abuse.

### **The Prison Rape Elimination Act of 2003**

The Prison Rape Elimination Act of 2003, or PREA, established federal mandates to define and eliminate rape in correctional facilities across the United States. In 2012, the Department of Justice adopted national standards to prevent, detect, and respond to prison rape under PREA. In 2016, the Board of Correction (BOC) implemented sexual abuse and harassment minimum standards, which mirror the PREA standards and outline the responsibility of the DOC to prevent, detect, and respond to prison sexual abuse and harassment. In 2016, DOC promulgated Directive 5011, which was subsequently updated in 2019, to establish specific policies and procedures to comply with the PREA mandate of zero tolerance toward all forms of sexual abuse and sexual harassment in its facilities. Directive 5011 also lays out the coordinated response to allegations of sexual assault and sexual harassment by DOC and DOI and sets forth DOI's investigative role.

### **DOI's Investigative Role**

Broadly, DOI's mandate includes investigating and referring for criminal prosecution cases of fraud, waste, abuse, corruption, and other illegal activities by City employees, contractors, and others who do business with the City. DOI also identifies systemic corruption vulnerabilities and recommends improvements to reduce the City's exposure to risk of fraud, waste, abuse, and corruption, and to improve the functioning of City agencies. With respect to DOC specifically, DOI's investigations focus on identifying, investigating, and eliminating destabilizing forces in the City's jail facilities, including contraband smuggling by officers as well as bribery of officers by PICs, use of excessive force, and sexual abuse and sexual harassment cases involving staff.

Directive 5011 establishes DOI's role and involvement in PREA investigations. In the procedure, DOI is clearly defined as the "New York City agency responsible for investigating staff-on-persons in custody sexual abuse or sexual harassment." Both persons in custody and staff are encouraged to report alleged sexual abuse or sexual harassment of persons in custody through DOI's 24-hour hotline or DOC's internal PREA hotline. Complaints received by DOC must be with DOI. Section 6(b) of Directive 5011 states that "DOI shall conduct investigations for sexual misconduct that involve staff-on-[persons in custody] allegations or allegations that involve alleged rape cases. After a preliminary review of the facts, DOI may elect to have the investigation conducted by" SIU, DOC's internal Special Investigation Unit (SIU)."

Within 24 hours of receiving a complaint of sexual abuse of a person in custody by a DOC staff member, DOI will conduct an initial assessment. On the basis of that initial assessment, DOI will determine whether it will open an investigation or whether it will “clear” DOC to conduct a preliminary investigation. DOC is instructed not to take any investigatory steps until DOI has made such an assessment. The level of review that DOI undertakes as part of that initial assessment depends on a number of factors, including the level of detail and information provided in the complaint.

When determining whether to commence a investigation itself or whether to “clear” DOC to conduct a preliminary investigation, DOI’s considerations include: 1) whether the complaint provides sufficient factual information, such as the names of the persons involved and time and place of the incident; 2) whether the alleged abuser has been the subject of similar allegations in the past; 3) whether physical contact, if any, is described or detailed in the complaint. Of course, as with all investigations, DOI considers available resources in determining which investigations to commence. Moreover, because of the proximity of SIU to DOC facilities and its dedicated team of PREA investigators, SIU is often better equipped to immediately respond when a PREA allegation is reported. If DOI clears the complaint for SIU to investigate, DOI explicitly instructs SIU to immediately notify DOI if SIU if its investigation uncovers evidence of potentially criminal behavior. If so, DOI will take over the investigation.

Currently, approximately 23 investigators are assigned to DOI’s Squad 1, the unit responsible for overseeing DOC. Twelve members of the staff are Correction Officers and Captains detailed to DOI from DOC. Of those 23 investigators, 17 have received PREA investigations training and may be assigned to investigate allegations of sexual abuse by DOC staff. A number of investigators have also attended various additional trainings relating to the investigation of sex crimes.

In total, for calendar years 2022, 2023, and 2024 as of October 24, DOI has received 3,022 complaints of sexual misconduct at DOC facilities. These complaints include all allegations of sexual misconduct, regardless of the alleged perpetrator or victim and therefore include not only allegations of abuse of persons in custody by staff, but abuse of staff by staff, and abuse of persons in custody by other persons in custody. These complaints come from sources including DOC referrals, calls to the City’s 311 hotline, and DOI’s complaint line, email and website. Since 2022 to the present, DOI has opened 28 investigations, 20 of which involve allegations of abuse of persons in custody by staff.

Investigations of sexual misconduct in City jail facilities present unique challenges, which can limit the effectiveness of our investigations. As with other incidents of sexual violence, victims may be hesitant to come forward or cooperate with an investigation out of shame or fear. These concerns are particularly acute in a custodial setting where the victims may be in daily contact with the alleged perpetrator and their co-workers. Victims in custody – as well as witnesses who are in custody – may be suspicious or afraid of law enforcement and reluctant to cooperate for that reason. And because areas of these facilities where assaults might occur lack video cameras, corroborating or additional evidence can be difficult to obtain.

Since the BOC standards went into effect in 2017, DOI has investigated approximately 58 complaints of staff-on-PIC sexual abuse or sexual harassment and made three arrests. In addition, DOI also made two arrests for staff-on-staff sexual misconduct.

### **Criminal Referrals and Coordination with DOC and CHS Regarding Employee Discipline**

When DOI has conducted an investigation of sexual abuse by DOC or CHS staff and obtains sufficient evidence of criminal sexual conduct, DOI refers the matter to a prosecutor’s office, State or federal. DOI works closely with that office to investigate further and to prosecute the case. If there is not sufficient evidence of criminal conduct, DOI refers the matter to DOC or CHS for whatever action the respective agency deems appropriate based on the facts developed by DOI’s investigation, which can include disciplinary action, and collaborates with DOC or CHS on any further investigative steps and provides support in any administrative proceeding, as needed. Since 2022, DOI has made 31 referrals to

DOC and CHS for discipline of staff as a result of substantiated allegations of sexual misconduct for both staff-on-person in custody and staff-on-staff conduct.

### **Policy and Procedure Recommendations**

Policy and procedure recommendations – known as PPRs – are a critical part of DOI's responsibility to reduce the risk of fraud and corruption by strengthening internal controls and oversight within the City. Therefore, when investigating complaints of sexual abuse within DOC facilities, DOI considers whether improvements to DOC policies and procedures could reduce the risk of this misconduct or make it easier to detect and prevent.

Since 2014, DOI has issued 35 PPRs related to sexual abuse or sexual harassment in the City's jails including recommendations such as expanding the use of video cameras in DOC facilities and measures to ensure that DOC holds officers accountable when sexual misconduct does take place.

Of these total 35 PPRs, 22 have been accepted, one has been partially accepted, eight have been rejected, and four are awaiting DOC's initial response. Of the 23 that have been fully or partially accepted, DOC reports that 19 have been implemented.

The recent filing of hundreds of lawsuits alleging sexual assault in the City's jails, as well as DOI's ongoing work on a number of sexual abuse investigations, calls for continuing active efforts to identify areas of vulnerability in DOC's policies and procedures and to consider whether additional improvements can be made, as well as continued engagement with DOC on outstanding PPRs.

### **Conclusion**

DOI shares DOC's commitment to eradicate sexual abuse and harassment of persons in custody by DOC staff. We will continue to deploy our investigative and policy and procedural expertise in service of this critical mission.

I am happy to take any questions you may have.