



April 9, 2016

Martha King, Executive Director
Stanley Brezenoff, Chair
Board Members
New York City Board of Correction
1 Centre Street
New York, NY 10007

RE: Board of Correction Rulemaking on Sexual Assault and Rape in NYC Jails

Brooklyn Defender Services writes to express our concern regarding significant and ongoing delays with the Board of Correction rulemaking on sexual assault and rape prevention and response in New York City jails. The Board has met with legal advocates, experts and providers from community sexual assault and violence intervention (SAVI) programs, survivors of sexual violence and others who have spelled out the urgency of the need for strong rules.

In December 2015 the City Council heard testimony that described the crisis of sexual violence in the Rose M. Singer Center. In this hearing, the Department of Correction's testimony exhibited a glaring lack of seriousness or competence in their approach to responding to this issue. The Department could not provide any detail about their investigatory procedures or explain the resulting miniscule number of substantiated allegations and referrals for prosecution, despite hundreds of reports of sexual violence.

There should no longer be any question that rape and sexual violence are real and serious concerns in our jails that demand attention. Rules from the Board that address sexual violence prevention and response must be issued promptly. The Board waited months before announcing that rules would be issued in February 2016, only to push the release back to May 2016, and as of the date of this letter, no rules have been circulated to interested parties, and we know that they likely will not be released during the May 10, 2016 meeting. These delays are unacceptable; the New Yorkers in city jails should not be made to wait any longer to feel safe from sexual violence.

After fruitful conversations with the Board, and between the Board and advocates, we urge the Board to adopt strong and thorough rules which include recommendations from community hospital SAVI experts, some of which are listed below.

- SAVI services including counseling, advocates, and ongoing 12-16 week or continuous care are available in the community and this standard should be reflected in the jail setting. (*BDS note: when services are*

offered in a jail setting, SAVI specialists in the jails should facilitate a transition in care for people who are discharged to the community).

- Consistent access to confidential in-person counseling services and 24/7 hotline services should be available to people in jails.
- Access to rape crisis advocates during reporting of incidents and throughout investigation and recovery should be available.
- People reporting abuse should have access to meaningful investigations conducted outside DOC purview, with reporting on results on progress and findings offered to the survivor.
- Rape crisis volunteers and NYPD special investigators receive minimum 40 hour training on responding to and investigating sexual violence reports, investigative and correctional staff should receive this training.
- Sexual Abuse Response Team (SART) specialists should be dispatched to jails upon reports of sexual abuse, just as they are dispatched to hospitals in the community.

We urge the Board to incorporate these recommendations into any rules that are issued, along with the other recommendations provided by these experts and those previously submitted by interested parties, advocates and survivors. We remind the Board that any rules that are adopted must address the reality that all people in custody - including men, young people, transgendered and gender non-confirming people, people with physical and developmental disabilities and people suffering from mental illness - are at risk for sexual violence and should be protected and offered services suited to their individualized needs. We appreciate that the Board has taken on this important issue and remain committed to collaborating with Board members and staff to ensure that effectual rules are adopted, implemented and enforced.

Sincerely,

Riley Doyle Evans
Jail Services Coordinator