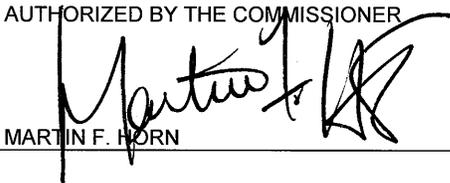




THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION



**DIRECTIVE**

<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE		*TERMINATION DATE	<b>PREVENTING INMATE SEXUAL ABUSE</b>		
09/19/08		/ /			
CLASSIFICATION #	SUPERSEDES	DATED	APPROVED FOR WEB POSTING	DISTRIBUTION	PAGE 1
5010	See below	05/01/07	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	A	OF 1 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER		
 CAROLYN THOMAS, CHIEF OF DEPARTMENT    SIGNATURE			 MARTIN F. HORN    SIGNATURE		

**REVISION NOTICE**

- A. Directive #5010 entitled PREVENTING INMATE SEXUAL ABUSE dated 05/01/07, is hereby amended as follows:
1. Remove page 4, dated 05/01/07 and replace with new page 4, dated 09/19/08.
  2. The Revision Notice entitled PREVENTING INMATE SEXUAL ABUSE dated 05/02/08, which contained revisions to pages 5 and 6, is hereby rescinded in its entirety.
  3. Remove pages 5 and 6 dated 05/02/08 and replace with new pages 5 and 6, dated 09/19/08.
- B. All other provisions of Directive #5010 remain in full force and effect.

	EFFECTIVE DATE <b>09/19/08</b>	SUBJECT <b>PREVENTING INMATE SEXUAL ABUSE</b>		
	CLASSIFICATION # <b>5010</b>			
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## V. PROCEDURES (cont.)

sensitive nature of the situation. The inmate must be treated with due consideration for the effects of sexual abuse.

- No reprisals of any kind shall be taken against an inmate or staff for good faith reporting of such an incident.

### B. Staff-on-Inmate Sexual Abuse or Sexual Threats

- Whenever an employee receives any allegation or information regarding staff-on-inmate sexual abuse or sexual threats, he/she must immediately notify either the Department of Investigation (DOI) directly or the Tour Commander and no one else, and wait for further instructions. Where the subject of the allegation is the Tour Commander, notification shall be made directly to a Deputy Warden (if on-duty) or directly to the DOI. The Tour Commander or Deputy Warden shall immediately notify DOI. During off-hours, the Tour Commander will call the Central Operations Desk (COD) and ask to have the DOI person on-call paged, but shall not provide information to COD regarding the incident. Staff shall await instructions from DOI regarding further action such as notification of COD, completion of incident reports, establishment of a crime scene, referral to chaplain services and housing of the complainant. When the incident is reported to COD, only the date of the report, **and the name of the Facility Chaplain who was contacted to conduct counseling sessions (pursuant to section V.F.)** should be entered in the Unusual Log with the subject matter recorded as "confidential."
- COD shall not publish any reports regarding allegations against staff without DOI authorization and instruction as to content.
- No statements shall be taken from inmates or employees, unless otherwise directed by DOI.
- The Tour Commander shall ensure that the victim is separated from the alleged perpetrator and brought to the clinic for both physical and mental evaluation. Any rape kits completed by medical staff shall be handled by DOI.
- The Tour Commander shall call DOI within 24 hours of the initial call to obtain the DOI intake number.

NOTE: All other allegations involving employee corruption, conflict of interest or criminality shall be reported directly to DOI by the employee, through DOI's regular telephone number.

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## V. PROCEDURES (cont.)

### C. Inmate-on-Inmate Sexual Abuse or Sexual Threat

1. Whenever an employee knows or suspects, or receives an allegation from any source regarding inmate-on-inmate sexual abuse or sexual threat, he/she shall notify the area supervisor immediately. The Tour Commander will make notifications to COD in accordance with Directive #5000R-A, Reporting Unusual Incidents and also notify the Investigation Division. COD shall make notifications in accordance with Directive #5000R-A including notifying the Investigation Division within 15 minutes.
2. COD shall ensure that all pertinent report information is obtained, noting who, what, where, when and how, name and shield #, NYSID and book and case # (if applicable). However when transcribing the information on the 24 Hour Report, and sending out information over the paging system, COD shall report only: facility, date and time and the statement that a sexual allegation was reported, **and the name of the Facility Chaplain who was contacted to conduct counseling sessions (pursuant to section V.F.)** COD shall not include the name of the alleged victim or perpetrator and the sexual assault allegedly committed.
3. The Investigation Division shall notify the Police Department as soon as practical.
4. The supervisor shall ensure that the reporting correction officer logs the notification in the area logbook, and prepares the following documents:
  - a. Injury to Inmate Report (form #167R-A); and
  - b. Referral of Inmates to Mental Health Services (form #4018R).
5. The area supervisor will ensure that the inmate is immediately escorted to the facility medical clinic for an evaluation.
6. The area officer and supervisor will complete form #4018R, "Referral of Inmates to Mental Health Services."
7. No further statement shall be taken from inmates or employees unless otherwise directed by the Investigation Division, **provided that where necessary to make an initial assessment pertaining to proper and immediate inmate separations, the Tour Commander shall authorize collection of basic information to identify alleged perpetrators.**

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## V. PROCEDURES (cont.)

- a. In such an event the Tour Commander authorizing the statements must notify ID and all copies of statements taken by either the facility or IU must be forwarded by the Commanding Officer of the Facility and/or IU, to the Commanding Officer of ID by close of business the following day.**

### 8. Crime Scene

- a. In instances where it has been determined that a crime scene is required, a crime scene will be established in accordance with Operations Order #05/07, "Crime Scene Incident Management".
- b. Evidence Collection

In all instances of crime scenes related to sex crimes:

- i. Unless otherwise directed, ID shall collect all evidence if possible.
- ii. Staff should only handle evidence when instructed to do so by Investigation Division staff.
- iii. When possible, the use of latex gloves (to prevent fingerprints) and/or instruments shall be used in the minimal handling of all evidence.
- iv. Staff shall make every attempt to minimize the handling of all evidence to avoid cross contamination (putting evidence from themselves onto the items in question) and/or removal of trace evidence.
- v. Each item of evidence shall be secured / stored in a separate paper bag.
- vi. Staff shall maintain chain of custody of the evidence until it is turned over to the Investigation Division.

### D. Medical – Applicable to Both Staff-on-Inmate and Inmate-on-Inmate Sexual Abuse Incidents

Note: The critical component of a sexual abuse case is the collection of physical evidence. To avoid the loss of crucial evidence, the inmate should be discouraged from showering, washing, bathing, douching, drinking, eating, changing clothing or using the bathroom until examined by a physician.

#### 1. Rape Kits

- a. The medical provider will prepare a consultation and refer the inmate to Urgi-Care or a municipal hospital for assessment of the patient and determination whether a forensic evaluation and rape kit is required. Urgi-Care physicians shall ensure that whenever necessary a rape kit is processed and any physical evidence is gathered.