

Avoiding Sexual Abuse

Here are some things you can do to protect yourself against sexual abuse:

1. Do not permit your emotions (fear/anxiety) to be obvious to others.
2. Do not accept gifts or favors from others.



Most gifts or favors come with strings attached to them.

3. Do not accept an offer from another inmate to be your protector.
4. Find a staff member with whom you feel comfortable discussing your fears and concerns.
5. Be alert! Do not use contraband substances such as drugs or alcohol: these can weaken your ability to stay alert and make good judgments.
6. Be direct and firm if others ask you to do something you don't want to do. Do not give mixed messages to other inmates regarding your wishes for sexual activity.
7. Stay in assigned areas of the institution.
8. Choose your associates wisely.
9. Trust your instincts. If you sense that a situation may be dangerous, it probably is. If you fear for your safety, report your concerns to staff.
10. Follow the Inmate Rules.

Confidentiality

Information concerning the identity of an inmate victim reporting a sexual assault or abuse, and the facts of the report itself, shall be limited to those involved in the reporting, investigation, discipline and treatment process, or as otherwise required by law. All records associated with allegations of sexual assault or abuse are confidential in accordance with Civil Rights Law § 50-b.

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The Prevention of Sexual Abuse in Prison

An Overview for Offenders



**THE NEW YORK STATE
DEPARTMENT OF CORRECTIONAL
SERVICES HAS A
ZERO TOLERANCE
POLICY FOR SEXUAL ABUSE**

Policy

The Department will not tolerate sexual abuse.

All sexual conduct, including sexual contact, is against the Department's rules.

All allegations of sexual abuse or of retaliation in connection with an incident of sexual abuse will be thoroughly investigated, and any sexual predator will be disciplined and/or prosecuted.

Definitions

Inmate-on-Inmate Sexual Abuse is when one or more inmates engage in sexual conduct, including sexual contact, with another inmate *against his or her will or by use of threats, intimidation or other coercive actions.*

Staff-on-Inmate Sexual Abuse is when an employee, volunteer, intern or outside contractor engages in sexual conduct, including sexual contact, with an inmate.

Additional terms are defined in Directive #4027A and #4028A.

About Your Safety

You have the right to be safe from sexual abuse. No one has the right to pressure you to engage in sexual acts. You do not have to tolerate sexual abuse or pressure to engage in unwanted sexual behaviors. If you are being pressured, threatened or extorted for sex, you should report this to staff. You should also report any retaliation you believe occurred due to reporting an incident of sexual abuse or for participating in an investigation of an allegation of sexual abuse.

What to do if you are assaulted. If you become a victim of sexual abuse, you should report it immediately to staff, who will offer you immediate protection from the assailant and will refer you for a medical examination and clinical assessment. Assistance will be provided regardless of whether or not you name the responsible inmates or staff members, however, specific information may make it easier for staff to help you.

Even though you may want to clean up after the assault, it is important to see medical staff **BEFORE** you shower, wash, drink, eat, change clothing or use the bathroom. Medical staff will examine you for injuries which may or may not be readily apparent to you. They can also check you for sexually transmitted diseases and gather physical evidence of assault.

The individual or individuals responsible for sexually abusing or assaulting inmates can only be disciplined and/or prosecuted if the abuse is reported.

Reporting

How do you report an incident of Sexual Abuse?

It is important that you begin by telling a staff member if you have been sexually abused. **You can tell any correction counselor, chaplain, security staff member, medical practitioner, or any other employee.** Staff are instructed to keep the reported information confidential and only discuss it with the appropriate officials on a need to know basis. You may also discuss your concerns with an OMH staff member.



If you choose to first report the abuse or threats in writing, you may write to a member of the Executive Team, a senior counselor, your assigned correction counselor, a chaplain, a security supervisor, a member of Central Office, or the Department's Office of the Inspector General. However, any delay in reporting an incident will make investigating the incident far more difficult.

An inmate who feels that he or she has been the victim of sexual abuse should report such occurrence immediately. However, reporting an incident of sexual abuse is not a substitute for filing a grievance with the IGP.



What happens when you report an incident of Sexual Abuse? All allegations of sexual abuse and retaliation for reporting an incident of sexual abuse or for participating in an investigation of an allegation of sexual abuse will be thoroughly investigated and may also be reported to appropriate law enforcement officials by the Department's Office of the Inspector General. No reprisals of any kind shall be taken against an inmate for good faith reporting of sexual abuse or sexual threats.

However, if investigation discloses that a person who knew that the information was false made the allegation intentionally or with malice, he or she may be disciplined or charged with falsely reporting an incident and/or may be subject to disciplinary action (Penal Law § 240.50).