



NEW YORK STATE SENATOR

Alessandra Biaggi

## Senators Biaggi And Salazar Lead Hearing to Examine Sexual Assault in New York's Correctional Facilities

ALESSANDRA BIAGGI March 7, 2022

ALBANY, NY – Last Thursday, the Senate Ethics and Internal Governance Committee Chairwoman Alessandra Biaggi and Senate Crime Victims, Crime, and Correction Chairwoman Julia Salazar led a joint public hearing on the problem of sexual assault in New York State's correctional facilities. The purpose of this hearing was to examine the pervasiveness of sexual assault in correctional facilities, provide survivors of sexual violence an opportunity to share their experiences, assess the effectiveness of existing policies and systems, and identify ways to prevent sexual violence in correctional facilities.

Testimony was given by formerly incarcerated survivors, directly impacted correctional officers, advocacy organizations, and officials from the Department of Corrections and Community Supervision (DOCCS). The archived video of the hearing may be watched on the [Senate website](#).

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*Senator Alessandra Biaggi, Chair of the Senate Ethics and Internal Governance Committee, said, "During last week's hearing, we heard harrowing stories from survivors of sexual violence in our State's correctional facilities, incarcerated individuals and correctional officers alike— making it evident that our current system of addressing sexual violence in jails*

*and prisons is broken and in need of urgent reform. Many survivors spoke about their experiences of being either ignored, dismissed, or retaliated against for speaking out about the violence they experienced. This is unacceptable, and I am committed to build upon the findings of our hearing to develop survivor-centered legislation, increase protections for vulnerable populations, and ensure proper oversight and accountability to bring an end the culture of sexual violence in New York's correctional facilities."*

Senator Julia Salazar, Chair of the Senate Crime Victims, Crime, and Correction, said, "Last Thursday, we held a joint public hearing on sexual violence in New York's jails and prisons. It was the first time in New York State history that the legislature has held a hearing dedicated to this topic. We heard testimony during the hearing from 16 different witnesses and received written testimony from many more. We listened to accounts of survivors of sexual violence in jail and prisons, including both formerly incarcerated individuals and corrections officers. This represents just the beginning of our work to end the culture of sexual violence in our state's correctional facilities. It's clear that this violence is systematic. I'm committed to continuing this work through major policy changes, expanded oversight, and real accountability."

The main takeaways from yesterday's hearing include:

- Retaliation: Retaliation and the fear of retaliation are one of main reasons why survivors do not speak out. Unfortunately, power dynamics and the failure of current reporting systems within our prison system make it incredibly difficult for survivors to share their experiences of assault and get the assistance they need. We must develop survivor-centered legislation to counter this, and ensure that there are clear protections in place to combat retaliation and create safe avenues for survivors to share their experiences and get help without fear or threat of further violence.

- **Need for Confidentiality:** Survivors and advocacy organizations both stressed the need for confidentiality in the reporting and handling of cases of sexual assault. It is extremely difficult for a survivor to report their case to a DOCCS official or rape crisis hotline as they are unable to submit their reports anonymously or share their experiences privately, which prevents them from sharing their experiences or getting the help they need.
- **Need for Effective Oversight and Accountability:** The DOCCS is currently tasked with handling and investigating all cases of sexual assault and violence, resulting in a conflict of interest when investigating its own officials. In order to ensure effective oversight and accountability, investigations must be conducted by a truly independent third-party, and consistent communication with survivors about the status and outcomes of their investigations must be guaranteed.
- **Body Camera Program Expansion:** Currently, not all correctional facilities in New York are equipped with body cameras for officers. While expanding body cameras to all correctional officers in all facilities is not the ultimate solution for ending sexual assaults, it is a crucial first step to increased accountability and transparency. It is also important that the DOCCS ensure that cameras are not turned off and camera footage is not destroyed or tampered with.
- **Enacting the Gender Identity Respect, Dignity, and Safety Act (S6677):** One of the ways that we can ensure protections for vulnerable populations, such as our LGBTQ+ and transgender populations, is to ensure that people are presumptively housed according to their gender identity. S6677, sponsored by Senator Salazar, would allow for the appropriate placement and treatment of transgender, gender nonconforming, and nonbinary individuals in state and local correctional facilities in a manner aligned with their gender identities. This legislation also explicitly forbids corrections staff from using housing placement or segregation to punish or retaliate against people, particularly trans and gender non-binary individuals whose safety is at even higher risk when they're not

appropriately housed. While greater protections are needed in order to protect our LGBTQ+ and transgender communities from sexual violence in correctional facilities, passing this bill is a necessary first step to prevent such violence from occurring.

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