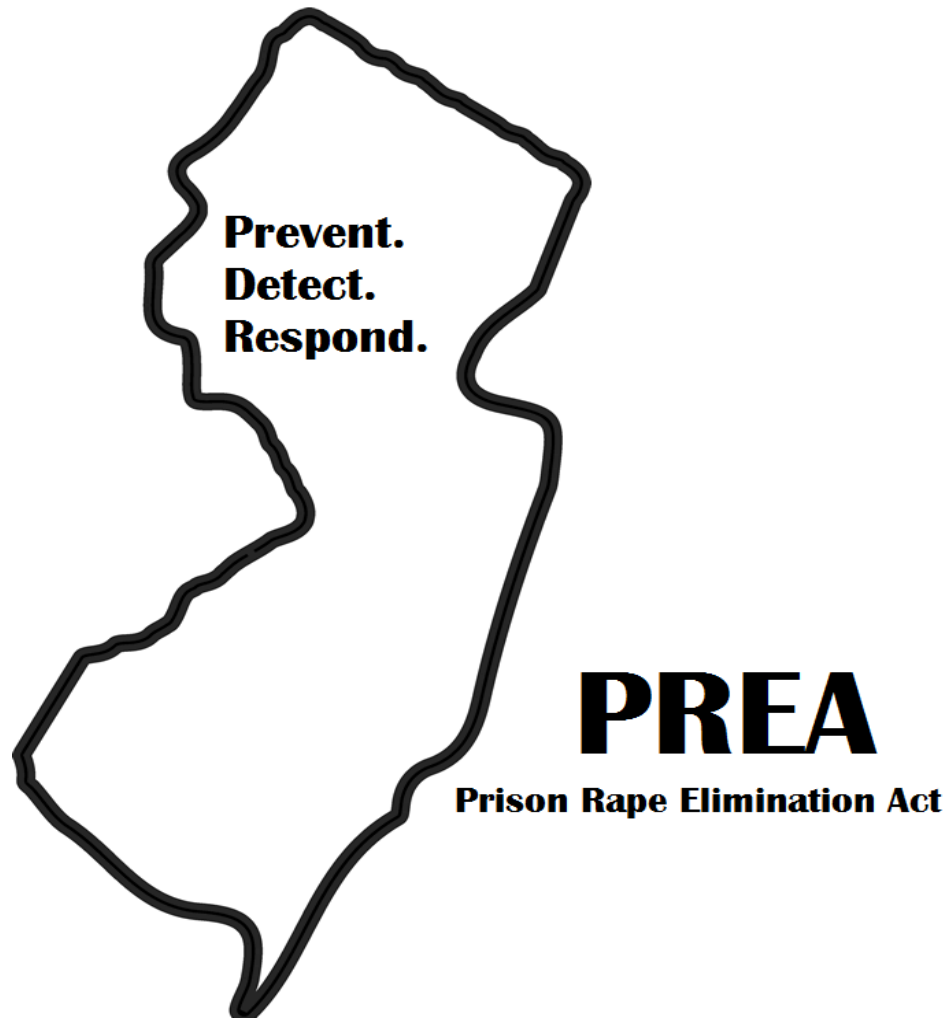


# Sexual Victimization Annual Report 2018

## New Jersey Department of Corrections

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Marcus O. Hicks, Esq., NJDOC Commissioner



The federal Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79) was enacted by the United States Congress to address the problem of sexual abuse of persons in the custody of correctional agencies throughout the country. PREA addresses both inmate-on-inmate and staff on inmate sexual abuse and sexual harassment.

PREA requires the Bureau of Justice Statistics (BJS) within the Department of Justice (DOJ) to conduct a comprehensive statistical review and analysis of the incidence and effects of prison rape and sexual misconduct within correctional facilities nationwide.

Accordingly, the New Jersey Department of Corrections (NJDOC) annually participates in the DOJ's Survey on Sexual Victimization (SSV) process to report allegations and outcomes of sexual abuse and harassment within our prison system. The SSV gathers information nationally on allegations and substantiated incidents that occur each calendar year.

Consistent with the SSV, the allegations included below are categorized as either inmate-on-inmate or as staff-on-inmate sexual victimization. Sexual victimization includes both abuse and harassment cases.

### NJDOC Zero Tolerance Policy

The NJDOC maintains a zero tolerance toward all forms of inmate sexual abuse and inmate sexual harassment. The NJDOC will respond to, investigate, and support the prosecution of sexual abuse and sexual harassment within the correctional system and externally in partnership with state and local authorities.

The NJDOC accepts and investigates all inmate and third-party verbal, written, and anonymous reports of sexual abuse/sexual harassment. Additionally, the County Prosecutor may be contacted for potential criminal investigation and prosecution.

All NJDOC staff members, contractors and volunteers receive training on their duties and responsibilities under the NJDOC's zero tolerance policy and PREA standards.

All NJDOC staff members, contractors and volunteers are required to immediately report any occurrence of inmate sexual abuse /sexual harassment.

### Inmate on Inmate Prohibited Conduct

#### Nonconsensual sexual acts

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; contact between the penis and the vulva or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**Abusive sexual contact**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. (This definition **excludes** incidents in which the contact was incidental to a physical altercation.)

**Sexual harassment**

Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

**Staff on Inmate Prohibited Conduct**

**Staff Sexual Misconduct**

Any behavior or act of sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include – intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**Staff Sexual Harassment**

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Examples include—demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

**Investigative Outcomes**

Investigative outcomes can result in determinations that are substantiated, unsubstantiated or unfounded as defined by federal regulation.

**Substantiated Allegation**

An allegation that was investigated and determined to have occurred.

**Unsubstantiated Allegation**

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Unfounded Allegation**

An allegation that was investigated and determined not to have occurred.

The agency shall not impose any standard higher than a preponderance of the evidence to determine whether allegations of sexual abuse or sexual harassment are substantiated.

## **Risk Assessments**

All inmates committed to the custody of the NJDOC are screened in-person by the contracted health services provider for PREA risk. The goal of the screening is keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. This screening is initially done during the reception process, and as inmates are transferred between facilities. Information from this assessment is used by classification committees and custody staff to inform housing, bed, work, education, and program assignments. Inmates may request to update this information at any time during their incarceration. PREA Risk assessments are updated by request, referral or when there is an incident of sexual abuse.

All NJDOC inmates have access to internal medical, mental health services and external emotional support services for sexual abuse even if the abuse did not occur while in custody.

## **Corrective Actions**

PREA standards 115.86-.88 require that data reviews are also utilized to identify problem areas within the prison system and to establish corrective action plans to address them.

NJDOC reviews incidents of sexual abuse and harassment to assess and improve the effectiveness of its sexual abuse prevention, detection and response efforts. Corrective actions include enhancements and/or modifications to supervision and monitoring, camera surveillance, inmate risk screening, policy changes and overall inmate services.

The collection and review of incident data serves to give our department the ability to continually enhance and improve practices and training in an effort to continue to comply with PREA standards.

In 2018 the PREA Unit developed a new Corrective Action Report. This report is issued per SAAC Council reviews and analysis of the investigative outcomes of PREA allegation cases, potential PREA concerns and related matters. Division head recipients are required to review the Council recommendations and notify the PREA Agency Coordinator of their findings within four (4) weeks of receipt.

In 2018 seven (7) Corrective Action Reports have been issued:

- 001\_2018 - Privacy Screens (Division of Operations)
- 002\_2018 - Library Cameras (ADTC/Division of Operations)
- 003\_2018 - MSCF Laundry Room (MSCF)

- 004\_2018 - RCRP Urine Sample Monitoring (Office of Community Programs)
- 005\_2018 - NSP Educational Area inmate bathrooms (NSP)
- 006\_2018 - Inmate access to ILA Room at NJSP (NJSP)
- 007\_2018 - Supervision of A-Unit pantry at BSP (BSP)

NJDOC noted no further systemic problems which were not already being addressed through demonstrated compliance with PREA Standards as evidenced through previous, successful DOJ PREA audits.

### PREA Educational Enhancements

In 2018 the PREA Unit staff has developed, produced and distributed numerous new or updated/revised PREA educational materials for the inmate population. Examples include:

- “Understanding P.R.E.A.” educational guide
- PREA Inmate Handout
- PREA Inmate Handout for RCRP
- EMCF PREA Hotline Announcement
- EMCF PREA Overview Poster
- Hunterdon PREA Resource Guide Book
- PREA Emotional Support Services Poster

During the month of June, the COHQ PREA unit provided the entire inmate population at EMCF with the Department’s Enhanced PREA Inmate Education course. The course was comprised of a gender specific PREA video presentation, the distribution of the Department’s newly created “Understanding PREA” Guide” and an overview of the Department’s PREA Compliance, zero tolerance policy and services offered.

### PREA Forms Updates/Enhancements

In 2018, the PREA Unit has developed and/or updated and distributed the following Forms to relevant staff (Institutional Compliance Managers) to more closely adhere to the language and requirements of the associated PREA standard (as noted):

- Disposition Form (115.73)
- Sexual Assault Advisory Committee Form (115.86)
- Retaliation Monitoring Form (115.67)
- Corrective Action Report (115.88)

### PREA Statistical Analysis

Pursuant to PREA standards 115.87; 115.88 and 115.89 the NJDOC collects and retains incident-based data for all allegations of sexual abuse and sexual harassment reported

from the thirteen (13) state correctional facilities under the supervision of the NJDOC as well as from the state’s contracted residential community release program (RCRP) facilities.

Statistically, NJDOC is consistent with national federal research findings and not an outlier. For example, federal data show fewest allegations in reception facilities, treatment facilities and minimum security facilities. Allegations are highest at maximum/long term facilities and that is exactly what we see in NJDOC data, as below.

### NJDOC PREA Audits 2018/2019

To demonstrate full compliance with the PREA standards, every correctional agency facility must undergo a PREA audit by a Department of Justice (DOJ) Certified Auditor once during every three-year audit cycle. Most recently, NJDOC undertook year 3 of its second 3 year-cycle of DOJ PREA audits.

Bayside State Prison, Mid-State Correctional Facility, Northern State Prison, and the state’s only full maximum institution New Jersey State Prison all underwent a comprehensive and thorough DOJ PREA audit in this Cycle.

Each facility achieved full compliance, maintaining NJDOC’s success in attaining PREA compliance at all facilities.

#### Facilities Audited in Cycle 2 Year 3

Facility	Investigative Outcome			Total Allegations	Percentage of Allegations by Population
	Substantiated	Unsubstantiated	Unfounded		
BSP	0	22	3	25	1.7%
NJSP	1	20	2	24*	1.6%
MSCF	0	0	1	1	0.2%
NSP	2	22	5	40**	1.7%
<b>Total</b>	<b>3</b>	<b>64</b>	<b>11</b>	<b>90</b>	<b>0.5%</b>

\*One NJSP case is noted in notes section of the 2018 SSV, but does not have a category

\*\*NSP has 11 cases pending with the Essex County Prosecutors Office as of the reporting date for the 2018 SSV

Note: Population is counted as of January 2, 2019.

## 2017-2018 Incidents of Sexual Victimization Data Comparison

### Allegations of Sexual Victimization by Category 2018

Category	Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
Inmate on Inmate Sexual Harassment	4	24	3	1	32
Inmate on Inmate Abusive Sexual Contact	0	23	4	2	29
Inmate on Inmate Nonconsensual Sexual Act	0	25	1	5	31
Staff on Inmate Sexual Harassment	2	63	6	2	73
Staff on Inmate Sexual Misconduct	3	37	14	5	59
<b>Total</b>	<b>9</b>	<b>172</b>	<b>28</b>	<b>15</b>	<b>225*</b>

The total allegations for 2018 is 225\*. With the total population of 19,212, the percentage of allegations by population is 1.2%. The rate of Substantiated cases per PREA allegations is 4%

\*One case, as noted in the 2018 SSV Report, was unable to be categorized as the alleged victim inmate refused to cooperate in the investigation.

### Allegations of Sexual Victimization by Category 2017

Category	Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
Inmate on Inmate Sexual Harassment	2	20	3	0	25
Inmate on Inmate Abusive Sexual Contact	1	9	1	0	11
Inmate on Inmate Nonconsensual Sexual Act	1	28	1	0	30
Staff on Inmate Sexual Harassment	1	34	5	1	41
Staff on Inmate Sexual Misconduct	2	27	9	0	38
<b>Total</b>	<b>7</b>	<b>118</b>	<b>19</b>	<b>1</b>	<b>145</b>

The total allegations for 2017 is 145. With the total population of 19,619, the percentage of allegations by population is 0.74%. The rate of Substantiated cases per PREA allegations is .9%

**Sexual Victimization by Category and Outcome as a Percentage 2018**

Category	Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
Inmate on Inmate Sexual Harassment	1.8%	10.7%	1.3%	0.4%	14.3%
Inmate on Inmate Abusive Sexual Contact	0.0%	10.3%	1.8%	0.9%	12.9%
Inmate on Inmate Nonconsensual Sexual Act	0.0%	11.2%	0.4%	2.2%	13.8%
Staff on Inmate Sexual Harassment	0.9%	28.1%	2.7%	0.9%	32.6%
Staff on Inmate Sexual Misconduct	1.3%	16.5%	6.3%	2.2%	26.3%
<b>Total</b>	<b>4.0%</b>	<b>76.8%</b>	<b>12.5%</b>	<b>6.6%</b>	<b>100.0%</b>

**Sexual Victimization by Category and Outcome as a Percentage 2017**

Category	Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
Inmate on Inmate Sexual Harassment	1.4%	13.8%	2.1%	0.0%	17.2%
Inmate on Inmate Abusive Sexual Contact	0.7%	6.2%	0.7%	0.0%	7.6%
Inmate on Inmate Nonconsensual Sexual Act	0.7%	19.3%	0.7%	0.0%	20.7%
Staff on Inmate Sexual Harassment	0.7%	23.4%	3.4%	0.7%	28.3%
Staff on Inmate Sexual Misconduct	1.4%	17.9%	6.2%	0.7%	26.2%
<b>Total</b>	<b>4.9%</b>	<b>80.6%</b>	<b>13.1%</b>	<b>1.4%</b>	<b>100.0%</b>



	<b>Total Allegations</b>		
<b>Facility</b>	<b>2017</b>	<b>2018</b>	<b>+/-</b>
ADTC	4	3	-25.0%
BSP	14	25	78.6%
CRAF	7	10	42.9%
EJSP	6	12	100.0%
EMCF	20	22	10.0%
GSCF	4	8	100.0%
MSCF	3	1	-66.7%
MYCF	2	8	300.0%
NJSP	11	24	118.2%
NSP	33	40	21.2%
SSCF	4	6	50.0%
SWSP	32	51	59.4%
WYCF	5	15	200.0%
<b>TOTAL</b>	<b>145</b>	<b>225</b>	<b>55.2%</b>

An increase in allegations is in keeping with national trends and is expected. Further, an increase in reporting is a stated goal of the Federal PREA Resources Center as such an increase reflects inmate willingness to report without fear of retaliation.

### Allegation of Sexual Victimization by Facility and Category 2018

<b>Inmate/Inmate Sexual Harassment: Repeated and unwanted sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.</b>					
<b>Facility</b>	<b>Investigative Outcome</b>				<b>Total</b>
	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Pending</b>	
ADTC	1	2	0	0	3
BSP	0	2	0	0	2
CRAF	0	2	0	0	2
EJSP	0	0	0	0	0
EMCF	1	1	1	0	3
GSCF	0	0	0	0	0
MSCF	0	0	0	0	0
MYCF	0	0	0	0	0
NJSP	0	4	0	0	4
NSP	0	3	1	1	5
SSCF	0	1	0	0	1
SWSP	2	9	1	0	12
WYCF	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>24</b>	<b>3</b>	<b>1</b>	<b>32</b>

**Inmate/Inmate Abusive Sexual Contact:** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. (This definition **excludes** incidents in which the contact was incidental to a physical altercation.)

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
ADTC	0	0	0	0	0
BSP	0	5	1	0	6
CRAF	0	4	0	0	4
EJSP	0	0	0	0	0
EMCF	0	2	2	0	4
GSCF	0	1	0	0	1
MSCF	0	0	0	0	0
MYCF	0	1	0	0	1
NJSP	0	1	0	0	1
NSP	0	5	0	2	7
SSCF	0	1	0	0	1
SWSP	0	3	1	0	4
WYCF	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>23</b>	<b>4</b>	<b>2</b>	<b>29</b>

**Inmate/Inmate Nonconsensual Sexual Abuse:** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; contact between the penis and the vulva or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
ADTC	0	0	0	0	0
BSP	0	4	0	0	4
CRAF	0	2	0	0	2
EJSP	0	3	0	0	3
EMCF	0	2	0	0	2
GSCF	0	2	0	0	2
MSCF	0	0	0	0	0
MYCF	0	1	0	0	1
NJSP	0	1	0	0	1
NSP	0	2	0	4	6
SSCF	0	0	1	0	1
SWSP	0	6	0	1	7
WYCF	0	2	0	0	2
<b>Total</b>	<b>0</b>	<b>25</b>	<b>1</b>	<b>5</b>	<b>31</b>

**Staff/Inmate Sexual Harassment:** Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Examples include—demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
ADTC	0	0	0	0	0
BSP	0	5	1	0	6
CRAF	0	1	0	0	1
EJSP	0	4	0	0	4
EMCF	1	2	0	1	4
GSCF	0	2	0	0	2
MSCF	0	0	0	0	0
MYCF	0	3	3	0	6
NJSP	0	10	0	0	10
NSP	0	6	1	1	8
SSCF	0	2	0	0	2
SWSP	1	18	1	0	20
WYCF	0	10	0	0	10
<b>Total</b>	<b>2</b>	<b>63</b>	<b>6</b>	<b>2</b>	<b>73</b>

**Staff/Inmate Sexual Misconduct:** Any behavior or act of sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include – intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
ADTC	0	0	0	0	0
BSP	0	6	1	0	7
CRAF	0	0	1	0	1
EJSP	0	4	1	0	5
EMCF	0	4	3	2	9
GSCF	0	3	0	0	3
MSCF	0	0	1	0	1
MYCF	0	0	0	0	0
NJSP	1	4	2	0	7
NSP	2	6	3	3	14
SSCF	0	1	0	0	1
SWSP	0	8	0	0	8
WYCF	0	1	2	0	3
<b>Total</b>	<b>3</b>	<b>37</b>	<b>14</b>	<b>5</b>	<b>59</b>

## Report Inmate Sexual Abuse/Sexual Harassment

Inmates who are victims of sexual abuse/ sexual harassment, or have knowledge of sexual abuse/sexual harassment should immediately report the incident by using any of the following reporting methods:

- Verbally or in writing to any NJDOC staff member, contractor or volunteer
- Using the Inmate Remedy System form/JPAY Inmate Computer Kiosk
- Contacting the Institutional PREA Compliance Manager;
- Contacting the Special Investigations Division (via the confidential SID box at the correctional facility or by dialing **\*SID1#** on the inmate telephone system
- Contacting the Corrections Ombudsman:  
Inmate Only Toll Free Number: **1-555-555-5555**  
Address:  
**Office of the Corrections Ombudsman:**  
**PO Box 855**  
**Trenton, NJ, 08625**

## Third Party Reporting of Inmate Sexual Abuse/Sexual Harassment

Family members, friends, attorneys, clergy or any other third party may make a report of sexual abuse/sexual harassment on an inmate's behalf by using any of the following methods:

- Contacting the Correctional Facility's Institutional PREA Compliance Manager;
  - Contacting the Special Investigations Division Telephone: **(609) 826-5617**
  - Contacting the Corrections Ombudsman:  
Telephone: **(609) 633-2596**  
Address:  
**Office of the Corrections Ombudsman**  
**PO Box 855**  
**Trenton, NJ, 08625**
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