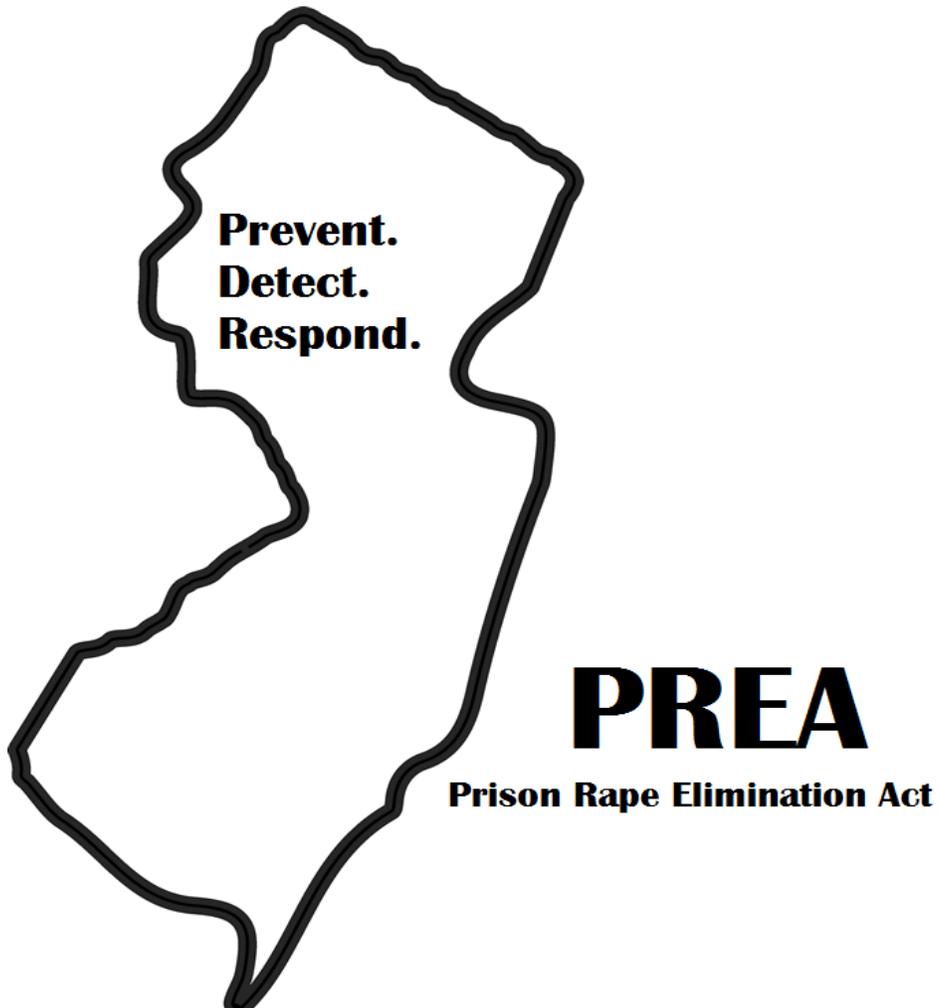


Sexual Victimization Annual Report 2020

New Jersey Department of Corrections

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The New Jersey Department of Corrections (NJDOC) maintains compliance with the Prison Rape Elimination Act (PREA). Signed into federal law in 2003, PREA is designed to prevent, detect, and respond to incidences of sexual abuse and sexual harassment in confinement facilities. PREA prohibits 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. New Jersey Department of Corrections (NJDOC) annually participates in the DOJ's Survey on Sexual Victimization (SSV) 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. This report reflects the NJDOC SSV data for 2020.

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.

The NJDOC protects all inmates and staff who report sexual abuse or sexual harassment and cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.

The NJDOC provides inmates with ongoing education regarding NJDOC's zero tolerance of sexual abuse and sexual harassment and how to report it, rights and responsibilities under PREA and available services related to sexual abuse.

Risk Assessments

All inmates committed to the custody of the NJDOC are screened in-person by the contracted health services with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Information from this assessment is used by staff to inform housing, bed, work,

education, and program assignments. Inmates may request to update this information at any time during their incarceration. Risk assessments are done at reception, transfer and updated by request, referral or when there is an incident of sexual abuse.

Corrective Actions

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 may include enhancements and/or modifications to supervision and monitoring, camera surveillance, inmate risk screening, policy changes and overall inmate services.

For 2020, NJDOC's priority was maintaining safety regarding sexual abuse and harassment while also following new restrictions put out by the department for COVID.

In 2020, corrective actions and additional oversight to maintain safety regarding sexual abuse and harassment during COVID included:

- Sexual abuse emotional support hotline services remained available and uninterrupted.
- PREA Compliance Managers ensured continued compliance through individual facility assessments.
- Updated materials of the NJDOC's continued zero tolerance of sexual abuse and sexual harassment as well as numerous, internal, external, third party, confidential and anonymous methods to report sexual abuse and sexual harassment were distributed to the incarcerated population at each facility.
- Updated comprehensive PREA Compliance policy

In 2020 10 corrective Action Reports were issued:

- 001_2020 - Evaluation of Camera Monitoring (Administration)
- 02-2020 - Refresher on Custody Duties/Performance (BSP)
- 03-2020 - Inmate Violation on the Use of PREA (EMCF)
- 04-2020 - Inmate Separation from Perpetrator (GYCF)
- 05-2020 - Review for Retaliation (SWSP)
- 06-2020 - Within Official Duties (CRAF)
- 07-2020 - Inmate Fraud Charge (CRAF)
- 08-2020 - Potential Victim Status Update (UCHC)
- 09-2020 - Potential Victim Status Update (UCHC)
- 10-2020 - Removal of Obstructions Within Official Duties (SSCF)

NJDOC PREA Audits Cycle 3, Year 1

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. Due to the COVID-19 pandemic, it was not feasible for NJDOC to conduct PREA audits for the audit Cycle 3, Year 1 period.

For Audit Cycle 3, Year 1 (August 20, 2019 - August 19, 2020) five NJDOC facilities were scheduled for audit for April and May 2020:

- Albert C. Wagner Youth Correctional Facility
- William H. Fauver (formerly Mountainview) Youth Correctional Facility
- Garden State Youth Correctional Facility
- Edna Mahan Correctional Facility for Women
- Central Reception and Assignment Facility

Prior to the April/May audits, Albert C. Wagner Youth Correctional Facility and the Central Reception and Assignment Facility were closed.

These facilities were rescheduled to occur in Cycle 3, Year 2. The following facilities were audited June through August 2020:

- Adult Diagnostic and Treatment Center (ADTC)
- East Jersey State Prison (EJSP)
- Edna Mahan Correctional Facility for Women (EMCF)
- Garden State Youth Correctional Facility (GSYCF)
- Southern State Correctional Facility (SSCF)
- South Woods State Prison (SWSP)
- William H. Fauver Youth Correctional Facility (WHFYCF)

For Audit Cycle 3 Year 3 (August 20, 2021 - August 19, 2022), four NJDOC facilities are scheduled to be audited:

- Bayside State Prison (BSP)
- Mid-State Correctional Facility (MSCF)
- New Jersey State Prison (NJSP)
- Northern State Prison (NSP)

Audits will follow the Covid-19 guidance set forth by the Department of Justice's PREA Management Office. Auditors will be required to follow State and departmental COVID-19 prevention measures.

Transgender and Intersex Inmates

In December 2019, the NJDOC established procedures regarding transgender, intersex, gender non-conforming, and gender non-binary inmates. It is the policy of the NJDOC to address the needs of transgender, intersex, and gender non-conforming inmates in a manner consistent with federal Prison Rape Elimination Act (PREA) Standards, the New Jersey Law Against Discrimination (NJLAD), and in accordance with departmental regulations, policies, and procedures.

Grants

NJDOC currently has 4 federal grants related to combating sexual victimization in custody and servicing victims and survivors of sexual assault. Grant funds total \$678,757 and fund the following initiatives:

- **Implementing the PREA Standards, Protecting Inmates, and Safeguarding Communities FY 2019**

The New Jersey Department of Corrections was awarded the FY19 Implementing PREA Standards, Protecting Inmates, and Safeguarding Communities Grant in the amount of \$246,146.

NJDOC's project design is focused on utilizing the findings from the Council of State Government (CSG) Justice Center regarding correctional culture to support staff to reduce recidivism and applying these strategies to PREA, a concept that has not been done previously. The model uses evidence-based and core correctional practices in order to support staff through an organizational change. During the grant period, NJDOC plans to understand the current organizational culture, update our staff education based on the assessment, and use the CSG model to implement the culture change.

- **The Violence Against Women Act (VAWA)**

The Violence Against Women Act (VAWA) Grant continuation funding is received through the NJ Department of Law and Public Safety (L&PS), Office of the Attorney General (OAG). In 2019, a 14% increase in sub-grant funding to \$86,611 was secured by the Grants Management Unit for the "Saving Our Sisters" (SOS) program. Funding for SOS supports a bi-lingual social worker and domestic violence and sexual assault counseling services for female inmates at the Edna Mahan Correctional Facility for Women (EMCF).

- **The Victim of Crime Act Grant (VOCA)**

The Victims of Crime Act (VOCA) Grant is also funded through L&PS, OAG. In 2019, the Grants Management Unit approached OAG to expand its victim service focus at

EMCF through a VOCA Grant and received an initial award of \$96,000 to fully support the EMCF SOS program. Funding supports a social work supervisor, EMCF domestic violence and sexual assault counseling services, program supplies and ongoing staff training.

- **Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies Grant**

The New Jersey Department of Corrections applied for the FY 2019 Body-Worn Camera Policy and Implementation in June 2019 to request funding for a Body-Worn Camera (BWC) pilot program at EMCF and Northern State Prison. NJDOC was awarded federal funding of \$250,000 to support BWC policy implementation, BWC purchases, added technology and officer training as part of a comprehensive initiative to enhance operations and update NJDOC correctional culture.

NJDOC & THE NATIONAL PRISON RAPE STATISTICS REPORTING PROGRAM

Every year, as a participant in the National Prison Rape Statistics Program, NJDOC reports to the U.S. Department of Justice Bureau of Justice Statistics the number and type of allegations of sexual victimization and investigative outcomes at NJDOC by other inmates or staff that are reported to correctional authorities. Data is reported in the Survey of Sexual Victimization State Prison Systems Summary Form (SSV). This is a federal standardized reporting form used nationwide for all state prison systems designed to collect uniform, mandated data on the incidence and prevalence of sexual victimization in state correctional facilities. The data collected is based on allegations of sexual victimization that are reported to correctional authorities.

What is an Allegation of Sexual Victimization? How is It Defined?

Federal PREA regulations give specific definitions of prohibited conduct that constitute sexual victimization of an inmate while in a state prison. It is broken down into two broad categories: inmate on inmate victimization and staff on inmate victimization. While in everyday conversation it has become common for people to use shorthand phrases like “a PREA,” “a PREA incident” or “a PREA allegation,” or to ask questions like “how many PREAs do you have at NJDOC” it is important to note that PREA regulations prohibit certain acts of specifically defined conduct by inmates and staff. Reported conduct that meets these definitions constitutes an allegation of sexual victimization while in custody.

The Survey of Sexual Victimization utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of the SSV, the categories and definitions of sexual victimization are as follows:

**Inmate on Inmate Sexual Victimization Categories and Definitions
(Inmate Perpetrator and Inmate Victim)**

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 Sexual Victimization Categories and Definitions
(Staff Perpetrator and Inmate Victim)**

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: What are They and What do They Mean?

Under federal PREA regulations, investigative outcomes can result in determinations that are substantiated, unsubstantiated or unfounded as defined by federal regulation. 28 C.F.R. §115.5.

<u>Substantiated Allegation</u> An allegation that was investigated and determined to have occurred.
<u>Unsubstantiated Allegation</u> An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
<u>Unfounded Allegation</u> An allegation that was investigated and determined not to have occurred.

Consistent with federal regulations, the standard of preponderance of the evidence is used to determine whether allegations of sexual abuse or sexual harassment are substantiated.

2019-2020 Sexual Victimization Data Comparison

Data is submitted to the Bureau of Justice Statistics (BJS) in the following year for the preceding calendar year. Pending cases listed below were pending as of the submission date of the SSV each year.

Number of Allegations of Sexual Victimization Reported by Category 2020

The total allegations for 2020 is 338. With the total population of 12,808 as of January 1, 2021, the percentage of allegations by population is 2.64%. The rate of substantiated cases per PREA allegations is 4.73%.

Category	Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
Inmate on Inmate Sexual Harassment	3	51	5	3	62
Inmate on Inmate Abusive Sexual Contact	1	32	3	1	37
Inmate on Inmate Nonconsensual Sexual Act	1	23	2	1	27
Staff on Inmate Sexual Harassment	5	112	7	5	129
Staff on Inmate Sexual Misconduct	6	61	9	7	83
Total	16	279	26	17	338

Number of Allegations of Sexual Victimization Reported by Category 2019

The total allegations for 2019 was 268. With the total population of 18,477 as of January 1, 2020, the percentage of allegations by population is 1.5%. The rate of substantiated cases per PREA allegations is 3.7%.

Category	Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
Inmate on Inmate Sexual Harassment	5	43	4	0	52
Inmate on Inmate Abusive Sexual Contact	0	36	1	3	40
Inmate on Inmate Nonconsensual Sexual Act	1	20	3	0	24
Staff on Inmate Sexual Harassment	2	66	14	2	84
Staff on Inmate Sexual Misconduct	2	50	16	0	68
Total	10	215	38	5	268

Sexual Victimization by Category and Outcome as a Percentage 2020

Category	Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
Inmate on Inmate Sexual Harassment	.89%	15.1%	1.5%	.89%	18.39%
Inmate on Inmate Abusive Sexual Contact	.30%	9.5%	.89%	.30%	10.99%
Inmate on Inmate Nonconsensual Sexual Act	.30%	6.8%	.59%	.30%	7.99%
Staff on Inmate Sexual Harassment	1.5%	33.14%	2.1%	1.5%	38.24%
Staff on Inmate Sexual Misconduct	1.8%	18.1%	2.7%	2.1%	24.7%
Total	4.79%	82.64%	7.78	5.09%	100.0%

Sexual Victimization by Category and Outcome as a Percentage 2019

Category	Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
Inmate on Inmate Sexual Harassment	1.9%	16.0%	1.5%	0.0%	19.4%
Inmate on Inmate Abusive Sexual Contact	0.0%	13.4%	0.4%	1.1%	14.9%
Inmate on Inmate Nonconsensual Sexual Act	0.4%	7.5%	1.1%	0.0%	9.0%
Staff on Inmate Sexual Harassment	0.7%	24.6%	5.2%	0.7%	31.3%
Staff on Inmate Sexual Misconduct	0.7%	18.7%	6.0%	0.0%	25.4%
Total	3.7%	80.2%	14.2%	1.9%	100.0%

Total Allegations Reported			
Facility	2019	2020	+/-
ADTC	4	7	75.00%
BSP	22	17	-22.73%
CRAF	6	9	50.00%
EJSP	12	6	-50.00%
EMCF	22	33	50.00%
GSCF	17	47	176.47%
MSCF	2	0	-100.00%
MYCF	11	3	-72.73%
NJSP	37	49	32.43%
NSP	40	41	2.50%
SSCF	13	4	-69.23%
SWSP	64	105	70.31%
WYCF	18	0	-100.00%
PENDING		17	
TOTAL	268	338	26.12%

What About Increases in Allegations Reported?

This is a common question. An increase in allegations is in keeping with national trends and is expected. An increase in reporting is a goal of PREA as such an increase reflects inmate willingness to report without fear of retaliation.

Allegations of Sexual Victimization Reported by Facility and Category 2020

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.					
Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
ADTC	0	2	0	0	2
BSP	0	2	0	0	2
CRAF	0	3	1	0	4
EJSP	0	0	1	0	1
EMCF	1	8	1	1	11
GSCF	0	1	0	0	1
MSCF	0	0	0	0	0
MYCF	0	2	0	0	2
NJSP	0	13	0	0	13
NSP	0	6	0	1	7
SSCF	0	1	0	0	1
SWSP	2	13	2	0	17
WHFYCF	0	0	0	1	1
Total	3	51	5	3	62

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	3	0	0	3
BSP	0	7	0	0	7
CRAF	0	0	0	0	0
EJSP	0	0	0	0	0
EMCF	0	4	0	0	4
GSCF	0	2	0	0	2
MSCF	0	0	0	0	0
MYCF	0	0	0	0	0
NJSP	0	2	0	0	2
NSP	0	4	2	0	6
SSCF	1	2	0	0	3
SWSP	0	8	1	0	9
WYCF	0	0	0	1	1
Total	1	32	3	1	37

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	2	0	0	2
BSP	0	1	1	0	2
CRAF	0	0	0	0	0
EJSP	0	0	0	1	1
EMCF	0	3	0	0	3
GSCF	1	1	0	0	2
MSCF	0	0	0	0	0
MYCF	0	0	0	0	0
NJSP	0	2	0	0	2
NSP	0	9	0	0	9
SSCF	0	0	0	0	0
SWSP	0	5	1	0	6
WYCF	0	0	0	0	0
Total	1	23	2	1	27

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	3	0	1	4
CRAF	0	3	0	2	5
EJSP	0	2	1	0	3
EMCF	0	4	0	0	4
GSCF	0	31	1	1	33
MSCF	0	0	0	0	0
MYCF	0	0	1	0	1
NJSP	0	21	2	1	24
NSP	0	12	1	0	13
SSCF	0	0	0	0	0
SWSP	5	36	1	0	42
WYCF	0	0	0	0	0
Total	5	112	7	5	129

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	3	0	0	3
CRAF	0	2	0	0	2
EJSP	0	2	0	0	2
EMCF	1	9	2	3	15
GSCF	1	7	2	0	10
MSCF	0	0	0	0	0
MYCF	0	0	0	0	0
NJSP	0	6	3	3	12
NSP	1	5	1	0	7
SSCF	0	0	0	0	0
SWSP	3	27	1	1	32
WYCF	0	0	0	0	0
Total	6	61	9	7	83

How to Report Sexual Abuse/Sexual Harassment at NJDOC

Beginning at reception and throughout their incarceration, inmates are informed of the Department’s Zero Tolerance for sexual abuse/sexual harassment and the methods used to report it. Inmates who are victims of sexual abuse/sexual harassment, or have knowledge of sexual abuse/sexual harassment or retaliation should immediately report the incident by using any of the following reporting methods:

For Inmates in an NJDOC facility to Report Sexual Abuse/Sexual Harassment and Retaliation:

- Verbally or in writing to any NJDOC staff member, contractor or volunteer
- Inmate Remedy System form/JPAY Inmate Computer Kiosk
- Contacting the Institutional PREA Compliance Manager;
- Contacting the Special Investigations Division (SID) or by dialing *SID1# on the inmate telephone system (Confidential Free Call)
- Ombudsman’s Number 1-555-555-5555 (Confidential Free Call)

For Staff to Report Sexual Abuse/Sexual Harassment and Retaliation:

All NJDOC staff are required to promptly document and immediately report to their supervisor any allegation of sexual abuse/sexual harassment and retaliation.

- Report to Immediate Supervisor
- Contacting the Institutional PREA Compliance Manager
- Contacting the Special Investigations Division by Telephone: (609)826-5617

For Third Parties to Report Sexual Abuse/Sexual Harassment and Retaliation:

Family members, friends, attorneys, clergy or any other third party, including staff may make a report of sexual abuse/sexual harassment or retaliation 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 by Telephone: (609) 826-5617

Reporting of Sexual Abuse/Sexual Harassment and Retaliation to the Office of Corrections Ombudsman:

The Office of the Corrections Ombudsman serves as an independent confidential external resource for inmates and any third parties to report incidents of sexual abuse, harassment, or retaliation. Reports to this office are confidential and are anonymous upon request. All allegations of inmate sexual abuse, sexual harassment or retaliation are forwarded to the NJDOC for investigation.

Inmates can contact the Office of the Corrections Ombudsman by completing an "Ombudsman Inmate Request for Assistance Form" that is available at each correctional facility, writing directly, or calling the confidential, toll-free Inmate Telephone System number. Mail directed to or from the Office of the Corrections Ombudsman is classified "Legal, Confidential and Official."

Third parties, including staff, can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office's public telephone number.

Office of Corrections Ombudsman Contact Information:

Office of Corrections Ombudsman
PO Box 855
Trenton, NJ 08625

Inmate Telephone System Number 1-555-555-5555 (Confidential/free call)

Public Reporting Number (609) 633-2596 (Confidential)
