



PREA

Prison Rape Elimination Act

2025 Annual Report of Sexual Victimization

Victoria L. Kuhn, Esq., NJDOC Commissioner

PURPOSE

The Prison Rape Elimination Act (PREA) requires facilities to collect and review data “...to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies and training” (Standard 115.88a). The purpose of this review is to:

- Identify problem areas and implement corrective actions across the Department;
- Compare the current year’s data and corrective actions with previous years; and
- Assess progress in addressing sexual abuse and harassment.

BACKGROUND

The Federal Prison Rape Elimination Act (PREA) of 2003 was established to address the sexual abuse and sexual harassment of incarcerated persons in confinement settings. On June 20, 2012, the PREA Standards Final Rule, *National Standards to Prevent, Detect, and Respond to Prison Rape*, was released to address sexual violence, staff sexual misconduct, and sexual harassment of incarcerated persons. The New Jersey Department of Corrections (NJDOC) maintains compliance with PREA. This report is available to the public pursuant to PREA Federal Standards Sections 115.87 and 115.88.

PREA mandates the publication of standards aimed at ensuring compliance, with specifications designed to foster a culture of sexual safety within each facility. In addition to these mandatory standards, PREA requires correctional facilities to conduct sexual abuse incident reviews and to collect “accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions” (Standard 115.87a).

The final rule and standards were published in the Federal Register on June 20, 2012, and became effective on August 20, 2012. These standards require annual audits of one-third of the facilities under the Department’s jurisdiction, as well as Annual Governor Certification of Compliance for all facilities under the operational control of the state’s executive branch, including private facilities contracted to house incarcerated persons. Failure to certify compliance annually results in a five-percent reduction in Department of Justice (DOJ) identified grant funds for the following federal fiscal year. The NJDOC operates 9 correctional facilities. In 2025, the Department completed three PREA audits:

- Edna Mahan Correctional Facility (EMCF)
- Garden State Youth Correctional Facility (GSYCF)
- South Woods State Prison (SWSP)

PREA requires that the Bureau of Justice Statistics (BJS) within the Department of Justice (DOJ) conduct a comprehensive statistical review and analysis of the incidence and effects of prison rape and sexual misconduct within correctional facilities nationwide. The NJDOC participates annually in the DOJ’s Survey on Sexual Victimization (SSV) to report allegations and outcomes of sexual abuse and harassment within the state's prison system. The SSV collects national data on allegations and substantiated incidents that occur each calendar year, and this report reflects the NJDOC SSV data for .2025

NJDOC ZERO TOLERANCE POLICY

NJDOC's PREA policy establishes a zero tolerance for sexual abuse, staff sexual misconduct, and sexual harassment, and provides guidelines for the prevention, detection, response, investigation, and tracking of allegations involving NJDOC incarcerated persons. The NJDOC will respond to, investigate, and support the prosecution of sexual abuse and sexual harassment both within the correctional system and externally, in partnership with state and local authorities. The NJDOC accepts and investigates all verbal, written, and anonymous reports of sexual abuse or sexual harassment made by incarcerated persons or third parties. Additionally, the County Prosecutor may be contacted for potential criminal investigation and prosecution.

INVESTIGATIVE OUTCOMES

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.

Substantiated Allegation: An allegation that was investigated and determined to have occurred by a preponderance of the evidence.

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 by a preponderance of the evidence.

Unfounded Allegation: An allegation that was investigated and determined not to have occurred by a preponderance of the evidence.

EDUCATION

All staff, incarcerated persons, contractors, and volunteers are educated on their duties and responsibilities under NJDOC's zero tolerance policy and are provided information on the multiple ways to report an allegation, including third-party reporting. NJDOC remains diligent in investigating all allegations of sexual abuse, staff sexual misconduct, and sexual harassment involving incarcerated persons. The NJDOC also provides incarcerated persons with ongoing education regarding the zero tolerance policy, how to report sexual abuse or harassment, their rights and responsibilities under PREA, and available services related to sexual abuse.

REPORTING AND PROTECTION FROM RETALIATION

All NJDOC staff members, contractors, and volunteers are required to immediately report any occurrence of incarcerated person sexual abuse and/or sexual harassment. The NJDOC protects all incarcerated persons and staff who report sexual abuse or harassment and cooperate with investigations from retaliation by other incarcerated persons or staff.

RISK ASSESSMENTS

All incarcerated persons committed to the custody of the NJDOC are screened in-person by contracted health services to identify those at high risk of being sexually victimized and separate them 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. Incarcerated persons may request to update this information at any time during their incarceration. Risk assessments are conducted at reception, during transfers, and updated upon request, referral, or when there is an incident of sexual abuse.

SEXUAL ABUSE DATA

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 incarcerated persons 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.

Federal PREA regulations give specific definitions of prohibited conduct that constitute sexual victimization of an incarcerated person while in a state prison. It is broken down into two broad categories: incarcerated person on incarcerated person victimization and staff on incarcerated person 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 incarcerated persons 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). The NJDOC has established definitions under PREA that are more comprehensive than those published by the DOJ. These definitions were the result of litigation as well as issues encountered during standard implementation.

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 December 31, 2025, 11:59pm.

STATISTICS

During the calendar year of 2025, the NJDOC Special Investigations Division opened 473 formal PREA investigations. With an incarcerated person population of 12,856 in prison, this results in a rate of 33.95 formal investigations per 1,000 individuals. The percentage of allegations by population is 3.40%. Four cases were substantiated. The rate of substantiated cases per PREA allegations is 0.85%.

Below are the statistics for reported allegations within NJDOC adult institutions in 2025, categorized by outcome:

Incarcerated Person on Incarcerated Person Sexual Abuse

	2021	2022	2023	2024	2025
Substantiated	1	2	0	0	0
Unsubstantiated	29	45	38	23	13
Unfounded	1	9	9	10	2
Ongoing Investigation	17	29	62	136	135
TOTAL	77	127	109	169	150

Incarcerated Person on Incarcerated Person Sexual Harassment

	2021	2022	2023	2024	2025
Substantiated	11	5	0	3	3
Unsubstantiated	59	91	36	42	10
Unfounded	6	5	2	5	3
Ongoing Investigation	9	7	37	74	46
TOTAL	85	108	75	124	62

Incarcerated Person on Incarcerated Person Sexual Harassment is defined as, repeated, and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an incarcerated person toward another incarcerated person. Department of Justice PREA Resource Center (FAQ dated June 3, 2015) states: ""Repeated," in the context of this provision, means more than one incident. Please note that the seriousness of the conduct should be taken into account in determining the appropriate commensurate response by the agency or facility. Serious misconduct along these lines, even if committed once, should still be addressed by the agency or facility."

In 2024, the number of allegations for Incarcerated Person on Incarcerated Person Sexual Harassment was 124.

In 2025, the number of allegations for Incarcerated Person on Incarcerated Person Sexual Harassment was 62. This equates to an **decrease** of 50.00%.

Staff on Incarcerated Person Sexual Abuse

	2021	2022	2023	2024	2025
Substantiated	1	2	1	0	1
Unsubstantiated	90	149	45	24	9
Unfounded	19	41	37	20	28
Ongoing Investigation	12	30	119	179	159
TOTAL	122	222	202	223	197

Staff on Incarcerated Person Sexual Misconduct is defined as; threatened, coerced, attempted, or completed sexual contact, assault, or battery of an incarcerated person by staff. Staff is inclusive of employees, volunteers, and independent contractors assigned to an institution, community correctional facility, conservation camp, parole, or headquarters. Pursuant to NJDOC's zero tolerance policy, all staff are held accountable for actions in violation of the policy. The legal concept of "consent" does not exist between staff and incarcerated person; any sexual behavior between them constitutes sexual misconduct and subjects the staff member to disciplinary action and/or criminal prosecution.

In 2024, the number of allegations for Staff on Incarcerated Person Sexual Misconduct was 223.

In 2025, the number of allegations for Staff on Incarcerated Person Sexual Misconduct was 197. This equates to a decrease of 11.66%.

The substantiated allegation of *Staff on Incarcerated Person Sexual Abuse* involved a contracted staff member at a male correctional facility who engaged in sexually based electronic communications with an incarcerated person. There was no sexual contact. The allegation was investigated and substantiated, and the staff member is no longer employed by the contracted service provider. The matter was referred for review and potential criminal charges.

Staff on Incarcerated Person Sexual Harassment

	2021	2022	2023	2024	2025
Substantiated	3	0	0	1	0
Unsubstantiated	51	114	67	23	14
Unfounded	5	8	8	6	3
Ongoing Investigation	3	26	79	30	47
TOTAL	62	148	154	60	64

Staff on Incarcerated Person Sexual Harassment is defined as, repeated verbal comments or gestures of a sexual nature to an incarcerated person or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. Department of Justice PREA Resource Center (FAQ dated June 3, 2015) states: ""Repeated," in the context of this provision, means more than one incident. Please note that the seriousness of the conduct should be taken into account in determining the appropriate commensurate response by the agency or facility. Serious misconduct along these lines, even if committed once, should still be addressed by the agency or facility."

In 2024, the number of allegations for Staff on Incarcerated Person Sexual Harassment was 60.

In 2025, the number of allegations for Staff on Incarcerated Person Sexual Harassment was 64. This equates to an increase of 6.67 %.

SUMMARY

2024–2025 TRENDS

In 2025, NJDOC reported 473 allegations of sexual abuse, sexual misconduct, and sexual harassment. This was 103 fewer than the 576 allegations reported in 2024, a decrease of about 18 percent.

The largest change involved incarcerated person-on-incarcerated person sexual harassment. Allegations decreased from 124 in 2024 to 62 in 2025. This accounted for about 60 percent of the overall decrease.

Staff-on-incarcerated person sexual abuse accounted for 197 allegations in 2025. When combined with staff-on-incarcerated person sexual harassment, staff-related allegations totaled 261. Sexual harassment allegations increased slightly from 60 in 2024 to 64 in 2025.

Four allegations were substantiated when the data was submitted. These included three allegations of incarcerated person-on-incarcerated person sexual harassment and one allegation of staff-on-incarcerated person sexual abuse. The federal Survey of Sexual Victimization (SSV) provides a snapshot of cases opened and closed from January 1 through December 31, 2025. As of June 30, 2026, the Special Investigations Division had closed 83 percent of the 2025 cases.

Overall, the data and recent audit findings show a strong foundation of PREA awareness, reporting, cooperation, and staff knowledge. The primary opportunity moving forward is to strengthen the systems that support this work, particularly continuity of PREA case management during IPCM transitions, particularly at the highest-volume institutions.

PREA COMPLIANCE UNIT WORK IN 2025

In 2025, the PREA Compliance Unit (PCU) supported PREA education, awareness, reporting, and compliance across all nine facilities. The PCU held quarterly meetings with facility representatives to review standards, answer questions, share good practices, and discuss concerns.

The PCU also provided training and one-on-one guidance for newly appointed Institutional PREA Compliance Managers. Throughout the year, the PCU helped facilities with reporting, records, retaliation monitoring, incident reviews, and other PREA requirements.

The PCU conducted internal reviews of all facilities and helped facilities prepare for PREA audits. This work included meetings with facility leaders, document reviews, guided facility tours, and

coordination with the Special Investigations Division Compliance Unit, and Custody. The PCU also supported monthly Sexual Assault Advisory Committee meetings at the facilities.

In December 2025, federal guidance directed PREA auditors to pause compliance decisions for certain standards while those standards were under review. The Division of Women and Veterans Services (DWVS) created an internal evaluation process so these standards would continue to be reviewed. PCU staff conduct onsite reviews, review records, and work with facility staff and IPCMs to confirm compliance. If concerns are found, the PCU documents the actions needed and follows up until compliance is confirmed. This process supports the Governor's annual certification and NJDOC's continued commitment to all PREA standards and sexual safety.

The PCU will continue to review and report on facility trends, allegation types, and changes over time to support continued PREA compliance. This review will also help confirm that IPCMs continue to have enough time, support, resources, and authority to carry out their PREA responsibilities, as required by PREA Standard 115.11(c).

RECENT PREA AUDIT STRENGTHS

The three PREA audits completed in 2025, Garden State Correctional Facility, South Woods State Prison and Edna Mahan Correctional Facility for Women, showed several strengths. Auditors noted cooperation among staff, organized records, timely responses to requests, and a good working knowledge of PREA reporting duties across custody, medical, and mental health areas.

These findings show that PREA responsibilities are shared across facility operations and are not limited to staff assigned to PREA duties, but part of the overall culture of the facilities and Department.

CONCLUSION

Based on the 2025 trends, the NJDOC will continue to review all standards for compliance. In addition, to routine review, they will focus on staff related allegations, facilities with higher reporting totals, investigation timeframes, and open matters during IPCM transitions. The PCU will document its findings, identify needed corrective actions, and follow up to confirm compliance.

HOW TO REPORT SEXUAL ABUSE/SEXUAL HARASSMENT AT NJDOC

Beginning at reception and throughout their incarceration, incarcerated persons are informed of the Department's Zero Tolerance for sexual abuse/sexual harassment and the methods used to report it. Incarcerated persons 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 INCARCERATED PERSONS IN AN NJDOC FACILITY TO REPORT SEXUAL ABUSE/SEXUAL HARASSMENT AND RETALIATION:

- Report verbally or in writing to any NJDOC staff member, contractor or volunteer
- Incarcerated person Remedy System form/JPAY Incarcerated person Computer Kiosk
- Contacting the Institutional PREA Compliance Manager;
- Contacting the Special Investigations Division (SID) or by dialing *SID1# on the incarcerated person 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 incarcerated person'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 OMBUDSPERSON:

The Office of the Corrections Ombudsperson serves as an independent confidential external resource for incarcerated persons 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 incarcerated person sexual abuse, sexual harassment or retaliation are forwarded to the NJDOC for investigation.

Incarcerated persons can contact the Office of the Corrections Ombudsperson by completing an "Ombudsperson Incarcerated Person Request for Assistance Form" that is available at each correctional facility, writing directly, or calling the confidential, toll-free Incarcerated person Telephone System number. Mail directed to or from the Office of the Corrections Ombudsperson 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 Ombudsperson Contact Information:

Office of Corrections Ombudsperson
PO Box 855
Trenton, NJ 08625

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

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