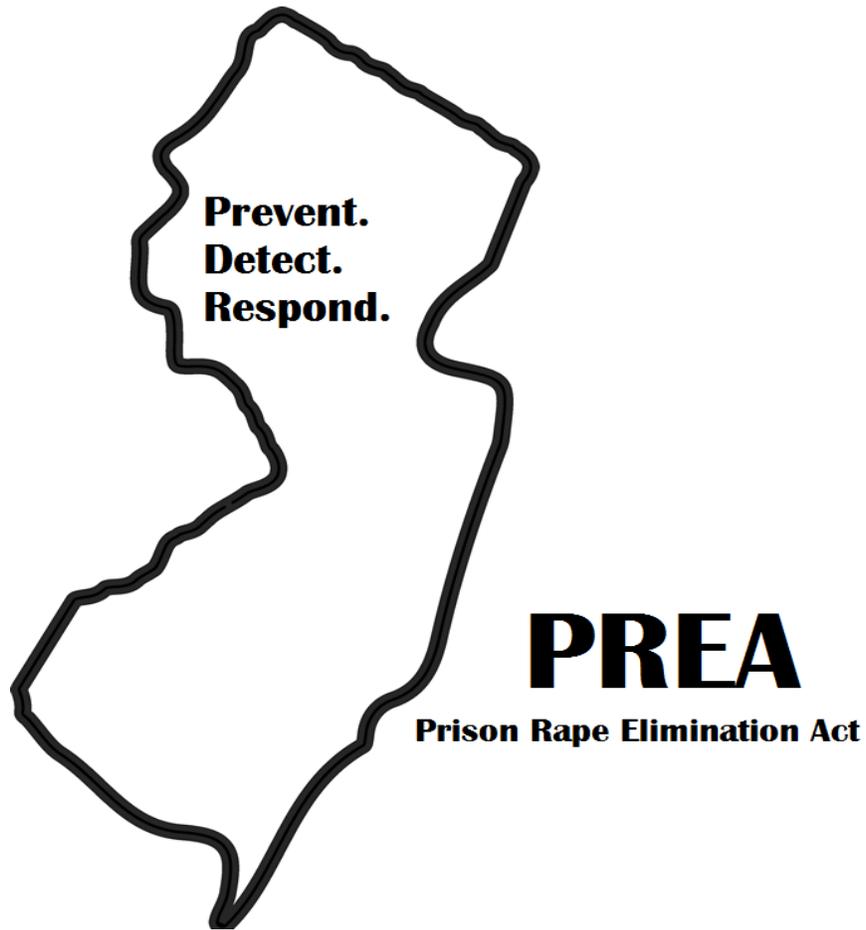


Sexual Victimization Annual Report 2017

New Jersey Department of Corrections

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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.

| |
|---|
| <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. |

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.

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.

NJDOC PREA Audits 2017

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. In 2017, NJDOC undertook year 2 of its second 3 year-cycle of DOJ PREA audits.

The Adult Diagnostic and Treatment Center, East Jersey State Prison, Southern State Correctional Facility, and the state’s largest institution South Woods State Prison all underwent a comprehensive and thorough DOJ PREA audit in 2017. Each facility achieved full compliance, maintaining NJDOC’s success in attaining PREA compliance at all facilities.

Facilities Audited in Cycle 2 Year 2

| Facility | Investigative Outcome | | | Total Allegations | Percentage of Allegations by Population |
|--------------------------|-----------------------|-----------------|-----------|-------------------|---|
| | Substantiated | Unsubstantiated | Unfounded | | |
| ADTC 491 Inmates | 1 | 2 | 1 | 4 | 0.81% |
| EJSP 1,203 Inmates | 1 | 5 | 0 | 6 | 0.5% |
| SSCF 1,689 Inmates | 0 | 4 | 0 | 4 | 0.24% |
| SWSP 3,342 Inmates | 0 | 25 | 7 | 32 | 0.96% |
| Total | 2 | 36 | 8 | 46 | |

Note: Population is counted as of January 3, 2017.

The number of allegations per population for each facility is less than 1%.

2016-2017 Incidents of Sexual Victimization Data Comparison

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.

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 |
| Total | 7 | 118 | 19 | 1 | 145 |

The total allegations for 2017 is 145. With the total population of 19,619, the percentage of allegations by population is 0.74%.

Allegations of Sexual Victimization by Category 2016

| Category | Outcome | | | | |
|---|---------------|-----------------|-----------|----------|-----------|
| | Substantiated | Unsubstantiated | Unfounded | Pending | Total |
| Inmate on Inmate Sexual Harassment | 1 | 15 | 0 | 0 | 16 |
| Inmate on Inmate Abusive Sexual Contact | 1 | 24 | 2 | 0 | 27 |
| Inmate on Inmate Nonconsensual Sexual Act | 0 | 7 | 2 | 0 | 9 |
| Staff on Inmate Sexual Harassment | 0 | 9 | 4 | 0 | 13 |
| Staff on Inmate Sexual Misconduct | 6 | 21 | 5 | 0 | 32 |
| Total | 8 | 76 | 13 | 0 | 97 |

The total allegations for 2016 is 97. With the total population of 20,307, the percentage of allegations by population is 0.48%.

Sexual Victimization by Category and Outcome as a Percentage 2017

| Category | Outcome | | | | |
|---|---------------|-----------------|---------------|-------------|----------------|
| | Substantiated | Unsubstantiated | Unfounded | Pending | Total |
| Inmate on Inmate Sexual Harassment | 1.38% | 13.79% | 2.07% | 0% | 17.24% |
| Inmate on Inmate Abusive Sexual Contact | 0.69% | 6.20% | .69% | 0% | 7.58% |
| Inmate on Inmate Nonconsensual Sexual Act | 0.69% | 19.31% | .69% | 0% | 20.69% |
| Staff on Inmate Sexual Harassment | .69% | 23.45% | 3.45% | .69% | 28.28% |
| Staff on Inmate Sexual Misconduct | 1.38% | 18.62% | 6.21% | 0% | 26.21% |
| Total | 4.83% | 81.37% | 13.11% | .69% | 100.00% |

Sexual Victimization by Category and Outcome as a Percentage 2016

| Category | Outcome | | | | |
|---|---------------|-----------------|---------------|--------------|---------------|
| | Substantiated | Unsubstantiated | Unfounded | Pending | Total |
| Inmate on Inmate Sexual Harassment | 1.03% | 15.46% | 0% | 0% | 16.49% |
| Inmate on Inmate Abusive Sexual Contact | 1.03% | 24.74% | 2.06% | 0% | 27.83% |
| Inmate on Inmate Nonconsensual Sexual Act | 0% | 7.22% | 2.06% | 0% | 9.28% |
| Staff on Inmate Sexual Harassment | 0% | 9.28% | 4.12% | 0% | 13.40% |
| Staff on Inmate Sexual Misconduct | 6.19% | 21.65% | 5.15% | 0% | 32.99% |
| Total | 8.25% | 78.35% | 13.39% | 0.00% | 99.99% |

Allegation of Sexual Victimization by Facility and Category 2017

| 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 | 1 | 2 | 1 | 0 | 4 |
| BSP | 0 | 0 | 0 | 0 | 0 |
| CRAF | 0 | 1 | 0 | 0 | 1 |
| EJSP | 0 | 0 | 0 | 0 | 0 |
| EMCF | 0 | 2 | 0 | 0 | 2 |
| GSCF | 0 | 0 | 0 | 0 | 0 |
| MSCF | 0 | 0 | 0 | 0 | 0 |
| MYCF | 0 | 0 | 0 | 0 | 0 |
| NJSP | 0 | 2 | 0 | 0 | 2 |
| NSP | 1 | 5 | 0 | 0 | 6 |
| SSCF | 0 | 0 | 0 | 0 | 0 |
| SWSP | 0 | 8 | 2 | 0 | 10 |
| WYCF | 0 | 0 | 0 | 0 | 0 |
| Total | 2 | 20 | 3 | 0 | 25 |

| 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 | 0 | 0 | 0 | 0 |
| CRAF | 0 | 0 | 0 | 0 | 0 |
| EJSP | 0 | 1 | 0 | 0 | 1 |
| EMCF | 0 | 3 | 0 | 0 | 3 |
| GSCF | 0 | 0 | 0 | 0 | 0 |
| MSCF | 0 | 0 | 0 | 0 | 0 |
| MYCF | 1 | 0 | 0 | 0 | 1 |
| NJSP | 0 | 0 | 0 | 0 | 0 |
| NSP | 0 | 2 | 0 | 0 | 2 |
| SSCF | 0 | 0 | 0 | 0 | 0 |
| SWSP | 0 | 3 | 1 | 0 | 4 |
| WYCF | 0 | 0 | 0 | 0 | 0 |
| Total | 1 | 9 | 1 | 0 | 11 |

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 | 6 | 0 | 0 | 6 |
| CRAF | 0 | 1 | 0 | 0 | 1 |
| EJSP | 0 | 0 | 0 | 0 | 0 |
| EMCF | 0 | 2 | 0 | 0 | 2 |
| GSCF | 0 | 2 | 0 | 0 | 2 |
| MSCF | 0 | 2 | 0 | 0 | 2 |
| MYCF | 0 | 0 | 0 | 0 | 0 |
| NJSP | 0 | 0 | 0 | 0 | 0 |
| NSP | 1 | 9 | 0 | 0 | 10 |
| SSCF | 0 | 2 | 0 | 0 | 2 |
| SWSP | 0 | 3 | 1 | 0 | 4 |
| WYCF | 0 | 1 | 0 | 0 | 1 |
| Total | 1 | 28 | 1 | 0 | 30 |

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 | 0 | 3 |
| CRAF | 0 | 2 | 1 | 0 | 3 |
| EJSP | 1 | 2 | 0 | 0 | 3 |
| EMCF | 0 | 0 | 2 | 1 | 3 |
| GSCF | 0 | 0 | 0 | 0 | 0 |
| MSCF | 0 | 1 | 0 | 0 | 1 |
| MYCF | 0 | 0 | 0 | 0 | 0 |
| NJSP | 0 | 3 | 0 | 0 | 3 |
| NSP | 0 | 9 | 0 | 0 | 9 |
| SSCF | 0 | 1 | 0 | 0 | 1 |
| SWSP | 0 | 10 | 2 | 0 | 12 |
| WYCF | 0 | 3 | 0 | 0 | 3 |
| Total | 1 | 34 | 5 | 1 | 41 |

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 | 5 | 0 | 0 | 5 |
| CRAF | 0 | 2 | 0 | 0 | 2 |
| EJSP | 0 | 2 | 0 | 0 | 2 |
| EMCF | 2 | 3 | 5 | 0 | 10 |
| GSCF | 0 | 2 | 0 | 0 | 2 |
| MSCF | 0 | 0 | 0 | 0 | 0 |
| MYCF | 0 | 1 | 0 | 0 | 1 |
| NJSP | 0 | 6 | 0 | 0 | 6 |
| NSP | 0 | 4 | 2 | 0 | 6 |
| SSCF | 0 | 1 | 0 | 0 | 1 |
| SWSP | 0 | 1 | 1 | 0 | 2 |
| WYCF | 0 | 0 | 1 | 0 | 1 |
| Total | 2 | 27 | 9 | 0 | 38 |

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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