

# PREA Report

Delaware Department of Correction

# 2012



This report provides statistical data on the Delaware Department of Corrections compliance with the Rape Elimination Act of 2003(PREA). Statistical data on sexual abuse committed within the Department's eleven facilities is contained herein. These statistics were submitted by the Department, to the U.S. Department of Justice, for calendar year 2012.

DOC  
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***The Delaware Department of Corrections PREA statistics (included in the Survey of Sexual Victimization, or SSV-2) for calendar year 2012 appear below.***

## DEFINITIONS

The survey of sexual violence (SSV-2) 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 SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

### **§ 115.6 Definitions related to sexual abuse.**

**For purposes of this part, the term—Sexual abuse includes—**

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes—

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, 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.

**Information Supplied to the U.S. Department of Justice via the  
SURVEY OF SEXUAL VICTIMIZATION (SSV-2), for 2012**

**What inmates and incidents are included in this data collection?**

Inmates under the Delaware Department of Correction custody between January 1, 2012, and December 31, 2012.

**SECTION I – INMATE–ON–INMATE SEXUAL VICTIMIZATION**

**1. Between January 1, 2012, and December 31, 2012, how many allegations of inmate-on-inmate**

**Non-Consensual Sexual Acts were reported?**

**Number reported** . . . . . **28**

If an allegation involved multiple victimizations, it was counted only once per SSV-2 directions.

Allegations that were reported as consensual are excluded per SSV-2 directions.

**2. Of the allegations reported in Item 1, how many were —**

**a. Substantiated** . . . . . **1**

The event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

**b. Unsubstantiated** . . . . . **4**

The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

**c. Unfounded** . . . . . **23**

The investigation determined that the event did NOT occur.

**d. Investigation ongoing** . . . . . **0**

Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**e. TOTAL (Sum of Items 2a through 2d)** . . . . . **28**

**3. Between January 1, 2012, and December 31, 2012, how many allegations of inmate-on-inmate**

**Abusive Sexual Contact were reported?**

**Number reported** . . . . . **7**

If an allegation involved multiple victimizations, it was counted only once per SSV-2 directions.

Allegations that were reported as consensual are excluded per SSV-2 directions.

**4. Of the allegations reported in Item 3, how many were —**

- a. **Substantiated** . . . . . 2
- b. **Unsubstantiated** . . . . . 0
- c. **Unfounded** . . . . . 5
- d. **Investigation ongoing** . . . . . 0
- e. **TOTAL** (Sum of Items 4a through 4d) . . . . . 7

*\*For the 2012 statistical report, Inmate-On-Inmate Sexual Harassment was investigated and reported within the data for Inmate-On-Inmate Sexual Abuse.*

**SECTION II – STAFF-ON-INMATE SEXUAL ABUSE**

**5. Between January 1, 2012, and December 31, 2012, how many allegations of Staff Sexual Misconduct were reported?**

**Number reported** . . . . . 11

If an allegation involved multiple victimizations, count only once.

**6. Of the allegations reported in Item 5, how many were —**

- a. **Substantiated** . . . . . 1
- b. **Unsubstantiated** . . . . . 3
- c. **Unfounded** . . . . . 7
- d. **Investigation ongoing** . . . . . 0
- e. **TOTAL** (Sum of Items 6a through 6d) . . . . . 11

**7. Between January 1, 2012, and December 31, 2012, how many allegations of Staff Sexual Harassment were reported?**

**Number reported** . . . . . 2

If an allegation involved multiple victims or staff, count only once.

**8. Of the allegations reported in Item 7, how many were —**

- a. **Substantiated** . . . . . 0
- b. **Unsubstantiated** . . . . . 0
- c. **Unfounded** . . . . . 2
- d. **Investigation ongoing** . . . . . 0
- e. **TOTAL** (Sum of Items 8a through 8d) . . . . . 2

**SECTION III – TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION**

**9. What is the total number of substantiated incidents reported in Items 2a, 4a, 6a, and 8a?**

**Total substantiated incidents** . . . . . 4