

DELAWARE DEPARTMENT OF CORRECTION ANNUAL PREA REPORT

*Robert M. Coupe
Commissioner*

This report provides the aggregated sexual abuse data from the adult correctional facilities under the control of the Delaware Department of Correction (DOC); prisons/jails and community confinement centers. Comparisons are made between the data for Calendar Year (CY) 2012, 2013, and 2014. The data contained herein is drawn from numbers reported to the U.S. Department of Justice as required by the PREA Standards. All personal identifiers have been removed.

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Introduction

The Prison Rape Elimination Act (PREA) was a federal rule passed in 2003, with the purpose to study, analyze and eventually eliminate the incidence of rape in federal, state, and local correctional institutions in the United States.

From the PREA Resource Center website:

“The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

In 2010, the Bureau of Justice Assistance funded the National PREA Resource Center to continue to provide federally funded training and technical assistance to states and localities, as well as to serve as a single-stop resource for leading research and tools for all those in the field working to come into compliance with the federal standards.

The National Council on Crime and Delinquency (NCCD) was awarded a cooperative agreement with the Bureau of Justice Assistance (BJA) to implement the National PREA Resource Center (PRC). The PRC's aim is to provide assistance to those responsible for state and local adult prisons and jails, juvenile facilities, community corrections, lockups, tribal organizations, and inmates and their families in their efforts to eliminate sexual abuse in confinement.

The PRC serves as a central repository for the best research in the field on trends, prevention, and response strategies, and best practices in corrections. Technical assistance and resources are available through the PRC's coordinated efforts with its federal partners, and the PRC will take the lead in helping the corrections field to implement the Department of Justice's national PREA standards.

The PRC is a cooperative effort with a broad coalition of organizations with expertise and resources in the fields of corrections, law enforcement, victims' services, and sexual abuse prevention and response. You can find a full list of collaborating organizations here.” (From: <http://www.prearesourcecenter.org/about> .)

Final Standards Adopted

A set of national Standards was researched, adopted and published in the Federal Register on June 20, 2012, and may be viewed at: <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-12427.pdf> .

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.

Department Focuses on Improving Documentation of Reports

The Department of Correction (DOC) has made a concerted effort over the past three years to increase its employees' awareness of sexual abuse and sexual harassment, and to improve its process of documenting allegations. As a result, the total number of documented investigations has risen from 48 total investigations in CY2012, to 209 total investigations in CY2014. The number of substantiated cases has remained significantly unchanged: four (4) substantiated cases in CY2012 and seven (7) cases in CY 2014.

Over 50 DOC employees have received specialized training in conducting PREA investigations.

This annual report is used by Department administrators to evaluate the effectiveness of the agency's PREA program. From this evaluation, a plan is developed at each DOC facility to improve its effectiveness in reducing sexual abuse and harassment.

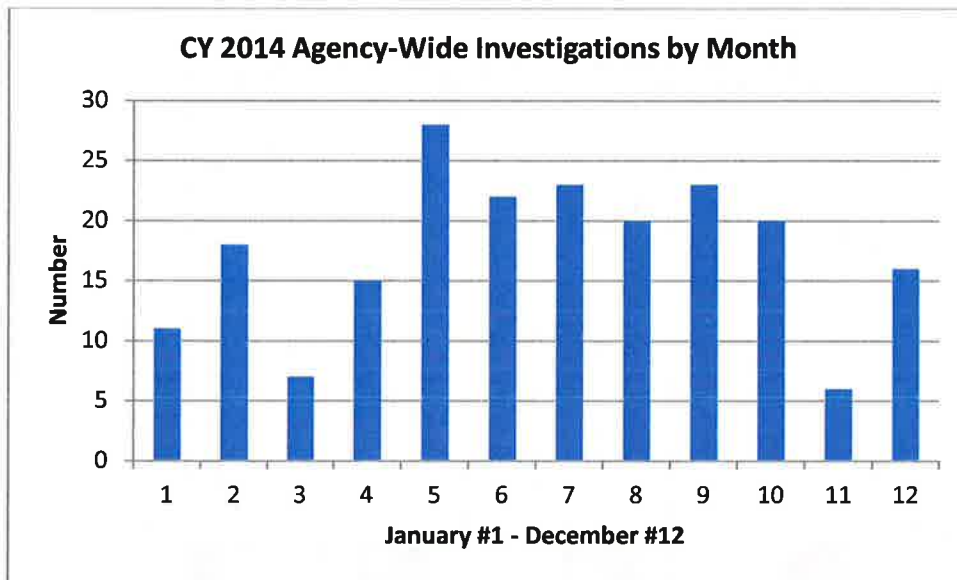
Outcomes of All CY 2014 Investigations by Month

CY 2014	By month:	January	February	March	April	May	June	July	August	September	October	November	December	Totals
		1 Allegations of inmate-on-inmate non-consensual sexual acts:												
	Substantiated:	0	0	0	0	0	0	1	0	1	1	0	0	3
	Unsubstantiated:	0	2	1	1	5	1	4	0	3	2	0	2	21
	Unfounded:	0	4	2	5	8	4	2	2	3	7	3	4	44
	Open:	0	0	0	0	0	0	0	0	1	0	0	0	1
	Subtotals:													69
2 Allegations of inmate-on-inmate abusive sexual contact:														
	Substantiated:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	0	2	0	0	0	2	0	0	0	0	0	1	5
	Unfounded:	2	0	0	0	0	1	1	0	0	2	0	4	10
	Open:	0	1	0	0	0	0	0	0	0	0	0	0	1
	Subtotals:													16
3 Allegations of inmate-on-inmate sexual harassment:														
	Substantiated:	0	1	1	0	0	0	0	0	0	0	0	0	2
	Unsubstantiated:	1	2	0	1	1	1	1	0	1	3	0	0	11
	Unfounded:	0	0	0	0	0	2	9	4	6	1	0	1	23
	Open:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:													36
4 Allegations of staff sexual harassment:														
	Substantiated:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	1	2	0	0	4	0	0	0	0	1	0	0	8
	Unfounded:	1	2	2	0	2	2	0	7	5	1	2	1	25
	Open:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:													33
5 Allegations of staff sexual misconduct:														
	Substantiated:	0	0	0	1	0	1	0	0	0	0	0	0	2
	Unsubstantiated:	1	0	0	6	3	3	0	0	1	0	0	0	14
	Unfounded:	1	1	1	1	5	4	6	7	2	2	1	1	32
	Open:	4	1	0	0	0	0	0	0	0	0	0	2	7
	Subtotals:													55
Totals:		11	18	7	15	28	22	23	20	23	20	6	16	209

Outcomes of All CY 2014 Investigations by Facility

CY 2014	By Facility:	HRVCI	BWCI	PCCC	WCF	HDPWTF	JVCC	CVOP	MCI	SCI	SCCC	Totals
1	Allegations of inmate-on-inmate non-consensual sexual acts:											
	Substantiated:	0	0	0	0	0	0	0	0	0	0	3
	Unsubstantiated:	0	11	0	0	1	1	1	1	3	3	21
	Unfounded:	7	11	0	1	0	9	0	0	11	5	44
	Open:	0	0	0	0	0	1	0	0	0	0	1
	Subtotals:											69
2	Allegations of inmate-on-inmate abusive sexual contact:											
	Substantiated:	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	2	0	0	0	0	2	0	0	1	0	5
	Unfounded:	3	2	0	0	0	4	0	0	1	0	10
	Open:	1	0	0	0	0	0	0	0	0	0	1
	Subtotals:											16
3	Allegations of inmate-on-inmate sexual harassment:											
	Substantiated:	0	0	0	0	0	0	0	0	1	1	2
	Unsubstantiated:	0	3	0	0	0	1	0	0	5	2	11
	Unfounded:	1	0	0	0	0	9	0	0	12	1	23
	Open:	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:											36
4	Allegations of staff sexual harassment:											
	Substantiated:	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	0	2	0	0	0	5	0	0	1	0	8
	Unfounded:	4	0	0	0	0	12	2	0	7	0	25
	Open:	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:											33
5	Allegations of staff sexual misconduct:											
	Substantiated:	0	0	0	0	1	1	0	0	0	0	2
	Unsubstantiated:	1	5	0	0	0	5	0	0	1	2	14
	Unfounded:	1	2	1	0	0	16	0	0	11	1	32
	Open:	7	0	0	0	0	0	0	0	0	0	7
	Subtotals:											55
Totals:		27	36	1	1	1	2	66	3	1	57	15
												209

Overview of CY 2014 Investigations



Comparison of Investigations by Type of Allegation

