

DELAWARE DEPARTMENT OF CORRECTION (DOC) ANNUAL PREA REPORT

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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, 2014, 2015, and 2016. 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. The data for CY2016 was due and reported in September 2017.

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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 Completes First Round of U.S. Department of Justice (USDOJ) PREA Audits

Between April 2015 and July 2016, the Delaware Department of Correction (DOC) contracted with USDOJ certified auditors to audit its eleven prisons and community confinement centers. All eleven facilities passed their respective audits.^{1, 2}

Department Begins Second Three-Year Round of Audits in June 2017.

By August 2017, three of the current ten Delaware DOC facilities had successfully completed this second round of audits. The DOC plans to audit at least three facilities between August 2017 – July 2018. The remaining facilities will be audited between August 2018 – July 2019.

¹ Data in this report references Sussex Community Correction Center (SCCC). SCCC consists of two buildings, Sussex VOP Center and Sussex Work Release Center. For purposes of data reporting, investigations from those two buildings are combined as SCCC.

² Webb Correctional Facility (WCF) was officially closed in 2016. However, the investigations occurring before its closing appear in this report.

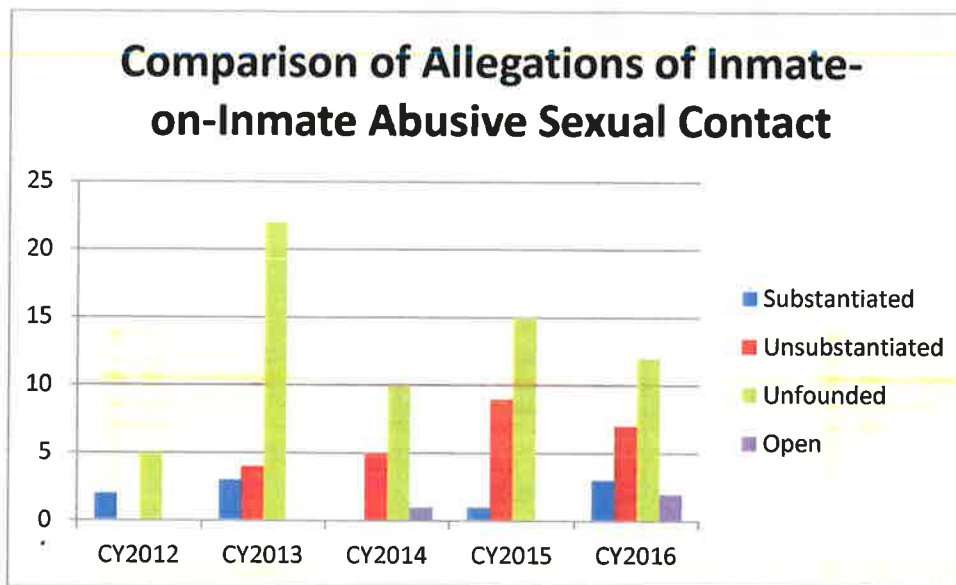
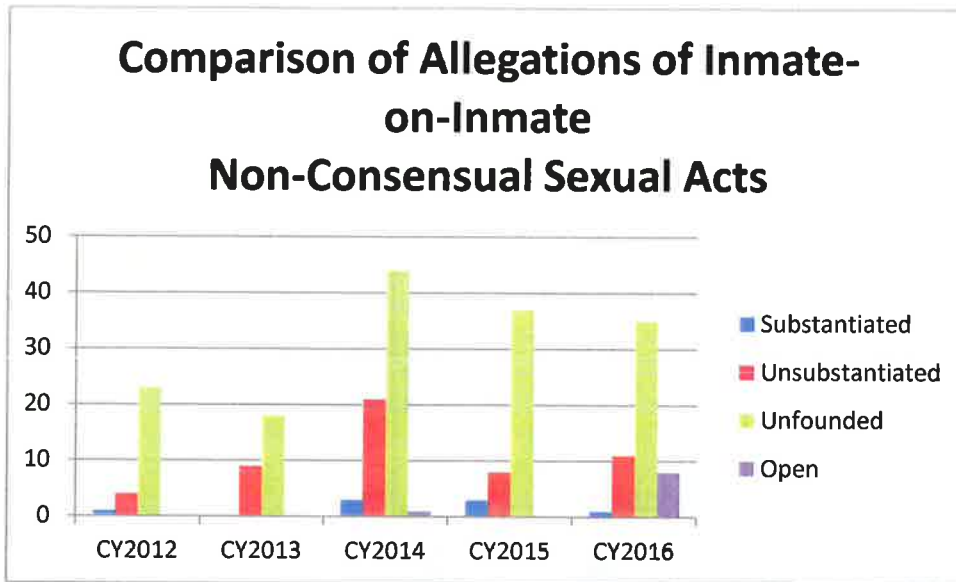
Outcomes of All CY 2016 Investigations by Facility

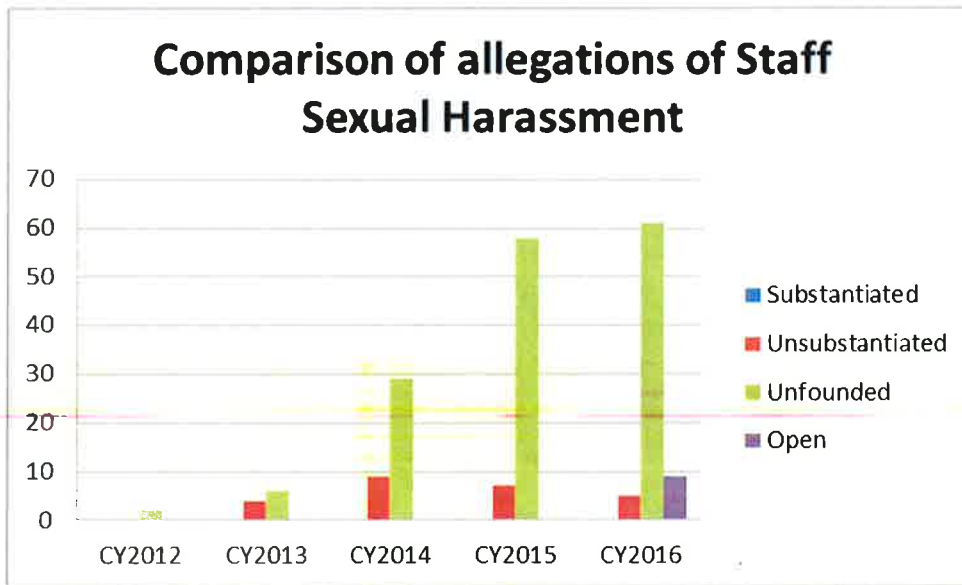
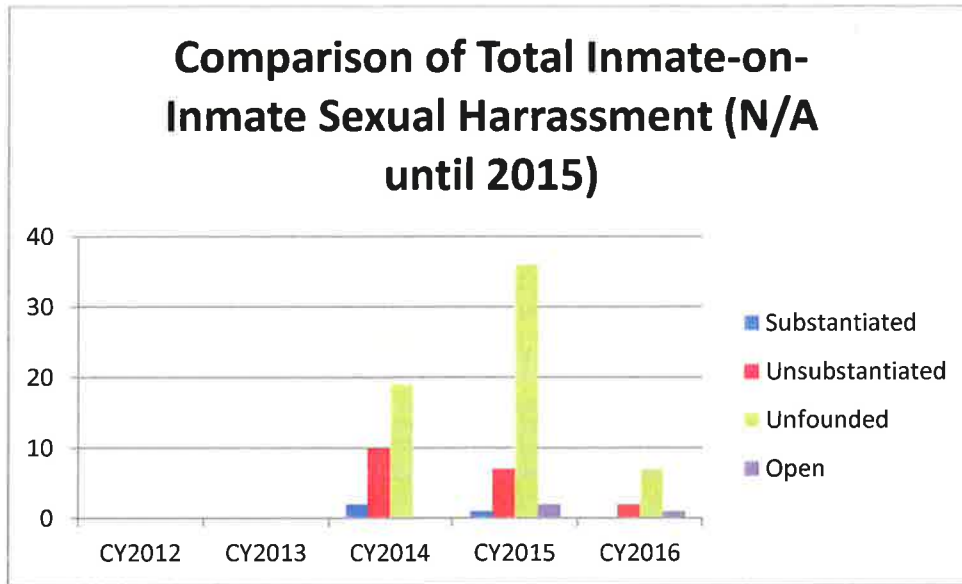
CY 2016	By Facility:	HRVCI	BWCI	PCCC	WCF	HDPWTF	JTVCC	CVOP	MCI	SCI	SCCC	Totals
1	Allegations of inmate-on-inmate non-consensual sexual acts:											
	Substantiated:	0	0	0	0	0	0	1	0	0	0	1
	Unsubstantiated:	0	2	0	0	0	3	0	0	3	3	11
	Unfounded:	1	0	0	0	2	21	0	0	8	1	35
	Open:	0	0	0	0	2	6	0	0	0	0	8
Subtotals:	1	2	0	0	4	30	1	0	11	5	55	
2	Allegations of inmate-on-inmate abusive sexual contact:											
	Substantiated:	0	0	0	0	0	0	0	0	1	2	3
	Unsubstantiated:	0	2	0	0	0	5	0	0	0	0	7
	Unfounded:	2	0	0	0	0	7	0	0	2	1	12
	Open:	2	0	0	0	0	0	0	0	0	0	2
Subtotals:	4	2	0	0	0	12	0	0	3	3	24	
3	Allegations of inmate-on-inmate sexual harassment:											
	Substantiated:	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	0	1	0	0	0	1	0	0	0	0	2
	Unfounded:	5	0	0	0	0	0	0	0	2	0	7
	Open:	1	0	0	0	0	0	0	0	0	0	1
Subtotals:	6	1	0	0	0	1	0	0	2	0	10	
4	Allegations of staff sexual harassment:											
	Substantiated:	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	0	0	0	0	0	2	2	0	1	0	5
	Unfounded:	4	1	1	0	0	44	0	1	10	0	61
	Open:	4	1	0	0	0	4	0	0	0	0	9
Subtotals:	8	2	1	0	0	50	2	1	11	0	75	
5	Allegations of staff sexual misconduct:											
	Substantiated:	0	0	0	0	0	1	0	0	0	0	1
	Unsubstantiated:	0	1	0	0	0	1	0	3	0	0	5
	Unfounded:	2	2	5	0	0	15	2	0	2	0	28
	Open:	0	0	0	0	0	1	0	0	0	0	1
Subtotals:	2	3	5	0	0	18	2	3	2	0	35	
Totals:	21	10	6	0	4	111	5	4	29	9	199	

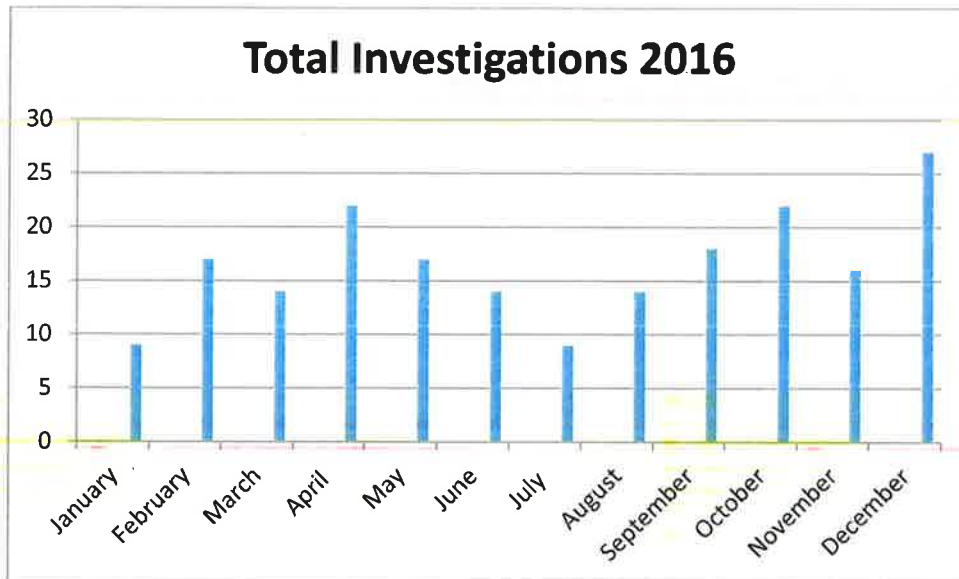
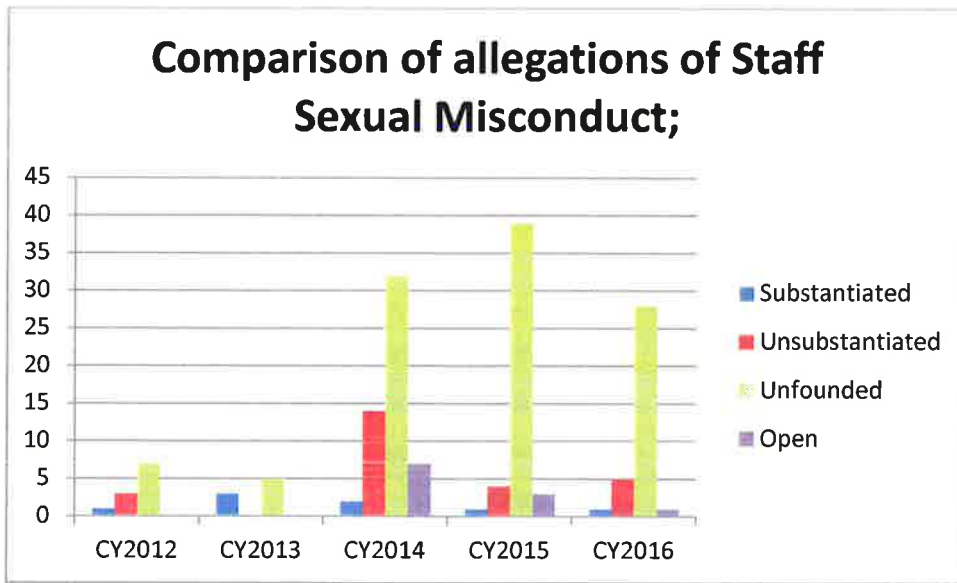
Outcomes of All CY 2016 Investigations by Month

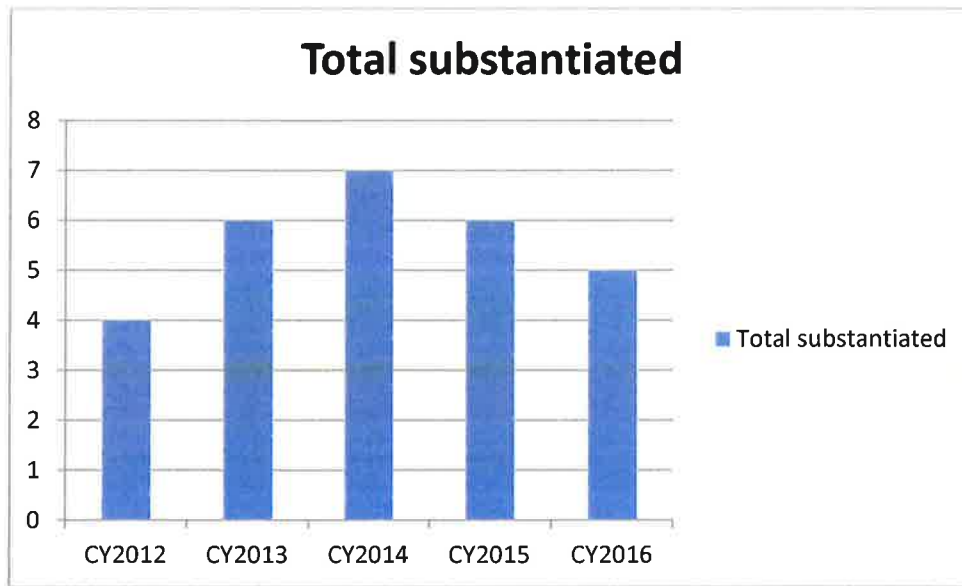
CY 2016	By month:	January	February	March	April	May	June	July	August	September	October	November	December	Totals
1	Allegations of inmate-on-inmate non-consensual sexual acts:													
	Substantiated:	0	0	0	0	0	0	0	0	1	0	0	0	1
	Unsubstantiated:	0	1	1	1	1	1	1	0	2	1	2	0	11
	Unfounded:	2	4	3	2	5	5	0	3	3	4	4	1	35
	Open:	0	0	4	4	2	2	0	0	0	0	0	0	8
	Subtotals:	2	5	8	5	8	6	0	6	5	6	1	3	
2	Allegations of inmate-on-inmate abusive sexual contact:													
	Substantiated:	0	0	0	0	3	0	0	0	0	0	0	0	3
	Unsubstantiated:	0	0	0	0	1	0	1	0	0	1	0	2	7
	Unfounded:	2	0	0	0	0	1	1	1	2	3	1	1	12
	Open:	0	0	0	0	1	0	0	0	0	0	1	0	2
	Subtotals:	2	0	0	5	1	2	1	2	4	2	3	2	
3	Allegations of inmate-on-inmate sexual harassment:													
	Substantiated:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	0	0	0	0	0	0	0	0	0	0	1	1	2
	Unfounded:	0	0	0	0	0	0	0	0	0	0	0	1	6
	Open:	0	0	0	0	0	0	0	0	0	0	0	0	1
	Subtotals:	5	0	0	0	0	0	0	0	0	0	2	8	
4	Allegations of staff sexual harassment:													
	Substantiated:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	0	0	0	0	2	0	0	0	1	0	0	2	5
	Unfounded:	5	4	5	5	7	5	5	6	3	6	4	5	61
	Open:	0	1	1	0	1	1	0	0	0	0	2	0	9
	Subtotals:	5	5	6	7	8	5	6	4	6	8	6	75	
5	Allegations of staff sexual misconduct:													
	Substantiated:	0	0	0	0	1	0	0	0	0	0	0	0	1
	Unsubstantiated:	0	0	0	0	0	0	1	0	0	0	0	2	5
	Unfounded:	0	7	0	0	4	0	0	2	2	2	6	2	28
	Open:	0	0	0	0	0	0	0	0	0	1	0	0	1
	Subtotals:	0	7	0	5	0	1	2	2	3	6	4	35	
Totals:		9	17	14	14	22	17	14	9	14	18	22	16	27
														199

Comparison of Investigations by Type of Allegation









End of Report – October 2017 (MLR)

