

Prison Rape Elimination Act (PREA) Annual Report

Monroe B. Hudson Jr., Commissioner
Delaware Department of Correction
Calendar Year 2021



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Overview

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.” (Prison Rape Elimination Act, 2003). As a result of the legislation, the National Standards to Prevent, Detect, and Respond to Prison Rape (the PREA standards) were adopted by the United States Department of Justice and became effective on August 20, 2012.

The Delaware Department of Correction (DOC) publishes this report in accordance with PREA standards § 115.87, § 115.88, and § 115.89. All personal identifiers have been removed.

This report provides sexual abuse and sexual harassment data on all adult confinement facilities under the DOC’s control.¹ These facilities are:

Level V – 24-Hour Incarceration

Baylor Women’s Correctional Institution (BWCI)

Howard R. Young Correctional Institution (HRYCI)

James T. Vaughn Correctional Center (JTVCC)

Sussex Correctional Institution (SCI)

Level IV – Work Release and Violation of Probation Centers

Community Corrections Treatment Center (CCTC)²

Hazel D. Plant Women’s Treatment Facility (HDPWTF)

Plummer Community Corrections Center (PCCC)

Sussex Community Corrections Center (SCCC)³

¹ Data in this report is subject to change and is not considered finalized until reported to the Bureau of Justice Statistics in the Survey of Sexual Victimization (SSV).

² The Community Corrections Treatment Center opened in December of 2020 upon the closure of the Morris Community Corrections Center.

³ Data in this report references Sussex Community Corrections Center (SCCC). SCCC consists of two buildings, Sussex Violation of Probation Center and Sussex Work Release Unit. For purposes of data reporting, investigations from the two buildings are combined as SCCC.

Definitions of Sexual Abuse Categories

The DOC uses uniform definitions provided by the Bureau of Justice Statistics (BJS) Survey of Sexual Victimization to categorize allegations of sexual abuse and harassment.

Inmate-on-Inmate Sexual Victimization

Sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

Inmate-on-Inmate Nonconsensual Sex Acts

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse including 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.

Inmate-on-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 including intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person (excluding incidents in which the contact was incidental to a physical altercation).

Inmate-on-Inmate Sexual Harassment

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 directed toward another.

Staff-on-Inmate Sexual Victimization

Sexual abuse is disaggregated into two categories of staff-on-inmate sexual victimization. These categories are:

Staff Sexual Misconduct

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative. Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual 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 exposures, invasion of

privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

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.

Staff Sexual Harassment

Repeated verbal comments or gestures of sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative including demeaning references to gender or sexually suggestive or derogatory comments about body or clothing or repeated profane or obscene language or gestures.

Definitions of Investigation Outcomes

The DOC investigates all allegations of sexual abuse and sexual harassment until an outcome of Substantiated, Unsubstantiated, or Unfounded can be determined based upon the definitions provided in PREA standard § 115.5.

Substantiated

An allegation was investigated and determined to have occurred based on a preponderance of the evidence.

Unsubstantiated

An allegation was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Unfounded

An allegation was investigated and determined not to have occurred.

Allegations that upon investigation are found to not rise to the level of sexual abuse or sexual harassment as defined by PREA may be marked as unfounded.

Allegations still under investigation at the end of the calendar year are also accounted for and listed as "Open".

Section One: Allegations of Sexual Abuse and Sexual Harassment

Total Number of Allegations Received

The total number of sexual abuse and sexual harassment allegations received by the DOC increased by approximately 2.5 percent from 2020 to 2021. As shown in Figure 1, 164 allegations were received in 2021 compared to the 160 allegations received in 2020.

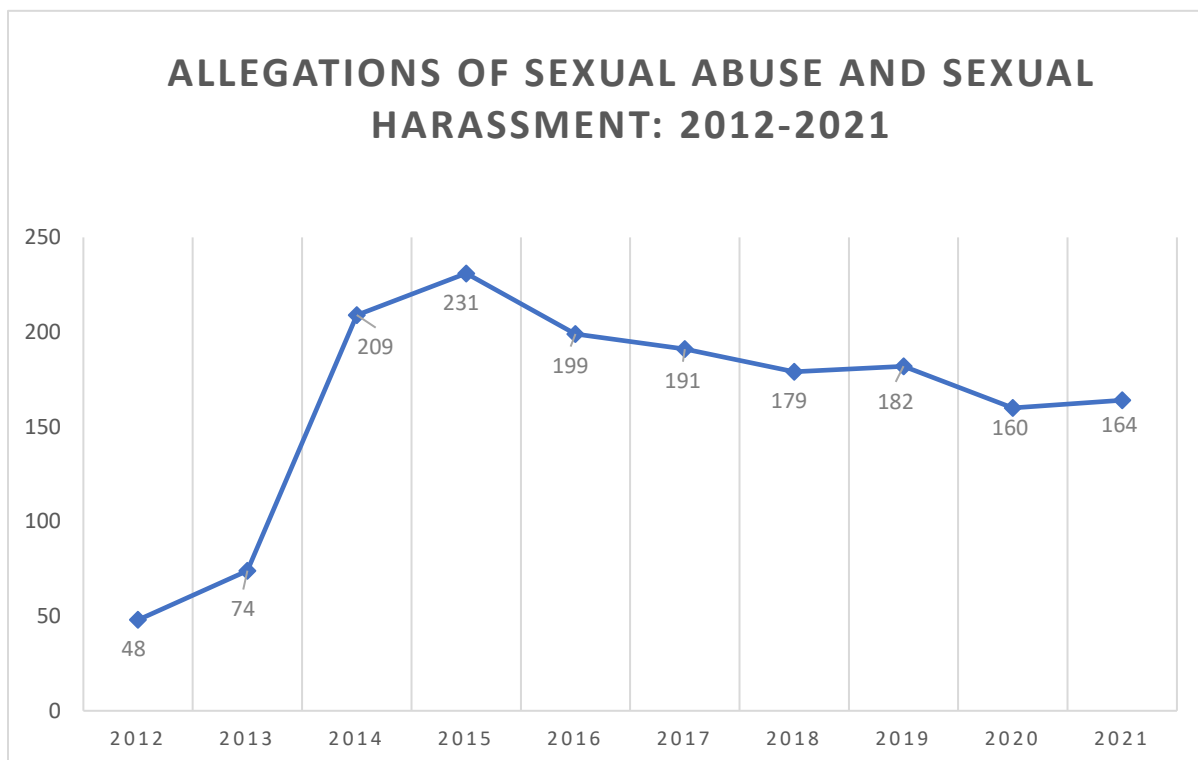


Figure 1

Allegations Received by Month

On average, the DOC received approximately 13.6 allegations of sexual abuse and sexual harassment per month in 2021. As shown in Figure 2, the highest number of the allegations were received in March, April, and May.

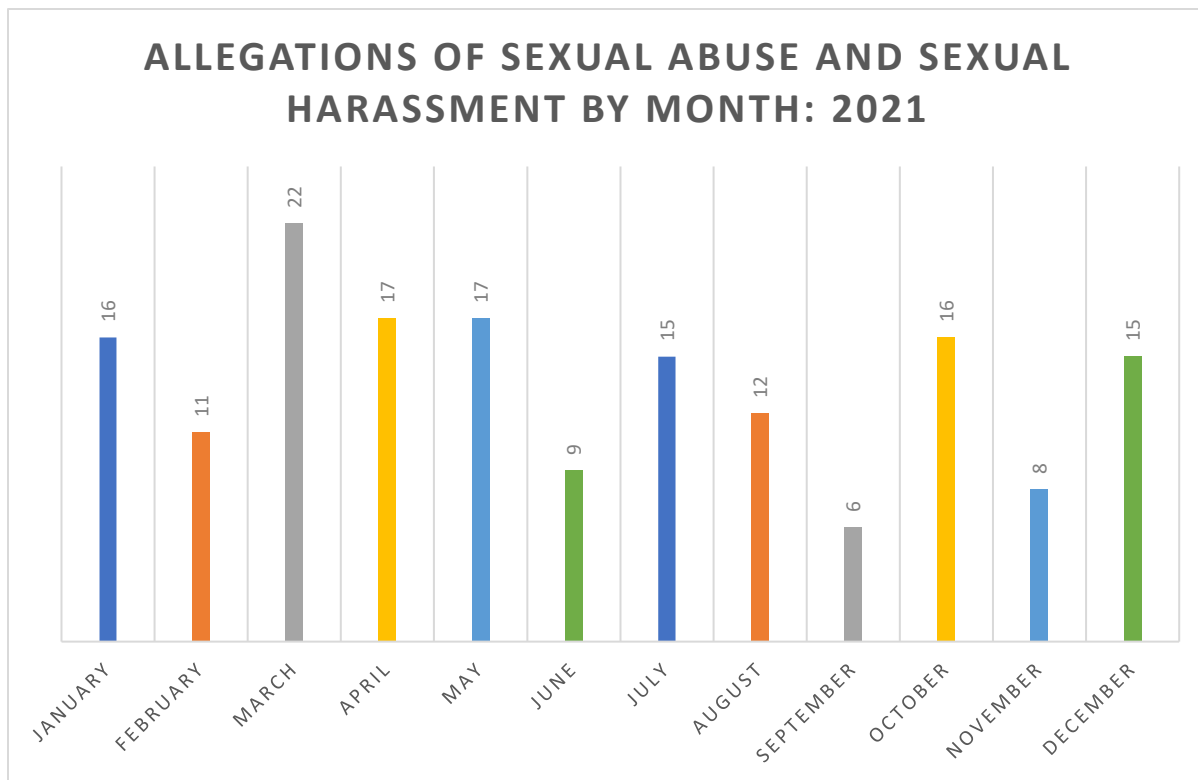


Figure 2

Allegations Received by Facility

As shown in Figure 3, Sussex Correctional Institution (SCI) had the highest number of allegations of sexual abuse and sexual harassment in 2021 and Howard R. Young Correctional Center (HRYCI) received the lowest number of allegations. SCI received 87 allegations and HRYCI received one allegation.

Since there are vast differences in the average offender population across DOC facilities, the rate of allegations received at each facility was calculated per every 100 offenders. Figure 4 provides insight into how the rates of sexual abuse and sexual harassment allegations vary at each facility.

The number and rate of allegations at HRYCI in 2021 was significantly lower than the number and rate of allegations at other DOC facilities of similar offender populations. The DOC PREA Coordinator worked with the PREA office at HRYCI to determine the reason for this disparity. It was concluded that at HRYCI, allegations that do not rise to the level of sexual abuse or sexual harassment (as defined by the [PREA standards](#)) are not

categorized as PREA cases. Other facilities categorize such allegations as PREA cases and close them as “unfounded” and are therefore included in annual PREA reporting numbers. In the future, HRYCI will adopt this method so that all facilities follow a standardized process.

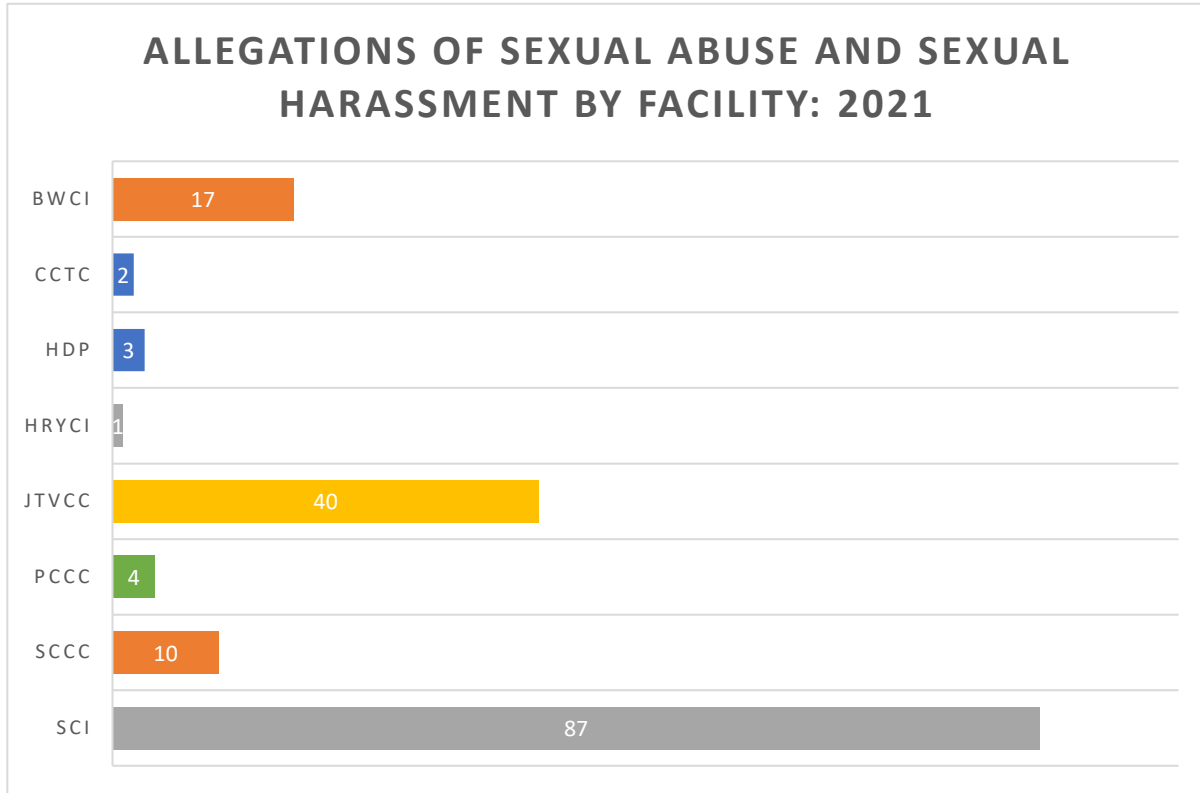


Figure 3

ALLEGATIONS OF SEXUAL ABUSE AND HARASSMENT BY FACILITY: 2021 RATE PER 100 OFFENDERS								
	BWCI	CCTC	HDP	HRYCI	JTVCC	PCCC	SCCC	SCI
NUMBER OF ALLEGATIONS RECEIVED	17	2	3	1	40	4	10	87
AVERAGE OFFENDER POPULATION (2021)	191	72	24	1207	1757	83	317	931
RATE PER 100 OFFENDERS	8.9	2.78	12.5	.08	3.18	4.8	3.15	9.3

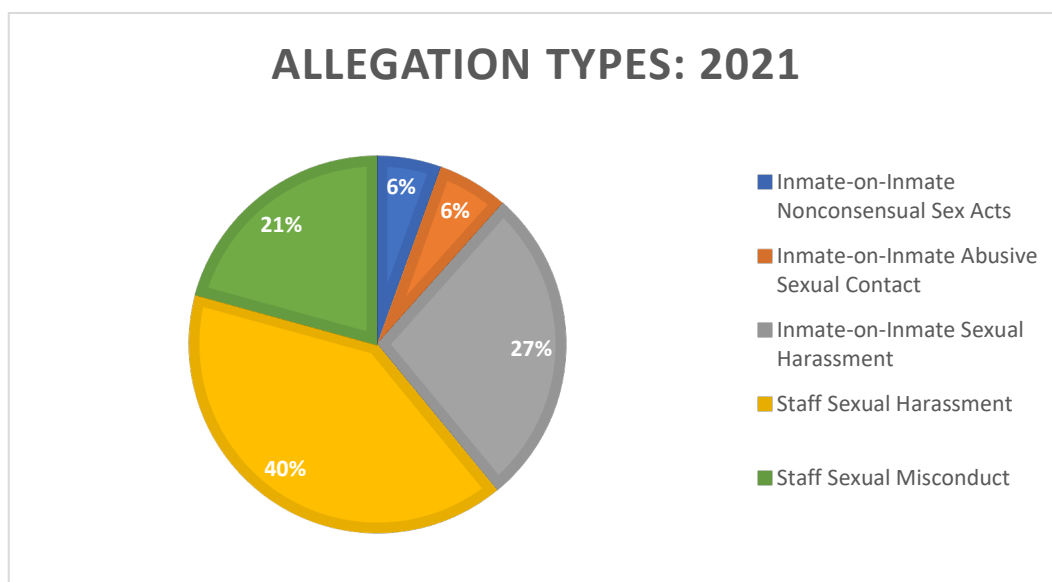
Figure 4

Section Two: Allegation Type

All allegations of inmate-on-inmate sexual victimization the DOC receives are disaggregated based upon the three categories of inmate-on-inmate sexual victimization and the two categories of staff-on-inmate sexual victimization defined by the BJS Survey of Sexual Victimization.

Most of the reports received by the DOC in 2021 were sexual harassment allegations. Staff sexual harassment comprised 40% of allegations. Inmate-on-inmate sexual harassment comprised 27% of allegations. In 2021, staff sexual harassment reports increased nearly 5% and inmate-on-inmate sexual harassment reports decreased approximately 8% over the previous year. There were two substantiated allegations of staff sexual harassment and three substantiated allegations of inmate-on-inmate sexual harassment in 2021. Staff sexual harassment allegations often arise from the use of unprofessional language. Investigations that substantiate unprofessional conduct, but do not meet the standard for sexual harassment are addressed according to DOC policy.

Allegations of staff sexual harassment and staff sexual misconduct both saw increases in 2021. It is important to note that an increase in allegations does not necessarily indicate an increase in rates of sexual abuse or sexual harassment incidents. An increase in allegations could be due to several reasons, such as increased education to incarcerated individuals regarding the multiple reporting avenues that the DOC provides and proactive investigative work by facility investigative offices and the DOC Intelligence Operations Center. This increase could also be the result of increased staff reporting. Recent PREA training has emphasized the staff member's duty to report and recognition of red flag indicators of sexual abuse. In addition, the DOC has disciplined several staff members for failure to report in recent years, perhaps influencing other staff to report more frequently.



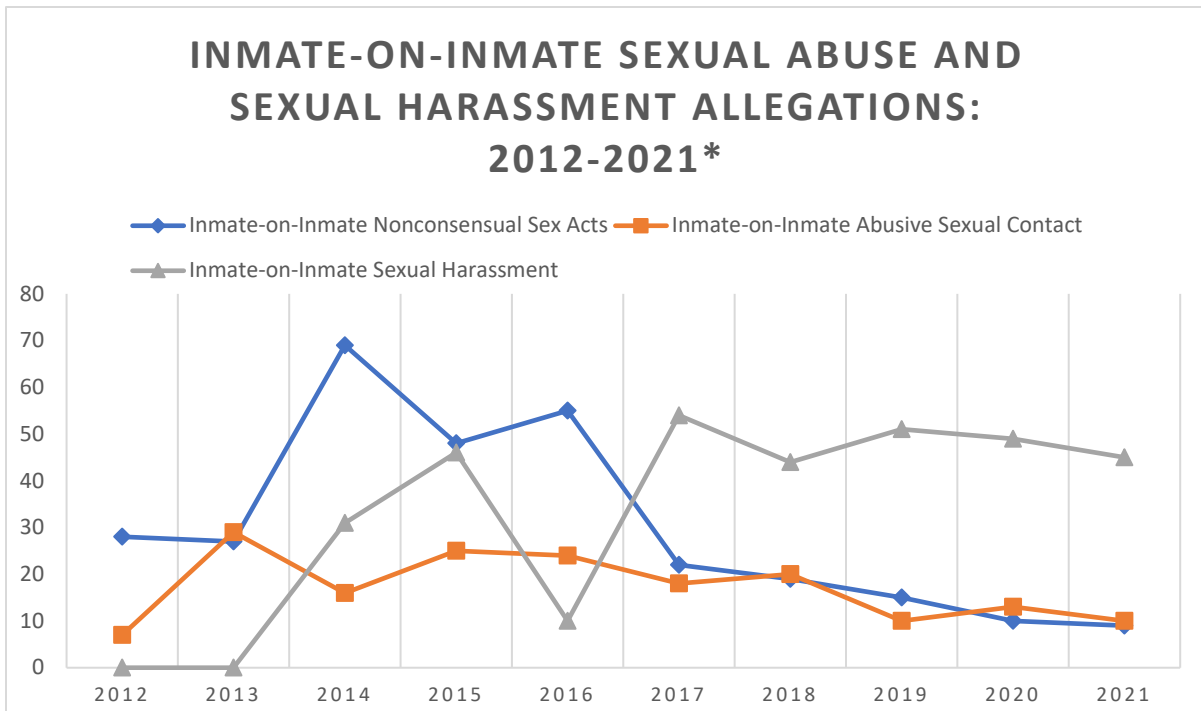


Figure 6

*Collection of data on inmate-on-inmate sexual harassment did not begin until 2014

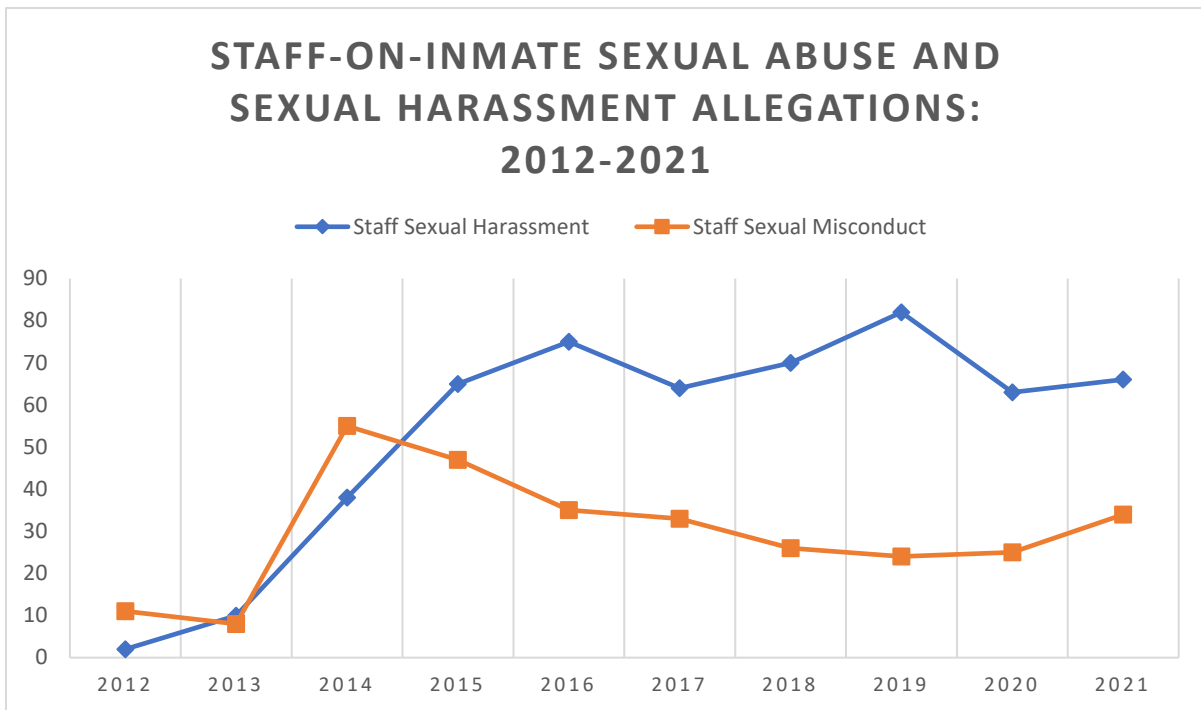


Figure 7

NUMBER OF ALLEGATIONS RECEIVED PER FACILITY BY ALLEGATION TYPE: 2021								
	BWCI	CCTC	HDP	HRYCI	JTVCC	PCCC	SCCC	SCI
INMATE-ON-INMATE NONCONSENSUAL SEX ACTS	1	0	2	1	4	0	0	1
INMATE-ON-INMATE ABUSIVE SEXUAL CONTACT	5	0	0	0	2	0	0	3
INMATE-ON-INMATE SEXUAL HARASSMENT	4	1	0	0	12	0	1	27
STAFF SEXUAL HARASSMENT	3	1	0	0	15	2	7	38
STAFF SEXUAL MISCONDUCT	4	0	1	0	7	2	2	18
TOTALS	17	2	3	1	40	4	10	87

Figure 8

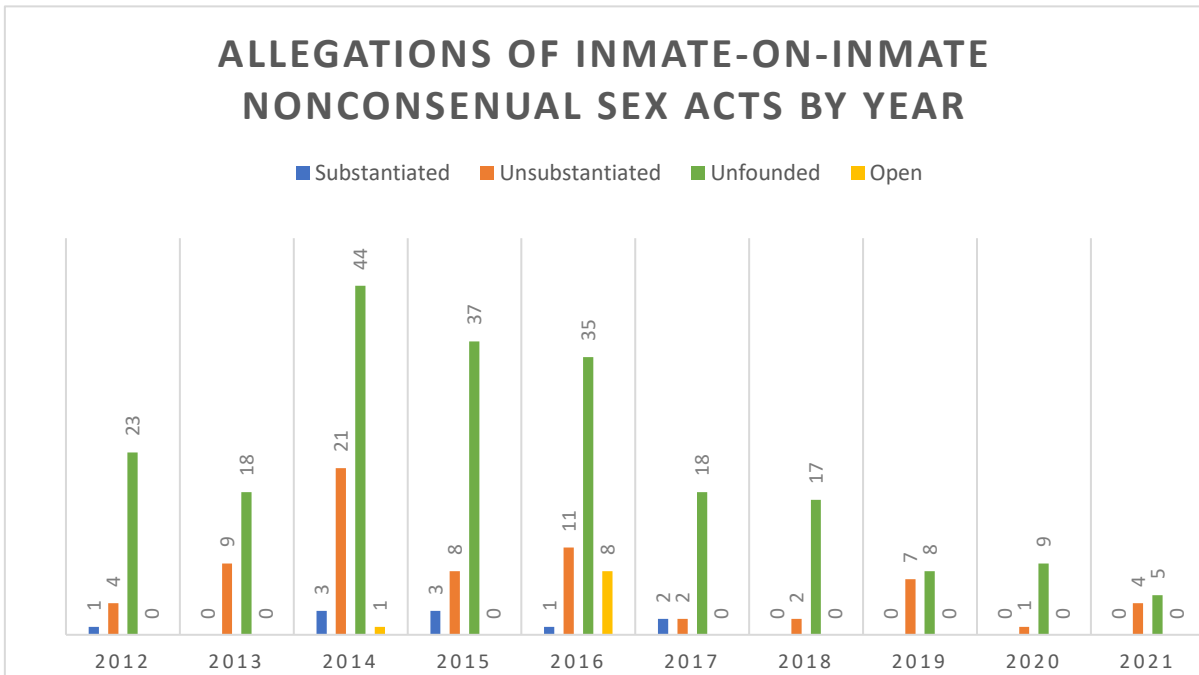


Figure 9

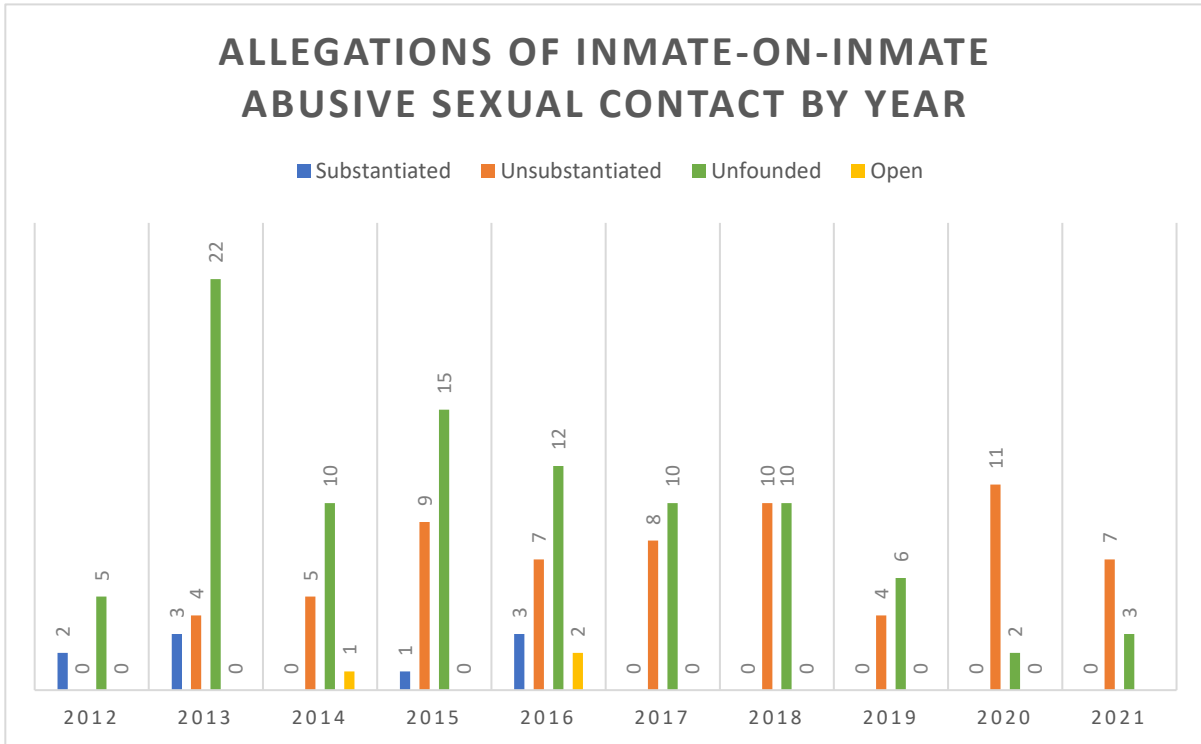


Figure 10

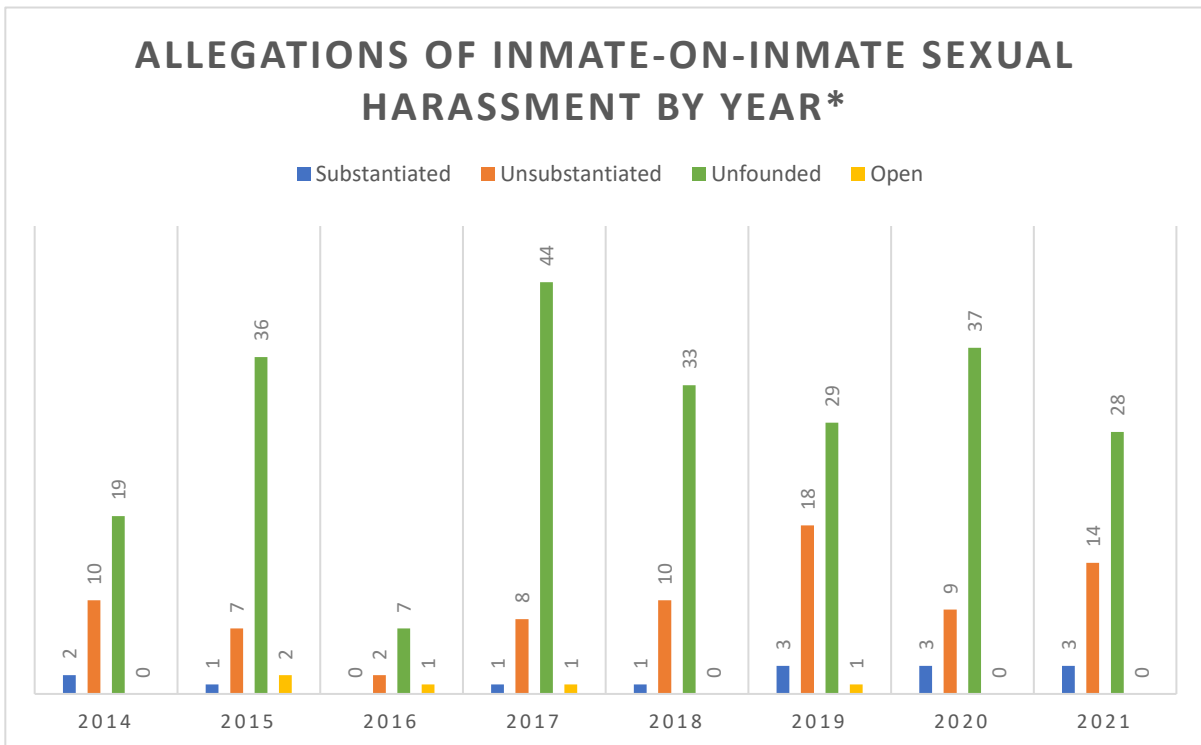


Figure 11

*Collection of data on inmate-on-inmate sexual harassment did not begin until 2014

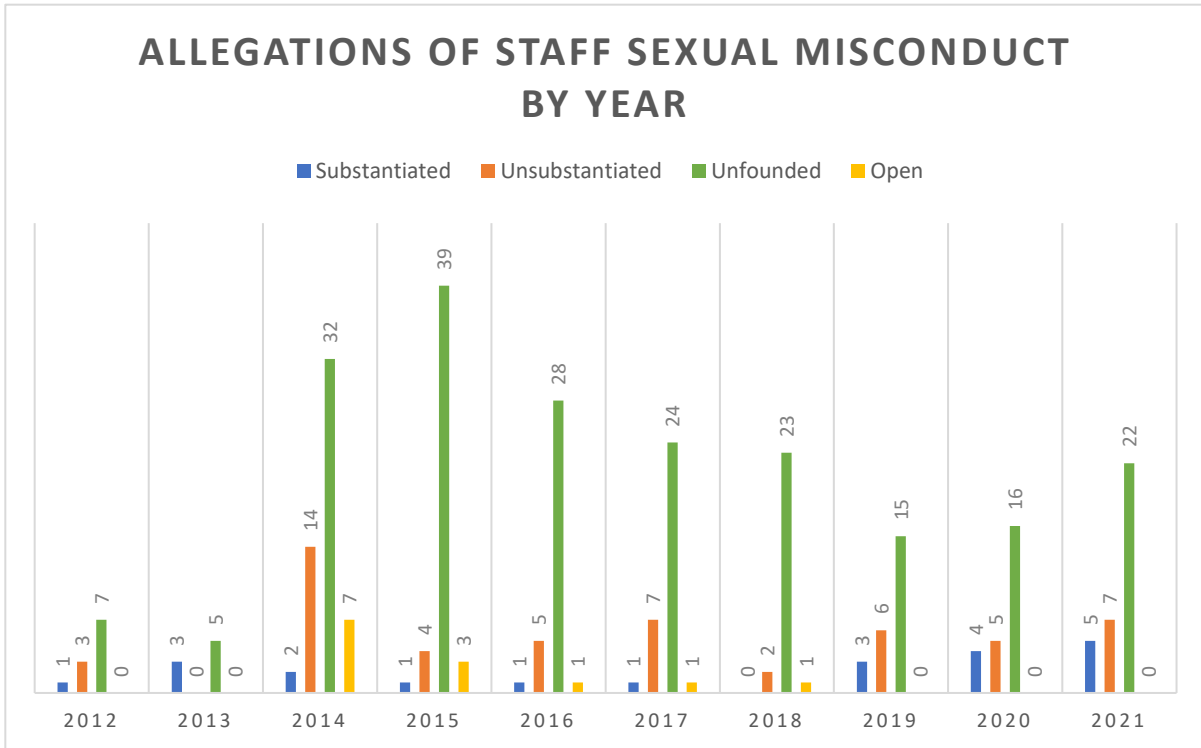


Figure 12

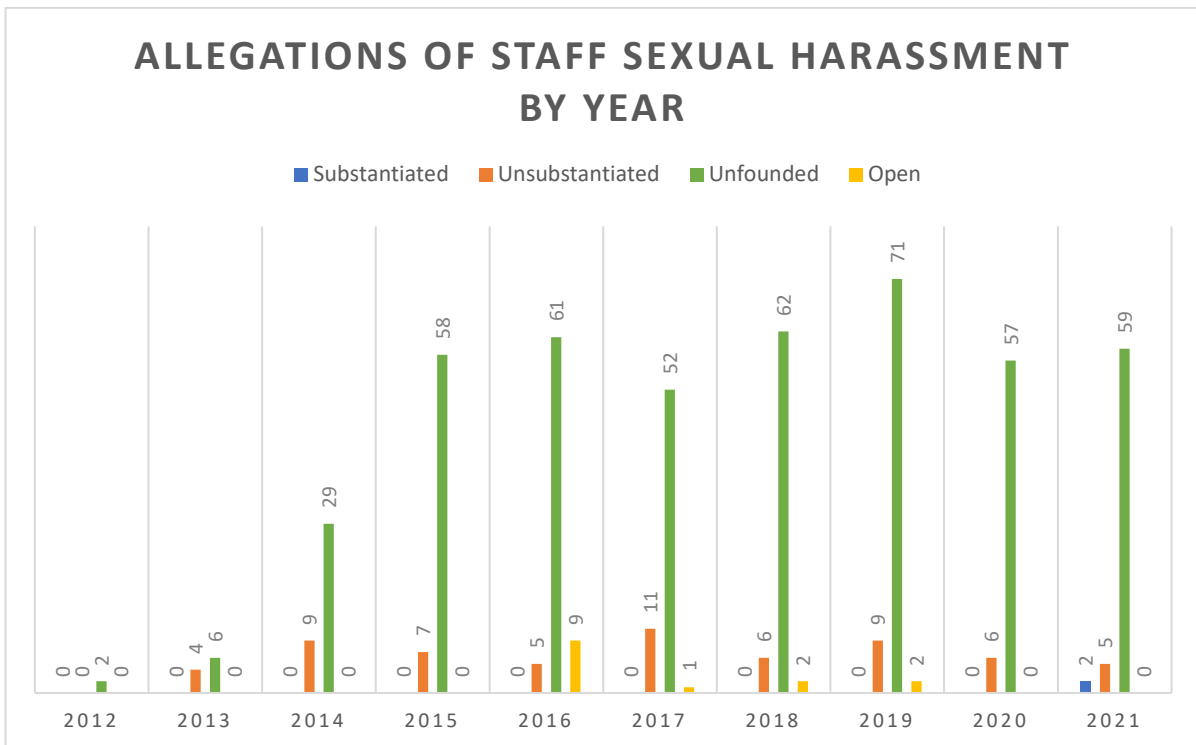


Figure 13

Section Three: Investigation Outcomes

The DOC investigates all allegations of sexual abuse and sexual harassment until an outcome of substantiated, unsubstantiated, or unfounded can be determined. Among completed investigations from 2012 through 2021, the vast majority of allegations were determined to be unfounded or unsubstantiated. Approximately 3% of all allegations received from 2012 through 2021 were substantiated.

Approximately 6% of the 164 allegations received in 2021 were determined to be substantiated. While the number of substantiated incidents in 2021 increased slightly from previous years, this demonstrates the DOC's commitment to thoroughly investigate all allegations of sexual abuse and sexual harassment and to hold perpetrators accountable. The DOC PREA Coordinator reviewed each substantiated incident and concluded that the increase may be the result of staff recognition of red flag indicators of sexual abuse and proactive investigative work by facility investigative offices and the DOC Intelligence Operations Center. When a report of sexual abuse or sexual harassment is substantiated, criminal prosecution and disciplinary action will be pursued commensurate with the nature and circumstances of the acts committed.

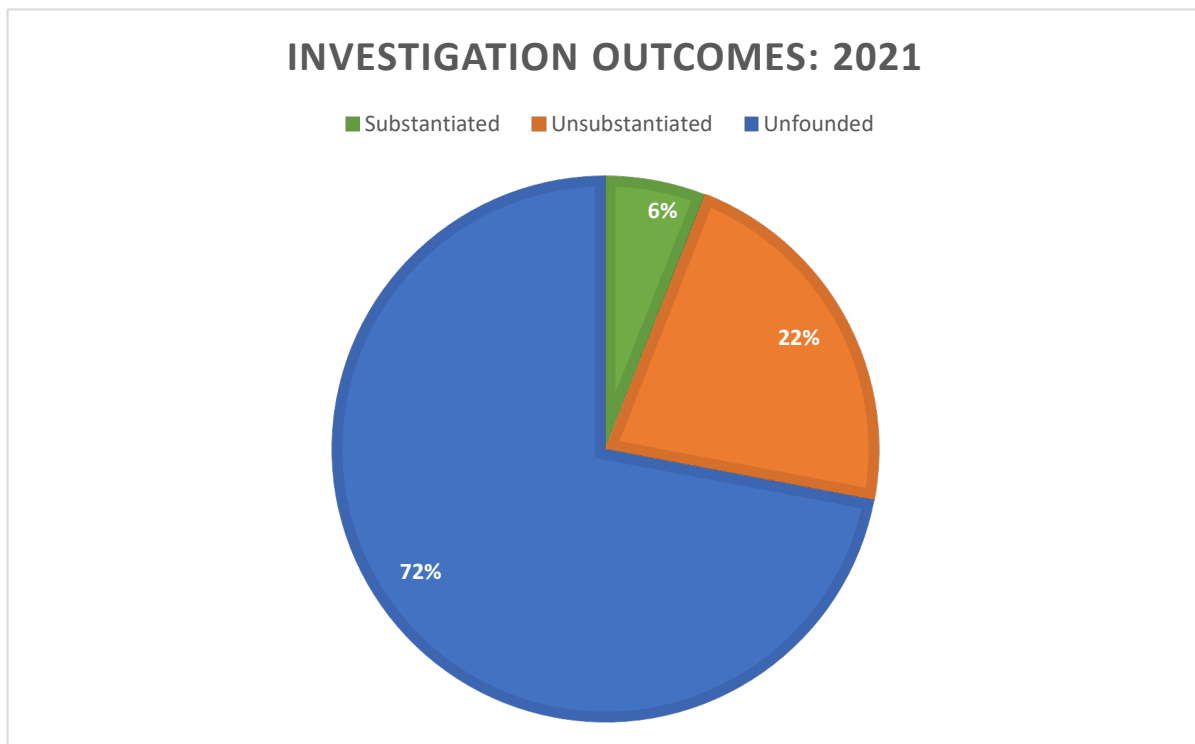


Figure 14

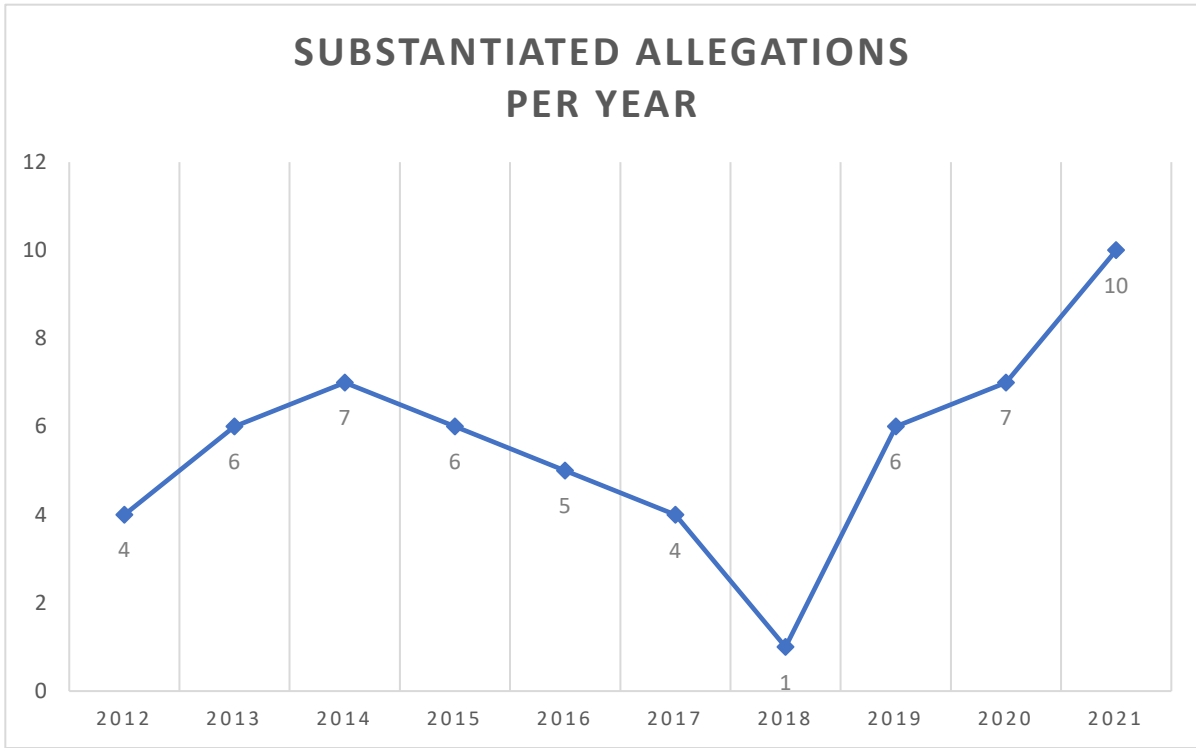


Figure 15

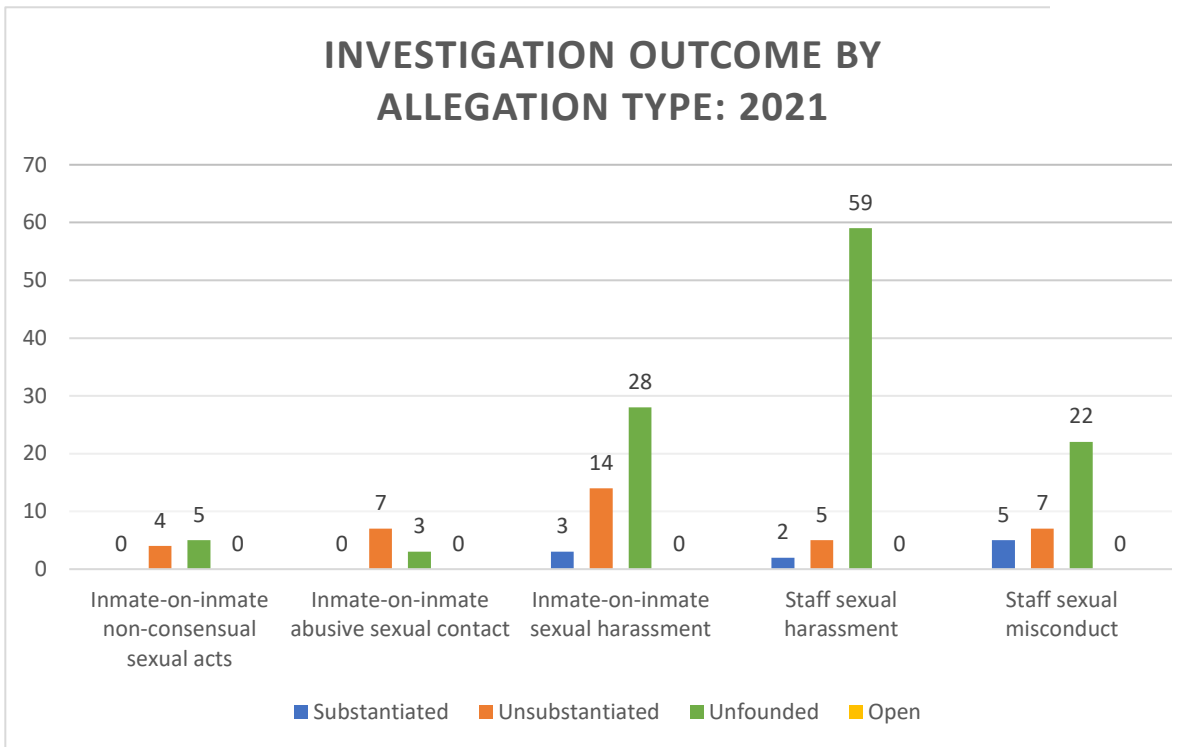


Figure 16

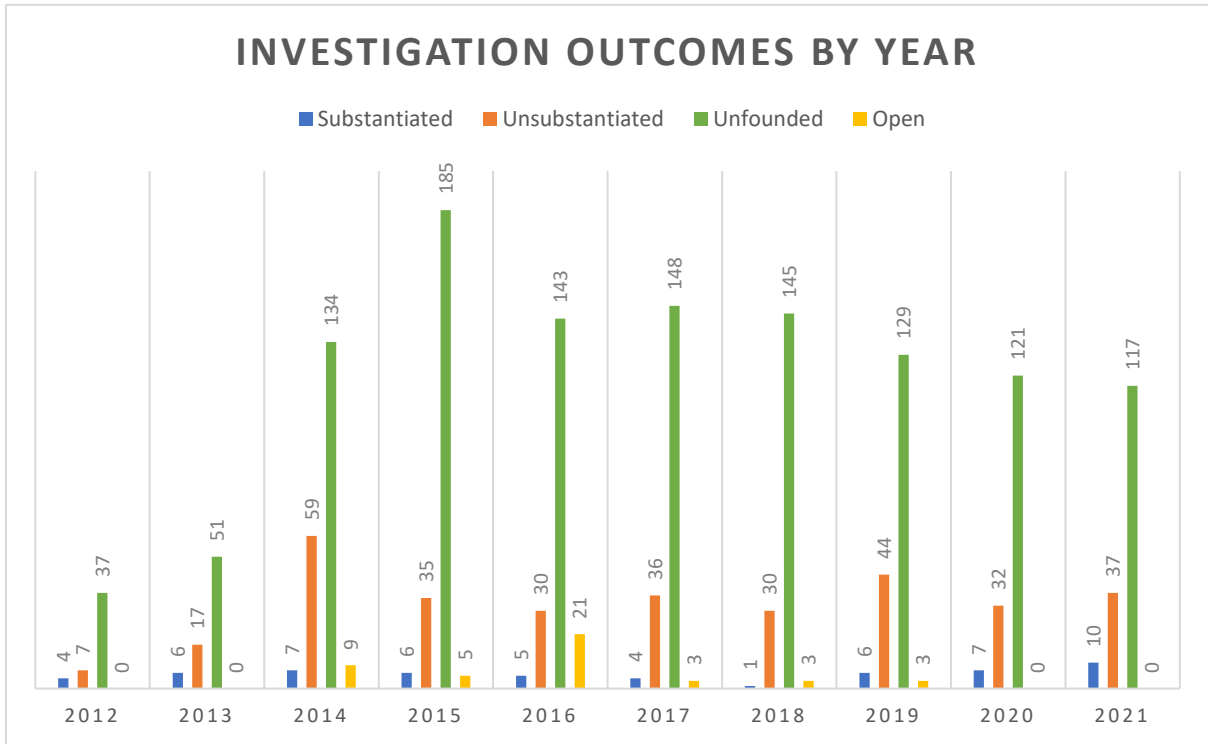


Figure 17

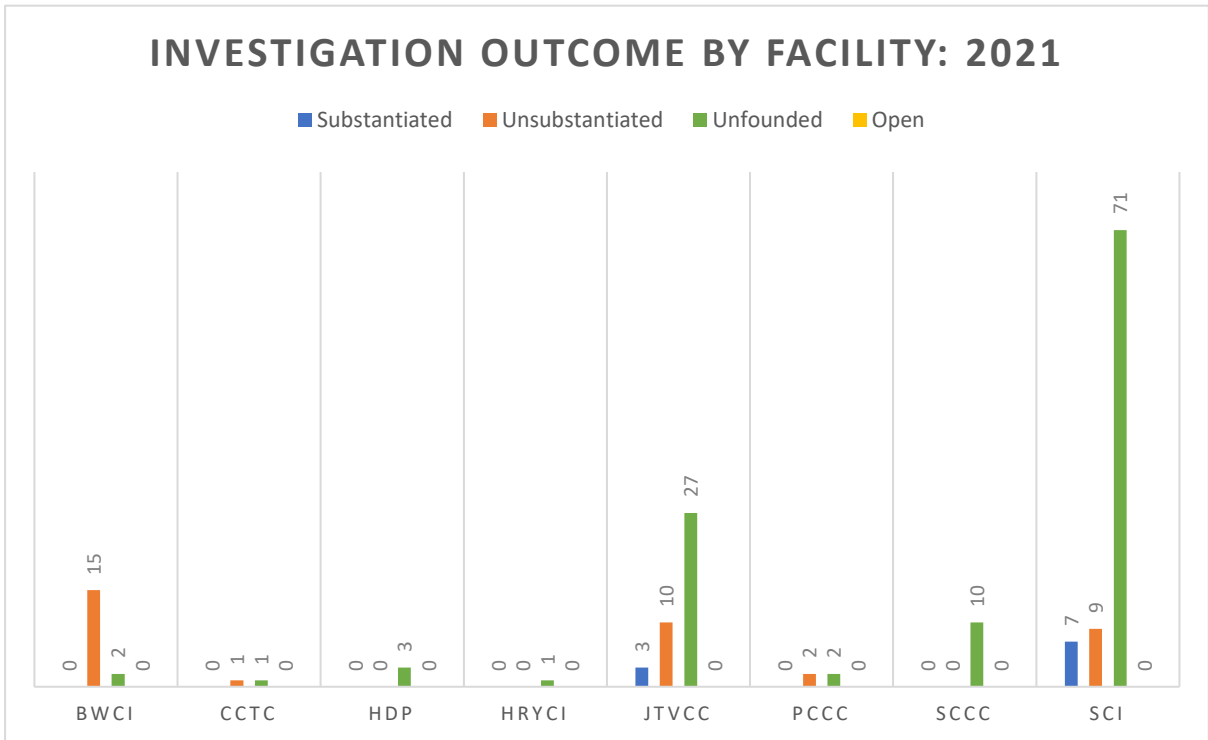


Figure 18

Section Four: Audits

To demonstrate compliance with PREA standard § 115.401, each confinement facility under the DOC's control must undergo a PREA audit conducted by a U.S. Department of Justice (USDOJ) certified auditor once every three-year audit cycle.

Baylor Women's Correctional Institution, Hazel D. Plant Women's Treatment Facility, and Plummer Community Corrections Center successfully completed USDOJ audits during CY 2021. Audits for Community Corrections Treatment Center, Howard R. Young Correctional Institution, and James T. Vaughn Correctional Center are scheduled to take place in CY 2022.

In the time between audits, the DOC PREA Coordinator and facility PREA Managers continually monitor compliance with the PREA standards in various ways, including mock audits, periodic checks of the PREA screening process, investigations, education for incarcerated individuals, staff training, updates of Memorandum of Understanding (MOUs), semi-annual safety reviews for transgender individuals, critical incident reviews, and other key indicators. Policy is reviewed and evaluated throughout the year and compliance is reviewed with facility PREA Managers. There is a PREA compliance plan in place at all DOC facilities.

The DOC's final PREA audit reports are available on the Department website at:

<https://doc.delaware.gov/views/prea.blade.shtml>

Section Five: Corrective Action and Initiatives to Increase Compliance

The DOC remains committed to preventing, detecting, and responding to incidents of sexual abuse and sexual harassment in our facilities. During CY 2021, the Department took on the following initiatives to enhance capabilities in this area:

- **National PREA Coordinator Conference:** The DOC Statewide PREA Coordinator attended the 2021 National PREA Coordinator Conference virtually. This conference brings PREA Coordinators from all over the country together to discuss challenges, successes, and lessons learned. The 2021 Conference highlighted topics such as PREA investigations, gender variance in correctional settings, and housing and safety of transgender inmates.
- **Staffing Plan Reviews:** During 2021, the DOC Statewide PREA Coordinator developed an Annual Staffing Plan Review template. Annually, representatives from each facility reviews its staffing plan and consider whether any changes are needed to better protect incarcerated individuals from sexual abuse or sexual harassment. This template will allow the Department to standardize this process and ensure that the review meets the requirements set out in PREA standard 115.13.

Damaris Schweers

Statewide PREA Coordinator

October 18, 2022

Appendix A: Outcomes of all CY 2021 Investigations by Facility

CY 2021	By Facility	BWCI	CCTC	HDPWTF	HRVCI	JTVCC	PCCC	SCCC	SCI	Totals
1	Allegations of inmate-on-inmate non-consensual sex acts:									
	Substantiated:	0	0	0	0	0	0	0	0	0
	Unsubstantiated:	1	0	0	0	3	0	0	0	4
	Unfounded:	0	0	2	1	1	0	0	1	5
	Open:	0	0	0	0	0	0	0	0	0
	Subtotals:	1	0	2	1	4	0	0	1	9
	Allegations of inmate-on-inmate abusive sexual contact:									
	Substantiated:	0	0	0	0	0	0	0	0	0
2	Unsubstantiated:	5	0	0	0	1	0	0	1	7
	Unfounded:	0	0	0	0	1	0	0	2	3
	Open:	0	0	0	0	0	0	0	0	0
	Subtotals:	5	0	0	0	2	0	0	3	10
3	Allegations of inmate-on-inmate sexual harassment:									
	Substantiated:	0	0	0	0	0	0	0	3	3
	Unsubstantiated:	4	0	0	0	5	0	0	5	14
	Unfounded:	0	1	0	0	7	0	1	19	28
	Open:	0	0	0	0	0	0	0	0	0
	Subtotals:	4	1	0	0	12	0	1	27	45
	Allegations of staff sexual harassment:									
	Substantiated:	0	0	0	0	0	0	0	2	2
4	Unsubstantiated:	2	1	0	0	0	0	0	2	5
	Unfounded:	1	0	0	0	15	2	7	34	59
	Open:	0	0	0	0	0	0	0	0	0
	Subtotals:	3	1	0	0	15	2	7	38	66
5	Allegations of staff sexual misconduct:									
	Substantiated:	0	0	0	0	3	0	0	2	5
	Unsubstantiated:	3	0	0	0	1	2	0	1	7
	Unfounded:	1	0	1	0	3	0	2	15	22
	Open:	0	0	0	0	0	0	0	0	0
	Subtotals:	4	0	1	0	7	2	2	18	34
	Totals:	17	2	3	1	40	4	10	87	164

Appendix B: Outcomes of all CY 2021 Investigations by Month

CY 2021	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	0	0	0	0	0
	Unsubstantiated:	1	0	0	0	1	0	1	0	0	0	1	0	4
	Unfounded:	0	0	0	0	0	0	1	1	1	0	2	1	5
	Open:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:	1	0	0	0	1	0	2	1	0	3	1	0	9
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	1	0	0	1	0	2	1	1	2	0	0	7
	Unfounded:	1	0	0	0	0	0	0	1	0	0	0	1	3
	Open:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:	1	1	0	0	1	0	2	2	2	2	0	1	10
3	Allegations of inmate-on-inmate sexual harassment:													
	Substantiated:	0	0	0	0	0	0	1	0	0	1	0	0	3
	Unsubstantiated:	1	0	1	1	0	2	1	0	0	0	4	1	14
	Unfounded:	4	4	7	3	1	3	0	2	2	0	2	0	28
	Open:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:	5	4	8	4	1	5	2	2	2	6	1	6	45
4	Allegations of staff sexual harassment:													
	Substantiated:	0	0	0	0	0	0	0	1	0	0	1	0	2
	Unsubstantiated:	0	0	0	1	1	1	1	0	0	0	0	1	5
	Unfounded:	8	4	9	8	8	2	7	2	2	1	4	2	59
	Open:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:	8	4	9	9	9	3	8	3	1	5	3	4	66
5	Allegations of staff sexual misconduct:													
	Substantiated:	0	0	0	1	0	1	1	1	1	0	0	0	5
	Unsubstantiated:	0	0	0	2	2	0	0	0	0	0	0	1	7
	Unfounded:	1	2	3	1	3	0	0	3	2	2	2	1	22
	Open:	0	0	0	0	0	0	0	0	0	0	0	0	0
	Subtotals:	1	2	5	4	5	1	4	4	2	2	2	5	34
Totals:		16	11	22	17	17	9	15	12	6	16	8	15	164

Appendix C: Comparison of Investigations by Year, Type, and Outcome

CY 2021	By Year:	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
1	Allegations of inmate-on-inmate non-consensual sex acts:										
	Substantiated:	1	0	3	3	1	2	0	0	0	0
	Unsubstantiated:	4	9	21	8	11	2	2	7	1	4
	Unfounded:	23	18	44	37	35	18	17	8	9	5
	Open:	0	0	1	0	8	0	0	0	0	0
	Subtotals:	28	27	69	48	55	22	19	15	10	9
2	Allegations of inmate-on-inmate abusive sexual contact:										
	Substantiated:	2	3	0	1	3	0	0	0	0	0
	Unsubstantiated:	0	4	5	9	7	8	10	4	11	7
	Unfounded:	5	22	10	15	12	10	10	6	2	3
	Open:	0	0	1	0	2	0	0	0	0	0
	Subtotals:	7	29	16	25	24	18	20	10	13	10
3	Allegations of inmate-on-inmate sexual harassment:										
	Substantiated:	0	0	2	1	0	1	1	3	3	3
	Unsubstantiated:	0	0	10	7	2	8	10	18	9	14
	Unfounded:	0	0	19	36	7	44	33	29	37	28
	Open:	0	0	0	2	1	1	0	1	0	0
	Subtotals:	0	0	31	46	10	54	44	51	49	45
4	Allegations of staff sexual harassment:										
	Substantiated:	0	0	0	0	0	0	0	0	0	2
	Unsubstantiated:	0	4	9	7	5	11	6	9	6	5
	Unfounded:	2	6	29	58	61	52	62	71	57	59
	Open:	0	0	0	0	9	1	2	2	0	0
	Subtotals:	2	10	38	65	75	64	70	82	63	66
5	Allegations of staff sexual misconduct:										
	Substantiated:	1	3	2	1	1	1	0	3	4	5
	Unsubstantiated:	3	0	14	4	5	7	2	6	5	7
	Unfounded:	7	5	32	39	28	24	23	15	16	22
	Open:	0	0	7	3	1	1	1	0	0	0
	Subtotals:	11	8	55	47	35	33	26	24	25	34
	Subtotals:	48	74	209	231	199	191	179	182	160	164