



New Jersey Department of
Corrections
Level I
Internal Management Procedures

Level I Internal Management
Procedure #
PCS 001.PREA 001

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Internal Management Procedure Title:

Sexual Assault/Prison Rape Elimination Act (PREA) Advisory Council

Effective Date:

January 15, 2008

Revised

July 1, 2013

Authority:

PCS 001 005, Federal Prison Rape
Elimination Act of 2003 (PREA) 42
U S C §§15601, 28 C F R § 115 11

Promulgating Office:

Division of Operations

**Professional Association Standard
cited:**

Applicability This internal management procedure applies to all designated staff members of the New Jersey Department of Corrections

Supersedes N/A

Review Schedule

This document is scheduled for annual review on or about June 30, 2014

This document was reviewed and approved by

Judith Lang, Chief of Staff on September 12, 2013

and

Mark Farsi, Deputy Commissioner on September 12, 2013

Documentation of the reviews/approvals are maintained by the Office of Policy & Planning, APPM Unit

I. PURPOSE

To establish a team that will ensure the New Jersey Department of Corrections (NJDOC) is following protocol for sexual assault incidences, as it supports the standards established for the Prison Rape Elimination Act (PREA) of 2003

II. DEFINITIONS

The following terms, when used in this policy, shall have the following meanings, unless the context clearly indicates otherwise

Authorized Personnel includes staff of the New Jersey Department of Corrections

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Confidential Information means those records or information that shall not be disclosed to unauthorized persons or agencies, including but not limited to

- 1 Reports, including, but not limited to, mental health/psychological records and reports, which are evaluative, diagnostic or prognostic in nature furnished with a legitimate expectation of confidentiality and which, if revealed to the inmates, parolees, employees or others, could be detrimental to the individual, or could jeopardize the safety of individuals who signed the reports or were parties to the decisions, conclusions or statements contained therein,
- 2 Information the disclosure of which could have a substantially adverse impact on the safe and secure operation of the organizational unit,
- 3 Information or reports which would invade or jeopardize privacy rights of the employee, inmate, parolee, victim(s), family members of victim(s)/secondary victims or others,
- 4 Disclosures which would jeopardize internal decision-making or policy determinations essential to the effective operation of any organizational unit or to the Department of Corrections as a whole,
- 5 Disciplinary and criminal investigative reports, including those forms received from informants, disclosure of which, if released, would
 - a Impede ongoing investigations,
 - b Create a risk of reprisal, or
 - c Interfere with the safe and secure operation of the Organization Unit
- 6 Such other records as the Commissioner or designee, or organizational unit administrator, based on their experience and exercise of judgment, believe must be kept confidential in order to ensure the safe, secure and orderly operation of the operational unit or the Department of Corrections, or
- 7 Information, data files, document reports or records prepared by the New Jersey State Parole Board or Division of Parole employees which pertain to parole determinations or parole supervision as established in N J A C 10A 71-2 1

New Jersey Department of Corrections (NJDOC) means that agency in the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to State correctional facilities In this document, this is also referred to as the "Department" or the "NJDOC "

PREA means the Federal Prison Rape Elimination Act of 2003 This act was established to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and provide information, resources, and recommendations and funding to protect individuals from prison rape, sexual abuse and sexual harassment The major provisions of PREA include adherence to a zero-tolerance standard for the incidence of inmate sexual assault and rape, the development of standards for the detection, prevention, reduction and

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punishment of prison rape and the collection and dissemination of information on the incidence of prison rape

PREA Coordinator means the NJDOC staff member designated by the NJDOC Commissioner to coordinate and guide agency and individual facility implementation of a zero-tolerance approach to preventing, detecting and responding to sexual abuse and sexual harassment

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

- 1 Contact between the penis and the vulva or the penis and the anus, including penetration, however slight,
- 2 Contact between the mouth and the penis, vulva, or anus,
- 3 Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument, and
- 4 Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation
- 5 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,
- 6 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,
- 7 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,
- 8 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,
- 9 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
- 10 Voyeurism by a staff member, contractor, or volunteer

Sexual Harassment means 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 to another and repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor or volunteer, including but not limited to demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures

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Victim means a person who reports having been subjected to sexual assault/rape or a person who suffers personal, physical or psychological injury

III POLICY

The New Jersey Department of Corrections preserves and protects the rights of sexual assault victims in prison settings, consistent with the core principles and philosophy of the Prison Rape Elimination Act of 2003, and in accordance with the NJDOC policies and procedures. Additionally, the Department maintains a zero tolerance toward all forms of sexual abuse and sexual harassment and actively enforces all internal policies and procedures related to the prevention, detection, and response to such conduct. Strengthening the partnership between the New Jersey Department of Corrections and the community, and educating departmental staff on the concerns of prison rape victims/victimization via training, and the dissemination of information is vital to the NJDOC. The NJDOC works to ensure the provision of comprehensive services to victims of sexual assault in the NJDOC prison system, and reviews each case, relative to established standards for investigation and prosecution.

IV PROCEDURES

A. Committee Organization (members)

- 1 Membership and participation on the PREA Advisory Council is contingent upon final approval of the Commissioner of the NJDOC
- 2 Committee members shall consist of, but are not limited to, a representative of the following departments
 - a Agency PREA Coordinator (Executive staff member appointed by Commissioner)
 - b Division of Operations
 - c Special Investigations Division
 - d Office of Community Programs and Outreach Services
 - e Office of Victim Services
 - f Office of Policy and Planning
 - g Office of Transitional Services
 - h Mental Health Services
 - i Medical Services
 - j Corrections Ombudsman
- 3 The Chairperson shall keep the Commissioner (NJDOC) informed of the committee's activities and recommendations
- 4 The Chairperson shall keep the committee informed of NJDOC matters relative to the purpose and services of the committee

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B. Committee Member Recruitment and Selection

The Commissioner shall designate a chairperson. Assistant Commissioners may designate other members from their respective divisions.

C. Committee Functions

- 1 Provide a venue through which the concerns of sexual assault/prison rape are communicated and steps are taken to remedy lapses in proper service
- 2 Assist in the development of sexual assault related policies and procedures relative to the NJDOC and the PREA
- 3 The advisory board will analyze each reported case of sexual assaults to make sure all of the appropriate investigative steps and responses have been completed
- 4 Provide feedback to NJDOC on matters pertaining to sexual assault related issues
- 5 Address sexual assault victimization within the NJDOC
- 6 Address legislative and public policy issues affecting prison rape victims throughout New Jersey's prisons
- 7 Provide NJDOC recommendations relative to prison rape prevention and intervention programming and services
- 8 Assist in the development of training and educational efforts directed toward custodial and non-custodial staff members as it relates to PREA
- 9 Provide additional support and input as needed
- 10 Collaborate with outside agencies as indicated

D. Frequency and Location of Meetings

- 1 Meetings are held at least quarterly with additional meetings scheduled as needed
- 2 Meetings must be held within 30 days of completion of the Special Investigations Division (SID) investigation of an incident of alleged sexual assault victimization
- 3 Meetings are convened at designated locations and members are informed in advance of date, time, and location

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E. Reimbursement

Committee members do not receive financial reimbursement or compensation for services rendered as a member of the committee

F. Council Documentation

- 1 The Chairperson or designee, prior to each meeting, prepares a written agenda
- 2 Individual committee members may submit agenda items prior to each meeting
- 3 The Chairperson or designee provides minutes of committee business that is distributed to all committee members prior to the next regularly scheduled meeting
- 4 The committee shall recommend to administration all directives, policy and procedures that are required as a result of the investigation of reported cases of sexual assault

V Cross Reference Documents and DOCPS/IMP

DOCPS/IMP/Document Number	Title	Effective/Revision Date
ADM 001 000	Mission, Goals, Objectives & Organizational Structure of the New Jersey Department of Corrections	Revised February 1, 2008
PCS 000 000	Division of Programs and Community Services Vision, Mission, Goals and Organizational Structure	Revised February 1, 2008
PCS 007 000	Office of Victim Services Mission, Goals and Objectives	Revised July 17, 2008
PCS 001 005	Sexual Assault/Prison Rape Elimination Act (PREA) Sexual Assault Advisory Council	Revised July 1, 2013
IMM 001 004	Zero Tolerance Policy Sexual Assault	Revised July 1, 2013

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VI. Applicable Forms

Form Number	Form Title	Effective/Revision Date