

# **Burlington County Juvenile Detention Center Prison Rape Elimination Act Annual Report 2018**

## **Introduction**

The Prison Rape Elimination Act's (PREA) goal is to eliminate sexual victimization, abuse and harassment of persons held in confinement. All confinement facilities under the (PREA) standards must be audited. The PREA Standards were enacted on August 20, 2012.

The Burlington County Juvenile Detention Center (the "BCJDC") is committed to fostering a therapeutic learning environment in which its residents can flourish. The BCJDC began preparing for compliance with PREA before the PREA standards were enacted because of its overriding concern for its residents' safety and security, which includes their sexual safety. The BCJDC is dedicated to complying with PREA through effective programming and training.

To ensure compliance with PREA, the BCJDC has revised its policies and procedures to implement the PREA Juvenile Standards established by the United States Department of Justice. The BCJDC was audited by a United States Department of Justice certified PREA auditor in December 2015 and the final audit report shows that the BCJDC has met or exceeded every standard promulgated to prevent, detect and respond to prison rape. Our last PREA audit was March 2019 and we are awaiting our final audit report.

The BCJDC collects data on every allegation of sexual abuse and sexual harassment, utilizing the United States Department of Justice Sexual Victimization Juvenile Incident form. Each allegation is reported to the BCJDC Superintendent, and if a criminal investigation is warranted, it is reported to the Burlington County Prosecutor's Office.

At the conclusion of every investigation, the BCJDC conducts a Sexual Abuse Incident Review (SAIR) with a review team composed of the Superintendent of the BCJDC and PREA Coordinator with input from line supervisors, investigators and medical and mental health practitioners. The purpose of the SAIR is to answer certain questions required by PREA (as set forth in 28 C.F.R. 115.386) and, more importantly, to determine if any changes are needed to the BCJDC's

policies or procedures to better prevent, detect and/ or respond to any future incidents or allegations of sexual abuse and sexual harassment.

## **Definitions**

The PREA defines sexual victimization as:

**Youth on youth non-consensual sexual acts-** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; sexual 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; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**Youth on youth abusive sexual contact-** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; an intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. (This excludes any incidents in which the contact was incidental to a physical altercation).

**Youth on youth sexual harassment-** Repeated and unwelcome sexual advances and requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

**Staff sexual misconduct-** Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor or other agency representative (excluding family, friends or other visitors). Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or non-consensual sexual 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.
- Completed, attempted, threatened, or requested sexual acts.

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**Staff sexual harassment-** Repeated, verbal statements comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (This excludes family, friends, or other visitors). This includes:

- Demeaning references to gender, or sexually suggestive or derogatory comments about body or clothing.
- Repeated profane or obscene language or gestures.

**Substantiated allegation-** An allegation that was investigated and determined to have occurred.

**Unsubstantiated allegation-** An allegation that was investigated and produces insufficient evidence to make a final determination as to whether or not the event occurred.

**Unfounded allegation-** An allegation that was investigated and determined not to have occurred.

**Youth on Youth Consensual Sexual Acts**

Total Allegations	2013	2014	2015	2016	2017	2018
Substantiated	0	0	0	0	0	0
Unsubstantiated	0	0	0	0	0	0
Unfounded	0	0	0	0	0	0
Investigation Ongoing	0	0	0	0	0	0

### **Youth on Youth Abusive Sexual Contact**

Total Allegations	2013	2014	2015	2016	2017	2018
Substantiated	0	0	0	0	0	0
Unsubstantiated	0	0	0	0	0	1
Unfounded	1	0	0	0	0	0
Investigation Ongoing	0	0	0	0	0	0

### **Youth on Youth Sexual Harassment**

Total Allegations	2013	2014	2015	2016	2017	2018
Substantiated	0	0	1	0	0	0
Unsubstantiated	0	0	1	1	0	10
Unfounded	0	0	0	0	0	1
Investigation Ongoing	0	0	0	0	0	0

### **Staff on Youth Sexual misconduct**

Total Allegations	2013	2014	2015	2016	2017	2018
Substantiated	0	0	0	0	0	0
Unsubstantiated	0	0	0	0	0	1
Unfounded	2	0	1	2	0	1
Investigation Ongoing	0	0	0	0	0	0

## **Staff on Youth Sexual Harassment**

Total Allegations	2013	2014	2015	2016	2017	2018
Substantiated	0	0	0	0	0	0
Unsubstantiated	0	0	0	0	0	1
Unfounded	0	0	0	0	0	0
Investigation Ongoing	0	0	0	0	0	0

## **Conclusion**

The Burlington County Juvenile Detention Center continually strives to ensure the sexual safety of all residents. In order to provide a safe facility, the Burlington County Juvenile Detention Center has thoroughly investigated and reviewed the incidents referenced herein.

Anyone who suspects a resident at the Burlington County Juvenile Detention Center is being sexually victimized, abused or harassed is encouraged to contact the BCJDC Administration or any of the third party phone numbers that can be found on the BCJDC website. All reports will be kept confidential and thoroughly investigated, and if warranted, will be reported to the Burlington County Prosecutor's Office if a criminal investigation is necessary.