



**Prevent.
Detect.
Respond.**

PREA

Prison Rape Elimination Act

2024 Annual Report of Sexual Victimization

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PURPOSE

The Prison Rape Elimination Act (PREA) requires facilities to collect and review data “...to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies and training” (Standard 115.88a). The purpose of this review is to:

- Identify problem areas and implement corrective actions across the Department;
- Compare the current year’s data and corrective actions with previous years; and
- Assess progress in addressing sexual abuse and harassment.

BACKGROUND

The Federal Prison Rape Elimination Act (PREA) of 2003 was established to address the sexual abuse and sexual harassment of incarcerated persons in confinement settings. On June 20, 2012, the PREA Standards Final Rule, *National Standards to Prevent, Detect, and Respond to Prison Rape*, was released to address sexual violence, staff sexual misconduct, and sexual harassment of incarcerated persons. The New Jersey Department of Corrections (NJDOC) maintains compliance with PREA. This report is available to the public pursuant to PREA Federal Standards Sections 115.87 and 115.88.

PREA mandates the publication of standards aimed at ensuring compliance, with specifications designed to foster a culture of sexual safety within each facility. In addition to these mandatory standards, PREA requires correctional facilities to conduct sexual abuse incident reviews and to collect “accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions” (Standard 115.87a).

The final rule and standards were published in the Federal Register on June 20, 2012, and became effective on August 20, 2012. These standards require annual audits of one-third of the facilities under the Department’s jurisdiction, as well as Annual Governor Certification of Compliance for all facilities under the operational control of the state’s executive branch, including private facilities contracted to house incarcerated persons. Failure to certify compliance annually results in a five-percent reduction in Department of Justice (DOJ) identified grant funds for the following federal fiscal year. The NJDOC operates 9 correctional facilities. In 2024, the Department completed three PREA audits:

- Mid-State Correctional Facility (MSCF)
- East Jersey State Prison (EJSP)
- Adult Diagnostic and Treatment Center (ADTC)

PREA requires that the Bureau of Justice Statistics (BJS) within the Department of Justice (DOJ) conduct a comprehensive statistical review and analysis of the incidence and effects of prison rape and sexual misconduct within correctional facilities nationwide. The NJDOC participates

annually in the DOJ's Survey on Sexual Victimization (SSV) to report allegations and outcomes of sexual abuse and harassment within the state's prison system. The SSV collects national data on allegations and substantiated incidents that occur each calendar year, and this report reflects the NJDOC SSV data for 2024.

NJDOC ZERO TOLERANCE POLICY

NJDOC's PREA policy establishes a zero tolerance for sexual abuse, staff sexual misconduct, and sexual harassment, and provides guidelines for the prevention, detection, response, investigation, and tracking of allegations involving NJDOC incarcerated persons. The NJDOC will respond to, investigate, and support the prosecution of sexual abuse and sexual harassment both within the correctional system and externally, in partnership with state and local authorities. The NJDOC accepts and investigates all verbal, written, and anonymous reports of sexual abuse or sexual harassment made by incarcerated persons or third parties. Additionally, the County Prosecutor may be contacted for potential criminal investigation and prosecution.

INVESTIGATIVE OUTCOMES

Under federal PREA regulations, investigative outcomes can result in determinations that are substantiated, unsubstantiated or unfounded as defined by federal regulation. 28 C.F.R. §115.5.

Substantiated Allegation: An allegation that was investigated and determined to have occurred by a preponderance of the evidence.

Unsubstantiated Allegation: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred by a preponderance of the evidence.

Unfounded Allegation: An allegation that was investigated and determined not to have occurred by a preponderance of the evidence.

EDUCATION

All staff, incarcerated persons, contractors, and volunteers are educated on their duties and responsibilities under NJDOC's zero tolerance policy and are provided information on the multiple ways to report an allegation, including third-party reporting. NJDOC remains diligent in investigating all allegations of sexual abuse, staff sexual misconduct, and sexual harassment involving incarcerated persons. The NJDOC also provides incarcerated persons with ongoing education regarding the zero tolerance policy, how to report sexual abuse or harassment, their rights and responsibilities under PREA, and available services related to sexual abuse.

REPORTING AND PROTECTION FROM RETALIATION

All NJDOC staff members, contractors, and volunteers are required to immediately report any occurrence of incarcerated person sexual abuse and/or sexual harassment. The NJDOC protects all incarcerated persons and staff who report sexual abuse or harassment and cooperate with investigations from retaliation by other incarcerated persons or staff.

RISK ASSESSMENTS

All incarcerated persons committed to the custody of the NJDOC are screened in-person by contracted health services to identify those at high risk of being sexually victimized and separate them from those at high risk of being sexually abusive. Information from this assessment is used by staff to inform housing, bed, work, education, and program assignments. Incarcerated persons may request to update this information at any time during their incarceration. Risk assessments are conducted at reception, during transfers, and updated upon request, referral, or when there is an incident of sexual abuse.

SEXUAL VICTIMIZATION DATA

Every year, as a participant in the National Prison Rape Statistics Program, NJDOC reports to the U.S. Department of Justice Bureau of Justice Statistics the number and type of allegations of sexual victimization and investigative outcomes at NJDOC by other incarcerated persons or staff that are reported to correctional authorities. Data is reported in the Survey of Sexual Victimization State Prison Systems Summary Form (SSV). This is a federal standardized reporting form used nationwide for all state prison systems designed to collect uniform, mandated data on the incidence and prevalence of sexual victimization in state correctional facilities. The data collected is based on allegations of sexual victimization that are reported to correctional authorities.

Federal PREA regulations give specific definitions of prohibited conduct that constitute sexual victimization of an incarcerated person while in a state prison. It is broken down into two broad categories: incarcerated person on incarcerated person victimization and staff on incarcerated person victimization. While in everyday conversation it has become common for people to use shorthand phrases like “a PREA,” “a PREA incident” or “a PREA allegation,” or to ask questions like “how many PREAs do you have at NJDOC” it is important to note that PREA regulations prohibit certain acts of specifically defined conduct by incarcerated persons and staff. Reported conduct that meets these definitions constitutes an allegation of sexual victimization while in custody.

The Survey of Sexual Victimization 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). The NJDOC has established definitions under PREA that are more comprehensive than those published by the DOJ. These definitions were the result of litigation as well as issues encountered during standard implementation.

Data is submitted to the Bureau of Justice Statistics (BJS) in the following year for the preceding calendar year. Pending cases listed below were pending as of close of business on December 31, 2024.

STATISTICS

During the calendar year of 2024, the NJDOC conducted investigations into 292 incarcerated person-on-incarcerated person allegations and 283 staff-on-incarcerated person allegations, for a total of 575 formal investigations. With an incarcerated person population of 12,978 in prison and residential community reintegration facilities (01/01/2024), this results in a rate of 44.30 formal investigations per 1,000 individuals. The percentage of allegations by population is 4.43%. Four cases were substantiated. The percentage of substantiated cases per PREA allegations is .69%.

Below are the statistics for reported allegations within NJDOC adult institutions in 2024, categorized by outcome:

Incarcerated Person on Incarcerated Person Nonconsensual Sexual Acts

| | 2020 | 2021 | 2022 | 2023 | 2024 |
|-----------------------|------|------|------|------|------|
| Substantiated | 1 | 1 | 1 | 0 | 0 |
| Unsubstantiated | 23 | 30 | 36 | 21 | 13 |
| Unfounded | 2 | 1 | 6 | 3 | 6 |
| Ongoing Investigation | 1 | 7 | 14 | 41 | 78 |
| TOTAL | 27 | 39 | 56 | 86 | 97 |

Incarcerated Person on Incarcerated Person Nonconsensual Sex Acts is defined as, contact of an incarcerated person by another incarcerated person without their consent, or by coercion, or contact of an incarcerated person who is unable to consent or refuse; and contact between the penis and vagina or the penis and anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

In 2023, the number of allegations for Incarcerated Person on Incarcerated Person Nonconsensual Sex Acts was 86.

In 2024, the number of allegations for Incarcerated Person on Incarcerated Person Nonconsensual Sex Acts was 97.

This equates to an **increase** of 12.79%.

Incarcerated Person on Incarcerated Person Abusive Sexual Contact

| | 2020 | 2021 | 2022 | 2023 | 2024 |
|-----------------------|------|------|------|------|------|
| Substantiated | 1 | 1 | 1 | 0 | 0 |
| Unsubstantiated | 32 | 29 | 26 | 17 | 10 |
| Unfounded | 3 | 1 | 5 | 6 | 3 |
| Ongoing Investigation | 1 | 9 | 14 | 21 | 58 |
| TOTAL | 37 | 40 | 46 | 23 | 71 |

Incarcerated Person on Incarcerated Person Abusive Sexual Contact is defined as, contact of an incarcerated person by another incarcerated person without his or her consent, or by coercion, or contact of an incarcerated person who is unable to consent or refuse and intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

In 2023, the number of allegations for Incarcerated Person on Incarcerated Person Abusive Sexual Contact was 23.

In 2024, the number of allegations for Incarcerated Person on Incarcerated Person Abusive Sexual Contact was 71.

This equates to an **increase** of 208.7%.

Incarcerated Person on Incarcerated Person Sexual Harassment

| | 2020 | 2021 | 2022 | 2023 | 2024 |
|-----------------------|-----------|-----------|------------|-----------|------------|
| Substantiated | 3 | 11 | 5 | 0 | 3 |
| Unsubstantiated | 51 | 59 | 91 | 36 | 42 |
| Unfounded | 5 | 6 | 5 | 2 | 5 |
| Ongoing Investigation | 3 | 9 | 7 | 37 | 74 |
| TOTAL | 62 | 85 | 108 | 75 | 124 |

Incarcerated Person on Incarcerated Person Sexual Harassment is defined as, repeated, and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an incarcerated person toward another incarcerated person. Department of Justice PREA Resource Center (FAQ dated June 3, 2015) states: ""Repeated," in the context of this provision, means more than one incident. Please note that the seriousness of the conduct should be taken into account in determining the appropriate commensurate response by the agency or facility. Serious misconduct along these lines, even if committed once, should still be addressed by the agency or facility."

In 2023, the number of allegations for Incarcerated Person on Incarcerated Person Sexual Harassment was 75.

In 2024, the number of allegations for Incarcerated Person on Incarcerated Person Sexual Harassment was 124.

This equates to an **increase** of 65.33%.

Staff on Incarcerated Person Sexual Misconduct

| | 2020 | 2021 | 2022 | 2023 | 2024 |
|-----------------------|-----------|------------|------------|------------|------------|
| Substantiated | 6 | 1 | 2 | 1 | 0 |
| Unsubstantiated | 61 | 90 | 149 | 45 | 24 |
| Unfounded | 9 | 19 | 41 | 37 | 20 |
| Ongoing Investigation | 7 | 12 | 30 | 119 | 179 |
| TOTAL | 83 | 122 | 222 | 202 | 223 |

Staff on Incarcerated Person Sexual Misconduct is defined as; threatened, coerced, attempted, or completed sexual contact, assault, or battery of an incarcerated person by staff. Staff is inclusive of employees, volunteers, and

independent contractors assigned to an institution, community correctional facility, conservation camp, parole, or headquarters. Pursuant to NJDOC's zero tolerance policy, all staff are held accountable for actions in violation of the policy. The legal concept of "consent" does not exist between staff and incarcerated person; any sexual behavior between them constitutes sexual misconduct and subjects the staff member to disciplinary action and/or criminal prosecution.

In 2023, the number of allegations for Staff on Incarcerated Person Sexual Misconduct was 202. In 2024, the number of allegations for Staff on Incarcerated Person Sexual Misconduct was 223. This equates to an **increase** of 10.40%.

Staff on Incarcerated Person Sexual Harassment

| | 2020 | 2021 | 2022 | 2023 | 2024 |
|-----------------------|------|------|------|------|------|
| Substantiated | 5 | 3 | 0 | 0 | 1 |
| Unsubstantiated | 112 | 51 | 114 | 67 | 23 |
| Unfounded | 7 | 5 | 8 | 8 | 6 |
| Ongoing Investigation | 5 | 3 | 26 | 79 | 30 |
| TOTAL | 129 | 62 | 148 | 154 | 60 |

Staff on Incarcerated Person Sexual Harassment is defined as, repeated verbal comments or gestures of a sexual nature to an incarcerated person 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 of Justice PREA Resource Center (FAQ dated June 3, 2015) states: "'Repeated,' in the context of this provision, means more than one incident. Please note that the seriousness of the conduct should be taken into account in determining the appropriate commensurate response by the agency or facility. Serious misconduct along these lines, even if committed once, should still be addressed by the agency or facility."

In 2023, the number of allegations for Staff on Incarcerated Person Sexual Harassment was 154. In 2024, the number of allegations for Staff on Incarcerated Person Sexual Harassment was 60. This equates to a **decrease** of 61.04%.

ANALYSIS AND CONTRIBUTING FACTORS

The 2024 data reflects both increases and decreases across categories of sexual abuse and sexual harassment. These shifts appear to be driven by operational improvements, expanded reporting mechanisms, increased training, and enhanced surveillance capabilities. The following analysis highlights the key factors influencing these trends.

1. INCREASED REPORTING OF INCARCERATED PERSON-ON-INCARCERATED PERSON SEXUAL VICTIMIZATION

Across all incarcerated person-on-incarcerated person categories—nonconsensual sexual acts, abusive sexual contact, and sexual harassment—NJDOC experienced notable increases. These rises do not necessarily indicate increased incidents of sexual abuse, but rather:

GREATER AWARENESS AND EDUCATION

- Updated PREA orientation materials, including revised videos with subtitles and multilingual access, have increased understanding of prohibited conduct and how to report it.
- Targeted educational initiatives for incarcerated persons reinforce early recognition of concerning behavior and reduce stigma around reporting.

IMPROVED ACCESS TO REPORTING

- Enhanced posting of reporting instructions, including multiple internal and external methods, has simplified the process.
- Increased trust in the investigative and review process encourages individuals to come forward sooner.

STRENGTHENED SURVEILLANCE AND DOCUMENTATION

- Expansion of video monitoring systems and broader deployment of body worn cameras (BWC) across more facilities promotes earlier intervention.
- Staff are identifying incidents at preliminary stages—capturing lower-level misconduct before escalation—which increases recorded allegations.

AUDIT AND COMPLIANCE IMPROVEMENTS

- The PREA Compliance Unit refined pre-audit and ongoing audit practices, focusing on areas identified in previous findings.
 - Institutional PREA Compliance Managers received enhanced training and guidance, leading to more consistent classification and documentation of incidents.
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2. SIGNIFICANT INCREASE IN INCARCERATED PERSON-ON-INCARCERATED PERSON ABUSIVE SEXUAL CONTACT ALLEGATIONS

The 208.7% increase in abusive sexual contact appears primarily driven by:

- **Clearer understanding of PREA definitions** among staff and incarcerated persons, distinguishing abusive contact from consensual or incidental contact.
- **Refreshed training materials** emphasizing the types of behaviors that must be reported, even when no penetration occurs.
- **Improved observation practices** by custody and civilian staff due to broader use of supervision tools and heightened attention around personal boundaries in shared spaces.

This rise is consistent with the Department's emphasis on identifying early, lower-level forms of sexually inappropriate behavior to prevent escalation.

3. INCREASE IN STAFF-ON-INCARCERATED PERSON SEXUAL MISCONDUCT ALLEGATIONS

Although the increase (+10.4%) may appear concerning, internal review suggests systemic improvements in reporting and monitoring rather than increased misconduct. Contributing factors include:

- **Increased willingness to report**, supported by advocacy education, protections against retaliation, and external reporting options.
 - **Greater scrutiny during non-audit years**, including the revised rolling audit process and pre-audit reviews that encourage institutions to report more thoroughly.
 - **Leadership emphasis on accountability**, reinforcing the message that all allegations—no matter how minor they seem—must be reported.
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4. SUBSTANTIAL DECREASE IN STAFF SEXUAL HARASSMENT ALLEGATIONS

The 61.04% decrease reflects meaningful progress in culture, compliance, and professional conduct. Key contributing factors include:

IMPROVED STAFF TRAINING AND CLARITY OF DEFINITIONS

- Revision of the annual PREA course clarified what constitutes staff sexual harassment, eliminating misclassification of routine interactions.
- Executive staff training reinforced proper application of the “preponderance of evidence” standard, improving decision-making consistency.

ENHANCED SUPERVISION AND EXPECTATIONS

- Clearer policies, reinforced through updated PREA compliance manuals, helped supervisors identify and address inappropriate language and behavior early.
- Leadership engagement and facility-wide emphasis on professional communication.

INCREASED USE OF CAMERAS AND BWC FOOTAGE

- Video confirmation reduced the number of questionable or unverifiable allegations.
- Staff awareness of increased monitoring may have contributed to improved adherence to policy.

5. INCREASE IN OVERALL ALLEGATIONS DESPITE DECLINING POPULATION

NJDOC experienced a **6.48% increase in total allegations** while the incarcerated population decreased by 218 individuals. This trend aligns with national best practices: effective PREA systems tend to produce **more reporting**, not fewer incidents, because:

- Barriers to reporting are reduced;
- Staff and incarcerated persons are better informed; and
- Comprehensive systems capture incidents that previously went unreported.

This pattern indicates improved detection and responsiveness rather than worsening conditions.

6. STRENGTHENED AGENCY-WIDE PREA INFRASTRUCTURE

The PREA Compliance Unit's enhanced support across all facilities contributed to more consistent reporting and increased detection. Notable improvements include:

- Revised desk manuals and standardized procedures for Institutional PREA Compliance Managers;
- Pre-audit processes emphasizing targeted standards;
- Multi-disciplinary review practices and improved after-action review structures;
- Increased collaboration with training, SID, operations, and facility leadership.

These system-wide improvements continue to drive both accuracy and transparency in reporting.

OVERALL

The 2024 PREA data reflects a maturing compliance system characterized by:

- Higher reporting rates where awareness and access improved;
- Decreases where training and accountability strengthened professional conduct;
- More consistent documentation across facilities; and
- Greater availability of evidence through expanded video technology.

The Department's investments in education, surveillance, accountability, and compliance infrastructure have created a safer and more transparent environment for all incarcerated persons.

HOW TO REPORT SEXUAL ABUSE/SEXUAL HARASSMENT AT NJDOC

Beginning at reception and throughout their incarceration, incarcerated persons are informed of the Department's Zero Tolerance for sexual abuse/sexual harassment and the methods used to report it. Incarcerated persons who are victims of sexual abuse/sexual harassment, or have knowledge of sexual abuse/sexual harassment or retaliation should immediately report the incident by using any of the following reporting methods:

FOR INCARCERATED PERSONS IN AN NJDOC FACILITY TO REPORT SEXUAL ABUSE/SEXUAL HARASSMENT AND RETALIATION:

- Report verbally or in writing to any NJDOC staff member, contractor or volunteer
- Incarcerated person Remedy System form/JPAY Incarcerated person Computer Kiosk
- Contacting the Institutional PREA Compliance Manager;
- Contacting the Special Investigations Division (SID) or by dialing *SID1# on the incarcerated person telephone system (Confidential Free Call)
- Ombudsperson's Number 1-555-555-5555 (Confidential Free Call)

FOR STAFF TO REPORT SEXUAL ABUSE/SEXUAL HARASSMENT AND RETALIATION:

All NJDOC staff are required to promptly document and immediately report to their supervisor any allegation of sexual abuse/sexual harassment and retaliation.

- Report to Immediate Supervisor
- Contacting the Institutional PREA Compliance Manager
- Contacting the Special Investigations Division by Telephone: (609)826-5617

FOR THIRD PARTIES TO REPORT SEXUAL ABUSE/SEXUAL HARASSMENT AND RETALIATION:

Family members, friends, attorneys, clergy or any other third party, including staff may make a report of sexual abuse/sexual harassment or retaliation on an incarcerated person's behalf by using any of the following methods:

- Contacting the Correctional Facility's Institutional PREA Compliance Manager
- Contacting the Special Investigations Division by Telephone: (609) 826-5617

REPORTING OF SEXUAL ABUSE/SEXUAL HARASSMENT AND RETALIATION TO THE OFFICE OF CORRECTIONS OMBUDSPERSON:

The Office of the Corrections Ombudsperson serves as an independent confidential external resource for incarcerated persons and any third parties to report incidents of sexual abuse, harassment, or retaliation. Reports to this office are confidential and are anonymous upon request. All allegations of incarcerated person sexual abuse, sexual harassment or retaliation are forwarded to the NJDOC for investigation.

Incarcerated persons can contact the Office of the Corrections Ombudsperson by completing an "Ombudsperson Incarcerated Person Request for Assistance Form" that is available at each correctional facility, writing directly, or calling the confidential, toll-free Incarcerated person Telephone System number. Mail directed to or from the Office of the Corrections Ombudsperson is classified "Legal, Confidential and Official."

Third parties, including staff, can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office's public telephone number.

Office of Corrections Ombudsperson Contact Information:

Office of Corrections Ombudsperson
PO Box 855
Trenton, NJ 08625

Incarcerated person Telephone System Number 1-555-555-5555 (Confidential/free call)

Public Reporting Number (609) 633-2596 (Confidential)
