

ANNUAL PRISON RAPE REPORT



BACKGROUND

The Prison Rape Elimination Act of 2003 (PREA) was established to address the problem of sexual abuse and sexual harassment of persons in the custody of Federal, State, and local institutions. Important provisions of PREA include the development of standards for prevention, detection, and response to sexual abuse, harassment, and retaliation against detainees or prisoners (arrestees).

The Montclair Police Department has a zero tolerance policy toward all forms of sexual abuse and sexual harassment. The Department does not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation. The Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse. Detainees and prisoners, including those with limited English proficiency, are notified of the Department's zero tolerance policy and methods by which reports can be made. The Montclair Police Department accepts all reports of sexual abuse, harassment, and retaliation against detainees or prisoners for reporting sexual abuse or harassment.

The Montclair Police Department's jail facility contains holding cells primarily for the purpose of temporary confinement of individuals who have been recently detained or arrested and are being transferred to another jail facility or agency.

ARRESTEE STATISTICS

There was no daily population average of arrestees, since arrestees are not housed overnight at the Montclair Police Department facility.

During 2013 – 2015, the following arrestees were processed at the Montclair Police Department jail facility on a citation release or transferred to another jail facility or agency:

2013 Statistics:

- 135 adult males
- 106 adult females
- 193 juvenile males
- 81 juvenile females

2014 Statistics:

- 163 adult males
- 125 adult females
- 105 juvenile males
- 64 juvenile females

2015 Statistics:

- 205 adult males
- 191 adult females
- 102 juvenile males
- 71 juvenile females

DEFINITIONS OF SEXUAL VIOLENCE

The definition of "rape" as required under the Prison Rape Elimination Act of 2003 will be operationalized by disaggregating sexual assault into two categories of inmate-on-inmate (arrestee-on-arrestee) SEXUAL VIOLENCE. These categories reflect uniform definitions formulated by the National Center for Injury Prevention and Control, in "Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements," Centers for Disease Control and Prevention. The categories of inmate-on-inmate SEXUAL VIOLENCE are:

Nonconsensual Sexual Acts

Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vagina or the penis and the 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 a hand, finger, or other object.

Abusive Sexual Contacts

Contact of any person without his or her consent, or of a 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.

During 2013 – 2015, there were no arrestee-on-arrestee reports of nonconsensual sexual acts, sexual harassment, or abusive sexual contacts in the Montclair Police Department jail facility.

STAFF SEXUAL MISCONDUCT AND HARASSMENT

Staff Sexual Misconduct

The definition of Staff Sexual Misconduct is based on "Training for Investigators of Staff Sexual Misconduct," prepared by the National Institute of Corrections. Staff Sexual Misconduct includes any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding inmate/arrestee family, friends, or other visitors). Sexual relationships of a romantic nature between staff and inmates/arrestees are included in this definition. Consensual or nonconsensual sexual acts including: intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire, or completed, attempted, threatened, or requested sexual acts, or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

Staff Sexual Harassment

The definition of Staff Sexual Harassment was developed by the National Institute of Corrections. Staff Sexual Harassment includes repeated verbal statements or comments of a sexual nature to an inmate/arrestee by an employee, volunteer, contractor, official visitor, or other agency representative (excluding inmate/arrestee family, friends, or other visitors). Demeaning references to gender or derogatory comments about body or clothing, or repeated profane or obscene language or gestures.

During 2013 – 2015, there were no reports of staff sexual misconduct or harassment towards any detainee or arrestee in the Montclair Police Department jail facility.

CONCLUSION

In accordance with the Prison Rape Elimination Act of 2003, the Montclair Police Department implemented Policy Section 904 to provide guidance in complying with the Act. A review of the policy, jail inspection reports, and a facility inspection showed there were no deficiencies or potential problem areas where corrective action was needed. The Department instituted approved training for all employees who may have contact with a detainee or prisoner (28 C.F.R. 115.131) to help employees prevent, detect, and respond to sexual abuse, harassment, and retaliation against detainees or prisoners. All applicable employees are currently trained and annual refresher training is conducted as required (28 C.F.R. 115.131).