

Sexual Abuse Annual Report 2022

Prison Rape Elimination Act (PREA) of 2003



Juvenile Justice and
Delinquency Prevention
NC DEPARTMENT OF PUBLIC SAFETY

Introduction

The overall mission of the Department of Public Safety (DPS) is to improve the quality of life for North Carolinians by reducing crime and to safeguard and preserve the lives and property of the people of North Carolina through prevention, protection and preparation with integrity and honor.

NCDPS employees within the Division of Juvenile Justice and Delinquency Prevention (JJDP) focus on at-risk youth and juvenile justice issues across the state. JJDP operates juvenile detention centers, which temporarily house youth alleged to have committed a delinquent act or to be a runaway. JJDP also operates youth development centers (YDCs), which are secure facilities that provide education and treatment services to prepare committed youth to successfully transition to a community setting.

The Prison Rape Elimination Act of 2003 (PREA) was enacted by Congress to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. The Act applies to all public and private institutions that house adult offenders, residents or juvenile offenders, and is also relevant to community-based agencies. The PREA National Standards were promulgated in August 2012. These standards established nationwide consistency in practices covering the areas of detection, prevention, reduction and punishment of prison rape in confinement facilities.

NCDPS is committed to a zero tolerance standard of any personal misconduct between employees and residents. We are committed to providing professional and appropriate services to our juvenile population and supporting staff in accomplishing these responsibilities. JJDP's mission is to promote public safety by the administration of a fair and humane system that provides reasonable opportunities for juveniles to develop progressively responsible behavior. PREA fits perfectly with that mission. Each employee is vital to the prevention and detection of offender/resident sexual abuse to protect offenders and safeguard our communities.

Pursuant to PREA National Standards §115.88, §115.288 and §115.388 data review for corrective action, the agency prepares an annual report of its findings and corrective actions for each facility. This report summarizes and compares the agency's accomplishments during the calendar year 2022.

Message from the Secretary



Sexual abuse and sexual harassment in confinement settings are unacceptable. The Prison Rape Elimination Act (PREA) of 2003 was enacted in recognition of the strong evidence that victims of sexual abuse suffer severe physical and psychological effects that may hinder their ability to reintegrate into the community upon their release and upon a strong belief that sexual safety is a human right and an essential condition of rehabilitation efforts.

The North Carolina Department of Public Safety (NCDPS) is committed to a zero tolerance standard by maintaining a program of prevention, detection, response, investigation, prosecution and tracking. As required by PREA National Standard §115.388, this annual report presents a summary of substantiated incidents of sexual abuse in confinement for the calendar year 2022 and the corrective actions taken by the Department in response. This report also provides an assessment of the Department's progress in addressing sexual abuse in the previous calendar year. Despite significant organizational changes in 2022 that saw our Division of Adult Correction become its own agency, our focus and commitment to sexual safety remain unchanged.

NCDPS prides itself on being proactive and focused on prevention to maintain the highest standards of correctional and rehabilitative treatment. The Department relies on stakeholders to assist in achieving its zero tolerance goal and welcomes community partnerships to further its efforts.

Sincerely,

A handwritten signature in blue ink that reads "Eddie M. Buffaloe Jr." The signature is written in a cursive style.

Eddie M. Buffaloe Jr.

Message from the Deputy Secretary for Juvenile Justice and Delinquency Prevention



The Division of Juvenile Justice and Delinquency Prevention (JJDP) is committed to the reduction and prevention of juvenile delinquency by effectively intervening, educating and treating youth to strengthen families and increase public safety. This includes case management services for vulnerable juveniles and juveniles on diversion, and the operation of juvenile detention centers for juveniles awaiting trial. Additionally, JJDP is responsible for the supervision of juveniles adjudicated delinquent and ordered to probation or committed to a youth development center. JJDP continues its endeavors in the prevention of sexual abuse and sexual harassment within the agency and proudly reports that we had no substantiated

allegations of sexual abuse or sexual harassment in 2022.

JJDP's mission is a seamless, equitable, comprehensive juvenile justice system that fully invests in the success of our employees and provides timely, age-appropriate services to youth and their families in need, in the most appropriate settings. The Prison Rape Elimination Act of 2003 fits with the core of our values, goals and beliefs. With PREA management realigning to focus on JJDP as the result of organizational changes with NCDPS, we are looking forward to further strengthening our program and tailoring it to the uniqueness of the juvenile justice system.

Every stakeholder is a crucial asset in assisting the division in the prevention of and response to juvenile sexual abuse and sexual harassment and maintaining the professional boundaries that aid in these efforts. The significance of this role can never be understated as the division continues its endeavors.

Sincerely,

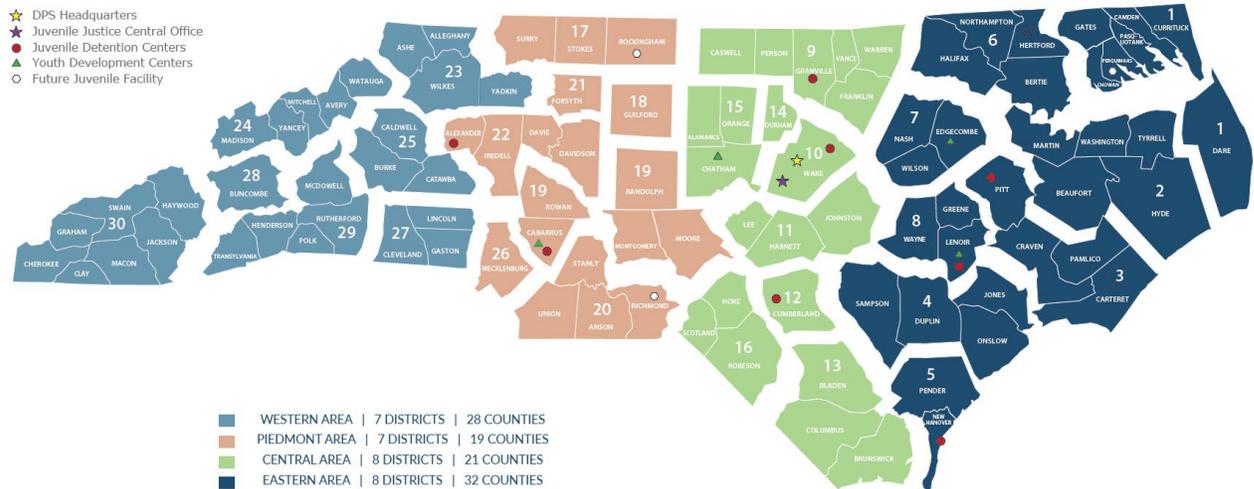
A handwritten signature in black ink that reads "William Lassiter".

William L. Lassiter

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Division Overview



Departmental Accomplishments

1. Established a PREA office within JJDP by hiring a PREA Manager and PREA Program Coordinator to coincide with the separation of Adult Correction from DPS into its own department.
2. Completed a statewide tour of facilities and residential programs to assess sexual safety and needs related to the PREA program, such as training and support.
3. Began systemic evaluation of existing training resources to identify the necessary updates and revisions consistent with a juvenile-centered program.
4. Developed a PREA Office SharePoint website to include all program materials and resources.

Definitions Related to Sexual Abuse and Sexual Harassment

Sexual Abuse

For purposes of this report and statistical data, sexual abuse includes:

1. Sexual abuse of an offender, detainee or resident by another offender, detainee or resident; and
2. Sexual abuse of an offender, detainee or resident by a staff member, contractor or volunteer.

Sexual abuse of a resident by another resident includes any of the following acts, if the victim does not consent, is coerced into such 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 the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of a resident by a staff member, contractor or volunteer includes any of the following acts, with or without consent of the resident:

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. 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.
4. 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.

5. 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.
6. Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described in items (1)-(5) of this section.
7. Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of an offender, detainee or resident, and;
8. Voyeurism by a staff member, contractor or volunteer. Voyeurism by a staff member, contractor or volunteer means an invasion of privacy of an offender, detainee or resident by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

Sexual Harassment

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive sexual nature by one resident directed toward another and;
2. Repeated verbal comments or gestures of a sexual nature to a 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.

Comparative Data

2022: The Department's Year in Review

In January 2023, the Division of Adult Correction separated from NCDPS. Due to this organizational change, this report contain data from JJDP, which remains a division of NCDPS. Please refer to the Department of Adult Corrections for data on adult prisons.

During the 2022 calendar year, NCDPS received a total of **three** resident sexual abuse and sexual harassment allegations. The following outlines the total number of incidents reported and the outcome of investigations in 2022.

2022					
Incident Type	Substantiated	Unsubstantiated	Unfounded	Ongoing	Total
Resident on Resident Sexual Abuse	0	1	0	0	1
Resident on Resident Sexual Harassment	0	1	0	0	1
Staff on Resident Sexual Abuse	0	0	1	0	1
Staff on Resident Sexual Harassment	0	0	0	0	0
Total Allegations Received	0	2	1	0	3

Table 1: 2022 Incident Reports and Outcomes thru Dec. 31, 2022.

New reports received from allegations in previous years may affect data collection.

2022 Juvenile Justice Facilities

Substantiated Sexual Abuse Cases with Corrective Actions

Juvenile Justice facilities had **zero** substantiated sexual abuse cases requiring corrective actions.

Comparison Charts for Years 2021-2022

Figure 1: Juvenile Justice Reported Allegations for Years 2021-2022

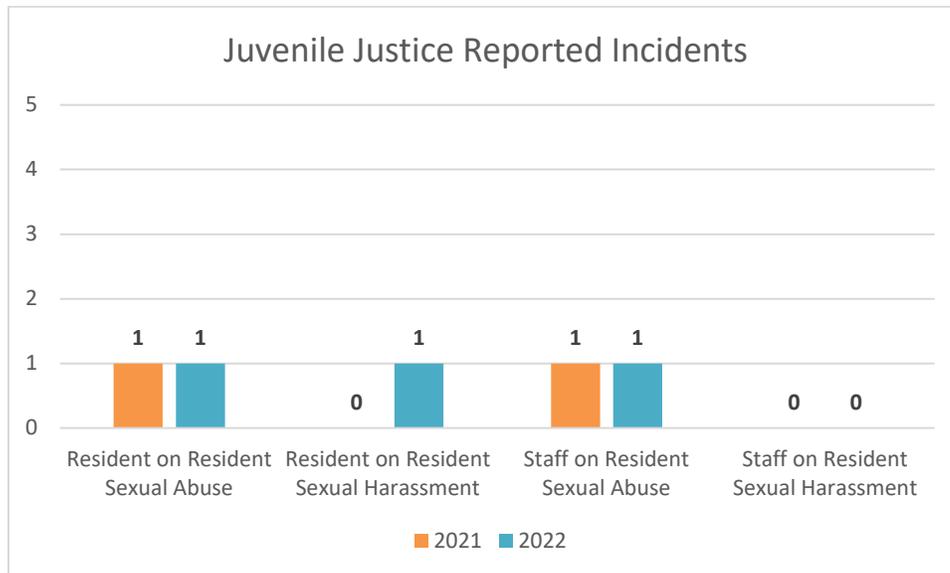


Figure 2: Juvenile Justice Substantiated Incidents for Years 2021-2022

	Resident on Resident Sexual Abuse	Resident on Resident Sexual Harassment	Staff on Resident Sexual Abuse	Staff on Resident Sexual Harassment	Resident on Resident Sexual Abuse
2021	0	0	0	0	0
2022	0	0	0	0	0

Audit Findings

The North Carolina Department of Public Safety conducted federal compliance audits during audit Cycle III. Findings from these audits and previous audits for audit Cycle I and Cycle II are available on the agency's website.

Conclusion

The 2022 annual report speaks to the culture of reporting and zero tolerance fostered by the N.C. Department of Public Safety. The Department remains committed to eliminating sexual abuse and sexual harassment through a program of prevention, detection, response, investigation and data collection and analysis.

The NCDPS is committed to thoroughly, objectively and promptly investigating every allegation reported. As a result of a comprehensive education and awareness program, bolstered by consistent response and investigative plans, the resident and offender populations are increasingly comfortable reporting allegations and incidents of sexual abuse and sexual harassment. Additionally, a strong training program for staff has resulted in a demonstrated improvement in the zero tolerance culture and investment in prevention, detection and response protocols.

The Department attributes the increase in allegations received to these improvements within confinement facilities. NCDPS is proud of its improvements in culture, of its policies and procedures, and of its dedication to the elimination of sexual abuse and sexual harassment in confinement.

For more information on this Annual Report, contact the PREA Office at:

North Carolina Department of Public Safety

JJDP PREA Office

4212 Mail Service Center
Raleigh, NC 27699-4212

Telephone: (919) 825- 6065

Website: www.ncdps.gov

Email: JJDP_PREA@ncdps.gov