



**State of New Jersey
Department of Corrections
Policy Statement**

**Policy Number
IMM.001.004**

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Policy Title:

**Zero Tolerance Policy:
Prison Sexual Assault**

Approved and Issued By: Gary M. Lanigan, Commissioner on September 11, 2013

Note: This document is provided electronically for informational purposes only. Should you require an official, signed copy for any reason, contact the APPM Unit.

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| Effective Date: April 21, 2008 | Revised: July 1, 2013 Reviewed: July 2015 – No Change | Enabling Authority: N.J.S.A. 30:1B-6 Related Authority: N.J.A.C. 10A:4-4.1, 10A 4-4.2, 10A:4-5.1, 10A 4-12.2b ,and 10A:31-14.2b, Federal Prison Rape Elimination Act of 2003 (PREA) at 42 U.S.C. § 15601, et seq. |
| Promulgating Office: Office of the Commissioner New Jersey Department of Corrections | | Professional Association Standard cited: |
| Applicability: This policy statement applies to all organizational units and inmates under the jurisdiction of the New Jersey Department of Corrections. | | |
| Supersedes: N/A | | |
| Instructions: All affected organizational unit managers within the New Jersey Department of Corrections shall be responsible for developing written operational unit level III internal management procedures consistent with this policy. | | |
| Review Schedule: This document is scheduled for annual review on or about June 30, 2016. | | |

I. PURPOSE

The purpose of this policy is to establish the New Jersey Department of Corrections Policy regarding the incidence of sexual assault/rape while in prison. Inmates who violate this policy shall be subject to prohibited act *.050, Sexual Assault and a finding of guilt shall result in the most severe sanctions (see N.J.A.C. 10A:4-4.1, and 5.1).

II. DEFINITIONS

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

Disciplinary sanction means a prescribed penalty that is imposed for a finding of guilt to a violation of a prohibited act.

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HIV means the Human Immunodeficiency Virus.

Inmate means a person who has been convicted of a crime, sentenced and placed under the jurisdiction of the Commissioner of the NJDOC

New Jersey Department of Corrections or NJDOC means that agency of 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 the State correctional facilities.

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

Prohibited act means conduct in violation of rules and regulations, which will result in the imposition of sanctions.

Zero Tolerance for Prison Sexual Assault Policy means a zero tolerance for the incidence of prison sexual assault/rape.

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 for the incidence of sexual assault/rape of offenders. 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. To oversee this review, present recommendations and enact policy, a Sexual Assault Advisory Council and an agency PREA Coordinator have been designated.

Additionally, in accordance with PREA, the NJDOC shall strive to reduce of the spread of sexually transmitted diseases, hepatitis B and C, HIV/AIDS and other diseases, reduce the rate of post-traumatic stress disorder, depression, suicide and the exacerbation of existing mental illness and reduce the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

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IV. PROCEDURES

- A. To achieve the goals of this policy, any inmate found guilty of sexual assault shall be subject to prohibited act *.050, Sexual Assault and a finding of guilt shall result in the most severe sanctions (see N.J.A.C. 10A:4-4.1).
- B. Additionally, pursuant to N.J.A.C. 10A:4-4.2, all prohibited acts that may constitute crimes of the first (including aggravated sexual assault), second (including sexual assault), third or fourth degree under the Criminal Code of the State of New Jersey (N.J.S.A. 2C:1-1 et seq.) shall be referred to the prosecutor of the county in which the correctional facility is located.
- C. Specific procedures regarding prevention, offender reporting, staff reporting and security can be found in Level 1 IMP IMM.001.PSA.001 Zero Tolerance of Prison Sexual Assault.

V. CROSS REFERENCE DOCUMENTS

| Document/Policy Number | Title | Effective/ Revision Date |
|------------------------|------------------------------------------------------------------------------------|--------------------------|
| PCS.001.005 | Sexual Assault/Prison Rape Elimination Act (PREA): Sexual Assault Advisory Council | Revised July 1, 2013 |
| PCS.001.PREA.001 | Sexual Assault Advisory Council Procedures | Revised July 1, 2013 |
| IMM.001.PSA.001 | Zero Tolerance of Prison Sexual Assault | July 1, 2013 |
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VI. APPLICABLE FORMS

| Form Number | Form Title | Effective/ Revision Date |
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