



Delaware Division of Youth Rehabilitative Services

Prison Rape Elimination Act

2020 Annual Report

The Division of Youth Rehabilitative Services (DYRS) is the lead juvenile justice agency serving youth ordered to our care through the judicial system. DYRS is responsible for assessing the needs of youth and collaborating with their families, school, and support systems to coordinate services aimed at addressing the factors that contributed to delinquency. DYRS offers supervision and services through Civil Citation, Community Services, Detention Services, Residential Alternatives to Detention, and Secure Care Treatment. The goal of all our programs is to reduce recidivism and promote positive outcomes.

Renee Ciconte, Division Director

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<https://kids.delaware.gov/yrs/yrs.shtml>

In 2003 the Federal government signed into law the Prison Rape Elimination Act (PREA) to combat the growing problem of sexual abuse and harassment within confinement facilities. On August 20, 2012, a set of standards were adopted that require Federal, State, and local government facilities to prevent, address, and respond to sexual abuse and harassment claims made by residents. The Delaware Division of Youth Rehabilitative Services (DYRS) has a zero-tolerance policy for all acts of sexual abuse and harassment. The Division is committed to maintain full compliance with the requirements of PREA and, most importantly, provide a safe and secure environment for youth.

DYRS has developed policy and procedures for staff to enhance understanding of the PREA standards. All DYRS staff are trained on how to report an incident, coordinate response duties and investigations, and how to access victim services. Youth also receive PREA orientation and training. The training describes the zero-tolerance policy of DYRS and how youth should report a PREA incident. When an incident is reported within a DYRS facility, the report is brought to the Director's office from the Superintendent to provide immediate and appropriate administrative responsiveness. When a youth in a DYRS facility reports an incident that took place in another facility, the administrator of the current facility will notify the appropriate office of the agency where the alleged incident occurred.

Incidents reported to the Bureau of Justice Statistics (BJS) annually are categorized and defined in the following areas:

- **Youth on Youth Sexual Victimization**

Sexual abuse is disaggregated into three (3) categories of Youth on Youth Sexual Victimization. These categories are:

- **Nonconsensual Sexual Acts:** sexual 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 vulva or the penis and the anus, including penetration, however slight, **OR**

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.
- **Abusive Sexual Contact:** sexual 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, breast, inner thigh, or buttocks of any person.

EXCLUDE incidents in which the contact was incidental to a physical altercation.
- **Sexual Harassment:** Repeated and unwelcome sexual advances, requests, for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

- **Staff on Youth Sexual Abuse**

Sexual abuse is disaggregated into two (2) categories of Staff on Youth Sexual Abuse. These categories are:

- **Staff Sexual Misconduct:** Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor, or another agency representative (exclude family, friend, or other visitors).

Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual 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, **OR**

Completed, attempted, threatened, or requested sexual acts, **OR**

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 comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include:

Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; **OR**

Repeated profane or obscene language or gestures.

The Bureau of Justice Statistics defines outcomes of investigations as:

- **Substantiated allegation** means the event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).
- **Unfounded allegation** means the investigation determined that the event did not occur.
- **Unsubstantiated allegation** means the investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Calendar Year 2020 Reported PREA Incidents

This report analyzed DYRS PREA data for calendar year 2020. This report also compares data from calendar years 2017, 2018, 2019.

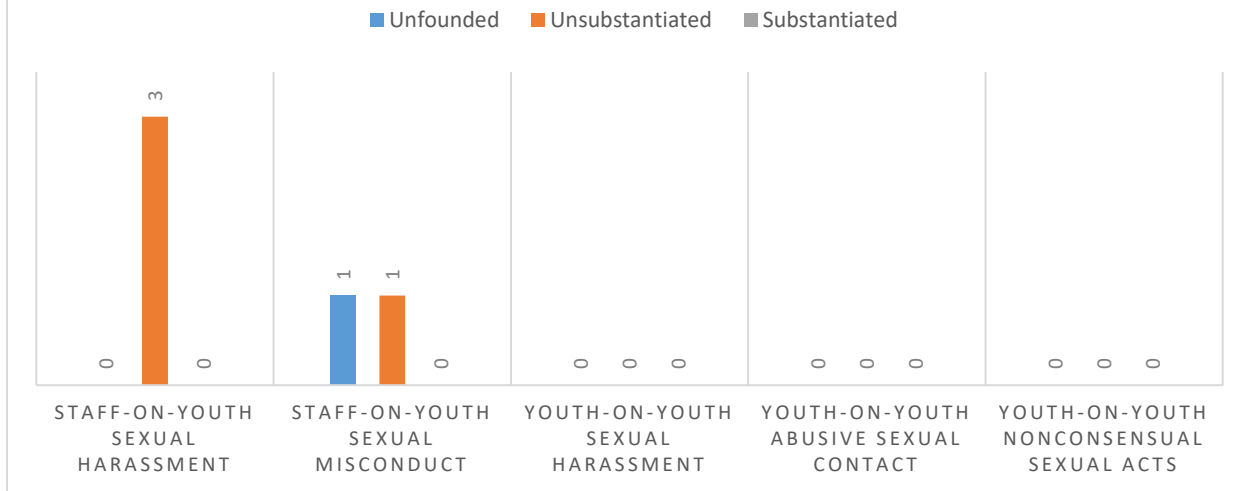
DYRS Operated Facilities:

Every reportable event, whether PREA related or not, is reviewed by the facility Superintendent, Quality Assurance Unit, Management Analyst, Division Deputy Director and Division Director. Incidents that involve alleged child abuse in the facility are reported to the Child Abuse Hotline and screened for investigation by the Department's Institutional Abuse Unit (IAU). The institutional abuse unit may complete a joint investigation with the police for all allegations that involve potentially criminal behavior. Institutional abuse investigates all matters involving staff actions that may not be potentially criminal behavior, but still violates PREA. Any allegation that is not investigated by the institutional abuse unit or the police, are administratively investigated by the facility's PREA investigators. All substantiated and unsubstantiated investigations are reviewed by an incident review team to determine if there might be problems in policies, procedures, group dynamics, physical barriers, staffing levels, or monitoring. In CY-2020, there were five (5) incidents reported from Delaware's state-run facilities out of 695 youth who were served: Three (3) Staff on Youth Staff Sexual Harassment, and two (2) Staff on Youth Staff Sexual Misconduct. Four (4) incidents were found to be Unsubstantiated and one (1) incident was Unfounded.

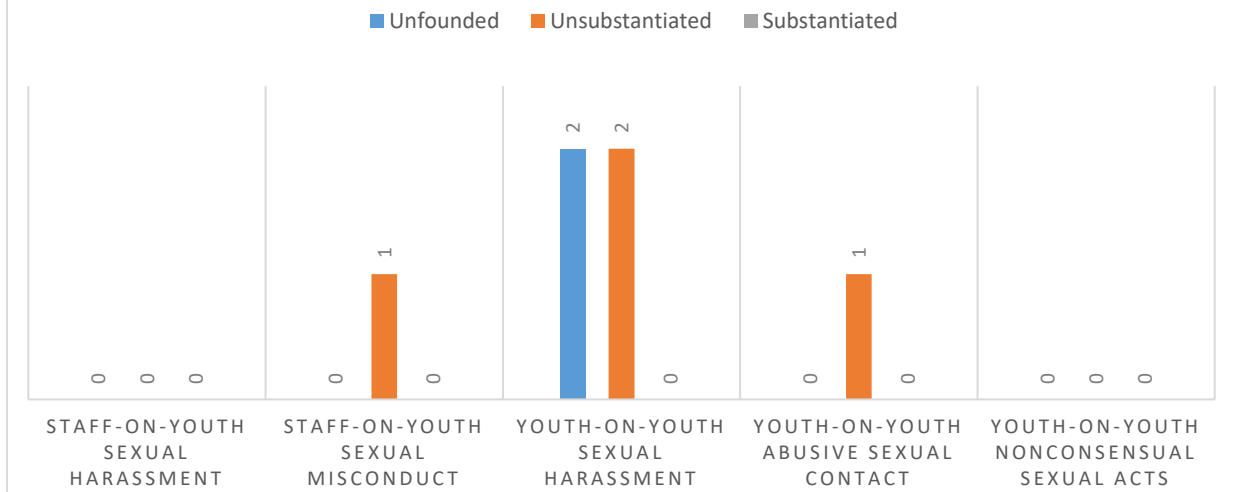
List of DYRS Operated Facilities and incident location:

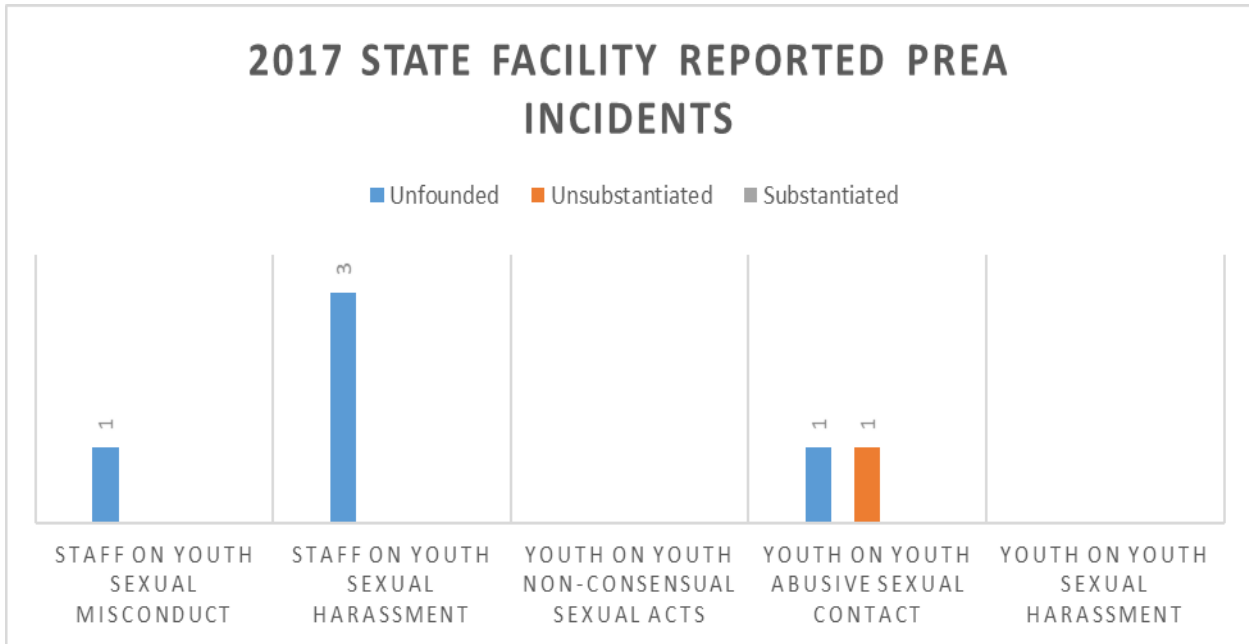
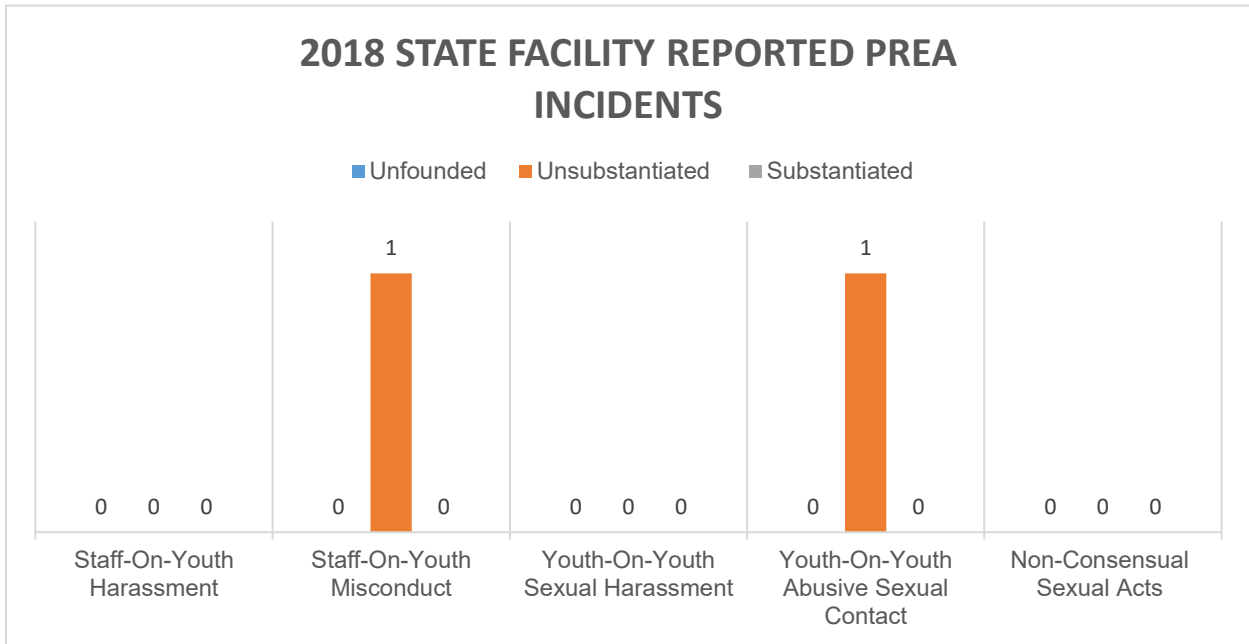
- New Castle County Detention Center (NCCDC) - 1
- Stevenson House Detention Center (SHDC) - 0
- Ferris School - 1
- Mowlds Cottage - 1
- Grace Cottage - 2
- Snowden Cottage - 0

2020 STATE FACILITY REPORTED PREA INCIDENTS



2019 STATE FACILITY REPORTED PREA INCIDENTS





Calendar Year 2020 Reported PREA Incidents in Contracted Residential Facilities

Contracted Residential Facilities:

Reportable events that involve a Delaware youth are investigated by the provider's investigative procedures, and if applicable, the governmental agency that would investigate child abuse (county, township, state, etc.). Any event that involves a DYRS youth is documented and communicated to the DYRS probation officer and the Department's Contracts Unit. The listed providers are those who have a population of 51% or more of juvenile justice youth. In CY-2020 there were no incidences reported.

List of Contracted Residential Facilities and incident location:

- Community Specialists Corp., New Outlook Academy
- Cornell Abrazas Group, Inc.
- Detroit Behavioral Institute, Capstone Academy
- Diversified Treatment Alternative Center
- George Junior Republic
- Keystone Cantinuum, LLC dba Natchez Trace Youth Academy
- Kidspeace National Centers:
- Lakeside Academy
- Summit School, Inc.
- White Deer Run, Cove Prep
- VisionQuest Standing Timbers Academy
- VisionQuest Residential Alternatives to Detention (RAD)

DYRS remains committed to provide safety and well-being to all youth served by the Division. DYRS will continue to educate youth, train staff, modify operating policies and procedures, and make upgrades to facilities to support the prevention, detection, reporting and investigating of all forms of sexual abuse.

Renee Ciconte

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