

MEMORANDUM

TO: Tony Parker, Commissioner

FROM: Thomas Joplin, TDOC PREA Coordinator 

DATE: August 17, 2016

SUBJECT: PREA FY 2015-2016 Annual Report

General Information

The Prison Rape Elimination Act (PREA) was established in 2003 by then President George W. Bush. The act mandated the Department of Justice to establish standards to eliminate prison rape which includes all correction settings. The goal of the PREA is to eliminate sexual abuse and sexual harassment of those incarcerated. The PREA standards were published in May of 2012. The standards require all prisons, local jails, juvenile detention facilities, police lockups, and community confinement facilities to adhere to the provisions set forth by the PREA Act.

The PREA standards require an annual report be made readily available to the public and at a minimum requires the report to include progress in addressing sexual abuse, data, data comparison and corrective actions.

Progress

During Federal Fiscal Year (FFY) 2013-2014 the Tennessee Department of Correction (TDOC) had three PREA compliance audits conducted. Audits were conducted at RMSI, SPND, and TPW and they were certified compliant in May 2015. In FFY 2014-2015 there were three PREA compliance audits conducted. The audited facilities were MCCX, TCIX and NECX, all were in compliance. During FFY 2015-2016 the TDOC facilities MLRC, NWCX, BCCX and WTSP had their PREA compliance audits. Again all were certified compliant.

The four CCA contract facilities, HCCF, WCFA, SCCF, and TTCC are also required to accomplish PREA compliance. HCCF and WCFA have had there audits and are certified compliant. SCCF has their audit scheduled for August 2016 and TTCC is not required to have an audit until they have been open at least a year.

Full compliance of all TDOC and CCA facilities is expected to be accomplished by August 2016, as required by the PREA Act.

While they are not under the operational control of the TDOC, other facilities that house our inmates are also required to be certified PREA compliant by August 2016. These facilities include the four Community Corrections facilities, HHSE, The Next Door, Project Whatever It Takes (PWIT) and Cocaine Alcohol Awareness Program (CAAP) and the twenty-eight county facilities that house TDOC inmates.

PREA Allegations

During FY 2015-2016 there were 372 allegations entered on the PREA Allegation System (PAS). Of that, 153 were Inmate-on-Inmate (IOI) and 219 were Staff-on-Inmate (SOI). Of the 83 Inmate on Inmate Sexual Abuse allegations, two were substantiated, both occurred at HCCF. There were 107 Staff on Inmate Sexual Abuse allegations of which six were substantiated, one each at BCCX, MLRC, SCCF, SPND, TPW and WTSP. Of the 70 Inmate on Inmate Sexual Harassment allegation only was one substantiated. There were 112 Staff on Inmate Sexual Harassment allegations and five were substantiated.

Attached to this report are four charts. Chart one list the Allegations by Institution for FY 2015-2016. Allegations ranged from a high of eighty-four to a low of four. Chart two, Institution Allegations, FY 2014 to FY 2016, compares the last two fiscal year allegations to this fiscal year allegations. Chart three, Statewide Number of Allegations by Type, FY 2015-2016, depicts the types of allegation and the number substantiated. Chart four, Percentages of Allegations by Type, FY 2015-2016, depicts the percentages of allegations of Sexual Abuse and Sexual Harassment by IOI and SOI and the number substantiated.

FY 2014-2015 allegations for Inmate on Inmate totaled 139, with 81 being Sexual Abuse and 58 Sexual Harassment. There was one substantiated case of Inmate on Inmate-Sexual Abuse and five substantiated cases of Inmate on Inmate-Sexual harassment. Staff on Inmate allegations totaled 218, with 108 allegations of Sexual Abuse and 110 cases of Sexual Harassment. There were two substantiated allegations in each of these areas for that fiscal year.

Observations

Inmate on Inmate unsubstantiated allegations normally fall into the "he said-he said" category, without sufficient evidence to make a true determination. Unfounded allegations were usually attempts to get a cell partner in trouble or at least moved to another unit. Staff on Inmate allegations of Sexual Abuse/Sexual Harassment were attempts by inmates to get staff moved out of housing units or programs areas or to get the staff into trouble with their superiors.

Substantiated allegations continue to be dealt with through disciplinary means for inmates and through criminal prosecution for staff.

During this FY there were 3 inmates that filed a total of 37 PREA allegations. One inmate filed 22 allegations of which 19 were unfounded and 3 were unsubstantiated. This inmate was charged with Conspiracy to Violate State Law. Another inmate filed 10 PREA allegations, all unfounded and the last inmate filed 5 PREA allegations, again all unfounded.

The Sexual Assault Response Team (SART) continues to conduct a PREA walk through on a monthly basis to identify and eliminate blind spots and PREA hazards. The SART and Investigators thoroughly investigate all allegations to determine if an allegation is substantiated, unsubstantiated, or unfounded. They base their findings on the available evidence and document their findings accordingly.

Corrective Action

The PREA standard 115.86 requires an incident review of each alleged sexual abuse incident unless the incident was unfounded. This review must consist of the following individuals; line supervision, upper-management, medical/mental health care and investigator. The team recommends corrective action after reviewing the incident and monitors to ensure compliance with their recommendations. Recommendations were made for additional cameras, blind-spot mirrors, and in some cases additional supervision of the inmates or area(s).

Staff and inmate education is an important factor in the prevention, detection, and response to all allegations of sexual abuse or sexual harassment. Continuing education will keep our staff and inmates aware and alert to our zero tolerance policy and the actions we will take to protect them all.

Future Audits

PREA compliance is a continuing requirement. The Department of Justice requires us to have one-third of our facilities PREA audited during a Federal Fiscal Year. This FY we will have three PREA audits, RMSI, SPND, and TPW. Next FY we will have MCCX, TCIX, NECX, and MLRC PREA audited. The following FY we will have NWCX, BCCX and all of WTSP PREA audited. Our audits will continue and I expect no issues with compliance from any of our facilities.

If you have any questions, please let me know.

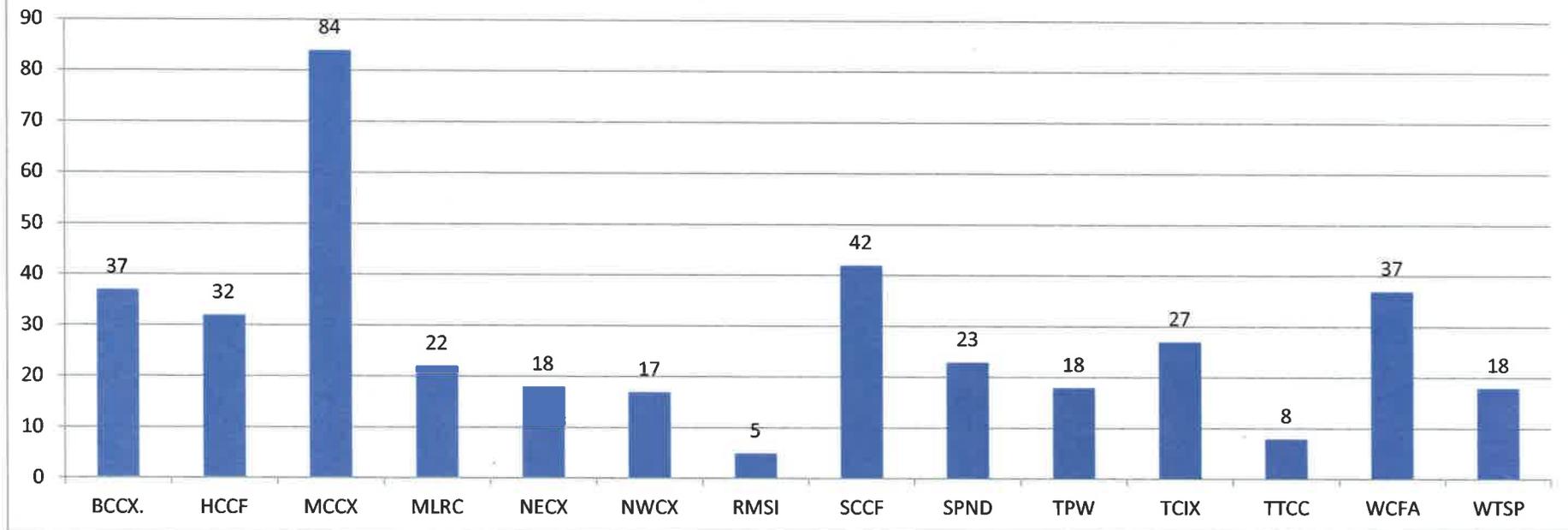
Pc Chuck Taylor
 Jason Woodall
 Emily Gibson
 Dr. Marina Cadreche
 Bobby Slaughter
 John Fisher
 Tony Howerton
 David Sexton
 Tim Oliver
 Cindy Dunning

Approved



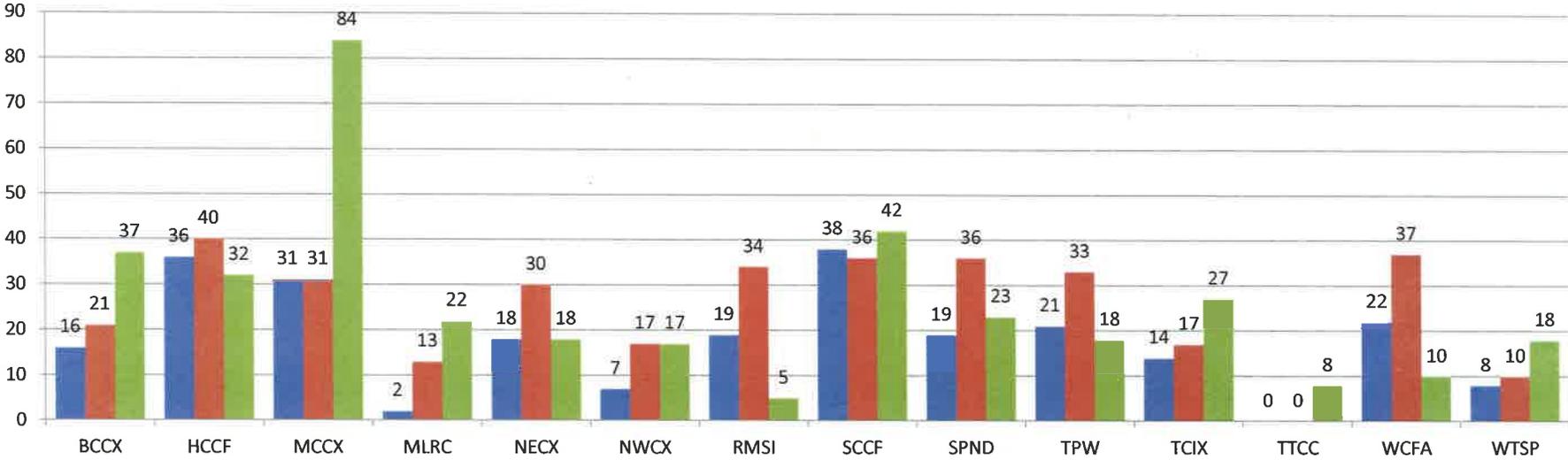
Tony Parker, Commissioner

Allegations by Institution FY 2015-2016

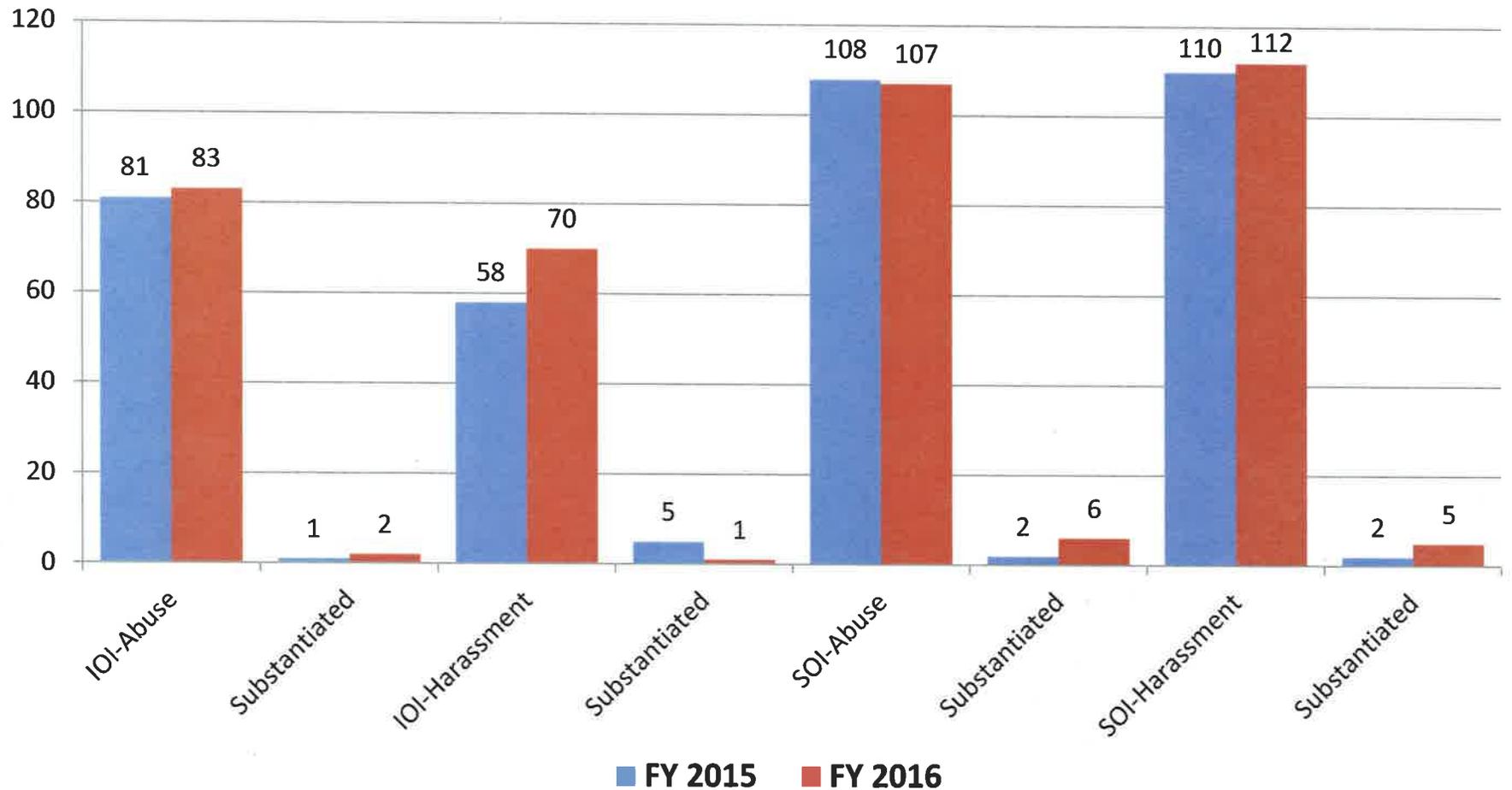


Institution Allegations FY 2014, FY2015 and FY 2016

■ FY 2014
■ FY 2015
■ FY 2016



Number of Allegations by Type FY2015 & FY2016



Percentage of Allegations by Type FY 2015-2016

