



ADMINISTRATIVE POLICIES  
AND PROCEDURES  
State of Tennessee  
Department of Correction

Index 502.06

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Effective Date: June 15, 2018

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Approved by: Tony Parker

Subject: PRISON RAPE ELIMINATION ACT (PREA) IMPLEMENTATION, EDUCATION, AND COMPLIANCE

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 39-13-501, TCA 39-13-503, TCA 39-16-408, TCA 40-39-202, Title 28 CFR Part 115, and the Prison Rape Elimination Act of 2003, 42 USC 15601 through 15609 (PREA).
- II. PURPOSE: To prevent sexual abuse of inmates under the jurisdiction of the Tennessee Department of Correction (TDOC).
- III. APPLICATION: All TDOC staff, inmates, other employees as defined within this policy, and privately managed institutions.
- IV. DEFINITIONS:
  - A. Employee: For the purpose of this policy, any full-time or part-time staff member, TRICOR employee, volunteer, vendor, intern, contractor, or employee of a contractor.
  - B. Facility/Site PREA Coordinator (FPC): Associate Wardens of Treatment/Deputy Superintendent at TDOC institutions and Assistant Wardens of Programs at privately managed institutions who coordinate local PREA programming activities and reporting requirements and oversees the functions of the PREA Compliance Manager.
  - C. Sexual Aggressor: Any inmate within TDOC custody who has been identified, utilizing the PREA Screening System Application as an individual who is at high risk of being sexually abusive.
  - D. Sexual Victim: Any inmate within TDOC custody who has been identified, utilizing the PREA Screening System Application as an individual who is at high risk of being sexually victimized.
  - E. Prison Rape Elimination Act (PREA): Federal legislation which was enacted and signed by President George W. Bush in 2003 to prevent, detect, and respond to prison rapes, sexual assaults, and sexual harassment within the United States.
  - F. PREA Compliance Manager (PCM): Employee appointed by the facility PREA coordinator to ensure the facility's compliance with PREA.
  - G. PREA-Free Walk: A walk (inspection) conducted by the on-site PREA compliance manager on a monthly basis at TDOC confinement locations.
  - H. PREA Screening System Application: Computer application located on the TDOC intranet that is used to screen inmates upon intake and transfer for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.

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- I. Sexual Abuse: Encompasses inmate-on-inmate sexual abuse; inmate-on-inmate sexual harassment; staff-on-inmate sexual abuse; and staff-on-inmate sexual harassment.
1. Inmate-on-inmate sexual abuse: Encompasses all incidents of inmate-on-inmate sexually abusive contact and inmate-on-inmate sexually abusive penetration.
  2. Inmate-on-inmate sexually abusive contact: Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexual contact by threats of violence, or of an inmate who is unable to consent or refuse.
  3. Inmate-on-inmate sexually abusive penetration: Penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexually abusive penetration by threats of violence, or of an inmate who is unable to consent or refuse. The sexual acts included are:
    - a. Contact between the penis and the vagina or the anus;
    - b. Contact between the mouth and the penis, vagina, or anus; or
    - c. Penetration of the anal or genital opening of another person by a hand, finger, or other object.
  4. Inmate-on-inmate sexual harassment: Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one inmate directed towards another inmate.
  5. Staff-on-inmate sexual abuse: Encompasses all occurrences of staff-on-inmate sexually abusive contact, staff-on-inmate sexually abusive penetration, staff-on-inmate indecent exposure, and staff-on-inmate voyeurism. Staff solicitations of inmates to engage in sexual contact or penetration constitute attempted staff-on-inmate sexual abuse.
  6. Staff-on-inmate sexually abusive contact: Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member of an inmate with or without the latter's consent that is unrelated to official duties.
  7. Staff-on-inmate sexually abusive penetration: Penetration by a staff member of an inmate with or without the latter's consent. The sexual acts included are:
    - a. Contact between the penis and the vagina or the anus;
    - b. Contact between the mouth and the penis, vagina, or anus; or
    - c. Penetration of the anal or genital opening of another person by a hand, finger, or other object.
  8. Staff-on-inmate indecent exposure: The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.

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9. Staff-on-inmate voyeurism: An invasion of an inmate's privacy by an employee for reasons unrelated to official duties or when otherwise not necessary for safety and security reason, such as peering at an inmate who is using a toilet in his or her cell; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions and distributing or publishing them.
  10. Staff-on-inmate sexual harassment: Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- J. TDOC PREA Coordinator: Employee designated by the Commissioner to oversee, develop, implement, and monitor the Department's PREA programming and reporting responsibilities.
- V. POLICY: It is the policy of the TDOC to provide a safe, humane, and appropriately secure environment, free from threat of sexual abuse and sexual harassment for all inmates, by maintaining a program of prevention, detection, response, investigation, and tracking of all alleged and substantiated sexual assaults and sexual harassment. TDOC has zero tolerance for incidences of sexual abuse and sexual harassment within its facilities.
- VI. PROCEDURES:
- A. The TDOC shall have an absolute zero tolerance towards sexual acts between staff and inmates as well as between inmates. There are no consensual sexual acts in a custodial or supervisory relationship or consensual sexual contact between inmates. Any sexual abuse or sexual harassment between employees and inmates is inconsistent with the professional, ethical principles, and policies of the TDOC. All allegations of sexual abuse/sexual harassment will be reported and investigated.
  - B. The Commissioner shall appoint a TDOC PREA Coordinator who will be responsible for implementing, developing, overseeing, and monitoring the Department's PREA activities, policy development and training,
  - C. The Facility PREA Coordinator (Associate Warden of Treatment/Deputy Superintendent) shall appoint an on-site PREA Compliance Manager (PCM) who will ensure the facility's compliance with PREA standards. The PCM shall keep the facility PREA coordinator apprised on a monthly basis as to the facility's compliance status using the Inspection Team Worksheet, CR-3821.
  - D. Inmate Orientation and Education:
    1. All inmates entering the TDOC system shall receive verbal and written information concerning sexual abuse within 24 hours of intake at the diagnostic centers. (See Policy #404.05)
    2. All contractors housing offenders shall have written policy and procedures providing for orientation and education; these policy and procedures require the approval of the TDOC.
    3. Each facility shall take appropriate steps to ensure that inmates with disabilities (including, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

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4. Facility staff shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skill, or who are blind or have low vision.
  5. Staff shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances such as when an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-responder duties or the investigation of the inmate's allegation. Contact Note LCDG shall be posted identifying the name of the assistor and their organization.
  6. Facility staff shall take reasonable steps to ensure meaningful access to all aspects of TDOC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- E. The screening of inmates for sexual aggressiveness, sexual victimization, and any eventual actual identification as an aggressor or victim shall be conducted in accordance with Policy #502.06.1 and the Department's classification processes.
  - F. Monitoring of sexual abuse or sexual harassment against inmates and residents shall be conducted in accordance with Policy #502.06.1
  - G. All allegations of sexual abuse and sexual harassment shall be investigated in accordance with Policy #502.06.2.
  - H. Each facility shall develop a staffing pattern that provides for the adequate levels of staffing and monitoring to protect inmates against sexual abuse. By July 1<sup>st</sup> of each calendar year each facility shall assess, determine, and document whether adjustments are needed to the facility staffing plan. This review will follow the guidelines of PREA Standard 115.13 (a), (b), and (c). This review shall be completed on the PREA Annual Staffing Review, CR-3964.
  - I. Each PREA site coordinator and/or PREA Compliance Manager shall ensure that an unannounced PREA-free walk (inspection) is conducted on a monthly basis in accordance with PREA Inspection Team Worksheet, CR-3821. This inspection shall be conducted to identify and deter sexual abuse and sexual harassment. By the 15<sup>th</sup> of each month, the Warden/Superintendent/Designee shall submit the facility's previous month's PREA Inspection to the Assistant Commissioner of Prisons. The Assistant Commissioner of Prisons/designee shall compile all of the facility reports and forward to each Assistant Commissioner, Deputy Commissioner, Statewide PREA Coordinator, and Director of Decision Support: Research and Planning for review.
  - J. Staff, Security Shift Corporal and above, Unit Managers, and/or Administration Duty Officer, shall conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment. The unit/program area Log Book shall be annotated with Unannounced PREA Inspection/Security Check when signing into the unit/program area. This documentation shall be made in red ink only. Any staff member alerting other staff members that these unannounced rounds are occurring will be subject to appropriate disciplinary action.
  - K. Employee Training:

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1. The Tennessee Correction Academy (TCA) will be responsible for the development and distribution of the course lesson plans annually. All lesson plans or materials utilized for pre-service and in-service training on inmate sexual abuse and sexual harassment shall be approved by TDOC PREA Coordinator and TDOC General Counsel. At a minimum the training shall cover:
    - a. TDOC policy on zero tolerance for sexual abuse and/or sexual harassment
    - b. Staff responsibilities under TDOC policies on sexual abuse and sexual harassment, prevention, detection, reporting, and response.
    - c. Inmates' rights to be free from sexual abuse and sexual harassment
    - d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment
    - e. The dynamics of sexual abuse and sexual harassment in confinement
    - f. The common reactions of sexual abuse and sexual harassment victims
    - g. How to detect and respond to signs of threatened, suspected, or reported sexual abuse
    - h. How to avoid inappropriate relationships with inmates
    - i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates
    - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
  2. Security staff shall be trained on how to conduct cross-gender frisk searches and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. No inmate shall be searched solely for the purpose of determining gender status or condition, such as intersex, transgender.
  3. Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses female inmates, or vice versa.
  4. The Tennessee Correction Academy and facilities shall document through signature that employees understand the training they have received using Employee PREA Training Acknowledgement, CR-3965.
- L. Volunteer and Contractor Training: Each facility shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under TDOC's sexual abuse and sexual harassment prevention, detection and response policies and procedures. Volunteers shall receive their PREA training in accordance with Policy #115.01. Training acknowledgement for volunteers and contractors shall be documented through signature, on CR-3965, noting that they understand the training received.

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- M. Specialized Training, Medical and Mental Health Staff: All full and part-time medical and mental health care practitioners who work regularly in the facility shall be trained in:
- a. How to detect and assess signs of sexual abuse and sexual harassment
  - b. How to preserve physical evidence of sexual abuse
  - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment
  - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment
  - e. This training shall be documented on the TDOC Training Roster, CR-2245, and copies provided to the facility training specialist.
- N. Employees of privately managed facilities shall receive PREA training as part of the pre-service and in-service training requirements established by the Contractor and approved by TDOC.
- O. The Director of Contracts Administration shall ensure that all new TDOC contracts or contract renewals include language requiring compliance with the PREA standards.
- P. Monitoring for PREA shall be conducted using the appropriate audit instrument(s) during the annual compliance audit. The audit instrument(s) shall be developed in conjunction with the TDOC PREA Coordinator to ensure contract vendor compliance with PREA standards.
- Q. Staff shall collect accurate uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. TDOC shall aggregate the incident-based sexual abuse data at least annually. This report shall be prepared by the Decision Support: Research and Planning staff utilizing the Department of Justice annual reporting format. TDOC shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident review.
- R. The TDOC PREA Coordinator shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
1. Identifying problem area
  2. Taking corrective action on an ongoing basis
  3. Preparing an annual report of its finding and corrective action for TDOC. This report shall include a comparison of the current year's data and corrective actions with those from the prior year and shall provide an assessment of TDOC's progress in addressing sexual abuse. This report shall be approved by the Commissioner and made readily available to the public through the Department's website.
- S. The TDOC PREA Coordinator shall ensure that data collected is securely retained. TDOC shall make all aggregated sexual abuse data, from TDOC facilities and private facilities with which it contracts, readily available to the public at least annually through the TDOC website. Personal identifiers shall be removed prior to the data being made publicly available.

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- T. The TDOC PREA Coordinator shall maintain sexual abuse data collected for at least ten years after the date of the initial collection unless federal, state or local law require otherwise.
- U. PREA audit documentation shall be retained for 12 months following the deadline for any facility audit appeal. Longer document retention may be requested by the U.S Department of Justice.
- V. Sexual Abuse/Sexual Harassment between Staff on Inmates and between Inmates:
  - 1. Acts of sexual abuse against inmates or retaliation against inmates who refuse to submit to sexual activity, or intimidation of a witness is prohibited.
  - 2. Retaliation against individuals because of their involvement in the reporting or investigation of sexual assault or sexual contact/sexual harassment is prohibited.
  - 3. All incidents of sexual abuse or related intimidation/retaliation will result in corrective and/or disciplinary action, up to and including termination. Failure of employees to report incidents of sexual assault or sexual contact/harassment will result in corrective and/or disciplinary action.
- VII. ACA STANDARDS: 4-4084-1, 4-4281 through 4-4281-8, 4-4282, 4-4371, and 4-4406.
- VIII. EXPIRATION DATE: June 15, 2021.



TENNESSEE DEPARTMENT OF CORRECTION

**Employee PREA Training Acknowledgement Form**

**Employee Name:** \_\_\_\_\_ **Employee Number:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Instructor's Name:** \_\_\_\_\_

***The PREA training includes:***

- Tennessee Department of Correction ZERO TOLERANCE policy on sexual harassment and sexual assault
- Definition of Sexual Harassment and Sexual Assault
- Employee Confidential Reporting Procedures
- Inmate Confidential Reporting Procedures
- Tennessee Department of Correction commitment to investigate every allegation of sexual assault
- How to detect and respond to signs of threatened and actual sexual abuse
- Ways to preserve potential evidence in sexual assault cases
- Employee and Inmate right to be free from retaliation from reporting sexual assault
- Tennessee Department of Correction policy on not using inmate interpreters for PREA investigation
- How to avoid inappropriate relationships with inmates
- How to communicate effectively with lesbian, gay, transgender, intersex or gender nonconforming inmates
- Tennessee Department of Correction policy on cross gender pat downs
- The role of a PREA First Responder
- Treatment and Counseling services available for victims of sexual assault
- Opposite Gender must announce when entering a Pod
- Internal Affairs Investigative Unit involvement with investigating PREA
- Consequences of Reporting in Bad Faith

I acknowledge that I have received training on the Prison Rape Elimination Act (PREA) and I understand the training.

**Employee Signature:** \_\_\_\_\_

***\*Original to be placed in the employee's Training File.***





# TENNESSEE DEPARTMENT OF CORRECTION

## INSPECTION TEAM WORKSHEET PRISON RAPE ELIMINATION ACT (PREA) OF 2003

\_\_\_\_\_ INSTITUTION \_\_\_\_\_

\_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_ TEAM LEADER \_\_\_\_\_

### POSITION

MEMBERS PRESENT:

SART COORDINATOR/DESIGNEE: \_\_\_\_\_

SART SECURITY REPRESENTATIVE \_\_\_\_\_

SART MEDICAL REPRESENTATIVE \_\_\_\_\_

SART MENTAL HEALTH REPRESENTATIVE \_\_\_\_\_

OTHER: \_\_\_\_\_

OTHER: \_\_\_\_\_

### REVIEW PRIOR MONTH'S REPORT

Findings: Previous findings corrected?	
Area Toured:	
Findings:	
Staff Quizzed?	
Findings/Comments	
Area Sup. Briefed?	
Comments	
PREA Drill Conducted	
Findings/Comments	
Cameras working?	
Additional comments	







TENNESSEE DEPARTMENT OF CORRECTION

**PREA ANNUAL STAFFING REVIEW**

\_\_\_\_\_  
(Facility Title)

TITLE	NAME/INITIALS	DATE
Chief of Security		
Associate Warden of Security/Deputy Superintendent		
FACILITY PREA Coordinator-		
TDOC PREA Coordinator		
Warden/Superintendent		

**CFR 115.13 Supervision and Monitoring-Each facility shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse**

<b><i>Facilities shall take into consideration:</i></b>	YES	NO
Generally accepted detention and correctional practices.	<input type="checkbox"/>	<input type="checkbox"/>
Any judicial findings of inadequacy.	<input type="checkbox"/>	<input type="checkbox"/>
Any findings of inadequacy from Federal investigative agencies.	<input type="checkbox"/>	<input type="checkbox"/>
Any findings of inadequacy from internal or external oversight bodies.	<input type="checkbox"/>	<input type="checkbox"/>
All components of the facilities physical plant (including blind-spots or areas where staff or inmate may be isolated).	<input type="checkbox"/>	<input type="checkbox"/>
The composition of the inmate population.	<input type="checkbox"/>	<input type="checkbox"/>
The number and placement of supervisory staff.	<input type="checkbox"/>	<input type="checkbox"/>
Institution programs occurring on a particular shift.	<input type="checkbox"/>	<input type="checkbox"/>
Any applicable State or local laws, regulations, or standards.	<input type="checkbox"/>	<input type="checkbox"/>
The prevalence of substantiated or unsubstantiated incidents of sexual abuse.	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>No less frequently than once each year each facility the agency operates shall assess, determine, and document whether adjustments are needed to:</i></b>	YES	NO
The established staffing plan.	<input type="checkbox"/>	<input type="checkbox"/>
The facility's deployment of video monitoring systems and other monitoring technologies.	<input type="checkbox"/>	<input type="checkbox"/>
The resources the facility has available to commit to ensure adherence to the staffing plan.	<input type="checkbox"/>	<input type="checkbox"/>