MEMORANDUM

TO: Tony Parker, Commissioner, Tennessee Department of Correction

THROUGH: Kimberly Gulden, Director of Compliance
Donna L. Turner, Director of the Office of Investigations and Compliance

FROM: Blake Pollock, TDOC PREA Coordinator

DATE: January 27, 2020

SUBJECT: PREA FY2018-2019 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 correctional settings. The goal of 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.

PREA Standard 115.88 requires this annual report be made readily available to the public and, at a minimum, requires the report to include progress in addressing sexual abuse, current fiscal year data, data comparison, and corrective actions. This report is required to be available to the public on the TDOC internet website.

Progress

During Fiscal Year 2018-2019, the Tennessee Department of Correction (TDOC) had PREA Compliance Audits at NWCX, WTRC, WTSP, and BCCX. All were certified compliant with the PREA standards through independent certification by Department of Justice PREA auditors. CoreCivic also had a PREA Compliance audit at SCCF during this fiscal year and the facility is currently in the corrective action process.
Allegations

During FY2018-2019, there were a total of 400 allegations entered on the PREA Allegation System (PAS).

Of the 400 allegations made, 194 were Inmate-on-Inmate (IOI) and 206 were Staff-on-Inmate (SOI). The allegations made are divided into four categories: Inmate on Inmate Sexual Abuse (119), Inmate on Inmate Sexual Harassment (76), Staff on Inmate Sexual Abuse (100), and Staff on Inmate Sexual Harassment (106).
Of the 119 Inmate on Inmate Sexual Abuse allegations, nine were substantiated. Of the 76 Inmate on Inmate Sexual Harassment allegations, eleven were substantiated. The sexual abuse allegations occurred at the following locations: BCCX (2), HCCF (2), SCCF (2), TCIX (1), and TPFW (2). The sexual harassment allegations occurred at the following locations: RMSI (2), SPND (3), and TCIX (5), and WTSP (1).

There were 100 Staff on Inmate Sexual Abuse allegations, of which twenty-two were substantiated. These occurred at BCCX (5), HCCF (1), MCCX (4), RMSI (3), SCCF (4), SPND (1), TCIX (1), TPFW (1), WCFA (1) and WTSP (1). There were 106 Staff on Inmate Sexual Harassment allegations and four were substantiated. These occurred at BCCX (1), RMSI (1), TCIX (1), and TTCC (1).
For the prior Fiscal Year 2017-2018, allegations for Inmate on Inmate totaled 173, with 100 being Sexual Abuse and 73 being Sexual Harassment. There were zero substantiated cases of Inmate on Inmate-Sexual Abuse and four substantiated cases of Inmate on Inmate-Sexual Harassment. Staff on Inmate allegations totaled 165, with 71 allegations of Sexual Abuse and 94 cases of Sexual Harassment. There were fifteen substantiated allegations of Sexual Abuse and three for Sexual Harassment.
Corrective Actions

Substantiated allegations continue to be dealt with through disciplinary means for inmates and staff. Inmate abuse of the allegation system can be handled through the TDOC disciplinary process using Violation of State Law or Defiance and, if warranted, criminal prosecution. Staff disciplinary action ranged from counseling and written warnings to termination for Sexual Harassment and substantiated cases of Staff on Inmate Sexual Abuse were referred for criminal prosecution.

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 Institutional 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.

Observations

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. Specialized training will be conducted for Institutional Investigators, AWTs (facility PREA Coordinators), and PREA Compliance Managers to give them a better understanding of their roles in PREA Compliance and how important their positions are to maintaining PREA compliance throughout TDOC.

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

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. This review committee can recommend corrective action after reviewing the Incident and are required to ensure compliance with their recommendations unless exigent circumstances are noted by the facility Warden. Recommendations were made for additional cameras, blind-spot mirrors, and in some cases, additional supervision of the inmates or area(s).
**Future Audits**

PREA compliance is a continuing mandate. During the Fiscal Year 2019-2020, RMSI, TPFW, DSNF, HCCF and WCFA will have their third PREA Audit as mandated by the Department of Justice. As the audits continue, all of our facilities are positioned to remain compliant with established PREA standards.

Approved:

[Signature]

Tony Parker, Commissioner
Tennessee Department of Correction

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