



MEMORANDUM

TO: Tony C. Parker, Commissioner of the Tennessee Department of Correction

THROUGH: Kimberly Gulden, Director of Compliance

FROM: Blake Pollock, TDOC PREA Coordinator

DATE: September 8, 2020

SUBJECT: PREA FY 2019-2020 Annual Report

General Information

The Prison Rape Elimination Act (PREA) was established in 2003 under the leadership of President George W. Bush. The act mandated the Department of Justice (DOJ) to establish standards to eliminate prison rape which includes all correctional 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.

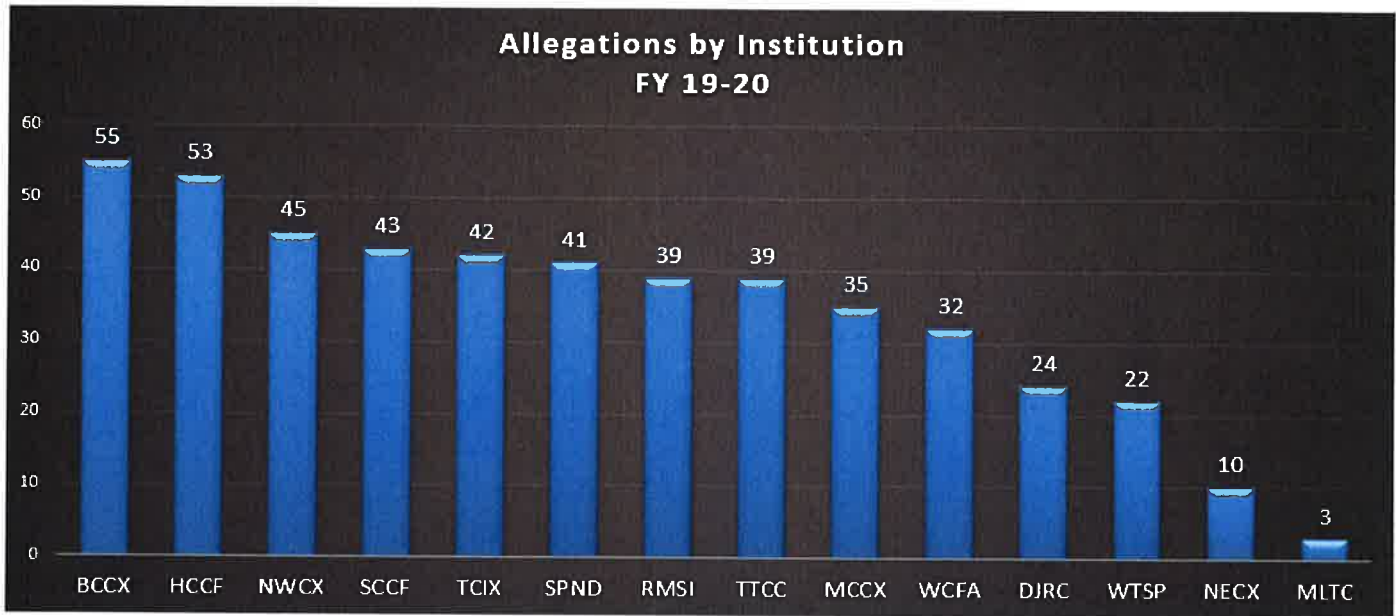
PREA standard 115.88 requires this annual report be prepared to include the progress made in addressing sexual abuse, current fiscal year data, data comparison and corrective actions. As required, this report will be made available to the public on the TDOC internet website.

Progress

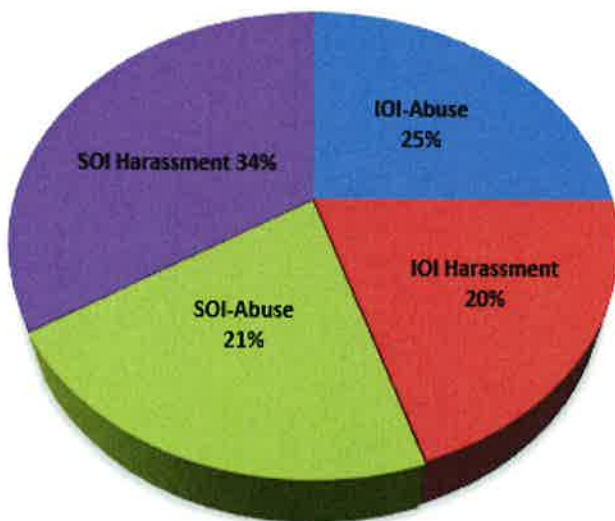
During Fiscal Year 2019-2020 the Tennessee Department of Correction (TDOC) had DOJ PREA Compliance Audits at the Debra K. Johnson Rehabilitative Center (DJRC), Riverbend Maximum Security Institution (RMSI), and DeBerry Special Needs Facility (DSNF). All were certified compliant with the PREA standards through independent certification by Department of Justice PREA auditors. CoreCivic also had PREA Compliance audits at Hardeman Correctional Facility (HCCF) and Whiteville Correctional Facility (WCFA) during this fiscal year and both were certified compliant. In addition, Compliance with PREA standards is reviewed during Annual Inspections conducted at all sites. All facilities under the direction of TDOC are certified PREA compliant. While PREA compliance is a continuous pursuit, TDOC is committed with a zero-tolerance stance toward sexual harassment and sexual abuse. All PREA allegations are investigated thoroughly and actions taken against staff as well as inmates upon the substantiation of an allegation.

Current Fiscal Year Data

During FY 2019-2020 there were a total of 483 allegations entered into the PREA Allegation System.



Percentage by Allegation FY 19-20



Of the 483 allegations made, 218 were Inmate-on-Inmate (IOI) and 268 were Staff-on-Inmate (SOI).

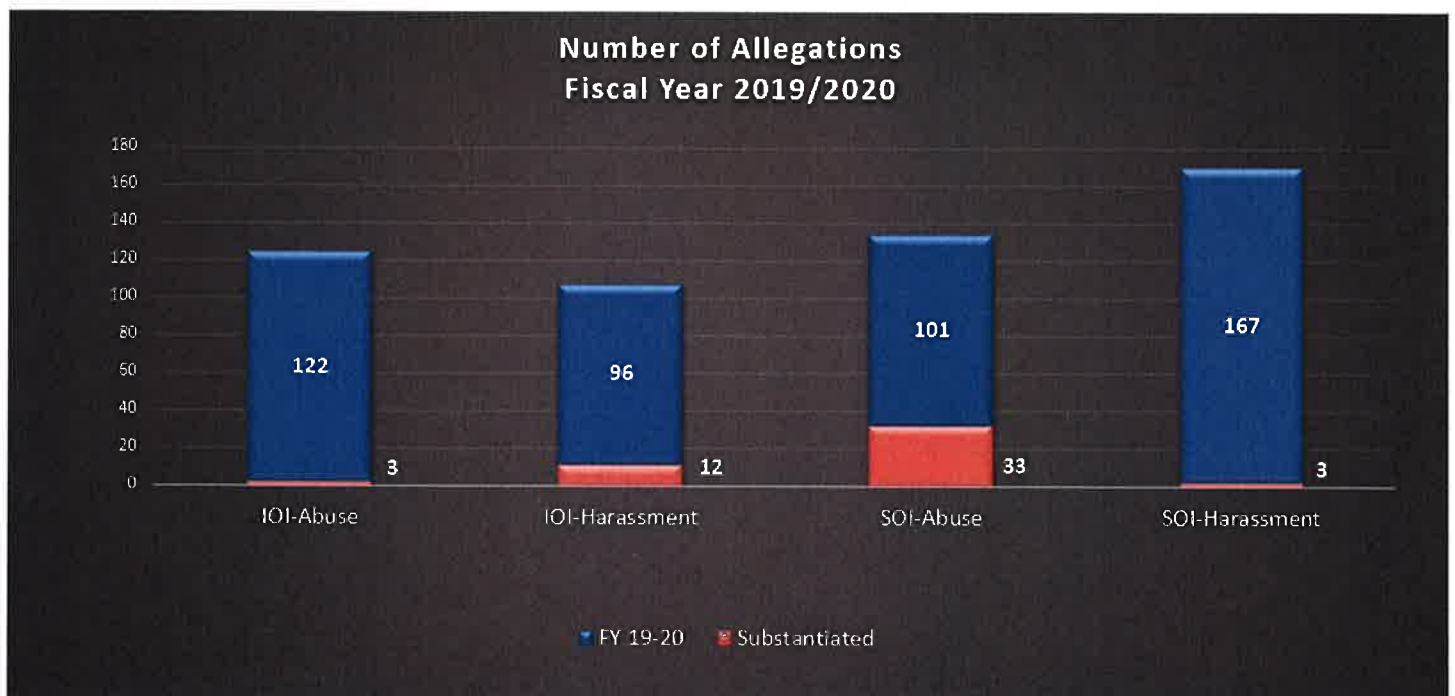
The allegations made are divided into four categories:

Inmate on Inmate Sexual Abuse (122), Inmate on Inmate Sexual Harassment (96), Staff on Inmate Sexual Abuse (101), and Staff on Inmate Sexual Harassment (167).

Current Fiscal Year Data (Continued)

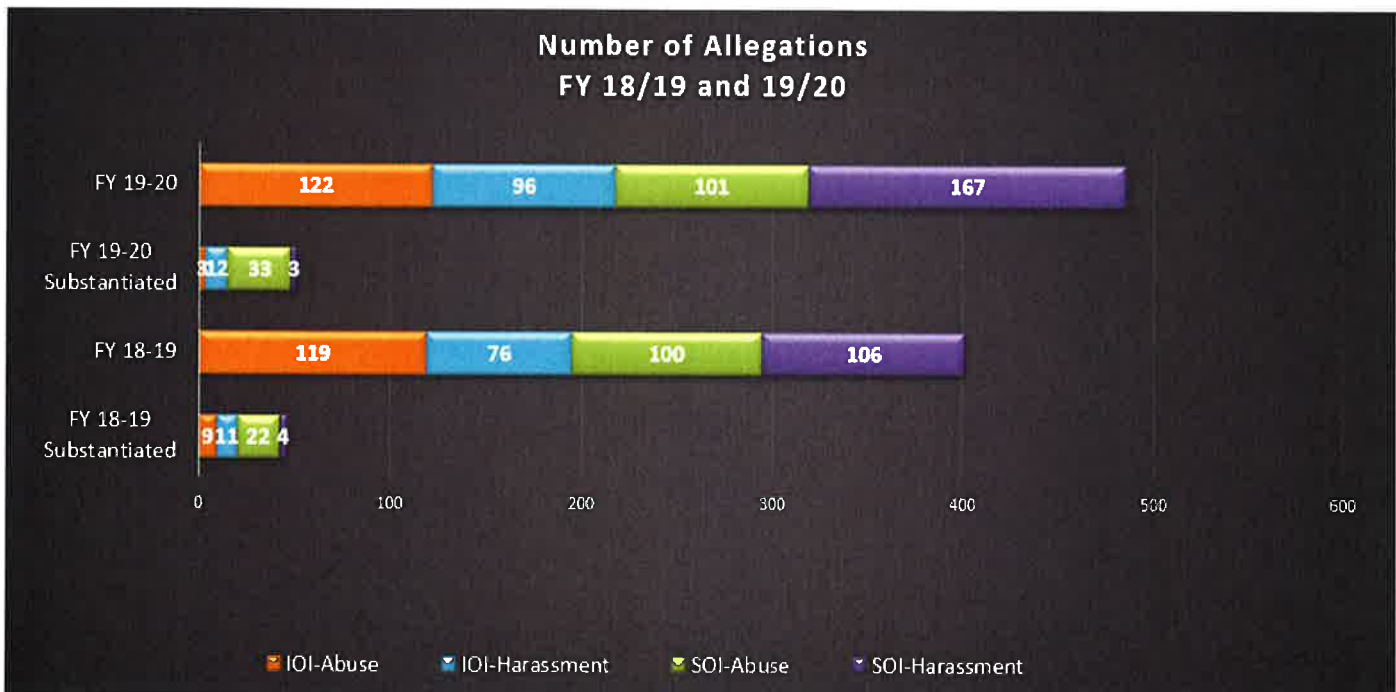
Of the 122 Inmate on Inmate (IOI) Sexual Abuse allegations, three were substantiated. The sexual abuse allegations occurred at the following locations: DJRC (2), and NWCX (1). Of the 96 Inmate on Inmate Sexual Harassment allegations twelve were substantiated. The sexual harassment allegations occurred at the following locations: BCCX (2), DJRC (1), HCCF (1), RMSI (2), SPND (5), and TCIX (1).

There were 101 Staff on Inmate (SOI) Sexual Abuse allegations, of which thirty-three were substantiated. These occurred at BCCX (2), DJRC (3), HCCF (1), MCCX (5), NWCX (4), RMSI (5), SCCF (5), SPND (1), TTCC (3), WCFA (2) and WTSP (2). There were 167 Staff on Inmate Sexual Harassment allegations and three were substantiated. These occurred at BCCX (1), DJRC (1), and SCCF (1).



Comparison of Data

Allegations	FY 19/20	FY 19/20 Substantiated	FY 18/19	FY 18/19 Substantiated
Inmate on Inmate Sexual Abuse	122	3	119	9
Inmate on Inmate Sexual Harassment	96	12	76	11
Inmate on Inmate Totals	218	15	195	20
Staff on Inmate Sexual Abuse	101	33	100	22
Staff on Inmate Sexual Harassment	167	3	106	4
Staff on Inmate Totals	268	36	206	26
Grand Totals	486	51	401	46



Corrective Actions

Substantiated allegations continue to be dealt with through disciplinary means for inmates and staff. Inmates were disciplined as appropriate through the disciplinary process for Sexual Harassment and referred for criminal prosecution for incidents of substantiated sexual abuse. Staff disciplinary action ranged from counseling and written warnings to termination for Sexual Harassment depending on the severity of the act. For substantiated cases of Staff on Inmate Sexual Abuse, all staff were referred for criminal prosecution. Inmate abuse of the allegation system is handled through the TDOC disciplinary process and referred for outside prosecution if warranted.

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. PREA audit spreadsheets have been implemented for the SART team to use while conducting the monthly PREA walk through. Two of the spreadsheets consist of Staff/Inmate interview questions which can help the SART team with measuring the PREA knowledge of Staff, the thoroughness of the PREA orientation process, and how comfortable inmates are about reporting PREA allegations to staff. A PREA Intake Spreadsheet has been implemented which Associate Wardens of Treatment (AWT), who act as Facility PREA Coordinators, PREA Compliance Managers, and Chief Counselors use to ensure that PREA screenings are being conducted within the guidelines of TDOC policy and PREA Standards. The SART and Institutional Investigators thoroughly investigate all allegations to determine if an allegation is substantiated, unsubstantiated, or unfounded. All investigations are documented in the TDOC PREA Allegation System.

Additional Notes

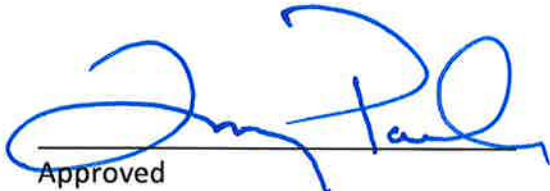
Inmate on Inmate unsubstantiated allegations normally fall into the “he said-she said” category, without sufficient evidence to make a true determination. Unfounded allegations were usually noted as attempts to get a cell partner in trouble or at least moved to another unit or facility. Staff on Inmate 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) during this fiscal year.

Staff and inmate education are an important factor in the prevention, detection, and response to all allegations of sexual abuse or sexual harassment. Continuing education keeps our staff and inmates aware and alert to our zero-tolerance policy and the actions we will take to protect everyone. Specialized Investigation training was conducted for Institutional Investigators, Facility PREA Coordinators (AWTs), Investigative Unit Special Agents, and PREA Compliance Managers to give them a more in depth understanding of their roles when responding to an allegation of sexual abuse and sexual harassment. Participants were given tools to assist in maintaining PREA Compliance and reminded of how important each of their roles are in ensuring TDOC remains vigilant.

Future Audits

PREA compliance is a continuing mandate. During the Fiscal Year 2020-2021 Mark Luttrell Transition Center (MLTC), Morgan County Correctional Complex (MCCX), Turney Center Industrial Complex (TCIX), Northeast Correctional Complex (NECX) and Trousdale Turner Correctional Center (TTCC) will have their third PREA Audit as mandated by the Department of Justice. PREA Compliance is a priority for TDOC with all facilities positioned to remain compliant with established PREA standards.



Approved

Tony C. Parker, Commissioner, TDOC

Pc Chuck Taylor
 Debbie Inglis
 Kelly Young
 Bobby Straughter
 Lee Dotson
 John Fisher
 Kevin Myers
 Darren Settles
 Cindy Dunning