



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 29, 2020

SUBJECT: PREA FY 2020-2021 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.

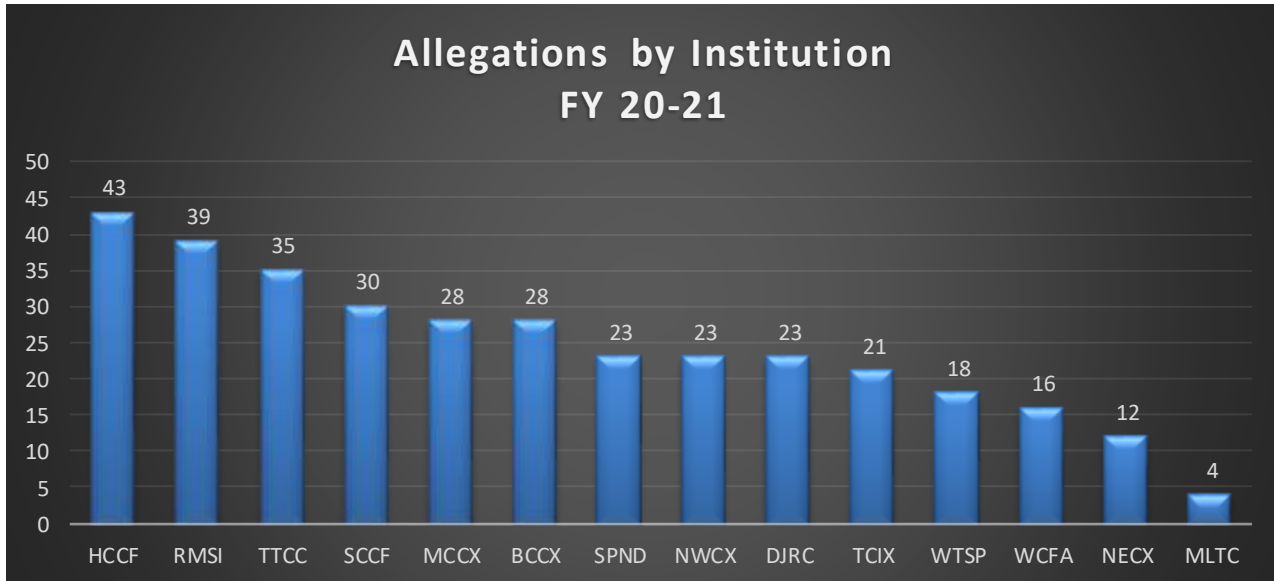
PREA standard 115.88 requires this annual report be prepared to include the progress made in addressing sexual abuse, current fiscal year data, data comparison and corrective actions. As required, this report will be made available to the public on the TDOC internet website.

Progress

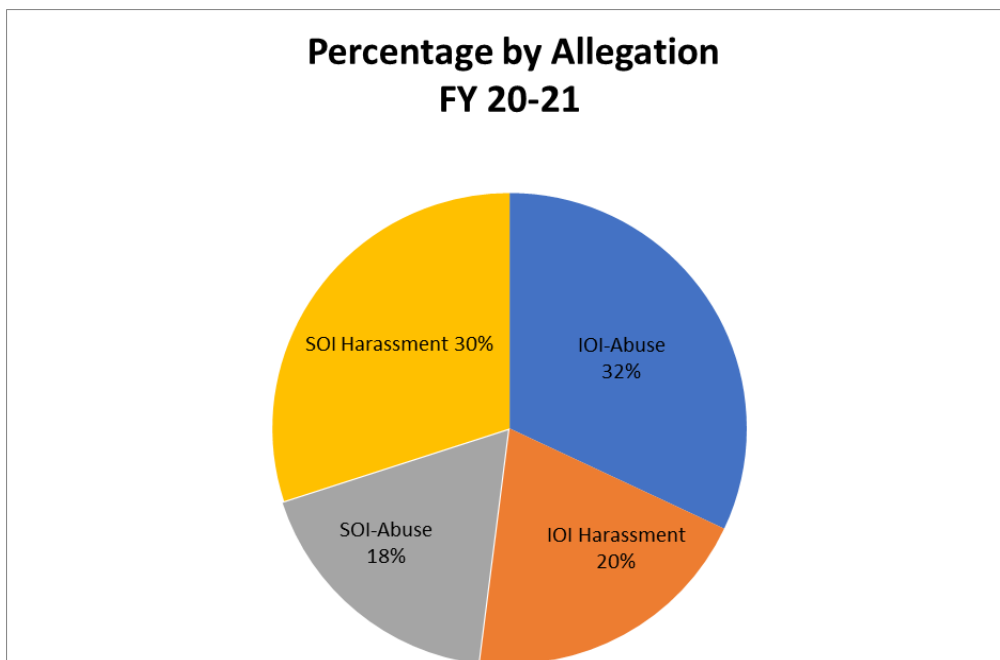
During Fiscal Year 2020-2021 the Tennessee Department of Correction (TDOC) had DOJ PREA Compliance Audits at the Turney Center Industrial Complex (TCIX), Mark Luttrell Transition Center (MLTC), Northeast Correctional Complex (NECX), and Morgan County Correctional Complex (MCCX). All were certified compliant with the PREA standards through independent certification by Department of Justice PREA auditors. CoreCivic also had a PREA Compliance audit at Trousdale Turner Correctional Center (TTCC) during this fiscal year and was 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 2020-2021 there were a total of 343 allegations entered into the PREA Allegation System.



Of the 343 allegations made, 180 were Inmate-on-Inmate (IOI) and 163 were Staff-on-Inmate (SOI).

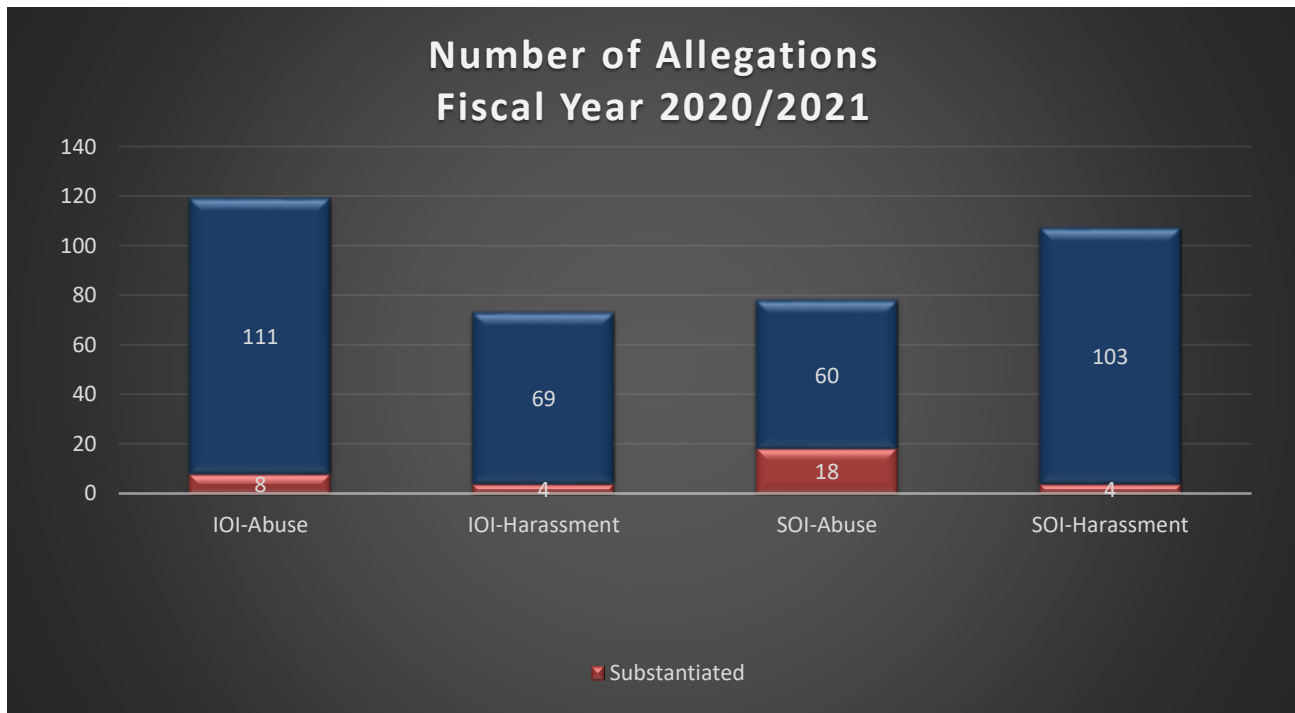


The allegations made are divided into four categories: Inmate on Inmate Sexual Abuse (111), Inmate on Inmate Sexual Harassment (69), Staff on Inmate Sexual Abuse (60), and Staff on Inmate Sexual Harassment (103).

Current Fiscal Year Data (Continued)

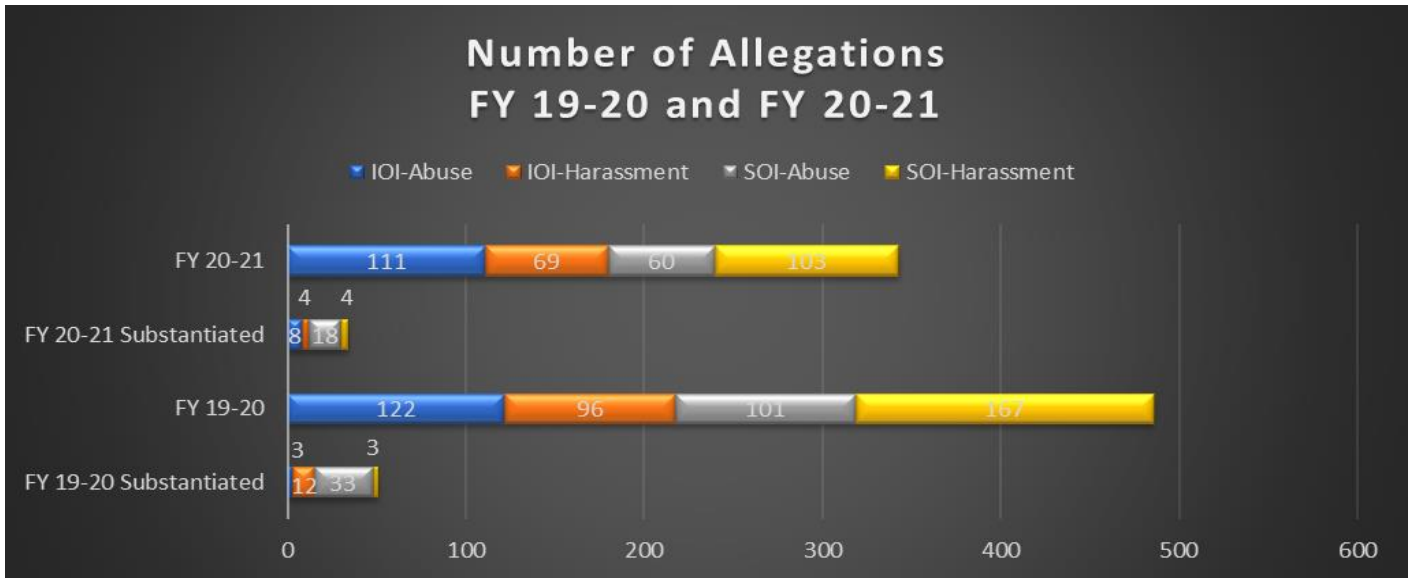
Of the 111 Inmate on Inmate (IOI) Sexual Abuse allegations, eight were substantiated. The sexual abuse allegations occurred at the following locations: HCCF (3), NWCX (2), SCCF (2), and WTSP (1). Of the 69 Inmate on Inmate Sexual Harassment allegations four were substantiated. The sexual harassment allegations occurred at the following locations: SPND (2), and TCIX (2).

There were 60 Staff on Inmate (SOI) Sexual Abuse allegations, of which eighteen were substantiated. These occurred at BCCX (1), DJRC (1), MCCX (5), MLTC (1), NECX (1), SCCF (4), SPND (1), TCIX (1), TTCC (2) and WTSP (1). There were 103 Staff on Inmate Sexual Harassment allegations and four were substantiated. These occurred at DJRC (1), NWCX (1) and RMSI (2).



Comparison of Data

Allegations	FY 20/21	FY 20/21 Substantiated	FY 19/20	FY 19/20 Substantiated
Inmate on Inmate Sexual Abuse	111	8	122	3
Inmate on Inmate Sexual Harassment	69	4	96	12
Inmate on Inmate Totals	180	12	218	15
Staff on Inmate Sexual Abuse	60	18	101	33
Staff on Inmate Sexual Harassment	103	4	167	3
Staff on Inmate Totals	163	22	268	36
Grand Totals	343	34	486	51



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 monthly to identify and eliminate blind spots and PREA hazards. SART team members will continue to utilize the PREA audit spreadsheets while conducting the monthly PREA walk through to continuously measure the PREA knowledge of Staff and provide on the spot training when warranted, and to gauge how acclimated offenders have become with facility staff which is an important component of the inmates being comfortable reporting PREA allegations to staff. 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. Monthly conference calls are held with Facility PREA Coordinators (AWTs) and PREA Compliance Managers to administer PREA refresher trainings and to convey pertinent information and changes.



Staff is 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 2021-2022 Bledsoe County Correctional Complex (BCCX), Northwest Correctional Complex (NWCX), South Central Correctional Facility (SCCF), Women's Therapeutic Residential Center (WTRC) and West Tennessee State Penitentiary (WTSP) will have their third PREA Audit as mandated by the Department of Justice. Audits in FY 21-22 will be conducted using the Department of Justice's Online Audit System which by spring 2022 becomes the mandatory system for agencies to use to conduct future PREA audits. 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
 Bobby Straughter
 Lee Dotson
 Rachel Riley-Coe
 Lisa Helton
 Kelly Young