

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS

Interim Final Report

Auditor Information

Auditor name: Rodney P. Bivens
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Telephone number: 865-659-2424
Date of facility visit: April 4-5, 2016
Date report submitted: May 6, 2016

Facility Information

Name of facility: West Tennessee State Penitentiary
Physical address: 480 Green Chapel Road, Henning, TN 38041
Facility mailing address: N/A
(if different from above)
Telephone number: (731) 738-5044

The facility is:

| | | |
|---|------------------------------------|---|
| <input type="checkbox"/> Military | <input type="checkbox"/> County | <input type="checkbox"/> Federal |
| <input type="checkbox"/> Private for profit | <input type="checkbox"/> Municipal | <input checked="" type="checkbox"/> State |
| <input type="checkbox"/> Private not for profit | | |

Facility Type: Jail Prison

Name of facility's Chief Executive Officer: Jonathan P. Lebo **Title:** Warden

Number of staff assigned to the facility in the last 12 months: 532

Designed facility capacity: 2606

Current population of facility: 818

Facility security levels/inmate custody levels: Maximum/Minimum Trustee to Maximum Custody

Age range of the population: 18-85

Name of PREA Compliance Manager: Sarah M. Spires **Title:** Acting Compliance Manager

Email address: Sarah.M.Spires@tn.gov **Telephone number:** (731) 738-5044

Agency Information

Name of agency: Tennessee Department of Correction

Governing authority or parent agency: *(if applicable)* State of Tennessee

Physical address: Rachel Jackson Building

Mailing address: *(if different from above)* 320 Sixth Avenue North, Nashville, TN 37243

Telephone number: 615-741-1000

Agency Chief Executive Officer

Name: Derrick Schofield **Title:** Commissioner

Email address: Derrick.D.Schofield@tn.gov **Telephone number:** 615-253-8139

Agency-Wide PREA Coordinator

| | | |
|---|--------------------------|----------------------------|
| Name: Tom Joplin | Title: | Statewide PREA Coordinator |
| Email address: Tom.A.Joplin@tn.gov | Telephone number: | 615-879-6431 |

AUDIT FINDINGS

NARRATIVE:

The onsite PREA audit of the Tennessee Department of Corrections - West Tennessee State Penitentiary in Henning, Tennessee was conducted on April 4-5, 2016, by Department of Justice Certified PREA Auditor Rodney P. Bivens, assisted by Brian D. Bivens who has completed the Department of Justice PREA auditor certification class and is awaiting final certification. The onsite audit included a minimum security unit located onsite outside the secure perimeter.

The auditor wishes to extend his deepest appreciation to Warden Jonathan Lebo and his staff for their professionalism, hospitality, and kindness. The auditor also wishes to compliment the Tennessee Department of Corrections PREA Coordinator Tom Joplin and the facility acting PREA Compliance Manager Sarah Spires for their outstanding work in organizing the files that were provided to the auditor in advance of the audit. This enabled the audit to move forward very efficiently.

Prior to this audit, the facility provided to the auditor all policies, procedures, and facility documentation related to each standard for review. The auditor, PREA Coordinator, and the acting PREA Manager had ongoing communication for several weeks prior to the audit to prepare for the on-site visit. The facility supplied a list of inmate names sorted by housing units, disabilities, and special designations, as well as a list of facility staff names to the auditor. The sampling size for both inmates and staff was elevated to ensure consistency in training and implementation of the PREA standards. The sampling size for inmates included at least one inmate from each occupied housing unit. This decision was made to ensure all inmates throughout the facility were receiving the same information and education related to all aspects of the PREA program.

The on-site audit began with an entrance meeting being conducted on Monday, April 4, 2016 at 8:30 a.m. in the acting PREA Managers office. The following staff attended the entrance meeting:

Warden Jonathan Lebo
Associate Warden of Treatment Wanda Markland
Sarah Spires, Acting PREA Manager
Tom Joplin, Statewide PREA Coordinator

Following the entrance meeting, the auditor conducted a comprehensive site review that began at approximately 8:45 a.m. and continued throughout the two days. During the site review the auditor reviewed camera placement, blind spots, staff placement and documentation to assist in determining standard compliance. While touring the facilities the auditor observed the

notices of this PREA audit in all the buildings, as well as posters that called attention to the agency's Zero Tolerance Policy and how to report allegations of sexual abuse and sexual harassment. Random staff and inmate interviews were conducted in private offices provided at each housing unit during the site review as well. The following staff accompanied the auditor on the site review:

Sarah Spires, Acting PREA Manager
Jeff Middleton, Chief of Security
Tom Joplin, Statewide PREA Coordinator

All housing units, day rooms, inmate program areas, work areas and all other inmate accessible areas were toured during the site review. While touring several inmates and staff were questioned about their knowledge of PREA standards, procedures for reporting, services available and their responsibilities. All staff and inmates informally interviewed during the tour acknowledged receiving training and procedures for reporting sexual abuse, sexual harassment and/or retaliation for reporting.

A total of 51 staff members were interviewed during the course of this audit. Staff interviews consisted of: 18 randomly selected correctional security staff members covering all facilities and all shifts, 3 volunteers, 3 contract employees, 3 intermediate or higher level supervisors, 14 specialized staff members, and 10 employees informally selected during the facility tour. All staff interviewed were well versed in their respective areas of responsibility regarding PREA and affirmed compliance with the applicable PREA standards. There is no SAFE or SANE staff at the facility; they are made available at the Jackson General Hospital in Jackson, Tennessee. Staff interviewed was well versed in their responsibilities in reporting sexual abuse, sexual harassment, staff negligence and retaliation for reporting. When questioned about evidence preservation, all staff responses reflected knowledge of agency policies and procedures.

There were 27 inmates interviewed during the on-site visit. These inmates consisted of: 23 inmates selected at random and 4 informally selected during the facility tour. There were 4 of the 23 inmates selected at random requiring specialized interviews broken down as follows: 2 limited English proficient, 1 hard of hearing, and 1 that reported being sexually abused. All of the Inmates interviewed acknowledged receiving PREA training and written materials (posters, pamphlets, and inmate handbooks) outlining the agencies zero tolerance policies towards sexual abuse, sexual harassment, and retaliation for reporting, as well as the procedures for reporting. The inmate with disabilities and the limited English proficient inmates interviewed confirmed receiving the PREA training and written materials in languages they could understand as well. All inmates interviewed felt if they had to file a PREA complaint the facility would respond appropriately to their complaint and that all PREA complaints were taken very serious by staff at this facility.

The auditor selected and carefully examined 9 personnel files, 11 staff training files, and 5 volunteer files. The personnel and volunteer files were very well organized and contained all the necessary background check information and signed statements regarding previous sexual misconduct described in the standards. The training records were also very complete and included written documentation that staff and volunteers received the required training and understood what was being trained.

The auditor also reviewed 13 offender files and saw documentation of offender education, as well as documentation of the initial risk screenings, the 30-day re-screenings, and screenings upon additional information being completed as required by the standard.

In the 12 months preceding the audit, Tennessee Department of Corrections - West Tennessee State Penitentiary had received and investigated nineteen PREA complaints broken down as follows:

| <u>Number Received</u> | <u>Description of Complaint</u> | <u>Offender</u> | <u>Investigative Results</u> | |
|-------------------------------|--|------------------------|-------------------------------------|-----------------|
| 14 | Sexual Abuse | Inmate | 9 | Unfounded |
| | | | 5 | Unsubstantiated |
| 3 | Sexual Abuse | Staff | 1 | Unfounded |
| | | | 1 | Substantiated |
| | | | 1 | Unsubstantiated |
| 2 | Sexual Harassment | Staff | 2 | Unfounded |

All investigative files were reviewed during the onsite visit and appeared to document thoroughly the investigative process per agency policy. Criminal investigative referrals were documented and proper referrals were made when warranted. During interviews with 1 inmate that had reported an incident of sexual abuse, he reported that PREA violations were taken serious and investigated properly in his opinion. The inmate also reported being kept informed during the investigative process and retaliation monitoring was being conducted regularly.

The facility was in the process of changing its mission to accommodate a growing female population in the state. Therefore, many of the inmates had been moved to other facilities throughout the state prior to the audit to prepare for the incoming female population. Site 1 of the facility only had 1 of the 5 housing units occupied during the onsite visit.

At the conclusion of the on-site visit, an exit meeting was held to discuss the audit findings. The following staff attended:

Warden Jonathan Lebo
Associate Warden of Treatment Wanda Markland
Sarah Spires, Acting PREA Manager
Tom Joplin, Statewide PREA Coordinator

During the exit, the auditor explained the process that would follow the on-site visit. The auditor also explained any areas found not meeting the standards during the audit would require corrective measures and he would be working closely with the PREA team to accomplish compliance. Finally, the auditor acknowledged the willingness of all staff involved to accomplish PREA compliance and advised the PREA team of their requirements to post the final report on the facility website once compliance with all standards was achieved.

DESCRIPTION OF FACILITY CHARACTERISTICS:

West Tennessee State Penitentiary, owned and operated by the Tennessee Department of Corrections, is located at 480 Green Chapel Road, Henning, TN 38041 with a minimum security unit located onsite outside the secure perimeter. The institution was constructed on a 6000-acre tract of fertile Mississippi River soil in the West Tennessee flatlands. The tracts of land are situated on the north side of the Hatchie River and approximately 10 miles east of the

Mississippi River. Cultivation on the farm amounts to approximately 2664 acres. During crop season, corn, wheat, soybeans, and truck crops are grown. Revenue from the field crops goes to the State Treasury. TRICOR, the industry operation, has its own executive director and executive board and they manage all the industry as the institution including the farm, digital tag plant, and a textile plant.

The facility is divided into three distinctive sites. Site 1 can house approximately 1536 offenders who are housed in units designated for Protective Custody, Therapeutic Community, Mental Health, and general population. Site 1 is undergoing a mission change and will become a female time building facility. During the onsite visit, there was only 1 of the 5 housing units occupied with a total of 94 offenders. All the other offenders had been reassigned to other facilities throughout the state to accommodate the mission change.

Site 2 can house approximately 920 offenders of which approximately 700 offenders are housed in general population and their custody levels range from minimum to close. This leaves the remaining 200 offenders housed as Administrative Segregation, Protective Custody, Punitive Segregation, and the Security Management Unit. There are six housing units located at Site 2.

The housing units at Site 1 and 2 are two story buildings with an open day room that contains a number of tables with four seats attached to each table. The day rooms contain the inmate telephones and bulletin boards where all PREA information is posted for the offenders.

Site 3 is the Minimum Security Unit, which was built adjacent to the former Fort Pillow State Prison. The former prison remains a shadow of its former self as it slowly decays. Well-maintained and manicured lawns and flowerbeds surrounded the entrance to the Minimum Security Unit. The building construction was a stone/pea gravel finish two-story facility. There were no intrusive security requirements to enter the facility but rather a small sally port, which quickly provided access to the two man raised dais security post, which were providing security for the three two story wings.

The Tennessee Department of Corrections – West Tennessee State Penitentiary’s mission is: “to serve the public by managing adult offenders classified as maximum, medium, and minimum custody”. In doing so fulfilling the Tennessee Department of Corrections mission, which is to: “operate safe and secure prisons and provide effective community supervision in order to enhance public safety”. The Tennessee Department of Corrections vision is: “to be recognized as the best correctional agency in the nation”. It was evident the staff at the West Tennessee State Penitentiary were committed to the mission and excellence in corrections, by providing a dedicated team of professionals whose focus is on the enhancement of the quality of life through self-improvement opportunities for the inmates entrusted to their care.

SUMMARY OF AUDIT FINDINGS:

The results of the Tennessee Department of Corrections - West Tennessee State Penitentiary audit are listed below:

Number of standards exceeded: 3

| | |
|------------------------------|----|
| Number of standards met: | 39 |
| Number of standards not met: | 0 |
| Non-applicable: | 1 |

§115.11 - Zero tolerance of sexual abuse and sexual harassment

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

115.11 (a) The agency has a written policy and procedure mandating zero tolerance for all forms of sexual abuse and sexual harassment. This policy outlines the agency's approach to preventing, detecting and responding to incidents of sexual abuse and sexual harassment. The procedures for all staff were clearly outlined in the Tennessee Department of Corrections policy 502.06 provided. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.11 (B) and (C) The agency employs an upper-level, agency-wide PREA Coordinator and a facility PREA Compliance Manager as required by this standard. Tom Joplin was appointed as the agency PREA Coordinator on June 22, 2014 and was assisted by acting PREA Compliance Manager Sarah Spires. Tennessee Department of Corrections Policy 502.06 section VI, pages 3 and 4 outlines the responsibilities of the PREA Coordinator and PREA Manager. The facility provided the auditor with the organizational chart showing the PREA Coordinator position as an upper-level, agency-wide position. During interviews with the PREA Coordinator and the PREA Manager, both indicated they had sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.12 - Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not-applicable Standard

115.12 (a) Based on the documentation provided, Policy 502.06 section O, page 6, as well as staff interviews it was determined the Tennessee Department of Corrections does include in all new contracts and upon renewal of a contract the obligation to

adopt and comply with the PREA standards as required by this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.12 (b) Based on the documentation provided, Policy 502.06 section P, page 6, and administrative staff interviews the Tennessee Department of Correction provides a contract monitor for all new and renewed agency contracts to ensure the contractor is complying with the PREA standards as required by this part of the standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.13 – Supervision and Monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on staff interviews, review of documentation provided and review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy, 502.06 sections H and J, on page 5. The following delineates the audit findings regarding this standard:

115.13 (a) The facility has documented and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing as described and required by this standard. Video monitoring has also been deployed and upgraded to assist with the protection of offenders against sexual abuse. The staffing levels are monitored daily by review of shift rosters. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.13 (b) The facility has procedures in place to ensure all deviations are covered by overtime or notification must be documented and submitted to the Warden outlining the reason(s) for the deviation. There have been no deviations reported where the staffing plan has not been complied with in the past twelve months, as confirmed by interview with the Warden. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.13 (c) Based on administrative staff interviews and Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 section H, on page 5, which mandates an annual review of the staffing plan each calendar year. As well as documentation of the annual review completed March 1, 2016, which was documented on form number CR-3964 and approved by the Warden, Associate Warden of Security, Associate Warden of Treatment (Facility PREA Coordinator), Chief of Security and the Agency PREA Coordinator. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.13 (d) Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 section J, on page 5, staff interviews, and

documentation provided. Intermediate-level or higher-level supervisors are required to conduct and are documenting UNANNOUNCED rounds on all shifts as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.14 – Youthful Inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not Applicable Standard

Based on the documentation provided and staff interviews, Tennessee Department of Corrections - West Tennessee State Penitentiary is an adult facility and does not house youthful inmates. Therefore, this standard was found to be non-applicable to this facility during this audit.

§115.15 – Limits to Cross-Gender Viewing and Searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 506.06-1 section H, page 4, training curriculums, staff interviews, training file reviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.15 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 506.06-1 section H, on page 4 outline offender searches including cross-gender searches. The review of training curriculums and staff interviews revealed cross gender strip searches are prohibited except in exigent circumstances and must be approved and documented when exigent circumstances exist. There has been no documented cross-gender visual body cavity or strip search reported in the past 12 months. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.15 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 506.06-1 section H, on page 4 prohibits male employees from frisk/pat searches of female inmates/residents except in exigent circumstances. Staff interviews confirmed knowledge and compliance with this directive of policy.

Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.15 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA 506.06-1 section H, on page 4 prohibits frisk/pat searches of the female inmates by male staff and requires that all cross-gender searches in exigent circumstances be documented. There have been no documented cross-gender searches reported during the past 12 months confirmed by administrative staff interviews. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.15 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 112.08-1 section V, on page 1 outlines that inmates shall be permitted to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia. The inmates confirmed during interviews they have privacy when showering, using the toilets and while changing their clothes.

Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 305.03 section A, on page 2 also requires staff of the opposite gender to announce their presence prior to entering the housing units. Inmate and staff interviews revealed that opposite gender announcements were common practice at this facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.15 (e) Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 506.06-1 section H, on page 5, training curriculum provided and staff interviews the facility prohibits staff from physically examining transgender or intersex inmates for the sole purpose of determining genital status. If the inmate's genital status is unknown, it is determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. There were no identified transgender or intersex inmate's house at this facility during the onsite visit. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.15 (f) Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 section K, 3 on page 6, training curriculum provided, staff training file reviews, and staff interviews. The facility trains security staff to conduct cross-gender pat-down 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. There were no identified transgender or intersex inmate's house at this facility during the onsite visit. In addition, there were no complaints filed by a LGBTI inmate in the past 12 months related to searches. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.16 – Inmates with Disabilities and Inmates who are Limited English

Proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 section D, on page 4, training curriculums, review of the facility written plan for providing limited English proficient inmates services, documentation provided, staff, and inmate interviews. The following delineates the audit findings regarding this standard:

115.16 (a) The Tennessee Department of Corrections - West Tennessee State Penitentiary takes appropriate steps to ensure inmates with disabilities (including, for example, 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 its efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. During interviews with the inmates identified to meet the aspects of this standard, they all confirmed they received training and materials they could understand. The inmates and staff also confirmed that interpretive services are available when needed. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.16 (b) The Tennessee Department of Corrections - West Tennessee State Penitentiary takes reasonable steps to ensure meaningful access to all aspects of the agency'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. During interviews with the inmates identified to meet the aspects of this standard, they all confirmed they received training and materials they could understand. The inmates and staff also confirmed that interpretive services are available when needed. Therefore, the facility has demonstrated compliance with this part of the standard during this audit. However, it is strongly recommended that the facility provide more written material to the limited English proficient inmates in the future.

115.16 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety. The inmates and staff confirmed during interviews and documentation provided confirmed that interpretive services are available when needed. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.17 – Hiring and Promotion Decisions

- X Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary policy 301.04 section H, page 3, Human Resource staff interviews, and personnel file reviews. The following delineates the audit findings regarding this standard:

115.17 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor or volunteer who may have contact with inmates, who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.17 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or volunteer, who may have contact with inmates. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.17 (c)-1 Tennessee Department of Corrections - West Tennessee State Penitentiary requires a criminal background records check be completed before hiring any new employee. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.17 (c)-2 Tennessee Department of Corrections - West Tennessee State Penitentiary makes their best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any pending investigations of allegation of sexual abuse. This request is documented on form CR-3962. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.17 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary requires a criminal background records check be completed before enlisting the services of any contractor or volunteer who may have contact with the inmates. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.17 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 301.04 section E, on page 3 requires a criminal background records check be completed on all current employees, volunteers and contractors annually on their employment anniversary date. A Random file review revealed that this is common practice at this facility. Therefore, the facility exceeds the requirements of this part of the standard.

115.17 (f) Tennessee Department of Corrections - West Tennessee State Penitentiary instills upon all employees a continuing affirmative duty to disclose any sexual misconduct as required by this standard. Tennessee Department of Corrections policy 301.04 requires that the PREA Compliance and Acknowledgement form CR-3819 be completed by all applicants, upon being hired, during annual background check, and during consideration for a promotion. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.17 (g) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 301.04 mandates that material omissions regarding sexual misconduct, and the provision of materially giving false information, are grounds for termination as required by this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.17 (h) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 301.04 requires the agency to provide information on substantiated allegations of sexual abuse or sexual harassment involving a current or former employee upon receiving a request from an institutional employer for whom such employee has applied to work. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.18 – Upgrades to Facilities and Technology

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 108.01, section G and H, on page 3, staff interviews and review of documentation provided. The following delineates the audit findings regarding this standard:

115.18 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary requires when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the

agency's ability to protect inmates from sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.18 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 108.01 section H, on page 3 requires when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse. During this audit cycle there has been minimal enhancements to the technology at this facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.21 – Evidence Protocol and Forensic Medical Examinations

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary policies 502.06.2 and 502.06.3, investigative staff interviews, and review of documentation provided. The following delineates the audit findings regarding this standard:

115.21 (a) and (b) Tennessee Department of Corrections - West Tennessee State Penitentiary complies with all elements of this standard. The agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings. The Tennessee Department of Corrections Investigations Unit Special Agents conducts all criminal investigations at this facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.21 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary offers all victims of sexual abuse access to forensic medical examinations at the Jackson General Hospital in Jackson, Tennessee without financial cost, where evidentiary or medically appropriate. Such examinations are performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) at this hospital. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.21 (d) The Tennessee Department of Corrections - West Tennessee State Penitentiary has entered into a Memorandum of Understanding with the Shelby County Rape Crisis Center which agrees to provide outside victim advocacies services to the inmates. The facility has also provided a qualified staff member employed by the mental health team, which would provide these services as warranted. However,

the services of these victim advocates has not been requested or used by the inmates during this audit cycle. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.21 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary has entered into a Memorandum of Understanding with the Shelby County Rape Crisis Center, which agrees to provide outside victim advocacies services to the inmates upon request. The facility also makes available to the victim a qualified agency staff member, upon request by the victim, who will accompany and support the victim through the forensic medical examination process and investigatory interviews and provide emotional support, crisis intervention, information, and referrals as warranted. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.21 (f) The Tennessee Department of Corrections - West Tennessee State Penitentiary is responsible for administrative and criminal investigations. Therefore, this part of the standard is not applicable to this facility.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section VI, on pages 1 through 7, investigative staff interviews, and review of documentation provided. The following delineates the audit findings regarding this standard:

115.22 (a) The Tennessee Department of Corrections - West Tennessee State Penitentiary is required to investigate ALL PREA complaints received at this facility. All potential criminal activity is referred to the Tennessee Department of Corrections Investigations Unit Special Agents for criminal investigation and prosecution when warranted. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.22 (b) All PREA allegations are investigated by the Tennessee Department of Corrections - West Tennessee State Penitentiary for potential criminal activity. If it is determined that the allegation involves potential criminal activity, it is referred to the Tennessee Department of Corrections Investigations Unit Special Agents for criminal investigation and prosecution when warranted. This policy is published on the agency website as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.22 (c) The Tennessee Department of Corrections - West Tennessee State Penitentiary is responsible for administrative and criminal investigations. Therefore, this part of the standard is not applicable to this facility.

§115.31 – Employee Training

X Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 section K, on page 5, staff interviews, random staff training file review and review of documentation provided (power points, certificates, sign in sheets, signed acknowledgement forms, training curriculums and employee handouts). The following delineates the audit findings regarding this standard:

115.31 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary train all their employees who have contact with inmates on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Inmates' right to be free from sexual abuse and sexual harassment;
- (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with inmates;
- (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.31 (b) The training is tailored to the gender of the inmates at Tennessee Department of Corrections - West Tennessee State Penitentiary. The employees receive additional training if the employee is reassigned from a facility that houses only female inmates to a facility that houses only male inmates, or vice versa. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.31 (c) The training staff provided a report containing all staff that had been PREA trained which confirmed the requirements needed to meet the standard and proved that all current staff was trained within one year of the effective date of the

PREA standards. All staff receive annual refresher PREA training during in-service which exceeds the requirements of this standard. Therefore, the facility exceeded this part of the standard during this audit.

115.31 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary documents, through employee signature on an acknowledgement form, that all employees understand the training they have received. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.32– Volunteer and Contractor Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 section L, on page 6, volunteer and contractor interviews, random training file review and review of documentation provided (power points, certificates, sign in sheets, signed acknowledgement forms, training curriculums and handouts). The following delineates the audit findings regarding this standard:

115.32 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary ensures all volunteers and contractors who have contact with inmates have been trained on their responsibilities under Tennessee Department of Corrections - West Tennessee State Penitentiary sexual abuse and sexual harassment prevention, detection, and response policies and procedures. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.32 (b) The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates are notified of Tennessee Department of Corrections - West Tennessee State Penitentiary's zero-tolerance policy 502.06 regarding sexual abuse and sexual harassment and informed how to report such incidents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.32 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary documents through signature on acknowledgement form CR-2935 and/or the training roster that volunteers and contractors understand the training they have received. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.33 – Inmate Education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on review of the Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.1 section B, on page 3, the Inmate Handbook, PREA pamphlets, Facility Orientation, PREA Posters, and the 30-day training video; as well as interviews with random inmates and staff. The following delineates the audit findings regarding this standard:

115.33 (a) During the intake process, inmates receive information explaining Tennessee Department of Corrections - West Tennessee State Penitentiary's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.33 (b) Within 30 days of intake, Tennessee Department of Corrections - West Tennessee State Penitentiary provides comprehensive education to the inmates, administered by video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.33 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary has provided such education within one year of the effective date of the PREA standards to all its inmates, and provides education to inmates upon transfer as required by this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.33 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary provides inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. The facility has a state contract with World Wide Interpreters and the Tennessee Foreign Language Institute as well as TDD phones to assist inmates with these disabilities. Therefore, the facility demonstrated compliance with this part of the standard during this audit. However, it is strongly recommended that the facility provide additional written materials to the limited English proficient inmate population at this facility.

115.33 (e) There was documentation provided of inmate's participation in PREA educational sessions as required by this part of the standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.33 (f) Tennessee Department of Corrections - West Tennessee State Penitentiary does provide the inmates with posters, pamphlets, and an inmate handbook outlining the zero-tolerance policy regarding sexual abuse and sexual harassment and how to

report incidents or suspicions of sexual abuse or sexual harassment. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.34 – Specialized Training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on review of the Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section E, on page 4 as well as the PREA Specialized Investigator Training curriculums provided, Investigators training file review and investigative staff interviews. The following delineates the audit findings regarding this standard:

115.34 (a) In addition to the general training provided to all employees Tennessee Department of Corrections - West Tennessee State Penitentiary ensures that the investigators have received training in conducting investigations in confinement settings. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.34 (b) Specialized training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.34 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.35 – Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on review of the Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.3 section C, on page 6 as well as the PREA

Specialized Medical/Mental Health training curriculum provided, training file review and staff interviews. The following delineates the audit findings regarding this standard:

115.35 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy as well as the PREA Specialized Medical/Mental Health training curriculum provided, training file review and staff interviews revealed the agency has provided specialized training to all its medical and mental health staff on how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how to report allegations of sexual abuse and sexual harassment. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.35 (b) The medical staff at this facility does not conduct forensic exams. Therefore, this part of the standard is not applicable to this facility.

115.35 (c) The agency maintains documentation that all medical and mental health practitioners have received specialized training. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.35 (d) Medical and mental health care practitioners also receive the annual training mandated for all employees, documentation was provided that all medical staff have attended the PREA training mandated for all employees under 115.31 or 115.32 depending upon practitioner's status with the agency. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.41 – Screening for Risk of Victimization and Abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.1 section C, on page 4, inmate and staff interviews, inmate file reviews, and a review of the CR-3638 objective PREA Screening Assessment form. The following delineates the audit findings regarding this standard:

115.41 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary policy requires that all inmates be assessed during intake and upon transfer to another facility for risk of being sexually abused by other inmates or sexually abusive toward other inmates. During random inmate file review as well as

inmate and staff interviews, it was determined that the policy was being followed. Therefore, the facility demonstrated compliance with this part of the standard.

115.41 (b) The Tennessee Department of Corrections - West Tennessee State Penitentiary provided documentation that mandates screenings be conducted within 72 hours of arrival at the facility. During random inmate file review as well as inmate and staff interviews, it was determined that the policy was being followed. Therefore, the facility demonstrated compliance with this part of the standard.

115.41 (c) Based on the documentation provided and inmate file reviews the facility utilizes an objective screening instrument that covers all aspects of this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.41 (d) The intake screening instrument used considers, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- (1) Whether the inmate has a mental, physical, or developmental disability;
- (2) The age of the inmate;
- (3) The physical build of the inmate;
- (4) Whether the inmate has previously been incarcerated;
- (5) Whether the inmate's criminal history is exclusively nonviolent;
- (6) Whether the inmate has prior convictions for sex offenses against an adult or child;
- (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the inmate has previously experienced sexual victimization;
- (9) The inmate's own perception of vulnerability; and
- (10) Whether the inmate is detained solely for civil immigration purposes.

Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.41 (e) The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to Tennessee Department of Corrections - West Tennessee State Penitentiary, in assessing inmates for risk of being sexually abusive. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.41 (f) Within 30 days from the inmate's arrival, the Tennessee Department of Corrections - West Tennessee State Penitentiary will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by Tennessee Department of Corrections - West Tennessee State Penitentiary since the intake screening. During random inmate file review as well as inmate and staff interviews, it was determined that the policy was being followed. Therefore, the facility demonstrated compliance with this part of the standard.

115.41 (g) Tennessee Department of Corrections - West Tennessee State Penitentiary will reassess an inmate's risk level when warranted due to a referral,

request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. During random inmate file review as well as inmate and staff interviews, it was determined that the policy was being followed. Therefore, the facility demonstrated compliance with this part of the standard.

115.41 (h) Tennessee Department of Corrections - West Tennessee State Penitentiary does not discipline inmates for refusing to answer screening questions or not disclosing complete information. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.41 (i) Tennessee Department of Corrections - West Tennessee State Penitentiary implements appropriate controls on the dissemination of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. Based on interviews with the staff responsible for completing the screening, all information gathered on the screening instrument is restricted to staff making housing, work, and program assignments. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.42 – Use of Screening Information

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.01 section C, on page 4, policy 113.37, inmate and staff interviews, file review, and review of the CR-3638 objective PREA Screening Assessment form. The following delineates the audit findings regarding this standard:

115.42 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary uses information from the risk screening to decide housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. During random inmate file review as well as inmate and staff interviews, it was determined that the policy was being followed. Therefore, the facility demonstrated compliance with this part of the standard.

115.42 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary makes individualized determinations about how to ensure the safety of

each inmate. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.42 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 113.37, sections F, G, and H, outlines the procedures to be followed in deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and the process for making housing and programming assignments, on case-by-case bases as required by this standard. There were no transgender or intersex inmates housed at this facility during the onsite visit. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.42 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 113.37, sections F, G, and H, outlines the procedures for placement and programming assignments of each transgender or intersex inmate being reassessed at least twice per year to review any threats to safety experienced by the inmate as required by this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.42 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 113.37, sections F, G, and H, requires that a transgender and intersex inmate's own views regarding their own safety be given serious consideration. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.42 (f) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 113.37, sections F, G, and H, requires that transgender and intersex inmates be given the opportunity to shower separately from other inmates. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.42 (g) Tennessee Department of Corrections - West Tennessee State Penitentiary does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.43 – Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section D, on page 3, staff interviews, inmate interviews, and documentation review. The following delineates the audit findings regarding this standard:

115.43 (a) Inmates at high risk for sexual victimization are not placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. The Tennessee Department of Corrections - West Tennessee State Penitentiary policy outlines the procedures to ensure compliance with this standard. Staff and inmate interviews revealed no incidents of involuntary segregated housing being used for this purpose during the past 12 months at this facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.43 (b) Inmates placed in segregated housing for this purpose would have access to programs, privileges, education, and work opportunities to the extent possible. If Tennessee Department of Corrections - West Tennessee State Penitentiary restricts access to programs, privileges, education, or work opportunities, they document the opportunities that have been limited on the LCDG–Contact Notes in the computer, as well as the duration of the limitation and the reasons for such limitations. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.43 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary assigns such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment does not ordinarily exceed a period of 30 days. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.43 (d) If an involuntary segregated housing assignment is made, Tennessee Department of Corrections - West Tennessee State Penitentiary clearly documents the basis for the facilities' concern for the inmate's safety; and the reason why no alternative means of separation can be arranged. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.43 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary requires a 30-day review to determine whether there is a continuing need for separation from the general population. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.51 – Inmate Reporting

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section B, on pages 2 and 3, the Inmate Handbook, PREA pamphlets, and posters provided to inmates were utilized to verify compliance with this standard. Staff and inmate interviews verified the inmates have multiple internal ways to report incidents of abuse or harassment. They can report verbally, in writing, dialing the hotline provided and/or through report of a third party. The following delineates the audit findings regarding this standard:

115.51 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy outlines multiple internal ways for inmates to report incidents of abuse or harassment. They can report verbally, in writing, dialing the hotline provided and/or through report of a third party. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.51 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of Tennessee Department of Corrections - West Tennessee State Penitentiary, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. The Tennessee Department of Corrections - West Tennessee State Penitentiary has by Memorandum of Understanding provided a hotline number for the Shelby County Rape Crisis Center to the inmates satisfying the requirements of this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.51 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section B, page 2 requires all staff to accept reports made verbally, in writing, anonymously, and from third parties. All allegations shall be promptly documented in an incident report and reported to the supervisor. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.51 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 502.06.2 section B, on page 2 states staff may privately report sexual abuse and sexual harassment of inmates to the Central Office PREA Tip Line and provides staff the phone number. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.52 – Exhaustion of Administrative Remedies

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Not Applicable (Exempt) Standard

The Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, pages 6 and policy change notice 15-14 outlines all aspects of the requirements of this standard. Based on review of these policies, documentation provided, inmate interviews, and staff acknowledgement. The following delineates the audit findings regarding this standard:

115.52 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 outlines the administrative procedures to be followed to address inmate grievances regarding sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.52 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 requires the following:

- (1) The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
 - (2) The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.
 - (3) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
 - (4) Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.
- Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.52 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 requires the Grievance Coordinator to ensure the following:

- (1) An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - (2) Such grievance is not referred to a staff member who is the subject of the complaint.
- Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.52 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 requires that the Associate Warden of Treatment issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.

Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 outlines that the Associate Warden of Treatment may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 directs that at any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.52 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 directs the following:

- (1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
- (2) If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. All such grievances shall be documented on the Inmate Grievance form CR-1394.
- (3) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision on the original Inmate Grievance form CR-1394. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.52 (f) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 directs the following:

After receiving an emergency grievance or an informal complaint alleging an inmate is subject to a substantial risk of imminent sexual abuse, the Grievance Chairperson or staff member receiving the complaint shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the Associate Warden of Treatment to ensure immediate corrective action is taken. The Grievance Chairperson shall provide an initial response within 48 hours, and shall issue a final decision within 5 calendar days. The initial response and final decision provided within the PREA Allegation System shall document the facility's determination as to whether the inmate is in substantial risk of imminent sexual abuse, and the action taken in response to the emergency grievance. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.52 (g) Tennessee Department of Corrections - West Tennessee State Penitentiary policy 501.01 section L, page 6 and policy change notice 15-14 outlines that the agency may discipline an inmate for filing a grievance related to alleged sexual abuse only when the agency demonstrates that the inmate filed the grievance in bad faith. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.53 – Inmate Access to Outside Confidential Support Services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section B, on page 2, staff interviews, and documentation review. The following delineates the audit findings regarding this standard:

115.53 (a) The agency has entered into a Memorandum of Understanding with the Shelby County Rape Crisis Center which agrees to provide confidential outside victim advocacies services to the inmates at Tennessee Department of Corrections - West Tennessee State Penitentiary. The mailing address and telephone number for this agency are made available to all inmates at the facility. Tennessee Department of Corrections - West Tennessee State Penitentiary enables reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible. The services of these victim advocates have not been requested or used by the inmates during this audit cycle, verified by phone call. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.53 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary informs inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.53 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary maintains a Memorandum of Understanding with the Shelby County Rape Crisis Center in Memphis, Tennessee. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.54 – Third-Party Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on the review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section B, on page 2 as well as a review of the agency website outlining third party reporting. The following delineates the audit findings regarding this standard:

115.54 (a) The agency provides a method for receiving third-party reports of sexual abuse and sexual harassment on the agency website at: <http://www.tn.gov/correction/article/prison-rape-elimination-act-of-2003>. The information available on the website provides a hotline number for third parties to report sexual abuse and sexual harassment on behalf of an inmate. The facility takes all reports seriously no matter how they are received and investigates each reported incident. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.61 – Staff and Agency Reporting Duties

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section A, on page 2, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.61 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary policy requires all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.61 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary requires apart from reporting to designated supervisors or officials, staff do not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.61 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary requires medical and mental health practitioners to report sexual abuse immediately to the security staff supervisor. Medical and mental health practitioners are required

to inform the inmates of their duty to report, and the limitations of confidentiality, at the initiation of services. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.61 (d) Based on information provided by the Tennessee Department of Corrections staff attorney stating: "Tennessee Code Annotated 37-1-134 removes jurisdiction of any offender committed to the Tennessee Department of Corrections from the juvenile system to the adult system". As well as a Memorandum from the Director of the Adult Protective Services Department of Human Services Office of General Counsel for the State of Tennessee stating: "That they are not to be notified or to investigate allegations of abuse, neglect or exploitation of persons in jails/correctional facilities". The Tennessee Department of Correction has provided documentation outlining their requirements regarding this standard by state laws. Review of this documentation has demonstrated compliance with state laws and therefore meets the requirements of this part of the standard.

115.61 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary reports all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility investigator as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.62 – Agency Protection Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section B, on page 3, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.62 (a) Policy and staff training requires all staff to take immediate action and staff confirmed during their interviews the requirement of all staff to protect inmates when it is learned that an inmate at the Tennessee Department of Corrections - West Tennessee State Penitentiary is subject to a substantial risk of imminent sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.63 – Reporting to Other Confinement Facilities

- Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section P, on page 9, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.63 (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of Tennessee Department of Corrections - West Tennessee State Penitentiary that received the allegation notifies the head of the facility or appropriate office where the alleged abuse occurred. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.63 (b) and (c) Such notification is provided as soon as possible, but no later than 72 hours after receiving the allegation, and all actions are thoroughly documented. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.63 (d) Upon receiving a call from an outside facility that an inmate had been sexually abused while in the custody of the Tennessee Department of Corrections - West Tennessee State Penitentiary. The allegation is referred immediately to the facility investigator to be investigated. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.64 – Staff First Responder Duties

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section C, on page 3, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.64 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary policy outlines the responsibilities of all staff members receiving an allegation of sexual abuse to follow these guidelines:

- (1) Separate the alleged victim and abuser;
- (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could

destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.64 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy mandates when the first staff responder is not a security staff member, they shall advise the alleged victim not to take any actions that could destroy physical evidence, and then notify security staff immediately. The auditor confirmed compliance based on interviews with and training records of non-security staff. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.65 – Coordinated Response

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section D, pages 3 and 4, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.65 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary has a very comprehensive written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and facility leadership. The plan clearly defines the roles and responsibilities of each person involved and the procedures to be followed in detail. Interviews with SART members confirmed their knowledge of the response plan.

Part of the response plan is the "Sexual Abuse Incident Check Sheet" form CR-3776 which is initiated upon receiving a PREA allegation and ensures all steps in the plan are carried out in a timely manner exceeding the requirements of this standard.

§115.66 – Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on interviews with the Tennessee Department of Correction agency head and the West Tennessee State Penitentiary Warden. The following delineates the audit findings regarding this standard:

Tennessee Department of Corrections - West Tennessee State Penitentiary does not participate in collective bargaining. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.67 – Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section G, page 6, staff interviews, inmate interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.67 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary has a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and designates which staff members or departments are charged with monitoring retaliation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.67 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary has multiple protection measures, such as housing changes or transfers for inmates, victims, or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.67 (c) For at least 90 days following a report of sexual abuse, Tennessee Department of Corrections - West Tennessee State Penitentiary monitors the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may

suggest possible retaliation by inmates or staff, and act promptly to remedy any such retaliation. There are periodic status checks performed and documented on the PREA Retaliation Review form CR-3963. Tennessee Department of Corrections - West Tennessee State Penitentiary's monitoring includes any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. Such monitoring continues beyond 90 days if the initial monitoring indicates a continuing need. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.67 (d) If any other individual who cooperates with an investigation expresses a fear of retaliation, Tennessee Department of Corrections - West Tennessee State Penitentiary takes appropriate measures to protect that individual against retaliation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.68 – Post-Allegation Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

115.68 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary prohibits offenders who have alleged sexual abuse to be placed in involuntary segregated housing. If segregated housing is used, the same provisions as outlined in PREA policy 502.06.2 section D, 2, a through e on pages 3 and 4 would apply. Interviews with the Warden and segregation staff revealed that involuntary segregation has not been used for this purpose in the past 12 months. The Warden stated that if separation were required to protect the offender, they would be placed in segregation for no longer than 72 hours. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.71 – Criminal and Administrative Agency Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based upon review of the Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section D and E, on pages 3, 4, and 5, investigative staff interviews, training certificates, investigative reports, as well as

interviews with the PREA Coordinator, PREA Compliance Manager and reporting inmates. The following delineates the audit findings regarding this standard:

115.71 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary investigator conducts an investigation immediately when notified of an allegation of sexual abuse and sexual harassment. The investigative files were reviewed and it appeared that the investigations were conducted promptly, documented thoroughly, and objectively for all allegations, including third-party, and anonymous reports. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (b) Based on training curriculums provided, Investigators training file review, and investigative staff interviews, it was evident the facility provided, in addition to the general training received by all employees, specialized training to all its investigators. This training included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary Investigators and the Tennessee Department of Corrections Investigative Unit Special Agents gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (d) When the quality of evidence appears to support criminal prosecution, Tennessee Department of Corrections - West Tennessee State Penitentiary refers the case to the Tennessee Department of Corrections Investigative Unit Special Agents for the criminal investigation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (e) The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person's status as inmate or staff. The inmate who alleges sexual abuse is not required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (f) Tennessee Department of Corrections - West Tennessee State Penitentiary administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (g) Tennessee Department of Corrections - West Tennessee State Penitentiary, criminal investigations are documented by the Tennessee Department of Corrections Investigative Unit Special Agents in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (h) Tennessee Department of Corrections - West Tennessee State Penitentiary refers all allegations to the Tennessee Department of Corrections Investigative Unit Special Agents for investigation and prosecution when warranted. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (i) Tennessee Department of Corrections - West Tennessee State Penitentiary retains all written reports for as long as the alleged abuser is incarcerated or employed by Tennessee Department of Corrections - West Tennessee State Penitentiary, plus five years. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (j) The departure of the alleged abuser or victim from employment or control of the Tennessee Department of Corrections - West Tennessee State Penitentiary or agency does not provide a basis for terminating an investigation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (k) The Tennessee Department of Corrections, Investigative Unit Special Agents conducts criminal sexual abuse investigations pursuant to the requirements of this standard. Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2, outlines the requirements of the criminal investigation and complies with all aspects of this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.71 (l) Tennessee Department of Corrections - West Tennessee State Penitentiary refers all criminal cases to the Tennessee Department of Corrections Investigative Unit Special Agents and cooperates with their investigators during the entire investigation. The facility remains informed of the progress of the investigation through communication between the facility investigator and the Tennessee Department of Corrections Investigative Unit Special Agent(s) handling the case. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.72 – Evidentiary Standard for Administrative Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section I, subsection 4 on page 7 and investigative staff interviews. The following delineates the audit findings regarding this standard:

Tennessee Department of Corrections - West Tennessee State Penitentiary shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. When the investigator was asked what standard of evidence was used in determining if an allegation is substantiated, the agencies policy was recited confirming compliance with the standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.73 – Reporting to Inmate

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section J, on page 7, documentation provided, and staff and reporting inmate interviews. The following delineates the audit findings regarding this standard:

115.73 (a) Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy, interviews with the investigator and the reporting inmates, as well as documentation provided, it was confirmed that following an investigation into an inmate's allegation he/she suffered sexual abuse in the facility, the inmate was informed whether the allegation had been determined to be substantiated, unsubstantiated, or unfounded. The documentation provided confirmed the inmates were provided this notification on the "Inmate PREA Allegation Status Notification" form. The inmates are required to sign the form documenting acknowledgement of this notification as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.73 (b) Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy, the agency does request all relevant information from the criminal investigation conducted by the Tennessee Department of Corrections Investigative Unit Special Agents, in order to inform the inmate as required by this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.73 (c) Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy, interviews with the investigator and the reporting inmates, as well as documentation provided, it was confirmed that following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the

agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

- (1) The staff member is no longer posted within the inmate's unit;
- (2) The staff member is no longer employed at the facility;
- (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the Tennessee Department of Corrections - West Tennessee State Penitentiary; or
- (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the Tennessee Department of Corrections - West Tennessee State Penitentiary

The documentation provided confirmed the inmates were provided this notification on the "Inmate PREA Allegation Status Notification" form. The inmates are required to sign the form documenting acknowledgement of this notification as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.73 (d) Based on Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy, interviews with the investigator and the reporting inmates, as well as documentation provided, it was determined that following an inmate's allegation they had been sexually abused by another inmate, Tennessee Department of Corrections - West Tennessee State Penitentiary subsequently informs the alleged victim whenever the facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or Tennessee Department of Corrections - West Tennessee State Penitentiary learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. The documentation provided confirmed the inmates were provided this notification on the "Inmate PREA Allegation Status Notification" form. The inmates are required to sign the form documenting acknowledgement of this notification as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.73 (e) All such notifications or attempted notifications are documented at the Tennessee Department of Corrections - West Tennessee State Penitentiary. This was determined based on a review of the Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy, interviews with the investigator and the reporting inmates, as well as a review of the "Inmate PREA Allegation Status Notification" form maintained in the investigative file. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.73 (f) Policy outlines the agency's obligation to report under this standard terminates if the inmate is released from Tennessee Department of Corrections - West Tennessee State Penitentiary's custody. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.76 – Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section K, on page 7, documentation provided, agency head, and PREA Coordinator interviews. The following delineates the audit findings regarding this standard:

115.76 (a) and (b) Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.76 (c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.76 (d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement, unless the activity was clearly not criminal, and to any relevant licensing bodies. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.77 – Corrective action for contractors and volunteers

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section M, on page 8, documentation provided, agency head, Warden, and PREA Coordinator interviews. The following delineates the audit findings regarding this standard:

115.77 (a) Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and are reported to Tennessee Department of Corrections Investigative Unit Special Agents, unless the activity was clearly not criminal, and to

relevant licensing bodies. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.77 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary takes appropriate remedial measures, and considers whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.78 – Disciplinary sanctions for inmates

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based upon review of Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section L, on page 8, documentation provided, agency head, Warden, and PREA Coordinator interviews. The following delineates the audit findings regarding this standard:

115.78 (a) Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.78 (b) Sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.78 (c) The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.78 (d) The Mental Health staff offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, Tennessee Department of Corrections - West Tennessee State Penitentiary does not require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.78 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary disciplines an inmate for sexual contact with staff only upon a finding

that the staff member did not consent to such contact. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.78 (f) Policy states a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.78 (f) Tennessee Department of Corrections - West Tennessee State Penitentiary prohibits all sexual activity between inmates and may discipline inmates for such activity. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.81 – Medical and mental health screenings; history of sexual abuse

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on medical and mental health staff interviews and documentation provided as well as Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.3 section B, on pages 3 and 4. The following delineates the audit findings regarding this standard:

115.81 (a) and (c) If the screening indicates the inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, the screening staff at the Tennessee Department of Corrections - West Tennessee State Penitentiary ensures the inmate is offered a follow-up meeting with the medical and/or mental health staff within 14 days of the intake screening as required by this part of the standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.81 (b) If the screening indicates an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the screening staff at the Tennessee Department of Corrections - West Tennessee State Penitentiary ensures the inmate is offered a follow-up meeting with mental health staff within 14 days of the intake screening as required by this part of the standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.81 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary requires that any information related to sexual victimization or abusiveness that occurred in the facility is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and

program assignments, or as otherwise required by Federal, State, or local law. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.81 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary requires medical and mental health practitioners to obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in the facility, unless the inmate is under the age of 18. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.82 – Access to emergency medical and mental health services

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on medical and mental health staff interviews and documentation provided as well as Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.3 section B, on pages 3 and 4. The following delineates the audit findings regarding this standard:

115.82 (a) Tennessee Department of Corrections – West Tennessee State Penitentiary utilizes the following hospital to treat inmate victims of sexual abuse: Jackson General Hospital in Jackson, Tennessee. The facility also has medical and mental health staff at the facility ensuring inmates receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.82 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary has procedures to follow when no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.82 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary ensures inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.82 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary requires that all treatment services provided to the victim are without

financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on medical and mental health staff interviews, documentation provided, and Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.3 section B, subsection 3 on page 5. The following delineates the audit findings regarding this standard:

115.83 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary offers medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.83 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary mandates that the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.83 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary requires that medical and mental health staff provide all victims with medical and mental health services consistent with the community level of care. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.83 (d and e) Tennessee Department of Corrections - West Tennessee State Penitentiary is an all-male facility. Therefore, these parts of this standard are not applicable.

115.83 (f) Tennessee Department of Corrections - West Tennessee State Penitentiary requires that medical and mental health staff provide inmate victims of sexual abuse while incarcerated tests for sexually transmitted infections as medically appropriate. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.83 (g) Tennessee Department of Corrections - West Tennessee State Penitentiary requires that medical and mental health staff provide treatment services to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.83 (h) Tennessee Department of Corrections - West Tennessee State Penitentiary attempts to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning such abuse history and offer treatment when deemed appropriate by the mental health practitioners. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.86 – Sexual abuse incident reviews

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on interviews with the Warden, PREA Coordinator, the PREA Manager, and documentation provided as well as Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06.2 section F, on page 5. The following delineates the audit findings regarding this standard:

115.86 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.86 (b) Tennessee Department of Corrections - West Tennessee State Penitentiary ensures that these reviews occur within 30 days of the conclusion of the investigation and documents the review on the "Sexual Abuse Incident Review Report" form. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.86 (c) The review team consist of upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.86 (d) The review team considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status,

or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; and they examine the area in Tennessee Department of Corrections - West Tennessee State Penitentiary where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.86 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary implements the recommendations for improvement, or shall document its reasons for not doing so per agency policy. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.87 – Data Collection

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on interviews with the PREA Coordinator, the PREA Manager, and documentation provided as well as Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 sections R, page 7. The following delineates the audit findings regarding this standard:

115.87 (a), (b) and (c) Tennessee Department of Corrections - West Tennessee State Penitentiary collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions, and aggregates the incident-based sexual abuse data at least annually.

The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.87 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.87 (e) Tennessee Department of Corrections - West Tennessee State Penitentiary obtains incident-based and aggregate data from every private facility the Tennessee Department of Corrections has a contract with to confine their inmates.

Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.87 (f) Upon request, Tennessee Department of Corrections - West Tennessee State Penitentiary provides all such data from the previous calendar year to the Department of Justice no later than June 30 when required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.88 – Data Review for Corrective Action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on interviews with the PREA Coordinator, the PREA Manager, and documentation provided as well as Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 sections R, page 7. The following delineates the audit findings regarding this standard:

115.88 (a) Tennessee Department of Corrections - West Tennessee State Penitentiary reviews data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions for each facility, as well as Tennessee Department of Corrections as a whole. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.88 (b) Such reports includes a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of Tennessee Department of Corrections - West Tennessee State Penitentiary's progress in addressing sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.88 (c) Tennessee Department of Corrections - West Tennessee State Penitentiary's report is approved by the Commissioner of Corrections for the State of Tennessee and made readily available to the public through its website <http://www.tn.gov/correction/article/prison-rape-elimination-act-of-2003>. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.88 (d) Tennessee Department of Corrections - West Tennessee State Penitentiary may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

§115.89 – Data Storage, Publication, and Destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on interviews with the PREA Coordinator, the PREA Manager, and documentation provided as well as Tennessee Department of Corrections - West Tennessee State Penitentiary PREA policy 502.06 sections S, page 7. The following delineates the audit findings regarding this standard:

115.89 (a) through (d) Tennessee Department of Corrections agency PREA Coordinator makes all aggregated sexual abuse data, from facilities under the Tennessee Department of Corrections direct control readily available to the public at least annually through the agency website:

<http://www.tn.gov/correction/article/prison-rape-elimination-act-of-2003>.

All reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or Local law requires otherwise. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

AUDITOR CERTIFICATION:

I certify that:

- X The contents of this report are accurate to the best of my knowledge
- X No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- X I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Rodney P. Bivens

Auditor Signature

May 6, 2016

Date