

TN

Department of
Children's Services



Annual PREA Report (FY23)

Office of Juvenile Justice

Tennessee Department of Children's Services | January 2024

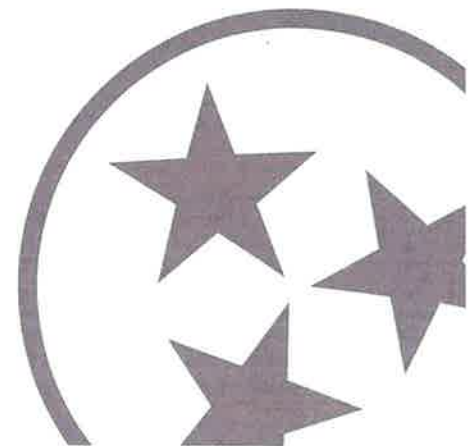


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Introduction

The Prison Rape Elimination Act (PREA) is a federal law that was signed on September 4, 2003. The PREA Standards became effective on August 20, 2012. These standards provide directives on how to prevent, detect, and respond to sexual abuse and sexual harassment within correctional systems, including certain Department of Child Services (DCS) facilities. DCS has adopted a Zero-Tolerance PREA policy that demonstrates its commitment to ensuring youth safety. All DCS and Contract agency staff are required to abide by the PREA standards and provide a culture that supports the Department's commitment to a sexual abuse and harassment-free environment.

Prison Rape Elimination Act (PREA) Unit

DCS employs a Statewide PREA Coordinator, and each facility monitored designates a PREA Compliance Manager to ensure ongoing PREA compliance. In April 2023, DCS established a new PREA Unit within the Office of Juvenile Justice to provide additional resources to conduct sexual abuse/harassment investigations as well as closely monitor PREA compliance at all PREA facilities the Department contracts with. Five additional investigator positions were created to report directly to the DCS Statewide PREA Coordinator, doubling the number of investigators in each of the three grand regions in Tennessee. For fiscal year 2023, the PREA Unit conducted investigations and monitored PREA compliance for one DCS state facility and 16 contract agency facilities/programs.

PREA Compliance

DCS remains committed to the safety of youth in its care which includes compliance with the PREA standards. To demonstrate ongoing compliance with PREA, each PREA-qualifying facility is required to have a PREA audit every three years. Each PREA facility has a coordinated response that is followed when a sexual abuse or sexual harassment allegation is reported or becomes known, which includes ensuring the alleged youth victim and other youth at the facility are safe. Additional treatment and victim support is available through external medical, mental health, and community partners. DCS strives to prevent sexual abuse and sexual harassment from occurring by providing the most updated training to staff and consistently evaluating risks factors of youth victimization to include:

- Training for staff, contractors, and volunteers on how to keep youth safe from sexual abuse and sexual harassment and how to respond to these events.
- Completing risk and housing assessments to evaluate each youth's vulnerability for victimization or their risk of being sexually aggressive or violent. Once assessed youth are placed in appropriate housing and programming within the facility.

- Training provided to security staff on how to conduct pat-down searches in a professional and respectful manner. Cross-gender viewing and pat searches are prohibited except in exigent circumstances.

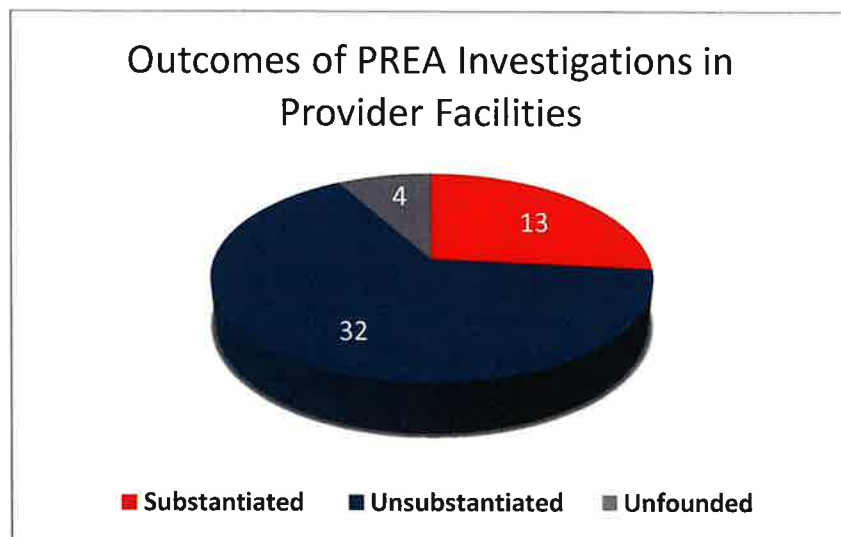
PREA Investigation Data

From July 2022 – June 2023, DCS assigned and conducted 49 PREA investigations at contracted provider facilities. Of those, 21 were for abuse and 28 were for harassment. The findings for the sexual abuse cases were as follows: six substantiated, 14 unsubstantiated and one unfounded. The findings for the sexual harassment cases were as follows: seven substantiated, 18 unsubstantiated and three unfounded. Compared to fiscal year 2022, this showed a decrease of two sexual abuse cases, and an increase of 10 sexual harassment cases.

Figure 1: PREA Investigations at Provider Facilities in FY23



Figure 2: Outcomes of PREA Investigations in Provider Facilities in FY23



From July 2022 – June 2023, DCS assigned and conducted 11 PREA investigations at Wilder Youth Development Center. Of those, eight allegations were for sexual abuse and three allegations were for sexual harassment. The findings for the sexual abuse cases were as follows: five unsubstantiated and three unfounded. The findings for the sexual harassment cases were all unsubstantiated. Compared to fiscal year 2022, this showed an increase of three sexual abuse cases and a decrease of four sexual harassment cases.

Figure 3: PREA Investigations at Wilder YDC in FY23

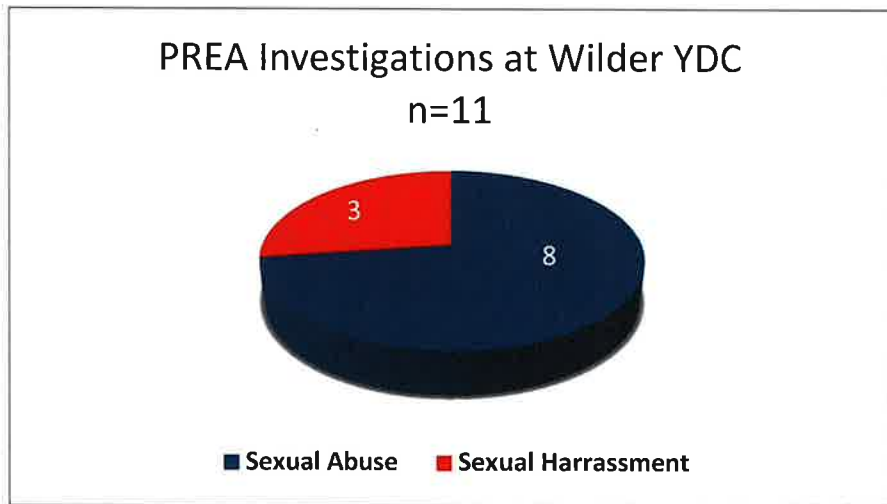
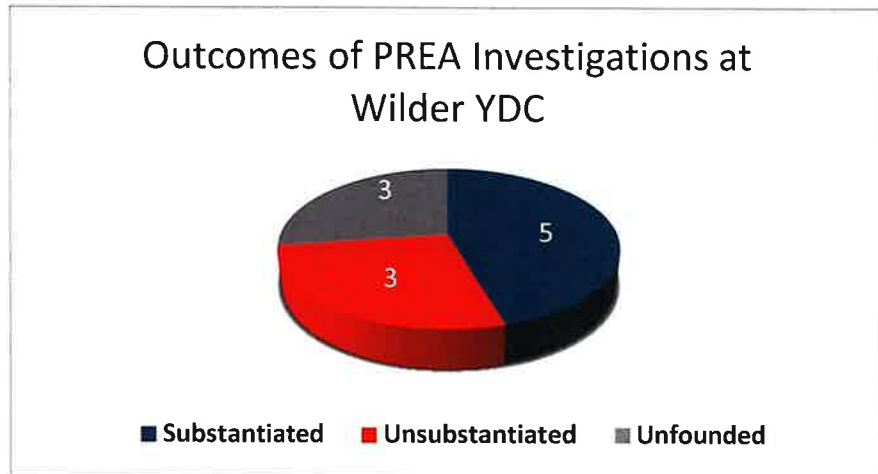


Figure 4: Outcomes of PREA Investigations at Wilder YDC in FY23



DCS continues to provide PREA Investigation data to the Department of Justice (DOJ) and the Bureau of Justice Statistics (BJS) for Wilder Youth Development Center annually as required since 2009. The DOJ has included definitions for how sexual abuse and sexual harassment allegations are to be classified at the end of an Administrative and/or Criminal Investigation which are as follows:

- **Substantiated allegation** means an allegation that was investigated and determined to have occurred.
- **Unfounded allegation** means an allegation that was investigated and determined not to have occurred.
- **Unsubstantiated allegation** means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Corrective Action

DCS continually assesses the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. DCS has instituted policy enhancements and safeguards to ensure youth safety including:

- Education for youth that included updated information on how to recognize sexual abuse and sexual harassment, how to report it if it happens, how the facility will respond, and how youth are protected from retaliation.
- Improved staff to youth ratios to ensure a sufficient number of staff are always supervising youth.
- Increased and standardized unannounced rounds to ensure all areas in each facility are monitored during day and night shifts by intermediate or higher-level supervisors at unpredictable times.
- DCS Investigators who conduct sexual abuse and sexual harassment investigations in residential facilities obtained specialized investigation training from the nationally recognized Moss Group which was referred by the PREA Resource Center.

Approved by:



Margie Quin
Commissioner
TN Department of Children's Services