



ARKANSAS DEPARTMENT OF CORRECTION

PRISON

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P

ELIMINATION  
C

ZERO TOLERANCE

CY16

ANNUAL PREA REPORT

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Agency PREA Coordinator



## Annual PREA Report CY2016

### **Mission**

The Mission of the Arkansas Department of Correction is to provide public safety by carrying out the mandate of the courts; provide a safe humane environment for staff and inmates; strengthen the work ethic through teaching of good habits; and provide opportunities for staff and inmates to improve spiritually, mentally and physically.

### **Purpose**

The Prison Rape Elimination Act of 2003 (PREA) requires the Bureau of Justice Statistics (BJS) to carry out a comprehensive statistical review and analysis of incidents and effects of prison rape for each calendar year. This report fulfills the requirement under Sec. 4c(2)(B)(ii) of the act to provide a list of prisons and jails according to the prevalence of sexual victimization. The Arkansas Department of Correction PREA Policy states in part: "The Department shall Collect Accurate, Uniform Data for Every Allegation of Sexual Abuse or Harassment at Facilities under its Direct Control Using a Standardized Instrument and Set of Definitions. The Incident Based Data Collected shall Include, at a Minimum, the Data Necessary to Answer all Questions from the Most Recent Version of the Survey of Sexual Violence reported to the Department of Justice".

### **Background**

The Prison Rape Elimination Act (PREA) was enacted by congress to address the problem of sexual assault in correctional facilities. PREA is intended to promote the detection, prevention, reduction and prosecution of sexual harassment and sexual assault. PREA applies to all correctional facilities in the country. A copy of the Prison Rape Elimination Act Policy is available in the unit's law library.

### **Zero Tolerance**

It is the policy of the Arkansas Department of Correction (ADC) that there is "Zero Tolerance" toward all forms of sexual abuse and harassment. It is the policy of the ADC to prevent, detect and respond to such conduct. This applies to ALL employees, contractors, volunteer, student interns and persons or organizations conducting business with the ADC and all inmates under the custody or supervision of the ADC. The Department provides each employee with refresher training annually to ensure that all employees know the Department's current sexual abuse and sexual harassment policies and procedures. During the intake process, inmates receive information explaining the Department's Zero Tolerance Policy regarding sexual abuse and sexual harassment, how to report alleged incidents of sexual abuse or sexual harassment. The use of the most current PREA Inmate Education Video regarding the inmate's right to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting such incidents and regarding Department policies and procedures for reporting incidents of sexual abuse and harassment is utilized. The units also provide inmate education in formats accessible to all inmates, including those who are of limited English proficiency, deaf, visually impaired, otherwise disabled, as well as to inmates who have limited reading skills. In addition to providing such education, the Department ensures that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats. Posters with the ADC Hot-line number, and when available, an outside reporting number, are placed near all inmate phones.



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### General Information

At the end of CY16, there were 17,537 inmates under the jurisdiction of the ADC. No matter when an incident occurred, the Arkansas Department of Correction attempts to collect data on all PREA incidents. ADC Facilities have assigned PREA Compliance Managers as well as an Agency PREA Coordinator. Each incident is reported to Internal Affairs.

### Analysis

During the 2016 calendar year, there were a total of 152 PREA related allegations. Of these, 52 (34%) qualified for Federal Reporting to BJS. Staff-on-Inmate Sexual Misconduct was the most frequent reported allegation and accounted for 33% of the substantiated cases; which includes requests for sexual favors, threats, touching, invasion of privacy, etc.

### PREA Disposition Types

It should be noted that consensual sexual activity between inmates does not qualify as a PREA incident although it is against ADC policy and can lead to disciplinary action. The PREA Standards provide definitions that guide the ADOC in determining the outcome of allegations investigated. The following are those disposition types:

**Substantiated** allegation means an allegation was investigated and determined to have occurred.

**Unsubstantiated** allegation means the allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Unfounded** allegation means an allegation was investigated and determined not to have occurred.

### Annual Reports

The Arkansas Department of Correction (ADC) has reported PREA investigation data to the Bureau of Justice Statistics (BJS) since 2006.

PREA standards require that the Department prepare an annual report of its findings and make all aggregated sexual abuse data from facilities under its direct control available to the public.

PREA investigations are conducted and findings are formed according to the content of definitions prescribed by BJS. Trends and figures are based on data collected in 2016 and prior years.





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### Inmate Reporting Methods

The Arkansas Department of Correction takes the safety of its inmates very seriously. Everyone who works within our agency receives training on the signs and symptoms of inmate sexual abuse and how to report allegations of abuse. Inmates have numerous methods to report sexual assault/abuse and retaliation:

- ◆ Calling the Department PREA Hotline from any inmate telephone
- ◆ Calling the ASP Crime Hotline from any inmate telephone
- ◆ Staff and the public may call the ASP Crime Hotline
- ◆ Telling a trusted staff member, security officer or any supervisor
- ◆ Inmate request/note
- ◆ Inmate Grievance
- ◆ Letter/note to the Unit Warden
- ◆ Letter/note to the PREA Compliance Manager at the Unit
- ◆ Letter/note to the Department PREA Coordinator at Central Office

The chart below depicts the number of calls that were made to the PREA Hotline during calendar year 2016. Please note that out of the **2,357** calls that were made to the PREA Hotline, only **402** of those calls met the criteria to be referred as PREA issues, which represent **17%** of the 2,357 calls.

<b>PREA HOTLINE DATA CY16</b>													
<b>Categories</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Total Number of Calls Received</b>	82	37	131	235	271	185	180	196	223	203	322	292	2357
<b>Total Number of Repeat Calls</b>	0	0	37	58	78	67	59	64	74	54	87	86	664
<b>Total Number of Calls With No Message</b>	0	0	52	65	89	48	45	39	52	65	67	73	595
<b>Total Calls Referred for Reported PREA Issue</b>	21	10	24	24	55	28	26	31	41	31	59	52	402
<b>Total Calls Referred for Non-PREA Issue</b>	13	15	18	73	47	42	50	62	56	53	95	81	605
<b>Total Calls Referred Due to Technical Failure</b>	0	0	0	0	0	0	0	0	0	0	14	0	14
<b>Total Calls Referred to IAD</b>	0	5	13	15	33	26	10	13	25	21	16	48	225
<b>No Referral (Test Calls)</b>	0	0	0	0	2	0	0	0	0	0	0	0	2

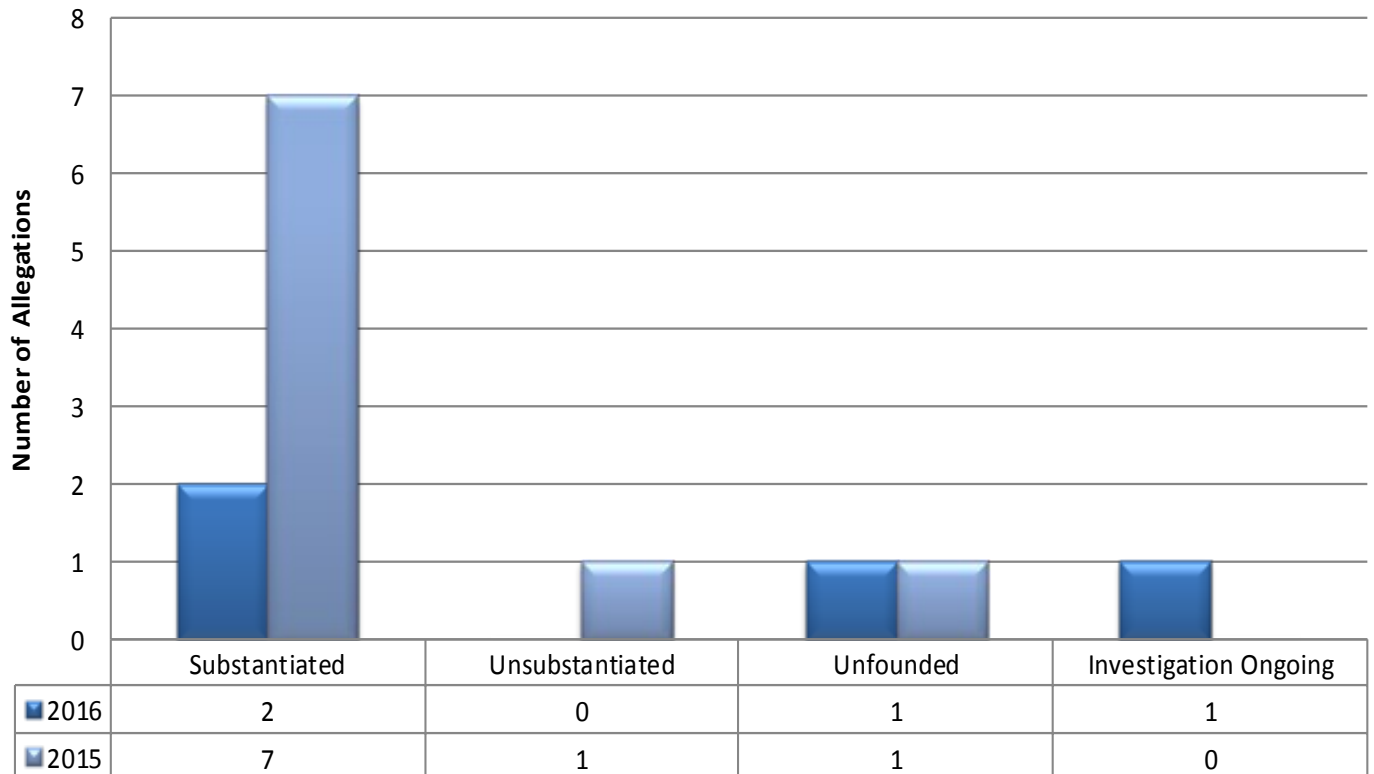


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### Inmate-on-Inmate Nonconsensual Sexual Acts

Inmate-on-Inmate Nonconsensual Sexual Act — sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vulva or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.

During 2016, there was a total of four (4) inmate-on-inmate nonconsensual sexual act cases. CY15 had seven (7) substantiated cases. The number of unsubstantiated cases reduced to zero from the previous year. There was one unfounded case each year.





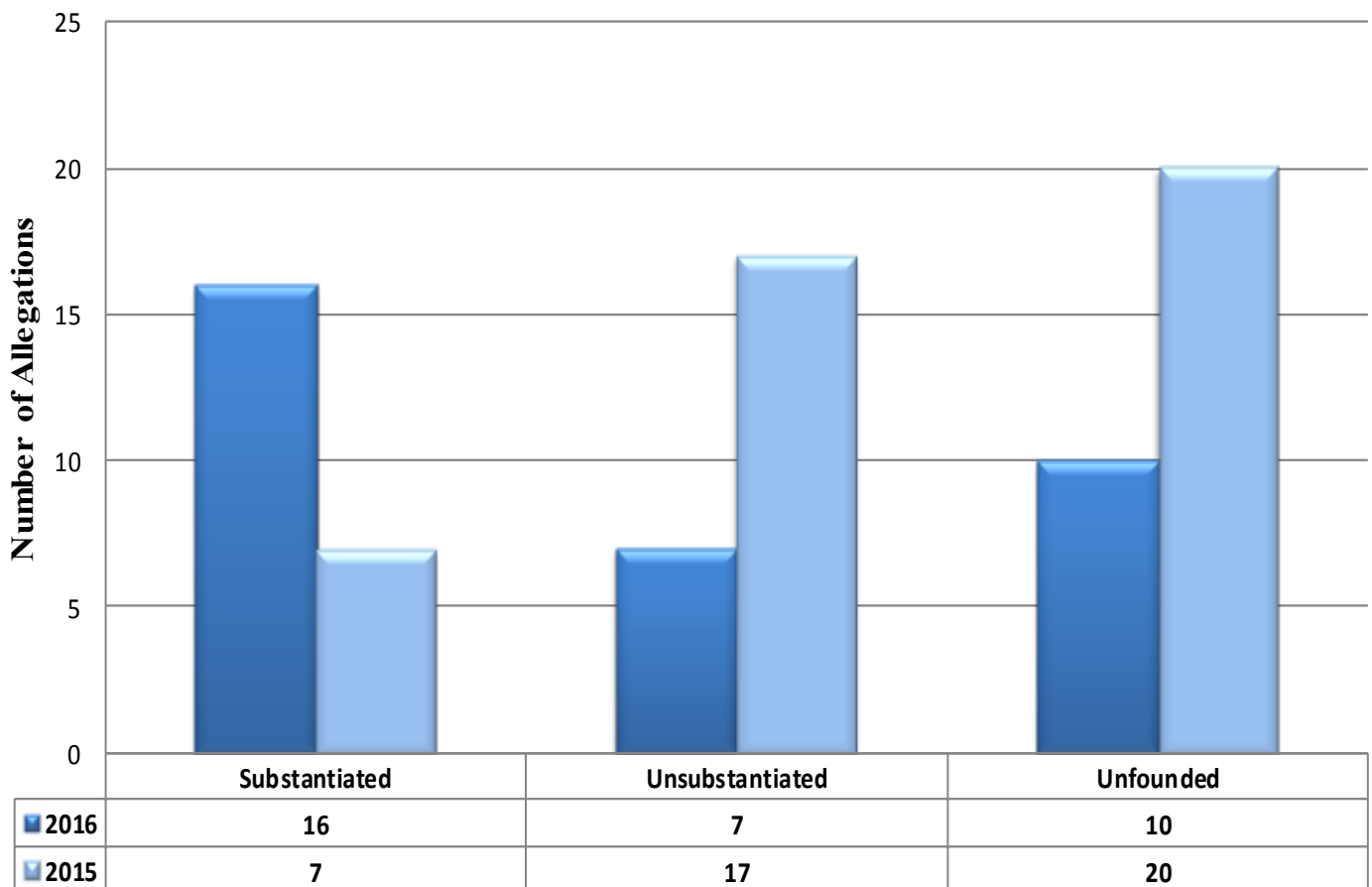


## Annual PREA Report CY2016

### Inmate-on-Inmate Abusive Sexual Contact

Inmate-on-Inmate Abusive Sexual Contact — sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Excluding incidents in which the contact was incidental to a physical altercation.

During 2016, there was a total of thirty-three (33) inmate-on-inmate abusive sexual contact cases. The number of substantiated cases increased by nine (9). The total number unsubstantiated cases and unfounded cases declined by ten (10).



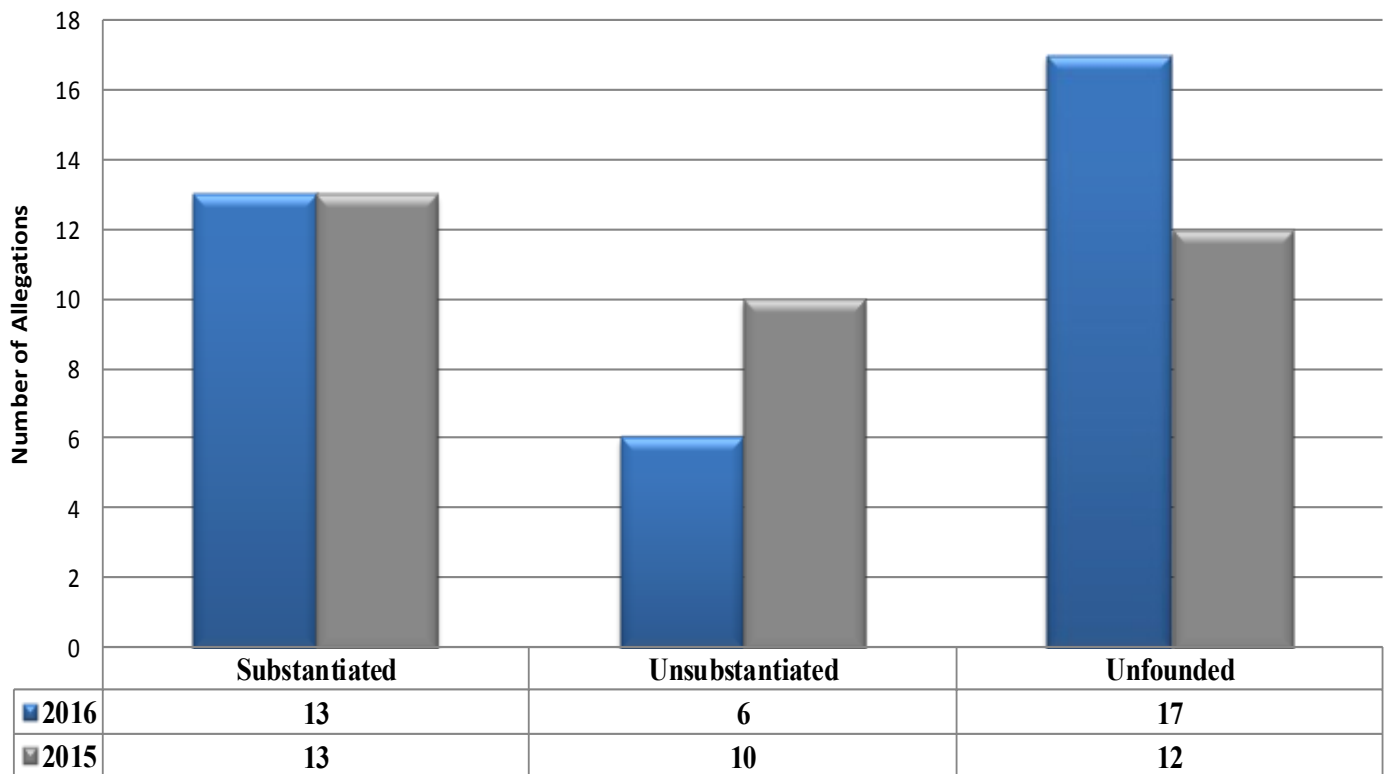


## Annual PREA Report CY2016

### Inmate-on-Inmate Sexual Harassment

Inmate-on-Inmate Sexual Harassment — repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

During 2016, there was a total of thirty-six (36) inmate-on-inmate sexual harassment cases. The number of substantiated cases was equal in CY16 and CY15. The total number unsubstantiated cases declined by four (4). The total number of unfounded case increased by five (5) from CY2015.



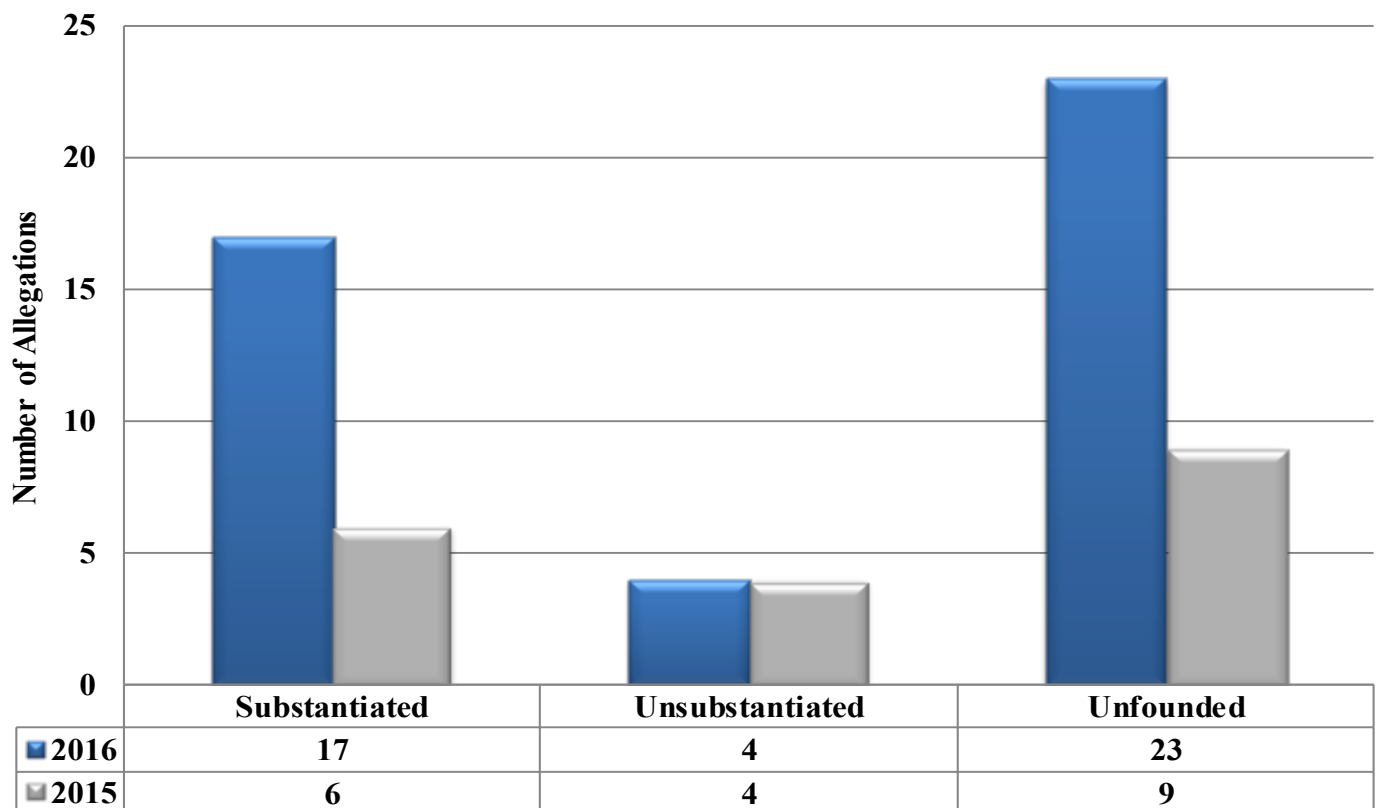


## Annual PREA Report CY2016

### Staff-on-Inmate Sexual Misconduct

Staff-on-Inmate Sexual Misconduct — any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family or friends). Sexual relationships of a romantic nature between staff and inmates are included in the definition. Sexual acts include—intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

During 2016, there was a total of forty-four (44) staff-on-inmate sexual misconduct cases. The number of substantiated cases increased by eleven (11). The total number unsubstantiated cases remained equal. The number of unfounded case increased by fourteen (14).





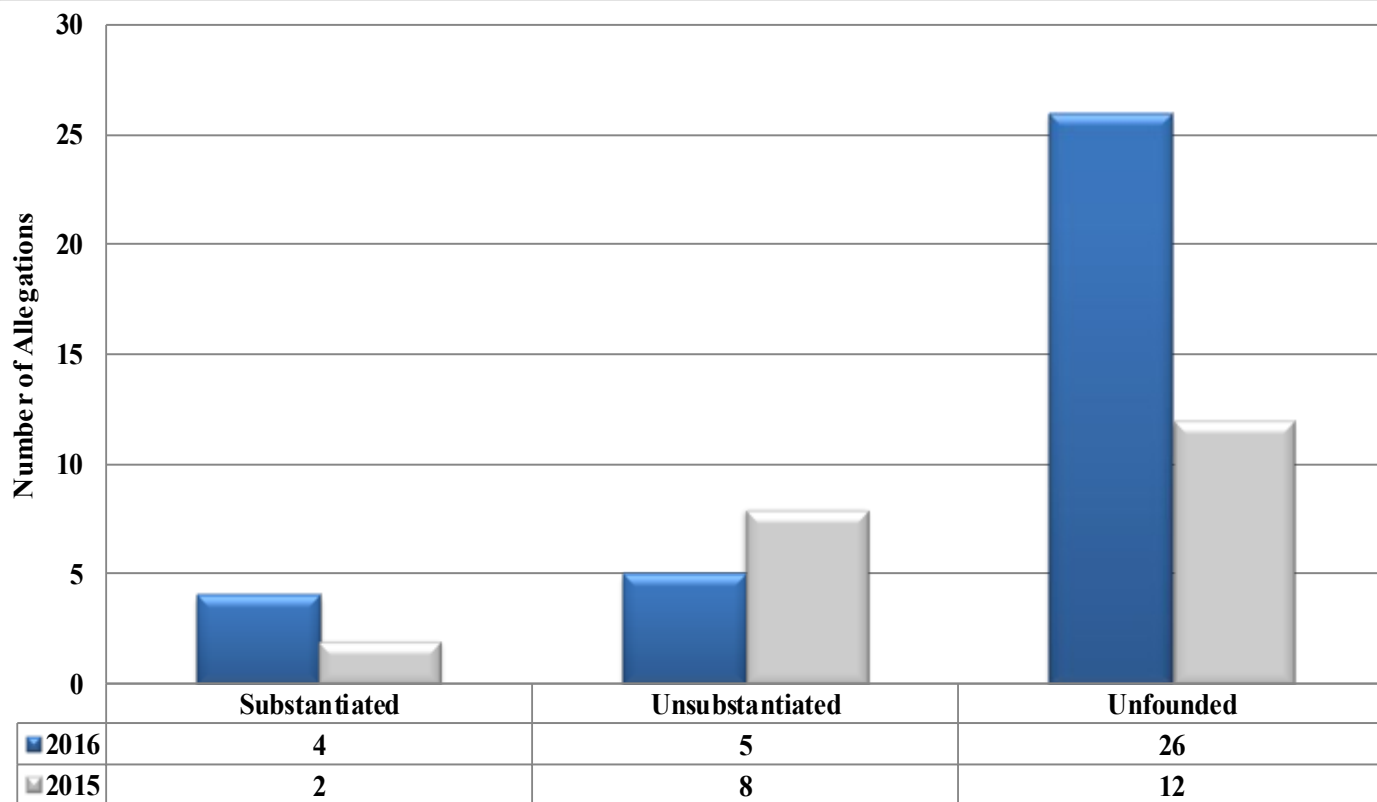


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### Staff-on-Inmate Sexual Harassment

Staff-on-Inmate Sexual Harassment — repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family or friends). Includes demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

During 2016, there was a total of thirty-five (35) staff-on-inmate sexual harassment cases. The number of substantiated cases increased by two (2). The total number unsubstantiated cases increased by three (3). The number of unfounded case increased by twelve (12).

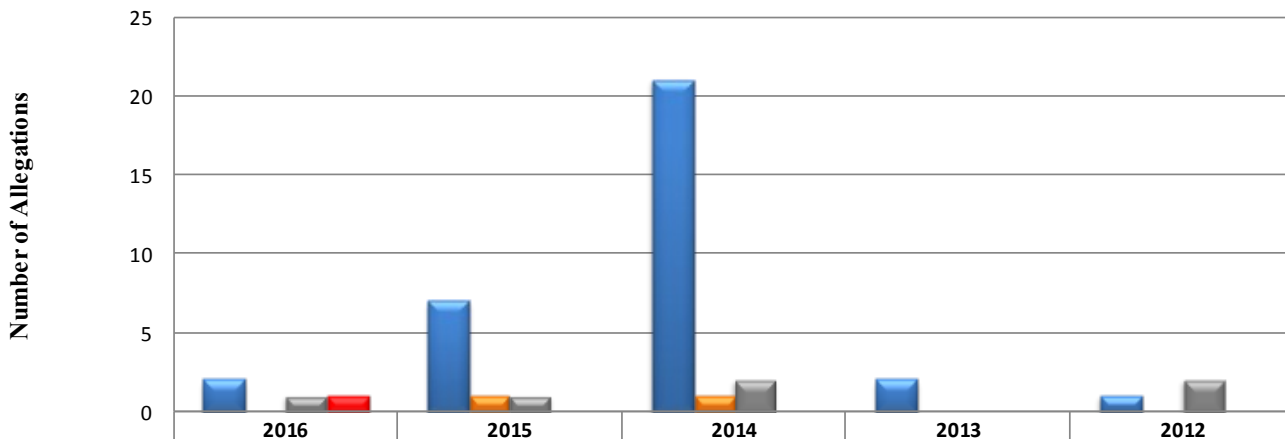




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### Inmate-on-Inmate Nonconsensual Sexual Acts 5 – Year Trend

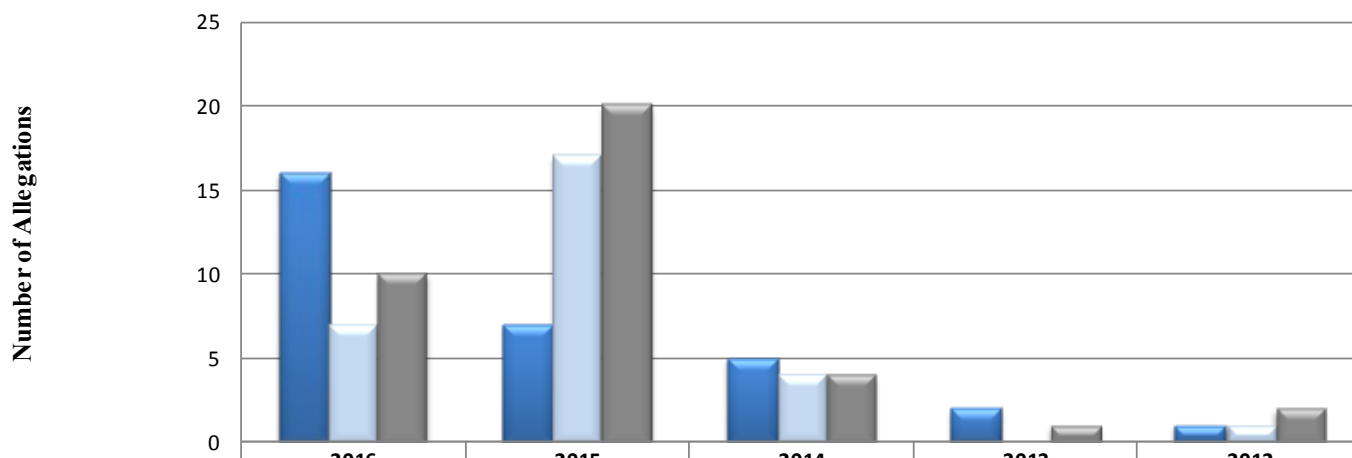
#### Inmate-on-Inmate Nonconsensual Sexual Acts



	2016	2015	2014	2013	2012
SUBSTANTIATED	2	7	21	2	1
UNSUBSTANTIATED	0	1	1	0	0
UNFOUNDED	1	1	2	0	2
Investigation Ongoing	1	0	0	0	0

### Inmate-on-Inmate Abusive Sexual Contact 5 – Year Trend

#### Inmate-on-Inmate Abusive Sexual Contact

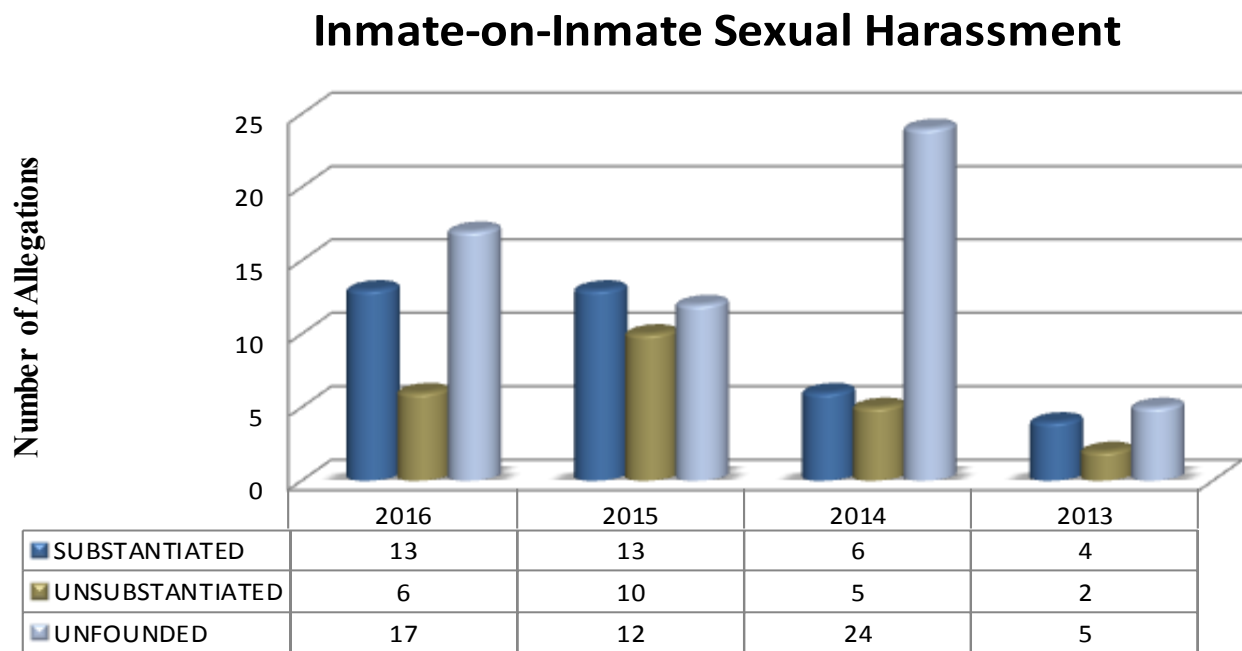


	2016	2015	2014	2013	2012
SUBSTANTIATED	16	7	5	2	1
UNSUBSTANTIATED	7	17	4	0	1
UNFOUNDED	10	20	4	1	2



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### Inmate-on-Inmate Sexual Harassment 2016-2013 Comparison



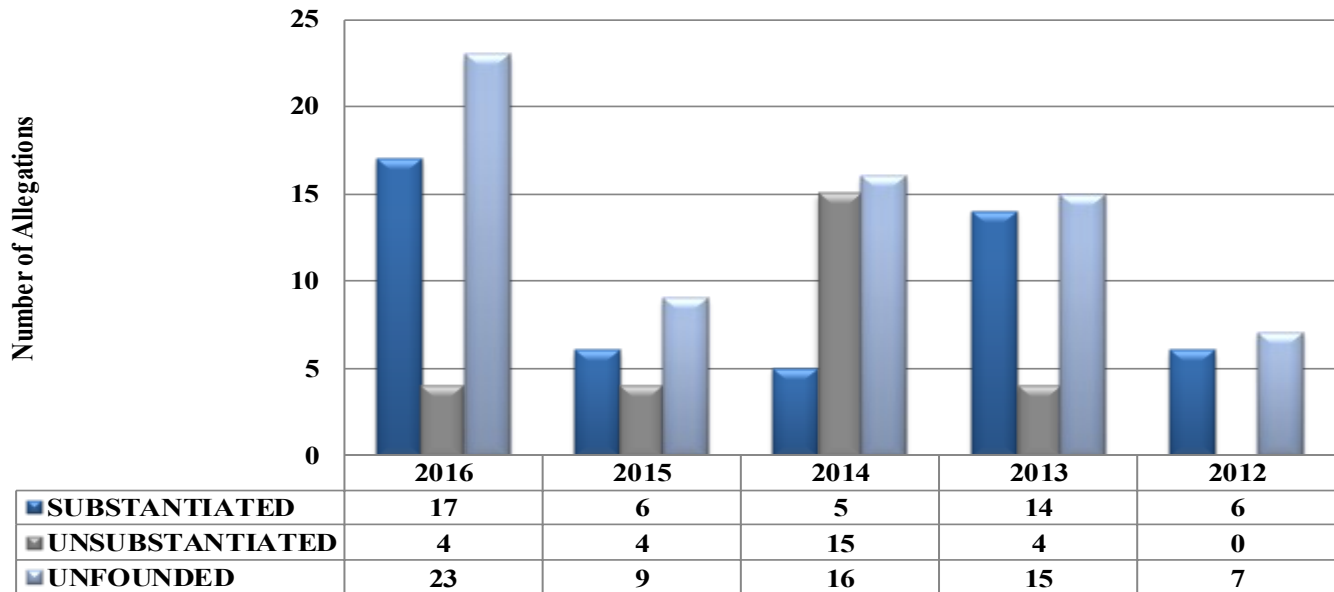
*\*Note: In 2013, Inmate-on-Inmate Sexual Violence section added a third section of Inmate-on-Inmate Sexual Harassment. As a result, there is only a four year comparison.*



## Annual PREA Report CY2016

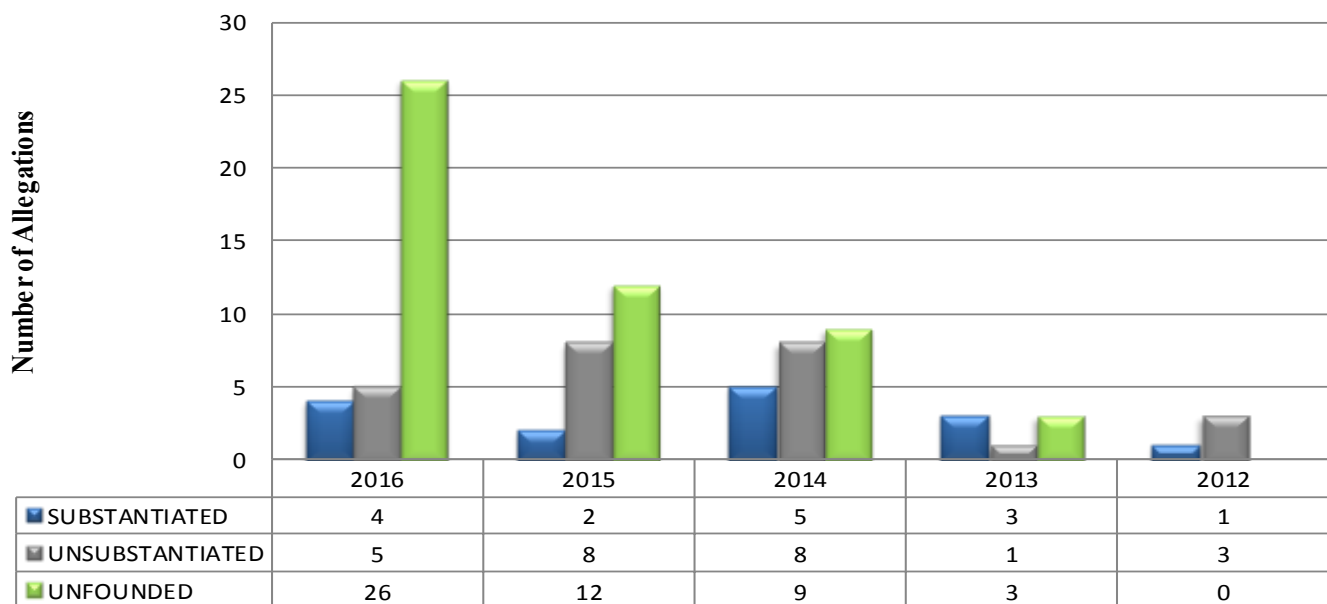
### Staff-on-Inmate Sexual Misconduct 5 - Year Trend

#### Staff-on-Inmate Sexual Misconduct



### Staff-on-Inmate Sexual Harassment 5 - Year Trend

#### Staff-on-Inmate Sexual Harassment

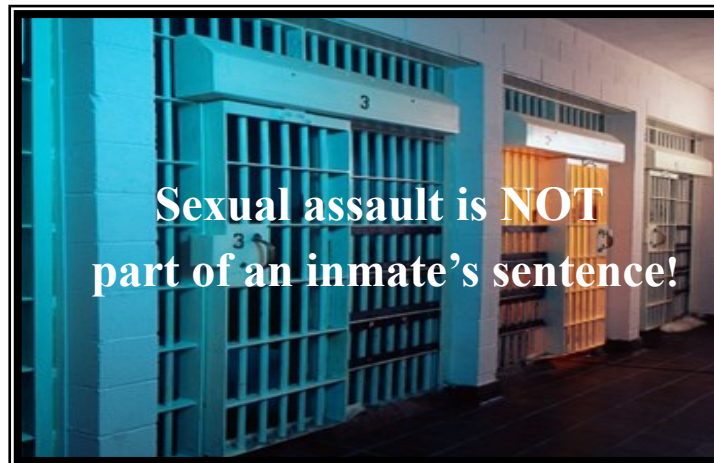




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### Data Assessment

The Director and Agency PREA Coordinator continue to monitor the Arkansas Department of Correction progress via a continual review of the investigative data and incident reports to detect, prevent and reduce sexual harassment and sexual assault. The Arkansas Department of Correction continues to train and educate all employees, contract staff, volunteers, vendors and inmates on the Department's zero tolerance toward all forms of sexual abuse and sexual harassment. In addition, there is an ongoing quality assurance program to manage current processes and procedures for detecting, preventing, responding and holding accountable perpetrators of sexual violence in the Arkansas Department of Correction Facilities.



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