

Arkansas Department of Correction

CY2017

Annual PREA Report



Prison ~~Rape~~ Elimination Act

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Prison Rape Elimination Act (PREA) Annual Report ~ 2017

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Mission Statement

Provide public safety by carrying out the mandates 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.

Vision Statement

To be an honorable and professional organization through ethical and innovative leadership at all levels, providing cost efficient, superior correctional services that return productive people to the community.

Core Values

- ◆ Honor
- ◆ Integrity
- ◆ Public Service
- ◆ Accountability
- ◆ Transparency

Goals

- ◆ To maintain cost-efficient care and custody of all inmates.
- ◆ To provide appropriate facilities for inmates sentenced by the courts.
- ◆ To provide constructive correctional opportunities that will help inmates successfully return to their communities.
- ◆ To optimize inmate assignments in work programs.
- ◆ To attract and retain quality staff.
- ◆ Transparency.



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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 and on our website.

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, volunteers, 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 not fluent in English, persons with disabilities and those with low literacy rates.

In addition to providing such education, the Department ensures that key information is continuously and readily available or visible to inmates through posters, brochures, inmate handbooks or other written formats. Posters with the ADC Hotline number and ASP Hotline number are placed near all inmate phones.



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General Information

At the end of CY17, there were 18,078 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

It is important to note that the ADC inmate population has changed over the years. During the 2017 calendar year, there were a total of 88 PREA related allegations. Of these, 30 (34%) qualified for Federal Reporting to BJS. Comparatively in CY2016, a total of 152 PREA related allegations were processed, with 52 (34%) reported. There are any number of different factors that could contribute to the decrease, including increased staff training, inmate awareness, better education materials provided to the inmates, just to name a few. Nevertheless, responses to allegations of sexual abuse, sexual harassment and sexual misconduct has improved since 2015.

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. Eighteen (18) of these cases were investigated during CY17 by Internal Affairs and appropriate action was taken.

The PREA Standards provide definitions that guide the ADC 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.

On-Going, the investigation was initiated and is continuous.

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. The ADC PREA Reports are available on the ADC website at <http://arkansas.gov/>

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 2017 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, harassment 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 2017. Please note that out of the **3,949** calls that were made to the PREA Hotline, only **484** of those calls met the criteria to be referred as PREA issues, which represent **12%** of the 3,949 calls.

PREA HOTLINE DATA CY17													
Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total
Total Number of Calls Received	270	316	318	280	239	439	344	434	352	353	284	320	3949
Total Number of Repeat Calls	94	100	103	84	62	131	135	151	26	93	67	104	1150
Total Number of Calls With No Message	51	81	75	66	66	118	67	84	72	93	81	0	854
Total Calls Referred for Reported PREA Issue	50	58	46	50	45	83	44	46	26	8	9	19	484
Total Calls Referred for Non-PREA Issue	75	77	94	80	66	107	98	153	127	159	127	118	1281
Total Calls Referred Due to Technical Failure	0	0	0	0	0	0	0	0	0	0	0	1	1
Total Calls Referred to IAD	41	49	28	47	26	38	55	30	32	11	8	14	379
No Referral (Test Calls)	0	0	0	0	0	0	0	0	0	0	0	0	0



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Demographics

The following is an overview of the inmate population within the Arkansas Department of Correction.

Total ADC Custody Count ~ 15,890
Total ADC Jurisdictional Count ~ 18,078
as of December 31, 2017

Gender	
Male	91.7%
Female	8.3%
Race	
Asian	0.4%
Black	41.4%
Hispanic	3.3%
Native American Indian	0.3%
Native Hawaiian or Pacific Island	0.1%
White	54.5%
Average Age	
38.5 years	





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The following aggregated data is for substantiated PREA investigations

TYPE OF SEXUAL VIOLENCE		
CATEGORIES	SUBSTANTIATED	PERCENT TOTAL
Inmate-on-Inmate NONCONSENSUAL SEXUAL ACTS	6	20.0%
Inmate-on-Inmate ABUSIVE SEXUAL CONTACT	1	3.3%
Inmate-on-Inmate SEXUAL HARASSMENT	9	30.0%
STAFF SEXUAL MISCONDUCT	9	30.0%
STAFF SEXUAL HARASSMENT	5	16.7%
TOTAL	30	100%

Inmate-on-inmate Sexual Harassment & Staff Sexual Misconduct accounted for the most frequent reported allegations and accounting for 60% of the substantiated cases combined.

TIME OF INCIDENT							
CATEGORIES	SUBSTANTIATED	6 AM-NOON	NOON-6 PM	6PM-MIDNIGHT	MIDNIGHT-6AM	UNKNOWN	PERCENT TOTAL
IM-ON-IM NC SEX ACT	6	2	1	2	1		20.0%
IM-ON-IM ABUSIVE SEX CONTACT	1					1	3.3%
IM-ON-IM SEX HARRASSMENT	9	1	2	4	1	1	30.0%
STAFF SEX MISCONDUCT	9		1	1		7	30.0%
STAFF SEX HARASSMENT	5		3		1	1	16.7%
TOTAL	30	3	7	7	3	10	
PERCENT		10.0%	23.3%	23.3%	10.0%	33.4%	

Time lapse from the incident occurring to the report date as well as inmates unwillingness to give a precise time o the incident, is a result of 33.3% of the 2017 substantiated cases as having an unknown time frame.



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Aggregated data is for substantiated PREA investigations *continued*

WHERE DID THE INCIDENT OCCUR																
CATEGORIES	SUBSTANTIATED	VIC RM	PERP RM	DORM	COMMON	TEMP	PGRM SVC	INSTRCT	RCRTNL	MED	STAFF	OFFSITE	OTHER	UNK	TOT.	%
IM-ON-IM NC SEX ACT	6	2		1	2		1						1		7	21.9%
IM-ON-IM ABUSIVE SEX CONTACT	1				1										1	3.1%
IM-ON-IM SEX HARRASSMENT	9			4	2								4		10	31.3%
STAFF SEX MISCONDUCT	9			2			4			1			2		9	28.1%
STAFF SEX HARASSMENT	5	1			1					1			2		5	15.6%
TOTAL	30	3		7	6		5			2			9	0	32	
PERCENT		9.4%	0.0%	21.9%	18.8%	0.0%	15.6%	0.0%	0.0%	6.3%	0.0%	0.0%	28.1%	0.0%		

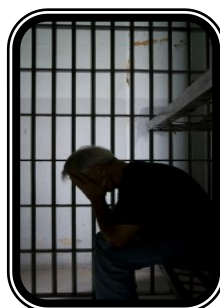
Approximately 28% of the substantiated cases allegedly occurred in an “other” location such as the hallway, female restroom in the visitation area, etc.

(NOTE: There may be more than one location per investigation)



Break the Silence!

Sexual Assault is NOT part of an inmate's sentence!





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Aggregated data is for substantiated PREA investigations *continued*

VICTIM'S SEX OR GENDER IDENTITY						
CATEGORIES	SUBSTANTIATED	MALE	FEMALE	TRANSGENDER	INTERSEX	PERCENT TOTAL
IM-ON-IM NC SEX ACT	6	6				20.0%
IM-ON-IM ABUSIVE SEX CONTACT	1	1				3.3%
IM-ON-IM SEX HARRASSMENT	9	8	1			30.0%
STAFF SEX MISCONDUCT	9	9				30.0%
STAFF SEX HARASSMENT	5	3	2			16.7%
TOTAL	30	27	3			
PERCENT TOTAL		90.0%	10.0%	0.0%	0.0%	

The rate of substantiated PREA allegations for CY2017 was higher among males than females.

VICTIM'S RACE									
CATEGORIES	SUBSTANTIATED	WHITE	BLACK	HISPANIC	AMER. IND.	ASIAN	NATIVE HAWAIIAN	OTHER	%
IM-ON-IM NC SEX ACT	6	5	1						20.0%
IM-ON-IM ABUSIVE SEX CONTACT	1	1							3.3%
IM-ON-IM SEX HARRASSMENT	9	6	3						30.0%
STAFF SEX MISCONDUCT	9	1	8						30.0%
STAFF SEX HARASSMENT	5	2	3						16.7%
TOTAL	30	15	15						
PERCENT		50.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

Of the substantiated 2017 allegations, data reflects that the same number of white & black inmates were victims.

VICTIM'S AGE										
CATEGORIES	SUBSTANTIATED	UNDER 18	18 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 54	55 or OLDER	PERCENT TOTAL
IM-ON-IM NC SEX ACT	6				3	1	1	1		20.0%
IM-ON-IM ABUSIVE SEX CONTACT	1		1							3.3%
IM-ON-IM SEX HARRASSMENT	9		4	1	3				1	30.0%
STAFF SEX MISCONDUCT	9		1	1	3	1	2	1		30.0%
STAFF SEX HARASSMENT	5		2	1		2				16.7%
TOTAL	30		8	3	9	4	3	2	1	
PERCENT TOTAL		0.0%	26.7%	10.0%	30.0%	13.3%	10.0%	6.7%	3.3%	

In general, the majority of the victims were between the ages of 30-34.



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Aggregated data is for substantiated PREA investigations *continued*

The following is demographic information for substantiated Staff PREA investigations. Staff is defined as employees, contractors and volunteers. Please note that a single investigation may involve more than one “staff” as well as more than one inmate victim or location.

STAFF DEMOGRAPHICS									
CATEGORY	SUBSTANTIATED	MALE	FEMALE	TOTAL	FULL/PART-TIME	CONTRACT	VOLUNTEER	OTHER	PERCENT TOTAL
STAFF SEXUAL MISCONDUCT	9		9	9	7	2			64.3%
STAFF SEXUAL HARASSMENT	5	5		5	4	1			35.7%
TOTAL	14	5	9	14	11	3			
PERCENT TOTAL		35.7%	64.3%		78.6%	21.4%	0.0%	0.0%	

STAFF AGE										
CATEGORY	SUBSTANTIATED	24 or YOUNGER	25 - 29	30 - 34	35 - 39	40 - 44	45 - 54	55 or OLDER	TOTAL	PERCENT TOTAL
STAFF SEXUAL MISCONDUCT	9	1	3	1	1		2	1	9	64.3%
STAFF SEXUAL HARASSMENT	5	1	1				2	1	5	35.7%
TOTAL	14	2	4	1	1		4	2	14	
PERCENT		14.3%	28.6%	7.1%	7.1%	0.0%	28.6%	14.3%		

STAFF RACE										
CATEGORY	SUBSTANTIATED	WHITE	BLACK	HISPANIC	AMER. IND.	ASIAN	HAWAIIAN	OTHER	TOTAL	PERCENT TOTAL
STAFF SEXUAL MISCONDUCT	9		9						9	64.3%
STAFF SEXUAL HARASSMENT	5	1	4						5	35.7%
TOTAL	14	1	13						14	
PERCENT		7.1%	92.9%	0.0%	0.0%	0.0%	0.0%	0.0%		

STAFF POSITION												
CATEGORY	SUBSTANTIATED	ADMIN	CORR OFF	CLERICAL	MAINT/FAC	MEDICAL	EDUCATION	OTHER PROGRAM	VOL/INTERN	OTHER	TOTAL	PERCENT TOTAL
STAFF SEXUAL MISCONDUCT	9		4		3	2					9	64.3%
STAFF SEXUAL HARASSMENT	5		4			1					5	35.7%
TOTAL	14		8		3	3					14	
PERCENT		0.0%	57.1%	0.0%	21.4%	21.4%	0.0%	0.0%	0.0%	0.0%		



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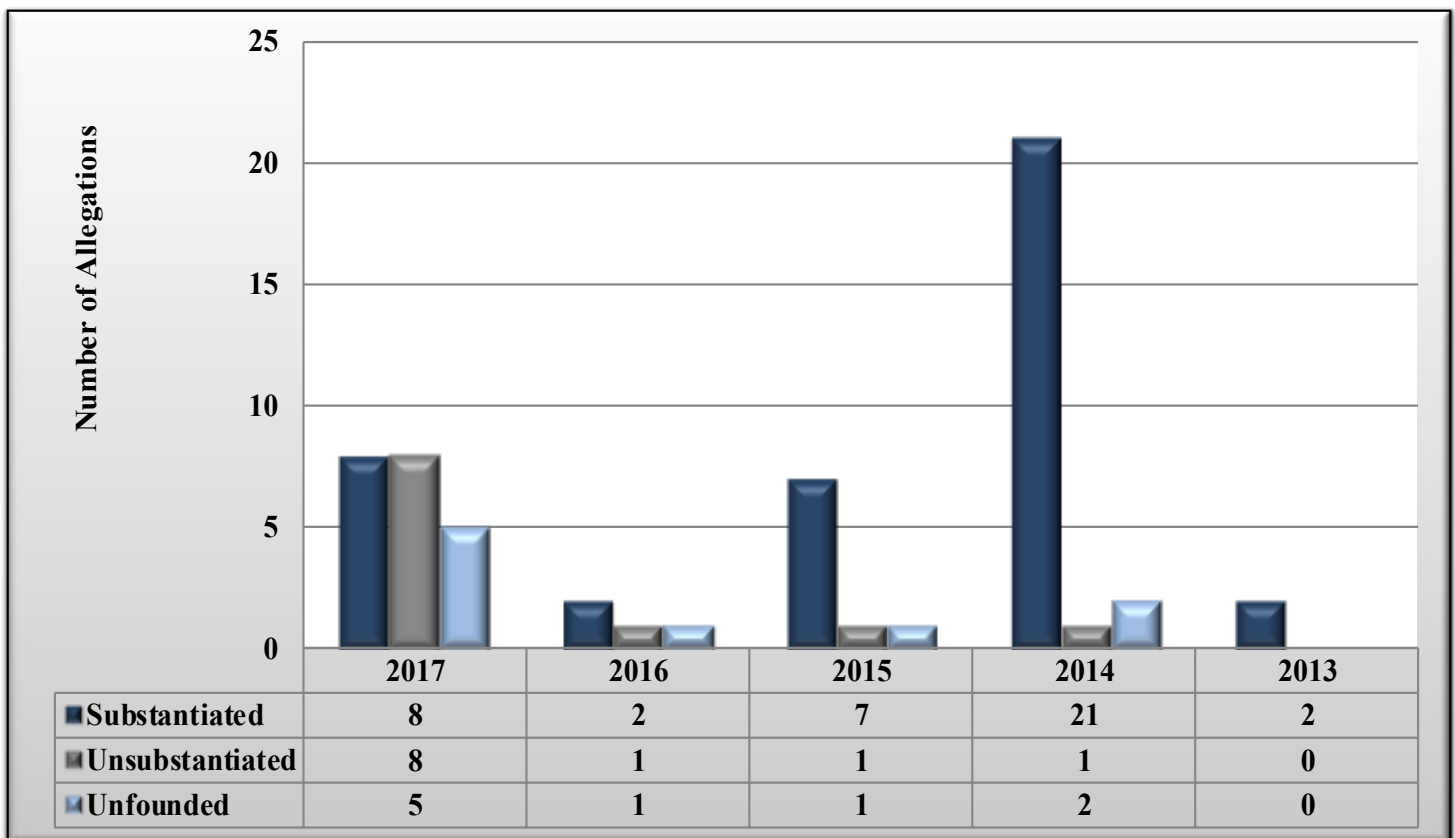
Inmate-on-Inmate Nonconsensual Sexual Acts

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 the contact consist of:

- ♦ Contact between the penis and the vulva or the penis and the anus including penetration, however slight;
- ♦ Contact between the mouth and the penis, vulva, or anus;
- ♦ Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.

During 2017, there was a total of twenty-one (21) reported inmate-on-inmate nonconsensual sexual act cases. Eight (8) were substantiated which is an increase from CY16.

INVESTIGATION TOTALS FOR ALL ADC PRISONS STATEWIDE



5 -Year Trend



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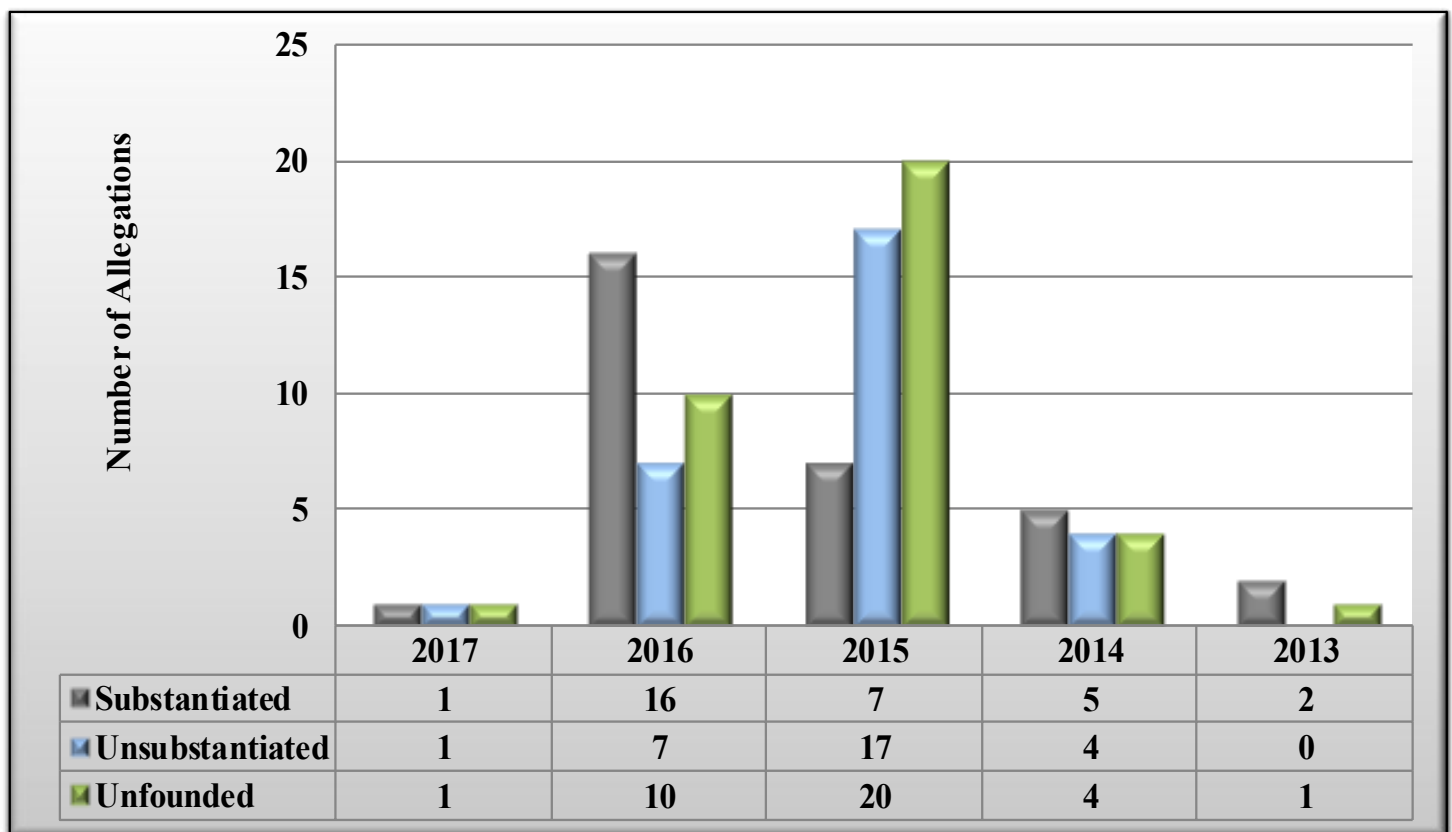
Inmate-on-Inmate Abusive Sexual Contact

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 the contact consist of:

- ♦ 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 2017, there was a total of three (3) reported inmate-on-inmate abusive sexual contact cases. Only one (1) case was substantiated.

INVESTIGATION TOTALS FOR ALL ADC PRISONS STATEWIDE



5 -Year Trend



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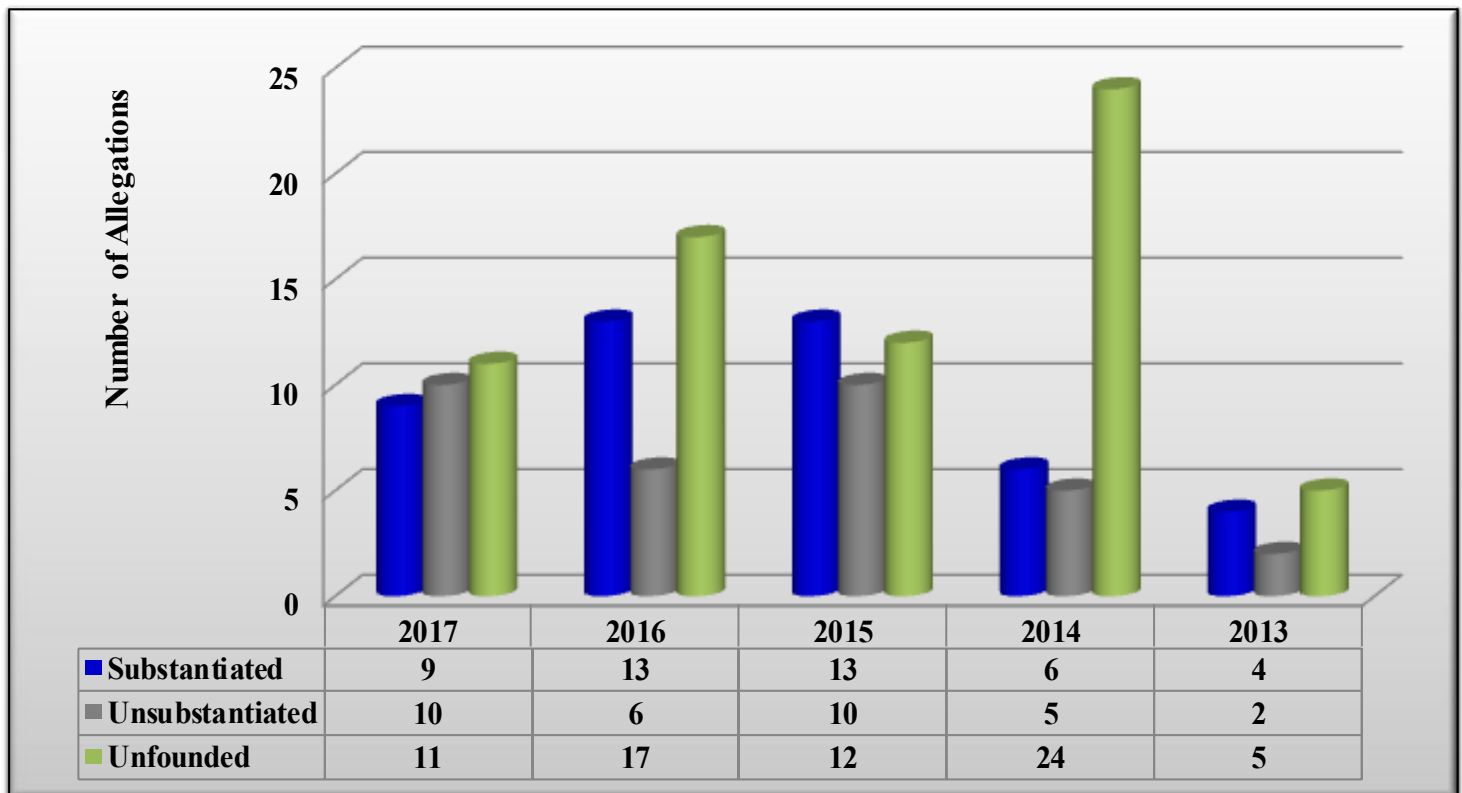
Inmate-on-Inmate Sexual Harassment

Inmate-on-Inmate Sexual Harassment — All other acts, the intent of which are to force, harass, intimidate, or otherwise compel an unwilling inmate into any sex act. This includes any behavior that exhibits:

- ♦ 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 to another;
- ♦ Coercion and voyeurism
- ♦ Written or verbal communication, gestures such as simulated acts of a sexual nature.

During 2017, there was a total of thirty (30) reported inmate-on-inmate sexual harassment cases. Nine (9) cases were substantiated.

INVESTIGATION TOTALS FOR ALL ADC PRISONS STATEWIDE



5 -Year Trend



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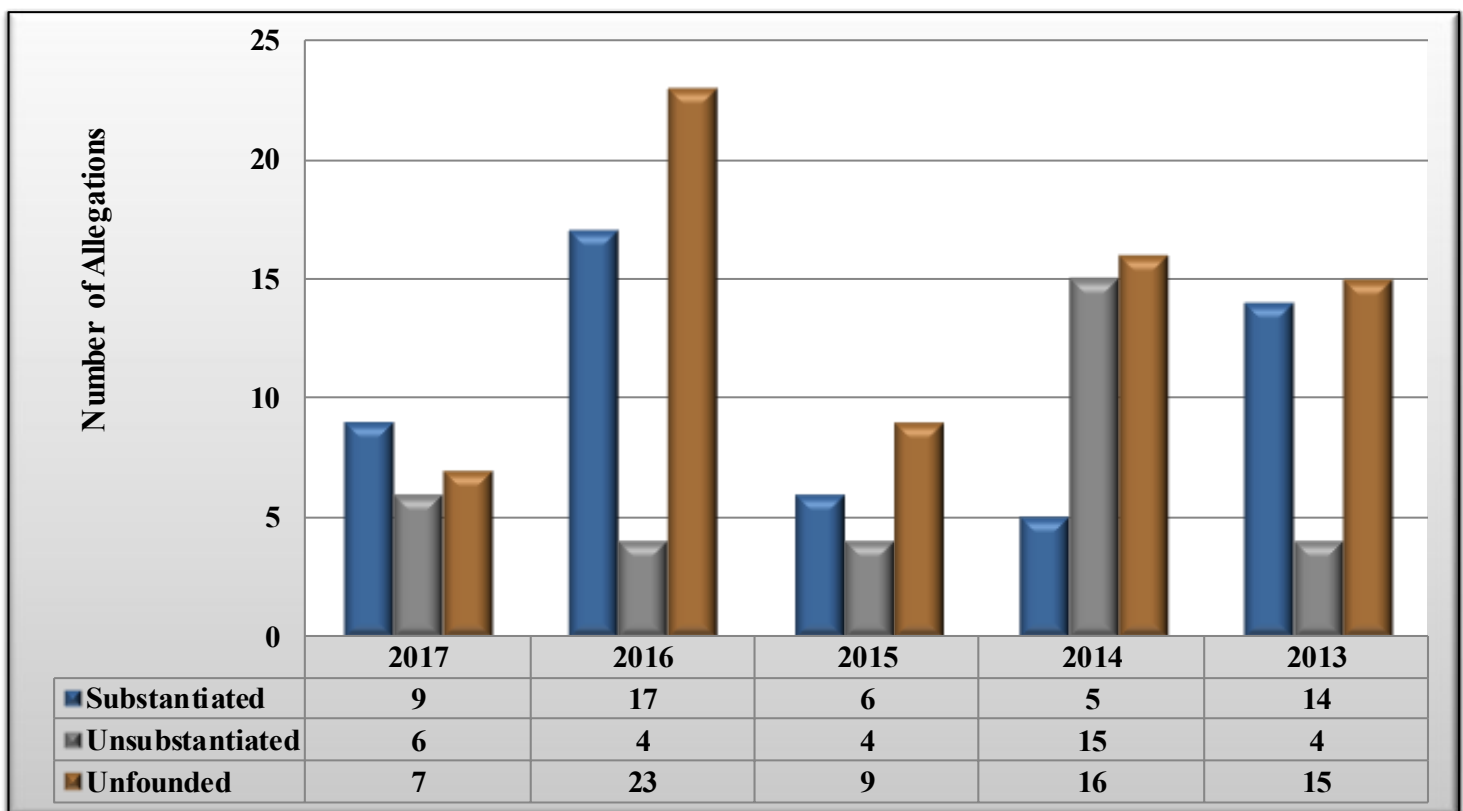
Staff-on-Inmate Sexual Misconduct

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 (excluding 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.
- ♦ Completed, attempted, threatened, or requested sexual acts
- ♦ Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

During 2017, there was a total of twenty-two (22) reported staff-on-inmate sexual misconduct cases. Nine (9) cases were substantiated.

INVESTIGATION TOTALS FOR ALL PRISONS STATEWIDE



5 -Year Trend



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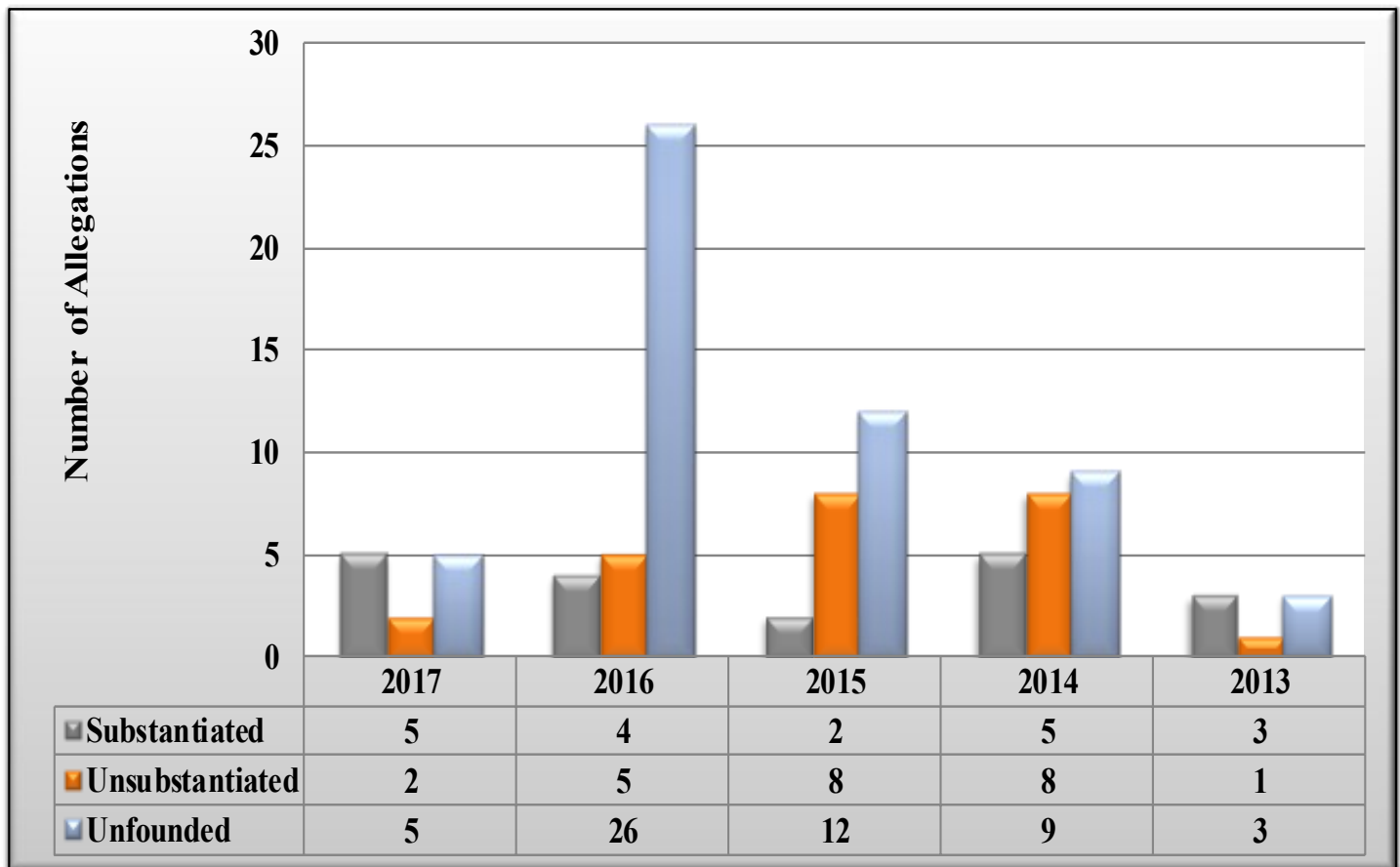
Staff-on-Inmate Sexual Harassment

Staff-on-Inmate Sexual Harassment includes:

- ◆ 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;
- ◆ Repeated profane or obscene language or gestures.

During 2017, there was a total of twelve (12) reported staff-on-inmate sexual harassment cases. Five (5) were substantiated cases.

INVESTIGATION TOTALS FOR ALL PRISONS STATEWIDE



5 -Year Trend



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Data Assessment

The Director and Agency PREA Coordinator will 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 number of substantiated PREA reports have decreased in CY17 as evidence of this effort.

The Arkansas Department of Correction will continue to take all allegations of sexual abuse and harassment seriously throughout our agency. The Department 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.

This report has been reviewed and approved by:

Wendy Kelley

Wendy Kelley

Director

Arkansas Department of Correction

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