Arkansas Division of Correction



CY2018 Annual PREA Report

Arkansas Division of Corrections Prison Rape Elimination Act (PREA) Annual Report ~ 2018

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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.



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 Division of Correction PREA Policy states it 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 Division of Correction (ADC) that there is "Zero Tolerance" of 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 Division provides each employee with refresher training annually to ensure that all employees know the Division current sexual abuse and sexual harassment policies and procedures.

During the intake process, inmates receive information explaining the Division "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 Division 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 Division 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.



General Information

At the end of CY18, there were 18,053 inmates under the jurisdiction of the ADC. No matter when an incident occurred, the Arkansas Division 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 2018 calendar year, there were a total of 187 PREA related allegations. Of those 187 allegations, 55 (29.41%) were Substantiated; 19 (10.16%) were Unsubstantiated; 24 (12.83%) were Unfounded; 10 (5.35%) are pending investigation and 79 (42.25%) were deemed Not PREA. Comparatively in CY2017, a total of 88 PREA related allegations were processed, with 30 (34%) reported. There are any number of different factors that could contribute to these figures, 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. Seventy-two (72) of these cases were investigated during CY18 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.

Annual Reports

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

PREA standards require that the Division 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 2018 and prior years.



Inmate Reporting Methods

The Arkansas Division 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 Division 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 Division PREA Coordinator at Central Office

The chart below depicts the number of calls that were made to the PREA Hotline during calendar year 2018. Please note that out of the **3,681** calls that were made to the PREA Hotline, only **173** of those calls met the criteria to be referred as PREA issues, which represent only 5% of the 3,681 calls.

PREA HOTLINE DATA CY18													
Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total
Total Number of Calls Received	347	299	376	269	364	379	249	311	290	278	237	282	3,681
Total Number of Repeat Calls	67	85	132	87	74	110	87	69	86	85	63	85	1,030
Total Number of Calls With No Message	89	81	96	49	125	146	35	74	61	49	43	38	886
Total Calls Referred for Reported PREA Issue	25	21	15	13	16	11	8	17	14	22	7	4	173
Total Calls Referred for Non-PREA Issue	132	112	133	115	149	112	119	151	129	122	124	155	1,553
Total Calls Referred Due to Technical Failure	0	0	0	0	0	0	0	0	0	0	5	0	5
Total Calls Referred to IAD	6	12	20	10	16	17	12	15	23	16	18	6	171
No Referral (Test Calls)	0	0	0	5	0	0	0	0	0	0	0	0	5



Demographics

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

Total ADC Custody Count ~ 15,578 Total ADC Jurisdictional Count ~ 18,053 as of December 31, 2018

Gender	
Male	92.0%
Fe male	8.0%
Race	
Asian	0.4%
Black	41.0%
Hispanic	3.0%
Native American Indian	0.3%
Native Hawaiian or Pacific Island	0.1%
Other	0.1%
Unknown	0.1%
White	55.0%
Average Age	
38.7 years	



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





The following aggregated data is for substantiated PREA investigations

				WHE	RE DID TH	IE INCI	DENT OCC	CUR								
CATEGORIES	SUBSTANTIATED	VIC. CELL	PERP. CELL	DORM	COMMON	TEMP	PROG SVC	INSTRUCT	RECREAT	MED	STAFF	OFFSITE	OTHER	UNK	TOT.	%
IM-ON-IM NONCONSENSUAL SEXUAL ACT	12	7			3		1							1	12	20.0%
IM-ON-IM ABUSIVE SEXUAL CONTACT	2	1					1					1			2	3.3%
IM-ON-IM SEXUAL HARRASSMENT	20	11	1	3	2		2			1			1	2	23	38.3%
STAFF SEXUAL MISCONDUCT	19						2			1	4		8	6	21	35.0%
STAFF SEXUAL HARASSMENT	2	1									1				2	3.3%
TOTAL	. 55	20		3	5		6			2	5	1	9	9	60	
PERCENT		33.3%	0.0%	5.0%	8.3%	0.0%	10.0%	0.0%	0.0%	3.3%	8.3%	1.7%	15.0%	15.0%		

Approximately 33% of the substantiated cases allegedly occurred in the victim's cell/room. (NOTE: There may be more than one location per investigation)



TIME OF INCIDENT											
CATEGORIES	SUBSTANTIATED	6 AM-NOON	NOON-6 PM	6PM-MIDNIGHT	MIDNIGHT-6AM	UNKNOWN					
IM-ON-IM NC SEX ACT	12		4	4	1	3					
IM-ON-IM ABUSIVE SEX CONTACT	2			2							
IM-ON-IM SEX HARRASSMENT	20	1	3	2	2	12					
STAFF SEX MISCONDUCT	19	1		3		15					
STAFF SEX HARASSMENT	2	1		1							
TOTAL	55	3	7	12	3	30					
PERCENT		5.5%	12.7%	21.8%	5.5%	54.5%					

Time lapse from the incident occurring to the report date as well as inmates unwillingness to give a precise time of the incident, is a result of 54.5% of the 2018 substantiated cases having an unknown time frame.

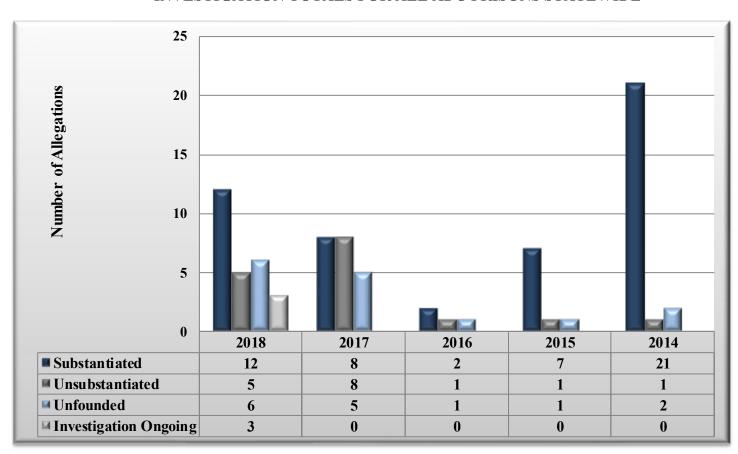
Inmate-on-Inmate Nonconsensual Sexual Acts

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 2018, there was a total of twenty-six (26) reported inmate-on-inmate nonconsensual sexual act cases. Twelve (12) were substantiated which is an increase from CY17.

INVESTIGATION TOTALS FOR ALL ADC PRISONS STATEWIDE



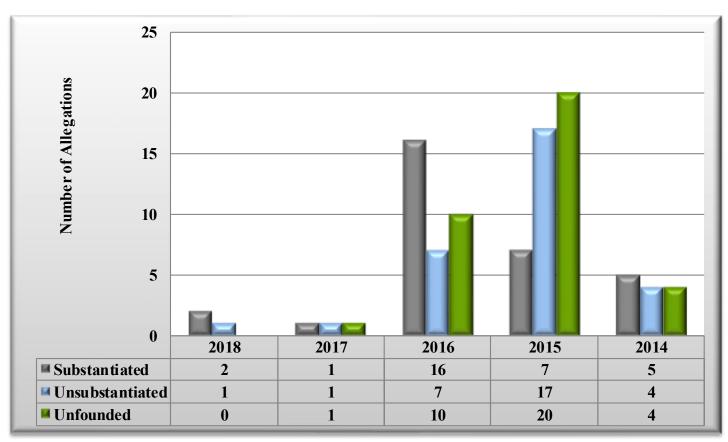
Inmate-on-Inmate Abusive Sexual Contact

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 2018, there was a total of three (3) reported inmate-on-inmate abusive sexual contact cases. Two (2) cases were substantiated.

INVESTIGATION TOTALS FOR ALL ADC PRISONS STATEWIDE



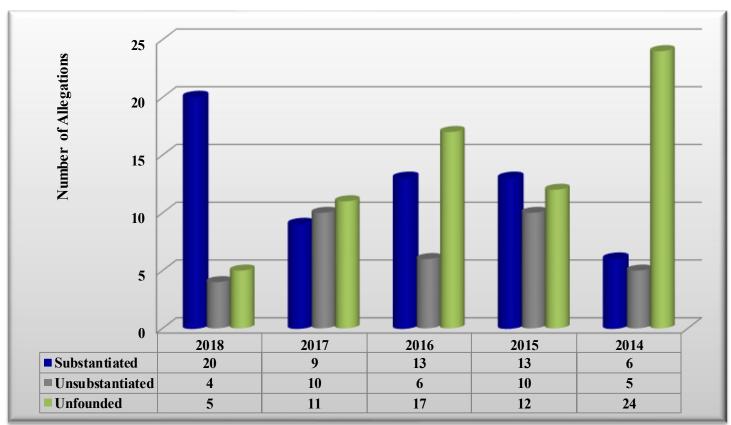
Inmate-on-Inmate Sexual Harassment

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 2018, there was a total of twenty-nine (29) reported inmate-on-inmate sexual harassment cases. Twenty (20) cases were substantiated.

INVESTIGATION TOTALS FOR ALL ADC PRISONS STATEWIDE





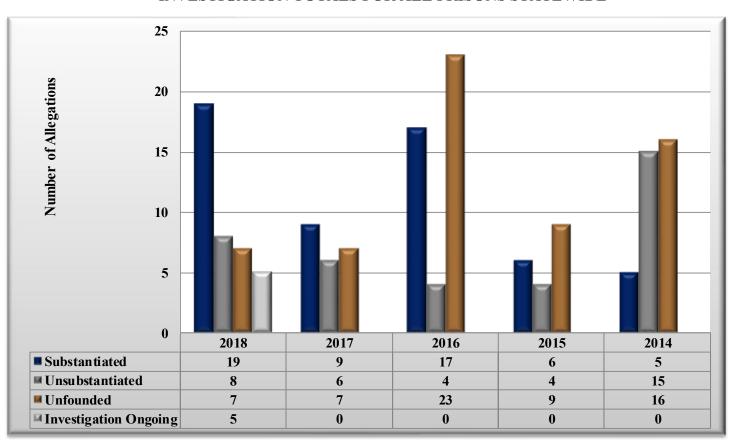
Staff-on-Inmate Sexual Misconduct

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 2018, there was a total of thirty-nine (39) reported staff-on-inmate sexual misconduct cases. Nineteen (19) cases were substantiated.

INVESTIGATION TOTALS FOR ALL PRISONS STATEWIDE



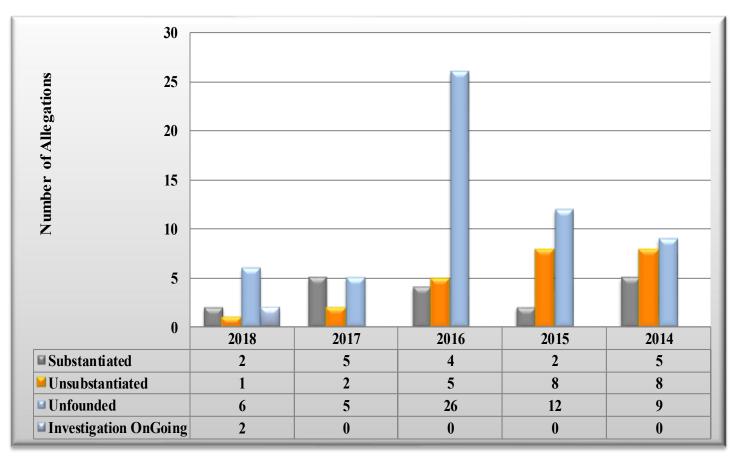
Staff-on-Inmate Sexual Harassment

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 2018, there was a total of eleven (11) reported staff-on-inmate sexual harassment cases. Two (2) were substantiated.

INVESTIGATION TOTALS FOR ALL PRISONS STATEWIDE





Data Assessment

The Arkansas Division of Correction continues to improve the processes of how PREA allegations are reported, investigated and tracked. Essential investigations, coupled with our prevention training, will vastly assist our efforts to create a safer environment for our inmates.

The Arkansas Division of Correction will continue to take all allegations of sexual abuse and harassment seriously throughout our agency. The Division continues to train and educate all employees, contract staff, volunteers, vendors and inmates on the Division'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 Division of Correction Facilities.

This report has been reviewed and approved by:

<u>Dexter Payne</u>

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