

# Arkansas Department of Corrections



## Prison Rape Elimination Act Annual Report CY2019

# Arkansas Department of Corrections (DOC) Prison Rape Elimination Act (PREA) Annual Report ~ 2019

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## Mission Statement

We are a public safety resource for Arkansas by providing professional management and proven rehabilitative initiatives for offenders in correctional facilities and the community.



## Goals

- ♦ People
- ♦ Quality
- ♦ Efficiency

## Core Values

- ♦ Accountability
- ♦ Innovation
- ♦ Integrity
- ♦ Professionalism
- ♦ Respect
- ♦ 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 Department of Corrections 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 Victimization reported to the United States Department of Justice. This data also allows the Department of Corrections to implement a data-informed approach to combating sexual abuse in its facilities.

## Background

PREA was enacted by Congress to address the issue of sexual assault in correctional facilities. PREA promotes the detection, prevention, reduction and prosecution of sexual harassment and sexual assault. A copy of the Prison Rape Elimination Act policy is available in each facility's law library and on our website (<http://doc.arkansas.gov>).

## Zero Tolerance

It is the policy of the Department that there is "Zero Tolerance" of all forms of sexual abuse and harassment. This applies to ALL employees, contractors, volunteers, other persons or organizations conducting business with the Department in addition, to all offenders under the custody or supervision (if residing in a reentry facility) of the Department. The Department provides 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, offenders 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. Facilities also provide offender education in formats accessible to all offenders, including those who are not fluent in English, persons with intellectual disabilities and those with low literacy rates.

The Department also ensures that information is available to offenders through posters, brochures, offender handbooks or other written formats. Posters with the DOC Hotline number and Arkansas State Police Hotline number are placed near all offender phones.

## Annual Reports

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. Previous PREA Reports are available on the DOC website at <http://doc.arkansas.gov>.

PREA investigations are conducted and findings are formed according to the content of definitions described by BJS. The data contained in this report is reported to the U.S. Department of Justice as required by the PREA Standards. All personal identifiers have been removed.

Trends and figures are based on data collected in 2019 and, where noted, prior years.

## Report Introduction

At the end of CY2019 there were 20,040 offenders under the jurisdiction of the DOC. There were a total of 839 PREA related allegations. Of those 839 allegations, 73 (9%) were substantiated; 137 (16%) were unsubstantiated; 622 (74%) were unfounded and 7 (1%) are pending investigation. Prior to 2019, only Arkansas State Prison Facilities were reported on Survey of Sexual Victimization (SSV) Incident Forms to the U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics (BJS). During the 2019 Legislative Session, legislation was passed reorganize state government. As a result the 2019 Survey of Sexual Victimization reflect incidents from both the Divisions of Correction and Community Correction.

## Demographics

The following is an overview of the offender population within the Arkansas Department of Corrections

**Total DOC Custody Count ~ 17,716**

*(offenders housed in DOC Facilities)*

**Total DOC Jurisdictional Count ~ 20,040**

*(offenders housed in DOC Facilities, County Jail Back-up, Aleta, State Police, 309 Program, Bowie County Correctional Facility, and Re-Entry Act 146)*

**as of December 31, 2019**

### Division of Community Correction

Gender	
Male	70.6%
Female	29.4%
Race	
Asian	0.49%
Black	15.24%
Hispanic	2.25%
Native American Indian	0.36%
Native Hawaiian or Pacific Island	0.00%
Other	0.00%
White	81.66%
Average Age	
35 Years	

### Division of Correction

Gender	
Male	91.5%
Female	8.5%
Race	
Asian	0.34%
Black	41.61%
Hispanic	3.20%
Native American Indian	0.29%
Native Hawaiian or Pacific Island	0.07%
Other	0.08%
White	54.41%
Average Age	
39 Years	

## PREA Disposition Types

The PREA Standards provide the following definitions that guide the Department in determining the outcome of allegations investigated:

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

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

Consensual sexual activity between offenders is against DOC policy. Such activity can lead to disciplinary action; however it does not qualify as a PREA incident. One hundred thirty-nine (139) of these incidents were investigated during CY19.

## Offender Reporting Methods

The Department takes the safety of its offenders very seriously. Everyone who works within the department receives training on offender sexual abuse and how to report allegations of abuse. Offenders have numerous methods to report sexual assault/abuse, harassment and retaliation:

- ♦ Calling the Department PREA Hotline from any offender telephone
- ♦ Calling the ASP Crime Hotline from any offender telephone
- ♦ Telling a trusted staff member, security officer or any supervisor
- ♦ Offender request/note
- ♦ Offender Grievance
- ♦ Letter or note to the Warden/Center Supervisor at the Facility
- ♦ Letter or note to the PREA Compliance Manager at the Facility
- ♦ Letter or note to the Department's PREA Coordinator

The chart below depicts the number of calls that were made to the PREA Hotline during calendar year 2019. Of 4,893 calls that were made to the PREA Hotline, only 365 of those calls met the criteria to be referred as a PREA incident, which represents only 7.5% of the 4,893 calls.

PREA HOTLINE DATA CY19													
Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total
Total PREA Issue Calls	33	38	40	28	27	28	23	29	26	44	27	22	365
Total Non-PREA Calls	127	122	125	128	99	156	148	143	166	129	152	166	1,661
Total Repeat Calls	108	61	85	94	76	69	73	102	114	85	118	102	1,087
Total Calls With No Message	240	148	220	99	78	211	85	99	75	137	150	175	1,717
Total Technical Failure Calls	0	0	0	0	0	1	0	0	0	0	0	0	1
Test Calls	5	13	8	4	11	7	0	0	0	0	0	14	62
Total Number of Calls Received	513	382	478	353	291	472	329	373	381	395	447	479	4,893

## Substantiated Incident Summary

### TIME OF INCIDENT

CATEGORIES	SUBSTANTIATED	6 AM-NOON	NOON-6 PM	6PM-MIDNIGHT	MIDNIGHT-6AM	UNKNOWN
OFFENDER-ON-OFFENDER NONCONSENSUAL SEXUAL ACT	7	0	1	1	2	3
OFFENDER-ON-OFFENDER ABUSIVE SEXUAL CONTACT	9	2	3	2	0	2
OFFENDER-ON-OFFENDER SEXUAL HARASSMENT	34	2	8	5	5	14
STAFF SEXUAL MISCONDUCT	18	2	1	0	2	13
STAFF SEXUAL HARASSMENT	8	1	1	4	0	2
<b>TOTAL</b>	<b>76</b>	<b>7</b>	<b>14</b>	<b>12</b>	<b>9</b>	<b>34</b>
<b>PERCENT</b>		<b>9.2%</b>	<b>18.4%</b>	<b>15.8%</b>	<b>11.8%</b>	<b>44.7%</b>

### LOCATION OF INCIDENT

CATEGORIES	SUBSTANTIATED	VIC.CELL	PERP.CELL	DORM	COMMON	TEMP	PROG/SVC	INSTRUCT	RECREAT	MEDICAL	STAFF	OFFSITE	OTHER/UNKN
OFF-ON-OFF. NONCONSENSUAL SEXUAL ACT	7	2	0	1	3	0	0	0	0	0	0	0	1
OFF-ON-OFF. ABUSIVE SEXUAL CONTACT	9	1	0	4	0	0	3	1	0	0	0	0	1
OFF-ON-OFF. SEXUAL HARASSMENT	34	10	3	12	8	0	2	0	0	0	0	0	5
STAFF SEXUAL MISCONDUCT	18	5	0	1	0	0	0	0	0	1	0	0	11
STAFF SEXUAL HARASSMENT	8	3	0	1	0	1	1	0	1	0	0	0	1
<b>TOTAL</b>	<b>76</b>	<b>21</b>	<b>3</b>	<b>19</b>	<b>11</b>	<b>1</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>1</b>		<b>0</b>	<b>19</b>
<b>PERCENT</b>		<b>25.6%</b>	<b>3.7%</b>	<b>23.2%</b>	<b>13.4%</b>	<b>1.2%</b>	<b>7.3%</b>	<b>1.2%</b>	<b>1.2%</b>	<b>1.2%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>23.2%</b>

*Approximately 25.6% of the substantiated cases allegedly occurred in the victim's cell/room.*

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

### Key - Location of Incident

VIC.CELL-Victim's cell or room
PERP.CELL-Perpetrator's cell or room
DORM-Dormitory or other multiple housing unit
COMMON-Common area (e.g., shower, dayroom, bathroom)
TEMP-Temporary holding cell or intake area within the facility
PROG/SVC-Program service area (e.g., commissary, kitchen, storage, laundry, cafeteria, workshop, hallway)
INSTRUCT-Instructional area (e.g., classroom, school, library, conference room)
RECREAT-Recreation area (e.g., yard, courtyard, gymnasium)
MEDICAL-Medical area (e.g., infirmary, health clinic)
STAFF-Staff area (e.g., office, breakroom, counselor's office)
OFFSITE-Offsite or while in transit
OTHER OR UNKNOWN

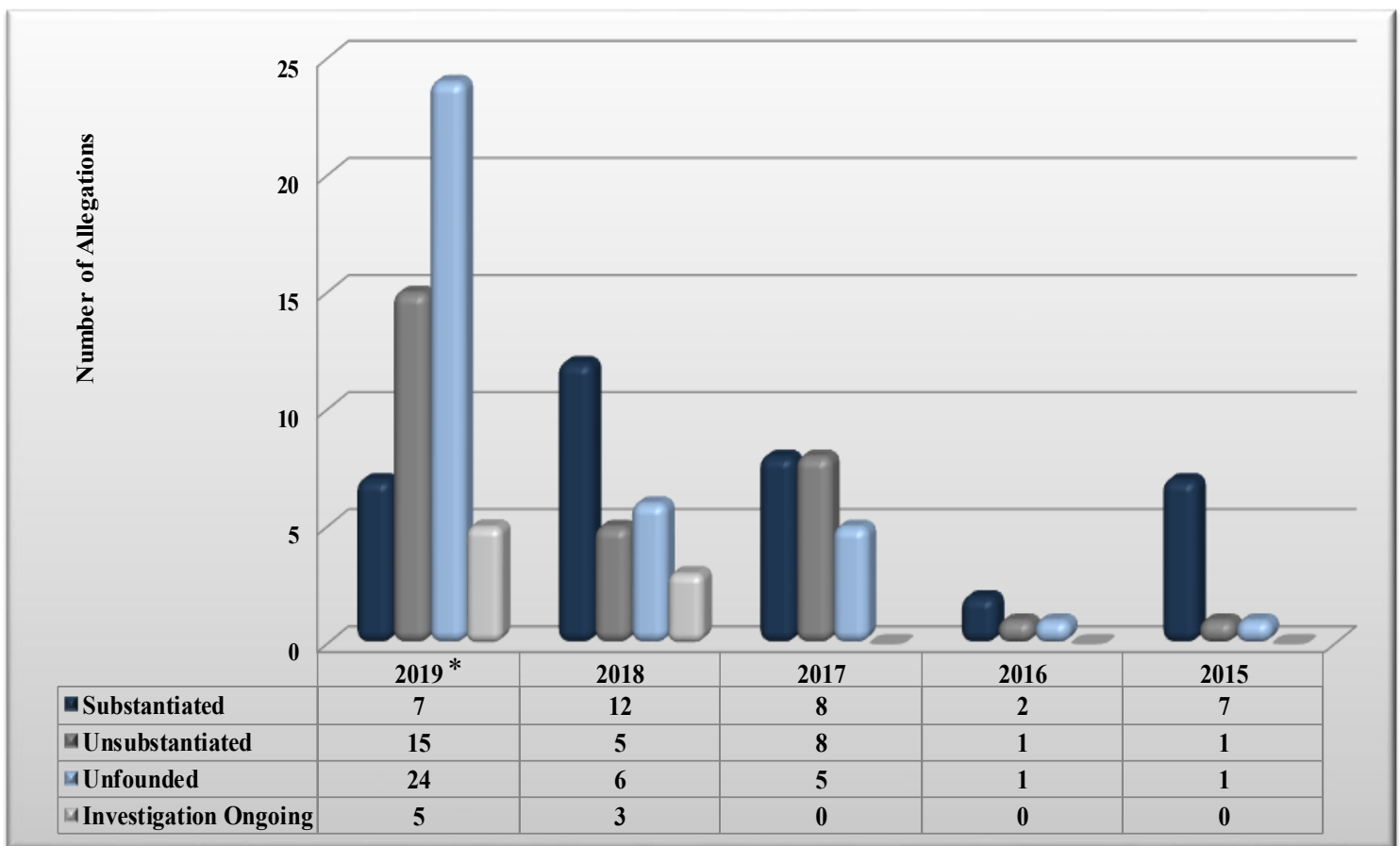
## **Offender-on-Offender Nonconsensual Sexual Acts**

Offender-on-Offender Nonconsensual Sexual Act is defined as penetration by an offender of another offender in which the victim is coerced into sexually abusive penetration by threats of violence or is otherwise unable to refuse:

- ♦ Contact between the penis and the vagina or the anus
- ♦ Contact between the mouth and the penis, vagina or anus
- ♦ Penetration of the anal or genital opening of another person by a hand, finger or other object

During 2019, there were fifty-one (51) reported Offender-on-Offender Nonconsensual Sexual Act cases. Seven (7) were substantiated.

\*



\*-Only 2019 Data includes Prisons and Community Correction Centers

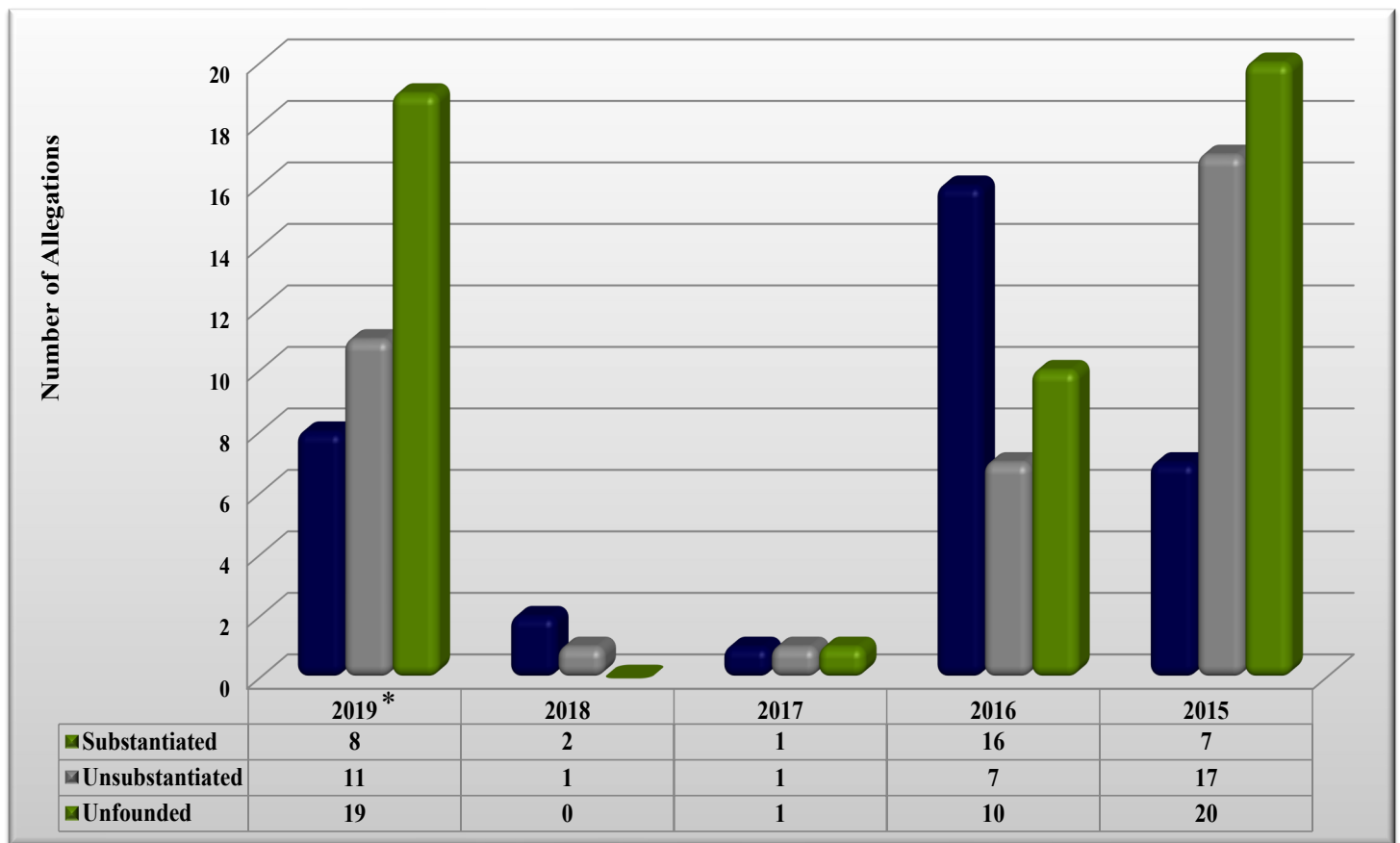


## Offender-on-Offender Abusive Sexual Contact

Offender-on-Offender Abusive Sexual Contact is defined as non-penetrative touching by an offender, either 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 2019, there were thirty-nine (38) reported Offender-on-Offender Abusive Sexual Contact cases. Eight (8) cases were substantiated.



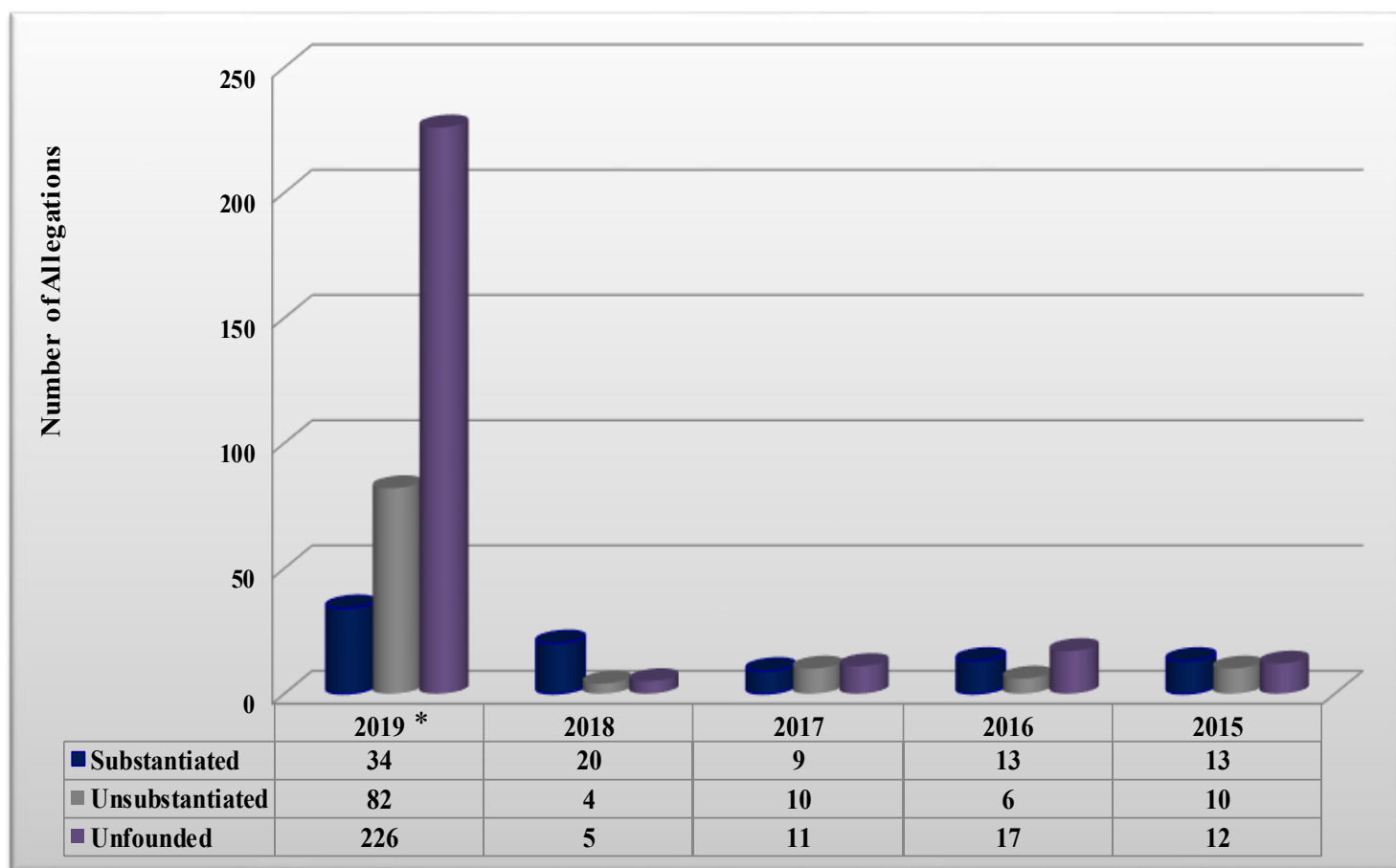
\*-Only 2019 Data includes Prisons and Community Correction Cen-

## Offender-on-Offender Sexual Harassment

Offender-on-Offender Sexual Harassment is defined as 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 offender to another
- ♦ Coercion and voyeurism
- ♦ Written or verbal communication, gestures such as simulated acts of a sexual nature

During 2019, there were three hundred forty-two (342) reported Offender-on-Offender Sexual Harassment cases. Thirty-four (34) cases were substantiated.



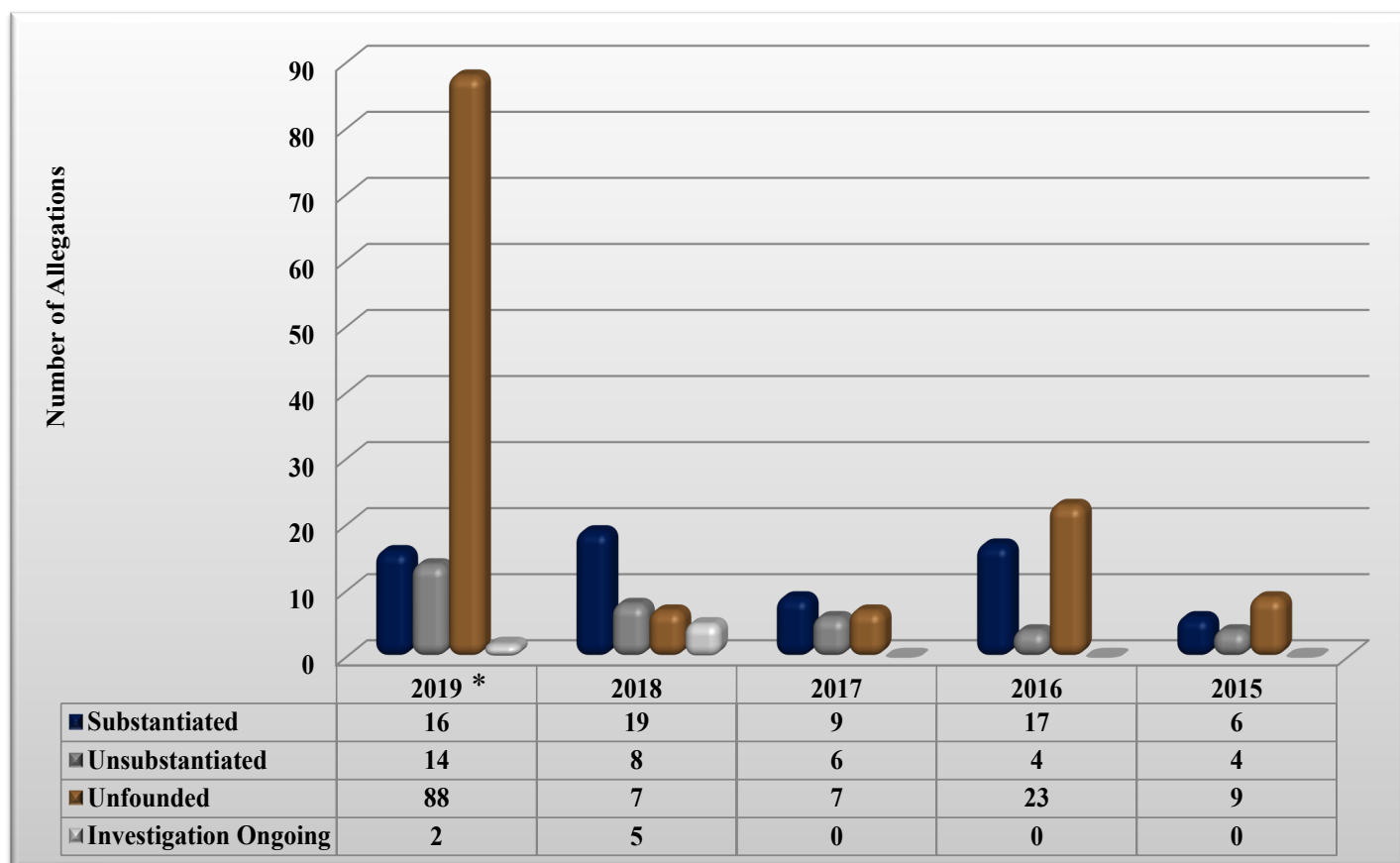
\*-Only 2019 Data includes Prisons and Community Correction Cen-

## Staff-on-Offender Sexual Misconduct

Staff-on-Offender Sexual Misconduct is defined as any behavior or act of a sexual nature directed toward an offender by an employee, volunteer, contractor, official visitor or other agency representative (excluding family or friends). Sexual relationships of a romantic nature between staff and offenders 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 2019, were one hundred twenty (120) reported Staff-on-Offender Sexual Misconduct cases. Sixteen (16) cases were substantiated.



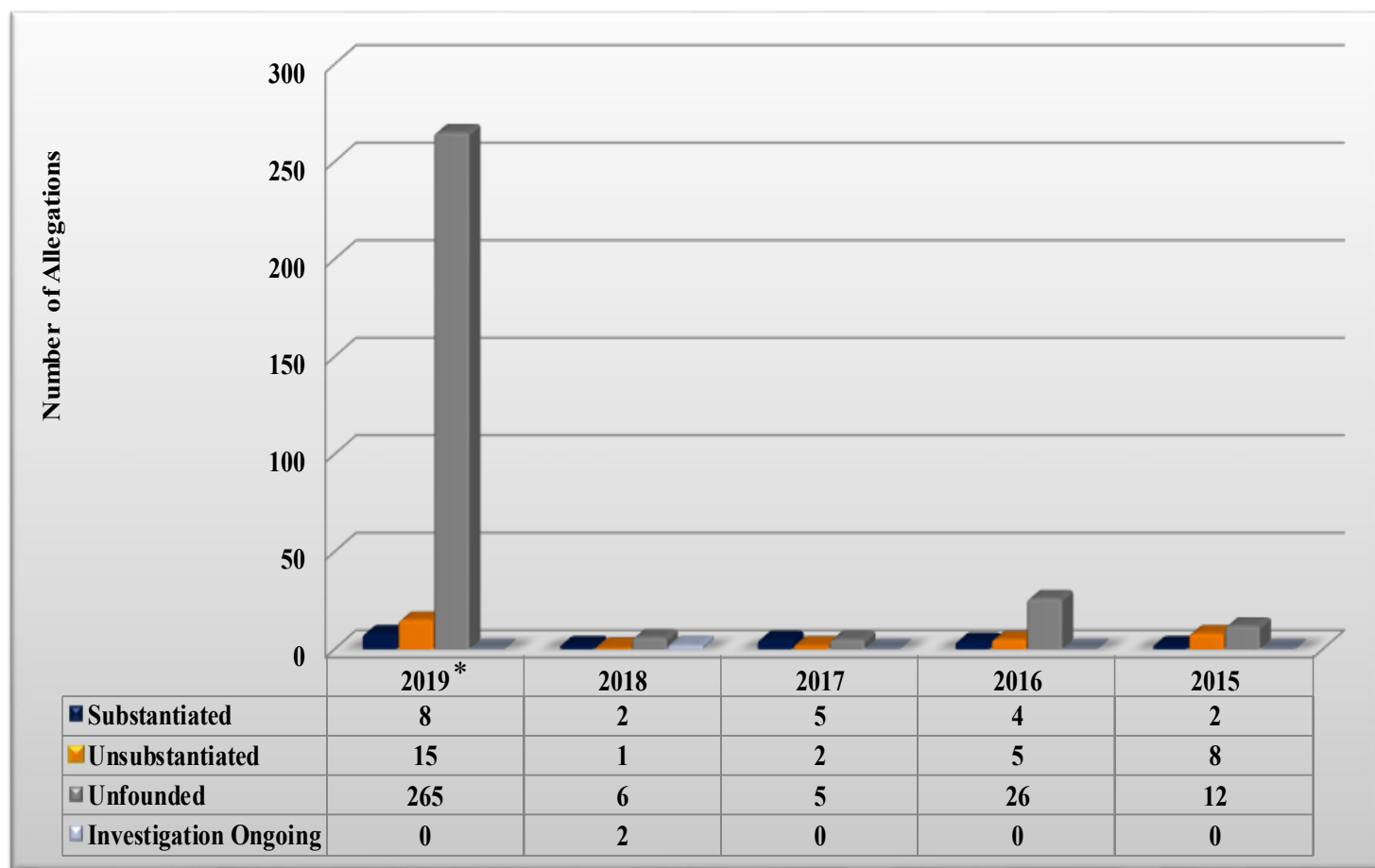
\*-Only 2019 Data includes Prisons and Community Correction Centers

## Staff-on-Offender Sexual Harassment

Staff-on-Offender Sexual Harassment includes:

- ◆ A staff member's verbal comments or gestures of a sexual nature to an offender by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family or friends). Includes demeaning references to gender, gender identity and sexual orientation, sexually suggestive or derogatory comments about an offender's body or clothing
- ◆ Repeated profane or obscene language and/or gestures.

During 2019, there were two hundred eighty-eight (288) reported Staff-on-Offender Sexual Harassment cases. Eight (8) were substantiated.



\*-Only 2019 Data includes Prisons and Community Correction Cen-