

Arkansas Department of Corrections

**Prison Rape
Elimination Act
(PREA)**

**ANNUAL
REPORT
CY 2020**



Arkansas Department of Correction (DOC) Prison Rape Elimination Act (PREA) Annual Report ~ 2020

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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 of Corrections 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 Report Line number and Arkansas State Police Hotline number are placed near all offender phones.

Assessment

The Arkansas Department of Corrections continues to implement processes which are designed to ensure that PREA incidents are effectively reported, investigated and tracked. Essential investigations, coupled with our prevention trainings, will vastly assist our efforts to create a safer environment for our offender.

The Department continues to train and educate all employees, contract staff, volunteers, vendors and offenders 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 Corrections facilities.

Report Information

At the end of CY2020 there were 17,386 offenders under the jurisdiction of the DOC. There were a total of 920 PREA related allegations. Of those 920 allegations, 63 (6.8%) were substantiated; 214 (23.3%) were unsubstantiated; 630 (68.5%) were unfounded and 13 (1.4%) are pending investigation.

Demographics

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

Total DOC Custody Count - 14,814

(13,815 - Division of Correction; 999 - Division of Community Correction)
(offenders housed in DOC Facilities)

Total DOC Jurisdictional Count ~ 17,386

(16,094 - Division of Correction; 1,292 - Division of Community Correction)
(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, 2020

Division of Community Correction

Gender	
Male	68.3%
Female	31.7%
Race	
Asian	0.30%
Black	13.11%
Hispanic	1.80%
Native American	0.40%
Native Hawaiian or Pacific Island	0.00%
Other	0.00%
White	84.39%
Average Age	
36 Years	

Division of Correction

Gender	
Male	92.7%
Female	7.3%
Race	
Asian	0.30%
Black	43.58%
Hispanic	3.32%
Native American	0.28%
Native Hawaiian or Pacific Island	0.09%
Other	0.07%
White	52.36%
Average Age	
40 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. Ninety-six (96) of these incidents were investigated during CY2020.

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 2020 and, where noted, prior years.

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 multiple methods to report sexual assault/abuse, harassment and retaliation:

- ◆ Calling the Department PREA Report Line from any offender telephone
- ◆ Calling the ASP PREA Report Line 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 Report Line during calendar year 2020. Of the 5,215 calls that were made to the PREA Report Line, only 378 of those calls met the criteria to be referred as a PREA incident, which represents only 7.2% of the 5,215 calls.

REPORT LINE DATA CY2020													
Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total
Total PREA Issue Calls	33	38	40	28	27	28	27	23	39	33	24	38	378
Total Non-PREA Calls	127	122	125	128	99	156	139	147	157	178	149	169	1,696
Total Technical Failure Calls	0	0	0	0	0	1	0	0	3	0	0	0	4
Total Repeat Calls	108	61	85	94	76	69	100	92	90	90	56	102	1,023
Test Calls	5	13	8	4	11	7	0	0	0	0	0	0	48
Total Calls With No Message	240	148	220	99	78	211	163	130	83	148	315	231	2,066
Total Number of Calls Received	513	382	478	353	291	472	429	*392	372	**449	544	540	5,215

* - 7 calls were from residents of the Division of Community Correction

** - 18 calls were from residents of the Division of Community Correction

Substantiated Incident Summary

CATEGORIES	TIME OF INCIDENT					
	SUBSTANTIATED	6 AM-NOON	NOON-6 PM	6PM-MIDNIGHT	MIDNIGHT-6AM	UNKNOWN
OFFENDER-ON-OFFENDER NONCONSENSUAL SEXUAL ACTS	8	0	1	2	3	3
OFFENDER-ON-OFFENDER ABUSIVE SEXUAL CONTACT	4	3	0	1	0	1
OFFENDER-ON-OFFENDER SEXUAL HARASSMENT	28	7	1	5	3	12
STAFF SEXUAL MISCONDUCT	15	3	2	0	0	10
STAFF SEXUAL HARASSMENT	8	3	1	1	0	3
TOTAL	63	16	5	9	6	29
PERCENT		25.4%	7.9%	14.3%	9.5%	46.0%

Time lapse from the incident occurring to the report date as well as offenders unwillingness to give a precise time of the incident, is a result of 46% of the 2020 substantiated cases having an unknown time frame.

CATEGORIES	LOCATION OF INCIDENT												
	SUBSTANTIATED	VIC.CELL	PERP.CELL	DORM	COMMON	TEMP	PROG/SVC	INSTRUCT	RECREAT	MEDICAL	STAFF	OFFSITE	OTHER/UNKN
OFF-ON-OFF. NONCONSENSUAL SEXUAL ACT	8	3	1	3	1	0	0	0	0	0	0	0	0
OFF-ON-OFF. ABUSIVE SEXUAL CONTACT	4	2	0	1	0	0	0	1	0	0	0	0	0
OFF-ON-OFF. SEXUAL HARASSMENT	28	14	0	7	6	1	0	1	1	0	0	0	1
STAFF SEXUAL MISCONDUCT	8	2	0	0	1	0	3	0	0	0	1	0	1
STAFF SEXUAL HARASSMENT	15	2	0	0	0	0	0	0	0	1	1	0	13
TOTAL	63	23	1	11	8	1	3	2	1	1		0	15
PERCENT		34.8%	1.5%	16.7%	12.1%	1.5%	4.5%	3.0%	1.5%	1.5%	0.0%	0.0%	22.7%

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

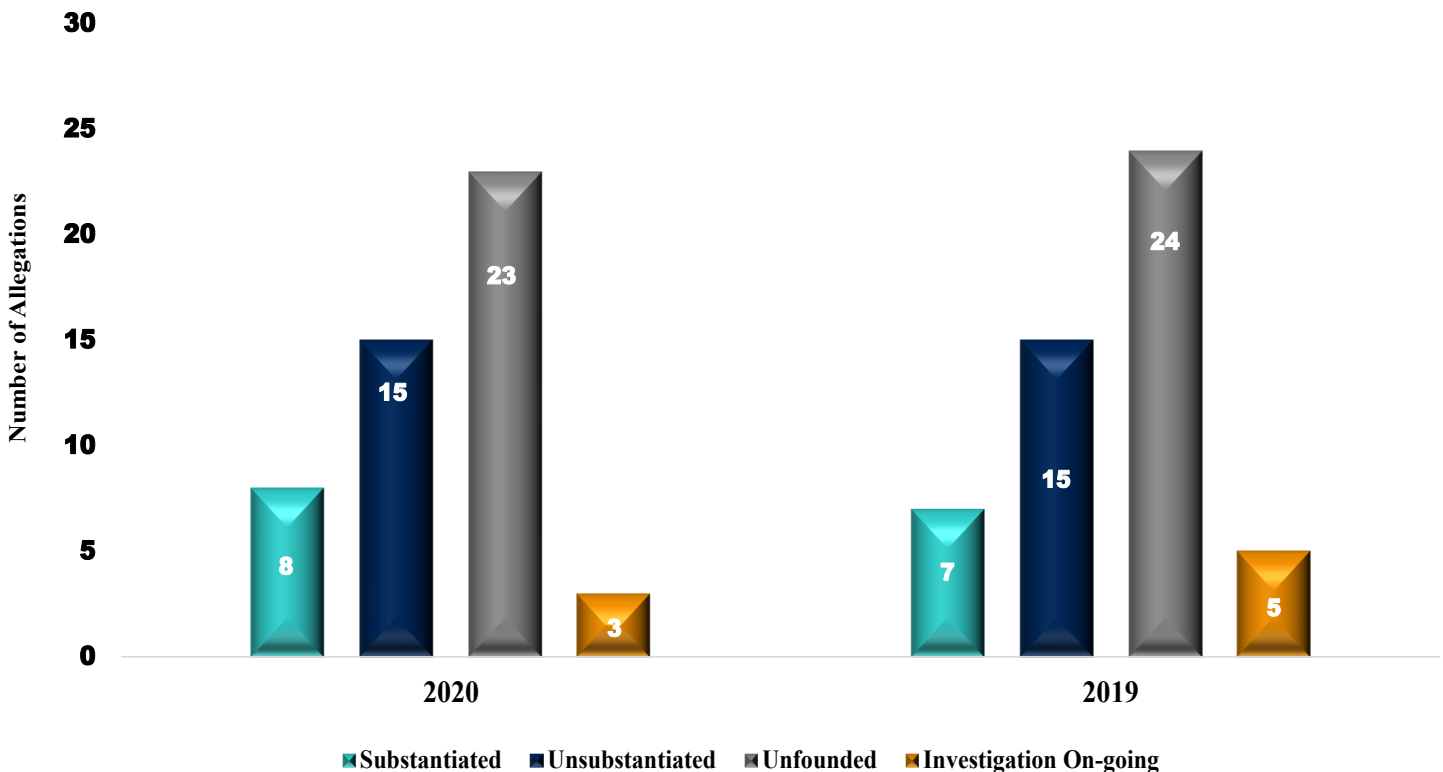
Key - Location of Incident
VIC.CELL-Victim's cell or room
PERP.CELL-Perpetrator's cell or room
DORM-Dormitory or other multiple housing unit
COMMON-Common area (e.g., shower, dayroom, bathroom)
TEMP-Temporary holding cell or intake area within the facility
PROG/SVC-Program service area (e.g., commissary, 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 2020, there were forty-nine (49) reported Offender-on-Offender Nonconsensual Sexual Act cases. Eight (8) cases were substantiated. All eight substantiated cases were at Division of Correction facilities.

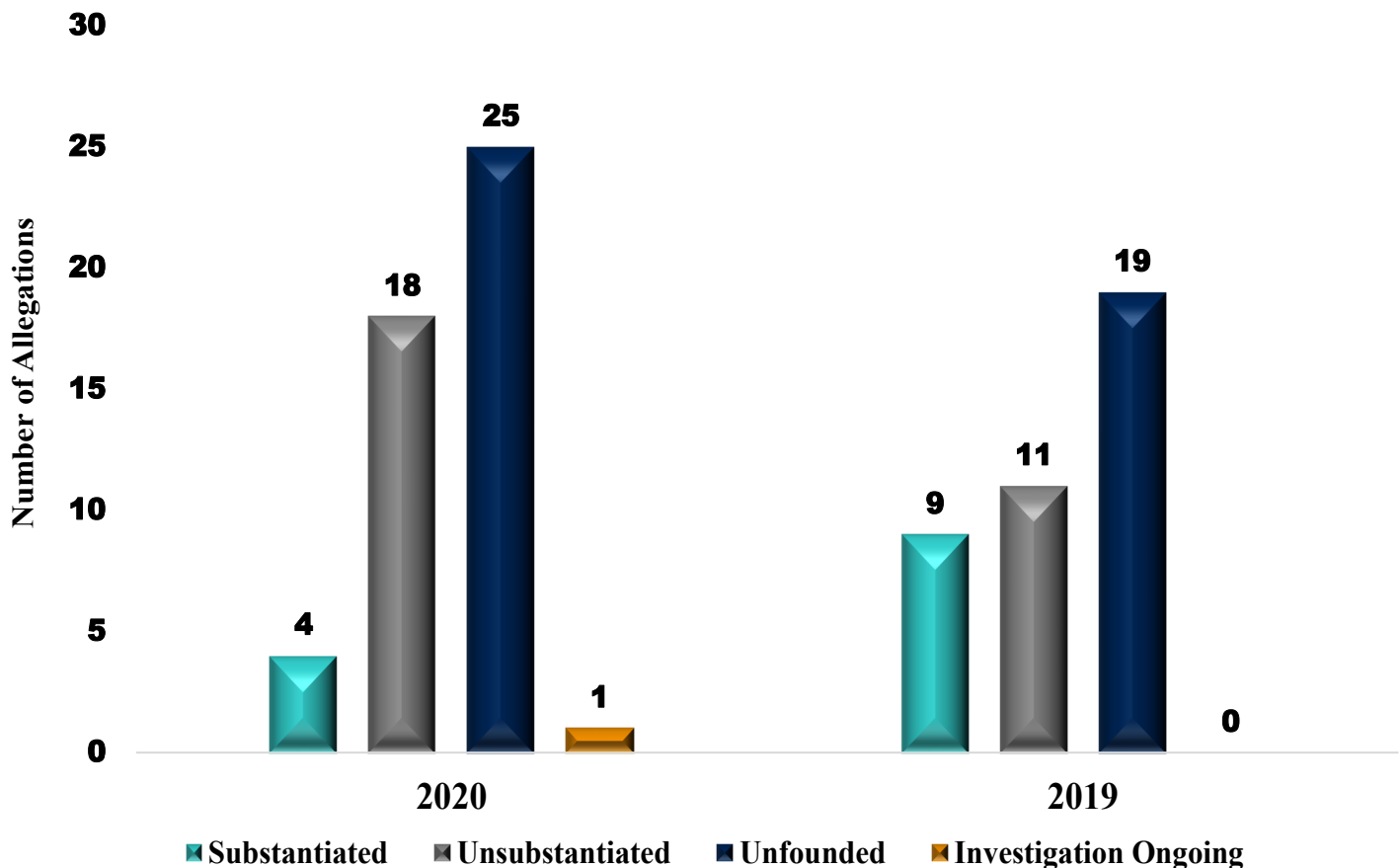


Offender-on-Offender Abusive Sexual Contact

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 2020, there were forty-eight (48) reported Offender-on-Offender Abusive Sexual Contact cases. Four (4) cases were substantiated. Two of the four substantiated cases were at Division of Correction facilities and two of the cases were at Division of Community Correction facilities.

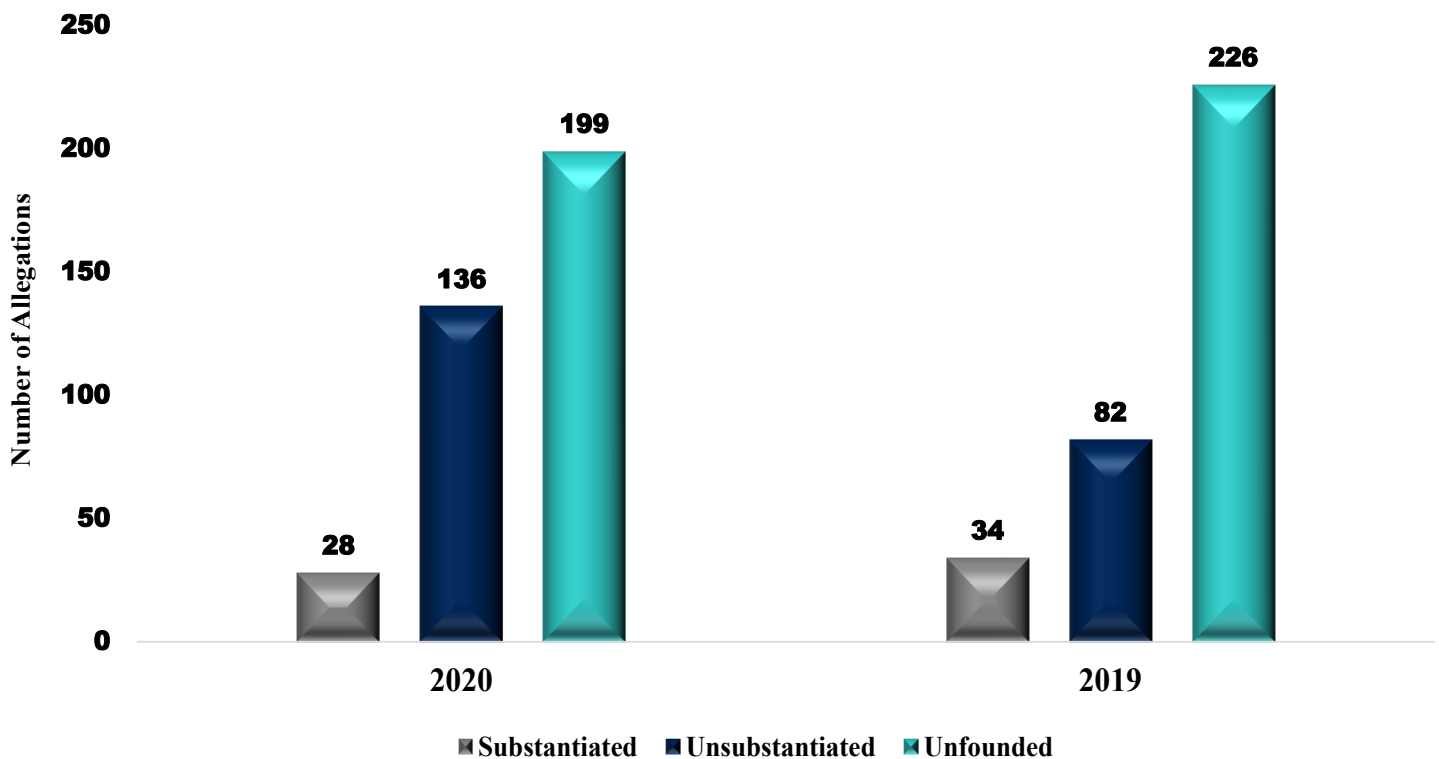


Offender-on-Offender Sexual Harassment

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 2020, there were three hundred sixty-three (363) reported Offender-on-Offender Sexual Harassment cases. Twenty-eight (28) cases were substantiated. Twenty-six of the twenty-eight substantiated cases took place at Division of Correction facilities and two of the cases were at Division of Community Correction facilities.

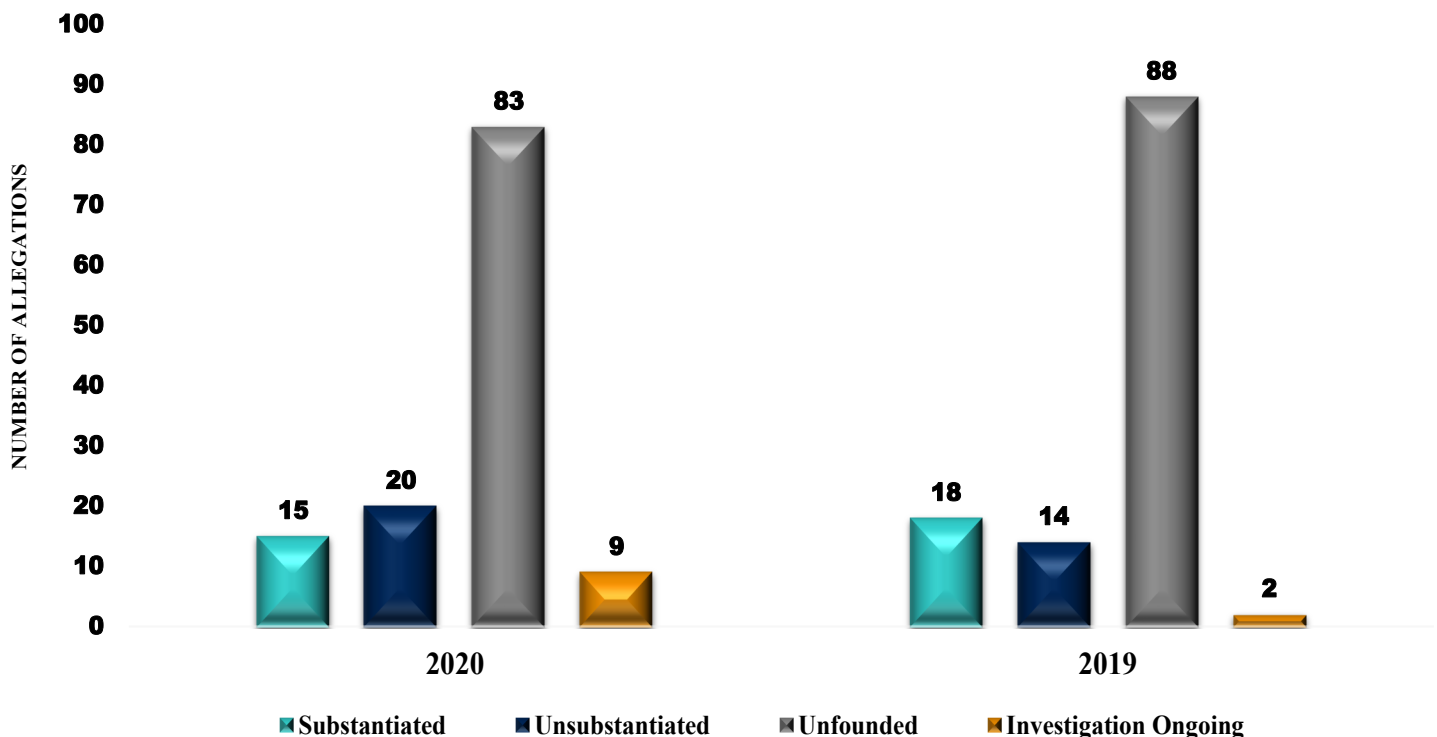


Staff-on-Offender Sexual Misconduct

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 2020, there were one hundred twenty-seven (127) reported Staff-on-Offender Sexual Misconduct cases. Fifteen (15) cases were substantiated. Fourteen of the fifteen substantiated cases were at a Division of Correction facility and one was at a Division of Community Correction facility.

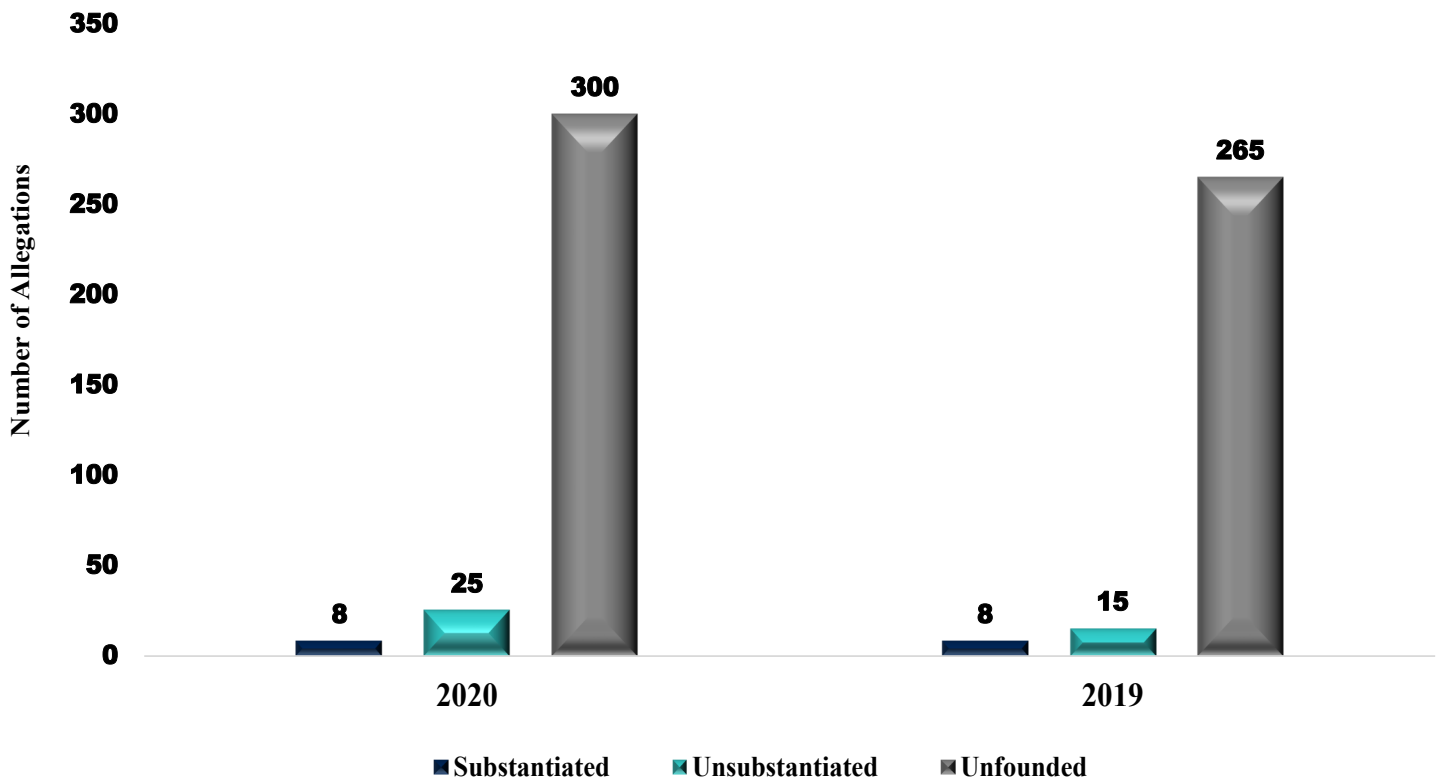


Staff-on-Offender Sexual Harassment

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 2020, there were three hundred thirty-three (333) reported Staff-on-Offender Sexual Harassment cases. Eight (8) cases were substantiated. All eight substantiated cases were Division of Correction facilities.



Glossary of Terms

Offender. This term includes inmates and residents in a prison, community corrections center, or a reentry center operated or contracted by the DOC.

Offender-on-Offender Abusive Sexual Contact. Non-penetrative touching by an offender, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another offender.

Offender-on-Offender Nonconsensual Sexual Contact. Penetration by an offender of another offender in which the offender is coerced into sexually abusive penetration by threats of violence or is otherwise unable to refuse. The sexual acts included are: contact between the penis and the vagina or the anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.

Offender-on-Offender Sexual Misconduct. Non-abusive sexual contact that includes, but is not limited to massages, touching, kissing, anal or oral penetration, masturbation, etc.

Rape. A person commits the crime of rape if he or she engages in sexual intercourse or deviate sexual activity with another person if that act was committed through forcible compulsion or with a person that is physically or mentally incapable of consent. By state law, an offender cannot consent to a sexual act with staff, volunteers, contractors, or anyone with authority over that offender.

Staff. For the purpose of this report, staff includes all DOC employees, volunteers, interns, and contracted personnel working within the facilities, or directly with an offender in any official capacity.

Staff-on-Offender Sexual Harassment. A staff member's verbal comments or gestures of a sexual nature to an offender. This includes demeaning references to gender, gender identity, and sexual orientation, sexually suggestive or derogatory comments about an offender's body or clothing and repeated profane or obscene language and/or gestures.

Staff-on-Offender Sexual Abuse. Any behavior or act of a sexual nature directed toward an offender by an employee, volunteer, contractor, or agency representative. This includes relationships of a sexual or romantic nature, including vaginal, oral, and anal penetration, intentional touching for sexual gratification, attempted or threatened sexual acts, requests, for sexual acts, indecent exposure, voyeurism, and acts listed under Staff on Offender Sexual Misconduct.

Substantiated. The event was investigated and determined to have occurred.

Unsubstantial. The evidence was insufficient to make a final determination that the event occurred.

Unfounded. The event was determined not to have occurred, or, if the event occurred, the conduct was nonetheless within policy and the alleged perpetrator exonerated.

Voyeurism. An invasion of an offender's privacy by staff for reasons unrelated to official duties. Examples include, but are not limited to, staring at an offender who is using a toilet in their cell, requiring an offender to expose their buttocks, genitals, or breasts, taking images of all or part of an offender's naked body or of an offender performing bodily functions, and distributing or publishing them for other than an official reason as required by policy.