



# PRISON RAPE ELIMINATION ACT ANNUAL REPORT 2021

# PRISON RAPE ELIMINATION ACT

## CY2021

The Arkansas Department of Corrections (ARDOC) is committed to providing a safe environment for those in our facilities. Incarcerated individuals have the right to be free from sexual abuse, sexual harassment, and retaliation. The agency maintains a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. All allegations of sexual abuse and sexual harassment are entered into the electronic offender management information system (eOMIS) and investigated. Below I describe the number of PREA allegations received in 2021 and the results of the investigations into them.

Pursuant to 28 CFR 115.87 Data Collection, the ARDOC is required to collect and maintain certain information related the sexual abuse and sexual harassment. The following is a summary of the agency's incident-based sexual abuse and sexual harassment data:

In 2021, the ARDOC received 704 total PREA allegations, a 23.5% decrease from the previous year. Of the allegations, 551 were unfounded, while 91 were unsubstantiated and 62 were substantiated (see Table 1). Most of the substantiated incidents were Offender-on-Offender Sexual Harassment ( $n = 27$ ). One was Offender-on-Offender Abusive Sexual Contact. The remaining substantiated incidents were Offender-on-Offender Nonconsensual Sexual Acts ( $n = 12$ ), Staff-on-Offender Sexual Misconduct ( $n = 17$ ), and Staff-on-Offender Sexual Harassment ( $n = 5$ ).

**Table 1:**  
*Allegation Type and Investigative Outcome*

TYPE	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	TOTAL
Offender - on - Offender Nonconsensual Sexual Acts	12	4	25	41
Offender - on - Offender Abusive Sexual Contact	1	2	6	9
Offender - on - Offender Sexual Harrassment	27	59	237	323
Staff - on - Offender Sexual Misconduct	17	17	59	93
Staff - on - Offender Sexual Harrassment	5	9	224	238
<b>TOTAL</b>	<b>62</b>	<b>91</b>	<b>551</b>	<b>704</b>

<sup>1</sup> All percentages are rounded to the nearest whole number

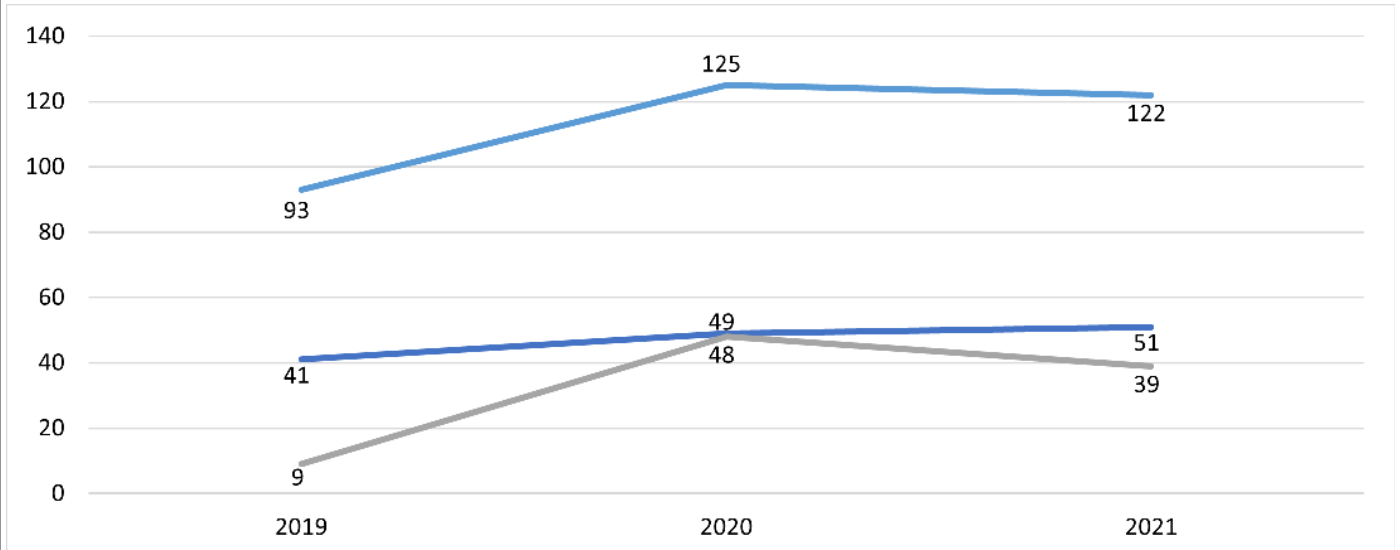
<sup>2</sup> Henceforth, sexual abuse is classified as Offender-on-Offender Nonconsensual Sexual Acts, Offender-on-Offender Abusive Sexual Contact, and Staff-on-Offender Sexual Misconduct. Sexual harassment is classified as Offender-on-Offender Sexual Harassment, and Staff-on-Offender Sexual Harassment.

# PRISON RAPE ELIMINATION ACT

## 2019 - 2021

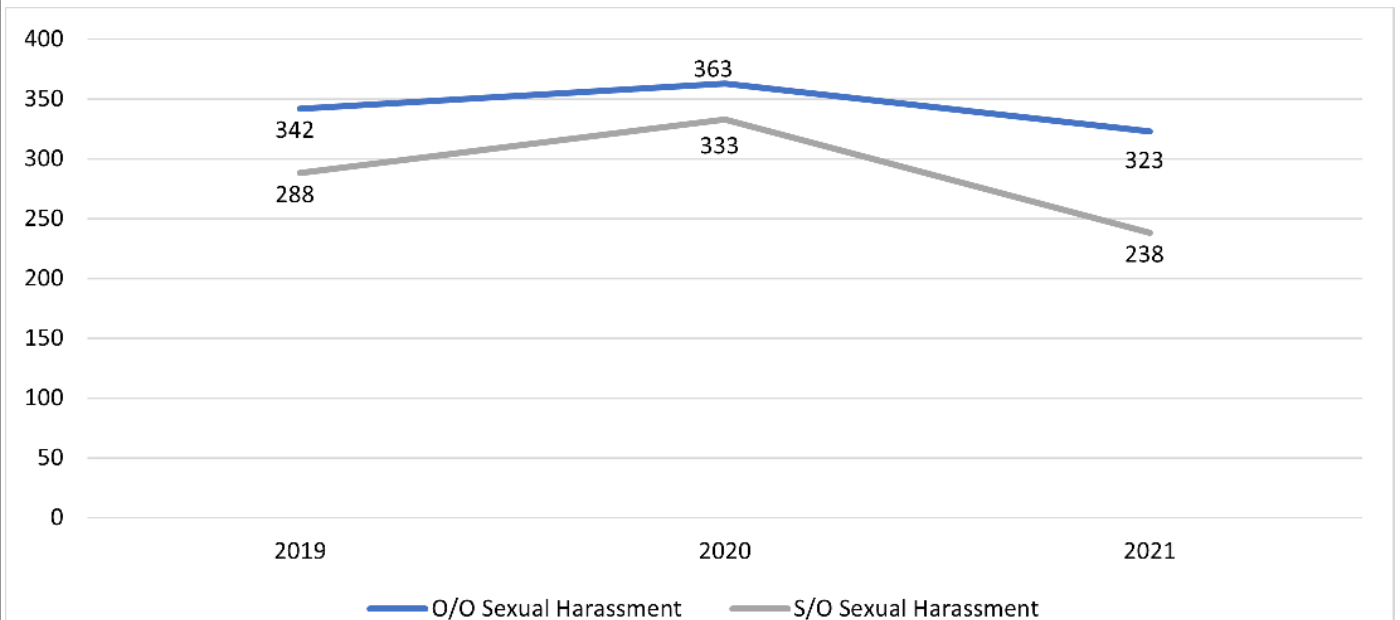
Since 2019, the most alleged sexual abuse violation has been Staff-on-Offender Sexual Misconduct, followed by Offender-on-Offender Nonconsensual Sexual Acts. Offender-on-Offender Abusive Sexual Contact was the least reported allegation in 2019, 2020, and 2021 (see Figure 1).

**Figure 1:**  
*Sexual Abuse Allegations for 2019 through 2021*



Allegations of sexual harassment were also consistent with the two previous years (see Figure 2). That is, more allegations of Offender-on-Offender Sexual Harassment were made than those of Staff-on-Offender Sexual Harassment in 2019, 2020, and 2021.

**Figure 2:**  
*Sexual Harassment Allegations for 2019 through 2021*



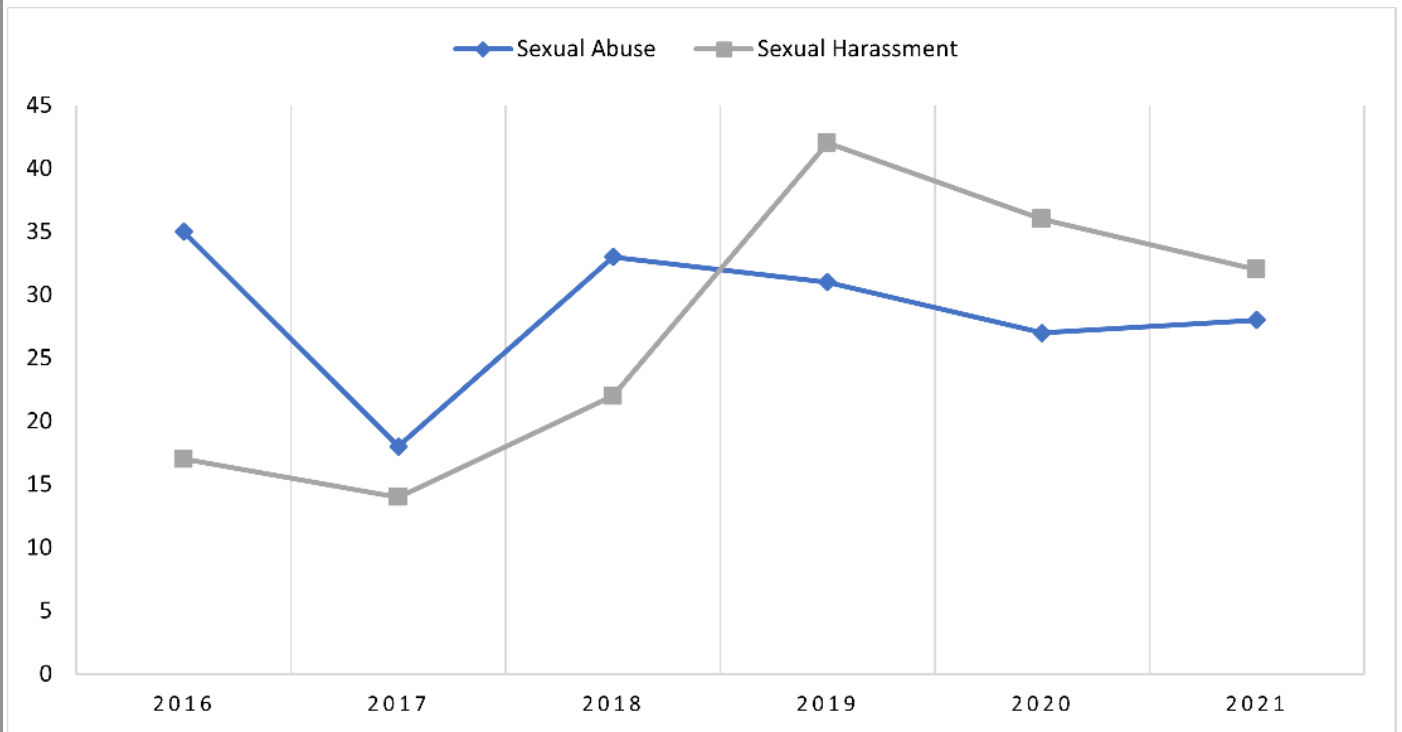
# PRISON RAPE ELIMINATION ACT

## 2021 SUBSTANTIATED INCIDENTS

Of the 62 total substantiated incidents in 2021 (see Table 1), 12 were Offender-on-Offender Nonconsensual Sexual Acts, one was Offender-on-Offender Abusive Sexual Contact, 27 were Offender-on-Offender Sexual Harassment, 17 were Staff-on-Offender Sexual Misconduct, and five were Staff-on-Offender Sexual Harassment.

Figure 3 compares the substantiated sexual abuse and sexual harassment incidents from 2016 through 2021. From 2016 to 2018, allegations of sexual abuse were substantiated more often than sexual harassment. This changed in 2019. In 2019, 2020, and 2021 allegations of sexual harassment have been substantiated more often than those of sexual abuse.

**Figure 3:**  
*Substantiated Allegations from 2016 through 2021*



## PRISON RAPE ELIMINATION ACT

### 2021 CORRECTIVE ACTION

Pursuant to 28 CFR 115.88 Data Review for Corrective Action, the following is a summary of the agency's efforts in adhering to PREA compliance:

Pursuant to 28 CFR 115.87, 115.88, and 115.89, the ARDOC collects accurate, uniform data for allegations of sexual abuse and harassment from prisons and community confinement facilities under the governor's direct control. Below is a summary of the significant enhancements to PREA compliance made in 2021.

The ARDOC continues to enhance our efforts toward sexual safety for our incarcerated population. In 2021, the agency upgraded video monitoring technology, revised all PREA-related policies, improved the method by which retaliation is monitored, and increased opportunities for emotional support services.

Moving forward, the ARDOC will continue to improve compliance with the PREA Standards. To improve compliance, the agency will continue to educate staff, contractors, and volunteers on PREA-related responsibilities, process reviews of sexual abuse incidents, provide an external reporting mechanism, and update the PREA screening process.

## APPENDIX A: DEFINITIONS

**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 Acts** - 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.

**Offender-on-Offender Sexual Harassment** - Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another.

**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 Misconduct** - Sexual abuse that includes but is not limited to penetration, kissing, hugging, massaging, writing, or exchanging letters, pictures, phone calls, etc. of a romantic or sexual nature between staff and offenders.

**Substantiated** - The event was investigated and determined to have 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.

**Unsubstantiated.** -The evidence was insufficient to make a final determination that the event occurred.