



PRISON RAPE ELIMINATION ACT ANNUAL REPORT 2023

PRISON RAPE ELIMINATION ACT

CY2023

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 2023 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 2023, the ARDOC received 710 total PREA allegations, a 42% increase from the previous year; however, the number of allegations is consistent with 2021. Of the allegations, 548 were unfounded, while 94 were unsubstantiated and 68 were substantiated (see Table 1). Most of the substantiated incidents were Offender-on-Offender Sexual Harassment ($n = 35$). The remaining 33 substantiated incidents were Offender-on-Offender Nonconsensual Sexual Acts ($n = 5$), Offender-on-Offender Abusive Sexual Contact ($n = 3$), Staff-on-Offender Sexual Misconduct ($n = 22$), and Staff-on-Offender Sexual Harassment ($n = 3$).

Table 1:
Allegation Type and Investigative Outcome

TYPE	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	TOTAL
Offender - on - Offender Nonconsensual Sexual Acts	5	10	22	37
Offender - on - Offender Abusive Sexual Contact	3	3	9	15
Offender - on - Offender Sexual Harrassment	35	59	198	292
Staff - on - Offender Sexual Misconduct	22	11	68	101
Staff - on - Offender Sexual Harrassment	3	11	251	265
TOTAL	68	94	548	710

¹ All percentages are rounded to the nearest whole number

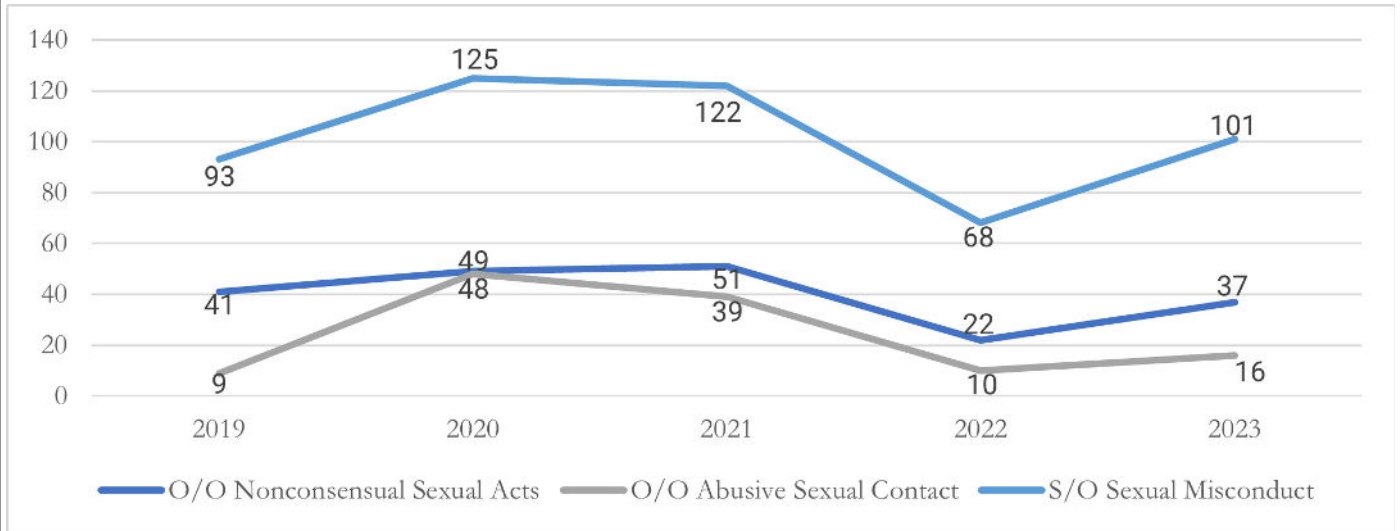
² Henceforth, sexual abuse is classified as Offender-on-Offender Nonconsensual Sexual Acts, Offender-on-Offender Abusive Sexual Contact, and Staff-on-Offender Sexual Misconduct. Sexual harassment is classified as Offender-on-Offender Sexual Harassment, and Staff-on-Offender Sexual Harassment.

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2019 - 2023

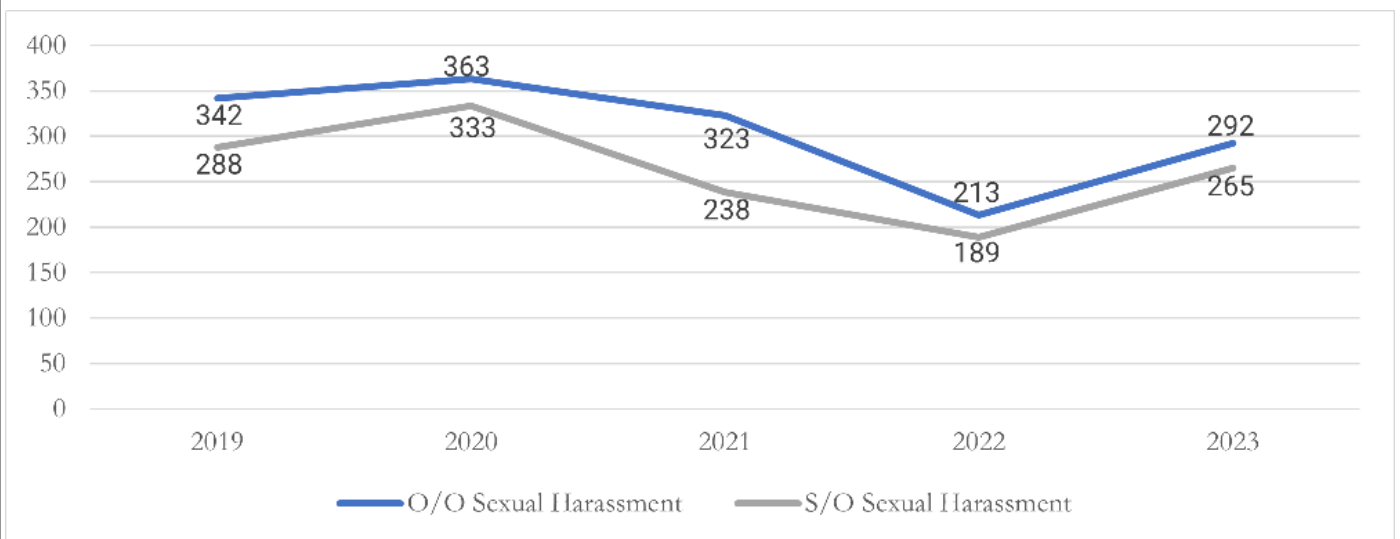
Since 2019, the most alleged sexual abuse violation has been Staff-on-Offender Sexual Misconduct, followed by Offender-on-Offender Nonconsensual Sexual Acts. While Offender-on-Offender Abusive Sexual Contact was the least reported allegations in 2019, 2020, 2021, 2022, and 2023 (see Figure 1).

Figure 1:
Sexual Abuse Allegations for 2019 through 2023



The Allegations of sexual harassment were also consistent with four previous years (see Figure 2). That is, more allegations of Offender-on-Offender Sexual Harassment were made than those on Staff-on-Offender Sexual Harassment in 2019, 2020, 2021, 2022, and 2023.

Figure 2:
Sexual Harassment Allegations for 2019 through 2023



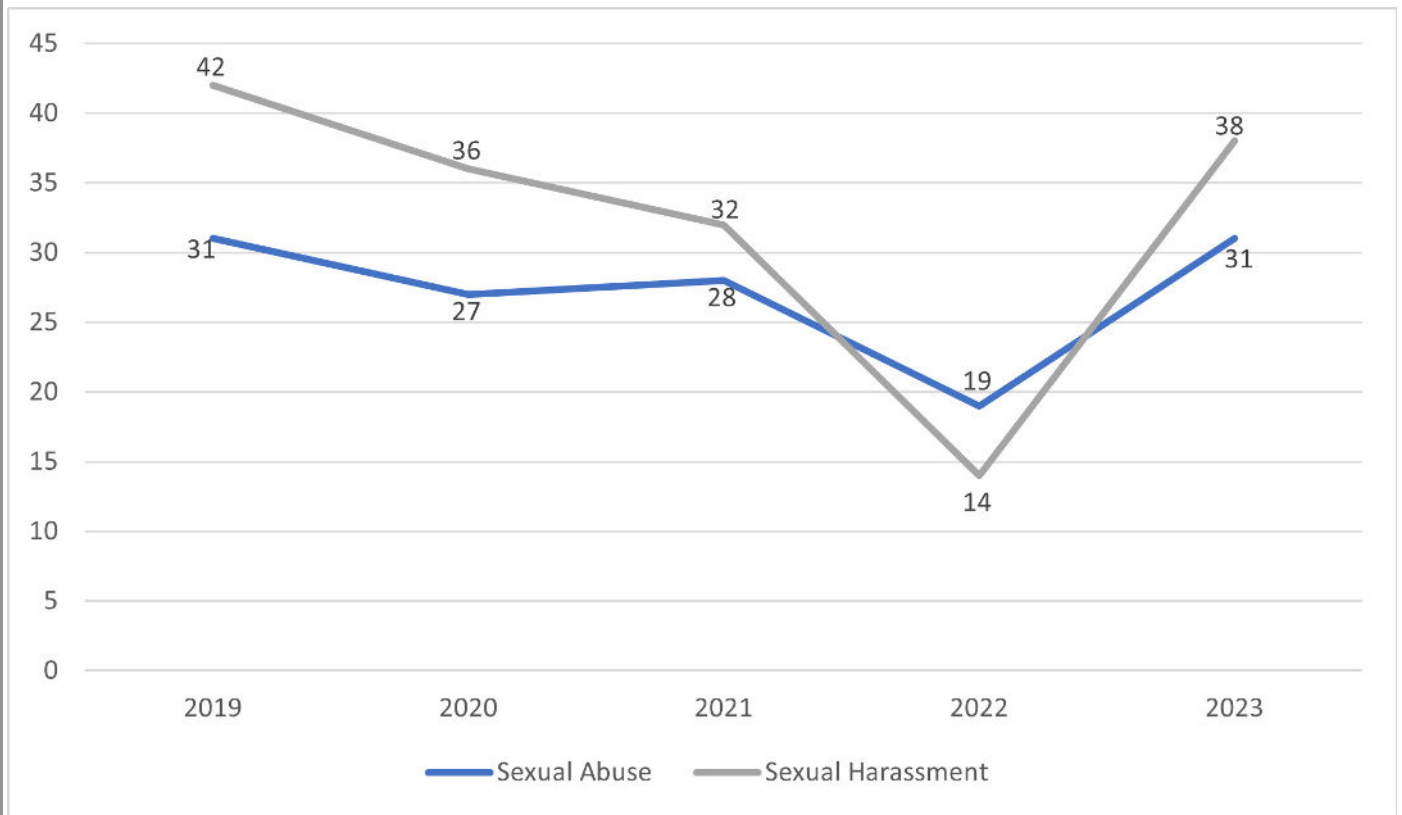
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2023 SUBSTANTIATED INCIDENTS

Of the 68 total substantiated incidents found in 2023 (see Table 1), five were Offender-on-Offender Nonconsensual Sexual Acts, three were Offender-on-Offender Abusive Sexual Contact, 35 Offender-on-Offender Sexual Harassment, 22 Staff-on-Offender Sexual Misconduct, and three Staff-on-Offender Sexual Harassment.

Figure 3 compares the substantiated sexual abuse and sexual harassment incidents from 2019 through 2023. In 2019, 2020, 2021, and 2023 allegations of sexual harassment were more substantiated than those of sexual abuse; however, in 2022, allegations of sexual abuse were substantiated more than those of sexual harassment.

Figure 3:
Substantiated Allegations from 2019 through 2023



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2023 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 2023.

ARDOC continues to enhance our efforts toward sexual safety for our incarcerated population. In 2023, the department's PREA Coordinator, Haley Trantham, and a PREA Compliance Manager, Deputy Warden Steven Ricketts, attended training through the PREA Resource Center to improve our compliance efforts. The ARDOC trained more than 100 staff to become sexual abuse investigators. The ARDOC improved the PREA tracking system to better monitor PREA investigations from allegation to offender notification. Lastly, informal PREA audits were conducted by the ARDOC's PREA Coordinator to improve compliance.

Moving forward, the ARDOC will be receiving audits pursuant to 28 CFR 115.401, continuing training efforts to improve staff's knowledge of the PREA Standards, enhance offender education for better understanding, and continue efforts in building community partnerships to provide services to those who have suffered from sexual abuse.

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.