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	Effective Date: April 15, 2013	
	Distribution: B	
	Supersedes: N/A	
Approved by: Derrick D. Schofield		
Subject: PRISON RAPE ELIMINATION ACT (PREA) IMPLEMENTATION AND COMPLIANCE		

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 39-13-501, TCA 39-13-503, TCA 39-16-408, TCA 40-39-202, Title 28 CFR Part 115, and the Prison Rape Elimination Act of 2003, 42 USC 15601 through 15609 (PREA).
- II. PURPOSE: To prevent sexual abuse of inmates and residents under the jurisdiction of the Tennessee Department of Correction (TDOC).
- III. APPLICATION: All TDOC staff, inmates, residents, other employees as defined within this policy, and privately managed institutions.
- IV. DEFINITIONS:
  - A. Employee: For the purpose of this policy, any full-time or part-time staff member, TRICOR employees, volunteer, vendor, intern, contractor, or employee of a contractor.
  - B. Facility/Site PREA Coordinator (FPC): Deputy Wardens of TDOC institutions and Associate Wardens of privately managed institutions who coordinate local PREA programming activities and reporting requirements and oversees the functions of the PREA Compliance Manager. The Director of Community Correction shall serve as the FPC for community confinement centers (residential transitional centers, halfway houses, etc. who are under contract with the TDOC)
  - C. Potential Sexual Aggressor: Any inmate within TDOC custody who has been identified, utilizing the PREA Screening System Application as an individual who is at risk of sexual abusive tendencies. Any resident in a TDOC contracted confinement or residential facility who has been identified, utilizing the Sexual Aggressor Classification Screening (CR-3737 for females and CR-3638 for males).
  - D. Potential Sexual Victim: Any inmate within TDOC custody who has been identified, utilizing the PREA Screening System Application as an individual with a past history of victimization. Any resident in a TDOC contracted confinement or residential facility who has been identified, utilizing the Sexual Victim Classification Screening (CR-3737 for females and CR-3638 for males).
  - E. Prison Rape Elimination Act (PREA): Federal legislation which was enacted and signed by President George W. Bush in 2003 to prevent, detect, and respond to prison rapes, sexual assaults, and sexual harassment within the United States.
  - F. PREA Compliance Manager (PCM): Individual appointed by the facility PREA coordinator to ensure the facility's compliance with PREA.
  - G. PREA-Free Walk: A walk (inspection) conducted on a monthly basis at TDOC confinement or residential locations.

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- H. PREA Screening System Application: Computer application located on the TDOC intranet that is used to screen inmates upon intake and transfer for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. This application replaces the Sexual Aggressor/Victim Classification Screening (CR-3737 for females and CR-3638 for males) NOTE: The CR forms will continue to be used by the residents in contracted facilities supervised by the TDOC Division of Community Supervision.
- I. Resident: Any person confined within a community confinement facility, (e.g. halfway houses and residential confinement supervised transitional centers, etc.)
- J. Sexual Abuse: Encompasses inmate-on-inmate sexual abuse; inmate-on-inmate sexual harassment; staff-on-inmate sexual abuse; and staff-on-inmate sexual harassment. (These definitions include and are the same for resident-on-resident and staff-on-resident incidents)
1. Inmate-on-inmate sexual abuse: Encompasses all incidents of inmate-on-inmate sexually abusive contact and inmate-on-inmate sexually abusive penetration.
  2. Inmate-on-inmate sexually abusive contact: Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexual contact by threats of violence, or of an inmate who is unable to consent or refuse.
  3. Inmate-on-inmate sexually abusive penetration: Penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexually abusive penetration by threats of violence, or of an inmate who is unable to consent or refuse. The sexual acts included are:
    - a. Contact between the penis and the vagina or the anus;
    - b. Contact between the mouth and the penis, vagina, or anus; or
    - c. Penetration of the anal or genital opening of another person by a hand, finger, or other object.
  4. Inmate-on-inmate sexual harassment: Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one inmate directed towards another inmate.
  5. Staff-on-inmate sexual abuse: Encompasses all occurrences of staff-on-inmate sexually abusive contact, staff-on-inmate sexually abusive penetration, staff-on-inmate indecent exposure, and staff-on-inmate voyeurism. Staff solicitations of inmates to engage in sexual contact or penetration constitute attempted staff-on-inmate sexual abuse.
  6. Staff-on-inmate sexually abusive contact: Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member of an inmate with or without the latter's consent that is unrelated to official duties.
  7. Staff-on-inmate sexually abusive penetration: Penetration by a staff member of an inmate with or without the latter's consent. The sexual acts included are:
    - a. Contact between the penis and the vagina or the anus;

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- b. Contact between the mouth and the penis, vagina, or anus; or
  - c. Penetration of the anal or genital opening of another person by a hand, finger, or other object.
- 8. Staff-on-inmate indecent exposure: The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.
- 9. Staff-on-inmate voyeurism: An invasion of an inmate's privacy by an employee for reasons unrelated to official duties or when otherwise not necessary for safety and security reason, such as peering at an inmate who is using a toilet in his or her cell; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions and distributing or publishing them.
- 10. Staff-on-inmate sexual harassment: Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- K. Sexual Aggressor: Any inmate within TDOC custody who has been identified, utilizing the PREA Screening System Application as an individual with a past history of institutional sexually aggressive behavior. Also, any resident within a TDOC contracted residential or confinement facility who has been identified, utilizing Sexual Aggressor/Victim Classification Screening (CR-3737 for females and CR-3638 for males).
- L. TDOC PREA Coordinator: Individual designated by the Commissioner to oversee, develop, implement, and monitor the Department's PREA programming and reporting responsibilities.
- M. Victim: Any inmate within TDOC custody who has been identified, utilizing the PREA Screening System Application as an individual who is a former victim of prison or facility rape or sexual assault. Also, any resident within a TDOC contracted residential or confinement facility who has been identified, utilizing Sexual Aggressor/Victim Classification Screening (CR-3737 for females and CR-3638 for males).
- V. POLICY: It is the policy of the TDOC to provide a safe, humane, and appropriately secure environment, free from threat of sexual abuse and sexual harassment for all inmates, by maintaining a program of prevention, detection, response, investigation, and tracking of all alleged and substantiated sexual assaults and sexual harassment. TDOC has zero tolerance for incidences of sexual abuse and sexual harassment within its facilities.
- VI. PROCEDURES:
  - A. The TDOC shall have an absolute zero tolerance towards sexual acts between staff and inmates as well as inmates and inmates. There are no consensual sexual acts in a custodial or supervisory relationship. Any sexual abuse or sexual harassment between employees and inmates is inconsistent with the professional, ethical principles, and policies of the TDOC. There are also no consensual sexual contacts between inmates. All allegations of sexual abuse will be reported and investigated.

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- B. The Commissioner shall appoint a TDOC PREA Coordinator who will be responsible for implementing, developing, overseeing, and monitoring the Department's PREA activities, policy development and training,
- C. The Facility PREA Coordinator (Deputy Warden/Associate Warden) shall appoint a local PREA Compliance Manager (PCM) who will ensure the facility's compliance with PREA standards. The PCM shall keep the facility PREA coordinator apprised on a monthly basis as to the facility's compliance status. Each facility shall develop internal procedures to document this process.
- D. Inmate/Resident Orientation and Education:
  - 1. All inmates entering the TDOC system shall receive verbal and written information concerning sexual abuse within 24 hours of intake at the reception centers. (See Policy #404.05)
  - 2. All contractors housing offenders shall have written policy and procedures providing for resident orientation and education; these policy and procedures shall be approved by the TDOC.
  - 3. Appropriate provisions shall be made as necessary for inmates not fluent in English, persons with disabilities and those with low literacy level; however, the facility shall not rely on inmate/resident interpreters, inmate/resident readers, or other types of inmate/resident assistants except in limited circumstances.
- E. The screening of inmates and residents for sexual aggressor or sexual victim potential and any eventual actual identification as aggressor or victim shall be conducted in accordance with Policy #502.06.1 and the Department's classification processes.
- F. Monitoring of sexual abuse or sexual harassment against inmates and residents shall be conducted in accordance with Policy #502.06.1.
- G. All allegations of sexual abuse and sexual harassment shall be investigated in accordance with Policy #502.06.2.
- H. Each facility shall develop a staffing pattern that provides for the adequate levels of staffing and monitoring to protect inmates and residents against sexual abuse. This staffing pattern shall be reviewed annually by the Warden, Deputy Commissioner of Operations, Assistant Commissioner of Prisons, the Chief Financial Officer, and Director of Human Resources. Regardless of any current contractual language between the State and a private residential vendor regarding staffing patterns, these staffing patterns are to be reviewed annually in accordance with PREA required standards upon issuance of this policy.
- I. Each PREA site coordinator shall ensure that an unannounced PREA-free walk (inspection) is conducted on a monthly basis in accordance with PREA Inspection Team Worksheet, CR-Pending. This inspection shall be conducted on all shifts to identify and deter staff sexual abuse and sexual harassment. Any staff member alerting other staff members that these unannounced rounds are occurring will be subject to appropriate disciplinary action.

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J. Employee Training:

1. All TDOC employees shall be trained in the prevention, detection, response, and reporting of sexual abuse of sexual abuse. (See Policies #110.01 and #110.05)
2. Volunteers shall receive training in accordance with Policy #115.01.
3. Employees of privately managed facilities shall receive training as part of the pre-service and in-service training requirements established by the Contractor and approved by TDOC.

K. The Director of Contracts Administration shall ensure that all new TDOC contracts or contract renewals include language requiring the development of policies and procedures to ensure compliance with PREA standards and training regarding PREA compliance.

L. Any awarded contracts or contract renewals shall be monitored by the Director of Compliance to ensure vendor compliance with PREA standards.

VII. ACA STANDARDS: 4-4084-1, 4-4281 through 4-4281-8, 4-4282, 4-4371, and 4-4406.

VIII. EXPIRATION DATE: April 15, 2016.

## TDOC PREA      Inspection Team Work Sheet

<b>Date:</b>	<b>Facility:</b>	<b>Team Leader:</b>
		Position:
Members Present:		
SART Coord./Desig.		
SART Security Rep.		
SART Medical Rep.		
SART MH Rep.		
Other		
Other		
Review Prior Month's Report		
Findings: Previous findings corrected?		
Area Toured:		
Findings:		
Staff Quizzed?		
Findings/Comments		
Area Sup. Briefed?		
Comments		
PREA Drill Conducted		
Findings/Comments		
Cameras working?		
Additional comments		