



Shelby County Division of Corrections

Prison Rape Elimination Act (PREA)

Annual Report – 2018

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Introduction

The United States Department of Justice (DOJ), pursuant to the National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) requires our agency to collect a defined set of data for every allegation of sexual abuse. Through what will be referred to in this report as “standards”, PREA further requires the Department of Corrections to aggregate and review that data in order to assess and improve our effectiveness as an agency at preventing, detecting and responding to PREA. Standards related to the collection of data include §115.87 Data Collection, §115.88 Data Review for Corrective Action and §115.87 Data Storage, Publication, and Destruction. For reference purposes, they are included within this report.

Agency Overview 2016

Category	Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Line Total
Inmate-Inmate Nonconsensual Sexual Acts	1	3	1	5
Inmate-Inmate Abusive Sexual Contact	0	2	2	4
Inmate-Inmate Sexual Harassment	4	22	3	29
Staff-Inmate Sexual Misconduct	0	10	0	10
Staff-Inmate Sexual Harassment	0	26	5	31
Total Cases	5	63	11	79
Cases Pending Investigation				0
Total				79

Percentage Breakdown

Category	Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Line Total
Inmate-Inmate Nonconsensual Sexual Acts	1.27%	3.80%	1.27%	6.34%
Inmate-Inmate Abusive Sexual Contact	0%	2.53%	2.53%	5.06%
Inmate-Inmate Sexual Harassment	5.06%	27.85%	3.80%	36.71%
Staff-Inmate Sexual Misconduct	0%	12.66%	0%	12.66%
Staff-Inmate Sexual Harassment	0%	32.91%	6.32%	39.23%
Total Cases	6.33%	79.75%	13.92%	100%
Cases Pending Investigation				0%
Total				100%

Agency Overview 2017

Category	Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Line Total
Inmate-Inmate Nonconsensual Sexual Acts	0	1	0	1
Inmate-Inmate Abusive Sexual Contact	0	12	0	12
Inmate-Inmate Sexual Harassment	0	14	0	14
Staff-Inmate Sexual Misconduct	0	7	0	7
Staff-Inmate Sexual Harassment	0	19	1	20
Total Cases	0	53	1	54
Cases Pending Investigation				0%
Total				54

Percentage Breakdown

Category	Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Line Total
Inmate-Inmate Nonconsensual Sexual Acts	0%	1.85%	0%	1.85%
Inmate-Inmate Abusive Sexual Contact	0%	22.22%	0%	22.22%
Inmate-Inmate Sexual Harassment	0%	25.93%	0%	25.93%
Staff-Inmate Sexual Misconduct	0%	12.96%	0%	12.96%
Staff-Inmate Sexual Harassment	0%	35.19%	1.85%	37.04%
Total Cases	0%	98.15%	1.85%	100%
Cases Pending Investigation				0%
Total				100%

Agency Overview 2018

Category	Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Line Total
Inmate-Inmate Nonconsensual Sexual Acts	0	2	0	2
Inmate-Inmate Abusive Sexual Contact	0	10	1	11
Inmate-Inmate Sexual Harassment	1	20	4	25
Staff-Inmate Sexual Misconduct	0	3	1	4
Staff-Inmate Sexual Harassment	0	19	1	20
Total Cases	1	54	7	62
Cases Pending Investigation	-	-	-	12
Total				74

Percentage Breakdown

Category	Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Line Total
Inmate-Inmate Nonconsensual Sexual Acts	0	2.70%	0%	2.70%
Inmate-Inmate Abusive Sexual Contact	0	13.51%	1.35%	14.86%
Inmate-Inmate Sexual Harassment	1.35%	27.03%	5.41%	33.78%
Staff-Inmate Sexual Misconduct	0	4.05%	1.35%	5.41%
Staff-Inmate Sexual Harassment	0	25.68%	1.35%	27.03%
Total Cases	1.35%	72.97%	9.46%	83.78%
Cases Pending Investigation				16.22%
Total				100%

Trends

At this time, due to changes in data collection methodology and overseeing personnel, it is impractical to identify trends on a year-to-year basis. However, the use of available data from two sources can be utilized to review the last three years of activity. Sources include the Shelby County Division of Corrections Internal Affairs Unit Database and annual responses to the Bureau of Justice Statistics' (BJS) Survey of Sexual Violence (SSV).

Shelby County Division of Corrections Internal Affairs Tracking History and Analysis

Total number of cases investigated per year*	2016	2017	2018	Annual Average
	79	54	74	69

*Note: These numbers includes all cases, even those with an outcome that defined the incident as a non-PREA event, to include but not limited to, such as consensual but, unauthorized sexual activity. Incidents tracked exceed to scope contained in the SSV reports.

Statistical data from the SCDC IAU PREA Database reveals that the number of cases investigated during 2017 was significantly below the three year average with an increase in 2018. This may be due to the fact that the Shelby County Division of Corrections had fully adopted the PREA concept and had begun agency-wide efforts to educate both offenders and employees to eliminate prison rape.

BJS - SSV Reports submitted by Shelby County Division of Corrections and Analysis

Total number of SUBSTANTIATED cases per year*	2016	2017	2018*	Annual Average
Inmate-Inmate Nonconsensual Sexual Acts	1	0		.5
Inmate-Inmate Abusive Sexual Contact	0	0		0
Inmate-Inmate Sexual Harassment	4	0		2
Staff-Inmate Sexual Misconduct	0	0		0
Staff-Inmate Sexual Harassment	0	0		0
Total	5	0		2.5

* 2018 data will be submitted to the Bureau of Justice Statistics' (BJS) Survey of Sexual Violence (SSV) latter 2019.

Statistical data with regard to the Shelby County Division of Corrections' BJS/SSV reports demonstrate a decrease during 2017, showing no Substantiated cases. This may be attributed to better communication and observational practices at all levels of the Division towards the goal of prevention. Improved inmate screening assessments, education, and housing decisions may also contribute to an overall decrease.

Identified Problem Areas and Corrective Action

PREA standards require a review of collected data in order to identify problem areas and establish plans of corrective action. Based upon statistical data alone, there are no obvious problem areas that are not already being addressed through our efforts to achieve compliance with PREA standards. This includes improved inmate education, data collection, staff training and investigative capabilities, and improved relationships with stakeholders.

There are, however, two non-data driven plans of corrective action being pursued that are anticipated to have a positive qualitative, if not quantitative impact on SCDC's effectiveness with regard to PREA. The first is a re-development of the agency's inmate risk screening tool. This will permit the Division to better assess inmates for the potential of being either a victim or perpetrator of sexual assault while incarcerated. While the Division has utilized such a process for some time now, the instrument did not contain all of the aspects needed to fully assess the offenders we serve. SCDC will soon install the risk screening tool on a computer program. This will represent an important step in assessing inmates for housing, programs, and work assignments in a standardized manner across the Division and may lead to a further reduction in victimization.

The second action being pursued is the expansion of community-based advocacy services and support groups for the increasingly growing transgender population. Community based services of this nature have been extremely challenging to obtain. Until recently, Shelby County Division of Corrections is currently in communication with groups to develop a plan of action not only to provide community-based support but also to decrease recidivism of transgender offenders.

Assessment of SCDC's Progress in Addressing Inmate Sexual Abuse

Shelby County Division of Corrections has been making successful strides in addressing inmate sexual abuse and creating an environment to ensure sexual safety. With the development of the PREA Accommodation Strategy Team (PAST), Sexual Abuse Response Team (SART), Behavioral Compliance Response Board (BCRB), PREA Advocates, and an established Memorandum of Understanding with the Shelby County Rape Crisis Center, SCDC is committed to detecting, preventing, reporting, and responding to all allegations of sexual abuse.

Upon entering the institution, trained staff utilizing the PREA risk assessment makes individualized determinations to ensure the safety of each inmate. The **PREA Accommodation Strategy Team (PAST)** assesses the placement of offenders that have scored on the Sexual Aggressor/Sexual Victim Classification Screening as a Potential Victim, Known Victim, Potential Predator or Known Predator. Screening begins in Processing and a PAST member is readily available to assist with immediate safe placement when notified of an at risk offender. PAST assess the placement and programming assignments of each transgender or intersex inmate twice a year in accordance with PREA Standard 115.52 to review any threats to safety experienced by the inmate. PAST gives serious consideration to the offender's own views concerning his/her safety.

Sexual Abuse Response Team (SART) reviews all sexual assault and sexual harassment incidents, regardless of finding. SART considers: whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics;

1. whether the allegation or investigation indicates the need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics as the division;
3. whether the area in the facility where the incident allegedly occurred contains physical barriers in the area that may enable abuse;
4. the adequacy of staffing levels in the area during different shifts; and
5. whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The Behavioral Compliance Review Board (BCRB) determines an offender's eligibility for Protective Custody and Administrative Segregation housing. The BCRB is responsible for completing a special assessment of both the alleged victim and abuser. After this assessment the BCRB determines classifications and houses accordingly.

Internal and External Advocates and Victim Services

Pursuant to the Prison Rape Elimination Act, Shelby County Division of Corrections is required to take certain steps to ensure compliance with the PREA Standard 115.21 (e) – If requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals; 115.82 (a)- Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

PREA Advocate (Victim Support Person) is a designated employee that has been specially trained to support a victim of sexual abuse which includes: Accompanying the victim to the hospital; support the victim through the forensic medical examination and investigatory interview; and/or providing emotional support, crisis intervention information, and referrals. Offenders, upon preference, may request external emotional support.

Memorandum of Understanding (MOU) between the Shelby County Division of Corrections (SCDC) and the **Shelby County Rape Crisis Center (Rape Crisis Center)** was entered into to assure coordinated, safe and confidential forensic medical examination, emotional support, accompaniment, crisis intervention, information and referral to victims of sexual abuse in confinement as required by the Prison Rape Elimination Act (PREA). The Rape Crisis Center service providers shall follow mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or Local Laws.