

MIDDLE TN JUVENILE DETENTION CENTER

2023 ANNUAL PREA REPORT



Approved By:

Jason Crews

Chief Executive Officer

PRISON RAPE ELIMINATION ACT (PREA)

PREA is the first United States federal law passed dealing with the sexual assault of prisoners. The bill was signed into law on September 4, 2003. PREA covers all adult, as well as juvenile detention facilities; the definition of prison for the purposes of the act includes "any juvenile facility used for the custody or care of juvenile inmates." U.S. Congress, within the text of PREA, noted that young, first-time offenders are at an increased risk of sexually motivated crimes. Juveniles held in adult facilities are five times more likely to be sexually assaulted than juveniles held in juvenile facilities.

PREA directed the attorney general to promulgate standards for all confinement facilities including, but not limited to, local jails, police lockups, and juvenile facilities. See 42 U.S.C. § 15609(7). DOJ has promulgated standards for prisons and jails (28 C.F.R. §§ 115.11 – 115.93), lockups (28 C.F.R. §§ 115.111 – 115.193), child/youth and community confinement facilities (28 C.F.R. §§ 115.211 – 115.293), and juvenile facilities (28 C.F.R. §§ 115.311 – 115.393).

In addition, per PREA Standard 115.387, MTJDC will collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions and will aggregate the incident-based sexual abuse data at least annually. This data will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. MTJDC will also maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Upon request, MTJDC will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Per PREA Standard 115.388, MTJDC will review data for corrective action collected and aggregated pursuant to PREA Standard 115.387 to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training.

The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. It addresses both inmate-on-inmate sexual abuse and staff sexual misconduct.

Additionally, on May 17, 2012, the child/youth directed "all agencies with federal confinement facilities that are not already subject to the Department of Justice's final rule" to develop rules or procedures that comply with PREA.

A public agency that contracts for the confinement of its child/youth with private agencies or other entities, including other government agencies, will include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.

Any new contract or contract renewal will provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

MTJDC is committed to a zero-tolerance standard for all forms of sexual abuse, sexual assault, sexual misconduct, sexual harassment or rape within and is committed to reducing the risk of sexual abuse, sexual harassment, assault, misconduct, and rape through appropriate private provider implementation of the Prison Rape Elimination Act (PREA) as outlined in Public Law 108-79, Section 3.

Guidelines for zero-tolerance for all forms of sexual abuse, assault, misconduct, harassment or rape, and the implementation of the Prison Rape Elimination Act (PREA) to provide a safe, humane, and appropriately secure environment free from threat of sexual abuse, assault, misconduct, harassment, or rape are provided in policy.

Allegations of sexual abuse or harassment are reported to the Tennessee Department of Children's Services. TN DCS may also notify law enforcement agencies. MTJDC may also notify law enforcement agencies. Findings after investigations will be instituted by policy and PREA standards.

Failure by any staff member to follow the related procedures will result in disciplinary action up to and including termination. Sanctions for violations (other than engaging in sexual abuse or any other criminal sexual act) are determined by the employee's supervisor in consultation with the Executive Director, or solely by the Executive Director commensurate with the nature and circumstances of the acts committed or omitted, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff members with similar histories.

Any employee, contractor, or volunteer who is found to have perpetrated or participated in sexual abuse, assault, misconduct, rape, harassment of a child/youth, or harassment of a witness to these acts, will be terminated. Any employee, contractor, or volunteer who engages in sexual abuse of any type will be reported to law enforcement agencies, the Department of Children's Services, and any other licensing agencies. Any further contact with current or future child/youth of MTJDC by such person is prohibited.

MTJDC provides for the care and supervision of youth between ages 11-18. For the year of January 1, 2023, through December 31, 2023, MTJDC was reviewed for program specific data.

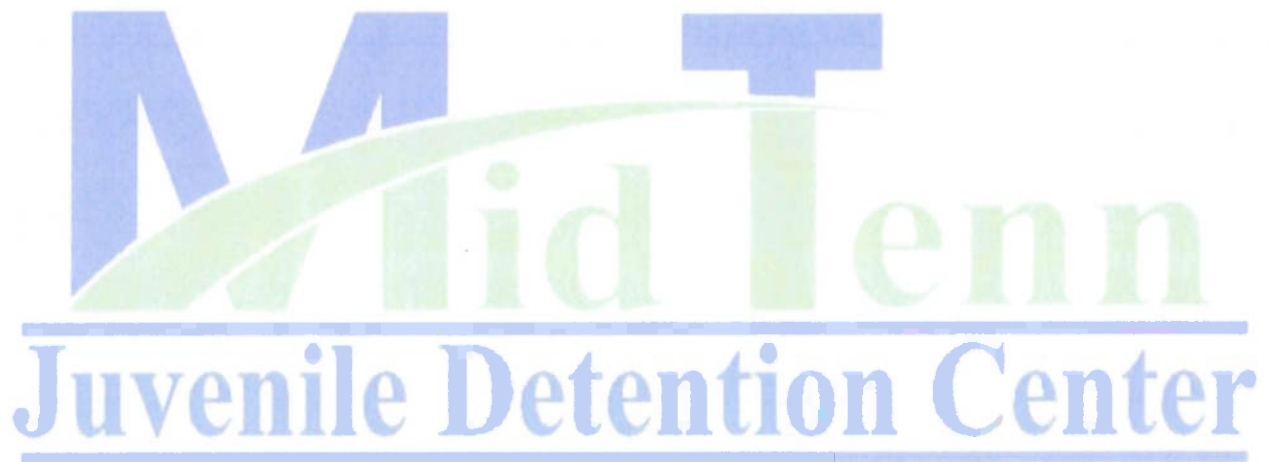
Juvenile Detention Center

TERMS AND DEFINITIONS

Abusive sexual contacts:	Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
Congregate care:	Congregate care is designed to meet the needs of children/youth that are unable to live at home or in a foster family and require temporary care in a group or residential setting. Congregate care provides structure, counseling/therapy, behavioral intervention, and other services identified in a child/youth's permanency plan for children with moderate to severe clinical needs.
Contractors:	Any person or corporation, other than an employee, providing any service to MTJDC. (i.e., food services, medical, dental, and mental health services, etc.) for an agreed upon form of compensation. Contractors may include other local government agencies that contract with MTJDC. or who supervise adult inmate work crews.
Hostile work environment:	Harassment, speech or conduct that is, based on the judgment of a reasonable person, severe or pervasive enough to create a hostile or abusive work environment, based on race, religion, sex, national origin, age, disability, veteran status, or, in some jurisdictions, sexual orientation, political affiliation, citizenship status, marital status, or personal appearance.
Non-consensual sex acts:	Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and penis, vagina, or anus; or penetration of the anal or genital opening of another person by hand, finger, or other object.
Professional Visitors:	Any person having access to any of the agency who provides a professional service to children/youth or employees, including but not limited to, attorneys, paralegals, paraprofessionals, investigators, clergy, unpaid interns, or researchers.
Sexual abuse:	Includes: (1) Sexual abuse of a detainee or resident by another resident; and (2) Sexual abuse of a detainee or resident by a staff member, contractor, or volunteer. Sexual abuse of a detainee or resident by another detainee or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight. (2) Contact between the mouth and the penis, vulva, or anus. (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation. Sexual abuse of a detainee or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the detainee or resident: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.

	<p>(2) Contact between the mouth and the penis, vulva, or anus.</p> <p>(3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.</p> <p>(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, which is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.</p> <p>(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, which is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.</p> <p>(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section.</p> <p>(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and</p> <p>(8) Voyeurism by a staff member, contractor, or volunteer.</p> <p>Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; 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.</p>
Sexual harassment:	<p>Includes,</p> <p>(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee or resident directed toward another; and</p> <p>(2) Repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.</p>
PREA Facility:	<p>Any juvenile facility primarily used for the placement of juveniles pursuant to the juvenile justice system. These include but are not limited to the YDC, hardware secure, juvenile detention centers and JJ-specific provider facilities. In addition, these facilities are required to have a federal PREA audit every three (3) years.</p>
Sexualized work environment:	<p>A work environment in which the behaviors, dress, and speech of either employees and/or youth create a sexually charged workplace. Sexually explicit talk, inappropriate emails, posted cartoons, jokes, or unprofessional dress characterize a sexualized work environment. In a sexualized work environment, often employees' off-duty behaviors, dating, and other activities intrude into the everyday work environment. In a sexualized work environment talk or actions have sexual overtones. A sexualized work environment severely erodes the professional boundaries between employees and between employee and youth.</p>
Substantiated	<p>Per PREA, the allegation that was investigated and determined to have occurred.</p>

Unsubstantiated	Per PREA, the allegation that was investigated and the investigation produced insufficient evidence to make a final determination whether the event occurred.
Unfounded	Per PREA, the allegation that was investigated and determined not to have occurred.
Volunteer:	Any person who, by mutual agreement with the agency, provides service without compensation, or who voluntarily assists children/youth or DCS during the volunteer's duties.



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YOUTH ON YOUTH SEXUAL HARASSMENT

2021	2022	2023
Substantiated 0	Substantiated 0	Substantiated 0
Unfounded 0	Unfounded 0	Unfounded 0
Unsubstantiated 0	Unsubstantiated 0	Unsubstantiated 0
Total 0	Total 0	Total 0

YOUTH ON YOUTH SEXUAL ABUSE NON-CONSENSUAL

2021	2022	2023
Substantiated 0	Substantiated 0	Substantiated 0
Unfounded 0	Unfounded 0	Unfounded 0
Unsubstantiated 0	Unsubstantiated 0	Unsubstantiated 0
Total 0	Total 0	Total 0

YOUTH ON YOUTH SEXUAL ABUSE

2021	2022	2023
Substantiated 0	Substantiated 0	Substantiated 0
Unfounded 0	Unfounded 0	Unfounded 0
Unsubstantiated 0	Unsubstantiated 0	Unsubstantiated 0
Total 0	Total 0	Total 0

EMPLOYEE/CONTRACTOR/VOLUNTEER SEXUAL HARASSMENT ON YOUTH

2021	2022	2023
Substantiated 0	Substantiated 0	Substantiated 0
Unfounded 0	Unfounded 0	Unfounded 0
Unsubstantiated 0	Unsubstantiated 0	Unsubstantiated 0
Total 0	Total 0	Total 0

EMPLOYEE/CONTRACTOR/VOLUNTEER SEXUAL ABUSE ON YOUTH

2021	2022	2023
Substantiated 0	Substantiated 0	Substantiated 0
Unfounded 0	Unfounded 0	Unfounded 0
Unsubstantiated 0	Unsubstantiated 0	Unsubstantiated 1
Total 0	Total 0	Total 1

ASSESSMENT OF PROGRAM AND CORRECTIVE ACTION

There was only one PREA allegation for the year involving Staff/Youth Sexual Abuse. This allegation was Unsubstantiated.

CONCLUSION

There continues to be a high priority on the prevention of sexual abuse and sexual harassment by MTJDC. Training and education for both staff and youth occur on sexual abuse, sexual harassment, and unhealthy boundaries. Youth and adults who have contact with youth at MTJDC will be held accountable for violating these standards. Youth victims and perpetrators of sexual harassment and sexual abuse will receive clinical services (either internally or externally) to address the circumstances. Data will continue to be reviewed throughout the year by the PREA Coordinator to identify trends, updates, or needs. Outcomes will result in specific recommendations to minimize further incidents.

Submitted By:

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PREA Coordinator

**Mid Tenn
Juvenile Detention Center**