



March 12, 2024

Background: The Prison Rape Elimination Act (PREA) is a federal law that prohibits sexual misconduct in correctional settings such as prisons, jails, lockups, juvenile facilities, and INS detention facilities. Sexual misconduct under this law includes:

- Inmate-on-Inmate sexual assault and abuse
- Staff-on-inmate sexual misconduct (sexual/inappropriate relationships with inmates)
- Inmate-on-inmate and staff-on-inmate sexual harassment

The Benton County Corrections Department (BCCD) is committed to providing a safe and healthy environment for staff and inmates. BCCD has zero tolerance for sexual misconduct of any kind and will impose discipline for such misconduct, up to and including dismissal for staff and serious infractions for inmates who victimize other inmates. Incidents of sexual misconduct will also be referred to law enforcement when applicable. BCCD's policies regarding sexual misconduct apply to all inmates. They also apply to employees, contractors, and volunteers. General Information During 2023, there were a total of 6,318 * new admissions into our facility. Of the new admissions, 4,730 were male, 1,585 were female, and 3 that listed their gender as unknown. The average daily population of BCCD for 2023 was 452 inmates.

* These admissions include repeat inmates booked on new charges and persons officially booked into and housed in our facility by formal legal document and by the authority of the courts or some other official agency.

The Benton County Corrections Department utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of tracking, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

NONCONSENSUAL SEXUAL ACTS:

Sexual 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 vulva or the penis and the anus including penetration, however slight;

OR

Contact between the mouth and the penis, vulva, or anus;

OR

Penetration of the anal or genital opening of another person, however slight, by a hand, finger, or other instrument.

ABUSIVE SEXUAL CONTACTS

Sexual 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 the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Exclude incidents in which the contact was incidental to a physical altercation.

SEXUAL HARASSMENT

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

The Benton County Corrections Department utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of tracking, sexual abuse is disaggregated into two categories of staff-on-inmate sexual victimization. These categories are:

STAFF SEXUAL MISCONDUCT

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.)

Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include-

Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

OR

Completed, attempted, threatened, or requested sexual acts;

OR

Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

STAFF SEXUAL HARASSMENT

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). To include, but not limited to -

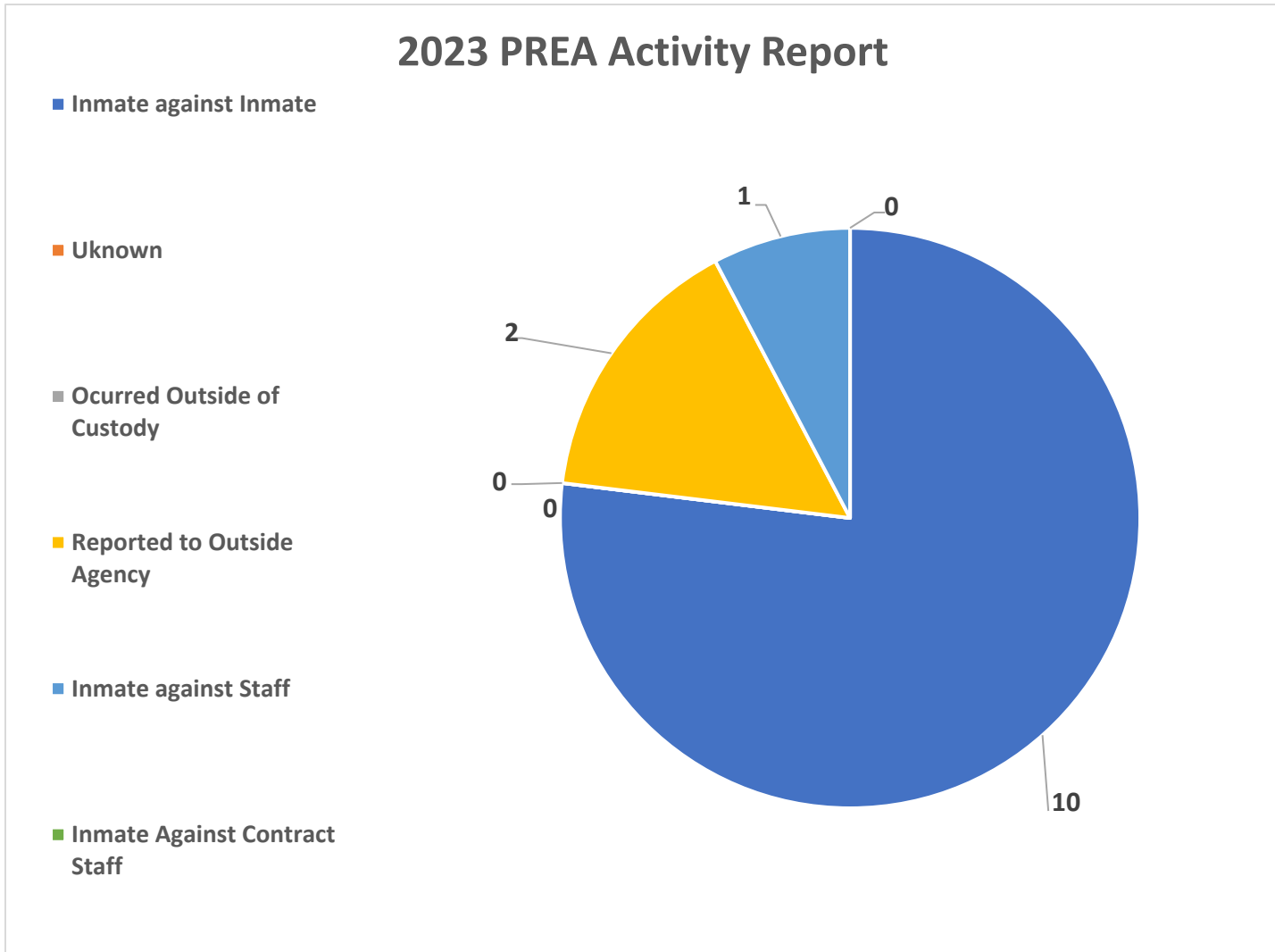
DemEANING references to gender or sexually suggestive or derogatory comments about body or clothing;

OR

Repeated profane or obscene language or gestures.

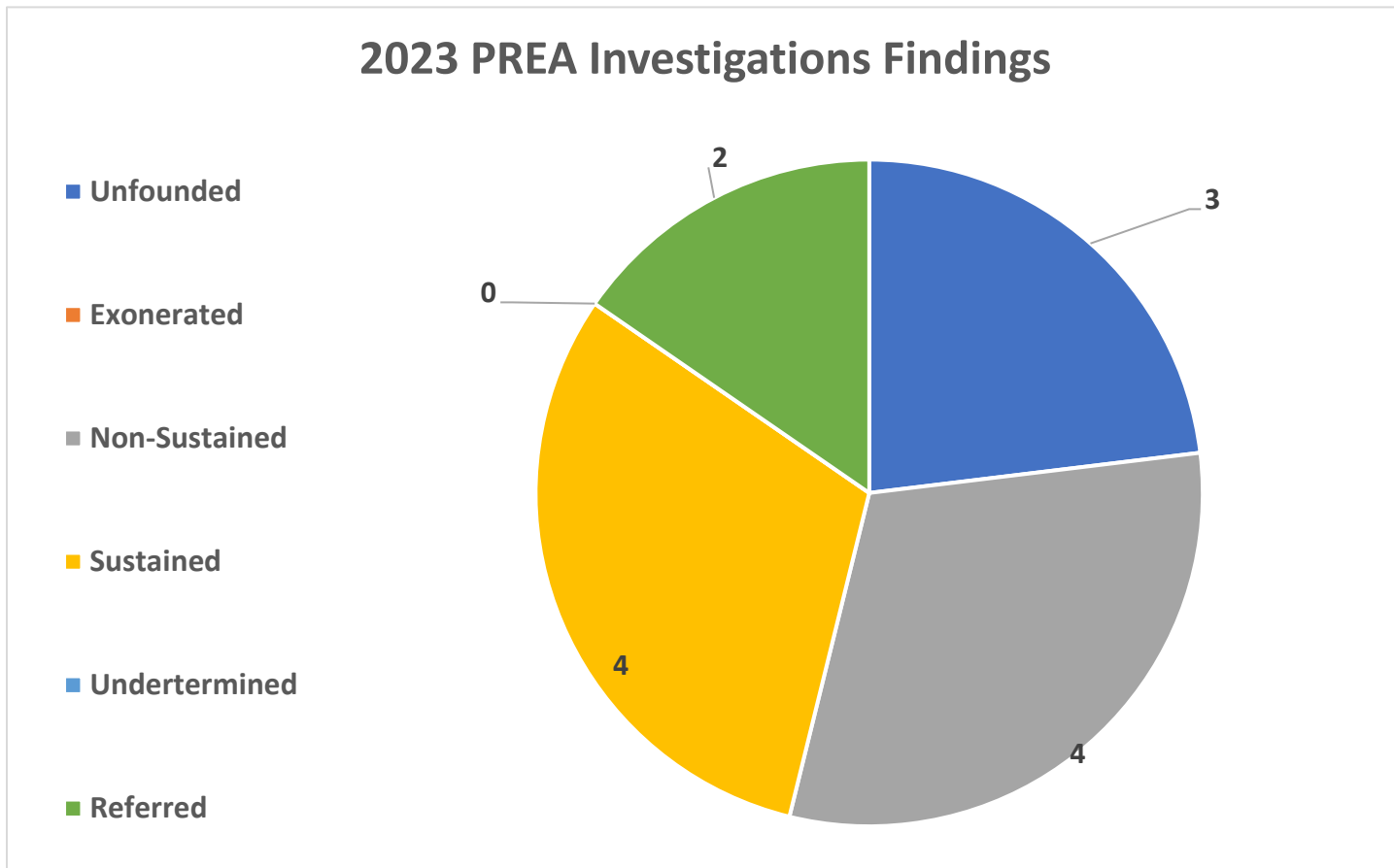
PREA Report Activity

The chart below captures the number of “Inmate Against Inmate”, “Inmate Against Staff”, and “Inmate Against Contract Staff” reports that occurred during 2023.



13 Allegations

PREA Report Findings



Outcomes are defined as follows:

- ◆ UNFOUNDED: The allegation is false or not factual.
- ◆ EXONERATED: The allegation investigated substantially occurred but was lawful and proper.
- ◆ NON-SUSTAINED: There is insufficient factual evidence either to prove or disprove the allegations.
- ◆ SUSTAINED: The allegation is supported by sufficient factual evidence.
- ◆ UNDETERMINED: The complainant withdraws the complaint, cannot be located, and/or is uncooperative OR the accused employee separates from employment before the conclusion of the investigation.
- ◆ REFERRED: § 115.63 Reporting to other confinement facilities.
 - (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
 - (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
 - (c) The agency shall document that it has provided such notification.
 - (d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

Some of the innovations the Benton County Corrections Department has undertaken to address sexual violence within its facility include:

- ◆ Reviewing all agency policies to ensure compliance with standards and related expectations.
- ◆ Updating and expanding training to all staff, contractors, volunteers and vendors who have contact with inmates, with specialized training for investigators, and health services professionals.
- ◆ Continuing to review and update risk assessment tools for inmates to ensure they are housed and assigned to programming in accordance with their risk as a potential victim or perpetrator of PREA.
- ◆ Continuing to review and update communication strategies for staff, inmates, volunteers and the community regarding reporting venues and inmate rights to be free from victimization.
- ◆ Continuing to partner with Support, Advocacy & Resource Center (SARC) for the provision of support services to inmate sexual assault survivors.

Benton County Corrections Department is committed to operating a safe and secure facility for inmates and staff. We believe that as the custodians for inmates, the provision of an environment free from sexual violence and harassment is a core mission. We have a duty to provide clear expectations to inmates, staff, contractors, and volunteers to maintain a violence free facility.

Lastly, and perhaps most important of all, we have a duty and obligation as public servants to meet our mission of “we will provide a safe and secure correctional environment for staff, visitors and those in our care” by allowing opportunities for inmates to serve their sentences in an environment free from sexual violence and predation, supporting opportunities for successful community reentry while breaking the cycle of recidivism following release.

Previous Year statistics

In 2022 we had a total of 19 allegations with one being referred, two sustained, and one being non-sustained. All remaining were unfounded.

Comparative Analysis

In 2023 we reduced our allegations from 19 in 2022 to 13 in 2023. There are several possibilities that could have contributed to this. A couple that we would point out as positive is our PREA acknowledgment addition on the tablets. When we moved to our ViaPath platform for phone, video visit, and other functions we added the PREA Orientation Form to this platform. Each time an inmate logs into the device they must acknowledge this form. This puts our zero-tolerance policy front and center for the inmates to view everytime they access their account.

Another possibility for a reduction is the addition of case managers to our mental health and MOUD contracts. These case managers screen kites and other requests made by the inmates in custody. Affording our inmates the opportunity to seek support in outreach services and other resources. With case managers working alongside the inmates, we saw a reduction in mental health and substance abuse requests being made. We have observed a link between Substance abuse, mental health and sexual victimization.