

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS



Name of facility:	Metro-Davidson County Detention Facility		
Physical address:	5115 Harding Place, Nashville, TN 37211		
Date report submitted:	August 18, 2014		
Auditor Information	Rodney P. Bivens		
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Telephone number:	865-659-2424		
Date of facility visit:	July 14-16, 2014		
Facility Information			
Facility mailing address: (if different from above)	N/A		
Telephone number:	615-831-7088		
The facility is:	<input type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
	<input checked="" type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		
Facility Type:	<input checked="" type="checkbox"/> Jail	<input type="checkbox"/> Prison	
Name of PREA Compliance Manager:	Frederick Perry	Title:	Chief of Unit Management
Email address:	fredrick.perryii@cca.com	Telephone number:	615-831-7088
Agency Information			
Name of agency:	Corrections Corporation of America		
Governing authority or parent agency: (if applicable)	N/A		
Physical address:	10 Burton Hills Boulevard Nashville, TN 37215		
Mailing address: (if different from above)	N/A		
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Agency Chief Executive Officer			
Name:	Damon Hininger	Title:	President and Chief Executive Officer
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Agency-Wide PREA Coordinator		
Name: Lisa Hollingsworth	Title:	Senior Director PREA Compliance
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AUDIT FINDINGS

NARRATIVE:

The PREA audit of the Metro-Davidson County Detention Facility was conducted on July 14-16, 2014 by Rodney P. Bivens, Certified PREA Auditor. Prior to the audit the facility provided to the auditor policies, procedures and facility documentation related to each standard for review. Ongoing communication was held with the facility PREA Manager and the PREA Coordinator in preparation for the on-site visit. The evening prior to the audit, the auditor was supplied with a list of inmates sorted by housing units, lists of inmates with special needs and special designations as well as a list of facility staff. The auditor selected at random inmates and staff to be interviewed during the on-site visit from these list. The first day of the audit began with an entrance meeting which included the following staff:

- Blair Leibach (Warden)
- Frederick Perry (Chief of Unit Management)
- Yolanda Pittman (Chief of Security)
- Lisa Hollingsworth, Senior Director, PREA Programs and Compliance, CCA Facility Support Center
- Yesenia Bermudez (Unit Manager)
- Takiyah Cooper (Unit Manager)
- Charlton Dethrow (Unit Manager)
- Katanga Taylor (Quality Assurance Manager)
- Darrell Jones (Assistant Shift Supervisor)

Following the entrance meeting the entire facility was toured from 8:40 a.m. – 11:00 a.m. During the tour the auditor reviewed camera placement, blind spots, staff placement and documentation to assist in determining standard compliance. The following staff accompanied the auditor on the facility tour:

- Blair Leibach (Warden)
- Frederick Perry (Chief of Unit Management)
- Yolanda Pittman (Chief of Security)
- Lisa Hollingsworth, Senior Director, PREA Programs and Compliance, CCA Facility Support Center
- Yesenia Bermudez (Unit Manager)
- Takiyah Cooper (Unit Manager)
- Charlton Dethrow (Unit Manager)
- Katanga Taylor (Quality Assurance Manager)
- Darrell Jones (Assistant Shift Supervisor)

All housing units, day rooms, inmate program areas, work areas and all other inmate accessible areas were toured. While touring several inmates and staff were questioned about their knowledge of PREA standards and their responsibilities. All staff and inmates informally interviewed during the tour acknowledged receiving training and procedures for reporting a sexual abuse, sexual harassment and/or retaliation for reporting. A total of 22 staff members were interviewed during the course of the audit. This number includes one volunteer who was interviewed by telephone and one contract employee interviewed on site. A random selection of 9 correctional officers from all shifts as well as intermediate and higher level supervisors were interviewed and affirmed compliance with the applicable standards. There is no SAFE or SANE staff at the facility; they are available by contract at the local hospital. Staff interviewed were well versed in their responsibilities in reporting sexual abuse, sexual harassment, staff negligence and retaliation for reporting. When questioned about evidence preservation, all staff responses reflected knowledge of agency policies and confirmed standard compliance.

A total of 15 general population inmates, three non-English proficient inmates and two inmates housed in the Special Housing Unit (SHU) were interviewed. The majority of the Inmates interviewed acknowledged receiving PREA training, pamphlets and handbooks; as well as other written materials being provided, in their language, detailing numerous methods for reporting incidents of sexual abuse, sexual assault, sexual harassment and/or retaliation for reporting such incidents.

In the 12 months preceding the audit, Metro-Davidson County Detention Facility received a total of fifteen PREA complaints broken down as follows:

- Seven allegations for intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks of another was reported. Three were inmate on inmate and the other four was employee on inmate. All employee on inmates were unfounded as well as one inmate on inmate. The other two inmate on inmate were found unsubstantiated.
- Six complaints of sexual harassment was reported. Four of which were inmate on inmate and the other two were employee on inmate. Both employee on inmate allegations were unsubstantiated, two of the inmate on inmate allegations were unsubstantiated, one was unfounded and the other was substantiated.
- One complaint of voyeurism, employee on inmate, was received and was determined to be unfounded during the investigation.
- One complaint of sexual abuse, employee on inmate was reported and determined to be unsubstantiated by the investigator during the investigation.

All investigative files of each incident were reviewed during the onsite audit. It is the opinion of this auditor that proper procedures were followed regarding each investigation. All incident appeared to be thoroughly investigated and properly referred for possible criminal prosecution as indicated.

At the conclusion of the on-site visit an exit meeting was held to discuss the audit findings. The following people were in attendance:

Blair Leibach (Warden)
Frederick Perry (Chief of Unit Management)
Yolanda Pittman (Chief of Security)
Lisa Hollingsworth, Senior Director, PREA Programs and Compliance, CCA Facility Support Center

Yesenia Bermudez (Unit Manager)
Takiyah Cooper (Unit Manager)
Charlton Dethrow (Unit Manager)
Katanga Taylor (Quality Assurance Manager)
Darrell Jones (Assistant Shift Supervisor)

The auditor explained the process that would follow the on-site visit and the facilities responsibility to make the final report available to the public on their website. This auditor also acknowledged the willingness of all staff involved to accomplish PREA compliance as a team.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Corrections Corporation of America's Metro-Davidson County Detention Facility is located in Davidson County, just south of the city of Nashville. The facilities physical plant is approximately 244,451 square feet covering several acres of land. In 1990, the Metropolitan Government of Nashville and Davidson County contracted with Corrections Corporation of America to design, build and manage the Metro-Davidson County Detention Facility. The facility houses locally sentenced male and female inmates serving one to six year sentences. The custody level of the inmates being housed ranges from minimum to medium. The facility is comprised of six celled units, five dormitory units, two multi-occupancy units and a segregation unit. There is a seven bed medical observation unit and handicapped access is provided throughout the facility. The facility provides 14 small recreation yards attached to each housing unit and a large gymnasium for inmate exercise. The entire perimeter is surrounded by a non-lethal stun fence and twenty-four hour perimeter patrol to enhance security.

Metro-Davidson County Detention Facility Administrative and Support Buildings consist of a Master Control Center, Administrative Offices, Food Services, Dining Area, Medical, Visitation, Chapel, Intake and Property Storage, Laundry, Library, and Education and Vocational Classrooms.

Corrections Corporation of America by signed contract with Davidson County, agrees to house their inmates and meet all related PREA standards. The Corrections Corporation of America's stated mission is "advancing corrections through innovative results that benefit and protect all we serve" Their values are "having PRIDE in all we do". It was evident the staff at Metro-Davidson County Detention Facility were committed to excellence in corrections, by providing a dedicated team of professionals whose focus is on the enhancement of the quality of life through self-improvement opportunities for the inmates entrusted to their care.

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded:	2
Number of standards met:	39
Number of standards not met:	0
Non-applicable:	2

§115.11 - Zero tolerance of sexual abuse and sexual harassment

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment which outlines the agency's approach to preventing, detecting and responding to such conduct. This policy was clearly outlined in Corrections Corporation of America policy 14-2.

The agency employs an upper-level, agency-wide PREA coordinator and a PREA compliance manager. Based on interviews and the documentation provided, they both appear to have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.

§115.12 - Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

X Not-applicable Standard

Based on documentation provided the Corrections Corporation of America does not contract with other facilities to house inmates assigned to their custody. Therefore, this standard was found to be non-applicable to this facility.

§115.13 – Supervision and Monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy the agency has developed, documented and made its best efforts to comply on a regular basis with a staffing plan. The staffing plan provides for adequate levels of staffing and uses video monitoring to enhance the protection of all inmates against sexual abuse and sexual harassment. Based on the documentation provided and staff interviews there have been no

incidences where the staffing plan has not been complied with during this audit period, resulting in a not applicable finding with 115-13 (b).

Documentation provided and staff interviews also revealed an Annual PREA Facility Assessment was conducted by the Warden, PREA Manager and the PREA Coordinator. The annual review provided to the auditor documented the need for additional cameras. The auditor agrees and strongly recommends that additional cameras be placed in all areas identified in this annual PREA assessment. The agency head was interviewed prior to this audit and confirmed that a five year capital expenditure plan had been approved to enhance camera coverage at all Corrections Corporation of America facilities.

In review of the Corrections Corporation of America's policy along with intermediate-level or higher level staff interviews it was determined the facility has a policy in place and intermediate-level and higher level staff practice conducting unannounced rounds on all shifts. The logs were reviewed providing documentation of unannounced rounds being conducted on each shift.

§115.14 – Youthful Inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not Applicable

The documentation provided, staff interviews and observation revealed that the Corrections Corporation of America's Metro-Davidson County Detention Facility houses youthful inmates being tried and sentenced as an adult by the court system due to the nature of the crime committed. The facility has designated two areas in the facility where youthful inmates may be housed when necessary. During this audit there was one youthful female inmate being housed. The facility provided documentation as well as the auditor inspected the housing unit, interviewed staff and interviewed the youthful inmate confirming compliance with all aspects of this standard.

§115.15 – Limits to Cross-Gender Viewing and Searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

There have been no incidences of cross-gender strip searches or cross-gender visual body cavity searches. Corrections Corporation of America's policy outlines the procedures to be followed if these type of searches were to occur. A training outline for cross-gender viewing and searches was reviewed and addressed all elements of the standard including transgender and intersex inmates.

The facility has policies and procedures that enable inmates to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia. Corrections Corporation of America's policy was reviewed and required staff of the opposite gender announce their presence prior to entering the housing units. The facility also had stenciled above the entry to each housing unit a reminder for the staff to announce. Inmate and staff interviews revealed that this was common practice at this facility. The inmates did confirm also during interviews they had privacy when showering, using the toilets and while changing their clothes.

§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency takes appropriate steps to ensure that inmates with disabilities and inmates that are limited English proficient have an opportunity to participate and benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and harassment. Corrections Corporation of America policy and procedures related to this standard require that all PREA training materials in the form of posters, inmate handbooks, videos and pamphlets be available in both English and Spanish.

Corrections Corporation of America Policy prohibits the use of inmate interpreters, inmate readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties or the investigation of an inmate's allegations. Staff and inmate interviews confirmed this was common practice.

§115.17 – Hiring and Promotion Decisions

- Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

In review of Corrections Corporation of America policy and based on Human Resource staff interviews the agency does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor or volunteer who may have contact with inmates, who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above. The agency considers all incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or volunteer, who may have contact with inmates.

In interview with the Human Resources Manager and review of five random personnel files the agency performs extensive criminal background records checks before hiring new employees. In review of three personnel files of employees who have been employed by the facility for at least five years, five-year background checks are being performed, including contractors and volunteers as required.

Corrections Corporation of America policy imposes upon all employees, contractors and volunteers a continuing affirmative duty to disclose any such misconduct in writing during the hiring process.

§115.18 – Upgrades to Facilities and Technology

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy requires that when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

During this audit cycle there have been no facility upgrades or enhancements to the technology at this facility.

§115.21 – Evidence Protocol and Forensic Medical Examinations

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy, as well as an interview with the facility Investigator revealed the agency complies with all elements of this standard.

To the extent the agency is responsible for investigating allegations of sexual abuse; the agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The Metro Nashville Police Department conducts all criminal investigations at this facility.

The agency offers all victims of sexual abuse access to forensic medical examinations, at the Nashville General Hospital, without financial cost, where evidentiary or medically appropriate. Such examinations is performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) at the hospital.

The agency makes available to the victim a victim advocate by a Memorandum of Understanding between the agency and Nashville General Hospital to provide advocacy services if requested by the victim. The victim advocate will accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy as well as interviews with the Warden and investigative staff, the agency ensures that an administrative and a criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Referrals of allegations are first investigated by the facility. If the allegation involves potentially criminal conduct, it is referred to Metro Nashville Police Department for criminal investigation and prosecution when warranted.

§115.31 – Employee Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy and the facility PREA Training Curriculum was reviewed and confirmed all employees were provided the required PREA training at this facility. The policies as well as the training curriculum reviewed address all elements of this standard. The training is tailored to the gender of the inmates at the facility. All staff interviewed at the facility, formally and informally was very knowledgeable about PREA, the agency's zero-tolerance policy and how to report/respond to allegations of sexual abuse and sexual harassment. All staff at this facility are trained as first responders. Random employee training records were reviewed and revealed documented training had been conducted. All employees acknowledged by signature they had received and understood the training provided.

§115.32– Volunteer and Contractor Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy outlines the requirements for training of all volunteers and contractors who have contact with inmates. The curriculum was reviewed and outlined comprehensive training, with the objectives of the training ensuring volunteers and contractors are notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment as well as how and to whom they are to report such incidents.

A random review of volunteer and contractor training records and by interviews with a volunteer and a contractor confirmed this training was being provided. Volunteers and contractors acknowledged by signature they have received and understood the training being provided.

§115.33 – Inmate Education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy requires that all inmates receive PREA education as part of the Admission and Orientation program and shall be provided by the staff at the facility. The inmates receive information explaining the zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse, sexual harassment and retaliation for reporting such incidents.

The inmate handbook was reviewed as well as the PREA Admission and Orientation training materials and pamphlets for content and compliance with this standard. The training being provided was adequate and provided in both English and Spanish. This information was also provided to inmates with disabilities such as low vision, low hearing and/or limited reading skills in a manner they could understand. The agency provided more comprehensive education to the inmates in person and/or by video less than 30 days after intake. The additional education being provided covered all aspects of reporting PREA incidents and the inmate's freedom from retaliation for reporting.

A random review of inmate records showed that inmates acknowledge through signature they have received and understood the training. Formal and informal interviews with inmates indicated an understanding of the training received. Posters about being free from sexual abuse as well as how to report were displayed throughout the facility.

§115.34 – Specialized Training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy as well as the PREA Specialized Investigator Training curriculums provided, Investigators training file review and investigative staff interviews revealed in addition to general training provided to all employees, the agency provided specialized training to all its investigators. This training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

§115.35 – Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy as well as the PREA Specialized Medical/Mental Health training video and curriculum provided, training file review and staff interviews revealed in addition to general training provided to all employees, the agency provided specialized training to all its medical and mental health staff.

The agency ensures all medical and mental health practitioners have additional training on how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how to report allegations of sexual abuse and harassment. The agency maintains documentation that all medical and mental health practitioners have received this training. Training records reflected all medical and mental health staff had received this specialized training.

The facility medical staff does not conduct forensic examinations. These are conducted by contract at the area hospital. Therefore, section (b) of this standard is not applicable to this facility.

§115.41 – Screening for Risk of Victimization and Abusiveness

Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy was reviewed along with the objective Initial PREA Intake Screening Assessment and the 30-day PREA Reassessment Screening instrument demonstrating compliance with the requirements of this standard. Upon intake to the facility all inmates are screened using the objective screening instrument.

The screening instrument was thorough and covered all required criteria for assessment of inmates to be at risk of sexual victimization as well as those potential sexual predators. Based on interview with the staff responsible for completing the screening the information gathered on the screening instrument was restricted to staff making housing, work and program assignments. Inmates are not disciplined for refusing to answer, or for not disclosing complete information in response to the questions being asked.

Within 30 days of the inmate's arrival at the facility, all inmates are reassessed for their risk of victimization or abusiveness based upon any additional, relevant information received since the initial intake screening. An inmate's risk level is also reassessed due

to a referral, request, and incident of sexual abuse or upon receipt of additional information that may have bearing on the inmate's risk of sexual victimization or abusiveness.

§115.42 – Use of Screening Information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policies were utilized to verify compliance with this standard along with interviews of the Case Manager and the Classification staff responsible for risk screening. The information gathered during this audit showed consistency in how the information from the risk screening is used to determine housing, bed, work, education and program assignments to better enhance the safety of each inmate.

The agency has developed and will be releasing a system which automates the screening tool and automatically assigns the classification and/or alerts which will be used to determine housing, work, education and program placement.

Placement and programming assignments for each transgender or intersex inmate is reassessed at least twice each year per policy reviewing all threats to their safety. Transgender and intersex inmates are given the opportunity to shower separately from other inmates.

The agency does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit or wing established in connection with a consent decree, legal settlement or legal judgment for the purpose of protecting such inmates.

§115.43 – Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy prohibits the facility from placing inmates at high risk of victimization in involuntary segregation unless there is no alternative available. If no available alternative can be reached the inmate must be provided program, privileges, education and work opportunities. If these opportunities are

withheld the facility documents the reasons for withholding the opportunity to participate. It was confirmed during interviews with the Warden and staff who supervise segregated inmates that segregation has not been used during the past 12 months to house any inmate at high risk for victimization.

§115.51 – Inmate Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy, the Inmate Handbook and the PREA pamphlets and posters provided to inmates were utilized to verify compliance with this standard. Staff and inmate interviews verified the inmates have multiple internal ways to report incidents of abuse or harassment. They can report verbally, in writing, dialing the hotline provided and/or through report of a third party.

The facility provides the inmate's access to the National Sexual Abuse Hotline on the inmate phone system which provides the inmates with a confidential and private way of reporting sexual abuse and harassment to an outside entity.

During the tour in one of the housing units the auditor made contact with the National Sexual Abuse Hotline using the information posted above the telephones in every housing unit. The phone line was found to be in-service with no problems being reported by the inmates or staff.

§115.52 – Exhaustion of Administrative Remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not Applicable (Exempt)

Based on Corrections Corporation of America policy the agency does not require inmates, filing a report of sexual abuse, sexual harassment or retaliation, to exhaust administrative remedies through the standard grievance process. If an inmate chooses to report an incident by filing a grievance he or she may do so and it will be fully investigated.

The policy requires no timelines for filing regardless of when the alleged incident occurred. The agency ensures that an inmate who alleges sexual abuse by filing a grievance, can do so without having to submit the grievance to a staff member who is the subject of the complaint.

The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only when the agency demonstrates that the inmate filed the grievance in bad faith. Inmates are informed of grievance procedures in the inmate handbook.

During the past twelve months there have been no grievances received alleging sexual abuse or sexual harassment.

§115.53 – Inmate Access to Outside Confidential Support Services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy was reviewed and verifies inmates have access to confidential support services. A Memorandum of Understanding with the Nashville Sexual Assault Center provides for victim advocacy for emotional support services related to sexual abuse. The Memorandum of Understanding describes the services to be provided which includes confidential support services 24 hours a day, seven days a week. Inmates are given information through signage in housing units and other places throughout the facility. The inmates also receive a pamphlet in Admissions and Orientation detailing this service and how to access it. Inmate interviews revealed that inmates are aware of these outside resources.

§115.54 – Third-Party Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency provides multiple methods for receiving third-party reports of sexual abuse and sexual harassment on the agency website at: www.correctionscorp.com. The information available on the website explains how to report sexual abuse and sexual harassment on behalf of an inmate. The facility takes all reports seriously no matter how they are received and thoroughly investigates each reported incident.

§115.61 – Staff and Agency Reporting Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy was reviewed to verify compliance with this standard. Policies requires all staff to report immediately any knowledge or information regarding an incident of sexual abuse, sexual harassment or retaliation. Tennessee reporting laws for vulnerable persons as well as the training curriculum for staff reporting was reviewed. Random interviews with staff revealed that staff is very aware of their responsibilities to report incidents of sexual abuse and/or sexual harassment.

The staff was also aware of the policy requiring them not to reveal any information about a sexual abuse incident to anyone other than to the extent necessary. The facility reports all allegations of sexual abuse and sexual harassment to the facility's designated investigator.

§115.62 – Agency Protection Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy, when the agency learns an inmate is subject to a substantial risk of imminent sexual abuse, the staff shall take immediate action to protect the inmate. The Warden confirmed there have been no incidents in the past 12 months, where it was necessary for the facility to take any action in regards to an inmate being at substantial risk of sexual abuse.

§115.63 – Reporting to Other Confinement Facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy, requires all sexual abuse allegations reported by another facility regarding any inmate that was confined at the Metro-Davidson County Detention Facility be fully investigated.

The policy also requires the Warden of Metro-Davidson County Detention Facility to report all allegations of sexual abuse, reported by an inmate while confined at another facility, to the Warden of the facility where the alleged abuse occurred as soon as possible, but no later than 72 hours after receiving the allegation.

Interviews with the Warden and the PREA Manager confirmed knowledge of the policies regarding their duty to report.

§115.64 – Staff First Responder Duties

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy outlines the responsibilities of all staff members receiving an allegation of sexual abused to follow these guidelines:

- (1) Separate the alleged victim and abuser;
- (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
- (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first staff responder is not a security staff member, the responder shall advise the alleged victim not to take any actions that could destroy physical evidence, and then notify security staff immediately.

The auditor confirmed compliance based on interviews with security staff who are first responders and review of training documents provided.

§115.65 – Coordinated Response

- X Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America's Response Plan outlines a very comprehensive written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and facility leadership. The plan clearly defines the responsibilities of each and the procedures to follow in detail. Interviews with SART members confirmed their knowledge of the response plan. Part of the response plan is a detailed check off list which ensures all steps in the plan are carried out in a timely manner.

§115.66 – Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on interview with agency head and the facility Warden. The Metro-Davidson County Detention Facility does not participate in collective bargaining.

§115.67 – Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy describes the procedures and practice to be followed to detect and prevent all retaliations against any inmate or staff member who report sexual abuse or sexual harassment. The agency has assigned a staff member to carry out the responsibilities of monitoring for retaliation. The retaliation

monitoring staff member was interviewed and explained his role in preventing retaliation and the measures he takes to protect inmates and staff from retaliation.

§115.68 – Post-Allegation Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy, involuntary segregated housing may be used only after an assessment of all available housing alternatives has shown there are no other means of protecting the inmate. As indicated in standard 115.43, use of protective custody to protect alleged victim is only used as a last resort for a very short time. Interviews with the Warden and segregation staff showed that segregation has not been used during the last 12 months to protect any alleged victims.

§115.71 – Criminal and Administrative Agency Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In review of Corrections Corporation of America policy, the facility investigators conduct investigations immediately when notified of an allegation of abuse. Interview with the investigator and review of his training records confirmed he had received special training. If the investigation supports criminal prosecution, the case is referred to the Metro Nashville Police Department.

§115.72 – Evidentiary Standard for Administrative Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

According to Corrections Corporation of America policy, the agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. When the investigator was asked what standard of evidence was used in determining if an allegation is substantiated, the agencies policy was recited confirming compliance with the standard.

§115.73 – Reporting to Inmate

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy, interview with Warden and the investigator it was confirmed that following an investigation into an inmate's allegation he/she suffered sexual abuse in the facility, the investigator informs the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded in writing.

When the agency refers the investigation to the authorities for criminal prosecution, the facility investigator shall request information regarding the progress of the investigation, from the investigative agency in order to inform the inmate.

Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

- (1) The staff member is no longer posted within the inmate's unit;
- (2) The staff member is no longer employed at Metro-Davidson County Detention Facility;
- (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within Metro-Davidson County Detention Facility; or
- (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within Metro-Davidson County Detention Facility.

Following an inmate's allegation that he has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:

- (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within Metro-Davidson County Detention Facility; or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within Metro-Davidson County Detention Facility. All such notifications or attempted notifications are documented.

The agency's obligation to report under this policy shall terminate if the inmate is released from the agency's custody.

§115.76 – Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy states that staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse policies. Policy also states that termination shall be the presumptive disciplinary sanction for all staff who engage in sexual abuse of the inmates.

§115.77 – Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy states any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies. In interview with the Warden, there have been no incidences of sexual abuse by contractors or volunteers. If it were to occur, appropriate remedial actions would be taken immediately. Interviews with a contractor and volunteer confirmed they knew the punishment for engaging in sexual abuse or sexual harassment of inmates.

§115.78 – Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy and a review of the Inmate Handbook, the inmates are subject to disciplinary sanctions pursuant to a formal

disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

Sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, should be imposed.

The agency disciplines an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

The agency prohibits all sexual activity between inmates and may discipline inmates for such activity.

§115.81 – Medical and mental health screenings; history of sexual abuse

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

As outlined in Corrections Corporation of America policy all new arrivals see a Mental Health provider. If the screening indicates the inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with the medical and/or mental health staff within 14 days of the intake screening.

If the screening indicates an inmate has previously perpetrated sexual abuse/prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with mental health staff within 14 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in the facility is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in the facility, unless the inmate is under the age of 18.

§115.82 – Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America Policy and the Memorandum of Understanding with Nashville General Hospital inmate victims of sexual abuse 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.

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders takes preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.

Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America policy and interviews with medical/mental health staff. Metro-Davidson County Detention Facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in the facility.

The evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

Metro-Davidson County Detention Facility provides such victims with medical and mental health services consistent with the community level of care. Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

§115.86 – Sexual abuse incident reviews

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Based on Correction Corporation of America policy and on interviews with the Warden, PREA compliance manager and members of the incident review team.

Metro-Davidson County Detention Facility conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. This review ordinarily occurs within 30 days of the conclusion of the investigation. The review team includes upper-level management officials, with input from line supervisors, investigators, and medical and/or mental health practitioners.

The review team considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; 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 at Metro-Davidson County Detention Facility; and they examine the area in Metro-Davidson County Detention Facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The agency has deployed an excellent PREA after action review form which addresses all elements of the standard. Metro-Davidson County Detention Facility conducts an incident review for all cases and reviews all findings telephonically with the agency wide PREA Coordinator for additional clarification and guidance.

§115.87 – Data Collection

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy requires the agency to collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The agency must aggregate the incident-based sexual abuse data at least annually per policy.

The incident-based data collected shall 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.

The agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

§115.88 – Data Review for Corrective Action

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

According to Corrections Corporation of America policy and interview with the PREA Coordinator, the agency reviews data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response to policies, practices and training. The report includes a comparison of the current year's data and corrective actions with those from prior years. The Annual PREA

Report is made available on the Corrections Corporation of America website at:
www.correctionscorp.com.

§115.89 – Data Storage, Publication, and Destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Corrections Corporation of America policy was reviewed to verify compliance with this standard. The agency ensures that data collected pursuant to standard 115.87 is securely retained for at least 10 years after the initial date of collection or longer if required by state statute. All aggregated sexual abuse data is available annually on the Corrections Corporation of America website at: www.correctionscorp.com. Before publishing aggregated sexual abuse data, the agency removes all personal identifiers.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Rodney P. Bivens

Auditor Signature

August 18, 2014

Date