



U.S. Department of Justice

Review Panel on Prison Rape

Washington, D.C. 20531

Via Certified Mail

August 25, 2010

Mr. Stephen C. Hornsby
Deputy Commissioner
Division of Juvenile Justice
Tennessee Department of Children's Services
436 6th Avenue North
Nashville, TN 37243

Dear Mr. Hornsby:

I want to thank you and your staff again for participating in the June 4, 2010, hearing of the Review Panel on Prison Rape (Panel) in Washington, DC. On closely reviewing the official transcript of your sworn testimony at the hearing, our staff attorneys noted a discrepancy between your testimony and the response from the Tennessee Department of Children's Services (TDCS) to the Panel's Data Request that you submitted along with your cover letter on April 28, 2010. I write to bring this matter to your attention to provide you with the opportunity to correct or explain the record.

According to the official transcript, you testified that there were no reported incidents of sexual victimization at the Woodland Hills Youth Development Center (Woodland Hills) in Nashville, Tennessee, during the time period under review: "Despite the presence of external counselors, attorneys, investigators and reviewers, all of whom could file a report on behalf of any student, there were no students, zero reports, no reports of student sexual victimization during the time period of information that was requested by DOJ." Transcript of Record, Panel Hearings on Sexual Victimization in Juvenile Correctional Facilities, 316:12-17 (June 4, 2010), *available at* http://www.ojp.usdoj.gov//reviewpanel/pdfs_june10/transcript_060410.pdf.

Contrary to this testimony, in response to the Panel's Data Request,¹ the TDCS submitted investigative reports related to allegations of sexual victimization at Woodland Hills for the

¹ The Panel's Data Request, No. 13, was as follows: "Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the WHYDC [Woodland Hills Youth Development Center] that occurred

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relevant time period. The TDCS identified seven matters involving allegations of sexual misconduct at Woodland Hills. App. A. Significantly, one investigation of staff-on-juvenile sexual misconduct concluded that a Woodland Hills female correctional officer was "Indicated for Sexual Abuse" and recommended prosecution for official misconduct. App. B. The TDCS even informed the female correctional officer in writing that unless she responded to the notification, the TDCS would keep her name on file as a perpetrator of child abuse. App. C.

To correct (or explain) the apparent discrepancy between your testimony and the TDCS' data response, please send, no later than September 10, 2010, a notarized, sworn statement to my attention at the following address: Review Panel on Prison Rape; 810 7th Street, NW; Washington, DC 20531. The Panel will attach the correction to the official transcript.

If you have any questions, please contact me at (202) 307-0692.

Sincerely,



Michael L. Alston
Attorney Advisor

Enclosures