

VIRGINIA BEACH SHERIFF'S OFFICE

January 1, 2016– December 31, 2016

Prison Rape Elimination Act Annual Report



This report has been prepared in accordance with §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. In subsequent years, the information collected for this report will be used to identify problem areas and to take corrective action on an ongoing basis.

VIRGINIA BEACH SHERIFF'S OFFICE

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I. Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act of 2003 (Public Law No. 108-79) (PREA) was signed into law in 2003 to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.”

The Department of Justice (DOJ) released a Landmark Final Ruling in 2012 setting national standards aimed at protecting inmates in all confinement facilities in accordance with the Prison Rape Elimination Act of 2003. “The standards have three clear goals: to prevent, detect, and respond to sexual abuse.” The national standards also require that each facility is audited every three years to assess compliance with the standards.

II. Initial Certification

The Virginia Beach Sheriff’s Office achieved initial certification with the PREA standards during the first audit cycle with 100% compliance in August 2016.

Many measures were taken during the implementation process to move the organization towards compliance. Glimpses of the major highlights include:

- Appointment of a PREA Coordinator and later a PREA Compliance Manager to assist the PREA Coordinator in the organization’s PREA efforts;
- Revision of 16 policies and implementation of 1 new policy;
- Provision of extensive training to all staff members on PREA. In total, approximately 551 employees received initial training on the following topics:
 - The Virginia Beach Sheriff’s Office’s zero-tolerance policy for sexual abuse and sexual harassment;
 - How to fulfill their responsibilities under the Sheriff Office’s policies and procedures on sexual abuse and sexual harassment prevention, detection and response;
 - Inmates’ right to be free from sexual abuse and sexual harassment;
 - The right of inmates and staff to be free from retaliation for reporting sexual abuse and sexual harassment;
 - The dynamics of sexual abuse and sexual harassment in confinement;
 - The common reactions of sexual abuse and sexual harassment victims;
 - How to detect and respond to signs of threatened and actual sexual abuse;

- How to avoid inappropriate relationships with inmates;
 - How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex and gender nonconforming inmates; and
 - How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
- Provision of training to all sworn employees on searches of transgender and intersex inmates;
 - Provision of training to contractors and volunteers on their duties and responsibilities under the Virginia Beach Sheriff's Office Sexual Abuse and Sexual Harassment Policies and Procedures. The training was based upon the contractor's and volunteer's level of contact with the inmates. A total 175 contractors and volunteers received this training.
 - Provision of initial inmate education on PREA during the Intake/Classification process to the approximately 14,677 inmates processed into the Virginia Beach Correctional Center within the twelve months preceding the initial on-site audit.
 - Provision of comprehensive PREA training to approximately 3,851 inmates admitted to the Virginia Beach Correctional Center within 30 days of their incarceration. The comprehensive training included education on the inmate's rights to be free from sexual abuse and sexual harassment, reporting methods for allegations, and protection from retaliation for reporting such allegations.
 - Entering into a Memorandum of Understanding with the YWCA of Southampton Roads. This partnership provides a 24/7 hotline available to the inmates, at no charge, where the inmates are capable of making a report of sexual abuse and/or sexual harassment while allowing the inmate to remain anonymous upon request. The hotline is monitored by YWCA personnel and all reports received via the hotline are immediately forwarded to the appropriate Sheriff's Office personnel for investigation.
 - Review of existing Coordinated Response Plan to ensure transparency and knowledge of associated roles and responsibilities. The Coordinated Response Plan includes line personnel, Watch Team Supervisors, Command Staff and Executive Command Staff personnel, Medical and Mental Health staff members, SANE Nurse, Sheriff's Office Investigators, and Virginia Beach Police Department SVU Investigators.

In short, certification of compliance with the PREA standards has reinforced the Sheriff's Office's zero tolerance policy and has served to enhance the reporting culture within the Virginia Beach Correctional Center. Compliance with the PREA standards has also assisted in memorializing the Virginia Beach Sheriff's Office's efforts of providing a safe environment where inmates are free from sexual abuse and sexual harassment.

The Virginia Beach Sheriff's Office has always placed the safety and security of the staff, the inmates, and the facility as a priority and will continue to make every effort to detect, prevent, and reduce incidents of sexual abuse and sexual harassment.

Sheriff Ken Stolle summarizes the PREA process stating, "The PREA process works well and educates inmates on sexual abuse and sexual harassment, what will and will not be tolerated. PREA has made the jail a much safer place for the inmates. The PREA Auditor really made the process very easy to adopt the PREA standards."

III. Zero Tolerance Policy

The Virginia Beach Sheriff's Office prohibits and will not tolerate any fraternization or sexual misconduct by employees, contractors or volunteers with inmates, or between inmates. Staff members may be subject to disciplinary action in accordance with Sheriff's Office Policy and Procedures pertaining to Rules, Regulations and Discipline and may also be prosecuted under the *Code of Virginia*.

All staff is required to report any suspicion of fraternization or sexual behavior by employees, contractors or volunteers with inmates. Staff with knowledge of such actions may be subjected to disciplinary action if they fail to report the behaviors.

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to relevant licensing bodies. Appropriate remedial actions shall be taken with consideration to whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Any behavior of a sexual nature by an inmate is prohibited and subject to disciplinary action. Consensual sexual activity among inmates will not be permitted. If inmates engage in this type of activity they will be subject to disciplinary action as articulated in the Rules & Regulations for Virginia Beach Correctional Center Handbook.

IV. Statistical Data

For purposes of this report, the Virginia Beach Sheriff's Office collects uniform data for every allegation of sexual abuse consistent with the Department of Justice Survey of Sexual Victimization (SSV). Hence, the Sheriff's Office "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 (PREA) of 2003)*."

The statistical data summarizes inmate-on-inmate allegations and staff-on-inmate allegations.

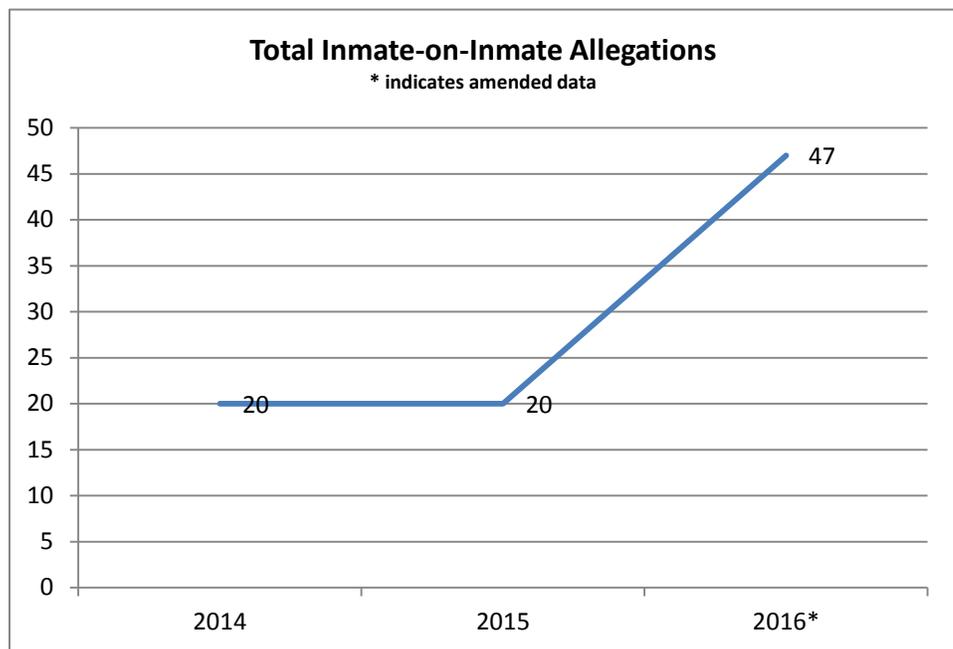
Inmate-on-Inmate Allegations Summary

Inmate-on-inmate allegations are investigated by the Virginia Beach Sheriff's Office Criminal Intelligence Unit. Sexual abuse allegations received or incidents of sexual abuse that occur within the Virginia Beach Correctional Center where the evidence of conduct supports criminal behavior are referred to the Virginia Beach Police Department (VBPD) for investigation.

All Sheriff's Office investigators assigned to the Criminal Intelligence Unit has successfully completed a 3 hour online specialized training course through the National Institute of Corrections titled, "PREA: Investigating Sexual Abuse in a Confinement Setting."

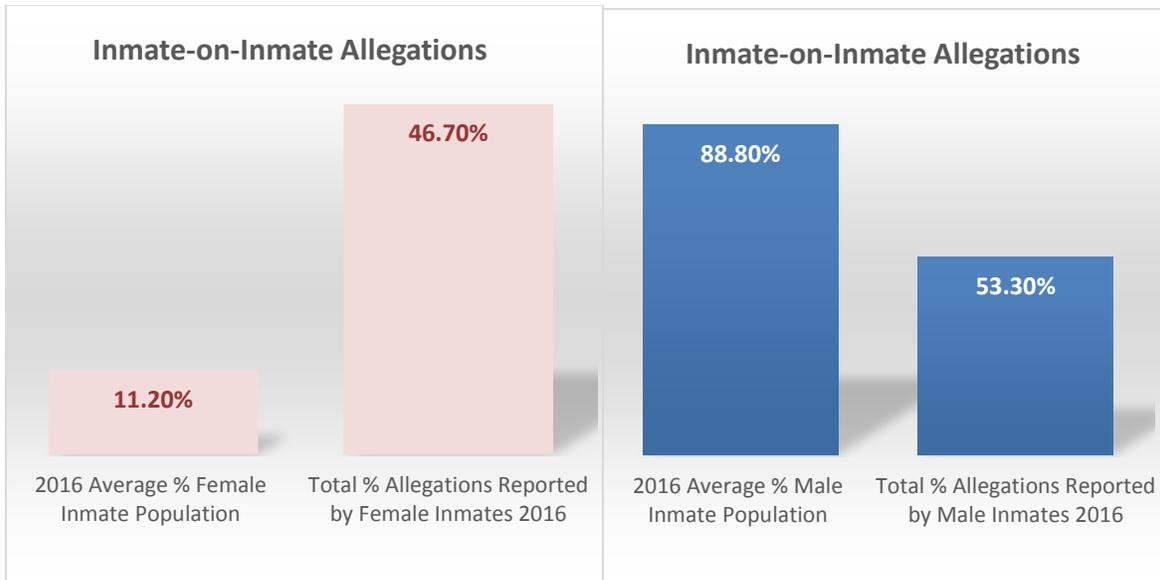
Remaining constant from 2014 to 2015, the Virginia Beach Sheriff's Office experienced a 135% increase in inmate-on-inmate allegations from 2015 to 2016 (see chart). This increase is consistent with the time frame in which the Sheriff's Office was implementing the PREA Standards within the Virginia Beach Correctional Center.

Again, among other efforts, extensive education was occurring to all staff and inmates; policies and procedures were revised and implemented; reporting methods were well established and published; and PREA became an



integrated and embedded part of the Virginia Beach Sheriff's Office day-to-day operations.

The Virginia Beach Correctional Center total inmate population tends to trend around an 11-12% female population relative to an 88-89% male population. The average percentage of the female inmate population in 2016 was approximately 11.2%. The data reveals that approximately 46.7% of the total inmate-on-inmate allegations received in 2016 were reported by the respective 11.2 % female inmate population. Likewise, the remaining 53.3% of total inmate-on-inmate allegations received were reported by male inmates comprising approximately 88.8% of the total inmate population (see charts below).

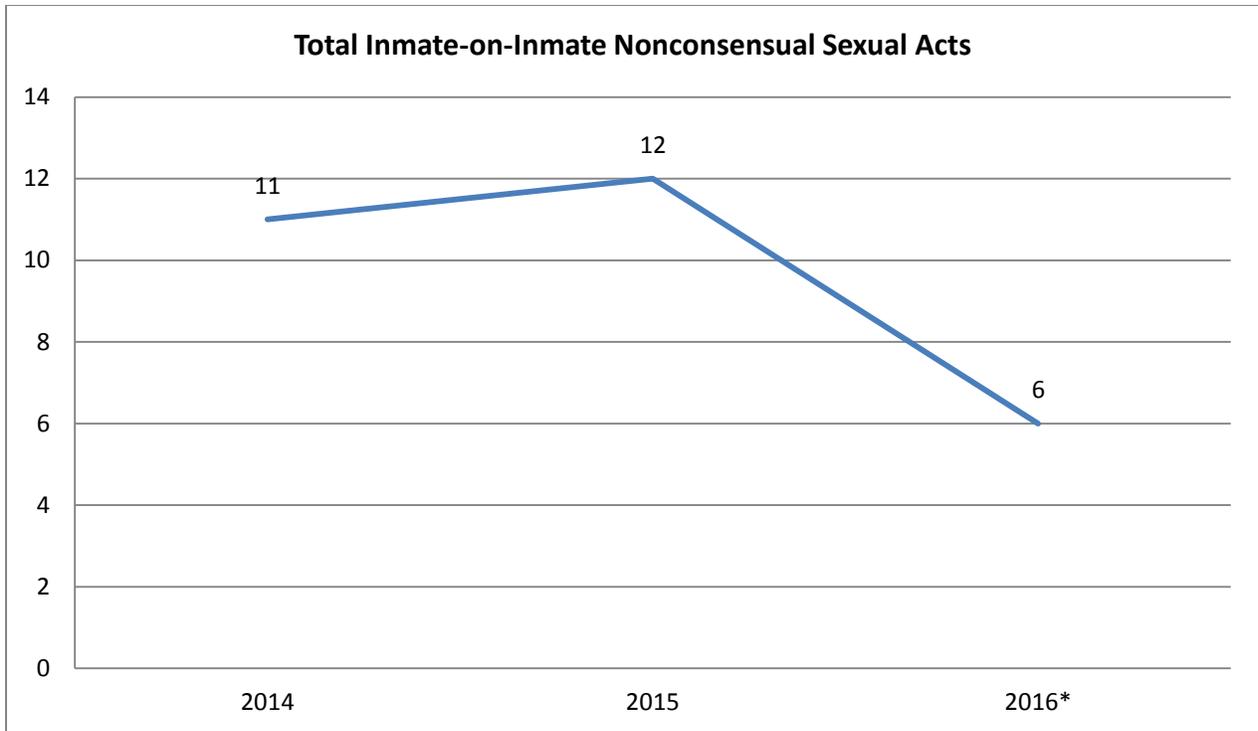


All reports of sexual abuse and sexual harassment received are investigated to final disposition regardless of the source of the allegation. The departure of the alleged abuser or victim from the authority, custody, or care of the Virginia Beach Sheriff’s Office is never a basis for terminating an investigation. Final disposition involves a finding of substantiated, unsubstantiated, or unfounded (see glossary for definitions). The Sheriff’s Office does not release information pertaining to investigations.

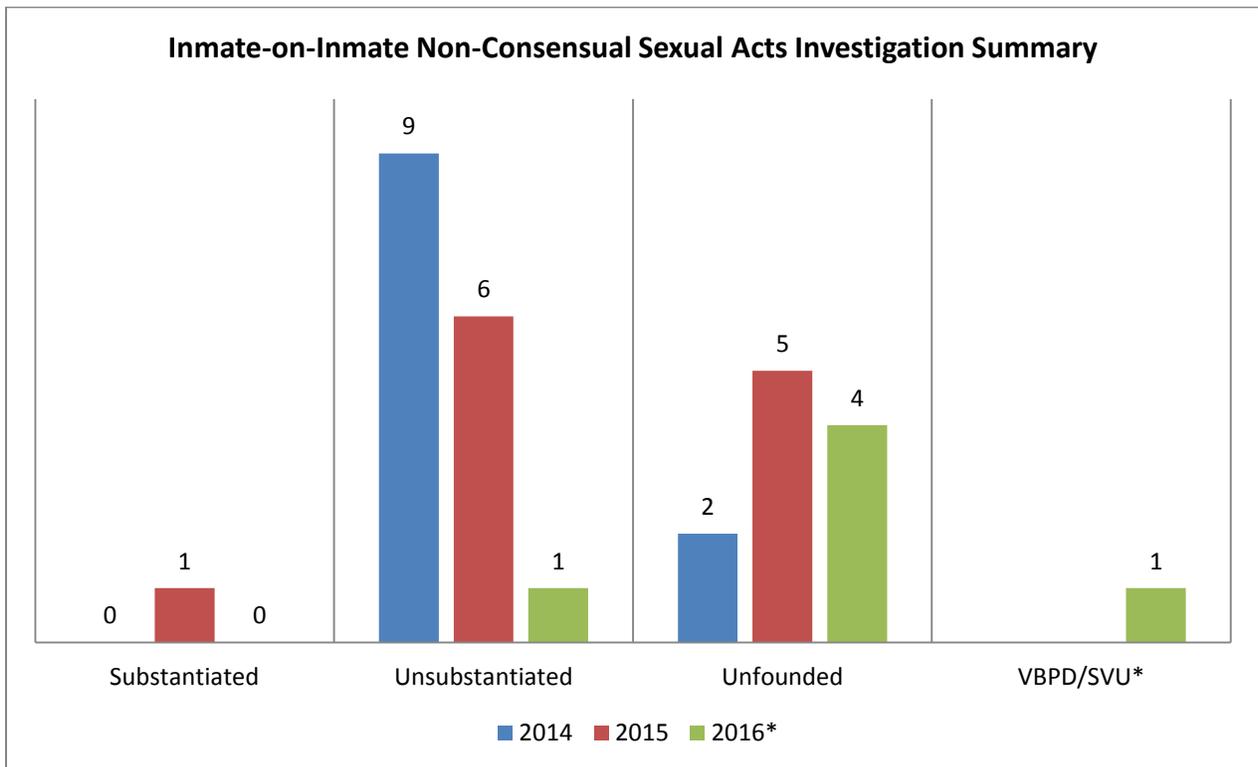
All inmates and staff who report sexual abuse or sexual harassment or cooperate with such investigations are protected from retaliation by other inmates and/or staff members. The Virginia Beach Sheriff’s Office Criminal Intelligence Unit and Classification Unit monitors for retaliation of inmates. The relevant Command supervisors and the Professional standards and Accountability Office monitors for retaliation of staff members. Allegations of retaliation are reported through the same methods as available for reporting allegations of sexual abuse.

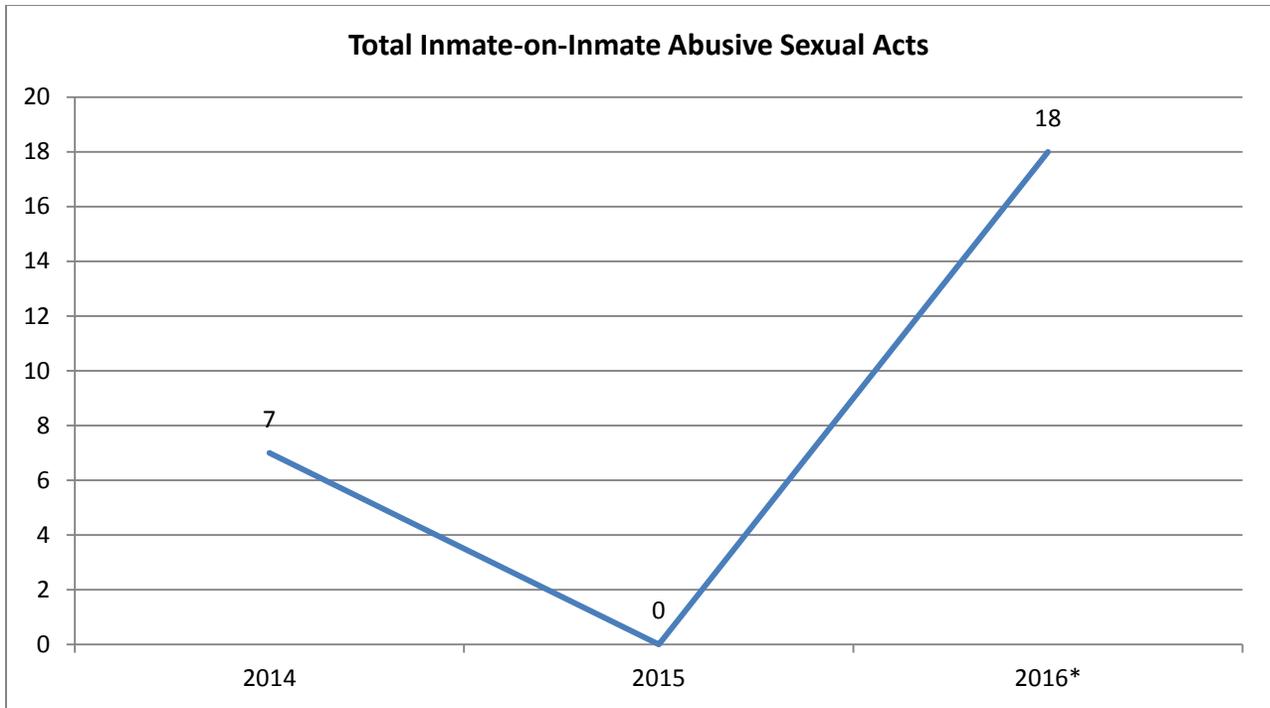
For purposes of this report and consistent with the Department of Justice Survey of Sexual Victimization (SSV), this report disaggregates sexual abuse into three categories of inmate-on-inmate sexual victimizations: Non-Consensual Sexual Acts, Abusive Sexual Contact, and Sexual Harassment (see glossary for definitions).

An examination of the total inmate-on-inmate allegations is displayed in the graphs on the following pages.

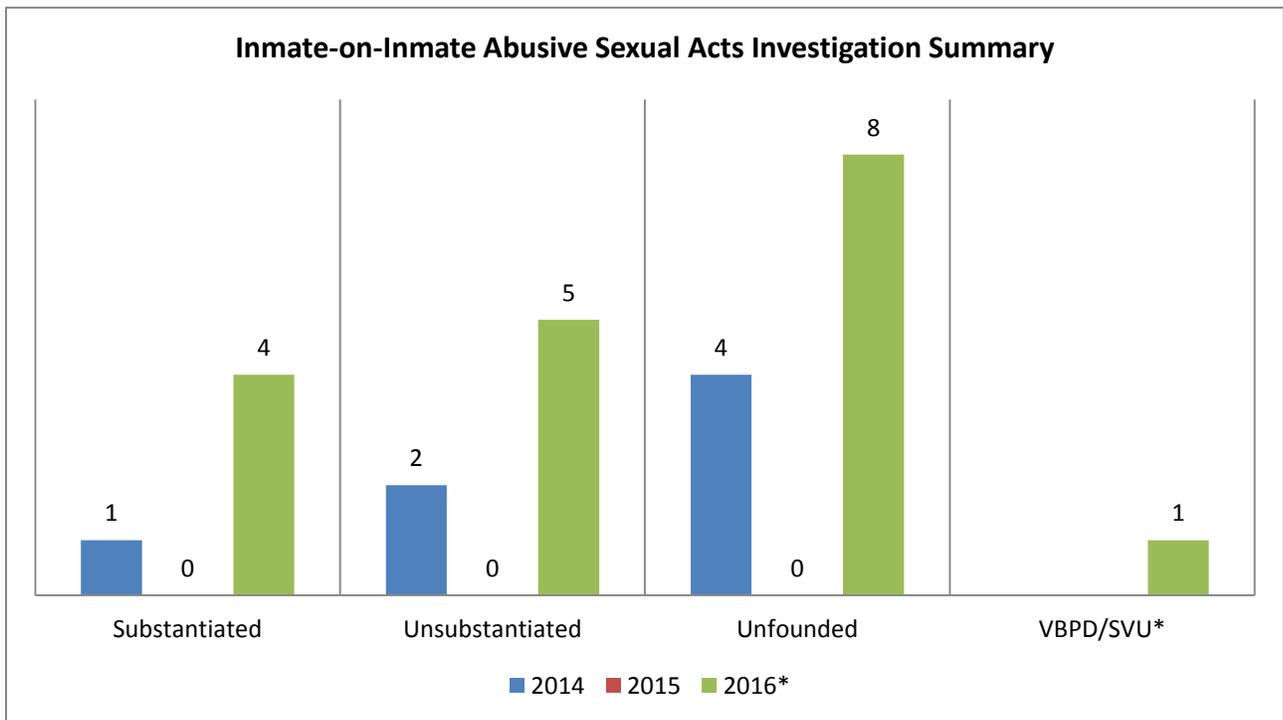


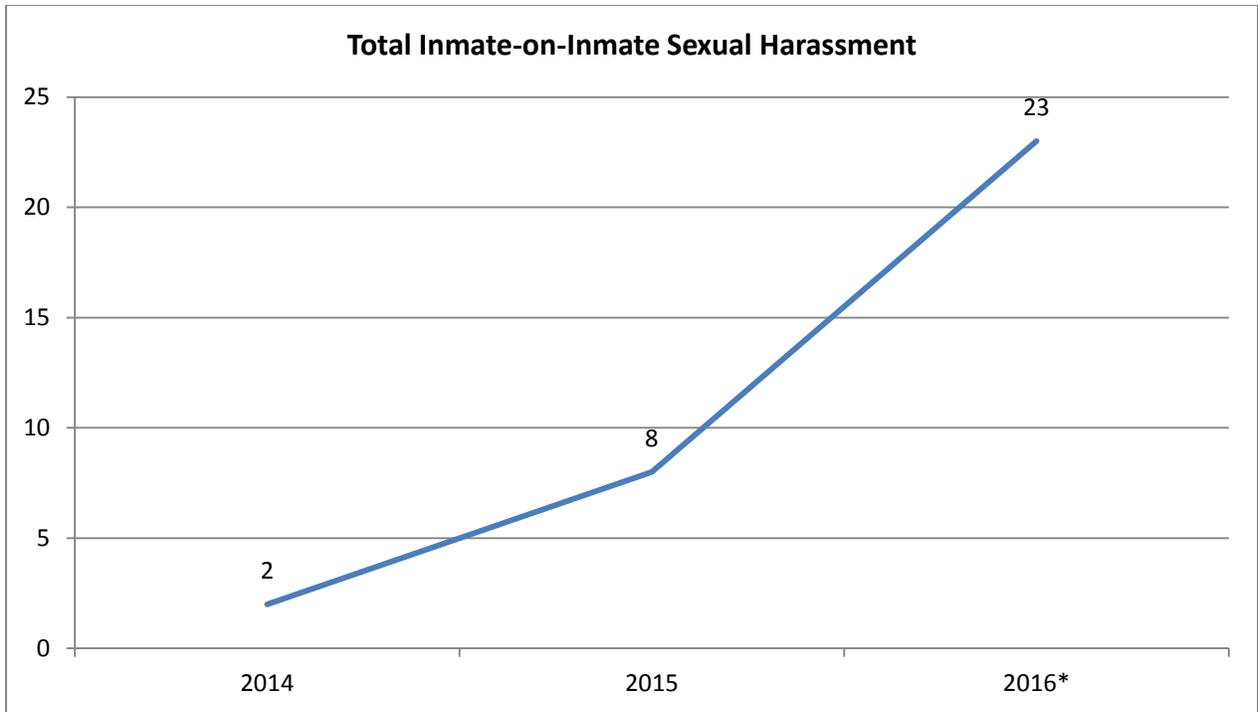
Reports of Inmate-on-Inmate Nonconsensual Sexual Acts have decreased by approximately 45% since 2014 despite the slight increase between the first two years. An aggregation of data reveals that substantiated cases remain low at approximately 3% of total cases within this category compared to unsubstantiated cases at approximately 55% and unfounded cases at approximately 38%. (* indicates amended data)



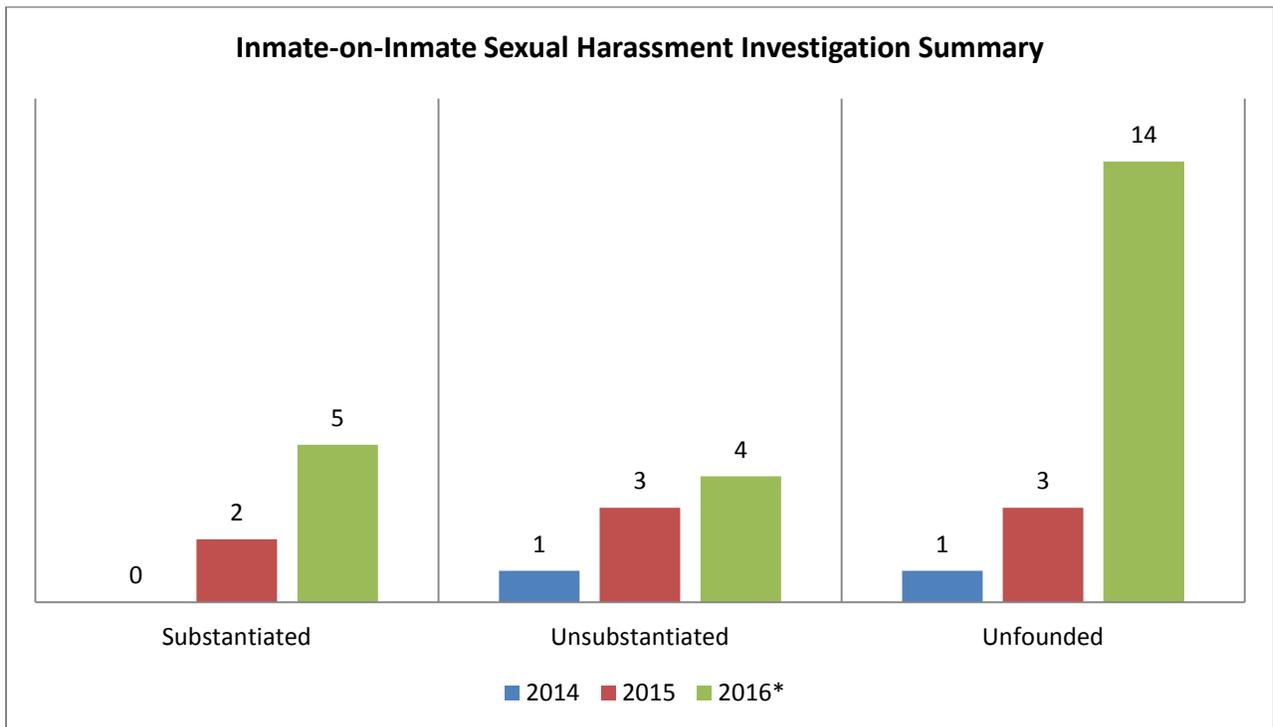


An aggregation of data shows an approximate 157% overall increase in Inmate-on-Inmate Abusive Sexual Acts since 2014. However, approximately 48% of the total cases within this category are unfounded, approximately 28% are unsubstantiated, and approximately 20% are substantiated. Approximately 4% were turned over to Virginia Beach Police Department (VBPD) Sexual Victims Unit (SVU) for investigation. (* indicates amended data)





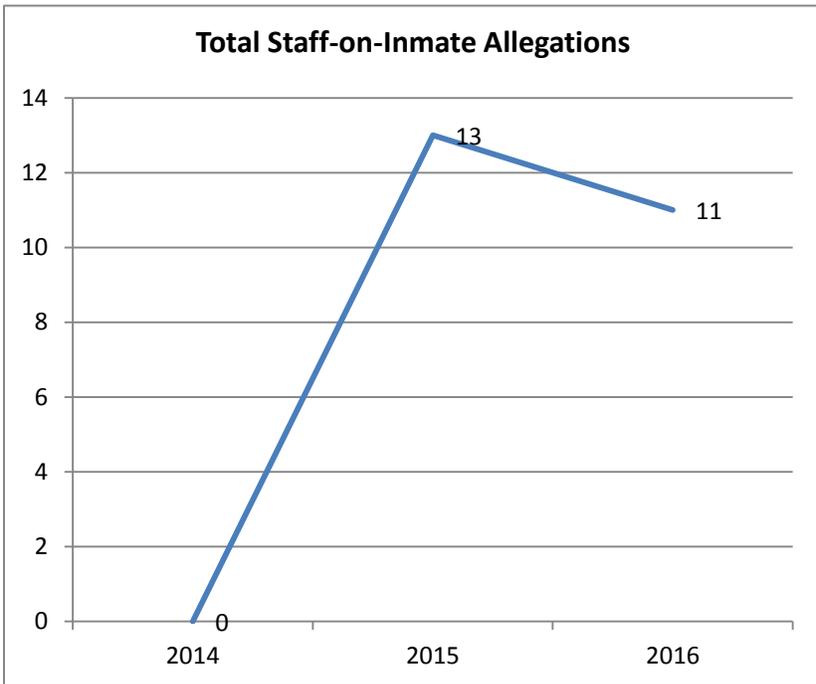
Inmate-on-Inmate Sexual Harassment allegations has consistently increased since 2014 with an approximate 188% increase over the last year. An examination of the increase reveals that approximately 61% of the allegations received in 2016 were unfounded, 17% were unsubstantiated, and 22% were substantiated. An aggregation of the total data within this category indicates a final case disposition of approximately 55% unfounded, 24% unsubstantiated, and 21% substantiated. (* indicates amended data)



Staff-on-Inmate Allegations Summary

Staff-on-Inmate allegations are investigated by the Virginia Beach Sheriff's Office Professional Standards and Accountability Office (PSO). Allegations received where evidence of conduct supports criminal behavior may be referred to the Virginia Beach Sheriff's Office Criminal Intelligence Unit (CIU) and/or the Virginia Beach Police Department (VBPD) for investigation. The Professional Standards and Accountability Office will handle only the administrative investigation.

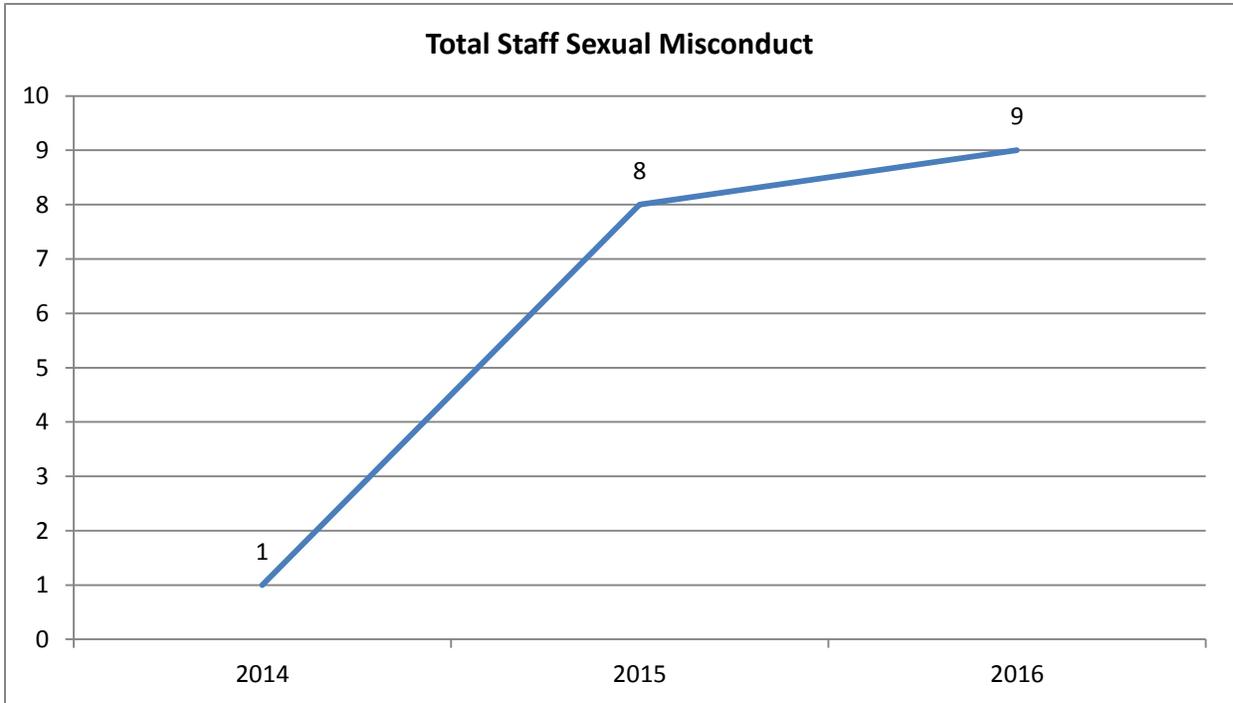
All Sheriff's Office investigators assigned to the Professional Standards and Accountability Office has successfully completed a 3 hour online specialized training course through the National Institute of Corrections titled, "PREA: Investigating Sexual Abuse in a Confinement Setting."



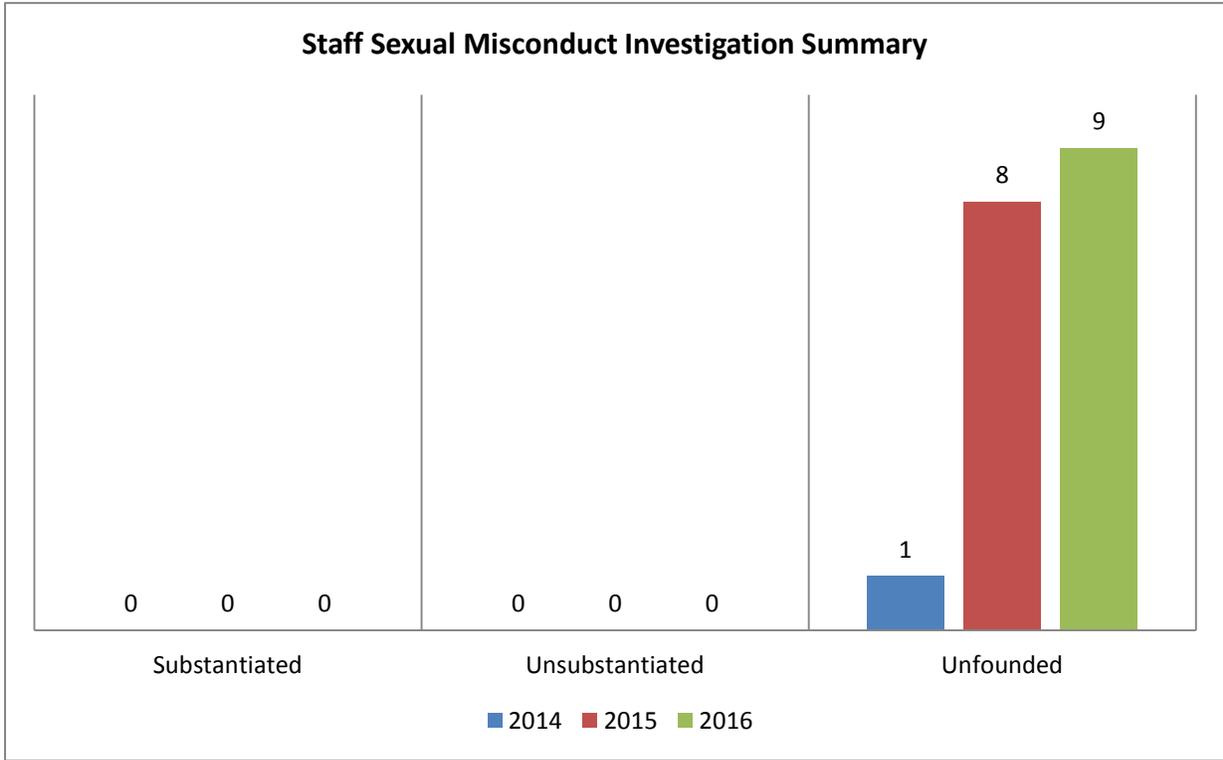
For purposes of this report and consistent with the Department of Justice Survey of Sexual Victimization (SSV), this report disaggregates sexual abuse into two categories of staff-on-inmate sexual abuse: staff sexual misconduct and staff sexual harassment. (See glossary for definitions)

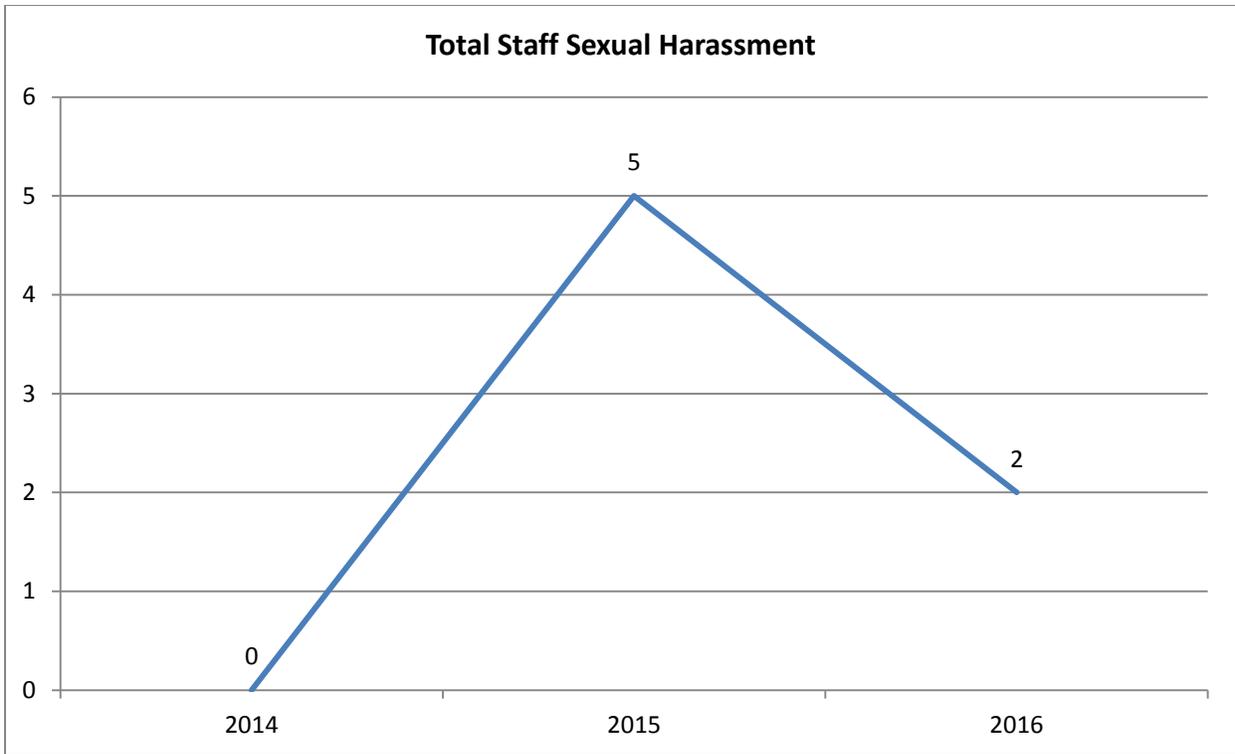
The Sheriff's Office experienced a sharp increase in staff-on-inmate allegations from 2014 to 2015 with a 15% decrease in allegations from 2015 to 2016 (see chart above). As with inmate-on-inmate allegations, all reports of sexual abuse and sexual harassment received are investigated to final disposition regardless of the source of the allegation. The departure of the alleged abuser or victim from the authority, custody, or care of the Virginia Beach Sheriff's Office is never a basis for terminating an investigation. Final disposition is based upon the preponderance of evidence and results in a finding of substantiated, unsubstantiated, or unfounded. The Sheriff's Office does not release information pertaining to investigations.

An analysis of the total staff-on-inmate allegations is displayed in the graphs on the following pages.

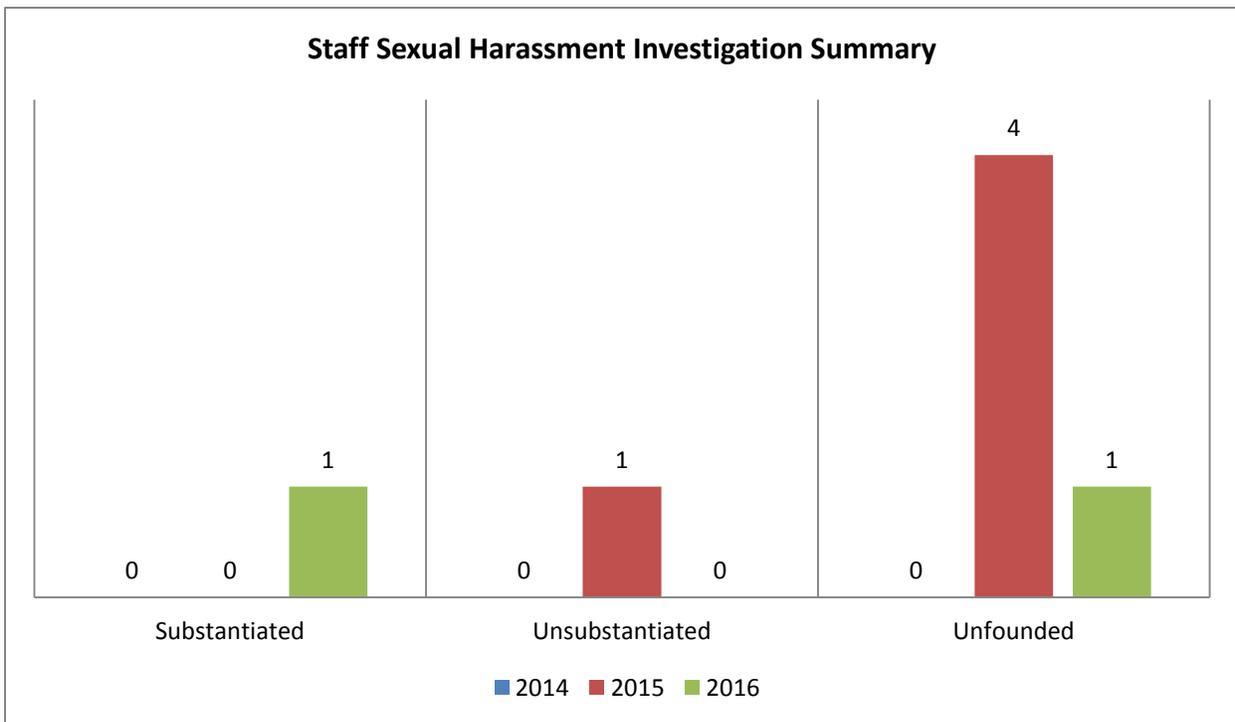


Staff Sexual Misconduct allegations have consistently increased since 2014. However, based upon the preponderance of evidence, all investigations of cases within this category has resulted in a final disposition of unfounded.





Staff Sexual Harassment allegations decreased 60% from 2015 to 2016 after experiencing a distinct increase from 2014 to 2015. An aggregation of the data shows that 71% of all investigations within this category resulted in a final disposition of unfounded with 14% unsubstantiated and 14% substantiated.



II. Data Assessment and Review

The Sheriff's Office monitors PREA related incidents based upon, but not limited to, the location of the incident, the personal demographics of the alleged abuser(s) and the alleged victim(s), and predatory behavior. The personal demographic information of the alleged abuser(s) and alleged victim(s) were left out of this report to protect the identity of the individuals related to the investigations.

When assessing the data, the Virginia Beach Sheriff's Office considers calendar year 2015 as the implementation year and correspondingly the baseline year for PREA. This report includes data from 2014 in order to provide a synopsis of the sexual abuse reports received prior to implementation of PREA comparative to the occurrence of these types of reports during and since implementation.

The aggregation of data indicates that the allegations received are equally dispersed from locations and housing units throughout the Virginia Beach Correctional Center. There is not one specific location where these allegations tend to originate nor are the allegations more prevalent among the vulnerable inmate populations. The staff-on-inmate allegations received are void of any trend or repetitive allegations. Additionally, the statistics were absent of any noticeable predatory behavior.

The Virginia Beach Sheriff's Office Criminal Intelligence Unit began tracking a correlation between allegations received in 2016 and the Mental Health inmate population. The goal is to monitor potential trends that may or may not exist specific to the Mental Health inmates. The 2016 data reveals that approximately 21% of total inmate-on-inmate allegations received contained a Mental Health Component. For purposes of this report, Mental Health component means the inmate is housed in a Mental Health Housing Unit.

In summary, there is no manifestation of problem areas relative to PREA thus far. The Virginia Beach Sheriff's Office is still in the early years of meeting compliance with the PREA standards and strongly maintains a proactive response in situations where corrective action is warranted.

Moving forward, the Virginia Beach Sheriff's Office endeavors to remain constant in its unwavering commitment of compliance with PREA. The Virginia Beach Sheriff's Office is currently preparing for their next PREA audit to occur in August 2017, during the second audit cycle.

Glossary:

*The PREA Annual Report uses the definitions as provided by the Survey of Sexual Victimization, 2015: *Local Jail Jurisdictions Summary Form*. The survey 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).

Inmate-on-Inmate 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, object, or other instrument.

Inmate-on-Inmate Abusive Sexual Contact: 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, breasts, inner thigh, or buttocks of any person. (Excludes incidents in which the contact was incidental to a physical altercation).

Inmate-on-Inmate 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.

Staff-on-Inmate Misconduct: Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (excludes family, friends or other visitors)... [Such behavior or acts] include intentional touching, either directly or through the clothing, 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 (excluding family, friends, or other visitors) to include demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Substantiated: The allegation was investigated and determined to have occurred based upon the preponderance of evidence.

Unsubstantiated: The investigation concluded that evidence was insufficient to determine whether or not the allegation occurred.

Unfounded: The investigation determined that the allegation did NOT occur.



Virginia Beach Sheriff's Office
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If you have information regarding an inmate who has been the victim of sexual abuse or sexual harassment while under the custody of the Virginia Beach Sheriff's Office, please call **(757)385-1971** or email SheriffPREAhotline@vbso.net.

You do not have to provide your name and you may remain anonymous. However, it is critical that you provide as many details as possible. An investigation may result from the information that is given.

This report was prepared by the PREA Coordinator in conjunction with the Criminal Intelligence Unit and the Professional Standards and Accountability Office and approved by Sheriff Ken Stolle. The original report was published June 21, 2017 and amended July 6, 2017 to reflect data that was inadvertently omitted from the original report.