

Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act of 2003 (Public Law No. 108-79) (PREA) is a federal law that prohibits sexual abuse and sexual harassment in correctional settings. The Virginia Beach Sheriff's Office strives to provide a safe environment where inmates are free from sexual abuse and sexual harassment, and makes every effort to detect, prevent, reduce and respond to such allegations and incidents.

The Virginia Beach Sheriff's Office has a "zero tolerance policy" towards **all** forms of sexual abuse, staff sexual misconduct and sexual harassment and will aggressively pursue any complaints and suspicions of sexual misconduct, regardless of the source of the complaint or suspicion, up to and including prosecution under *Virginia Code* §18.2-64.2, Carnal Knowledge of an Inmate, Parolee, Detainee or Pretrial or Post-trial Offender; and/or *Virginia Code* §18.2-67.4, Sexual Battery.

Note: Sexual Contact does not include touching of the intimate parts of another person during the performance of a personal search in accordance with Office procedures or during a medical examination by health care staff for proper medical purposes.

The Virginia Beach Sheriff's Office policies regarding sexual abuse and sexual harassment apply to all persons granted access into the Virginia Beach Correctional Center with access to inmates to include employees, contractors and volunteers.

Reporting Sexual Abuse or Sexual Harassment

If you have information regarding an inmate who has been the victim of sexual abuse or sexual harassment while under Virginia Beach Sheriff's Office custody, please call:

(757) 385-1971 or email SheriffPREAhotline@vbso.net

Messages are checked each day, 7 days a week. You do not have to give your name and you may anonymous, but it is critical that you provide as many details as possible. This includes:

- The name(s) and locations of person involved
- The names(s) or description of any witnesses to the incident
- Inmate Pin Number
- A brief description of the incident(s)
- A brief description of where the event(s) occurred
- The date(s), time and place of occurrence(s)
- Names and contact information of others who might have additional information about the incident
- Your contact phone number and address (optional)

An investigation may result from the information that is given. If an inmate gives false information they may receive a charge for false allegations.

Note: This number should be used to address issues related to sexual abuse or sexual harassment and not routine institutional operations.

Sexual Abuse Investigations

An administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

Allegations of sexual harassment will be referred to the Virginia Beach Sheriff's Office Professional Standards and Accountability Office for investigation.

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 will be referred to the Virginia Beach Police Department (VBPD) for investigation. This includes, but is not limited to allegations of rape, forcible sodomy, sexual battery, aggravated sexual battery, object sexual penetration, and sexual abuse as defined by the *Code of Virginia* and such acts defined as sexual abuse by the Prison Rape Elimination Act (Public Law No. 108-79) (PREA).

When the VBPD responds to investigate an allegation or incident of sexual abuse, Sheriff's Office Investigators will ensure assistance is provided to the VBPD in their investigatory efforts of gathering and preserving direct, circumstantial, and/or physical evidence. The Virginia Beach Sheriff's Office Medical Contractor does not conduct forensic exams and therefore a SAFE/SANE nurse will be contacted as a part of the response protocol.

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. The departure of the alleged abuser or victim from the employment or control of the Virginia Beach Sheriff's Office shall not provide a basis for terminating an investigation.

Coordinated Response

The Virginia Beach Sheriff's Office coordinated response is depicted in the chart on the following page.

If the first responder is not a deputy but a civilian staff member, contractor, or volunteer, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then immediately notify security staff.

VIRGINIA BEACH SHERIFF'S OFFICE
COORDINATED RESPONSE



SEXUAL ACTIVITY OBSERVED OR REPORTED

Standard Procedures

- Separate inmates
- Cursory assessment of any urgent medical needs
- Preliminary assessment conducted by supervisor
- Preserve and secure "crime scene" for evidence collection, if applicable

Preliminary Assessment

- Allegations by inmate regarding use of force or intimidation to perform sexual act (**Criminal**)
- Allegations of staff sexual involvement with inmate (**Criminal**)
- Both inmates consented to engage in sexual act with one another (**Non-criminal: Inmate Institutional Violation**)
- Allegations involving sexual comments/gestures (**Non-criminal: Inmate Institutional Violation**)

Criminal

- Notifications
 - Deputy/supervisor notifies the Watch Commander.
 - Watch Commander notifies Medical/Mental Health, Virginia Beach Police Department, Sheriff's Office Investigators, and the Commanding Officer of Corrections.
 - Sheriff's Office Investigators notify the Chief Deputy.
 - The Chief Deputy notifies the Undersheriff and Sheriff.
- Response
 - Secure crime scene and preserve evidence until arrival of Virginia Beach Police Department and Sheriff's Office Investigators.
- Documentation
 - Write detailed report and forward to Sheriff's Office Investigators. Do not disseminate agency wide.

Non-criminal

- Inmate-on-Inmate Incident
 - Follow internal procedures for rule violations.
 - Document on Incident Report.
 - Notify the Watch Commander of the incident.
 - Forward incident report to Sheriff's Office Investigators via chain of command.
- If staff member is involved:
 - Contact Sheriff's Office Investigators.
 - Write detailed report on memorandum and forward to the Office of Professional Standards and Accountability.