



# PREA ANNUAL REPORT 2019

## Virginia Beach Sheriff's Office

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# TABLE OF CONTENTS

|  |    |
|--|----|
| Introduction _____                               | 4  |
| Data _____                                       | 4  |
| Data Analysis _____                              | 4  |
| Staff-on-Inmate Allegations _____                | 6  |
| Staff-on-Inmate Sexual Misconduct _____          | 7  |
| Staff-on-Inmate Sexual Harassment _____          | 7  |
| Staff-on-Inmate Aggregation of Data _____        | 8  |
| Inmate-on-Inmate Allegations _____               | 9  |
| Inmate-on-Inmate Nonconsensual Sexual Acts _____ | 10 |
| Inmate-on-Inmate Abusive Sexual Contact _____    | 10 |
| Inmate-on-Inmate Sexual Harassment _____         | 10 |
| Inmate-on-Inmate Aggregation of Data _____       | 12 |
| Problem Areas and Corrective Action _____        | 14 |
| Summary _____                                    | 15 |
| Glossary _____                                   | 16 |

# INTRODUCTION

Each year, the Virginia Beach Sheriff's Office collects accurate, uniform data for every allegation of sexual abuse and sexual harassment for public and internal use. The information contained herein provides a comparison of incidents from the last three calendar years (2017 - 2019) when reviewing allegations of inmate-on-inmate and staff-on-inmate data. This report has been reviewed and approved by Sheriff Ken Stolle and is utilized by the Sheriff's Office Prison Rape Elimination Act (PREA) Coordinator and Command Staff to formulate corrective measures in efforts of reducing future incidents of sexual abuse and sexual harassment.

## Data

This report provides data concerning the number of staff-on-inmate and inmate-on-inmate allegations within the male, female, and juvenile (youthful offender) populations of the Virginia Beach Correctional Center. All allegations received are investigated to final disposition regardless of the source of the allegation. The departure of the alleged abuser or victim from the authority, employment, custody, or care of the Virginia Beach Sheriff's Office is never a basis for terminating an investigation.

All data presented within this report is maintained for at least ten years after the date of the initial collection by the originating organizational command unit. All personally identifiable information is omitted from this report in order to protect the identity of the staff members and inmates involved in the associated investigations. The Sheriff's Office completes and submits the Department of Justice Survey of Sexual Victimization (SSV) each year.

## Data Analysis

Jail records indicate the average daily inmate population (ADP) of the Virginia Beach Correctional Center in 2019 was 1362 with a demographic representation trending around approximately 23% females and 77% males. This signifies only 2% shift in the demographics of the facility from the previous year in which female inmates accounted for 25% of the total population. Prior to 2018, the female population averaged approximately 11% of the total population. An evaluation of the 2019 PREA Investigations is encapsulated within the chart on next page of this report.



| <b>Type of Case</b>                               | <b>2019<br/>Total Cases</b> | <b>Percentage of Total<br/>PREA Investigation<br/>Volume</b> |
|---|-----------------------------|--|
| <i>Inmate-on-Inmate Nonconsensual Sexual Acts</i> | 13                          | 20%  |
| <i>Inmate-on-Inmate Abusive Sexual Contact</i>    | 4                           | 6  |
| <i>Inmate-on-Inmate Sexual Harassment</i>         | 29                          | 43%  |
| <i>Staff Sexual Misconduct</i>                    | 17                          | 25%  |
| <i>Staff Sexual Harassment</i>                    | 4                           | 6%   |
| <b>Total Cases</b>                                | <b>67</b>                   |  |

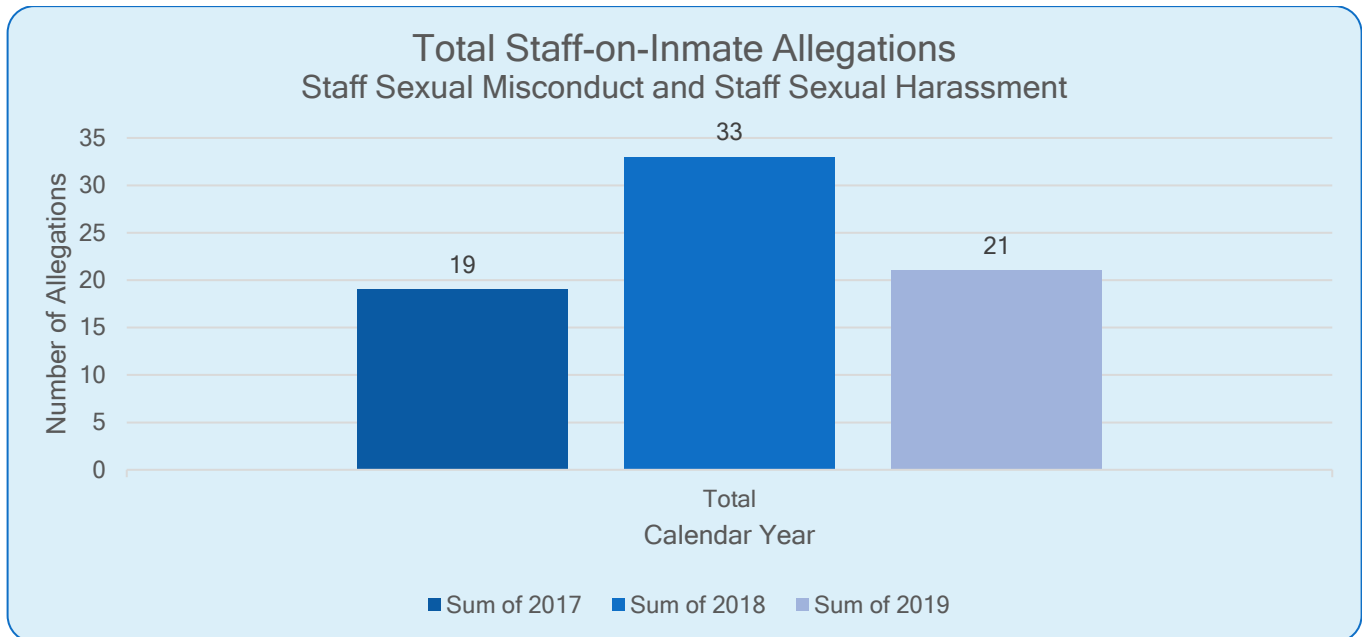
Staff-on-Inmate allegations are investigated by the Virginia Beach Sheriff's Office Professional Standards and Accountability Office (PSO). Allegations received where evidence of conduct supports criminal behavior may be referred to the Virginia Beach Sheriff's Office Criminal Intelligence Unit (Intel)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

Inmate-on-inmate allegations are investigated by the Virginia Beach Sheriff's Office Intel Unit. 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.

The Virginia Beach Sheriff's Office does maintain an active Memorandum of Understanding (MOU) with the Virginia Beach Police Department governing investigations occurring within the Virginia Beach Correctional Center. The Sheriff's Office does not release information pertaining to investigations.

This report will dissect the overall data into two series of data consisting of Staff-on-Inmate Allegations and Inmate-on-Inmate Allegations.

# STAFF-ON-INMATE ALLEGATIONS



The Sheriff's Office received a total of 21 allegations involving staff members in 2019. This reflects an approximate 36% decrease from 2018 for a difference of 12 cases. A review of the data reveals the following demographics:

| Avenues Used for Submission of Staff-on-Inmate Allegations                |
|---|
| ➤ Emergency Grievance - 0%  |
| ➤ PREA Hotline - 57%  |
| ➤ Notification to staff member - 19%                                      |
| ➤ Standard Grievance - 0%   |
| ➤ Inmate Request Form - 19%   |
| ➤ Other - 5%  |
| ➤ Notification to Medical staff member - 0%                               |
| ➤ Outside Third Party - 0%  |
| <small>*Percentages in all charts rounded to nearest whole number</small> |

| Percentage of Inmate Population Submitting Allegations |
|--|
| ➤ Male Inmates - 100%                                  |
| ➤ Female Inmates - 0%                                  |
| ➤ Juvenile Inmates - 0%                                |

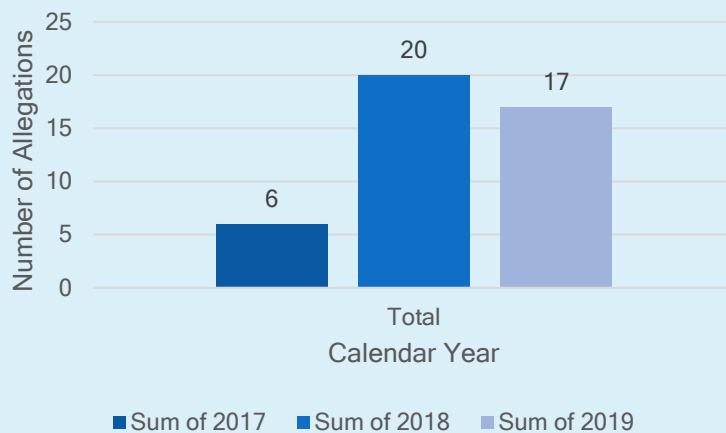
| Percentage of Above Inmate Population Assigned to Mental Health Housing Unit |
|--|
| 28%  |

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



Overall, 81% of the total staff-on-inmate allegations for 2019 were for staff sexual misconduct while 19% were for staff sexual harassment.

### Staff-on-Inmate Sexual Misconduct Allegations



### Staff-on-Inmate Sexual Misconduct

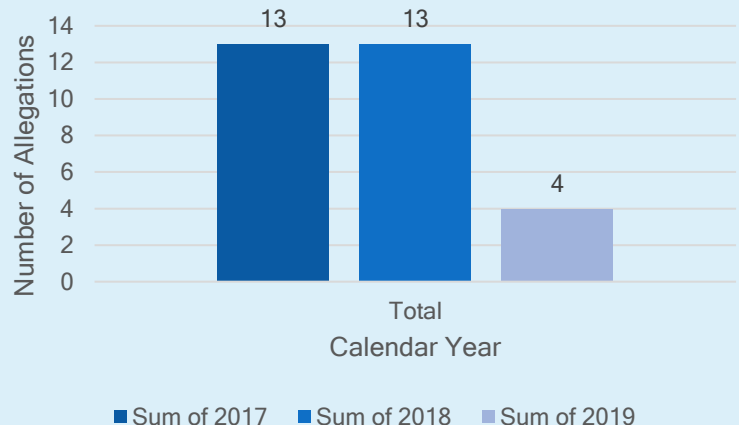
The Sheriff's Office investigative case load for staff sexual misconduct allegations decreased by 3 cases for calendar year 2019 for a total of 17 cases. The final disposition of the cases based upon the preponderance of evidence during the investigative process resulted in 16 of the cases rendering

a final disposition of unfounded while 1 case resulted in a final disposition of unsubstantiated.

### Staff-on-Inmate Sexual Harassment

Staff sexual harassment allegations decreased from 2018 to 2019, showing a decrease to the investigative case load. Moreover, all 4 cases resulted in a final disposition of unfounded based upon the preponderance of evidence during the investigative process.

### Staff-on-Inmate Sexual Harassment Allegations





## Aggregation of Staff-on-Inmate Data 2017 - 2019



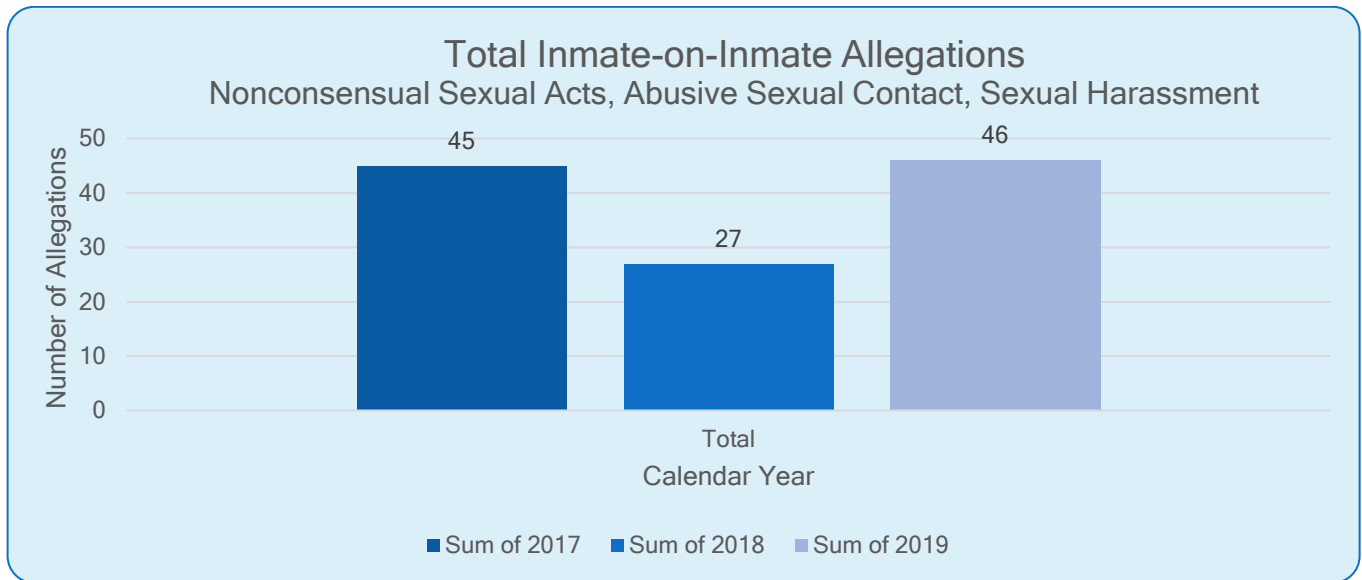
| <b>Staff Sexual Misconduct</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>Total</b> |
|--------------------------------|-------------|-------------|-------------|--------------|
| <i>Substantiated</i>           | 0           | 0           | 0           | 0            |
| <i>Unsubstantiated</i>         | 0           | 1           | 1           | 2            |
| <i>Unfounded</i>               | 6           | 19          | 16          | 41           |
| <b>Total Cases</b>             | <b>6</b>    | <b>20</b>   | <b>17</b>   | <b>43</b>    |
| <b>Staff Sexual Harassment</b> |             |             |             |              |
|                                | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>Total</b> |
| <i>Substantiated</i>           | 0           | 0           | 0           | 0            |
| <i>Unsubstantiated</i>         | 0           | 0           | 0           | 0            |
| <i>Unfounded</i>               | 13          | 13          | 4           | 30           |
| <b>Total Cases</b>             | <b>13</b>   | <b>13</b>   | <b>4</b>    | <b>30</b>    |
| <b>Aggregated Total</b>        | <b>19</b>   | <b>33</b>   | <b>21</b>   | <b>73</b>    |

An aggregation of the three-year data reflects that Staff Sexual Misconduct allegations comprise 59% of the total staff-on-inmate complaints. The Sheriff's Office experienced a decrease in allegations during 2019 with 95% (41) of the total Staff Sexual Misconduct investigations rendered a final disposition of unfounded while 5% (2) rendered a final disposition of unsubstantiated. The data holds steady at zero substantiated cases of staff sexual misconduct over the last three years.

Staff sexual harassment allegations encompass 41% of the total staff-on-inmate complaints. Overall, 100% (4) of all staff sexual harassment investigations rendered a final disposition of unfounded while zero cases rendered a final disposition of substantiated. The data remains constant at zero unsubstantiated cases over the last three years.



# INMATE-ON-INMATE ALLEGATIONS



The total inmate-on-inmate allegations increased by 70% from 2018 to 2019 for a difference of 19 cases. A review of the data reveals the following demographics:

| Avenues Used for Submission of Inmate-on-Inmate Allegations  |
|--|
| <ul style="list-style-type: none"> <li>➤ Notification to staff member - 54%</li> <li>➤ Inmate Request Form - 22%</li> <li>➤ PREA Hotline - 24%</li> <li>➤ Emergency Grievance - 0%</li> <li>➤ Deputy Observation - 0%</li> </ul> |
| *Percentages in all charts rounded to nearest whole number   |

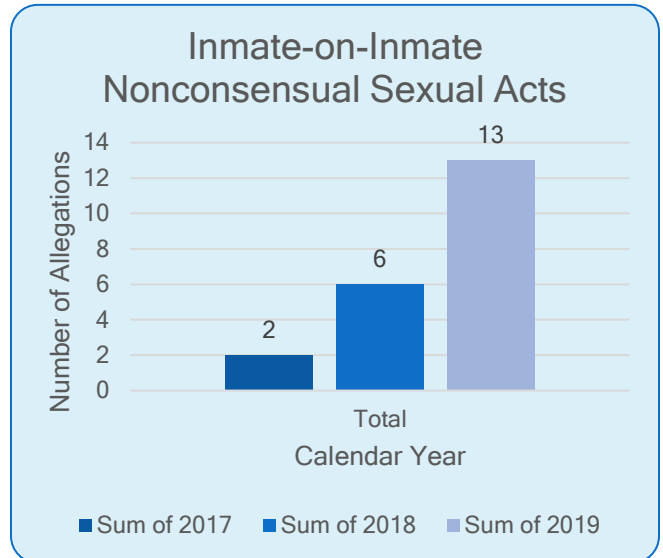
| Percentage of Inmate Population Submitting Allegations  |
|---|
| <ul style="list-style-type: none"> <li>➤ Male Inmates - 80%</li> <li>➤ Female Inmates - 20%</li> <li>➤ Juvenile Inmates - 0%</li> </ul> |

| Percentage of Above Inmate Population Assigned to Mental Health Housing Unit |
|--|
| 33%  |

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 victimization: Nonconsensual Sexual Acts, Abusive Sexual Contact, and Sexual Harassment.

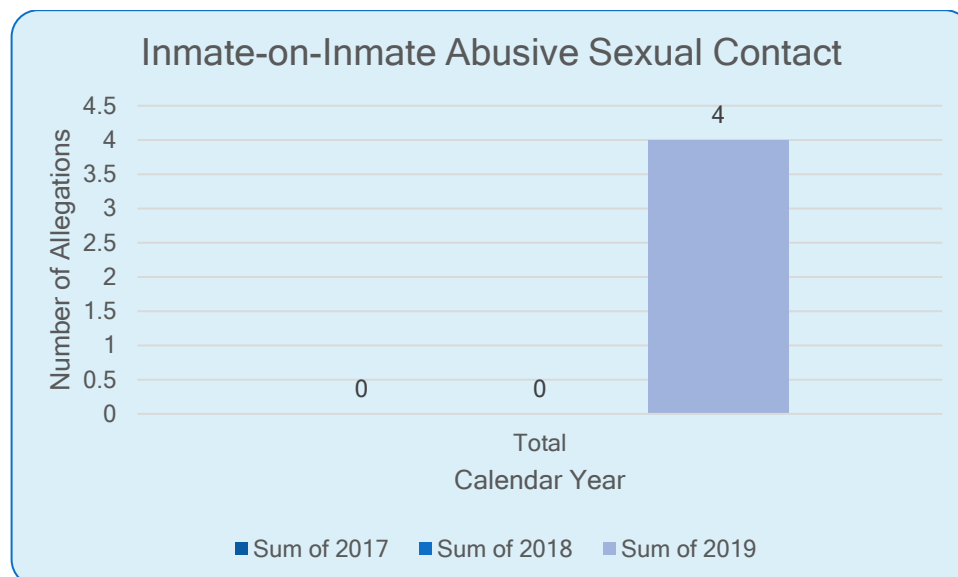
## Inmate-on-Inmate Nonconsensual Sexual Acts

The Sheriff's Office experienced an increase of 7 cases in 2019 for a total of 13 allegations of Nonconsensual Sexual Acts. Of the 13 cases, 12 were investigated by the Sheriff's Office Criminal Intel Unit to final disposition while 1 was referred to the Virginia Beach Police Department for investigation. Of the 12 cases investigated by the Sheriff's Office Criminal Intel Unit, 10 rendered a final disposition of unfounded based upon the preponderance of evidence during the investigative process. Two of the cases were substantiated and appropriate action was taken.

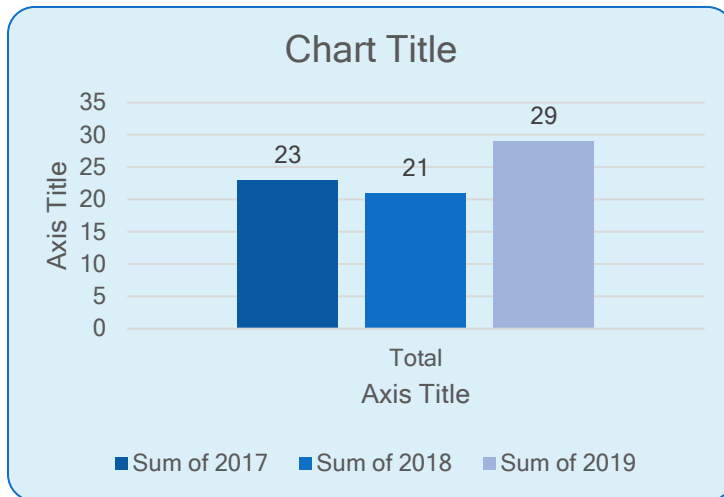


## Inmate-on-Inmate Abusive Sexual Contact

The Sheriff's Office received 4 allegations of Inmate-on-Inmate Abusive Sexual Contact during calendar year 2019. One was referred to the Virginia Beach Police Department for investigation. Of the 3 cases investigated by the Virginia Beach Sheriff's Office, one did not meet the PREA definition of abusive sexual contact and 2 were unfounded.



## Inmate-on-Inmate Sexual Harassment



The Sheriff's Office experienced an approximate 38% increase in Inmate-on-Inmate Sexual Harassment allegations for a difference of 8 cases within calendar year 2019. Of the 29 cases for 2019, 76% (22) rendered a final disposition of unfounded while 7% (2) rendered a final disposition of unsubstantiated and 10% (3) rendered a final disposition of substantiated as a

result of the preponderance of evidence. Additionally, 7% (2) were related to allegations that occurred at an outside jurisdiction and were forwarded to those jurisdiction for investigation/action.

## Aggregation of Inmate-on-Inmate Data 2017-2019



| <b>Inmate-on-Inmate<br/>Nonconsensual Sexual Acts</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>Total</b> |
|---|-------------|-------------|-------------|--------------|
| <i>Substantiated</i>                                  | 0           | 0           | 2           | <b>2</b>     |
| <i>Unsubstantiated</i>                                | 0           | 0           | 0           | <b>0</b>     |
| <i>Unfounded</i>                                      | 0           | 3           | 10          | <b>13</b>    |
| <i>VBPD</i>   | 2           | 3           | 1           | <b>6</b>     |
| <i>Other Jurisdiction</i>                             | 0           | 0           | 0           | <b>0</b>     |
| <b>Total Cases</b>                                    | <b>2</b>    | <b>6</b>    | <b>13</b>   | <b>21</b>    |
| <b>Inmate-on-Inmate<br/>Abusive Sexual Contact</b>    | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>Total</b> |
| <i>Substantiated</i>                                  | 0           | 0           | 0           | <b>0</b>     |
| <i>Unsubstantiated</i>                                | 0           | 0           | 0           | <b>0</b>     |
| <i>Unfounded</i>                                      | 20          | 0           | 3           | <b>23</b>    |
| <i>VBPD</i>   | 0           | 0           | 1           | <b>1</b>     |
| <i>Other Jurisdiction</i>                             | 0           | 0           | 0           | <b>0</b>     |
| <b>Total Cases</b>                                    | <b>20</b>   | <b>0</b>    | <b>4</b>    | <b>24</b>    |
| <b>Inmate-on-Inmate<br/>Sexual Harassment</b>         | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>Total</b> |
| <i>Substantiated</i>                                  | 9           | 5           | 3           | <b>17</b>    |
| <i>Unsubstantiated</i>                                | 1           | 1           | 2           | <b>4</b>     |
| <i>Unfounded</i>                                      | 13          | 15          | 22          | <b>50</b>    |
| <i>VBPD</i>   | 0           | 0           | 0           | <b>0</b>     |
| <i>Other Jurisdiction</i>                             | 0           | 0           | 2           | <b>2</b>     |
| <b>Total Cases</b>                                    | <b>23</b>   | <b>21</b>   | <b>29</b>   | <b>73</b>    |
| <b>Aggregated Total</b>                               | <b>45</b>   | <b>27</b>   | <b>46</b>   | <b>118</b>   |

An aggregation of the three-year data reflects the percentage of total volume for each classification of inmate-on-inmate investigations within the subsequent chart.

| <b>Classification of Inmate-on-Inmate Allegation</b> | <b>Total Cases</b> | <b>% of Total Volume</b> |
|--|--------------------|--------------------------|
| <i>Nonconsensual Sexual Acts</i>                     | 21                 | 18%                      |
| <i>Abusive Sexual Contact</i>                        | 24                 | 20%                      |
| <i>Sexual Harassment</i>                             | 73                 | 62%                      |
| <b>Total Cases</b>                                   | <b>118</b>         |                          |

Overall, the aggregated three-year data confirms that 73% of the total inmate-on-inmate investigations resulted in a final disposition of unfounded; 16% were substantiated; 3% were unsubstantiated; and 6% were referred to the Virginia Beach Police Department for investigation. Additionally, 2% of the allegations allegedly occurred in other jurisdictions and were forwarded to them for investigation. A further analysis of the aggregated data by type of case supports the percentages of final dispositions as indicated within the succeeding charts. All percentages are rounded to the nearest whole number.

| <b><i>Nonconsensual Sexual Acts</i></b> | <b>% by Type of Case</b> |
|---|--------------------------|
| <i>Substantiated</i>                    | 9%                       |
| <i>Unsubstantiated</i>                  | 0%                       |
| <i>Unfounded</i>                        | 62%                      |
| <i>VBPD</i>                             | 29%                      |

| <b><i>Abusive Sexual Contact</i></b> | <b>% by Type of Case</b> |
|--------------------------------------|--------------------------|
| <i>Substantiated</i>                 | 0%                       |
| <i>Unsubstantiated</i>               | 0%                       |
| <i>Unfounded</i>                     | 96%                      |
| <i>VBPD</i>                          | 4%                       |

| <b><i>Sexual Harassment</i></b> | <b>% by Type of Case</b> |
|---------------------------------|--------------------------|
| <i>Substantiated</i>            | 23%                      |
| <i>Unsubstantiated</i>          | 6%                       |
| <i>Unfounded</i>                | 68%                      |
| <i>VBPD</i>                     | 0%                       |
| <i>Other jurisdiction</i>       | 3%                       |

# Problem Areas and Corrective Action

A review of the 2019 data suggests a re-emergence of inmate-on-inmate allegation trends identified in the 2017 PREA Annual Report such as using inmate-on-inmate allegations to circumvent established procedures to expedite staff response to a non-PREA related issue, write other inmates out of the housing unit, or secure a more favorable housing unit for themselves. The 2019 data indicates an increase of 69% in Inmate-on-Inmate allegations from 2018 to 2019, with 73% of those allegations unfounded.

The increase in Inmate-on-Inmate allegations indicates a need to re-focus on the protocols established in 2017 and 2018. In 2020 thus far, the Intel Unit, responsible for investigating inmate-on-inmate allegations, has added additional fields to the tracking and has focused on differentiating between unfounded cases and allegations that do not meet the PREA definition of sexual abuse or sexual harassment.

There was an overall decline of 56% in Staff-on-Inmate allegations from 2018 to 2019. The Virginia Beach Sheriff's Office remains committed to our zero-tolerance policy and conducts annual refresher training as required for staff, contractors, and volunteers.

There were no identified trends in the allegations regarding location of alleged incident. There were four inmates who made repeated, unfounded allegations against other inmates, which accounts for a portion of the increase in inmate-on-inmate allegations. Inmates who are determined to have knowingly and intentionally made false allegations may be subject to disciplinary action.

The scheduled renovations to our Master Control Room and security system have begun. As part of these renovations, surveillance cameras may be relocated, or additional cameras may be added to reduce blind spots inside the Correctional Center.

The Virginia Beach Correctional Center was audited by a Department of Justice PREA auditor April 14 - 16, 2020. The auditor inspected the facility and interviewed several inmates and staff. No deficiencies were noted by the auditor.

# Summary

The Virginia Beach Sheriff's Office continues to progress in addressing sexual abuse and sexual harassment facilitated by staff and/or inmates. Any identified issues or trends are addressed immediately. This may include modifications to existing policy, procedures, education, or training. Additionally, this takes into consideration physical plant limitations and the location of video monitoring equipment.

The Virginia Beach Sheriff's Office remains steadfast in providing a safe environment where inmates are free from sexual abuse and sexual harassment. To this end, the Sheriff's Office maintains zero tolerance for sexual abuse and sexual harassment.

Information regarding an inmate who has been the victim of sexual abuse or sexual harassment while under the custody or care of the Virginia Beach Sheriff's Office may be reported by calling (757)385-1971 or emailing [SheriffPREAhotline@vbso.net](mailto:SheriffPREAhotline@vbso.net).

The telephone number is monitored by Professional Standards and Accountability Office personnel. All emails submitted via the email link is received by Sheriff's Office Investigators assigned to both investigative units, the Professional Standards and Accountability Office as well as the Criminal Intel Unit.

Complaints may be submitted by a third party or may remain anonymous. However, it is critical to provide as many details as possible. An investigation may result from the information that is given.



# Glossary

**Inmate-on-Inmate Nonconsensual Sexual Act:** Includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse;

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand finger, object, or other instrument.

**Inmate-on-Inmate Sexual Abusive Contact:** Includes the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse;

- (1) Any other intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact 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 or detainee directed at another inmate or detainee.

**Staff-on-Inmate Sexual Misconduct:** Includes any of the following acts, with or without consent of the inmate or detainee:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the appointee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the appointee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the appointee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by an appointee, contractor, or volunteer to engage in the activities described in (1)-(5) of this section;

- (7) Any display by an appointee, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate or detainee; and
- (8) Voyeurism by an appointee, contractor, or volunteer.

**Voyeurism by an Appointee, Contractor, or Volunteer:** The intentional or surreptitious viewing, broadcast or recording of an inmate or detainee dressing or undressing, or of the sexual or other intimate parts of such inmate or detainee for reasons unrelated to official duties, but for the purpose of sexual arousal or sexual gratification, amusement, entertainment, or profit, or for the purpose of degrading or abusing a person.

**Note:** Voyeurism by an appointee, contractor or volunteer does not include the viewing of the sexual or other intimate parts of another person during a personal search in accordance with Virginia Beach Sheriff's Office procedures or inadvertently or accidentally viewing intimate parts while assigned to Sheriff's Office security camera systems, during the performance of other official duties, or during a medical examination by health care staff for a proper medical purpose.

**Staff-on-Inmate Sexual Harassment:** Repeated verbal comments or gestures of a sexual nature to an inmate or detainee by an appointee, contractor, or volunteer including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Unfounded:** The incident may or may not have occurred, but the allegation did not occur.

**Unsubstantiated:** There is insufficient evidence to prove or disprove the allegation.

**Substantiated:** There is sufficient evidence to prove the allegation.



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