



PREA ANNUAL REPORT 2018

Virginia Beach Sheriff's Office

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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 (2016 - 2018) 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

Statistical data from the Local Inmate Data System (LIDS) indicates that the average daily inmate population (ADP) of the Virginia Beach Correctional Center in 2018 was 1,641 inmates with a demographic representation trending around approximately 25% females and 75% males. This signifies a 14% shift in the demographics of the facility from the previous two years where the inmate population held steady at an approximate 11% female inmate population and an 89% male inmate population. An evaluation of the 2018 PREA Investigations is encapsulated within the chart on next page of this report.



| <i>Type of Case</i> | 2018 Total Cases | Percentage of Total PREA Investigation Volume |
|---|-----------------------------|--|
| <i>Inmate-on-Inmate Nonconsensual Sexual Acts</i> | 6 | 10% |
| <i>Inmate-on-Inmate Abusive Sexual Contact</i> | 0 | 0 |
| <i>Inmate-on-Inmate Sexual Harassment</i> | 21 | 35% |
| <i>Staff Sexual Misconduct</i> | 20 | 33% |
| <i>Staff Sexual Harassment</i> | 13 | 22% |
| Total Cases | 60 | |

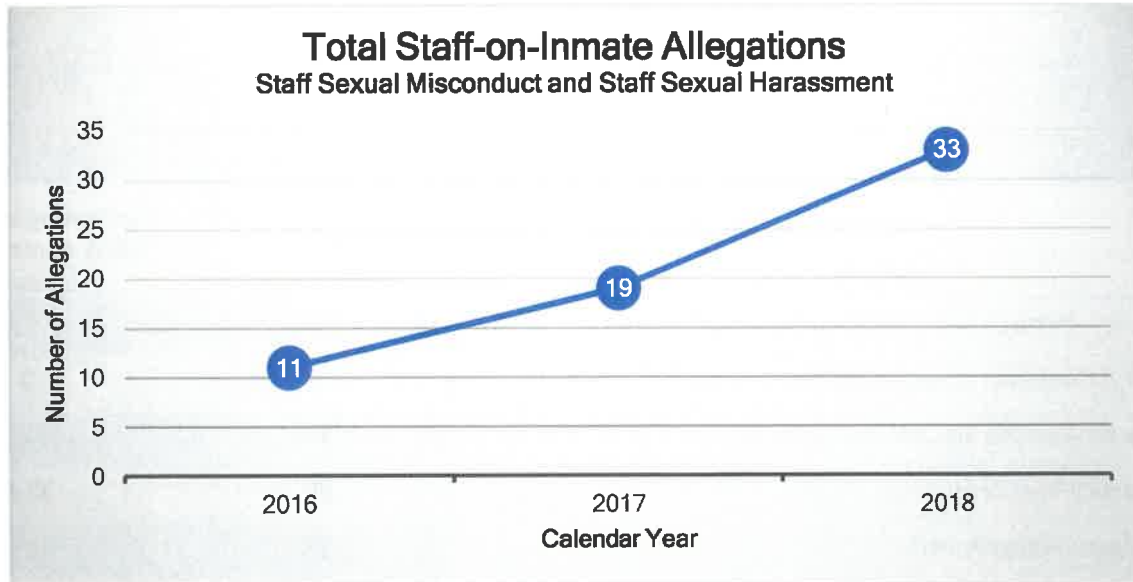
Staff-on-Inmate allegations are investigated by the Virginia Beach Sheriff's Office Professional Standards and Accountability Office (PSO). Allegations received where evidence of conduct supports criminal behavior may be referred to the Virginia Beach Sheriff's Office Criminal Intelligence Unit (Intel) 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 33 allegations involving staff members in 2018. This reflects an approximate 74% increase from 2017 for a difference of 14 cases. A review of the data reveals the following demographics:

Avenues Used for Submission of Staff-on-Inmate Allegations

- Emergency Grievance - 33%
- PREA Hotline - 24%
- Notification to staff member - 15%
- Standard Grievance - 9%
- Inmate Request Form - 6%
- Other - 6%
- Notification to Medical staff member - 3%
- Outside Third Party - 3%

*Percentages in all charts rounded to nearest whole number

Percentage of Inmate Population Submitting Allegations

- Male Inmates - 79%
- Female Inmates - 21%
- Juvenile Inmates - 0%

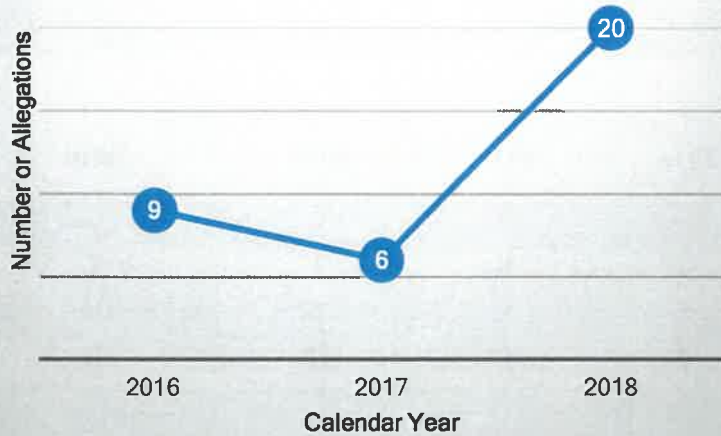
Percentage of Above Inmate Population Assigned to Mental Health Housing Unit

52%

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.



Staff-on-Inmate Sexual Misconduct Allegations



Overall, 61% of the total staff-on-inmate allegations for 2018 were for staff sexual misconduct while 39% were for staff sexual harassment.

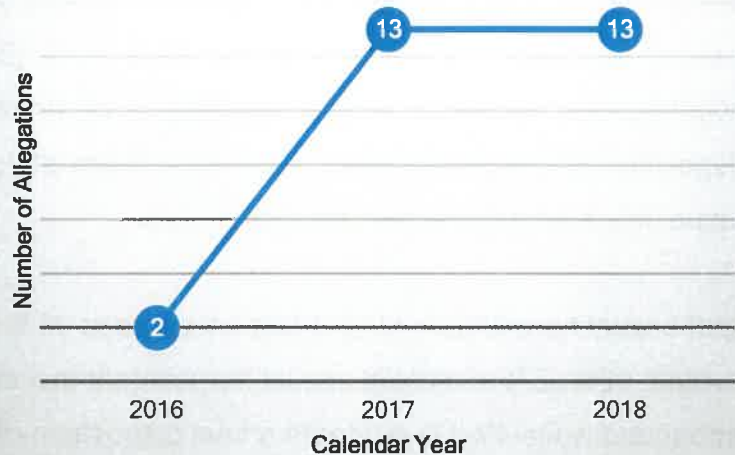
Staff-on-Inmate Sexual Misconduct

The Sheriff's Office investigative case load for staff sexual misconduct allegations increased by 14 cases for calendar year 2018 for a total of 20 cases. The final disposition of the cases based upon the preponderance of evidence during the investigative process resulted in 19 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 remained constant from 2017 to 2018, showing no decrease or increase to the investigative case load. Moreover, all 13 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 2016 - 2018

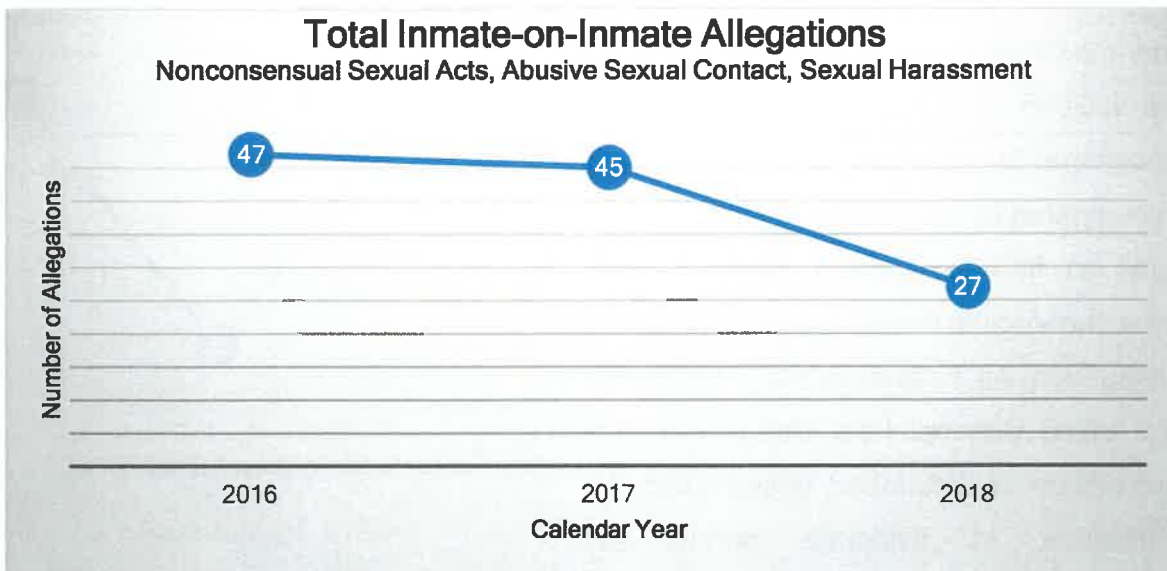


| Staff Sexual Misconduct | 2016 | 2017 | 2018 | Total |
|--------------------------------|-------------|-------------|-------------|--------------|
| <i>Substantiated</i> | 0 | 0 | 0 | 0 |
| <i>Unsubstantiated</i> | 0 | 0 | 1 | 1 |
| <i>Unfounded</i> | 9 | 6 | 19 | 34 |
| Total Cases | 9 | 6 | 20 | 35 |
| Staff Sexual Harassment | | | | |
| | 2016 | 2017 | 2018 | Total |
| <i>Substantiated</i> | 1 | 0 | 0 | 1 |
| <i>Unsubstantiated</i> | 0 | 0 | 0 | 0 |
| <i>Unfounded</i> | 1 | 13 | 13 | 27 |
| Total Cases | 2 | 13 | 13 | 28 |
| Aggregated Total | 11 | 19 | 33 | 63 |

An aggregation of the three year data reflects that Staff Sexual Misconduct allegations comprise 56% of the total staff-on-inmate complaints. Although the Sheriff's Office experienced a sharp increase in allegations during 2018, 97% (34) of the total Staff Sexual Misconduct investigations rendered a final disposition of unfounded while 3% (1) 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 44% of the total staff-on-inmate complaints. Overall, 96% (27) of all staff sexual harassment investigations rendered a final disposition of unfounded while 4% (1) 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 decreased by 41% from 2017 to 2018 for a difference of 19 cases. A review of the data reveals the following demographics:

| Avenues Used for Submission of Inmate-on-Inmate Allegations |
|---|
| ➤ Notification to staff member - 52% |
| ➤ Inmate Request Form - 30% |
| ➤ PREA Hotline - 11% |
| ➤ Emergency Grievance - 4% |
| ➤ Deputy Observation - 4% |
| <small>*Percentages in all charts rounded to nearest whole number</small> |

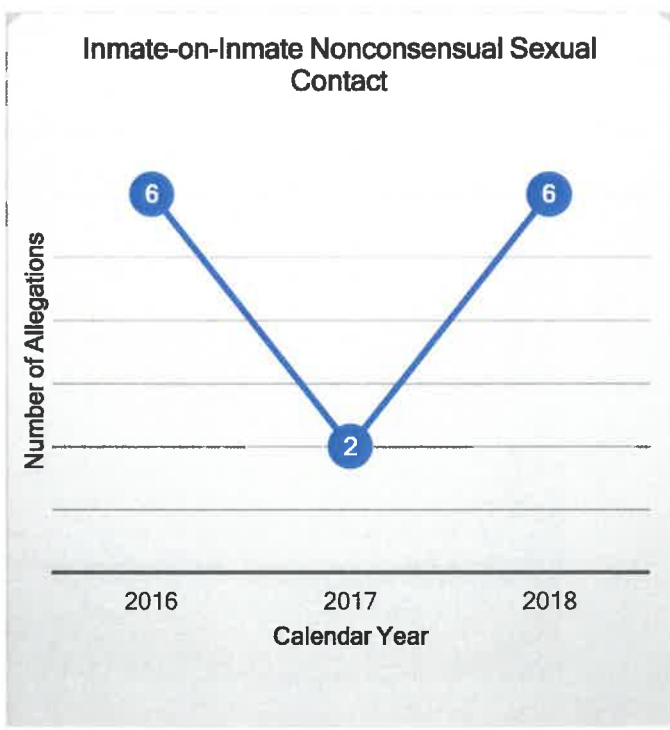
| Percentage of Inmate Population Submitting Allegations |
|--|
| ➤ Male Inmates - 63% |
| ➤ Female Inmates - 37% |
| ➤ Juvenile Inmates - 0% |

| Percentage of Above Inmate Population Assigned to Mental Health Housing Unit |
|--|
| 41% |

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.

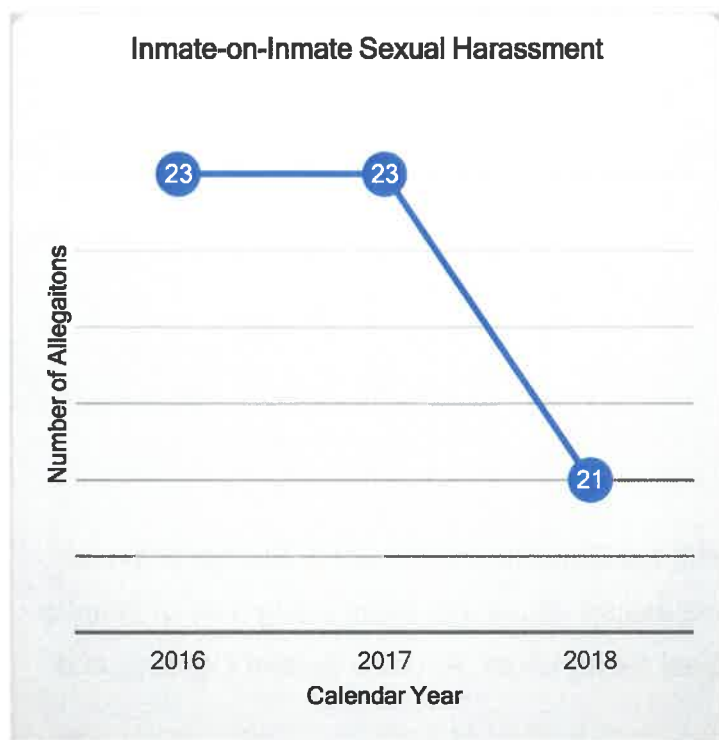
Inmate-on-Inmate Nonconsensual Sexual Acts

The Sheriff's Office experienced an increase of 4 cases in 2018 for a total of 6 allegations of Nonconsensual Sexual Acts. Of the 6 cases, 3 were investigated by the Sheriff's Office Criminal Intel Unit to final disposition while 3 were referred to the Virginia Beach Police Department for investigation. All 3 cases investigated by the Sheriff's Office Criminal Intel Unit rendered a final disposition of unfounded based upon the preponderance of evidence during the investigative process.



Inmate-on-Inmate Abusive Sexual Contact

The Sheriff's Office did not receive any allegations of Inmate-on-Inmate Abusive Sexual Contact during calendar year 2018.



Inmate-on-Inmate Sexual Harassment

The Sheriff's Office experienced an approximate 9% decrease in Inmate-on-Inmate Sexual Harassment allegations for a difference of 2 cases within calendar year 2018. Of the 21 cases for 2018, 71% (15) rendered a final disposition of unfounded while 5% (1) rendered a final disposition of unsubstantiated and 24% (5) rendered a final disposition of substantiated as a result of the preponderance of evidence.

Aggregation of Inmate-on-Inmate Data 2016-2018



| <i>Inmate-on-Inmate Nonconsensual Sexual Acts</i> | 2016 | 2017 | 2018 | Total |
|---|-------------|-------------|-------------|--------------|
| <i>Substantiated</i> | 0 | 0 | 0 | 0 |
| <i>Unsubstantiated</i> | 1 | 0 | 0 | 1 |
| <i>Unfounded</i> | 4 | 0 | 3 | 7 |
| <i>VBPD</i> | 1 | 2 | 3 | 6 |
| Total Cases | 6 | 2 | 6 | 14 |
| | | | | |
| <i>Inmate-on-Inmate Abusive Sexual Contact</i> | 2016 | 2017 | 2018 | Total |
| <i>Substantiated</i> | 4 | 0 | 0 | 4 |
| <i>Unsubstantiated</i> | 5 | 0 | 0 | 5 |
| <i>Unfounded</i> | 8 | 20 | 0 | 28 |
| <i>VBPD</i> | 1 | 0 | 0 | 1 |
| Total Cases | 18 | 20 | 0 | 38 |
| | | | | |
| <i>Inmate-on-Inmate Sexual Harassment</i> | 2016 | 2017 | 2018 | Total |
| <i>Substantiated</i> | 5 | 9 | 5 | 19 |
| <i>Unsubstantiated</i> | 4 | 1 | 1 | 6 |
| <i>Unfounded</i> | 14 | 13 | 15 | 42 |
| <i>VBPD</i> | 0 | 0 | 0 | 0 |
| Total Cases | 23 | 23 | 21 | 67 |
| | | | | |
| Aggregated Total | 47 | 45 | 27 | 119 |

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.

| Classification of Inmate-on-Inmate Allegation | Total Cases | % of Total Volume |
|--|--------------------|--------------------------|
| <i>Nonconsensual Sexual Acts</i> | 14 | 12% |
| <i>Abusive Sexual Contact</i> | 38 | 32% |
| <i>Sexual Harassment</i> | 67 | 56% |
| Total Cases | 119 | |

Overall, the aggregated three year data confirms that 65% of the total inmate-on-inmate investigations resulted in a final disposition of unfounded; 19% were substantiated; 10% were unsubstantiated; and 6% were referred to the Virginia Beach Police Department 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.

Nonconsensual Sexual Acts % by Type of Case

| | |
|------------------------|-----|
| <i>Substantiated</i> | 0 |
| <i>Unsubstantiated</i> | 7% |
| <i>Unfounded</i> | 50% |
| <i>VBPD</i> | 43% |

Abusive Sexual Contact % by Type of Case

| | |
|------------------------|-----|
| <i>Substantiated</i> | 11% |
| <i>Unsubstantiated</i> | 13% |
| <i>Unfounded</i> | 74% |
| <i>VBPD</i> | 3% |

Sexual Harassment % by Type of Case

| | |
|------------------------|-----|
| <i>Substantiated</i> | 28% |
| <i>Unsubstantiated</i> | 9% |
| <i>Unfounded</i> | 63% |
| <i>VBPD</i> | 0% |

Problem Areas and Corrective Action

In 2017, the investigative process revealed trends whereas inmates were submitting PREA allegations as an end to circumvent established procedures in order to expedite a response to non-PREA related issues. Other trends indicated that inmates were submitting PREA allegations, where no PREA violation existed, as a means of attempting to write other inmates out of the housing unit or attempting to secure another housing assignment for themselves.

The Sheriff's Office recognized these trends and responded by refining the protocol whereas a supervisor conducted an assessment of a submitted allegation directly with the inmate to determine if the allegation rose to the threshold of PREA. All allegations that met the established threshold were forwarded to the appropriate Investigative Unit for further investigation. All allegations that did not rise to the threshold of PREA and were ruled out as a PREA violation were handled in accordance with Sheriff's Office Policies and Procedures as well as the Rules and Regulations of the Virginia Beach Correctional Center at the Watch Team level. All allegations received as a PREA allegation were formally documented on a Sheriff's Office Incident Report.

The 2018 data presented within this report established a 40% decrease in Inmate-on-Inmate investigations conducted from 2017 to 2018. The decline is attributable to the refinement and training on the aforementioned assessment protocol. Notably, the total number of inmate-on-inmate investigations conducted during 2018 is consistent with the approximate number of inmate-on-inmate investigations conducted each year in 2014 and 2015 during the self-assessment phase of PREA implementation.

There remains no manifested trends in the alleged locations of the incidents as the alleged incident locations are dispersed throughout the facility.

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.

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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