

OFFICE OF THE SHERIFF

CITY OF VIRGINIA BEACH



PREA ANNUAL REPORT

2017

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Sheriff/High Constable
www.vbso.net

Annual Report of Sexual Assault Data Findings and Corrective Actions

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Introduction

Each year, the Virginia Beach Sheriff's Office collects accurate, uniform data for every allegation of sexual abuse for public and internal use. This report provides a comparison of incidents from 2015, 2016, and 2017 and is utilized by the Sheriff's Office Prison Rape Elimination Act (PREA) Coordinator to identify problem areas and formulate corrective measures in efforts of reducing future incidents of sexual abuse. This report has been approved by Ken Stolle, Sheriff/High Constable.

Data

This report provides data concerning the number of staff-on-inmate and inmate-on-inmate allegations within the male and female 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, custody, or care of the Virginia Beach Sheriff's Office is never a basis for terminating an investigation. The Sheriff's Office does not release information pertaining to investigations.

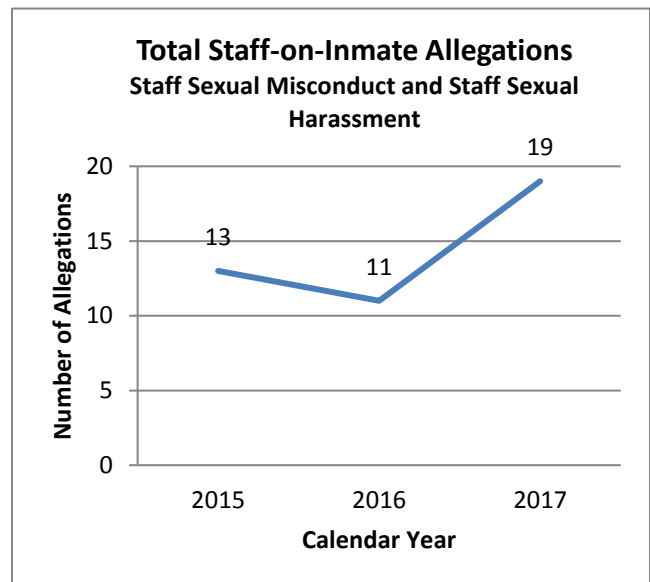
All data in this report is maintained for at least ten years after the date of the initial collection. All personally identifiable information is omitted from this report in order to protect the identity of the inmates and staff members involved in the associated investigations.

I. Staff-on-Inmate Allegations

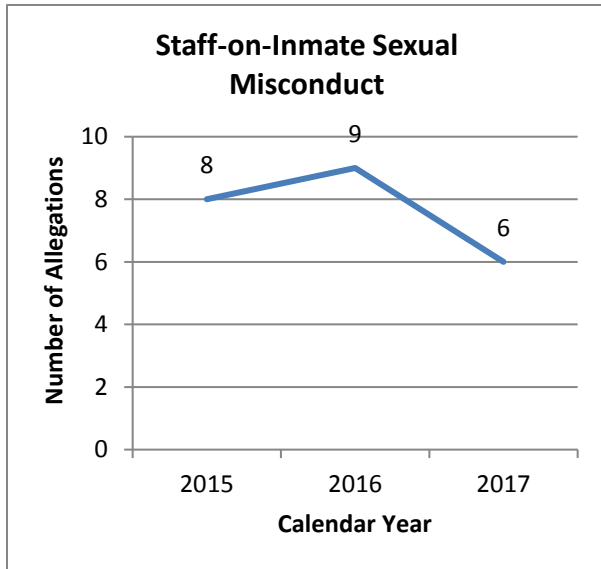
The Sheriff's Office received a total of 19 allegations involving staff members in 2017. This reflects a 73% increase from 2016 for a difference of 8 cases.

A review of the 2017 data shows that 54% of the allegations involving a staff member were submitted by inmates assigned to a Mental Health Housing Unit or to Detox/Suicide Watch, a higher level of security housing.

Furthermore, 95% of the allegations involving staff members were submitted by the male inmate population while 5% were submitted by the female inmate population.

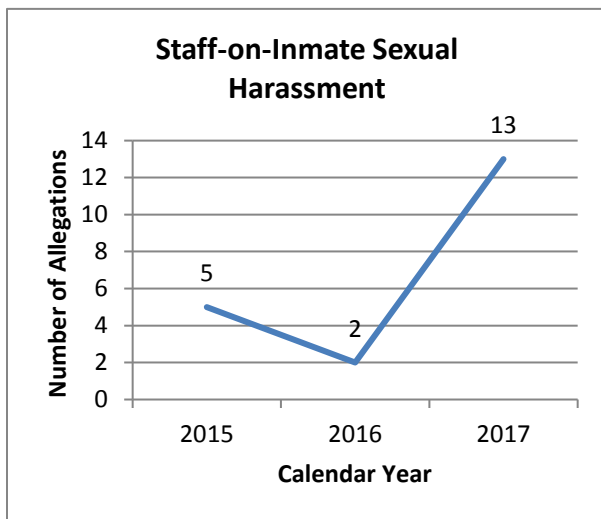


For purposes of this report and consistent with the Department of Justice Survey of Sexual Victimization (SSV), this report disaggregates staff-on-inmate allegations into two categories: staff sexual misconduct and staff sexual harassment (see glossary for definitions).



Staff-on-Inmate Sexual Misconduct

The Sheriff’s Office experienced a decrease in Staff Sexual Misconduct allegations received from 2016 to 2017, with a difference of 3 cases comprising a total of 6 allegations for 2017. An aggregation of the data reflects that Staff Sexual Misconduct allegations comprise 53% of the total staff-on-inmate allegations received over the last three years for a total of 23 cases. All 23 cases resulted in a final disposition of unfounded based upon the preponderance of evidence during the investigative process.



Staff-on-Inmate Sexual Harassment

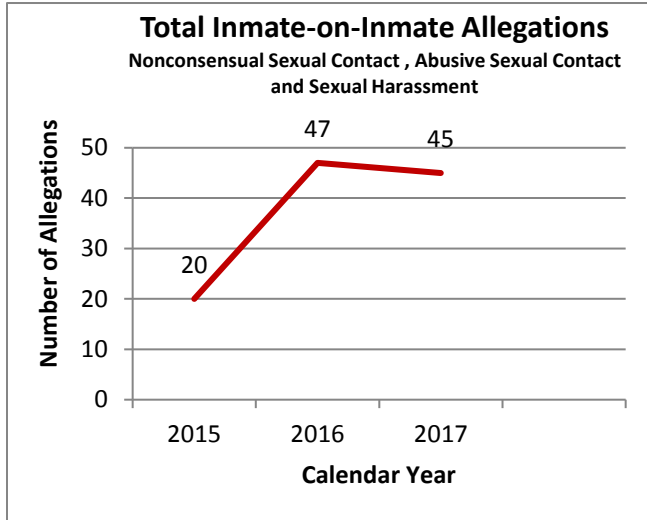
The Sheriff’s Office experienced an increase in Staff-on-Inmate Sexual Harassment allegations received from 2016 to 2017, with a difference of approximately 11 cases comprising a total of 13 allegations for 2017. All 13 allegations received in 2017 resulted in a final disposition of unfounded based upon the preponderance of evidence during the investigative process.

Staff-on-inmate Sexual Harassment allegations comprise 47% of the total staff-on-inmate allegations (20) received over the last three years. An aggregation of the overall data shows that 18 of the 20 total allegations (90%) of Staff Sexual Harassment received resulted in a final disposition of unfounded, 1 (5%) resulted in a final disposition of unsubstantiated, and 1 (5%) resulted in a final disposition of substantiated (see glossary for definitions of terms).

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.

II. Inmate-on-Inmate Allegations



The total inmate-on-inmate allegations received in 2017 declined by 2% from 2016 after experiencing a sharp increase from 2015 to 2016.

Statistical data from the Local Inmate Data System (LIDS) indicates an average daily inmate population of 1,365 inmates in 2017 with a demographic representation trending around approximately 11% females and approximately 89% males.

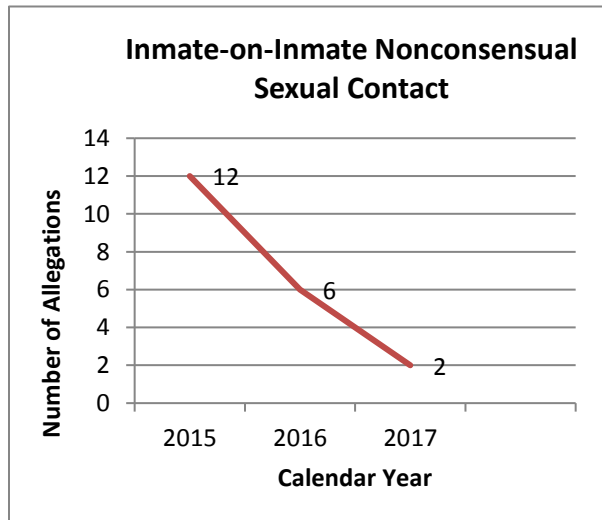
An analysis of the 2017 data shows 43% of the inmate-on-inmate allegations originated from the female inmate population while 57% of the allegations originated from the male inmate population. A broader examination displays that approximately 13% of the total inmate-on-inmate allegations received in 2017 originated from inmates housed within a Mental Health Housing Unit. The 13% was equally dispersed between the female and male populations.

An analysis of the 2017 data shows 43% of

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 (refer to glossary for definitions of terms).

Nonconsensual Sexual Acts

Allegations of Inmate-on-inmate Nonconsensual Sexual Acts have consistently declined since 2015 with an overall decrease of 83%. An aggregation of data reveals that substantiated cases remains low at approximately 5% of the total cases within this

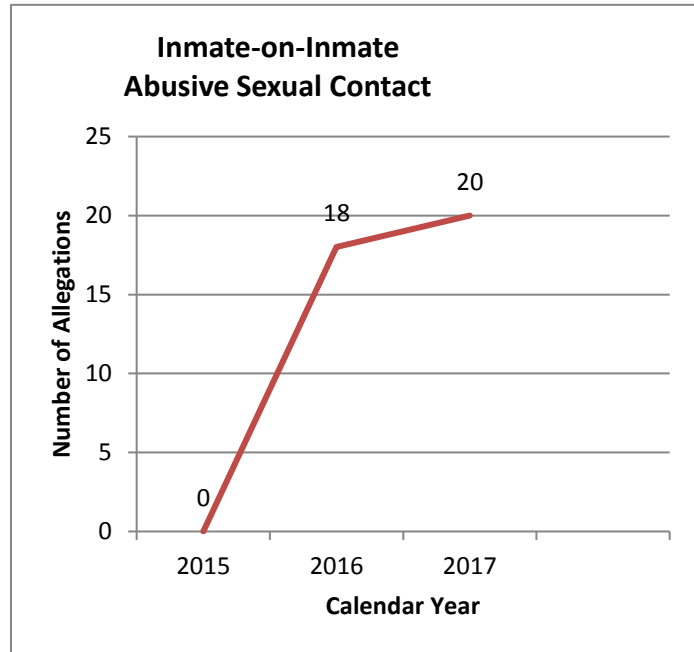


category compared to unsubstantiated cases at approximately 33%, unfounded cases at approximately 48%, with 14% of the cases referred to the Virginia Beach Police Department for investigation.

Abusive Sexual Contact

The Sheriff's Office experienced a slight increase in allegations of Inmate-on-Inmate Abusive Sexual Contact from 2016 to 2017 for a total of 20 allegations for 2017. All 20 allegations were investigated and resulted in a final disposition of unfounded.

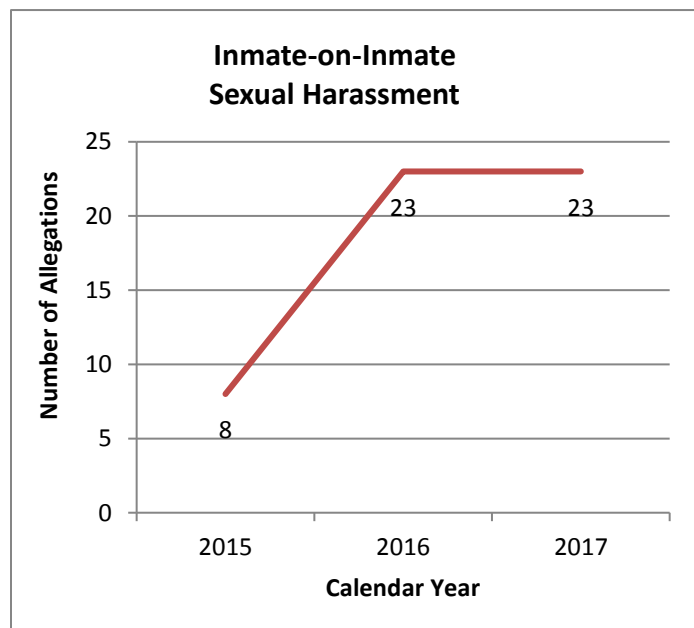
As a whole, an aggregation of the data reflects that 73% of all cases within this category over the last 3 years are unfounded, 14% are unsubstantiated, 11% are substantiated, and 2 % were referred to the Virginia Beach Police Department for investigation.



Sexual Harassment

Inmate-on-Inmate Sexual Harassment allegations remained constant from 2016 to 2017 with a total of 23 allegations each year. A review of the 2017 final disposition statistics indicate that 57% were unfounded, 4% were unsubstantiated, and 39% were substantiated.

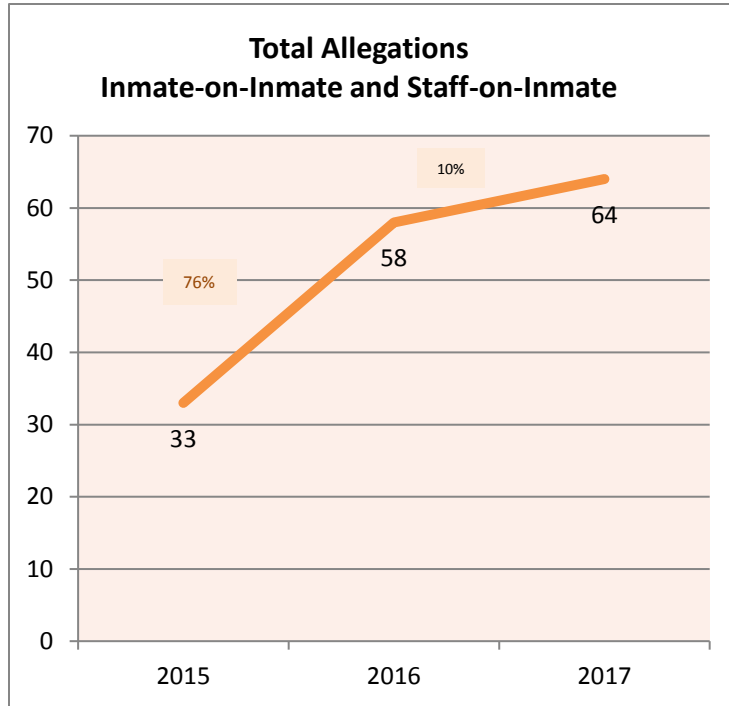
Inmate-on-inmate allegations are investigated by the Virginia Beach Sheriff's Office Criminal Intelligence Unit. Allegations received or incidents



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.

Data Summary

The Sheriff's Office has experienced an approximate 94% overall increase in total PREA allegations received since implementation of the PREA standards in 2015, including both staff-



on-inmate and inmate-on-inmate allegations. An examination of the data displays a 76% increase in total allegations reported in 2016 for a difference of 25 cases from 2015 followed by a 10% increase in total allegations reported in 2017 for a difference of 6 cases from 2016.

Although the total number of allegations has increased each year, approximately 95% of all staff-on-inmate allegations and approximately 60% of all inmate-on-inmate allegations investigated since 2015 rendered a final disposition of **unfounded** based upon the

preponderance of evidence during the investigative process.

Final dispositions of **unsubstantiated** remain low at approximately 2% for all staff-on-inmate allegations and approximately 18% for all inmate-on-inmate allegations.

Final dispositions of **substantiated** also remain low at approximately 2% for all staff-on-inmate allegations and approximately 19% for all inmate-on-inmate allegations.

Cases referred to the Virginia Beach Police Department for investigation remain low at 3% of all inmate-on-inmate allegations. No cases involving staff members have been referred to the Virginia Beach Police Department for investigation.

Overall, the data implies that the procedures enacted at the Virginia Beach Correctional Center have established a culture of reporting, which is beneficial to the staff and the inmate population. Supporting this conclusion is a review of the reporting mechanisms available to the inmates.

An analysis of the 46 inmate-on-inmate allegations received in 2017 indicates the allegations were received via the following methods:

- 45% inmate contact;
- 28% inmate correspondence;
- 11% anonymous correspondence;
- 4% third party;
- 4% letters;
- 2% deputy observation;
- 2% anonymous grievance;
- 2% emergency grievance;
- 2% telephone call

The inmates are also utilizing the PREA Hotline (YWCA South Hampton Roads 24-Hour Coordinated Crisis Response Hotline) to report alleged incidents. The process of receiving information back from the PREA Hotline showed that most allegations submitted to the Hotline by inmates were likewise reported to staff members via one of the aforementioned methods.

No apparent trend was seen respective to the locations of alleged incidents. Most of the alleged incidents were reportedly occurring within the inmate housing units and were equally dispersed throughout the facility.

Problem Areas and Corrective Action

The investigative process revealed a trend whereas submission of a PREA allegation is being used as a tool by the inmates whereas inmates are seeking other housing assignments for themselves, seeking to write other inmates out of their current housing unit, and/or attempting to remove a particular deputy from their assigned duty post.

A review of the case dispositions conducted by the Investigative Divisions revealed that the majority of **unfounded** inmate-on-inmate allegations stem from an inmate trying to write another inmate out of the housing unit. The majority of **unfounded** staff-on-inmate allegations stem from an inmate attempting to remove a deputy from their assigned duty post.

The investigative process also revealed another trend whereas inmates are using PREA to address issues non-related to PREA in order to bypass currently established procedures and expedite a response to non-PREA related concerns.

Sheriff's Office personnel recognize these trends and have responded by modifying currently established protocols in determining if an allegation rises to the threshold of PREA. The Sheriff's Office will reinforce the revised protocols by providing appropriate training to all personnel in 2018.

All allegations rising to the threshold of PREA will continue to be investigated to final disposition.

Those allegations not rising to the threshold of PREA and any non-related PREA issue submitted as a PREA allegation will be handled according to Sheriff's Office Policies and Procedures and/or the Rules & Regulations for Virginia Beach Correctional Center Inmate Handbook issued to all inmates during the Intake/Classification process.

The Sheriff's Office maintains a proactive response in situations where corrective action is warranted.

Summary

The Virginia Beach Sheriff's Office received a 100% compliance rating in August 2017 for the second PREA Audit cycle following a 100% compliance rating received on the initial audit during the first PREA Audit cycle.

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.

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.

III. 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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