
2016 PREA ANNUAL REPORT

ARLINGTON COUNTY SHERIFF'S OFFICE

BACKGROUND

The Prison Rape Elimination Act (PREA) was passed by Congress and signed into law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse that occurs in confinement settings. On June 20, 2012, the Department of Justice (DOJ) published national standards for helping to reduce prison rapes that were developed by the National Prison Rape Elimination Commission. PREA applies to adult prisons and jails, juvenile confinement facilities, lockups and community confinement facilities.

Implementation of these PREA standards to combat sexual abuse in confinement facilities will be contingent upon effective agency and facility leadership, and the development of an agency's principles prioritizing efforts to combat sexual abuse. The Arlington County Sheriff's Office (ACSO) has a zero tolerance for any incidence of rape, sexual assault or sexual misconduct and complies with all applicable components of the Prison Rape Elimination Act (PREA) of 2003.

ARLINGTON COUNTY SHERIFF'S OFFICE APPROACH

The ACSO has long supported principles associated with PREA. Even before the passing of the PREA standards, the ACSO required mandatory annual sexual misconduct training to all staff, specific to the prevention, identification, reporting, and handling of inmate sexual misconduct/sexual assault, including common indicators of misconduct. Other efforts included, but were not limited to:

- Continued to revise the ACSO policy as it relates to sexual abuse and misconduct.
- Continued education concerning sexual misconduct/sexual assault throughout the facility.

Since the passing of the Federal PREA standards, the ACSO designated a Captain within the Office whose role is that of the PREA Coordinator & Accreditation Section Supervisor. A substantial part of this position is to ensure compliance with the PREA standards by continual development, implementation, and overseeing of the PREA policies and procedures. This includes revising existing policy and establishing new policies to continually improve both staff and inmate's response(s) to incidents of sexual abuse. An external PREA Hotline was established and implemented to ensure that there is an independent outlet for inmates to report incidents of sexual abuse while providing anonymity. The ACSO entered into a Memorandum of Agreement with the Arlington County Department of Health and Human Service(DHS) Violence Intervention Program (VIP) to provide incarcerated victims of sexual abuse appropriate victim advocate support.

Pursuant to §115.87 of the PREA standard, data is collected, aggregated and reviewed in regards to reports of sexual abuse incidents. Subsequently, the statistics are published in an annual report and made public on the ACSO website mandated by PREA standard §115.88.

In compliance with this standard, the statistics below detail the incidents of sexual abuse from *January 1, 2016 to December 31, 2016*, and provides the following:

- ACSO definitions;
- Findings of reported incidents of sexual abuse; and
- Corrective actions.

DEFINITIONS

Once a report of sexual abuse has been initiated and investigated, the incident is assigned a number and entered into a database maintained by the PREA Coordinator. The incident will be classified using one of the following findings:

- **SUSTAINED/SUBSTANTIATED** - allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.
- **NOT SUSTAINED/UNSUBSTANTIATED** - insufficient evidence to either prove or disprove the allegation.
- **UNFOUNDED** - allegation is false or the action did not involve a Sheriff's Office employee.
- **EXONERATED** - incident occurred, but was lawful and proper.

PREA Standard 115.6 specifically defines sexual abuse in terms of inmate-on-inmate, staff-on-inmate, along with sexual harassment and voyeurism. The Arlington County Sheriffs' Office utilizes the PREA definitions:

- **INMATE-ON-INMATE** - sexual abuse of an inmate, detainee, or resident *by* another inmate, detainee, or resident 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; and (4) 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.
- **STAFF-ON-INMATE** - sexual abuse of an inmate, detainee, or resident *by* a staff member,

- contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident: (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 staff member, 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 staff member, 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition; (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and (8) Voyeurism by a staff member, contractor, or volunteer.
- **SEXUAL HARASSMENT**- includes (1) 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, detainee, or resident directed toward another; and (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- **VOYEURISM**- means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.

SEXUAL ABUSE REPORT ACTIVITY

Inmates may confidentially disclose incidents of sexual abuse and sexual harassment to any Sheriff’s Office employee, either verbally or in writing. This process allows for confidential reporting by inmates 24 hours per day, 7 days per week. The administrative investigation shall be completed no later than 90 days of the initial filing of the complaint or grievance; or within 5 days of filing an emergency grievance.

PREA STATISTICS

Inmate-on-Inmate Allegations of Sexual Abuse	2015	2016
Substantiated	3	1
Unsubstantiated	2	3
Unfounded	1	12*

TOTAL	6	16
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**One unfounded case occurred at another facility. This facility was notified of the allegations.*

Staff-on-Inmate Allegations of Sexual Abuse	2015	2016
Substantiated	0	1
Unsubstantiated	0	3
Unfounded	1	5
TOTAL	1	9

** The one substantiated case of staff-on-inmate resulted in the employee being terminated.*

Thorough and systematic investigations of sexual victimization are always conducted by the Arlington County Sheriff’s Office. Such investigations incorporate current incident review criteria pursuant with PREA standard §115.86 to include:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics within the ACSO;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this section, and any recommendations for improvement and submit such report to the Sheriff and PREA compliance manager.

For all sexual abuse allegations in 2016 no change in policy or practice was required, no physical barriers were identified and there were adequate staffing levels. We continue to use our sexual abuse incident review team (SAIRT), composed of upper-level management, front line supervisors, investigators, and medical and mental health practitioners. All sexual abuse investigations comply with PREA standard §115.86. The Arlington County Sheriff’s Office will continue to make appropriate changes where necessary to ensure a safe, secure environment for inmates, staff and the community.