
2013 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. The National Prison Rape Elimination Commission developed national standards for reducing prison rape, which became final on June 20, 2012, when they were published by the Department of Justice (DOJ) in the Federal Register. PREA applies to adult prisons and jails, juvenile confinement facilities, lockups and community confinement facilities.

Implementation of the PREA standards in combating 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 prevention of rape, sexual assault, or sexual misconduct is a top priority for the Arlington County Sheriff's Office. We have a zero tolerance for any incidence of rape, sexual assault or sexual misconduct; and makes every effort to comply with applicable components of the Prison Rape Elimination Act (PREA) of 2003.

ACSO APPROACH

The Arlington County Sheriff's Office has long supported principles associated with the Prison Rape Elimination Act of 2003. Respectively, years before the passing of the PREA guidelines, 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 not limited to:

- Revised the ACSO policy as it relates to sexual abuse and misconduct.
- Created a PREA Coordinator position.
- Developed a sexual misconduct orientation brochure for inmates.
- Implemented a victimization assessment during initial intake.

Since the passing of the new 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 the new position is to further develop, implement, and oversee ASCO efforts to comply with PREA standards. Furthermore, the office has revised existing policy and established new policies to improve both staff and inmates response(s) to incidents of sexual abuse. We established and implemented an external PREA Hotline as an independent outlet for inmates to report incidents of sexual abuse; and to provide anonymity. The ACSO has entered into a Memorandum of Agreement with the Arlington County 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 are collected, aggregated and reviewed in regards to reports of sexual abuse incidents. Subsequently, the statistics are published in an annual report, made public, via the ACSO website mandated by PREA standard §115.88. This annual report will cover reports of sexual abuse incidents from *January 1, 2013 to December 31, 2013*, and provide the following:

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

DEFINITIONS

Once a report of sexual abuse has been accepted and investigated, the incident will be assigned a number and the disposition recorded in an internal affairs database. 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. Arlington County Sheriffs' Offices utilizes the PREA definitions in its promulgation of data:

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	
Substantiated	5*
Unsubstantiated	2
Unfounded	0
TOTAL	7

* *The five substantiated cases of inmate-on-inmate sexual abuse involved sexual harassment and some touching.*

Staff-on-Inmate Allegations of Sexual Abuse	
Substantiated	0
Unsubstantiated	0
Unfounded	4
TOTAL	4

Years before PREA was passed, thorough and systematic investigations of sexual victimization were conducted by the Arlington County Sheriff’s Office. Such investigations embraced current incident review criteria pursuant with §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.

In 2013, in all of the allegations of sexual abuse, there was no change of policy or practice needed, no physical barriers identified and adequate staffing levels was identified. To date, we have created a sexual abuse incident review team (SAIRT), composed of upper-level management, front line supervisors, investigators, medical and mental health practitioners. As we move forward, all sexual abuse investigations will 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 both inmates, staff and community.