

PREA Facility Audit Report: Final

Name of Facility: Virginia Beach Correctional Center

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 05/11/2020

The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
Auditor Full Name as Signed: Paul Perry	Date of Signature: 05/11/2020

AUDITOR INFORMATION	
Auditor name:	Perry, Paul
Address:	
Email:	paul.perry@carolinedf.org
Telephone number:	
Start Date of On-Site Audit:	04/14/2020
End Date of On-Site Audit:	04/16/2020

FACILITY INFORMATION	
Facility name:	Virginia Beach Correctional Center
Facility physical address:	2501 James Madison Blvd, Virginia Beach, Virginia - 23456
Facility Phone	
Facility mailing address:	

Primary Contact	
Name:	Captain Christina Mapes
Email Address:	cmapes@vbso.net
Telephone Number:	7573856357

Warden/Jail Administrator/Sheriff/Director	
Name:	Ken W. Stolle
Email Address:	kstolle@vbso.net
Telephone Number:	757-385-4073

Facility PREA Compliance Manager	
Name:	
Email Address:	
Telephone Number:	

Facility Health Service Administrator On-site	
Name:	Desiree Ingram
Email Address:	desiree.ingram@naphcare.com
Telephone Number:	757-385-7392

Facility Characteristics	
Designed facility capacity:	889
Current population of facility:	1317
Average daily population for the past 12 months:	1341
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	
Age range of population:	18-79
Facility security levels/inmate custody levels:	min, med, max
Does the facility hold youthful inmates?	Yes
Number of staff currently employed at the facility who may have contact with inmates:	537
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	212
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	102

AGENCY INFORMATION	
Name of agency:	Virginia Beach Sheriff's Office
Governing authority or parent agency (if applicable):	
Physical Address:	2501 James Madison Blvd, Virginia Beach, Virginia - 23456
Mailing Address:	
Telephone number:	

Agency Chief Executive Officer Information:	
Name:	
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information			
Name:	Christina Mapes	Email Address:	cmapes@vbso.net

AUDIT FINDINGS

Narrative:

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-audit, on-site audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

The Virginia Beach Sheriff's Office contracted with PREA Auditors of America, 14506 Lakeside View Way, Cypress, TX 77429 for Prison Rape Elimination Act audit services of the Virginia Beach Correctional Center. The Auditor has been certified by the United States Department of Justice to conduct PREA audits of adult facilities. The purpose of this audit was to determine the Virginia Beach Correctional Center's level of compliance with standards required by the Prison Rape Elimination Act of 2003. This is the third Prison Rape Elimination Act audit of the Virginia Beach Sheriff's Office's, Virginia Beach Correctional Center facility. The facility was last audited in August 2017.

The Auditor sent a notice by email to the agency's PREA Coordinator on March 4, 2020. The notice contained information and an address, informing inmates how to confidentially contact the Auditor prior to arriving on site. This notice was emailed in an English and Spanish version. The notice informed the inmate population their communications to the Auditor's address would be treated as confidential correspondence by facility staff. The notice required an agency representative's name and date upon posting the notice in areas throughout the facility. While touring the facility the Auditor observed all notices were posted on March 9, 2020 in all inmate living units by the PREA Coordinator. Notices were posted in various other areas where inmates frequent. The Auditor received one correspondence from an inmate prior to arriving at the facility.

The Auditor received the VBSO completed Pre-Audit Questionnaire through the Online Audit System (AOS). The Pre-Audit Questionnaire was completed and submitted to the AOS on February 12, 2020. The Auditor began a review of the submitted materials after receipt. The information sent by the agency's PREA Coordinator included; but was not limited to: policies, procedures, annual reports, organizational chart, forms, training materials, educational materials, staffing plan, population reports, contractor and volunteer records, Memorandums of Understanding, investigative records, medical documentation, inmate records, contracts and Inmate Handbook.

Once a contract between the PREA Auditors of America and the Virginia Beach Sheriff's Office was signed and the Pre-Audit Questionnaire was completed, the Auditor began communications with the VBSO PREA Coordinator through email. Prior to arriving on site, the Auditor asked questions and specifically requested additional information. The VBSO PREA Coordinator responded quickly to communications from the Auditor. The Auditor maintained communications with the PREA Coordinator prior to arrival and after completing the on-site portion of the audit.

The Auditor observed the facility has a contract with the YWCA for community support services. The Auditor requested the contact information of the YWCA and was provided the information by the VBSO PREA Coordinator while on site. The Auditor attempted to contact the YWCA. The Auditor spoke to a staff member and left his contact information for a victim advocate to return the Auditor's call. The Auditor's call was not returned by a victim advocate. The Auditor discovered the VBSO maintained a Memorandum of Understanding with the YWCA for victim advocacy. The VBSO contacts the YWCA in the event victim advocacy is requested by an inmate.

The Auditor discovered the VBSO maintained a Memorandum of Understanding with the Chesapeake Forensic Specialists. The contact information was not included in the OAS. The Auditor requested the contact information of a SANE with the Chesapeake Forensic Specialists. The PREA Coordinator provided the contact information while on site. The Auditor contacted the SANE by telephone and conducted a formal interview through the telephone. The Auditor familiarized himself with the memorandum prior to the telephone interview. The interview provided the Auditor with an understanding of the level and scope of services provided to VBSO inmates following an allegation of sexual abuse. Details of the telephone interview are provided in the applicable sections of this report.

The Auditor conducted a review of the Virginia Beach Sheriff's Office website (www.vbso.net). The website includes a link to access the agency's published Prison Rape Elimination Act information. The website includes information regarding the agency's zero-tolerance and investigation practices, annual reports, and previous PREA audit report. The public is provided information regarding the agency's coordinated response plan and is provided information how to submit a third party allegation.

The Auditor arrived at the Virginia Beach Correctional Center the morning of April 14, 2020. The Auditor discussed the audit process with the PREA Coordinator. The facility had made operational adjustments in an effort to reduce the risk of COVID-19 exposure. The auditor chose not to meet with command staff as is typical on the first day of the audit. The Auditor was provided a surgical mask and informed to wear the mask while onsite. The Auditor briefly met with the Virginia Beach Sheriff prior to touring the facility. The PREA Coordinator escorted the Auditor on a complete tour of the facility. The Auditor chose not to informally interview staff or inmates while touring the facility.

The Auditor was allowed full access to all areas in the Virginia Beach Correctional Center. The tour included visits to all inmate housing units, administrative areas, intake, property, control center, visitation, recreation areas, medical, laundry, library, and food service. While touring the facility the Auditor observed for blind spots, opposite gender announcements, overall supervision level, staff interactions with the population and camera placements. The Auditor observed posted PREA materials while touring the facility.

During the facility tour, the Auditor observed staff making security rounds, staff interacting with the inmate population, medical practitioners conducting pill call, commissary distribution, meal deliveries, inmates working in food service and laundry, and male and female staff making opposite gender announcements before entering opposite gender housing units. The Auditor observed all inmate restroom and showers to ensure inmates could utilize the restroom and take a shower without staff of the opposite gender seeing the inmate fully naked.

The Auditor conducted a review of supportive documentation provided by the PREA Coordinator. Supportive documentation included; policies, procedures, staffing plan, diagrams, handbooks, educational video, training records, employee, contractor and volunteer records, medical records, inmate records, investigative files, logbooks, and other relevant documents. The Auditor reviewed supportive documentation to determine the facility's level of compliance in prevention, detection, and response to sexual abuse and sexual harassment, training and education, risk screening, reporting, investigations, inmate discipline, medical and mental health care, and data collection, review and reporting practices.

The Auditor requested additional supportive records from the PREA Coordinator. The Auditor requested 20 randomly chosen and 20 specifically targeted inmate medical and classification records, all staff, contractor and volunteer training records, and 10 randomly chosen HR records. The Auditor requested to formally interview the same 40 inmates. While on site, the Auditor visited with day and night shifts.

Formal interviews were conducted with randomly and specifically chosen inmates. Due to current operational adjustments, the Auditor conducted formal interviews with inmates through the video visitation system. The facility provided the Auditor an attorney visitation booth to ensure the interviews were not recorded or monitored. The Auditor conducted 41 formal interviews with inmates. Inmates specifically chosen for interviews included 3 who reported sexual victimization, 3 who identified as transgender, 2 who identified as gay/lesbian, 2 with a cognitive disability, 3 who were Limited English Proficient, 2 with a physical disability, 2 identified as high risk, 1 juvenile, 2 who reported an incident of sexual abuse and 1 who wrote the Auditor a letter. During interviews with randomly selected inmates the Auditor discovered additional inmates who had been previously victimized, were diagnosed with a mental disability, identified as gay/bisexual/lesbian and had committed a crime of a sexual offense. there were no inmates housed at the facility who were blind or deaf at the time of the audit. The Auditor selected a relevant sample of inmates from various housing units.

Formal interviews were conducted with VBSO staff. The Auditor conducted random formal interviews with 8 staff members and specialized interviews with 18 staff members. Specialized interviews were conducted with HR, Risk Screening, Intermediate/Higher Level, Intake, Investigators, Incident Review Team Member, Retaliation Monitor, First Responder, Segregation Supervisor, Staff who supervise youthful inmates, Mental and Medical Practitioners, Contractors and the Sexual Assault Nurse Examiner. All formal interviews were conducted in a private office.

The Auditor concluded the onsite portion of the audit on April 16, 2020. The Auditor met with the Undersheriff and the Chief Deputy of Administration. The Auditor then met separately with the PREA Coordinator. The Auditor informed personnel of immediate findings after touring the facility, interviewing staff, interviewing inmates and reviewing documentation. Each was informed the Auditor still had more documentation to review after leaving the facility. The Auditor stated any recommendations and findings would be documented in the Auditor's report. It was explained that recommendations made by the Auditor were recommendations only. The Auditor informed recommendations did not need to be implemented but would strengthen the facility's compliance with the applicable standard. The Auditor informed the PREA Coordinator he may contact her for more information and documents after leaving the facility. Facility staff were thanked for their display of professionalism with the Auditor while on site.

AUDIT FINDINGS

Facility Characteristics:

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate or resident population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

The Virginia Beach Correctional Center is operated by the Virginia Beach Sheriff's Office. The facility is located at 2501 James Madison Boulevard, Virginia Beach, VA 23456. The facility is an approximate 45 minute drive to the North Carolina/Virginia border and approximately 15 minutes west of Virginia Beach. The VBCC has three (3) distinct buildings connected by corridors. Each building consists of three levels. The Virginia Beach Correctional Center is 321,953 square feet. The facility has 82 inmate housing units that incarcerate local, State and Federal inmates and Immigration Customs Enforcement detainees.

The original building was constructed in 1975 and is 74,902 square feet. All housing units in this building are linear in style. The first floor of the original building is encompassed with the VBCC's administration area. The second and third floors of the building house inmates in linear style units. The primary usage for this building is the incarceration of those charged and/or convicted of a felony. Each linear housing unit has single cells with toilets and sinks located inside of each cell. Inmates have access to showers that are located at the end of each housing unit. Showers are protected so staff cannot observe the inmate naked. There are attorney visitation rooms and video visitation booths available in each housing unit. This housing unit holds the facility's inmates who are placed on restrictive housing and other special populations. All inmates in the housing unit have access to telephones.

In 1989 the Virginia Beach Sheriff's Office constructed an addition to its older building. The addition is three stories of housing units encompassing 61,544 square feet. There is a mixture of linear style and dormitory style housing units in the building. The third floor of the building houses the VBSO female inmates. Each linear style housing unit has toilets and sinks in the cell. Showers are located at the end of the each linear style housing unit. Showers have a curtain so staff of the opposite gender cannot see the inmate fully naked. Toilets and sinks are adjacent to the dayroom in dormitory style housing units. Toilets are protected from view with a half wall. Showers in dormitory style housing units are located adjacent to the dayroom. Dormitory showers are protected with a shower curtain. Inmates have access to attorney visiting booths and video visitation booths. There are tables, chairs, televisions and telephones available to the population.

The last connected building was constructed in 2005. The building was constructed to add more inmate housing units and service areas and encompasses 155,000 square feet. The Virginia Beach Correctional Center's foodservice, booking area, laundry and additional administrative spaces are located in the building. All inmate housing in the building are located on the second and third floors. All housing units in the building are podular in design. Each podular housing unit has "two man" cells surrounding a general dayroom. Each "two man" cell has a toilet and sink inside the cell. There is a toilet and sink available in the dayroom that is protected with a half wall. Showers are located at the end of the dayroom. Showers are protected with a wall so staff of the opposite gender cannot see the inmates fully naked. There are multiple shower heads in each multi use shower area. Inmates have access to an attorney visiting booth and video visitation booths. There are tables, chairs, televisions and telephones available in the dayroom. All inmates in each of the VBCC buildings have access to tablets and a kiosk.

There are corridors that connect each of the VBCC three buildings. Corridors account for 30,507 of the

VBCC's 321,953 total square footage. Facility personnel escort inmates to and from court through a long underground tunnel that links the facility with the court building. The VBSO staffs deputies in the court building. Deputies supervise inmates in holding cells. There are male and female holding cells in the court building. The building has 7 distinct holding cells.

Staff in the Virginia Beach Correctional Center perform twice hourly checks in all facility areas. Podular style housing units are staffed 24/7 with remote supervision. All facility supervisors are required to tour each area in the facility daily. Staff supervision is supplemented with the facility's video monitoring system. Cameras monitor the following, but not inclusive; hallways, corridors, visitation, kitchen, recreation yards, laundry, sallyports, housing units, booking, select cells, medical, and commissary. The facility is currently upgrading its video monitoring technology to include additional cameras and replacing some stationary cameras with Pan, Tilt, and Zoom cameras. All facility cameras can be monitored from the facility's Control Center.

The facility contracts its food service with Trinity Service Group. The kitchen is monitored by cameras while staff supervise inmates working in the kitchen. Inmates are not allowed in freezers or walk in boxes without staff supervision. These areas remain closed and locked. Inmates have access to a single use restroom while working in the kitchen. All food is prepared in the kitchen and delivered to each housing unit.

Medical and mental health services are contracted with NaphCare, Inc. NaphCare provides doctors, dentist, mental health professionals and nursing staff at the facility. A security staff member is always present in the medical area. NaphCare provides 24/7 comprehensive medical services. The facility's medical area has 4 negative pressure rooms for inmates who may have an airborne communicable disease. There are cells available for inmates requiring intensive supervision. The medical area has treatment rooms, examination rooms, pharmacy, and storage areas. Medical and mental health practitioners have access to private rooms in the medical area to meet individually with inmates. There are showers available to inmates housed in the medical area. Showers are protected so security staff of the opposite gender cannot see the inmate naked. There are toilets and sinks available in medical cells.

Commissary services are provided by Trinity Service Group employees. Inmates work in the commissary area. A Trinity staff member delivers commissary to inmates in each housing unit. Inmates are always supervised while in the commissary area. The facility's visitation area maintains 52 video visitation booths for public usage. There are private attorney visiting booths in the visiting area. All general visitations are conducted through video. Attorney visiting booths are not recorded or monitored by staff.

The facility offers General Education Diploma (GED) classes to the inmate population provided by part time GED teachers. Special education classes are offered to inmates with an Individualized Education Program (IEP) identified in a school system. Inmates can participate in the facility's Life Empowerment Program (LEP). The LEP is a religious program facilitated by the inmate population. The facility also offers Substance Abuse classes and re-entry services to the inmate population. Re-entry includes classes such as life skills and substance abuse. Re-entry services attempt to prepare an inmate to re-enter society. Inmates in the re-entry program are provided identification cards through the Department of Motor Vehicles and taught skills to prepare them for job interviews, managing funds, parenting, etc. All programs in the facility have been suspended as the VBSO has taken steps to mitigate the risk of COVID-19.

The VBCC booking area maintains 32 single cells. There are 26 male and 6 female cells. Female cells are separated so male inmates cannot see into the female cells and vice versa. The facility can hold multiple inmates simultaneously in one of two multiple occupancy cells. The booking area is staffed with

male and female deputies. Cameras supplement staff supervision in the area. Each cell in the intake area has a camera. Cameras are positioned so the toilet area is not visible. Nursing staff are stationed in the booking area to screen all new arrivals. All cells have a toilet and sink inside the cell. The booking area has showers available in the event needed. Shower areas are protected so neither inmates, nor staff can see the inmate naked. The booking area has a television which plays the comprehensive educational video.

On the first day of the Audit there were 1101 inmates. There were 956 males and 145 females incarcerated on the first day of the audit.

AUDIT FINDINGS

Summary of Audit Findings:

The OAS will automatically calculate the number of standards exceeded, number of standards met, and the number of standards not met based on the auditor's compliance determinations. If relevant, the auditor should provide the list of standards exceeded and/or the list of standards not met (e.g. Standards Exceeded: 115.xx, 115.xx..., Standards Not Met: 115.yy, 115.yy). Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:	0
Number of standards met:	45
Number of standards not met:	0

The Auditor read the facility's previous PREA audit report prior to arriving at the Virginia Beach Correctional Center. The previous audit determined the facility complied with PREA standards and required no corrective action necessary. The Auditor observed recommendations made to the facility following the previous audit. During this audit, the Auditor determined the facility implemented practices to accommodate recommendations made during the previous PREA audit.

The Auditor determined the Virginia Beach Sheriff's Office has developed appropriate policies and procedures that aid in prevention, detection and response to acts of sexual abuse and sexual harassment. The Auditor found the facility's staff are following the agency's policies and procedures related to sexual abuse and sexual harassment. The VBSO training materials include elements from the agency's policies and procedures. The Auditor found inmates feel safe in the Virginia Beach Correctional Center. The VBCC maintains 82 housing units to ensure likely abusers can be separated from those identified at risk of sexual victimization. Interviews with staff and contract personnel revealed they have been trained and understand their responsibilities in response to acts of sexual abuse and sexual harassment.

The Auditor conducted a detailed tour of the Virginia Beach Correctional Center and observed staff and contractors interacting professionally with the population. A review of files and other documents revealed facility personnel are documenting actions in accordance with the VBSO policies and procedures related to sexual abuse and sexual harassment. Formal interviews with inmates reveal they are confident in staff's abilities to respond to and protect them from acts of sexual abuse. Formal interviews with staff revealed they are knowledgeable in the policies and procedures to prevent, detect and respond to incidents of sexual abuse. The Auditor determined the Virginia Beach Sheriff's Office has successfully created a zero-tolerance culture in the Virginia Beach Correctional Center. Interviews with the VBSO command staff reveal they are supportive of PREA standards and staff's input and efforts to prevent, detect and respond to sexual abuse and sexual harassment.

The Auditor found the facility's command staff make unannounced rounds throughout all facility areas to deter sexual abuse and sexual harassment. The VBSO command staff have an open-door policy. Command staff have a proactive approach towards compliance with the Prison Rape Elimination Act standards. Command staff welcome input from other staff to ensure inmates are protected from acts of sexual abuse and sexual harassment.

The Auditor determined the inmate population had been appropriately educated by facility staff. The inmate population was found knowledgeable in the agency's prevention, detection and response efforts towards sexual abuse and sexual harassment. Inmates understood the various ways of reporting sexual abuse and sexual harassment and most informed the Auditor they preferred reporting such directly to a staff member. Each inmate is provided information and an education upon arrival at the VBCC. The facility provides readily available information to inmates in the form of posters and handbooks. The population informed the Auditor they feel safe in the VBCC.

The VBSO staff are appropriately screening each inmate during booking to determine their level of risk for abusiveness or victimization. The risk screening allows the facility's Classification Division to identify such inmates to ensure they are protected from abuse in determining housing, programs, education and work opportunities. The facility is conducting reassessments of inmates within 30 days of arrival, after an incident of sexual abuse, referral and/or upon receiving additional information that bears on the inmate's assessment.

The facility's investigators are conducting appropriate investigations following an allegation of sexual abuse and sexual harassment. The Auditor observed evidence facility investigators are referring criminal acts of sexual abuse to the Virginia Beach Police Department for criminal investigation. Investigations conducted at the facility appear objective and are conducted promptly and thoroughly. Investigators are informing inmates of investigative determinations at the conclusion of each investigation. Each substantiated and unsubstantiated allegation is followed with an incident review within 30 days of the conclusion of the investigation.

The Auditor determined the facility meets the requirement of each standard. The Auditor made several recommendations to the facility in an effort to strengthen its level of compliance. Details of recommendations made are included in the applicable section of this report. No corrective actions were required to meet any provision of these standards. The facility was not required to take any action during the audit to comply with any standard provision. The Auditor determined the facility has appropriate policies, procedures and practices for prevention planning, response planning, training and education, screening for risk of victimization and abusiveness, reporting, response following a report, investigations, discipline, medical and mental health care, and data collection and review of sexual abuse and sexual harassment incidents.

Standards

Auditor Overall Determination Definitions

- Exceeds Standard
(Substantially exceeds requirement of standard)
- Meets Standard
(substantial compliance; complies in all material ways with the stand for the relevant review period)
- Does Not Meet Standard
(requires corrective actions)

Auditor Discussion Instructions

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	<p data-bbox="248 168 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="248 248 523 280">Auditor Discussion</p> <p data-bbox="248 324 534 358">Auditor Discussion:</p> <p data-bbox="248 400 1458 562">The Virginia Beach Sheriff's Office (VBSO) has established a policy that prohibits all forms of sexual abuse, staff sexual misconduct and sexual harassment. The VBSO policy includes its prevention, detection, reporting and response strategies. The Prison Rape Elimination Act policy includes definitions for the following:</p> <ul data-bbox="300 629 721 1093" style="list-style-type: none"> • Carnal Knowledge • Oral Sodomy • Rape • Sexual Abuse • Sexual Battery • Sexual Assault • Sexual Assault with an Object • Sexual Fondling • Sexual Harassment • Staff Sexual Misconduct • Voyeurism <p data-bbox="248 1128 1410 1205">The agency's prevention, detection and response efforts in the policy include, but are not limited to the following:</p> <ul data-bbox="300 1274 1347 1951" style="list-style-type: none"> • Staff, Contractor and Volunteer Training • Inmate Education • Ensuring Disabled and Limited English Speaking Inmates Understand Policies • Pre-employment and Continued Employment Background Screenings • Inmate Screenings • Response Plans • First Responder Duties • Unannounced Security Rounds • Monitoring Activities • Support Services • Evidence Collection Protocols • Data Tracking • Incident Reviews • Discipline Measures • Investigations • Inmate Reporting <p data-bbox="248 1989 1447 2107">The agency outlines its sanctions for staff, contractors and volunteers who violate the VBSO policies and procedures. Sanctions are outlined in the Rules, Regulations and Discipline policy.</p>

The VBSO has appointed a PREA Coordinator to oversee agency compliance efforts. The Captain appointed as the PREA Coordinator is employed at a level to ensure agency compliance. The PREA Coordinator reports directly to the Chief Deputy of Operations and has direct access to the Sheriff. The PREA Coordinator has sufficient time and authority to develop, implement and oversee the Virginia Beach Correctional Center's compliance efforts.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 1 - 21

Policy - 02-03-00 - Rules, Regulations and Discipline, pg. 4

VBSO Organizational Chart

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Auditor conducted a review of the Virginia Beach Sheriff's Office Prison Rape Elimination Act policy. The Auditor observed the policy includes the agency's prevention, detection and response approaches towards sexual abuse and sexual harassment of inmates. The Auditor reviewed the agency's Rules, Regulations and Discipline policy. The policy includes sanctions for those found to have violated the agency's sexual abuse and sexual harassment policies and procedures.

The Auditor reviewed the agency's organizational chart. The VBSO Organizational Chart outlines the position of the PREA Coordinator. The PREA Coordinator has been appointed to a Captain level staff member. The Captain is employed at a level in the VBSO to develop, implement and oversee VBSO efforts to comply with the Prison Rape Elimination Act. The organizational chart outlines the Captain's position directly subordinate to the Chief Deputy of Operations. The Captain has the ability to report directly to the Sheriff in the event needed.

The Auditor conducted an interview with the agency's PREA Coordinator. The PREA Coordinator explained her ability to develop, implement and oversee agency PREA efforts. The Auditor determined the PREA Coordinator has sufficient time and authority to oversee agency efforts to ensure compliance. The PREA Coordinator responded quickly to the Auditor's questions and requests prior to, during and after the auditor conducted the site visit. The PREA Coordinator was knowledgeable regarding the requirements of the Prison Rape Elimination Act.

The Auditor conducted interviews with inmates. Interviews with inmates reveal they are confident in staff's ability to respond to allegations of sexual abuse and sexual harassment. Inmates were able to articulate information to the Auditor based on the agency's education efforts. Inmate allegations had been responded to appropriately. Each inmate was asked if he/she felt safe in the facility. Only one inmate informed the Auditor he did not feel safe in the facility. Numerous inmates informed the Auditor staff take issues seriously in the facility. Most informed the Auditor they would report an allegation directly to a staff member if they were sexually abused or sexually harassed.

The Auditor conducted formal interviews with randomly selected staff. The Auditor determined

the facility's staff were well educated and had retained the knowledge provided through VBSO training. Each staff member understood the agency's policies and procedures to preventing, detecting and responding to sexual abuse and sexual harassment. Each staff member had been recently trained and informed the Auditor they receive training annually and receive information periodically throughout the year.

The agency's command staff supports subordinate staff efforts and ideas towards compliance with the Prison Rape Elimination Act. Staff are given the opportunity to speak to command staff in the agency. Command staff, including the Sheriff, routinely tour the facility.

Conclusion:

The Auditor conducted a thorough review of the agency's policies and procedures, organizational chart and conducted interviews with staff and inmates. The Auditor determined the Virginia Beach Sheriff's Office has developed an appropriate zero-tolerance policy that includes its prevention, detection and response approaches towards allegations of sexual abuse and sexual harassment. The agency has designated an appropriate staff member to develop, implement and oversee agency efforts. The Virginia Beach Sheriff's Office has successfully created a zero-tolerance culture. The Auditor determined the VBSO meets the requirements of this standard.

115.12	<p>Contracting with other entities for the confinement of inmates</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Auditor Discussion:</p> <p>The agency has a policy that requires any new contract, or renewal of a contract, for the confinement of inmates include the contracting agency's obligation to adopt and comply with the requirements of the Prison Rape Elimination Act. The policy requires contracts include a provision for contract monitoring to ensure the contractor is complying with the Prison Rape Elimination Act standards.</p> <p>Evidence Relied Upon:</p> <p>Policy - 13-11-00 - Prison Rape Elimination Act, pg. 6</p> <p>Interviews with Staff</p> <p>Analysis/Reasoning:</p> <p>At the time of the audit the Virginia Beach Sheriff's Office had not entered into a contract for the confinement of VBSO inmates with another governmental or private agency.</p> <p>Interviews with staff reveal no staff member was aware of a contract for another agency to house inmates on behalf of the Virginia Beach Sheriff's Office.</p> <p>Conclusion:</p> <p>The Auditor reviewed the agency's Prison Rape Elimination Act policy and interviewed agency staff. The agency has an appropriate policy to ensure new contracts include provisions to comply with this standard. The Auditor determined the Virginia Beach Sheriff's Office meets the requirements of this standard.</p>
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115.13	Supervision and monitoring
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Auditor Discussion:</p> <p>The Virginia Beach Sheriff's Office has a policy that requires the agency develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing and where applicable, video monitoring to protect inmates against sexual abuse. VBSO policy requires the following considerations when determining staffing levels and video monitoring needs:</p> <ul style="list-style-type: none"> • Generally accepted detention and correctional practices; • Any judicial findings of inadequacy; • Any findings of inadequacy from Federal investigative agencies; • Any findings of inadequacy from internal or external oversight bodies; • All components of the Virginia Beach Correctional Center's physical plant (including "bind-spots" or areas where staff or inmates may be isolated); • The composition of the inmate population; • The number and placement of supervisory staff; • Institutional programs occurring on a particular shift; • Any applicable State or local laws, regulations or standards; • The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and • Any other relevant factors. <p>The Prison Rape Elimination Act policy requires the facility document with justification in circumstances in which the staffing plan is not complied with. The policy requires the appropriate Command Staff assess, determine, and document whether adjustments are needed annually. The considerations and documentation include the following:</p> <ul style="list-style-type: none"> • The staffing plan established pursuant to the above criteria; • Development of video monitoring systems and other monitoring technologies; and • The available resources to commit to ensure adherence to the staffing plan. <p>The agency's Prison Rape Elimination Act policy requires Correctional Operations Lieutenants conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Correctional Operations Lieutenants on both day and night shifts are required to conduct unannounced rounds. The policy stipulates, "All staff is prohibited from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the Virginia Beach Correctional Center."</p> <p>Evidence Reieid Upon:</p> <p>Policy - 13-11-00 - Prison Rape Elimination Act, pg. 8-9</p> <p>Staffing Plan</p>

Staffing Plan Review

Work Rosters

Operations Reports

Institutional Inspection Reports

Logbook Entries

Interviews with Staff

Interviews with Inmates

Observations

Analysis/Reasoning:

The Auditor reviewed the VBSO staffing plan. The staffing plan allows for 527.44 total positions. There are 439 security, 56 civilian and 32.44 part time positions authorized in accordance with the most recent staffing plan. The most recent staffing plan reviewed by the Auditor authorizes an additional 6 security positions allocated for medical and training. The VBSO was also approved for 3 additional full time positions to augment Human Resources, Accounting and Food Service. Two Information Technology positions were reallocated from the VBSO to the City of Virginia Beach. With the approved changes the VBSO has a total of 502 positions. There are 445 security, 57 civilian and 32.44 part time positions allocated. The population on the first day of the audit was 1101.

At the time of the audit the VBSO had 24 security, 2 civilian and 12 part time vacancies. The Auditor determined the following staffing ratios based on the current population number and number of allocated staff positions:

- 1 staff for every 2.06 inmates
- 1 security staff for every 2.47 inmates

The Auditor determined the following staffing ratios based on the current number of staff and current population of the facility:

- 1 staff for every 2.2 inmates
- 1 security staff for every 2.61 inmates

The staffing plan reviewed by the Auditor includes provisions for administrative, support and security positions on all shifts in each facility area. The facility utilizes overtime to ensure vacant positions are filled for each shift. The facility's security staffing level was maintained at 3.6% below capacity at the time of the audit. The VBSO staffing plan appears adequate to provide protection to inmates from sexual abuse.

The Auditor reviewed Operations Reports. Operations Reports include daily staff vacancies on each shift and account for the vacancies. The Operations Report requires the Watch Commander document the staff working overtime. The Watch Commander notates the reason for staff vacancies on the Operations Report. The Auditor observed vacancies for the

following reasons: Hospital/Transportation, Hospital Watch, TDA, Academy, Leave, Unexpected Absence, Training, FMLA and Military Leave. The Operations Report notates the staff working overtime to fill vacant positions.

The Auditor reviewed the Virginia Beach Sheriff's Office annual staffing plan review. The Staffing Plan Review was conducted in August 2019. The Director of Human Resources and other supervisory personnel, in conjunction with the PREA Coordinator conducted the Annual Staffing Plan Review. The PREA Coordinator and Director of Human Resources both signed the 2019 Annual Staffing Plan Review. The Virginia Beach Sheriff's Office staffing plan includes considerations of the bulleted topics in the "Auditor Discussion" portion of this standard. The VBSO staff review the staffing plan annually.

The Auditor reviewed the VBSO monthly Institutional inspections reports. Facility Lieutenants are required to conduct a monthly unannounced institutional inspection. The inspection is conducted in all facility areas each month. The Lieutenants document their monthly unannounced inspection on the Institutional Inspections report. The Auditor reviewed facility logbook entries. The Auditor observed unannounced rounds documented by supervisors in post logs.

During a tour of the facility the Auditor observed staff making security rounds in living units and support areas of the facility. Staff were present in all areas toured by the Auditor. Security and contract personnel were observed interacting with the inmate population. The Auditor observed camera placements throughout the facility. Cameras were strategically placed to assist in the prevention, detection and response to incidents of sexual abuse. The facility is adding cameras to increase video monitoring capabilities.

The Auditor observed supervisors making unannounced rounds throughout various facility areas, to include housing units. Each supervisor documents his/her unannounced round in the post logbook. Supervisors notate a security check and stipulate "PREA" when recording unannounced rounds.

The Auditor conducted formal interviews with staff and supervisors from various shifts. Staff were asked if supervisors conduct unannounced rounds throughout the facility. Each staff stated supervisors do make unannounced rounds through the facility. Supervisors were asked if they were required to make unannounced rounds. The Auditor was informed they are required to make unannounced rounds through all facility areas. Each supervisor was asked how they keep staff from alerting others when they are making unannounced rounds. The Auditor was informed policy prohibits staff from doing so and they do not take the same route when touring the facility. Each was asked if they conduct their rounds at the same time when doing so. Each supervisor stated they vary the time of their unannounced rounds.

Each supervisor was asked what actions they take if they were to catch a staff member informing others they were conducting unannounced rounds. Supervisors informed the Auditor they would talk with the staff member about the importance of the unannounced round. Each was asked what they would do if they caught the person a second time. Supervisors stated they would formally discipline the staff member. Each staff member interviewed were aware the VBSO prohibited staff from alerting others of supervisory rounds.

The Auditor conducted formal interviews with inmates. Inmates were asked if supervisors always announce their presence when entering housing units. Inmates informed the Auditor

supervisors do not announce their presence when entering a housing unit. The Auditor asked male inmates if female supervisors announce their presence when entering female units. Inmates stated female supervisors do announce their presence as a female when entering male housing units. Female inmates were asked if male supervisors announce their presence when entering female housing units. Female inmates stated male supervisors do announce their presence as a male.

The facility was under no consent decrees, and had no judicial findings of inadequacies, or findings of inadequacies from a federal, internal, or external oversight body at the time of the audit.

The auditor did not recognize any "blind spots" while touring the facility.

Conclusion:

The Auditor concluded the facility has an adequate staffing plan to ensure the protection of inmates from sexual abuse. The Auditor reviewed policies, procedures, staffing plan, staffing plan review, work rosters, Institutional Inspection Reports, Operations Reports, housing unit logs, interviewed staff and inmates and made observations to determine the facility meets the requirements of this standard.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The VBSO has a policy which requires youthful inmates not be placed in a housing unit where the youthful inmate will have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters. The policy requires in areas outside of housing units, deputies will either:</p> <ul style="list-style-type: none"> • Maintain sight and sound separation between youthful inmates and adult inmates; or • Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. <p>The Virginia Beach Sheriff's Office is required by policy to make its best efforts to avoid placing a youthful inmate in isolation. Policy requires facility staff provide daily large muscle exercises and legally required special education services, absent exigent circumstances. Youthful inmates are also provided access to other programs and work opportunities to the extent possible.</p> <p>Evidence Relied Upon:</p> <p>Policy - 13-01-00 - Intake and Intake Classification Process, pg. 5, 8 - 9</p> <p>Population Reports</p> <p>Housing Records</p> <p>Observations</p> <p>Analysis/Reasoning:</p> <p>A review of population reports and housing records reveal the VBSO has incarcerated one youthful inmate in the previous 12 months. The youthful inmate was placed in a housing unit dedicated to house youthful inmates. The youthful inmate was later removed from that housing unit and placed in another empty housing unit for remodeling purposes. Both housing units were open dormitory style with bunk beds. No adult offender was placed in the housing unit with the youthful offender. Records reveal the youthful inmate is provided recreation on a daily basis.</p> <p>The Auditor toured the housing unit where the youthful inmate was being housed. The housing unit provides sight and sound separation from adult inmates. Correctional staff escort the youthful inmate to an indoor recreation area on a daily basis. While the youthful inmate is participating in recreation a staff member remains with the youthful inmate. No adult offenders are in the recreation area while the youthful inmate is participating in recreation. Education and programs are available to the youthful inmate.</p> <p>The Auditor conducted a formal interview with a staff member who supervises the youthful</p>

inmate. The staff member was asked to explain how recreation services are provided to the youthful inmate. The staff member explains he escorts the youthful inmate to the recreation area and stays inside for the duration of the recreation period. Once finished, he escorts the youthful offender back to his housing unit. The Auditor asked to explain the route taken to recreation. The staff member explained all inmates are locked in their housing units while the youthful inmate is being escorted to and from recreation. He stated there is no contact with an adult inmate while escorting. Currently the youthful inmate had not been enrolled in programs or education due to facility operational changes to comply with COVID-19 mandates.

The Auditor attempted to interview the youthful inmate. The youthful inmate refused to speak to the Auditor. Records reveal the youthful inmate had not been placed in a segregated housing unit during his incarceration at the facility.

Conclusion:

The Auditor reviewed VBSO policies and procedures, population reports, housing records, interviewed staff and made observations and determined the facility meets the requirements of this standard.

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Beach Sheriff's Office has a policy that prohibits cross-gender strip searches of female inmates, absent exigent circumstances. General searches of inmates shall be performed by deputies of the same sex as the inmate. Policy requires all cross-gender searches of female inmates be documented on an Incident Report and must include justification of the exigent circumstances that precipitated the search. Agency personnel are prohibited from restricting female inmates access to regularly available programming in order to comply with the search provisions of the agency's policy. The agency is required to obtain a search warrant to conduct a manual body cavity search if no exigent circumstances exists. Policy requires a body cavity search, other than the mouth must be performed by medical personnel.</p> <p>VBSO policy, Deputy Entry Into A Security Cell, Cell Block, or Inmate Housing Unit stipulates inmates can shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breast, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite gender are required to announce their presence when entering a security cell, cell block, or inmate housing unit. The agency's opposite gender announcement policy applies to any person granted access to a security cell, cell block, or housing unit within the secure portion of the Virginia Beach Correctional Center.</p> <p>Evidence Relied Upon:</p> <p>Policy - 09-08-00 - Inmate Searches, pg. 1 - 3</p> <p>Policy - 12-04-00 - Deputy Entry into a Security Cell, Cell Block, or Inmate Housing Unit, pg. 2</p> <p>Policy - 13-01-00 - Intake and Intake Classification Process, pg. 8</p> <p>Incident Report</p> <p>Shift Rosters</p> <p>Training Curriculum</p> <p>PowerPoint Presentation</p> <p>Training Records</p> <p>Interviews with Staff</p> <p>Interviews with Inmates</p> <p>Observations</p> <p>Analysis/Reasoning:</p>

The VBSO houses both male and female inmates. The Auditor reviewed facility shift rosters. The agency maintains male and female staff on each shift to ensure inmates are searched by a staff member of the same sex. The Auditor conducted formal interviews with male and female inmates in the facility. Female inmates were asked if they had been pat-searched or strip searched by a male staff member. No female had been strip-searched or pat-searched by a male staff member. The Auditor asked female inmates if a male staff member had ever been present during a strip-search. None could recall such a situation. The facility does allow female staff to pat-search male inmates. No male inmate interviewed by the Auditor had been strip searched by a female staff member. The Auditor asked if a female staff member had ever been present when a male inmate was being strip-searched. No inmate could recall such a situation.

Interviews with male and female inmates reveal they are allowed to take a shower, change clothes and use the restroom without security staff of the opposite gender seeing their breast, buttocks or genitalia. Inmates informed the Auditor staff of the opposite gender announce their presence when entering living units. The Auditor conducted formal interviews with male and female staff members. Each staff member was asked if opposite gender announcements were being made in the housing units. Each staff member informed the Auditor opposite gender announcements are being made when entering any opposite gender housing unit.

The facility utilizes a body scanner in the intake area. Intake staff were questioned about the use of the body scanner. The Auditor was informed both male and female staff are assigned to the intake area. A female staff member reviews the scanner when scanning a female inmate and a male views the scan of a male inmate. Shift rosters reveal there are female and male staff assigned to intake on each shift.

The Auditor conducted formal interviews of three inmates who identified as transgender. Each was asked if they felt staff conducted a strip-search of them for the sole purpose of determining their sex. None stated they felt such a search was conducted for that purpose. Each was asked to explain how pat-down searches of them were being performed. Each transgender interviewed were housed in male housing units. They explained they had been pat-searched by male and female staff. Each transgender informed the Auditor staff communicate professionally with them. The Auditor asked each to explain how facility personnel allow them to shower. Each transgender stated they are removed from the housing unit and taken to a private area to shower separately from other inmates.

The Auditor questioned staff how facility personnel conduct searches of transgender and intersex inmates. Staff informed the Auditor in most cases a female conducts a pat-search of a transgender inmate. Transgenders can be pat-searched by male staff if they are housed in a male housing unit. Staff were asked if they had been trained to conduct pat-searches of transgender and intersex inmates. Staff explained their training included using the back of their "bladed" hand to perform the search. Staff were asked if they would conduct a strip-search of a transgender inmate if they could not determine the inmate's sex. Each staff member stated they would not conduct such a search. The Auditor was informed medical personnel were the only staff authorized to do so. Staff stated they would review documents and ask the inmate if they were unsure of the inmate's gender.

The facility reported one incident of a cross-gender search conducted in the previous 12 months. A review of the Incident Report reveals staff documented the cross-gender search.

The inmate's documentation stipulated the inmate was notated a male and female. The inmate informed staff he identified as a male. The inmate was strip searched by a male staff member and was later classified as a female. The facility reported no body cavity searches had been conducted in the previous 12 months.

The Auditor conducted a detailed tour of the facility and was granted access to all inmate housing units and other support areas. The Auditor observed all shower and restroom areas in the facility. The facility has single shower stalls and multiple occupancy showers. The showers are protected from staff view by either a curtain or a 3/4 wall. Each style of shower allows inmates the ability to shower without security staff of the opposite gender seeing them fully naked. All restrooms offer privacy for the inmates. The Auditor observed opposite gender announcements being made during the facility tour.

The Auditor reviewed the agency's training curriculum and training rosters. Training curriculum includes procedures how to conduct searches of transgender and intersex inmates and how to communicate with those inmates professionally. Training records reveal all staff had attended an initial training to conduct searches, including cross-gender searches. All staff attend an annual in-service training.

Conclusion:

The Auditor conducted a review of VBSO policies and procedures, training documents, Incident Reports, shift rosters, interviewed staff and inmates and made observations. The Auditor concluded the VBSO staff had been appropriately trained to conduct cross-gender searches and how to make opposite gender announcements when entering housing units. Inmates have the ability to shower, change clothes and use the restroom with a level of privacy. Transgender inmates are treated respectfully and professionally in the facility. The Auditor determined the VBSO meets the requirements of this standard.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The VBSO has a policy that ensures inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the VBSO's efforts to prevent, detect and respond to incidents of sexual abuse and sexual harassment. The policy includes those who are deaf or hard of hearing, blind or low vision, or those who have intellectual, psychiatric, or speech disabilities. When necessary, staff are required to provide access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessarily specialized vocabulary. Staff are required to provide written materials in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.</p> <p>Policy states, "The Sheriff's Office is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans with Disabilities Act, 28 CFR 35.164."</p> <p>The VBSO's Prison Rape Elimination Act policy requires the facility take reasonable steps to ensure meaningful access to all aspects of the VBSO's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient. Steps to provide interpreters shall include those who can interpret effectively, accurately, and impartially, both receptively and expressively.</p> <p>Policy prohibits the use of inmate interpreters, readers or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety.</p> <p>Evidence Relied Upon:</p> <p>Policy - 13-11-00 - Prison Rape Elimination Act, pg. 12 - 13</p> <p>Policy - 03-09-00 - Effective Communications with the Deaf or Hard of Hearing, pg. 1</p> <p>Sign Language Interpreter Contract</p> <p>Invoices and Purchase Orders</p> <p>Staff Training Records</p> <p>Education Video</p> <p>Inmate Handbook</p> <p>Inmate Records</p> <p>Interviews with Staff</p>

Interviews with Inmates

Observations

Analysis/Reasoning:

The Auditor reviewed the agency's Inmate Handbook. The Handbook is written in English and Spanish. Each inmate is provided a copy of the handbook during the booking process. The facility maintains PREA posters written in English and Spanish. The facility utilizes an IPAD for inmates who are blind, low vision, deaf or hard of hearing. The IPAD is provided to the inmate during the booking process. The PREA information is both verbal and closed captioned for those who are either deaf or blind. In the event the facility receives an inmate with an intellectual or cognitive disability, a staff member conducts an individual session with the inmate to ensure he/she receives an understanding of the agency's PREA information. The Inmate Handbook includes the following sections:

- What you Should Know About Prison Rape and Sexual Violence;
- If You Sexually Assault/Abuse Another Person You Should Know That;
- Definitions of Sexual Abuse in a Correction Facility;
- Zero Tolerance;
- Reporting Abuse and Access to Confidential Support Services; and
- Disciplinary Sanctions for Inmates.

Inmates who cannot read English or Spanish can benefit from the facility's PREA information through the use of the language line service. The VBSO maintains a contract with the Language Group, LLC to provide telephone translation services. The facility maintains a contract with the Department for the Deaf and Hard of Hearing for sign language interpretive services. The Virginia Beach Sheriff's Office employs bilingual staff who can interpret for non-English speaking inmates.

The facility's comprehensive educational video is maintained on a CD. The video is closed captioned for the deaf or hard of hearing. Inmates who are blind or have low vision can hear the information being played through the video. Comprehensive education is provided through televisions in the inmate housing units. In addition to receiving the comprehensive education within 30-days of booking, the video routinely plays each week in the housing units. Inmates who cannot otherwise benefit from the comprehensive education attend a one-on-one session with a facility staff member.

The Auditor reviewed the records of 40 inmates. All 40 inmates had signed a statement of acknowledgement. The acknowledgement, states, "PREA: Acknowledgement - You have read and understand The Prison Rape Elimination Act (PREA) Preventing Sexual Assaults and Sexual Harassment training for Virginia Beach Sheriff's Office and Correctional Center. During interviews with inmates the Auditor determined inmates have observed the comprehensive educational video after arriving at the VBCC.

There were no inmates housed at the time of the audit who were identified as blind or deaf. The Auditor interviewed inmates who were Limited English Proficient. Each inmate was able to benefit from the VBSO information and comprehensive education. The inmates understood the agency's policies and procedures towards prevention, detection and response towards

sexual abuse. The Auditor interviewed inmates who were identified with a cognitive disability. Those inmates were able to articulate the VBSO information to the Auditor.

The Auditor conducted interviews with facility staff. The Auditor asked staff to explain how blind and deaf inmates benefit from the agency's information and education. Staff stated blind inmates can hear the video and deaf inmates can read the closed captioning. Staff informed the Auditor illiterate inmates can hear the video. Staff stated they use a tablet to educate specific inmates who cannot see or hear the video. The Auditor was informed staff use the language line when dealing with non-English speaking inmates. The Auditor asked how staff communicate with inmates who only understand sign language. Staff stated the VBSO maintains a contract for sign language interpretive services.

The Auditor conducted a detailed tour of the Virginia Beach Correctional Center. Observations were made of readily available sexual abuse and sexual harassment materials and PREA posters throughout the facility, including each living unit and service areas. All posters and posted materials were written in English and Spanish. While touring the facility the Auditor observed the PREA educational video being played on the television. During interviews with inmates the Auditor discovered all inmates were aware of the posted materials.

Conclusion:

The Auditor concluded the facility provides information that ensures equal opportunity to inmates who are disabled. The facility takes reasonable steps to ensure meaningful access to inmates who are disabled. The facility takes reasonable steps to ensure meaningful access to all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment are provided to inmates who are limited English proficient. The Auditor conducted a thorough review of the agency's policies, procedures, contracts, Inmate Handbook, inmate records, conducted interviews with staff, inmates and made observations to determine the agency meets the requirements of this standard.

115.17	Hiring and promotion decisions
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Auditor Discussion:</p> <p>The Virginia Beach Sheriff's Office policy prohibits hiring or promoting anyone or enlisting the services of any contractor, who may have contact with inmates who:</p> <ul style="list-style-type: none"> ● Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in 42 U.S.C. 1997); ● Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, ir if the victim did not consent or was unable to consent or refuse; or ● Has been civilly or administratively adjudicated to have engaged in the activity listed above. <p>Agency policy requires considerations of any incident of sexual harassment in determining whether to promote anyone, or to enlist the services of any contractor, who may have contact with inmates. The policy requires a criminal background records check be conduted before hiring any new staff member who may have contact with inmates. Policy also requires the agency make its best efforts to contact prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, consistent with Federal, State and local laws.</p> <p>The Human Resources Division is responsible for coordinating an annual renewal of all volunteers and contractors to maintain access to the correctional center. Volunteers and contractors are required to submit the security backround investigation and other related paperwork. Each volunteer and contractor must also complete the required readings and trainings. Background checks of volunteers and contractors is conducted annually.</p> <p>The Virginia Beach Sheriff's Office policy is to ask all applicants who may have contact with inmates directly about previously listed misconduct in written applications and or interviews for hiring. The policy stipulates, "Material ommissions regarding such conduct or the provision of materially false information shall be grounds for disqualification."</p> <p>Evidence Relied Upon:</p> <p>Policy - 03-35-00 - Selection and Appointment, pg. 2 - 3</p> <p>Policy - 03-03-01 - Promotional and Appointment Policy, pg. 8</p> <p>Policy - 12-09-00 - Contract Workers, pg. 1 - 2</p> <p>Policy - 12-10-00 - Volunteers, pg. 1 - 3</p> <p>Policy - 03-34-00 - Criminal History and DMV Checks, pg. 1 - 2</p> <p>Employee Records</p>

Employment Application

Acknowledgement Forms

Interviews with Staff

Interviews with Contractors

Analysis/Reasoning:

The Auditor reviewed the VBSO employment application. Each applicant is asked specific questions related to sexual abuse and sexual harassment prior to selection. Each is asked:

- Have you ever engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 U.S.C. 1997;
- Have you been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; and
- Have you ever been civilly or administratively adjudicated to have engaged in such activity as described above.

The Auditor conducted a review of employee records. The facility conducts a criminal background check of all employees every five years. The PSO conducts the criminal background check electronically through the Virginia Criminal Information Network and the National Crime Information Center. Prior to promotion, the employee is required to answer questions related to sexual abuse as bulleted above. Each employee completes an annual form answering the above listed questions as part of their annual evaluation process. Records reveal the VBSO has conducted criminal background record checks every five years. Records reveal each employee is specifically asked questions related to sexual abuse prior to employment, promotion and annually.

The Auditor conducted a review of contractor records. Records reveal the VBSO asks each contractor questions related to acts of sexual abuse. Each contractor reads and signs an acknowledgement form. The form also states, "I also acknowledge that I have affirmative duty to disclose any misconduct as described in the aforementioned declaratons." Contractors are required to print, date and sign the form. The Auditor observed evidence the agency performs a criminal background check on each contractor prior to selection and each year thereafter. Each contractor is required to sign the acknowledgement form as part of their annual recertification process.

The Auditor reviewed the personnel records of VBSO staff who had previously been employed at other confinement facilities. The Auditor observed the VBSO specifically requests information regarding substantiated allegations and resignations during a pending investigation of sexual abuse from other institutional employers prior to offering the candidate a position at the Virginia Beach Correctional Center. The Auditor asked the Human Resource representative if information related to sexual abuse investigations is provided to other institutional employers when requested by other agencies regarding a VBSO former employee. The Auditor was informed that information is provided when requested.

The Auditor conducted formal interviews with staff. Staff were asked if they were aware of the criminal background records check process. Each staff was aware the facility conducts a

criminal background records check every five years. Staff informed the Auditor they sign a release of information so the VBSO can perform the record check. Staff were asked when they are asked specific questions related to sexual abuse and sexual harassment. Each staff asked informed the Auditor they answer those questions before being hired, annually and prior to promotion.

The Auditor conducted formal interviews with contractors. Contractors were asked if they were aware the agency conducts a criminal records background check of them. Each contractor was aware the facility conducts such checks prior to services and annually as part of their recertification process. The Auditor asked each if they were ever questioned about prior or current acts of sexual abuse or sexual harassment. Each contractor stated they are asked those questions annually during their recertification process. Each stated they are required to sign an acknowledgement form.

Conclusion:

The Auditor concluded the Virginia Beach Sheriff's Office is performing appropriate practices to identify previous acts of sexual misconduct prior to hiring staff and enlisting the services of contractors, and before promoting staff members. The Auditor conducted a thorough review of the VBSO policies, procedures, employee records, contractor records, and interviewed staff and contractors to determine the agency meets the requirements of this standard.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor Discussion:</p> <p>The Virginia Beach Sheriff's Office policy is to consider the effect of the design, acquisition, expansion, or modification upon the VBSO's ability to protect inmates from sexual abuse when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facility. The policy stipulates when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Sheriff's Office shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.</p> <p>Evidence Relied Upon:</p> <p>Policy - 13-11-00 - Prison Rape Elimination Act, pg. 8</p> <p>Facility Plans</p> <p>Interviews with Staff</p> <p>Observations</p> <p>Analysis/Reasoning:</p> <p>The VBSO is currently upgrading its video monitoring system. The Auditor reviewed facility plans. A review of plans revealed the VBSO is replacing multiple stationary cameras with Pan,Tilt, Zoom (PTZ) cameras. The facility has designated new camera locations throughout the facility. The auditor observed proof the cameras were strategically placed to aid in the agency's ability to protect inmates from sexual abuse. While touring the facility the Auditor observed several new cameras that replaced older style cameras.</p> <p>While interviewing the PREA Coordinator the Auditor discussed the process of camera placements. The PREA Coordinator was involved in the planning phase to ensure placements of cameras assist in the VBSO's ability to protect inmates from sexual abuse. The PREA Coordinator discussed the thought process behind multiple new camera locations that were selected.</p> <p>The Virginia Beach Sheriff's Office has not designed or acquired any new facility or planned any substantial expansion or modification of its existing facility during this audit period.</p> <p>Conclusion:</p> <p>The PREA Coordinator provided the Auditor the opportunity to review facility drawings and plans. The Auditor observed new cameras in the facility during a tour. The Auditor reviewed the agency's policies and procedures and determined the VBSO meets the requirements of this standard.</p>

115.21 Evidence protocol and forensic medical examinations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office has a policy that requires all victims of sexual abuse have access to a forensic medical examination provided by a certified Sexual Abuse Nurse Examiner. The examination is provided to the victim at no cost to the victim. The agency's policy is to provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant service agencies. The agency's Intel section is required to ensure reasonable communication between inmates and these organizations and agencies, in as confidential manner as possible.

The VBSO has a Criminal Investigations policy that follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 14, 17 - 18

Policy - 12-12-00 - Medical Services, pg. 2

Policy - 08-17-00 - Criminal Investigations, pg. 1 - 9

Memorandum of Agreement with the Virginia Beach Police Department

Virginia Beach Police Department Interacting with Juveniles Field Guide

Memorandum of Understanding with the Virginia Beach Commonwealth Attorney's Office

Memorandum of Understanding with the YWCA

Incident Reports

Interview with Inmate

Interview with SANE

Interview with Medical Personnel

Interview with Agency Investigator

Analysis/Reasoning:

The Auditor reviewed the agency's policies and procedures. The agency has included the elements of this standard in its policies and procedures. The Virginia Beach Sheriff's Office

conducts both administrative and criminal investigations. The Office of Professional Standards conducts administrative investigations of staff-on-inmate sexual abuse while the Criminal Intelligence Unit conducts both administrative and criminal investigations of inmate-on-inmate sexual abuse. The agency has investigative policies for the Office of Professional Standards and the Criminal Intelligence Unit to follow during investigations. The agency's policies include a uniformed evidence protocol to maximize the potential for obtaining usable physical evidence. The Criminal Intelligence Unit refers criminal acts of sexual abuse to the Virginia Beach Police Department for prosecution. The protocol utilized by both agencies is based on the U.S. Department of Justice's Office on Violence Against Women Publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents." The Virginia Beach Police Department's, "Interacting with Juveniles Field Guide" is appropriate dealing with youths.

The Auditor reviewed the agency's Memorandum of Agreement with the Virginia Beach Police Department. The memorandum stipulates the following will be investigated by the Virginia Beach Police Department:

FBI Uniform Crime Reporting Program (UCRI) Part I Sexual Offenses - all allegations of rape, sodomy and object penetration that occur within the correctional center; and Incident of Death or Likelihood of Death - all incidents where there is a death in the correctional center, be it natural or otherwise, incidents such as suicide and attempted suicide where injuries are life threatening, or assaults that cause injuries that are potentially life threatening.

The memorandum requires the Virginia Beach Sheriff's Office arrange for the Sexual Abuse Nurse Examiner to meet with the victim. The Virginia Beach Police Department is required to process evidence from any crime scene in the correctional center. The Virginia Beach Police Department agrees to meet compliance with all relevant Prison Rape Elimination Act standards. This agreement was last entered in January 2018.

The Auditor reviewed the agency's Memorandum of Understanding with the Virginia Beach Commonwealth's Attorney Office. The memorandum stipulates the Virginia Beach Sheriff's Office agrees to:

Make involvement of certified rape crisis advocates a component of the standard response to a report of sexual abuse and/or a request for help from a survivor of sexual violence;

Any time that an incident or allegation of sexual abuse is discovered or reported VBSO will immediately offer medical attention to a victim of sexual abuse for a forensic medical exam, and to meet with a victim witness advocate from the Commonwealth Attorney's Office;

If the incident occurred more than 120 hours prior to the report, VBSO will ensure that the victim receives a medical evaluation and any needed treatment; a mental health evaluation; and contact information for the Virginia Beach Commonwealth Attorney's Office;

Facilitate follow-up, whenever possible, between the inmate and a Commonwealth Attorney's Office advocate by mail or telephone while the inmate is detained by the VBSO. VBSO will also provide the Commonwealth Attorney's Office contact information

to all inmates upon release. This should be done without regard to the presence or status of an investigation;

Provide inmates with confidential access to the Commonwealth Attorney's Office victim witness advocates at no cost, through the inmate telephone system;

Respect the confidential nature of communication between the Virginia Beach Commonwealth Attorney's Office victim advocates and clients detained at the VBSO;

Ensure that Commonwealth Attorney advocates are cleared to enter the jail for meetings, training sessions, or to meet with clients. Provide for other logistical needs, such as a private meeting space for counseling sessions;

Facilitate the placement of informational placards with instructions on how to access the Virginia Beach Commonwealth Attorney's Office victim advocates in areas visible to inmates; and

Communicate any questions or concerns to the Virginia Beach Commonwealth Attorney's Office victim witness staff.

The Memorandum of Understanding stipulates the Virginia Beach Commonwealth Attorney's Office agrees to:

Respond to requests from the VBSO to provide advocacy when inmates are referred for sexual assault incidents;

Respond to calls from inmates received on the Virginia Beach Commonwealth Attorney's victim witness phone within the next business day;

Provide follow-up services and crisis intervention contacts to victims of sexual assault at the VBSO, as resources allow;

Work with designated VBSO officials to obtain security clearances and follow all facility guidelines for safety and security, as necessary;

Maintain confidentiality of communications with client detained at the VBSO; and

Communicate any questions or concerns about the MOU to the VBSO.

This memorandum was effective July 11, 2016 and continues until it is terminated by either party. The Memorandum of Understanding remains in effect as it has not been terminated by either party.

The Auditor reviewed the Memorandum of Understanding with the YWCA. This MOU was entered in August 2016 and remains in effect. The MOU stipulates the Virginia Beach Sheriff's Office agrees to:

Provide a toll-free number for inmates to use to contact the YWCA for counseling, assistance, and emotional support services related to sexual abuse in a confidential manner;

Ensure the toll-free number is not subject to recording;

Ensure privileged written correspondence status between inmates and the YWCA in all outgoing mail;

Ensure privileged written correspondence status between inmates and the YWCA in all incoming mail provided the YWCA return address is pre-printed on the envelope;

To request and schedule presentations provided by the YWCA as needed;

Provide VBSO staff support during YWCA presentations;

Ensure that YWCA has an appropriate, safe meeting environment is made available for the YWCA counselors; and

Provide evaluative feedback to YWCA staff and volunteers in order to help YWCA staff be assured that objectives are met.

The MOU stipulates the YWCA agrees to:

Provide, upon request of the victim and in accordance with the SANE/SAFE Nurse, support, advocacy, and any other appropriate services to victims of sexual assault referred by VBSO;

Provide victims of sexual assault with YWCA advocates for 24 hour crisis intervention emergency medical and legal advocacy, and referrals. All services can be accessed through the 24 hour telephone hotline;

Provide counseling at VBSO for victims of sexual assault;

Coordinate with the VBSO Watch Commander's Office to arrange individual or group scheduled counseling sessions, normally during standard work hours;

A YWCA counselor will determine the number of sessions given based on inmate needs and counselor workload; and

YWCA will maintain confidentiality of victims.

The facility reported two incidents of sexual abuse that were reported in a time that would allow the collections of forensic evidence. The Auditor reviewed the records of both incidents. Both inmates were offered a forensic examination. The examinations were performed in the facility's medical area by a certified Sexual Abuse Nurse Examiner. The Auditor observed two incident reports written by facility staff that documented the offering of the forensic examination.

The facility utilizes forensic services with the Chesapeake Forensic Specialists (CFS). The Auditor conducted a telephone interview with a CFS representative, The Auditor discussed the services provided by CFS. The Auditor was informed that forensic examinations are conducted by a certified Sexual Abuse Nurse Examiner and occur at the Virginia Beach Correctional Center. The Auditor asked if the area provided is sufficient to perform evidence collection. The SANE stated the medical area is more than adequate for evidence collection. The Auditor asked if a victim advocate is allowed to accompany the victim during the examination. The SANE stated advocates are always allowed when requested by the victim. The SANE was asked if the inmate is charged a fee after the examination. Inmates are not directly charged for the exam. Any evidence collected during the forensic evidence is provided to the Virginia Beach Police Department by the SANE to maintain chain of custody.

The Auditor attempted to contact a victim advocate from the YWCA. A representative took the Auditor's name and telephone number and informed the Auditor an advocate would return a phone call. The Auditor did not receive a return call.

The Virginia Beach Sheriff's Office does not utilize staff to serve the role as a victim advocate.

The Auditor conducted formal interviews with NaphCare medical personnel. Medical personnel were asked if they conduct forensic examination. Each medical personnel stated they do not conduct forensic examinations. The Auditor was informed forensic examinations were conducted in the medical area by a certified SANE with the Chesapeake Forensic Specialists. Medical personnel informed the Auditor they assist the SANE when directed by the SANE.

The Auditor conducted a formal interview with an agency investigator. The investigator was asked to explain the process when investigation allegations of sexual abuse. The Auditor was informed criminal investigations of sexual abuse are conducted by the Virginia Beach Police Department. The Auditor asked how evidence collection occurs and was informed the VBPD investigator collects evidence from the crime scene. VBSO personnel secure the scene to protect potential evidence following an incident of sexual abuse.

The Auditor conducted an interview with an inmate who was alleged to be the victim of sexual abuse. The inmate stated he was offered a forensic examination following the alleged incident. The Auditor asked if the inmate had the opportunity to receive the presence of a victim advocate. The inmate had been provided the opportunity for such. The inmate was not charged a fee for services related to the alleged victimization. The inmate informed the Auditor he does know how to access outside supportive services.

Conclusion:

The VBSO is utilizing an appropriate uniformed evidence protocol to maximize the potential for usable evidence. The facility makes victim advocates available to victims of sexual abuse and ensures access to a forensic examination performed by a certified Sexual Abuse Nurse Examiner. The Auditor reviewed the VBSO policies, procedures, Memorandums of Understanding, Incident Reports and conducted interviews with staff, inmates and SANE. The Auditor determined the facility meets the requirements of this standard.

115.22 Policies to ensure referrals of allegations for investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy is to ensure an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The VBSO policy is to refer allegations of sexual abuse to the Virginia Beach Police Department. The Virginia Beach Police Department has the legal authority to conduct such investigations.

The Criminal Investigation policy states, "Sexual abuse allegations received or incidents of sexual abuse that occur within the Virginia Beach Correctional Center where the evidence of conduct supports criminal behavior will be referred to the Virginia Beach Police Department (VBPD) for investigation. This includes, but is not limited to allegations of rape, forcible sodomy, sexual battery, aggravated sexual battery, object sexual penetration, and sexual abuse as defined by the *Code of Virginia* and such acts defined as sexual abuse by the Prison Rape Elimination Act (Public Law No. 108-79) (PREA)."

Virginia Code 18.2-67.10 defines sexual abuse as, "an act committed with the intent to sexually molest, arouse, or gratify any person, where:

1. The accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts;
2. The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts;
3. If the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or
4. The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts."

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 15

Policy - 08-17-00 - Criminal Investigations, pg. 5 - 6

Virginia Code 18.2-67.10 General Definitions

Memorandum of Understanding with the Virginia Beach Police Department

Inmate Investigative Records

Interview with Inmates

Interview with Investigators

Analysis/Reasoning:

The Auditor reviewed the Virginia Beach Sheriff's Office website. The VBSO website includes a link to access the agency's policy regarding the conduct of investigating allegations of sexual abuse and sexual harassment. The website informs administrative investigations will be conducted by the Virginia Beach Sheriff's Office while criminal allegations of sexual abuse will be referred to the Virginia Beach Police Department. The website informs the public that VBSO investigators will provide assistance to VBPD investigators and provides the responsibilities of both agencies.

The Auditor conducted a formal interview with an investigator with the VBSO Office of Professional Standards and the Criminal Intelligence Unit. The Auditor asked each to explain his/her process once an allegation appears to be criminal in nature. Each investigator stated the Virginia Beach Police Department is notified immediately to conduct a criminal investigation. The referral to the VBPD is documented in the written investigative report.

The Virginia Beach Police Department reported 3 allegations of sexual abuse were referred to the Virginia Beach Police Department for criminal investigation in the previous 12 months. The decision to prosecute is determined by the Virginia Beach Police Department investigator in conjunction with the Virginia Beach Commonwealth Attorney's Office.

The Auditor conducted formal interviews with inmates who alleged sexual abuse while housed at the facility. The inmates were asked if an investigator met with them after making the allegation. Each informed the Auditor they did meet with an investigator. When asked if they were informed of their investigative results one inmate informed the Auditor he had not been told the results. The Auditor determined this inmate had alleged sexual abuse and the investigation by the Virginia Beach Police Department had not been concluded.

The Auditor reviewed investigative records. Records reveal facility investigators are referring criminal allegations of sexual abuse to the Virginia Beach Police Department. Investigative records include documentation of the referral to the VBPD. The facility had conducted a total of 66 investigations during the previous 12 months. There were 63 administrative and 3 criminal investigations conducted. Of the 66 investigations one is ongoing and one was not completed due to the inmate's transfer to a mental hospital.

No department of justice component is responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in the Virginia Beach Correctional Center.

Conclusion:

The Auditor concluded the Virginia Beach Sheriff's Office is appropriately referring criminal allegations of sexual abuse and sexual harassment to the Virginia Beach Sheriff's Office who has the legal authority to conduct criminal investigations. The Auditor observed evidence the facility is investigating all allegations of sexual abuse and sexual harassment. After reviewing agency policies, procedures, website, investigative reports and interviewing staff and inmates, the Auditor determined the facility meets the requirements of this standard.

115.31 Employee training

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy stipulates all sworn and non-sworn appointees having contact with inmates will receive training during In-Doc and the Basic Academy. Policy requires the training be documented and kept on file in accordance with the Library of Virginia at the VBSO Training Academy. The agency's training academy is required to maintain records, through signature or electronic verification that the appointees understand the training they received. The VBSO policy requires all sworn and non-sworn appointees minimally receive the following:

- The Sheriff's Office zero-tolerance policy for sexual abuse and sexual harassment;
- How to fulfill responsibilities under the Sheriff's Office sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- Inmates' rights to be free from sexual abuse and sexual harassment;
- The right of inmates and appointees to be free from retaliation for reporting sexual abuse and sexual harassment;
- The dynamics of sexual abuse and sexual harassment in confinement;
- The common reactions of sexual abuse and sexual harassment victims;
- How to detect and respond to signs of threatened and actual sexual abuse;
- How to avoid inappropriate relationships with inmates;
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming inmates; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Policy stipulates the training will be geared for both male and female inmates. Training is required every two years for all appointees. In years in which an appointee does not receive refresher training, the VBSO provides refresher information on the Sheriff's Office sexual abuse and sexual harassment policies.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 10 - 11

Training Lesson Plans

Training PowerPoints

Staff Training Records

Interviews with Staff

Analysis/Reasoning:

The Auditor reviewed the agency's lesson plans and PowerPoint presentations utilized to train

staff. The VBSO lesson plans include all training topics as bulleted above. The VBSO instructor teaches from the lesson plan and uses a PowerPoint presentation to train staff. Each new appointee is provided this training when they are initially hired. The facility provides PREA training to all staff annually. The training provided to employees is not tailored to any gender as the facility houses male and female inmates.

The Auditor reviewed the VBSO staff training records. Training records reveal all staff are provided the PREA training. The Auditor reviewed training records for the previous 12 month period. All staff had been provided training within the previous 12 months. Employee understanding is recorded electronically by the agency. The Auditor interviewed staff who had recently received the 2020 PREA training.

The facility's Pre-Audit Questionnaire reported 537 staff employed who may have contact with inmates. The Auditor reviewed the training documents that reveal 527 staff were provided training in 2019. The facility had personnel leave the facility during the previous 12 months. The Auditor verified all current employees at the facility have received the agency's PREA training.

The Auditor conducted formal interviews with specialized and randomly selected staff. Each was asked about the training provided by the agency. All staff interviewed had been provided the training and informed the Auditor they receive training every year. The Auditor asked each to explain the topics provided by the agency during their annual training. Staff were able to articulate the above listed topics. The Auditor determined staff were knowledgeable regarding those topics.

The Auditor conducted formal interviews with randomly selected and specifically targeted inmates. The inmates interviewed articulated staff appropriately respond to incidents, take sexual abuse and sexual harassment seriously and had confidence in staff's abilities. The inmates' collective responses allowed the Auditor to determine staff had received PREA training.

Conclusion:

The Auditor concluded the facility has appropriately trained its staff and documented the training as required by this standard. Facility staff interviewed by the Auditor were knowledgeable in the training topics mandated in PREA standard 115.31. The Auditor reviewed agency policy, procedures, training materials, training rosters and conducted interviews with staff and inmates and determined the facility meets the requirements of this standard.

115.32 Volunteer and contractor training

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office has a policy that requires all contractors and volunteers who have contact with inmates receive PREA training during In-Doc. All training shall be documented and shall be kept on file in accordance with the Library of Virginia at the Virginia Beach Sheriff's Office Training Academy. Policy stipulates the documentation of the training shall include, through electronic verification that the volunteer and/or contractor understands the training they received. The VBSO requires the training minimally include:

- Their responsibilities under the Virginia Beach Sheriff's Office sexual abuse and sexual harassment prevention, detection, and response policies and procedures;
- The Sheriff's Office zero tolerance policy regarding sexual abuse and sexual harassment; and
- How to report sexual abuse and sexual harassment incidents.

The VBSO trains volunteers and contractors based on the services they provide and level of contact they have with inmates. Policy requires each volunteer and contractor receive refresher training every two years. In years where the volunteer and/or contractor do not receive training they shall receive refresher information on the Sheriff's Office sexual abuse and sexual harassment policies and procedures.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 11

Required Reading for Contractors and Volunteers

Training Curriculum

Training Records

Interviews with Contractors

Analysis/Reasoning:

The Auditor reviewed the agency's volunteer and contractor training curriculum. Contract personnel who work regularly in the facility receive the same training as provided to all agency personnel. Contractors and volunteers who do not work regularly in the facility are provided policies and are required to read and sign for understanding of such policies. Those persons are required to read and sign acknowledgement of the following policies and procedures:

- 13-11-00 - Prison Rape Elimination Act
- 04-01-00 - Hazardous Chemicals Communication Policy
- 07-04-00 - Civil Disturbance & Mass Arrest Response
- 07-05-00 - Natural Disaster Response

07-06-00 - Fire Plan
07-07-00 - Other Emergency Procedures
07-07-02 - Bomb Threats/Explosives Devices
07-07-03 - Hostage Situations/Barricaded Inmates
11-05-00 - Use of Restraint Equipment
07-07-01 - Suicide Intervention Policy
02-03-00 - Rules/Regulations and Discipline
05-08-00 - Workers Compensation/Accidents and Property Damage Reporting Policy
Bloodborne Pathogens/Universal Precautions
CJIS Security Policy v5.5

The Auditor reviewed signed contractor and volunteer Required Reading forms. The Required DOC Reading for Contract/Volunteer Workers form includes the following statement, "By reading the policies and signing this form, I am confirming that I understand the training that I have received." The form requires the personnel to print and sign their name, include their department and date of signature.

The agency reported 212 contractors who have contact with inmates who are authorized to enter the facility. The agency reported 102 volunteers who have contact with inmates authorized to enter the facility. Each volunteer and contractor undergoes a background check and receives training prior to authorization to enter the facility. The Auditor verified each volunteer and contractor received training.

The Auditor conducted formal interviews with contract personnel. Each contractor interviewed verified they had been provided training related to the agency's PREA policies prior to beginning services. The Auditor asked each specific questions related to the facility's policy's and procedures for reporting allegations of sexual abuse and sexual harassment. Each contractor understood their requirements for reporting allegations, information and knowledge related to such. Each was asked to explain their responsibilities under the VBSO polices related to sexual abuse. Each contractor understood their rights and responsibilities for such. All contractors understood the agency has a zero-tolerance policy of sexual abuse and sexual harassment.

The Auditor was unable to interview a facility volunteer due to operational adjustments to mitigate the risks of COVID-19 spread.

Conclusion:

The Auditor concluded the facility is appropriately training volunteers and contractors and staff ensures documentation of training is maintained. The Auditor determined through a review of agency policies, procedures, training curriculum, read and sign forms and by interviewing contract personnel the facility meets the requirements of this standard.

115.33 Inmate education

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

It is the policy of the Virginia Beach Sheriff's Office to provide each inmate with PREA information and training. Policy stipulates the education will be provided in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. Documentation of inmate information and education is required to be maintained by the Classification Division. Policy requires initial PREA information be provided to each new committal and include an explanation of the VBSO zero-tolerance policy regarding sexual abuse and sexual harassment. Inmates shall also receive information on how to report incidents or suspicions of sexual abuse or sexual harassment while incarcerated in the Virginia Beach Correctional Center.

The VBSO policy requires each inmate receive a comprehensive education within 30 days of the intake process. The VBSO utilizes a video to provide the comprehensive education. Policy requires the video include information about the inmate's rights to be free from sexual abuse and sexual harassment. The video must also include information on the inmate's right to be free from retaliation for reporting such incidents as well as the VBSO policies and procedures for responding to those incidents.

The agency's Prison Rape Elimination Act policy requires inmates receive ongoing education. Policy stipulates the VBSO will ensure key information is continuously and readily available or visible to inmates through posters, the Rules and Regulations for Virginia Beach Correctional Center handbook, or other written formats.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 12

Policy - 13-01-00 - Intake and Intake Classification Process, pg. 4

Inmate Handbook

Orientation Video

Inmate Records

Interviews with Staff

Interviews with Inmates

Observations

Analysis/Reasoning:

Each inmate is provided an Inmate Handbook upon arrival at the Virginia Beach Correctional Center. The following information is included in the Inmate Handbook:

What You Should Know About Prison Rape and Sexual Violence;
If You Sexually Assault/Abuse Another Person You Should Know That:
Definitions of Sexual Abuse in a Correctional Facility;
Zero Tolerance;
Reporting Abuse and Access to Confidential Support Services; and
Discipline Sanctions for Inmates.

Inmates acknowledge receipt of the agency's information and education in writing that states, "PREA: Acknowledgement - You have received and understand The Prison Rape Elimination Act (PREA) Preventing Sexual Assaults and Sexual Harassment training for Virginia Beach Sheriff's Office and Correctional Center."

The Virginia Beach Sheriff's Office utilizes the "What You Need to Know" video. Each inmate watches the video during intake and in their housing units. Inmates are given an opportunity to ask questions about the facility's information and comprehensive education with the Classification Officer. The Classification Officer meets with each new inmate individually. The facility maintains the Inmate Handbook and Comprehensive educational video in English and Spanish. The video is closed captioned in each language.

The Auditor reviewed 40 inmate records. The Auditor randomly chose 20 and specifically chose 20 inmate files. A review of inmate records revealed each inmate signed the acknowledgement form. Each inmate had been provided the Inmate Handbook upon intake and the comprehensive education within 30 days of arrival. The Auditor was able to determine by a review of a relevant sample of inmate files the inmate population receives a comprehensive education. While interviewing inmates the Auditor was informed they received an Inmate Handbook during the booking process. The Inmate Handbook includes the agency's sexual abuse and sexual harassment information.

The Auditor conducted formal interviews with inmates who were identified as Limited English Proficient. Each was asked if he was provided information during the booking process. Each inmate informed the Auditor they were provided a handbook written in Spanish. The Auditor asked each if they had watched the comprehensive educational video. Each informed the Auditor he had seen the Spanish version of the video. The inmates were knowledgeable regarding the agencies sexual abuse and sexual harassment policies and procedures towards prevention, detection and response. The Auditor asked the inmates how the facility communicated with them. Inmates stated the facility uses interpreters to communicate.

The Auditor conducted formal interviews with inmates who were identified with a cognitive or mental disability. Each inmate was asked if he/she was provided a handbook upon arrival. The Auditor asked each if he/she had watched a video about sexual abuse and sexual harassment. Each inmate informed the Auditor he/she was provided a handbook and watched the educational video. The Auditor questioned each inmate about the contents of the handbook and video. The inmates knew how to report allegations of sexual abuse and sexual harassment, understood the facility has a zero-tolerance policy, and they had a right to be free from sexual abuse, sexual harassment and retaliation. The Auditor was able to determine the inmates identified with a cognitive or mental disability had benefitted from the agency's information and comprehensive education.

The Auditor conducted a formal interview with classification personnel. Classification was

asked how information is provided to inmates who are deaf, hard of hearing, blind, have low vision or who cannot read English. The Auditor was informed PREA information can be read by those who are deaf and listened to by those who are blind. Classification stated disabled inmates are provided a tablet to benefit from the information and education. The Auditor was informed the agency contracts for telephonic language line service and for sign language interpreters. Classification informed the Auditor the facility has staff who are bilingual in the event an inmate doesn't speak English. The Auditor asked classification personnel how they ensure inmates who cannot otherwise benefit from the agency's education and information receive the information. Classification stated they discuss options with command staff.

While touring the facility the Auditor observed the comprehensive educational video being played on housing unit televisions. The Auditor observed key information readily available in the form of PREA posters throughout the facility. The facility provides readily available information to inmates in its Inmate Handbook. The facility maintains PREA materials written in English and Spanish. During interviews the Auditor was informed the video plays weekly in the housing units.

Conclusion:

The Auditor concluded the inmate population at the Virginia Beach Correctional Center have been appropriately educated in the facility's zero-tolerance policy, how to report allegations, rights to be free from sexual abuse, sexual harassment, retaliation, and the agency's policies and procedures for responding to such. The facility maintains appropriate documentation of such in each inmate's record. The Auditor reviewed the agency's policies, procedures, inmate records, Inmate Handbook, orientation video, interviewed staff, inmates and made observations to determine the facility meets the requirements of this standard.

115.34 Specialized training: Investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy requires investigators assigned to Professional Standards Office (PSO) and Criminal Intel Unit (CIU) shall received specialized training in conducting sexual abuse investigations in confinement settings prior to conducting such investigations. The individual policies for Professional Standards and Criminal Intel include a requirement for investigators to receive specialized training. Each policy requires specialized training include the following information:

- Techniques for interviewing sexual abuse victims;
- Proper use of *Miranda* and *Garrity* warnings;
- Sexual abuse evidence collection in confinement settings; and
- The criteria and evidence required to substantiate a case for administrative action or prosecution referral.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 10 - 11

Policy - 02-10-00 - Professional Standards and Accountability, pg. 3

Policy - 08-17-00 - Criminal Investigations, pg. 8

Memorandum of Understanding with the Virginia Beach Police Department

Training Certificates

Training Records

Interivews with Investigators

Analysis/Reasoning:

The VBSO utilized the National Institute of Corrections (NIC), "*PREA: Investigating Sexual Abuse in Confinement Settings*" to train its investigators. The NIC training includes the elements bulleted above. At the time of the audit the Virignia Beach Sheriff's Office employed 7 staff who have completed the required training. The Auditor reviewed the training cirtificates of each investigator; each had attended the training. In addition, the Auditor reviewed the training files of the investigators. Each investigator had received the PREA training offered to all VBSO employees.

The Virignia Beach Police Department conducts criminal investigations of sexual abuse in the Virginia Beach Correctional Center. The Auditor reveiwed the Memorandum of Understanding with the Virginia Beach Police Department. The MOU stipulates the Virginia Beach Police Department will ensure each of its investigators receive specialized training to conduct investigations of sexual abuse in confinement settings.

The Auditor formally interviewed a Virginia Beach Sheriff's Office PSO and a CIU investigator. The Auditor asked each to explain the topics included in the specialized training they received. Each investigator articulated the topics as bulleted above. The Auditor asked each to explain the process they utilize when conducting investigations. Their responses indicate each had been trained to conduct sexual abuse investigations in confinement settings. Each investigator discussed interviewing techniques, *Mirand* and *Garrity* warnings, evidence collection and the criteria and evidence to support administrative and prosecutorial referral.

No department of justice component is required to investigate sexual abuse allegations in the Virginia Beach Correctional Center.

Conclusion:

The Auditor concluded the facility has provided appropriate training to its sexual abuse investigators. The Auditor conducted a review of policies and procedures, training curriculum, training records, MOU and conducted an interview with investigators to determine the facility meets the requirements of this standard.

115.35 Specialized training: Medical and mental health care

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy is to provide all full-time and part-time medical and mental health care practitioners who work regularly within the Virginia Beach Correctional Center with specialized training on working with victims of sexual abuse and sexual harassment. Policy requires the training include the following topics:

- How to detect and assess signs of sexual abuse and sexual harassment;
- How to preserve physical evidence of sexual abuse;
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Policy requires the Virginia Beach Sheriff's Office Training Academy shall maintain documentation that medical and mental health practitioners have received the specialized training either from another agency or entity as provided by the Sheriff's Office. The agency requires all medical and mental health care practitioners receive the training mandated for employees as enumerated in the VBSO's Prison Rape Elimination Act policy.

Evidence Relied Upon:

Policy - 12-12-00 - Medical Services, pg. 3

NaphCare policy - J-F-06 - Response to Sexual Assault, pg. 2

Training Records

Interviews with Medical Professionals

Analysis/Reasoning:

Medical and mental health services at the Virginia Beach Correctional Center are conducted by NaphCare. All NaphCare medical and mental health practitioners are required by the VBSO policy to complete specialized medical training. The Auditor reviewed the records of 62 medical and mental health practitioners. Records reveal each had attended the specialized medical training. Documentation for each medical and mental health practitioner's understanding of the training is maintained electronically.

Specialized medical training is provided to medical and mental practitioners by NaphCare. The Auditor reviewed the NaphCare training curriculum. The training curriculum includes the following modules:

- Detecting and Assessing Signs of Sexual Abuse;
- Forensic Evidence Preservation;

How to Respond Professionally and Effectively to Victims of Sexual Abuse and Sexual Harassment During Incarceration;
Reporting and the PREA Standards;
PREA and Medical and Mental Health Care; and
Why PREA Matters: Understanding Sexual Trauma in Custody.

The Auditor reviewed the facility's training records. Training records reveal each medical and mental health practitioner had received the training offered to all VBSO employees.

The Auditor conducted formal interviews with medical and mental health practitioners. Each NaphCare employee informed the Auditor they had received both specialized training and the training offered to all VBSO employees. Each stated they received the training upon hire before providing services. The Auditor questioned each regarding the training topics as required by this standard. The Auditor was informed how staff treat victims while preserving physical evidence. Medical professionals appeared to be well educated regarding the requirements of this standard.

NaphCare medical professionals do not perform forensic examinations.

Conclusion:

The Auditor concluded medical and mental health professionals at the Virginia Beach Correctional Center have been appropriately trained. The facility maintains documentation that medical and mental health professionals have received specialized medical training and the same training offered to VBSO training. The auditor conducted a review of VBSO policies, procedures, training curriculum, training records and interviewed medical and mental health professionals and determined the agency meets the requirements of this standard.

115.41 Screening for risk of victimization and abusiveness

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy requires an assessment of each inmate's risk of being sexually abused by other inmates or sexually abusive toward other inmates during the intake screening process. Policy requires the screening ordinarily occur within 12 hours of arrival and is conducted using an objective screening instrument. The VBSO intake screening minimally considers the following criteria to assess inmates for risk of sexual victimization:

- Whether the inmate has a mental, physical, or developmental disability;
- The age of the inmate;
- The physical build of the inmate;
- Whether the inmate has previously been incarcerated;
- Whether the inmate's criminal history is exclusively nonviolent;
- Whether the inmate has prior convictions for sex offenses against an adult or child;
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- Whether the inmate has previously experienced sexual victimization;
- The inmate's own perception of vulnerability; and
- Whether the inmate is detained solely for civil immigration purposes.

VBSO requires its initial screening consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known by the Classification Division and Medical/Mental Health practitioners, in assessing inmates for risk of being sexually abusive. The Classification Division is required by policy to reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received since the intake screening. The reassessment is required within a set time period, not to exceed 30 days from the inmate's arrival at the Virginia Beach Correctional Center.

The VBSO policy is to reassess an inmate's risk level when warranted due to a referral, request, incident of sexual abuse, or receipt to additional information that bears on the inmate's risk of sexual victimization or abusiveness. Inmates are prohibited from disciplinary action for refusing to answer or for not disclosing complete information regarding the following:

- A mental, physical, or developmental disability;
- Identification as gay, lesbian, bisexual, transgender, intersex, or gender non-conforming;
- Prior sexual victimization; or
- Perception of their own vulnerability.

The VBSO policy is to protect inmates from exploitation of information obtained from the intake screening. The information is shared with those who have a "need to know." Policy requires information obtained from the risk screening is strictly limited to Medical and Mental Health practitioners and other staff, as necessary, to inform treatment plans and security and

management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

Evidence Relied Upon:

Policy - 13-01-00 - Intake and Intake Classification Process, pg. 5-7

Intake/Classification Questionnaire and Intake Advisory Form

Inmate Records

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

Each inmate that arrives at the Virginia Beach Correctional Center is escorted into the intake area. During the intake process each inmate is screened by a medical and mental health professional. The Classification Officer meets with each inmate upon arrival at the facility. Each inmate is asked questions from the Intake/Classification Questionnaire and Intake Advisory Form. The screening occurs in the intake area within hours of the inmate's arrival to the facility. The Auditor conducted a review of 40 inmate classification records. Each inmate record maintained an Intake/Classification Questionnaire and Intake Advisory Form. Each inmate had been appropriately screened within 12 hours of their arrival. The Auditor discovered the following determinations within the 40 records:

- 6 Inmates who reported suffering sexual victimization;
- 5 Inmates who identified as gay, bisexual or lesbian;
- 3 Inmates who identified as transgender;
- 3 Inmates who were identified with a physical disability;
- 26 Inmates who had a current or previous diagnosis of a mental disability; and
- 9 Inmates who committed a sex offense.

Each inmate's file reviewed contained a reassessment of each inmate's risk of sexual victimization or abusiveness within 30 days of their initial intake screening. The Classification Officer conducted the reassessment and utilized the same form as the initial risk and needs assessment. The Auditor observed the files of inmates who had filed an allegation of sexual abuse while housed at the facility. The Classification Officer conducted a reassessment following the allegation of sexual abuse.

The Auditor conducted a formal interview with classification personnel. The Auditor discussed the risk screening process with classification personnel. Classification personnel were asked if they use their professional judgement when determining an inmate's risk level. Classification stated they do utilize their best judgement when conducting a risk screening and assessment. Classification personnel were asked if they had received a request or referral to conduct a reassessment of an inmate. None had received such. Each were asked if they had conducted reassessments of inmates following an allegation of sexual abuse. The Auditor was informed inmate's are reassessed following a sexual abuse incident.

The Auditor asked classification personnel what they do if an inmate refuses to answer

questions related to sexual abuse during the screening process. The Auditor was informed the classification process continues and an appropriate classification decision is made. Classification personnel were asked if they discipline an inmate for refusing to answer questions related to sexual abuse during the risk screening. Classification personnel were aware inmates could not be disciplined for refusing or failing to answer questions related to sexual victimization.

The Auditor asked various personnel who had access to the information obtained from the risk screening. Staff explained the information obtained from the risk screening is maintained in the inmate's electronic record. Each staff member has a unique username and password. Access to the information obtained from the risk screening is limited to medical and mental health practitioners, classification, and supervisors.

The Auditor conducted formal interviews with inmates. All inmates targeted for interviews and randomly chosen for interviews were asked if they had been asked questions as previously listed during the intake process. Inmates stated they had been asked such questions during the booking process. The Auditor asked each inmate if anyone at the facility had asked them the same questions after being booked into the facility. Inmates stated they had not been questioned again.

The facility does not conduct a reassessment of vulnerability and aggressiveness upon transfer to another facility because the Virginia Beach Sheriff's Office operates only one facility. Inmates who have been in the facility multiple times informed the Auditor they have been asked questions during the booking process each time they have been incarcerated in the Virginia Beach Correctional Center.

At the time of the Audit there were no inmates detained solely for immigration purposes.

Conclusion:

The facility's classification staff is attempting to discover inmate levels of risk of sexual victimization or sexual aggressiveness during the booking process and within 30 days of an inmate's arrival based upon additional information and incidents of referrals. The Auditor reviewed the agency's policies, procedures, questionnaire, inmate records and interviewed staff and inmates to determine the facility meets the requirements of this standard.

The Auditor discovered the facility's intake questionnaire has options for staff to select transgender, but not intersex when inmates identify as such. The Auditor recommends the facility add an option for staff to document when an inmate identifies as intersex.

115.42 Use of screening information

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy is to use information received from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of sexual victimization from those at high risk of being sexually abusive. Inmates are required to be classified in the intake area and prior to being placed in the Virginia Beach Correctional Center. Policy requires the Classification Division make individualized determinations about how to ensure the safety of each inmate.

The VBSO policy stipulates in deciding whether to assign a transgender or intersex inmate to a male or female housing unit, and in making other housing and programming assignments, the Sheriff's Office shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems. Classification staff are required to seriously consider a transgender and intersex inmate's own views with respect to his or her own safety.

The Classification Division is required by policy to reassess placement and programming assignments for each transgender or intersex inmate to review any threats to safety experienced by the inmate at least twice each year. The Classification Division is required to document the reassessment in the inmate's file.

The Virginia Beach Sheriff's Office maintains a prohibition of dedicated housing units in the VBSO policy. Policy states, "Lesbian, gay, bisexual, transgender, or intersex inmates shall not be placed in dedicated housing units solely on the basis of such identification or status unless such placement is established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates." The VBSO policy requires transgender and intersex inmates are provided the opportunity to shower separately from other inmates.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 7-9

Intake/Classification Questionnaire and Inmate Advisory Form

Inmate Classification Records

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Auditor reviewed 40 inmate classification records. Of the records reviewed there were 3 inmates who identified as transgender and 5 who identified as lesbian, gay or bisexual. The classification records reveal facility staff made individualized considerations when determining their housing, bed, work and other assignments to ensure each inmate was maintained safely

in the facility. The assessment form considers an inmate's own views of their safety when determining assignments. The Auditor observed classification staff is utilizing information obtained from the risk screening to assign facility housing, bed, and work assignments to ensure those inmates are protected. When inmates submit a request to attend programs and educational classes the Classification Officer ensure's those at risk of victimization are not placed in a program with those identified as potential abusers.

Classification staff considers an inmate's own perceptions of their safety before making classification decisions. The Intake/Classification Questionnaire and Inmate Advisory Form has a notes section where classification documents their perception of how the inmate presents him/herself. The Auditor conducted formal interviews with inmates who identified as transgender, gay, lesbian and bisexual. Each was asked if they were housed in a unit that is designated for LGBTI inmates. None were housed in a unit designated as such. The Auditor asked transgender inmates if staff meet with them to discuss the status of their incarceration. The Auditor was informed staff routinely meet with them to discuss their assignments. The Auditor was informed staff make weekly PREA rounds in which they can address any concerns as well. The Auditor asked transgender inmates if they meet with mental health personnel. Each informed the Auditor they periodically meet with mental health professionals.

The Auditor formally interviewed classification staff. The Auditor discussed the classification process with classification personnel. Classification informed the Auditor they asked transgender inmates questions regarding their own perception regarding their safety in the facility. The Auditor asked classification if they meet with transgender inmates at least two times each year to assess their placements. The Auditor was informed classification meet with transgender inmates more than two times a year. The Auditor was informed weekly PREA rounds occur. During PREA rounds the inmates are spoken to regarding their incarceration.

The auditor observed all facility housing units during a detailed tour of the facility. While touring, the Auditor observed all shower and restroom areas. Each transgender can change clothes and use the restroom without staff of the opposite gender seeing them fully naked. Each transgender interviewed by the Auditor was asked if they have the opportunity to shower separately from other inmates. Transgender inmates stated facility staff remove them from the housing unit and take them to a private area for them to shower.

At the time of the audit the Virginia Beach Correctional Center was not under a consent decree, legal settlement, or legal judgement for the purpose of protecting lesbian, gay, bisexual, transgender or intersex inmates.

Conclusion:

The Auditor concluded classification staff is making individualized determinations when assigning inmate's housing, bed, work, programming and education assignments. The agency has appropriate policies, procedures and practices in place to protect those identified at high risk of victimization. Transgender and intersex inmates can shower separately from other inmates. The Auditor conducted a thorough review of policies, procedures, classification records, risk screenings, made observations and interviewed staff and inmates to determine the facility meets the requirements of this standard.

115.43 Protective Custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office prohibits placing inmates at high risk of sexual victimization in involuntary segregated housing unless an assessment of all available alternatives have been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If an assessment cannot be conducted immediately, the VBSO staff may place an inmate in involuntary segregated housing for less than 24 hours while completing the assessment. When no available alternative housing are determined and staff place an inmate in involuntary segregated housing, the Classification Division must document:

The basis for the concern of the inmate's safety; and

The reason why no alternative means of separation can be arranged.

VBSO policy requires inmate access to programs, privileges, education, and work opportunities to the extent possible for those placed in involuntary segregated housing who have been identified at risk of sexual victimization. When inmates in involuntary segregated housing are restricted from access to programs, privileges, education or work opportunities, the Classification Division is required to maintain the following documentation in the inmate's file:

The opportunities that have been limited;

The duration of the limitation; and

The reasons for such limitations.

Placements in involuntary segregated housing at the Virginia Beach Correctional Center may not ordinarily exceed a period of 30 days. Involuntary placements in segregated housing that exceed 30 days require a review to determine whether there is a continuing need for separation from the general population.

Evidence Relied Upon:

Policy - 13-01-00 - Intake and Intake Classification Process, pg. 9-10

Classification Records

Housing Records

Interviews with Staff

Interviews with Inmates

Observations

Analysis/Reasoning:

The facility reported no inmates were placed in involuntary segregated housing for their protection as a result of being identified as high risk of sexual victimization. The Auditor reviewed housing and classification records and discovered no evidence an inmate had been identified at high risk of sexual victimization and placed in involuntary segregated housing as a result of such identification.

The Auditor conducted formal interviews with classification staff. The Auditor discussed the process of placing an inmate identified at high risk of sexual victimization in involuntary segregated housing. The Classification Officer informed the Auditor an immediate assessment is conducted to view available housing alternatives. The Auditor was informed the Virginia Beach Correctional Center has numerous housing units and therefore can separate those identified at high risk of sexual victimization without resorting to involuntary segregated housing. The Auditor asked in the case an inmate was placed in involuntary segregated housing if they can attend programs, education, work and/or receive other privileges. The Classification Officer stated they do receive such as long as no security concerns exist. The Classification Officer was aware a monthly review must take place if involuntary segregated housing extended beyond 30 days. The Classification Officer was also aware the requirement to document restrictions on education, work, programs and privileges.

The Auditor conducted a formal interview with a deputy who supervises inmates in segregated housing. The deputy was asked if inmates in segregated housing receive access to programs, privileges, work and education. The Auditor was informed inmates in segregated housing do have access to such. He was asked if he documents any restrictions to such. The Auditor was informed restrictions to work, education, programs and privileges are typical documented and forwarded to the housing unit for staff to follow the restrictive order. The Auditor asked the deputy if he has supervised an inmate in segregated housing who had been identified at high risk of sexual victimization and placed in segregated housing for his/her protection. The deputy was unaware of such.

The Auditor conducted a detailed tour of the facility. Observations were made of each inmate housing unit. The Auditor observed numerous areas which can house inmates to ensure those identified at high risk of sexual victimization are protected from sexual abusers and without placing the inmate in involuntary segregated housing.

The Auditor conducted an interview with inmates who reported an allegation of sexual abuse within the previous 12 months. The Auditor asked each if his/her housing unit changed after making the allegation. Through interviews, the Auditor determined no inmate was placed in involuntary segregated housing for his/her protection. The Auditor asked each if he/she had any contact with the person who was alleged to have committed the act of sexual abuse. None of the inmates had further contact with their alleged abuser.

Conclusion:

The facility has appropriate procedures in place to ensure inmates identified at high risk of sexual victimization who are placed in involuntary segregated housing receive appropriate placement, reviews and other privileges. The Auditor reviewed VBSO policies, procedures, classification records, housing records, made observations and interviewed staff and inmates to determine the VBSO meets the requirements of this standard.

115.51 Inmate reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy is to provide inmates with multiple internal ways to report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmates at the Virginia Beach Correctional Center may report in the following manners:

Verbally or in writing to any sworn or non-sworn staff member;

Verbally or in writing to any member of the Virginia Beach Police Department;

Anonymously via the PREA Hotline;

Verbally or in writing to a third-party;

Inmate Correspondence Form;

A public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to Sheriff's Office officials allowing the inmate to remain anonymous upon request;

Grievance or an emergency grievance in accordance with the Rules and Regulations handbook which is in accordance with Policy and Procedure Inmate Grievance Process General Order. All inmates will be afforded the opportunity to file a grievance to address staff sexual misconduct or inmate-on-inmate sexual abuse or sexual harassment.

Staff are required to accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. The VBSO provides staff the option of privately reporting sexual abuse and sexual harassment of inmates directly to the Professional Standards Office or Criminal Intel Unit or by utilizing the PREA Hotline available to the public.

Inmates detained solely for civil immigration purposes are provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 13-15

Inmate Handbook, pg. 10-13

Memorandum of Understanding with the YWCA

Zero-Tolerance Poster

VBSO Website

Incident Reports

Training Records

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Auditor reviewed the facility's Inmate Handbook. Inmates are informed they may report sexual harassment, sexual abuse, retaliation by staff or other inmates for reporting sexual harassment or sexual abuse, and neglected by staff in responding. The Inmate Handbook informs inmates they may report allegations by:

- Writing the PREA Coordinator;
- Write a medical request;
- Verbally report the incident to a staff member;
- Write anonymously to a staff member;
- Call the PREA Hotline (instructions are provided); or
- Third party reporting at www.vbso.net

The Auditor reviewed the Memorandum of Understanding with the YWCA. The Memorandum of Understanding provides the following, but not limited to, agreements:

- A toll-free hotline number for inmates to contact the YWCA;
- Toll-free hotline number is not subject to recording;
- Privileged written correspondence; and
- Confidentiality of victims.

The Auditor toured each housing unit and service areas. Posters are strategically located that inform inmates how to report allegations of sexual harassment, sexual abuse, staff neglect, and retaliation for reporting allegations. The posters include the following reporting avenues; write a medical request, verbally tell any staff member, write an anonymous request to a staff member, call the PREA Hotline, or by third-party through the website.

The Auditor reviewed facility training records and training curriculum. VBSO employees are provided training that includes the reporting of sexual abuse and sexual harassment, staff neglect, and retaliation for reporting allegations or cooperating with investigators. The training includes the staff's avenues for privately reporting allegations of sexual abuse and sexual harassment. All security and non-security staff received this training.

The Auditor reviewed the VBSO website. The website includes a link to its PREA information. The public is informed how to file an allegation on behalf of inmates. The public is provided the telephone number of the Sheriff's Office and the email address to report sexual abuse and sexual harassment. The link explains how and when messages are checked and informs the public they may remain anonymous.

The Auditor conducted formal interviews with randomly chosen staff. Each staff member was asked if he/she is required to accept any and all reports of sexual abuse, sexual harassment,

retaliation and staff neglect. Staff informed the Auditor they are required to accept such reports. Staff stated they are required to report those allegations immediately and include the information on a written Incident Report. Each staff member was asked how they would privately report an allegation. The Auditor was informed staff would either call the PREA Hotline or speak to an investigator.

The Auditor conducted formal interviews with inmates. Inmates were asked to explain how they would report an allegation of sexual abuse, sexual harassment, retaliation, or staff neglect. Collectively, the inmate population stated they would call the PREA Hotline, tell a staff member, write a request, write a grievance, or tell a family member. Most inmates stated they would verbally inform a staff member. Inmates were asked if they could make an allegation without having to give their name. Inmates were aware they could make an allegation anonymously.

The Auditor reviewed Incident Reports written by facility staff. Incident Reports reveal staff are accepting verbal reports of sexual abuse and sexual harassment and including the information on a written report. The reports reveal staff are immediately reporting the information to supervisors. The Auditor questioned staff during interviews regarding accepting verbal and anonymous reports. Staff informed the Auditor they are required to report any and all knowledge, suspicion or information related to sexual abuse and sexual harassment.

At the time of the Auditor there were no inmates detained solely for civil immigration purposes.

Conclusion:

The Virginia Beach Sheriff's Office provides multiple ways for inmates to report allegations of sexual abuse and sexual harassment, including a public office and private entity who can immediately forward reports of sexual abuse and sexual harassment to the VBSO. The facility requires staff to accept, report and document all allegations of sexual abuse and sexual harassment. The Auditor reviewed the agency's policies, procedures, Inmate Handbook, Posters, Website, MOU, Incident Reports, training records and interviewed staff and inmates and determined the facility meets the requirements of this standard.

115.52 Exhaustion of administrative remedies

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office is not exempt from this standard as it maintains procedures to address inmate grievances alleging sexual abuse. Facility policy does not impose a time limit on any portion of a grievance alleging sexual abuse and does not impose a time limit when an inmate may file a grievance alleging sexual abuse. Inmates are not required to exhaust informal means such as mediations or participate in any process which requires interaction with the perpetrator. VBSO policy stipulates nothing in the policy shall restrict the Sheriff's Office's ability to defend against an inmate lawsuit on the grounds that the applicable statute of limitations has expired.

Any VBSO inmate wishing to submit a grievance alleging sexual abuse against a staff member may do so without submitting the grievance to the staff member who is the subject of complaint. The VBSO prohibits such grievances from being referred to a staff member who is the subject of complaint.

VBSO policy requires a final decision be rendered within 90 days of the initial filing, excluding time spent by inmates during preparation of an appeal. Policy allows for an extension up to 70 days to respond if the normal response time is insufficient to render an appropriate decision. The inmate must be notified in writing and provide a date by which a decision will be made. Policy stipulates at any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

The Virginia Beach Sheriff's Office allows third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates to assist inmates in filing requests for grievances relating to allegations of sexual abuse and to file such requests on behalf of the inmate. The facility requires a condition of processing the request that the alleged victim agree to have the request filed on his/her behalf. The alleged victim must personally pursue subsequent steps in accordance with the grievance procedure. When an inmate declines to have the request processed on his/her behalf, the facility requires the declination be documented.

VBSO policy requires all emergency grievances alleging a substantial risk of imminent sexual abuse be immediately forwarded to the Watch Commander. The Watch Commander is required to take immediate action and issue an initial response within 48 hours. A final decision is required to be provided within five days. The VBSO policy requires the Watch Commander's response and final decision document whether the inmate is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

Evidence Relied Upon:

Policy 13-03-00 - Inmate Grievance Process, pg. 5-7

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Auditor conducted formal interviews with inmates. Inmates were asked to explain the various ways of reporting sexual abuse allegations. The majority of inmates asked were aware the facility allows them to report allegations of sexual abuse through the grievance mechanism. None of the inmates interviewed by the Auditor had filed a grievance alleging sexual abuse or alleging an imminent risk of sexual abuse. Inmates were aware they could file a grievance without including their name.

The Auditor conducted interviews with facility staff. Staff were asked if inmates could submit a grievance alleging sexual abuse and/or alleging an imminent risk of sexual abuse. Each staff member was aware inmates could file such grievances. Supervisors interviewed by the Auditor explained their responsibilities in responding to grievances alleging an imminent risk of sexual abuse. Supervisors informed the Auditor they take immediate action to ensure the inmate is safe. The Auditor was informed an initial response is provided to the inmate within 48 hours and a final decision within 5 days. The Auditor asked what is included in the final written response. The Auditor was informed they include whether the inmate is at risk and the supervisors actions taken in response to the allegation.

The Auditor reviewed the VBSO Inmate Handbook. The Inmate Handbook includes the VBSO grievance procedures. The Handbook includes a section of grievable issues. The Auditor observed allegations of sexual abuse included in the section.

The Virginia Beach Sheriff's Office reported no inmate submitted a grievance alleging sexual abuse or an imminent risk of sexual abuse within the previous 12 months.

Conclusion:

The Auditor determined the VBSO has appropriate policies and procedures in place for addressing inmate grievances alleging sexual abuse and emergency grievances alleging an imminent risk of sexual abuse. Facility staff understand those procedures and the inmate population is aware they can submit grievances alleging sexual abuse and/or risk of imminent sexual abuse. The Auditor reviewed the agency's policies, procedures, Inmate Handbook and conducted interviews with staff and inmates to determine the facility meets the requirements of this standard.

The Auditor observed the Inmate Handbook includes information related to submitting grievance but is not specific to the requirements of grievances related to sexual abuse or the imminent risk of sexual abuse. The Auditor recommends the VBSO consider adding the specific requirements to the Inmate Handbook or consider other alternatives to inform the inmate population.

115.53 Inmate access to outside confidential support services

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office has a policy to offer and provide inmates with access to outside victim advocates for emotional supportive services related to sexual abuse that occurred in the Virginia Beach Correctional Center. The Intel unit is responsible for ensuring inmate access to confidential support services. Inmates are provided mailing addresses and telephone numbers, including the toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The Criminal Intel Unit is responsible for ensuring reasonable communication between inmates and these organizations and agencies, in as confidential manner as possible. The policy requires the CIU to inform inmates prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 14-15

Inmate Handbook, pg. 9

Zero-Tolerance Poster

Memorandum of Understanding with the YWCA

Memorandum of Understanding with the Virginia Beach Commonwealth Attorney's Office

Interview with Staff

Interview with Inmates

Analysis/Reasoning:

The Auditor reviewed the VBSO Memorandum of Understanding with the YWCA. The Mou with the YWCA states the VBSO agrees to the following:

Provide a toll-free number for the inmates to use to contact the YWCA for counseling, assistance, and emotional support services related to sexual abuse in a confidential manner;

Ensure the toll-free number is not subject to recording;

Ensure privileged written correspondence status between inmates and the YWCA in all outgoing mail;

Ensure privileged written correspondence status between inmates and the YWCA in all incoming mail provided the YWCA return address is pre-printed on the envelope;

To request and schedule presentations provided by the YWCA as needed;

Provide VBSO staff support during YWCA presentations;
Ensure that YWCA has an appropriate, safe meeting environment is made available for the YWCA counselor; and
Provide evaluative feedback to YWCA staff and volunteers in order to help YWCA staff be assured that objectives are met.

The Memorandum of Understanding states the YWCA agrees to the following:

Provide, upon request of the victim and in accordance with the SANE/SAFE Nurse, support, advocacy, and any other appropriate services to victims of sexual assault referred by VBSO;
Provide victims of sexual assault with YWCA advocates for 24 hour crisis intervention emergency medical and legal advocacy, and referrals. All services can be accessed through the 24 hour telephone hotline.
Provide counseling at VBSO for victims of sexual assault;
YWCA will collaborate with the VBSO Watch Commander's Office to arrange individual or group scheduled counseling sessions, normally during standard work hours; and
A YWCA counselor will determine the number of sessions given based on inmate needs and counselor workload.

The Auditor reviewed the Memorandum of Understanding with the Virginia Beach Commonwealth's Attorney Office. The MOU states the Virginia Beach Sheriff's Office agrees to the following:

Make involvement of certified rape crisis advocates a component of the standard response to a report of sexual abuse and/or request for help from a survivor of sexual violence;
Any time that an incident of allegation of sexual abuse is discovered or reported VBSO will immediately offer medical attention to a victim of sexual abuse for a forensic medical exam, and to meet with a victim witness advocate from the Commonwealth Attorney's Office;
If the incident occurred more than 120 hours prior to the report, VBSO will ensure that the victim receives a medical evaluation and any needed treatment; a mental health evaluation; and contact information for the Virginia Beach Commonwealth Attorney's Office;
Facilitate follow-up, whenever possible, between the inmate and a Commonwealth Attorney's Office advocate by mail or telephone while the inmate is detained by the VBSO. VBSO will also provide the Commonwealth Attorney's Office contact information to all inmates upon release. This should be done without regard to the presence or status of an investigation;
Provide inmates with confidential access to the Commonwealth Attorney's Office victim witness advocates at no cost, through the inmate telephone system;
Respect the confidential nature of communication between the Virginia Beach Commonwealth Attorney's Office victim advocates and clients detained at the VBSO;
Ensure the Commonwealth Attorney's Office advocates are cleared to enter the jail for meetings, training sessions, or to meet with clients. Provide for other logistical needs, such as a private meeting space for counseling sessions;
Facilitate the placement of informational placards with instructions on how to access the

Virginia Beach Commonwealth Attorney's Office victim advocates in areas visible to inmates; and

Communicate any questions or concerns to the Virginia Beach Commonwealth Attorney's Office victim witness staff.

The Memorandum of Understanding states the Virginia Beach Commonwealth Attorney's Office agrees to the following:

Respond to requests from the VBSO to provide advocacy when inmates are referred for sexual assault incidents;

Respond to calls from inmates received on the Virginia Beach Commonwealth Attorney's victim witness phone within the next business day;

Provide follow-up services and crisis intervention contacts to victims of sexual assault at the VBSO, as resources allow;

Work with designated VBSO officials to obtain security clearance and follow all facility guidelines for safety and security, as necessary;

Maintain confidentiality of communications with clients detained at the VBSO; and

Communicate any questions or concerns about the MOU to the VBSO.

The Auditor conducted formal interviews with inmates who filed an allegation of sexual abuse. Each was asked if they were aware of confidential support services. Inmates were aware of confidential services. The Auditor interviewed one inmate who contacted the YWCA for supportive services. The Auditor was informed the inmate was able to communicate confidentially with the YWCA. The Auditor asked randomly selected inmates if they were aware of confidential supportive services. Most inmates were aware the facility makes confidential support services available. Those that were not aware had seen the posters in the housing units.

The Auditor reviewed the Virginia Beach Sheriff's Office Zero-Tolerance poster. The Zero-Tolerance Poster informs inmates they can "Call the PREA hotline by pressing #55 and you will automatically be connected to the YWCA PREA hotline." The poster informs inmates the PREA Hotline is monitored by the YWCA. Zero-Tolerance posters are placed in all housing units and in service areas throughout the facility. Communications monitored

The Auditor conducted formal interviews with facility investigators. Investigators informed the Auditor they speak to victims about confidential support services after an inmate makes an allegation of sexual abuse. Inmates are directed the services are confidential.

At the time of the Audit there were no inmates detained solely for immigration purposes.

Conclusion:

The facility maintains documentation it provides emotional support services for sexual abuse victims through written agreements. Contact information with the organizations is provided by investigators and on the Zero-Tolerance posters. The Auditor reviewed the VBSO policies, procedures, Memorandums of Understanding, Zero-Tolerance poster and interviewed staff and inmates and determined the VBSO meets the requirements of this standard.

115.54 Third-party reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

It is the policy of the Virginia Beach Sheriff's Office to accept reports of sexual abuse and sexual harassment from third parties. The policy states, "Citizen Complaints and Comment forms and information on how to report inmate sexual abuse or sexual harassment on behalf of inmates are available to the public in the lobby areas throughout the Sheriff's Office. The Citizen Complaint and Comment forms are also made available to the public on the Sheriff's Office web page at www.vbso.net." The policy requires the forms and information made available to the public on how to report inmate sexual abuse or sexual harassment on behalf of inmates contains procedures to be followed when making a complaint/report to include the procedures for electronic submission of the complaint/report to the Professional Standards and Accountability Office.

Evidence Relied Upon:

Policy - 02-04-00 - Receiving, Investigation and Disposition of Complaints and Appointee Grievances, pg. 2

Inmate Handbook, pg. 12

VBSO Website

Zero-Tolerance Posters

Investigative Reports

Interviews with Staff

Interviews with Inmates

Observations

Analysis/Reasoning:

The Auditor reviewed the Virginia Beach Sheriff's Office website. The website informs the public how to make a report of sexual abuse or sexual harassment. The public is provided instructions, an email address and a telephone number to make a third-party report. The VBSO Inmate Handbook informs inmates they can have a third-party report sexual abuse on their behalf. The handbook provides the facility's website address. Each inmate is provided an Inmate Handbook during the intake process.

The Auditor participated in a detailed tour of the Virginia Beach Correctional Center. During the tour the Auditor observed Zero-Tolerance posters in all housing units and service areas. The VBSO Zero-Tolerance poster informs inmates they may have a third party make an allegation of sexual abuse and sexual harassment on their behalf. The Zero-Tolerance poster includes the VBSO website for third party reporting.

The Auditor conducted formal interviews with staff. Staff were asked about accepting reports of sexual abuse and sexual harassment. Each staff member stated they were required to accept all reports of sexual abuse and sexual harassment, including third party reports. Staff stated they immediately report the allegation to their supervisor and document the information on an Incident Report.

The Auditor conducted formal interviews with inmates. Each inmate was asked what avenues were available for making an allegation of sexual abuse or sexual harassment. The inmates stated they could tell a staff member, put the allegation in writing, or have another person make the allegation on their behalf. Each inmate understood how to have a third party file an allegation on their behalf.

The Auditor reviewed investigative records. Evidence was observed that third party allegations of sexual abuse and sexual harassment were reported to facility personnel. The allegations were immediately forwarded to a supervisor or facility investigator. Each allegation was documented on a written Incident Report. The Auditor formally interviewed facility investigators. Investigators had conducted investigations of third party complaints of sexual abuse and sexual harassment. Investigators stated most third party complaints are received through the agency's PREA hotline.

Conclusion:

The Auditor determined the facility accepts all reports, including third party reports, of sexual abuse and sexual harassment. The public is informed through the facility's website how to make a third party report on behalf of inmates. The Auditor reviewed agency policy, procedures, website, Zero-Tolerance poster, Inmate Handbook, investigative reports, interviewed staff and inmates and made observations to determine the facility meets the requirements of this standard.

115.61 Staff and agency reporting duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

All VBSO staff, contractors and volunteers are required to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual harassment, or staff fraternization with inmates; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in operating procedures to make treatment, investigations and other security and management decisions, other than reporting to supervisors.

Medical and mental health practitioners are required to report sexual abuse and are required to inform inmates of their duty to report and the limitations of confidentiality at the initiation of services. The CIU is required to ensure an allegation of an alleged victim under the age of 18 or an inmate considered a vulnerable adult under state or local vulnerability statute, is reported to the appropriate State or local services agency under applicable mandatory reporting laws.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 15-16

Incident Reports

Training Records

Interviews with Medical Professionals

Interviews with Mental Health Professionals

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Auditor reviewed investigative records of inmates who filed an allegation of sexual abuse and sexual harassment. The Auditor observed Incident Reports in investigative records. The Incident Reports included allegations that were made verbally to staff, The auditor observed investigative records of allegations that were made anonymously and those made by third parties. Incident Reports reveal staff accepted a verbal report made by inmates and immediately reported the allegation to their supervisor. Supervisors ensured the inmates' safety and the facility investigated each allegation.

The Auditor conducted formal interviews with randomly selected and specifically targeted staff at the Virginia Beach Correctional Center. Each staff member was asked if they were required

to report any and all knowledge, suspicion or information related to sexual abuse or sexual harassment. The Auditor was informed staff was required to report the information immediately to a supervisor. The Auditor asked each staff member if they were required to report knowledge, suspicion or information related to retaliation, staff neglect or a violation of duties which may have contributed to sexual abuse or sexual harassment. All staff informed the Auditor they were required to report such. Staff informed the Auditor they were required to document such allegations on an Incident Report. Staff informed the Auditor they submit incident reports promptly after an allegation.

During interviews with staff the Auditor questioned staff to gain an understanding of staff's ability to maintain confidentiality with any reported information obtained related to sexual abuse or sexual harassment. The Auditor asked staff to explain who they report or discuss details of a sexual abuse or sexual harassment allegation with. Staff informed the Auditor they only discuss details with supervisors, medical and investigators. Staff understood the agency's policy requiring them to discuss information with those who can make treatment, medical and housing decisions.

The Auditor conducted formal interviews with NaphCare medical and mental health practitioners. Each was asked if they were required to report information, knowledge, or suspicions of sexual abuse, sexual harassment, retaliation, staff neglect or violations of responsibilities which may have contributed to an incident. Each informed the Auditor they were required to report such. The Auditor asked how they would report the information. Practitioners informed the Auditor they immediately report the information to the Watch Commander and submit a report regarding the information. Practitioners stated they are required to inform inmates of their duty to report and the limitations on confidentiality at the initiation of services. Inmates are provided a consent form at the initiation of services.

The Auditor asked medical and mental health practitioners who they report information related to a sexual victimization that occurred in a community setting to. Medical and mental health practitioners stated they do not report community victimization without obtaining written informed consent from the inmate. The Auditor asked each if there has been a situation where they had to report sexual victimization that occurred in a community setting. Medical and mental health practitioners stated they have not had a need to report such information. Each informed the Auditor they are mandatory reporters for youthful inmates and of victimization that occurred in a confinement setting. Practitioners stated they do not use a different consent form for youthful inmates.

The Auditor conducted formal interviews with facility investigators. The Auditor asked each if they had conducted investigations of allegations that were reported by third parties. Each investigator stated they had conducted investigations into allegations made by a third party. The Auditor asked each if he/she had conducted investigations that were made anonymously. Each had done so. The investigators stated they conducted a full investigation regardless of how the allegation is made. Each investigator was asked if he/she attempts to discover if staff actions or lack thereof, contributed to an incident of sexual abuse. Investigators stated they do attempt to do so.

The Auditor conducted formal interviews with randomly selected and specifically targeted inmates. Each inmate was asked if they were confident in staff's ability to maintain confidentiality of an allegation of sexual abuse after learning of a reported incident. Most inmates stated the staff are professional and felt confident the staff would maintain

confidentiality of the information. The Auditor attempted to interview a youthful inmate at the facility. The youthful inmate chose not to participate in the interview.

The Auditor was not able to interview a facility volunteer as volunteer services have been canceled to comply with facility operational changes due to COVID-19 mitigation practices. The Auditor did observe each volunteer had received training in their reporting requirements.

The Auditor reviewed facility training curriculum. Training curriculum for staff and contractors includes reporting of sexual abuse and sexual harassment allegations. Each volunteer is required to read the VBSO 13-11-00 - Prison Rape Elimination Act policy. The policy includes information how and what information volunteers must report. The Auditor verified through training records each staff member, contractor and volunteer had received training how to report sexual abuse and sexual harassment information.

Conclusion:

The Auditor concluded staff, volunteers and contractors are aware of the VBSO requirement to report any knowledge, suspicion or information related to sexual abuse and sexual harassment. Staff understands the requirement to maintain confidentiality with the information obtained of an allegation. Interviews with medical and mental health practitioners reveal they understand the requirements for reporting sexual abuse that occurred in a community setting and for youthful inmates. The Auditor reviewed agency policies, procedures, training records, investigative records and conducted interviews with staff, contractors and inmates to determine the facility meets the requirements of this standard.

115.62 Agency protection duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy requires facility staff take immediate action to protect an inmate after learning an inmate is subject to a substantial risk of imminent sexual abuse. The facility assesses each inmate for potential vulnerabilities and tendencies for perpetrating sexual abuse within 12 hours of arriving at the Virginia Beach Correctional Center. The Classification Division ensures those inmates are housed separately in the facility.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 16

Investigative Records

Classification Records

Interviews with Staff

Interviews with Inmates

Observations

Analysis/Reasoning:

The facility reported no instance in the previous 12 months where facility personnel learned an inmate was identified at a substantial risk of imminent sexual abuse. There was no inmate who alleged an imminent risk of sexual abuse in the previous 12 months.

The Auditor conducted a review of investigative records. Investigative records reveal staff take immediate action after learning of a sexual abuse incident. Staff immediately separated the alleged victim from the alleged perpetrator. The Auditor conducted formal interviews with randomly selected staff and staff first responders. Each staff member was asked what actions they would take if learning an inmate was at a substantial risk of imminent sexual abuse. Staff informed the Auditor they would immediately remove the inmate from the potential threat and stay with him/her. Staff stated they would immediately inform their supervisor.

A review of inmate records reveal no alleged victim had been housed with an alleged perpetrator following an allegation of sexual abuse. The Auditor conducted formal interviews with inmates who made an allegation of sexual abuse at the facility. Each of those inmates were asked if they have been in contact with the alleged perpetrator following the allegation. Each stated they had not had further contact with the alleged perpetrator. Each was asked how quickly staff responded to their allegation of sexual abuse. The inmates informed the Auditor staff responded right away. None of the alleged victims were placed in segregated housing as a result of their allegation.

The Auditor conducted formal interviews with facility supervisors. Facility supervisors were

asked to explain what steps are taken to protect an inmate after learning the inmate was at a substantial risk of imminent sexual abuse. The Auditor was informed the potential victim and potential aggressor would be separated from one another. The facility investigator would immediately be notified so an investigation could begin to determine the risk.

The Auditor conducted formal interviews with randomly selected and specifically targeted inmates. The Auditor asked each if he/she felt safe in the facility. All inmates, excluding one, stated they felt safe in the facility. The Auditor asked each if they felt confident in staff's ability to maintain their safety. All, excluding one, were confident in staff's ability to maintain their safety in the facility.

The Auditor participated in a detailed tour of the Virginia Beach Correctional Center. the Auditor observed the facility maintains numerous housing units to ensure inmates who are identified at a substantial risk of imminent sexual abuse could be housed safely from a potential aggressor.

Conclusion:

The Auditor concluded the VBSO takes immediate and appropriate actions to ensure the protection of inmates who are identified at a substantial risk of imminent sexual abuse. The Auditor reviewed agency policy, procedures, classification records, investigative records, conducted interviews with staff and inmates, made observations and determined the VBSO meets the requirements of this standard.

115.63 Reporting to other confinement facilities

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The VBSO policy requires the facility to notify the head of the facility or appropriate office of the agency where an alleged sexual abuse occurred upon receiving an allegation that an inmate was sexually abused while confined at another facility. Policy requires the notification be made as soon as possible, but no later than 72 hours after receiving the notification. The VBSO staff is required to document the notification. The VBSO policy is to request confirmation the receiving agency investigated the allegation pursuant to the PREA standards.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 16

VBSO Memorandums

Emails

Investigative Records

Interviews with Staff

Analysis/Reasoning:

The Virginia Beach Sheriff's Office reported there were three (3) allegations received that an inmate had allegedly been sexually abused while confined at another facility. The Virginia Beach Sheriff's Office received one notification from another facility that a former VBSO inmate alleged being sexually abused while incarcerated at the VBCC. The Auditor reviewed each allegation.

The Auditor reviewed VBSO memorandums. In each case where an inmate alleged to VBSO personnel he/she was sexually abused while confined at another facility, the VBSO emailed a memorandum to the other facility. Each memorandum was emailed to the other agency. Each notification to other facilities was within the 72 hour required timeframe. After reviewing the notifications, the Auditor discovered each memorandum sent to other agencies was sent within 24 hours. Each memorandum documented the date and time VBSO was notified of the allegation by the inmate. The VBSO memorandums documented the details of the allegation and was sent to the head of each facility.

The Auditor reviewed an email that was received by the VBSO from another confinement facility that a former VBSO inmate alleged to have been sexually abused while incarcerated at the VBCC. The email included the details of the allegation made by the inmate to the other facility personnel. A review of Investigative records reveal the Virginia Beach Sheriff ensured an investigation was conducted into the allegation.

The Auditor conducted interviews with VBSO staff. Each staff was asked what actions they take if an inmate alleges to have been sexually abused while confined at another facility. Staff

informed the Auditor they would immediately notify their supervisor. Supervisors were asked what actions they would take when receiving such information. Supervisors stated they would inform an investigator. The Auditor asked facility investigators the actions they would take after learning this information. Investigators stated they would ensure notification to the Sheriff and the other facility. Facility's command staff are aware of the requirement to notify other confinement facilities when learning an inmate alleges to have suffered sexual abuse at another confinement facility. The Virginia Beach Sheriff is aware of the requirement to notify other confinement facilities and to ensure an investigation takes place after receiving an allegation from another facility.

Conclusion:

The VBSO command staff understand the requirement to report allegations to other confinement facilities and to ensure allegations received are investigated. Staff members at the Virginia Beach Correctional Center understand the agency's requirement to immediately report allegations of sexual abuse and sexual harassment so allegations can be investigated. The Auditor reviewed the agency's policies, procedures, Memorandums, emails and interviewed staff and determined the agency meets the requirements of this standard.

115.64 Staff first responder duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office maintains a policy that requires the first security staff member to respond to an alleged sexual abuse perform the following steps:

Separate the alleged victim and abuser and immediately request a supervisor to respond to the scene;

Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including as appropriate, showering, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, showering, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

VBSO policy requires if the first responder is a non-security staff member, the responder will request that the alleged victim not take any actions that could destroy physical evidence, and then immediately notify a security staff member.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 16-17

Coordinated Response Plan

Training Records

Investigative Reports

Interviews with Security Staff

Interviews with Non-Security Staff

Interview with Inmate

Analysis/Reasoning:

The Auditor conducted interviews with security and non-security staff responders. All security first responders were asked to explain the actions they take when responding to a sexual abuse incident. First responders stated they would maintain separation of the victim and abuser and immediately notify the Watch Commander. Security staff stated they would request the victim and ensure the abuser not shower, eat, use the restroom, brush their teeth, drink or take any actions that could destroy physical evidence. The Auditor asked each what

action they take regarding the crime scene. Staff stated they ensure the crime scene is secured and only the investigator would be allowed in to process the evidence. During interviews staff showed the Auditor a pocket card they are provided. The pocket card includes the required actions to take as a first responder to an incident of sexual abuse.

The Auditor reviewed the VBSO Coordinated Response plan. The coordinated response plan includes the required actions of security and non-security first responders to incidents of sexual abuse. The Auditor observed the bulleted items above listed in the VBSO Coordinated Response plan. The Auditor reviewed the agency's training records. Training curriculum includes first responder duties of both security and non-security personnel. The Auditor observed staff, contractors and volunteers have been trained to appropriately respond to incidents of sexual abuse.

The Auditor conducted formal interviews with non-security first responders. Non-security first responders informed the Auditor they would immediately notify a security member and ask the victim not take actions that would destroy physical evidence. The Auditor asked non-security first responders if they know what action would lead to the destruction of physical evidence. Each were aware that brushing teeth, using the bathroom, bathing, eating and drinking could potentially destroy physical evidence. Non-security first responders stated they would stay with the alleged victim until security staff arrived.

The facility reported 16 allegations of sexual abuse were received in the previous 12 months. There were no instances in which the first person to learn of the allegation was a non-security staff member. The first responder to all 16 allegations was a security staff member. Of the 16 allegations of sexual abuse received in the previous 12 months, 2 were alleged within a time frame that would allow for the collection of physical evidence. Records reveal staff followed their required first responder duties. Staff ensured the immediate safety of each inmate and notified the Watch Commander. Each crime scene was secured after the alleged incident. Both alleged victims were taken to the medical area and participated in a forensic examination.

Each staff member interviewed by the Auditor was asked how they preserve evidence of a crime scene. Staff stated if the alleged incident occurred in a cell the cell would be secured. The Auditor asked how they would secure a crime scene in a general area. Staff stated they would stay in that area to protect it and ensure no inmate entered the area. The Auditor was informed all information would be recorded in the unit logbook. The Auditor asked who would be allowed into the crime scene. Staff stated the Virginia Beach Police Department investigator would process evidence from the scene.

The Auditor conducted formal interviews with NaphCare medical personnel. Medical personnel have been trained to treat an inmate while preserving physical evidence. Medical personnel stated their priority is treating life threatening injuries. The Auditor asked how they treat an inmate with injuries. The Auditor was informed if the injuries are not life threatening treatment would ensue after the forensic examination.

The Auditor conducted a formal interview with one security staff member who acted as the first responder to an alleged incident. The alleged victim reported the allegation directly to the staff member. The alleged incident occurred in the inmate's cell. The staff member immediately removed the inmate from the cell and notified the Watch Commander. The staff member informed the inmate not to take actions to destroy physical evidence. The alleged

victim was escorted to the medical area for a forensic examination. The alleged abuser was taken to the segregation housing unit and the cell was secured until the Virginia Beach Police Department arrived to process evidence from the scene.

The Auditor conducted a formal interview with an inmate who had alleged suffering sexual abuse. The inmate informed the Auditor staff immediately responded to the allegation and separated him from the alleged abuser. The inmate stated he was escorted to the medical area and participated in a forensic examination. The Auditor asked the inmate if he had further contact with the alleged abuser. The inmate stated he has not been in contact with the alleged abuser since the incident. The inmate informed the Auditor he did speak to an investigator with the Virginia Beach Police Department.

Conclusion:

The Auditor determined both security and non-security staff are knowledgeable in their duties as first responders to incidents of sexual abuse. The Auditor reviewed agency policy, procedures, coordinated response plan, training records, investigative records, interviewed staff, inmates and determined the facility meets the requirements of this standard.

115.65 Coordinated response

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The agency's policy includes a written plan to coordinate the actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 16-18

NaphCare Policy - J-F-06 Response to Sexual Assault, pg. 1-3

Training Records

Coordinated Response Plan

Investigative Records

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Virginia Beach Sheriff's Office has developed a written Coordinated Response Plan. The VBSO Coordinated Response Plan includes actions of the following personnel:

- Security First Responders
- Non-Security First Responders
- Supervisor Duties
- Watch Commander
- Medical/Mental Health Contractor Staff
- SANE/SAFE Examiners
- Sheriff's Office Investigators
- Sheriff's Office Command Staff/Executive Leadership

Facility staff are trained in their duties in response to an allegation of sexual abuse. The agency includes its coordinated response plan in training efforts. The Auditor verified all agency personnel had been trained. Facility staff are issued a pocket card that includes their duties in response to an incident of sexual abuse.

The Auditor conducted formal interviews with facility staff. First responders, medical and mental health practitioners, investigators, supervisors and facility leadership were asked questions related to their specific duties in response to a sexual abuse incident. Each staff member interviewed were knowledgeable regarding their specific duties as required in the VBSO Coordinated Response Plan. The Auditor determined the facility has prepared its staff

to take appropriate actions in relation to sexual abuse.

The Auditor conducted formal interviews with inmates who filed an allegation of sexual abuse. Through interviews the Auditor determined staff followed their coordinated response requirements.

The Auditor reviewed facility investigative records. Each record of an alleged sexual abuse incident included Incident Reports and other documents that reveal staff are following actions as required in the Coordinated Response Plan.

Conclusion:

The Auditor determined the facility maintains an appropriate response plan that coordinates the actions of personnel following an incident of sexual abuse and trained its personnel to follow such plan. Based on a review of the agency's policies, procedures, coordinated response plan, training records, investigative records, and interviews with staff and inmates, the Auditor determined the VBSO meets the requirements of this standard.

115.66 Preservation of ability to protect inmates from contact with abusers

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office has not entered into an agreement with any agency for collective bargaining at the Virginia Beach Correctional Center.

Evidence Relied Upon:

Virginia Code 40.1 - 57.2 Prohibition against collective bargaining

Investigative Records

Analysis/Reasoning:

Virginia Code 40.1-57.2 stipulates, "No state, county, municipal, or like governmental officer, agent or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service."

The Virginia Beach Sheriff's Office has not entered into any agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. The Auditor reviewed facility records that show inmates alleged to have committed sexual abuse are separated from alleged victims.

Conclusion:

The Auditor concluded the VBSO has not entered into any collective bargaining that would restrict its ability to remove staff sexual abusers from contact with inmates. The Auditor determined the facility meets the requirements of this standard.

115.67 Agency protection against retaliation

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy is to ensure the protection of inmates and staff who report sexual abuse of sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other staff or inmates. The agency requires the following protection methods in its policy:

- Housing changes;
- Transfers for inmate victims or abusers;
- Removal of alleged staff or inmate abusers from contact with victims; and
- Emotional support services for inmates or staff members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with an investigation.

Policy requires the appropriate supervisor, administrator, Commanding Officer, Chief Deputy, Undersheriff, or Sheriff to take any measures deemed appropriate to protect staff and inmates. The VBSO's Classification Division and Intel is responsible for monitoring the retaliation of inmates. The VBSO allows allegations of retaliation to be reported through the same methods as available for reporting sexual abuse or sexual harassment and investigates each allegation of retaliation as it does sexual abuse.

The VBSO policy stipulates, "For at least 90 days following a report of sexual abuse, the appropriate divisions and/or personnel as identified in this section of the policy shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Monitoring shall continue beyond the 90 days if the initial monitoring indicates a continuing need." Those monitoring for acts of retaliation are required by policy to conduct periodic status checks with inmates. Staff monitors are required to monitor the following:

- Inmate disciplinary reports;
- Housing changes;
- Program changes;
- Negative performance reviews; and
- Reassignment of staff.

The VBSO personnel are required by policy to appropriate measures to protect any other staff member or inmate who cooperates with an investigation and expresses a fear of retaliation. The staff's obligation to monitor shall terminate if PSO or Intel determines that the allegation is unfounded.

Evidence Relied Upon:

Policy 13-11-00 - Prison Rape Elimination Act, pg. 19-20

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Virginia Beach Sheriff's Office has an appropriate policy to ensure inmates and staff are monitored and protected from acts of retaliation by staff or other inmates. The VBSO has designated the Classification Division and Criminal Intel Unit responsible for monitoring for acts of retaliation. The Auditor conducted a formal interview with a staff member responsible for monitoring retaliation. The Auditor asked the staff member to explain how retaliation monitoring is conducted at the facility. The retaliation monitor explained he reviews disciplinary charges, grievances, Incident Reports, classification actions, evaluations and shift assignments. The Auditor asked the monitor if he was required to meet with inmates or staff who allege or who are being monitored for retaliation. The monitor stated he does meet with those being monitored for retaliation. The monitor informed the Auditor weekly PREA rounds are conducted throughout all areas of the facility. When weekly rounds are performed any inmate may discuss PREA related issues, including any threats or acts of retaliation by inmates or staff. The monitor documents his weekly rounds.

The Auditor conducted formal interviews with inmates who filed an allegation of sexual abuse. Each was asked if he/she met with staff after making the allegation. The inmates informed the Auditor they met with investigators and classification periodically.

Conclusion:

The Auditor determined the facility has appropriate policies and practices in place to ensure staff and inmates are protected from retaliation. The Auditor reviewed the VBSO policies, procedures and conducted interviews with staff and inmates and determined the facility meets the requirements of this standard.

Although the Auditor determined the facility meets the requirements of this standard, the Auditor determined the facility can strengthen its documentation of retaliation monitoring. The Auditor provided the PREA Coordinator with a sample retaliation monitoring form and discussed how the form could strengthen proof of compliance. The Auditor recommends the facility consider the use of the retaliation monitoring form or some other means of strengthening its documentation of monitoring of specific individuals.

115.68 Post-allegation protective custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office maintains a policy that requires any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is subject to the requirements of section E. Segregated Housing Decisions of policy 13-01-00 - Intake and Intake Classification Process.

Evidence Relied Upon:

Policy - 13-01-00 - Intake and Intake Classification Process, pg. 10

Interviews with Segregated Housing Staff

Interviews with Inmates

Classification Records

Observations

Analysis/Reasoning:

The Auditor reviewed the facility's Intake and Intake Classification Process policy. The VBSO policy is not to place inmates in segregated housing for the protection from sexual abuse unless an assessment of available alternatives has been made and no other available alternatives of housing exist. The policy allows the facility to place the inmate in involuntary segregated housing for up to 24 hours if an immediate assessment cannot be made.

Policy requires the facility to clearly document the basis for the staff member's concern for the safety of the inmate. Other alternative means of separation that were explored and the reason why no alternative means of separation can be arranged must be documented by the facility. The agency allows assignment to involuntary segregated housing only until alternative means of separation can be arranged; not to ordinarily exceed a period of 30 days. VBSO policy allows for inmates placed in segregated housing for protection from sexual abuse are provided access to programs, privileges, education and work opportunities, to the extent possible. Policy requires the following be documented:

- The opportunities that have been limited;
- The duration for the limitations; and
- The reason for limitation.

The Auditor conducted formal interviews with staff who supervise inmates in the segregated housing unit. The Auditor asked if staff supervised an inmate who has been placed in segregated housing after allegedly suffering sexual abuse for their protection. Each informed the Auditor they had not supervised an inmate in the segregated housing area strictly for the protection from sexual abuse. Staff were asked if inmates in the segregated housing have

access to programs, privileges, education and work opportunities. The Auditor was informed they have access to such if no security considerations exist.

The Auditor conducted formal interviews with supervisors. The Auditor asked if the reasons for restrictions of programs, privileges, education and work of inmates in segregated housing are documented. The documentations of such are included in the inmate's files. The Classification Division is responsible for maintaining documentation in the inmate's file. The Auditor was informed an inmate's status in segregation is reviewed every 30 days. The Auditor was informed the facility has numerous housing units and therefore does not typically have the need to place an inmate in segregated housing for the protection from sexual abuse. No staff member interviewed could recall an inmate placed in segregated housing for the protection from sexual abuse.

The Auditor conducted formal interviews with inmates who filed an allegation of sexual abuse. The Auditor asked them if they were placed in segregated housing to protect them from sexual abuse. No inmate interviewed had been placed in segregated housing for his/her protection from sexual abuse.

The Auditor conducted a detailed tour of the Virginia Beach Correctional Center. The Auditor observed numerous housing units available for the facility to house inmates without having to place them in involuntary segregated housing.

Conclusion:

The agency's policy includes the elements of PREA standard 115.43 to ensure sexual abuse victims receive privileges, programs, education and work opportunities if a victim is placed in segregated housing for the protection from sexual abuse. After a thorough review of the agency's policies, procedures, classification records, made observations, interviewed staff and inmates the Auditor determined the agency meets the requirements of this standard.

115.71 Criminal and administrative agency investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

Sexual abuse investigators at the Virginia Beach Sheriff's Office conduct administrative and criminal investigations at the Virginia Beach Correctional Center. The VBSO has a Memorandum of Understanding with the Virginia Beach Police Department to conduct criminal investigations into allegations of sexual abuse. The VBSO policy is to ensure all allegations of a criminal nature shall be investigated promptly, thoroughly, and objectively to include third party and anonymous reports. The VBSO requires its investigators receive specialized training in conducting sexual abuse investigations in a confinement facility. The VBSO policy requires the Sheriff's Office request outside agencies who investigate sexual abuse in the Virginia Beach Correctional Center receive the specialized training prior to conducting such investigations.

The VBSO policy requires facility investigators may only conduct compelled interviews after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. Investigators are required to assess the credibility of an alleged victim, suspect, or witness on an individual bases and may not determine credibility on the person's status as an inmate or staff member. Agency policy prohibits requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.

Virginia Beach Sheriff's Office investigators are required to include a description of physical evidence, testimonial evidence, the reason behind credibility assessments, and investigative facts and findings in written investigative reports. The Virginia Beach Police Department is required to refer all prosecutions to the Virginia Beach Commonwealth Attorney's Office for prosecution.

VBSO policy states, "All case records associated with claims of sexual abuse or sexual harassment, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling, if applicable, shall be retained for as long as the alleged abuser is incarcerated or employed by the Virginia Beach Sheriff's Office, plus five years."

Evidence Relied Upon:

Policy - 08-17-00 - Criminal Investigations, pg. 1, 5-6

Policy - 02-10-00 - Professional Standards and Accountability, pg. 3-4

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 19

Training Records

Interviews with Investigators

Investigative Records

Observations

Analysis/Reasoning:

The Auditor conducted a formal interview with facility investigators. The investigators discussed the procedures utilized when conducting sexual abuse investigations. Investigators begin their process with a review of information concerning the alleged victim and abuser. Investigators interview the alleged victim, perpetrator and all witnesses, including staff witnesses. The Auditor asked what information is reviewed concerning the victim and abuser. Investigators review criminal history, grievances, discipline history, Incident Reports, video footage and telephone records. The investigator was asked how he determines the credibility of a witness, abuser and witnesses. Investigators base credibility on a review of documents and information and statements made during the interview.

Each investigator was asked if they attempt to discover if staff actions or failure to act contributed to an incident of sexual abuse. The Investigators stated they do attempt to determine if staff actions or lack thereof contributed to the incident. Investigators review video footage and housing records to assist in the determination. Each investigator was asked what types of evidence they attempt to gather. The Auditor was informed investigators gather staff reports, housing records, video footage, telephone records, grievances, discipline records, testimonial evidence and any other relevant documents or information. Each was asked when they begin investigative efforts. Both investigators informed the Auditor they begin investigative efforts immediately.

The Auditor toured the area where investigative records are maintained. Investigators are able to maintain their records securely from other staff. Electronic data is securely maintained on computers that require individual usernames and passwords. Printed documents and files are maintained in a cabinet in a lockable office. Each investigator was asked how long they maintain their records. The Auditor was informed that data is maintained for 5 years after the abuser has either been released or is no longer employed by the VBSO. Each investigator was asked if they require the victim to submit to a polygraph examination. The Auditor was informed the VBSO does not polygraph alleged victims or utilize voice analysis technology.

The Auditor asked each investigator if they have conducted investigations that were reported anonymously. Each had conducted such an investigation. Investigators stated they attempt to investigate every allegation to the fullest extent no matter how it is reported. Each investigator was asked to explain the investigative process if an inmate is released or a staff member terminates employment. Investigators stated they continue with the investigation. They attempt to contact the inmate or former employee by telephone. The Auditor was informed the Virginia Beach Police Department would be notified.

Each investigator was asked what part they play in investigations that are investigated by the Virginia Beach Police Department. The Auditor was informed they meet with the VBPD at the facility and cooperate as needed or requested by the VBPD investigator.

The Auditor reviewed investigative records from the previous 12 months. Each investigation was conducted by a facility trained investigator. The Auditor observed investigative reports include physical and circumstantial evidence and documented the investigator's interviews with alleged victims, perpetrators and witnesses. Investigative records include any review of video monitoring and efforts to reveal if staff actions or lack thereof, contributed to an incident

of sexual abuse or sexual harassment. The Auditor determined each investigation was conducted objectively and thoroughly. The Auditor did not observe credibility was always documented in investigative records.

The Auditor conducted a review of the Virginia Beach Sheriff's Office training records. Each investigator had received specialized training how to conduct sexual abuse investigations in a confinement setting.

No department of justice component is responsible for conducting investigations in the Virginia Beach Correctional Center.

Conclusion:

115.72 Evidentiary standard for administrative investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office has a policy that imposes no standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. The policy states, "The determination of whether allegations of sexual abuse or sexual harassment are substantiated will be based upon the preponderance of the evidence."

Evidence Relied Upon:

Policy - 02-03-00 - Rules/Regulations and Discipline, pg. 4

Interview with Investigators

Investigative Reports

Analysis/Reasoning:

The Auditor conducted formal interviews with the facility's sexual abuse investigator. The investigator informed the Auditor the agency's policy requires the use of preponderance as the standard of evidence to substantiate an allegation of sexual abuse or sexual harassment. The Auditor asked the investigators to explain the meaning of preponderance of evidence. Investigators explained a preponderance is 51 percent of the evidence to support the allegation.

The Auditor reviewed agency investigative records. A review of the records revealed investigators are using a preponderance of evidence to substantiate allegations of sexual abuse and sexual harassment.

Conclusion:

The Auditor was able to determine the investigators use a preponderance as the basis for determining investigative outcomes. The Auditor reviewed the agency's policies, procedures, investigative records and interviewed facility investigators and determined the facility meets the requirements of this standard.

115.73 Reporting to inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy requires inmates be notified whether a sexual abuse allegation has been determined to be substantiated, unsubstantiated or unfounded following an investigation. Policy requires when the Virginia Beach Police Department investigates an allegation the facility investigator will request the relevant information from the Virginia Beach Police Department in order to inform the inmate. When a staff member has committed sexual abuse against an inmate, unless the determination is unfounded, the Professional Standards Office shall inform the inmate whenever:

The appointee is no longer assigned to the duty post associated with the inmate's housing assignment;

The appointee is no longer employed by the Virginia Beach Sheriff's Office;

The Sheriff's Office learns that the appointee has been indicted on a charge related to sexual abuse within the facility; or

The Sheriff's Office learns that the appointee has been convicted on a charge related to sexual abuse within the facility.

The VBSO policy requires when another inmate has been sexually abused another inmate the Criminal Intel Unit investigator will inform the inmate victim when:

The Sheriff's Office learns that the alleged abuser has been indicted on a charge related to sexual abuse within a facility; or

The Sheriff's Office learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

The policy requires the notification or attempted notifications are documented. The agency's obligation to report the information shall terminate if the inmate victim is released from custody of the Virginia Beach Sheriff's Office.

Evidence Relied Upon:

Policy - 02-10-00 - Professional Standards and Accountability pg. 4

Policy - 08-17-00 - Criminal Investigations, pg.

Investigative Records

Notifications to Inmates

Analysis/Reasoning:

The Auditor conducted a formal interview with the facility's sexual abuse investigators. Investigators informed the Auditor they make the notifications to inmate victims at the conclusion of an investigation. The Auditor asked the investigators who notifies the inmate

following an indictment and criminal charges. The investigators stated they attempt to get that information from the Virginia Beach Police Department investigators so they can notify the inmate. The Auditor was informed PSO investigators inform inmates when the allegation is against a staff member and CIU investigators inform the inmate when the allegation is against another inmate.

The Auditor reviewed facility investigative records. Each investigative record included a copy of the notification of the investigative results to the inmate victim. The notifications were typed on a facility memorandum and signed by the facility investigator. Each notification was made within a couple days of the conclusion of the investigation. The facility had no incidents which required an inmate be notified of an indictment or conviction of an inmate or a staff member.

The Auditor interviewed inmates who made an allegation of sexual abuse and sexual harassment. The Auditor asked each if he/she met with a facility investigator. Each had met with a facility investigator following the allegation. The Auditor asked each what the outcome of their investigation was. Each, excluding one, informed the Auditor of their investigative result. The Auditor determined the one inmate had filed an allegation that had not been concluded at the time of the audit.

Conclusion:

The Auditor concluded the Virginia Beach Sheriff's Office informs inmates of investigative results at the conclusion of an investigation. The Auditor reviewed agency policy, procedures, investigative records, reports to inmates, interviewed staff and inmates and determined the agency meets the requirements of this standard.

115.76 Disciplinary sanctions for staff

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office personnel are subject to disciplinary sanctions up to and including termination for violating the agency's sexual abuse or sexual harassment policies. The VBSO makes termination the presumptive disciplinary measure for those who have engaged in sexual abuse. Policy requires disciplinary sanctions for violation of agency policies related to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

It is the policy of the Virginia Beach Sheriff's Office to notify the proper law enforcement agency and licensing body when terminations for violations of sexual abuse or sexual harassment policies, or when a resignation by a staff member who would have been terminated if not for their resignation, unless the activity was clearly not criminal.

Evidence Relied Upon:

Policy - 02-03-00 - Rules/Regulations and Discipline, pg. 5

Interviews with staff

Analysis/Reasoning:

The Auditor conducted formal interviews with VBSO staff. Each was asked regarding what actions would be taken against them if they were found to have violated the agency's sexual abuse policies. Each staff member stated they would be terminated. Staff questioned were aware of the VBSO policy that makes termination the presumptive disciplinary sanction. Staff were also aware the Sheriff's Office reports criminal violations to relevant licensing bodies. The agency's command staff has a zero-tolerance approach and disciplines staff for violating the agency's sexual abuse and sexual harassment policies. Command staff informed the Auditor they would recommend termination for anyone who committed an act of sexual abuse. Recommendations for violation of other acts would depend on the specific circumstances of the incident.

The Office of Professional Standards investigates staff violations of the sexual abuse and sexual harassment policies. The Auditor conducted an interview with a PSO facility investigator. The investigator informed the Auditor if the act was criminal in nature the investigator would contact the Virginia Beach Police Department for a criminal investigation. The investigator ceases efforts once the VBPD investigator is notified. The investigator coordinates with the VBPD investigator. The Auditor asked how the investigation is handled if the act was not criminal in nature. The PSO investigator continues the investigation until a determination is made. The results of the investigation are shared with command staff so appropriate discipline can be sanctioned if warranted.

The Auditor discussed the process of notifying relevant licensing bodies of staff found to have engaged in a criminal act of sexual abuse. The Auditor was informed the Virginia Department of Criminal Justice Services would be notified if a deputy is found to have engaged in a criminal act of sexual abuse. When nursing staff are discovered to have engaged in such acts, the Virginia Department of Health Professionals, Board of Nursing would be notified of the criminal act. The facility notifies other relevant licensing bodies for persons in other positions such as counselors and Chaplains. The Auditor was informed no relevant licensing body is notified if an act was clearly not criminal.

The Virginia Beach Sheriff's Office reported no staff member had been found in violation of agency sexual abuse policies in the past 12 months. The Virginia Beach Sheriff has the authority to discipline staff, including suspension and termination.

Conclusion:

115.77 Corrective action for contractors and volunteers

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office has a policy that mandates contractors and volunteers who engage in sexual abuse are prohibited from contact with inmates. Policy stipulates those found to have engaged in sexual abuse will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. VBSO policy requires appropriate remedial action be taken with consideration to whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 7

Training Records

Interviews with Contractors

Interviews with Staff

Analysis/Reasoning:

The Virginia Beach Sheriff's Office reported there were no incidents in which a volunteer or contractor engaged or was alleged to have engaged in sexual abuse or sexual harassment in the previous 12 months. The Auditor conducted formal interviews with contract personnel. Each contractor interviewed was aware of the agency's discipline sanctions for violating sexual abuse or sexual harassment policies. Each was aware they would be removed from contact with inmates following an allegation of sexual abuse and will be removed from facility access if found to have engaged in such acts. Each understood the facility reported criminal violations of the VBSO sexual abuse policy to appropriate law enforcement agencies.

Volunteers and contractors are made aware of the VBSO sexual abuse and sexual harassment policies during their initial training and prior to providing services in the Virginia Beach Correctional Center. Each volunteer and contractor sign a form of their understanding of the training they received from the facility. The Auditor verified through training records each active volunteer and contractor in the facility had received such training. The Auditor was unable to interview a facility volunteer as the VBCC has made adjustments to its operational procedures to mitigate risks of COVID-19.

The VBSO leadership is aware of the requirement to notify relevant licensing bodies following a contractor or volunteer's participation in a criminal act of sexual abuse. Command staff informed the Auditor a contractor or volunteer would be prohibited from inmate contact if determined to have participated in an act of sexual abuse. The Auditor was informed the VBSO does not notify relevant licensing bodies if the volunteer or contractor engaged in an act of sexual abuse that was clearly not criminal in nature. The Auditor asked what types of

relevant licensing bodies would be notified. Staff stated the Virginia Board of Nursing and any other body that holds the license for those who are licensed.

Commande staff were asked if a contractor or volunteer had been disciplined within the previous 12 months for violating the VBSO sexual abuse or sexual harassment policies and procedures. The Auditor was informed no contractor or volunteer had been found in violation of those policies. The Auditor was informed a contractor or volunteer would be removed from inmate contact pending the result of the investigation of a violation of sexual harassment policies.

Conclusion:

The Virginia Beach Sheriff's Office maintains appropriate policies to ensure contractors and volunteers at the VBCC are removed from inmate contact after committing an act of sexual abuse or sexual harassment of an inmate. The Auditor reviewed the agency's policies, procedures, training records and conducted formal interviews with staff and contractors to determine the facility meets the requirements of this standard.

115.78 Disciplinary sanctions for inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The VBSO policy is to subject inmates to disciplinary sanctions for participating in an act of inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmate disciplinary sanctions are pursuant to a formal disciplinary process. Policy prohibits disciplining an inmate for sexual contact with a staff member if the staff member consented to a sexual act with the inmate. The VBSO policy requires discipline sanctions consider the following:

- Whether an inmate's mental disabilities or mental illness contributed to his/her behavior;
- Shall be commensurate with the nature and circumstances of the abuse committed;
- The inmate's disciplinary history; and
- The sanctions imposed to other inmates with similar histories for comparable offenses.

The VBSO contracts medical and mental health services with NaphCare. NaphCare practitioners offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse. The facility does not require the inmate's participation in such interventions as a condition of access to programming or other benefits.

VBSO staff are prohibited from disciplining an inmate who makes a report of sexual abuse in good faith and based on a reasonable belief the incident occurred, even if the investigation does not establish sufficient evidence to substantiate the allegation. Sexual activity between inmates at the Virginia Beach Correctional Center is prohibited. Inmates found to have participated in sexual activity (even consensual) is subject to disciplinary action. If sexual activity between inmates is found to have been consensual the sexual activity between the inmates may not be considered as an act of sexual abuse.

Evidence Relied Upon:

Policy - 08-17-00 - Criminal Investigations, pg. 6-7

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 7-8

Inmate Handbook, pg. 17

Interviews with Staff

Interviews with Inmates

Investigative Records

Analysis/Reasoning:

The Auditor reviewed disciplinary records of inmates who were found to have committed a violation of sexual abuse and/or sexual harassment at the Virginia Beach Correctional Center. Two records were reviewed where staff placed disciplinary charges on inmates following a

sexual abuse allegation investigation. In both cases the investigator substantiated the allegation. Both inmate perpetrators were required to attend a formal disciplinary hearing. Each inmate was found guilty and issued a sanction by the Disciplinary Hearings Officer.

The Auditor conducted formal interviews with facility investigators. The investigator informed the Auditor disciplinary charges are placed following a substantiated allegation. The Investigator does not place charges on an inmate if the investigative determination is unfounded or unsubstantiated. The investigator was asked if charges are placed on inmates if an act is consensual. The Auditor was informed disciplinary charges are placed on the inmates for participating in sexual activity but the inmates would not be charged for sexual abuse.

The Auditor conducted formal interviews with medical and mental health practitioners. The Auditor was informed the facility offers counseling, therapy and other interventions of treatment to inmates. The Auditor asked mental health practitioners if inmates are required to participate in any meetings or sessions. Mental health practitioners stated inmates are not forced to participate.

The Auditor interviewed two inmates who filed an allegation of sexual abuse. The Auditor asked each if he had been disciplined for filing the allegation of sexual abuse. Neither inmate stated he was disciplined for making the allegation. The facility reported there was no inmate disciplined for making an allegation of sexual abuse in bad faith. The facility reported no inmate has been found guilty of a criminal charge of sexual abuse in the previous 12 months. There facility does have open investigations of sexual abuse.

Conclusion:

The Auditor discovered the agency maintains policies which align with PREA standard 115.78 Discipline Sanctions for Inmates. Facility personnel ensure the policy is applied when choosing whether to discipline an inmate for reporting or participating in an act of sexual abuse. The Auditor reviewed the facility's policies, procedures, discipline records and interviewed staff and inmates. The Auditor determined the facility meets the requirements of this standard.

115.81 Medical and mental health screenings; history of sexual abuse

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy requires the Classification Division offer a follow-up meeting with a medical or mental health practitioner that must occur within 14 days of arriving at the facility to any inmate who informs staff he/she was previously victimized by sexual abuse. This policy applies to any inmate who reported victimization whether the abuse occurred in an institutional setting or in the community.

The agency's policy stipulates information related to sexual victimization and abusiveness that occurred in an institutional setting be strictly limited to medical, mental health, and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

Medical and mental health practitioners at the Virginia Beach Correctional Center are required to obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

Evidence Relied Upon:

Policy - 13-01-00 - Intake and Intake Classification Process, pg. 6-7

Policy - 12-12-00 - Medical Services, pg. 2

NaphCare Email

Tech Care PREA Report

NaphCare General Informed Consent Form

Classification Records

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Auditor randomly selected 20 inmate records and specifically selected 20 records to review. Of the 40 records reviewed the Auditor discovered 6 inmates reported suffering sexual abuse during their initial risk assessment in booking. The Auditor reviewed the records of the inmates who reported suffering sexual victimization. A review of records reveal they were offered a follow-up with a mental health practitioner. Each who accepted the meeting was seen within 14 days of booking.

The Auditor conducted formal interviews with medical and mental health practitioners.

Medical practitioners stated they meet with every inmate who enters the facility during the booking process. The Auditor was informed when inmates answer yes to the victimization questions during booking the mental health practitioners are automatically notified. When a staff member clicks the "yes" box on the Intake/Classification Questionnaire and Inmate Advisory Form an email is automatically sent to the mental health practitioners so a meeting can be scheduled. The Auditor asked mental health practitioners if they meet with sexual abusers. Mental health practitioners stated they do meet with sexual abusers if abusers chose to meet with them. Each medical and mental health practitioner was asked who they share their information with. The Auditor was informed they only discuss the information with those who have a need to know. The Auditor asked medical and mental health personnel if they obtain written informed consent prior to sharing information related to sexual victimization suffered in the community. The Auditor was informed they do obtain informed consent but have not had a need to report such information.

The Auditor asked medical and mental health practitioners who they discuss information regarding a sexual victimization or abusiveness that occurred in an institutional setting with. The Auditor was informed they report such information to security supervisors. The Auditor asked who has access to the electronic records. Only medical and mental health practitioners have access to medical and mental records.

The Auditor conducted formal interviews with inmates who reported suffering sexual abuse. Each was asked if they were offered a follow-up with a medical or mental health practitioner. Each inmate informed the Auditor they were offered a follow-up with a mental health practitioner. The inmates were asked how long it took before a mental health practitioner met with them. The inmates who accepted a meeting stated they met with a mental health practitioner within a few days.

Conclusion:

The Auditor concluded inmates are offered a follow-up with a medical or mental health practitioner after reporting they have suffered sexual victimization or have perpetrated sexual abuse. Medical and mental health practitioners inform only those with a "need to know" of information related to sexual victimization or abusiveness. The Auditor reviewed the agency's policies, procedures, classification records, medical records and conducted interviews with staff and inmates. After a thorough review the Auditor concluded the facility meets the requirements of this standard.

115.82 Access to emergency medical and mental health services

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy requires inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of treatment and services are determined by the medical and mental health practitioners according to their professional judgement. The VBSO offers victims of sexual abuse timely information about and timely access to sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.

If no qualified medical or mental health practitioners are on duty at the VBCC, security staff first responders are required to take preliminary steps to protect the alleged victim and shall immediately notify the appropriate medical and mental health practitioners. The Virginia Beach Sheriff's Office maintains 24/7 medical coverage at the Virginia Beach Correctional Center.

VBSO policy states, "All inmate victims of sexual abuse shall receive treatment services without financial cost and regardless of whether the victim inmate names the abuser or cooperates with any investigation arising out of the incident."

Evidence Relied Upon:

Policy - 12-12-00 - Medical Services, pg. 2

MOU with YWCA

Medical Records

Investigative Records

Interview with SANE

Interviews with Staff

Interviews with Inmates

Analysis/Reasoning:

The Auditor conducted formal interviews with medical and mental health practitioners. Each was asked if they feel medical and mental health services offered at the Virginia Beach Correctional Center are consistent with a community level of care. Each informed the Auditor they do feel services are consistent with those offered in the community. Each was asked if there was ever a time when no medical staff are present in the facility. The Auditor was informed there is never a time when no medical staff are on duty because NaphCare provides 24/7 coverage in the facility. Deputies at the VBCC maintain certification in CPR and First Aid in the event they are required to render aid before medical help arrives.

Medical and mental health practitioners informed the Auditor inmates receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The Auditor asked nursing staff if they offer timely information and access to sexually transmitted infection prophylaxis to inmates who are victimized by sexual abuse. Nursing staff informed the Auditor inmates do receive such. Nursing staff informed the Auditor sexually transmitted infection prophylaxis is offered during a forensic examination as well. Nursing staff stated if an inmate refuses a forensic examination they will offer the sexually transmitted infection prophylaxis.

The Auditor conducted a telephone interview with the Sexual Abuse Nurse Examiner. The Auditor asked the SANE if sexually transmitted infection prophylaxis are offered to inmate victims of sexual abuse. The SANE informed the Auditor prophylaxis is offered at the time of the forensic examination. The Auditor asked the SANE if inmates are directly billed for the forensic examination. The Auditor was informed the inmate is not billed for the examination. The Auditor asked the SANE how quickly they respond to the facility when receiving notification of an incident. The Auditor was informed the SANE arrives at the facility within 45 minutes of receiving the notification.

The Auditor reviewed the VBSO Memorandum of Understanding with the YWCA. The memorandum stipulates the YWCA agrees to offer crisis intervention services to inmate victims of sexual abuse. The Auditor attempted to conduct a telephone interview with a victim advocate from the YWCA. The Auditor was unable to conduct the interview.

The Auditor reviewed inmate medical records of inmates who were sent to the medical section for a forensic examination. The Auditor observed evidence inmate victims of sexual abuse are sent to the medical section for immediate evaluation and treatment services. NaphCare personnel document the evaluation findings and treatments rendered in the inmate's medical record. Inmate medical records contain documentation the inmate was offered evaluation and treatments, to include sexually transmitted infection prophylaxis. Each inmate was immediately seen by a medical professional following the alleged incident.

The Auditor reviewed security staff training records. Security staff are provided training in CPR and first aid in the event first responder treatment is needed. The Auditor conducted formal interviews with security staff. Each informed the Auditor they take immediate steps to ensure victims are protected and receive emergency medical care in the event needed. Security staff immediately notify their supervisor and medical personnel following an incident of sexual abuse. Security supervisors were asked what actions they take to ensure the safety of the inmate following a sexual abuse incident. The Auditor was informed the inmate is immediately escorted to the medical area. The Auditor conducted a formal interview with one staff member who was the first responder following an allegation of sexual abuse. The staff member stated he immediately removed the inmate from his cell, notified his supervisor and escorted the inmate to the medical area once other staff arrived.

Medical and mental health practitioners were asked if inmates are charged a fee for treatment services related to a sexual abuse victimization. The Auditor was informed all services related to sexual abuse victimization are free to the victim. Each inmate interviewed by the Auditor were aware treatments related to sexual victimization are provided at no cost to the victim. The Auditor reviewed inmate records to verify no inmate who was alleged to have been victimized at the facility was charged a fee for medically related services.

Conclusion:

The Auditor determined the facility provides inmates access to timely and unimpeded access to emergency medical services. Medical practitioners provide inmate victims with sexually transmitted infections prophylaxis. The Auditor reviewed the agency's policies, procedures, medical records, investigative records, MOU, and interviewed staff, SANE and inmates. The Auditor determined the agency meets the requirements of this standard.

115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The VBSO policy is to offer medical and mental health evaluations and treatment services to inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. VBSO evaluations and treatments include:

- Follow-up services;
- Treatment plans;
- Referrals for continued care following transfer or release from custody, when necessary

The medical contractor's policy requires pregnancy tests for sexually abusive vaginal penetration, timely and comprehensive information about lawful pregnancy-related medical services and tests for sexually transmitted infections as medically appropriate be offered to victims of sexual abuse. Policy requires medical and mental health services be consistent with a community level of care.

All medical and mental health treatment services are provided to inmate victims of sexual abuse without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Evidence Relied Upon:

Policy - 12-12-00 - Medical Services, pg. 1-2

NaphCare Policy - J-F-06 - Response to Sexual Assault, pg. 1-2

NaphCare Policy - J-B-06 - Contraception, pg. 1

NaphCare Policy - J-F-05 - Counseling and Care of the Pregnant Inmate

NaphCare Policy - J-B-02 - Management of Bloodborne Pathogen Exposures, pg. 1-8

Medical Records

Interviews with Staff

Interview with SANE

Interviews with Inmates

Analysis/Reasoning:

The Auditor conducted formal interviews with medical and mental health practitioners. Mental health practitioners do not stipulate a minimum or maximum time they meet with victims of sexual abuse. Mental health practitioners stated they meet with victims and abusers if the victim or abuser requests such meeting or if medically necessary. Treatments and evaluations occur as needed or until treatment plans determine a need no longer exists. The

Auditor asked what kind of services are offered to victims of sexual abuse. The Auditor was informed counseling sessions, referrals if appropriate and follow-up services, if needed. Medical and mental health practitioners stated they do create and follow treatment plans.

The Auditor asked medical and mental health practitioners if they felt their services were consistent with a community level of care. Each informed the Auditor they feel their services are consistent with community services. The Auditor discussed the practice of offering sexually transmitted infection prophylaxis and pregnancy tests. These are offered at the time of the forensic examination. In the event the inmate requests such at a later time they are offered such. The Auditor asked medical and mental health practitioners how much money the victim pays for their services related to a sexual abuse victimization. The Auditor was informed there are no costs for evaluations and treatments related to sexual victimization.

The Auditor conducted a formal interview with an inmate who made an allegation of sexual abuse and participated in a forensic examination. The Auditor asked the inmate if he met with a mental health professional after the alleged incident. The inmate informed the Auditor he had met with a mental health professional several times after the incident. A review of the inmate's record revealed the meeting occurred within 14 days of the alleged incident. The inmate was asked if he paid for any services related to the alleged sexual abuse. The inmate had not paid for those related services. The Auditor asked if sexually transmitted disease testing was offered at the forensic examination; such testing was offered.

The Auditor conducted a formal interview with the Sexual Assault Nurse Examiner. The SANE was asked if female inmates are offered a pregnancy test at the time of the forensic examination. The SANE stated pregnancy tests are offered when medically appropriate. The Auditor asked the SANE if she charges a fee to inmates for services related to the forensic examination. No inmate is directly billed for such services. The SANE informed the Auditor victims are offered tests for sexually transmitted infections at the time of the forensic examination.

Facility medical practitioners were asked to discuss the process if a sexual abuse of a female inmate results in pregnancy. Medical practitioners stated female inmates are offered a pregnancy test. When sexual abuse of a female inmate results in pregnancy the female inmate is offered lawfully related pregnancy services. Medical practitioners stated they offer female victims the "morning after pill" following a sexual abuse, when medically necessary.

Conclusion:

The facility's medical and mental health practitioners offer counseling, treatment, sexually transmitted infection prophylaxis and make referrals for continued care when necessary. The services provided to inmate victims are consistent with a community level of care. The Auditor reviewed policies, procedures, medical records, interviewed inmates, medical and mental health practitioners to determine the facility meets the requirements of this standard.

115.86 Sexual abuse incident reviews

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy is to conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation where the allegation was substantiated or unsubstantiated, unless the allegation has been determined to be unfounded. The policy requires the team ordinarily conduct the review within 30 days of the conclusion of the investigation. The VBSO policy requires the review team consist of the following:

- Command staff;
- Investigators;
- Medical or mental health practitioners; and
- Receive input from line supervisors.

The VBSO has a policy that requires the review team:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Consider whether the incident or allegation was motivated by race, ethnicity, gender identification, lesbian, gay, bisexual, transgender, intersex identification, status or perceived status, gang affiliation, or motivated or otherwise caused by other group dynamics within the Correctional Center;
- Examine the area within the Correctional Center where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Assess the adequacy of staffing levels in that area during different shifts;
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to (the above bullets), and any recommendations for improvement and submit such report, at a minimum, to the Sheriff, PREA Compliance Manager, and the PREA Coordinator.

The Sheriff's Office is required to implement the recommendations for improvement, or shall document its reasons for not doing so.

Evidence Relied Upon:

Policy - 13-11-00 - Prison Rape Elimination Act, pg. 20-21

Investigative Reports

PREA Incident Review Final Report

Interviews with Staff

Analysis/Reasoning:

The facility reported 3 allegations of sexual abuse during the previous 12 months. The Auditor determined the facility was required to conduct an incident review of all 3 investigated allegations as those investigations determined the incidents were either substantiated or unsubstantiated. The Auditor conducted a review of the PREA Incident Review Final Reports. The PREA Incident Review Reports consisted of the following personnel; command staff, line supervisors, medical, Professional Standards Office, and Investigator. Each final report includes a section where the PREA Coordinator and Sheriff sign for receipt of the final report.

The facility utilizes a formatted report that includes the following sections:

- Review board members;
- Summary of investigation;
- Reason for investigation;
- Overview of investigation;
- Investigative findings/justification to include final disposition of case;
- PREA Coordinator's agreement or disagreement and concurring with recommendations implemented or not implemented;
- Chief of investigative division, chief of corrections, chief deputy, and Sheriff's signatures;
- and
- Follow through of recommendations.

The report includes a section that requires the review board respond to the following questions:

- Is there a deficiency in policy that requires policy be changed;
- Did everyone involved understand the policy;
- Should there be some training on the policy;
- Does everyday practice match the written policy;
- Is the everyday practice an example of good correctional practice;
- Is there some change in policy or training needed to assure that best practices are followed;
- Was the incident motivated by any factors, including but not limited to race, ethnicity, gender-identification (such as LGBTI), gang affiliation, status, or perceived status; inmate culture, staff culture, or any other dynamic within the facility;
- Is so, how can the agency prevent this from happening? Education? Training? Disciplinary actions? etc.;
- After examining the area or areas where the incident occurred, is there something specific that contributed to the opportunity for this incident to occur? Are there blind spots;
- Is there insufficient key control;
- Is security staff supervision in the area effective;
- Are there procedures that impact the vulnerability of this area;
- Are staff or inmates allowed in the area when they should not be;
- What can be done to make this area less vulnerable;
- Are there sufficient staff on duty to properly assure the prevention of sexual abuse;
- Has the agency considered any recent changes to post assignments or staffing levels?

If so, how did this affect the opportunity for the incident to occur;
Is there technology monitoring the area;
If so, how effective was the monitoring;
Was the equipment in working order;
Who monitored the cameras, and was staffing sufficient to monitor them properly;
If monitoring technology is not in that area, should it be;
How would that improve safety and security? What other implications are there if monitoring technology is deployed;
Are there any other factors that contributed to the opportunity for this incident to occur;
and
Did the agency conduct sufficient risk assessments of inmates, both at intake and later, to assure that vulnerable inmates are properly protected;

The final section of the agency's report includes the review boards findings, determinations, and/or recommendations based on their review of the incident.

A review of the PREA Incident Review Final Reports reveal the committee is considering the elements of this standard as required. The Auditor observed evidence of recommendations made by the committee. Furthermore, the Auditor observed written evidence (emails to all staff) showing the Agency is implementing the review boards recommendations. Each PREA Incident Review Final Report reviewed by the Auditor was conducted within 30 days of the investigative determination.

The Auditor conducted a formal interview with a staff member who serves on the Incident Review Board. The staff member discussed the process of the meeting with the Auditor. The staff member explained at the initiation of the meeting the investigator discusses the allegation. The team member informed the Auditor the team follows the format of the PREA Incident Review Final Report to ensure all elements of this standard are complied with. The team member stated the team does discuss recommendations for improvement and include those recommendations on the final report.

Conclusion:

The Auditor determined the facility is conducting incident reviews within 30 days of the conclusion of each substantiated and unsubstantiated sexual abuse investigation. The Incident Review Team documents the performance of each incident review. The Auditor reviewed the VBSO policies, procedures, Investigative Records, PREA Incident Review Final Reports and conducted interviews with staff and determined the facility meets the requirements of this standard.

115.87 Data collection

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy requires the Professional Standards and Accountability Office (PSO) and Criminal Intel Unit (CIU) collect accurate, uniform data for every allegation of sexual abuse at the Virginia Beach Correctional Center and all facilities under its control using a standardized instrument and set of definitions. The PSO and CIU is required to aggregate the incident-based data annually. Policy stipulates the incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

VBSO requires the PSO and CIU maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Incident-based data shall also be obtained and aggregated from every private facility with which the Virginia Beach Sheriff's Office contracts for the confinement of its inmates. The PSO and CIU shall provide all such data from the previous calendar year to the Department of Justice no later than June 30 of each calendar year.

Evidence Relied Upon:

Policy - 13-11-01 - Prison Rape Elimination Act Data Collection, Storage, Publication, and Destruction, pg. 1

PREA Annual Report

BJS Surveys

Agency Website

Interviews with Staff

Anaylsis/Reasoning:

The Auditor reviewed the VBSO 2018 PREA Annual Report published on its website. The public can access the report through a Prison Rape Rape Elimination Act link. The Auditor observed definitions of the following included in the annual report:

- Inmate-on-Inmate Nonconsensual Sexual Act;
- Inmate-on-Inmate Sexual Abusive Contact;
- Inmate-on-Inmate Sexual Harassment;
- Staff-on-Inmate Sexual Misconduct;
- Voyeurism by an Appointee, Contractor, or Volunteer; and
- Staff-on-Inmate Sexual Harassment.

Data in the agency's annual report was aggregated from January 1, 2018 to December 31,

2018. The Auditor reviewed the Bureau of Justice's, Survey of Sexual Victimization submitted by the agency for 2018 data. The report was completed by the VBSO PREA Coordinator and submitted to the U. S. Department of Justice before June 30, 2019. The 2018 is the most recent survey the facility has been required to complete. The Auditor compared the Survey of Sexual Victimization to the data collected by the VBSO. The Data from the agency's PREA Annual Report is sufficient to answer questions on the Survey of Sexual Victimization.

The Auditor interviewed staff responsible for obtaining and maintaining data at the facility. All data collected is maintained by investigators and the PREA Coordinator. Investigators maintain their files from investigations and forward to the PREA Coordinator. The PREA Coordinator maintains records for reporting purposes. The Auditor asked where data is compiled from. The Auditor was informed data is received from Incident Reports, Grievances, Discipline Reports, Incident Reviews and any other relevant documents.

The facility maintains electronic records of sexual abuse and sexual harassment information received for reporting purposes. The electronic data is maintained on individual computers that require a username and password to access the data. Data is accessible to investigators and the PREA Coordinator.

Conclusion:

The Auditor observed evidence the facility is collecting and aggregating sexual abuse data annually. The reported data utilizes a standardized set of definitions. The Auditor reviewed the agency's policies, procedures, website, PREA Annual Report, Survey of Sexual Victimization and interviewed staff and determined the agency meets the requirements of this standard.

115.88 Data review for corrective action

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy requires command staff review collected and aggregated data in order to assess and improve the effectiveness of the agency's sexual abuse prevention, detection and response policies, practices and training. The data review is conducted to:

- Identify problem areas;
- Take corrective action on an ongoing basis; and
- Prepare an annual report of findings and corrective actions.

Responsibility for completion of the annual report has been designated to the PREA Coordinator. VBSO policy requires the annual report include a comparison of the current year's data and corrective actions with those from prior years and to provide an assessment of the Virginia Beach Sheriff's Office's progress in addressing sexual abuse. The policy requires the annual report be approved by the Sheriff and made readily available to the public on the agency's website, or by other means. The VBSO may redact specific material from the annual report when publication would present a clear and specific threat to the safety and security of the facility. Any redacted material from the report must include the nature of the material redacted.

Evidence Relied Upon:

Policy - 13-11-01 - Prison Rape Elimination Act (PREA) Data Collection, Storage, Publication and Destruction, pg. 1-2

PREA Annual Report 2018

Agency Website

Interviews with Staff

Analysis/Reasoning:

The Auditor reviewed the Virginia Beach Sheriff's Office website. The agency maintains annual reports which include its findings and corrective actions for the Virginia Beach Correctional Center. Each report is accessible through the "Accreditation" link. After opening this link the public can gain access by clicking the "Prison Rape Elimination Act" link. Each report is hyperlinked by year. The 2017 Annual Report includes data collected and aggregated from 2015 through 2017. The 2018 Annual report includes data from 2016 through 2018.

A review of the agency's annual reports reveals the agency attempts to discover problem areas within the agency based on a review of data collected. The agency's annual report includes any corrective actions taken by the VBSO. The 2018 annual report included a

refinement of policies to address how submitted allegations were responded to in accordance with the corrective action needed. The report includes the agency's progress in prevention, detection and response to allegations of sexual abuse.

The Auditor discussed the annual reporting process with the facility investigator and the PREA Coordinator. The information for the annual report is derived from investigative reports, Incident Reviews and other relevant documents. Corrective actions are enacted when needed as the Incident Review Team recommends corrective actions when warranted. Any corrective actions taken will be documented in the agency's annual report. When problem areas are discovered, facility staff recommend a solution to address the problem area and include the specifics in the annual report.

The Sheriff approves the agency's annual report prior to publishing the report on the agency's website. The Auditor did not observe any redacted materials from any of the VBSO published reports.

Conclusion:

The Auditor concluded the agency completes an annual review of collected and aggregated sexual abuse data. The annual report addresses problem areas and corrective actions taken and is approved by the Sheriff prior to publishing on the agency's website. The Auditor reviewed the agency's policies, procedures, website, PREA Annual Report and interviewed staff to determine the agency meets the requirements of this standard.

115.89 Data storage, publication, and destruction

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office policy is to ensure all data relevant to sexual abuse are securely retained. The Sheriff's Office policy is to make all aggregated sexual abuse data readily available to the public at least annually through its website, or other means. Policy requires personal identifiers be removed before making aggregated sexual abuse data public on the agency's website. Agency's sexual abuse data is maintained for at least ten years after the date of initial collection, unless Federal, State, or local law requires otherwise.

Evidence Relied Upon:

Policy - 13-11-01 - Prison Rape Elimination Act (PREA) Data Collection, Storage, Publication, and Destruction, pg. 2

Agency Website

Interviews with Staff

Analysis/Reasoning:

The Auditor conducted a fromal interivew with personnel responsible for maintaining facility data. Information for the agency's annual report is maintained by the PREA Coordinator and is derived from investigative files and reports. Agency data is maintained electronically on a computer that requires a username and password to gain access to the data. The PREA Coordinator maintains the electronic data on her computer and other relevant documents locked in her office.

The Auditor reviewed the agency's website. The website included annual sexual abuse data collection in an annual report. The Auditor observed data collected from 2015 included in the agency's reports. There were no personal identifiers included in any agency annual reports. The Auditor was informed sexual abuse and sexual harassment data is maintained by the PREA Coordinator for a minimum of 10 years after collection. A username and password are required to gain access to the computers used by the PREA Coordinator and facility investigators. The Auditor observed the office areas of the investigators and PREA Coordinator.

Conclusion:

The Auditor reviewed the facility's website, collected data, made observations and interviewed staff to determine the agency meets the requirements of this standard.

115.401 Frequency and scope of audits

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office operates one facility. The Virginia Beach Correctional Center was audited during the last three year audit cycle. The VBCC was audited during the first year of the current audit cycle.

Evidence Relied Upon:

Previous PREA Audit Report

Facility Tour

Interactions with Staff

Analysis/Reasoning:

The Virginia Beach Sheriff's Office ensured the Virginia Beach Correctional Center was audited before the end of the first year of this audit cycle.

The Auditor was provided and reviewed all relevant agency policies, procedures, documents and other applicable reports to assist with rendering a decision on the agency's level of compliance with relevant standards. The Auditor reviewed a relevant sampling of documentation from the previous 12 month period. The facility allowed the Auditor to conduct formal interviews with inmates and staff. Facility personnel provided the auditor with a detailed tour, allowing the Auditor access to all facility areas.

During the audit the facility provided additional documents that were requested by the Auditor to aid in a determination of the agency's level of compliance. The Auditor requested and was provided a random selection of video footage of two inmate areas. The inmate population was allowed to correspond confidentially with the Auditor prior to the Auditor's arrival.

The Auditor reviewed the facility's previous PREA audit report and observed the facility complied with all standards without the requirement of corrective action. The facility allowed access to all facility areas, interviews with staff and inmates and provided facility documents during the previous audit. During the previous PREA audit the facility allowed inmates to confidentially correspond with the Auditor.

The Auditor communicated with the Sexual Assault Nurse Examiner and attempted to communicate with the community-based victim advocate regarding relevant conditions.

On March 4, 2020, the Auditor sent a letter to be posted in all inmate living areas that included the Auditor's address. The Auditor sent the facility an English and Spanish version of the notice. The Auditor received 1 correspondence from an inmate prior to arriving on site for the audit. The Auditor observed the confidential correspondence notices posted in all inmate housing units. The PREA Coordinator posted the notices in all housing units on March 9, 2020. The notices were posted for a minimum of 30 days prior to the audit.

The Department of Justice did not send a recommendation to the Virginia Beach Sheriff's Office for an expedited audit of the Virginia Beach Correctional Center during this audit period.

Conclusion:

The Auditor determined the VBSO meets the requirements of this standard.

115.403 Audit contents and findings

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor Discussion:

The Virginia Beach Sheriff's Office has published previous PREA audit reports on its website.

Evidence Relied Upon:

Agency Website

Previous PREA Audit Report

Analysis/Reasoning:

The Auditor reviewed the VBSO website which includes a link to access its previous PREA audit final report. The agency website includes the final report from the second audit cycle. The audit was conducted in 2017.

Conclusion:

The Auditor determined the agency meets the requirements of this standard.

Appendix: Provision Findings

115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.11 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes
115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	na
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	na
115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for	yes

adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? yes

In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? yes

115.13 (b)	Supervision and monitoring	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	yes
115.13 (c)	Supervision and monitoring	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
		In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
		In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
115.13 (d)	Supervision and monitoring	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
		Is this policy and practice implemented for night shifts as well as day shifts?	yes
		Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes
115.14 (a)	Youthful inmates	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes

115.14 (b)	Youthful inmates	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
		In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
115.14 (c)	Youthful inmates	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
		Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
		Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
115.15 (a)	Limits to cross-gender viewing and searches	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.15 (b)	Limits to cross-gender viewing and searches	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	yes
		Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	yes
115.15 (c)	Limits to cross-gender viewing and searches	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
		Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	yes

115.15 (d) Limits to cross-gender viewing and searches

Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? yes

Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? yes

Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? yes

115.15 (e) Limits to cross-gender viewing and searches

Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? yes

If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? yes

115.15 (f) Limits to cross-gender viewing and searches

Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? yes

Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? yes

115.16 (a) Inmates with disabilities and inmates who are limited English proficient

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? yes

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual

abuse and sexual harassment, including: inmates who are blind or have low vision?

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? yes

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? yes

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? yes

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.) yes

Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? yes

Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? yes

Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? yes

Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? yes

Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision? yes

115.16 (b) Inmates with disabilities and inmates who are limited English proficient

Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? yes

Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? yes

115.16 (c) Inmates with disabilities and inmates who are limited English proficient

Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? yes

115.17 (a) Hiring and promotion decisions

Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? yes

Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? yes

Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? yes

Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? yes

Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? yes

Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? yes

115.17 (b) Hiring and promotion decisions

Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? yes

Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates? yes

115.17 (c)	Hiring and promotion decisions	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
		Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
115.17 (e)	Hiring and promotion decisions	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	Hiring and promotion decisions	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
		Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
		Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes

- 115.17 (h) Hiring and promotion decisions**
- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) yes
- 115.18 (a) Upgrades to facilities and technologies**
- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.) na
- 115.18 (b) Upgrades to facilities and technologies**
- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.) yes
- 115.21 (a) Evidence protocol and forensic medical examinations**
- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) yes

115.21 (b) Evidence protocol and forensic medical examinations

Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) yes

Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) yes

115.21 (c) Evidence protocol and forensic medical examinations

Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? yes

Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? yes

If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? yes

Has the agency documented its efforts to provide SAFEs or SANEs? yes

115.21 (d) Evidence protocol and forensic medical examinations

Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? yes

If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.) na

Has the agency documented its efforts to secure services from rape crisis centers? yes

115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes
115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	na
115.22 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes

115.22 (c) Policies to ensure referrals of allegations for investigations

If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).) yes

115.31 (a) Employee training

Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? yes

Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? yes

Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment? yes

Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? yes

Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? yes

Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? yes

Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? yes

Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? yes

Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? yes

Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? yes

115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	no
115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes

115.33 (e)	Inmate education	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a)	Specialized training: Investigations	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b)	Specialized training: Investigations	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
		Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
		Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
		Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (c)	Specialized training: Investigations	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.35 (a) Specialized training: Medical and mental health care

Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)

yes

Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)

yes

Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)

yes

Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)

yes

115.35 (b) Specialized training: Medical and mental health care

If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)

na

115.35 (c) Specialized training: Medical and mental health care

Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)

yes

115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.41 (d) Screening for risk of victimization and abusiveness

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes

115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes

115.42 (a) Use of screening information

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? yes

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? yes

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? yes

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? yes

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? yes

115.42 (b) Use of screening information

Does the agency make individualized determinations about how to ensure the safety of each inmate? yes

115.42 (c) Use of screening information

When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? yes

When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? yes

115.42 (d)	Use of screening information	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
		Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
		Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes

115.43 (a) Protective Custody

Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? yes

If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? yes

115.43 (b) Protective Custody

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? yes

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? yes

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? yes

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? yes

If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) yes

If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) yes

If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) yes

115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d)	Protective Custody	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e)	Protective Custody	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a)	Inmate reporting	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	yes
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	no

115.52 (b) Exhaustion of administrative remedies

Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)

yes

Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)

yes

115.52 (c) Exhaustion of administrative remedies

Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)

yes

Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)

yes

115.52 (d) Exhaustion of administrative remedies

Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)

yes

If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)

yes

At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)

yes

115.52 (e) Exhaustion of administrative remedies

Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)

yes

Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)

yes

If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)

yes

115.52 (f) Exhaustion of administrative remedies

Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)

yes

After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)

yes

After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)

yes

After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)

yes

Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)

yes

Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)

yes

Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)

yes

115.52 (g) Exhaustion of administrative remedies

If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)

yes

115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	yes
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes

115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes

115.62 (a) Agency protection duties

When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? yes

115.63 (a) Reporting to other confinement facilities

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? yes

115.63 (b) Reporting to other confinement facilities

Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? yes

115.63 (c) Reporting to other confinement facilities

Does the agency document that it has provided such notification? yes

115.63 (d) Reporting to other confinement facilities

Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? yes

115.64 (a) Staff first responder duties

Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser? yes

Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? yes

Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? yes

Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? yes

115.64 (b) Staff first responder duties

If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? yes

115.65 (a) Coordinated response

Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? yes

115.66 (a) Preservation of ability to protect inmates from contact with abusers

Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? no

115.67 (a) Agency protection against retaliation

Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? yes

Has the agency designated which staff members or departments are charged with monitoring retaliation? yes

115.67 (b) Agency protection against retaliation

Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? yes

115.67 (c) Agency protection against retaliation

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? yes

Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? yes

115.67 (d) Agency protection against retaliation

In the case of inmates, does such monitoring also include periodic status checks? yes

115.67 (e)	Agency protection against retaliation	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
		Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	Criminal and administrative agency investigations	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
		Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
		Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes

115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.72 (a)	Evidentiary standard for administrative investigations	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.73 (b)	Reporting to inmates	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.73 (c)	Reporting to inmates	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
		Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
		Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
		Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes

115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

- 115.78 (f) Disciplinary sanctions for inmates**
- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? yes
- 115.78 (g) Disciplinary sanctions for inmates**
- If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) yes
- 115.81 (a) Medical and mental health screenings; history of sexual abuse**
- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison). na
- 115.81 (b) Medical and mental health screenings; history of sexual abuse**
- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) na
- 115.81 (c) Medical and mental health screenings; history of sexual abuse**
- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail). yes
- 115.81 (d) Medical and mental health screenings; history of sexual abuse**
- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? yes

- 115.81 (e) Medical and mental health screenings; history of sexual abuse**
- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? yes
- 115.82 (a) Access to emergency medical and mental health services**
- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment? yes
- 115.82 (b) Access to emergency medical and mental health services**
- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? yes
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? yes
- 115.82 (c) Access to emergency medical and mental health services**
- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? yes
- 115.82 (d) Access to emergency medical and mental health services**
- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? yes
- 115.83 (a) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? yes

- 115.83 (b) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? yes
- 115.83 (c) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Does the facility provide such victims with medical and mental health services consistent with the community level of care? yes
- 115.83 (d) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.) yes
- 115.83 (e) Ongoing medical and mental health care for sexual abuse victims and abusers**
- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.) yes
- 115.83 (f) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? yes
- 115.83 (g) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? yes

115.83 (h) Ongoing medical and mental health care for sexual abuse victims and abusers

If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.) na

115.86 (a) Sexual abuse incident reviews

Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded? yes

115.86 (b) Sexual abuse incident reviews

Does such review ordinarily occur within 30 days of the conclusion of the investigation? yes

115.86 (c) Sexual abuse incident reviews

Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? yes

115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes

115.87 (d)	Data collection	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
115.87 (f)	Data collection	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
115.88 (a)	Data review for corrective action	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
		Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
		Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
115.88 (b)	Data review for corrective action	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes

115.88 (d)	Data review for corrective action	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	Data storage, publication, and destruction	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	Data storage, publication, and destruction	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes

115.401 (b) Frequency and scope of audits

Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.)

yes

If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)

na

If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)

na

115.401 (h) Frequency and scope of audits

Did the auditor have access to, and the ability to observe, all areas of the audited facility?

yes

115.401 (i) Frequency and scope of audits

Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?

yes

115.401 (m) Frequency and scope of audits

Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?

yes

115.401 (n) Frequency and scope of audits

Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?

yes

115.403 (f) Audit contents and findings

The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)

yes