



# PREA ANNUAL REPORT 2021

## Virginia Beach Sheriff's Office

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Sheriff/High Constable

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# INTRODUCTION

Each year, the Virginia Beach Sheriff's Office collects accurate, uniform data for every allegation of sexual abuse and sexual harassment for public and internal use. The information contained herein provides a comparison of incidents from the last three calendar years (2019 - 2021) when reviewing allegations of inmate-on-inmate and staff-on-inmate data. This report has been reviewed and approved by Sheriff Ken Stolle and is utilized by the Sheriff's Office Prison Rape Elimination Act (PREA) Coordinator and Command Staff to formulate corrective measures in efforts of reducing future incidents of sexual abuse and sexual harassment.

## Data

This report provides data concerning the number of staff-on-inmate and inmate-on-inmate allegations within the male, female, and juvenile (youthful offender) populations of the Virginia Beach Correctional Center. All allegations received are investigated to final disposition regardless of the source of the allegation. The departure of the alleged abuser or victim from the authority, employment, custody, or care of the Virginia Beach Sheriff's Office is never a basis for terminating an investigation.

All data presented within this report is maintained for at least ten years after the date of the initial collection by the originating organizational command unit. All personally identifiable information is omitted from this report in order to protect the identity of the staff members and inmates involved in the associated investigations. The Sheriff's Office completes and submits the Department of Justice Survey of Sexual Victimization (SSV) each year.

## Data Analysis

Jail records indicate the average daily inmate population (ADP) of the Virginia Beach Correctional Center in 2021 was 1110 with a demographic representation trending around approximately 12.01% females and 87.99% males.



<b>Type of Case</b>	<b>2021 Total Cases</b>	<b>Percentage of Total PREA Investigation Volume</b>
<i>Inmate-on-Inmate Nonconsensual Sexual Acts</i>	8	5%
<i>Inmate-on-Inmate Abusive Sexual Contact</i>	19	13%
<i>Inmate-on-Inmate Sexual Harassment</i>	88	59%
<i>Staff Sexual Misconduct</i>	12	8%
<i>Staff Sexual Harassment</i>	21	14%
<b>Total Cases</b>	<b>148</b>	

Staff-on-Inmate allegations are investigated by the Virginia Beach Sheriff's Office Professional Standards and Accountability Office (PSO). Allegations received where evidence of conduct supports criminal behavior may be referred to the Virginia Beach Sheriff's Office Criminal Intelligence Unit (Intel) and/or the Virginia Beach Police Department (VBPD) for investigation. The Professional Standards and Accountability Office will handle only the administrative investigation.

Inmate-on-inmate allegations are investigated by the Virginia Beach Sheriff's Office Intel Unit. Allegations received or incidents of sexual abuse that occur within the Virginia Beach Correctional Center where the evidence of conduct supports criminal behavior are referred to the Virginia Beach Police Department (VBPD) for investigation.

The Virginia Beach Sheriff's Office does maintain an active Memorandum of Understanding (MOU) with the Virginia Beach Police Department governing investigations occurring within the Virginia Beach Correctional Center. The Sheriff's Office does not release information pertaining to investigations.

This report will dissect the overall data into two series of data consisting of Staff-on-Inmate Allegations and Inmate-on-Inmate Allegations.

# STAFF-ON-INMATE ALLEGATIONS

The Sheriff's Office received a total of 33 allegations involving staff members in 2021. This reflects an approximate 0% increase from 2020. A review of the data reveals the following demographics:

## Avenues Used for Submission of Staff-on-Inmate Allegations

- Emergency Grievance - 0%
- PREA Hotline - 32%
- Notification to staff member - 46%
- Standard Grievance - 0%
- Inmate Request Form - 15%
- Other - 0%
- Notification to Medical staff member - 0%
- Outside Third Party - 7%

\*Percentages in all charts rounded to nearest whole number

## Percentage of Inmate Population Submitting Allegations

- Male Inmates - 69%
- Female Inmates - 31%
- Juvenile Inmates - 0%

## Percentage of Above Inmate Population Assigned to Mental Health Housing Unit

29%

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



Overall, 36% of the total staff-on-inmate allegations for 2021 were for staff sexual misconduct while 64% were for staff sexual harassment.

### **Staff-on-Inmate Sexual Misconduct**

The Sheriff's Office investigative case load for staff sexual misconduct allegations for calendar year 2021 for a total of 12 cases. The final disposition of the cases based upon the preponderance of evidence during the investigative process resulted in 7 of the cases rendering a final disposition of unfounded, 0 cases resulted in a final disposition of unsubstantiated, 0 cases resulted in a substantiated disposition, 4 cases resulted in a disposition of not PREA, and 1 sent to outside jurisdiction.

### **Staff-on-Inmate Sexual Harassment**

Staff sexual harassment allegations decreased from 2020 to 2021, showing a decrease to the investigative case load. Moreover, 18 cases resulted in a final disposition of unfounded based upon the preponderance of evidence during the investigative process and 3 were not PREA.

## Aggregation of Staff-on-Inmate Data 2019 - 2021



<b>Staff Sexual Misconduct</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Total</b>
<i>Substantiated</i>	0	1	0	1
<i>Unsubstantiated</i>	1	1	0	2
<i>Unfounded</i>	16	7	7	30
<b>Total Cases</b>	<b>17</b>	<b>9</b>	<b>7</b>	<b>33</b>
<b>Staff Sexual Harassment</b>				
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Total</b>
<i>Substantiated</i>	0	0	0	0
<i>Unsubstantiated</i>	0	0	0	0
<i>Unfounded</i>	4	24	18	46
<b>Total Cases</b>	<b>4</b>	<b>24</b>	<b>18</b>	<b>46</b>
<b>Aggregated Total</b>	<b>21</b>	<b>33</b>	<b>25</b>	<b>79</b>

An aggregation of the three-year data reflects that Staff Sexual Misconduct allegations comprise 42% of the total staff-on-inmate complaints. The Sheriff's Office experienced a decrease in staff sexual misconduct allegations during 2021 with 100% (7) of the total Staff Sexual Misconduct investigations rendered a final disposition of unfounded. There has been only one substantiated cases of staff sexual misconduct over the last three years.

Staff sexual harassment allegations encompass 72% of the total staff-on-inmate complaints. Overall, 100% (18) of all staff sexual harassment investigations rendered a final disposition of unfounded while zero cases rendered a final disposition of substantiated. The data remains constant at zero unsubstantiated cases over the last three years.



# INMATE-ON-INMATE ALLEGATIONS

A review of the data reveals the following demographics of inmate-on-inmate allegations for 2021:

Avenues Used for Submission of Inmate-on-Inmate Allegations	Percentage of Inmate Population Submitting Allegations	
<ul style="list-style-type: none"> <li>➤ Notification to staff member - 46%</li> <li>➤ Inmate Request Form - 15%</li> <li>➤ PREA Hotline - 32%</li> <li>➤ Emergency Grievance - 0%</li> <li>➤ Deputy Observation - 0%</li> <li>➤ Outside Third Party - 7%</li> </ul> <p><small>*Percentages in all charts rounded to nearest whole number</small></p>	<ul style="list-style-type: none"> <li>➤ Male Inmates - 69%</li> <li>➤ Female Inmates - 31%</li> <li>➤ Juvenile Inmates - 0%</li> </ul>	
	<th data-bbox="980 848 1471 1026">Percentage of Above Inmate Population Assigned to Mental Health Housing Unit</th>	Percentage of Above Inmate Population Assigned to Mental Health Housing Unit
	29%	

For purposes of this report and consistent with the Department of Justice Survey of Sexual Victimization (SSV), this report disaggregates sexual abuse into three categories of inmate-on-inmate sexual victimization: Nonconsensual Sexual Acts, Abusive Sexual Contact, and Sexual Harassment.

## **Inmate-on-Inmate Nonconsensual Sexual Acts**

The Sheriff's Office had a total of 8 allegations of Nonconsensual Sexual Acts in 2021. Of the 8 cases investigated by the Sheriff's Office Criminal Intel Unit, 1 rendered a final disposition of unfounded based upon the preponderance of evidence during the investigative process. Four of the cases was unsubstantiated and appropriate action was taken. One case was for outside jurisdiction and 2 cases did not meet the standards for PREA.

## **Inmate-on-Inmate Abusive Sexual Contact**

The Sheriff's Office received 19 allegations of Inmate-on-Inmate Abusive Sexual Contact during calendar year 2021. Of the 10 cases investigated by the Virginia Beach Sheriff's Office, 0 cases were substantiated, 3 were unsubstantiated, 3 were unfounded, 7 were outside jurisdiction, and 5 did not meet the standards for PREA. One case was founded, and appropriate action was taken.

## **Inmate-on-Inmate Sexual Harassment**

The Sheriff's Office had 88 Inmate-on-Inmate Sexual Harassment allegations within calendar year 2021. Of the 88 cases for 2021, (26) rendered a final disposition of unfounded while (35) rendered a final disposition of unsubstantiated and (10) rendered a final disposition of founded as a result of the preponderance of evidence and appropriate action was taken.

There were 2 allegations reported to have occurred at an outside jurisdiction. Those allegations were forwarded to those jurisdictions for investigation/action. There were 15 allegations investigated and found not to meet the PREA definitions of inmate or staff sexual abuse or sexual harassment. Appropriate actions were taken.

## Aggregation of Inmate-on-Inmate Data 2019-2021



<b>Inmate-on-Inmate Nonconsensual Sexual Acts</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Total</b>
<i>Substantiated</i>	2	0	0	<b>2</b>
<i>Unsubstantiated</i>	0	1	4	<b>5</b>
<i>Unfounded</i>	10	6	1	<b>17</b>
<i>VBPD</i>	1	0	0	<b>1</b>
<i>Other Jurisdiction</i>	0	2	1	<b>3</b>
<i>Not PREA</i>	0	0	2	<b>2</b>
<b>Total Cases</b>	<b>13</b>	<b>9</b>	<b>8</b>	<b>30</b>
<b>Inmate-on-Inmate Abusive Sexual Contact</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Total</b>
<i>Substantiated</i>	0	4	1	<b>5</b>
<i>Unsubstantiated</i>	0	2	3	<b>5</b>
<i>Unfounded</i>	3	4	3	<b>10</b>
<i>VBPD</i>	1	0	0	<b>1</b>
<i>Other Jurisdiction</i>	0	3	7	<b>10</b>
<i>Not PREA</i>	0	0	5	<b>5</b>
<b>Total Cases</b>	<b>4</b>	<b>13</b>	<b>19</b>	<b>36</b>
<b>Inmate-on-Inmate Sexual Harassment</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Total</b>
<i>Substantiated</i>	3	4	10	<b>17</b>
<i>Unsubstantiated</i>	2	3	35	<b>40</b>
<i>Unfounded</i>	22	15	26	<b>63</b>
<i>VBPD</i>	0	0	0	<b>0</b>
<i>Other Jurisdiction</i>	2	0	2	<b>4</b>
<i>Not PREA</i>	0	0	15	<b>15</b>
<b>Total Cases</b>	<b>29</b>	<b>22</b>	<b>88</b>	<b>139</b>
<b>Aggregated Total</b>	<b>46</b>	<b>44</b>	<b>115</b>	<b>205</b>

An aggregation of the three-year data reflects the percentage of total volume for each classification of inmate-on-inmate investigations within the subsequent chart.

<b>Classification of Inmate-on-Inmate Allegation</b>	<b>Total Cases</b>	<b>% of Total Volume</b>
<i>Nonconsensual Sexual Acts</i>	30	15%
<i>Abusive Sexual Contact</i>	36	18%
<i>Sexual Harassment</i>	139	68%
<b>Total Cases</b>	<b>205</b>	

Overall, the aggregated three-year data confirms that 44% of the total inmate-on-inmate investigations resulted in a final disposition of unfounded; 6% were substantiated; and 24% were unsubstantiated. Additionally, 8% of the allegations allegedly occurred in other jurisdictions and were forwarded to them for investigation. A further analysis of the aggregated data by type of case supports the percentages of final dispositions as indicated within the succeeding charts. All percentages are rounded to the nearest whole number.

<b><i>Nonconsensual Sexual Acts</i></b>	<b>% by Type of Case</b>
<i>Substantiated</i>	7%
<i>Unsubstantiated</i>	17%
<i>Unfounded</i>	57%
<i>VBPD</i>	3%
<i>Other jurisdiction</i>	10%

<b><i>Abusive Sexual Contact</i></b>	<b>% by Type of Case</b>
<i>Substantiated</i>	14%
<i>Unsubstantiated</i>	14%
<i>Unfounded</i>	28%
<i>VBPD</i>	3%
<i>Other jurisdiction</i>	28%

<b><i>Sexual Harassment</i></b>	<b>% by Type of Case</b>
<i>Substantiated</i>	12%
<i>Unsubstantiated</i>	29%
<i>Unfounded</i>	45%
<i>VBPD</i>	0%
<i>Other jurisdiction</i>	3%

# Problem Areas and Corrective Action

A review of the 2021 data suggests a continuation of inmate-on-inmate allegation trends identified in the 2020 PREA Annual Report such as using inmate-on-inmate allegations to circumvent established procedures to expedite staff response to a non-PREA related issue or manipulate the classification process to get inmates out of the housing unit or secure a more favorable housing unit for themselves.

The change in Inmate-on-Inmate allegations indicates a need to continue focusing on the protocols established. In 2020 the Intel Unit, responsible for investigating inmate-on-inmate allegations, added additional fields to the tracking and focused on differentiating between unfounded cases and allegations that do not meet the PREA definition of sexual abuse or sexual harassment. In 2021 11% of the inmate on inmate cases did not meet the PREA definition.

There was an overall decrease of 10% in Staff-on-Inmate allegations from 2020 to 2021. Of the 25 staff-on-inmate allegations, 100% (25) were unfounded. The Virginia Beach Sheriff's Office remains committed to our zero-tolerance policy and conducts annual refresher training as required for staff, contractors, and volunteers.

There were no identified trends in the allegations regarding location of alleged incident. There were multiple inmates who made repeated, unfounded allegations against other inmates, which accounts for a portion of the increase in inmate-on-inmate allegations. Inmates who are determined to have knowingly and intentionally made false allegations may be subject to disciplinary action.

Renovations to our Master Control Room and security system have been completed. The renovations included the addition of or relocation of surveillance cameras to reduce blind spots inside the Correctional Center.

## Summary

The Virginia Beach Sheriff's Office continues to progress in addressing sexual abuse and sexual harassment facilitated by staff and/or inmates. Any identified issues or trends are addressed immediately. This may include modifications to existing policy, procedures, education, or training. Additionally, this takes into consideration physical plant limitations and the location of video monitoring equipment.

The Virginia Beach Sheriff's Office remains steadfast in providing a safe environment where inmates are free from sexual abuse and sexual harassment. To this end, the Sheriff's Office maintains zero tolerance for sexual abuse and sexual harassment.

Information regarding an inmate who has been the victim of sexual abuse or sexual harassment while under the custody or care of the Virginia Beach Sheriff's Office may be reported by calling (757)385-1971 or emailing [SheriffPREAhotline@vbso.net](mailto:SheriffPREAhotline@vbso.net).

The telephone number is monitored by Professional Standards and Accountability Office personnel. All emails submitted via the email link is received by Sheriff's Office Investigators assigned to both investigative units, the Professional Standards and Accountability Office as well as the Criminal Intel Unit.

Complaints may be submitted by a third party or may remain anonymous. However, it is critical to provide as many details as possible. An investigation may result from the information that is given.

# Glossary

**Inmate-on-Inmate Nonconsensual Sexual Act:** Includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse;

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand finger, object, or other instrument.

**Inmate-on-Inmate Sexual Abusive Contact:** Includes the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse;

- (1) Any other intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

**Inmate-on-Inmate Sexual Harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate or detainee directed at another inmate or detainee.

**Staff-on-Inmate Sexual Misconduct:** Includes any of the following acts, with or without consent of the inmate or detainee:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the appointee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the appointee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the appointee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by an appointee, contractor, or volunteer to engage in the activities described in (1)-(5) of this section;

- (7) Any display by an appointee, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate or detainee; and
- (8) Voyeurism by an appointee, contractor, or volunteer.

**Voyeurism by an Appointee, Contractor, or Volunteer:** The intentional or surreptitious viewing, broadcast or recording of an inmate or detainee dressing or undressing, or of the sexual or other intimate parts of such inmate or detainee for reasons unrelated to official duties, but for the purpose of sexual arousal or sexual gratification, amusement, entertainment, or profit, or for the purpose of degrading or abusing a person.

**Note:** Voyeurism by an appointee, contractor or volunteer does not include the viewing of the sexual or other intimate parts of another person during a personal search in accordance with Virginia Beach Sheriff's Office procedures or inadvertently or accidentally viewing intimate parts while assigned to Sheriff's Office security camera systems, during the performance of other official duties, or during a medical examination by health care staff for a proper medical purpose.

**Staff-on-Inmate Sexual Harassment:** Repeated verbal comments or gestures of a sexual nature to an inmate or detainee by an appointee, contractor, or volunteer including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Unfounded:** The incident may or may not have occurred, but the allegation did not occur.

**Unsubstantiated:** There is insufficient evidence to prove or disprove the allegation.

**Substantiated:** There is sufficient evidence to prove the allegation.





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