

2020

Virginia Department of Juvenile Justice



PRISON RAPE ELIMINATION ACT (PREA)

2020 Annual Report
Published

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PURPOSE

The Prison Rape Elimination Act (PREA) was established in 2003 to address sexual abuse and sexual harassment of persons in custody of US correctional facilities. Major provisions of PREA include the development of policies for the detection, prevention, reduction, and punishment of sexual abuse and sexual harassment in confinement settings. The Act applies to all public and private institutions that house adult and/or juvenile offenders. The PREA standards went into effect on August 20, 2012.

The Department of Juvenile Justice (DJJ) has a zero-tolerance policy on issues pertaining to sexual abuse and sexual harassment involving residents, and the agency is continuously working to develop and implement policies to prevent, detect, and respond to sexual abuse, sexual harassment, and sexual misconduct allegations.

It is DJJ's policy to thoroughly investigate all complaints and allegations of sexual abuse and sexual harassment to determine whether the allegations are substantiated, unsubstantiated, or unfounded and to take the appropriate action(s) as warranted.

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INVESTIGATION DISPOSITION DEFINITIONS

Substantiated is defined as an allegation that was investigated and determined to have occurred.

Unfounded is defined as an allegation that was investigated and determined not to have occurred.

Unsubstantiated is defined as an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

ALLEGATION DATA

ALLEGATION OF STAFF ON RESIDENT SEXUALLY ABUSIVE CONTACT

Staff on Resident Sexually Abusive Contact is defined as any allegation of non-penetrative intentional touching (either directly or through the clothing), done with the intent to abuse, arouse, or gratify sexual desire, of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member, volunteer, or other individual over whom the facility has supervisory authority of a resident.

Critical Level I-Allegation of Staff on Resident Sexually Abusive Contact	2017	2018	2019	2020
Total	0	7	3	1
Substantiated	0	0	0	0
Unsubstantiated	0	5	0	0
Unfounded	0	3	3	1

ALLEGATION OF STAFF ON RESIDENT SEXUAL HARASSMENT

Staff on Resident Sexual Harassment is defined as any alleged (i) sexual advances, requests for sexual favors, comments of a sexual nature; (ii) demeaning references to gender or derogatory comments about body or clothing; or (iii) profane or obscene language or gestures of a sexual nature by a staff member, volunteer, or other individual over whom the facility has supervisory authority to a resident.

Critical Level II-Allegation of Staff on Resident Sexual Harassment	2017	2018	2019	2020
Total	12	18	6	5
Substantiated	0	0	0	0
Unsubstantiated	7	4	2	2
Unfounded	5	14	4	3

ALLEGATION OF STAFF ON RESIDENT SEXUALLY ABUSIVE ACT OR PENETRATION

Staff on Resident Sexually Abusive Act or Penetration is defined as any alleged sexual act by a staff member, volunteer, or other individual over whom the facility has supervisory authority of a resident including (i) contact between the penis and the vagina or the anus; (ii) contact between the mouth and the penis, vagina, or anus; or (iii) penetration of the anal or genital opening of another resident by a hand, finger, or other object.

Critical Level I-Allegation of Staff on Resident Sexually Abusive Act or Penetration	2017	2018	2019	2020
Total	0	2	0	1
Substantiated	0	1	0	0
Unsubstantiated	0	0	0	0
Unfounded	0	1	0	1

ALLEGATION OF STAFF ON RESIDENT VOYEURISM

Staff on Resident Voyeurism is defined as any alleged invasion of a resident’s privacy by staff, volunteers, or any other individual over whom the facility has supervisory authority for reasons unrelated to official duties and for sexual gratification, such as (i) peering at a resident who is using a toilet in his or her cell to perform bodily function (ii) requiring a resident to expose his/her buttocks, genitals, or breast, or (iii) taking images of all or part of a resident’s naked body or a resident performing bodily functions.

Critical Level II-Allegation of Staff on Resident Voyeurism	2017	2018	2019	2020
Total	4	2	4	1
Substantiated	0	0	0	0
Unsubstantiated	2	1	4	0
Unfounded	2	1	0	1

ALLEGATION OF STAFF ON RESIDENT SEXUAL MISCONDUCT (OTHER)

Staff on Resident Sexual Misconduct (other) is defined as any alleged sexual misconduct by a staff member, volunteer, or other individual over whom the facility has supervisory authority to a resident, including any other behavior with the staff’s intent of sexual gratification that is not included in the definitions of staff on resident (i) sexually abusive act or penetration, (ii) sexually abusive contact, (iii) sexual harassment, (iv) indecent exposure, or (v) voyeurism.

Critical Level II-Allegation of Staff on Resident Sexual Misconduct (other)	2017	2018	2019	2020
Total	0	2	3	4
Substantiated	0	0	0	0
Unsubstantiated	0	1	1	2
Unfounded	0	1	2	2

ALLEGATION OF RESIDENT ON RESIDENT SEXUAL CONTACT

Resident on Resident Sexual Contact is defined as any alleged nonconsensual, non-penetrative intentional touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a resident of another resident.

Critical Level II-Allegation of Resident on Resident Sexual Contact	2017	2018	2019	2020
Total	8	2	1	0
Substantiated	2	0	0	0
Unsubstantiated	3	1	1	0
Unfounded	3	1	0	0

ALLEGATION OF RESIDENT ON RESIDENT SEXUAL HARASSMENT

Resident on Resident Sexual Harassment is defined as any alleged unwelcome (i) sexual advances, requests for sexual favors, verbal comments of a sexual nature; (ii) demeaning references to gender or derogative comments about body or clothing; or (iii) profane or obscene language or gestures of a sexual nature.

2020 Substantiated Allegation: The substantiated incident of resident on resident sexual harassment that occurred in 2020 was addressed appropriately through treatment efforts. DJJ continues to provide PREA education to all residents to prevent and reduce such incidents.

Critical Level II-Allegation of Resident on Resident Sexual Harassment	2017	2018	2019	2020
Total	24	17	15	13
Substantiated	14	3	4	1
Unsubstantiated	8	8	9	2
Unfounded	2	6	2	10

ALLEGATION OF RESIDENT ON RESIDENT SEXUAL ACT OR PENETRATION

Resident on Resident Sexual Act or Penetration is defined as any alleged nonconsensual sexual act by a resident of another resident including (i) contact between the penis and the vagina or the anus; (ii) contact between the mouth and the penis, vagina, or anus; or (iii) penetration of the anal or genital opening of another person by a hand, finger, or other object.

Critical Level I-Allegation of Resident on Resident Sexual Act or Penetration	2017	2018	2019	2020
Total	1	1	0	1
Substantiated	0	0	0	0
Unsubstantiated	0	0	0	0
Unfounded	1	1	0	1

AUTHORITY

By my signature below, I acknowledge that I have reviewed and approved DJJ's 2020 PREA Annual Report in accordance with PREA Standard §115.388.

Valerie P. Boykin

Valerie Boykin, Director
Virginia Department of Juvenile Justice

5/26/21

Date