

2025

Virginia Department of Juvenile Justice



PRISON RAPE ELIMINATION ACT (PREA)

2025 Annual Report
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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 U.S. 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 procedure 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 procedure to thoroughly investigate all 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	2019	2020	2021	2022	2023	2024	2025
Total	3	1	2	2	5	7	12
Substantiated	0	0	0	0	0	0	0
Unsubstantiated	0	0	0	2	2	4	2
Unfounded	3	1	2	0	3	3	9
Under Investigation	0	0	0	0	0	0	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.

2021 Substantiated Allegation: The two (2) substantiated incidents of staff on resident sexual harassment that occurred in 2021, were addressed through the Standards of Conduct according to DJJ’s practices and guidelines. DJJ continues to communicate and educate staff on the agency’s approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment and our zero-tolerance policy for such incidents.

2025 Substantiated Allegation: The one (1) substantiated incident of staff on resident sexual harassment that occurred in 2025, were addressed through the Standards of Conduct according to DJJ’s practices and guidelines. DJJ continues to communicate and educate staff on the agency’s approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment and our zero-tolerance policy for such incidents.

Critical Level II-Allegation of Staff on Resident Sexual Harassment	2019	2020	2021	2022	2023	2024	2025
Total	6	5	4	3	13	19	43
Substantiated	0	0	2	0	0	0	1
Unsubstantiated	2	2	0	1	8	14	10
Unfounded	4	3	2	2	5	5	32

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.

2022 Substantiated Allegation: The one (1) substantiated incident of Staff on Resident Sexually Abusive Act or Penetration which occurred in 2022, was addressed through the Standards of Conduct resulting in termination and referral for prosecution according to DJJ’s practices and guidelines. DJJ continues to communicate and educate staff on the agency’s approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment and our zero-tolerance policy for such incidents.

2024 Substantiated Allegations: The two (2) substantiated incidents of Staff on Resident Sexually Abusive Act or Penetration which occurred in 2024, were addressed through the Standards of Conduct, resulting in termination and referral for prosecution according to DJJ’s practices and guidelines. DJJ continues to communicate and educate staff on the agency’s approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment and our zero-tolerance policy for such incidents.

Critical Level I-Allegation of Staff on Resident Sexually Abusive Act or Penetration	2019	2020	2021	2022	2023	2024	2025
Total	0	1	5	1	1	4	1
Substantiated	0	0	0	1	0	2	0
Unsubstantiated	0	0	2	0	0	0	0
Unfounded	0	1	3	0	1	2	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	2019	2020	2021	2022	2023	2024	2025
Total	4	1	1	4	1	7	41
Substantiated	0	0	0	0	0	0	0
Unsubstantiated	4	0	1	3	0	2	7
Unfounded	0	1	0	1	1	5	34

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)	2019	2020	2021	2022	2023	2024	2025
Total	3	4	0	1	0	0	1
Substantiated	0	0	0	0	0	0	0
Unsubstantiated	1	2	0	1	0	0	1
Unfounded	2	2	0	0	0	0	0

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.

2024 Substantiated Allegations: The three (3) substantiated incidents of Resident-on-Resident Sexual Contact which occurred in 2024, was addressed appropriately through DJJ's Resident Discipline Procedure and/or referral for prosecution. DJJ continues to provide PREA education to all residents to prevent and reduce such incidents from occurring and our zero-tolerance policy for sexual abuse and sexual harassment.

2025 Substantiated Allegations: One (1) substantiated incident of Resident-on-Resident Sexual Contact which occurred in 2025, was addressed appropriately through DJJ's Behavior Services Unit through treatment. DJJ continues to provide PREA education to all residents to prevent and reduce such incidents from occurring and our zero-tolerance policy for sexual abuse and sexual harassment.

Critical Level II-Allegation of Resident on Resident Sexual Contact	2019	2020	2021	2022	2023	2024	2025
Total	1	0	0	3	6	13	4
Substantiated	0	0	0	0	0	3	1
Unsubstantiated	1	0	0	2	1	4	2
Unfounded	0	0	0	1	5	6	1

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.

2022 Substantiated Allegation: The substantiated incident of resident on resident sexual harassment that occurred in 2022, was addressed appropriately through intensive treatment efforts & DJJ’s Resident Discipline Procedure. DJJ continues to provide PREA education to all residents to prevent and reduce such incidents from occurring and our zero-tolerance policy for sexual abuse and sexual harassment.

2023 Substantiated Allegation: The substantiated incident of resident on resident sexual harassment that occurred in 2023, was addressed appropriately through intensive treatment efforts & DJJ’s Resident Discipline Procedure. DJJ continues to provide PREA education to all residents to prevent and reduce such incidents from occurring and our zero-tolerance policy for sexual abuse and sexual harassment.

2024 Substantiated Allegation: The substantiated incident of resident-on-resident sexual harassment that occurred in 2024, was addressed appropriately through intensive treatment efforts & DJJ’s Resident Discipline Procedure. DJJ continues to provide PREA education all residents to prevent and reduce such incidents from occurring and our zero-tolerance policy for sexual abuse and sexual harassment.

2025 Substantiated Allegation: The substantiated incident of resident-on-resident sexual harassment that occurred in 2025, was addressed appropriately DJJ’s Behavior Services Unit through treatment. DJJ continues to provide PREA education all residents to prevent and reduce such incidents from occurring and our zero-tolerance policy for sexual abuse and sexual harassment.

Critical Level II-Allegation of Resident on Resident Sexual Harassment	2019	2020	2021	2022	2023	2024	2025
Total	15	13	7	13	16	11	6
Substantiated	4	1	0	3	2	2	1
Unsubstantiated	9	2	0	2	5	5	1
Unfounded	2	10	7	8	9	4	4

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	2019	2020	2021	2022	2023	2024	2025
Total	0	1	0	0	1	2	3
Substantiated	0	0	0	0	0	0	0
Unsubstantiated	0	0	0	0	0	1	0
Unfounded	0	1	0	0	1	1	3

AUTHORITY

By my signature below, I acknowledge that I have reviewed and approved DJJ's 2025 PREA Annual Report in accordance with PREA Standard §115.388.



Robert Berningham Jr., Director



Date