

*Prison Rape Elimination
Act Annual Report
2021*



*The Office of the
Sheriff
Norfolk, Virginia*

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I. **Prison Rape Elimination Act (PREA)**

The Prison Rape Elimination Act of 2003 (Public Law No. 108-79) (PREA) was signed into law in 2003 to "provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape."

The Department of Justice (DOJ) released a Landmark Final Ruling in 2012 setting national standards aimed at protecting inmates in all confinement facilities in accordance with the Prison Rape Elimination Act of 2003. "The standards have three clear goals: to prevent, detect, and respond to sexual abuse." The national standards also require that each facility be audited every three years to assess compliance with the standards.

II. **Certification**

The Norfolk Sheriff's Office is currently in compliance with the PREA standards and gained certification in May of 2018. The Norfolk Sheriff's Office will be undergoing its re-certification during 2022.

Over the last two years, many measures took place to maintain certification which include:

- Maintaining a PREA Coordinator position as required by the Standards;
- Continuous review of policies including our Inmate Sexual Abuse Policy;
- Continuing the training of all staff members on PREA. All new employees receive initial training on the following topics:
 - The Norfolk Sheriff's Office's zero-tolerance policy for sexual abuse and sexual harassment;
 - How to fulfill their responsibilities under the Sheriff Office's policies and procedures on sexual abuse and sexual harassment prevention, detection, and response;
 - Inmates' right to be free from sexual abuse and sexual harassment;

- The right of inmates and staff 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, and gender nonconforming inmates; and
 - How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
- Provision of training to all new sworn employees on searches of transgender and intersex inmates;
 - Training contractors and volunteers on their duties and responsibilities under the Norfolk Sheriff's Office Sexual Abuse and Sexual Harassment Policies and Procedures. The training was based upon the contractor's and volunteer's level of contact with the inmates.
 - Provision of initial inmate education on PREA during the Intake/Classification process to all new inmates processed into the Norfolk City Jail.
 - Provision of comprehensive PREA training to all inmates admitted to the Norfolk City Jail within 30 days of their incarceration. The comprehensive training included education on the inmate's rights to be free from sexual abuse and sexual harassment, reporting methods for allegations, and protection from retaliation for reporting such allegations.
 - Maintaining a Memorandum of Understanding with the YWCA of Southampton Roads. This partnership provides a 24/7 hotline available to the inmates, at no charge, where the inmates are capable of making a report of sexual abuse and/or sexual harassment while allowing the inmate to remain anonymous upon request. The hotline is monitored by YWCA personnel and all

reports received via the hotline are immediately forwarded to the appropriate Sheriff's Office personnel for investigation.

The Norfolk Sheriff's Office has always placed the safety and security of the staff, the inmates, and the facility as a priority and will continue to make every effort to detect, prevent, and reduce incidents of sexual abuse and sexual harassment.

III. Zero Tolerance Policy

The NSO has a zero tolerance policy with regard to all forms of sexual abuse, sexual harassment, and voyeurism. All sexual conduct, including sexual contact, is prohibited. All allegations of sexual abuse, sexual harassment or voyeurism will be promptly and thoroughly investigated.

Sexual conduct by an employee, contractor, volunteer, or intern with a person committed to the custody of the NSO, whether it occurs inside of the Norfolk City Jail, during transportation outside of the Norfolk City Jail, or at any other time during an inmate's custody, is strictly prohibited. An employee, contractor, volunteer, or intern who engages in sexual conduct, including sexual contact with an inmate, is subject to termination as well as loss of security clearance and access to the jail or the NSO.

The NSO further prohibits employees, contractors, volunteers, or interns from indulging in an undue familiarity with inmates or permitting undue familiarity on the part of the inmate toward themselves, regardless of marital status. Any sexual abuse of an inmate by a staff member, contractor, volunteer, or intern will result in severe disciplinary action and will be prosecuted to the fullest extent of the law. Employees, contractors, volunteers, or interns also face registration as a sex offender and may be held financially liable and not indemnified by the City of Norfolk or the NSO if sued as a result of their actions.

Additionally, inmate rules prohibit an inmate from engaging in or soliciting a sexual act with another inmate, whether voluntary or coerced. Inmates who are observed engaging in this activity will be ordered to cease their activity and violations will be imposed.

Inmates who engage in sexual abuse will be arrested and referred for disciplinary action as well as prosecution.

All employees, contractors, volunteers, or interns are responsible for being alert to signs of potential situations in which sexual abuse might occur and signs of victimization. Inmates with disabilities including deaf or hard of hearing, blind or low vision, and non-English speaking shall have the 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. The agency shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants 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 the PREA Standards, or the investigation of the inmate's allegations.

IV. Statistical Data

For purposes of this report, the Norfolk Sheriff's Office collects uniform data for every allegation of sexual abuse consistent with the Department of Justice Survey of Sexual Victimization (SSV). Hence, the Sheriff's Office "utilizes the definition of Sexual Abuse as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act (PREA) of 2003*)."

Inmate-on-Inmate Allegations Summary

Inmate-on-inmate allegations are investigated by the Professional Standards Division of the Norfolk Sheriff's Office. Sexual abuse allegations received or incidents of sexual abuse that occur within the Norfolk City Jail where the evidence of conduct supports criminal behavior are referred to the Norfolk Police Department (NPD) for investigation.

All Sheriff's Office investigators assigned to the Professional Standards Division have successfully completed a 3 hour on-line specialized training course through the National Institute of Corrections titled, "PREA: Investigating Sexual Abuse in a Confinement Setting."

All reports of sexual abuse and sexual harassment received are investigated to final disposition regardless of the source of the allegation. The departure of the alleged abuser or

victim from the authority, custody, or care of the Norfolk Sheriff's Office is never a basis for terminating an investigation. Final disposition involves a finding of substantiated, unsubstantiated, or unfounded (see glossary for definitions). The Sheriff's Office does not release information pertaining to investigations.

All inmates and staff who report sexual abuse or sexual harassment or cooperate with such investigations are protected from retaliation by other inmates and/or staff members. The Norfolk Sheriff's Office Classification Unit monitors for retaliation of inmates. The Professional Standards Division monitors for retaliation of staff members. Allegations of retaliation are reported through the same methods as available for reporting allegations of sexual abuse.

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 victimizations: Non-Consensual Sexual Acts, Abusive Sexual Contact, and Sexual Harassment (see glossary for definitions).

Inmate on Inmate Sexual Victimizations –Fourteen Allegations

Substantiated Allegations – Two

Non-Consensual Sexual Acts – Zero

Abusive Sexual Contact – One

Sexual Harassment - One

Unsubstantiated Allegations - Four

Non-Consensual Sexual Acts - Zero

Abusive Sexual Contact – Zero

Sexual Harassment – Four

Unfounded Allegations - Eight

Non-Consensual Sexual Acts – Three

Abusive Sexual Contact - One

Sexual Harassment - Four

Staff-on-Inmate Allegations Summary

Staff-on-Inmate allegations are investigated by the Norfolk Sheriff's Office Professional Standards Division. Allegations received where evidence of conduct supports criminal behavior may be referred to the Norfolk Police Department (NPD) for investigation. The Professional Standards Division will handle only the administrative investigation.

All Sheriff's Office investigators assigned to the Professional Standards Division have successfully completed a 3 hour on-line specialized training course through the National Institute of Corrections titled, "PREA: Investigating Sexual Abuse in a Confinement Setting."

All reports of sexual abuse and sexual harassment received are investigated to final disposition regardless of the source of the allegation. The departure of the alleged abuser or victim from the authority, custody, or care of the Norfolk Sheriff's Office is never a basis for terminating an investigation. Final disposition involves a finding of substantiated, unsubstantiated, or unfounded (see glossary for definitions). The Sheriff's Office does not release information pertaining to investigations.

All inmates and staff who report sexual abuse or sexual harassment or cooperate with such investigations are protected from retaliation by other inmates and/or staff members. The Norfolk Sheriff's Office Classification Unit monitors for retaliation of inmates. The Professional Standards Division monitors for retaliation of staff members. Allegations of retaliation are reported through the same methods as available for reporting allegations of sexual abuse.

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

Staff on Inmate Sexual Victimizations - Twelve Allegations

Substantiated Allegations - Zero

Unsubstantiated Allegations - Two

Sexual Misconduct - Zero

Sexual Harassment - Two

Unfounded Allegations - Ten

Sexual Misconduct –Six

Sexual Harassment- Four

II. Data Assessment and Review

The Sheriff's Office monitors PREA related incidents based upon, but not limited to, the location of the incident, the personal demographics of the alleged abuser(s) and the alleged victim(s), and predatory behavior. The personal demographic information of the alleged abuser(s) and alleged victim(s) were left out of this report to protect the identity of the individuals related to the investigations.

When assessing the data, the Norfolk Sheriff's Office will consider calendar year 2017 as the implementation year and correspondingly the baseline year for PREA.

The aggregation of data indicates that the allegations received show an upward trend of reporting from mental health blocks with other reports being dispersed throughout the Norfolk City Jail. There is one specific type of location where these allegations tend to originate and there are more allegations prevalent among the vulnerable inmate populations. The staff-on-inmate allegations received are void of any repetitive allegations. Additionally, the statistics were not absent of any noticeable predatory behavior.

In summary, there is a manifestation of problem areas relative to PREA thus far and the trend shows it is in our mental health blocks. The Norfolk Sheriff's Office is still in the early years of meeting compliance with the PREA standards and strongly maintains a proactive response in situations where corrective action is warranted.

Moving forward, the Norfolk Sheriff's Office endeavors to remain constant in its unwavering commitment of compliance with PREA.

Glossary:

*The PREA Annual Report uses the definitions as provided by the Survey of Sexual Victimization, 2015: *Local Jail Jurisdictions Summary Form*. The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003).

Inmate-on-Inmate Nonconsensual Sexual Acts: Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vulva or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Inmate-on-Inmate Abusive Sexual Contact: Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breasts, inner thigh, or buttocks of any person. (Excludes incidents in which the contact was 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 directed toward another.

Staff-on-Inmate Misconduct: Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (excludes family, friends or other visitors)... [Such behavior or acts] include intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment: Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors) to include demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Substantiated: The allegation was investigated and determined to have occurred based upon the preponderance of evidence.

Unsubstantiated: The investigation concluded that evidence was insufficient to determine whether or not the allegation occurred.

Unfounded: The investigation determined that the allegation did NOT occur.



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If you have information regarding an inmate who has been the victim of sexual abuse or sexual harassment while under the custody of the Norfolk Sheriff's Office, please call **(757) 664-4342** or email reportsexualabuse@norfolk-sheriff.com

You do not have to provide your name and you may remain anonymous. However, it is critical that you provide as many details as possible. An investigation may result from the information that is given.

This report was prepared by the PREA Coordinator and approved by Sheriff Joe Baron.