

Virginia Department of Juvenile Justice

Prison Rape Elimination Act (PREA)

Annual Report 2017

Virginia Department of Juvenile Justice (DJJ) Consolidation and Transformation:

The following Juvenile Correction Center (JCCs) are closed:

- Culpeper Juvenile Correctional Center (maximum security) closed May 19, 2014
- Abraxas House (a Half-way House, renovated to receive Direct Care residents in July 2012) closed December 18, 2013.
- Hampton Place (a Half-way House, renovated to receive Direct Care residents in July 2012) closed December 20, 2013
- Hanover Juvenile Correctional Center (housed medium security/younger residents) closed April 19, 2013, now repurposed as our Virginia Public Safety Training Academy
- Reception and Diagnostic Center (intake facility) closed June 9, 2015, now Central Admission and Placement (CAP)
- Beaumont JCC closed June 2017 (PREA audit conducted prior to closer).

The CAP Unit was established upon the closure of the RDC. The core functions include the receipt and review of all commitment packets as well as the intake, orientation, and evaluation phase of a resident's direct care admission. A unit is dedicated at Bon Air for the intake, orientation, and evaluation of newly admitted residents. Evaluations provided include medical, psychological, behavioral, educational/vocational, and sociological. The evaluation process is no longer than three weeks. At the conclusion of the evaluation process, a team of evaluators meet to discuss and identify treatment and mental health needs and determine Length of stay (LOS), classification level, parole plan details, and placement recommendations. Input from the Court Service Unit and Families are beneficial to assist with this process.

Community Placement Programs (CPPs) were initiated approximately 2014. CPPs are highly structured disciplined residential programs in JDCs for committed juveniles. A goal of the CPPs is to place residents closer to their home and communities to facilitate an easier transition after release. CPPs focus on addressing specific treatment needs and risk factors and developing competency in the areas of education, job readiness, and life and social skills. Services provided focus on risk factors that can be changed using cognitive behavioral techniques and tailoring services to meet the individual's needs. Programs use the Youth Assessment and Screening Instrument (YASI) as the basis for case

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planning to address criminogenic need areas. The target juveniles for CPPs are males between 16 and 20 years of age with assigned LOSs of 12 months or less. Juveniles are housed in units separate from the JDC population.

Additionally with the assistance of the Annie E. Casey Foundation DJJ has moved from a more “prison” environment to a community model called the Virginia Community Treatment Model.

Purpose:

PREA was established in 2003 to address sexual abuse and sexual harassment of person in custody of U.S. juvenile correctional facilities settings. Major provisions of the PREA included 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 effective 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 is continuously working to develop and implement policies to prevent, detect, and respond to sexual abuse, harassment, and misconduct allegations.

It is DJJ’s policy to thoroughly investigate all complaints and allegations of sexual abuse and harassment to determine whether or not the allegations are substantiated, unsubstantiated or unfounded and to take appropriate follow up action.

Aggregated Data:

This report will summarize the effect by DJJ to achieve compliance with the Federal PREA Standards. This document serves as an annual review to assess and improve the effectiveness of the sexual abuse and sexual harassment detection, prevention, and response of the Virginia Department of Juvenile Justice to national PREA Standards 115.388 and 115.389. Review of the data collected and aggregated in

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order to assess and improve the effectiveness of our sexual abuse and harassment prevention, detection, and response policies and training, include:

1. Identifying problem areas
2. Taking corrective action on an ongoing basis
3. Preparing annual reports of findings and corrective action for the facility.
4. Comparing the current year's data and corrective actions with those from previous years and provide an assessment of the agency progress in addressing sexual abuse.
5. Publish the annual report on the DOCCR website with its findings and corrective actions for each.

In the past DJJ has not aggregated the data required by the PREA. This report will show aggregated data from 2015 till June 2017. DJJ understands the importance of not only tracking sexual abuse and harassment data but the significance of aggregating the data. DJJ continues to strive to comply with the PREA Standards and in doing so will post annual reports moving forward.

DJJ collected data from the referrals from investigations of sexual abuse, sexual harassment, and sexual misconduct; both resident on resident and staff on resident. The data listed in this section contains aggregated data as well as comparison of the number of allegations and incidents reported between calendar year 2015 – 2017 as well as fiscal year 2017 (July 1, 2016 –June 30, 2017). All allegations are entered and tracked through a secure electronic database by the DJJ Investigation Unit. The following charts display the breakdown of the 2015 incidents of sexual abuse, sexual harassment, and sexual misconduct; staff on resident, and resident on resident. This report is comprised of data from all DJJ JCC facilities to include: Beaumont JCC and Bon Air JCC.

After reviewing the facts associated with the substantiated incidents it was possible to determine that most involving contact were covert, and committed without threats of force or coercion. There was one incident where a resident refused to be interviewed and we were unable to determine if there was the threat or use of force or coercion. In this instance we treated the incident like sexual abuse. The areas in which incidents occurred did not include architectural blind spots. However, other barriers to supervision, such as restrooms and unsecured areas did allow some of the contact to go undetected.

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Corrective action plans and retaliation monitoring are now occurring following every substantiated incident, and some unsubstantiated incidents where measures can be taken that can improve safety. Typical corrective action plans include:

- Additional training on supervision practices, or a change in supervision practices, to include increased supervision efforts and unannounced rounds
- Identification of barriers to adequate supervision and mitigation strategies
- Sanctions for juveniles identified to have engaged in sexual misconduct
- If appropriate, contact with HR and/or law enforcement
- Ongoing resident education built into programming
- The decrease in reporting contributes to the categories of sexual abuse and sexual harassment broken down in the PREA Standard definitions

The following are some past, present, and future PREA initiatives:

- Plan for installing approximately 250 new cameras throughout the facility to enhance supervision and eliminate blind spots
- Implementation of the Virginia Community Treatment Model Program which focuses on trauma informed care
- Adding an additional direct care staff member to each unit to allow for additional supervision
- The creation and development of the cadre team
- Developing a PREA facility orientation video
- Streamlining the background, and CPS check, and PREA Training recordings for the agency, for all employee, part-time, contractors, and volunteers.
- Development of a PREA volunteer and contractor brochure and training
- Development of PREA and facility resident orientation video
- Partnerships to provide emotional support and outside reporting with local LGBTQ advocacy groups, Chesterfield Domestic and Sexual Violence Resource Center, Regional Hospital Response Team (RHART) with the YWCA and Children's Hospital of Richmond at VCU
- Enhancement of Staff and Resident PREA Training
- Redevelopment of the Staffing Plan now that the consolidation is complete
- Compression and removal of isolation initiative

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DJJ has indicated several corrective action initiatives to reduce, and prevent resident on resident and staff on resident exposures and misconduct to include: The PREA Response Team education program, Clinical Exposure Treatment Group, Staff Support Protocol Workgroup, the Ombudman's Program Hotline, and Restorative Justice Pilot Program.

Summary:

DJJ hopes that by demonstrating our belief in having a zero tolerance for sexual abuse and sexual harassment in juvenile correction centers, through education and training, and by following policies and procedures, that DJJ will stand united in its efforts to reduce incidents of sexual victimization. This year DJJ increased our PREA efforts and awareness by hiring a full time PREA Coordinator, producing and displaying posters and brochures at various locations throughout our facilities as well as enhanced training in an effort to educate residents, staff, contractors, and volunteers and everyone that it is our responsibility to report and prevent allegations of sexual abuse and sexual harassment. Additionally, a training curriculum was established to ensure that all DJJ contractors and volunteers are not only made aware of the policies and procedures but are instructed on how to respond in dealing with sexual abuse should it occur.

DJJ continues to be committed to taking corrective actions to comply with the Prison Rape Elimination Act Standards, and we will continue to modify and create new policies to demonstrate a "zero tolerance" for sexual abuse in our facilities. It is our responsibility and part of our mission to enhance public safety by providing safe, secure, and humane correctional facilities. This cannot be achieved without the collaborative efforts amongst all staff, contractors, volunteers, and residents of the Virginia Department of Juvenile Justice.

Definitions:

Investigation Dispositions

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

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

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JCC Serious Incidents and Definitions

Sexual Abuse Allegations

Allegation of Resident on Resident Sexual Act or Penetration is any alleged nonconsensual sexual act by a resident of another resident including (i) contact between the penis and the vagina or the anus; (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.

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

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

Allegation of Staff on Resident Sexually Abusive Act or Penetration is 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

Allegation of Staff on Resident Sexually Abusive Contact is any alleged 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.

Sexual Harassment Allegations

Allegation of Resident on Resident Indecent Exposure is any alleged intentional display of a resident's uncovered genitalia, buttocks, or breast exhibited toward another resident

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Allegation of Resident on Resident Sexual Harassment is 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) repeated profane or obscene language or gestures of a sexual nature.

Allegation of Staff on Resident Sexual Harassment is any alleged (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) repeated profane or obscene language or gestures of a sexual nature; or (iv) repeated comments of a sexual nature by a staff member, volunteer, or other individual over whom the facility has supervisory authority to a resident.

Voyeurism

Allegation of Staff on Resident Voyeurism is 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; (ii) requiring a resident to expose his/her buttocks, genitals, or breasts, or (iii) taking images of all or part of a resident's naked body or a resident performing bodily functions.

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Data Tracking of PREA Cases Breakdown

BON AIR Juvenile Correction Center 2017

	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06
Average Daily Population	125	125	125	126	127	136	142	145	146	165	190	227

FY 2017 - All Dispositions	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
CLASS I - Allegation of Resident-on-Resident Sexual Act or Penetration						1							2
CLASS I - Allegation of Resident-on-Resident Sexual Contact	1		1	1	1					1	2	1	8
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact			1										1
CLASS I - Allegation of Staff-on-Resident Voyeurism											1		1
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	1	1	2	2	2	1	4		2	1		1	17
CLASS III - Allegation of Resident-on-Resident Sexual Harassment		1	3	1	1	1			1	2	2	2	14
CLASS III - Allegation of Staff-on-Resident Sexual Harassment				1		1			1			3	6
Grand Total	2	2	7	5	5	3	4	15	4	4	6	7	49

FY 2017 - Substantiated	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
CLASS II - Allegation of Resident-on-Resident Indecent Exposure							1		1			1	3
CLASS II - Allegation of Resident-on-Staff Sexual Misconduct			1					1	1				3
CLASS III - Allegation of Resident-on-Resident Sexual Harassment		1	2		1				1				5
Grand Total	0	1	3	0	1	0	1	1	3	0	0	1	131

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	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
FY 2017 - Unsubstantiated													
CLASS I - Allegation of Resident-on-Resident Sexual Contact	1				1								2
CLASS I - Allegation of Staff-on-Resident Voyeurism											1		1
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	1			1	2		1						5
CLASS III - Allegation of Staff-on-Resident Sexual Harassment						1							1
Grand Total	2	0	0	1	3	1	1	0	0	0	1	0	9

	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
FY 2017 - Unfounded													
CLASS I - Allegation of Resident-on-Resident Sexual Act or Penetration					1								1
CLASS I - Allegation of Resident-on-Resident Sexual Contact				1									1
CLASS II - Allegation of Resident-on-Resident Indecent Exposure		1	2	1						1			5
CLASS III - Allegation of Resident-on-Resident Sexual Harassment			1										1
CLASS III - Allegation of Staff-on-Resident Sexual Harassment				1									1
Grand Total	0	1	3	3	1	0	0	0	0	1	0	0	9

	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
FY 2017 - Under Investigation													
CLASS I - Allegation of Resident-on-Resident Sexual Act or Penetration											1		1
CLASS I - Allegation of Resident-on-Resident Sexual Contact			1							1	2	1	5
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact			1										1
CLASS II - Allegation of Resident-on-Resident Indecent Exposure						1	2		1				4
CLASS III - Allegation of Resident-on-Resident Sexual Harassment				1		1				2	2	2	8
CLASS III - Allegation of Staff-on-Resident Sexual Harassment									1			3	4
Grand Total	0	0	2	1	0	2	2	0	2	3	5	6	23

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BON AIR Juvenile Correction Center 2015 -2017

YEAR	FY15	FY16	FY17
Average Daily Population	213	162	148

All Dispositions	FY15	FY16	FY17	Grand Total
CLASS I - Allegation of Resident-on-Resident Sexual Act or Penetration			2	2
CLASS I - Allegation of Resident-on-Resident Sexual Contact	5	8	8	21
CLASS I - Allegation of Staff-on-Resident Sexual Misconduct	4	3		7
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Act or Penetration	2	1		3
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact	6	2	1	9
CLASS I - Allegation of Staff-on-Resident Voyeurism	11	1	1	13
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	79	38	17	134
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	45	16	14	75
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	47	10	6	63
Grand Total	199	52	49	327

Substantiated	FY15	FY16	FY17	Grand Total
CLASS I - Allegation of Resident-on-Resident Sexual Contact	2	5		7
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	26	13	3	42
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	20	7	5	32
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	4			4
Grand Total	52	25	8	85

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Unsubstantiated	FY15	FY16	FY17	Grand Total
CLASS I - Allegation of Resident-on-Resident Sexual Contact	2	2	2	6
CLASS I - Allegation of Staff-on-Resident Sexual Misconduct		1		1
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Act or Penetration	2			2
CLASS I - Allegation of Staff-on-Resident Voyeurism	5		1	6
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	36	19	5	60
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	19	5		24
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	21	2	1	24
Grand Total	85	29	9	123

Unfounded	FY15	FY16	FY17	Grand Total
CLASS I - Allegation of Resident-on-Resident Sexual Act or Penetration			1	1
CLASS I - Allegation of Resident-on-Resident Sexual Contact	1	1	1	3
CLASS I - Allegation of Staff-on-Resident Sexual Misconduct	4			4
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Act or Penetration		1		1
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact	6	2		8
CLASS I - Allegation of Staff-on-Resident Voyeurism	6	1		7
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	17	4	5	26
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	6	3	1	10
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	22	8	1	31
Grand Total	64	22	9	95

Under Investigation	FY15	FY16	FY17	Grand Total
CLASS I - Allegation of Resident-on-Resident Sexual Act or Penetration			1	1
CLASS I - Allegation of Resident-on-Resident Sexual Contact			5	5
CLASS I - Allegation of Staff-on-Resident Sexual Misconduct		2		2
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact			1	1

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	0	5	23
CLASS II - Allegation of Resident-on-Resident Indecent Exposure		2	4
CLASS III - Allegation of Resident-on-Resident Sexual Harassment		1	8
CLASS III - Allegation of Staff-on-Resident Sexual Harassment		4	4
Grand Total	0	5	23

BEAUMONT Juvenile Correction Center 2015 -2017

	FY15	FY16	FY17
Average Daily Population	218	186	98

All Dispositions	FY15	FY16	FY17	Grand Total
CLASS I - Allegation of Resident-on-Resident Sexual Contact	3	1		4
CLASS I - Allegation of Staff-on-Resident Sexual Misconduct	1			1
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Act or Penetration	1			1
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact	2	1	1	4
CLASS I - Allegation of Staff-on-Resident Voyeurism	2	10	4	16
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	3	10	15	28
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	9	12	31	52
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	8	26	10	44
Grand Total	29	60	61	150

Substantiated	FY15	FY16	FY17	Grand Total
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	2	4	6	12
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	5	6	14	25
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	1			1
Grand Total	8	10	20	37

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Unsubstantiated	FY15	FY16	FY17	Grand Total
CLASS I - Allegation of Staff-on-Resident Sexual Misconduct	1			1
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Act or Penetration	1			1
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact			1	1
CLASS I - Allegation of Staff-on-Resident Voyeurism	1	1		2
CLASS II - Allegation of Resident-on-Resident Indecent Exposure		5	8	13
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	3	2	9	14
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	3	9	2	14
Grand Total	9	17	20	46

Unfounded	FY15	FY16	FY17	Grand Total
CLASS I - Allegation of Resident-on-Resident Sexual Contact	3	1		4
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact	2	1		3
CLASS I - Allegation of Staff-on-Resident Voyeurism	1	9	4	14
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	1	1	1	3
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	1	4	8	13
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	4	17	8	29
Grand Total	12	33	21	66

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BEAUMONT Juvenile Correctional Center 2017

	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06
Average Daily Population	162	149	136	125	114	104	98	90	87	66	44	0

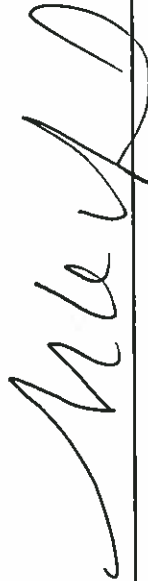
FY 2017 - All Dispositions	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact		1											1
CLASS I - Allegation of Staff-on-Resident Voyeurism		3	1										4
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	3	7		1	1	2				1			15
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	6	3	2	7	3	3	4	2	1				31
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	1	1	1	2	1	1	1	2		1			10
Grand Total	10	15	4	10	5	3	7	4	1	2	0	0	61

FY 2017 - Substantiated	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	1	4		1									6
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	5	1		1	3		2	1	1				14
CLASS III - Allegation of Resident-on-Staff Sexual Misconduct	16	18	4	7	2	8	3	3	3	2	1		67
Grand Total	22	23	4	9	6	9	5	4	4	2	1	0	89

FY 2017 - Unsubstantiated	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
CLASS I - Allegation of Staff-on-Resident Sexually Abusive Contact		1											1
CLASS II - Allegation of Resident-on-Resident Indecent Exposure	2	3					2			1			8
CLASS III - Allegation of Resident-on-Resident Sexual Harassment		1	1	3		2	2						9
CLASS III - Allegation of Staff-on-Resident Sexual Harassment				1						1			2
Grand Total	2	5	1	4	0	2	4	0	0	2	0	0	21

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FY 2017 - Unfounded	2016-07	2016-08	2016-09	2016-10	2016-11	2016-12	2017-01	2017-02	2017-03	2017-04	2017-05	2017-06	Grand Total
CLASS I - Allegation of Staff-on-Resident Voyeurism		3	1										4
CLASS II - Allegation of Resident-on-Resident Indecent Exposure					1								1
CLASS III - Allegation of Resident-on-Resident Sexual Harassment	1	1	1	3		1		1					8
CLASS III - Allegation of Staff-on-Resident Sexual Harassment	1	1	1	1	1		1	2					8
Grand Total	2	5	3	4	2	1	1	3	0	0	0	0	22

Approved Signature:  Date: 11/15/17

DJJ Director, Andrew Block