

2022

# Virginia Department of Juvenile Justice



## **PRISON RAPE ELIMINATION ACT (PREA)**

2022 Annual Report  
Published

LaWanda Long, PREA Coordinator

## **PURPOSE**

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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

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**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 | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|
| Total   | 7    | 3    | 1    | 2    | 2    |
| Substantiated   | 0    | 0    | 0    | 0    | 0    |
| Unsubstantiated   | 5    | 0    | 0    | 0    | 2    |
| Unfounded   | 3    | 3    | 1    | 2    | 0    |

### 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.

| Critical Level II-Allegation of Staff on Resident Sexual Harassment | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|
| Total   | 18   | 6    | 5    | 4    | 3    |
| Substantiated   | 0    | 0    | 0    | 2    | 0    |
| Unsubstantiated   | 4    | 2    | 2    | 0    | 1    |
| Unfounded   | 14   | 4    | 3    | 2    | 2    |

### 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.

| Critical Level I-Allegation of Staff on Resident Sexually Abusive Act or Penetration | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|------|------|------|------|------|
| Total  | 2    | 0    | 1    | 5    | 1    |
| Substantiated  | 1    | 0    | 0    | 0    | 1    |
| Unsubstantiated  | 0    | 0    | 0    | 2    | 0    |
| Unfounded  | 1    | 0    | 1    | 3    | 0    |

### 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 | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|
| Total   | 2    | 4    | 1    | 1    | 4    |
| Substantiated   | 0    | 0    | 0    | 0    | 0    |
| Unsubstantiated   | 1    | 4    | 0    | 1    | 3    |
| Unfounded   | 1    | 0    | 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) | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|
| Total   | 2    | 3    | 4    | 0    | 1    |
| Substantiated   | 0    | 0    | 0    | 0    | 0    |
| Unsubstantiated   | 1    | 1    | 2    | 0    | 1    |
| Unfounded   | 1    | 2    | 2    | 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.

| Critical Level II-Allegation of Resident on Resident Sexual Contact | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|
| Total   | 2    | 1    | 0    | 0    | 3    |
| Substantiated   | 0    | 0    | 0    | 0    | 0    |
| Unsubstantiated   | 1    | 1    | 0    | 0    | 2    |
| Unfounded   | 1    | 0    | 0    | 0    | 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.

| Critical Level II-Allegation of Resident on Resident Sexual Harassment | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|------|------|------|------|------|
| Total  | 17   | 15   | 13   | 7    | 13   |
| Substantiated  | 3    | 4    | 1    | 0    | 3    |
| Unsubstantiated  | 8    | 9    | 2    | 0    | 2    |
| Unfounded  | 6    | 2    | 10   | 7    | 8    |

**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 | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|
| <b>Total</b>  | 1    | 0    | 1    | 0    | 0    |
| <b>Substantiated</b>  | 0    | 0    | 0    | 0    | 0    |
| <b>Unsubstantiated</b>  | 0    | 0    | 0    | 0    | 0    |
| <b>Unfounded</b>  | 1    | 0    | 1    | 0    | 0    |

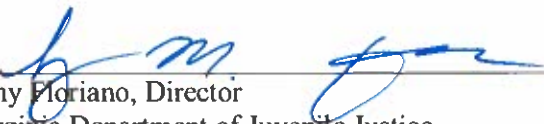
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## AUTHORITY

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By my signature below, I acknowledge that I have reviewed and approved DJJ's 2022 PREA Annual Report in accordance with PREA Standard §115.388.

  
\_\_\_\_\_  
Amy Floriano, Director  
Virginia Department of Juvenile Justice

  
\_\_\_\_\_  
Date