

2022 PREA ANNUAL REPORT

ARLINGTON COUNTY SHERIFF'S OFFICE

BACKGROUND

The Prison Rape Elimination Act (PREA) was passed by Congress and signed into law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse that occurs in confinement settings. On June 20, 2012, the Department of Justice (DOJ) published national standards that were developed by the National Prison Rape Elimination Commission to help reduce prison sexual assaults. PREA applies to adult prisons and jails, juvenile confinement facilities, lockups, and community confinement facilities.

Implementation of these PREA standards to combat sexual abuse in confinement facilities will be contingent upon effective agency and facility leadership, and the development of an agency's principles prioritizing efforts to combat sexual abuse. The Arlington County Sheriff's Office (ACSO) has a zero tolerance for any incidence of rape, sexual assault or sexual misconduct and complies with all applicable components of the Prison Rape Elimination Act (PREA) of 2003.

ARLINGTON COUNTY SHERIFF'S OFFICE APPROACH

The ACSO has long supported the principles associated with PREA. Even before the passing of the PREA standards, the ACSO was conducting mandatory annual sexual misconduct training, specific to the prevention, identification, reporting, and handling of inmate sexual misconduct/sexual assault, including common indicators of misconduct to all staff. Other efforts included, but were not limited to:

- Continued to revise the ACSO policy as it relates to sexual abuse and misconduct
- Continued education concerning sexual misconduct/sexual assault throughout the facility

Since the passing of the PREA standards, the ACSO designated a Captain within the Office whose role is that of the PREA Coordinator & Accreditation Section Supervisor. A substantial responsibility of this position is to ensure compliance with the PREA standards by continual development of policies, implementation, training, and constant review of the PREA policies and procedures. This includes revising existing policy and establishing new policies to improve both staff and inmate's response(s) to incidents of sexual abuse. An external PREA Hotline was implemented to ensure that there is an independent outlet for inmates to report incidents of sexual abuse while ensuring anonymity. The ACSO entered into a Memorandum of Agreement with the Arlington County Department of Human Services (DHS) and Doorways for Women and Families (DW) to provide incarcerated victims of sexual abuse appropriate victim advocate support.

Pursuant to §115.87 of the PREA standard, data is collected, aggregated, and reviewed of all reports of sexual abuse incidents. These statistics are published in an annual report and made public on the ACSO website as mandated by PREA standard §115.88.

In compliance with this standard, the statistics below detail the incidents of sexual abuse from *January 1, 2020 to December 31, 2022*, and includes the following:

- ACSO definitions;
- Findings of reported incidents of sexual abuse; and
- Corrective actions

DEFINITIONS

Once a report of sexual abuse has been initiated and investigated, the incident is assigned a number and entered in a database maintained by the Internal Affairs Commander and the PREA Coordinator. The incident will be classified using one of the following findings:

- **SUSTAINED/SUBSTANTIATED** - allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.
- **NOT SUSTAINED/UNSUBSTANTIATED** - insufficient evidence to either prove or disprove the allegation.
- **UNFOUNDED** - allegation is false or the action did not involve a Sheriff's Office employee.
- **EXONERATED** - incident occurred but was lawful and proper.

PREA Standard 115.6 specifically defines sexual abuse in terms of inmate-on-inmate, staff-on-inmate, along with sexual harassment and voyeurism. The Arlington County Sheriffs' Office utilizes the PREA definitions:

- **INMATE-ON-INMATE** - sexual abuse of an inmate, detainee, or resident *by* another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) Contact between the mouth and the penis, vulva, or anus; (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- **STAFF-ON-INMATE** - sexual abuse of an inmate, detainee, or resident *by* a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) Contact between the

mouth and the penis, vulva, or anus; (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition; (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and (8) Voyeurism by a staff member, contractor, or volunteer.

- **SEXUAL HARASSMENT**- includes (1) 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, detainee, or resident directed toward another; and (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- **VOYEURISM**- means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.

SEXUAL ABUSE REPORT ACTIVITY

Inmates may confidentially disclose incidents of sexual abuse and sexual harassment to any Sheriff’s Office employee, either verbally or in writing. This process allows for confidential reporting by inmates 24 hours per day, 7 days per week. The administrative investigation shall be completed no later than 90 days of the initial filing of the complaint or grievance; or within 5 days of filing an emergency grievance.

PREA STATISTICS

Inmate-on-Inmate Sexual Abuse and Sexual Harassment	2020	2021	2022
Substantiated	1*	1	2*
Unsubstantiated	10	15	4
Unfounded	10	14	1
TOTAL	21	31	7

** Substantiated case of Inmate-on-Inmate was founded as sexual harassment.*

Staff-on-Inmate Sexual Abuse and Sexual Harassment	2020	2021	2022
Substantiated	0	0	0
Unsubstantiated	2	7	7
Unfounded	20	24	15
Exonerated	---	---	2
TOTAL	22	31	24

Thorough and systematic investigations of sexual victimization are conducted by the Arlington County Sheriff’s Office. All investigations incorporate current incident review criteria pursuant with PREA standard §115.86 to include:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics within the ACSO;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this section, and any recommendations for improvement and submit such report to the Sheriff and PREA compliance manager.

In 2022, no changes in policies or practice were required, no physical barriers were identified, and there were adequate staffing levels. The ACSO continues to use our sexual abuse incident review team (SAIRT), composed of upper-level management, front line supervisors, investigators, and medical and mental health practitioners. All sexual abuse investigations comply with PREA standard §115.86. The Arlington County Sheriff’s Office will ensure that appropriate changes to policies and practices are made when necessary to ensure a safe, secure environment for inmates, staff, and the community.