

Hampton Sheriff's Office 2019
Prison Rape Elimination Act (PREA)
Annual Report



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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 national standards for reducing prison rape that were developed by the National Prison Rape Elimination Commission were published by the Department of Justice (DOJ) in the Federal Register. PREA applies to adult prisons and jails, juvenile confinement facilities, lockups and community confinement facilities.

Implementation of the PREA standards in combating 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 Hampton Sheriff's Office (HSO) has a zero tolerance for any incidence of rape, sexual assault or sexual misconduct and complies with applicable components of the Prison Rape Elimination Act (PREA) of 2003.

HAMPTON SHERIFF'S OFFICE APPROACH

Our Office approach has long supported principles associated with the Prison Rape Elimination Act of 2003. We provide mandatory annual sexual misconduct training to all staff, specific to the prevention, identification, reporting, and handling of inmate sexual misconduct/sexual assault, including common indicators of misconduct. Other efforts included, but not limited to:

- Revision of the HSO policy as it relates to sexual abuse and misconduct.
- Implemented and updated PREA educational signage throughout the facility.

Since the passing of the Federal PREA standards, the HSO designated a PREA Coordinator, with identified PREA Managers at each facility. A substantial part of the position is to further develop, implement, and manage HSO efforts to comply with PREA standards. Furthermore, the office has revised existing policy and established new policies to improve both staff and inmate responses to incidents of sexual abuse. Our office established and implemented an external PREA Hotline as an independent outlet for the inmate(s) to report incident(s) of sexual abuse; and to provide anonymity. The HSO has entered into a Memorandum of Agreement with the Community Service Board (CSB) to provide incarcerated victim(s) of sexual abuse appropriate victim advocate support.

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

The following 2019 Annual PREA Report details incidents of sexual abuse from January 1, 2015 to December 31, 2019:

- HSO 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 will be assigned a case number and entered into a database maintained by 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 HSO 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, but is not limited to:
 - (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- 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 to any Hampton 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 five days of filing an emergency grievance (thorough and systematic) investigations of sexual victimization have always been conducted by the Hampton Sheriff's Office. Such investigations embrace current incident review criteria pursuant with PREA standard §115.86 to include:

- (a) HSO shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

(d) The review team shall:

- (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 HSO;
- (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 paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the Sheriff and PREA compliance manager.

(e) HSO shall implement the recommendations for improvement, or shall document its reasons for not doing so.

For all of the sexual abuse allegations in 2019 there were no change of policy or practice needed, no physical barriers identified and adequate staffing levels were identified. To date, we continue to use our sexual abuse incident review team (IRT), composed of upper-level management, front line supervisors, investigators, and medical and mental health practitioners. Furthermore, all sexual abuse investigations comply with PREA standard.

§115.86. The Hampton Sheriff's Office will continue to make appropriate changes where necessary to ensure a safe, secure environment for inmates, staff and the community.

DATA REVIEW FOR CORRECTIVE ACTIONS

PREA Standard § 115.88 Data review for corrective action:

(a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:

- (1) Identifying problem areas;
- (2) Taking corrective action on an ongoing basis; and

(3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

(b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

<i>Inmate-on-Inmate Allegations of Sexual Abuse</i>	2015	2016	2017	2018	2019
<i>Substantiated</i>	0	0	0	0	0
<i>Unsubstantiated</i>	0	0	0	0	0
<i>Unfounded</i>	0	2	0	2	2

<i>Staff-on-Inmate Allegations of Sexual Abuse</i>	2015	2016	2017	2018	2019
<i>Substantiated</i>	0	1	0	0	0
<i>Unsubstantiated</i>	0	0	1	0	0
<i>Unfounded</i>	0	0	1	2	1

(c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

(d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

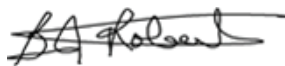
Analysis: None to report.

Corrective Action: None to report.

A PREA Review Committee examines each completed PREA investigation.

The Hampton Sheriff's Office is committed to Zero Tolerance of any form of Sexual Abuse in our Adult Intake, Hampton Correctional Facility (HCF), and Hampton Community Corrections Center (HCCC).

This report has been approved by:



B.J. Roberts, Sheriff

