

LOUDOUN COUNTY SHERIFF'S OFFICE

Corrections Division



2023 Annual PREA Report



Major Kim Holway
Division Commander



CONTENTS

Overview2

History.....2

Introduction3

Prevention4

Education.....5

2023 PREA Statistics6

Overview

History

Signed into law on September 4, 2003, the Prison Rape Elimination Act (PREA) was enacted by Congress to confront the issue of sexual abuse of persons in the custody of U.S. correctional agencies. PREA applies to all public and private correctional institutions that house adult and juvenile offenders. The goal of PREA is to create a policy of “zero tolerance” towards prison rape through data collection, grants, improved practices, research, national standards, and federal assistance.



“...Adult Detention Center is committed to establishing an environment and policy of zero tolerance...”

The Loudoun County Sheriff’s Office Adult Detention Center is committed to establishing an environment and policy of zero tolerance towards prison rape. The contents of this report will highlight the steps the facility is taking to comply with the Prison Rape Elimination Act.

Introduction

“...information is then collected and analyzed to identify potential issues...”

Every new committal to the Loudoun County Adult Detention Center is required to be interviewed regarding sexual abuse. The facility also collects data on every sexual abuse allegation that occurs within the facility. This information is then collected and analyzed to identify potential issues and make corrective actions if necessary, to reduce victimization of sexual abuse.



This analysis is conducted on a monthly basis by members of the **PREA Incident Review Committee**. The committee is comprised of **Corrections Command staff, the PREA Coordinator, the Health Services Administrator, Mental Health clinicians** and participants from the **Loudoun Abused Women’s Center (LAWS)**. The committee reviews cases and discusses possible changes in policy, equipment, monitoring and staffing to ensure all available resources are being utilized to combat sexual abuse.

The data collected is also made available for use by the **United States (US) Department of Justice** for inclusion in the **Survey of Sexual Violence**.

This report has been approved by **Major Kim Holway, the Corrections Division Commander**.

All data in this report will be maintained and archived for a period of no less than ten (10) years after the date of initial collection.

Prevention

The structure of the Loudoun County Adult Detention Center consists of housing areas called units and dorms. Each housing area is observed by a deputy in a control room that oversees the entire housing location. In addition to the designated control rooms, there are over 180 cameras throughout the facility for monitoring the safety and security of the inmates. Staffing levels, video monitoring, and structural layouts are reviewed at least annually by the Corrections Division Commander in conjunction with the PREA Coordinator to assess adequacy in monitoring inmates for safety and security.



In addition to the level of supervision of incarcerated inmates, an Objective Jail Classification (OJC) is completed on all committals. OJC classifies offenders according to their security risk. The initial PREA screening is conducted during the inmate's jail processing to evaluate if there is a need for an alternative housing arrangement due to the offender being at risk to sexual abuse or a possible aggressor.

Education

Education is a vital component in combating sexual assault.

- Staff receive ongoing training in the detection, prevention, and response to sexual assaults.
- Educational resources are also provided to inmates with the information needed to safely and effectively report instances of sexual abuse.
- Inmates are provided information on sexual abuse, harassment, and how to report an incident.
- During the classification process, additional training is provided through videos that stress the importance of PREA and the prevention of sexual abuse.

Please see an excerpt from our Inmate Handbook educating inmates regarding PREA-



INMATE SEXUAL MISCONDUCT/SEXUAL ASSAULT/PREA

Definition: Rape or Sexual Assault – (a) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will; (b) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, not forcibly or against that person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or (c) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

1. The Loudoun County Sheriff's Office has zero tolerance for an incident of rape, sexual assault or sexual misconduct, and makes every effort to comply with applicable components of the Prison Rape Elimination Act. As a rule, the Adult Detention Center does not utilize Administrative Segregation as a means of protecting vulnerable inmates unless protective custody status has been requested by the inmate.
2. The Loudoun County Sheriff's Office does not condone nor tolerate any type of inmate rape, sexual assault, sexual misconduct, consensual sexual contact, sexual abuse and sexual harassment towards any inmate(s) or staff. The Loudoun County Sheriff's Office aggressively pursues any criminal acts, complaints, suspicions of sexual misconduct, up to and including prosecution under Virginia Code.
3. It is your right as an inmate to be free from any type of non-consensual sexual contact. These acts are prohibited by the Adult Detention Center. Anyone found to be involved in these types of activities will be subject to in-house disciplinary action/criminal prosecution. Inmates and staff that report sexual abuse or misconduct or cooperate with an investigation into allegations of sexual abuse or misconduct shall be free from retaliation.
4. The Loudoun County Sheriff's Office provides for confidential disclosure of incidents of inmate rape, sexual assault, sexual misconduct, consensual sexual contact, sexual abuse and sexual harassment to a Sheriff's Office employee either verbally or in writing by use of an inmate request form. Inmates may also file a sexual misconduct complaint through the grievance process. An inmate who reports an incident of rape, sexual assault, sexual misconduct, consensual sexual contact, sexual abuse or sexual harassment may request to be treated as an anonymous informant.

12/01/2019 10

5. You may also report any type of inmate rape, sexual assault, sexual misconduct, sexual abuse and sexual harassment to an outside agency, such as Loudoun County Mental Health or the Medical Department here at the Adult Detention Center. You can also contact the Rape, Abuse and Incest National Network (RAINN) or Virginia Sexual and Domestic Violence Action Alliance (VSDVAA) or the Virginia Department of Corrections Victim Services Unit.

RAINN – (800) 656-HOPE or www.rainn.org

VSDVAA – (800) 838-8238 or www.vsdvalliance.org

VA DOC VICTIM SERVICES – (800) 560-4292 or www.vadoc.virginia.gov/victim/

6. If, at any time, you feel your safety may be in jeopardy, you should contact a staff member immediately in person or by use of the intercoms located within the dayroom area and your assigned cell.

2023 PREA Statistics Report

The Loudoun County Sheriff's Office PREA policy states: "The administration and management of the Loudoun County Adult Detention Center has a policy of zero-tolerance for all forms of sexual abuse and sexual harassment within the facility. Any alleged sexual assault of an inmate will be investigated immediately. Any staff or inmate shall be free from acts of retaliation and will be monitored by the PREA Coordinator. Through updated staff training and reviews of this policy, it is our goal to operate this facility in compliance with the standards, policies and procedures prescribed by the

"Staff shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated PREA Coordinator."

Federal Prison Rape Elimination Act. The facility shall have a member of the command staff appointed by the Division Commander to act as the PREA Coordinator. This General Order shall be reviewed and documented every twelve (12) months by all staff. This review shall access, determine and document our established staffing plan, video monitoring system, and resources available to ensure adherence to the approved staffing plan. All reports, Investigations, and data collected shall be maintained for a minimum of ten (10) years. Staff shall report immediately to the Shift Supervisor any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment

that occurred within the facility; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Apart from reporting to the Shift Supervisor, staff shall not reveal any information related to a sexual abuse investigation.

Staff are prohibited from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

Staff shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated PREA Coordinator.

Should staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate(s).

Should staff receive information that an inmate was sexually abused at another facility, the PREA Coordinator shall be made aware of the allegations; and within seventy-two (72) hours the administration of the other facility shall be notified. Once notification has been made, the PREA Coordinator shall document the notification.

2023 PREA Statistics Report

7

Should an inmate become a victim of sexual abuse, the PREA Coordinator shall monitor the treatment, disciplinary reports, housing assignments, program changes, and reassignment of staff for a period of at least ninety (90) days.

In *Framer v. Brennan*, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and Local prisoners

are protected through the Due Process Clause of the fourteenth Amendment.

"PREA Investigations are classified using one of three categories: Substantiated; Unsubstantiated; and Unfounded."

Substantiated sexual assaults will be criminally charged and prosecuted. The Loudoun County Sheriff's Office Criminal Investigations Division ensures all incidents of sexual assault are thoroughly investigated and referred for prosecution."

PREA Investigations are classified using one of three categories: Substantiated; Unsubstantiated; and Unfounded.

Substantiated: an allegation which was investigated and determined to have occurred.

Unsubstantiated: an allegation which produced insufficient evidence to make a final determination of a substantiated or unfounded claim.

Unfounded: an allegation which was investigated and determined not to have occurred.

2023 PREA Statistics

9 TOTAL PREA COMPLAINTS

7 UNSUBSTANTIATED FINDINGS

1 SUBSTANTIATED FINDINGS

1 UNFOUNDED FINDINGS

2023 PREA Statistics Report

- Zero (0) sustained allegations of inmate-on-inmate sexual misconduct or sexual harassment
- One (1) sustained allegations of staff-on-inmate sexual misconduct or sexual harassment
- Seven (7) unsubstantiated allegations of inmate-on-inmate sexual misconduct or sexual harassment.
- Zero (0) unfounded allegations of staff sexual misconduct or sexual harassment.
- One (1) unfounded allegation of inmate sexual misconduct or sexual harassment.

Data in this report reflects calendar year 2023: January 1, 2023, to December 31, 2023.

On December 31, 2023, the daily population was 239 inmates, including 215 males and 24 females.

The average daily population for the Loudoun County ADC was 190.

There was a total of 3520 committals to the Loudoun County ADC.