



Caroline Detention Facility Annual Report of Sexual Assault

Introduction

The Prison Rape Elimination Act (PREA) of 2003 was established to address sexual abuse and sexual harassment in confinement facilities. The PREA standards were finalized in May 2012. Facilities are required to be audited once during each three-year period beginning August 20, 2013. The Caroline Detention Facility's Sexual Abuse and Assault Prevention and Intervention (SAAPI) policy was issued July 16, 2018, revised September 2019, and again in April 2020. Under contractual obligations the facility was required to begin compliance in January 2019.

The Caroline Detention Facility remains committed to meeting the goals of the United States Department of Justice Prison Rape Elimination Act (PREA) of 2003 (28 C.F.R. Part 115). The facility was first audited in September 2019. During the September 2019 audit there were no findings requiring a corrective action period. To date, the facility has not received the final audit report for the September 2019 audit.

This report provides an analysis of incidents alleged during the 2021 calendar year. The purpose of this report is to assess the effectiveness of the facility's sexual abuse prevention, detection and response policies, procedures, and practices and to improve the facility's training and education efforts.

Definitions

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

Unsubstantiated Allegation: an allegation that was investigated and insufficient evidence was obtained to determine if the allegation did or did not occur.

Unfounded Allegation: an allegation that was investigated and found not to have occurred.

Ongoing Investigation: the investigation was initiated and is continuing.

Nonconsensual Sex Act: contact of a detainee by another detainee without his or her consent, or by coercion, or contact of a detainee who is unable to consent or refuse AND contact between the penis and vagina or the penis and anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

Detainee on Detainee Abusive Sexual Contact: contact of a detainee by another detainee without his or her consent, or by coercion, or contact of a detainee who is unable to consent or refuse AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Detainee on Detainee Sexual Harassment: repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by a detainee directed toward another detainee.

Staff on Detainee Sexual Misconduct: Any behavior or act of a sexual nature directed toward a detainee by staff, volunteer, contractor, official visitor, or other agency representative. Sexual relationships of a romantic nature between staff and detainees are included in this definition. Consensual or nonconsensual sexual acts include intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff on Detainee Sexual Harassment: repeated verbal comments or gestures of a sexual nature to a detainee by an employee, volunteer, contractor, official visitor, or other agency representative; or demeaning references to gender, or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Prevention Planning

The Caroline Detention Facility maintains a zero-tolerance towards all forms of sexual abuse and sexual harassment. The facility has a written policy regarding the prevention, detection and response towards sexual abuse and sexual harassment. The policy is reviewed and updated at least annually or otherwise as needed. The facility does not house youthful detainees and limits the cross-gender viewing and searches of adult detainees. Supervision of the detainee population is direct where staff are stationed in the living units 24/7 with the detainees. Detainees are under direct escort when moving within the facility. Each potential employee, contractor and volunteer is screened for previous acts of sexual abuse and sexual harassment prior to hiring or performing services.

Responsive Planning

The facility provides access to a forensic examination by a certified Sexual Assault Nurse Examiner if an incident occurs within a time period that would allow for the collection of such evidence. The facility has a Memorandum of Understanding with the Caroline County Sheriff's Office that requires the Caroline Detention Facility to refer all criminal acts of sexual abuse and sexual harassment to the Caroline County Sheriff's Office for criminal investigation and/or prosecution.

Training and Education

All staff, contractors and volunteers receive training on facility policies and procedures related to the prevention, detection and response to sexual abuse and sexual harassment. Training is provided during the initial orientation and each year after. Each detainee receives written information during the intake process explaining the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

The facility provides a comprehensive education to detainees within 30 days of their arrival. The comprehensive education is conducted in video format and includes information regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the Caroline Detention Facility's policies and procedures for responding to such incidents.

Screening for Risk of Sexual Victimization and Abusiveness

All detainees are screened for their risk of sexual victimization and sexual abusiveness upon arrival to the facility. The facility's classification staff use information obtained from the risk screening to keep those identified at risk of sexual victimization from those identified at risk of sexual abusiveness. Information obtained from the objective risk screening instrument is strictly limited to ensure sensitive information is not exploited to the detainee's detriment by staff or other detainees.

Reporting

The Caroline Detention Facility has both internal and external sexual abuse and sexual harassment reporting avenues available to the detainee population. Detainees and staff may report sexual abuse and sexual harassment privately and by third-party, remaining anonymously if requested. The facility has a Memorandum of Understanding with the Rappahannock Council Against Sexual Assault to provide confidential support services and victim advocacy to detainees who have been victimized. All staff, contractors, volunteers, official visitors, and other agency representatives are required to immediately report both verbally and in writing, any knowledge, suspicion, and information related to sexual abuse of a detainee.

Official Response Following a Report

Facility staff are required to take immediate action when learning a detainee has been the victim of sexual abuse and when learning a detainee is in imminent danger of being sexually abused. When a detainee alleges sexual abuse that occurred at another facility the Superintendent reports the allegation to the other facility within 72 hours. The Superintendent ensures an investigation is conducted when receiving a report of sexual abuse from another facility involving a former CDF detainee.

Each staff member is issued a pocket card that includes their response duties (first responder duties) following an incident of sexual abuse. These duties are established in the facility's written Coordinated Response Plan. The Superintendent appoints an impartial member of the management staff to monitor each detainee for acts of retaliation following an allegation of sexual abuse.

Investigations

The facility utilizes investigators who have received specific training to conduct sexual abuse investigations in confinement settings. An investigation is conducted into every allegation of sexual abuse and sexual harassment. Investigators are required to use a preponderance of the evidence to substantiate an administrative allegation. CDF staff conduct administrative investigations while the Caroline County Sheriff's Office conducts criminal investigations in the facility. At the conclusion of each allegation the facility investigator informs the detainee of the investigative finding.

Discipline

The presumptive discipline measure for staff who have engaged in an act of sexual abuse is termination. In such cases, the facility Superintendent reports the staff member to the Caroline County Sheriff's Office for criminal prosecution. In the case of volunteers and contractors, they will be immediately

removed from the facility and reported to the Caroline County Sheriff’s Office. Detainees who participate in an act of sexual abuse are disciplined and reported to the Caroline County Sheriff’s Office.

Medical and Mental Health Care

Medical services in the facility are performed by the United States Public Health Services’ ICE Health Services Corps (IHSC). Each detainee is screened by a medical professional upon arriving at the facility. Detainees in the facility receive emergency access to medical and mental health services following an incident of sexual abuse. Each detainee who reports previous victimization is offered a follow-up meeting with a mental health professional within 14 days. Ongoing services and treatments are provided to detainees who have been victimized.

Data Collection and Review

Following an investigation into each allegation of sexual abuse, the facility conducts a sexual abuse incident review within 30 days of the conclusion of the investigation, unless the incident was determined unfounded. All data obtained from sexual abuse allegations and investigations is securely retained by facility personnel for at least 10 years after collection. The data is utilized to assess and improve the facility’s effectiveness in its prevention, detection, and response efforts.

Statistical Data

		2019	2020	2021	2022	2023
Facility Data	Average Daily Population (ADP)	298	201	176.9		
	Average Length of Stay (days)	56.36	59.5	68.96		
	ADP Males	254	187	176.83		
	ADP Females	44	15	0.07		
	Total Admissions	1873	1417	1019		
	Total Releases	1858	1475	967		
Non-Consensual Sex Acts	Substantiated	0	0	0		
	Unsubstantiated	0	0	0		
	Unfounded	0	0	0		
	Ongoing Investigation	0	0	0		
	Total	0	0	0		
Detainee-on-Detainee Abusive Sexual Contact	Substantiated	0	0	0		
	Unsubstantiated	0	2	0		
	Unfounded	4	2	3		
	Ongoing Investigation	0	0	0		
	Total	4	2	3		
Detainee-on-Detainee Sexual Harassment	Substantiated	0	0	0		
	Unsubstantiated	0	1	0		
	Unfounded	0	1	3		
	Ongoing Investigation	0	1	0		
	Total	0	2	3		

		2019	2020	2021	2022	2023
Staff-on-Detainee Sexual Misconduct	Substantiated	0	0	0		
	Unsubstantiated	0	0	0		
	Unfounded	0	2	2		
	Ongoing Investigation	0	0	0		
	Total	0	2	2		
Staff-on-Detainee Sexual Harassment	Substantiated	0	0	0		
	Unsubstantiated	0	0	0		
	Unfounded	3	0	2		
	Ongoing Investigation	0	0	0		
	Total	3	0	2		

Problem Areas

A review of the allegations made by detainees against staff during the 2021 calendar year reveals no discernable pattern. Each allegation was alleged to have occurred in different areas of the facility. There was no staff member, contractor or volunteer who was the subject of repeated allegations. The facility identified no problem areas during this review of annual sexual abuse and sexual harassment data.

A review of the allegations made by detainees against other detainees revealed the location of each incident was alleged to have occurred in the detainee’s room. The CDF does not have resources available to install cameras in each detainee room. Each living unit is staffed 24/7 and security rounds are made two times within each hour. Sergeants and Lieutenants on each shift make unannounced rounds through all facility areas in an effort to deter and detect sexual abuse and sexual harassment.

In 2021 facility investigators discovered no allegation of sexual abuse or sexual harassment made against a detainee or staff member were substantiated or unsubstantiated. Facility investigators determined all allegations of sexual abuse and sexual harassment were unfounded complaints.

Corrective Actions

There were no corrective actions required or taken after conducting an incident review of allegations made in the 2021 year. The facility continues to develop plans for upgrades to the video monitoring equipment as funding becomes available. The facility provided specialized investigation training to two additional staff in 2021 and this process continues to upgrade the effectiveness of our PREA investigations.

The facility also provided updated U. S. Immigration and Customs Enforcement mandatory training to all custody staff for cross-gender, transgender, and intersex searches. This included best practices regarding search documentation, parameters, procedures, authorized search personnel, and search personnel gender requirements.

Summary

The facility’s training has been effective in the prevention, detection, and response to sexual abuse. The facility has successfully created a zero-tolerance culture. Staff are required to immediately report all knowledge, suspicions or information related to an incident of sexual abuse or sexual harassment.

A review of data and response to allegations reveals facility staff have been effective in encouraging and requiring both detainees and staff to report incidents of sexual abuse and sexual harassment. The facility experienced a slight increase in the overall number of allegations reported from 2020 through 2021. There was an increase in allegations being reported by third-party participants. This included deportation officers and attorneys. This occurrence demonstrates the ability of detainees to utilize all available reporting options within the facility, which includes reporting to staff verbally or in writing, and reporting to all available third-party options.

The facility continues annual training and refresher information for each staff and contractor who provides services in the facility. Facility leadership continue to foster a zero-tolerance culture towards acts of sexual abuse and sexual harassment. The facility’s management staff continue to review policies, procedures, and practices in order to enhance CDF’s prevention, detection, and response efforts. All facility staff complete an annual training program and PREA is taught in the orientation program during the initial hiring phase.

Certification

I certify the information contained in this report is true and correct as of the date set forth by my signature.

Captain Brian Sutherland
Cpt. Brian Sutherland
Prevention of Sexual Assault (PSA) Compliance Manager
Caroline Detention Facility

01-18-2022
Date

Paul Perry
Col. Paul Perry
Superintendent
Caroline Detention Facility

01-18-22
Date