JDRDC 2017 PREA Annual Report of Sexual Abuse Incidents

Reporting period: January 1, 2013 to December 31, 2017

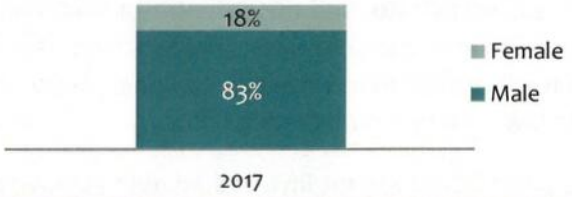
Introduction

The data reflected in this report encompass survey responses from five juvenile facilities regarding reports of sexual victimization during 2013, 2014, 2015, 2016 and 2017. Facilities surveyed include: Juvenile Detention Center (JDC), Foundations (a girls' probation house), Boys Probation House (BPH), and Shelter Care.

100% of facilities are owned and operated by the county for all three years:

County	100%
State	0%
Local or Municipal Government	0%
Private Agency	0%
Native American Tribal Government	0%

On December 31, 2017, there were 7 (18%) females and 33 (83%) males being held across facilities.



- On December 31, 2017, 98% (n=39) of juveniles being held were age 17 or younger, 2% (n=1) were 18 to 20, and 0% (n=0) were age 21 or older.
- Between January 1, 2017 and December 31, 2017, there were 727 total juveniles admitted across the four facilities.
- 100% of facilities record all reported allegations of youth-on-youth nonconsensual sexual acts, youth-on-youth abusive sexual contact and youth-on-youth sexual harassment.
- 100% facilities report all incidents of staff sexual misconduct and staff sexual harassment.

Below is a breakdown of reported allegations for youth-to-youth nonconsensual sexual acts, youth-on-youth abusive sexual contact, youth-on-youth sexual harassment, staff sexual misconduct and staff sexual harassment by facility.

Juvenile Detention Center

Table 1: JDC Reports of Youth-to-Youth Nonconsensual Sexual Acts

Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 2: JDC Reports of Youth-on-Youth Abusive Sexual Contact

Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 3: JDC Reports of Youth-on-Youth Sexual Harassment		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	2	1
2015	0	0
2016	1	0
2017	4	2

In 2014, there were 2 reported incidents of youth-on-youth sexual harassment. One allegation was substantiated involving two male youths. The incident was reported by both the victim and a detention counselor and occurred in a common area and included sexual harassment, sexual innuendo and/or verbal comments. The incident occurred during horseplay. The perpetrator was identified as experiencing a psychotic episode and was eventually committed to a psychiatric hospital. Immediately following the incident, the victim was separated from the perpetrator and the perpetrator was temporarily confined to his room pending further mental health evaluation and to ensure the safety of others. The victim did not sustain any physical injury during the incident and medical treatment was deemed unnecessary. The incident did not require referral for criminal investigation or follow up for potential retaliation.

The other 2014 incident involved a youth removing his clothes while in his room during the overnight shift. A detention counselor, while performing his job duties, witnessed the youth in his room without having clothes on. The youth refused to put his clothes back on despite repeated directives from detention counselors and remained naked in his cell. The youth denied intentionally exposing himself to anyone and further stated he was tired of wearing detention-issued clothing. After administrative investigation, it was determined this incident to be an unsubstantiated allegation of indecent exposure based on being unable to determine the actual motivation of the youth's behaviors. The investigator recommended continued support during any time of room restriction due to non-compliant behaviors as well as close monitoring around peers and staff members for any type of sexual misconduct.

In 2016, there was one reported allegation of youth-on-youth sexual harassment. A youth filed a grievance form requesting transfer to another unit, citing he did not feel comfortable in his current unit due to another youth in the unit making inappropriate comments regarding him, his girlfriend, and his sexuality. During preliminary investigation, it was determined the youth did not need separation, as the incident appeared to be a misunderstanding. After administrative investigation, the allegation was determined to be unsubstantiated. Youth alleged to have made inappropriate comments denied doing such, and youth filing the grievance was unable to definitively report if statements were made in a sexual manner. It was recommended to monitor both youths' interactions with each other. The youth who filed the initial grievance did later have his unit changed due to an unrelated incident.

During 2017, there were four reported allegations of youth-on-youth harassment. Two allegations were substantiated, each involving two males. The first involved a youth reporting a second youth had made inappropriate sexual comments and acted inappropriate during a movie. The youth admitted to making comments, but stated he was just joking. Based on interviews and youth's acknowledgement of comments, the report was deemed substantiated. Resident was counseled about actions and had precautions updated in the case management system. The resident later received room restriction for inappropriately touching another resident, but went to court and was released before a follow-up was conducted.

The second substantiated allegation involved two other male residents. A staff member overheard one youth yell an inappropriate comment to another youth. Due to the resident having a history of disrespectful/inappropriate comments and the staff member's report, resident was counseled about the incident and moved to a separate unit.

The other two allegations were deemed unsubstantiated. The first involved a resident reporting another resident made inappropriate comments to him. Staff addressed the comments and amended the youth's precautions. On a later date, the same youth made additional inappropriate comments, at which time the incident was referred for an investigation. Based on interviews with residents and staff, it was deemed there was not enough evidence to make a final determination.

Lastly, the final allegation involved a resident reporting that another resident stood on the toilet in his room and exposed his buttocks to him. After interviews and review of camera footage, the allegation was deemed unsubstantiated. Although unsubstantiated, both residents' precautions were raised to minimize contact with one another. The accused resident was advised of possible consequences for any future substantiated allegations, as there have been previous PREA allegations made against him.

After review, the incidents did not indicate a need to change policy or practice to better prevent, detect, or respond to sexual abuse. Additionally, upon administrative review, the incidents were deemed NOT to be motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, perceived status, or gang affiliation. Group dynamics at the facility did not motivate or otherwise cause the alleged incidents and no physical barriers in the areas contributed to the incidents. Staffing levels were deemed to be adequate and it was determined there was no need for monitoring technology to be augmented to supplement supervision. No necessary recommendations for improvement were identified.

Table 4: JDC Reports of Staff Sexual Misconduct

Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 5: JDC Reports of Staff Sexual Harassment

Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	1	0
2016	0	0
2017	0	0

In 2015, there was one unsubstantiated allegation involving a staff person and youth at the Juvenile Detention Center was investigated, reported and reviewed administratively. The incident did not require referral for criminal investigation or follow up for potential retaliation. After review, the incident did not indicate a need to change policy or practice to better prevent, detect, or respond to sexual abuse. Additionally, upon administrative review, the incident was deemed NOT to be motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, perceived status, or gang affiliation. Group dynamics at the facility did not motivate or otherwise cause the alleged incident and no physical barriers in the areas contributed to the alleged incident. Staffing levels were deemed to be adequate and it was determined there was no need for monitoring technology to be augmented to supplement supervision. No necessary recommendations for improvement were identified. The staff member was restricted from having contact with the youth for the duration of the youth's placement in the facility.

Foundations

Table 6: Foundations Reports of Youth-to-Youth Nonconsensual Sexual Acts		
Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 7: Foundations Reports of Youth-on-Youth Abusive Sexual Contact		
Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 8: Foundations Reports of Youth-on-Youth Sexual Harassment		
Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 9: Foundations Reports of Staff Sexual Misconduct		
Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0
Table 10: Foundations Reports of Staff Sexual Harassment		
Year	# of Reported Allegations	# of Substantiated Allegations
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Boys Probation House (BPH)

Table 11: Boys Probation House Reports of Youth-to-Youth Nonconsensual Sexual Acts		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	1	0
2016	0	0
2017	0	0

In 2015, BPH had one unsubstantiated allegation involving two youths at the Boys Probation House was investigated, reported and reviewed administratively. The incident did not require referral for criminal investigation after Fairfax County Police was contacted and interviewed the youths. No requirement for follow up for potential retaliation was determined. After review, the incident did not indicate a need to change policy or practice to better prevent, detect, or respond to sexual abuse. Additionally, upon administrative review, the incident was deemed NOT to be motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, perceived status, or gang affiliation. Group dynamics at the facility did not motivate or otherwise cause the alleged incident. Physical barriers in the areas were deemed to have contributed to the alleged incident and administrative policy governing the closing of armoire doors in the bedrooms of the residents was instituted in order to gain better visibility. Staffing levels were deemed to be adequate and it was determined there was no need for monitoring technology to be augmented to supplement supervision. No necessary recommendations for improvement were identified.

Table 12: Boys Probation House Reports of Youth-on-Youth Abusive Sexual Contact		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 13: Boys Probation House Reports of Youth-on-Youth Sexual Harassment		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	2	2

BPH had two substantiated allegations of youth-on-youth sexual harassment in 2017. These incidents occurred at two separate times involving the same two youth. The first incident involved one youth making inappropriate comments to another youth. The two youth frequently made jokes to one another, but one youth had recently become uncomfortable and asked that the comments stop. The second incident occurred eight days later. The youth who reported being uncomfortable reported he was hit with a pillow by the same youth who had made an inappropriate comment to him. This lead to a verbal altercation. Due to the second youth receiving multiple redirections for aggressive behavior, sexual comments, and failure to follow direction, he was ultimately terminated from the program.

None of the incidents required criminal investigation or follow-up for potential retaliation. Additionally, after review, the incidents did not indicate a need to change policy or practice to better prevent, detect, or respond to

sexual abuse. Upon administrative review, the incidents were deemed NOT to be motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, perceived status, or gang affiliation.

Group dynamics at the facility were believed to have contributed to the initial reported incident at BPH. Staffing levels were deemed to be adequate for both facilities and it was determined there was no need for monitoring technology to be augmented to supplement supervision. No necessary recommendations for improvement were identified.

Table 14: Boys Probation House Reports of Staff Sexual Misconduct		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0
Table 15: Boys Probation House Reports of Staff Sexual Harassment		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Shelter Care

Table 16: Shelter Care Reports of Youth-to-Youth Nonconsensual Sexual Acts		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 17: Shelter Care Reports of Youth-on-Youth Abusive Sexual Contact		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 18: Shelter Care Reports of Youth-on-Youth Sexual Harassment		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	1	0
2017	0	0

There was one unsubstantiated allegation of youth-on-youth sexual harassment at Shelter Care involving two female residents in 2016. One youth claimed another youth walked in on her using a restroom and made sexually inappropriate comments. After investigation and review of CCV footage, the incident was deemed unsubstantiated based on the footage revealing the alleged perpetrator opening the restroom door and exiting all under one seconds time. It was recommended to monitor both youth around peers for any inappropriate comments or gestures. It was deemed that there was no need for a criminal investigation, follow up for possible retaliation, nor a need to change current policies or practices. Group dynamics appear to have motivated this incident as tension existed from a previous conflict that occurred when both youths were previously at Shelter Care. Staffing levels were deemed adequate and it was determined there was no need for monitoring technology to be augmented to supplement supervision. No necessary recommendations for improvement were identified.

Table 19: Shelter Care Reports of Staff Sexual Misconduct		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Table 20: Shelter Care Reports of Staff Sexual Harassment		
Year	**# of Reported Allegations**	**# of Substantiated Allegations**
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0

Summary

Over the last 3 years, there have been few reported allegations of youth-to-youth non-consensual acts, youth-to-youth abusive sexual contact, youth-to-youth sexual harassment, staff sexual misconduct or staff sexual harassment. Across the five reporting facilities, there were a total of 2 reported allegations of youth-on-youth sexual harassment in 2014 and 2 reported allegations in 2015; one incident of staff sexual harassment and one incident of youth-to-youth nonconsensual sexual act. There were 2 total unsubstantiated allegations of youth-to-youth sexual harassment in 2016. During 2017, there were 6 reported allegations of youth-on-youth sexual harassment.

In 2014, one reported allegation of youth-to-youth sexual harassment was substantiated. There were no substantiated allegations of youth-to-youth non-consensual acts, youth-to-youth abusive sexual contact, youth-to-youth sexual harassment, staff sexual misconduct or staff sexual harassment. There were four substantiated allegations of youth-on-youth sexual harassment.

The agency continues to address sexual abuse by conducting ongoing incident reviews, staffing pattern reviews, ongoing vulnerability assessments, and regular training of existing and new staff.

Robert A. Bermingham, Jr., Director, Court Service Unit

2/12/18
Date

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