

PREA AUDIT REPORT Interim Final
ADULT PRISONS & JAILS

Date of report: August 16, 2016

Auditor Information			
Auditor name: Jeffery L. Newton			
Address: 12607 Bay Hill Drive, Chester, Virginia 23836			
Email: jeff@bighousellc.com			
Telephone number: 757-377-6789			
Date of facility visit: July 31 to August 1, 2016			
Facility Information			
Facility name: Blue Ridge Regional Jail (Amherst County Adult Detention Center)			
Facility physical address: 219 South Riverview Road, Madison Heights, VA 24572			
Facility mailing address: <i>(if different from above)</i> Click here to enter text.			
Facility telephone number: 434-529-3160			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Major Bill Parker			
Number of staff assigned to the facility in the last 12 months: 125			
Designed facility capacity: 652			
Current population of facility: 371			
Facility security levels/inmate custody levels: minimum, medium and maximum			
Age range of the population: 18+			
Name of PREA Compliance Manager: Mike Schmitt		Title: Captain	
Email address: mschmitt@brrja.state.va.us		Telephone number: 434-528-3160	
Agency Information			
Name of agency: Blue Ridge Regional Jail (Amherst County Adult Detention Center)			
Governing authority or parent agency: <i>(if applicable)</i> Blue Ridge Regional Jail Authority			
Physical address: 510 9 th Street Lynchburg, VA 24504			
Mailing address: <i>(if different from above)</i> Click here to enter text.			
Telephone number: 434-847-3100			
Agency Chief Executive Officer			
Name: Timothy Trent		Title: Administrator	
Email address: ttrent@brrja.state.va.us		Telephone number: 434-847-3100	
Agency-Wide PREA Coordinator			
Name: Brandon Hughes		Title: Sergeant	
Email address: bhughes@brrja.state.va.us		Telephone number: 434-848-3100	

AUDIT FINDINGS

NARRATIVE

The audit of the Blue Ridge Regional Jail Authority Amherst County Adult Detention Center here after referred to as ACADC was conducted on July 31, 2016 to August 1, 2016 by Jeffery L. Newton, Certified PREA auditor.

An entrance meeting was held July 31, 2016 with Agency-wide PREA Coordinator Sergeant Brandon Hughes, ACADC PREA Compliance Manager Captain Mike Schmitt, and Facility Administrator Major Parker. Following the entrance meeting, I toured the ACADC main facility from 8:30 – 10:30.

I requested an alpha listing of all inmates housed at the facility and randomly selected at least one inmate from each housing unit. There were no hearing/vision impairment inmates, there were no identified transgender, intersex, or gender nonconforming inmates in the facility. I interviewed a number of lesbian/gay inmates present in the facility. I interviewed a total of 24 inmates. Additionally, I requested a shift roster and selected supervisors and officers to be interviewed; I interviewed a total of eight supervisors and 17 staff.

I did not receive any communications from the public or inmates of the facility in advance of the audit.

There were 0 reported incidents of sexual assault within the past year and 3 reported incidents of sexual harassment reported within the past year- all 3 were either unsubstantiated or unfounded.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Amherst County Adult Detention Center (ACADC) is located at 219 South Riverview Road, Madison Heights, Virginia. It is one of the five jails within the Blue Ridge Regional Jail Authority (BRRJA) which was established in 1998. BRRJA also operates facilities in the City of Lynchburg and the counties of Bedford, Campbell, and Halifax. The ACADC opened for operation in 2011 as the newest facility in the BRRJA family.

The ACADC is operated under the supervision of Major Bill Parker. The ACADC employs a staff of 107 sworn officers and 16 civilians for a total of 123 employees. It is located in the County of Amherst but also serves the County of Appomattox. The ACADC houses both male and female inmates of all classification levels. The ACADC houses pre-trial and post-trial inmate as well as those awaiting transfer to the Virginia Department of Corrections.

The ACADC has housing units A-E on the main hall. Each of these units has 64 beds. Housing units F & G are female units that have 48 and 24 beds respectively. Housing unit H is a female trustee unit that has 12 beds. Units I, J & K are high Maximum security units that all have 24 beds each. Housing units L & M are male trustee units that have 20 beds each. The ACADC segregation unit is organized with two sides, Segregation 1 and Segregation 2, each having 24 beds each. The female segregation unit has 8 beds.

The ACADC also houses both male and female work release inmates. The male unit has 48 beds and the female unit has 24 beds. In addition, ACADC has two classification units with 24 beds in each, an intake unit with 19 holding cells and a medical unit with 6 medical cells and one medical dorm.

Designed capacity:	652	Average Daily Population:	371
ACA Accredited:	None	NCCHC Accredited:	None

SUMMARY OF AUDIT FINDINGS

See detailed explanation for each standard.

Number of standards exceeded: 0

Number of standards met: 40

Number of standards not met: 0

Number of standards not applicable: 3 (115.12, 115.14, 115.66)

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on review of policy 28.01 (page 4-5), the organizational structure, and interviews with the BRRJ PREA Coordinator and PREA Compliance Manager.

Blue Ridge Regional Jail has a written policy that applies to the operation of the ACADC mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlines Blue Ridge Regional Jail’s approach to preventing, detecting, and responding to such conduct.

Blue Ridge Regional Jail employs and designates an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards as well as appointing a ACADC PREA Compliance Manager with sufficient time to oversee the facility’s efforts of the ACADC to comply with the PREA standards.

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on interview with BRRJ PREA Coordinator, Compliance Manager, Facility Administrator and Assistant Superintendent there are no contracts for the confinement of their inmates.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 12.15 (page 3) and interviews with the Assistant Superintendent, BRRJ PREA Coordinator, ACADC PREA Compliance Manager and ACADC Facility Administrator. Additionally, I reviewed the Blue Ridge Regional Jail Authority 2015 Staffing Analysis, the ACADC memorandum documenting annual review and shift rosters.

The Blue Ridge Regional Jail, ACADC facility, has developed, documented, and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and uses video monitoring, to protect inmates against sexual abuse.

In circumstances where the staffing plan was not complied with, Blue Ridge Regional Jail, ACADC facility, documented and justified all deviations from the plan. I reviewed shift rosters demonstrating documentation of deviations from the plan.

The Blue Ridge Regional Jail, ACADC facility, completes an annual review, in consultation with the Agency PREA Coordinator required to assess, determine, and document whether adjustments are needed.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on interview with the BRRJ PREA Coordinator, ACADC Compliance Manager, Facility Administrator and Assistant Superintendent there are no juvenile inmates housed at the ACADC facility.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 12.09 (pages 2-3) and policy 12.15 (page 2) and interviews with the ACADC PREA Compliance Manager, Facility Administrator, random staff and inmates.

The Blue Ridge Regional Jail, ACADC facility, does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances.

Blue Ridge Regional Jail, ACADC facility, has policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit.

Blue Ridge Regional Jail, ACADC facility, does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it is determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

Blue Ridge Regional Jail, ACADC facility, trains female correctional staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 6), review of the procedures from CTS Language Link Interpretation Services and random inmate and staff interviews. Unfortunately, there were no inmates in the facility to interview with limited English speaking.

Blue Ridge Regional Jail, ACADC facility, takes appropriate steps to ensure inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of Blue Ridge Regional Jail 's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In the unlikely event that a visually impaired individual is admitted to the facility, staff will read the required information to the offender to ensure they understand the rules of facility, have access to information about services and understand their rights related to PREA. A English/Spanish handbook is available. Inmate video is done in English with English/Spanish subtitles, any other language barrier training is provided by the translation service.

Blue Ridge Regional Jail, ACADC facility, does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety. There were no reported instances in the previous 12 months where the services of a translator was required.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 2.36 (page 1) and interview with the Director Administrative Services. Review of personnel files, employment applications, documentation of five-year background screenings and background screenings for contractors.

Blue Ridge Regional Jail, ACADC facility, does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse in any criminal justice facility, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above.

Blue Ridge Regional Jail, ACADC facility, considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. Blue Ridge Regional Jail, ACADC facility, performs a criminal background records check before enlisting the services of any contractor who may have contact with inmates and performs a records check at least every five years of current employees and contractors who may have contact with inmates.

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on camera schematics, Blue Ridge Regional Jail, ACADC facility, tour and interviews with the Assistant Superintendent and Administrator of the ACADC facility.

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, Blue Ridge Regional Jail, ACADC facility, considers how such technology may enhance Blue Ridge Regional Jail, ACADC facility's, ability to protect inmates from sexual abuse. ADADC is a relatively new facility having opened for operation in 2011. Thus, there have been no substantial or modifications to existing facilities.

However, a recommendation was made to add cameras to the kitchen dry storage area, medical hallway, egress hallway F126 and egress hallway F63A.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (pages 11-12) and interviews with BRRJ PREA Coordinator, ACADC PREA Compliance Manager and ACADC Facility Administrator. Review of the Letter of Understanding between Amherst County Sheriff's Office and the Blue Ridge Regional Jail and the MOU between the Blue Ridge Regional Jail and the YWCA & Lynchburg Hospital.

To the extent Blue Ridge Regional Jail, ACADC facility, is responsible for investigating allegations of sexual abuse; Blue Ridge Regional Jail, ACADC facility, follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions

Blue Ridge Regional Jail, ACADC facility, offers all victims of sexual abuse access to forensic medical examinations, at the Lynchburg Hospital, without financial cost, where evidentiary or medically appropriate. Such examinations are performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible.

Blue Ridge Regional Jail, ACADC facility, makes available to the victim a victim advocate from the YWCA. As requested by the victim, a victim advocate, accompanies and supports the victim through the forensic medical examination process and investigatory interviews and are provide emotional support, crisis intervention, information, and referrals.

To the extent Blue Ridge Regional Jail, ACADC facility, itself is not responsible for investigating allegations of sexual abuse, Blue Ridge Regional Jail, ACADC facility, requests that the investigating agency follow the requirements listed above. Amherst County Sheriff's Office conducts all investigation once they are deemed criminal, based on the preponderance of the evidence.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 12) and interviews with the Assistant Superintendent and the Internal Affairs Lieutenant.

Blue Ridge Regional Jail, ACADC facility, ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

Blue Ridge Regional Jail, ACADC facility, has a policy that ensures allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. Blue Ridge Regional Jail, ACADC facility, documents all such referrals and has a Letter of Understanding with the Amherst County Sheriff’s Office.

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 6) and interviews with random staff the Blue Ridge Regional Jail, ACADC facility, trains all employees who have contact with inmates on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Inmates’ right to be free from sexual abuse and sexual harassment;
- (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with inmates;
- (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Officers receive 2 hours of training in the academy within their first year of employment and receive 1.5 hours during orientation (prior to having unsupervised contact with inmates) and annual training to ensure all employees remain current on their responsibilities related to ensuring inmates rights related to PREA.

Blue Ridge Regional Jail, ACADC facility, documents, through employee signature, the employee's understanding of training.

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01, review of PREA training curriculum and volunteer and contractor training records. Unfortunately, there were no volunteers or contractors available at the facility at the time of my visit. However, I was able to subsequently conduct a telephone interview with a volunteer.

Blue Ridge Regional Jail, ACADC facility, ensures all volunteers and contractors who have contact with inmates have been trained on their responsibilities under Blue Ridge Regional Jail, ACADC facility's, sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

Volunteers and contractors receive the same training as line staff. All volunteers and contractors who have contact with inmates are notified of Blue Ridge Regional Jail, ACADC facility's, zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

Blue Ridge Regional Jail, ACADC facility, has documentation confirming that volunteers and contractors understand the training they have received. Reviewed training records on volunteers and contractors.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 5) and interviews with random inmates and intake staff.

During the intake process, inmates receive information explaining Blue Ridge Regional Jail, ACADC facility's, zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Inmates sentenced to a term of incarceration to be served only on weekends are processed through the same intake process as other inmates.

Blue Ridge Regional Jail, ACADC facility, provides a comprehensive education to inmates through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Blue Ridge Regional Jail, ACADC facility, provides inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. There is documentation of inmate participation in these education sessions. In the unlikely event that a visually impaired individual is admitted to the facility, staff will read the required information to the offender to ensure they understand the rules of facility, have access to information about services and understand their rights related to PREA. A English/Spanish handbook is available. Inmate video is done in English with Spanish subtitles, any other language barrier training is provided by the translation service.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 7) and review of the Internal Affairs Lieutenant training certificate from the Investigating Sexual Abuse in Correctional Settings training conducted by the Moss Group (September 30, 2013), other specialized training and interview with the Internal Affairs Lieutenant.

In addition to the general training provided to all employees Blue Ridge Regional Jail, ACADC facility, ensures that the in-house investigator has received training in conducting investigations in confinement settings.

Specialized training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Blue Ridge Regional Jail, ACADC facility, maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the

relevant review period)

- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 7) and review of curriculum provided based on the following resources Sexual Assault in Jail and Juvenile Facilities: Promising Practices for Prevention and Response Final Report, June 2010 Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals and review of training attendance rosters.

Blue Ridge Regional Jail, ACADC facility, ensures that all full and part-time medical and mental health care practitioners who work regularly have been trained in how to: detect and assess signs of sexual abuse and sexual harassment; preserve physical evidence of sexual abuse; respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Blue Ridge Regional Jail, ACADC facility, maintains documentation that medical and mental health practitioners have received the training.

Medical and mental health care practitioners also receive the training mandated for employees, contractors and volunteers.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 9.01 (page 2). Blue Ridge Regional Jail, ACADC facility, uses an Objective Jail Classification process an Initial Custody & Classification questionnaire and Sexual Predation and Victimization Assessment. Based on interviews with random inmates, intake staff and the ACADC PREA Compliance Manager.

All inmates are assessed during an intake screening and upon transfer to another facility for risk of being sexually abused by other inmates or sexually abusive toward other inmates.

Intake screenings take place as soon as the offender is accepted into custody at Blue Ridge Regional Jail, ACADC facility. The Intake Officer does an initial screening as part of the intake process. Within 72 hours (generally the same day except weekends and holidays) the Classification Officer does another screening. Blue Ridge Regional Jail, ACADC facility, uses an objective screening instrument.

The intake screening considers, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- (1) Whether the inmate has a mental, physical, or developmental disability;
- (2) The age of the inmate;
- (3) The physical build of the inmate;
- (4) Whether the inmate has previously been incarcerated;
- (5) Whether the inmate's criminal history is exclusively nonviolent;
- (6) Whether the inmate has prior convictions for sex offenses against an adult or child;
- (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the inmate has previously experienced sexual victimization;
- (9) The inmate's own perception of vulnerability; and
- (10) Whether the inmate is detained solely for civil immigration purposes.

The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to Blue Ridge Regional Jail, ACADC facility, in assessing inmates for risk of being sexually abusive.

Within 30 days from the inmate's arrival at Blue Ridge Regional Jail, ACADC facility, a reassessment of the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by Blue Ridge Regional Jail, ACADC facility, since the intake screening.

An inmate's risk level is reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

Inmates are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked.

Blue Ridge Regional Jail, ACADC facility, implements appropriate controls on the dissemination within Blue Ridge Regional Jail, ACADC facility, of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. All files are controlled by administrative personnel behind locked doors and maintained in each inmates Classification files. ACADC maintains a written list of the staff specifically authorized to have access to the Classification files.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 9.01 (page 2-3) and interviews with the ACADC PREA Compliance Manager and staff responsible for risk screening.

Blue Ridge Regional Jail, ACADC facility, uses information from the risk screening to decide housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

Blue Ridge Regional Jail, ACADC facility, makes individualized determinations about how to ensure the safety of each inmate.

In deciding housing and programming for a transgender or intersex inmate Blue Ridge Regional Jail, ACADC facility, considers on a case-by-case basis whether the placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Placement and programming assignments for each transgender or intersex inmate is reassessed at least twice each year to review any threats to safety experienced by the inmate.

A transgender or intersex inmate's own views with respect to his or her own safety are to be given serious consideration.

The showers are designed in such a way that allows privacy for all inmates.

Blue Ridge Regional Jail, ACADC facility, does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 9.01 (page 3) and interviews with the ACADC PREA Compliance Manager, Facility Administrator and staff who supervise segregated inmates. No inmates have been placed in involuntary segregation.

Inmates at high risk for sexual victimization are not placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers.

Inmates placed in segregated housing for this purpose have access to programs, privileges, education, and work opportunities to the extent possible. If Blue Ridge Regional Jail, ACADC facility, restricts access to programs, privileges, education, or work opportunities, Blue Ridge Regional Jail, ACADC facility, documents the opportunities that have been limited, the duration of the limitation; and the reasons for such limitations.

Blue Ridge Regional Jail, ACADC facility, assigns such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment are not ordinarily exceed a period of 30 days. If involuntary segregated housing assignment is made Blue Ridge Regional Jail clearly documents the basis for Blue Ridge Regional Jail, ACADC facility's, concern for the inmate's safety; and the reason why no alternative means of separation can be arranged. In the event an inmates was involuntarily segregated, every 30 days a review would be performed to determine whether there is a continuing need for separation from the general population.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 7-8), review of Inmate Rights form, and interviews with random staff and inmates

Blue Ridge Regional Jail, ACADC facility, provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmate request forms have how to report sexual abuse and the hotline number posted in close proximity to phones in the inmate housing units as a constant reminder.

Blue Ridge Regional Jail, ACADC facility, provides at least one way for inmates to report abuse or harassment to the YWCA a private entity that is not part of Blue Ridge Regional Jail and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

Staff accepts reports made verbally, in writing, anonymously, and from third parties and promptly documents any verbal reports.

Blue Ridge Regional Jail, ACADC facility, provides a hotline for inmates to privately report sexual abuse and sexual harassment of inmates.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion

must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01. The Blue Ridge Regional Jail, ACADC facility, does not accept inmate grievances in relation to sexual abuse. Inmates alleging sexual abuse must utilize reporting options delineated in policy 28.01 Prevention and Intervention of Sexually Abusive Behavior and as outlined in the Inmate Handbook.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on MOU with the YWCA and interviews with random inmates.

Blue Ridge Regional Jail, ACADC facility, provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers for the YWCA. Blue Ridge Regional Jail, ACADC facility, enables reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

Blue Ridge Regional Jail, ACADC facility, informs inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Blue Ridge Regional Jail, ACADC facility, maintains Memorandum of Understanding with the YWCA.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Blue Ridge Regional Jail, ACADC facility, has a method to receive third-party reports of sexual abuse/harassment and distributes publicly, information on how to report sexual abuse and sexual harassment on behalf of an inmate.

The information is publicly posted in the lobby and available on the agency webpage <http://www.brrja.state.va.us/prison-rape-elimination-act>.

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on review of policy 28.01 (page 8) and interviews with random line and supervisory staff, the ACADC PREA Compliance Manager, Assistant Superintendent and medical/mental health staff.

Blue Ridge Regional Jail, ACADC facility, requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of Blue Ridge Regional Jail, ACADC 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. In the event an incident occurred that required monitoring, retaliation reviews would be documented. Reviews would be conducted for up to 90 days to ensure there have been no retaliation attempts made towards them from inmates or staff.

Apart from reporting to designated supervisors or officials, staff do not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

Blue Ridge Regional Jail, ACADC facility, does not house any inmates under the age of 18.

Blue Ridge Regional Jail, ACADC facility, reports all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to Blue Ridge Regional Jail Internal Affairs Lieutenant.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on review of policy 28.01 (page 8) interviews with random line and supervisory staff, the ACADC PREA Compliance Manager, ACADC Facility Administrator and Assistant Superintendent.

Immediate action is taken to protect inmates when Blue Ridge Regional Jail, ACADC facility, learns that an inmate is subject to a substantial risk of imminent sexual abuse

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on review of policy 28.01 (page 8), interview with random line and supervisory staff, the ACADC PREA Compliance Manager, ACADC Facility Administrator and Assistant Superintendent.

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Facility Administrator, Blue Ridge Regional Jail, ACADC facility, that received the allegation notifies the head of correctional facility or appropriate office of the correctional facility where the alleged abuse occurred. Such notification is provided as soon as possible, but no later than 72 hours after receiving the allegation; all actions are thoroughly documented.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (pages 9-10) and interviews with random line and supervisory staff who are first responders.

Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond separates the alleged victim and abuser; preserves and protects any crime scene until appropriate steps can be taken to collect any evidence; and if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and if the abuse occurred within a time period that still allows for the collection of physical evidence,

ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first staff responder is not a security staff member, the responder requests that the alleged victim not take any actions that could destroy physical evidence, and then notifies security staff.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (pages 9-12) and interviews with random line and supervisory staff who are first responders, the ACADC PREA Compliance Manager, Facility Administrator and Assistant Superintendent. Blue Ridge Regional Jail, ACADC facility, has a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on interview with the Assistant Superintendent, Virginia does not have collective bargaining agreements.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 9) and interviews with the ACADC PREA Compliance Manager, Facility Administrator and Assistant Superintendent.

Blue Ridge Regional Jail, ACADC facility, has a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperates with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and designate the ACADC PREA Compliance Manager with monitoring retaliation. In the event an incident occurred that required monitoring, retaliation reviews would be documented. Reviews would be conducted for up to 90 days by the ACADC PREA Compliance Manager.

Blue Ridge Regional Jail, ACADC facility, has multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, Blue Ridge Regional Jail, ACADC facility, would monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and are act promptly to remedy any such retaliation. There would be periodic status checks performed. Items Blue Ridge Regional Jail, ACADC facility, monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. Blue Ridge Regional Jail, ACADC facility, would continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

If any other individual who cooperates with an investigation expresses a fear of retaliation, Blue Ridge Regional Jail, ACADC facility, would take appropriate measures to protect that individual against retaliation.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 9.01 (page 4) and interviews with Blue Ridge Regional Jail, ACADC PREA Compliance Manager, Facility Administrator, and Assistant Superintendent there were no inmates in segregation for risk of sexual victimization during the audit.

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse receive all the same rights and privileges as general population inmates.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (pages 12-13) and interview with Internal Affairs’ Lieutenant. At the time the audit, no complete reports were available for review.

The Blue Ridge Regional Jail, ACADC facility, conducts investigations promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

Where sexual abuse is alleged, Blue Ridge Regional Jail, ACADC facility, uses investigators who have received special training in sexual abuse investigations.

Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.

When the quality of evidence appears to support criminal prosecution, Blue Ridge Regional Jail, ACADC facility, conducts compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. All criminal prosecution cases are referred to Amherst County Sheriff’s Office.

The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person’s status as inmate or staff. No agency requires an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

Administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Criminal investigations are documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

Substantiated allegations of conduct that appears to be criminal are referred for prosecution to the Amherst County Sheriff’s Office. Blue Ridge Regional Jail, ACADC facility, retains all written reports for as long as the alleged abuser is incarcerated or employed by Blue Ridge Regional Jail, ACADC facility, plus five years.

The departure of the alleged abuser or victim from the employment or control of Blue Ridge Regional Jail, ACADC facility, or agency does not provide a basis for terminating an investigation.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 12), interviews with the ACADC PREA Compliance Manager and Internal Affairs’ Lieutenant.

Blue Ridge Regional Jail, ACADC facility, imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 13), interviews with the ACADC PREA Compliance Manager, Internal Affairs Lieutenant and Assistant Superintendent.

Following an investigation into an inmate’s allegation that they suffered sexual abuse in an agency facility, Blue Ridge Regional Jail, ACADC facility, informs the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

If Blue Ridge Regional Jail, ACADC facility, did not conduct the investigation, it will request the relevant information from the investigative agency in order to inform the inmate.

Following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, Blue Ridge Regional Jail, ACADC facility, subsequently informs the inmate (unless Blue Ridge Regional Jail, ACADC facility, has determined that the allegation is unfounded) whenever the staff member is no longer posted within the inmate’s unit; the staff member is no longer employed at Blue Ridge Regional Jail, ACADC facility, or Blue Ridge Regional Jail, ACADC facility, learns that the staff member has been indicted on a charge related to sexual abuse within Blue Ridge Regional Jail, ACADC facility; or Blue Ridge Regional Jail, ACADC facility, learns that the staff member has been convicted on a charge related to sexual abuse within Blue Ridge Regional Jail, ACADC facility.

Following an inmate's allegation that they had been sexually abused by another inmate, Blue Ridge Regional Jail, ACADC facility, subsequently informs the alleged victim whenever Blue Ridge Regional Jail, ACADC facility, learns that the alleged abuser has been indicted on a charge related to sexual abuse within Blue Ridge Regional Jail, ACADC facility, or Blue Ridge Regional Jail, ACADC facility, learns that the alleged abuser has been convicted on a charge related to sexual abuse within Blue Ridge Regional Jail, ACADC facility.

The Blue Ridge Regional Jail, ACADC facility's obligation for notifications or attempted notifications are documented and discontinued if the inmate is released from custody.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 4). Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 5), interviews with the ACADC PREA Compliance Manager, Facility Administrator and Assistant Superintendent.

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and are reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

Blue Ridge Regional Jail, ACADC facility's, takes appropriate remedial measures, and considers whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 5), interviews with random line and supervisory staff staff the ACADC PREA Compliance Manager, Facility Administrator, mental health staff and Assistant Superintendent.

Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

Sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

Blue Ridge Regional Jail, ACADC facility's, assesses whether to offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, on a case-by-case basis.

Blue Ridge Regional Jail, ACADC facility's, disciplines an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred are not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Blue Ridge Regional Jail, ACADC facility's, prohibits all sexual activity between inmates and may discipline inmates for such activity.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 9.01 (page 4) and interviews with staff responsible for risk screening and medical/mental health staff

If the screening indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

If the screening indicates that an inmate has previously perpetrated sexual abuse/prior sexual victimization, whether it occurred in an institutional setting or in the community, staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 10) and interviews with medical/mental health staff.

Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders take preliminary steps to protect the victim and are immediately notify the appropriate medical and mental health practitioners.

Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 11) and interviews with medical/mental health staff.

Blue Ridge Regional Jail, ACADC facility’s, offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in the jail.

The evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

Blue Ridge Regional Jail, ACADC facility’s, provides such victims with medical and mental health services consistent with the community level of care.

Inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. If pregnancy results, victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 11) and interviews with the ACADC PREA Compliance Manager, Facility Administrator and Assistant Superintendent. At the time of the audit no critical incident reviews had been required to be conducted.

Blue Ridge Regional Jail, ACADC facility, conducts 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. This review occurs within 30 days of the conclusion of the investigation. The review team includes upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

The review team considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; 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 at Blue Ridge Regional Jail, ACADC facility and they examine the area in Blue Ridge Regional Jail, ACADC facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on policy 28.01 (page 14) as well as interviews the agency PREA Coordinator, ACADC PREA Compliance Manager and Assistant Superintendent.

Blue Ridge Regional Jail, ACADC facility, collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions, and aggregates the incident-based sexual abuse data at least annually.

The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

Blue Ridge Regional Jail, ACADC facility, maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Blue Ridge Regional Jail, ACADC facility, obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

Upon request, Blue Ridge Regional Jail, ACADC facility, provides all such data from the previous calendar year to the Department of Justice no later than June 30. No requests have been made.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Based on interview with BRRJ PREA coordinator.

Blue Ridge Regional Jail, ACADC facility, reviews data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions for each facility, as well as Blue Ridge Regional Jail as a whole.

Such reports includes a comparison of the current year’s data and corrective actions with those from prior years and provide an assessment of Blue Ridge Regional Jail ’s progress in addressing sexual abuse.

Blue Ridge Regional Jail, ACADC facility’s, report is approved by Blue Ridge Regional Jail Superintendent and made readily available to the public through its website <http://www.brrja.state.va.us/prison-rape-elimination-act>

Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Blue Ridge Regional Jail, ACADC facility, makes all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website <http://www.brrja.state.va.us/prison-rape-elimination-act>.

All reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.



Auditor Signature

August 16, 2016

Date