

Albemarle Charlottesville Regional Jail

2023 Sexual Violence Annual Report

In accordance with the Prison Rape Elimination Act (PREA) and the policies and procedures of this facility, the Albemarle-Charlottesville Regional Jail (ACRJ) prohibits any acts of sexual misconduct, sexual violence, and sexual abuse by inmates, staff, contractors/vendors, visitors, volunteers, or any other government employee. Inmates alleging victimization of a sexual manner are provided the same level of law enforcement service, treatment, and care as non-inmates.

It is the policy of the ACRJ to respond to, and administratively investigate all alleged incidents of a sexual nature. All PREA reports of a criminal nature are referred to the Albemarle County Police Department's Investigative Unit and then referred to the Commonwealth Attorney as with any criminal investigation at the determination of the Albemarle County Police Department.

Staff have a duty to report any knowledge, suspicion, or information about sexual abuse or sexual harassment against inmates, retaliation by other inmates or staff, and any staff neglect that may have contributed to abuse. Staff are trained on how to report and address PREA allegations.

Ways for inmates to report:

- Sexual Assault Resource Center (SARA) if the inmate gives consent
- Inmate telephone
- Family and friends
- PREA email
- Inmate Request Form or electronically on the tablet
- To the PREA coordinator
- To any ACRJ staff
- Anonymously to local law enforcement

Victim services provided to inmates by Sexual Assault Resource Agency (SARA)

- Inmates can contact them by dialing 9-1 on the inmate phone system
- SARA offers services to inmate that mimics those in the community
- SARA will go to the hospital or court with the inmate
- SARA offers services at ACRJ
- Services are free, continues after release

Definitions related to PREA

NONCONSENSUAL SEXUAL ACTS- Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or
- Contact between the mouth and the penis, vulva, or anus; or
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

ABUSIVE SEXUAL CONTACT- Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- EXCLUDE incidents in which the contact was incidental to a physical altercation.

SEXUAL HARASSMENT- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

STAFF SEXUAL MISCONDUCT- Any behavior or act of sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative. Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or
- Completed, attempted, threatened, or requested sexual acts; or
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

STAFF SEXUAL HARASSMENT- Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative.

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or
- Repeated profane or obscene language or gestures.

Allegations will fall under one of three possible determinations:

- Substantiated allegation means an allegation that was investigated and determined to have occurred.
- Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Sexual Abuse Report Activity 2023

Allegation type test	Substantiated	Unsubstantiated	Unfounded	Total
Inmate-on-inmate non-consensual sexual acts	0	1	0	1
Inmate-on-inmate abusive sexual contact	0	0	2	2
Inmate-on-inmate sexual harassment	1	3	2	6
Staff sexual misconduct	0	1	2	3
Staff sexual harassment	0	0	2	2
Total	1	5	8	14

Sexual Abuse Report Activity 2022

Allegation type test	Substantiated	Unsubstantiated	Unfounded	Total
Inmate-on-inmate non-consensual sexual acts	0	0	0	0
Inmate-on-inmate abusive sexual contact	1	1	0	2
Inmate-on-inmate sexual harassment	0	2	1	3
Staff sexual misconduct	0	0	0	0
Staff sexual harassment	0	0	1	1
Total	1	3	2	6

During calendar year January 1, 2023 to December 31, 2023 there were:

- One substantiated inmate-on-inmate sexual harassment incident. The inmate reported that another inmate “flashed” his penis at him. Upon review of camera footage, the inmate did show his penis, but the perpetrator was released from the facility before he could be disciplined. Both were housed in medical, in segregated housing cells at the time of the incident. The inmates had a history of argumentative behavior.
- Three of the inmate-on-inmate sexual harassment allegations were determined to be unsubstantiated, resulted from verbal altercations between inmates and could not be verified by other inmates in the housing location.
- One inmate-on-inmate abusive sexual act allegation was referred to the Albemarle County Police Department for criminal investigation. Local law enforcement found no DNA or evidence of a rape. ACRJ found no video or corroborating accounts that substantiated the accusation. In addition, the inmate was overheard on a recorded phone call to a visitor stating “he would get paid.” This was deemed unsubstantiated.
- In addition, the remaining four unfounded inmate-on-inmate abusive sexual contact/sexual harassment allegations stemmed from arguments, retaliation, and mental health concerns between inmates.
- The allegation regarding staff-on-inmate sexual harassment was an inmate stating an officer stared at him while sitting on the toilet. Video confirmation showed there was no overt staring at the inmate using the restroom and was unsubstantiated.
- The remaining four staff sexual misconduct/harassment were unfounded, having found no evidence.

Data: Calendar year January 1, 2023 to December 31, 2023.

- On December 31, 2023, the daily population was 256 inmates, including 234 males and 22 females.
- The average daily population for ACRJ in 2023 was 282.
- There were 3404 commitments to ACRJ in 2023.

ACRJ has always promoted a zero-tolerance policy and investigated every allegation regarding inmate/staff sexual abuse/assault/harassment. To ensure all standards are being met, ACRJ collaborated with a DOJ certified PREA auditor in 2023. The auditor assisted with ensuring ACRJ was meeting the standards of PREA. After the site review, it was recommended that ACRJ set up two more cameras and mirrors to address potential blind spots, add additional glazing on identified windows in intake, post additional PREA signage, and update verbiage in ACRJ’s PREA policy.

In conclusion, ACRJ remains proactive regarding PREA allegations, investigating all allegations of sexual harassment and sexual abuse of inmates in the custody of this facility.

Martin Kumer
Superintendent’s Signature

January 30, 2024
Date