



JDRDC 2020 PREA Annual Report of Sexual Abuse Incidents

Reporting period: January 1, 2018 to December 31, 2020

Introduction

The data reflected in this report encompasses survey responses from four juvenile facilities regarding reports of sexual victimization during 2018, 2019, 2020. Facilities surveyed include: Juvenile Detention Center (JDC), Foundations (female residential facility), Stepping Stones (male residential facility), and Shelter Care (SC).

100% of facilities are owned and operated by the county for all three years:		On December 31, 2020, there were 7 (26%) females and 20 (74%) males being held across facilities.
County	100%	<p>A bar chart showing the gender distribution of juveniles held across facilities as of December 31, 2020. The x-axis is labeled 'Male' and 'Female'. The 'Male' bar is significantly taller than the 'Female' bar. The percentage '74%' is written above the 'Male' bar, and '26%' is written above the 'Female' bar.</p>
State	0%	
Local or Municipal Government	0%	
Private Agency	0%	
Native American Tribal Government	0%	

- On December 31, 2020, 96% (n=26) of juveniles being held were age 17 or younger, 4% (n=1) were 18 to 20, and 0% (n=0) were age 21 or older.
- Between January 1, 2020 and December 31, 2020, there were 439 total juveniles admitted across the four facilities.
- 100% of facilities record all reported allegations of youth-on-youth nonconsensual sexual acts, youth-on-youth abusive sexual contact and youth-on-youth sexual harassment.
- 100% of facilities report all incidents of staff sexual misconduct and staff sexual harassment.

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

Juvenile Detention Center

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	2	0
2020	0	0

Two unsubstantiated allegations occurred at the Juvenile Detention Center during 2019. The first involved alleged inappropriate comments containing sexual innuendos. While one teacher indicated they observed the interaction, an additional staff member had no first-hand knowledge. All residents involved denied any knowledge or involvement regarding the incident. While unsubstantiated, it was confirmed that the resident alleged to have made the comments had been terminated from a prior residential facility as a result of a PREA investigation (see below for 2019 incidents at Stepping Stones). As a precaution, Red Flags were updated to reflect potential negative actions/behaviors towards peers.

The second unsubstantiated allegation at the Juvenile Detention Center also involved alleged sexual comments made from two residents to a third resident (youth referenced in the above incident) while in line during transfer for dinner. Interviews were conducted with the three involved residents, staff members, and fellow residents who were nearby during the alleged incident. There was insufficient evidence to determine whether the incident occurred. As a precaution, Red Flags were updated and plans to monitor interactions between the residents, including keeping them separated when possible.

These unsubstantiated incidents at JDC did not require follow up for potential retaliation. Additionally, after review, the incident did not indicate a need to change policy or practice to better prevent, detect, or respond to sexual abuse. Upon administrative review, the incident was deemed NOT to be motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, or gang affiliation; however, both 2019 allegations were determined to be motivated by perceived status. Group dynamics at the facility did not motivate or otherwise cause the alleged incident and no physical barriers in the areas contributed to the alleged incident. Staffing levels were deemed to be adequate and it was determined there was no need for monitoring technology to be augmented to supplement supervision. No necessary recommendations for improvement were identified.

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Foundations

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Year	# of Reported Allegations	# of Substantiated Allegations
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2018	0	0
2019	0	0
2020	0	0

Table 8: Foundations Reports of Youth-on-Youth Sexual Harassment		
Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Table 9: Foundations Reports of Staff Sexual Misconduct		
Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Table 10: Foundations Reports of Staff Sexual Harassment		
Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Stepping Stones (SS)

Table 11: Stepping Stones Reports of Youth-to-Youth Nonconsensual Sexual Acts		
Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Table 12: Stepping Stones Reports of Youth-on-Youth Abusive Sexual Contact		
Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Table 13: Stepping Stones Reports of Youth-on-Youth Sexual Harassment		
Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	2	2
2020	0	0

There were two substantiated allegations in 2019 that involved the same two residents. The first incident involved a resident calling a second resident derogatory names and making sexually harassing comments. The day following these comments, a third, uninvolved youth reported seeing the resident who had made the comments making sexual gestures towards the same resident who he had harassed the day prior. Resident in question was separated from the group, closely monitored by staff, and was to not be around other resident.

Three days following above incident, reporting resident again stated he was receiving inappropriate comments from the same resident. As this behavior seemed to be continuing, Director of the program was notified, and a detention order was filed to remove resident from Stepping Stones.

Neither of these substantiated allegations required referral for criminal investigation or follow up for potential retaliation. After review, the incident did not indicate a need to change policy or practice to better prevent, detect, or respond to sexual abuse. Upon administrative review, the incident was deemed NOT to be motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, perceived status, or gang affiliation. Group dynamics at the facility did not motivate or otherwise cause the alleged incident and no physical barriers in the areas contributed to the alleged incident. Staffing levels were deemed to be adequate and it was determined there was no need for monitoring technology to be augmented to supplement supervision. No necessary recommendations for improvement were identified.

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Shelter Care

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0

2019	1	0
2020	0	0

There was one unsubstantiated allegation of staff sexual misconduct at Shelter Care during 2019. This allegation involved a resident reporting that they had experienced both sexual and physical assault during their stay at Shelter Care. During interviews with two Shelter Care staff members, resident would not provide additional information or specifics regarding the incidents. During interviews with SC staff, resident alleged an assault had occurred "as recently as last night" when staff entered their room. As such, bed check logs and CCV footage were reviewed. Both confirmed staff had conducted room checks every 15 minutes, resident had not left their room overnight, and no staff ever entered resident's room. In addition to police, CPS and resident's mother were promptly notified of the incident. Due to lack of evidence and no further cooperation from resident, incident was deemed unsubstantiated.

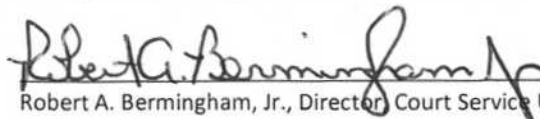
The incident did not require follow up for potential retaliation. Additionally, after review, the incident did not indicate a need to change policy or practice to better prevent, detect, or respond to sexual abuse. Upon administrative review, the incident was deemed NOT to be motivated by race, ethnicity,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

Year	# of Reported Allegations	# of Substantiated Allegations
2018	0	0
2019	0	0
2020	0	0

Summary

Over the last three years, there have been few reported allegations regarding sexual victimization. Across the four reporting facilities, there have been four total allegations of youth-on-youth sexual harassment. Two of these were deemed substantiated, both at Stepping Stones in 2019. There was one unsubstantiated allegation of staff sexual misconduct at Shelter Care in 2019. There have been no allegations of youth-on-youth nonconsensual acts, youth-on-youth abusive sexual contact, or staff sexual harassment.

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


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

3/11/21
 Date



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call Juvenile Court Administration, 703-246-3343, TTY: 711.

DEFINITIONS:

SEXUAL ABUSE includes:

- a. Sexual abuse of a resident by another resident; and
- b. Sexual abuse of a resident by a staff member, contractor, or volunteer.

RESIDENT ON RESIDENT SEXUAL VICTIMIZATION

Nonconsensual Sexual Acts and Abusive Sexual Contact of a Resident by another Resident includes sexual contact of any person without his or her consent or of a person who is unable to consent or refuse, and:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b. Contact between the mouth and the penis, vulva, or anus;
- c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

STAFF ON RESIDENT SEXUAL ABUSE (Including Abuse of a Resident by a Staff Member, Contractor, or Volunteer)

includes any of the following acts, with or without consent of the resident:

Staff Sexual Misconduct:

Any behavior or act of a sexual nature directed toward a resident by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors).

Sexual relationships of a romantic nature between staff and residents are included in this definition. Consensual or nonconsensual sexual acts include:

- a. Any intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- b. Completed, attempted, threatened, or requested sexual acts;
- c. Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Voyeurism by a Staff Member, Contractor, or Volunteer – An invasion of privacy of a resident by staff for reasons unrelated to official duties; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

STAFF SEXUAL HARRASSMENT

- a. Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.



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<https://www.fairfaxcounty.gov/juveniledomesticrelations/residential-services/prea>