

Merrimac Center

Annual Report

Prison Rape Elimination Act (PREA) Annual Report for Fiscal Year
2019



Annual Report of Sexual Assault Data Findings and Corrective Actions

I. Introduction

The Merrimac Juvenile Detention Center is operated by the Middle Peninsula Juvenile Detention Commission for the Commonwealth of Virginia. It serves both the 9th and the 15th District Court Service Units for a total of 18 localities. Additional localities are served through our Community Placement Program. Merrimac is a 48-bed facility, which provides secure detention for juveniles who are awaiting court hearings or who have been found guilty and have been sentenced to serve time in detention.

The purpose and philosophy of the Merrimac Center is the rehabilitation of children. The detention experience is geared toward constructive use of time for those juveniles in our care. Merrimac Center provides a range of helpful services which support their physical, emotional and social development. All residents in the Center participate in programming geared toward behavior modification through social skills training and cognitive behavioral interventions. Residents live in one of four housing units, which allows for the different programming needs of males and females as well as various age groups. Residents participate in 21 therapeutic groups per week. These groups are the basis for our behavior modification program. Services offered during their detention stay will help redirect a juvenile's path in a more positive direction. We hope youth gain insight into their current situation and use that knowledge to assist them in making better decisions to choose a new path toward success and happiness.

Merrimac Juvenile Detention Center - PREA Policy

It is the policy of the Merrimac Center to fully comply with the Prison Rape Elimination Act (PREA) of 2003 and the National Standards promulgated by the United States Department of Justice to prevent, detect and respond to prison rape under PREA, and to provide a safe, humane and secure environment for all residents free of sexual abuse and sexual harassment.

PREA is a federal law established to support the elimination and prevention of sexual assault and sexual misconduct in correctional systems, including juvenile facilities. PREA addresses both resident-to-resident sexual assault and staff-to-resident sexual assault. Merrimac Center maintains a zero-tolerance policy for resident-on-resident sexual assault, staff sexual misconduct and sexual harassment towards residents (115.311). Every allegation of sexual assault, misconduct and harassment is thoroughly investigated, and all reports of sexual assault are referred to the James City County Police Department for criminal investigation.

When a resident first enters our intake area, a comprehensive educational process is started to provide initial and ongoing education explaining their rights to be free from sexual abuse and harassment. An assessment is conducted on all residents at the time of intake to determine their individual risk of victimization or predation using an objective measurement tool based on specific risk factors.

Merrimac Center is fully compliant the PREA Policies. The PREA Auditor's Final Report can be reviewed on the facility's website: www.merrimac-center.net/PREA.

PREA Investigations

Criminal investigations such as sexual abuse are the responsibility of the James City County Police Department (JCCPD). JCCPD's investigators receive special training for sexual assault investigations. The Merrimac Center's administrators have received specialized training for investigators mandated by PREA standard §115.334. In addition, Merrimac Center's security, medical, and mental health staff received specialty training that is provided as it related to their role of first responders and/or healthcare staff in detecting, reporting, and preventing sexual abuse.

Below is important general information regarding PREA investigations:

Investigations:

All instances of alleged PREA violations, if substantiated, would constitute a criminal act. In such cases, Merrimac Center notifies and collaborates with James City County Police to carry out the official investigation on-site and make the final determination as to the validity of the alleged PREA violations.

Definitions:

As specified on the Survey of Sexual Victimization (SSV) required by the United States Department of Justice. The collection of data includes all resident on resident and staff on resident incidents related to: nonconsensual sexual acts, abusive sexual contact, sexual harassment, staff sexual misconduct and staff sexual harassment as specifically defined below:

Resident on resident victimization:

The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of resident on resident sexual victimization. These categories are:

Nonconsensual Sexual Acts

- Sexual Contact of any reason without his or her consent, or of a person who is unable to consent or refuse;
- Contact between the penis and the vulva
- 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, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- 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 or 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-on-Resident Sexual Abuse

The survey utilizes the definition of "sexual abuse" by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-resident sexual abuse. These categories are:

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. Sexual relationships of a romantic nature between staff and residents 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;
- Completed, attempted, threatened, or requested sexual acts;
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.
- Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative includes:
- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;
- Repeated profane or obscene language or gestures.

The outcomes of a sexual abuse investigation (disposition) are categorized as follows:

Substantiated

The event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

Unsubstantiated

The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Unfounded

The investigation determined that the event did NOT occur.

Investigation ongoing

Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

II. Data Collection and Corrective Actions

The Prison Rape Elimination Act of 2003 requires this annual report of documented incidences of abuse be posted to the Merrimac Center website and conspicuously posted for view in the facility lobby.

Data collection within this report covers the fiscal year of 2018 (July 1, 2018 – June 30, 2019). Due to Merrimac Center’s implementation of PREA in May of 2016 this report reflects occurrences of the past fiscal year. The report will be completed annually in July.

In accordance with §115.389 “Data Storage, Publication, and Destruction”, Merrimac Center will ensure that data collected pursuant to §115.387 are securely retained. Merrimac Center shall make 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 and displayed publicly. Before making aggregated sexual abuse data publicly available, the Merrimac Center shall remove all personal identifiers. Merrimac Center shall maintain sexual abuse data collected pursuant to §115.387 for at least 10 years after the date of its initial collection unless federal, state, or local law requires otherwise.

The table attached to this report provides data concerning the number of confirmed staff- on-resident sexual harassment and sexual assaults and confirmed resident-on-resident sexual assaults within the population.

MERRIMAC CENTER has no founded complaints of staff-on-resident or resident on resident sexual harassment. There were no reports of staff-on-resident sexual assault. There were two sexual assaults or founded complaints of resident-on-resident sexual assaults for FY 2019. They both occurred during the school program. Both incidents involved male residents grabbing the buttocks of a female resident. Both male perpetrators were in the Community Placement Program. The first incident resulted in the perpetrator being administratively consequence. The female victim refused to press charges. The second incident brought about pending charges as well removal from the Community Placement Program.

	FY 2016 (Partial)	FY 2017 (Founded)	FY 2018 (Founded)	FY 2019 (Founded)
New Admissions	359	339	337	328
Average Daily	35	42	38	34
Resident-on-Resident Sexual Harassment	3	2	1	0
Resident-On-Resident Sexual Violence	0	0	0	0
Resident-On-Resident Abusive sexual act	0	2	0	2
Staff Sexual Misconduct	0	0	0	0
Staff Sexual Harassment	0	0	0	0

III. Staff training and resident education

§115.331 Employee training.

Merrimac Center trains all employees/ Staff / Volunteers who may have contact with residents 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) Residents' rights to be free from sexual abuse and sexual harassment;
- (4) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in juvenile facilities;
- (6) The common reactions of juvenile victims of sexual abuse and sexual harassment;
- (7) How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
- (8) How to avoid inappropriate relationships with residents;
- 9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
- (11) Relevant laws regarding the applicable age of consent.

The training is tailored to the unique needs and attributes of residents of the facility and to the gender of the residents. All current employees receive initial training and re-fresher training in July to ensure all staff know the facility's current sexual abuse and sexual harassment policies and procedures. The facility documents, through employee signature or electronic verification, that employee understand the training they have received.

§115.333 Resident Education.

During the intake process, residents receive information explaining, in an age appropriate fashion, the facility's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

Every Saturday the staff provides comprehensive age-appropriate education to residents through video including their rights to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting such incidents, and agency policies and procedures for responding to such incidents. Merrimac Center has capabilities to provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills. This is documented in the facility Data Management System. The facility also provides key information

continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.

Merrimac Center continually strives to ensure sexual safety of all residents and staff. To ensure that sexual misconduct is reported, Merrimac Center has several ways for parents and third parties (such as staff members, family members, attorneys, fellow residents or any other interested party) to report (§115.322, §115.354). You may use the reporting method with which you are most comfortable.

Merrimac Center

9300 Merrimac Trail
Williamsburg, VA 23185
757-887-0225

Attention:

Gina Minge, Executive Director
Kristy Livsey, Deputy Director
Bill Orris, Operations Manager/PREA Coordinator

www.merrimac-center.net/PREA

James City County Police Department

4600 Opportunity Way, Williamsburg, VA 23188
757-253-1800

James City County DSS

Child Protective Services

5249 Olde Towne Road Williamsburg, VA 23185
757-259-3100

Virginia Department of Juvenile Justice

Certification Manager
600 East Main Street, 20th Floor
Richmond, VA 23219
804-516-9491

Avalon: Center for Women & Children

3204 Ironbound Rd.
Williamsburg, VA 23188
757-258-5022

Williamsburg Victim Witness Assistance

5201 Monticello Ave, Suite 4
Williamsburg VA 23188
757-564-2299

Conclusion

Merrimac Center remains firmly committed to continual and progressive culture change and continues to implement the requirements of the PREA standards and make adjustments on an on-going basis. Additionally, Merrimac Center is also dedicated to providing safe and secure facility for detained juveniles within its jurisdictions.

William H. Orris, PREA Coordinator

Gina Mingee, Executive Director