

ABYON
FARMVILLE DETENTION CENTER
508 WATERWORKS ROAD
FARMVILLE, VIRGINIA 23901

June 27, 2024

MEMORANDUM FOR RECORD

Subject: Annual Review of Farmville Detention Center Detainee Supervision Guidelines

In accordance with DHS PREA standard 115.13 and ACA standard 5-ALDF-2A-13, the Farmville Detention Center conducted a thorough and comprehensive staffing analysis during the month of May 2024. This staffing analysis was executed by the Director of Detention, Deputy Director of Programs, and PSA Compliance Manager. Data used in this analysis was compiled from June 1, 2023, until May 31, 2024. In establishing appropriate and adequate staffing levels for detainee supervision and determining the availability of video monitoring to protect detainees against sexual abuse the following components were assessed:

1. Generally Accepted Detention and Correctional Practices.

Findings: The Farmville Detention Center (FDC) operates under a direct supervision model and therefore a detention officer is always present in the housing units to provide constant supervision and monitoring which enables the prevention, detection, deterrence, and response to inappropriate detainee behavior. Additionally, the facility has three cameras in each housing unit which are strategically located in such a manner that allows for sufficient surveillance and oversight. Video from digital cameras currently have an archived history of at least 60 days per FDC contract with ICE. The facility also houses detainees in the Restricted Housing Unit, Protective Custody Housing Unit, and Medical Base. These areas are also continuously staffed with a detention officer and likewise, have adequate video monitoring to enhance the safety of detainees by providing additional oversight and observation capabilities. Areas of the facility that offer programs, services, and other operational functions such as Health Care, Processing, Visitation, Food Service, Video Tele-Court, Asylum Hearings, Barbershop, Law Library, Chapel, Multipurpose Center, and Indoor and Outdoor Recreation are also continuously staffed with detention officers to provide custody, control, and constant supervision of detainees during out of housing unit activities and events. To assist in direct detainee supervision and oversight there are a total of 186 digital cameras strategically located in all areas of the facility, where detainees are authorized access.

The current minimum manning for day shift, 0600 hours until 1800 hours, is 13 detention officers, 2 control center officers for video monitoring, 1 processing officer, 6 recreation officers, and 2 supervisors performing the responsibilities of Shift Commander and Assistant Shift Commander. Likewise, the current minimum manning for night shift, 1800 hours until 0600 hours, is 10 detention officers, 2 control center officers for video monitoring, 1 processing officer, and 2 supervisors performing the responsibilities of Shift Commander and Assistant Shift Commander. Based on the current security staffing analysis, FDC has 284 general population housing unit beds available for detainees and the average daily population (ADP) during the period under analysis was 199.34. Operating under a capacity of 284 available beds in general population equates to a security staff to detainee ratio for day shift at 1 to 11.8 and a ratio of 1 to 18.9 during night. However, considering the

facility's ADP was 199.34 during the period under review, the actual security staff to detainee ratio for day shift was 1 to 8.3 and the ratio was 1 to 13.2 for night shift. These ratios were determined by factoring the minimum manning on both shifts and the overall staff to detainee ratios are much lower considering administrative support staff, medical staff, and food service staff. Any deviation from posting minimum manning is an extremely rare occurrence, which requires the approval of the Chief of Security or Director of Detention. An assessment of FDC's current correctional practices with specific emphasis of direct detainee supervision, video monitoring capabilities, and staff to detainee supervision ratios provides no justification or need to adjust staffing levels or existing operational protocols based off this annual staffing analysis.

2. Any Judicial Findings of Inadequacy.

Findings: The Farmville Detention Center has not received any judicial findings of inadequacy.

3. The Physical Layout of Facility.

Findings: The Farmville Detention Center is one main building, divided into two sections. The front section of the facility comprises of administrative offices, Visitation, Video Tele-Court, Processing, Food Service, Laundry, the Restricted Housing Unit, Medical Department, and a separate detached building used for Asylum Hearings. The rear section of the facility comprises of nine dormitory housing units, a Protective Custody general population housing unit, Barbershop, Commissary, Law Library, Chapel, Multipurpose Center, and Indoor Recreation. Outdoor Recreation is located on the north end of the facility and contains four recreation areas where detainees receive four hours of outdoor recreation. Dorm 1 has a bed capacity of 100; Dorm 4 has a bed capacity of 98; Dorm 5 has a bed capacity of 102; Dorms 2 and 3 have a bed capacity of 46 and 44 respectively; Dorm 6 has a bed capacity of 80; and Dorms 7, 8, and 9 each have a bed capacity of 84. The Protective Custody general population housing unit has a capacity of 10 beds with the Restricted Housing Unit having a capacity of 14 beds, and Medical Base housing has 14 beds. Although the Farmville Detention Center has 732 general population housing unit beds, the current staffing analysis allows for only 284 beds to be occupied. The Chief of Security and facility Operations closely monitors this available bed capacity daily to prevent ICE from surpassing the current total capacity of 284 general population housing unit.

Security, control, and safety of the detainee population is paramount to the mission of the Farmville Detention Center and as mentioned previously the facility operates under the direct supervision paradigm requiring a detention officer to be posted in all areas of the facility where detainees are present or allowed access. To assist and augment sound correctional practices of constant supervision, FDC has state-of-the-art video monitoring and currently has 186 digital cameras strategically located throughout the facility. Past deficiencies in video coverage have been examined and adjustments to camera angles and placement have been made to diminish identified blind spots without compromising detainee privacy when showering or use of the toilets. The facility's video monitoring system has an archived history of at least 60 days and this feature enhances FDC's ability to prevent, detect, and respond to allegations of sexual abuse allowing facility investigators to review recorded footage long after an incident was reported.

Policy and procedure have been established to allow for detainees to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender. These procedures include opposite gender announcements when entering the housing units and the cameras that cover the toilet areas are pixel distorted, which provides safeguards to the privacy of detainees. Additionally, each

individual detainee showering stall has curtains installed to prevent any staff member from viewing detainees showering. Finally, the FDC facility handbook and detainee education provided during intake informs residents that they are required to be dressed when outside their bunk area. The annual review and analysis of the existing physical layout of the facility concluded that no changes to policies, procedures, and practices, or structural improvements need to be implemented to enhance the overall safety of the detainee population as it specifically pertains to preventing sexual harassment, abuse, or assault.

4. The Composition of the Detainee Population.

Findings: During the twelve-month reporting period, June 1, 2023, through May 31, 2024, the Farmville Detention Center processed 1141 detainees as new arrivals to the facility. In accordance with DHS PREA standard 115.41, 132 detainees were identified as at risk for abusiveness or victimization based on the facility's screening instrument. When calculated the data shows that 11.56% of all detainee admissions during the period analyzed were either convicted of sex offenses or self-identified as being past victims of sexual abuse. A breakdown of these 132 detainees reveals that 106 detainees were convicted of sex offenses based on the information provided by ICE and 30 detainees self-reported being past victims of sexual abuse. When calculated the data reveals that 22.72% of all detainees categorized as at risk self-reported being past victims of sexual abuse. However, when compared to the total of all detainee admissions during the reporting period only 2.62% self-identified as being past victims of sexual abuse. Consequently, a total of 20 detainees self-identified as being gay or bisexual and 5 detainees self-identified as being transgender. In accordance with DHS PREA standard 115.42 and FDC's Transgender Care policy, the facility convened a Transgender Classification and Care Committee (TCCC) to develop an Individualized Detention Plan (IDP) for each declared transgender detainee. An analysis of data reveals that 2.19% of all detainee admissions voluntarily disclosed a sexual orientation as gay or bisexual or self-identified as being transgender, intersex, or gender nonconforming. An assessment on the composition of the detainee population with specific emphasis on vulnerable residents does not justify or support the need to further adjust current security staffing levels to enhance the sexual safety of detainees based on the annual staffing analysis conducted in May 2024.

5. Prevalence of Substantiated and Unsubstantiated Incidents of Sexual Abuse.

Findings: During the twelve-month reporting period, the Farmville Detention Center conducted seven Prevention of Sexual Abuse (PSA) investigations. Four of these investigations were determined to be unfounded while two investigations resulted in unsubstantiated findings and one investigation was substantiated. The investigative finding of these allegations SA-API/PREA allegations were a critical factor in determining whether the Farmville Detention Center needed to adjust or modify the facility's current staffing plan. For example, the locations where detainees reported allegations of abuse or allegedly witnessed abuse were all reported to have occurred in detainee housing units, i.e. general population, Restricted Housing Unit, or Medical Base. These areas are under direct and continuous supervision by security staff. Furthermore, these housing units have multiple cameras strategically located which provide video monitoring from different vantage points and angles but are situated in such a manner that ensures privacy protection when showering and performing bodily functions. The four unfounded PSA investigations were determined to be such because video monitoring supported the conclusion that no sexual harassment, abuse, or assault occurred.

One of the unsubstantiated detainee on detainee allegations involved an incident without any physical contact but rather consisted of a single verbal threat, which was alleged to contain a sexual connotation or undertone. The detainee making the allegation provided a specific date, time, and location of the incident and testified two other detainees were present and therefore witnessed the verbal threat. However, when interviewed both detainees failed to corroborate the verbal threat had been made—testifying they never heard the alleged perpetrator direct any threatening comments of a sexual nature towards the alleged victim. A detention officer was supervising the housing unit when the allegation was reported and was standing approximately twelve feet away from where the alleged abuse occurred. This detention officer reported he never heard any verbal threat. FDC's electronic surveillance video monitoring system provided strong evidence, which indicated the alleged verbal threat never transpired. Specifically, the alleged detainee victim's location and spatial distance from his alleged abuser suggests the comment likely was not made or even heard by the detainee who made the report of abuse. Investigations involving allegations of "he said, she said" especially without any witnesses to corroborate the claim are extremely difficult to substantiate or disprove as unfounded. As a result, FDC's investigation into the detainee's allegation had no alternative but to conclude with an unsubstantiated finding.

The other unsubstantiated allegation involved an incident where a detainee reported he was struck on the buttocks through the clothing by another detainee while he was sleeping in his bunk. The results of FDC's internal administrative investigation into this allegation determined that contact had been made to the detainee's right buttock by another detainee. However, this contact did not involve the detainee's hand or any part of his body but rather the contact was made by a dictionary the detainee had in his hand. The preponderance of evidence gathered during the investigation, which included testimony from both the detainee making the report of abuse and the alleged perpetrator along with video evidence from FDC's camera surveillance system supported this conclusion. Video evidence confirmed that alleged detainee perpetrator used a dictionary and made slight and incidental contact to the detainee's right buttock. However, and despite this substantiated fact, FDC leadership concluded there is no indication that any reasonable person would conclude this act was done with the intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire. Rather, the investigation determined the detainee's actions and behavior were joking, and benign horseplay.

Regarding the one substantiated detainee on detainee incident of sexual abuse, FDC adhered to its SAAPI/PREA protocols and implemented a multi-disciplinary team approach when responding to the report of abuse. FDC's video monitoring electronic surveillance system was able to substantiate the detainee's allegation he was slapped/touched on the buttocks five times through the clothing by the detainee perpetrator. Separation between victim and offender was ensured and although he initially refused a medical assessment, the detainee was evaluated the next day and offered emotional support services and counseling. Outside law enforcement was contacted because the nature and degree of detainee's report of abuse involved a criminal act. The facility collaborated with the police department at all stages of their investigation and upon completion requested all reports and documents pertaining to detainee's criminal complaint. FDC's internal administrative investigation into the report of sexual abuse and resulting incident review determined the facility's prevention and detection measures were appropriate and in compliance with the DHS PREA standards and FDC policy and practice. This confirmed incident of detainee-on-detainee sexual abuse was the facility's first substantiated PREA violation since April 2016, which is a period of eight years. The Director of Detention, Deputy Director of Programs, and PSA Compliance Manager considered this fact and concluded FDC does not have a systemic or widespread problem or occurrence of sexual abuse at the facility. When conducting the annual staffing analysis in June 2024, the Director examined the

prevalence of substantiated and unsubstantiated incidents of sexual abuse during the reporting period and determined no justification existed to further adjust current security staffing levels.

6. The Findings and Recommendations of Sexual Abuse Incident Review Reports.

Findings: FDC conducted seven sexual abuse incident reviews as required by the DHS PREA standards. However, since four of these incident reviews involved a detainee allegation and report of abuse which resulted in an investigative finding of being unfounded, FDC was not required to prepare a written report to ICE recommending or implementing changes in policy or practice that could better prevent, detect, or respond to sexual abuse. The review committees that convened for these four unfounded allegations concluded with no negative findings in the facility's prevention, detection, and response measures and protocols.

The facility's sexual abuse incident reviews for the two PSA investigations determined to be unsubstantiated resulted in the review committees making no recommendations to change existing policy or practice to better prevent, detect, and respond to sexual abuse. A comprehensive analysis of FDC's adherence to PREA protocols and SAAPI policy by the review committees for these two unsubstantiated allegations concluded with no negative findings in how the facility responded to the allegations. FDC initiated appropriate measures during its responses to the alleged incidents and employed a multi-disciplinary team approach to adhere to the requirements of the DHS PREA standards and needs of detainees reporting victimization.

Regarding the sexual abuse incident review that was conducted for the one substantiated report of detainee-on-detainee abuse during the reporting period, the review committee determined the facility's prevention and detection measures were appropriate and in compliance with the DHS PREA standards along with FDC policy and practice. FDC's video monitoring electronic surveillance system was able to substantiate detainee's allegation that he was slapped/touched on the buttocks five times through the clothing by detainee perpetrator. FDC followed its PREA protocols and ensured separation between victim and offender. The detainee victim initially refused to be seen by medical but the next day he was evaluated by medical and further offered emotional support services and counseling. Outside law enforcement was contacted because FDC's electronic surveillance system substantiated detainee's allegation. The facility suspended its internal administrative investigation and collaborated with the police department at all stages of their investigation and upon completion requested all reports and documents pertaining to detainee's criminal complaint. As a result, the review committee determined that no changes in policy or practice needed to be implemented to better prevent and detect sexual abuse.

However, the Director of Detention and the review committee determined a deficiency in FDC's reporting and response measure pertaining to detainee's report of abuse. Specifically, the internal administrative investigation revealed detention officer supervising the housing unit where the incident occurred was aware detainee perpetrator had slapped/touched detainee victim on the buttocks through his clothing but did not immediately report the incident as required by FDC policy and the DHS PREA standards. The detainee victim reported the incident to detention officer the evening the event transpired but pleaded with him to not immediately report the incident for fear of being labeled an "informant". This detainee also articulated to the detention officer he was afraid of retaliation from other detainees, specifically referencing fear of bodily harm. As a result, the detainee victim solicited detention officer to delay reporting the incident for several days because he had the mindset this period would provide deflection that he personally informed staff of the event. The

detention officer reported the incident to his Shift Commander the following evening because the detainee victim changed his mind and requested the officer report the event without delay.

Although not condoning or overlooking this detention officer's neglect to adhere to FDC policy, which requires all staff, contractor, or volunteers to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse, the Director of Detention considered the fact that this detention officer was a new hire who recently completed basic training. Likewise, he had just finished his on-the-job training and had been working as a detention officer for only four days when the detainee reported the incident but pleaded with him not to immediately report. The totality of these circumstances led to the conclusion that the most suitable and appropriate course of action would involve a counseling session by the FDC Chief of Security. In addition to this counseling statement, it was determined the detention officer would also receive mandatory corrective action training by the PSA Compliance Manager. This corrective action training covered the following components of the DHS PREA standards:

1. 115.6 – Definitions Related to Sexual Abuse and Assault
2. 115.11 – Zero Tolerance of Sexual Abuse; Prevention of Sexual Assault Coordinator
3. 115.61 – Staff Reporting Duties
4. 115.62 – Protection Duties
5. 115.64 – Responder Duties
6. 115.66 – Protection Duties from Contact with Alleged Abuser

During this counseling session and corrective action training, it was reinforced to this detention officer that ICE and the FDC have a strict Zero Tolerance policy for all forms of sexual abuse. Likewise, it was reinforced to him that employees at FDC are mandatory reporters, which requires all staff to immediately report information regarding an incident that occurred at the facility. The detention officer was informed that any future failure or negligence to abide by FDC policy and the DHS PREA standards would result in disciplinary or adverse action against him, up to and including termination of employment.

An assessment of the findings and recommendations from the sexual abuse incident reviews conducted during the reporting period determined that FDC's current security staffing plan is adequate and does not justify an increase in existing staffing levels to enhance the sexual safety of the detainee population. Video monitoring and surveillance capabilities were also determined to be sufficient and no recommendations in upgrades in technology were made to further enhance detection measures to protect the detainee population from sexual abuse.

7. Other Relevant Factors: Length of Time Detainees Spend at Farmville Detention Center.

Findings: The average length of stay for a detainee at FDC has been calculated to be 60.60 days. A detainee's length of stay at FDC was analyzed and determined to be a possible factor contributing to the level and low prevalence of detainee reports of incidents involving sexual harassment, abuse, or assault. Other contributing factors include the implementation of a direct supervision model, use of video monitoring technology, and an unwavering commitment to protect the sexual safety of the detainee population, which is an essential component of the mission of the Farmville Detention Center.

As a result, the Director of Detention determined that FDC's existing security staffing plan and video surveillance capabilities are adequate and do not justify an increase in staffing levels when factoring in the length of time detainees are detained at FDC.

8. Attached to this memorandum, please see the detailed staffing analysis plan of all security personnel and positions conducted in June 2024. Also attached to this memorandum is Table 1: Data from Annual Review of Farmville Detention Center Detainee Supervision Guidelines. A copy of this report has been forwarded to the ICE PSA Coordinator and ICE Field Office Director.

**Director of Detention
Farmville Detention Center**

**Deputy Director of Programs
Farmville Detention Center**

**PSA Compliance Manager
Farmville Detention Center**

May 2024 Staff Analysis

Staff	B	C	D	E	F	G	H		I	J	K	L	M	N	O
	Meal Relief	Total Hours Days	Total Hours Swings	Total Hours Mids	12-hr Days	12-Hr Nights	Other Hours	Total Hours	Days per week	hours per week	hours of coverage per year	relief needed	net annual work hours	No of FTEs Needed	Rounded No. of FTEs
Chaplain	No	16	0	0	0	0	0	16	6	96	5005.44	No	1832	2.73	2
Chaplain Admin Assistant	No	8	0	0	0	0	0	8	6	48	2502.72	No	1872	1.34	1
Chief of Security	No	8	0	0	0	0	0	8	5	40	2085.6	No	1832	1.14	1
Control	Yes	0	0	0	24	24	0	48	7	336	17519.04	Yes	1888	9.28	8
Court Room	No	32	0	0	0	0	0	32	5	160	8342.4	No	1896	4.40	4
Deputy Director Training	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Deputy Director-Ops	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Deputy Director-Programs	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Detainee Funds	No	16	0	0	0	0	0	16	5	80	4171.2	No	1840	2.27	2
Detainee Mail	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Detainee Property	No	16	0	0	0	0	0	16	5	80	4171.2	No	1840	2.27	2
Detainee Records	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Detention Officers	Yes	0	0	0	336	312	0	648	7	4536	236507	Yes	1888	125.27	125
Director	No	8	0	0	0	0	0	8	5	40	2085.6	No	1800	1.16	1
Dorm Super	No	8	0	0	0	0	0	8	5	40	2085.6	No	1832	1.14	1
Facility Maintenance Manager	No	16	0	0	0	0	0	16	5	80	4171.2	No	1840	2.27	2
Grievance Coordinator	No	8	0	0	0	0	0	8	5	40	2085.6	No	1832	1.14	1
HR Manager	No	8	0	0	0	0	0	8	5	40	2085.6	No	1872	1.11	1
Investigator	No	32	0	0	0	0	0	32	7	224	11679.36	No	1832	6.38	4
IT Assistant	No	8	0	0	0	0	0	8	5	40	2085.6	No	1872	1.11	1
IT Manager	No	8	0	0	0	0	0	8	5	40	2085.6	No	1872	1.11	1
Maintenance	No	8	0	0	0	0	0	8	5	40	2085.6	No	1832	1.14	1
Maintenance Assistant	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Medical Translator	No	8	0	0	0	0	0	8	5	40	2085.6	No	1832	1.14	1
Operations	No	16	0	0	0	0	0	16	5	80	4171.2	No	1832	2.28	2
Operations Admin Assist.	No	8	0	0	0	0	0	8	5	40	2085.6	No	1832	1.14	1
Physical Security	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Processing	No	0	0	0	24	36	0	60	5	300	15642	No	1888	8.28	8
Processing Supervisor	No	8	0	0	0	0	0	8	5	40	2085.6	No	1832	1.14	1
PSA Investigator	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
PSA Manager	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
QA Manager	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Recreation officers	No	0	0	0	84	0	0	84	7	588	30658.32	No	1888	16.24	14
Recreation Super	No	0	8	0	0	0	0	8	5	40	2085.6	No	1832	1.14	1
Shift Commander	No	0	0	0	12	12	0	24	7	168	8759.52	No	1888	4.64	4
Shift Commander, Asst.	No	0	0	0	12	12	0	24	7	168	8759.52	No	1888	4.64	4
Supply	No	8	0	0	0	0	0	8	5	40	2085.6	No	1840	1.13	1
Training admin assist.	No	8	0	0	0	0	0	8	5	40	2085.6	No	1872	1.11	1
Training Officers	No	16	0	0	0	0	0	16	5	80	4171.2	No	1840	2.27	2
Totals		352	8	0	492	396	0	1248	209	7984	416285.8	No	72136	221.73	208

Table 1: Data from Annual Review of Farmville Detention Center Detainee Supervision Guidelines.

	June 2023 thru May 2024
Total Facility Cameras	186
Minimum Manning Day Shift	24
Minimum Manning Night Shift	15
General Population Bed Capacity	284
Average Daily Population	199.34
Day Shift Staff to Detainee Ratio	8.3
Night Shift Staff to Detainee Ratio	13.3
Total Admissions	1141
Admissions Identified at Risk for Victimization or Abusiveness	132
Admissions with Sex Offense Convictions	106
Admissions Self-Identified as Past Victims of Sexual Abuse	30
% Admissions Identified at Risk for Victimization or Abusiveness	11.56%
% Self-Identified as Past Victims of Sexual Abuse in at Risk Category	22.72%
% Self-Identified as Past Victims of Sexual Abuse in Total Admissions	2.62%
Detainees Self-Identified as Gay or Bisexual	20
% Detainees Self-Identified as LGBTI in Total Admissions	1.75%
Detainees Self-Identified as Transgender, Intersex, or Gender Nonconforming	5
Prevention of Sexual Abuse Investigations	7
Unfounded Prevention of Sexual Abuse Investigations	4
Unsubstantiated Prevention of Sexual Abuse Investigations	2
Substantiated Prevention of Sexual Abuse Investigations	1
Sexual Abuse Incident Reviews Conducted with Prepared Written Report	3
Average Length of Stay	60.60

DATE OF PREA INCIDENT, LOCATION, & INVESTIGATIVE FINDING: JUNE 2023 through MAY 2024:

1. September 25, 2023, Dormitory 8: Detainee on Detainee Allegation – UNSUBSTANTIATED
2. October 16, 2023, Dormitory 9: Detainee Allegation on Staff – UNFOUNDED
3. December 7, 2023, Medical Base: Detainee Allegation on Staff – UNFOUNDED
4. December 22, 2023, Restricted Housing Unit: Detainee Allegation on Staff – UNFOUNDED
5. February 10, 2024, Dormitory 8: Detainee on Detainee Allegation – UNSUBSTANTIATED
6. February 15, 2024, Restricted Housing Unit: Detainee on Detainee Allegation – UNFOUNDED
7. May 22, 2024, Dormitory 5: Detainee on Detainee Allegation – SUBSTANTIATED

FARMVILLE DETENTION CENTER

508 WATERWORKS ROAD
FARMVILLE, VIRGINIA 23901

January 11, 2024

MEMORANDUM FOR RECORD

RE: Annual Review of Sexual Abuse Investigations and Resulting Incident Reviews for 2023

In accordance with DHS PREA standard 115.86 and the 2011 ICE PBNDS, 2.11: Sexual Abuse and Assault Prevention and Intervention, an annual review of all sexual abuse investigations and resulting incident reviews for 2023 was completed on January 8, 2024. This annual review was conducted by the Deputy Director of Programs and Prevention of Sexual Assault Compliance Manager.

During the calendar year, the Farmville Detention Center conducted four sexual abuse investigations and resulting incident reviews due to a report of a detainee allegedly experiencing sexual harassment or abuse by another detainee, staff, contractor, or volunteer. Three of these investigations concluded with unfounded outcomes while one investigation concluded with an unsubstantiated finding.

An abstract of each of these investigations is detailed below to include resulting incident review, which assessed and recommended whether to improve the facility's sexual abuse intervention, prevention, and response efforts. When preparing this annual report and review of aggregate data, personally identifying information has been omitted as stipulated and required by the 2011 ICE PBNDS. ICE Officials have been provided the complete Report of Investigation for each of these allegations.

1. **September 25, 2023:** At approximately 2330 hours a detainee approached officer assigned to Dorm 8 and reported another detainee struck him on the buttocks while he was sleeping. On duty Shift Commander initiated facility PREA protocols and alleged victim was immediately separated from alleged perpetrator. The detainee reporting the allegation was escorted to medical and given a health assessment. Medical evaluation indicated no injuries were sustained and detainee himself reported he was not injured. The alleged detainee victim was offered emotional support services and counseling, and he indicated no services were necessary. A special reassessment for risk of victimization was completed and based off all information available at the time including detainee's own declaration that he felt completely safe, his request to return to general population was granted. Alleged detainee perpetrator was removed from Dorm 8, taken to medical to be assessed, and placed under administrative segregation pending investigation status. An interview of this individual was conducted and prior to commencement of interview, he was advised of his rights and consented to be questioned. The detainee did not deny he "quickly", "jokingly", and with "horseplay" intentions made contact with detainee's right buttock while detainee was lying in his bunk. However, the detainee was adamant contact was not made directly with his hand but rather with a dictionary he had in his hand.

An extensive analysis of the cameras in Dorm 8 was conducted and this evidence supports the testimony provided by alleged detainee perpetrator when interviewed. Specifically, camera footage clearly shows

him picking up an object identified as a dictionary. After picking up the dictionary, he proceeds to quickly make slight incidental contact with reporting detainee's right buttock. FDC's internal administrative investigation concluded the alleged perpetrator did violate institutional rules and he was charged with offense code: 201 – Fighting, boxing, wrestling, sparring and any other form or physical encounter, including horseplay that causes or could cause injury to another person. However, FDC leadership concluded the preponderance of evidence gathered during the investigation provided no indication that any reasonable person would conclude this act was done with the intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire. Rather, the investigation determined the detainee's actions and behavior were joking, and benign horseplay. As a result the preponderance of evidence concluded with an UNSUBSTANTIATED finding as to whether sexual abuse of a detainee by another detainee had transpired according to the elements of what constitutes abuse under DHS PREA standard 115.6 definition (1) (4).

A) Completion of Sexual Abuse Incident Review.

Findings: A Sexual Abuse Incident Review was conducted by the following FDC personnel: Director of Detention, Deputy Director of Operations, Deputy Director of Training, and the Prevention of Sexual Assault Compliance Manager. The review committee assessed the following factors and components to determine if any modifications or improvements needed to be implemented regarding FDC's sexual abuse intervention, prevention, and response efforts.

B) Recommendations on Changes in Facility Police or Practice.

Findings: The review members concluded that no changes to existing policy or practices needed to be implemented as a result of this allegation or investigation. A review of facility cameras for Dorm 8 clearly captured the incident and was able to substantiate that the detainee allegation was made against did violate FDC policy and the ICE 2011 PBNDS when he used a dictionary and lightly made contact with detainee's right buttock through his clothing. However, FDC leadership concluded the preponderance of evidence gathered during the investigation provided no indication that any reasonable person would conclude this act was done with the intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire. Rather, the investigation determined the detainee's actions and behavior were joking, and benign horseplay and as a result the preponderance of evidence led to an UNSUBSTANTIATED finding. The incident occurred in a housing unit operated under direct officer supervision and therefore no consideration in adjusting staff levels is necessary or appropriate. Finally, the review committee determined FDC's current video surveillance technology and capabilities were sufficient and therefore no recommendations for any changes or improvements were made.

C) 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 the facility.

Findings: During his initial risk assessment for victimization or abusiveness on intake and once again during his special reassessment after making his allegation, detainee self-identified as being bi-sexual. Despite this being a potential vulnerability, objective screening, classification, and housing placed detainee in low custody housing, which prevented him from being housed with any detainee with a sex offense conviction. Furthermore, the detainee articulated during both screenings that he had no issues, fears, or concerns residing in general population housing due to him self-identifying as bi-sexual. Investigation determined detainee was not specifically targeted because he is bi-sexual but rather detainee that slightly "tapped" him on the buttock with a dictionary did so jokingly and with

benign intentions. As a result, review members concluded that none of the upon circumstances or criteria were involved in the incident or in the detainee's accusation.

- D) Whether any staff neglect, or violation of responsibilities and policy may have contributed to an incident or retaliation.

Findings: The review members concluded that no staff neglect or disregard of responsibilities contributed to the incident or retaliation. FDC was in the process of monitoring for retaliation but was unable to do so because the detainee was transferred to the Caroline Detention Center shortly after the conclusion of the investigation. Review members determined that no shortcomings in FDC policy contributed to the incident.

2. October 20, 2023: Immigration Detention Case Manager from OIDO received a Talton request from a detainee alleging a sexual abuse incident involving a male detention officer. Upon receiving this information, FDC PREA protocols were initiated, and detainee was immediately escorted to medical to ascertain the nature of allegation and provide any medical treatment and crisis intervention services. While at medical, detainee alleged a male officer "stared" at him using the toilet" and likewise "watched him change his clothes." Detainee provided specific date, time, location, and name of male officer. The detainee was evaluated by SOZO nurse with no injuries being documented and upon completion of assessment he was offered emotional support services and counseling through SOZO behavioral health. Detainee was provided the YWCA Sexual Assault Response Program (SARP) brochure and explained the services offered by this organization. Prior to returning to general population, the detainee was reassessed for any potential vulnerabilities and indicated he felt completely safe returning to his housing unit. The detainee's request was granted after confirming the officer he made allegation against was not working at facility and would continue to have no contact with any detainee pending outcome of investigation.

All three cameras in Dorm 9 were meticulously reviewed to track detainee's movements throughout his housing unit during the day he alleged staff abuse. An analysis of video footage substantiated that no violations of the DHS PREA standards pertaining to sexual abuse of a detainee by a staff member, contractor, or volunteer existed in detainee's allegation. As a result, the investigation determined the detainee's allegation was UNFOUNDED. Video evidence showed detainee making allegation was never present in the bathroom or shower area while officer was conducting rounds in the official performance of his duties as a detention officer. On the contrary, the detainee is observed in the dayroom area and other locations throughout the housing unit while the officer he made allegation against was making rounds at the back of the dorm where the toilets and shower are located. The officer did have to approach the half-wall dividing the dayroom and bathroom area, but investigation revealed he did so to correct another detainee for violating facility policy. The purpose of the officer's presence at the half-wall was to inform a detainee he could not hang a bed sheet between the toilet partitions. Camera footage showed that no detainees were using any of the toilets during this interaction or at any other time the officer was present at the half-wall. Finally, the detainee's allegation that the officer watched him change his clothing that afternoon was likewise determined to be UNFOUNDED, and this conclusion was substantiated by video footage.

- A) Completion of Sexual Abuse Incident Review.

Findings: DHS PREA standards do not require the completion of a sexual abuse incident review where a written report and response must be prepared for submission to the ICE PSA Coordinator when an investigation determines an allegation was unfounded. However, the FDC PSA Compliance Manager

did complete a sexual abuse incident review and the following factors were assessed to determine if any modifications or improvements needed to be implemented in the facility's sexual abuse intervention, prevention, and response efforts:

B) Recommendations on Changes in Facility Police or Practice.

Findings: The PSA Compliance Manager determined the facility's response to the allegation was appropriate and in compliance with the requirements of the DHS PREA standards along with FDC policy and PREA protocols. As a result, no changes in policy or practice need to be implemented because of this allegation or investigation. Facility cameras from the housing unit were able to contradict and disprove detainee's allegation that detention officer engaged in inappropriate visual surveillance of him while he was performing bodily functions and changing clothes. As a result, the investigation determined the detainee's allegation to be UNFOUNDED. FDC has adequate measures in place to protect detainees from inappropriate visual surveillance. These measures include staff of the opposite gender are required to announce their presence upon entering detainee living areas and this announcement is recorded in the Officer's Daily Log as proof of compliance. Facility cameras covering the toilets in general population have pixel distortion coverage that prevents voyeurism or inappropriate visual surveillance of a detainee for reasons unrelated to official duties. Further, the FDC detainee handbook stipulates that undergarments may be worn without outer garments only while inside the sleeping quarters or the restrooms and detainees will not leave the sleeping quarters without being clothed. Detainees are expected to abide by the facility's dress code to prevent staff from viewing the changing of clothing. Shower curtains have been installed and are present at every shower stall in the general population housing units. Detainees are expected to use the shower curtains to prevent any staff member from viewing their genitalia, buttocks, or breasts. Finally, each housing unit has a cinder block half-wall approximately four feet in height that provides a barrier separating the bathroom toilets and shower area from the rest of the dormitory. As a result of these protection measures, an allegation like the one made by the detainee can be investigated and facility cameras can substantiate if a staff, contractor, or volunteer committed a violation of DHS PREA violation 115.6 (8).

C) 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 the facility.

Findings: No indication exists that any of the above factors were involved in the detainee's allegation against detention officer. The detainee's allegation was determined to be UNFOUNDED.

D) Whether any staff neglect, or violation of responsibilities and policy may have contributed to an incident or retaliation.

Findings: The PSA Compliance Manager concluded that no staff neglect or disregard of responsibilities contributed to the incident or retaliation. Likewise, no shortcomings in FDC policy contributed to the incident or retaliation. The allegation was determined to be UNFOUNDED.

3. December 7, 2023: At approximately 2255 hours a detainee reported an allegation of staff misconduct to on duty Shift Commander. Specifically, detainee reported that while he was taking a shower a male detention officer "leered" at him on two occasions. Shift Commander initiated PREA protocols and was able to ensure separation between the detainee and staff member was maintained. The degree and nature of the detainee's allegation along with his current housing assignment in medical led to the conclusion that

he was at no risk of imminent sexual abuse. On the morning of December 8, 2023, the detainee was interviewed by PSA Compliance Manager and provided specific date, time, and location of his complaint against the officer. The detainee confirmed he sustained no injuries because the incident involved no physical contact. Although no medical treatment was needed, the detainee was offered emotional support services and counseling through SOZO behavioral health. Likewise, he was provided the YWCA Sexual Assault Response Program brochure and explained the services offered by this agency along with his ability to contact them free of charge using the detainee phone system or correspond through the mail.

Results of investigation concluded with a final determination that detainee's allegation against male detention officer was UNFOUNDED. The following facts and evidence were used to support and substantiate this conclusion. The detainee provided a specific date, time, and location when alleging that officer engaged in inappropriate visual surveillance and "leered" at him while he was using the shower. Irrefutable video evidence disproves and discredits detainee's claim that officer engaged in voyeurism as specifically defined in 115.6 (8) of the DHS PREA standards. For voyeurism to be substantiated the following elements must be present and applicable: inappropriate visual surveillance of a detainee for reasons unrelated to official duties. Where not conducted for reasons relating to official duties, the following are examples of voyeurism: staring at a detainee who is using a toilet in his or her cell to perform bodily functions; requiring an inmate detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a detainee's naked body or of a detainee performing bodily functions. The Director of Detention and PSA Compliance Manager carefully analyzed video evidence and concluded that the officer was conducting rounds and detainee welfare checks consistent with FDC policy and training and therefore his inspections were for reasons related to official duties. FDC policy stipulates the requirement that when security staff conduct rounds of a detainee in close confinement observation, the officer must make a positive identification of a living body. Video evidence provides no indication the male officer stared or leered at the detainee during his incidental routine security checks.

A) Completion of Sexual Abuse Incident Review.

Findings: DHS PREA standards do not require the completion of a sexual abuse incident review where a written report and response must be prepared for submission to the ICE PSA Coordinator when an investigation determines an allegation was unfounded. However, the FDC PSA Compliance Manager did convene a sexual abuse incident review consisting of designated facility leadership and the following factors were assessed to determine if any modifications or improvements needed to be implemented in the facility's sexual abuse intervention, prevention, and response efforts:

B) Recommendations on Changes in Facility Police or Practice.

Findings: The review committee evaluated the current privacy protection measures for detainees who use the Medical Base shower room and determined they were adequate. The ten inch by ten inch window on the door to the shower room does not allow for direct observation into either the bathtub shower located on the right side of the room, or the standing shower located on the left side of the room unless an individual places their face directly against the window. To allow for privacy, security staff place the detainee's tier checklist sheet over the window while the detainee is in the shower room and only remove it when conducting a round. The review committee additionally determined that an individual standing at the distance officer was when he removed the tier checklist sheet to conduct a round, does not allow total viewing of a detainee in either shower because of the protruding walls that enclose both showers. Despite these measures, the review committee determined to add additional safeguards to enhance privacy while not compromising safety and security. These measures include

turning off the water to the bathtub shower so that detainees are only allowed to use the standing shower located on the left side of the room and a shower rod and curtain have been installed, which will allow security staff to see the detainee's head and feet when a round is conducted.

The review committee further determined that the facility's response to the detainee's allegation was appropriate and in compliance with the requirements of the DHS PREA standards. Upon learning the identity of the security officer detainee made an allegation against, separation was maintained and alleged officer was removed from all duties requiring contact with detainees until investigation was completed. This requirement coupled with the degree and nature of detainee's allegation resulted in the finding that no reasonable belief existed detainee was subject to a substantial risk of imminent sexual abuse. The detainee was offered and referred to emotional support services and counseling provided by SOZO behavioral health. Prior to being released from ICE immigration detention and less than a day after reporting, he was seen by a SOZO Licensed Professional Counselor. The detainee was also provided the YWCA Sexual Assault Response Program (SARP) brochure and educated on the services offered by this agency along with his ability to contact them free of charge using the detainee phone system and likewise correspond with them through the mail.

- C) 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 the facility.

Findings: Review committee determined that allegation was not 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 the facility. Detention file and medical records for detainee were reviewed and these sources provided no indication allegation or incident was motivated by the criteria detailed above. The detainee's screenings for risk of victimization and abusiveness as required by DHS PREA standard 115.41 did not contain a declaration by him as self-identifying being gay, bisexual, transgender, or intersex or gender nonconforming. Furthermore, the screening did not indicate he identified as a past victim of sexual abuse. SOZO medical had no record annotating he had a mental, physical, or developmental disability; and finally, during his initial and 60-to-90-day reassessment, he did not indicate any fears, issues, or concerns about his physical safety.

- D) Whether any staff neglect, or violation of responsibilities and policy may have contributed to an incident or retaliation.

Findings: Review committee determined that no staff neglect or violation of responsibilities contributed to or were applicable in the allegation made by detainee. FDC did not have the ability to monitor detainee for at least 90 days to ascertain and confirm no retaliation was taking place against him because he was released from ICE custody less than a full day after making his allegation. FDC policy and training specifically detail and instruct how security rounds and welfare checks are to be conducted for a detainee in close confinement observation and these procedures specifically require staff to make a positive identification of a living body.

4. December 22, 2023: At approximately 1004 hours detainee reported he was touched on the buttocks by male detention officer when restraints were being applied on him. Detainee provided specific date, time, location, and name of male staff member. Specifically, the detainee stated officer "brushed" his right index finger across his buttocks for a period of "20 seconds" and confirmed the contact was made through his

clothing. Upon receiving allegation, PREA protocols were initiated and separation between detainee and the officer was ensured, and notifications were made to Director of Detention and ICE. The detainee was taken to medical and offered emotional support services and counseling. Likewise, the detainee was given a medical evaluation and assessment which determined no physical injury occurred, and medical treatment was not needed. A special reassessment for victimization was conducted and the detainee indicated he did not currently have any fears, issues, or concerns for his safety and was comfortable returning to his assigned housing unit. Interview of staff member was conducted, and officer stated he remembers this day because detainee acted belligerent towards him and other staff and "spat" at him and called him a "Motherfucker". However, the officer steadfastly denied making any contact with the detainee's buttocks during the application of restraints. Camera footage of the alleged incident was carefully analyzed, and this medium factually substantiated that no sexual abuse occurred. On the contrary, the video showed that officer was acting in his official capacity and duties as a detention officer and applied restraints consistent with FDC policy and training. The outcome of investigation and preponderance of evidence which included statements, interviews, supporting documents, and the video footage determined accusation made by detainee was UNFOUNDED.

A) Completion of Sexual Abuse Incident Review.

Findings: DHS PREA standards do not require the completion of a sexual abuse incident review where a written report and response must be prepared for submission to the ICE PSA Coordinator when an investigation determines an allegation was unfounded. However, the FDC PSA Compliance Manager did convene a sexual abuse incident review consisting of designated facility leadership and the following factors were assessed to determine if any modifications or improvements needed to be implemented in the facility's sexual abuse intervention, prevention, and response efforts:

B) Recommendations on Changes in Facility Police or Practice.

Findings: The review committee determined that the facility's response to the allegation was appropriate and in compliance with the requirements of the DHS PREA standards along with FDC policy and PREA protocols. As a result, the review committee determined that no changes in policy or practice need to be implemented. Upon learning the identity of the security officer, the detainee made a report of abuse against, response protocols ensured separation was maintained, and the officer was removed from all duties requiring contact with detainees until the investigation was completed. This mandatory requirement coupled with the degree and nature of the detainee's allegation resulted in a determination that no reasonable belief existed detainee was at a substantial risk of imminent sexual abuse.

The detainee was offered emotional support services and counseling provided by SOZO behavioral health and further was provided the YWCA Sexual Assault Response Program (SARP) brochure. The detainee was educated on the services offered by YWCA SARP along with his ability to contact this organization free of charge using the detainee phone system and correspond with them through the mail. Likewise, the detainee was evaluated and assessed by SOZO medical to determine if any current or ongoing health services or treatment were necessary. Finally, a special reassessment was conducted on the detainee following his report of abuse and this assessment was used to determine housing, recreation, other activities, and voluntary work.

FDC was unable to monitor detainee for retaliation and further was unable to notify him that his allegation was unfounded because the administrative investigation into his report of abuse was

completed on December 28th. On the afternoon of December 28th, ICE sent the facility paperwork ordering detainee transferred to the ICE Chantilly Office and as a result the detainee was removed from the facility count on December 29th at 0107 hours. FDC did provide email notification to ICE personnel on the morning of December 29th informing them that the investigation into his August 21, 2023, allegation against a staff member had been completed. In this email ICE was notified that his allegation was determined to be unfounded but despite this conclusion, personnel at ICE Chantilly should be aware of the alleged incident to determine and assess the need for any potential medical and social services.

- C) 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 the facility.

Findings: Review committee determined that the incident or allegation was not 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 the facility. Detention file and medical records for detainee were reviewed and these sources provided no indication the allegation or incident was motivated by the criteria detailed above. The detainee's screenings for risk of victimization and abusiveness as required by DHS PREA standard 115.41 did not contain a declaration by him as self-identifying being gay, bisexual, transgender, or intersex or gender nonconforming. Detainee did declare being a past victim of sexual abuse and ICE documents did not annotate him having a conviction for a sex offense. Despite declaring himself to be a past victim of sexual abuse, the review committee concluded this factor had no connection or relevance pertaining to the incident or allegation. SOZO behavioral health has diagnosed the detainee with intermittent explosive disorder along with having antisocial personality disorder. Consultation with SOZO behavioral health determined these circumstances might explain a possible reason behind the detainee's allegation.

- D) Whether any staff neglect, or violation of responsibilities and policy may have contributed to an incident or retaliation.

Findings: Review committee determined that no staff neglect or violation of responsibilities or FDC policy contributed to or were applicable in the allegation reported by the detainee. FDC did not have the ability to monitor the detainee for at least 90 days to ascertain and confirm no retaliation was taking place because he was transferred from FDC to ICE Chantilly the day after the administrative investigation was completed.

The results and findings of this annual review have been provided to the Director of Detention for forwarding to the ICE Field Office Director and agency PSA Coordinator as required by the DHS PREA standards.

Deputy Director of Programs
Farmville Detention Center

PSA Compliance Manager
Farmville Detention Center